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federal register

Monday
September 24, 1979

Highlights

- 54977 **National School Lunch Week, 1979** Presidential proclamation
- 54979 **American Education Week, 1979** Presidential proclamation
- 55065 **Undergraduate International Studies Program**
HEW/OE invites application for new projects; apply by 12-5-79
- 55066 **International Studies** HEW/OE solicits applicants for noncompeting continuation for its graduate and undergraduate studies, apply by 12-21-79
- 55002 **Superior Program Achievement** Justice/U.S. Parole Commission adopts rule governing decisions to advance presumptive release dates for prisoners based upon certain findings; effective 11-1-79
- 55108, 55119 **Federal Assistance** HEW/Sec'y proposes specific regulations regarding nondiscrimination on the basis of age in programs and activities; comments by 11-23-79 (2 documents) (Part II of this issue)
- 55012 **Financial Assistance** CSA establishes criteria and procedures for CDC non-equity business programs; effective 10-24-79

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Highlights

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 - 55026 Certain Man-Made Fiber Textile Products** CITA announces additional import controls on products from the Republic of Korea
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The President

Proclamation 4691 of September 20, 1979
National School Lunch Week, 1979

By the President of the United States of America

A Proclamation

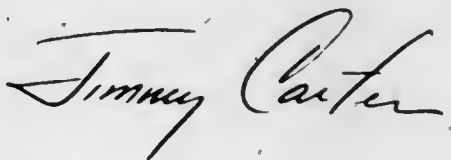
Active, growing youngsters need good food to do well in school. And since the eating habits established in childhood affect later tastes and practices, school meals also provide a unique opportunity to understand and enjoy good nutrition. The National School Lunch Program, established in 1946, now provides nourishing lunches to 26 million school children each school day. The United States Department of Agriculture sets nutritional standards to these meals but the quality and appeal of school lunches depend on another vital ingredient: people who care.

Therefore, I want to pay special tribute to the thousands of people—parents, teachers, principals, school food service workers, State and local officials—who make the school lunch program work in 94,000 schools across the country. They determine whether the cafeteria is a pleasant and welcoming place, whether the food served is actually eaten, whether children come to think of good nutrition as punishment or pleasure.

In recognition of the School Lunch Program's contribution to America's youth, the Congress, by a joint resolution of October 9, 1962 (76 Stat. 779; 36 U.S.C. 168), has designated the week beginning the second Sunday of October in each year as National School Lunch Week, and has requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby urge the people of the United States to observe the week of October 14, 1979, as National School Lunch Week and give special attention to activities that will promote good nutrition for America's youth.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.



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Presidential Documents

Proclamation 4692 of September 20, 1979

American Education Week, 1979

By the President of the United States of America

A Proclamation

Our nation has come a long way toward realizing the Founders' dream of having an educated electorate, so that all our people might share fully in freedom, justice and opportunity. In this International Year of the Child, as we join with other nations to understand and meet the needs of children around the world, we are especially aware of the importance of education.

The theme of this year's American Education Week, "Teach All the Children", acknowledges both our goal and what must be done to accomplish it. The responsibility for educating our children lies not just with the schools, but with parents and communities as well.

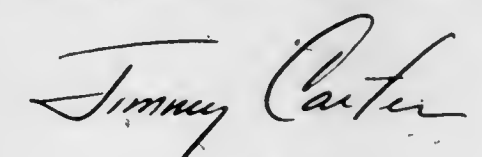
Every American has a responsibility to make sure that our children do not merely pass through school systems, but actually receive the education they need. To do that, we must find ways to reach every child—regardless of race, sex, religion, national origin or economic background, and responding to particular needs because of physical or mental handicaps or special talents. We must respect and nourish each child's unique potential.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning November 11, 1979, as American Education Week.

I ask for the support of every American in helping to create challenging educational opportunities that will help develop the diverse abilities of children, and to help nurture in each a sense of excellence and respect for all mankind.

I urge individuals and groups to work with schools in their communities to ensure that they are able to "Teach All the Children" well.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of September, in the year of our Lord nineteen hundred and seventy-nine, and of the Independence of the United States of America the two hundred and fourth.



[FR Doc. 79-29785
Filed 9-21-79; 10:35 am]
Billing code 3195-01-M

Rules and Regulations

54981

Federal Register

Vol. 44, No. 188

Monday, September 24, 1979

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

7 CFR Part 650

Compliance With NEPA; Editorial Corrections to Published Rules

AGENCY: U.S. Department of Agriculture, Soil Conservation Service (SCS).

ACTION: Editorial corrections to final rules.

SUMMARY: This notice identifies and corrects several editorial deficiencies in rules published by SCS relating to compliance with NEPA.

EFFECTIVE DATE: September 24, 1979.

FOR FURTHER INFORMATION CONTACT: Gary A. Margheim, Acting Director, Environmental Services Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013, Telephone 202-447-3839.

SUPPLEMENTARY INFORMATION: On August 29, 1979, SCS published in the Federal Register (44 FR 50576) its final rules for compliance with NEPA. Several editorial deficiencies have been noted in this rule. This notice corrects those deficiencies as follows:

Amend Subpart A as follows:

Section 650.3 is amended by revising (b)(9) to read as follows:

§ 650.3 Policy.

(b) * * *

(9) Advocate the retention of important farmlands and forestlands, prime rangeland, wetlands, or other lands designated by State or local governments. Whenever proposed conversions are caused or encouraged by actions or programs of a Federal agency, licensed by or require approval by a Federal agency, or are inconsistent with local or State government plans,

provisions are to be sought to insure that such lands are not irreversibly converted to other uses unless other national interests override the importance of preservation or otherwise outweigh the environmental benefits derived from their protection. In addition, the preservation of farmland in general provides the benefits of open space, protection of scenery, wildlife habitat, and in some cases, recreation opportunities and controls on urban sprawl.

Section 650.4 is amended by revising paragraph (f) to read as follows:

§ 650.4 Definition of terms.

(f) *Nonproject actions.* Nonproject actions consist of technical and/or financial assistance provided to an individual, group, or local unit of government by SCS primarily through a cooperative agreement with a local conservation district, such as land treatment recommended in the Conservation Operations, Great Plains Conservation, Rural Abandoned Mine, and Rural Clean Water Programs. These actions may include consultations, advice, engineering, and other technical assistance that land users usually cannot accomplish by themselves. Nonproject technical and/or financial assistance may result in the land user installing field terraces, waterways, field leveling, on farm drainage systems, farm ponds, pasture management, conservation tillage, critical area stabilization and other conservation practices.

Dated: September 14, 1979.

William M. Johnson,
Deputy Administrator for Technical Services.

[FR Doc. 79-29414 Filed 9-21-79; 8:45 am]

BILLING CODE 3410-16-M

7 CFR Part 650

Compliance With NEPA; Editorial Corrections to Published Rules

AGENCY: U.S. Department of Agriculture, Soil Conservation Service (SCS).

ACTION: Editorial Corrections to Final Rules.

SUMMARY: This notice identifies and corrects several editorial deficiencies in rules published by SCS relating to Flood

Plain Management and Protection of Wetlands.

EFFECTIVE DATE: September 24, 1979.

FOR FURTHER INFORMATION CONTACT: Gary A. Margheim, Acting Director, Environmental Services Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, DC 20013, Telephone 202-447-3839.

SUPPLEMENTARY INFORMATION: On July 30, 1979, SCS published in the Federal Register (44 FR 44481) its final rules on Flood Plain Management and Protection of Wetlands. Several editorial deficiencies have been noted in these rules. This notice corrects those deficiencies as follows: Section 650.26 is amended by revising paragraphs (c)(2)(i)(A), (c)(3) (i) and (ii) as follows:

§ 650.26 Protection of wetlands.

(c) * * *

(2) * * *

(i) * * *

(A) SCS may provide technical and financial assistance to alter wetlands types 1 and 2, including conversion to cropland, pastureland, or other uses, only under the following very limited circumstances. The decision to provide technical assistance must be based on an environmental evaluation that indicates that the land has been cultivated to produce food, feed, fiber and/or oilseed for at least 3 of the 5 years before the request for assistance and that there is no practicable alternative. Assistance in Minnesota, South Dakota, and North Dakota is to be given in accordance with item (ii)(c). SCS will encourage the preservation of wetlands types 1 and 2 that are adjacent to wetlands types 3 through 20 and are needed to maintain a balanced aquatic or semiaquatic ecosystem. If a land user decides to alter types 1 and 2 or to convert them to other uses, SCS will encourage this application of conservation land treatment measures needed to reduce erosion and sedimentation and protect environmental values. SCS also will encourage decisions to preserve key areas and, where possible, to include enhancement measures on such areas.

(3) * * *

(i) For project activities, the SCS Administrator may grant exceptions on a case-by-case basis if necessary to

meet identified irrigation water management (water quality and water conservation) objectives.

(ii) For nonproject activities, state conservationists may grant exceptions on a farm-by-farm basis if irrigation water management (water quality and water conservation) objectives conflict with wetland protection. SCS will evaluate economic, environmental, and other pertinent factors in such proposed actions.

Dated: September 14, 1979.

William M. Johnson,

Deputy Administrator for Technical Services.

[FR Doc. 79-29415 Filed 9-21-79; 8:45 am]

BILLING CODE 3410-16-M

Agricultural Marketing Service

7 CFR Part 1125

[Milk Order No. 125]

Milk In the Puget Sound, Wash., Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends certain order provisions relating to how much milk that is not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. Two cooperative associations requested the suspension so that they can continue the efficient disposition of milk not needed for fluid use while still maintaining producer status under the order for their dairy farmer members regularly associated with the market.

DATE: Order of suspension is effective September 24, 1979, for the months of September 1979 through January 1980.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of proposed suspension—issued August 17, 1979, published August 23, 1979 (44 FR 49462).

This order of suspension is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Puget Sound, Washington, marketing area.

Notice of proposed rulemaking was published in the *Federal Register* (44 FR 49462) concerning a proposed suspension of certain provisions of the order. Interested persons had an opportunity to comment in writing on the proposed suspension. Only the proponents of the suspension filed comments concerning the suspension. Their comments supported the suspension.

After considering all relevant material, including the proposal in the notice, the comments received and other available information, it is found and determined that for the months of September 1979 through January 1980 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1125.13(c) (1) and (3), the words "70 percent during the months of September through January, and."

Statement of Consideration

This action removes the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool distributing plants to nonpool plants or to commercial food processing establishments in Pacific County, Washington, during the months of September 1979 through January 1980. The order now provides that a cooperative association may divert during the months of September through January not more than 70 percent of its total producer milk which it causes to be delivered to pool distributing plants or diverted from such plants. In the case of a pool distributing plant, the 70 percent limit applies to the milk of producers (for which the operator of such plant is the handler during the month) received at or diverted from such plant.

Jersey-Dari, Inc., and Northwest Guernsey Association (through their marketing agent, Dari-Marketing Services) who represent some of the producers on the market requested the suspension. The basis for the request is that recently the associations lost a substantial part of their fluid milk sales in the market because one distributing plant stopped purchasing milk from them and another distributing plant discontinued operations. They state that since other fluid outlets are not immediately available the two cooperatives now must move to nonpool manufacturing plants the milk formerly moved to these distributing plants. This situation, according to the proponent cooperatives, is aggravated by the fact that this year milk production of their member producers is substantially higher than year-ago levels.

In view of these changes in marketing conditions, the cooperatives expect their reserve milk supplies during September 1979 through January 1980 to exceed the quantity of producer milk that may be diverted under the order's diversion limitations. The cooperatives indicated that without the suspension a substantial part of the milk of their member producers who have regularly supplied the fluid market would have to be moved uneconomically if such milk is not to be excluded from the pool beginning September 1979. The cooperatives also indicated that the suspension for the period September 1979 through January 1980 would provide the necessary time to adjust their marketing operations and reorganize the cooperatives to meet the order's present diversion requirements.

On the basis of the data, views, and arguments filed, it is concluded that without the suspension, the cooperatives would be forced to make uneconomic shipments of a substantial part of their member milk that has been associated with the market on a regular basis in order to qualify it for pooling beginning with this September. The suspension will facilitate the diversion of such milk and thus avoid the need for the cooperatives to make uneconomic movements of milk in order to maintain continued pool status for a substantial part of the milk of their member producers.

It is hereby found and determined that 30 days' notice of the effective date thereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the most efficient method of handling milk not needed for the fluid market is by direct movement from producers' farms to manufacturing outlets. The suspension allows for such economical movements of milk while the dairy farmers involved retain producer status;

(b) This suspension does not require of persons affected substantially or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given to interested parties and they were afforded opportunity to file written data, views, or arguments concerning the suspension. No views were received in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective upon publication in the *Federal Register* (September 24, 1979).

It is therefore ordered, That the aforesaid provisions of the order are

hereby suspended for the months of September 1979 through January 1980.

(Authority: Secs. 1-19, 48 Stat. 31, as amended [7 U.S.C. 601-674]).

Signed at Washington, D.C., on September 18, 1979.

Jerry C. Hill,

Deputy Assistant Secretary for Marketing & Transportation Services.

[FR Doc. 79-29466 Filed 9-21-79; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1944

Housing; Farmers Home Administration Tenant Grievance and Appeals Procedure

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) adds a regulation for projects financed under the Rural Rental Housing Loan Program and Farm Labor Housing Loan and Grant Program to provide a grievance and appeals procedure for tenants and an appeal right for persons who have been denied admission as tenants. The intended effect of this new regulation is to provide a means whereby a tenant can present a grievance against or appeal an FmHA borrower-landlord's proposed adverse action, such as termination of the lease and eviction. The appeal right also would extend to persons who have been denied admission to occupancy as tenants. This action is needed since at present the only grievance and appeals procedure in existence for tenants in FmHA-financed rental units and those denied admission to occupancy as tenants is the recourse available under the Fair Housing Act of Title VIII of the Civil Rights Act of 1968, which provides protection against discrimination because of race, color, religion, sex, marital status, or national origin. Legislation and public comment have indicated a need for such procedures.

EFFECTIVE DATE: September 24, 1979.

However, comments are invited and must be received by November 23, 1979. FmHA will consider all comments and will republish within 105 days from the date of publication.

ADDRESSES: Submit an original and conformed copy of all written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250. All written comments made

pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT: M. K. Smith, Housing Management Specialist, 202-447-7207.

SUPPLEMENTARY INFORMATION: FmHA adds a new Subpart L to Part 1944, Subchapter H, Chapter XVIII, Title 7, Code of Federal Regulations, Section 503 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, dated October 31, 1978, amended Section 510 of the Housing Act of 1949 to expressly provide, among other things, for an appeals procedure to tenants in FmHA-financed dwelling units and persons denied admission as tenants. There is an immediate need for such tenant grievance and appeal procedure to resolve problems and disputes between tenants and owners in FmHA financed projects that are being experienced. Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this rule effective less than 30 days after publication of this document in the *Federal Register*; therefore, Subpart L of Part 1944 is added and reads as follows:

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PART 1944—HOUSING

Subpart L—Farmers Home Administration Tenant Grievance and Appeals Procedure

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Exhibit A	Summary of Meeting.

§ 1944.551 Purpose.

The purpose of this Subpart is to set forth uniform requirements and recommendations for grievance and appeals procedures in all Rural Rental Housing (RRH) and Labor Housing (LH) projects, financed by Farmers Home Administration (FmHA) under Sections 514, 515, and 518 of the Housing Act of 1949. This procedure is in addition to a tenant's rights and duties under a lease. This procedure for appeals does not apply to rent increases authorized by

FmHA in accordance with the requirements of Exhibit F of Subpart G of Part 1802 of this Chapter (FmHA Instruction 430.2), where tenants are provided an opportunity to provide comments to FmHA on a borrower's Notice of Proposed Rent Increase.

This procedure does not apply to discrimination complaints, which will be handled in accordance with Subparts C, D, and E of Part 1822 of this Chapter (FmHA Instructions 444.4, 444.5, and 444.6).

§ 1944.552 Objective.

The objective of this Subpart is to ensure the fair treatment of tenants while providing for an equitable manner by which borrowers can operate, maintain, and safeguard rental projects. The right to appeal under this Subpart shall also extend to persons who seek admission as tenants.

§ 1944.553 Definitions.

(a) *Applicant.* For the purpose of this Subpart applicant shall mean a person whose application for admission to occupancy in a RRH or LH project has been rejected as well as persons who have been denied an application for admission and is one of the parties to the hearing.

(b) *Tenant.* A tenant is an eligible lessee occupant of an RRH or LH project and is one of the parties to the hearing.

(c) *Borrower.* The borrower (landlord) is the owner or the owner's authorized representative, of an RRH or LH project and is also one of the parties to the hearing.

(d) *Eviction.* Eviction means dispossession of the tenant from an RRH or LH unit as a result of termination of the tenancy, including a termination before the end of the lease term.

(e) *Grievance.* A dispute which a tenant may have with respect to a borrower's action or failure to act in accordance with the lease and/or FmHA regulations which results in denial, significant reduction, or termination of benefits.

(f) *Hearing.* A hearing, as used in this Subpart is an informal proceeding at which a tenant's grievance or appeal of a borrower's adverse action or decision or an applicant's appeal of a rejected application is heard before an impartial hearing officer or hearing panel.

(g) *Lease.* A lease is the written agreement between the borrower and tenant, approved by FmHA.

§ 1944.554 Reasons for grievance and appeal.

(a) Grievance and appeal provide a means whereby a tenant in an FmHA financed rental project is afforded an

opportunity to meet with a borrower and to obtain a hearing if the tenant has a grievance relating to a borrower's action or failure to act in accordance with the lease and/or FmHA regulations which results in a denial, significant reduction, or termination of benefits, or if a tenant contests a borrower's notice, or proposed adverse action as provided in accordance with 1944.555(b) of this regulation. This may include:

- (1) Failure to maintain the premises in such manner that provides decent, safe, and sanitary housing.
- (2) Violation of lease covenants and rules.

- (3) Modification of lease.
- (4) Rule changes.

(5) Rent increases not authorized by FmHA in accordance with Exhibit F of Subpart G of Part 1802 of this Chapter.

- (6) Termination of lease.

- (7) Eviction.

(b) Grievance and appeal provide an appeal right for a person, other than one who is clearly not eligible for occupancy under FmHA regulations, whose application for admission to occupancy in a RRH or LH project has been rejected as well as persons who have been denied an application for admission.

(c) This Subpart shall not apply to disputes between tenants not involving the borrower.

§ 1944.555 Informal settlement of grievances and appeals.

(a) *General.* Borrowers and applicants or tenants are encouraged to settle disputes through informal meetings without resorting to the hearing process further described in this Subpart.

(b) *Notice to applicant or tenant.* In the case of a borrower's proposed adverse action which results in a denial of admission to occupancy, termination of a lease, or eviction, the borrower must notify the applicant or tenant in writing giving specific reasons for the proposed action. The notice must also advise the applicant or tenant of his/her right to respond to the notice within 5 days after receipt, in accordance with paragraph 1944.555(c). The borrower must send the notice by first-class mail, properly stamped and addressed or, in the case of tenants, deliver a copy of the notice to the premises.

(c) *Presentations of grievances or responses to notice of proposed adverse actions.* Within five days after occurrence of the grievance or receipt of a notice of proposed adverse action, an applicant or tenant shall personally present to the borrower or borrower's designee, either orally or in writing, any grievance or response to a borrower's notice of proposed adverse action. The

borrower shall prepare a summary of any discussion within five days after the informal meeting and one copy shall be given to the tenant and one retained in the borrower's files. A copy of the summary shall be sent to the FmHA District Director. The summary shall specify the names of the participants, date of meeting, the nature of the proposed disposition of the grievance or response to the notice of proposed adverse action and the specific reasons therefor, and the procedures by which a hearing may be obtained if the applicant or tenant is not satisfied. Exhibit A should be used as a guide.

§ 1944.556 Procedure for obtaining a hearing.

(a) *Request for hearing.* The applicant or the tenant shall submit to the borrower a written request for a hearing within five days after receipt of the summary of any informal meeting. The written request shall specify:

(1) The reasons for the grievance or contest of the borrower's proposed action, and

(2) The action or relief sought.

(b) *Selection of hearing officer or hearing panel.* In order to properly evaluate grievances and appeals, the borrower shall have a hearing officer or hearing panel for each project. The hearing officer shall be an impartial, disinterested person selected jointly by the borrower and the tenant and who is willing to render his/her services without compensation. If the borrower and the tenant cannot agree on a hearing officer, they shall each appoint a member to a hearing panel and the members so selected shall select a third member. Members of the hearing panel must be willing to render their services without compensation. The hearing officer or hearing panel would have the authority to reverse the borrower's decision.

(c) *Standing hearing panel.* In lieu of the procedure set forth in paragraph (b) of this section for each grievance or appeal presented, a borrower may provide that a standing panel be organized for each project. Such a panel may be organized soon after initial rent-up or at any time in the case of existing projects. Such a panel will be selected and have a membership as follows:

(1) Permanent panelist(s) of the tenants would be elected by the tenants. Either two alternates could be elected or three panelists of the tenants could be elected with equal status. The tenant in this latter case would designate one of the three tenant panelists to participate in the hearing. All tenants would be notified of the time, date, and purpose of the meeting to elect permanent hearing

panelists at least two weeks before the appointed date. The notice shall be conspicuously posted in the rental office and in each apartment building or structure and the meeting shall be held at a place which is convenient and accessible to the tenants.

(2) Permanent borrower panelist(s) selected by the borrower. One or two alternates may also be designated.

(3) A permanent mutual panelist, to serve as the chair, selected by the other two persons or groups, including alternates, in which case each "group" gets one vote.

(4) All standing hearing panel members serve one year and may be re-elected. They must be willing to render their services without compensation.

(5) A panel for a hearing shall consist of 3-one tenant panelist, one borrower panelist and the chair.

(d) *Examination of records.* The tenant shall have the opportunity to examine before the hearing and, at the expense of the tenant, to copy all documents, records, and regulations of the borrower that are relevant to the hearing unless otherwise prohibited by law.

(e) *Scheduling of hearing.* A hearing shall be scheduled to be held within 15 days after receipt of the tenant's request for a hearing at a time and place mutually convenient to both parties. If the parties cannot agree on a meeting place or time, the hearing officer or hearing panel will designate the place or time.

(f) *Escrow deposit.* An escrow deposit of rental payments may be used by tenants in the case of a grievance involving a rent increase not authorized by FmHA or failure of the borrower to maintain the property in a decent, safe, and sanitary manner. The tenant must deposit into escrow the amount required by the lease when the rent is due, until the complaint is resolved through informal discussion or by the hearing officer or panel. The rent shall be deposited in a financial institution or with an independent agent. Failure to make timely escrow payments shall result in a termination of the tenant grievance and appeals procedure and all sums immediately will become due and payable under the lease.

(g) *Failure to request a hearing.* If the tenant does not request a hearing within the time provided by § 1944.556, the borrower's disposition of the grievance or appeal shall become final.

§ 1944.557 Procedures governing the hearing.

(a) The hearing will be an informal proceeding before a hearing officer or hearing panel at which evidence may be

received without regard to whether that evidence could be employed in judicial proceedings.

(b) The hearing shall be structured so as to provide the basic safeguards for both the borrower and the tenant, which shall include:

(1) The right of both parties to be represented by counsel or other person chosen as his or her representative.

(2) The right of the tenant to a private hearing unless he/she requests a public hearing.

(3) The right of the tenant to present evidence and arguments in support of his/her grievance or appeal, to refute evidence relied upon by the borrower, and to confront and cross-examine all witnesses on whose testimony or information the borrower relies.

(4) The right of the borrower to present evidence and arguments in support of his/her decision, to refute evidence relied upon by the tenant, and to confront and examine all witnesses on whose testimony or information the tenant relies.

(5) A decision based solely and exclusively upon the facts presented at the hearing.

(c) The hearing officer or hearing panel may render a decision without proceeding with the hearing if the hearing officer or hearing panel determines that the issue has been previously decided in another proceeding involving the same project in which the tenant resides.

(d) At the hearing the tenant must present evidence that he/she is entitled to the relief sought and thereafter the borrower will present evidence showing the basis of its action or failure to act against that which the grievance or appeal is directed.

(e) The hearing shall be conducted informally by the hearing officer or hearing panel and oral or documentary evidence pertinent to the facts and issues raised by the grievance or notice of proposed adverse action may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The hearing officer or hearing panel shall require that the borrower, the tenant or applicant, counsel and other participants or spectators conduct themselves in an orderly manner. Failure to comply with the directions of the hearing officer or hearing panel to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

(f) If the tenant (or tenant's representative) fails to appear at a scheduled hearing, the hearing officer or hearing panel may make a

determination to postpone the hearing for not to exceed five business days or may make a determination that the party has waived his or her right to a hearing under this regulation. Both the tenant and the borrower shall be notified of the determination of the hearing officer or hearing panel.

§ 1944.558 Decision of the hearing officer or hearing panel.

(a) The hearing officer or hearing panel shall prepare a written decision, together with the reasons therefor, within 10 calendar days after the hearing. The written decision must be specific as to the facts presented which were the basis upon which the decision was rendered. Copies of the decision shall be sent to the borrower, the tenant or applicant, and the FmHA District Director.

(b) The decision of the hearing officer or hearing panel shall be binding upon the parties to the hearing unless the parties to the hearing are notified by the District Director that the decision is contrary to FmHA regulations. Such notification will specify the FmHA regulation that the decision is contrary to and the hearing officer or hearing panel shall amend the decision to comply with the regulation(s) within 10 days of receipt of the notice.

(c) Upon notification from the District Director that the decision is in compliance with FmHA regulations, the decision is binding upon the borrower and tenant, and the borrower and tenant shall take the necessary action, or refrain from any actions, necessary to carry out the decision.

§ 1944.559 Responsibilities of the FmHA District Director.

(a) The District Director will encourage the borrower and tenant or applicant to resolve grievances and appeals through informal discussion; however, upon receipt of a summary of informal discussion as required by § 1944.555(c) of this Subpart, the District Director will immediately review the summary to ascertain that the tenant or applicant has received a copy of the summary and a copy of the procedures to obtain a hearing if matters could not be resolved through informal discussion.

(b) Upon receipt of the decision by the hearing officer or hearing panel in accordance with § 1944.558(a) of this Subpart, the District Director will immediately review the decision to determine its compliance with FmHA regulations.

(c) The District Director will notify the parties to the hearing within 5 working days after receipt of the copy of the decision whether:

(1) The decision is in compliance with FmHA regulations.

(2) The decision is contrary to FmHA regulations and is reversed.

§§ 1944.560-1944.600 [Reserved]

Attachment: Exhibit A.

Exhibit A—Summary of Meeting

Name and address of borrower: _____

Name and address of project: _____

Name and address of complainant: _____

Date of meeting: _____

Participants in meeting: _____

Decision and specific reasons therefor: _____

Tenant's acknowledgement: I hereby acknowledge receipt of a copy of this summary and have been advised of my rights to use the attached procedures to obtain a hearing if I so choose.

Tenant

Procedures for obtaining a hearing: The following procedures may be used to obtain a hearing if you are not satisfied with the decision made as a result of our discussion on: (date) _____

1. *Request for a hearing.* Send a written request for a hearing within five days after you receive this notice to the address shown in the summary. Indicate specifically (1) the reason for your grievance or your contest of our proposed action and (2) the action or relief you seek.

2. *Selection of hearing officer or hearing panel.* (Strike out paragraph not needed).

(a) As you probably already know, a Standing Hearing Panel is available to conduct the hearing.

(b) We need to meet soon after your request for a hearing is received to select a hearing officer/hearing panel.

3. *Scheduling of hearing.* The hearing will be scheduled to be held within 15 days after we receive your request for a hearing. It will be held at a time and place convenient for both of us. If we cannot agree on a place, the hearing officer/hearing panel will designate the place.

Examination of records: You have the opportunity before the hearing to examine and, at your own expense, to copy all documents, records, and regulations that are relevant to the hearing unless otherwise prohibited by law.

Procedures governing hearing:

1. The hearing will be an informal proceeding before a hearing officer or hearing panel at which both parties will have an opportunity to present their sides of the dispute.

2. Both parties may be represented by legal counsel or another person of one's choice.

3. You have a right to a private hearing, unless you request a public hearing.

4. Both parties have the right to present evidence, arguments, and witnesses to support their sides of the dispute, to refute evidence relied upon by the other party, and to confront and cross-examine all witnesses.

5. A decision will be based solely and exclusively upon the facts presented at the hearing.

This document has been reviewed in accordance with FmHA Instruction 1901-G "Environmental Impact Statements". It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190 an Environmental Impact Statement is not required.

This final rule has not been designated as "significant", and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by James Thornton that the emergency nature of this rule warrants publication without opportunity for public comments at this time. A draft impact analysis statement has been prepared and is available from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250.

This final rule will be scheduled for review under provisions of Executive Order 12044 and Secretary's Memorandum 1955. Authorities: 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Dated: September 11, 1979.

Gordon Cavanaugh,
Administrator, Farmers Home
Administration.

[FR Doc. 79-29417 Filed 9-21-79; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

[ERA-R-77-16]

Mandatory Petroleum Price Regulations; Adjustments to the Lower and Upper Tier Crude Oil Price Ceilings To Reflect Impact of Inflation

Correction

In FR Doc. 79-27979 appearing on page 52172 in the issue of Friday, September 7, 1979, the table in § 212.77 should have read as set forth below:

Appendix

Schedule No. 16 of Monthly Price Adjustments,
Effective September 1, 1979

Month	Lower tier, May 15, 1973, posted price ¹ (plus)	Upper tier, Sept 30, 1975, posted price ² (plus)
1978:		
February	1.35	-1.32

Schedule No. 16 of Monthly Price Adjustments,
Effective September 1, 1979—Continued

Month	Lower tier, May 15, 1973, posted price ¹ (plus)	Upper tier, Sept 30, 1975, posted price ² (plus)
1976:		
March	1.38	-1.25
April	1.41	-1.18
May	1.45	-1.11
June	1.48	-1.05
July	1.48	-1.05
August	1.48	-1.05
September	1.48	-1.05
October	1.48	-1.05
November	1.48	-1.05
December	1.48	-1.05
1977:		
January	1.48	-1.25
February	1.48	-1.25
March	1.48	-1.70
April	1.48	-1.70
May	1.48	-1.70
June	1.48	-1.70
July	1.48	-1.70
August	1.48	-1.70
September	1.51	-1.44
October	1.54	-1.18
November	1.57	-.92
December	1.57	-.87
1978:		
January	1.61	-.82
February	1.63	-.77
March	1.66	-.71
April	1.69	-.65
May	1.72	-.59
June	1.75	-.52
July	1.78	-.45
August	1.81	-.38
September	1.86	-.28
October	1.91	-.17
November	1.96	-.06
December	1.99	.01
1979:		
January	2.02	.08
February	2.05	.15
March	2.09	.23
April	2.13	.31
May	2.17	.39
June	2.21	.48
July	2.25	.57
August	2.29	.66
September	2.33	.76
October	2.37	.88
November	2.41	.96

¹ The price referred to in 10 CFR 212.73(b)(1) or in 212.73(c)(1), 212.73(c)(3), and 212.73(c)(4).

² The price referred to in 10 CFR 212.74(b)(1).

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-CE-17-AD; Amdt. 39-3578]

Airworthiness Directive; Cessna Model 441 Airplanes

Note.—This document originally appeared in the Federal Register for Friday, September 21, 1979. It is reprinted in this issue to meet requirements for publication on an assigned day of the week.

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Cessna Model 441

airplanes. The AD requires (1) installation of a new horizontal stabilizer assembly, left and right elevator assemblies, and elevator trim tab control system, (2) inspection and modification or, if necessary, replacement of the tailcone shelf assembly and, (3) ground and flight checks of the airplanes with the new components installed. The AD is necessary to assure continued structural integrity of certain components in the horizontal tail assembly.

EFFECTIVE DATE: September 19, 1979.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Cessna Propjet Service Information Letter PJ79-15, Revision #1, and Cessna Service Kit Instructions Number SK441-27, dated September 18, 1979, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 685-9111. Copies of the service letter and the service kit instructions are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: William L. (Bud) Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-3448.

SUPPLEMENTARY INFORMATION: On May 22, 1979, both left elevator trim tab actuator jack screws failed in flight on a Cessna Model 441 airplane. The airplane landed safely. Inspection of the failed jack screws showed that the failure was due to fatigue. In view of the seriousness of this type of failure, the low time-in-service since new on the failed components (143 hours), the inability to explain the dual failure and the likelihood that these components on other Model 441 airplanes could fail, the Airworthiness Certificates on all Cessna Model 441 airplanes were suspended until further notice on May 25, 1979.

Following this action, the manufacturer designed a new heavier elevator trim tab actuator. During certification flight testing of this new actuator, fatigue cracks developed in the left elevator and the horizontal stabilizer. At this time, it was discovered that vibratory type loads of sufficient magnitude to cause fatigue failure of certain horizontal stabilizer assembly components was caused by a lack of proper bonding in the honeycomb leading edge material on

the horizontal stabilizer. As a result of this discovery, Cessna redesigned the elevators and horizontal stabilizer assemblies utilizing conventional rib-sheet metal type leading edge construction. The new components have now passed all tests and inspections required for certification and have been approved by the FAA. Cessna has issued Propjet Service Information Letter Number PJ79-15, Revision #1 and associated Service Kit Instructions Number SK441-27, dated September 18, 1979, making the new components, and instructions for installing them, available for in-service Model 441 airplanes. Accordingly, since the condition described herein is likely to exist or develop on other airplanes of the same type design, the FAA is issuing an AD applicable to Cessna Model 441 airplanes. The AD requires (1) installation of a new horizontal stabilizer assembly, left and right elevator assemblies, and elevator trim tab control system, (2) inspection and modification or, if necessary, replacement of the tailcone shelf assembly and, (3) ground and flight checks of the airplanes after the new components are installed, all in accordance with Cessna Propjet Service Information Letter Number PJ79-15, Revision #1, and Cessna Service Kit Instructions Number SK441-27, dated September 18, 1979. In addition, the AD requires owners/operators to notify their local FAA GADO/FSDO/EMDO Office as to when and where their 441 is to be modified.

Since a situation exists that requires the expeditious adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Cessna: Applies to Model 441 (Serial Numbers 441-0001 through 441-0106 and 441-0109) airplanes certificated in all categories.

Compliance: Required as indicated unless already accomplished. To preclude failure of the elevator trim tab actuator jack screws, accomplish the following:

(A) At least 24 hours prior to initiating compliance with this AD, each owner/operator shall contact his local FAA GADO/FSDO/EMDO (whichever is applicable) and advise them of the following:

1. Registration number and serial number of each of their Cessna Model 441 airplanes, and
2. When and where each of the airplanes is to have this AD accomplished.

Note

GADO stands for General Aviation District Office

FSDO stands for Flight Standards District Office

EMDO stands for Engineering and Manufacturing District Office

(B) Prior to the next flight install, (1) a new horizontal stabilizer assembly, left and right elevator assemblies, elevator trim tab control system and, (2) inspect and modify or, if necessary, replace the tailcone shelf assembly, all in accordance with Cessna Propjet Service Information Letter Number PJ79-15, Revision #1, and Cessna Service Kit Instructions Number SK441-27, dated September 18, 1979.

(C) Prior to approving the airplane for return to service, revise airplane weight and balance report to reflect the change in weight, moment and center of gravity location, as outlined in Federal Aviation Regulations (FAR) 43.5 and 91.31, resulting from these modifications.

(D) An appropriately rated Repair Station or the Authorized Inspector who inspected the work must make an entry in the airplane maintenance records, that are to be transferred with the airplane, showing that this AD has been complied with and approving the airplane for return to service.

(E) Prior to carrying any person in the airplane other than a crew member, perform a flight check of the airplane in accordance with FAR 91.167 and instructions in Cessna Propjet Service Information Letter Number PJ79-15, Revision #1.

(F) Return to Cessna and/or destroy components removed from the airplane during compliance with this AD in accordance with instructions in Cessna Propjet Service Information Letter PJ79-15, Revision #1.

(G) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This Amendment becomes effective September 19, 1979.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89)).

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri on September 19, 1979.

John E. Shaw,
Acting Director, Central Region.

[FR Doc. 79-29604 Filed 9-20-79; 10:04 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-EA-40; Amdt. 39-3570]

AVCO Lycoming; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends AD 79-04-05 applicable to AVCO Lycoming type aircraft engines with certain Bendix Fuel Injectors installed. This amendment will revise the applicability of AD 79-04-05 so as to delete certain serial numbered injectors which had been incorrectly included in the original airworthiness directive.

EFFECTIVE DATE: September 28, 1979. Compliance is required as set forth in the AD.

ADDRESS: AVCO Lycoming Service Bulletins may be acquired from the manufacturer at AVCO Lycoming Division, Williamsport, Pennsylvania 17701.

FOR FURTHER INFORMATION CONTACT: E. Manzi, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2894.

SUPPLEMENTARY INFORMATION: In view of the relaxatory nature of the amendment, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending AD 79-04-05, as follows:

Amend the applicability paragraph of AD 79-04-05 as follows:

Applies to all fuel injected Lycoming series engines equipped with the following Bendix Injector Models and Parts List Numbers:

Model	Parts List and Issue	Serial Numbers
RSA-SAB1	2524254-4	63758 thru 65862
	2524712-1	63503 thru 66027
RSA-SAD1	2524054-4	62999 thru 66249
	2524147-6	65988 thru 65997
	2524171-4	64961 thru 65060
	2524213-4	61032 thru 66290
	2524291-4	63678 thru 65867
	2524297-3	64428 thru 64432
	2524307-3	64828 thru 66854
	2524335-3	65721 thru 66920

Model	Parts List and Issue	Serial Numbers
RSA-5AD1	2524359-3	62401 thru 65412
	2524450-2	61392 thru 65987
	2524550-1	64635 thru 65887
	2524673-1	63643 thru 64265
	2524682-1	65071 thru 65499
RSA-10AD1	2524723-1	61926 thru 65231
	2524469(B)	64915 thru 65338
	2524163-7	63742 thru 65720
	2524175-3	63399 thru 66941

and to all Lycoming fuel injected engines irrespective of parts list number or serial number whose Bendix Injector Models RSA-5AD1, RSA-5AB1, and RSA-10AD1 have been overhauled by a Bendix Authorized Warrant Repair Station or by AVCO Lycoming between April 1, 1977, and August 14, 1978, and to all Lycoming fuel injected engines irrespective of parts list number or serial number, whose Bendix Models RSA-5AB1, RSA-5AD1, and RSA-10AD1 fuel injectors have been overhauled after March 31, 1977, by repair stations other than the above in which the fuel diaphragm has been replaced with a new P/N 2529471 diaphragm assembly.

Effective Date: This amendment is effective September 26, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); and 14 CFR 11.89.)

Issued in Jamaica, New York, on September 12, 1979.

Brian J. Vincent,

Acting Director, Eastern Region.

[FR Doc. 79-29458 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-CE-15-AD; Amdt. 39-3574]

Airworthiness Directive; Cessna Model 441 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Cessna Model 441 airplanes. The AD requires a change of the engine control wiring to prevent the possibility of unselected operation of the fuel control shutoff valve and an ensuing unplanned engine stoppage. It also requires the insertion of an enclosed temporary revision to the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual to provide revised instructions needed for proper operation during various engine start and stop conditions.

EFFECTIVE DATE: October 1, 1979.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Cessna Propjet Service Information Letters PJ79-27 dated July

30, 1979, and PJ79-24 dated August 7, 1979, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 685-9111. Copies of these service letters are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Edward N. Mossman, Aerospace Engineer, Engineering and Manufacturing District Office Number 43, Room 238, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4281.

SUPPLEMENTARY INFORMATION: During the F&R flight program on the Cessna Model 441 airplane, which was planned to demonstrate the reworked elevator trim tab actuator system, there were five occurrences of unplanned right engine stoppage. Following the second occurrence the airplane was instrumented to determine the cause of the engine stoppage. This instrumentation showed that a short duration electrical pulse was being impressed on the fuel control valve solenoid which caused it to close and stop the engine. To correct this condition Cessna Aircraft Company has issued Propjet Service Information Letter PJ79-27, which provides instructions to rewire the solenoid operated fuel control valve and engine stop switch. In conjunction with these wiring changes, Cessna has also issued Propjet Service Information letter PJ79-24, which provides Revision 7 to the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual. This revision includes needed instructions for operating the rewired engine controls. Because any unplanned engine stoppage that would occur during a critical phase of flight operation could adversely affect airplane control and result in an unsafe condition, the FAA is issuing an AD applicable to certain serial numbers of Cessna Model 441 airplanes, making compliance with the modification procedures set forth in Cessna Propjet Service Information Letter PJ79-27 mandatory. The AD further requires the insertion of an enclosed temporary revision to Section 4 of Revision 6 of the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual until it can be replaced by a permanent copy of Revision 7, which is attached to Cessna Propjet Service Information Letter PJ79-24.

Since a situation exists that requires the expeditious adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

CESSNA: Applies to Model 441 (Serial Numbers 441-0001 through 441-0109) airplanes.

Compliance: Required as indicated unless already accomplished. To preclude an unplanned engine stoppage, accomplish the following:

(A) Prior to the next flight

(1) Rewire the engine control wiring in accordance with the instructions provided by Cessna Propjet Service Information Letter PJ79-27, dated July 30, 1979.

(2) Temporarily insert the following procedures, which supersede the existing procedures of the same subject in Section 4 of Revision 6 of the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual, and operate the airplane in accordance with these insertions:

Ground Operations Engine Clearing Procedure

Natural draining of fuel and fuel vapors from the engine will occur by allowing the engine to remain static for a minimum of three minutes.

If a motoring procedure is preferred:

1. Battery Switch—ON.

2. Engine Stop Button—PUSH momentarily to close electric fuel shutoff.

3. Ignition Override Switch—CHECK OFF.

4. Propeller—CLEAR and on start locks.

Caution.—Use of the Starter Motor Switch prior to pushing the engine stop button will result in unwanted fuel in the engine and a possible engine start-up. Ensure that fuel and ignition are shut off prior to activating the Starter Motor Switch.

5. Starter Motor Switch—LIFT cover guard and hold switch in desired position until engine reaches 15% RPM.

6. Battery Switch—OFF.

Note.—Do not attempt a restart until ECT is less than 200°C. Do not exceed starter duty cycle presented in Section 2.

Inflight Engine Clearing Procedure

Note.—The STARTER MOTOR switch is deactivated in flight. Engine rotation is accomplished through use of the unfeathering pump switch.

Natural draining of fuel and fuel vapors from the engine will occur by allowing the engine to remain static for a minimum of 30 seconds.

1. Engine Stop Button—PUSH momentarily to close electric fuel shutoff.

2. Ignition Override Switch—CHECK OFF.
3. Condition Lever—TAKEOFF, CLIMB AND LANDING.

Caution.—Use of the Unfeathering Pump Switch prior to pushing the engine stop button will result in unwanted fuel in the engine and a possible engine start-up. Ensure that fuel and ignition are shut off prior to activating the Unfeathering Pump Switch. Do not allow the engine to continuously NTS between 18% and 28% RPM.

4. Unfeathering Pump Switch—ACTUATE and hold until 10% to 15% RPM is achieved.

5. Condition Lever—EMER. SHUTOFF.

Note.—Do not attempt a restart until ECT is less than 200°C.

Note.—This Airworthiness Directive, or a duplicate thereof may be used as a temporary amendment to the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual and carried in the aircraft as a part of the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual until replaced by a permanent copy of Revision 7, dated August 7, 1979, to the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual, which is attached to Cessna Propjet Service Information Letter PJ79-24, dated August 7, 1979. (B) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA Central Region.

This amendment becomes effective October 1, 1979.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89).)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri on September 14, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79-29460 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-WE-21-AD; Amdt. 39-3575]

McDonnell Douglas DC-10 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.
ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective to

all persons an amendment adopting an airworthiness directive (AD) which was previously made effective to all known operators of McDonnell Douglas Model DC-10-10, -10F, and -40 Series airplanes by telegraphic message dated July 20, 1979. This AD is required because of failure of the bolts attaching the aft mount of the Number 1, Number 2, and Number 3 engines on the DC-10-10 Series, and the Number 1 and Number 3 engines on the DC-10-40 to the pylon bulkhead, which could result in loss of engine retention strength capability.

DATES: Effective October 1, 1979, and was effective earlier for all recipients of the telegram dated July 20, 1979.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training C1-750 (54-60).

Also, a copy of the service information may be reviewed at, or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: An emergency airworthiness directive (AD) was adopted on July 20, 1979, and made effective immediately upon receipt of a telegram to all known U.S. Operators of the DC-10-10, -10F, and -40 Series airplanes. This AD required a one time manual inspection of the bolts that attach the aft support assembly of the Number 1, 2, and 3 engines to the pylon. This AD was necessary because one operator reported failure of three of the four main bolts attaching the wing engine aft support assembly to the pylon. Investigations revealed that the bolts failed because of stress corrosion.

Subsequent to the issuance of this AD, the manufacturer has developed a nondestructive test procedure to detect cracks in these bolts. The manual inspection will detect any failed bolts, but may not detect a cracked bolt.

In addition, the design of the DC-10-40 does not utilize these bolts in the Number 2 engine installation, this amendment is being corrected accordingly.

Therefore, the FAA is amending the telegraphic AD to (1) correct the applicability, (2) make the initial manual inspection requirements effective to all persons, (3) require a nondestructive test to determine if any of the bolts are cracked, and (4) allow reversion to normal inspection intervals when inconel bolts are installed.

Since it was found that immediate corrective action was required, notice of public procedure thereon was impractical and contrary to the public interest and good cause existed to make the AD effective immediately as to all operators of the McDonnell Douglas Model DC-10-10, -10F, and -40 Series airplanes. These conditions still exist and the AD is hereby published in the Federal Register as an amendment to Section 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

McDonnell Douglas Applies to McDonnell Douglas Model DC-10-10, -10F, and -40 Series airplanes certificated in all categories with more than 3,000 hours' total time in service.

Compliance required as indicated.

To prevent failures of the bolts attaching the aft engine mount to the pylon bulkheads of the Number 1, 2, and 3 engines on the DC-10-10 and -10F, and the Number 1 and Number 3 engines of the DC-10-40 airplanes accomplish the following, unless already accomplished subsequent to July 19, 1979, or unless the bolts have been replaced within the last 3,000 hours' time in service:

(a) Before further flight, check the integrity of each of the four main aft mount to pylon bulkhead bolts, by applying heavy manual force using a box wrench approximately twelve inches long.

(b) If there is any movement of the nut, the bolt must be removed and replaced with a serviceable bolt of the same part number or an FAA approved equivalent bolt, before further flight.

NOTE.—Douglas Telex DC-10-COM47/HEW covers this same subject.

(c) Within 600 hours' time in service after the effective date of this AD and thereafter at intervals of each engine removal/change, but not to exceed 3,600 hours' time in service, inspect the four main aft mount to pylon bulkhead bolts, in accordance with the nondestructive test procedures in McDonnell Douglas DC-10 Service Bulletin 54-72 dated 27 August 1979.

(d) If there is a crack indication, before further flight, replace with a serviceable bolt of the same part number or an FAA approved equivalent bolt.

(e) These special inspections may be discontinued and normal maintenance inspections resumed after installation of inconel bolts (77711-10-34 series 10) or (77711-12-34 series 40).

(f) Alternate inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(g) Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the inspections required by this AD.

This amendment becomes effective October 1, 1979.

[Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89]

Issued in Los Angeles, California on September 13, 1979.

William R. Krieger,
Acting Director, FAA Western Region.

[FR Doc. 79-29459 Filed 9-21-79; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-ASW-39]

Alteration of Transition Area: Big Spring, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Big Spring, Tex. The intended effect of the action is to release unnecessary controlled airspace designated for aircraft executing instrument approach procedures to the Big Spring Municipal Airport. The circumstance which created the need for the action is the relocation of the municipal airport from Howard County Airport to the previously designated Webb Air Force Base, Big Spring, Tex.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Manuel R. Hugonnet, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

In Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) as republished (44 FR 442) the Big Spring, Tex., transition area is designated for the protection of aircraft executing instrument approach procedures to the

former Howard County Airport and Webb Air Force Base, Big Spring, Tex. The closure of Webb Air Force Base and subsequent relocation of the municipal airport to the closed base necessitate the revocation of a portion of the transition area. This action will release the constraints and, in effect, the impact on the user imposed by the transition area. Therefore, public circularization of this action was not considered necessary.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Big Spring, Tex., transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) is amended, effective 0901 GMT, effective November 29, 1979, as follows.

In Subpart G, 71.181 (44 FR 442), the Big Spring, Tex., transition area is altered as follows:

Big Spring, Tex.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Big Spring Municipal Airport (latitude 32°12'51" N., longitude 101°31'24" W.)

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Tex., on September 11, 1979.

Henry N. Stewart,
Acting Director, Southwest Region.

[FR Doc. 79-29457 Filed 9-21-79; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-ASW-27]

Alteration of Control Zone and Transition Area: Silver City, N. Mex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is the alteration of the control zone and transition area at Silver City, NM. The intended effect of the action is to provide additional controlled airspace for aircraft executing new instrument approach procedures to the Silver City-Grant County Airport. The circumstance which created the need for the action is the scheduled installation of a partial instrument landing system (ILSP) at the Silver City-Grant County Airport. In addition, higher performance aircraft are using the airport which requires additional airspace.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (A.N-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On July 19, 1979, a notice of proposed rule making was published in the Federal Register (44 FR 42220) stating that the Federal Aviation Administration proposed to alter the Silver City, NM, control zone and transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal the Federal Aviation Administration. No objections were received to the proposal. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to Subpart F and Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the Silver City, NM, control zone and transition area. This action provides controlled airspace for the protection of aircraft executing instrument approach procedures to the Silver City-Grant County Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F and Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 353) and (44 FR 442) are amended, effective 0901 GMT, November 29, 1979, as follows:

1. To amend 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 353) by altering the Silver City NM, control zone:

Silver City, NM

Within a 6.5-mile radius of the Silver City-Grant County Airport (latitude 32°37'56" N., longitude 108°09'15" W.) and within 3 miles either side of the Silver City VORTAC 140° radial extending from the 6.5-mile radius zone to 8.5 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

2. To amend 71.181 (14 FR Part 71) as republished (44 FR 442) by altering the Silver City, NM, transition area:

Silver City, NM

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Silver City-Grant County Airport (latitude 32°37'56" N., longitude 108°09'15" W.) and within 3.5 miles either side of the 107° bearing from the Cozey LOM (latitude 32°37'56" N., longitude 108°03'44") extending from the 10.5-mile radius to 8.5 miles east of the LOM.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on September 11, 1979.

Henry N. Stewart,
Acting Director, Southwest Region.

[FR Doc. 79-29456 Filed 9-21-79; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-WE-12]

Alteration of Control Zone; Santa Maria, Calif., Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In the final rule published in the Federal Register of August 16, 1979, Vol. 44, page 47925, under "Amended" page 47926 which reads following * * * "southeast of the VOR." Add: This control zone * * * "should have read delete all following * * * "southeast of the VOR." and add the following: This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be

continuously published in the Airport/Facility Directory.

This section corrects the amendment.

EFFECTIVE DATE: September 24, 1979.

ADDRESSEES: Federal Aviation Administration, Air Traffic Division, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261.

FOR FURTHER INFORMATION: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. Telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION: Federal Register Document 79-25020 was published on August 16, 1979, (44 FR 47925) and amended the hours of operation of the control zone. The action herein corrects the amendment.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Federal Register Document 79-25020 as published in the Federal Register on August 16, 1979, starting on page 47925 is amended on page 47926 as follows:

In § 71.171 under Santa Maria, California delete all following * * * "southeast of the VOR." Add: This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, California on September 13, 1979.

William R. Krieger,
Acting Director, Western Region.

[FR Doc. 79-29454 Filed 9-21-79; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket Number 79-CE-17]

Designation of Transition Area—Cherokee, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at Cherokee, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Cherokee, Iowa Municipal Airport based on the Non-directional Radio Beacon (NDB), a navigational aid being installed on the airport. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64108, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: An instrument approach procedure to the Cherokee Municipal Airport, Cherokee, Iowa, is being established based on a Non-directional Radio Beacon (NDB), a navigational aid being installed on the airport by the City of Cherokee. The establishment of an instrument approach procedure based on this approach aid entails the designation of a transition area at Cherokee, Iowa at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 42220 and 42221 of the Federal Register dated July 19, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations, so as to designate a transition area at Cherokee, Iowa. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA.

No comments were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442), is amended effective 0901 GMT November 29, 1979, by adding the following new transition area:

Cherokee, Iowa

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of the Cherokee Municipal Airport (latitude 42°43'55"N, longitude 95°33'22"W), and within 3 miles each side of the 206° true bearing from the Cherokee NDB (latitude 42°43'55"N, longitude 95°33'10"W), extending from the 6½ mile radius area to 8½ miles southwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69).)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on September 12, 1979.

Charles A. Whitfield,
Acting Director, Central Region.

[FR Doc. 79-29461 Filed 9-21-79; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 91

[Docket No. 19510; SFAR No. 42]

Requirements for Flight Operations in the Vicinity of the XIII Winter Olympic Games at Lake Placid, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This special regulation establishes for the period January 27 to March 1, 1980, communications requirements for aircraft operating to or from the Clinton County Airport (Plattsburgh, N.Y.) and establishes a temporary flight restriction at Lake Placid, N.Y. These actions are to provide for the safe and efficient use of navigable airspace and safety of persons and property on the ground attendant to the 1980 Winter Olympics. They are in addition to certain local

airspace and nonregulatory actions being taken in conjunction with the conduct of the Winter Olympics.

DATES: Effective date: September 24, 1979. Compliance dates: January 27-March 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Gene Falsetti, Air Traffic Rules Division (AAT-200), Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3128.

SUPPLEMENTARY INFORMATION:

Background

In February, 1980, the XIII Winter Olympic Games will be held in the area of Lake Placid, New York, and are expected to generate an appreciable increase in air traffic for the area. Pre-game, game, and post-game activities during January through March, 1980, are expected to generate in excess of several thousand aircraft movements, with the bulk of air traffic demand expected to be felt close-in to the Olympic area in the Lake Placid, Saranac Lake, and Adirondack regions. Neighboring airports are also expected to experience an influx of transient general aviation, air taxi, and air carrier activity. To provide for the safe, orderly, and expeditious movement of this traffic, the FAA has developed and is implementing this Special Federal Aviation Regulation (SFAR).

Temporary Flight Restriction

To enhance safety in connection with the 1980 Winter Olympics and to minimize the possibility of interference with game activities, players, and spectators, a temporary flight restriction is being established over the Lake Placid, New York, area. Circular in shape and with an 8½-mile radius, it encompasses airspace over the games and lodging areas, as well as the designated ground security area which has been determined to be necessary by the New York State Department of Transportation. The temporary flight restriction excludes unauthorized flight in the area up to and including an altitude of 10,000 feet MSL. This altitude will provide at least 5,000 feet of restricted airspace over White Face Mountain, the highest point in the restricted area and the location of numerous Olympic activities. The restriction also provides operational benefit to Air Traffic Control in the movement of IFR traffic arriving at Adirondack Airport by facilitating radar vectoring of ATC-authorized flights for approach to that airport.

The Temporary Flight Restriction will not affect the Lake Placid Airport which lies within the restricted area since it has already been determined by the airport authority that the airport should be closed to fixed-wing traffic during the period covered by this SFAR. The airport's operations will be limited to helicopter support services.

Radio Communications for Clinton County Airport

Clinton County Airport, Plattsburgh, New York, is approximately 30 nautical miles east-northeast of the Olympic area. It is a nontower airport that is open to the public and primarily serves general aviation and air taxi aircraft. A control zone is charted, and instrument approaches are published with approach control and terminal radar services provided by Burlington, Vermont, Tower. Because of its location and facilities, Clinton County is considered one of the neighboring airports likely to attract Olympic visitors.

Clinton County Airport is approximately 3.5 nautical miles northwest of Plattsburgh Air Force Base which is the largest and busiest base in the Strategic Air Command. The proximity of the airports results in a traffic mix of high speed military training and training support aircraft and slower speed general aviation aircraft. With the expected substantial increase of itinerant traffic related to the Olympics, if no corrective action is taken, an environment would exist which could seriously affect flight operations and the safe and efficient use of the affected airspace.

Contributing to this environment is the nature of extensive and ongoing military training, military pilot experience levels and the fact that visiting Clinton County traffic will be generally unfamiliar with local procedures, operations, and geography. Because of this situation the FAA is establishing an additional radio communications requirement for all aircraft arriving or departing Clinton County airport. These aircraft must establish and maintain two-way radio contact with the Plattsburgh Air Force Base Tower while within the Plattsburgh AFB Airport Traffic Area. Supporting the need for this requirement, the military and current users of Clinton County agree that the potential for an unsafe environment can be minimized by Plattsburgh AFB Tower providing traffic information and advisory service via direct radio communication.

Notice of Special Aeronautical Information

A Special Olympic Issue VFR Terminal Area Chart will be published

and made available prior to the effective date of this regulation. Included on the chart are the graphic depiction of:

- The Plattsburgh Air Force Base Airport Traffic Area;
- The temporary flight restriction over the Olympic Games area;
- The temporary control zone at Adirondack Airport being separately developed by FAA's Eastern Region;
- The Burlington, Vermont, terminal radar service area;
- Military training routes that traverse the area;
- The temporary nonregulatory alert area at Plattsburgh;
- VFR reporting points in the Adirondack area; and
- Other special graphics and information needed for safe flight operations.

Printed narrative aeronautical information will include:

- The Clinton County Airport radio communications requirement;
- Radio frequencies for affected ATC facilities;
- ATC facility operating dates and times; and
- Notice that the Airman's Information Manual provides other aeronautical information in graphic and printed form.

The Special Olympic Issue VFR Terminal Area Chart will be published and made available by November 29, 1979. Copies of the chart can be obtained by sending a check or money order for \$1.85, made payable to "NOS, Department of Commerce" to: Distribution Division C-44, Office of Aeronautical Charting and Cartography, National Ocean Survey (NOS), Riverdale, MD. 20840, (phone (301) 436-6990).

Issuance of Regulatory NOTAM

If, during the effective period of this SFAR, a need is found to extend or modify the temporary flight restriction or communications requirement, this will be accomplished in the form of a regulatory Notice to Airmen (NOTAM) pursuant to § 91.91 of the Federal Aviation Regulations.

Need for Immediate Adoption

Issuance of this Special Federal Aviation Regulation is timed to complement and support total administrative and operational services provided by local and State government, Olympic planning representatives, other Federal Agencies, and FAA Services and Offices. The most pertinent aeronautical information available to the pilot for the Olympics, including the provisions of this SFAR, are to be displayed or printed in the Special

Olympic Issue VFR Terminal Area Chart. The chart is a compendium of aeronautical services and facilities available before, during, and after the Olympic Games, and will be made available in late November 1979.

For the reasons described, it has been determined that safety in air commerce requires the immediate adoption of this regulation. Therefore, I find that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this amendment effective in less than 30 days.

The FAA does, however, intend to review operating experience under this special regulation. Consequently, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this SFAR. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before March 1, 1980, will be considered by the Administrator and this SFAR may be changed in light of the comments received. All comments submitted will be available for examination in the rules docket.

Adoption of the Amendment

Accordingly, the following Special Federal Aviation Regulation No. 42 is adopted, effective Sept. 24, 1979:

Special Federal Aviation Regulation No. 42

Section 1. To provide for the safe and efficient use of the navigable airspace and the safety of persons and property on the ground attendant to the 1980 Winter Olympics, this Special Federal Aviation Regulation is adopted, and applies during the period of January 27 through March 1, 1980.

Section 2. Unless otherwise authorized or required by ATC, no person may, within the Plattsburgh (New York) Air Force Base Airport Traffic Area, operate an aircraft to or from the Clinton County Airport unless two-way radio communication is established and maintained between that aircraft and the Plattsburgh Air Force Base Tower.

Section 3. Unless otherwise authorized or required by the Boston Air Route Traffic Control Center, no person may operate an aircraft at or below an altitude of 10,000 feet MSL in that area within 8½ statute miles of the point located at latitude 44°16'35" N and longitude 73°57'16" W (approximately 1½ statute miles east-northeast of Lake Placid Airport, New York).

Section 4. If necessary, regulatory Notices to Airmen (NOTAMs) may be issued during the effective period of this SFAR to extend or modify the temporary flight restriction or communication requirement established under this regulation.

(Sections 307, 313(a), and 601, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), and 1421); Section 6(c), Department of Transportation Act (49 U.S.C. § 1655(c) 14 CFR 11.49 and 11.69).)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on September 14, 1979.

Langhorne Bond,
Administrator.

[FR Doc. 79-29453 Filed 9-21-79; 8:45 am]
BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1212

Protection of Personal Privacy

AGENCY: National Aeronautics and Space Administration.

ACTION: Interim rule with comments requested.

SUMMARY: The National Aeronautics and Space Administration (NASA) is revising its regulations implementing the Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896, which currently appear at 14 CFR Part 1212. The revision largely changes the internal agency organization for handling Privacy Act matters and clarifies the regulations to eliminate unnecessary duplication of the statutory language and to use simpler language for ease of use by the public.

DATE: Comments must be received not later than November 23, 1979. Unless a notice is published in the Federal Register indicating changes to be made, this interim regulation shall take effect as a final regulation on December 1, 1979.

ADDRESS: Office of General Counsel, Code GC-1, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Susan McGuire Smith, 202/755-3924.

SUPPLEMENTARY INFORMATION: This revision of NASA's Privacy Act regulations is a fairly extensive rewrite designed to reduce the volume of the regulations, eliminate repetition from the statute (e.g. in the provisions on definitions, exemptions, and penalties), and use simpler language and format.

Following is a summary of the significant changes:

Subpart 1212.3—Authority and Responsibilities

(a) The Associate Deputy Administrator retains only significant decision-making responsibilities, namely, making final agency decisions on appeals, authorizing exemptions, and authorizing extensions for making final decisions on appeals.

(b) The Associate Administrator for Management Operations is assigned the overall functional responsibility for Privacy Act implementation. That official may name a NASA Privacy Officer and delegate to the Privacy Officer any of these responsibilities. The Privacy Officer shall report to the Associate Administrator for Management Operations.

(c) System and subsystem managers, as identified in system notices, have direct authority for day-to-day decisions involving either their systems or subsystems. This is largely the case now although they receive this authority through written delegations from line officials. Where there are subsystems of records at NASA field installations, system managers have functional responsibilities for the entire system but will have no line authority over the subsystem managers. The practical effect is to establish a direct link from the NASA Privacy Officer to system managers for operational purposes. This eases existing confusion where the NASA Privacy Officer has to go to system managers. Officials-in-Charge of Headquarters offices, installation privacy officers, Center Directors, and sometimes subsystem managers for information, particularly for information required for the annual report.

(d) Center Directors and Officials-in-Charge of Headquarters Offices will no longer have direct operational responsibilities, although they will exercise line authority over system managers in their organizations. Installation privacy officers may be named by the Center Director, if desired.

Changes are made throughout the regulations reflecting these changed responsibilities.

Subpart 1212.4 (§ 1212.401)—Disclosure Accounting

This revised section clarifies that accountings are not required for disclosures made with the subject's consent, or under authority of the "need to know" or Freedom of Information Act exceptions. However, accountings are recommended under these circumstances. Disclosures of records to subject individuals are considered to be

access within the meaning of Subpart 1212.5.

Subpart 1212.2—Maintaining Systems

(a) Systems of other agencies (§ 1212.201) is revised to have more general applicability.

(b) Safeguards (§ 1212.206) is revised to add paragraph (c) indicating that safeguards are not required where the record otherwise is required by law to be released to the public. System notices will so indicate.

The definition of "record" in § 1212.101 is expanded to indicate that identifiers alone do not constitute records. Since the question has occasionally been raised, the clarification is in order.

Subpart 1212.5—Access to Records

(a) Requests for access go to either the installation information center or the responsible system manager. The information center is added to provide a place where individuals may go just for general information when they do not know which system or subsystem manager is involved. The information center is responsible for seeing to it that the request is forwarded to the appropriate system or subsystem manager for response. Or, if the request is too vague or non-specific, the information center will respond, seeking more information or providing information on systems of records and system managers to whom the request should be addressed.

(b) A notarized statement authorizing a representative to see records is no longer an absolute requirement. Instead § 1212.501(b) cross references the identification requirements of § 1212.502, indicating these must be met by both the subject and the representative. The latter section allows requirement of a notarized statement in the system manager's discretion. Experience indicated that requirement of a notarized statement imposes a hardship on the individual that is not necessary in all cases, although the system manager should retain discretion to require it in some cases.

(c) A provision is added to codify advice consistently given when requests cite both the Privacy Act and the Freedom of Information (FOIA). If the request is for records of a third party, FOIA procedures are used; if the request is for an individual's own record, privacy procedures are used. In any case, the individual receives the maximum to which entitled under either law. For example, if releasable under FOIA, but exempt under Privacy then the record must be released.

(d) Section 1212.507 is added to provide for release of records of a deceased individual to the representative of the estate or to next of kin.

Subpart 1212.6—Amendments to Records and Appeals

Rather than requiring the deciding official on an appeal to prepare the NASA addendum to a statement of dispute, the system manager is responsible for this. An addendum is required in each case where a statement of dispute is filed.

14 CFR Part 1212 is revised to read as follows:

PART 1212—PROTECTION OF PERSONAL PRIVACY**Subpart 1212.1—Basic Policy**

- Sec.
1212.100 Scope of part.
1212.101 Definitions.
1212.102 General policy.

Subpart 1212.2—Requirements for Maintaining Systems of Records

- 1212.200 Publication of annual system notices.
1212.201 Systems of records of other agencies under NASA's control.
1212.202 Requirements for maintaining systems of records.
1212.203 Requirements for collecting information.
1212.204 Mailing lists.
1212.205 Social security account numbers.
1212.206 Safeguarding information in systems of records.
1212.207 Duplicate copies of records or portions of records.

Subpart 1212.3—Authority and Responsibilities

- 1212.300 NASA employees.
1212.301 Associate Deputy Administrator.
1212.302 Associate Administrator for Management Operations.
1212.303 Headquarters and field or component installations.
1212.304 System manager.
1212.305 Director of Procurement.
1212.306 Delegation of authority.

Subpart 1212.4—Disclosure of Records

- 1212.400 Restrictions on disclosure.
1212.401 Accounting of certain disclosures.
1212.402 Access to disclosure accounting.
1212.403 Review of records for accuracy.
1212.404 Notification of disclosure under compulsory legal process.
1212.405 Notification to prior recipients of corrected or disputed records.

Subpart 1212.5—Access to Records

- 1212.500 Requests for access or general information.
1212.501 Right of access.
1212.502 Identification procedures.
1212.503 Fee schedule.
1212.504 Procedures for responding to requests for access.

- Sec.
1212.505 Medical records.
1212.506 Test materials.
1212.507 Release of records of deceased individuals.

Subpart 1212.6—Corrections and Amendments to Records and Appeals

- 1212.600 Requests for correction or amendment of a record.
1212.601 Procedures and time limits for making initial determinations on requests to correct or amend.
1212.602 Procedures and time limits for appeals.
1212.603 Action on appeals.
1212.604 Procedures for appeal of adverse determinations involving records of other agencies.
1212.605 Time extensions for good cause shown.
1212.606 Correction or amendment of record.
1212.607 Statements of dispute.
1212.608 Disclosure of disputed information.

Subpart 1212.7—Exemptions

- 1212.700 Exemptions.
1212.701 Systems of records for which exemptions apply.

Subpart 1212.8—Failure to Comply with Requirements of this Part

- 1212.800 Civil remedies.
1212.801 Criminal penalties.
Authority: The National Aeronautics and Space Act of 1958, as amended, 72 Stat. 429, 42 U.S.C. 2473; The Privacy Act of 1974, 88 Stat. 1896, 5 U.S.C. 552a.

Subpart 1212.1—Basic Policy**§ 1212.100 Scope of part.**

This Part 1212 implements the Privacy Act of 1974, as amended (5 U.S.C. 552a; referred to as "the Privacy Act"), and establishes the policies, responsibilities, and procedures for the collection, maintenance, use and dissemination by the National Aeronautics and Space Administration (NASA) of personal information contained in a NASA system of records. This part also establishes procedures for a subject individual to have access to and request correction of information in a record. This part applies to systems of records located at or under the cognizance of NASA Headquarters, NASA Field Installations, and NASA Component Installations, as defined in Part 1201.

§ 1212.101 Definitions.

For the purposes of this part, the following definitions shall apply in addition to definitions contained in the Privacy Act:

(a) The term "record" means any item, collection, or grouping of information about an individual including, but not limited to, education, financial transactions, medical history, and criminal or employment history, and that contains a name, or the identifying

number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph. With the exception of photographs, identifiers alone do not constitute a record.

(b) The term "system or records" means a group of any records from which information is retrieved by the name of the individual or by some identifying number, symbol or other identifying particular assigned to the individual.

(c) The term "system manager" means the NASA official who is responsible for a system of records as designated in the system notice of that system of records published in the Federal Register. When a system of records includes portions located at more than one NASA installation, the term "system manager" includes any subsystem manager designated in the system notice as being responsible for that portion of the system of records located at the respective installation.

(d) The term "routine use" means, with respect to the disclosure of a record, the use of the record for a purpose which is compatible with the purpose for which it was collected. Disclosure of a record to those officers and employees of NASA who have a need for the record in the performance of their duties shall not be regarded as a "routine use."

(e) The term "NASA employee" or "NASA official," particularly for the purpose of § 1212.400(b)(1) relating to the disclosure of a record to those who have a need for the record in the performance of their duties, includes employees of a NASA contractor who operates or maintains a NASA system of records for or on behalf of NASA.

(f) The term "NASA information center" refers to information centers established to facilitate public access to NASA records under Part 1206. See § 1206.401 for the address of each NASA information center.

§ 1212.102 General policy.

In compliance with the Privacy Act and in accordance with the requirements and procedures of this part, NASA has an obligation to:

(a) Permit an individual to determine whether there are records pertaining to the individual in a system of records maintained by NASA;

(b) Permit an individual to prevent records pertaining to the individual obtained by NASA and placed in a system of records for a particular purpose from being used or made available for another purpose without the individual's consent;

(c) Permit an individual to gain access to information about the individual in a NASA system of records, to have a copy made, and, if appropriate under Subpart 1212.6, to correct or amend the records; and

(d) Maintain any record in a system of records only for a necessary and lawful purpose, assure that the information is current and accurate, and provide adequate safeguards to prevent misuse of the information.

Subpart 1212.2—Requirements for Maintaining Systems of Records**§ 1212.200 Publication of annual system notices.**

(a) A system notice for each NASA system of records shall be published annually in the Federal Register in the format prescribed by the Office of Management and Budget and the General Services Administration.

(b) In accordance with reporting requirements issued by the Office of Management and Budget, NASA shall provide to Congress and the Office of Management and Budget advance notice of any proposal to establish or significantly alter any NASA system of records.

§ 1212.201 System of records of other agencies under NASA's control.

(a) The procedures concerning maintenance of and access to records of other agencies under NASA's control shall normally be governed by the regulations of the agency publishing the system notice for the particular system of records.

(b) Any system of records maintained by NASA which is in addition to or substantially different from those of a government-wide nature described in the notice published by another agency shall be regarded as a NASA system of records subject to the requirements of this part, and the NASA system notice shall include a reference to the system notice of the other agency.

§ 1212.202 Requirements for maintaining systems of records.

In maintaining systems of records, the following requirements shall be met:

(a) Maintain only information about an individual relevant and necessary to accomplish a purpose or to carry out a function of NASA authorized by law or by Executive Order of the President.

(b) Maintain records used by NASA officials in making any determination about any individual with such accuracy, relevance, timeliness, and completeness reasonably necessary to assure fairness to the individual in making the determination.

(c) Maintain no record describing how an individual exercises rights guaranteed by the First Amendment to the U.S. Constitution unless expressly authorized by statute or by the individual, or unless required by an authorized law enforcement activity.

§ 1212.203 Requirements for collecting information.

In collecting information for systems of records, the following requirements shall be met:

(a) Information shall be collected to the greatest extent practicable directly from the individual, particularly when the information may result in adverse determinations about the individual's rights, benefits, and privileges under Federal programs. Exceptions to this policy may be made under certain circumstances, such as one of the following:

(1) There is need to verify the accuracy of information supplied by an individual.

(2) The information can only be obtained from a third party.

(3) There is no risk that information collected from third parties, if inaccurate, could result in an adverse determination to the individual concerned.

(4) Provisions are made to verify with the individual information collected from a third party.

(b) Each individual who is asked to supply information shall be informed of the following:

(1) The authority (whether granted by statute, or by Executive Order of the President) for requesting the information;

(2) Whether disclosure is mandatory or voluntary;

(3) The intended official use of the information;

(4) The routine uses which may be made of the information, as published in the system notices;

(5) The effects on the individual, if any, of not providing all or any part of the requested information.

§ 1212.204 Mailing lists.

(a) NASA may maintain for official purposes lists of individuals, their addresses and telephone numbers, including, if appropriate, home addresses and telephone numbers. These lists are not NASA systems of records for the purposes of this part.

(b) NASA will not sell, rent or otherwise disclose mailing lists to anyone except for official purposes of NASA, unless otherwise required by law.

§ 1212.205 Social security account numbers.

(a) It is unlawful for NASA to deny an individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose the individual's social security account number, except where:

(1) The disclosure is required by law; or

(2) The disclosure is from a system of records in existence and operating before January 1, 1975, and was required under statute or regulation adopted before that date to verify the identity of the individual.

(b) Any time an individual is requested to disclose the social security account number, the official requesting the disclosure shall indicate whether that disclosure is mandatory or voluntary, by what authority the number is requested, and what uses will be made of it.

§ 1212.206 Safeguarding information in systems of records.

(a) Safeguards appropriate for a NASA system of records shall be developed by the system manager in a written plan approved by the installation Security Officer.

(b) When records or copies of records are distributed to persons other than those having custody of the systems of records, they shall be prominently identified as records protected under the Privacy Act and shall be subject to the same safeguard, retention and disposition requirements applicable to the system of records.

(c) Records that are otherwise required by law to be released to the public need not be safeguarded or identified as Privacy Act records. The system notice shall indicate that the records are publicly available.

§ 1212.207 Duplicate copies of records or portions of records.

(a) NASA officials may maintain for official purposes duplicate copies of records or portions of records from a system of records for use within their organizational unit. This practice should occur only where there are justifiable organizational needs for it, e.g., where geographic distances make use of the system of records time consuming or inconvenient. These duplicate copies shall not be considered a separate NASA system of records. For example, an office head or designee may keep duplicate copies of personnel, training, or similar records on employees within the organization for administrative convenience purposes.

(b) No disclosure shall be made from duplicate copies outside of the

organizational unit. Any outside request for disclosure shall be referred to the appropriate system manager for response.

(c) Duplicate copies are subject to the same safeguard requirements applicable to the system of records.

Subpart 1212.3—Authority and Responsibilities

§ 1212.300 NASA employees.

(a) Each NASA employee is responsible for adhering to the requirements of the Privacy Act and this part.

(b) An employee shall not seek or obtain access to a record in a NASA system of records or to copies of any portion of such records under false pretenses. Only those employees with an official "need to know" may seek and obtain access to records pertaining to others.

(c) Employees shall refrain from discussing or disclosing personal information about others which they have obtained because of their official need to know such information in the performance of official duties.

(d) To the extent included in an individual contract which provides for the maintenance by or on behalf of NASA of a system of records to accomplish a function of NASA, the requirements of this section shall apply to contractor employees who work under the contract.

§ 1212.301 Associate Deputy Administrator.

The Associate Deputy Administrator is responsible for:

(a) Making final agency determinations on appeals (§ 1212.603);

(b) Authorizing exemptions § 1212.700; and

(c) Authorizing an extension of up to 30 work days for making a final determination on an appeal (§ 1212.605).

§ 1212.302 Associate Administrator for Management Operations.

(a) The Associate Administrator for Management Operations is responsible for the following:

(1) Providing overall supervision and coordination of NASA's policies and procedures under this part;

(2) Approving system notices for publication in the Federal Register;

(3) Assuring that NASA employees and officials are informed of their responsibilities and that they receive appropriate training for the implementation of these requirements; and

(4) Preparing and submitting the annual and special reports required

under this part, including establishing appropriate reporting procedures.

(b) The Associate Administrator for Management Operations may establish a position of "NASA Privacy Officer" or designate someone to function as such an officer, reporting directly to the Associate Administrator for Management Operations, and delegate to that officer any of the functions described in paragraph (a).

§ 1212.303 Headquarters and field or component installations.

(a) Officials-in-Charge of Headquarters Offices, Directors of NASA Field Installations and Officials-in-Charge of Component Installations are responsible for the following with respect to those systems of records maintained in the organization:

(1) Avoiding the establishment of new systems of records or new routine uses of a system of records without first complying with the requirements of this part;

(2) Ensuring that the requirements of this part and the Privacy Act are followed by all employees;

(3) Ensuring that there is appropriate coordination within NASA before a determination is made to disclose information without the individual's consent under authority of § 1212.400(b); and

(4) Providing appropriate oversight for responsibilities and authorities exercised by system managers under their jurisdiction (§ 1212.304).

(b) Directors of NASA Field Installations and Officials-in-Charge of Component Installations may establish the position of Installation Privacy Officer or designate someone to function as such to assist in carrying out the responsibilities listed in paragraph (a).

§ 1212.304 System manager.

(a) Each system manager is responsible for the following with regard to the system of records over which the system manager has cognizance:

(1) Overall compliance with the Privacy Act and these regulations,

(2) Ensuring that each person involved in the design, development, operation or maintenance of the system of records is instructed with respect to the requirements of this part and the possible penalties for noncompliance;

(3) Submitting a request to the Associate Deputy Administrator for an exemption of the system under Subpart 1212.7, setting forth in proposed rulemaking form the reasons for the exemption and citing the specific provision of the Privacy Act which is believed to authorize the exemption;

(4) After consultation with the Office of the General Counsel or the Chief Counsel, making reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;

(5) In accordance with the requirements of § 1212.601, making an initial determination on an individual's request to correct or amend a record;

(6) Prior to disclosure of any record about an individual, assuring that the record is first reviewed for accuracy, completeness, timeliness and relevance;

(7) Authorizing disclosures of a record without the individual's consent under § 1212.400(b)(1) through (11);

(8) Responding within the requirements of § 1212.500 to an individual's request for information as to whether the system contains a record pertaining to the individual;

(9) In accordance with the requirements of Subpart 1212.5, responding to an individual's request for access and copying of a record;

(10) Correcting a record under § 1212.606, or filing in an individual's record a statement of dispute and the NASA addendum submitted in accordance with § 1212.607;

(11) Preparing an addendum to an individual's statement of dispute (§ 1212.607);

(12) Maintaining disclosure accountings in accordance with the requirements of § 1212.401;

(13) Notifying persons to whom a record has been disclosed and for which an accounting was made as to disputes and corrections involving the record; and

(14) Developing appropriate safeguards for the system of records.

(b) Where a system of records has subsystems described in the system notice, the subsystem manager will have the responsibilities outlined in paragraph (a). Although the system manager has no line authority over subsystem managers, the system manager does have overall functional responsibility for the total system, and may issue guidance to subsystem managers on implementation of this part. When furnishing information for required reports, the system manager will be responsible for reporting on the entire system of records, including any subsystems.

(c) Exercise of the responsibilities and authorities in paragraph (a) by any system or subsystem managers at a NASA installation shall be subject to any conditions or limitations imposed in

accordance with § 1212.303(a)(4) and (b).

§ 1212.305 Director of procurement.

The Director of Procurement is responsible for developing appropriate procurement regulations and procedures under which NASA contracts requiring the maintenance of a system of records in order to accomplish an agency function are made subject to the requirements of this part.

§ 1212.306 Delegation of authority.

Authority necessary to carry out the responsibilities specified in this Subpart 1212.3 is delegated to the officials named, subject to any conditions or limitations imposed in accordance with § 1212.303 (a)(4) and (b).

Subpart 1212.4—Disclosure of Records

§ 1212.400 Restrictions on disclosure.

(a) No record in a NASA system of records shall be disclosed to any person, or to another agency, except by written request of, or with the prior written consent of the individual to whom the record pertains, unless the disclosure is authorized by paragraph (b) of this section.

(b) Under 5 U.S.C. 552a(b), disclosure of a record in a NASA system of records is authorized without the consent of the subject individual, if the disclosure of the record would be:

(1) To an officer or employee of NASA who has a need for the record in the performance of official duties;

(2) Required under the Freedom of Information Act (5 U.S.C. 552) and Part 1206;

(3) For a routine use described in the system notice for the system of records;

(4) To the Bureau of Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13, United States Code;

(5) To a recipient who has provided NASA with adequate advance written assurance that the record will be used solely as a statistical record, and the record is transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services Administration or a designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control

of the United States for a civil or criminal law enforcement activity, if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to NASA specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person on a showing of compelling circumstances affecting the health or safety of an individual if notification of the disclosure is sent to the last known address of the subject individual;

(9) To either House of Congress or, to the extent the matter is within its jurisdiction, any committee or subcommittee of Congress, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) By order of a court of competent jurisdiction.

§ 1212.401 Accounting of certain disclosures.

(a) The system manager shall keep a disclosure accounting for each disclosure to a third party of a record from a system of records. Disclosure accountings are not required but are recommended for disclosures made:

(1) With the subject individual's consent, or

(2) Under the authority of § 1212.400(b)(1) or (2).

(b) The disclosure accounting required by paragraph (a) shall include:

(1) The date, nature, and purpose of the disclosure; and

(2) The name and address of the recipient person or agency.

(c) The disclosure accounting shall be retained for at least five years after the disclosure or for the life of the record, whichever is longer.

(d) The disclosure accounting maintained under the requirements of this section is not itself a system of records.

§ 1212.402 Access to disclosure accounting.

Except for disclosures made under the authority of § 1212.400(b)(7) or where the system is exempt (see Subpart 1212.7), the disclosure accounting required under § 1212.401 shall be made available to the subject individual upon request in accordance with Subpart 1212.5

§ 1212.403 Review of records for accuracy.

Before disclosing any record about an individual to any person other than a NASA employee, unless the disclosure

is required under the Freedom of Information Act (see § 1212.400(b)(2)), NASA shall make reasonable efforts to assure that the record is accurate, complete, timely and relevant for NASA purposes.

§ 1212.404 Notification of disclosure under compulsory legal process.

If a record is disclosed to any person under a compulsory legal process, the NASA system manager, after consultation with the Office of the General Counsel or the Chief Counsel, shall make reasonable efforts to serve notice on the subject individual when the compulsory process becomes a matter of public record. The mailing of notice to the individual's last known address constitutes a reasonable effort to notify the individual.

§ 1212.405 Notification to prior recipients of corrected or disputed records.

If any correction or statement of dispute is made or filed in a record under Subpart 1212.6, the NASA system manager shall notify each person or agency to whom that portion of the record had been disclosed, if an accounting of the disclosure exists under § 1212.401, as to the correction or statement of dispute.

Subpart 1212.5—Access to Records

§ 1212.500 Requests for access or general information.

(a) The procedures outlined in this Subpart 1212.5 apply to the following types of requests under the Privacy Act made by individuals concerning records about themselves:

(1) To determine if information on the requester is included in a system of records;

(2) For access to a record; and

(3) For an accounting of disclosures.

(b)(1) Requests must be directed to the appropriate system manager, or, if unknown, to the NASA information center. The request should be identified clearly on the envelope and on the letter as a "Request Under the Privacy Act."

(2) If known, requests should contain the following information to insure timely processing:

(i) Name and address of subject.

(ii) Identity of the system of records.

(iii) Nature of the request. If a request for amendment, a complete and comprehensive description of the amendment.

(iv) Identifying information such as location of the record, if known, full name, birth date, etc., as specified in the applicable system notice to assist in identifying the request.

(c)(1) If a request for access or amendment is received by the

information center, it will record the date of receipt and immediately forward the request to the responsible system manager for handling.

(2) The NASA information center or the system manager, as appropriate, will acknowledge receipt of the request by NASA within 10 work days. If the request is so incomplete or incomprehensible that the requested record cannot be identified, additional information or clarification will be requested in the acknowledgment, and assistance to the individual will be offered as appropriate. If the request is sufficient for processing, the acknowledgment shall identify the responsible system manager.

(d) NASA need not comply with a general request for access to information concerning an individual, e.g., a request to provide copies of "all information contained in your files concerning me," although a good faith effort will be made to locate records if there is reason to believe NASA has records on the individual.

(e) Copies of all current NASA system notices, as well as a copy of these regulations, shall be maintained for public inspection in each NASA information center. An individual may address any general inquiries concerning NASA systems of records and these regulations to the appropriate NASA information center.

§ 1212.501 Right of access.

(a) Upon request in person, and following the identification procedures of § 1212.502, a subject individual and any accompanying representative shall be granted access to his or her record, including the right to request copies, unless the system of records has been determined to be exempt from this requirement under 5 U.S.C. 552a (j) or (k).

(b)(1) Upon a written request of the subject individual, the individual's representative shall be granted access to the subject's record, unless that system of records has been determined to be exempt under 5 U.S.C. 552a (j) or (k). The representative also may request copies of all or a portion of the record.

(2) A written request to allow access by a representative shall be signed by the subject individual and contain his or her address as well as the name and address of the representative being authorized access. The identities of both the subject individual and the representative must be verified following the procedures of § 1212.502.

(c) When an individual submits a request for records citing both the Privacy Act and the Freedom of Information Act, it shall be processed

under Part 1206 if the individual is seeking records pertaining to a third party. If the individual is seeking his or her own records, the request shall be processed under this part. If the records requested are required to be released under the Freedom of Information Act (5 U.S.C. 552(b)), then a Privacy Act exemption may not be invoked to deny access. NASA shall not rely on any exemption contained in the Freedom of Information Act to withhold from an individual any record which is otherwise accessible to the individual under this part.

§ 1212.502 Identification procedures.

(a) Before a copy of a record is sent by mail in response to a written request for access, there must be sufficient evidence to assure that the requester and the subject of the record are the same. NASA reserves the right, at the discretion of the system manager, to require that a certificate of a notary public or equivalent official empowered to administer oaths accompany the request.

(b)(1) Before granting access to records in person, the requester or representative shall present appropriate and satisfactory identification, including:

(i) A valid unexpired driver's permit; or

(ii) An official employment identification card or badge; or

(iii) Any other form of identification which includes the individual's name, signature, or photograph or physical description.

(2) If the individual has no suitable identification, a written statement shall be required asserting the individual's identity and stipulating that the individual understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is a misdemeanor and punishable by a fine of up to \$5,000. A form will be provided by the system manager for this purpose.

(c) No verification of identity will be requested of individuals seeking access to records available to any member of the public under the Freedom of Information Act (5 U.S.C. 552) and Part 1206.

(d) Identity procedures more stringent than those required in this section may be prescribed by the system manager in the system notice when the records are medical or other highly sensitive records.

§ 1212.503 Fee schedule.

The system manager will follow the provisions of Subpart 1206.7 in charging search and duplication fees for records.

§ 1212.504 Procedures for responding to requests for access.

(a)(1) The system manager, in response to a request for access, shall:

(i) Notify the requester that there is no record on the individual in the system of records; or

(ii) Make the individual's record available for personal inspection in the presence of a NASA representative, or upon request, promptly provide copies of the record, subject to the fee requirements.

(2) Unless the system manager agrees to another location, personal inspection of the record shall be at the location of the record as identified in the system notice.

(b) Normally, the system manager shall respond to a request for access within 10 work days of receipt of the request and the access shall be provided within 30 work days.

(c) The provisions of paragraph (a) do not apply where the record is subject to additional restrictions as specified in the system notice, or if it is exempt under 5 U.S.C. 552a (j) or (k) and is not otherwise required to be released under the Freedom of Information Act. Under these circumstances, the system manager shall notify the requester within 10 work days.

(d) In the event a request for access to a record is not granted within 30 work days of receipt of the request, the individual shall have the right to appeal. Such an appeal shall be filed and processed under the provisions of Subpart 1212.6. In any determination by a system manager denying an individual's request for access made under this section, the individual shall be informed in writing of:

(1) The reasons for the refusal; and

(2) The procedures to be followed to request a review of the refusal by the Associate Deputy Administrator, including the mailing address. (See § 1212.602)

§ 1212.505 Medical records.

Normally, an individual's medical record shall be disclosed to the individual, unless, in the judgment of the system manager, in consultation with a medical doctor, access to the record could have an adverse effect upon the individual. In this case, the system manager shall allow access to the record by a medical doctor designated in writing by the requesting individual. (See § 1212.501(b))

§ 1212.506 Test materials.

Test material and copies of certificates of eligibles and other lists of eligibles, the disclosure of which is proscribed by 5 CFR § 294.501, shall be

removed from an individual's record before granting access.

§ 1212.507 Release of records of deceased individuals.

Records of individuals who are deceased may be released to the executor or administrator of the individual's estate, or, if none, to the individual's next of kin, if the system manager has sufficient evidence to establish that the individual is deceased and if the identity procedures of § 1212.502 have been met by the representative.

Subpart 1212.6—Corrections and Amendments to Records and Appeals

§ 1212.600 Requests for correction or amendment of a record.

A subject individual may request that NASA correct or amend the individual's record. In making a request for correction, the individual must demonstrate why the correction is appropriate. Such a request shall be in writing, addressed to the appropriate system manager, and shall contain the following:

(a) A notation on the envelope and on the letter that it is a "Request for Amendment of Individual Record under the Privacy Act;"

(b) The name of the system of records;

(c) Any information necessary to retrieve the record, as specified in the system notice for the system of records;

(d) A description of that information in the record which is alleged to be incomplete or erroneous; and

(e) The reasons for requesting the change, together with any documentary evidence or material available to support the request.

§ 1212.601 Procedures and time limits for making initial determinations on requests to correct or amend.

(a) Within 10 work days of receipt by the system manager of an individual's request to correct or amend a record, the system manager shall provide the individual with a written determination or a written acknowledgement advising when a report of the action taken may be received.

(b) The system manager shall provide the individual with a written determination within 30 work days of receipt of the request unless unusual circumstances preclude completing action within that time. If the determination is to refuse to correct or amend the record as requested, the written determination shall explain the reasons for the refusal and inform the requester of the procedures to be followed to appeal the determination.

§ 1212.602 Procedures and time limits for appeals.

(a) A subject individual who (1) has requested amendment or correction of a record and has received an adverse initial determination, or (2) has been denied access to a record, or (3) has not been granted within 30 work days of receipt a request (See § 1212.504), may appeal to the Associate Deputy Administrator.

(b) An appeal shall:

(1) Be in writing and addressed to the Associate Deputy Administrator, NASA, Washington, D.C. 20546;

(2) Be identified clearly on the envelope and in the letter as an "Appeal under the Privacy Act;"

(3) Include a copy of any pertinent documents; and

(4) State the reasons for the appeal.

(c) Appeals from adverse initial determinations or denials of access must be submitted within 30 calendar days of the date of receipt of the initial determination. Appeals involving failure to grant access may be submitted any time after the 30 work day period has expired (see § 1212.504).

§ 1212.603 Action on appeals.

(a) Except as provided in § 1212.607, a final determination on an appeal shall be made, and the requester notified, within 30 work days after its receipt.

(b) If a determination to deny access is upheld, the requester will be informed of the right to judicial review under 5 U.S.C. 552a(g).

(c) If a denial of a request to correct or amend a record is upheld, the final determination shall:

(1) Explain the basis for the denial;

(2) Include information as to how the requester goes about filing a statement of dispute under the procedures of § 1212.607; and

(3) Include a statement that the final determination is subject to judicial review under 5 U.S.C. 552a(g).

§ 1212.604 Procedures for appeal of adverse determinations involving records of other agencies.

If an individual disagrees with an adverse determination by NASA involving access to or amendment of records belonging to another agency, the individual may seek review of the determination under procedures prescribed by the other agency.

§ 1212.605 Time extensions for good cause shown.

(a) When good cause is shown, the time limits for making a final determination may be extended for up to 30 work days.

(b) If an extension of time under this section is granted, the individual shall be promptly notified in writing of the reasons and the date when a final determination will be sent.

§ 1212.606 Correction or amendment of record.

When any record is corrected or amended under the procedures of this Subpart 1212.6, the correction shall be made by the system manager clearly on the record itself and all inaccurate information shall be deleted and destroyed. The individual shall then be informed in writing that the correction has been made. If the inaccurate or incomplete portion of the record has previously been disclosed and an accounting of the disclosure exists in accordance with the requirements of § 1212.401, then the system manager shall notify those persons or agencies of the corrected or amended information, referencing the prior disclosures (see § 1212.405).

§ 1212.607 Statements of dispute.

(a) If on appeal, a refusal to correct or amend records is upheld, the individual may file a statement of dispute.

(b) A statement of dispute shall:

(1) Be in writing;

(2) Set forth reasons for the individual's disagreement with NASA's refusal to amend the record;

(3) Be concise;

(4) Be addressed to the system manager; and

(5) Be identified on the envelope and in the letter as a "Statement of Dispute under the Privacy Act."

(c) The system manager shall prepare and include an addendum to the statement explaining the basis for NASA's refusal to amend the disputed record. A copy of the addendum shall be provided to the individual.

(d) The system manager shall ensure that the statement of dispute and addendum are either filed with the disputed record or that a notation appears in the record clearly referencing the statement of dispute and addendum so that they may be readily retrieved.

§ 1212.608 Disclosure of disputed information.

(a) The system manager shall promptly provide persons or agencies to whom the disputed portion of a record was previously disclosed and for which an accounting of the disclosure exists under the requirements of § 1212.401, with a copy of the statement of dispute and addendum, along with a statement

referencing the prior disclosure (see § 1212.405). The subject individual shall be notified as to those individuals or agencies which are provided with the statement of dispute and addendum.

(b) Any subsequent disclosure of a disputed record shall clearly note the portion of the record which is disputed and shall be accompanied by a copy of the statement of dispute and addendum.

Subpart 1212.7—Exemptions**§ 1212.700 Exemptions.**

(a) Under the provisions of 5 U.S.C. 552a(j) and (k), the Administrator of NASA is authorized to exempt certain NASA systems from portions of the requirements of this part.

(b) For those NASA systems of records that are determined to be exempt, the system notice shall describe the exemption and the reasons.

(c) Nothing in this part shall allow an individual access to any information compiled by NASA in reasonable anticipation of a civil action or proceeding.

§ 1212.701 Systems of records for which exemptions apply.

Exemptions have been invoked, in accordance with § 1212.700, for the following NASA systems of records:

(a) *Inspections Division Case Files.* (1) *Sections of the Act from which exempted.* The Inspections Division Case Files system of records is exempt from all sections of the Privacy Act (5 U.S.C. 552a) EXCEPT the following: (b) relating to conditions of disclosure; (c)(1) and (2) relating to keeping and maintaining a disclosure accounting; (e)(4)(A) through (F) relating to publishing an annual system notice setting forth name, location, categories of individuals and records, routine uses, and policies regarding storage, retrievability, access controls, retention and disposal of the records; (e)(6), (7), (9), (10) and (11) relating to criminal penalties.

(2) *Reasons for exemption.* The determination to exempt this system of records has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a(j) and this Subpart 1212.7 for the reason that the Inspections Division is a component of NASA which performs as its principal function activity pertaining to the enforcement of criminal laws, within the meaning of 5 U.S.C. 552a(j)(2).

(b) *Security Records System.* (1) *Sections of Act from which exempted.* The Security Records System is exempt from the following sections of the

Privacy Act (5 U.S.C. 552a): (c)(3) relating to access to the disclosure; accounting; (d) relating to access to the records; (e)(1) relating to the type of information maintained in the records; (e)(4)(G), (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction, and information as to the categories of sources of records; and (f) relating to developing agency rules for gaining access and making corrections.

(2) *Reasons for exemption.* The determination to exempt this system of records has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a(k) and this Subpart 1212.7 for the following reasons:

(i) *Personnel Security Records* contained in the system of records which are compiled solely for the purpose of determining suitability, eligibility or qualifications for Federal civilian employment, Federal contracts, or access to classified information are exempt under the provisions of 5 U.S.C. 552a(k)(5), but only to the extent that the disclosure of such material would reveal the identity of a confidential source.

(ii) *Criminal Matter Records* are contained in the system of records and are exempt under the provisions of 5 U.S.C. 552a(k)(2) to the extent they constitute investigatory material compiled for law enforcement purposes.

(iii) The system of records includes records subject to the provisions of 5 U.S.C. 552(b)(1) (required by Executive order to be kept secret in the interest of national defense or foreign policy), and such records are exempt under 5 U.S.C. 552a(k)(1).

Subpart 1212.8—Failure To Comply With Requirements of This Part**§ 1212.800 Civil remedies.**

Failure to comply with the requirements of the Privacy Act and this part could subject NASA to civil suit under the provisions of 5 U.S.C. 552a(g).

§ 1212.801 Criminal penalties.

(a) A NASA employee may be subject to criminal penalties under the provisions of 5 U.S.C. 552a(i) (1) and (2).

(b) An individual who seeks access to a NASA record under false pretenses is subject to criminal penalties under 5 U.S.C. 552a(i)(3).

Robert A. Frosch,

Administrator,

[FR Doc. 79-29518 Filed 9-21-79; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF THE TREASURY**Customs Service****19 CFR Part 141**

[T.D. 79-248]

Delay in Effective Date for Implementing Recently Amended Customs Regulations Relating to Statistical and Invoice Requirements

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Delay in effective date.

SUMMARY: Pub. L. 95-410, the "Customs Procedural Reform and Simplification Act of 1978", made numerous changes in laws administered by the Customs Service relating to the entry of imported merchandise. A document amending the Customs Regulations to establish new procedures needed to reflect these changes was published as T.D. 79-221 in the Federal Register on August 9, 1979 (44 FR 46794).

That document advised that the effective date for implementation of the amendments was September 10, 1979. However, Customs has determined to delay implementation of two of the amended sections, relating to aggregating statistical information, from September 10 to January 1, 1980.

EFFECTIVE DATE: For implementation of amended sections: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: William Slyné, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-2957).

SUPPLEMENTARY INFORMATION:**Background**

Pub. L. 95-410 (92 Stat. 888), the "Customs Procedural Reform and Simplification Act of 1978", approved October 3, 1978, made significant changes in the Customs laws relating to the entry of imported merchandise. A document amending the Customs Regulations to establish new procedures to reflect these changes was published as T.D. 79-221 in the Federal Register on August 9, 1979 (44 FR 46794).

Request for Delay

T.D. 79-221 provided that the effective date for implementation of the amendments was to be September 10, 1979. However, Customs has been requested to delay implementation of amended §§ 141.61(e)(1)(i) and (f)(2), Customs Regulations (19 CFR 141.61(e)(1)(i), (f)(2)), relating to aggregating statistical information, to afford customhouse brokers utilizing

automated data processing equipment additional time to program their equipment.

Action

Because the need of automated customhouse brokers for additional time to implement the requirements of § 141.61(e)(1)(i) and (f)(2), as amended by T.D. 79-221, has been established to Customs satisfaction, the effective date for the implementation of these sections is delayed until January 1, 1980.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However personnel from other Customs offices participated in its development.

Dated: September 18, 1979.

William T. Archey,

Acting Commissioner of Customs.

[FR Doc. 79-29580 Filed 9-21-79; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of Assistant Secretary for Housing—Federal Housing Commissioner****24 CFR Part 201**

[Docket No. R-79-666]

Property Improvement and Mobile Home Loans Increase in Loan Amount and Term

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment increases the maximum loan amount and term for property improvement loans for multiple dwellings to \$7,500 per dwelling unit with a maximum loan limitation of \$37,500. The term for such loans is increased to 15 years and 32 days. This increase in amount and terms will allow applicants for multi-family improvement loans to derive more equitable benefits as compared to applicants for loans to improve single-family structures.

EFFECTIVE DATE: October 24, 1979.

FOR FURTHER INFORMATION CONTACT:

John L. Brady, Director, Title I Insured and 312 Loan Servicing Division, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C., (202) 755-6880. This is not a toll free number.

SUPPLEMENTARY INFORMATION: On May 16, 1979, the Secretary of Housing and

Urban Development published a Notice of Proposed Rulemaking (44 FR 28685) to amend 24 CFR Part 201, Section 201.2 and 201.3(b). Comments were invited until July 16, 1979. Subsequently, two public comments were received, both of which favored the action. However, one of the commenters suggested that the loan limit be set at \$50,000 instead of the proposed \$37,500. Title I policy, regarding 1(b) loans, has been to limit financing to no more than five (5) units per structure. The Housing and Community Development Act of 1978 authorized the increase to \$7,500 per unit and \$37,500 per structure, which is five times the amount allowed per unit. In view of this, there are no changes being made to the Final Rule.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. This Finding was submitted with the Proposed Rule. A copy of this document is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C.

Accordingly, Chapter II is amended as follows:

Subpart A—Property Improvement Loans

1. In § 201.2 paragraph (d)(2)(i)(A) is amended to read as follows:

§ 202.2 Eligible notes.

- (d)
- (2) Maximum maturity. The maximum permissible maturity of a note evidencing:
 - (i)
 - (A) A Class 1(b) or 2(a) loan is 15 years and 32 days.

2. In § 201.3 paragraph (b) is amended to read as follows:

§ 201.3 Maximum amount of loans.

- (a)
- (b) Class 1(b) loan. A Class 1(b) loan shall not involve a principal amount, exclusive of finance charges in excess of \$7,500 per dwelling unit in the improved structure and shall not exceed \$37,500.

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2. 48 Stat. 1246 (12 U.S.C. 1703), as amended.)

Issued in Washington, D.C., on September 14, 1979.

Lawrence B. Simons,
Assistant Secretary for Housing—Federal
Housing Commissioner.

[FR Doc. 79-29442 Filed 9-21-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 240

[Docket No. R-79-714]

Mortgage Insurance on Loans for Fee Title Purchase; Mortgagor Eligibility To Pay a Discount

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This will permit borrowers to pay discounts (finance fees) in order to purchase a leased fee (lessor's interest) from the owner of the land.

EFFECTIVE DATE: October 15, 1979.

FOR FURTHER INFORMATION CONTACT: William L. Halpern, Director, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, Room 6270, Washington, D.C. 20410, Telephone: (202) 755-6720.

SUPPLEMENTARY INFORMATION: Under existing regulations a mortgagee is not permitted to collect a discount from a mortgagor in a transaction involving the purchase of a leased fee (the fee interest held by the lessor or landlord) except in the limited circumstance listed in Regulation 203.27. In some jurisdictions the owner of the leased fee is limited in the price he may demand for the sale of the leased fee. These limitations restrict the use of insured financing because the parties are either precluded from, or unwilling to, pay the discount required by mortgagees. The new regulation will permit the owner of a leasehold interest who is purchasing the fee interest (the lessor's interest) to pay a discount to the mortgagee. This new permission is applicable only to mortgages insured under Section 240 of the National Housing Act; therefore, the amended regulation is added to Part 240 of the regulations.

The regulation permits the mortgagor to pay a discount and relieves an existing restriction; therefore, public comment is not necessary. Numerous mortgagors are negotiating to make such purchases and are currently prevented by the reluctance of the seller to pay the discounts. Thus, in order to facilitate these sales, the Secretary has determined that the regulation be published for immediate effect.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Accordingly, the Department adds a new § 240.19 to read as follows:

§ 240.19 Maximum charges, fees or discounts.

In addition to the provisions of § 203.27 relating to charges, fees or discounts which a mortgagee may collect from the mortgagor, which is incorporated by reference, the mortgagee may collect from the mortgagor a reasonable and customary charge in the nature of a discount.

(Sec. 3, Pub. L. 75-424, 52 Stat. 9 (12 U.S.C. 1715(b)); Sec. 7(d), Pub. L. 89-174, 79 Stat. 670 (42 U.S.C. 3535(d)); Pub. L. 95-557, 92 Stat. 2099, 12 U.S.C. 1715z-5)

Issued at Washington, D.C., September 13, 1979.

Lawrence B. Simons,
Assistant Secretary for Housing—Federal
Housing Commissioner.

[FR Doc. 79-29591 Filed 9-21-79; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: United States Parole Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted a rule governing decisions to advance a presumptive release date upon a finding of "superior program achievement". The rule contains a Schedule of Permissible Reductions which sets forth the maximum number of months by which presumptive dates may be reduced. These reductions are intended to produce incentives for constructive use of time by federal prisoners but are kept purposefully limited to avoid reintroducing uncertainty, coercion, and/or gameplaying. This rule is seen as complementary to the Commission's Rescission Guidelines (§ 2.34).

EFFECTIVE DATE: November 1, 1979.

FOR FURTHER INFORMATION CONTACT: Barbara Meierhoefer, Research Unit, United States Parole Commission, 320 First Street, N.W., Washington, D.C. 20537 (202-724-3095).

SUPPLEMENTARY INFORMATION:

The Proposal and Its Purpose

On May 30, 1979, the U.S. Parole Commission published in the *Federal Register* (44 FR 31027) a proposal to govern the reduction of previously set presumptive release dates upon a finding of superior program achievement.

The purpose of the proposal was to set forth a preliminary formulation of the weight to be given to sustained positive institutional program achievement in the U.S. Parole Commission's release decision. In the proposal, the Commission set forth its view that while institutional programming achievement should not be the primary consideration in parole release, neither should it be ignored completely.

The Commission considers institutional behavior within the structure of its parole decision-making guidelines and presumptive date procedures. Presently, almost all federal prisoners receive a presumptive release date at a hearing held within 120 days after commitment. This date is set in accord with the Commission's paroling guidelines which consider offense severity and offender risk—the two primary factors in the release decision. This date presumes good institutional behavior.

If the prisoner subsequently incurs serious or frequent disciplinary infractions, the date can be moved back in accordance with the Commission's rescission guidelines (see § 2.34). The May 30, 1979 proposed rule was set forth to address those cases where institutional program achievement has clearly been superior.

Since the inception of the presumptive date procedures in September, 1977, the Commission has had the authority to reduce a presumptive date for "clearly exceptional circumstances" (§ 2.14(a)(2)(ii)) at interim hearings. While advancements for superior program achievement would already be allowed under this provision, the Commission wanted to highlight that institutional achievements were to be considered at this time, and that reductions in date would be appropriate where such achievements were of an outstanding nature. The Commission also wanted to add a provision for the reduction of date based on superior program achievement as an appropriate

action to be taken at pre-release reviews.

The proposal also set forth the Commission's belief that in order to avoid reintroducing gameplaying, coerced programming and unnecessary uncertainty into the parole process, the permissible reductions for superior program achievement should be tied to the original presumptive date and should be kept relatively small. While the Commission wishes to provide incentives for the constructive use of prison time, it does not want the size of this reward to be so large that it is the overriding consideration in a prisoner's choice of how to spend his time. However, as a statement of policy, the Commission feels that self-motivated efforts to help oneself can and should be encouraged in prison as they are in other sectors of society.

Public Comment

Thirty-two (32) separate comments were received, some with multiple signatures. The overwhelming majority of the comments (20 letters) was from prisoners. All but one prisoner approved implementation of the proposed rule, though some voiced concern or suggested modifications.

Repeatedly, the prisoners noted that the proposal was long overdue and would impact favorably on prisoner morale and effort; that it would be an effective supplement to existing program incentives; and that it was encouraging that the Commission is willing to "help those who want to help themselves". Nonetheless, two of the prisoners felt that the reductions should be larger, while a third suggested a range of possible reductions. One prisoner cautioned that the rule places a lot of power in the hands of institutional officials, and stated that the Commission should beware of gameplaying by both staff and inmates. A number of prisoners felt that the Commission should try to define "superior program achievement", and should clarify exactly how and who will be making these decisions. The most common question raised by the prisoners was whether or not the Commission has the authority to grant a parole date prior to the expiration of one-third of a regular adult sentence. (The Parole Commission does not have this authority (see Implementation Section)).

One prisoner noted the difficulty of administering this reduction for superior achievement at pre-release reviews. He noted that since most pre-release reviews occur about six months prior to a presumptive date, the reduction could perhaps do no more than cut into time

spent in a community treatment center prior to release. The one prisoner who was not in favor of the proposed rule stated that he felt the rule would simply emphasize the severity of the offense.

One federal judge commented that he was generally in favor of the proposed rule, but pointed out some drafting problems and noted that the Commission should not rely on social psychological theory when proposing rules.

From the probation service, a Chief U.S. Probation Officer was generally in favor of the rule. However, a letter signed by 18 members of another probation office expressed strong opposition to implementation, stating that prisoners already receive good time credit from the institution. In response, the reader is referred to the Implementation Section.

Four comments were received from Bureau of Prisons' staff. One case manager was strongly opposed to the rule noting that it would only encourage gameplaying. A correctional treatment specialist was also against implementation, citing the lack of criteria to determine the components of "superior program achievement", the potential for disparate decisions, and a discrepancy in drafting (which will be addressed in the next section on "Changes"). A unit manager and staff psychologist cited the subjective nature of the determination of "superior program achievement". The psychologist also wondered whether the reductions were of sufficient magnitude to be truly rewarding.

An attorney commented that the rule should impact positively on minority groups, while two representatives of the Mexican American Correctional Association feared that the opposite would be true. A representative of the Washington Legal Fund generally supported the thrust of the rule, but argued that the Commission should include programs of restitution as part of a parole plan. The rule was further endorsed by a representative of the Flat-River Jaycees and by a Maryland citizen.

Changes from the Proposal

1. Comment and review of the proposed rule exposed an inconsistency

In subsection (a), it was stated that reductions were to be given to those prisoners who have demonstrated superior program achievement over a period in custody of more than twelve months. However, in the Schedule of Reductions, the reductions were begun for those prisoners who, according to their previously set presumptive dates,

would have to serve a total time of 13 months. These cases would be reviewed by the Commission at a pre-release review approximately six months prior to the presumptive date to see if the conditions of that date have been met.

Therefore, these prisoners would not have been incarcerated for a period of more than twelve months at the time of their review and would therefore not be eligible under subsection (a) for a reduction in time based on superior program achievement. To remedy this inconsistency, both sections of the rule have been altered slightly. The time in custody required under subsection (a) was reduced from more than twelve months to nine months or more. The Schedule of Reductions was altered to begin the range of presumptive dates eligible for the reduction at 15-22 months (previously 13-20), with a conforming change in the next range which now begins at 23 months.

II. Editorial Changes

A. In § 2.60, the language was simplified. For example, all references to "clearly" superior were deleted as the word "superior" itself connotes the uniqueness of achievement which the Commission wishes to recognize.

B. The wording in § 2.14(a) (2)(ii) has been clarified.

Implementation

The effective date of this rule will be November 1, 1979.

While input will naturally be sought from Bureau of Prisons' staff, the final determination of superior program achievement and awarding a reduction for this purpose are decisions which will be made by the Parole Commission. No reduction in term may result in a release date below the prisoner's minimum sentence imposed by the court.

For those cases originally "continued to expiration", the mandatory release date computed under the automatic good time reductions specified in 18 U.S.C. § 4161 is to be used to determine the "Original Presumptive Date" both for purposes of determining the amount of the permissible reduction, and as a base from which the reduction is to be subtracted. If this date has been reduced due to the earning of extra good time, and such reduction is already equal to or exceeding the allowable reduction for superior program achievement, the Commission will not give an additional reduction for superior program achievement.

It should be emphasized that the fact that a prisoner is earning (or has earned) extra good time credits is not, in and of itself, evidence that there has been superior program achievement.

Conversely, the fact that no extra good time has been earned should have no adverse bearing on this determination. The differentiation is made between extra good time and superior program achievement, not only because they are awarded by different agencies, but because: (1) prisoners with certain sentence types are not eligible to earn extra good time; (2) extra good time is vested in certain job or custody placements, regardless of the quality of performance; and (3) extra good time is awarded primarily for performing tasks of importance to the running of the institution.

Further Research

The implementation of this regulation is seen as a first step rather than a culmination of effort regarding the appropriate role of program achievement in the parole release decision. The Commission plans to gather information to aid in further defining what will constitute "superior program achievement". The Commission will content analyze its own decisions in granting reductions for superior program achievement, and plans to conduct a survey of Bureau of Prisons' personnel regarding the types of programs available at each institution. In addition, the Commission will seek input from program administrators as to what types of efforts they would consider "superior". Upon completion of this research, the Commission will endeavor to further specify the indicants of superior program achievement.

Conclusion

Accordingly, pursuant to the provisions of 18 U.S.C. §§ 4204(a)(1) and 4203(a)(6), 28 CFR Chapter 1, Part 2, is amended as set forth below to become effective in the manner described above.

Dated: September 18, 1979.

Cecil C. McCall,

Chairman, U.S. Parole Commission.

1. Section 2.60 is added as follows:

§ 2.60 Superior program achievement.

(a) Prisoners who demonstrate superior program achievement (in addition to a good conduct record) may be considered for a limited advancement of the presumptive date previously set according to the schedule below. Such reduction will normally be considered at an interim hearing or pre-release review. It is to be stressed that a clear conduct record is expected; this reduction applies only to cases with documented sustained superior program achievement over a period of 9 months or more in custody.

(b) Superior program achievement may be demonstrated in areas such as educational, vocational, industry, or counselling programs, and is to be considered in light of the specifics of each case.

(c) Upon a finding of superior program achievement, a previously set presumptive date may be advanced. The normal maximum advancement permissible for superior program achievement during the prisoner's entire term shall be as set forth in the following schedule. It is the intent of the Commission that this maximum be exceeded only in the most clearly exceptional cases.

(d) Partial advancements may be given [for example, a case with both superior program achievement during only part of the term or a case with both superior program achievement and minor disciplinary infraction(s)]. Advancements may be given at different times; however, the limits set forth in the following schedule shall apply to the total combined advancement.

(e) Schedule of Permissible Reductions for Superior Program Achievement.

Total months required by original presumptive date:	Permissible reduction
14 months or less	Not applicable.
15 to 22 months	Up to 1 month.
23 to 30 months	Up to 2 months.
31 to 38 months	Up to 3 months.
39 to 42 months	Up to 4 months.
43 to 48 months	Up to 5 months.
49 to 54 months	Up to 6 months.
55 to 60 months	Up to 7 months.
61 to 66 months	Up to 8 months.
67 to 72 months	Up to 9 months.
73 to 78 months	Up to 10 months.
79 to 84 months	Up to 11 months.
85 to 90 months	Up to 12 months.
91 plus months	Up to 13 months.

1 Plus up to 1 additional month for each 6 months or fraction thereof, by which the original date exceeds 96 months.

2. Section 2.14 is amended by revising paragraph (a)(2)(ii) and by adding paragraph (b)(2)(iv) as follows:

The following conforming amendments are necessary:

§ 2.14 Subsequent proceedings.

(a) * * *
(2) * * *
(ii) Advance a presumptive release date, or the date of a ten-year reconsideration hearing. However, it shall be the policy of the Commission that once set, a presumptive release date or the date of a ten-year reconsideration hearing shall be advanced only (1) for superior program achievement under the provisions of § 2.60; or (2) for other clearly exceptional circumstances.

(b) * * *
(2) * * *

(iv) Advance the parole date for superior program achievement under the provisions of § 2.60.

[FR Doc. 79-29443 Filed 9-21-79; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 161

(CGD 77-087)

New York Vessel Traffic Service

AGENCY: Coast Guard, DOT.

ACTION: Deferral of effective date.

SUMMARY: This amendment defers the effective date of the New York Vessel Traffic Service rules for an indefinite period. The rules were to have become effective September 18, 1979. Delays in the installation of certain equipment related to VTS operations necessitate this action. Since a specific date on which the equipment will be functional is not known at this time, a new effective date will be published in a future edition of the Federal Register.

EFFECTIVE DATE: This deferral is effective September 17, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Schwer, Office of Marine Environment and Systems (G-WLE/TP16), Room 1606, Department of Transportation, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20590, 202-426-4958.

Discussion and Background

On August 2, 1979, the Coast Guard published a rule in the Federal Register (44 FR 45381) establishing the operating procedures for the New York Vessel Traffic Service (VTS). The September 18, 1979, effective date of the rule was based upon the Vessel Traffic Center being fully operational on September 3, 1979. However, certain equipment related to VTS operations will not be functional by September 18, 1979. Specifically, certain communication, closed circuit television, and computerized vessel information systems will not be operational due to delays in installation and construction.

It is estimated these systems will be completed in three or four months. However, given the tentative nature of the estimate and to avoid the necessity of a further deferral a new effective date will be published in the Federal Register when a firm completion date is known.

Accordingly, the effective date of §§ 161.501-161.582 of Title 33, Code of Federal Regulations is deferred until further notice.

((33 U.S.C. 1221 et seq.); 49 CFR 1.46(n)(4))

Dated: September 17, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 79-29594 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

(FRL 1325-2)

Texas; Approval and Promulgation of Implementation Plans

AGENCY: T1ENVIRONMENTAL PROTECTION AGENCY (EPA).

ACTION: Final rulemaking.

SUMMARY: This rule approves the State submitted revision to the Texas State Implementation Plan (SIP) which was submitted for the purpose of allowing the construction of an ethylene production plant and barge dock by the Corpus Christi Petrochemical Company (CCPC) in Corpus Christi, Texas under the Interpretative Ruling (emission offset policy). Texas Air Control Board (TACB) Order No. 78-6 was adopted for emission reductions from specific existing sources to offset new emissions from the CCPC project.

EFFECTIVE DATE: Effective on September 24, 1979.

FOR FURTHER INFORMATION CONTACT: Jerry M. Stubberfield, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTARY INFORMATION: The TACB required that the CCPC sources be controlled to the lowest achievable emission rate as evidenced in Permits C-4682A and C-5633. Using this technology, the proposed CCPC project would emit an estimated 188.7 tons per year of hydrocarbons. Offsetting hydrocarbon emissions totalling an estimated 246.6 tons per year were offered and agreed to by Champlin Petroleum Company from its petroleum refinery located in Corpus Christi, Texas.

These hydrocarbon emission reductions were adopted by the Board as Board Order No. 78-6 on June 28, 1978, so as to satisfy the EPA's requirements under the Interpretative Ruling published December 21, 1976, at 41 FR 55524 and as amended by the Clean Air Act Amendments of August 7, 1977. The Board Order requires the removal from service of a 12,000 barrel

per day (BPD) vacuum distillation unit, and the dedication of gasoline storage tank 91-TK-3 to the exclusive storage of No. 2 Fuel Oil or any fluid with a vapor pressure equivalent to, or less than that of No. 2 Fuel Oil, with a final compliance date no later than October 1, 1979. Board Order No. 78-6 was submitted by the Governor of Texas to the EPA on July 24, 1978 for incorporation into the Texas SIP. The State met all requirements of 40 CFR 51.4 and 51.6 for notice and public hearings on State Implementation Plan revisions.

The EPA published notice of proposed approval of the State submitted revision to the Texas SIP in the Federal Register on May 23, 1979, at 44 FR 29932. Comments were requested by June 22, 1979. No comments were received.

Current Action

The EPA is approving a revision to the Texas State Implementation Plan which consists of Board Order No. 78-6 under which the Champlin Petroleum Company is required to reduce its hydrocarbon emissions. The source providing offsets does not require control under the currently approved SIP and the emission reductions are creditable as hydrocarbon offsets under the EPA's Interpretative Ruling for the CCPC project in Corpus Christi, Texas. The revisions are being promulgated as proposed.

This final rulemaking is issued under the authority of section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410-(a).

Dated: September 18, 1979.

Douglas M. Costle,

Administrator.

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by adding paragraph (16) as follows:

§ 52.2270 Identification of Plan.

(c) * * *
(16) Board Order No. 78-6, creditable as emission offsets for the Corpus Christi Petrochemical Company project in Corpus Christi, was submitted by the Governor on July 24, 1978, as amendments to the Texas State Implementation Plan (see § 52.2275).

2. Section 52.2275 is amended by adding new paragraphs (d) and (e) to read as follows:

§ 52.2275 Control Strategy:
Photochemical oxidants (hydrocarbons).

(d) Notwithstanding any provisions to the contrary in the Texas Implementation Plan, the control measures listed in paragraph (e) of this section shall be implemented in accordance with the schedule set forth below.

(e)(1) Removal from service of a 12,000 BPD vacuum distillation unit at the Corpus Christi refinery of the Champlin Petroleum Company, Corpus Christi, Texas, with a final compliance date no later than October 1, 1979. This shall result in an estimated hydrocarbon emission reduction of at least 139 tons per year.

(2) Dedication of gasoline storage tank 91-TK-3 located at the Corpus Christi refinery of the Champlin Petroleum Company, Corpus Christi, Texas to the exclusive storage of No. 2 Fuel Oil or any fluid with a vapor pressure equivalent to, or less than that of No. 2 Fuel Oil, with a final compliance date no later than October 1, 1979. This shall result in an estimated hydrocarbon emission reduction of at least 107.6 tons per year.

[FR Doc. 79-29582 Filed 9-21-79; 8:45 am]
BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Office of the Secretary

41 CFR Part 3-26

Procurement Contract Modifications

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of Health, Education, and Welfare is amending the Departmental procurement regulations by deleting Subpart 3-26.4, Novation and Change of Name Agreements, and by reserving Part 3-26, Contract Modifications.

This material is being deleted because it is outdated.

EFFECTIVE DATE: September 24, 1979.

FOR FURTHER INFORMATION CONTACT: H. G. Hubachek, Division of Procurement Policy and Regulations Development, Office of Grants and Procurement,

OASMB-OS, Department of Health, Education, and Welfare, 200 Independence Avenue, SW., Washington, D.C. 20201 (202-245-6347).

SUPPLEMENTARY INFORMATION: It is the general policy of the Department to allow time for interested parties to participate in the rule making process. However, since the amendment concerns deletion of internal administrative procedures, the public rule making process was deemed unnecessary in this instance.

The provisions of these amendments are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Therefore, 41 CFR Chapter 3 is amended as set forth below.

Dated: September 13, 1979.

E. T. Rhodes,

Deputy Assistant Secretary for Grants and Procurement.

PART 3-26—CONTRACT
MODIFICATIONS [Reserved.]

Under Part 3-26, Contract Modifications, Subpart 3-26.4, Novation and Change of Name Agreements, and, specifically, § 3-26.404, Processing Novation and Change of Name Agreements, are deleted in their entirety. In addition, Part 3-26 is reserved.

[FR Doc. 79-29463 Filed 9-21-79; 8:45 am]
BILLING CODE 4110-12-M

FEDERAL EMERGENCY
MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5698]

List of Communities Eligible for the
Sale of Insurance Under the National
Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes

the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
California	Riverside	Coachella, city of	060249	Sept. 11, 1979, emergency.	May 17, 1974.
South Dakota	Douglas	Armour, city of	460234-B	do	Aug. 6, 1976 and Mar. 13, 1978.
Texas	Somervell	Unincorporated areas	481186	do	do
New York	Chemung	Baldwin, town of	361054-A	Sept. 13, 1979, emergency.	May 31, 1979.
Do	do	Erin, town of	361374	do	Jan. 10, 1975.
North Dakota	Traill	Elm River, township of	380626-New	do	do
California	Riverside	Indio, city of	060255-A	do	May 31, 1974 and Aug. 8, 1975.
Kansas	Johnson	Unincorporated areas	200159-A	Sept. 17, 1979, emergency.	Sept. 6, 1977.
South Carolina	Sumter	do	450182	do	May 19, 1978.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: September 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-29334 Filed 9-21-79; 8:45 am]
BILLING CODE 4210-23-M

44 CFR Part 64

[Docket No. FEMA 5697]

Suspension of Community Eligibility
Under the National Flood Insurance
Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, DC 20410.

§ 64.6 List of suspended communities.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date
Alabama	Limestone	Athens, city of	010146-B	Apr. 11, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 8, 1974 Aug. 20, 1976	Sept. 28, 1979
Do	Marion	Guin, town of	010162-B	Jan. 17, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 14, 1974 Jan. 2, 1976	Do.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date
Alaska		Anchorage, municipality	020005-A	June 12, 1970, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Sept. 28, 1979	Do
Arkansas	Chicot	Dermott, city of	050026-B	Dec. 31, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 22, 1974 Oct. 24, 1975	Do
Arizona	Gila	Winkelman, town of	040031-B	July 15, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Jan. 23, 1974 Dec. 26, 1975	Do
California	Napa	Calistoga, city of	060206-B	June 18, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 10, 1974 Sept. 12, 1975	Do
Do	Riverside	Indian Wells, city of	060254-C	Apr. 3, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 Dec. 5, 1975	Do
Do	Orange	Laguna Beach, city of	060223-B	Apr. 22, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 July 9, 1976	Do
Do	Stanislaus	Oakdale, city of	060389-B	Apr. 1, 1975, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	June 7, 1974 Dec. 12, 1975	Do
Do	Orange	Unincorporated areas	060212-A	Apr. 30, 1971, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Jan. 10, 1975	Do
Do	Riverside	Rancho Mirage, city of	060259-A	June 26, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 26, 1975	Do
Do	Orange	Santa Ana, city of	060232-B	Jan. 30, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 Apr. 9, 1976	Do
Colorado	Boulder	Superior, town of	080203-A	July 15, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 4, 1976	Do
Florida	Brevard	Malabar, town of	120024-B	Aug. 28, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 1, 1974 Dec. 19, 1975	Do
Do	Seminole	Oviedo, city of	120293-B	Apr. 23, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Jan. 23, 1974 Feb. 13, 1976	Do
Georgia	Catoosa	Unincorporated areas	130028-B	Dec. 19, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 11, 1978	Do
Do	Fulton	Fairburn, city of	130314-A	Aug. 21, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 19, 1977	Do
Do	Walker	Rossville, city of	130183-B	Dec. 19, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 22, 1974 July 23, 1976	Do
Do	Dade	Trenton, city of	130063-B	Jan. 21, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 8, 1974 July 23, 1976	Do
Do	Chattooga	Trion, town of	130038-B	Jan. 23, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 3, 1974 Mar. 26, 1976	Do
Do	Fulton	Union City, city of	130316-A	July 29, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Apr. 4, 1975	Do
Do	Walker	Unincorporated areas	130180-A	Jan. 23, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 3, 1978	Do
Illinois	Cook	Buffalo Grove, village of	170068-B	Nov. 17, 1972, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 July 11, 1975	Do
Indiana	Lake	Lake Station, city of	180131-B	Mar. 27, 1975, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 July 2, 1976	Do
Do	Morgan	Mooresville, town of	180334-B	June 4, 1975, emergency, Sept. 5, 1979, regular, Sept. 5, 1979, suspended.	Feb. 1, 1974	Do
Kansas	Lyons	Emporia, city of	200203-B	June 10, 1975, emergency, Oct. 2, 1979, regular, Sept. 28, 1979, suspended.	May 10, 1977	Do
Kentucky	Fayette	Lexington, city of	210067-B	Aug. 17, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Feb. 15, 1974 Mar. 26, 1976	Do
Do	Kenton	Ludlow, city of	210266-B	Oct. 29, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Feb. 1, 1974 Feb. 27, 1976	Do
Maine	Androscoggin	Lewiston, city of	230004-B	Mar. 21, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Apr. 5, 1974 Apr. 1, 1977	Do
Do	Kennebec	Randolph, town of	230244-A	Aug. 5, 1975, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	Jan. 24, 1975	Do

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date
Maryland	Allegany	Barton, town of	240002-A	June 13, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Feb. 13, 1976	Do
Massachusetts	Bristol	North Attleborough, town of	250059-B	Feb. 10, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Mar. 15, 1974 Aug. 27, 1976	Do
Do	Norfolk	Wellesley, town of	250255-B	Dec. 22, 1972, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 Feb. 11, 1977	Do
Do	Franklin	Whately, town of	250132-C	July 24, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Sept. 6, 1974 Oct. 22, 1976 June 14, 1977	Do
Minnesota	Cottonwood	Windom, city of	270090-B	Feb. 19, 1974, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Nov. 9, 1973 May 28, 1976	Do
Mississippi	Marion	Columbia, city of	280111-B	Feb. 6, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 31, 1974 Jan. 16, 1976	Do
Do	Panola	Crenshaw, town of	280127-A	Mar. 17, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 7, 1974	Do
Do	Coahoma	Jonestown, town of	280041-A	July 28, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 3, 1976	Do
Do	Marion	Unincorporated areas	280230-A	Mar. 18, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Dec. 23, 1977	Do
Do	Madison	Ridgeland, city of	280110-B	Dec. 27, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 Sept. 26, 1975	Do
Do	Yazoo	Unincorporated areas	280199-B	May 14, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Sept. 13, 1974 Mar. 3, 1978	Do
Missouri	Cass	Belton, city of	290062-B	Sept. 3, 1974, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	May 24, 1974 Feb. 27, 1976	Do
Do	Pemiscot	Steele, city of	290279-B	Mar. 13, 1974, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	Mar. 29, 1974 Jan. 2, 1976	Do
New Hampshire	Hillsborough	Amherst, town of	330081-B	May 28, 1974, emergency, July 2, 1979, regular, Sept. 28, 1979, suspended.	Mar. 22, 1974 Dec. 24, 1976	Do
Do	Merrimack	Boscawen, town of	330105-B	Oct. 14, 1976, emergency, July 16, 1979, regular, Sept. 28, 1979, suspended.	Mar. 15, 1974 Dec. 24, 1976	Do
Do	do	Franklin, city of	330113-B	July 21, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 8, 1974 Aug. 20, 1976	Do
New Jersey	Essex	Belleville, town of	340177-B	June 28, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Jan. 9, 1974	Do
Do	Burlington	Delanco, township of	340093-B	June 27, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 June 11, 1976	Do
Do	do	Eastampton, township of	340095-B	Mar. 24, 1972, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Oct. 5, 1973 Feb. 7, 1975	Do
Do	Morris	Florham Park, borough of	340342-B	July 21, 1972, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 June 4, 1976	Do
Do	Camden	Gloucester, city of	340132-B	Dec. 19, 1974, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 June 4, 1976	Do
Do	Passaic	Passaic, city of	340403-B	Apr. 9, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 31, 1970	Do
Do	Ocean	Stafford, township of	340393-A	Sept. 15, 1972, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Sept. 2, 1970	Do
New York	Dutchess	La Grange, town of	361011-B	Feb. 26, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Nov. 1, 1974 Apr. 16, 1976	Do
Do	Westchester	Rye, town of	360930-B	July 26, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Dec. 28, 1973 Dec. 26, 1975	Do
North Carolina	Watauga	Boone, town of	370253-B	Aug. 22, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 Feb. 21, 1975	Do
Do	Gaston	Mount Holly, city of	370102-B	Jan. 15, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Jan. 9, 1974 June 25, 1976	Do
Do	Carteret	Pine Knoll Shores, town of	370267-A	Oct. 25, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	July 11, 1975	Do
Do	Iredell	Statesville, city of	370135-A	Feb. 12, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 1, 1975	Do
Do	Davidson	Thomasville, city of	370082-B	Dec. 3, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 22, 1974 July 2, 1976	Do

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State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
North Dakota	Ward	Sawyer, city of	380145-A	Sept. 25, 1978, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	Jan. 31, 1975	Do.
Ohio	Cuyahoga	North Olmstead, city of	390120-A	Dec. 2, 1974, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended	Apr. 5, 1974	Do.
Oklahoma	Tulsa and Wagoner	Bixby, town of	400207-B	Mar. 6, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	June 28, 1974 July 19, 1977	Do.
Do	Muskogee	Boynton, town of	400120-A	June 24, 1976, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	Apr. 23, 1976	Do.
Do	Canadian	Yukon, city of	400028-B	Mar. 14, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	May 24, 1974 June 18, 1976	Do.
Pennsylvania	Beaver	Baden, borough of	420103-B	Jan. 14, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	Mar. 22, 1979	Do.
Do	Columbia	Catawissa, borough of	420341-B	June 21, 1973, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended	Oct. 12, 1973 Jan. 23, 1976	Do.
Do	do	Catawissa, township of	420342-B	Aug. 20, 1973, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended	Feb. 1, 1974 June 24, 1977	Do.
Do	Lycoming	Clinton, township of	420637-B	Apr. 10, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	Sept. 14, 1973 Dec. 31, 1976	Do.
Do	Lackawanna	Dunmore, borough of	420529-B	Mar. 19, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	Feb. 1, 1974 May 7, 1976	Do.
Do	Allegheny	Duquesne, city of	420028-B	Aug. 14, 1974, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended	Apr. 12, 1974 Apr. 16, 1976	Do.
Do	Lancaster	East Hempfield, township of	420548-B	June 6, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	July 19, 1974 May 7, 1976	Do.
Do	do	Lancaster, city of	420552-A	May 12, 1972, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	Aug. 31, 1973 Nov. 25, 1977	Do.
Do	Northampton	Lower Saucon, township of	420982-B	Jan. 30, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	June 28, 1974 Sept. 10, 1976	Do.
Do	Lebanon	North Londonderry, township of	420577-B	Aug. 29, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	Jan. 23, 1974 Jan. 28, 1977	Do.
Do	Lackawanna	Olyphant, borough of	420536-B	Apr. 17, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, emergency	Sept. 7, 1973 Jan. 21, 1977	Do.
Do	Allegheny	Port Vue, borough of	420066-B	Apr. 30, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	Jan. 19, 1974 May 21, 1976	Do.
Do	Lebanon	North Annville, township of	420970-B	Oct. 19, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	Jan. 9, 1974 Nov. 19, 1976	Do.
Do	Lackawanna	Roaring Brook, township of	420999-B	Jan. 30, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	June 28, 1974 July 30, 1976	Do.
Do	Allegheny	Sewickley, borough of	420070-B	Nov. 22, 1974, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended	Jan. 9, 1974 May 28, 1975	Do.
Do	Lackawanna	Throop, borough of	420540-B	Apr. 5, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	May 31, 1974 Apr. 30, 1976	Do.
Do	Allegheny and Westmoreland	Trafford, borough of	420903-B	May 30, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	Aug. 30, 1974 Dec. 19, 1975	Do.
Do	Union	White Deer, township of	421034-B	Oct. 4, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	Oct. 18, 1974 June 4, 1976	Do.
Do	Allegheny	White Oak, borough of	420089-B	Jan. 30, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended	Jan. 16, 1974 Sept. 10, 1976	Do.
Do	Northampton	Williams, township of	421036-B	Dec. 17, 1973, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended	Jan. 16, 1974 Sept. 10, 1976	Do.
Do	Lycoming	Woodward, township of	420664-A	June 4, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	Mar. 15, 1974 July 1, 1977	Do.
South Carolina	Horry	Conway, town of	450106-B	Nov. 7, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	May 17, 1974 Apr. 30, 1976	Do.
Do	Greenville	Greer, city of	450200-B	Mar. 27, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	May 17, 1974 Aug. 8, 1975	Do.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
Do	Lexington	South Congaree, town of	450137-B	July 25, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	May 17, 1974 June 11, 1976	Do.
Texas	Jackson	Ganado, city of	480381-B	Apr. 22, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	Apr. 12, 1974 Feb. 20, 1976	Do.
Do	Kimble	Junction, city of	480421-B	Feb. 27, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	Mar. 22, 1974 Aug. 27, 1976	Do.
Utah	Utah	Lehi, city of	490209-A	Oct. 18, 1974, emergency, Sept. 14, 1979, regular, Sept. 14, 1979, suspended	Feb. 7, 1975	Do.
Vermont	Windsor	Windsor, town of	500159-B	Aug. 16, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	Aug. 16, 1974 Nov. 21, 1975	Do.
West Virginia	Brooke and Hancock	Weirton, city of	540014-C	Mar. 20, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	Feb. 1, 1974 Sept. 12, 1975	Do.
Wisconsin	Crawford	Unincorporated areas	555551-B	Mar. 19, 1971, emergency, Apr. 20, 1973, regular, Sept. 28, 1979, suspended	Apr. 20, 1973	Do.
Mississippi	Sunflower	Unincorporated areas	280195-A	May 4, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended	Nov. 11, 1977	Do.

¹ Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: September 14, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-29313 Filed 9-21-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 65

[Docket No. FEMA 5696]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line 800-424-8872, Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood Insurance for contents, as well as structures, is available. The

maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

The entry reads as follows:

§ 65.9 List of communities with minimal flood hazard areas.

State	County	Community name	Date of conversion to regular program
New York	Washington	Town of Kingsbury	September 7, 1979.
New York	Wayne	Town of Lyons	September 7, 1979.
Louisiana	Avoyelles Parish	Village of Plaquemine	September 11, 1979.
New York	Genesee	Town of Le Roy	September 14, 1979.
New York	Orleans	Town of Ridgeway	September 14, 1979.
New York	Columbia	Town of Stuyvesant	September 14, 1979.
Louisiana	Webster Parish	Village of Dcylne	September 18, 1979.
Texas	Sabine	City of Hemphill	September 18, 1979.
Washington	Spokane	Town of Spangle	September 18, 1979.
Louisiana	Madison Parish	Village of Delta	September 25, 1979.
Missouri	Mississippi	City of East Prairie	September 25, 1979.
Utah	Garfield	Town of Henneville	September 25, 1979.
Illinois	Christian	Village of Stonington	September 28, 1979.
Indiana	Warrick	Town of Chandler	September 28, 1979.
Michigan	Ingham	Township of Alameda	September 28, 1979.
Michigan	Kalamazoo	Township of Cooper	September 28, 1979.
Michigan	Calhoun	Township of Homer	September 28, 1979.
Michigan	Eaton	City of Pottsville	September 28, 1979.
Michigan	Calhoun	City of Springfield	September 28, 1979.
New York	Chemung	Town of Van Etten	September 28, 1979.
Ohio	Richland	Village of Lexington	September 28, 1979.
Pennsylvania	Greene	Borough of Carmichaels	September 28, 1979.
Pennsylvania	York	Borough of Ollsburg	September 28, 1979.
Pennsylvania	Erie	Town of Elgin	September 28, 1979.

State	County	Community name	Date of conversion to regular program
Pennsylvania	Lancaster	Township of Elizabeth	September 28, 1979
Pennsylvania	Delaware	Borough of Media	September 28, 1979
Pennsylvania	Luzerne	Borough of Nuangola	September 28, 1979
Pennsylvania	York	Borough of Railroad	September 28, 1979
Pennsylvania	York	Borough of Seven Valleys	September 28, 1979
Pennsylvania	Washington	Borough of Twilight	September 28, 1979
Pennsylvania	Erie	Borough of Union City	September 28, 1979
Pennsylvania	Lawrence	Borough of Volant	September 28, 1979
Pennsylvania	Chester	Township of West Brandywine	September 28, 1979
Pennsylvania	Westmoreland	Borough of West Leechburg	September 28, 1979
West Virginia	Brooke	Town of Bethany	September 28, 1979
West Virginia	Monongalia	Town of Osage	September 28, 1979
West Virginia	Ohio	Village of Valley Grove	September 28, 1979

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 [33 FR 17804, November 1968], as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: September 12, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-29335 Filed 9-21-79; 8:45 am]
BILLING CODE 4210-23-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1076

[CSA Instruction 6158-2a]

Economic Development Programs; Non-Equity Business Programs Funded by CDCs

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is filing its final rule for regulations to establish the criteria and procedures under which CSA financial assistance under Section 712 may be provided for CDC non-equity business programs.

EFFECTIVE DATE: October 24, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Taxin, Chief, Administrative Services Division, Office of Economic Development, (202) 254-6180.

SUPPLEMENTARY INFORMATION: On August 10, 1978, (43 FR 35511) the Community Services Administration published a proposed rule in the Federal Register which eliminates the limitation on investment capital that a CDC can use for loans/loan guarantees to ventures in which it has no equity interest (other than coops). No comments were received.

Authority: The provisions of this subpart

area issued under Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Graciela (Grace) Olivarez,
Director.

Subpart—Small Business Programs funded by CDCs of 45 CFR Part 1076 is revised to read as follows:

PART 1076—ECONOMIC DEVELOPMENT PROGRAMS

Subpart 1076.20—Non-Equity Business Programs Funded by CDCs

Sec.

1076.20-1 Applicability.

1076.20-2 Definitions.

1076.20-3 Policy.

1076.20-4 Procedures, Requirements, and Limitations.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Subpart 1076.20—Non-Equity Business Programs Funded by CDC's

§ 1076.20-1 Applicability.

This subpart applies to all non-equity business programs financially assisted by community development corporations (CDCs) with CSA funds under Section 712 of the Economic Opportunity Act of 1964, as amended.

§ 1076.20-2 Definitions.

(a) *Business and Commercial Development Program.* Any venture, organized for profit or on a cooperative basis, financed in whole or in part by a CDC out of CSA Section 712(a)(1) grant funds under budget cost category 2.5, Investment Capital.

(b) *Non-Equity Business Program.* A business and commercial development program which is not a venture

operating on a cooperative basis and in which the CDC has no equity interest.

(c) *Equity Interest.* Current ownership, in whole or in part of a venture. Specifically excluded from the meaning of this term are those forms of debt financing which involve an option or right to purchase or convert to ownership at some future time or upon some future contingency.

§ 1076.20-3 Policy.

(a) Financial assistance for business and commercial development programs under Section 712(a)(1) shall be used predominantly for equity investment (either alone or in combination with other forms of financial assistance) and for cooperatives. This priority on equity investment and support for cooperatives derives from two factors: (1) The emphasis in Title VII on programs which will promote community-based ownership opportunities, an objective that can be best attained through either direct CDC investment in special impact area businesses or in development of cooperatives; and (2) the availability from other federal funding sources of financial assistance for technical assistance, loans, or loan guarantees, whereas Title VII is the only federal funding authority for equity capital.

(b) In addition, insofar as Section 712 funds are used for financial assistance to non-equity business programs, it is OED policy that such financial assistance be generally limited to loan guarantees, rather than be in the form of direct loans. This policy derives from three factors: (1) the availability of direct loan funds from non-Title VII funding sources, including commercial lending institutions; (2) the "leveraging" effect of loan guarantees in attracting outside debt capital into the special impact area; and (3) direct loan programs impose a significant administrative burden on the CDC and require substantial staff resources to service the loans once they are approved.

(c) Finally, since the primary thrust of Title VII is community economic development for low-income residents, rather than support to individual entrepreneurs, non-equity business programs assisted with Section 712 funds should also further the Title VII objective of promoting ownership or employment opportunities for low-income special impact area residents.

(d) Accordingly, CDC use of financial assistance under Section 712 for non-equity business programs is subject to three basic policy limitations: (1) such assistance shall be accorded a lower priority than, and shall not supplant opportunities for equity investments; (2)

except in unusual circumstances direct loans may not be made to non-equity business programs from CDC investment capital funds, and only then as approved by OED on a case by case basis; and (3) financial assistance to non-equity business programs, whether in the form of direct loans, loan guarantees, or some other debt capital mechanism, may not be provided from CDC investment capital funds unless such assistance will provide ownership or employment opportunities to low-income residents of the special impact area.

§ 1076.10-4 Procedures, requirements, and limitations.

(a) No CDC administrative funds under Section 712 (cost categories other than 2.5) may be used for financial assistance, whether direct loans or loan guarantees, to non-equity business programs. Note: This does not preclude the use of administrative funds for technical assistance, e.g., by CDC staff, to non-equity business programs.

(b) Except as provided in any venture autonomy agreement approved by OED, or as provided in any revolving loan guarantee funds approved by OED, no CDC investment capital funds (cost category 2.5) may be used for any individual loan or loan guarantee for any non-equity business program without prior written approval by OED.

(c) In requesting OED approval for any non-equity business program, whether it be an individual loan, individual loan guarantee, or revolving loan guarantee fund, the CDC must demonstrate how the program will directly benefit low-income residents of the special impact area, by providing either ownership or employment opportunities, or both. The CDC must also demonstrate, in requesting approval for any loan guarantee, that loans from commercial or other public sources would not be available without such guarantee. The CDC must also demonstrate, in requesting approval for any direct loan, that either loans from commercial or other public sources would not be available even if the CDC were to guarantee such loans, or that control rights necessary to promote the purposes of Title VII would be obtainable only through a direct loan.

(d) No loan guarantee may exceed 50% of the loan(s) to any recipient, thereby providing at a minimum two-for-one leverage. Where the CDC can devise effective relationships with the lending institution and/or SBA, guarantees of less than 50% providing

much greater leverage, should be arranged.

[FR Doc. 79-29680 Filed 9-21-79; 8:45 am]

BILLING CODE 6315-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1396]

Railroads Authorized to Divert Traffic Consigned to Jackson County Terminal Elevator Located at Pascagoula, Miss.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1396.

SUMMARY: Jackson County Terminal Elevator at Pascagoula, Mississippi, was damaged by storm on September 13, 1979. Service Order No. 1396 authorizes diversion of carloads of grain on hand or en route to this elevator on or before September 15, 1979.

EFFECTIVE DATE: 4:00 p.m., September 17, 1979.

EXPIRATION DATE: 11:59 p.m., October 12, 1979.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, Telephone (202) 275-7840.

Decided September 17, 1979.

On September 13, 1979, the Jackson County Terminal Elevator owned by Louis Dreyfus Corporation at Pascagoula, Mississippi, was damaged by Hurricane Frederic. Approximately 1,700 carloads of grain were on hand or in transit for unloading by this grain elevator at the time of the storm.

Repairs to the elevator cannot be made within a reasonable time. Other arrangements for the unloading of these cars will require diversion and reconsignment of many of them in a manner prohibited by the applicable tariffs. It is the opinion of the Commission that such diversions and reconsignments are necessary in the public interest to enable the prompt unloading of these cars and their continued use in transportation service and to enable the fulfillment of export grain commitments; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1396 Service Order No. 1396.

(a) Railroads Authorized to Divert Traffic Consigned to Jackson County

Terminal Elevator Located at Pascagoula, Mississippi. Any railroad holding a car loaded with grain consigned, reconsigned or intended for unloading by Jackson County Terminal Elevator owned by Louis Dreyfus Corporation at Pascagoula, Mississippi, which originated on or before September 15, 1979, and which cannot be unloaded by Jackson County Terminal Elevator because of damage to the grain elevator, is authorized to reconsign, divert, or reship these cars to any other grain elevator in the United States which is located on the Gulf of Mexico. In the application of this section grain elevators located on the lower Mississippi River from Port Allen, Louisiana, to the mouth of the river and grain elevators located on the Houston, Texas, ship channel shall be deemed to be located on the Gulf of Mexico.

(b) *Reconsignment and diversions charges.* Carloads of grain reconsigned, diverted, or reshipped under the provisions of this order shall not be subject to the reconsignment or diversion charges provided in the applicable tariffs.

(c) *Rates applicable.* The rates applicable to carloads of grain reconsigned, diverted, or reshipped under the provisions of this order shall be the rates that would have been applicable on the shipments at the time of shipment had they been originally destined to the point to which reconsigned, diverted, or reshipped. When the applicable tariffs provide routes from origin to the new destination via the line and the point at which the car is held, such routes must be utilized for the rerouting, diversion, or reshipment. When no such route exists any available route may be used.

(d) *Divisions of Revenues.* In executing the directions of the Commission provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Waybills to be endorsed.* Waybills authorizing movement of cars reconsigned, diverted, or reshipped under this order shall be endorsed as follows: "(Reconsigned) (Diverted) (Reshipped) authority I.C.C. Service Order No. 1396."

(f) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(g) *Effective date.* This order shall become effective at 4:00 p.m., September 17, 1979.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 12, 1979, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. (10304-10305 and 11121-11126).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-29471 Filed 9-21-79; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Opening of the Barnegat National Wildlife Refuge, New Jersey, to Hunting

AGENCY: United States Fish and Wildlife Service, Department of the Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to hunting of Barnegat National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: September 1, 1979 through January 19, 1980.

FOR FURTHER INFORMATION CONTACT: Gaylord Inman, Brigantine National Wildlife Refuge, Great Creek Road, P.O. Box 72, Oceanville, New Jersey 08231, telephone No. 609-652-1665.

SUPPLEMENTARY INFORMATION: The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate

incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Barnegat National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 32.12 Special regulation; migratory game birds; for individual wildlife refuge areas

Public hunting of rails, gallinules, waterfowl and coots on the Barnegat National Wildlife Refuge, New Jersey, is permitted during established State and Federal seasons on only those areas designated by signs as open to hunting.

These open areas are delineated on maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

Hunting shall be in accordance with State and Federal regulations covering the hunting of migratory game birds subject to the following special conditions:

1. On opening days, Saturdays and holidays a Federal permit will be required.
2. No permanent blinds or pit blinds may be constructed.
3. The use of steel shot ammunition on the refuge hunting area is required—shotshell limit 25 rounds per hunter per day. No person may have more than 25 steel shotshells or any lead shotshells in their possession while hunting waterfowl.

4. Hunters, when requested by Federal or State enforcement officers must display for inspection all game, hunting equipment, and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Administrative needs require that the Barnegat Refuge hunting seasons be held concurrent with the New Jersey State hunting season dates. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR, Part 14.

David B. Allen
Acting Regional Director, Fish and Wildlife Service.

September 14, 1979.

[FR Doc. 79-29488 Filed 9-21-79; 8:45 am]
BILLING CODE 4310-55-M

50 CFR Part 32

Opening of the Iroquois National Wildlife Refuge, N.Y., to Hunting

AGENCY: United States Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Iroquois National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: October 1, 1979 through February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Edwin Chandler, Iroquois National Wildlife Refuge, RFD 1, Basom, New York, Telephone No. 716-948-5445.

SUPPLEMENTARY INFORMATION: The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Iroquois National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final

Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of migratory game birds on the Iroquois National Wildlife Refuge, New York, is permitted in designated areas. Hunting shall be in accordance with all State and Federal regulations covering the hunting of migratory game birds subject to the following special conditions:

A. Waterfowl: (1) Waterfowl hunting is by permit only. (2) Hunting is permitted on Monday, Tuesday, Thursday and Saturday.

(3) Prior registration is required for opening day and the first two Saturdays. On other hunt days permits are issued on the basis of a daily drawing held prior to legal opening time. On prior registration days, hunters will draw for hunting sites on the morning of the hunt. On other hunt days, hunters will have a choice of available hunting sites as their names are drawn.

(4) All hunting ends each day at 12 noon local time, and all hunters must check out and present harvested game at the permit station on Lewiston Road, not later than 1:00 P.M. local time.

(5) No loaded guns are permitted beyond a 50-foot radius of the hunting stand marker and no more than two hunters are permitted to each stand.

(6) Hunters will be limited to 15 steel shotshells not larger than #1 including participants in the Young Waterfowlers Program. Possession of lead shotshells is not permitted.

(7) Disorderly conduct, intoxication, "sky busting" or otherwise unsportsmenlike conduct will not be tolerated and the permittee will be ejected from the area.

(8) A hunter who leaves his stand must have permission from official personnel to return.

(9) All hunters must have completed the New York State Waterfowl Hunter Training Course and must present proof of completion before permits will be issued.

(10) No person shall use or hunt from a boat.

(11) Hunters, when requested by Federal or State enforcement officers must display for inspection all game, hunting equipment and ammunition.

(12) A minimum of six (6) decoys will be used at each stand. The decoys will be furnished by the hunter(s).

B. Woodcock and Crow: Hunting of woodcock and crow on the Iroquois National Wildlife Refuge, New York, is permitted during the regular State open seasons, except on areas designated by signs as closed. Hunting areas are shown on maps available at refuge headquarters. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of woodcock and crow.

§ 32.22 Special regulations; upland game, for individual wildlife refuge areas.

Public hunting of upland game birds and small game mammals, including foxes, opossums, red squirrels, and woodchucks is permitted during the respective state seasons except on areas designated by signs as closed. Hunting shall be in accordance with all applicable State regulations subject to the following special condition:

(1) A seasonal permit is required for the nighttime hunting of raccoon. Permits may be obtained by applying in person at the refuge office.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer on the Iroquois National Wildlife Refuge, New York, is permitted during the regular State open seasons except on areas designated by signs as closed. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

All hunting area maps are available at refuge headquarters and from the Regional Director, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Administrative needs require that the Iroquois Refuge hunting seasons be held concurrent with the New York State hunting season dates. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a

regulatory analysis under Executive Order 12044 and 43 CFR, Part 14.

David B. Allen,
Acting Regional Director, Fish and Wildlife Service.

September 14, 1979.

[FR Doc. 79-29489 Filed 9-21-79; 8:45 am]
BILLING CODE 4310-55-M

50 CFR Part 32

Opening of the Brigantine National Wildlife Refuge, N.J., to Hunting

AGENCY: United States Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Brigantine National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: September 1, 1979 through January 19, 1980.

FOR FURTHER INFORMATION CONTACT: Gaylord Inman, Brigantine National Wildlife Refuge, Great Creek Road, P.O. Box 72, Oceanville, New Jersey 08231, Telephone No. 609-652-1665.

SUPPLEMENTARY INFORMATION: The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Brigantine National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 32.12 Special regulations; migratory game birds; individual wildlife refuge areas.

Public hunting of rails, gallinules, waterfowl, and coots on the Brigantine

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National Wildlife Refuge, New Jersey, is permitted during established State and Federal seasons on those areas designated by signs as open to hunting.

These open areas are delineated as Hunting Units 1, 2 and 3 on maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

Hunting shall be in accordance with State and Federal regulations covering the hunting of migratory game birds subject to the following special conditions:

1. Steel shotshells are required for 12 gauge shotguns used to hunt migratory waterfowl during the State waterfowl hunting season. Persons may not possess 12 gauge lead shotshells during the State waterfowl hunting season. Lead shotshells of all other gauges may be used to hunt migratory waterfowl. Lead shot in any gauge may be used to hunt rails, coots and gallinules prior to the waterfowl hunting season in accordance with State laws.

2. Hunters when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment and ammunition.

3. Hunting on Unit 3 during the waterfowl season is restricted to certified Young Waterfowler Program Trainees only, from designated blind sites.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Administrative needs require that the Brigantine Refuge hunting seasons be held concurrent with the New Jersey State hunting season dates. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR, Part 14.

David B. Allen,

Acting Regional Director, Fish and Wildlife Service.

September 14, 1979.

[FR Doc. 79-29513 Filed 9-21-79; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 79-ASW-33]

Proposed Designation of Transition Area: Coleman, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Coleman, Tex. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Coleman Municipal Airport. The circumstance which created the need for the action is the proposed establishment of a nondirectional radio beacon (NDB) located on the airport. Coincident with this action the airport is changed from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR).

DATES: Comments must be received by October 24, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Manuel R. Hugonnet, Airspace and Procedures Branch ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of a transition area at Coleman, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before October 24, 1979 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Coleman, Texas. The FAA believes this action will enhance IFR

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operations at the Coleman Municipal Airport by providing controlled airspace for aircraft executing proposed instrument approach procedures using the proposed NDB located on the airport. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) by adding the Coleman, Tex., transition area as follows:

Coleman, Tex.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Coleman Municipal Airport (latitude 31°50'31" N., longitude 99°24'13" W.) and within 3.5 miles each side of the 343° bearing from the NDB (latitude 31°50'28" N., longitude 99°24'21" W.) extending from the 7-mile radius area to 8.5 miles north of the NDB. (Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on September 11, 1979.

Henry N. Stewart,

Acting Director, Southwest Region.

[FR Doc. 79-29455 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-CE-29]

Transition Area—Falls City, Nebr.; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Falls City, Nebraska, to provide controlled airspace for aircraft executing a new instrument approach procedure to Brenner Field Airport, Falls City, Nebraska, which is based on a Non-directional Radio Beacon (NDB) being installed on the airport by the State of Nebraska.

DATES: Comments must be received on or before November 2, 1979.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Benny J. Kirk, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before November 2, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM.

Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR § 71.181) by designating a 700-foot transition area at Falls City, Nebraska. To enhance airport usage by providing instrument approach capability to Brenner Field Airport, Falls City, Nebraska, the State of Nebraska is installing an NDB on the airport. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Falls City, Nebraska at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, Federal Aviation Administration proposes to amend Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442) by adding the following new transition area:

Falls City, Nebraska

That airspace extending upwards from 700 ft. above the surface within a 5-mi. radius of the Brenner Field Airport, Falls City, Nebraska (Lat. 40°04'39"N.; Long. 95°35'27"W.), and within 3 mi. each side of the 142° bearing from the NDB facility (Lat. 40°04'39"N.; Long. 95°35'12"W.), extending from the 5 mi. radius to 8 mi. SE of the NDB facility.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65).

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on September 12, 1979.

Charles A. Whitfield,
Acting Director, Central Region.

[FR Doc. 79-29462 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

[14 CFR Part 204]

[EDR-385A; Docket No. 36176; Dated: September 19, 1979]

Data To Be Submitted With Applications for Passenger Route Authority Filed With the Board and by Commuter Carriers Serving an Eligible Point; Extension of Comment Period

AGENCY: Civil Aeronautics Board.

ACTION: Extension of Comment Period.

SUMMARY: This action extends until October 15, 1979 the filing date for comments in a rulemaking proceeding proposing to require data of air carriers in order to determine their fitness.

DATES: Comments by October 15, 1979. Reply comments by November 5, 1979.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 36176, Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Paul L. Gretch, Deputy Director of the Bureau of Domestic Aviation, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5373.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking EDR-385, 44 FR 44106, July 26, 1979, the Board proposed to establish a new regulation setting forth the data that applicants for passenger route authority and commuter carriers serving an eligible point must file with the Board. This information would be used to determine the carrier's fitness as required by the Act. The comment deadline was September 24, 1979.

The Commuter Airline Association of America (CAAA) has requested an extension to November 15, 1979. The basis of this request was to give CAAA's Board of Directors, located throughout the nation, time to review the

comments drafted by CAAA's counsel. CAAA further stated that the proposal represents a substantial departure from the Board's past regulation of commuter air carriers and should be considered by the full membership at the annual meeting being held October 29-31, 1979.

Upon consideration of the above, the undersigned finds good cause to grant a reasonable extension of time. A 52-day extension however, appears to be excessive, and a 21-day extension should suffice at this stage. Fitness determinations are too important for the Board to be without this rule for long.

Accordingly, under authority delegated in 14 CFR 385.20(d), the time for filing comments is extended to October 15, 1979 and the time for reply comments is extended to November 5, 1979.

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743, (49 U.S.C. 1324))

Richard B. Dyson,

Associate General Counsel.

[FR Doc. 79-29484 Filed 9-21-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 31]

[LR-188-78]

Employment Taxes; Advance Payments of Earned Income Credit; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to advance payment by employers of the earned income credit.

DATES: The public hearing will be held on November 13, 1979, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by October 30, 1979.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC-LR:T (LR-188-78) Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: George Bradley or Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel,

Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 3507 and 6302 of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Wednesday, May 9, 1979 at page 27089 (44 FR 27089).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by October 30, 1979. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue:

Robert A. Bley,

Director, Legislation and Regulations Division.

[FR Doc. 79-29529 Filed 9-21-79; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 162]

[OPP-30032; FRL 1327-4]

Advance Notice of Availability of Sample Registration Standard (Metolachlor)

AGENCY: Environmental Protection Agency (EPA or Agency), Office of Pesticide Programs.

ACTION: Advance Notice of Availability of Sample Registration Standard (Metolachlor).

SUMMARY: A sample of a registration standard, the regulatory tool that will be used by the Agency for registration and reregistration of pesticide chemicals, is to be made available to all interested persons. The sample standard is for metolachlor, a herbicide registered for uses on corn (grown for grain) and on soybeans. The Agency is distributing the sample standard for the purposes of: acquainting the interested public with the registration standard system and to solicit comments on the sample registration standard.

DATES: Requests for copies should be received on or before October 24, 1979; requests will be honored on a priority basis if received by that date. Requests received after that date will be honored on an "as available" basis.

ADDRESS: Send requests to Special Pesticide Review Division, (TS-791), Office of Pesticide Programs, Rm. 724, CM II, EPA, 401 M Street, SW., Washington, D.C. 20460. Please refer to OPP 30032.

FOR FURTHER INFORMATION CONTACT: James E. Wilson, Jr. Special Pesticide Review Division (TS-791), Room 710, CM II, at the address given above, telephone: (703) 557-7973.

SUPPLEMENTARY INFORMATION: EPA intends to amend its regulations by revising Section 3 of FIFRA (40 CFR 162) to accommodate the registration standard system. Proposed rules amending 40 CFR 162 will be initiated shortly.

The basic concept of the registration standards system is that the Agency will develop registration standards for individual active ingredient pesticides. A registration standard will be a comprehensive statement of the Agency's regulatory position for a particular active ingredient pesticide and for all pesticide formulations in which the active ingredient pesticide occurs. It is the Agency's intent that such decisions will be arrived at through an open, well-documented process so as to insure the effective, efficient, and equitable regulation of pesticides. To these ends, a registration standard will contain descriptions of all data used to arrive at a regulatory position, the rationale for that position and the conditions under which an interested party can register (or reregister) a pesticide product under that standard.

The Agency is particularly interested in receiving comments on the sample standard relating to the following registration areas:

- (a) Overall format,
- (b) Scope and adequacy of the analyses presented,
- (c) Understandability,
- (d) Usability for potential registrant,
- (e) Clarity of the regulatory position, and
- (f) Clarity of requirements that need to be satisfied by a potential registrant in order to register (or reregister) a pesticide chemical under the registration standards system.

(Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)

Dated: September 14, 1979

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-29587 Filed 9-21-79; 8:45 am]

BILLING CODE 5560-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 9]

[Notice No. 328; Re: Notice No. 325]

American Viticultural Area Designations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of hearing.

SUMMARY: This notice announces the time and place ATF will hold a public hearing to discuss issues relating to the establishment of the proposed Augusta viticultural area.

DATES: Hearing date: November 1, 1979 at 9:30 a.m.—open to the public.

Requests to present oral comments on or before October 24, 1979.

ADDRESSES: Hearing location: American Legion Hall, Hackmann Road and Church Road, Augusta, Missouri.

Requests to present oral comments must be submitted to Director, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044 (Attn: Chief, Regulations and Procedures Division).

FOR FURTHER INFORMATION CONTACT: Thomas L. Minton, Research and Regulations Branch, (202) 566-7626.

SUPPLEMENTARY INFORMATION: Requests to present oral comments: Request must be submitted on or before October 24, 1979 and must contain the name and address of the individual who will present oral comment.

Persons requesting to testify at the hearing shall indicate a preference for the time of day in which they request to testify. To the extent possible, ATF will honor these preferences. The request to testify should also include an outline of the topic or topics on which the person desires to speak. Testimony will be limited to 10 minutes per speaker, but additional time may be granted for answering questions. Persons testifying should be prepared to respond to questions concerning their testimony, the outline of their testimony, or to any matters relating to written comments which they have submitted.

On July 17, 1979, ATF published a notice of proposed rulemaking (44 FR 41487) to obtain comment on the proposed Augusta viticultural area. Since the publication of that notice, several individuals have requested that ATF hold a public hearing in order that there be a full discussion of the issues.

ATF agrees and believes that such a hearing is essential in order that all possible information concerning the proposed viticultural area be obtained and evaluated.

ATF specifically requests comments and suggestions concerning—

(a) Evidence that the name "Augusta" is locally and/or nationally known as referring to the area specified in Notice No. 325;

(b) Historical or current evidence that the boundaries of the proposed viticultural area are as specified in the notice;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from the surrounding area; and

(d) The specific boundaries based on features which can be found on the U.S. Geological Survey (U.S.G.S.) maps as noted in Notice No. 325.

Evidence obtained at the hearing, along with the written comments received, will be used to determine whether to issue the final regulations establishing the Augusta viticultural area as proposed.

Written comments relating to this notice of hearing or to the notice of proposed rulemaking will be available at the hearing for public inspection. Persons not scheduled to testify may be allowed to testify if time permits at the conclusion of the hearing.

ATF will notify all persons requesting to testify and will confirm the date and time. ATF will prepare an agenda listing speakers and their topics for the hearing and will make this agenda available at the hearing.

The hearing will be conducted under the procedural rules contained in 27 CFR 71.41(a)(3).

Disclosure of Comments

Copies of the notice of proposed rulemaking, all written comments, and the hearing transcripts will be available for public inspection during normal business hours at the following location:

Public Reading Room, Room 4408, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

Drafting Information

The principal author of this document is Thomas Minton of the Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document in matters of substance and style.

Authority

This notice of hearing is issued under the authority contained in 27 U.S.C. 205.

Signed: September 18, 1979.

G. R. Dickerson,
Director.

Approved: September 20, 1979.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations.).

[FR Doc. 79-29746 Filed 9-21-79; 8:45 am]

BILLING CODE 4810-31-M

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

National Forest System Advisory Committee; Intent To Renew

September 19, 1979.

The Secretary of Agriculture proposes to renew the National Forest System Advisory Committee for a two-year period.

This is a national advisory committee established by the Secretary on September 12, 1977, to provide counsel and advice on national forestry needs and opportunities and to strengthen and improve communications between the Department and the public on national forestry matters.

There is a continuing need to obtain discussion and deliberation on evolving current program and policy matters. The committee serves an important function by involving the public in policy formulation and development. Emphasis is given to increasing the production from the Nation's forests which are growing in importance as sources of meeting future timber, water, wildlife, and other public needs.

The Secretary has determined that renewal of this committee is necessary and in the public interest in connection with the performance of the duties and responsibilities imposed on the Department by law.

All written submissions made pursuant to this notice will be available for public inspection in the National Forest System staff office, Room 3021, during regular business hours.

Joan S. Wallace,

Assistant Secretary for Administration.

[FR Doc. 79-29577 Filed 9-21-79; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket No. 33363]

Former Large Irregular Air Service Investigation; Hearing and Continuance of Hearing

In accordance with agreements of the parties as to continued filing and hearing dates which are approved, the hearing on the application of Lone Star Airways heretofore set for 3 October 1979 (44 FR 53556, September 14, 1979) is continued to 22 October 1979 (9:00 a.m.) and the hearing on the application of Joseph S. Norman, II is set for 20 November 1979 at 9:00 a.m. in Room 1003, Hearing Room B, 1875 Connecticut Avenue, NW., Washington, D.C. 20428.

Dated at Washington, D.C., 18 September 1979.

Rudolf Sobernheim,

Administrative Law Judge.

[FR Doc. 79-29486 Filed 9-21-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 36595; Order 79-9-64]

Competitive Marketing of Air Transportation; Order Instituting Investigation; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of September 1979.

In the Federal Register of September 20, 1979, replace the following footnote ³⁷ with footnote ³⁷ on page 54523:

"³⁷JATA Resolution 810q (USA), (5); 810a (USA), Section D(4)(1); ATC Resolution 90.1, Section IV.G See note 44a, infra."

Insert the following footnote ⁴⁴ on page 54524, with the reference in the text following the last word in the paragraph on that page:

"⁴⁴We emphasize that the issue of marketing air transportation through corporate or business travel departments is to be thoroughly explored. Prior orders on this subject are not intended to foreclose any area from this *Investigation*, including compensation, and none is to be considered as necessarily binding."

Phyllis T. Kaylor,

Secretary.

Dated: September 18, 1979.

[FR Doc. 79-29485 Filed 9-21-79; 8:45 am]

BILLING CODE 6320-01-M

Federal Register

Vol. 44, No. 186

Monday, September 24, 1979

DEPARTMENT OF COMMERCE

Industry and Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666-11th Street, N.W. (Room 735), Washington, D.C.

Docket No.: 79-00256. Applicant: United States Department of Agriculture, SEA, AR, ASI, Reproduction Laboratory, Bldg. 177B, BARC-EAST, Beltsville, Maryland 20705. Article: H-5010 Double Deflection Scanning Attachment. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is to be a part of an electron microscope which will be used to cytologically examine biological tissues from agricultural research experiments. These research problems, which pertain to food and fiber production, include cytological examinations of sperm transport and storage in farm animals, host-parasite interactions involving crop plants and parasitic nematodes, toxonomic studies, gaining a cytological explanation for mastitis in cattle, etc. Application received by Commissioner of Customs: April 17, 1979. Advice submitted by the Department of Health, Education, and Welfare: August 29, 1979.

Docket No.: 79-00257. Applicant: Cornell University Medical College, 1300 York Avenue, New York, N.Y. 10021. Article: Accessories for Free-Flow Electrophoresis Apparatus, Model FF5. Manufacturer: Bender and Hobein, West Germany. Intended use of article: The articles are accessories to existing electrophoresis Apparatus for use in experiments carried out on the isolated membrane populations (kidney brush-border and basolateral membranes). The phenomena studied will include transport properties of brush-border and basolateral membranes for organic

anions, i.e. citrate, urate, paraminohippurate. Kidney cells are ruptured by homogenization and the membranes isolated by centrifugation. The membrane suspension is injected into the free-flow electrophoresis Apparatus which separates and isolates the two populations. Application received by Commissioner of Customs: April 17, 1979. Advice submitted by the Department of Health, Education, and Welfare: August 29, 1979.

Docket No.: 79-00270. Applicant: University of Michigan-Mental Health Research Institute, 205 Washtenaw Pl. Ann Arbor, MI 48109. Article: Universal Camera, Two (2) each Flat-Film Magazine with 72 Flat-Film Frames and Shutter and Timer for Elmiskop 1. Manufacturer: Siemens AG, West Germany. Intended use of article: The foreign article is to be used to upgrade biological research capability of an electron microscope in the applicant's possession. Application received by Commissioner of Customs: May 7, 1979. Advice submitted by Commissioner of Customs: August 28, 1979.

Docket No.: 79-00272. Applicant: University of South Carolina, Columbia, S.C. 29208. Article: JASCO Model MCD-1B Electromagnet with Power Supply and support Bench. Manufacturer: JASCO, Japan. Intended use of article: The articles are intended to be used in conjunction with a circular dichroism spectrophotometer in order to measure magnetic circular dichroism spectra. A wide variety of samples will be examined using this technique including metallo-enzymes and synthetic metal-containing chromophores designed to structurally mimic the active sites of metallo-enzymes. The samples to be examined will all be solids dissolved in liquid solvents. The objectives of these studies will be to determine the electronic structure of these samples and therefore further our understanding of their role in nature. Application received by Commissioner of Customs: May 15, 1979. Advice submitted by The Department of Health, Education, and Welfare: August 29, 1979.

Docket No.: 79-00273. Applicant: Naval Dental Research Institute, Naval Base, Bldg. 1-H, Great lakes, IL 60088. Article: LKB 2258-041 PMV Cryo-Microtome, Type 160 and Accessories. Manufacturer: LKB Produkter AD, Sweden. Intended use of article: The article is intended to be used for studies of biological materials; whole animals and human tissues. Investigations will include autoradiographic drug chemical distribution studies of whole animals as well as fetal distribution studies of teratogenic compounds; histochemical

studies of hormone and enzyme localization in cells and tissues of large specimens; metabolism studies of drugs and toxic or carcinogenic environmental agents; gross morphology and low powered light microscopy examination of whole human organs and animals to measure tumor metastasis. Application received by Commissioner of Customs: May 15, 1979. Advice submitted by The Department of Health, Education, and Welfare: August 28, 1979.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-29410 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-25-M

SUNY at Stony Brook; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666 11th Street, N.W. (Room 735), Washington, D.C.

Docket No.: 79-00259. Applicant: State University of New York at Stony Brook, Department of Surgery, Health Sciences Center, Stony Brook, New York 11794. Article: Gammacell 40 Irradiation System. Manufacturer: Atomic Energy of Canada Ltd., Canada. Intended use of article: The article is intended to be used for basic and clinical research and clinical application. For basic research the article will be used for total body irradiation of small laboratory animals (mice, rats) followed by bone marrow grafting and detailed follow-up of recovery. For clinical research, the article will be used for irradiation of peripheral blood lymphocytes which are then used as stimulator cells in the so-called one-way mixed lymphocyte culture. Experiments will be conducted to obtain better matching for tissue and organ transplantation in humans; and to find the optimal condition for recovery from lethal irradiation in small animals. These data can later be used for bone marrow transplantation in man. The article will also be used for advanced training in the field of immunobiology.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a dual Cesium 137 source which provides uniform dose distribution ($\pm 5\%$) over a sample cavity with a depth of 4.9 inches and a 13 inch diameter for a total volume of 646 cubic inches. The Department of Health, Education, and Welfare advises in its memorandum dated August 29, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-29413 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-25-M

Utah State University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No.: 79-00264. Applicant: Utah State University, Department of Range Science, UMC 52, Logan, Utah 84322. Article: CO₂ Infrared Gas Analyzer. Manufacturer: Analytical Development Co., United Kingdom. Intended use of article: The article is intended to be used for photosynthetic studies of arid land plants, particularly in the field under natural environmental conditions. These experiments will involve measurement of net photosynthesis and respiration of plants as a function of various environmental factors as well as the different species of plants which will be assayed. Measurements of photosynthesis and respiration involved determinations of the changes in concentrations of carbon dioxide in a small chamber surrounding the plant. In addition to the primary use of the article in research, some use of the article will also be made in teaching of an advanced graduate course Plant Ecophysiology (Range Science 621).

Comments: No comments have been received with respect to this application. Decision: Application approved. No instruments or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides accurate measurements (1% of full scale reading) from zero to 1000 ppm carbon dioxide and a internal frequency standard for accurate operation with portable generator power. The Department of Health, Education and Welfare advises in its memorandum dated August 29, 1979 that (1) the internal frequency standard for accurate operation with portable generator power of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of

equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-29412 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-25-M

Computer Systems Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee will be held on Wednesday, October 10, 1979, at 9:30 a.m. in Room 5230, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls.

The Committee meeting agenda has five parts:

General Session

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Report on the current work program of the Subcommittees:
 - (a) Technology Transfer;
 - (b) Foreign Availability;
 - (c) Hardware; and
 - (d) Licensing Procedures.
- (4) Review of proposed subcommittee study programs for 1979.

Executive Session

(5) Discussion of matters properly classified under Executive Order 11652 and 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public; a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Committee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any Subcommittees thereof, was published in the Federal Register on September 14, 1978 (43 FR 41073).

Copies of the minutes of the open portions of the meeting will be available by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above:

Dated: September 19, 1979.

Kent N. Knowles,

Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 79-29585 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-25-M

Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. 10(a)(2) (1976), notice is hereby given that a meeting of the Electronic Instrumentation Technical Advisory Committee will be held on Tuesday, October 9, 1979, at 9:30 a.m. in room B841, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973. On October 7, 1975, October 21, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to electronic instrumentation, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls.

The Committee meeting agenda has four parts:

General Session

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Establish issues to be assessed, tasks to be accomplished, and planning to provide Department of Commerce with recommendations on:
 - (a) automatic test equipment,
 - (b) microprocessor development aids,
 - (c) administrative procedures,
 - (d) industry review and look ahead to define products which should be controlled, and
 - (e) other areas to be considered.

Executive Session

- (4) Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

With respect to agenda item (4), the Assistant Secretary for Administration,

with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Committee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Electronic Instrumentation Technical Advisory Committee and of any subcommittees thereof was published in the Federal Register on December 27, 1978 (43 FR 60328).

Copies of the minutes of the open portions of the meeting will be available by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-2583.

For further information, contact Mrs. Cornejo, either in writing or by phone at the address or number shown above.

Dated: September 19, 1979.

Kent N. Knowles,

Director, Office of Export Administration,
Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 79-29583 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-25-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Hardware Subcommittee of Computer Systems Technical Advisory Committee will be held on Tuesday, October 9, 1979, at 9:00 a.m. in Room 5230, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the Charter of the Committee. And, on October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee meeting agenda has four parts:

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of work program for balance of this year.

Executive Session

4. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public; a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 8, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any Subcommittees thereof, was published in the Federal Register on September 14, 1978 (43 FR 41073).

Copies of the minutes of the General Session can be obtained by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, phone 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: September 19, 1979

Kent N. Knowles,

Director, Office of Export Administration,
Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 79-29582 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-25-M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1978), notice is

hereby given that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, October 9, 1979, at 1:30 p.m. in Room 5230, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was established on February 4, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee, pursuant to the charter of the Committee. And, on October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

The Subcommittee meeting agenda has four parts:

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Pending items of business:
 - (a) Technical data regulation, review of preliminary draft;
 - (b) Review of Swiss Blue Import Certificate procedure;
 - (c) U.S. parts content requirement; and
 - (d) Qualified general/product license concept.
- (4) Discussion of: License processing mechanics, including documentation/

narrative requirements and standards according to computer system categories and/or nature of the product and previous licensing history.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: September 19, 1979.

Kent Knowles,

Director, Office of Export Administration,
Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 79-29584 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration**Pacific Fishery Management Council and Its Scientific and Statistical Committee; Partially Closed Meeting; Amended Notice**

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council and its Scientific and Statistical Committee will conduct a series of meetings. The location, dates, and agenda have been changed. (FR Vol. 44, No. 171, dated August 31, 1979).

DATES: October 9-10, 1979.

ADDRESS: The meetings will take place at the Hilton Hotel, 921 S.W. 6th, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

SUPPLEMENTARY INFORMATION: The Pacific Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-285), and the Council has established a Scientific and Statistical Committee (SSC) to assist in carrying out its responsibilities. Meeting Agendas follow:

Scientific and Statistical Committee (SSC) (open meeting) (October 9-10, 1979) (2 p.m. to 6 p.m. on Tuesday, October 9, 1979; 8

a.m. to 12 p.m. on Wednesday, October 10, 1979)

Agenda: Discuss the Groundfish Fishery Management Plan (FMP), conduct a public comment period beginning at 3:30 p.m. on Tuesday, October 9, 1979, and conduct other Committee business.

Council (open meeting) (October 10, 1979) (10 a.m. to 5 p.m.)

Agenda: Open Session—Review the Groundfish FMP, conduct other fishery management business, and conduct a public comment period beginning at 1 p.m. on Wednesday, October 10, 1979.

Council (closed meeting) (October 10, 1979) (8 a.m. to 10 a.m.)

Agenda: Closed Session—Discuss the status of current maritime boundary and resource negotiations between the U.S. and Canada and discuss personnel matters concerning appointments to vacancies on subpanels and teams. Only those Council members, SSC members, and related staff having security clearance will be allowed to attend this closed session.

Dated: September 19, 1979.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.

[FR Doc. 79-29578 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

[Dept. Organization Order 10-4, Amdt. 6]

Assistant Secretary for Economic Development; Statement of Organization, Functions and Delegation of Authority

This order effective August 22, 1979 further amends the materials appearing at 40 FR 56702 of December 4, 1975, 40 FR 58878 of December 12, 1975, 41 FR 37829 of September 8, 1976, 42 FR 1064 of January 5, 1977, 42 FR 33051 of June 21, 1977, and 42 FR 33052 of June 21, 1977.

Department Organization Order 10-4 of September 30, 1975, is hereby further amended as shown below. The purpose of this amendment is to transfer certain delegated authorities to the Assistant Secretary for Industry and Trade from the Assistant Secretary for Economic Development.

In Section 4. Delegation of Authority, a. Subparagraph .01e. is revised to read as follows:

"e.1. Chapters 3 and 4 of Title II of the Trade Act of 1974 (P.L. 93-618, 88 Stat. 1978, 19 U.S.C. 2101 *et seq.*), as they pertain to the certification of eligibility of firms and communities to apply or be considered for adjustment assistance, the termination of such certification, and the provision of adjustment assistance to such firms and communities as are certified eligible to apply or be considered for adjustment assistance,

excluding the authority of the Secretary under Section 264 (19 U.S.C. 2354);

"2. Subsection 264(c) of the Trade Act of 1974 (19 U.S.C. 2354(c)) insofar as it pertains to assistance in the preparation and processing of petitions and applications of firms determined to be affected by import competition."

b. This amendment supersedes Amendment 1 of this Order dated November 17, 1975.

Effective date: August 22, 1979.

Guy W. Chamberlin, Jr.,
Deputy Assistant Secretary for Administration.

[FR Doc. 79-29518 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Order 10-3, Amdt. 3; Transmittal 460]

Assistant Secretary for Industry and Trade; Delegation of Authority

Effective Date: August 22, 1979.

This order effective August 22, 1979 further amends the materials appearing at 42 FR 64721 of December 28, 1977, 43 FR 27224 of June 23, 1978, and 43 FR 35523 of August 10, 1978.

Department Organization Order 10-3 dated December 4, 1977, is hereby further amended as shown below. The purpose of this amendment is to transfer certain delegated authorities from the Assistant Secretary for Economic Development to the Assistant Secretary for Industry and Trade.

In Section 4. Delegation of Authority, a. In pen and ink remove the word *and* at the end of subparagraph .01ff.; at the end of subparagraph .01gg. replace the period with a semicolon and add the word *and*.

b. A new subparagraph .01hh. is added to read as follows:

"hh. Section 264 of the Trade Act of 1974 (88 Stat. 2035, 19 U.S.C. 2354) relating to the studies and reports and information activities in response to investigations and findings of the International Trade Commission, except that reports to be submitted to the President shall be issued by the Secretary and responsibility for assistance in preparation and processing of petitions and applications under Subsection 264(c) shall be vested in the Assistant Secretary for Economic Development."

Guy W. Chamberlin, Jr.,
Deputy Assistant Secretary for Administration.

[FR Doc. 79-29517 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Order 45-1, Amdt. 1]

Economic Development Administration; Statement of Organization and Delegation of Authority

This order effective August 12, 1979 amends the material appearing at 44 FR 9414 of February 13, 1979.

Department Organization Order 45-1 dated January 11, 1979 is hereby amended as shown below. The purpose of this amendment is to add the Personnel Management Division in Section 7. Office of Management and Administration.

1. In Section 7. Office of Management and Administration, a. In pen and ink in the introductory paragraph change the comma after the words "as prescribed below" to a period, and delete the remainder of that paragraph.

b. A new paragraph .06 is added to read as follows:

".06 The Personnel Management Division shall:

"Plan, organize, and administer staffing services such as recruitment and placement, appointment, promotion, and separation; manage other personnel programs including employee relations, employee training and development, employee recognition and incentives, labor-management relations, position management and classification and various employee services and benefits programs; maintain a processing and filing system for all personnel actions; and provide planning and administrative support to the agency's Equal Employment Opportunities programs."

2. The organization chart dated January 11, 1979 is superseded by the chart attached to this amendment. A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Effective date: August 12, 1979.

Approved:

Guy W. Chamberlin, Jr.,
Deputy Assistant Secretary for Administration.

[FR Doc. 79-29520 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-17-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Additional Import Controls on Certain Man-Made Fiber Textile Products From the Republic of Korea

September 19, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling man-made fiber nightwear in Category 651 and fish nets and netting in Category 669 (only T.S.U.S.A. 355.4560) during the twelve-month period which began on January 1, 1979.

[A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 28773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843)].

SUMMARY: Under the terms of paragraph 16 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, the United States Government has decided to control imports of man-made fiber textile products in Categories 651 and 669 (only T.S.U.S.A. 355.4560), produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on January 1, 1979, in addition to those categories previously designated. (See FR 1209). By an exchange of diplomatic notes dated August 24, 1979 the two governments agreed, among other things, to increase the designated consultation levels for Categories 651 and 669 (only T.S.U.S.A. 355.4560) to 60,000 dozen and 320,513 pounds, respectively.

EFFECTIVE DATE: September 25, 1979.

FOR FURTHER INFORMATION CONTACT: Norman Duckworth, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-3700).

SUPPLEMENTARY INFORMATION: On January 4, 1979, there was published in the Federal Register (44 FR 1209) a letter dated December 28, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1979 and extends through December 31, 1979. In accordance with the terms of the bilateral agreement, the United States Government has decided also to control imports of man-made fiber textile products in Categories 651

and 669 (only T.S.U.S.A. 355.4560), produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on January 1, 1979, at the increased levels agreed in the exchange of diplomatic notes dated August 24, 1979. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption or withdrawal from warehouse for consumption of man-made fiber textile products in excess of the designated levels of restraint. Inasmuch as the agreed, increased level of restraint for Category 669 (T.S.U.S.A. 355.4560) has been exhausted by previous entries, the control will be invoked at the zero level. The level of restraint for Category 651 has not been adjusted to account for any imports after December 31, 1979. Imports in Category 651 during the period which began on January 1, 1979 and extended through July 31, 1979 amounted to 19,537 dozen and will be charged.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 19, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 28, 1978 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 14, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 8, 1977, you are directed to prohibit, effective on September 25, 1979 and for the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Categories 651 and 669 (only T.S.U.S.A. 355.4560) produced or manufactured in the Republic of Korea, in excess of the following levels of restraint:

Category	12-month level of restraint ¹
651	60,000 dozen
669 (only TSUSA 355.4560)	0

¹ The level of restraint for Category 651 has not been adjusted to reflect any imports after December 31, 1978. Imports during the January-July 1979 period have amounted to 19,537 dozen.

Man-Made fiber textile products in Categories 651 and 669 (only T.S.U.S.A. 355.4560) which have been exported to the United States prior to January 1, 1979 shall not be subject to this directive.

Man-made fiber textile products in Categories 651 and 669 (only T.S.U.S.A. 355.4560) which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 28773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,
Paul T. O'Day.

[FR Doc. 79-29616 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Task Force on Evaluation of Audit, Inspection and Investigative Components of the Department of Defense; Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, as amended, Section 10, 5 U.S.C. app. Section 10 (1976), notice is hereby given that a meeting of the Task Force on Evaluation of Audit, Inspection and Investigative Components of the Department of Defense will be held on October 12, 1979 from 10:00 AM to 12:00

AM in room 3D973, The Pentagon, Washington, D.C.

The mission of the Task Force is to advise Congress and the Secretary of Defense with respect to the effectiveness of the audit, inspection and investigative components of the Department of Defense.

The meeting will be open to the public.

H. E. Lofdahl,

Director, Correspondence and Directives,
Washington Headquarters Services,
Department of Defense.

September 18, 1979.

[FR Doc. 79-29472 Filed 9-21-79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Cross Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: September 5, 1979.

COMMENTS BY: October 24, 1979.

ADDRESS: Send comments to William D. Miller, Central District Manager of Enforcement Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Jeannine C. Fox, Chief, Refined Products Programs Management Branch, 324 East 11th Street, Kansas City, Missouri 64106. (phone) 816-374-5932.

SUPPLEMENTARY INFORMATION: On September 5, 1979, the Office of Enforcement of the ERA executed a Consent Order with Cross Oil Company of St. Louis, Missouri. Under 10 CFR 205.199(j)(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Cross Oil Company (Cross), with its home office located in St. Louis, Missouri, is a firm engaged in the

marketing of motor gasoline and middle distillates to resellers and end-users, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Cross, the Office of Enforcement, ERA, and Cross Oil Company entered into a Consent Order.

The Consent Order encompasses Cross' sale of covered products during the period November 1, 1973 through July 31, 1975. As more fully described in the Notice of Probable Violation issued October 28, 1977.

II. Disposition of Refunded Overcharges

In this Consent Order, Cross agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. above, the sum of eighty thousand and eight hundred and twenty seven dollars and ninety-nine cents (\$80,827.99) over a period of three years. Refunded overcharges will be in the form of:

(1) Direct Refunds to identifiable End users in the amount \$18,521.58, and
(2) certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA in the amount of \$21,611.99. These funds will remain in a suitable account pending the determination of their proper disposition.

(3) and by means of a price rollback to unidentifiable end users at the retail level in the amount of \$40,694.42.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.1991(a).

III. Submission of Written Comments

A. Potential Claimants. Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments. The ERA invites interested persons to comment on the terms, conditions or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816-374-5932.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Cross Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on October 24, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 5th day of September, 1979.

Jeannine C. Fox,
District Manager of Enforcement.
September 14, 1979.

[FR Doc. 79-29482 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

Refiners Crude Oil Allocation Program; Supplemental Notice for Allocation Period of April 1, 1979, Through September 30, 1979, and Issuance of Emergency Allocations for October 1979

The notice specified in 10 CFR 211.65(g) of the refiners' crude oil allocation (buy/sell) program for the allocation period of April 1, 1979, through September 30, 1979, was issued March 30, 1979 (44 FR 21062, April 9, 1979). Subsequent to the publication of

this Notice, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) assigned emergency allocations for the months of April through September 1979, pursuant to 10 CFR 211.65(c)(2) and 10 CFR 211.65(a)(5) to a number of small refiners and issued supplemental buy/sell lists on April 11, 1979 (44 FR 24338, April 25, 1979), May 16, 1979 (44 FR 29955, May 23, 1979), June 8, 1979 (44 FR 34186, June 14, 1979), June 29, 1979 (44 FR 39579, July 6, 1979), and August 1, 1979 (44 FR 46505, August 8, 1979). The ERA hereby issues a sixth supplemental buy/sell list for the allocation period of April 1, 1979, through September 30, 1979, which sets forth new emergency allocations for the months of August and September 1979, assigned pursuant to 10 CFR 211.65(c)(2), as amended on April 27, 1979, (44 FR 26060, May 4, 1979).

The supplemental buy/sell list for the allocation period of April 1, 1979, through September 30, 1979, is set forth as an appendix to this notice. The list includes the names of the small refiners granted emergency allocations for the months of August and September 1979 and their eligible refineries; the quantity of crude oil each refiner is eligible to purchase; the fixed percentage share for each refiner-seller; the quantity of crude oil that each refiner-seller was obligated to offer for sale to refiner-buyers pursuant to the supplemental buy/sell notice for the April 1, 1979, through September 30, 1979, allocation period issued August 1, 1979; the new total sales obligation of each refiner-seller, which reflects each refiner-seller's sales obligation for the emergency allocations listed herein; and the total sales obligation for all refiner-sellers.

The ERA also hereby issues a list of new emergency allocations that have been assigned for the month of October 1979. These allocations will be included in the regular Buy/Sell list for the October 1979-March 1980 allocation period, which will be issued soon. ERA is publishing notice of the October emergency allocations at this time to enable both refiner-sellers and refiner-buyers to plan future transactions under the program.

The list of emergency allocations for October 1979 is set forth as an appendix to this notice. The list includes the names of the small refiners granted the allocations and their eligible refineries; the quantity of crude oil each refiner is eligible to purchase; the fixed percentage share for each refiner-seller; and the quantity of crude oil that each refiner-seller will be obligated to sell refiner-buyers for the October 1979

March 1980 allocation period as a result of the October emergency allocations.

The allocations for the small refiners on the supplemental buy/sell list were determined in accordance with 10 CFR 211.65(c)(2). Sales obligations for refiner-sellers were determined in accordance with 10 CFR 211.65(e) and (f).

The buy/sell list covers PAD Districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to 10 CFR 211.65(f), each refiner-seller shall offer for sale during an allocation period, directly or through exchanges to refiner-buyers, a quantity of crude oil equal to that refiner-seller's sales obligation plus any volume that the ERA directs the refiner-seller to sell pursuant to 10 CFR Section 211.65(j).

Pursuant to 10 CFR 211.65(h), each refiner-buyer and refiner-seller is required to report to ERA in writing or by telegram the details of each transaction under the buy/sell list within forty-eight hours of the completion of arrangements therefor. Each report must identify the refiner-seller, the refiner-buyer, the refineries to which the crude oil is to be delivered, the volumes of crude oil sold or purchased, and the period over which the delivery is expected to take place.

The procedures of 10 CFR 211.65(j) provide that if a sale is not agreed upon subsequent to the date of publication of this notice, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request that the ERA direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such request must be received by the ERA no later than October 15, 1979. Upon such request, the ERA may direct one or more refiner-sellers that have not completed their required sales to sell crude oil to the refiner-buyer.

In directing refiner-sellers to make such sales, ERA will consider the percentage of each refiner-seller's sales obligation for the allocation period that has been sold as reported pursuant to § 211.65(h), as well as the refiner-seller or sellers that can best be expected to consummate a particular directed sale. If, in ERA's opinion, a valid directed sale request cannot reasonably be expected to be consummated by a refiner-seller that has not completed all or substantially all of its sales obligation for the allocation period, the ERA may issue one or more directed sales orders that would result in one or more refiner-sellers selling more than their published sales obligations for that allocation period. In such cases, the refiner-seller or sellers will receive a barrel-for-barrel reduction in their sales obligations for

the next allocation period pursuant to 10 CFR 211.65(f)(3)(ii).

If the refiner-buyer declines to purchase the crude oil specified by ERA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation period, provided that the refiner-seller or refiner-sellers have fully complied with the provision of 10 CFR 211.65.

Refiner-buyers making requests for directed sales must document their inability to purchase crude oil from refiner-sellers by supplying the following information to ERA:

(i) Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy/sell program transactions.

(ii) Name and location of the refineries for which crude oil has been sought, the amount of crude oil sought for each refinery, and the technical specifications of crude oils that have historically been processed in each refinery.

(iii) Statement of any restrictions, limitations, or constraints on the refiner-buyer's purchases of crude oil, particularly concerning the manner or time of deliveries.

(iv) Names and locations of all refiner-sellers from which crude oil has been sought under the buy/sell notice, the refineries for which crude oil has been sought, and the volume and specifications of the crude oil sought from each refiner-seller.

(v) The response of each refiner-seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

(vi) Such other pertinent information as ERA may request.

All reports and applications made under this notice should be addressed to:

Chief, Crude Oil Allocation Branch, 20th Street Postal Station, P.O. Box 19028, Washington, D.C. 20036.

Copies of the decisions and orders assigning the emergency allocations listed herein, as well as the applications, may be obtained from:

Economic Regulatory Administration, Public Information Office, 2000 M Street, N.W., Rm. B110, Washington, D.C. 20461 (202) 634-2170.

The ERA Public Information Office also has available copies of pending applications for emergency allocations under they buy/sell program.

ERA requires each applicant for an emergency allocation to serve all refiner-sellers with a copy of its application and any amendments thereto, simultaneously with the

applicant's filing the application with ERA. The application must be received by all refiner-sellers by the filing deadline set forth in § 211.65(c)(2). If the applicant claims confidentiality for any of the information contained in its application, the basis for the claim must be clearly stated. ERA does not consider the names of potential suppliers contacted in unsuccessful attempts to obtain crude oil or offers of crude oil that the applicant has rejected to be proprietary.

Comments on each application will be accepted by ERA if received within eight days of service of the application.

This notice is issued pursuant to Subpart G of DOE's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before October 24, 1979.

Issued in Washington, D.C. September 14, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix

The Buy/Sell list for the period April 1, 1979, through September 30, 1979, is hereby amended to reflect emergency allocations for the months of August and September 1979, and the resulting changes in sales obligations of refiner-sellers. The amended list sets forth the name of each refiner-seller, the volumes of crude oil that each such refiner-seller is required to offer for sale to refiner-buyers, and emergency allocations for the months of August and September 1979. The amended list does not reflect volumes sold by refiner-sellers for the April 1, 1979, through September 30, 1979, allocation period.

Office of Hearings and Appeals Decision

By Decision and Order dated September 5, 1979, the Office of Hearings and Appeals of the Department of Energy granted an appeal filed by Peerless Petrochemicals, Inc. which operates a refinery in Penuelas, Puerto Rico. The Decision and Order (Case Number DEA-0584) specified that "[t]he Application submitted by Peerless pursuant to the provisions of 10 CFR 211.65(c)(2) for an emergency allocation of crude oil for the months of August and September 1979 is hereby granted." Peerless' allocation was determined by multiplying its adjusted base-period runs to stills for the period January to October 1978 (5.896 B/D) by 90.25

percent (95 percent of the national utilization rate of 95 percent) or 5,321 B/D. Since Peerless has no crude supply for August and September 1979, its allocation equals 5,321 B/D for August or 164,951 barrels and 5,321 B/D for September or 159,630 barrels.

Increases and Decreases in Allocations

ERA has been notified by Bruin Refining that it has been able to purchase additional crude oil outside the Buy/Sell Program for the month of August 1979. This oil was not considered in determining Bruin's emergency allocation for August. Therefore, Bruin's August 1979 emergency allocation is hereby decreased by 24,800 barrels to 199,361 barrels.

ERA has been notified by CRA Farmland that it has not been able to purchase crude oil that it had projected to be able to run for the months of August and September 1979. This oil

was considered in determining CRA's emergency allocation for those months. Therefore, CRA's August 1979 emergency allocation is hereby increased by 109,988 barrels to 849,121 barrels. CRA's September 1979 allocation is hereby increased by 261,990 barrels to 764,280 barrels.

Emergency Allocations for August, September, and October

The October allocations listed below have *not* been included in the refiner-sellers' sales obligations shown in this notice. The sales obligations for the October allocations will be included in a notice to be issued shortly for the regular October 1979 through March 1980 Buy/Sell period. Refiner-sellers are not required to sell the October allocation, listed below until the notice for the October 1979-March 1980 allocation is issued.

Crude Oil Allocation Program Sales Obligations for the Period Apr. 1, to Sept. 30, 1979

Refiner-sellers	Share*	Sales obligation as of Aug. 1, 1979 (barrels)	New total (barrels)
Amoco Oil Co.	.105	3,636,206	4,133,067
Atlantic Richfield Co.	.077	2,653,078	3,016,453
Chevron U.S.A., Inc.	.101	3,771,153	4,250,979
Cities Service Co.	.025	1,515,829	1,632,037
Continental Oil Co.	.004	136,253	155,150
Exxon Co., U.S.A.	.089	3,031,630	3,452,091
Getty Refining & Marketing Co.	.021	638,098	938,324
Gulf Refining & Marketing Co.	.091	3,396,720	3,827,159
Marathon Oil Co.	.022	769,515	877,488
Mobil Oil Corp.	.094	3,256,387	3,700,866
Phillips Petroleum Co.	.041	1,434,517	1,629,984
Shell Oil Co.	.113	4,049,721	4,586,484
Sun Co.	.055	2,010,352	2,272,535
Texaco Inc.	.114	3,844,884	4,362,087
Union Oil Co. of California	.046	1,711,307	1,927,254
Total sales		36,057,648	40,781,927

* All Refiner-Sellers' percentage shares have been changed to reflect the Continental Oil Company and Exxon Company, U.S.A. Decision and Order dated March 20, 1979. Case numbers are FEX-0184 and FEX-0185.

Refiner	Refinery location	September 1979 allocation (barrels)	October 1979 allocation (barrels)
Allied Materials	Stroud, OK	56,070	57,939
Bruin	St. James, LA	182,430	188,511
Caribou Four Corners	Woods Cross, UT	36,330	0
Crystal Refining	Carson City, MI	70,650	73,005
Delta	Memphis, TN	242,490	264,275
Ergon	Vicksburg, MS	183,540	189,658
Gladieux	Ft. Wayne, IN	180,960	186,992
Hudson	Cushing, OK	411,930	425,661
Indiana Farm Bureau	Mt. Vernon, IN	207,090	213,993
Lakeside	Kalamazoo, MI	28,200	31,062
Placid	Port Allen, LA	198,900	0
Rock Island	Rock Island, IN	616,080	698,616
Shepherd	Jennings, LA	62,610	42,346
Southern Union	Lovington, NM	97,470	50,685
Texas City	Texas City, TX	1,477,770	2,035,522
United	Warren, PA	0	461,862
Total		4,052,520	4,919,927

Revised Allocations for the Apr. 1 to Sept. 30, 1979, Allocation Period

	(Barrels)
Total Previously Published	36,057,648
Emergency Allocations (September)	4,052,520
Less Bruin Adjustment (August)	-24,800
Plus CRA Adjustment (August—109,988)	
(September—261,990)	371,978
Plus Peerless Allocation (August—164,951)	
(September—159,630)	324,581
Total allocations	40,781,927

Crude Oil Allocation Program Additional Sales Obligations Resulting From October Emergency Allocations for the Period Oct. 1, 1979 to Mar. 31, 1980

Refiner-sellers	Share	Additional sales obligation
Amoco Oil Co.	.105	515,323
Atlantic Richfield Co.	.077	378,426
Chevron U.S.A. Inc.	.101	499,697
Cities Service Co.	.025	121,020
Continental Oil Co.	.004	19,680
Exxon Co., U.S.A.	.089	437,874
Getty Refining & Marketing Co.	.021	104,376
Gulf Refining & Marketing Co.	.091	448,264
Marathon Oil Co.	.022	112,445
Mobil Oil Corp.	.094	482,867
Phillips Petroleum Co.	.041	203,562
Shell Oil Co.	.113	558,992
Sun Co.	.055	273,041
Texaco Inc.	.114	559,450
Union Oil Co. of California	.046	224,890
Total additional sales obligation		4,919,927

[FR Doc. 79-29278 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. RP79-73 and RP72-157]

Consolidated Gas Supply Corp.; Proposed Changes in Gas Tariff

September 14, 1979.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on August 29, 1979, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1 to be effective September 1, 1979.

Consolidated states that the revised tariff sheet reflects rate changes to incorporate in its rates the increased cost of LNG as proposed in Docket No. RP79-73 and a decrease to the semiannual PGA filing made August 2, 1979, for effectiveness September 1, 1979, in Docket No. RP72-157 and old gas production priced on a cost of service basis.

Consolidated requests a waiver of any of the Commission's Rules and Regulations that may be deemed necessary in order to permit the rates shown on Second Substitute Fifteenth Revised Sheet No. 16 to become effective as proposed.

Copies of this filing were served upon Consolidated's jurisdictional customers as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR, 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29438 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-195]

Distrigas Corp. and Distrigas of Massachusetts Corp.; Informal Conference

September 14, 1979.

Take notice that on September 27, 1979, at 10:00 a.m., an informal conference of all interested persons will be convened concerning the above-captioned matter. The conference will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, Room 8402.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention.

All parties will be expected to appear fully prepared to discuss any procedural matters and explore or make commitments with respect to any or all of the issues and any offers of settlement or stipulations discussed at the conference.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29437 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP72-115, (PGA 79-2)]

Oklahoma Natural Gas Gathering Corp.; Filing of Revised Tariff Sheets

September 14, 1979.

Take notice that on September 5, 1979, Oklahoma Natural Gas Gathering Corporation (Gathering Corporation) tendered for filing Eighteenth Revised Sheet PGA-1. Gathering Corporation states that Eighteenth Revised Sheet PGA-1 will become effective on October 1, 1979, and revise its Base Tariff Rate to flow through the increase in the system cost of purchased gas and recover the balance accumulated in its unrecovered purchased gas cost account.

Gathering Corporation further states that the projected cost of purchased gas, as computed in said filing, is based on the applicable NGPA rates for October 1979.

Gathering Corporation states that copies of this filing were served upon all its jurisdictional customers, as well as interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29438 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

Public Utility Regulatory Policies Act of 1978; Implementation; Meeting

September 14, 1979.

On September 26, 1979, and September 27, 1978, staff members of the Federal Energy Regulatory Commission will meet with staff representatives of the National Association of Regulatory Utility Commissioners for informal discussion of the status of implementation of certain parts of the Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617.

The meeting on September 26 will begin at 1:30 p.m. and will cover implementation of Section 133 of the Act. The meeting on September 27, will

begin at 9:30 a.m. and will cover implementation of those sections of Title II of the Act for which the Commission is directly responsible, excluding Section 210.

The meetings will be held at the Commission offices at 825 North Capitol Street, Washington, D.C. at room locations that will be posted in the lobby. The meetings are open to the public.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29435 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket Nos. GP79-111, GP79-112]

Southern Natural Gas Co. v. Exxon Corp. and Perry R. Bass; Protests

September 14, 1979.

Take notice that on August 24, 1979, Southern Natural Gas Company (Southern) filed with the Federal Energy Regulatory Commission (Commission), pursuant to 18 CFR 154.94(h)(8) protests to the blanket affidavits of two producers, insofar as those affidavits relate the following contracts:

Exxon Corporation Rate Schedule No. 283.
Perry R. Bass Rate Schedule No. 9.

Southern asserts that for each of the above listed contracts, the producer asserted the contractual authority to collect the maximum lawful price under section 104(b)(1)(A) of the Natural Gas Policy Act of 1978 (NGPA). Southern asserts in its protests that the above listed contracts do not authorize the collection of that price.

Any person desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before September 28, 1979, a petition to intervene in accordance with 18 CFR 1.8; after that date these protests will be forwarded to the Commission's Chief Administrative Law Judge, for disposition in accordance with Order No. 23-B (44 FR 38834, July 3, 1979).

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29439 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. GP79-90; Rate Schedule 10; Rate Schedule 95]

Texas Pacific Oil Co., Inc.; Protest To Charge and Collect NGPA Price

September 13, 1979.

Take notice that on August 15, 1979, Arkansas Louisiana Gas Company (Arkla) filed pursuant to §§ 154.94(h)(8) and 154.94(j)(3) of the Commission's

regulations (18 CFR § 154) a petition protesting the right of Texas Pacific Oil Company, Inc. (Texas Pacific) to charge Arkla a certain maximum lawful price established by the Natural Gas Policy Act of 1978 (NGPA). Arkla's address is P.O. Box 21734, Shreveport, Louisiana 71151.

Arkla states that on December 6, 1978, Texas Pacific made a blanket affidavit filing which seeks to charge Arkla the maximum lawful price for "flowing gas" under section 104 of the NGPA, pursuant to Texas Pacific's Rate Schedule Nos. 10 and 95. Arkla asserts that it is protesting this filing for the reasons that (1) there exists no contractual basis for the filing and, in the alternative, (2) the filing violates § 154.93 of the Commission's regulations.¹

With respect to Rate Schedule No. 10, Arkla states that the relevant portions of the contract set forth a price schedule whereby the price for gas delivered under the contract escalates at a fixed amount over the terms of the contract, with no provision for price escalation. With respect to Rate Schedule No. 95, Arkla states that the contract also contains a fixed price schedule, with no provision for price escalation. The actual language of the contracts at issue is contained in Arkla's protest, a copy of which is contained in the Commission's public files and is available for inspection by any member of the public.

Any person desiring to be heard or to make any protest concerning the protest filed in this docket should on or before October 3, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken herein but will not serve to make the protestants parties to this proceeding. Any party wishing to become a party to this proceeding, or to participate as a party in any hearing herein, must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29434 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

¹ By its blanket affidavit filing, Texas Pacific also seeks to charge Arkla the "minimum rate" for gas sold under section 104 of the NGPA pursuant to Rate Schedule Nos. 10 and 95. Arkla does not protest this aspect of the filing.

[Docket Nos. CP79-344 and CP79-405]

Transcontinental Gas Pipe Line Corp. and Tennessee Gas Pipeline Co.; Informal Settlement Conference

September 14, 1979.

Take notice that on September 26, 1979, at 10 a.m. an informal conference will be held in the above-captioned cases. Said conference will be held in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, and will consist of a discussion of the technical aspects of the above-captioned dockets, and the possibility of resolving the same through settlement and compromise. Any interested person may attend, but mere attendance will not serve to make any person formally a party to this proceeding.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29440 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. RA79-30]

Young Coal Co.; Filing of Petition for Review

September 14, 1979.

Take notice that Young Coal Company on September 5, 1979¹ filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on, or before September 24, 1979, file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Gaynell C. Methvin, Deputy General Counsel for Enforcement and Litigation, Department of Energy, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461. Copies of the petition for review are on file with the

¹ On July 25, 1979, the petitioner filed a petition with the Commission. However, the filing was defective in that it did not contain a copy of the contested order in accordance with § 1.40(d)(1)(i) of the Commission's regulations. The deficiency was corrected on September 5, 1979 when the petitioner filed a copy of the contested order.

Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29441 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. E-9408]

American Electric Power Service Corp.; Compliance Filing

September 17, 1979

Take notice that on August 27, 1979, American Electric Power Service Corporation (AEP) on behalf of Appalachian Power Company, Indiana and Michigan Electric Company, Kentucky Power Company and Ohio Power Company filed supplement No. 2, dated as of August 27, 1979, to Modification No. 3, dated as of April 1, 1975, to the Interconnection Agreement, dated July 6, 1951, as amended, among the AEP Companies listed above. This modification is tendered to comply with Commission opinion No. 50 ordering paragraph (A)(2), (A)(3) and (B) issued July 27, 1979.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before October 5, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29420 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-647]

Boston Edison Co.; Rate Schedule Filing

September 17, 1979.

The filing Company submits the following:

Take notice that on September 10, 1979 Boston Edison Company (Edison) tendered for filing a rate schedule for the transmission of power to the Town of Reading, Massachusetts over certain radial transmission lines.

Edison requests an effective date for the rate schedule of November 10, 1979.

Edison states that it has served the filing on the Town of Reading and the

Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1979.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29421 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Project No. 2644]

Bowersock Mills and Power Co.; Application for Approval of Exhibit R (Recreational Use Plan)

September 17, 1979

Take notice that on May 8, 1978, the Bowersock Mills and Power Company of Lawrence, Kansas (Applicant) filed an application for approval of Exhibit R (recreational use plan) for its constructed Kansas River Project, FERC No. 2644, pursuant to the Federal Power Act (16 U.S.C. §§ 791(a)-825(r)) and Article 35 of the license for Project No. 2644. The application was supplemented by filings on October 11, 1978 and November 27, 1978. Correspondence regarding the application should be sent to: Mr. Stephen H. Hill, President, Bowersock Mills and Power Company, P.O. Box 218, Lawrence, Kansas 66044.

Applicant owns no recreational land and does not propose to develop public use facilities at the Kansas River Project. The proposed Exhibit R describes nine public access sites around the reservoir owned by the City of Lawrence, Kansas. Recreational development plans of the City of Lawrence, Kansas for future facilities on lands adjacent to the project reservoir will assist in meeting local needs for shoreline access and support facilities.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the

Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before October 10, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29422 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Project No. 2948]

City of Alexandria; Application for Preliminary Permit

September 17, 1979.

Take notice that on August 14, 1979, the City of Alexandria, Louisiana, filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 2948 to be known as the Red River Lock and Dam No. 3 Project, located on the Red River in Rapides and Grant Parishes, Louisiana. The project would be located on U.S. lands administered by the Corps of Engineers and would affect navigable waters of the United States. Correspondence with Applicant should be addressed to Carrol E. Lanier, Mayor, P.O. Box 71, Alexandria, Louisiana 71301.

Purpose of Project—Power generated by the project would be used by the City of Alexandria in meeting its load requirements with any surplus power being sold or exchanged with other utilities in the area.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would include preliminary designs, economic analysis, preparation of preliminary engineering plans, study of environmental assessment, and, in coordination with the Corps of Engineers, a study of the plans and operation of the proposed Lock and Dam No. 3. The work would be coordinated with the Corps' investigations already in progress for construction of the proposed Lock and Dam No. 3 as part of the development of the Red River

Waterway Project. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimated that the work to be performed under this preliminary permit would cost \$50,000.

Project Description—The project would be operated as run-of-the-river and would consist of a powerplant built integrally with, or adjacent to, the proposed Corps' Lock and Dam No. 3 facilities, including bulb or tube turbine/generators (the number to be determined during the study period) having a total installed capacity of 34 MW and having an average annual generation of 150,000,000 kWh.

Applicant's proposal is in competition with an application for preliminary permit filed on February 14, 1979, by the Town of New Roads, Louisiana (Project No. 2908).

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, the Applicant seeks a 36-month permit.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure (Rules), 18 C.F.R. § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the

proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before November 19, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29423 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Project No. 2950]

City of Alexandria; Application for Preliminary Permit

September 17, 1979.

Take notice that on August 14, 1979, the City of Alexandria, Louisiana, filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 2950 to be known as the Red River Lock and Dam No. 2 Project, located on the Red River in Rapides Parish, Louisiana. The project would be located on U.S. lands administered by the Corps of Engineers and would affect navigable waters of the United States. Correspondence with Applicant should be addressed to Carrol E. Lanier, Mayor, P.O. Box 71, Alexandria, Louisiana 71301.

Purpose of Project—Power generated by the project would be used by the City of Alexandria in meeting its load requirements with any surplus power being sold or exchanged with other utilities in the area.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would include preliminary designs, economic analysis, preparation of preliminary engineering plans, study of environmental assessment, and, in coordination with the Corps of Engineers, a study of the plans and operation of the proposed Lock and Dam No. 2. The work would be coordinated with the Corps' investigations already in progress for construction of the proposed Lock and Dam No. 2 as part of the development of the Red River Waterway Project. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimated

that the work to be performed under this preliminary permit would cost \$50,000.

Project Description—The project would be operated as run-of-the-river and would consist of a powerplant built integrally with, or adjacent to, the proposed Corps' Lock and Dam No. 2 facilities, including bulb or tube turbine/generators (the number to be determined during the study period) having a total installed capacity of 25 MW and having an average annual generation of 115,000,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, the Applicant seeks a 36-month permit.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, (Rules) 18 CFR § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before November 19, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29424 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-649]

Commonwealth Edison Co.; Tariff Filing

September 17, 1979

The filing Company submits the following:

Take notice that Commonwealth Edison Company, on September 12, 1979, tendered for filing proposed changes in its FERC Electric Tariff. The proposed changes revise the Electric Service Contract between Commonwealth Edison Company and the City of Batavia, Illinois, to provide for a third point of electric supply to the City by the Company, and to provide for an increase in contract demand.

A copy of the filing has been served upon the City of Batavia, Illinois.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29425 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-648]

Commonwealth Edison Co., Tariff Filing

September 17, 1979.

The filing Company submits the following:

Take notice that Commonwealth Edison Company on October 9, 1979 tendered for filing proposed changes in its FERC Electric Service Tariff No. 10, an Interconnection Agreement, dated November 1, 1964, between

Commonwealth Edison Company and Central Illinois Public Service Company.

The parties have agreed to modify the compensation provisions, in part, in Service Schedule A and Service Schedule C.

Copies of the proposed rate schedule changes were served upon the Illinois Commerce Commission, Springfield, Illinois and Central Illinois Public Service Company, Springfield, Illinois.

Any person desiring to be heard or to protest said Application should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests will be considered by the Commission in determining the appropriate action to be taken, but will serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene on or before October 9, 1979. Copies of this Application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29426 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-651]

Iowa Power & Light Co.; Rate Schedule Filing

September 17, 1979.

The filing Company submits the following: Take notice that Iowa Power and Light Company ("Iowa Power"), on September 10, 1979, tendered for filing proposed changes in its FERC Rate Schedule No. 54, which sets forth rates for wholesale electric service to Board of Waterworks and Electric Light and Power Plant Trustees, City of Atlantic, Iowa ("City").

Proposed Supplement No. 12 to Rate Schedule No. 54 provides for an increased capacity charge for base load power. Proposed Supplement No. 13 provides for an increased capacity charge for equalization power. These changes are needed to conform to increased costs of added capacity and changes in the Mid-Continent Area Power Pool rates.

Iowa Power requests that the Commission waive its prior notice requirements and accept Proposed Supplement Nos. 12 and 13 for filing with a retroactive effective date of June 1, 1979. Iowa Power states that copies of the filing have been served upon the

City and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 4, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29427 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-645]

Louisville Gas & Electric Co.; Tariff Filing

September 17, 1979.

The filing Company submits the following:

Take notice that Louisville Gas and Electric Company (LG&E), on September 7, 1979, tendered for filing proposed changes in its Interconnection Agreement between LG&E and East Kentucky Power Cooperative (East Ky.), designated Louisville Gas and Electric Company FERC Rate Schedule No. 25.

The purpose of this filing is to increase the demand charge as set forth under Article VI of the Interconnection Agreement from \$0.10 per kilowatt per weekday (Monday through Saturday) to \$0.12 per kilowatt per weekday (Monday through Saturday). This proposed revision reflects a desire on the part of both parties to attain the optimum benefit from the interconnection of their systems.

Copies of the filing were served upon East Ky. and the Energy Regulatory Commission of Kentucky.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 4, 1979. Protests will

be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29428 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-644]

Mid-Continent Area Power Pool Agreement; Rate Schedule Filing

September 17, 1979.

The filing Company submits the following:

Take notice that on September 7, 1979 the MAPP Coordination Center ("MAPP") filed an amendment to the Mid-Continent Area Power Pool Agreement which would revise the method by which votes are allocated among the members of the Pool.

MAPP requests an effective date 60 days from the date of the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 4, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29429 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-650]

Minnesota Power & Light Co.; Cancellation of Rate Schedule

September 17, 1979.

Notice is hereby given that effective the 31st day of October, 1979, Rate Schedules F.P.C. Nos. 52 and 53 effective dates January 1, 1954 and June 1, 1955 and filed with the Federal Power Commission by Minnesota Power &

Light Company are to be cancelled as of October 31, 1979.

Notice of the proposed cancellation has been served upon the following: Itasca-Mantrap Cooperative Electrical Association (Party receiving the energy.)

United Power Association (Assignees of the above referenced service on February 19, 1976 and filed with the Federal Power Commission on May 20, 1976 in FPC Docket No. ER76-692).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person desiring to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29430 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. EL78-31]

Pacific Gas & Electric Co.; Petition for Declaratory Order

September 17, 1979.

Take notice that on May 22, 1978, the Pacific Gas and Electric Company ("PG&E") filed a petition under the Federal Power Act, 18 U.S.C. §§ 791a-825r, for an order declaring that the Commission lacks jurisdiction over PG&E's Lime Saddle-Coal Canyon hydroelectric project. Correspondence with PG&E on this matter should be addressed to: Mr. W. M. Gallavan, Vice President-Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106.

The project is located in Butte County, California, near the towns of Paradise and Oroville. It consists of a 12-foot-high, concrete diversion dam across the West Branch Feather River, the Miocene Canal leading from the dam to the powerhouses, the Lime Saddle Powerhouse (1.8 MW) and the Coal Canyon Powerhouse (0.6 MW). In support of its petition, PG&E (1) cites a court decision it states recognized its right to occupy lands of the United States used by the project without

obtaining a license; (2) states that the West Branch Feather River has no history of navigation; (3) states that project power does not move in interstate commerce but is used in the vicinity of the project; (4) states that no government dams or licensed projects contribute water to the project; and (5) states that the diversion dam was reconstructed in 1952, 100 feet from its original position, to insure a continuous water supply to Thermalito Irrigation District and California Water Service Company.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before October 25, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29431 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Project No. 2030]

Portland General Electric Co. and The Confederated Tribes of the Warm Springs Reservation of Oregon; Joint Application for Amendment of License

September 12, 1979.

Take notice that on May 30, 1979, the Portland General Electric Company ("PGE") and the Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribes") filed a joint application under the Federal Power Act, 16 U.S.C. §§ 791a-825r, for amendment of the license for the Pelton-Round Butte hydroelectric Project No. 2030, located on the Deschutes River in Jefferson County, Oregon. Correspondence with PGE on this matter should be addressed to: Mr. Glen E. Bredemeier, Vice President, Portland General Electric Company, Service Building, 121 S. W. Salmon Street, Portland, Oregon 97204. Correspondence

with the Tribes should be addressed to: Mr. Dennis C. Karnopp, Panner, Johnson, Marceau, Karnopp & Kennedy, 1026 N. W. Bond Street, Bend, Oregon 97701.

The application proposes that the Tribes become a joint licensee for Project No. 2030 with PGE and that the Tribes construct a hydroelectric generating plant at the project's existing Pelton-re-regulating dam consisting of: (1) a powerhouse, containing a 15,000 kW horizontal bulb turbine and generator to be located adjacent to the dam's spillway; (2) additional facilities to enable fish to enter the existing fish ladder; and (3) a 3-mile-long 69 kV transmission line to Pacific Power & Light Company's Warm Springs substation.

The plant would be constructed pursuant to an agreement, made in 1955 and amended in 1961, with PGE whereby the Tribes would install, operate, and maintain one or two units at the dam. The plant would utilize water that would otherwise be spilled. No change in water releases, as specified by the existing license for the project, is proposed. The plant would be located entirely on lands of the Warm Springs Reservation. A portion of the energy produced by the proposed unit would be used by the Tribes on the Reservation. The remainder would be sold to a public utility.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before October 22, 1979. The Commission's address is: 825 N. Capitol Street NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29432 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-150]

Southern California Edison Co.; Compliance Filing

September 17, 1979.

Take notice that on August 15, 1979, Southern California Edison Company (SoCal) filed revised tariff sheets for Schedules R and TOU-R. These sheets replace page 2 of each of the tariffs filed January 15, 1979 for 11 resale customers. By order of the Commission issued March 15, 1979 and modified by Commission order issued June 5, 1979, the proposed rates contained in the original filing are to be made effective August 16, 1979.

SoCal tenders these revised tariff sheets for Schedules R and TOU-R incorporating FERC staff request to include the base cost of fuel in the body of the tariff.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before October 5, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29433 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP78-462]

Cities Service Gas Co.; Petition To Amend

September 18, 1979.

Take notice that on August 27, 1979, Cities Service Gas Company (Cities Service), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP78-462 a petition to amend the order issued October 16, 1978, in the instant docket pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(c) of the Commission Regulations (18 CFR 157.7(c)) so as to permit the aggregate total project cost limitations for the budget-type construction for miscellaneous rearrangement of facilities during the calendar year 1979 to be increased from \$300,000 now authorized to an amount not to exceed \$550,000, all as more fully set forth in the

petition to amend which is on file with the Commission and open for public inspection.

Cities Service states that in addition to routine projects normally covered by this budget-type authorization, one large highway project which necessitates relocation of transmission pipelines is being completed during the calendar year 1979. This is the relocation of 16 and 20-inch pipeline in Johnson County, Kansas, due to construction of the K-12 highway near Kansas City. The cost of this project alone is expected to be approximately \$230,000.

Therefore, Cities Service now anticipates that its total expenditures for the various miscellaneous rearrangements on its pipeline system for the calendar year 1979 will be approximately \$550,000, it is indicated in the petition.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29503 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-449]

El Paso Natural Gas Co.; Application

September 18, 1979.

Take notice that on August 20, 1979, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP 79-449 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of propane-air, by displacement of natural gas to Citizens Utilities

Company (Citizens), at certain existing delivery points located on El Paso's interstate pipeline transmission system in Santa Cruz County, Arizona, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject proposal results from a request made by Citizens to El Paso and others for assistance in making available to Citizens' distribution system certain volumes of propane-air mixture, it is stated, Southwest Gas Corporation (Southwest) has agreed, pursuant to an agreement dated May 8, 1979, between Southwest and Citizens, to store for Citizens certain volumes of propane, and to convert Citizens' propane into a propane-air mixture. It is indicated that such propane-air mixture would be produced at Southwest's propane-air production facilities located in southern Arizona. At the request of Citizens and upon concurrence by Southwest, El Paso would reduce the quantity of natural gas which would otherwise be delivered to Southwest by an amount equivalent to the propane-air mixture produced by Southwest for Citizens' account, and by displacement, deliver such quantities of gas to Citizens at certain existing points of delivery located in Santa Cruz County, Arizona.

El Paso has agreed, pursuant to a propane-air transportation agreement dated July 17, 1979, between El Paso, Southwest, and Citizens, to reduce deliveries of natural gas to Southwest at certain delivery points located in Pima and Pinal Counties, Arizona, and concurrently to deliver equivalent volumes of gas to Citizens at certain existing delivery points located in Santa Cruz County, Arizona. El Paso states that the proposed transportation arrangement is designed to return, by displacement to Citizens, volumes of propane stored and converted to propane-air mixture by Southwest. The volumes of gas to be diverted by El Paso on any day would be the thermal equivalent of the volumes of propane-air mixture produced on the same day by Southwest for the account of Citizens and would be considered as having been sold and delivered by El Paso to Southwest in accordance with a service agreement dated November 20, 1978, between El Paso and Southwest.

El Paso states that it would not be obligated to deliver a volume of gas to Citizens which when added to the volumes of gas scheduled to be sold by El Paso to Citizens on the same day would exceed Citizens' peak day entitlement as set forth, and as in effect from time to time, in El Paso's FERC Gas Tariff, Original Volume No. 1 or

superseding tariff. Additionally, El Paso would not be obligated to divert, transport, and deliver gas to Citizens in excess of any quantity of gas which, in its sole judgment El Paso has the capability to divert, transport, and deliver to Citizens.

The transportation agreement provides that Citizens would compensate El Paso for the transportation service through the payment of an administrative fee consisting of 1.0 cent for each Mcf of gas diverted, transported, and delivered by El Paso at each of the delivery points.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-28504 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. ER79-522, ER79-554, ER79-563, ER79-574, and ER78-19, et al.]

Florida Power & Light Co., Order Accepting Rate Schedule for Filing, Providing for Suspension and Hearing, Waiving Regulations and Consolidating Proceedings

September 14, 1979.

The Florida Power & Light Company (FP&L) on July 19, 1979, July 31, 1979, and August 1, 1979, tendered for filing amendments to transmission service agreements providing for specified transmission service for the Fort Pierce Utilities Authority (Fort Pierce), New Smyrna Beach Utilities Commission (New Smyrna), and the Lake Worth Utilities Authority (Lake Worth), respectively.¹ FP&L on August 3, 1979, tendered for filing an agreement providing for specified transmission service for the Florida Power Corporation.² FP&L proposes to charge a rate of 1.65 mills/kwh for the provision of specified transmission service in each of the above captioned submittals. According to FP&L, cost support for this service is identical to that which previously has been submitted as Volume X in *Florida Power & Light Company*, Docket No. ER78-19, on June 16, 1978. Accordingly, FP&L seeks to incorporate by reference the cost support data furnished in Docket No. ER78-19, into these proceedings, pursuant to 18 C.F.R. § 35.19. In addition, FP&L, and the affected customers in Docket Nos. ER79-554, ER79-563 and ER79-574 jointly seek waiver of the notice requirements so as to allow the submittals in those dockets to become effective on the filing date. FP&L states that such waiver will allow the affected parties to realize immediate savings from exchanges with other utilities.

¹ FP&L's submittal of July 19, 1979, in Docket No. ER79-522, was filed to permit FP&L to transmit power and energy as is required by Fort Pierce in the implementation of its interchange agreement with the Jacksonville Electric Authority (JEA). FP&L's submittal of July 31, 1979, in Docket No. ER79-554, was filed to permit FP&L to transmit power and energy as required by New Smyrna in the implementation of its interchange agreement with the Florida Power Corporation. FP&L's submittal of August 1, 1979, in Docket No. ER79-563 was filed to permit FP&L to transmit power and energy as is required by Lake Worth in the implementation of its interchange agreement with the JEA. See Attachment A for designations.

² FP&L's submittal of August 3, 1979, in Docket No. ER79-574, was filed to permit FP&L to transmit power and energy as is required by Florida Power Corporation in the implementation of its interchange agreements with the Homestead Utilities Authority, Lake Worth, City of Vero Beach, Fort Pierce and New Smyrna. FP&L maintains that this filing is an initial rate. See Attachment A for designations.

Public notices of FP&L's submittals were issued.³ No petitions to intervene or protests have been received relating to the aforementioned submittals.

FP&L's submittals in the above captioned dockets have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. The Commission, therefore, shall grant waiver of the notice requirements for the submittals in Docket Nos. ER79-554, ER79-563, and ER79-574, suspend the submittals for one day to become effective subject to refund.⁴ FP&L's submittal in Docket No. ER79-522, is hereby suspended for one day to become effective September 19, 1979, subject to refund.

FP&L has made previous filings for specified transmission service and the cost support for these filings is identical to those filed in the previous submittals. The prior filings were suspended for one day and consolidated with the ongoing proceedings in Docket No. ER78-19, et al.⁵ The Commission finds that common questions of law and fact exist and it is appropriate to consolidate Docket Nos. ER79-522, ER79-554, ER79-563 and ER79-574 with the ongoing proceedings in Docket Nos. ER78-19, et al. for the purpose of hearing and decision.

It was previously noted that FP&L filed its transmission service agreement with the Florida Power Corporation (Docket No. ER79-574) as an initial rate schedule pursuant to Section 35.12 of the Commission's Regulations. However, FP&L is presently interconnected with Florida Power Corporation pursuant to an interchange agreement filed July 14, 1977, Docket No. ER77-516 (Rate

³ Notice of the filing in Docket No. ER79-522 was issued on July 26, 1979, with petitions to intervene or protests to be filed on or before August 17, 1979. Notice of the filings in Docket No. ER79-554 and ER79-563 were issued on August 8, 1979, with petitions to intervene or protests to be filed on or before August 27, 1979; and notice of the filing in Docket No. ER79-574 was issued on August 14, 1979, with petitions to intervene or protests to be filed on or before August 31, 1979.

⁴ Docket No. ER79-554, shall become effective August 1, 1979 subject to refund; Docket No. ER79-563 shall become effective August 2, 1979, subject to refund; and Docket No. ER79-574 shall become effective August 4, 1979, subject to refund.

⁵ The prior specified transmission agreements are filed in the following dockets, all of which have been consolidated with Docket No. ER78-19, for the purpose of hearing and decision: Docket Nos. ER78-325, ER78-326, ER78-376, ER78-478, ER78-508, ER78-527, ER78-566, ER78-567, ER79-44, ER79-162, ER79-171, ER79-352, ER79-416 and ER79-452.

See *Florida Power & Light Company*, Docket No. ER77-175, Order issued April 12, 1977; *Florida Power & Light Company*, Docket No. ER78-325, Order issued May 19, 1978; *Florida Power & Light Company*, Docket No. ER 78-508, Order issued August 23, 1978; and *Florida Power & Light Company*, Docket No. ER78-566, Order issued September 21, 1978.

Schedule FPC No. 81). Sales of power by FP&L to Florida Power Corporation under the interconnection agreement are transported to Florida Power Corporation through FP&L's transmission lines. Thus, FP&L is proposing to render a supplemental or additional transmission service to Florida Power Corporation. FP&L should have tendered its submittal for filing under Section 35.13 of the Commission's Regulations and Section 205 of the Federal Power Act as a change in rate schedule and we shall treat it accordingly.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Act and by the Federal Power Act, particularly Sections 205, 206, 301, 308 and 309 thereof, and pursuant to the Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 C.F.R. Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rate schedules proposed by FP&L in the above captioned dockets.

(B) The Commission hereby waives the notice requirements pursuant to Section 35.11 of the Regulations in Docket Nos. ER79-554, ER79-563 and ER79-574.

(C) Pending a hearing and decision thereon, FP&L's proposed filings in Docket Nos. ER79-554, ER79-563, and ER79-574 are hereby accepted for filing and suspended for one day to become effective August 1, 1979, August 2, 1979 and August 4, 1979, subject to refund, respectively. FP&L's submittal in Docket No. ER79-522 is hereby accepted for filing and suspended for one day to become effective September 19, 1979, subject to refund.

(D) The proceedings in Docket Nos. ER79-522, ER79-554, ER79-563 and ER79-574 are hereby consolidated with the ongoing proceedings in Docket Nos. ER78-19, et al., for the purpose of hearing and decision.

(E) Pursuant to Section 35.19 of the Regulations, the Commission hereby permits FP&L to incorporate by reference the cost support previously submitted in Docket No. ER78-19.

(F) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

Florida Power & Light Co.

Docket No. ER79-522

Filed: July 19, 1979.

Effective: September 19, 1979, subject to refund.

Designation and Description

- (1) Supplement No. 3 to Rate Schedule FERC No. 26. Addition of Jacksonville as a named party for interchange service.
- (2) Exhibit F to Rate Schedule FERC No. 28. Ft. Pierce—Jacksonville Interchange Agreement.

Docket No. ER79-554

Filed: July 31, 1979.

Effective: August 1, 1979, subject to refund.

Designation and Description

- (1) Supplement No. 1 to Rate Schedule FERC No. 32. Addition of Florida Power Corporation as a named party for interchange service.
- (2) Exhibit D to Rate Schedule FERC No. 32. New Smyrna Beach—Florida Power Corporation Interchange Agreement.

Docket No. ER79-563

Filed: August 1, 1979.

Effective: August 2, 1979, subject to refund.

Designation and Description

- (1) Supplement No. 1 to Rate Schedule FERC No. 28. Addition of Jacksonville as a named party for interchange service.
- (2) Exhibit F to Rate Schedule FERC No. 28. Lake Worth—Jacksonville Interchange Agreement.

Docket No. ER79-574

Filed: August 3, 1979.

Effective: August 4, 1979, subject to refund.

Designation and Description

- (1) Rate Schedule FERC No. 35. Transmission Agreement Florida Power Corporation.
- (2) Exhibit A to Rate Schedule FERC No. 35. Homestead—Florida Power Corporation Interchange Agreement.
- (3) Exhibit B to Rate Schedule FERC No. 35. Lake Worth—Florida Power Corporation Interchange Agreement.
- (4) Exhibit C to Rate Schedule FERC No. 35. Vero Beach—Florida Power Corporation Interchange Agreement.
- (5) Exhibit D to Rate Schedule FERC No. 35. Ft. Pierce—Florida Power Corporation Interchange Agreement.
- (6) Exhibit E to Rate Schedule FERC No. 35. New Smyrna Beach—Florida Power Corporation Interchange Agreement.

[FR Doc. 79-28502 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-478]

Great Lakes Gas Transmission Co.; Application

September 18, 1979.

Take notice that on September 7, 1979, Great Lakes Gas Transmission

Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP79-478 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation and exchange of natural gas for the account of Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) between the existing points of interconnection between the pipeline systems of Michigan Wisconsin and Applicant near Crystal Falls, Michigan, and Farwell, Michigan, and at a new point of interconnection to be established between the facilities of Applicant and those to be constructed by ANR Storage Company (ANR) in Crawford County, Michigan, all as more fully set forth in the application which is on file with the Commission and open to public inspection.¹

Applicant and Michigan Wisconsin have entered into a gas transmission and exchange contract, dated March 1, 1979, whereunder, it is stated, Applicant would exchange up to a maximum of 60,000 Mcf of gas per day with Michigan Wisconsin during the summer period. Applicant would receive the gas from Michigan Wisconsin near Farwell, Michigan, and redeliver a thermally equivalent quantity to ANR for the account of Michigan Wisconsin at the proposed interconnection. During the winter period, it is provided that Applicant would receive up to a maximum of 176,150 Mcf of gas per day at the Crawford interconnection and transport and redeliver thermally equivalent quantities to Michigan Wisconsin at the Farwell interconnection. For this transportation service, Applicant proposes to charge a demand charge of \$0.490 per Mcf and a volume charge of 3.0 cents per Mcf.

Applicant proposes to install a 4,000 horsepower compressor unit at its Boyne Falls compressor station, Charlevoix County, Michigan, and minor metering facilities at the Crawford interconnection and to expand gas after cooler facilities at the Farwell compressor station. The cost of these facilities is estimated to be \$5,496,000.

¹ The subject application is a companion to the application filed by ANR in Docket No. CP79-416 wherein ANR proposes to render gas storage service for Southern Natural Gas Company, to develop and operate certain storage fields and appurtenant facilities, to drill and operate certain wells, and to construct and operate certain other facilities. The gas would be delivered to the proposed storage fields during the summer period and redelivered to storage customers during the winter period under arrangements that have been agreed to by ANR, Michigan Wisconsin and Applicant.

and would be financed with funds generated internally, together with borrowings from banks under short-term lines of credit, if required.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29506 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-470]

Interstate Natural Gas Association of America; Petition for a Declaratory Order

September 18, 1979.

Take notice that on September 5, 1979, Interstate Natural Gas Association of America (Petitioner) filed in Docket No. CP79-470 a petition pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) for an order declaring that certain types

of exchanges of natural gas which occur within the field gathering systems of interstate natural gas pipeline companies are exempt from the provisions of the Natural Gas Act, the Natural Gas Policy Act of 1978 (if applicable), and the rules and regulations of the Commission, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The types of exchanges of natural gas between or among interstate natural gas pipeline companies for which a declaratory order is sought, Petitioner states, are specifically limited to field gathering system exchanges which satisfy all of the following conditions:

1. The exchange occurs wholly within field gathering systems in the performance of production and/or gathering activities which are exempt pursuant to Section 1(b) of the Natural Gas Act.
2. All gas balancing takes place within gathering systems and no main line transportation is involved.
3. The exchange involves a gas-for-gas exchange, which is either volumetrically or thermally balanced.
4. No sales of gas between or among the companies are involved.¹
5. No rates or charges are assessed between the companies for the field exchange services.

Petitioner has been advised that there currently exist a substantial number of field gathering system exchange arrangements of the type described above and that these exchanges involve thousands of wells and exist in most, if not all, producing states. It is indicated that many of the existing field gathering system exchange arrangements originated in the 1950's and 1960's and that they have been utilized by interstate pipeline companies as a means economically and expeditiously to connect new sources of supply. Petitioner asserts that those economic and operating considerations which led to the establishment of field exchange arrangements of the nature described continue to exist and it is probable they will exist in the future.

Petitioner states that the natural gas companies who are parties to field exchange arrangements of the type herein described have not sought Commission authorization for those arrangements because heretofore they have considered such arrangements to be nonjurisdictional, and they continue to believe that is a correct conclusion.

¹ Except to the extent that the Commission may heretofore have deemed a particular exchange to be a sale under the particular circumstances then before it.

Petitioner believes that no perceptible regulatory purpose of the Natural Gas Act would be served in declaring such field gathering system exchanges jurisdictional, nor does it believe they are intended objects of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29506 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-423]

Lloyd Crum & Northern Natural Gas Co.; Application

September 18, 1979.

Take notice that on July 30, 1979, Lloyd V. Crum (Applicant), Racine, Minnesota 55987, filed in Docket No. CP79-423 an application pursuant to Section 7 (a) of the Natural Gas Act for an order directing Northern Natural Gas Company (Northern) to make available to Applicant, up to 300 Mcf per day of natural gas for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in Docket No. CP79-91 Northern was granted authorization which made available gas which can be given to other utilities. Applicant requests that Northern be directed to make available to him 300 Mcf per day of firm gas. Applicant also requests that part of the firm gas be contract demand gas as Applicant's contract demand is now 450 Mcf per day. Applicant indicates that 200 Mcf per day of gas is needed to serve present customers and that additional customers would be added if 300 Mcf per day of natural gas is authorized.

Any person desiring to be heard or to make any protest with reference to said application should on or before October

9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29507 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP74-157]

Michigan Wisconsin Pipe Line Co.; Petition To Amend Further

September 18, 1979.

Take notice that on September 7, 1979, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in docket No. CP74-157 a petition to amend further the order of September 6, 1974¹ issued in said docket pursuant to Section 7(c) of the Natural Gas Act by authorizing a change in service by rate schedule for Northern Indiana Public Service Company (Northern Indiana) to be effective September 1, 1979, all as more fully set forth in the petition to amend further which is on file with the Commission and open to public inspection.

Northern Indiana has informed Petitioner that it desires to change its three presently effective service agreements under Rate Schedule SGS-1, having a combined total contract demand of 12,200 Mcf and annual contract quantity of 2,318,000 Mcf to a single service agreement under Rate Schedule CD-1, with corresponding volume entitlements. Petitioner states that the requested change to Rate Schedule CD-1 would make it possible to utilize the contract demand for all points of delivery, thereby giving Northern Indiana greater operating flexibility between delivery points and

¹ This proceeding was commenced before the Federal Power Commission (FPC). By the joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Federal Energy Regulatory Commission (FERC). The term "Commission", when used in the context of action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

resulting in a more efficient utilization of its total contract demand from Petitioner. Further, it is indicated, that this flexibility would be enhanced by adding in the new service agreement as delivery points for CD-1 gas two existing delivery points at Fort Wayne and Michigan City, Indiana, at which Petitioner currently delivers storage gas to Northern Indiana.

Petitioner states that the requested change would not result in any increase in peak day or annual entitlement and that other customers would not be adversely affected.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29508 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-463]

Michigan Wisconsin Pipe Line Co., et al.; Application

September 18, 1979.

Take notice that on August 31, 1979, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), One Woodward Avenue, Detroit, Michigan 48226, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-463 a joint application pursuant to Section 7(c) of the Natural Gas Act for authorization to operate facilities offshore Texas to connect reserves in various fields to High Island Offshore System (HIOS), all as more fully described in its application which is on file with the Commission and open for public inspection.

Applicants state that by Federal Power Commission (FPC) order issued

July 1, 1977, in Docket No. CP77-294, Texas Gas Transmission Corporation (Texas Gas) was granted certificate authorization to construct and operate¹ certain facilities, including approximately 0.68 mile of 16-inch O. D. pipeline and related facilities extending from the producer's platform in Block A-573, High Island Area, South Addition, offshore Texas, to the HIOS manifold platform located in Block A-573. The gas reserves to be transported thereby will be produced from Block A-382, High Island Area, East Addition, South Extension, and Blocks A-572 and A-573 in the High Island Area, South Addition. With respect to the gas reserves underlying such blocks, Applicants state that Texas Gas has under option 47.6% of the production from such reserves and at the time of its filing was negotiating with certain producers to acquire additional portions of such production. Texas Gas advised the FPC in its application Docket No. CP77-294, that if unsuccessful in its negotiations, it would propose to share ownership of the new facilities with the successful purchasers, since the pipeline was designed to accommodate 100% of the production from the above referred blocks.

The application states that Michigan Wisconsin contracted on August 4, 1978, for the purchase of the gas reserves owned by Northwestern Mutual Life Insurance Company in Blocks A-382 (W/2), A-572, A-573, and A-596 (N/2) and Applicants state that an application for the sale of such gas will be filed with the Commission concurrently with the present application. Sales pursuant to a gas purchase contract between Mobil Oil Corporation (Mobil) and Natural, covering a part of the reserves owned by Mobil in such blocks, are said to have been certificated by the Commission July 18, 1979, in Docket No. CI79-211. An application for authorization for the sale to Transco by Mobil of the remaining Mobil interests is said to be pending in Docket No. CI79-212.

Applicants say they have agreed to own an undivided interest with Texas Gas in the approximately 0.68 mile of 16-inch pipeline and related facilities located in Block A-573, in proportion to their respective ownership interest in the gas reserves described above. Applicants do not propose any change in the operation of the facilities, nor in the operator, Michigan Wisconsin.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy

¹ The facilities are said to be operated by Michigan Wisconsin for Texas Gas.

Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29509 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-8]

Mountain Fuel Supply Co.; Amendment

September 18, 1979.

Take notice that on August 23, 1979, Mountain Fuel Supply Company (Mountain Fuel), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP79-8 an amendment to its pending application filed in said docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to reflect that Mountain Fuel and United Gas Pipe Line Company (United) have entered a letter agreement dated June 7, 1979, amending the contract dated May 4, 1978, by the substitution of acreage described in Exhibit B to the June 7, 1979, agreement, all as more fully set forth in the amendment which is on file

with the Commission and open to public inspection.

On October 8, 1978, Mountain Fuel filed in Docket No. CP79-8 for authorization to sell on a best-efforts basis up to 50,000 Mcf per day of natural gas to United. Said volumes of gas are not to exceed 7,000,000 Mcf per year for a period of three years. Mountain Fuel would deliver all volumes of gas purchased by United to Colorado Interstate Gas Company (CIG) at an existing point of interconnection near Green River, Wyoming, referred to as the Kanda Exchange Point. CIG has filed for authorization to transport this gas for United.

Mountain Fuel and United signed a letter agreement dated June 7, 1979, amending the contract dated May 4, 1978, by substituting acreage described in Exhibit B to the June 7, 1979, agreement. Mountain Fuel states it has made available on a best-efforts basis to United, certain gas purchased in the Yellow Creek Area of Uinta County, Wyoming, as described in Exhibit A to the June 7, 1979, agreement. United has agreed to pay Mountain Fuel for each Mcf of gas delivered the amount including all applicable adjustments which Mountain Fuel pays for such gas purchased under each gas purchase contract identified in Exhibit A to the June 7, 1979, agreement and which is delivered to United plus 15 cents per Mcf for transportation and 5 cents per Mcf for compression. Additionally, United would furnish Mountain Fuel its proportionate share of compressor fuel gas. Mountain Fuel states that it would install a compressor if it becomes necessary through the course of this agreement.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the

Commission's Rules. Persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29516 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-479]

Natural Gas Pipeline Co. of America; Application

September 18, 1979.

Take notice that on September 10, 1979, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP79-479 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 1300 feet of 3-inch pipeline and a 3-inch tap connection in Matagorda and Brazoria Counties, Texas, all as more fully set forth in the operation which is on file with the Commission and open to public inspection.

Natural states that it has contracted to purchase gas from its subsidiary, Napeco Inc., and others from the Energy Reserves Group No. 1 Well, State Tract 172, Laguna Madre area, Kleberg County, Texas, which well is located approximately 21 miles from Natural's closest transmission facilities. Florida Gas Transmission Company (Florida Gas) has facilities within 5 miles of the well and Natural indicates that Florida Gas has agreed to transport volumes produced from the well and redeliver the gas to Natural at a redelivery point to be constructed in the vicinity where the parties' pipelines intersect in Matagorda County.

Natural proposes to construct and operate the subject facilities in order to implement the transportation arrangement with Florida Gas. The estimated cost of said facilities is \$20,500 which Natural proposes to finance from funds on hand. Natural states that any facilities it may construct to connect the well to Florida Gas' system would be constructed under Natural's budget authorization.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All

protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29511 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-442]

Natural Gas Pipeline Co. of America; Application

September 18, 1979.

Take notice that on August 15, 1979, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP79-442 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Northern Natural Gas Company (Northern), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant indicates that Northern has advised it that Northern has the preferential right to purchase 50 percent of the natural gas reserves discovered and developed in West Cameron Block 405, offshore Louisiana, 25 percent pursuant to a gas purchase contract between Northern and Texasgulf, Inc., and 25 percent previously acquired by

Northern's exploration division. Northern has requested that Applicant transport these volumes by utilizing Applicant's capacity in the system of Stingray Pipeline Company (Stingray). Therefore, Applicant and Northern have entered into a transportation agreement dated July 11, 1979, whereby Northern would deliver up to 17,500 Mcf of natural gas per day to Applicant through facilities constructed jointly by Northern and Transcontinental Gas Pipe Line Corporation pursuant to authorization granted in Docket No. CP78-486, at the connection to Stingray in West Cameron Block 277. Applicant proposes to redeliver natural gas to Northern at either the inlet to Columbia Transportation Company's (Columbia Gulf) measurement facilities in West Cameron Block 616 or to the inlet of Columbia Gulf's measurement facilities in West Cameron Block 630. Applicant indicates that the volumes of gas redelivered to Northern would be adjusted for processing plant fuel and shrinkage and/or fuel and a proportionate share of losses and unaccounted-for gas used in the transportation from the point of delivery to Stingray in Block 277 to the Stingray onshore measurement facilities, based on the quantities of gas allocable to the account of Northern determined by the operation of Stingray.

Applicant would charge Northern for the proposed transportation service a monthly contract offshore nonlanded transportation demand charge equal to one half of the then-current effective transportation rate being paid by Applicant to Stingray for each Mcf of the contract transportation quantity then in effect.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29490 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-451]

Northwest Pipeline Corp.; Application

September 18, 1979.

Take notice that on August 22, 1979, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in docket No. CP79-451 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a second point of delivery for the sale and delivery of natural gas to Mountain Fuel Supply Company (Mountain Fuel), an existing customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to utilize an existing exchange delivery point to Mountain Fuel as an additional point of delivery to Mountain Fuel, pursuant to Applicant's existing FERC Rate Schedule PL-1 and to reallocate Mountain Fuel's presently effective contract demand of 800,412 equivalent of natural gas (76,157 Mcf) so as to establish a maximum daily delivery obligation of 533,608 therms equivalent of gas (50,771 Mcf) at the existing PL-1 delivery point to Mountain Fuel and a maximum daily deliverability obligation of 266,804 therms equivalent of gas (25,386 Mcf) at the proposed PL-1 delivery point to Mountain Fuel. Applicant also requests authority to construct and operate the measuring facilities necessary to deliver the aforementioned volumes of natural gas at an existing point of interconnection

between the facilities of Mountain Fuel and Applicant.

It is stated that Applicant sells and delivers up to 800,412 therms equivalent of gas pursuant to its FERC Rate Schedule PL-1 at an existing point of interconnection between Applicant and Mountain Fuel in Sweetwater County, Wyoming (Green River delivery point). Applicant states that it is authorized to exchange gas with Mountain Fuel pursuant to Applicant's Special Rate Schedule X-15 at an exchange delivery point in the Red Wash Field in Uintah County, Utah. Mountain Fuel has requested that the proposed PL-1 delivery point be established at the present Red Wash exchange point.

Applicant indicates that the revised service agreement, dated August 10, 1979, under the presently effective Rate Schedule PL-1, provides for an additional delivery point and reallocation of the maximum daily delivery obligation, such that Applicant's present delivery obligation at the Green River delivery point is reduced by an amount equal to the delivery obligation at the proposed point. Two letter agreements, dated July 30, 1979, and August 10, 1979, have been executed in conjunction with the proposed service agreement. The July 30, 1979, agreement provides for reimbursement of Applicant's out-of-pocket costs attributable to the additional PL-1 delivery point. The August 10, 1979, agreement sets forth operating parameters permitting Mountain Fuel to nominate volumes in excess of the maximum daily deliverability at either PL-1 delivery point provided that Applicant, in its sole determination, is able to perform such delivery and that the total daily deliveries at the two points do not exceed Mountain Fuel's contract demand under Applicant's Rate Schedule PL-1.

The application states that the facilities necessary to increase the measuring capacity at the proposed delivery point are estimated to cost \$93,700, of which Mountain Fuel would reimburse Applicant for all out-of-pocket expenses. The initial cost of construction would be financed from funds on hand or generated through Applicant's normal operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the

Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29491 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-477]

Tennessee Gas Pipeline Co.; Application

September 18, 1979.

Take notice that on September 7, 1979, Tennessee Gas Pipeline Company, a division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP79-477 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Northern Natural Gas Company (Northern), Transcontinental Gas Pipe Line Corporation (Transco), United Gas Pipe Line Company (United), and Texas Eastern Transmission Corporation (Texas Eastern) (Shippers), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant has agreed to endeavor to receive and to transport gas for Shippers produced from West Cameron Block 222, offshore Louisiana, through its existing

facilities, such transportation commencing at West Cameron Block 192, offshore Louisiana. The gas would be delivered for the account of Northern at a point on Applicant's 30-inch Kinder-Sabine pipeline 2.49 miles west of Applicant's Compressor Station No. 823 near Kinder, Louisiana; to Transco at a point on Applicant's 20-inch Kinder-Natchitoches pipeline 5.11 miles north of Applicant's Compressor Station No. 823; to United at a point near Cocodrie, Louisiana, or, as mutually agreed near West Monroe, Louisiana; near Lirette, Louisiana; near Bayou Sale, Louisiana; near Kiln, Mississippi; the Continental Cameron plant, Cameron Parish, Louisiana, and/or at other existing points of exchange where can be delivered to or for the account of United; and gas to Texas Eastern at a point on Applicant's 30-inch Kinder-Portland pipeline 8.21 miles northeast of Applicant's Compressor Station No. 823.

Applicant has agreed to transport for Shippers, to the extent its operating conditions permit, daily volumes of gas up to a maximum of 7,500 Mcf per day for each Shipper; provided, however, that Applicant may exercise its option to transport additional volumes of gas if such are tendered by Shippers and accepted by Applicant. Shippers would reimburse Applicant each month for providing the services by paying a volume charge equal to 3.91 cents per Mcf by Northern, 4.01 cents per Mcf by Transco, 10.03 cents per Mcf by United, and 4.13 cents per Mcf by Texas Eastern, with provision for a minimum bill based on the transportation quantity. Shippers also would provide volumes of gas equal to 1.2 percent of the volumes received for transportation each day from each such Shipper to compensate for Applicant's fuel and use requirements.

Applicant states that the proposed services would be beneficial to Shippers in that they would provide Shippers with immediately available gas supplies for Shippers' system supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29492 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-468]

Texas Eastern Transmission Corp.; et al.; Application

September 18, 1979.

Take notice that on September 4, 1979, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, Trunkline Gas Company (Trunkline), P.O. Box 1842, Houston, Texas 77001, and Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683 Houston, Texas 77001, (Applicants) filed in Docket No. CP79-468 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of up to 50,000 Mcf of natural gas per day among themselves, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Columbia Gas Transmission Corporation (Columbia Gas), an affiliate of Columbia Gulf, has contracted to purchase certain quantities of natural gas to be produced from the Apple Springs Field, Trinity County, Texas. In order to effect the delivery of this gas to Columbia Gulf for transmission to Columbia Gas, Columbia Gulf would construct certain

facilities pursuant to its current budget authorization connecting the Apple Springs Field to a pipeline owned by Texas Eastern in Angelina Field County, Texas. Pursuant to an exchange agreement dated July 30, 1979, between Texas Eastern and Columbia Gulf, Texas Eastern proposes to receive the Apple Springs gas in Angelina County and to deliver to Trunkline, for Columbia Gulf's account, an equivalent quantity of gas at two existing interconnections between the pipeline facilities of Texas Eastern and Trunkline in Allen and Beauregard Parishes, Louisiana.

Pursuant to a gas exchange agreement dated August 17, 1979, between Trunkline and Columbia Gulf, Trunkline proposes to receive gas at the Allen and Beauregard Parishes delivery points and to deliver to Columbia Gulf an equivalent quantity of gas at an existing interconnection between the pipeline facilities of Trunkline and Columbia Gulf near Centerville, Louisiana.

The proposed exchange of gas among Applicants would enable Columbia Gas to receive into its pipeline system the gas it has purchased in the Apple Springs Field, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion

believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29493 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP77-568]

Texas Eastern Transmission Corp. and Natural Gas Pipeline Co. of America; Petition To Amend

September 12, 1979.

Take notice that on August 21, 1979, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001 and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-568 a petition to amend the order of November 29, 1977,¹ as amended issuing a certificate of public convenience and necessity for authorization to operate an additional point of receipt for the transportation and exchange of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Pursuant to an order issued November 29, 1977, as amended Texas Eastern and Natural are authorized to transport and exchange up to 25,000 Mcf per day of natural gas from Vermilion Block 262 and West Cameron Blocks 437 and 593, offshore Louisiana.

Texas Eastern and Natural request authorization for an additional point of receipt in Block 537 for such transportation and exchange. An amendment to the transportation and exchange agreement dated August 7, 1979, provides for the receipt by Natural of volumes of gas produced in West Cameron Blocks 537, 551, and 552; which volumes Texas Eastern has acquired the right to purchase from Union Oil Company of California. No Change in the authorized transportation and exchange volume is proposed.

Facilities required to attach supplies available from West Cameron Blocks 537, 551, and 552 would be constructed jointly by the various purchasers. Such facilities are estimated to cost less than \$2,500,000. Texas Eastern's share of such cost would be covered by its budget-type certificate, the petition states.

¹ This proceeding was commenced before the FPC, by joint regulation of October 1, 1977 (10 CFR 100.1), it was transferred to the FERC.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 3, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.
[FR Doc. 79-29497 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. RP78-94]

Texas Gas Transmission Corp.; Petition for Declaratory Relief

September 17, 1979.

Take notice that on August 16, 1979, Texas Gas Transmission Corporation (Texas Gas) filed with this Commission a petition for a Declaratory Order. On September 29, 1978, Texas Gas filed with this Commission a general rate increase of approximately \$92 million annually. The instant petition relates to the book depreciation associated with that general rate increase filing.

Texas Gas states that since this Commission issued Opinion No. 812, Docket No. RP74-25, there have been no charges relative to the company that would require an adjustment of the 4.6% depreciation rate established by Opinion No. 812. Further, the company asserts that by litigating the book depreciation issue in this proceeding, the Commission will be engaging in unnecessary and unwarranted relitigation.

Any person desiring to be heard or to object to Texas Gas's Petition for a Declaratory Order should file a responsive pleading with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.12 and 1.15 of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.12

and 1.15). All such objections should be filed on or before October 12, 1979.

Kenneth F. Plumb,
Secretary.
[FR Doc. 79-29494 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-454]

Transcontinental Gas Pipe Line Corp.; Application

September 18, 1979.

Take notice that on August 24, 1979, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-454 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 13.67 miles of 36-inch pipeline loop and appurtenant facilities, in Calcasieu Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Transco states that the proposed pipeline loop would expand the capacity of Transco's Southwest Louisiana Gathering System (SWLGS). Transco would construct and operate 13.67 miles of 36-inch pipeline loop in Calcasieu Parish, Louisiana, and install a meter and regulator station near Vinton, Louisiana, at an interconnection between Transco and facilities to be constructed by Northern Natural Gas Company (Northern) in order to deliver the gas to be transported for Northern.

Transco asserts that its gas supplies in the areas attached by the SWLGS are increasing, and a substantial increase in the quantities transported for other pipelines also is anticipated. The SWLGS is said to be one of the principal pipeline facilities used for the further transportation of gas delivered onshore by U-T Offshore System (U-TOS), which in turn is the principal transporter of quantities gathered by High Island Offshore System (HIOS). The SWLGS also is said to be the system which delivers to Transco's mainline the supplies delivered onshore by Transco's North High Island System. Transco has received requests for transportation services for other pipelines also.

The proposed facilities would increase the estimated maximum daily capacity of the SWLGS from 738,314 Mcf to 1,130,448 Mcf.

The proposed facilities are estimated to cost \$10,430,000 and would be financed initially through short-term loans and funds on hand, with permanent financing to be arranged as a

part of Transco's overall long-term financing program.

The proposed expansion of capacity by completing the looping of the existing system is said to be the most economical means to provide the needed capacity and would minimize the impact on the environment by making maximum use of existing pipeline right-of-way.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.
[FR Doc. 79-29495 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP71-89]

United Gas Pipe Line Co.; Petition To Amend

September 13, 1979.

Take notice that on August 16, 1979, United Gas Pipe Line Company (United),

P.O. Box 1478 Houston, Texas 77001, filed in Docket No. CP71-89¹ a petition to amend the order of July 20, 1973, issuing a certificate of public convenience and necessity in the instant docket pursuant to Section 7(c) of the Natural Gas Act for authorization to sell natural gas for resale to a successor distributor, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Pursuant to the order issued on July 20, 1973, United was authorized to sell natural gas to Jefferson Parish, Louisiana, the owner of the distribution system in the Jefferson Parish, Louisiana, area. The subject sale of gas occurs at the city gate station located in the Lafitte-Barataria-Crown Point area of Jefferson Parish, Louisiana.

United asserts that it has been advised that the system formerly owned by Jefferson Parish has been sold to the Louisiana Gas Service Company. Accordingly, United requests authorization to continue the sale of gas in the same quantity and with no change in facilities and deliveries to Louisiana Gas Service Company. A new service agreement dated July 30, 1979, reflects the change in ownership of the system and provides for the continuation of gas service on the same terms and conditions to the new owner, United States.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 3, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.
[FR Doc. 79-29501 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

¹ This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 100.1), it was transferred to the FERC.

[Docket No. CP78-294]

United Gas Pipe Line Co.; Petition To Amend

September 18, 1979.

Take notice that on September 7, 1979, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP78-294 a petition to amend the order, issued September 7, 1978, in said docket pursuant to Section 7(c) of the Natural Gas Act by authorizing United to transport at no cost a total of 9,000,000 Mcf of gas for the account of Arkansas Louisiana Gas Company (Arkla) from Block 32, Eugene Island area, offshore Louisiana, to previously authorized onshore delivery points, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is indicated that the order of September 7, 1978, authorized United to transport volumes of natural gas purchased by Arkla from production in Block 57, Eugene Island area, offshore Louisiana. United is obligated to transport up to 27,000 Mcf of gas per day for Arkla from Block 32, Eugene Island area, to points of redelivery onshore.

United states that during the past year it purchased certain volumes of natural gas in Oklahoma remote from its system and that Arkla provided exchange service to United at no cost to United in order to make available by displacement approximately 9,000,000 Mcf of United's Oklahoma gas on the understanding that United would reciprocate by rendering similar service for Arkla at a future time. United and Arkla have agreed to a similar service for Arkla's offshore gas produced from the Block 57 Field, Eugene Island area. United states that it would forego payment until it has transported a total volume of 9,000,000 Mcf of gas for Arkla from the Block 57 Field. Accordingly, United requests authorization to transport such quantity of gas at no cost to Arkla.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 10, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29496 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP77-24]

United Pipe Line Co. and Arkansas Louisiana Gas Co.; Petition To Amend

September 12, 1979.

Take notice that on August 17, 1979, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, and Arkansas Louisiana Gas Company (Arkla), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP77-24 a petition to amend the order of January 13, 1977, issuing a certificate of public convenience and necessity in the instant docket pursuant to section 7(c) of the Natural Gas Act for authorization to establish three additional points of redelivery of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Pursuant to the order issued January 13, 1977, as amended, United and Arkla are authorized to exchange up to 1.185 Mcf per day of natural gas and, further, to construct and operate required facilities to enable Arkla to make deliveries to United for Arkla's account and for United to redeliver to Arkla equivalent volumes in such quantities.

Pursuant to a third amendatory agreement between United and Arkla dated March 6, 1979, United and Arkla propose to establish three additional points of redelivery where United can make redeliveries to Arkla under the authorized exchange in such quantities and at existing redelivery locations as follows:

(1) 100 Mcf per day on Arkla's line in Sec. 3, T.21N., R.3W., Union Parish, Louisiana,

(2) 168 Mcf per day at the Ruby Dodd No. 1 Well, Carthage Field, Panola County, Texas, and

(3) 10 Mcf per day at the Youngblood No. 1 Rodessa "B" SUA Well, Ada Field, at Arkla's Bistineau Processing Plant, Bienville Parish, Louisiana.

The quantity of gas redelivered by United to Arkla at Bistineau would be the difference between the sum of the volumes delivered by Arkla to United at

¹ This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

the previously authorized delivery points and the sum of the volumes redelivered by United to Arkla at the authorized points of redelivery including the proposed redelivery points.

United and Arkla do not propose any increase in volumes to be exchanged and no new facilities would be required, the petition states.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 3, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29496 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CS71-1076, et al.]

W. T. Fail, Inc. (W. T. Fail) et al.; Applications for "Small Producer" Certificates

September 12, 1979.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 21, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission in its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No.	Date Filed	Applicants
CS71-1076 (CS79-513)	8/2/79	W. T. Fail, Inc. (W. T. Fail), P.O. Box 1394, Shawnee, Oklahoma 74801.
CS73-382	4/30/79	RVO Petroleum Co. (Flynn Energy Corp.), 2612 Fourth Nat'l. Bldg., Tulsa, Oklahoma 74119.
CS79-524	8/16/79	Sue-Ann Operating Company, 8700 Commerce Park Drive, #141, Houston, Texas 77036.
CS79-525	8/18/79	Beardmore Producing Company, 120 Janet Road, Marietta, Ohio 45750.
CS79-531	8/24/79	Logan T. Monsees & Vivian V. Monsees, husband and wife as joint tenants, P.O. Box 1294, Enid Oklahoma 73701.
CS79-532	8/27/79	M. L. Madison, 608 W. First Street, Roswell, New Mexico 88201.
CS79-533	8/27/79	L. P. Kelley, P.O. Box 971, Roswell, New Mexico 88201.
CS79-534	9/5/79	Martin Exploration Management Corporation, P.O. Box 298, Blue Island, Illinois 60406.
CS79-535	9/4/79	R. Lewis Chandler Trust, 3400 Republic Nat'l. Bank Bldg., Dallas, Texas 75201.

Docket No.	Date filed	Applicants
CS79-536	8/31/79	Goodrich Oil Company, a Louisiana Corporation, 2003 Beck Building, Shreveport, Louisiana 71101.
CS79-537	8/31/79	Robert E. Somers and Mary E. Hohenberger, 2721 Canterbury, Ponca City, Oklahoma 74601.
CS79-538	8/31/79	Henry B. Martin, et al., 2200 South Post Oak Road, Suite 700, Houston, Texas 77056.
CS79-539	9/5/79	Elma R. Jones or Maryann Klinger, 242 E. Douens, Stockton, California 95204.
CS79-540	9/5/79	Merland Resources, Inc., 402 Fina Building, 736-B Avenue S.W., Calgary, Alberta T2P 1H4 Canada.
CS79-541	9/6/79	S. T. Joint Venture—1978 A, 401 East 81st Street, New York, N.Y. 10028.
CS79-542	9/6/79	1979 A—Stratographic Resources Drilling Program, 401 East 81st Street, New York, N.Y. 10028.
CS79-543	9/6/79	S.T. Joint Venture—1978 B, 401 East 81st Street, New York, N.Y. 10028.
CS79-544	9/6/79	BETA—1979 S. T. Joint Venture, 401 East 81st Street, New York, N.Y. 10028.

¹ Being noticed to reflect that by application filed 8-2-79, was erroneously assigned Docket No. CS79-513. Applicant has succeeded to all of the interest of W. T. Fail (CS71-1076).

² Being noticed to reflect a corporate name change from Flynn Energy Corp. to RVO Petroleum Co.

[FR Doc. 79-29499 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2936]

Mitchell M. White and Melba M. White; Application for Preliminary Permit

September 13, 1979.

Take notice that on July 6, 1979, Mitchell M. White and Melba M. White filed an application for preliminary permit (pursuant to the Federal Power Act, 16 USC § 791(a)-825(r)) for a proposed water power project, to be known as the Sears Hydroelectric Project, on the Rock River in Rock Island County, Illinois. The proposed project would be interconnected with a utility selling electric energy at wholesale in interstate commerce.

Purpose of Project—Applicants would sell the power generated at the project to Iowa-Illinois Gas and Electric Company, a member of the Mid-America Power Pool.

Proposed Scope and Cast of Study Under Permit—Applicants seek issuance of a preliminary permit for a period of three years, during which time they would carry out preliminary designs, make economic analyses, prepare preliminary plans, an environmental assessment, and a detailed feasibility study. The estimated cost of the work to be performed under the preliminary permit is \$30,000.

Project Description—The proposed Sears Hydroelectric Project would

consist of a rehabilitated powerhouse, originally built about 1912, and two existing dams, which would be used without modifications. The existing powerhouse which is adjacent to the Sears Dam contains four Francis-type turbines and was in operation until 1967. The rehabilitation would involve the installation of new turbine controls and generators with a proposed installed capacity of 900 kW in the Sears powerhouse. The facilities would be operated on a run-of-the-river basis. The existing Sears and Steel Dams are both overflow concrete gravity structures. The Sears Dam is 13 feet in height and 460 feet long. The Steel Dam is a diversion structure 3.5 feet high and 760 feet long.

Purpose of preliminary Permit—A Preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examination to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before November 19, 1979. The

Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29500 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; July 9 Through July 13, 1979

Notice is hereby given that during the period July 9 through July 13, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m. e.d.t., except Federal holidays.

September 17, 1979.

Melvin Goldstein,
Director, Office of Hearings and Appeals.

Proposed Decision and Orders

Gulf Oil Corporation, Houston, Texas; DEE-3705, Crude Oil

Gulf Oil Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the E. G. Robinson, et al., Unit Well No. 1 located in Liberty County, Texas, at upper tier ceiling prices. On July 9, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted, in part, with respect to the applicant's E. G. Robinson, et al., Unit Well No. 1.

Justiss-Mears Oil Company, Inc., Jena, Louisiana; DXE-5533, Crude Oil

Justiss-Mears Oil Company, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Saucier No. 1 Well for the benefit of the working interest owners at upper tier ceiling prices. On July 12, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's Saucier No. 1 Well.

The Shell Company (Puerto Rico) Limited, Commonwealth of Puerto Rico; DEE-2541, Motor Gasoline

The Shell Company (Puerto Rico) Limited (Shell Puerto Rico) filed an Application for Exception in which it requested the following alternative forms of relief: (1) additional entitlements to Puerto Rican refiners and an order that marketers of gasoline in Puerto Rico calculate prices under regulations applicable to resellers; or (2) additional entitlements to Commonwealth Oil Refining Company (Corco) and an order that Corco reduce its gasoline prices to Shell Puerto Rico; or (3) the assignment of Caribbean Gulf Refining Company as the base period supplier of gasoline to Shell Puerto Rico. In a Proposed Decision and Order issued on July 13, 1979, the DOE tentatively determined that the Shell Puerto Rico exception request should not be granted in the form submitted. However, the DOE determined that the Shell Oil Company should be assigned as Shell Puerto Rico's base period supplier and that the Shell Oil Company should obtain the gasoline to be supplied through purchase, exchange or processing agreements with Puerto Rican refiners.

Kenneth L. Tipps, et al., Denver, Colorado; DEE-4109, Crude Oil

Kenneth L. Tipps et al., filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the working interest owners to retroactively and prospectively increase the prices of the crude oil produced from the Government 2-24 lease located in

Natrona County, Wyoming. On July 9, 1979 the DOE issued a Proposed Decision and Order and tentatively determined that the exception request be denied in part and dismissed in part.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of July 9 Through July 13, 1979

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Case No., and Location

Auto-Brite Car Wash, DEE-4641;

Framingham, MA.

Chevron Car Wash, DEE-5767; New Cannon,

CT.

Glenn Oil Co., DEE-6061; Lawton, OK.

Joe Emerson, DEE-6610; Jonesboro, AR.

Jones & Brown Enterprises, Inc., DEE-3274;

Sallisaw, OK.

Kerr-McGee Corp., DEE-2244; Okla. City,

OK.

L. S. Riggins Oil Co., DEE-3603; Millville, NJ.

"L" Street Car Wash, DEE-3750; Livermore,

CA.

Malone Oil Co., DEE-3019; Memphis, TN.

McMurrough Mercantile, DEE-6113; Dobbin,

TX.

Midland Energy Corp., DEE-3188; Kansas

City, MO.

Mini-Serve, Inc., DEE-5314; Beaumont, TX.

Parker Oil Co., DEE-3117; Des Moines, IA.

People's Amoco, DEE-4932; Wash., DC.

Red Bluff Mobil Service Center, DXE-6230;

Pasadena, TX.

R-J Enterprises, Inc., DEE-3425; Scottsdale,

AZ.

San-Ann Service, Inc., DEE-2330; Wash., DC.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of July 9 Through July 13, 1979

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company Name, Case No., and Location

Acomi Corp., DEE-2465; Wash., DC.

Al Whitmore's Auto & U-Haul, DEE-3560;

Buena Park, CA.

Cal's 66 Service Station, DEE-3497; Miami,

FL.

Champion Garage and Gasoline, DEE-4889;

San Pablo, CA.

Cold Spring Amoco Service; DEE-4891;

Baltimore, MD.

Cost Plus Amoco, DEE-3662; Seabrook, MD.

Douglas Gulf & Mower Service, DEE-2998;

Dallas, TX.

Elliot Oil Co., DEE-6052; Elliot, SC.
Ernie's Sunoco, DEE-3690; New Castle, CA.
Fred Holon, DEE-4019; Longmeadow, MA.
Mike & Ed's Auto Center, DEE-5266; Los
Angeles, CA.

Uncle Russ's Service Station, DEE-5185;

Cambridge, MA.

Royal Oil Co., DEE-3096; Johnson City, TN.

[FR Doc. 79-29278 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decision and Orders by the Office of Hearings and Appeals; August 20 Through August 24, 1979

Notice is hereby given that during the period August 20 through August 24, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with the Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be September 24, 1979, or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of

1:00 p.m. and 5:00 p.m. e.d.t., except Federal holidays.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

September 19, 1979

Proposed Decisions and Orders

Chevron U.S.A. Inc., San Francisco, Calif., DEE-5818 crude oil

Chevron U.S.A. Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at upper tier ceiling price levels the oil produced from the Colonia Unit located in the West Montalvo Field in Ventura County, California. On August 22, 1979, the DOE issued a Proposed Decision and Order which tentatively determined that the exception request be granted.

Chevron U.S.A. Inc., San Francisco, Calif., DEE-5819 crude oil

Chevron U.S.A. Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at upper tier ceiling price levels the oil produced from the State Lease PRC 735-1 located in the West Montalvo Field in Ventura County, California. On August 22, 1979, the DOE issued a Proposed Decision and Order which tentatively determined that the exception request be granted.

Chilcote, Inc., El Cajon, Calif., DEE-7784 temperature restrictions

Chilcote, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 490. The Application, if granted, would permit the firm to lower the temperature below 78° F in its offices. On August 22, 1979, the DOE issued a Proposed Decision and Order which tentatively determined that the exception request be denied.

El Paso Natural Gas Co., El Paso, Tex., DEE-1113 natural gas

El Paso Natural Gas Company filed an Application for Exception from the provisions of 10 CFR 211.17(b). The exception request, if granted, would permit El Paso to utilize an alternative reporting procedure in place of Form FEO-1000, the Prime Suppliers Monthly Report. On August 24, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted.

James M. Forgotson, Sr., Washington, D.C., DEE-3142 crude oil

James M. Forgotson, Sr. (Forgotson) filed an Application for Exception which, if granted, would permit Forgotson to sell the crude oil which it produces from the Iota Nonunion Struma Sand Unit located in the Iota Field in Acadia Parish, Louisiana, at upper tier ceiling prices. On August 21, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be denied with respect to the applicant's Iota Nonunion Struma Sand Unit.

J. M. Huber Corp., Houston, Tex., DEE-3004 crude oil

J. M. Huber Corporation filed an Application for Exception from the provisions

of 10 CFR, Part 212, Subpart D, which, if granted, would permit Huber to sell at upper tier ceiling prices 100 percent of the crude oil produced for the benefit of the working interest owners of the Pure-State No. 1 Well located in Lea County, New Mexico. On August 22, 1979, the DOE issued a Proposed Decision and Order which tentatively determined that the exception request be granted.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of August 20 Through August 24, 1979

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Case No., and Location

Checker Cab Co., DEE-2847; Las Vegas, Nev.

Glenn Dobbs Oil Co., DEE-4211; Collinsville,

Okl.

Sierra Army Depot, Post Restaurant, DEE-

4363; Herlong, Calif.

Texaco, Inc., DEE-6985; White Plains, N.Y.

White Oil Distributors, DEE-3853; Dallas,

Tex.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of August 20 Through August 24, 1979

The following firms filed Applications for Exceptions from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company Name, Case No., and Location

Don's Gulf Service, DEE-6775; Brighton,

Mass.

Fleuett's Automotive, DEE-6823; Bellingham,

Mass.

Henry Fikse, DEE-4941; Turlock, Calif.

Jack's Texaco & U-Haul, DEE-6397; Maple

Shade, N.J.

Jerry Exxon, DEE-2680; Phila., Pa.

Murphy's Red Horse Service Station, DEE-

7345; Milford, Mass.

Navy Exchange (Brunswick), DEE-4768;

Brunswick, Maine.

North Eaton Shell, DEE-6382; Albion, Mich.

Pat's Amoco, DEE-6698; Monaca, Pa.

Robinson's Texaco, DEE-3290; Baltimore,

Md.

Russ's Mobil, DEE-6971; Anaheim, Calif.

Samuel A. Captain, DEE-3647; Rockville, Md.

Shelter Bay Exxon, DEE-4282; Mill Valley,

Calif.

Stophers Standards Service, DEE-3014;

Greenfield, Wis.

Stathard Corp., DEE-3990; Wash., D.C.

Sweeney & Sons, Inc., DEE-3785; Pottsdam,

Pa.

Walt's Shell Service, DEE-3774; Son Jose,

Calif.

White's Service Station, DEE-6997; Alvin,

Tex.

Yuen's Exxon, DEE-5792; Wash., D.C.

[FR Doc. 79-29480 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed With the Office of Hearings and Appeals; Week of August 13 through August 17, 1979

Notice is hereby given that during the week of August 13 through August 17, 1979, the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before October 15, 1979, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). On or before October 24, 1979, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. Issued in Washington, D.C.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

September 18, 1979.

Proposed Remedial and Orders

Arcadia Exxon Service, Old Bridge, N.J.,

DRO-0348, motor gasoline

On August 15, 1979, Arcadia Exxon Service, of Old Bridge, New Jersey filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the New Jersey Department of Energy issued to the firm on July 24, 1979. In the IROIC the New Jersey Department of Energy found that on July 11, 1979 Arcadia Exxon Services was charging more than the maximum lawful price for motor gasoline. The IROIC also states that Arcadia failed to make the required postings of the maximum lawful selling price of motor gasoline, and also failed to maintain required records. According to the IROIC the Arcadia Exxon Services violation resulted in overcharges of 10.2 cents per gallon of leaded regular motor gasoline, 6.7 cents per gallon of premium leaded motor gasoline, and 8.2 cent per gallon of regular unleaded motor gasoline. As a

result the firm has been assessed a civil penalty of \$5,020.00.

Car Care Club of Okla., Sapulpa, Okla., DRO-0333, motor gasoline reseller

On August 14, 1979, Bob Hickling d/b/a Car Care Club of Oklahoma, 200 North Mission, Sapulpa, Oklahoma 74066, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the Oklahoma City Field Office of the Economic Regulatory Administration of the Department of Energy issued to the firm on July 30, 1979. In the Interim Remedial Order, the ERA found that (i) there was a strong probability that a violation of the DOE regulation prohibiting discriminatory business practices had occurred and was continuing to occur; (ii) this violation was causing an irreparable injury to the public interest; (iii) the issuance of an Interim Remedial Order was necessary in order to prevent irreparable injury to the public interest. The Interim Remedial Order directed Car Care Club of Oklahoma to cease and desist from its allegedly discriminatory business practices.

Gibbons Oil Co., Bath, Maine, DRO-0332, motor gasoline

On August 14, 1979 Gibbons Oil Company, of Bath, Maine filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the DOE Northeast District Office of Enforcement issued to the firm on July 27, 1979. In the IROIC, the Northeast District found that during June and July 1979, Gibbons Oil Company improperly failed to supply the outlets operated by McLoon Oil Company of Rockland, Maine. Accordingly, the IROIC directed Gibbons to resume supplying the McLoon outlets.

Fill-n-Wash, Inc., Omaha, Nebr., DRO-0339, retailer

On August 17, 1979 Fill-N-Wash, Inc. (Fill-N-Wash), 6215 Grover, Omaha, Nebraska 68106, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance (IROIC) which the DOE Central Enforcement District issued to the firm on August 1, 1979. In the IROIC, the Central Enforcement District found that during the time period from July 19, 1979 through August 1, 1979, Fill-N-Wash has knowingly engaged in discriminatory and other unlawful business practices in connection with the sale of motor gasoline. In the IROIC, the Central Enforcement District ordered Fill-N-Wash to cease those practices.

Hunt Oil Co., Dallas, Tex., DRO-0343, crude oil condensate

On August 17, 1979, Hunt Oil Company, 2900 First National Bank Building, Dallas, Texas 75205, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on August 2, 1979. In the Proposed Remedial Order the Southwest District found that during the time period September 1, 1973 through August 31, 1975, Hunt Oil Company committed pricing violations in the States of Texas and Louisiana in connection with the production and sale of crude oil and condensate. According to the Proposed Remedial Order, Hunt's violations resulted in overcharges to its customers of \$409,074.

Lincrest Exxon, Linden, N.J., DRO-0338, retailer

On August 14, 1979 Lincrest Exxon (Lincrest), 1800 E. St. George Avenue, Linden, New Jersey 07036, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance (IROIC) which the New Jersey State DOE issued to the firm on July 24, 1979. In the IROIC, the New Jersey State DOE found that on July 11, 1979 Lincrest committed pricing violations in connection with the sale of motor gasoline. Accordingly, the New Jersey State DOE ordered Lincrest to roll back its prices to the legal maximum and stated its intention to fine Lincrest in the amount of \$4,240.

[FR Doc. 79-29481 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders by the Office of Hearings and Appeals; August 13 through August 17, 1979

Notice is hereby given that during the period August 13 through August 17, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be September 24, 1979, or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW.,

Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m. e.d.t., except federal holidays.

September 19, 1979.

Melvin Goldstein,
Director, Office of Hearings and Appeals.

Proposed Decisions and Orders

Coastal States Gas Corporation, Houston, Texas; Dee-2236, Crude Oil Refiner

Coastal States Gas Corporation (Coastal) filed an Application for Exception from the provisions of § 211.67(a)(4) of the Old Oil Entitlements Program. The exception request, if granted, would result in the issuance of an Order relieving Coastal of a portion of its obligation to purchase entitlements. On August 14, 1979, the DOE issued a Proposed Decision and Order which tentatively determined that Coastal may sell additional entitlements equal in value to the loss of entitlement revenues it experienced during the January-May 1978 period as a result of the provisions of Section 211.67(a)(4).

Double B Oil, Inc., Wichita, Kansas; Dee-5070, Crude Oil

Double B Oil, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the Hagerman Lease located in Pawnee County, Kansas, at upper tier ceiling prices. On August 14, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted, in part, with respect to the applicant's Hagerman Lease.

Funeral Directors Association of Washington, D.C. et al., Washington, D.C.; Dee-7543, Dee-7568, Dee-7565, Dee-7560, Dee-7569, Temperature Restrictions

The Funeral Directors Association of Washington, D.C., Connie's, Hayman's, Virginia Specialty Stores, Inc., and the Full Cry Shop filed Applications for Exception from the provisions of the Emergency Building Temperature Restrictions (10 CFR Part 490). The exception requests, if granted, would permit the petitioners to lower the temperature in their business establishments below 78° F. On August 13, 1979, the Department of Energy issued a Proposed Decision and Order which tentatively determined that the exception requests be denied.

Husky Oil Company, Denver, Colorado; Dee-1435, Dee-1441, Dee-1442 Crude Oil

The Husky Oil Company filed Applications for Exception from the provisions of 10 CFR 212.73. The exception requests, if granted, would permit the firm to sell the crude oil produced from the Nicholson, Nicholson #4, and Nicholson #5 Leases located in Santa Barbara County, California at upper tier ceiling price levels. On August 17, 1979, the DOE issued a Proposed Decision and Order in which it tentatively determined that the exception requests be granted for all three leases.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of August 13 Through August 17, 1979

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name	Case No.	Location
G & H Shell, Inc.	DEE-6960	Phila., PA
Robert's Gulf	DEE-6922	Carbondale, PA
Smith Service Oil	DEE-2331	Savannah, GA
Sonny's, Inc.	DEE-2116	Bossier City, LA
Whiz Fast Car Wash	DEE-3672	Baltimore, MD

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week August 13 Through August 17, 1979

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company Name	Case No.	Location
Bell Shell Service	DEE-6156	Asheville, NC
Burton Gulf	DEE-7212	Atlantic City, NJ
Delosch's Texaco	DEE-6695	Dallas, TX
Frank Lapinski	DEE-3365	New Haven, CT
John C. Hudson	DEE-2681	Alexandria, VA
Lake Wright Texaco	DEE-2685	Virginia Beach, VA
Wilson's Amoco	DEE-5993	Ocean City, MD

[FR Doc. 79-29483 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

Science Advisory Board, Subcommittee on Health Risk Assessment; Open Meeting

Under Public Law 92-463, notice is hereby given that a one-day meeting of the Subcommittee on Health Risk Assessment of the Science Advisory Board will be held at 9 a.m. on October 11, 1979 in Room 3906-08, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C.

The principal purpose of the meeting will be to consult the Subcommittee on plans and programs of EPA's Office of Air Quality Planning and Standards to develop suitable methodology for assessing health risks associated with alternative ambient air quality standards. The Agenda will also include informational items on other Agency

activities relating to health risk assessment and of interest to the Subcommittee.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper, or wishing further information should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. October 5, 1979. Please ask for Mr. Kenneth B. Goggin. The telephone number is (202) 472-9444.

Richard M. Dowd,

Staff Director, Science Advisory Board.
September 19, 1979.

[FR Doc. 79-29589 Filed 9-21-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1327-2]

Standards of Performance for New Stationary Sources; Delegation of Authority to State of Wyoming

Between December 23, 1971, and May 4, 1976, pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations establishing standards of performance (NSPS) for twenty-four (24) categories of new stationary sources.

Section 111(c) directs the Administrator to delegate his authority to implement and enforce NSPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On February 23, 1977, the Governor of the State of Wyoming submitted to the EPA Regional Office a request for delegation of authority. Included in that request were procedures for NSPS and information on available resources to implement such review. Also included in that request were copies of the State of Wyoming regulations which incorporate the Federal emission standards and testing procedures set forth in 40 CFR Part 60, with certain exceptions. After thorough review of that request and applicable State statutes, the Regional Administrator determined that, for those twenty-four (24) source categories, delegation was appropriate, subject to certain conditions. On August 2, 1977, by letter to the Governor, NSPS authority was delegated to the State of Wyoming, subject to certain enumerated conditions. Notice of the delegation appeared in the *Federal Register* on September 15, 1977 (42 FR 46304, 46386).

On December 5, 1977 (42 FR 81537), and February 23, 1978 (43 FR 7572), and March 7, 1978 (43 FR 9278, 9453), and

March 15, 1978 (43 FR 10868), and April 13, 1978 (43 FR 15602), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations establishing standards of performance (NSPS) for two (2) additional categories of stationary sources and revising the NSPS for four (4) of the existing categories of stationary sources.

On January 12, 1979, the Governor of the State of Wyoming submitted to the EPA Regional Office a request for delegation of authority for these additions and revisions to the NSPS. That request incorporated the elements of the Wyoming program as set forth in the original request for delegation of February 23, 1977. After a thorough review of the Wyoming program, the Regional Administrator has determined that, for the source categories set forth in paragraph A of the following official letter to the Governor of the State of Wyoming, delegation is appropriate. Paragraph B provides that the conditions set forth in paragraph 1 through 14 of the letter of delegation of August 2, 1977 (42 FR 46386, September 15, 1977) shall be incorporated herein by reference, and shall be fully effective as if they were set forth in full. Additionally, certain other revisions to the State NSPS regulations were reviewed by EPA and found to be acceptable. The text of the letter from the Regional Administrator to the Governor of the State of Wyoming is set forth below:

REF: 8E-EL

Certified Mail—834737

Return Receipt Requested

Hon. Ed Herschler,

Governor of Wyoming, Wyoming Executive Department, Cheyenne, Wyo.

Dear Governor Herschler: I am pleased to inform you that we are delegating the State of Wyoming authority to implement and enforce standards of performance for certain New Stationary Sources (NSPS) as provided for under the Clean Air Act. This decision is in response to your request of January 12, 1979. This delegation includes the following categories: Opacity Provisions Fossil-Fuel-Fired Steam Generators (Revision of 40 CFR Subpart D); Lignite-Fired Steam Generators (Revision of 40 CFR Subpart D); Petroleum Refinery Claus Sulfur Recovery Plants (Revision of 40 CFR Subpart J); Basic Oxygen Furnaces: Opacity Standard (Revision of 40 CFR Subpart N); Kraft Pulp Mills (New 40 CFR Subpart BB); and Lime Manufacturing Plants (New 40 CFR Subpart HH).

We have reviewed the pertinent laws and regulations of the State of Wyoming and have determined that they provide an adequate and effective procedure for implementation and enforcement of these additional NSPS by the State of Wyoming. Therefore, we hereby delegate our authority, pursuant to Section 111(c) of the Clean Air Act, as amended, for

implementation and enforcement of the NSPS to the State of Wyoming as follows:

A. Authority for all sources located in the State of Wyoming subject to the standards of performance for new stationary sources in the following six categories: Fossil-Fuel-Fired Generators (Opacity Provisions); Lignite-Fired Steam Generators; Petroleum Refinery Claus Sulfur Recovery Plants; Basic Oxygen Furnaces (Opacity Standard); Kraft Pulp Mills; and Lime Manufacturing Plants.

The delegation of these additional categories is based upon the following conditions:

B. All conditions contained in the letter of delegation dated August 2, 1977, from John A. Green, Regional Administrator, Environmental Protection Agency, Region VIII, to Governor Ed Herschler, are incorporated herein by reference, and shall be fully effective as if they were set forth in full.

Since the original delegation to the State of Wyoming, EPA has also amended the NSPS for certain source categories. EPA revisions 40 CFR Subpart D (Section 60.45), 40 CFR Subpart J (Sections 60.102, 60.105, and 60.106), and 40 CFR Subpart P (Section 60.165) have been incorporated into the Wyoming regulations.

The State of Wyoming has also amended the following provisions of its NSPS regulations: Sections 22(e)(2) and (6); 22(g)(1)(b); 22(h)(3); 22(j)(5)(a); and 22(k). EPA finds that these revisions are consistent with the conditions of the delegation and are acceptable.

A notice announcing this delegation will be published in the *Federal Register*.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives written notice of any objections within 10 days of receipt of this letter, the State will be deemed to have accepted all of the terms of this delegation.

As you know, the Clean Air Act gives primary responsibility for control of air pollution to the states, and thus it is EPA's policy to delegate programs such as the New Source Performance Standards to states whenever possible. We look forward to working with the State of Wyoming in the implementation of the Clean Air Act and other environmental legislation in the challenging days ahead.

Sincerely yours,
Roger L. Williams,
Regional Administrator.

cc: Randolph Wood Administrator
Robert Duprey—8A—HM
Irwin Dickstein—8S

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified the Governor of the State of Wyoming on August 9, 1979, that authority to implement and enforce New Source Performance Standards (NSPS) for the categories of sources contained in paragraph A of the above letter was delegated to the State of Wyoming.

Copies of the request for delegation of authority are available for public

inspection at the Environmental Protection Agency, Region VIII Office, 1860 Lincoln Street, Denver, Colorado 80295.

Effective immediately, all reports required pursuant to the delegation of these additional New Source Performance Standards (NSPS) should not be submitted to the EPA Region VIII Office, but instead should be submitted to the State Agency at the address contained at 40 CFR 60.4(b)(ZZ).

This Notice is issued under the authority of Section 111 of the Clean Air Act as amended, 42 U.S.C. 7411.

Dated: September 14, 1979.

Roger L. Williams,
Regional Administrator.

[FR Doc. 79-29590 Filed 9-21-79; 8:45 am]

BILLING CODE 5560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18875; FCC 79-503]

Policy To Be Followed in Future Licensing of Facilities for Overseas Communications

AGENCY: Federal Communications Commission.

ACTION: Adoption of Comprehensive North Atlantic Facilities Construction and Use Policy for the period 1979-1985, and circuit activation methodology for telephone service.

SUMMARY: This order reviews revised proposals filed by the American Telephone and Telegraph Company for telephone service between the United States and Belgium and the United States and the United Kingdom. With respect to Belgium, it finds the facilities proposed to be used to be acceptable, but requires AT&T to use more circuit multiplication technology to obtain balanced loading of growth routes. The order also adopts a circuit activation methodology for telephone service proposed by AT&T which is based on balanced loading of growth routes. It declines, however, to order a specific activation methodology for record services to grant the carriers wide flexibility to meet specific customers requirements.

DATES: Non-Applicable.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTRACT: James C. Warwick, International Programs Staff, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202-632-3214).

In the matter of policy to be followed in future licensing of facilities for

overseas communications; Memorandum Opinion and Order (see also 44 FR 18084, March 28, 1979).

Adopted: August 1, 1979.

Released: August 28, 1979.

By the Commission; Commissioner Lee absent; Commissioner Washburn issuing a separate statement; Commissioner Fogarty concurring and issuing a separate statement.

1. On March 16, 1979, we issued our Memorandum Opinion and Order in the above-captioned matter, *Overseas Communications*, 71 F.C.C. 2d 71, in which we found acceptable portions of a comprehensive facilities construction and use plan for the North Atlantic region filed by the United States international service carriers (USISC), which consist of the American Telephone and Telegraph Company (AT&T) and the international record carriers (IRCs).¹ That proposed plan, known as Plan 3 (Munich), provides for construction and use of the satellite and cable facilities to satisfy through the end of 1985 the levels of traffic forecast between the United States and 20 nations in the CEPT.²

2. In that Order, however, we found the provisions in Plan 3 (Munich) relating to telephone service between the United States and Belgium and between the United States and the United Kingdom to be unwarranted departures from the negotiating guidelines we had provided the carriers. We therefore directed AT&T (the U.S. carrier concerned) to discuss the matter further with its correspondents to see if it could resolve our objections to the original proposals. We now have before us for consideration the renegotiated provisions for Belgium and for the United Kingdom. In our March 16 Order, we also indicated that the carriers had failed to include in Plan 3 (Munich) adequate provision for dealing with what has come to be referred to as the "shortfall" issue—the possibility that actual traffic levels for particular countries may fall short of, or exceed, those forecast. Consequently, we directed the service carriers and Communications Satellite Corporation (Comsat) to meet with our staff to discuss this issue and to submit proposals for dealing with it. We also have before us for consideration alternative proposals for handling

¹ FTC Communications, Inc. (FTCC), ITT World Communications Inc. (ITWCI), RCA Global Communications, Inc. (RCAGCI), TRT Telecommunications Corporation (TRT) and Western Union International, Inc. (WUI).

² Conference Europeenne des Administrations des Postes et des Telecommunications, an organization of the postal and telecommunications entities of 26 European nations.

shortfall submitted by Comsat and by the USISC.

3. On December 23, 1977, we issued our Third Statement of Policy and Guidelines in this proceeding, *Overseas Communications*, 67 F.C.C. 2d 358, in which we adopted a comprehensive facilities construction and use plan, known as Plan 4-M, which did not provide for construction of a seventh transatlantic telephone cable (TAT-7). On reconsideration, Public Notice released October 25, 1978, FCC 78-758, Memorandum Opinion and Order, *Overseas Communications*, 71 F.C.C. 2d 1178, we noted that none of the proponents of the TAT-7 cable had shown it was needed to meet traffic forecasts or that it was otherwise economically justified. However, we also noted that we had not achieved one of our goals in this proceeding: agreement on both sides of the Atlantic on a comprehensive facilities plan to which all interested entities could commit. Accordingly, in order to achieve, for the first time, a commitment to a cable and satellite facilities use plan, which we found a necessary first step toward joint, coordinated cable and satellite planning, we initiated a five-phase procedure to develop a mutually-acceptable compromise plan. Under these procedures, the USISC met with their correspondents in Canada and CEPT and developed Plan 3 (Munich).

The Pleadings

4. On April 23, 1979, AT&T, on behalf of itself and the other USISC, filed a pleading entitled *Proposals of the United States International Service Carriers* which contains: (1) the results of AT&T's further negotiations with its correspondents in Belgium and the United Kingdom; (2) the AT&T and IRC proposals for dealing with deviations from traffic forecasts (shortfall); (3) further information concerning the IRC's proposed use of additional CANTAT-2 circuits and (4) the IRCs' proposals for balanced loading of record bearer circuits. In addition to these matters, AT&T also included in its April 23 filing revised traffic forecasts and circuit distributions for 12 of the CEPT countries.³

³ The USISC, in late April 1977 had submitted traffic forecasts for each of the 20 CEPT countries. Although we did not agree with those forecasts, or the method by which they were developed, we accepted them for purposes of analyzing various alternative plans because we concluded that the precise level of the USISC forecast made no difference in our selection of Plan 4-M as our preferred plan. See *Overseas Communications*, FCC 77-536, para. 8, released August 1, 1977. See also *Overseas Communications*, 67 F.C.C. 2d 358, 360 372-3 (1977). In developing Plan 3 (Munich), however, the USISC revised their forecasts for five

5. Also on April 23, Comsat filed its *Shortfall/Longfall Proposals of the Communications Satellite Corporation* which set forth its proposals for dealing with deviations from forecast traffic levels. On May 7, 1979, Comsat filed *Comments on Proposals of The U.S. International Service Carriers*, in which it generally opposes the shortfall proposals of AT&T and the IRCs (finding its proposals more easily administered), approves AT&T's renegotiated provisions for Belgium, takes issue with the renegotiated provisions for the U.K., agrees with the IRCs' proposal to use balanced routing for record bearer circuits and files its own proposal for dealing with the IRCs' projected use of additional CANTAT-2 circuits. Also on May 7, the USISC filed their *Comments on Comsat's shortfall methodology* in which they find both the proposal for telephone and that for record service to be contrary to the balanced-route principle adopted by the Commission and lacking in flexibility of administration. On May 14, 1979, Comsat and the USISC each replied to the other's comments.

Renegotiated Proposals

6. In our March 18 Order, the aspect of Plan 3 (Munich) to which we had objected was AT&T's proposal, in the case of Belgium, to acquire 20 circuits in CANTAT-2—Plan 3 Revised had not provided for use of CANTAT-2 for service to Belgium—and, in the case of the U.K., to acquire 150 circuits in CANTAT-2 and 150 in TAT-6 above the 470 circuits in each of those cables for U.K. service which Plan 3 Revised had provided. Chiefly, we objected to the fact that these proposals would increase AT&T's investment and that there had been no effort to justify the increase. As a result, we could find no basis for imposing this extra burden on the ratepayer. Accordingly, we directed AT&T to conduct further discussion with its correspondents to attempt resolution of these concerns.

7. *Belgium.* For Belgium, AT&T's renegotiated provisions differ from Plan 3 (Munich) in that they eliminate use of the subject 20 CANTAT-2 circuits. In their place, the provisions call for use of an additional ten circuits in TAT-6 and an additional ten on the satellite. The renegotiated provisions thus continue to call for use of 20 more circuits than had Plan 3 Revised; the major difference is the facilities on which they are to be placed. These provisions are based on a

countries. In reviewing that plan we neither accepted nor rejected the revised forecasts; but merely noted where there were differences. With the present revisions, there are only four countries whose plans are still based on the 1977 forecasts.

revised traffic forecast which is somewhat larger than the one that had been used in developing Plan 3 Revised. AT&T states that it has secured agreement with one of the IRCs⁴ to acquire the additional TAT-6 circuits at depreciated cost and that upon approval of the renegotiated provision it will file the appropriate request for authorization to acquire the circuits.

8. *United Kingdom.* With respect to the U.K., AT&T states that it has reached agreement with the British Post Office (the communications entity in the U.K.) and Teleglobe/Canada (the Canadian overseas communications entity) to modify the terms under which it will acquire the additional TAT-6 and CANTAT-2 circuits. That is, AT&T will acquire from Teleglobe/Canada interest in 97 CANTAT-2 circuits at the depreciated value of these circuits as of June 1, 1979. AT&T will also acquire from the British Post Office interests in an additional 150 CANTAT-2 circuits at an identical depreciated price. Finally, in mid-1983, AT&T will reacquire from Teleglobe/Canada, at their then depreciated price, the interests in 150 circuits in TAT-6 which it had previously sold to that entity.⁵

9. In support of the renegotiated provisions, AT&T states that they represent substantial compromises on the part of Belgium and the U.K. First, AT&T notes that Belgium has agreed to forego use of CANTAT-2. Second, AT&T notes that the U.K. has accepted use of "fully depreciated prices" for acquisition of the TAT-6 and CANTAT-2 circuits. AT&T also notes that under the renegotiated provisions paths will be "more equally balanced" over the planning period. AT&T further states that the renegotiated plan will increase the relative use of satellite and, in this connection, notes that the provision "retain(s) the use of three satellite paths" to the U.K. beginning in 1982.

10. *Comsat Response.* In its May 7 response, Comsat supports AT&T's renegotiated arrangement for Belgium. Comsat notes that since AT&T will acquire the ten additional circuits in TAT-6 from an IRC, their use will not increase total U.S. ratepayer cost for use of TAT-6. Similarly, since the ten satellite circuits will be leased from Comsat, Comsat states that there will be no increased expense under the revised provisions "due to payments to a foreign telecommunications entity." Comsat

⁴ The April 23 USISC filing indicated only that AT&T would acquire the ten TAT-6 circuits from "an IRC." By an amendment to Plan 3 (Munich) filed May 18, 1979, AT&T indicated that the IRC in question is WUI.

⁵ See American Telephone and Telegraph Company, 63 F.C.C. 2d 557 (1977).

Comments, at p. 23. Accordingly, Comsat asserts that this provision meets our guidelines and serves the public interest; and therefore urges us to accept it.

11. With respect to the U.K. provisions, however, Comsat asserts that AT&T has still failed to justify use of additional CANTAT-2 and TAT-6 circuits. Rather, Comsat finds the level of use of those cables set out in Plan 3 Revised, adjusted to reflect the increased traffic forecasts, to be more appropriate. Comsat notes that in our March 16 Order we had rejected the only justification offered by AT&T for use of the 300 additional circuits—that their use would permit the USISC to maintain the two cables as balanced routes in the early part of the planning period—on the grounds that any benefit thus derived was not commensurate with the \$4.2 million we estimated the circuits would cost AT&T.⁶ Comsat notes that AT&T merely reasserts the desirability of its original proposal (since it retains provision for the 300 circuits) and that the only change from its earlier filing is that the U.K. traffic forecast has been increased. Thus, Comsat argues that this proposal fails to meet our public interest standards and that our prior finding of no justification remains un rebutted.

12. Comsat further argues that the new substantive justifications offered by AT&T similarly do not meet our public interest standards. First, Comsat argues that the agreement of the British Post Office and Teleglobe/Canada to sell AT&T circuits at depreciated price offers no support, since it finds it is difficult to believe that we would accept any other basis in view of our recent decision in *American Telephone and Telegraph Company*, F.C.C. 79-793, 71 F.C.C. 2d 106, released March 27, 1979.⁷ Second, Comsat finds no merit in AT&T's argument that with the additional circuits, the available paths will be "more equally balanced" over the planning period. Comsat, rather,

⁶In our March 16 Order, we noted that the net depreciated price for 150 CANTAT-2 and 150 TAT-6 circuits would be \$5.4 million. This figure, offset by the \$300,000 AT&T would save for each TASI system deleted from the number called for in Plan 3 Revised, would yield a net investment for AT&T of \$4.2 million. See 71 F.C.C. 2d at 89.

⁷In that Order, we denied an application by AT&T to acquire IRUs in the SAT-1 cable because we found the terms on which AT&T prepared to acquire the IRUs not in the public interest. Briefly, AT&T proposed to acquire the IRUs at a price computed by taking the original investment cost, less depreciation accrued over its life, plus an amount representing the "accrued cost of money," compounded annually since introduction of the cable. It is not clear what this factor represents but appears to be either a tacit contribution to the acquisition of a replacement facility or a recoupment of investment for the unused portion.

alleges that its analysis shows that, as compared to Plan 3 (Munich), paths will actually be less equally balanced in 1979-81 and in 1984 under the renegotiated provisions and that the degree of balance in 1983 will be about the same under either proposal. More importantly, however, Comsat states that this is the first time that AT&T has addressed balanced loading in relative terms—"more equally balanced"—and finds it unpersuasive, stating that anything less than absolute balanced loading is not balanced loading at all. Third, with respect to AT&T's assertion that the renegotiated provisions will increase the relative use of the satellite medium, Comsat notes that any increase in satellite use is due solely to the increased traffic forecasts. Finally, Comsat finds no justification for the provisions in the fact that they retain use of three satellite paths, since it finds it hard to believe that we could accept any implication that the U.K. would revert to only two paths if it does not prevail on the issue of the 300 additional cable circuits.

13. The USISC's April 23 joint filing also included two proposed distribution methodologies—one for AT&T and one for the IRCs—for dealing with shortfall. In our March 16 Order, we had noted that because no one principle of circuit distribution had been followed uniformly in Plan 3 (Munich), it would be difficult to predict what would happen in the event that actual traffic fell short of, or exceeded, the forecasts underlying that plan. Comsat, in its comments on Phase 2 of this proceeding had expressed concern that a shortfall in circuit demand before introduction of TAT-7 (in Mid-1983) would fall more heavily on satellite facilities than on cable. Comsat also noted that a "pent-up" demand had been observed immediately prior to introduction of TAT-6 and was concerned that it might occur again here. Recognizing the uncertainty inherent in forecasting, we agreed with Comsat that the lack of an internal mechanism in Plan 3 (Munich) for dealing with traffic fluctuations is a serious weakness and directed the USISC and Comsat to meet with our staff to develop ways by which traffic fluctuations may be handled.

14. After a number of meetings, it became apparent that due to their varying characteristics and interests, the participants would not be able to agree on a single methodology. Accordingly, the staff directed AT&T, the IRCs and Comsat each to file its own proposal for our consideration. In the comments herein, we have before us a proposal by AT&T, for telephone service, one by the

IRC for record services and one by Comsat which it states will handle both record and voice traffic.

15. *AT&T Proposal.* AT&T notes that the traffic forecasts it submitted in an earlier phase of this proceeding have proved to be quite accurate and states that it therefore believes the development of any substantial deviations from its current forecasts is unlikely. However, should traffic levels depart from the forecasts for some unforeseen reason, the resulting shortfall or overage should be handled by its circuit activation methodology. To each country, in each year, AT&T will activate circuits on the smallest growing route to that country until it reaches balance with other routes planned for growth. Thereafter, circuits will be added equally to each growth route so as to maintain balanced loading. For countries where the facilities plan does not provide for a route to be balanced in a particular year, AT&T will activate circuits first on the smallest growth route until it reaches either the level of use called for in the plan for that year or a level of use equal to the next-larger growth route.⁸ Thereafter growth would be assigned to the next-smaller growth route (or routes). For growth larger than predicted rates, on the other hand, AT&T would merely move ahead to the following year's circuit allocation pattern for that point. Where capacity limitations would prevent acceleration of activation patterns, AT&T states that it would place excess growth on the smallest route where capacity is available.

16. AT&T states that it believes its proposed methodology should effectively accommodate any deviations from forecast traffic levels which may develop. AT&T, however, recognizes that the basis for Comsat's arguments is its concern that AT&T or its correspondents might artificially create shortfall just prior to introduction of TAT-7 to avoid activating a certain number of satellite circuits ("hold back"). AT&T, on this question, states that it believes there is no basis to assume that the USISC will fail to live up to their facilities commitments but that, speaking for itself, the deterioration in service occasioned by an artificial holdback would be

⁸In its Proposal, AT&T notes one exception to its proposed circuit activation methodology—Italy. AT&T notes that the circuit distribution for Italy shown in Plan 3 (Munich) demonstrates an Italian policy of dividing growth 50-50 between the cable and satellite media throughout the planning period. Italy, therefore, will not fit within AT&T's proposed circuit activation policy. Rather, AT&T notes that it will activate circuits on the 50-50 basis and that shortfall or overage would be similarly allocated. USISC Proposals, at p. 8.

unacceptable. Accordingly, AT&T asserts that it will impress upon its correspondents that hold back "cannot be tolerated." USISC Proposals at p. 8. To reassure Comsat of its good faith, however, AT&T states that it will continue, as it has for TAT-6, to report monthly to the Commission the percentage "no circuit" (NC) levels for individual countries. These data will show, it asserts, whether appropriate numbers of circuits have been activated. Should the NC levels for any country rise above three per cent and remain above that level for three consecutive months during the six months prior to the introduction of TAT-7, and there is a shortfall in satellite circuit activations during that time, AT&T asserts that it will activate enough satellite circuits in the year following introduction of TAT-7 circuits to that country to make up all shortfall in satellite activations in existence on July 1, 1983. The only exceptions to this policy are where the rise in NC level is due to a limit on the capacity available in a major satellite or cable facility, or to a political upheaval or labor dispute beyond AT&T's control.

17. *IRC Proposal.* The IRCs repeat in the present filing the position they have maintained throughout this proceeding that the nature of record service is such that a rigid circuit activation schedule such as that proposed for AT&T—where shortfall or overage is handled on a country-by-country basis—would be burdensome. The IRCs note that approximately 70 per cent of their circuits are used for leased record channel services. Of these, they state, most are for customers who specify the particular type—cable or satellite—of circuit they want. The IRCs also argue that, unlike the case for telephone service, the record-service industry has multiple, competitive carriers; and each carrier must be able to respond at any time to a customer need for a particular type of facility. Thus, the IRCs assert that even though the cable/satellite proportions shown in the plan are their best estimates of likely future use (based on past patterns), they cannot state several years in advance that they will be accurate for every country in every year. Rather, to retain the flexibility they assert they need, the IRCs propose to deal with a shortfall or overage on an overall "area basis." That is, they propose to allocate shortfall in leased circuits proportionately to cable and satellite proportions shown in the plan.

18. In place of an activation schedule, the IRCs note that their monthly circuit status reports will permit us to monitor their performance to assure that circuit

activations are appropriately handled. The IRCs also state that, should an IRC be unable to meet a customer request for a circuit in a particular type of facility, even under the more flexible methodology proposed above, that IRC should be free to petition the Commission for modification of its activation plan. Upon justification of such a claim, the IRCs argue that the record carrier should be free to depart from the cable/satellite proportion by as much as 10-15 per cent, or five circuits, whichever is greater. The IRCs note in this connection that some of them have had difficulty meeting customer requirements under the relatively flexible area-wide activation plan now in effect in the Pacific and assert that the uncertainties which have caused those problems are likely to be present also in the North Atlantic.

19. *Comsat Proposal.* As it had at earlier stages in this proceeding, Comsat opposes both the AT&T and the IRC proposed methodologies, and advocates in their place a modification of the circuit-activation procedures currently in use for TAT-6. Essentially, for both record and voice services, Comsat focuses on the circuit distributions in the master plan and would handle deviations from forecasts by stretching out or accelerating, as necessary, the timetable for the yearly circuit-distribution "target." At the outset, Comsat sets forth five public-interest standards which it believes a shortfall methodology should meet. First, it states that such a methodology should *confirm expectations*. The agreed master plan reflects the expectations of the parties thereto—what they bargained for—and the objective in implementing the plan should be to achieve those expectations to the maximum extent possible. Second, a shortfall methodology should have *accountability*; those who developed the forecasts on which the plan was based should bear their proportionate share of the risk of a shortfall. Third, a shortfall methodology should have *simplicity and predictability*. The method used should not have formulas or ratios; mathematical calculations should be minimized to avoid problems of differing interpretation. Fourth, the method adopted should allow the parties *ease in monitoring* its performance. Finally, the method used should be *self-regulating* to the maximum extent possible to avoid disputes.

20. Comsat believes that these standards, whose conformity with the public interest it deems self-evident, may best be advanced through its methodology—which seeks as closely as

possible to achieve the yearly circuit-distribution targets contained in Plan 3 (Munich). By thus giving effect to the intention of the parties expressed in the agreed plan, and found in the public interest by the Commission, its methodology would, it believes, most fairly apportion the risk (or benefit) of traffic fluctuations. Comsat proposes that the facility loading levels in the plan be treated on a quarterly basis so that, at the end of each quarter, the actual growth can be compared to projected growth. If there is an excess over forecast traffic, the activation schedule for that quarter could be achieved sooner than anticipated and one would simply move to the next goal. If, on the other hand, traffic falls short, one simply continues to apply the then current quarterly target until actual levels equal projected levels.

21. In recognition of the concerns of AT&T, and of the IRCs, Comsat makes two special proposals. First, to satisfy AT&T's concern that a consistent shortfall would delay introduction of TAT-7, and to assure that it grows to a "respectable" level, Comsat offers in the case of a shortfall to suspend the master plan for a period of six months following introduction of TAT-7 to direct all growth to TAT-7. Comsat then proposes to return to the plan as soon thereafter as possible. Second, to aid the IRCs in retaining the flexibility they say they need, Comsat proposes that the IRCs aggregate their cable and satellite circuit authorizations on a quarterly basis, to all CEPT countries, so that the level for a particular country may differ from the plan so long as the overall cable/satellite levels are reasonably close to those in the plan. Should customer requirements cause the IRCs to run short of available cable circuits, Comsat further proposes they be able to "dip into" the next quarter's allotment, irrespective of satellite loading—so long as the satellite does not fall more than one quarter behind the plan, and such lag is made up within six months.

Discussion

Renegotiated Provisions

22. *Belgium.* We turn first to the results of AT&T's further negotiations with its correspondents in Belgium and the United Kingdom. Looking first to the provisions for Belgium, after reviewing all the comments of the parties, we conclude that this modification of Plan 3 (Munich) falls generally within our policy guidelines and shall, therefore, adopt it as part of the agreed-upon comprehensive facilities construction and use plan. In our March 16 Order, we had objected to the fact that AT&T had

made no attempt to justify use of 20 circuits in the CANTAT-2 cable for service to Belgium.⁹ Plan 3 Revised had not called for use of CANTAT-2 circuits for telephone service to that point. In the renegotiated provisions, total circuit requirements still exceed those in Plan 3 Revised, but the extra circuits which Plan 3 (Munich) had placed on CANTAT-2 are now placed on the TAT-6 cable and the satellite (ten circuits on each). AT&T does not offer any new justification for use of additional circuits. AT&T does note, however, that Plan 3 (Munich) and the renegotiated provisions are based on a traffic forecast which has been increased (10-15%) over the one used for Plan 3 Revised.

23. As we have noted in the past, we do not have enough information to pass upon the validity of AT&T's forecasts, either for the region as a whole or for a particular country. As we have in the past, however, we shall accept it for purposes of analyzing the renegotiated provisions. In view of the larger traffic projection for Belgium, it would appear that some number of additional circuits would be required over the levels in Plan 3 Revised. Thus, while we cannot specify what that number would be, the fact that the renegotiated provisions call for more circuits is not itself unreasonable. We need not determine that number precisely, however, since the important question is how the circuits will be distributed; and on that point, the present provisions represent a clear improvement over Plan 3 (Munich). That is, because of the circuit activation policy AT&T has proposed, which we discuss below, it appears that facilities will be used so as generally to maintain balanced loading within the contours of the comprehensive plan. That activation methodology, therefore, should assure that facilities are efficiently used. We also note that, inasmuch as AT&T will acquire the ten TAT-6 circuits from the half-circuit pool at depreciated cost,¹⁰

their acquisition will not increase total U.S. costs for TAT-6 use, merely shift the cost of those circuits from one or more U.S. carriers to AT&T. Furthermore, the renegotiated provisions do yield one additional operational benefit. If the forecast is accurate, AT&T will have an earlier need for these circuits than would the carrier which had originally planned to use them. The renegotiated provisions, therefore, will yield a slightly more efficient use of the TAT-6 cable. With respect to the satellite circuits, since AT&T will acquire them from Comsat, the renegotiated provision will not increase AT&T's foreign payouts to foreign carriers. We wish to note that this fact alone would not justify use of the additional circuits; however, it does help reduce U.S. costs for Belgium service and, thus constitutes an improvement over the Plan 3 (Munich) provision. On balance, therefore, we find the circuit distribution in the renegotiated provision for Belgium generally consistent with our facilities guidelines and shall not object to its inclusion in the comprehensive facilities plan¹¹ set forth in Attachment C, below.¹²

24. *United Kingdom.* We similarly shall interpose no objection to the renegotiated provision for the United Kingdom which calls for acquisition of additional TAT-6 and CANTAT-2 circuits—although the situation here is not so simple as in the case of the Belgium provisions. We continue.

U.S. end and one-half by a foreign correspondent: referred to as a "half-circuit." At a conference in Eastbourne, U.K., the owners of the cable had agreed to an allocation of all the circuits in the cable as to the countries for which they would be used and as to the U.S. carrier which would use them. In authorizing the cable, however, we indicated that we thought projections for use of the circuits beyond 1980 were too uncertain for specific allocation. Accordingly, the order created a pool of approximately 912 half-circuits to be jointly owned on the U.S. end by AT&T ITTWC, RCAGC and WUI but by individual, specific correspondents on the European end. The U.S. owners have an individual share of each circuit in the pool which is equal to that carrier's ownership share of the cable as a whole. The ten TAT-6 circuits AT&T proposes to acquire are among those which the Eastbourne agreement had allocated to WUI for use with Belgium: three were planned for use between 1979 and 1985 and seven for use beyond 1985.

¹¹ Notwithstanding our action herein, AT&T will still require specific authorization before it actually acquires these 20 additional circuits.

¹² We have included as part of this Order a series of Attachments which set forth, with the amendments discussed herein and a number of typographical corrections, the agreed-upon facilities construction and use plan submitted by the USISC and adopted by us as our policy guideline. Attachment A sets forth the USISC forecast for the 20 CEPT nations, as amended through April 23, 1979. Attachment B sets forth our TASI-E assumptions. Attachment C sets forth the facilities plan for the USISC as a whole: AT&T and total IRCs. Attachments D-H set forth the breakdown of the Attachment C figures for each individual IRC.

however, to have difficulties with some aspects of the proposed use of these facilities. In our March 16 Order, we had found that AT&T had not justified the use of the 150 additional CANTAT-2 and 150 additional TAT-6 bearer circuits for service to the U.K. and that we were uncertain as to the terms on which AT&T would acquire the CANTAT-2 circuits. Plan 3 Revised had provided for substantial use of both the CANTAT-2 and TAT-6 cables (470 bearer circuits in each cable). Our analysis indicated, calculated on the basis of depreciated price, that the additional 300 bearer circuits would increase AT&T's net investment by approximately \$4.2 million and that AT&T had not justified that increased investment.¹³ We were particularly troubled by the fact that AT&T had limited its proposed use of TASI (Time Assignment Speech Interpolation) circuit multiplication and would therefore appear not to use the facilities in the most reasonable and efficient manner. For example, under the original Plan 3 (Munich) proposal, AT&T would use the 620 CANTAT-2 circuits and 620 TAT-6 circuits so as to derive no more than 860 circuits in each cable (1720 total). By way of contrast, Plan 3 Revised, with 300 fewer bearer circuits but with full use of TASI, could derive 940 circuits in each cable (1880 total).

25. In support, AT&T cites four points it characterizes as substantial compromises on the part of the U.K. administration which it believes justifies our acceptance of the revised provisions. First, AT&T notes that the U.K. and Teleglobe/Canada have agreed to provide AT&T with the requisite interests in the CANTAT-2 and TAT-6 circuits at net depreciated price. Second, AT&T notes that a comparison of Plan 3 (Munich) and the renegotiated provisions shows that under the new provision the loading of major facilities will be more equally balanced throughout the planning period. Third, AT&T argues that the renegotiated provisions will result in a relatively greater use of satellite than would be the case under Plan 3 (Munich). Finally, AT&T notes that the circuit distribution in the renegotiated plan retains the use of a third satellite path for U.K. service beginning in 1982. Comsat challenged whether these points constitute compromises by the U.K., noting that they either constitute prerequisites in the negotiating guidelines or that the effect cited is due solely to the increased forecast rather than to a change in AT&T or U.K. policy.

¹³ See 71 F.C.C. 2d at 99.

26. After reviewing the comments of the parties, we are inclined to question the extent to which the renegotiated provisions represent a compromise by the U.K. Turning first to the matter of depreciated price, we are, of course, gratified to see the agreement of the BPO and Teleglobe/Canada to sell AT&T interests in CANTAT-2 circuits at net depreciated price. This agreement is consistent with our general pricing policies and, thus, removes a potential area of controversy. However, the price AT&T would pay for CANTAT-2 circuits was not precisely at issue in the renegotiated provisions¹⁴ and, does not bear upon the reasonableness of acquiring additional bearer circuits or their use. With regard to AT&T's assertion that routes will be more evenly balanced under the renegotiated provision, it appears from a review of the revised circuit distribution that loading will be closer to balance in 1985 than it would be under Plan 3 (Munich). However, despite the addition of 300 bearer circuits, the 1985 circuit distribution is farther from balance than was Plan 3 Revised. While we grant that the traffic forecast has been increased, which places a greater demand on available circuits, the improvement over Plan 3 (Munich) is slight. Considering the cost of the additional circuits, that slight improvement offers little support for the renegotiated provisions. In fact, it appears that the chief reason that the renegotiated provisions come closer to balance in 1985 is the increased traffic forecast.

27. Much the same is true of AT&T's argument that the renegotiated plan will yield a greater relative use of satellite than would Plan 3 (Munich). While there is a slight increase in satellite use under the renegotiated plan (from 54% satellite under Plan 3 (Munich) to 57%), it appears that Comsat is correct that this increase is due only to the increased traffic forecast and not to any change in AT&T's circuit allocation policy. If one applies the allocation pattern underlying Plan 3 (Munich) to the revised forecast, the result is the circuit distributions in the renegotiated provisions before us. Thus, the fact of greater satellite use

¹⁴ In our March 16 Order, we noted that Plan 3 (Munich) was silent with respect to the price AT&T would pay for CANTAT-2 circuits. We noted that in a prior application, File No. I-P-C-8277-8, filed August 10, 1978, for authority to acquire 97 CANTAT-2 circuits for service to the U.K., AT&T had stated a negotiated price in excess of their net depreciated price. Because of AT&T's silence, we were uncertain whether AT&T considered that negotiated price to apply also to the circuits in CANTAT-2 it proposed to acquire under Plan 3 (Munich). On that point, however, we found that any price other than depreciated price would fall outside our guidelines. See 71 F.C.C. 2d at 90-1.

under the renegotiated provision neither argues for nor against the provision. The crucial matter is the reasonableness of the methodology used for circuit allocation. Finally, maintenance of a third satellite path to the U.K. in 1982 was not at issue in our March 16 Order. Plan 3 (Munich) itself called for a third satellite path to the U.K. to be introduced in 1982. Therefore, while we are pleased that the U.K. continues to call for a third satellite path in 1982, that fact does not bear on the reasonableness of the renegotiated plan.

28. The most striking feature of the renegotiated provisions is a characteristic it shares with Plan 3 (Munich)—the limitation AT&T has placed on the use of TASI. It is not as though AT&T doubted the viability of TASI—AT&T in fact had proposed a significant level of TASI use even in Plan 3 (Munich) and has actually increased it in the present provision.¹⁵ In view of AT&T's strong advocacy of balanced loading, it is ironic that AT&T has taken the course it has—since, with only a minimal increase in TASI use (one more TASI system), it could have achieved full balance on all growth routes to the U.K. AT&T, however, has sought to justify the expense of adding 300 bearer circuits while failing to make the most efficient use of them.

29. At the outset, we note that the increase in the traffic forecast for the U.K. is substantial. Indeed, we note that, even with full use of TASI, it would not be possible to achieve balance in 1985 using only the 470 bearer circuits in TAT-6 and in CANTAT-2 that Plan 3 Revised had provided. With TASI, those 470 circuits would yield a total of 940 circuits in each of those cables—which is out of balance with the 1130 circuits in each of the TAT-7 and three satellite paths which are needed to handle the forecast traffic level. At that level of traffic, full balanced loading would require 1,067 circuits in each of the six (three cable and three satellite) growth routes to the U.K.

Since, with TASI, 470 cable bearer circuits would yield only 940 circuits, it is obvious there would not be enough circuits available in the TAT-6 and CANTAT-2 cables to reach balance.

30. This does not mean that balance is impossible or that the only recourse is to add 300 bearer circuits as was done in the renegotiated provisions. Even

¹⁵ AT&T is not limiting TASI use in terms of the number of circuits it will derive from each TASI system. Rather it has limited the number of systems it will use—that is, the number of circuits on which it will use TASI. On those circuits where it will use TASI, AT&T will make full use of it to derive twice as many effective circuits as the number of bearer circuits to which it is applied.

assuming the larger traffic, balance is achievable, with full TASI, by the addition of only 70 bearer circuits (from 470 to 540) in TAT-6 and 70 in the CANTAT-2 (with full TASI, 540 bearer circuits would yield up to 1,080 circuits). It is interesting to note that AT&T's capital expenditures for this result, at net depreciated price, would be approximately \$5.22 million—\$1.12 million for the 70 CANTAT-2 circuits, \$1.4 million for the 70 TAT-6 circuits and \$2.7 million for nine TASI systems. Under the renegotiated provisions, AT&T's additional capital expenditure would be approximately \$7.5 million (\$5.4 million for the 300 TAT-6 and CANTAT-2 circuits and \$2.1 million for seven TASI systems.) Thus, the renegotiated plan would cost AT&T approximately \$2.28 million more than buying only 70 circuits in each cable—yet the renegotiated plan provides fewer circuits overall and fails to achieve balanced loading.

31. Were this the only consideration, it would be doubtful that we could find the distribution in the renegotiated plan for the U.K. acceptable. We note, however, that throughout this proceeding we have limited our attention to the 1979-1985 period. While this is realistic in terms of the pace of technological change, and necessary if we are to develop a complete and accurate record for decision, we recognize that the present planning period is part of a continuum and that under appropriate circumstances we can take cognizance of factors which will be of importance beyond the present period. AT&T has noted that the 300 additional bearer circuits will provide a substantial additional capacity and, thus, greater flexibility to meet traffic levels both during the planning period and in the short term beyond the period. Since the U.S.-U.K. route is the largest traffic stream in the North Atlantic, and appears to be growing at a strong rate, it is likely that these facilities will be of substantial benefit to sound telephone operations both in the current period and beyond. This being the case, and since the U.K. has indicated a preference to have these facilities available, we are unwilling to conclude that AT&T's position is unreasonable. We have followed in this matter the policy that an entity who foresees the reasonable need for extra capacity should make provision for it and that such entity, rather than another, should bear the costs of having the capacity available. Therefore, we shall not interpose an objection to AT&T's acquisition (at net depreciated price) of interests in the 150 CANTAT-2 and 150

TAT-6 circuits called for in the renegotiated plan.

32. As we have noted, under appropriate circumstances, it is not unreasonable for a carrier to have limited amounts of spare capacity available. Indeed, in an era of large-capacity, long-lived facilities, the existence of such spare capacity is virtually unavoidable in the short run. The important thing, therefore, is to assure that those facilities are efficiently used. Throughout this proceeding we have focused much attention on this factor; in fact, it is this aspect both of Plan 3 (Munich) and of the renegotiated provisions which has troubled us. We are aware from AT&T's May 14 *Reply Comments* that its U.K. correspondent wishes to limit the use it makes of TASI, even though it could thereby achieve balanced loading. Nevertheless, it also appears from AT&T's reply that the U.K. administration is willing to reconsider its position in the interests of attaining a resolution acceptable to all.

33. We believe that an accommodation of both our concerns can be reached. We have frequently stated our support of TASI circuit multiplication as a cost-effective way to increase the effective capacity of facilities. We have also indicated that although we do not consider balanced loading a sufficient reason for construction of a new facility we do see that it can provide some service benefits. We also believe that the use of TASI to achieve balanced loading represents a particularly favorable way to achieve our service objectives. In this connection, we note from AT&T's reply that the U.K. proposes to balance growth routes in the period beyond the present planning period, but that it would be willing to consider moving that goal up into the planning period. We are pleased to see this expression of cooperation on the part of the U.K. administration and its willingness to understand our concerns. Accordingly, while we shall not object to AT&T's acquiring the 300 additional bearer circuits, we must emphasize the importance we attach to the appropriate use of TASI. We shall expect AT&T to use the facilities we are authorizing fully and efficiently. We also encourage AT&T to pursue the U.K.'s offer of compromise. We have in Attachment C, below, included in the agreed-upon facilities plan a revised circuit distribution for the United Kingdom which reflects the assumptions of the renegotiated provisions as to which facilities will be used for U.S.-U.K. service and which, through a slightly increased use of TASI, achieves

balanced loading throughout the planning period. This distribution reflects what we understand to be the import of the statements in AT&T's reply and is acceptable to the Commission. Since the revisions represent a reasonable use of facilities, as well as offering some service benefits, we anticipate that the United Kingdom will have no objection to them. Therefore, we will not condition our adoption of Plan 3 (Munich) upon the U.K.'s acceptance of the revised distribution, but do request that AT&T confirm them with its correspondent.

Shortfall

34. We turn now to the matter of shortfall. In our March 18 Order we had directed the USISC and Comsat to work with the Commission's staff to develop a mutually-acceptable method for dealing with deviation from traffic forecasts. After reviewing the proposals of the parties and their comments on the other proposals, it is clear that they take widely divergent views on the question and that agreement is therefore unlikely. Because of the importance of a cable/satellite use plan, particularly as a basis for future planning efforts, we believe it imperative that we have a firm, predictable method for handling traffic deviation and shall, therefore, ourselves select a method. After reviewing the matter, we have concluded to adopt the AT&T proposal for telephone circuit shortfall but, because of the nature of leased record-channel service, have concluded not to adopt a specific activation methodology for record service.

35. As we noted in our March 16 Order, the reason for the shortfall issue is the fact that plan 3 (Munich) did not uniformly apply balanced loading or other suitable circuit-activation principles. A uniform activation principle would simply allocate traffic systematically among available facilities no matter what level of traffic actually occurs. Shortfall or overage would thus be automatically accommodated so as overall to assure a reasonable use of facilities. Failing such an internal mechanism, it is necessary to have a shortfall methodology to accomplish the same result of efficient facilities use.

36. In the matter of handling telephone circuit shortfall, both the Comsat and AT&T methods appear to be impartial. Further, it appears that both methods could, under most circumstances, provide a reasonable use of facilities. We thus do not see any major advantage or disadvantage in the substantive provisions of either methodology. AT&T's method, however, has one advantage in that its use of

balanced loading as a circuit-activation principle will tend to preserve the service benefits of that principle and will therefore, tend to be simpler and more automatic to administer.

37. Comsat approached the shortfall question by setting forth a series of five public-interest tests it believes a shortfall methodology must meet. See paragraph 19, *supra*. Since Comsat uses these standards as the framework both for its challenge to AT&T's method and its defense of its own proposal, we believe they represent a convenient framework for presenting our analysis. First, on the question of confirming expectations, Comsat argues that AT&T's proposal by applying balanced loading to a plan not based on that principle, will result in constant adjustments to the circuit distributions which would lead to departures from the agreed-upon plan. Comsat argues that AT&T's method thus fails to confirm the expectations of the parties to the plan. Comsat notes that its method, on the other hand, will treat the circuit distributions for each year as a growth "target" to be achieved before moving to the next target. Comsat therefore argues that its plan will preserve the contours of the plan—merely varying the time needed to achieve each target—and will confirm what each party expects from the plan.

38. It appears that Comsat has misperceived AT&T's proposal. AT&T's states that it will activate circuits on the smallest growing route until it equals the loading of other growth routes and, thereafter, will allocate growth equally to all growth routes—up to the level called for in the plan for a particular route in a particular year. Because of this limitation, it appears that the AT&T activation methodology will fairly accurately track the agreed-upon plan. When growth on any route in any year reaches the level called for in the plan, no more growth will be assigned to it until all other routes reach their projected levels. Thus, it does not appear that AT&T's methodology will yield significant departures from the plan; at least we see nothing inherent in the methodology which would make such a result likely.

39. We also find unpersuasive Comsat's second challenge to AT&T's methodology: that it lacks accountability. We agree with Comsat that those responsible for the traffic forecasts should share in the risk of a shortfall; we do not agree, however, that AT&T's methodology allows the USISC unfairly to escape that risk. Comsat does not offer any reason why it believes AT&T's methodology would

unfairly increase the burden of a shortfall on it. We note that because TAT-7 will be introduced in 1983, most growth prior to that time will be placed on the satellite. Accordingly, if there is a shortfall in that period its effect will be felt more heavily by the satellite. Conversely, if a shortfall occurs after introduction of TAT-7, it will fall more heavily on TAT-7. In either case, however, it is not the shortfall methodology which causes the heavier impact, but the dates when facilities are introduced and the fact that, upon introduction, a new facility is the most lightly loaded. Despite the reservations we have expressed about the justification of the carriers' forecasts, we have no evidence before us which suggests they are unreasonable. We note AT&T's assertion that experience since the forecasts were originally developed have increased its confidence in their validity. However, we believe it is important to have a mechanism for handling a shortfall should the forecasts prove inaccurate. AT&T's methodology will provide an activation methodology which will apportion the burden of such a shortfall, advance service reliability goals and not unduly penalize either transmission medium.

40. We shall consider Comsat's third and fourth points together: ease of implementation and ease of monitoring. Comsat states that under AT&T's methodology the growth targets are "constantly shifting" and that it is therefore complex and difficult to administer or monitor. Comsat does not state what features of the methodology make it complex or difficult to deal with; it states only that it will require detailed tracking of each facility to each point and constant referral to implementation plans. We agree with Comsat that implementation of the AT&T's methodology will require tracking of growth patterns and implementation schedules—as, indeed, would Comsat's own methodology and as will the agreed-upon plan itself. This does not mean that AT&T's method is unduly complex or cumbersome. There is certainly nothing about using balanced loading as an activation technique which is particularly difficult or likely to lead to controversy. The only area of potential controversy we see is the possibility that balanced loading would cause the loading on a facility to exceed the level called for under the plan for a particular year. Even that, as we have noted, appears adequately to have been covered by the caveat to AT&T's

proposal: that it will load facilities only to the level agreed upon.¹⁶

41. The figures shown in Plan 3 (Munich) are "snapshots" of projected facility loadings on fixed dates (usually, the last day of each year). As a result, those figures represent goals or targets; they, however, give no hint as to how they will be achieved. We know that all growth circuits will not be activated on the last day of the year, but periodically through the year as growth and sound operations require. Even Comsat's methodology provides only the goals to be achieved but does not provide any mechanism to deal with activation. The AT&T proposal, however, does provide a specific and trackable activation mechanism. AT&T indicated that it will activate additional circuits throughout the planning period at whatever rate is required to maintain acceptable levels of service quality in accordance with the balanced-loading principle. Accordingly, assuming good faith, it should be relatively easy to follow AT&T's actions and to determine whether it has adhered to the methodology. It will thus not be necessary formally to recognize the existence of a shortfall or of an overage. Such departures from forecasts would automatically be handled by the circuit activation technique—circuits would simply be activated at a rate slower than the plan in the event of a shortfall or faster in case of an overage. In either case, or when traffic is growing as predicted, the facility on which a growth circuit is to be placed will be determined by the balanced-loading principle. The AT&T proposal, therefore, has the operational benefit over the Comsat proposal in that it is relatively automatic and should lead to fewer, rather than more, disputes.

42. For the same reason, we find Comsat's fifth challenge to AT&T's proposal—that it is not self-regulating—similarly unpersuasive. Comsat states that AT&T's proposal is open to differing interpretations and will therefore lead to frequent disputes with the need for Commission intervention. We agree that virtually any proposal could lead to disputes, we do not see anything in AT&T's proposal which makes it likely to be particularly troublesome in this regard. On the contrary, because AT&T's proposal relies on balanced loading as a circuit-

¹⁶ We note the specific exception to AT&T's activation methodology for Italy, where balanced loading does not appear impractical. As AT&T notes, since that portion of the plan is based on an even split between satellite and cable it would appear impractical to attempt to apply balanced loading. However, the methodology AT&T will apply for Italy can easily and adequately be used to accommodate a shortfall or overage.

activation methodology, we believe that it will be more predictable than Comsat's proposal and will, therefore, lead to fewer differences of interpretation. From the record of this proceeding it appears that what is comprehended by the concept of balanced loading is reasonably understood by all interested entities. In operation, the order in which circuits are to be activated is determined by the need to reach or maintain balance on growth routes. Its mechanics are, thus, relatively automatic and dictated by traffic growth patterns as they occur. As a result, the potential for dispute on the major features of the proposal is thus significantly reduced.

43. We wish to make one final comment about the Comsat proposal. As we have already indicated, we do not believe that Comsat's methodology would necessarily lead to an inefficient use of facilities. Indeed, under most circumstances, the results under that approach would probably resemble closely those under AT&T's proposal. The chief advantage of the AT&T proposal is that it provides a comprehensive plan for activating circuits throughout the planning period. Another problem with Comsat's methodology, however, is the way it would handle the introduction of new facilities—particularly, the introduction of TAT-7. Comsat's proposal to hold activations to a fixed growth target irrespective of the level of traffic could create service reliability problems; it would at least be inconsistent with balanced loading. It makes little sense, operationally, to introduce a major facility and then to leave it unused or substantially underused. While Comsat's proposal to depart from the plan to assign growth to TAT-7 after its introduction will ameliorate this problem, to some extent, we cannot now say that it will be reasonable to assign all growth for six months to TAT-7, or to stop assigning growth to it at the end of six months. At the very least, the fact that Comsat must depart from the plan to deal with such situations suggests its relative inflexibility. AT&T's proposal, on the other hand, will adapt automatically to the introduction of the TAT-7 cable—or, indeed, of any facility—with a minimum of distortion or departure from balanced loading. To the extent that there will be any distortions, they are due to the vagaries of traffic fluctuations and not to a weakness in AT&T's methodology.

Artificial Shortfall or Holdback

44. The above discussion has concerned itself with the question of "real" shortfall: the possibility that

traffic does not occur at projected levels whether through an overoptimistic forecast or because of changed circumstances. Comsat, however, had been equally concerned with the possibility that the projected demand might exist but that circuit activations would be artificially held back until the introduction of TAT-7 to avoid activating the number of satellite circuits called for in the plan. It was to this possibility that Comsat's shortfall was chiefly aimed—the use of fixed growth targets ties the activation of additional cable circuits to the activation of the projected level of satellite circuits. In recognition of Comsat's concern, AT&T included in its proposal a guarantee that it will make up any holdback in activation of satellite circuits prior to introduction of TAT-7. AT&T notes that its monthly circuit status reports indicate the percentage of customers who are unable to complete a call because no circuit is available—referred to as the percentage NC (no circuit) level—and that those reports could be used to monitor the existence of holdback. AT&T notes that because the existence of holdback presupposes that the demand exists, but is not reflected in circuit activations, such holdback would result in an increase in the number of customers encountering an NC condition and would show up as a rise in the percentage NC level. AT&T states that if for any country the NC level exceeds 3 percent,¹⁷ and remains above that level for three consecutive months prior to introduction of TAT-7, and there is a concurrent shortfall in satellite-circuit activations, it will add enough additional satellite circuits in the year following introduction of TAT-7 to make up all satellite shortfall.

45. Comsat states that it accepts the sincerity of AT&T's offer but doubts its practicability in operation. First, Comsat notes that while data on outbound traffic are available, such data are not available for inbound. Comsat notes that holdback could occur as well as inbound circuits as on outbound. Second, Comsat agrees that even were such inbound data available, it questions whether the Commission has authority to redress holdback. Finally, Comsat indicates that, while it accepts the three percent threshold as an appropriate standard, there may be

problems implementing it. Comsat notes that recent AT&T circuit status reports show several countries with NC levels in excess of three percent.¹⁸ Comsat states that it lacks the information necessary to determine whether any of these countries fall within the caveat to AT&T's guarantee.¹⁹

46. While we agree with Comsat that there may be some administrative problems associated with the AT&T guarantee, we do not have any information before us which would cause us to doubt AT&T's good faith in carrying out its terms. We recognize that we lack data on inbound calls and that it would be possible for holdback to occur there which we would not be able to pinpoint. We shall be able to monitor outbound traffic and to take corrective action if we detect holdback. With respect to inbound traffic, we note that in our ongoing consultations with AT&T's correspondents, they have repeatedly asserted the importance they attach to maintenance of adequate service quality. Therefore, we cannot assume that they would be willing to incur substantial service degradation in an effort artificially to hold back on circuit activations. In any event, we note that maintenance of high-quality service remains an important issue in facilities planning for the next planning period.²⁰ The North Atlantic Consultative Process will provide an appropriate forum to address any problems in this regard. Similarly, we recognize that there is room for question as to what falls within AT&T's proposed standard of the three percent NC level. Again, however, we cannot assume that any entity will act in bad faith.

47. More importantly, however, it appears that AT&T's guarantee offers little more than a statement of its good faith. If traffic forecasts are assumed to be accurate, Comsat is virtually assured that the absolute number of satellite circuits called for in the plan will be activated, with or without AT&T's guarantee—since the projected traffic could not be accommodated without them. The variable is the date when they are activated. Delay of activation pending introduction of TAT-7 can be accomplished only at the expense of rising NC levels and degradation of

¹⁷ The most recent report, June 1979, indicates an NC level for Cyprus of 5.5 percent, for Ireland an NC of 21.2 percent, for Switzerland an NC for 4.9 percent and for Turkey an NC of 22.5 percent.

¹⁸ AT&T states that its guarantee will not apply to a satellite-circuit shortfall caused by insufficient capacity available in a major facility, or where the shortfall is due to political upheavals or labor disputes beyond its control.

¹⁹ See Overseas Communications, FCC 79-457, F.C.C. 2d (CC Docket No. 79-184) (released August 1, 1979).

service quality. Therefore, unless AT&T is willing to continue to degrade service after introduction of TAT-7, it must rapidly activate enough circuits to handle the traffic—the number called for in the plan. Since AT&T has only a limited number of options within the provisions of the plan and the dictates of balanced loading to meet demand, this means that it will be required to activate all or most of the satellite circuits called for in the plan soon after introduction of TAT-7.

48. This does not mean, however, that Comsat would not be harmed by holdback. To the contrary, unless we were willing to countenance a questionable use of available facilities, there is no way that AT&T's promise could make Comsat whole in the event of holdback. This is because Comsat is interested not only in the number of circuits it leases, but also the length of time for which they are leased. This is what is comprehended by the term "circuit year": one voice-grade circuit leased for one year. Thus, unless AT&T is proposing to depart from the plan to activate a greater number of satellite circuits after introduction of TAT-7 to compensate for the time lost in delayed activation, there is no way Comsat's time interest can be protected.²¹ Our interest, however, is not to protect Comsat's revenues. No one has suggested that holdback would seriously affect Comsat's revenues or hamper its ability to provide adequate service to the public. In all likelihood, AT&T's requirement to activate circuits in accordance with balanced loading and its commercial interest in maintaining good service to the public will be enough to protect Comsat from the worst effects of holdback. We will, moreover, monitor AT&T's performance to assure that it lives up to its commitments and that service standards are maintained throughout the planning period. In the event we were to find conduct which threatens user interests we shall take whatever corrective action appears appropriate.

Record Circuit Shortfall

49. We turn now to the question of handling shortfall in record-service circuit activation. Comsat and the IRCs each filed a proposal for handling such shortfall. Comsat's proposal is similar to the one it filed for telephone service, although it proposes to develop the growth targets on a quarterly rather

²¹ This, however, would mean that activation of some or all TAT-7 circuits called for in that period would be delayed. This would be a further departure from balanced loading to which we would likely object, since it makes little operational sense to underuse the TAT-7 cable once it is available.

than monthly basis. Further, to provide the flexibility the IRCs claim they need, Comsat proposes to aggregate satellite and cable circuits for all CEPT countries and, to permit the IRCs to meet customer requirements for cable circuits, to allow the satellite activation target to lag up to one quarter—so long as it is made up within six months thereafter. The IRCs, on the other hand, while agreeing that Comsat's proposal offers some of the flexibility they need, argue that it is still too restrictive if they are to maintain service quality and their competitive positions. In place of a rigid activation schedule, they propose to distribute a shortfall (or overage) among available circuits so as to preserve the overall cable/satellite ratio in Plan 3 (Munich). However, they also state that this would have to be subject to a customer requirement for a cable or a satellite circuit. Although they believe that the cable/satellite ratios in the plan are fairly reliable, based on past experience, they assert that customer requirements are sufficiently uncertain that they must allow for deviations from the plan ratios. To assure that there will be no abuses, the IRCs propose a limit on such departures of 10-15 percent or 5 circuits, whichever is greater. Finally, recognizing that theirs is a competitive business with changing conditions, the IRCs indicate that it might be necessary in the future to petition the Commission for amendments to the record-service plan.

50. Each of the proponents offers public interest benefits it believes will flow from its proposal. Comsat, for example, relies upon the same five public interest standards it advanced for its telephone-service proposal. Briefly, Comsat argues that its proposal preserves the contours of the agreement and assures that all parties will bear some of the risk of a shortfall, or share the benefit of an overage. The IRCs, however, equate the public interest with flexibility to maintain their competitive positions *vis a vis* each other and to meet the customer requirements or specific types of leased channels. Comsat does not challenge the IRCs' need to maintain flexibility; its only criticism of their position is that one cannot determine in advance the pattern of circuit activation.

51. We agree with Comsat that we cannot now specify the order in which the IRCs will activate circuits. We do not agree, however, that their proposal is therefore "vague" in the legal sense. Indeed, because there are multiple suppliers of record services and because customers sometimes have requirements for specific types of circuits, we do not

believe it is possible to prescribe an activation schedule. Comsat is here, as in the case of telephone service, trying to assure that if there is a shortfall it will retain the share of circuits allotted it under Plan 3 (Munich). However, as we said in connection with the telephone-service proposal, our interest is to assure the efficient use of facilities and the availability to customers of high-quality communications services. Comsat does not challenge that the IRCs have made a good-faith effort to project their circuit needs and, for our part, we have no basis to challenge that cable/satellite split. In recognition of the uncertainty of forecasting such circuit needs, we believe that we should allow the IRCs flexibility to meet future events by not ordering any activation schedule for leased record-channel service. We shall, however, expect them to make every effort to assure that actual activations closely track the plan. To assure that there are no abuses, we shall monitor their performance²² and shall take whatever corrective action may be necessary to maintain efficient use of facilities. While this course may result in minor departures from the agreed-upon plan, we believe that such departures may be warranted. In view of the relatively small volume of leased record service, any such departures are unlikely to have a significant negative impact on overall North Atlantic facilities use. In these circumstances, monitoring and corrective action should provide adequate assurance of efficient use.

52. In this connection, we note that the IRCs have agreed with the position we took in our March 16 Order concerning balanced loading for record bearer circuits (e.g. those used for PMS and telex). See 71 F.C.C. 2d at 85-8. The IRCs did not provide any particulars, but stated that they propose, subject to the concurrence of their correspondents, to apply balanced loading to their non-leased-channel circuits. While we agree that balanced loading is useful and approve of the IRCs' efforts in this direction, we see some circumstances where it might not be advisable to apply balanced loading strictly. In recognition of customer requirements for specific types of circuits, we shall permit departures from balanced loading of record bearer circuits so that an IRC can reconfigure its circuits to make a cable

²² We shall monitor performance through monthly circuit status reports modeled on the ones now filed in connection with the IRCs' use of TAT-8. The format of these reports will be specified in connection with our action on the USISC application for authorization to construct the TAT-7 cable, see File No. 1-P-C-56 et al.

or satellite circuit available to honor a customer request.

IRC Use of CANTAT-2

53. One final matter which the IRCs and Comsat address in their pleadings is the IRCs' proposal in Plan 3 (Munich) to use more circuits in CANTAT-2 than we had provided for in the guidelines (Plan 3 Revised and Plan 4-M Revised). In Plan 3 (Munich), the three largest IRCs (ITTWC, RCAGC and WUI) had provided for temporary use of CANTAT-2 circuits in the period prior to the introduction of TAT-7 in mid-1983. The carriers' justification for their proposals was that they believed all other cable circuits available to them would be used up before the TAT-7 becomes available. In our March 16 Order, we recognized that it might be necessary for the IRCs to acquire more CANTAT-2 circuits²³ and that such an eventuality, if properly justified, would fall within our facilities use policy. We stated, however, that we had no information before us on which to judge the necessity of such additional CANTAT-2 use and that we would reserve judgment until proper justification had been offered. See 71 F.C.C. 2d at 91.

54. In their April 23 filing, the IRCs again held out the possibility that additional CANTAT-2 circuits would be required, but stated that the inherent uncertainty of forecasting prevented their being able to specify at this time whether they will use them. Rather, they state that they anticipate filing applications for any additional circuits they find they need. They further indicate that they have arrangements with Teleglobe/Canada to acquire such circuits on either an IRU or lease basis. Their agreement further provides that if the IRCs elect to proceed on an IRU basis, details of the arrangements, however, would be negotiated if and when the acquisition becomes necessary. Comsat, in its comments, does not object to the IRCs' proposed additional use of CANTAT-2. The only point Comsat raises is that the IRCs have not filed the justification information we called for in our March 16 Order.

55. We agree with Comsat that the IRCs have not yet justified a greater use of CANTAT-2 than that already contemplated. We also believe, however, that we need not now decide whether they will need any additional circuits in that cable. We shall simply

²³ In our CANTAT-2 orders, we had authorized ITTWC, RCAGC and WUI to acquire up to 20 circuits each in the CANTAT-2 cable for U.S.-CEPT record service. See, e.g. American Telephone and Telegraph Co., 35 F.C.C. 2d 801 (1972).

require justification for the acquisition of any additional CANTAT-2 circuits. Accordingly, while we shall retain the IRC proposal to use additional circuits as part of Plan 3 (Munich), this does not constitute a finding that they are needed, or a commitment to grant authority to acquire such circuits.

56. There is one matter involving FTCC which must be addressed here. FTCC included in Plan 3 (Munich) provision for use of a circuit in TAT-7 for service to Switzerland. Attachment D, *infra*, also includes that circuit. However, as is explained more fully in the companion item authorizing construction of the TAT-7 cable, File No. I-P-C-56, *et al.*, adopted this day, FTCC has not yet been certified to serve Switzerland directly. Indeed, that question is before us in a pending FTCC Application File No. I-T-C-2336-13. Accordingly, until we act formally on FTCC's pending application, we wish to make clear that the inclusion of the circuit to Switzerland in FTCC's facilities use plan is for planning purposes only and should not be taken as prejudging FTCC's pending application. That application will be judged on its own merits; should we act favorably on FTCC's request, our authorization would include appropriate activation authority. We note that there is a similar problem with respect to TRT. TRT included in the plan provision for one circuit in TAT-7 for use to Luxembourg. TRT, however, has never been certified for direct service to Luxembourg. Accordingly, while we shall include the Luxembourg circuit for planning purposes, we wish to make it clear that TRT is not hereby authorized to acquire or operate any circuits to that country. We shall withhold decision on that matter until TRT has filed a properly-justified application for authority to serve Luxembourg directly.

57. This is also an appropriate place to make clear that the present order, by adopting the agreed upon Comprehensive North Atlantic Facilities Construction and Use Plan, does not itself constitute authority for the carriers to acquire or operate any facilities mentioned in that plan. In the above-referenced action in File No. I-P-C-56 *et al.*, we grant authority to construct the TAT-7 cable and to activate circuits in that cable in accordance with the Commission's Comprehensive Plan. All other cable, satellite and TASI facilities called for in the plan which the carriers have not already been authorized to acquire or activate will still require specific Commission authorization. The carriers should submit proper

applications for their facilities as soon as practicable.

58. Accordingly, it is ordered, pursuant to Sections 4i, 214 and 403 of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 214 and 403 (1970), that the comprehensive cable and satellite facilities construction and use plan negotiated by the United States international service carriers and their correspondents, amended as provided for herein, and set forth in attachments C-H hereto, is hereby ADOPTED as this Commission's policy guideline for the 1979-1985 planning period.

59. It is further ordered that the circuit activation methodology for telephone service filed by the American Telephone and Telegraph Company (AT&T), as provided herein, is ADOPTED and that AT&T shall activate all circuits covered by the agreed-upon comprehensive facilities plan in accordance with that methodology.

60. It is further ordered that the opposition to the USISC proposals filed by Communications Satellite Corporation is DENIED.

Federal Communications Commission.²⁴

William J. Tricarico,
Secretary.

August 1, 1979.

Separate Statement of Commissioner Abbott Washburn

Re: Docket 18875.

As Contrasted to Belgium, the United Kingdom has refused any substantial compromise in its renegotiated plan. Such an intransigent attitude on the part of our largest European correspondent is hardly in accord with international comity. This is especially true when viewed in the light of major U.S. compromise, i.e. the reversal of our position on the construction of the transatlantic telephone cable in April of this year to accommodate European desires. Comity, to have any real meaning, must be a two way street.

The staff approaches the issue of shortfall from an operational point of view. In so doing they miss the main purpose of including shortfall in the planning phase—to present the planner with proper incentives in forecasting traffic. Without some reconciliation for misestimating future traffic there might be incentives to use the traffic estimates to control the timing of the planned introduction of major facilities. As the staff correctly notes in footnote 21: "... It makes little operational sense to underuse the TAT-7 cable once it is available." However, it should be this very same fear of inefficiency that tempers the planner's otherwise unbridled enthusiasm for additional facilities.

²⁴ See attached Statements of Commissioners Washburn and Fogarty. Attachments A—II filed as part of the original document.

Concurring Statement of Commissioner Joseph R. Fogarty

In re: Policy to be Followed in Future Licensing of Facilities for Overseas Communications—Docket No. 18875: Renegotiated Provisions of Plan 3 (Munich) relating to Belgium and the United Kingdom

In our March 16, 1979 Memorandum Opinion and Order in this proceeding, we accepted Plan 3 (Munich), including its provision for a TAT-7 cable within the planning period, on the basis that "the public interest would be served by a compromise . . . if that would facilitate development of a cable and satellite use plan on which all interested parties can agree and to whose implementation they would be willing to commit." At the same time, however, we found the provisions in Plan 3 (Munich) relating to Belgium and the United Kingdom to be unwarranted departures from the negotiating guidelines given to the carriers. In response to this finding, further negotiations between AT & T and its Belgium correspondent have resulted in modifications falling within our guidelines. On the other hand, further negotiations between AT & T and its United Kingdom correspondent with respect to AT & T's acquisition of bearer circuit interests in the TAT-6 and CANTAT-2 cables have yielded results which the Commission's Order charitably describes as "ironic." From AT & T's comments, it appears that the U.K. administration does not wish to participate fully in the use of TASI on these circuits even though TASI would allow balanced loading, an objective of our guidelines.

Because it also appears that the U.K. correspondent is prepared to reconsider this position, and because we are in essence conditioning approval of AT & T's acquisition of the additional TAT-6 and CANTAT-2 circuits on AT & T's pursuing the U.K.'s offer to compromise, I am concurring in this Commission action. I trust that AT & T's pursuits will be met with success in the same spirit of comity and compromise that moved this Commission to accept Plan 3 (Munich). As I have stated and would reiterate here, "In the final analysis, reciprocity must be a two-way street, a dialogue rather than a monologue."

[FR Doc. 79-29416 Filed 9-21-79; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body

¹ Overseas Communications. 71 FCC 2d 71. 80 (1979).

² Overseas Communications. Separate Statement of Commissioner Joseph R. Fogarty, 71 FCC 2d 97, 99 (1979).

scheduled to meet during the month of October 1979:

Name: Graduate Medical Education National Advisory Committee

Date and Time: October 15-16, 1979, 8:30 a.m.
Place: Center Building, Room 7-32, 3700 East-West Highway, Hyattsville, Maryland 20782.

Open for entire meeting.

Purpose: The Graduate Medical Education National Advisory Committee is responsible for advising and making recommendations with respect to: (1) present and future supply and requirements of physicians by specialty and geographic location; (2) ranges and types of numbers of graduate training opportunities needed to approach a more desirable distribution of physician services; and (3) the impact of various activities which influence specialty distribution and the availability of training opportunities including systems of reimbursement and the financing of graduate medical education.

Agenda: A review of a proposed outline for the contents of the April Report to the Secretary and a discussion of anticipated GMENAC work responsibilities through April 1980; a review of the progress in the area of financing issues; and a discussion of existing GMENAC modeling work in the areas of obstetrics-gynecology and dermatology.

Due to limited seating, attendance by the public will be provided on a first-come, first-serve basis.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Mr. Paul Schwab, Executive Secretary, Room 10-27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-7170.

Agenda items are subject to change as priorities dictate.

Dated: September 18, 1979.

James A. Walsh,
Associate Administrator for Operations and Management.

[FR Doc. 79-29408 Filed 9-21-79; 8:45 am]

BILLING CODE 4110-83-M

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of October 1979:

Name: Agenda Planning Subcommittee of the National Council on Health Planning and Development

Date and Time: October 2, 1979, 12 noon-2:00 p.m.

Place: HEW North Building, Conference Room 4131, 330 Independence Avenue, S.W., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The objectives of the Agenda Planning Subcommittee are to (1) assist the

Chairperson in planning the order and timing of agenda topics for full Council consideration and action to assure that the Secretary will receive advice and/or recommendations on each of its three areas of functional responsibilities under section 1503(a) in an appropriate time and manner; (2) coordinate information about and among subcommittee activities and plans; and (3) provide preliminary review of proposed changes in Council operations. Agenda: The Subcommittee will plan the agenda for the November 8-9, meeting of the National Council on Health Planning and Development, which is to be held in Los Angeles.

Anyone requiring information regarding the subject Subcommittee should contact Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Room 10-27, Center Building, 3700 East-West Highway, Hyattsville, Maryland, 20782, Telephone (301) 436-7175.

Agenda items are subject to change as priorities dictate.

Dated: September 18, 1979.

James A. Walsh,
Associate Administrator for Operations and Management.

[FR Doc. 79-29409 Filed 9-21-79; 8:45 am]

BILLING CODE 4110-83-M

Office of Education

Undergraduate International Studies Program; Closing Date for Transmittal of Applications for Fiscal Year 1980

Applications are invited for new projects under the Undergraduate International Studies Program. Authority for this program is contained in Title VI section 601(a) of the National Defense Education Act of 1958, as amended. (20 U.S.C. 511(a))

This program issues awards to institutions of higher education; consortium applications are eligible but must be submitted by a member institution.

The purpose of the awards is to assist institutions to initiate or strengthen international and global components in their instructional program.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by December 5, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.435B, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service Postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building, 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: Specific information about this program is contained in the regulations and guidelines published in the Federal Register of May 23, 1977, and in the program information and application package.

Available funds: It is estimated that approximately \$594,000 will be available for the Undergraduate International Studies Program in FY 1980 to support 12 new projects. Awards will be made to individual institutions of higher education and to consortia of such institutions. Single institution awards will average from \$40,000 to \$80,000; consortia awards will range from \$50,000 to \$100,000.

These estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by October 5, 1979. They may be obtained by writing to the International Studies Branch, Division of International Education, U.S. Office of Education (Room 3671, Regional Office Building 3),

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400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner urges that the narrative portion of the application not exceed 25 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

- (a) Regulations governing the Undergraduate International Studies Program (45 CFR Part 146); and
- (b) General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the *Federal Register* on May 4, 1979 (44 F.R. 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further information: For further information contact Mrs. Susanna Easton, Senior Program Officer, Undergraduate International Studies Program, U.S. Office of Education (Room 3671, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245-9588.

(20 U.S.C. 511(a))

Dated: September 19, 1979.

(Catalog of Federal Domestic Assistance Number 13.435B; Undergraduate International Studies Programs)

John Ellis,

Executive Deputy Commissioner for Educational Programs.

[FR Doc. 79-29473 Filed 9-21-79; 8:45 am]

BILLING CODE 4110-02-M

Graduate and Undergraduate International Studies Program; Closing Date for Transmittal of Applications for Fiscal Year 1980

Applications are invited for noncompeting continuation projects under the Graduate and Undergraduate International Studies Program.

Authority for these programs is contained in section 601(a) of the National Defense Education Act of 1958, as amended.

(20 U.S.C. 511(a))

These programs issue awards to individual institutions of higher education; consortia applications are eligible but must be submitted by a member institution.

The purpose of the awards is to assist these institutions to initiate or strengthen international or global components in their instructional programs.

Closing date for transmittal of applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by December 21, 1979.

If the application is late, the Office of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications delivered by mail: An application sent by mail should be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.435 B (Undergraduate) or 13.435 C (Graduate), Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications delivered by hand: An application that is hand delivered should be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand delivered application

between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Program information: Specific information about these programs is contained in the regulations and guidelines (published in the *Federal Register* on May 23, 1977, 45 CFR Part 146) and in the program information and application package.

Available funds: It is estimated that approximately \$655,500 will be available for continuing grants under the Graduate and Undergraduate International Studies Programs in FY 1980.

Under the Graduate International Studies Program it is estimated that six continuing grants will be awarded at an average of \$34,200. Under the Undergraduate International Studies Program it is estimated that approximately eleven continuing grants will be awarded at an average of \$36,000. Under the Graduate International Studies Programs, it is estimated that one continuing consortium grant will be awarded at an amount up to \$50,000.

Grants for either Graduate or Undergraduate Programs will not exceed \$45,000 annually for a single institution or \$70,000 for a consortium.

These estimates do not bind the U.S. Office of Education except as may be required by the applicable statute and regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing October 9, 1979. They may be obtained by writing to the International Studies Branch, U.S. Office of Education (Room 3671, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

- (a) Regulations governing the Graduate and Undergraduate International Studies Program (45 CFR Part 146); and
- (b) General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the *Federal Register* on May 4, 1979 (F.R. 26298). When EDGAR becomes effective, it will supersede

the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedure Does the Education Division Use to Get Compliance?).

Further information: For further information, contact Dr. Ann I. Schneider (for Graduate International Studies Programs) or Mrs. Susanna Easton (for Undergraduate International Studies Programs), International Studies Branch, DIE, U.S. Office of Education (Room 3671, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-9588.

(20 U.S.C. 511(a))

(Catalog of Federal Domestic Assistance Number 13.435B-C; Foreign Language and Area Studies—International Studies Programs)

Dated: September 19, 1979.

John Ellis,

Executive Deputy Commissioner for Educational Programs.

[FR Doc. 79-29474 Filed 9-21-79; 8:45 am]

BILLING CODE 4110-02-M

Office of the Assistant Secretary for Health

National Committee on Vital and Health Statistics; Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92-463) notice is hereby given that the National Committee on Vital and Health Statistics established pursuant to 42 U.S.C. 242K, section 306(k)(2) of the Public Health Service Act, as amended, will convene on Monday, October 22, 1979 at 9:30 A.M. and Tuesday, October 23, 1979 at 9:00 A.M., in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Principal items for discussion and consideration will be the new focus of the National Committee on Vital and Health Statistics and its revised charter; a report of new environmental studies being conducted by the National Center for Health Statistics; *Health, U.S.*, its status and future plans; the status of the Health Care Financing Administration/ Public Health Service Joint Agreement on Facilities; and the status of the Cooperative Health Statistics System. In addition, four new members will be

sworn in. These meetings are open for public observation and participation.

Further information regarding the Committee may be obtained by contacting Samuel P. Korper, Ph.D., M.P.H., Executive Secretary, National Committee on Vital and Health Statistics, Office of Health Research, Statistics, and Technology, Room 17A-31, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443-2660.

Dated: September 18, 1979.

Marilyn McCarroll,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 79-29451 Filed 9-21-79; 8:45 am]

BILLING CODE 4110-85-M

Advisory Committees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory bodies scheduled to meet during months of October–November 1979:

Name: Health Care Technology Study Section.

Date and Time: October 29–30, 1979, 8:30 a.m. Place: Georgetown University, Medical Dental Building, Executive Faculty Room, 3900 Reservoir Road NW., Washington, D.C. 20007; Open October 29, 8:30 a.m.–10:30 a.m.; Closed for remainder of meeting.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on October 29 will be devoted to a business meeting covering administrative matters and a presentation by the Director, NCHSR, to the Study Section. The closed portion of the meeting will be utilized in a review of health services research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-6196.

Name: Health Services Developmental

Grants Review Subcommittee.

Date and Time: November 7, 1979, 8:00 p.m.–10:00 p.m., November 8, 1979, 8:00 a.m.

Place: Studio One, Barbizon Plaza Hotel, 106 Central Park South at 6th Avenue, New York, New York 10019; Open November 7, 8:00 p.m.–10:00 p.m., Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on November 7 will be devoted to a business meeting covering administrative matters and reports. During the closed sessions, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. David McFall, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-6916.

Name: Health Services Research Review Subcommittee;

Date and Time: October 11, 1979, 8:00 a.m.–October 12, 1979, 9:00 a.m.; Place: Terrace "C", Ramada Inn, 8400 Wisconsin Avenue, Bethesda, Maryland 20814; Open October 11, 8:00 a.m.–9:00 a.m.; Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session on October 11 will be devoted to a business meeting covering administrative matters and reports. During the closed session, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Marco Montoya, Ph.D., National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-6916.

Agenda items are subject to change as priorities dictate.

Dated: September 18, 1979.

Marilyn McCarroll,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 79-29452 Filed 9-21-79; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Intent To Apply Coal Unsuitability Criteria in the Alton, Kaiparowits, and Eastern Kolob Fields, Utah; Meeting for Public Input and Comment

A meeting will be held on Wednesday, October 17, 1979 to obtain public input and comment concerning the application of the final criteria for assessing lands unsuitable for all or certain stipulated methods of coal mining (coal unsuitability criteria) for coal lands under the jurisdiction of the Cedar City District, Bureau of Land Management. The meeting will begin at 7:00 p.m. at the Bureau of Land Management Kanab Area Office, Kanab, Utah.

The coal unsuitability assessment procedures and standards are outlined in 43 Subpart 3461 (Federal Register Vol. 44, No. 14 July 19, 1979) and the Final Environmental Statement on the Federal Coal Management Program dated April 1979. The criteria and exceptions, if applicable, are to be part of the comprehensive land use plans for the Escalante, Paria and Zion planning units. Draft coal unsuitability criteria have previously been applied as part of these land use plans. However, because the final criteria differ from the draft criteria and because studies are underway to gather more information concerning certain criteria, the land use plans will be updated and revised as to coal unsuitability criteria.

Anyone who has data which can be used in applying coal unsuitability criteria and exceptions in the Alton, Kaiparowits, and Eastern Kolob Fields should send it to District Manager, Cedar City District BLM Office, P.O. Box 724, Cedar City, Utah 84720 by October 31, 1979.

After the criteria and applicable exceptions are applied, a notice will be published in the *Federal Register* by November 30, 1979. It will announce the availability of results of the application of each of the unsuitability criteria and maps displaying the criteria. Where there are inadequate or unreliable data, the analysis shall discuss the reasons therefore and tell when the data needed to make an assessment would be generated.

Dated: September 14, 1979.

Morgan S. Jensen,

District Manager.

[FR Doc. 79-29407 Filed 9-21-79; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Contract Negotiations With the Central Arizona Water Conservation District; Intent To Negotiate Standard Subcontract Forms

The Department of the Interior, through the Bureau of Reclamation, is negotiating standard subcontract forms for use in contracting for water service from the Central Arizona Project for municipal, industrial, and agricultural purposes.

The December 15, 1972, master contract between the United States and the Central Arizona Water Conservation District, Phoenix, Arizona, specifies that the United States shall be a party to subcontracts between the district and water user entities. The district and the United States intend to have approved subcontract forms available when final Central Arizona Project water allocations are made by the Secretary of the Interior so that contract negotiations may commence with individual subcontractors when the allocations are made.

All meetings scheduled by the Bureau of Reclamation for the purpose of discussing terms and conditions of the proposed subcontracts shall be open to the general public as observers. Advance notice of meetings shall be furnished only to those parties having previously furnished a written request for such notice to the office identified below at least 1 week prior to any meetings. All written correspondence concerning the proposed subcontracts shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the forms of the proposed subcontracts not later than 30 days after the completed subcontract drafts are declared to be available to the public.

For further information about scheduled negotiations and copies of the proposed subcontracts, please contact Ms. Pam Kohnken, Chief, Contracts and Repayment Branch, Arizona Projects Office, Bureau of Reclamation, 2200 Valley Bank Center, Phoenix, Arizona 85073, telephone (602) 261-3735.

Dated: September 14, 1979.

R. Keith Higginson,

Commissioner of Reclamation.

[FR Doc. 79-29185 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service

Correction of Date of a Meeting Regarding Lower Kinnickinnic River Valley in Pierce County, Wis.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice, Correction of meeting date.

SUMMARY: In the Thursday September 13 *Federal Register* (44 FR 53317) the Service issued a Notice of Intent to prepare an Environmental Impact Statement on the preservation of a portion of the lower Kinnickinnic River Valley in Pierce County, Wisconsin. The date for the public meeting was erroneously listed as October 16, 1979. The correct date is October 25, 1979.

DATES: Written comments should be received by October 15, 1979. A public meeting will be held near River Falls, Wisconsin, October 25, 1979.

ADDRESSES: Comments should be addressed to: Regional Director (Attention: Environmental Coordinator), U.S. Fish and Wildlife Service, Federal Building—Fort Snelling, Twin Cities, Minnesota 55111.

The public meeting on October 25, 1979, will be held in the Clifton Town Hall approximately four miles West of River Falls, Wisconsin on County Road FF at the County Road QQ intersection as stated in the original publication of the Notice.

FOR FURTHER INFORMATION CONTACT: Peter Knight, Wildlife Biologist, U.S. Fish and Wildlife Service, Federal Building—Fort Snelling, Twin Cities, Minnesota 55111, (612) 725-3313.

Dated: September 19, 1979.

Robert S. Cook,

Deputy Director, Fish and Wildlife Service.

[FR Doc. 79-29475 Filed 9-21-79; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, October 19, 1979, at 1:30 pm at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts.

The Commission was established pursuant to Public Law 91-363 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The Commission will consider the following matters: (1) Nauset Regional School district Request for Continued Use of Marconi Station Site; (2) Status of Dunes Stabilization Study; (3) Land Acquisition Plan; (4) Water Resources Management Plan; (5) Land Exchange Proposal by Massachusetts Department of Public Works; and (6) Advisory Commission Recharter.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Herbert Olsen, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663, Telephone 617-349-3785. Minutes of the meeting will be available for public information and copying four weeks after the meeting at the Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Dated: September 17, 1979

Herbert Olsen,

Superintendent, Cape Cod National Seashore.

[FR Doc. 79-29542 Filed 9-21-79; 8:45 am]

BILLING CODE 4310-70-M

National Capital Memorial Advisory Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Wednesday, October 24, 1979, in Room 234, at the National Capital Region Headquarters, 1100 Ohio Drive, SW., Washington, D.C. 20242.

The Committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with

respect to site location on Federal land in the National Capital Region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital Region.

The members of the Committee are as follows:

Mr. William J. Whalen, Chairman, Director, National Park Service, Washington, D.C.
Mr. George M. White, Architect of the Capitol, Washington, D.C.
General Mark W. Clark, Chairman, American Battle Monuments Commission, Washington, D.C.
Mr. J. Carter Brown, Chairman, Fine Arts Commission, Washington, D.C.
Mr. David Childs, Chairman, National Capital Planning Commission, Washington, D.C.
Honorable Marion Barry, Mayor of the District of Columbia, Washington, D.C.
Mr. A. R. Marschall, Commissioner, Public Buildings Service, Washington, D.C.

The purpose of this meeting is to discuss the appropriateness of several proposals and review site designs for memorials to be erected in the Nation's Capital. Among the proposals to be considered are:

1. S.J. Resolution 64 and H.R. 3269 to authorize the United States Navy Memorial Foundation to erect a memorial in the District of Columbia.
2. Relocation of the General George G. Meade Memorial.
3. Alternative designs for memorial to 56 signers of the Declaration of Independence to be located in Constitution Gardens.

The meeting will be open to the public. Any person may file with the Committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Mr. John Parsons, Associate Regional Director, Land Use Coordination, National Capital Region, at (202) 426-6715. Minutes of the meeting will be available for public inspection and copying 2 weeks after the meeting at the Office of National Capital Region, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: September 17, 1979.

John G. Parsons,

Regional Director, National Capital Region.

[FR Doc. 79-29525 Filed 9-21-79; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

[INT FES 79-42]

Availability of Final Drewsey Grazing Management Environmental Statement, Harney County, Oregon.

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the Drewsey ES Area. The proposal involves implementing an improved livestock grazing program on public lands within a portion of the Burns District in central Oregon.

The environmental statement considers the impacts of implementing a grazing management program consisting of forage allocation, grazing systems and range improvements projects.

A limited number of copies are available upon request to the State director or the Burns District Office.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets NW., Washington, D.C.
Bureau of Land Management, Office of Public Affairs, 729 N.E. Oregon Street, Portland, Oregon.
Bureau of Land Management, Burns District Office, 74 South Alvord Street, Burns, Oregon.
Library, Central Oregon Community College, Bend, Oregon.
Library, Portland State University, Portland, Oregon.
Library, Oregon State University, Corvallis, Oregon.
Harney County Library, Burns, Oregon.

Dated: September 19, 1979.

James W. Curlin,

Deputy Assistant Secretary.

[FR Doc. 79-29514 Filed 9-21-79; 8:45 am]

BILLING CODE 4310-84-M

[INT FES 79-41]

Proposed Grazing Management Program for the Three Corners Planning Unit, Utah; Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for proposed grazing management of the Three Corners Planning Unit, located in the northeast corner of Utah approximately 20 miles north of Vernal, Utah. The planning unit includes a total of 190,536 acres of public lands administered by the Bureau of Land Management, 34,230 of which are in Colorado.

The proposed action is to initially allocate the following animal unit month

(AUMs) of forage: 15,788 for cattle; 3,655 for sheep; 9,684 for deer; 4,838 for elk; and 378 for antelope. In 15 to 20 years the proposed allocation of AUM's would be: 16,174 for cattle; 3,259 for sheep; 10,299 for deer; 6,091 for elk; and 380 for antelope.

The 50 existing allotments in the Three Corners Planning Unit are proposed to be combined into 39 allotments. The proposed action for these 39 allotments would include continuing to reserve one allotment for big game. Present allotment wide grazing is proposed to continue on 17 allotments and present improved management is proposed to continue on four allotments with existing management plans. The proposal includes the implementation of improved grazing management on 17 allotments.

Developments proposed for the Three Corners Planning Unit include 3.5 miles of stream bank fencing, 26.6 miles of division and allotment boundary fencing, and 52 water developments. Sage brush control is proposed on 1,620 acres.

Copies of the final environmental statement are available at the Vernal District Office, Bureau of Land Management, 170 South 500 East, Vernal, Utah 84078. Telephone (801) 789-1362.

A copy of the statement may be reviewed at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Street, NW., Washington, D.C.
Richfield District Office, 150 East 900 North Street, Richfield, Utah 84701.
Harold B. Lee Library, Brigham Young University, Provo, Utah 84601.
Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah.
Vernal District Office, 170 South 500 East, Vernal, Utah 84078.
Uintah County Library, Courthouse, Vernal, Utah 84078.

Comments on the draft statement from the public and interested government agencies have been considered in the preparation of the final environmental statement.

Dated: September 19, 1979.

James W. Curlin,

Deputy Assistant Secretary.

[FR Doc. 79-29515 Filed 9-21-79; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF INTERIOR

Office of Surface Mining

Consolidation Coal Comp., (ConPaso Project) Burnham Mine, San Juan County, New Mexico; Revised Notice of Pending Decision on Approval of Surface Mining and Reclamation Plan

[Navajo Tribal Coal Lease No. NOOC-14-20-2190]

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice of Extension of Public Comment Period for Proposed Surface Coal Mining and Reclamation Plan.

SUMMARY: Pursuant to 40 CFR 1506.6 notice is hereby given that the Office of Surface Mining Reclamation and Enforcement (OSM) has received a written request for extension of the decision period on the Burnham Mine mining and reclamation plan from Mr. Peter MacDonald, the Chairman of the Navajo Tribal Council, on the behalf of the Navajo Council. The request has been made to allow the Navajo lessees to complete technical examination of the environmental protection and mitigation measures discussed in the analysis of the plan, which was noticed in the Federal Register (44 FR 51711).

DATES: A final decision to approve or disapprove the proposed plan will not be made by the Department prior to 30 days following the publication of this notice in the Federal Register, October 24, 1979. The Secretary's decision will consider the recommendations of OSM, the Navajo Nation, the Bureau of Indian Affairs, the U.S. Geological Survey, and any public comments received before or during the notice period.

The technical analysis, environmental assessment, stipulations to the mining and reclamation plan, and supporting documents are available for public review upon request at the Region V OSM offices, Room 270, 1823 Stout Street, Denver, Colorado. Any comments on the proposed plan should be addressed to the Regional Director, Region V, OSM, at the above address. Walter N. Heine,

Director.

[FR Doc. 79-29792 Filed 9-21-79; 11:34 am]

BILLING CODE 4310-05-M

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

Water Quality of the Poplar River; Public Hearings

The International Joint Commission will hold further public hearings to those

held on September 10 and 11, 1979, at the times and place noted below to receive testimony and evidence related to the recent report of its International Poplar River Water Quality Board. This Board was requested by the IJC to study and report on the water quality of the Poplar River basin (with particular emphasis on the East Poplar), including present quality, the factors affecting water quality and its uses, and the consequent effects of: (1) Apportionment as recommended by the international Souris-Red Rivers Engineering Board's task force; (2) a 600 MW thermal power project; and (3) other reasonably foreseeable water uses.

The report has been distributed and copies may be obtained from Bob Schneekloth, Three Corners Boundary Association, Flaxville, Montana; the International Joint Commission in Ottawa at the address noted below; and at the Office of Environment Canada, Motherwell Building, Victoria Street, Regina, Saskatchewan. A copy is available for study at the office of the Daniels County Library at Scobey and the Rural Municipality of Hart Butte #11, Coronach.

Residents of Canada and the United States may testify at these hearings and statements may be made orally or in writing. Information may be offered on a speaker's own behalf or in a representative capacity. On the first day of the hearings the Commission will receive testimony and evidence from members of the general public acting on their own behalf or on behalf of citizen groups or associations. On the second day the Commission will receive testimony and evidence from elected public officials, officials of departments and agencies of governments, and representatives of business and industry.

While not mandatory, written statements are desirable to supplement oral testimony and to ensure accuracy of the record. When a written statement is presented, the Commission requests 30 copies, if convenient.

Time allotted to each witness may be limited. If a written statement will take more than ten (10) minutes to present, a summary should be given and the full statement presented for the record. Copies of the letter of Reference from the Governments of Canada and the United States to the Commission are available on request from the International Joint Commission.

Times and Place of Hearings

October 16, 1979, Catholic Centre, Scobey, Montana—1:00 p.m.—5:30 p.m., 7:30 p.m.—9:30 p.m.

October 17, 1979, Catholic Centre, Scobey, Montana—10:00 a.m.—12:30 p.m., 2:00 p.m.—6:00 p.m.

David A. LaRoche Secretary, United States Section, International Joint Commission, 1717 H Street, N.W., Washington, D.C. 20440 Stop 86, (202) 296-2142.

David G. Chance, Secretary, Canadian Section, International Joint Commission, 100 Metcalfe Street, 18th Floor, Ottawa, Ontario K1P 5M1, (613) 995-2984.

David A. LaRoche, Secretary, United States Section. September 17, 1979.

[FR Doc. 79-29611 Filed 9-21-79; 8:45 am]

BILLING CODE 4710-14-M

NATIONAL SCIENCE FOUNDATION

Subcommittee on Glaciology of the Advisory Committee for Polar Programs; Meeting

In accordance with the Federal Advisory Committee Act, as amended, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Glaciology of the Advisory Committee for Polar Programs.
Date and time: October 10 and 11, 1979; 9:00 a.m. to 4:30 p.m. both days.
Place: Room 10A, 4240 Ridge Lea Road, State University of New York at Buffalo, Amherst, New York 14226.

Type of meeting: Closed.

Contact person: Dr. Richard L. Cameron, Program Manager, Room 620, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4164.

Purpose of subcommittee: To advise the Division of Polar Programs on such things as the development of specialized ice drilling equipment and on the other techniques for ice sheet sounding such as thermal probes and remote sensing methods, required to obtain data for basic research on the internal characteristics and properties of the large ice sheet on Greenland and in Antarctica.

Agenda: To review proposals for the Greenland Ice Sheet Program (GISP) and the Polar Ice Coring Office.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposal. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such

determinations by the Director, NSF, on July 6, 1979.

Joyce F. Laplante, Acting Committee Management Coordinator. September 19, 1979.
[FR Doc. 79-29522 Filed 9-21-79; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Ad Hoc Subcommittee on the Three Mile Island, Unit 2 Accident-Implications re Nuclear Powerplant Design; Meeting

Correction

In FR Doc. 7590-01; in the issue of Tuesday, September 18, 1979, on page 54139, the heading should be corrected to read as set forth above.

BILLING CODE 1505-01-M

[Docket No. STN 50-482]

Kansas Gas & Electric Co. and Kansas City Power & Light Co.; Proposed Issuance of Amendment to a Construction Permit

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Construction Permit CPPR-147 issued to Kansas Gas and Electric Company and Kansas City Power and Light Company (applicants) on May 17, 1977. Construction of the Wolf Creek Generating Station, Unit No. 1, located in Coffey County, Kansas is underway.

The amendment would add the Kansas Electric Power Cooperative, Inc. as a co-owner assuming 17 percent interest in the Wolf Creek facility in accordance with the applicants' application, dated July 30, 1979.

Prior to issuance of the proposed permit amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By October 24, 1979 the applicants may file a request for a hearing with respect to issuance of the amendment to the construction permit and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by

the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of a petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last

ten (10) days of the notice period, it is requested the petitioner or a representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Olan D. Parr: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C., 20036, attorney for the applicant.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)-(v) and 2.714(d).

This notice of consideration of amendment to the construction permit and opportunity for hearing is being published pursuant to the Nuclear Regulatory Commission staff's commitment to the Atomic Safety and Licensing Board by letter, dated September 3, 1976.

For further details with respect to this action, see the application for amendment dated July 30, 1979 and the staff's commitment to the Atomic Safety and Licensing Board, dated September 3, 1976, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Coffey County Courthouse, Burlington, Kansas, 66839.

Dated at Bethesda, Maryland this 18th day of September 1979.

For the Nuclear Regulatory Commission,
Olan D. Parr,
Chief, Light Water Reactors, Branch No. 3,
Division of Project Management.

[FR Doc. 79-29615 Filed 9-21-79; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

September 19, 1979.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public or significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer;
The office of the agency issuing this form;

The title of the form;
The agency form number, if applicable;

How often the form must be filled out;
Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting and recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk (*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and

questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 728 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

Revisions

Economics, Statistics, and Cooperatives Service

Study of Consumer Food Related Behavior Attitudes and Motives—4th Phase

Single time

Sample of households, 2,100 responses; 1,226 hours

Office of Federal Statistical Policy & Standard, 673-7974

Economics, Statistics, and Cooperatives Service

*White Bread-Type Flour Monthly Commercial Sales Report Monthly Flour Milling Firms, 216 responses; 108 hours

Office of Federal Statistical Policy & Standard, 673-7974

Forest Service

*Grazing Permit Administration Forms FS2200-16A, FS2200-16B, FS2200-17

Other (see SF-83)

Applicants for Grazing Permits on FS Land, 6,700 responses; 2,705 hours

Charles A. Eilett, 395-5080

Extensions

Economics, Statistics, and Cooperatives Service

*Stocks of Wool and Related Fibers in the United States Annually

Companies & Warehouses Holding Wool Stocks, 350 responses; 88 hours

Office of Federal Statistical Policy & Standard, 673-7974

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377-3827

New Forms

Industry and Trade Administration
Study of Field Research and Data/
Information Collection on Technology Transfer

ITA-825P

Single time

Firms With R&D Estab. Which are Owned by Foreign Firms, 100 responses; 400 hours

Office of Federal Statistical Policy & Standard, 673-7974

Revisions

Bureau of Economic Analysis
Schedule of Expenditures for Property, Plant, and Equipment of U.S. Direct Investment Abroad

BE-133C

Annually

U.S. Corporations Having Foreign Affiliates, 1,800 responses; 1,800 hours
Office of Federal Statistical Policy & Standard, 673-7974

Extensions

Industry and Trade Administration
*Export Mailing List Request Form

ITA-4052P

On occasion

U.S. Exporters, 3,000 responses; 1,000 hours

Richard Sheppard, 395-3211

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter Gness—245-7488

New Forms

Center for Disease Control
Consumer Health Insurance Survey

Single time

Adults Representing Households in General Public, 1,250 Responses; 417 hours

Richard Eisinger, 395-3214

Center for Disease Control
Survey of Chronic Diseases Among Defined U.S. Worker

Populations

Single time

Hospital Patients, 10,000 Responses; 1,000 hours

Richard Eisinger, 395-3214

Health Care Financing Administration
(Departmental)

Utilization of Operating Room Personnel HCFA-155T & I-155T

Single time

Gen'l Hospitals Listed in AHA Guide, 5,500 Responses; 1,375 hours

Richard Eisinger, 395-3214

Health Care Financing Administration

Child Health Status Report
HCFA-156

Quarterly

State Medicaid Agencies, 224

Responses; 448 hours

Richard Eisinger, 395-3214

National Institutes of Health
Animal Group Environment and Husbandry Conditions

LADB 79-1

Single time

Any Institution Performing Animal Research or Testimony, 200

Responses; 100 hours

Richard Eisinger, 395-3214

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523-6341

New Forms

Employment and Training

Administration

Baseline Household Surveys for the Employment

Opportunity Pilot Projects

MT-300

Single time

Families in 14 EOPP CETA Prime Sponsor Areas, 116,030 Responses; 43,158 hours

Arnold Strasser, 395-5080

DEPARTMENT OF STATE (EXC. AID)

Agency Clearance Officer—Gail J. Cook—632-3538

Revisions

Nonimmigrant Visa Application

OF-156

Other (SEE SF-83)

All Aliens Applying for Nonimmigrant Visas, 6,700,000 Responses; 1,117,000 hours

Marsha D. Traynham, 395-6140

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Floyd I. Sandlin—376-0436

Revisions

Assistant Secretary (Economic Policy)
Reporting Bank's Own Claims on

"Foreigners" (Part 1)

Claims of Reporting Bank's Domestic Customers on "Foreigners" (Part 2)

Payable in Dollars

IC BQ-1/ BQ-1(A)

Quarterly

U.S. Banks and Broker-Dealers, 100 Responses; 300 hours

Susan B. Geiger, 395-5867

Assistant Secretary (Economic Policy)
Reporting Bank's Own Claims on

"Foreigners"—Payable in Dollars

IC BC/BC-(A)

Monthly

U.S. Banks, Brokers, & Dealers, 300 Responses; 900 hours

Susan B. Geiger, 395-5867

Assistant Secretary (Economic Policy)
Reporting Bank's Own Liabilities Claims

on "Foreigners" (Pt. 1) and Claims on Domestic Customers on "Foreigners"

(Pt. 2) Payable in Foreign Currency

IC BQ-2/ BQ-2(A)

Quarterly

U.S. Banks and Broker-Dealers, 40 Responses; 40 hours

Susan B. Geiger, 395-5867

WATER RESOURCES COUNCIL

Agency Clearance Officer—Louis D. Walker—254-6453

Revisions

Title III Request for Assistance and Annual Report

Annually

Description not Furnished by Agency, 55 Responses; 1,760 hours

Edward H. Clarke, 395-5867

ACTION

Agency Clearance Officer—W. D. Baldrige—254-7845

New Forms

Senior Companion Program Evaluation Other (See SF-83)

Description Not Furnished by Agency, 2,300 Responses; 1,725 hours

Barbara F. Young, 395-6132

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agency Clearance Officer—Linwood A. Rhodes—632-0084

New Forms

*Certificate of Eligibility for Exchange Visitor

(J-1) Status

IAP-66A

On Occasion

Description not Furnished by Agency, 7,000 Responses; 1,190 hours

Marsha D. Traynham, 395-6140

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312-751-4693

Revisions

*Employers' Supplemental Report of Service and Compensation and

Employees' Termination of Service G-88 & G-88A

On Occasion

Applicants for RRA Annuity; Railroad Employers 30,000 Responses; 3,000 hours

Barbara F. Young, 395-6132

U.S. METRIC BOARD

Agency Clearance Officer—Stanley R. Parent—235-2583

New Forms

1979 Survey of U.S. Industries
Single Time
"Fortune" 1000 Listing of U.S. Industries,
200 Responses; 250 Hours
Laverne V. Collins, 395-3214
Stanley E. Morris,
Deputy Associate Director for Regulatory
Policy and Reports Management.
[FR Doc. 79-29581 Filed 9-21-79; 8:45 am]
BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

[Docket No. MC79-3]

**Red-Tag Proceeding, 1979; Order
Enlarging Scope of Proceeding to
Include Consideration of a Bundle
Carrier Route Classification and
Granting ILPA's Motion to Enlarge
Scope of Proceeding**

September 18, 1979.

First Notice of Inquiry

On June 27, 1979, the Commission issued its first Notice of Inquiry in this Docket. In that Notice, the Commission sought to encourage the parties to explore the possibility that red-tag mailers are performing work sharing.¹ Specifically, the Commission focused the attention of the parties to carrier route presorted bundles. Seven parties, including the Postal Service and the OOC, responded to that Notice.

In its response to the Notice the Postal Service stated that it too had been considering and examining work sharing performed by second-Class mailers.² As a result of its consideration the Postal Service proposed rules which alter the preparation requirements and rate category eligibility criteria for bulk mailings including second-class mail. The Service expressly neither supported nor opposed expansion of the Docket. The Commission assumes that the Service's position is that expansion of the Docket is unnecessary due to the Service's unilateral action. The Commission has already commented on the Service's proposed rules by stating that they constitute a classification change which requires Commission action.³

¹ The Commission had invited this exploration in its order initiating this proceeding. Order No. 228 at 6.

² Postal Service Response at 1.

³ The Commission is also concerned with the impact which the proposed rules would have on this Docket and Docket No. MC78-2. Moreover, if the rules were adopted, cost data for the next rate case

Magazine Publishers Association, Inc. (MPA) and Reader's Digest Association, Inc. (RD) each supported an examination of work sharing. However, both MPA and RD suggested that this Docket was not the appropriate proceeding in which to examine work sharing.⁴ Both RD and MPA cited lack of data for their response. Moreover, RD was concerned that expansion of the Docket would delay the proceeding.

Dow Jones & Company, Inc. offered two proposals to recognize work sharing of second-class mailers.⁵ It also had no objection to a bundle carrier presort classification. Dow Jones would offer testimony in support of its proposal if the Commission expands the Docket.⁶

American Business Press, Inc. (ABP) expressed concern in its response that a proceeding to consider possible red tag surcharge not be changed into one concerned with additional discounts for large circulation red tag mailers and increased rates for small circulation red tag mailers.^{7, 8}

American Newspaper Publishers Association and the National Newspaper Association (ANPA/NNA) offered the testimony of Alfred Stout in support of a carrier route bundle presort classification. ANPA/NNA argued that the presort classification was justified on its own merits regardless of the outcome of a red-tag/non red-tag classification distinction.

Finally, the OOC responded that he lacked data to offer any proposal but would "fully evaluate any proposal presented by other parties".⁹ The Commission assumes that the OOC, therefore, does not oppose expansion of this Docket.

The Commission upon initiating this Docket was concerned not only with a red-tag/non red-tag distinction in light of the concept of service related costs but also the voluntary work sharing which second-class mailers performed.¹⁰ Thus, the First Notice of Inquiry was a further expression of the concerns expressed in order No. 228. The expansion of the Docket is consistent with our Order. The arguments of MPA and Reader's Digest do not alter that fact and are, therefore, without merit. Reader's Digest's concern that expansion might delay this proceeding

would reflect the old bulk preparation requirements and might not be applicable.

⁴ MPA Response at 1; RD response at 6.

⁵ Dow Jones response at 4 and 5.

⁶ ID. at 12.

⁷ ABP Response at 2.

⁸ In some respects this concern seems misplaced since ABP proposed a six-piece bundle presort discount in the last rate case. PRC op. R77-1, pp 318, 329, 330.

⁹ OOC Response at 1 and 2.

¹⁰ Order No. 228 at 3-6.

has some merit. We too are concerned with undue delay. However, expansion of the issues need not unduly delay this case. In this regard, we note that rebuttal testimony is due on October 12, 1979. We will require that any further testimony on work sharing will also be due on that date. This would not cause any prolonged delay in the proceeding.

Petitions to Enlarge Issues by Nonprofit Mailers

The anticipated expansion of the Docket led the International Labor Press Association AFL-CIO/CLC (ILPA) to move on August 20, 1979, to expand the proceeding to consider presort classification distinctions for nonprofit second-class mail. ILPA argued that the Commission did not adopt any presort distinctions due to lack of data.¹¹ ILPA claimed that data now exists which would support a nonprofit presort level classification distinction.¹² Catholic Press Association joined ILPA in its motion on August 23, 1979.

Three parties, OOC, Reader's Digest and Newsweek, responded to the ILPA motion. The OOC supported the motion.¹³ Newsweek in its own fashion supported the motion.¹⁴ Newsweek, however, was generally opposed to the entire Docket. Reader's Digest opposed the motion on the ground that (1) it would cause delay; (2) it would "disfocus" the proceeding and (3) the order establishing the proceeding already "permits such a pursuit".¹⁵

Although we are concerned that this docket might become overly cumbersome if we grant further expansion of the issues, since the Commission will review work sharing of regular rate second-class mail, equity dictates that a review of work sharing for nonprofit would also be appropriate. In fact, all preferred second-class work sharing should be reviewed.¹⁶ As with the regular rate testimony, the testimony on behalf of the nonprofit groups will also be due on October 12, 1979.

Therefore, the Commission orders: 1. This Docket be expanded to review proposals concerning work sharing;

2. ILPA's motion to enlarge the Docket to review work sharing of nonprofit second-class publications is granted and expanded to include all preferred rate second-class mail; and

¹¹ ILPA Motion at 2.

¹² Id. at 2 and 3.

¹³ OOC Response to ILPA at 1.

¹⁴ Newsweek Response to ILPA at 3.

¹⁵ Reader's Digest Response at 2.

¹⁶ Discounts which encourage publishers to perform additional work sharing increase combined mailer/Postal Service productivity. The Commission, whenever applicable, will strive to improve productivity, which is, in fact, a nationwide goal.

3. All testimony on any new proposal in the expanded issues will be filed with the Secretary no later than October 12, 1979.

By the Commission.

David F. Harris,
Secretary.

[FR Doc. 79-29470 Filed 9-21-79; 8:45 am]

BILLING CODE 7715-01-M

**PRESIDENT'S COMMISSION ON THE
ACCIDENT AT THREE MILE ISLAND**

Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92463), announcement is made of the following meetings:

Name:

President's Commission on the Accident at Three Mile Island.

Place:

Washington, D.C., 2100 M Street, N.W.

Time:

Saturday, September 29, 9 a.m.-6 p.m.

Sunday, September 30, 9 a.m.-6 p.m.

Monday, October 1, 9 a.m.-6 p.m.

Tuesday, October 2, 9 a.m.-6 p.m.

Wednesday, October 3, 9 a.m.-6 p.m.

Proposed Agenda:

- I. Discussion of findings and recommendations
- II. Discussion of staff reports
- III. Discussion of internal personnel rules and practices

The Commission was established by Executive Order 12130 on April 11, 1979, to conduct a comprehensive study and investigation of the accident involving the nuclear power facility on Three Mile Island in Pennsylvania.

On September 29-October 3, 1979, the Commission will meet in closed session to discuss its findings and recommendations.

These meetings will be held pending notification and approval by the GSA Administrator.

Inquiries should be addressed to Barbara Jorgenson (202/653-7677).
September 18, 1979.

Barbara Jorgenson,

Public Information Director.

[FR Doc. 79-29771 Filed 9-21-79; 10:03 am]

BILLING CODE 6820-AJ-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

**General Aviation District Office at Fort
Worth, Tex.; Engineering and
Manufacturing District Office at Fort
Worth, Tex.; Aeronautical Quality
Assurance Field Office at Fort Worth,
Tex.**

Notice is hereby given that on or about October 1, 1979, the General Aviation District Office at Fort Worth, Texas; the Engineering and Manufacturing District Office at Fort Worth, Texas; and the Aeronautical Quality Assurance Field Office at Fort Worth, Texas, will be consolidated. The consolidated office will be listed as the Flight Standards District Office, Fort Worth, Texas. All services to the public formerly provided by the individual offices will be provided by the consolidated office. This information will be reflected in the FAA Organization Statement the next time it is reissued.

Issued in Fort Worth, Texas, on September 13, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29446 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

**General Aviation District Office at
Oklahoma City, Okla., and Engineering
and Manufacturing District Office at
Oklahoma City, Okla.**

Notice is hereby given that on or about October 1, 1979, the General Aviation District Office at Oklahoma City, Oklahoma, and the Engineering and Manufacturing District Office at Oklahoma City, Oklahoma, will be consolidated. The consolidated office will be listed as the Flight Standards District Office, Oklahoma City, Oklahoma. All services to the public formerly provided by the individual offices will be provided by the consolidated office. This information will be reflected in the FAA Organization Statement the next time it is reissued.

Issued in Fort Worth, Texas, on September 12, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29447 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

**Satellite General Aviation District
Office at Corpus Christi, Tex.; Closing**

Notice is hereby given that on or about November 18, 1979, the Satellite General Aviation District Office at Corpus Christi, Texas, will be closed. Services to the general aviation public formerly provided by that office, will be provided by the General Aviation District Office in San Antonio, Texas. This information will be reflected in the FAA Organization Statement the next time it is reissued.

Issued in Fort Worth, Texas, on September 12, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29448 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

**Minority Business Resource Center
Advisory Committee; Meeting**

Pursuant to Section 19(a) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463); (5 U.S.C. App. I), notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held October 15, 1979, at 10 a.m. until 1 p.m. at the Department of Transportation, 800 Independence Avenue, S.W., 3rd floor auditorium, Washington, D.C. 20591. The agenda for the meeting is as follows:

Review of Business Development Projects.
Review FY 1981 Goals and Objectives.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Mr. Malcolm Johnson, Advisory Committee Staff Assistant, Minority Business Resource Center, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590, telephone: (202)472-2430. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on September 20, 1979.

Kenneth E. Bolton,

Director.

[FR Doc. 79-29523 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-06-M

Notice of Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of

Hazardous Materials Regulations of the Materials Transportation Bureau has received the applications described herein.

DATES: Comment period closes October 24, 1979.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the

application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the application are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 Seventh Street, S.W., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1-Motor vehicle, 2-Rail freight, 3-Cargo vessel, 4-Cargo-only aircraft, 5-Passenger-carrying aircraft.

New Exemptions

Application No.	Applicant	Regulations affected	Nature of exemption thereof
8266-N	Industrial Plastic Container Co., Long Beach, Calif.	49 CFR Part 173 Subpart D, F, and H, 178.211.	To manufacture, mark and sell DOT specification 12P packaging having inside two 2 1/2 gallon Specification 2U containers for shipment of various hazardous materials. (Modes 1, 2, 3.)
8267-N	GTE Sylvania, Inc., Needham, Mass.	49 CFR 172.101, 173.206(a)(1), 173.247.	To authorize shipments of lithium batteries in a submodule configuration packed in non-DOT specification plywood packaging. (Mode 1.)
8268-N	Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.119(m)(14).	To authorize shipment of certain amines meeting both the flammable and corrosive definition in DOT Specification 105A class tank cars. (Mode 2.)
8269-N	M-D Trailer Co., Fort Worth, Tex.	49 CFR 173.119(a)(17), 173.245(a)(31), 178.342-5, 178.345-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-312 except for bottom outlet valve variation for the transport of flammable or corrosive waste liquids or semisolids. (Mode 1.)
8270-N	3M Co., St. Paul, Minn.	49 CFR 173.134.	To authorize shipment of pyrophoric solids in solvents, classed as flammable liquids in DOT Specification 6A, 6B or 6C drums. (Mode 1.)
8271-N	Constructors John Brown Ltd., Hampshire, England	49 CFR 173.134.	To ship a pyrophoric solid dispersed in a flammable liquid in a non-DOT specification portable tank comparable to DOT Specification 51. (Modes 1, 2, 3.)
8272-N	Airesearch Manufacturing Co. of Arizona, Phoenix, Ariz.	49 CFR 173.302, 178.65.	To authorize shipment of helium in a non-DOT specification steel cylinder similar to a DOT specification 39. (Modes 1, 4.)
8273-N	Hamill Manufacturing Co., Washington, Mich.	49 CFR Parts 171 through 178.	To qualify shipments of explosive power device, class B or C, when shipped as an integral part of a passive restraint system, as a non-regulated material. (Mode 1.)
8274-N	ANF Industrie, Paris, France	49 CFR Part 173, Subpart D, F, and H.	To authorize shipments of various hazardous materials in non-DOT specification IMCO Type I portable tanks. (Modes 1, 2, 3.)
8275-N	ANF Industrie, Paris, France	49 CFR Part 173, Subpart D, F, and H.	To authorize shipment of various hazardous materials in non-DOT specification IMCO Type II portable tanks. (Modes 1, 2, 3.)
8276-N	Safeway Stores, Inc., Oakland, Calif.	49 CFR 173.1200(a).	To ship materials classed as ORM-D in wire baskets on rollers via private carriage. (Mode 1.)
8277-N	Interox America, Houston, Tex.	49 CFR 173.221.	To authorize use of a plastic bottle comparable with DOT Specification 2E except for maximum capacity of 5 liters for hazardous materials for which DOT Specification 2E is prescribed. (Modes 1, 2, 3.)
8278-N	Maintenance Mechanical Corp., Houston, Tex.	49 CFR 173.304, 173.315.	To authorize shipments of liquid hydrocarbons transported in a container affixed to a truck or trailer used to calibrate meters. (Mode 1.)
8279-N	Hamler Industries, Inc., Chicago Heights, Ill.	49 CFR 178.337-17.	To authorize shipments of anhydrous ammonia in a tank motor vehicle which does not contain the metal identification plate. (Mode 1.)
8281-N	IMC Chemical Group, Inc., Allentown, Pa.	49 CFR 173.93.	To authorize shipment of a propellant explosive, solid, class B, in various types of packages involving polyethylene bags, fiber tubes, burlap bags or fiberboard boxes, BA 832, 912, and 1040. (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on September 13, 1979.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-29386 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-60-M

Materials Transportation Bureau**Notice of Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption**

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application To Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is

hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier

Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes on or before October 9, 1979.

ADDRESSED TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, D.C.

Application No.	Applicant	Re-nu-al of Exem-ption
3630-X	Allied Chemical Corporation, Morris-town, N.J.	3630
3657-X	Union Carbide Corporation, Tarry-town, N.Y. (See Footnote 1).	3657
4354-X	Minerac Corporation, Baltimore, Md.	4354
4354-X	Pennwalt Corporation, Buffalo, N.Y.	4354
4390-X	Mallinckrodt, Inc., St. Louis, Missouri.	4390
5022-X	Department of the Army, Washington, D.C.	5022
5652-X	Air Products and Chemicals, Inc., Allentown, Pennsylvania.	5652
5876-X	FMC Corporation, Philadelphia, Pa. (See Footnote 2).	5876
5923-X	Union Carbide Corporation, Tarry-town, N.Y. (See Footnote 3).	5923
5945-X	Chemtron Corporation, Countryside, Illinois.	5945
8126-X	Dow Chemical Company, Midland, Michigan.	8126
8232-X	Department of the Army, Washington, D.C.	8232
8253-X	Cheminova, A/S, Lemvig, Denmark.	8253
8253-X	Containertechnik, Hamburg, Germany (See Footnote 4).	8253
6452-X	Pennwalt Corporation, Buffalo, N.Y.	6452
6526-X	Dow Chemical Company, Midland, Michigan.	6526
6768-X	PPG Industries, Inc., Pittsburgh, Pa. (See Footnote 5).	6768
6883-X	Hedwin Corporation, Baltimore, Maryland (See Footnote 6).	6883
7071-X	Philip A. Hunt Chemical Corporation, Palisades Park, N.J.	7071
7440-X	Roux Laboratories, Inc., Jacksonville, Fla. (See Footnote 7).	7440
7725-X	Economics Laboratory, Inc., St. Paul, Minnesota.	7725
7731-X	Minnesota Valley Engineering, New Prague, Minn. (See Footnote 8).	7731
7772-X	Fauvet Girel, Paris, France (See Footnote 9).	7772
7840-X	Douglas Aircraft Company, Long Beach, California.	7840
7869-X	Oxy Metal Industries Corporation, Morenci, Michigan.	7869

Application No.	Applicant	Re-nu-al of Exem-ption
7824-X	Ray-O-Vac Division, ESB Inc., Madison, Wisconsin (See Footnote 10).	7824
7969-X	Royalvac, Inc., Fort Lauderdale, Florida.	7969
8099-X	Union Carbide Corporation, Bound Brook, N.J. (See Footnote 11).	8099
8126-X	Transport International Containers, S.A. Paris, France (See Footnote 12).	8126

¹ To renew and to add liquefied natural gas as an additional commodity to be shipped in Cosmodyne Cryogenics cargo tanks FB-1 and FB-3.

² To authorize Furadan 80 and Furadan 85 wettable powder as an additional commodity.

³ To authorize water as an additional mode of transportation and to add monoethylamine (anhydrous) as an additional commodity.

⁴ To provide for tank design modifications involving insulation and heating systems.

⁵ To renew and to amend paragraph 8(g) by deleting the reference to Mine Safety Appliance Company's equipment and to provide for another type of self contained breathing device equivalent to that presently prescribed.

⁶ To authorize shipment of various Poison B liquids as an additional commodity in non-DOT Specification 55-gallon polyethylene drum.

⁷ To authorize use of an additional aluminum alloy 1050 in manufacturing the 32 ounce aerosol cans to ship solutions containing isopropyl alcohol and ammonia.

⁸ To provide for various design modifications to the portable tank, e.g., vent line, baffling system and support rings.

⁹ To provide for fittings and valve modifications for portable tanks.

¹⁰ To expand the exemption to include certain lithium batteries.

¹¹ To authorize an additional Class B poison solid mixture.

¹² To add additional tanks similar to those presently authorized and to accommodate monomethylamine as an additional commodity.

Application No.	Applicant	Par-ties of Exem-ption
4453-P	Casebier Bulk Transport Co., Inc., Beaver Dam, Kentucky.	4453
6113-P	Roadway Express, Inc., Akron, Ohio.	6113
6518-P	Arapahoe Chemicals, Inc., Boulder, Colorado.	6518
8762-P	TEXO Corporation, Cincinnati, Ohio.	8762
6806-P	Barnebey Cheney Company, Columbus, Ohio.	6806
6932-P	Fauvet Girel, Paris, France	6932
6984-P	Ireco Chemicals, Salt Lake City, Utah	6984
7052-P	The Charles Stark Draper Lab., Inc., Cambridge, Massachusetts.	7052
7060-P	Petroleum Air Transport, Inc., Hazelwood, Missouri.	7060
7716-P	Kinepak, Inc., Lewisville, Texas	7716
7770-P	Fauvet Girel, Paris, France	7770
7772-P	Fauvet Girel, Paris, France	7772
7835-P	Airco Industrial Gases, Murray Hill, N.J.	7835
7929-P	C-I-L Chemicals, Southfield, Mi. (See Footnote 1).	7929
7998-P	FMC Corporation, Philadelphia, Pennsylvania.	7998
8002-P	Lowaco S.A., Geneva, Switzerland.	8002
8156-P	Scott Environmental Technology Inc., Plumsteadville, Pennsylvania.	8156
8171-P	See Containers Inc., London, England.	8171
8229-P	W. A. Murphy, Inc., El Monte, California.	8229
8229-P	R. L. Owens, Inc., Keene, New Hampshire.	8229
8229-P	J. D. Shea & Sons, Inc., W. Quincy, Mass.	8229
8229-P	Olson Explosives, Inc., Decorah, Iowa.	8229
8229-P	Rock Energy Products, Inc., Lithia Springs, Georgia.	8229
8229-P	W. H. Burt Explosive, Inc., Moab, Utah.	8229
8229-P	IMC Chemical Group, Inc., Allentown, Pennsylvania.	8229

¹ Request for party status and to amend exemption to include 25 kg of flaked TNT.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on September 14, 1979.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-29385 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****Denial of Petition for Rulemaking**

This notice denies a petition submitted by Mr. William H. Page, Jr. requesting rulemaking to require side underride protection devices on large trailers. Mr. Page indicated that the problems of smaller vehicles underriding the sides of trailers are now significant and will increase as the size of passenger cars decreases.

The National Highway Traffic Safety Administration (NHTSA) has reviewed Mr. Page's request. Currently, the NHTSA is pursuing rulemaking in the area of truck rear underride devices. In the course of that rulemaking, the agency will collect information relating to the problem of side underride. Until the agency has gathered this material on side underride, it does not consider it appropriate to invest more of its limited agency resources in this area.

The agency will continue to gather information on side underride during the rear underride rulemaking. If the evidence gathered by the agency indicates that side underride rulemaking could contribute significantly to safety, the agency will commence rulemaking.

At the present, however, the agency concludes that side underride rulemaking should not be commenced and Mr. Page's petition is denied.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50.)

Issued on September 17, 1979.

Joan Claybrook,
Administrator.

[FR Doc. 79-29384 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP79-1; Notice 2]

International Harvester Corp.; Denial of Petition for Determination of Inconsequential Noncompliance

This notice denies the petition by International Harvester Corp. of Fort Wayne, Indiana, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.120, *Tire Selection and Rims for Vehicles Other Than Passenger Cars*. The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of a petition was published on February 15, 1979, and an opportunity afforded for comment (44 FR 9824).

Petitioner is the final stage manufacturer of multi-stage vehicles. From September 1, 1977, through November 1978 approximately 3,200 improper certification labels may have been provided through its service parts system to company-owned outlets and processing centers for use on medium and heavy duty trucks. Specifically, S5.3(a) of Standard No. 120 requires a manufacturer to provide on the vehicle's certification label (affixed pursuant to 49 CFR Part 567) or separate tire information label the size designation of tires appropriate for the vehicle's GAWR, the rims size and type designation appropriate for those tires, and the cold inflation pressure of the tire. In its compliance testing of a Harvester truck NHTSA discovered that all this information was missing (agency file CIR 2024).

Petitioner argued that this noncompliance is inconsequential because the correct tires and rims were supplied with each vehicle for the GAWR and GVWR of the wheels, and the tires and rims otherwise meet the requirements of Standard No. 120. In addition, the information is provided the vehicle operator by other means: line set tickets affixed to the vehicle, as well as

contained in the owner's manual, to which the operator is referred by the erroneous certification label.

No comments were received on the petition.

The NHTSA has decided to deny the petition by International Harvester. One of the major purposes of Standard 120 is to assure that vehicles are equipped with tires and rims of appropriate size and type and adequate load carrying capability. These must be related to GAWR-GVWR values. In the event that equipment becomes separated from the vehicle, the manufacturer's recommendation of tires and rims for the vehicle can be found on the vehicle's label. A standardized method of presenting this material is specified in Standard No. 120 for purposes of uniformity and to expedite the locating, reading, and understanding of vital information.

Although a quantity of 3200 labels (or vehicles) is specifically limited, the number is large enough not to be overlooked or disregarded as a source of potential safety hazards, and should not go uncorrected as a precaution for the future operation of the vehicles.

Since there is no assurance that tire and rim servicing will not be done outside the petitioner's service outlets, NHTSA cannot agree that line set tickets will serve adequately in place of the prescribed vehicle label. Life expectancy of perhaps 10 to 15 years must be considered and it is not unreasonable to expect a number of tire replacements will be made by different owners at different service shops during this time.

An owner could be permanently misled if tires or wheels were once improperly replaced. Although the manufacturer may refer to other publications and sources to provide additional information, the agency does not believe tire and rim information would be as useful in a location entirely separate from the certification label. NHTSA continues to reject the theory that providing tire and rim information elsewhere on the vehicle satisfies the needs of safety, a point argued when the standard was in its rulemaking stage.

Therefore, NHTSA cannot agree that noncompliance is inconsequential as it relates to motor vehicle safety. Notification and remedy is necessary and reasonable to minimize potential hazard associated with up to 3200 vehicles and particularly in those occasions where tires and rims require service attention and become separated from the vehicles. By providing a proper certification or tire information label, a simple but effective remedy can be achieved.

Petitioner has failed to meet its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is hereby denied.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on September 17, 1979.

Michael M. Finkelstein,
Associate Administrator for Rulemaking.

[FR Doc. 79-29383 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-59-M

Office of the Secretary

[Notice No. 79-15a]

Citizen Participation Transportation Planning; Advance Notice of Proposed Policy

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Extend the Public Comment period on Advance Notice of Proposed Policy on Citizen Participation in Transportation Planning.

SUMMARY: To encourage full public comment on this notice, the Department of Transportation (DOT) is extending the deadline date for comments from October 9, 1979 to November 9, 1979. The extension is the result of requests from citizens and citizen groups asking for a longer comment period to prepare more thorough responses to the notice.

DATES: The new deadline for public comment is November 9, 1979.

ADDRESS: U.S. Department of Transportation, Office of Consumer Affairs, Room 9402, 400 Seventh Street, SW, Washington, DC 20590.

FOR MORE INFORMATION CONTACT: Lee Gray, Office of Consumer Affairs, Room 9402, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, (202) 426-4520.

SUPPLEMENTARY INFORMATION: On Thursday, August 9, 1979, an Advance Notice of Proposed Policy on Citizen Participation in Transportation Planning appeared in the *Federal Register* (44 FR 46971) requesting Public Comment on a number of questions concerning public involvement. State and local agencies using U.S. DOT funds to provide transportation facilities or services are required by laws and regulation to provide for public involvement in the transportation planning and project development process. The Department is seeking a broad and representative response from persons with firsthand knowledge of local transportation planning, including individual citizens;

citizens' organizations; and State, regional, and local officials. In the hope of increasing the response, the Department is allowing an additional month for the public to prepare and submit comments (49 U.S.C. 1651 et seq.)

Issued in Washington, DC, on September 13, 1979.

Susan J. Williams,
Acting Assistant Secretary for Governmental and Public Affairs.

[FR Doc. 79-29339 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular Public Debt Series—No. 22-79]

Treasury Notes of September 30, 1983; Series F-1983

September 19, 1979.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$2,500,000,000 of United States securities, designated Treasury Notes of September 30, 1983, Series F-1983 (CUSIP No. 912827 JZ 6). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated October 1, 1979, and will bear interest from that date, payable on a semiannual basis on March 31, 1980, and each subsequent 6 months on September 30 and March 31, until the principal becomes payable. They will mature September 30, 1983, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of

1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 2026, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, September 26, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, September 25, 1979.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a 1/8 of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the

Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Monday, October 1, 1979, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Friday, September 28, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, September 28, 1979, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an

employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed

by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary statement: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 79-29527 Filed 9-20-79; 8:45 am]

BILLING CODE 4810-40-M

[Dept. Circular, Public Debt Series No. 21-79]

Treasury Notes of Sept. 30, 1981, Series X-1981

September 19, 1979.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$3,250,000,000 of United States securities, designated Treasury Notes of September 30, 1981, Series X-1981 [CUSIP No. 912827 JY 9]. The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated October 1, 1979, and will bear interest from that date, payable on a semiannual basis on March 31, 1980, and each subsequent 6 months on September 30

and March 31, until the principal becomes payable. They will mature September 30, 1981, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any state, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, September 25, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, September 24, 1979.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for

receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications, as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations, expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a 1/4 of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to

pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Monday, October 1, 1979, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Friday, September 28, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, September 28, 1979, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at

the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been

established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 79-29528 Filed 9-20-79; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Career Development Committee; Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Career Development Committee, authorized by 38 USC 4101, will be held in Room 817 of the Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, October 29-30, 1979 at 8:30 a.m. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Veterans Administration system. The Committee advises the Director, Medical Research Service on selection and appointment of Associate Investigators, Research Associates, Clinical Investigators, Medical Investigators, Senior Medical Investigators and William S. Middleton Award Nominees.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9 a.m. to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Mr. David D. Thomas, Executive Secretary of the Committee, Veterans Administration Central Office,

Washington, DC (202-389-2317) prior to October 15, 1979.

The meeting will be closed from 9 a.m. to 5 p.m. on October 29-30 for consideration of individual applications for positions in the Career Development Program. This necessarily requires examination of personnel files and discussion and evaluation of the qualifications, competence, and potential of the several candidates, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. In addition, decisions recommended by the board are strictly advisory in nature; other factors are considered in final decisions. Premature disclosure of board recommendations as well as the disclosure of research information would be likely to significantly frustrate implementation of final proposed agency actions. Accordingly, closure of this portion of the meeting is permitted by section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463 as amended, in accordance with subsections (c) (6) and (c) 9(B) of the Government in the Sunshine Act, 5 USC 552b.

Minutes of the meeting and rosters of the committee members may be obtained from Mr. David D. Thomas, Chief, Career Development Program, Medical Research Service, Veterans Administration, Washington, DC (Phone 202-389-2317).

Dated: September 18, 1979.

Rufus H. Wilson,

Deputy Administrator.

[FR Doc. 79-29467 Filed 9-21-79; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on *October 26, 1979, at 1:30 p.m., the Veterans Administration Medical and Regional Office Center Station Committee on Educational Allowances shall at Togus, Maine* conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in *Unity College, Unity, Maine* should be discontinued, as provided in 38 C.F.R. 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: September 18, 1979.

R. H. Wallace,

Director, VA Regional Office, Togus, Maine.

[FR Doc. 79-29406 Filed 9-21-79; 8:45 am]

BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: September 18, 1979

In our decisions of September 11, 1979, a 9.5 percent surcharge was authorized on all owner-operator traffic, and on all truckload-rated traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level. In addition, a 1.7 percent surcharge was authorized on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators.

Although the weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload-rated traffic is 9.8 percent, we are requiring that the surcharge for this traffic be held at 9.5 percent. All owner-operators are to receive compensation at the 9.5 percent level. In addition, no change will be made in the existing authorization of a 1.7 percent surcharge on LTL traffic performed by carriers not utilizing owner-operators.

Notice of this decision shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered:

This decision shall become effective Friday at 12:01 a.m., September 21, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis.

Agatha L. Mergenovich,
Secretary.

Appendix.—Fuel Surcharge

Base Date and Price Per Gallon (Including Tax)	
January 1, 1979	63.5¢
Date of Current Price Measurement and Price Per Gallon (Including Tax)	
September 17, 1979	100.2

Average Percent: Fuel Expenses (Including Taxes) of Total Revenue	
(1) From Transportation Performed by Owner Operators (Apply to All Truckload Rated Traffic)	(2) Other (Including Less-Truckload Traffic)
16.9%	2.9%
Percent Surcharge Developed	
9.8%	1.7%
Percent Surcharge Allowed	1.7%
9.5%	

¹ Additional data for general commodity carriers indicate the following:

(a) Percent Fuel (including tax) of revenue (all traffic) 7.3%
(b) Percent T.L. and LTL Revenue of total revenue:

	Revenue (000)	Percent
T.L.	\$3,451,661	32
LTL	7,427,232	66
Total	10,878,893	100

Utilizing the T.L. and LTL weighting factors and retaining the relationship of fuel to revenue for owner operators (also applied to T.L. rated traffic) and in total of 16.9 percent and 7.3 percent respectively, the comparable relationship for LTL is 2.9 percent. This figure should not be construed as an actual relationship but is developed as a method to adjust the LTL surcharge.

[FR Doc. 79-29448 Filed 9-21-79; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment

resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. 162

MC 96793 (Sub-3T), filed May 15, 1979, and published in the **Federal Register** issue of July 9, 1979, and republished as corrected this issue. Applicant: MARIPOSA EXPRESS, INC., 131 Alpine Dr., Merced, CA 95340. Representative: R. A. Greene, Jr., 100 Pine St., San Francisco, CA 94111. Common carrier: regular route: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Fresno, Madera, Merced, Stanislaus and San Joaquin Counties, CA for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to interline with other carriers at Merced, CA. Supporting shipper(s): There are 9 statements in support of this application which may be examined at the Headquarters in DC or at the field office named below. Send protests to: Neil C. Foster, DS, 211 Main, Suite 500, San Francisco, CA 94105. The purpose of this publication is to show the applicant intends to interline.

MC 105813 (Sub-261TA), filed July 16, 1979. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th Street, P.O. Box 2009, Ocala, FL 32670. Representative: Arthur J. Sibik, 7025 S. Pulaski Road, Chicago, IL 60629. *Foodstuffs, except in bulk*, (1) from the facilities of Wetterau, Inc., at or near Atlanta, GA to points in and east of TX, AR, MO, IA, and MN, and (2) from the facilities of Wetterau, Inc., at or near St. Louis, MO to points in KY, TN, NC, SC, AL, MS, LA, FL, and GA, and (3) *Foodstuffs, materials, equipment and supplies used in the manufacture of foodstuffs* on return, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wetterau Incorporated, 8920 Pershall Road, Hazelwood, MO 63042. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 107403 (Sub-1245TA), filed July 12, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes

Jr. (same as applicant). *Resins, paints, varnishes, lacquers & enamels, in bulk, in tank vehicles* from Louisville, KY to IL, IN, WI, NC, VA, OK, PA, AL, TX, TN, IA, FL, AR, MS, KS, GA, SC, & NJ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Reliance Universal Inc., 4730 Crittenden Dr., Louisville, KY 40221. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 107403 (Sub-1246TA), filed July 9, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Liquid chemicals, in bulk, in tank vehicles* from the facilities of First Chemical Corp. at Pascagoula, MS to points in KS, NC, SC, TN, VA, and UT for 180 days. Supporting shipper(s): First Chemical Corp., P. O. Bx 1427, Pascagoula, MS 39567. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 110683 (Sub-150TA), filed July 13, 1979. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Macdonald and McInerny, 1000 Sixteenth Street, N.W., Washington, D.C. 20036. *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment) (1) between points in PA on and west of U.S. Hwy 219 on the one hand and, on the other, points in OH, and points in NJ on and north of NJ Hwy 70, and points in MD on and west of U.S. Hwy 1; (2) between points in SC on the one hand, and, on the other, points in KY; (3) between points in Pike and Lackawanna Counties, PA; those in Wayne County, PA, south of PA Hwy 370; those in Susquehanna County, PA, southeast of a line drawn from Herrick, PA, to the junction of Interstate Hwy 81 with the Susquehanna-Lackawanna County line; those in Luzerne County, PA, east of a line drawn from the junction of PA Hwy 92 with the Luzerne-Wyoming County line along PA Hwy 92 to its junction with U.S. Hwy 11, then along U.S. Hwy 11 to a point one mile east of Nanticoke, PA, then east along an unnumbered Hwy to its junction with Interstate Hwy 81, then along Interstate Hwy 81 to its junction with the Luzerne-Schuylkill County line; those in Schuylkill County, PA, on and east of PA Hwy 309 including points on the indicated highways on the one hand and, on the other, points in MD on and west of U.S. Hwy 1, points in WV and OH.

The purpose of this application is to eliminate certain gateways in applicant's existing operations. Applicant does not propose to serve any points or territories not presently authorized to be served. Applicant proposes to tack any authority granted in this proceeding with existing authority at numerous common points in the areas sought to be served in PA, MD, WV, KY, OH, and SC, for 180 days. An underlying ETA seeks 90 days authority. Send protests to: Charles F. Myers, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

Note.—No duplicating authority sought.

MC 115523 (Sub-190TA), filed June 20, 1979. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same address as applicant). (1) *Liquid petroleum gas*, in bulk, in tank vehicles, from Patrick Draw, WY at or near Point of Rocks, WY to Salt Lake City, UT and its commercial zone. (2) *Liquid Natural gas*, in bulk, in tank vehicles from Ryckman Creek, at or near Evanston, WY to Salt Lake City, UT and its commercial zone, for 180 days. Supporting shipper(s): Amoco Oil Company, 200 East Randolph Drive, Mail Code 1402, Chicago, IL 60601. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Building, Salt Lake City, UT 34138.

MC 116763 (Sub-568TA), filed July 18, 1979. Applicant: CARL SUBLER TRUCKING INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira, same address as applicant. *Foodstuffs* (except commodities in bulk, in tank vehicles), from points in Tarrant, Dallas, and Harris Counties, TX, to points in the U.S. in and east of MN, IA, MO, OK, and TX, restricted to traffic originating at the named origins and destined to the indicated destinations, for 180 days. Supporting shipper(s): Uncle Ben's Foods, P.O. Box 1752, Houston, TX 77001. Send protests to: D/S, ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 121683 (Sub-6TA), filed June 25, 1979. Applicant: JACKSON EXPRESS, INC., 12 Conalco Drive, P.O. Box 3266, Jackson, TN 38301. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. Common carrier; regular route; *general commodities* (except classes A & B explosives, household goods, commodities in bulk and commodities requiring special equipment) (1) between Nashville, TN and Memphis, TN and their respective commercial zones, serving the intermediate point of Jackson, TN and serving all other points in Madison County, TN as off-route points, from

Nashville, TN over Interstate Hwy 40 to Memphis, TN and return over the same route. Restriction: The operations authorized above are subject to the following conditions: Service at that part of Memphis and its commercial zone lying in Tennessee is restricted against handling of traffic originating at, destined to, or interchanged at Nashville, TN and its commercial zone as defined by the Commission; (2) between Jackson, TN and Selmer, TN and its commercial zone, serving all intermediate points and their commercial zones, from Jackson, TN over U.S. Hwy 45 to Selmer, TN and return over the same route; (3) between Jackson, TN and Milan, TN and its commercial zone, serving all intermediate points and their commercial zones, from Jackson over U.S. Hwy 45 to its junction with U.S. Hwy 45-E, thence over U.S. Hwy 45-E to Milan, and return over the same route. Restriction: The operations authorized above are subject to the following conditions: Service at Milan is restricted against the handling of traffic originating at, destined to or interchanged at Memphis, TN and its commercial zone; (4) between Jackson, TN and Tupelo, MS serving all intermediate points and serving as off-route points, points in Alcorn, Itawamba, Lee, Prentiss and Tishomingo Counties, MS and points in Alabama located within ten (10) miles of Itawamba and Tishomingo Counties, MS, from Jackson over U.S. Hwy 45 to Tupelo and return over the same route; (5) between Memphis, TN and Iuka, MS serving the intermediated point of Corinth, MS and serving as off-route points, points in Alcorn, Itawamba, Lee, Prentiss, and Tishomingo Counties, MS and points in Alabama located within ten (10) miles of Itawamba and Tishomingo Counties, MS, from Memphis over U.S. Hwy 72 to Iuka and return over the same route; (6) between Memphis, TN and Hamilton, AL serving the intermediated point of Tupelo, MS and serving as off-route points, points in Alcorn, Itawamba, Lee, Prentiss and Tishomingo Counties, MS and Marion County, AL and other points in AL located within ten (10) miles of Itawamba and Tishomingo Counties, MS, from Memphis over U.S. Hwy 78 to Hamilton and return over the same route; (7) between Nashville, TN and Tupelo, MS serving as off-route points, points in Alcorn, Itawamba, Lee, Prentiss and Tishomingo Counties, MS and points in Alabama located within ten (10) miles of Itawamba and Tishomingo Counties, MS, from Nashville over Interstate Hwy 40 to its junction with U.S. Hwy 45, thence via

U.S. Hwy 45 to Tupelo and return over the same route; (8) alternate route authority for operating convenience only between the following points and over the following routes, with authority to join the following alternate route at all common points: (a) between Whiteville, TN and Nashville, TN, from Whiteville, over TN Hwy 100 to Nashville and return over the same route; (b) between Selmer, TN and Memphis, TN, from Selmer over U.S. Hwy 64 to Memphis and return over the same route; (c) between Parsons, TN and Jackson, TN, from Parsons over TN Hwy 20 to Jackson and return over the same route; (d) between the intersection of Interstate Hwy 40 and TN Hwy 22, and Jacks Creek, TN; from the intersection of Interstate Hwy 40 and TN Hwy 22 over Hwy 22 to its junction with TN Hwy 22A thence over TN Hwy 22A to Jacks Creek and return over the same route; (e) between Jackson, TN and Bolivar, TN, from Jackson over TN Hwy 18 to Bolivar and return over the same route. All of the above service routes and alternate routes to be used in conjunction with each other and with all of applicant's existing authority and the authority pending in MC 121683 (Sub-2) and MC 121683 (Sub-3F) when the later are approved. Note: Applicant holds authority under Certificates of Registration for routes (1), (2) and (3); applicant seeks to convert these routes to a Certificate of Public Convenience and Necessity and applicant seeks to extend its operating rights in routes (4), (5), (6), (7) and (8). Note: With respect to routes 4, 5, 6 and 7, above applicant intends to include and requests inclusion of the commercial zones of the specific points named therein such as Jackson, Nashville and Memphis, TN; Tupelo, Iuka and Corinth, MS; Hamilton, AL and the intermediated and off-route points on the specified routes. Note: Jackson Express, Inc., presently requesting conversion of its Certificates of Registration No. MC 121683, MC 121683 (Sub-1) and MC 121683 (Sub-4). There are presently pending before the Commission docket MC 121683 (Sub-2) and MC 121683 (Sub-3F) in which applicant seeks Conversion of all of its Certificates of Registration. Applicant intends to tack the authority here applied for to other authority held by it in MC 121683, MC 121683 (Sub-1) and MC 121683 (Sub-4). Applicant further intends to interline with other carriers in Nashville, Jackson, Memphis, TN; Tupelo, Corinth, MS and Hamilton, AL, for 180 days. An underlying ETA seeks 90 days authority.

MC 124333 (Sub-30TA), filed June 21, 1979. Applicant: BAKER PETROLEUM

TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, DC 20005. *Contract carrier: Irregular routes: Petroleum and petroleum products*, in bulk, in tank vehicles, from Marcus Hook, PA to Wilmington, Newark and Yorklyn, DE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sun Petroleum Products Co., #5 Valley Forge Exec. Mall, Valley Forge, PA 19104. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 125023 (Sub-77 TA), filed July 13, 1979. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Avenue, P.O. Box 9117, Erie, PA 16504. Representative: Richard G. McCurdy (same address as above). Malt beverages, in containers, from Milwaukee, WI to Clarksburg, Fairmont and Morgantown WV and materials, equipment and supplies used in manufacture, sale and distribution of malt beverages from Clarksburg, Fairmont and Morgantown, WV to Milwaukee, WI, for 180 days. An underlying ETA for 90 days authority has been filed. Supporting shipper(s): Blue Ridge Beverages, Inc., 334 Pennsylvania Avenue, Morgantown, WV 26505. Send protests to: J. J. England, D/S, Interstate Commerce Commission, 2111 Federal Building, Pittsburgh, PA 15222.

MC 129973 (Sub-16 TA), filed May 30, 1979. Applicant: FIELD MARKETING SERVICES, INC., 241 Fifth St., Cambridge, MA 02142. Representative: William J. Lippman, 1819 H Street N.W. Suite 550, Washington, D.C. 20006. *Contract Carrier: Irregular Routes, general commodities, limited to individual packages or articles not exceeding 50 pounds from one consignor to one consignee in a single day, moving in shipments not exceeding 500 pounds. From Points in Maine, Vermont and New Hampshire, on the one hand, and, on the other, points in Massachusetts, limited to a transportation service to be performed under a continuing contract or contracts with Avon Products, Inc.* For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Avon Products Inc., Midland and Peck Aves., Rye, NY 10581. Send protests to: G. Warren Flynn TR&TS, I.C.C., 150 Causeway St. Rm. 501, Boston, Mass. 02114.

MC 143873 (Sub-4TA), filed August 7, 1979. Applicant: TITAN TRANSFER, INC., 4302 South 30th Street, Omaha, NE 68107. Representative: Paul D. Kratz, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Meat, meat products, meat by-products and articles distributed by*

meat packinghouses as described in Sections A, B and C of Appendix I to Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Omaha, NE to Sioux City, IA and Yankton and Sioux Falls, SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105 (2) Cudahy Foods Co., 5015 South 33rd St., Omaha, NE 68107. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 143993 (Sub-5TA), filed July 10, 1979. Applicant: BLACK HILLS TRUCKING, INC., 106 Rivercross Road, Casper, WY 82601. Representative: R. Stanley Lowe (same address as applicant). *Diesel fuel* in bulk, between points in CO, MT, UT and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): True Oil Purchasing Company, P.O. Drawer 2360, Casper, WY 82602. Send protests to: District Supervisor Paul A. Naughton, Rm 105 Federal Bldg & Crt House, 111 South Wolcott, Casper, WY 82601.

MC 145663 (Sub-5TA), filed July 18, 1979. Applicant: TRANS-POLAR XPRESS, INC., 5811 N.W. Oakridge Court, Kansas City, MO 64151. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. *Fresh Meats* from Rockville, MO, to Austin, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): George A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Vernon V. Coble, D/S, ICC, Room 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 146293 (Sub-28TA), filed July 11, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park Circle, NE, Lawrenceville, GA 30245. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Portable electric heaters; humidifiers, heat exchanger, portable fire places, parts and accessories, equipment, materials and supplies* between Varona and Tupelo, MS and Chicago, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Arvin Industries, Tupelo Lee Industrial Park S., Drawer F, Tupelo, MS. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 146943 (Sub-1TA), filed June 28, 1979. Applicant: SHAWNEE TRUCK LINES, INC., 3488 DeLong Road, Lima, OH 45806. Representative: James W. Muldoon, 50 West Broad St., Columbus, OH 43215. *General commodities (except Class A and B explosives, household*

goods, commodities in bulk, and commodities requiring special equipment), between Lima, OH, on the one hand, and, on the other, points, in OH. Restricted to traffic having a prior or subsequent movement by rail, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are five (5) statements of support to this application which may be examined at the I.C.C. Headquarters in Washington, D.C. which may be examined at the field office named below. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147613 (Sub-TA), filed July 13, 1979. Applicant: JIM RUSHFELDT, INC., 540 N.W. 113 St., Miami, FL 33168. Representative: James L. Rushfeldt, same address as applicant. *Meats, meat products, meat byproducts, and articles distributed by meat packing houses* as described in Sections A, B, and C of Appendix I to the report in descriptions in motor carrier certificates 61 MCC 209 and 766 (except hides and skins and commodities in bulk) from the facilities of John Morrell & Co., Sioux Falls, SD to points in FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Donna M. Jones, T/A, ICC—BOP, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 147623 (Sub-1TA), filed July 16, 1979. Applicant: PROSPECT MARKETING AND DISTRIBUTION SYSTEMS, INC., 4390 Jutland Drive, San Diego, CA 92117. Representative: James R. Olds, "Same address as applicant". *Contract: irregular: Wearing apparel*, between Los Angeles, CA and San Diego, CA, for 180 days. Restricted to traffic having an immediately prior to subsequent movement by water. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Beeba's Creations, Inc., 4388 Jutland Drive, San Diego, CA 92117. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

Notice No. 165

MC 139906 (Sub-69TA), filed July 30, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Mr. Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. *Such commodities as are dealt in by retail department stores* (except foodstuffs and commodities in bulk), between New York, NY, and points in its commercial zone, on the one hand, and, on the other, the facilities of Zayre Corporation

located in Forest Park, GA, restricted to the transportation of traffic originating at or destined to the facilities of Zayre Corporation, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Zayre Corporation Framingham, MA 01701. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 139906 (Sub-70TA), filed August 9, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. *Merchandise, equipment and promotional gift items, accessories, and supplies, sold, used or distributed by manufacturers of toilet preparations, cosmetics and beauty supplies*, between Edison, NJ and Phoenix, AZ; from Phoenix, AZ to Dallas, TX, Houston, TX, Shreveport, LA, and St. Louis, MO; from Berkely Heights, Cranford, Dayton, Fairfield, Fairlawn, Haledon, Jersey City, Millville, Newark, Palisades Park, Paterson, Perth Amboy, Plainfield, South Plainfield, Ridgefield Park, Totowa, Washington, West Caldwell, Elmwood Park, Clifton, Woodbridge, Little Falls, and Bound Brook, NJ; Baltimore, MD; New York City, West Babylon and Copiague, NY to Phoenix, AZ for the facilities of Revlon, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Revlon, Inc., Talmadge Road, Box 984, Edison, NY 08817. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 140037 (Sub-8TA), filed August 6, 1979. Applicant: SUNFLOWER CARRIERS, INC., P.O. Box 583, York, NE 68467. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. *Contract carrier, irregular routes: Meat, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from the facilities of Spencer Foods, Inc. at or near Spencer, IA to Kingston, NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Spencer Foods, Inc., Schuyler, NE 68661. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140846 (Sub-13TA), filed July 27, 1979. Applicant: CENTRAL DELIVERY SERVICE OF MASSACHUSETTS, INC., 125 Magazine Street, Boston, MA 02119. Representative: Jeremy Kahn, 1511 K

Street, NW, Suite 733 Investment Bldg., Washington, DC 20005. *Contract carrier; irregular route; materials and supplies used in and useful for the manufacture, assembly and distribution of cameras and photographic materials* between the facilities of Polaroid Corporation located in MA, on the one hand, and, on the other, points in CT, RI, and that portion of NH on and south of US Highway 4. RESTRICTION: The authority granted herein is subject to the following conditions: 1. The authority granted herein is restricted against the transportation of any package or article weighing more than 100 pounds, and each package or article shall be considered as a separate and distinct shipment. 2. The authority granted herein is restricted to transportation performed within 12 hours after a package or article is tendered for shipment. 3. The authority granted herein is restricted to transportation to be performed under a continuing contract or contracts, with Polaroid Corporation, Cambridge, MA. 4. The authority granted herein is restricted against the transportation of more than 300 pounds from one consignor at one location to one consignee at one location on any one day. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Polaroid Corporation, 151 Third Avenue, Needham, MA 02194. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 141046 (Sub-13TA), filed May 31, 1979. Applicant: MASON O. MITCHELL d.b.a. M. MITCHELL TRUCKING, 1911 "I" Street, LaPorte, IN 46350. Representative: Norman Gavin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier: irregular routes; Leather, leather products, and shoe components*, from Milwaukee, WI, Chicago, IL, Westfield, PA and Kenton, TN to the facilities of G. H. Bass Company at/near Wilton, ME for the account of G. H. Bass Company for 180 days. Supporting shipper(s): G. H. Bass Company, Weld Street, Wilton, ME 04294. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 141076 (Sub-29TA), filed August 2, 1979. Applicant: ROGERS MOTOR LINES, INC., RD 2—PO Box 388 D2, Hackettstown, NJ 07848. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. *Foodstuffs*, except in bulk, from the facilities of Campbell Soup Company at or near Napoleon, OH to Camden, NJ and points in DC, MD, NY, PA and VA for 180 days. An underlying

ETA seeks 90 days authority. Supporting shipper(s): Campbell Soup Company, East Maumee Avenue, Napoleon, OH 43545. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St.—Room 522, Newark, NJ.

MC 142686 (Sub-24TA), filed July 26, 1979. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Avenue, Santa Fe Springs, CA 90670. Representative: Joseph Fazio, "same address as applicant". *Contract: irregular: Plasticizers (paint, lacquer, varnish, gum, resin, or plastic); Solvents (paint, lacquer, varnish, gum, resin, plastic, rubber, or adhesive); compounds (paint; lacquer; varnish; gum; resin; plastic; or adhesive increasing, reducing, thickening, or thinning)*, from the facilities of the Chemical Products Division of Cargill at or near Lynwood, CA to points in Seattle and Spokane, WA; Portland, OR; and Tempe, AZ, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Chemical Product Division—Cargill, 2801 Lynwood Road, Lynwood, CA 90262. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 143027 (Sub-6TA), filed August 3, 1979. Applicant: MICHAEL J. RESUDEK, d.b.a. CAPITAL AIR FREIGHT, 3533 International Lane, Madison, WI 53704. Representative: Michael S. Varda, 121 S. Pinckney St., Madison, WI 53703. *General commodities* (except commodities in bulk, Classes A & B explosives, household goods as defined by the Commission, articles of unusual value, and commodities which because of size or weight require the use of special equipment) between points in Dane, Rock and Walworth Counties, WI on the one hand, and, on the other, O'Hare International Airport at Chicago, IL, restricted to traffic having a prior or subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are six (6) supporting shippers. Their statements may be examined at the office listed below and headquarters. Send protests to: Gail Daughery, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 143127 (Sub-51TA), filed July 27, 1979. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Representative: Linda A. Calvo, Traffic Mgr. (address same as above). *(1) Acids, chemicals and chemical compounds, in packages, and materials, equipment and supplies used in the application of commodities named above (except in bulk)*, from Waterloo, NY to all points in the United States (except AK and HI) and; *(2)*

Materials, equipment and supplies used in the manufacture, production and distribution of commodities in (1) above (except in bulk), from all points in the United States (except AK and HI) to Waterloo, NY. Restricted to traffic originating at or destined to the facilities of W. R. Grace & Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): W. R. Grace & Co., 55 Hayden Avenue, Lexington, MA 02173. Send protests to: Anne Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo, NY 14202.

MC 143737 (Sub-1TA), filed July 23, 1979. Applicant: WHITE TRANSFER & STORAGE CO., INC., Hwy 20 West, Fort Dodge, IA 50501. Representative: Leo F. Crimmins, same as applicant. *General commodities* between Fort Dodge, IA on the one hand, and on the other, points in Webster, Pocahontas, Humboldt, Wright, Calhoun, Greene, Story, and Hamilton Counties, IA for 180 days, restricted to traffic having prior or subsequent movement by rail TOFC service. An underlying ETA seeks 90 days authority. Supporting shipper(s): Land O'Lakes Agricultural Service Division, 2827 8th Ave. South, Fort Dodge, IA 50501, Franklin Manufacturing Company, Webster City, IA 50595. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 144416 (Sub-5TA), filed August 9, 1979. Applicant: C.F. McGRAW, P. O. Box 498, Garden City, KS 67846. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. *Meats, meat products, and meat byproducts and articles distributed by meat packers* (in vehicles equipped with mechanical refrigeration), from Garden City, KS to AZ, CA, CO, LA, NV, OK, TX, UT, WA, OR & ID; for 180 days, common, irregular; Supporting shipper, Farmland Foods, Garden City KS 67846; Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 144837 (Sub-2TA), filed July 30, 1979. Applicant: TWICKINGHAM TRUCKING CO., 1205 N.W. Marshall Street, Portland, OR 97201. Representative: Steven R. Schell, 12th Floor, 707 S. W. Washington, Portland, OR 97205. *Contract, irregular: Drums, Pails, Cases or Bags of Food Glaze, Paint Gum Shellac, Shellac Thinner, Wood Preservative, Aerosol paint and Dry Paint material*, (liquid products are flammable or combustible) between Portland, OR, with an intermediate in South San Francisco, to Los Angeles, CA., for 180 days. Supporting shipper(s): Zehrung Chemical Co., 2201 N. W. 20th Portland, OR 97209. Send protest to: A. E. Odoms,

DS, ICC, 114 Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, OR 97204.

MC 144996 (Sub-4TA), filed July 19, 1979. Applicant: D. H. SHARRER & SON, INC., R.D. 2 Box C, New Oxford, PA 17350. Representative: Walter K. Swartzkopf, Jr., 407 N. Front St., Harrisburg, PA 17101. *Animal and poultry feed and animal and poultry feed ingredients, in bulk, in dump vehicles*, between pts. in IN, NC, OH, VA, WV, PA, MD, NJ, DE, NY, WI, MI, IL, KY, SC, and GA, for 180 days. Supporting shipper(s): International Bakerage, Inc., 3300 Northeast Expressway, Atlanta, GA 30341. Send protest to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 145267 (Sub-8TA), filed August 9, 1979. Applicant: CAMPBELL TRANSPORT INC., Post Office Box 386, Vineland, NJ 08360. Representative: Mark D. Russell, Suite 348 Pennsylvania Building, 425-13th Street, N.W., Washington, DC 20004. *Contract, irregular: Drugs medicines or toilet preparations, and materials used in the manufacturing and packaging thereof*, between Elkhart, IN; Forest Park, GA; Dallas, TX; Hammonton, NJ; and points within 150 miles of Hammonton, NJ, under a continuing contract with Whitehall Laboratories, Inc. for 180 days. (Restricted to traffic for the account of Whitehall Laboratories). Supporting shipper(s): Whitehall Laboratories 685 Third Avenue, New York, NY 10017. Send protests to: Robert E. Johnston, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 145466 (Sub-4TA), filed July 27, 1979. Applicant: BERYL WILLITS, 1145-33 Ave., Greeley, CO 80631. Representative: Richard S. Mandelson, 1660 Lincoln St., 1600 Lincoln Center Bldg., Denver, CO 80264. *Contract carrier: irregular routes: Water beds and materials, accessories and components for the installation of water beds* from Los Angeles, Santa Ana, Gardena and Chula Vista, CA and Phoenix and Goodyear, AZ to Greeley, CO for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): H₂O Beds, Greeley, CO 80631. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 145606 (Sub-1 TA), filed August 10, 1979. Applicant: JUNIUS ELMORE, JR., 815 East 2nd Street, Cheyenne, WY 82001. Representative: Jack Hickey, 6604 Braehill Rd., Cheyenne, WY 82001. *General commodities*, having an immediate, prior or subsequent movement in piggyback service, between Cheyenne, WY and points in WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting

shipper(s): Union Pacific Railroad Co., 121 West 15th St., Cheyenne, WY 82001. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm 105 Federal Bldg & Crt House, 111 South Wolcott, Casper, WY 82601.

MC 145737 (Sub-5 TA), filed August 8, 1979. Applicant: HEUERTZ TRUCKING, INC., 425 1st Street, N.W., LeMars, IA 51031. Representative: D. Douglas Titus, Titus, Holman, Myers & Teichgraber, Suite 510 Benson Building, Sioux City, IA 51101. Contract carrier, irregular routes: *Processed wood fiber* from Sioux City, IA and Willis, NE to points in CO, IA, IL and MO (except Kansas City) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Willis Products Company, Room 268 Orpheum Electric Bldg., Sioux City, IA 51101. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 145437 (Sub-8TA), file August 8, 1979. Applicant: JWI TRUCKING, INC., 8100 N. Teutonia Ave., Milwaukee, WI 53209. Representative: Michael Wyngaard, 150 E. Gilman St., Madison, WI 53703. Contract carrier; irregular routes: *Wearing apparel* from Kenosha, WI to points in IL, IN, IA, KY, MI, MN, MO & OH, restricted to service performed under a continuing contract(s) with Jockey International, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jockey International, Inc., 2300 60 St., Kenosha, WI 53140. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145437 (Sub-9TA), file August 9, 1979. Applicant: JWI TRUCKING, INC., 8100 N. Teutonia Ave., Milwaukee, WI 53209. Representative: Michael Wyngaard, 150 E. Gilman St., Madison, WI 53703. Contract carrier; irregular routes: (1) *Wearing apparel and related advertising materials & supplies and display units* when shipped therewith from facilities of Lakeland Mfg. Co. at or near Sheboygan, WI to points in the US, except AK & HI; (2) *Materials, equipment and supplies used or useful in the manufacture, sale or distribution of wearing apparel* from points in the U.S. except AK & HI to facilities of Lakeland Mfg. Co. at or near Sheboygan, WI, restricted to service to the performed under a continuing contract(s) with Lakeland Mfg. Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lakeland Mfg. Co., 1120 Maryland Ave., Sheboygan, WI 53081. Send protests to: Gail Daugherty, TA, ICC, 517 E.

Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145716 (Sub-3TA), file July 31, 1979. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., Suite 1-M, 3300 Northeast Expressway, Atlanta, GA 30341. Representative: J. Michael May, Suite 508, 1447 Peachtree St., N.E., Atlanta, GA 30309. (1) *Malt beverages (except in bulk) and related advertising materials* from the facilities of Miller Brewing Company at or near Albany, Ga. to points in the states of AL, FL, KY, LA, MS, NC, SC and TN; and (2) *Materials, equipment and supplies used in the manufacture, sale, and distribution of malt beverages* from points in the states of AL, AR, FL, GA, KY, LA, IL, IN, MI, MS, MO, NJ, NY, NC, OK, PA, SC, TN, TX, VA and WV, to facilities of or used by Miller Brewing Company and its suppliers at points in GA. Supporting shipper(s): Miller Brewing Company, Assistant Corporate Traffic Mgr.—Operations, 3939 W. Highland Blvd., Milwaukee, WI 53208. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 145966 (Sub-1TA), filed July 24, 1979. Applicant: NELSEN BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Non-alcoholic beverages (except in bulk)* from the facilities of Shasta Beverages at or near Omaha, NE to points in ND, SD, MN, IA, WI and IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shasta Beverages, 26901 Industrial Boulevard, Hayward, CA 94545. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 145997 (Sub-8TA), filed July 27, 1979. Applicant: J. E. M. EQUIPMENT COMPANY, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72758. *Zinc, Zinc oxide, Zinc dust, Zinc residue or skimmings, Lead sheet NOI, Metallic cadmium, and materials, equipment and supplies used in the production of the above named commodities*, between Josephstown, PA at or near Potter Township, Beaver County, PA and points in the U.S. (except AK and HI), for 180 days. Supporting shipper(s): St. Joe Zinc Company, Inc., 2 Oliver Plaza, Pittsburgh, PA 15222. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 146556 (Sub-2TA), filed April 5, 1979. Applicant: INTERMODAL EXPEDITERS, INC., 214 10th Street, South, Birmingham, AL 35205. Representative: C. W. Denson, Vice-President (same address as applicant).

Freight, all kinds, (1) between rail ramp facilities at or near Anniston, Birmingham, Decatur, Haleyville, Mobile, Montgomery, Tuscaloosa, AL, and Atlanta, GA, on the one hand, and, on the other, points in AL; and (2) between rail ramp facilities at or near Atlanta, GA, on the one hand, and all points within 15 miles of Atlanta, GA, including Atlanta, on the other hand, *restricted to traffic having a prior or subsequent movement by rail*. Applicant intends to interline with rail carriers only at Anniston, Birmingham, Decatur, Haleyville, Mobile, Montgomery, Tuscaloosa, AL, and Atlanta, GA. Supporting shipper(s): There are 50 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Bldg., Birmingham, AL 35203.

MC 146637 (Sub-2TA), filed July 20, 1979. Applicant: YANKEE REFRIGERATED XXPRESS, INC., 5500 Tacony St., Phila., PA. Representative: Joseph Koenig (same as applicant). *Foodstuffs*, from the plantsite and storage facilities of Anderson-Clayton Foods, Inc. at or near Jacksonville, IL to pts. in CT, DE, IN, MD, MA, MI, NJ, NY, OH, PA, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anderson Clayton Foods, P.O. Box 226165, Dallas, TX 75266. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 146646 (Sub-17TA), filed August 7, 1979. Applicant: BRISTOW TRUCKING CO., P.O. Box 6355-A, Birmingham, AL 35203. Representative: Henry Bristow, Jr. (same address as applicant). *Packaging materials and equipment, materials and supplies used in the manufacture and sale of packaging materials*, (except commodities in bulk), between the facilities of Ronnie Packaging Corp. located at South Plainfield, NJ and City of Industry, CA on the one hand on the other, Berkely, IL; Pawtucket, RI; Detroit, MI; Canton, OH; St. Louis, MO; Dillon, SC; Alexandria, VA; Rochester, Rome, NY; Wheeling, Clarksburg, and Charleston, WV; City of Industry, CA and South Plainfield, NJ, for 180 days. Supporting shipper(s): Ronnie Packaging, 4301 New Brunswick Avenue, South, Plainfield, NJ 07080. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 146646 (Sub-18TA), filed August 8, 1979. Applicant: BRISTOW TRUCKING CO., P.O. Box 6355-A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as above). *Charcoal, charcoal briquets, hickory chips,*

vermiculite, charcoal lighter fluid, fire place logs, (compressed sawdust), wax impregnated, related barbecue items, equipment and supplies between: (1) the facilities of Husky Industries, Inc., located in Branson, MO and points in AL, AZ, AR, CA, CT, DE, GA, ID, IL, IN, IA, KS, KY, FL, LA, ME, MA, MI, MN, MT, NV, NH, NJ, NY, NC, OH, OR, PA, RI, SC, TN, UT, VA, WA, WV, WI, WY and TX and (2) between the facilities of Husky Industries, Inc. located Pachuta, MS and points in AL, FL, GA, LA, NC, SC, TN, and TX and (3) between the facilities of Husky Industries, Inc. located in Scotia, NY and points in CT, ME, MA, MD, NH, NY, PA, RI, VT, and WV, for 180 days. Supporting shipper(s): Husky Industries, Inc., 62 Perimeter Center, East, Atlanta, GA 30317. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 146656 (Sub-7TA), filed July 30, 1979. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Gerald K. Gimmel, 4 Professional DR, Suite 145, Gaithersburg, MD 20780. Contract carrier: *General commodities (except commodities in bulk, household goods, commodities of unusual value, Classes A and B explosives, and commodities requiring the use of special equipment)* from the facilities of Key Warehouse Services, Inc., Baltimore, MD to points in MD, VA and DC, under a continuing contract with Key Warehouse Services, Inc., for 90 days. An underlying ETA seeks 90 days. Supporting shipper(s): Gary Russell, Exec. Vice President, Key Warehouse Services, Inc., 123 Chesapeake Park Plaza, Baltimore, MD 21220. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 146656 (Sub-58TA), filed July 31, 1979. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Gerald K. Gimmel, 4 Professional DR, Suite 145, Gaithersburg, MD 20780. Contract carrier *Such merchandise as is dealt in by retail department stores (except in bulk)* from Somerville, MA to the facilities of May Department Stores Corporation T/A Hecht's in Washington, DC, under a continuing contract with May Department Stores Corporation, for 90 days. An underlying ETA seeks 90 days. Supporting shipper(s): Lawrence Brenowitz, May Department Stores Corp., T/A Hecht's P.O. Box 227 Silver Spring, MD 20907. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 146717 (Sub-3TA), filed August 2, 1979. Applicant: JACK MYER AND

BUDDY C. MOORE, d.b.a. MIDWEST VIKING, Johnson, NE 68378. Representative Richard D. Howe, 600 Hubbell Building Des Moines, IA 50309. *Titanium ingots and scrap material thereof* between the facilities of Haumat Corporation at or near Whitehall, MI, on the one hand, and on the other, points in Pittsburgh, Latrobe and Coatesville, PA; North Grafton and Worcester, MA; Cudahy, WI; Monroe, NC and Albany OR for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Haumat Corporation, 555 Bension Road, Whitehall, MI 49461. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 147267 (Sub-3TA), filed August 9, 1979. Applicant: GORDON TRANSFER, INC., P.O. Box 527, Gordon, NE 68934. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. Contract carrier, irregular routes: *Ovenware, oil lamps and lamp oil (except in bulk)* from the facilities of Santa Claus Industries, Inc. located at Waterloo, IA to points in and west of KS, NE, ND, OK, SD and TX for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic handled under a continuing contract(s) with Santa Claus Industries Inc. of Waterloo, IA. Supporting shipper(s): Santa Claus Industries, Inc., 1519 West Airline Highway, Waterloo, IA 46793. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 147286 (Sub-2TA), filed July 20, 1979. Applicant: A & L TRUCKING, P.O. Box 103, Rocky Face, GA 30740. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. *Carpets and paper tubing* from points in GA north of Interstate 20 to Moline, IL for 180 days. An underlying ETA seek 90 days authority. Supporting shipper(s): The Wholesale Distributing Company, 190 22nd St., Moline, IL 61265. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW., Rm. 300, Atlanta, GA 30309.

MC 147496 (Sub-2TA), filed August 13, 1979. Applicant: FINGER LAKES TRUCK BROKERAGE OF CANANDAIGUA, INC., P.O. Box 166, Route 21, Canandaigua, NY 14424. Representative: S. Michael Richards/Raymond A. Richards, 44 North Avenue, P.O. Box 225, Webster, NY 14580. Contract carrier, irregular routes. *Animal foods and materials, supplies and equipment used in the manufacture, sale and distribution of animal foods (except in bulk)*, between Buffalo, NY and Allentown, PA, on the one hand, and, on the other, all points in the

United States east of the Mississippi River, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): A & R Pet Food Co., Inc., 91 Holt Street, Buffalo, NY 14206. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo, NY 14202.

MC 147547 (Sub-3TA), filed August 3, 1979. Applicant: R & D TRUCKING CO., INC., Church Road, Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Contract, Irregular: *Carpet, carpeting, rugs, materials, equipment and supplies used in installation thereof* from the facilities of World Carpets, Inc., at or near Dalton, GA to points in IL, IN, MI, and OH for 180 days. Supporting shipper(s): World Carpets, Inc., P.O. Box 1448, Dalton, GA 30720. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 147636 (Sub-3TA), filed June 25, 1979. Applicant: LARRY E. HICKOX, d.b.a. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reich Bldg., Springfield, IL 62701. *Welding equipment and welding supplies*, from Troy, OH to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY, for 180 days. Supporting shipper(s): Hobart Brothers, 600 W. Main St., Troy, OH 45373. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 147667 (Sub-1TA), filed July 18, 1979. Applicant: J. H. STEWART AND SON TRUCKING CO., 735 Laidlaw Ave., Cincinnati, OH 45237. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *General commodities*, except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities requiring special equipment, commodities in bulk, and those injurious and contaminating to other lading, between Columbus, OH, on the one hand, and on the other, pts. in OH, for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic having a prior or subsequent movement by rail. Supporting shipper(s): There are five supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: ICC Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147686 (Sub-2TA), filed July 12, 1979. Applicant: J. H. TRUCKING CO., P.O. Box 288, Decatur, NE 68020. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Contract carrier, irregular routes: (1) *Malded*

rubber products from the facilities of Gardena Rubber Co., Inc. at Gardena, CA to W. Salem, Dixon, Bloomington, Melrose Park and Rockford, IL; Ypsilanti and Hastings, MI; Kearney, NE; Gastonia, NC; Edison, NJ; Sandusky and Troy, OH; Tulsa, OK; Dillon, SC; and Houston, Arlington, Longview, Dallas and Abilene, TX (2) *Materials, supplies and equipment utilized in the manufacture of the articles described in part (1) above* from Port Huron, MI and Connersville, IN to the facilities of Gardena Rubber Co., Inc. at Gardena, CA of 180 days. An underlying ETA seeks 90 days authority. Restricted to a transportation service to be performed under a continuing contract(s) with Gardena Rubber Co., Inc. Supporting shipper(s): Gardena Rubber Co., Inc., 155 East 157th St., P.O. Box 580, Gardena, CA 90248. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 147707 (Sub-1TA), filed July 26, 1979. Applicant: TRANS-COPPER EXPRESS, CO., 512-514 State Fair Blvd., Syracuse, NY 13204. Representative: Kevin Clifford (address same as above). *Contract carrier*, irregular routes. *Copper wire, cable, related copper products and raw materials*, between Rome and Syracuse NY; points in OH, GA, MA, IL, IN, KY, MI, NJ, NY, PA, MD, NC, FL, MN, TX, OK and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cyprus Wire & Cable Co., 440 Ridge Street, Rome, NY 13440. Send protests to: Anne Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo, NY.

MC 147787 (Sub-2TA), filed August 2, 1979. Applicant: SOUTHERN DRAYAGE, INC., P.O. Box 1983, Jackson, MS 39205. Representative: John A. Crawford, P.O. Box 22567, Jackson, MS 39205. *Contract carrier*: irregular routes: *Lawn mowers, rotary snow plows, lawn and garden tractors and parts and accessories therefor* from points in Lincoln County, MS to points in MA, NY and PA, for the account of Jacobsen, Division of Textron, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jacobsen, Division of Textron, Inc., P.O. Box 568, Brookhaven, MS 39601. Send protests to: Alan Tarrant, D/S, ICC, Federal Bldg., Suite 1441, 100 W. Capital St., Jackson, MS 39201.

MC 147856 (Sub-1TA), filed August 3, 1979. Applicant: SHERRY STONEBRAKER, d.b.a. J & S EXPRESS, 10534 Hilltop Road, Omaha, NE 68134. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Wallboard adhesives, caulking compounds and materials and supplies*

used in the manufacture and distribution thereof between the facilities of Ohio Sealants Incorporated at or near Mentor, OH, on the one hand, and on the other, points in CA, CO, MD, MN, MI, NC, NY, NJ, TX and UT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ohio Sealants Incorporated, 7249 Commerce Drive, Mentor, OH 44060. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 147946 (Sub-1TA), filed August 7, 1979. Applicant: MIRMAN TRANSPORTATION, INC., 86 Jack London Square, Oakland, CA 94607. Representative: Michael S. Rubin (PH (415) 421-6743), 256 Montgomery Street, 5th floor, San Francisco, CA 94104. *General commodities* (except explosives, blasting supplies, and motor vehicles), in trailers, having an immediately prior or subsequent movement by water, between ports of entry in CA, OR, and WA, on the one hand, and, on the other, points in CA, ID, MT, NV, OR, UT and WA, and *Empty trailers* between points in CA, ID, MT, NV, OR, UT and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Totem Ocean Trailer Express, P.O. Box 24908, Seattle, WA 98124. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 147717 (Sub-1TA), filed July 18, 1979. Applicant: S. M. D. INDUSTRIES, 46 Skiff Street, Hamden, CT 06517. Representative: Walter L. Weart, 548 Anita Street, Des Plaines, IL 60018. Applicant seeks authority to engage in operations, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: (A) Plastic and Plastic Articles; materials, equipment and supplies except commodities in bulk, Chicago, IL to points in MA, CT, RI, NY and NJ; *Restricted*: to shipments originating at or destined to the facilities of Arrow Plastics located at or near Chicago, IL; (B) Circuit Breakers and switches; materials, equipment and supplies except commodities in bulk, Branford, CT to points in IL, IN, OH and WI; *Restricted*: to shipments originating at or destined to the facilities of Echlin Manufacturing Co., located at or near Branford, CT. Supporting shipper(s): Arrow Plastic Manufacturing Co., 2332 Logan Blvd., Chicago, IL 60647. Echlin Manufacturing Company, Echlin Road, Branford, Connecticut. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Hartford, CT 06103.

MC 147797 (Sub-1TA), filed August 9, 1979. Applicant: WALGREEN CO., 200

Wilnot Rd., Deerfield, IL 60015. Representative: John O'Connell, 521 S. LaGrange Rd., LaGrange, IL 60525. *Carbonated beverages, beverage preparations, flavoring compounds, beverage containers, both full and empty, and can ends (except in bulk and tank vehicles)*, from Tampa, FL to Birmingham, AL; and from Birmingham, AL to points in MS and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shasta Beverages Inc., 26901 Industrial Blvd., Hayward, CA 94545. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm 1386, Chicago, IL 60604.

MC 147836 (Sub-1TA), filed August 6, 1979. Applicant: ROBERT B. ATOR d.b.a. BOB ATOR TRUCKING, R.R. #1, Deer Run Road, Orion, IL 61273. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Contract carrier*: irregular routes; *Feed ingredients*, from Cedar Rapids, Washington, Buffalo, St. Ansgar, Davenport, Des Moines, West Branch, Monticello, Knoxville, IA to Alpha, IL for 180 days for the account of Alpha, F.S., Inc. An underlying ETA was submitted seeking 90 days authority. Supporting shipper(s): Alpha F.S., Inc., Box 505, Alpha, IL 61413. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 147896 (Sub-Lead), filed July 17, 1979. Applicant: WESTERN SONTEx, INC., P.O. Box 667, Seal Beach, CA 90740. Representative: Miles L. Kavalier, Mandel & Kavalier, 315 So. Beverly Drive, Suite 315, Beverly Hills, CA 90212. *Contract*: irregular: *Floor covering products*, from points in GA; Salem, NJ; Willow Grove (Philadelphia, PA; and Oneida, TN to points in Kern, Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara and Ventura Counties, CA for 180 days. Supporting shipper(s): Valley Floor Covering Distributors, 9666 E. Telstar Avenue, El Monte, CA. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551 Los Angeles, CA 90053.

MC 147967 (Sub-1TA), filed August 9, 1979. Applicant: OTC TRANSPORT CORPORATION, 2307 Oregon St., Oshkosh, WI 54901. Representative: Norman Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier*: irregular routes; *Trucks, truck tractors, and truck chassis*, in individual movements, in driveway service, from Oshkosh, WI to Baltimore, MD, under continuing contracts with Oshkosh Truck Corp., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oshkosh Truck Corp., 2307

Oregon St., Oshkosh, WI 54901. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 147846 (Sub-1TA), filed August 8, 1979. Applicant: NEVADA WESTERN CONCRETE, INC., 2600 Akron Way, Carson City, NV 89701. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *Paving materials, sand, rock, gravel, cinders, base material, hot mix and cold mix, and crushed gypsum*, between points in Washoe, Storey, Lyon, Carson City and Douglas Counties, NV on the one hand, and points in CA in and north of Monterey, Kings, Tulare, and Inyo Counties, on the other hand, for 180 days. *Restrictions* Service restricted to transportation of commodities in bulk in dump truck equipment, and the transportation of petroleum products in bulk in tank-type equipment is not authorized. Supporting shipper(s): There are 11 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: DS W. J. Huetig, ICC, 203 Federal Bldg., Carson City, NV 89701.

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MC 297 (Sub/11TA), filed July 31, 1979. Applicant: WOODLAND TRUCK LINES, INC., P.O. Box 87, 635 Park St., Woodland, WA 98674. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Paper and paper products in containers and in trailers, and empty containers, trailers and chassis between Longview, WA and its commercial zone, on the one hand, and, Portland, OR, Seattle, WA, and Tacoma, WA and their commercial zones, on the other hand, restricted to traffic having a prior or subsequent movement by water, for 180 days. A corresponding ETA was Granted (R-5) 7/31/79 for 30+2, limited to the expiration of 10/28/79, unless the strike of Local 174, Seattle, WA Teamsters expires sooner, thence limited to 10 days from the expiration of the strike. Supporting shipper(s): Longview Fibre Co., P.O. Box 639, Longview, WA 98632. Send protests to: R. V. Dubay, District Supervisor, Bureau of Accounts, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

MC 21866 (Sub-128TA), filed July 31, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1920 2 Penn Center Plaza, Phila., PA 19102. *Paper and paper products* from the facilities of Packaging Corp. of America in Northampton, MA, Lancaster and Trexliertown, PA, and

Harrisonburg, VA, to points in CT, DE, MA, MD, NJ, NY, PA, and VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Packaging Corp. of America, 1803 Orrington Ave., Evanston, IL 60204. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 26396 (Sub-280TA), filed August 3, 1979. Applicant: POPELKA TRUCKING CO. d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Barbara S. George (same address as applicant). *Grain elevator parts and accessories* from West Point, NE to points in MN and IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sweet Manufacturing, P.O. Box 33, West Point, NE 68788. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 26396 (Sub-281TA), filed August 3, 1979. Applicant: POPELKA TRUCKING CO. d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Agricultural chemicals* from Billings, MT to points in ND, ID and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Monsanto Company, 800 North Lindbergh, St. Louis, MO 63166. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings MT 59101.

MC 41406 (Sub-153TA), filed August 9, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Drive, Merrillville, IN 46410. Representative: Wade Bourdon (same address as applicant). *Refractories (fire brick)*, from the facilities of Harbison-Walker at Mt. Union, PA to Chicago, IL and its commercial zone for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Harbison Walker Refractories, Division of Dresser Industries, Inc., No. 2 Gateway Center, Pittsburgh, PA 15222. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm 1386, Chicago, IL 60604.

MC 42487 (Sub-937TA), filed July 23, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier*: regular routes: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Fort Smith, AR and Joplin, MO, serving the intermediate

points of Fayetteville, Springdale, Rogers, Bentonville, and the off-route point of Siloam Springs; from Fort Smith over U.S. Hwy 71 to Joplin and return over the same route; between Memphis, TN and Fort Smith, AR, serving the intermediate points in Forrest City, Brinkley, Lonoke, Little Rock, North Little Rock, Conway, Russellville and Clarksville, AR; from Memphis over U.S. Hwy 70 to junction Interstate Hwy 30, then over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Fort Smith, and return over the same route; between Houston, TX and St. Louis, MO, serving the intermediate points of Malvern, Benton, Little Rock, North Little Rock, Jacksonville, Cabot and Bald Knob, Walnut Ridge and the off-route points of Lake Catherine, Magnet, Hot Springs, Jonesville, Beauxite, Bryant, Beebe, Searcy, Heber Springs, and Piggot, AR; also serving Jones Mills plant site in connection with carrier's regular route operations; from Houston over U.S. Hwy 59 to junction U.S. Hwy 67 at Texarkana, AR, then over U.S. Hwy 67 to St. Louis, MO and return over the same route; between Memphis, TN and Bald Knob, AR, serving the intermediate points of Earle, Wynne, McCrory and Augusta, AR; (Continued—see attached) Supporting shipper(s): There are in excess of 100 statements in support attached to this application which may be examined at the I.C.C. in Washington, D.C. or copies of which may be examined in the field office named below. Send protest to: D/S N. C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 50307 (Sub-101TA), filed July 6, 1979. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th St., New York, NY 10001. Representative: Arthur Liberstein, 888 Seventh Avenue, New York, NY 10019. *Wearing apparel, and materials, supplies and equipment used in the manufacture of wearing apparel, except commodities in bulk*, between all points in NJ, NY, and PA, on the one hand, and, on the other, all points in FL; for 150 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are six (6) supporting shippers. Their statements may be examined at the office listed below and headquarters. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 51146 (Sub-733TA), filed August 3, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil Dujardin (same address as

applicant). *Metal containers, metal container ends and accessories* from Marion, NY to Coopersville, Crosswell, Traverse City and Freemont, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Seneca Foods Corp., 60 S. Main St., Marion, NY 14505. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 51146 (Sub-734TA), filed August 6, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil Dujardin (same address as applicant). *Metal containers*, from Perry, GA to Milwaukee, WI and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Continental Can Co., 5745 E. River Road, Chicago, IL 60631. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 51146 (Sub-735TA), filed August 8, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298 Green Bay, WI 54306. Representative: Neil Dujardin (same address as applicant). *Containers and container ends* from Oak Creek, WI to Dallas and Fort Worth, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Can Corp., 8101 W. Higgins Rd., Chicago, IL 60631. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 51146 (Sub-736TA), filed August 8, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil Dujardin (same address as applicant). *Agricultural implement parts* from facilities of International Harvester Co. at Shadyside, OH to facilities of or utilized by International Harvester Co. at East Moline and Rock Island, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Harvester Co., 401 N. Michigan Ave., Chicago, IL 60611. Send protests to: Gail Daugherty, TA, ICC 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 51146 (Sub-737TA), filed August 8, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil Dujardin (same address as applicant). *Malt beverages* from Columbus, OH to facilities of Tippecanoe Beverages, Inc. at Winamac, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tippecanoe Beverages, Inc., P.O. Box 247, Winamac, IN 46996. Send protests to: Gail Daugherty, TA, ICC 517

E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 51146 (Sub-738TA), filed August 8, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil Dujardin (same address as applicant). *Lignin liquor* from Rothschild, WI to Atlanta, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coastal Aluminate, P.O. Box 888403, Atlanta, GA 30338. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 55896 (Sub-120TA), filed July 25, 1979. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: George E. Batty, 20225 Goddard Road, Taylor, MI 48180. *General Commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, Commodities in bulk, requiring special equipment and those injurious or contaminating to other lading) from the facilities of Prestolite Company in Detroit, MI to Florence, KY. For 180 Days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Prestolite Company, 511 Hamilton St., Toledo, OH 43694. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 60186 (Sub-62TA), filed July 17, 1979. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, CT 06066. Representative: Clifford J. O. Nelson (same address as applicant). *Citrus Products* (except in bulk in tank wagons), from points in Florida to points on the International Boundary of the United States and Canada, for 180 days. Supporting shipper(s): Citrus Central, Inc., P.O. Box 17774, Orlando, FL 32860. Send protests to: J. D. Perry, Jr., 135 High Street, Hartford, CT 06103

MC 61977 (Sub-25TA), filed July 11, 1979. Applicant: ZERKLE TRUCKING CO., 2400 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Lumber & manufactured Forest products* from (1) Lewiston, Plymouth, Kellum and Weyco (near Askin) NC to points in WV, OH, IN, IL, KY, TN, and VA; and (2) from near Doswell, VA to points in WV, OH, IN, IL, KY, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Co., P.O. Box 787, Plymouth, NC 27962. Send protests to: I.C.C., Federal Reserve Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 61977 (Sub-26TA), filed July 17, 1979. Applicant: ZERKLE TRUCKING CO., 2400 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Glass containers* from Henryetta, OK to Detroit & Frankenmeuth, MI; Eden, NC; Martinsville, VA; Fort Wayne and South Bend, IN and Pekin, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Midland Glass Co., Inc., P.O. Box 557, Cliffwood, NJ 07721. Send protests to: I.C.C., Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 61977 (Sub-27TA), filed July 23, 1979. Applicant: ZERKLE TRUCKING CO., 2400 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Petroleum and Petroleum products, vehicle body sealer and/or sound deadener compound, except commodities in bulk* from Farmers Valley, Emlenton and New Kensington, PA and Congo and St. Marys, WV, to points in IL, IN, KY, VA, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: I.C.C., Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 61977 (Sub-28TA), filed July 23, 1979. Applicant: ZERKLE TRUCKING CO., 2400 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Petroleum and petroleum products in packages* from Rouseville and Reno, PA to points in KY, VA, WV, and those in IN or OH on and south of Interstate Hwy 70 for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pennzoil Co., P.O. Box 808, Oil City, PA 16301. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 63417 (Sub-234TA), filed July 30, 1979. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). *Textiles, synthetic fiber, synthetic staple fiber, synthetic fiber yarn, and supplies, materials, and equipment used in the manufacture and distribution of these commodities (except in bulk)*, between Waynesboro, VA, on the one hand, and, on the other, points in AL, GA, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): E. I. DuPont de Nemours & Co., Inc., Wilmington, DE 19898. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 66746 (Sub-24TA), filed August 9, 1979. Applicant: SHIPPERS EXPRESS, INC., 1651 Kerr Dr., P.O. Box 8308, Jackson, MS 39204. Representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205. *General Commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over the following regular routes: (1) Between Memphis, TN, and Greenville, MS, serving all intermediate points: From Memphis, over U.S. Hwy 61 via Clarksdale, MS, to Leland, MS, thence over U.S. Hwy 82 to Greenville, and return over the same route; (2) Between Clarksdale, MS, and Greenville, MS, serving all intermediate points: From Clarksdale over MS Hwy 1 to Greenville, and return over the same route; (3) Between Cleveland, MS, and Rosedale, MS, serving all intermediate points: From Cleveland over MS Hwy 8 to Rosedale, and return over the same route; (4) Between Clarksdale, MS, and Dundee, MS: From Clarksdale, MS over MS Hwy 6 to Friars Point, MS, thence over unnumbered Cy. road through Powell, MS, to Dundee, MS, and return over the same route, serving all intermediate points, and those off-route points within 5 miles of the designated route; (5) Between Jct. of U.S. Hwy 61 and MS Hwy 6 and West Helena, AR, serving all intermediate points: From jct. U.S. Hwy 61 and MS Hwy 6 over MS Hwy 6 to the MS-AR State Line, thence over AR Hwy 6 to West Helena, and return over the same route. Supporting shipper(s): There are 84 statements of support attached to this application. Send protests to: Alan Tarrant, D/S, ICC, Federal Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 69116 (Sub-249TA), filed June 18, 1979. Applicant: SPECTOR INDUSTRIES, INC. d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. *Paper mill machinery*, from the facilities of American Can Co. at Neenah, WI to facilities of American Can Co. at Naheola, AL for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): American Can Company, P.O. Box 702, Neenah, WI 54958. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 69397 (Sub-62TA), filed June 15, 1979. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Representative: Wilmer B. Hill, Suite 805, 666 Eleventh St. NW., Washington, D.C. 20001. *Empty*

intermodal containers, chassis, and trailers, between points in MA, RI, CT, NY, NJ, PA, DE, MD, VA, NC, SC, & GA for 180 days. Restrictions: (1) Restricted to traffic having a prior or subsequent movement by water. (2) Restricted against traffic moving between Savannah, GA and Charleston, SC, on the one hand, and, on the other, points in SC. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are three (3) statements in support attached to this application which may be examined at the I.C.C. in Washington, D.C. or copies of which may be examined in the field office named below. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 70557 (Sub-19TA), filed August 7, 1979. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, IL 60630. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. (1) *Foodstuffs, except frozen and in bulk, and (2) materials equipment and supplies used in the manufacture, sale and distribution of foodstuffs*, between the facilities of Vlastic Foods, Millsboro, DE on the one hand, and, on the other, points in FL, GA, KY, TN, NC, SC, VA and WV for 180 days. Supporting shipper(s): Vlastic Foods, Inc., 33200 West 14 Mile Road, West Bloomfield, MI 48033. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 70557 (Sub-20TA), file August 8, 1979. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 W. Homer St., Chicago, IL 60639. Representative: Carl Steiner, 39 S. LaSalle St., Chicago, IL 60603. *Foodstuffs, except frozen and in bulk, and materials, equipment and supplies used in the manufacture, sale and distribution of foodstuffs*, (a) between the facilities of Vlastic Foods at Millsboro, DE and Greenville, MS on the one hand, and on the other, the facilities of Vlastic Foods at Bridgeport, Imlay City and Memphis, MI; and (b) between the facilities of Vlastic Foods at Millsboro, DE and Greenville, MS, for 180 days. Supporting shipper(s): Vlastic Foods, Inc., 33200 W. 14 Mile Rd., W. Bloomfield, MI 48033. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 70557 (Sub-21TA), file August 8, 1979. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 W. Homer St., Chicago, IL 60639. Representative: Carl Steiner, 39 S. LaSalle St., Chicago, IL 60603. (1) *Foodstuffs, except frozen and in bulk, and (2) materials, equipment and supplies used in the manufacture, sale and distribution of*

foodstuffs, between the facilities of Vlastic Foods, Greenville, MS, on the one hand, and on the other, points in AL, GA, OK, TN, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vlastic Foods, Inc., 33200 W. 14 Mile Rd., W. Bloomfield, MI 48033. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 95876 (Sub-301TA), file July 25, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: William L. Libby, (same address as applicant). *Wood, wood products and millwork* from Los Angeles County, CA to Crivitz and Middleton, WI, Fort Wayne, IN, Trenton, MI and points in OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stanton Swafford Company, Inc., P.O. Box 629, 210 East 22nd Street, San-Pedro, CA 90733. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 95876 (Sub-302TA), filed August 1, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: William L. Libby, (same address as applicant). *Aircraft ground support equipment* from Fargo, ND, Glenwood and Litchfield, MN to points in CO (except Denver), FL (except Miami), ID, IL (except Chicago), IN, KS, MO, MT, OR and SC (except Columbia), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clyde Machines, Inc., Glenwood, MN 56334. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U. S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 100327 (Sub), filed August 9, 1979. Applicant: LONGUEIL TRANSPORTATION, INC., 144 Shaker Road, East Longmeadow, MA 01028. Representative: David M. Marshall, Marshall and Marshall, 101 State Street—Suite 304, Springfield, MA 01103. *Passengers, in special operations*, beginning and ending at points in Springfield and East Longmeadow, MA and extending to the plant and facilities of Hi-G Co., Inc. at or near Windsor Locks, CT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hi-G Co., Inc., 580 Spring Street, Windsor Locks, CT 06096. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 103926 (Sub-98 TA), filed July 19, 1979. Applicant: W. T. MAYFIELD SONS TRUCKING CO., INC., P.O. Box

947, Mableton, GA 30059. Representative: Mark C. Ellison, P.O. Box 56387, Atlanta, GA 30343. (1) *Steel poles and aluminum poles, and (2) parts and accessories for the commodities named in (1) above, (except commodities in bulk)* from the facilities of (a) Power Enterprised, Inc., Power Structures Division (b) Power Enterprises, Inc., Hobson Galvanizing Division at or near Plaquemines Parish, LA to points in LA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Power Enterprises, Inc., Power Structures Division, P.O. Box 6261, New Orleans, LA 70174; Power Enterprises, Inc., Hobson Galvanizing Division, P.O. Box 6261, New Orleans, LA 70174. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 110567 (Sub-18TA), filed July 10, 1979. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, same as applicant. CEMENT, in bulk, in tank vehicles from the Martin Marietta Cement Company at or near Tulsa, OK to points in AR, KS, and MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Martin Marietta Cement, P.O. Box 45586, Tulsa, OK 74145. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 110567 (Sub-19TA), filed July 26, 1979. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Lubricating oil, in bulk, in tank vehicles*, from Smackover, AR, to Midway, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Petroleum Sources, Inc., P.O. Box 32246, Oklahoma City, OK 73123. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 106707 (Sub-18TA), filed August 14, 1979. Applicant: ADAMS TRUCKING, INC., 1711 West 2nd St., Webster City, IA 50595. Representative: Thomas J. Beener, Suite 4959, One World Trade Center, New York, NY 10048. *Glass and glass products* from the facilities of Libbey-Owens-Ford Co. at or near Toledo, OH, to points in IA, IN, IL, WI, MN, ND, SD, KY, and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Libbey-Owens-Ford Co., 811 Madison Ave., Toledo, OH 43695. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1227TA), filed July 17, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des

Moines, IA 50309. Representative: E. Check (same address as applicant). *Sulfuric acid, in bulk, in tank vehicles*, from Chicago, IL, to Menasha and Wisconsin Rapids, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allied Chemical, Columbia Rd. & Park Ave., Morristown, NJ 07900. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1228TA), filed July 26, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Poly-vinyl adhesives, water soluble, in bulk, in tank vehicles*, from Oak Creek, WI, to Elkhart, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Peter Cooper Corporation, 9006 S. 5th Ave., Oak Creek, WI 53154. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1229TA), filed July 26, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Gasoline, in bulk, in tank vehicles*, from Pana, IL, to points in IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Casey's General Stores, Inc., 1299 East Broadway, Des Moines, IA 50313. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1230TA), filed July 30, 1979. Applicant: RUAN TRANSPORT CORPORATION, 66 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Liquid chelate, in bulk, in tank vehicles*, from Garland, TX, to the Cenox Oil Well site at or near Sage Springs Creek, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Magnablend, Incorporated, P.O. Box 62, DeSoto, TX 75115. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1231TA), filed August 2, 1979. Applicant: RUAN TRANSPORT CORPORATION, 66 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Edible and inedible fats, animal oils, and products and blends of animal fats and oils, in bulk, in tank vehicles*, from the facilities of Geo. A. Hormel & Co. at Davenport, IA, to points in IL, MN, MO, NE, SD, and WI, for 180 days.

Supporting shipper(s): Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1232TA), filed August 6, 1979. Applicant: RUAN TRANSPORT CORPORATION, 66 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Lubricating oil, in bulk, in tank vehicles*, from Kansas City, MO, to Indianapolis, IN, for 180 days. Supporting shipper(s): Chevron USA, 951 N. Topping, Kansas City, MO 64120. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1233TA), filed August 6, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Fly ash, in bulk, in tank vehicles*, from Genoa, WI, to points in MN and IA, for 180 days. Supporting shipper(s): Contech, Inc., 9500 West Bloomington Freeway, Bloomington, MN 55420. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1234TA), filed August 8, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Sulfuric acid, in bulk, in tank vehicles*, from Hammond, IN, to Wood River, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stauffer Chemical Company, Nyala Farms Rd., Westport, CT 06880. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 107527 (Sub-61TA), filed July 24, 1979. Applicant: POST TRANSPORTATION CO., 1970 E. 213th Street, Long Beach, CA 90801. Representative: R. Sherman Kirksey, 1970 East 213th Street, Long Beach, CA 90801. *Contract: irregular: Liquid aluminum sulphate, in bulk, in tank vehicles*, from El Segundo, CA to Clark County, NV, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Allied Chemical Corporation, Industrial Chemicals Division, 1275 Market Street, San Francisco, CA 94103. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 108207 (Sub-522TA), filed August 2, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith, (same as applicant). (1) *Malt beverages and related advertising materials and (2) empty used beverage containers and materials and supplies used in and dealt with by breweries* between points in Jefferson County, Co on the one hand, and, on the other, points in the States of IA, MO, NE, and TX, for 180 days. Underlying ETA for 90 days filed.

Supporting shipper(s): Adolph Coors Company, Golden, CO 80401. Send protests to: Opal M. Jones, TCS, Interstate Commerce Commission, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 108207 (Sub-523TA), filed August 2, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith, (same as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses (except hides and commodities in bulk) as defined in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and foodstuffs*, from points in IL to points in IN, MI, MN, and OH, for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): There are 15 supporting shippers. Send protests to: Opal M. Jones, TCS, Interstate Commerce Commission, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 108207 (Sub-524TA), filed August 2, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith, (same as applicant). *Foodstuffs (except commodities in bulk)* from points in IL to points in WI, for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): There are 11 supporting shippers. Send protests to: Opal M. Jones, TCS, Interstate Commerce Commission, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 110658 (Sub-12TA), filed July 27, 1979. Applicant: PARKER MOTOR FREIGHT, INC., 1505 Steele Avenue, SW., Grand Rapids, MI 49507. Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48228. *General Commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment; serving Cadillac, MI and its commercial zone, as an off-route point in connection with carriers otherwise authorized operations. Restricted to the transportation of traffic having an immediately prior or subsequent movement by air. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cadillac Rubber and Plastics, Inc., 603 W. Seventh Street, Cadillac, MI 49601 and Michigan Rubber Products, Inc., 1200 Eighth Avenue, Cadillac, MI 49601. Send protests to: C. R. Flemming, District Supervisor, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 111967 (Sub-8TA), filed July 23, 1979. Applicant: CADDELL TRANSIT CORPORATION, P.O. Box 146, Lawton,

OK 73501. Representative: Dean Williamson, Suite 615 East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Fuel oil, in bulk, in tank vehicles* from Graham, TX to points in OK, for 180 days. An underlying ETA for 90 days authority filed. Supporting shipper(s): Deal Petroleum Company, 2815 E. Skelley Drive, Tulsa, OK. Send protests to: Martha A. Powell, Trans. Asst., ICC, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 112617 (Sub-448TA), filed August 1, 1979. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY. 40221. Representative: Charles R. Dunford (same as above). *Chemicals, in bulk, in tank vehicles*, from Lake Charles, LA to points in and east of LA, AR, MO, IA, and MN. Supporting shipper(s): W. G. Van Dame, PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 428 Post Office Bldg., Louisville, KY 40202.

MC 113106 (Sub-78TA), filed August 8, 1979. Applicant: THE BLUE DIAMOND COMPANY, 4401 E. Fairmount Ave., Baltimore, Md 21224. Representative: Chester A. Zyblut, 1030—15th St., N.W., Washington, DC 20005. *Malt beverages and materials, equipment, and supplies used in the manufacture and distribution of malt beverages*, from the facilities of Miller Brewing Company in Onondaga and Oswego Counties, NY to points in DE, MD, NJ, NY, OH and DC, for 180 days. Supporting shipper(s): Edward P. Geurts, Miller Brewing Company, 3939 W. Highland Blvd., Milwaukee, WI 53208. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 113646 (Sub-22TA), filed August 3, 1979. Applicant: JEFFERSON TRUCKING COMPANY, P.O. Box 17, National City, MI 48748. Representative: William B. Elmer, 21835 East Nine Mile Road, St. Clair Shores, MI 48080. *Contract Carrier: Irregular routes: Building materials, composition board, and materials and supplies* used in the manufacture, distribution and installation thereof (except commodities in bulk); between Newark, OH on the one hand and on the other, points in the United States located in and east of ND, SD, NE, KS, OK, and TX. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tecum, Inc., 105 South Sixth Street, Newark, OH 43055. Send protests to: C. R. Flemming, D/S, ICC, 225 Federal Building, Lansing, MI 48933.

MC 115718 (Sub-28TA), filed August 2, 1979. Applicant: DENVER-LIMON-

BURLINGTON TRANSFER COMPANY, 3560 Chestnut Place, Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman Street, Denver, CO 80203. *Alcoholic beverages and mixers, except malt beverages and commodities in bulk*, from points in CA to Pueblo, CO, for 180 days. An underlying 90 day ETA seeks identical authority. Supporting shipper(s): Mike Diodosio Wholesale Liquor Co., Pueblo, CO. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 115496 (Sub-122TA), filed August 1, 1979. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Buddy Hamrick (same as applicant). *Building or roofing materials* from the plantsite and facilities of Johns-Manville, Chatham County, GA to all points in AL, FL, SC, TN, and VA. An underlying ETA seeks 90 days authority. Supporting shipper(s): Johns-Manville Sales Corporation, P.O. Box 4487, Atlanta, GA 30302. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 115826 (Sub-525TA), filed July 24, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Sodium bicarbonate, sodium carbonate, and cleaning, scouring and washing compounds* (except commodities in bulk in tank vehicles) from the facilities of Church & Dwight Co., Inc. at Sweetwater County, WY to points in WA, OR, ID and AZ for 180 days. Supporting shipper(s): Church & Dwight Company, Inc., P.O. Box 369, Piscataway, NJ 08854. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 115826 (Sub-526TA), filed August 6, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Such commodities as are dealt in by department stores* (except foodstuffs and commodities in bulk) from points in CA to Minneapolis and St. Paul, MN, for 180 days. Supporting shipper(s): Dayton's 700 on the Mall, Minneapolis, MN 55402. Send protests to: H. Ruoff, 482 U.S. Customs House, Denver, CO 80202.

MC 115826 (Sub-527TA), filed August 9, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Meats, meat products, and equipment, supplies and materials used by restaurants*, from Oklahoma City, OK, and its commercial

zone to points in NE, MT, ID, UT, CO and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Prime Steak, Inc., 103 S. Broadway, Edmond, OK 73034. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 115826 (Sub-528TA), filed July 26, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, Colorado 80022. Representative: Howard Gore (same address as above). *Meats, meat products and articles distributed by meat packinghouses* as described in Motor Carrier Certificates 61 MCC 209 (except hides and commodities in bulk) from Glenwood, Denison, Sioux City and Marshalltown, IA, Kansas City, KS, Omaha, NE and their commercial zones to points in AZ, CA, ID, NV, OR, UT, WA, MT, and WY, for 180 days. Supporting shipper(s): Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 116077 (Sub-419TA). Applicant: DSI TRANSPORTS, INC., 4550 One Post Oak Place/Suite 300, Houston, TX 77027. Representative: J. C. Browder (same as applicant). *Chemicals*, in bulk, in tank vehicles from plantsite of Shell Oil Co., and Shell Chemical Co., at or near Norco, LA to points in the U.S. (except AL, FL, GA, MS, NC, SC, and that part of TN west of U.S. Highway 27), for 180 days. Supporting shipper(s): Shell Oil, P.O. Box 2099, Houston, TX 77001. Send protests to: John F. Merising, DS, ICC, 515 Rusk Ave. #8610, Houston, TX 77002.

MC 116077 (Sub-420TA). Applicant: DSI TRANSPORTS, INC., 4550 One Post Oak Place/Suite 300, Houston, TX 77027. Representative: J. C. Browder (same as applicant). *Chemicals*, in bulk, in tank vehicles from the plantsite and storage facilities of Shell Oil Co., and Shell Chemical Co., at or near Deer Park, TX to points in the U.S. (except AK, AZ, AR, CA, CO, IN, IA, KS, KY, LA, MN, MS, NE, NC, OK, SC, TN, WY, and WI), for 180 days. Supporting shipper(s): Shell Oil Company, P.O. Box 2099, Houston, TX 77001. Send protests to: John F. Merising, DS, ICC, 515 Rusk Ave. #8610, Houston, TX 77002.

MC 119226 (Sub-122TA), filed May 22, 1979. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46227. Representative: Robert W. Loser, 1101 Chamber of Commerce Building, Indianapolis, IN 46227. *Vegetable oil, in bulk, in tank vehicles* from Columbus, OH to points in NC, SC, and VA for 180 days. Supporting shipper: Capital City Products Co., P.O. Box 569, Columbus, OH 43216. Send protests to: Beverly J.

Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 119656 (Sub-65TA), filed August 9, 1979. Applicant: NORTH EXPRESS, INC., 219 S. Main, Winamac, IN 46996. Representative: Donald Smith, Suite 945-9000 Keystone Crossing, Indianapolis, IN 46240. *Gypsum products*, from the facilities of the U.S. Gypsum Co. at East Chicago, IN to points in OH, MI, KY, IL, WV, MO, WI, and Erie, Crawford, Warren, Mercer, Venango, Forest, Clarion, Butler, Lawrence, Beaver, Fayette, Allegheny, Armstrong, Jefferson, Indiana, Westmoreland, Washington, and Greene, counties, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Gypsum Co., 101 S. Wacker Dr., Chicago, IL 60606. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 119767 (Sub-362TA), filed August 1, 1979. Applicant: BEAVER TRANSPORT CO. P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John Sims, Jr., 425 13th St., NW, Washington, DC 20004. *Foodstuffs*, except in bulk, in tank vehicles, from Columbus, Marysville, Sunbury, OH and St. Louis, MO to Itasca, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Nestle Co., Inc., 100 Bloomingdale Rd., White Plains, NY 10605. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 119777 (Sub-400 TA), filed July 26, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 424331. Representative: Carl U. Hurst, Atty. (same as above). *Roofing and Roofing Materials*, from the facilities of George D. Widman, Inc., at or near Gardena, CA, to points in KY, MO, ND, and SC. Supporting shipper(s): Mr. Michael Wilkinson, George D. Widman, Inc., P.O. Box 429, Gardena, CA 90247. Send protests to: Ms. Clara L. Eyl, T/A ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 119777 (Sub-401 TA), filed July 26, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky., 42431. Representative: Carl U. Hurst, Atty. (same as above). *Roofing and roofing materials*, from the facilities of Consolidated Fibreglass Co., at Bakersfield, CA, points in AZ, CA, IL, IN, and TX. Supporting shipper(s): Rodney G. Poston, Consolidated Fibreglass Co. 3801 Standard St., Bakersfield, CA 93308. Send protests to:

(Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 119777 (Sub-402TA), filed July 27, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Representative: Carl U. Hurst, Atty. (same as above). *Building Materials* (except in bulk), from points in Los Angeles, San Bernardino, Riverside, Kern, and Orange Counties, CA to AZ. Supporting shipper(s): Fred K. Bauer, Bird & Son, Inc., Washington St. East Walpole, MA 02032. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 119777 (Sub-403TA), filed July 31, 1979. Applicant: KATO EXPRESS, INC., P.O. Box 291, Elizabethtown, KY 42701. Representative: Fred F. Bradley, Atty., P.O. Box 773, Frankfort, KY 40602. *Magazines and periodicals*, between Cincinnati, OH, on the one hand, and, on the other, Louisville, KY. Supporting shipper(s): Robert Derge, Triangle Publications, Inc., Kroger Bldg., Suite 2100, 1040 Vine St., Cincinnati, OH 45202. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 119777 (Sub-404TA), filed August 7, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85—East, Madisonville, KY 42431. Representative: Carl U. Hurst, Atty. (same as above). *Building Materials* (except in bulk), from Acme, Hamlin, Rotan, Liggett, and Sweetwater, TX, and Albuquerque, NM, to points in AZ and CA. Supporting shipper(s): David P. Ryan III, North Pacific Lumber Co., 1505 S.E. Gideon, Portland, Ore. 97208. Send protests to: (Ms.) Clara L. Eyl, T/A ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 119917 (Sub-58TA), filed July 31, 1979. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Dr., S.E., Atlanta, Ga 30316. Representative: William F. Dudley (same as applicant). *Foodstuffs and materials, equipment and supplies used in the manufacture of foodstuffs (except commodities in bulk)*; between Atlanta, Ga and Macon, GA on the one hand, and Philadelphia, PA and Denver, CO on the other. Between Cincinnati, OH on the one hand and Denver, CO, Dallas, TX, Houston, TX, San Antonio, TX and Oklahoma City, OK on the other. Between Chicago, IL, Elk Grove Village, IL, Grand Rapids, MI, and Philadelphia, PA on the other hand and Denver, CO on the other. Between Denver, CO on the other hand and Dallas, TX, Houston, TX, San Antonio, TX and Oklahoma City, OK on the other. An underlying ETA seeks 90 days authority. Supporting shipper(s): Keelber Company, One Hollow Tree Lane,

Elmhurst, IL 60126. Send protests to: Sara K. Davis, T/A, ICC 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

MC 119917 (Sub-59TA), filed July 31, 1979. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Dr., S.E., Atlanta, Ga 30316. Representative: Barry F. Dudley (same as applicant). *Wrapping paper in rolls* from Savannah, GA to Richmond, VA and Houston, TX; and (2) *calcium carbonate in bags* from Sylacauga, AL to Chicago, IL, Philadelphia, PA, Richmond, VA, Atlanta, GA and Houston, TX. Supporting shipper(s): Nabisco, Inc., DeForest Ave., East Hanover, NJ 07936. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 121496 (Sub-35TA), filed. Applicant: CANGO CORPORATION, 1100 Milam Bldg./2900, Houston, TX 77002. Representative: Tom E. Davis (same as applicant). *No. 2 Fuel oil*, in bulk, in tank vehicles from Purvis, MS to Bayport, TX for 180 days. Supporting shipper(s): Celanese Chemical Company, Inc., P.O. Box 47320, Dallas, TX 75247. Send protests to: John F. Mensing, DS, ICC, 515 Rusk Ave. #8610, Houston, TX 77002.

MC 121517 (Sub-11TA), filed August 6, 1979. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., P.O. Box 15627, Tulsa, OK 74112. Representative: Wilburn L. Williamson, Suite 615—East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Cement*, (1) from the facilities of Oklahoma Cement Company at or near Pryor, OK, to points in AR, KS, MO, and TX, and (2) from the facilities of Oklahoma Cement Company at or near Woodward, OK and Oklahoma City, OK, to points in KS and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): OKC Corporation, P.O. Box 34190, Dallas, TX 75234. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 123387 (Sub-22TA), filed July 23, 1979. Applicant: E. E. HENRY, 1128 S. Military Hwy., Chesapeake, VA 23320. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. (a) *Malt beverages*, from Albany, GA to points in LA, AR, MS, FL, SC, NC, TN, KY, VA, IL, IN, AL and NY. (b) *Materials, equipment, and supplies used in the manufacture of malt beverages (except commodities in bulk)* from the states named in (a) above to Albany, GA for 180 days. Supporting shipper(s): Miller Brewing Co., 3939 W. Highland Blvd., Milwaukee, WI 53208. Send

protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 123407 (Sub-602TA), filed August 7, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Sawyer Center, Route 1, Chesterton, IN 46304. *Fertilizer, ice melting compound, insulation material, vermiculite, and materials and supplies used in the manufacture of above in return from the facilities of Koos, Inc. at/near Kenosha, Wisconsin* to points in IN, IL, MI, MO, MN, and IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Koos, Inc., 4500 Thirteenth Court, Kenosha, WI 53140. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 123407 (Sub-603TA), filed August 7, 1979. Applicant: SAWYER TRANSPORT, INC., SAWYER CENTER, ROUTE 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Plastic pipe, and accessories, materials, and supplies used in the installation thereof (except in bulk)* from Madison, WI to points in IL, IN, MI, and OH for 180 days. Supporting shipper(s): Hurlbut Plastic Pipe Corporation, 206 E. Olin Avenue, P.O. Box 489, Madison, WI 53701. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 124236 (Sub-97TA), filed August 2, 1979. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 N. Central Expressway, Dallas, TX 75205. Representative: Joe A. Morgan (same as above). *Gasoline, in bulk in tank trucks*, from Atlas Processing at or near Shreveport, LA and from the pipeline terminal at or near Arcadia, LA to Texas destinations as follows: Athens, Atlanta, Carthage, Clarksville, Gladewater, Henderson, Jacksonville, Longview, Lufkin, Marshall, Mineola, Mt. Pleasant, Nacogdoches, Palestine, Paris, San Augustine, Sulphur Springs, Texarkana, and Tyler, Texas, for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Exxon Company, U.S.A., P.O. Box 2180, Houston, TX 77001. Send protests to: Opal M. Jones, TCS, Interstate Commerce Commission, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 124306 (Sub-65TA), filed August 9, 1979. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: (same address as applicant). *Dimethyl terephthalate, in*

tote bins, on rack trailers from the Hercofina plantsite near Wilmington, NC to the Goodyear Tire and Rubber plantsite near Apple Grove, WV, for 180 days. An underlying ETA seeks 90 days of authority. Supporting shipper(s): Hercofina, P.O. Box 327, Wilmington, NC 28402. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 124887 (Sub-91TA), filed August 1, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Lumber and lumber products*, from Livingston and Tangipahoa Parishes, LA, the facilities of Champion Lumber Co. at Holden, LA; Batson Lumber Co. at Natabany, LA; Conway Giteau Lumber Co. at Arcola, LA; Crown Zellerbach Corporation at Ponchatoula, Pine Grove and Bogalusa, LA, and the facilities of Clemons Brothers Lumber Co. at Amite, LA to points in AL, FL, GA, MS, NC, SC, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Powell Lumber Co., P.O. Drawer P, Lake Charles, LA 70602; Clemons Brothers Lumber Company, P.O. Box 225, Amite, LA 70422; Crown Zellerbach Corporation P.O. Box 1060, Bogalusa, LA 70427. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124887 (Sub-92TA), filed August 1, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. (1) *Lumber and Plywood* and (2) *materials, supplies and equipment used in the production of lumber and plywood*, (1) from Cedar Springs, GA to points in AL, FL, GA, IL, IN, KY, LA, MI, MS, NC, OH, PA, SC, TN, and VA, and (2) from points in AL, FL, GA, IL, IN, KY, LA, MI, MS, NC, OH, PA, SC, TN, and VA to Cedar Springs, GA, for 180 days. Supporting shipper(s): Great Southern Plywood Company, P.O. Box 215, Cedar Springs, GA 31732. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124887 (Sub-93TA), filed August 7, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Building and roofing material* from the facilities of Johns-Manville at or near Savannah, GA to points in AL, FL, NC, SC, TN, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Johns-Manville Sales Corporation, P.O. Box 4487, Atlanta, GA 30302. Send protests

to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 125506 (Sub-33TA), filed August 7, 1979. Applicant: JOSEPH ELETTO TRANSFER, INC., 33 W. Hawthorne Avenue, Valley Stream, NY 11580. Representative: Morton E. Kiel, Suite 1832—2 World Trade Center, New York, NY 10048. *Contract carrier, irregular routes: (1) Such merchandise as is dealt in by retail specialty shops, (2) and store furniture and fixtures, (3) and advertising materials, supplies and displays (except in bulk), from Yonkers and New York, NY, to Costa Mesa, CA; for 180 days. Supporting shipper(s): Saks Fifth Avenue, 555 Tuckahoe Road, Yonkers, NY 10710. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.*

MC 125998 (Sub-86TA), filed July 30, 1979. Applicant: GOLDEN TRANSPORTATION, INC., 2200 South 400 West, Salt Lake City, UT 84115. Representative: John P. Rhodes, P.O. Box 5000 Waterloo, IA 50704. *Meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A, C and D of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk) between the facilities of Lauridsen Foods, Inc. located at or near Britt, IA, and the facilities of Armour and Co., located at or near Mason City, IA, on the one hand, and, on the other, points in AZ, CA, CO, ID, NV, OR, MT, UT, WA, and WY. Restricted to transportation of shipments originating at the above named origin and destined to the indicated destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour and Co., Greyhound Tower, Phoenix, AZ 84077. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.*

MC 126667 (Sub-6TA), filed August 3, 1979. Applicant: BRUSH HILL TRANSPORTATION COMPANY, 31 Milk Street, Boston, MA 02109. Representative: Jeremy Kahn, S. Harrison Kahn, Attorneys-at-Law, Kahn and Kahn, 1511 K Street, N.W., Washington, DC 20005. *Passengers and their baggage, in the same vehicle with passengers, in round trip charter operations, beginning and ending at Boston, MA; points in MA south of Boston and on and east of U.S. Highway 1 from the MA-RI boundary line to Boston; and on and west of the line beginning at Boston, MA, then along MA Highway 3 to MA Highway 18, then*

along MA Highway 18 to MA Highway 58, then along MA Highway 58 to MA Highway 25, then along MA Highway 25 to Bourne, MA; and extending to points in the United States, including Alaska but excluding Hawaii. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Paragon Tours, 680 Purchase Street, New Bedford, MA 02741 and fourteen (14) others. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston MA 02114.

MC 126927 (Sub-4TA), filed August 8, 1979. Applicant: PANTHER TRANSPORTATION, INC., 7301 W. 15th Ave., Gary, IN 46406. Representative: William Towle, 180 N. LaSalle St., Chicago, IL 60601. *Liquid sugar, corn syrup and blends thereof, in bulk, in tank vehicles, from the facilities of Revere Sugar Corp. at Chicago, IL to points in MI and OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Revere Sugar Corp., 330 E. North Water St., Chicago, IL 60611. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm 1386, Chicago, IL 60604.*

MC 128746 (Sub-58TA), filed July 19, 1979. Applicant: D'AGATA NATIONAL TRUCKING CO., 3240 So. 61st St., Phila., PA 19153. Representative: Edward J. Kiley, 1730 M St., NW Suite 501, Washington, DC 20036. *Glassware from Salem, NJ to Baltimore, MD; Wilkes-Barre and Williamsport, PA; Fairfield and New Haven, CT; Albany, Endicott, Keesville, Garden City, Horseheads, New York City, Rochester and Oakfield, NY and their respective commercial zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fosterglass, Inc., Front St., Salem, NJ 08079. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 129387 (Sub-98TA), filed July 31, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant's). *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those which by reason of size or weight require the use of special equipment), from Seattle, WA and its commercial zone to points in MT, WI and Chicago, IL and its commercial zone, restricted to the transportation of traffic having an immediate prior movement by water for 180 days. Supporting shipper(s): Geo. S. Bush & Co., Inc., 259 Colman Building, Seattle, WA 98104. Send protests to: J. L.*

Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 133566 (Sub-146TA), filed May 11, 1979. Applicant: GANGLOFF & DOWNHAM TRUCKING COMPANY, INC., P.O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, Suite 4959, One World Trade Center, New York, NY 10048. *Meats, meat products, meat by-products and articles distributed by meat packing-houses (except hides and commodities in bulk) from the facilities of George A. Hormel & Co., at Ottumwa, IA to points in Indiana for 180 days. Supporting shipper: George A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.*

MC 133566 (Sub-145TA), filed May 11, 1979. Applicant: GANGLOFF & DOWNHAM TRUCKING COMPANY, INC., P.O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, One World Trade Center, Suite 4959, New York, NY 10048. *Foodstuffs (except in bulk) from the facilities of Quality Brands, Inc. at or near (1) Paw Paw, MI to points in AR, CO, CT, DE, CA, IA, IN, IL, KS, KY, MA, MD, ME, MO, MN., NH, NE, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, VT, WI, WV and DC; (2) Franklin, ME to points in AR, DE, CO, CT, GA, IA, IN, IL, KS, KY, MA, MI, MO, MN, NH, NE, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, VT, WI, WV and DC; (3) Middleport, NY to points in AR, DE, CO, CT, GA, IA, IN, IL, KS, KY, MA, MD, MI, MO, MN, NH, NE, NJ, NC, OH, OK, PA, SC, TN, TX, VA, VT, WI, WV and DC for 180 days. RESTRICTED to traffic originating at the facilities of Quality Brands, Inc. at named origins and destined to named destinations. Supporting shipper: Quality Brands, Inc., 29525 Chagrin Boulevard, Cleveland, OH 44122. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.*

MC 133566 (Sub-147TA), filed June 22, 1979. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, One World Trade Center, Suite 4959, New York, NY 10048. *General commodities (except Classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) from Maumee, and Holland, OH to Delphi, IN and Champaign, IL, for 180 days. RESTRICTED to traffic originating at and destined to the facilities of the Andersons at named origin and named*

destinations. Supporting shipper: The Andersons, P. O. Box 119, Maumee, OH 43537. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 133676 (Sub-9TA), filed July 25, 1979. Applicant: COMET TRUCK LINE, INC., 1175 Choctaw Drive, Baton Rouge, LA 70821. Representative: Richard H. Wilson (same address as applicant). *Synthetic crude rubber, chemicals and related articles having a prior or subsequent movement by rail or water excluding bulk for tank movements between Baton Rouge, Geismar, and New Orleans, LA, for 180 days. Applicant has filed a corresponding ETA seeking 90 days. Supporting shipper(s): Uniroyal, Inc., P.O. Box 397, Geismar, LA 70134. Send protests to: Robert J. Kirspeel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.*

MC 134387 (Sub-71TA), filed July 27, 1979. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Street, South Gate, CA 90280. Representative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Containers, from Wenatchee, WA to all points in CA, for 180 days. An underlying ETA seeks up 90 days operating authority. Supporting shipper(s): Dolco Packaging, 13400 Riverside Drive, Suite 200, Sherman Oaks, CA 91423. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.*

MC 134467 (Sub-48TA), filed August 6, 1979. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72784. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Foodstuffs from the facilities of Anderson Clayton Foods at Sherman, TX to all points in CO, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Anderson Clayton Foods, P.O. Box 226165, Dallas, TX 75266. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.*

MC 135046 (Sub-17TA), filed July 31, 1979. Applicant: ARLINGTON J. WILLIAMS, INC., 1398 S. DuPont Hwy., Smyrna, DE 19977. Representative: S. W. Earnshaw, 833 Washington Bldg., Washington, DC 20005. *Plumbers' goods, vanities, accessories and attachments, materials, supplies and equipment used in the manufacture and distribution of the above, between the facilities of Universal-Rundle Corp. and its subsidiaries at Monroe and Union Pt. GA; Ottumwa, IA; Crawfordsville and Rensselaer, IN; Leominster, MA; Camden, NJ; Salem, OH; New Castle,*

PA; Corsicana and Hondo, TX, on the one hand, and, on the other, points on and east of ND, SD, NE, KS, OK and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Universal-Rundle Corp., P.O. Box 960, New Castle, PA 16103. Send protests to: I.C.C., Fed. Res. Bank Bldg., Room 620, 101 N. 7th St., Phila., PA 19106.

MC 135797 (Sub-253TA), filed August 3, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72756. Representative: Paul R. Bergant (same address as applicant). *Textile products and supplies used in the manufacture of textile products between points in KY and Woodward, OK, for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Union Underwear, P.O. Box 780, Bowling Green, KY 42101. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.*

MC 135797 (Sub-254TA), filed August 9, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, (same address as applicant). *Milk, condensed or evaporated, from Mt. Vernon and Carthage, MO to points in AL, AR, CO, FL, IL, IN, IA, KS, LA, MN, NE, ND, OK, SD, TN, TX and WI for 180 days. Underlying ETA seeks 90 day authority. Supporting shipper(s): Carnation Company, 5045 Wilshire Blvd., Los Angeles, CA 90036. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.*

MC 136077 (Sub-16TA), filed July 19, 1979. Applicant: REBER CORP., 2216 Old Arch Rd., Norristown, PA 19401. Representative: Sheri B. Friedman, 1600 Land Title Bldg., 100 S. Broad St., Phila., PA 19110. *Fly ash, in bulk, in pneumatic tank vehicles between points in PA, to points in WV, VA, NY, CT, RI, MA, and OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Admixtures Corp., 1835 Pennsylvania Ave., Hagerstown, MD 21740. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 136077 (Sub-17TA), filed July 19, 1979. Applicant: REBER CORP., 2216 Old Arch Rd., Norristown, PA 19401. Representative: Sheri B. Friedman, 1600 Land Title Bldg., 100 S. Broad St., Phila., PA 19110. *Fly ash, in bulk, in pneumatic tank vehicles from Mercer Electric Station, Trenton, NJ, to points in NY, DE, MD, VA, WV, MA, RI, and CT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Admixtures Corp., 1835 Pennsylvania Ave., Hagerstown, MD*

21740. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 136246 (Sub-31TA), filed August 8, 1979. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Metal buildings and grain handling equipment, accessories, and parts, and materials, equipment, and supplies used in the manufacture of those commodities named above between the facilities of Welco Control Systems at Hastings, NE, on the one hand, and, on the other, points in CO, IL, IA, KS, MO, ND, OK, SD and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Welco Control Systems, Building 112, Industrial Park East, Hastings, NE 68901. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.*

MC 136246 (Sub-32TA), filed August 8, 1979. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Grain storage equipment and grain handling equipment, parts and accessories, metal buildings, and materials, equipment, and supplies used in the manufacture of the commodities named above between Grand Island, NE; Webster City, IA; Crawfordsville, IN; Middletown, PA and Greenville, MS, on the one hand, and on the other, points in the United States (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Modern Farm Systems, Inc., central division, 1811 W. Second St., Webster City, IA 50595. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.*

MC 138126 (Sub-42TA), filed August 8, 1979. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., Old Denton RD, Federalsburg, MD 21632. Representative: Chester A. Zyblut, 1030 15th St. NW., Washington, DC 20005. *Oleomargarine and table sauces, in vehicles equipped with mechanical refrigeration, from the facilities utilized by J. H. Filbert, Inc. at Baltimore, MD and Anne Arundel, Baltimore, Howard and Prince Georges Counties, MD to points in PA, OH and NY, for 180 days. Supporting shipper(s): Angelo Lascola, J. H. Filbert, Inc., 3701 Southwestern Blvd., Baltimore, MD 21229. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.*

MC 138157 (Sub-177TA), filed Aug. 13, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, 2931

South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn, 2931 South Market Street, P.O. Box 9596, Chattanooga, TN 37412. *Yarn and material, equipment and supplies used in the manufacture of yarn.* (1) from Abbeville and Irmo, SC; Foley, AL and Shelby, NC to the facilities of Mid-America Yarn Mills, Inc. in Pryor, OK. (2) from the facilities of Mid-America Yarn Mills, Inc., in Pryor, OK to points in Los Angeles, Orange, Riverside, San Bernardino, San Diego Counties, and Fresno, CA for 180 days. Supporting shipper(s) Mid-America Yarn Mills, Inc., Box 1028, Pryor, OK 74361. Send protests to: Glenda Kuss, TA, ICC, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 138157 (Sub-179TA), filed April 18, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT. 2931 South Market Street, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). *Hospital supplies* from McGaw Park, IL; Edison, NJ and Obez, OH to Portland, OR; Redmond, WA; South San Francisco, West Sacramento and Santa Ana, CA, for 180 days. NOTE: Restricted against transportation of commodities in bulk. Further restricted to traffic originating at and destined to the American Hospital Supply Division of American Hospital Supply Corp. Supporting shipper(s): American Hospital Supply Division of American Hospital Supply Corp., 1450 Waukegan Road, McGaw Park, IL 60085. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 138627 (Sub-78TA), filed August 6, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. *Grain storage equipment and grain handling equipment, parts and accessories, metal buildings, and materials, equipment, and supplies used in the manufacture of the commodities named above* between Grand Island, NE; Webster City, IA; Crawfordsville, IN; Middletown, PA; and Greenville, MS, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Modern Farm Systems, Inc., Central Division, 1811 West Second St., Webster City, IA 50595. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 138826 (Sub-10TA), filed July 12, 1979. Applicant: JERALD HEDRICK

d.b.a. HEDRICK & SONS TRUCKING, Rural Route #1, Warren, IN 46792. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. *Dry animal and poultry feed, feed ingredients and supplies, except in bulk or frozen* between Portland, IN on the one hand and on the other, points in AR, AL, CT, DC, DE, FL, GA, IL, IA, KY, LA, ME, MD, MA, MI, MN, MO, MS, NH, NJ, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI for 180 days. Supporting shipper(s): International Multifoods, Inc., 1200 Multifoods Building, Minneapolis, MN 55402. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 138836 (Sub-4TA), filed July 23, 1979. Applicant: NARO ENTERPRISES, INC., R.D. 1, Box 192, Gouldsboro, PA 18424. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. *Machinery (except when requiring special equipment)* between Daleville, PA on the one hand, and, on the other, Chicago, IL; Cleveland, OH; Detroit, MI; and Jersey City, NJ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Daleville Service and Supply, R.D. #3, Box 116B, Moscow, PA 18444. Send protest to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-28150 Filed 9-21-79; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications; Notices

Correction

In FR Doc. 79-24134 appearing on page 46016 in the issue of August 6, 1979 make the following correction:

In the third column, paragraph "MC 138322 (Sub-8TA)", the eighth line from the bottom should have read: "Louisiana on and south of Interstate".

[Volume No. 105]

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 79-21513, appearing at page 40761 in the issue of Thursday, July 12, 1979, the seventh line of the second column on page 40767 should read, "concentrates, from Bluewater, NM, to"

BILLING CODE 1505-01-M

Sunshine Act Meetings

Federal Register

Vol. 44, No. 186

Monday, September 24, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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[M-247, Amdt. 1; Sept. 19, 1979]

CIVIL AERONAUTICS BOARD.

Notice of closure and short notice of item to the September 19, 1979, meeting.
TIME AND DATE: 9:30 a.m., September 19, 1979.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 4. Application of Japan Air Lines for Special Authorization and waiver to operate a series of off-route charters for Carrier Corporation (BIA).
STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: The series of flights involved commences on September 25, 1979 and immediate action is required to give the carrier and charterer adequate notice of the Board's action. Accordingly, the following Board Members have voted that agency business requires that the Board meet on this item on less than seven days' notice and that no earlier announcement of the meeting was possible:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

This meeting will concern the disposition of this application in light of the Board's overall aviation strategy towards Japan. Premature public disclosure of opinions, evaluations, and strategies could seriously compromise the ability of the United States to achieve objectives which would be in the best interests of the United States. Accordingly, the following Members have voted that public observation of

this meeting would involve matters the disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting will be closed:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.

Assistants to Board Members.—Mr. David Kirstein, Mr. James L. Deegan, Mr. Daniel M. Kasper, and Mr. Stephen H. Lachter. Managing Director.—Mr. Cressworth Lander. Executive Assistant to the Managing Director.—Mr. John R. Hancock.

Office of the General Counsel.—Mr. Philip J. Bakes, Jr., Mr. Gary J. Edles, Mr. Peter B. Schwarzkopf, and Mr. Michael Schopf.

Bureau of International Aviation.—Mr. Herbert P. Aswall, Mr. Ivars V. Mellups, Mr. Peter H. Rosenow, Mr. Jerome Nelson, Mr. James S. McMahon, Mr. Regis P. Milan, Jr., Mr. Richard M. Loughlin, Mr. Sanford Rederer, Mr. James S. Horneman, Mr. Ronald C. Miller, Mr. John D. Keppel, and Mr. Marian Mikolajczyk.

Bureau of Domestic Aviation.—Ms. Barbara A. Clark, Mr. Paul L. Gretch, and Ms. Patricia T. Szrom.

Office of Economic Analysis.—Mr. Robert H. Frank and Mr. Larry Manheim. Bureau of Consumer Protection.—Mr. Reuben B. Robertson, Mr. John T. Golden, and Ms. Patricia Kennedy.

Office of the General Director.—Mr. Michael E. Levine and Mr. Steven A. Rothenberg. Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee, and Ms. Louise Patrick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting may be closed to public observation.

Philip Bakes, Jr.,
General Counsel.

[S-1851-79 Filed 9-20-79; 3:00 pm]
BILLING CODE 6320-01-M

2

[M-247, Amdt. 2; Sept. 19, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the September 19, 1979, meeting.

TIME AND DATE: 9:30 a.m., September 19, 1979.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 4. Application of Japan Air Lines for Special Authorization and waiver to operate a series of off-route charters for Carrier Corporation (BIA).
STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 4 was deleted from the September 19, 1979 agenda because the Board did not have enough time to discuss this item. Japan will be added to the Sunshine Meeting for September 20, 1979 as a closed item. Accordingly, the following Members have voted that this item be deleted from the September 19, 1979 agenda and placed on the September 20, 1979 agenda and no earlier announcement of this change was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

For reason of closure and persons expected to attend please see Meeting Announcement 247, Amdt 1.

[S-1852-79 Filed 9-20-79; 3:00 pm]
BILLING CODE 6320-01-M

3

[M-246, Amdt. 4; Sept. 19, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of items and closure to the September 20, 1979, meeting.

TIME AND DATE: 9:30 a.m., September 20, 1979.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

37. Application of Japan Air Lines for Special Authorization and waiver to operate a series of off-route charters for Carrier Corporation. (BIA)

38. Negotiations with the Federal Republic of Germany. (BIA)

39. Recommendation for talks with Canada beginning October 9, 1979 in Ottawa.

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: The series of flights involved commences on September 25, 1979, and immediate

action is required to give the carrier and charterer adequate notice of the Board's action. There are upcoming negotiations with both countries and in order to formulate a coordinated U.S. Government position, the Board Members have voted that agency business requires that the Board meet on these items on less than seven days' notice because staff work was not completed at this time and that no earlier announcement of the meeting was possible:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

This memo concerns strategy and positions that have been or may be taken by the United States in ongoing negotiations with Germany, Canada, and Japan. Public disclosures, particularly to foreign governments, of opinions, evaluations, and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve agreements which would be in the best interest of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that any meeting on this item should be closed.

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard H. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.
Assistants to Board Members.—Mr. David Kirstein, Mr. James L. Deegan, Mr. Daniel M. Kasper, and Mr. Stephen H. Lachter.
Managing Director.—Mr. Cressworth Lander.
Executive Assistant to the Managing Director.—Mr. John R. Hancock.
Office of the General Director.—Mr. Michael E. Levine and Mr. Steven A. Rothenberg.
Office of the General Counsel.—Mr. Philip J. Bakes, Jr., Mr. Gary J. Edles, Mr. Peter B. Schwarzkopf, and Mr. Michael Schopf.
Bureau of International Aviation.—Mr. Herbert P. Aswall, Mr. Ivars V. Mellups, Mr. Peter H. Rosenow, Mr. Jerome Nelson, Mr. James S. McMahon, Mr. Regis P. Milan, Jr., Mr. Richard M. Loughlin, Mr. Sanford Rederer, Mr. James S. Horneman, Mr. Ronald C. Miller, Mr. John D. Keppel, and Mr. Marian Mikolajczyk.
Bureau of Domestic Aviation.—Ms. Barbara A. Clark and Mr. Paul L. Gretch.
Office of Economic Analysis.—Mr. Robert H. Frank and Mr. Larry Manheim.

Bureau of Consumer Protection.—Mr. Reuben B. Robertson, Mr. John T. Golden, and Ms. Patricia Kennedy.
Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee, and Ms. Louise Patrick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting may be closed to public observation.

Philip Bakes, Jr.,
General Counsel.

[S-1853-79 Filed 9-20-79; 3:00 p.m.]
BILLING CODE 6320-01-M

4

[M-248; Sept. 19, 1979]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 September 26, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.
SUBJECT: Oral Argument—Baltimore/Washington-St. Louis Route Proceeding, Docket 32485.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1854-79 Filed 9-20-79; 3:00 pm]
BILLING CODE 6320-01-M

5

CONSUMER PRODUCT SAFETY COMMISSION.

Revised agenda^{1 2} (as of September 18, 1979)

TIME AND DATE: Commission Meeting, Thursday, September 20, 1979, 9:30 a.m.

LOCATION: Third Floor Hearing Room, and Eight Floor Conference Room, 1111 18th St., NW., Washington, DC.

STATUS: Part Open, Part Closed.

MATTERS TO BE CONSIDERED:

A. *Open to the Public* (Third Floor Hearing Room)

1. *Isosorbide Dinitrate Petition, PP 79-1.* The Commission will consider a petition in which Ives Laboratories, Inc. requests exemption from child-resistant packaging for sublingual and chewable forms of isosorbide dinitrate in dosage strengths of not more than 10 mg. The staff briefed the Commission on this petition at the September 12 briefing.

¹ Agenda revised September 14, 1979, to reverse the order of items 4 and 5, and to change the location of the closed portion of the meeting to the eighth floor conference room.

² Agenda revised September 18, 1979, to add current Item 6. In adding this item, the Commission determined that agency business requires consideration of the matter without the normal seven-day advance notice.

2. *Erythromycin Ethylsuccinate: Final PPPA Exemption.* The Commission will consider a draft final amendment to exempt erythromycin ethylsuccinate from child-resistant packaging requirements of the Poison Prevention Packaging Act (PPPA). The exemption would cover tablets of the drug in packages containing no more than a total of 16 grams of the drug. The Commission proposed the exemption January 31, 1979.

3. *Colestipol: Final PPPA Exemption.* The Commission will consider a draft final amendment to exempt colestipol from child-resistant packaging requirements of the Poison Prevention Packaging Act (PPPA). The exemption would cover the powder form of the drug in individually-wrapped packages, each containing no more than 5 grams of the drug. The Commission proposed the exemption January 31, 1979.

4. *Aluminized Polyester Kites: Final Ban.* The Commission will consider a final rule to ban kites constructed of 10 inches or more of aluminized polyester film. The Commission proposed the ban January 26, 1979.

5. *Gasoline Cans Petition, CP 78-17.* The Commission will consider a petition in which Martin Bennett, Brooklyn, New York, asks that CPSC ban certain portable containers for consumer use of gasoline, and establish a standard for gasoline containers of five-gallon or less capacity. The staff briefed the Commission on this petition on September 13, 1979.

B. *Closed to the Public* (Eighth Floor Conference Room)

6. *Possible Substantial Product Hazard.* The Commission and staff will discuss issues related to a possible substantial product hazard matter. The Commission previously discussed this matter on September 12. (Closed under exemption 10, possible civil action).

7. *Petition for Stay of Cellulose Insulation Rule.* The Commission will consider a petition from an ad hoc committee, Cellulose Manufacturers Against the CPSC Amended Standard, for an indefinite stay of the Amended Cellulose Insulation Standard. The standard is scheduled to become effective October 16, 1979. (Closed under exemption 9: possible significant frustration of agency action).

8. *Selection of Advisory Committee Members.* The Commission will select new members for three of CPSC's advisory committees: the Product Safety Advisory Council (PSAC), the Technical Advisory Committee on Poison Prevention Packaging (TAC/PPP), and the National Advisory Committee for the Flammable Fabrics Act (NAC/FFA). (Closed under exemption 6: possible invasion of personal privacy). This item was previously scheduled for September 13.

Note.—Agenda originally approved September 11, 1979.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Consumer Product Safety

Commission, Washington, DC 20207,
Telephone (202) 634-7700.

[S-1855-79 Filed 9-20-79; 3:49 pm]

BILLING CODE 6355-01-M

6

CONSUMER PRODUCT SAFETY COMMISSION.

Agenda

TIME AND DATE: Wednesday, September 26, 1979, 9:30 a.m. and 2 p.m.

LOCATION: Eighth Floor Conference Room, and Third Floor Hearing Room, 1111-18th St., NW, Washington, D.C.

STATUS: Part Open, Part Closed.

MATTERS TO BE CONSIDERED: 9:30 a.m.
A. *Closed to the Public* (Eighth Floor Conference Room).

1. *Discussion of Internal Administrative Practices and Procedures.* The Commission and staff will discuss internal administrative practices and procedures, e.g. managing the flow of decision materials. (Closed under exemption 2: internal practices and procedures).

MATTERS TO BE CONSIDERED: 2 p.m.
B. *Open to the Public* (Third Floor Hearing Room).

2. *Discussion of Ballot Vote Procedures.* The Commission and staff will discuss issues related to Commission ballot vote procedures.

Agenda approved September 18, 1979.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Washington, DC 20207, Telephone (202) 634-7700.

[S-1856-79 Filed 9-20-79; 3:49 pm]

BILLING CODE 6355-01-M

7

CONSUMER PRODUCT SAFETY COMMISSION.

Agenda

TIME AND DATE: Thursday, September 27, 1979, 9:30 a.m.

LOCATION: Third Floor Hearing Room, 1111 18th St., NW., Washington, D.C.

STATUS: Open to the Public.

1. *Lawn Mower Stockpiling: American Honda Request.* The Commission will consider a request from American Honda Motor Co., Inc. that the company be allowed to use the period from October 1, 1978 through September 30, 1979 as the base period for complying with the stockpiling rule in CPSC's Safety Standard for Power Lawn Mowers. The rule currently specifies a period of 365 consecutive days from September 1, 1971 through August 31, 1978.

2. *Combustibility Labeling for certain Paint Products: Request for Relief.* The Commission will consider a request from the National Paint and Coatings Association (NPCA) for temporary relief from labeling

requirements for combustible paint products. NPCA asks that the Commission's statement of policy be amended to make it applicable only to products manufactured on or after October 6, 1979, rather than to products in the chain of distribution on or after that date. Alternatively, NPCA requests that the effective date be extended to December 29, 1979, or 90 days from the Commission's action on its request, whichever is later. CPSC published the policy statement December 29, 1977.

Agenda approved September 19, 1979.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon Butts, Assistant Secretary, Office of the Secretary, Washington, DC 20207, Telephone (202) 634-7700.

[S-1857-79 Filed 9-20-79; 3:49 pm]

BILLING CODE 6355-01-M

8

FEDERAL COMMUNICATIONS COMMISSION. PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, September 20, 1979.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS: Special closed meeting following the special open meeting—previously listed in the Commission's Public Notice of September 13, 1979.

CHANGES IN THE MEETING: The following item is deleted:

Agenda, Item No., and Subject

Common Carrier—2—American Telephone & Telegraph Co., for Authorization to Construct and Operate a Domestic Communications Satellite System, CC Docket No. 79-87.

Additional information concerning this item may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 18, 1979.

[S-1845-79 Filed 9-20-79; 1:06 pm]

BILLING CODE 6712-01-M

9

FEDERAL COMMUNICATIONS COMMISSION. PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, September 20, 1979.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS: Special Open Commission Meeting.

CHANGES IN THE MEETING: The following item has been deleted: (Previously listed in the Commission's Public Notice of September 13, 1979.)

Agenda, Item No., and Subject

Common Carrier—3—Title: In the matter of policies and rules concerning rates for

competitive carrier services and facilities authorizations therefore. Summary: Consideration will be given to whether the Commission's rules should be relaxed for certain common carriers. Specifically, the Commission will address whether, and to what extent, the Commission should require carriers who offer services subject to competition to file cost support information with their tariff filings and to obtain Commission approval before undertaking certain activities.

Additional information concerning this item may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 18, 1979.

[S-1846-79 Filed 9-20-79; 1:06 pm]

BILLING CODE 6712-01-M

10

FEDERAL COMMUNICATIONS COMMISSION. PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, September 20, 1979.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS: Special Open Commission Meeting.

CHANGES IN THE MEETING: The following item is deleted:

Agenda, Item No., and Subject

Common Carrier—4—The Commission is considering the issuance of a Cable Landing License authorizing the landing and operation of a submarine cable (TAT-7) between Tuckerton, N.J. and Lands End, England issued in conjunction with the Commission's Section 214 authorization to construct, operate, activate and use a TAT-7 Cable System.

Additional information concerning this item may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 18, 1979.

[S-1847-79 Filed 9-20-79; 1:06 pm]

BILLING CODE 6712-01-M

11

FEDERAL COMMUNICATIONS COMMISSION. TIME AND DATE: 9:30 a.m., Tuesday, September 25, 1979.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Broadcast—1—Title: Proceeding on the various aspects of the Subscription Television Service. Summary: The Commission will consider three of the six issues raised in the Notice of Inquiry and Proposed Rule Making in the Subscription

Television ("STV") Proceeding. The three issues are: (1) whether more than one television station in a given community should be permitted to provide STV service; (2) whether compatibility of STV systems should be required; and (3) whether a cut-off procedure for STV applications should be adopted.

Renewal—1—Office of Science and Technology Report entitled "Investigation of New Television Service for New Jersey;" petitions for rule making (RM-3392 and RM-3398) to assign additional UHF channels in New Jersey; and petitions to deny and informal objections filed by the New Jersey Coalition for Fair Broadcasting, Brendan Byrne, Governor of New Jersey, New Jersey Legislature, and Department of the Public Advocate for the State of New Jersey against the renewal applications of the commercial VHF stations licensed to New York and Philadelphia.

Renewal—2—Title: Educational Broadcasting Corporation's application for renewal of license for Station WNET(TV), Newark, New Jersey. Summary: The Commission is to consider: the adequacy of WNET's New Jersey studio proposal; the desirability of continuation of the waiver of the Commission's main studio location obligation; and WNET's application for renewal of license.

Private Radio—1—Title: Report and Order adopting amendments to Sections 90.365 and 90.377 of the Commission's Rules to change the co-channel mileage separation and frequency loading standards for conventional land mobile radio systems in the bands 806-821 and 851-866 MHz. Summary: The Commission has before it a recommended Report and Order concluding the proceeding (Docket 79-106) commenced by the Commission in the Notice of Proposed Rule Making (FCC 79-282, released May 23, 1979) which proposed certain changes in the co-channel mileage separation and frequency loading standards for conventional land mobile radio systems in the bands 806-821 and 851-866 MHz. The Report and Order discusses the comments and replies submitted in this proceeding and adopts certain Rule revisions proposed in the Notice.

Private Radio—2—Title: memorandum Opinion and Order disposing of (1) Petition filed by Motorola, Inc. for Reconsideration of the Commission's action in the Notice of Proposed Rule Making in Docket No. 79-106 (FCC 79-282, released May 23, 1979) declining to release from a reserve allocation additional frequencies for use by conventional land mobile radio systems in the bands 806-821 and 851-866 MHz; and (2) a Petition filed by National Association of Business and Educational Radio, Inc. seeking an Order releasing from a reserve allocation additional frequencies for use by conventional land mobile radio systems in the bands 806-821 and 851-866 MHz (RM-3403). Summary: The Commission has before it a recommended Memorandum Opinion and Order disposing of the Motorola, Inc. Petition for Partial Reconsideration and the National Association of Business and Educational

Radio, Inc. Petition for an Order releasing additional channels for use by conventional radio systems in the 800 MHz bands. The Memorandum Opinion and Order discusses the issues raised in the two petitions and provides a disposition of them.

Private Radio—3—Title: Allocation of frequencies for a maritime communications system on the Mississippi River System. RM-3128, RM-3129, RM-3101, RM-2946, and Section 214 petition. Summary: The FCC will consider a staff prepared alternatives paper and staff recommendations concerning allocation of frequencies for an automated, interconnected maritime communications system on the Mississippi River System. The FCC will discuss the following issues: (1) whether or not to allocate frequencies for such a system, and (2) if so, which frequency band should be selected.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 18, 1979.

[S-1848-79 Filed 9-20-79; 1:08 pm]

BILLING CODE 6712-01-M

12

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, September 26, 1979, at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings. Correction and approval of minutes. Advisory Opinion 1979-47: Thomas Borman (Campaign '80 Federal). 1980 elections and related matters. Consultant's report on audit process (continued).

Appropriations and budget. Pending legislation. Classification actions. Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-1850-79 Filed 9-20-79; 3:00 pm]

BILLING CODE 6715-01-M

13

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., September 28, 1979.

PLACE: 1700 G Street, N.W., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Franklin O. Bolling (202-377-6677).

MATTERS TO BE CONSIDERED:

Application for Branch Office—First Federal Savings & Loan Association of Russellville, Russellville, Arkansas.

Application for Branch Office—Greater Miami Federal Savings & Loan Association, Miami, Florida.

Application for Bank Membership—1st Consumers Savings Bank, Augusta, Maine.

Application for Permission to Organize a New Federal—Robert E. Cassagne, et al., Kenner, Louisiana.

Semiannual Regulatory Agenda.

No. 271, September 20, 1979.

[S-1849-79 Filed 9-20-79; 1:08 pm]

BILLING CODE 6720-01-M

14

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., September 26, 1979.

PLACE: 2025 M Street NW., Washington, D.C., 4th Floor Conference Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Revisions to Part 720 of NCUA Rules and Regulations.

2. Delegations of authority to initiate administrative actions and to impose or waive reserve requirements in individual cases.

3. Proposed modification of Interagency Truth-in-Lending Reimbursement Program.

4. Technical Amendment to 12 CFR Part 742, Liquidity Reserves.

5. Central Liquidity Facility Repayment Agreements.

6. Applications for charters, amendments to charters, bylaw amendments, mergers and insurance as may be pending at that time.

7. Any agenda items carried forward from a previously announced meeting.

RECESS: 10:30 a.m.

TIME AND DATE: 11 a.m., September 26, 1979.

PLACE: 2025 M Street NW., Washington, D.C., 4th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act in order to prevent their closing. Closed pursuant to exemptions (8) and (9)(A)(ii).

2. Administrative Action. Closed pursuant to exemptions (8), (9)(A)(ii), and (10).

3. Disapproval of certain state chartered credit union applications for federal share insurance. Closed pursuant to exemptions (8) and (9)(A)(ii).

CONTACT PERSON FOR MORE

INFORMATION: Rosemary Brady.

Secretary of the Board, telephone (202) 254-9800.

[S-1844-79 Filed 9-20-79; 11:16 am]

BILLING CODE 7535-01-M

15

NUCLEAR REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 54115.

TIME AND DATE: Wednesday, September 19, 1979.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Closed (Changes).

CHANGES IN THE MEETING:

2:30 p.m.: Discussion of personnel matter (closed—exemption 6) (Approximately 1½ hours) is cancelled.

2:30 p.m.: Briefing on NFS-Erwin (Approximately 1 hour, closed—exemption 1) Additional item.

ADDITIONAL INFORMATION: By vote of 3-0 (Chairman Hendrie and Commissioner Kennedy not present) on September 18, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, that Commission business requires that the above item be held on less than one week's notice to the public.

CONTACT PERSON FOR MORE

INFORMATION: Roger Tweed, 202-634-1410.

Roger M. Tweed,

Office of the Secretary.

[S-1842-79 Filed 9-20-79; 9:36 am]

BILLING CODE 7590-01-M

16

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of September 24, 1979, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Wednesday, September 26, 1979, at 10 a.m. Open meetings will be held on Wednesday, September 26, 1979 at 1:30 p.m., and on Thursday, September 27, 1979, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may

be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (8), (9)(i), and (10).

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting schedule for Wednesday, September 26, 1979, at 10 a.m., will be:

Formal orders of investigation. Settlement of administrative proceedings of enforcement nature.

Other litigation matter.

Institution and settlement of administrative proceeding of an enforcement nature.

Subpoena enforcement action.

Institution of injunctive actions.

Regulatory matter bearing enforcement implication.

Regulatory matter regarding financial institution.

Personnel security matters.

Opinion.

The subject matter of the open meeting scheduled for Wednesday, September 26, 1979, at 1:30 p.m., in room 776, will be:

Meeting with Professor Louis Loss of Harvard Law School to discuss the American Law Institute Proposed Federal Securities Code.

The subject matter of the open meeting scheduled for Thursday, September 27, 1979, at 10 a.m., will be:

1. Consideration of whether to issue a release requesting public comment on the adoption of Rules 17a-8, 22d-4, and 22d-5 and the amendment of Rules 17d-1 and 22c-1 under the Investment Company Act of 1940 to modify certain restrictions of the Act and rules promulgated thereunder pertaining to sales of investment company securities in connection with a merger, consolidation or offer of exchange. For further information, please contact Mark B. Goldfus at (202) 272-2048.

2. Consideration of the application of Mortex, Inc. for exemptions from (1) the broker-dealer registration requirement of Section 15(a) of the Securities Exchange Act of 1934 and (2) the requirements concerning publication of quotations of Exchange Act Rule 15c2-11, in connection with the operation of Mortex's automated system to facilitate secondary trading in mortgage securities. For further information, please contact Susan Davis at (202) 272-2846.

3. Consideration of whether to conditionally adopt amendments to provide relief from certain portions of the reporting requirements of the annual and quarterly reports filed with the Commission by a registrant whose equity securities are owned either directly or indirectly by a single person which itself is a reporting entity under the Securities Exchange Act of 1934. For further information, please contact Michael Connell at (202) 272-2579.

At times changes in Commission priorities require alterations in the

scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Ketels at (202) 272-2462.

September 19, 1979.

[S-1843-79 Filed 9-24-79; 11:16 am]

BILLING CODE 8010-01-M

17

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 7:00 to 10:00 p.m., Thursday, September 27, 1979.

PLACE: Jefferson Junior High School, Fairbanks Road, Oak Ridge, Tennessee.

STATUS: Open.

MATTER FOR DISCUSSION: Proposed sale of permanent easement by TVA for coal-loading barge terminal on Melton Hill Reservoir.

DATED: September 20, 1979.

CONTACT PERSON FOR MORE

INFORMATION: Lee C. Sheppard, Acting Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

[S-1858-79 Filed 9-20-79; 4:00 pm]

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federal register

Monday
September 24, 1979

Part II

Health, Education, and Welfare

Office of the Secretary

**Nondiscrimination on the Basis of Age in
Programs or Activities Receiving Federal
Financial Assistance**

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 91]

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance From HEW

AGENCY: Office of the Secretary, HEW.
ACTION: Proposed rules.

SUMMARY: The Department of Health, Education, and Welfare (HEW) proposes specific regulations to carry out its responsibilities under the Age Discrimination Act of 1975, and the recently published general, government-wide regulations published in the Federal Register on June 12, 1979.

The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act applies to persons of all ages. These proposed regulations concern programs and activities which receive Federal financial assistance from HEW.

DATES: Comments must be received on or before November 23, 1979. [For a list of public meetings on this proposed rule, see FR document 79-29595 in this part of the Federal Register.]

ADDRESS: Send written comments to: Age Discrimination Task Force, Office of the General Counsel, HEW, Room 711 E, 200 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Ms. Bayla F. White, (202) 245-6284.

SUPPLEMENTARY INFORMATION:

Background

The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act requires HEW to develop government-wide regulations to guide the development of agency specific regulations by each Federal agency that administers programs of Federal financial assistance.

HEW published final government-wide regulations on June 12, 1979 [45 CFR Part 90, published at 44 FR 33708]. The Act and the government-wide regulations require HEW to: (1) Publish proposed "agency-specific" regulations (that is, regulations covering HEW programs and activities) consistent with the government-wide regulations no later than 90 days after publication of the government-wide regulations; and (2) prepare final agency-specific regulations for publication no later than 120 days after publication of the proposed specific regulations. These are HEW's proposed agency specific regulations.

Summary of the Government-Wide Regulations (45 CFR Part 90)

The government-wide regulations specify definitions and the standards for determining what is age discrimination, and what HEW and other Federal agencies must include in their agency-specific regulations. HEW may not change the definitions, standards and basic procedures in the government-wide regulations. Therefore, HEW asks reviewers not to comment on those definitions, standards, and procedures but to direct any comments to the new material in HEW's agency specific regulations. New material is underlined in the summary of the subparts of the proposed HEW regulations. HEW will not respond to comments on requirements established by the final, government-wide regulations.

The government-wide regulations contain five subparts:

- Subpart A—General.
- Subpart B—What Is Age Discrimination?
- Subpart C—What Are the Responsibilities of the Federal Agencies?
- Subpart D—Investigation, Conciliation, and Enforcement Procedures.
- Subpart E—Future Review of Age Discrimination Regulations.

For the information of commenters, Subparts A and B of the government-wide regulations are repeated in Appendix A after the proposed regulatory sections.

Proposed HEW Regulations Format

These proposed regulations are based on the government-wide age discrimination regulations. HEW proposes to adopt the substantive requirements of the government-wide regulations and to cross-reference those sections rather than to repeat them in full in the proposed HEW regulations. HEW also proposes to adopt hearing procedures contained in other regulations which HEW uses for other nondiscrimination enforcement actions (45 CFR Part 80.9-80.11 and Part 81) and

to cross-reference those regulations rather than to repeat them in full in the HEW regulations.

There are several reasons for using cross-references in these proposed regulations:

Under Operation Common Sense, a five-year plan for streamlining and simplifying regulations, HEW is trying different ways to make its regulations easier to understand.

This format makes the regulations shorter and simpler. Identical requirements therefore are not repeated.

This format should help readers better understand where HEW is proposing to use requirements already established in the government-wide regulations and where HEW is proposing additional requirements or interpretations, or is reorganizing the requirements in the government-wide regulations.

This format should help direct commenters to the new or additional requirements, interpretations, or reorganization proposed in these regulations and direct commenters away from requirements in the government-wide regulations which HEW may not revise in its agency specific regulations.

However, cross-references do require readers to look at separate regulations to understand all the requirements. Thus, some readers may prefer to have all requirements fully stated in each set of regulations. HEW especially seeks comments on whether this format is understandable. For the purposes of assisting commenters, HEW has repeated the appropriate requirements from the government-wide regulations in Appendix A. Further, if HEW retains this format in final regulations, HEW will make available information and training materials which will include all of the requirements in one package.

Proposed HEW Regulations (45 CFR Part 91)

HEW's proposed regulations are divided into four subparts:

- Subpart A—General.
- Subpart B—Standards for Determining Age Discrimination.
- Subpart C—Duties of HEW Recipients.
- Subpart D—Investigation, Conciliation, and Enforcement Procedures.

There are also two appendices. The next sections of this preamble summarize the contents of each subpart and each appendix. After the summary is a discussion of important requirements and some illustrative examples.

Subpart A—General. Subpart A explains the purpose of HEW's age discrimination regulations, which is to set out HEW's policies and procedures under the Act and the government-wide

regulations. (§ 91.1) The regulations apply to any program or activity receiving Federal financial assistance from HEW. (§ 91.2)

Subpart A also defines terms used in the regulations. Definitions for the following terms are identical to the definitions in the government-wide regulations and are not repeated in the proposed rules:

Act
Action
Age
Age-distinction
Age-related term
Agency
Federal financial assistance
Recipient
United States

The following terms are defined for the first time:

HEW
Secretary (including a designee)
Subrecipient

Subpart B—Standards for Determining Age Discrimination. The standards HEW uses for determining age discrimination are set out in great detail in the government-wide regulations (primarily Subpart B). HEW cross references those standards rather than duplicating them here. However, for the convenience of commenters, the standards (and definitions) are repeated in Appendix A. A short summary of those standards follows:

(1) A recipient may not use age distinctions or take any other actions which have the effect, on the basis of age, of excluding individuals from benefits or denying or limiting their opportunity to participate in any program or activity receiving Federal financial assistance. (From § 90.12 of the government-wide regulations.)

(2) A recipient may use age distinctions or take another action which has the effect, on the basis of age, of excluding individuals from benefits or denying or limiting their opportunity to participate in any program or activity receiving Federal financial assistance where:

An age distinction which conditions program benefits or participation is contained in part of a Federal statute, State statute, or local statute or ordinance adopted by an elected, general purpose legislative body. (From § 90.3 of the government-wide regulations.)

An action reasonably takes into account age as a factor necessary to the "normal operation" or the achievement of any expressly stated "statutory objective" of a program or activity. (From §§ 90.13 and 90.14 of the government-wide regulations.)

An action is based on a factor other than age and the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective. (From §§ 90.13 and 90.15 of the government-wide regulations.)

A recipient takes voluntary affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age. (From § 90.49(b) of the government-wide regulations.)

A recipient provides special benefits to the elderly or to children as part of a program serving persons of other ages, provided it does not have the effect of excluding otherwise eligible persons from participation in the program. (From § 90.49(c) of the government-wide regulations.)

(3) The Act and its implementing regulations do not cover employment practices, except for any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act. (from § 90.3 of the government-wide regulations) The Age Discrimination in Employment Act, administered by the Equal Employment Opportunity Commission, protects persons between the ages of 40 and 70 from discrimination in most phases of employment.

The government-wide regulations place on the HEW recipient the burden of proving that an action qualifies for an exception. (from § 90.16 of the government-wide regulations)

Subpart C—Duties of HEW Recipients. The duties of HEW recipients are established by the government-wide regulations.

HEW recipients have primary responsibility to ensure that their programs and activities are in compliance with the Act, the government-wide regulations and these regulations. Recipients must also maintain records to the extent required to determine compliance with the Act and these regulations. (§ 91.31)

Where an HEW recipient passes on financial assistance to subrecipients, the recipient must notify subrecipients of their obligations under the proposed HEW regulations. (§ 91.32)

Each recipient employing the equivalent of 15 or more full-time employees must complete a one-time written self-evaluation of its compliance with the proposed HEW regulations. The self-evaluation must identify each age distinction the recipient uses and justify each age distinction the recipient itself

imposes on the program receiving Federal financial assistance from HEW. If the self-evaluation reveals a violation of the Act, the recipient must take corrective action. The recipient must keep the self-evaluation and make it available upon request for three years to HEW and the public. (§ 91.33)

Each HEW recipient must make available to HEW upon request information necessary to determine whether the recipient is in compliance with these regulations. Recipients must also allow HEW reasonable access to books and records to the extent necessary to determine compliance with the Act and its regulations. (§ 91.34)

Subpart D—Investigation, Conciliation, and Enforcement. Subpart D of the proposed regulations establishes the procedures HEW will use in its investigation, conciliation, and enforcement activities. These procedures are closely tied to requirements in the government-wide regulations, primarily in Subpart D. Underlined language indicates additions in these regulations, not contained in the government-wide regulations.

HEW may conduct compliance and pre-award reviews of recipients, even in the absence of a complaint against the recipient. *The review may be as comprehensive as necessary to determine whether a violation has occurred.* (§ 91.41)

Complaints of age discrimination may be filed with HEW by an individual or a class or by a third party. *The complaint must allege discrimination based on an action occurring on or after July 1, 1979. A complainant must file a complaint within 180 days from the date the complainant first knew of the alleged act of discrimination although HEW may extend this time limit for good cause. A complaint must identify the parties involved and the date the complainant first had knowledge of the alleged violation, describe generally the practice complained of, and be signed by the complainant.* HEW will distribute information regarding the rights and obligations of recipients and complainants under the complaint procedure, including the right to have a representative at all stages of the process. *HEW will permit a complainant to add information to a complaint when necessary to meet the requirements of a sufficient complaint. HEW will return to the complainant any complaint that does not fall within the jurisdiction of the Act and its regulations.* (§ 91.42)

HEW will refer to mediation all complaints that fall within the coverage of the Act. On June 12, 1979, Secretary Califano designated the Federal

Mediation and Conciliation Service (FMCS) to manage the mediation process established in the government-wide regulations.

Complainants and recipients are required to participate in the effort to reach a mutually satisfactory mediated settlement of the complaint, although they need to meet with the mediator at the same time. Mediation may last no more than 60 days from the date HEW first receives the complaint. The mediator will have the authority to terminate the mediation at any time before the end of the 60 day period, if the process appears to have broken down. A settlement based on terms satisfactory to both parties will be put in writing and sent to HEW. HEW will take no further action on a complaint that has been successfully mediated. The mediator will protect the confidentiality of all information obtained in the course of mediation. (§ 91.43)

HEW will investigate complaints that are unresolved after mediation or are reopened because the mediation agreement is violated. HEW will first attempt to resolve the complaint through informal fact-finding. *An agreement reached during informal investigation will be signed by both parties and by an HEW official. The agreement will not affect any other enforcement effort by HEW. The settlement is not a finding of discrimination against a recipient.* If these informal efforts do not succeed, HEW will proceed to develop formal findings through further investigation of the complaint. (§ 91.44)

A recipient may not intimidate or retaliate against any person who attempts to exercise a right protected by the Act or who participates in any aspect of the proceedings used to resolve allegations of age discrimination. (§ 91.45)

The procedures for securing compliance with the Act and these regulations are taken from the government-wide regulations. The procedures include fund termination after an opportunity for a hearing on the record; referral to the Department of Justice; or the use of any Federal, State or local government agency requirement which has the effect of correcting a violation. These regulations include a provision for the limited deferral of new Federal financial assistance from HEW when termination proceedings are initiated. (§ 91.46)

HEW proposes to use procedural provisions contained in the regulations for Title VI of the Civil Rights Act of 1964 to enforce proposed HEW regulations. These provisions are at 45

CFR Part 80.9-80.11 and 45 CFR Part 81. (§ 91.47)

Where HEW finds that a recipient has discriminated on the basis of age, HEW may require the recipient to take necessary remedial action to overcome the effects of the discrimination. (§ 91.48)

When HEW withholds funds from a recipient, the Secretary may disburse those funds to an alternate recipient. The alternate recipient must demonstrate the ability to comply with these regulations and to achieve the goals of the Federal statute which authorizes the financial assistance. (§ 91.49)

Complainants may file civil actions when administrative remedies are exhausted. Administrative remedies are exhausted if either 180 days have elapsed since the complainant filed the complaint and HEW has made no finding, or if HEW issues a finding in favor of the recipient. The proposed regulations repeat the requirements of the Act concerning the private right of action. (§ 91.50)

Appendices

There are two appendices to these proposed rules. Appendix A repeats the definitions and standards from the government-wide regulations for the convenience of commenters. (This Appendix will appear with the final regulations in the Federal Register, but HEW does not intend to codify it.)

Appendix B summarizes, for the information of recipients and other readers, the activities HEW will take administratively to implement the Act, the government-wide regulations and these regulations. The activities are required by the government-wide regulations.

Discussion of Important Requirements and Examples

This section contains a discussion of several important concepts in the proposed regulations, to show how they apply to HEW recipients. Where useful, the discussion includes examples. The examples are intended to illustrate how HEW would apply the standards and analyze whether age distinctions are permissible or impermissible. However, since even slightly different statutory and factual situations may require different analysis or result in different conclusions, it is important to emphasize the need for case-by-case analysis of age distinctions. The examples assume that the institutions involved are recipients of HEW funds. Each example assumes that no exception to the prohibition against age discrimination

applies other than the one specifically discussed.

HEW especially seeks comments on whether in addition to information and technical assistance materials HEW will disseminate, HEW should include examples either in the text of the final regulations or in an Appendix codified in the CFR.

Complaints Under the Age Discrimination Act

Section 303 of the Age Discrimination Act provides that the Act's prohibition of age discrimination becomes effective upon the issuance of regulations as prescribed in Section 304 of the Act. Section 304 provides for the issuance of age discrimination regulations in two phases:

(1) HEW publishes general, government-wide regulations to carry out the provisions of Section 303; and

(2) Each Federal agency (including HEW) then publishes regulations specific to its programs and consistent with the government-wide regulations.

HEW interprets the Act's prohibition of age discrimination as being effective when the first set of regulations, the government-wide regulations, became effective on July 1, 1979.

HEW will process complaints of alleged violations that occur after July 1, 1979 and prior to the effective date of these regulations, if those complaints charge violations of the statute and general regulations which do not require for their resolution any interpretative language in the final HEW regulations. The processing of age discrimination complaints will include referral of complaints for mediation starting November 1, 1979, the date when the FMCS will be able to assume its mediation responsibility. HEW will investigate and attempt to resolve any complaints which are not settled in mediation.

For purposes of a complainant's private right of action, the 180 days a complainant must allow for exhausting administrative remedies prior to going to court will run from the day HEW receives the complaint (starting no earlier than July 1, 1979).

Complaints of alleged violations which occur after these regulations become final will be subject to the time frames and procedures established under these final regulations.

Standards for Determining What Is Age Discrimination

Subpart B of the proposed regulations cross-references the standards for determining what is age discrimination from the government-wide regulations (which are set out in Appendix A). The

application of these standards is critical to effective enforcement of the Age Discrimination Act. Set out below is the text of each standard, a discussion of certain important points about the standards, and examples of how HEW applies them.

A. Rules Against Age Discrimination

Text of the government-wide regulations:

General rule: No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

Specific rules: A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements use age distinctions or take any other actions which have the effect on the basis of age of:

(1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving Federal financial assistance, or

(2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

Discussion

The prohibition against age discrimination does not include an absolute prohibition against separate or different treatment on the basis of age. As a general rule, separate or different treatment which denies or limits services from, or participation in, a program receiving Federal financial assistance is prohibited by these regulations. On the other hand, these regulations do not invalidate automatically the provision of services through separate or different treatment on the basis of age. The examples which follow illustrate separate treatment that does not limit or deny service and therefore does not require further scrutiny under the age discrimination regulations.

Examples—Permissible Separate Treatment:

1. A hospital which receives funds from HEW treats children under 16 years of age in a separate unit from the adults served by the hospital. However, essentially comparable services are provided both age groups, including laboratory facilities, specialized care and treatment, and access to the facilities. This separate treatment of the two age groups does not result in an

denial or limitation of services, and the practice, therefore is permissible.

2. A sports league which receives Federal funds through a local school system separates children into three or more age groupings for sports which require physical development or emotional maturity. Essentially comparable sports programs are provided for each age group. The groupings by age are permissible because no denial or limitation of service results.

B. Age Distinctions "Established Under Authority of Any Law"

Text of the government-wide regulations:

The Age Discrimination Act of 1975 does not apply to:

(1) An age distinction contained in that part of a Federal, State, or local statute or ordinance adopted by an elected, general purpose legislative body which:

(i) Provides any benefits or assistance to persons based on age; or

(ii) Establishes criteria for participation in age-related terms; or

(iii) Describes intended beneficiaries or target groups in age-related terms.

Discussion

The Age Discrimination Act covers all programs and activities that receive assistance from HEW. However, it does not apply to age distinctions "established under authority of any law" that provide benefits or establish criteria for participation on the basis of age or in age-related terms. The government-wide regulations have defined the term "any law" to mean age distinctions which are contained in a Federal statute, a State statute, or a local statute or ordinance adopted by an elected, general purpose legislative body. This provision exempts only age distinctions which provide benefits, establish criteria for participation or describe intended beneficiaries. This provision does not provide an automatic exemption for age distinctions that are contained in regulations or in ordinances enacted by bodies which are not elected or are special purpose even though elected, such as State or local school boards. The final HEW regulations will contain an appendix listing the age distinctions that are found in Federal statutes administered by HEW.

Use of the following age distinctions are permissible because they fall within the "any law" exception:

Examples—Age distinctions in HEW-administered Federal statutes:

1. The Adult Education Act authorizes services or instruction below college level for adults. The Act defines adults as individuals who have attained the age of 18. (20 U.S.C. 1201-1213)

2. Title I of the Elementary and Secondary Education Act provides "financial assistance . . . to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means (including preschool programs) which contribute particularly to meeting the special needs of educationally deprived children." (20 U.S.C. 2710) [Emphasis added]

3. The Preschool Partnership Program, a part of the Elementary and Secondary Education Act, authorizes projects "to provide a smoother and more successful transition to formal schooling for certain preschool-aged children." (20 U.S.C. 2971) [Emphasis added]

4. The Education of the Handicapped Act authorizes special incentive grants to States which "provide special education and related services to handicapped children aged three to five, inclusive" and requires that the funds be used to serve those children. (20 U.S.C. 1419) [Emphasis added]

5. The Runaway Youth Program authorized under the Juvenile Justice and Delinquency Prevention Act, awards grants for the development and/or strengthening of local facilities to address the immediate needs of runaway youth in a manner which is outside of the law enforcement and juvenile justice systems. (42 U.S.C. 5711) [Emphasis added]

6. The Older Americans Act authorized the provision of "assistance in the development of new or improved programs to help older persons." Specifically, it requires States in their State plans to "provide with respect to nutrition services that each project providing nutrition services will be available to individuals aged 60 or older, and to their spouses . . ." (42 U.S.C. 3027) [Emphasis added]

Examples—Age distinctions in State and local statutes which may affect HEW funded programs:

1. Age limits for compulsory school attendance or the provision of free public education.

2. Age limits for specific educational, human development, or health services to neglected, abused, or delinquent children or for separate "juvenile" justice systems.

3. Age limits for compulsory health procedures, such as particular vaccinations against disease.

C. Age Distinctions That Are Necessary to Normal Operation or to the Achievement of a Statutory Objective.

Text of the general, government-wide regulations:

Definitions of "normal operation" and "statutory objective."

* * * The terms "normal operation" and "statutory objective" shall have the following meaning:

(a) "Normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its objectives.

(b) "Statutory objective" means any purpose of a program or activity expressly stated in any Federal statute, State statute, or local statute or ordinance adopted by an elected, general purpose legislative body.

Exceptions to the rules against age discrimination. Normal operation or statutory objective of any program or activity.

A recipient is permitted to take an action, otherwise prohibited * * * if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

(a) Age is used as a measure or approximation of one or more other characteristics; and

(b) The other characteristic(s) must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity; and

(c) The other characteristic(s) can be reasonably measured or approximated by the use of age; and

(d) The other characteristic(s) are impractical to measure directly on an individual basis.

Discussion

These sections of the government-wide regulations establish a four-part test for explicit age distinctions which are claimed to be necessary to the normal operation of a program or activity, or to the achievement of a statutory objective. HEW will use this four-part test to scrutinize age distinctions which are imposed in the administration of federally assisted programs, but which are not explicitly authorized by a Federal, State, or local

statute or ordinance adopted by an elected, general purpose legislative body. If the distinction in question fails any part of the four-part test, the recipient of Federal funds may not continue to use that age distinction.

The four-part test is designed to require careful scrutiny of age distinctions in programs receiving Federal financial assistance. The four-part test is designed to weed out age distinctions that are neither directly related to an essential characteristic of a program nor based on explicitly stated objectives of a law. It is not intended to serve as a basis for permitting continued use of age distinctions for the sake of administrative convenience, if this results in denial or limitation of services on the basis of age.

HEW encourages its recipients to apply every age distinction flexibly; that is, permitting a person who demonstrates eligibility to participate in the activity or program even though he or she would otherwise be barred by the age distinction. Other things being equal, an age distinction under review is more likely to qualify under any of the statutory exceptions if it does not automatically bar all those who do not meet the age requirements.

Examples—Permissible Uses of Age Related to Normal Operation:

1. A youth organization receiving Federal financial assistance imposes a maximum age limit on membership. The organization claims that it has as an objective, the training, education and character development of youth.

Analysis of the Use of Age

(a) Age is used as a measure of the need for training, education, and character building experiences preparing for the assumption of adult responsibility; and

(b) The need for the service must be measured in order for the youth organization's objective to be met; and

(c) Age is highly related to the need for this service and, is thus, a reasonable measure of it; and

(d) It is not practical to measure this need on an individual basis (i.e., while some persons over the age limit might benefit from the service and some persons under the age limit might need it, there is no practical way to identify them on an individual basis).

The use of a maximum age limit is necessary to the normal operation of a recipient's program.

2. A Head Start grantee provides comprehensive health, nutritional, educational, social, and other services for children who have not reached compulsory school age. Neither statute

nor regulation specifies a minimum age limit for participation. The nature of these pre-school child development services, however, requires that children who participate have attained a certain level of physical, emotional, and mental maturity. Thus, the center generally limits participation to children who are at least three years old.

Analysis of the Use of Age

(a) The minimum age restriction is used as an approximation of the level of development and the capacity for self-discipline that allows the child to profit from preschool development services; and

(b) A child's readiness for pre-school child development services must be measured for the Head Start center to meet its objectives. The enrollment of younger children who are not ready for these services would require significant changes in the program such as providing greater assistance in feeding, changing diapers, clothes, etc., which would impair the center's ability to meet its objectives; and

(c) Age 3 reasonably approximates the level of development at which children are able to respond to simple commands, move about without assistance, feed themselves, control body functions and perform other basic activities that are compatible with pre-school child development activities; and

(d) It is impractical to measure directly and individually each child's level of physical, mental and emotional development.

Examples—Prohibited Uses of Age Related to Normal Operation

1. A medical school generally does not admit persons age 35 and over or considers age as one of several factors that contribute to nonadmission. This practice results in turning away highly qualified applicants over 35.

The school claims that it has as an objective, the teaching of qualified medical students who, upon graduation, will practice as long as possible. The school believes that this objective requires it to select younger applicants over older ones.

Analysis of the Use of Age

(a) Age is used as an approximation of the potential years of practice after graduation;

(b) The approximation of the potential years of practice after graduation is not necessary to the normal operation of the medical school. The basic objective of

the medical school is to train competent and qualified medical doctors. The achievement of a high average longevity of practice for its graduates cannot be considered a medical school's program objective under the Act. The admission of qualified persons over age 35 does not require significant changes in the medical school program which would impair its ability to educate physicians. [The use of age fails this part of the test.]

(c) The age potential of an applicant may be a reasonable approximation of the longevity of practice; and

(d) It is not possible to measure directly the projected longevity of a graduate's practice.

The use of age to restrict medical school applicants for the purpose of achieving greater longevity of practice does not pass part (b) of the test. Therefore, the use of age is not necessary to the normal operation of the medical school's program.

2. A university English Department limits all scholarship aid to persons under age 25. The university claims that the scholarship program is designed to encourage talented but inexperienced and untrained individuals to pursue academic training in the field of English literature.

Analysis of the Use of Age

(a) Age is used as an approximation of lack of experience and training in the field of English literature.

(b) Measurement of the lack of experience and training is necessary to the normal operation of the English department's academic program.

(c) Age, however, is not a reasonable measure of an individual's experience or training. Talented but inexperienced and untrained individuals of all ages may be seeking academic training through the university's English department. [The use of age fails this part of the test.]

(d) Lack of experience and training in the field of English literature can reasonably be measured directly. [The use of age fails this part of the test.]

The age limitation on the university's English department scholarship aid does not pass parts (c) and (d) of the four-part test. The use of age, therefore is not necessary to the normal operation of the English department's program.

Examples—Permissible Uses of Age Related to Statutory Objectives

Federal Statutory Objective

1. Applications for grants for disease control programs under the Public Health Service Act can only be approved if they "contain assurances satisfactory to the Secretary that . . . the

applicant will conduct such programs as may be necessary (i) to develop an awareness in those persons in the area served by the applicant who are most susceptible to the disease or conditions . . . of appropriate preventive behavior and measures (including immunization) and diagnostic procedures for such disease, and (ii) to facilitate their access to such measures and procedures." (42 U.S.C. 247b).

A public health program generally gives priority in immunizations to age categories most susceptible to the disease (e.g. the measles immunization program is directed to children under 15).

Analysis of the Use of Age

(a) Age is used as a measure of susceptibility to a particular disease; e.g. ages 1-14 is a measure of susceptibility to measles; and

(b) Susceptibility to the disease must be measured for the statutory objective to be met.

(c) Age is a reasonable measure of susceptibility to the particular disease; e.g. epidemiological evidence shows that children ages 1-14 are more susceptible to measles.

(d) Susceptibility to the disease is impractical to measure directly on an individual basis.

The use of age passes all parts of the four-part test. Thus, age is necessary to the achievement of the explicit statutory objective to give priority in immunization to age categories most susceptible to the disease in question.

State Statutory Objectives

1. A State statute provides for the foster care of persons up to the age of maturity. The program terminates foster care services to individuals when they become age 21.

Analysis of the Use of Age

(a) Age 21 is used as an approximation of maturity.

(b) It is necessary to approximate maturity to meet the statutory objective.

(c) Age is a reasonable measure of the time period normally required for a person to reach maturity and no longer need foster care services.

(d) It is impractical to measure each individual's maturity directly.

The use of age passes all parts of the test and, therefore, is necessary to the achievement of the State statutory objective.

Examples—Prohibited Uses of Age Related to Statutory Objectives

Federal Statutory Objectives

1. The statutory objective of the Federal vocational rehabilitation

program is to provide vocational rehabilitation services to handicapped individuals so that they may be employed in remunerative work commensurate with their skills and abilities. A local vocational rehabilitation agency takes the age of the applicant into account and does not select for services the older person who will be more difficult to place in employment.

Analysis of the Use of Age

(a) Age is used as an approximation of the individual's employability after rehabilitative (restoration or training) services have been completed.

(b) The selection of applicants most likely to be employed following the vocational rehabilitation services is necessary to achieve the statutory objective.

(c) Age is not a reasonable measure of the employability of an applicant. While age may be a fair approximation of difficulty in job placement, this difficulty results primarily from employer bias. Age may not be used as an approximation for another characteristic which itself is either illegal or could not be used in its own right, if it could be measured, for the normal operation of the program or to achieve a statutory objective. [The use of age fails this part of the test.]

(d) An individual's employability at some future date cannot be measured directly.

The use of age as a factor in screening applicants for a general vocational rehabilitation program does not meet part (c) and, therefore, is not necessary to achieve the objective of the Federal vocational rehabilitation program.

2. The purpose of the Adult Education Act is to provide education that will enable all adults to continue their education to at least the level of secondary school completion and enable them to become more employable, productive, and responsible citizens. The Act defines an adult as "any individual who has attained the age of 16."

A recipient limits participation in its adult education program to adults under 35 because this is necessary to achieve the explicit Adult Education Act objective of increasing employability, productivity, and responsibility in adults.

Analysis of the Use of Age

(a) The upper age limit of 35 is used as an approximation of employability, productivity, and responsibility in adults.

(b) It is not necessary to measure employability, productivity and

responsibility in adults to achieve the statutory objective. The statute requires only that adult education should make an effort to improve these characteristics in adults, not to maximize the degree of improvement or to restrict participation to only those with the highest potential for improvement. [The use of age fails this part of the test.]

(c) Age is not a reasonable measure of a higher level of employability, productivity and responsibility in adults.

Persons over age 35 may be as employable, productive and responsible as those under 35. [The use of age 35 fails this part of the test.]

(d) It is impractical to measure directly the employability, productivity and responsibility in each individual.

The use of age 35 as a cut-off for admission to adult education programs does not pass parts (b) and (c) of the test. Therefore, it is not necessary to achieve the statutory objective of the Adult Basic Education program.

D. The Use of Factors Other Than Age

Text of the government-wide regulations:

A recipient is permitted to take an action otherwise prohibited * * * which is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective.

Discussion

The Age Discrimination Act permits a recipient of Federal funds to take an action otherwise prohibited by the Act, if the action is based on "reasonable factors other than age," even though that action may have a more severe effect on one age group than on another. To justify rules or operating procedures which disadvantage any age group when age is not explicitly mentioned, HEW recipients must demonstrate that these procedures have a "direct and substantial" relationship to specific program objectives.

Examples—Permissible Uses of Factors Other Than Age:

1. A federally assisted skill training program uses a physical fitness test as a factor for selecting participants to train for a certain job. The job involves frequent heavy lifting and other demands for physical strength and stamina. Even though older persons might fail the test more frequently than

younger persons, the physical fitness test measures a characteristic that bears a *direct and substantial relationship* to the job for which persons are being trained and, therefore, *is permissible* under the Act.

2. A recreational sports program which offers only track and field events uses a physical fitness test of strength and endurance to select participants. Since there is a *direct and substantial relationship* between the factors measured by the test and the requirements for normal program operation, the use of the test *is permissible*.

Examples—Prohibited Uses of Factors Other Than Age:

1. A federally assisted training program uses a physical fitness test to select participants for a clerical training program. It is claimed that persons who pass the test are likely to do better work than those who are unable to pass the test. Even if this were true, the relationship between the requirements of the test and the requirements of the type of job for which training is being offered *is not direct and substantial*. It is so tenuous and limited that it will not justify the test's age discriminatory effect. In this situation, use of the test would violate the Act.

2. A graduate school considers the completion of an undergraduate program within the preceding 10 years as a factor for admission. The requirement that applicants have completed undergraduate training within the preceding 10 years has a disproportionate effect upon older applicants to graduate programs. The basis for the admissions requirement is the assumption that the individual who has been removed from the academic setting for too long a period and whose prior training may have become dated, will be unsuccessful in the graduate program.

While a graduate program may identify specific preparatory requirements as legitimate admissions criteria, the use of a period of time from the date of completion of undergraduate training to the date of application of graduate school is not a reasonable eligibility factor. The relationship between performance in graduate school and the use of a time period since graduation from undergraduate school *is not direct and substantial*. Recency of undergraduate training need not bear any relationship to the general readiness of a person for graduate school, since many other factors such as the individual's activities in the interim could have a more substantial impact upon readiness.

E. The Use of Special Benefits for Children and the Elderly.

Text of the government-wide regulations:

If a recipient operating a program which serves the elderly or children in addition to persons of other ages, provides special benefits to the elderly or to children, the provision of those benefits shall be presumed to be voluntary affirmative action provided that it does not have the effect of excluding otherwise eligible persons from participation in the program.

Discussion:

The government-wide regulations permit a recipient operating a program which serves the elderly or children in addition to persons of other ages to provide special benefits for children or the elderly if, by doing so, the recipient does not exclude others who are eligible from participating in the federally assisted program.

The special benefits provision resulted from HEW's belief that Congress did not intend to disturb the practice of providing special benefits to children or the elderly in programs that also serve a wider age range of the population. These special benefits often take the form of special discounts, such as reduced fares on public transportation.

The government-wide regulations leave to the recipient the definition of who qualifies as "children" or "the elderly" for purposes of receiving a special benefit. However, HEW does not intend this provision to be used to justify a general program which provides services *only* to children or to the elderly.

Examples—Permissible Special Benefits:

1. A college receiving HEW funds makes its academic programs available to persons of all ages, but reduces tuition and fees for senior citizens. This practice *is permissible* as a special benefit for the elderly, since persons of other ages are not denied access to the college programs.

2. A museum receiving funds from HEW has a reduced admission fee for children under 12. This practice *is permissible* as a special benefit for children, since persons of other ages are not denied access to the museum.

Example—Prohibited Special Benefit:

1. A community health center provides health screening only for senior citizens. The center could *not* claim an exemption under the special benefits provision because the health screening program is

not generally available to everyone. To continue, the practice of limiting health screening by age would have to pass the four-part test for an age distinction necessary to the normal operation of the community health center or to the achievement of one of its statutory objectives.

The Requirement for Recipient Self-Evaluation

Each HEW recipient that employs the equivalent of 15 or more persons on a full-time basis must complete a one-time self-evaluation of its compliance with the Age Discrimination Act. The self-evaluation must be completed within 18 months from the effective date of these regulations and must be available to HEW and to the public for a period of three years.

The requirement for recipient self-evaluation is taken from the government-wide regulations. Each recipient must identify and justify the age distinctions it imposes in programs receiving financial assistance from HEW. The regulations do not require an evaluation of the factors other than age that may affect the operation of the recipient's program.

The evaluation of an age distinction by a recipient should be simple and straightforward. Detailed legal analysis or empirical research will rarely be necessary. Any single age distinction can normally be analyzed in a page or less. Where no age distinctions are imposed, the self-evaluation may simply state this fact.

A recipient that adopts age distinctions imposed by the Federal, State, or local agency through which the recipient receives its Federal funds should identify the origin of those age distinctions in its self-evaluation. However, any question concerning such age distinctions must be justified by the agency imposing the distinction and not by the self-evaluation of the recipient that merely adopts it.

Recipients are not required to complete the one-time self-evaluation until 18 months after the effective date of the final HEW regulations. Thus, a recipient will have the benefit of HEW's review of the age distinctions in its regulations, policies and administrative practices, which HEW is required to publish 12 months after the effective date of these regulations. Once the review is completed, HEW regulations will contain only age distinctions that meet the requirements of these regulations. As a result recipients may, in their self-evaluations, indicate that an age distinction is authorized by HEW regulations.

Each recipient must justify the continued use of any age distinction it imposes based on the standards set in these regulations. Each recipient must make certain that it is not using any age distinction unless the distinction is "established under authority of any law"; or is authorized by the regulations of the Federal agency providing the financial assistance; or unless the distinction can pass the four-part test for age distinctions claimed to be necessary to the normal operation or to the achievement of a statutory objective.

Readers should note that these regulations only require that recipients make their self-evaluations available upon request to HEW or to the public. Recipients are not required to submit self-evaluations to HEW, nor are there required reporting forms for the self-evaluation.

The following hypothetical example indicates that a self-evaluation may be short, simple, and easy to complete.

Example of a Recipient Self-Evaluation

A local school district uses the following age distinctions in the operation of its programs:

Children ages 6-16 must attend elementary and secondary school.

Children ages 5-21 may attend elementary and secondary school.

Students must be at least 16 to participate in the district's adult education programs.

Children must be at least 15 to take driver's education.

Children under age 14 must have parental permission for field trips.

At age 16, a student may participate in a locally-funded work study program.

At age 13 students are automatically promoted to junior high school.

This school system's self-evaluation may be completed as two lists:

Age Distinctions Used But Not Imposed by the School District

Age Distinction and Source

Mandatory school attendance for ages 6-16, State law (citation).

Allowable school attendance for ages 5-21, State law (citation).

Minimum age of 16 for adult education, Federal Law (citation) (Adult Education Act).

Minimum age of 16 for locally funded work-study program, State law (citation) (Child Labor Law).

Minimum age 15 for driver's education, State law (citation) (Motor Vehicle law).

Age Distinctions Imposed Directly by the School District

Age Distinction and Justification

Parental permission for field trips for students under 14, Automatic promotion to junior high school for students at age 13, [to be developed by the school district based on the standards for determining what is age discrimination in Part 90, § 90.14].

Alternate Approaches to regulations

HEW considered and rejected alternative approaches for these regulations in which HEW might have proposed additional requirements. HEW invites comments on the following questions:

Should the regulations address practices of specific HEW recipients, such as institutions of higher education or hospitals? HEW has no reason to believe (in the absence of experience enforcing the Act) that recipient practices differ to the extent that separate provisions are necessary.

Should the regulations expand the requirements for recipient self-evaluations? Should HEW require recipients to consult with interested groups in the community in preparing the self-evaluation? Should HEW require each recipient to include in its self-evaluation a list of the interested persons or organizations consulted in the preparation of the self-evaluation? Should HEW require a recipient to list in its self-evaluation any corrective actions it will take? Should HEW require recipients to publish a notice when the self-evaluations are completed? (Would this additional requirement be effective? Would it be too costly?)

Should the regulations clarify the standards for determining what is age discrimination set out in the government-wide regulations? HEW has not expanded on the standards themselves in these proposed regulations, but has provided examples of how the standards may be applied to HEW recipients. HEW invites comments on the extent to which the examples clarify how the standards in the government-wide regulations apply to HEW recipients.

Should the regulations set out more detailed requirements about what technical assistance and educational materials HEW provides its recipients? HEW believes it should not set out details of these administrative actions in regulations.

Should the regulations include more detailed provisions for disbursing funds to alternate recipients in the case of a fund termination? HEW considered specifying in more detail what

requirements it would waive in choosing an alternate recipient (for example, non-substantive procedural requirements), but determine that a case-by-case determination is required.

Should HEW use hearing procedures other than those used for other discrimination matters? These regulations propose to use the same procedures set out in 45 CFR Part 80.9-80.11 and Part 81. These are the procedures for hearings, decisions, and post termination proceedings used in conjunction with other non-discrimination requirements.

REGULATORY ANALYSIS—COMPLIANCE COSTS

Section 3 of Executive Order 12044, *Improving Government Regulations*, requires a regulatory analysis for "significant" regulations which "may have major economic consequences for the general economy, for individual industries, geographical regions or level of governments."

In developing the government-wide regulations, HEW determined that the costs of implementing the age discrimination regulations for all government departments and agencies did not require a regulatory analysis under Executive Order 12044. Consequently, HEW has concluded that a regulatory analysis is not required for these proposed HEW specific regulation.

Dated: September 14, 1979.

Patricia Roberts Harris,
Secretary, Department of Health, Education,
and Welfare.

The Department of Health, Education, and Welfare proposes to add Part 91 to Title 45 of the Code of Federal Regulations as set forth below:

PART 91—NONDISCRIMINATION ON THE BASIS OF AGE IN HEW PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart A—General

Sec.

91.1 What is the purpose of HEW's age discrimination regulations?

91.2 To what programs do these regulations apply?

91.3 Definitions.

Subpart B—Standards for Determining Age Discrimination

91.11 Standards.

Subpart C—Duties of HEW Recipients

91.31 General responsibilities.

91.32 Notice to subrecipients.

91.33 Self-evaluation.

91.34 Information requirements.

Subpart D—Investigation, Conciliation, and Enforcement Procedures

Sec.

91.41 Compliance reviews.

91.42 Complaints.

91.43 Mediation.

91.44 Investigation.

91.45 Prohibition against intimidation or retaliation.

91.46 Compliance procedure.

91.47 Hearings, decisions, post-termination proceedings.

91.48 Remedial action by recipients.

91.49 Alternate funds disbursement procedure.

91.50 Exhaustion of administrative remedies.

Appendix A—Coverage and Definitions, Standards for Determining Age Discrimination, Burden of Proof (from Part 90).

Appendix B—HEW Activities (from Part 90).

Subpart A—General

§ 91.1 What is the purpose of HEW's age discrimination regulations?

The purpose of these regulations is to set out HEW's policies and procedures under the Age Discrimination Act of 1975 and the government-wide age discrimination regulations at 45 CFR 90.¹ The Act and the government-wide regulations prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act and the government-wide regulations permit federally assisted programs and activities, and recipients of Federal funds, to continue to use age distinctions and factors other than age which meet the requirements of the Act and the government-wide regulations.

§ 91.2 To what programs do these regulations apply?

These regulations apply to each HEW recipient and to each program or activity operated by the recipient which receives or benefits from Federal financial assistance provided by HEW.

§ 91.3 Definitions.

(a) The following terms used in these regulations are defined in the government-wide regulations:

Act, action, age, age distinction, age-related term, agency, Federal financial assistance, recipient, United States.

(b) As used in these regulations, "HEW" means the United States Department of Health, Education, and Welfare.

"Secretary" means the Secretary of HEW or his or her designee.

"Subrecipient" means any of the entities in the definition of "recipient" to

¹ Published at 44 FR 33768, June 12, 1979.

which a recipient extends or passes on Federal financial assistance. A subrecipient is generally regarded as a recipient of Federal financial assistance and has all the duties of a recipient in these regulations.

Subpart B—Standards for Determining Age Discrimination

§ 91.11 Standards.

The standards HEW uses to determine whether an age distinction or a factor other than age is prohibited are set out in 45 CFR §§ 90.3, 90.12-90.16, and 90.49. [These sections of the government-wide regulations are attached for information purposes as Appendix A.]

Subpart C—Duties of HEW Recipients

§ 91.31 General responsibilities.

Each HEW recipient has primary responsibility to insure that its programs and activities are in compliance with the Act, the government-wide regulations and these regulations. A recipient also has responsibility to maintain records, provide information, and to afford access to its records to HEW, to the extent required to determine whether it is in compliance with the Act and these regulations.

§ 91.32 Notice to subrecipients.

Where a recipient passes on Federal financial assistance from HEW to subrecipients, the recipient shall provide the subrecipients written notice of their obligations under these regulations.

§ 91.33 Self-evaluation.

(a) Each recipient employing the equivalent of 15 or more full-time employees shall complete one-time written self-evaluation of its compliance under the Act within 18 months of the effective date of these regulations.

(b) In its self-evaluation, each recipient shall identify and justify each age distinction imposed in the program or activity receiving Federal financial assistance from HEW.

(c) Each recipient shall take corrective action whenever a self-evaluation indicates a violation of the Act or these regulations.

(d) Each recipient shall make the self-evaluation available on request to HEW and to the public for a period of three years following its completion.

§ 91.34 Information requirements.

Each recipient shall:

(a) Make available upon request to HEW information necessary to determine whether the recipient is complying with the Act and these regulations.

(b) Permit reasonable access by HEW to the books, records, accounts, and other recipient facilities and sources of information to the extent necessary to determine whether the recipient is in compliance with the Act and these regulations.

Subpart D—Investigation, Conciliation, and Enforcement Procedures

§ 91.41 Compliance reviews.

(a) HEW may conduct compliance reviews and pre-award reviews of recipients or use other similar procedures that will permit it to investigate and correct violations of the Act and these regulations. HEW may conduct these reviews even in the absence of a complaint against a recipient. The review may be as comprehensive as necessary to determine whether a violation of these regulations has occurred.

(b) If a compliance review or pre-award review indicates a violation of the Act or these regulations, HEW will attempt to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, HEW will arrange for enforcement as described in section 91.46.

§ 91.42 Complaints.

(a) Any person, individually or as a member of a class or on behalf of others, may file a complaint with HEW, alleging discrimination prohibited by the Act or these regulations based on an action occurring on or after July 1, 1979. A complainant shall file a complaint within 180 days from the date the complainant first had knowledge of the alleged act of discrimination. However, for good cause shown, HEW may extend this time limit.

(b) HEW will attempt to facilitate the filing of complaints wherever possible, including taking the following measures:

(1) Accepting as a sufficient complaint, any written statement which identifies the parties involved and the date the complainant first had knowledge of the alleged violation, describes generally the action or practice complained of, and is signed by the complainant.

(2) Freely permitting a complainant to add information to the complaint to meet the requirements of a sufficient complaint.

(3) Widely disseminating information regarding the obligations of recipients under the Act and these regulations.

² The other activities HEW conducts to implement the government-wide regulations are summarized in Appendix B for the information of recipients and other readers.

(4) Notifying the complainant and the recipient of their rights and obligations under the complaint procedure, including the right to have a representative at all stages of the complaint procedure.

(5) Notifying the complainant and the recipient (or their representatives) of their right to contact HEW for information and assistance regarding the complaint resolution process.

(c) HEW will return to the complainant any complaint outside the jurisdiction of these regulations, and will state the reason(s) why it is outside the jurisdiction of these regulations.

§ 91.43 Mediation.

(a) *Referral of complainants for mediation.* HEW will refer to a mediation agency designated by the Secretary, all complaints that:

(1) Fall within the jurisdiction of the Act and these regulations; and
(2) Contain all information necessary for further processing.

(b) Both the complainant and the recipient shall participate in the mediation process to the extent necessary to reach an agreement or make an informed judgment that an agreement is not possible. There must be at least one meeting with the mediator before HEW will accept a judgment that an agreement is not possible. However, the recipient and the complainant need not meet with the mediator at the same time.

(c) If the complainant and the recipient reach an agreement, the mediator shall prepare a written statement of the agreement and have the complainant and recipient sign it. The mediator shall send a copy of the agreement to HEW. HEW will take no further action on the complaint unless the complainant or the recipient fails to comply with the agreement.

(d) The mediator shall protect the confidentiality of all information obtained in the course of the mediation process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of the mediation process without prior approval of the head of the mediation agency.

(e) HEW will use the mediation process for a maximum of 60 days after receiving a complaint. Mediation ends if:

(1) 60 days elapse from the time HEW receives the complaint; or
(2) Prior to the end of that 60 day period, an agreement is reached; or
(3) Prior to the end of that 60 day period, the mediator determines that an agreement cannot be reached.

(f) The mediator shall return unresolved complaints to HEW.

§ 91.44 Investigation.

(a) *Informal investigation.* (1) HEW will investigate complaints that are unresolved after mediation or are reopened because of a violation of a mediation agreement.

(2) As part of the initial investigation, HEW will use informal fact finding methods, including joint or separate discussions with the complainant and recipient to establish the facts, and, if possible, settle the complaint on terms that are mutually agreeable to the parties. HEW may seek the assistance of any involved State program agency.

(3) HEW will put any agreement in writing and have it signed by the parties and an authorized official at HEW.

(4) The settlement shall not affect the operation of any other enforcement effort of HEW, including compliance reviews and investigation of other complaints which may involve the recipient.

(5) The settlement is not a finding of discrimination against a recipient.

(b) *Formal investigation.* If HEW cannot resolve the complaint through informal investigation, it will begin to develop formal findings through further investigation of the complaint. If the investigation indicates a violation of these regulations, HEW will attempt to obtain voluntary compliance. If HEW cannot obtain voluntary compliance, it will begin enforcement as described in section 91.46.

§ 91.45 Prohibition against intimidation or retaliation.

A recipient may not engage in acts of intimidation or retaliation against any person who:

(a) Attempts to assert a right protected by the Act or these regulations; or

(b) Cooperates in any mediation, investigation, hearing, or other part of HEW's investigation, conciliation, and enforcement process.

§ 91.46 Compliance procedure.

(a) HEW may enforce the Act and these regulations through:

(1) Termination of a recipient's Federal financial assistance from HEW under the program or activity involved where the recipient has violated the Act or these regulations. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an administrative law judge. Therefore, cases which are settled in mediation, or prior to a hearing, will not

involve termination of a recipient's Federal financial assistance from HEW.

(2) Any other means authorized by law including but not limited to:

(i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations of the recipient created by the Act or these regulations.

(ii) Use of any requirement of or referral to any Federal, State, or local government agency that will have the effect of correcting a violation of the Act or these regulations.

(b) HEW will limit any termination under section 91.46(a)(1) to the particular recipient and particular program or activity HEW finds in violation of these regulations. HEW will not base any part of a termination on a finding with respect to any program or activity of the recipient which does not receive Federal financial assistance from HEW.

(c) HEW will take no action under paragraph (a) until:

(1) The Secretary has advised the recipient of its failure to comply with the Act and these regulations and has determined that voluntary compliance cannot be obtained.

(2) Thirty days have elapsed after the Secretary has sent a written report of the circumstances and grounds of the action to the committees of the Congress having legislative jurisdiction over the Federal program or activity involved. The Secretary will file a report whenever any action is taken under paragraph (a).

(d) HEW also may defer granting new Federal financial assistance from HEW to a recipient when a hearing under section 91.46(a)(1) is initiated.

(1) HEW Federal financial assistance from HEW includes all assistance for which HEW requires an application or approval, including renewal or continuation of existing activities, or authorization of new activities, during the deferral period. New Federal financial assistance from HEW does not include increases in funding as a result of changed computation of formula awards or assistance approved prior to the beginning of a hearing under section 91.46(a)(1).

(2) HEW will not begin a deferral until the recipient has received a notice of an opportunity for a hearing under section 91.46(a)(1). HEW will not continue a deferral for more than 60 days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual consent of the recipient and the Secretary. HEW will not continue a deferral for more than 30 days after the close of the hearing.

unless the hearing results in a finding against the recipient.

§ 91.47 Hearings, decisions, post-termination proceedings.

Certain HEW procedural provisions applicable to Title VI of the Civil Rights Act of 1964 apply to HEW enforcement of these regulations. They are 45 C.F.R. 80.9 through 80.11 and 45 C.F.R. Part 81.

§ 91.48 Remedial action by recipients.

Where HEW finds a recipient has discriminated on the basis of age, the recipient shall take any remedial action that HEW may require to overcome the effects of the discrimination. If another recipient exercises control over the recipient that has discriminated, HEW may require both recipients to take remedial action.

§ 91.49 Alternate funds-disbursal procedure.

(a) When HEW withholds funds from a recipient under these regulations, the Secretary may disburse the withheld funds directly to an alternate recipient: any public or non-profit private organization or agency, or State or political subdivision of the State.

(b) The Secretary will require any alternate recipient to demonstrate:

- (1) The ability to comply with these regulations; and
- (2) The ability to achieve the goals of the Federal statute authorizing the program or activity.

§ 91.50 Exhaustion of administrative remedies.

(a) A complainant may file a civil action following the exhaustion of administrative remedies under the Act. Administrative remedies are exhausted if:

- (1) 180 days have elapsed since the complainant filed the complaint and HEW has made no finding with regard to the complaint; or
- (2) HEW issues any finding in favor of the recipient.

(b) If HEW fails to make a finding within 180 days or issues a finding in favor of the recipient, HEW will:

- (1) Promptly advise the complainant of this fact; and
- (2) Advise the complainant of his or her right to bring a civil action for injunctive relief; and

(3) Inform the complainant:

- (i) That the complainant may bring a civil action only in a United States district court for the district in which the recipient is located or transacts business;
- (ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the

complainant must demand these costs in the complaint;

(iii) That before commencing the action the complainant shall give 30 days notice by registered mail to the Secretary, the Attorney General of the United States, and the recipient;

(iv) That the notice must state: the alleged violation of the Act; the relief requested; the court in which the complainant is bringing the action; and, whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That the complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

Appendix A—Coverage and Definitions: Standards for Determining Age Discrimination, Burden of Proof

Note.—This appendix is for the convenience of the commenters. It will not be included in the Code of Federal Regulations.

The following sections from the government-wide regulations are repeated for the convenience of commenters.

Coverage and Definitions

§ 90.3 What programs and activities does the Age Discrimination Act of 1975 cover?

(a) The Age Discrimination Act of 1975 applies to any program or activity receiving Federal financial assistance, including programs of activities receiving funds under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 *et seq.*).

(b) The Age Discrimination Act of 1975 does not apply to:

- (1) An age distinction contained in that part of a Federal, State, or local statute or ordinance adopted by an elected, general purpose legislative body which:
- (i) Provides any benefits or assistance to persons based on age; or
- (ii) Establishes criteria for participation in age-related terms; or
- (iii) Describes intended beneficiaries or target groups in age-related terms.

(2) Any employment practice of any employer, employment agency, labor organization, or any labor-management joint apprenticeship training program, except for any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act of 1974 (CETA), (29 U.S.C. 801 *et seq.*).

§ 90.4 How are the terms in these regulations defined?

As used in these regulations, the term: "Act" means the Age Discrimination Act of 1975, as amended, (Title III of Public Law 94-135).

"Action" means any act, activity, policy, rule, standard, or method of administration; or the use of any policy, rule, standard, or method of administration.

"Age" means how old a person is, or the number of years from the date of a person's birth.

"Age distinction" means any action using age or an age-related term.

"Age-related term" means a word or words which necessarily imply a particular age or range of ages (for example, "children," "adult," "older persons," but not "student").

"Agency" means a Federal department or agency that is empowered to extend financial assistance.

"Federal financial assistance" means any grant, entitlement, loan, cooperative agreement, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the agency provides or otherwise makes available assistance in the form of:

- (a) Funds;
- (b) Services of Federal personnel; or
- (c) Real and personal property or any interest in or use of property, including:

(1) Transfers or leases of property for less than fair market value or for reduced consideration; and

(2) Proceeds from a subsequent transfer or lease of property if the Federal share of its fair market value is not returned to the Federal Government.

"Recipient" means any State or its political sub-division, any instrumentality of a State or its political sub-division, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended, directly or through another recipient. Recipient includes any successor, assignee, or transferee, but excludes the ultimate beneficiary of the assistance.

"Secretary" means the Secretary of the Department of Health, Education, and Welfare.

"United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, the Trust Territory of the Pacific Islands, the Northern Marianas, and the territories and possessions of the United States.

Standards for Determining Age Discrimination

§ 90.12 Rules against age discrimination.

The rules stated in this section are limited by the exceptions contained in section 90.14, and 90.15 of these regulations.

(a) *General rule:* No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

(b) *Specific rules:* A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements use age distinctions or take any other actions which have the effect, on the basis of age, of:

- (1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving Federal financial assistance; or
- (2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

(c) The specific forms of age discrimination listed in paragraph (b) of this section do not necessarily constitute a complete list.

§ 90.13 Definitions of "normal operation" and "statutory objective."

For purposes of sections 90.14 and 90.15, the terms "normal operation" and "statutory objective" shall have the following meaning:

(a) "Normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its objectives.

(b) "Statutory objective" means any purpose of a program or activity expressly stated in any Federal statute, State statute, or local statute or ordinance adopted by an elected, general purpose legislative body.

§ 90.14 Exceptions to the rules against age discrimination. Normal operation or statutory objective of any program or activity.

A recipient is permitted to take an action, otherwise prohibited by section 90.12, if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

- (a) Age is used as a measure or approximation on one or more other characteristics; and
- (b) The other characteristic(s) must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity; and
- (c) The other characteristic(s) can be reasonably measured or approximated by the use of age; and
- (d) The other characteristic(s) are impractical to measure directly on an individual basis.

§ 90.15 Exceptions to the rules against age discrimination. Reasonable factors other than age.

A recipient is permitted to take an action otherwise prohibited by section 90.12 which is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective.

§ 90.49 Remedial and affirmative action by recipients.

(b) Even in the absence of a finding of discrimination, a recipient may take affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age.

(c) If a recipient operating a program which serves the elderly or children in addition to persons of other ages, provides special benefits to the elderly or to children, the provision of those benefits shall be presumed to be voluntary affirmative action provided

that it does not have the effect of excluding otherwise eligible persons from participation in the program.

Burden of Proof

§ 90.16 Burden of proof.

The burden of proving that an age distinction or other action falls within the exceptions outlined in sections 90.14 and 90.15 is on the recipient of Federal financial assistance.

Appendix B—HEW Activities

For the information of recipients and other reviewers, the following is a summary of activities that the government-wide regulations require of HEW. The citation in brackets is to the section of the government-wide regulations which HEW is summarizing.

(1) Review age distinctions HEW imposes on its recipients to determine whether they are permissible under the Act. HEW will publish the results of that review for public comment 12 months after HEW publishes its final regulations. [§ 90.32]

(2) Cooperate for all compliance and enforcement purposes, with other Federal agencies which provide Federal financial assistance to the same recipient or class of recipients. [§ 90.33]

(3) Make annual reports to Congress describing HEW's efforts to carry out the Act. [§ 90.34]

(4) Attempt to ensure that HEW recipients comply voluntarily with the Act. [§ 90.42]

(5) Provide notice and technical assistance to HEW recipients and make available educational materials. [§ 90.43(a)]

(6) Review the effectiveness of these regulations 30 months after they become effective. [§ 90.62]

[FR Doc. 79-29596 Filed 9-21-79; 8:45 am]

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[45 CFR Part 91]

Age Discrimination Regulations; Public Meetings

AGENCY: Office of the Secretary, HEW.

ACTION: Proposed rules, notice of public meetings.

SUMMARY: The Department of Health, Education, and Welfare will sponsor public meetings on the proposed HEW regulations to carry out the provisions of the Age Discrimination Act of 1975, as amended. The Act applies to persons of all ages. It prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. However, the Act permits some distinctions based on age. The proposed regulations concern programs and activities which receive Federal financial assistance from HEW.

DATES: Public meetings will be held in 4 cities in October. See Supplementary Information section for the dates of each meeting.

ADDRESSES: See Supplementary Information section for the addresses of each meeting.

FOR FURTHER INFORMATION CONTACT: See Supplementary Information section for the name, address, and telephone number of the persons to contact for further information.

SUPPLEMENTARY INFORMATION: The schedule of meetings is set forth below. The date, time and location of the meeting is provided, as well as the name and address of the person to contact for further information.

Madison, Wis.

November 5, 1979, 9:15 a.m.-1:15 p.m., State Capitol Building, Room 421 South, Madison, Wisconsin.

Contact: Ms. Arline Bredin, Executive Assistant to the Principal Regional Official, DHEW Regional Office, 300 S. Wacker Drive, Room 3507, Chicago, Illinois 60606. Telephone: 312 353-9364.

Portland, Oreg.

October 30, 1979, 9:00 a.m.-1:00 p.m., Room 1578, Federal Building, 1220 S.W. Third, Portland, Oregon.

Contact: Mr. Dave Miller, Public Affairs Specialist, HEW Regional Office, Room 8542, Arcade Plaza Building, MS 817, 1321 2nd Avenue, Seattle, Washington, 98101. Telephone: 206 442-0486.

St. Petersburg, Fla.

November 7, 1979, 9:00 a.m.-1:00 p.m., Multiservice Senior Center, 330 5th Street N, St. Petersburg, Florida.

Contact: Mr. Jim L. Thompson, Deputy Director of Public Affairs, DHEW Region IV, Suite 1403, 101 Marietta Tower, Atlanta, Georgia 30232. Telephone: 404 221-2311.

Washington, D.C.

November 14, 1979, 1:15-5:15 p.m., Room 800, Humbert Humphrey Building, 200 Independence Avenue S.W., Washington, D.C. 20201.

Contact: Ms. Bayla F. White, Director, Age Discrimination Task Force, Room 716-E, Hubert Humphrey Building, 200 Independence Avenue S.W., Washington, D.C. 20201. Telephone: 202 245-6284.

These meetings are being held to acquaint HEW recipients, interested individuals and organizations with the requirements of both the general government-wide regulations and the proposed HEW regulations. The meetings will be conducted informally. Representatives from HEW will discuss both sets of regulations and provide information about the rights and

responsibilities of HEW recipients and beneficiaries under those regulations.

Any person may submit comments on the proposed HEW regulations in writing to: Ms. Bayla F. White, Director, Age Discrimination Task Force, Office of the General Counsel, Room 716-E, 200 Independence Avenue, S.W., Washington, D.C. 20201. Telephone (202) 245-6284.

Dated: September 19, 1979.

Inez Smith Reid,

Deputy General Counsel for Regulation Review, Department of Health, Education, and Welfare.

[FR Doc. 79-29595 Filed 9-21-79; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR-32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

*NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

- HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Food and Drug Administration—
49667 8-24-79 / X-ray systems, diagnostic; assembly and reassembly provisions, performance standards; amendment
- LABOR DEPARTMENT
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50002 8-24-79 / Young Adult Conservation Corps

List of Public Laws

Last Listing September 19, 1979
This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).
H.J. Res. 367 / Pub. L. 96-65 To authorize and request the President to proclaim the week of September 16 through 22, 1979, as "National Meals on Wheels Week". (Sept. 19, 1979; 93 Stat. 413) Price \$.75.

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Tuesday
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- 55213 Pesticide Programs** EPA solicits comments on pesticide regulation guidelines on evaluation of hazards to humans and domestic animals; comments by 10-25-79
- 55322 Clean Water** Interior/OSM and EPA propose memorandum of understanding integrating National Pollutant Discharge Elimination System with permanent regulatory program permit system for Surface Coal Mining and Reclamation Operations; comments by 11-9-79 (Part V of this issue)
- 55183 Rural Environmental Programs** USDA/ASCS proposes regulations on Emergency Conservation Program; comments by 11-26-79
- 55314 Aid to Families With Dependent Children and Medicaid Programs** HEW/Sec'y issues policy statement on fiscal disallowance for erroneous payments (Part IV of this issue)
- 55316 Medicaid Program** HEW/HCFR proposes set uniform national target error rate of 4% for all States; comments by 11-26-79 (Part IV of this issue)

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- 55318 **Aid to Families With Dependent Children** HEW/SSA proposes changes in quality control standards for reduction of incorrect payments; comments by 11-26-79 (Part IV of this issue)
- 55198 **Multifamily Dwellings and Care-Type Housing** HUD/FHC proposes increased life safety requirements; comments by 11-26-79
- 55274 **Electrical Standards** Labor/OSHA proposes amendment of safety standards; comments by 11-30-79; meeting 11-8-79 (Part II of this issue)
- 55170 **Animal Drugs** HEW/FDA reinstates certification provisions and tests and methods of assay for penicillin antibiotic drug; effective 9-25-79
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- 55147 **Post-Employment Conflict of Interest** OPM issues interim regulations on certain positions; effective 9-25-79
- 55175 **Discrimination Against the Handicapped** LSC implements regulations applicable to recipients of LSC funds
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- 55218 **Freight Loss and Damage Claims** ICC proposes elimination of requirement that certain Class I railroads and motor common and contract carriers of property file quarterly report form; comments by 11-9-79
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- 55210 **Sale of Helium** Interior/Bureau of Mines proposes revised fee schedules; comments by 10-25-79
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Presidential Documents

55121

Title 3—

The President

Presidential Determination No. 79-16 of September 13, 1979

Economic Support Fund Assistance for Yugoslavia in the Fiscal Year 1979

Memorandum for the Secretary of State

By virtue of the authority vested in me by the Foreign Assistance Act of 1961, as amended (the Act):

I hereby determine pursuant to section 620(b) of the Act that Yugoslavia is not dominated or controlled by the international Communist movement.

I hereby find pursuant to section 620(f) of the Act that the furnishing of assistance to Yugoslavia under chapter 4 of part II of the Act in the fiscal year 1979 is vital to the security of the United States, that Yugoslavia is not controlled by the international Communist conspiracy, and that such assistance will further promote the independence of Yugoslavia from international communism.

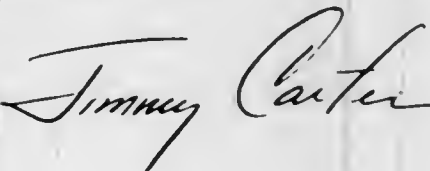
I hereby determine pursuant to section 614(a) of the Act that the furnishing of such assistance to Yugoslavia is important to the security of the United States, and authorize the furnishing of \$10,000,000 in such assistance without regard to section 620(f) of the Act.

I hereby determine pursuant to section 653(b) of the Act that such assistance is in the security interest of the United States.

This determination shall be reported to the Congress immediately, and none of the funds provided for herein shall be furnished to Yugoslavia until ten days have elapsed after such report has been made, and fifteen days have elapsed after the notifications of reprogramming have been furnished to the Congress in accordance with section 634A of the Act and the Foreign Assistance and Related Programs Appropriations Act, 1979, as required by law.

This determination shall be published in the Federal Register.

THE WHITE HOUSE,
Washington, September 13, 1979.



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Rules and Regulations

Federal Register

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Tuesday, September 25, 1979

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

COST ACCOUNTING STANDARDS BOARD

4 CFR Parts 400, 403, 410 and 420

Cost Accounting Standards

AGENCY: Cost Accounting Standards Board.**ACTION:** Final rule.

SUMMARY: Part 420 provides criteria for (1) the accumulation of independent research and development (IR&D) costs and bid and proposal (B&P) costs, and (2) the allocation of such costs to cost objectives based on the beneficial or causal relationship between such costs and other cost objectives. It is one of a series of cost accounting standards which the Board is promulgating "to achieve uniformity and consistency in the cost accounting principles followed by defense contractors and subcontractors under Federal contracts." (See section 719(g) of the Defense Production Act of 1950, as amended.) Any contractor receiving an award of a contract subject to the rules, regulations, and Standards of the Cost Accounting Standards Board on or after the effective date of this Standard will be required to follow it in accordance with the provisions of § 420.80. The amendments to Parts 403 and 410 are incidentally related.

EFFECTIVE DATE: March 15, 1980.

FOR FURTHER INFORMATION CONTACT: Clark G. Adams, Project Director, Cost Accounting Standards Board, 441 G Street, NW., Room 4836, Washington, D.C. 20548, (202) 275-5418.

SUPPLEMENTARY INFORMATION:

(1) Background

Work on the development of this Standard was initiated based on the General Accounting Office *Report on the Feasibility of Applying Uniform*

Cost Accounting Standards to Negotiated Defense Contracts. The report referenced problem areas concerned with (1) the allocation of incurred costs to IR&D and B&P projects, (2) the allocation of such costs to cost objectives, and (3) the definition of IR&D and B&P work tasks. Over the years, Congress has continued to express its concern about the large amount of money reimbursed to defense contractors in the area of IR&D and BP. In 1978, the last reported year, the 90 companies large enough to have advance IR&D and B&P agreements with the Government, were reimbursed by the Government about \$1.2 billion for this effort.

Early research conducted by the Board was directed towards obtaining information on the views, policies, definitions, accounting practices and administrative procedures followed in the management of IR&D and B&P activities by the defense industry, commercial companies, and Government agencies. This research was accomplished by means of questionnaires sent to 65 defense contractors and 10 commercial companies; reviews of General Accounting Office reports, congressional hearings, Armed Services Board of Contract Appeals cases, various technical papers; and discussion with several Government agencies. Also included in the research were evaluations of recommendations made by a study group of the Commission on Government Procurement covering IR&D costs and a Statement concerning the *Accounting for Research and Development Costs* (FAS No. 2) issued by the Financial Accounting Standards Board.

A research draft was distributed on April 29, 1977, to obtain comments. Comments were received from 73 respondents. The Board after considering the comments published a proposed Standard for comment in the *Federal Register* on July 28, 1978. Sixty-three commentators responded to this publication. Because significant revisions appeared appropriate after evaluation of the comments, the Board decided to publish the proposed Standard for comments a second time in the *Federal Register* on May 25, 1979. 46 responses were received from individual companies, Government agencies, professional associations, public

accounting firms, industry associations and others. The Board takes this opportunity to express its appreciation for the helpful suggestions and criticisms which have been furnished. The comments furnished by organizations and individuals have resulted in a number of changes in the Standard. The comments below summarize the issues discussed in connection with both proposed Standards and explains major changes which have been made to the earlier proposals. This Standard was previously published as CAS 422. It has been renumbered to CAS 420 to accommodate changes in the work plans of the Board.

(2) Need for a Standard

Many commentators questioned the need for a separate Standard for IR&D and B&P. Almost all of those who raised this issue cited the other allocation Standards, 403 and 410 and proposed indirect cost Standards 417, 418 and 419 and stated that the allocation practices set forth in those Standards adequately cover the allocation of IR&D and B&P costs.

Appendix III of the General Accounting Office Cost Accounting Standards feasibility study is entitled "Problem Areas in the Assignment of Government Contract Costs." It contained a tabulation of problem areas. The subject of "IR&D/B&P/Economic Planning" represented the highest number of reported problems of the 23 subjects on the list. On that list also were the subjects of "allocation", "direct vs. indirect", depreciation, etc. An analysis of disclosure statements in the Cost Accounting Standards Board's data bank showed a considerable divergence in accounting practices followed by Government contractors. For example, the disclosure statements revealed that contractors allocated IR&D and B&P cost pools to final cost objectives by means of such allocation bases as sales, cost of sales, cost input, modified cost input, modified cost of sales, direct labor dollars, manhours, and headcount. Staff research which involved visits with over 50 defense contractors and several Government agencies confirmed this divergence of practice. DOD and NASA have similar procurement regulations covering the accounting for these costs, but other agency regulations vary substantially and, as a result, a variety

of accounting practices are in use for IR&D and B&P costs.

This Standard will provide for increased uniformity and consistency of allocation among segments based on the beneficial or causal relationship between the IR&D and B&P costs and segments of a company. The Standard will also provide for increased uniformity in the composition of these costs within contractor's segments, especially in the segments identified as central research laboratories.

The Board recognizes that the already promulgated allocation Standards 403 and 410, and the proposed indirect cost Standards 417, 418 and 419 have general requirements which will be consistent with the requirements of this Standard. Standards 403 and 410, however, would each have to be amended to include the specific accounting provisions of this Standard. IR&D and B&P costs are an important element of the contractor's total costs allocated to its final cost objectives. The Board believes that the accounting practices for these costs should be centralized in a single Standard in order to clearly provide the proper guidance for their allocation to cost objectives. Neither the contractor nor the Government should have to search out the accounting requirements in various Standards in order to obtain this guidance. By providing this guidance in a single source the Board believes that the administrative and accounting complexities for these costs will be reduced for both the contractor and the Government.

(3) Definitions

Several commentators continue to raise questions regarding the definitions. The comments generally requested definitions to clarify the accounting for "B&P administrative costs" and "technical" effort associated with IR&D costs. The words requested to be included in the Definition of Bid and Proposal Costs are: "B&P administrative costs, when not separately identified and classified as B&P costs in accordance with the contractor's normal accounting practice, are not considered B&P costs for the purpose of this Standard." Commentators also suggested that the word "technical" be included in the definition of IR&D effort so as to determine the nature of the costs allocable to IR&D effort. The commentators wanted these changes as an aid in determining what costs should be charged directly to these projects.

The definitions of IR&D costs and B&P costs are not intended to include allocation requirements. Guidance on allocation is included in other sections of the Standard. Subparagraph

420.50(a)(1) of the Standard provides guidance on what costs are to be charged directly to IR&D and B&P projects. Therefore, the requested additions are not necessary.

(4) Accumulation of IR&D Costs and B&P Costs by Project

A few respondents commented on the requirement in the Standard to account for IR&D and B&P costs by project. One commentator stated that he believed that most contractors who will be required to comply with this requirement have the capability to accumulate IR&D and B&P costs by individual projects. The commentator noted that the Board has properly considered the concept of materiality by permitting the combining of the costs of IR&D or B&P efforts of small dollar value in a single project for inclusion in the appropriate pool without the necessity of separate cost identification.

One commentator stated that even though it accounted for IR&D and B&P costs by project, it was certain that there were small contractors who did not have systems which would be sophisticated enough to keep costs in such a way. The staff of the Board visited in excess of 50 contractors in conducting research on this project. In every instance contractors accumulated the costs of IR&D and B&P by project. The Board believes that, with the materiality consideration provided in 420.50(c), the requirement to accumulate IR&D and B&P costs by project should be retained. In further consideration of the materiality concept, overhead costs and other indirect costs allocable to individual IR&D and B&P projects need not be recorded by individual project if subsequent pool allocations of these costs yield the same results as if they had been so recorded.

It was noted that the reference to "clearly and exclusively" as the criteria for allocating costs directly to IR&D and B&P projects makes a more limited requirement for this allocation than is provided for in proposed Standard 417, Distinguishing between Direct and Indirect Costs. The Board's intent is to be consistent in the accounting specified for costs incurred in like circumstances, and the use of the terms "clearly and exclusively" in the fundamental requirement was intended to provide this consistent treatment. It was pointed out that the same test which is included in proposed Standard 417 is only one of three tests for making the determination of what cost shall be accounted for as a direct cost.

The Board agrees that the use of "clearly and exclusively" in this

Standard without the use of the complete set of criteria would have placed a limitation on what costs should be allocated directly to IR&D and B&P projects, and this would be more restrictive than the requirement contained in proposed Standard 417. The Board believes that it would be inappropriate to restate in CAS 420 the entire fundamental requirement for the proposed Standard on Distinguishing Between Direct and Indirect Costs. It believes further that the techniques for application, paragraph 420.50(a)(1) adequately establish the allocation requirement sought for these costs. For all of these reasons, the fundamental requirement paragraph has been revised accordingly.

(5) Allocation of Business Unit G&A Expenses to IR&D and B&P Costs

One commentator raised the question of allocating business unit general and administrative expenses to IR&D and B&P costs. This commentator made the point that accounting for this effort by project is tantamount to treating it as a final cost objective and therefore it should have allocated to it a business unit's general and administrative expenses. Both proposals published in the Federal Register, July 28, 1978 and May 25, 1979, contained the provision that business unit G&A expenses should not be allocated to IR&D and B&P costs. A majority of respondents to the July 28, 1978 proposal commented favorably on that section of the proposal.

Many of these commentators in replying to an earlier draft of the Standard, which had provided for allocating G&A expenses to IR&D and B&P costs, had expressed the view that IR&D and B&P costs were of general benefit to a segment or a company and therefore similar in nature to G&A expenses. They believed that since such costs were similar in nature to G&A expenses they should not receive an allocation of G&A expenses. The Board was persuaded by this view and for that reason the Standard retains the provisions for not allocating business unit general and administrative expenses to IR&D and B&P costs.

Several commentators directed remarks to accounting for IR&D and B&P costs at organizations of a company that perform as research laboratories. Some stated the belief that G&A expenses of such segments should be allocated to its IR&D costs if the segment is a "central research laboratory." Others, including an industry association, were of the opinion that a research laboratory should be treated as any other segment and its IR&D costs should not receive an allocation of G&A expenses.

The Board for some time has been persuaded that the nature of IR&D and B&P effort is such that it should not receive an allocation of business unit G&A expenses. Nothing in the comments received from the three commentators seeking to have special IR&D or B&P costs accounted for differently than all other IR&D or B&P costs provided the Board with criteria for setting up different accounting treatment. The Board believes that such costs should not receive an allocation of business unit G&A expenses and the Standard so provides.

(6) Allocation of G&A Expenses to Work Performed by One Segment for Another Segment or Home Office

Many contractors in responding to the proposed Standard objected to the provisions in the proposed Standard which required that G&A expenses be allocated to work performed by one segment for another segment or home office. Some stated the belief that paragraph .50(c) was inconsistent with .40(c) in the proposed Standard, which provided that business unit G&A expenses shall not be allocated to IR&D and B&P projects. The Board sees no inconsistency. If the work performed is an IR&D or B&P project of the performing segment and also benefits the receiving segment, it must be transferred to the home office without an allocation of business unit G&A expenses in accordance with 420.50(f)(1). It will then be allocated to benefiting segments pursuant to 420.50(e). If the work is not IR&D or B&P effort of the performing segment the allocation of general and administrative expenses will be governed by CAS 410.

Commentators also expressed concern that including G&A expenses in the costs of IR&D or B&P work performed by one segment for another might push total IR&D and B&P costs above the negotiated ceilings. They contended that this would make the excess cost unrecoverable from any source. Furthermore, by increasing the allocated cost of a given research effort, less research would be financed by a given research allowance.

The Board recognizes these objections, but believes that the question of whether and how G&A expenses should be allocated must be decided on other grounds. The Board believes that if work is performed at a segment and sold to or transferred to another segment directly, it should be considered a final cost objective of the performing segment. Allocating G&A expenses to such work would be consistent with CAS 410 which provides for allocating general and administrative

expenses to stock or product inventory as well as to final cost objectives of the segment. This accounting treatment is consistent with previous Standards and proposals which have dealt with segments as separate units, each with their own final cost objectives. It is also consistent with proposed Standard 419.

Some commentators agreed with the concept of allocating G&A expenses to work which is part of a segment's normal product or service and therefore a final cost objective of the segment, but disagreed with the use of the phrase "project in which the performing segment has an interest." The commentators believed that the phrase was not sufficiently objective to be properly administered.

The Board recognizes that there are valid objections to the use of the descriptive phrase "has an interest (in)." This subparagraph (now numbered .50(d)) has been revised to provide that work performed by one segment for another shall not be treated as IR&D or B&P effort of the performing segment unless the work is also part of an IR&D or B&P project of the performing segment.

(7) Allocation of Home Office IR&D and B&P Cost Pools

In being responsive to comments on earlier proposals, the May 1979 proposal provided for allocation of IR&D or B&P costs to a limited group of segments or to specific segments where such identification could be established between specific work and benefiting or causing segments. At the urging of most commentators, the identification requirements and the base for allocation were stated as general requirements in the proposal. Two commentators suggested language to provide that a clear and exclusive identification of work to a specific segment(s) should be required to permit this type of allocation. The Board believes that such a change would be unduly restrictive.

The Board is aware that usually not all IR&D or B&P costs could be identified to specific segments. The Board believes that such residual home office IR&D and B&P costs should be allocated on a base which is representative of the total activity of segments being managed. Cost input therefore was selected in the May 1979 proposal as a good representation of total activity.

Several commentators objected to the use of only one base. As stated previously, the Board is seeking a base that will represent the total activity of the segments reporting to the home office. It does not with the Standard to be needlessly restrictive. The base used to allocate the home office residual

expense under CAS 403 is a base representing total activity. A majority of commentators to the proposed Standard suggested that, in lieu of cost input as the base, the company be allowed to allocate residual home office IR&D and B&P costs on the same base it now uses to allocate home office residual expense under CAS 403. The Standard has been revised to provide for that method of allocation, but the amount of IR&D and B&P costs so allocated is not to be added to the residual pool to determine whether use of the 3 factor formula in CAS 403 is required.

One commentator recommended that "all IR&D costs be pooled at the home office level and then allocated in a consistent and uniform manner over the entire business. This policy would serve as a deterrent to contractors undertaking frivolous IR&D projects or projects of questionable military relevance in divisions where costs would otherwise be borne primarily by the Government."

Early in its research the Staff considered this approach to determine if it best represented the beneficial or causal relationship between the IR&D and B&P costs and final cost objectives. The staff found that it was not unusual to find IR&D or B&P efforts which were clearly of benefit to or caused by a single segment or a group of segments within a company. For that reason the Board believes that the beneficial or causal relationship between IR&D and B&P costs and final cost objectives can be more effectively identified at organization levels below the one encompassing the entire company.

There may be situations where the beneficial or causal relationship can best be reflected by pooling and allocating on a general basis over the entire company. In such cases, the method suggested by this commentator would be called for under the Standard.

(8) Allocation of Segment IR&D and B&P Cost Pools

Several commentators suggested that where IR&D or B&P effort is determined to be of benefit to or caused by more than one segment, direct transfer of that IR&D or B&P costs between segments should be permitted. The Standard being promulgated today continues to provide that any IR&D and B&P project which benefits more than one segment of the organization shall have its costs transferred to the home office for allocation among benefiting segments. To avoid unnecessary recordkeeping, however, the Board has provided that the transfer can be recorded directly in the accounts of the other segments if the resulting allocation is substantially the

same as it would be if passed through the home office.

One commentator was concerned that there would be confusion as to the home office to which such costs would be transferred. The suggestion was made that the Standard provide that such costs be transferred to an intermediate home office. The Board believes that such an addition is not needed. The definitions of both home office and segment in 4 CFR Part 400 make clear that the transfer of costs under this provision of the Standard could be only to the home office most immediate to the segment.

(9) Allocation of IR&D and B&P Costs to Product Lines

Many commentators to the proposed Standard felt strongly in their responses that the allocation of IR&D or B&P costs to product lines would be impractical. Most commentators believed that the arguments and disagreements between the parties as to what constitutes a Product Line would outweigh any possible benefits that could be received from the direct identification of cost objectives that would be achieved by such provision.

In visits made by the Staff with several commentators subsequent to the publication of the proposed Standard, the question of using the same definition of Product Line used by the Federal Trade Commission (FTC) in its Line of Business Reporting was discussed. All the commentators were of the opinion that this definition would not be suitable in determining guidance for the allocation of segment IR&D and B&P costs to product lines. The primary concern of the commentators was that the FTC definition establishes product lines within a company that cross over several segments of the company. Consequently, contractors would face considerable difficulties in attempting to allocate IR&D and B&P costs in accordance with the FTC definition.

In further considering the question of defining Product Line, the comments on the proposal by the Department of Defense were particularly pertinent. Those comments stated that "In the case of product lines, our experience with the cost principle that was in the ASPR prior to 1970 convinced us that it is not practicable to define a product line. In our attempt to designate product lines, and relate development costs to them, we found ourselves in endless arguments with contractors. . . . In our experience we found that contractors and contracting officers could seldom agree on product lines and usually resolved the matter by describing a product line that included all work in

the plant. If the product line allocation provision remains in the proposed Standard, we expect these experiences will again be repeated."

The Board has considered the problems connected with the lack of definition and the administrative effort that would accompany any attempt to allocate the costs of individual IR&D or B&P projects to product lines. These provisions are not included in the Standard being promulgated today.

(10) Selection of Allocation Base for Segment IR&D and B&P Costs

The majority of commentators objected to the use of only the total cost input base for the allocation of a segment's IR&D and B&P costs to final cost objectives. Most of these commentators suggested the Standard be revised to provide that IR&D and B&P costs be allocated to final cost objectives of the business units using the same base that is used to allocate the business unit G&A expense to final cost objectives.

The Board agrees that the beneficial or causal relationship between IR&D and B&P costs and final cost objectives is similar to the relationship between G&A expenses and final cost objectives. After considering the many comments regarding this part of the Standard, it has been revised and the allocation requirement now states that the IR&D and B&P cost pools shall be allocated to final cost objectives of the business unit using the same base that the business unit uses to allocate its G&A expenses.

(11) Deferral of Development Costs

The proposed Standard provided for the deferral of the cost of IR&D effort which met specific criteria, and established criteria for the identification of such costs. It also noted that the composition of the costs and the allocation procedure for such costs would require further research before establishing an accounting Standard. Reaction to this provision in the proposal has been extensive and varied.

Several respondents to the May 25, 1979, proposed Standard noted that the Board should not allow the allocation of deferred development costs as this would be in conflict with the Financial Accounting Standards Board's (FASB) Statement No. 2, *Accounting for Research and Development Costs*. One of these pointed out that the FASB in its statement set forth the position that for financial reporting purposes research and development costs should be charged as a current period cost. Another stated that his company did not and would not defer such expenses,

even if the Standard permitted such action.

Although the Board has always considered the FASB to be an authoritative body and considers its statements when promulgating its own, the FASB's concern is with external financial reporting, not with contract costing. FAS Statement No. 2 therefore is not determinative for contract costing and pricing purposes.

A few commentators agreed with the provision as stated in the proposal and urged its adoption without modification. One industry commentator said, "We agree with the language as stated and believe the criteria is conceptually sound so as to permit implementation by the acquisition agencies. We do not feel that further research on behalf of the CAS Staff is necessary, and (we) encourage this language be contained in the promulgated standard as written."

The majority of commentators expressed approval of the concept provided that the act of deferral should be at the sole option and discretion of the contractor. The Board has concluded that this would be inappropriate, however, because it would not be consonant with the uniformity and consistency objectives of Public Law 91-379.

A broad spectrum of commentators suggested that the Board not change the status quo of this category of costs of deferred development in this Standard. They suggested that the entire subject, including requirements for allocating deferred costs, should be treated in one Standard. The commentators who made this suggestion represented industry, a professional accounting association, and a Government agency.

The Board continues to believe that there are different types of development costs and that objective criteria can probably be found to identify such costs. It believes, also that an important aspect of this question is the accounting treatment, including the amortization and allocation of these costs. The existence and the allocability of deferred IR&D and deferred development costs are recognized to some degree today in various procurement regulations. Current proposals in the Federal Acquisition Regulations (FAR) increase the recognition and allowability of such costs.

Many commentators criticized the criteria listed in the May 1979 proposed Standard, but were unable to suggest other criteria that would provide the objective tests the Board believes necessary for a Standard on this subject. The Board will undertake research on a project to determine the feasibility of a

Standard which will identify and provide for the accounting treatment of deferred development costs. In the interim, the agencies may continue to exercise their authority to identify and allocate such costs. To that end the Standard covers these costs in subparagraph 420.40(f)(2) which provides: "IR&D costs incurred in a cost accounting period shall not be assigned to any other cost accounting period, except as may be permitted pursuant to provisions of existing laws, regulations, and other controlling factors."

(12) Transition From the Use of a Cost of Sales Base to a Cost Input Base

One commentator noted that the Standard was silent in regard to its application when a contractor was required to convert his accounting system from the use of a cost of sales base to the use of a cost input base for the allocation of a segment's IR&D and B&P costs. This commentator suggested that the Standard include a provision such as was incorporated in the appendix of CAS 410 which provided the accounting to be followed during the transition period. The Board does not believe that this Standard warrants the additional complexity of a transition method. The Board notes that the contractor and the Government may negotiate an equitable adjustment for this change as provided in Part 331.50(a)(4)(A) of the Board's regulations.

(13) Effective Date of Standard

One commentator stated that the promulgation of this Standard would require reorientation of both contractor and Government personnel who are charged with the accounting and administration of contracts. The commentator noted that the Standard should provide for an extended implementation period. The primary concern of the commentator was directed towards the negotiation of advance agreements for these costs, and the impact of this Standard on such advance agreements. The Board expects that this Standard will become effective on March 15, 1980. However, to provide adequate lead time for its applicability the Standard provides that it shall be followed by contractors as of the start of the second fiscal year beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

(14) Cost and Benefit

The Board in taking into account the cost and benefits of the Standard being promulgated today was especially mindful of the significance, both in nature and amount, of the category of

costs being considered here. In comments received regarding the proposed Standard published in the Federal Register, some commentators offered opinions as to the cost of implementing the Standard. One commentator stated the proposed Standard will have minimal impact on administrative costs. Some commentators stated that they had not estimated the amount of increased administrative costs which would result from implementation of this Standard. Based on their experience with previously promulgated Standards, these costs depend on the interpretation and implementation requirements used by the auditors and procurement officials responsible for the administration of Cost Accounting Standards. Two commentators provided large cost estimates for implementing this Standard. One commentator based its estimate on the requirement to identify IR&D or B&P projects to product lines. This requirement has been eliminated from the Standard being promulgated.

As mentioned earlier, Congress continues to express its concern regarding the large reimbursements defense contractors receive in order to carry out their IR&D and B&P efforts. (About \$1.2 billion in 1978). As many commentators pointed out, this area of costs (especially IR & D) receives much attention through the medium of advance agreements. These advance agreements contain some accounting ground rules to be followed by the contractor in determining what constitutes IR&D and B&P costs. The current acquisition regulations, however, allow significant flexibility in determining costs for these projects. One of the benefits of the Standard is that it provides increased uniformity and consistency in determining how IR & D and B & P costs are constituted, and how these incurred costs should be allocated to cost objectives.

(15) Amendments

In addition to the promulgation of 4 CFR Part 420, related amendments to 4 CFR Part 400 and to Standards 4 CFR Part 403 and 4 CFR Part 410 are being promulgated.

PART 400—DEFINITIONS

Part 400, *Definitions* is amended to include the following definitions:

§ 400.1 Definitions

Bid and Proposal (B&P) Cost. The cost incurred in preparing, submitting, or

supporting any bid or proposal which effort is neither sponsored by a grant, nor required in the performance of a contract.

Independent Research and Development (IR&D) Cost. The cost of effort which is neither sponsored by a grant, nor required in the performance of a contract, and which falls within any of the following three areas: (i) Basic and applied research, (ii) Development, and (iii) Systems and other concept formulation studies.

PART 403—ALLOCATION OF HOME OFFICE EXPENSES TO SEGMENTS

Title 4 CFR Part 403, *Allocation of Home Office Expenses to Segments*, is amended by deleting paragraph (b)(5) of § 403.40 and inserting the following in lieu thereof.

§ 403.40 Fundamental requirement.

(b) * * *

(5) *Independent research and development costs and bid and proposal costs.* Independent research and development costs and bid and proposal costs of a home office shall be allocated in accordance with 4 CFR Part 420.

PART 410—ALLOCATION OF BUSINESS UNIT GENERAL AND ADMINISTRATIVE EXPENSES TO FINAL COST OBJECTIVES

Title 4 CFR Part 410, *Allocation of Business Unit General and Administrative Expenses to Final Cost Objectives*, is amended by deleting paragraph (d) of § 410.40 in its entirety and inserting the following in lieu thereof.

§ 410.40 Fundamental requirement.

* * * * *

(d) Any costs which do not satisfy the definition of G&A expense but which have been classified by a business unit as G&A expenses, can remain in the G&A expense pool unless they can be allocated to business unit cost objectives on a beneficial or causal relationship which is best measured by a base other than a cost input base.

Title 4 CFR Chapter III is amended by adding a new Part 420 to read as follows:

PART 420—ACCOUNTING FOR INDEPENDENT RESEARCH AND DEVELOPMENT COSTS AND BID AND PROPOSAL COSTS

Sec.

420.10 General applicability.
420.20 Purpose.
420.30 Definitions.

- Sec.
420.40 Fundamental requirement.
420.50 Techniques for application.
420.60 Illustrations.
420.70 Exemptions.
420.80 Effective date.

Authority: 84 Stat. 796, sec. 103 (50 U.S.C. App. 2168)

§ 420.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts. (§ 331.30 of this chapter.)

§ 420.20 Purpose.

The purpose of this Cost Accounting Standard is to provide criteria for the accumulation of independent research and development costs and bid and proposal costs and for the allocation of such costs to cost objectives based on the beneficial or causal relationship between such costs and cost objectives. Consistent application of these criteria will improve cost allocation.

§ 420.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section.

(1) *Allocate*. To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Bid and proposal (B&P) cost*. The cost incurred in preparing, submitting, or supporting any bid or proposal which effort is neither sponsored by a grant, nor required in the performance of a contract.

(3) *Business unit*. Any segment of an organization, or an entire business organization which is not divided into segments.

(4) *General and administrative (G&A) expense*. Any management, financial, and other expense which is incurred by or allocated to a business unit and which is for the general management and administration of the business unit as a whole. G&A expense does not include those management expenses whose beneficial or causal relationship to cost objectives can be more directly measured by a base other than a cost input base representing the total activity

of a business unit during a cost accounting period.

(5) *Home office*. An office responsible for directing or managing two or more, but not necessarily all, segments of an organization. It typically establishes policy for, and provides guidance to the segments in their operations. It usually performs management, supervisory, or administrative functions, and may also perform service functions in support of the operations of the various segments. An organization which has intermediate levels, such as groups, may have several home offices which report to a common home office. An intermediate organization may be both a segment and a home office.

(6) *Independent research and development (IR&D) cost*. The cost of effort which is neither sponsored by a grant, nor required in the performance of a contract, and which falls within any of the following three areas: (i) Basic and applied research, (ii) Development, and (iii) Systems and other concept formulation studies.

(7) *Indirect cost*. Any cost not directly identified with a single final cost objective, but identified with two or more final cost objectives or with at least one intermediate cost objective.

(8) *Segment*. One of two or more divisions, product departments, plants, or other subdivisions of an organization reporting directly to a home office, usually identified with responsibility for profit and/or producing a product or service. The term includes Government-owned contractor-operated (GOCO) facilities, and joint ventures and subsidiaries (domestic and foreign) in which the organization has a majority ownership. The term also includes those joint ventures and subsidiaries (domestic and foreign) in which the organization has less than a majority of ownership, but over which it exercises control.

(b) The following modifications of definitions set forth in Part 400 of this Chapter are applicable to this Standard. None.

§ 420.40 Fundamental requirement.

(a) The basic unit for the identification and accumulation of IR&D and B&P costs shall be the individual IR&D or B&P project.

(b) IR&D and B&P project costs shall consist of all allocable costs, except business unit general and administrative expenses.

(c) IR&D and B&P cost pools consist of all IR&D and B&P project costs and other allocable costs, except business unit general and administrative expenses.

(d) The IR&D and B&P cost pools of a home office shall be allocated to segments on the basis of the beneficial or causal relationship between the IR&D and B&P costs and the segments reporting to that home office.

(e) The IR&D and B&P cost pools of a business unit shall be allocated to the final cost objectives of that business unit on the basis of the beneficial or causal relationship between the IR&D and B&P costs and the final cost objectives.

(f)(1) B&P costs incurred in a cost accounting period shall not be assigned to any other cost accounting period.

(2) IR&D costs incurred in a cost accounting period shall not be assigned to any other cost accounting period, except as may be permitted pursuant to provisions of existing laws, regulations and other controlling factors.

§ 420.50 Techniques for application.

(a) IR&D and B&P project costs shall include: (1) costs, which if incurred in like circumstances for a final cost objective, would be treated as direct costs of that final cost objective, and (2) the overhead costs of productive activities and other indirect costs related to the project based on the contractor's cost accounting practice or applicable Cost Accounting Standards for allocation of indirect costs.

(b) IR&D and B&P cost pools for a segment consist of the project costs plus allocable home office IR&D and B&P costs.

(c) When the costs of individual IR&D or B&P efforts are not material in amount, these costs may be accumulated in one or more project(s) within each of these two types of effort.

(d) The costs of any work performed by one segment for another segment shall not be treated as IR&D costs or B&P costs of the performing segment unless the work is a part of an IR&D or B&P project of the performing segment. If such work is part of a performing segment's IR&D or B&P project, the project will be transferred to the home office to be allocated in accordance with paragraph (e) below.

(e) The costs of IR&D and B&P projects accumulated at a home office shall be allocated to its segments as follows:

(1) Projects which can be identified with a specific segment(s) shall have their costs allocated to such segment(s).

(2) The costs of all other IR&D and B&P projects shall be allocated among all segments by means of the same base used by the company to allocate its residual expenses in accordance with 4 CFR Part 403; provided, however, where a particular segment receives

significantly more or less benefit from the IR&D or B&P costs than would be reflected by the allocation of such costs to the segment by that base, the Government and the contractor may agree to a special allocation of the IR&D or B&P costs to such segment commensurate with the benefits received. The amount of a special allocation to any segment made pursuant to such an agreement shall be excluded from the IR&D and B&P cost pools to be allocated to other segments and the base data of any such segment shall be excluded from the base used to allocate these pools.

(f) The costs of IR&D and B&P projects accumulated at a business unit shall be allocated to cost objectives as follows:

(1) Where costs of any IR&D or B&P project benefit more than one segment of the organization, the amounts to be allocated to each segment shall be determined in accordance with paragraph (e) above.

(2) IR&D and B&P cost pools which are not allocated under subparagraph (1) above shall be allocated to all final cost objectives of the business unit by means of the same base used by the business unit to allocate its general and administrative expenses in accordance with 4 CFR Part 410.50; provided, however, where a particular final cost objective receives significantly more or less benefit from IR&D or B&P costs than would be reflected by the allocation of such costs the Government and the contractor may agree to a special allocation of the IR&D or B&P costs to such final cost objective commensurate with the benefits received. The amount of special allocation to any such final cost objective made pursuant to such an agreement shall be excluded from the IR&D and B&P cost pools to be allocated to other final cost objectives and the particular final cost objective's base data shall be excluded from the base used to allocate these pools.

(g) Notwithstanding the provisions of paragraphs (d), (e) or (f), the costs of IR&D and B&P projects allocable to a home office pursuant to paragraph 420.50(d) may be allocated directly to the receiving segments, provided that such allocation not be substantially different from the allocation that would be made if they were first passed through home office accounts.

§ 420.60 Illustrations.

(a) Business Unit A's engineering department in accordance with its established accounting practice, charges administrative effort including typing to its overhead cost pool. In submitting a proposal the engineering department assigns several typists to the proposal

project on a full time basis and charges the typists' time directly to the proposal project, rather than to its overhead pool. Because the engineering department under its established accounting practice does not charge the cost of typing directly to final cost objectives, the direct charge does not meet with the requirements of § 420.50(a).

(b) Company B has five segments. The company undertakes an IR&D project which is part of the IR&D plans of segments X, Y, and Z, and will be of general benefit to all five segments. The company designates Segment Z as the project leader in performing the project. In accumulating the costs, each segment allocates overhead to its part of the project but does not allocate segment G&A. The IR&D costs are then allocated to the home office by each segment. The costs are combined with other IR&D costs that benefit the company as a whole. The costs are allocated to all five segments by means of the same base by which the company allocates its residual home office expense costs to all segments. This practice meets the requirements of § 420.40(b), .50(e)(2), and .50(f)(1).

(c) Business Unit C normally accounts for its B&P effort by individual project. It accumulates directly allocated costs and departmental overhead costs by project. The business unit also submits large numbers of bids and proposals whose individual costs of preparation are not material in amount. The business unit collects the cost of these efforts under a single project. Since the cost of preparing each individual bid and proposal is not material, the practice of accumulating these costs in a single project meets the requirements of § 420.50(c).

(d) Segment D requests that Segment Y provide support for a Segment D IR&D project. The work being performed by Y is similar in nature to Y's normal product and is not part of its annual IR&D plan. Segment Y allocates to the project all costs it allocates to other final cost objectives, including G&A expense. Segment Y then directly transfers the cost of the project to Segment D in accordance with its normal intersegment transfer procedure. This accounting treatment meets the requirements of § 420.50(d) and 4 CFR Part 410.

(e) Contractor E has six operating segments and a research segment. The research segment performs work under (i) research and development contracts, (ii) projects which are not part of its own IR&D plan but are specifically in support of other segments' IR&D projects, and (iii) IR&D projects for the benefit of the company as a whole.

(1) The research segment directly allocates the cost of the projects in support of another segment's IR&D projects, including an allocation of its general and administrative expenses, to the receiving segment. This practice meets the requirements of § 420.50(d).

(2) The costs of the IR&D projects which benefit the company as a whole exclude any allocation of the research segment's general and administrative expenses and are transferred to the home office. The home office allocates these costs on the same base it uses to allocate its residual expenses to all seven segments. This practice meets the requirements of § 420.50(e)(2) and (f)(1).

(f) Company F accumulates at the home office the costs of IR&D and B&P projects which generally benefit all segments of the company except Segment X. The company and the contracting officer agree that the nature of the business activity of Segment X is such that the home office IR&D and B&P effort is neither caused by nor provides any benefit to that segment. For the purpose of allocating its home office residual expenses, the company uses a base as provided in 4 CFR Part 403. For the purpose of allocating the home office IR&D and B&P costs, the company removes the data of Segment X from the base used for the allocation of its residual expenses. This practice meets the requirements of § 420.50(e)(2).

(g) Company G has 10 segments. Segment X performs IR&D projects, the results of which benefit it and 2 other segments but none of the other seven segments. The cost of those projects performed by Segment X are transferred to the home office and allocated to the three segments on the basis of the benefits received by the three segments. This practice meets the requirements of § 420.50(e)(1) and .50(f)(1).

§ 420.70 Exemptions.

This Standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 74-4 (Principles for Determining Cost Applicable to Grants and Contracts with State and Local Governments.)

§ 420.80 Effective Date.

(a) The effective date of this Cost Accounting Standard is March 15, 1980.

(b) This Cost Accounting Standard shall be followed by each contractor as of the start of his second fiscal year beginning after the receipt of a contract

to which this Cost Accounting Standard is applicable.

Arthur Schoenhaut,
Executive Secretary.

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 213, 230, 250, 300, 302,
315, 316, 351, 410, 531, and 591

Civil Service Reform; Final Regulations

AGENCY: Office of Personnel
Management.

ACTION: Final regulations.

SUMMARY: These final regulations, published as interim regulations on April 6, 1979, implement sections 3(5) of the Civil Service Reform Act of 1978 and 5 U.S.C. 1104 and, adopted unchanged from the interim ones, provide general bases for delegation and for entering into agreements with the Office which will permit agencies to take specific personnel actions without prior approval.

EFFECTIVE DATE: September 25, 1979.

FOR FURTHER INFORMATION CONTACT: Lynn Waldorf, Analysis and Development Division, Agency Compliance and Evaluation, Office of Personnel Management, Room 5478, 1900 E Street, NW., Washington, D.C. 20415, (202) 632-4473.

SUPPLEMENTARY INFORMATION:

Background and Delegations

In complying with sections 3(5) of the Civil Service Reform Act of 1978 and 5 U.S.C. 1104, the Office of Personnel Management published interim regulations to provide for delegation of greater personnel management authority to agencies by removing prior OPM approval and delegating authority on a blanket basis and an agency-by-agency written agreement basis. These interim regulations were published in the Federal Register on April 6, 1979 (44 FR 20699) and provide general bases for delegation and specifically, delegate to agencies the authority to appoint severely physically handicapped persons under Schedule A, § 213.3102(u) without prior Office approval (the language of the Schedule A authorities § 213.3102 (t) and (u), has also been amended to reflect the provisions of Executive Order 12125); to approve training plans for disabled veterans; to waive controls on non-Government training for employees; to determine remote worksite "normal" commuting allowances and to enter into agreements

with the Office which permit them to take the following additional actions without prior approval: (1) establishment of positions under the Schedule C authority at GS-15 and below; (2) modification of selection procedures for excepted positions; (3) waiver of time-in-grade restrictions for competitive employees; (4) appointments without competitive examination in rare cases; (5) bringing excepted positions or units of public or private enterprise into the competitive service; (6) appointment of individuals at grades GS-11 and above at pay rates above the minimum for the grade based on superior qualifications; (7) establishment of smaller competitive areas in reduction-in-force; (8) excepted appointment of aliens in the absence of qualified citizens to positions for which competitive examining authority has been delegated; and (9) grant exceptions to prohibition on payment of premium pay for periods of training.

Additionally, the Federal Personnel Manual, civil service rules, and other appropriate issuances will be changed to allow delegation on a blanket basis of authority to assign (detail) excepted employees serving in Schedules A and B to competitive duties and delegation through delegation agreements of the following authorities: (1) assignment (detail) of excepted employees serving under Schedule C and statutory authorities to competitive positions; (2) competitive examining when an agency is the sole or predominant user of positions and including (a) approval of selective and quality ranking factors; (b) veteran passover; (c) ruling on objections to eligibles; (d) suitability and loyalty favorable determinations; (e) appointment of aliens; (f) conversion to career of employees formerly within reach on a register; and (g) restriction of consideration to one sex; (3) payment of travel and transportation to first post of duty for positions for which a shortage of eligibles exists; (4) payment of travel expenses for interviews for positions at grades GS-13 and below; (5) establishment of training agreements; (6) classification of 20 or more positions; (7) conduct of onsite evaluation function; (8) waiving limits on non-Government facility training; and (9) exceptions to training restrictions of law not covered by other delegations.

OPM will provide guidance to implement these delegations, set minimum standards of performance, and monitor agency use to assure that all personnel actions follow merit principles.

Comments

During the 60 day comment period which ended June 5, 1979, the Office of Personnel Management received general comments that expressed concern that too many authorities are being delegated too soon without follow-up on how delegation is working and that blanket and agreement authorities will be subject to serious abuse and politicizing of the civil service on the part of the agencies. In addition, the comments stressed that OPM must maintain an adequate oversight system to ensure that all rules, regulations, Executive orders, etc., are being carried out properly by agencies.

The one specific authority that was singled out in the comments was OPM's decision to delegate to an agency through a delegation agreement the authority to establish smaller competitive areas in a reduction-in-force (RIF). Those who commented felt that passing this regulation would allow management to utilize a one-person RIF procedure that would punish a career civil servant whom management saw as a threat to the agency and also would strip a career employee of job retention rights under the RIF procedure.

General Comments

The risk that agencies might abuse the authority delegated to them was recognized in the initial consideration of delegation by both Congress and the Civil Service Commission/Office of Personnel Management (CSC/OPM). While authorizing delegation, the Civil Service Reform Act (CSRA) also charged OPM with establishing and maintaining an oversight program to ensure that agencies comply with all applicable laws, rules, and regulations in administering the delegated authorities. The Act also set up a Special Counsel in the Merit Systems Protection Board to investigate merit abuse and to provide protection for whistle-blowers, as well as to provide for audits by GAO. The combination of these safeguards, along with the fact that agencies must adhere to FPM guidelines, has the effect of reducing the risk of abuse. The balancing of minimized potential for abuse against substantial improvement in agency flexibility and responsiveness justifies the continued delegation of these authorities.

In keeping with the oversight requirement, OPM has instructed agencies that for each action taken, they must record the type of action; the processing time; the name of the person who authorized the final action; the date of the decision; and a brief statement

citing the basis for the decision. These records must be available for audit by OPM and agency evaluators for at least 2 years, and each agency must have a means of internally evaluating the use and proper application of the authorities. OPM will systematically monitor the use of these authorities on a continuing basis.

If OPM finds that any action taken by an agency is contrary to law, rule, or regulation, it will direct the agency to take appropriate corrective action. Where a pattern of error conclusively demonstrates either that the agency or one of its activities is unable to successfully manage the authorities, OPM will have the option of temporarily suspending, modifying or withdrawing any delegated authority.

In addition, OPM will conduct a study of the results of increased delegation in a cross-section of agency installations. The objectives of this study include determining whether delegations of authority to agencies are perceived as helping managers to do their jobs better; determining whether delegation has reduced delays affecting agency personnel actions; and identifying problems agencies are having in realizing the benefits of delegation or in applying newly delegated authorities.

Specific Comment

In the case of delegating authority to agencies to establish smaller competitive areas, OPM developed an interim regulation to permit delegation of this authority on an agency-by-agency written agreement basis. This means an agency will receive the authority only through an agreement developed between an agency headquarters and OPM. The agreement will set forth the conditions under which the agency can apply this authority and the performance standards and oversight systems to be used by the agency and OPM in monitoring the authority.

If an agency assumes this authority under the agreement, it will be able to establish, without prior OPM approval, competitive areas smaller than the organizational and geographic minimums now described in the Federal Personnel Manual. However, this does not mean there will be no standard or that agencies will be able to define competitive areas "any way they please." Rather, any competitive area established by an agency under agreement must meet one of two criteria: (1) the organization or geographic FPM minimums, or (2) the test of adequate competition when the agency uses the authority in a RIF.

The latter criterion is, of course, a matter of judgment; but such a change is

consistent with the basic thrust of the Civil Service Reform Act. The new delegation simply recognizes the possibility that in specific circumstances, such as concentration of a given occupation in one part of a larger competitive area, a RIF affecting that occupation need not involve more than a limited area to provide adequate competition.

As agencies prepare for and conduct RIFs, their actions will be subject to review by OPM. Further, employee appeals of RIF actions to the Merit Systems Protection Board may include the competitive area used by the agency as an issue. Thus, competitive area determinations will be subject to the same review, and correction where necessary, as they are now and have been in the past.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR is amended as set forth below:

PART 213—EXCEPTED SERVICE

(1) Section 213.102 is revised to read as follows:

§ 213.102 Identification of positions in Schedule A, B, or C.

The Office of Personnel Management shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C. Authority to establish positions under Schedule C may be delegated under terms of an agreement between the Office and employing agencies. Establishment of Schedule C positions under terms of such an agreement would be subject to existing criteria as set forth in § 213.3301, to quotas established by the Office, and to any additional instructions prepared by OPM.

(2) In § 213.3102, paragraphs (t), (u), and (bb) are revised to read as follows:

§ 213.3102 Entire executive civil service.

(t) Positions when filled by mentally retarded persons in accordance with written agreements executed between an agency and the Commission. Provisions to be included in such agreements are specified in the Federal Personnel Manual. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and implementing regulations issued by the Office.

(u) Positions when filled by severely physically handicapped persons who: (1)

Under a temporary appointment have demonstrated their ability to perform the duties satisfactorily; or (2) have been certified by counselors of State vocational rehabilitation agencies or the Veterans Administration as likely to succeed in the performance of the duties. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and implementing regulations issued by the Office.

(bb) Positions when filled by aliens in the absence of qualified citizens. Appointments under this authority are subject to prior approval of the Office except when the positions to be filled are covered by delegated examining authority under agreement with the Office.

PART 230—ORGANIZATION OF THE GOVERNMENT FOR PERSONNEL MANAGEMENT

(3) Section 230.201 is revised to read as follows:

§ 230.201. Standards and requirements for agency personnel actions.

In taking a personnel action authorized by this chapter, each agency shall comply with the qualification standards and regulations issued by the Office of Personnel Management, the instructions published by the Office of Personnel Management in the Federal Personnel Manual, and the provisions of any agreement developed between the Office and the agency in connection with delegation of a specific authority.

PART 250—PERSONNEL MANAGEMENT IN AGENCIES

(4) Part 250 is added as follows:
Subpart A—Personnel Management Responsibilities.

Sec.
250.101 Delegation agreements.
250.102 Authority to take corrective action or revoke agreement.
Authority: 5 U.S.C. 1104; Pub. L. 95-454; 92 Stat. 1120 and Sec. 3(5); Pub. L. 95-454; 92 Stat. 1120.

Subpart A—Personnel Management Responsibilities

§ 250.101 Delegation agreements.

In certain circumstances, an agency will receive authorities through a delegation agreement developed between the agency headquarters and OPM. The agreement will set forth the conditions for application of a particular authority (or authorities). This

agreement will include a description of performance standards and the system of oversight to be used in agency and OPM monitoring of authority use. An agreement will be for an initial period not to exceed two years. Renewals may be for an indefinite period unless modified, suspended or revoked for abuse.

§ 250.102 Authority to take corrective action, suspend, or revoke agreement.

If OPM finds that the agency has taken an action under a delegated agreement contrary to law, rule, regulation or standard, it may require the agency to take corrective action. If, in the judgment of OPM, the agency is not adhering to the provisions of the delegated agreement, it may suspend or revoke the agreement at any time.

PART 300—EMPLOYMENT (GENERAL)

(5) Section 300.603 is revised to read as follows:

§ 300.603 Exceptions to restrictions.

(a) Section 300.602 does not prevent the advancement of an employee when:

(1) The advancement is in accordance with a training agreement which has been approved by the Office or established under agreement with the Office; however, an agency may not make promotions of more than 2 grades in 1 year solely on the basis of a training agreement or series of training agreements;

(2) The advancement is to any grade or level up to that from which the employee has ever been demoted or separated by any agency because of a reduction in force;

(3) The employee is within reach on a register for competitive appointment to the position to be filled; or

(4) The head of the agency or his or her designee, with the prior approval of the Office or under agreement negotiated with the Office, authorizes the advancement to avoid undue hardship or inequity, in an individual case of meritorious nature.

(b) Section 300.602 (a) and (b) does not prevent the advancement of an employee who has 1 year of service in a position two grades lower than the position to be filled if there is no position in the normal line of promotion that is one grade lower than the position to be filled.

(c) Section 300.602(c) does not prevent the advancement of an employee to a position at GS-5 or below which he or she held previously or to which he or she could have been advanced previously under that paragraph.

PART 302—EMPLOYMENT IN THE EXCEPTED SERVICE

(6) Section 302.105 is revised to read as follows:

§ 302.105 Special agency plans.

An agency having a position subject to this part may establish a system for making appointments which will result in granting to eligible persons the preference or priority consideration referred to in sections 1302(c) or 8151 of title 5, United States Code, but which does not conform to all the procedural requirements set forth in this part. However, an agency may not put such a system into effect unless it has entered into an agreement with the Office permitting establishment of such systems, or has obtained prior Office approval for the particular system to be used.

PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT

(7) In § 315.604, paragraph (a) is revised to read as follows:

§ 315.604 Employment of disabled veterans who have completed a training course under chapter 31 of title 38, United States Code.

(a) When a disabled veteran satisfactorily completes an approved course of training prescribed by the Veterans Administration under chapter 31, title 38, United States Code, any agency may appoint the veteran noncompetitively to the position of class of positions for which trained.

(8) Section 315.703 is revised to read as follows:

§ 315.703 Employees formerly reached on a register.

(a) *Employee coverage.* An employee who was serving in a position when his or her name was within reach for career or career-conditional appointment on a register appropriate for that position may be converted to career or career-conditional employment when:

(1) The employee's name was included on an appropriate certificate issued while the employee was serving in the position, or reconstruction of the appropriate register verifies that the employee would have been within reach;

(2) The register was being used for career and career-conditional appointments when he or she was reached;

(3) He or she has been continuously employed since being reached;

(4) Conversion is initiated either before the expiration of the register or

during a period of continuous service since the employee was reached; and

(5) When the employee is a nonpreference eligible who was first reached after February 1, 1955, the Office, or the agency, in accordance with an agreement with the Office, determines that satisfactory reasons existed for passing over any preference eligible who preceded the employee on the register when he or she was reached and who is still within reach and available for appointment.

(b) *Tenure on conversion.* An employee whose appointment is converted under paragraph (a) of this section becomes:

(1) A career-conditional employee except as provided in paragraph (b)(2) of this section;

(2) A career employee when he or she has completed the service requirement for career tenure or is excepted from it by § 315.201(c).

(c) *Acquisition of competitive status.* An employee whose employment is converted to career or career-conditional employment under this section acquires a competitive status automatically on completion of probation.

PART 316—TEMPORARY AND TERM EMPLOYMENT

(9) Section 316.601 is revised to read as follows:

§ 316.601 Appointment without competitive examination in rare cases.

(a) An agency may make an appointment without competitive examination when:

(1) The duties and compensation of the position are such, or qualified persons are so rare, that in the interest of good civil service administration the position cannot be filled through open competitive examination;

(2) The person to be appointed meets all applicable qualification requirements for the position; and

(3) The appointment is specifically authorized by the Office or is made under an agreement between the agency and the Office providing for such appointments.

(b) A person appointed under paragraph (a) of this section does not acquire a competitive status on the basis of that appointment.

(c) When a position filled under paragraph (a) of this section becomes vacant, the agency may fill the vacancy by another appointment under paragraph (a) of this section only if the conditions of paragraph (a)(3) of this section are again met.

(10) Section 316.701 is revised to read as follows:

§ 316.701 Public or private enterprise taken over by Government.

(a) When the Office, or an agency acting under an agreement with the Office, finds that the Federal Government has taken over a public or private enterprise, or an identifiable unit thereof, and that a position has thereby been brought into the competitive service, the agency may retain the incumbent of the position.

(b)(1) When an agency retains an employee under paragraph (a) of this section in a position which it determines to be a continuing one, the agency shall decide on a timely basis whether it will convert that individual's employment to career or career-conditional under § 315.701 of this chapter.

(2) When an agency decides not to effect conversion under § 315.701 of this chapter, or the employee fails to qualify for conversion, the agency, in its discretion, may retain the employee as a status quo employee.

(c) When an agency retains an employee under paragraph (a) of this section in a position which it determines to be a noncontinuing one, the agency shall give the employee a temporary limited appointment under the conditions prescribed by the Office in the Federal Personnel Manual.

(11) Section 316.702 is revised to read as follows:

§ 316.702 Excepted positions brought into the competitive service.

(a) When the Office, or an agency acting under an agreement with the Office, finds that an excepted position has been brought into the competitive service by statute, Executive order, or the revocation of an exception under Civil Service Rule VI (§ 6.6 of this chapter), or is otherwise made subject to competitive examination, the agency may retain the incumbent of the position.

(b)(1) When an agency retains an employee under paragraph (a) of this section who was serving in a permanent excepted position under an appointment not limited to 1 year or less, the agency shall decide on a timely basis whether it will convert that employee's appointment to career or career-conditional under § 315.701 of this chapter.

(2) When the agency decides not to effect conversion under § 315.701 of this chapter, or the employee fails to qualify for conversion, the agency, in its discretion, may retain the employee as a status quo employee.

(c) An employee retained under paragraph (a) of this section who was serving in an excepted position under an appointment limited to 1 year or less is

permitted to serve temporarily under the conditions prescribed by the Office in the Federal Personnel Manual.

PART 351—REDUCTION IN FORCE

(12) Section 351.402 is revised to read as follows:

§ 351.402 Competitive area.

(a) Each agency shall establish competitive areas in which employees compete for retention under this part.

(b) The standard for a competitive area is that it include all or that part of an agency in which employees are assigned under a single administrative authority. A competitive area in the departmental service meets this standard when it covers a primary subdivision of an agency in the local commuting area. A competitive area in the field service meets this standard when it covers a field installation in the local commuting area.

(c) An agency may establish a competitive area larger than one that meets the standard named in paragraph (b) of this section. In exceptional circumstances, and with the prior approval of the Office, an agency may establish a competitive area smaller than one that meets the standard named in paragraph (b) of this section. Agencies which have been delegated individual authority to do so may establish competitive areas smaller than named in paragraph (b) without prior approval of the Office.

(d) An agency may combine two or more competitive areas for initial competition in an enlarged competitive level or levels without correspondingly combining the areas for assignments between competitive levels. When an agency combines areas for initial competition only, it may limit competition for assignments between competitive levels to (1) the enlarged area, (2) a single competitive area, or (3) an area larger than a single area but smaller than the enlarged area.

PART 410—TRAINING

(13) Section 410.506 is revised to read as follows:

§ 410.506 Waiver of limitations on training of employees through non-Government facilities.

(a) Subject to chapter 41 of title 5, United States Code, and this part, an employee having less than one year of current, continuous civilian service in the Government is eligible for training by, in, or through non-Government facilities on a finding by the head of his or her agency that postponement of the training until the employee has

completed one year of current, continuous civilian service in the Government would be contrary to the public interest.

(b) The head of an agency may waive the limitations in section 4106(a) (1) and (3) of title 5, United States Code, for:

(1) An employee assigned to training by, in, or through a non-Government facility that does not exceed 40 hours within a single program;

(2) An employee receiving training provided by a manufacturer as a part of the normal service incident to initial purchase or lease of its products under procurement contract; and

(3) An employee receiving training through a correspondence course.

(c) The head of an agency may waive the limitation in section 4106(a)(3) of title 5, United States Code for individual employees when the following conditions are met:

(1) The employee is serving under a career or career-conditional appointment or an appointment without time limitation in the excepted service;

(2) The training would not cause the total amount of the employee's training through non-Government facilities in the current decade of service to exceed two years; and

(3) A record of use of the authority is to be inserted in the employee's Official Personnel Folder, showing:

(i) A description of the training in terms of its substance (e.g., hydrology), level (e.g., graduate), and facility to be used;

(ii) The amount of training through non-Government facilities already received in the employee's current decade of service which counts toward the limitation;

(iii) The period for which the waiver is required (specifying month and year in which it is to begin and end);

(iv) If the training is primarily for application to a future assignment, a description of its major duties;

(v) The projected beginning of the employee's next decade of service; and

(vi) A statement of that agency's reasons for believing that application of the limitation would be contrary to the public interest, including a description of the effect of postponement of the training's completion until the next decade of service.

(d) The head of an agency may waive the limitation in section 4106(a)(3) of title 5, United States Code, for an employee serving in a career-related work-study program when all of the following conditions are met:

(1) The employee is serving under a Schedule B appointment which allows the agency to carry the employee on its rolls during the non-work periods of the

program and adequate opportunity for the employee to fulfill the obligation to continue in the service of the agency as required by section 4108 of title 5, United States Code;

(2) Graduate education shall not be covered by the waiver;

(3) The employee's expenses of college training that are being paid are limited to the expenses covered by section 4109(a)(2) of title 5, United States Code; and

(4) Information is recorded in the employee's Official Personnel Folder, recording the waiver, the nature of the program (e.g., Federal Junior Fellowship), and the length of training encompassed by the program.

(14) In § 410.508, paragraph (a) is revised to read as follows:

§ 410.508 Agreements to continue in service.

(a) For the purpose of administering section 4108 of title 5, United States Code:

(1) The period of time an employee is required to agree to continue in the service of the agency begins on the first workday after the end of the training covered by the agreement; and

(2) "Additional expenses incurred by the Government in connection with his training" means expenses of training paid under section 4109(a)(2) of title 5, United States Code, but not salary, pay, or compensation.

(15) Section 410.602 is revised to read as follows:

§ 410.602 Prohibition on payment of premium pay.

(a) Except as provided by paragraph (b) of this section, no funds appropriated or otherwise available to an agency may be used for the payment of premium pay to an employee engaged in training by, in, or through Government facilities or non-government facilities.

(b) The following are excepted from the provision in paragraph (a) of this section prohibiting the payment of premium pay:

(1) An employee given training during a period of duty for which he or she is already receiving premium pay for overtime, night, holiday, or Sunday work, except that this exception does not apply to an employee assigned to full-time training at institutions of higher learning;

(2) An employee given training at night because situations which he or she must learn to handle occur only at night;

(3) An employee given training on overtime, on a holiday, or on a Sunday because the costs of the training,

premium pay included, are less than the costs of the same training confined to regular work hours;

(4) An employee given training during periods of temporary assignment covered by § 550.162(c) of this chapter.

(5) An employee given training during a period not otherwise covered by a provision of this paragraph where premium pay is authorized by the employing agency as an exception from the provision in paragraph (a) of this section under authority delegated to it by the Office of Personnel Management; and

(6) An employee given training during a period not otherwise covered by a provision of this paragraph where premium pay is authorized by the Office of Personnel Management in response to a request of the employing agency for an exception from the provision in paragraph (a) of this section.

(c) An employee who is excepted under paragraph (b) of this section is eligible to receive premium pay in accordance with the pay authorities applicable to him or her.

PART 531—PAY UNDER THE GENERAL SCHEDULE

(16) Paragraph (b) of § 531.203 is revised to read as follows:

§ 531.203 General provisions.

(b) *Superior qualifications appointments.* (1) A "superior qualifications appointment" means an appointment to a position in Grade 11 or above of the General Schedule made, with the prior approval of the Office or under an agreement between the agency and the Office (except for positions in the Library of Congress), at a rate above the minimum rate of the appropriate grade under authority of section 5333 of title 5, United States Code because of the superior qualifications of the candidate.

(2) An agency may make a superior qualifications appointment by new appointment or by reemployment except that when made by reemployment, the candidate must have a break in service of at least 90 calendar days from his or her last period of Federal employment or employment with the Government of the District of Columbia (other than (i) employment under an appointment as an expert or consultant under section 3109 of title 5, United States Code, (ii) employment under a temporary appointment effected primarily in furtherance of a post-doctoral research program, or effected as part of predoctoral or postdoctoral training program during which the employee

receives a stipend, or employment under a temporary appointment of a graduate student when the work performed by the student is the basis for completing certain academic requirements for an advanced degree, (iii) employment as a member of the Commissioned Corps of the National Oceanic and Atmospheric Administration or the Commissioned Corps of Public Health Service, or (iv) employment which is neither full-time employment nor the principal employment of the candidate).

PART 591—ALLOWANCES AND DIFFERENTIALS

(17) Part 591, Subpart C, is revised in its entirety to read as follows:

Subpart C—Allowance Based on Duty at Remote Worksites

- Sec.
591.301 Purpose.
591.302 Coverage.
591.303 Responsibilities of agencies and the Office of Personnel Management.
591.304 Criteria for determining remoteness.
591.305 Allowance rates.
591.306 Employee eligibility for an allowance.
591.307 Payment of allowance rate.
591.308 Relationship to additional pay payable under other statutes.
591.309 Effective date for payment of allowance.
591.310 Effect of regulations in this subpart on allowances established under previous statutes.
Appendix A—Daily transportation allowance schedule commuting over land by private motor vehicle to remote duty posts.
Appendix B—Daily inconvenience or hardship allowance schedule, commuting over land by motor vehicle to remote duty posts.
Authority: 5 U.S.C. 5942; sec. 8, E.O. 11609, 3 CFR 1971-1975 Comp., p. 591; 5 U.S.C. 1104, Pub. L. 95-454, 92 Stat. 1120 and Sec. 3(5) of Pub. L. 95-454; 92 Stat. 1120.

Subpart C—Allowance Based on Duty at Remote Worksites

§ 591.301 Purpose.

This Subpart prescribes the regulations required by § 5942 of title 5, United States Code, for the payment of an allowance based on duty at remote worksites.

§ 591.302 Coverage.

(a) *Agencies.* This Subpart applies to executive departments as defined in section 101 of title 5, United States Code, and to independent establishments as defined in section 104 of title 5, United States Code, but does not apply to Government corporations as defined in section 103 of title 5, United States Code.

(b) *Employee.* This Subpart applies to each employee assigned to a permanent

duty station at or within a designated remote duty post, except an employee who is a permanent or temporary resident at the remote duty post, and except foreign nationals employed at remote duty posts in foreign countries.

§ 591.303 Responsibilities of agencies and the Office of Personnel Management.

(a) Each agency is responsible for:

(1) Establishing and subsequently adjusting, in accordance with the provisions of this subpart, an allowance for each remote duty post at which the agency has employees and which meets the criteria in paragraph (a)(1) of § 591.304, as restricted by subsection (b) of § 591.304;

(2) Advising the Office of Personnel Management of each establishment or adjustment of an allowance under paragraph (a)(1) of this section, and of the basis for such establishment or adjustment;

(3) Submitting a recommendation to the Office of Personnel Management to establish or adjust an allowance for each remote duty post at which the agency has employees and which meets the criteria in paragraph (a)(2) or (a)(3) or paragraph (c) of § 591.304; and

(4) Advising the Office of Personnel Management in a timely manner of any changes in a duty post or commuting conditions or other factors that may affect an allowance that has been authorized by the Office of Personnel Management under paragraph (b) of this section.

(b) The Office of Personnel Management is responsible for:

(1) Establishing and subsequently adjusting, in accordance with the provisions of this Subpart, an allowance for each remote duty post which does not meet the criteria in paragraph (a)(1) of § 591.304, but does meet the criteria in paragraph (a)(2) or (a)(3) or paragraph (c) of § 591.304;

(2) Reviewing each establishment or adjustment of an allowance by an agency under paragraph (a)(1) of this section to determine if such establishment or adjustment is in accordance with the provisions of this Subpart; and

(3) Directing the termination or adjustment of any allowance determined by the Office to be not in accordance with the provisions of this Subpart, which termination or adjustment shall be implemented by the agency without delay.

(c) Each allowance which has been authorized by the Office of Personnel Management or the Civil Service Commission on or before February 1, 1979, and which is authorized for a remote duty post which meets the

criteria in paragraph (a)(1) of § 591.304, shall be subject to further adjustment by the agency under paragraph (a)(1) of this section as if such allowance had been initially authorized by the agency under that paragraph.

§ 591.304 Criteria for determining remoteness.

(a) Except as provided by paragraphs (b) and (c) of this section, a duty post shall be determined to be a remote duty post for basic allowance, eligibility purposes when:

(1) Normal ground transportation (e.g., automobile, train, bus) is available on a daily basis and the duty post is 50 miles, or more, one way from the nearest established community or suitable place of residence. Distance shall be computed in road or rail miles over the most direct route traveled from the center of the city, or other appropriate point for large cities or areas; or

(2) Daily commuting is impractical because the location of the duty post and available transportation are such that agency management requires employees to remain at the duty post for their workweek as a normal and continuing part of the conditions of employment; or

(3) Transportation may be accomplished only by boat, aircraft, or unusual conveyance, or under extraordinary conditions, and the distance, time, and commuting conditions result in expense, inconvenience, or hardship significantly greater than that encountered in metropolitan area commuting. A determination may only be made on an individual location basis.

(b) Except when the criteria in paragraph (a)(2) or (3) of this section are met, the criteria in paragraph (a)(1) of this section are not met:

(1) When the duty post is within the boundary of a metropolitan area, a developed urban area, or community of sufficient size to provide adequate consumer facilities; and

(2) When the duty post is within 50 miles of the center of, or other appropriate point for large cities or areas, a metropolitan area, a developed urban area, or community of sufficient size to provide adequate consumer facilities. (This generally excludes a post of duty within 50 miles of any city of 5,000 or more population.)

(c) A determination of remoteness for a duty post outside the 50 United States will be made on an individual location basis, taking into consideration the distance, time, and commuting conditions, and the extent to which these factors result in significant expense, inconvenience, or hardship.

§ 591.305 Allowance rates.

(a) *General.* An allowance rate may not exceed \$10 a day. An allowance rate shall be established for each post of duty determined to be remote under § 591.304, and shall be terminated or adjusted as warranted. In determining the amount of the allowance rate, the following shall be considered:

(1) Transportation expenses incurred in commuting to the remote post of duty as compared to transportation expenses (including cost of public transportation service) representative of those incurred in metropolitan areas within the United States or overseas as appropriate as periodically determined by the Office of Personnel Management.

(2) Expenses incurred for lodging, meals, other services, and miscellaneous expenses when it is not feasible for an employee to commute daily as at duty posts determined under § 591.304(a)(2).

(3) Inconvenience or hardship associated with commuting to the remote duty post taking into account such factors as travel time, road conditions and terrain, type and quality of vehicle, and climate conditions, and conditions that exist at those duty posts determined by the Office of Personnel Management to meet the criteria in § 591.304(a)(2).

(4) Operational or workload demands, weather conditions, or other situations which require an employee to report to or remain at this post of duty substantially beyond his or her normal arrival or departure time with respect to those duty posts meeting the criteria in § 591.304(a)(2).

(b) *Authorized allowance rates.* Each authorized allowance rate for each duty post may consist of up to three parts, separately stated as appropriate, and the authorized allowance rate shall be paid as provided in § 591.306, but no employee may be paid more than \$10 a day. The parts which make up the authorized allowance rate are:

(1) *Transportation allowance.* (i) *Commuting by private motor vehicle.* A transportation allowance schedule showing the daily transportation expense rate to be paid under the distances and conditions described, when commuting by private motor vehicle is set out as Appendix A to this Subpart and is incorporated in and made part of this section.

(ii) *Travel by commercial or Government-provided transportation.* The transportation allowance shall be limited to the cost of the service less normal cost for public transportation service in metropolitan areas.

(2) *Inconvenience or hardship allowance.* An allowance rate to compensate for hardship or

inconvenience may not be considered unless the travel time normally exceeds one hour one way between the closest established community or suitable place or residence and the remote duty post. An allowance schedule covering land travel by motor vehicle, showing the daily rates to be paid under the time factors and conditions described, for inconvenience or hardship combined, is set out as Appendix B to this subpart and is incorporated in and made part of this section.

(3) *Other commuting situations.* Notwithstanding paragraphs (b)(1) and (b)(2) of this section, when commuting is by boat, aircraft or an unusual conveyance, or under extraordinary conditions by motor vehicle, or involving factors or conditions unique to the duty post, the Office of Personnel Management shall establish the allowance based on the facts and circumstances of that individual remote duty post.

(4) *Miscellaneous.* When daily commuting is impractical as determined under § 591.304(a)(2):

(i) The Office of Personnel Management may authorize a miscellaneous allowance, the amount to depend on such factors as miscellaneous expenses, living conditions that exist at the duty post, or inconvenience or hardship that may be associated with this type of employment environment. When employees are required to pay a fee for lodging, meals, or other services at the remote duty post, the miscellaneous allowance shall at least equal the amount charged for the use of facilities and services.

(ii) On those days when operational or workload demands, weather conditions, or other situations result in employees reporting to or remaining at the remote duty post substantially beyond normal arrival or departure time, the maximum daily allowance rate of \$10 shall be paid.

§ 591.306 Employee eligibility for an allowance.

(a) An authorized allowance rate shall be paid to each employee with a permanent duty station at or within a remote post of duty approved under § 591.304, regardless of type of appointment or work schedule, only (1) when the employee travels the prescribed minimum distance and time, or is subject to prescribed minimum inconvenience or hardship factors, while commuting from the nearest established community or suitable place of residence and the remote duty post, or (2) the employee remains at the worksite at the direction of management because daily commuting is impractical.

(b) An employee shall be paid an authorized allowance rate for those days on which he or she incurs unusual expense in commuting to a remote post of duty or for those days on which he or she is subject to extraordinary inconvenience or hardship during the commuting.

(c) An employee who resides permanently, or temporarily for his or her own convenience at a remote duty post is not eligible for an authorized allowance rate during his or her period of residence.

§ 591.307. Payment of allowance rate.

(a) An authorized allowance rate is earned on a daily basis; however, where appropriate for administrative convenience, the rate may be averaged taking into consideration the number of noncommuting days over a period of time, and paid for each workday, excluding days in a nonpay status and period of extended absence.

(b) The transportation allowance is paid only when expense is incurred and at the lowest rate consistent with available transportation.

(c) The inconvenience or hardship allowance is paid regardless of eligibility for the transportation expense part of the allowance rate when the employee is otherwise eligible.

(d) Except as provided under § 591.305(b)(4)(ii), when the necessity for remaining at the post of duty for the workweek is the basis for the allowance under § 591.304(a)(2), the allowance rate is paid for each full day, or prorated for each part of a day, that the employee remains at the duty post.

(e) The transportation allowance prescribed by paragraph (b)(1)(i) of § 591.305, or other allowance as may be prescribed for commuting by private motor vehicle, may not be paid unless the officially approved work schedule of the employee precludes use of the transportation services that may be available at lower cost.

(f) An employee, who normally commutes on a daily basis, will not be disqualified from receiving an authorized allowance when he or she is officially required to remain overnight at the remote duty post, for one or more days on a temporary basis, because of the schedule of operations or the nature of assigned work.

(g) When a remote duty post is determined by the Office of Personnel Management under paragraph (a)(3) or (c) of § 591.304 as being basically eligible for an allowance, the Office of Personnel Management will determine the basis for payment of the allowance rate taking into consideration the facts

and circumstances associated with commuting to the remote duty post.

§ 591.308 Relationship to additional pay payable under other statutes.

An allowance authorized under this subpart is in addition to any additional pay or allowances payable under other statutes. It shall not be considered part of the employee's rate of basic pay in computing additional pay or allowances payable under other statutes.

§ 591.309 Effective date for payment of allowances.

When an allowance is authorized for a remote duty post, the authorization shall specify the effective date that an agency shall begin paying the allowance to its employees, except that a date earlier than January 8, 1971, may not be specified.

§ 591.310 Effect of regulations in this subpart on allowances established under previous statutes.

Regulations in this subpart do not require a reduction in the allowance rates authorized under previous statutes unless an adjustment is determined to be warranted on the basis of a change in facts and circumstances on which that previous allowance was established.

Appendix A or Subpart C.—Daily Transportation Allowance Schedule, Commuting Over Land by Private Motor Vehicle to Remote Duty Posts

Schedule I.—Effective January 8, 1971, Through July 12, 1975

Round trip distance in excess of 50 miles	Degree A commuting conditions	Degree B commuting conditions	Degree C commuting conditions
up to 9 miles.....	\$0.20	\$0.22	\$0.24
10 to 19.....	.70	.77	.84
20 to 29.....	1.20	1.32	1.44
30 to 39.....	1.70	1.87	2.04
40 to 49.....	2.20	2.42	2.64
50 to 59.....	2.70	2.97	3.24
60 to 69.....	3.20	3.52	3.84
70 to 79.....	3.70	4.07	4.44
80 to 89.....	4.20	4.62	5.04
90 to 99.....	4.70	5.17	5.64
100 to 109.....	5.20	5.72	6.24
110 to 119.....	5.70	6.27	6.84
120 to 129.....	6.20	6.82	7.44
130 to 139.....	6.70	7.37	8.04
140 to 149.....	7.20	7.92	8.64
150 to 159.....	7.70	8.47	9.24
160 to 169.....	8.20	9.02	9.84
170 and over.....	8.70	9.57	10.00

Schedule II.—Effective on or after July 13, 1975

Round trip distance in excess of 50 miles	Degree A commuting conditions	Degree B commuting conditions	Degree C commuting conditions
up to 9 miles.....	\$0.30	\$0.32	\$0.34
10 to 19.....	1.05	1.12	1.19
20 to 29.....	1.80	1.92	2.04
30 to 39.....	2.55	2.72	2.89
40 to 49.....	3.30	3.52	3.74
50 to 59.....	4.13	4.32	4.68
60 to 69.....	4.80	5.12	5.44
70 to 79.....	5.55	5.92	6.29

Schedule II.—Effective on or after July 13, 1975—Continued

Round trip distance in excess of 50 miles	Degree A commuting conditions	Degree B commuting conditions	Degree C commuting conditions
80 to 89.....	6.30	6.72	7.14
90 to 99.....	7.05	7.52	7.99
100 to 109.....	7.80	8.32	8.84
110 to 119.....	8.55	9.12	9.69
120 to 129.....	9.30	9.92	10.00
130 to 139.....	10.00	10.00	10.00
140 to 149.....	10.00	10.00	10.00
150 to 159.....	10.00	10.00	10.00
160 to 169.....	10.00	10.00	10.00
170 and over.....	10.00	10.00	10.00

1 Under the statute, \$10 a day is the maximum allowance.

Degree A Commuting Conditions

Good paved roads; climatic conditions cause intermittent driving difficulty.

Degree B Commuting Conditions

Roads typically fair but may be good for part of distance or may be unpaved for short distances; climatic conditions during part of a season, in relation to terrain, contribute to additional cost.

Degree C Commuting Conditions

Fair to poor roads; unpaved for part of distance, or travel over range; hilly or mountainous terrain; climatic conditions during most of a season contribute to additional cost.

Appendix B of Subpart C.—Daily Inconvenience or Hardship Allowance Schedule, Commuting Over Land by Motor Vehicle to Remote Duty Posts

Round trip distance in excess of 2 hours	Degree A commuting conditions	Degree B commuting conditions	Degree C commuting conditions
up to 15 minutes.....	\$0.50	\$0.63	\$0.75
16 to 30.....	1.00	1.25	1.50
31 to 45.....	1.50	1.88	2.25
46 to 60.....	2.00	2.50	3.00
61 to 75.....	2.50	3.13	3.75
76 to 90.....	3.00	3.75	4.50
91 to 105.....	3.50	4.38	5.25
106 to 120.....	4.00	5.00	6.00
121 to 135.....	4.50	5.63	6.75
136 to 150.....	5.00	6.25	7.50
151 to 165.....	5.50	6.88	8.25
166 to 180.....	6.00	8.13	9.00

Degree A Commuting Conditions

Good paved roads; climatic conditions, in relation to type and quality of vehicle, cause minimal discomfort during trip.

Degree B Commuting Conditions

Roads typically fair, but may be good for part of distance and possibly unpaved for short distances; climatic conditions during part of a season, in relation to type and quality of vehicle, result in moderate discomfort during trip.

Degree C Commuting Conditions

Fair to poor roads, unpaved for part of distance, climatic conditions during

most of a season, in combination with such factors as type and quality of vehicle and terrain, result in unusual discomfort during trip.

(5 U.S.C. 1104; Pub. L. 95-454 Sec. 3(5))

[FR Doc. 79-29516 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Agriculture

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to reflect changes in the titles of four positions made necessary by the merger of the Rural Development Service into the Farmers Home Administration. The titles of two of these positions are changed from Confidential Assistant to the Administrator to Confidential Assistant to the Associate Administrator for Rural Development, Policy Management and Coordination. The third position's title is changed from Assistant to the Administrator (Assistant Administrator, Policy Coordination and Training) to Assistant to the Associate Administrator for Rural Development, Policy Management and Coordination (Assistant Administrator, Policy Coordination and Training). The last position's title is changed from Private Secretary to the Administrator to Private Secretary to the Associate Administrator for Rural Development, Policy Management and Coordination.

EFFECTIVE DATE: May 8, 1979.

FOR FURTHER INFORMATION CONTACT: Office of Personnel Management, 202-632-4533.

On position content: Phyllis Mowrey, Department of Agriculture, 447-7131.

Office of Personnel Management.

Beverly M. Jones, *Issuance System Manager.*

Accordingly, 5 CFR 213.3313(f) (8), (9) and (10) are added and (t) is revoked as set out below:

§ 213.3313 Department of Agriculture.

(f) *Farmers Home Administration.* * * *

(8) Two Confidential Assistants to the Associate Administrator for Rural Development, Policy Management and Coordination.

(9) One Assistant to the Associate Administrator for Rural Development, Policy Management and Coordination

(Assistant Administrator, Policy Coordination and Training).

(10) Private Secretary to the Associate Administrator for Rural Development, Policy Management and Coordination.

(t) [Revoked]

(5 USC 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29549 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Agriculture

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Assistant to the Administrator, Rural Electrification Administration because it is confidential in nature.

EFFECTIVE DATE: May 29, 1979.

FOR FURTHER INFORMATION CONTACT: On position authority: William Bohling, Office of Personnel Management, 632-4533. On position content: Phyllis Mowrey, Department of Agriculture, 447-7131.

Office of Personnel Management.

Beverly M. Jones, *Issuance System Manager.*

Accordingly, 5 CFR 213.3313(b)(4) is amended as set out below:

§ 213.3313 Department of Agriculture.

(b) *Rural Electrification Administration.* * * *

(4) Three Assistants to the Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29559 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Agriculture

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment changes the title of a position in the Department of Agriculture from Confidential Assistant to the Assistant Secretary for International Affairs and Commodity Programs to Confidential Assistant to

the Under Secretary for International Affairs and Commodity Programs to reflect the current title of the superior.
EFFECTIVE DATE: August 7, 1979.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling,
Office of Personnel Management, 632-4533.
On position content: Phyllis Mowrey,
Department of Agriculture, 447-7131.
Office of Personnel Management.
Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3313(a)(12) is amended as set out below:

§ 213.3313 Department of Agriculture.

(a) Office of the Secretary. * * *
(12) One Confidential Assistant to the Under Secretary for International Affairs and Commodity Programs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29560 Filed 9-24-79; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Agriculture

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment revokes one Assistant Sales Manager, Office of the Assistant Secretary for International Affairs and Community Programs and five State and County Program Coordinators, Agriculture Stabilization and Conservation Service because there is no longer a need for these positions.

EFFECTIVE DATE: September 25, 1979.

FOR FURTHER INFORMATION CONTACT:
On position authority: William Bohling,
Office of Personnel Management, 632-4533.

Office of Personnel Management.
Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3313(a)(42) and (h)(9) are revoked as set out below:

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* * * *
(42) [Revoked]

(h) *Agricultural Stabilization and Conservation Service.* * * *
(9) [Revoked]

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29561 Filed 9-24-79; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of the Army

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Secretary (Steno) to the Principal Deputy Assistant Secretary because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: May 31, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling,
Office of Personnel Management, 632-4533.
On position content: Leon Kniaz, Department of the Army, 697-2691.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3307(d)(1) is added as set out below:

§ 213.3307 Department of the Army.

(d) *Office of the Principal Deputy Assistant Secretary of the Army (Installations, Logistics and Financial Management).*

(1) One Secretary (Steno) to the Principal Deputy Assistant Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

[FR Doc. 79-29545 Filed 9-24-79; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of the Army

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Deputy for Human Systems and Resources, Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs) at the Department of the Army because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: April 11, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority contact: William Bohling, Office of Personnel Management, 202-632-4533.

On position content contact: Leon Kniaz,
Department of the Army, 697-2691.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3307(c)(2) is added as set out below:

§ 213.3307 Department of the Army.

(c) *Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).*

(2) One Deputy for Human Systems and Resources.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

[FR Doc. 79-29546 Filed 9-24-79; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The following three positions are excepted from the competitive service under Schedule C because all are confidential in nature: one position of Confidential Assistant to the Director of Recruiting for the Decennial Census; one Special Assistant (State/Local Coordinator); and one Special Assistant (National Coordinator). Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: Special Assistants—August 6, 1979; Confidential Assistant—August 10, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling,
Office of Personnel Management, 632-4533.
On position content: Bea Nelson, Department of Commerce, 377-3453.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3314(v)(3) is added as set out below:

§ 213.3314 Department of Commerce.

(v) *Bureau of the Census.* * * *

(3) One Confidential Assistant to the Director of Recruiting for the Decennial Census, one Special Assistant (State/Local Coordinator) and one Special Assistant (National Coordinator).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

[FR Doc. 79-29553 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Special Assistant to the Assistant Secretary for Economic Development because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: June 25, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling,
Office of Personnel Management, 632-4533.
On position content: Bea Nelson, Department of Commerce, 377-3453.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3314(q)(11) is amended as set out below:

§ 213.3314 Department of Commerce.

(q) *Office of the Assistant Secretary for Economic Development.* * * *

(11) Two Special Assistants to the Assistant Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29554 Filed 9-24-79; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment changes the title of a position from Confidential Assistant to the Deputy Assistant Secretary for International Commerce to Confidential Assistant to the Deputy Assistant Secretary for Export Development to reflect a change in the superior's title.

EFFECTIVE DATE: May 8, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling,
Office of Personnel Management, 632-4533.

On position content: Judy Hilton, Department of Commerce, 377-3453.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3314(m)(18) is amended as set out below:

§ 213.3314 Department of Commerce.

(m) *Office of the Assistant Secretary for Industry and Trade.* * * *

(18) One Confidential Assistant to the Deputy Assistant Secretary for Export Development.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29555 Filed 9-24-79; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Special Assistant to the Secretary for Regional Development and one Private Secretary to the Director of Census because they are confidential in nature. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATES: Special Assistant—June 7, 1979; Private Secretary—June 19, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling,
Office of Personnel Management, 632-4533.
On position content: Bea Nelson, Department of Commerce, 377-3453.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3314(a)(1) is amended and (v)(2) is added as set out below:

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* (1) Six Confidential Assistants to the Secretary and one Special Assistant to the Secretary for Regional Development.

(v) *Bureau of the Census.* * * *

(2) One Private Secretary to the Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29556 Filed 9-24-79; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: One position of Director, Office of Minority Enterprise Program Development, is excepted from the competitive service under Schedule C because it has significant policy-determining aspects.

EFFECTIVE DATE: April 6, 1979.

FOR FURTHER INFORMATION CONTACT:
William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3314(a)(3) is amended as set out below:

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* * * *

(3) One Confidential Assistant, one Special Assistant, one Director, Office of Minority Enterprise Program Development, and two Private Secretaries to the Under Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 79-29557 Filed 9-24-79; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Confidential Assistant to the Special Assistant for Minority Business Enterprise and one Special Program Advisor to the Administrator of the National Oceanic and Atmospheric Administration because they are confidential in nature. Appointments may be made to these positions without the necessity for examination by the Office of Personnel Management.

EFFECTIVE DATE: Special Assistant—May 10, 1979; Special Program Advisor—May 21, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling,
Office of Personnel Management, 202-632-4533.

On position content: Judy Hilton, Department of Commerce, 377-3453.

Office of Personnel Management.
Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3314(a)(4) is added and (r)(1) is amended as set out below:

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* * * *
(4) One Confidential Assistant to the Special Assistant for Minority Business Enterprise.

(r) *National Oceanic and Atmospheric Administration.*

(1) One Private Secretary, one Executive Assistant, two Special Assistants and one Special Program Advisor to the Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29558 Filed 9-24-79; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Defense

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment to Schedule C changes the title of a position in the Department of Defense from Private Secretary to the Defense Advisor to USNATO in Brussels, Belgium to Secretary (Steno) to the Defense Advisor to USNATO in Brussels, Belgium to more appropriately reflect the duties of the position.

EFFECTIVE DATE: June 14, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.
On position content: Michael Sekol, Department of Defense, 697-1703.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3306(a)(6) is amended as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.*
(6) One Secretary (Steno) to the Defense Advisor to USNATO in Brussels, Belgium.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

[FR Doc. 79-29550 Filed 9-24-79; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Defense

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C three positions: one Assistant for Intergovernmental Relations, and one Staff Assistant to the Deputy for Intergovernmental Relations, Office of the Council on Wage and Price Stability and one Special Assistant for Mutual and Balanced Force Reductions Policy to the Deputy Assistant Secretary of Defense (Policy Plans and NSC Affairs) because they are confidential in nature. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: Assistant—April 11, 1979; Special Assistant—April 12, 1979; Staff Assistant—April 20, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority contact: William Bohling, Office of Personnel Management, 202-632-4533.

On position content contact: Michael Sekol, Department of Defense, 695-0511.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3306(a)(98) is amended and (c)(4) is added as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *
(98) Five Special Assistants to the Deputy Assistant Secretary (Policy Plans and NSC Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

(c) *Interdepartmental Programs.*

(4) One Assistant and one Staff Assistant to the Deputy for Intergovernmental Relations in the Office of the Council on Wage and Price Stability.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29538 Filed 9-24-79; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Defense

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Special Assistant for African Affairs to the Deputy Assistant Secretary of Defense (Near East, African, and South Asian Affairs) because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: July 31, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Mike Sekol, Department of Defense, 697-8373.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3306(a)(7) is added as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(7) One Special Assistant for African Affairs to the Deputy Assistant Secretary of Defense (Near East, African and South Asian Affairs).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29542 Filed 9-24-79; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Defense

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Philippines Base Negotiations Advisor because it is confidential in nature. Appointments may be made without examination by the Office of Personnel Management.

EFFECTIVE DATE: August 14, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Mike Sekol, Department of Defense, 697-8373.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3306(a)(4) is added as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(4) One Philippines Base Negotiations Advisor.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

[FR Doc. 79-29543 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Defense

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Assistant Secretary of Defense (Health Affairs) because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: June 29, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Michael Sekol, Department of Defense, 697-1703.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3306(a)(35) is amended as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *
(35) One Private Secretary and one Special Assistant to the Assistant Secretary (Health Affairs).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29544 Filed 9-24-79; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Energy

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one temporary position not to exceed January 31, 1980 of Confidential Assistant to a Member of the Federal Energy Regulatory Commission because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: July 13, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling,

Office of Personnel Management, 632-4533.

On position content: Robert Willyerd,

Department of Energy, 633-8234.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3331(c)(7) is amended as set out below:

§ 213.3331 Department of Energy.

(c) *Federal Energy Regulatory Commission.* * * *

(7) Two Confidential Assistants to a Member of the Commission and three Confidential Assistants, one to each remaining Member of the Commission.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29532 Filed 9-24-79; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Environmental Protection Agency

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C one position of Congressional Liaison Specialist because it is confidential in nature. Appointments may be made without examination by the Office of Personnel Management.

EFFECTIVE DATE: August 8, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Anne Maes, Environmental Protection Agency, 755-0270.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3318(c)(1) is added as set out below:

§ 213.3318 Environmental Protection Agency.

(c) *Office of Legislation.* * * *

(1) One Congressional Liaison Specialist.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29534 Filed 9-24-79; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Health, Education, and Welfare

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C two temporary positions: One Confidential Secretary to the Secretary and one Secretary (Steno) to the Secretary, both not to exceed November 2, 1979, because they are confidential in nature. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: August 2, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Emma Mapp, Department of Health, Education, and Welfare, 245-2015.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3316(a)(8) is amended and (a)(16) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *
(8) Two Confidential Secretaries to the Secretary.

(16) One Secretary (Steno) to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29530 Filed 9-24-79; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Health, Education, and Welfare

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment (1) excepts from the competitive service under Schedule C one Associate Commissioner, Office of Developmental Services because it is confidential in nature and (2) changes the title of a position from Assistant Commissioner for Comprehensive School Health to Director, Comprehensive School Health to more appropriately reflect the duties of the position. Appointments may be made to these positions without

examination by the Office of Personnel Management.

EFFECTIVE DATES: Associate Commissioner—June 8, 1979; Director—June 22, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533. On position content: Rita Reed, Department of Health, Education, and Welfare, 245-2015.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3316(c)(23) is amended and (n)(2) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(c) *Office of Education.* * * *

(23) Director, Comprehensive School Health.

(n) *Office of the Assistant Secretary for Human Development.* * * *

(2) One Associate Commissioner, Office of Developmental Services.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29531 Filed 9-24-79; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Health, Education, and Welfare

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Confidential Assistant to the Executive Assistant to the Secretary because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: July 13, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Rita Reed, Department of Health, Education, and Welfare, 245-2015.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3316(a)(35) is amended as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(35) One Secretary and one Confidential Assistant to the Executive Assistant to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29562 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of the Interior

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Director of the Office of Territorial Affairs because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: June 4, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533. On position content: Teresa Winchell, Department of the Interior, 343-7764.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3312(1)(i) is added as set out below:

§ 213.3312 Department of Interior.

(1) *Office of the Director of Territorial Affairs.* * * *

(i) One Special Assistant to the Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

[FR Doc. 79-29547 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Interior

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Assistant Secretary for Energy and Minerals because it is confidential in nature. Appointments

may be made to the position without examination by the Office of Personnel Management.

EFFECTIVE DATE: May 8, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533. On position content: Teddi Winchell, Department of Interior, 343-7764.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3312(a)(37) is amended as set out below:

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(37) Two Special Assistants to the Assistant Secretary for Energy and Minerals.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29548 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Interstate Commerce Commission

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C two Confidential Assistants in the Office of the Commissioners because they are confidential in nature. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: August 7, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533. On position content: Mary Pricci, Interstate Commerce Commission, 275-7288.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3322(a) is amended as set out below:

§ 213.3322 Interstate Commerce Commission.

(a) One Confidential Assistant to each of ten Commissioners.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29533 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Labor

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Secretary because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: July 10, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533. On position content: Joyce Goins, Department of Labor, 523-6555.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3315(a)(1) is amended as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.*

(1) One Private Secretary, one Secretary, Four Special Assistants and one Confidential Assistant to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29551 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Labor

AGENCY: Office of Personnel Management.

ACTION: Final Rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Special Assistant to the Deputy Under Secretary for International Affairs at the Department of Labor because it is confidential in nature. Appointments may be made to the position without the necessity for examination by the Office of Personnel Management.

EFFECTIVE DATE: May 10, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-4533. On position content: Joyce Goins, Department of Labor, 523-6555.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3315(a)(16) is amended as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(16) One Staff Assistant, one Executive Assistant and one Special Assistant to the Deputy Under Secretary for International Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29552 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of State

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Member of the Policy Planning Staff at the Department of State because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: May 22, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533. On position content: Frances A. Jones, Department of State, 632-5350.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3304(a)(29) is amended as set out below:

§ 213.3304 Department of State.

(a) *Office of the Secretary.* * * *

(29) Six Members of the Policy Planning Staff.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29539 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of State

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Secretary (Steno) to the Senior Advisor to the Secretary because

it is confidential in nature.

Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: June 26, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-4533.

On position content: Jack E. Melton, Department of State, 632-5350.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3304(a)(36) is amended as set out below:

§ 213.3304 Department of State.

(a) *Office of the Secretary.* * * *

(36) One Staff Assistant and one Secretary (Steno) to the Senior Advisor to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

[FR Doc. 79-29535 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of State

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Secretary (Steno) to the Legal Advisor because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: July 12, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Frances Jones, Department of State, 632-5350.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, 5 CFR 213.3304(l)(1) is added as set out below:

§ 213.3304 Department of State.

(l) *Office of the Legal Adviser.*

(1) One Secretary (Steno) to the Legal Adviser.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29537 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of State

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C a position at the Department of State one position of Special Assistant for Panama Treaty Affairs because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: April 23, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-4533.

On position content: R. Massey, Department of State, 632-5350.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3304(aa)(2) is added as set out below:

§ 213.3304 Department of State.

(aa) *Bureau of Inter-American Affairs.*

(2) One Special Assistant for Panama Treaty Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29538 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of the Treasury

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Assistant Secretary (Legislative Affairs) because the position is confidential in nature. An appointment may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: May 22, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Charlene Robinson, Department of the Treasury, 566-5953.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3305(a)(51) is amended as set out below:

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* * * *

(51) Four Special Assistants to the Assistant Secretary (Legislative Affairs).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29540 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of the Treasury

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C a position at the Department of the Treasury one position of Assistant to the Director (Congressional Affairs) at the Bureau of Alcohol, Tobacco and Firearms because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: May 17, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: James J. Panagis, Department of the Treasury, 566-7146.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3305(d)(1) is added as set out below:

§ 213.3305 Department of the Treasury.

(d) Bureau of Alcohol, Tobacco and Firearms.

(1) One Assistant to the Director (Congressional Affairs).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29541 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Environmental Protection Agency

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Inspector General because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: August 8, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Anne Maes, Environmental Protection Agency, 755-0270.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3318(b)(1) if added as set out below:

§ 213.3318 Environmental Protection Agency.

(b) *Office of the Inspector General.* (1) One Special Assistant to the Inspector General.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29574 Filed 9-24-79; 9:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Health, Education, and Welfare

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Executive Assistant to the Administrator for Primary Health Care, Health Services Administration and one Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs because they are confidential in nature. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: Executive Assistant—June 6, 1979; Special Assistant—June 8, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Rita Reed, Department of Health, Education and Welfare, 245-2015.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3316(a)(14) and (h)(1) are added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(14) One Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs.

(h) *Office of the Assistant Secretary for Health.* * * *

(1) One Executive Assistant to the Administrator for Primary Health Care, Health Services Administration.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29564 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Health, Education, and Welfare

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C one Private Secretary to the Secretary because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: August 3, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Emma Mapp, Department of Health, Education, and Welfare, 245-2015.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3316(a)(15) is amended as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(15) One Private Secretary to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29563 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Health, Education, and Welfare

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C two temporary positions because they are confidential in nature: One Confidential Assistant to the Assistant Secretary for Legislation and one Assistant to the Secretary for Special Programs both not to exceed December 4, 1979. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: September 4, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Emma Mapp, Department of Health, Education and Welfare, 245-2015.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3316(a)(11) and (f)(12) are amended as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(11) Four Special Assistants to the Secretary for Special Programs.

(f) *Office of the Assistant Secretary for Legislation.* * * *

(12) Two Confidential Assistants to the Assistant Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29565 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Health, Education, and Welfare

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Executive Assistant to the Deputy Commissioner, Bureau of Occupational and Adult Education, one Confidential Assistant to the Deputy Commissioner of the Bureau of School Improvement and one Confidential Assistant to the Executive Deputy Commissioner for Resources and Operations because they are confidential in nature. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: July 20, 1979; July 23, 1979; July 25, 1979, respectively.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Emma Mapp, Department of Health, Education, and Welfare, 245-2015.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3316(c) (4) (5) (6) are added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(c) *Office of Education.* * * *

(4) One Executive Assistant to the Deputy Commissioner, Bureau of Occupational and Adult Education.

(5) One Confidential Assistant to the Deputy Commissioner, Bureau of School Improvement.

(6) One Confidential Assistant to the Executive Deputy Commissioner for Resources and Operations.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29573 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Health, Education, and Welfare

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Confidential Assistant to the Deputy Assistant Secretary for Education (Policy Development) because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: August 2, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Emma Mapp, Department of Health, Education, and Welfare, 245-2015.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3316(c)(7) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(c) *Office of education.* * * *

(7) One Confidential Assistant to the Deputy Assistant Secretary for Education (Policy Development).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29572 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Health, Education and Welfare

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Executive Assistant to the Commissioner of Education and one position of Assistant Commissioner for Education Community Liaison in the Office of Education because they are confidential in nature. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: May 1, 1979.

FOR FURTHER INFORMATION:

On position authority contact: William Bohling, Office of Personnel Management, 202-632-4533.

On position content contact: Lois Winslow, Department of Energy, 633-8900.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3316(c)(14) is amended and (c)(8) is added as set out below:

§ 213.3316 Department of Health, Education and Welfare.

(c) *Office of Education.* * * *

(14) Three Special Assistants and one Executive Assistant to the Commissioner of Education. * * *

(8) One Assistant Commissioner for Education Community Liaison.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29571 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Health, Education, and Welfare

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Assistant Secretary for Planning and Evaluation because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: July 17, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Emma Mapp, Department of Health, Education, and Welfare, 245-2015.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3316(k)(1) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(k) *Office of the Assistant Secretary for Planning and Evaluation.* * * *

(1) One Special Assistant to the Assistant Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29570 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Health, Education, and Welfare

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Special Assistant of External Affairs because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

EFFECTIVE DATE: August 14, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Emma Mapp, Department of Health, Education, and Welfare, 245-2015.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3316(1)(2) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(1) *Social Security Administration.* * * *

(2) One Special Assistant for External Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29569 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Health, Education, and Welfare

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Director, Office of Refugee Affairs, because it is confidential in nature. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: June 29, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-4533.

On position content: Emma Mapp, Department of Health, Education, and Welfare, 245-2015.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3316(1)(3) is added as set out below:

§ 213.3316 Department of Health, Education and Welfare.

(1) *Social Security Administration.* * * *

(3) One Director, Office of Refugee Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29568 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Health, Education, and Welfare

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one Director, Office of Domestic Violence, because it is confidential in nature. Appointments

may be made without examination by the Office of Personnel Management.

EFFECTIVE DATE: August 7, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Emma Mapp, Department of Health, Education, and Welfare, 245-2015.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3316(n)(3) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(n) *Office of the Assistant Secretary for Human Development.* * * *

(3) Director, Office of Domestic Violence.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29567 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Health, Education, and Welfare

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment changes the title of a position at the Department of Health, Education, and Welfare from Confidential Secretary to the Deputy Assistant Secretary for Education to Confidential Assistant to the Deputy Assistant Secretary for Education to more appropriately reflect the duties of the position.

EFFECTIVE DATE: May 15, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Rita Reed, Department of Health, Education, and Welfare, 245-2015.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3316(r)(7) is amended as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(r) *Office of the Assistant Secretary for Education.* * * *

(7) One Confidential Assistant to the Deputy Assistant Secretary for Education.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29578 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Health, Education, and Welfare

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment changes the title of a position at the Department of Health, Education, and Welfare from Confidential Secretary to the Director, Institute of Museum Services to Confidential Assistant to the Director, Institute of Museum Services to more appropriately reflect the duties of the position.

EFFECTIVE DATE: May 22, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 632-4533.

On position content: Rita Reed, Department of Health, Education, and Welfare, 245-2015.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3316(r)(11) is amended as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(r) *Office of the Assistant Secretary for Education.* * * *

(11) One Confidential Assistant to the Director, Institute of Museum Services.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 79-29575 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of Labor

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C three positions: Two Special Assistants and one Private Secretary all reporting to the Inspector General of Labor because they are confidential in

nature. Appointments may be made without examination by the Office of Personnel Management.

EFFECTIVE DATE: April 23, 1979.

FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-4533.

On position content: Joyce Goins, Department of Labor, 523-6563.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR 213.3315(c)(1) is added as set out below:

§ 213.3315 Department of Labor.

(c) *Office of the Inspector General.*

(1) Two Special Assistants and one Private Secretary to the Inspector General.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

[FR Doc. 79-29566 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 737

Post Employment Conflict of Interest

AGENCY: Office of Personnel Management.

ACTION: Interim regulations made immediately effective with comments invited for consideration in final rulemaking.

SUMMARY: The Office of Personnel Management is issuing an interim regulation under the Ethics in Government Act of 1978 concerning the designation of certain positions subject to the post employment conflict of interest regulations applicable to "senior employees".

DATE: Effective date: September 25, 1979. **Comment date:** Written comments will be considered if received no later than October 30, 1979.

ADDRESS: Send written comments to: Office of Government Ethics, 1900 E Street NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Gary Davis at (202) 632-7642.

SUPPLEMENTARY INFORMATION:

Subsection 207(d)(1)(C) of title 18 U.S.C. contained in Title V of the Ethics in Government Act of 1978 ("the Act"), (Pub. L. 95-521), gives the Director of the Office of Government Ethics ("OGE") authority to designate certain employee positions for purposes of the restrictions of 18 U.S.C. subsections 207(b)(iii) and 207(c). Regulations implementing this authority published April 3, 1979 (44 FR

19974) designated as "senior employees," subject to such restrictions, all employees in a position in any pay system for which the basic rate of pay is equal to or greater than that for GS-17 of the General Schedule as prescribed by 5 U.S.C. 5332 or positions which are established within the Senior Executive Service (SES) pursuant to the Civil Service Reform Act of 1978, subject to exemptions to be made by OGE. Recently passed Public Law 96-28 amended subsection 207(d) to grant OGE the same discretionary designation authority in regard to active duty commissioned officers of the uniformed services serving in pay grades 07 and 08 (described in 37 U.S.C. 201.) In anticipation of the passage of such an amendment, OGE issued a memorandum dated April 16, 1979, indicating that the same discretionary designation procedure, prescribed for GS-17 and above and SES positions, as noted above, would be applied to such officers.

Section 737.25 of the interim regulations sets forth the standards and procedures to be applied in determining which positions shall be designated. OGE also issued a memorandum dated April 26, 1979, giving additional information and guidance on this subject.

The Director, OGE, in consultation with each department or agency concerned, has determined that the positions set forth below qualify for designation as "senior employee" positions. While the interim regulations contemplated the publication of only those positions exempted from designation, the Director has determined that the publication of designated positions is preferable, although the underlying procedure remains unchanged. The designated positions set forth in this publication will be listed in a new section of the final regulations on Post Employment Conflict of Interest (5 CFR § 737.33).

The positions listed here constitute all the "senior employee" positions designated under the provisions of subsection 207(d)(1)(C) of title 18 U.S.C. for the departments and agencies listed. In accordance with 5 CFR 737.25(d), subsequent designations of positions within the departments or agencies listed shall not be effective until the last day of the fifth full calendar month after the first publication of a notice by the Director, OGE, of intention to so designate. Such fair notice shall not apply to subsequent designations made under the rule concerning position shifting set forth in 5 CFR 737.25(i).

Moreover, the five month delay will not be applicable to the initial

designation of positions in departments and agencies not covered by this installment of designations. Not all departments and agencies were able to meet the reply date prescribed by 5 CFR 737.25; therefore, not all "senior employee" designations which will be made by OGE are listed below. The results of additional exemptions for personnel of departments and agencies not listed herein will be published subsequently.

In several cases, a position in one agency has been designated while a position of similar title in another has not. OGE has, in the exercise of its discretion, accorded some deference to the decision of a department or agency to designate a position where that decision was in favor of designation; above minimum OGE standards. In conducting the review necessary for these designations, it became apparent that, because of the subject matter of a department's or agency's business, the gravity of the "revolving door" problems varied significantly from agency to agency. Moreover, positions which were ostensibly similarly titled and described nevertheless had different roles from agency to agency. Also, OGE believes it desirable that the balance between post-employment restrictions and impact on recruiting and retention be adjudged on an agency level, as long as minimum standards are met.

Positions automatically designated by §§ 207(d)(1)(A) and (B) are not included in this publication.

Because of the foregoing facts, and in order that all Government employees whose positions are potentially subject to designation as "senior employee" positions for the purposes of subsection 207(b)(ii) and subsection 207(c) of the Act have the benefit of review by OGE prior to designation of their positions, the effective date of all discretionary designations, as set forth in 5 CFR 737.25(b)(1), shall be December 15, 1979 rather than October 1, 1979, and 5 CFR 737.25(b)(1) is hereby amended.

This is an interim, not proposed regulation. It is interpretive in nature, exempt from 5 U.S.C. 553. Because of the fact that on December 15, 1979, the incumbents of additional positions will become subject to the restrictions of 18 U.S.C. subsections 207(b)(ii) and (c), there is need, in fairness, to establish rules upon which affected employees may rely. The Director of the Office of Personnel Management, Alan K. Campbell, acting pursuant to 5 U.S.C. section 553(b)(3)(B), has found good cause for dispensing with the notice of proposed rulemaking. After OGE evaluates the comments received, OPM will promulgate final rules.

Office of Personnel Management,
Beverly M. Jones,
Issuance System Manager.

Accordingly, the Office of Personnel Management is amending part 737 of Title 5 of the Code of Federal Regulations, as follows:

PART 737—REGULATIONS CONCERNING POST EMPLOYMENT CONFLICT OF INTEREST

1. Appendix A: Deleted. Appendix B: Deleted

§ 737.25 [Amended]

2. The effective designation date of "senior employee" positions set forth in § 737.25(b)(1) shall read December 15, 1979 rather than October 1, 1979.

3. Section 737.33 "Senior Employee" Designation is added as follows:

§ 737.33 "Senior employee" designation.

(a) In accordance with § 737.25(b)(1), the following employee positions are designated as "senior employee" positions for purposes of subsections 207(b)(ii) and (c) of title 18 U.S.C., as amended.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF MANAGEMENT AND BUDGET)

Positions: Grade and Title

GS-18 General Counsel
GS-18 Project Director, Federal Statistical Reorganization
GS-18 Deputy Associate Director, Information Systems Policy
GS-18 Deputy Associate Director, Intergovernmental Affairs
GS-18 Domestic Reorganization Coordinator
GS-18 Deputy Associate Director for Economic and Regional Development Organization
GS-18 Deputy Associate Director for Natural Resources, Energy and Environment Reorganization
GS-18 Deputy Associate Director for General Government Reorganization
GS-18 Deputy Associate Director for Budget Review
GS-18 Deputy Associate Director for International Affairs
GS-18 Deputy Associate Director for National Security
GS-18 Deputy Associate Director for Management, National Security and International Affairs
GS-18 Deputy Associate Director for Health and Income Maintenance
GS-18 Deputy Associate Director for Transportation, Commerce and Housing
GS-18 Deputy Associate Director for Natural Resources
GS-18 Deputy Associate Director for Energy and Science
GS-17 Assistant to the Director for Public Affairs
GS-17 Assistant to the Director for Administration

GS-17 Assistant Director for Legislative Affairs
GS-17 Deputy Assistant Director for Legislative Reference
GS-17 Assistant for Planning and Policy Coordination
GS-17 Deputy Assistant Director for Revaluation
GS-17 Deputy Associate Director for Regulatory Policy and Reports Management
GS-17 Chief, Financial Management Branch, Budget Review
GS-17 Chief, Fiscal Analysis Branch, Budget Review
GS-17 Deputy Chief, International Affairs Division
GS-17 Deputy Chief, National Security Division
GS-17 Associate Deputy Chief, National Security Division
GS-17 Deputy Associate Director for Labor, Veterans and Education
GS-17 Deputy Division Chief (Labor), Labor, Veterans and Education
GS-17 Deputy Associate Director for Management, Human Resources, Veterans and Labor
GS-17 Deputy Division Chief, Transportation, Commerce and Housing
GS-17 Deputy Associate Director for Justice, Treasury and General Management
GS-17 Deputy Division Chief, Natural Resources Division
GS-17 Deputy Division Chief, Energy and Science
GS-17 Deputy Associate Director for Management, Natural Resources, Energy and Science
SES Deputy General Counsel

OFFICE OF FEDERAL PROCUREMENT POLICY

GS-18 Associate Administrator for Systems and Technology
GS-18 Associate Administrator for Regulations and Procedure
GS-17 Associate Administrator for Acquisition Law
GS-17 Assistant Administrator for Logistics
GS-17 Assistant Administrator for Regulations
SES Assistant Administrator for Commercial Products
SES Assistant Administrator for Labor Affairs and Personnel

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (COUNCIL ON ECONOMIC ADVISERS)

Positions: No section 207(d)(1)(C) designations

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (DOMESTIC POLICY STAFF)

Positions:
AD Associate Directors(11)
AD Counselor to the President on Aging
AD Special Assistant to the President for Consumer Affairs
AD Expert/Drug Policy

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS)

Positions:

GS-18 General Counsel
GS-17 Assistant Special Trade Representatives(4)
GS-18 Assistant Special Trade Representatives(2)

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (COUNCIL ON ENVIRONMENTAL QUALITY)

Positions:

GS-18 General Counsel
GS-18 Executive Director

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (COUNCIL ON WAGE AND PRICE STABILITY)

Positions:

GS-18 Special Assistant to the Chairperson for Intergovernmental Affairs
GS-18 Deputy Director
GS-18 General Counsel
GS-17 Assistant Director for Operations
SES Assistant Director, Office of Government Programs and Regulations
SES Assistant Director, Office of Price Monitoring

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF SCIENCE AND TECHNOLOGY POLICY)

Positions:

SES Associate Director for National Security, International and Space Affairs
SES Associate Director for Human Resources and Social and Economic Services
SES Associate Director for Natural Resources and Commercial Services
SES Senior Policy Analyst

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF ADMINISTRATION)

Positions: No section 207(d)(1)(C) designations

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES)

Positions:

SES Chief of Staff
SES Counsel to the Vice President and Deputy Chief of Staff
SES Executive Assistant to the Vice President
SES Assistant to the Vice President for National Security Affairs

SES Assistant to the Vice President and Press Secretary

AGENCY: DEPARTMENT OF AGRICULTURE

Positions:

OFFICE OF THE SECRETARY
GS-18 Executive Assistant to the Secretary
OFFICE OF THE INSPECTOR GENERAL
GS-18 Inspector General
GS-17 Director of Investigation
GS-17 Assistant Inspector General for Investigations
GS-17 Director of Audit
GS-17 Assistant Inspector General for Auditing

OFFICE OF GOVERNMENTAL AND PUBLIC AFFAIRS

GS-17 Associate Director

OFFICE OF THE GENERAL COUNSEL GS-18 Deputy General Counsel

OFFICE OF ADMINISTRATIVE LAW JUDGES

Positions: No section 207(d)(1)(C) designations

OFFICE OF PERSONNEL

GS-18 Director

OFFICE OF EQUAL OPPORTUNITY

Positions: No section 207(d)(1)(C) designations

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

SES Deputy Assistant Secretary for Administration

OFFICE OF OPERATIONS AND FINANCE

GS-18 Director
GS-17 Director, National Finance Center

OFFICE OF THE DIRECTOR, ECONOMICS POLICY ANALYSIS AND BUDGET

SES Deputy Director for Economics, Policy Analysis, and Budget

OFFICE OF BUDGET, PLANNING AND EVALUATION

SES Director
SES Deputy Director for Management and Budget

WORLD FOOD AND AGRICULTURAL OUTLOOK AND SITUATION BOARD

SES Chairman

ECONOMICS, STATISTICS, AND COOPERATIVES SERVICE

GS-18 Administrator
GS-18 Deputy Administrator for Statistics
GS-17 Deputy Administrator for Cooperatives
GS-17 Deputy Administrator for Economics

OFFICE OF THE ASSISTANT SECRETARY FOR RURAL DEVELOPMENT

SES Deputy Assistant Secretary for Rural Development

**RURAL ELECTRIFICATION
ADMINISTRATION**

GS-17 Deputy Administrator

FARMERS HOME ADMINISTRATION

GS-18 Associate Administrator

SES Deputy Administrator, Financial and
Administrative OperationsGS-17 Deputy Administrator, Rural
DevelopmentGS-17 Deputy Administrator, Farm and
Family ProgramsGS-17 Associate Administrator for Rural
Development Policy Management and
Coordination**SCIENCE AND EDUCATION
ADMINISTRATION**

GS-18 Associate Director

GS-17 Administrator, Human Nutrition
CenterSES Associate Administrator, Human
Nutrition CenterIPA(AD) Head, Competitive Research
Grants OfficeIPA(AD) Assistant Director, Higher
EducationGS-17 Assistant Director for Program
Management

SES Chief, International Programs

GS-18 Deputy Director for Extension

GS-17 Associate Deputy Director for
ExtensionGS-18 Deputy Director, Cooperative
ResearchGS-17 Associate Administrator,
Cooperative ResearchGS-17 Deputy Director, Administrative
ManagementGS-18 Deputy Director for Agricultural
ResearchGS-17 Associate Deputy Director,
Agricultural Research**OFFICE OF THE ASSISTANT SECRETARY
FOR CONSERVATION, RESEARCH AND
EDUCATION**SES Deputy Assistant Secretary for
Conservation, Research and Education**SOIL CONSERVATION SERVICE**

GS-18 Associate Administrator

GS-17 Deputy Administrator for
AdministrationGS-17 Deputy Administrator for Technical
Services

GS-18 Deputy Administrator for Programs

FOREST SERVICE

GS-18 Associate Chief

GS-17 Deputy Chief for Administration

GS-18 Deputy Chief for Research

GS-17 Associate Deputy Chiefs for
Research(2)GS-18 Deputy Chief, National Forest
SystemsGS-17 Associate Deputy Chiefs, National
Forest Systems (2)GS-18 Deputy Chief, State and Private
ForestryGS-17 Associate Deputy Chief, State and
Private ForestryGS-18 Deputy Chief for Programs and
LegislationGS-17 Associate Deputy Chief for Programs
and Legislation**OFFICE OF THE UNDER SECRETARY FOR
INTERNATIONAL AFFAIRS AND
COMMODITY PROGRAMS**GS-17 Deputy Under Secretary for
International Affairs and Commodity
ProgramsGS-18 Special Assistant for International
Scientific and Technical Cooperation**AGRICULTURAL STABILIZATION AND
CONSERVATION SERVICE**

GS-18 Associate Administrator

GS-18 Deputy Administrator, State and
County Operations

GS-17 Deputy Administrator, Management

GS-17 Deputy Administrator, Commodity
Operations**FEDERAL CROP INSURANCE
CORPORATION**

GS-18 Manager

SES Deputy Manager

FOREIGN AGRICULTURAL SERVICE

GS-17 Associate Administrator

GS-17 Assistant Administrator, Commodity
Programs**OFFICE OF THE GENERAL SALES
MANAGER**

GS-17 General Sales Manager

**OFFICE OF THE ASSISTANT SECRETARY
FOR FOOD AND CONSUMER SERVICES**SES Deputy Assistant Secretary for Food
and Consumer Services**FOOD SAFETY AND QUALITY SERVICE**

GS-18 Administrator

SES Associate Administrator

SES Deputy Administrator, Commodity
ServicesGS-17 Deputy Administrator, Meat and
Poultry Inspection Field OperationsSES Deputy Administrator, Administrative
Management**FOOD AND NUTRITION SERVICE**

GS-18 Administrator

GS-17 Associate Administrator

**OFFICE OF THE ASSISTANT SECRETARY
FOR MARKETING AND
TRANSPORTATION SERVICES**SES Deputy Assistant Secretary for
Marketing and Transportation Services**AGRICULTURAL MARKETING SERVICE**GS-17 Deputy Administrator, Marketing
Program Operations**ANIMAL AND PLANT HEALTH
INSPECTION SERVICE**

GS-18 Associate Administrator

GS-17 Deputy Administrator, Veterinary
ServicesGS-17 Deputy Administrator, Plant
Protection and QuarantineGS-17 Deputy Administrator for
Management**FEDERAL GRAIN INSPECTION SERVICE**SES Deputy Administrator, Program
Operations**AGENCY: DEPARTMENT OF
COMMERCE***Positions:***OFFICE OF THE SECRETARY**SES Special Assistants to the Secretary of
Commerce (2)SES Assistant to the Secretary of
CommerceSES Counsellor to the Secretary of
Commerce**Office of Regional Affairs and Regional
Coordination**

SES Director, Office of Regional Affairs

SES Chairperson, Federal Regional Council,
Region V**Office of Congressional Affairs**SES Deputy Assistant Secretary of
Congressional Affairs**Office of Public Affairs**SES Counsellor to the Secretary and
Director, Public Affairs**Office of General Counsel**

SES Deputy General Counsel

Office of Assistant Secretary for PolicySES Deputy Assistant Secretary for Ocean,
Resource and Scientific PolicySES Deputy Assistant Secretary for
International Policy CoordinationSES Deputy Assistant Secretary for
Domestic Economic Policy and
Coordination**Office of Assistant Secretary for Tourism**

SES Deputy Assistant Secretary

Office of Minority Business EnterpriseSES Director, Office of Minority Business
EnterpriseSES Deputy Director, Office of Minority
Business EnterpriseSES Special Assistant for Minority
EnterpriseSES Assistant Director for Program
Resources**OFFICE OF ASSISTANT SECRETARY FOR
MARITIME AFFAIRS**

SES Deputy Assistant Secretary

Office of the General Counsel

SES General Counsel

SES Deputy General Counsel

Policy and Administration

SES Deputy Assistant Administrator

Maritime AidsSES Assistant Administrator for Maritime
Aids

SES Deputy Assistant Administrator

SES Director, Office of Subsidy Contracts
Operations

SES Assistant Administrator for Operations

SES Deputy Assistant Administrator

SES Director, Office of Ship Construction

SES Director, Office of Shipbuilding Costs

Commercial DevelopmentSES Assistant Administrator for
Commercial DevelopmentSES Deputy Assistant Administrator for
Commercial Development**Regional Offices**

SES Director, Eastern Region

SES Director, Western Region

U.S. Merchant Marine Academy

SES Superintendent

**OFFICE OF ASSISTANT SECRETARY FOR
INDUSTRY AND TRADE
ADMINISTRATION**

SES Deputy Assistant Secretary

**BUREAU OF INTERNATIONAL
ECONOMIC POLICY AND RESEARCH**

GS-17 Deputy Assistant Secretary

SES Deputy Director

Administrative and Legislative Policy

SES Deputy Assistant Secretary for

Bureau of Trade Regulation

SES Deputy Assistant Secretary for

SES Deputy Director

Bureau of East-West TradeGS-17 Deputy Assistant Secretary and
Bureau Director

SES Deputy Bureau Director

Bureau of Export DevelopmentSES Deputy Assistant Secretary, National
Export Expansion Coordinator & Bureau
Director

SES Deputy Director

**INDUSTRY AND TRADE
ADMINISTRATION***Positions:* No section 207(d)(1)(C)
designations**Bureau of Domestic Business Development**

SES Deputy Assistant Secretary for

SES Deputy Director

Bureau of Field Operations

SES Deputy Assistant Secretary

**OFFICE OF ASSISTANT SECRETARY FOR
ADMINISTRATION**

SES Deputy Assistant Secretary

Office of the Controller

SES Controller

Office of Budget and Program Evaluation

SES Director

SES Deputy Director, Budget

**Office of Procurement and Automatic Data
Processing Management**

SES Director

**NATIONAL TELECOMMUNICATIONS
AND INFORMATION ADMINISTRATION**

SES Deputy Assistant Secretary

Office of Planning and Policy Coordination

SES Director

SES Chief Counsel

Office of International Affairs

SES Director

**Office of Federal Systems and Spectrum
Management**

SES Associate Administrator for

SES Deputy Associate Administrator

Office of Policy Analysis and Development

SES Associate Administrator

SES Deputy Associate Administrator

Office of Telecommunications Applications

SES Associate Administrator

Institute for Telecommunications Sciences

SES Associate Administrator

SES Deputy Associate Administrator

OFFICE OF THE CHIEF ECONOMIST

SES Chief Economist

SES Deputy Chief Economist

SES Deputy Assistant Director for
Statistical Policy**Bureau of Economic Analysis**

SES Director

SES Deputy Director

Bureau of the Census

SES Deputy Director

Demographic Fields

SES Associate Director for

Electronic Data Processing

SES Associate Director for

Statistical Standards and Methodology

SES Associate Director for

Field Operations and User Services

SES Associate Director for

Economic Fields

SES Associate Director

**OFFICE OF ASSISTANT SECRETARY FOR
SCIENCE AND TECHNOLOGY**

SES Deputy Assistant Secretary

Office of Environmental Affairs

SES Deputy Assistant Secretary

Office of Product Standards

SES Deputy Assistant Secretary

National Technical Information Service

SES Director

SES Deputy Director

NATIONAL BUREAU OF STANDARDS

SES Deputy Director

SES Associate Director for International
Affairs**Office of Associate Director for Programs,
Budget and Finance**

SES Associate Director

Institute for Basic Standards

SES Director

SES Deputy Director

National Measurement Laboratory

SES Director

SES Deputy Director for Resources &
Operations*National Engineering Laboratory*

SES Director

SES Deputy Director

*Institute for Computer Sciences and
Technology*

SES Director

SES Deputy Director

SES Associate Director for Teleprocessing
and Supporting Communications
TechnologySES Associate Director for Automatic Data
Processing Standards**OFFICE OF ASSISTANT SECRETARY FOR
ECONOMIC DEVELOPMENT***(Economic Development Administration)*

SES Deputy Assistant Secretary

Office of Chief Counsel

SES Director

Office of Special Projects

SES Director

Economic Development Policy and Planning

SES Deputy Assistant Secretary

Economic Development Operations

SES Deputy Assistant Secretary

SES Director, Local Public Works

Office of Public Works

SES Director

PATENT AND TRADEMARK OFFICE

GS-18 Deputy Commissioner

Board of Patent Interferences

SES Chairman

Office of Assistant Commissioner for Patents

GS-18 Assistant Commissioner

SES Deputy Assistant Commissioner

**Office of Assistant Commissioner for
Trademarks**

GS-17 Assistant Commissioner

Office of the Solicitor

SES Solicitor

SES Deputy Solicitor

**NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION**

SES Executive Director, NACOA

GS-17 Special Counsel for Law of the Sea

Office of the General Counsel

SES General Counsel

SES Deputy General Counsel

Office of Programs and Budget

-SES Director

Office of Policy and PlanningSES Assistant Administrator for Policy and
Planning*Coastal Zone Management*

SES Assistant Administrator

National Marine Fisheries Service

SES Assistant Administrator for Fisheries

SES Deputy Assistant Administrator

*Office of Research and Development*SES Assistant Administrator for Research
and Development*Environmental Research Laboratories*

SES Director

Office of Sea Grants

SES Director

Oceanic and Atmospheric Services

SES Assistant Administrator

SES Deputy Assistant Administrator

National Weather Service

SES Director

SES Deputy Director

National Ocean Survey

07-08 Director

SES Deputy Director

Environmental Data and Information Service

SES Director

SES Deputy Director

National Environmental Satellite Service

SES Director

SES Deputy Director

NOAA CORPS

07-08 Director

AGENCY: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT*Positions:***OFFICE OF THE SECRETARY**

SES Executive Assistants to the Secretary (2)

SES Assistant to the Secretary for International Affairs

SES Assistant to the Secretary for Labor Relations

OFFICE OF THE ASSISTANT SECRETARY FOR HOUSING

SES Deputy Assistant Secretary, Multifamily Housing Programs

SES Deputy Assistant Secretary, Single-Family Housing and Mortgages Activities

SES Deputy Assistant Secretary, Public Housing and Indian Programs

SES Director, Office of Policy and Program Development

OFFICE OF THE ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

SES Deputy Assistant Secretary for

Interprogram and Area-wide Concerns

SES Deputy Assistant Secretary for Urban Policy

OFFICE OF THE ASSISTANT SECRETARY FOR NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS AND CONSUMER PROTECTION

SES General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

SES Deputy Assistant Secretary for Neighborhoods and Consumer Affairs

SES Deputy Assistant Secretary for Regulatory Functions/Office of Interstate Land Sales Registration

OFFICE OF THE ASSISTANT SECRETARY FOR FAIR HOUSING AND EQUAL OPPORTUNITY

SES Deputy Assistant Secretary for Management and Organization

SES General Deputy Assistant Secretary for Fair Housing and Equal Opportunity

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH

SES Deputy Assistant Secretary for Research

SES Director, Division of Housing Research

SES Director, Division of Energy, Building Technology and Standards

SES Director, Division of Evaluation

SES Director, Division of Community Conservation Research

SES Deputy Assistant Secretary for Policy Development

SES Director, Division of Government Capacity Building

SES Deputy Assistant Secretary for Economic Affairs

SES Director, Office of Program Planning and Administration

OFFICE OF THE GENERAL COUNSEL*Positions:* No section 207(d)(1)(C) designations**OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION**

SES Deputy Assistant Secretary for Administration

OFFICE OF THE ASSISTANT SECRETARY FOR LEGISLATION AND INTERGOVERNMENTAL RELATIONS

SES Deputy Assistant Secretary for Legislation and Intergovernmental Relations

OFFICE OF THE INSPECTOR GENERAL*Positions:* No Section 207(d)(1)(C) Designations**GOVERNMENT NATIONAL MORTGAGE ASSOCIATION**

SES Vice President (Mortgage Finance)

SES Vice President (Mortgage Backed Securities)

NEW COMMUNITY DEVELOPMENT CORPORATION

SES Deputy General Manager for New Community Development Corporation

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

SES Administrator

SES Deputy Administrator

FIELD OFFICES**Region I**

SES Regional Administrator

SES Deputy Regional Administrator

SES Director, Boston Area Office

Region II

SES Regional Administrator

SES Deputy Regional Administrator

SES Director, New York Area Office

SES Director, Newark Area Office

Region III

SES Regional Administrator/Chairperson Federal Regional Counsel

SES Deputy Regional Administrator

SES Director, Philadelphia Area Office

Region IV

SES 4650 Regional Administrator

SES 4650 Deputy Regional Administrator

SES 4650 Director, Atlanta Area Office

Region V

SES 4650 Regional Administrator

SES 4650 Deputy Regional Administrator

SES 4650 Director, Detroit Area Office

SES 4650 Director, Chicago Area Office

SES 4650 Director, Columbus Area Office

Region VI

SES 4650 Regional Administrator

SES 4650 Deputy Regional Administrator

SES 4650 Director, Dallas Area Office

Region VII

SES 4650 Regional Administrator

SES 4650 Deputy Regional Administrator

Region VIII

SES 4650 Regional Administrator/

Chairperson Federal Regional Counsel

SES 4650 Deputy Regional Administrator

Region IX

SES 4650 Regional Administrator

SES 4650 Deputy Regional Administrator

SES 4650 Director, San Francisco Area

Office

SES 4650 Director, Los Angeles Area

Region X

SES 4650 Regional Administrator

SES 4650 Deputy Regional Administrator

AGENCY: DEPARTMENT OF STATE*Positions:*

FA01 Chief of Mission, Bangkok

FO01 Deputy Assistant Secretary, A/SY

FA01 Chief of Mission, Bucharest

FR01 Deputy Representative, S/AR

FANC Chief of Mission, Canberra

FO01 Assistant Chief of Mission, Berlin

FO01 Principal Officer, Sao Paulo

FA01 Chief of Mission, Bogota

FR01 Deputy Assistant Secretary, H

FR01 Deputy Assistant Secretary, EB/TRA

FO01 United States Representative, USM

FA01 Chief of Mission, Rangdon

FO01 Deputy Chief of Mission, Guatemala

FR01 Deputy Director for Planning, S/P

FA01 Chief of Mission, Khartoum

FO01 Principal Officer, Montreal

FO01 Principal Officer, Guayaquil

RU01 Deputy Assistant Secretary, PA

FO01 Deputy Chief of Mission, New Delhi

FA01 Chief of Mission, Lisbon

FA01 Chief of Mission, La Paz

FA01 Chief of Mission, Berlin

FO01 Deputy Chief of Mission, Vienna

FA01 Chief of Mission, Tunis

FA01 Chief of Mission, Ouagadougou

FA01 Chief of Mission, Ndjamena

FANC Chief of Mission, London

FO01 Inspector General, S/IG

FO01 Deputy Chief of Mission, Warsaw

RU01 Deputy Assistant Secretary, OES

FO01 Principal Officer, Leningrad

FA01 Chief of Mission, Georgetown

FO01 Deputy Assistant Secretary, ARA

FA01 Chief of Mission, Bamako

FO01 Deputy Assistant Secretary, EB/ORF

FA01 Ambassador at Large, S/SLG

FANC Chief of Mission, Buen. Aires

FANC Chief of Mission, Brussels

FA01 Chief of Mission, Add. Ababa

FO01 Deputy Chief of Mission, Buen. Aires

FA01 Chief of Mission, Valletta

FA01 Chief of Mission, Dakar

FO01 Principal Officer, Naples

FA01 Chief of Mission, Suva

FO01 Director of Management Operations, M/MO

FO01 Deputy Chief of Mission, Islamabad

FA01 Chief of Mission, Bujumbura

FO01 Principal Officer, Bombay

FO01 Deputy Assistant Secretary, NEA

FA01 Chief of Mission, Conakry

FO01 Deputy Chief of Mission, Caracas

FO01 Deputy Chief of Mission, Bern

FA01 Chief of Mission, Kinshasa

FO01 Principal Officer, Sydney

FA01 Chief of Mission, Beirut

FO01 United States Representative, Vienna

MBFR:

FA01 Chief of Mission, Maputo

FA01 Chief of Mission, San Salv

FO01 Principal Officer, Rio De Jan

FA01 Chief of Mission, Abu Dhabi

FO01 Principal Officer, Toronto

FO01 Deputy Chief of Mission, Panama

FO01 Deputy Chief of Mission, Ankara

FO01 Deputy Assistant Secretary, NEA

FO01 Deputy Chief of Mission, The Hague

RU01 Deputy Assistant Secretary, A/OPR

RU01 Deputy Assistant Secretary, M/MED

FO01 Deputy Chief of Mission, Tripoli

FO01 Director, Asian Develop, Asian DEV

BK

FA01 Chief of Mission, Pretoria

FA01 Chief of Mission, Reykjavik

GS-17 Deputy Legal Advisor, L

FO01 Principal Officer, Milan

FA01 Chief of Mission, Port O Spain

FA01 Chief of Mission, Port Louis

FO01 Deputy Chief of Mission, Jakarta

FANC Chief of Mission, Rome

FO01 Deputy Chief of Mission, Moscow

FA01 Chief of Mission, Sofia

FR01 Director Political Military, PM/OD

FO01 Deputy Assistant Secretary, DGP/PER

FA01 Chief of Mission, Seoul

FO01 Deputy Chief of Mission, Brussels

NTD

FANC Chief of Mission, New Delhi

FA01 Chief of Mission, Quito

FO01 Deputy Assistant Secretary, EUR

FO01 Deputy Assistant Secretary, ARA

FR01 Deputy Assistant Secretary, ARA

FO01 Deputy Assistant Secretary, AF

FO01 Deputy Assistant Secretary, OES/ENP

FANC Chief of Mission, Algiers

FA01 Chief of Mission, Kathmandu

FO01 Deputy Assistant Secretary, IO

FO01 Principal Officer, Munich

FR01 Dep US Representative, Vienna-MBFR

FO01 Deputy Chief of Mission, Rome

FA01 Chief of Mission, Lilongwe

FO01 Deputy Assistant Secretary, CA

FR01 Deputy Assistant Secretary, EB

FO01 Principal Officer, Istanbul

FANC Chief of Mission, Niamey

FANC Chief of Mission, Tegucigalpa

FO01 Principal Officer, Johannesburg

FR01 Deputy Assistant Secretary, AF

FA01 Chief of Mission, PRT-AU-PRN

FANC Chief of Mission, The Hague

RU01 Deputy Director PM, PM/AC

FANC Chief of Mission, Budapest

RU01 Assistant Secretary, EB

FO01 Deputy Assistant Secretary, AF

FANC Chief of Mission, Stockholm

FO01 Deputy Chief of Mission, Tunis

FO01 Dep US Representative, IAEA Vienna

FANC Chief of Mission, Singapore

FO01 Deputy Director Policy Analysis and

Reso, S/P

FA01 Chief of Mission, Nouakchott

FO01 Deputy Chief of Mission, Ankara

FA01 Chief of Mission, Santiago

FO01 Principal Officer, Havana

FA01 Chief of Mission, Kingston

FANC Chief of Mission, Nairobi

FO01 United States Representative, Vienna

FO01 Principal Officer, Frankfurt

FO01 Dep US Representative, USUN

FANC Chief of Mission, Oslo

FA01 Chief of Mission, Tel Aviv

FO01 Principal Officer, Dhahran

FA01 Chief of Mission, Freetown

FA01 Chief of Mission, Lusaka

FA01 Chief of Mission, Luxembourg

FANC Chief of Mission, Mexico D.F

FA01 Chief of Mission, Caracas

FO01 Principal Officer, Vancouver

FA01 Chief of Mission, Kuwait

FO01 Deputy Director of Management

Operation, M/MO

FANC Chief of Mission, Tokyo

FANC Chief of Mission, Copenhagen

FO01 Deputy Director INR, INR/DD

GS-18 Deputy Legal Advisor, L

FO01 Deputy Chief of Mission, Stockholm

FA01 Chief of Mission, Jakarta

FO01 Deputy Chief of Mission, Cairo

GS-17 Deputy Director for Coord, INR/DDC

FANC Dep US Representative, IO/OIC/

MTN

FA01 Chief of Mission, Prague

FR01 Deputy Assistant Secretary, EB/IFD

FO01 Deputy Inspector General, S/IG

GS-17 Deputy Legal Adviser, L

FO01 Deputy Assistant Secretary, NEA

FA01 Chief of Mission, Kuala LMPR

FO01 Deputy Chief of Mission, Athens

FO01 Principal Officer, Karachi

FANC Chief of Mission, Panama

FA01 Chief of Mission, Manila

FO01 Deputy Chief of Mission, Tehran

FO01 Deputy Chief of Mission, Pretoria

FO01 Principal Officer, Jerusalem

FA01 Chief of Mission, Gaborone

RU01 Deputy Assistant Secretary, OES/

NET

FO01 Deputy Director PM, PM/AS

FO01 Deputy Assistant Secretary, EA

FO01 Dep US Representative, Geneva

FA01 Chief of Mission, Port Moresby

RU01 Deputy Chief of Mission, Brussels

FA01 Chief of Mission, Bridgetown

FO01 Deputy Director for Personnel, PER/

FCA

FO01 Deputy Executive Secretary, S/S

FA01 Chief of Mission, Mogadiscio

FA01 Chief of Mission, Montevideo

FO01 US Rep to Tex Sur body of, US MIS

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FR01 Deputy Assistant Secretary, EB/TCA

FO01 Deputy Chief of Mission, Berlin

FR01 Spec Rep of Sec Pan treaty, S/PTA

FO01 Principal Officer, Melbourne

FO01 Deputy Chief of Mission, Lima

FO01 Deputy Assistant Secretary, DGP/PER

FA01 Chief of Mission, Helsinki

FO01 Deputy Chief of Mission, Vientiane

FR01 United States Representative, EA/PIA

FO01 Deputy Chief of Mission, Lisbon

FO01 Deputy Chief of Mission, OECD Paris

FANC United States Representative, OECD Paris

FR01 Scientific & Tech Aff Off, UNESCO PRS

FA01 Chief of Mission, Brasilia

FA01 Chief of Mission, Dacca

FR01 Deputy Assistant Secretary, HA/HR

FANC Chief of Mission, Nassau

RU01 Deputy Legal Adviser, L

FO01 Principal Officer, Casablanca

FA01 Chief of Mission, Damascus

FANC Chief of Mission, Wellington

FANC Chief of Mission, Dublin

FO01 Deputy Chief of Mission,

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**OFFICE OF THE ASSISTANT SECRETARY
FOR INTERNATIONAL MONETARY
AFFAIRS**

GG-18 Deputy Assistant Secretary for
International Monetary Affairs
GG-18 Deputy Assistant Secretary for
Developing Nations Finance
GG-18 Deputy Assistant Secretary, Trade
and Investment Policy
GG-18 Deputy Assistant Secretary,
Commodities and Natural Resources

**OFFICE OF THE ASSISTANT SECRETARY
FOR TAX POLICY**

GS-18 Deputy Assistant Secretary, Tax
Policy
GS-18 Deputy Assistant Secretary, Tax
Policy and Director, Office of Tax Analysis

LEGAL DIVISION

GS-18 Deputy General Counsel, Office of
the General Counsel
GS-18 Assistant General Counsel and
Director, Tax Legislative Counsel, Office of
the General Counsel
GS-18 Deputy to the General Counsel for
Tariff Affairs, Office of the General
Counsel
GG-18 International Tax Counsel and
Director, Office of International Tax
Counsel, Office of the General Counsel

OFFICE OF CHIEF COUNSEL—CUSTOMS

SES Chief Counsel
SES Deputy Chief Counsel

**OFFICE OF CHIEF COUNSEL—
COMPTROLLER OF THE CURRENCY**

GS-17 Chief Counsel
SES Deputy Chief Counsel

CUSTOMS SERVICE

GS-18 Deputy Commissioner
GS-18 Assistant Commissioner
GS-17 Assistant Commissioner, Regulations
and Rulings
GS-17 Assistant Commissioner,
Investigations
GS-17 Assistant Commissioner,
Administration
SES Assistant Commissioner, Enforcement
Support
SES Assistant Commissioner, Office of
Security and Audit

**BUREAU OF ALCOHOL, TOBACCO AND
FIREARMS**

GS-18 Director
GS-17 Deputy Director
SES Assistant Director, Regulatory
Enforcement
SES Assistant Director, Criminal
Enforcement
SES Assistant Director, Inspection
SES Chief Counsel
SES Deputy Chief Counsel

OFFICE OF CHIEF COUNSEL—ATF

GS-17 Chief Counsel
SES Deputy Chief Counsel

BUREAU OF ENGRAVING AND PRINTING

GS-18 Director
GS-17 Deputy Director
SES Legal Counsel

**BUREAU OF GOVERNMENT FINANCIAL
OPERATIONS**

GS-18 Commissioner

BUREAU OF THE MINT

GS-18 Director
SES Associate Director for Technology
SES Legal Counsel

BUREAU OF PUBLIC DEBT

GS-18 Commissioner of Public Debt

U.S. SECRET SERVICE

SES Legal Counsel

**OFFICE OF THE COMPTROLLER OF THE
CURRENCY**

CG-17 Deputy Comptroller for Special
Examinations
CG-17 Chief National Bank Examiner
CG-17 Deputy Comptroller of the Currency,
Special Surveillance
CG-17 Deputy Comptroller, Multinational
Banking
CG-17 Deputy Comptroller, Research and
Economic Programs
SES Deputy Comptroller for Administration
SES Senior Advisor to the Comptroller
SES Director, Bank Organization and
Structure
SES Deputy Comptroller, Customer and
Community Programs
SES Deputy Comptroller of the Currency for
Interagency Coordination
SES Chief Counsel
SES Deputy Chief Counsel

**OFFICE OF CHIEF COUNSEL—INTERNAL
REVENUE SERVICE**

SES Deputy Chief Counsel, General
SES Deputy Chief Counsel, Litigation
SES Deputy Chief Counsel, Technical

INTERNAL REVENUE SERVICE

SES Assistant Commissioner (EP/EO)
SES Assistant Commissioner (Compliance)
SES Assistant Commissioner (Technical)
SES Assistant Commissioner (Resources
Management)
SES Assistant Commissioner (Planning &
Research)
SES Assistant Commissioner (Taxpayer
Service & Returns Processing)
SES Assistant Commissioner (Inspection)
SES Assistant Commissioner (Data
Services)
SES Regional Commissioner, North Atlantic
Region
SES Regional Commissioner, Midwest
Region
SES Regional Commissioner, Western
Region
SES Regional Commissioner, Southeast
Region
SES Regional Commissioner, Central Region
SES Regional Commissioner, Southwest
Region
SES Regional Commissioner, Mid-Atlantic
Region

OFFICE OF THE GENERAL COUNSEL

SES Deputy General Counsel

U.S. SECRET SERVICE

SES Legal Counsel

U.S. CUSTOMS SERVICE

SES Chief Counsel
SES Deputy Chief Counsel
* * *

AGENCY: ACTION

Positions:
FR-1 Assistant Director for Policy and
Planning
FR-1 Assistant Director for Recruitment
and Communications
FR-1 Assistant Director for Compliance
FR-1 Deputy Associate Director for Peace
Corps
FR-1 Deputy Director for Peace Corps
Programs
FR-1 Regional Director for Latin America
FR-1 Regional Director for Africa
SES Executive Officer
SES General Counsel
SES Deputy Associate Director for
Domestic and Anti-Poverty Operations
SES Assistant Director for Administration
and Finance
SES Executive Assistant for Programs
* * *

**AGENCY: ADMINISTRATIVE
CONFERENCE OF THE UNITED
STATES**

Positions:
SES Executive Secretary
SES Executive Director
* * *

**AGENCY: ADVISORY COUNCIL ON
HISTORIC PRESERVATION**

Positions:
SES Principal Deputy Executive Director
SES Deputy Executive Director
* * *

**AGENCY: AMERICAN BATTLE
MONUMENTS COMMISSION**

Positions:
0-8 Secretary
* * *

**AGENCY: APPALACHIAN REGIONAL
COMMISSION**

Positions: No section 207(d)(1)(C)
designations
* * *

**AGENCY: CIVIL AERONAUTICS
BOARD**

Positions:
SES Managing Director, Office of Managing
Director
SES Director, Bureau of Carrier Accounts &
Audits
SES General Director, Bureau of Domestic
Aviation and Bureau of International
Aviation
SES Director, Bureau of Domestic Aviation
SES Deputy Director, Bureau of Domestic
Aviation
SES Director, Bureau of International
Aviation
SES Deputy Director, Bureau of
International Aviation

SES Director, Office of Economic Analysis
SES General Counsel, Office of the General
Counsel
SES Deputy General Counsel, Office of the
General Counsel
SES Director, Bureau of Consumer
Protection
SES Deputy Director, Bureau of Consumer
Protection
SES Director, Office of Human Resources
SES Comptroller, Office of Comptroller
SES Director, Office of Community &
Congressional Relations
* * *

**AGENCY: COMMODITY FUTURES
TRADING COMMISSION**

Positions:
SES Deputy Executive Director
SES Director, Division of Enforcement
SES Deputy Director, Division of
Enforcement
SES Chief Economist, Division of
Economics and Education
SES Deputy Chief Economist, Division of
Economics and Education
SES Director, Division of Trading and
Markets
SES Deputy Director, Division of Trading
and Markets
SES Director, Division of Management
Program Planning and Evaluation
SES Regional Director, Central Region
SES Regional Director, Eastern Region
SES Deputy General Counsel, Office of
General Counsel
* * *

**AGENCY: CONSUMER PRODUCT
SAFETY COMMISSION**

Positions:
SES General Counsel
SES Deputy General Counsel
SES Executive Director
SES Deputy Executive Director
SES Associate Executive Director for
Engineering and Science
SES Associate Executive Director for
Hazard Identification and Analysis
SES Associate Executive Director for Field
Operations
SES Associate Executive Director for
Administration
SES Associate Executive Director for
Compliance and Enforcement
SES Associate Executive Director for
Communications
SES Director, Office of Program
Management
SES Director, Office of Strategic Planning
* * *

**AGENCY: ENVIRONMENTAL
PROTECTION AGENCY**

Positions:
GS-17 Regional Administrator, Region I,
Boston
GS-17 Regional Administrator, Region II,
New York
GS-17 Regional Administrator, Region III,
Philadelphia
GS-17 Regional Administrator, Region IV,
Atlanta
GS-17 Regional Administrator, Region V,
Chicago

GS-17 Regional Administrator, Region VI,
Dallas
GS-17 Regional Administrator, Region VII,
Kansas City
GS-17 Regional Administrator, Region VIII,
Denver
GS-17 Regional Administrator, Region IX,
San Francisco
0-7 Regional Administrator, Region X,
Seattle
SES Associate Assistant Administrator for
Research and Development
SES Associate Assistant Administrator for
Planning and Management
SES Associate Assistant Administrator for
Management Reform
SES Associate Assistant Administrator for
Program Management and Policy
SES Deputy Assistant Administrator for
Management and Agency Services
SES Deputy Assistant Administrator for
Resource Management
SES Deputy Assistant Administrator for
Planning and Evaluation
SES Deputy Assistant Administrator for
Water Enforcement
SES Deputy Assistant Administrator for
Mobile Source and Noise Enforcement
SES Deputy Assistant Administrator for
General Enforcement
SES DAA/Mobile Source Air Pollution
Control
SES Deputy Assistant Administrator for
Radiation Programs
SES Deputy Assistant Administrator for
Noise Abatement and Control
SES Deputy Assistant Administrator for
Water Program Operations
SES Deputy Assistant Administrator for
Water Planning and Standards
SES Deputy Assistant Administrator for
Solid Waste
SES Deputy Assistant Administrator for
Drinking Water
SES Deputy Assistant Administrator for
Pesticides Programs
SES Deputy Assistant Administrator for
Program Integration and Information
SES Deputy Assistant Administrator for
Testing and Evaluation
SES Deputy Assistant Administrator for
Chemical Control
SES Deputy Assistant Administrator for
Monitoring and Technical Support
SES Deputy Assistant Administrator for
Health and Ecological Effects
SES Deputy Assistant Administrator for
Air, Land and Water Use
SES Deputy Assistant Administrator for
Energy, Minerals, and Industry
SES General Counsel
SES Deputy General Counsel
SES Deputy Inspector-General for Audits
SES Deputy Inspector-General for
Inspection
SES Executive Assistant (technical) to the
Administrator
SES Assistant to the Deputy Administrator
SES Director of Environmental Review
SES Director of Legislation
SES Director, Registration Division (OTS)
SES Director, Control Action Division (OTS)
SES Director, Premanufacturing Review
Division (OTS)
SES Director, Criteria and Assessment
Office-RTP (ORD)

SES Staff Director, Regulatory Council
SES Deputy Staff Director, Regulatory
Council
* * *

**AGENCY: EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

Positions:
SES Associate General Counsel, Trial
Division
SES Executive Director
SES Deputy Executive Director
SES Director, Office of Special Projects and
Programs
SES Director, Office of Program Planning
and Evaluation
SES Deputy General Counsel
* * *

**AGENCY: EXPORT-IMPORT BANK OF
THE UNITED STATES**

Positions:
GS-18 General Counsel
GS-17 Deputy General Counsel
GS-17 Senior Vice President, Exporter
Credits Guarantees and Insurance
GS-17 Senior Vice President, Policy
Analysis and Communications
GS-17 Senior Vice President, Direct Credits
and Financial Guarantees
GS-17 Senior Vice President, International
Affairs
* * *

**AGENCY: FARM CREDIT
ADMINISTRATION**

Positions:
SES Senior Deputy Governor
SES Chief of Staff to the Senior Deputy
Governor
SES General Counsel
SES Deputy Governor, Office of Supervision
SES Assistant Deputy Governor, Office of
Supervision
SES Deputy Governor, Office of Finance
SES Deputy Governor and Chief Examiner
SES Deputy Governor, Office of
Administration
SES Director, Administrative Division
* * *

**AGENCY: FEDERAL
COMMUNICATIONS COMMISSION**

Positions:
SES General Counsel
SES Chief, Broadcast Bureau
SES Chief Scientist
SES Chief, Common Carrier Bureau
SES Chief, Field Operations Bureau
SES Deputy Chief, Broadcast Bureau
SES Executive Director
SES Managing Counsel, Compliance &
Litigation Task Force
SES Chief, Private Radio Bureau
SES Chief, Opinions and Review
SES Deputy Chief Scientist
SES Deputy Chief, Common Carrier Bureau
SES Chief, Office of Plans and Policy
SES Deputy General Counsel
SES Chief, Cable Television Bureau
SES Deputy Chief, Cable Television Bureau
SES Deputy Chief, Field Operations Bureau
* * *

AGENCY: FEDERAL DEPOSIT INSURANCE CORPORATION*Positions:*

AD-18 Executive Secretary and Deputy to the Chairman
 AD-18 Assistant to Chairman
 AD-18 Assistant to Director
 GC-17 Director, Office of Employee Relations
 GC-17 Director, Office of Personnel Management
 AD-18 Controller
 AD-18 Director, Division of Management Systems and Financial Statistics
 GC-17 Deputy Director, Division of Management Systems and Financial Statistics
 GC-17 Director, Corporate Audits
 AD-18 Acting General Counsel
 AD-18 Director, Division of Bank Supervision
 GC-17 Deputy Directors, Division of Bank Supervision (2)
 GC-17 Deputy Director, Division of Liquidation
 AD-18 Director, Division of Liquidation
 AD-18 Director, Division of Research
 GC-18 Counsel to the Chairman of Board of Directors
 GC-18 Special Assistant to the Chairman
 GC-17 Deputy General Counsel
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AGENCY: FEDERAL ELECTION COMMISSION

Positions: No section 207(d)(1)(C) designations
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AGENCY: FEDERAL ENERGY REGULATORY COMMISSION*Positions:*

SES Executive Director, Office of the Executive Director
 SES Director, Office of Electric Power Regulation
 SES Deputy Director, Office of Electric Power Regulation
 SES Director, Office of Pipeline and Producer Regulation
 SES Deputy Director, Office of Pipeline and Producer Regulation
 SES General Counsel, Office of General Counsel
 SES Deputy General Counsel, Office of General Counsel
 SES Director, Office of Regulatory Analysis
 SES Chief Accountant, Office of Chief Accountant
 SES Deputy Chief Accountant, Office of Chief Accountant
 SES Director, Office of Enforcement
 SES Director, Office of Opinions and Review
 SES Deputy Director, Office of Opinions and Review
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AGENCY: FEDERAL HOME LOAN BANK BOARD*Positions:*

SES Director, Special Studies Division
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GS-18 General Counsel
 GS-18 Director, Office of District Banks
 GS-18 Director, Office of Community Investment

GS-18 Director, Office of Economic Research
 GS-18 Director, Federal Savings and Loan Insurance Corporation
 GS-18 Director, Office of Industry Development
 GS-17 Assistant to the Chairman
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AGENCY: FEDERAL HOME LOAN MORTGAGE CORPORATION*Positions:*

AD President—Chief Executive Officer
 AD Executive Vice President—Chief Operating Officer
 AD Executive Vice President—Chief Administrative Officer
 AD Senior Vice President—General Counsel
 AD Regional Senior Vice President—Los Angeles
 AD Executive Vice President—Chief Financial Officer
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AGENCY: FEDERAL LABOR RELATIONS AUTHORITY*Positions:*

SES Members of the Panel (7)
 SES Executive Director of the Authority
 SES Deputy Executive Director of the Authority
 SES Chief, Representation and Unfair Labor Practice Division
 SES Deputy General Counsel of the Authority
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AGENCY: FEDERAL MARITIME COMMISSION*Positions:*

SES General Counsel
 SES Managing Director
 SES Director, Bureau of Ocean Commerce Regulation
 SES Deputy Director, Bureau of Ocean Commerce Regulation
 SES Deputy General Counsel, Division of Reports, Opinions and Decisions
 SES Deputy General Counsel, Division of Legislation, Orders and Legal Research and Assistance
 SES Director, Bureau of Hearing Counsel
 SES Director, Bureau of Certification and Licensing
 SES Director, Bureau of Enforcement
 SES Director, Bureau of Industry Economics
 SES Secretary
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AGENCY: FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION*Positions:*

SES Executive Director
 SES General Counsel
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AGENCY: FEDERAL RESERVE SYSTEM*Positions:*

FRO-I Secretary of the Board
 FRO-I Staff Director for Monetary and Financial Policy
 FRO-I Staff Director for Management
 FRO-I Director, Division of Research and Statistics
 FRO-I General Counsel
 FRO-I Director, Division of Banking Supervision and Regulation
 FRO-I Director, Division of International Finance
 FRO-I Staff Director for Federal Reserve Bank Activities
 FRO-II Assistants to the Board (3)
 FRO-II Deputy Staff Director for Monetary and Financial Policy
 FRO-II Director, Division of Federal Reserve Bank Examination and Budgets
 FRO-II Director, Division of Consumer Affairs
 FRO-II Director, Division of Data Processing
 FRO-II Director, Division of Federal Reserve Bank Operations
 FRO-II Executive Secretary, Federal Bank Examination Council
 FRO-II Deputy General Counsel
 FRO-II Director, Division of Personnel
 FRO-III Controller
 FRO-III Assistant to the Board
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AGENCY: FEDERAL TRADE COMMISSION*Positions:*

SES Director, Office of Policy Planning
 SES General Counsel
 SES Deputy General Counsel
 SES Director, Bureau of Competition
 SES Deputy Directors, Bureau of Competition
 SES Director, Bureau of Consumer Protection
 SES Deputy Directors, Bureau of Consumer Protection
 SES Director, Bureau of Economics
 SES Executive Director
 SES Assistant to the Chairman
 SES Deputy Director, Office of Policy Planning
 SES Deputy Director, Bureau of Economics
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AGENCY: FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

Position: No section 207(d)(1)(C) designations
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AGENCY: GENERAL SERVICES ADMINISTRATION*Positions:*

SES Special Assistant to the Administrator
 SES Assistant Administrator for Field Operations
 SES Assistant Administrator for External Affairs
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SES Deputy Assistant Administrator for External Affairs
 SES Director of Information Security Oversight
 SES Assistant Administrator for Acquisition Policy
 SES Deputy Assistant Administrator for Acquisition Policy
 SES Director, Acquisition Management and Review Directorate
 SES Director, Contract Clearance Directorate
 SES Director, Acquisition Policy Directorate

OFFICE OF MANAGEMENT, POLICY AND BUDGET

SES Assistant Administrator for Management, Policy and Budget
 SES Deputy Assistant Administrator for Management, Policy and Budget
 SES Director of Finance
 SES Director of Budget
 SES Director of Data Systems
 SES Director of Planning and Analysis

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE (ADTS)

SES Deputy Commissioner, ADTS
 SES Assistant Commissioner, Office of Policy and Planning, Program Management Officer
 SES Assistant Commissioner, Office of Agency Services and Procurement, Program Management Officer
 SES Assistant Commissioner, Office of Systems Engineering and Operations, Supervisory Electronics Engineer
 SES Executive Director, ADTS; Program Management and Policy Planning Officer
 SES Director, Voice Communications Systems Division, Supervisory Electronics Engineer
 SES Director, Advanced Planning and Research Division, Supervisory Electronics Engineer
 SES Director, Data Communications Systems Division, Supervisory Electronic Engineer

FEDERAL PROPERTY RESOURCES SERVICE (FPRS)

SES Commissioner, Federal Property Resources Services
 SES Deputy Commissioner, Federal Property Resources Service
 SES Assistant Commissioner, Office of Real Property
 SES Assistant Commissioner, Office of Personal Property
 SES Assistant Commissioner, Office of Property Management
 SES Assistant Commissioner, Office of Stockpile Disposal

FEDERAL SUPPLY SERVICE (FSS)

SES Deputy Commissioner, FSS
 SES Director, Quality Assurance and Reliability Office
 SES Director, Office of Program Review and Resource Management
 SES Director, Office of Programs and Requirements
 SES Director, Office of Contracts
 SES Director, Office of Requirements
 SES Deputy Director, Office of Contracts
 SES Director, Office of Supply

NATIONAL ARCHIVES AND RECORDS SERVICE (NARS)

SES Deputy Archivist
 SES Executive Director

PUBLIC BUILDINGS SERVICE (PBS)

SES Deputy Commissioner, PBS
 SES Assistant Commissioner for Program Support
 SES Assistant Commissioner for Space Planning and Management
 SES Assistant Commissioner for Buildings Management
 SES Assistant Commissioner for Construction Management
 SES Deputy Assistant Commissioner for Construction Management
 SES Assistant Commissioner for Contracts
 SES International Projects Officer
 SES Deputy Assistant Commissioner for Construction Programs

TRANSPORTATION AND PUBLIC UTILITIES SERVICE (TPUS)

SES Assistant Commissioner, Office of Transportation and Travel Management
 SES Deputy Commissioner, TPUS
 SES Assistant Commissioner for Public Utilities
 SES Assistant Commissioner for Motor Equipment

OFFICE OF GENERAL COUNSEL (OGC)

SES General Counsel
 SES Deputy General Counsel

GSA BOARD OF CONTRACT APPEALS

Positions: No Section 207(d)(1)(C) Designations

REGIONAL OFFICES

SES Regional Administrator, Region 1 (Boston)
 SES Regional Administrator, Region 2 (New York)
 SES Regional Administrator, Region 3 (Philadelphia)
 SES Regional Administrator, Region 4 (Atlanta)
 SES Regional Administrator, Region 5 (Chicago)
 SES Regional Administrator, Region 6 (Kansas City)
 SES Regional Administrator, Region 7 (Fort Worth)
 SES Regional Administrator, Region 8 (Denver)
 SES Regional Administrator, Region 9 (San Francisco)
 SES Regional Administrator, Region 10 (Auburn)
 SES Regional Administrator, National Capitol Area (Washington, D.C.)

OFFICE OF HUMAN RESOURCES AND ORGANIZATION

SES Assistant Administrator for Human Resources and Organization
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AGENCY: INTERNATIONAL COMMUNICATION AGENCY*Positions:*

GS-17 Executive Assistant to the Director
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FSIO-1 Director, Congressional and Public Liaison

FSIO-1 Chief, Congressional Liaison Office
 SES General Counsel
 SES Deputy General Counsel
 FSIO-1 Deputy Associate Director for Educational and Cultural Affairs
 GG-18 Director for Institutional Relations
 FSIO-1 Director of Cultural Centers and Resources
 GG-17 Director, Office of Academic Programs

THE DIRECTORATE FOR BROADCASTING (The Voice of American)

FSIO-1 Deputy Associate Director
 SES Director of Administration
 FSIO-1 Director, Office of Programs
 SES Director of Engineering and Technical Operations

THE DIRECTORATE FOR MANAGEMENT

FSIO-1 Director of Administrative Services
 SES Director of Comptroller Services
 SES Director of Personnel Services
 SES Director Office of Systems Technology

THE DIRECTORATE FOR PROGRAMS

SES Director of Exhibits Service
 FSIO-1 Director of Press and Publication Services

FSIO-1 Director of Television and Film Service

FSIO-1 Deputy Associate Director
 SES Executive Officer

FSIO-1 Director of African Affairs
 SES Deputy Director of African Affairs

FSIO-1 Director of European Affairs
 FSIO-1 Deputy Directors of European Affairs(2)

FSIO-1 Deputy Director of European Affairs (Exchanges)

FSIO-1 Director of East Asian and Pacific Affairs

FSIO-1 Deputy Directors of East Asian and Pacific Affairs(2)

FSIO-1 Director of American Republic Affairs

FSIO-1 Deputy Director of American Republic Affairs

FSIO-1 Director of North African, Near Eastern and South Asian Affairs

FSIO-1 Deputy Director of North African and Near Eastern Affairs

FSIO-1 Deputy Director of South Asian Affairs

FSIO-1 Public Affairs Officers of Class I Posts
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AGENCY: INTERSTATE COMMERCE COMMISSION*Positions:*

SES Managing Director
 SES General Counsel
 SES Director, Bureau of Operations
 SES Director, Bureau of Investigations and Enforcement
 SES Director, Bureau of Traffic
 SES Director, Bureau of Accounts
 SES Director, Office of Proceedings
 SES Director, Office of Policy and Analysis/Rail Services Planning Office
 SES Assistant Managing Director
 SES Deputy General Counsel

SES Associate Director, Office of Proceedings
SES Associate Director, Office of Policy and Analysis/Rail Services Planning Office
* * * * *

AGENCY: NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Positions:

OFFICE OF THE ADMINISTRATOR

Positions: No section 207(d)(1)(C) designations

OFFICE OF THE COMPTROLLER

SES Deputy Comptroller

OFFICE OF LEGISLATIVE AFFAIRS

SES Deputy Director, Legislative Affairs

OFFICE OF THE CHIEF ENGINEER

SES Chief Engineer, NASA
SES Deputy Chief Engineer, NASA

OFFICE OF SPACE AND TERRESTRIAL APPLICATIONS

SES Deputy Associate Administrator for Space and Terrestrial Application

OFFICE OF GENERAL COUNSEL

SES Deputy General Counsel, NASA

OFFICE OF PROCUREMENT

SES Director of Procurement
SES Deputy Director of Procurement

OFFICE OF EXTERNAL RELATIONS

SES Associate Administrator for External Relations
SES Deputy Associate Administrator for External Relations

OFFICE OF SPACE TRANSPORTATION SYSTEMS

SES Deputy Associate Administrator for Space Transportation Systems

OFFICE OF MANAGEMENT OPERATIONS

SES Deputy Associate Administrator for Management Operations

OFFICE OF THE CHIEF SCIENTIST

SES Chief Scientist (Associate Administrator)
SES Deputy Chief Scientist (Deputy Associate Administrator)

OFFICE OF AERONAUTICS AND SPACE TECHNOLOGY

SES Deputy Associate Administrator for Aeronautics and Space Technology

OFFICE OF SPACE SCIENCE

SES Deputy Associate Administrator for Space Science

OFFICE OF SPACE TRACKING AND DATA SYSTEMS

SES Deputy Associate Administrator for Space Tracking and Data Systems

OFFICE OF EQUAL OPPORTUNITY PROGRAMS

SES Director of Equal Opportunity Programs
SES Deputy Director of Equal Opportunity Programs

INSPECTOR GENERAL

SES Deputy Inspector General

AMES RESEARCH CENTER

SES Director, NASA Ames Research Center
SES Deputy Director, NASA Ames Research Center

DRYDEN FLIGHT RESEARCH CENTER

SES Director, NASA Dryden Flight Research Center
SES Deputy Director, NASA Dryden Flight Research Center

GODDARD SPACE FLIGHT CENTER

SES Director, NASA Goddard Space Flight Center
SES Deputy Director, NASA Goddard Space Flight Center

JOHNSON SPACE CENTER

SES Director, NASA Johnson Space Center
SES Deputy Director, NASA Johnson Space Center

KENNEDY SPACE CENTER

SES Director, NASA Kennedy Space Center
SES Deputy Director, NASA Kennedy Space Center

LANGLEY RESEARCH CENTER

SES Director, NASA Langley Research Center
SES Deputy Director, NASA Langley Research Center

LEWIS RESEARCH CENTER

SES Director, NASA Lewis Research Center
SES Deputy Director, NASA Lewis Research Center

MARSHALL SPACE FLIGHT CENTER

SES Director, NASA Marshall Space Flight Center
SES Deputy Director, NASA Marshall Space Flight Center

NATIONAL SPACE TECHNOLOGY LABORATORIES

SES Manager, National Space Technology Laboratories
SES Deputy Manager, National Space Technology Laboratories

Wallops Flight Center

SES Director, NASA Wallops Flight Center
SES Associate Director, NASA Wallops Flight Center
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AGENCY: NATIONAL COMMISSION ON THE INTERNATIONAL YEAR OF THE CHILD

Positions:

GS-17 Executive Director
* * * * *

AGENCY: NATIONAL CREDIT UNION ADMINISTRATION

Positions:

SES General Counsel
SES Assistant Administrator for Examination and Insurance
SES Assistant Administrator for Administration and Regional Coordination
* * * * *

SES Assistant Administrator for Asset Management, Fiscal Affairs, and Information Systems
SES Assistant Administrator for Internal Audit and Investigation
SES Assistant Administrator for Research and Analysis
SES Regional Director
SES Director, Office of Policy Analysis
SES Deputy Director, Examination and Insurance
SES Deputy General Counsel
* * * * *

AGENCY: NATIONAL ENDOWMENT FOR THE ARTS

Positions:

GS-18 Deputy Chairman for Policy and Planning
GS-17 Deputy Chairman for Programs
GS-17 Deputy Chairman, Federal Council on the Arts and the Humanities
SES Director of Media Arts
SES Director of Architecture, Planning and Design
SES Director of Federal-State Partnership
SES Director of Expansion Arts
SES Director of Museums
SES General Counsel
SES Director of Program Coordination
* * * * *

AGENCY: NATIONAL LABOR RELATIONS BOARD

Positions:

SES Solicitor
SES Executive Secretary
SES Deputy General Counsel
SES Director, Office of Appeals
* * * * *

AGENCY: NATIONAL SCIENCE FOUNDATION

Positions:

SES Director, Office of Audit and Oversight
SES Director, Office of Operations
SES Director, Office of Operations & Analysis
SES Director, Office of Government & Public Programs
SES Director, Office of Planning & Resources Management
SES Director, Office of Small Business Research & Development
SES Deputy Assistant Director, Science Education
SES Deputy Assistant Director, Astronomical, Atmospheric, Earth & Ocean Sciences
SES Deputy Assistant Director, Mathematical & Physical Sciences & Engineering
SES Deputy Assistant Director, Scientific, Technological & International Affairs
SES Deputy Assistant Director, Administration
SES Deputy Assistant Director, Biological, Behavioral, & Social Sciences
SES General Counsel
* * * * *

AGENCY: NATIONAL TRANSPORTATION SAFETY BOARD

Positions:

SES Managing Director
SES Deputy Managing Director
SES General Counsel
SES Deputy General Counsel
SES Director, Bureau of Accident Investigation
SES Director, Bureau of Technology
* * * * *

AGENCY: OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Positions:

SES Executive Director
SES General Counsel
* * * * *

AGENCY: OFFICE OF PERSONNEL MANAGEMENT

Positions:

SES Assistant Director, Office of Intergovernmental Personnel Programs
SES Deputy Associate Director for Standards and Selection Methods
SES Assistant Director, Office of Labor-Management Relations
SES Assistant Director, Office of Policy Analysis
SES Deputy Associate Director for Staffing, Staffing Services Group
SES Chairman, Federal Prevailing Rate Advisory Committee
SES Deputy Associate Director for Benefits Policy, Compensation Group
SES General Counsel, Office of the General Counsel
SES Director—Southeast Regional Office
SES Executive Director, President's Commission on Personnel Interchange
SES Director, Retirement and Insurance Division, Compensation Group
SES Assistant Director for Agency Compliance and Evaluation, Agency Relations Group
SES Director (Acting), Office of Administrative Law Judges, Executive Personnel and Management Development Group
SES Assistant Director for Staffing, Staffing Services Group
SES Deputy Associate Director for Compensation Operations, Compensation Group
SES Director—Eastern Regional Office
SES Director, Retirement Operations Branch, Compensation Group
SES Director—Great Lakes Regional Office
SES Director—Mid-Atlantic Regional Office
SES Director—Southwest Regional Office
SES Director—Western Regional Office
SES Assistant Director, Insurance Operations Branch, Compensation Group
SES Acting Director, Federal Executive Institute
SES Chief, Medical Operations Branch, Compensation Group
SES Deputy Assistant Director for Labor-Management Relations
SES Chief, Personnel Research and Development Center, Staffing Services Group
SES Assistant Director, Office of Affirmative Employment Programs
SES Deputy Assistant Director for Grants Administration, Office of Intergovernmental Personnel Programs
* * * * *

SES Director, President's Commission on White House Fellows
SES Deputy Assistant Director for Personnel Management Assistance, Office of Intergovernmental Personnel Programs
SES Director, Office of Management
SES Deputy Associate Director for Personnel Investigations
* * * * *

AGENCY: PENSION BENEFIT GUARANTY CORPORATION

Positions:

GS-17 Deputy Executive Director
GS-17 General Counsel
GS-17 Director, Office of Program Operations
* * * * *

AGENCY: POSTAL RATE COMMISSION

Positions:

GS-18 General Counsel of Commission
GS-18 Director of Planning and Operations
* * * * *

AGENCY: PRESIDENTIAL COMMISSION ON WORLD HUNGER

Positions:

SES Executive Director
* * * * *

AGENCY: RAILROAD RETIREMENT BOARD

Positions:

GS-17 Chief Executive Officer
GS-18 Director, Bureau of Retirement Claims
GS-17 Director of Research
GS-17 General Counsel
GS-17 Chief Actuary
SES Deputy Executive Officer
SES Director, Bureau of Data Processing and Accounts
SES Director, Bureau of Unemployment and Sickness Insurance
SES Director, Bureau of Budget and Fiscal Operations
* * * * *

AGENCY: SECURITIES AND EXCHANGE COMMISSION

Positions:

SES General Counsel
SES Director, Division of Corporation Finance
SES Director, Division of Corporate Regulation
SES Director, Division of Enforcement
SES Director, Division of Investment Management
SES Director, Division of Market Regulation
SES Deputy Director, Division of Corporation Finance
SES Deputy Director, Division of Market Regulation
SES Chief Accountant of the Commission
SES Deputy Chief Accountant
SES Executive Director
SES Regional Administrator, New York
SES Regional Administrator, Chicago
SES Regional Administrator, Los Angeles
* * * * *

SES Deputy Director, Division of Enforcement
SES Principal Associate General Counsel
* * * * *

AGENCY: SMALL BUSINESS ADMINISTRATION

Positions:

SES Director, Office of Business Development
SES Associate Administrator for Policy, Planning and Budgeting
SES Director, Office of Program Development
GS-18 Assistant Administrator for Data Management Services
SES Regional Director, Region I
SES Regional Director, Region II
SES Regional Director, Region III
SES Regional Director, Region IV
SES Regional Director, Region V
SES Regional Director, Region VI
SES Regional Director, Region VII
SES Regional Director, Region VIII
SES Regional Director, Region IX
SES Regional Director, Region X
SES Special Assistant to the Administrator and Director, Equal Employment Opportunity and Compliance
SES General Counsel
GS-17 Deputy General Counsel
SES Chief Counsel for Advocacy
SES Associate Administrator for Procurement Assistance
SES Associate Administrator for Management Assistance
SES Director, Office of Field Management.
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AGENCY: TENNESSEE VALLEY AUTHORITY

Positions: NO SECTION 207(d)(1)(C) DESIGNATIONS
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AGENCY: UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Positions:

SES General Counsel
SES U.S. Commissioner, SCC
SES Public Affairs Adviser
SES The Special Assistant
SES The Counselor
SES Chief Scientist
SES GAC Executive Director
SES Administrative Director
SES Chief of Operations Analysis
SES Deputy General Counsel
SES Ambassador to CD, D
SES Deputy Assistant Director, MA
SES Deputy Public Affairs Adviser, PA
SES Representative to MBFR
SES Special Assistant, PA
SES Senior Negotiator for Arms Trf., WEC
* * * * *

AGENCY: UNITED STATES RAILWAY ASSOCIATION

Positions:

AD President
AD Vice President and General Counsel
AD Vice President Finance
* * * * *

AD Vice President Operations and Marketing

AGENCY: WATER RESOURCES COUNCIL

Positions:

SES Director
SES Chairman, Great Lakes Basin Commission
SES Chairman, Missouri River Basin Commission
SES Chairman, New England River Basin Commission
SES Chairman, Ohio River Basin Commission
SES Chairman, Pacific Northwest River Basin Commission
SES Chairman, Upper Mississippi River Basin Commission

Authority: 18 U.S.C. 207(d)(1)(C).

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR 272 and 273

[Amdt. No. 151]

Shelter and Medical Deductions

AGENCY: Food and Nutrition Service, USDA.

ACTION: Emergency final rule.

SUMMARY: This rule sets forth changes in allowable deductions for the elderly and disabled mandated by Pub. L. 96-58. This law amended the Food Stamp Act of 1977 to allow the elderly and disabled to deduct medical expenses exceeding \$35 per month and to receive a full deduction for shelter costs exceeding 50 percent of their adjusted income.

DATES: Effective Date: September 21, 1979.

COMMENT PERIOD: Comments must be received on or before November 21, 1979 to be assured of consideration.

ADDRESS: Comments should be submitted to: Alberta Frost, Acting Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250. All written comments will be open to public inspection at the offices of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 500 12th Street, SW., Washington, D.C. Room 658.

FOR FURTHER INFORMATION CONTACT: Susan McAndrew, Chief, Program Standards Branch, Food and Nutrition Service, Washington, D.C. 20250. Phone (202) 447-6535.

SUPPLEMENTARY INFORMATION: Pub. L. 96-58 (93 Stat. 389, August 14, 1979) amended the Food Stamp Act of 1977 to allow a deduction for medical expenses which exceed \$35 incurred by persons who are 60 years of age or over or who receive disability benefits under Title II of the Social Security Act or Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act. In addition, households with one or more members meeting one of these criteria can claim the full amount of their shelter expense exceeding 50 percent of their income after all other deductions. Prior to this amendment, these households could claim only up to \$90 (in the 48 contiguous States and the District of Columbia) for combined dependent care/excess shelter costs.

So States will have adequate time to meet the January 1, 1980, implementation deadline in the law, Robert Greenstein, Administrator, Food and Nutrition Service, has determined that this rulemaking be issued as an interim final rule. This approach is encouraged by the Conference Report (No. 96-394, P. 8) which says:

To accomplish implementation in the swiftest manner possible, the Department of Agriculture should proceed quickly to complete the regulatory process for issuing the necessary regulations, including, where appropriate, waiver of notice and comment procedures under the Administrative Procedure Act as contrary to the public interest and unnecessary in light of the emergency and automatic nature of these provisions.

The law was enacted on August 14, 1979. Our experience with implementation lead time needed by States to revise their forms and procedures, train staff and notify the public of changes indicates that they would not have enough time to implement these rules by January 1, 1980 if prior notice and comment procedures were followed. Therefore, States must rely solely on this emergency final rulemaking to plan for and implement the new deduction system.

However, because of the importance of this rule, the Department is seeking public comment on it and will accept comments for 60 days following its publication. The Department will carefully review all comments received and will consider modifying or refining this emergency final rule sometime after it has been implemented, if comments or implementation itself suggest necessary changes.

Medical Expenses

The law and these regulations limit medical expenses to those incurred by

persons 60 years of age or older, or who receive SSI benefits under Title XVI of the Social Security Act or disability payments under Title II of the Social Security Act. Other household members, including spouses and dependents not eligible in their own right, cannot claim their medical costs. Not all disabled persons, but only those receiving income from the sources specified above are entitled to the deduction. For example, in Puerto Rico, Guam, and the Virgin Islands where no SSI program exists, recipients of Title II disability payments are eligible for these deductions, but those receiving only the Aid to the Permanently and Totally Disabled or other forms of disability payments are not. An individual is considered to be an SSI recipient upon receipt of the initial SSI payment, including an emergency check issued by the State based on presumptive eligibility.

The legislation broadly defines allowable medical expenses. The legislative history further directs the Department to rely on previous regulations and guidelines issued pursuant to the Food Stamp Act of 1964 to determine which medical expenses in addition to those specifically cited should be allowed. (Conference Report, P. 8). The regulations, therefore, expand the statutory definition of allowable medical expenses to include previously deductible expenses. Allowable medical expenses include medical and dental care (including remedial care recognized by the State); hospitalization and nursing care; prescription and over-the-counter drugs if prescribed by a State-licensed practitioner; health and hospitalization insurance policy premiums; Medicare premiums; dentures, hearing aids, and prosthetics; the cost of securing and maintaining a seeing eye dog; eyeglasses if prescribed by a physician or optometrist; reasonable costs of transportation to obtain medical treatment or services; and the cost of maintaining an attendant, housekeeper, or home health aid necessary due to age, infirmity, or illness. The legislation and regulations continue to disallow the cost of special diets.

The Department believes that in legislating the medical expense deduction, Congress was concerned with individuals faced with high medical costs which were not recoverable through public or private sources. (Cong. Rec. August 2, 1979, P. H7067). Medicaid and Medicare cover a significant portion of the medical expenses of the elderly and low-income households. The Department believes that Congress did not intend to provide a medical expense

deduction for those expenses which do not represent actual out-of-pocket expenses to the household. In cases where the household claims a deduction for billed medical expenses which the household can verify will neither be paid directly, nor reimbursed by either an insurance company or government program the deduction will be immediately available.

The Department considered two approaches for dealing with cases where the household claims a deduction for billed medical expenses but where the household does not know or cannot verify the extent to which the billed expenses will be reimbursed: the method used in regulations and instructions issued under the 1964 Act which considered an expense deductible in the month paid, or a modification of the current method which considers an expense deductible in the month billed, regardless of when the bill is actually paid.

Under the 1964 Act, the household was given a deduction if payments were actually being made on the bill pending reimbursement. The household was required to report receipt of reimbursement, and the deduction would end if the reimbursement was sufficient to cover the remaining expense. The alternative approach modifies the as billed method so as to provide that the billed expense is deductible in the month in which the reimbursement is received or can otherwise be verified, rather than when the bill is first received. Only the nonreimbursable portion is deductible.

The Department believes that, Congress intended that only nonreimbursable medical expenses should be deductible. The former "as paid" approach was rejected because it is administratively complex, confusing to both participants and workers and potentially error-prone. The "as paid" method contributed to quality control errors in the past when anticipated payments were not made and reimbursements not reported promptly upon receipt. Under the modified "as billed" method, some deductions may be delayed, but all of the household's allowable medical expenses will eventually be deducted. The Department feels this potential delay is acceptable in light of the few households likely to be affected by it and its greater administrative simplicity and resulting lower error rate.

To be deductible, the medical care must be performed by or the drugs prescribed by a State-licensed practitioner or qualified health professional as determined by State definitions or authorities. If it is

questionable whether a practitioner is licensed, the local office can contact the State medical licensing board or the county medical association for assistance. The State agency may wish to list types of licensed and qualified practitioners in the State's certification manual. If the practitioner is considered licensed or qualified by the appropriate State authority, both the practitioner's fees and any treatment or drug prescribed by the practitioner are deductible for Program purposes.

Unless otherwise specified in these regulations, medical expenses shall be treated as any other deductible expense under section 273.10(d). Those regulations disallow an expense covered by vendor payments or reimbursements, allow the expense in the month billed but disallow amounts carried forward from past billing periods, and permit households to average fluctuating and one-time expenses.

The Department is interested in receiving comments on our policies for counting medical deductions and, in particular, in receiving data that can help quantify the impacts of the alternatives described above.

In computing the medical deduction, the first \$35 of medical expenses incurred each month is not deductible. Only that portion which exceeds \$35 is allowed. For example, and elderly individual with \$50 in monthly medical costs would receive a \$15 deduction. Expenses incurred on a weekly or bi-weekly basis are converted to a monthly amount using the same conversion methods that apply to income (see § 273.10(c)). As with other expenses, medical costs may be averaged. The household may elect to have one-time only costs reported at certification deducted in a lump-sum or averaged over the certification period.

However, when a deduction is averaged over an entire certification period, households would normally get the full benefit of the deduction only if it is claimed at the beginning of their certification periods. Households that reported one-time medical expenses during the certification period—especially under the policy on handling reimbursements—would normally lose part of their deduction if it were averaged backwards as well as forwards over the entire period. For example, if a household with a six-month certification period reported a new, one-time medical bill early in the fourth month, it would lose two-thirds of its deductions—that portion assigned to the previous four months.

In order to avoid this result, the Department has provided a new procedure to deal with one-time medical

expenses reported during certification periods. Under this rule, such expenses may be deducted in a lump sum or averaged forward over the balance of the certification period.

The regulations require that medical expenses, and the amount which is reimbursable, be verified at initial certification. If the monthly expense changes by \$25, the expenses must be verified again at recertification, although the State agency may elect to verify medical expenses at recertification even if no change has occurred. The State agency must also verify other factors relating to medical deductions at recertification, such as for whom the expense is incurred or if an expense is allowable, whenever questionable information is provided. The Department determined that verification was required due to the variability of medical expenses, the limited nature of the deduction, and the uncertain extent to which such expenses are reimbursable.

The regulations also require the household to report whenever medical expenses change by more than \$25. As medical expenses are likely to vary over the certification period, the Department believes that optional reporting could result in incorrect benefit levels over the certification period. On the other hand, requiring reporting of all changes is a hardship both on the household and the State agency, given the number of times minor changes will not significantly affect levels of benefits. To balance these two factors, the same reporting requirement as for income changes is established for changes in medical expenses. The procedure is consistent with other reporting requirements, thereby making it relatively easy for the household to remember and for the State agency to administer. The State agency would act on changes in accordance with the normal timeliness standards in § 273.12.

Shelter Expenses

Pub. L. 96-58 also allows any household containing a member who is 60 years of age or older, or who receive SSI or Title II disability payments to deduct all shelter costs in excess of 50 percent of their adjusted income. Adjusted net income is computed by allowing all deductions, including the medical deduction. However, these households are entitled to an uncapped excess shelter expense regardless of whether or not medical costs are incurred or deducted.

While the cap is removed from shelter costs, it still applies to any dependent care costs the household may claim as necessary for a member to seek, accept,

or continue employment. For example, under existing regulations if the head of household works and pays \$120 a month for child care, the household could deduct only the first \$90 (the cap for the 48 States and the District of Columbia at the present time) and would not receive any deduction for shelter regardless of how much it paid. With the new legislation, if that household also contains a member who is at least 60 years old or who receive SSI or Title II disability payments, the household, while still limited to \$90 for dependent care expenses, may now deduct any shelter costs in excess of 50 percent of its income.

Prior to the reinstatement of the medical deduction, the household could receive a deduction for cost of an attendant for an elderly or disabled member up to a maximum of \$90, only if it permitted another household member to work. As the new medical deduction also allows for attendant care, there may be some overlap with former dependent care deductions. When attendant care costs qualify under both the medical deduction and the dependent care deduction, the State agency shall treat the cost as a medical expense.

The Department believes that most households incurring this dependent care expense will benefit more from the uncapped deduction available by categorizing it as a medical expense. The only disadvantage would be to some households paying less than \$125 a month in attendant care, in that the medical deduction limits the deduction to the amount over \$35, while under the dependent care deduction all costs are deductible up to a maximum of \$90. We believe that few households with attendant care costs pay less than \$125 per month. Moreover, it is highly unlikely that these types of households do not incur other medical expenses which would meet the \$35 threshold. Therefore, these households should in nearly all cases receive a larger deduction by classifying their attendant costs as a medical expense and will therefore not be penalized by this approach.

If the household furnishes the majority of an attendant's meals, an amount equivalent to the one-person coupon allotment is deducted in addition to the attendant's wages. This applies only to attendant costs deducted as medical expenses and not to dependent care costs incurred for employment reasons. We are basing this provision on the legislative histories of both the 1977 Act and of Pub. L. 96-58. The legislative history of the 1977 Act specifically

prohibited in-kind payments to be included as part of the dependent care deduction. (House Report 95-464, p. 67).

However, the legislative history of Pub. L. 96-58 stated that the regulations, instructions, and policies on medical expenses issued under the 1964 Act be followed. (Conference Report, p. 8). Thus a deduction related to meals for attendants shall be available only if the attendant costs are deducted as medical expenses. Because of the limited effect and the administrative difficulty, the State agency is not required to take into account any variation in coupon allotments for purposes of the attendant meal deduction during the household's certification period. Rather any new coupon allotments would be applied at recertification, unless the State agency chose to make the change earlier.

Implementation

The legislation mandates the implementation of the medical and shelter deduction for the elderly and disabled on or before January 1, 1980. State agencies may elect to implement these new deductions prior to January 1, 1980.

After implementation, the State agency shall:

1. determine the eligibility of new applicants and households being recertified using the new deductions, if appropriate;
2. respond to currently certified households requesting recomputation of their benefits based on the new deductions.

State agencies may want to solicit information on medical and shelter expenses from households interviewed prior to implementation to prepare for conversion. State agencies may particularly wish to do so for households whose certification or recertification is effective the first month of implementation. The State agency shall also undertake general notification procedures including press releases, posters, and fliers to make households who are potentially eligible for the new deductions aware of the program changes. FNS will be notifying the Regional Offices and States of assistance available in preparing and distributing the notices and posters.

The regulations require the State agency to directly notify currently certified households of the availability of the new deductions. The State agency shall send the notice to all households currently on the caseload, or may restrict the notice to only those eligible for the deduction if the State agency can identify those households on the caseloads containing a member who is age 60 or older, or who receives SSI or

Title II disability payments. The notice shall be sent sufficiently in advance of implementation but not later than the 15th of the month prior to the month of implementation to permit those households who wish to claim medical expenses or the new shelter deduction to do so without any delay after the effective date.

The State agency is not required to perform a desk review of all cases currently on the caseload to identify households potentially affected by the new deductions, but may do so if it desires. However, Congress clearly recognized the limited impact of desk reviews when mandating implementation time frames. In the Congressional Record of August 2, 1979, page H7067, Mr. Foley states:

... no household could benefit until and after such time as it newly applied to participate or was scheduled to be certified for continued participation or sought to have its benefits recomputed in accordance with normal rules for processing changes. Thus, no State agency would be required to provide any retroactive benefits to households as they came in for scheduled continued certification or as they requested a review of their case. (Emphasis added)

Households must provide totally new information on medical expenses before a deduction can be calculated. Clearly desk reviews for medical expenses are pointless as the level of the deduction can only be determined through self-identification by the household. With this in mind, desk reviews for shelter expenses alone are inefficient and would duplicate efforts to process reported changes in medical expenses. In addition, the Department believes that desk reviews for conversion to the new shelter deduction would not have a major impact because many households do not have shelter expenses or have expenses within the cap. With these factors in mind, the Department has not mandated desk review conversion for this amendment.

In developing an implementation schedule, the Department sought to balance the administrative burden on State agencies with maintenance of households' rights to timely benefit from the new deduction system. Normally, the State agency is required to act on reported changes within 10 days, making the change effective for the first allotment after the 10 days. However, because many households may claim these deductions at the same time and States will need time to conduct interviews and obtain verification, for the first two months of implementation it was determined that the ten day standard was not reasonable. Thus, States may have up to 30 days to

process changes resulting from this amendment. However, the household is entitled to benefits back to the time the change would have been effective had the normal 10 day processing requirement been followed. For example, a household reports medical expenses of \$75 per month on January 15. The State agency has until February 15 to act on this change and reflect it in the March allotment, but the household is entitled to lost benefits for February as under normal processing rules its February allotment would have been increased to reflect the change. Households, of course, would not be entitled to benefits prior to initial implementation. States may request an extension of up to 60 days processing time from FNS. States wishing an extension must provide adequate justification for their request. The request may be for the entire State or for particular project areas within the State.

Another special provision for implementing these regulations is also included. Required verifications of medical and shelter expenses may be postponed for the first two months of implementation. Verification must be provided prior to the third issuance, however, or the allotment level reverts to the amount in effect prior to the additional deductions. This will give the State agency more time to actually respond to inquiries and to process changes without having to obtain verification.

A household shall be entitled to lost benefits only if the State agency fails to take timely action on information reported by the household following implementation. For example, if a household responds to the State agency's notice and reports deductible medical expenses in early February, it will not be entitled to claim lost benefits for January or February even if its medical expenses were the same. However, if the State agency fails to make the change effective for March, the household is entitled to lost benefits for March. Similarly, if a new applicant or a household being recertified does not receive a medical or shelter deduction to which it is entitled under Pub. L. 96-58 after January 1, 1980, the household is entitled to retroactive benefits beginning in the month of application.

Because this new deduction is being implemented in the middle of a quality control sample period, the Department has determined that the State agency shall not be held accountable for errors resulting from the misapplication of these new deductions in the cumulative allotment error rate for the balance of the period. Deviations will be noted but

not counted toward the cumulative allotment error rate. However, starting with the next full quality control review period of April-September 1980, such errors will be included in the cumulative allotment error rate.

Normally, the State agency can offset any outstanding claim against lost benefits. However, the benefits restored under this amendment are analogous to the benefits provided retroactive to the first of the month of application. Therefore, under this amendment, benefits restored because of the extended period for processing changes are not subject to off-setting.

Therefore Parts 272 and 273 are amended as follows:

1. A new subparagraph (7) is added to § 272.1(g) as follows:

§ 272.1 General terms and conditions.

- • • • •
- (g) Implementation. • • • • •

(7) Amendment. (i) State agencies shall implement the program changes required by amendment for all new applications and recertifications no later than January 1, 1980. Currently eligible households shall be converted at recertification or when they request conversion to the new deduction system by responding to the notice required in paragraph (g)(7)(iii) of this section or by otherwise requesting recomputation.

(ii) State agencies may but are not required to convert the current caseload to the shelter deduction system provided for in § 273.9(d)(5) through desk reviews or by computer search. State agencies are encouraged to convert eligible households to the new shelter deduction as soon as possible to allow these households to benefit during the winter months.

(iii) Notices explaining the changes and their applicability shall be available at all food stamp certification offices and shall also be mailed or otherwise provided individually to all currently certified households at least once prior to implementation. At a minimum, these notices shall be distributed in the month prior to implementation either with the ATP card or separately but no later than the 15th of the month. The notice shall advise the household of the availability of the new deductions and the procedures for reporting medical and shelter expenses. If the State agency can identify those households to which this amendment would apply, only these households need to receive the notice.

(iv) Fliers advising of the changes contained in this amendment shall be made available to public and general assistance offices, local Social Security offices, and any interested

organizations, particularly those dealing with the elderly or disabled or those places where the elderly or disabled congregate, such as housing units. Also, posters explaining the changes shall be displayed in food stamp certification offices and shall be made available to public and general assistance offices, local Social Security offices and any other interested groups. State agencies shall notify all organizations on its outreach contact list of the changes and of the availability of posters and fliers. State agencies shall issue press releases to the news media advising of the impending program changes.

(v) For the first two months of implementation, State agencies shall have up to 30 days to process changes in medical and shelter costs reported in conjunction with this amendment. The change shall be effective for the first issuance following that 30-day period with restoration of lost benefits to the point at which the change would normally become effective under § 273.12. The State agency may request an extension of processing time of up to 60 days to act on these changes. The State agency shall submit appropriate documentation to FNS for the State or any part of the State for which such an extension is requested. After the first two months the State agency shall act on these changes in accordance with the normal processing standards in § 273.12(c). For changes reported during a period of two months following a State agency's implementation of this amendment, verification of shelter and medical expenses required by § 273.2(f) must be obtained prior to the issuance of the third normal monthly allotment after the change is reported. If the household does not provide verification, the household's benefits will revert to the original level. State agencies are encouraged to complete such verification and, if needed, conduct an interview prior to processing the change. After this initial period, State agencies will verify these expenses in accordance with the normal timeliness standards.

(vi) Medical expenses shall be subject to the same rounding procedures used for shelter expenses in § 273.10(e)(1)(ii). This procedure shall be in effect until implementation of amendments to § 273.10(e)(1)(ii).

(vii) No household shall be entitled to restoration of lost benefits under this amendment for any period prior to the time the State agency has implemented its provisions. For the initial months after implementation, during which the longer processing time allowed under this amendment is in effect, a household shall be entitled to restoration of lost

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benefits back to the month the change would have become effective under the normal processing standards in § 273.12(c). After this initial period, no household shall be entitled to restoration of lost benefits unless the State agency does not act on reported changes in accordance with the timeliness standards in § 273.12(c) or the household is otherwise entitled under the provisions of § 273.17.

(viii) Implementation of these program changes falls in the last three months of the October 1979 to March 1980 reporting period for quality control. For the months of January, February and March 1980, all cases in which a household member is either 60 years of age or over, receives SSI, or disability benefits under title II of the Social Security Act will be subject to standard quality control review procedures, except that any varying information regarding medical deductions and/or shelter deductions in excess of the cap found in the review shall be disregarded in determining errors. Such information shall be noted on the Face Sheet of Form FNS-245 under Part VII, Discrepancies and Other Information and reported to the State agency for appropriate action on an individual case basis. Starting with the April-September 1980 reporting period, when the reviewer detects a variance in the medical deduction and/or the shelter deduction in excess of the cap, and these expenses were reported at application, recertification or during the certification period, the reviewer shall handle the variance like any other QC variance as identified in § 275.12 of the Performance Reporting System regulations.

2. In § 273.2 a new paragraph (f)(1)(iv) is added and paragraphs (f)(9)(i) and (ii) are revised as follows:

§ 273.2 Application processing.

(f) *Verification.* * * *
(1) *Mandatory verification.* * * *

(iv) *Medical expenses.* The amount of any medical expenses (including the amount of reimbursements) deductible under § 273.9(d)(3) shall be verified prior to initial certification. Verification of other factors, such as the allowability of services provided or the eligibility of the person incurring the cost, shall be required if questionable.

(9) *Verification subsequent to initial certification.* (i) *Recertification.* At recertification, the State agency shall verify a change in income, medical expenses or actual utility expenses

claimed by a household if the source has changed or the amount has changed by more than \$25 since the last time they were verified. State agencies may verify income, actual utility expenses, or medical expenses claimed by households which are unchanged or have changed by \$25 or less, provided verification is, at a minimum, required when information is questionable as defined in paragraph (f)(2) of this section. Unchanged information, other than income and medical or utility expenses, shall not be verified at recertification unless the information is questionable as defined in paragraph (f)(2) of this section.

(ii) *Changes.* Changes reported during the certification period shall be subject to the same verification procedures as apply at initial certification, except that the State agency is not required to verify income, medical expenses or actual utility expenses if the source has not changed and the amount has changed by \$25 or less since the last time they were verified.

3. In § 273.9(d) paragraphs (3) through (7) are renumbered to (4) through (8) respectively and (d)(5) is revised. A new paragraph (d)(3) is added and newly renumbered paragraph (d)(5) is revised as follows:

§ 273.9 Income and deductions.

(d) *Income deductions.* * * *

(3) *Excess medical deduction.* That portion of medical expenses in excess of \$35 per month, excluding special diets, incurred by any household member who is 60 years of age or over or who receives supplemental security income (SSI) benefits under title XVI of the Social Security Act or disability benefits under title II of the Social Security Act. Spouses or other persons receiving benefits as a dependent of the SSI or disability recipient are not eligible to receive this deduction but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction. Allowable medical costs are:

(i) Medical and dental care including psychotherapy and rehabilitation services provided by a licensed practitioner authorized by State law or other qualified health professional.

(ii) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or nursing home

provided by a facility recognized by the State.

(iii) Prescription drugs when prescribed by a licensed practitioner authorized under State law and other over-the-counter medication (including insulin) when approved by a licensed practitioner or other qualified health professional; in addition, costs of medical supplies, sick-room equipment (including rental) or other prescribed equipment are deductible;

(iv) Health and hospitalization insurance policy premiums. The costs of health and accident policies such as those payable in lump sum settlements for death or dismemberment or income maintenance policies such as those that continue mortgage or loan payments while the beneficiary is disabled are not deductible;

(v) Medicare premiums related to coverage under title XVIII of the Social Security Act; any cost-sharing or spend down expenses incurred by Medicaid recipients;

(vi) Dentures, hearing aids, and prosthetics;

(vii) Securing and maintaining a seeing eye or hearing dog including the cost of dog food and veterinarian bills;

(viii) Eye glasses prescribed by a physician skilled in eye disease or by an optometrist;

(ix) Reasonable cost of transportation and lodging to obtain medical treatment or services;

(x) Maintaining an attendant, homemaker, home health aide, or child care services, housekeeper, necessary due to age, infirmity, or illness. In addition, an amount equal to the one person coupon allotment shall be deducted if the household furnishes the majority of the attendant's meals. The allotment for this meal related deduction shall be that in effect at the time of initial certification. The State agency is only required to update the allotment amount at the next scheduled recertification; however, at their option, the State agency may do so earlier. If a household incurs attendant care costs that could qualify under both the medical deduction and dependent care deduction, the State agency shall treat the cost as a medical expense.

(5) *Shelter costs.* Monthly shelter costs in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1), (2), (3) and (4) of this section have been allowed. The shelter deduction alone, or in combination with the dependent care deduction in paragraph (d)(4) of this section shall not exceed \$90 in the 48 contiguous States and the District of

Columbia or an amount that is specified in the appendix to this section for Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands unless the household contains a member who is age 60 or over, or who receives supplemental security income benefits (including emergency benefits based on presumptive eligibility) under title XVI or disability payments under title II of the Social Security Act. These households shall receive an excess shelter deduction for the monthly cost that exceeds 50 percent of the household's monthly income after all other applicable deductions. * * *

4. New sentences are added to § 273.10(d)(1)(i) and (d)(3); a new paragraph (5) is added to § 273.10(d), and § 273.10(e)(1)(i) is revised by adding a new paragraph (E), renumbering and revising subparagraphs (E) through (G) as (F) through (H) to read as follows:

§ 273.10 Determining household eligibility and benefit levels.

(d) *Determining deductions.* * * *

(1) *Disallowed expenses.*

(i) * * * However, that portion of an allowable medical expense which is not reimbursable shall be included as part of the household's medical expenses. Households entitled to the medical deduction shall have the nonreimbursable portion considered at the time the amount of reimbursement is received or can otherwise be verified. * * *

(3) *Averaging expenses.*

* * * Households reporting one-time only medical expenses during their certification period may elect to have a one-time deduction or to have the expense averaged over the remaining months of their certification period. Averaging would begin the month the change would become effective. * * *

(5) *Conversion of deductions.* The income conversion procedures in (c)(2) of this section shall also apply to expenses billed on a weekly or biweekly basis. * * *

(e) *Calculating net income and benefit levels.*

(1) *Net monthly income.*

(i) * * *

(E) If the household is entitled to an excess medical deduction as provided in § 273.9(d)(3), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35.

(F) Subtract monthly dependent care expenses, if any, up to the maximum amount allowed for the area (see appendix to § 273.9). If dependent care costs equal or exceed the maximum amount allowed, the household's net monthly income has been determined unless the household is entitled to the full amount of its excess shelter deduction. If the dependent care expenses are less than the maximum, or if the household is entitled to the full amount of its excess shelter expenses (that portion over 50 percent of its monthly net income under § 273.9(d)(5)), compute the household's excess shelter expenses in accordance with paragraph (e)(1)(i)(G) of this section.

(G) Total the allowable shelter expenses to determine shelter costs. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to paragraph (e)(1)(i)(H) of this section.

(H) Subtract the excess shelter cost up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. The maximum amount allowed for shelter (for those households subject to a shelter maximum) is the maximum used in paragraph (e)(1)(i)(F) of this section minus the amount of dependent care expenses, if any. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income has been determined. * * *

5. § 273.12(a)(1) is amended by adding a new subparagraph (vi) as follows:

§ 273.12 Reporting changes.

(a) *Household responsibility to report.*

(1) * * *

(vi) When the household's monthly medical expenses change by \$25 or more. * * *

Note—Food Stamp forms are being revised in accordance with the requirements of this amendment. The reporting and/or record keeping requirements anticipated in this amendment resulting from the forms revisions have been forwarded to the Office

of Management and Budget for approval in accordance with the Federal Reports Act of 1942.

Authority: 91 Stat. 958 (7 U.S.C. 2011-2027).

Note—The reasons for the emergency nature of this rule are explained in the Preamble.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the *Federal Register*.

Further, this final is being published in accordance with emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Robert Greenstein, Administrator of the Food and Nutrition Service, that the emergency nature of this final rule warrants publication with opportunity for public comment concurrent with the effective date. An impact statement has been prepared and is available from Claire Lipsman, Director, Program Development Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps.)

Dated: September 21, 1979.

Carol Tucker Foreman.

[FR Doc. 79-29847 Filed 9-24-79; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 932

Olives Grown in California; Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and the rate of assessment for the 1979-80 fiscal year for the functioning of the Olive Administrative Committee which locally administers a Federal marketing order regulating the handling of olives grown in California. The regulation enables the committee to collect assessments from olive handlers and use the funds for its expenses.

DATES: Effective September 1, 1979, through August 31, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, (202) 447-5975.

SUPPLEMENTARY INFORMATION: Findings. This regulation is issued under

marketing agreement and Order No. 932 (7 CFR Part 932), regulating the handling of olives grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the Olive Administrative Committee, and upon other information. It is hereby found that the expenses and rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this action until 30 days after publication in the Federal Register (5 U.S.C. 553), as the order requires that the rate of assessment for a particular fiscal year shall apply to all assessable olives handled from the beginning of such year which began September 1, 1979. To enable the committee to meet fiscal obligations which are now accruing, approval of the expenses and assessment rate are necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of the committee. It is necessary to effectuate as specified.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, 202-447-5975.

§ 932.214 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Olive Administrative Committee during the period September 1, 1979, through August 31, 1980, will amount to \$1,196,128.

(b) *Rate of assessment.* The rate of assessment for that period, payable by each first handler in accordance with § 932.39, is fixed at \$14.33 per ton of olives.

(c) *Reserve.* The unexpended assessment funds in excess of expenses incurred during the fiscal year ended August 31, 1979, shall be carried over as a reserve in accordance with § 932.40.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674))

Dated: September 20, 1979.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[FR Doc. 79-29688 Filed 9-24-79; 8:45 am]

BILLING CODE 3410-02-M

7 CFR PART 991

Expenses of the Hop Administrative Committee, and Rate of Assessment for the 1979-80 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1979-80 marketing year, to be collected from handlers to support activities of the Committee which locally administers the Federal marketing order covering hops of domestic production.

DATES: Effective August 1, 1979, through July 31, 1980.

FOR FURTHER INFORMATION CONTACT: William J. Higgins (202) 447-5053.

SUPPLEMENTARY INFORMATION: Findings. Pursuant to Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Committee, established under this marketing order, and upon other information, it is found that the expenses and rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), as the order requires that the rate of assessment for a particular marketing year shall apply to all assessable hops handled from the beginning of such year which began August 1, 1979. To enable the Committee to meet marketing year obligations, approval of the expenses and assessment rate is necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of the Committee. To effectuate the declared purposes of the act, it is necessary to make these provisions effective as specified.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication, without opportunity for further comments. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from William J. Higgins (202) 447-5053.

§ 991.314 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Hop Administrative Committee during the 1979-80 marketing year, will amount to \$214,590.

(b) The rate of assessment for said year payable by each handler in accordance with § 991.56 is fixed at 0.4 cent per pound of salable hops.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674))

Dated: September 19, 1979.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 79-29689 Filed 9-24-79; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1438

1979 Gum Naval Stores Loan Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule provides the Commodity Credit Corporation's (CCC) determinations and regulations concerning a loan program for the 1979-crop gum naval stores, which is authorized by the Agricultural Act of 1949, as amended. The loan program stabilizes market prices and protects producers, processors, and consumers. The program enables producers to obtain price support on 1979-crop gum naval stores.

EFFECTIVE DATE: September 25, 1979.

ADDRESS: Producer Association Division, Agricultural Stabilization and Conservation Service, P.O. Box 2415, U.S. Department of Agriculture, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Dallas Smith, ASCS (202) 447-5988.

SUPPLEMENTARY INFORMATION: On March 8, 1979, CCC published a notice in the Federal Register (44 FR 12199) that CCC proposed to make determinations and issue regulations concerning a loan program for 1979-crop gum naval stores. No purchase program was under

consideration. All comments received from the American Turpentine Farmers Association and producers were favorable.

Final Rule

Accordingly, the regulations appearing in this subpart, which were published at 43 FR 4865, and the title of the subpart, are revised to read as follows, effective as to 1979-crop gum naval stores. The material previously appearing in this subpart remains in full force and effect as to the crop years to which it was applicable.

Subpart—1979 Gum Naval Stores Loan Program

Sec.	General statement and administration.
1438.1636	Definitions.
1438.1637	Loan to ATFA.
1438.1638	Advances to producers.
1438.1639	Rate of advance to producers.
1438.1640	Maturity of loan.
1438.1641	Redemption by ATFA.
1438.1642	Net gains.
1438.1643	Right of CCC upon maturity.
1438.1644	Personal liability.

Authority: Sec. 4(d), 62 Stat. 1070 (15 U.S.C. 714b); sec. 5(a), 62 Stat. 1072 (15 U.S.C. 714c), and secs. 301, 401, 63 Stat. 1053, 1054 (7 U.S.C. 1421, 1447).

Subpart—1979 Gum Naval Stores Loan Program

§ 1438.1636 General statement and administrations.

CCC will make loans available to producers of gum naval stores during the calendar year 1979 through the American Turpentine Farmers Association (herein referred to as ATFA), under the terms and conditions described in these regulations. The Producer Associations Division, ASCS, will supervise the administration of the program.

§ 1458.1637 Definitions.

(a) "Eligible producer" means, a producer who: (1) Is a member of ATFA in good standing under membership requirements approved by CCC (no producer who is otherwise eligible may be excluded from membership in ATFA), (2) is a participant in the Naval Stores Conservation Program for 1979 or otherwise follows one or more forestry conservation practices established by State and Federal Forestry services, as determined by ATFA, (3) has made satisfactory arrangements to pay an indebtedness to the U.S. Department of Agriculture or any of its agencies, as evidenced by the debt records maintained by the Agricultural Stabilization and Conservation County Committees of the U.S. Department of

Agriculture, and (4) has executed, and has not breached their obligations under, the Producer's Marketing Agreement (ATFA Form 1-1979), or any other similar agreement.

(b) "Eligible naval stores" means eligible rosin and rosin content in eligible oleoresin.

(c) "Eligible oleoresin" means oleoresin (1) which was produced in 1979 in the United States by eligible producers, (2) which is free and clear from all liens and encumbrances, (3) the rosin content in which has not been previously pledged for a loan under this or any similar program, and in which the beneficial interest is and always has been in the producer, and (4) which will yield rosin of the grades and quality prescribed in paragraph (d) of this section.

(d) "Eligible rosin" means gum rosin which (1) was processed by Olustee or similar method from eligible oleoresin; (2) grades "K" or better, (3) is free and clear from all liens and encumbrances, (4) has not previously been pledged for a loan under this or any similar program, and in which the beneficial interest is and always has been in the producer: *Provided*, That, when a producer's eligible oleoresin was commingled in the processing operation with oleoresin produced in the United States by other producers, the rosin tendered for advances by the producer, as representing the processed equivalent of their eligible oleoresin, will be deemed to be, if otherwise eligible, rosin produced by such producer. (5) is packed to a net weight of 517 pounds, in eligible metal drums, (6) is transparent, (7) is free from visible foreign materials and contains no extraneous matter resulting from chemical or other treatment of the rosin, or of the oleoresin or the trees from which it came, and (8) conforms as to softening point to not less than Federal Specifications LLL-R-626b, to wit: 158° Fahrenheit (American Society for Testing Materials No. E-28-67). Rosin must be federally graded, inspected and weighed or the weights checked by Federal Inspectors employed or licensed by CCC.

(e) "Eligible metal drums" means drums conforming to the specifications for metal drums approved by CCC, obtainable from and on file in the office of ATFA.

§ 1438.1638 Loan to ATFA.

Under a Loan Agreement, CCC will make a loan to ATFA which will enable ATFA to make loan advances to eligible producers on eligible naval stores. As security for such loan, ATFA will pledge such naval stores to CCC; CCC has the

right to establish a maximum aggregate disbursement at any time upon written notice to ATFA, but no such limitation shall apply with respect to naval stores tendered to ATFA by producers prior to such notice. The loan will be in an amount equal to (a) the amount of the loan advances made by ATFA to producers, except that the loan will be made only on full drums of eligible naval stores, (b) the administrative and operating expenses, approved by CCC, incurred by ATFA in making advances available to producers, and in the handling, preservation, and redemption of pledged naval stores, and (c) storage charges or other charges on pledged naval stores up to the time of acquisition of title thereto by CCC. The loan by CCC to ATFA shall bear interest at the rate announced by CCC for 1979 crops.

§ 1438.1639 Advances to producers.

ATFA will make advances to eligible producers on eligible naval stores only when such naval stores have been (a) processed (except where CCC and ATFA determine that unprocessed rosin content in oleoresin may be offered for advance), (b) placed in storage in the custody of an approved warehouseman who has entered into and is fully complying with a Warehouse Agreement (ATFA Form 2-1975) with ATFA, or in the custody of ATFA acting under a Storage Agreement with CCC, and (c) offered for an Advance on a Producer's Offer (ATFA Form 4), the date of which, unless a first offer and dated not later than September 1, 1979, shall be not later than thirty days from the date of delivery of eligible oleoresin to a processor, but in no event later than December 31, 1979, by the producer of the oleoresin, the rosin content of which or processed rosin from which has been so placed in storage. No warehouseman will be authorized to store pledged unprocessed rosin except upon approval by CCC of ATFA's written recommendation therefor and written demonstration by ATFA that there exists an immediate and substantial need for such storage. If there are any liens or encumbrances on the naval stores offered for advanced, proper waivers are required on a Lienholder's Waiver and Agreement (ATFA Form 3). All processing charges, including the cost of eligible metal drums for rosin, and storage and other warehouse charges to the date of tender for advance, will be borne by the producer.

§ 1438.1640 Rate of advance to producers.

ATFA will make advances to eligible producers on eligible rosin or rosin content only, based on the support level

of \$70.00 per standard barrel (435 lbs. net weight each) of oleoresin (crude pine gum), processed basis. Although no advance is made on turpentine, an allowance is made for the estimated 1979 market value of the turpentine content in a barrel of oleoresin in determining the advance rate for rosin or rosin content. The loan rates on rosin are \$23.75 for grade WG, \$24.50 for grades X and WW, \$23.35 for Grade N, \$22.95 for Grade M, and \$22.50 for Grade K, per hundred pounds net, packed in eligible metal drums. CCC reserves the right to reduce rosin loan rates, if the actual turpentine market price during 1979, when added to such rosin loan rates, results in a support level for crude pine gum in excess of 90 percent of parity. Also, CCC may increase or decrease grade premiums and discounts whenever market conditions warrant. ATFA will make advances to any eligible producer on the basis of the applicable advance rates in effect on the date of the applicable Producer's Offer.

§ 1438.1641 Maturity of loan.

The loan made by CCC to ATFA will be due and payable upon demand.

§ 1438.1642 Redemption by ATFA.

ATFA's right to redeem naval stores pledged to ATFA and to CCC shall be subject to the terms and conditions of the Loan Agreement and any amendments thereto. Redemption shall be made upon payment of the redemption cost. The redemption cost will be determined by CCC and will be the amount outstanding under the Loan Agreement, including any unpaid accrued expenses and charges, plus interest applied ratably to the naval stores to be redeemed. Any naval stores redeemed will not be thereafter eligible for loan.

§ 1438.1643 Net gains.

ATFA will disburse in cash on a fair and equitable basis to participating producers all net gains, less cost of disbursement, resulting from ATFA's sale of redeemed naval stores, unless a disposition other than cash disbursement has been approved by CCC. For example, when net gains are insufficient to justify disbursement expense, ATFA may upon request to an approval of CCC, utilize such net gains for and in behalf of all of its producer members.

§ 1438.1644 Right of CCC upon maturity.

Upon maturity and nonpayment of the loan, CCC will take title to any unredeemed naval stores, without a sale thereof, and CCC will have no obligation to pay or account to ATFA

for any market value which such naval stores may have in excess of the amount of the loan, plus interest and charges.

§ 1438.1645 Personal liability.

Any fraudulent representation by ATFA or the producer in the program documents will render ATFA or the producer subject to criminal prosecution under applicable law, and personally liable for the amount by which the proceeds received upon the disposition of the naval stores involved are less than the amount of indebtedness incurred by ATFA with respect to such naval stores.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Dallas Smith, ASCS (202) 447-5988.

Signed at Washington, D.C., on September 18, 1979.

John W. Goodwin,
Acting Executive Vice President, Commodity
Credit Corporation.

[FR Doc. 79-29686 Filed 9-24-79; 8:45 am]
BILLING CODE 3410-05-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240 and 249

[Release No. 34-16211]

Suspension of Duty To File Reports Upon Termination of Registration

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces the effectiveness of a new rule suspending an issuer's duty to file certain reports as to a class of securities pursuant to Section 15(d) of the Securities Exchange Act of 1934 (the "exchange Act") for the balance of the issuer's fiscal year if the registration of such class is terminated under Section 12(d) or 12(g)(4) of the Exchange Act. The Commission is also announcing at this time the effectiveness of related amendments to existing Rule 12g-4 and to Form 12g-4/15d-6. The new rule and rule and form amendments had been conditionally adopted by the Commission on August 2, 1979 in Securities Exchange Act Release No. 16078 (44 FR 46447).

EFFECTIVE DATE: September 17, 1979.

FOR FURTHER INFORMATION CONTACT: John J. Heneghan (202-272-2574), Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the effectiveness of a new Rule 12h-4 (17 CFR 240.12h-4) under the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a et seq. (1976)). Such rule will immediately suspend an issuer's duty to file the reports required by Section 13(a) of the Exchange Act as to any class of securities pursuant to Section 15(d) of the Exchange Act for the balance of the issuer's fiscal year upon the deregistration of that class of securities pursuant to Section 12(d) of the Exchange Act or the filing of a certification on Form 12g-4/15d-6 with respect to that class. If, at the beginning of the issuer's next fiscal year, the securities of such class are held of record by less than 300 persons, the duty to file all reports required by Section 13 of the Exchange Act shall be suspended pursuant to Section 15(d) of the Exchange Act. as is now the case, this suspension shall continue automatically for each subsequent fiscal year if at the beginning of such year the securities of such class are held of record by less than 300 persons. It should be noted that if the certification on Form 12g-4/15d-6 is subsequently withdrawn or denied the issuer shall, within 60 days after such withdrawal or denial, file the reports which would have been required absent the suspension.

The Commission today also announced the effectiveness of amendments to Rule 12g-4 under the Exchange Act and to Form 12g-4/15d-6 thereunder. The amendment to Rule 12g-4 suspends an issuer's duty to file the reports required by Section 13(a) of the Exchange Act immediately upon the filing of the certification on Form 12g-4/15d-6. The remaining obligations imposed by Section 13 are suspended 90 days after certification. As with the new Rule 12h-4, if the certification is subsequently withdrawn or denied the reports must be filed within 60 days. Form 12g-4/15d-6 is being amended to reflect the new rule and the amendments to Rule 12g-4.

On August 2, 1979, the Commission had conditionally adopted new Rule 12h-4 and the related rule amendments. Interested persons were to have until September 7, 1979 to comment upon such rules. The Commission received only one letter of comment and it was not adverse to the final adoption of the

rules. Therefore, such rules are finally adopted, effective September 17, 1979. The text of the new rule and amendments appear in the August 2, 1979 release.

Statutory Authority

Rule 12h-4 is promulgated and Rule 12g-4 and Form 12g-4/15d-6 are amended pursuant to sections 12(h), 12(g)(4), 13, 15(d) and 23(a) of the Securities Exchange Act of 1934.

(Secs. 12(g)(4), 12(h), 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901, sec. 203(a), 49 Stat. 704; secs. 3, 8, 49 Stat. 1377, 1379; secs. 3, 4, 6, 78 Stat. 565-568, 569, 570-574; sec. 2, 82 Stat. 454; secs. 1, 2, 84 Stat. 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57 secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; 15 U.S.C. 781(g)(4), 781(h), 78m, 78o(d), 78w(a))

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

September 18, 1979.

[FR Doc. 79-29682 Filed 9-24-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Parts 369 and 429

[Docket No. 78N-0181]

Discontinuance of Certification of all 80-Unit Insulin Products

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: This document amends the regulations to discontinue the certification of all 80-unit (U-80) insulin products. This action is being taken to reduce the potential for patient error that results from having insulin available in two different high concentrations.

EFFECTIVE DATE: March 24, 1980.

FOR FURTHER INFORMATION CONTACT: Marc H. Hoffman, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6490.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 28, 1978 (43 FR 32821), the Food and Drug Administration (FDA) proposed to discontinue the certification of all 80-unit (U-80) insulin products, both regular and modified, that are available over-the-counter in the United States. Interested persons were given 120 days in which to submit written comments.

Although the basic purpose of that document was to propose stopping the certification of U-80 insulin, it also invited comments on the need for retaining a low-potency insulin product. In fact, many of the respondents only discussed the latter issue. Only those comments about U-80 insulin were considered in preparing this rule. The comments on low-potency insulin are still being evaluated and will be discussed in a future Federal Register notice, if the agency decides some action is needed.

The agency received 519 comments from the public, health professionals, and government agencies on the proposed regulation to discontinue the certification of U-80 insulins. Based on its evaluation of these comments and on further consideration of the issues, FDA has concluded that certification of U-80 insulin products should be discontinued. This document does not call for revoking the certification of any batches of U-80 insulin certified prior to the effective date of this final rule. Batches certified prior to that date may remain on the market until they become outdated.

A summary of the substantive comments and the agency's responses follow:

1. Several comments said that control of diabetic patients currently using U-80 insulin would be adversely affected by a change from U-80 insulin to 100-unit (U-100) insulin. Some of those who commented told of their own adverse experiences when trying to switch to U-100 insulin. Other comments questioned the reasoning behind changing a person to U-100 insulin who is doing well on U-80 insulin. One comment stated that there is a small but significant number of insulin-treated diabetics who cannot be switched from U-80 to U-100 insulin. This comment suggested that a possible explanation for this fact may be that U-100 insulin is a purer preparation, containing less extraneous proteinaceous material.

When U-100 insulin was first introduced in this country in 1973, it was of a higher purity than the 40-unit (U-40) and U-80 insulin that had been previously marketed. Because of this increased purity U-100 insulin was referred to by at least one manufacturer as of "single peak" purity. Subsequently, a monograph for insulin was added to U.S.P. XIX, to become official as of May 1, 1978. All strengths of insulin are made from master lots meeting these required compendial standards. Thus, unit for unit, all strengths of insulin currently marketed in the U.S. should, when properly formulated, be of identical purity and effect.

Any differences in effect that may have occurred between the purer insulins of today and older insulins may be related to the body's production of antibodies in response to the impurities contained in the older material. Some of the antibodies may have bound with the insulin, and caused the body to use the injected dose more slowly. A purer insulin could, on the other hand, have less binding and more immediately available insulin, which in some patients could result in low blood sugar. High blood sugar might occur later on when insulin is no longer being released from antibody complexes. One study reported that stable diabetics have higher levels of antibodies than do labile diabetics. A copy of this study (Dixon K., P. D. Exon, and J. M. Malins, "Insulin Antibodies and the Control of Diabetes," *Quarterly Journal of Medicine*, New Series, XLIV, 176:545-553, 1975) is on public display in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, and may be seen during regular business hours. The possibility that insulins of different purity have different physiological effects is largely theoretical. Although it may explain the adverse experiences some patients have had with U-100 insulin, a more likely explanation is that the adverse experiences would have occurred on U-80 or U-40 insulin, but happened coincidentally when the patient was taking U-100 insulin. The issue is academic for purposes of this document because all insulins in production today, regardless of their particular concentration, are of equal purity and should produce the same effect, unit for unit, in all patients.

2. One comment expressed concern that a change to U-100 insulin would affect a person's metabolism.

The agency knows of no reason why a change from U-80 to U-100 insulin, or any other change in the concentration of insulin, should affect metabolism. It is possible, however, that a change in concentration could affect absorption from subcutaneous tissues, although the effect would be minor.

3. One comment reported a serious condition of purpura when one individual switched from U-80 to U-100 insulin. The purpura cleared up when the individual resumed use of U-80 insulin and received lengthy treatment with prednisone. The comment said that because insulin is made from different proportions of beef and pork pancreas, the agency should require the amount of pork and beef pancreas to be standardized from batch to batch.

Although purpura can be caused by an allergic reaction to food or drugs, it should not result from a change in the concentration of insulin. Moreover, while the proportion of pork and beef pancreas used to manufacture insulin does vary from batch to batch, the agency does not believe that such changes have any causal connection with allergic reactions. If fluctuations in pork and beef content had caused the purpura, the agency believes that an allergic response to the offending antigen should have occurred at any level in any of the mixed insulins. Thus, even if every batch had a standard pork and beef content, a person allergic to pork or beef proteins would still suffer an allergic reaction, and would do so regardless of the insulin concentration. The comment is therefore rejected.

4. Several comments were concerned that, because U-100 insulin is more concentrated than U-80 insulin, it would be more difficult to measure the dose accurately. Thus, there would be a greater chance of error when administering the U-100 insulin.

It is correct that accuracy of measurement is more important with a more concentrated insulin. For example, a mistake of 0.1 milliliters (mL) with U-40 insulin is a mistake of 4 units, whereas a mistake of 0.1 mL with U-100 is a mistake of 10 units. However, it should be possible, using a reasonable level of care, to measure 0.01 mL (1 unit) accurately with the available U-100 insulin syringes, particularly with the 0.35 mL syringe made for small doses.

5. One comment said that the removal of U-80 insulin would be the first step leading to the removal of U-40 insulin. The respondent was strongly opposed to the removal of U-40 insulin.

As stated above, the agency is still evaluating the comments on the need for a low strength insulin. If, after evaluating the comments, the agency decides to terminate the certification of U-40 insulin, a notice of proposed rulemaking will be published in the Federal Register for public comment.

6. Most comments were in favor of discontinuing U-80 insulin for the reasons stated in the preamble to the proposal.

Although certain persons may object to changing from U-80 to U-100 insulin, the agency believes that allowing only one high insulin concentration on the market will decrease error. Further, it is estimated that U-100 insulin currently comprises about 80 percent of the insulin being marketed. Therefore, most diabetics have already been switched to U-100 insulin.

Accordingly, under the Federal Food, Drug, and Cosmetic Act (sec. 506, 55

Stat. 851 (21 U.S.C. 356)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director, Bureau of Drugs (21 CFR 5.73), Parts 369 and 429 are amended as follows:

§ 369.21 [Amended]

1. In Part 369, § 369.21 *Drugs; warning and caution statements required by regulations* is amended in the entry for insulin by deleting the number "80" and the commas immediately preceding and following it.

§ 429.11 [Amended]

2. In Part 429, § 429.11 *Labeling* is amended in paragraph (c) by deleting the number "80" and the commas immediately preceding and following it.

§ 429.12 [Amended]

3. Section 429.12 *Distinguishing colors on packages* is amended as follows:

a. In paragraph (a) by deleting the phrases "Green, if it contains 80 U.S.P. Units of insulin per milliliter" and "Green and gray, if it contains 80 U.S.P. Units of insulin per milliliter."

b. In paragraph (b) by deleting the phrase "Green and white, if it contains 80 U.S.P. Units of insulin per milliliter."

c. In paragraph (c) by deleting the phrase "Green and brown, if it contains 80 U.S.P. Units of insulin per milliliter."

d. In paragraph (d) by deleting the phrase "Green and blue, if it contains 80 U.S.P. Units of insulin per milliliter."

e. In paragraph (e) by deleting the phrase "Green and lavender, if it contains 80 U.S.P. Units of insulin per milliliter."

§ 429.40 [Amended]

4. Section 429.40 *Requests for certification; samples; storage, approvals preliminary to certification* is amended in paragraph (g)(1) by deleting the phrase "80 or" preceding the number "100" each time it appears.

Effective date. This regulation is effective March 24, 1980.

(Sec. 506, 55 Stat. 851 (21 U.S.C. 356))

Dated: September 17, 1979.

J. Richard Crout,
Director, Bureau of Drugs.

[FR Doc. 79-29444 Filed 9-24-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Reinstatement of Certain Provisions

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reinstate the certification provisions and tests and methods of assay for penicillin G procaine-dihydrostreptomycin sulfate in oil for intramammary use in dry cows. This action reinstates provisions that were inadvertently revoked by a previous document.

EFFECTIVE DATE: September 25, 1979.

FOR FURTHER INFORMATION CONTACT: Frank G. Pugliese, Bureau of Veterinary Medicine (HFV-234), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3460.

SUPPLEMENTARY INFORMATION: In the Federal Register of May 6, 1977 (42 FR 23149), a final rule was published revoking the certification provisions for certain animal drugs which were no longer marketed. This rule revoked § 540.274e, *Procaine penicillin and streptomycin in oil; procaine penicillin and dihydrostreptomycin in oil*, an injectable drug for which certification has not been requested for many years.

Revocation of this section inadvertently removed the requirements for certification and tests and methods of assay for procaine penicillin G and dihydrostreptomycin sulfate in oil for intramammary infusion described in § 540.874e because these requirements and tests were cross-referenced to the revoked monograph.

The drug described in § 540.874e is the subject of an approved new animal drug application, NADA 55-028, held by West Chemical Products, Inc., Long Island City, NY 11101. Therefore, the Director of the Bureau of Veterinary Medicine is reinstating the provisions for certification and tests and methods of assay by amending § 540.874e to apply specifically to the drug for which this section was established.

This action reinstates provisions that were inadvertently revoked and has not involved a reevaluation of the safety and effectiveness of the original approval.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 540 is amended by revising § 540.874e (a), (b), and (c)(1) to read as follows:

§ 540.874e Penicillin G procaine-dihydrostreptomycin sulfate for intramammary infusion (dry cows).

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Penicillin G procaine-dihydrostreptomycin sulfate for intramammary infusion (dry cows) is penicillin G procaine and dihydrostreptomycin sulfate suspended in a peanut oil vehicle with aluminum monostearate and hydrogenated peanut oil as gelling and hardening agents. Each 10 milliliters of suspension contains penicillin G procaine equivalent to 1 million units of penicillin G and dihydrostreptomycin sulfate equivalent to 1 gram of dihydrostreptomycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of penicillin G and the number of grams of dihydrostreptomycin it is represented to contain. Its moisture content is not more than 1.4 percent. The penicillin G procaine used conforms to the standards prescribed by § 440.74a(a)(1) of this chapter, except § 440.74a(a)(1)(ii), (iii), and (iv). The dihydrostreptomycin used conforms to the standards prescribed by § 444.10a(a)(1) of this chapter, except the standards for sterility, safety, pyrogens, and histamine content.

(2) *Labeling.* It shall be labeled in accordance with the requirements of paragraph (c) of this section and § 510.55 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 514.50 of this chapter, each such request shall contain:

(i) The results of tests and assays on: (a) The penicillin G procaine used in making the batch for potency, moisture, pH, penicillin G content, and crystallinity.

(b) The dihydrostreptomycin sulfate used in making the batch for potency, loss on drying, pH, streptomycin content, and crystallinity, if it is crystalline dihydrostreptomycin.

(c) The batch for penicillin G content, dihydrostreptomycin content, and moisture.

(ii) *Samples required:*

(a) The penicillin G procaine used in making the batch: 5 packages, each containing approximately 500 milligrams.

(b) The dihydrostreptomycin sulfate used in making the batch: 6 packages, each containing approximately 500 milligrams.

(c) The batch: a minimum of 6 immediate containers.

(b) *Tests and methods of assay—(1) Potency—(i) Penicillin G content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay

as follows: Expel the syringe contents into a high-speed glass blender jar containing 1 milliliter of polysorbate 80 and sufficient 1-percent potassium phosphate buffer, pH 6.0 (solution 1) to give a final volume of 500 milliliters. Blend for 3 to 5 minutes. Further dilute an aliquot of this stock solution with solution 1 to the reference concentration of 1 unit of penicillin G per milliliter (estimated).

(ii) *Dihydrostreptomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: expel the syringe contents into a high-speed glass blender jar containing 1 milliliter of polysorbate 80 and sufficient 0.1 M potassium phosphate buffer, pH 8.0 (solution 3) to give a final volume of 500 milliliters. Blend for 3 to 5 minutes. To an aliquot of this stock solution add sufficient penicillinase to inactivate the penicillin; further dilute with solution 3 to the reference concentration of 1.0 microgram of dihydrostreptomycin per milliliter (estimated). Allow to stand ½ hour at 37° C before filling the cylinders on the plates.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(c) *Conditions of marketing—(1) Specifications.* Each 10-milliliter disposable syringe contains penicillin G procaine equivalent to 1,000,000 units of penicillin G and 1 gram of dihydrostreptomycin base as dihydrostreptomycin sulfate, in a peanut oil vehicle, and conforms to the certification requirements of paragraph (a) of this section.

Effective date. This regulation becomes effective September 25, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 18, 1979.

Terence Harvey,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 79-29617 Filed 9-24-79; 8:45 am]

BILLING CODE 4110-03-M

VETERANS ADMINISTRATION

38 CFR PART 1

Part-Time Career Employment Program

AGENCY: Veterans Administration.
ACTION: Final Regulations.

SUMMARY: The Veterans Administration is issuing regulations to govern the operation of a part-time career employment program within the agency. The Federal Employees Part-Time Career Employment Act of 1978 requires the head of each agency to establish and

maintain a part-time career employment program within the agency. These regulations will satisfy this requirement of the law.

EFFECTIVE DATE: September 18, 1979.

FOR FURTHER INFORMATION CONTACT: R. W. Hall, Recruitment and Placement Service (054C), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. Telephone (202) 389-2240.

SUPPLEMENTARY INFORMATION: These regulations were proposed and public comments were invited on February 28, 1979 (44 FR 11245). A 30-day comment period, ending March 30, 1979, was provided. Three comments were received.

Summary of Comments and Responses

Comment: One comment requested that an equitable number of future part-time positions be set aside for minority veterans.

Response: While the VA is firmly committed to affirmative employment concepts, we consider setting aside positions to be filled by members of a particular group to be an unjustifiable quota system. The VA will continue to consider all qualified applicants for its part-time positions, as outlined in the regulations.

Comment: One comment was received suggesting that an additional criterion be used when newly vacant positions are reviewed for possible conversion from full-time to part-time. According to the suggested criterion, the potentially restrictive effect on the full-time work force of converting positions would have to be considered.

Response: The criteria listed are examples of those that can be used. Furthermore, there is no limit to the number or kind of criteria that may be applied in the review process. We do not believe it is necessary to add another specific criterion.

Comment: One comment, which strongly supported efforts to increase part-time career employment opportunities, included several thoughtful suggestions related to expanding certain sections of the regulations for the purpose of adding substantive provisions. These pertained to current and periodic surveys of all full-time positions to identify those for which conversion to part-time is feasible, in addition to reviews when positions become vacant and including an opportunity for present employees to examine their positions and express an interest in converting to part-time; to expanding the criteria for conversion-eligibility reviews to provide more specificity for guidance to managers.

including analysis to determine whether full-time positions could be splintered into two or more part-time positions; to including a requirement in the agencywide plan calling for expansion of part-time opportunities not only at entry levels, but also at mid and other levels of employment; to expanding recruitment efforts by including use of publications whose readership is comprised of various groups (e.g., handicapped individuals and women) who might benefit from increased part-time employment opportunities.

Response: These suggestions have merit and are geared to effective implementation of the law. Some relate to practices already in effect, while others are planned for inclusion in internal agency guidance associated with the agencywide plan to be developed. Also, in this early stage of initial implementation of the law, we believe the regulations will best serve the objectives of increased part-time career employment if they are not overly prescriptive. For these reasons, the suggested changes are not incorporated into the regulations.

The regulations are adopted as proposed.

Approved: September 18, 1979.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

Sections 1.891 through 1.897 and a center title are added to read as follows:

Part-Time Career Employment Program

Sec.

- 1.891 Purpose of program.
- 1.892 Review of positions.
- 1.893 Establishing and converting part-time positions.
- 1.894 Annual goals and timetables.
- 1.895 Review and evaluation.
- 1.896 Publicizing vacancies.
- 1.897 Exceptions.

Part-Time Career Employment Program

§ 1.891 Purpose of program.

Many individuals in society possess great productive potential which goes unrealized because they cannot meet the requirements of a standard workweek. Permanent part-time employment also provides benefits to other individuals in a variety of ways, such as providing older individuals with a gradual transition into retirement, providing employment opportunities to handicapped individuals or others who requires a reduced workweek, providing parents opportunities to balance family responsibilities with the need for additional income, and assisting students who must finance their own education or vocational training. In view of this, the Veterans Administration will operate a part-time career employment

program, consistent with the needs of its beneficiaries and its responsibilities.

(5 U.S.C. 3391 note)

§ 1.892 Review of positions.

Positions becoming vacant, unless excepted as provided by § 1.897, will be reviewed to determine the feasibility of converting them to part-time. Among the criteria which may be used when conducting this review are:

- (a) Mission requirements.
- (b) Workload.
- (c) Employment ceilings and budgetary considerations.
- (d) Availability of qualified applicants willing to work part time.
- (e) Other criteria based on local needs and circumstances.

(5 U.S.C. 3392)

§ 1.893 Establishing and converting part-time positions.

Position management and other internal reviews may indicate that positions may be either converted from full-time or initially established as part-time positions. Criteria listed in § 1.892 may be used during these reviews. If a decision is made to convert to or to establish a part-time position, regular position management and classification procedures will be followed.

(5 U.S.C. 3392)

§ 1.894 Annual goals and timetables.

An agencywide plan for promoting part-time employment opportunities will be developed annually. This plan will establish annual goals and set interim and final deadlines for achieving these goals. This plan will be applicable throughout the agency, but may be supplemented by field stations.

(5 U.S.C. 3392)

§ 1.895 Review and evaluation.

The part-time career employment program will be reviewed through semiannual reports submitted by field stations. Regular employment reports will be used to determine levels of part-time employment. This program will also be designated an item of special interest to be reviewed during personnel management reviews.

(5 U.S.C. 3392)

§ 1.896 Publicizing vacancies

When applicants from outside the Federal service are desired, part-time vacancies may be publicized through various recruiting means, such as:

- (a) Federal Job Information Centers.
- (b) State Employment offices.
- (c) VA Recruiting Bulletins.

(5 U.S.C. 3392)

§ 1.897 Exceptions.

The administrator of Veterans Affairs, or designees, may except positions from inclusion in this program as necessary to carry out the mission of the agency. (5 U.S.C. 3392)

[FR Doc. 79-29684 Filed 9-24-79; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 601

Procurement of Property and Services; Miscellaneous Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service hereby announces numerous miscellaneous revisions of the Postal Contracting Manual. The amendments will update the manual and make minor, editorial, or technical changes.

EFFECTIVE DATE: July 9, 1979.

FOR FURTHER INFORMATION CONTACT: William J. Jones, (202) 245-4603.

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which has been incorporated by reference in the Federal Register (see 39 CFR 601.100), has been amended by the issuance of Transmittal Letter 28, dated June 9, 1979.

In accordance with 39 CFR 601.105 notice of these changes is hereby published in the Federal Register as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the basic Manual will receive these amendments from the Government Printing Office. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Description of these amendments to the Postal Contracting Manual follows:

1. Sections 1, 7, 8, 9, 16, 18, and 19 have been revised to the extent necessary to bring them into agreement with the June, 1978 revision to Form 7332, General Provisions for Fixed-Price Contracts (Supplies and Services or Research and Development). Section 16 has also been revised to include the June, 1978 revision to Form 7332.

2. Sections 1, 7, 18, and 19 have been revised to incorporate wage and price standards for Postal Service contracts. A program of voluntary wage and price standards was announced by President Carter on October 25, 1978. The President directed that Federal procurement of supplies and services be conducted so as to recognize anti-inflationary efforts and to benefit Federal Contracting by doing business

with those firms which limit wage and price increases. The Postal Service is voluntarily implementing procedures similar to those established for executive agencies to assist the President's anti-inflation program.

3. The remainder of the changes are minor, editorial, or technical in nature. In consideration of the foregoing, 39 CFR 601.105 is amended by adding the following to § 601.105:

§ 601.105 Amendments to the Postal Contracting Manual.

Amendments to Postal Contracting Manual

Transmittal letter	Dated	Federal Register publication
28	June 9, 1979	44 FR—

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411, 2008)

W. Allen Sanders,

Acting Deputy General Counsel.

[FR Doc. 79-29713 Filed 9-24-79; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL 1327-8]

Standards of Performance for New Stationary Sources; General Provisions; Definitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This document makes some editorial changes and rearranges the definitions alphabetically in Subpart A—General Provisions of 40 CFR Part 60. An alphabetical list of definitions will be easier to update and to use.

EFFECTIVE DATE: September 25, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5271.

SUPPLEMENTARY INFORMATION: The "Definitions" section (§ 60.2) of the General Provisions of 40 CFR Part 60 now lists 28 definitions by paragraph designations. Due to the anticipated increase in the number of definitions to be added to the General Provisions in the future, continued use of the present

system of adding definitions by paragraph designations at the end of the list could become administratively cumbersome and could make the list difficult to use. Therefore, paragraph designations are being eliminated and the definitions are rearranged alphabetically. New definitions will be added to § 60.2 of the General Provisions in alphabetical order automatically.

Since this rule simply reorganizes existing provisions and has no regulatory impact, it is not subject to the procedural requirements of Executive Order 12044.

Dated: September 19, 1979.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

40 CFR 60.2 is amended by removing all paragraph designations and by rearranging the definitions in alphabetical order as follows:

§ 60.2 Definitions.

The terms used in this part are defined in the Act or in this section as follows:

"Act" means the Clean Air Act (42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604, 84 Stat. 1676).

"Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

"Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.

"Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to the Administrator's satisfaction to, in specific cases, produce results adequate for his determination of compliance.

"Capital expenditure" means an expenditure for a physical or operational change to an existing facility which exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in the latest edition of Internal Revenue Service Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code.

"Commenced" means, with respect to the definition of "new source" in section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

"Construction" means fabrication, erection, or installation of an affected facility.

"Continuous monitoring system" means the total equipment, required under the emission monitoring sections in applicable subparts, used to sample and condition (if applicable), to analyze, and to provide a permanent record of emissions or process parameters.

"Equivalent method" means any method of sampling and analyzing for an air pollutant which has been demonstrated to the Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

"Existing facility" means, with reference to a stationary source, any apparatus of the type for which a standard is promulgated in this part, and the construction or modification of which was commenced before the date of proposal of that standard; or any apparatus which could be altered in such a way as to be of that type.

"Isokinetic sampling" means sampling in which the linear velocity of the gas entering the sampling nozzle is equal to that of the undisturbed gas stream at the sample point.

"Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

"Modification" means any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.

"Monitoring device" means the total equipment, required under the monitoring of operations sections in applicable subparts, used to measure and record (if applicable) process parameters.

"Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in this part.

"One-hour period" means any 60-minute period commencing on the hour.

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

"Owner or operator" means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.

"Particulate matter" means any finely divided solid or liquid material, other than uncombined water, as measured by the reference methods specified under each applicable subpart, or an equivalent or alternative method.

"Proportional sampling" means sampling at a rate that produces a constant ratio of sampling rate to stack gas flow rate.

"Reference method" means any method of sampling and analyzing for an air pollutant as described in Appendix A to this part.

"Run" means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice.

"Shutdown" means the cessation of operation of an affected facility for any purpose.

"Six-minute period" means any one of the 10 equal parts of a one-hour period.

"Standard" means a standard of performance proposed or promulgated under this part.

"Standard conditions" means a temperature of 293 K (68°F) and a pressure of 101.3 kilopascals (29.92 in Hg).

"Startup" means the setting in operation of an affected facility for any purpose.

"Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant and which contains any one or combination of the following:

- (a) Affected facilities.
- (b) Existing facilities.
- (c) Facilities of the type for which no standards have been promulgated in this part.

(Sec. 111, 301(a), Clean Air Act as amended (42 U.S.C. 7411 and 7601(a))

[FR Doc. 79-29769 Filed 9-24-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 61

[FRL 1328-1]

National Emission Standards for Hazardous Air Pollutants; General Provisions; Definitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This document makes some editorial changes and rearranges the

definitions alphabetically in Subpart A—General Provisions of 40 CFR Part 61. An alphabetical list of definitions will be easier to update and to use.

EFFECTIVE DATE: September 25, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division (MD-13), U. S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5271.

SUPPLEMENTARY INFORMATION: The "Definitions" section (§ 61.02) of the General Provisions of 40 CFR Part 61 now lists definitions by paragraph designations. Due to the anticipated increase in the number of definitions to be added to the General Provisions in the future, continued use of the present system of adding definitions by paragraph designations at the end of the list could become administratively cumbersome and could make the list difficult to use. Therefore, paragraph designations are being eliminated and the definitions are rearranged alphabetically. New definitions will be added to § 61.02 of the General Provisions in alphabetical order automatically.

Since this rule simply reorganizes existing provisions and has no regulatory impact, it is not subject to the procedural requirements of Executive Order 12044.

Dated: September 19, 1979.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

40 CFR 61.02 is amended by removing all paragraph designations and by rearranging the definitions in alphabetical order as follows:

§ 61.02 Definitions.

The terms used in this part are defined in the Act or in this section as follows:

"Act" means the Clean Air Act (42 U.S.C. 1857 et seq.).

"Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

"Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to the Administrator's satisfaction to, in specific cases, produce results adequate for his determination of compliance.

"Commenced" means, with respect to the definition of "new source" in section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous

program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

"Compliance schedule" means the date or dates by which a source or category of sources is required to comply with the standards of this part and with any steps toward such compliance which are set forth in a waiver of compliance under § 61.11.

"Construction" means fabrication, erection, or installation of an affected facility.

"Effective date" is the date of promulgation in the Federal Register of an applicable standard or other regulation under this part.

"Equivalent method" means any method of sampling and analyzing for an air pollutant which has been demonstrated to the Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

"Existing source" means any stationary source which is not a new source.

"Modification" means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any hazardous air pollutant emitted by such source or which results in the emission of any hazardous air pollutant not previously emitted, except that:

(a) Routine maintenance, repair, and replacement shall not be considered physical changes, and

(b) The following shall not be considered a change in the method of operation:

(1) An increase in the production rate, if such increase does not exceed the operating design capacity of the stationary source;

(2) An increase in hours of operation.

"New source" means any stationary source, the construction or modification of which is commenced after the publication in the Federal Register of proposed national emission standards for hazardous air pollutants which will be applicable to such source.

"Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

"Reference method" means any method of sampling and analyzing for an air pollutant, as described in Appendix B to this part.

"Standard" means a national emission standard for a hazardous air pollutant proposed or promulgated under this part.

"Startup" means the setting in operation of a stationary source for any purpose.

"Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant which has been designated as hazardous by the Administrator.

(Sec. 112, 301(a), Clean Air Act as amended (42 U.S.C. 7412 and 7601(a)))

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LEGAL SERVICES CORPORATION

45 CFR Part 1624

Prohibition Against Discrimination on the Basis of Handicap

AGENCY: Legal Services Corporation.

ACTION: Final Regulation.

SUMMARY: This regulation implements Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 706, with regard to recipients of funds from the Legal Services Corporation. The Legal Services Corporation was created by Act of Congress, 42 U.S.C. 2996, and is entirely supported by funds provided by Congressional appropriation. The final regulation is intended to insure that federally assisted legal services programs and activities are operated without discrimination on the basis of handicap.

EFFECTIVE DATE: October 25, 1979.

ADDRESS: Legal Services Corporation, 733 15th Street, N.W., Suite 700, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Linda Perle, 202-272-4040.

SUPPLEMENTARY INFORMATION: Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination on the basis of handicap by recipients of federal assistance. Pursuant to Executive Order 11914 (April 29, 1976) the Department of Health, Education, and Welfare was given the responsibility to coordinate the implementation of Section 504 among all federal agencies and departments that dispense federal assistance. On January 13, 1978, H.E.W. issued regulations that defined generally the types of practices forbidden by the Rehabilitation Act and spelled out the responsibilities of federal agencies to implement and enforce Section 504. See 45 CFR 85.1-85.58.

The Corporation is not a federal agency or department, and is not required by the Executive Order to issue implementation and enforcement regulations. Corporation-funded

programs, however, receive federal financial assistance and are subject to the non-discrimination requirements of Section 504. In addition, the Legal Services Corporation Act requires the Corporation to "insure the maintenance of the highest quality of service * * *," 42 U.S.C. Section 2996(f)(a)(1), and "insure that grants and contracts are made so as to provide the most economical and effective delivery of legal assistance * * *," 42 U.S.C. Section 2996(f)(a)(3). The Corporation maintains that discriminatory practices by legal services programs interfere directly with the ability of those programs to provide high quality legal assistance in an efficient and effective manner. The Corporation, therefore, has undertaken to ensure that its funds are not used in a manner that discriminates against the handicapped, regardless of the fact that it is not required to do so under Section 504.

A proposed version of Part 1624 was published for notice and comment in the Federal Register on April 16, 1979, (44 FR 22482). In response to that proposal the Corporation received comments that covered a variety of issues; often with respect to the same issue some comments suggested that the proposed regulation went too far, while others complained that it did not go far enough. Many of the issues raised by the comments were fully considered in designing the proposed regulation, and are addressed elsewhere in this commentary. In most instances, the Corporation continues in the view that the proposed regulation represented the best resolution of the conflicting viewpoints. Other comments raised issues that were not addressed previously, and some modifications have been made in the regulation to respond to those issues.

In preparing the regulation, the Corporation faced, at the outset, a general issue concerning the extent to which it should follow the guidelines issued by the Department of Health, Education, and Welfare. See 45 CFR 85.1-85.58. Many commentators assumed that the H.E.W. guidelines implementing Section 504 of the Rehabilitation Act are binding on the Corporation, and there remarks are based solely on perceived variations between the proposed regulation and the guidelines. As was emphasized above, however, the Corporation is not a "federal department or agency," and is not required by the Executive Order to issue regulations that conform to the H.E.W. guidelines. However, to the extent that they were applicable to legal services program operations, the Corporation did adopt

the spirit and the substance of the H.E.W. guidelines; changes were often made in the specific language of particular provisions suggested by H.E.W. where that language was unclear. Other sections of the guidelines were either inappropriate or inapplicable to legal services practice and were excluded entirely or adapted to the circumstances under which legal services programs operate. The Corporation remains committed to this approach as the best way to advance the goal of consistency among agencies and organizations that enforce Section 504, while recognizing the specific needs of legal services programs.

The remainder of this commentary summarizes and discusses the major issues faced in drafting the final regulation and raised by comments, and notes the more substantial changes made in the regulation.

Section 1624.1—Purpose. This section has been expanded to clarify that the authority for this regulation is premised not only on Section 504, but also on those provisions of the Legal Services Corporation Act that require the Corporation to insure that its grantees provide high quality legal assistance in an efficient and effective manner. In addition, it has been modified to make clear that by promulgation of this regulation the Corporation does not intend to imply that legal services programs are systematically engaged in discriminatory practices against the handicapped. On the contrary, legal services programs have been in the forefront of the fight to establish the rights of handicapped persons, and are generally sensitive to the special problems of handicapped clients. The regulation is designed to provide guidance and assist programs with whatever difficulties they may encounter in their efforts to incorporate handicapped persons fully into their activities.

Section 1624.3—Definitions. The HEW guidelines use the term "recipient" to designate the class of programs covered by the policy. Corporation regulations (45 CFR 1600.1) define "recipient" to include only those "grantees or contractors receiving financial assistance from the Corporation under Section 1006(a)(1)(A) of the Act." This definition excludes some special grantees such as the Delivery Systems Study demonstrations and the Quality Improvement Projects that receive funds for innovative or experimental programs. The HEW definition of "recipient" is much broader, and would include those special grants. Rather than using a different definition for a term

that has come to have a specific meaning in the context of Corporation regulations, the proposed regulation uses an entirely new term—legal services program—that incorporates the broader HEW definition.

One comment suggested that the regulation define "financial assistance" to clarify whether programs that receive non-monetary help from the Corporation, such as technical assistance, should be subject to the regulation. The problem is an insubstantial one, inasmuch as the Corporation provides such assistance only to its grantees and contractors. No change has been made.

Several comments suggested that the definition of "physical or mental impairment" should include the non-exhaustive illustrative list contained in the HEW guidelines, 45 CFR 85.31(b)(1). The final regulation has been modified accordingly.

Section 1624.4—Discrimination Prohibited. Several commentators argued that the Corporation's regulation should include all of the examples of discriminatory practices listed in the HEW guidelines. The Corporation maintains the view that many of those examples are vague and not relevant to legal services; including them could only foster uncertainty in the implementation of enforcement of the regulation. The regulation, however, does adopt the suggestion of one comment that § 1624.4(c) be modified to prohibit selection of office sites that have the purpose of discriminating against handicapped persons, even if they do not have that effect. This section relates only to the selection of general geographic areas for offices, not specific facilities which are covered by § 1624.5.

The HEW guidelines contain a provision that relates to "the existence of permissibly separate or different programs or activities." See 45 CFR 85.51(b)(2). The import of the provision, which is reflected in § 1624.4(b) of the regulation, is to prohibit a program from designating a specialized unit or particular office as the *sole* location for the delivery of services to handicapped persons. It is not intended to prohibit a program from setting up special units to handle only problems that relate to handicapped status or to contradict the provisions permitting a program to make only specific locations physically accessible, as long as handicapped clients have access to all of a program's specialized services and its programs and activities are accessible "when viewed in their entirety" (See § 1624.5(b)). The language of § 1624.4(b) has been redrafted to state in clear terms this intended meaning.

Many of the comments addressed § 1624.4(d) of the proposed regulation, relating to the provision of auxiliary aids to persons with sensory, manual or speaking impairments. This provision was included in recognition of the essential need for effective communication between a legal services program and its clients. Several comments complained that the provision would impose undue financial burdens on many legal services programs; others suggested that the fifteen person cut-off ignores the possibility that a small program may have a client population with a disproportionately high percentage of handicapped persons.

The provision was based on two assumptions: First, that a program with at least fifteen employees will have a sufficiently large budget to enable it to obtain access to auxiliary aids when needed without jeopardizing its other activities; second, that a program of that size will serve a sufficiently large population to have a significant number of potential clients who could benefit by the availability of the aids. Nothing in the comments has persuaded the Corporation that these assumptions are invalid. Given the Corporation's funding approach, it is unlikely that a smaller program would be faced with a large number of handicapped clients; in all events, § 1624.4(d)(2) provides flexibility to respond to such a situation should it occur.

Several comments requested that § 1624.4(d) be clarified in two additional respects: to state more clearly that programs are not required to maintain auxiliary aids on hand at all times, provided that they can be obtained as needed within a reasonable period of time; and, that programs with several offices, each employing less than fifteen persons, but a total work force of more than fifteen, are covered by § 1624.4(d)(1). The points are valid ones, and the section has been clarified accordingly. In addition, in response to another comment on § 1624.4(d)(3) "telecommunications equipment for the deaf" has been added to the list of examples of auxiliary aids.

Several comments criticized §§ 1624.4(e) and 1624.4(f) of the proposed regulation, which require that programs ensure that their communications "are available to persons with impaired vision and hearing," and that, in setting its priorities, a "program may not deny handicapped persons the opportunity to participate as members of or in the meetings or activities of any planning or advisory board or process established by or conducted by the program." The

commentators argued that legal services programs should be mandated to conduct outreach and take other affirmative actions to ensure that handicapped individuals actually receive service. The Corporation maintains the view that Section 504 requires only that the services of programs as a whole be accessible to those who wish to use them. Whether to perform outreach or engage in other affirmative activities—or to make special efforts to reach certain groups—is a matter committed by the Act, 42 U.S.C. 2996f(a)(1)(C), to the priority-setting process of each program, pursuant to the procedure established by Part 1620 of the Corporation's regulations, 45 CFR 1620. In addition, the provision has been modified to clarify that programs are required to take only those steps that are "reasonable" to ensure the availability of communications. For example, under most circumstances § 1624.4(e) would not require a program to print its newsletter in braille.

Section 1624.5—Accessibility of Legal Services. Some comments urged the Corporation to adopt standards for accessibility of buildings established by various specialized organizations. One commentator suggested the standards issued by the United States Architectural and Transportation Barriers Compliance Board; another proposed those of the American National Standards Institute, Inc. The Corporation is not prepared to take a position on these suggestions. A better approach is for the Corporation to assemble and distribute materials and to provide programs with training to guide compliance efforts.

One comment urged that § 1624.5(b) be modified to mandate that any specialized units maintained by a program, such as a separately-housed consumer law unit, be physically accessible to handicapped persons. The regulation clearly requires that handicapped persons be able to benefit from the expertise of specialized units, and establishes a preference for methods of access that do not involve separate arrangements for the handicapped. It may well be, therefore, that the easiest way for a program to comply with § 1624.5(b) will be to make all of its facilities physically accessible. However, some flexibility is desirable, at least until programs have more experience operating under Part 1624, and some programs may find that permissible alternatives, such as home visits, delivery of services at alternate accessible sites, rearrangement or modest alterations of existing facilities,

are effective in achieving the required results.

One comment questioned whether the certification requirement of § 1624.5(c) applies generally to program accessibility, or to accessibility of physical facilities. The section expressly applies only to facility accessibility and requires no clarification on that point.

One comment suggested that programs should be absolutely prohibited from renting or purchasing inaccessible space in the future, and that the regulation should be more forceful in expressing that policy. The Corporation agrees that in almost every instance programs may not rent or buy new space that is inaccessible. There may be situations, however, where it is not practicable to find accessible space, such as when the only accessible space is located well outside of the poverty community. Therefore, the provision relating to the accessibility of new space has been strengthened and now requires more detail in the certification mandated by § 1624.5(c), but the accessibility requirement is not absolute.

The first sentence of § 1624.5(d), relating to new facilities, has also been clarified to indicate that it applies only to facilities that are specifically designed or constructed for a legal services program. New facilities that are not designed or built for a program, but are purchased by that program are covered by § 1624.5(c).

Several comments argued that the regulation should set a time-table for making each program facility accessible. Most comments suggested three years from the effective date of the regulation as the outside limit. The regulation does not, however, require that each and every facility be accessible, as long as the "programs and activities, when viewed in their entirety, are readily accessible to and usable by handicapped persons," § 1624.5(b). A three-year deadline could be misleading, and create an impression that compliance with the quoted requirements could be delayed for three years. The regulation anticipates that programs will take immediate steps to comply with the requirements and provides that, by January 1, 1980, programs must evaluate their facilities, policies and practices to determine the extent to which they comply with the regulation. They must also consider the costs associated with changes that would be necessary if the program were voluntarily to make each of its facilities accessible, even though not required to do so under the regulation. The program must make public the plans it has, including a time-table, for correcting any

deficiencies (§ 1624.7). This provision is more likely to produce rapid results than three-year grace period proposed by the comments, and has not been changed.

Section 1624.6—Employment. Section 1624.6 of the regulation includes the general prohibition against discrimination in employment contained in the H.E.W. guidelines. Also included are provisions of the guidelines that list activities to which the prohibition applies, including such activities as recruitment, rates of pay, fringe benefits, and training opportunities. One comment argued that Section 504 affects employment only in federally-funded job programs. The comment urged the Corporation to apply its regulations only when "the main purpose of the program or activity is to provide employment or when delivery of program services is affected by the recipients' employment practices." Even accepting the assumption of the comment, the Corporation has consistently maintained the view that a legal services program's employment practices do affect its ability to serve its client community. Further, authority for the promulgation of the regulation is based not simply on Section 504, but on provisions of the Legal Services Corporation Act as well. The regulation continues to contain employment requirements for Corporation grantees.

The same comment urged that the Corporation delay final publication of its regulation until certain conflicts between the HEW guidelines and regulations issued by the Department of Labor are resolved. Because Executive Order 11914 designated HEW as the coordinating agency for Section 504 among federal agencies, to the extent that the Corporation chooses to follow any federal guidelines for its own regulations, it should adhere to those issued by HEW. In addition, because HEW provides supplemental funding to a large number of Corporation grantees, the Corporation should attempt to avoid unnecessary burdens on those programs by conforming our regulation to the HEW requirements as much as possible.

Section 1624.6(d) of the regulations prohibits contractual or other relationships with agencies or organizations such as unions or employment agencies that have "the effect of subjecting qualified handicapped applicants or employees to discrimination * * *." The Language of the HEW provision on which this section is based has been clarified to reflect that it applies to discriminatory practices by outside individuals, agencies or organizations, and does not prohibit programs, for example, from

refusing to hire handicapped applicants who are not union members or who are not referred by an employment agency with which the program has an exclusive contract, provided that the union or employment agency does not discriminate.

Several commentators argued that § 1624.6(e) of the regulation should adopt the approach of the HEW guidelines, and expressly place on legal services programs the burden of proving that accommodation to the limitations of handicapped job applicants would be unduly burdensome. The reasons advanced to support this argument are that programs have greater access to information relevant to that question, and courts are likely to follow that approach in any event. Both statements may well be true, but the regulation should not be drafted from a litigant's point of view. A program must, of course, be able to articulate persuasive reasons to support a determination that accommodation would be unreasonable. This requirement is inherent in the proposed regulation, and a "burden of proof" provision is an artificial means of reinforcing it.

Several comments suggested a need, for additional definition of the phrase, "reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee," as used in § 1624.6(e). Some suggested that any accommodation that was more than *de minimis*, i.e., that imposed more than a trivial cost on a program, was unreasonable *per se*. The Corporation maintains that any accommodations that would involve substantial costs or major changes in a program are not "reasonable." Beyond that, it would be difficult and impractical to set out precise criteria for judging accommodations for particular handicaps. Such determinations must be made on a case-by-case basis, at least until there is some experience under the regulation. The factors listed in § 1624.6(e) should provide some guidance in making those determinations, but are not intended to exhaust the relevant considerations.

One comment suggested that the use of the phrase "essential functions of the job in question" in the definition of "qualified handicapped person," § 1624.3(d), should be clarified in order not to under cut the effect of the reasonable accommodation provisions. The use of the word "essential" was intended to insure only that handicapped job applicants would not be denied employment because they were incapable of performing trivial or

unnecessary aspects of the job in question.

Several comments suggested that § 1624.6(f), which prohibits the use of discriminatory employment tests or criteria, should be changed to prohibit all such tests or criteria that are not job-related. As long as employment tests or criteria are not discriminatory, the law does not require that they be job-related. The Corporation may well be without authority to impose such a requirement as a matter of policy, and certainly should not do so in the context of this regulation.

Several comments noted that the proposed regulation's reference to the circumstances under which pre-employment medical examinations or inquiries were permissible omitted HEW's provision for confidentiality of records resulting from such inquiries. The exclusion was unintentional, and the reference has been expanded to include that provisions, with a slight modification of its language to make it relevant to Corporation grantees.

One commentator argued that programs should be permitted to negotiate arrangements with handicapped job applicants to protect the programs from extraordinary medical insurance claims. The Corporation is not persuaded that this is a serious problem. It seems unlikely that an applicant who was in imminent need of major medical attention could perform the basic functions of a position. Programs may, moreover, request all new employees to take physical examinations for purposes of pre-existing condition clauses in their insurance policies, and we would expect programs to attempt to negotiate insurance coverage that would protect all of their employees.

Section 1624.6—Enforcement. Several commentators observed that the proposed regulation does not require programs to sign assurances of compliance with Section 504, a procedure that is mandated by the HEW guidelines. All Corporation grantees and contractors, however, sign general assurances that they will not discriminate on the basis of handicap and will comply with the Corporation's regulations. Therefore, a special assurance for Section 504 is not necessary.

PART 1624—PROHIBITION AGAINST DISCRIMINATION ON THE BASIS OF HANDICAP

Sec.	
1624.1	Purpose.
1624.2	Application.
1624.3	Definitions.
1624.4	Discrimination prohibited.

Sec.

1624.5	Accessibility of legal services.
1624.6	Employment.
1624.7	Self-evaluation.
1624.8	Enforcement.

Authority: 49 U.S.C. 706; 42 U.S.C. 2996f(a) (1) and (3)

§ 1624.1 Purpose.

The purpose of this part is to assist and provide guidance to legal services programs supported in whole or in part by Legal Services Corporation funds in removing any impediments that may exist to the provision of legal assistance to handicapped persons eligible for such assistance in accordance with Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. Section 794 and with Sections 1007(a) (1) and (3) of the Legal Services Corporation Act, as amended, 42 U.S.C. Sections 2996f(a) (1) and (3), with respect to the provision of services to and employment of handicapped persons.

§ 1624.2 Application.

This part applies to each legal services program receiving financial assistance from the Legal Services Corporation.

§ 1624.3 Definitions.

As used in this part, the term: (a) "Legal services program" means any recipient, as defined by § 1600.1 of these regulations, or any other public or private agency, institution, organization, or other entity, or any person to which or to whom financial assistance is extended by the Legal Services Corporation directly or through another agency, institution, organization, entity or person, including any successor, assignee, or transferee of a legal services program, but does not include the ultimate beneficiary of legal assistance;

(b) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property;

(c)(1) "Handicapped person" means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment;

(2) As used in subparagraph (1) the phrase:

(i) "Physical or mental impairment" means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or

psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; The phrase includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism;

(ii) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working;

(iii) "Has a record of such impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities;

(iv) "Is regarded as having an impairment" means (A) has a physical or mental impairment that does not substantially limit major life activities but is treated by a legal services program as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairments; or (C) has none of the impairments defined in paragraph (c)(2)(i) of this section but is treated by a legal services program as having such an impairment;

(d) "Qualified handicapped person" means: (1) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question; (2) with respect to other services, a handicapped person who meets the eligibility requirements for the receipt of such services from the legal services program.

§ 1624.4 Discrimination prohibited.

(a) No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by any legal services program, directly or through any contractual or another arrangement.

(b) A legal services program may not deny a qualified handicapped person the opportunity to participate in any of its programs or activities or to receive any of its services provided at a facility on the ground that the program operates a separate or different program, activity or facility that is specifically designed to serve handicapped persons.

(c) In determining the geographic site or location of a facility, a legal services

program may not make selections that have the purpose or effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity of the legal services program.

(d)(1) A legal services program that employs a total of fifteen or more persons, regardless of whether such persons are employed at one or more locations, shall provide, when necessary, appropriate auxiliary aids to persons with impaired sensory, manual or speaking skills, in order to afford such persons an equal opportunity to benefit from the legal services program's services. A legal services program is not required to maintain such aids at all times, provided they can be obtained on reasonable notice.

(2) The Corporation may require legal services programs with fewer than fifteen employees to provide auxiliary aids where the provision of such aids would not significantly impair the ability of the legal services program to provide its services.

(3) For the purpose of §§ 1624.4(d) (1) and (2), auxiliary aids include, but are not limited to, brailled and taped material, interpreters, telecommunications equipment for the deaf, and other aids for persons with impaired hearing, speech or vision.

(e) A legal services program shall take reasonable steps to insure that communications with its applicants, employees, and beneficiaries are available to persons with impaired vision and hearing.

(f) A legal services program may not deny handicapped persons the opportunity to participate as members of or in the meetings or activities of any planning or advisory board or process established by or conducted by the legal services program, including but not limited to meetings and activities conducted in response to the requirements of Part 1620 of these regulations.

§ 1624.5 Accessibility of legal services.

(a) No qualified handicapped person shall, because a legal services program's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination by any legal services program.

(b) A legal services program shall conduct its programs and activities so that, when viewed in their entirety, they are readily accessible to and usable by handicapped persons. This paragraph does not necessarily require a legal services program to make each of its

existing facilities or every part of an existing facility accessible to and usable by handicapped persons, or require a legal services program to make structural changes in existing facilities when other methods are effective in achieving compliance. In choosing among available methods for meeting the requirements of this paragraph, a legal services program shall give priority to those methods that offer legal services to handicapped persons in the most integrated setting appropriate.

(c) A legal services program shall, to the maximum extent feasible, insure that new facilities that it rents or purchases are accessible to handicapped persons. Prior to entering into any lease or contract for the purchase of a building, a legal services program shall submit a statement to the appropriate Regional Office certifying that the facilities covered by the lease or contract will be accessible to handicapped persons, or if the facilities will not be accessible, a detailed description of the efforts the program made to obtain accessible space, the reasons why the inaccessible facility was nevertheless selected, and the specific steps that will be taken by the legal services program to insure that its services are accessible to handicapped persons who would otherwise use that facility. After a statement certifying facility accessibility has been submitted, additional statements need not be resubmitted with respect to the same facility, unless substantial changes have been made in the facility that affect its accessibility.

(d) A legal services program shall ensure that new facilities designed or constructed for it are readily accessible to and usable by handicapped persons. Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed to make the altered facilities readily accessible to and usable by handicapped persons.

§ 1624.6 Employment.

(a) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment by any legal services program.

(b) A legal services program shall make all decisions concerning employment under any program or activity to which this part applies in a manner that insures that discrimination on the basis of handicap does not occur, and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(c) The prohibition against discrimination in employment applies to the following activities:

(1) Recruitment, advertising, and the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the legal services program;

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer sponsored activities, including social or recreational programs; and

(9) Any other term, condition, or privilege of employment.

(d) A legal services program may not participate in any contractual or other relationship with persons, agencies, organizations or other entities such as, but not limited to, employment and referral agencies, labor unions, organizations providing or administering fringe benefits to employees of the legal services program, and organizations providing training and apprenticeship programs, if the practices of such person, agency, organization, or other entity have the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this paragraph.

(e) A legal services program shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the accommodation would impose an undue hardship on the operation of the program.

(1) For purposes of this paragraph (e), reasonable accommodation may include (i) making facilities used by employees readily accessible to and usable by handicapped persons, and (ii) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

(2) In determining whether an accommodation would impose an undue

hardship on the operation of a legal services program, factors to be considered include, but are not limited to, the overall size of the legal services program with respect to number of employees, number and type of facilities, and size of budget, and the nature and costs of the accommodation needed.

(3) A legal services program may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is a need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

(f) A legal services program may not use employment tests or criteria that discriminate against handicapped persons, and shall insure that employment tests are adapted for use by persons who have handicaps that impair sensory, manual, or speaking skills.

(g) A legal services program may not conduct a pre-employment medical examination or make a pre-employment inquiry as to whether an applicant is a handicapped person or as to the nature or severity of a handicap except under the circumstances described in 45 CFR 84.14(a)-(d)(2). The Corporation shall have access to relevant information obtained in accordance with this section to permit investigations of alleged violations of this part.

(h) A legal services program shall post in prominent places in each of its offices a notice stating that the legal services program does not discriminate on the basis of handicap.

(i) Any recruitment materials published or used by a legal services program shall include a statement that the legal services program does not discriminate on the basis of handicap.

§ 1624.7 Self-Evaluation.

(a) By January 1, 1980, a legal services program shall evaluate, with the assistance of interested persons including handicapped persons or organizations representing handicapped persons, its current facilities, policies and practices and the effects thereof to determine the extent to which they may or may not comply with the requirements of this part and the cost of structural or other changes that would be necessary to make each of its facilities accessible to handicapped persons.

(b) The results of the self-evaluation, including steps the legal services program plans to take to correct any deficiencies revealed and the timetable for completing such steps, shall be made available for review by the Corporation and interested members of the public.

§ 1624.8 Enforcement.

The procedures described in Part 1618 of these regulations shall apply to any alleged violation of this part by a legal services program.

Dan J. Bradley,

President, Legal Services Corporation.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Opening of Certain National Wildlife Refuges in Arizona, California, and New Mexico

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to hunting on certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in Arizona, California and New Mexico.

DATES: Effective on date of publication from October 1, 1979 through December 31, 1979.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the address or telephone listed below:

Albert W. Jackson, Area Manager, U.S. Fish and Wildlife Service, 2953 W. Indian School Road, Phoenix, Ariz. 85017. Telephone: 602-261-6833.

James R. Fisher, Refuge Manager, Cabeza Prieta National Wildlife Refuge, P.O. Box 418, Ajo, Ariz. 85321. Telephone: 602-387-6483.

Wesley V. Martin, Refuge Manager, Cibola National Wildlife Refuge, P.O. Box AP, Blythe, Calif. 92225. Telephone: 714-922-2129.

Tyrus W. Berry, Refuge Manager, Havasu National Wildlife Refuge, P.O. Box A, Needles, Calif. 92363. Telephone: 714-326-3853.

Gerald E. Duncan, Refuge Manager, Imperial National Wildlife Refuge, P.O. Box 2217, Martinez Lake, Ariz. 85364. Telephone: 602-783-3400.

Milton K. Haderlie, Refuge Manager, Kofa National Wildlife Refuge, Box 1032, Yuma, Ariz. 85364. Telephone: 602-783-7861.

LeMoine B. Marlatt, Refuge Manager, Bitter Lake National Wildlife Refuge, P.O. Box 7,

Roswell, N. Mex. 88201. Telephone: 505-622-6755.

Ronald L. Perry, Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, N. Mex. 87801. Telephone: 505-835-1828.

Ronald L. Perry, Refuge Manager, San Andres National Wildlife Refuge, P.O. Box 1246, Socorro, N. Mex. 87801. Telephone: 505-835-1828.

SUPPLEMENTARY INFORMATION:

General

Hunting of big game on portions of the following refuges shall be in accordance with applicable State regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Vehicular travel is restricted to designated roads and trails. Special conditions applying to individual refuges and maps are available at refuge headquarters or from the Office of the Area Manager at the addresses above.

§ 32.32 Special regulation; big game; for individual wildlife refuges.

Arizona

Cabeza Prieta National Wildlife Refuge (Desert Bighorn Sheep). Havasu National Wildlife Refuge (Desert Bighorn Sheep). Kofa National Wildlife Refuge (Mule Deer and Desert Bighorn Sheep)

Special conditions: (1) Hunting of mule deer and/or desert bighorn sheep is permitted but only by those holding a valid permit from the Arizona Game and Fish Department for the species being hunted. The permit must be for the period (season) and area being hunted. (2) Possession or transportation of a loaded firearm or strung bow within or on any motorized vehicle or its attachments is prohibited. A loaded firearm means any firearm containing any cartridge or ammunition in its chamber, magazine, or clip. (3) Possession or transportation of an uncased firearm within or on any motorized vehicle or its attachments is prohibited. An uncased firearm means any firearm not encased in a holster, scabbard, or gun case (soft or hard). (4) Possession of weapons is permitted only by those legally hunting on the refuge and weapons are restricted to those legal for use in the permitted hunt being engaged in by a particular hunter. (5) On the Havasu Refuge, hunting will not be permitted in those portions of Units 16 B and 44 which abut the Bill Williams River. The Bill Williams Unit is open to hunting south of the Planet Ranch Road only.

Arizona and California

Cibola National Wildlife Refuge

Special Conditions: (1) Arizona—bow and arrow season for mule deer is from October 6 through November 4, 1979; firearms season, from November 9 through November 18, 1979. California—bow and arrow season for deer, from October 6 through October 28, 1979; firearms season, from November 3 through November 25, 1979. (2) Hunting is prohibited within one-fourth mile of any occupied dwelling, 250 yards of any farm worker, or within 50 yards of any road or levee. (3) Pits or permanent blinds may not be built. (4) Only rifled, centerfire firearms may be used to take deer during the firearms season. Bow and arrows may be used only during the archery season in accordance with appropriate State regulations. (5) Possession of all handguns and all .22 caliber rimfire firearms is prohibited. (6) Vehicles are prohibited from driving across farm fields or through any undefined trail or road. (7) Both Zones I and II (Arizona) are closed to hunting. (8) Overnight camping is prohibited on the refuge.

Imperial National Wildlife Refuge

Mule Deer (Gun Seasons Only—No Archery Season on This Refuge)

Special Conditions: (1) Arizona—deer season, from November 9 through November 18, 1979. California—deer season, from November 3 through November 25, 1979. (2) Except as provided under the special regulations covering the hunting of small game, doves and migratory waterfowl on the Imperial National Wildlife Refuge, possession of any firearms other than a legal deer hunting firearm, as defined by State hunting regulations, is prohibited.

New Mexico

Bitter Lake National Wildlife Refuge

Mule Deer

Special condition: Vehicles are not permitted in the wilderness area; otherwise, vehicles are restricted to established roads and trails.

Bosque del Apache National Wildlife Refuge

Mule Deer

Special conditions: (1) Only the State stratified modern firearms deer season and the State bow hunting season will be open on the refuge. (2) The refuge is open to public access from one-half hour before sunrise to one-half hour after sunset only. (3) Only those areas on the refuge designated by sign and delineated on maps available at refuge

headquarters as open to hunting are permissible hunt areas.

San Andres National Wildlife Refuge

Desert Bighorn Sheep

Special conditions: (1) Hunting of desert bighorn sheep is permitted only by those holding a valid permit from the New Mexico Department of Game and Fish. (2) Hunters must check into the area in accordance with instructions from the Department of Game and Fish and/or the Refuge Manager. (3) No entry into the hunting area from the west will be permitted north of Rope Springs Road. Hunters will not be permitted to enter the hunting area from the east side of the San Andres Refuge except at the discretion of the officer in charge (White Sands Missile Range). (4) Officer-in-charge may restrict the number of hunters entering any particular local area. If required by the military firing schedule, hunters will be cleared from all areas where their safety is endangered. (5) Each hunting party will camp within an assigned area and within 100 feet of the road.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

Albert W. Jackson,

Area Manager, Fish and Wildlife Service, Phoenix, Arizona.

September 17, 1979.

[FR Doc. 79-29690 Filed 9-24-79; 8:45 am]

BILLING CODE 4310-56-M

50 CFR Part 32

Sport Migratory Game Bird Hunting; Certain National Wildlife Refuges in Oklahoma and Texas

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Special Regulations.

SUMMARY: The Area Manager has determined that the opening to hunting of certain National Wildlife Refuges in the states of Oklahoma and Texas is compatible with the objectives for which these areas were established, will utilize a renewable national resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective

for the upcoming hunting season for hunting waterfowl, Snipe and Woodcock.

EFFECTIVE DATES: October 1, 1979 through January 31, 1980.

FOR FURTHER INFORMATION CONTACT: The Refuge Manager at the address and/or telephone number listed below in the body of these Special Regulations.

General

Public hunting is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR Part 32 and the following Special Regulations. Special conditions applying to individual refuges are listed on leaflets available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 300 E. 8th Street, Room G-121, Austin, Texas 78701.

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that such recreational use will not interfere with the primary purpose for which the areas were established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Public hunting shall be in accordance with all applicable Federal and State laws and regulations subject to the following conditions:

§ 32.12 Special regulations; migratory game birds; For individual wildlife refuge area.

Oklahoma

Sequoyah National Wildlife Refuge, P. O. Box 695, Vian, Oklahoma 74962. Telephone 918-773-5251. Migratory game birds. Special Conditions: (1) Hunting of ducks, geese, coots, snipe, and woodcock is in accordance with the Oklahoma State season for migratory birds. (2) Firearms of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel, where firearms must be

cased or broken down. (3) Camping or possession of firearms on the refuge at night is prohibited.

Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Oklahoma, 73460. Telephone 405-371-2402. Migratory game birds. Special Conditions: (1) Public hunting of ducks, geese and coots is permitted on the Tishomingo Wildlife Management Area of the Tishomingo National Wildlife Refuge, Oklahoma. (2) Duck, goose and coot hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of these species. (3) Ducks and coots may be hunted only in Management Area Zones 1 and 2. Duck and coot hunting is restricted to the hours of one-half hour before sunrise to 11:45 a.m. on Tuesdays, Thursdays, Saturdays and Sundays and national holidays except Christmas day; from November 17 through November 25, 1979 and from December 18, 1979 through January 13, 1980. Duck and coot hunting in Zone 2 shall be restricted to hunters using retrieving dogs and/or boats in order to prevent an undue loss of downed birds in deep water. Construction of permanent blinds is prohibited in Zones 1 & 2, however, temporary blinds may be constructed of down and/or dead native vegetation. Any material brought into the area for temporary blind construction must be removed from the area at the conclusion of the day's hunt. Temporary blinds may be placed where desired after giving due consideration to safety and hunting opportunities to hunters already in the area. Blinds may not be constructed or used within 80 yards of a blind already in use. Each hunter in Zones 1 & 2 will be limited to no more than 25 shells in possession. (4) Geese may be hunted in Zone 3 only. Goose hunting is restricted to the hours of one-half hour before sunrise to 11:45 a.m. on Tuesdays, Thursdays, Saturdays, and Sundays, and national holidays except Christmas day; from November 17, 1979 through November 25, 1979 and from December 18, 1979 through January 13, 1980. In zone 3, thirty-five (35) goose blinds are provided; all goose hunting shall take place from these blinds. Hunters must apply in writing to the Refuge Manager, Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Oklahoma 73460, for blind reservations which will be selected by lot. Reservation requests for no more than five (5) dates may be submitted for hunting parties of no more than three (3) members. If a name is found on more than one application, all applications containing that name will be discarded without consideration, including all party members on such applications. Conformation and rejections of applications will be made by mail in timely order. Blind assignments to those whose applications have been accepted will be determined by a punchboard process just prior to each day's hunt. Each hunter in Zone 3 will be limited to no more than six (6) shotgun shells in possession. Shot size will not be larger than BB's. Zone 3 hunters must remain in their assigned blinds during each day's hunt except to place or adjust decoys and/or to retrieve downed birds. Further, hunters may leave their blinds to pick up decoys and leave

the hunt area only at 9:30 a.m. and after 11:30 a.m. (5) All hunters must report to designated checking stations to check into or out of the area. (6) "Skybusting"; i.e., firing at birds in excess of 45 yards from the hunter is prohibited in all zones.

Texas

Brazoria National Wildlife Refuge, Box 1088, Angleton, TX 77515. Telephone 713-849-6062. Migratory game birds. Special conditions: (1) Access to the hunting areas must be entirely over public water routes. Travel across the refuge mainland to and from the area open to hunting is not permitted. Areas open to hunting are designated on maps which are available from the refuge manager at the above address. (2) Pits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory right to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought onto the refuge for blind construction must be removed at the end of each hunt. (3) The refuge waterfowl season is in accordance with the Texas State waterfowl season.

San Bernard National Refuge, Box 1088, Angleton, TX 77414. Telephone 713-849-6062. Migratory game birds. Special conditions: (1) The waterfowl hunting area on this refuge is divided into two parts: Special permit waterfowl hunting area (SPWH area) and free waterfowl hunting areas (also locally known as the Cedar Lakes and the Smith Marsh tract). These areas are designated on maps available from the refuge manager at the above address. (2) A refuge permit will be required for participation in the SPWH area. Permit applications are available at the Refuge Office, 1013 North Velasco Street, Angleton, TX, and must be returned to the refuge office by October 15, 1979 to be eligible for drawing for advanced reservations. (3) The refuge waterfowl season is in accordance with the Texas State waterfowl season. (4) Waterfowl hunters are required to be present at the check station by 4:30 a.m., local time. (5) The refuge will furnish duck decoys for the special permit waterfowl hunt and no other duck decoys may be used in this segment of the hunt. Goose decoys are permitted but will not be furnished. (6) Hunters participating in the special permit waterfowl hunt may not leave their blinds except to retrieve dead or wounded waterfowl or to rearrange their decoys. (7) Hunting days for the SPWH area will be Saturdays, Sundays and Wednesdays. (8) Hunters will stop hunting and shooting at 10 a.m., local time, in the SPWH area and return to a hunt check station to fill out a hunter questionnaire. (9) Any available hunting blinds in the SPWH area will be filled by hunters without reservations on a standby basis immediately prior to each day's hunt. (10) A "Special hunter service recreation fee" of \$3 will be collected from each hunter for each hunting trip on the SPWH area. Holders of "Golden Age Passports" will be charged \$1.50. (11) Hunters will be required to walk through marsh terrain to assigned blinds from designated parking areas. (12) In the SPWH area guns may not be loaded until hunters reach their assigned blinds. (13) No guest or observers

are permitted in the blinds. (14) Access to the free waterfowl hunting areas (Cedar Lakes and Smith Marsh tract) must be primarily over public water routes. (15) On the free waterfowl hunting areas pits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought on to the refuge for blind construction must be removed at the end of each hunt. (16) Birds may not be plucked on the refuge. (17) Alcoholic beverages and controlled drugs are prohibited in all hunt areas on the refuge.

Aransas National Wildlife Refuge (Matagorda Island Unit), P.O. Box 100, Austwell, TX 77950. Telephone 512-286-3559. Migratory game bird. Special conditions: (1) Unless otherwise specified, all laws and regulations published by the Texas Parks and Wildlife Department concerning waterfowl hunting will be applicable. (2) Taking of snow geese will not be permitted on the refuge. (3) Hunting hours: one half (½) hour before sunrise until 12 o'clock noon. (4) The area will be open 3 days a week (Saturday, Sunday and Wednesday). Refuge transportation on the island will be provided to and from the Matagorda Island dock and the hunt area. Hunters will receive a short briefing covering hunter behavior, bird identification with special emphasis on the peregrine falcon and other endangered species, and refuge management on the island prior to the hunt. Hunters must be at the Island docks by 5 a.m., at which time a drawing will be held for blind selection. (5) In the event whooping cranes begin using habitat within the hunt area, all or portions of that area will be closed to hunting.

The provisions of this special regulation supplement the regulations which govern public hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

James J. Hubert,
Acting Area Manager, Austin, Texas.

[FR Doc. 79-20609 Filed 9-24-79; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 701

Emergency Conservation Program (ECP); Proposed Rule

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Proposed rule.

SUMMARY: The proposed rule would amend the current regulations by (1) Changing the program name from the Emergency Conservation Measures Program to the Emergency Conservation Program; (2) Including in the program water conservation and water enhancement practices which provide for drought emergency cost-share assistance to eligible persons during periods of severe drought and which were formerly provided under the Drought and Flood Conservation Program which terminated on September 30, 1978; and (3) Changing procedures so that practices dealing with flood and windstorm disasters are more responsive to land rehabilitation needs. The proposed rule also provides that the Deputy Administrator, State and County Operations (DASCO), shall make the determination to implement the program when severe drought conditions exist.

DATES: Written comments with respect to this proposal must be submitted on or before November 25, 1979, in order to be assured of consideration.

ADDRESSEES: Conservation and Environmental Protection Division, ASCS, USDA, 3096-South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Ellsworth R. DeMasters (ASCS) (202) 447-6825.

SUPPLEMENTARY INFORMATION: The ECP will carry out sections 401 and 402 of Title IV of the Agricultural Credit Act of 1978 (Pub. L. 95-334; 92 Stat. 434,

approved August 4, 1978), hereafter referred to as (the "Act"). These proposed regulations to implement ECP are designed to provide cost-share funds for emergency assistance to meet only the critical needs of agricultural producers due to severe drought or other natural disasters.

A prenotice of rulemaking was filed in the Federal Register on July 25, 1979, requesting public comment by August 8, 1979, with respect to the administration of emergency conservation programs authorized by that Act. While two responses were received, only one response addressed comments relating to formulation of the ECP. One comment stated that an expeditious environmental assessment should be made prior to carrying out practices to repair damages and rehabilitate farmland to preexisting conditions. Regulations issued by the Agricultural Stabilization and Conservation Service (ASCS) for the purpose of complying with The National Environmental Policy Act provide that environmental concerns will be evaluated and appropriate actions taken when implementing practices under ECP. A second comment recommended that provisions be instituted to assure that practices installed under other Federal programs were properly maintained throughout their design life in order to be eligible for repair or replacement under Emergency Programs. ASCS does not believe that it would be feasible in terms of personnel resources of costs to monitor farming operations for this purpose. ECP cost-sharing is proposed to be limited to restore or rehabilitate conservation structures only to their predisaster condition.

Accordingly, it is proposed that the regulations at 7 CFR Part 701—Subpart—Emergency Conservation Measures Program be amended to read as follows:

Subpart—Emergency Conservation Program

Sec.
701.46 Program objectives.
701.47 Program availability.
701.48 Eligibility of person and land.
701.49 Emergency Conservation Program practices.
701.50 Practice approval.
701.51 Extent of cost-sharing
701.52 Eligible costs.
701.53 Filing requests.
701.54 Approving requests.
701.55 Pooling limitations.

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Sec.
701.56 Payment limitations
701.57 Other Program provisions.
Authority: Pub. L. 95-334; 92 Stat. 434 (16 U.S.C. 2201, 2202).

Subpart—Emergency Conservation Program

§ 701.46 Program objectives.

The objective of the Emergency Conservation Program is to cost-share with eligible persons to rehabilitate farmlands damaged by wind and water erosion, floods, hurricanes, or other natural disasters and to provide water conservation or water enhancement measures during periods of severe drought.

§ 701.47 Program availability.

(a) Subject to the availability of funds, the county committee may implement the program where new conservation problems have been created on farmland by a natural disaster or wind erosion which, if not treated; (1) Represent damage which is unusual in character and, except for wind erosion, shall not be the type that would recur frequently in the same area; (2) Materially affects the productive capacity of the land or water resource; (3) Will impair or endanger the land or water resources; and (4) Will be so costly to rehabilitate that Federal assistance is or will be required to return the land to productive agricultural use.

(b) Subject to the availability of funds, the county committee with the concurrence of the State committee and approval of the Deputy Administrator, State and County Operations (DASCO) may implement the program to carry out emergency water conservation and water enhancement measures during periods of severe drought.

§ 701.48 Eligibility of person and land.

Eligibility of person and land is the same as for the Agricultural Conservation Program as provided in §§ 701.7 and 701.8.

§ 701.49 Emergency conservation program practices.

(a) Except for severe drought and wind erosion, cost-sharing may be offered for emergency conservation practices only to replace or restore farmland to a condition similar to that existing prior to the natural disaster. Cost-sharing may not be offered for the

solution of conservation problems existing prior to the disaster.

(b) Emergency Conservation Program practices for which cost-sharing may be authorized are generally:

- (1) Removing Debris from Farmland.
- (2) Grading, Shaping, Releveling or Similar Measures.
- (3) Restoring Permanent Fences.
- (4) Restoring Structures and Other Installations.
- (5) Emergency Wind Control Measures.
- (6) Drought Emergency Measures.
- (7) Other Emergency Conservation Measures.

§ 701.50 Practice approval.

Practices listed in §§ 701.49(b) (1) through (5) may be approved by the county committees. Practices (6) and (7) of § 701.49(b) must be approved by DASCO.

§ 701.51 Extent of cost-sharing.

The county committee shall establish cost-share levels for each practice at a level not to exceed 80 percent of the cost of such practice.

§ 701.52 Eligible costs.

Upon determination that a producer is eligible for emergency conservation program assistance, cost-sharing shall be granted for all reasonable costs incurred in the completion of the practice. This extends to personal labor, equipment, and other such costs which can be justified to ASCS. County committees shall limit costs for the use of personal equipment to an amount that reflects out-of-pocket expenses. Expenses for personal labor and personal equipment should be less than rates charged by contractors who expect to make a profit for their efforts.

§ 701.53 Filing requests.

The county committee shall establish a sign up period for filing cost-sharing requests as soon as possible after the decision has been made to implement the ECP. Such periods should be at least 30 days in length. Late filed requests may be accepted by the county committee in justifiable cases.

§ 701.54 Approving requests.

County committees will issue practice approvals only when the requested practice has been determined eligible for cost-sharing assistance and the eligible person has indicated the producer is ready to start the practice.

§ 701.55 Pooling agreements.

Pooling agreements may be used on the same basis as provided for in the Agricultural Conservation Program in § 701.18.

§ 701.56 Payment approval.

The county committee may approve payments not to exceed \$10,000 per person, per disaster. Cost-share assistance in excess of \$10,000 must be approved by DASCO.

§ 701.57 Other program provisions.

Other provisions of this part as provided for in §§ 701.1 and 701.2 and in the subpart, General Provisions, apply to the Emergency Conservation Program.

Note.—This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044. A determination has been made that this action should not be classified "significant" under those criteria. A draft impact analysis is available from Ellsworth DeMasters (202) 447-6825.

Signed at Washington, D.C., on September 17, 1979.

Roy Fitzgerald,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-23528 Filed 9-24-79; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

[7 CFR Part 985]

[Docket No. F&V AO-79-1]

Spearmint Oil Produced in the Far West

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of Hearing on a Proposed Marketing Agreement and Order for Spearmint Oil Produced in the Far West.

SUMMARY: Notice is hereby given of a public hearing to be held beginning at 9:00 a.m., October 16, 1979, in the District Court, Franklin County Court House, 1016 North Fourth Street, Pasco, Washington 99302, with respect to a proposed marketing agreement and order regulating the handling of spearmint oil produced in Washington, Idaho, Oregon, and portions of Wyoming, Utah, Nevada, and California. The proposal was submitted by a committee of spearmint growers. A prenotice press release announcing the proposal, inviting public comments, and offering copies of the proposal to interested persons was released on July 10, 1979. Four written comments were received.

ADDRESSES: It would be desirable if persons interested in presenting oral or written testimony for or against the proposed marketing agreement and

order would make their intentions known by writing the Hearing Clerk, United States Department of Agriculture, South Building, Room 1077, Washington, D.C. 20250 (7 CFR 1.27(b)). However, failure to make known such intentions as herein provided shall not preclude any person from appearing at the hearing and presenting oral or written testimony for or against the proposed marketing agreement and order.

FOR FURTHER INFORMATION CONTACT: William J. Higgins, (202) 447-5053.

SUPPLEMENTAL INFORMATION: The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The hearing is for the purpose of:

(a) Receiving evidence with respect to economic and marketing conditions which relate to the proposed marketing agreement and order, hereinafter set forth, and any appropriate modifications thereof;

(b) determining whether the handling of spearmint oil produced in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce;

(c) Determining whether there is a need for a marketing agreement or order regulating the handling of spearmint oil produced in the area; and,

(d) Determining whether provisions specified in the proposal or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the act.

The proposals set forth below have not received the approval of the Secretary of Agriculture.

This proposal has been reviewed under the USDA criteria for implementing Executive Order 12044, and has been classified "significant". A Draft Impact Analysis is available from William J. Higgins, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250.

Proposal No. 1.

Definitions

Sec.

- 985.1 Secretary.
- 985.2 Act.
- 985.3 Person.
- 985.4 Spearmint Oil.
- 985.5 Production Area.
- 985.6 Producer.
- 985.7 Handler.

Sec.

- 985.8 Handle.
- 985.9 Marketing Year.
- 985.10 Crop.
- 985.11 Salable Oil.
- 985.12 Salable Quantity.
- 985.13 Annual Allotment.
- 985.14 Part and Subpart.

Administrative Committee

- 985.20 Establishment and Membership.
- 985.21 Eligibility.
- 985.22 Term of Office.
- 985.23 Nominations.
- 985.24 Selection.
- 985.25 Alternate Members.
- 985.26 Vacancies.
- 985.27 Powers.
- 985.28 Duties.
- 985.29 Procedure.
- 985.30 Expenses and Compensation.

Research

- 985.31 Research and Development Projects.

Expenses and Assessments.

- 985.40 Expenses.
- 985.41 Assessments.
- 985.42 Accounting.

Volume Limitations

- 985.50 Marketing Policy.
- 985.51 Recommendations for Volume Regulation.
- 985.52 Issuance of Volume Regulation.
- 985.53 Allotment Base.
- 985.54 Issuance of Annual Allotments.
- 985.55 Identification.
- 985.56 Excess Oil.
- 985.57 Reserve Pool Requirements.
- 985.58 Exempt Oil.
- 985.59 Transfers.
- 985.60 Reports.
- 985.61 Records.
- 985.62 Verification of reports and records.
- 985.63 Confidential Information.
- 985.64 Compliance.
- 985.65 Rights of the Secretary.
- 985.66 Derogation.
- 985.67 Agents.
- 985.68 Personal Liability.
- 985.69 Duration of Immunities.
- 985.70 Separability.
- 985.71 Effective Time.
- 985.72 Termination.
- 985.73 Proceedings after Termination.
- 985.74 Effect of Termination or Amendments.

Authority: Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*)

Definitions

§ 985.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the U.S. Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 985.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural

Marketing Agreement Act of 1937, as amended (Secs. 1-19, Stat. 31, as amended; 7 U.S.C. 601-674).

§ 985.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 985.4 Spearmint Oil.

"Spearmint Oil", hereinafter referred to as "oil", means the essential oil extracted by distillation from plants, grown in the production area, of the genus *Mentha*, species *Cardiaca* (commonly referred to as Scotch Spearmint), *Spicata* (commonly referred to as Native Spearmint), or such other species, grown in the production area, that produce a spearmint flavored oil. Oil shall be segregated into the following classes:

- "Class 1"—Oil extracted from the first cutting of Scotch Spearmint.
- "Class 2"—Oil extracted from the second cutting of Scotch Spearmint.
- "Class 3"—Oil extracted from Native Spearmint.
- "Class 4"—Oil which has a spearmint flavor, extracted from plants other than Scotch or Native Spearmint.

§ 985.5 Production Area.

"Production Area" means all the area within the States of Washington, Idaho, Oregon, and that portion of California and Nevada north of the 37th parallel and that portion of Montana and Utah west of the 111th meridian. The area shall be divided into the following districts:

- (a) District 1. The State of Washington.
- (b) District 2. The State of Idaho and that portion of the States of Montana, Nevada, and Utah included in the production area.
- (c) District 3. The State of Oregon and that portion of the State of California included in the production area.

§ 985.6 Producer.

"Producer" is synonymous with "grower" and means any person engaged in a proprietary capacity in the commercial production of oil or who causes it to be produced.

§ 985.7 Handler.

"Handler" means any person who handles oil.

§ 985.8 Handle.

"Handle" means to prepare oil for market, acquire oil from a producer, use oil commercially of own production, or sell, transport, or ship (except as a common or contract carrier of oil owned by another), or otherwise place oil into the current of commerce within the

production area or from the area to points outside thereof: *Provided*, That (a) the preparation for market of salable oil by producers who are not dealers or users, (b) the sale or transportation of salable oil by a producer to a handler of record within the production area, or (c) the transfer of excess oil by the producer to another producer to enable that producer to fill a deficiency in an annual allotment, or the delivery of excess oil by the producer to the Committee or its designees, shall not be construed as handling.

§ 985.9 Marketing Year.

"Marketing Year" means the 12 months from June 1 to the following May 31, inclusive, or such other period as recommended by the Committee.

§ 985.10 Crop.

"Crop" means that oil produced by a producer during the marketing year.

§ 985.11 Salable Oil.

"Salable Oil" means that oil which is free to be handled.

§ 985.12 Salable Quantity.

"Salable Quantity" means the total quantity of each class of oil which handlers may purchase from, or handle on behalf of, producers during a marketing year.

§ 985.13 Annual Allotment.

"Annual Allotment" means that portion of the salable quantity pro-rated to an individual producer.

§ 985.14 Part and Subpart.

"Part" means the order regulating the handling of oil grown in the production area, and all rules and regulations issued thereunder. The order shall be a "subpart" of such part.

Administrative Committee

§ 985.20 Establishment and Membership.

A Spearmint Oil Administrative Committee is hereby established (hereinafter referred to as "Committee") and shall consist of eight members, each of whom shall have an alternate, to administer the terms and provisions of this part. Four of the members and alternates shall be producers in District 1; two members and alternates shall be producers in District 2; and one member and alternate shall be a producer in District 3. One member and alternate shall represent the public.

§ 985.21 Eligibility.

Each member and alternate member of the Committee shall be, at the time of selection during the term of office, a producer, or an officer or employee of a

producer, in the district for which selected.

§ 985.22 Term of Office.

The term of office of each member and alternate member of the Committee shall be for two calendar years: *Provided*, That one-half of the initial members and alternates shall serve for terms ending December 31, 1980, and one-half of the initial members and alternates shall serve for terms ending December 31, 1981. Members and alternates shall serve in such capacity for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified. No member shall serve more than two consecutive terms as member and no alternate shall serve more than two consecutive terms as alternate.

§ 985.23 Nominations

(a) *Procedure.* (1) Nominations for producer members of the Committee and their alternates shall be made at nomination meetings of producers in each District. Such meetings shall be held at such times (on or before November 1 of each year) and places as the Committee shall designate. One nominee shall be elected for each position to be filled. The names and addresses of each nominee shall be submitted to the Secretary not later than December 1 of each year.

(2) Only producers, including duly authorized officers or employees of producers present and eligible to serve as producer members of the Committee, shall participate in the nomination. No producer shall participate in the nomination of nominees in more than one district. If a producer produces oil in more than one district, the producer shall select the district in which that producer will participate and notify the Committee of the choice.

(3) Should the Committee find it impractical to hold nomination meetings, nominations may be submitted to the Secretary based on the results of balloting by mail. Ballots to be used may contain the names of the candidates and a blank space for write-in candidates for each position, together with voting instructions. The eligible person receiving the highest number of votes for a member or alternate position shall be the nominee for that position.

(4) The producer members of the Committee shall nominate the public member and alternate member at the first meeting following the selection of members for a new term of office.

(b) *Initial members.* As soon as practicable following the effective date

of this subpart, the Secretary shall hold, or cause to be held, nomination meetings of producers in each district to nominate the initial members of the Committee.

(c) The Committee with the approval of the Secretary shall issue rules and regulations necessary to carry out the provisions of this section or to change the procedures in this section in the event they are no longer practical.

§ 985.24 Selection.

Committee members shall be selected by the Secretary from nominees submitted by the Committee or from among other eligible persons. Each person so selected shall qualify by filing a written acceptance with the Secretary prior to assuming the duties of the position.

§ 985.25 Alternate Members.

An alternate for a member shall act in the place of such member (a) in the member's absence, or (b) in the event of the member's death, removal, resignation, or disqualification, until a successor for the member's unexpired term has been selected and has qualified.

§ 985.26 Vacancies.

To fill any vacancy occasioned by the failure of any person appointed as a member or as an alternate member of the Committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the Committee, a successor to fill the unexpired term shall be nominated and appointed in the manner specified in §§ 985.23 and 985.24. If the names of the nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which appointment shall be made on the basis of representation provided for in § 985.20.

§ 985.27 Powers.

The Committee shall have the following powers:

(a) To administer this subpart in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part;

(d) To recommend to the Secretary amendments to this subpart.

§ 985.28 Duties.

The Committee shall have, among others, the following duties:

(a) To select from among its membership such officers and adopt such rules or by-laws for the conduct of its meetings as it deems necessary;

(b) To appoint such employees as it may deem necessary, and to determine the compensation and to define the duties of each employee;

(c) To appoint such subcommittees and consultants as it may deem necessary;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the Committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the Committee and to make copies of each such statement available to producers and handlers for examination at the office of the Committee;

(f) To cause the books of the Committee to be audited by a certified public accountant at such times as the Committee may deem necessary, or as the Secretary may request, to submit copies of each audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the Committee by producers and handlers;

(g) To act as intermediary between the Secretary and any producer or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to oil;

(i) To submit to the Secretary such available information as may be requested or that the Committee may deem desirable and pertinent;

(j) To notify producers and handlers of all meetings of the Committee to consider recommendations for regulations and of all regulatory actions taken affecting producers and handlers;

(k) To give the Secretary the same notice of meetings of the Committee and its subcommittees as is given to its members;

(l) To investigate compliance and use means available to prevent violations of the provisions of this part; and,

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the Committee: *Provided*, That such changes shall reflect insofar as practical, shifts in oil production within the production area and numbers of growers.

§ 985.29 Procedure.

(a) At an assembled meeting, all votes shall be cast in person and seven members of the Committee shall constitute a quorum. Decisions of the Committee shall require the concurring vote of at least six members. If both a Committee member and appropriate alternate are unable to attend a Committee meeting, the Committee may designate any other alternate from the same district who is present at the meeting to serve in the member's place.

(b) The Committee may vote by mail, telephone, telegraph, or other means of communications: *Provided*, That each proposition is explained accurately, fully, and identically to each member. All votes shall be confirmed in writing. A reasonable time limit may be set by the Committee for receipt of written confirmation. Seven concurring votes and no dissenting vote shall be required for approval of a Committee action by such method.

§ 985.30 Expenses and Compensation.

Members of the Committee and their alternates and subcommittees shall serve without compensation but shall receive such allowances for necessary expenses, incurred in performing their duties, as may be approved by the Committee.

Research

§ 985.31 Research and Development Projects.

The Committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution and consumption or efficient production of oil. The Committee shall consider ongoing research, by industry and grower organizations, in making its recommendations. The expense of such projects shall be paid back from funds collected pursuant to § 985.41.

Expenses and Assessments

§ 985.40 Expenses.

The Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for such purposes as the Secretary may, pursuant to this subpart, determine to be appropriate, and for the maintenance and functioning of the Committee during each marketing year. The Committee shall submit to the Secretary a budget for each marketing year, including an explanation of the items appearing therein, and a

recommendation as to the rate of assessment for such year.

§ 985.41 Assessments.

(a) *Requirements for payment.* Each person who first handles salable oil shall pay to the Committee, upon demand, that handler's pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro-rata share shall be the rate of assessment fixed by the Secretary times the quantity of oil which the handler handles as the first handler thereof. The payment of assessments for the maintenance and functioning of the Committee and for such purposes as the Secretary may, pursuant to this subpart, determine to be appropriate, may be required under this part throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) *Rate of assessment.* The Secretary shall fix the rate of assessment to be paid by each handler. At any time during or after the marketing year, the Secretary may increase the rate of assessment as necessary to cover authorized expenses. Such increase shall be applied to all oil handled during the applicable marketing year. In order to provide funds for the administration of this part before sufficient operating income is available from assessments, the Committee may accept advance assessments and may also borrow money for such purpose. Advance assessments received from a handler shall be credited toward assessments levied against that handler during the marketing year.

§ 985.42 Accounting.

(a) *Excess funds.* At the end of a marketing year, funds in excess of the year's expenses may be placed in an operating reserve not to exceed approximately one marketing year's operational expenses or such lower limits as the Committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the Committee for expenses authorized pursuant to § 985.40. Funds in excess of those placed in the operating reserve shall be refunded to handlers: *Provided*, That any sum paid by a first handler in excess of that handler's pro rata share of the expenses during any marketing year may be applied by the Committee at the end of such marketing year to any outstanding obligations due the Committee from such person. Each handler's share of such excess funds shall be the amount of assessments paid in excess of that handler's pro rata share.

(b) *Disposition of funds upon termination of order.* Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practicable, such funds will be returned pro rata to the first handler from whom such funds were collected.

Volume Limitations

§ 985.50 Marketing Policy.

(a) The Committee shall meet on or before January 15 of each year, or such other date as the Committee, with the approval of the Secretary may establish, to adopt a Marketing Policy for the ensuing marketing year or years. As soon as is practical following the meeting or meetings, the Committee shall submit to the Secretary recommendations for volume regulations deemed necessary to meet market requirements and establish orderly marketing conditions. Additional reports shall be submitted if the Committee subsequently adopts a new or revised policy because of changes in the demand and supply situation with respect to the various classes of oil.

(b) In determining such marketing policy, Committee consideration shall include but not be limited to:

(1) The estimated amount of salable oil of each class held by producers and handlers;

(2) The estimated demand for each class of oil;

(3) Prospective production of each class of oil;

(4) Total of base quantities of each class for the current marketing year and the estimated base quantity of each class for the ensuing marketing year;

(5) The amount of reserve oil, by class, in storage;

(6) Producer prices of oil, including prices for each class of oil;

(7) General market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity.

(c) Notice of the marketing policy recommendations for a marketing year and any later changes shall be announced publicly by the Committee, and be submitted promptly to the Secretary and all producers and handlers. The Committee shall publicly announce its marketing policy or revision thereof and notice and contents thereof shall be submitted to producers and handlers by bulletins or through appropriate media.

§ 985.51 Recommendations for Volume Regulation.

(a) If these considerations indicate a need for limiting the quantity of oil of each class marketed, the Committee shall recommend to the Secretary a salable quantity and allotment percentage for the ensuing marketing year. Such recommendations shall be made prior to February 15, or such other date as the Committee, with the approval of the Secretary, may establish.

(b) At any time during the marketing year for which the Secretary, pursuant to § 985.52(a), has established a salable quantity and an allotment percentage for each class of oil, the Committee may recommend to the Secretary that such quantity be increased with an appropriate increase in the allotment percentage. Each such recommendation, together with the Committee's reason for such recommendation, shall be submitted promptly to the Secretary.

§ 985.52 Issuance of Volume Regulation.

(a) Whenever the Secretary finds, on the basis of the Committee's recommendation or other information, that limiting the total quantity of a class of oil of any crop that handlers may purchase from or handle on behalf of producers during a marketing year, would tend to effectuate the declared policy of the act, the Secretary shall establish the salable quantity for that oil. The salable quantity shall be prorated among producers by applying an allotment percentage to each producer's allotment base for that class of oil. The allotment percentage shall be established for each class of oil by dividing the salable quantity by the total of all producer's allotment bases for the same class of oil.

(b) When an allotment percentage for each class of oil is established for any marketing year, no handler may purchase from or handle on behalf of producer's any oil during such year unless: (1) It is, at the time of handling, within the unused salable quantity of a producer's annual allotment, and

(2) Such handler notifies the Committee of the handling in such manner as it may prescribe.

§ 985.53 Allotment Base.

(a) When notified by the Committee through appropriate channels each producer desiring an allotment base for one or more classes of oil shall register with the Committee and furnish to it, on forms provided by the Committee, a report of the number of pounds of each class of oil sold during each of the marketing years of 1977, of 1978, and of 1979, which is the representative base

period, and the number of pounds of each class of oil currently available for sale and the location of such oil, the name and address of each handler, the quantity of oil by class sold to each handler, the acreage and location of each year's production of spearmint, and any additional information requested by the Committee. A producer who has changed or changes identity from an individual producer to a partnership or corporate producer, or from a partnership to a corporate or individual producer, or from a corporate to a partnership or individual producer, may for the purpose of establishing the initial and subsequent allotment base, register with the Committee as one and the same person.

(b)(1) For the initial marketing year, the allotment base shall be established by the Committee for each registered producer, at the option of such producer, as follows:

(i) Ninety percent of the number of pounds of oil of each class sold from any one of the crops of the representative base period; or

(ii) The average annual number of pounds of each class of oil sold during the representative period plus 33 1/3 percent of oil of each class currently available for sale.

(2) If a producer has spearmint planted by February 27, 1979, but has no sales history during the representative period, the producer's allotment base shall be established by multiplying its acreage by the average amount of oil per acre sold in the allotment base of other producers in the state or locality, whichever is applicable, in which the acreage is located.

(c) Periodically, but at least once every five years, the Committee shall review and adjust each registered producer's allotment base to recognize changes and trends in production and demand. Any such adjustment shall be made in accordance with a formula prescribed by the Committee with the approval of the Secretary.

(d)(1) Beginning with the 1982-83 marketing year, the Committee annually shall make additional allotment bases available for each class of oil in the amount of no more than 1 percent of the total allotment base for that class of oil. Fifty percent of these additional allotment bases shall be made available for new producers and 50 percent made available for existing producers.

(2) Any person may apply for an additional allotment base for any class of oil by filing an application with the Committee on or before December 1 of the marketing year preceding the marketing year for which the additional allotment base will be made available.

(3) The Committee shall, with the approval of the Secretary, establish rules and regulations to be used for determining the distribution of additional allotment bases. In establishing such rules, the Committee shall take into account, among other things, the minimum economic enterprise requirements for oil production, the applicant's ability to produce oil, the area where the oil will be produced and other economic and marketing factors.

(e) The right of each producer receiving an allotment base, or any legal successors in interest, to retain all or part of an allotment base, shall be dependent on continuance to make a bona fide effort to produce the annual allotment referable thereto and failing to do so, such allotment base shall be reduced by an amount equivalent to such unproduced portions.

§ 985.54 Issuance of Annual Allotments.

(a) Whenever the Secretary establishes a salable quantity and allotment percentage for a class of oil that may be freely marketed during a marketing year, the Committee shall issue an annual allotment to each producer holding an allotment base for that class of oil. Each producer's annual allotment for a class of oil shall be determined by multiplying the producer's allotment base for that class of oil by the applicable allotment percentage.

(b) On or before December 1, the Committee shall furnish each registered holder of an allotment base a form for the producer to apply for an annual allotment for the ensuing marketing year. The Committee, with the approval of the Secretary, shall establish rules and regulations prescribing the information to be contained on this form. The Committee shall notify each producer of the producer's annual allotment for each class of oil within 10 days after the Secretary establishes the salable quantity and allotment percentage.

(c) Through 1981, a handler may acquire oil of a producer's own production to fulfill a written contract entered into by these two persons prior to February 27, 1979. The terms of this contract shall require the producer to deliver to that handler a specified quantity of a class of oil from a producer's production at a specific price from a specified acreage and produced prior to 1982. The quantity of oil acquired by the handler pursuant to that contract during the 1980-81 or 1981-82 marketing year may exceed the producer's annual allotment for the applicable marketing year, but shall be

charged against the producer's annual allotment for that year.

§ 985.55 Identification.

(a) Each producer of oil shall, under supervision of the Committee, identify each class of oil within 15 days following production or such other period of time as is recommended by the Committee with the approval of the Secretary. Identification of oil shall be accomplished before its delivery either to a handler for handling as salable oil, or to the Committee or its designees for storage as excess oil.

(b) Identification shall indicate whether the oil is salable or excess oil and include the name of the producer, the class of oil, the net weight, the container number and such other information as may be required by the Committee.

(c) Identification shall be accomplished in accordance with rules, regulations, and procedures established by the Committee with the approval of the Secretary.

(d) No handler shall handle as salable oil, and the Committee shall not receive as excess oil, any oil that has not been identified as provided in this section, and no producer or handler shall alter or remove any identification except when incidental to final disposition.

§ 985.56 Excess Oil.

Oil of any class in excess of a producer's applicable annual allotment shall be identified as excess oil and shall be disposed of as follows:

(a) Before October 15, or such date as the Committee, with the approval of the Secretary, may establish, a producer, following notification of the Committee, may transfer excess oil to another producer to enable that producer to fill a deficiency in that producer's annual allotment, or

(b) On or before November 1, or such other date as the Committee, with the approval of the Secretary, may establish, excess oil not used to fill another producer's deficiency shall be delivered to the Committee or its designees for storage pursuant to rules and procedures recommended by the Committee and approved by the Secretary. Such oil shall be stored for the account of the producer until released by the Committee pursuant to rules and regulations established by the Committee with the approval of the Secretary. All costs of storage including identification and insurance shall be paid by the producer of excess oil prior to release. No handler shall handle excess oil and no producer shall deliver excess oil to other than the Committee or its designees.

§ 985.57 Reserve Pool Requirements.

(a) The Committee shall pool identified excess oil in such manner as to accurately account for its receipt, storage and disposition. This oil shall be referred to as reserve oil. The Committee shall maintain the identity of the reserve oil by producer's name, the year produced, the class of oil, and such other identification as may be used in normal commercial trade practices. The Committee shall designate a Committee employee as reserve pool manager.

(b) *Disposition.* (1) When, in any marketing year, a producer has produced less than the annual allotment of a class of oil, the producer may, upon notification of the Committee fill the deficiency with the same class of reserve oil from the producer's prior production.

(2) Prior to March 15 of any year, or such other date as recommended by the Committee and approved by the Secretary, a producer may notify the Committee of a possible deficiency in the producer's ensuing year's production of oil and wishes to use reserve oil from own production to fill the ensuing year's annual allotment. The Committee shall approve the producer's request if the oil is still available at the time of the request.

(3) Under supervision of the Committee, a producer may exchange salable oil for the same class and quantity of reserve oil from own prior production so long as the oil is properly identified.

(4) When the Committee finds that additional oil is needed to fill the normal market demand, it shall offer all or a portion of the reserve oil for sale to handlers. Offers to sell, extension of offers and withdrawal of offers shall be subject to disapproval by the Secretary. The Committee may establish rules and regulations governing the offers and sales to handlers.

(5) The Committee may use reserve oil in market development projects approved by the Secretary. Such projects may be conducted by the Committee or in conjunction with or through handlers.

(c) *Disposition of pool proceeds.* The proceeds from the disposition of reserve oil shall be distributed, after deduction of any expenses incurred by the Committee in receiving, handling, storing, and disposing thereof, to the equity holders or their successors in interest, on the basis of the number of pounds, class of oil and quality credited to each account in the pool. A full accounting to each equity holder, or successor in interest, in each reserve

pool shall be made by the Committee annually.

§ 985.58 Exempt Oil.

Oil held by a producer or handler on the effective date of this subpart shall not be regulated under this subpart if reported and identified to the Committee not later than 60 days after that date. Any such oil not reported and identified to the Committee shall be subject to all regulation under this subpart.

§ 985.59 Transfers.

(a) Nothing contained in this part shall prevent a producer from transferring the location where that producer's annual allotment is produced to another location except that the producer shall report the transfer to the Committee within 30 days after the transfer.

(b) A producer may transfer all or part of an allotment base to another producer under rules and regulations established by the Committee, with the approval of the Secretary; *Provided*, That the allotment base obtained by transfer from another producer or issued pursuant to § 985.53 shall not be transferred for at least 2 years following transfer or issuance, and that the transferee submit to the Committee, evidence of an ability to produce and sell oil from such allotment base in the first marketing year following the transfer of the allotment base.

§ 985.60 Reports.

(a) *Inventory.* Each handler shall file with the Committee a certified report showing such information as the Committee may specify with respect to any oil which was held by the handler at such times as the Committee may designate.

(b) *Receipts.* Each handler shall, upon request of the Committee, file with the Committee a certified report showing for each lot of oil received, the identifying marks, class of oil, weight, place of production, and the producer's name and address at such times as the Committee may designate.

(c) *Other reports.* Upon the request of the Committee, each handler shall furnish such other information as may be necessary to enable the Committee to exercise its powers and perform its duties under this part.

§ 985.61 Records.

Each handler shall maintain such records pertaining to all oil handled as will substantiate the required reports. All such records shall be maintained for not less than 2 years after the termination of the marketing year to which such records relate.

§ 985.62 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by producers and handlers, the Secretary and the Committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where oil is received or held, and at any time during reasonable business hours, shall be permitted to inspect such handler premises, and any and all records of such handlers with respect to matters within the purview of this part.

§ 985.63 Confidential Information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of, the Committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler for whom received, shall be treated as confidential and the reports and all information obtained from records, shall, at all times, be kept in the custody and under the control of one or more employees of the Committee who shall disclose such information to no person other than the Secretary.

§ 985.64 Compliance.

No person shall handle oil except in conformity with the provisions of this part.

§ 985.65 Rights of the Secretary.

Members of the Committee and subcommittees, and any agents, employees or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every decision, determination, and other act of the Committee shall be subject to the continuing right of disapproval by the Secretary at any time. Upon such disapproval, the disapproved action of the Committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 985.66 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 985.67 Agents.

The Secretary may, by designation in writing, name any officer or employee of

the United States or name any agency or division in the U.S. Department of Agriculture, to act as the Secretary's agent or representative in connection with any of the provisions of this part.

§ 985.68 Personal Liability.

No member or alternate member of the Committee and no employee or agent of the Committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgement, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 985.69 Duration of Immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 985.70 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 985.71 Effective Time.

The provisions of this subpart, and of any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated or suspended in one of the ways specified in § 985.72.

§ 985.72 Termination.

(a) *Failure to effectuate.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this part upon a finding that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart at the end of any marketing year upon a finding that such termination is favored by a majority of the producers who, during the preceding marketing year, produced for market more than 50 percent of the volume of oil so produced: *Provided*, That termination shall be effective only if announced before May 31 of the then current marketing year.

(c) *Termination of act.* The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 985.73 Proceedings after Termination.

Upon termination of the provisions of this part, the Committee shall, for the purpose of liquidating the affairs of the Committee, continue as trustees of all the funds and property then in its possession or under its control, including claims for any funds unpaid or property not delivered at the time of such termination. The said trustees shall (a) continue in such capacity until discharged by the Secretary; (b) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Committee and of the trustees, to such persons as the Secretary may direct; and (c) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the trustees pursuant thereto. Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the Committee and upon trustees.

§ 985.74 Effect of Termination or Amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued hereunder, or (b) release or extinguish any violation of this subpart or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be inspected there.

Signed at Washington, D.C., on September 19, 1979.

William T. Manley,
Deputy Administrator, Marketing Program Operations.

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DEPARTMENT OF THE TREASURY**Comptroller of the Currency****[12 CFR Part 7]****Participation by National Banks in the Sale of Single-Premium Annuity Contracts; Extension of Comment Period**

AGENCY: Comptroller of the Currency.

ACTION: Extension of Comment Period.

SUMMARY: The Comptroller of the Currency is extending the comment period of the advance notice of proposed rulemaking by 30 days to encourage maximum public participation in this matter.

DATE: Comments must be received on or before October 25, 1979.

ADDRESS: Written comments should be sent in triplicate to: Mr. John E. Shockey, Chief Counsel, Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

FOR FURTHER INFORMATION CONTACT: Thomas P. Vartanian, Attorney, Comptroller of the Currency, Washington, D.C. 20219 (202) 447-1880.

SUPPLEMENTARY INFORMATION: On July 27, 1979, the Office of the Comptroller of the Currency published an advance notice of proposed rulemaking concerning participation by national banks in the sale of single-premium annuity contracts (44 FR 44172). The agency has received a written request on behalf of a group of major insurance companies requesting a thirty-day extension of the comment period "[b]ecause of the complexity of the legal issues raised by the Comptroller's proposal" which will require "substantial legal research . . . in order to properly prepare . . . comments." In addition, several telephone inquiries concerning an extension of time have been received.

The agency has considered these requests and concluded that an additional 30 days would encourage and facilitate maximum public participation on the difficult questions raised by the advance notice. Accordingly, the comment period is being extended to October 25, 1979.

Dated: September 19, 1979.

John G. Heilmann,
Comptroller of the Currency.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**Food and Drug Administration****[21 CFR Part 145]**

[Docket No. 79N-0231]

Canned Fruits; Berries: Proposed Standards of Identity

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) proposes to amend the standard of identity for canned berries, primarily those provisions applicable to canned raspberries and canned strawberries, based on consideration of the international standards for these foods. In addition, certain acceptable provisions are applicable to the other berries. This action is taken to facilitate international trade and promote honesty and fair dealing in the interest of consumers.

DATES: Comments by November 26, 1979. Proposed compliance for the affected products initially introduced into interstate commerce: July 1, 1981.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-414), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization/World Health Organization (FAO/WHO) has submitted to the United States for consideration for acceptance a "Recommended International Standard for Canned Raspberries" (CAC/RX 60-1972) and a "Recommended International Standard for Canned Strawberries" (CAC/RS 62-1972), hereinafter referred to as the Codex standards.

In order to adopt, insofar as practicable, the Codex standards developed by the Codex Alimentarius Commission, FDA is proposing to amend the standard of identity for canned berries (21 CFR 145.120). The proposed amendment will:

1. Permit the use, within specified limits, of safe and suitable calcium salts as firming agents for all berries.
2. Permit the use of safe and suitable organic acids for all berries.
3. Provide for strawberry varieties of the genus *Fragaria*.

4. Recodify the format to reflect other recently promulgated standards of identity.

As a member of FAO of the United Nations and WHO, the United States is under treaty obligation to consider all Codex standards. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: Full acceptance, target acceptance, or acceptance with specified deviations. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country; as far as features dealt with by the Codex standard are concerned, products that do not comply, whether domestic or imported, will not be permitted to be distributed without restrictions under the name and description set forth in the standard. The restrictions that may be imposed are not incorporated in the Codex standards, but they are left to the legislation and regulations of the individual countries. A participating country that concludes that it cannot accept the Codex standard in any of the three ways is requested to indicate, with the reasons therefor, the manner in which its requirements differ from the Codex standard and whether products complying with the Codex standard will be permitted to move freely in the commerce of that country. Members of the Commission are requested to notify the Secretariat of the Codex Alimentarius Commission—Joint FAO/WHO Food Standards Programme, FAO, Rome, Italy, of their decision.

For many years, the United States has had standards of identity for canned raspberries and canned strawberries as a part of § 145.120 *Canned berries* (21 CFR 145.120), hereinafter referred to as the U.S. standard. There are no U.S. standards of quality for canned berries. (A fill of container standard for canned berries was proposed in the Federal Register of December 9, 1977 (42 FR 62282) as discussed below.) However, there are voluntary grade standards for marketing developed by the United States Department of Agriculture (USDA) for canned raspberries, canned blueberries and canned blackberries and other similar berries which include quality criteria and recommendations for fill of container based on drained weights. There is no USDA grade standard for canned strawberries.

Because the agency is unaware of any economic abuse associated with this food and because of the President's

directive and FDA's own policy of reducing and avoiding needless regulation, the agency is not proposing quality standards for canned raspberries or canned strawberries. The agency will consider proposing quality standards for canned berries upon receipt of petitions demonstrating that to do so would promote honesty and fair dealing in the interest of consumers.

The agency does believe, however, that this is an opportune time to update the canned berries identity standard to reflect current marketing and packing practices. The agency believes that this proposal will not only accomplish that objective, but will also promote honesty and fair dealing in the interest of consumers and facilitate international trade by adopting, insofar as practicable, the Codex standard.

In proposing to align to the extent possible the U.S. standards with the Codex standards, the agency has noted certain differences in the composition and format of the Codex standards as contrasted with the U.S. standards. The units of measurements in the U.S. standards are stated in the customary U.S. system (e.g., pounds, inches) and sometimes in units of the metric system, or both; whereas the Codex standard uses only the metric system. The agency recognizes that the International (Metric) System is commonly used throughout most of the world, and in the United States for technical purposes, and that it may eventually be adopted by the United States for common usage. The agency therefore is proposing that the International (Metric) System be used in the U.S. standards for canned berries with the equivalent units of the customary U.S. system shown parenthetically; this approach will be adopted in all food standard proposals. The Codex standard also includes hygiene requirements, certain basic labeling requirements, and other factors which are not considered a part of food standards under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341, the legal basis for the promulgation of food standards). These factors are dealt with under other sections of the act; therefore, the agency will not discuss them in this proposal. Also, the Codex standard sometimes uses subjective terms in stating its requirements which cannot be expressed in precise enough terms to be legally enforceable, and the agency has also omitted them from the proposal when feasible.

In the Federal Register of December 9, 1977, the agency proposed to require a declaration of drained weight on the label on certain canned foods; the agency also proposed to amend certain

fill of container standards to incorporate requirements for minimum fill (90 percent of the total capacity of the container) and minimum drained weights. A fill of container standard for canned berries § 145.120(c) was included in the December 9, 1977 proposal, and this document proposes no changes in the provisions covered by that proposal.

This proposal to amend § 145.120 is based on consideration of the following Codex standards (CAC/RS 60-1972 and CAC/RS 62-1972):

Recommended International Standard for Canned Raspberries

1 Description

1.1 *Product definition.* Canned raspberries is the product (a) prepared from raspberry varieties conforming to the characteristics of the fruit of *Rubus idaeus* L. or *Rubus occidentalis* L. which are reasonably whole, reasonably sound ripe fruit, and from which extraneous matter including calices and stems have been removed; (b) packed with water or other suitable liquid packing medium; and (c) processed by heat in an appropriate manner, before or after being sealed in a container, so as to prevent spoilage.

1.2 *Varietal type.* Any suitable variety of raspberry may be used.

2 Essential Composition and Quality Factors

2.1 Packing media.

2.1.1 Canned raspberries may be packed in any one of the following:

2.1.1.1 Water—in which water is the sole packing medium;

2.1.1.2 Fruit juice—in which raspberry juice, or any other compatible fruit juice, is the sole packing medium;

2.1.1.3 Water and fruit juice(s)—in which water and raspberry juice, or water and any other single fruit juice or water and two or more fruit juices, are combined to form the packing medium;

2.1.1.4 Mixed fruit juices—in which two or more fruit juices, including raspberry, are combined to form the packing medium;

2.1.1.5 With sugar(s)—any of the foregoing packing media 2.1.1.1 through 2.1.1.4 may have one or more of the following sugars added: sucrose, invert sugar syrup, dextrose, dried glucose syrup, glucose syrup.

2.1.2 Classifications of packing media when sugars are added.

2.1.2.1 When sugars are added to raspberry juice or other fruit juices, the liquid media shall be not less than 15° Brix and shall be classified on the basis of the cut-out strength as

follows: Lightly sweetened (name of fruit) juice; not less than 15° Brix. Heavily sweetened (name of fruit) juice; not less than 20° Brix.

2.1.2.2 When sugars are added to water or water and raspberry juice or water and fruit juices the liquid media shall be classified on the basis of the cut-out strength as follows: Basic Syrup Strengths—Light Syrup; not less than 15° Brix. Heavy syrup; not less than 20° Brix.

2.1.3 *Optional Packing Media.* When not prohibited in the country of sale, the following packing media may be used: Slightly Sweetened Water; not less than 11° Brix but less than 15° Brix. Water Slightly Sweetened; not less than 11° Brix but less than 15° Brix. Extra Light Syrup; not less than 11° Brix but less than 15° Brix. Extra Heavy Syrup; more than 26° Brix.

2.1.4 The cut-out strength of sweetened juice or syrup shall be determined on sample average, but no container may have a Brix value lower than that of the minimum of the next category below, if such there be.

2.2 Quality criteria.

2.2.1 *Colour.* Except for artificially coloured canned raspberries, the raspberries shall have normal colour characteristics for canned raspberries and typical of the variety used.

2.2.2 *Flavour.* Canned raspberries shall have a normal flavour and odour free from flavours or odours foreign to the product.

2.2.3 *Texture.* The raspberries shall have a reasonably uniform texture and shall not be excessively firm nor unreasonably soft.

2.2.4 *Defects and allowances.* Canned raspberries shall be substantially free from defects within the limits set forth as follows:

Defects	Maximum limits
(a) Blemished berries (consisting of berries which are affected by wind rub, insects, disease, or which are deformed to the extent that the appearance or eating quality is materially affected).	10% m/m of drained raspberries.
(b) Crushed or broken berries (consisting of berries in which more than 50% of the drupelets are crushed, broken, detached, or otherwise damaged to the extent that the original conformation is destroyed).	25% m/m of drained raspberries.
Total of the foregoing defects (a) and (b).	25% m/m of drained raspberries.
(c) Extraneous plant material (based on averages):	
(i) Stalks (stems) or parts thereof, each longer than 3 mm.	2 pieces per 100 grams of drained raspberries.
(ii) Leaves, calices, or portions of any of these, or other similar harmless extraneous plant material.	2 sq. cm per 100 grams of drained raspberries.

2.2.5 *Classification of "defectives."* A container that fails to meet one or

more of the applicable quality requirements, as set out in subsection 2.2.1 through 2.2.4 (except extraneous plant material which is based on an average), shall be considered a "defective".

2.2.6 *Acceptance.* A lot will be considered as meeting the applicable quality requirements referred to in subsection 2.2.5 when:

(a) for those requirements which are not based on averages, the number of "defectives", as defined in subsection 2.2.5, does not exceed the acceptance number (c) of the appropriate sampling plan in the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (1969) (AQL-6.5) (Ref. CAC/RM 42-1969); and

(b) the requirements which are based on sample averages are complied with.

3 Food Additives

Maximum Level of Use

3.1 Colours.

3.1.1 Erythrosine ¹—CI 45430; 300 mg/kg of the final product singly or in combination.

4 Hygiene

4.1 It is recommended that the product covered by the provisions of this standard be prepared in accordance with the International Code of Hygienic Practice for Canned Fruit and Vegetable Products recommended by the Codex Alimentarius Commission (Ref. CAC/RCP 2-1969).

3.1.2 Ponceau 4 R ¹—CI 16255; 300 mg/kg of the final product singly or in combination.

4.2 To the extent possible in good manufacturing practice the product shall be free from objectionable matter.

4.3 When tested by appropriate methods of sampling and examination, the product

(a) shall be free from microorganisms capable of development under normal conditions of storage, and

(b) shall not contain any substances originating from microorganisms in amounts which may be toxic.

5 Weights and Measures

5.1 Fill of container.

5.1.1 *Minimum fill.* The container shall be well filled with raspberries, and the product (including packing medium) shall occupy not less than 90% of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20°C which the sealed container will hold when completely filled.

5.1.2 *Classification of "defectives."* A container that fails to meet the

¹Temporarily endorsed.

requirement for minimum fill (90 percent container capacity) of subsection 5.1.1 shall be considered a "defective".

5.1.3 *Acceptance.* A lot will be considered as meeting the requirement of sub-section 5.1.1 when the number of "defectives", as defined in sub-section 5.1.2, does not exceed the acceptance number (c) of the appropriate sampling plan in the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (1969) (AQL-6.5) (Ref. CAC/RM 42-1969).

5.1.4 Minimum drained weight.

5.1.4.1 The drained weight of the product shall be not less than 37% of the weight of distilled water at 20°C which the sealed container will hold when completely filled.

5.1.4.2 The requirement for minimum drained weight shall be deemed to be complied with when the average drained weight of all containers examined is not less than the minimum required, provided that there is no unreasonable shortage in individual containers.

6 Labelling

In addition to Section 1, 2, 4 and 6 of the General Standard for the Labelling of Prepackaged Foods (Ref. CAC/RS 1-1969), the following specific provisions apply:

6.1 The name of the food.

6.1.1 The name of the product shall be "Raspberries".

6.1.2 In the case of raspberries other than red raspberries, the colour of the fruit shall be included as part of the name or in close proximity to the name.

6.1.3 The packing medium shall be declared as part of the name or in close proximity to the name.

6.1.3.1 When the packing medium is composed of water, or water and raspberry juice, or water and one or more fruit juices in which water predominates, the packing medium shall be declared as: "In water" or "Packed in water".

6.1.3.2 When the packing medium is composed solely of raspberry juice, or any other single fruit juice, the packing medium shall be declared as: "In raspberry juice" or "In (name of fruit) juice".

6.1.3.3 When the packing medium is composed of two or more fruit juices, which may include raspberry juice, it shall be declared as: "In (name of fruits) juice" or "In fruit juices" or "In mixed fruit juices".

6.1.3.4 When sugars are added to raspberry juice or other fruit juices, the packing medium shall be declared as: "Lightly sweetened (name of fruit) juice" or "Heavily sweetened (name of fruits) juice(s)" or "Lightly

sweetened fruit juices" or "Heavily sweetened mixed fruit juice(s)"; as may be appropriate.

6.1.3.5 When sugars are added to water, or water and a single fruit juice (including raspberry juice) or water and two or more fruit juices, the packing medium shall be declared as: "Light syrup" or "Heavy syrup" or "Water slightly sweetened" or "Slightly sweetened water" or "Extra light syrup" or "Extra heavy syrup"; as may be appropriate.

6.1.3.6 When the packing medium contains water and raspberry juice or water and one or more fruit juice(s), in which the fruit juice comprises 50% or more by volume of the packing medium, the packing medium shall be designated to indicate the preponderance of such fruit juice, as for example: "Raspberry juice and water" or "(name of fruit) juice(s) and water".

6.2 *List of ingredients.* A complete list of ingredients shall be declared on the label in descending order of proportion in accordance with subsection 3.2(c) of the General Standard for the Labelling of Prepackaged Foods, except that water need not be declared.

6.3 *Net contents.* The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement as required by the country in which the product is sold.

6.4 *Name and address.* The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the product shall be declared.

6.5 Country of origin.

6.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

7 Methods of Analysis and Sampling

The methods of analysis and sampling referred to hereunder are international referee methods.

7.1 *Method of sampling.* Sampling shall be in accordance with the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (1969) (AQL-6.5) (CAC/RM 42-1969).

7.2 *Determination of drained weight.* According to the FAO/WHO Codex Alimentarius method (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and Vegetables, CAC/RM 36-1970, *Determination of Drained Weight—*

Method I). Results are expressed as % m/m calculated on the basis of the mass of distilled water at 20°C which the sealed container will hold when completely filled.

7.3 Syrup measurements (refractometric method). According to the AOAC (1970) method (Official Methods of Analysis of the AOAC, 1970, 31.011: (Solids) by Means of Refractometer (4). Official, Final action (and 47.015 and 47.012). Results are expressed as % m/m sucrose ("degrees Brix") without correction for insoluble solids, acidity or invert sugar, but with correction for temperature to the equivalent at 20°C.

7.4 Determination of water capacity of containers. According to the FAO/WHO Codex Alimentarius method (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and Vegetables, 2nd Series, Determination of Water Capacity of Containers—CAC/RM 46-1972). Results are expressed as volume of distilled water that the container holds.

Recommended International Standard for Canned Strawberries

1 Description

1.1 Product definition. Canned strawberries is the product (a) prepared from strawberries of varieties (cultivars) conforming to the characteristics of the Genus *Fragaria* which are whole, clean, reasonably sound, of proper maturity and from which extraneous matter including calices and stems have been removed; (b) packed with water or other suitable liquid packing medium; and (c) processed by heat in an appropriate manner, before or after being sealed in a container, so as to prevent spoilage.

1.2 Varietal type Canned strawberries may be of any suitable variety (cultivar) of cultivated strawberry.

2 Essential Composition and Quality Factors

2.1 Packing media.

2.1.1 Canned strawberries may be packed in any one of the following:

2.1.1.1 Water—in which water is the sole packing medium;

2.1.1.2 Fruit juice—in which strawberry juice, or any other compatible fruit juice is the sole packing medium;

2.1.1.3 Water and fruit juice(s)—in which water and strawberry juice, or water and any other single fruit juice or water and two or more fruit juices, are combined to form the packing medium;

2.1.1.4 Mixed fruit juices—in which two or more fruit juices, which may

include strawberry, are combined to form the packing medium;

2.1.1.5 With sugar(s)—any of the foregoing packing media 2.1.1.1 through 2.1.1.4 may have one or more of the following sugars added: sucrose, invert sugar syrup, dextrose, dried glucose syrup, glucose syrup.

2.1.2 Classification of packing media when sugars are added.

2.1.2.1 When sugars are added to strawberry juice or other fruit juices, the liquid media shall be not less than 14° Brix and shall be classified on the basis of the cut-out strength as follows: Lightly sweetened (name of fruit) juice; not less than 14° Brix. Heavily sweetened (name of fruit) juice; not less than 18° Brix.

2.1.2.2 When sugars are added to water or water and strawberry juice or water and fruit juices and liquid media shall be classified on the basis of the cut-out strength as follows: Basic Syrup Strengths—Light Syrup; not less than 10° Brix but less than 14° Brix. Heavy Syrup; not less than 18° Brix.

2.1.3 Optional Packing Media. When not prohibited in the country of sale, the following packing media may be used: Slightly Sweetened Water; Water Slightly Sweetened; Extra Light Syrup; not less than 10° Brix but less than 14° Brix. Extra Heavy Syrup; more than 22° Brix.

2.1.4 The cut-out strength of sweetened juice or syrup shall be determined on sample average, but no container may have a Brix value lower than that of the minimum of the next category below, if such there be.

2.2 Quality criteria.

2.2.1 Colour. Except for artificially coloured canned strawberries, the strawberries shall have normal colour characteristics for canned strawberries and typical of the variety used.

2.2.2 Flavour. Canned strawberries shall have a normal flavour and odour free from flavours and odours foreign to the product.

2.2.3 Texture. The strawberries shall have a reasonably uniform texture and shall not be excessively firm or unreasonably soft.

2.2.4 Defects and allowances. Canned strawberries shall be reasonably free from common defects within the limits set forth as follows:

Defects	Maximum limits
(a) Berries with parts of, or with complete, calices.	15%, by count.
(aa) Berries with complete calices, limited within the foregoing allowance to.	15%, by count.
(b) Blemished berries (consisting of berries with spots caused by mould damage or bird pecks more than 5 mm in diameter and deformed berries).	15%, by count.

Defects	Maximum limits
(c) Broken berries (where the major part is broken or entirely disintegrated).	20%, by count.
Total of all the foregoing defects—(a) and/or (aa), (b) and (c).	30%, by count.
(d) Extraneous plant material (based on averages):	
(i) Stalks (stems) or parts thereof, each longer than 3mm.	1 piece per 100 grammes of drained strawberries.
(ii) Leaves, unattached calices, or portions of any of these, or other similar harmless extraneous plant material.	1 sq. cm. per 100 grammes of drained strawberries.

2.2.5 Mineral Impurities. Not more than 300 mg/kg of total contents.

2.2.6 Classification of "defectives". A container that fails to meet one or more of the applicable quality requirements, as set out in sub-section 2.2.1 through 2.2.4 (except extraneous plant material which is based on averages), shall be considered a "defective".

2.2.7 Acceptance. A lot will be considered as meeting the applicable quality requirements referred to in sub-section 2.2.6 when:

(a) for those requirements which are not based on averages, the number of "defectives", as defined in sub-section 2.2.6, does not exceed the acceptance number (c) of the appropriate sampling plan in the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (1969) (AQL-6.5) (Ref. CAC/RM 42-1969); and

(b) the requirements which are based on sample averages are complied with.

3 Food Additives

3.1 Acidifying agents.

3.1.1 Citric acid; maximum level of use: not limited.

3.1.2 Lactic acid; maximum level of use: not limited.

3.1.3 Malic acid; maximum level of use: not limited.

3.1.4 L-Tartaric acid; maximum level of use: not limited.

3.2 Colours.

3.2.1 Erythrosine¹—CI 45430; maximum level of use: 300 mg/kg of the final product, singly or in combination.

3.2.2 Ponceau 4 R¹—CI 16255; maximum level of use: 300 mg/kg of the final product, singly or in combination.

3.3 Firming agents.

3.3.1 Calcium chloride; maximum level of use: 350 mg/kg of the final product, calculated as total Ca.¹

3.3.2 Calcium gluconate; maximum level of use: 350 mg/kg of the final product, calculated as total Ca.

3.3.3 Calcium lactate; maximum level of use: 350 mg/kg of the final product, calculated as total Ca.

¹Temporarily endorsed.

4 Contaminant

Tin; maximum level: 250 mg/kg² calculated as Sn.

5 Hygiene

5.1 It is recommended that the product covered by the provisions of this standard be prepared in accordance with the International Code of Hygienic Practice for Canned Fruit and Vegetable Products recommended by the Codex Alimentarius Commission (Ref. CAC/RCP 2-1969).

5.2 To the extent possible in good manufacturing practice the product shall be free from objectionable matter.

5.3 When tested by appropriate methods of sampling and examination, the product:

(a) shall be free from microorganisms capable of development under normal conditions of storage, and

(b) shall not contain any substances originating from microorganisms in amounts which may be toxic.

6 Weights and Measures

6.1 Fill of container.

6.1.1 Minimum fill. The container shall be well filled with strawberries and the product (including packing medium) shall occupy not less than 90% of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20°C which the sealed container will hold when completely filled.

6.1.2 Classification of "defective". A container that fails to meet the requirement for minimum fill (90 percent container capacity) of sub-section 6.1.1 shall be considered a "defective".

6.1.3 Acceptance. A lot will be considered as meeting the requirement of subsection 6.1.1 when the number of "defectives", as defined in sub-section 6.1.2, does not exceed the acceptance number (c) of the appropriate sampling plan in the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (1969) (AQL-6.5) (Ref. CAC/RM 42-1969).

6.1.4 Minimum drained weight.

6.1.4.1 The drained weight of the product shall be not less than 35% of the weight of distilled water at 20°C which the sealed container will hold when completely filled.

6.1.4.2 The requirement for minimum drained weight shall be deemed to be complied with when the average drained weight of all containers examined is not less than the minimum required, provided that there is no unreasonable shortage in individual containers.

²This is a provisional limit which is subject to review.

7 Labeling

In addition to Sections 1, 2, 4 and 6 of the General Standard for the Labelling of Prepackaged Foods (Ref. CAC/RS 1-1969) the following specific provisions apply:

7.1. The name of the food.

7.1.1 The name of the product shall be "strawberries".

7.1.2 The packing medium shall be declared as part of the name, or in close proximity to the name.

7.1.2.1 When the packing medium is composed of water, or water and strawberry juice, or water and one or more fruit juices in which water predominates, the packing medium shall be declared as: "In water" or "Packed in water".

7.1.2.2 When the packing medium is composed solely of strawberry juice, or any other single fruit juice, the packing medium shall be declared as: "In strawberry juice" or "In (name of fruit) juice".

7.1.2.3 When the packing medium is composed of two or more fruit juices, which may include strawberry juice, it shall be declared as: "In (name of fruits) juice" or "In fruit juices" or "In mixed fruit juices".

7.1.2.4 When sugars are added to strawberry juice or other fruit juices, the packing medium shall be declared as: "Lightly sweetened (name of fruit) juice" or "Heavily sweetened (name of fruits) juice(s)" or "Lightly sweetened fruit juices" or "Heavily sweetened mixed fruit juice(s)"; as may be appropriate.

7.1.2.5 When sugars are added to water, or water and a single fruit juice (including strawberry juice) or water and two or more fruit juices, the packing medium shall be declared as: "Light syrup" or "heavy syrup" or "Water slightly sweetened" or "Slightly sweetened water" or "Extra light syrup" or "Extra Heavy syrup"; as may be appropriate.

7.1.2.6 When the packing medium contains water and strawberry juice or water and one or more fruit juice(s), in which the fruit juice comprises 50% or more by volume of the packing medium, the packing medium shall be designated to indicate the preponderance of such fruit juice, as, for example: "Strawberry juice and water" or "(name of fruit) juice(s) and water."

7.2 List of ingredients. A complete list of ingredients shall be declared on the label in descending order of proportion in accordance with subsection 3.2(c) of the General Standard for the Labelling of Prepackaged Foods, except that water need not be declared.

7.3 Net contents. The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement as required by the country in which the product is sold.

7.4 Name and address. The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the product shall be declared.

7.5 Country of origin.

7.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

7.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

8 Methods of Analysis and Sampling

The methods of analysis and sampling referred to hereunder are international referee methods.

8.1 Method of sampling. Sampling shall be in accordance with the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (1969) (AQL-6.5) (Ref. CAC/RM 42-1969).

8.2 Determination of drained weight. According to the FAO/WHO Codex Alimentarius method (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and Vegetables, CAC/RM 38-1970, Determination of Drained Weight—Method I). Results are expressed as % m/m calculated on the basis of the mass of distilled water at 20°C which the sealed container will hold when completely filled.

8.3 Syrup measurements (refractometric method). According to the AOAC (1970) method (Official Methods of Analysis of the AOAC, 1970, 31.011: (Solids) by means of Refractometer (4). Official, Final Action (and 47.015 and 47.012). Results are expressed as % m/m sucrose ("degrees Brix"), without correction for insoluble solids, acidity or invert sugar, but with correction for temperature to the equivalent at 20°C.

8.4 Determination of mineral impurities. According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and Vegetables—Second Series, CAC/RM 49-1972, Determination of Mineral Impurities (sand)). Results are expressed as mg/kg of total contents.

8.5 Determination of calcium. According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and

Vegetables, CAC/RM 38-1970, *Determination of Calcium in Canned Vegetables*). Results are expressed as mg/kg total calcium in the final product.

8.6 *Determination of water capacity of containers*. According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and Vegetables—Second Series—CAC/RM 46-1972, *Determination of Water Capacity of containers*). Results are expressed as volume of distilled water that the container holds.

The following is a comparison of the principal differences between the Codex standards, the U.S. standard (21 CFR 145.120), and the agency's proposed action. The agency particularly requests comments and supporting data on these points.

Comparison of Identity Aspects and Proposed Course of Action

1. *Varietal types*. The Codex standard for canned raspberries (1.1) and the U.S. standard (21 CFR 145.120(b)(1)) provide that canned raspberries are to be prepared from varieties "conforming to the characteristics of the fruit of *Rubus idaeus* L. or *Rubus occidentalis* L".

Rubus idaeus is the European red raspberry, some of which are grown in the United States. Red raspberries grown in the United States are predominantly of the variety *Rubus strigosus* Michx (*R. idaeus* variant *strigosus* Maxim). Also, there is a purple cane raspberry *Rubus neglectus* which is hybrid between *R. idaeus* and *R. occidentalis*. However, these are considered to conform to the characteristics of *R. idaeus* or *R. occidentalis*.

The FDA proposes no change in the wording of § 145.120(a)(2)(i), formerly § 145.120(b)(1).

The Codex standard for canned strawberries (1.1) specifies that they shall be of the genus *Fragaria*, whereas the U.S. standard (21 CFR 145.120(b)(9)) does not indicate the genus.

The agency proposes to adopt the Codex requirement by amending § 145.120(a)(2)(ix), formerly § 145.120(b)(9) of the U.S. standard to identify strawberries as being of the genus, *Fragaria*. This will bring the U.S. standard of identity for canned strawberries into agreement with the proposed U.S. standard of identity for frozen strawberries.

2. *Sweeteners*. The Codex standards for canned raspberries (2.1.1.5) and canned strawberries (2.1.1.5) provide for the optional use of sucrose, invert sugar sirup, dextrose, dried glucose sirup, or glucose sirup, whereas 21 CFR 145.120(c) provides for the optional use of any one

or any combination of two or more safe and suitable nutritive carbohydrate sweeteners.

The agency proposes to retain the present wording of § 145.120(a)(3)(i), formerly § 145.120(c).

3. *Packing medium density*. There are no essential differences between the packing medium density ranges provided for canned raspberries in 21 CFR 145.120(c)(2) and those prescribed by the Codex standard for canned raspberries (2.1.2 and 2.1.3).

The agency proposes no change in the packing medium density ranges for canned raspberries in § 145.120(a)(3)(ii), formerly § 145.120(c)(2).

The packing medium density ranges for Codex canned strawberries are also essentially the same as those prescribed for canned strawberries in the U.S. standard (21 CFR 145.120(c)(2)) except that Codex (2.1.3) specifies a minimum of 10 Brix for slightly sweetened water, whereas the U.S. standard for canned strawberries (21 CFR 145.120(c)(2)(i)) has no minimum Brix for the packing medium density known as slightly sweetened water.

The agency proposes to adopt the 10 Brix minimum for strawberries recommended in the Codex standard for slightly sweetened water in § 145.120(a)(3)(ii)(a), formerly § 145.120(c)(2)(i).

4. *Artificial color*. The Codex standard for canned raspberries (3.1) and that for canned strawberries (3.2) provide for the optional use of temporarily endorsed artificial color. The U.S. standard (21 CFR 145.120) contains no provision for the use of artificial colors in canned berries.

The agency is unaware of any use of or need to use artificial colors in berries canned in the United States and therefore proposes no change in the existing standard with regard to artificial color.

5. *Acidifying agents*. The Codex standard for canned raspberries does not provide for organic acids as optional ingredients. The Codex standard for canned strawberries (3.1) provides for the optional use of citric acid, lactic acid, malic acid, or L-tartaric acid.

Although the U.S. standard (21 CFR 145.120) contains no reference to acidifying agents, many of the other fruit standards in 21 CFR Part 145, provide for the optional use of safe and suitable organic acids. In the agency's opinion, the permission to optionally add organic acids to canned strawberries should extend to all canned berry products irrespective of kind or type.

Therefore, to make the canned berries standard consistent with other fruit standards in 21 CFR Part 145 and to

adopt the Codex provisions for optional organic acids in canned strawberries, the agency proposes to amend the U.S. identity standard for berries by adding § 145.120(a)(4)(iii) to permit the use of safe and suitable organic acids.

6. *Firming agents*. The Codex standard for canned raspberries does not provide for firming agents. The Codex standard for canned strawberries (3.3) provides for the optional use of firming agents (calcium chloride, calcium gluconate, or calcium lactate) within the prescribed limit of 350 mg/kg (0.035 percent) of the final product, calculated as calcium. Section 145.120 makes no provision for the use of firming agents.

The agency notes that the calcium salts provided for by Codex are similar in identity and amount to those allowed in the U.S. standards for canned tomatoes (21 CFR 155.190) and canned potatoes (21 CFR 155.200). The agency is of the opinion that the optional use of calcium salts should be extended to all canned berry products covered under § 145.120 including canned raspberries even though Codex makes no such provision. Therefore, the agency proposes to amend the U.S. identity standard by adding § 145.120(a)(4)(ii) to provide for the optional use, within the limit of 350 mg/kg (0.035 percent) calculated as calcium, of any safe and suitable calcium salt in lieu of specifying the salts that may be used.

7. *Flavors*. The Codex standards for canned raspberries and canned strawberries make no provision for addition of natural or artificial flavors. The U.S. standard (21 CFR 145.120(a)) provides that canned berries may contain suitable natural and artificial flavors. The agency proposes no change in § 145.120(a)(4)(i), formerly § 145.120(a).

8. *Labeling—ingredients*. The Codex standards for canned raspberries (6.2) and canned strawberries (7.2) call for complete listing of ingredients in descending order of proportion, except that water need not be declared.

The U.S. standard (21 CFR 145.120(d)(4)) requires that each of the optional ingredients shall be declared on the label as required by the applicable sections of 21 CFR Part 101. The U.S. standard provides for the use of water, fruit juice(s) and water or fruit juice(s) as optional packing media. Because water, therefore, is an optional ingredient, it must be declared.

The agency proposes no change in § 145.120(a)(5)(iv), formerly § 145.120(a)(4).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, as amended, 70

Stat. 919 as amended (21 U.S.C. 341, 371(e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), it is proposed that Part 145 be amended by revising § 145.120 to read as follows:

§ 145.120 Canned berries.

(a) *Identity*—(1) *Ingredients*. Canned berries is the food prepared from any suitable variety of one of the optional berry ingredients specified in paragraph (a)(2) of this section, which may be packed in one of the optional packing media specified in paragraph (a)(3) of this section, and may contain one or any combination of two or more of the safe and suitable optional ingredients specified in paragraph (a)(4) of this section. Such food is sealed in a container and before or after sealing is so processed by heat to prevent spoilage.

(2) *Varietal types*. The optional berry ingredients referred to in paragraph (a)(1) of this section are prepared from stemmed fruit of the following optional varietal types of berry ingredient; namely:

- (i) Raspberry varieties conforming to the characteristics of *Rubus idaeus* L. or *Rubus occidentalis* L.
- (ii) Blackberries.
- (iii) Blueberries.
- (iv) Boysenberries.
- (v) Dewberries.
- (vi) Gooseberries.
- (vii) Huckleberries.
- (viii) Loganberries.
- (ix) Strawberry varieties conforming to the characteristics of *Fragaria*.
- (x) Youngberries.

(3) *Packing media*. (i) The optional packing media referred to in paragraph (a)(1) of this section, as defined in § 145.3 are:

- (a) Water.

- (b) Fruit juice(s) and water.
- (c) Fruit juice(s).

Such packing media may be used as such or any one of any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 145.3 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 168 of this chapter shall comply with such standard in lieu of any definition that may appear in § 145.3.

(ii) When a sweetener is added as a part of any such liquid packing medium, the four density ranges of the resulting packing media hereinafter specified for each berry ingredient, expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure described in § 145.3(m), shall be designated by the appropriate name for each of the respective density ranges for each berry ingredient as:

(a) "Slightly sweetened water" or "extra light sirup", "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(b) "Light sirup", when the liquid used is water; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(c) "Heavy sirup", when the liquid used is water; or "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(d) "Extra heavy sirup", when the liquid used is water; or "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

The density ranges referred to herein are:

Optional berry ingredient	Density ranges							
	(a)	(b)	(c)	(d)	(a)	(b)	(c)	(d)
	Minimum	Maximum less than	Minimum	Maximum less than	Minimum	Maximum less than	Minimum	Maximum not more than
Blackberries		14	14	19	19	24	24	35
Blueberries		15	15	20	20	25	25	35
Boysenberries		14	14	19	19	24	24	35
Dewberries		14	14	19	19	24	24	35
Gooseberries		14	14	20	20	25	25	35
Huckleberries		15	15	20	20	25	25	35
Loganberries		14	14	19	19	24	24	35
Raspberries		11	16	15	20	20	27	35
Strawberries		10	14	14	19	19	27	35
Youngberries			14	14	19	19	24	35

(a) "Slightly sweetened water."

(b) "Light sirup."

(c) "Heavy sirup."

(d) "Extra heavy sirup."

(4) *Optional ingredients*. The optional ingredients referred to in paragraph (a)(1) of this section are:

- (i) Natural and artificial flavors.
- (ii) Calcium salts as firming agents provided that the calcium added is no more than 0.035 percent, calculated as calcium, of the weight of the finished canned berries.
- (iii) Organic acids.

(5) *Labeling requirements*. (i) The name of the food is the appropriate name of the berry ingredient specified in paragraph (a)(2) of this section.

(ii) The name of the packing medium, as used in paragraph (a)(3)(i) of this section preceded by "In" or "Packed in" as provided in paragraph (a)(3) of this section and, in the case of raspberries other than red raspberries provided for in paragraph (a)(2) of this section, the name of such packing medium and the color of such raspberry shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor, or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "sirup of brown sugar and honey", the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (a)(3) (i) and (ii) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(a) In the cases of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(b) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (a)(3) of this section; and

(c) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (a)(5)(iii) of this section.

(iii) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in

paragraph (a)(5)(ii)(b) of this section, such names and the words "from concentrate", as specified in paragraph (a)(5)(ii)(c) of this section, shall appear in an ingredient statement pursuant to the requirements of § 101.3(d) of this chapter.

(iv) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

(b) [Reserved]

The FDA proposes that all affected products initially introduced into interstate commerce on or after July 1, 1981 shall comply with the regulation, except as to any provisions that may be stayed by the filing of proper objections.

Interested persons may, on or before, November 26, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: September 17, 1979.

Joseph P. Hile,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-29445 Filed 9-24-79; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—
Federal Housing Commissioner

[24 CFR Part 200]

[Docket No. R-79-713]

Introduction—Subpart S—Minimum Property Standards; Revision No. 9 To HUD's Minimum Property Standards

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: This notice proposes increased life safety requirements for the HUD Minimum Property Standards (MPS) for Multifamily Dwellings 4910.1 and Care-Type Housing 4920.1.

DATES: Comments must be received on or before November 26, 1979.

ADDRESS: Comments should be addressed to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Copies of any comments received will be available for examination during business hours at this address.

FOR FURTHER INFORMATION CONTACT: Mr. Richard A. Gray, Director, Minimum Property Standards Division, Office of Architecture and Engineering Standards, Department of Housing and Urban Development, Washington, D.C. 20410, telephone (202) 755-6590.

SUPPLEMENTARY INFORMATION: HUD Minimum Property Standards (MPS) are published in handbooks: MPS for One- and Two-Family Dwellings 4900.1, MPS for Multifamily Dwellings 4910.1, and MPS for Care-Type Housing 4920.1. The MPS are incorporated by reference into 24 CFR 200.927. All substantive changes in the MPS are required by 24 CFR 200.933 to be published in the Federal Register using the same procedure as for the publication of regulations. The MPS for which these changes are proposed are available for examination in all HUD Field Offices and in Room 6170 of Headquarters at the above address during business hours.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

In the proposed changes, new material is enclosed in arrows and deleted material is enclosed in brackets. Existing MPS requirements not changed here are to remain unchanged.

The following are proposed technical changes to the MPS for multifamily housing 4910.1.

Section 401-2.5 *Facilities for trash and garbage disposal.*

a. Provide for the temporary sanitary storage of trash and garbage and for its subsequent disposal or removal.

b. When trash chutes are installed, provide at least one hopper in a separate

room on each floor in buildings more than 3 stories in height.]

► b. ◄ Design and construction of incinerators and trash chutes shall be of appropriate size and type and in accordance with NFPA Standard No. 82, Incinerators and Rubbish Handling. Each trash chute hopper shall be located in a room of not less than 20 sq ft.

► c. ◄ Incinerators shall be designed and equipped to control stack emission to levels below maximum prescribed limits of governing air pollution regulations.

Reason: Deleted paragraph conflicts with succeeding paragraph.

Section 402-4.5 *Maximum lengths.*

a. In corridors affording access to ► enclosed ◄ stairways ► (exists) ◄ or horizontal exits [in two directions], the distance between a living unit entrance and ► one of the ◄ [a stairway or horizontal] exits shall not exceed 100 ft measuring from the center lines of the doorways. This distance may be increased to 150 ft where buildings ► are equipped throughout with an ◄ [is protected by] automatic sprinklers ► fire extinguishing system. As a max. the first 35 ft of a corridor measuring from the center line of the farthest living unit entrance doorway may afford access in only one direction as a part of the above dimensions to exits. See 405-6.2. ◄

[b. In dead-end corridors affording access in only one direction to a required exit, the distance between a living unit entrance and the exit shall not exceed 35 ft measuring from the center lines of the doorways.]

Reason: Clarification.

Section 402-6.1.

Stairways and landings shall provide for safe ascent and descent under normal and emergency conditions and for the transport of furniture and equipment. ► All public stairways shall be enclosed in accordance with Section 405. ◄

Reason: Clarification.

Section 402-6.2.

Public stairways shall be designed in accordance with the criteria of Table 4-2.1 [and NFPA 101 Life Safety Code.]

Reason: Reference to NFPA 101 is redundant and confusing.

Section 405-2 *Types of construction.*

All residential buildings shall be classified into one of the following construction types:

Type 1—Fire Resistive ► Construction ◄
Type 2—► Protected ◄ Noncombustible
► Construction ◄ Subtypes: 2a and 2b
Type 3—[Exterior Protected] ► Protected Ordinary Construction ◄ Subtypes: 3a and 3b
Type 4—► Protected ◄ Wood Frame ► Construction ◄

See Appendix A for definitions of each construction type.

Reason: The revised designations are more descriptive of the actual construction.

Section 405-3 *Mixed types of construction.*

[Where more than one type of construction is used in a building, the following limitations shall apply:]

[Type 1 construction shall be supported only by Type 1 construction. Type 2 construction shall be supported only by Type

1 or 2 construction. Type 3 construction shall be supported only by Type 1, 2 or 3 construction.]

► Lower fire resistance types of construction may only be erected on higher fire resistance types of construction and the entire building shall then be subject to the restrictions of the lowest classification used in the building. ◄

Reason: Clarification.

Section 405-4 *Fire resistance requirements.*

The fire resistance of the walls, floors, roofs, etc. shall meet provisions of Table 4-5.1. Fire resistance ratings shall be determined by ASTM E119 "Standard Methods of Fire Tests of Building Construction and Materials" or by estimation when an ASTM E119 test is available as a bench mark.

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TABLE 4-5.1

FIRE PROTECTION REQUIREMENTS
MINIMUM FIRE RESISTANCE RATINGS IN HOURS BY TYPES OF CONSTRUCTION (1)

ELEMENTS OF CONSTRUCTION	TYPE 1		TYPE 2		TYPE 3		TYPE 4
	NC	2a NC	2b NC	3a	3b	C	
EXTERIOR WALLS							
Bearing							
Under 30 ft separation	3	2	1	2NC	2NC	1	
30 ft and over separation	3	2	1	2NC	1NC	1	
Non-bearing							
Under 10 ft separation	2	1	1	2NC	2NC	1	
10 ft to 30 ft separation	1	1	3/4	1NC	1NC	3/4	
Over 30 ft separation	NC	NC	NC	NC	NC	C	
INTERIOR WALLS AND PARTITIONS							
Fire, and lot-line walls	2	2	2	2NC	2NC	2	
Bearing	3	1	1	2NC	1C	1	
Non-bearing	NC(5)	NC(5)	NC(5)	C	C	C	
Enclosure of public stairways, elevator shafts, etc. (3)	2	2	1(12)	1NC(2)	1C(12)	1	
Partitions separating living units and enclosing public corridors	1	1	1	1NC(2)	1C	1	
COLUMNS, BEAMS, GIRDERS, MAIN MEMBERS							
FLOOR/CEILING ASSEMBLIES(10)	3(12)	2	1	2NC	1C(6)	1	
ROOF/CEILING ASSEMBLIES (4)	2	1	1	1C	1C(6)	1	
	1 1/2	1(5)	3/4(5)	1C	1C(6)	3/4	
WALLS, FLOORS AND CEILINGS							
1. Of lobbies and vestibules between exit stairways and exterior	2	2	1	2NC	1C	1	
2. Separating commercial from residential	2	2	2	2NC	2NC	2NC	
3. Enclosing service spaces (9)	1	1	1	1NC	1C	1	
4. Enclosing tenant general storage area	1	1	1	1C	1C	1	
5. Separating garage from residential							
For 1 to 4 cars	1	1	1	1C	1C	1	
For more than 4 cars	2	2	2	2NC	2NC	2	
PUBLIC STAIRWAYS							
EXTERIOR STAIRWAYS AND EXTERIOR CORRIDORS	NC	NC	NC	NC	C(7)	C(7)	
SHAFT ENCLOSURES (VERTICAL CHASE)							
	NC	NC	NC	NC	C(8)	C(8)	
CONSTRUCTION ENCLOSING BOILER, HEATER OR INCINERATOR ROOMS, FUEL STORAGE, AND TRASH ROOMS AND CHUTES (11)	2	2	2	2NC	2NC	1	

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Reason: Clarification.

Notes for Table 4-5.1

(1) Abbreviations:

[O designates that no specific fire resistance rating is required. L.U.—Living Unit.]

NC designates noncombustible construction, but no specific fire resistance rating is required where none is indicated.

C designates that the structural members of the construction may be of combustible materials but no specific fire resistance rating is required where none is indicated.

Reason: Clarification.

[(2) In type 3a construction the corridor walls, floors, and ceilings, partitions enclosing vertical openings, stairways, columns and beams shall be 2 hr noncombustible for structures of 3 or more stories, and 1 hr noncombustible for one or 2 stories.]

[(2) Construction enclosing corridors and vertical openings (stairways and elevator shafts) shall be 2 hr noncombustible for

structures 4 stories or more in height and 1 hr noncombustible for structures 3 stories or less in height.

Reason: One hr fire resistant corridor and stair enclosure is adequate for a three story building.

(3) In buildings of types 1, 2a and 3a construction not more than 3 stories in height, [and having not more than 12 living units within a fire area,] exit enclosures may have a fire resistive rating of not less than one hr.

Reason: Same as for note (2) above.

(4) Roof construction with ventilated attic needs to have only ceiling assemblies with a finish rating of at least 25 minutes.

(5) The use of fire-retardant treated wood is acceptable for non-load bearing vertical construction and for roof assemblies including purlins and decking where access to stairs to the roof are not provided.

Reason: Clarification

(6) In type 3b construction when exposed heavy timber is used, the following minimum sizes shall be used:

Component	Supporting floors (inches)	Supporting roofs (inches)
Columns	8 x 8 nominal	8 x 6 nominal
Beams and girders	6 x 10 nominal	4 x 6 nominal
Floors and roof decks	4 nominal	2 nominal or 1 1/8 plywood with exterior glue

(7) In type 3b buildings more than 3 stories and in type 4 buildings more than two stories having a single exit, interior stairways shall be of noncombustible materials.

(8) [In type 3b and 4 buildings not more than 2 stories in height exterior stairs and exterior corridors may be combustible.]

For buildings 3 or more stories in height construction shall be noncombustible or fire retardant treated wood.

Reason: Change provides an alternate use of materials.

(9) Service spaces are paint, carpentry or maintenance shops and other spaces where flammable materials are stored.

(10) Floor/ceiling assemblies within a two story living unit may have a 1/3 hr fire resistance rating, where limited to one living unit in building height, and walls separating units are at least 1 1/2 hr rating.

(11) Individual living unit heater rooms not included in this requirement. For buildings not more than 3 stories in height, construction may have a fire resistance of one hr and in types 3a and 3b may be protected combustible. Trash chutes shall be constructed in accordance with NFPA 82.

Reason: Change is in conformance with NFPA standards.

(12) 2 hr for buildings 4 stories or more in height.

Reason: Same as note (11).

Section 405-5.2 Smoke compartments

a. For buildings containing more than 8 living units per floor, the corridors on each floor shall be divided into at least two approximately equal smoke compartments by a one hr fire-rated wall containing 3/4 hr fire doors (smoke barrier) with closer and automatic release holder activated by a smoke detector, except that compartmentation is not required where buildings are equipped throughout with an automatic sprinkler fire extinguishing system. See 402-9.2 for location of elevators.

b. The distance between a living unit entrance and smoke barrier shall not exceed 150 ft, measuring from the center lines of the doorways.

Reason: Clarification and to limit the distance to smoke compartment doors for buildings with unlimited areas such as Type I construction.

Section 405-6.1 General.

b. All means of egress shall provide a continuous and unobstructed path of travel

from any point in the building to a public way. All exit stairways shall terminate directly to the outside or at an exit discharge both leading to a public way.

Reason: Clarification.

Section 405-6.2 Number of exits.

a. Every living unit shall have access to at least 2 separate exits which are remote from each other and are reached by travel in different directions, except that a common path of travel is permitted under certain conditions, see 402-4.5 and 405-6.3.

b. A horizontal exit through a firewall may comprise not more than fifty percent of the required exits in a fire area.

Reason: Clarification.

Section 405-6.3 Conditions Where a Single Exit is Acceptable (Except for item (a) below, a single exit is not acceptable in housing for the elderly for handicapped).

a. A living unit, which has an exit directly to the street or yard at ground level or by way of an exterior stairway when protected from snow and ice or an enclosed stairway with fire resistance rating of 1 hr or more serving that living unit only and not communicating with any floor below the floor of exit discharge or other area not a part of the living unit served.

b. A one story building containing a maximum of 8 living units.
[c. A 2 story building containing a maximum of 8 living units and not more than 4 units per floor with one hr fire resistance enclosed stairway immediately accessible to all living units.]

Reason: Deleted paragraph is redundant with succeeding paragraph.

[d] c. A 3 or 4 story building having not more than 4 living units per floor with a smokeproof tower, or an exterior stairway separated by one hr fire resistant construction when protected from snow and ice or a fire resistive enclosed stairway with a 2 hr rating for a four-story building and a one hr rating for a three or less story building immediately accessible (not more than 20 ft distance from living unit door to stairway) to all living units.

Reason: Exterior stairs are one of the safest means of escape during a fire and should be allowed.

Section 405-6.4 Access to the roof.

In buildings of three or four or more stories in height and having roof slopes of less than 20 degrees, a stairway or stair ladder and roof scuttle located in the stairwell shall provide access to the roof. [except in three-story buildings access may be by scuttle located in a public area.]

Reason: To allow alternate methods of access.

Section 405-6.5 Door opening ratings.

a. The fire resistance of a wall opening requiring a fire-rated door shall not be less than that shown in Table 4-5.3.

TABLE 4-5.3
MIN. FIRE RESISTANCE OF INTERIOR DOORS (2)

Location	Rating (hr)	Max. Temp. Rise/30 Min.	Rated Frame and Hardware
2 hr fire wall	1 1/2	450 F	Yes
2 hr stair enclosure	1 1/2	450 F	Yes
1 hr stair enclosure	1	450 F	Yes
Furnace, trash room or other hazardous areas	1 1/2	—	Yes
1 hr rated wall	3/4 (1)	—	Yes (1)

Reason: To be consistent with NFPA standards.

Notes to Table 4-5.3

(1) Doors to living units from public corridors may have a 20-minute rating [with a max. temperature rise of 450 F/20 minutes] and shall be installed to minimize the passage of smoke. ▶Frames may be nonrated 18 gauge steel or fire retardant wood and metal hardware may be non-rated for 20-minute doors. ◀

Reason: Temperature rise and rated frame and hardware for 20-minute door are not considered necessary for life safety.

(2) Where a building is equipped throughout with an automatic sprinkler [protection] ▶Fire extinguishing ◀ system, doors may have a 20-minute fire resistance rating except at openings in fire walls.

Section 405-8.3 Flame spread tests.

Flame spread ratings for wall ▶and ◀ ceiling [and floor] surfaces shall be determined by an independent testing laboratory or recognized association laboratory in accordance with ASTM E84. ASTM E162 may be used for kitchen cabinets and similar items. Floor finish materials [may] ▶shall ◀ have a flame spread [index] ▶[Critical Radiant Flux] ◀ of not [more]

▶less ◀ than shown in Table 4-5.4 when tested in accordance with [UL Standard No. 992] ▶NFPA 253 Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source. ◀

Reason: Clarification.

BILLING CODE 4210-01-M

TABLE 4-5.4
FLAME SPREAD RATING AND SMOKE GENERATED LIMITATIONS OF INTERIOR FINISHES
(1) (4) (5) (6)

Location Within Building	Surface Flame Spread Rating- Max. Range		Max. Optical Smoke Density
	Walls & Ceil.	Floors	Walls Ceil. Floors
Enclosed stairways and other Vertical openings	0-25	[0.22]	Reserved - pending evaluation of test procedures
Corridors used for exit access (4)	0-75	[0.22]	
Within living unit except for kitchen (3)	0-200		
Kitchen space within living unit (2)	0-75		
Public rooms (dining rooms, etc.) (4)	0-75		
Lobbies and corridors between exit stairway and exterior (4)	0-25	[0.22]	
Service rooms, enclosing heat producing or other mechanical equipment, and all other fire hazardous areas	0-25	[0.45]	

BILLING CODE 4210-01-C

Notes

Abbreviations: Ceil = Ceiling

[] = Critical Radiant Flux watts/cm²

(1) Doors (except closet doors exceeding 6 ft in width), trim around openings, baseboards, moldings and chair rails may be excluded in the calculations of flame spread limitations.

(2) The flame spread rating of combustible kitchen cabinet doors, exposed end panels and bottoms and counter tops shall not exceed 200. Cabinet frame rails, stiles, mullions and toe strips are exempted.

(3) Flame spread rating of walls and ceiling in housing for elderly shall not exceed 75.

(4) Critical radiant flux 0.45 in housing for the elderly.

(5) Draperies when provided shall be flameproof in accordance with NFPA Standard No. 701 large and small scale tests "Flameproof Textiles."

(6) Where complete automatic sprinkler fire extinguishing system (protection) is provided throughout the building the flame spread ratings may be increased in the following amounts: 0-25 to 0-75, and 0-75 to 0-200 and flooring materials need not meet flame spread requirements.

Reason: This incorporates new fire test developed especially for flooring material. Notes 5 and 6 clarified.

Section 405-14.1 Fire alarm systems.

a. Every [building of] exit arrangement serving more than eight [or more] living units or buildings of 3 stories or more in height [in which each unit does not have direct access to the exterior at grade level.] shall be equipped with an manual fire alarm system. Each floor shall have at least one or more manual fire alarm boxes and sounding devices at visible points in the natural paths of escape from fire and near each exit. [from a fire compartment.]

b. Exterior and interior corridor type buildings 4 or more stories in height shall have an alarm system which transmits an alarm automatically to the fire department which is legally committed to serve the area in which the building is located, or to a 24 hr monitoring service inside or outside the building. An annunciator which indicates the fire floor shall be located as a central point within the building.

c. Buildings [eight or more stories in height] may have a zoned noncoded alarm system that sound an alarm on the fire floor, floor below the fire floor and the floor above the fire floor and provision at central monitoring point to activate a general fire alarm.

d. All fire alarm systems shall be electrically supervised.

e. [Not less than one automatic] Smoke detectors, which may be a single or multiple alarm device, shall be installed in each living unit near the sleeping areas on each floor and on each additional floor of the living unit.

f. All smoke detectors that control fire doors or elevators shall automatically initiate a general fire alarm when activated.

Reason: Clarification

Section 405-14.2.

a. For all buildings four stories or more in height, an automatic sprinkler protection system shall be provided in all corridors, [public spaces, service areas and utility areas] common spaces used by occupants such as dining rooms and lounges, service and utility areas such as maintenance shops, laundries, central boiler rooms and trash collection rooms.

Reason: Clarification

Section 405-14.3.

d. [Installation of fire alarm and extinguishing systems shall be in accordance with NFPA No. 72A for fire alarm systems and NFPA No. 13 for sprinkler systems. Spacing of sprinkler heads in corridors shall be positioned 15 ft on max. centers.]

Installation of fire alarm and extinguishing systems shall be in accordance with NFPA No. 72 A, B, C, D, or E as applicable and NFPA No. 13 for sprinkler systems in light hazard occupancies. When an automatic sprinkler fire extinguishing system is not provided throughout the building, the corridor sprinkler system required in 405-14.2a shall be designed to discharge water at a flow rate of at least 15 gallons per minute for 1/2 in. heads or at least 25 gallons per minute for 3/4 in. heads. Sprinkler heads shall be installed not more than 24 in. from the center line of each living unit door and in the center of the corridor. One head may serve opposite doors. The system shall be hydraulically designed for operation of at least three heads. Min. water supply shall be in accordance with Table 2-2.1(b) of NFPA No. 13.

Reason: Incorporation of criteria established by HUD sponsored research at NBS.

Section 615-10 Incinerators.

Construction and installation of incinerators shall comply with NFPA Standard No. 82. Federal and local air pollution standards and shall be structurally safe, durable, and suitable for the intended use.

Reason: Construction of incinerators was not covered previously.

Appendix A—Definitions

Construction Classification: A classification of buildings into types of construction which is based upon the fire properties of walls, floor/ceilings, roof/ceilings and other elements.

Type 1, Fire-resistive Construction. That type of construction in which the walls, partitions, columns, floor/ceiling and roof/ceiling assemblies and other structural members with fire resistance to withstand the effects of a fire and prevent its spread from one story to another. Fire resistive ratings shall not be less than those contained in Tables 4-5.1 and 4-5.3 of this standard.

Type 2, Protected Noncombustible Construction. That type of construction in which the walls, partitions, columns, beams, floor/ceiling and roof/ceiling assemblies and other structural members are noncombustible but which does not qualify a Type 1, fire resistive construction. The structure shall withstand the effects of a fire and prevent its spread

from one story to another. Fire resistive ratings shall not be less than those contained in Tables 4-5.1 and 4-5.3 of this Standard. Type 2 construction is further classified as Type 2a and Type 2b which have less fire resistance for certain members.

Type 3, [Exterior] Protected Ordinary Construction. That type of construction in which the exterior walls are of noncombustible construction and which are structurally stable under fire conditions and in which the interior structural members, floor/ceiling and roof/ceiling assemblies are wholly or partly of protected combustible construction, or of unprotected heavy timber construction. The structure shall withstand the effects of a fire and prevent its spread from one story to another. The construction shall meet fire resistive ratings not less than those contained in Table 4-5.1 and 4-5.3 of this standard. Type 3 construction is divided into two subtypes as follows:

Type 3a, [Exterior] Protected ordinary construction in which the interior exitways, columns, beams and bearing walls are noncombustible in combination with the floor/ceiling and roof/ceiling assemblies and non-loadbearing partitions of combustible construction.

Type 3b, [Exterior] Protected ordinary construction in which the interior structural members are of protected combustible materials, or of heavy timber unprotected construction.

Type 4, Protected Wood Frame Construction. That type of construction in which the exterior walls, partitions, floor/ceiling and roof/ceiling assemblies and other structural members are wholly or partly of wood or other protected combustible materials with fire resistive ratings not less than those contained in Table 4-5.1 of this standard. The structure shall retard the spread of fire from one story to another.

Horizontal Exit. A way of passage on the same level, from one building or fire area to an area of refuge in another building, or [if in the same building] fire area, separated by a fire wall, [party wall, or fire partition affording fire safety] and a pair of fire doors that swing in opposite directions.

Reason: Clarification.

The following are proposed technical changes to the MPS for care-type housing 4920.1

Section 405-3 Mixed types of construction.

[Type 1 construction shall be supported only by Type 1 construction. Type 2 construction shall be supported only by Types 1 or 2 construction. Type 3 construction shall be supported only by Types 1, 2 or 3 construction.]

Lower fire resistance types of construction may only be erected on higher fire resistance types of construction and the entire building shall then be subject to the restrictions of the lowest classification used in the building.

Section 405-5.2 Smoke compartments.

a. Each floor used by patients for sleeping or treatment and any floor having an occupant load of 50 or more persons shall be divided into at least 2 smoke

compartments by a one hr fire-rated wall containing a pair of 3/4 hr fire-rated doors with closers and hold open devices. See 402-3.7 and 405-14.3c.

Reason: To provide a safe refuge for patients under fire conditions regardless of number of patients housed.

Section 405-6.1.

b. All means of egress shall provide a continuous and unobstructed way of travel from any point in the building to a public way. All exit stairways shall terminate directly to the outside or at an exit discharge both leading to a public way.

Reason: Clarification.

Section 405-6.2.

c. A horizontal exit through a firewall may comprise not more than two-thirds of the required exits in a fire area.

Reason: Clarification.

Section 405-6.3 Access to the roof.

[In buildings more than three stories in height, with roofs having a slope of less than 20 degrees, a stairway shall extend through and provide access to the roof.]

In buildings of four or more stories in height and having roof slopes of less than 20 degrees, a stairway or ladder and roof scuttle located in the stairwell shall provide access to the roof.

Reason: To allow alternate methods of access.

Section 405-5.4.

Note to Table 4-5.3 Minimum Fire Resistance of Doors

(1) Doors to patient rooms from corridors may have a 20 minute rating [with a mix. temperature rise of 450 F/20 minutes], and shall be installed to minimize the passage of smoke.

Frames may be non-rated 18 gauge steel and metal hardware may be non-rated.

Reason: Temperature rise and rated frame and hardware for 20 minute door are not considered necessary for life safety.

Section 405-8.3 Flame spread tests.

Flame spread ratings for wall and ceiling surfaces shall be determined by an independent testing laboratory or recognized association laboratory in accordance with ASTM E84. Floor finish materials shall have a flame spread (Critical Radiant Flux) of not less than shown in Table 4-5.4 when tested in accordance with NFPA 253 Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source.

TABLE 4-5.4

Flame Spread Rating and Smoke Generated Limitations of Interior Finishes (1) (2)

Location Within Building	Surface Flame Spread Rating- Max. Range		Max. Optical Smoke Generated		
	Walls, Ceil.	Floors	Walls	Ceil.	Floor
Within Patient's Rooms	0-75		Reserved		
All Other Areas	0-25	▶ [0.45] (3)			

Notes

Abbreviations: Ceil. = Ceiling

[] = Critical Radiant Flux watts/cm²

(1) Trim and other incidental interior finish not in excess of 10 percent of the aggregate wall and ceiling areas of any room or space may have a flame spread of 0-200. Closet doors exceeding 6 ft in width shall comply with wall and ceiling flame spread limitations.

(2) Draperies and cubicle curtains shall be noncombustible or be rendered flameproof and shall pass both large and small scale tests in accordance with NFPA Standards No. 701 Tests—Flame-Resistant Textiles and Films.

(3) Exit access corridors, exit stair enclosures and exit discharge areas only.

Reason: This incorporates new fire test developed especially for flooring material.

(Sec. 7 (d) of the Department of HUD Act (42 U.S.C. 3535 (d).)

Issued at Washington, D.C., September 14, 1979.

Lawrence B. Simons,
Assistant Secretary for Housing-Federal
Housing Commissioner.

[FR Doc. 79-29512 Filed 9-24-79; 8:46 am]

BILLING CODE 4210-01-M

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

[29 CFR Part 2520]

Proposed Regulations Relating to Reporting and Disclosure Under Title I of the Employee Retirement Income Security Act of 1974

AGENCY: U.S. Department of Labor.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This document contains a proposed regulation that describes an alternative method of compliance with the reporting and disclosure requirements of Part 1 of Title I of the Employee Retirement Income Security Act of 1974 (the Act) for simplified employee pensions (SEPs) created by the use of Internal Revenue Service (IRS) Form 5305-SEP.

DATES: Written comments concerning the proposed regulation must be received by the Department of Labor (the Department) on or before November 26, 1979. It is proposed that, if adopted, the regulation would be effective immediately upon adoption.

ADDRESS: Interested persons are invited to submit written data, views or arguments (at least six copies) concerning any part or all of the proposed regulation to "Section § 2520.110a-1, Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, N-4461, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216." All written submissions will be open for public inspection at the Public Documents Room, Pension and Welfare Benefit Programs, N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Patricia Nitchie, Division of Coverage, Office of Reporting and Plan Standards, U.S. Department of Labor, Washington, D.C. 20216, (202) 523-8517, or Timothy S. Smith, Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, Washington, D.C. 20216, (202) 523-6855 (these are not toll free numbers).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department has under consideration a proposal to adopt a regulation under Section 110(a) of the Act. The proposed regulation sets forth an alternative method for satisfying the reporting and disclosure requirements of Part 1 of Title I of the Act (Part 1) for certain SEPs that are created by use of IRS Form 5305-SEP, a copy of which is reproduced in Appendix A.

A. Background

SEPs are described in section 408(k) of the Internal Revenue Code of 1954 (the Code). That section was added to the Code by section 152 of the Revenue Act of 1978 (Pub. L. 95-600). By use of a SEP, an employer may make contributions directly into the individual retirement accounts or individual retirement annuities (collectively, IRAs) of its employees. If certain conditions set forth in sections 408(k), 219, and 404 of the Code are met, both the employer and the

employees may deduct the amount of those contributions from their income for income tax purposes. By incorporating employee IRAs into an employer funded pension arrangement, Congress intended to provide a type of arrangement that is easier to establish and administer than existing employer maintained pension plans. It specifically intended that less reporting and disclosure would be required in the case of SEPs than in the case of other pension plans.¹

It appears that SEPs may, however, at least under some circumstances, be "employee pension benefit plans" as defined in section 3(2) of the Act and, therefore, that they may be subject to the reporting and disclosure provisions of Part 1.² Pursuant to the authority contained in section 110 of the Act, however, the Department may prescribe an alternative method for satisfying any requirement of Part 1 with respect to any pension plan or class of pension plans subject to that requirement if it determines:

(1) That the use of the alternative method is consistent with the purposes of Title I and that it provides adequate disclosure to the participants and beneficiaries of the plan, and adequate reporting to the Department.

(2) That the application of that requirement would—

(A) Increase the costs to the plan, or
(B) Impose unreasonable administrative burdens with respect to the operation of the Plan, having regard to the particular characteristics of the plan or type of plan involved; and

(3) That the application of Part 1 would be adverse to the interests of plan participants in the aggregate.

IRAs are subject to certain disclosure requirements prescribed by the IRS. Under IRS Regulation § 1.408-1(d)(4) the trustee or issuer (sponsor) of an IRA is required to furnish the individual by or for whom the IRA is established (the benefited individual) with, or cause him or her to be furnished with, a

¹ See section 19 of H.R. Report No. 95-1800, 95 Cong., 2nd Sess. 212 (1978) and section IV G.2. of Senate Report No. 95-1263, 95 Cong., 2nd Sess. 91 (1978).

² Section 3(2) of the Act defines the terms "employee pension benefit plan" and "pension plan" to mean any plan, fund, or program which was or is established or maintained by an employer or by an employee organization, or by both, to the extent that by its express terms or as a result of surrounding circumstances such plan, fund, or program—(A) provides retirement income to employees, or (B) results in a deferral of income by employees for periods extending to the termination of covered employment or beyond, regardless of the method of calculating the contributions made to the plan, the method of calculating the benefits under the plan or the method of distributing the benefits from the plan.

"disclosure statement." This statement is required to contain certain specified information, including an explanation of (1) statutory requirements pertaining to IRAs, (2) the tax consequence of establishing and maintaining the IRA, and (3) the circumstances and procedures under which the IRA may be revoked; a statement concerning rollovers from one IRA to another; and certain financial disclosures. In addition, Internal Revenue News Release 1873 (August 17, 1977) states that the sponsors of IRAs "will furnish IRA participants with a full account" of their IRAs following the end of each participant's tax year.

IRS Form 5305-SEP is used to establish a model SEP. It contains a Contribution Agreement, which must be filled out by the employer establishing the SEP, General Information and Guidelines concerning the model SEP, and SEP-IRA Questions and Answers, which provide additional information of interest to SEP participants. In order to establish an SEP under IRS Form 5305-SEP (a "Model SEP") properly, copies of the unmodified Form completed by the employer must be provided to all employees. In addition, under the Model SEP employers must inform each employee in writing of the amount of the employer's SEP contribution to the employee's IRA.

It appears that the disclosure requirements imposed by the Model SEP described above provide adequate disclosure to plan participants and beneficiaries and that the application of the reporting and disclosure requirements of Part I to the Model SEPs would increase costs to such plans, and would be adverse to the interests of plan participants in the aggregate. Therefore, the Department is hereby proposing the regulation described below.

B. Discussion of the Proposed Regulation

The proposed regulation prescribes an alternative method of compliance with the reporting and disclosure requirements of Part 1 for the SEPs described above.

Generally, Part 1 requires the administrator of a plan³ to furnish each plan participant and beneficiary with, among other things, a summary plan description and summary annual reports

³ Section 3(16) of the Act defines the term "administrator" to mean "the person specifically so designated by the terms of the instrument under which the plan is operated [or] if an administrator is not so designated, the plan sponsor" Since IRS Form 5305-SEP does not provide for the designation of a plan administrator, the plan sponsor (in this case the employer establishing the Model SEP and who is a party to the contribution agreement) is the administrator of the Model SEP.

and to make available to plan participants and beneficiaries copies of various documents relating to the plan. Part 1 also requires the plan administrator to file certain documents with the Secretary of Labor, including a plan description, a summary plan description and annual reports.

The proposed regulation sets forth the requirements that must be satisfied under this alternative method of compliance. For the most part, these requirements are the same as IRS reporting and disclosure requirements relating to Model SEPs. It is intended that these requirements, in conjunction with the reporting and disclosure required of trustees and issuers of IRAs, will provide participants in such SEPs with adequate information concerning their SEPs, including a description of their SEPs and of the IRAs into which contributions are, or will be, made; explanations of the participants' rights with respect to their SEPs and IRAs; and reports concerning employer contributions to their IRAs. At the same time, the Department believes that this alternative method of compliance is consistent with Congressional intent concerning SEPs in that it minimizes administrative burdens on employers establishing and maintaining the Model SEPs.

It should be noted that, under the alternative method of compliance, no plan descriptions or reports are to be filed with the Department. The Department believes that the filing of plan descriptions is not necessary because all SEPs covered by the alternative method of compliance must be established by use of an unmodified IRS Form 5305-SEP. The instruments under which all such SEPs are established and operated will, therefore, be identical. The Department also believes that the filing of reports with the Department is not necessary because, among other things, contributions under the Model SEPs are to be deposited in IRAs that are qualified by the IRS⁴ and whose sponsors are regulated by various federal and state agencies.

Requirements (a) and (b) of the proposed alternative method of compliance are parallel to requirements set forth in IRS Form 5305-SEP. Requirement (c) is an additional disclosure requirement that applies only to those limited situations in which (1) the employer establishing and maintaining the SEP selects the IRAs to

⁴ IRAs that are (1) IRS model IRAs executed on IRS forms, or (2) master or prototype IRAs upon which a favorable opinion letter has been issued by the IRS.

be used in connection with the SEP or influences its employees' choice of such IRAs, and (2) the IRAs so selected or chosen impose restrictions on a participant's ability to withdraw funds (other than restrictions required by law). This requirement is not applicable if an employer merely compiles information concerning various IRAs in order to facilitate its employees' choice of IRAs.

The Department believes that requirement (c) is necessary because an IRA participant's power to withdraw funds from the IRA is essential to his or her ability to make a tax-free rollover from the IRA to another IRA. If the ability to make a rollover is restricted under a particular IRA, those employees who are influenced by their employer in their choice of IRAs (or who have no choice) should be aware of any such restrictions and of the fact that other IRAs may not have such restrictions.

It should be noted that, in order for requirement (1) to be satisfied, eligible employees must be furnished with a copy of the entire IRS Form 5305-SEP, including SEP-IRA Questions and Answers, as well as the completed Contribution Agreement and the General Information and Guidelines.

The Department has determined that this proposed regulation is not a significant regulation within the meaning of the Department's guidelines for improving government regulations (44 FR 5570, January 26, 1979).

The Department intends to make this proposed regulation effective immediately upon its adoption as a final regulation because it will grant an exemption which relieves administrators of the Model SEPs from various reporting and disclosure requirements of Part 1 to which they may otherwise be subject⁵ and some of which call for compliance within 120 days after the plan becomes subject to the Act.

C. Drafting Information

The principal author of this proposed regulation was Timothy Smith of the Plan Benefits Security Division, Office of the Solicitor, Department of Labor. However, other persons in the Department of Labor participated in developing the proposed regulation, both on matters of substance and style.

D. Proposed Regulation

Accordingly, pursuant to the authority provided in sections 110 and 505 of the Act, it is proposed to amend Part 2520 of Chapter XXV of Title 29 of the Code of Federal Regulations by adding the following new subpart and section.

⁵ See 5 U.S.C. 553(d)(1).

Subpart G—Alternative Methods of Compliance

§ 2520.110a-1 Model simplified employee pension—IRS Form 5305-SEP.

In the case of a simplified employee pension (SEP) described in section 408(k) of the Internal Revenue Code of 1954, as amended (the Code) that is created by use without modification of Internal Revenue Service (IRS) Form 5305-SEP, the provisions of this section are prescribed as an alternative method of compliance with the reporting and disclosure requirements set forth in Part 1 of Title I of the Employee Retirement Income Security Act of 1974 (Act).

(a) At the time an employee becomes eligible to participate in the SEP (whether at the creation of the SEP or thereafter), the administrator of the SEP (generally the employer establishing and maintaining the SEP) must furnish the employee with a copy of the completed and unmodified IRS Form 5305-SEP used to create the SEP, including (1) the completed Contribution Agreement, (2) the General Information and Guidelines, and (3) the Simplified Employee Pension—Individual Retirement Account (SEP-IRA) Questions and Answers.

(b) Following the end of each calendar year the administrator of the SEP must notify each participant in the SEP in writing of any employer contributions made under the Contribution Agreement to the participant's individual retirement account or individual retirement annuity (IRA) for that year.

(c) If the employer establishing and maintaining the SEP selects, recommends, or in any other way influences employees to choose a particular IRA or type of IRA into which contributions under the SEP will be made, and that IRA or type of IRA places restrictions on a participant's power to withdraw funds (other than restrictions imposed by law), the administrator must give to each employee, in writing, at the time such employee becomes eligible to participate in the SEP, a clear explanation of those restrictions and a statement to the effect that other IRAs may not have such restrictions.

Signed at Washington, D.C. this 21st day of September 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, United States Department of Labor.

BILLING CODE 4510-29-M

Appendix A—IRS Form 5305-SEP

Form **5305-SEP**(August 1979)
Department of the Treasury
Internal Revenue Service**Simplified Employee Pension-Individual Retirement Accounts Contribution Agreement**

(Under Section 408(k) of the Internal Revenue Code)

**Do NOT File
with Internal
Revenue Service****Resolution to Provide for Contribution to Individual Retirement Accounts or Individual Retirement Annuities:**WHEREAS, ☐ I am ☐ we are doing business under the name of _____ (hereinafter Employer) and,

WHEREAS, Employer agrees to provide, under the terms of section 408(k) of the Internal Revenue Code of 1954 and the instructions to this IRS Form 5305-SEP, for discretionary contributions in each calendar year to the Individual Retirement Accounts or Individual Retirement Annuities (IRA's) of all its eligible employees (☐ including ☐ excluding employees covered under a collective bargaining agreement) who are at least _____ years of age (not over 25) and worked in no less than _____ years (not to exceed three) of the immediately preceding five calendar years for Employer;

NOW THEREFORE be it resolved that such discretionary contributions as Employer may make on behalf of each eligible employee will be the same percentage of total compensation for every employee (excluding such compensation in excess of \$100,000 and the contribution to be made hereunder) except that the contribution on behalf of each employee will be limited to the lesser of 15 percent of compensation or \$7,500; and this contribution will be paid to each employee's IRA trustee, custodian or insurance company (for an annuity contract).

The Employer executes this agreement in the manner prescribed by law this _____ day of _____, 19_____.

Employer _____

By _____

General Information

(References are to the Internal Revenue Code)

Employers who presently maintain any other qualified plan, or who have in the past maintained a defined benefit plan even if now terminated, may not use this form. Nor may an employer validly use this form unless all eligible employees have established an IRA.

Simplified Employee Pensions (SEP) are described in section 408(k) of the Code. In very general terms, a SEP will permit employers to contribute up to \$7,500, includible in the employee's gross income, to the employee's Individual Retirement Account or Individual Retirement Annuity (IRA). This form does not create an employer IRA as described under section 408(c). Contributions may only be made to an employee's IRA that is a model IRA executed on an IRS Form or a master or prototype IRA upon which a favorable opinion letter has been issued by IRS. If the contribution is made to the IRA of an employee's spouse, this SEP agreement will not be affected, but the entire contribution will be included in the employee's income, and all or part of the deduction may be disallowed.

THIS FORM IS NOT TO BE FILED WITH IRS. When properly filled out and executed this SEP form constitutes an agreement which will permit the parties to claim the tax benefits afforded by sections 408 and 219, provided that the provisions of such SEP modified IRA (SEP-IRA) are followed. SEP-IRA's created as a result of this agreement may be subject to the reporting and disclosure requirements of Title I of ERISA. However, the Department of Labor is considering adopting an alternative and simplified method of satisfying these requirements which, among other things, would make it unnecessary to file Form 5500 or Form 5500-C provided this entire package (agreement, instructions, and Questions and Answers) is disclosed to all employees. Reports to IRS will be limited to those which the Secretary of the Treasury may require.

When this form is properly executed, the employer is obligated to forward any contributions made to the employee's SEP-IRA fiduciary (whether trustee, custodian, or insurance company) and include such amounts in the employee's gross income reported on Form W-2. The 1979 W-2 makes no provision for separately designating SEP contributions, so for 1979, employers using this form must

* Pending legislation would eliminate the FICA tax on SEP contributions.

inform each employee in writing of the amount of the employer's SEP contribution to the employee's IRA so that the individual may reflect this amount on the individual's 1979 tax return. To satisfy this requirement an employer may use box 7 of the 1979 Form W-2.

An employer may treat contributions made within the first 3½ months of a calendar year as though made in the prior year, even though a Form W-2 was already issued for the prior year. In that case, an additional Form W-2 must be issued to report the contributions that were not reflected on the prior Form W-2. For example, an employee with compensation of \$22,000 which includes a \$2,000 SEP-IRA contribution, would receive a 1979 Form W-2 with "\$22,000" in boxes 10 and 12* and "\$2,000-SEP" in box 7. If the employer later treats an additional \$150 contribution made to the employee's SEP-IRA in the first 3½ months of 1980 as though made in 1979, an additional Form W-2 would be issued for 1979; "\$150" would be reported in boxes 10 and 12*, and "\$150-SEP" would be reported in box 7.

The employees include the employer contribution in gross income and take an appropriate deduction on their tax return. The employer deducts all allowable contributions under the terms of section 404(h). Because contributions to SEP-IRA's are completely nonforfeitable, the employee may withdraw funds in such account at any time, although certain withdrawals will result in penalty taxes being assessed.

Guidelines

PARTICIPATION.—Employers must allow any employee who is 25 years old or older, and has performed "service" for the employer in at least three of the immediately preceding five calendar years, to participate under this agreement. For this purpose only, "service" is any interval of time, however short, in which an employee performs any work for his/her employer. All eligible employees must participate. In certain situations employees covered under a collective bargaining agreement and certain non-resident aliens may be excluded under this agreement if they are employees described in sections 410(b)(2)(A) or 410 (b)(2)(C) of the Code.

CONTRIBUTIONS.—Calendar year contributions by employers on behalf of each employee are limited to no more than the lesser of \$7,500 or 15 percent

of total compensation (computed without regard to the SEP-IRA contribution) for that calendar year. For this purpose total compensation for each employee will include:

- amounts received for personal services actually rendered as more particularly described under proposed section 1.219-1(c) of the Income Tax Regulations; and
- "earned income" as defined under section 401(c)(2) of the Code.

The amount contributed by the employer to the SEP-IRA of an employee is included in the gross income of the employee for income reporting purposes in the calendar year for which the amount is contributed. Contributions for a calendar year must be made on behalf of all employees who have met the participation requirements, whether or not they are still employed at the time such contributions are made. In no case may contributions, or the manner of making contributions discriminate in favor of any employee who is an officer, a ten percent shareholder, a self-employed individual, or is highly compensated. Employer contributions under this SEP-IRA may not be integrated with or offset by employer contributions made under the Federal Insurance Contributions Act (FICA). In addition, an employee who is not a participant in any other qualified plan may contribute no more than the difference between the lesser of \$1,500 or 15 percent of the employee's compensation and the employer's contribution.

If the employer's taxable year is the calendar year, employer deductions may be taken for such taxable year, subject to the limits in section 404 of the Code, for contributions made either during the year or not later than April 15th of the following year. If the tax year and calendar year do not coincide, contributions made for a calendar year will only be deductible by the employer for the tax year in which the calendar year ends. Employers using a fiscal year are cautioned that contributions for a calendar year must be made no later than three and one half months after the close of that calendar year.

EXECUTION.—This agreement is properly executed when all eligible employees have established an IRA, all blanks on the form have been completed, the form has been used without modification, and the copies have been provided to all employees.

263-469-1

This Simplified Employee Pension, or SEP, is a plan designed to give employers a simplified way to provide contributions toward their employee's retirement income. Under the SEP an employer makes contributions directly to an Individual Retirement Account or Annuity (an IRA) set up by an employee with a bank, an insurance company, or another qualified financial institution.

Although an employer is not required to make any contributions to this SEP-IRA in a given year, if contributions are made, they must be made to the IRA's of all eligible employees, and they must represent the same percentage of each employee's total compensation (excluding compensation in excess of \$100,000).

An employee's tax deduction for the employer's contribution to his or her IRA cannot be more than the smaller of \$7,500 or 15 percent of the employee's compensation.

The law requires that, with some exceptions, all employees who are at least 25 years old and who have worked for the employer for some period of time in any three of the preceding five calendar years must be eligible to receive contributions. However, a SEP arrangement may have less restrictive eligibility requirements.

For more specific information concerning SEP's and related IRA's, see the "Questions and Answers" and "Contribution Agreement." In addition, the trustees or issuers of IRA's are required to give the owner of an IRA information concerning the operation of that IRA, the income tax consequences of establishing and maintaining an IRA, and certain financial information.

QUESTIONS AND ANSWERS.—

1. Q. What is a Simplified Employee Pension, or SEP?

A. A SEP is a new retirement income arrangement under which your employer may contribute any amount each year up to the smaller of \$7,500 or 15 percent of your compensation into your own Individual Retirement Account (IRA). These new SEP's are available for all employee calendar years beginning after December 31, 1978.

Your employer will provide you with a copy of the agreement containing participation requirements and a description of the basis upon which employer contributions may be made to your IRA.

All amounts contributed to your IRA by your employer belong to you, even after you separate from service with that employer.

2. Q. Must my employer contribute to my IRA under the SEP?

A. Whether or not your employer makes a contribution to the SEP is entirely within the employer's discretion. If a contribution is made under the SEP, it must be allocated to all the eligible employees according to the SEP agreement. The Model SEP specifies that the contribution on behalf of each eligible employee will be the same percentage of compensation (excluding compensation higher than \$100,000) except that the contribution for any employee may not be more than the smaller of \$7,500 or 15 percent of compensation.

3. Q. How much may my employer contribute to my SEP-IRA in any year?

A. Under the Model SEP (FORM 5305-SEP) that your employer has adopted, your employer will determine the amount of contribution to be made to your IRA each year. However, the contribution for any year is limited to the smaller of \$7,500 or 15 percent of your compensation for that year. The compensation used to determine this limit does not include any amount which is contributed by your employer to your IRA under the SEP. It should be noted, however, that under the agreement there is no requirement that an employer maintain a particular level of contributions and it is possible that for a given year no employer contribution will be made on an employee's behalf. Also see Question 5.

4. Q. How do I treat my employer's SEP contributions for my taxes?

A. The amount your employer contributes will be included in your gross income reported on Form W-2. For 1979, although the SEP contribution will

not be separately designated on the W-2, your employer must notify you of the contribution amount in writing so that you may reflect this amount on your 1979 tax return. For 1980, and later years, such amounts will be separately stated on your W-2 Form at the end of the year. You will be entitled to an offsetting deduction on your tax return as long as the amount you deduct for contributions to SEP's by all your employers for a year is not more than \$7,500 or 15 percent of your compensation for that year, whichever is smaller. Because contributions for a particular calendar year may be made through April 15 following that calendar year, it is possible that your employer may make a contribution that is not reflected on your original W-2. In that case, your employer must provide you with an additional W-2 which includes the amount of such contribution.

5. Q. May I also contribute to my IRA if my employer has a SEP?

A. You may be entitled to contribute to your own IRA even though your employer has a SEP. If you would otherwise be eligible to deduct your contribution to an IRA, and your employer contributes less than the smaller of \$1,500 or 15 percent of your compensation, you may contribute the difference to your IRA and deduct the amount on your tax return. Contributions in excess of this, or in a year when you are not eligible for an IRA deduction, may result in adverse tax consequences, and are not deductible on your tax return. Also see Question 12.

6. Q. Are there any restrictions on the IRA I select to deposit my SEP contributions in?

A. Under the Model SEP that is approved by IRS, contributions must be made to either a Model IRA which is executed on an IRS form or a master or prototype IRA upon which a favorable opinion letter has been issued by the IRS. Also see Question 7.

7. Q. My spouse and I both have IRA's. Can my employer contribute the SEP contribution to my spouse's IRA?

A. Although there is no prohibition against this, it may result in adverse tax consequences. Your employer's entire contribution will be included in your income for that year, but all or part of the offsetting deduction may be disallowed. A transaction of this sort could result in complex tax consequences requiring professional advice.*

8. Q. What if I don't want a SEP-IRA?

A. Your employer may require that you become a participant in such an arrangement as a condition of employment. However, if the employer does not require all eligible employees to become participants and an eligible employee elects not to participate, all other employees of the same employer are prohibited from entering into a SEP-IRA arrangement with that employer. If one or more eligible employees do not participate and the employer attempts to establish a SEP-IRA agreement with the remaining employees, the resulting arrangement will not result in any tax advantage and may in fact result in adverse tax consequences to the participating employees.

9. Q. Can I move funds from my SEP-IRA to another tax-sheltered IRA or retirement bond?

A. Yes; it is permissible for you to withdraw, or receive, funds from your SEP-IRA, and no more than 60 days later, place such funds in another IRA, SEP-IRA, or retirement bond. This is called a "rollover" and may not be done more frequently than at one year intervals without penalty. However, there are no restrictions on the number of times you may make "transfers" if you arrange to have such funds transferred between the trustees, so that you never have possession.

10. Q. What happens if I withdraw my employer's contribution from my IRA?

A. If you don't want to leave the employer's contribution in your IRA, you may withdraw it at any time, but any amount withdrawn is includible in your income. Also, if withdrawals occur before attainment of age 59½, and not on account of death or disability, you may be subject to the imposition of an extra penalty tax.

11. Q. May I participate in a SEP even though I'm covered by another plan?

A. An employer may not adopt this IRS Model SEP (Form 5305-SEP) if the employer maintains another qualified retirement plan or has ever maintained a qualified defined benefit plan. However, if you work for several employers, you may be covered by a SEP of one employer and a pension or profit-sharing plan of another employer.

Also, you may be covered by the SEP's of several different employers. Your combined annual deduction of SEP contributions will still be the lesser of \$7,500 or 15 percent of your total compensation. If the combined SEP contributions exceed this deduction, the excess should be withdrawn. Also see Question 12.

12. Q. What happens if too much is contributed to my SEP-IRA in any one year?

A. Any excess contribution by you or by your employer beyond the yearly deduction limitations may be withdrawn without penalty on, or prior to, the due date (plus extensions) for filing your tax return (normally April 15th). Excess contributions left in your SEP-IRA account beyond that time are subject to a six percent excise tax. Withdrawals of those contributions may be taxed as premature withdrawals. Also see Question 10.

13. Q. Do I need to file any additional forms with IRS because I participate in a SEP?

A. No.

14. Q. Is my employer required to provide me with information about SEP-IRA's and the SEP agreement?

A. Yes, your employer must provide you with a copy of the executed SEP agreement (Form 5305-SEP), these Questions and Answers, and provide a statement each year showing any contribution to your IRA. Also see Question 4.

15. Q. Is the financial institution where I establish my IRA also required to provide me with information?

A. Yes, it must provide you with a disclosure statement which contains the following items of information in plain, nontechnical, language:

- (1) the statutory requirements which relate to your IRA;
- (2) the tax consequences which follow the exercise of various options and what those options are;
- (3) participation eligibility rules, and rules on the deduction for retirement savings;
- (4) the circumstances and procedures under which you may revoke your IRA, including the name, address, and telephone number of the person designated to receive notice of revocation (this explanation must be prominently displayed at the beginning of the disclosure statement);
- (5) explanations of when penalties may be assessed against you because of specified prohibited or penalized activities concerning your IRA; and
- (6) financial disclosure information which:

- either projects value growth rates of your IRA under various contribution and retirement schedules, or describes the method of computing and allocating annual earnings and charges which may be assessed;
- describes whether, and for what period, the growth projections for the plan are guaranteed, or a statement of the earnings rate and terms on which the projection is based;
- stipulates the sales commission to be charged in each year expressed as a percentage of \$1,000; and
- the proportional amount of any non-deductible life insurance which may be a feature of your IRA.

See Publication 590, available at any IRS office, for a more complete explanation of the disclosure requirements.

In addition to this disclosure statement, the financial institution is required to provide you with a financial statement each year. It may be necessary to retain and refer to statements for more than one year in order to evaluate the investment performance of the IRA.

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* U.S. GOVERNMENT PRINTING OFFICE : 1979-O-283-483

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DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 601]

Proposed Revised Fee Schedules

AGENCY: Department of the Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule establishes a new schedule of prices and charges associated with the sale of helium. The proposed schedule of prices and charges reflects increases in the cost of labor and materials that have occurred since the current schedule became effective on January 1, 1978, particularly since that schedule was based on 1977 costs.

DATE: Comments on the proposed revised fee schedule must be submitted, in duplicate, on or before October 25, 1979.

ADDRESS: Comments may be directed to: Division of Helium Operations, Bureau of Mines, Columbia Plaza Office Building, Room 901, 2401 E Street, NW., Washington, D.C. 20241.

FOR FURTHER INFORMATION CONTACT: Ray D. Munnerlyn, Director, Division of Helium Operations, Columbia Plaza Office Building (see above address), A/C 202 634-4734.

SUPPLEMENTARY INFORMATION: This proposed revision is pursuant to the Helium Act, approved September 13, 1960 (74 Stat. 918; 50 U.S.C. 167). The proposed prices and charges are based on past actual costs as recorded in accounting records and a study of standard hours required to perform each operation, which have then been adjusted to reflect the projected cost of labor and materials in 1980. This new schedule proposes to bring the charge for each operation in line with the cost of the operation during the time it is in effect.

The primary author of this document is Billy J. King, Chief, Branch of Administration, Helium Field Operations, Box H 4372 Herring Plaza, Amarillo, TX 79101, Room 705, telephone FTS: 734-2608; A/C 806 376-2608.

The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

In light of the foregoing, it is proposed to amend the Appendix to 30 CFR Part 601 as set forth below.

Dated: September 19, 1979.

Charles P. Eddy,

Acting Assistant Secretary of the Interior.

APPENDIX 2.—Schedule of Prices and Charges

Helium Sale Price:	
Each unit f.o.b. helium plants	\$35.00
Minimum order each contract (units)	20
Initial cash advance:	
Contracts for less than 500 units	Full purchase price ¹
Contracts for 500 units or more	17,500.00
Filling Charge:	
Standard-type cylinders (each)	4.80
Tank cars (each)	160.00
Semitrailers (each)	85.60
Service Charges:	
Furnish new cylinder cap (each)	3.02
Furnish new cylinder valve and install (each)	5.85
Hydrostatic test cylinder and indent new test date (each)	5.85
Paint cylinders (each)	5.40
Paint cylinder caps (each)	0.50
Replace safeties (each)	2.05
Reset cylinder valves (each)	1.95
Rework cylinder valves (each)	4.40
Wash and dry cylinder, reset valve (each)	2.60
Use of Tank Cars:	
Round trip per mile charge between helium plant and destination and	0.11
Time at destination:	
First 30 days (per day)	35.00
Second 30 days (per day)	25.00
Over 60 days (per day)	20.00
Initial cash advance for use of each tank car:	
Contracts specifying a definite number of round trips (each round trip)	1,000.00
Contracts specifying an indefinite number of round trips	4,000.00
Cash, bond, or insurance to guarantee return of containers:	
1 tank car	100,000.00
2 or more but less than 5 tank cars	200,000.00
Each tank car in excess of 4	20,000.00
Use of Semitrailer:	
Time in customer service:	
First 30 days (per day)	26.15
Second 30 days (per day)	46.00
Over 60 days (per day)	63.00
Initial cash advance for use of each semitrailer:	
Contracts specifying a definite number of round trips (each round trip)	250.00
Contracts specifying an indefinite number of round trips	750.00
Cash, bond, or insurance to guarantee return of container:	
1 trailer	40,000.00
2 or more but less than 5 trailers	100,000.00
Each trailer in excess of 4	10,000.00
Use of Standard-Type Cylinder:	
Each cylinder per month	1.40
Minimum each contract	140.00
Initial cash advance for use of cylinder:	
Contracts for 100 cylinders or less	420.00
Contracts for more than 100 cylinders (each)	4.20
Cash, bond, or insurance to guarantee return of cylinder (each)	90.00
Additional Charge for Failing to Return Containers with Minimum Residual Pressure of 15 psig of Uncontaminated Grade-A Helium:	
Standard-type cylinder, evacuating and purge each	2.15
Tube trailer, tube banks, or tubes manifolded:	
Individual tube capacity 1,800 cf or less:	
Purge (each tube)	1.00
Evacuate (each tube)	1.25
Individual tube capacity greater than 1,800 cf:	
Purge (each tube)	5.50
Evacuate (each tube)	7.75
Tube trailer, tube banks, or tubes not manifolded:	
Individual tube capacity 1,800 cf or less:	
Purge (per tube)	2.06
Evacuate (per tube)	2.35
Individual tube capacity greater than 1,800 cf:	

APPENDIX 2.—Schedule of Prices and Charges—Continued

Purge (each tube)	8.30
Evacuate (per tube)	10.42
Tank car:	
Purge (each tank car)	90.00
Evacuate (each tank car)	136.00
Use of Storage Container:	
Tank car per day	15.00
Palletizing Cylinders for Shipment:	
Bureau of Mines-furnished pallet	52.00

¹The advance shall also include the estimated amount for filling charges and the full amount of estimated charges for the services to be rendered.

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 1328-2]

Arizona Process Weight Regulation; Proposed Response to Petitions for Reconsideration

AGENCY: Environmental Protection Agency.

ACTION: Proposed Partial Response.

SUMMARY: In response to petitions for reconsideration submitted by Phelps Dodge Corporation and Magma Copper Company, EPA conducted a study of the applicability of the process Weight Regulation promulgated by EPA for control of particulate matter in Arizona to copper smelters operated by Phelps Dodge Corporation at Ajo, Arizona, and by Magma Copper Company at San Manuel, Arizona. EPA has determined on the basis of this study that the emission limitations for particulate matter established by the Process Weight Regulation can be achieved at these facilities through application of reasonably available control technology (RACT). EPA intends to conduct further monitoring and modeling of air quality in the San Manuel area, and to study further the contribution that these smelters make to ambient levels of particulate matter.

EPA solicits public comment on the proposed partial response to the petitions for reconsideration and upon the Technical Support Document which forms the basis for EPA's proposed response. A copy of the Technical Support Document may be obtained from EPA upon request.

DATES: Interested persons are invited to request a copy of EPA's Technical Support Document on the Arizona Process Weight Regulation and to submit written comments on the Technical Support Document and the proposed partial response to the

petitions for reconsideration. Written comments and recommendations should be submitted on or before November 26, 1979.

ADDRESS: Requests for a copy of the Technical Support Document or written comments and recommendations should be submitted to Clyde B. Eller, Director, Enforcement Division, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: David S. Mowday, Chief, Air Branch, Enforcement Division, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105 (415) 556-6150.

SUPPLEMENTAL INFORMATION:

On May 31, 1972 (37 FR 10842, 10849) and July 27, 1972 (37 FR 15080, 15081), EPA disapproved the control of particulate matter in the Phoenix-Tucson Intrastate Air Quality Control Region in the State of Arizona. This action was initiated because the Arizona State Implementation Plan did not provide the degree of control necessary to attain and maintain the National Ambient Air Quality Standards for particulate matter.

EPA determined that additional stationary source control beyond that required by the State's regulations could be obtained by applying reasonably available control technology for particulate matter to process sources (38 FR 12702-12703, May 14, 1973). A Process Weight Regulation to replace the disapproved Arizona regulation was proposed by EPA on July 27, 1972 in order to provide for further control of particulate matter emissions. Public hearings were held on the proposed regulations in Phoenix and Tucson, Arizona, and on May 14, 1973 (38 FR 12704), the EPA Process Weight Regulation (40 CFR 52.126(b)) was promulgated, with minor revisions. This regulation establishes particulate matter emission limitations for process industries in the Phoenix-Tucson Intrastate Air Quality Control Region; specifies that "all similar units employing a similar type process" shall be considered as one "process" for purposes of determining the allowable emission rate; and specifies the test methods and procedures to be used to determine compliance with the regulations.

On May 14, 1973, EPA also promulgated 40 CFR 52.134(a), a regulation which required affected sources to certify compliance with the Process Weight Regulation by January 31, 1974 or to submit to EPA for approval

a proposed schedule containing necessary increments of progress to demonstrate compliance as expeditiously as practicable but no later than July 31, 1975.

Copper smelters were one of the industries affected by these regulations. No challenge of the regulations was made at the time of promulgation. However, on October 1, 1975 Phelps Dodge Corporation filed a Petition for Review of the Process Weight Regulation in the U.S. Court of Appeals for the Ninth Circuit. In addition, Phelps Dodge Corporation submitted to EPA on October 17, 1975 a Petition for Reconsideration of the Process Weight Regulation with respect to its smelter at Ajo, Arizona. A Petition for Reconsideration was also submitted to EPA by Magma Copper Company on November 26, 1975 with respect to the applicability of the Process Weight Regulation to Magma's smelter at San Manuel, Arizona.

In response to the Petitions for Reconsideration submitted by Phelps Dodge Corporation and Magma Copper Company, EPA agreed to conduct a detailed study of the applicability of the Process Weight Regulation to the copper smelter operated by Phelps Dodge at Ajo and the copper smelter operated by Magma at San Manuel. On January 16, 1976, in view of EPA's willingness to reconsider the Process Weight Regulation, the U.S. Court of Appeals for the Ninth Circuit remanded to EPA the Petition for Review submitted by Phelps Dodge Corporation but retained jurisdiction over the matter.

In summary, the Petition for Reconsideration submitted by the Phelps Dodge Corporation contends that the emission limits in the Process Weight Table are not achievable by applying reasonably available control technology at its Ajo smelter; that the definition of a process is too restrictive; and that the test method specified (Method 5) is inappropriate to test particulate matter emissions from copper smelters.

The Magma petition raises the same issues with respect to the San Manuel smelter, and also contends that the emission limits of the EPA regulation are not necessary to attain and maintain the National Ambient Air Quality Standards for particulate matter in the area near the smelter.

On July 5, 1979, Phelps Dodge submitted to EPA a supplemental petition for reconsideration of the process weight regulation. This supplemental petition raises three new issues. First, Phelps Dodge argues that the Ajo smelter does not contribute significantly to the ambient levels of

particulate matter in its vicinity, and that further control of its emissions is therefore unnecessary. Second, Phelps Dodge argues that if EPA "promulgates" a regulation requiring the installation of additional controls, EPA must establish a new compliance date. Third, Phelps Dodge argues that Section 119 of the Act restricts EPA's authority to establish particulate matter emission limitations.

On July 27, 1979, Magma submitted to EPA a supplemental petition to reconsider the process weight regulation. Although Magma's supplemental petition does present additional evidence in support of its original petition, it does not raise any new issues beyond those raised by Phelps Dodge's supplemental petition.

EPA intends to respond to these new arguments raised in the supplemental petitions of Phelps Dodge and Magma in conjunction with its response to the original petitions for reconsideration. EPA's response to the new arguments will be published at a later date.

Description of Study

In order to investigate the issues raised in the two original Petitions, a detailed Study Plan for the regulation review was developed in November and December, 1975. The Study consisted of the following tasks:

1. Review of ambient air quality data in the Phoenix-Tucson air quality control region.
2. Preparation of a Technical Support Document describing EPA particulate matter source test Method 5, its development, its applicability to copper smelters and the reasons for its use.
3. Inspections of the eight copper smelters in Region IX to review and evaluate the control equipment presently installed at each facility.
4. Compliance stack testing (Method 5) at Kennecott (Hayden), Phelps Dodge (Ajo), Magma Copper (San Manuel), Inspiration Consolidated Copper (Inspiration), and ASARCO (Hayden). ASARCO (Hayden) has not been tested as part of this study due to pending legal action concerning the adequacy of existing sampling facilities at ASARCO (ASARCO, Inc. v. U.S. Environmental Protection Agency, et. al., No. 77-2822, U.S. Court of Appeals for the Ninth Circuit).
5. Testing using an instack filter and an outstack filter in series to measure the amount of condensable particulate matter in reverberatory furnace gas streams at Magma Copper (San Manuel), Phelps Dodge (Ajo) and Kennecott (Hayden).
6. Particle size distribution and metals testing to determine the collection efficiency of existing reverberatory

furnace electrostatic precipitators, and to determine the composition of condensable particulate matter at Phelps Dodge (Ajo), and Kennecott Copper (Hayden), and Magma Copper (San Manuel).

7. Investigation of additional or alternative control equipment available to Phelps Dodge and Magma Copper to meet the Process Weight Regulation.

Results of the Study and Proposed Conclusions

Ambient Air Quality

EPA's review of the ambient air quality data indicates that the national primary and secondary air quality standards for particulate matter have been violated at monitoring stations throughout the Phoenix-Tucson air quality control region, including monitoring stations located near copper smelters with the exception of San Manuel. Violations of the NAAQS for particulate matter have not been recorded at San Manuel monitoring sites since 1973. However, preliminary air quality modeling indicates that the Magma smelter located at San Manuel may cause violations of the national secondary ambient air quality standard for particulate matter and that the existing monitors may not be located at the expected points of maximum concentration. On the basis of this information, the San Manuel area has been designated, pursuant to Section 107(d) of the Clean Air Act, as unclassified for total suspended particulate matter (44 FR 21261, April 10, 1979). In order to determine the correct status of the San Manuel area, EPA intends to conduct further monitoring and modeling of air quality in the San Manuel area. EPA also intends to study the petitioners' claims that the smelters do not contribute significantly to ambient levels of particulate matter.

Use of Test Method 5

The Process Weight Regulation specifies that compliance shall be determined in accordance with the procedures of Test Method 5. Method 5 measures particulate matter from all sources at a set of standard conditions (120°C±14°C and atmospheric pressure). The 120°C±14°C temperature provides a more reasonable approximation of the amount of particulate matter that will exist at ambient conditions than measuring at stack temperature. This is because large amounts of volatile compounds exist in copper smelter gas streams. As the hot stack gases cool to ambient temperatures, these volatile compounds condense to form particulate matter. In

Test Method 5 the hot stack gases cool to approximately 120°C and most of the volatile materials will condense and be measured. Thus, Method 5 provides a better approximation of the particulate matter that would exist at ambient conditions than would measuring at the hot stack temperatures.

EPA has found that allowing a filtration temperature in excess of 120°C±14°C would be inappropriate for copper smelters in Region IX. Raising the filtration temperature would significantly underestimate the particulate matter emissions from copper smelter gas streams because the volatile materials will pass through the filter in the gas phase and not be collected. Further, Method 5 provides a good indication of control system performance for control devices operated at about 120°C. Effective control of condensable toxic compounds found in copper smelter gas streams, such as sulfuric acid, arsenic, cadmium, etc., requires operation of control devices in the range of 90-120°C. Thus, EPA has concluded that Method 5 is an appropriate test procedure for measuring copper smelter gas streams in Arizona.

Results of Compliance Tests

Compliance tests were conducted at Magma Copper, San Manuel, Arizona; Phelps Dodge, Ajo, Arizona; Kennecott Copper Corp., Hayden, Arizona, and Inspiration Consolidated Copper, Inspiration, Arizona, between May and December 1976.

Magma Copper Co.—Test results showed that the particulate matter emissions from the reverberatory furnaces are in violation of the allowable limits in the Process Weight Regulation (2180 lb/hr actual emissions vs. 39.7 lb/hr allowable). Tests also showed that converter emissions, treated in two parallel sulfuric acid plants, are in compliance with the Process Weight Regulation (12.6 lb/hr actual emissions vs. 39.2 lb/hr allowable).

Phelps Dodge, Ajo—Tests showed that particulate matter emissions from the reverberatory furnaces are in violation of the allowable limits in the Process Weight Regulation (284 lb/hr actual emissions vs. 31.4 lb/hr allowable). Emissions from the converters, treated in a sulfuric acid plant, are in compliance with the Process Weight Regulation (6.5 lb/hr actual emissions vs. 29.3 lb/hr allowable). It was also determined that the fugitive gas collection system contributes a significant amount of particulate matter emissions to the main stack. These fugitive gases must be

controlled in order for the smelter to meet the Process Weight Regulation.

Kennecott Copper, Hayden—Tests showed that particulate matter emissions from the reverberatory furnace are in compliance with the allowable limits in the Process Weight Regulation (21 lb/hr vs. 65.8 lb/hr).

Inspiration Consolidated Copper, Hayden—Tests showed that emissions from the sulfuric acid plant, which treats gases from the electric furnace and converters, are in compliance with the Process Weight Regulation (21.6 lb/hr actual emissions vs. 66 lb/hr allowable).

The above testing demonstrates that copper smelter gas streams which are treated in sulfuric acid plants can achieve compliance with the emission limits specified in the Process Weight Regulation. This is due to the use of extensive particulate matter removal systems prior to the sulfuric acid plant conversion tower. This particulate control equipment usually consists of hot electrostatic precipitators in conjunction with scrubbers and mist (wet) electrostatic precipitators.

Further testing, instack/outstack testing, at Magma Copper, Kennecott, Hayden and Phelps Dodge, Ajo, revealed that reverberatory furnace gas streams contain substantial amounts of volatile compounds. These compounds condense to form particulate matter as the gases are cooled from stack temperatures (260-315°C) to the 120°C sampling temperature of Method 5. The existing high temperature electrostatic precipitators on the reverberatory gas streams at Phelps Dodge, Ajo and Magma, San Manuel cannot effectively remove the volatile compounds when they are in the gas phase. Thus, these gas streams must be cooled to condense the volatile materials so that subsequently they can be collected in the final gas cleaning device.

Reasonably Available Control Technology

It is the conclusion of EPA that the high temperature precipitators operated by Phelps Dodge, Ajo and Magma Copper, San Manuel at their reverberatory furnace gas streams do not represent RACT. EPA further concludes that it is feasible from both a technological and economic perspective to meet the emission limits specified by the Process Weight Regulation and thus effectively control particulate matter emissions from reverberatory furnace gas streams. This requires, for Phelps Dodge and Magma, that each operate particulate matter control devices (such as electrostatic precipitators, scrubbers or baghouses) that are properly operated and maintained at temperatures

between 90-120°C. This is necessary in order to effectively control the volatile particulate matter in the gas streams.

This conclusion was reached after consideration of all test data obtained during the study, as well as a review of control strategies used at other smelters that could be applied at Phelps Dodge and Magma. For example, the reverberatory furnace electrostatic precipitator operated at Kennecott Copper, Hayden, Arizona and the roaster/electric furnace/converter baghouse operated by Anaconda at its copper smelter in Anaconda, Montana can meet the Process Weight Reduction. The limited data available for the roaster/reverberatory furnace precipitators operated by ASARCO at its El Paso, Texas and Hayden, Arizona copper smelters indicates that these smelters are also capable of meeting the Process Weight Regulation. Further, the test results at the following operational installations show that due to the use of extensive cold gas cleaning systems for particulate matter removal and sulfuric acid plants, these processes meet the Process Weight Regulation: The electric furnace and converters at Inspiration Consolidated Copper, Inspiration, Arizona; the fluid bed roaster and converters at Kennecott, Hayden, Arizona; the converters at Magma Copper, San Manuel, Arizona; and the converters at Phelps Dodge, Ajo, Arizona.

EPA's determination that the emission limits specified in the Process Weight Regulation are achievable at primary copper smelters was also based on a report prepared by Pedco Environmental, "Evaluation of Particulate Matter Control Equipment for Copper Smelters", prepared under contract to EPA. This report describes nine control options each for Phelps Dodge, Ajo and Magma Copper, San Manuel to enable their reverberatory furnaces to comply with the Process Weight Regulation. (As noted above, the converters already comply with the Regulation.) The capital and annual costs of these 18 options involve gas cooling equipment and an efficient particulate matter removal device downstream from the existing high temperature electrostatic precipitator. EPA estimates the cost for the Phelps Dodge, Ajo reverberatory furnace emission control would be approximately \$2 million. Under the current smelter configuration, Phelps Dodge must also install a collection device (such as a baghouse or its equivalent) to reduce its fugitive gas collection system emissions prior to

discharge to the main stack. This would cost approximately \$1 million.

For Magma Copper, the control options described in the Pedco report also involved gas cooling and an efficient particulate matter removal device downstream from the existing high temperature electrostatic precipitator. EPA estimates that it would cost between \$5 and \$8 million for the San Manuel smelter to comply with the Process Weight Regulations.

Summary

Based on the Technical Support Document, it is the preliminary conclusion of EPA that the limits specified in the Process Weight Regulation can be achieved at all primary copper smelters, including green feed smelters, through installation and operation of commercially available particulate matter control equipment which is properly designed, operated and maintained.

EPA invites the public to comment upon this preliminary conclusion so the EPA may prepare a final response to the Petitions for Reconsideration submitted by Phelps Dodge Corporation and Magma Copper Company.

Date: September 18, 1979.

Paul De Falco, Jr.,

Regional Administrator, Region IX,
Environmental Protection Agency.

(PR Doc. 79-30790 Filed 9-24-79; 4:45 am)

BILLING CODE 6560-01-M

[40 CFR Part 163]

[OPP-30023A; FRL 1327-5]

Proposed Guidelines for Registering Pesticides in the United States; Hazard Evaluation: Humans and Domestic Animals

AGENCY: Environmental Protection Agency ("EPA" or "Agency").

ACTION: Reopen Public Comment Period.

SUMMARY: This action provides another opportunity for interested people to comment on those pesticide registration guidelines dealing with evaluation of potential hazards that pesticides pose to humans and domestic animals (Subpart F, 43 FR 37338, August 22, 1978). These proposed guidelines were published under authority of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA Section 3(c)(2)(A)). Like the rest of the guidelines, these human hazard evaluation guidelines describe data which would be required to support the registration of pesticide products. These data requirements would be used in the Agency's assessment of pesticide risks to humans and domestic animals.

This second opportunity for the public to provide comments on these guidelines parallels action by the Agency to propose very similar toxicology test and data requirements in test standards under the Toxic Substances Control Act (TSCA) (44 FR 27362, May 9, 1979; and 44 FR 44054, July 28, 1979). Since the public will be commenting on the test standards proposed under TSCA, the Agency feels that the public should have another opportunity to comment on the FIFRA guidelines from which the proposed test standards were derived. This notice (a) lists the contents of Subpart F; (b) discusses the inclusion of good laboratory practices in Subpart F; (c) summarizes the differences between FIFRA and TSCA toxicology data requirements with regard to chronic and oncogenicity studies; and (d) points out specific new issues and approaches to the Subpart F proposed study requirements. Public comment is solicited on all these subjects. These comments will be used by the Agency in developing final rules under FIFRA and TSCA that are as consistent as the applicable laws permit.

DATES: Comment date: Written comments concerning these proposed rules must be received before October 26, 1979. Comments should be marked with the identifying symbol "OPP-30023A."

Public meeting: EPA has scheduled a public meeting on the Section 4 toxicology test standards proposed under TSCA. This meeting will be held on October 15-16, 1979.

Details concerning this meeting can be obtained from the Industry Assistance Office listed below.

ADDRESS: Interested people are invited to submit written comments to: Document Control Officer, Office of Toxic Substances (TS-793), Chemical Information Division, Room 447, East Tower, Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460; Attention: Pesticides.

Public meeting location: Holiday Inn: "Chicago West", Melrose Park, Illinois. Availability of support documents and comments: The support documents mentioned in this notice, and all written comments received under this notice and in response to the proposal of the FIFRA guidelines are available for public inspection in Room 447, East Tower, Waterside Mall, 401 M Street S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. William Preston, Hazard Evaluation Division (TS-789), Office of Pesticide Programs, Environmental Protection Agency, Washington, D.C. 20460 (tel. 703-557-1405) (FIFRA pesticide

guidelines); or Industry Assistance Office; Office of Toxic Substances (TS-799), Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460 (tel. 800-424-9065 (toll-free); in Washington, D.C., call 544-1404) (Toxic Substances Control Act test standards).

SUPPLEMENTARY INFORMATION: The Federal Insecticide, Fungicide, and Rodenticide Act as amended (FIFRA) (7 U.S.C. 136 et seq.) requires that a pesticide product be registered by EPA before it may be introduced into commerce. The Agency decides whether or not to register the pesticide product based on an application for registration. This application must include certain information. The Agency is required by FIFRA section 3(c)(2)(A) to "publish guidelines specifying the kinds of information which will be required to support the registration of a pesticide."

The Agency intends that the guidelines provide meaningful instruction to applicants, registrants, and the general public on the specific data requirements for registration of a pesticide product. Such guidance should enable the pesticide industry to anticipate the costs and time involved in preparation and review of an application for registration and to plan research and testing programs using methodology acceptable to the Agency.

Toward these ends, these proposed guidelines would specify the conditions under which each particular data requirement is applicable to a pesticide product; the standards for acceptable testing, stated with as much specificity as the current scientific disciplines can provide; and the information required in a test report. The guidelines also indicate when an applicant should consult with the Agency before initiating certain tests. In addition, the appendices to the guidelines provide useful information and references for designing test protocols and, in some cases, examples of acceptable protocols for conducting the required testing.

At present and until these guidelines are published as final, the data requirements for registration, the standards for acceptable testing, and the information required in a test report will be determined on a case-by-case basis. The Agency will, however, consider these proposed guidelines as a general statement of policy regarding the nature and extent of data required to support a pesticide registration.

The Agency has recently published proposed test rules under TSCA on good laboratory practices and on oncogenicity and chronic feeding test procedures (44 FR 27362; May 9, 1979). In addition, the Agency has proposed

many of the Subpart F guidelines requirements as standards to be used for testing under Section 4 of TSCA (44 FR 44054; July 26, 1979). TSCA section 4(a) provides that, in the absence of sufficient data and experience to predict the health or environmental effects resulting from exposure to a chemical substance, EPA may require testing on that chemical substance (1) if the chemical may present an unreasonable risk of injury to health or the environment; or (2) if the chemical is or will be produced in substantial quantities and may enter the environment in substantial quantities or result in significant or substantial human exposure. In requiring such testing, EPA must specify test standards for the development of the required data.

Some chemical substances will be subject to the jurisdiction of both acts, and thus may be subject to test standards promulgated under the two acts. Consistent with the Agency policy to minimize the burden on the regulated public which might arise from conflicting requirements under these different sets of standards, the Agency intends that the final rules establishing the two different sets of test standards be consistent to the extent permitted by law.

The reopened comment period permits the public to say something about the new and the already-proposed requirements together. Interested people will also have a chance to comment on the requirements proposed under either or both of the two Acts. Comments submitted in response to this notice will also be considered by EPA in developing testing methodologies under TSCA. As such, the comments will become part of the official rule-making record in the TSCA test standards proceedings (docket No. OTS 046005, 44 FR 44054; July 26, 1979). To be most useful, comments should include supporting rationales with properly referenced scientific data. Comments should address the need for consistency or differences between standards to be used under TSCA and FIFRA.

EPA has prepared support documents and collected other material which may be useful to people considering these proposals. The Agency prepared an Economic Impact Analysis to accompany the proposed pesticide guidelines and published it in the *Federal Register* (43 FR 39644; September 6, 1978). The Agency also developed a Technical Support Document to accompany the proposed TSCA test standards. In addition, the TSCA proposal identifies material

which constitutes part of the "Record" for that rulemaking. All of these materials are available for inspection at the address listed at the beginning of this notice. In addition, copies of the Technical Support Document and the Economic Impact Analysis are available on request from the Industry Assistance Office at the above address.

I. Contents of Subpart F

Sections of Subpart F are listed below as an aid to those who may wish to become familiar with the contents of this guidelines document.

Overview, Definitions, and General Requirements

Section	
163.80-1	Overview.
163.80-2	Definitions.
163.80-3	General Provisions.
163.80-4	Reporting of Data.
163.80-5	Combined Testing.
163.80-6	Additional General Provisions.]
163.80-7	Record Retention and Additional Reporting Requirements.]

Acute Testing

163.81-1	Acute Oral Toxicity Study.
163.81-2	Acute Dermal Toxicity Study.
163.81-3	Acute Inhalation Toxicity Study.
163.81-4	Primary Eye Irritation Study.
163.81-5	Primary Dermal Irritation Study.
163.81-6	Dermal Sensitization Study.
163.81-7	Acute Delayed Neurotoxicity Study.

Subchronic Testing

163.82-1	Subchronic Oral Dosing Studies.
163.82-2	Subchronic 21-Day Dermal Toxicity Study.
163.82-3	Subchronic 90-Day Dermal Toxicity Study.
163.82-4	Subchronic Inhalation Toxicity Study.
163.82-5	Subchronic Neurotoxicity Studies.

Chronic Testing

163.83-1	Chronic
163.83-2	Oncogenicity Studies.
163.83-3	Teratogenicity Studies.
163.83-4	Reproduction Study.

Mutagenicity Testing

163.84-1	Purpose and General Requirements for Mutagenicity Testing.
163.84-2	Test Standards for Detecting Gene Mutations.
163.84-3	Test Standards for Detecting Heritable Chromosomal Mutations.
163.84-4	Test Standards for Detecting Effects on DNA Repair or Recombination as an Indicator of Genetic Damage.

Special Testing

163.85-1	General Metabolism Study.
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Special Requirements

163.86-1	Domestic Animal Safety Testing.
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II. Standards for Good Laboratory Practice

Another notice on Subpart F guidelines, soon to appear in the *Federal*

Register, proposes to include in the pesticide guidelines the "Good Laboratory Practices" portion of the proposed TSCA § 4 test standards to the extent that those standards are not covered by an earlier guidelines proposal. These "Good Laboratory Practices" standards were proposed under TSCA (44 FR 27362; May 9, 1979). These new requirements under Subpart F of FIFRA are delineated in §§ 163.80-6 and 163.80-7. These requirements would supplement those already proposed in Subpart F at §§ 163.80-3 and 163.80-4 (43 FR 37336; August 22, 1978). Differences between the FIFRA proposal and the TSCA proposal, and the regulations for good laboratory practice for the Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act (43 FR 59986; December 22, 1978) will be discussed in the notice.

III. Chronic and Oncogenic Studies Under FIFRA and TSCA

Under TSCA the Agency has proposed chronic health effects test standards to appear in 40 CFR §§ 772.113-1 through -4. These proposed standards are intended to generate sufficient data to permit an evaluation of the potential oncogenic risk (§ 772.113-2) and non-oncogenic chronic risk (§ 772.113-3) which a chemical substance poses for human health. A third section, § 772.113-4, contains test standards for a study evaluating both oncogenic and non-oncogenic chronic effects. Section 772.113-1 contains general test standards applicable to all three subsequent sections.

Under FIFRA, the Agency has proposed guidelines which would generate data used to evaluate long-term hazards to humans arising from the use of a pesticide. Among these guidelines are proposed 40 CFR §§ 163.80-3, 163.83-1, and 163.83-2. Section 163.80-3 contains general requirements applicable in both §§ 163.83-1 and 163.83-2, which are the two FIFRA testing standards designed to evaluate the same risk potential as proposed in §§ 772.113-2 and 772.113-1, respectively.

The differences between the proposed TSCA test standards and FIFRA guidelines are discussed below. (The differences are organized according to the sections of the proposed TSCA test standards.)

A. General, § 772.113-1

1. Subsection (e): The FIFRA guidelines § 163.80-3(b)(1) do not contain the detailed personnel requirements that the TSCA test standards do. For example, the TSCA test standards have proposed that only qualified pathologists with specified

training and experience are allowed to perform certain activities required by the test rules. Unlike the FIFRA guidelines, the TSCA test rules have two different sets of qualifications for pathologists, depending on the activity involved. In addition, the proposed TSCA rules do not presently allow for substitution of persons with equivalent training and experience as the FIFRA guidelines do.

2. Subsection (f): The TSCA test standards require the submission of a study plan at least 90 days before a study is initiated. The FIFRA guidelines do not require submission of a study plan prior to study initiation but do require submission of a test protocol with the final report (§ 163.83-1-(d)(1)). The study plan submission requires other information in addition to the test protocol.

3. Subsection (g): The TSCA test standards specify that the test substance or mixture administered must contain no less than 90 percent of the specified test substance concentration during the time of administration; FIFRA guidelines specify only that no mixture of test or control substance be maintained or used for any period in excess of the known stability of the test or control substance. Also, the TSCA standards specify that the initial mean concentration of the test substance must not vary more than $\pm 5\%$ from the concentration designated in the test protocol.

4. Subsections (h) and (i): Only the TSCA test standards require that all feed be used within 90 days of its manufacture, that all rodents be fed a specified standardized diet, and that feed and vehicles be analyzed for specified contaminants.

5. Subsection (j): The TSCA test standards require the submission of "Interim Quarterly Summary Reports." FIFRA guidelines do not have such a requirement.

B. Oncogenic Effects Test Standards, § 772.113-2

1. Subsection (a)(3): The TSCA test standards require that animals be weaned and environmentally acclimatized before dosing; the FIFRA guidelines (§ 163.83-2(c)(3)), under certain specified circumstances, permit dosing *in utero*.

2. Subsection (a)(5): Both FIFRA and TSCA proposals require that the concurrent control group receive the vehicle if such is used in the study; however, the FIFRA guidelines (§ 163.83-2(c)(4)) require the use of an untreated control group as well, if the toxic properties of the vehicle are unknown. The TSCA test standards

leave the decision to use an untreated control group to the discretion of the tester. The TSCA test standards indicate positive control groups may be required for particular chemicals.

3. Subsection (a)(7): The TSCA test standards specify the frequency of exposure for the different routes of exposure; the FIFRA guidelines do not.

4. Subsection (a)(8): The TSCA test standards require the tester to administer the test substance to both rats and mice for a minimum of 24 months but no longer than 30 months. The FIFRA guidelines (§ 163.83-2(c)(6)) require the test substance to be administered to mice for a minimum of 18 months and not ordinarily longer than 24 months, and to rats for a minimum of 24 months and not longer than 30 months.

5. Subsection (a)(9): Both the TSCA test standards and FIFRA guidelines (§ 163.83-2(c)(7)) require at least three dose levels in addition to controls. However, they define the highest dose level and lowest dose level slightly differently. The TSCA test standards require a preliminary toxicology study of at least 90 days to select the dose levels and require the sponsor to submit the rationale for dose selection as part of the study plan submission. FIFRA guidelines state that dose levels are generally predicted from subchronic data.

6. Subsection (b)(1): The TSCA test standards require that qualified veterinarian(s) be responsible for the health status and care of all test animals. The FIFRA guidelines do not contain any comparable provision.

7. Subsection (b)(1)(i)(A): The TSCA standards provide that the animals must be observed every 12 hours and that losses greater than 5% in any group due to cannibalism, autolysis of tissues, misplacement animals, and similar management problems not be acceptable. The FIFRA guidelines (§ 163.83-2(c)(10)) require that each test animal be observed at least daily, with losses due to management problems not to exceed 10 percent.

8. Subsection (b)(2): the TSCA test standards specify the responsibilities of the two types of qualified pathologists. The FIFRA guidelines do not.

9. Subsection (b)(2)(ii): The tissues to be examined microscopically are essentially the same for both regulations. However, only the TSCA test standards require that oral mucous membranes and aorta be examined, and only the FIFRA guidelines require routine examination of the sciatic nerve.

C. Non-Oncogenic Chronic Effects Test Standards, § 772.113-3

1. Subsection (a)(1): The TSCA test standards require, in addition to a rodent (generally a rat), the use of a non-rodent (generally a dog). The FIFRA guidelines do not routinely require testing on a non-rodent species.

2. Subsections (a)(3,5,7): The differences in these subsections are identical to those discussed above in part B, paragraphs 1-3.

3. Subsection (a)(8): The TSCA test standards require the tester to administer the test substance to the rat for at least 30 months. The FIFRA guidelines [§ 163.83-1(c)(6)] require administration for at least 24 months but not ordinarily longer than 30 months. In addition, the TSCA test standards require that in studies with non-rodents, the test substance be administered for at least 2 years. The FIFRA guidelines do not routinely require 2-year non-oncogenic effects testing with a non-rodent species, but requirements for subchronic tests on non-rodents lasting six months have been proposed (§ 163.82-1).

4. Subsection (a)(9): FIFRA guidelines [§ 163.83-1(c)(7)] require that the highest dose be higher than that expected for human exposure. Under the TSCA test standards, the tester must conduct a preliminary toxicology study of at least 90 days to select the dose levels and must submit the rationale for dose selection as part of the study plan submission.

5. Subsection (b)(1)(i): The differences in this subsection are identical to those discussed above in part B, paragraphs 6-8.

6. Subsection (b)(1)(i)(c), (D): The TSCA test standards require that urinalysis and certain specified function tests be performed, while the FIFRA guidelines [§ 163.83-1(c)(11)(iv)] leave these decisions to the discretion of the tester.

7. Subsection (b)(2)(ii): The TSCA test standards require that all of the tissues listed in this subsection be microscopically examined from all test animals. The FIFRA guidelines [§ 163.83-1(c)(16)] require a limited number of tissues from all test animals be examined, and other specified tissues from test animals from the high dose level and control groups be examined.

D. Combined Chronic Effects Test Standards, § 772.113-4

FIFRA guidelines (§ 163.80-5) allow combined testing to be conducted if the data requirements of each individual test are satisfied. They do not, however, provide any specified test methods.

TSCA § 4 test standards (§ 772.113-4) propose a test method for studying both oncogenic and chronic toxicity effects simultaneously.

IV. New Issues and Approaches

Agency scientists have studied the proposed requirements in the Subpart F guidelines and wish to bring to the public's attention some issues and approaches to the toxicology studies that were not discussed in the preamble published on August 22, 1978. The Agency solicits comments on these issues and approaches, and also welcomes the submission of new protocols and methodology that might improve the guidelines and the resultant hazard evaluation program of the Agency.

A. Acute Oral and Dermal Toxicity Studies, §§ 163.81-1 and -2

Several questions have been raised on the guidelines for acute oral and dermal toxicity testing that prompt the need for additional public comment.

1. Should several concurrent vehicle control groups be used to determine the LD50 of the vehicle or is one dosage level at the greatest volume of the vehicle administered to the test group adequate to define the toxic effects of the vehicle?

2. Should the observation period for animals demonstrating visible signs of toxicity be extended beyond 14 days or should the study be terminated at 14 days observation and additional studies be undertaken to define those toxic effects observed at 14 days?

3. For animals with evidence of gross pathology in acute tests who survive for 12 hours or more, is it appropriate for the Agency to require that tissues from these animals be taken and preserved for possible future microscopic examination?

4. For the acute dermal study, should the data reporting and evaluation paragraph include an observation on the approximate amount of test material applied per area for skin exposed (mg/cm²)?

B. Acute and Subchronic Inhalation Studies, §§ 163.81-3 and 163.82-4

The following questions address new aspects of issues on which the Agency would like public comment:

1. What should the limit (%) be of respirable dust in the test material? Would 20% be appropriate?

2. Test substance: (a) What circumstances indicate that the technical grade of the active ingredient should be used as the test substance in the subchronic study? And what circumstances indicate use of the

formulated product or, perhaps, use of the pure chemical? (b) Should the physical form of the test substance (especially relative to the size of particles and percent of the respirable portion) be the same as that which would be encountered by man?

3. Do we need to include both sexes for inhalation tests when other acute studies show no differences in toxicity due to sex?

4. Should the confidence limits on the LD50 data vary for the type of materials used?

5. Should exposures be based on a concentration/time basis (LCT50 as opposed to LC50)?

6. Post-exposure observation in the acute study: Should a definite time of 14 days be used to terminate a test? Should "judgment" be the basis? Should a combination of time and "judgment" be the basis? Should criteria of reversibility be included in these guidelines?

7. Should initial and daily weighings be omitted in favor of initial and weekly weighings?

8. Solvent controls: Should a complete toxicity study be carried out for solvent controls or should just one level be included, to determine solvent effects?

9. Can a negative (untreated) control be omitted if a solvent control is used?

10. Should the cut-off limit of 5 mg/l for further testing in the acute study [see § 163.81-4(b)(3)(i)] be changed? Should it be related to respirable aerosol concentrations only?

11. Chamber conditions (concentrations, temperature, humidity, size analysis): Should the amount of measurement or recording be reduced? Should the limits already proposed be more flexible?

C. Primary Dermal Irritation Study, § 163.81-5

Several changes from the published guidelines should be considered:

1. Should EPA establish test standards which allow an exposure period of 4 hours to be used for testing products with certain use patterns where the human dermal exposure associated with these uses is likely to be not more than 4 hours? If a 4-hour exposure period were adopted, should EPA add an observation and scoring period at 24 hours?

2. Testers could select the exposure period most appropriate to the pesticide product's pattern of use. But would resolution of the test exposure period on a case-by-case basis for each product be appropriate?

3. Should there be a requirement to observe and score responses at 48 hours (regardless of the exposure time selected)? Responses to some materials

peak at this time, and these peaks have been missed because customarily the observations have been made at 24 and 72 hours.

D. Dermal Sensitization Study, § 163.81-6

The Agency requests public comment on the suggestion that the Landsteiner and Jacob method (1935) described in § 163.81-6 be replaced or supplemented by any or all of the test procedures described in the references listed below. To permit greater flexibility, it has been suggested that the tester select from any of the tests. The test procedures listed below are considered to elicit greater sensitivity than the current procedure. A positive control would be required in each of the procedures suggested below.

1. Buehler, E. V. 1965. Delayed contact hypersensitivity in the guinea pig. *Arch. Dermatol.* 91:171-175.
2. (a) Magnussen, B., and A. M. Klingman. 1969. The identification of contact allergens in an animal assay. The guinea pig maximization test. *J. Invest. Der.* 52:268.
- (b) Magnussen, B., and A. M. Klingman. 1970. Allergic contact dermatitis in the guinea pig. In *Identification of Contact Allergens*. Chas. C. Thomas: Springfield, Ill.
3. Maurer, T. P. Thomann, E. G. Weirich, and R. Hess. 1975. The optimization test in the guinea pig: method for the predictive evaluation of the contact allergenicity of chemicals. *Excerpta Medica Internat. Congr. Series* No. 376:203-207.

E. Teratogenicity Studies, § 163.83-3

1. The Agency requests comment on whether these guidelines should be modified to include suitable dissection techniques that allow for examination of all fetuses for both skeletal and soft tissues. Unfortunately, references for such methodologies are lacking. The Agency welcomes comments and/or suggestions on suitable dissection techniques. Modifications of or combinations with the following technique coupled with sectioning should be considered: Staples, R. E. 1974. Detection of visceral alterations in mammalian fetuses. *Teratology* 9:A-37.

2. Should the requirement for a positive control be dropped? Discussion within the Agency has centered around the value of this requirement, and the following considerations have been identified. Testing a group of 20 animals each time a new strain is introduced would not give useful information, and testing the group once per year would not result in detection of seasonal variation. A positive control group containing fewer animals (e.g., five) within each study would be insufficient to yield statistically meaningful information.

3. Are there data to indicate that dosing animals throughout gestation would increase fetal deaths and thereby complicate the interpretation of the teratology studies?

4. Is carcass weight of dams at caesarean section necessary or useful? Discussion has indicated that fluid retention by dams would complicate carcass weight, yet carcass weight would be useful to help determine maternal toxic effects.

5. Should individual or average fetal weights be taken? At issue here is that findings of reduced ossification and other premature findings may be due to prematurity and not due to toxicity. Individual pup weights might help determine whether findings were due to prematurity or toxicity.

6. The Agency requests comments on the appropriateness of the requirement that one-half to two-thirds of each litter be examined for skeletal abnormalities, and the remaining one-half to one-third be examined for soft tissue abnormalities. [See paragraph (b)(11)(ii).]

F. Reproduction Study, § 163.83-4

The following considerations are brought to the attention of the public regarding several aspects of the reproduction study that are being seriously discussed by scientists in this Agency and several other Federal agencies. The latter three items (6 through 8) are the same as those included in the preamble to the TSCA guidelines (44 FR 44060; July 26, 1979) regarding "Section 772.116-3 Reproductive Effects Test Standards."

1. Adjustment to litter sizes may result in reduced variances in statistical measurements, but biases in the methods of culling the litter may affect the data. Comments on standardizing litter sizes and the necessity for randomization of culling methods are solicited.

2. Stratified, random methods of assignment to dose groups based on consideration of body weight or other variables is most often recommended because they reduce variances in animal weight (or other variables) at the start of the study and may be used later to assure that litter mates are not cross-mated. Comments on methods of assigning dose groups are invited.

3. These guidelines require identification of offspring by individual numbers and recording of each pup's body weight, signs of toxicity, and other factors. Should pups be weighed individually or collectively? The Agency recognizes that collection of individual data is time-consuming and expensive,

and encourages public comment on the value of these procedures.

Spermatogenesis may be evaluated by histopathologic examination of the testes, by sperm counts, or by production of offspring. The public is encouraged to comment on methods for evaluating spermatogenesis.

5. Duration of dosing prior to mating may be important. Comments on commencement of dosing as it relates to spermatogenesis and estrus cycles would be appreciated. The Agency intended that animals not be mated until they had reached early adulthood, so that variations produced by younger animals could be avoided.

6. Should the number of males and females in each dose group be equal in order to generate equal statistical evaluation for males and females? The proposal requires 10 males per dose group and enough females to produce 20 litters. See A. K. Palmer. "Some thoughts of reproductive studies for safety evaluation." *Toxicology: Review and Prospect*. Proceedings of the European Society for the Study of Drug Toxicity, vol. XIV, p. 82. Excerpta Medica International Congress Series No. 288.

7. The proposal requires dosing of the first two generation study. EPA is considering dosing only the first generation in order to determine the effect on the second generation of *in utero* exposure to the test substance. Dosing of the second generation as it matures may result in confusing the *in utero* effects with the effects of direct dosing.

8. EPA is considering whether to use a "split study" technique whereby half the second generation is sacrificed after weaning. The sacrifice near term allows better assessment of fertility and while implantation sites are still present. An estimate of embryo and fetal wastage can also be made. In the remaining half, general performance relating to reproduction and pathology from *in utero* exposure and lactation can be assessed. This split study may necessitate a greater number of animals be used in the reproductive effects study.

G. General Metabolism Study, § 163.85-1

1. Should metabolism/pharmacokinetic data be required in at least two species (rodent and non-rodent, preferably of the species and strain used in chronic/oncogenicity or subchronic feeding studies)?

2. Should calculations for, e.g. percent pesticide absorbed be based only on total radioactivity measurements, or should these be based only on

metabolite(s) which have been identified?

3. Should metabolism/pharmacokinetic data be required only on those pesticides which require chronic feeding or oncogenicity studies or should such data be required, also, for pesticides which require subchronic feeding studies?

The Agency would appreciate comments on these questions, and on any other aspects of these Subpart F guidelines that could provide useful information related to hazard evaluation for the protection of humans and domestic animals from unreasonable adverse effects due to pesticides.

(Sections 3, 8, and 25(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (Pub. L. 92-516, 92 Stat. 819; 7 U.S.C. 136 *et seq.*; 1972, 1975, and 1978))

Dated: September 18, 1979.

Steven D. Jellinek,
Assistant Administrator for Toxic
Substances.

[FR Doc. 79-29596 Filed 9-24-79; 8:45 am]

BILLING CODE 8560-01-M

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1243 and 1249]

[No. 37117]

Elimination of Requirement To File Quarterly Report Form QL&D

AGENCY: Interstate Commerce
Commission.

ACTION: Notice of Proposed Rule.

SUMMARY: The Commission is proposing to eliminate the requirement that all Class I railroads, except switching and terminal railroads, and all motor common and contract carriers of property with average annual operating revenues of \$1 million or more file Form QL&D-R&M, the quarterly report of freight loss and damage claims. The Commission's Data Task Force reviewed this reporting requirement and concluded that Commission use of the data contained in the report could no longer justify the reporting burden. Therefore, the Commission is proposing to eliminate this reporting requirement effective January 1, 1980.

DATES: Comments are due in the Commission on or before November 9, 1979.

ADDRESS: Send comments to Bryan Brown, Jr., Room 6113, Interstate Commerce Commission, 12th and Constitution, Washington, D.C., 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275-7448.

SUPPLEMENTARY INFORMATION: The Commission's Data Task Force (DTF) has reviewed reports filed by all regulated carriers. The objective of the DTF review was to determine where significant reductions in reporting burden could be achieved. The DTF reviewed the data included in annual, special and periodic reports filed with the Commission to determine if the data was necessary and used on a regular basis to fulfill regulatory responsibilities.

The DTF concluded that Commission use of Form QL&D-R&M data could no longer justify the reporting burden imposed on carriers. Consequently, we are proposing to eliminate the reporting requirement effective for the reporting year beginning January 1, 1980.

The Commission is aware that the Department of Transportation (DOT) uses information contained in Form QL&D-R&M and that DOT does not have the authority to require that the information be filed. Therefore, the Commission is making DOT a party to this proceeding and requesting that DOT demonstrate a justifiable need for the information. DOT should also indicate any alternatives which may be available to obtain this data. Accordingly, we propose to eliminate Sections 1249.15 and 1243.4 of Subchapter C of Title 49 of the Code of Federal Regulations.

This proposed revision does not significantly affect the quality of the human environment.

This revision is proposed under the authority of 49 U.S.C. §§ 10764, 11142, and 11145.

Decided: September 12, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins and Alexis. Commissioner Alexis not participating in the disposition of this proceeding.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-28714 Filed 9-24-79; 8:45 am]

BILLING CODE 7035-01-M

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Reimbursement of Public for Participation in Federal Trade Commission Proceedings; Request for Comments

AGENCY: Administrative Conference of
the United States.

ACTION: Request for public comments.

SUMMARY: The Administrative Conference of the United States is preparing recommendations on the Federal Trade Commission's administration of its program to reimburse expenses of members of the public and private groups who participate in trade regulation rulemaking proceedings. The Conference solicits comments from interested members of the public on these proposed recommendations.

DATE: Comments by October 16, 1979.

FOR FURTHER INFORMATION CONTACT: Sarah G. Flanagan, Administrative Conference of the United States, 2120 L Street, N.W., Washington, D.C. 20037 (202/254-7020).

SUPPLEMENTARY INFORMATION: The Administrative Conference, through its Committee on Rulemaking and Public Information, is conducting a major project to study and evaluate the procedures that the Federal Trade Commission uses to make trade regulation rules pursuant to the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act, P.L. 93-637.

The project is a large one and is being considered by the Committee in several segments: this one deals with the Commission's procedures for administering its program for reimbursing the expenses of persons and groups who are unable to afford the costs of participation in those rulemaking proceedings.

The Committee now has the following recommendations under consideration and requests comments on them from members of the public.

Those wishing to comment on the draft of the recommendations under consideration set forth below are urged to do so as soon as possible. Those received after October 16, 1979 will be considered only if time permits. Comments must be in writing and should be sent to the Conference at the address shown above.

Preamble and Recommendations Under Consideration

The Magnuson-Moss Warranty—Federal Trade Commission Improvement Act, Pub. L. 93-637, which established procedures for the Federal Trade Commission's promulgation of trade regulation rules, also authorized the Commission to "provide compensation for reasonable attorneys fees, expert witness fees, and other costs of participating" in those proceedings. The statute (15 U.S.C. sec. 57a(h)(1)) provides that the Commission may reimburse the expenses of

any person (A) who has, or represents, an interest (i) which would not otherwise be adequately represented in such proceeding, and (ii) representation of which is necessary for a fair determination of the rulemaking proceeding taken as a whole and (B) who is unable effectively to participate in such proceedings because such person cannot afford to pay costs of making oral presentations, conducting cross-examination, and making rebuttal submissions in such proceedings.

The present Recommendation is addressed to relatively technical questions that have arisen in connection with the Commission's administration of this expense reimbursement program. Since the Commission has completed only three Magnuson-Moss rulemaking proceedings, assessments of the value or the overall impact of this program cannot yet be made. The Conference does anticipate that these larger questions will be addressed in its final report on Magnuson-Moss rulemakings at the Federal Trade Commission.

The Commission, lacking specific statutory guidance and the benefit of other agencies' experience, progressed slowly in developing its practice for administering its expense reimbursement program. The Commission's present system of administration appears to implement

faithfully and efficiently the reimbursement program established by the statute. The conclusions embodied in the recommendations set forth below are drawn from an examination of the experience of the Federal Trade Commission and, in large part, reflect the Commission's current practice.

Recommendation

1. The Conference recommends that the Federal Trade Commission, in its implementation of the expense reimbursement program established by the Magnuson-Moss Act, continue to observe the following principles:

(a) Interested members of the public should be given an opportunity to comment on proposed regulations and guidelines for administering any expense reimbursement programs.
(b) The availability of funding should be set forth in the principal agency documents announcing the initiation of a proceeding, such as published notices of proposed rulemaking and press releases. The announcements should advise where further information on the funding program can be obtained. In addition, affirmative steps, such as direct notification of industry organizations, consumer groups, and other voluntary associations likely to be interested, should be taken to inform potentially interested members of the public of the availability of reimbursement funds. Lay-language booklets and brochures explaining the funding program and the procedures for obtaining reimbursement should be prepared and distributed.

(c) Filing dates for reimbursement applications should be established and announced well in advance. Since, however, participatory needs or desires may change by reason of the evolving nature of rulemaking proceedings, applications filed after these dates should be considered to the extent feasible.

(d) Applications for reimbursement should be acted on expeditiously in order to allow applicants adequate time to prepare for participation in the proceeding.

(e) Advance payments to applicants should be available where necessary to allow adequate preparation for participation.

(f) Responsibility for granting or denying applications should not be given to personnel in the office within

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the agency that has direct responsibility for developing the staff position in the proceeding for which reimbursement is sought. However, these persons and others familiar with the proceeding (including presiding officers) should give their views on such matters as the relevance of the applicant's proposal, the applicant's interest in the proceedings, and the relationship between the applicant's proposal and the views and information expected to be otherwise presented to the persons with responsibility for reimbursement decisions. Wherever feasible, those with responsibility for reimbursement decisions should also be given access to experts, who are independent from any office within the agency that has direct responsibility for developing the staff position in the proceeding, on matters such as survey design and other research activities proposed by an applicant.

(g) When the character of an applicant as a representative organization is important to the decision to authorize reimbursement, the persons with responsibility for reimbursement decisions should consider the nature of the relationship—e.g., whether the applicant receives contributions from members or constituents, whether the applicant has a record of advocating similar positions with apparent member or constituent approval and whether the applicant advises its members or constituents of the position it is taking or has taken in the proceeding. The agency should also require the applicant to advise its members or constituents of its position.

(h) It should be recognized that a standard which limits reimbursement to applicants who are unable to bear the costs of participation cannot be taken literally, and application of such standard will inevitably require judgments about the applicant's priorities and subjective intentions, the reasonableness of the applicant's other spending decisions, its prospects for other funding, and similar questions of managerial judgment.

(i) Applicants should be advised in writing of the reasons for grant or denial of their applications. All advisory letters should be indexed and made publicly available.

(j) Programs for auditing the performance of reimbursed entities, including both their use of funds received and an assessment of the quality of their work product, should be established. Sufficient resources should be allocated to ensure that audits are completed on a timely basis, so that supplemental or subsequent funding

decisions can be informed by the results of the audits.

(k) There is disagreement as to which of several broad purposes—such as broadening the sources of the information presented (or developed by cross-examination) in a proceeding, improving the quality of the information in the record of a proceeding, and providing for participatory democracy by encouraging the expression of public views—are intended to be served by an expense reimbursement program like that established by the Magnuson-Moss Act. These purposes can respectively lead to different decisional criteria. The agency should specify those purposes that it recognizes and the factors that it will consider in determining whether a reimbursement application might further those purposes.

2. The Conference recommends the principles set forth in Paragraph 1 for the consideration of agencies establishing expense reimbursement programs for rulemaking proceedings, and for the consideration of the Congress in the formulation of such programs by statute.

3. A congressionally-established expense reimbursement program should expressly provide for the funds and staff positions necessary to implement the program, including provisions for administration, outreach activities, and financial and quality-control audits.

4. A congressionally-established expense reimbursement program should specifically authorize the agency to make advance payments to funded participants if the agency does not clearly have that authority.

September 19, 1979.

Richard K. Berg,
Executive Secretary.

[FR Doc. 79-29601 Filed 9-24-79; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Advisory Committee on Foreign Animal and Poultry Diseases; Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of a meeting of the Secretary's Advisory Committee on Foreign Animal and Poultry Diseases.

SUMMARY: The purpose of this document is to give notice of a meeting of the Secretary's Advisory Committee on Foreign Animal and Poultry Diseases to review actions taken on recommendations made at the previous

meetings of the Committee, to review foot-and-mouth disease (FMD) prevention, control, and eradication activities, and to discuss the current African swine fever situation in the Western Hemisphere.

PLACE, DATE AND TIME OF MEETING: EPIC Room, 7th Floor, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland, October 2, 1979, at 8:15 a.m. to 4:30 p.m.

SUPPLEMENTARY INFORMATION: The purpose of the committee is to advise the Secretary of Agriculture regarding the program operations and measures to prevent, suppress, control, or eradicate an outbreak of FMD or other destructive foreign animal and poultry disease in the event such disease should enter this country.

The purpose of this meeting is to review actions taken on recommendations made at the previous meetings of the Committee, to review FMD prevention, control and eradication activities, to discuss the current African swine fever situation in the Western Hemisphere, and to discuss other foreign animal and poultry diseases.

The meeting is open to the public. Written statements may be filed with the committee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. F. J. Mulhern, Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 312-E, Washington, D.C. 20250, telephone number 202-447-3668.

Dated: September 21, 1979.

F. J. Mulhern,
Vice Chairman, Advisory Committee on Foreign Animal and Poultry Diseases.

[FR Doc. 79-29791 Filed 9-24-79; 8:45 am]

BILLING CODE 3410-34-M

Office of Transportation

Rural Transportation Advisory Task Force Meeting

AGENCY: Office of Transportation, U.S. Department of Agriculture.

ACTION: Notice of Public Meeting of the Rural Transportation Advisory Task Force.

DATES: September 26, 1979 9:00 a.m. September 27, 1979 9:00 a.m.

ADDRESS: September 26 & 27, 1979, Ramada Inn, Rosslyn, Va.

SUMMARY: At the completion of its work on January 1, 1980, the Task Force will report on methods for enhancing the economical and efficient movement of agricultural commodities (including

forest products) and agricultural inputs and recommend approaches for establishing a national agricultural transportation policy and for identifying impediments to a railroad transportation system adequate for the needs of agriculture. The Task Force formed three subcommittees on policy and essential transportation needs of agriculture; railroad problems of agriculture; and highway, waterway, and air transportation problems of agriculture. The Task Force has published its interim report including the identification of critical agricultural transportation issues. The Task Force has also held 12 regional public hearings.

Following its review of public comment received during regional hearings, the purpose of this meeting is to prioritize issues and begin the process of formulating final recommendations.

The public is invited to attend.

FOR FURTHER INFORMATION CONTACT: Dr. Robert J. Tosterud, Office of Transportation, U.S. Department of Agriculture, Washington, D.C. 20250, Phone: (202) 447-7600.

Dated: September 7, 1979.

Ron Schrader,
Director, Office of Transportation.

[FR Doc. 79-29755 Filed 9-24-79; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

Basin Electric Power Cooperative; Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Final Environmental Impact Statement (FEIS) with inputs from the Department of Energy (DOE) in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA) in connection with proposed applications from the basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, North Dakota 58501, to finance, construct, and operate transmission facilities to be located in portions of Burke, Divide, Williams, Mountrail and Ward Counties, North Dakota. Under agreement between REA and DOE, REA has served as lead agency for purposes of complying with the NEPA. DOE has adopted the Environmental Impact Statement to satisfy its responsibilities under NEPA.

This statement examines the impacts of 217 km (135 miles) of 230 kV transmission line to effect an international transmission connection with Canada and to help strengthen the existing transmission system. The proposed line would be constructed from Basin

Electric's Logan Substation near Minot (Ward County) to the Montana-Dakota Utilities' Substation at Tioga (Williams County) and then to a point in Divide County on the United States-Canadian Border 45 miles due north of Tioga. This project as planned would provide a 100 MW seasonal interchange of power between Basin Electric Power Cooperative and Saskatchewan Power Corporation as well as improve transmission service in the Tioga area.

Additional information may be secured on request, submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, or Mr. James M. Brown, Jr., System Reliability and Emergency Response Branch, Economic Regulatory Administration, Department of Energy, Room 4070, Vanguard Building, Washington, D.C. 20461, telephone number: (202) 634-5620.

Copies of the REA Final Environmental Impact Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality guidelines. The Final Environmental Impact Statement may be examined during regular business hours at the office of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 1268, or the Department of Energy Public Docket, Room B110, 2000 M Street, NW., Washington, D.C., or at the borrower's address indicated above. Copies of the REA FEIS may be obtained upon request to the REA at the above address.

Final REA and DOE action with respect to this matter (including any release of funds) may be taken after 30 days, but only after REA and DOE have reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Date At Washington, D.C., this 19 day of September 1979.

Joe S. Zoller,
Acting Administrator, Rural Electrification Administration.

[FR Doc. 79-29754 Filed 9-24-79; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Brushy-Peaceable Creek Watershed Project, Okla.; Finding of No Significant Impact

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500);

and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for critical area treatment in the Brushy-Peaceable Creek Watershed project, Pittsburgh County, Oklahoma.

The environmental assessment of this federally-assisted action indicates that the measures will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The action involves the use of shaping and sodding, diversions, grade stabilization structures and erosion control dams to reduce or control critically eroding areas.

The finding of no significant impact notice has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624-4360. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until October 25, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.804, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, (16 U.S.C. 1001-1008))

[FR Doc. 79-29622 Filed 9-24-79; 8:45 am]

BILLING CODE 3410-16-M

Moore's Creek Watershed, Ala.; Finding of No Significant Impact

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Moore's Creek Watershed, Chambers County, Alabama.

The environmental assessment of this federally-assisted action indicates that

the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. William B. Lingle, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. Alternatives being considered are conservation land treatment, critical area treatment, and combinations of floodwater retarding structures.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service, 138 South Gay Street, Auburn, Alabama 36830; telephone number (205) 821-8070. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until October 25, 1979.

Notice of Intent to Prepare an Environmental Impact Statement for Moores Creek Watershed, Alabama, published in the Federal Register, Volume 43, No. 12, Wednesday, January 18, 1978, is hereby cancelled.

Dated: September 14, 1979.
(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, (16 U.S.C. 1001-1006).)

Joseph W. Haas,
Assistant Administrator for Water Resources.
[FR Doc. 79-29621 Filed 9-24-79; 8:45 am]
BILLING CODE 3410-16-M

COMMISSION ON CIVIL RIGHTS

Kentucky Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a press conference of the Kentucky Advisory Committee (SAC) of the Commission will convene at 10:30a and will end at 11:30a, on October 16, 1979, at the Stouffer's Inn, 120 West Broadway, First Floor-Room South A, Louisville, Kentucky; also a planning meeting of the Kentucky Advisory Committee will convene at 11:30a and

will end at 3:30 p, on the same date and at the same address.

Persons wishing to attend this press conference and open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Building, Room 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of the press conference is to release most recent developments regarding employment in the Kentucky Bureau of State Police; the purpose of the planning meeting is to plan program activities for FY 80 and to conclude the Kentucky State Police study.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., September 18, 1979.

John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 79-29610 Filed 9-24-79; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

National Bureau of Standards

Appointment of Additional Member to General Performance Review Board

In a notice published in the Federal Register on September 12, 1979 (44 FR 53098), announcement was made of the establishment of the General Performance Review Board (GPRB) by the Director of the National Bureau of Standards (NBS), as Appointing Authority for the Senior Executive Service at NBS. That notice also announced the purpose of the NBS GPRB, the appointment of six of its initial members, and the terms of such members. In addition, the notice pointed out that upon the appointment of the seventh member to complete the initial membership, such appointment would be announced in the Federal Register.

This notice announces the appointment of the seventh member to the NBS GPRB, whose name, title and term is set out below.

Dr. Edward S. Epstein, Director, U.S. Climate Program, National Oceanic and Atmospheric Administration, 6001 Executive Boulevard, Rockville, Maryland 20852, Term—2 years.

Persons desiring any further information about the GPRB of its membership may contact Mr. Clarence Hardy, Chief, Personnel Division, National Bureau of Standards, Washington, D.C. 20234 (301) 921-3555.

Dated: September 21, 1979.

Ernest Ambler,

Director.

[FR Doc. 79-29673 Filed 9-24-79; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

September 12, 1979.

The USAF Scientific Advisory Board Ad Hoc Committee on Automatic Test Equipment will meet on October 15, 1979 in the Pentagon from 8:30 a.m. to 5:00 p.m.

The Committee will initiate a review and study of the status of automatic test equipment in Air Force electronic equipment and related components. The meeting will be closed to the public in accordance with Section 552b(c), Title 5, United States Code, specifically subparagraph (4).

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8404

Carol M. Rose,
Air Force Federal Register Liaison Officer.

[FR Doc. 79-29623 Filed 9-24-79; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board Operational Test and Evaluation Advisory Group will hold a meeting at Kirtland Air Force Base, New Mexico, on 23 and 24 October 1979. The meeting will convene at 8:30 a.m. and adjourn at 4:30 p.m. on both days.

The group will receive classified briefings on the operational test and evaluation planned for the Ground Launched Cruise Missile. The meetings will be closed to the public in accordance with Section 552(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4811.

Carol M. Rose,
Air Force Federal Register Liaison Officer.

[FR Doc. 79-29624 Filed 9-24-79; 8:45 am]

BILLING CODE 3910-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1310-4]

Environment and Conservation in Non- Nuclear Energy Research and Development; Public Hearing

Note.—This document originally appeared in the Federal Register for Tuesday, September 4, 1979. It is reprinted in this issue at the request of the Environmental Protection Agency.

The Environmental Protection Agency (EPA) announces a Public Hearing on Environment and Conservation in the Federal Non nuclear Energy Research and Development Program to be held at the Office of Personnel Management Auditorium, 1900 E Street NW., Washington, D.C., from 9 a.m. to 5 p.m., October 3-5, 1979. The public is invited to attend.

Section 11 of the Federal Non nuclear Energy Research and Development Act of 1974 (Pub. L. 93-577), directs the responsible agency (formerly the Council on Environmental Quality, currently EPA) to carry out a continuing analysis of the Federal non nuclear energy research and development program to evaluate the adequacy of attention to (1) energy conservation methods and environmental protection and (2) environmental consequences of the application of non nuclear energy technologies. The 1979 hearing will focus on the adequacy of attention to environmental protection and energy conservation measures within the Department of Energy (DOE) research, development, and demonstration management system.

Aspects of that system to be discussed include:

- Use of technical and scientific information in decision-making.
- Communication of the rationale for technology development decisions.
- Integration of technology development and environmental research planning systems.

Under the direction of the Act, annual public hearings are held to provide the opportunity for interested individuals or groups to testify. The October public hearings have been preceded by a series of Section 11 regional workshops held during July in Atlanta, Denver, San Francisco, and Pittsburgh. These workshops provided an opportunity for public evaluation of the DOE management system at the regional level and its effect on projects which are being developed locally.

A Report to Congress to be available in January 1980 will summarize the 1979 Section 11 program. The results of the October hearing will be a principal part

of the Report. The Report will also include results of four regional workshops already completed, and additional detailed analysis.

Further information about this hearing may be obtained by phoning Paul Schwengels (202) 426-2883 or Francine Jacoff (202) 755-0324.

Individuals or organizations wishing to testify should submit, by September 15, 1979, a brief summary of their intended testimony to: Section 11 Coordinator (RD-681), Office of Environmental Engineering and Technology, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Witnesses may submit written testimony and/or deliver an oral statement of up to ten (10) minutes in length. Additional time will be reserved for questions and comments from a panel of experts. An open period will be provided each day for unscheduled public testimony or questions. Transcripts of the October hearing will be available to the public.

Steven R. Reznick,
Deputy Assistant Administrator for
Environmental Engineering and Technology,
U.S. Environmental Protection Agency.
August 29, 1979.

[F.R. Doc. 79-27458 Filed 8-31-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1327-6]

Coal Mining Point Source Category: Effluent Limitations Guidelines and New Source Performance Standards

AGENCY: Environmental Protection Agency.

ACTION: Extension of Comment Period on Technical Reports.

SUMMARY: This notice extends the period within which interested members of the public may comment on two technical reports previously prepared and made available to the public on behalf of the agency.

FOR FURTHER INFORMATION CONTACT: Barry S. Neuman, Office of General Counsel (A-131), Environmental Protection Agency, 401 "M" Street, S.W., Washington, D.C. 20460. (202) 755-0753.

SUPPLEMENTARY INFORMATION: On August 14, 1979, EPA published in the Federal Register a notice that two technical reports were available for public comment. The reports are "Evaluation of Performance Capability of Surface Mine Sediment Basins" and "Evaluation of Sedimentation Pond Design Relative to Capacity and Effluent Discharge." 44 FR 47195. At that time, the agency stated that all comments on

those reports must be postmarked no later than October 1, 1979.

The agency has received several requests to extend this public comment period. Accordingly, because of these requests and the complexity of the issues involved, the agency hereby extends the public comment period on these documents to and including October 19, 1979. All comments postmarked by that date will be considered by the agency in this rulemaking proceeding.

Sweep T. Davis,

Acting Assistant Administrator for Water and Waste Management.

September 20, 1979.

[FR Doc. 79-29765 Filed 9-24-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

Radio Technical Commission for Marine Services; Meetings

In accordance with Public Law 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 74, "Digital Selective Calling"; Notice of 6th Meeting, Wednesday, October 10, 1979—9:30 a.m.; Thursday, October 11, 1979—8 a.m. (Full-day meetings) Conference Room 8236/8240, Nassif (DOT) Building, 400 Seventh Street SW. (at D Street), Washington, D.C.

Agenda

October 10, 1979:

1. Call to Order; Chairman's Report.
2. Administrative Matters.
3. Meeting of Ship Station Working Group and Coast Station Working Group.

October 11, 1979:

1. Administrative Matters.
2. Working Group Reports.

CDR J. G. Williams,

Chairman, SC-74, U.S. Coast Guard Headquarters, Washington, D.C. Phone: (202) 426-1345.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 682-6490).

Federal Communications Commission.
William J. Tricarico,
Secretary.
[FR Doc. 79-29664 Filed 9-24-79; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423 or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary Federal Maritime Commission, Washington, D.C., 20573, on or before October 15, 1979, in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 10035-5.

Filing Party: Morris R. Garfinkle, Esquire, Galland, Kharasch, Calkins & Short, 1054 Thirty-First Street, N.W., Washington, D.C. 20007.

Summary: Agreement No. 10035-5 is a proposal by the members of the Celtic Bulk Carriers Joint Service agreement to expand the geographical scope of their authority to include U.S. Gulf ports. They are currently authorized to operate between ports in the United Kingdom, Ireland, and European Continent on the one hand, and ports on the U.S. Atlantic and Pacific Coasts on the other. The modification also proposes to clarify the members' authority relative to the carriage of steel products, forest products, and grain in parcels.

By Order of the Federal Maritime Commission.

Dated: September 19, 1979.

Joseph C. Polking,
Assistant Secretary.

[FR Doc. 79-29704 Filed 9-24-79; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. 8670 and 8595]

Notice of Cancellation of Agreement

Filing Party: A. J. Jamundo, Secretary, Japan/Great Lakes Memorandum and Great Lakes/Japan Rate Agreement, One World Trade Center, Suite 2211, New York, New York 10048.

Summary: The members of Agreement No. 8670, the Japan/Great Lakes Memorandum, and the members of Agreement No. 8595, the Great Lakes/Japan Rate Agreement, have submitted notification letters duly signed by the parties thereof, advising the Commission of their unanimous decision to cancel the above-named agreements effective July 26, 1979 and July 24, 1979, respectively.

By Order of the Federal Maritime Commission.

Dated: September 19, 1979.

Joseph C. Polking,
Assistant Secretary.

[FR Doc. 79-29706 Filed 9-24-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of

the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than October 15, 1979.

A. Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045:

1. Barclays Bank Limited and its subsidiary, Barclays Bank International Limited, each a bank holding company whose principal office is in London, England (financing and insurance activities: Alabama, Arizona, Colorado, Florida, Kansas, Indiana, Louisiana, North Carolina, Oklahoma, Tennessee, and Utah); to engage, through their subsidiary,

Barclays American Corporation ("BAC"), and a subsidiary of BAC, Barclays American Credit, Inc., in (1) making direct installment loans to individuals and the purchase of retail installment notes (sales finance), such as loans made to individuals for personal, family or household purposes, the purchase on a discounted basis of contracts and related security agreements arising principally from the sale by dealers of titled goods (including automobiles, mobile homes, travel trailers and campers, and boat and marine equipment) and household goods (including furniture, television sets and appliances) and related wholesale financing consisting of financing dealers' inventories of automobiles, mobile homes and other chattels, and at the election of borrowers from BAC and its subsidiary, sale of credit related insurance, including decreasing term credit life insurance, credit accident and health insurance, and credit property insurance designed to protect the borrower's personal property (e.g., household goods) which serve as collateral for loans from BAC or its subsidiary. The insurance so sold may be underwritten or reinsured by BAC's insurance underwriting subsidiary. These activities would be conducted from offices in Jackson, Tennessee, serving the town of Jackson; Leesville, South Carolina, serving the town of Leesville and the area within a 20-mile

radius of Leesville; Jasper, Alabama, serving the town of Jasper and the area within a 20-mile radius of Jasper; Fort Collins, Colorado, serving the city of Fort Collins; Grand Junction, Colorado, serving the business district and main residential community of Grand Junction; Kokomo, Indiana, serving the central business district and northern residential area of Kokomo; Phoenix, Arizona, serving the northwest quadrant of Phoenix, the town of Glendale and Metro Center Mall area; Mesa, Arizona, serving Mesa and the southwest quadrant of Phoenix; Tucson, Arizona, serving the central business district and eastern residential areas of Tucson; Ogden, Utah, serving the central business district and northern residential area of Ogden; Enid, Oklahoma, serving the town of Enid; Salina, Kansas, serving the central business district and southern residential area of Salina; Baton Rouge, Louisiana, serving the central business district and northeast quadrant of Baton Rouge; Pensacola, Florida, serving the central business district area and northwest residential area of Pensacola; and Lake Charles, Louisiana, serving the central business district and southcentral residential area of Lake Charles.

2. Barclays Bank Limited and its subsidiary, Barclays Bank International Limited, London, England (lease financing activities; south central United States and northeastern United States); to engage, through their subsidiary Barclays American Leasing, Inc., in lease financing of personal property. These activities would be conducted from an office in Houston, Texas, serving Arizona, Arkansas, Colorado, Louisiana, New Mexico, Oklahoma and Texas, and an office in Mountainside, New Jersey serving the New England states and Delaware, Maryland, New Jersey, New York, Ohio and Pennsylvania.

3. Citicorp, New York, New York (financing and insurance activities; New York); to engage, through its subsidiary Citicorp Person-to-Person Financial Center, Inc., in making consumer installment personal loans, purchasing and servicing for its own account consumer installment sales finance contracts, making loans for the account of others, making loans to individuals and businesses secured by real and personal property the proceeds of which may be for purposes other than personal, family or household usage; and selling life and accident and health or decreasing or level (in the case of single payment loans) term life insurance directly related to its

extensions of credit and the sale of property and casualty insurance protecting personal and real property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc. These activities would be conducted from an office in Cheyenne, Wyoming and its service area would be expanded to include Laramie, Albany, Platte, Goshen and Carbon Counties, all in Wyoming. This application is for the relocation of an office within the same city and for the expansion of the service area of this office. Comments on this application must be received by October 10, 1979.

B. Federal Reserve Bank of Atlanta, 104 Marietta Street NW., Atlanta, Georgia 30303:

Citizens and Southern Holding Company, Atlanta, Georgia (financing and loan servicing activities; Alabama); to engage, through its wholly owned subsidiary, Citizens and Southern Finance Company, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit; operation of a licensed small loan company and installment sales finance company; and servicing loans and other extensions of credit for any person. These activities would be conducted at offices in Mobile, Alabama, serving Mobile County, Alabama.

C. Federal Reserve Bank of Boston, 30 Pearl Street, Boston, Massachusetts 02106:

1. Industrial National Corporation, Providence, Rhode Island, (mortgage banking activities; Wisconsin); to engage, through its indirect subsidiary, Amortized Mortgages, Inc., in making, selling, and servicing residential mortgage loans. These activities would be conducted from an office in Green Bay, Wisconsin, serving Brown, Door, Florence, Forest, Kewaunee, Langlade, Lincoln, Marinette, Menominee, Oconto, Oneida, Shawano, and Vilas Counties, Wisconsin. Comments on this application must be received by October 12, 1979.

2. Industrial National Corporation, Providence, Rhode Island, (mortgage banking activities; Wisconsin); to engage, through its subsidiary, Mortgage Associates, Inc., in making, selling, and servicing residential mortgage loans. These activities would be conducted from an office in Roseville, Minnesota, serving the following counties in Minnesota: Chisago, Ramsey, Washington, and the eastern half of Dakota. Comments on this application must be received by October 12, 1979.

D. Federal Reserve Bank of San Francisco, 400 Sansome Street, San Francisco, California 94120:

D. Patagonia Corporation, Tucson, Arizona (commercial finance activities; Missouri and Texas); to engage, through its subsidiary, Patagonia Leasing Company, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a commercial finance company. These activities would be conducted from offices in Kansas City, Missouri, and Houston, Texas, serving 28 States in the eastern, southern, midwest and southwestern United States. Comments on this application must be received by October 12, 1979.

E. Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, September 14, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-29645 Filed 9-24-79; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which

they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than October 17, 1979.

A. *Federal Reserve Bank of New York*, 33 Liberty Street, New York, New York 10045:

Barclays Bank Limited and its subsidiary, Barclays Bank International Limited, each a bank holding company whose principal office is in London, England (financing activities: Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, Pennsylvania [western part], Tennessee [central and western parts], West Virginia and Wisconsin); to engage, through their subsidiary, Barclays American/Commercial, Inc., in factoring and commercial finance and making other commercial loans. These activities would be conducted from an office in Louisville, Kentucky serving the eleven states (or portions thereof as indicated) listed above.

B. *Federal Reserve Bank of Chicago*, 230 South LaSalle Street, Chicago, Illinois 60690:

1. Walter E. Heller International Corporation, Chicago, Illinois (commercial finance; Ohio, Pennsylvania); to engage, through its subsidiary Walter E. Heller & Company, in commercial finance activities. Such activities will be conducted at office facilities located in Cleveland, Ohio, serving Ohio and Pennsylvania. Comments for this application must be received by October 15, 1979.

2. First Chicago Corporation, Chicago, Illinois (mortgage banking activities; Florida, Oregon, Idaho, Washington, Arizona, Nevada, Utah); to engage, through its subsidiary, First Chicago Realty Services Corporation, in making, acquiring for its own account and for the account of others, loans and other extensions of credit secured by real estate mortgages and servicing such loans and other extensions of credit. These activities would be conducted from offices in Miami, Florida, serving Florida; Seattle, Washington, serving Oregon, Idaho, and Washington; and Scottsdale, Arizona, serving Arizona, Utah, and Nevada.

3. Walter E. Heller International Corporation, Chicago, Illinois (commercial finance and rediscounting activities; Southeastern United States); to engage, through its subsidiary, Walter E. Heller & Company, in commercial finance and rediscounting activities. These activities would be conducted from an Office in Columbia, South Carolina, serving primarily South Carolina, but also North Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas and Louisiana.

4. Walter E. Heller International Corporation, Charlotte, North Carolina (commercial finance and rediscounting activities; Southeastern United States); to engage, through its subsidiary, Walter E. Heller & Company, in commercial finance and rediscounting activities. These activities would be conducted from an office in Charlotte, North Carolina, but also South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas and Louisiana.

C. *Federal Reserve Bank of San Francisco*, 400 Sansome Street, San Francisco, California 94120:

Bankamerica Corporation, San Francisco, California (financing, leasing, mortgage banking, and investment advisor activities; Texas); to engage, through its subsidiary, BA Mortgage and International Realty Corporation, in making or acquiring mortgage loans for its own account or for the account of others; in servicing loans and other extensions of credit; in leasing real property or acting as agent, broker or advisor in the leasing of real property, in accordance with the Board's Regulation Y; and in acting as investment or financial advisor to the extent of providing portfolio investment advice to others. These activities would be conducted from an office in San Antonio, Texas, serving the State of Texas.

D. *Other Federal Reserve Banks*: None.

Board of Governors of the Federal Reserve System, September 17, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-29646 Filed 9-24-79; 8:45 am]
BILLING CODE 6210-01-M

First Bankshares Corp. of S. C.; Proposed Retention of First National Credit Life Insurance Co.

First Bankshares Corp. of S. C., Columbia, South Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain voting shares of First National Credit Life Insurance Company, Columbia, South Carolina.

Applicant states that the proposed subsidiary would continue to engage in the activity of underwriting credit life insurance that is directly related to extensions of credit by Applicant's subsidiaries. These activities would continue to be performed from offices of Applicant's subsidiary in Columbia, South Carolina, and the geographic area to be served is the State of South

Carolina. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether approval of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 17, 1979.

Board of Governors of the Federal Reserve System, September 17, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-29647 Filed 9-24-79; 8:45 am]
BILLING CODE 6210-01-M

Central Bancshares, Inc.; Formation of Bank Holding Company

Central Bancshares, Inc., McKinney, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Central National Bank of McKinney, McKinney, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 17, 1979. Any comment on an application that

requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 17, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-29640 Filed 9-24-79; 8:45 am]
BILLING CODE 6210-01-M

First American Bank Corp.; Acquisition of Bank

First American Bank Corporation, Kalamazoo, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Farmers and Merchants State Bank of Sebewaing, Sebewaing, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 18, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 18, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-29644 Filed 9-24-79; 8:45 am]
BILLING CODE 6210-01-M

First City Bancorporation of Texas, Inc.; Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 35.9 percent of the voting shares of Citizens State Bank, Sealy, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the

application should submit views in writing to the Reserve Bank to be received not later than October 15, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 14, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-29642 Filed 9-24-79; 8:45 am]
BILLING CODE 6210-01-M

First Haskell Corp.; Formation of Bank Holding Company

First Haskell Corporation, Haskell, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The First Bank of Haskell, Haskell, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First Haskell Corporation, Haskell, Oklahoma, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of First Haskell Business Trust, Haskell, Oklahoma, and First Haskell Insurance Agency, Inc., Haskell, Oklahoma.

Applicant states that the sole business activity to be performed by First Haskell Business Trust would be to own stock in First Haskell Insurance Agency, Inc., the proposed activities of which are the offering of credit life and accident and health insurance in connection with extensions of credit by the Bank. These activities would be performed from offices of Applicant's subsidiary in Haskell, Oklahoma, and the geographic areas to be served are within an 8 to 10 mile radius of Haskell, Oklahoma. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or

gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing to the Reserve Bank to be received not later than October 18, 1979.

Board of Governors of the Federal Reserve System, September 18, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-29633 Filed 9-24-79; 8:45 am]
BILLING CODE 6210-01-M

First International Bancshares, Inc.; Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of First National Bank in Conroe, Conroe, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 15, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 14, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-29643 Filed 9-24-79; 8:45 am]
BILLING CODE 6210-01-M

Kiowa Bancshares, Inc.: Formation of Bank Holding Company

Kiowa Bancshares, Inc., Roosevelt, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Security State Bank, Roosevelt, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 18, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 18, 1979.
Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-29684 Filed 9-24-79; 8:45 am]

BILLING CODE 6210-01-M

National Bancorporation, Inc.: Formation of Bank Holding Company

National Bancorporation, Inc., Traverse City, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of National Bank and Trust Company of Traverse City, Traverse City, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 15, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of

fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 14, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-29636 Filed 9-24-79; 8:45 am]

BILLING CODE 6210-01-M

Navigation Bancshares, Inc.: Formation of Bank Holding Company

Navigation Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 85.6 per cent of the voting shares of Navigation Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 17, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 17, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-29635 Filed 9-24-79; 8:45 am]

BILLING CODE 6210-01-M

Rhea Bancshares, Inc.: Formation of Bank Holding Company

Rhea Bancshares, Inc., Dayton, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Dayton Bank & Trust Company, Dayton, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 15, 1979.

Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 14, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-29637 Filed 9-24-79; 8:45 am]

BILLING CODE 6210-01-M

Tsvaiter Financial Corp.: Formation of Bank Holding Company

Tsvaiter Financial Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Garfield Ridge Trust and Savings Bank, Chicago, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 18, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 18, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-29632 Filed 9-24-79; 8:45 am]

BILLING CODE 6210-01-M

United Bank Corp.: Formation of Banking Holding Company

United Bank Corp., Cocoa Beach, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares (less directors' qualifying shares) of United National Bank, Cocoa Beach, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 12, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 12, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-29641 Filed 9-24-79; 8:45 am]

BILLING CODE 6210-01-M

Walker Banshares Corp.: Formation of Bank Holding Company

Walker Banshares Corp., Crawfordsville, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 99 per cent or more of the voting shares of Walker State Bank, Walker, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 17, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 17, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-29639 Filed 9-24-79; 8:45 am]

BILLING CODE 6210-01-M

Western Bancshares, Inc.: Formation of Bank Holding Company

Western Bancshares, Inc., St. Paul, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C.

1842(a)(1)) to become a bank holding company by acquiring 84.7 per cent of the voting shares of Western State Bank of St. Paul, Minnesota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 17, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 17, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-29638 Filed 9-24-79; 8:45 am]

BILLING CODE 6210-01-M

Wolbach Insurance Agency, Inc.: Acquisition of Bank

Wolbach Insurance Agency, Inc., Wolbach, Nebraska, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 24 percent or more of the voting shares of Broken Bow Enterprises, Inc., Broken Bow, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 11, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 14, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-29618 Filed 9-24-79; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE**Regulatory Reports Review; Receipt of Report Proposal**

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on September 19, 1979. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before October 15, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW., Washington, D.C. 20548. Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Federal Trade Commission

The FTC requests clearance of a new, voluntary, single-time questionnaire which will be sent to alternative real estate brokers (those offering services and prices significantly different from prevailing practices). The questionnaire will be sent to alternative brokerage firms throughout the country to obtain information on the market areas, operations and problems of those brokers. The FTC estimates respondents will number approximately 1,050 and that respondent burden will average 1½ hours per questionnaire.

Norman F. Heyl,

Regulatory Reports, Review Officer.

[FR Doc. 79-29612 Filed 9-24-79; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**Food and Drug Administration****Consumer Participation; Open Meeting Correction**

In FR Doc. 79-24908 appearing on page 47619 in the issue of Tuesday, August 14, 1979, in the paragraph "For

Further Information Contact," the telephone number for the Consumer Affairs Officer now reading "(216) 552-4844" should have read "(216) 522-4844."

BILLING CODE 1505-01-M

Office of Human Development Services

Administration for Children, Youth and Families; Establishment

AGENCY: Office of Human Development Services, DHEW.

ACTION: Notice of Advisory Board Establishment.

PURPOSE: The Assistant Secretary for Human Development Services announces the establishment by the Secretary of Health, Education, and Welfare of the Advisory Board on Child Abuse and Neglect.

DATES: The charter for this Board was signed by the Secretary of Health, Education, and Welfare on August 29, 1979. This charter will expire, unless renewed by appropriate action two years from the date it was signed.

FOR FURTHER INFORMATION CONTACT: Frank Ferro, Associate Chief, Children's Bureau, Administration for Children, Youth and Families, Office of Human Development Services, Department of Health, Education, and Welfare, Room 2030, Donohoe Building, P.O. Box 1182 Washington, D.C. 20013.

SUPPLEMENTAL INFORMATION: The authority for this Board is Public Law 93-247, Section 6, as amended by Pub. L. 93-644 and Pub. L. 95-266. The Board will assist the Secretary in coordinating programs and activities related to the prevention, identification and treatment of child abuse and neglect planned, administered or assisted under Pub. L. 93-247, as amended, with such programs and activities planned, administered or assisted by other Federal agencies. The Advisory Board will also assist the Secretary in the development and updating, as appropriate, of the Federal Standards for Child Abuse and Neglect Prevention and Treatment Programs and Projects. The Advisory Board will also review and submit directly to the President and Congress a comprehensive plan for the coordination of the goals, objectives, and activities of all agencies and organizations which have responsibilities for programs and activities related to child abuse and neglect.

The Advisory Board will submit an annual report to the Secretary through the Assistant Secretary for Human Development Services not later than October 31 of each year, which shall

contain, at a minimum a list of members and their business addresses, dates and places of meetings, a list of federally funded child abuse and neglect projects and programs, and a summary of the Advisory Board's activities and recommendations made during the previous fiscal year.

Dated: September 19, 1979.

Arabella Martinez,

Assistant Secretary for Human Development Services.

[FR Doc. 79-29663 Filed 9-24-79; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Intergovernmental Planning Program Gulf of Mexico and South Atlantic Regional Technical Working Groups; Meeting

As authorized by the Secretary of the Interior and pursuant to 43 CFR Part 1784 and 43 U.S.C. 1739(d), a meeting of the Intergovernmental Planning Program's (IPP) Gulf of Mexico and South Atlantic Regional Technical working Groups will be held on October 30, 1979, from 10:00 a.m. to 3:30 p.m., in the Renaissance Room, 2nd Floor of the LePavillon Hotel, 833 Poydras Street (at Baronne Street), New Orleans, Louisiana.

The agenda of the meeting is as follows:

A. Introduction of the leasing process and proposed OCS oil and gas lease sale schedule.

B. Administrative and operating details of the IPP.

C. Presentation of the FY 81 Proposed Regional Studies Plan.

The meeting is open to the public. Minutes of the meeting will be available for public inspection two weeks after the meeting at the New Orleans OCS Office.

Further information in regard to this meeting can be obtained from Sydney H. Verinder at the New Orleans OCS Office, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130, telephone number (504) 589-6541.

John L. Rankin,

Manager, New Orleans Outer, Continental Shelf Office.

September 17, 1979.

[FR Doc. 79-29625 Filed 9-24-79; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Land Management

(F-20519)

Alaska Native Claims Selection

By Secretarial Proclamation of May 20, 1943, pursuant to Sec. 2 of the Act of May 1, 1936 (49 Stat. 1250; 48 U.S.C. Sec. 358a), certain lands in the Yukon Chandalar area were designated as an Indian Reservation and set aside for the use and occupancy of the Native inhabitants of certain villages. This reservation has been surveyed as U.S. Survey No. 5220, the Venetie Indian Reservation.

Section 19(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 710; 43 U.S.C. 1601, 1618 (1976)) (ANCSA), revoked, subject to any valid existing rights of non-Natives, the various reserves set aside for Native use of administration of Native affairs. Public Land Order 5158, signed February 4, 1972, withdrew, subject to valid existing rights, the lands set aside for Native use or for administration of Native affairs in furtherance of the right of any Native village corporation or corporations to acquire title to the surface and subsurface estates in the reservations pursuant to Sec. 19(b) of ANCSA.

On November 10, 1973, the Boards of Directors for the Venetie Indian Corporation and the Neets'ai Corporation certified that their stockholders had elected to acquire title to the surface and subsurface estates in the reserve as provided by Sec. 19(b) of the ANCSA. Under 43 CFR 2654.2(a), submission of such certifications constituted application to acquire reserve lands.

I. State Selection Applications Rejected in Part

The State of Alaska filed general purposes selection applications F-15169 and F-15170 on January 21, 1972, as amended, for all unpatented lands within Tps. 27 and 28 N., R. 2 E., T. 28 N., R. 3 E., and T. 29 N., R. 3 E., Fairbanks Meridian, Alaska pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)). These selections included lands within U.S. Survey 5220, the Venetie Indian Reservation, reserved by the Proclamation of May 20, 1943, for the Native inhabitants. On December 18, 1971, Sec. 19(a) of the ANCSA revoked the reserve while Sec. 19(b) withdrew the reserve for a period of 2 years for possible election by the Native corporations. The corporations elected to receive title to the former reserve on November 10, 1973. Section 6(b) of the Alaska Statehood Act

provides that the State may select only *vacant, unappropriated and unreserved* public lands in Alaska.

Therefore, the State selection applications are rejected as to the following described lands:

Fairbanks Meridian, Alaska (Unsurveyed)

State Selection F-15169

T. 27 N., R. 2 E.

That portion of the township within U.S. Survey 5220.

Containing approximately 5,590 acres.

T. 28 N., R. 2 E.

That portion of the township within U.S. Survey 5220.

Containing approximately 120 acres.

T. 28 N., R. 3 E.

That portion of the township within U.S. Survey 5220.

Containing approximately 14,380 acres. Aggregating approximately 20,090 acres.

State Selection F-15170

F. 29 N., R. 3 E.

That portion of the township within U.S. Survey 5220.

Containing approximately 200 acres.

Total aggregated acreage approximately 20,290 acres.

Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date.

II. Alaska Native Claims Settlement Act Section 3(e) Application Rejected

Section 3(e) of ANCSA defines "public lands" as:

"... all Federal lands and interests therein located in Alaska except: (1) the smallest practicable tract, as determined by the Secretary, enclosing land actually used in connection with the administration of any Federal installation"

On March 3, 1978, the Secretary of the Interior, in his final decision document for the ANCSA Implementation Review, decided that:

The Secretary's authority to determine the smallest practicable tract involved with a Federal installation under section 3(e)(1) of the ANCSA applies only to the Statutory withdrawals made by sections 11 and 16(a) and, subsequently to those lands selected by Village and Regional corporations from such withdrawal areas pursuant to sections 12 and 16(b).

The Secretary's authority to make such determinations does not extend to the various reserves revoked pursuant to Sec. 19(a) of ANCSA and made available for acquisition by village corporations pursuant to Sec. 19(b). Therefore, ANCSA Sec. 3(e) application F-48314 is rejected in its entirety:

In the vicinity of Venetie, T. 25 N., R. 6 E., Fairbanks Meridian, Alaska, .99 acre used by the Department of the Army for a National Guard Armory.

When this decision becomes final, application F-48314 will be closed of record.

III. Reserve Lands Proper for Village Acquisition Approved for Patent

Section 19 of ANCSA provides that if the stockholders of the concerned village corporations elect to take former reserve lands:

"... the Secretary [of the Interior] shall convey the land to the Village Corporation or Corporations, subject to valid existing rights as provided in subsection 14(g)..."

As to the lands described below, application F-20519 is properly filed and meets the requirements of ANCSA and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under, or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, containing 1,799,927.65 acres, are considered proper for acquisition by Neets'ai Corporation and Venetie Indian Corporation, and are hereby approved for conveyance pursuant to Sec. 19(b) of the Alaska Native Claims Settlement Act:

U.S. Survey No. 5220, Alaska, comprising the Venetie Indian Reservation. Containing 1,799,927.65 acres.

The grant of lands herein shall be to Neets'ai Corporation and Venetie Indian Corporation as tenants in common in the following proportions:

Neets'ai Corporation, an undivided 147/303 interest.

Venetie Indian Corporation, an undivided 156/303 interest.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

The grant of the above/described lands shall be subject to:

Valid existing rights, therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1976))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act, any valid existing right recognized by the Alaska Native Claims Settlement Act shall continue to have whatever right of access as is now provided for under existing law.

After these lands have been patented there will be no further action and the case will be closed.

The lands conveyed will include the Old Mission Church, which has been nominated for the National Register of Historic Places, and is located in Arctic Village.

In accordance with Departmental regulations 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the *TUNDRA TIMES*. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until October 25, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Neets'ai Corporation, Arctic Village, Alaska 99722.

Venetie Indian Corporation, Venetie, Alaska 99781.

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Department of the Army, Alaska District, Corps of Engineers, P.O. Box 7002, NPARE A-Q, Anchorage, Alaska 99510.

Sue A. Wolf,

Chief, Branch of Adjudication.

[FR Doc. 79-29685 Filed 9-24-79; 8:45 am]

BILLING CODE 4310-84-M

New Mexico Wilderness Inventory

The 30-day delay in implementing the wilderness inventory decisions

identified in the Federal Register, Volume 44, No. 131, Friday, July 16, 1979, page 39622 has ended. The decision became effective August 10, 1979. Also, a correction of the July 6 announcement is noted.

September 17, 1979.

AGENCY: Bureau of Land Management, Interior.

ACTION: Announcement.

SUMMARY: The decision to drop certain lands in New Mexico from further consideration for wilderness designation is now in effect. The decision to drop (a) lands and units previously recommended for intensive inventory and (b) inventory units which received some support for intensive inventory was not appealed.

The July 6, 1979 notice states incorrectly that the 90-day public comment period ended July 9, 1979. The correct date was June 9, 1979.

Billy M. Brody,

Acting State Director.

[FR Doc. 79-29702 Filed 9-24-79; 8:45 am]

BILLING CODE 4310-84-M

Oregon; Motorized Vehicles on Public Lands Restriction of Use

Notice is hereby given that off-road travel by motorized vehicles on certain Public lands within the areas known as the Honeycombs and Jordan Crater Research Natural Area is prohibited in accordance with the provisions of 43 CFR Subpart 8342—Designation of Areas and Trails. These closures do not apply to emergency, law enforcement and federal or other government vehicles while being used for official or emergency purposes.

The areas affected by this closure notice are as follows:

Honeycombs

The Honeycombs area is located approximately thirty-two miles southwest of Homedale, Idaho. The legal description of the closed lands is:

Williamette Meridian

T.24S., R.44E.,
Sec. 14, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$;
Sec. 15, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 23, ALL;
Sec. 24, S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$,
N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 25, ALL;
Sec. 26, ALL;
Sec. 27, E $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 28, SE $\frac{1}{4}$;
Sec. 33, NE $\frac{1}{4}$;

Sec. 34, ALL;
Sec. 35, ALL;
T.24S., R.45E.,
Sec. 19, ALL;
Sec. 30, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 31, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$;
T.25S., R.44E.,
Sec. 1, ALL;
Sec. 2, ALL;
Sec. 3, E $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 10, NE $\frac{1}{4}$;
Sec. 11, ALL;
Sec. 12, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 13, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 14, E $\frac{1}{2}$ NE $\frac{1}{4}$;
T.25S., R.45E.,
Sec. 6, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 7, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
Total Acres: 11,932.5.

Jordan Crater Research Natural Area

Jordan Crater Research Natural Area is located approximately thirty miles northwest of Jordan Valley, Oregon. The legal description of the closed lands is:

Williamette Meridian

T.27S., R.43E.,
Secs. 33 to 36, inclusive.
T.28S., R.43E.,
Secs. 1 to 3, inclusive;
Sec. 4, lots 1, 2, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$;
Sec. 5, ALL;
Sec. 8 to 11, inclusive;
Sec. 12, W $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 13 to 17, inclusive;
Sec. 20, N $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Secs. 21 to 29, inclusive;
Secs. 32 to 36, inclusive.
T.28S., R.44E.,
Sec. 18, lots 3 and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and
SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 19, ALL;
Sec. 20, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 28, W $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 29 to 32, inclusive.
T.29S., R.43E.,
Secs. 1 to 5, inclusive.
T.29S., R.44E.,
Sec. 4, W $\frac{1}{2}$;
Sec. 5, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 7, ALL;
Sec. 8, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ and SE $\frac{1}{4}$;
Sec. 9, W $\frac{1}{2}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 16, W $\frac{1}{2}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$.
Total Acres: 31,394.7

The use of the identified public lands in the two described areas by off-road vehicles in the past have destroyed or severely damaged botanical, geological, zoological, wilderness and scenic values. After consultation with various interest groups and individuals, and after reviewing management objectives for the two areas, off-road vehicle closures were determined to be necessary to protect the aforementioned values from further disturbance and/or destruction. The need for off-road

vehicle closures were discussed at formal public meetings and informally, through public contact, with various individuals and groups.

The off-road vehicle closures are effective immediately.

Maps depicting the off-road vehicle closure areas described above are available at the Bureau of Land Management, Vale District Office, 365 A Street West (P.O. Box 700), Vale, Oregon 97918.

Dated: September 20, 1979.

Fearl M. Parker,

District Manager.

[FR Doc. 79-29701 Filed 9-24-79; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Boulder Canyon Project, Hoover Powerplant Modification; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare an environmental impact statement on a proposed project to increase the power generating capacity of Hoover Dam. The alternative methods for increasing power which will be discussed in the document include: (1) building an additional powerhouse with two 250-megawatt generators, (2) replacing two existing generators (Units A-8 and A-9) with one 350-megawatt generator, and (3) installing a reversible generator allowing pumped-back storage capability.

The alternatives to be considered have evolved through the multi-objective planning process. Federal, State, and local agencies have been informed of the proposed project and invited to participate in the planning process. Public meetings have been held to provide information and solicit opinions related to the project. The next public meeting will be held in the Las Vegas area during October 1979. The exact place and time will be announced locally when they have been determined.

Pursuant to the new Council on Environmental Quality regulations, the meetings will also serve as scoping sessions to identify significant environmental issues that should be addressed in the environmental impact statement.

The advance draft environmental impact statement is scheduled to be completed and available for review and comment by May 31, 1980.

For further information about the proposed action and the environmental

impact statement, contact Mr. Martin Einert, Bureau Reclamation, P.O. Box 427, Boulder City, Nevada 89005, telephone (702) 293-8510.

Dated: September 17, 1979.

Clifford J. Barrett,

Acting Commissioner.

[FR Doc. 79-29370 Filed 9-24-79; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

The applicants listed below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

Applicant: Miller Park Zoo Division, Parks and Recreation Department, P.O. Box 3157, Bloomington, Illinois 61701; PRT 2-4603.

The applicant requests a permit to import and purchase in foreign commerce one female captive-born Sumatran tiger (*Panthera tigris sumatrae*) from the Rotterdam Zoo, Netherlands for enhancement of propagation.

Applicant: F. M. Driscoll, Lexington Pheasantry, 219 Cowlitz Dr., Kelso, Washington 98626; PRT 2-4632.

The applicant requests a permit to export in foreign commerce two Elliot's pheasants (*Syrnaticus ellioti*) to Mr. Jack Schuiteman, Devlin, Ontario, Canada for enhancement of propagation.

Humane care and treatment during transport, if applicable, has been indicated by the applicant.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia or by writing to the Director, U.S. Fish and Wildlife Service, WPO, Washington, D.C. 20240.

Interested persons may comment on these applications on or before October 25, 1979 by submitting written data, views, or arguments to the Director at the above address.

Dated: September 13, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-29626 Filed 9-24-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

The applicants listed below wish to be authorized to conduct the specified

activity with the indicated Endangered Species:

Applicant: San Diego Wild Animal Park, Zoological Society of San Diego, Route 1, Box 725E, Escondido, California 92025; PRT 2-4575.

The applicant requests a permit to export twelve (12) captive-bred Arabian oryx (*Oryx leucoryx*) to Oman (S.E. Arabia) in a cooperative agreement with the Government of Oman for release into its native habitat for enhancement of propagation and survival.

Applicant: Cheyenne Mountain Zoological Park, P.O. Box 158, Colorado Springs, Colorado 80901; PRT 2-4634.

The applicant requests a permit to purchase in interstate commerce one female white-handed gibbon (*Hylabates lar*) from the Birmingham Zoo, Birmingham, Alabama for enhancement of propagation.

Applicant: Memphis Zoological Gardens, 200 Galloway, Overton Park, Memphis, Tennessee 38112; PRT 204643.

The applicant requests a permit to purchase in interstate commerce two female captive-born gaur (*Bos gaurus*) from the Henry Doorly Zoo, Omaha, Nebraska for enhancement of propagation.

Humane care and treatment during transport, if applicable, has been indicated by the applicant.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia or by writing to the Director, U.S. Fish and Wildlife Service, WPO, Washington, D.C. 20240.

Interested persons may comment on these applications on or before October 25, 1979 by submitting written data, views, or arguments to the Director at the above address.

Dated: September 13, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-29627 Filed 9-24-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Dr. Paul Licht, University of California, Berkeley, California 94720.

The applicant requests a permit to import tissue samples, blood samples, eggs and hatchlings of green (*Chelonia mydas*), olive ridley (*Lepidochelys olivacea*), hawksbill (*Eretmochelys imbricata*), loggerhead (*Caretta caretta*)

and leatherback (*Dermochelys coriacea*) sea turtles for scientific research.

Humane care and treatment during transport has been indicated by the applicant. Salvaged specimens will be used whenever possible.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1125. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before October 25, 1979. Please refer to the file number when submitting comments.

Dated: September 18, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-29628 Filed 9-24-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Southeast Fisheries Center, National Marine Fisheries Service, Miami, Florida 33149.

The applicant requests a permit to take leatherback (*Dermochelys coriacea*), hawksbill (*Eretmochelys imbricata*), Atlantic Ridley (*Lepidochelys kempi*), olive ridley (*Lepidochelys olivacea*), green (*Chelonia mydas*) and loggerhead (*Caretta caretta*) sea turtles to continue scientific research activities.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-4481. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before October 25, 1979. Please refer to the file number when submitting comments.

Dated: September 18, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-29629 Filed 9-24-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application Amendment

An "Endangered Species Permit—Notice of Receipt of Application" was published in the *Federal Register*, Volume 44, No. 153, Tuesday, August 7, 1979 including a request by the New York Zoological Society (NYZS) to import as a gift three white-naped cranes (*Grus vipio*) from the Hong Kong Agricultural and Fisheries Department (HKAFD). The HKAFD has offered the NYZS one additional crane and consequently, the NYZS requests an amendment to their Notice of Receipt of Application to read "... four white-naped cranes..." Comments on this application must be submitted to the Director at the following address on or before October 25, 1979: Director, U.S. Fish and Wildlife Service (WPO), U.S. Department of the Interior, Washington, D.C. 20240.

Dated: September 18, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-29630 Filed 9-24-79; 8:45 am]

BILLING CODE 4310-55-M

Issuance of Permit for Marine Mammals and Endangered Species

On August 16, 1979, a Notice was published in the *Federal Register* (44 FR 160-47988), that an application had been filed with the Fish and Wildlife Service by Dr. Ursula Rowlett, Abraham Lincoln School of Medicine, Chicago, IL for a permit to import 35 dugong (*Dugong dugon*) hearts that are preserved in formalin for scientific research.

Notice is hereby given that on September 14, 1979, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Endangered Species Act of 1972 (16 U.S.C. 1539), the Fish and Wildlife Service issued a permit (PRT 2-4371), to Dr. Rowlett authorizing the importation of the dugong hearts subject to certain conditions set forth therein.

The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Room 601, 1000 N. Glebe Road, Arlington, Virginia.

Dated: September 18, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-29631 Filed 9-24-79; 8:45 am]

BILLING CODE 4310-55-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before September 14, 1979. Pursuant to § 60.13 of 36 CFR Part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments or a request for additional time to prepare comments should be submitted by October 5, 1979.

Charles A. Herrington,

Acting Keeper of the National Register.

ALABAMA

Baldwin County

Bay Minette vicinity, Cantonment Moultrie Site.

CALIFORNIA

Mariposa County

Yosemite National Park, Camp Curry Historic District, Yosemite Valley.

Santa Barbara County

Santa Barbara Island Archeological District, San Miguel Island Archeological District, Santa Barbara vicinity, Madulce Guard Station and Site, 40 mi. N of Santa Barbara.

Ventura County

Anacapa Island Archeological District.

GEORGIA

Chatham County

Savannah vicinity, Lebanon Plantation, SW of Savannah.

Clarke County

Athens, Marton Building, 199 W. Washington St.

Houston County

Henderson, Davis-Felton Plantation, NW of Henderson on Felton Rd.

McDuffie County

Thomson, Hickory Hill (Thomas E. Watson House) Hickory Hill Dr. and Lee St.

Richmond County

Augusta, Reid-Jones-Carpenter House, 2249 Walton Way.

IOWA

Woodbury County

Sioux City, Sioux City Baptist Church, 1301 Nebraska Ave.

LOUISIANA

Caddo Parish

Shreveport, Blanchard Building, 627 Milam St.
Shreveport, Shepherd Building, 629 Milam St.

DeSoto Parish

Mansfield, Mundy-McFarland House, 200 Welsh St.

East Carroll Parish

Lake Providence, Lake Providence Historic District, Lake, Levee, and Scarborough Sts.

Iberia Parish

New Iberia, Magnolias, The, 115 Jefferson St.

Natchitoches County

Bermuda vicinity, Maison de Marie Therese, 1 mi. NW of Bermuda.
Natchitoches, Normal Hill Historic District, Northwestern State University campus.

Rapides Parish

Alexandria, Bentley Hotel, 801 3rd St.
Alexandria, Bolton, James Wade, House, 1330 Main St.
Alexandria, Cook House, 222 Florence Ave.
Alexandria, Rapides Bank and Trust Company Building, 933 Main St.

St. James Parish

Convent, St. Michael's Church Historic District, LA 44.

MAINE

Penobscot County

Bangor, West Market Square Historic District, W. Market Sq.

MISSISSIPPI

Adams County

Natchez vicinity, Pine Ridge Church, NE of Natchez at Pine Ridge Rd. and MS 554.

Hinds County

Jackson, Farish Street Neighborhood Historic District, Roughly bounded by Amite, Mill, Fortification and Lamar Sts.
Jackson, Spengler's Corner Historic District, E. Capitol, N. State and N. President Sts.

Jefferson County

Lorman vicinity, China Grove (McDonald Place) W of Lorman off U.S. 61.

Lafayette County

College Hill, College Church, College Hill Rd.

Warren County

Vicksburg, Yazoo and Mississippi Valley Depot, 500 Grove St.

MISSOURI

Clark County

Wayland vicinity, Sickles Tavern, NW of Wayland on MO B.

NEW HAMPSHIRE

Belknap County

Tilton, Tilton Island Park Bridge, Tilton Island Park.

Coos County

Berlin, Mount Jasper Mine, Off NH 110.

Rockingham County

Chester, Chester Village Cemetery, NH 102 and NH 121.

Strafford County

Dover, Wyatt, Samuel, House, 7 Church St.

NEW MEXICO

Los Alamos County

White Rock vicinity, Tshirege Site, 1.75 mi. W of White Rock.

Santa Fe County

Espanola vicinity, Cave Kiva, Plaza Site and Game Trap, NW of Espanola.
Espanola vicinity, Potsuwi'l Sites, S of Espanola.

Santa Fe County

Santa Fe vicinity, Acequia System of El Rancho de las Golondrinas, 12 mi. SW of Santa Fe

NEW YORK

Orange County

Tuxedo Park, Tuxedo Park, Tuxedo Lake and environs.

St. Lawrence County

Potsdam, Market Street Historic District, Market and Raymond Sts.

NORTH CAROLINA

Edgecombe County

Tarboro, Tarboro Multiple Resource Area. This area includes: Tarboro Historic District; Edgecombe Agricultural Works; Eastern Star.
Baptist Church, Church and Wagner Sts.; Oakland Plantation, Edmondson St.; Railroad Depot Complex, Off N. Main St., St. Paul Baptist Church, Edmondson St.

NORTH DAKOTA

Cass County

Fargo, deLendrecie's Department Store, 620-624 Main Ave.

Ramsey County

Devils Lake vicinity, Edwards House, NW of Devils Lake.

Sheridan County

Goodrich vicinity, Winter House

Williams County

Williston, Old U.S. Post Office, 322 Main St.

OREGON

Clackamas County

Marquam vicinity, Albright, Daniel, Farm, E of Marquam.

Oregon City, Cross, Harvey, House, 809 Washington St.

Coos County

Myrtle Point, Reorganized Church of Latter Day Saints, 7th and Maple Sts.

Douglas County

Elkton vicinity, Brown, Henry, House, W of Elkton off OR 38.

Josephine County

Grants Pass, Newell, Edwin, House, 591 SW. G St.

Lane County

Eugene, Schoefers Building, 1001 Willamette St.

Eugene vicinity, Campbell, Robert E., House, E of Eugene at 890 Aspen Dr.

Marion County

St. Louis vicinity, Miller, George Boone, Barn, W of St. Louis at 16393 Frenchy Prairie, NE.

TEXAS

Gregg County

Longview, Everett Building, 214-216 Fredonia St.

Tarrant County

Fort Worth, Elizabeth Boulevard Historic District, 1001-1616 Elizabeth Blvd.

Washington County

Burton vicinity, Gantt-Jones House, 1.5 mi. NW of Burton off SR 1697.

UTAH

Carbon County

Spring Glen, Stowell-Topolovec House, Main St.

Emery County

Castle Dale, Seeley, Justis Wellington, II, House, Center and 100 South Sts.

Utah County

Provo, Beebe, George and Martha, House, 489 W. 100 South
Provo, Provo Downtown Historic District, Center St. and University Ave.

VERMONT

Windsor County

Ludlow, Ludlow Graded School, High St.

WISCONSIN

Jefferson County

Watertown, St. Paul's Episcopal Church, 413 S. 2nd St.

[FR Doc. 79-29281 Filed 9-24-79; 8:45 am]

BILLING CODE 4310-03-M

National Park Service Fish and Wildlife Service

Availability of Environmental Assessment for Cape Hatteras Electric Transmission Line, Dare and Hyde Counties, N.C.

An Environmental Assessment considering the direct and indirect impacts on the human environment of alternatives for construction of a 115 kV

overhead power line from the north side of Oregon Inlet to Buxton as proposed by the Cape Hatteras Electric Membership Corporation is available for public review and comment. The assessment considers the resources of Cape Hatteras National Seashore and Pea Island National Wildlife Refuge as well as the effects on the communities involved. It is available for inspection at the Southeast Regional Office of the National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303; Southeast Regional Office of the Fish and Wildlife Service, 75 Spring Street, SW., Atlanta, Georgia 30303; Area Office, Fish and Wildlife Service, Federal Building, Room 279, Asheville, North Carolina 28801; Pea Island National Wildlife Refuge, P.O. Box 1026, Manteo, North Carolina 27954; and Cape Hatteras National Seashore, Route 1, Box 675, Manteo, North Carolina 27954. Limited copies are available for public distribution.

In addition to the alternatives and their environmental impacts, the assessment considers the mitigating measures to soften the effects of each alternative on the human environment.

Public comments on the assessment and its alternatives are solicited. Written comments will be received at the Southeast Regional Office, National Park Service, and Cape Hatteras National Seashore at the addresses listed above on or before October 25, 1979.

Dated: September 7, 1979.

Ray R. Vaughn,

Acting Regional Director, Fish and Wildlife Service, Southeast Region.

Dated: September 7, 1979.

Joe Brown,

Regional Director, National Park Service, Southeast Region.

[FR Doc. 79-29696 Filed 9-24-79; 8:45 am]

BILLING CODE 4310-70-M

National Park Service

Voyageurs National Park; Intention To Extend Concession Permit

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice (October 25, 1979), the Department of the Interior, through the Director of the National Park Service, proposes to extend concession permit with Kettle Falls Hotel, Inc., authorizing it to continue to provide lodging and food facilities and services for the public at Voyageurs National Park for a period of two (2) years from January 1, 1980 through December 31, 1981.

It has been determined that the proposed extension of this permit does not have potential for causing significant environmental impact and therefore preparation of an environmental assessment is not required.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expires by limitation of time on December 31, 1979, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. This provision, in effect, grants Kettle Falls Hotel, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the permit, if, thereafter, the proposal of Kettle Falls Hotel, Inc., is substantially equal to others received. In the event, a responsive proposal superior to that of Kettle Falls Hotel, Inc., (as determined by the Secretary) is submitted, Kettle Falls Hotel, Inc., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new permit will be negotiated with Kettle Falls Hotel, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be post marked or hand delivered on or before October 25, 1979, to be considered and evaluated.

Interested parties should contact the Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, for information as to the requirements of the proposed contract.

Dated: September 19, 1979.

F. R. Holland, Jr.

Acting Associate Director, National Park Service.

[FR Doc. 79-29897 Filed 9-24-79; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Corps; Proposed Center at the Daniel Payne College, Birmingham, Ala.; Determination of Negative Environmental Impact

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice-Finding of Negative Environmental Impact.

SUMMARY: The purpose of this notice is to announce a determination by the Department under the National Environmental Policy Act and 40 CFR Part 1500 that the establishment of a Job Corps center at the Daniel Payne College site does not constitute a major Federal action which will significantly affect the environment.

FOR FURTHER INFORMATION: Contact Raymond E. Young, Director, Office of Job Corps and Young Adult Conservation Corps, Room 6100, Patrick Henry building, 601 D Street, N.W., Washington, D.C. 20213, Telephone (202) 376-6995.

SUPPLEMENTARY INFORMATION: Title IV B of the Comprehensive Employment and Training Act (CETA), as amended, Pub. L. 95-524, 29 U.S.C. 923 *et seq.*, directs the Secretary of Labor to establish Job Corps centers to provide occupational training to disadvantaged youths ages 16 through 21. Regulations pertaining to the Job Corps program are published at 29 CFR Part 97a. Pursuant to his authority, the Secretary is planning to establish a Job Corps center at the Daniel Payne College location provided an agreement can be reached on acquisition of the facilities.

Pursuant to 40 CFR 1500, the Department of Labor conducted an environmental assessment as part of a site utilization study and has determined that preparation of an environmental impact statement is not required since the establishment of this Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR 1500.6(c). The proposed Daniel Payne Job Corps Center will be a training center with residential, nonresidential and educational facilities for approximately 200 disadvantaged youth, men and women, ages 16 through 21, who need and can benefit from intensive employment-related services. The function of the center and the staff of approximately 67 will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The proposed use of the facility is intended for residential living and education.

The center will be a self-contained facility located on the campus of Daniel Payne College, Birmingham, Alabama. The site surveyed for use by Job Corps consists of 4 buildings located on approximately 200 acres.

Water service is provided by the City of Birmingham Water Board. Sanitary sewer service is provided by either Five Mile or Village Creek Sanitary Districts.

Natural gas is available on the site. Electricity is provided by the Alabama Power Company.

With regard to fire protection, provisions will have to be made for the addition of fire hydrants. New construction will be required to accommodate both the "Building Trade" vocational clusters and storage support.

The proposed Job Corps center will be operated in compliance with the Job Corps Environmental Standards published at 29 CFR 97a.116, and with applicable Federal, State and local regulations concerning environmental health.

The proposed Job Corps center will comply with the water quality and related standards of the State and local government, and with the standards established pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, with Executive Order 11752, and with regulations and guidelines of the United States Environmental Protection Agency.

The center installation will be designed, operated, and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11572.

My determination is that the establishment and operation of the center will have no adverse impact upon traffic, transportation systems, pedestrian or vehicular congestion, police protection services, fire protection services, public safety, legal services, or upon the aesthetics or residential quality of the nearby area. I further determine that the establishment and operation of the center will have no adverse effects upon ecological systems, population distribution, air or water pollution, municipal services, or health or life support systems. Accordingly, I hereby determine that the establishment of such Job Corps center will not have a significant adverse impact upon the quality of the human environment of the nearby area, or the greater Birmingham community.

The Job Corps center will be operated with the pass-leave procedures required by Job Corps regulations and operational procedures. I find that in light of the enrollment level and utilization of the pass-leave procedures, that congestion in the area will not increase.

There will be no material impact upon transportation or traffic within the area.

It is further determined that the establishment and operation of the center is not likely to have a significant adverse impact upon use of police services or the public safety. Adequate provisions are planned to carefully screen prospective enrollees so as to

minimize the possibility of disciplinary problems, or center related public safety problems.

Adequate staffing personnel and protection will be provided at the Daniel Payne Job Corps Center, Birmingham, Alabama, in accordance with Job Corps' operating procedures and regulations.

I further find that fire protection services in the area will not be adversely affected and that systems in the facilities will be upgraded to further reduce risk of fire from the present risk level. Additionally, local health services will not be adversely affected because basic dental, medical, and other health related services will be provided on site with Job Corps' own facilities and personnel.

In conclusion, it is my determination, after careful review and consideration of the nature of Job Corps' proposed action, in light of the Job Corps' purposes, objectives and operational procedures, that the impact upon the surrounding community, of the establishment of the center at the site will not be significant. It is my careful determination that the environmental assessment conducted by the Department of Labor, pursuant to 40 CFR Part 1500, clearly indicates that preparation of an environmental impact statement is not required since the establishment of the Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR 1500.6(c).

Signed at Washington, D.C. this 19th day of July 1979.

Raymond E. Young,

Director, Office of Job Corps and Young Adult Conservation Corps.

[FR Doc. 79-29744 Filed 9-24-79; 8:45 am]

BILLING CODE 4510-30-M

Job Corps; Proposed Center at the Tuskegee Institute, Tuskegee Institute, Ala.; Determination of Negative Environmental Impact

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice-Finding of Negative Environmental Impact.

SUMMARY: The purpose of this notice is to announce a determination by the Department under the National Environmental Policy Act and 40 CFR Part 1500 that the establishment of a Job Corps center at the Tuskegee Institute site does not constitute a major Federal action which will significantly affect the environment.

FOR FURTHER INFORMATION: Contact E. Hunter Smith, Jr., Acting Director, Office

of Job Corps and Young Adult Conservation Corps, Room 6100, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, Telephone (202) 376-6995.

SUPPLEMENTARY INFORMATION: Title IV B of the Comprehensive Employment and Training Act (CETA), as amended, Pub. L. 95-524, 29 U.S.C. 923 *et seq.*, directs the Secretary of Labor to establish Job Corps centers to provide occupational training to disadvantaged youths ages 16 through 21. Regulations pertaining to the Job Corps program are published at 29 CFR Part 97a. Pursuant to his authority, the Secretary is planning to establish a Job Corps center at the Tuskegee Institute location provided an agreement can be reached on acquisition of the facilities.

Pursuant to 40 CFR 1500, the Department of Labor conducted an environmental assessment as part of a site utilization study and has determined that preparation of an environmental impact statement is not required since the establishment of this Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR 1500.6(c). The proposed Tuskegee Institute Job Corps Center will be a training center with residential, nonresidential and educational facilities for approximately 250 disadvantaged youth, men and women, ages 16 through 21, who need and can benefit from intensive employment-related services. The function of the center and the staff of approximately 83 will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The proposed use of the facility is intended for residential living and education.

The center will be a self-contained facility located on the campus of Tuskegee Institute, Tuskegee Institute, Alabama. The site surveyed for use by Job Corps consists of 9 buildings located in all areas of the campus which comprises 236 acres.

Water, sewer services, natural gas and fire protection are provided by the City of Tuskegee. With regard to fire protection, there are several fire hydrants on the site. No new construction is required.

The proposed Job Corps center will be operated in compliance with the Job Corps Environmental Standards published at 29 CFR 97a.116, and with applicable Federal, State and local regulations concerning environmental health.

The proposed Job Corps center will comply with the water quality and related standards of the State and local government, and with the standards established pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, with Executive Order 11752, and with regulations and guidelines of the United States Environmental Protection Agency.

The center installation will be operated and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11572.

My determination is that the establishment and operation of the center will have no adverse impact upon traffic, transportation systems, pedestrian or vehicular congestion, police protection services, fire protection services, public safety, legal services, or upon the aesthetics or residential quality of the nearby area. I further determine that the establishment and operation of the center will have no adverse effects upon ecological systems, population distribution, air or water pollution, municipal services, or health or life support systems. Accordingly, I hereby determine that the establishment of such Job Corps center will not have a significant adverse impact upon the quality of the human environment of the nearby area, or the greater Tuskegee Institute community.

The Job Corps center will be operated with the pass-leave procedures required by Job Corps regulations and operational procedures. I find that in light of the enrollment level and utilization of the pass-leave procedures, that congestion in the area will not increase.

There will be no material impact upon transportation or traffic within the area.

It is further determined that the establishment and operation of the center is not likely to have a significant adverse impact upon use of police services or the public safety. Adequate provisions are planned to carefully screen prospective enrollees so as to minimize the possibility of disciplinary problems, or center related public safety problems.

Adequate staffing personnel and protection will be provided at the Tuskegee Institute, Tuskegee Institute, Alabama Job Corps Center in accordance with Job Corps' operating procedures and regulations.

I further find that fire protection services in the area will not be adversely affected and that systems in the facilities will be upgraded to further reduce risk of fire from the present risk level.

Additionally, local health services will not be adversely affected because basic dental, medical and other health related services will be provided on site with Job Corps' own facilities and personnel.

In conclusion, it is my determination, after careful review and consideration of the nature of Job Corps' proposed action, in light of Job Corps' purposes, objectives and operational procedures, that the impact upon the surrounding community, of the establishment of the center at the site will not be significant. It is my careful determination that the environmental assessment conducted by the Department of Labor, pursuant to 40 CFR Part 1500, clearly indicates that preparation of an environmental impact statement is not required since the establishment of the Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR 1500.6(c).

Signed at Washington, D.C. this 19th day of July 1979.

Raymond E. Young,
Director, Office of the Job Corps and Young Adult Conservation Corps.

[FR Doc. 79-29743 Filed 9-24-79; 9:45 am]
BILLING CODE 4510-30-M

Job Corps; Proposed Center at the Red Carpet Inn, Little Rock, Ark.; Determination of Negative Environmental Impact

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice-Finding of Negative Environmental Impact.

SUMMARY: The purpose of this notice is to announce a determination by the Department under the National Environmental Policy Act and 40 CFR Part 1500 that the establishment of a Job Corps center at the Red Carpet Inn site does not constitute a major Federal action which will significantly affect the environment.

FOR FURTHER INFORMATION: Contact E. Hunter Smith, Jr., Acting Director, Office of Job Corps and Young Adult Conservation Corps, Room 6100, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, Telephone (202) 376-6995.

SUPPLEMENTARY INFORMATION: Title IV B of the Comprehensive Employment and Training Act (CETA), as amended, Pub. L. 95-524, 29 U.S.C. 923 *et seq.*, directs the Secretary of Labor to establish Job Corps centers to provide occupational training to disadvantaged youths ages 16 through 21. Regulations

pertaining to the Job Corps program are published at 29 CFR Part 97a. Pursuant to his authority, the Secretary is planning to establish a Job Corps center at the former Red Carpet Inn location provided an agreement can be reached on acquisition of the facilities.

Pursuant to 40 CFR 1500, the Department of Labor conducted an environmental assessment as part of a site utilization study and has determined that preparation of an environmental impact statement is not required since the establishment of this Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR 1500.6(c). The proposed Little Rock, Arkansas Job Corps Center will be a training center with residential, nonresidential and educational facilities for approximately 200 disadvantaged youth, men and women, ages 16 through 21, who need and can benefit from intensive employment-related services. The function of the center and the staff of approximately 67 will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The proposed use of the facility is intended for residential living and education.

The center will be a self-contained facility located at East 21st Street, Little Rock, Arkansas. The site surveyed for use by Job Corps consists of 2 buildings covering 2.43 acres of land.

Water, sewer services and natural gas are provided by the City of Little Rock. With regard to fire protection, there are three fire hydrants located in the same block on two of the adjacent streets. The sanitary and storm sewer service is provided by the City of Little Rock. Natural gas is provided by Arkansas Louisiana Gas Company. Electricity is provided by the Arkansas Power and Light Company.

The proposed Job Corps center will be operated in compliance with the Job Corps Environmental Standards published at 29 CFR 97a.116, and with applicable Federal, State and local regulations concerning environmental health.

The proposed Job Corps center will comply with the water quality and related standards of the State and local government, and with the standards established pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, with Executive Order 11752, and with regulations and guidelines of the United States Environmental Protection Agency.

The center installation will be designed, operated, and maintained so

as to conform to Federal air quality standards, including those found in Executive Order 11752.

My determination is that the establishment and operation of the center will have no adverse impact upon traffic, transportation systems, pedestrian or vehicular congestion, police protection services, fire protection services, public safety, legal services, or upon the aesthetics or residential quality of the nearby area. I further determine that the establishment and operation of the center will have no adverse effects upon ecological systems, population distribution, air or water pollution, municipal services, or health or life support systems. Accordingly, I hereby determine that the establishment of such Job Corps center will not have a significant adverse impact upon the quality of the human environment of the nearby area, or the greater Little Rock community.

The Job Corps center will be operated with the pass-leave procedures required by Job Corps regulations and operational procedures. I find that in light of the enrollment level and utilization of the pass-leave procedures, that congestion in the area will not increase.

There will be no material impact upon transportation or traffic within the area.

It is further determined that the establishment and operation of the center is not likely to have a significant adverse impact upon use of police services or the public safety. Adequate provisions are planned to carefully screen prospective enrollees so as to minimize the possibility of disciplinary problems, or center related public safety problems.

Adequate staffing personnel and protection will be provided at the Little Rock Arkansas Job Corps Center in accordance with Job Corps' operating procedures and regulations.

I further find that fire protection services in the area will not be adversely affected and that systems in the facilities will be upgraded to further reduce risk of fire from the present risk level.

Additionally, local health services will not be adversely affected because basic dental, medical and other health related services will be provided on site with Job Corps' own facilities and personnel.

In conclusion, it is my determination, after careful review and consideration of the nature of Job Corps' proposed action, in light of Job Corps' purposes, objectives and operational procedures, that the impact upon the surrounding community, of the establishment of the center at the site will not be significant.

It is my careful determination that the environmental assessment conducted by the Department of Labor, pursuant to 40 CFR Part 1500, clearly indicates that preparation of an environmental impact statement is not required since the establishment of the Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR 1500.6(c).

Signed at Washington, D.C. this 19th day of July 1979.

Raymond E. Young,
Director, Office of Job Corps and Young Adult Conservation Corps.

[FR Doc. 79-29745 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-30-M

Mine Safety and Health Administration [Docket No. M-79-126-C]

B.G.P.T. Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

B.G.P.T. Coal Company, 836 W. Spruce Street, Shamokin, Pennsylvania has filed a petition to modify the application of 30 CFR 75.301 (ventilation) to its No. 7 Slope Mine located in Shamokin, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Public Law 95-164.

The substance of the petition follows:

- (1) Air sample analysis reveals that harmful quantities of methane are nonexistent in the petitioner's mine.
- (2) There is no history of ignition, explosion or fire in the mine.
- (3) There is no history of harmful quantities of carbon dioxide and other noxious or harmful gases in the mine.
- (4) Mine dust sampling programs have revealed extremely low concentrations of respirable dust.
- (5) Extremely high velocities of air in small cross-sectional areas or airways and manways in friable anthracite veins present a hazard of dangerous flying objects.
- (6) High velocities and large quantities of air cause extremely uncomfortable damp and cold conditions in the already uncomfortable wet mine.
- (7) Difficulty in keeping miners on the job and securing additional mine help is due primarily to these conditions.
- (8) For these reasons, the petitioner requests that for its mine the minimum quantity of air reaching each working face be 1,500 cubic feet a minute, that the minimum quantity of air reaching the last crosscut in any pair of developing entries be 5,000 cubic feet a minute, and that the minimum quantity of air reaching the intake end of the pillar line

be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

(9) The petition states that this alternative will achieve no less protection for its miners than that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before October 25, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Room 627, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: September 14, 1979.

Robert B. Lagather,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-29748 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-79-127-C]

H & H Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

H & H Coal Company, R. D. 2, Box 2632, Pottsville, Pennsylvania 17901 has filed a petition to modify the application of 30 CFR 75.301 (ventilation) to its H & H Slope Mine located in Columbia County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Public Law 95-164.

The substance of the petition follows:

- (1) Air sample analysis reveals that harmful quantities of methane are nonexistent in the petitioner's mine.
- (2) There is no history of ignition, explosion or fire in the mine.
- (3) There is no history of harmful quantities of carbon dioxide and other noxious or harmful gases in the mine.
- (4) Mine dust sampling programs have revealed extremely low concentrations of respirable dust.
- (5) Extremely high velocities of air in small cross-sectional areas or airways and manways in friable anthracite veins present a hazard of dangerous flying objects.
- (6) High velocities and large quantities of air cause extremely uncomfortable damp and cold conditions in the already uncomfortable wet mine.
- (7) Difficulty in keeping miners on the job and securing additional mine help is due primarily to these conditions.
- (8) For these reasons, the petitioner requests that for its mine the minimum

quantity of air reaching each working face be 1,500 cubic feet a minute, that the minimum quantity of air reaching the last crosscut in any pair of developing entries be 5,000 cubic feet a minute, and that the minimum quantity of air reaching the intake end of the pillar line be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

(9) The petition states that this alternative will achieve no less protection for its miners than that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before October 25, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Room 627, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: September 14, 1979.

Robert B. Lagather,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-29749 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-79-130-C]

J & M Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

J & M Coal Corporation, Drawer 400, Big Stone Gap, Virginia 24273 has filed a petition to modify the application of 30 CFR 75.1710 (canopies) to its No. 1 Mine located in Scott County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Public Law 95-164.

The substance of the petition follows:

1. The petition concerns the installation of cabs or canopies on electric face equipment in the petitioner's mine.
2. The petitioner is mining a coal seam which varies from 36 to 54 inches in height. Headers for roof control limit clearance an additional 2 to 3 inches.
3. The mine has an irregular floor pitched at 12 feet of fall per 100 feet of run. The floor is slippery when the mine is sweating or water is encountered.
4. Under these conditions, cabs or canopies could catch a header or the roof, resulting in possible serious injury to the equipment operator.
5. For this reason, the petitioner requests relief from the application of the standard to its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before October 25, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Room 627, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: September 19, 1979.

Robert B. Lagather,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-29750 Filed 9-24-79; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-100-C]

Robinson Fork Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Robinson Fork Coal Company, Route 2, Box 186, Vansant, Virginia 24656 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its No. 1 Mine located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Public Law 95-164.

The substance of the petition follows:

1. The petition concerns the illumination of underground working places in which self-propelled mining equipment is operated.
2. The petitioner is mining a coal seam ranging from 25 to 30 inches in height.
3. In the close quarters of the petitioner's mine, required lighting on the petitioner's scoops, cutting machine, and bolting machine would result in blinding glare, causing a diminution of safety to the miners involved.
4. In addition, the low seam heights make it impossible for the petitioner to maintain such lighting on its equipment.
5. For these reasons, the petitioner requests relief from the application of the standard to its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before October 25, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Room 627, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington,

Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: September 19, 1979.

Robert B. Lagather,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-29751 Filed 9-24-79; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

**Senior Executive Service;
Appointment of Members to the
Performance Review Board**

Title IV of the Civil Service Reform Act (Sec. 405(a), Title IV, Pub. L. 95-454; 5 USC 4314(c)(4)) provides for salary supplements called performance awards to encourage excellence in performance by career appointees to the Senior Executive Service. Such awards must be based on recommendations of the Performance Review Board, whose members review performance appraisals based on achievement of results.

Accordingly, the following employees are hereby appointed as members of the Performance Review Board of the Senior Executive Service for the term indicated:

Alfred G. Albert, 3 year term.
William B. Hewitt, 3 year term.
Paul H. Jensen, 2 year term.
Janet L. Norwood, 2 year term.
Charles E. Pugh, 1 year term.
Gilbert J. Sauter, 3 year term.
Alfred M. Zuck, Chairperson, 1 year term.

The normal term of office for members will be on a January 1-December 31 basis. The first year of SES operation, however, the term of each member will commence formally on the date of publication of this notice, rather than on January 1, 1980, so that the Board may begin operation. Thus, the term of persons appointed for one year shall expire on December 31, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. Frank A. Yeager, Director of Personnel Management, Room N5456 NDOL Building, 200 Constitution Ave, NW., Washington, D.C. 20210, telephone 202-523-9191.

Signed at Washington, D.C. this 14th day of September, 1979.

Ray Marshall,

Secretary of Labor.

[FR Doc. 79-29712 Filed 9-24-79; 8:45 am]

BILLING CODE 4510-23-M

**Investigations Regarding
Certifications of Eligibility To Apply for
Worker Adjustment Assistance**

Petitions have been filed with the

Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers' of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 5, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 5, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 17th day of September 1979.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of:	Location	Date received	Date of petition	Petition No.	Articles produced
ABC Knitwear Corp., Inc. (workers)	Brooklyn, N.Y.	9/11/79	9/6/79	TA-W-6,022	Ladies' sportswear.
ACCO Industries, Inc., Page Fence Division (USWA)	Monessen, Pa.	9/11/79	9/6/79	TA-W-6,023	Barbed wire, chain link fence, plastic coated chain link fence, and aluminum coated wire.
Anchor Motor Freight, Inc. (workers)	Warren, Ohio	9/11/79	9/24/79	TA-W-6,024	Trucking transportation of new cars.
Crane Company, Chattanooga Valve Plant (USWA)	Chattanooga, Tenn.	9/11/79	9/1/79	TA-W-6,025	Steel valves.
Florsheim Shoe Company (ACTWU Shoe Division)	Chaffee, Mo.	9/11/79	9/6/79	TA-W-6,026	Men's shoes and boots.
Lebanon Steel Foundry (USWA)	Lebanon, Pa.	9/11/79	9/6/79	TA-W-6,027	Casting for valves, pumps, fittings, and impellers.
M & G Sportswear Company, Inc. (Workers)	Fall River, Mass.	9/11/79	9/5/79	TA-W-6,028	Boy's outerwear and girl's jackets.
Mode Art Jewelers Company, Inc. (workers)	New York, N.Y.	9/11/79	8/31/79	TA-W-6,029	Costume jewelry.
Reynoldsville Industries, Inc. (ACTWU)	Reynoldsville, Pa.	9/11/79	9/4/79	TA-W-6,030	Boy's knit shirts.
Stanley Sweater Mill, Inc. (workers)	Richmond Hill, N.Y.	9/12/79	9/29/79	TA-W-6,031	Knitgoods (sweaters of men and women).
Valmont, Inc. (ILGWU)	Ludlow, Mass.	9/12/79	9/6/79	TA-W-6,032	Brassieres.
Willna Knitwear, Inc. (ILGWU)	North Bergen, N.J.	9/15/79	9/8/79	TA-W-6,033	Ladies' sportswear.
Wishire Fashions, Inc. (workers)	South River, N.J.	9/12/79	9/5/79	TA-W-6,034	Ladies' outerwear (coats and jackets).

[FR Doc. 79-29715 Filed 9-24-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5631]

**Aileen, Inc., Victoria Sewing Plant
Victoria, Va.; Certification Regarding
Eligibility To Apply for Worker
Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on June 22, 1979, in response to a worker petition received on June 7, 1979, which was filed on behalf of workers and former workers producing women's and girl's sportswear at the Victoria, Virginia plant of Aileen, Incorporated. The investigation revealed that the plant produces primarily women's and misses' blouses. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's blouses and shirts increased in 1978 compared to 1977.

The Department conducted a survey of the customers of Aileen, Incorporated. The survey revealed that customers increased purchases of imported women's and misses' blouses while decreasing purchases from the subject firm in 1978 compared to 1977 and in the first half of 1979 compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude

that increases of imports of articles like or directly competitive with women's and misses' blouses produced at the Victoria, Virginia plant of Aileen, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Victoria Sewing Plant of Aileen, Incorporated, Victoria, Virginia who became totally or partially separated from employment on or after May 14, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-29716 Filed 9-24-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5759]

**Aileen, Inc., New Market, Va.;
Certification Regarding Eligibility To
Apply for Worker Adjustment
Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 20, 1979 in response to a worker petition received on July 12, 1979 which was filed on behalf of workers and former workers producing women's and children's sportswear at the New Market, Virginia plant of Aileen, Incorporated. The investigation revealed that the plant produces primarily women's and misses' blouses. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's blouses and shirts increased from 1977 to 1978.

A survey by the Department indicated that customers of Aileen increased imports of women's and misses' blouses and decreased purchases from the subject firm in 1978 compared with 1977 and in the first half of 1979 compared with the like period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the women's and misses' blouses produced at the New Market, Virginia plant of Aileen, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the New Market, Virginia plant of Aileen, Incorporated became totally or partially separated from employment on or after July 2, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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Signed at Washington, D.C. this 17th day of September 1979.
Harry J. Gilman,
Supervisory International Economist, Office of Foreign Economic Research.
[FR Doc. 79-29717 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.
The purpose of each of the investigations is to determine whether absolute or relative increases of imports

of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.
Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.
Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request

a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 5, 1979.
Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 5, 1979.
The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.
Signed at Washington, D.C. this 19th day of September 1979.
Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Barnes Worsted, Inc. (workers)	Kingston, Mass.	9/17/79	9/10/79	TA-W-6,035	Worsted fabrics.
Cochise Mining Corporation (workers)	Safford, Ariz.	9/17/79	8/27/79	TA-W-6,036	Copper concentrate.
Chrysler Corp., Newark Assembly Plant (UAW)	Newark, Del.	9/14/79	8/28/79	TA-W-6,037	Volare and Aspen.
Chrysler Corp., Lynch Road Assembly Plant (UAW)	Detroit, Mich.	9/14/79	8/28/79	TA-W-6,038	New Yorker, Newport, SL Regis, and Gran Fury.
Chrysler Corp., Indianapolis Electrical Plant (UAW)	Indianapolis, Ind.	9/14/79	8/28/79	TA-W-6,039	Electrical parts.
Chrysler Corp., Sterling Stamping Plant (UAW)	Sterling Heights, Mich.	9/14/79	8/28/79	TA-W-6,040	Sheet metal stampings.
Cowden Manufacturing Company (workers)	Lancaster, Ky.	9/10/79	9/2/79	TA-W-6,041	Men's bib overalls and work clothing, also women's clothes.
Island Creek Coal Co., Va. Pocahontas #2 (UMWA)	Oakwood, Va.	9/17/79	8/30/79	TA-W-6,042	Metallurgical coal.
Lamson & Sessions Co., Kent Division (Allied Industrial Workers of America)	Kent, Ohio	9/17/79	9/10/79	TA-W-6,043	Nuts.
Luray Textile (workers)	Luray, Va.	9/17/79	9/11/79	TA-W-6,044	Textured raw yarn.
U.S. Steel Corp., Tubing Specialties (USWA)	Gary, Ind.	9/17/79	9/7/79	TA-W-6,045	Seamless steel tubular products.
Xenko, Inc., Xenko #2 Deep Mine (UMWA)	Fayette County, W. Va.	9/12/79	9/7/79	TA-W-6,046	Leased the coal—pay royalty per ton to Dry Hill Coal Co.

[FR Doc. 79-29718 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-5776 and TA-W-5777]

Betex Sales Corp., Brewster Finishing Co., Inc., Paterson, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance
In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.
In order to make an affirmative determination and issue a certification

of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.
The investigations were initiated on July 26, 1979 in response to worker petitions received on July 25, 1979 which were filed on behalf of workers and former workers producing screen printed cloth at the Paterson, New Jersey plant of Betex (TA-W-5776) and dyed and roller printed cloth at the Paterson, New Jersey plant of Brewster Finishing Company (TA-W-5777). The investigation revealed that the workers

at Brewster Finishing Company produce primarily dyed, flocked, or rolled printed cloth. The investigation also revealed that the correct names of the firms are Betex Sales Corporation (TA-W-5776) and Brewster Finishing Company, Incorporated (TA-W-5777). In the following determination, without regard to whether any of the criteria have been met, the following criterion has not been met:
That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or

threat thereof, and to the absolute decline in sales or production.
Imports of finished fabric (bleached, dyed, and printed) were less than 2.0 percent of U.S. production and consumption in the period 1974 through 1978. In the first seven three months of 1979, imports decreased absolutely compared to the first three months of 1978.
Sales of printed fabric at Brewster Finishing Company increased from 1977 to 1978 and remained stable in the first seven months of 1979 compared to the first seven months of 1978. Production of printed fabric at Brewster Finishing Company increased in 1978 compared to 1977 and in the first seven months of 1979 compared to the first seven months of 1978. Sales and production of printed fabric at Betex Sales Corporation increased in 1978 compared to 1977 and decreased in the first seven months of 1979 compared to the first months of 1978.
Brewster Finishing Company dyes and finishes fabric that is screen printed at Betex as well as dyeing and finishing fabric that is flocked or roller printed at Brewster. Declines in employment at Brewster were related to the reduction in Betex's demand for dyed fabric from Brewster. This reduction was the result of a decline in orders for the screen printed fabric produced at Betex Sales Corporation.
the Department conducted a survey of customers of Betex Sales Corporation. This survey revealed that one customer purchased imports of printed fabric. This customer's purchases of imports remained stable in the first seven months of 1979 compared to 1978. During that same period, this customer decreased purchases from Betex and substantially increased purchases from other domestic sources.
Conclusion
After careful review, I determine that all workers of Betex Sales Corporation, Paterson, New Jersey (TA-W-5776) and Brewster Finishing Company, Incorporated, Paterson, New Jersey (TA-W-5777) are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.
Signed at Washington, D.C., this 18th day of September 1979.
C. Michael Aho,
Director, Office of Foreign Economic Research.
[FR Doc. 79-29719 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-28-M

**[TA-W-5784]
Budd Co., Gary, Ind.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.
In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.
The investigation was initiated on July 30, 1979 in response to a worker petition received on July 25, 1979 which was filed by the United Automobile Workers on behalf of workers and former workers producing component parts for automobiles at the Gary, Indiana plant of Budd Company. The investigation revealed that the plant produces original equipment automotive body stampings. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:
That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision, have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.
U.S. imports of automotive body stamping are negligible. Customers of Budd Company's Gary plant indicated that they do not import original equipment body stampings.
Petitioners allege that increased imports of automobiles have caused the decrease in production and employment at Budd Company's Gary plant. Although imported automobiles incorporate body stampings of the same origin, imports of the whole product are not "like or directly competitive" with their component parts.
Imports of automotive body stampings must be considered in determining import injury to workers producing automotive body stampings at Budd Company's Gary, Indiana plant.
Conclusion
After careful review, I determine that all workers of the Gary, Indiana plant of Budd Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of September 1979.
Harry J. Gilman,
Supervisory International Economist, Office of Foreign Economic Research.
[FR Doc. 79-29720 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-28-M

**[TA-W-5802]
Catoosa Knitting Mills, Inc., Crossville, Tenn.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.
In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.
The investigation was initiated on July 31, 1979 in response to a worker petition received on July 30, 1979 which was filed on behalf of workers and former workers producing men's, boy's, ladies' and girls' sweaters and sweater shirts at Catoosa Knitting Mills, Incorporated, Crossville, Tennessee. It is concluded that all of the requirements have been met.
U.S. imports of women's, misses' and children's sweaters increased relative to domestic production from 1977 to 1978. The ratio of imports of sweaters to domestic production was 115 percent or greater in 1976, 1977 and 1978.
U.S. imports of men's and boys' sweaters, knit cardigans and pullovers increased both absolutely and relative to domestic production from 1976 to 1977 and from 1977 to 1978.
U.S. imports of men's and boys' knit sport and dress shirts, excluding T-shirts, increased on an absolute basis in each year from 1976 through 1978.
A Department of Labor investigation revealed that Catoosa Knitting Mills, Incorporated produced men's and boys' sweaters and sweater shirts and ladies' and girls' sweaters on a contract basis. A Departmental survey was conducted with the manufacturers from whom Catoosa receives contract work. The survey revealed that manufacturers representing a substantial portion of Catoosa's sales reduced contracts with Catoosa from 1977 to 1978 and increased contracts with foreign sources. The survey results also showed that another manufacturer reduced contract work with Catoosa from 1977 to 1978 and in the first half of 1979 compared to the

same period in 1978. The Departmental investigation revealed that customers of this manufacturer have increased purchases of imported girls' and children's sportswear. In addition, the survey revealed that several other manufacturers have relied on imported sweaters and sweater shirts for a greater proportion of their total sales in the first six months of 1979 when compared to the same period in 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and boy's sweaters and sweater shirts and ladies' and girls' sweaters produced at Catoosa Knitting Mills, Incorporated, Crossville, Tennessee contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of Catoosa Knitting Mills, Incorporated, Crossville, Tennessee who became totally or partially separated from employment on or after July 24, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 19th day of September 1979.

James F. Taylor,
Director, Office of Management,
Administration and Planning.

[FR Doc. 79-29721 Filed 9-24-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5751]

Celotex Corp., Vestal Manufacturing Division, Sweetwater, Tenn.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 17, 1979 in response to a worker petition received on July 12, 1979 which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel and cast iron products at the Celotex Corporation, Vestal Manufacturing

Division, Sweetwater, Tennessee. It is concluded that all of the requirements have been met.

U.S. imports of iron castings increased absolutely and relatively in 1978 compared to 1977 and in the first six months of 1979 compared to the same period of 1978.

U.S. imports of fabricated structural steel increased absolutely and relatively in 1978 compared to 1977 and in the first three months of 1979 compared to the same period of 1978.

The Department conducted a survey of customers purchasing cast iron and fabricated steel fireplaces, fireplace parts and accessories, and construction products from the Vestal Manufacturing Division of the Celotex Corporation in 1977, 1978 and 1979. Some of the customers responding to the survey decreased purchases from the subject firm and increased purchases of imported products during January-July 1979 compared to the like period in 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with steel and cast iron products produced at the Celotex Corporation, Vestal Manufacturing Division, Sweetwater, Tennessee contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Celotex Corporation, Vestal Manufacturing Division, Sweetwater, Tennessee who became totally or partially separated from employment on or after April 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of September 1979.

C. Michael Aho,
Director, Office of Foreign Economic
Research.

[FR Doc. 79-29722 Filed 9-24-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5813]

Crompton and Knowles Corp., Worcester, Mass.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 3, 1979 in response to a worker petition received on July 30, 1979 which was filed by the United Steelworkers of America on behalf of workers and former workers producing automotive parts at the Worcester, Massachusetts plant of Crompton and Knowles Corporation. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of the automotive parts produced at the Worcester, Massachusetts plant of Crompton and Knowles Corporation are negligible. A Department survey revealed that Crompton and Knowles' only customer for axles and steering arms does not import any of those automotive parts.

Conclusion

After careful review, I determine that all workers of the Worcester, Massachusetts plant of Crompton and Knowles Corporation engaged in employment related to the production of automotive parts are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of September 1979.

C. Michael Aho,
Director, Office of Foreign Economic
Research.

[FR Doc. 79-29723 Filed 9-24-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5752]

Dacor, Inc., Worcester, Mass.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment

assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 17, 1979 in response to a worker petition received on July 12, 1979 which was filed on behalf of workers and former workers producing simulated brick and stone facings at Dacor, Incorporated, Worcester, Massachusetts. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that U.S. imports of simulated brick and stone facings are negligible.

A Department survey of manufacturers and purchasers of simulated brick and stone facings revealed that U.S. imports of such products are negligible. Customers surveyed who decreased purchases from Dacor, Incorporated in 1978 and the first four months of 1979 relied solely upon other domestic suppliers to meet their requirements.

Conclusion

After careful review, I determine that all workers of Dacor, Incorporated, Worcester, Massachusetts are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of September 1979.

Harry J. Gilman,
Supervisory International Economist, Office
of Foreign Economic Research.

[FR Doc. 79-29724 Filed 9-24-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5763]

General Instrument Corp., Chicago Miniature Lampworks Division, Neptune, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility

requirements of Section 222 of the Act must be met.

The investigation was initiated on July 20, 1979 in response to a worker petition received on March 19, 1979 which was filed on behalf of workers and former workers producing lampholders for miniature lights at Chicago Miniature Lampworks, Division of General Instrument Corporation, Neptune, New Jersey. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Chicago Miniature Lampworks, a Division of General Instrument Corporation originated in Chicago, Illinois. In May 1977 the lighted device production was moved to a General Instrument facility in Neptune, New Jersey. While the move took place, production of lighted devices declined resulting in a backlog of orders. High production and employment levels in 1978 were a result of an attempt by the firm to fill this backlog of orders. After the company completed the backlog, production and employment levels stabilized at current levels.

Conclusion

After careful review, I determine that all workers of Chicago Miniature Lampworks, Division of General Instrument Corporation, Neptune, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of September 1979.

Harry J. Gilman,
Supervisory International Economist, Office
of Foreign Economic Research.

[FR Doc. 79-29725 Filed 9-24-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5754]

Girltown Corp., New York, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility

requirements of Section 222 of the Act must be met.

The investigation was initiated on July 17, 1979 in response to a worker petition received on July 9, 1979 which was filed on behalf of workers and former workers producing children's sportswear at the New York, New York facility of Girltown Corporation. The investigation revealed that the specific items of sportswear produced by Girltown consisted of slacks, shorts, blouses, skirts, dresses, jackets and vests for children and girls. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's slacks and shorts, and coats and jackets increased both absolutely and relative to domestic production from 1976 to 1977 and from 1977 to 1978.

U.S. imports of women's, misses' and children's blouses and shirts increased in absolute terms from 1976 to 1977 and then increased both absolutely and relative to domestic production from 1977 to 1978.

U.S. imports of women's, misses' and children's skirts, dresses, and suits increased both absolutely and relative to domestic production in 1978 compared to 1977.

Girltown Corporation contracts approximately one-third of its production offshore. Girltown also imports girls' and children's sportswear, which is like and directly competitive with its own products. These imports increased in 1977 compared to 1976 and in the first quarter of 1978 when compared to the same period in 1977. In the last three quarters of 1978, Girltown's imports of girls' and children's sportswear remained high relative to domestic production.

The New York City facility of Girltown provided support functions for the Boston, Massachusetts manufacturing plant of Girltown Corporation. The New York City facility handled the designing and sales for the Boston plant; thus the workers employed by Girltown in New York City were involved in the integrated production process of girls' and children's sportswear for Girltown Corporation. The Department of Labor previously determined that increased imports contributed importantly to the separation of workers at the Boston plant of Girltown Corporation (TA-W-2974). The certification was issued on July 21, 1978.

The Department of Labor conducted a survey of customers of Girltown Corporation. The survey results revealed that customers, representing a substantial portion of Girltown's sales, decreased purchases of girls' and

children's sportswear from Girtown in 1978 compared to 1977 and in the first four months of 1979 compared to the same period in 1978. During these time periods, these customers also increased purchases of imported girls' and children's sportswear either directly from foreign sources or indirectly from other domestic sources, which sell garments that have been manufactured abroad.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with girls' and children's sportswear produced at the New York, New York facility of Girtown Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the New York, New York facility of Girtown Corporation who became totally or partially separated from employment on or after June 22, 1978 and before April 30, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers of the New York, New York facility of Girtown Corporation who became totally or partially separated from employment on or after April 30, 1979 are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of September 1979.

Harry J. Gilman,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-29726 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-576 and TA-W-5765]

Holly Sugar Corp., Colorado Springs, Colo.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 20, 1979 in response to worker petitions received on July 12 and July 19, 1979 which were filed on behalf of workers and former workers analyzing sugar

(TA-W-5761) and printing forms for company use (TA-W-5765) at Holly Sugar Corporation, Colorado Springs, Colorado. The investigation was expanded to include all workers of Holly Sugar Corporation at Colorado Springs, Colorado. It is concluded that all of the requirements have been met.

U.S. imports of cane and beet sugar (raw value) increased both absolutely and relative to domestic production in January-June 1979 compared to the same period in 1978.

Holly Sugar Corporation purchased imported refined sugar in December 1977 and January 1978. This imported sugar was sold to customers during the period December 1977 to February 1979.

Workers at the Tracy and Hamilton City, California beet refineries were certified eligible to apply for adjustment assistance benefits on May 20, 1979 (TA-W-5019 and TA-W-5020). Production at these plants represents a significant proportion of total production by Holly Sugar Corporation.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the refined beet sugar produced by Holly Sugar Corporation, Colorado Springs, Colorado contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Holly Sugar Corporation, Colorado Springs, Colorado who became totally or partially separated from employment on or after July 2, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of September 1979.

C. Michael Aho,
Director, Office of Foreign Economic Research.

[FR Doc. 79-29727 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-4472]

Huntley of York, Ltd., York, S.C.; Revised Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a Notice of Determinations Regarding Eligibility To Apply for Adjustment Assistance on February 28, 1979, applicable to all workers of Huntley of York, Ltd., York, South

Carolina. The Notice of Determinations was published in the Federal Register on March 6, 1979, (44 FR 12294).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed its file and the Notice of Determinations. Several employees were engaged in warehousing and shipping operations for men's knit sweaters and shirts at the York, South Carolina, facility of Huntley of York, Ltd. Furthermore, information provided by company officials indicated that the warehousing operation was scheduled to be eliminated by September 15, 1979.

The intent of the certification is to cover all workers of Huntley of York, Ltd., York, South Carolina, who were affected by the decline in production of men's knit sweaters and shirts related to import competition.

The Notice of Determinations, therefore, is revised to include warehousing and shipping employees of Huntley of York, Ltd., York, South Carolina.

The revised Notice of Determinations applicable to TA-W-4472 is hereby issued as follows:

All workers of Huntley of York, Ltd., York, South Carolina, engaged in employment related to the production of men's knit sweaters and shirts who became totally or partially separated from employment on or after June 5, 1978, and all warehousing and shipping employees at the York, South Carolina, plant of Huntley of York, Ltd., who became totally or partially separated from employment on or after September 10, 1979, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that workers engaged in employment related to the production of knit fabric at Huntley of York, Ltd., York, South Carolina, are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 13th day of September 1979.

James F. Taylor,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-29728 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-24-M

[TA-W-5770]

J. B. Lion Corp., Bridgeport, Conn.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding

certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 25, 1979 in response to a worker petition received on July 24, 1979 which was filed by the International Leather Goods, Plastics & Novelty Workers' Union on behalf of workers and former workers producing ladies' handbags at J. B. Lion Corporation, Bridgeport, Connecticut. It is concluded that all of the requirements have been met.

U.S. imports of handbags increased absolutely and relative to domestic production in every year from 1975 through 1978. Imports in 1978 were substantially higher than in 1977, both absolutely and relative to domestic production.

A sample of the customers of J. B. Lion Corporation were surveyed regarding their purchases of ladies' handbags. The survey indicated that customers had increased their reliance on imported handbags from 1977 to 1978 and in the first half of 1979 compared with the same period of 1978. A major customer reported that purchases from J. B. Lion decreased in the first half of 1979 compared with the same period of 1978 and purchases of imported ladies' handbags increased in the same period.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' handbags produced at J. B. Lion Corporation, Bridgeport, Connecticut contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of J. B. Lion Corporation, Bridgeport, Connecticut who became totally or partially separated from employment on or after December 14, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of September 1979.

James F. Taylor,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-29729 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-5756]

J. F. McElwain Co., J. Factory, Manchester, N.H.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 17, 1979, in response to a worker petition received on July 9, 1979, which was filed by the New Hampshire Shoe Workers Union affiliated with the United Food and Commercial Workers Union on behalf of workers and former workers producing men's casual shoes at the J. Factory of J. F. McElwain Company, Manchester, New Hampshire. The investigation revealed that the plant produces men's dress and casual shoes. It is concluded that all of the requirements have been met.

U.S. imports of men's dress and casual shoes, except athletic, increased relative to domestic production in 1978 compared to 1977.

A major customer accounting for the preponderance of sales of the subject firm decreased purchases from J. F. McElwain and increased imports of men's dress and casual shoes in 1978 compared to 1977 and in the first six months of 1979 compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's dress and casual shoes produced at the J. Factory of J. F. McElwain Company, Manchester, New Hampshire contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the J. Factory of J. F. McElwain Company, Manchester, New Hampshire who became totally or partially separated from employment on or after June 29, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of September 1979.

James F. Taylor,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-29730 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-5745]

L. E. Smith Glass Co., Inc., Mount Pleasant, Pa.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 16, 1979 in response to a worker petition received on July 10, 1979 which were filed by the American Flint Glass Workers Union on behalf of workers and former workers producing handmade glassware at L. E. Smith Glass Company, Incorporated, Mount Pleasant, Pennsylvania. It is concluded that all of the requirements have been met.

U.S. imports of glassware increase absolutely from 1977 to 1978 and increased in the first quarter of 1979 compared to the same period of 1978.

A survey of customers of L. E. Smith Glass Company, Incorporated revealed that several major customers decreased their purchases of glassware from the subject firm and increased their purchases of imported glassware from 1977 to 1978 and in the first five months of 1979 compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with handmade glassware produced at L. E. Smith Glass Company, Incorporated, Mount Pleasant, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of L. E. Smith Glass Company, Incorporated, Mount Pleasant, Pennsylvania who became totally or partially separated from employment on or after June 21, 1978 are

eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of September 1979.

C. Michael Aho,
Director, Office of Foreign Economic Research.

[FR Doc. 79-29731 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-5641]

L-J Outlet Store, Gainesville, Tex.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on June 22, 1979, in response to a worker petition received on June 18, 1979, which was filed on behalf of workers and former workers selling women's shoes at the Linda Jo Outlet Store, Gainesville, Texas. The investigation revealed that the correct name of the store is the L-J Outlet Store.

The petitioning group of workers was certified as eligible to apply for adjustment assistance in a revised determination issued on September 7, 1979 (TA-W-5362). Since workers of the L-J Outlet Store newly separated, totally or partially, from employment on or after April 30, 1978 (impact date) and before September 7, 1981 (expiration date of revised certification) are covered by an existing determination, a new investigation would serve no purpose. Consequently the investigation has been terminated.

Signed at Washington, D.C., this 14th day of September 1979.

Harold A. Bratt,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-29732 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-5727]

Little Falls Footwear, Inc., St. Johnsville, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 10, 1979, in response to a worker petition

received on July 2, 1979, which was filed on behalf of workers and former workers producing men's, women's and children's slippers and women's casual shoes at Little Falls Footwear, Incorporated, St. Johnsville, New York. It is concluded that all of the requirements have been met.

Evidence developed in the course of the investigation revealed that U.S. imports of rubber/fabric footwear increased absolutely and relative to domestic production from 1977 to 1978 then decreased both absolutely and relatively during the first quarter of 1979 compared to the first quarter of 1978.

There are many imported casual shoes which are categorized as rubber/fabric footwear that are directly competitive with domestically produced slippers. According to U.S. Customs officials, imports of these casual shoes increased in 1978 and have continued to increase in 1979.

A survey of customers of Little Falls Footwear revealed that several customers reduced purchases of slippers and casual shoes from Little Falls during 1978 compared to 1977 and during the first half of 1979 compared to the first half of 1978 while increasing purchases of imported slippers and casual shoes.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with slippers and women's casual shoes produced at Little Falls Footwear, Incorporated, St. Johnsville, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Little Falls Footwear, Incorporated, St. Johnsville, New York who became totally or partially separated from employment on or after June 10, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of September 1979.

Harry J. Giltman,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-29733 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-5746]

Lu-Gine Knits, Hawthorne, N.J.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 16, 1979 in response to a worker petition received on July 9, 1979 which was filed on behalf of workers and former workers producing men's sweaters and shirts at Lu-Gine Knits, Hawthorne, New Jersey. The investigation revealed that the plant produced only men's sweaters. It is concluded that all of the requirements have been met.

U.S. imports of men's and boy's sweaters, knit cardigans and pullovers increased absolutely and relative to domestic production from 1976 to 1977 and from 1977 to 1978.

Lu-Gine Knits is a division of Lord Jeff Knitting Company, Incorporated and performs contract work exclusively for Lord Jeff. Lord Jeff imported men's sweaters during the period 1976 through November 1978. Lord Jeff's imports of sweaters showed a sharp increase from 1977 to 1978, but have been discontinued since the end of 1978.

The Department of Labor conducted a random sample from the universe of customers of Lord Jeff Knitting Company, Incorporated. The survey revealed that imported men's sweaters have gained a strong penetration into the domestic sweater market that is serviced by Lord Jeff. Survey respondents, in aggregate, reported an increased reliance on foreign sources to meet their demand for men's sweaters in 1978 compared to 1977 and in January-June 1979 compared to January-June 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's sweaters produced at Lu-Gine Knits, Hawthorne, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Lu-Gine Knits, Hawthorne, New Jersey who became totally or partially separated from employment on or after June 28, 1978 and before June 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers of Lu-Gine Knits, Hawthorne, New Jersey who became totally or partially separated from employment on or after June 1, 1979 are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 14th day of September 1979.

James F. Taylor,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-29734 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-5771 and 5780]

Magnavox Consumer Electronics Co., Morristown and Johnson City, Tenn.; Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigations were initiated on July 25 and 26, 1979 in response to a worker petitions received on July 23 and 24, 1979 which were filed on behalf of workers and former workers producing color TV modules and components including VHF and UHF tuners at the Morristown, Tennessee plant of the Magnavox Consumer Electronics Company (TA-W-5771) and by the International Woodworkers of America on behalf of workers and former workers producing television and stereo cabinets at the Johnson City, Tennessee plant of the Magnavox Consumer Electronics Company (TA-W-5780). In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivisions have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that the Morristown and Johnson City, Tennessee plants of the Magnavox Consumer Electronics Company were

permanently closed when the company decided to consolidate production operations at the Greeneville and Jefferson City, Tennessee plants, respectively.

The Morristown, Tennessee plant of Magnavox primarily produced television printed circuit boards, flybacks and deflection yokes. These products were used only in the production of color televisions for the Magnavox Company. The Morristown plant officially closed on August 24, 1979 and all production operations were shifted to the Greeneville, Tennessee plant. Total company sales of color televisions increased absolutely from 1977 to 1978. In the first seven months of 1979 compared to the same 1978 period, total sales did not change significantly.

The Johnson City, Tennessee plant of Magnavox produced wood cabinets for televisions and stereos. This plant was closed on June 30, 1979 and all production operations were transferred to the Jefferson City, Tennessee plant which also produces cabinets. Total company production of television and stereo cabinets increased from 1977 to 1978. In the first six months of 1979 compared to the same 1978 period, total sales did not change significantly.

Conclusion

After careful review, I determine that all workers of the Morristown and Johnson City, Tennessee plants of the Magnavox Consumer Electronics Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of September 1979.

C. Michael Aho,
Director, Office of Foreign Economic Research.

[FR Doc. 79-29735 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-5388]

Parflex Rubber Thread Corp., Providence, R.I.; Affirmative Determination Regarding Application for Reconsideration

On August 9, 1979, a former employer of Parflex Rubber Thread Corporation requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of former workers of Parflex Rubber Thread Corporation, Providence, Rhode Island. This determination was published in the Federal Register on July 13, 1979, (44 FR 40978).

In issuing the negative determination, the Department cited the results of its survey of Parflex Rubber Thread Corporation's customers which indicated that increased import competition did not contribute importantly to the closing of the worker's firm. However, the petitioners allege, in their application for reconsideration, that imported extruded latex rubber thread was sold on consignment through at least one major domestic supplier and that imported rubber thread was sold to customers of Parflex Rubber Thread Corporation in such quantities as to contribute importantly to the closing of the firm.

Conclusion

After review of the application, I conclude that this claim of the applicant is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 17th day of September 1979.

James F. Taylor,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-29736 Filed 9-24-79; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-5768]

Pioneer Products, Inc., East Haddam, Conn.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of investigations regarding certifications of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 20, 1979, in response to a worker petition received on July 15, 1979, which was filed by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of workers and former workers producing finished gun barrels and packaging kits at Pioneer Products, Incorporated, East Haddam, Connecticut. The investigation revealed that Pioneer Products, Incorporated produces assembled guns and gun kits. In the following determinations, without regard to whether any of the other criteria have been met for workers producing gun

kits, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Sales of gun kits at Pioneer Products, Incorporated, increased in quantity from 1977 to 1978 and in the first seven months of 1979 compared to the same period of 1978. The decline in sales of gun kits from fourth quarter 1978 to first quarter 1979 was due to normal business fluctuations.

For workers producing assembled guns all of the criteria have been met.

U.S. imports of pistols and revolvers increased in 1978 compared to 1977 and in the first six months of 1979 compared to the same period in 1978.

U.S. imports of rifles decreased in 1978 compared to 1977 and decreased in the first six months of 1979 compared to the same period in 1978.

Pioneer Products, Incorporated, switched production of assembled guns to a related company in Spain in April 1979. All orders from Pioneer's domestic customers, which wholesale exclusively in the United States, were given to this related Spanish company, beginning in April 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with assembled guns produced at Pioneer Products, Incorporated, East Haddam, Connecticut contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in the production of assembled guns at Pioneer Products, Incorporated, East Haddam, Connecticut who became totally or partially separated from employment on or after March 31, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-29737 Filed 9-24-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5781]

Robinson-Anton Textile Co., Fairview, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 26, 1979 in response to a worker petition received on July 24, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers processing and dyeing yarn and lace at the Robinson-Anton Textile Company, Fairview, New Jersey. The investigation revealed that the company contracted to dye and process lace only. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivisions have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department conducted a survey of manufacturers that have contracted with the Robinson-Anton Textile Company to process and dye lace during 1978 or 1979. None of the manufacturers responding to the survey used foreign contractors or imported any lace in 1978 and 1979.

Conclusion

After careful review, I determine that all workers of Robinson-Anton Textile Company, Fairview, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of September 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-29738 Filed 9-24-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5769]

South Georgia Pecan Co., Waycross, Ga.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 20, 1979 in response to a worker petition received on July 17, 1979 which was filed by the Retail, Wholesale and Department Store Union on behalf of workers and former workers processing pecans at the Waycross, Georgia plant of South Georgia Pecan Company. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The petitioner alleged import injury due to the high cost of imported sugar resulting in reduced utilization of pecans in processed foods such as fruit cakes requiring large amounts of sugar. Sugar cannot be considered like or directly competitive with shelled pecans. Only imports of shelled pecans can be considered in determining import injury to workers at the Waycross, Georgia plant of South Georgia Pecan Company, which produces only shelled pecans.

Evidence developed in the course of the investigation revealed U.S. imports of shelled pecans are negligible and declining.

Conclusion

After careful review, I determine that all workers of the Waycross, Georgia plant of South Georgia Pecan Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of September 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-29739 Filed 9-24-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5731]

Timex Components, Inc., Somerset, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 10, 1979 in response to a worker petition received on June 29, 1979 which was filed by the International Union of Electrical Workers on behalf of workers and former workers producing liquid crystal displays at the Timex Corporation, Somerset, New Jersey. The investigation revealed that the petitioning workers were employed by Timex Components, Incorporated, a wholly-owned subsidiary of the Timex Corporation. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that all watch displays produced by Timex Components, Incorporated, Somerset, New Jersey were exported. Sales declines are accounted for by decreases in export sales.

Timex Components, Incorporated, a wholly-owned subsidiary of the Timex Corporation, produced liquid crystal displays for use in the manufacture of digital watches in Taiwan by the parent firm. All of Somerset's production was exported to the Taiwan Facility of Timex Corporation. Neither Timex Components, Inc. nor its parent firm import any liquid crystal displays as finished products. All digital watches sold in the United States by the Timex Corporation are imported from offshore facilities. These watches contain liquid crystal displays as a component.

However, in discussing the term "like or directly competitive" as used in the Trade Act of 1974, the House Ways and Means Committee noted that under the Trade Expansion Act of 1962, the courts concluded that imported finished articles are not like or directly

competitive with domestic component parts thereof, *United Shoe Workers of America v. Bedell, et. al.*, 506 F. 2d 174 (1974). (S. Rept. 93-1298, 93rd Cong., 2nd Sess., p. 122.) In that case, the court held that imported finished women's shoes were not like or directly competitive with shoe counters. Similarly, watch displays cannot be considered like or directly competitive with finished watches.

Conclusion

After careful review, I determine that all workers of Timex Components, Incorporated, Somerset, New Jersey are denied eligibility to apply for adjustment assistance under title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of September 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-29740 Filed 9-24-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5659]

United States Steel Corp., American Bridge Division, Commerce, Calif.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on June 26, 1979 in response to a worker petition received on May 31, 1979 which was filed on behalf of workers and former workers producing structural steel and plate for bridges at the Commerce, California plant of the American Bridge Division of U.S. Steel Corporation. The investigation revealed that the plant primarily produces fabricated steel products.

At a later date, the U.S. Department of Labor received a petition for trade adjustment assistance filed by the United Steelworkers of America on behalf of workers and former workers of the Commerce, California, plant of the American Bridge Division of U.S. Steel Corporation.

In the following determination, without regard to whether any of the

other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Commerce, California plant fabricates steel products to customer specification. The plant obtains work through the competitive bid process which involves submitting cost estimates (bids) on supplying fabricated steel to customers. Generally, customers will ask several steel fabricators to submit cost estimates (bids) for supplying fabricated steel to a given project. The customers will normally select the company that submits the lowest cost estimate (bid).

The U.S. Department of Labor evaluated all of the bids the Commerce, California plant submitted from January 1978 through March 1979. The information revealed that the Commerce plant was not the lowest domestic bidder on contracts that were awarded to foreign steel fabricators.

Conclusion

After careful review, I determine that all workers of the Commerce, California plant of the American Bridge Division of the United States Steel Corporation are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-29741 Filed 9-24-79; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 79-77]

Renewal of Advisory Committees; Determination

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463) and Office of Management and Budget Circular No. A-63 Revised, the NASA Administrator has determined that renewal of the following NASA advisory committees is in each case in the public interest in connection with the performance of duties imposed upon NASA by law:

1. NASA Advisory Council (NAC);
2. NAC Aeronautics Advisory Committee;

3. NAC Aeronautics Advisory Committee, Subcommittee on Aviation Safety Reporting System;
4. NAC Historical Advisory Committee;
5. NAC Life Sciences Advisory Committee;
6. NAC Space and Terrestrial Applications Advisory Committee;
7. NAC Space Sciences Advisory Committee;
8. NAC Space Systems and Technology Advisory Committee.

September 18, 1979.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

[FR Doc. 79-29605 Filed 9-24-79; 8:45 am]

BILLING CODE 7510-01-M

[Notice 79-78]

Space Science Steering Committee Solar Terrestrial Theory Program Ad Hoc Advisory Subcommittee; Establishment

Pursuant to Section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and after consultation with the Committee Management Secretariat, General Services Administration, NASA has determined that the establishment of an Ad Hoc Advisory Subcommittee for the evaluation of Solar Terrestrial Theory Program proposals, is in the public interest, in connection with the performance of duties imposed upon NASA by law. The Space Science Steering Committee, under which the Subcommittee will operate, is a NASA internal committee, composed wholly of Government employees.

The function of this Subcommittee will be to obtain the advice of the scientific community on proposals in the specialized areas identified by the name of the Subcommittee.

September 18, 1979.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

[FR Doc. 79-29607 Filed 9-24-79; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Design Arts Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Design Arts Advisory Panel to the National Council on the Arts, will be held on October 19, 1979, from 9:00 a.m.-5:30 p.m., and on October

20, 1979, from 9:00 a.m.-5:30 p.m. in Room 1422 of the Columbia Plaza Office Building, 2401 E Street, N.W., 20506.

This meeting will be open to the public on a space available basis. The topic for discussion will be Policy.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 79-29753 Filed 9-24-79; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel (Jazz Section); Amended Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Jazz Section) to the National Council on the Arts (which appeared in the **Federal Register** Vol. 44, No. 177, pg. 52898, Tuesday, September 11, 1979,) is amended as follows: The meeting will be held September 24, 1979 from 9:00 a.m. to 5:30 p.m.; September 25, 1979 from 9:00 a.m. to 5:30 p.m.; September 26, 1979 from 9:00 a.m. to 5:30 p.m.; September 27, 1979 from 9:00 a.m. to 5:30 p.m. and September 28, 1979 from 9:00 a.m. to 5:30 p.m.

A portion of this meeting will be open to the public on September 24, 1979 from 9:00 a.m. to 1:30 p.m.; September 25, 1979 from 1:30 p.m. to 5:30 p.m.; September 27, 1979 from 1:30 p.m. to 5:30 p.m. and September 28, 1979 from 3:00 p.m. to 5:30 p.m. Topics for discussion are policy and guidelines.

The remaining sessions of this meeting on September 24, 1979 from 1:30 p.m. to 5:30 p.m.; September 25, 1979 from 9:00 a.m. to 1:30 p.m.; September 26, 1979 from 9:00 a.m. to 5:30 p.m.; September 27, 1979 from 9:00 a.m. to 1:30 p.m. and September 28, 1979 from 9:00 a.m. to 3:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** March 17, 1977, these sessions will be closed to the public pursuant to subsections(c)(4), (6) and (9)(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 79-29742 Filed 9-24-79; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Visual Arts Advisory Panel to the National Council on the Arts will be held on October 18, 1979, from 9:00 a.m.-5:30 p.m.; and on October 17, 1979, from 9:00 a.m.-5:30 p.m. in Room 1422 of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

This meeting will be open to the public on a space available basis. The topic for discussion will be Policy and Guidelines.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 79-29752 Filed 9-24-79; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for the Division of International Programs; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for the Division of International Program.

Date: October 11, 1979.

Time: 8:30 a.m. to 5:00 p.m.

Place: Room 642, National Science Foundation, 1800 G Street NW., Room 642, Washington, D.C. 20550.

Type of Meeting: Open.

Contact Person: Dr. Bodo Bartocha, Director, Division of International Programs, National Science Foundation, Washington, D.C., 202/632-5798. Persons interested in attending the meeting should inform Dr. Jean M. Johnson, 202/632-6545 before 5:00 p.m. on or before October 8, 1979.

Summary Minutes: May be obtained from Dr. Jean M. Johnson, Division of International Programs, National Science Foundation, Washington, D.C. 20550.

Purpose of Committee: The Advisory Committee for the Division of International Programs provides advice, recommendations, and oversight concerning support for activities related to international scientific and technical cooperation.

Agenda

Thursday, October 11, 1979, Room 642

8:30-8:45—Procedures for reporting subcommittee tasks, Dr. Dorothy Zinberg, Chairperson, Advisory Committee.

8:45-9:00—Overview remarks on timing/use of Advisory Committee recommendations in budget cycle, Dr. Bodo Bartocha, Designated Foundation Official for Advisory Committee.

9:00-9:30—Place of NSF/INT in U.S. Government Programs of International S&T, Dr. Coral Newton, Advisory Committee Member.

9:30-11:00—Rationale for expanded programs in INT, Dr. Dorothy Zinberg.

11:00-12:00—An alternative model for funding INT programs with multiple objectives, Dr. Carol Newton.

12:00-1:30—Lunch.

1:30-2:30—New initiatives for INT in the 1980s, Dr. Harvey Wallender, Advisory Committee Member.

2:30-3:30—Relations with other Government agencies in international science, Dr. Jamal Manassah, Advisory Committee Member.

3:30-5:00—1. Selection of final recommendations for annual Advisory Committee report to the Director of NSF; 2. General Discussion.

September 20, 1979.

Joyce F. Laplante,

Acting Committee Management Coordinator.

[FR Doc. 79-29711 Filed 9-24-79; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Information Science and Technology; Meeting

In accordance with the Federal Advisory Act, Public Law 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Information Science & Technology.

Date and Time: October 11 & 12, 1979, 9 a.m. to 4 p.m. each day.

Place: Room 540, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of Meeting: Open

Contact Person: Mrs. Darcey Higgins, Room 1250, National Science Foundation, Washington, D.C. 20550. Telephone: 202/632-5824. Persons planning to attend should notify Mrs. Higgins by October 5, 1979.

Summary Minutes: May be obtained from the Contact Person, at the above stated address.

Purpose of Committee: To provide advice, recommendations, and oversight concerning support for activities related to the Foundation's program in information science and technology.

Agenda: October 11, 1979—Welcome and Introductory Remarks. Review of the Division of Information Science & Technology Activities for FY 1979, Report and Discussion of Foreign Information Science Research Programs, Core Research Problems in Information Science: Discussion of Report on Behavioral and Linguistic Research Problems, Open public participation. October 12, 1979—Core Research Problems in Information Science: Discussion of Problems Related to Economics, Role of Information Technology, General Discussion of Core Research Problems, Miscellaneous, Open Public Participation.

September 20, 1979.

Joyce F. Laplante,

Acting Committee Management Coordinator.

[FR Doc. 79-29708 Filed 9-24-79; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Law and Social Sciences; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Law and Social Sciences of the Advisory Committee for Social Sciences.

Date and Time: October 11 and 12, 1979, 9:00 a.m. to 5:00 p.m. each day.

Place: Room 321, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

Type of Meeting: Part Open—9:00 a.m. to 12:00 p.m., October 12, 1979. Closed—9:00 a.m. to 5:00 p.m., October 11, 1979 and 12:00 p.m. to 5:00 p.m. October 12, 1979.

Contact Person: Dr. Stephen L. Wasby, Program Director, Law and Social Sciences, Room 312, National Science Foundation, Washington, DC 20550, Telephone (202) 632-5816.

Summary of Minutes: May be obtained from the contact person, Dr. Stephen L. Wasby at the above stated address.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Law and Social Sciences.

Agenda: Open: 9:00-12:00, October 12—Policy guidelines and Subcommittee presentation. General discussion of program scope and criteria. Closed: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was

delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Joyce F. Laplante,

Acting Committee Management Coordinator.

September 20, 1979.

[FR Doc. 79-29709 Filed 9-24-79; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Systematic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Systematic Biology of the Advisory Committee for Environmental Biology.

Date and time: October 11 and 12, 1979; 8:30 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G St NW, Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. John H. Beaman, Program Director, Systematic Biology Program, Room 338, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5846.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in systematic biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Office pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Joyce F. Laplante,

Acting Committee Management Coordinator.

September 20, 1979.

[FR Doc. 79-29710 Filed 9-24-79; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-247]

Consolidated Edison Co. of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has

issued Amendment No. 58 to Facility Operating License No. DPR-26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specification for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The Amendment is effective as of the date of issuance.

The amendment requires an inspection of steam generators on or before May 1, 1981.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's submittal dated August 23, 1979 as supplemented by letter dated August 31, 1979, (2) Amendment No. 58 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of September, 1979.

For the Nuclear Regulatory Commission,
A. Schwencer,

Chief, Operating Reactors Branch #1,
Division of Operating Reactors.

[FR Doc. 79-29648 Filed 9-24-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-255]

Consumers Power Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Provisional Operating License No. DPR-20, issued to Consumers Power Company (the licensee), which revised Technical Specifications for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment authorizes changes that will enhance low temperature overpressure protection and increase assurance that the reactor vessel will not be subjected to pressure transients which could exceed the limits established in accordance with Appendix G of 10 CFR Part 50.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment did not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 3, 1978, and supporting information transmitted by letters dated March 8, 1977, June 24, 1977, and November 28, 1977, (2) Amendment No. 51 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 10th day of September, 1979.

For the Nuclear Regulatory Commission,
Dennis L. Ziemann,
Chief, Operating Reactors Branch No. 2,
Division of Operating Reactors.

[FR Doc. 79-29648 Filed 9-24-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-1257]

Receipt of Application and Intent to Prepare an Environmental Assessment Concerning Renewal of License SNM-1227 Exxon Nuclear Co., Inc.

AGENCY: U.S. Nuclear Regulatory Commission, Division of Fuel Cycle and Material Safety.

ACTION: Notice of Receipt of Application for Renewal of License and Intent to Prepare an Environmental Assessment.

SUMMARY: 1. Description of the Proposed Action—Exxon Nuclear Company, Inc., pursuant to § 70.33 of 10 CFR Part 70, has requested renewal of a Special Nuclear Material license to acquire, receive, possess, use and transfer uranium and plutonium materials at its Richland, Washington, Fuel Development and Fabrication Plant. The 160-acre Exxon Nuclear site is located at the northern city limits of Richland, in Benton County. The Atomic Energy Act of 1954, as amended, requires persons who acquire, deliver, receive, possess, use and initially transfer special nuclear material to obtain a specific license. Licenses are issued for a five-year term and renewal of the license must be requested at least 30 days prior to expiration. Title 10 of the Code of Federal Regulations, Part 51, provides for the preparation of an environmental assessment pursuant to the National Environmental Policy Act of 1969 (NEPA) prior to the renewal of a Special Nuclear Material License.

2. In preparation of the assessment, the staff will review environmental monitoring data, waste treatment systems, the environmental monitoring program and consider the alternative of denial of the application for renewal.

3. In conducting its assessment, the NRC staff will consult with interested State and local agencies, EPA Regional Office, and interested members of the public as well as the applicant. Based on the environmental assessment, the staff will determine whether to prepare an environmental impact statement or make a finding of no significant impact.

4. The assessment is expected to be available to the public in April 1980. Upon completion of the environmental assessment, a notice will be published in the Federal Register.

5. The NRC evaluation of the renewal application will include both the

environmental effects and the safety of the operations conducted under the license. Thus, in addition to the types of environmental data to be reviewed in preparing the environmental assessment, the evaluation will cover NRC inspection records, Exxon organization, administrative procedures, the radiological safety program including exposure controls and levels experienced, and the nuclear criticality safety program. The results of the safety evaluation will be reported in a Safety Evaluation Report (SER) to be available (about May 1980) as a separate document from the environmental assessment.

6. The Application for Renewal of Special Nuclear Material License No. SNM-1227 and Addendum 5 to Applicant's Environmental Report and any subsequent documents will be available for inspection and copying at the Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Local Public Document Room, Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352. Address: Questions about the renewal application should be directed to Mr. R. L. Stevenson, Project Manager, U.S. Nuclear Regulatory Commission, Division of Fuel Cycle and Material Safety, 396-SS, Washington, D.C. 20555, Phone (301) 427-4510.

Dated at Silver Spring, Maryland, this 14th day of September, 1979.

For the Nuclear Regulatory Commission.

W. T. Crow,
Section Leader, Uranium Fuel Licensing
Branch, Division of Fuel Cycle and Material
Safety.

[FR Doc. 79-29650 Filed 9-24-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications for operation of the Crystal River Unit No. 3 Nuclear

Generating Plant (the facility) located in Citrus County, Florida. This amendment is effective as of the date of issuance.

The amendment revises the Appendix A Technical Specifications to incorporate the approved dome delamination surveillance program, correct typographical errors and make the Technical Specifications more consistent with the current Standard Technical Specifications.

The amendment also revises the Appendix B Technical Specifications to incorporate modifications to the environmental sampling program.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated November 21 and 23, 1977, July 21, 1977, March 17, 1978, and September 22, 1978, (2) Amendment No. 24 to License No. DPR-72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Crystal River Public Library, Crystal River, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 6th day of September 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,
Chief, Operating Reactors Branch No. 4,
Division of Operating Reactors.

[FR Doc. 79-29651 Filed 9-24-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District, which revised the Technical Specifications for operation of the Cooper Nuclear Station, located in Nemaha County, Nebraska. The amendment is effective as of the date of issuance.

The amendment modifies the Technical Specifications to require a five man fire brigade. The Safety Evaluation related to this change was issued on May 23, 1979 along with Amendment No. 56 to License No. DPR-46.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the formal application for amendment dated July 17, 1979, (2) Amendment No. 59 to License No. DPR-46, and (3) the Commission's letter to the licensee dated September 18, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Auburn Public Library, 118-15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 18th day of September 1979.

For the Nuclear Regulatory Commission.
Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 3,
Division of Operating Reactors.

[FR Doc. 79-29652 Filed 9-24-79; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. STN 50-484]

**Northern States Power Co., et al.
(Tyrone Energy Park, Unit 1); Request
for Action**

Notice is hereby given that by petition dated August 15, 1979, the Badger Safe Energy Alliance requested that an order be issued to Northern States Power Co., et al., to revoke the construction permit for the Tyrone Park because of the Applicants' stated decision to cancel the project. This petition is being treated as a request for action under 10 CFR 2.206 of the Commission's regulations, and accordingly, action will be taken on the petition within a reasonable time.

Copies of the petition are available for inspection in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., 20555 and in the local public document room at the University of Wisconsin, Stout Library, Menomonie, Wisconsin, 54751.

Dated at Bethesda, Maryland this 14th day of September 1979.

Edson G. Case,
Acting Director, Office of Nuclear Reactor
Regulation.

[FR Doc. 79-29653 Filed 9-24-79; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

**Northern States Power Co.; Issuance
of Amendment to Facility Operating
License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 39 to Facility Operating License No. DPR-42, and Amendment No. 33 to Facility Operating License No. DPR-60 issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2 (the facilities) located in Goodhue County, Minnesota. Paragraph 2.C.(4) will become effective twenty days after the date of the notice of issuance unless a hearing has been requested. All other portions of the amendments will become effective upon the date of issuance.

The amendments add license conditions and change Technical Specifications relating to the completion of facility modifications and the implementation of administrative controls resulting from the review of the

Prairie Island Nuclear Plant fire protection program.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated January 31, 1977 as amended December 22, 1977, submittals dated March 11, 1977, and supplemented dated July 5, 1977, April 18, May 18, June 22, and November 8, 1978, January 2 and 9, March 9, May 2, and July 5, 1979, (2) Amendment Nos. 39 and 33 to License Nos. DPR-42 and DPR-60, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 6th day of September, 1979.

For the Nuclear Regulatory Commission.
A. Schwencer,
Chief, Operating Reactors Branch No. 1,
Division of Operating Reactors.

[FR Doc. 79-29654 Filed 9-24-79; 8:45 am]
BILLING CODE 7590-01-M

[Dockets Nos. 50-277 and 50-278]

**Philadelphia Electric Co., et al.;
Issuance of Amendments to Facility
Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 60 and 60 to Facility Operating License Nos. DPR-44 and DPR-56, issued to Philadelphia

Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

The amendments revise the table of Primary Containment Isolation Valves to reflect the re-routing of the Control Rod Drive Return Line to the Reactor Water Cleanup System.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 14, 1978 with supplemental information dated November 18, 1977, June 22 and August 27, 1979, (2) Amendments Nos. 60 and 60 to License Nos. DPR-44 and DPR-56, and (3) the Commission's letter dated September 19, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of September 1979.

For the Nuclear Regulatory Commission.
Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 3,
Division of Operating Reactors.

[FR Doc. 79-29655 Filed 9-24-79; 8:45 am]
BILLING CODE 7590-01-M

[Dockets Nos. 50-277 and 50-278]

**Philadelphia Electric Co., et al.;
Issuance of Amendments to Facility
Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 59 and 59 to Facility Operating License Nos. DPR-44 and DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to delete the restriction on fuel decay time prior to movement of fuel elements from the reactor vessel to the spent fuel pool.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated August 27, 1979, (2) Amendment Nos. 59 and 59 to License Nos. DPR-44 and DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut

Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 17th day of September 1979.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 3,
Division of Operating Reactors.

[FR Doc. 79-29656 Filed 9-24-79; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-272]

**Public Service Electric and Gas Co., et
al.; Issuance of Amendment to Facility
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment revises the safety Technical Specifications regarding diesel generator trips to confirm them with the proposed Salem Unit No. 2 allowable diesel generator trips.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 14, 1979, (2) Amendment No. 18 to License No. DPR-70, and (3) the Commission's related Safety Evaluation. All of these items are

available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 8th day of September, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,
Chief, Operating Reactors Branch No. 1,
Division of Operating Reactors.

[FR Doc. 79-29657 Filed 9-24-79; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-272]

**Public Service Electric & Gas Co., et
al.; Issuance of Amendment to Facility
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised the Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment makes changes that delete those non-radiological Technical Specifications in Appendix B to the License that are duplicated in the 316(b) Plan of Study required by the Environmental Protection Agency.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 21, 1977 as supplemented May 9, 1979 and (2) Amendment No. 19 to License No. DPR-70. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 12th day of September 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1,
Division of Operating Reactors.

[FR Doc. 79-29658 Filed 9-24-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric & Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 52 and 51 to Facility Operating License Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company, which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2 (the facility) located in Surry County, Virginia. The amendment to DPR-32 is effective no later than return to power from the next cold shutdown, and the amendment to DPR-37 is effective as the date of issuance.

These amendments revise the Technical Specifications to require the initiation of safety injection on the trip of two-out-of-three, rather than on the coincident trip of one-out-of-three channels of low pressurizer pressure and one-out-of-three channels of low pressurizer level. This change eliminates reliance on pressurizer level for actuation of the safety injection system and reduces the likelihood of actuation of the safety injection system by spurious signals.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated August 8, 1979, (2) Amendment Nos. 52 and 51 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and the Swem Library, College of William and Mary, Williamsburg, Virginia. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 6th day of September, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1,
Division of Operating Reactors.

[FR Doc. 79-29659 Filed 9-24-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric & Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 53 and 52 to Facility Operating License Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company, which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2 (the facility) located in Surry County, Virginia. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to (1) reflect reorganization of the Production Operations Department onsite and offsite, (2) delete reference to the respiratory protection equipment since this item is now covered by 10 CFR 20.103 of Part 20 of the Commission's regulations, (3) increase the fire brigade training and drill interval to 92 days, and (4) incorporate several minor clarifications and typographical corrections.

The application for the amendments complies with the standards and

requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated August 31, 1978 as supplemented December 28, 1978, January 19, and May 4, 1979, (2) Amendment Nos. 53 and 52 to License Nos. DPR-32 and DPR-37, and (3) the Commission's letter dated September 11, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 11th day of September, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1,
Division of Operating Reactors.

[FR Doc. 79-29660 Filed 9-24-79; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Performance Review Board

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board.

DATE: September 25, 1979.

FOR FURTHER INFORMATION CONTACT: Sharon Barbee, Career Management Division, Office of Personnel, Office of Personnel Management, 1900 E Street NW., Washington, DC, 20415 (202-632-7484).

SUPPLEMENTARY INFORMATION: Sec. 4314(c)(1) through (5) of title 5, U.S.C.,

requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

Office of Personnel Management.

Beverly M. Jones,

Issuance Systems Manager.

The Members of the Performance Review Board are

1. Robert J. Dunn, Regional Director, Rocky Mountain Region
2. Carlos Esparza, Deputy Regional Director, Mid-Atlantic Region
3. Edie Goldenberg, Director, CSRA Evaluation Division, Office of Planning and Evaluation
4. John J. Lafferty, Regional Director, Eastern Region
5. Kristine Marcy, Assistant Director, Agency Relations
6. James W. Morrison, Jr., Assistant Director, Agency Relations
7. S. B. Pranger, Associate Director, Agency Relations
8. Arch S. Ramsay, Associate Director, Staffing Services
9. Edward A. Schroer, Director, Office of Planning and Evaluation 6325-01

[FR Doc. 79-29487 Filed 9-24-79; 8:45 am]

BILLING CODE 6325-01-M

POSTAL RATE COMMISSION

Visits to Postal Facilities

September 19, 1979.

Notice is hereby given that members of the Commission will make visits to the following postal facilities for the purpose of acquiring general background knowledge of postal operations.

- September 28—Los Angeles (CA) BMC and AMF
October 1-2—Honolulu (HI) Post Office
October 4-5—Kahulu and Wailuku (HI) Post Offices
October 9—Seattle (WA) BMC and SCF
October 10-12—Anchorage, Juneau, Fairbanks and Ketchikaw, (AL) Post Offices

A member of the advisory staff will visit the following facilities for general orientation.

- October 4—Fredericksburg (VA) Post Office
October 5—Largo (MD) BMC
October 9—Merrifield (VA) SCF
October 10—Philadelphia (PA) Post Office
October 11—United Parcel Service, Philadelphia, PA

A report of all visits will be on file in the Commission's Docket Room.

David F. Harris,

Secretary.

[FR Doc. 79-29705 Filed 9-24-79; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 10870; 812-4412]

Massachusetts Tax Exempt Unit Trusts, Series 1 Through 6 (and Subsequent Series); Filing of Application for Order of the Act Exempting Proposed Reinvestment Program

September 17, 1979.

In the matter of Massachusetts Tax Exempt Unit Trusts, Series 1 Through 6 (and Subsequent Series), and Moseley, Hallgarten, Estabrook & Weeden Inc., 60 State Street, Boston, Massachusetts 02109.

NOTICE is hereby given that Massachusetts Tax Exempt Unit Trusts, Series 1 through 6 (and Subsequent Series) ("Trusts"), unit investment trusts organized under the laws of the Commonwealth of Massachusetts and registered under the Investment Company Act of 1940 ("Act"), and Moseley, Hallgarten, Estabrook & Weeden Inc. ("Sponsor"), sponsor for the Trusts (the Trusts and the Sponsor are hereinafter referred to collectively as "Applicants"), filed an application on December 22, 1978, and amendments thereto on February 1, 1979, and August 3, 1979, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 22(d) of the Act to permit Applicants to offer certificateholders of the Trusts the opportunity to participate in a reinvestment option plan ("Plan") pursuant to which certificateholders who have selected a semi-annual plan of distribution could elect to have distributions on their units of the Trusts automatically reinvested, at a reduced sales charge, in units of the Trusts. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Trusts are a series of similar, but separate, unit investment trusts and that, to date, six such series have been created. Applicants further state that: (i) New England Merchants National Bank ("Merchants") serves as trustee for Series 1 through 5; (ii) Bradford Trust

Company of Boston ("Bradford") serves as trustee for Series 6 and Subsequent Series (Merchants and Bradford are hereinafter referred to collectively as the "Trustee"); and (iii) Bradford Trust Company, a New York corporation, will serve as the plan agent for participants in the Plan ("Plan Agent").

According to the application: (i) The investment objective of each series of the Trusts is tax-exempt income and the preservation of capital through investment in a diversified portfolio of tax-exempt bonds; (ii) a separate trust indenture is entered into each time a new series is created, and the bonds which are to comprise the portfolio of the new series are deposited with the Trustee; (iii) the obligations included in a series portfolio consist of interest bearing obligations of states and territories of the United States, and political sub-divisions and authorities thereof, the interest on which would, in the opinion of bond counsel to the issuing governmental authority, be exempt from federal income tax; and (iv) certificateholders are permitted to elect to receive interest and principal distributions from the Trusts either on a monthly or semi-annual basis. Applicants state that units of the Trusts will be offered for sale to the public at a public offering price of approximately \$1.045 per Unit plus accrued interest, such price including a sales charge currently equal to 4½% of the public offering price.

Applicants propose to offer certificateholders who have selected the semi-annual plan of distribution the opportunity to automatically reinvest income and principal distributions into units of a subsequent series or into units of a previously formed series, if available, which have been purchased by the Sponsor in the secondary market and with respect to which a registration statement is currently in effect. The application states that the semi-annual dates upon which distributions from the Trusts are made ("Payment Date") have been June 15 and December 15. Applicants anticipate that the Payment Dates will be the same for all subsequent series. Applicants state that pursuant to the Plan, the Sponsor will purchase fractional units ("Plan Units") at a price equal to the aggregate offering price per unit of the debt obligations in the Trust portfolio divided by 10, plus a sales charge equal to 3.627% of the offering side evaluation of such debt obligations (3½% of the offering price per Plan Unit), plus interest accrued on the Plan Units, if any. According to the application, the purchase of Plan Units will permit the maximum use of

distributions for purchases pursuant to the Plan. Thus, Applicants anticipate that the entire amount of a participant's income and principal distributions will be reinvested. Applicants state that the Sponsor does not intend to maintain a secondary market for Plan Units, although it reserves the right to do so. Thus, unless participants are able to find a buyer for their Plan Units, they will be able to dispose of Plan Units only by tendering them to the Trustee for redemption.

According to the application, certificateholders will be able to join the Plan at any time by delivering an authorization form to the Plan Agent. Applicants state that following enrollment by a certificateholder in the Plan, semi-annual distributions of interest and principal on Units of the Trusts held by such certificateholder (including distributions on Plan Units, unless the certificateholder notifies the Trustee to the contrary) will be aggregated and will be paid by the Trustee to the Plan Agent who will, immediately upon receipt, purchase from the Sponsor on behalf of the certificateholder Plan Units of a series of the Trusts created subsequent to the commencement of the Plan (or Plan Units of a previously formed series, if available) on the Payment Dates. Applicants further state that it is the Sponsor's intention, subject to market conditions, to offer a new series of the Trusts on or about the first days of June and December (approximately 15 days prior to each Payment Date). The application states that if such new series is not currently effective on any Payment Date, or if such new series materially differs from the other existing Trusts, in the opinion of the Sponsor, no reinvestment will be made in such new series, but will be made in other available Trusts. According to the application, participants in the Plan will be provided with a current prospectus relating to a subsequent series at least 12 days prior to the Payment Date in order to provide participants with sufficient time to review the prospectus. In the event that a registration statement for a new series has not been declared effective in sufficient time to distribute final prospectuses, and a registration statement respecting another series is not currently effective, the Plan will be suspended with respect to that Payment Date and recommenced on the next Payment Date, and the funds accumulated in the account for reinvestment will be distributed to the participants. The application states that no reinvestment of distributions will be made in any series which, in the opinion

of the Sponsor, is materially different from other series of the Trusts.

Applicants state that when a certificateholder enrolls in the Plan, the Plan Agent will open an account in that participant's name and forward a confirmation of the opening of the account to the participant. Thereafter, whenever a transaction occurs in the account, the participant will receive a confirmation statement describing the transaction. According to the application, a participant may withdraw from the Plan at any time by giving written notice of such withdrawal to the Plan Agent. In cases where the participant does not give the Plan Agent written notice of withdrawal by the Payment Date, the participant will be deemed to have elected to participate in the Plan with respect to the particular transaction occurring on the Payment Date. Applicants state that unless a participant indicates in the written notice that the withdrawal is only for the particular transaction occurring on the Payment Date, or that the withdrawal is to be applicable only for certain series of the Trust owned by the participant, the participant will be deemed to have withdrawn from the Plan in all respects. Applicants further state that if the Plan should be suspended, modified or terminated by the Sponsor or by the Trustee for any reason, all participants will receive notice of such suspension, modification or termination.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the prospectus. As noted above, under the Plan, Applicants propose to sell units of the Trusts at a reduced sales charge. Thus, Applicants have requested an order, pursuant to Section 6(c) of the Act, exempting them from the provisions of Section 22(d) of the Act to the extent necessary to permit the implementation of the Plan.

Section 6(c) of the Act provides, in pertinent part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or

classes of persons, securities, or transactions, from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Although Applicants propose to offer Plan Units at a sales charge of 3½% per Plan Unit rather than at the sales charge of 4½% per unit which is applicable to all primary and secondary sales of units of the Trusts, they note that approximately 3% of the customary 4½% sales charge is attributable to efforts relating to initial customer solicitation and ascertaining customers' financial requirements. Applicants state that the costs of the Plan will be allocable as follows: (i) 1½% per Plan Unit will be allocated by the Sponsor to the soliciting broker for his professional assistance to a Plan participant; (ii) 1% per Plan Unit will be allocated to special expenses relating to the Plan including (a) maintenance of Trustee records, (b) mailing, shipping, and miscellaneous delivery charges, and (c) printing charges; and (iii) 1% per Plan Unit will be allocated to expenses relating to the establishment of new series. According to the application, such costs will be covered by the imposition of the 3½% sales charge.

Applicants submit that the reduced sales charge applicable to purchases pursuant to the Plan is beneficial to Plan participants and warranted in light of the cost savings associated with the Plan. They further submit that such reduced sales charge will permit participants to receive the benefit of the cost savings associated with sales of Plan Units.

Notice is further given that any interested person may, not later than October 11, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and

regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 79-29620 Filed 9-24-79; 8:45 am]

BILLING CODE 8010-01-M

SELECT COMMISSION ON IMMIGRATION AND REFUGEE POLICY

Notice of Open Meeting

The Select Commission on Immigration and Refugee Policy will hold its second meeting on:

Date: October 9, 1979 (Tuesday)

Time: 10:00-12:00

Place: The State Department, Room 1107, 2201 C Street, N.W., Washington, D.C.

Included on the agenda will be organizational and business matters followed by substantive discussion on the commission's work.

The meeting is open to the public. Seating will be available for 85 people. A section will be reserved for the media.

Written statements may be filed with the Commission before or after the meeting.

The Select Commission on Immigration and Refugee Policy was created by Public Law 95-412, signed October 5, 1978. The Commission is charged with a comprehensive review of U.S. immigration laws, policies, and procedures. Membership on the commission includes four Cabinet members, four members of the House Committee on the Judiciary, four members of the Senate Judiciary Committee, and four members appointed by the President, including former Governor Reubin Askew, Chairman.

Address inquiries to: Select Commission on Immigration and Refugee Policy, Suite 2020, New Executive Office Building, Telephone: (202) 395-5615.

Lawrence H. Fuchs,
Executive Director.

[FR Doc. 79-29614 Filed 9-24-79; 8:45 am]

BILLING CODE 6820-AR-M

SMALL BUSINESS ADMINISTRATION

Affiliated SBIC, Inc.; Surrender of License to Operate as a Small Business Investment Company

[License No. 06/06-0198]

Notice is hereby given that Affiliated SBIC, Inc., Affiliated Road and Kennedy Street, Broussard, Louisiana 70518, pursuant to the provisions of § 107.105 of the Regulations governing small business investment companies (13 CFR 107.105 (1979)), has surrendered its license to operate as a small business investment company (SBIC).

Affiliated was incorporated under the laws of the State of Louisiana to operate solely as an SBIC under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), (the Act), and it was issued license number 06/06-0198 by the Small Business Administration on September 6, 1978.

Under the authority vested by the Act and the Rules and Regulations promulgated thereunder, the surrender of the license of Affiliated is hereby accepted and accordingly, it is no longer licensed to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 14, 1979.

Peter F. McNeish,
Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-29756 Filed 9-24-79; 8:45 am]

BILLING CODE 8025-01-M

California Partners; Issuance of Small Business Investment Company License

[License No. 09/09-0242]

On August 23, 1979, a Notice of application for a license to operate as a small business investment company was published in the Federal Register (Vol. 44 No. 165) stating that an application has been filed with the Small Business Administration pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102(1979)) for a license to operate as a small business investment company by California Partners, Two Palo Alto Square, Suite 700, Palo Alto, California 94304.

Interested parties were given until the close of business September 7, 1979, to submit their comments. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information with

regard thereto, SBA issued License No. 09/09-0242 to California Partners to operate as a small business investment company on September 12, 1979.

(Catalog of Federal Domestic Programs No. 59.011, Small Business Investment Companies)

Dated: September 19, 1979.

Peter F. McNeish,
Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-29759 Filed 9-24-79; 8:45 am]

BILLING CODE 8025-01-M

[License No. 10/10-0168]

Market Acceptance Corp.; Issuance of a Small Business Investment Company License

On July 6, 1979, a notice was published in the Federal Register (44 FR 39678) stating that an application has been filed by Market Acceptance Corporation, 1111 Northwest Market Street, Seattle, Washington 98107, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102(1979)) for a license as a small business investment company.

Interested parties were given until close of business July 21, 1979, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 10/10-0168 on September 12, 1979, to Market Acceptance Corporation, to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 19, 1979.

Peter F. McNeish,
Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-29757 Filed 9-24-79; 8:45 am]

BILLING CODE 8025-01-M

[Delegation of Authority No. 30, Rev. 15, Amdt. 32]

Program Activities in Field Offices; Delegation of Authority

Delegation of Authority No. 30, Rev. 15, republished in the Federal Register on November 24, 1978 (43 FR 5220), as amended (44 FR 963, 44 FR 5039, 44 FR 19572, 44 FR 21108, 44 FR 46553, and 44 FR 48408), is further amended to delegate authority for the 8(a)

Contracting Authority to the Baltimore District Office.

Accordingly, Part VI of Delegation of Authority No. 30, Revision 15, is amended as follows:

Part VI—Procurement Assistance Program

Section B—Section 8(a)(1)(A) Contracting Authority

1.
f. District Director, Washington, Denver Unlimited Richmond, Philadelphia, and Baltimore, D/O's only

2.
f. District Director, Washington, Denver Unlimited St. Louis, Richmond, Philadelphia, and Baltimore D/O's only

3.
f. District Director, Washington, Denver, Unlimited, Philadelphia, Richmond, St. Louis, and Baltimore D/O's only

Effective Date: September 4, 1979.
Dated: September 18, 1979.

A. Vernon Weaver,
Administrator.

[FR Doc. 79-29758 Filed 9-24-79; 8:45 am]
BILLING CODE 8025-01-M

Region III Advisory Council; Public Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Philadelphia, Pennsylvania, will hold a public meeting at 9:30 a.m., Thursday, October 18, 1979, at the Treadway Inn, Route 315, Plains Township, Wilkes Barre, Pennsylvania, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call William T. Gennetti, District Director, U.S. Small Business Administration, Philadelphia District Office, One Bala Cynwyd Plaza, Suite 400—East Lobby, Bala Cynwyd, Pennsylvania 19004—(215) 596-5801.

Dated: September 20, 1979.

K. Drew,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-29764 Filed 9-24-79; 8:45 am]
BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Columbia, South Carolina, will hold a public meeting at 10:00 a.m., Wednesday, October 24, 1979, in the Board Room of the National Bank of South Carolina, 207 N. Main Street, Sumter, S.C., to discuss such matters as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Vern F. Amick, District Director, U.S. Small Business Administration, 1835 Assembly Street (Post Office Box 2786), Columbia, South Carolina 29202—(803) 765-5373.

Dated: September 20, 1979.

K. Drew,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-29763 Filed 9-24-79; 8:45 am]
BILLING CODE 8025-01-M

Region VII Advisory Council; Public Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Omaha, Nebraska, will hold a public meeting at 9:30 a.m. to 2:00 p.m., Thursday, November 15, 1979, in the Conference Room, Omaha District Office, U.S. Small Business Administration, 19th and Farnam, Omaha, Nebraska, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Rick Budd, District Director, U.S. Small Business Administration, 19th and Farnam, Omaha, Nebraska 68102—(402) 221-3620.

Dated: September 20, 1979.

K. Drew,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-29762 Filed 9-24-79; 8:45 am]
BILLING CODE 8025-01-M

Region IX Advisory Council; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of Phoenix, Arizona, will hold a public meeting at 12:00 Noon, Wednesday, October 17, 1979, in the Gold Room of the Royal Towers Inn, 1102 N. Central Avenue, Phoenix, Arizona, to discuss such business as may be presented by members, the staff of the U.S. Small

Business Administration, and others attending.

For further information, write or call Mack Kehoe, Public Information Officer, U.S. Small Business Administration, 112 North Central Avenue, Phoenix, Arizona 85004—(602) 261-3625.

Dated: September 20, 1979.

K. Drew,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-29761 Filed 9-24-79; 8:45 am]
BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The Small Business Administration Region X Advisory Council, located in the geographical area of Spokane, Washington, will hold a public meeting at 9:00 a.m., Pacific Daylight Time, Wednesday, October 17, 1979, in Room 895, U.S. Court House Building, West 920 Riverside Avenue, Spokane, Washington, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call William S. Schumacher, District Director, U.S. Small Business Administration, U.S. Court House, Room 651, Post Office Box 2167, Spokane, Washington 99210—(509) 456-3781, FTS 439-3781.

Dated: September 20, 1979.

K. Drew,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-29760 Filed 9-24-79; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/229]

Study Group 6 of the U.S. Organization for the International Radio Consultative Committee; Meeting

The Department of State announces that Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on November 8, 1979, at Boulder, Colorado. The meeting will open on November 8 at 9:00 a.m. in Room 3012 of the Department of Commerce Boulder Laboratories Building, 325 Broadway.

Study Group 6 deals with matters relating to the propagation of radio waves by and through the ionosphere. The purpose of the meeting will be to review the work undertaken in preparation for the next international meeting of Study Group 6, scheduled for June, 1980, in Geneva.

Members of the general public may attend the meeting and join in the

discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: September 18, 1979.

Gordon L. Huffcutt,
Chairman, U.S. CCIR National Committee.

[FR Doc. 79-29700 Filed 9-24-79; 8:45 am]
BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

Marine Midland Bank; Notice of Public Hearing on the Application To Convert to a National Banking Association

A public hearing will be held on Monday, October 22, 1979, in Buffalo, New York and on Tuesday, October 23, 1979, in New York, New York on the application of Marine Midland Bank, Buffalo, New York to convert to a National Banking Association. This application was accepted for filing on July 2, 1979, by the Regional Administrator of National Banks, Second National Bank Region.

The hearing place in Buffalo, New York will be the Federal Building, 111 West Huron Street, Rooms 912-914.

The hearing place in New York, New York will be the U.S. Customs House, 6 World Trade Center, Church and Vesey Streets, Room 541-D.

Hours of the hearing will be 9:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m. on both days.

In accordance with the rules established for these proceedings, persons or groups interested in participating in this hearing must notify the Regional Administrator of National Banks, Second National Bank Region, 1211 Avenue of the Americas, Suite 4250, New York, New York 10038, (212) 399-2997, by October 15, 1979, of their intention to participate in the hearing, and submit the names of the participants and copies of the written material to be presented. Additionally, notification should indicate the location at which the participants will appear. Copies of the rules established for the conduct of this hearing will be mailed to all participants.

Dated: September 21, 1979.

John G. Heimann,
Comptroller of the Currency.

[FR Doc. 79-29910 Filed 9-24-79; 8:45 am]
BILLING CODE 4810-33-M

Customs Service

Certain Ferroalloys From Brazil; Preliminary Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Brazil has given benefits which may constitute bounties or grants on the manufacture, production, or exportation of certain ferroalloys. If a final determination is not reached prior to December 31, 1979, it will be made no later than March 17, 1980, consistent with section 102(a)(2) of the Trade Agreements Act of 1979. Interested persons are invited to comment on this action.

EFFECTIVE DATE: September 25, 1979.

FOR FURTHER INFORMATION CONTACT: Michael Ready, Operations Officer, Technical Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone (202-566-5492).

SUPPLEMENTARY INFORMATION: On May 11, 1979, a notice of "Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the Federal Register (44 FR 27782-27783). The notice stated that a petition had been received alleging that benefits conferred by the Government of Brazil upon the manufacture, production, or exportation of certain ferroalloys constitute the payment or bestowal of bounties or grants, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

The merchandise covered by the investigation are ferrochrome containing over 3 percent by weight of carbon classified under item number 607.3100 of the Tariff Schedules of the United States Annotated (TSUSA); ferromanganese containing over 4 percent by weight of carbon under TSUSA item number 607.3700; ferrosilicon manganese under TSUSA item number 607.5700; and ferrosilicon containing over 60 percent but not over 80 percent by weight of silicon under TSUSA item number 607.5100.

On the basis of an investigation conducted pursuant to § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it has been determined preliminarily that certain programs of the Government of Brazil provide benefits to

manufacturers and/or exporters of the subject merchandise which may constitute bounties or grants within the meaning of section 303 of the Act. These benefits have been conferred under the following programs:

(1) Excessive remission upon export of the Industrial Products Tax (IPI), a value added tax. The excessive remission consists of the granting, upon export, of an IPI tax credit greater than IPI taxes actually incurred during the production process. These extra credits can be used by the firm to offset other taxes owed, and in some instances can be converted into cash or transferred from one firm to another. To the extent the excessive credits have been utilized by ferroalloy manufacturers/exporters to reduce other tax liabilities or have been transferred or sold for cash value, a bounty or grant would exist. It has been established that ferroalloy manufacturers have received and utilized these credits, although the extent of utilization has not yet been calculated.

(2) Reduction of taxable income by the percentage of total sales accounted for by export sales. In *Textile Products from Brazil* (43 FR 53422, November 16, 1978), the Treasury Department stated that "[w]hile export earnings are exempted from the payment of income taxes and [are] therefore a bounty, the possible benefits derived therefrom were not computed into the final bounty in view of the uncertainty of the overall tax effect of the IPI/ICM credits, which themselves are treated as income."

In the absence of information concerning the actual experience of the ferroalloy manufacturers with regard to the utilization of IPI credits, the relationship between export and domestic sales, and the profitability of the firms under investigation, this program is preliminarily considered a bounty or grant.

(3) Preferential credit arrangements for the production of ferroalloys destined for export under Resolution 515, which recently superseded Resolution 398. Under Resolution 515, ferroalloy manufacturers can receive working capital financing up to a fixed percentage of the value of the previous year's exports at interest rates below those available commercially for loans of identical terms. It was also alleged that the terms of the loans under Resolution 398 might be preferential, in particular that they are exempt from the assessment of a 1 percent financial transactions tax (ISOF). It has been determined that these loans are in fact exempted from the ISOF and this fact will be included in the calculation of benefits received. Although the Treasury has been informed that those loans have

been utilized by ferroalloy manufacturers, no data has yet been supplied upon which the *ad valorem* benefit received could be calculated.

(4) Regional Industry Tax Incentives—The Government of Brazil provides assistance to firms located in less developed areas of Brazil in the form of tax exemptions for income related to new or expanded facilities in designated areas and reductions in the amount of import duties and IPI taxes levied on imported equipment which is not otherwise produced in Brazil. The regional programs are operated by the Superintendency for the Development of the Northeast (SUDENE) and the Superintendency for the Development of the Amazon (SUDAM).

Eligibility to receive benefits under these programs is not contingent upon the subsequent exportation of the product in question. It has, however, been a consistent Treasury practice under the Act, in determining whether or not a program of assistance to the general production of a product is considered a bounty or grant, to take into account both the extent to which the product manufactured with the benefits of such assistance is exported and the *ad valorem* value of the assists. The Treasury is aware at this stage that at least some firms producing ferroalloys have benefitted from the income tax provisions of these programs although not enough information is presently available to determine either the *ad valorem* size of the benefits received or the extent to which the beneficiary firms export.

(5) Reduction of Withholding Tax on Remittances Abroad—Exporters of manufactured goods may obtain reductions of the withholding tax levied on royalties, technical assistance fees, and interest on foreign loans under Resolution 1189. The amount of reduction varies according to the current export performance of the manufacturer. If utilized, the program would be considered countervailable. No information with regard to its utilization by ferroalloy manufacturers has been supplied.

It is further preliminarily determined that the following programs have not been utilized by manufacturers in the Brazilian ferroalloy industry and therefore benefits have not been paid which would constitute the bestowal of bounties or grants within the meaning of section 303 of the Act.

(1) Preferential export financing provided under a number of Brazilian programs including Resolutions 68, 330, and 331. These programs provide financing to exporters at preferential rates for a number of purposes including

(a) the defrayal of warehousing costs prior to exportation, (b) financing for exports on consignment, (c) financing provided to foreign buyers of Brazilian goods, (d) financing for loans against foreign exchange contracts or receivables and (e) financing to defray export promotion expenses. No ferroalloy manufacturers/exporters utilized financing under any of the programs during 1978.

(2) Various incentives provided to firms which otherwise contribute to Brazilian development goals administered by the Industrial Development Council (CDI), the Commission for the Granting of Fiscal Benefits to Special Programs (BEFIEIX) and the Export Incentives Commission (CIEIX). These include (a) the allowance of accelerated depreciation on plants and equipment purchased by qualified firms, (b) the reduction of the withholding tax on excess profits, (c) exemptions of Customs duties and IPI taxes on plant and equipment imported under approved projects and (d) the exemption from all export fees for approved products. In the last five years, no ferroalloy exporter has been declared eligible to receive any of the benefits bestowed by CDI, BEFIEIX or CIEIX.

Petitioner has also alleged that bounties or grants are bestowed by virtue of the remission of the Brazilian national value added tax (IPI) and state sales taxes upon export. This allegation is separate and distinct from the special IPI credit discussed earlier in this notice which Treasury has preliminarily determined constitutes the bestowal of a "bounty or grant," since it involves an excessive remission of the IPI taxes paid. The Treasury has consistently held that the non-excessive remission of indirect taxes directly related to the product upon export is not a bounty or grant. This position was recently upheld by the United States Supreme Court in the *Zenith* decision (437 U.S. 443 (1978)). Therefore, the non-excessive remission of the IPI is *prima facie* not considered to constitute the bestowal of a bounty or grant upon the manufacture, production or exportation of Brazilian ferroalloys.

Accordingly, it is preliminarily determined that bounties or grants, within the meaning of section 303 of the Act are being paid or bestowed upon the manufacture, production, or exportation of certain ferroalloys from Brazil.

Before a final determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301

Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office no later than (one month from the date of publication of this notice in the **Federal Register**). Any request for an opportunity to present views orally should accompany such submission and a copy of all submissions should be delivered to any counsel that has heretofore represented any party to these proceedings.

Pursuant to section 303(a)(4) of the Act (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a final determination whether or not any bounty or grant is being paid or bestowed within the meaning of the statute within 12 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. However, under section 102(a)(2) of the Trade Agreements Act of 1979 (P.L. 96-39, 93 Stat. 144), a final determination shall be made within 75 days of the coming into force of the law on January 1, 1980. Therefore, if a final determination in this case is not issued before December 31, 1979, it will be made no later than March 17, 1980.

The preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order No. 101-5, May 16, 1979, the provisions of Treasury Department Order No. 165, revised, November 2, 1954, and § 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

David R. Brennan,
Acting General Counsel of the Treasury.
September 18, 1979.

[FR Doc. 79-29707 Filed 9-24-79; 8:45 am]
BILLING CODE 4610-22-M

Fiscal Service

[Dept. Circ. 570, 1979 Rev., Supp. No. 5]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of \$328,000 has been established for the company.

Nome of Company, Business Address, and State In Which Incorporated
Antilles Insurance Company, P.O. Box 3507,
Old San Juan, Puerto Rico 00904.

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: September 13, 1979.

D. A. Pagliai,
Commissioner, Bureau of Government
Financial Operations.

[FR Doc. 79-29703 Filed 9-24-79; 8:45 am]
BILLING CODE 4610-35-M

INTERSTATE COMMERCE COMMISSION

[Notice No. 133]

Assignment of Hearings

September 19, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 30844 (Sub-624F), Kroblin Refrigerated Xpress, Inc., transferred to Modified Procedure.

MC 134501 (Sub-34F), Incorporated Carriers, LTD., transferred to Modified Procedure.
MC 95540 (Sub-1061F), Watkins Motor Lines, Inc., now assigned for hearing on October 29, 1979 (2 days), at Atlanta, GA, and will be held in the Courtroom 212, North Fulton County Government Annex Building, 7741 Roswell Road, Roswell (Sandy Springs), GA, North Atlanta Suburb.

MC 115496 (Sub-115F), Lumber Transport, Inc., now assigned for hearing on October 31, 1979 (3 days), at Atlanta, GA, and will be held in the Courtroom 212, North Fulton County Government Annex Building, 7741 Roswell Road, Roswell (Sandy Springs), GA, North Atlanta Suburb.

MC-C-8619, Transport of New Jersey: Asbury Park-New York Transit Corporation:

Decamp Bus Lines; Hudson Bus Transportation Company; Hudson Transit Lines, Inc.; Lakeland Bus Lines, Inc.; Maplewood Equipment Company; New York Keansburg-Long Branch Bus Company, Inc.; North Boulevard Transportation Company, Somerset Bus Company, Inc.; Suburban Transit Corporation, and Port Authority, now being assigned for continued Prehearing Conference on October 30, 1979 at New York, NY.

MC 134906, Cape Air Freights, Inc. and No. MC 134906 (Sub-1, 2, 3, 4, 5, 6 & 7) Cape Air Freights, Inc., now assigned for hearing on October 10, 1979 will be held at locations as follows: Room 1052A, Federal Building, Federal Plaza, Louisville, KY, October 15 & 17, 1979, at 1220 Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, IL and October 16, 18 & 19, 1979 at Room 280, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, IL.

MC 133937 (Sub-28F), Carolina Cartage Company, Inc., now assigned for hearing on September 25-28, 1979 will be held at locations as follows: Room No. 215, U.S. Post Office & Court House, Corner of West Trade and Mint Street, Charlotte, NC and October 1-4, 1979 at Airport Inn, Douglas Municipal Airport, Charlotte, NC.

AB-7 (Sub. 86F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment-Portions of Pacific Coast Extension in Montana Idaho, Washington & Oregon, AB-7 (Sub. 64F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Discontinuance and Abandonment Between East Spokane, WA, and Metairie Falls, WA, AB-7 (Sub. 69F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Winifred Junction, MT and Winifred, MT, AB-7 (Sub. 78F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Fairfield, MT, and Agawam, MT, now assigned for hearing on September 10, 1979 (5 days), at Butte, MT, and will be held at the Ramada Inn, 2900 Harrison Street.

AB-7 (Sub. 86F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment-Portions of Pacific Coast Extension in Montana Idaho, Washington & Oregon, AB-7 (Sub. 64F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Discontinuance and Abandonment Between East Spokane, WA, and Metairie Falls, WA, AB-7 (Sub. 69F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Winifred Junction, MT and Winifred, MT, No. AB-7 (Sub. 78F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Fairfield, MT, and Agawam, MT, now assigned for

hearing on September 24, 1979 (5 days), at Chicago, IL, and will be held at the West Auditorium, Social Security Building, 600 West Madison.

AB-7 (Sub. 86F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment-Portions of Pacific Coast Extension in Montana, Idaho, Washington & Oregon, AB-7 (Sub. 64F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Discontinuance and Abandonment Between East Spokane, WA, and Metairie Falls, WA, AB-7 (Sub. 69F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Winifred Junction, MT and Winifred, MT, AB-7 (Sub. 78F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Fairfield, MT, and Agawam, MT, now assigned for hearing on October 15, 1979 (10 days), at Chicago, IL and will be held at the West Auditorium, Social Security Building, 600 West Madison.

AB-7 (Sub. 86F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment-Portions of Pacific Coast Extension in Montana, Idaho, Washington & Oregon, AB-7 (Sub. 64F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Discontinuance and Abandonment Between East Spokane, WA, and Metairie Falls, WA, AB-7 (Sub. 69F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Winifred Junction, MT and Winifred, MT, of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Fairfield, MT, and Agawam, MT, now assigned for on October 2, 1979 (4 days), at Butte, MT and will be held at the Ramada Inn, 2900 Harrison Street.

AB-7 (Sub. 86F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment-Portions of Pacific Coast Extension in Montana, Idaho, Washington & Oregon, AB-7 (Sub. 64F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Discontinuance and Abandonment Between East Spokane, WA, and Metairie Falls, WA, AB-7 (Sub. 69F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Winifred Junction, MT and Winifred, MT, AB-7 (Sub. 78F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Fairfield, MT, and Agawam, MT, now assigned for hearing on October 2, 1979 (4 days), at Seattle, WA, and will be held at the New Federal Building, Room 514, 915 Second Avenue.

AB-7 (Sub. 86F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment-Portions of Pacific Coast Extension in Montana, Idaho, Washington & Oregon, No. AB-7 (Sub. 64F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Discontinuance and Abandonment Between East Spokane, WA, and Metaline Falls, WA, No. AB-7 (Sub. 69F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Winifred Junction, MT and Winifred, MT, AB-7 (Sub. 78F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Fairfield, MT, and Agawam, MT, now assigned for hearing on October 2, 1979 (4 days), at Spokane, WA and will be held at the U.S. Court House, West 920 Riverside.

AB-7 (Sub. 86F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment-Portions of Pacific Coast Extension in Montana, Idaho, Washington & Oregon, No. AB-7 (Sub. 64F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Discontinuance and Abandonment Between East Spokane, WA, and Metaline Falls, WA, No. AB-7 (Sub. 69F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Winifred Junction, MT and Winifred, MT, AB-7 (Sub. 78F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Fairfield, MT, and Agawam, MT, now assigned for hearing on October 9, 1979 (4 days), at Missoula, MT and will be held at the City Council Chambers, City Hall, 201 W. Spruce Street.

AB-7 (Sub. 86F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment-Portions of Pacific Coast Extension in Montana, Idaho, Washington & Oregon, No. AB-7 (Sub. 64F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between East Spokane, WA, and Metaline Falls, WA, AB-7 (Sub. 69F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Winifred Junction, MT and Winifred, MT, AB-7 (Sub. 78F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Fairfield, MT, and Agawam, MT, now assigned for hearing on October 9, 1979 (4 days), at Great Falls, MT, and will be held at the City Commission Chambers, Civic Center Building, Park Drive.

AB-7 (Sub. 86F), Stanley E. G. Hillman, Trustee of the Property of Chicago,

Milwaukee, St. Paul and Pacific Railroad Company-Abandonment-Portions of Pacific Coast Extension in Montana, Idaho, Washington & Oregon, AB-7 (Sub. 64F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Discontinuance and Abandonment Between East Spokane, WA, and Metaline Falls, WA, AB-7 (Sub. 69F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Winifred Junction, MT and Winifred, MT, AB-7 (Sub. 78F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment Between Fairfield, MT, and Agawam, MT, now assigned for hearing on October 9, 1979 (4 days), at Moses Lake, WA, and will be held at the Grant County Public Utility District, 312 West 3rd Avenue.

AB-7 (Sub. 86F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Abandonment-Portions of Pacific Coast Extension in Montana, Idaho, Washington & Oregon, AB-7 (Sub. 64F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Discontinuance and Abandonment Between East Spokane, WA, and Metaline Falls, WA.

MC 64832 (Sub-7F), Magnolia Truck Line, Inc., now being assigned for hearing on October 30, 1979 (9 Days), at Memphis, TN, in a hearing room to be designated later.

MC 143521 (Sub-1F), Twechous Excavating Company, Inc., now assigned for hearing on September 20, 1979, at St. Louis, MO, is postponed indefinitely.

MC 124606 (Sub-6F), Ford Truck Line, Inc., now being assigned for hearing on November 27, 1979 (9 Days), at Jackson, MS, in a hearing room to be designated later.

MC 133932 (Sub-2F), Catnwa Valley Motor Line, Inc., now being assigned for hearing on November 28, 1979 (3 Days), at Charlotte, NC, in a hearing room to be designated later.

MC 93649 (Sub-23F), Gaines Motor Lines, Inc., now being assigned for hearing on December 3, 1979 (5 Days), at Charlotte, NC, in a hearing room to be designated later.

MC 31389 (Sub-271F), McLean Trucking Company, now assigned for hearing on October 15, 1979 at Chicago, IL, is canceled and transferred to Modified Procedure.

MC 139495 (Sub-410F), National Carriers, Inc., transferred to Modified Procedure.

MC 145838 (Sub-1F), Ohio Container Service, Inc., now assigned for hearing on October 3, 1979 at Cleveland, OH, will be held at the Lakewood Center North Building, Room No. 604, 14600 Detroit Avenue, Lakewood, OH.

MC 72423 (Sub-7F), Platte Valley Freightways, Inc., now assigned for hearing on October 29, 1979 at Denver, CO, will be held at the U.S. Court of Appeals, Division 2, 1929 Stout Street, Denver, CO.

MC 60012 (Sub-99F), Rio Grande Motor Way, Inc., now assigned for hearing on October

9, 1979 at Salt Lake City, UT, will be held at the Federal Building, Room No. 3421, 125 South State Street, Salt Lake City, UT.

MC-F-13805, General Movers-Purchase-Fasgo Motor Express, Inc., Lyons Transportation Lines, Inc.-Control-General Movers, Inc., and MC 120879 (Sub-4F), General Movers, Inc., now assigned for hearing on October 30, 1979 at St. Louis, MO, will be held at the U.S. Court & Custom House, Court Room 3, 1114 Market, Room 516, St. Louis, MO.

MC 135797 (Sub-175F), J. B. Hunt Transport, Inc., now assigned for hearing on November 1, 1979 at St. Louis, MO, will be held at the U.S. Court & Custom House, Court Room 3, 1114 Market, Room 516, St. Louis, MO.

MC 145287 (Sub-2F), Nip Kelley Equipment Co., Inc., now assigned for hearing on November 5, 1979 at St. Louis, MO, will be held at the U.S. Court & Custom House, Court Room 3, 1114 Market, Room 516, St. Louis, MO.

MC 75320 (Sub-208F), Campbell Sixty-Six Express, Inc., now assigned for hearing on November 6, 1979 at St. Louis, MO, will be held at the U.S. Court & Custom House, Court Room 3, 1114 Market, Room 516, St. Louis, MO.

MC 116763 (Sub-474F), Carl Subler Trucking, Inc., now assigned for hearing on December 3, 1979 at Milwaukee, WI, is cancelled and transferred to Modified Procedure.

MC 125551 (Sub-13), K & W Trucking Co., Inc., Application Dismissed.

No. MC 65525 (Sub-25F), White Brothers Trucking Company, MC 56270 (Sub-18F), Leicht Transfer & Storage Company and MC 62181 (Sub-13F) now assigned for hearing on October 9, 1979 at Milwaukee, WI will be held at the Tyrolean Town House, 1657 South 108th Street, West Allis, WI.

MC 145102 (Sub-12F), Freymiller Trucking, Inc., now assigned for hearing on October 30, 1979 at Los Angeles, CA, will be held at the U.S. County Courthouse, 111 North Hill Street, Los Angeles, CA.

MC 14138 (Sub-8F), Heavy Transport, Inc., and MC 14138 (Sub-9F), Heavy Transport, Inc., now assigned for hearing on October 31, 1979 at Los Angeles, CA, will be held at the U.S. County Courthouse, 111 North Hill Street, Los Angeles, CA.

MC 107515 (Sub-1205F), Refrigerated Transport Co., Inc., now assigned for hearing on November 5, 1979 at Los Angeles, CA, will be held at the Marriott Hotel, Century and Airport Blvd., Los Angeles, CA.

MC 129537 (Sub-24F), Reeves Transportation Co., a Florida Corp., now assigned for hearing on October 15, 1979 at Montgomery, AL, will be held at the Aronov Bldg., Room No. 816, 474 South Court Street, Montgomery, AL.

MC 141532 (Sub-35F), Pacific States Transport, Inc., now assigned for hearing on October 16, 1979 at Los Angeles, CA, will be held at the U.S. County Courthouse, 111 North Hill Street, Los Angeles, CA.

MC 93186 (Sub-6F), Eudell Watts, III d/b/a Watts Transfer Company, now assigned for hearing on October 30, 1979 at Chicago, IL,

will be held at the Everett McKinley Dirksen Building, Room No. 1319, 219 South Dearborn Street, Chicago, IL.

MC 82492 (Sub-221F), Michigan & Nebraska Transit Co., Inc., now assigned for hearing on November 2, 1979 at Chicago, IL, will be held at the Everett McKinley Dirksen Building, Room No. 1319, 219 South Dearborn Street, Chicago, IL.

MC F 13803 F, Spector Industries, Inc., d/b/a Spector Freight System-Control-Spector Freight System of Canada Limited, now assigned for hearing on November 5, 1979 at Chicago, IL, will be held at the Everett McKinley Dirksen Building, Room No. 1319, 219 South Dearborn Street, Chicago, IL.

MC 146468, Nankin Auto Parts Transport, Inc., now assigned for hearing on November 7, 1979 at Chicago, IL, will be held at the Everett McKinley Dirksen Building, Room No. 1319, 219 South Dearborn Street, Chicago, IL.

MC 108119 (Sub-125F), E. L. Murphy Trucking Company, now assigned for hearing on November 9, 1979 at Chicago, IL, will be held at the Everett McKinley Dirksen Building, Room No. 1319, 219 South Dearborn Street, Chicago, IL.

MC 114273 (Sub-543F), CRST, Inc., now assigned for hearing on October 15, 1979 (2 days), at Chicago, IL, and will be held in Room 1319 Dirksen Building, 219 South Dearborn Street.

MC 105407 (Sub-17F), Hannibal Quincy Truck Lines, Inc., now assigned for hearing on October 17, 1979 (3 days), at Chicago, IL, and will be held in Room 1319 Dirksen Building, 219 South Dearborn Street.

MC 110988 (Sub-396F), Schneider Tank Lines, Inc., now assigned for hearing on October 23, 1979 at the Offices of the Interstate Commerce Commission, Washington, DC.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-29698 Filed 9-24-79; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Board Transfer Proceedings

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission on or before October 25, 1979. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is

named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

Agatha L. Mergenovich,
Secretary.

MC FC-78226 filed June 26, 1979.

Transferee: ROAD BUILDERS TRANSPORT, INC., P.O. Box 10431, Winston-Salem, NC 27108. Transferor: Carolina Motor Express, Inc., same address as transferee. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought for purchase by transferee of all the operating authority held by transferor, as set forth in Certificates No. MC 32632 and Subs 10, 16, and 19, issued February 2, 1950, March 7, 1950, March 17, 1955, and April 2, 1973. In Certificate No. MC 32632, the transportation of numerous named commodities is authorized from and to named points in NC, MD, PA, VA, DE, DC; in Certificate No. MC 32632 Sub. 10, numerous named commodities are authorized from and to named points in SC, NC, VA, MD, PA, NJ, and NY; in MC 32632 Sub 16, the transportation of clay products and shale products, from points in Chatham County, NC, to points in a portion of VA is authorized; and in No. MC-32632 Sub 19, brick from Ita, NC, to Hampton, Newport News, Portsmouth, and Williamsburg, VA, is authorized. Transferee holds authority under MC-139522. Transferor and transferor are affiliated companies. An application seeking temporary lease authority has not been filed.

MC FC-78119 filed April 9, 1979. Transferee: BILL RACKLEY TRUCKING INCORPORATED, 3755 Munford Ave., Stockton, CA 95206. Transferor: Senna Trucking Co., Inc., 5022 Seaview Ave., Castro Valley, CA 94546. Representative: Raymond A. Greene, Jr., 100 Pine St., Suite 2550, San Francisco, CA 94111. Authority sought for purchase by transferee of operating rights of transferor in Certificate MC 111313, issued September 3, 1974, authorizing

lumber, from San Francisco, CA, to Salinas, Soledad, Watsonville, and Hollister, CA, and points in Santa Clara County, CA, and between points in San Francisco, Alameda, San Mateo, and Marin Counties, CA; and machinery, equipment, material and supplies, and pipe, incidental to or used in construction operations, from San Francisco and Oakland, CA, to points in a portion of CA; and in Certificate of Registration MC 111313 Sub 1, issued June 20, 1975, authorizing certain specified commodities between points in the San Francisco and Los Angeles Territories. Transferee holds no authority from the Commission. Temporary authority has not been sought.

[FR Doc. 79-29699 Filed 9-24-79; 8:45 am]
BILLING CODE 7035-01-M

[Docket AB 2 Sub (21F)]

Louisville & Nashville Railroad Co.,
Abandonment in Memphis, Shelby
County, Tenn.; Findings

Correction

In FR Doc. 79-24987, published on Monday, August 20, 1979, at page 48841, the agency's Docket No. was inadvertently omitted. "[Docket No. AB 2 Sub (21F)]" should be added before the heading of the document.

BILLING CODE 1505-01-M

Sunshine Act Meetings

Federal Register

Vol. 44, No. 187

Tuesday, September 25, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-1868-79 Filed 9-21-79; 3:03 pm]
BILLING CODE 6320-01-M

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[M-246, Amdt. 5; Sept. 21, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the September 20, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., September 20, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue N.W., Washington, D.C. 20428.

SUBJECT: 27a. Docket 36535, Petition for Advance Compensation for losses filed by Pioneer Airways, Inc., in providing essential air service at McCook, Kearney, Hastings, and Columbus, Nebraska. (Memo 9146, BDA, OCCCR)

STATUS: Open 1-36; Closed 37-39.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 27a is being added to the September 20, 1979 agenda because without expeditious payment of advance compensation it might reluctantly be forced to suspend its essential air service operations to four points in Nebraska despite the Board's order to continue operations. The carrier's request for prompt action is consistent with the intent of section 324.9 of the Board's rules which establishes procedures for such payments. Therefore, agency business requires the addition of item 27a to the agenda and that no earlier announcement of the addition was possible:

Chairman, Marvin S. Cohen

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[M-249, Sept. 20, 1979]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., September 27, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items adopted by notation.
2. Docket 34226, Request for Instructions in the Eastern-National Acquisition Case. (OGC)

3. Dockets 33283 and 33112; Pan American World Airways, Texas International Airlines/National Acquisition Case. (OGC)
4. Docket 33283, Pan American Airlines Application to Amend its voting trust. (OGC)
5. Dockets 33363, 33009, and 33010; *Former Large Irregular Air Service Investigation (Aeronaves de Puerto Rico—Order on disposing of control and interlocking relationships.* (OGC)

6. H.R. 4572, The Public Printing Reorganization Act of 1979. (OGC)
7. National Tourism Policy Act. (Memo 9151, OGC)

8. Docket 34794, Petition for repeal of PR-196, which established procedures for assessing civil penalties in enforcement proceedings. (OGC, BCP)

9. Docket 33465, Continental-Western Merger Case, Order denying Western's Motion for Issuance of a Written Decision and dismissing the application. (Memo 9149, OGC)

10. Docket 32294, *U.S.-Bahamas Service Investigation.* (Memo 8972-C, 8972-D, OGC)

11. Docket 33237, California-Arizona Low Fare Route Proceeding—Draft Order on petition for discretionary review. (OGC)

12. Docket 33091, Florida Service Case—Order on discretionary review. (OGC)

13. Dockets 32550, 32551, and 33362; Applications of Jet Fleet Corporation, Inc., *Former Large Irregular Air Service Investigation.* (OGC)

14. Docket 32293, Northeast Points-Puerto Rico/Virgin Islands Service Investigation. (OGC)

15. Dockets 36121, 35372, 35970, 36281, 36279, 35504, 36291, 36287, 36260, 36289, 36147, 36285, 33524, and 36284; *Salt Lake City Show-Cause Proceeding.* (Memo 8412-K, BDA)

16. Dockets 36354 and 36480; Republic's and USAir's requests for Chicago-Nashville authority. (Memo 9148, BDA, OGC, BLJ)

17. Dockets 35991, 36214, and 36221; Application of Braniff, Application of USAir (formerly Allegheny Airlines) for Los

Angeles-Kansas City and Los Angeles-San Diego Nonstop Authority & Western's Application for Los Angeles-Kansas City Nonstop Authority. (BDA)

18. Docket 36188, Application of TWA for certificate authority under Subpart Q. (BDA)
19. Dockets 35914 and 35989, Century Air Freight, Inc., and Alaska International Air, Inc.—Certification as section 418 all-cargo air carriers. (BDA, OGC)

20. Docket 34832, Interim essential air service at Crescent City, California. (BDA, OCCCR)

21. Dockets 34513, 26681, and 34565; Petition of the Port of Astoria for determination of essential air transportation at Astoria/Seaside, Oregon; Petition of Hughes Air Corp., d.b.a. Hughes Airwest for modification of orders granting temporary suspension authority; Notice of Hughes Air Corp., d.b.a. Hughes Airwest of intention to terminate service at Astoria/Seaside, Oregon. (BDA)

22. Dockets 36445 and 36538, Air Pacific's notice of intent to suspend service at Chico, California. (BDA, OCCCR)

23. Dockets 36456, 36493, and 36509; 30-day notice of Air Illinois of intent to terminate service at Kirksville, MO; 90- and 60-day notices of Ozark Air Lines of intent to terminate service at Kirksville. (BDA, OCCCR)

24. Dockets 34751, 35545, and 34977; Piedmont's notice of intent to suspend service at Danville, Virginia; Piedmont's Petition for Reconsideration of order 79-7-123 which denied its motion and exemption application to suspend service at Danville; Proposal of Cardinal/Air Virginia to provide essential air service at Danville; Motions of Vip Aviation for an extension of time to file a Danville proposal and for an order consolidating Docket 34751 with Docket 34977 Piedmont's notice of intent to suspend service at Rocky Mt/Wilson, North Carolina. (BDA)

25. Dockets 36429 and 36430; Apollo Airways' Notice and Exemption Request to Suspend Service at Santa Maria effective October 1, 1979. (BDA, OCCCR)

26. Docket 36277, Delta's Request for Board Disclaimer of Jurisdiction or Alternatively Notice of Intent to Terminate Service at Oakland and San Jose, California. (BDA)

27. Dockets 36227 and 35694, TXI's 90-day notice of intent to suspend service at Roswell, New Mexico; Air Midwest's notice to reinstitute service at Clovis and increase frequencies at Roswell. (BDA)

28. Dockets 36508 and 36547, 30-day notice of Air Illinois of intent to terminate air transportation at Jonesboro and El Dorado/Camden, Arkansas, and Natchez, Greenville, and Jackson/Vicksburg, Mississippi; 90-day notice of Texas International of intent to terminate its certificate obligations at Jonesboro and El Dorado/Camden. (BDA)

29. Dockets 35893, 36005, 36020, 36024, 36031, 36033, 36035, 36036, 36049, 36052, 36054, and 36057; *Boston/Philadelphia/Washington-Orlando Show-Cause Proceeding.* (Boston Portion) (Memo 8927-A, BDA, BIA, OGC)

30. Docket 35283, Application of Ranger Lake Helicopters Limited for an initial foreign air carrier permit to operate charters between Canada and the United States using small aircraft. (Memo 9142, BIA, OGC, BLJ)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1867-79 Filed 9-21-79; 3:03 pm]

BILLING CODE 6320-01-M

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. to noon and 2 p.m. to adjournment Tuesday, September 25, 1979.

PLACE: Commission Conference Room, 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street N.W., Washington, D.C. 20506.

MATTERS TO BE CONSIDERED:

Open to the Public

1. Proposed withdrawal of the 706 Agency Designation of the Omaha (Nebraska) Human Relations Department.

2. De-Obligation of the Omaha (Neb.). Human Relations Department's FY-79 Backlog Charge Resolution and FY-80 New Charge Resolution Funding; (2) De-Obligation of the Oklahoma Human Rights Commission's FY-80 Backlog Charge Resolution Funding; (3) Obligation of FY-79 Backlog Charge Resolution Funding to the Oklahoma Commission.

3. Request for extension of law professor program to conduct hearings on Federal Sector complaint of discrimination.

4. Twenty-six proposed sole source contracts for professional services in connection with court cases.

5. Freedom of Information Act Appeal No. 79-7-FOIA-229 concerning a request for notes taken by a Commission employee during fact finding conference.

6. Proposed questionnaire requesting information on the impact of Federal employment opportunity programs and activities, to be sent to employers.

7. Draft Memorandum of Understanding between EEOC and the Federal Energy Regulatory Commission.

8. Federal Aviation Administration's proposed EEO regulations for Airports.

9. Purchase of design services in conjunction with alterations of Columbia Plaza Office Building.

10. Purchase of systems furniture in conjunction with alterations of Columbia Plaza Office Building.

11. Purchase of accessories in conjunction with alterations of Columbia Plaza Office Building.

12. Request for authorization to expend funds for alterations at Columbia Plaza Office Building.

13. Report on Commission Operations by the Executive Director.

Closed to the Public

1. Litigation authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued September 19, 1979.

[S-1868-79 Filed 9-21-79; 3:30 p.m.]

BILLING CODE 6570-06-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: September 26, 1979, 10:00 a.m.

PLACE: 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Office of Public Information.

Power Agenda—340th Meeting, September 26, 1979, Regular Meeting (10:00 a.m.)

CAP-1. Docket No. E-8855, Boston Edison Co.

CAP-2. Docket No. E-8570, Southern California Edison Co.

CAP-3. Docket No. ER79-324, Public Service Co. of Indiana, Inc.

CAP-4. Docket No. ES79-55, Idaho Power Co.

Miscellaneous Agenda—340th Meeting, September 26, 1979, Regular Meeting

CAM-1. Docket No. RO 79-11, Howell Drilling, Inc., Docket No. RO79-12, Frank Michaux, Docket No. RO79-13, Glenn Martin Heller, Docket No. RA-79-29, Husky Oil Co., Docket No. RA79-30, Young Coal Co.

Gas Agenda—340th Meeting, September 26, 1979, Regular Meeting

CAG-1. Docket No. RP74-52 (PGA No. 79-2), Transwestern Pipeline Co.

CAG-2. Docket No. RP72-136 (PGA No. 79-2), Florida Gas Transmission Co.

CAG-3. Docket Nos. RP72-154, RP74-27, RP78-50, and RP79-57, (PGA No. 79-2) (DCA NO. 79-2), Northwest Pipeline Corp.

CAG-4. Docket No. CP79-285, Colorado Interstate Gas Co.

CAG-5. Docket No. RP72-155 and RP79-12 (PGA No. 79-2) (AP No. 79-2), El Paso Natural Gas Co.

CAG-6. Docket No. RP74-61 (PGA 79-2), RP76-10 (PGA 79-2), RP79-53 (LFUTA 79-2) and RP79-54 (LFUTA 79-2) Arkansas Louisiana Gas Co.

CAG-7. Docket No. RP72-122 (PGA 79-2), Colorado Interstate Gas Co.

CAG-8. Docket No. RP74-41 (PGA 79-3 and DCA 79-2), Texas Eastern Transmission Corp.

CAG-9. Docket No. RP71-107, United Gas Pipe Line Co.

CAG-10. Docket No. RP76-136 and RP77-26, Transcontinental Gas Pipe Line Corp.

CAG-11. Docket No. RP75-32, Arkansas Louisiana Gas Co.

CAG-12. Docket Nos. RP71-41, RP72-75, RP74-20, RP74-83, RP75-30, RP75-109, and RP76-84, United Gas Pipe Line Co.

CAG-13. Docket No. RP79-20, Alabama Tennessee Natural Gas Co.

CAG-14. Docket No. OR78-1, Trans Alaska Pipeline System.

CAG-15. Docket Nos. CI75-201, et al., Atlantic Richfield Co., et al.

CAG-16. Docket No. G-14562, Tennessee Gas Pipeline Co. (successor to Tennessee Gas Transmission Co.), Docket No. G-13680, Continental Oil Co., Docket No. G-13827, Mobil Oil Corp. (successor to Magnolia Petroleum Co.), Docket No. G-13948, Newmont Oil Co. Docket No. G-19855, Continental Oil Co. Docket No. G-19580, Atlantic Richfield Co. (successor to Atlantic Refining Co.), Docket No. G-19851, Cities Service Co. (successor to Cities Service Oil Co.), Docket No. G-19900, Getty Oil Co. (successor to Tidewater Oil Co.).

CAG-17. Docket No. G-18671, Dorchester Gas Producing Co. Docket No. AR64-1, et al., Area Rate Proceeding, et al., (Hugoton-Anadarko Area).

CAG-18. Docket No. CI77-701, City of Perryton, Tex., Docket No. CI77-799, Falcon Petroleum Co.

CAG-19. Docket No. CI79-512, Exxon Corp.

CAG-20. Docket No. G-5010, et al., Exxon Corp.

CAG-21. Docket No. CI79-4, Chevron U.S.A. Inc.

CAG-22. Docket No. CI77-686, Gulf Oil Corp., Docket No. CI78-777, Ocean Production Co. Docket No. CI76-498, Gulf Oil Corp., Docket No. CI76-742, Champlin Petroleum Co. Docket No. CI78-461, CIG Exploration, Inc. Docket No. CI78-940, American Natural Gas Production Co. Docket No. CI77-825, Marathon Oil Co. Docket No. CI77-540, The Louisiana Land and Exploration Co. Docket Nos. CI79-528 and CI79-530, Amerada Hess Corp. Docket No. CP77-627, Tennessee Gas Pipeline Co., a division of Tenneco, Inc.

CAG-23. FERC Gas Rate Schedule Nos. 10 and 95, Texas Pacific Oil Co. Docket No. CP79-90, Texas Pacific Oil Co., Inc. [Blanket Affidavit Filing of December 6, 1978].

CAG-24. Docket No. TC79-127, Columbia Gas Transmission Corp.

CAG-25. Docket No. RP74-50-1, RP74-50-2, RP74-50-3 and RP74-50-4, Florida Gas Transmission Co. (Basic Magnesia Inc., et al.).

CAG-26. Docket No. CP79-319, Consolidated Gas Supply Corp.

CAG-27. Docket No. CP78-136, Transcontinental Gas Pipe Line Corp.

CAG-28. Docket No. CP77-326, Columbia Gulf Transmission Co.

CAG-29. Docket No. CP79-258, Texas Eastern Transmission Corp.

CAG-30. Docket No. CP78-76, Transcontinental Gas Pipe Line Corp.

CAG-31. Docket No. CP79-408, Columbia Gas Transmission Corp.
CAG-32. Docket No. CP78-433, Michigan Consolidated Gas Co. (Interstate storage Division).

Power Agenda—340th Meeting, September 26, 1979, Regular Meeting

I. Licensed Project Matters

P-1. Docket No. EL79-1, Metlakatla Indian Community.

II. Electric Rate Matters

ER-1. Docket No. ER79-536, Cambridge Light Electric Co.

ER-2. Docket No. ER79-575, Georgia Power Co.

ER-3. Docket No. E-8851, Alabama Power Co.

ER-4. Docket No. E-9578 (Phase I), Texas Power & Light Co.

ER-5. Docket No. E-8264, Maine Public Service Co.

ER-6. Docket No. ER78-342, Florida Power & Light Co.

ER-7. Docket No. ER79-495, Carolina Power & Light Co.

ER-8. Docket Nos. E-6469 and ER76-377, Lockhard Power Co.

ER-9. Docket No. E-7738, Boston Edison Co.

ER-10. Docket No. ID-1424, Edwin I. Hatch.

ER-11. Docket No. ID-1758, Charles T. Fisher III.

Miscellaneous Agenda—340th Meeting, September 26, 1979, Regular Meeting

M-1. Role of Council on Wage and Price Stability Guidelines in Commission proceedings.

M-2. Docket No. RM79- , Price Discrimination and anti-competitive effect—substantive rule.

M-3. Price discrimination and anti-competitive effect—procedural rule.

M-4. Docket No. RM79- , Interim rule bona fide offers: right of first refusal.

M-5. Docket No. RM79- , Final rule promulgating subpart I of part 271 concerning § 109 of the Natural Gas Policy Act of 1978.

M-6. Docket No. RM79-62, Final regulations for subparts A, C, D and E of part 274 concerning determinations by jurisdictional agencies under the Natural Gas Policy Act of 1978 and amendment to Section 275.202.

M-7. Docket No. RM79-37, Budget-type applications: Gas supply facilities—amendments to scope of existing Docket No. RM79-43, amendments to Subpart A, Part 157 of the regulations implementing the Natural Gas Act.

M-8. Docket No. RM79-15, Final regulations for the implementation of Section 104 of the Natural Gas Policy Act.

M-9. Docket No. CP79-27, State of North Dakota, § 102 NGPA determination Gulf Oil Corp., State 1-18-3D, Martin Weber, 1-18-1C, Marinenko 1-32-1A, Gloventsky 1-17-4A.

M-10. Docket No. GP79-28, United States Geological Survey (Mid-Continent area), § 108 NGPA determination, Federal 31, No. 1-12 Well API No. 03-071-10126.

M-11. Docket No. GP79-29, State of Ohio, § 103 NGPA determination, William F. Hill, Warren Massie No. 3 Well, API, Well No. 34057521935*14.

M-12. Docket No. GP79-49, Geological Survey (New Mexico), § 108 NGPA determinations, Arapahoe Drilling Co. and John E. Schalk, five wells.

M-13. Well category determinations.

M-14. Docket No. GP79- , United States Geological Survey, Albuquerque, New Mexico, Section 108, NGPA determination, El Paso Natural Gas Co., San Juan 27-4, Unit No. 15, 88 wells, USGS Docket No. NM1737-79 and NM1742-79, FERC JD Nos. 16615 and 16621.

Gas Agenda—340th Meeting, September 26, 1979, Regular Meeting

I. Pipeline Rate Matters

RP-1. Docket No. RP79-75, Gas Research Institute.

II. Pipeline Certificate Matters

CP-1. Docket No. RP75-51, Transcontinental Gas Pipe Line Corp.

CP-2. Docket No. CP74-192, Florida Gas Transmission Co.

CP-3. Docket Nos. CP76-313, et al., National Fuel Gas Supply Corp., et al.

CP-4. Docket Nos. CP78-123, et al., Northwest Alaskan Natural Gas Transportation Co.

III. Producer Matters

CI-1. Docket No. CI75-277 (show cause), J. G. Stone, Sun Oil Co. and United Gas Pipe Line Co.

Kenneth F. Plumb, Secretary.

[S-1861-79 Filed 9-21-79; 8:46 am]

BILLING CODE 6450-01-M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., September 21, 1979.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Climax Molybdenum Company, DENV 79-102-M, etc. (Petition for Discretionary Review).

2. Eastern Associated Coal Corp., MORG 75-393, IBMA 76-55.

3. Pontiki Coal Corporation, PIKE 78-420-P.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1863-79 Filed 9-21-79; 10:31 am]

BILLING CODE 6820-12-M

6

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 11 a.m., Friday, September 28, 1979.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, and salary actions) involving individual Federal Reserve System employees.

2. Issues related to employee compensation.

3. Board's parking program.

4. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: September 20, 1979.

Griffith L. Garwood, Deputy Secretary of the Board.

[S-1862-79 Filed 9-21-79; 10:31 am]

BILLING CODE 6210-01-M

7

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 54613; September 20, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, September 27, 1979, 9 a.m. [NM-79-33].

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Pipeline Accident Report—Philadelphia Gas Works, gas pipeline rupture, explosion and fire, Philadelphia, Pennsylvania, May 11, 1979, and Recommendation to American Gas Association.

2. Marine Accident Report—Collision of the American Containership SS *Sea-Land Venture* with the Danish Tanker M/T *Nelly Maerky* in the Inner Bar Channel, Galveston, Texas, August 27, 1978, and Recommendations to the U.S. Coast Guard, Galveston-Texas City Pilots Association, and the Houston Pilots Association.

3. Aircraft Accident Report—New York Airways, Inc., Sikorsky S-61L, N681PA, Newark, New Jersey, April 18, 1979.

4. Recommendation to the Federal Aviation Administration re passenger emergency brace position.

5. Special Study—Shoulder Harnesses in General Aviation Safety.

6. Recommendation to the Federal Aviation Administration re flight operations in Alaska.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202-472-6022.

September 21, 1979.

[S-1870-79 Filed 9-21-79; 3:37 pm]

BILLING CODE 4910-58-M

8

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 54613, September 20, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Friday, September 28, 1979, 9 a.m. [NM-79-34].

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Safety Effectiveness Evaluation of the National Highway Traffic Safety Administration's Rulemaking Process, Volume II: Case History of Federal Motor Vehicle Safety Standard 208: Occupant Crash Protection.

2. Special Investigation Report—Survival in Hazardous Materials Accidents.

3. Safety Report on Progress Toward Improvements in Pipeline Transportation of Highly Volatile Liquids.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202-472-6022.

September 21, 1979.

[S-1871-79 Filed 9-21-79; 3:37 pm]

BILLING CODE 4910-58-M

9

NUCLEAR REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 54115.

TIME AND DATE: Thursday, September 20, 1979.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed (changes).

CHANGES IN THE MEETING: 1:30 p.m. Briefing on licensing schedules and staff impacts (Approximately 1 hour; public meeting) is postponed; replaced by continuation of briefing on NFS-Erwin (approximate 1 hour, closed—Ex. 1) continued from 9/18/79.

CONTACT PERSON FOR MORE INFORMATION: Roger Tweed, 202-634-1410.

Dated: September 20, 1979.

Roger M. Tweed, Office of the Secretary.

[S-1865-79 Filed 9-21-79; 11:16 am]

BILLING CODE 7590-01-M

10

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: September 27 and 28, 1979.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

Thursday, September 27; 9:30 a.m.

1. Discussion of proceeding to assess Commission confidence in safe disposal of nuclear wastes (approximately 1½ hours, public meeting).

2. Affirmation session (approximately 10 minutes, public meeting) (items are tentative):

a. Amendments to Parts 2 and 50 on Antitrust Information;

b. Review of ALAB-531 (Portland General Electric);

c. Amendment to Part 71.

3. Briefing on CEQ-NEPA Regulations (approximately 1 hour, public meeting).

Thursday, September 27; 1:30 p.m.

1. INFCE status briefing (approximately 1½ hours, closed—exemption 1).

2. Discussion of personnel matter (approximately 2 hours, closed—exemption 6).

Friday, September 28; 10 a.m.

1. Discussion of procedures for Commission review of license applications (approximately 1 hour, public meeting).

CONTACT PERSON FOR MORE INFORMATION: Roger Tweed (202) 634-1410.

Dated: September 20, 1979.

Roger M. Tweed, Office of the Secretary.

[S-1865-79 Filed 9-21-79; 11:16 am]

BILLING CODE 7590-01-M

11

UNITED STATES PAROLE COMMISSION.

NATIONAL COMMISSIONERS (the Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: Tuesday, September 25, 1979, at 9:30 a.m.

PLACE: Room 828, 320 First Street, N.W., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 17 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: A. Ronald Peterson, Analyst, (202) 724-3094.

[S-1859-79 Filed 9-20-79; 4:13 pm]

BILLING CODE 4410-01-M

12

POSTAL SERVICE BOARD OF GOVERNORS.

Notice of Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 9 a.m. on Tuesday, October 2, 1979, in Room 112/114, Administration Building, Main Post Office, 3600 Aolele Street, Honolulu, Hawaii 96819. The meeting is open to the public. The Board expects to discuss the matters stated in the Agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

Agenda

1. Minutes of the previous meeting.
2. Remarks of the Postmaster General. (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of the miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)

3. Proposed modification of "Annual Agenda Calendar". (The Board will discuss possible modification to the Annual Schedule for certain topics to be included in the agenda for the monthly meetings of the Board.)

4. Special report on Christmas mail preparations. (Mr. Conway, Deputy Postmaster General, will report on Postal Service preparations for the Christmas mailing season.)

5. a. Report of the Regional Postmaster General. (Mr. Morris, Regional Postmaster General, will report on postal conditions in the Western Region.)

b. Briefing by the District Manager/Postmaster. (Mr. Chee, District Manager/Postmaster, will brief the Board on postal performance in Hawaii.)

6. Postal Rate Commission Budget for FY 1980. (Under the Postal Reorganization Act, the Postal Rate Commission periodically prepares and submits to the Postal Service a budget of the Commission's expenses. The budget is to be considered approved as submitted if the Governors of the Postal Service do not act to adjust it by unanimous written decision. This matter is included on the agenda to give the Governors an

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opportunity to act on the Commission's budget.)

7. Review of Capital Investment Program. (Mr. Biglin, Senior Assistant Postmaster General, Administration Group, will review the general status and accomplishments under the Postal Service's Capital Investment Program.)

7. Capital Investment Projects: (a) Additional funding for new General Mail Facility at Scranton, Pennsylvania, (b) procurement of 317 mini computers for computerized markup of mail to be forwarded, (c) purchase of existing postal leased buildings at Omaha, Harrisburg, Buffalo, Grand Rapids, and Philadelphia. (Mr. Biglin will present these proposed capital investment projects.)

Louis A. Cox,
Secretary.

[S-1869-79 Filed 9-21-79; 3:30 pm]
BILLING CODE 7710-12-M

13

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 53348, to be published September 13, 1979.

STATUS: Closed meetings.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, September 10, 1979 and Monday, September 17, 1979.

CHANGES IN THE MEETING: Deletion.

The following additional item will not be considered at a closed meeting scheduled for Wednesday, September 19, 1979, at 10:00 a.m.: Regulatory matter bearing enforcement implication.

Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: George Yearsich (202) 272-2178.

September 20, 1979.

[S-1860-79 Filed 9-21-79; 8:46 am]
BILLING CODE 8010-01-M

federal register

Tuesday
September 25, 1979

Part II

Department of Labor

Occupational Safety and Health
Administration

Electrical Standards; Proposed
Rulemaking

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. S108-1]

Electrical Standards; Proposed Rulemaking

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Proposed rulemaking.

SUMMARY: This proposes the amendment of the electrical safety standards in Subpart S of Part 1910. The proposed revision is intended to simplify, clarify, and update those standards. Additionally, the proposal places relevant requirements of the National Electrical Code (NEC) into the text of the regulations, making it unnecessary for employers to refer to the NEC to determine their obligations and unnecessary to continue to incorporate the NEC by reference. The resultant simplification is reflected in the fact that the proposed standard contains less than 10% of the words contained in the currently incorporated NEC.

DATES: Written comments on these proposed rules must be postmarked by November 30, 1979. A public meeting will be held on November 8, 1979. Persons wishing to speak at the meeting should notify OSHA by November 1, 1979. Objections and requests for a hearing must be postmarked by November 30, 1979.

ADDRESS: All comments, objections and hearing requests should be sent to Docket Officer; Docket S108-1; Rm. S-6212; U.S. Department of Labor; 200 Constitution Avenue, NW.; Washington, D.C. 20210. The public meeting will be held in Room C-5521, Seminar Room #4, Department of Labor, 200 Constitution Avenue, NW., in Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Sil Patti; Office of Electrical and Electronic Engineering Safety Standards; OSHA; Rm. N3510; 200 Constitution Avenue, NW.; Washington, D.C. 20210. (202-523-7207).

SUPPLEMENTARY INFORMATION:

I. Background

(1) Safety Problems of Electric Shock

It is well known that the human body will conduct electricity, and that if direct body contact is made with an electrically energized part while a similar contact is made simultaneously

with another conductive surface which is maintained at a different electrical potential, a current will flow, entering the body at one contact point, traversing the body and then exiting at the other contact point, usually the ground. Each year many workers suffer pain, injuries and death from such electric shocks and throughout the past decade the National Center for Health Statistics has reported approximately 1000 accidental electrocutions annually in the United States with about a fourth being industry and farm related.

The effects that electric shock will have on an individual will depend upon the type of circuit, its voltage, resistance, amperage, pathway through the body and the duration of the contact. For example, electric shocks produced by alternating currents of powerline frequency (normally 60 Hertz) passing through the body from hand to foot for an average adult worker for one second can cause various effects on the body. Such effects range from a condition of being barely perceptible at 1 milliamperes to involuntary muscular control from 9 to 25 milliamperes. The passage of still higher currents can produce ventricular fibrillation of the heart (cessation of rhythmic pumping action) from 75 milliamperes to 4 amperes and finally immediate cardiac arrest at over 4 amperes. Nearly instantaneous fatalities from electric shock can result from either direct paralysis of the respiratory system (at 20 milliamperes or more), failure of the heart to pump due to ventricular fibrillation (at 75 milliamperes or more), or immediate and complete heart stoppage (at 4 amperes or more). Even if the shocking current does not pass through vital organs or nerve centers, severe injuries such as deep internal burns can still occur. In some cases, injuries caused by electric shock can be a contributory cause of delayed fatalities.

Burns suffered in electrical accidents are of great concern. These burns may be of three basic types, electrical burns, arc burns and thermal contact burns. Electrical burns are the result of the electric current flowing in the tissues and may be either skin deep or may affect deeper layers (muscles, bones, etc.) or both. Tissue damage is caused by the heat generated from the current flow; if the energy delivered by the electrical shock is high, the body cannot dissipate the heat and the tissue is burned. Typically, such electrical burns are slow to heal. Arc burns, on the other hand are the result of high temperatures in close proximity to the body produced by electric arcs or by explosions. These

burns are similar to burns and blisters produced by any high temperature source. Finally, thermal contact burns are those normally experienced from the skin contacting hot surfaces of overheated electrical conductors, conduits, or other energized equipment. All types of burns may be produced simultaneously.

Electrical shock currents, even at levels as low as 3 milliamperes, can also cause injuries of an indirect or secondary nature in which involuntary muscular reaction from the electrical shock can cause bruises, bone fractures and even death resulting from collisions or falls.

(2) Hazards Associated With Electricity

Most electrical systems use the earth to establish an electrical voltage reference system with respect to ground. This is done by connecting a portion of the circuit to ground. Since these systems use conductors which have voltages to ground, a shock hazard exists for persons who are in electrical contact with the earth and are exposed to the conductors. If a person comes in contact with an ungrounded conductor while he is in contact with the ground, he becomes part of the circuit and current passes through his body.

In addition to the shock hazard, electricity poses other hazards to employees. For example, when a short circuit occurs or current flow is interrupted, hazards are created from the resultant arcs. If high current is involved, these arcs can cause injury or can start a fire. Fires can also be created by overheating equipment or by conductors carrying too much current. Extremely high-energy arcs can damage equipment causing fragmented metal to fly in all directions. In atmospheres which contain explosive gases or vapors or combustible dusts, even low-energy arcs can cause violent explosions.

(3) Nature of Electrical Accidents

Electrical accidents, when initially studied, often appear to be caused by circumstances which are varied and peculiar to the particular incidents involved. However, further consideration usually reveals the underlying cause to be a combination of three possible factors. These consist of work involving unsafe equipment and installations, workplaces made unsafe by the environment, and unsafe work performance.

(a) *Basic Contributory Factors.* Some unsafe electrical equipment and installations can be identified, for example, by the presence of faulty insulation, improper grounding, loose

connections, defective parts, ground faults in equipment or unguarded live parts. The environment can also be a contributory factor to electrical accidents in a number of ways. Some unsafe environments affecting electrical safety would be, for example, atmospheres containing flammable vapors, liquids or gases, areas containing corrosive atmospheres, and wet and damp locations. Finally, some typical unsafe acts can be recognized as, for example, the failure to deenergize electrical equipment when it is being repaired or inspected, the intentional use of obviously defective and unsafe tools, or the use of tools or equipment too close to energized parts. For purposes of convenience, the first and second accident causing situations are sometimes combined and simply referred to as unsafe conditions. Thus, electrical accidents can be generally considered as being caused by unsafe conditions, and unsafe act, or, what is usually the case, a combination of the two. It should also be noted that inadequate maintenance can cause equipment or installations, which were originally considered safe, to deteriorate, resulting in an unsafe condition.

(b) *Typical Accidents from Unsafe Conditions.* Of the two primary causative factors influencing electrical accidents, i.e., unsafe conditions and unsafe acts, the ones involving unsafe conditions are more directly addressed by the provisions of the National Electrical Code. Since the proposed revision of the OSHA electrical safety standards will initially be directed towards minimizing unsafe conditions, a few typical examples of related accidents are given to illustrate these situations.

(i) *California—1972.* A nurseryman was electrocuted when he touched a conduit riser in a greenhouse. The greenhouse was wired with overhead open wiring on insulators. A short section of conduit was installed to enclose conductors feeding down to a time clock. A faulty splice in the clock energized the clock frame and conduit.

(ii) *Florida—1973.* A lead foreman and set-up man for a plastics corporation was installing a new injection molding machine. The employee was electrocuted when he touched a temperature control unit used in conjunction with the molding machine. The temperature control unit had been improperly wired.

(iii) *Hawaii—1971.* An installer of refrigerators for the retail-wholesale trade was electrocuted using an electric drill. While working on top of a prefabricated walk-in unit, the worker

was in continuous ground contact when an electrical fault developed in the drill plug and the accident occurred.

(iv) *California—1971.* A worker engaged in electroplating was electrocuted when he touched an ungrounded 9 volt D.C. bus on an electroplating tank while in contact with the grounded tank. It was found that a 120-volt terminal on an A.C. timer coil was installed within 1/4 inch of the D.C. bus. A fault path had developed and a leakage current of 70 milliamperes at 120 volts was measured between the electroplating bus and the grounded tank.

(v) *Florida—1974.* A slag house operator for a slag plant was on a catwalk repairing and replacing guards on belt drives and pulleys. He had gained access to the catwalk by using a wooden ladder, but he descended from the catwalk by means of a power pole erected at the end of the platform. A 440-volt line with deteriorated insulation was anchored to the pole, and metal spikes for climbing and descending had been driven into the pole. As the victim stepped on the first cleat, he grabbed his chest, lost his grip and fell ten feet to the concrete floor. Electric shock was found to be the cause of death.

(vi) *Idaho—1974.* A lubricator working in the molding department of a plastics manufacturing plant was electrocuted. The accident resulted when the worker contacted a nozzle adaptor which was energized on the molding machine.

(vii) *California—1966.* An electrician received flash burns on his face when he closed a large 480-volt switch after replacing a blown fuse. The ceramic insulating block holding one end of the fuse was defective and apparently had originally caused the fuse to blow.

(viii) *California—1972.* A worker was electrocuted when he grasped the metal nozzle of a steam cleaning hose which was metal reinforced. The 120-volt switch in the motor terminal enclosure of the steam cleaning unit had vibrated loose and a terminal was contacting the metal enclosure. The unit was supplied by a three conductor cord; however, the ground prong on the attachment plug had been broken off. Another worker received a severe shock when he attempted to help the first worker.

(ix) *Massachusetts—1970.* A repairman working in an automobile body shop was electrocuted when the portable grinder which he was using developed a short circuit.

(x) *Florida—1973.* A carpenter's helper for a boat manufacturing firm was electrocuted when he plugged the router cord into an extension cord outlet box. Examination of the extension cord outlet box showed the ungrounded

conductor had separated from its terminal and was touching the metal box.

While these electrical accident descriptions are typical, it must be emphasized that they only represent those accidents within the category of unsafe conditions.

(c) *Accident References.* Although descriptive accident data was reviewed from a variety of sources, the typical representative data presented herein was taken from the following:

(i) Electrical Work Injuries in California, Department of Industrial Relations, Division of Industrial Safety, State of California, 455 Golden Gate Avenue, San Francisco, CA 94101.

(ii) "Live and Learn" Publication, Department of Labor and Employment Security, Industrial Safety, State of Florida, 1321 Executive Center Drive, East, Tallahassee, Florida 32301.

(iii) Publication of Occupational-Related Electrocutions, Department of Labor and Industrial Relations, State of Hawaii, 825 Mililani Street, Honolulu, Hawaii 96813.

(iv) Industrial Accidents, Industrial Commission, State of Idaho, 317 Main Street, Boise, Idaho 83707.

(v) Department of Labor and Industries, Division of Industrial Safety, Commonwealth of Massachusetts, Leverett Saltonstall Bldg., Government Center, 100 Cambridge Street, Boston, MA 02202.

(4) Protective Measures and Present Regulations

There are various ways of protecting employees from the hazards of electric shock, including insulation and guarding of live parts. Insulation provides an electrical barrier to the flow of current. To be effective, the insulation must be appropriate for the voltage, and the insulating material should be clean and dry. Guarding prevents the employee from coming too close to energized parts. It can be in the form of a physical barricade, or it can be provided by installing the live parts out of reach from the working surface. (This technique is known as "guarding by location.")

Grounding is another method of protecting employees from electric shock; however, it is normally a secondary protective measure. To keep guards or enclosures at a common potential with earth, they are connected, by means of a grounding conductor, to ground. If a live part accidentally comes in contact with a grounded enclosure, any current flow is directed back to earth and the circuit protective devices (e.g., fuses and circuit breakers) can interrupt the circuit.

When employees are working with electrical equipment, they must use safe work practices. Such safety-related employee work practices include keeping a prescribed distance from

exposed energized lines, avoiding the use of electrical equipment while wet, and locking-out and tagging equipment which is deenergized for maintenance.

Another important safety practice involves the use of electrical protective devices, such as rubber gloves and rubber mats for purposes of insulation against live parts, or hot sticks for purpose of both insulation and actuation of energized parts from a distance. However, to assure the protection of the employee, this equipment must be properly manufactured and maintained. With some electrical equipment, regular maintenance becomes an important consideration in order to keep the equipment from deteriorating into an unsafe condition.

The regulations presently contained in Subpart S of Part 1910 adopt the 1971 National Electrical Code by reference and set forth definitions with respect to some of the terms used by the NEC. The most widely used code to safeguard people and property from the potential hazards associated with electricity is the National Electrical Code. This code had its beginning prior to the turn of the century when the use of electricity was just starting. At this time, the code serves as the cornerstone of electrical safety in the United States. As such, it provides the basis for electrical safety regulations in over 2000 municipalities throughout all 50 States. Thirty-seven States and the District of Columbia have adopted it as their electrical safety law, and it is enforced by over 12,000 governmental electrical inspectors. This national system provides important assistance to OSHA in its mission to afford electrical safety in the workplace.

(5) Reasons for Proposed Revision

Since the National Electrical Code (NEC) NFPA 70-1971 was adopted as a national consensus standard, two revisions of the NEC, which is revised every three years, have occurred, the most recent being the 1978 edition.

Because of the continual process by the National Fire Protection Association (NFPA) of updating the Code, any specific edition which OSHA might adopt, would likely be outdated within a few years. In addition, since the rulemaking process can become somewhat lengthy, a complete revision of the OSHA electrical safety standards every three years to keep pace with the NEC changes, is not practical. To remedy this problem, OSHA's electrical safety standards should accept changes in technology without the need for constant revision any where possible be written in performance terms in order to allow alternative installation methods if

they provide comparable safety to the employee.

Another difficulty with the current incorporation of the entire NEC by reference is that the NEC contains many details which are not directly related to employee safety. In addition, a further objective of OSHA in revising the standard is to obtain an improved standard which will provide employee safety and will be easier to use and understand, but will still be comprehensive enough to cover all significant electrical hazards.

Finally, since the NEC is an electrical installation design document, it does not generally contain explicit requirements for electrical safety related work practices, electrical equipment maintenance and safety requirements for special equipment. OSHA, therefore, will also consider the development of regulations in these areas in subsequent rulemaking proceedings.

II. Summary and Explanation of Proposed Standard

(1) General Approach

In view of the existing constraints and limitations imposed by the continued use of the 1971 version of the NEC, discussed above, OSHA concluded that what is needed is a revised standard tailored to fulfill OSHA's responsibilities and which would extract suitable portions from the NEC and other safety standards applicable to electrical safety.

At the same time, and after discussions with OSHA staff, the NFPA decided that the NEC Correlating Committee, which periodically evaluates the NEC, should examine the feasibility of developing a document to be used as a basis for providing electrical safety in the workplace. NFPA created the "70E Committee" to prepare a consensus standard for possible use by OSHA in developing a proposal for subsequent rulemaking. The 70E Committee visualized a standard consisting of four major parts:

- Part I—Installation Safety Requirements,
- Part II—Safety Related Work Practices,
- Part III—Safety Related Maintenance Requirements,
- Part IV—Safety Requirements for Special Equipment.

The name given to this new document became NFPA 70E, "Electrical Safety Requirements for Employee Workplaces."

(2) Criteria for Part I of NFPA-70E

The NFPA 70E Committee derived Part I from the 1978 NEC; however, unlike the NEC, this Part is not intended to be applied as a design, installation,

modification, or construction standard for an electrical installation or system. Rather, its content has been excerpted from the NEC in order to apply only to electrical utilization systems which are part of the workplace. Although Part I of NFPA 70E is compatible with corresponding provisions of the NEC, it is not intended to be used, nor can it be used, in lieu of the NEC for the design and initial installation of utilization systems and equipment.

Although all of the requirements of the NEC may be related to electrical hazards, for practical purposes of the Committee included in Part I of NFPA 70E those provisions which are most directly associated with employee safety. In determining which provisions should be included in Part I, the following guidelines were used by the 70E Committee.

(a) The provisions should give protection to the employee from electrical hazards.

(b) The provisions should be excerpted from the NEC in a manner that will maintain their intent as they apply to employee safety.

(c) The provisions should be selected and written in a manner that will reduce the need for frequent revision yet avoid technical obsolescence.

(d) Compliance with the provisions should be determinable by means of an inspection during the normal state of employee occupancy without requiring shutdown of the electrical installation or damage to the building or finish.

(e) The provisions should not be encumbered with unnecessary details.

(f) The provisions should be written so as to enhance their understanding by the employer and employee.

(g) The provisions must not add any requirements not found in the NEC, nor may the intent of the NEC be changed even if the wording is changed.

(3) Source for 70E

The 1978 edition of the NEC was used as a source document for NFPA 70E instead of the 1971 edition. Part I of 70E therefore, reflects a considerable improvement over the present OSHA standards incorporated in Subpart S. Generally, this improvement may be considered as being one achieved more from the elimination of requirements inappropriate to OSHA's needs rather than from the addition of new requirements. Typical examples of this method of simplification in the preparation of Part I of 70E relate in NEC chapters 3, 4, 6, 7, and 9, as discussed below. Although 70E does contain some additional requirements not contained in the 1971 NEC (as in chapters 6 and 7 of the 1978 NEC), such

new provisions are relatively few in number.

Major deletions and additions, typical of those made in the preparation of 70E, are given in the following paragraphs:

(a) *Principal Deletions.* Chapters 3 and 4 of the 1971 and 1978 NEC deal with wiring methods and materials (Chapter 3) and equipment for general use (Chapter 4). Tables containing various specialized technical information have been deleted in 70E.

Typical topics of these chapters included insulation characteristics, allowable ampacities, electrical box sizes, flexible cord and motor full load currents. This type of information was deleted because it deals with items not directly related to the electrical hazard. For example, the composition of insulation on a conductor was deleted; however, the actual requirement that the conductor be insulated and that the insulation be approved for its intended purpose was retained. These changes result in a standard which is more performance oriented.

Chapter 6 of the 1971 and 1978 NEC describes special equipment requirements. Requirements from this chapter dealing with electrically operated organs and the installation of equipment and wiring used for sound-recording and reproduction have been deleted in 70E because electrical safety for employees is not directly affected by these items. Any hazard to the employee related to this type of equipment would most likely arise in the supply system which will still be covered.

Chapter 7 of the 1971 and 1978 NEC deals with special conditions. All requirements from this chapter involving stand-by power generation systems permanently installed, other than emergency systems, have been deleted. In these situations, primary electrical hazards to the worker are minimal since the effects of power outage are generally limited to product or process damage.

Chapter 9 of the 1971 and 1978 NEC provides a collection of tables containing technical data, together with a number of sample computations. This entire chapter is not included in 70E because it is solely an instructive guide for the design of certain electrical systems.

(b) *Principal Additions.* Chapter 8 of the 1971 NEC which deals with special equipment, has been supplemented by the additional requirements found in the 1978 edition of the NEC. These additions are included in 70E. Specifically, new provisions for workplaces containing electrically driven or controlled irrigation machines and workplaces using electrolytic cells have been added. In the first type of workplace, the

related electrical hazard is associated with the presence of an electrically driven or controlled machine, with one or more motors, used primarily to transport and distribute water for agricultural purposes. In the second type of workplace, equipment is installed consisting of electrolytic cells used for the purpose of refining or producing various materials. Such an installation contains electrical hazards because the employee's work is normally performed on or in the vicinity of exposed energized surfaces of the electrolytic cell lines and their attachments. As a consequence, special electrical safety requirements are needed and hence such provisions are included in 70E.

Chapter 7 of the 1971 NEC covers special conditions. An addition contained in the 1978 NEC involves fire protective signaling systems. Inasmuch as the installation of wiring and equipment of fire protective signaling systems, operating at 600 volts or less, has a definite effect on workplace safety, the new provisions have been included in the proposed document.

(4) New Format for Subpart S

The need for an uncomplicated and readily understandable standard, sufficiently general to minimize the need for changes, appears to be satisfied by Part I of the NFPA 70E recommendations. OSHA has carefully reviewed the work product of the 70E Committee. This review indicates that its use as a base document for OSHA's design safety standard for electrical utilization systems and equipment is appropriate and offers certain advantages toward achieving a more simplified standard. The significance of this simplification is indicated by the wordage reduction from the approximately 250,000 words in the National Electrical Code to the approximately 15,000 words in the proposed revisions. As a consequence, the presently adopted 1971 NEC (NFPA-70) will no longer be incorporated by reference into the OSHA standard. OSHA also intends to augment the electrical installation safety standards contained in this proposal by establishing additional requirements covering safety related work practices and equipment maintenance through future rulemaking.

Revisions to the electrical safety standards of Subpart S of Part 1910 for purposes of simplification and clarification will not only provide a systematic format to satisfy present requirements but, with coverage of special equipment, will also accommodate future growth. The proposed Subpart S will eventually

contain four major parts covering not only the design safety standards for electrical systems contained in this proposal (Part I), but also safety related work practices (Part II), safety related maintenance requirements (Part III), and safety requirements for special equipment (Part IV).

These basic areas, proposed for inclusion in Subpart S of Part 1910, will contain the following:

(a) *Design Safety Standards for Electrical Systems.* These standards, which are the subject of the current proposal, would be contained in §§ 1910.302 through 1910.330. (At this time, however, only §§ 1910.302 through 1910.308 are being proposed; §§ 1910.309 through 1910.330 are being reserved for possible future design safety standards for other electrical systems.)

(b) *Safety Related Work Practices.* These regulations would be contained in §§ 1910.331 through 1910.360.

(c) *Safety Related Maintenance Requirements.* These requirements would be contained in §§ 1910.361 through 1910.380.

(d) *Safety Requirements for Special Equipment.* These requirements would be contained in §§ 1910.381 through 1910.398.

(e) *Definitions* applicable to each of these four major divisions would be contained in a common § 1910.399.

Since the areas covered by each of these four major divisions represent broadly diverse equipments, installations and practices, it is intended that each division would be further subdivided where appropriate. For example, within the category involving design safety standards for electrical systems, separate subgroupings could include electrical utilization systems, electrical power generation and transformation systems, electrical power transmission and distribution systems, and others.

The changes proposed for Subpart S in the present document, will be limited to electrical utilization systems, as covered in the existing OSHA electrical standards. The proposed standard will also be accompanied by nonmandatory appendices including explanatory data, reference material, notes, charts and other information as aids to help the employer determine methods of complying with this standard.

The proposal would place the relevant requirements of the National Electrical Code into the text of the regulations making it unnecessary to incorporate the National Electrical Code by reference. The current incorporation of the entire NEC is therefore being proposed for deletion.

Some parts of the present §§ 1910.308 and 1910.309 are proposed either for complete deletion or for modification and incorporation into new sections. Other parts of these sections would be incorporated into new sections without substantive change. The current provisions which remain unchanged or which are subject only to minor editorial changes or redesignation of section numbers, are not at issue in this rulemaking proceeding.

The following discussion summarizes the effects the proposal will have on the existing provisions of §§ 1910.308 and 1910.309:

(a) The introductory paragraphs, § 1910.308(a) and § 1910.308(b), which incorporate the 1971 NEC into Subpart S by reference, would be deleted. A new introductory § 1910.301 would address the new format to be followed in this Subpart.

(b) The provisions currently in the scope paragraph, § 1910.308(c), would be carried forward in new scope paragraph § 1910.302(a), with additional coverage being added in § 1910.302(a)(1)(vi) to include industrial substations which was inadvertently omitted from the present OSHA standard.

(c) Editorial changes would be made in the definitions presently contained in § 1910.308(d), in order to substitute references to Subpart S in place of the current references to the 1971 NEC, wherever such references appear. These non-substantive changes in the definitions would reflect the proposed consolidation of applicable electrical requirements within the body of this subpart. The definitions would then be redesignated as individual paragraphs within the proposed new definitions section, § 1910.399, as follows:

Section 1910.308(d)(1), *Approved*, would be redesignated as paragraph (a)(7) of § 1910.399.

Section 1910.308(d)(2), *Acceptable*, would be redesignated as paragraph (a)(1) of § 1910.399.

Section 1910.308(d)(3)(i), *Listed*, would be redesignated as paragraph (a)(77) of § 1910.399.

Section 1910.308(d)(3)(ii), *Labeled*, would be redesignated as paragraph (a)(75) of § 1910.399.

Section 1910.308(d)(3)(iii), *Accepted*, would be redesignated as paragraph (a)(2) of § 1910.399.

Section 1910.308(d)(3)(iv), *Certified*, would be redesignated as paragraph (a)(22) of § 1910.399.

Section 1910.308(d)(3)(v), *Utilization Equipment*, would be redesignated as paragraph (a)(127) of § 1910.399.

(d) The National Electrical Code requirements currently listed in paragraph § 1910.309(a) would be

retained in part and deleted in part. The retained part would no longer reference sections of the NEC, but would instead reference corresponding provisions of this subpart. These requirements would be carried forward as proposed paragraph § 1910.302(b)(1). The deleted portion would consist of the following sections of the 1971 NEC: 110-14(a); 250-3(b); 250-7; 250-43 (a), (b), (c), (d), (e), (f), (g), (h), and (i); 250-44(e); 250-45(c); 250-58 (a) and (b); 250-59 (a), (b), and (c); 422-8; 422-9; 422-10; 422-11; 422-12; 422-14; 422-15 (a), (b), and (c); 422-16; 422-17 (a) and (b); 430-142; and 430-143 which are inappropriate for OSHA's use or otherwise covered in this subpart. Reasons for the specific deletions are as follows:

110-14(a)—Covered by § 1910.303(a).
250-3(b)—Inappropriate; this section is not a requirement but only states that certain systems over 300 volts may be grounded.

250-7—Covered in § 1910.307.
250-43 (a), (b), (c), (d), (e), (f), (g), (h), and (i)—Covered in § 1910.304(f)(5)(iv).

250-44(e)—Inappropriate; applies only to mobile homes and recreational vehicles.
250-45(c)—Inappropriate; applies only to residences.

250-58 (a) and (b)—Inappropriate; these are not requirements but optional methods of meeting the grounding requirement.

250-59 (a), (b) and (c)—Inappropriate; these sections are not requirements but only suggest methods of grounding.

422-8—Covered by § 1910.305(g)(1)(i).
422-9—Covered by § 1910.303(g)(2).

422-10—Covered by § 1910.303(b).
422-11—Inappropriate; this section addresses appliance construction detail requirements.

422-12—Inappropriate; this section addresses appliance construction detail requirements.

422-14—Inappropriate; this section addresses appliance construction detail requirements.

422-15 (a), (b) and (c)—Covered by § 1910.303(a).

422-16—Covered by § 1910.304(f) and the standard procedure for a variance request.

422-17 (a) and (b)—Part (a) is inappropriate; this part is not a requirement but a definition. Part (b) is covered by § 1910.303(a).

430-142—Covered by § 1910.304(f)(5)(iv).
430-143—Covered by § 1910.304(f)(5)(v).

(e) The effective date of March 15, 1972 given in the present paragraph § 1910.309(b) concerning the installation of utilization equipment, including replacement, modification or repair would be carried forward in the new paragraph § 1910.302(b)(2). The reference to the 1971 NEC in this paragraph would be deleted and applicable portions of this subpart would be referenced.

(f) The first sentence and the first three words of the second sentence of paragraph § 1910.309(c), which refer to the provisions of the 1971 NEC, would be deleted in accordance with the

changes in this subpart. The ground-fault circuit protection requirement contained in the remainder of paragraph § 1910.309(c), as amended (41 FR 55703, December 21, 1976) which remains unchanged would be redesignated as new paragraph § 1910.304(b)(1).

(g) In order to provide the employer and employee with useful, explanatory material to aid in understanding and complying with the standards, OSHA is considering the use of nonmandatory appendices containing such guidelines. Specifically, three appendices are intended and will cover the following: Appendix A will be reserved for general explanatory data and special examples, Appendix B will be reserved for tables, notes and charts, and Appendix C will contain a listing of reference documents. It is emphasized that these appendices would be nonmandatory and are provided for guidance. The information contained in them would not create any additional obligations or detract from any obligations of the standard.

(h) As noted above, sections that are merely redesignated or involve only numerical or editorial changes which are not substantive and would not change the obligations contained in the existing regulations are not subject to comment in this rulemaking.

(i) As in the case with the current provisions of Subpart S, the provisions of this proposal will not apply to construction and agriculture, but will apply to all other workplaces covered by OSHA.

III. Regulatory Assessment

In accordance with Executive Order No. 12044 (43 FR 12661, March 24, 1978), OSHA has assessed the potential economic impact of this proposal. Based on the economic identification criteria developed by the Department of Labor (44 FR 5570, January 26, 1979), OSHA has concluded that the subject matter of this proposal is not a "major" action which would necessitate further economic impact evaluation and the preparation of a Regulatory Analysis.

The proposal deals with installation safety and is derived from the National Electrical Code, which is currently in use as an OSHA standard. Since the proposal would result in an overall simplification of the present OSHA standards, the estimated cost of compliance with the proposed part can be assumed not to be higher than the cost of compliance with the current OSHA standards. No reduction in protection will result from the proposed standards.

This determination is based on a May 11, 1979 report, by JRB Associates, Inc. The major finding of the economic

impact assessment is that there would be no significant economic effect resulting from the promulgation of the proposed revisions to 29 CFR Part 1910, Subpart S, Electrical. The rationale for this conclusion is as follows:

- The proposed regulation contains no requirements other than those found in either 29 CFR Part 1910, Subpart S, or the 1978 National Electrical Code.
- Current industry practice for installation is to conform to the current 1978 National Electrical Code.
- Provisions in the proposed Subpart S have an antecedent in the 1978 National Electrical Code.

The regulatory assessment is available for inspection and copying at the U.S. Department of Labor Building, OSHA Docket Office, Room S-6212, 200 Constitution Avenue, N.W., Washington, D.C. 20210. OSHA invites comments concerning the conclusions reached in the economic impact assessment.

IV. Public Participation

Interested persons are invited to submit written comments on the proposed standard, to participate in a public meeting during the comment period, and to file objections and request a public hearing.

(a) Written data, views, and arguments concerning the proposal must be postmarked on or before November 30, 1979 and submitted in quadruplicate to the Docket Officer, Docket No. S108-1, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Room S-6212, Washington, D.C., 20210. Written submissions must clearly identify the provisions of the proposal which are addressed and the position taken with respect to each issue.

The data, views, and arguments that are submitted will be available for public inspection and copying at the above address. All timely written submissions received will be made a part of the record of this proceeding.

(b) To assist interested persons in submitting their written comments and data, OSHA is scheduling a public meeting during the comment period. The meeting will be held on November 8, 1979 in Room C-5521, Seminar Room #4, Department of Labor, 200 Constitution Avenue, N.W., in Washington, D.C. It will begin at 9:00 a.m., will recess from 12 noon to 1 p.m. and will continue until 5 p.m.

The public meeting is intended as an informal forum for interested persons to present their concerns orally and to seek clarification of the proposal from representatives of OSHA who will conduct the public meeting.

OSHA requests that any person wishing to make an oral presentation at

the meeting notify OSHA in advance. Please identify the person and/or organization intending to make a presentation, and the subject matter and a brief summary of the intended presentation, if possible. This written notice should be sent to Docket S108-1, Docket Office, Rm. S-6212, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210 no later than November 1, 1979. All persons giving advance notice will have time reserved for their oral presentations. Persons wishing to speak who have not filed advance notices are requested to register from 8:30 a.m. to 9:00 a.m. on the morning of the public meeting.

As long as time permits, all persons who wish to be heard will be allowed to speak. However, in the interest of time, persons who have provided advance notice will be given priority.

Detailed minutes or a transcript of the meeting will be prepared and will be made a part of the record of this rulemaking. Copies of the minutes will be available for inspection at the OSHA Docket Office, Room S-6212, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

(c) Pursuant to 29 CFR 1911.11 (b) and (c), interested persons may, in addition to filing written submissions and attending the public meeting as provided above, file objections to the proposal, requesting an informal public hearing with respect thereto in accordance with the following conditions:

- (1) The objections must include the name and address of the objector;
- (2) The objections must be postmarked on or before November 30, 1979, and submitted to the Docket Office at the above address;
- (3) The objections must specify with particularity the provisions of the proposed rule to which objection is taken, and must state the grounds therefor.

- (4) Each objection must be separately stated and numbered; and
- (5) The objections must be accompanied by a detailed summary of the evidence proposed to be adduced at the requested hearing.

V. Authority

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Accordingly, pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655), Secretary of Labor's Order No. 8-76 (41

FR 25059), and 29 CFR Part 1911, it is proposed to amend Subpart S of 29 CFR Part 1910 as set forth below.

Signed at Washington, D.C. this 18th day of September, 1979.

Eula Bingham,
Assistant Secretary of Labor.

Subpart S of Part 1910 of Title 29 of the Code of Federal Regulations is proposed to be amended as follows:

1. By adding a new table of contents to read as follows:

Subpart S—Electrical

General

Sec.
1910.301 Introduction.

Design Safety Standards for Electrical Systems

- 1910.302 Electric utilization systems.
- 1910.303 General requirements.
- 1910.304 Wiring design and protection.
- 1910.305 Wiring methods, components, and equipment for general use.
- 1910.306 Specific purpose equipment and installations.
- 1910.307 Hazardous (classified) locations.
- 1910.308 Special systems
- 1910.309-1910.330 [Reserved]

Safety Related Work Practices

1910.331-1910.360 [Reserved]

Safety Related Maintenance Requirements

1910.361-1910.380 [Reserved]

Safety Requirements for Special Equipment

1910.381-1910.398 [Reserved]

Definitions

1910.399 Definitions applicable to this subpart.

Appendix A—Explanatory Data

[Reserved]

Appendix B—Tables, Notes, and Charts

[Reserved]

Appendix C—Reference Documents

Authority: Sec. 6(b), 84 Stat. 1593 (29 U.S.C. 655), Secretary of Labor's Order No. 8-76 (41 FR 25059) 29 CFR Part 1911.

2. By adding new §§ 1910.301 through 1910.303 to read as follows:

General

§ 1910.301 Introduction.

This subpart addresses electrical safety requirements that are necessary for the practical safeguarding of employees in their workplace and is divided into four major divisions as follows:

- (a) *Design safety standards for electrical systems.* These regulations are contained in §§ 1910.302 through 1910.330. At this time, only §§ 1910.302 through 1910.308 are used and they contain design safety standards for electric utilization systems. Included in this category is all electric equipment and installations required to provide

electric power and light for employee workplaces. Sections 1910.309 through 1910.330 are reserved for possible future design safety standards for other electrical systems.

(b) *Safety related work practices.* These regulations will be contained in §§ 1910.331 through 1910.360.

(c) *Safety related maintenance requirements.* These regulations will be contained in §§ 1910.361 through 1910.380.

(d) *Safety requirements for special equipment.* These regulations will be contained in §§ 1910.381 through 1910.396.

Definitions applicable to each division are contained in § 1910.399.

Design Safety Standards for Electrical Systems

§ 1910.302 Electric utilization systems.

Sections 1910.302 through 1910.308 contain design safety standards for electric utilization systems.

(a) *Scope.*—(1) *Covered.* The provisions of §§ 1910.302 through 1910.308 cover electrical installations and utilization equipment installed or used within or on buildings, structures, and other premises including:

- (i) Yards,
- (ii) Carnivals,
- (iii) Parking and other lots,
- (iv) Mobile homes,
- (v) Recreational vehicles,
- (vi) Industrial substations,
- (vii) Conductors that connect the installations to a supply of electricity, and
- (viii) Other outside conductors on the premises.

(2) *Not covered.* The provisions of this subpart do not cover:

- (i) Installations in ships, watercraft, railway rolling stock, aircraft, or automotive vehicles other than mobile homes and recreational vehicles.
- (ii) Installations underground in mines.
- (iii) Installations of railways for generation, transformation, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communication purposes.

(iv) Installation of communication equipment under the exclusive control of communication utilities, located outdoors or in building spaces used exclusively for such installations.

(v) Installations under the exclusive control of electric utilities for the purpose of communication or metering; or for the generation, control, transformation, transmission, and distribution of electric energy located in

buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, etc., or outdoors by established rights on private property.

(b) *Extent of application.* (1) The requirements contained in the sections listed below shall apply to all electrical installations and utilization equipment regardless of when they were designed or installed:

Sections	Hazardous (Classified) Locations
1910.307	Examination, Installation, and Use of Equipment
1910.303(b)	Splices
1910.303(c)	Arcing Parts
1910.303(d)	Marking
1910.303(e)	Identification of Disconnecting Means
1910.303(f)	Guarding of Live Parts
1910.303(g)(2)	Protection of Conductors and Equipment
1910.304(a)(1)(iv)	Location in or on Premises
1910.304(a)(1)(v)	Arcing or Suddenly Moving Parts
1910.304(f)(1)(i)	2-Wire DC Systems to be Grounded
1910.304(f)(1)(ii) and 1910.304(f)(1)(iv)	AC Systems to be Grounded
1910.304(f)(1)(v)	AC Systems 50 to 1000 Volts not Required to be Grounded
1910.304(f)(3)	Grounding Connections
1910.304(f)(4)	Grounding Path
1910.304(f)(5)(iv)(a)	Supports and Enclosures of Fixed Equipment Required to be Grounded
1910.304(f)(5)(iv)(d)	Grounding of Equipment Connected by Cord and Plug
1910.304(f)(5)(v)	Grounding of Nonelectrical Equipment
1910.304(f)(5)(vi)	Methods of Grounding Fixed Equipment
1910.304(f)(6)(i)	Flexible Cords and Cable, Uses
1910.305(g)(1)(i) and 1910.305(g)(1)(ii)	Flexible Cords and Cable Prohibited
1910.305(g)(1)(iii)	Flexible Cords and Cables, Splices
1910.305(g)(2)(i)	Pull at Joints and Terminals of Flexible Cords and Cables

(2) Every new electric utilization system and all new utilization equipment installed after March 15, 1972 and every replacement, modification, repair, or rehabilitation, after March 15, 1972 of any part of any electric utilization system or utilization equipment installed before March 15, 1972 shall be installed or made, and maintained, in accordance with the provisions of § 1910.302 through 1910.308 of this subpart.

§ 1910.303 General requirements.

(a) *Approval.* The conductors and equipment required or permitted by this subpart shall be acceptable only when approved.

(b) *Examination, installation, and use of equipment.*—(1) *Examination.* In judging equipment, considerations such as the following shall be evaluated:

(i) Suitability for installation and use in conformity with the provisions of this subpart. Suitability of equipment for an identified purpose may be evidenced by listing or labeling for that identified purpose.

(ii) Mechanical strength and durability, including, for parts designed

to enclose and protect other equipment, the adequacy of the protection thus provided.

(iii) Electrical insulation.

(iv) Heating effects under conditions of use.

(v) Arcing effects.

(vi) Classification by type, size, voltage, current capacity, specific use.

(2) *Installation and use.* Listed or labeled equipment shall be used or installed in accordance with any instructions included in the listing or labeling.

(c) *Splices.* Conductors shall be spliced or joined with splicing devices suitable for the use or by brazing, welding, or soldering with a fusible metal or alloy. Soldered splices shall first be so spliced or joined as to be mechanically and electrically secure without solder and then soldered. All splices and joints and the free ends of conductors shall be covered with an insulation equivalent to that of the conductors or with an insulating device suitable for the purpose.

(d) *Arcing parts.* Parts of electric equipment which in ordinary operation produce arcs, sparks, flames, or molten metal shall be enclosed or separated and isolated from all combustible material.

(e) *Marking.* The manufacturer's name, trademark, or other descriptive marking by which the organization responsible for the product may be identified shall be placed on all electric equipment. Other markings shall be provided giving voltage, current, wattage, and other ratings as may be required. The marking shall be of sufficient durability to withstand the environment involved.

(f) *Identification of disconnecting means.* Each disconnecting means required by this subpart for motors and appliances shall be legibly marked unless located and arranged so that its purpose is evident; and each disconnecting means required by this subpart for each service, feeder, or branch circuit shall be legibly marked to indicate its purpose at the point where the service, feeder or branch circuit originates. The marking shall be of sufficient durability to withstand the environment involved.

(g) *600 volts, nominal, or less.*—(1) *Working space about electric equipment.* Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

(i) *Working clearances.* Except as elsewhere required or permitted in this subpart, the dimension of the working space in the direction of access to live

parts operating at 600 volts or less and likely to require examination, adjustment, servicing, or maintenance while alive shall not be less than indicated in Table S-1. In addition to the dimensions shown in Table S-1, workspace shall not be less than 30 inches wide in front of the electric equipment. Distances shall be measured from the live parts if such are exposed, or from the enclosure front or opening if such are enclosed. Concrete, brick, or tile walls shall be considered as grounded. Working space shall not be required in back of assemblies such as dead-front switchboards or motor control centers where there are no renewable or adjustable parts such as fuses or switches on the back and where all connections are accessible from locations other than the back.

Table S-1—Working Clearances

Nominal voltage to ground	Minimum clear distance for condition		
	(a)	(b)	(c)
0-150	(Feet) *3	(Feet) *3	(Feet) 3
151-600	(Feet) *3	(Feet) 3½	(Feet) 4

*Note: Minimum clear distances shall be permitted to be 2 feet 6 inches for installations built prior to (date of final rule) will be inserted.

Where Conditions (a), (b), and (c) are as follows: (a) Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by suitable wood or other insulating material. Insulated wire or insulated busbars operating at not over 300 volts shall not be considered live parts.

(b) Exposed live parts on one side and grounded parts on the other side.

(c) Exposed live parts on both sides of the workspace [not guarded as provided in Condition (a)] with the operator between.

(ii) *Clear spaces.* Working space required by this subpart shall not be used for storage. When normally enclosed live parts are exposed for inspection or servicing, the working space, if in a passageway or general open space, shall be suitably guarded.

(iii) *Access and entrance to working space.* At least one entrance of sufficient area shall be provided to give access to the working space about electric equipment.

(iv) *Front working space.* In all cases where there are live parts normally exposed on the front of switchboards or motor control centers, the working space in front of such equipment shall not be less than 3 feet.

(v) *Illumination.* Illumination shall be provided for all working spaces about service equipment, switchboards,

panelboards, and motor control centers installed indoors.

(vi) *Headroom.* The minimum headroom of working spaces about service equipment, switchboards, panelboards, or motor control centers shall be 6 feet 3 inches.

Note.—As used in this subpart a motor control center is an assembly of one or more enclosed sections having a common power bus and principally containing motor control units.

(2) *Guarding of live parts.* (i) Except as elsewhere required or permitted by this subpart, live parts of electric equipment operating at 50 volts or more shall be guarded against accidental contact by approved cabinets or other forms of approved enclosures, or by any of the following means:

(a) By location in a room, vault, or similar enclosure that is accessible only to qualified persons.

(b) By suitable permanent, substantial partitions or screens so arranged that only qualified persons will have access to the space within reach of the live parts. Any openings in such partitions or screens shall be so sized and located that persons are not likely to come into accidental contact with the live parts or to bring conducting objects into contact with them.

(c) By location on a suitable balcony, gallery, or platform so elevated and arranged as to exclude unqualified persons.

(d) By elevation of 8 feet or more above the floor or other working surface.

(ii) In locations where electric equipment would be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage.

(iii) Entrances to rooms and other guarded locations containing exposed live parts shall be marked with conspicuous warning signs forbidding unqualified persons to enter.

(h) *Over 600 volts, nominal.*—(1) *General.* Conductors and equipment used on circuits exceeding 600 volts, nominal, shall comply with all applicable provisions of the preceding requirements of this chapter and with the following provisions which supplement or modify the preceding requirements. In no case shall the provisions of paragraphs (h)(2), (h)(3), and (h)(4) of this section apply to the equipment on the supply side of the service conductors.

(2) *Enclosure for electrical installations.* Electrical installations in a vault, room, closet or in an area surrounded by a wall, screen, or fence, access to which is controlled by lock and key or other approved means, shall

be considered to be accessible to qualified persons only. A wall, screen, or fence less than 8 feet in height shall not be considered as preventing access unless it has other features that provide a degree of isolation equivalent to an 8 foot fence.

The entrances to all buildings, rooms, or enclosures containing exposed live parts or exposed conductors operating at over 600 volts, nominal, shall be kept locked or shall be under the observation of a qualified person at all times.

(i) *Installations accessible to qualified persons only.* Electrical installations having exposed live parts shall be accessible to qualified persons only and shall comply with the applicable provisions of paragraph (h)(3) of this section.

(ii) *Installations accessible to unqualified persons.* Electrical installations that are open to unqualified persons shall be made with metal-enclosed equipment or shall be enclosed in a vault or in an area, access to which is controlled by a lock. If metal-enclosed equipment is installed so that the bottom of the enclosure is less than 8 feet above the floor, the door or cover shall be kept locked. Metal-enclosed switchgear, unit substations, transformers, pull boxes, connection boxes, and other similar associated equipment shall be marked with appropriate caution signs. When exposed to physical damage from vehicular traffic, suitable guards shall be provided. Ventilating or similar openings in metal-enclosed equipment shall be designed so that foreign objects inserted through these openings will be deflected from energized parts.

(3) *Workspace about equipment.* Sufficient space shall be provided and maintained about electric equipment to permit ready and safe operation and maintenance of such equipment. Where energized parts are exposed, the minimum clear workspace shall not be less than 6 feet 6 inches high (measured vertically from the floor or platform), or less than 3 feet wide (measured parallel to the equipment). The depth shall be as required in Table S-2. In all cases, the workspace shall be adequate to permit at least a 90-degree opening of doors or hinged panels.

(i) *Working space.* The minimum clear working space in front of electric equipment such as switchboards, control panels, switches, circuit breakers, motor controllers, relays, and similar equipment shall not be less than specified in Table S-2 unless otherwise specified in this subpart. Distances shall be measured from the live parts if such are exposed or from the enclosure front or opening if such are enclosed.

Exception: Working space is not required in back of equipment such as deadfront switchboards or control assemblies where there are no renewable or adjustable parts (such as fuses or switches) on the back and where all connections are accessible from locations other than the back. Where rear access is required to work on the energized parts on the back of enclosed equipment, a minimum working space of 30 inches horizontally shall be provided.

Table S-2—Minimum Depth of Clear Working Space in Front of Electric Equipment

Nominal voltage to ground	Conditions		
	(a)	(b)	(c)
	(feet)	(feet)	(feet)
601-2,500.....	3	4	5
2,501-9,000.....	4	5	6
9,001-25,000.....	5	6	7
*25,001-75kv.....	6	8	10
*Above 75kv.....	8	10	12

*Note.—Minimum depth of clear working space in front of electric equipment with a nominal voltage to ground above 25,000 volts shall be permitted to be the same as for 25,000 under Conditions (a), (b), and (c) for installations built prior to (date of final rule will be inserted).

Where Conditions (a), (b), and (c) are as follows:

(a) Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by suitable wood or other insulating materials. Insulated wire or insulated busbars operating at not over 300 volts shall not be considered live parts.

(b) Exposed live parts on one side and grounded parts on the other side. Concrete, brick, or tile walls will be considered as grounded surfaces.

(c) Exposed live parts on both sides of the workspace not guarded as provided in Condition (a) with the operator between.

(ii) *Illumination.* Adequate illumination shall be provided for all working spaces about electric equipment. The lighting outlets shall be so arranged that persons changing lamps or making repairs on the lighting system will not be endangered by live parts or other equipment. The points of control shall be so located that persons are not likely to come in contact with any live part or moving part of the equipment while turning on the lights.

(iii) *Elevation of unguarded live parts.* Unguarded live parts above working space shall be maintained at elevations not less than specified in Table S-3.

Table S-3—Elevation of Unguarded Energized Parts Above Working Space

Nominal voltage between phases	Minimum elevation
601-7,500.....	*8 feet 6 inches.
7,501-35,000.....	9 feet.
Over 35kv.....	9 feet + 0.37 inches per kV above 35.

*Note.—Minimum elevation shall be permitted to be 8 feet 0 inches for installations built prior to (date of final rule will be inserted), where the nominal voltage between phases is in the range of 601-6600 volts.

(4) *Entrance and access to workspace.*

(i) At least one entrance not less than 24 inches wide and 6 feet 6 inches high shall be provided to give access to the working space about electric equipment. On switchboard and control panels exceeding 48 inches in width, there shall be one entrance at each end of such board where reasonably practicable. Where bare energized parts at any voltage or insulated energized parts above 600 volts are located adjacent to such entrance, they shall be suitably guarded.

(ii) Permanent ladders or stairways shall be provided to give safe access to the working space around electric equipment installed on platforms, balconies, mezzanine floors, or in attic or roof rooms or spaces.

3. The first sentence and the first three words of the second sentence of paragraph (c) of § 1910.309, which reference the 1971 National Electrical Code, would be deleted. The remainder of paragraph (c) of § 1910.309 would be redesignated as paragraph (b)(1) of new § 1910.304.

4. A new § 1910.304 would be added to read as follows:

§ 1910.304 Wiring design and protection.

(a) *Use and identification of grounded and grounding conductors.*—(1)

Identification of conductors. A conductor used as a grounded conductor shall be identifiable and distinguishable from all other conductors. A conductor used as an equipment grounding conductor shall be identifiable and distinguishable from other conductors.

(2) *Polarity of connections.* No grounded conductor shall be attached to any terminal or lead so as to reverse designated polarity.

(b) *Branch circuits.*—(1) *Ground-fault protection for personal on construction sites.* [Redesignated]

(2) *Outlet devices.* Outlet devices shall have an ampere rating not less than the load to be served.

(c) *Outside branch circuit, feeder, and service conductors, 600 volts, nominal, or less.* Paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this section apply to branch circuit, feeder, and service conductors run outdoors as open conductors.

(1) *Conductors on poles.* Conductors supported on poles shall provide a horizontal climbing space not less than the following:

(i) Power conductors below communication conductors—30 inches.

(ii) Power conductors alone or above communication conductors: 300 volts or less—24 inches; more than 300 volts—30 inches.

(iii) Communication conductors below power conductors—same as power conductors.

(2) *Clearance from ground.* Open conductors shall conform to the following minimum clearances:

(i) 10 feet—above finished grade, sidewalks, or from any platform or projection from which they might be reached.

(ii) 12 feet—over areas subject to vehicular traffic other than truck traffic.

(iii) 15 feet—over areas other than those specified in paragraph (c)(2)(iv) of this section that are subject to truck traffic.

(iv) 18 feet—over public streets, alleys, roads, and driveways.

(3) *Clearance from building openings.* Conductors shall have a clearance of at least 3 feet from windows, doors, porches, fire escapes, or similar locations. Conductors run above the top level of a window shall be considered out of reach from that window.

(4) *Clearance over roofs.* Except as provided in paragraphs (c)(4)(i) or (c)(4)(ii) of this section, conductors shall have a clearance of not less than 8 feet from the highest point of roofs over which they pass.

(i) Where the voltage between conductors is 300 volts or less and the roof has a slope of not less than 4 inches in 12, the clearance from roofs shall be at least 3 feet.

(ii) Where the voltage between conductors is 300 volts or less and the conductors do not pass over more than 4 feet of the overhang portion of the roof and they are terminated at a through-the-roof raceway or approved support, the clearance from roofs shall be at least 18 inches.

(5) *Location of outdoor lamps.* Lamps for outdoor lighting shall be located below all live conductors, transformers, or other electric equipment, unless such equipment is controlled by a disconnecting means that can be locked in the open position or unless adequate clearances or other safeguards are provided for relamping operations.

(d) *Services.*—(1) *Disconnecting means.*—(i) *General.* Means shall be provided to disconnect all conductors in a building or other structure from the service-entrance conductors. The disconnecting means shall plainly

indicate whether it is in the open or closed position and shall be installed at a readily accessible location nearest the point of entrance of the service-entrance conductors.

(ii) *Simultaneous opening of poles.*

Each disconnecting means shall simultaneously disconnect all ungrounded conductors.

(2) *Services over 600 volts, nominal.*—(i) *Guarding.* Service-entrance conductors installed as open wires shall be guarded to make them accessible only to qualified persons.

(ii) *Warning signs.* Signs warning of high voltage shall be posted where unauthorized persons might come in contact with live parts.

(e) *Overcurrent protection.*—(1) *600 volts, nominal, or less.*—(i) *Protection of conductors and equipment.* Conductors and equipment shall be protected from overcurrent in accordance with their ability to safely conduct current.

(ii) *Grounded conductors.* Except for motor running overload protection, overcurrent devices shall not interrupt the continuity of the grounded conductor unless all conductors of the circuit are opened simultaneously.

(iii) *Disconnection of fuses and thermal cutouts.* Except for service fuses, all cartridge fuses which are accessible to other than qualified persons and all fuses and thermal cutouts on circuits over 150 volts to ground shall be provided with disconnecting means. This disconnecting means shall be installed so that the fuse or thermal cutout can be disconnected from its supply without disrupting service to equipment and circuits unrelated to the overcurrent device.

(iv) *Location in or on premises.* Overcurrent devices shall be readily accessible to each occupant or their authorized building management personnel. These overcurrent devices shall not be located where they will be exposed to physical damage nor in the vicinity of easily ignitable material.

(v) *Arcing or suddenly moving parts.* Fuses and circuit breakers shall be so located or shielded that persons will not be burned or otherwise injured by their operation.

(vi) *Circuit breakers.* Circuit breakers shall clearly indicate whether they are in the open (off) or closed (on) position. Where circuit breaker handles on switchboards are operated vertically rather than horizontally or rotationally, the up position of the handle shall be the closed (on) position. Where used as switches in 120 volts, fluorescent lighting circuits, circuit breakers shall be approved for the purpose and marked "SWD."

(2) *Over 600 volts, nominal.* Feeders and branch circuits shall have short-circuit protection.

(f) *Grounding.* Paragraphs (f)(1) through (f)(7) of this section cover grounding requirements for systems, circuits, and equipment.

(1) *Systems to be grounded.* The following systems which supply premises wiring shall be grounded:

(i) All 3-wire DC systems shall have their neutral conductor grounded.

(ii) All 2-wire DC systems operating at over 50 volts through 300 volts between conductors shall be grounded unless:

(a) They supply only industrial equipment in limited areas and are equipped with a ground detector; or

(b) They are rectifier-derived from an AC system complying with paragraphs (f)(1)(iii), (f)(1)(iv), and (f)(1)(v) of this section; or

(c) They are fire-protective signaling circuits having a maximum current of 0.030 amperes.

(iii) All AC circuits of less than 50 volts shall be grounded where they are installed as overhead conductors outside of buildings or where they are supplied by transformers and the transformer primary supply system is ungrounded or exceeds 150 volts to ground.

(iv) AC systems of 50 volts to 1000 volts that are not covered in paragraph (f)(1)(v) of this section shall be grounded under any of the following conditions:

(a) Where the system can be so grounded that the maximum voltage to ground on the ungrounded conductors does not exceed 150 volts.

(b) Where the system is nominally rated 480Y/277 volt, 3-phase, 4-wire in which the neutral is used as a circuit conductor.

(c) Where the system is nominally rated 240/120 volt, 3-phase, 4-wire in which the midpoint of one phase is used as a circuit conductor.

(d) Where a service conductor is uninsulated.

(v) AC systems of 50 volts to 1000 volts are not required to be grounded under any of the following conditions:

(a) Where the system is used exclusively to supply industrial electric furnaces for melting, refining, tempering, and the like.

(b) Where the system is separately derived and is used exclusively for rectifiers supplying only adjustable speed industrial drives.

(c) Where the system is separately derived and is supplied by a transformer that has a primary voltage rating less than 1000 volts, provided all of the following conditions are met:

(1) The system is used exclusively for control circuits,

(2) The conditions of maintenance and supervision assure that only qualified persons will service the installation,

(3) Continuity of control power is required,

(4) Ground detectors are installed on the control system.

(d) Where the system is an isolated power system that supplies circuits in health care facilities.

(2) *Conductors to be grounded.* For AC premises wiring systems the identified conductor shall be grounded.

(3) *Grounding connections.* (i) For a grounded system, a grounding electrode conductor shall be used to connect both the equipment grounding conductor and the grounded circuit conductor to the grounding electrode. Both the equipment grounding conductor and the grounding electrode conductor shall be connected to the grounded circuit conductor on the supply side of the service disconnecting means or on the supply side of the system disconnecting means or overcurrent devices if the system is separately derived.

(ii) For an ungrounded service-supplied system, the equipment grounding conductor shall be connected to the grounding electrode conductor at the service equipment. For an ungrounded separately derived system, the equipment grounding conductor shall be connected to the grounding electrode conductor at, or ahead of, the system disconnecting means or overcurrent devices.

(iii) On extensions of existing branch circuits which do not have an equipment grounding conductor, grouping-type receptacles shall be permitted to be grounded to a grounded cold water pipe near the equipment:

(4) *Grounding path.* The path to ground from circuits, equipment, and enclosures shall be permanent and continuous.

(5) *Support, Enclosures, and Equipment To Be Grounded.*—(i) *Supports and enclosures for conductors.* Except as provided in paragraphs (f)(5)(i)(a) and (f)(5)(i)(b) of this section metal cable trays, metal raceways, and metal enclosures for conductors shall be grounded.

(a) Metal enclosures such as sleeves and similar enclosures that are used to protect cable assemblies from physical damage need not be grounded.

(b) Metal enclosures for conductors added to existing installations of open wire, knob-and-tube wiring, and nonmetallic-sheathed cable shall not be required to be grounded if all of the following conditions are met: (1) runs are less than 25 feet; (2) enclosures are free from probable contact with ground, grounded metal, metal laths, or other

conductive materials; and (3) enclosures are guarded against contact by persons.

(ii) *Service equipment enclosures.* Metal enclosures for service equipment shall be grounded.

(iii) *Frames of ranges and clothes dryers.* Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and metal outlet or junction boxes which are part of the circuit for these appliances shall be grounded.

(iv) *Fixed equipment.* Exposed non-current-carrying metal parts of fixed equipment likely to become energized shall be grounded under any of the conditions specified in paragraphs (f)(5)(iv) (a) through (f)(5)(iv) (f) of this section.

(a) Where within 8 feet vertically or 5 feet horizontally of ground or grounded metal objects and subject to contact by persons.

(b) Where located in a wet or damp location and not isolated.

(c) Where in electrical contact with metal.

(d) Where in a hazardous (classified) location.

(e) Where supplied by a metal-clad, metal-sheathed, or grounded metal raceway wiring method.

(f) Where equipment operates with any terminal at over 150 volts to ground; except the following need not be grounded:

(1) Enclosures for switches or circuit breakers used for other than service equipment and accessible to qualified persons only;

(2) Metal frames of electrically heated devices which are permanently and effectively insulated from ground; and

(3) The cases of distribution apparatus such as transformers and capacitors mounted on wooden poles at a height exceeding 8 feet above ground or grade level.

(v) *Equipment connected by cord and plug.* Under any of the conditions described in paragraphs (f)(5)(v) (a) through (f)(5)(v) (c) of this section exposed non-current-carrying metal parts of cord- and plug-connected equipment likely to become energized shall be grounded.

(a) In hazardous (classified) locations (See § 1910.306).

(b) Where operated at over 150 volts to ground, except guarded motors and metal frames of electrically heated appliances where the appliance frames are permanently and effectively insulated from ground.

(c) In other than residential occupancies:

(1) Refrigerators, freezers, and air conditioners;

(2) Clothes-washing, clothes-drying, dishwashing machines, sump pumps, and electrical aquarium equipment;

(3) Hand-held motor operated tools;

(4) Motor operated appliances of the following types: hedge clippers, lawn mowers, snow blowers, and wet scrubbers;

(5) Cord- and plug-connected appliances used in damp or wet locations or by persons standing on the ground or on metal floors or working inside of metal tanks or boilers;

(6) Portable and mobile X-ray and associated equipment;

(7) Tools likely to be used in wet and conductive locations; and

(8) Portable hand lamps.

Tools likely to be used in wet and conductive locations shall not be required to be grounded where supplied through an isolating transformer with an ungrounded secondary of not over 50 volts.

Listed portable tools and appliances protected by an approved system of double insulation, or its equivalent, shall not be required to be grounded. Where such a system is employed, the equipment shall be distinctively marked to indicate that the tool or appliance utilizes an approved system of double insulation.

(vi) *Nonelectrical equipment.* The metal parts of the following nonelectrical equipment shall be grounded: Frames and track of electrically operated cranes, frames of nonelectrically driven elevator cars to which electric conductors are attached, hand operated metal shifting ropes or cables of electric elevators, and metal partitions, grill work, and similar metal enclosures around equipment of over 750 volts between conductors.

(6) *Methods of grounding fixed equipment.* (i) Non-current-carrying metal parts of fixed equipment, if required to be grounded, shall be grounded by an equipment grounding conductor which is contained within the same raceway, cable, or cord, or runs with or encloses the circuit conductors. For DC circuits only, the equipment grounding conductor shall be permitted to be run separately from the circuit conductors.

(ii) Electric equipment secured to, and in electrical contact with, a grounded metal rack or structure provided for its support shall be considered to be effectively grounded. Metal car frames supported by metal hoisting cables attached to or running over metal sheaves or drums of grounded elevator machines shall also be considered to be effectively grounded.

(7) *Grounding of systems and circuits of 1,000 volts and over (high voltage).—*

(i) *General.* Where high voltage systems are grounded, they shall comply with all applicable provisions of paragraphs (f)(1) through (f)(6) of this section as supplemented and modified by paragraphs (f)(7)(ii) and (f)(7)(iii) of this section.

(ii) *Grounding of systems supplying portable equipment.* Systems supplying portable high voltage equipment, other than substations installed on a temporary basis, shall comply with paragraphs (f)(7)(ii) (a) through (f)(7)(ii) (d) of this section:

(a) Portable high voltage equipment shall be supplied from a system having its neutral grounded through an impedance. Where a delta-connected high voltage system is used to supply portable equipment, a system neutral shall be derived.

(b) Exposed non-current-carrying metal parts of portable equipment shall be connected by an equipment grounding conductor to the point at which the system neutral impedance is grounded.

(c) Ground-fault detection and relaying shall be provided to automatically de-energize any high voltage system component which has developed a ground fault. The continuity of the equipment grounding conductor shall be continuously monitored so as to de-energize automatically the high voltage feeder to the portable equipment upon loss of continuity of the equipment grounding conductor.

(d) The grounding electrode to which the portable equipment system neutral impedance is connected shall be isolated from and separated in the ground by at least 20 feet from any other system or equipment grounding electrode, and there shall be no direct connection between the grounding electrodes, such as buried pipe, fence, etc.

(iii) *Grounding of equipment.* All non-current-carrying metal parts of portable equipment and fixed equipment including their associated fences, housings, enclosures, and supporting structures shall be grounded, except that equipment which is guarded by location and isolated from ground need not be grounded. Additionally, pole-mounted distribution apparatus at a height exceeding 8 feet above ground or grade level need not be grounded.

5. By adding new §§ 1910.305 through 1910.307 to read as follows:

§ 1910.305 *Wiring methods, components, and equipment for general use.*

(a) *Wiring methods.* The provisions of this section do not apply to the conductors that are an integral part of factory-assembled equipment.

(1) *General requirements.—*(i) *Electrical continuity of metal raceways and enclosures.* Metal raceways, cable armor, and other metal enclosures for conductors shall be metalically joined together into a continuous electric conductor and shall be so connected to all boxes, fittings, and cabinets as to provide effective electrical continuity.

(ii) *Wiring in ducts.* No wiring systems of any type shall be installed in ducts used to transport dust, loose stock or flammable vapors. No wiring system of any type shall be installed in any duct, or shaft containing only such ducts, used for vapor removal or for ventilation of commercial-type cooking equipment.

(2) *Temporary wiring.* Temporary electrical power and lighting wiring methods may be of a class less than would be required for a permanent installation. Except as specifically modified in the following subparagraphs, all other requirements of this subpart for permanent wiring shall apply to temporary wiring installations.

(i) *Uses permitted, 600 volts, nominal, or less.* Temporary electrical power and lighting installations shall be permitted:

(a) During the period of construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment, or similar activities,

(b) For experimental or development work, and

(c) For a period not to exceed 90 days for Christmas decorative lighting, carnivals, and similar purposes.

(ii) *Uses permitted, over 600 volts, nominal.* Temporary wiring shall be permitted during periods of construction, tests, experiments, or emergencies.

(iii) *General requirements for temporary wiring.—*(a) *Feeders.* Feeders shall originate in an approved distribution center. The conductors shall be permitted within multiconductor cord or cable assemblies, or, where not subject to physical damage, they shall be permitted to be run as open conductors on insulators not more than 10 feet apart.

(b) *Branch circuits.* All branch circuits shall originate in an approved power outlet or panelboard. Conductors shall be permitted within multiconductor cord or cable assemblies or as open conductors. When run as open conductors they shall be fastened at ceiling height every 10 feet. No branch-circuit conductor shall be laid on the floor. Each branch circuit that supplies receptacles or fixed equipment shall contain a separate equipment grounding conductor when run as open conductors.

(c) *Receptacles.* All receptacles shall be of the grounding type. Unless installed in a complete metallic

raceway, all branch circuits shall contain a separate equipment grounding conductor and all receptacles shall be electrically connected to the grounding conductor.

(d) *Earth returns.* No bare conductors nor earth returns shall be used for the wiring of any temporary circuit.

(e) *Disconnecting means.* Suitable disconnecting switches or plug connectors shall be installed to permit the disconnection of all ungrounded conductors of each temporary circuit.

(f) *Lamp protection.* All lamps for general illumination shall be protected from accidental contact or breakage. Protection shall be provided by elevation of at least 7 feet from normal working surface or by a suitable fixture or lampholder with a guard.

(g) *Splices.* On construction sites a box shall not be required for splices or junction connections where the circuit conductors are multiconductor cord or cable assemblies or open conductors. A box shall be used wherever a change is made to a raceway system or a cable system which is metal clad or metal sheathed.

(h) Flexible cords and cables shall be protected from accidental damage. Sharp corners and projections shall be avoided. When passing through doorways or other pinch points, protection shall be provided to avoid damage.

(3) *Cable trays.—*(i) *Uses Permitted.* (a) The following shall be permitted to be installed in cable tray systems:

(1) Mineral-insulated metal-sheathed cable (Type MI);

(2) Armored cable (Type AC);

(3) Metal-clad cable (Type MC);

(4) Power-limited tray cable (Type PLTC);

(5) Nonmetallic-sheathed cable (Type NM or NMC);

(6) Shielded Nonmetallic-sheathed cable (Type SNM);

(7) Multiconductor service-entrance cable (Type SE or USE);

(8) Multiconductor underground feeder and branch-circuit cable (Type UF);

(9) Power and control tray cable (Type TC);

(10) Other factory-assembled, multiconductor control, signal, or power cables which are specifically approved for installation in cable trays; or

(11) Any approved conduit or raceway with its contained conductors.

(b) In industrial establishments only, where conditions of maintenance and supervision assure that only qualified persons will service the installed cable tray system, any of the cables in paragraphs (a)(3)(i)(b)(1) and (a)(3)(i)(b)(2) of this section shall be

permitted to be installed in ladder, ventilated trough, or 4 inch ventilated channel-type cable trays:

(1) *Single conductor.* Single conductor cables shall be 250 MCM or larger, and shall be Types RHH, RHW, MV, USE, or THW. Other 250 MCM or larger single conductor cables shall be permitted if such cables are specifically approved for installation in cable trays. Where exposed to direct rays of the sun, cables shall be sunlight-resistant.

(2) *Multiconductor.* Type MV cables, where exposed to direct rays of the sun, shall be sunlight-resistant.

(3) *Cable trays in hazardous (classified) locations* shall contain only the cable types permitted in such locations.

(ii) *Uses not permitted.* Cable tray systems shall not be used in hoistways or where subjected to severe physical damage.

(4) *Open wiring on insulators.* (i) *Uses permitted.* Open wiring on insulators shall be permitted on systems of 600 volts, nominal, or less for industrial or agricultural establishments, indoors or outdoors, in wet or dry locations, where subject to corrosive vapors, and for services.

(ii) *Conductor supports.* Conductors shall be rigidly supported on noncombustible, nonabsorbent insulating materials and shall not contact any other objects.

(iii) *Flexible nonmetallic tubing.* In dry locations where not exposed to severe physical damage, conductors shall be permitted to be separately enclosed in flexible nonmetallic tubing. The tubing shall be in continuous lengths not exceeding 15 feet and secured to the surface by straps at intervals not exceeding 4 feet 6 inches.

(iv) *Through walls, floors, wood cross members, etc.* Open conductors shall be separated from contact with walls, floors, wood cross members, or partitions through which they pass by tubes or bushings of noncombustible, nonabsorbent insulating material. Where the bushing is shorter than the hole, a waterproof sleeve of nonconductive material shall be inserted in the hole and an insulating bushing slipped into the sleeve at each end in such a manner as to keep the conductors absolutely out of contact with the sleeve. Each conductor shall be carried through a separate tube or sleeve.

(v) *Protection from physical damage.* Conductors within 7 feet from the floor shall be considered exposed to physical damage. When open conductors cross ceiling joists and wall studs and are exposed to physical damage, they shall be protected.

(b) *Cabinets, boxes, and fittings*—(1) *Conductors entering boxes, cabinets, or fittings.* Conductors entering boxes, cabinets, or fittings shall be protected from abrasion, and openings through which conductors enter shall be adequately closed. Unused openings in cabinets, boxes, and fittings shall be effectively closed.

(2) *Covers and canopies.* All pull boxes, junction boxes, and fittings shall be provided with covers approved for the purpose. Where metal covers are used they shall be grounded. In completed installations each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear.

(3) *Pull and junction boxes for systems over 600 volts, nominal.* In addition to other requirements in this standard for pull and junction boxes, the following shall apply:

(i) Boxes shall provide a complete enclosure for the contained conductors or cables.

(ii) Boxes shall be closed by suitable covers securely fastened in place. Underground box covers that weight over 100 pounds shall be considered as meeting this requirement. Covers for boxes shall be permanently marked "HIGH VOLTAGE." The marking shall be on the outside of the box cover and shall be readily visible and legible.

(c) *Switches*—(1) *Knife switches.* Single-throw knife switches shall be so connected that the blades are dead when the switch is in the open position. Single-throw knife switches approved for use in the inverted position shall be provided with a locking device that will ensure that the blades remain in the open position when so set. Double-throw knife switches shall be permitted to be mounted so that the throw will be either vertical or horizontal. Where the throw is vertical a locking device shall be provided to ensure that the blades remain in the open position when so set.

(2) *Faceplates for flush-mounted snap switches.* Flush snap switches that are mounted in ungrounded metal boxes and located within reach of conducting floors or other conducting surfaces shall be provided with faceplates of nonconducting, noncombustible material.

(d) *Switchboards and panelboards.* Switchboards that have any exposed live parts shall be located in permanently dry locations and accessible only to qualified persons. Panelboards shall be mounted in cabinets, cutout boxes, or enclosures

approved for the purpose and shall be dead front, except panelboards other than the dead front externally-operable type shall be permitted where accessible only to qualified persons. Exposed blades of knife switches shall be dead when open.

(e) *Enclosures for damp or wet locations.* (1) Cabinets, cutout boxes, fittings, and panelboard enclosures in damp or wet locations shall be installed so as to prevent moisture or water from entering and accumulating within the enclosure. In wet locations the enclosure shall be weatherproof.

(2) Switches, circuit breakers, and switchboards installed in a wet location shall be enclosed in a weatherproof enclosure.

(f) *Conductors for general wiring.* All conductors used for general wiring shall be insulated unless specifically permitted to be otherwise. The conductor insulation shall be of a type that is approved for the voltage, operating temperature, and location of use. Insulated conductors shall be distinguishable by appropriate color or other suitable means as being grounded conductors, ungrounded conductors, or equipment grounding conductors.

(g) *Flexible cords and cables, 600 volts, nominal, or less.*—(1) *Use of flexible cords and cables.* (i) Flexible cords and cables shall be approved and suitable for conditions of use and location. Flexible cords and cables shall be used only for:

(a) Pendants;

(b) Wiring of fixtures;

(c) Connection of portable lamps or appliances;

(d) Elevator cables;

(e) Wiring of cranes and hoists;

(f) Connection of stationary equipment to facilitate their frequent interchange;

(g) Prevention of the transmission of noise or vibration;

(h) Appliances where the fastening means and mechanical connections are designed to permit removal for maintenance and repair; or

(i) Data processing cables approved as a part of the data processing system.

(ii) where used as permitted in paragraphs (g)(1)(i)(c), (g)(1)(i)(f), and (g)(1)(i)(h) of this section, each flexible cord shall be equipped with an attachment plug and shall energized from an approved receptacle outlet.

(iii) Unless specifically permitted in paragraph (g)(1)(i) of this section, flexible cords and cables shall not be used:

(a) As a substitute for the fixed wiring of a structure;

(b) Where run through holes in walls, ceilings, or floors;

(c) Where run through doorways, windows, or similar openings;

(d) Where attached to building surfaces; or

(e) Where concealed behind building walls, ceilings, or floors.

(iv) Flexible cords used in show windows and showcases shall be Type S, SO, SJ, SJO, ST, STO, SJT, SJTO, or AFS except for the wiring of chain-supported lighting fixtures and supply cords for portable lamps and other merchandise being displayed or exhibited.

(2) *Identification, splices, and terminations.* (i) A conductor of a flexible cord or cable that is used as a grounded conductor or an equipment grounding conductor shall be distinguishable from other conductors.

Types SJ, SJO, SJO, SJO, S, SO, ST, and STO shall be durably marked on the surface with the type designation, size, and number of conductors.

(ii) Flexible cords shall be used only in continuous lengths without splice or tap when initially installed. The repair of hard usage and extra hard usage flexible cords No. 12 or larger shall be permitted if spliced so that the splice retains the insulation, outer sheath properties, and usage characteristics of the cord being spliced.

(iii) Flexible cords shall be connected to devices and fittings so that strain relief is provided which will prevent pull from being directly transmitted to joints or terminal screws.

(h) *Portable cables over 600 volts, nominal.* Multiconductor portable cable for use in supplying power to portable or mobile equipment at over 600 volts, nominal, shall consist of No. 8 or larger conductors employing flexible stranding. Cables operated at over 2000 volts shall be shielded for the purpose of confining the voltage stresses to the insulation. Grounding conductors shall be provided. Connectors for these cables shall be of a locking type with provisions to prevent their opening or closing while energized. Strain relief shall be provided at connections and terminations. Portable cables shall not be operated with splices unless the splices are of the permanent molded, vulcanized, or other approved type. Termination enclosures shall be suitably marked with a high voltage hazard warning and terminations shall be accessible only to authorized and qualified personnel.

(i) *Fixture wires*—(1) *General.* Fixture wires shall be a type approved for the voltage, temperature, and location of use. A fixture wire which is used as a grounded conductor shall be identified.

(2) *Uses permitted.* Fixture wires shall be permitted:

(i) For installation in lighting fixtures and in similar equipment where enclosed or protected and not subject to bending or twisting in use; or

(ii) For connecting lighting fixtures to the branch-circuit conductors supplying the fixtures.

(3) *Uses not permitted.* Fixture wires shall not be used as branch-circuit conductors except as permitted for Class 1 power limited circuits.

(j) *Equipment for general use*—(1) *Lighting fixtures, lampholders, lamps, and receptacles.* (i) Fixtures, lampholders, lamps, rosettes, and receptacles shall have no live parts normally exposed to contact except rosettes and cleat-type lampholders and receptacles located at least 8 feet above the floor shall be permitted to have exposed parts.

(ii) Handlamps of the portable type supplied through flexible cords shall be equipped with a handle of molded composition or other material approved for the purpose, and a substantial guard shall be attached to the lampholder or the handle.

(iii) Lampholders of the screw-shell type shall be installed for use as lampholders only. Lampholders installed in wet or damp locations shall be of the weatherproof type.

(iv) Fixtures installed in wet or damp locations shall be approved for the purpose and shall be so constructed or installed that water cannot enter or accumulate in wireways, lampholders, or other electrical parts.

(2) *Receptacles, cord connectors, and attachment plugs (caps).* (i) Receptacles, cord connectors, and attachment plugs shall be constructed so that the receptacle or cord connectors will not accept an attachment plug with a different voltage or current rating than that for which the device is intended, except a 20-ampere T-slot receptacle or cord connector shall be permitted to accept a 15-ampere attachment plug of the same voltage rating.

(ii) A receptacle installed in a wet or damp location shall be suitable for the location.

(3) *Appliances.* (i) Appliances, other than those in which the current-carrying parts at high temperatures are necessarily exposed, shall have no live parts normally exposed to contact.

(ii) A means shall be provided to disconnect each appliance.

(iii) Each appliance shall be marked with the rating in volts and amperes or volts and watts.

(4) *Motors.*—(i) *In sight from.* Where specified that one equipment shall be "in sight from" another equipment, one shall be visible and not more than 50 feet from the other.

(ii) *Disconnecting means.* (a) A disconnecting means shall be located in sight from the controller location. However, a single disconnecting means shall be permitted to be located adjacent to a group of coordinated controllers mounted adjacent to each other on a multi-motor continuous process machine. The controller disconnecting means for motor branch circuits over 600 volts, nominal, shall be permitted to be out of sight of the controller, if the controller is marked with a warning label giving the location and identification of the disconnecting means to be locked in the open position.

(b) The disconnecting means shall disconnect the motor and the controller from all ungrounded supply conductors and shall be so designed that no pole can be operated independently.

(c) Where a motor and the driven machinery are not in sight from the controller location, the installation shall comply with one of the following conditions:

(1) The controller disconnecting means shall be capable of being locked in the open position.

(2) A manually operable switch that will disconnect the motor from its source of supply shall be placed within sight from the motor location.

(d) The disconnecting means shall plainly indicate whether it is in the open (off) or closed (on) position.

(e) The disconnecting means shall be readily accessible. When more than one disconnect is provided, only one need be readily accessible.

(f) An individual disconnecting means shall be provided for each motor, but a single disconnecting means may be used for a group of motors under any one of the following conditions:

(1) Where a number of motors drive special parts of a single machine or piece of apparatus, such as metal and woodworking machines, cranes, and hoists.

(2) Where a group of motors is under the protection of one set of branch-circuit protective devices.

(3) Where a group of motors is in a single room within sight from the location of the disconnecting means.

(iii) *Motor overload, short-circuit, and ground-fault protection.* Motors, motor-control apparatus, and motor branch-circuit conductors shall be protected against overheating due to motor overloads or failure to start, and against short-circuits or ground faults. These provisions shall not require overload protection that will stop a motor where a shutdown is likely to introduce additional or increased hazards, as in the case of fire pumps, or where continued operation of a motor is

necessary for a safe shutdown of equipment or a process and motor overload sensing devices are connected to a supervised alarm.

(iv) *Protection of live parts—all voltages.* (a) Stationary motors having commutators, collectors, and brush rigging located inside of motor end brackets and not conductively connected to supply circuits operating at more than 150 volts to ground need not be guarded.

Exposed live parts of motors and controllers operating at 50 volts or more between terminals shall be guarded against accidental contact by one of the following:

(1) By installation in a room or enclosure that is accessible only to qualified persons.

(2) By installation on a suitable balcony, gallery, or platform, so elevated and arranged as to exclude unqualified persons.

(3) By elevation 8 feet or more above the floor.

(b) Where live parts of motors or controllers operating at over 150 volts to ground are guarded against accidental contact only by location, and where adjustment or other attendance may be necessary during the operation of the apparatus, suitable insulating mats or platforms shall be provided so that the attendant cannot readily touch live parts unless standing on the mats or platforms.

(5) *Transformers.* (i) The following subparagraphs cover the installation of all transformers except the following:

(a) Current transformers;

(b) Dry-type transformers installed as a component part of other apparatus;

(c) Transformers which are an integral part of an X-ray, high-frequency, or electrostatic-coating apparatus;

(d) Transformers used with Class 2 and Class 3 circuits, sign and outline lighting, electric discharge lighting, and power-limited fire-protective signaling circuits; and

(e) Liquid-filled or dry-type transformers used for research, development, or testing, where effective safeguard arrangements are provided.

(ii) The operating voltage of exposed live parts of transformer installations shall be indicated by warning signs or visible markings on the equipment or structure.

(iii) Dry-type, high fire point liquid-insulated, and askarel-insulated transformers installed indoors and rated over 35kV shall be in a vault.

(iv) If they present a fire hazard to employees, oil-insulated transformers installed indoors shall be in a vault.

(v) Combustible material, combustible buildings and parts of buildings, fire

escapes, and door and window openings shall be safeguarded from fires originating in oil-insulated transformers attached to or adjacent to a building or combustible material.

(vi) Transformer vaults shall be constructed so as to contain fire and combustible liquids within the vault and to prevent unauthorized access. Locks and latches shall be so arranged that a vault door can be readily or quickly opened from the inside.

(vii) Any pipe or duct system foreign to the vault installation shall not enter or pass through a transformer vault.

(viii) Materials shall not be stored in transformer vaults.

(6) *Capacitors.* (i) All capacitors, except surge capacitors or capacitors included as a component part of other apparatus, shall be provided with an automatic means of draining the stored charge after the capacitor is disconnected from its source of supply.

(ii) Capacitors rated over 600 volts, nominal, shall comply with the following additional requirements:

(a) Isolating or disconnecting switches (with no interrupting rating) shall be interlocked with the load interrupting device or shall be provided with prominently displayed caution signs to prevent switching load current.

(b) For series capacitors, the proper switching shall be assured by use of one of the following:

(1) Mechanically sequenced isolating and bypass switches.

(2) Interlocks, or

(3) Switching procedure prominently displayed at the switching location.

(7) *Storage batteries.* Provisions shall be made for sufficient diffusion and ventilation of gases from the battery to prevent the accumulation of an explosive mixture.

§ 1910.306 Specific Purpose Equipment and Installations.

(a) *Electric signs and outline lighting.*—(1) *Disconnecting means.* Signs operated by electronic or electromechanical controllers located external to the sign shall have a disconnecting means located inside the controller enclosure or within sight of the controller location and it shall be capable of being locked in the open position. Such disconnecting means shall have no pole that can be operated independently, and it shall open all ungrounded conductors that supply the controller and sign. All other signs, except the portable type, and all outline lighting installations shall have an externally operable disconnecting means which shall open all ungrounded conductors and shall be within the sight of the sign or outline lighting it controls.

(2) Doors or covers giving access to uninsulated parts of indoor signs or outline lighting exceeding 600 volts and accessible to other than qualified employees shall either be provided with interlock switches to disconnect the primary circuit, or shall be so fastened that the use of other than ordinary tools will be necessary to open them.

(b) *Cranes and hoists.*—(1) *Disconnecting means.* (i) A readily accessible disconnecting means shall be provided between the runway contact conductors and the power supply.

(ii) A disconnecting means, arranged to be locked in the open position, shall be provided in the leads from the runway contact conductors or other power supply on all cranes and monorail hoists.

Exception: Where monorail hoist or hand-propelled crane bridge installation meets all of the following, the disconnect shall be permitted to be omitted.

(a) The unit is floor controlled.

(b) The unit is within view of the power supply disconnecting means.

(c) No fixed work platform has been provided for servicing the unit.

Where the disconnecting means is not readily accessible from the crane or monorail hoist operating station, means shall be provided at the operating station to open the power circuit to all motors of the crane or monorail hoist.

(2) *Control.* A limit switch or other device shall be provided to prevent the load block from passing the safe upper limit of travel of all hoisting mechanisms.

(3) *Clearance.* The dimension of the working space in the direction of access to live parts which are likely to require examination, adjustment, servicing, or maintenance while alive shall be a minimum of 2 feet 6 inches. Where controls are enclosed in cabinets, the door(s) shall either open at least 90 degrees or be removable.

(c) *Elevators, dumbwaiters, escalators, and moving walks.*—(1) *Disconnecting means.* Elevators, dumbwaiters, escalators, and moving walks shall have a single means for disconnecting all ungrounded main power supply conductors for each unit.

Where interconnections between control panels are necessary for operation of the system or multicar installations that remain energized from a source other than the disconnecting means, a warning sign shall be mounted on or adjacent to the disconnecting means. The sign shall be clearly legible and shall read "Warning—Parts of the control panel are not de-energized by this switch."

(2) *Control panels.* Where control panels are not located in the same space

as the drive machine, they shall be located in cabinets with doors or panels capable of being locked closed.

(d) *Electric welders—disconnecting means.* (1) A disconnecting means shall be provided in the supply for each motor-generator arc welder, and for each AC transformer and DC rectifier arc welder which is not equipped with a disconnect mounted as an integral part of the welder.

(2) A switch or circuit breaker shall be provided by which each resistance welder and its control equipment can be isolated from the supply circuit. The ampere rating of this disconnecting means shall not be less than the supply conductor ampacity.

(e) *Data processing systems—disconnecting means.* (1) In data processing rooms, a disconnecting means shall be provided to disconnect the ventilation system servicing that room and the power to all electric equipment in the room except lighting. It shall be controlled from locations readily accessible to the operator and at designated exit doors for the data processing room.

(2) In general building areas, a disconnecting means shall be provided to disconnect all interconnected data processing equipment in the area. It shall be controlled from a location readily accessible to the operator.

(f) *X-ray equipment for nonmedical and nondental use.*—(1) *Disconnecting means.* (i) A disconnecting means shall be provided in the supply circuit. The disconnecting means shall be operable from a location readily accessible from the X-ray control. For equipment connected to a 120-volt branch circuit of 30 amperes or less, a grounding-type attachment plug cap and receptacle of proper rating may serve as a disconnecting means.

(ii) Where more than one piece of equipment is operated from the same high-voltage circuit, each piece or each group of equipment as a unit shall be provided with a high-voltage switch or equivalent disconnecting means. This disconnecting means shall be constructed, enclosed, or located so as to avoid contact by persons with its live parts.

(2) *Control.*—(i) *Radiographic and fluoroscopic types.* All radiographic and fluoroscopic-type equipment shall be effectively enclosed or shall have interlocks that de-energize the equipment automatically to prevent ready access to live current-carrying parts.

(ii) *Diffraction and irradiation types.* Diffraction- and irradiation-type equipment shall be provided with a means to indicate when it is energized

unless the equipment or installation is effectively enclosed or is provided with interlocks to prevent access to live current-carrying parts during operation.

(g) *Induction and dielectric heating equipment.*—(1) *Scope.* Paragraphs (g)(2) and (g)(3) of this section cover induction and dielectric heating equipment and accessories for industrial and scientific applications, but not for medical or dental applications or for appliances.

(2) *Guarding and grounding.*—(i) *Enclosures.* The converting apparatus (including the DC line) and high-frequency electric circuits (excluding the output circuits and remote-control circuits) shall be completely contained within enclosures of noncombustible material.

(ii) *Panel controls.* All panel controls shall be of dead-front construction.

(iii) *Access to internal equipment.* Where doors are used giving access to voltages from 500 to 1000 volts AC or DC, either door locks or interlocks shall be provided. Where doors are used giving access to voltages of over 1000 volts AC or DC, either mechanical lockouts with a disconnecting means to prevent access until voltage is removed from the cubicle, or both door interlocking and mechanical door locks, shall be provided.

(iv) *Warning labels.* "Danger" labels shall be attached on the equipment, and shall be plainly visible even when doors are open or panels are removed from compartments containing voltages of over 250 volts AC or DC.

(v) *Work applicator shielding.* Protective cages or adequate shielding shall be used to guard work applicators other than induction heating coils. Induction heating coils may be protected by insulation and/or refractory materials. Interlock switches shall be used on all hinged access doors, sliding panels, or other easy means of access to the applicator. All interlock switches shall be connected in such a manner as to remove all power from the applicator when any one of the access doors or panels is open. Interlocks on access doors or panels shall not be required if the applicator is an induction heating coil at DC ground potential or operating at less than 150 volts AC.

(vi) *Disconnecting means.* A readily accessible disconnecting means shall be provided by which each heating equipment can be isolated from its supply circuit.

(3) *Remote control.* Where remote controls are used for applying power, a selector switch shall be provided and interlocked to provide power from only one control point at a time. Switches operating by foot pressure shall be provided with a shield over the contact

button to avoid accidental closing of the switch.

(h) *Electrolytic cells.*—(1) *Scope.* These provisions for electrolytic cells apply to the installation of the electrical components and accessory equipment of electrolytic cells, electrolytic cell lines, and process power supply for the production of aluminum, cadmium, chlorine, copper, fluorine, hydrogen peroxide, magnesium, sodium, sodium chlorate, and zinc. Not covered by these provisions are cells used as a source of electric energy and for electroplating processes and cells used for the production of hydrogen.

(2) *Definitions applicable to this paragraph.* (i) *Cell.* Electrolytic: A receptacle or vessel in which electrochemical reactions are caused by applying energy for the purpose of refining or producing usable materials.

(ii) *Cell Line:* An assembly of electrically interconnected electrolytic cells supplied by a source of direct-current power.

(iii) *Cell Line Attachments and Auxiliary Equipment:* Cell line attachments and auxiliary equipment include, but are not limited to: Auxiliary tanks; process piping; duct work; structural supports; exposed cell line conductors; conduits and other raceways; pumps; positioning equipment and cell cutout or by-pass electrical devices. Auxiliary equipment includes tools, welding machines, crucibles, and other portable equipment used for operation and maintenance within the electrolytic cell line working zone.

In the cell line working zone, auxiliary equipment includes the exposed conductive surfaces of ungrounded cranes and crane-mounted cell-servicing equipment.

(iv) *Cell Line Working Zone:* The cell line working zone is the space envelope wherein operation or maintenance is normally performed on or in the vicinity of exposed energized surfaces of cell lines or their attachments.

(3) *Application.* Installations covered by paragraph (h) of this section shall comply with the provisions of this section and the provisions of §§ 1910.303, 1910.304, and 1910.305 except as follows:

(i) Overcurrent protection of electrolytic cell DC process power circuits shall not be required to comply with the requirements of paragraph (e) of § 1910.304.

(ii) Equipment located or used within the electrolytic cell line working zone or associated with the cell line DC power circuits shall not be required to comply with the provisions of paragraph (f) of § 1910.304.

(iii) The electrolytic cells, electrolytic cell line conductors, cell line attachments, and the wiring of auxiliary equipment and devices within the cell line working zone shall not be required to comply with the provisions of § 1910.303, and paragraphs (b) and (c) of § 1910.304.

(4) *Disconnecting means.* (i) Where more than one DC cell line process power supply serves the same cell line, a disconnecting means shall be provided on the cell line circuit side of each power supply to disconnect it from the cell line circuit.

(ii) Removable links or removable conductors shall be permitted to be used as the disconnecting means.

(5) *Portable electric equipment.* (i) The frames and enclosures of portable electric equipment used within the cell line working zone shall not be grounded. However, these frames and enclosures shall be permitted to be grounded where the cell line circuit voltage does not exceed 200 volts DC or where guarded.

(ii) Ungrounded portable electric equipment shall be distinctively marked and shall not be interchangeable with grounded portable electric equipment.

(6) *Power supply circuits and receptacles for portable electric equipment.* (i) Circuits supplying power to ungrounded receptacles for hand-held cord-connected equipments shall be electrically isolated from any distribution system supplying areas other than the cell line working zone and shall be ungrounded. Power of these circuits shall be supplied through isolating transformers.

(ii) Receptacles and their mating plugs for ungrounded equipment shall not have provision for a grounding conductor and shall be of a configuration which prevents their use for equipment required to be grounded.

(iii) Receptacles on circuits supplied by an isolating transformer with an ungrounded secondary shall be a distinctive configuration, distinctively marked, and shall not be used in any other location in the plant.

(7) *Fixed and portable electric equipment.* (i) AC systems supplying fixed and portable electric equipment within the cell line working zone shall not be required to be grounded.

(ii) Exposed conductive surfaces, such as electric equipment housings, cabinets, boxes, motors, raceways and the like that are within the cell line working zone shall not be required to be grounded.

(iii) Auxiliary electrical devices such as motors, transducers, sensors, control devices, and alarms, mounted on an electrolytic cell or other energized

surface, shall be connected by any of the following means:

(a) Multiconductor hard usage or extra hard usage flexible cord;

(b) Wire or cable in suitable raceways; or

(c) Exposed metal conduit, cable tray, armored cable, or similar metallic systems installed with insulating breaks such that they will not cause a potentially hazardous electrical condition.

(iv) Bonding of fixed electric equipment to the energized conductive surfaces of the cell line, its attachments, or auxiliaries shall be permitted. Where fixed electric equipment is mounted on an energized conductive surface it shall be bonded to that surface.

(8) *Auxiliary nonelectric connections.* Auxiliary nonelectric connections, such as air hoses, water hoses, and the like, to an electrolytic cell, its attachments, or auxiliary equipments shall not have continuous conductive reinforcing wire, armor, braids, and the like. Hoses shall be a nonconductive material.

(9) *Cranes and Hoists.* (i) The conductive surfaces of cranes and hoists that enter the cell line working zone shall not be required to be grounded. The portion of an overhead crane or hoist which contacts an energized electrolytic cell or energized attachments shall be insulated from ground.

(ii) Remote crane or hoist controls which may introduce hazardous electrical conditions into the cell line working zone shall employ one or more of the following systems:

(a) Insulated and ungrounded control circuit;

(b) Nonconductive rope operator;

(c) Pendant pushbutton with nonconductive supporting means and having nonconductive surfaces or ungrounded exposed conductive surfaces; or

(d) Radio.

(i) *Electrically driven or controlled irrigation machines.*—(1) *Lightning protection.* If an irrigation machine has a stationary point, a driven ground rod shall be connected to the machine at the stationary point for lightning protection.

(2) *Disconnecting means for center pivot irrigation machines.* The main disconnecting means for the machine shall be located at the point of connection of electrical power to the machine and shall be readily accessible and capable of being locked in the open position. A disconnecting means shall be provided for each motor and controller.

(j) *Swimming pools, fountains, and similar installations.*—(1) *Scope.* Paragraphs (j)(2) through (j)(4) of this

section apply to electric wiring for and equipment in or adjacent to all swimming, wading, therapeutic, and decorative pools and fountains whether permanently installed or storable, and to metallic auxiliary equipment, such as pumps, filters, and similar equipment. Therapeutic pools in health care facilities are exempt from these provisions.

(2) *Lighting and receptacles.*—(i) *Receptacles.* A single receptacle of the locking and grounding type that provides power for a permanently installed swimming pool recirculating pump motor shall be permitted to be located not less than 5 feet from the inside walls of a pool. All other receptacles on the property shall be located at least 10 feet from the inside walls of a pool. All receptacles shall be protected by ground-fault circuit-interrupters if they are located within 15 feet of the inside walls of the pool.

Note.—In determining the above dimensions, the distance to be measured is the shortest path the supply cord of an appliance connected to the receptacles would follow without piercing a floor, wall, or ceiling of a building or other effective permanent barrier.

(ii) *Lighting fixtures and lighting outlets.* (a) Lighting fixtures and lighting outlets shall not be installed over a pool or over the area extending 5 feet horizontally from the inside walls of a pool unless 12 feet above the maximum water level. However, existing lighting fixtures and lighting outlets located less than 5 feet measured horizontally from the inside walls of a pool shall be at least 5 feet above the surface of the maximum water level and shall be rigidly attached to the existing structure. They shall also be protected by a ground-fault circuit-interrupter installed in the branch circuit supplying the fixture.

(b) Lighting fixtures and lighting outlets installed in the area extending between 5 feet and 10 feet horizontally from the inside walls of a pool shall be protected by a ground-fault circuit-interrupter, unless installed 5 feet above the maximum water level and rigidly attached to the structure adjacent to or enclosing the pool.

(c) Lighting fixtures other than underwater lighting fixtures that are within 16 feet measured radially, or any point on the water surface and fixed or stationary equipment rated at 20 amperes or less shall be permitted to be connected with a flexible cord. For other than storable pools, the flexible cord shall not exceed 3 feet in length and shall have a copper equipment grounding conductor not smaller than

Number 12 with a grounding-type attachment plug.

(3) *Underwater equipment.* (i) A ground-fault circuit-interrupter shall be installed in the branch circuit supplying underwater fixtures operating at more than 15 volts. Equipment installed underwater shall be approved for the purpose.

(ii) No underwater lighting fixtures shall be installed for operation at over 150 volts between conductors.

(4) *Fountains.* All electric equipment operating at more than 15 volts, including power supply cords, used with fountains shall be protected by ground-fault circuit-interrupters.

§ 1910.307 Hazardous (Classified) locations.

(a) *Scope.* This section covers the requirements for electric equipment and wiring in locations which are classified depending on the properties of the flammable vapors, liquids or gases, or combustible dusts or fibers which may be present therein and the likelihood that a flammable or combustible concentration or quantity is present. Hazardous (classified) locations may be found in occupancies such as, but not limited to, the following: Aircraft hangers, gasoline dispensing and service stations, bulk storage plants for gasoline or other volatile flammable liquids, paint-finishing process plants, health care facilities, agricultural or other facilities where excessive combustible dusts may be present, marinas, boat yards, and petroleum and chemical processing plants. Each room, section or area shall be considered individually in determining its classification. These classified locations are assigned six designations as follows:

Class I, Division 1;
Class I, Division 2;
Class II, Division 1;
Class II, Division 2;
Class III, Division 1;
Class III, Division 2.

For definitions of these locations see paragraph (a) of § 1910.399. All other applicable requirements in this subpart shall apply unless modified by provisions of this section.

(b) *General.*—(1) *Approval.* Equipment shall be approved not only for the class of location but also for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that will be present. Chapter 5 of NFPA 70, the National Electrical Code, lists or defines hazardous gases, vapors, and dusts by "Groups" characterized by their ignitable or combustible properties.

(2) *Intrinsically safe equipment.* Equipment and associated wiring approved as intrinsically safe shall be

permitted in any hazardous (classified) location for which it is approved.

(3) *Conduits.* All conduits shall be threaded and shall be made wrench-tight. Where it is impractical to make a threaded joint tight, a bonding jumper shall be utilized.

(4) *Marking.* Approved equipment not covered in paragraphs (b)(4)(i) through (b)(4)(iii) of this section shall be marked to show the class, group, and operating temperature or temperature range, based on operation in a 40 degrees C ambient, for which it is approved. The temperature marking shall not exceed the ignition temperature of the specific gas or vapor to be encountered.

(i) Equipment of the non-heat-producing type, such as junction boxes, conduit, and fittings and equipment of the heat-production type having a maximum temperature not more than 100 degrees C (212 degrees F), shall not be required to have a marked operating temperature or temperature range.

(ii) Fixed lighting fixtures marked for use in Class I, Division 2 locations only, need not be marked to indicate the group.

(iii) Fixed general-purpose equipment, other than fixed lighting fixtures, which is acceptable for use in Division 2 locations shall not be required to be marked with the class, group, division, or operating temperature.

(5) *Equipment in Division 2 locations.* Equipment that has been approved for a Division 1 location shall be permitted in a Division 2 location of the same class and group.

General-purpose equipment or equipment in general-purpose enclosures shall be permitted to be installed in Division 2 locations if the equipment does not constitute a source of ignition under normal operating conditions.

(c) *Electrical installations.* Equipment, wiring methods, and installations of equipment in classified locations shall be one or more of the following:

(1) Intrinsically safe.

(2) Approved for the classified location.

(3) Of a type and design which provides protection from the hazards arising from the combustibility and flammability of vapors, liquids, gases, dusts, or fibers.

(d) *Guidelines for equipment and installations.* Chapter 5 of NFPA 70, the National Electrical Code, contains guidelines that are appropriate for determining the type and design of equipment and installations with respect to paragraph (c)(3) of this section. The guidelines of this referenced document address electric wiring, equipment, and

systems installed in hazardous (classified) locations and contain specific provisions for the following: wiring methods, wiring connections, conductor insulation, flexible cords, sealing and drainage, transformers, capacitors, switches, circuit breakers, fuses, motor controllers, receptacles, attachment plugs, meters, relays, instruments, resistors, generators, motors, lighting fixtures, storage battery charging equipment, electric, electric cranes, electric hoists and similar equipment, utilization equipment, signaling systems, alarm systems, remote control systems, local loud speaker and communication systems, ventilation piping, live parts, lightning surge protection, and grounding.

6. Section 1910.308 would be revised to read as follows:

§ 1910.308 Special systems.

(a) *Systems over 600 volts, nominal.* Paragraphs (a)(1) through (a)(4) of this section cover the general requirements for all circuits and equipment operated at over 600 volts.

(1) *Wiring methods for fixed installations.* Aboveground conductors shall be installed in rigid metal conduit, in intermediate metal conduit, in cable trays, in cablebus, in other suitable raceways, or as open runs of metal-clad cable suitable for the use and purpose. Conductors emerging from the ground shall be enclosed in approved raceways. Open runs of non-metallic-sheathed cable or of bare conductors or busbars shall be permitted in locations accessible only to qualified persons. Metallic shielding components for conductors such as tapes, wires, or braids shall be grounded. Open runs of insulated wires and cables having a bare lead sheath or a braided outer covering shall be supported in a manner designed to prevent physical damage to the braid or sheath.

(2) *Interrupting and isolating devices.*

(i) Circuit breakers located indoors shall consist of metal-enclosed or fire resistant, cell-mounted units. In locations accessible only to qualified personnel, open mounting of circuit breakers shall be permitted. A means of indicating the open and closed position of circuit breakers shall be provided.

(ii) Fused cutouts installed in buildings or transformer vaults shall be of a type approved for the purpose. They shall be readily accessible for fuse replacement.

(iii) A means shall be provided to completely isolate equipment for inspection and repairs. Isolating means not designed to interrupt the load current of the circuit shall be either interlocked with an approved circuit

interrupter or provided with a sign warning against opening them under load.

(3) *Mobile and portable equipment.*—(i) *Power cable connections to mobile machines.* A metallic enclosure shall be provided on the mobile machine for enclosing the terminals of the power cable. The enclosure shall include provisions for a solid connection for the ground wire(s) terminal to effectively ground the machine frame. The method of cable termination used shall prevent any strain or pull on the cable from stressing the electrical connections. The enclosure shall have provision for locking so only authorized and qualified persons may open it and shall be marked with a sign warning of the presence of energized parts.

(ii) *Guarding live parts.* All energized switching and control parts shall be enclosed in effectively grounded metal cabinets or enclosures. Circuit breakers and protective equipment shall have the operating means projecting through the metal cabinet or enclosure so these units can be reset without opening locked doors. Enclosures and metal cabinets shall be locked so that only authorized and qualified persons may have access and shall be marked with a sign warning of the presence of energized parts. Collector ring assemblies on revolving-type machines (shovels, draglines, etc.) shall be guarded.

(4) *Tunnel installations.*—(i) *Application.* The provisions of paragraph (a)(4) of this section shall apply to installation and use of high-voltage power distribution and utilization equipment which is portable and/or mobile, such as substations, trailers, cars, mobile shovels, draglines, hoists, drills, dredges, compressors, pumps, conveyors, underground excavators, and the like.

(ii) *Conductors.* Conductors in tunnels shall be installed in one or more of the following:

(a) Metal conduit or other metal raceway.

(b) Type MC cable, or

(c) Other approved multiconductor cable.

Conductors shall also be so located or guarded so as to protect them from physical damage. Multiconductor portable cable shall be permitted to supply mobile equipment. An equipment grounding conductor shall be run with circuit conductors inside the metal raceway or inside the multiconductor cable jacket. The equipment grounding conductor shall be permitted to be insulated or bare.

(iii) *Guarding live parts.* Bare terminals of transformers, switches,

motor controllers, and other equipment shall be enclosed to prevent accidental contact with energized parts. Enclosures for use in tunnels shall be drip-proof, weatherproof, or submersible as required by the environmental conditions.

(iv) *Disconnecting means.* A disconnecting means that simultaneously opens all ungrounded conductors shall be installed at each transformer or motor location.

(v) *Grounding and bonding.* All nonenergized metal parts of electric equipment and metal raceways and cable sheaths shall be effectively grounded and bonded to all metal pipes and rails at the portal and at intervals not exceeding 1000 feet throughout the tunnel.

(b) *Emergency power systems—(1) Scope.* The provisions for emergency systems apply to circuits, systems, and equipment intended to supply (in the event of failure of the normal supply) power for illumination and special loads.

(2) *Wiring methods.* Emergency circuit wiring shall be kept entirely independent of all other wiring and equipment and shall not enter the same raceway, cable, box, or cabinet with other wiring except where common circuit elements suitable for the purpose are required, or for transferring power from the normal to the emergency source.

(3) *Emergency illumination.* Where emergency lighting is required, the system shall be so arranged that the failure of any individual lighting element, such as the burning out of a light bulb, cannot leave any space in total darkness.

(c) *Class 1, Class 2, and Class 3 remote control, signaling, and power-limited circuits—(1) Classification.* Class 1, Class 2, or Class 3 remote control, signaling, or power-limited circuits are characterized by their usage and electrical power limitation which differentiates them from light and power circuits. These circuits are classified in accordance with their respective voltage and power limitations as summarized in paragraphs (c)(1)(i) through (c)(1)(iii) of this section.

(i) *Class 1 Circuits.* (a) A Class 1 power-limited circuit is supplied from a source having a rated output of not more than 30 volts and 1000 volt-amperes.

(b) A Class 1 remote control circuit or a Class 1 signaling circuit is one whose voltage does not exceed 600 volts; however, the power output of the source need not be limited.

(ii) *Class 2 and Class 3 Circuits.* (a) Power for Class 2 and Class 3 circuits is limited, either inherently (in which case

no overcurrent protection is required) or by a combination of a power source and overcurrent protection.

(b) The maximum circuit voltage is 150 volts AC or DC for a Class 2 inherently limited power source, and 100 volts AC or DC for a Class 3 inherently limited power source.

(c) The maximum circuit voltage is 30 volts AC and 60 volts DC for a Class 2 power source limited by overcurrent protection, and 150 volts AC or DC for a Class 3 power source limited by overcurrent protection.

(iii) The maximum circuit voltages in paragraphs (c)(1)(i) and (c)(1)(ii) of this section apply to sinusoidal AC or continuous DC power sources, and where wet contact occurrence is not likely.

(2) *Marking.* A Class 2 or Class 3 power supply unit shall be durably marked where plainly visible to indicate the class of supply and its electrical rating.

(d) *Fire protective signaling systems—(1) Classifications.* Fire protective signaling circuits shall be classified either as non-power limited or power limited.

(2) *Power sources.* The power sources for use with fire protective signaling circuits shall be either power limited or nonlimited as follows:

(i) The power supply of non-power-limited fire protective signaling circuits shall have an output voltage not in excess of 600 volts.

(ii) The power for power-limited fire protective signaling circuits shall be either inherently limited, in which no overcurrent protection is required, or limited by a combination of a power source and overcurrent protection.

(3) *Non-power-limited conductor location.* Non-power-limited fire protective signaling circuits and Class 1 circuits shall be permitted to occupy the same enclosure, cable, or raceway provided all conductors are insulated for maximum voltage of any conductor within the enclosure, cable, or raceway. Power supply and fire protective signaling circuit conductors shall be permitted in the same enclosure, cable, or raceway only when connected to the same equipment.

(4) *Power-limited conductor location.* Where open conductors are installed, power-limited fire protective signaling circuits shall be separated at least 2 inches from conductors of any light, power, Class 1, and non-power-limited fire protective signaling circuits unless a special method of conductor separation is employed. Cables and conductors of two or more power-limited fire protective signaling circuits or Class 3 circuits shall be permitted in the same

cable, enclosure, or raceway. Conductors of one or more Class 2 circuits shall be permitted within the same cable, enclosure, or raceway with conductors of power-limited fire protective signaling circuits provided that the insulation of Class 2 circuit conductors in the cable, enclosure, or raceway is at least that required for the power-limited fire protective signaling circuits.

(5) *Identification.* Fire protective signaling circuits shall be identified at terminal and junction locations in a manner which will prevent unintentional interference with the signaling circuit during testing and servicing. Power-limited fire protective signaling circuits shall be durably marked as such where plainly visible at terminations.

(e) *Communications systems—(1) Scope.* These provisions for communication systems apply to such systems as central station connected and non-central station connected telephone circuits, radio and television receiving and transmitting equipment, including community antenna television and radio distribution systems, telegraph, district messenger, and outside wiring for fire and burglar alarm, and similar central station systems.

(2) *Protective devices.* (i) Communication circuits so located as to be exposed to accidental contact with light or power conductors operating at over 300 volts shall have each circuit so exposed provided with a protector approved for the purpose.

(ii) Each conductor of a lead-in for outdoor antennas shall be provided with an antenna discharge unit or other suitable means that will drain static charges from the antenna system.

(3) *Conductor location—(i) Outside of buildings.* (a) Receiving distribution lead-in or aerial-drop cables attached to buildings and lead-in conductors to radio transmitters shall be so installed as to avoid the possibility of accidental contact with electric light or power conductors.

(b) The clearance between lead-in conductors and any lightning protection conductors shall be not less than 6 feet.

(ii) *On poles.* Where practicable, communication conductors on poles shall be located below the light or power conductors and shall not be attached to a crossarm that carries light or power conductors.

(iii) *Inside of buildings.* Indoor antennas, lead-ins, and other communication conductors attached as open conductors to the inside of buildings shall be located at least 2 inches from conductors of any light or power or Class 1 circuits unless a

special method of conductor separation, approved for the purpose, is employed.

(4) *Equipment location.* Outdoor metal structures supporting antennas, as well as self-supporting antennas such as vertical rods or dipole structures, shall be located well away from overhead conductors of electric light and power circuits of over 150 volts to ground so as to avoid the possibility of the antenna or structure falling into or making accidental contact with such circuits.

(5) *Grounding—(i) Lead-in Conductors.* Where exposed to contact with electric light and power conductors, the metal sheath of aerial cables entering buildings shall be grounded or shall be interrupted close to the entrance to the building by an insulating joint or equivalent device. Where protective devices are used, they shall be grounded in an approved manner.

(ii) *Antenna structures.* Masts and metal structures supporting antennas shall be permanently and effectively grounded without splice or connection in the grounding conductor.

(iii) *Equipment enclosures.* Transmitters shall be enclosed in a metal frame or grill or separated from the operating space by a barrier or other equivalent means, all metallic parts of which are effectively connected to ground. All external metal handles and controls accessible to the operating personnel shall be effectively grounded. Unpowered equipment and enclosures shall be considered grounded where connected to an attached coaxial cable whose metallic shield is effectively grounded.

7. Section 1910.309 and new §§ 1910.310 through 1910.398 would be reserved as follows:

§ 1910.309–1910.330 [Reserved]

Safety Related Work Practices

§ 1910.331–1910.360 [Reserved]

Safety Related Maintenance Requirements

§§ 1910.361–1910.380 [Reserved]

Safety Requirements for Special Equipment

§§ 1910.381–1910.398 [Reserved]

§ 1910.308 [Amended]
8. Paragraph (d)(1) of § 1910.308, *Approved*, would be amended to delete all references to the 1971 National Electrical Code and would be redesignated as paragraph (a)(7) of new § 1910.399.

9. Paragraph (d)(2) of § 1910.308 would be amended by deleting the reference to § 1910.309 (1971 National Electrical

Code) and substituting an internal reference to Subpart S. Paragraph (d)(2) of § 1910.399, *Acceptable*, would then be redesignated as paragraph (a)(1) of new § 1910.399.

10. Paragraph (d)(3)(i) of § 1910.308, *Listed*, would be redesignated as paragraph (a)(77) of new § 1910.399.

11. Paragraph (d)(3)(ii) of § 1910.308, *Labeled*, would be redesignated as paragraph (a)(75) of new § 1910.399.

12. Paragraph (d)(3)(iii) of § 1910.308, *Accepted*, would be redesignated as paragraph (a)(2) of new § 1910.399.

13. Paragraph (d)(3)(iv) of § 1910.308, *Certified*, would be redesignated as paragraph (a)(22) of new § 1910.399.

14. Paragraph (d)(3)(v) of § 1910.308, *Utilization Equipment*, would be redesignated as paragraph (a)(127) of new § 1910.399.

15. New § 1910.399 would read as follows:

Definitions

§ 1910.399 Definitions Applicable to this Subpart

(a) Definitions Applicable to § 1910.302 through 1910.330.

(1) *Acceptable.* [Redesignated]

(2) *Accepted.* [Redesignated]

(3) *Accessible.* (As applied to wiring methods.) Capable of being removed or exposed without damaging the building structure or finish, or not permanently closed in by the structure or finish of the building. (See "Concealed" and "Exposed.")

(4) *Accessible.* (As applied to equipment.) Admitting close approach because not guarded by locked doors, elevation, or other effective means. (See "Readily Accessible.")

(5) *Ampacity.* Current-carrying capacity of electric conductors expressed in amperes.

(6) *Appliances.* Utilization equipment, generally other than industrial, normally built in standardized sizes or types, which is installed or connected as a unit to perform one or more functions such as clothes washing, air conditioning, food mixing, deep frying, etc.

(7) *Approved.* [Redesignated]

(8) *Approved for the purpose.*

Approved for a specific purpose, environment, or application described in a particular standard requirement.

Suitability of equipment or materials for a specific purpose, environment or application may be determined by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation as part of its listing and labeling program. (See "Labeled" or "Listed.")

(9) *Armored cable.* Type AC armored cable is a fabricated assembly of

insulated conductors in a flexible metallic enclosure.

(10) *Askarel.* A generic term for a group of nonflammable synthetic chlorinated hydrocarbons used as electrical insulating media. Askarels of various compositional types are used. Under arcing conditions of the gases produced, while consisting predominantly of noncombustible hydrogen chloride, can include varying amounts of combustible gases depending upon the askarel type.

(11) *Attachment plug (Plug Cap)(Cap).* A device which, by insertion in a receptacle, establishes connection between the conductors of the attached flexible cord and the conductors connected permanently to the receptacle.

(12) *Automatic.* Self-acting, operating by its own mechanism when actuated by some impersonal influence, as, for example, a change in current strength, pressure, temperature, or mechanical configuration.

(13) *Bare Conductor.* See under "Conductor."

(14) *Bonding.* The permanent joining of metallic parts to form an electrically conductive path which will assure electrical continuity and the capacity to conduct safely any current likely to be imposed.

(15) *Bonding jumper.* A reliable conductor to assure the required electrical conductivity between metal parts required to be electrically connected.

(16) *Branch circuit.* The circuit conductors between the final overcurrent device protecting the circuit and the outlet(s).

(17) *Building.* A structure which stands alone or which is cut off from adjoining structures by fire walls with all openings therein protected by approved fire doors.

(18) *Cabinet.* An enclosure designed either for surface or flush mounting, and provided with a frame, mat, or trim in which a swinging door or doors are or may be hung.

(19) *Cable tray system.* A cable tray system is a unit or assembly of units or sections, and associated fittings, made of metal or other non-combustible materials forming a rigid structural system used to support cables. Cable tray systems include ladders, troughs, channels, solid bottom tray, and other similar structures.

(20) *Cablebus.* Cablebus is an approved assembly of insulated conductors with fittings and conductor terminations in a completely enclosed, ventilated, protective metal housing.

(21) *Center pivot irrigation machine.* A center pivot irrigation machine is a

multi-motored irrigation machine which revolves around a central pivot and employs alignment switches or similar devices to control individual motors.

(22) *Certified*. [Redesignated]

(23) *Circuit breaker*—(i) (600 Volts nominal, or less). A device designed to open and close a circuit by nonautomatic means and to open the circuit automatically on a predetermined overcurrent without injury to itself when properly applied within its rating.

(ii) (*Over 600 volts, nominal*). A switching device capable of making, carrying and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit.

(24) *Class I locations*. Class I locations are those in which flammable gases or vapors are or may be present in the air in quantities sufficient to produce explosive or ignitable mixtures. Class I locations include those specified in (i) and (ii) following:

(i) *Class I, Division 1*. A Class I, Division 1 location is a location: (a) In which hazardous concentrations of flammable gases or vapors exist continuously, intermittently, or periodically under normal operating conditions; or (b) In which hazardous concentrations of such gases or vapors may exist frequently because of repair or maintenance operations or because of leakage; or (c) in which breakdown or faulty operation of equipment or processes might release hazardous concentrations of flammable gases or vapors, and might also cause simultaneous failure of electric equipment.

Note.—This classification usually includes locations where volatile flammable liquids or liquefied flammable gases are transferred from one container to another; interiors of spray booths and areas in the vicinity of spraying and painting operations where volatile flammable solvents are used; locations containing open tanks or vats of volatile flammable liquids; drying rooms or compartments for the evaporation of flammable solvents; locations containing fat and oil extraction equipment using volatile flammable solvents; portions of cleaning and dyeing plants where hazardous liquids are used; gas generator rooms and other portions of gas manufacturing plants where flammable gas may escape; inadequately ventilated pump rooms for flammable gas or for volatile flammable liquids; the interiors of refrigerators and freezers in which volatile flammable materials are stored in open, lightly stoppered, or easily ruptured containers; and all other locations where hazardous concentrations of flammable vapors or gases are likely to occur in the course of normal operations.

(ii) *Class I, Division 2*. A Class I, Division 2 location is a location: (a) In which volatile flammable liquids or flammable gases are handled, processed, or used, but in which the hazardous liquids, vapors, or gases will normally be confined within closed containers or closed systems from which they can escape only in case of accidental rupture or breakdown of such containers or systems, or in case of abnormal operation of equipment; or (b) in which hazardous concentrations of gases or vapors are normally prevented by positive mechanical ventilation, and which might become hazardous through failure or abnormal operations of the ventilating equipment; or (c) that is adjacent to a Class I, Division 1 location, and to which hazardous concentrations of gases or vapors might occasionally be communicated unless such communication is prevented by adequate positive-pressure ventilation from a source of clean air, and effective safeguards against ventilation failure are provided.

Note.—This classification usually includes locations where volatile flammable liquids or flammable gases or vapors are used, but which, in the judgment of the authority having jurisdiction, would become hazardous only in case of an accident or of some unusual operating condition. The quantity of hazardous materials that might escape in case of accident, the adequacy of ventilating equipment, the total area involved, and the record of the industry or business with respect to explosions or fires are all factors that merit consideration in determining the classification and extent of each location.

Piping without valves, checks, meters, and similar devices would not ordinarily introduce a hazardous condition even though used for hazardous liquids or gases. Locations used for the storage of hazardous liquids or of liquefied or compressed gases in sealed containers would not normally be considered hazardous unless subject to other hazardous conditions also. Electrical conduits and their associated enclosures separated from process fluids by a single seal or barrier are classed as a Division 2 location if the outside of the conduit and enclosures is a nonhazardous location.

(25) *Class II Locations*. Class II locations are those that are hazardous because of the presence of combustible dust. Class II locations include those specified in (i) and (ii) following:

(i) *Class II, Division 1*. A Class II, Division 1 location is a location: (a) In which combustible dust is or may be in suspension in the air continuously, intermittently, or periodically under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures; or (b) where mechanical failure or abnormal operation of machinery or equipment

might cause such explosive or ignitable mixtures to be produced, and might also provide a source of ignition through simultaneous failure of electric equipment, operation of protection devices, or from other causes, or (c) in which combustible dusts of an electrically conductive nature may be present.

Note.—This classification usually includes the working areas of grain handling and storage plants; rooms containing grinders or pulverizers, cleaners, graders, scalpers, open conveyors or spouts, open bins or hoppers, mixers or blenders, automatic or hopper scales, packing machinery, elevator heads and boots, stock distributors, dust and stock collectors (except all-metal collectors vented to the outside), and all similar dust-producing machinery and equipment in grain-processing plants, starch plants, sugar-pulverizing plants, malting plants, hay-grinding plants, and other occupancies of similar nature; coal-pulverizing plants (except where the pulverizing equipment is essentially dust-tight); all working areas where metal dusts and powers are produced, processed, handled, packed, or stored (except in tight containers); and all other similar locations where combustible dust may, under normal operating conditions, be present in the air in quantities sufficient to produce explosive or ignitable mixtures.

Combustible dust which are electrically nonconductive include dusts produced in the handling and processing of grain and grain products, pulverized sugar and cocoa, dried egg and milk powders, pulverized spices, starch and pastes, potato and woodflour, oil meal from beans and seed, dried hay, and other organic materials which may produce combustible dusts when processed or handled. Electrically conductive nonmetallic dusts include dusts from pulverized coal, coke, carbon black, and charcoal. Dusts containing magnesium or aluminum are particularly hazardous and the use of extreme precaution will be necessary to avoid ignition and explosion.

(ii) *Class II, Division 2*. A Class II, Division 2 location is a location in which combustible dust will not normally be in suspension in the air or will not be likely to be thrown into suspension by the normal operation of equipment or apparatus in quantities sufficient to produce explosive or ignitable mixtures, but: (a) Where deposits or accumulations of such combustible dust may be sufficient to interfere with the safe dissipation of heat from electric equipment or apparatus; or (b) where such deposits or accumulations of combustible dust on, in, or in the vicinity of electric equipment might be ignited by arcs, sparks, or burning material from such equipment.

Note.—Locations where dangerous concentrations of suspended dust would not be likely, but where dust accumulations might form on, or in the vicinity of electric equipment, would include rooms and areas

containing only closed spouting and conveyors, closed bins or hoppers, or machines and equipment from which appreciable quantities of dust would escape only under abnormal operating conditions; rooms or areas adjacent to a Class II, Division 1 location as described in (a)(21)(i) above, and into which explosive or ignitable concentrations of suspended dust might be communicated only under abnormal operating conditions; rooms or areas where the formation of explosive or ignitable concentrations of suspended dust is prevented by the operation of effective dust control equipment; warehouses and shipping rooms where dust-producing materials are stored or handled only in bags or containers; and other similar locations.

(26) *Class III Locations*. Class III locations are those that are hazardous because of the presence of easily ignitable fibers or flyings but in which such fibers or flyings are not likely to be in suspension in the air in quantities sufficient to produce ignitable mixtures. Class III locations include those specified in (i) and (ii) following:

(i) *Class III, Division 1*. A Class III, Division 1 location is a location in which easily ignitable fibers or materials producing combustible flyings are handled, manufactured, or used.

Note.—Such locations usually include some parts of rayon, cotton, and other textile mills; combustible fiber manufacturing and processing plants; cotton gins and cottonseed mills; flax-processing plants; clothing manufacturing plants; woodworking plants, and establishments and industries involving similar hazardous processes or conditions.

Easily ignitable fibers and flyings include rayon, cotton (including cotton linters and cotton waste), sisal or henequen,istle, jute, hemp, tow, cocoa fiber, oakum, baled waste kapok, Spanish moss, excelsior, and other materials of similar nature.

(ii) *Class III, Division 2*. A Class III, Division 2 location is a location in which easily ignitable fibers are stored or handled.

Exception: In process of manufacture.

(27) *Collector ring*. A collector ring is an assembly of slip rings for transferring electrical energy from a stationary to a rotating member.

(28) *Concealed*. Rendered inaccessible by the structure or finish of the building. Wires in concealed raceways are considered concealed, even though they may become accessible by withdrawing them. (See "Accessible. (As applied to wiring methods).")

(29) *Conductor*.—(i) *Bare*. A conductor having no covering or electrical insulation whatsoever. (See "Conductor, Covered.")

(ii) *Covered*. A conductor encased within material of composition or thickness that is not recognized by this

Subpart S as electrical insulation. (See "Conductor, Bare.")

(iii) *Insulated*. A conductor encased within material of composition and thickness that is recognized by this Subpart S as electrical insulation.

(30) *Conduit body*. A separate portion of a conduit or tubing system that provides access through a removable cover(s) to the interior of the system at a junction of two or more sections of the system or at a terminal point of the system.

Boxes such as FS and FD or larger cast or sheet metal boxes are not classified as conduit bodies.

(31) *Controller*. A device or group of devices that serves to govern, in some predetermined manner, the electric power delivered to the apparatus to which it is connected.

(32) *Cooking unit, counter-mounted*. A cooking appliance designed for mounting in or on a counter and consisting of one or more heating elements, internal wiring, and built-in or separately mountable controls. (See "Oven, Wall-Mounted.")

(33) *Covered conductor*. See under "Conductor."

(34) *Cutout*. An assembly of a fuse support with either a fuseholder, fuse carrier, or disconnecting blade. The fuseholder or fuse carrier may include a conducting element (fuse link), or may act as the disconnecting blade by the inclusion of a nonfusible member.

(35) *Cutout box*. An enclosure designed for surface mounting and having swinging doors or covers secured directly to and telescoping with the walls of the box proper. (See "Cabinet.")

(36) *Damp location*. See under "Location."

(37) *Dead front*. Without live parts exposed to a person on the operating side of the equipment.

(38) *Device*. A unit of an electrical system which is intended to carry but not utilize electric energy.

(39) *Dielectric heating*. Dielectric heating is the heating of a nominally insulating material due to its own dielectric losses when the material is placed in a varying electric field.

(40) *Disconnecting means*. A device, or group of devices, or other means by which the conductors of a circuit can be disconnected from their source of supply.

(41) *Disconnecting (or Isolating) switch*. A mechanical switching device used for isolating a circuit or equipment from a source of power.

(42) *Dry location*. See under "Location."

(43) *Electric sign*. A fixed, stationary, or portable self-contained, electrically illuminated utilization equipment with

words or symbols designed to convey information or attract attention.

(44) *Enclosed*. Surrounded by a case, housing, fence or walls which will prevent persons from accidentally contacting energized parts.

(45) *Enclosure*. The case or housing of apparatus, or the fence or walls surrounding an installation to prevent personnel from accidentally contacting energized parts, or to protect the equipment from physical damage.

(46) *Equipment*. A general term including material, fittings, devices, appliances, fixtures, apparatus, and the like, used as a part of, or in connection with, an electrical installation.

(47) *Equipment grounding conductor*. See "Grounding Conductor, Equipment."

(48) *Explosion-proof Apparatus*. Apparatus enclosed in a case that is capable of withstanding an explosion of a specified gas or vapor which may occur within it and of preventing the ignition of a specified gas or vapor surrounding the enclosure by sparks, flashes, or explosion of the gas or vapor within, and which operates at such an external temperature that a surrounding flammable atmosphere will not be ignited thereby.

(49) *Exposed*. (As applied to live parts.) Capable of being inadvertently touched or approached nearer than a safe distance by a person. It is applied to parts not suitably guarded, isolated, or insulated. (See "Accessible" and "Concealed.")

(50) *Exposed*. (As applied to wiring methods.) On or attached to the surface of behind panels designed to allow access. (See "Accessible. (As applied to wiring methods).")

(51) *Exposed*. For the purposes of paragraph (e) of § 910.308 the word exposed means that the circuit is in such a position that in case of failure of supports or insulation, contact with another circuit may result.

(52) *Externally operable*. Capable of being operated without exposing the operator to contact with live parts.

(53) *Feeder*. All circuit conductors between the service equipment, or the generator switchboard of an isolated plant, and the final branch-circuit overcurrent device.

(54) *Fitting*. An accessory such as a locknut, bushing, or other part of a wiring system that is intended primarily to perform a mechanical rather than an electrical function.

(55) *Fuse*. (*Over 600 volts, nominal*). An overcurrent protective device with a circuit opening fusible part that is heated and severed by the passage of overcurrent through it.

A fuse comprises all the parts that form a unit capable of performing the

prescribed function. It may or may not be the complete device necessary to connect it into an electrical circuit.

(56) *Ground*. A conducting connection, whether intentional or accidental, between an electrical circuit or equipment and the earth, or to some conducting body that serves in place of the earth.

(57) *Grounded*. Connected to earth or to some conducting body that serves in place of the earth.

(58) *Grounded, Effectively (Over 600 Volts, nominal)*. Permanently connected to earth through a ground connection of sufficiently low impedance and having sufficient ampacity that ground fault current which may occur cannot build up to voltages dangerous to personnel.

(59) *Ground conductor*. A system or circuit conductor that is intentionally grounded.

(60) *Grounding conductor*. A conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

(61) *Grounding conductor, equipment*. The conductor used to connect the non-current-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

(62) *Grounding electrode conductor*. The conductor used to connect the grounding electrode to the equipment grounding conductor and/or to the grounded conductor of the circuit at the service equipment or at the source of a separately derived system.

(63) *Ground-fault circuit-interrupter*. A device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

(64) *Guarded*. Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of approach or contact by persons or objects to a point of danger.

(65) *Health care facilities*. Buildings or portions of buildings and mobile homes that contain, but are not limited to, hospitals, nursing homes, extended care facilities, clinics, and medical and dental offices, whether fixed or mobile.

(66) *Heating equipment*. For the purposes of paragraph (g) of section 1910.306, the term heating equipment includes any equipment used for heating purposes whose heat is generated by induction or dielectric methods.

(67) *Hoistway*. Any shaftway, hatchway, well hole, or other vertical opening or space in which an elevator or dumbwaiter is designed to operate.

(68) *Identified*. Identified, as used in this subpart in reference to a conductor or its terminal, means that such conductor or terminal is to be recognized as grounded.

(69) *Induction heating*. Induction heating is the heating of a nominally conductive material due to its own I²R losses when the material is placed in a varying electromagnetic field.

(70) *Insulated conductor*. See under "Conductor."

(71) *Interrupter switch*. (Over 600 Volts, Nominal). A switch capable of making, carrying, and interrupting specified currents.

(72) *Irrigation machine*. An irrigation machine is an electrically driven or controlled machine, with one or more motors, not hand portable, and used primarily to transport and distribute water for agricultural purposes.

(73) *Isolated*. Not readily accessible to persons unless special means for access are used.

(74) *Isolated power system*. A system comprising an isolating transformer or its equivalent, a line isolation monitor, and its ungrounded circuit conductors.

(75) *Labeled*. [Redesignated].

(76) *Lighting outlet*. An outlet intended for the direct connection of a lampholder, a lighting fixture, or a pendant cord terminating in a lampholder.

(77) *Listed*. [Redesignated].

(78) *Location*.

(i) *Damp location*. Partially protected locations under canopies, marquees, roofed open porches, and like locations, and interior locations subject to moderate degrees of moisture, such as some basements, some barns, and some cold-storage warehouses.

(ii) *Dry location*. A location not normally subject to dampness or wetness. A location classified as dry may be temporarily subject to dampness or wetness, as in the case of a building under construction.

(iii) *Wet location*. Installations underground or in concrete slabs or masonry in direct contact with the earth, and locations subject to saturation with water or other liquids, such as vehicle-washing areas, and locations exposed to weather and unprotected.

(79) *Medium voltage cable*. Type MV medium voltage cable is a single or multiconductor solid dielectric insulated cable rated 2000 volts or higher.

(80) *Metal-clad cable*. Type MC cable is a factory assembly of one or more conductors, each individually insulated and enclosed in a metallic sheath of

interlocking tape, or a smooth or corrugated tube.

(81) *Mineral-insulated metal-sheathed cable*. Type MI mineral-insulated metal-sheathed cable is a factory assembly of one or more conductors insulated with a highly compressed refractory mineral insulation and enclosed in a liquidtight and gastight continuous copper sheath.

(82) *Mobile X-ray*. X-ray equipment mounted on a permanent base with wheels and/or casters for moving while completely assembled.

(83) *Nonmetallic-sheathed cable*. Nonmetallic-sheathed cable is a factory assembly of two or more insulated conductors having an outer sheath of moisture resistant, flame-retardant, nonmetallic material and of the following types:

(i) *Type NM*. The overall covering has a flame-retardant and moisture-resistant finish.

(ii) *Type NMC*. The overall covering is flame-retardant, moisture-resistant, fungus-resistant, and corrosion-resistant.

(84) *Oil (Filled) cutout*. (Over 600 Volts, Nominal). A cutout in which all or part of the fuse support and its fuse link or disconnecting blade are mounted in oil with complete immersion of the contacts and the fusible portion of the conducting element (fuse link), so that arc interruption by serving of the fuse link or by opening of the contacts will occur under oil.

(85) *Open wiring on insulators*. Open wiring on insulators is an exposed wiring method using cleats, knobs, tubes, and flexible tubing for the protection and support of single insulated conductors run in or on buildings, and not concealed by the building structure.

(86) *Outlet*. A point of the wiring system at which current is taken to supply utilization equipment.

(87) *Outline lighting*. An arrangement of incandescent lamps or electric discharge tubing to outline or call attention to certain features such as the shape of a building or the decoration of a window.

(88) *Oven, wall-mounted*. An oven for cooking purposes designed for mounting in or on a wall or other surface and consisting of one or more heating elements, internal wiring, and built-in or separately mountable controls. [See "Cooking Unit", "Counter-Mounted."]

(89) *Overcurrent*. Any current in excess of the rated current of equipment or the ampacity of a conductor. It may result from overload (see definition), short circuit, or ground fault.

A current in excess of rating may be accommodated by certain equipment and conductors for a given set of

conditions. Hence the rules for overcurrent protection are specific for particular situations.

(90) *Overload*. Operation of equipment in excess of normal, full load rating, or of a conductor in excess of rated ampacity which, when it persists for a sufficient length of time, would cause damage or dangerous overheating. A fault, such as a short circuit or ground fault, is not an overload. [See "Overcurrent."]

(91) *Panelboard*. A single panel or group of panel units designed for assembly in the form of a single panel; including buses, automatic overcurrent devices, and with or without switches for the control of light, heat, or power circuits; designed to be placed in a cabinet or cutout box placed in or against a wall or partition and accessible only from the front. [See "Switchboard."]

(92) *Permanently installed decorative fountains and reflection pools*. Those that are constructed in the ground, on the ground, or in a building in such a manner that the pool cannot be readily disassembled for storage and are served by electrical circuits of any nature. These units are primarily constructed for their aesthetic value and not intended for swimming or wading.

(93) *Permanently installed swimming pools, wading and therapeutic pools*. Those that are constructed in the ground, on the ground, or in a building in such a manner that the pool cannot be readily disassembled for storage whether or not served by electrical circuits of any nature.

(94) *Portable X-ray*. X-ray equipment designed to be hand-carried.

(95) *Power and control tray cable*.

Type TC power and control tray cable is a factory assembly of two or more insulated conductors, with or without associated bare or covered grounding conductors under a nonmetallic sheath, approved for installation in cable trays, in raceways, or where supported by a messenger wire.

(96) *Power fuse*. (Over 600 volts, nominal). See "Fuse."

(97) *Power-limited tray cable*. Type PLTC nonmetallic-sheathed power limited tray cable is a factory assembly of two or more insulated conductors under a nonmetallic jacket.

(98) *Power outlet*. An enclosed assembly which may include receptacles, circuit breakers, fuseholders, fused switches, buses and watt-hour meter mounting means; intended to supply and control power to mobile homes, recreational vehicles or boats, or to serve as a means for distributing power required to operate

mobile or temporarily installed equipment.

(99) *Premises wiring (system)*. That interior and exterior wiring, including power, lighting, control, and signal circuit wiring together with all of its associated hardware, fittings, and wiring devices, both permanently and temporarily installed, which extends from the load end of the service drop, or load end of the service lateral conductors to the outlet(s). Such wiring does not include wiring internal to appliances, fixtures, motors, controllers, motor control centers, and similar equipment.

(100) *Qualified person*. One familiar with the construction and operation of the equipment and the hazards involved.

(101) *Raceway*. A channel designed expressly for holding wires, cables, or busbars, with additional functions as permitted in this subpart.

Raceways may be of metal or insulating material, and the term includes rigid metal conduit, rigid nonmetallic conduit, intermediate metal conduit, liquidtight flexible metal conduit, flexible metallic tubing, flexible metal conduit, electrical metallic tubing, underfloor raceways, cellular concrete floor raceways, cellular metal floor raceways, surface raceways, wireways, and busways.

(102) *Readily accessible*. Capable of being reached quickly for operation, renewal, or inspections, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders, chairs, etc. [See "accessible."]

(103) *Receptacle*. A receptacle is a contact device installed at the outlet for the connection of a single attachment plug.

A single receptacle is a single contact device with no other contact device on the same yoke. A multiple receptacle is a single device containing two or more receptacles.

(104) *Receptacle outlet*. An outlet where one or more receptacles are installed.

(105) *Remote-control circuit*. Any electric circuit that controls any other circuit through a relay or an equivalent device.

(106) *Sealable equipment*. Equipment enclosed in a case or cabinet that is provided with a means of sealing or locking so that live parts cannot be made accessible without opening the enclosure. The equipment may or may not be operable without opening the enclosure.

(107) *Separately derived system*. A premises wiring system whose power is derived from generator, transformer, or converter winding and has no direct

electrical connection, including a solidly connected grounded circuit conductor, to supply conductors originating in another system.

(108) *Service*. The conductors and equipment for delivering energy from the electricity supply system to the wiring system of the premises served.

(109) *Service cable*. Service conductors made up in the form of a cable.

(110) *Service conductors*. The supply conductors that extend from the street main or from transformers to the service equipment of the premises supplied.

(111) *Service drop*. The overhead service conductors from the last pole or other aerial support to and including the splices, if any, connecting to the service-entrance conductors at the building or other structure.

(112) *Service-entrance cable*. Service-entrance cable is a single conductor or multiconductor assembly provided with or without an overall covering, primarily used for services and of the following types:

(i) *Type SE*, having a flame-retardant, moisture-resistant covering, but not required to have inherent protection against mechanical abuse.

(ii) *Type USE*, recognized for underground use, having a moisture-resistant covering, but not required to have a flame-retardant covering or inherent protection against protection against mechanical abuse. Single-conductor cables having an insulation specifically approved for the purpose do not require an outer covering.

(113) *Service-entrance conductors, overhead system*. The service conductors between the terminals of the service equipment and a point usually outside the building, clear or building walls, where joined by tap or splice to the service drop.

(114) *Service-entrance conductors, underground system*. The service conductors between the terminals of the service equipment and the point of connection to the service lateral.

Where service equipment is located outside the building walls, there may be no service-entrance conductors, or they may be entirely outside the building.

(115) *Service equipment*. The necessary equipment, usually consisting of a circuit breaker or switch and fuses, and their accessories, located near the point of entrance of supply conductors to a building or other structure, or an otherwise defined area, and intended to constitute the main control and means of cutoff of the supply.

(116) *Service raceway*. The raceway that encloses the service-entrance conductors.

(117) *Shielded nonmetallic-sheathed cable.* Type SNM, shielded non-metallic-sheathed cable is a factory assembly of two or more insulated conductors in an extruded core of moisture-resistant, flame-resistant nonmetallic material, covered with an overlapping spiral metal tape and wire shield and jacketed with an extruded moisture-, flame-, oil-, corrosion-, fungus-, and sunlight-resistant nonmetallic material.

(118) *Show window.* Any window used or designed to be used for the display of goods or advertising material, whether it is fully or partly enclosed or entirely open at the rear and whether or not it has a platform raised higher than the street floor level.

(119) *Sign.* See "Electric Sign."

(120) *Signaling circuit.* Any electric circuit that energizes signaling equipment.

(121) *Special permission.* The written consent of the authority having jurisdiction.

(122) *Storable swimming or wading pool.* A pool with a maximum dimension of 15 feet and a maximum wall height of 3 feet and is so constructed that it may be readily disassembled for storage and reassembled to its original integrity.

(123) *Switchboard.* A large single panel, frame, or assembly of panels which have switches, buses, instruments, overcurrent and other protective devices mounted on the face or back or both. Switchboards are generally accessible from the rear as well as from the front and are not intended to be installed in cabinets. (See "Panelboard.")

(124) *Switches.* (i) *General-use switch.* A switch intended for use in general distribution and branch circuits. It is rated in amperes, and it is capable of interrupting its rated current at its rated voltage.

(ii) *General-use snap switch.* A form of general-use switch so constructed that it can be installed in flush device boxes or on outlet box covers, or otherwise used in conjunction with wiring systems recognized by this subpart.

(iii) *Isolating switch.* A switch intended for isolating and electric circuit from the source of power. It has no interrupting rating, and it is intended to be operated only after the circuit has been opened by some other means.

(iv) *Motor-circuit switch.* A switch, rated in horsepower, capable of interrupting the maximum operating overload current of a motor of the same horsepower rating as the switch at the rated voltage.

(125) *Switching devices.* (Over 600 Volts, Nominal). Devices designed to close and/or open one or more electric

circuits. Included in this category are circuit breakers, cutouts, disconnecting (or isolating) switches, disconnecting means, interrupter switches, and oil (filled) cutouts.

(126) *Transportable X-ray.* X-ray equipment to be installed in a vehicle or that may be readily disassembled for transport in a vehicle.

(127) *Utilization equipment.* [Reserved].

(128) *Utilization system.* A utilization system is one which provides electric power and light for employee workplaces.

(129) *Ventilated.* Provided with a means to permit circulation of air sufficient to remove an excess of heat, fumes, or vapors.

(130) *Volatile flammable liquid.* A flammable liquid having a flash point below 38 degrees C (100 degrees F) or whose temperature is above its flash point.

(131) *Voltage (of a Circuit).* The greatest root-mean-square (effective) difference of potential between any two conductors of the circuit concerned.

(132) *Voltage, nominal.* A nominal value assigned to a circuit or system for the purpose of conveniently designating its voltage class (as 120/240, 480Y/277, 600, etc.).

The actual voltage at which a circuit operates can vary from the nominal within a range that permits satisfactory operation of equipment.

(133) *Voltage to ground.* For grounded circuits, the voltage between the given conductor and that point or conductor of the circuit that is grounded; for ungrounded circuits, the greatest voltage between the given conductor and any other conductor of the circuit.

(134) *Watertight.* So constructed that moisture will not enter the enclosure.

(135) *Weatherproof.* So constructed or protected that exposure to the weather will not interfere with successful operation.

Rainproof, raintight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

(136) *Wet location.* See under "Location."

(137) *Wireways.* Wireways are sheet-metal troughs with hinged or removable covers for housing and protecting electric wires and cable and in which conductors are laid in place after the wireway has been installed as a complete system.

(b) [Reserved].

(c) [Reserved].

(d) [Reserved].

Appendix A—Explanatory Data [Reserved]

Appendix B—Tables, Notes, and Charts [Reserved]

Appendix C—Reference Documents

- ANSI A17.1-71 Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks.
- ANSI B9.1-71 Safety Code for Mechanical Refrigeration.
- ANSI B30.2-76 Safety Code for Overhead and Gantry Cranes.
- ANSI B30.3-75 Hammerhead Tower Cranes.
- ANSI B30.4-73 Safety Code for Portal, Tower, and Pillar Cranes.
- ANSI B30.5-68 Safety Code for Crawler, Locomotive, and Truck Cranes.
- ANSI B30.6-77 Derricks.
- ANSI B30.7-77 Base Mounted Drum Hoists.
- ANSI B30.8-71 Safety Code for Floating Cranes and Floating Derricks.
- ANSI B30.11-73 Monorail Systems and Underhung Cranes.
- ANSI B30.12-75 Handling Loads Suspended from Rotorcraft.
- ANSI B30.13-77 Controlled Mechanical Storage Cranes.
- ANSI B30.15-73 Safety Code for Mobile Hydraulic Cranes.
- ANSI B30.16-73 Overhead Hoists.
- ANSI C2-77 National Electrical Safety Code.
- ANSI C33.27-74 Safety Standard for Outlet Boxes and Fittings for Use in Hazardous Locations, Class I, Groups A, B, C, and D, and Class II, Groups E, F, and G.
- ANSI K61.1-72 Safety Requirements for the Storage and Handling of Anhydrous Ammonia.
- ASTM D2155-66 Test Method for Autoignition Temperature of Liquid Petroleum Products.
- ASTM D3176-74 Method for Ultimate Analysis of Coal and Coke.
- ASTM D3180-74 Method for Calculating Coal and Coke Analyses from As Determined to Different Bases.
- IEEE 463-77 Standard for Electrical Safety Practices in Electrolytic Cell Line Working Zones.
- NFPA 20-76 Standard for the Installation of Centrifugal Fire Pumps.
- NFPA 30-76 Flammable and Combustible Liquids Code.
- NFPA 32-74 Standard for Drycleaning Plants.
- NFPA 33-73 Standard for Spray Application Using Flammable and Combustible Materials.
- NFPA 34-74 Standard for Dip Tanks Containing Flammable or Combustible Liquids.
- NFPA 35-76 Standard for the Manufacture of Organic Coatings.
- NFPA 36-74 Standard for Solvent Extraction Plants.
- NFPA 40-74 Standard for the Storage and Handling of Cellulose Nitrate Motion Picture Film.
- NFPA 56A-73 Standard for the Use of Inhalation Anesthetics (Flammable and Nonflammable).
- NFPA 56F-74 Standard for Nonflammable Medical Gas Systems.
- NFPA 58-76 Standard for the Storage and Handling of Liquefied Petroleum Gases.

NFPA 59-76 Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants.

NFPA 70-78 National Electrical Code.

NFPA 70C-74 Hazardous Locations Classification.

NFPA 70E Standard for the Electrical Safety Requirements for Employee Workplaces.

NFPA 71-77 Standard for the Installation, Maintenance, and Use of Central Station Signaling Systems.

NFPA 72A-75 Standard for the Installation, Maintenance, and Use of Local Protective Signaling Systems for Watchman, Fire Alarm, and Supervisory Service.

NFPA 72B-75 Standard for the Installation, Maintenance, and Use of Auxiliary Protective Signaling Systems for Fire Alarm Service.

NFPA 72C-75 Standard for the Installation, Maintenance, and Use of Remote Station Protective Signaling Systems.

NFPA 72D-75 Standard for the Installation, Maintenance, and Use of Proprietary Protective Signaling Systems for Watchman, Fire Alarm, and Supervisory Service.

NFPA 72E-74 Standard for Automatic Fire Detectors.

NFPA 74-75 Standard for Installation, Maintenance, and Use of Household Fire Warning Equipment.

NFPA 76A-73 Standard for Essential Electrical Systems for Health Care Facilities.

NFPA 77-72 Recommended Practice on Static Electricity.

NFPA 80-77 Standard for Fire Doors and Windows.

NFPA 86A-73 Standard for Ovens and Furnaces; Design, Location and Equipment.

NFPA 88A-73 Standard for Parking Structures.

NFPA 88B-73 Standard for Repair Garages.

NFPA 91-73 Standard for the Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal, or Conveying.

NFPA 101-76 Code for Safety to Life from Fire in Buildings and Structures. (Life Safety Code).

NFPA 325M-69 Fire-Hazard Properties of Flammable Liquids, Gases, and Volatile Solids.

NFPA 493-75 Standard for Intrinsically Safe Apparatus for Use in Class I Hazardous Locations and Its Associated Apparatus.

NFPA 496-74 Standard for Purged and Pressurized Enclosures for Electrical Equipment in Hazardous Locations.

NFPA 497-75 Recommended Practice for Classification of Class I Hazardous Locations for Electrical Installations in Chemical Plants.

NFPA 505-75 Fire Safety Standard for Powered Industrial Trucks Including Type Designations and Areas of Use.

[FR Doc. 79-29465 Filed 9-24-79; 8:45 am]

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Tuesday
September 25, 1979

Part III

Consumer Product Safety Commission

Withdrawal of Proposed Rules and
Notices of Possible Need for Standards

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Parts 1500, 1501, 1600, and 1700]

Withdrawal of Proposed Rules and Notices of Possible Need for Standards

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of certain proposed rules and notices of possible need for standards.

SUMMARY: The Commission withdraws certain proposed rules and notices of possible need for standards that were issued by other agencies before the creation of the Commission and for which the Commission is now responsible. The Commission reviewed these items during the general review of its regulatory activities, and has decided these rules and notices are no longer needed.

FOR FURTHER INFORMATION CONTACT: See person listed in individual documents.

SUPPLEMENTARY INFORMATION: When the Consumer Product Safety Commission was created, in addition to its responsibilities under the newly-enacted Consumer Product Safety Act, the Commission assumed responsibilities that previously had been administered by other agencies under the Federal Hazardous Substances Act, the Poison Prevention Packaging Act of 1970, the Flammable Fabrics Act, and the Refrigerator Safety Act. Thus, a number of regulations administered by the Commission were issued by other agencies, and there are a number of proposed rules and notices of possible need for standards that were published by other agencies but for which the Commission is now responsible.

The Commission is now reviewing its regulatory activities to determine if any of its regulations are no longer necessary or should be revised. In the course of this review, the Commission has concluded that a number of proposed rules and notices of possible need for standards that were published by the Commission's predecessor agencies should be withdrawn.

Accordingly, the following thirteen Federal Register notices withdraw the previous rules and notices that the Commission has determined are now unnecessary. These notices terminate or affect the following proceedings:

1. Finding of possible need for flammability standard for children's underwear and dresses.

2. Finding of possible need for flammability standard for blankets.

3. Proposed amendment of regulations applicable to combustible and flammable hazardous substances.

4. Proposed amendment to first aid labeling regulations for products containing benzene, toluene, xylene, or petroleum distillates.

5. Proposed labeling requirements for paints containing lead and other heavy metals.

6. Proposed revision of test for eye irritants.

7. Proposed regulation to prohibit distribution of hazardous substances in containers identifiable as food, drug, or cosmetic containers.

8. Proposed revision of test for skin irritants.

9. Proposed labeling requirements for toys to identify manufacturer, distributor, or importer.

10. Proposed regulation to ban certain toy chests.

11. Proposed labeling requirements for aerosol containers using fluorocarbons as propellants.

12. Proposal to add informed consent requirement.

13. Proposed requirements for special packaging for promotional samples.

The specific reasons for the withdrawal of each proposal or notice of possible need are explained in the notice that accomplishes the withdrawal.

Dated: September 19, 1979.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 79-29668 Filed 9-24-79; 8:45 am]
BILLING CODE 6355-01-M

[16 CFR Part 1600]**Children's Wearing Apparel (Underwear and Dresses); Withdrawal of Finding of Possible Need for a Flammability Standard for Children's Underwear and Dresses**

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of notice of finding of possible need.

SUMMARY: The Consumer Product Safety Commission withdraws a notice of finding of possible need for a flammability standard for children's dresses and underwear previously published by the Secretary of Commerce. The notice is being withdrawn at this time in order to clear up any ambiguity that may exist concerning whether the notice is still in effect as to dresses and underwear.

Also, to the extent the notice may still be applicable to children's underwear, the notice is withdrawn because it appears that in fire incidents involving children, underwear is usually not the first garment to ignite and because the Commission has no information showing that a need exists at this time for a flammability standard for children's underwear in these sizes. To the extent that the notice may still be applicable to children's dresses, the notice is being withdrawn because it is not known, at this time, that a standard for children's dresses is needed.

FOR FURTHER INFORMATION CONTACT: Phyllis Buxbaum, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, phone number 301-492-6626.

SUPPLEMENTARY INFORMATION: In the Federal Register of January 24, 1970 (35 FR 1019), the Secretary of Commerce published a finding of possible need for a flammability standard for children's sleepwear, underwear, and dresses in sizes up to and including 6X. The possible need for a flammability standard was supported by data showing that these garments were involved in fires at a rate significantly exceeding the proportion of children of ages one through five in the total population.

After reviewing the comments received in response to the notice of possible need for a flammability standard, the Secretary of Commerce published a proposed standard for flammability of children's sleepwear in sizes 0 through 6X in the Federal Register of November 17, 1970 (35 FR 17670). In response to comments and other available information which indicated that in most flammability incidents involving children, underwear is not the first garment to ignite, the proposed flammability standard for children's sleepwear specifically excluded diapers and underwear from its coverage.

The proposed flammability standard for children's sleepwear also did not apply to children's dresses. However, the proposal did not expressly withdraw the finding of possible need for a flammability standard applicable to children's dresses.

In the Federal Register of July 29, 1971 (36 FR 14062), the Secretary of Commerce issued the Standard for the Flammability of Children's Sleepwear for garments in sizes 0 through 6X. Like the proposed standard, the final standard specifically exempted diapers and underwear and did not apply to children's dresses. However, the finding

of possible need published on January 24, 1970, to the extent that it was applicable to children's underwear or dresses in sizes 0 through 6X, was not expressly withdrawn. The Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3-71) now appears at 16 CFR Part 1615.

On May 14, 1973, functions under the Flammable Fabrics Act (15 U.S.C. 1191-1204) exercised by the Secretary of Commerce, the Secretary of Health, Education and Welfare, and the Federal Trade Commission were transferred to the Consumer Product Safety Commission by section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079(b)). Therefore, the Commission is now responsible for determining whether there is a need for a flammability standard applicable to children's underwear or dresses.

After reviewing the available information, the Commission has no reason to believe that a need exists at this time for a flammability standard for children's underwear in sizes 0 through 6X. Therefore, the Commission concludes that the notice of finding of possible need for a standard published in the Federal Register on January 24, 1970, should be withdrawn to the extent that it applies to underwear.

At the present, the Commission plans to review the need for additional standards on flammable fabrics. As part of this investigation, the need for a standard on children's dresses will be determined. Since it is not known, at this time, whether such a standard is needed, the Commission concludes that the notice of a finding of possible need published on January 24, 1970, should be withdrawn to the extent that it applies to children's dresses in sizes 0 through 6X. Any new or amended standard applicable to children's garments other than sleepwear which may result from work now in progress will be proposed in a new proceeding following the procedures for the development of flammability standards which appear at 16 CFR Part 1607.

Conclusion

Therefore, the Consumer Product Safety Commission withdraws the notice of finding of possible need for a flammability standard that was published by the Secretary of Commerce on January 24, 1970 (35 FR 1019), to the extent that it is applicable to children's underwear and children's dresses in sizes 0 through 6X.

Dated: September 19, 1979.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 79-29667 Filed 9-24-79; 8:45 am]
BILLING CODE 6355-01-M

[16 CFR Part 1600]**Blankets; Withdrawal of Notice of Finding of Possible Need for a Flammability Standard for Blankets**

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of notice of finding of possible need.

SUMMARY: The Consumer Product Safety Commission is withdrawing a notice of a finding of possible need for a flammability standard for blankets which was published by the Secretary of Commerce. This action is taken because the highly flammable blankets that were available at the time of the notice are no longer being sold.

FOR FURTHER INFORMATION CONTACT: Phyllis Buxbaum, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C., phone number (301) 492-6626.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 10, 1970 (35 FR 8943), the Secretary of Commerce published a notice of a finding that a flammability standard may be needed for blankets. The possible need for a flammability standard for blankets was based on the highly flammable high rayon or high cotton content blankets then available on the commercial market. Subsequent voluntary action by manufacturers and importers has led to the removal of these blankets from commerce.

On May 14, 1973, functions of the Secretary of Commerce, the Secretary of Health, Education and Welfare, and the Federal Trade Commission under the Flammable Fabrics Act (15 U.S.C. 1191-1204) were transferred to the Consumer Product Safety Commission by section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079(b)). Therefore, the Consumer Product Safety Commission has the responsibility to decide what further action to take concerning blankets.

In 1974, the National Bureau of Standards reviewed data concerning blankets involved in fire incidents and concluded that at that time blankets were not involved in a large number of fire incidents. No evidence of a serious flammability problem with blankets has been observed since the highly

flammable high rayon or high cotton content blankets were removed from the marketplace. The Commission concludes that a need no longer exists for a mandatory flammability standard for blankets and that the notice of need should be withdrawn. However, if the Commission finds at any time in the future that a need for a flammability standard for blankets may exist, it will begin a new proceeding following the procedures at 16 CFR Part 1607 for the development of flammability standards.

Conclusion

Therefore, having considered the notice of possible need for a flammability standard for blankets, the comments received in response to that notice, and other relevant material, the Commission hereby withdraws the notice of a finding of possible need for a flammability standard for blankets published on June 10, 1970 (35 FR 8943).

Dated: September 19, 1979.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 79-29668 Filed 9-24-79; 8:45 am]
BILLING CODE 6355-01-M

[16 CFR Part 1500]**Hazardous Substances; Withdrawal of Proposed Amendment of Regulations Applicable to Combustible and Flammable Hazardous Substances**

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Consumer Product Safety Commission is withdrawing a proposal to amend regulations under the Federal Hazardous Substances Act to define the term "combustible" as it applies to solid materials and to contents of self-pressurized containers. The proposal would also have revised portions of existing regulations which prescribe tests for flammability of solid materials and contents of self-pressurized containers and define substances that generate pressure. The Commission is withdrawing the proposal because it has determined that the proposed definition of "combustible solids" is overly broad and because there are insufficient data available to show that the other proposed requirements are suitable. The Commission will continue work to develop appropriate tests for flammability and combustibility of solid materials and contents of self-pressurized containers.

FOR FURTHER INFORMATION CONTACT: Charles Johnson, Directorate for

Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C., 20207, telephone (301) 492-6400.

SUPPLEMENTARY INFORMATION: The Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261-1274, imposes labeling and other requirements for certain products which are intended for household use and which contain or consist of a "hazardous substance." As enacted in 1960, section 2(f)(1)(A) of the FHSA (15 U.S.C. 1261(f)(1)(A)) defined the term "hazardous substance" to include any substance or mixture of substances which is "flammable," the FHSA was originally administered by the Secretary of Health, Education, and Welfare.

Thereafter, the FHSA was amended by the Child Protection and Toy Safety Act of 1969 (Pub. L. 91-113). Among the changes made by this act was one which broadened the definition of "hazardous substance" in section 2(f)(1)(A) to include any substance or mixture of substances which is "flammable or combustible," and which "may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonable foreseeable handling or use * * *." [emphasis added]. The 1969 amendments to the FHSA contained a general definition of "combustible" and also authorized the issuance of regulations to define the term "combustible" as it applies to solid materials and the contents of aerosol (self-pressurized) containers and to establish test methods for determining the flammability and combustibility of solid materials and the contents of aerosol containers.

In the Federal Register of August 18, 1970 (35 FR 13137), the Commissioner of Food and Drugs, acting under a delegation from the Secretary of Health, Education, and Welfare, proposed to amend the regulations implementing the FHSA to restate the statutory general definition of "combustible" and to define the term "combustible" as it applies to solid materials and the contents of aerosol containers. The proposed amendment would also have made some changes to the regulations which define "extremely flammable" and "flammable" contents of aerosol containers and substances which generate pressure and which prescribe the test methods for determining the flammability of solid materials. At that time, the regulations which were the subject of the proposed amendment appeared at 21 CFR 191.1, 191.14, and 191.65.

On May 14, 1973, section 30(a) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1231, 15 U.S.C. 2079(a)) transferred the responsibility for issuing regulations under the FHSA from the Secretary of Health, Education, and Welfare to the Consumer Product Safety Commission (CPSC). Therefore, the CPSC is now responsible for deciding what action to take on the proposal of August 18, 1970.

In 1973, the CPSC revised and reissued the regulations under the FHSA as 16 CFR Part 1500. The regulations which were the subject of the amendment proposed on August 18, 1970, now appear at 16 CFR 1500.3(c)(6), 1500.44, and 1500.45.

Several comments received in response to the proposal of August 18, 1970, observed that the definition of the term "combustible solids" contained in the proposed amendment would have the effect of causing almost all household products made from solid materials to be classified as "combustible hazardous substances." However, most of the products so classified would not present a risk of injury to consumers because of combustibility in their ordinary and customary use. Commenters cited pencils and telephones as examples of such products. Nevertheless, under the FHSA, classification of a product as a combustible hazardous substance would require precautionary labeling to warn of the hazard unless the CPSC issued regulations to exempt the product from the labeling requirement. The Commission agrees with these comments that the proposal was too broad in this regard.

Since the proposal, the statutory general definition of "combustible" has been deleted from the FHSA (Pub. L. 95-631, § 9, November 10, 1978, 92 Stat. 3747). The proposed definition of combustible aerosol contents was a modification of the existing definition for flammable aerosol contents, but no specific rationale was developed to justify the flame projection range specified in the definition. The definition, and the other amendments to the regulations that were proposed to clarify or improve the existing definitions and test methods, represented the Commissioner's best knowledge of desirable improvements of these regulations, but the information that was developed to evaluate the suitability of the requirements is insufficient for the Commission to proceed with the issuance of final requirements.

In any event, in view of the period of time since the proposal, the Commission believes it would be appropriate to repropose any of the proposed

amendments before issuing the requirements in final form.

For the reasons given above, the CPSC is withdrawing the amendment proposed on August 18, 1970. However, the CPSC will work to develop appropriate definitions and tests for determining the combustibility of solid materials and contents of aerosol containers and may, in the future, propose appropriate amendments of the regulations under the FHSA.

Conclusion

Therefore, having considered the proposal, the comments received in response to it, and other available information, the CPSC hereby withdraws the proposal to amend the FHSA regulations that was published on August 18, 1970 (35 FR 13137).

Dated: September 19, 1979.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 79-29689 Filed 9-24-79; 8:45 am]
BILLING CODE 6355-01-M

[16 CFR Part 1500]

Hazardous Substances; Withdrawal of Proposed Amendment to First Aid Labeling Regulations for Products Containing Benzene, Toluene, Xylene, or Petroleum Distillates

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Consumer Product Safety Commission withdraws a proposed amendment to the Federal Hazardous Substances Act regulations which prescribe first aid labeling requirements for products containing benzene, toluene, xylene, or petroleum distillates. The proposed amendment is withdrawn because the proposal did not adequately identify the substances to which the amendment would apply. The Commission will continue to evaluate these labeling regulations and may propose an amendment at a later date.

FOR FURTHER INFORMATION CONTACT: Charles Jacobson, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-6400.

SUPPLEMENTARY INFORMATION: Section 2(p)(1) of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261(p)(1), requires household products which contain hazardous substances to be labeled with information needed by consumers to avoid illness or injury when using those products, and with

any necessary or appropriate first aid instructions. Section 3(b) of the FHSA (15 U.S.C. 1262(b)) authorizes issuance of regulations to impose special labeling requirements in those cases in which the general requirements of section 2(p)(1) are not adequate to protect the public health and safety.

Among the products which are subject to special labeling regulations are those which contain more than 5 percent of benzene, or more than 10 percent of toluene, xylene, and petroleum distillates such as kerosene, mineral seal oil, naphtha, gasoline, mineral spirits, stoddard solvent, and related petroleum distillates. These special labeling regulations provide that household products containing 10 percent or more by weight of benzene, toluene, xylene, or other petroleum distillates shall be labeled with the following first aid instructions: "If swallowed, do not induce vomiting. Call physician immediately."

The instructions not to induce vomiting are required in order to minimize the possibility that vomit containing these substances might be drawn into the lungs and cause inflammation of the lung tissue. These labeling instructions are appropriate if the only hazard presented by the product is that which results from the presence of benzene, toluene, xylene, or the other petroleum distillates.

However, some products contain other highly poisonous substances in addition to benzene, toluene, xylene, or the other petroleum distillates. If such a product were swallowed, and if vomiting were not induced, death, blindness, or other serious injury might result from retention of the product in the digestive tract. In such a case, retention of the product in the digestive tract may pose a risk of injury which is far more serious than the risk of injury associated with vomiting.

In the Federal Register of June 8, 1971 (36 FR 11040), the Commissioner of Food and Drugs proposed to amend the special labeling regulations applicable to products containing benzene, toluene, xylene, and the other petroleum distillates. At that time, these regulations appeared at 21 CFR 191.7(b)(3). The proposed amendment would have added language to the regulations so that if the product contains other acutely toxic substances, in such concentrations that retaining the product in the digestive tract would present a greater risk of injury than might result from inducing vomiting, the instructions would recommend that vomiting should be induced. This action was taken under authority delegated from the Secretary of Health, Education,

and Welfare, who was then responsible for administering the Federal Hazardous Substances Act.

In response to the proposal of June 8, 1971, comments were received from three manufacturers of chemical products and two associations of manufacturers of such products. All comments agreed that in some cases the first aid instructions for products containing benzene, toluene, xylene, or the other petroleum distillates should include directions to induce vomiting. However, all commenters objected that the proposed amendment did not adequately or sufficiently describe those products for which first aid instructions to induce vomiting should be required.

On May 14, 1973, section 30(a) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1231, 15 U.S.C. 2079(a)) transferred the responsibility for issuing regulations under the FHSA from the Secretary of Health, Education, and Welfare to the Consumer Product Safety Commission (CPSC). Therefore, the CPSC is now responsible for deciding what action to take on the proposal of June 8, 1971.

In 1973, the CPSC revised and reissued the regulations under the FHSA as 16 CFR Part 1500. The special labeling requirements for products containing benzene, toluene, xylene, or the other petroleum distillates now appear at 16 CFR 1500.14(b)(3).

The CPSC believes that the existing labeling requirements for those products are inadequate and should be revised to require appropriate first aid instructions for products which consist of a mixture of a highly toxic substance and benzene, toluene, xylene, or petroleum distillates.

However, the CPSC also believes that the comments received in response to the proposal of June 8, 1971, express valid objections. Additionally, the CPSC observes that it has been 8 years since the Commissioner of Food and Drugs proposed the amendment to revise the labeling requirements for products containing benzene, toluene, xylene, or petroleum distillates. The CPSC believes that fairness to all interested parties requires another proposal of any amendment to the labeling requirements of 16 CFR 1500.14(b)(3) so that interested parties may have a further opportunity for comment. For these reasons, the CPSC is withdrawing the amendment proposed on June 8, 1971. However, the CPSC will continue to evaluate the first aid labeling requirements for products which contain benzene, toluene, xylene, or petroleum distillates. On May 17, 1979, the CPSC announced the appointment of a nine-member Toxicological Advisory Board. The advisory board will review labeling

requirements that have been issued under the FHSA and recommend appropriate revisions. The CPSC will request the advisory board to give priority to consideration of appropriate first aid labeling requirements for products which contain benzene, toluene, xylene, or petroleum distillates.

Conclusion

Therefore, having considered the proposed amendment, comments received in response to the proposal, and other relevant material, the Commission hereby withdraws the proposed amendment to the Federal Hazardous Substances Act regulations published on June 8, 1971 (36 FR 11040).

Dated: September 19, 1979.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 79-29670 Filed 9-24-79; 8:45 am]
BILLING CODE 6355-01-M

[16 CFR Part 1500]

Withdrawal of Proposed Regulation to Require Labeling of Paints Containing Lead and Other Heavy Metals

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of proposed regulation.

SUMMARY: The Consumer Product Safety Commission withdraws a proposed regulation that would have required labeling of paints intended for household use containing lead or other heavy metals to warn against eating or chewing the dried film of such paints and to warn against use of such paints on toys and other children's articles or on surfaces of buildings occupied by, or accessible to, children. The proposal is withdrawn because paint containing more than 0.06 percent lead is currently banned and because there are no available data sufficient to show a substantial risk caused by children eating or chewing dried paint containing other heavy metals.

FOR FURTHER INFORMATION CONTACT: Charles M. Jacobson, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, phone number (301) 492-6400.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 2, 1971 (36 FR 20985), the Commissioner of Food and Drugs proposed a regulation under the Federal Hazardous Substances Act (15 U.S.C. 1261-1274) which would have classified any paint intended for household use which contains lead

compounds, antimony, arsenic, cadmium, mercury, selenium, or barium compounds, in excess of specified limits, as "hazardous substances," and would have required any such paint to be labeled to state that it may be harmful if eaten or chewed and that such paint should not be used on toys or other children's articles, or on surfaces of buildings occupied by, or accessible to, children.

On the same date, at 36 FR 20988, the Commissioner of Food and Drugs proposed a second regulation under provisions of the Federal Hazardous Substances Act to ban the distribution in interstate commerce of any paint intended for household use which contains lead, except for minute traces which could not reasonably be kept out of such a product. The proposed banning regulation was published in response to a petition submitted by Joseph A. Page, Anthony L. Young, Mary Win O'Brien, William F. Ryan, Jack Newfield, and Edmund O. Rothschild, M.D.

After consideration of all comments received in response to the two proposed regulations, the Commissioner of Food and Drugs determined that precautionary labeling of paints containing lead would not effectively eliminate the hazard of lead poisoning presented by those paints. In the *Federal Register* of March 11, 1972 (37 FR 5229), the Commissioner of Food and Drugs issued a final regulation to ban any paint intended for household use which is shipped in interstate commerce between December 31, 1972, and December 31, 1973, with a lead content (calculated as the metal) in excess of 0.5 percent of the weight of the contained solids or dried paint film. The final regulation also banned any paint intended for household use which is shipped in interstate commerce after December 31, 1973, and which has a lead content (calculated as the metal) in excess of 0.06 percent of the total weight of the contained solids or dried paint film.

The Commissioner of Food and Drugs stated that no final regulation concerning paints intended for household use containing metals other than lead would be issued until additional information concerning the use of such metals in paints was considered and evaluated. The proposed labeling regulation published on November 21, 1971, at 36 FR 20985 was not withdrawn.

Because of objections filed to the provision lowering the level to 0.06 percent pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 371(e), the Food and Drug Administration stayed the portions of

the regulation lowering the level to 0.06 percent (37 FR 16078; August 10, 1972). The 0.5 percent level was unaffected.

On May 14, 1973, responsibility for administration and enforcement of the Federal Hazardous Substances Act was transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2029(a)). Therefore, the Commission now has the responsibility for deciding what action to take concerning the proposed labeling rule for paints intended for household use and containing lead or other heavy metals.

The Consumer Product Safety Act (15 U.S.C. 2051-2081) also transferred the responsibility for determining whether a ban of paint containing less than 0.5 percent lead was appropriate from Food and Drug Administration to the Commission. On September 1, 1977, after proceedings under the Consumer Product Safety Act and the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801-4846), the Commission issued a final regulation declaring paint and other similar surface-coating materials containing lead or lead compounds, and in which the lead content (calculated as lead metal) is over 0.06 percent by weight of the total nonvolatile content of the paint or the weight of the dried paint film, to be banned hazardous products (42 FR 44193). This ban became effective on February 28, 1978.

Because of the ban limiting the allowable lead content of paints, the Commission believes that the hazard posed by lead in paint has been reduced to the point that cautionary labeling addressing this hazard is unnecessary. In addition, the Commission has not received information which would be a sufficient basis for issuance of a regulation to require cautionary labeling of any paint intended for household use containing heavy metals other than lead. For these reasons, the Commission believes that the regulation proposed on November 2, 1971, to require labeling of such paints should be withdrawn.

Conclusion

Therefore, the Commission hereby withdraws the proposed regulation to require cautionary labeling of paints intended for household use containing lead and other heavy metals published by the Commissioner of Food and Drugs in the *Federal Register* of November 21, 1971 at 36 FR 20985.

Dated: September 19, 1979.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 29671 Filed 9-24-79; 8:45 am]
BILLING CODE 6355-01-M

[16 CFR Part 1500]

Hazardous Substances; Withdrawal of Proposed Revision of Test for Eye Irritants

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Consumer Product Safety Commission is withdrawing a proposed amendment to a regulation which implements the Federal Hazardous Substances Act by prescribing a test for eye irritants. The proposed amendment was published in 1972. Since that time, an interagency task force has developed guidelines for tests on eye irritants which may be suitable for use by the Commission and four other Federal agencies. Since the Commission's staff intends to evaluate these guidelines, and the Commission may propose an amendment to the regulation prescribing the test for eye irritants based on guidelines for such tests developed by the interagency task force, the previous proposal is being withdrawn.

FOR FURTHER INFORMATION CONTACT: Joseph McLaughlin, Jr. Ph.D., Directorate for Engineering and Science, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-6498.

SUPPLEMENTARY INFORMATION: The Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261-1274, imposes labeling and other requirements for certain products which are intended for household use and which contain or consist of a "hazardous substance." The term "hazardous substance" is defined in section 2(f)(1)(A) of the FHSA (15 U.S.C. 1261(f)(1)(A)) to include any substance or mixture of substances which is "an irritant," and which "may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use . . .". The term "irritant" is defined in section 2(j) of the FHSA and in regulations issued under the FHSA to supplement the statutory definition. These regulations also set forth test methods for determining if a substance is a skin irritant or an eye irritant. The Federal Hazardous Substances Act was originally administered by the Secretary of Health, Education, and Welfare.

In the *Federal Register* of April 28, 1972 (37 FR 8534), the Commissioner of Food and Drugs, acting under authority delegated to him by the Secretary of Health, Education, and Welfare, proposed an amendment to the regulations which prescribe the test for determining if a substance is an eye irritant. In the notice proposing the amendment, the Commissioner observed that changes in the test method may be needed to more realistically simulate the manner by which eye contact which could reasonably be expected to occur when consumers are exposed to household products. At that time, the eye irritant test appeared at 21 CFR 191.12.

On May 14, 1973, section 30(a) of the Consumer Product Safety Act, 15 U.S.C. 2079(a), transferred the responsibility for issuing regulations under the FHSA from the Secretary of Health, Education, and Welfare to the Consumer Product Safety Commission (CPSC). Therefore, the CPSC is now responsible for deciding what action to take on the proposal of December 19, 1972.

In 1973, the CPSC revised and reissued the regulations under the FHSA as 16 CFR Part 1500. The test for determining if a substance is an eye irritant now appears at 16 CFR 1500.42.

Since acquiring responsibility for the administration and enforcement of the FHSA, the CPSC has entered into a working partnership with four other agencies of the Federal government. This working group is called the Interagency Regulatory Liaison Group (IRLG). The other members of the IRLG are the Environmental Protection Agency, the Food and Drug Administration, the Occupational Safety and Health Administration, and the Food Safety and Quality Service of the Department of Agriculture.

For the past several months, a task force comprised of representatives from the five IRLG agencies has been developing guidelines for tests for eye irritants which may be suitable for use by all five IRLG agencies. The IRLG guidelines also reflect developments in the fields of medicine and the biological sciences which have occurred since publication of the amendment to the FHSA regulation proposed by the Commissioner of Food and Drugs on April 28, 1972. The CPSC's staff intends to evaluate these guidelines, and the Commission may propose an amendment to the existing test procedure for eye irritants contained in the FHSA regulations (16 CFR 1500.42) based on the IRLG guidelines.

For these reasons, the CPSC is withdrawing the proposed amendment

to the test for eye irritants published on December 19, 1972.

Until the CPSC publishes a proposed amendment to the test for eye irritants, receives and reviews comments on the proposal, and issues an amendment on a final basis, the provisions of 16 CFR 1500.42, which set forth the present test for determining if a substance is an eye irritant, will remain in effect.

Conclusion

Therefore, having considered the proposed amendment and material relating to that proposal, the CPSC hereby withdraws the proposed amendment published on April 28, 1972 (37 FR 8534).

Dated: September 19, 1979.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 79-29672 Filed 9-24-79; 8:45 am]
BILLING CODE 6355-01-M

[16 CFR Part 1500]

Withdrawal of Proposed Rule to Prohibit Marketing of Hazardous Substances in Containers Which May be Identified as Food, Drug, or Cosmetic Containers

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Commission is withdrawing a regulation the Food and Drug Administration proposed in 1972 to prohibit the marketing of hazardous substances in any container which is identifiable as a container for foods, drugs, or cosmetics. The Commission is taking this action because the proposed rule would merely duplicate a self-explanatory section of the Federal Hazardous Substances Act.

FOR FURTHER INFORMATION CONTACT: Charles Jacobson, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C., phone (301) 492-6400.

SUPPLEMENTAL INFORMATION: Under authority delegated to him by the Secretary of Health, Education, and Welfare, the Commissioner of Food and Drugs published in the *Federal Register* of November 10, 1972 (37 FR 23924), a proposed rule under the Federal Hazardous Substances Act to prohibit the marketing of any hazardous substance in any container which is identifiable as a container for food, drugs, or cosmetics.

On May 14, 1973, authority to issue regulations implementing the Federal Hazardous Substances Act was

transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act, 15 U.S.C. 2079(a). Therefore, the Commission has the responsibility of deciding what action to take on the proposal.

The regulation proposed on November 10, 1972, would not impose any requirement beyond the requirements contained in section 4(f) of the Federal Hazardous Substances Act. The proposed regulation merely recites the provisions of that section and lists examples of the kinds of containers whose use is prohibited for the packaging of products which are hazardous substances. After review of the provisions of section 4(f) of the act and the text of the regulation proposed on November 10, 1972, the Commission believes that the text of section 4(f) is self-explanatory, and that additional clarification or guidance concerning the purpose or requirements of that section is not needed.

Conclusion

Therefore, having considered the proposed rule and comments and other relevant material, the Commission hereby withdraws the proposed rule regarding hazardous substances marketed in containers identifiable as food, drug, or cosmetic containers published on November 10, 1972 (37 FR 23924).

Dated: September 19, 1979.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 79-29673 Filed 9-24-79; 8:45 am]
BILLING CODE 6355-01-M

[16 CFR Part 1500]

Hazardous Substances; Withdrawal of Proposed Revision of Test for Skin Irritants

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Consumer Product Safety Commission is withdrawing a proposed amendment to a regulation which implements the Federal Hazardous Substances Act by prescribing a test for skin irritants. The proposed amendment was published in 1972. Since that time, an interagency task force has developed uniform guidelines for tests on skin irritants which could be used by the Commission and four other Federal agencies. Since the Commission's staff intends to evaluate these guidelines, and the Commission may propose an amendment to the regulation prescribing

the test for skin irritants based on guidelines for such tests developed by the interagency task force, the previous proposal is being withdrawn.

FOR FURTHER INFORMATION CONTACT: Joseph McLaughlin, Jr., Ph. D., Directorate for Engineering and Science, Consumer Product Safety Commission, Washington, D.C. 20207. Telephone (301) 492-6486.

SUPPLEMENTARY INFORMATION: The Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261-1274, imposes labeling and other requirements for certain products which are intended for household use and which contain or consist of a "hazardous substance." The term "hazardous substance" is defined in section 2(f)(1)(A) of the FHSA (15 U.S.C. 1261(f)(1)(A)) to include any substance or mixture of substances which is "an irritant," and which "may cause substantial personal injury or substantial personal illness during or as a proximate result of any customary or reasonably foreseeable handling or use." The term "irritant" is defined in section 2(j) of the FHSA, and in regulations issued under the FHSA to supplement the statutory definition. These regulations also set forth test methods for determining if a substance is a skin irritant or an eye irritant. The Federal Hazardous Substances Act was originally administered by the Secretary of Health, Education, and Welfare.

In the Federal Register of December 19, 1972 (37 FR 27635), the Commissioner of Food and Drugs, acting under authority delegated to him by the Secretary of Health, Education, and Welfare, proposed an amendment to the regulations which prescribe the test for determining if a substance is a skin irritant. In the notice proposing the amendment, the Commissioner observed that changes in the test method may be needed to more realistically simulate skin contact which could reasonably be expected to occur when consumers are exposed to household products. At that time, the skin irritant test appeared at 21 CFR 191.11.

On May 14, 1973, section 30(a) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1231, 15 U.S.C. 2079(a)) transferred the responsibility for issuing regulations under the FHSA from the Secretary of Health, Education, and Welfare to the Consumer Product Safety Commission (CPSC). Therefore, the CPSC is now responsible for deciding what action to take on the proposal of December 19, 1972.

In 1973, the CPSC revised and reissued the regulations under the FHSA as 16 CFR Part 1500. The test for

determining if a substance is a skin irritant now appears at 16 CFR 1500.41.

Since acquiring responsibility for the administration and enforcement of the FHSA, the CPSC has entered into a working partnership with four other agencies of the Federal government. This working group is called the Interagency Regulatory Liaison Group (IRLG). The other members of the IRLG are the Environmental Protection Agency, the Food and Drug Administration, the Occupational Safety and Health Administration, and the Food Safety and Quality Service of the Department of Agriculture.

For the past several months, a task force comprised of representatives from the five IRLG agencies has been developing guidelines for tests for skin irritants which may be suitable for use by all five IRLG agencies. The IRLG guidelines also reflect developments in the fields of medicine and the biological sciences which have occurred since publication of the amendment to the FHSA regulation proposed by the Commissioner of Food and Drugs on December 19, 1972. The CPSC's staff intends to evaluate these guidelines, and the Commission may propose an amendment to the existing test procedure for skin irritants contained in the FHSA regulations (16 CFR 1500.41) based on the IRLG guidelines.

For these reasons, the CPSC is withdrawing the proposed amendment to the test for skin irritants published on December 19, 1972.

Until the CPSC publishes a proposed amendment to the test for skin irritants, receives and reviews comments on the proposal, and issues an amendment on a final basis, the provisions of 16 CFR 1500.41, which set forth the present test for determining if a substance is a skin irritant, will remain in effect.

Conclusion

Therefore, having considered the proposed amendment and material relating to that proposal, the CPSC hereby withdraws the proposed amendment to the FHSA regulations published on December 19, 1972 (37 FR 27635).

Dated: September 19, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-29674 Filed 9-24-79; 8:45 am]

BILLING CODE 6355-01-M

[16 CFR Part 1500]

Identification of Toys and Other Children's Articles; Withdrawal of Proposal to Classify as Banned Hazardous Substances Toys and Other Children's Articles Not Labeled as to Identification

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of proposed regulation.

SUMMARY: The Consumer Product Safety Commission withdraws a proposed regulation under the Federal Hazardous Substances Act that would have banned any toy or other article intended for use by children that was not labeled with the name and address of the manufacturer, importer, or distributor of the article and the model number, stock number, or other number or symbol which would uniquely identify the particular item. This action is taken because the Commission has concluded that the failure to so label would not constitute a "mechanical hazard" and that the requirement would be unduly burdensome.

FOR FURTHER INFORMATION CONTACT: Phyllis Buxbaum, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207 (301) 492-6626.

SUPPLEMENTARY INFORMATION: Section 4 of the Federal Hazardous Substances Act, 15 U.S.C. 1263, provides, among other things, that the introduction of any "banned hazardous substance" into interstate commerce is prohibited. Section 2(q)(1) of the act provides that the term banned hazardous substance includes any toy or other article intended for use by children which is a "hazardous substance." Section 2(f) of the act provides that the term "hazardous substance" includes any toy or other article intended for use by children which the Commission determines, in accordance with Section 3(e) of the act, presents a "mechanical hazard." Section 2(s) of the act, 15 U.S.C. 1261(5), states that "an article may be determined to present a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness (1) from fracture, fragmentation, or disassembly of the article, (2) from propulsion of the article (or any part or accessory thereof), (3) from points or other protrusions, surfaces, edges, openings, or closures, (4) from moving parts, (5) from lack or insufficiency of controls to reduce or stop motion, (6) as

a result of self-adhering characteristics of the article, (7) because the article (or any part or accessory thereof) may be aspirated or ingested, (8) because of instability, or (9) because of any other aspect of the article's design or manufacture.

In the Federal Register of April 16, 1973 (38 FR 9436), the Commissioner of Food and Drugs, under authority delegated by the Secretary of Health, Education and Welfare, proposed a regulation under the Federal Hazardous Substances Act (15 U.S.C. 1261-1274) to declare that any toy or other children's article which is not labeled with the name and address of its manufacturer, importer, or distributor and with a model number, stock number, or other number or symbol which will uniquely identify the particular item, presents a "mechanical hazard" and is therefore a banned hazardous product.

On May 14, 1973, responsibility for the administration and enforcement of the Federal Hazardous Substances Act was transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2079(a)). Therefore, the Commission is now responsible for deciding what action to take on the proposal.

After considering the comments received in response to the proposed regulation, the Commission concludes that the failure of a toy to be labeled in compliance with the proposed regulation would not, by itself, cause the toy to present a "mechanical hazard" as that term is defined in section 2(s) of the Federal Hazardous Substances Act. Furthermore, the Commission believes that to the extent that the proposed regulation would require all toys, regardless of size, price, design, or intended use or function, to be marked with the information set forth in the proposed regulation, the proposal would be unreasonably burdensome.

Conclusion

Therefore, having considered the proposed rule, the comments received in response to the proposal, and other relevant material, the Commission hereby withdraws the proposed rule regarding toy identification published in the Federal Register of April 16, 1973 (38 FR 9436).

Dated: September 19, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-29675 Filed 9-24-79; 8:45 am]

BILLING CODE 6355-01-M

[16 CFR Part 1500]

Toy Chests and Similar Children's Articles; Withdrawal of Proposal to Classify as Banned Hazardous Substances Toy Chests and Similar Articles

AGENCY: Consumer Products Safety Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Consumer Product Safety Commission withdraws a proposed regulation under the Federal Hazardous Substances Act which would ban certain toy chests and similar children's articles that do not meet requirements for design, construction, or assembly set forth in the proposed regulation. The proposal is being withdrawn because the manufacturers of these articles have adopted a voluntary standard that has adequately reduced the risks of injury addressed by the proposal.

FOR FURTHER INFORMATION CONTACT: Phyllis Buxbaum, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, phone (301) 492-6400.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 27, 1973 (38 FR 10460), the Commissioner of Food and Drugs, acting under authority delegated by the Secretary of Health, Education and Welfare, proposed a regulation that would have classified certain toy chests and similar children's articles as "banned hazardous substances" under section 2(q)(1)(A) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(1)(A)) if they do not meet requirements for design, construction, or assembly that were in the proposed regulation. In the notice publishing the proposed regulation, the Commissioner of Food and Drugs stated that reports from the National Electronic Injury Surveillance System (NEISS) and reports of investigations conducted by the Food and Drug Administration indicated that certain toy chests and similar articles presented unreasonable risks of personal injury to children primarily as a result of exposed metal hardware and pointed edges on toy chests and similar products. The injuries which occurred most frequently were pinches, lacerations, and contusions caused by the sharp edges and hinges, and suffocation which resulted from the lid of the chest closing and latching while a child was in the chest.

On May 14, 1973 responsibility for administration and enforcement of the Federal Hazardous Substances Act was transferred to the Consumer Product Safety Commission by section 30(a) of

the Consumer Product Safety Act (15 U.S.C. 2079(a)). Therefore, the Commission now has the responsibility for deciding what action to take on the proposal.

Since publication of the proposed regulation, manufacturers of toy chests have adopted a voluntary standard which has substantially reduced many of the risks of injury addressed by the proposed regulation. At this time, there would appear to be widespread compliance with this voluntary standard, and the Commission believes that the regulation proposed on April 27, 1973 is no longer required.

Conclusion

Therefore, having considered the proposed rule, the comments received in response to the proposal, and other relevant material, the Commission hereby withdraws the proposed rule published on April 27, 1973 (38 FR 10460).

Dated: September 19, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-29676 Filed 9-24-79; 8:45 am]

BILLING CODE 6355-01-M

[16 CFR Part 1501]

Self-Pressurized Household Products Containing Fluorocarbon Propellants; Withdrawal of Proposal to Declare Fluorocarbons Used as Propellants for Self-pressurized products a Hazardous Substance and to Require Special Labeling

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Commission is withdrawing a regulation that the Food and Drug Administration proposed to require labeling of self-pressurized aerosol containers of household products which utilize fluorocarbons as the propellant to warn against risks of injury or death from intentional inhalation of the propellant. The Commission is withdrawing the proposal because banning actions of the Environmental Protection Agency and the Food and Drug Administration have largely eliminated the use of fluorocarbon propellants.

FOR FURTHER INFORMATION CONTACT: Charles Jacobson, Consumer Product Safety Commission, Directorate for Compliance and Enforcement, Washington, D.C. Phone (301) 492-6400.

SUPPLEMENTARY INFORMATION: In the Federal Register of May 3, 1973 (38 FR

10956), the Commissioner of Food and Drugs, acting under authority delegated to him by the Secretary of Health, Education and Welfare, proposed a regulation under the Federal Hazardous Substances Act (15 U.S.C. 1261-1274) which would: (1) Declare fluorocarbons used as propellants in self-pressurized (aerosol) containers to be a "hazardous substance" as that term is defined in section 2(f)(2)(A) of the Federal Hazardous Substances Act; (2) require labeling of self-pressurized containers using fluorocarbon propellants to warn against personal injury and death which may result from deliberate inhalation of the propellant; and (3) to exempt such containers, when labeled in accordance with the proposed regulation, from classification as a "banned hazardous substance" as that term is used in the Federal Hazardous Substances Act.

The proposed regulation was published because the Food and Drug Administration had received reports of deaths which occurred because persons had misused self-pressurized containers having fluorocarbon propellants by collecting the vapors from the containers and deliberately inhaling them.

The regulation proposed to exempt such containers, when labeled in accordance with the proposed regulation, from classification as a "banned hazardous substance" because it appeared that the risks of injury and death addressed by the proposal resulted solely from deliberate misuse.

On May 14, 1973, the authority to issue regulations implementing the Federal Hazardous Substances Act was transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act, 15 U.S.C. 2079(a). Therefore, the Commission is responsible for deciding what action to take on the proposal.

However, scientific research conducted in recent years indicates that chlorofluorocarbons (the most widely used fluorocarbon propellant) which are used as propellants in self-pressurized (aerosol) containers may reduce the amount of ozone in the stratosphere and thus increase the amount of ultraviolet radiation reaching the earth. This in turn could increase the incidence of skin cancer.

As a result of these scientific findings, the Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA) issued final rules on March 17, 1978 (43 FR 11300) which prohibit the use of chlorofluorocarbons as propellants for self-pressurized containers of household products.

Because of the banning actions of EPA and FDA, the Commission has concluded that the hazard created by

the misuse of fluorocarbon aerosol propellants is no longer a significant safety problem, and a regulation requiring warning labels is not necessary.

Conclusion

Therefore, having considered the proposal and the comments and other relevant material, the Commission hereby withdraws the proposed rule published May 5, 1973 (38 FR 10956) regarding the labeling of certain self-pressurized containers containing fluorocarbon propellants.

Dated: September 19, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-29677 Filed 9-24-79; 8:45 am]

BILLING CODE 6355-01-M

[16 CFR Part 1700]

Poison Prevention Packaging Tests; Withdrawal of Proposal to Add Informed Consent Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Commission withdraws a proposed rule to amend the regulations under the Poison Prevention Packaging Act of 1970 (the PPPA) which would have required written informed consent from participants in tests of the effectiveness of poison prevention packaging. The proposal is withdrawn because the Commission has issued generic regulations on the protection of human subjects that include informed consent requirements, and requirements specifically applicable to the PPPA are not required.

FOR FURTHER INFORMATION CONTACT: Sandra Eberle, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, phone (301) 492-6400.

SUPPLEMENTARY INFORMATION: The Poison Prevention Packaging Act of 1970 (the PPPA) authorizes the establishment of special packaging standards for household substances where the standards are required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances. Special packaging is defined as "packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained herein within a reasonable time and not

difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time." In order to implement this requirement, regulations have been issued establishing a test procedure (16 CFR 1700.20) and effectiveness specifications (16 CFR 1700.20) and effectiveness specifications (16 CFR 1700.15).

The test procedure involves using 200 children and 100 adults to determine the ability of each group to open the special packaging or gain access to its contents and, where appropriate, to determine the ability of the adults to resecure the package.

Originally, the PPPA was administered by the Secretary of Health, Education, and Welfare, who had delegated responsibilities under the act to the Commissioner of Food and Drugs. The Commissioner recognized that there is a slight possibility that test participants could be exposed to harm as a consequence of participation as a test subject. For example, the test procedure permits children to use their teeth, and a child could injure his or her teeth and gums on the package. Participants who open packaging may be exposed to injury from small parts or laceration injury from breakage of the container. In addition, parents should be aware of the remote possibility that child participants may develop the ability to open "special packaging", which could result in subsequent injury at a later date.

In order to safeguard the rights and welfare of subjects involved in the test, the Commissioner concluded that the test procedure should be amended to add a written informed consent requirement that would inform subjects of the risks involved.

Therefore, in the Federal Register of December 16, 1972 (37 FR 26833), the Commissioner published a proposed amendment to the test procedure that would require a written informed consent from each adult participant and from a parent or legal guardian of each child participant prior to the subject's participation in the test.

On May 14, 1973, section 30(a) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1231, 15 U.S.C. 2079(a)) transferred the responsibility for administering the PPPA from the Secretary of Health, Education, and Welfare to the Consumer Product Safety Commission (CPSC). Therefore, the CPSC is now responsible for deciding what action to take on the proposal.

Since, that time, however, the Commission has issued a regulation, 16 CFR Part 1028, relating to the protection

of human subjects involved in activities supported by the Commission. This regulation contains detailed requirements for obtaining and documenting informed consent. In view of the Commission's regulation generally applicable to the protection of human subjects, the Commission concludes that a regulation specifically applicable to PPPA testing is unnecessary.

Therefore, since the proposed rule is no longer required, the Commission hereby withdraws the proposed amendment to the PPPA regulations that was published on December 16, 1972 (37 FR 26833).

Dated: September 19, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-29678 Filed 9-24-79; 8:45 am]

BILLING CODE 6355-01-M

[16 CFR Part 1700]

Promotionally Distributed Samples of Household Substances; Withdrawal of Proposal To Require Special Packaging for Promotional Samples of Household Substances

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: In 1973, a regulation was proposed that would have required child-protection packaging for promotional samples of any "household substance" that is subject to any required or recommended cautionary labeling under the Federal Hazardous Substances Act; the Federal Food, Drug and Cosmetic Act; or the Federal Insecticide, Fungicide and Rodenticide Act, and that is distributed directly to the home but not presented to a responsible adult member of the household. Substances in pressurized spray containers where the only hazard is that the contents are under pressure were excepted from the proposal. The Commission is withdrawing the proposal because, after considering the comments and other available information, it cannot conclude that the degree or nature of the hazard to children from this class of products is such that special packaging is required to protect children from serious illness or serious personal injury.

FOR FURTHER INFORMATION CONTACT: Allen F. Brauning, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6629.

SUPPLEMENTARY INFORMATION: In the Federal Register of February 9, 1973 (38 FR 3990), the Commissioner of Food and Drugs proposed a regulation under provisions of the Poison Prevention Packaging Act of 1970 (PPPA) (15 U.S.C.

1471-1476.) to require child-protection packaging for promotional samples of any "household substance" (as that term is defined by section 2(2) of the PPPA) if the product is: (1) Subject to any required or recommended cautionary labeling under the Federal Hazardous Substances Act; the Federal Food, Drug and Cosmetic Act; or the Federal Insecticide, Fungicide and Rodenticide Act; and (2) distributed directly to the home but not presented to a responsible adult member of the household. Substances in pressurized spray containers where the only hazard is that the contents are under pressure were expected from the proposed regulation. This action was taken under authority delegated from the Secretary of Health, Education and Welfare.

On May 14, 1973, section 30(a) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1231, 15 U.S.C. 2079(a)) transferred the responsibility for administering the PPPA from the Secretary of Health, Education and Welfare to the Consumer Product Safety Commission (CPSC). Therefore, the CPSC is now responsible for deciding what action to take on the proposal.

In response to the February 9, 1973, notice of proposed rulemaking, comments were received from three consumers, a medical center employee, one manufacturer of packaging materials, five manufacturers of products subject to regulation under the Poison Prevention Packaging Act, four associations of manufacturers of such products, and one association of direct mail advertisers. Comments from the three consumers, the medical center employee, and the manufacturer of packaging materials favored promulgation of the proposed regulation. The remainder of the comments expressed one or more objections to the proposal.

Section 3 of the PPPA states that the Commission may issue a special packaging standard only if it finds that special packaging is needed to protect children from serious personal injury or serious illness. Two manufacturers and three trade associations objected to the proposed regulation because of the absence of data establishing the degree or nature of the hazard to young children which could result from handling, using, or ingesting household substances contained in promotionally distributed sample packages.

In the notice of February 9, 1973, FDA stated that no specific data were available concerning injuries to children younger than five years of age from promotional samples distributed to households. The notice further stated that information from the National Clearinghouse for Poison Control Centers is not reported in sufficient

detail to determine whether the products involved in accidental ingestions by children were obtained from promotionally distributed sample packages. One association of manufacturers of products subject to regulation under the PPPA stated that from 1968 through June of 1972, its member companies mailed more than 100 million samples and received reports of a total of 11 accidental ingestions without any reported injuries.

The Commission has not received any additional information concerning hazards to young children resulting from distribution of promotional samples to households.

Comments from two manufacturers and four trade associations state that many of the cautionary labeling statements required on many sample packages distributed to households concern hazards which result from prolonged use or exposure, and are unrelated to protection of young children against serious illness or injury caused by handling, use, or ingestion of the contents of the sample package. Examples include cautions against the use of certain anti-perspirants if rash develops, or warnings against prolonged use of medicines such as cough syrup.

In taking this action to withdraw the proposal of February 9, 1973, the Commission observes that child-resistant packaging regulations published at 16 CFR 1700.14(a) are applicable to several categories of products which have been determined to present a risk of serious personal injury or illness if handled, used, or ingested by young children. These regulations are applicable regardless of whether the products are offered for sale to consumers or given away as promotional samples. Similarly, for any category of products that is made subject to child-resistant packaging regulations in the future, the regulations will also apply regardless of whether the product is distributed as a promotional sample or offered for sale.

Conclusion

Therefore, since it appears that the proposed rule was too broad, and because there are no data showing that children are subjected to a risk of serious illness or serious personal injury from hazardous promotional samples, the Commission hereby withdraws the proposed rule published on February 9, 1973 (38 FR 3990) that would have required special packaging for promotional samples.

Dated: September 19, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-29679 Filed 9-24-79; 8:45 am]

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federal register

Tuesday
September 25, 1979

Part IV

Department of Health, Education, and Welfare

Health Care Financing Administration
Social Security Administration

Medicaid Program and Aid to Families
With Dependent Children

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Health Care Financing Administration

Social Security Administration

[42 CFR Part 431]

[45 CFR Part 205]

Fiscal Disallowance for Erroneous
Payments in the Aid to Families With
Dependent Children and Medicaid
ProgramsAGENCY: Department of Health,
Education, and Welfare.ACTION: Policy statement on proposed
rules.

SUMMARY: These proposed regulations amend the quality control standards promulgated by the Secretary of Health, Education, and Welfare on March 7, 1979. The amendments are necessary to implement a directive of the Congress issued during action on the 1979 Supplemental Appropriations Bill. Under the new requirements, States must reduce their payment error rates to 4 percent by September 30, 1982 in equal steps beginning in fiscal year 1980. Federal matching will be denied for erroneous expenditures in excess of the standards.

DATES: Closing date for receipt of comments: On or before November 26, 1979.

FOR FURTHER INFORMATION CONTACT:

For AFDC: Sean Hurley, Division of Quality Control, 202-245-0788.

For Medicaid: John Berry, Division of Quality Control, 301-597-1354.

SUPPLEMENTARY INFORMATION: A major issue in the history of quality control has been the Federal government's authority and willingness to extend Federal financial participation (FFP) to erroneous expenditures, particularly in instances where the level of erroneous expenditures exceeds prescribed tolerance levels. Prior to 1973, the Department withheld FFP only for erroneous payments uncovered in the quality control sample itself. In 1973, the Department published a regulation which permitted it to reduce Federal matching funds for AFDC if a State's case error rate for ineligibility was more than 3 percent or if the overpayment case error rate was more than 5 percent. In 1976, the U.S. District Court for the District of Columbia ruled in *Maryland v. Mathews* (415 F. Supp. 1206, D.D.C. 1976) that, while the Department had the authority to withhold FFP "in a specified amount set by a tolerance level", the 3

percent and 5 percent tolerance levels were "arbitrary" and "capricious" and that the Department could not reduce matching funds based on these levels in the 14 States involved in the litigation. The Department decided not to reduce matching funds in any State and withdrew the regulation.

After that court decision, the Department discussed the quality control program, error rate targets, and disallowance policies extensively with State and local governments and with numerous other affected parties. The Department then published a notice of proposed rulemaking (NPRM) on July 7, 1978, subsequently modified these proposed rules based on public comment, and issued final rules on March 7, 1979.

The NPRM of July 7, 1978 and the final rules promulgated on March 7, 1979 included error rate standards for Medicaid for the first time. Prior to these rules, Federal matching for erroneous Medicaid expenditures was withheld only for errors uncovered in the sample itself.

In summary, the March 7, 1979 regulations embodied these features:

o No absolute error rate standard was specified. Instead, the Department announced its intention to complete a study by October 1980 to form the basis for ultimate absolute standards.

o In the interim, standards would be set annually at the level of the national average payment error rate. The Secretary believed that actual performance best reflected States' administrative and managerial capability to lower error rates.

o Finally, States with error rates well above the national average were not expected to reduce their error rates to the national average instantly. Rather, States were expected to reduce errors at the applicable national average reduction rate. Thus, States were expected to make continual, steady progress until the standards were finally achieved.

In the course of deliberations on a fiscal year 1979 Supplemental Appropriations bill (Pub. L. 96-38), the House-Senate conferees reviewed the March 7, 1979 standards and concluded that a much more ambitious error reduction campaign was desirable. The Conference Committee therefore directed the Secretary to issue new regulations requiring that all States "reduce their AFDC and Medicaid erroneous excess payment rates to 4 percent by September 30, 1982." The Statement of Conference Managers further specified:

o That there should be a phased reduction from the base period payment

error rate to the 4 percent target over the fiscal years 1980, 1981, and 1982; the base period was specified to be April-September 1978 for AFDC and July-December 1978 for Medicaid;

o That failure to meet an error rate target should result in the loss of Federal matching funds associated with erroneous payment expenditures in excess of the target; this provision is also contained in the March 7, 1979 regulations;

o That the Secretary should promulgate final regulations implementing these provisions no later than November 30, 1979;

o That under no circumstances should payments to legitimate recipients be curtailed or even delayed; and

o That the Department "establish a system for determining error rates that insures equal treatment for all States."

Subsequently, in acting on the Department's appropriation for fiscal year 1980, the Conference Committee added the following language to the bill:

"the requirements pertaining to AFDC and Medicaid error rates, as specified in the Conference Report on the Fiscal 1979 Supplemental Appropriations Act (Pub. L. 96-38), shall be carried out except where the Secretary determines, in certain limited cases, that States are unable to reach the required reduction in a given year despite a good faith effort."

The Statement of Managers notes that the good faith waiver process is to be limited to extraordinary circumstances. The fiscal 1980 Labor-HEW Appropriations bill was reported by the Conference Committee on July 31, 1979, has already passed the House, and is awaiting final action by the Senate.

While the language of the Statement of Managers is specific on the above points, it does not address a series of more technical questions that must be resolved in implementing the new provision. Foremost among these are:

o The definition of payment error to be used in determining compliance;

o The exact schedule of interim error rate targets to be employed in order to achieve the phased reduction;

o The transition from the standards of the March 7, 1979 regulations to the new congressional standards;

o The criteria for determining when circumstances justify granting a waiver;

o The means of assuring that payments to legitimate recipients are not curtailed or delayed as a result of fiscal disallowances; and

o The means of assuring equal treatment to States in the determination of error rates.

1. *Definition of payment error to be used in determining if the error rate*

targets have been met. For the purposes of these regulations, payment error includes all sources of error that are included in the existing regulations and thus were included in the error rates for the AFDC April-September 1978 base period and the Medicaid July-December 1978 base period. This means that AFDC errors associated with State failure to properly apply child support requirements or failure to obtain a social security number for each recipient are included as errors. Medicaid errors related to claims processing and third-party liability are not included.

2. *Schedule of interim targets.* In calling for error rate reductions to a 4 percent goal, the Statement of Managers does not specify a schedule of interim targets. It simply requires that progress toward 4 percent be made "in equal amounts each year beginning in fiscal year 1980." The Department has interpreted this to mean that, in progressing from the base period error rate to the 4 percent target by September 30, 1982, each State must achieve one-third progress by September 30, 1980 and two-thirds progress by September 30, 1981.

The Department will retain its current quality control systems in AFDC and Medicaid that provide error rate estimates for the semi-annual periods October-March and April-September, rather than for particular points in time (e.g., September 30). In determining State compliance with an error rate target to be reached by a calendar date, the Department will use the weighted average of the State's error rates for the two six-month reporting periods that follow the target date. The weights will be established as the percent of total annual payments that occur in each of the six-month periods. The Department believes that to assess compliance annually, rather than semi-annually, is more consistent with the language of the Statement of Managers.

Since State error rates are presumably declining over time, it would be unfair to hold a State to a standard for a calendar period if that target is not to be met until the end of the period. Thus, the requirement that one-third progress be achieved by September 30, 1980 establishes a first interim standard to be applied in October 1980-March 1981 and April-September 1981. The requirement that two-thirds progress be achieved by September 30, 1981 establishes a second interim standard, to be applied in October 1981-March 1982 and April-September 1982. The 4 percent goal will then become the standard for October 1982-March 1983 and April-September

1983, and for all succeeding annual assessment periods.

An example will illustrate the schedule of phased error reduction. If a State's base period error rate was 10.0 percent, the following schedule would apply:

Quality Control Reporting Periods	Progress Toward 4 Percent	Error Rate Target ¹
a. October 1980-March 1981 and April-September 1981.	one-third	8.0
b. October 1981-March 1982 and April-September 1982.	two-thirds	6.0
c. October 1982-March 1983 and April-September 1983, and each succeeding year.		4.0

¹ This assumes a base period error rate of 10.0 percent. Compliance will be determined on the basis of a weighted average of error rates for the two semi-annual reporting periods in each fiscal year.

3. *Transition from current standards.* Prior to the implementation of these targets, we will maintain the disallowance policy established in the final regulations published on March 7, 1979. The congressional directive contained in the Statement of Managers clearly seeks to strengthen the current policy, not to replace it. To revoke the present set of standards and then impose targets that are ultimately stricter would be inconsistent with the congressional mandate. Furthermore, the Department believes that the present policy represents a sound and balanced approach to management improvement in AFDC and Medicaid. In addition, the Department has committed itself to fiscal savings as a result of error rate reductions in both AFDC and Medicaid in the period prior to October 1980. If the current policies are revoked, the savings might be foregone and further progress delayed. Therefore, the provisions of the current regulation will be retained for the quality control reporting periods April-September 1979, October 1979-March 1980, and April-September 1980.

4. *Criteria for waiving disallowances.* The amendment to the fiscal year 1980 Labor-HEW Appropriations Bill states that "the requirements pertaining to AFDC and Medicaid error rates . . . shall be carried out except where the Secretary determines, in certain limited cases, that States are unable to reach the required reduction in a given year despite a good faith effort." The Statement of Conference Managers states the intention of the conferees that the "waiver process is to be limited to extraordinary circumstances." The March 7, 1979 regulation includes a provision for exempting a State from fiscal disallowance (or reducing the disallowance) if the State can establish good reason for not meeting the error

target. To grant a waiver under the current regulation, the Secretary must find that "factors beyond the control of the State" precluded the State from achieving the error rate standard. The regulation gives a number of examples of mitigating circumstances considered sufficient to justify a waiver:

o Disasters such as fire, flood, or civil disorders, that required the diversion of significant personnel normally assigned to eligibility administration, or destroyed or delayed access to significant records needed to make or maintain accurate eligibility determinations.

o Strikes of State staff or other government or private personnel necessary to the determination of eligibility or processing of case changes;

o Sudden and unanticipated workload changes which result from changes in Federal law and regulation, or rapid, unpredictable caseload growth in excess of, for example, 15 percent for a 6-month period; and

o State actions resulting from incorrect written policy interpretation to the State by a Federal official reasonably assumed to be in a position to provide such interpretation.

These proposed rules amend the waiver provision in the current regulations in recognition of the reference to a "good faith effort" in the Appropriations Bill as reported from conference. In particular, the basis on which the Secretary may grant a waiver is being changed from (a) a finding that factors beyond the control of the State precluded achievement of the error rate standard to (b) a finding that, despite a State's good faith effort, the State was unable to attain the error rate standard. Such a finding is limited to extraordinary circumstances. Both the criteria and the list of examples in the current regulation implied a finding that intervening external forces made achievement impossible. Given the criteria in the current regulation, the Secretary would be unable to waive or reduce a penalty in a State that made an all-out, conscientious effort that substantially reduced its error rate, but nevertheless did not fully achieve the error rate standard. Thus, we are adding the following to the illustrative list of qualifying situations:

o The State developed and implemented, in a timely manner, a corrective action plan reasonably designed to meet the target error rate, but the target error rate was not met.

In evaluating whether the State has made a good faith effort in these circumstances, the Department will consider the following factors:

o Demonstrated commitment by top management to the error reduction program, e.g., priorities and goals clearly enunciated to staff, accountability for performance, availability of resources;

o Sufficiency and quality of operational systems which are designed to reduce errors e.g., BENDEX, IDEX, monthly reporting, retrospective budgeting, error prone profiles, local agency monitoring systems, computer clearances;

o Use of effective systems and procedures for the statistical and program analysis of QC and related data, e.g., statistical tests, tabulations and cross-tabulations, error prone profiles, corrective action committees, special studies; and

o Effective management and execution of the corrective action process, e.g., assignment of responsibilities, milestones for completing tasks, completion of tasks, monitoring of progress.

These provisions are ones on which the Department particularly encourages public comment.

5. *Means of assuring that payments to legitimate recipients are not curtailed or delayed.* The Statement of Conference Managers provides that "under no" circumstances are any payments to legitimate recipients to be curtailed or even delayed" on account of threatened fiscal sanctions. The conferees however, did not suggest any means of providing such protection. The Department can (and does) act to prevent the use of administrative discretion to deny beneficiaries their full entitlement under prevailing State payment provisions. In particular, the quality control system measures the extent of underpayments to eligible recipients and the erroneous denial or termination of benefits to clients. The Department intends to make full use of these measures to insure that States provide to applicants and current recipients their full benefit entitlement. The Department is also examining policies that could—through legislation, regulation, or other Departmental directive—prevent across-the-board benefit reductions in States that face fiscal sanctions.

6. *Means of assuring equal treatment to States in the determination of error rates.* The Department recognizes the importance of eliminating any opportunity for a State to manipulate to its advantage the quality control measurement system by which error rates are calculated. The Statement of Managers directs that the Department "establish a system for determining error rates that insures equal treatment for all States." The Department feels that such treatment is provided by the

current Federal re-review procedure in which a random subsample of each State's quality control sample is reviewed by Federal monitoring staff. A statistical adjustment is made to the State-determined error rate based on the extent of nonconcurrence between the original State findings and the subsequent Federal findings for the subsample. This Federal monitoring system serves to correct for the differential standards of scrutiny that may exist among States in the initial quality control review.

Further, if a State fails to complete the review findings for its full quality control sample in either AFDC or Medicaid, the Department will assign to the State an error rate based on either the weighted average of the State's payment error rates for the three sample periods or the findings of a Federal sample. This procedure will be followed for the reporting periods relevant to both the current disallowance policies in AFDC and Medicaid and the congressionally-mandated standards.

Dated: September 19, 1979.

Patricia Roberts Harris,
Secretary.

[FR Doc. 79-29691 Filed 9-24-79; 8:45 am]
BILLING CODE 4110-12-M

Health Care Financing Administration

[42 CFR Part 431]

Medicaid Program; Quality Control System Error Rate

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Proposed Rule.

SUMMARY: Current Medicaid Quality Control regulations provide for a reduction of Federal matching funds under title XIX, Social Security Act, to any State that has an eligibility determination error rate exceeding a specified target. This proposal would set a uniform national target error rate of 4 percent to be achieved by all States by September 30, 1982. It reflects Congressional intent that States make increased efforts to control unnecessary expenditures in the Medicaid program.

DATES: Closing date for receipt of comments: On or before November 26, 1979.

ADDRESSES: Address comments in writing to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 17067, Baltimore, Maryland 21235.

Please refer to File Code MMB-275-P. Agencies and organizations are asked to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately 2 weeks after publication, in room 5220 of the Department's offices at 330 C Street, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (202-245-0950).

FOR FURTHER INFORMATION, CONTACT: John Berry, 301-597-1354.

42 CFR Part 431, Subpart P, is amended as set forth below.

1. Section 431.801 is amended by revising the title, paragraph (a), and paragraph (c) to read as follows:

Subpart P—Quality Control

§ 431.801 Disallowance of Federal financial participation for erroneous State payments (effective through September 1980).

(a) *Purpose and applicability.*

(1) *Purpose.* This section establishes rules and procedures for disallowing Federal financial participation (FFP) in erroneous Medicaid payments due to eligibility errors, as detected through the Medicaid Quality Control (MQC) system required under § 431.800 of this subpart.

(2) *Applicability.* This section applies to States through the end of the April-September 1980 MQC review period. After September 30, 1980, HCFA will apply the performance standards specified in § 431.802.

(c) *Setting the State's error rate.* An error rate for each State will be determined for each MQC review period, in accordance with instructions issued by HCFA. Erroneous eligibility determinations by a the Social Security Administration (SSA) of Supplemental Security Income (SSI) eligibility will not be included in determining the State's error rate. (If a State fails to complete a valid MQC review as required for any review period, HCFA will assign the State an error rate based on either the weighted average of its error rate or the last three review periods, a special Federal sample or audit, or Federal subsample.)

2. A new § 431.802 is added as follows:

§ 431.802 Disallowance of Federal financial participation for erroneous State payments (effective beginning October 1, 1980).

(a) *Purpose and applicability.* (1) *Purpose.* This section establishes rules and procedures for disallowing Federal financial participation (FFP) in erroneous Medicaid payments due to eligibility errors, as detected through the Medicaid Quality Control (MQC) system required under § 431.800 of this subpart.

(2) *Applicability.* This section will apply to States for each 12 month annual assessment period beginning with the October 1980-September 1981 period.

(b) *Definitions.* For purposes of this section—"Annual Assessment Period" means the 12 month period, October 1 through September 30 and includes two 6-month review periods (October-March and April-September).

"Base period" means the 8 month MQC sample period from July through December 1978, used to calculate each State's error rate.

"Eligibility errors" has the same meaning as specified in § 431.800(b). "National standard" means a 4 percent payment error rate.

"State payment error rate" means the rate of eligibility payment errors detected under the MQC system for an annual assessment period or a review period.

"State target error rate" means the error rate that a State must achieve in order to avoid a disallowance of FFP under this section.

(c) *Setting the State's payment error rate.* A payment error rate for each State will be determined for each annual assessment period in accordance with instructions issued by HCFA. Erroneous eligibility determinations by the Social Security Administration (SSA) of Supplemental Security Income (SSI) eligibility will not be included in the State's payment error rate. If a State fails to complete a valid MQC review as required for any review period, HCFA will assign the State a payment error rate based on either the weighted average of its payment error rate for the last three review periods, a special Federal sample or audit, or the Federal subsample.

(d) *Establishing the target error rate.* (1) Each State with a based period payment error rate in excess of 4 percent must reduce its payment error rate to 4 percent by the October 1982-September 1983 annual assessment period.

This reduction must be made in three equal increments for each October-September annual assessment period beginning with the October 1980-September 1981 period.

(2) HCFA will establish each State's target error rate for the October 1980-September 1981 annual assessment period by multiplying one-third times the amount by which the State's base period error rate exceeds 4 percent; this product is then subtracted from the State's base period error rate. To establish the target error rate for the October 1981-September 1982 annual assessment period, HCFA will multiply

two-thirds times the amount by which the State's base period error rate exceeds 4 percent; this product is then subtracted from the State's base period error rate. For all annual assessment periods after September 30, 1982, the State must meet the 4 percent national standard.

Example

Assume HCFA is establishing target error rates for the October 1981-September 1982 annual assessment period, and that the State in question had a base period error rate of 18 percent. The target error rate would be computed as follows: Sixteen percent (the State's base period error rate) less 4 percent (the national standard) equals 12 percent; 12 percent multiplied by 2/3 equals 8 percent; 8 percent is subtracted from 18 percent to yield an 8 percent target error rate.

(3) States with error rates in the base period at or below the 4 percent national standard must maintain that standard as their target error rate.

(4) Beginning with the October 1980-September 1981 annual assessment period and for all subsequent annual assessment periods, HCFA will notify each State agency of its progress in achieving the target error rates.

(e) *Procedures for disallowance of FFP.* (1) If a State fails to meet its target error rate despite a good faith effort, HCFA will disallow FFP, as provided in this section, for each annual assessment period as appropriate.

(2) If a State fails to meet its target error rate, HCFA will compute the dollar amount to be disallowed as follows: The difference between the State's target error rate and the State's payment error rate for an annual assessment period will be multiplied by the amount of FFP for medical assistance claimed by the State for the annual assessment period. This product will be the amount of the disallowance.

A State payment error rate for an annual assessment period will be the sum of the weighted payment error rates in the two 6-month review periods.

The weights will be established as the percent of total annual payments that occur in each of the six month periods.

Example

The State's target error rate was 8 percent. During the first 6-month review period the payment error rate was 10 percent and the total payments made during that 6-month period were \$20 million. During the second 6-month review period, the payment error rate was 9 percent and total payments were \$30 million. The total payments in the

annual assessment period were \$50 million.

The weight applied to the payment error rate for the first 6-month period would be .4 (\$20 million divided by \$50 million).

The weight applied to the payment error rate for the second 6-month period would be .6 (\$30 million divided by \$50 million).

Therefore, the payment error rate for the annual assessment period would be 9.4 percent or 4 percent (.4 x 10 percent for the first 6-month period) plus 5.4 percent (.6 x 9 percent for the second 6-month period).

Since the target error rate was 8 percent and the payment error rate was 9.4 percent, HCFA would disallow 1.4 percent of the amount of FFP claimed by the State for its Medicaid program for the annual assessment period.

(3) HCFA will notify a State that it will disallow matching funds because the State did not meet its target error rate. The State will have 65 days from the date of this notification to show that it made a good faith effort to meet the target error rate. If the Secretary finds that the State did not meet its target error rate despite a good faith effort, HCFA will reduce the disallowance in whole or in part, as the Secretary finds appropriate under the circumstances shown by the State. A finding that a State did not meet the target error rate despite a good faith effort will be limited to extraordinary circumstances.

(4) Some examples of circumstances under which the Secretary may find that a State did not meet the target error rate despite a good faith effort are—

(i) Disasters such as a fire, flood, or civil disorders, that—

(A) Require the diversion of significant personnel normally assigned to Medicaid eligibility administration, or

(B) Destroyed or delayed access to significant records needed to make or maintain accurate eligibility determinations;

(ii) Strikes of State staff or other government or private personnel necessary to the determination of eligibility or processing of case changes;

(iii) Sudden and unanticipated workload changes which result from changes in Federal law and regulation, or rapid, unpredictable caseload growth in excess of, for example, 15 percent for a 6 month period;

(iv) State actions resulting from incorrect written policy interpretation to the State by a Federal official reasonably assumed to be in a position to provide such interpretation; and

(v) The State timely developed and implemented a corrective action plan reasonably designed to meet the target

error rate, but the target error rate was not achieved. In evaluating whether the State made a good faith effort in these circumstances, the Secretary will consider the following factors—

(A) Demonstrated commitment by top management to the error reduction program; e.g., priorities and goals clearly enunciated to staff, accountability for performance, availability of resources;

(B) Sufficiency and quality of systems designed to reduce errors that are operational in the State, e.g., BENDEX, SDX, monthly reporting, error prone profiles, local agency monitoring systems, computer clearances;

(C) Use of effective system and procedures for the statistical and program analysis of QC and related data, e.g., statistical tests, tabulations and cross-tabulations, error prone profiles, corrective action committees, special studies; and

(D) Effective management and execution of the corrective action process, e.g., assignment of responsibilities, milestones for completing tasks, substantial completion of tasks, monitoring of progress.

(5) The failure of a State to act upon necessary legislative changes or to obtain budget authorization for needed resources is not a ground for a waiver.

(6) A State may request reconsideration of a disallowance under this section in accordance with the procedures specified in 45 CFR Part 18.

(Sec. 1102 of the Social Security Act (42 U.S.C. 1302)) (Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

Dated: August 31, 1979.

Leonard D. Schaeffer,
Administrator, Health Care Financing
Administration.

Approved: September 19, 1979.

Patricia Roberts Harris,
Secretary.

[FR Doc. 79-20602 Filed 9-24-79; 8:45 am]
BILLING CODE 4110-35-M

Social Security Administration

[45 CFR Part 205]

Aid to Families With Dependent Children; Calculating Reduction in Federal Financial Participation for Incorrect Payment by States After September 1980

AGENCY: Social Security Administration (SSA), HEW.

ACTION: Proposed Rule.

SUMMARY: These proposed regulations change the quality control standards published on March 7, 1979 (44 FR 12579)

for the reduction of incorrect payments in Aid to Families with Dependent Children (AFDC). The changes conform to a directive of the Congress issued during action on the 1979 Supplemental Appropriations Act (Pub. L. 96-38). The changes require States to reduce their payment error rates to 4 percent by September 30, 1982 in equal steps beginning in fiscal year 1980. Federal financial participation will not be made for incorrect payments exceeding the amounts allowed.

DATES: Your comments will be considered if we receive them on or before November 26, 1979.

ADDRESSES: Send your written comments on the AFDC provisions to: Social Security Administration, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203. Copies of all comments which the Social Security Administration receives can be seen at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 1169, 330 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Sean Hurley, Division of Quality Control, telephone (202) 245-8999.

45 CFR Part 205 is amended as follows:

1. Section 205.41 is amended by revising the title and revising paragraphs (a)(1) and (d)(1), and by adding paragraph (a)(3) to read as follows:

§ 205.41 Reduction of FFP for incorrect payments by States (effective through September 1980).

(a) *Purpose and applicability.* (1) This section provides the rules we will use to determine whether we will reduce the amount of Federal matching funds (Federal financial participation or FFP) we give to a State, and, if so, the amount of the reduction. We will reduce the amount of our matching funds if a State makes more incorrect payments in its AFDC program than allowed under the rules in this section. These rules apply to all States which have AFDC programs.

(2) * * *

(3) The rules in this section apply to all States through the end of the April-September 1980 quality control sample period. Beginning with the October 1980-March 1981 quality control sample period and for subsequent 6-month sample periods, we will apply the performance standards described in § 205.42.

* * * * *

(d) *How we establish a national standard.* (1) *Information we will use.* We will use the information provided by the Federal/State quality control system. This system measures the dollar amount of incorrect payments for every 6-month period (April-September and October-March). If a State fails to complete a valid sample for any 6-month sample period, we will assign to the State an error rate based on either the weighted average of the State's payment error rate for the last three sample periods or a Federal sample.

2. A new § 205.42 is added to read as follows:

§ 205.42 Reduction in Federal financial participation (FFP) for incorrect payments by States after September 1980.

(a) *Purpose and applicability.* This section provides the rules we will use beginning with October 1980 to determine whether we will reduce the amount of Federal matching funds (Federal financial participation or FFP) we give to a State, and, if so, the amount of the reduction. We will reduce the amount of our matching funds if a State makes more incorrect payments in its AFDC program than allowed under the rules in this section. These rules apply to all States which have AFDC programs.

(b) *Definitions.* For the purposes of this section—

"Annual assessment period" means the 12-month period October 1-September 30.

"Base period" means the April-September 1978 quality control system review period.

"Incorrect payments" means payments to people who are ineligible for a payment and overpayments to eligible people.

"National standard" means a 4 percent payment error rate.

"Payment error rate" means the dollar amount of incorrect payments a State has made expressed as a percentage of the State's total payments.

"We," "us" or "our" means the Department or the Social Security Administration as appropriate.

(c) *General.* In these rules we are establishing a national standard for incorrect payments in the AFDC programs. This standard will be used to measure performance of the States in each annual assessment period beginning with the October 1980-September 1981 period. A State whose payment error rate is below the national standard in the base period must not go above the standard, without risking reduction in Federal matching funds. A State whose payment error rate is above

the standard must reduce its error rate to the national standard or to the State's target error rate established under these rules.

(d) *How we establish acceptable levels for State performance using the national standard.* (1) *Target error rates for States above the national standard in the base period.* (i) Each State with a base period payment error rate in excess of 4 percent must reduce its payment error rate to 4 percent by the October 1982-September 1983 annual assessment period in 3 equal increments for each October-September annual assessment period beginning with the October 1980-September 1981 period.

(ii) We will establish each State's target error rate for the October 1980-September 1981 annual assessment period by multiplying one-third times the amount by which the State's base period payment error rate exceeds 4 percent; this product is then subtracted from the State's base period payment error rate. To establish the target error rate for the October 1981-September 1982 annual assessment period, we will multiply two-thirds times the amount by which the State's base period payment error rate exceeds 4 percent; this product is then subtracted from the State's base period payment error rate. For all annual assessment periods after September 30, 1982, the state must meet the 4 percent national standard.

Example. The State's payment error rate during the base period is 10 percent. Therefore, the amount by which the State's payment error rate exceeds the 4 percent national standard is 6 percent (or 10 minus 4). The State must reduce this 6 percent by one-third, or 2 percent (8 percent target error rate) for the October 1980-September 1981 annual assessment period. For the October 1981-September 1982 annual assessment period, the State's target error rate would be 6 percent. For all annual assessment periods after September 30, 1982, the State must meet the 4 percent national standard.

(2) *States that have achieved the national standard.* States that have achieved the 4 percent national standard in the base period must maintain that standard.

(e) *Information we will use.* We will use the information provided by the Federal/State quality control system.

This system measures the dollar amount of incorrect payments for every 6-month period (April-September and October-March). A State's payment error rate for the annual assessment period will be the sum of the weighted payment error rates in the State for the two corresponding 6-month sample periods. The weights will be established

as a percentage of the total annual payments that occur in each of the 6-month periods. If a State fails to complete a valid sample for any 6-month sample period, we will assign to the State an error rate based on either the weighted average of the State's payment error rate for the last three sample periods or a Federal sample.

(f) *If a State fails to meet the established rate.* If a State does not meet the national standard or its target error rate for any 12 month annual assessment period, we will reduce our matching funds to the State to those 12 months, unless the State can show that it made a good faith effort to meet the target rate. We will reduce our matching funds by the amount we would not have paid if the State had reached its goal (the national standard or the target error rate).

Example. The State's target payment error rate was 8 percent. During the first six month sample period the actual payment error rate was 10 percent and the total payments made during that six month period were \$20 million. During the second six month sample period, the payment error rate was 9 percent and total payments were \$30 million. The total payments in the annual assessment period were \$50 million.

The weight applied to the payment error rate for the first 6-month period would be 0.4 (\$20 million divided by \$50 million) and the weight applied to the payment error rate for the second 6-month period would be 0.6 (\$30 million divided by \$50 million).

Therefore the payment error rate for the annual assessment period would be 9.4 percent or 4 percent (0.6 times 9 percent for the second six month period).

Since the target error rate was 8 percent and the payment error rate was 9.4 percent, we will reduce our matching funds by 1.4 percent of the Federal share of the dollars the State paid under its AFDC program.

(g) *When we will reduce a disallowance because a State has made a good faith effort.* (1) We will notify a State that we are going to reduce (or disallow) matching funds because the State did not meet the national standard or the target error rate established for the State. The State will have 65 days from the date on this notification to show that it made a good faith effort to meet the established error rate target. If we find that the State did not meet the national standard or the target error rate despite a good faith effort, we will reduce the funds being disallowed in whole or in part as we find appropriate under the circumstances shown by the State. A finding that a State did not

meet the target error rate despite a good faith effort will be limited to extraordinary circumstances.

(2) Some examples of circumstances under which we may find that a State did not meet the target error rate despite a good faith effort are—

(i) Disasters such as fire, flood or civil disorders, that—

(A) Require the diversion of significant personnel normally assigned to AFDC eligibility administration, or

(B) Destroyed or delayed access to significant records needed to make or maintain accurate eligibility determinations;

(ii) Strikes of State staff or other government or private personnel necessary to the determination of eligibility or processing of case changes;

(iii) Sudden and unanticipated workload changes which result from changes in Federal law and regulations, or rapid, unpredictable caseload growth in excess of, for example, 15 percent for a 6-month period;

(iv) State actions resulting from incorrect written policy interpretation to the State by a Federal official reasonably assumed to be in a position to provide such interpretation; and

(v) The State timely developed and implemented a corrective action plan reasonably designed to meet the target error rate but the target error rate was not met. In evaluating whether the State has indeed made a good faith effort in these circumstances, we will consider the following factors—

(A) Demonstrated commitment by top management to the error reduction program, e.g., priorities and goals clearly enunciated to staff, accountability for performance, availability of resources;

(B) Sufficiency and quality of systems designed to reduce errors that are operational in the State, e.g., BENDEX, IDEX, monthly reporting, retrospective budgeting, error prone profiles, local agency monitoring systems, computer clearances;

(C) Use of effective system and procedures for the statistical and program analysis of QC and related data, e.g., statistical tests, tabulations and cross-tabulations, error prone profiles, corrective action committees, special studies; and

(D) Effective management and execution of the correction action process, e.g., assignment of responsibilities, milestones for completing tasks, completion of tasks, monitoring of progress.

(3) The failure of a State to act upon necessary legislative changes or to obtain budget authorization for needed resources is not a basis for finding that a

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State failed to meet the target error rate despite a good faith effort.

(h) *Disallowances subject to appeal.* If a State does not agree with our decision to reduce (disallow) FFP, it can appeal to us within 45 days from the date of our decision. The regular procedures for appeal of disallowance will apply, including review by the Grant Appeals Board (see 45 CFR Part 16.)

(Section 1102 of the Social Security Act; 49 Stat. 647, as amended; 42 U.S.C. 1302; and Pub. L. 96-38.)

(Catalog of Federal Domestic Assistance Program Nos. 13.714—Medical Assistance Program; 13.808 Assistance Payments—Maintenance Assistance (State Aid).)

Dated: September 15, 1979.

Stanford G. Ross,

Commissioner of Social Security.

Approved: September 19, 1979.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

[FR Doc. 79-29693 Filed 9-24-79; 8:45 am]

BILLING CODE 4110-07-M

Federal Register

Tuesday
September 25, 1979

Part V

Department of the Interior

Office of Surface Mining Reclamation and
Enforcement

Environmental Protection Agency

Memorandum of Understanding

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[30 CFR Ch. VII]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Ch. I]

[FRL 1324-31]

Memorandum of Understanding

AGENCIES: United States Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSM), and the United States Environmental Protection Agency (EPA).

ACTIONS: Proposed Memorandum of Understanding (MOU), Advance Notice of Proposed Rulemakings.

SUMMARY: OSM and EPA announce the availability of the solicited public comment on a proposed Memorandum of Understanding (MOU) which integrates the National Pollutant Discharge Elimination System (NPDES) permit program under the Clean Water Act (CWA) (30 U.S.C. 1251 *et seq.*) with the permanent regulatory program permit system for Surface Coal Mining and Reclamation Operations (SCMROs), under Title V (Title V permit program) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) (30 U.S.C. 1201 *et seq.*). In addition, OSM and EPA announce their intention to engage in future rulemakings to implement the MOU and solicit comments for the purpose of drafting the proposed rules. Finally, because EPA proposed revisions to the permit program on June 14, 1979, some of the revisions, when final, may be adopted (possibly through a cross reference) into OSM's rules. Comments are invited, therefore, on EPA's proposed rules, as they specifically apply to SCMROs.

DATES: Comments on the proposed MOU and on what rules should be proposed by OSM and EPA to implement the MOU must be submitted not later than 5 p.m. Eastern Daylight Savings Time November 9, 1979.

ADDRESSES: Copies of the proposed MOU may be obtained from and comments on both the proposed MOU and on what rules OSM and EPA should propose to implement the final MOU must all be submitted to *either*:

(1) Office of Surface Mining Reclamation and Enforcement, United States Department of the Interior, South

Building, 1951 Constitution Avenue, NW. (Attn: Administrative Record—Room 135), Washington, D.C. 20240 or 20245; telephone number (202) 343-4728; or
(2) Dov Weitman (A-2), Office of Water Enforcement (FN-336) United States Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; telephone number (202) 755-2598.

FOR FURTHER INFORMATION CONTACT

EITHER: (1) Lewis M. McNay, Office of Surface Mining Reclamation and Enforcement, United States Department of Interior, 1100 L Street, N.W., Room 5315, Washington, D.C. 20018; telephone number (202) 343-8032; or

(2) Dov Weitman (A-2), Office of Water Enforcement (FN-336), United States Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; telephone number (202) 755-2598.

SUPPLEMENTARY INFORMATION:

I. Background

A. The NPDES Program

Under section 301(a) and 402 of the Clean Water Act (CWA), discharges of pollutants to waters of the United States are required to obtain NPDES Permits. The NPDES Program includes regulation of discharges by SCMROs. The NPDES permit program is administered in particular States either by the Regional Offices of EPA, or by State water quality agencies with EPA-approved programs. EPA has recently revised its NPDES regulations at 40 CFR Part 122-125 (44 FR 32854, June 7, 1979), and subsequently repropose the NPDES regulation in a new format, in EPA's Consolidated Permit Regulations (44 FR 34244, *et seq.*, June 14, 1979).

B. SMCRA Programs

In 1977, Congress enacted the Surface Mining Control and Reclamation Act of 1977 (SMCRA), establishing a national federal environmental and public health and safety regulatory scheme for SCMROs. Under the SMCRA, detailed environmental protection performance standards, including standards to protect the quality and quantity of water resources, are applicable to the industry. *See, e.g.*, Sections 101, 102; 515(b), 516(b), 517. These performance standards are to be applied through a phased, comprehensive regulatory program.

The first phase, or "initial regulatory program" phase, covering all SCMROs, was established through OSM's issuance of rules 30 CFR Parts 700-725 (Private and Federal Lands) published on December 13, 1977; 25 CFR Part 177 (Indian Lands) published on December

16, 1979; and 30 CFR Part 211 (Federal Lands) published on August 22, 1978. During the initial program a minimum number of federal standards are applicable under SMCRA to the permitting of coal mines. *See, e.g.*, Sections 502, 510(d), 515(a)-(d), 516, 522(e), SMCRA. However, during the second, or "permanent regulatory program" phase, more detailed Federal Standards are imposed under SMCRA through a comprehensive permitting system. *See, e.g.*, Sections 502(d), 506-517, 519, 522, SMCRA. National rules for implementing the SMCRA permanent regulatory program were promulgated by OSM on March 13, 1979. 44 FR 15312, *et seq.*

(1). *Private Lands.* The SMCRA permanent program permit will be introduced according to a phased schedule. For privately-owned lands, the States have the opportunity to assume primary jurisdiction over the regulation of SCMROs if the Secretary of the Interior approves the State program. *See* Section 503, SMCRA. If a State does not obtain approval of its program from the Secretary, then a Federal program must be initiated. *See* Section 504, SMCRA. If a State program cannot be approved by June 3, 1980, the Secretary is to implement a Federal program for the State involved. Section 504(a), SMCRA.

Under either a State or Federal program, all existing SCMROs must file permit applications with the applicable SMCRA regulatory authority within two months from the approval of a State or Federal program. *See* Sections 502(d), 506(a), SMCRA. The regulatory authority is to act to approve or disapprove those applications within eight months from program approval. Sections 502(d), 506(a), SMCRA. Although permit system requirements will be published for each separate Federal or State program, each will contain requirements generally similar to those at Subchapter C of OSM's permanent program rules. 44 FR 15349-15385.

(2). *Federal Lands.* For Federal lands, a somewhat different phase-in schedule will apply. The Secretary of the Interior has the ultimate responsibility for administering the permanent SMCRA program permits system on Federal lands, a responsibility he cannot delegate to the States. Section 523, SMCRA. However, joint administration of the permit system for Federal lands may occur through cooperative agreements with States in which Federal lands are located. *See* Section 523(c), SMCRA. For Federal lands, applications for permits for new coal mines or extensions of existing mines must be filed according to requirements in the

permanent program after April 12, 1979. Unless otherwise required by the SMCRA regulatory authority, persons conducting existing SCMROs on Federal lands will not be subject to the permanent program permit requirements until a State or Federal program is instituted for private lands in a particular State. *See* 30 CFR 741.11(c)(i), 44 FR 15333 (March 13, 1979). As a result, applications for permanent program permits for existing SCMROs on Federal lands ordinarily will have to be filed within two months of approval of a State or Federal program covering the private lands of the particular State and a permit approved or denied within eight months of the program approval. *See* 30 CFR 741.11(c)(1)-(2), 44 FR 15333 (March 13, 1979).

(3). *Indian Lands.* For Indian lands, a permanent regulatory program is not applicable until 1980. Implementing rules for the permanent Indian lands program, including permits, will not be adopted until later. *See* Section 710, SMCRA.

C. Potential for Duplication

Without coordination, the potential exists for substantial duplication in the application of SMCRA and NPDES permit program requirements. First, extensive agency resources would be devoted to the regulation through permit systems of individual SCMROs under both programs. Second, the industry would be required to prepare applications for and obtain separate individual SMCRA and NPDES permits for the same SCMRO. Third, an operator could be subject to conflicting substantive requirements under the two permit systems. Fourth, the interested public and other governmental agencies would have to devote substantial resources for participation in two separate, individualized permit systems for the same SCMRO.

To avoid potential duplication of this magnitude, Sections 503(a)(6) and 504(h) of SMCRA mandate that permit systems under SMCRA State and Federal programs specifically include processes for coordination in the review and issuance of SMCRA permits with other applicable Federal and State permit processes. In addition, EPA is engaged in a concerted effort to consolidate the administration of its permit programs, among other reasons, to eliminate unnecessary duplication. EPA is also seeking to consolidate their permit programs with the permit programs of other Federal agencies. As a result of these considerations, OSM and EPA have developed a proposal whereby the two agencies would provide for a coordinated permit system to control

discharges of pollutants into waters of the United States.

II. The Proposed Memorandum of Understanding

A. Introduction.

In summary, the MOU would establish an integrated NPDES/SMCRA permitting system under the SMCRA permanent regulatory program. The MOU would directly apply only in cases where EPA itself operates the NPDES program. However, in States where EPA has approved State NPDES programs, EPA will authorize and encourage the State water quality agency to similarly coordinate NPDES programs with SMCRA regulatory authorities.

Where EPA is the NPDES permitting authority, NPDES requirements would be fulfilled in two stages. First, EPA would issue State-wide "Special NPDES coal mining permits" covering all SCMROs in the State. The Special permit would authorize discharges under NPDES by all SCMROs which are subject to issued SMCRA permanent regulatory program permits (Title V permits), containing the water-quality related requirements of the NPDES system.

The second phase of the NPDES permitting system would be accomplished by integration of applicable procedural and substantive NPDES requirements into the Title V permit process itself, including EPA and State water quality agency review and comment upon Title V permit applications inclusion of NPDES-related conditions into SMCRA permits, and enforcement of those conditions under both the CWA and SMCRA. In addition, EPA would retain the right, pursuant to its statutory obligations, to require that a SCMRO be covered by an "Individual NPDES coal mining permit," if the SMCRA permit were found not to satisfy NPDES requirements adequately.

OSM and EPA are proposing this system following the agencies' detailed review of available agency resources and their understanding of Congress' expectation under the CWA and SMCRA. EPA's resources under the NPDES permit program must be divided among dozens of categories of municipal and industrial point-source discharges. Coal mining is only one of those many categories. OSM on the other hand, has been provided with resources to focus specifically upon the comprehensive regulation of coal mining. Also, in enacting SMCRA, Congress has called for a comprehensive national environmental regulatory scheme, including a broad and highly detailed permitting program, specifically

fashioned for coal mining. In doing so, Congress anticipated that the primary reservoir or regulatory expertise for coal mining would be located within OSM and State SMCRA regulatory agencies. Finally, the scope of permitting requirements for coal mining under SMCRA is much more extensive than under the CWA. *See* Sections 507, 508, SMCRA. Principally, SMCRA is broader because it covers all environmental media, while the CWA focuses on water quality only. Therefore, it is desirable to integrate all applicable water-quality considerations into the comprehensive environmental scheme under SMCRA. For all these reasons, OSM and EPA tentatively have concluded that detailed permitting of individual SCMROs ordinarily should be handled primarily through the SMCRA regulatory process, incorporating applicable NPDES requirements, rather than through a transfer of SMCRA requirements into the NPDES permit process, or by requiring SCMROs to acquire individual permits from both programs.

B. Scope of MOU

Because the initial regulatory program under SMCRA provides only indirectly for Federal permitting standards, the agencies do not believe that a significant potential for duplication exists between the mandatory requirements of the SMCRA and the CWA during the initial regulatory program under SMCRA. The proposed MOU does not, therefore, contemplate a coordinated permitting process during the SMCRA initial regulatory program. Of course, the MOU would not preclude States from developing processes for coordination of NPDES requirements with their initial SMCRA regulatory program. In addition, the MOU would not establish a coordination system for permitting SCMROs on Indian lands, since SMCRA permanent regulatory programs regulations for Indian lands have not yet been developed. However, under the MOU, EPA and the Department would expect to establish a coordination process when permanent SMCRA program rules for Indian lands are developed.

As mentioned above, the MOU would not provide for mandatory coordination processes where the NPDES program has been delegated to States under Section 402 of the CWA, 33 U.S.C. Section 1342. The CWA does not empower EPA to preclude approved NPDES States from administering an NPDES permit program which is separate from a SMCRA permanent regulatory program permit system. (IN contrast, the SMCRA does require the establishment of a coordination process

for permanent regulatory program permit systems. See Sections 503(a)(6), 504(h), SMCRA.) However, EPA recognizes the desirability of coordinating the NPDES program at the State level with Title V permit programs. Therefore, it will encourage States through policy memoranda and other means, to coordinate their programs in a similar manner. EPA will propose regulations allowing a special permit program to be established by NPDES approved States. These regulations will appear as part of the proposed rulemaking announced in this notice.

C. Legal Authority

The MOU, if adopted, would be executed by EPA and the Department of the Interior under the Administrative Procedures Act (5 U.S.C. Sections 551, et seq.); Titles I, II, V, and VII, SMCRA, 30 U.S.C. Sections 201 et seq.; and the Clean Water Act, 33 U.S.C. 251 et seq.

D. NPDES Permits Under the Proposed MOU

1. As mentioned above, EPA would issue State-wide "Special NPDES coal mining permits." Procedures providing for appropriate public participation in the issuance of those permits would be utilized.

2. Under Section 511 of the CWA and the National Environmental Policy Act, 42 U.S.C. 4332 (NEPA), EPA must perform environmental reviews prior to issuing NPDES permits to new sources. In some situations, this obligation would overlap with similar NEPA obligations of OSM under the SMCRA permanent regulatory program. In States where OSM is the SMCRA regulatory authority and responsible for issuing Title V permits under either SMCRA Federal or Federal lands programs, it must comply with NEPA. Since NEPA applies only to Federal permitting decisions, States issuing NPDES or Title V permits need not comply with NEPA.

The proposed MOU would establish a policy to minimize NEPA duplication where both EPA and OSM issue permits and to account for EPA's NEPA obligation where no OSM NEPA obligation exists. Where both agencies issue permits (e.g., SMCRA Federal or Federal lands programs), OSM would be the lead NEPA agency. In States where EPA issues permits, but OSM does not (e.g., State SMCRA program), EPA would have primary NEPA responsibility, but only for new sources. In these instances EPA would issue two separate Special NPDES coal mining permits in each such State. One would be applicable to all potential new sources on private lands within the States during the term of the Special

permit. EPA would perform its NEPA obligations during the issuance of such Special permits. The other Special permit would cover all other SCMROs in the State and could be issued expeditiously without prior environmental review. Due to the need to have Special NPDES coal mining permits issued at the time that the SMCRA permanent regulatory program permit process is first being implemented, EPA would agree under the MOU to conduct necessary NEPA activities according to priorities established by OSM.

3. Special NPDES coal mining permits would become effective for a particular SCMRO, upon the operator's receipt of a valid Title V permit from the SMCRA regulatory authority. When that happens, any pre-existing, individual NPDES coal mining permit for that SCMRO would terminate, unless EPA decided to require continuation of an individual NPDES coal mining permit. As a condition of authority to conduct operations under the Special NPDES coal mining permit, the SCMROs would have to be conducted in full compliance with the requirements of the Title V permit. Violations of NPDES requirements contained in the Title V permit would constitute violations of the Special NPDES coal mining permit and would be enforceable separately under both the CWA and SMCRA.

4. EPA's retention of its ability to issue individual NPDES coal mining permits in appropriate circumstances is necessary to allow EPA to discharge its duties under the CWA. Therefore, although SCMROs ordinarily will be covered fully by Special NPDES coal mining permits, EPA's authority to require that a particular SCMRO be covered by an individual NPDES coal mining permit for due cause would be preserved under the proposed MOU. EPA would issue individual NPDES coal mining permits in relatively few situations, such as: (a) The failure of a SMCRA regulatory authority to include in the Title V permit an important water-quality related permit condition; (b) identification of issues affecting a SCMRO during NEPA review in the issuance of either a new source Special NPDES coal mining permit or an OSM-issued Title V permit; or (c) the failure of SCMRO to operate in compliance with NPDES conditions of the Title V permit. Where EPA required the SCMRO to obtain an individual NPDES coal mining permit, EPA would afford the SCMRO an appropriate opportunity to contest the terms of the proposed individual permit.

5. The proposed MOU contains detailed procedures to insure that SCMROs and other interested parties be afforded adequate input in the permit issuance process. To streamline the process, parties will be strongly encouraged by these procedural requirements to address all water-quality related issues through the Title V permit processes. However, if, after unsuccessfully utilizing Title V procedures, a party believes that the final effective Title V permit fails to incorporate all NPDES provisions required under CWA, they may petition EPA to issue an individual NPDES coal mining permit with conditions more stringent than the Title V permit. In addition, EPA may, on its own initiative, decide to issue an individual NPDES coal mining permit. In that case, NPDES-related issues would be adjudicated through NPDES procedures, an no Title V adjudicatory hearing would be held on those issues.

E. SMCRA (Title V) Permitting

1. The OSM permanent program rules already incorporate much of the permit application, review and permit-issuance requirements of the CWA's NPDES program, as authorized by SMCRA. See Sections 507, 508, 510, 511, 515, 516 and 517, SMCRA; Parts 770, 771, 778-88, 816-817, and Subchapter L of OSM's permanent program rules, 44 FR 15349 et seq. (March 13, 1979). Under Section C of the MOU, OSM would agree to promulgate regulations which provide for inclusion of the remainder of applicable NPDES requirements into Title V permit requirements, as authorized by SMCRA.

2. Specifically, OSM would agree to propose regulations which would (a) require Title V permit applications to include all information necessary for an NPDES permit; (b) require SMCRA regulatory authorities to incorporate into each Title V permit all required NPDES permit conditions, conditions required by the United States Army Corps of Engineers to protect navigation and anchorage, and conditions required by a valid State certification issued under Section 401 of the CWA; and (c) provide EPA, as well as other interested parties, the opportunity to review and comment on Title V permit applications and propose special water-quality related Title V permit conditions.

3. OSM will propose regulations incorporating (by reference where practicable) appropriate provisions of EPA's application requirements for SCMROs. EPA recently has proposed new application requirements for existing sources (44 FR 34244 et seq., June 14, 1979).

For new sources, EPA intends to propose new NPDES permit application requirements by December, 1980, at which time it will accept comments on those requirements. Pending EPA's proposal of application requirements for new sources, OSM intends to propose regulations to incorporate applicable portions of EPA's existing new source application requirements, which are contained in EPA's application form OMB 158-R-0100. Copies of this form may be obtained from the addresses listed above.

4. To prevent delays in Title V permit issuances, the proposed MOU would require EPA and State water-quality agency comments on the Title V application to be filed within fixed time periods. As proposed, a general time limit of 90 days would be required, with a shorter 60-day time period for mines whose proposed annual production would be less than 100,000 tons. For operations of those small mines, a shorter period is appropriate, both because less time should be required for application review and because SMCRA evidences a concern for the expeditious processing of their applications by the SMCRA regulatory authority. Cf. Sections 502(c), 507(c), SMCRA.

Where EPA or State water-quality agency comments suggest the inclusion of special permit conditions not expressly identified in the applicable SMCRA program regulations, those comments would be subject, in turn, to opportunity for further comment. This procedure is proposed as an alternative to the more time-consuming preparation and circulation for public review of a draft NPDES permit. Compare 40 CFR 124.31124.45, 44 F.R. 32927-32933 (June 7, 1979). Circulation of a draft NPDES permit prior to final Title V permit issuance is not a procedure which can be incorporated readily into the SMCRA permanent regulatory program, due to statutory SMCRA requirements, including time constraints. See sections 502(d), 506(a), 513, 514, SMCRA.

To preserve the basic purpose behind the draft NPDES coal mining permit process (e.g., exposure for public scrutiny of proposed permit conditions that are recommended on an individual permit), it is proposed that the public be afforded an opportunity to review and comment on particular types of EPA/State water-quality agency comments on the Title V application. The length of the public comment period is proposed to be left to the discretion of the SMCRA regulatory authority on a case-by-case basis, depending upon the complexity, and length of the EPA/State water-quality agency comments.

5. Under the proposed MOU, the SMCRA regulatory authority would attempt to resolve any disagreements with EPA on disposition of EPA's comments prior to a final decision on the Title V application. Ultimately, the SMCRA regulatory authority would be allowed discretion under the MOU and OSM's implementing regulations as to whether to follow EPA's suggestions. However, if the SMCRA regulatory authority does not incorporate any of EPA's proposed special conditions, EPA would have the option of requiring an individual NPDES coal mining permit for the SCMRO. The failure of the SMCRA regulatory authority to incorporate EPA's proposed special conditions would be reviewable under Section 514 and 526 of SMCRA only if EPA did not require an individual NPDES coal mining permit. If EPA does require an individual NPDES coal mining permit, the SCMRO would be afforded due process protection through EPA's NPDES permit procedures. Thus, a forum would always be available to resolve particular disputes.

F. Agency Inspection and Monitoring

The MOU also would provide for a cooperative inspection and monitoring program. The SMCRA regulatory authority would give EPA representatives access to its monitoring reports and would make semiannual reports available to EPA on NPDES-related violations by SCMROs. The SMCRA regulatory authority would have primary responsibility for inspections of SCMROs, including environmental sampling and analysis to determine compliance with all water-quality conditions contained in Title V permits and individual NPDES coal mining permits (where the latter have been issued). EPA would retain authority to conduct independent inspections if needed. EPA, OSM, and SMCRA regulatory authorities will jointly share enforcement authorities for violations of NPDES requirements.

III. Public Participation

A. MOU—Copies of the proposed MOU are available at the addresses listed above and also at each OSM Regional office at the following addresses:

Region I

Office of Surface Mining, U.S. Department of the Interior, 1st Floor, Thomas Hill Building, 950 Kanawha Blvd., East, Charleston, W. Va. 25301.

Region II

Office of Surface Mining, U.S. Department of the Interior, 530 Gay Street, Suite 500, Knoxville, Tennessee 37902.

Region III

Federal Building, Ohio and Pennsylvania Streets, Indianapolis, IN 46204.

Region IV

Office of Surface Mining, U.S. Department of the Interior, 818 Grand Avenue, Kansas City, MO 64106.

Region V

Office of Surface Mining, U.S. Department of the Interior, Post Office Building, Room 270, 1832 Stout Street, Denver, Colorado 80202.

Written comments must be submitted by the date and to the address stated above for the Washington, D.C. offices of EPA or OSM. No public hearing is planned during the 45-day comment period on the proposed MOU. However, public hearings will be held when rules are proposed to implement the MOU. Dates, times, and places for those hearings will be provided when the proposed rules are published in the Federal Register.

B. Proposed Rulemaking—OSM and EPA intend to propose rules to implement the MOU. Written comments should address the general scope of such a proposal and specific issues which should be covered by the proposed rules. The comments should be submitted to the Washington, D.C., offices of EPA or OSM by the date and at the addresses given above.

IV. The Department has determined that the proposed implementing rules would not be significant, under applicable rules of procedure, and do not require a regulatory analysis of economic effect. Copies of the document supporting this determination are available at the OSM Washington, D.C., office listed above as an addressee.

V. Principal Authors

The principal authors of the proposed MOU have been Lewis M. McNay, Acting Chief, Division of Applied Research, Office of Technical Services and Research, OSM, and William Jordan, Chief, Industrial Permits Branch, Office of Water Enforcement, U.S.E.P.A.

Dated: September 6, 1979.

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
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DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

*NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

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List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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96th Congress, 1st Session, 1979

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federal register

Wednesday
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Highlights

- 55504 Emergency Building Temperature Restrictions** DOE issues certification and compliance forms; effective 9-1-79 (Part III of this issue)
- 55336 Non-Federal Dams** DOD/EC prescribes procedures for national program for inspection; effective 9-26-79
- 55383 Nondiscrimination on the Basis of Age** CAB proposes to prohibit discrimination against air travelers; comments by 11-26-79
- 55490 Privacy Act** ACTION system of records, annual publication (Part II of this issue)
- 55412 Privacy Act** DOD/Sec'y publishes addition and deletions to systems of records; comments by 10-26-79, effective 10-26-79
- 55540 Bobcat, Lynx, River Otter, Alaskan Brown Bear, and Alaskan Gray Wolf** ESSA publishes export findings for 1979-80 season; effective 9-26-79 (Part VIII of this issue)
- 55528 Fair Housing Advertising** HUD/FHEO proposes to reissue advertising guidelines prohibiting discrimination on account of sex in the sale, rental or financing of a dwelling; comments by 11-26-79 (Part VI of this issue)

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Area Code 202-523-5240

- 55518 **Multifamily Housing Projects** HUD proposes rules regarding transfer from nonprofit to profit-motivated ownership of housing projects with HUD-insured or HUD-held mortgages; comments due 11-26-79 (Part IV of this issue)
 - 55522 **Nondiscrimination and Equal Opportunity in Housing** HUD/FHEO proposes rules under Executive Order 11063; comments by 11-26-79 (Part V of this issue)
 - 55328 **Nuclear Power Reactors** NRC amends rules specifying fracture toughness and material surveillance program requirements; 10-26-79
 - 55378 **Flouridation** HEW/PHS issues rule grants awarded to State and local government agencies and certain nonprofit entities; effective 9-26-79; comments by 11-26-79
 - 55332 **Mobile Home Loans** HUD publishes interim rule and requests comments; effective 11-10-79, comments by 10-26-79
 - 55393 **Mobile Home Spaces** HUD transmits interim rule to Congress for review regarding fair market rents
 - 55392 **Housing Assistance Payments Program** HUD/FHC proposes rules to eliminate the Rent Reduction Incentive (Rent Credit); comments by 11-26-79
 - 55534 **Grant Programs for Schools and Hospitals** DOE publishes notice of availability of Regulatory Analysis and summary of Regulatory Analysis for buildings owned by local government and public care institutions (Part VII of this issue)
 - 55437 **Community Development Block Grant Program** HUD/CPD amends notice of dates for submission of preapplications, of small cities discretionary grants, for Alabama and Mississippi
 - 55393 **Community Development Block Grant Program** HUD transmits interim rule to Congress for review regarding grant closeouts
 - 55484 **Sunshine Act Meetings**
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of Environmental Quality

7 CFR Part 3100

Cultural and Environmental Quality; Change of Chapter and Part Names

AGENCY: Office of Environmental Quality, United States Department of Agriculture.

ACTION: Change of chapter and part names.

SUMMARY: On July 30, 1979, the Office of the Secretary, Department of Agriculture, published at 44 FR 44802-44803 final regulations setting forth policies and procedures for compliance with the National Environmental Policy Act. Pursuant to Secretary's Memorandum No. 1890 (Revised) (July 23, 1979), responsibility to administer those regulations is given to the Office of Environmental Quality (OEQ). Additionally OEQ will administer regulations for the enhancement, protection, and management of cultural resources with regard to Department of Agriculture activities, for which proposed regulations were published on July 9, 1979, at 44 FR 40258-40259.

In these previous publications Chapter XXXI was designated as "CULTURAL AND ENVIRONMENTAL QUALITY" and Part 3100 as "ENVIRONMENTAL MATTERS." As the two sets of regulations mentioned above are separate Subparts of Part 3100, Chapter XXXI and Part 3100 of Title 7 are changed to read as follows:

CHAPTER XXXI—OFFICE OF ENVIRONMENTAL QUALITY

PART 3100—CULTURAL AND ENVIRONMENTAL QUALITY

EFFECTIVE DATE: September 26, 1979.

FOR FURTHER INFORMATION CONTACT: Barry R. Flamm, Director, Office of Environmental Quality, USDA, Washington, D.C. 20250, Phone (202) 447-3965.

Dated: September 20, 1979.

Barry R. Flamm,

Director, Office of Environmental Quality.

[FR Doc. 79-23800 Filed 9-25-79; 8:45 am]

BILLING CODE 3410-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 40 and 150

Uranium Mill Tailings Licensing

AGENCY: Nuclear Regulatory Commission.

ACTION: Final regulations with request for comments; corrections.

SUMMARY: On August 24, 1979, the U.S. Nuclear Regulatory Commission published in the Federal Register (44 FR 50012) final regulations entitled, "Uranium Mill Tailings Licensing," along with a request for comments. Inadvertent and typographical errors in the published regulations are identified and corrected herein.

ADDRESSES: Written comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments on these amendments may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Don F. Harmon, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone 301/443-5910) or Hubert J. Miller, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone 301/427-4103).

SUPPLEMENTARY INFORMATION: On August 24, 1979, the U.S. Nuclear Regulatory Commission published in the Federal Register (44 FR 50012) final regulations entitled, "Uranium Mill Tailings Licensing," along with a request for comments. Inadvertent and typographical errors in the published regulations are identified and corrected as follows.

1. Page 50012, column 3 line 52 is corrected to read, "until November 8, 1981, for the".

2. Page 50013, column 1, line 4 is corrected to read, "commitments of resources. The".

3. Page 50013, column 2, line 5 is corrected to read, "make the amendments to 10 CFR §§ 40.1".

4. Page 50013, column 2, penultimate line is corrected to read, "Part are issued pursuant to the Atomic".

5. Page 50014, column 1, lines 2 and 3 are corrected to read, "Radiation Control Act of 1978 (92 Stat. 3021), any State or any political".

6. Page 50014, column 1, line 11 is corrected to read, "(1) With the exception of "byproduct."

7. Page 50014, column 1, line 15 is corrected to read, "meaning when used in the regulations in".

8. Page 50014, column 1, line 19 is corrected to read, "byproduct material as defined in this".

9. Page 50014, column 2, § 150.3(c) is corrected to read, "§ 150.3(c) "Byproduct material" means (1) any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material; or (2) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from solution extraction processes. Underground ore bodies depleted by such solution extraction operations do not constitute "byproduct material" within the definition."

(Secs. 11e-(2), 81, 83, 84, 181b, 181o, 174; Publ. L. No. 83-703, 88 Stat. 948 et seq. (42 U.S.C. 2014e. (2), 2111, 2113, 2114, 2201b, 2021))

Dated at Washington, D.C. this 13th day of September.

For the Nuclear Regulatory Commission,
Lee V. Gossick,

Executive Director for Operations.

[FR Doc. 79-23794 Filed 9-25-79; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Part 50

Domestic Licensing of Production and Utilization Facilities; Fracture Toughness Requirements for Nuclear Power Reactors

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations specifying fracture toughness and material surveillance program requirements for nuclear reactors to permit greater flexibility in meeting certain of these requirements and to simplify others by substituting references to National Standards that have already been incorporated by reference into the NRC's Regulations.

EFFECTIVE DATE: October 26, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. P. N. Randall, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. 301-443-5997.

SUPPLEMENTARY INFORMATION: On March 28, 1979, the Nuclear Regulatory Commission published in the Federal Register (44 FR 18513) proposed amendments to its regulations, 10 CFR Part 50, "Licensing of Production and Utilization Facilities," which would amend Appendix G, "Fracture Toughness Requirements," with regard to material toughness requirements for bolts, and would amend Appendix H, "Reactor Vessel Material Surveillance Program Requirements," with regard to the location and method of attachment of surveillance capsule holders in the reactor vessel. Interested persons were invited to submit written comments by May 14, 1979. There were four adverse comments. All of them opposed adoption of the proposed rule on the grounds that the accident at Three Mile Island Unit 2 on March 28, 1979 had demonstrated that there should be no relaxation of regulatory requirements. None of the comments addressed the specific technical issues covered by the proposed rule. In response to these comments, the Commission has no reason to believe that the investigation of that accident will raise any question about these technical issues. Furthermore, the Commission believes that the proposed amendments will not reduce present safety margins. Therefore, after consideration of the comments, the Commission has adopted the amendments to Appendices G and H, 10 CFR Part 50, described below. The language of the amendments is unchanged from that of the proposed rule.

In Appendix G to 10 CFR Part 50, paragraph IV.A.4 contains requirements for the material toughness of bolts that are very similar to present ASME Code requirements. Paragraph IV.A.4 is deleted, and paragraph IV.A.3 is revised to add language requiring compliance with the pertinent ASME Code requirements for bolts. As an additional revision of paragraph IV.A.3, the requirements for piping, pumps and valves are clarified by referencing a different paragraph in the ASME Code than is presently referenced. This newly referenced paragraph contains the specific fracture toughness requirements of those components.

In Appendix H to 10 CFR Part 50, paragraph II.C.2 is revised in two respects. The prohibition against attachment of surveillance capsules to the vessel wall is deleted because, for some vessel designs, the advantages of attachment to the wall (fewer problems in achieving the desired lead factor and the structural integrity of the capsule holder) outweigh the disadvantage of concern for vessel integrity. Language is added to require that, if capsule holders are attached to the vessel wall, the attachments must meet ASME Code requirements for construction and inspection of permanent structural attachments to reactor vessels.

The fixed limits on lead factor (the ratio of neutron flux at the capsule to the maximum flux at the vessel inner wall) of greater than 1 but less than 3 are deleted. Enforcement of the present requirement would require modification of certain designs that have satisfactorily met all surveillance and structural requirements in service. Safety concerns are satisfied by retention of the general requirement on lead factor.

Copies of the abstract of comments and staff response, and copies of the value/impact analysis supporting the rule, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. Single copies may be obtained on request from the Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20550, Attention: P. N. Randall.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553, title 5 of the United States Code, the following amendments to 10 CFR Part 50 are published as a document subject to codification.

Appendix G [Amended]

1. Appendix G to 10 CFR Part 50 is amended by deleting paragraph IV.A.4

and revising paragraph IV.A.3 to read as follows:

IV. Fracture Toughness Requirements.

A. * * * * *

3. Materials for piping, pumps, and valves shall meet the requirements of paragraph NB-2332 of the ASME Code. Materials for bolting and other fasteners shall meet the requirements of paragraph ND-2333 of the ASME Code.

Appendix H [Amended]

2. Appendix H to 10 CFR Part 50 is amended by revising paragraph II.C.2. to read as follows:

II. Surveillance Program Criteria.

* * * * *

C. The Surveillance program shall meet the following requirements:

* * * * *

2. Surveillance specimen capsules shall be located near the inside vessel wall in the beltline region, so that the specimen irradiation history duplicates to the extent practicable, within the physical constraints of the system, the neutron spectrum, temperature history, and maximum neutron fluence experienced by the reactor vessel inner surface. If the capsule holders are attached to the vessel wall or to the vessel cladding, construction and in-service inspection of the attachments and attachment welds shall be done according to the requirements for permanent structural attachments to reactor vessels given in the ASME Code,² Sections III and XI. The design and location of the capsules shall permit insertion of replacement capsules. Accelerated irradiation capsules may be used in addition to the required number of surveillance capsules specified in paragraph II.C.3.

(Secs. 103, 104, 161i, Pub. L. 93-703; 68 Stat. 936, 937, 948 (42 U.S.C. 2133, 2134, 2201(i)); sec. 201, Pub. L. 93-438, 88 Stat. 1242, as amended (42 U.S.C. 5841).)

Dated at Washington, D.C. this 13th day of September 1979.

For the Nuclear Regulatory Commission.

Lee V. Gossick,
Executive Director for Operations.

[FR Doc. 79-29795 Filed 9-25-79; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS**15 CFR Parts 2004 and 2008****Regulations to Implement E.O. 12065—Office of Special Representative for Trade Negotiations Security Program**

AGENCY: Office of the Special Representative for Trade Negotiations.

² Defined in paragraph II.A of Appendix G to 10 CFR Part 50.

ACTION: Final rule.

SUMMARY: This regulation is issued under the authority of, and pursuant to, Executive Order 12065 and Information Security Oversight Office Directive No. 1. This regulation will be applied in classifying, downgrading, declassifying and safeguarding national security information and will assist the public in obtaining information.

EFFECTIVE DATE: These rules become effective September 26, 1979.

ADDRESS: Information Security Oversight Officer, Office of the Special Representative for Trade Negotiations, 1800 G Street, NW., Room 725, Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Cathy Hofgren (202) 395-5123.

SUPPLEMENTARY INFORMATION: These regulations have been submitted to the Information Security Oversight Office in accordance with Section 5-401 of Executive Order 12065. These regulations involve national security information and are exempt from the procedures of 5 U.S.C. 553.

PART 2004—FREEDOM OF INFORMATION POLICIES AND PROCEDURES**§ 2004.3 [Deleted]**

15 CFR Chapter XX, Part 2004 is amended by deleting § 2004.3.

15 CFR Chapter XX is amended by adding new part 2008.

PART 2008—REGULATIONS TO IMPLEMENT E.O. 12065; OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS**Subpart A—General Provisions**

Sec.

2008.1 References.

2008.2 Purpose.

2008.3 Applicability.

Subpart B—Classification

2008.4 Basic policy.

2008.5 Level of original classification.

2008.6 Duration of original classification.

2008.7 Challenges to classification.

Subpart C—Derivative Classification

2008.8 Definition and application.

2008.9 Classification guides.

Subpart D—Declassification and Downgrading

2008.10 Declassification authority.

2008.11 Mandatory review for declassification.

2008.12 Foreign government information.

2008.13 Systematic review guidelines.

Subpart E—Safeguards

2008.14 Storage.

2008.15 General restrictions on access.

2008.16 Security education program.

2008.17 Historical researchers and former Presidential appointees.

Subpart F—Implementation and Review

2008.18 Information Security Oversight Committee.

2008.19 Classification Review Committee.
Authority: E.O. 12065.

Subpart A—General Provisions**§ 2008.1 References.**

(a) Executive Order 12065, "National Security Information," dated June 28, 1978.

(b) Information Security Oversight Office, Directive No. 1, "National Security Information," dated October 2, 1978.

§ 2008.2 Purpose.

The purpose of this Regulation is to ensure, consistent with the authorities listed in section 1-1 of Executive Order 12065, that national security information originated or held by the Office of the Special Representative for Trade Negotiations is protected but only to the extent, and for the period, necessary to safeguard the national security.

§ 2008.3 Applicability.

This Regulation governs the Office of the Special Representative for Trade Negotiations. In consonance with the authorities listed in section 1-1, it establishes the general policy and certain procedures for the security classification, downgrading, declassification, and safeguarding of information that is owned by, is produced for or by, or is under the control of the Office of the Special Representative for Trade Negotiations.

Subpart B—Classification**§ 2008.4 Basic policy.**

It is the policy of the Office of the Special Representative for Trade Negotiations to make available to the public as much information concerning its activities as is possible, consistent with its responsibility to protect the national security.

§ 2008.5 Level of original classification.

Unnecessary classification, and classification at a level higher than is necessary, shall be avoided. If there is reasonable doubt as to which designation in section 1-1 of Executive Order 12065 is appropriate, or whether information should be classified at all, the less restrictive designation should be used, or the information should not be classified.

§ 2008.6 Duration of original classification.

(a) Except as permitted below, in paragraphs (b) and (c) of this section, information or material which is classified after December 1, 1978, shall be marked at the declassification no more than six years following its original classification.

(b) Original classification may be extended beyond six years only by officials with Top Secret classification authority and agency heads listed in Section 1-2 of the Order. This extension authority shall be used only when these officials determine that the basis for original classification will continue throughout the entire period that the classification will be in effect and only for the following reasons:

- (1) The information is "foreign government information" as defined by the authorities in Section 1.1;
- (2) The information reveals intelligence sources and methods;
- (3) The information pertains to communications security;
- (4) The information reveals vulnerability or capability data, the unauthorized disclosure of which can reasonably be expected to render ineffective a system, installation, or project important to the national security;
- (5) The information concerns plans important to the national security, the unauthorized disclosure of which reasonably can be expected to nullify the effectiveness of the plan;
- (6) The information concerns specific foreign relations matters, the continued protection of which is essential to the national security;
- (7) The continued protection of the information is specifically required by statute.

(c) Even when the extension of authority is exercised, the period of original classification shall not be greater than twenty years from the date of original classification, except that the original classification of "foreign government information" pursuant to paragraph (b)(1) of this section may be for a period of thirty years.

(6) The information concerns specific foreign relations matters, the continued protection of which is essential to the national security;

(7) The continued protection of the information is specifically required by statute.

(c) Even when the extension of authority is exercised, the period of original classification shall not be greater than twenty years from the date of original classification, except that the original classification of "foreign government information" pursuant to paragraph (b)(1) of this section may be for a period of thirty years.

§ 2008.7 Challenges to classification.

If holders of classified information believe that the information is improperly or unnecessarily classified, or that original classification has been extended for too long a period, they should discuss the matter with their immediate superiors or the classifier of the information. If these discussions do not satisfy the concerns of the challenger, the matter should be brought to the attention of the chairperson of the Information Security Oversight

Committee. Action on such challenges shall be taken 30 days from date of receipt and the challenger shall be notified of the results. When requested, anonymity of the challenger shall be preserved.

Subpart C—Derivative Classification

§ 2008.8 Definition and application.

Derivative classification is the act of assigning a level of classification to information that is determined to be the same in substance as information that is currently classified. Thus, derivative classification may be accomplished by any person cleared for access to that level of information, regardless of whether the person has original classification authority at that level.

§ 2008.9 Classification guides.

Classification guides shall be issued by the Management Office pursuant to Section 2-2 of the Order. These guides, which shall be used to direct derivative classification, shall identify the information to be protected in specific and uniform terms so that the information involved can be identified readily.

Subpart D—Declassification and Downgrading

§ 2008.10 Declassification authority.

The Special Representative for Trade Negotiations is authorized to declassify documents in accordance with Section 3-3 of Executive Order 12065 and shall designate additional officials at the lowest practicable level to exercise declassification and downgrading authority.

§ 2008.11 Mandatory review for declassification.

(a) *Requests for Mandatory Review.* (1) Requests for mandatory review for declassification under Section 3-501 of Executive Order 12065 must be in writing and should be addressed to:

Attn: General Counsel (Mandatory Review Request), Office of the Special Representative for Trade Negotiations, 1800 G Street, NW., Washington, D.C. 20506.

(2) The requestor shall be informed of the date of receipt of the request. This date will be the basis for the time limits specified in paragraph (b) of this section.

(3) If the request does not reasonably describe the information sought, the requestor shall be notified that, unless additional information is provided or the request is made more specific, no further action will be taken.

(b) *Review.* (1) The requestor shall be informed of the Special Trade Representative's determination within

sixty days of receipt of the initial request.

(2) If the determination is to withhold some or all of the material requested, the requestor may appeal the determination. The requestor shall be informed that such an appeal must be made in writing within sixty days of receipt of the denial and should be addressed to the chairperson of the Office of the Special Representative for Trade Negotiations Classification Review Committee.

(3) The requestor shall be informed of the appellate determination within thirty days of receipt of the appeal.

(c) *Fees.* (1) Fees for the location and reproduction of information that is the subject of a mandatory review request shall be assessed according to the following schedule:

(i) *Search for records:* \$5.00 per hour when the search is conducted by a clerical employee; \$8.00 per hour when the search is conducted by a professional employee. No fee shall be assessed for searches of less than one hour.

(ii) *Reproduction of documents:* Documents will be reproduced at a rate of \$.25 per page for all copying of four pages or more. No fee shall be assessed for reproducing documents that are three pages or less, or for the first three pages of longer documents.

(2) When fees chargeable under this section will amount to more than \$25, and the requestor has not indicated in advance a willingness to pay fees higher than that amount, the requestor shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed \$25, an advance deposit may be required. Dispatch of such a notice or request shall suspend the running of the period for response by the Office of the Special Representative for Trade Negotiations until a reply is received from the requestor.

(3) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to U.S. Treasurer and mailed to the Office of the Special Representative for Trade Negotiations, 1800 G St., N.W., Washington, D.C.

(4) A receipt for fees paid will be given only upon request. No refund of fees paid for services actually rendered will be made.

(5) The Office of the Special Representative for Trade Negotiations may waive all or part of any fee provided for in this section when it is deemed to be in the interest of either the Agency or the general public.

§ 2008.12 Foreign government information.

The Office of the Special Representative for Trade Negotiations shall, in consultation with the Archivist and in accordance with the provisions of Section 3-404 of Executive Order 12065, develop systematic review guidelines for review of foreign government information for declassification thirty years from the date of original classification.

§ 2008.13 Systematic review guidelines.

Within 180 days after the effective date of the Order, the Office of the Special Representative for Trade Negotiations shall, after consultation with the Archivist of the United States and review by the Information Security Oversight Office, issue and maintain guidelines for systematic review of classified information originated by the Office of the Special Representative for Trade Negotiations twenty years from the date of original classification. These guidelines shall state specific limited categories of information which, because of their national security sensitivity, should not be declassified automatically but should be reviewed item-by-item to determine whether continued protection beyond twenty years is needed. Information not identified in these guidelines as requiring review and for which a prior automatic declassification date has not been established shall be declassified automatically twenty years from the date of original classification.

Subpart E—Safeguards

§ 2008.14 Storage.

The Office of the Special Representative for Trade Negotiations shall store all classified material in accordance with ISOO Directive of October 5, 1978 (43 FR 46281).

§ 2008.15 General restrictions on access.

Access to classified information shall be restricted as required by Section 4-1 of Executive Order 12065.

§ 2008.16 Security education program.

(a) The Office of the Special Representative for Trade Negotiations will inform agency personnel having access to classified information of all requirements of Executive Order 12065 and ISOO Directive I.

(b) The Director, Office of Management, shall be charged with the implementation of this security education program and shall issue detailed procedures for the use of the agency personnel in fulfilling their day-to-day security responsibilities.

§ 2008.17 Historical researchers and former Presidential appointees.

The requirement in Section 4-101 of Executive Order 12065 with respect to access to classified information may be waived for historical researchers and former Presidential appointees in accordance with Section 4-301 of that Order.

Subpart F—Implementation and Review

§ 2008.18 Information Security Oversight Committee.

The Office of the Special Representative for Trade Negotiations Information Security Oversight Committee shall be co-chaired by the General Counsel of the Office of the Special Representative for Trade Negotiations and the Director, Office of Management. The chairs shall also be responsible with the Committee for conducting and active oversight program to ensure effective implementation of Executive Order 12065, and ISOO implementing directives. The Committee shall—

(a) Establish a security education program to inform personnel who have access to classified information with the requirements of Executive Order 12065, and ISOO implementing directives.

(b) Establish controls to ensure that classified information is used, processed, stored, reproduced, and transmitted only under conditions that will provide adequate protection and prevent access by unauthorized persons.

(c) Act on all suggestions and complaints concerning the administration of the information security program.

(d) Establish and monitor policies and procedures within the Office of the Special Representative for Trade Negotiations to ensure the orderly and effective declassification of documents.

(e) Recommend to the Special Trade Representative appropriate administrative action to correct abuses or violations of any provision of Executive Order 12065.

(f) Consider and decide other questions concerning classification and declassification that may be brought before it.

§ 2008.19 Classification Review Committee.

The Classification Review Committee shall be chaired by the Special Trade Representative. The Committee shall decide appeals from denials of declassification requests submitted pursuant to Section 3-5 of Executive Order 12065. The Committee shall

consist of Special Representative, two Deputies and the General Counsel.

Note.—This proposal has been reviewed under STR criteria established to implement Executive Order 12044, "Improving Government Regulations" and a determination has been made that these regulations are not "significant".

John Giacomini,
Director, Office of Management.

[FR Doc. 79-29872 Filed 9-25-79; 8:45 am]

BILLING CODE 3190-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-2989]

Prohibited Trade Practices, and Affirmative Corrective Actions; ITT Continental Baking Co., Inc.

AGENCY: Federal Trade Commission.
ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, requires a Rye, N.Y. manufacturer and seller of bakery products to cease disseminating advertisements which contain unsubstantiated comparative claims regarding the dietary fiber content of "Fresh Horizons" bread and other such food products; or which fail to include a statement disclosing that fiber ingredient in Fresh Horizons is derived from tree pulp. Such statements are required for two and one-half years in all advertisements for products containing wood fiber. The order also prohibits the company from representing that an ingredient in Fresh Horizons or in other food products has been recommended or approved by a doctor or scientist unless that party has been fully informed of the ingredient's identity and derivation. Additionally, the firm is required to review and conform to the terms of the order all advertising claims for bakery and/or cereal-based products prepared or financed by its corporate parent.

DATES: Complaint and order issued August 24, 1979.¹

FOR FURTHER INFORMATION CONTACT: FTC/P. Albert H. Kramer, Washington, D.C. 20580, (202) 523-3727.

SUPPLEMENTARY INFORMATION: On Tuesday, March 27, 1979, there was published in the Federal Register, 44 FR 18234, a proposed consent agreement with analysis in the Matter of ITT

¹ Copies of the Complaint and Decision and Order filed with the original document.

Continental Baking Company, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.20 Comparative data or merits; § 13.30 Composition of goods; § 13.45 Content; § 13.110 Endorsements, approval and testimonials; § 13.130 Manufacture or preparation; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service; § 13.170-52 Medicinal, therapeutic, healthful, etc.; § 13.205 Scientific or other relevant facts. Subpart—Claiming or Using Endorsements or Testimonials Falsely or Misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly; § 13.330-33 Doctors and medical profession. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records; § 13.533-45(a) Advertising substantiation. Subpart—Disseminating Advertisements, Etc.: § 13.1043 Disseminating advertisements, etc. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1575 Comparative data or merits; § 13.1590 Composition; § 13.1605 Content; § 13.1680 Manufacture or preparation; § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts.—Promotional Sales Plans § 13.1830 Promotional sales plans. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1845 Composition; § 13.1850 Content; § 13.1865 Manufacture or preparation; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45, 52))

Carol M. Thomas,
Secretary.

[FR Doc. 79-29872 Filed 9-25-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1316

Administrative Hearings; Amendment of Hearing Procedures

AGENCY: Drug Enforcement Administration, United States Department of Justice.

ACTION: Final rule.

SUMMARY: This rule amends the DEA hearing procedures to provide for the filing of exceptions to the findings of fact, conclusions of law and decision recommended or proposed by the Administrative Law Judge, prior to certification of the record to the Administrator.

EFFECTIVE DATE: September 26, 1979.

FOR FURTHER INFORMATION CONTACT: Stephen E. Stone, Attorney, Office of the Chief Counsel, Drug Enforcement Administration, Washington, D.C. 20537. Telephone (202) 633-1141.

SUPPLEMENTARY INFORMATION: By Final Rule dated July 13, 1979, published in the Federal Register, 44 FR 42178, on July 19, 1979, the Administrator of the Drug Enforcement Administration established a procedure for the filing of exceptions to the decision, findings of fact and conclusions of law proposed or recommended by the Administrative Law Judge. This procedure provided that a twenty day period for filing such exceptions would commence to run on the date upon which a party was served with a copy of the Administrative Law Judge's report to the Administrator. In practice, this occurred simultaneously with certification of the record to the Administrator. This procedure has proven to be inefficient and confusing. In order to remedy this situation, the Administrator has decided to further modify the procedures to provide for the filing of exceptions prior to the certification of the record to the Administrator.

Therefore, under the authority vested in him by the Controlled Substances Act and the regulations of the Department of Justice, the Administrator of the Drug Enforcement Administration hereby orders that Part 1316 of Title 21, Code of Federal Regulations, be amended as follows:

1. Section 1316.65 (b) and (c) are amended to read:

§ 1316.65 Report and record.

(b) The presiding officer shall serve a copy of his report upon each party in the hearing. The report shall be considered

to have been served when it is mailed to such party or its attorney of record.

(c) Not less than twenty-five days after the date on which he caused copies of his report to be served upon the parties, the presiding officer shall certify to the Administrator the record, which shall contain the transcript of testimony, exhibits, the findings of fact and conclusions of law proposed by the parties, the presiding officer's report, and any exceptions thereto which may have been filed by the parties.

2. Section 1316.66 is amended to read:

§ 1316.66 Exceptions.

(a) Within twenty days after the date upon which a party is served a copy of the report of the presiding officer, such party may file with the Hearing Clerk, Office of the Administrative Law Judge, exceptions to the recommended decision, findings of fact and conclusions of law contained in the report. The party shall include a statement of supporting reasons for such exceptions, together with evidence of record (including specific and complete citations of the pages of the transcript and exhibits) and citations of the authorities relied upon.

(b) The Hearing Clerk shall cause such filings to become part of the record of the proceeding.

(c) The Administrative Law Judge may, upon the request of any party to a proceeding, grant time beyond the twenty days provided in paragraph (a) of this section for the filing of a response to the exceptions filed by another party, if he determines that no party in the hearing will be unduly prejudiced and that the ends of justice will be served thereby. Provided, however, that each party shall be entitled to only one filing under this section; that is, either a set of exceptions or a response thereto.

3. The first sentence of § 1316.67 is amended to read:

§ 1316.67 Final order.

As soon as practicable after the presiding officer has certified the record to the Administrator, the Administrator shall cause to be published in the Federal Register his final order in the proceeding, which shall set forth the final rule and the findings of fact and conclusions of law upon which the rule is based. * * *

Dated: September 20, 1979.

Peter B. Bensinger,
Administrator.

[FR Doc. 79-28886 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. R-79-717]

Mobile Home Loans; Interim Rule and Request for Comments

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Interim rule and request for comments.

SUMMARY: This rule: (1) Permits the basic loan advance to be computed on the basis of 116 percent of the manufacturer's invoice instead of the present 113 percent; (2) increases the maximum setup allowances for single and double-wide mobile homes to \$500 and \$1,000 respectively ("setup" here refers to the mobile home's being properly anchored, together with the installation of plumbing, heating and electrical systems); (3) increases the allowance for skirting on mobile homes to \$300; (4) increases the maximum allowance for central air conditioning, including heat pumps in mobile homes to the actual dealer's cost plus installation; (5) increases the interest amount that may be paid to lenders on claims; (6) increases the repossession allowance on double-wide mobile homes to \$1,000.

DATES: Effective date: November 10, 1979. Comments due: October 26, 1979.

ADDRESS: Comments on this rule should be addressed to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. A copy of each comment will be available for public inspection at this address during regular business hours.

FOR FURTHER INFORMATION CONTACT: John L. Brady, Director, Title I Insured and 312 Loan Servicing Division, Room 9172, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-6880. This is not a toll free number.

SUPPLEMENTARY INFORMATION: (1) The rising costs of mobile homes have resulted in larger down payments. Presently, the basic loan advance is limited to 113 percent of the manufacturer's invoice. This amendment permits the loan advance to be computed on the basis of 116 percent of the invoice and will thus reduce the down payment requirement. (2) Current costs relating to the setup of mobile homes have been well in excess of

present maximums. A proper setup is essential for the mobile home to function as designed. The present maximum allowance for setup is \$400 for a single-wide and \$600 for a double-wide. An increase to \$500 and \$1,000 respectively should result in the purchaser's needing less cash to cover costs in excess of present maximums and also provide an incentive for more quality workmanship. (3) Recent cost surveys provided for HUD have indicated that the present allowance for skirting is approximately one-fourth to one-third of the actual cost and this usually results in the purchaser's needing more cash or obtaining a lesser quality grade skirting. Since most mobile home parks require that skirting be placed on the unit, the increase to \$300 will ease the financial burden on the purchaser. (4) Likewise, surveys reveal that the present maximum allowance for central air conditioning in mobile homes is well below current costs. An increase to the actual dealer's cost plus installation should permit a more realistic allowance so that more purchasers may obtain energy efficient air conditioning without large amounts of extra cash. For the first time, the purchase and installation of heat pumps will be permitted at the dealer level. These heating and cooling devices should assist in the conservation of energy and the reduction of monthly utility obligations of prospective purchasers. (5) The present method of paying claims provides very little incentive for the lender to work with delinquent borrowers. The lenders' interest loss has caused early foreclosures/repossession and reduced resale prices. This amendment increases the interest amount paid to lenders to seven (7) percent on the outstanding principal balance from the date of default to the claim filing date, or nine months and thirty-one days, whichever is lesser. (6) The present allowance for repossession is \$500 regardless of the type of mobile home. This amount is well below the cost of repossessing a double-wide unit. This amendment increases the amount to \$1,000 for double-wide mobile homes. This should provide an incentive to sell the home on site as there will be funds available to pay land rent or mortgage payments. Resales on site greatly enhance the value of mobile homes, which will assist in reducing losses.

The Secretary has determined that this amendment confers various essential benefits to the public. Therefore, unless deferred due to

comments received from the public, this regulation will become effective without notification by the Department 15 days after the close of the period allowed for public comment; that is, 45 days after publication of this document.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding is available in the office of the Rules Docket Clerk at the above cited address.

Accordingly, 24 CFR Part 201 is amended by revising § 201.530 and amending 201.680 (b) and (c)(1) as follows:

§ 201.530 Maximum loan amount.

(a) *Basic limitation.* The mobile home loan proceeds shall not exceed the lesser of \$16,000 (\$24,000 where the mobile home is composed of two or more modules) or 116 percent of the total price for such home, as stated in the manufacturer's invoice (ninety percent of the appraised value of a used mobile home if the used mobile home was previously financed with a loan under this part). The appraised value of a used mobile home shall be determined by a HUD-approved mobile home appraiser. The charges and fees authorized in paragraph (b) of this section may be added to the loan, if the inclusion of such items does not increase the total loan proceeds to more than \$16,000 (\$24,000 where the mobile home is composed of two or more modules).

(b) *Permissible charges and fees.* The following charges and fees are authorized:

(1) Filing or recording fees and charges.

(2) Documentary stamp taxes.

(3) State and local sales taxes.

(4) Costs of comprehensive and extended coverage insurance and a vendor's single interest coverage. The term of the initial policy shall not exceed 5 years.

(5) Itemized setup charges, including costs of "tie-downs", by the dealer for installing the mobile home on site and transportation costs from the dealer's lot to the site, not to exceed \$500 or where the mobile home consists of two or more modules, \$1,000.

(6) Cost of skirting not to exceed actual cost or \$300, whichever amount is the lesser.

(7) Cost of central air conditioning or heat pumps, if not installed by the mobile home manufacturer, not to exceed 100 percent of the dealer's actual cost plus installation.

§ 201.680 Amount of claim.

(a) * * *

(b) Add to 90 percent of the amount determined under paragraph (a) of this section, 90 percent of the interest at 7 percent per annum on the outstanding principal balance computed from the date of default:

(1) * * *

(2) * * *

(c) Add to the amount obtained under paragraph (b) of this section the following allowances for expenditures made by the insured:

(1) The costs of repossessing and refurbishing the mobile home, not to exceed \$500 for a single-wide unit and \$1,000 for a double-wide unit.

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); Sec. 2, 48 Stat. (12 U.S.C. 1703) as amended.)

Issued at Washington, D.C., September 19, 1979.

Lawrence B. Simons,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 79-28852 Filed 9-25-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 841

[Docket No. N-79-949]

Public Housing Program; Development Phase; Prototype Cost Limits for Low-Income Public Housing

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of Prototype Cost Determination Under 24 CFR, Part 841, Appendix A.

SUMMARY: On June 6, 1979, the Department published a revised schedule of "Prototype Cost Limits for Low-Income Public Housing." After consideration of additional factual data, revisions are necessary to increase per unit prototype cost limits for one area in the State of Pennsylvania and one area in the State of Illinois.

EFFECTIVE DATE: September 26, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Jack R. VanNess, Director, Technical Support Division, Office of Public Housing, Room 6248, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-4956 (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The United States Housing Act of 1937 requires determination by HUD of the costs in different areas for construction

and equipment (prototype costs) of new dwelling units suitable for occupancy by low-income families. The prototype costs constitute a limit on development costs for construction and equipment of new public housing projects, including Indian projects.

These schedules establish per unit limits on prototype costs (dwelling construction and equipment) for development of low-income public housing under the United States Housing Act of 1937. The Act provides (Section 6(b)) that the prototype costs shall become effective upon the date of publication in the Federal Register, and this Notice is, therefore, made effective upon publication.

Timely written comments will be considered and additional amendments will be published if the Department determines that acceptance of the comments is appropriate. Comments with respect to cost limits for a given location should be sent to the address indicated above.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969, has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5128, 451 7th Street, S.W., Washington, D.C. 20410.

Accordingly, the prototype per unit cost schedules issued under 24 CFR, Part 841, Appendix A, Prototype Cost Limits for Low-Income Housing are amended as follows:

1. At 44 FR 32528, revise the per unit cost schedules for detached and semi-detached, row and walk-up dwellings, as shown on the prototype per unit cost schedules, Region III, Pittsburgh, Pennsylvania.

2. At 44 FR 32543, revise the per unit cost schedules for detached and semi-detached, row and walk-up dwellings, as shown on the prototype per unit cost schedules, Region V, Springfield, Illinois.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Sec. 6(b) U.S. Housing Act of 1937, 42 U.S.C. 1437(d)).

Issued at Washington, D.C. on September 19, 1979.

Lawrence B. Simons,
Assistant Secretary for Housing, Federal
Housing Commissioner.

BILLING CODE 4210-01-M

REGION III												REGION V															
PENNSYLVANIA												ILLINOIS															
PITTSBURGH												SPRINGFIELD															
0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.												Det. & Semi-Det.															
20,850	24,900	27,600	32,800	39,450	43,900	45,950	19,850	24,100	29,600	35,450	42,600	47,100	49,600	18,850	22,900	28,100	33,700	40,500	44,950	47,120	16,900	20,500	25,150	30,150	36,200	40,200	42,150
Row Dwellings												Row Dwellings															
19,800	23,650	26,200	31,150	37,500	41,700	43,650	18,850	22,900	28,100	33,700	40,500	44,950	47,120	17,850	21,900	27,100	32,700	39,500	43,950	46,120	16,850	20,400	25,050	30,050	36,100	40,100	42,050
Walk-Up												Walk-Up															
17,700	21,150	23,450	27,900	33,550	37,315	39,050	16,900	20,350	22,650	27,100	32,750	36,515	38,250	15,900	19,350	21,650	26,100	31,750	35,515	37,250	15,900	19,350	21,650	26,100	31,750	35,515	37,250
Elevator-Structure												Elevator-Structure															
0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.												Det. & Semi-Det.															
Row Dwellings												Row Dwellings															
Walk-Up												Walk-Up															
Elevator-Structure												Elevator-Structure															
Det. & Semi-Det.												Det. & Semi-Det.															
Row Dwellings												Row Dwellings															
Walk-Up												Walk-Up															
Elevator-Structure												Elevator-Structure															
Det. & Semi-Det.												Det. & Semi-Det.															
Row Dwellings												Row Dwellings															
Walk-Up												Walk-Up															
Elevator-Structure												Elevator-Structure															

DEPARTMENT OF THE DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.
ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) has determined that USS Mc Inerney (FFG 8), USS Wadsworth (FFG 9), USS Duncan (FFG 10) and USS Clark (FFG 11) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special function as naval frigates, and (2) has found that USS Mc Inerney (FFG 8), USS Wadsworth (FFG 9), USS Duncan (FFG 10) and USS Clark (FFG 11) are members of the FFG 7 class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rule 38. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: August 24, 1979.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander M. D. Seiders, JAGC, USN, Admiralty Division, Office of the Judge Advocate General, Navy Department, Washington, D.C. 20370, Telephone number (202) 694-5188.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. § 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Mc Inerney (FFG 8), USS Wadsworth (FFG 9), USS Duncan (FFG 10) and USS Clark (FFG 11) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the arcs of visibility of their forward masthead lights; Annex I, Section 2(a)(i), regarding the height above the hull of their forward masthead lights; and Annex I, Section 3(b), regarding the horizontal relationship of their sidelights to their forward masthead lights, without interfering with their special function as

Navy frigates. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS Mc Inerney (FFG 8), USS Wadsworth (FFG 9), USS Duncan (FFG 10) and USS Clark (FFG 11) are members of the FFG 7 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining, to that class, found in the existing tables of § 706.3, are equally applicable to these four ships. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military function. Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table One of § 706.2 is amended as follows to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Distance in meters of forward masthead light below minimum required height.
§ 2(a)(i) annex I		
USS Oliver Hazard Perry..	FFG 7	1.6
USS Mc Inerney	FFG 8	1.6
USS Wadsworth	FFG 9	1.6
USS Duncan	FFG 10	1.6
USS Clark	FFG 11	1.6

2. Table Four of § 706.2 is amended by revising the existing paragraph 8. to read:

On the following ships the arc of visibility of the forward masthead light required by Rule 23(a)(i) may be obstructed through 1.8° arcs of visibility at the points 021° and 339° relative to the ship's head.

USS Oliver Hazard Perry FFG 7
USS Mc Inerney FFG 8
USS Wadsworth FFG 9
USS Duncan FFG 10
USS Clark FFG 11

3. Table Four to § 706.2 is amended by revising the existing paragraph 9. to read:

Sidelights on the following ships do not comply with Annex I, Section 3(b):

Vessel	Number	Distance of Sidelights forward of masthead light in meters
USS Oliver Hazard Perry..	FFG 7	2.75
USS Mc Inerney	FFG 8	2.75
USS Wadsworth	FFG 9	2.75
USS Duncan	FFG 10	2.75
USS Clark	FFG 11	2.75

EFFECTIVE DATE: The effective date of this amendment will be August 24, 1979.

Dated: August 24, 1979.

R. James Woolsey,

Acting Secretary of the Navy.

(FR Doc. 79-29914 Filed 9-25-79; 8:45 am)

BILLING CODE 3810-71-M

DEPARTMENT OF DEFENSE

Corps of Engineers

33 CFR Part 222

[ER 1110-2-106]

Engineer and Design; National Program for Inspection of Non-Federal Dams

AGENCY: Corps of Engineers.

ACTION: Final rule.

SUMMARY: This regulation prescribes procedures for the implementation of a National Program for Inspection of Non-Federal Dams. The National Dam Inspection Act, Pub. L. 92-367 dated 8 August 1972 required the Corps of Engineers to carry out the program. The inspection program will alert the states and the owners of non-Federal dams to conditions that may constitute a danger to human life or property.

EFFECTIVE DATE: September 26, 1979.

FOR FURTHER INFORMATION CONTACT: George A. Gibson, Structures Branch, Office, Chief of Engineers, Department of the Army, Washington, D.C. 20314, (202) 272-0219.

For the Chief of Engineer.

Dated: September 10, 1979.

Forrest T. Gay III,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

Accordingly, 33 CFR Part 222 is amended by adding a new § 222.8 as follows:

§ 222.8 National Program for Inspection of Non-Federal Dams.

(a) *Purpose.* This regulation states objectives, assigns responsibilities and prescribes procedures for implementation of a National Program for Inspection of Non-Federal Dams.

(b) *Applicability.* This regulation is applicable to all Divisions and Districts having Civil Works functions.

(c) *References.*

(1) The National Dam Inspection Act, Public Law 92-367, 8 August 1972.

(2) Freedom of Information Act, Public Law 87-487, 4 July 1967.

(3) ER 500-1-1.

(d) *Authority.* The National Dam Inspection Act, Public Law 92-367, 8 August 1972 authorizes the Secretary of the Army, acting through the Chief of Engineers, to carry out a national program of inspection of non-Federal dams for the purpose of protecting human life and property.

(e) *Scope.* The program provides for:

(1) An update of the National Inventory of Dams.

(2) Inspection of the following non-Federal dams (the indicated hazard potential categories are based upon the location of the dams relative to developed areas):

(i) Dams which are in the high hazard potential category (located on Federal and non-Federal lands).

(ii) Dams in the significant hazard potential category believed by the State to represent an immediate danger to the public safety due to the actual condition of the dam.

(iii) Dams in the significant hazard potential category located on Federal lands.

(iv) Specifically excluded from the national inspection program are (A) dams under the jurisdiction of the Bureau of Reclamation, the Tennessee Valley Authority, the International Boundary and Water Commission and the Corps of Engineers and (B) dams which have been constructed pursuant to licenses issued under the authority of the Federal Power Act, and (C) dams which have been inspected within the 12-month period immediately prior to the enactment of this act by a State agency and which the Governor of such State requests be excluded from inspection.

(f) *Objectives.* The objectives of the program are:

(1) To update the National Inventory of Dams by 30 September 1980.

(2) To perform the initial technical inspection and evaluation of the non-Federal dams described in paragraph 222.8(e) of this section to identify conditions which constitute a danger to human life or property as a means of expediting the correction of hazardous conditions by non-Federal interests. The

inspection and evaluation is to be completed by 30 September 1981.

(3) To obtain additional information and experience that may be useful in determining if further Federal actions are necessary to assure national dam safety.

(4) Encourage the States to establish effective dam safety programs for non-Federal dams by 30 September 1981 and assist the States in the development of the technical capability to carry out such a program.

(g) *Program Execution.*

(1) *Responsibilities.*

(i) The owner has the basic legal responsibility for potential hazards created by their dam(s). Phase II studies, as described in Chapter 4, Appendix D, and remedial actions are the owner's responsibility.

(ii) The State has the basic responsibility for the protection of the life and property of its citizens. Once a dam has been determined to be unsafe, it is the State's responsibility to see that timely remedial actions are taken.

(iii) The Corps of Engineers has the responsibility for executing the national program. The Federal program for inspection of dams does not modify the basic responsibilities of the States or dam owners. The Engineering Division of the Civil Works Directorate is responsible for overall program goals, guidance, technical criteria for inspections and inventory and headquarters level coordination with other agencies. The Water Resources Support Center (WRSC) located at Kingman Building, Fort Belvoir, Virginia 22060 is responsible for:

(A) Program Coordination of both the inventory and inspection programs.

(B) Developing and defining functional tasks to achieve program objectives.

(C) Determining resource requirements. (Budget)

(D) Compiling and disseminating progress reports.

(E) Monitoring and evaluating program progress and recommending corrective measures as needed.

(F) Collecting and evaluating data pertaining to inspection reports, dam owners' responses to inspection report

recommendations, attitudes and capabilities of State officials, State dam safety legislation, Architect-Engineer performance, etc., for defining a comprehensive national dam safety program.

(G) Responding to Congressional, media, scientific and engineering organization and general public inquiries.

Division and District offices are responsible for executing the program at the State level. Assignment of Division responsibilities for States is shown in Appendix A.

(2) *State Participation.* Where State capability exists, every effort should be made to encourage the State to execute the inspection program either with State personnel or with Architect-Engineer (A-E) contracts under State supervision. If the State does not have the capability to carry out the inspection program, the program will be managed by the Corps of Engineers utilizing Corps employees or contracts with A-E firm.

(h) *Update of National Inventory of Dams.* (RCS-DAEN-CWE-17/OMB No. 49-RO421)

(1) The National Inventory of Dams should be updated and verified to include all Federal and non-Federal dams covered by the Act. Those dams are defined as all artificial barriers together with appurtenant works which impound or divert water and which (1) are twenty-five feet or more in height or (2) have an impounding capacity of fifty acre-feet or more. Barriers which are six feet or less in height, regardless of storage capacity or barriers which have a storage capacity at maximum water storage elevation of fifteen acre-feet or less regardless of height are not included.

(2) Inventory data for all dams shall be provided in accordance with Appendix B.

(3) The hazard potential classification shall be in accordance with paragraph 2.1.2 *Hazard Potential* of the Recommended Guideline for Safety Inspection of Dams (Appendix D to this section). The following Table shall be used in lieu of Table 2, Appendix D.

Table 2.—Hazard Potential Classification

Category	Urban development	Economic loss
Low	No permanent structure for human habitation.	Minimal (Undeveloped to occasional structures or agriculture).
Significant	No urban development and no more than a small number of habitable structures.	Appreciable (Notable agriculture, industry or structures).
High	Urban development with more than a small number of habitable structures.	Excessive (Extensive community, industry or agriculture).

(4) As in the original development of the inventory, the States should be encouraged to participate in the work of completing, verifying and updating the inventory. Also, when available, personnel of other appropriate Federal agencies should be utilized for the inventory work on a reimbursable basis. Work in any State may be accomplished:

(i) Under State supervision utilizing State personnel or Architect-Engineers contracts.

(ii) Under Corps supervision utilizing Corps employees, employees of other Federal agencies or Architect-Engineer contracts.

(5) A minimum staff should be assigned in Districts and Divisions to administer and monitor the inventory activities. Generally, the work should be accomplished by architect-engineers or other Federal agency personnel under State or Corps supervision. Corps personnel should participate in the inventory only to the extent needed to assure that accurate data are collected.

(6) The National Inventory of Dams computerized data base in stored on the Boeing Computer Services (BCS) EKS computer system in Seattle, Washington. The data base uses Data Base Management System 2000 and is accessible for query by all Corps offices.

(7) Appendix B indicates details on accessing and updating inventory data.

(8) Appendix I describes the procedure for using NASA Land Satellite (LANDSAT) Multispectral Scanner data along with NASA's Surface Water Detection and Mapping (DAM) computer program to assist in updating and verifying and National Inventory of Dams.

(9) All inventory data for dams will be completed and verified utilizing all available sources of information (including LANDSAT overlay maps) and will include site visitation if required. It is the responsibility of the District Engineer to insure that the inventory of each State within his area of responsibility is accurate and contains the information required by the General Instructions for completing the forms for each Federal and non-Federal dam.

(i) [Reserved]

(j) *Inspection Program.* (RCS-DAEN-CWE-17 and OMB No. 49-RO421)

(1) Scheduling of Inspections. The Governor of each State or his designee will continue to be involved in the selection and scheduling of the dams to be inspected. Priority will be given to inspection of those dams considered to offer the greatest potential threat to public safety.

(i) No inspection of a dam should be initiated until the hazard potential

classification of the dam has been verified to the satisfaction of the Corps. Dams in the significant hazard category should be inspected only if requested by the State and only then if the State can provide information to show that the dam has deficiencies that pose an immediate danger to the public safety. Guidance for the selection of significant category non-Federal dams on Federal lands will be given in the near future.

(ii) Selection for inspection of non-Federal dams located on Federal lands or non-Federal dams designed and constructed under the jurisdiction of some Federal agency, should be coordinated with the responsible Federal agency. The appropriate State or regional representative of the Federal agency also should be contacted to obtain all available data on the dam. Representatives of the agency may participate in the inspection if they desire and should be given the opportunity to review and comment on the findings and recommendations in the inspection report prior to submission to the Governor and the dam owner. Examples of such dams are: non-Federal dams built on lands managed by National Forest Service, Bureau of Land Management, Fish and Wildlife Service, etc.; non-Federal dams designed and constructed by the Soil Conservation Service of the U.S. Department of Agriculture; high hazard mine tailings and coal mine waste dams under the jurisdiction of the Mine Safety and Health Administration, Department of Labor.

(iii) Indian-owned dams on trust lands are considered to be non-Federal dams. All dams in the high hazard potential category will be inspected. Privately-owned dams located on Indian lands are to be included in the program, however BIA-owned dams on Indian lands are Federal dams and are exempt.

(2) Procedures. The Division Engineer is responsible for the quality of inspections and reports prepared by the District Engineer. Close liaison between the District Engineer and the State agency or A-E firm responsible for the inspections will be required in order to obtain a dependable result. To avoid undesirable delays in the evaluation of safety of individual dams, contracts with A-E's or agreements with States which are managing the program will provide that reports be completed and furnished to the District Engineer within a specified time after completion of the on-site inspection of the dam.

(i) Inspection Guidelines. The inspection should be conducted in accordance with the Recommended Guidelines for Safety Inspection of Dams (Appendix D to this section).

Expanded Guidance for Hydrologic and Hydraulic Assessment of Dams is provided in Appendix C. The criteria in the recommended guidelines are screening criteria to be used only for initial determinations of the adequacy of the dam. Conditions found during the investigation which do not meet the guideline recommendations should be assessed as to their importance from the standpoint of the degree of risk involved.

(ii) Coordinators. Experience has shown that coordination and communications among technical disciplines, Public Affairs Office, emergency officials, training officers, operations personnel, State representatives and A-E firms has been best in those districts where one person was delegated the responsibility for coordinating the actions of all involved elements. Each district should evaluate its overall coordination procedures to insure that all involved elements have the best possible access to necessary data.

(iii) Field investigations should be carried out in a systematic manner. A detailed checklist or inspection form should be developed and used for each dam inspection and appended to the inspection report. The size of the field inspection team should be as small as practicable, generally consisting of only one representative of each required discipline in order to control the costs of the inspection without sacrificing the quality of the inspection. The inspection team for the smaller less complex dams should be limited to two or three representatives from appropriate technical areas with additional specialists used only as special conditions warrant. The larger more complex projects may require inspection teams of three or four specialists. Performance of overly detailed and precise surveys and mapping should be avoided. Necessary measurement of spillway, dam slopes, etc. can generally be made with measuring tapes and hand levels.

(iv) Additional Engineering Studies. Dam inspections should be limited to Phase I investigations as outlined in Chapter 3 of Appendix D. However, if recommended by the investigating engineer and approved by the District Engineer, some additional inexpensive investigations may be performed when a reasonable judgment on the safety of the dam cannot be made without additional investigation. Any further Phase II investigation needed to prove or disprove the findings of the District Engineer or to devise remedial measures to correct deficiencies are the

responsibility of the owner and will not be undertaken by the Corps of Engineers.

(v) Assessment of the Investigation.

(A) The findings of the visual inspection and review of existing engineering data for a dam shall be assessed to determine its general condition. Dams assessed to be in generally good condition should be so described in the inspection report. Deficiencies found in a dam should be described and assessed as to the degree of risk they present. The degree of risk should consider only loss of life and/or property damage resulting from flooding due to dam failure. Loss of project benefits i.e., municipal water supply, etc., should not be considered. If deficiencies are assessed to be of such a nature that, if not corrected, they could result in the failure of the dam with subsequent loss of life and/or substantial property damage, the dam should be assessed as "Unsafe." If the probable failure of an "Unsafe" dam is judged to be imminent and immediate action is required to reduce or eliminate the hazard, the "unsafe" condition of the dam should be considered an "emergency." If the probable failure is judged not to be imminent, the "unsafe" condition should be considered a "non-emergency."

(B) Adequacy of Spillway. The "Recommended Guidelines for Safety Inspection of Dams," Appendix D, provide current, acceptable inspection standards for spillway capacity. Any spillway capacity that does not meet the criteria in the "Guidelines" is considered inadequate. When a spillway's capacity is so deficient that it is seriously inadequate, the project must be considered *unsafe*. If all of the following conditions prevail, the Governor of the State shall be informed that such project is unsafe:

(1) There is high hazard to loss of life from large flows downstream of the dam.

(2) Dam failure resulting from overtopping would significantly increase the hazard to loss of life downstream from the dam over that which would exist just before overtopping failure.

(3) The spillway is not capable of passing one-half of the probable maximum flood without overtopping the dam and causing failure.

Classification of dams with seriously inadequate spillways as "unsafe, non-emergency" is generally a proper designation of the urgency of the unsafe condition. However, there may be cases where the spillway capacity is unusually small and the consequences of dam overtopping and failure would be catastrophic. In such cases, the unsafe

dam should be classified as an emergency situation.

(vi) All inspection reports will receive one level of independent review by the Corps. If the reports are prepared by the Corps, the independent review may be performed internally within the district office. However, in cases which involve significant economic, social or political impacts and technical uncertainties in evaluating the dams, advice may be obtained from the staffs of the Division Engineer and the Office, Chief of Engineers.

(3) Reports.

(i) Preparation. A written report on the condition of each dam should be prepared as soon as possible after the completion of the field inspection and assessment. A suggested report format is attached as Appendix E. It is important that the inspection report be completed in a timely manner. For inspections being done by Corps employees, it is suggested that once an inspection team has been assigned to a dam inspection it be allowed to complete the inspection and report without interruption by other work.

(ii) Review and Approval. The coordinating engineer should determine which disciplines should review the report and establish a procedure to accomplish the review in a timely manner. A review panel, made up of the appropriate Division and Branch Chiefs has worked well in some districts. Use of a review panel should be seriously considered by all districts. All inspection reports shall be approved by the District Engineer who will maintain a complete file of final approved reports. Any State or Federal agency having jurisdiction over the dam or the land on which the dam is built should be given the opportunity to review and comment on the report prior to submission to the Governor or dam owner. The District Engineer will transmit final approved reports to the Governor of the State and the dam owner (or the Governor only, when requested in writing by State officials). If the report is initially furnished to the Governor only, a period of up to ten days may be allowed before the report is furnished to the dam owner. If the Governor or the owner indicates additional technical information is available that might affect the assessment of the dam's condition, the District Engineer will furnish the proposed final report to the Governor and the owner and establish a definite time period for comments to be furnished to the District Engineer prior to report approval.

(iii) In general the Governor will be responsible for public release of an inspection report and for initiating any

public Statements. However, an approved report must be treated as any other document subject to release upon request under the Freedom of Information Act. The letters of transmittal to the Governor and owner should indicate that under the provisions of the Freedom of Information Act, the documents will be subject to release upon request after receipt by the Governor. Proposed final reports will be considered as internal working papers not subject to release under the Freedom of Information Act. Corps personnel, A-E contractor personnel and others working under supervision of the Corps will be cautioned to avoid public statements about the condition of the dam until after the District Engineer has approved the report. The Corps will respond fully to inquiries after the Governor has received the approved report or been notified of an unsafe dam. An information copy of the report should be sent to the District office normally having jurisdiction if other than the District responsible for the inspection.

(iv) Follow-up Action. A Federal investment of the magnitude anticipated for this inspection program makes it desirable that a reporting system be established to keep the District Engineer abreast of the implementation of the recommendations in the inspection reports. The letters of transmittal to the Governor and owner will request that the District Engineer be informed of the actions taken on the recommendations in the inspection reports. However, the National Dam Inspection Act only authorizes the initial inspection of certain dams; therefore, once a report is completed no reinspection will be undertaken.

(4) Unsafe Dams. The investigating engineer will be required to immediately notify the District Engineer when a dam is assessed as being unsafe. He will also indicate if probable failure of the unsafe dam is judged to be imminent and immediate action is required to reduce or eliminate the threat. The District Engineer will evaluate the findings of the investigating team and will immediately notify the Governor and the owner if the findings are Unsafe Non-Emergency or Unsafe-Emergency. The appropriate State agency and the Corps of Engineers officials having emergency operation responsibility for the area in which the dam is located will also be notified. The information provided in the unsafe dam notice shall be as indicated in Appendix F. Any emergency procedures or remedial actions deemed necessary by the District Engineer will be recommended to the Governor who

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has the responsibility for any corrective actions. As provided in ER 500-1-1, Corps assistance under PL 84-99 "Advance Measures," may be made available to complement the owner's and Governor's action under certain conditions and subject to the approval of the Director of Civil Works. The District Engineer's Emergency Operation Officer will coordinate the advance measures request in accordance with existing procedures. Coordination will be maintained between the District responsible for emergency action under PL 84-90 and the District responsible for the inspection.

(5) Emergency Action Plans. An emergency action plan should be available for every dam in the high and significant hazard category. Such plans should outline actions to be taken by the operator to minimize downstream effects of an emergency and should include an effective warning system. If an emergency action plan has not been developed, the inspection report should recommend that the owner develop such an action plan. However, the Corps has no authority to require an emergency action plan.

(k) Progress Reports. Progress reports should be submitted monthly by the Division Engineer to WRSC. The reports shall include progress through the last Saturday of the month and should be mailed by the following Monday. The reports shall contain the information and be typewritten in the format shown in Appendix G. Copies of Unsafe Dam Data Sheets will be submitted with the progress report. Copies of the completed inspection report for Dams in the Unsafe-Emergency category will be submitted also. (RCS-DAEN-CWE-19)

(l) Contracts.

(1) Corps of Engineers Supervision. Contracts for performing inventory and inspection activities under supervision of the Corps of Engineers shall be Fixed-Price Architect Engineer Contracts for Services. A sample scope of work setting forth requirements is provided in Appendix H. Experience has shown that costs for individual dam inspection have been lower when multiple inspections are included in one contract. Therefore, each A-E contract should include multiple dam inspections where practicable. Corps participation in A-E inspections should be held to a minimum. Corps representatives should participate in only enough A-E inspections to assure the equality of the inspections.

(2) State supervision. Contracts with States for performing inventory and inspection activities under State supervision may be either a Cost-Reimbursement type A-E Contract for

Services or a Fixed-Price type contract. The selection of Architect-Engineers by the State should require approval of the Corps of Engineers Contracting Officer. The negotiated price for A-E services under cost-reimbursement type contracts with States will also require approval by the Contracting Officer. Contracts with States should require timely submission of the inspection reports to the District Engineer for review and approval. The contract provisions should also prevent public release of or public comment on the inspection report until the District Engineer has reviewed and approved the report. Corps of Engineers participation in State inspections should be limited to occasional selected inspections to assure the quality of the State program.

(m) Training. As indicated in paragraph 222.8(f) of this section, one objective of the inspection program for non-Federal Dams is to prepare the States to provide effective dam safety programs. In many States this will require training of personnel of State agencies in the technical aspects of dam inspections. The Office, Chief of Engineers is studying the need for and content of a comprehensive Corps-sponsored training program in dam inspection technology. Pending the possible adoption of such a comprehensive plan, division and district Engineers are encouraged to take advantage of suitable opportunities to provide needed training in dam safety activities to qualified employees of State agencies and, when appropriate, to employees of architect-engineer firms engaged in the program. The following general considerations should be observed in providing such training:

(1) Priority must be placed on inspection of dams and updating the national dam inventory; hence, diversion of resources to training activities should not deter or delay these principle program functions.

(2) Expenses during training activities of qualified State employees who are assigned to dam inspection work may be reimbursed from funds available to the Corps for work under PL 92-367.

(3) Architect-Engineer firms will be required to pay expenses and any incremental training costs for their employees participating in Corps-sponsored training activities.

(4) Corps-sponsored training will require that each trainee is a qualified engineer or geologist and will concentrate on engineering technology related directly to dam safety. (This may require screening of proposed candidates for training.)

(5) Under this program, the Corps will not sponsor training that is intended primarily to satisfy requirements for a degree.

(6) Training by participation in actual dam inspections and/or management of the inspection program should be encouraged.

(Pub. L. 92-367)

Appendix A.—Division Assignments

To facilitate better coordination with the States, the Division Engineers are responsible for the dam inspection program by States as follows:

New England Division: Maine, Rhode Island, Connecticut, Vermont, New Hampshire, Massachusetts

North Atlantic Division: New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, District of Columbia

Ohio River Division: West Virginia, Ohio, Kentucky, Tennessee, Indiana

South Atlantic Division: North Carolina, South Carolina, Georgia, Florida, Alabama, Puerto Rico, Virgin Islands

Lower Mississippi Valley Division:

Mississippi, Louisiana, Missouri, North Central Division: Michigan, Wisconsin, Illinois, Minnesota, Iowa

Southwestern Division: Arkansas, Oklahoma, Texas, New Mexico

Missouri River Division: Kansas, Nebraska, South Dakota, North Dakota, Wyoming, Colorado

North Pacific Division: Oregon, Idaho, Montana, Washington, Alaska

South Pacific Division: Utah, California, Arizona, Nevada

Pacific Ocean Division: Hawaii, Trust Territories, American Samoa

Appendix B.—Inventory of Dams

(RCS-DAEN-CWE-17 and OMB No. 49-RO421)

1. The updating of the inventory will include the completion of all items of data for all dams now included in the inventory, verification of the data now included in the inventory, and inclusion of complete data for all appropriate existing dams not previously listed. Data completion, verification and updating will be scheduled over a three year period.

2. The inventory data will be recorded on Engineering Form 4474 and 4474A (Exhibit 2). The general instructions for completing the forms are printed on the back of the forms. Parts I and II of the forms are to be fully completed. The instruction for completing Item 29, Line 5, Para. II (Engr Form 4474A) is revised to conform identically with the hazard potential classification contained in the recommended guidelines for safety inspection of dams. Additional data has been added to designate Corps districts in which the dam is located, Federal agency owned dams, Corps owned dams, Federal agency regulated dams, dams constructed with technical or financial assistance of the U.S. Soil Conservation Service, and privately owned dams located on Federal property.

3. All inventory data will be verified utilizing all available sources of information and will include site visitation if required.

4. The Inventory Data Base is stored on the Boeing Computer Services (BCS) EKS System in Seattle, Washington. The data is available to all Corps offices for queries using Data Base Management System 2000 (S2K).

a. To access the National Data Base log on BCS and type the following:

GET,DAMS/UN=CECELB

CALL,DAMS

b. For current information and changes to the National Inventory Data Base, type:

OLD,HOTDAM/UN=CEC1AT

LIST

5. The inventory update data will be furnished and the National Data Base will be updated on a monthly basis. The monthly submission will cover all dams whose inventory data were completed since the last report. The update data will be loaded directly onto the Boeing Computer by the field office.

a. The procedure for loading the data on the Boeing Computer can be printed by accessing the Boeing Computer and listing the information file "HOTDAM." (See paragraph 4b. above.)

b. It is the responsibility of the submitting office to edit the data prior to furnishing it for the update. Editing will be accomplished by processing the data using the Inventory Edit Computer program developed by the Kansas City District. This procedure is described in the "HOTDAM" file.

6. Federal agencies will be uniformly designated by major and minor abbreviations according to the following list whenever applicable to Items 48 through 53. Abbreviations are to be left justified within the field with one blank separating major and minor abbreviations.

	Major	Minor
a. International Boundary and Water Com- ISWC mission.		
b. U.S. Department of Agriculture:		
(1) Soil Conservation Service.....	USDA	SCS
(2) Forest Service.....	USDA	FS
c. U.S. Department of Energy Federal DOE		FERC
Energy Regulatory Commission.		
d. Tennessee Valley Authority.....	TVA	
e. U.S. Department of Interior:		
(1) Bureau of Sport Fisheries and Wild- DOI		BSFW
life.		
(2) Geological Survey.....	DOI	GS
(3) Bureau of Land Management.....	DOI	BLM
(4) Bureau of Reclamation.....	DOI	USBR
(5) Bureau of Indian Affairs.....	DOI	BIA
f. U.S. Department of Labor: (1) Mine DOL		MSHA
Safety and Health Administration.		
g. Corps of Engineers:		
(1) Lower Mississippi Valley Division:		
(a) Memphis District.....	DAEN	LMM
(b) New Orleans District.....	DAEN	LMN
(c) St. Louis District.....	DAEN	LMS
(d) Vicksburg District.....	DAEN	LMK
(2) Missouri River Division:		
(a) Kansas City District.....	DAEN	MRK
(b) Omaha District.....	DAEN	MRO
(c) New England Division.....	DAEN	NED
(4) North Atlantic Division:		
(a) Baltimore District.....	DAEN	NAB
(b) New York District.....	DAEN	NAN
(c) Norfolk District.....	DAEN	NAO
(d) Philadelphia District.....	DAEN	NAP
(5) North Central Division:		
(a) Buffalo District.....	DAEN	NCB
(b) Chicago District.....	DAEN	NCC
(c) Detroit District.....	DAEN	NCE
(d) Rock Island District.....	DAEN	NCR
(e) St. Paul District.....	DAEN	NCS
(6) North Pacific Division:		
(a) Alaska District.....	DAEN	NPA
(b) Portland District.....	DAEN	NPP

	Major	Minor
(c) Seattle District.....	DAEN	NPS
(d) Walla Walla District.....	DAEN	NPW
(7) Ohio River Division:		
(a) Huntington District.....	DAEN	ORH
(b) Louisville District.....	DAEN	ORL
(c) Nashville District.....	DAEN	ORN
(d) Pittsburgh District.....	DAEN	ORP
(e) Pacific Ocean Division.....	DAEN	POD
(9) South Atlantic Division:		
(a) Charleston District.....	DAEN	SAC
(b) Jacksonville District.....	DAEN	SAJ
(c) Mobile District.....	DAEN	SAM
(d) Savannah District.....	DAEN	SAS
(e) Wilmington District.....	DAEN	SAW
(10) South Pacific Division:		
(a) Los Angeles District.....	DAEN	SPL
(b) Sacramento District.....	DAEN	SPK
(c) San Francisco District.....	DAEN	SPN
(11) Southwestern Division:		
(a) Albuquerque District.....	DAEN	SWA
(b) Fort Worth District.....	DAEN	SWF
(c) Galveston District.....	DAEN	SWG
(d) Little Rock District.....	DAEN	SWL
(e) Tulsa District.....	DAEN	SWT

7. Procedures for Revising and Updating the Inventory of Dams Master File.

a. To Change Correct or Add an Item.

Submit a change card that contains the identification assigned to the dams (Columns 1 thru 7), the proper card code (Column 80) and only the item or items changed, corrected or added. Data on the master file is added or replaced on an item for item basis.

b. To Delete an Item. Submit a change card that contains the identification assigned to the dam, (Columns 1 thru 7), the proper card code (Column 80), and an asterisk (*) in the left most column of the item or items to be deleted. More than one item can be changed, corrected, added on or deleted from the same card.

c. To Delete the Entire Data for a Dam from the Master File. Submit a zero (0) card punched as follows:

Columns 1 thru 7—Item 1 identification assigned to the dam
Columns 8 thru 10—Item 2, Division Code
Columns 11 thru 16—The word DELETE
Columns 17 thru 79—Blank Spaces
Column 80—A zero

8. Keypunch Instructions and Punched Card Formats.

a. Table 1 describes the character set to be used for keypunch cards of Engr. Forms 4474 and 4474A.

b. Exhibit 1 is the EDPC keypunch instructions and punch card formats defining the data fields (Items) and card columns to be used in preparing punched cards in compliance with the requirements of this regulation.

c. Exhibit 2 are prints of Engr Forms 4474 and 4474A which are laid out in punch card format to facilitate punching cards directly from the completed forms.

BILLING CODE 3710-92-M

EDPC KEYPUNCH INSTRUCTIONS (Continued)

A	12-1	0	
B	12-2	1	
C	12-3	2	
D	12-4	3	
E	12-5	4	
F	12-6	5	
G	12-7	6	
H	12-8	7	
I	12-9	8	
J	11-1	9	
K	11-2		blank
L	11-3	.	0-3-8
M	11-4	.	12-3-8
N	11-5	-	11
O	11-6	*	11-4-8
P	11-7	/	0-1
Q	11-8	\$	11-3-8
R	11-9		
S	0-2		
T	0-3		
U	0-4		
V	0-5		
W	0-6		
X	0-7		
Y	0-8		
Z	0-9		

NON-STANDARD CHARACTER SET

(12-5-8	0-8-4
)	11-5-8	12-8-4
"	8-4	
'	11-8-5	
+	12	
z	8-6	
,	12-8-7	11-8-6
:	8-2	
;	0-8-6	
#	8-5	
@	8-3	8-6

016 0000 0 15170

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EDPC KEYPUNCH INSTRUCTIONS (Continued)									
JOB TITLE		INVENTORY OF UNITED STATES DAMS				JOB NO.			
CARD IDENTIFICATION CARD 6, 7, 8, & 9		SOURCE				ENGINE FORM 4476A			
SOURCE BLOCK	NAME OF FIELD	COLUMN FROM	TO	NO COLL	DATA TYPE	REMARKS-INSTRUCTIONS			
1	CARD NUMBER	1	7			Repeat Item 1 card 5			
46	Owner	8	31	24	A L				
47	Engineering By	32	55	24	A L				
48	Construction By	56	79	24	A L				
	Card Number	80	80	1	N	Punch a 6			
1	CARD NUMBER	1	7			Repeat Item 1 card 5			
49	Design	8	25	18	A L				
50	Construction	26	43	18	A L				
51	Operation	44	61	18	A L				
52	Maintenance	62	79	18	A L				
	Card Number	80	80	1	N	Punch a 7			
1	CARD NUMBER	1	7			Repeat Item 1 card 5			
53	Inspection By	8	40	33	A L				
54	Inspection (O Y)	41	42	2	N R				
54	Inspection (P)	43	45	3	N R				
54	Inspection (Y)	46	47	2	N R				
55	Authority	48	79	32	A L				
	Card Number	80	80	1	N	Punch a 8			
1	CARD NUMBER	1	7			Repeat Item 1 card 5			
56	Permit	8	79	72	A L				
	Card Number	80	80	1	N	Punch a 9			

...PART I - INVENTORY OF DAMS IN THE UNITED STATES
(PUBLIC LAW 92-467)

INVENTORY OF DAMS IN THE UNITED STATES
(PUBLISHED BY THE PUBLIC LAW 92-167)

...and the other side of the mountain.

[illegible][illegible]

IDENTIFICATION (Continued)		POPULAR NAME										NAME OF IMPOUNDMENT																																																												
8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80

LOCATION		BASIN		RIVER OR STREAM										NEAREST DOWNSTREAM CITY - TOWN - VILLAGE		DIST FROM (mi)		POPULATION																																																						
[15]	[16]	[17]	[18]	[19]	[20]	[21]	[22]	[23]	[24]	[25]	[26]	[27]	[28]	[29]	[30]	[31]	[32]																																																							
8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80

[illegible][illegible]

ENG FORM 4474
1 DEC 77

EXHIBIT 2

GENERAL INSTRUCTIONS

This form is for use in preparing the inventory of dams in the United States under the requirements of the National Program for the Inspection of Dams, P.L. 92-367. All items of Part I and Part II (Lines 1-9) must be completed as instructed below. Print entries distinctly in ink or pencil. For letters o, z, and i, write O, Z, and I.

Write only one letter or numeral in each space. Do not use more letters than blocks allowed for an item. Do not abbreviate in Part I. Leave one space between words and no space between code letters.

For all letter codes or word entries place first letters in left block of field. In word fields any alphabetic, numeric or special character may be entered. For all numerical entries, use only numerals placing the last digit of number in the right block of field, including trailing zeros. Do not include a decimal point in fields where decimals are required values are to be placed around the decimal point printed on the form.

Leave blank those spaces where item does not apply, e.g., do not write "N/A", " ", "None", etc., unless instructed to do so by specific instructions. Do not use the remarks line when additional space is needed for an item or to clarify an entry. Precede each remark with the item number. (See Item 114 for B-1 instructions).

Part I

Item 1 **IDENTITY**. The Division Engineer will assign and control the identity for dams in the states for which he is responsible. The identity will be assigned to the dam by the Division Engineer in accordance with the instructions in the National Program for the Inspection of Dams, P.L. 92-367, June 15, 1970 (P.L. 91-367). In cases where a dam is physically located in two or more states, one state will be designated as the principal state for the identity. The last five (5) characters of the identity will be a sequential number assigned to identify dams within a state.

Part II

Item 2 **DIVISION**. Enter the three (3) letter office symbol for the division making the report in accordance with ABBR Report Code, Appendix B, P.R. 18-2-1, Civil Works Information System, e.g., NAD, ORD, SMD, etc.

Location

Item 3 **STATE**. Enter two (2) letter principal state abbreviation in accordance with FIPS PUB 10-6-1.

Item 4 **COUNTY**. Enter three (3) digit county identification in accordance with FIPS PUB 10-6-1.

Item 5 **CONG DIST**. Enter one (1) or two (2) digit number for congressional districts in which dam is located.

Item 6 **DAM NAME**. Enter official name of dam. Do not abbreviate unless the abbreviation is a part of the official name. For dams that do not have a name, create a name by combining the two (2) letter state abbreviation plus "NO NAME" plus a sequential number. Example: If two dams in the State of Alabama do not have names, they would be named as ALNONAME1 and ALNONAME2.

Item 7 **ALTITUDE AND LONGITUDE**. Enter the latitude and longitude in degrees, minutes and tenths of a minute. Altitude is the elevation above sea level to dam abutment. Longitude is the longitude of dam abutment.

Item 8 **REPORT DATE**. Enter the one (1) or two (2) digits for day, the first three (3) letters of the month and a two (2) digit year (e.g., 12 JAN 74) in which the data has been revised, updated or otherwise changed.

Part III

Item 11 **POPULAR NAME OF DAM**. If (other than the official name of the dam) in common use, enter the name in this space. Leave blank if not applicable.

Item 114 **NAME OF IMPOUNDMENT**. Enter official name of lake or reservoir. Leave blank if reservoir does not have a name.

LINE 1

Item 1 **IDENTITY**. Enter two (2) digit numbers for Region and Basin in accordance with Appendix A, P.R. 18-2-1, Civil Works Information System.

Item 2 **DIVISION**. Enter two (2) digit numbers for Region and Basin in accordance with Appendix A, P.R. 18-2-1, Civil Works Information System.

Item 3 **STATE**. Enter two (2) digit numbers for Region and Basin in accordance with Appendix A, P.R. 18-2-1, Civil Works Information System.

Item 4 **COUNTY**. Enter three (3) digit numbers for Region and Basin in accordance with Appendix A, P.R. 18-2-1, Civil Works Information System.

Item 5 **CONG DIST**. Enter one (1) or two (2) digit numbers for Region and Basin in accordance with Appendix A, P.R. 18-2-1, Civil Works Information System.

Item 6 **DAM NAME**. Enter the name of the dam in full. If the dam is known by more than one name, enter the most common name. If the dam is known by a name other than the official name, enter that name. If the dam is known by a name other than the official name, enter that name. If the dam is known by a name other than the official name, enter that name.

LINE 2

Item 7 **ALTITUDE AND LONGITUDE**. Enter the latitude and longitude in degrees, minutes and tenths of a minute. Altitude is the elevation above sea level to dam abutment. Longitude is the longitude of dam abutment.

Item 8 **REPORT DATE**. Enter the one (1) or two (2) digits for day, the first three (3) letters of the month and a two (2) digit year (e.g., 12 JAN 74) in which the data has been revised, updated or otherwise changed.

LINE 3

Item 9 **POPULAR NAME OF DAM**. If (other than the official name of the dam) in common use, enter the name in this space. Leave blank if not applicable.

Item 10 **NAME OF IMPOUNDMENT**. Enter official name of lake or reservoir. Leave blank if reservoir does not have a name.

LINE 4

Item 11 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 5

Item 12 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 6

Item 13 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 7

Item 14 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 8

Item 15 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 9

Item 16 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 10

Item 17 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 11

Item 18 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 12

Item 19 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 13

Item 20 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 14

Item 21 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 15

Item 22 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 16

Item 23 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 17

Item 24 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 18

Item 25 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 19

Item 26 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 20

Item 27 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 21

Item 28 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 22

Item 29 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 23

Item 30 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 24

Item 31 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 25

Item 32 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

LINE 26

Item 33 **REMARKS**. Precede remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-FITTING BASIN. Only one remark line should be used for PART I removal.

EXHIBIT 2

PART II
Item 1. IDENTIFY. Enter identity per FEDERAL INSURANCE on PART I.

LINE 5

Item 1291 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

HAZARD POTENTIAL

Item 1292 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

HAZARD POTENTIAL

Item 1293 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1294 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1295 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1296 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1297 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1298 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1299 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1300 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1301 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1302 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1303 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1304 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1305 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1306 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1307 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1308 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1309 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1310 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1311 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1312 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1313 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1314 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1315 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1316 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1317 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1318 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1319 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1320 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1321 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1322 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1323 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1324 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1325 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1326 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1327 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1328 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1329 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1330 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1331 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1332 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1333 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1334 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1335 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1336 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1337 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1338 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1339 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1340 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1341 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1342 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1343 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1344 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1345 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1346 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1347 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1348 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1349 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1350 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1351 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1352 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1353 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1354 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1355 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1356 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1357 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Item 1358 DISHAZ. Enter the sheet that most closely represents the hazard potential that could occur to the downstream (DS) area resulting from failure of this operation of the dam or facilities.

Appendix C.—Hydrologic and Hydraulic Assessment of Dams

1. Phase I inspections are not intended to provide detailed hydrologic and hydraulic analyses of dam and reservoir capabilities. However, when such analyses are available, they should be evaluated for reliability and completeness. If a project's ability to pass the appropriate flood (see Table 3, page D-12 of Recommended Guidelines) can be determined from available information of a brief study, such an assessment should be made. It should be noted that hydrologic and hydraulic analyses connected with the Phase I inspections should be based on approximate methods or systematized computer programs that take minimal effort. The Hydrologic Engineering Center (HEC) has developed a special computer program for hydrologic and hydraulic analyses to be used with the Phase I inspection program. Other Field Operating Agencies have developed similar computer programs or generalized procedures which are acceptable for use. All such efforts should be completed with minimum resources.

2. A finding that a dam will not safely pass the flood indicated in the Recommended Guidelines does not necessarily indicate that the dam should be classified as unsafe. The degree of inadequacy of the spillway to pass the appropriate flood and the probable adverse impacts of dam failure because of overtopping must be considered in making such classification. The following criteria have been selected which indicate when spillway capacity is so seriously inadequate that a project must be classified as unsafe. All of the following conditions must prevail before designating a dam unsafe:

a. There is high hazard to loss of life from large flows downstream of the dam.

b. Dam failure resulting from overtopping would significantly increase the hazard to loss of life downstream from the dam from that which would exist just before overtopping failure.

c. The spillway is not capable of passing one-half of the probable maximum flood without overtopping the dam and causing failure.

3. The above criteria are generally adequate for evaluating most non-Federal dams. However, in a few cases the increased hazard potential from overtopping and failure is so great as to result in catastrophic consequences. In such cases, the evaluation of condition 2c should utilize a flood more closely approximating the full probable maximum flood rather than one-half the flood. An example of such a situation would be a large dam immediately above a highly populated flood plain, with little likelihood of time for evacuation in the event of an emergency.

4. Conditions 2a and 2b require an approximation of housing location in relation to flooded areas. Resources available in Phase I inspections do not permit detailed surveys or time-consuming studies to develop such relationships. Therefore, rough estimates will generally be made from data obtained during the inspection and from readily available maps and drawings. Brief computer routings such as the HEC-1 dam break analysis, using available data, are recommended in marginal cases. The HEC-1,

dam break version, is available on the Boeing Computer Services or may be obtained from the Hydrologic Engineering Center, Davis, California. Available resources do not permit detailed studies or investigations to establish the amount of overtopping that would cause a dam to fail, as designated in condition 2c. Professional judgment and available information will have to be used in these determinations. When detailed investigations and studies are required to make a reasonable judgment of the conditions which designate an unsafe dam, the inspection report should recommend that such studies be the responsibility of the dam owner.

5. During the inspection of a dam, consideration should be given to impacts on other dams located downstream from the project being inspected. When failure of a dam would be likely to cause failure of another dam(s) downstream, its designation as an unsafe dam could result in multiple impacts. Therefore, the information should be explicitly described in the inspection report. Such information may be vital to the priorities established by State Governors for dam improvements. Similarly, when the failure of an upstream dam (classified as unsafe) could cause failure of the dam being inspected, this information should be prominently displayed in the inspection report.

6. The criteria established in paragraph 2 for designating unsafe dams because of seriously inadequate spillways are considered reasonable and prudent. They provide a consistent bases for declaring unsafe dams and also serve as an effective compromise between the Recommended

Guidelines and unduly low standards suggested by special interests and individuals unfamiliar with flood hazard potential.

7. The Hydrometeorological Branch (HMB) of the National Weather Service has reviewed some 500 experienced large storms in the United States. The purpose of the review was to ascertain the relative magnitude of experienced large storms to probable maximum precipitation (PMP) and their distribution throughout the country. Their review reveals that about 25 percent of the major storms have exceeded 50 percent of the probable maximum precipitation for one or more combinations of area and duration. In fact some storms have very closely approximated the PMP values. Exhibits C-1 thru C-5 indicate locations where experienced storms have exceeded 50 percent of the PMP.

8. There are several options to consider when selecting mitigation measures to avoid severe consequences of a dam failure from overtopping. The following measures may be required by a Governor when sufficient legal authority is available under State laws and a dam presents a serious threat to loss of life.

- Remove the dam.
- Increase the height of dam and/or spillway size to pass the probable maximum flood without overtopping the dam.
- Purchase downstream land that would be adversely impacted by dam failure and restrict human occupancy.
- Enhance the stability of the dam to permit overtopping by the probable maximum flood without failure.
- Provide a highly reliable flood warning system (generally does not prevent damage but avoids loss of life).

Table 1.—Storms With Rainfall $\geq 50\%$ of PMP, U.S. East of the 105th Meridian (for 10 mi², 6 Hours; 200 mi², 24 Hours and/or 1,000 mi², 48 Hours)

Storm date	Index No.	Corps assignment No. (if available)	Storm center		Latitude	Longitude
			Town	State		
July 26, 1819	1		Catskill	NY	42°12'	73°53'
Aug. 5, 1843	2		Concordville	PA	39°53'	75°32'
Sept. 10-13, 1878	3	OR 9-19	Jefferson	OH	41°45'	80°46'
Sept. 20-24, 1882	4	NA 1-3	Peterson	NJ	40°55'	74°10'
June 13-17, 1886	5	LMV 4-27	Alexandria	LA	31°19'	92°33'
June 27-July 11, 1899	6	GM 3-4	Turnersville	TX	30°52'	96°32'
Aug. 24-28, 1903	7	MR 1-10	Woodburn	IA	40°57'	93°35'
Oct. 7-11, 1903	8	GL 4-9	Peterson	NJ	40°55'	74°10'
July 18-23, 1909	9	UMV 1-11B	Ironwood	MI	48°27'	90°11'
July 18-23, 1909	10	UMV 1-11A	Beaulieu	MN	47°21'	95°48'
July 22-23, 1911	11		Swede Home	NB	40°22'	96°54'
July 19-24, 1912	12	GL 2-29	Merrill	WI	45°11'	89°41'
July 13-17, 1916	13	SA 2-8	Altapass	NC	35°33'	82°01'
Sept. 8-10, 1921	14	GM 4-12	Taylor	TX	30°35'	97°18'
Oct. 4-11, 1924	15	SA 4-20	New Smyrna	FL	29°07'	80°55'
Sept. 17-19, 1926	16	MR 4-24	Boydton	IA	43°12'	96°00'
Mar. 11-16, 1929	17	UMV 2-20	Elba	AL	31°25'	86°04'
June 30-July 2, 1932	18	GM 5-1	State Fish Hatchery	TX	30°01'	99°07'
Sept. 16-17, 1932	19		Ripogonus Dam	ME	45°53'	69°09'
July 22-27, 1933	20	LMV 2-26	Logansport	LA	31°58'	94°00'
Apr. 3-4, 1934	21	SW 2-11	Cheyenne	OK	35°37'	99°40'
May 30-31, 1935	22	MR 3-28A	Cherry Creek	CO	39°13'	104°32'
May 31, 1935	23	GM 5-20	Woodward	TX	29°20'	96°28'
July 8-10, 1935	24	NA 1-27	Hector	NY	42°30'	78°53'
Sept. 2-6, 1935	25	SA 1-26	Easton	MD	38°46'	76°01'

Table 1.—Storms With Rainfall $\geq 50\%$ of PMP, U.S. East of the Continental Divide (for 10 mi² 6 Hours or 1,000 mi² for One Duration Between 6 and 72 Hours)—Continued

Storm date	Index No.	Corps assignment No. (if available)	Storm center		Latitude	Longitude
			Town	State		
Sept. 14-18, 1936	26	GM 5-7	Broome	TX	31°47'	100°50'
June 19-20, 1939	27		Snyder	TX	32°44'	100°55'
July 4-5, 1939	28		Simpson	KY	38°13'	83°22'
Aug. 18, 1939	29	NA 2-3	Manahawkin	NJ	39°42'	74°16'
June 3-4, 1940	30	MR 4-5	Grant Township	NB	42°01'	98°53'
Aug. 6-9, 1940	31	LMV 4-24	Miller Isl.	LA	29°45'	92°10'
Aug. 10-17, 1940	32	SA 5-19A	Keysville	VA	37°03'	78°30'
Sept. 1, 1940	33	NA 2-4	Ewan	NJ	39°42'	75°12'
Sept. 2-8, 1940	34	SW 2-18	Hallet	OK	38°15'	98°38'
Aug. 28-31, 1941	35	UMV 1-22	Haywood	WI	46°00'	91°28'
Oct. 17-22, 1941	36	SA 5-6	Trenton	FL	29°48'	82°57'
July 17-18, 1942	37	OR 9-23	Smethport	PA	41°50'	78°25'
Oct. 11-17, 1942	38	SA 1-28A	Big Meadows	VA	38°31'	78°28'
May 6-12, 1943	39	SW 2-20	Warner	OK	35°29'	95°18'
May 12-20, 1943	40	SW 2-21	Nr. Mounds	OK	35°52'	96°04'
July 27-29, 1943	41	GM 5-21	Devers	TX	30°02'	94°35'
Aug. 4-5, 1943	42	OR 3-30	Nr. Glenville	WV	38°58'	80°50'
June 10-13, 1944	43	MR 6-15	Nr. Stanton	NB	41°52'	97°03'
Aug. 12-15, 1946	44	MR 7-2A	Cole Camp	MO	38°40'	93°13'
Aug. 12-18, 1946	45	MR 7-2B	Nr. Collinsville	IL	38°40'	89°59'
Sept. 26-27, 1946	46	GM 5-24	Nr. San Antonio	TX	29°20'	98°29'
June 23-24, 1948	47		Nr. Del Rio	TX	29°22'	100°37'
Sept. 3-7, 1950	48	SA 5-8	Yanketown	FL	29°03'	82°42'
June 23-28, 1954	49	SW 3-22	Vic Pierce	TX	30°22'	101°23'
Aug. 17-20, 1955	50	NA 2-22A	Westfield	MA	42°07'	72°45'
May 15-16, 1957	51		Hennessey	OK	36°02'	97°58'
June 14-15, 1957	52		Nr. E. St. Louis	IL	38°37'	90°24'
June 23-24, 1963	53		David City	NE	41°14'	97°05'
June 13-20, 1965	54		Holly	CO	37°43'	102°23'
June 24, 1966	55		Glenellin	ND	47°21'	101°18'
Aug. 12-13, 1966	56		Nr. Greeley	ND	41°33'	98°32'
Sept. 19-24, 1967	57	SW 3-24	Fathurmas	TX	27°16'	98°12'
July 16-17, 1968	58		Waterloo	IA	42°30'	92°19'
July 4-5, 1969	59		Nr. Wooster	OH	40°50'	82°00'
Aug. 19-20, 1969	60	NA 2-3	Nr. Tyro	VA	37°49'	79°00'
June 9, 1972	61		Rapid City	SD	44°12'	103°31'
June 19-23, 1972	62		Zerbe	PA	40°37'	76°31'
July 21-22, 1972	63		Nr. Cushing	MN	46°10'	94°30'
Sept. 10-12, 1972	64		Harlan	IA	41°43'	95°15'
Oct. 10-11, 1973	65		Enid	OK	36°25'	97°52'

Table 2.—Storms With Rainfall $\geq 50\%$ of PMP, U.S. West of Continental Divide (for 10 mi² 6 Hours or 1,000 mi² for One Duration Between 6 and 72 Hours)

Storm date	Index No.	Storm center		Latitude	Longitude	Duration for 1,000 mi ²
		Town	State			
Aug. 11, 1880	1	Palmetto	NV	37°27'	117°42'	
Aug. 12, 1881	2	Campo	CA	32°36'	116°28'	
Aug. 28, 1886	3	Ft. Mohave	AZ	35°03'	114°36'	
Oct. 4-8, 1911	4	Gladstone	CO	37°53'	107°39'	
Dec. 29, 1913-Jan. 3, 1914	5		CA	39°55'	121°25'	
Feb. 17-22, 1914	6	Colby Ranch	CA	34°18'	118°07'	
Feb. 20-25, 1917	7		CA	37°35'	119°36'	
Sept. 13, 1918	8	Red Bluff	CA	40°10'	122°14'	
Feb. 26-Mar 4, 1938	9		ID	34°14'	117°11'	
Mar. 30-Apr. 2, 1931	10		WA	48°30'	114°50'	24
Feb. 26, 1932	11	Big Four	WA	48°05'	121°30'	
Nov. 21, 1933	12	Tatoosh Is.	WA	48°23'	124°44'	
Jan. 20-25, 1935	13		WA	47°30'	123°30'	6
Jan. 20-25, 1935	14		WA	47°00'	122°00'	72
Feb. 4-8, 1937	15	Cyamaca Dam	CA	33°00'	116°35'	
Dec. 9-12, 1937	16		CA	38°51'	122°43'	
Feb. 27-Mar. 4, 1938	17		AZ	34°57'	111°44'	12
Jan. 19-24, 1943	18		CA	37°35'	119°25'	18
Jan. 19-24, 1943	19	Hoegee's Camp	CA	34°13'	118°02'	
Jan. 30-Feb. 3, 1945	20		CA	37°35'	119°30'	
Dec. 27, 1945	21	Mt. Tamalpais	CA	37°54'	122°34'	
Nov. 13-21, 1950	22		CA	38°30'	118°30'	24
Aug. 25-30, 1951	23		AZ	34°07'	112°21'	72
July 19, 1955	24	Chiatovich Flat	CA	37°44'	118°15'	
Aug. 18, 1958	25	Morgan	UT	41°03'	111°38'	
Sept. 18, 1959	26	Newton	CA	40°22'	122°12'	
June 7-8, 1964	27	Nyack Ck.	MT	48°30'	113°38'	12
Sept. 3-7, 1970	28		UT	37°36'	109°04'	6
Sept. 3-7, 1970	29		AZ	33°49'	110°58'	6
June 7, 1972	30	Bakersfield	CA	35°25'	119°03'	
Dec. 9-12, 1937	31		CA	39°45'	121°30'	46

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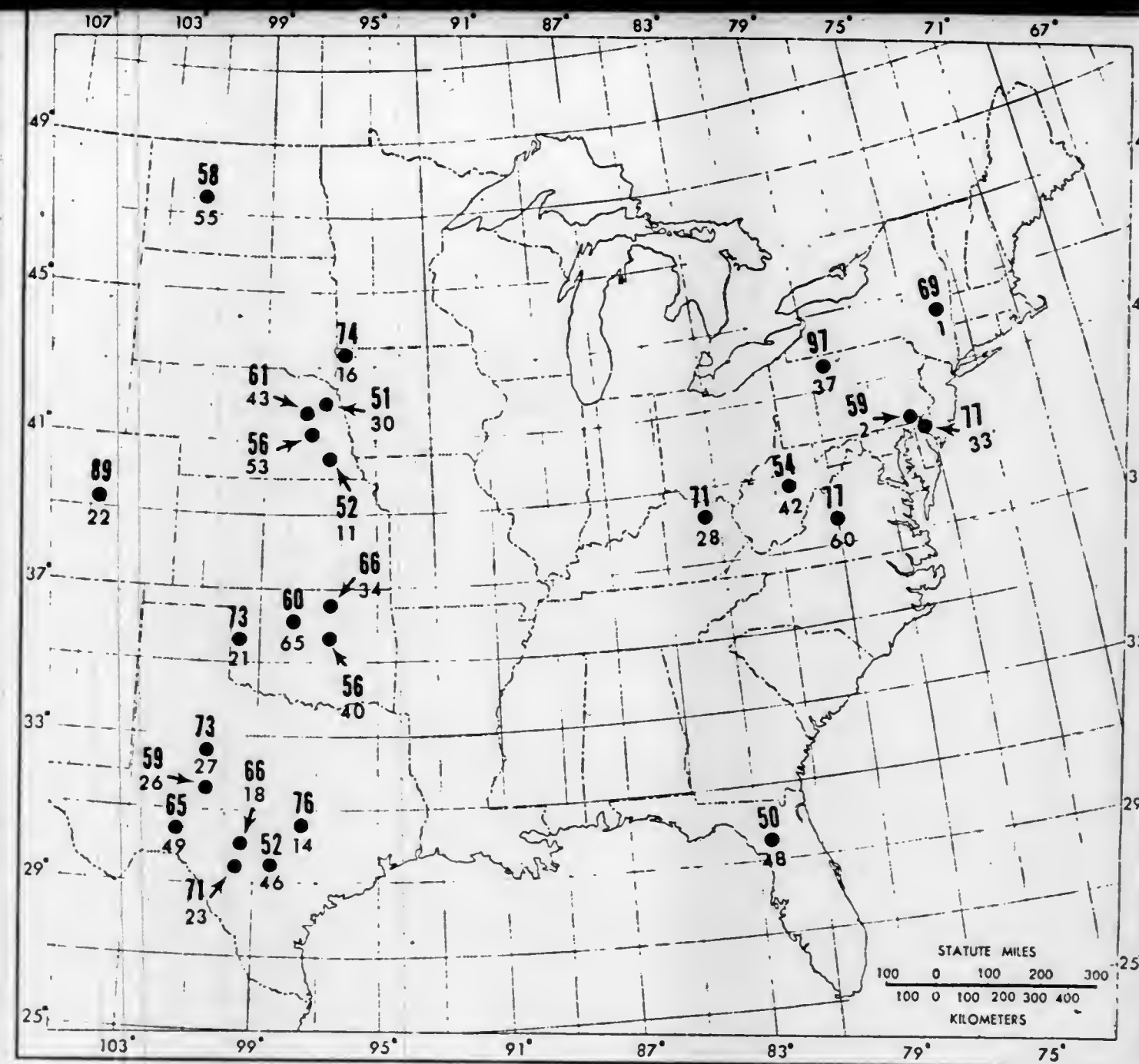


Plate 1: Observed point rainfalls $\geq 50\%$ of all-season PMP, U.S. east of 105th meridian for 10 mi² 6 hours. (Large number is % of PMP, small number is storm index, see table 1.)

Exhibit C-1

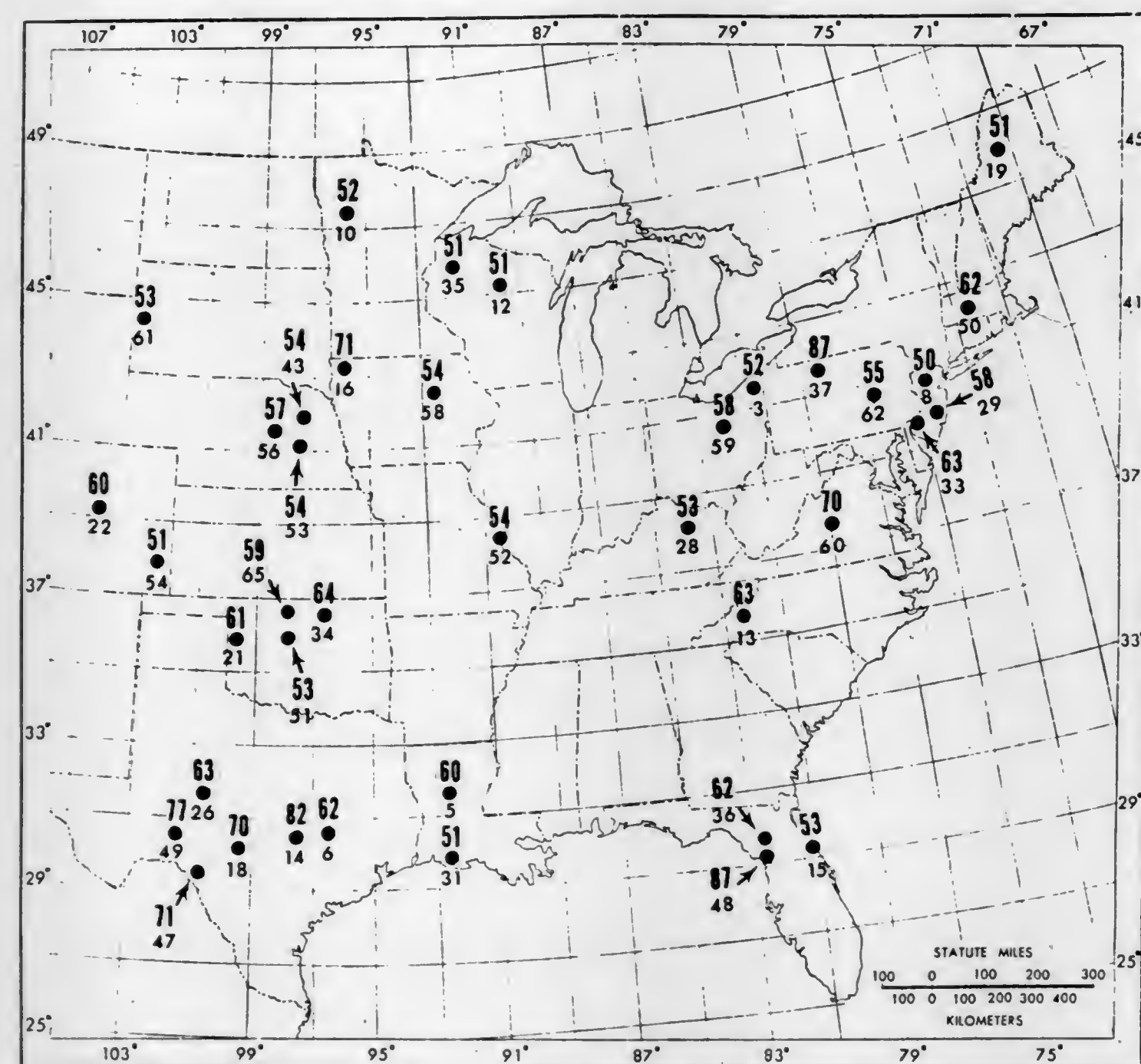


Plate 2: Observed rainfalls $\geq 50\%$ of all-season PMP, U.S. east of 105th meridian for 200 mi² 24 hours. (Large number is % of PMP, small number is storm index, see table 1.)

Exhibit C-2

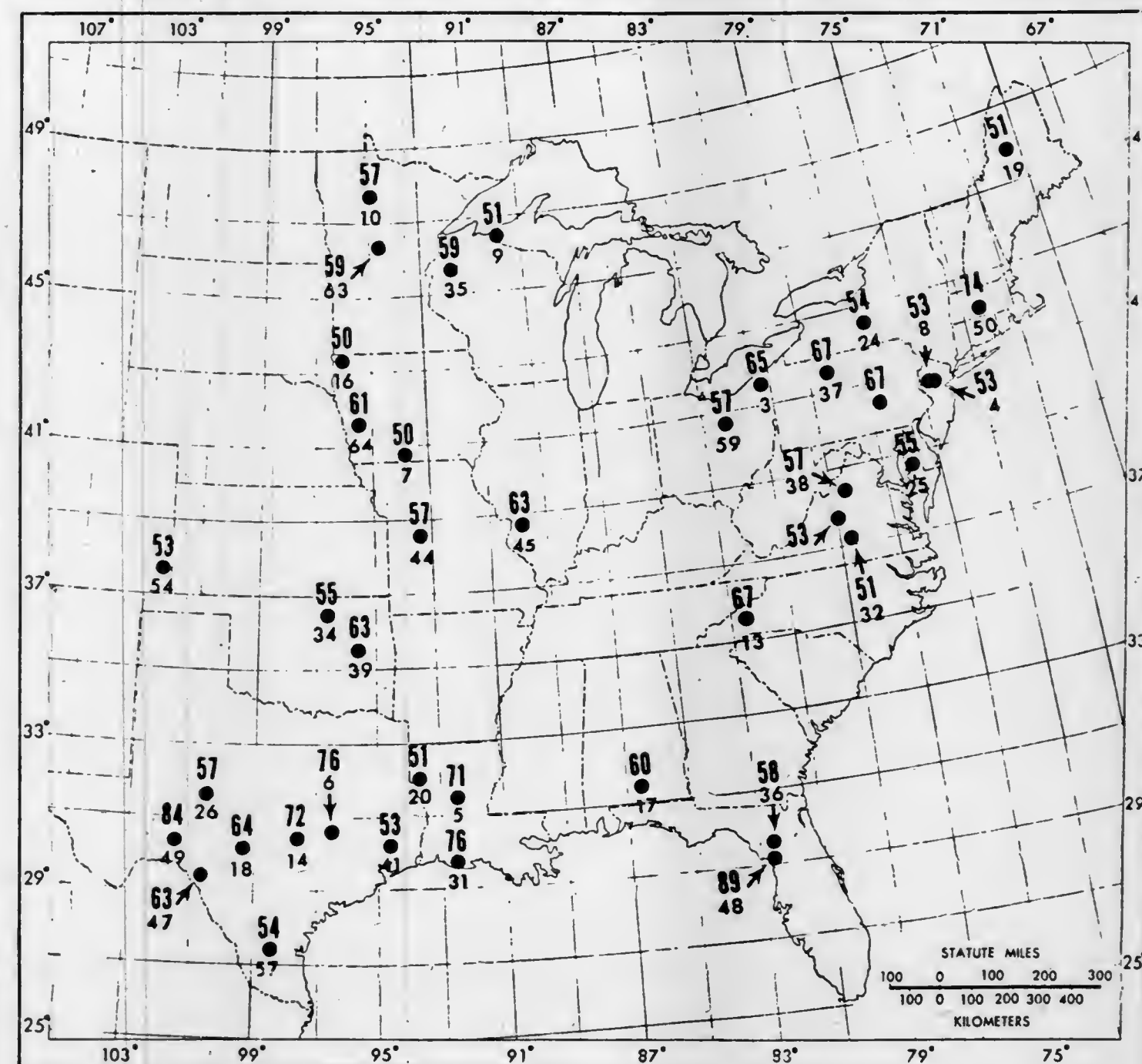


Plate 3: Observed rainfalls $\geq 50\%$ of all-season PMP, U.S. east of the 105th meridian for 1000 mi² 48 hours. (Large number is % of PMP, small number is storm index, see table 1.)

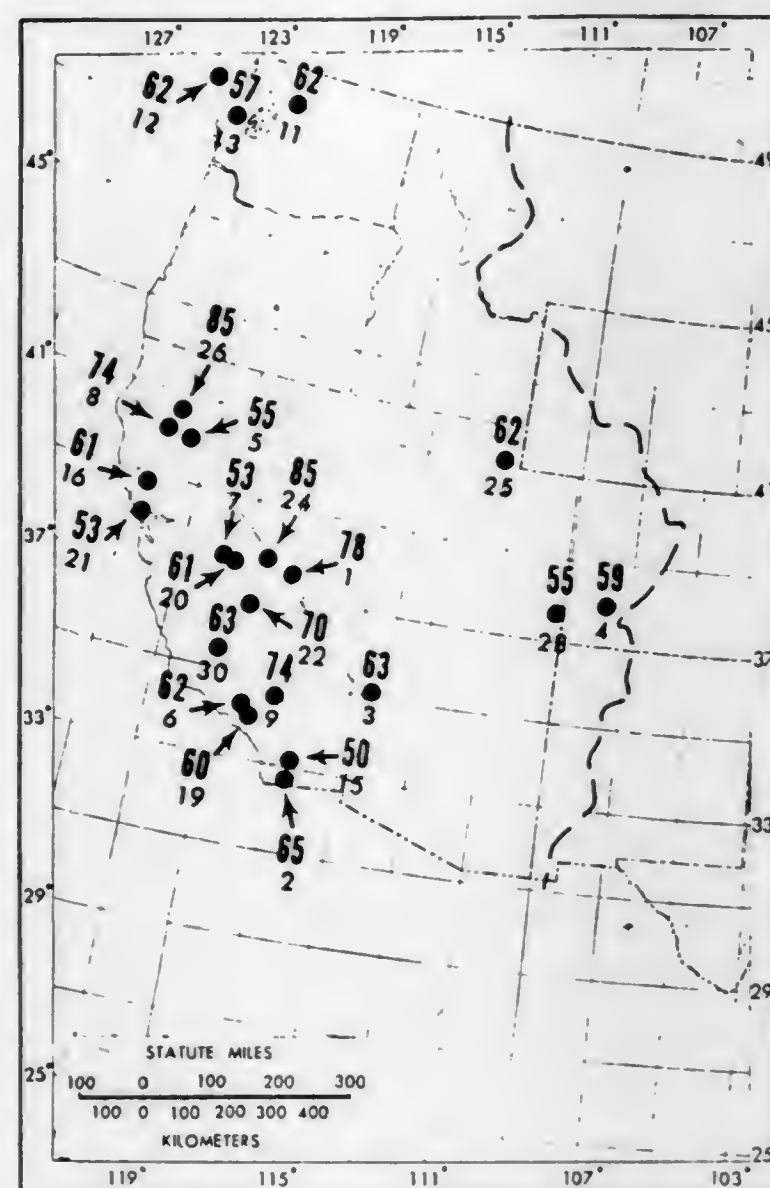


Plate 4: Observed point rainfalls $\geq 50\%$ of all-season PMP, U.S. west of the Continental Divide for 10 mi² for 6 hours. (Large number is % of PMP.. Small number is storm index, see table 2.)

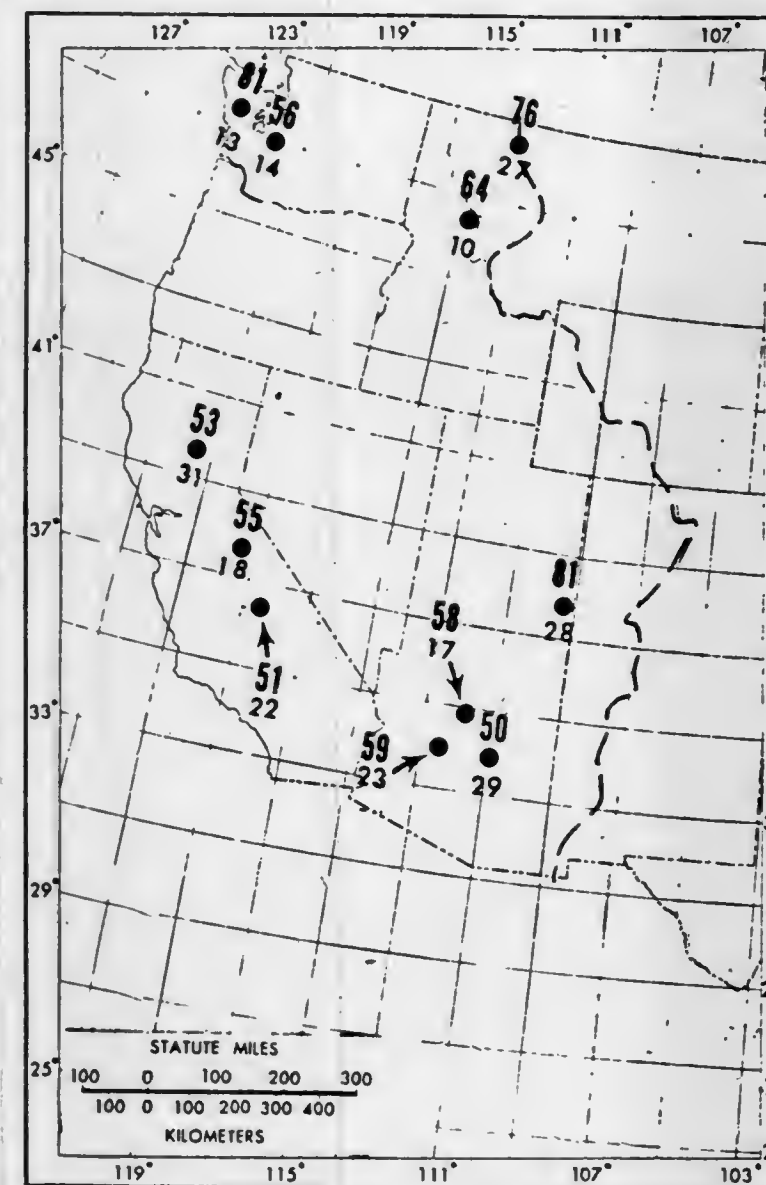


Plate 5: Observed rainfalls $\geq 50\%$ of all-season PMP, U.S. west of the Continental Divide for 1000 mi² for one duration between 6 and 72 hours. (Large number is % of PMP. Small number is storm index, see table 2.)

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Exhibit C-5

Appendix D.—Recommended Guidelines for Safety Inspection of Dams

Department of the Army—Office of the Chief of Engineers

Preface

The recommended guidelines for the safety inspection of dams were prepared to outline principal factors to be weighed in the determination of existing or potential hazards and to define the scope of activities to be undertaken in the safety inspection of dams. The establishment of rigid criteria or standards is not intended. Safety must be evaluated in the light of peculiarities and local conditions at a particular dam and in recognition of the many factors involved, some of which may not be precisely known. This can only be done by competent, experienced engineering judgment, which the guidelines are intended to supplement and not supplant. The guidelines are intended to be flexible, and the proper flexibility must be achieved through the employment of experienced engineering personnel.

Conditions found during the investigation which do not meet guideline recommendations should be assessed by the investigator as to their import from the standpoint of the involved degree of risk. Many deviations will not compromise project safety and the investigator is expected to identify them in this manner if that is the case. Others will involve various degrees of risk, the proper evaluation of which will afford a basis for priority of subsequent attention and possible remedial action.

The guidelines present procedures for investigating and evaluating existing conditions for the purpose of identifying deficiencies and hazardous conditions. The two phases of investigation outlined in the guidelines are expected to accomplish only this and do not encompass in scope the engineering which will be required to perform the design studies for corrective modification work.

It is recognized that some States may have established or will adopt inspection criteria incongruous in some respects with these guidelines. In such instances assessments of project safety should recognize the State's requirements as well as guideline recommendations.

The guidelines were developed with the help of several Federal agencies and many State agencies, professional engineering organizations, and private engineers. In reviewing two drafts of the guidelines they have contributed many helpful suggestions. Their contributions are deeply appreciated and have made it possible to evolve a document representing a consensus of the engineering fraternity. As experience is gained with use of the guidelines, suggestions for future revisions will be generated. All such suggestions should be directed to the Chief of Engineers, U.S. Army, DAEN-CWE-D, Washington, D.C. 20314.

Recommended Guidelines for Safety Inspection of Dams

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Recommended Guidelines for Safety Inspection of Dams

Chapter 1.—Introduction

1.1. *Purpose.* This document provides recommended guidelines for the inspection and evaluation of dams to determine if they constitute hazards to human life or property.

1.2. *Applicability.* The procedures and guidelines outlined in this document apply to the inspection and evaluation of all dams as defined in the National Dam Inspection Act, Public Law 92-367. Included in this program are all artificial barriers together with appurtenant works which impound or divert water and which (1) are twenty-five feet or more in height or (2) have an impounding capacity of fifty acre-feet or more. Not included are barriers which are six feet or less in height, regardless of storage capacity, or barriers which have a storage capacity at maximum water storage elevation of fifteen acre-feet or less regardless of height.

1.3. *Authority.* The Dam Inspection Act, Public Law 92-367 (Appendix III), authorized the Secretary of the Army, through the Corps of Engineers, to initiate a program of safety inspection of dams throughout the United States. The Chief of Engineers issues these guidelines pursuant to that authority.

Chapter 2.—General Requirements

2.1. *Classification of Dams.* Dams should be classified in accordance with size and hazard potential in order to formulate a priority basis for selecting dams to be included in the inspection program and also to provide compatibility between guideline requirements and involved risks. When possible the initial classifications should be based upon information listed in the National Inventory of Dams with respect to size, impoundment capacity and hazard potential. It may be necessary to reclassify dams when additional information becomes available.

2.1.1. *Size.* The classification for size based on the height of the dam and storage capacity should be in accordance with Table 1. The height of the dam is established with respect to the maximum storage potential measured from the natural bed of the stream or watercourse at the downstream toe of the barrier, or if it is not across a stream or watercourse, the height from the lowest

elevation of the outside limit of the barrier, to the maximum water storage elevation. For the purpose of determining project size, the maximum storage elevation may be considered equal to the top of dam elevation. Size classification may be determined by either storage or height, whichever gives the larger size category.

Table 1.—Size Classification

Category	Impoundment	
	Storage (ac-ft)	Height (ft)
Small.....	< 1,000 and ≥ 50	< 40 and ≥ 25.
Intermediate.....	≥ 1,000 and < 50,000.	≥ 40 and < 100.
Large.....	≥ 50,000.....	≥ 100.

2.1.2. *Hazard Potential.* The classification for potential hazards should be in accordance

with Table 2. The hazards pertain to potential loss of human life or property damage in the area downstream of the dam in event of failure or misoperation of the dam or appurtenant facilities. Dams conforming to criteria for the low hazard potential category generally will be located in rural or agricultural areas where failure may damage farm buildings, limited agricultural land, or township and country roads. Significant hazard potential category structures will be those located in predominantly rural or agricultural areas where failure may damage isolated homes, secondary highways or minor railroads or cause interruption of use or service of relatively important public utilities. Dams in the high hazard potential category will be those located where failure may cause serious damage to homes, extensive agricultural, industrial and commercial facilities, important public utilities, main highways, or railroads.

Table 2.—Hazard Potential Classification

Category	Loss of life (extent of development)	Economic loss (extent of development)
Low.....	None expected (No permanent structures for human habitation).	Minimal (Undeveloped to occasional structures or agriculture).
Significant.....	Few (No urban developments and no more than a small number of inhabitable structures).	Appreciable (Notable agriculture, industry or structures).
High.....	More than few.....	Excessive (Extensive community, industry or agriculture).

2.2. *Selection of Dams to be Investigated.* The selection of dams to be investigated should be based upon an assessment of existing developments in flood hazard areas. Those dams possessing a hazard potential classified high or significant as indicated in Table 2 should be given first and second priorities, respectively, in the inspection program. Inspection priorities within each category may be developed from a consideration of factors such as size classification and age of the dam, the population size in the downstream flood area, and potential developments anticipated in flood hazard areas.

2.3. *Technical Investigations.* A detailed, systematic, technical inspection and evaluation should be made of each dam selected for investigation in which the hydraulic and hydrologic capabilities, structural stability and operational adequacy of project features are analyzed and evaluated to determine if the dam constitutes a danger to human life or property. The investigation should vary in scope and completeness depending upon the availability and suitability of engineering data, the validity of design assumptions and analyses and the condition of the dam. The minimum investigation will be designated Phase I, and an in-depth investigation designated Phase II should be made where deemed necessary. Phase I investigations should consist of a visual inspection of the dam, abutments and critical appurtenant structures, and a review of readily available engineering data. It is not intended to perform costly explorations or

analyses during Phase I. Phase II investigations should consist of all additional engineering investigations and analyses found necessary by results of the Phase I investigation.

2.4. *Qualifications of Investigators.* The technical investigations should be conducted under the direction of licensed professional engineers experienced in the investigation, design, construction and operation of dams, applying the disciplines of hydrologic, hydraulic, soils and structural engineering and engineering geology. All field inspections should be conducted by qualified engineers, engineering geologists and other specialists, including experts on mechanical and electrical operation of gates and controls, knowledgeable in the investigation, design, construction and operation of dams.

CHAPTER 3—PHASE I INVESTIGATION

3.1. *Purpose.* The primary purpose of the Phase I investigation program is to identify expeditiously those dams which may pose hazards to human life or property.

3.2. *Scope.* The Phase I investigation will develop an assessment of the general condition with respect to safety of the project based upon available data and a visual inspection, determine any need for emergency measures and conclude if additional studies, investigation and analyses are necessary and warranted. A review will be made of pertinent existing and available engineering data relative to the design, construction and operation of the dam and appurtenant structures, including electrical and mechanical operating equipment and

measurements from inspection and performance instruments and devices; and a detailed systematic visual inspection will be performed of those features relating to the stability and operational adequacy of the project. Based upon findings of the review of engineering data and the visual inspection, an evaluation will be made of the general condition of the dam, including where possible the assessment of the hydraulic and hydrologic capabilities and the structural stability.

3.3. *Engineering Data.* To the extent feasible the engineering data listed in Appendix I relating to the design, construction and operation of the dam and appurtenant structures, should be collected from existing records and reviewed to aid in evaluating the adequacy of hydraulic and hydrologic capabilities and stability of the dam. Where the necessary engineering data are unavailable, inadequate or invalid, a listing should be made of those specific additional data deemed necessary by the engineer in charge of the investigation and included in the Phase I report.

3.4. *Field Inspections.* The field inspection of the dam, appurtenant structures, reservoir area, and downstream channel in the vicinity of the dam should be conducted in a systematic manner to minimize the possibility of any significant feature being overlooked. A detailed checklist should be developed and followed for each dam inspected to document the examination of each significant structural and hydraulic feature including electrical and mechanical equipment for operation of the control facilities that affect the safety of the dam.

3.4.1. Particular attention should be given to detecting evidence of leakage, erosion, seepage, slope instability, undue settlement, displacement, tilting, cracking, deterioration, and improper functioning of drains and relief wells. The adequacy and quality of maintenance and operating procedures as they pertain to the safety of the dam and operation of the control facilities should also be assessed.

3.4.2. Photographs and drawings should be used freely to record conditions in order to minimize descriptions.

3.4.3. The field inspection should include appropriate features and items, including but not limited to those listed in Appendix II, which may influence the safety of the dam or indicate potential hazards to human life or property.

3.5. *Evaluation of Hydraulic and Hydrologic Features.*

3.5.1. *Design Data.* Original hydraulic and hydrologic design assumptions obtained from the project records should be assessed to determine their acceptability in evaluating the safety of the dam. All constraints on water control such as blocked entrances, restrictions on operation of spillway and outlet gates, inadequate energy dissipators or restrictive channel conditions, significant reduction in reservoir capacity by sediment deposits and other factors should be considered in evaluating the validity of discharge ratings, storage capacity, hydrographs, routings and regulation plans. The discharge capacity and/or storage capacity should be capable of safely handling

the recommended spillway design flood for the size and hazard potential classification of the dam as indicated in Table 3. The hydraulic and hydrologic determinations for design as obtained from project records will be acceptable if conventional techniques similar to the procedures outlined in paragraph 4.3, were used in obtaining the data. When the project design flood actually used exceeds the recommended spillway design flood, from Table 3, the project design flood will be acceptable in evaluating the safety of the dam.

Table 3.—Hydrologic Evaluation Guidelines
(Recommended Spillway Design Floods)

Hazard	Size	Spillway design flood (SDF) ¹
Low	Small	50 to 100-yr frequency.
	Intermediate	100-yr to 1/4 PMF.
	Large	1/4 PMF to PMF.
Significant	Small	100-yr to 1/4 PMF.
	Intermediate	1/4 PMF to PMF.
	Large	PMF.
High	Small	1/4 PMF to PMF.
	Intermediate	PMF.
	Large	PMF.

¹The recommended design floods in this column represent the magnitude of the spillway design flood (SDF), which is intended to represent the largest flood that need be considered in the evaluation of a given project, regardless of whether a spillway is provided; i.e., a given project should be capable of safely passing the appropriate SDF. Where a range of SDF is indicated, the magnitude that most closely relates to the involved risk should be selected.

1000-yr = 100-Year Exceedence Interval. The flood magnitude expected to be exceeded, on the average, once in 100 years. It may also be expressed as an exceedence frequency with a one-percent chance of being exceeded in any given year.

PMF = Probable Maximum Flood. The flood that may be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in the region. The PMF is derived from probable maximum precipitation (PMP), which information is generally available from the National Weather Service, NOAA. Most Federal agencies apply reduction factors to the PMP when appropriate. Reductions may be applied because rainfall isohyets are unlikely to conform to the exact shape of the drainage basin and/or the storm is not likely to center exactly over the drainage basin. In some cases local topography will cause changes from the generalized PMP values, therefore it may be advisable to contact Federal construction agencies to obtain the prevailing practice in specific areas.

3.5.2. *Experience Data.* In some cases where design data are lacking, an evaluation of overtopping potential may be based on watershed characteristics and rainfall and reservoir records. An estimate of the probable maximum flood may also be developed from a conservative, generalized comparison of the drainage area size and the magnitude of recently adopted probable maximum floods for damsites in comparable hydrologic regions. Where the review of such experience data indicates that the recommended spillway design flood would

not cause overtopping additional hydraulic and hydrologic determinations will be unnecessary.

3.6. *Evaluation of Structural Stability.* The Phase I evaluations of structural adequacy of project features are expected to be based principally on existing conditions as revealed by the visual inspection, together with available design and construction information and records of performance. The objectives are to determine the existence of conditions which are hazardous, or which with time might develop into safety hazards, and to formulate recommendations pertaining to the need for any additional studies, investigations, or analyses. The results of this phase of the inspection must rely very substantially upon the experience and judgment of the inspecting engineer.

3.6.1. *Design and Construction Data.* The principal design assumptions and analyses obtained from the project records should be assessed. Original design and construction records should be used judiciously, recognizing the restricted applicability of such data as material strengths and permeabilities, geological factors and construction descriptions. Original stability studies and analyses should be acceptable if conventional techniques and procedures similar to those outlined in paragraph 4.4 were employed, provided that review of operational and performance data confirm that the original design assumptions were adequately conservative. The need for such analyses where either none exist or the originals are incomplete or unsatisfactory will be determined by the inspecting engineer based upon other factors such as condition of structures, prior maximum loadings and the hazard degree of the project. Design assumptions and analyses should include all applicable loads including earthquake and indicate the structure's capability to resist overturning, sliding and overstressing with adequate factors of safety. In general seepage and stability analyses comparable to the requirements of paragraph 4.4 should be on record for all dams in the high hazard category and large dams in the significant hazard category. This requirement for other dams will be subject to the opinion of the inspecting engineer.

3.6.2. *Operating Records.* The performance of structures under prior maximum loading conditions should in some instances provide partial basis for stability evaluation. Satisfactory experience under loading conditions not expected to be exceeded in the future should generally be indicative of satisfactory stability, provided adverse changes in physical conditions have not occurred. Instrumentation observations of forces, pressures, loads, stresses, strains, displacements, deflections or other related conditions should also be utilized in the safety evaluation. Where such data indicate abnormal behavior, unsafe movement or deflections, or loadings which adversely affect the stability or functioning of the structure, prompt reporting of such circumstances is required without the delay for preparation of the official inspection report.

3.6.3. *Post Construction Changes.* Data should be collected on changes which have

occurred since project construction that might influence the safety of the dam such as road cuts, quarries, mining and groundwater changes.

3.6.4. *Seismic Stability.* An assessment should be made of the potential vulnerability of the dam to seismic events and a recommendation developed with regard to the need for additional seismic investigation. In general, projects located in Seismic Zones 0, 1 and 2 may be assumed to present no hazard from earthquake provided static stability conditions are satisfactory and conventional safety margins exist. Dams in Zones 3 and 4 should, as a minimum, have on record suitable analyses made by conventional equivalent static load methods. The seismic zones together with appropriate coefficients for use in such analyses are shown in Figures 1 through 4. Boundary lines are approximate and in the event of doubt about the proper zone, the higher zone should be used. All high hazard category dams in Zone 4 and high hazard dams of the hydraulic fill type in Zone 3 should have a stability assessment based upon knowledge of regional and local geology, engineering seismology, in situ properties of materials and appropriate dynamic analytical and testing procedures. The assessment should include the possibility of physical displacement of the structures due to movements along active faults. Departure from this general guidance should be made whenever in the judgment of the investigating engineer different seismic stability requirements are warranted because of local geological conditions or other reasons.

CHAPTER 4—PHASE II INVESTIGATION

4.1. *Purpose.* The Phase II investigation will be supplementary to Phase I and should be conducted when the results of the Phase I investigation indicate the need for additional in-depth studies, investigations or analyses.

4.2. *Scope.* The Phase II investigation should include all additional studies, investigations and analyses necessary to evaluate the safety of the dam. Included, as required, will be additional visual inspections, measurements, foundation exploration and testing, materials testing, hydraulic and hydrologic analysis and structural stability analyses.

4.3. *Hydraulic and Hydrologic Analysis.* Hydraulic and hydrologic capabilities should be determined using the following criteria and procedures. Depending on the project characteristics, either the spillway design flood peak inflow or the spillway design flood hydrograph should be the basis for determining the maximum water surface elevation and maximum outflow. If the operation or failure of upstream water control projects would have significant impact on peak flow or hydrograph analyses, the impact should be assessed.

4.3.1. *Maximum Water Surface Based on SDF Peak Inflow.* When the total project discharge capability at maximum pool exceeds the peak inflow of the recommended SDF, and operational constraints would not prevent such a release at controlled projects, a reservoir routing is not required. The maximum discharge should be assumed equal to the peak inflow of the spillway design flood. Flood volume is not controlling in this

situation and surcharge storage is either absent or is significant only to the extent that it provides the head necessary to develop the release capability required.

4.3.1.1. *Peak for 100-Year Flood.* When the 100-year flood is applicable under the provisions of Table 3 and data are available, the spillway design flood peak inflow may be determined by use of "A Uniform Technique for Determining Flood Frequencies," Water Resources Council (WRC), Hydrology Committee, Bulletin 15, December 1967. Flow frequency information from regional analysis is generally preferred over single station results when available and appropriate. Rainfall-runoff techniques may be necessary when there are inadequate runoff data available to make a reasonable estimate of flow frequency.

4.3.1.2. *Peak for PMF or Fraction Thereof.* When either the Probable Maximum Flood peak or a fraction thereof is applicable under the provisions of Table 3, the unit hydrograph—infiltration loss technique is generally the most expeditious method of computing the spillway design flood peak for most projects. This technique is discussed in the following paragraph.

4.3.2. *Maximum Water Surface Based on SDF Hydrograph.* Both peak and volume are required in this analysis. Where surcharge storage is significant, or where there is insufficient discharge capability at maximum pool to pass the peak inflow of the SDF, considering all possible operational constraints, a flood hydrograph is required. When there are upstream hazard areas that would be imperiled by fast rising reservoir levels, SDF hydrographs should be routed to ascertain available time for warning and escape. Determination of probable maximum precipitation or 100-year precipitation, which ever is applicable, and unit hydrographs or runoff models will be required, followed by the determination of the PMF or 100-year flood. Conservative loss rates (significantly reduced by antecedent rainfall conditions where appropriate) should be estimated for computing the rainfall excess to be utilized with unit hydrographs. Rainfall values are usually arranged with gradually ascending and descending rates with the maximum rate late in the storm. When applicable, conservatively high snowmelt runoff rates and appropriate releases from upstream projects should be assumed. The PMP may be obtained from National Weather Service (NWS) publications such as Hydrometeorological Report (HMR) 33. Special NWS publications for particular areas should be used when available. Rainfall for the 100-year frequency flood can be obtained from the NWS publication "Rainfall Frequency Atlas of the United States," Technical Paper No. 40; Atlas 2, "Precipitation Frequency Atlas of Western United States;" or other NWS publications. The maximum water surface elevation and spillway design flood outflow are then determined by routing the inflow hydrograph through the reservoir surcharge storage, assuming a starting water surface at the bottom of surcharge storage, or lower when appropriate. For projects where the bottom of surcharge space is not distinct, or the flood control storage space (exclusive of surcharge)

is appreciable, it may be appropriate to select starting water surface elevations below the top of the flood control storage for routings. Conservatively high starting levels should be estimated on the basis of hydrometeorological conditions reasonably characteristic for the region and flood release capability of the project. Necessary adjustment of reservoir storage capacity due to existing or future sediment or other encroachment may be approximated when accurate determination of deposition is not practicable.

4.3.3. *Acceptable Procedures.* Techniques for performing hydraulic and hydrologic analyses are generally available from publications prepared by Federal agencies involved in water resources development or textbooks written by the academic community. Some of these procedures are rather sophisticated and require expensive computational equipment and large data banks. While results of such procedures are generally more reliable than simplified methods, their use is generally not warranted in studies connected with this program unless they can be performed quickly and inexpensively. There may be situations where the more complex techniques have to be employed to obtain reliable results; however, these cases will be exceptions rather than the rule. Whenever the acceptability of procedures is in question, the advice of competent experts should be sought. Such expertise is generally available in the Corps of Engineers, Bureau of Reclamation and Soil Conservation Service. Many other agencies, educational facilities and private consultants can also provide expert advice. Regardless of where such expertise is based, the qualification of those individuals offering to provide it should be carefully examined and evaluated.

4.3.4. *Freeboard Allowances.* Guidelines on specific minimum freeboard allowances are not considered appropriate because of the many factors involved in such determinations. The investigator will have to assess the critical parameters for each project and develop its minimum requirement. Many projects are reasonably safe without freeboard allowance because they are designed for overtopping, or other factors minimize possible overtopping. Conversely, freeboard allowances of several feet may be necessary to provide a safe condition. Parameters that should be considered include the duration of high water levels in the reservoir during the design flood; the effective wind fetch and reservoir depth available to support wave generation; the probability of high wind speed occurring from a critical direction; the potential wave runup on the dam based on roughness and slope; and the ability of the dam to resist erosion from overtopping waves.

4.4. *Stability Investigations.* The Phase II stability investigations should be compatible with the guidelines of this paragraph.

4.4.1. *Foundation and Material Investigations.* The scope of the foundation and materials investigation should be limited to obtaining the information required to analyze the structural stability and to investigate any suspected condition which would adversely affect the safety of the dam.

Such investigations may include borings to obtain concrete, embankment, soil foundation, and bedrock samples; testing specimens from these samples to determine the strength and elastic parameters of the materials, including the soft seams, joints, fault gouge and expansive clays or other critical materials in the foundation; determining the character of the bedrock including joints, bedding planes, fractures, faults, voids and caverns, and other geological irregularities; and installing instruments for determining movements, strains, suspected excessive internal seepage pressures, seepage gradients and uplift forces. Special investigations may be necessary where suspect rock types such as limestone, gypsum, salt, basalt, claystone, shales or others are involved in foundations or abutments in order to determine the extent of cavities, piping or other deficiencies in the rock foundation. A concrete core drilling program should be undertaken only when the existence of significant structural cracks is suspected or the general qualitative condition of the concrete is in doubt. The tests of materials will be necessary only where such data are lacking or are outdated.

4.4.2. *Stability Assessment.* Stability assessments should utilize in situ properties of the structure and its foundation and pertinent geologic information. Geologic information that should be considered includes groundwater and seepage conditions; lithology, stratigraphy, and geologic details disclosed by borings, "as-built" records, and geologic interpretation; maximum past overburden at site as deduced from geologic evidence; bedding, folding and faulting; joints and joint systems; weathering; slickensides, and field evidence relating to slides, faults, movements and earthquake activity. Foundations may present problems where they contain adversely oriented joints, slickensides or fissured material, faults, seams of soft materials, or weak layers. Such defects and excess pore water pressures may contribute to instability. Special tests may be necessary to determine physical properties of particular materials. The results of stability analyses afford a means of evaluating the structure's existing resistance to failure and also the effects of any proposed modifications. Results of stability analyses should be reviewed for compatibility with performance experience when possible.

4.4.2.1. *Seismic Stability.* The inertial forces for use in the conventional equivalent static force method of analysis should be obtained by multiplying the weight by the seismic coefficient and should be applied as a horizontal force at the center of gravity of the section or element. The seismic coefficients suggested for use with such analyses are listed in Figures 1 through 4. Seismic stability investigations for all high hazard category dams located in Seismic Zone 4 and high hazard dams of the hydraulic fill type in Zone 3 should include suitable dynamic procedures and analyses. Dynamic analyses for other dams and higher seismic coefficients are appropriate if in the judgment of the investigating engineer they are warranted because of proximity to active faults or other reasons. Seismic stability investigations should utilize "state-of-the-art"

procedures involving seismological and geological studies to establish earthquake parameters for use in dynamic stability analyses and, where appropriate, the dynamic testing of materials. Stability analyses may be based upon either time-history or response spectra techniques. The results of dynamic analyses should be assessed on the basis of whether or not the dam would have sufficient residual integrity to retain the reservoir during and after the greatest or most adverse earthquake which might occur near the project location.

4.4.2.2. Clay Shale Foundation. Clay shale is a highly overconsolidated sedimentary rock comprised predominantly of clay minerals, with little or no cementation. Foundations of clay shales require special measures in stability investigations. Clay shales, particularly those containing montmorillonite, may be highly susceptible to expansion and consequent loss of strength upon unloading. The shear strength and the resistance to deformation of clay shales may be quite low and high pore water pressures may develop under increase in load. The presence of slickensides in clay shales is usually an indication of low shear strength. Prediction of field behavior of clay shales should not be based solely on results of conventional laboratory tests since they may be misleading. The use of peak shear strengths for clay shales in stability analyses may be unconservative because of nonuniform stress distribution and possible progressive failures. Thus the available shear resistance may be less than if the peak shear strength were mobilized simultaneously along the entire failure surface. In such cases, either greater safety factors or residual shear strength should be used.

4.4.3. Embankment Dams.

4.4.3.1. Liquefaction. The phenomenon of liquefaction of loose, saturated sands and silts may occur when such materials are subjected to shear deformation or earthquake shocks. The possibility of liquefaction must presently be evaluated on the basis of empirical knowledge supplemented by special laboratory tests and engineering judgment. The possibility of liquefaction in sands diminishes as the relative density increases above approximately 70 percent. Hydraulic fill dams in Seismic Zones 3 and 4 should receive particular attention since such dams are susceptible to liquefaction under earthquake shocks.

4.4.3.2. Shear Failure. Shear failure is one in which a portion of an embankment or of an embankment and foundation moves by sliding or rotating relative to the remainder of the mass. It is conventionally represented as occurring along a surface and is so assumed in stability analyses, although shearing may occur in a zone of substantial thickness. The circular arc or the sliding wedge method of analyzing stability, as pertinent, should be used. The circular arc method is generally applicable to essentially homogeneous embankments and to soil foundations consisting of thick deposits of fine-grained soil containing no layers significantly weaker than other strata in the foundation. The wedge method is generally applicable to rockfill dams and to earth dams on foundations containing weak layers. Other

methods of analysis such as those employing complex shear surfaces may be appropriate depending on the soil and rock in the dam and foundation. Such methods should be in reputable usage in the engineering profession.

4.4.3.3. Loading Conditions. The loading conditions for which the embankment structures should be investigated are (I) Sudden drawdown from spillway crest

elevation or top of gates, (II) Partial pool, (III) Steady state seepage from spillway crest elevation or top of gate elevation, and (IV) Earthquake. Cases I and II apply to upstream slopes only; slopes; and Case IV applies to both upstream and downstream Case III applies to downstream slopes. A summary of suggested strengths and safety factors are shown in Table 4.

Table 4.—Factors of Safety¹

Case and loading condition	Factor of safety	Shear strength	Remarks
I Sudden drawdown from spillway crest or top of gates to minimum drawdown elevation.	*1.2	Minimum composite of R and S shear strengths. See Figure 5.	Within the drawdown zone submerged unit weights of materials are used for computing forces resisting sliding and saturated unit weights are used for computing forces contributing to sliding.
II Partial pool with assumed horizontal steady seepage saturation.	1.5	R+S/2 for R<S S for R>S	Composite intermediate envelope of R and S shear strengths. See Figure 5.
III Steady seepage from spillway crest or top of gates with $K_v/K_h=9$ assumed ⁴ .	1.5	Same as Case II.	
IV Earthquake (Cases II and III with seismic loading).	1.0	(*)	See Figures 1 through 4 for Seismic Coefficients.

¹Not applicable to embankments on clay shale foundation. Experience has indicated special problems in determination of design shear strengths for clay shale foundations and acceptable safety factors should be compatible with the confidence level in shear strength assumptions.

²Other strength assumptions may be used if in common usage in the engineering profession.

³The safety factor should not be less than 1.5 when drawdown rate and pore water pressure developed from flow nets are used in stability analyses.

⁴ K_v/K_h is the ratio of horizontal to vertical permeability. A minimum of 9 is suggested for use in compacted embankments and alluvial sediments.

⁵Use shear strength for case analyzed without earthquake. It is not necessary to analyze sudden drawdown for earthquake loading. Shear strength tests are classified according to the controlled drainage conditions maintained during the test. R tests are those in which specimen drainage is allowed during consolidation (or swelling) under initial stress conditions, but specimen drainage is not allowed during application of shearing stresses. S tests allow full drainage during initial stress application and shearing is at a slow rate so that complete specimen drainage is permitted during the complete test.

4.4.3.4. Safety Factors. Safety factors for embankment dam stability studies should be based on the ratio of available shear strength to developed shear strength, S_p :

$$S_p = \frac{C}{F.S.} + \frac{\sigma \tan \phi}{F.S.} \quad (1)$$

C = cohesion
 ϕ = angle of internal friction
 σ = normal stress

The factors of safety listed in Table 4 are recommended as minimum acceptable. Final accepted factors of safety should depend upon the degree of confidence the investigating engineer has in the engineering data available to him. The consequences of a failure with respect to human life and property damage are important considerations in establishing factors of safety for specific investigations.

4.4.3.5. Seepage Failure. A critical uncontrolled underseepage or through seepage condition that develops during a rising pool can quickly reduce a structure which was stable under previous conditions, to a total structural failure. The visually confirmed seepage conditions to be avoided are (1) the exit of the phreatic surface on the downstream slope of the dam and (2) development of hydrostatic heads sufficient to create in the area downstream of the dam sand boils that erode materials by the phenomenon known as "piping" and (3) localized concentrations of seepage along conduits or through pervious zones. The dams

most susceptible to seepage problems are those built of or on pervious materials of uniform fine particle size, with no provisions for an internal drainage zone and/or no underseepage controls.

4.4.3.6. Seepage Analyses. Review and modifications to original seepage design analyses should consider conditions observed in the field inspection and piezometer instrumentation. A seepage analysis should consider the permeability ratios resulting from natural deposition and from compaction placement of materials with appropriate variation between horizontal and vertical permeability. An underseepage analysis of the embankment should provide a critical gradient factor of safety for the maximum head condition of not less than 1.5 in the area downstream of the embankment.

$$F.S. = \frac{H_c/D_c}{H/D_c} = \frac{(\gamma_m - \gamma_w) H_{yw}}{H_{yw}} \quad (2)$$

H_c = Critical gradient
 H = Design gradient
 H_{yw} = Uplift head at downstream toe of dam measured above tailwater
 D_c = The thickness of the top impervious blanket at the downstream toe of the dam
 γ_m = The estimated saturated unit weight of the material in the top impervious blanket
 γ_w = The unit weight of water

Where a factor of safety less than 1.5 is obtained the provision of an underseepage control system is indicated. The factor of safety of 1.5 is a recommended minimum and

may be adjusted by the responsible engineer based on the competence of the engineering data.

4.4.4. Concrete Dams and Appurtenant Structures.

4.4.4.1. Requirements for Stability.

Concrete dams and structures appurtenant to embankment dams should be capable of resisting overturning, sliding and overstressing with adequate factors of safety for normal and maximum loading conditions.

4.4.4.2. Loads. Loadings to be considered in stability analyses include the water load on the upstream face of the dam; the weight of the structure; internal hydrostatic pressures (uplift) within the body of the dam, at the base of the dam and within the foundation; earth and silt loads; ice pressure, seismic and thermal loads, and other loads as applicable. Where tailwater or backwater exists on the downstream side of the structure it should be considered, and assumed uplift pressures should be compatible with drainage provisions and uplift measurements if available. Where applicable, ice pressure should be applied to the contact surface of the structure of normal pool elevation. A unit pressure of not more than 5,000 pounds per square foot should be used. Normally, ice thickness should not be assumed greater than two feet. Earthquake forces should consist of the inertial forces due to the horizontal acceleration of the dam itself and hydrodynamic forces resulting from the reaction of the reservoir water against the structure. Dynamic water pressures for use in a conventional methods of analysis may be computed by means of the "Westergaard Formula" using the parabolic approximation (H.M. Westergaard, "Water Pressures on Dams During Earthquakes," Trans., ASCE, Vol. 98, 1933, pages 418-433), or similar method.

4.4.4.3. Stresses. The analysis of concrete stresses should be based on in situ properties of the concrete and foundation. Computed maximum compressive stresses for normal operating conditions in the order of $\frac{1}{2}$ or less of in situ strengths should be satisfactory. Tensile stresses in unreinforced concrete should be acceptable only in locations where cracks will not adversely affect the overall performance and stability of the structure. Foundation stresses should be such as to provide adequate safety against failure of the foundation material under all loading conditions.

4.4.4.4. Overturning. A gravity structure should be capable of resisting all overturning forces. It can be considered safe against overturning if the resultant of all combinations of horizontal and vertical forces, excluding earthquake forces; acting above any horizontal plane through the structure or at its base is located within the middle third of the section. When earthquake is included the resultant should fall within the limits of the plane or base, and foundation pressures must be acceptable. When these requirements for location of the resultant are not satisfied the investigating engineer should assess the importance to stability of the deviations.

4.4.4.5. Sliding. Sliding of concrete gravity structures and of abutment and foundation rock masses for all types of concrete dams

should be evaluated by the shear-friction resistance concept. The available sliding resistance is compared with the driving force which tends to induce sliding to arrive at a sliding stability safety factor. The investigation should be made along all potential sliding paths. The critical path is that plane or combination of planes which offers the least resistance.

4.4.4.5.1. Sliding Resistance. Sliding resistance is a function of the unit shearing strength at no normal load (cohesion) and the angle of friction on a potential failure surface. It is determined by computing the maximum horizontal driving force which could be resisted along the sliding path under investigation. The following general formula is obtained from the principles of statics and may be derived by resolving forces parallel and perpendicular to the sliding plane:

$$R_R = V \tan(\phi + \alpha) + \frac{CA}{\cos \alpha (1 - \tan \phi \tan \alpha)} \quad (3)$$

Where:

R_R = Sliding Resistance (maximum horizontal driving force which can be resisted by the critical path)

ϕ = Angle of internal friction of foundation material or, where applicable, angle of sliding friction

V = Summation of vertical forces (including uplift)

c = Unit shearing strength at zero normal loading along potential failure plane

A = Area of potential failure plane developing unit shear strength "c"

α = Angle between inclined plane and horizontal (positive for uphill sliding)

For sliding downhill the angle α is negative and Equation (1) becomes:

$$R_R = V \tan(\phi - \alpha) + \frac{CA}{\cos \alpha (1 + \tan \phi \tan \alpha)} \quad (4)$$

When the plane of investigation is horizontal, and the angle α is zero and Equation (1) reduced to the following:

$$R_R = V \tan \phi + CA \quad (5)$$

4.4.4.5.2. Downstream Resistance. When the base of a concrete structure is embedded in rock or the potential failure plane lies below the base, the passive resistance of the downstream layer of rock may sometimes be utilized for sliding resistance. Rock that may be subjected to high velocity water scouring should not be used. The magnitude of the downstream resistance is the lesser of (a) the shearing resistance along the continuation of the potential sliding plane until it daylight or (b) the resistance available from the downstream rock wedge along an inclined plane. The theoretical resistance offered by the passive wedge can be computed by a formula equivalent to formula (3):

$$P_p = W \tan(\phi + \alpha) + \frac{CA}{\cos \alpha (1 - \tan \phi \tan \alpha)} \quad (6)$$

P_p = Passive resistance of rock wedge

W = weight (buoyant weight if applicable) of downstream rock wedge above inclined plane of resistance, plus any superimposed loads

ϕ = angle of internal friction or, if applicable, angle of sliding friction

α = angle between inclined failure plane and horizontal

c = unit shearing strength at zero normal load along failure plane

A = area of inclined plane of resistance

When considering cross-bed shear through a relatively shallow, competent rock stratum, without adverse jointing or faulting, W and α may be taken at zero and 45°, respectively, and an estimate of passive wedge resistance per unit width obtained by the following equation:

$$P_p = 2 cD \quad (7)$$

Where:

D = Thickness of the rock stratum

4.4.4.5.3. Safety Factor. The shear-friction safety factor is obtained by dividing the resistance R_R by H , the summation of horizontal service loads to be applied to the structure:

$$S_p = \frac{R_R}{H} \quad (8)$$

When the downstream passive wedge contributes to the sliding resistance, the shear friction safety factor formula becomes:

$$S_p = \frac{R_R + P_p}{H} \quad (9)$$

The above direct superimposition of passive wedge resistance is valid only if shearing rigidities of the foundation components are similar. Also, the compressive strength and buckling resistance of the downstream rock layer must be sufficient to develop the wedge resistance. For example, a foundation with closely spaced, near horizontal, relatively weak seams might not contain sufficient buckling strength to develop the magnitude of wedge resistance computed from the cross-bed shear strength. In this case wedge resistance should not be assumed without resorting to special treatment (such as installing foundation anchors). Computed sliding safety factors approximating 3 or more for all loading conditions without earthquake, and 1.5 including earthquake, should indicate satisfactory stability, depending upon the reliability of the strength parameters used in the analyses. In some cases when the results of comprehensive foundation studies are available, smaller safety factors may be acceptable. The selection of shear strength parameters should be fully substantiated. The bases for any assumptions; the results of applicable testing, studies and investigations; and all pre-existing, pertinent data should be reported and evaluated.

CHAPTER 5—REPORTS

5.1. General. This chapter outlines the procedures for reporting the results of the technical investigations. Hazardous conditions should be reported immediately upon detection to the owner of the dam, the Governor of the State in which the dam is located and the appropriate regulatory agency without delay for preparation of the formal report.

5.2. Preparation of Report. A formal report should be prepared for each dam investigated for submission to the regulatory agency and the owner of the dam. Each report should contain the information indicated in the following paragraphs. The signature and registration identification of the professional engineer who directed the investigation and who was responsible for evaluation of the dam should be included in the report.

5.2.1. *Phase I Reports.* Phase I reports should contain the following information:

5.2.1.1. Description of dam including regional vicinity map showing location and plans, elevations and sections showing the essential project features and the size and hazard potential classifications.

5.2.1.2. Summary of existing engineering data, including geologic maps and information.

5.2.1.3. Results of the visual inspection of each project feature including photographs and drawings to minimize descriptions.

5.2.1.4. Evaluation of operational adequacy of the reservoir regulation plan and maintenance of the dam and operating facilities and features that pertain to the safety of the dam.

5.2.1.5. Description of any warning system in effect.

5.2.1.6. Evaluation of the hydraulic and hydrologic assumptions and structural stability.

5.2.1.7. An assessment of the general condition of the dam with respect to safety based upon the findings of the visual inspection and review of engineering data. Where data on the original design indicate significant departure from or non-conformance with guidelines contained herein, the engineer-in-charge of the investigation will give his opinion of the significance, with regard to safety, of such factors. Any additional studies, investigations and analyses considered essential to assessment of the safety of the dam should be listed, together with an opinion about the urgency of such additional work.

5.2.1.8. Indicate alternative possible remedial measures or revisions in operating and maintenance procedures which may (subject to further evaluation) correct deficiencies and hazardous conditions found during the investigation.

5.2.2. *Phase II Reports.* Phase II reports should describe the detailed investigations and should supplement Phase I reports. They should contain the following information:

5.2.2.1. Summary of additional engineering data obtained to determine the hydraulic and hydrologic capabilities and/or structural stability.

5.2.2.2. Results of all additional studies, investigations, and analyses performed.

5.2.2.3. Technical assessment of dam safety including deficiencies and hazardous conditions found to exist.

5.2.2.4. Indicate alternative possible remedial measures or revision in maintenance and operating procedures which may (subject to further evaluation) correct deficiencies and hazardous conditions found during the investigation.

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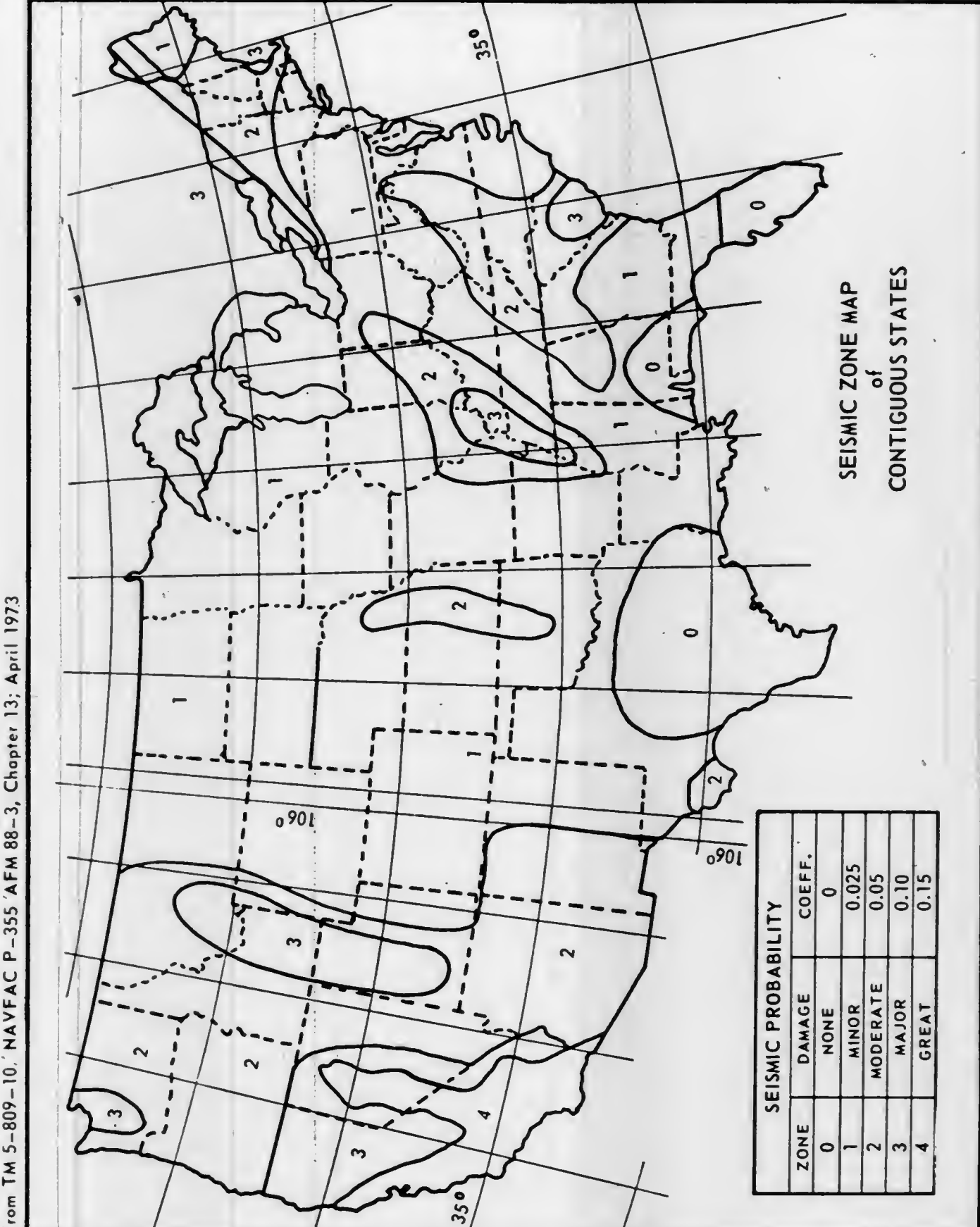


Figure 1

From TM 5-809-10, NAVFAC P-355, AFM 88-3, Chapter 13; April 1973

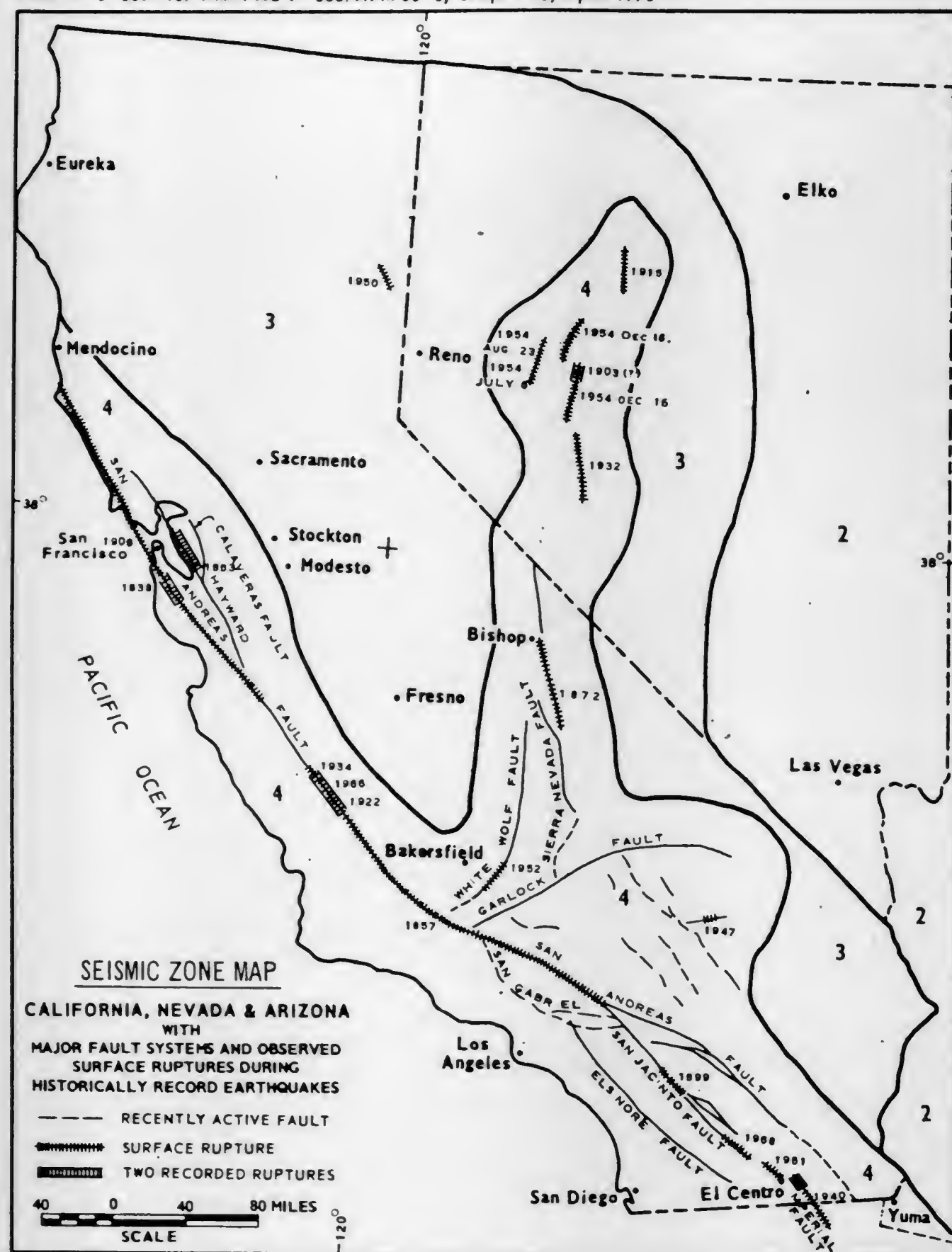


Figure 2

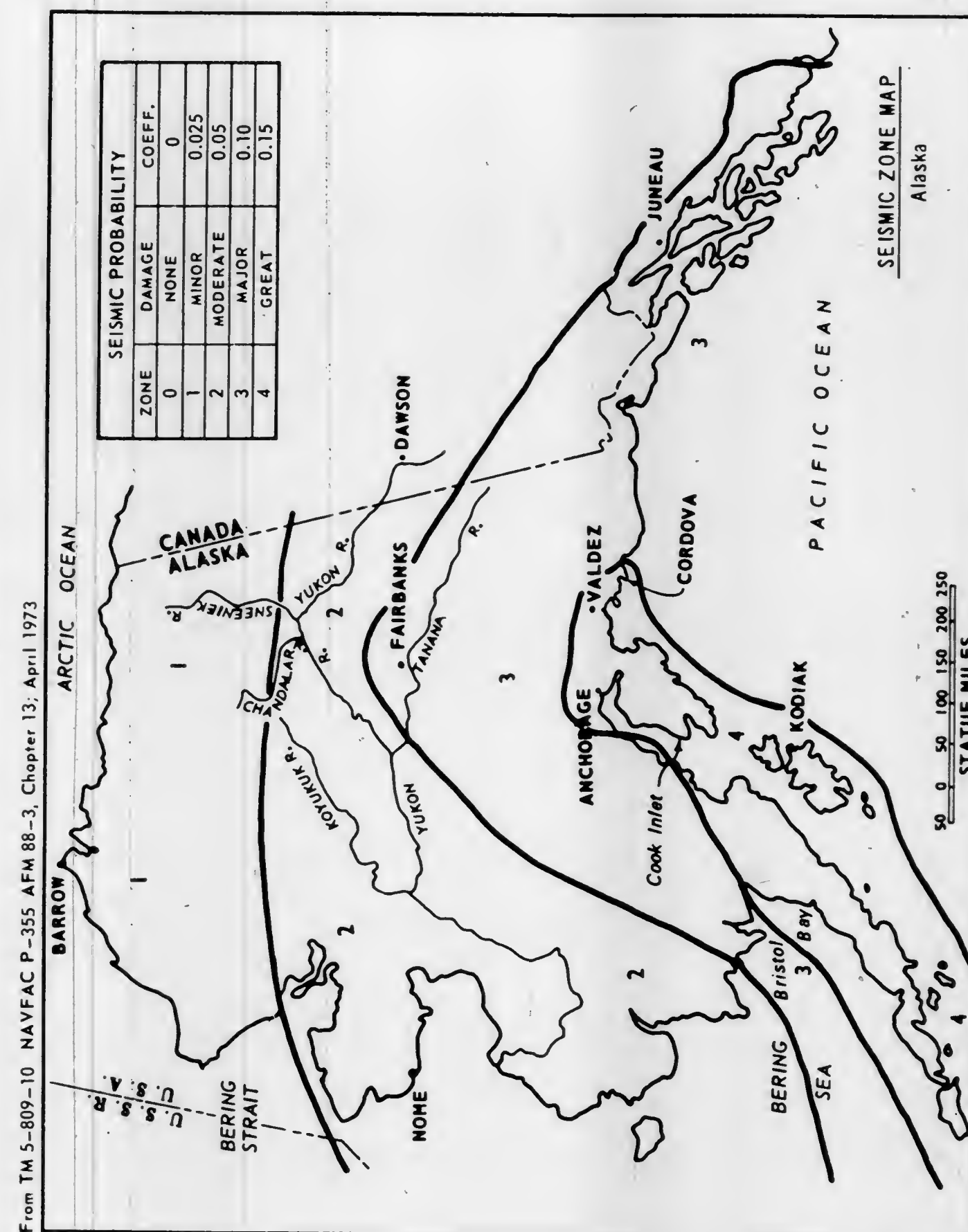


Figure 3

SEISMIC PROBABILITY		
ZONE	DAMAGE	COEFF.
0	NONE	0
1	MINOR	0.025
2	MODERATE	0.05
3	MAJOR	0.10
4	GREAT	0.15

From TM 5-809-10 NAVFAC P-355 AFM 88-3, Chapter 13; April 1973

From TM 5-809-10 NAVFAC P-355 AFM 88-3, Chapter 13, April 1973

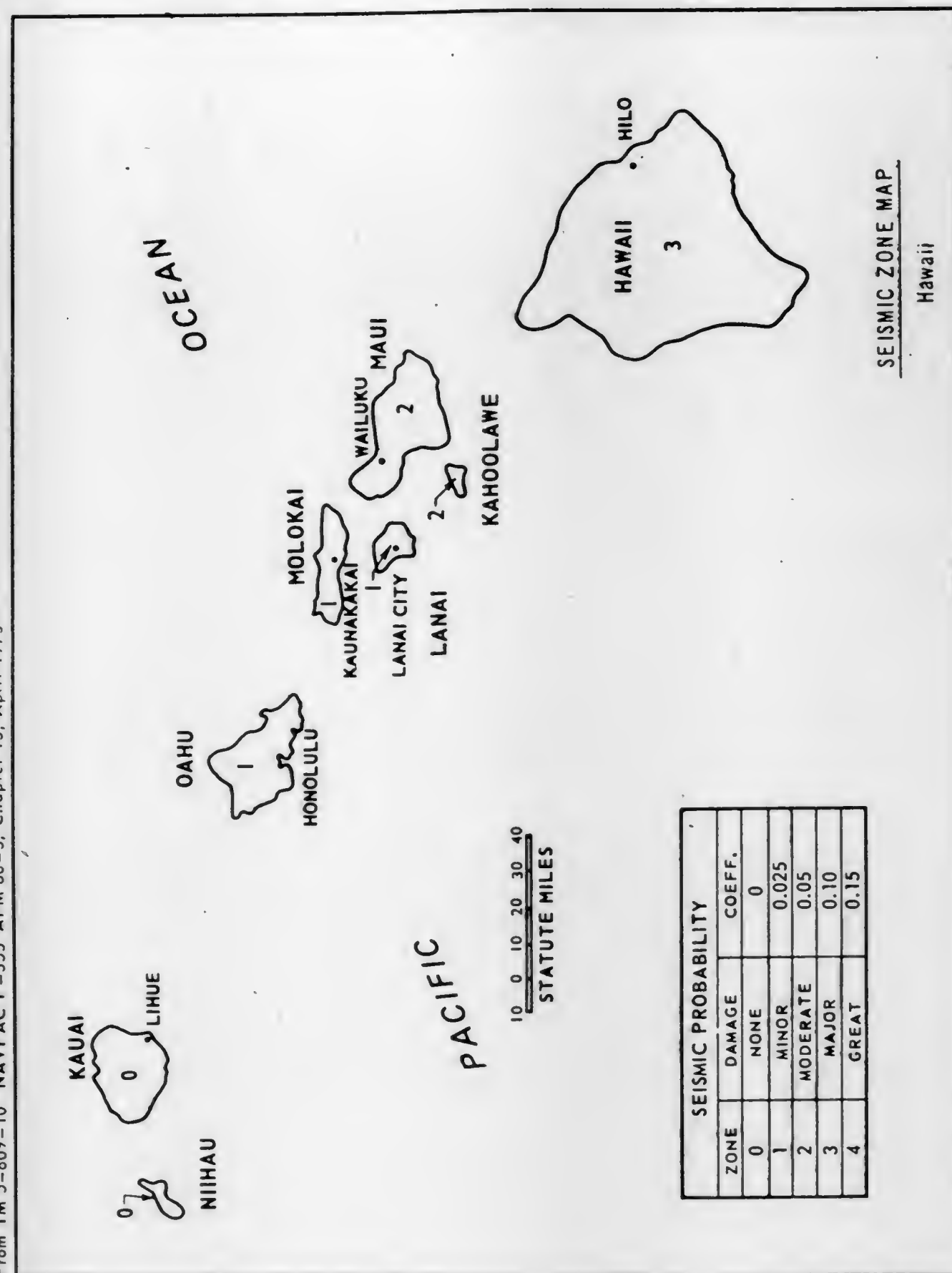


Figure 4

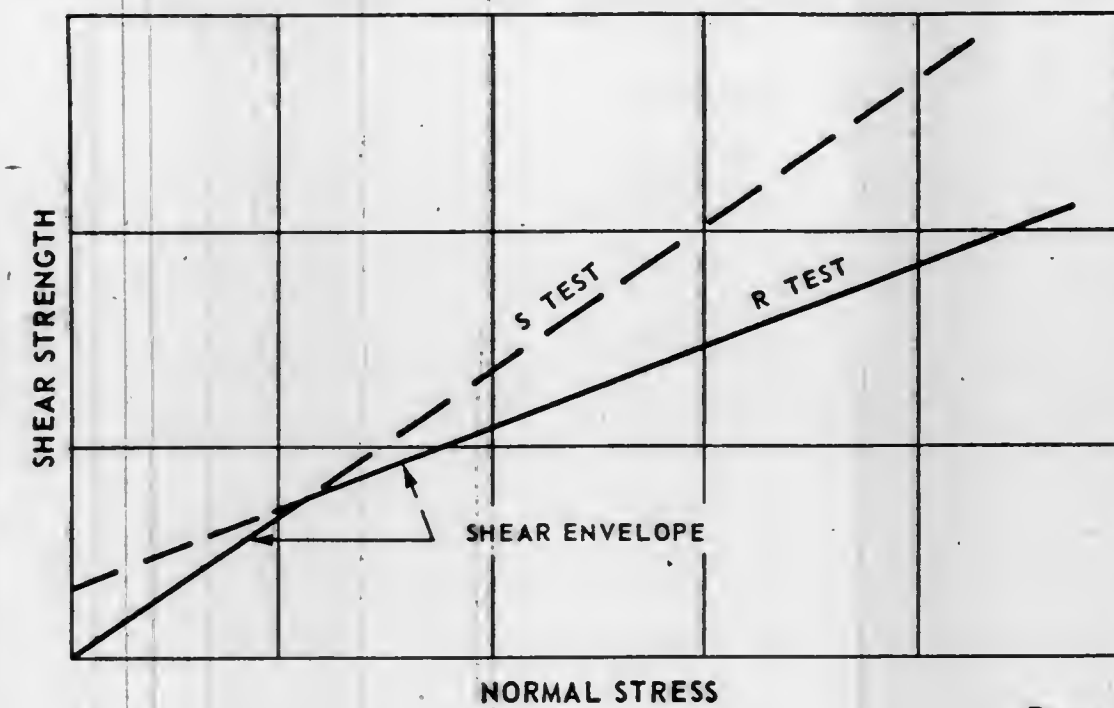


Figure 5

SHEAR ENVELOPE FOR CASE I

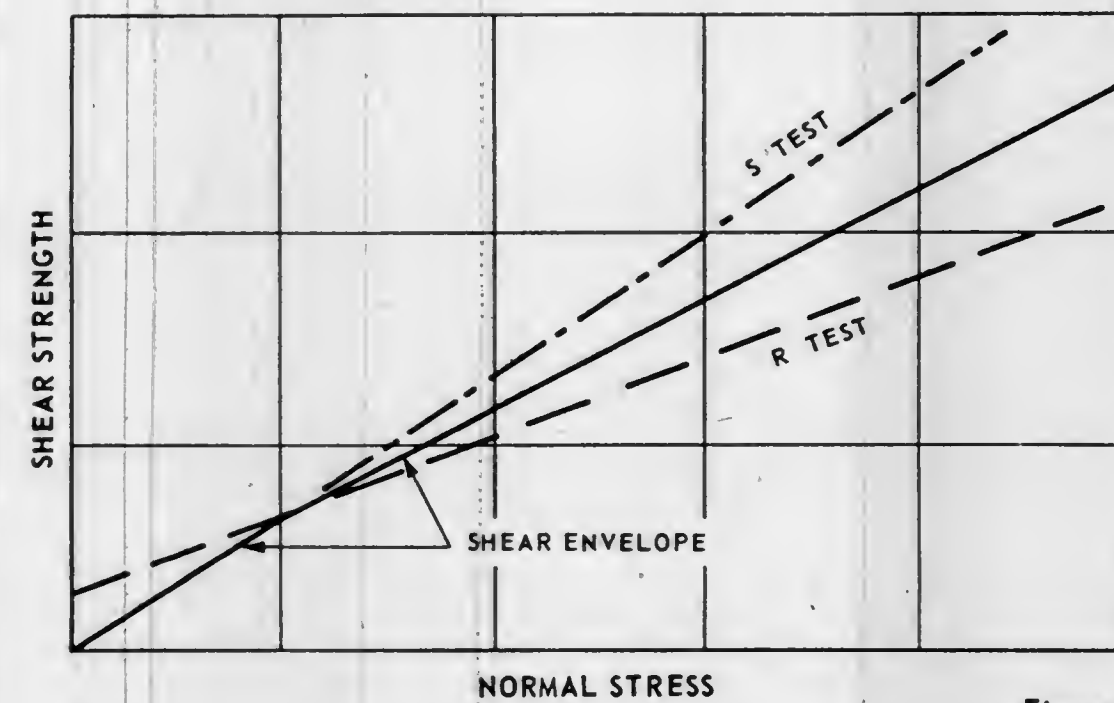


Figure 6

SHEAR ENVELOPE FOR CASES II AND III

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Appendix I.—Engineering Data

This appendix lists engineering data which should be collected from project records and, to the extent available, included in the Phase I investigation report. The list is intended to serve as a checklist and not to establish rigid data requirements. Such a compilation should also facilitate future inspections and investigations. Only data readily available will be included in Phase I reports, but data lacking and deemed necessary for an adequate safety evaluation should be identified.

1. General Project Data

a. *Regional Vicinity Map* showing the location of the dam, the upstream drainage area and the downstream area subject to potential damage due to failure of the dam and misoperation or failure of the operating equipment.

b. *As-Built Drawings* indicating plans, elevations and sections of the dam and appurtenant structures including the details of the discharge facilities such as outlet works, limited service and emergency spillways, flashboards, fuse plugs and operating equipment.

2. Hydrologic and Hydraulic Data including the following:

a. Drainage area and basin runoff characteristics (indicating pending changes).

b. Elevation of top of conservation pool or normal upper retention water surface elevation, as applicable (base level of any flood impoundment).

c. Storage capacity including dead or inactive storage, corresponding to top of conservation or normal upper retention level (cumulative, excluding flood control and surcharge storage).

d. Elevation of the top of flood control pool.

e. Storage capacity of flood control zone (incremental).

f. Elevation of maximum design pool (corresponding to top of surcharge storage or spillway design flood).

g. Storage capacity of surcharge zone (incremental, above top of flood control pool or, above normal upper retention level if flood control space not provided).

h. Height of freeboard (distance between maximum design flood water surface and top of dam).

i. Elevation of top of dam (lowest point of embankment or non-overflow structure).

j. Elevation of crest, type, width, crest length and location of spillways (number, size and type of gates if controlled).

k. Type, location, entrance and exit inverts of outlet works and emergency drawdown facilities (number, size and shape of conduits and gates, including penstocks and sluices).

l. Location, crest elevation, description of invert and abutments (concrete, rock, grass, earth) and length of limited service and emergency spillways.

m. Location and description of flashboards and fuse plugs, including hydraulic head (pool elevation) and other conditions required for breaching, along with the assumed results of breaching.

n. Location and top elevation of dikes and floodwalls (overflow and non-overflow) affected by reservoir. Include information on low reaches of reservoir rim.

o. Type, location, observations and records of hydrometeorological gages appurtenant to the project.

p. Maximum non-damaging discharge, or negligible damage rate, at potential damage locations downstream.

3. *Foundation Data and Geological Features* including logs of borings, geological maps, profiles and cross sections, and reports of foundation treatment.

4. *Properties of Embankments and Foundation Materials* including results of laboratory tests, field permeability tests, construction control tests, and assumed design properties for materials.

5. *Concrete Properties* including the source and type of aggregate, cement used, mix design data and the results of testing during construction.

6. *Electrical and Mechanical Equipment* type and rating of normal and emergency power supplies, hoists, cranes, valves and valve operator, control and alarm systems and other electrical and mechanical equipment and systems that could affect the safe operation of the dam.

7. *Construction History* including diversion scheme, construction sequence, pertinent construction problems, alterations, modifications and maintenance repairs.

8. *Water Control Plan* including regulation plan under normal conditions and during flood events or other emergency conditions. The availability of dam tenders, means of communication between dam tenders and authority supervising water control, and method of gate operation (manual, automatic, or remote control) should be included. Flood warning systems should be described in sufficient detail to enable assessment of their reduction in the flood hazard potential.

9. Operation Record.

a. Summary of past major flood events including any experiences that presented a serious threat to the safety of the project or to human life or property. The critical project feature, date and duration of event, causative factor, peak inflow and outflow, maximum elevation of water surface, wind and wave factors if significant, issuance of alert or evacuation warnings and adequacy of project feature involved should be included in the summary of past experience of serious threat to the safety of the project.

b. Records of performance observations including instrumentation records.

c. List of any known deficiencies that pose a threat to the safety of the dam or to human life or property.

d. History of previous failures or deficiencies and pending remedial measures for correcting known deficiencies and the schedule for accomplishing remedial measures should be indicated.

10. *Earthquake History* including a summary of the seismic data of significant recorded earthquakes in the vicinity of the dam and information on major damage in the vicinity of the dam from both recorded and unrecorded earthquakes. Regional geologic maps and other documents showing fault locations should be collected.

11. *Inspection History* including the results of the last safety inspection, the organization that performed the inspection,

the date inspection performed and the authority for conducting the inspection.

12. Principal Design Assumptions and Analyses.

a. *Hydrologic and Hydraulic Determinations.*

(1) Quantity, time and area distribution, and reference source of depth-area-duration data of spillway design storm precipitation (point precipitation if applicable).

(2) Maximum design flood inflow hydrograph including loss rates (initial and average for design flood conditions) and time of runoff concentration of reservoir watershed (peak inflow only when applicable).

(3) Maximum design flood outflow hydrograph (maximum outflow only when applicable).

(4) Discharge-frequency relationship, preferably at damsite, including estimated frequency of spillway design flood for small dams, when appropriate.

(5) Reservoir area and storage capacity versus water surface elevation (table or curves).

(6) Rating curves (free flow and partial gate openings) for all discharge facilities contributing to the maximum design flood outflow hydrograph. Also a composite-rating of all contributing facilities, if appropriate.

(7) Tailwater rating curve immediately below damsite including elevation corresponding to maximum design flood discharge and approximate nondamaging channel capacity.

(8) Hydrologic map of watershed above damsite including reservoir area, watercourse, elevation contours, and principal stream-flow and precipitation gaging stations.

b. *Stability and Stress Analysis* of the dam, spillway and appurtenant structures and features including the assumed properties of materials and all pertinent applied loads.

c. *Seepage and Settlement Analyses.* The determination of distribution, direction and magnitude of seepage forces and the design and construction measures for their control. Settlement estimates and steps adopted to compensate for total settlement and to minimize differential settlements.

Appendix II.—Inspection Items

This appendix provides guidance for performing field inspections and may serve as the basis for developing a detailed checklist for each dam.

1. Concrete Structures in General.

a. *Concrete Surfaces.* The condition of the concrete surfaces should be examined to evaluate the deterioration and continuing serviceability of the concrete. Descriptions of concrete conditions should conform with the appendix to "Guide for Making a Condition Survey of Concrete in Service," American Concrete Institute (ACI) Journal, Proceedings Vol. 65, No. 11, November 1968, page 905-918.

b. *Structural Cracking.* Concrete structures should be examined for structural cracking resulting from overstress due to applied loads, shrinkage and temperature effects or differential movements.

c. *Movement—Horizontal and Vertical Alignment.* Concrete structures should be examined for evidence of any abnormal

settlements, heaving, deflections, or lateral movements.

d. *Junctions.* The conditions at the junctions of the structure with abutments or embankments should be determined.

e. *Drains—Foundation, Joint, Face.* All drains should be examined to determine that they are capable of performing their design function.

f. *Water Passages.* All water passages and other concrete surfaces subject to running water should be examined for erosion, cavitation, obstructions, leakage or significant structural cracks.

g. *Seepage or Leakage.* The faces, abutments and toes of the concrete structures should be examined for evidence of seepage or abnormal leakage, and records of flow of downstream springs reviewed for variation with reservoir pool level. The sources of seepage should be determined if possible.

h. *Monolith Joints—Construction Joints.* All monolith and construction joints should be examined to determine the condition of the joint and filler material, any movement of joints, or any indication of distress or leakage.

i. *Foundation.* Foundation should be examined for damage or possible undermining of the downstream toe.

j. *Abutments.* The abutments should be examined for sign of instability or excessive weathering.

2. Embankment Structures.

a. *Settlement.* The embankments and downstream toe areas should be examined for any evidence of localized or overall settlement, depressions or sink holes.

b. *Slope Stability.* Embankment slopes should be examined for irregularities in alignment and variances from smooth uniform slopes, unusual changes from original crest alignment and elevation, evidence of movement at or beyond the toe, and surface cracks which indicate movement.

c. *Seepage.* The downstream face of abutments, embankment slopes and toes, embankment—structure contacts, and the downstream valley areas should be examined for evidence of existing or past seepage. The sources of seepage should be investigated to determine cause and potential severity to dam safety under all operating conditions. The presence of animal burrows and tree growth on slopes which might cause detrimental seepage should be examined.

d. *Drainage Systems.* All drainage systems should be examined to determine whether the systems can freely pass discharge and that the discharge water is not carrying embankment or foundation material. Systems used to monitor drainage should be examined to assure they are operational and functioning properly.

e. *Slope Protection.* The slope protection should be examined for erosion-formed gullies and wave-formed notches and benches that have reduced the embankment cross-section or exposed less wave resistant materials. The adequacy of slope protection against waves, currents, and surface runoff that may occur at the site should be evaluated. The condition of vegetative cover should be evaluated where pertinent.

3. *Spillway Structures.* Examination should be made of the structures and features

including bulkheads, flashboards, and fuse plugs of all service and auxiliary spillways which serve as principal or emergency spillways for any condition which may impose operational constraints on the functioning of the spillway.

a. *Control Gates and Operating Machinery.* The structural members, connections, hoists, cables and operating machinery and the adequacy of normal and emergency power supplies should be examined and tested to determine the structural integrity and verify the operational adequacy of the equipment. Where cranes are intended to be used for handling gates and bulkheads, the availability, capacity and condition of the cranes and lifting beams should be investigated. Operation of control systems and protective and alarm devices such as limit switches, sump high water alarms and drainage pumps should be investigated.

b. *Unlined Saddle Spillways.* Unlined saddle spillways should be examined for evidence of erosion and any conditions which may impose constraints on the functioning of the spillway. The ability of the spillway to resist erosion due to operation and the potential hazard to the safety of the dam from such operation should be determined.

c. *Approach and Outlet Channels.* The approach and outlet channels should be examined for any conditions which may impose constraints on the functioning of the spillway and present a potential hazard to the safety of the dam.

d. *Stilling Basin (Energy Dissipators).* Stilling basins including baffles, flip buckets or other energy dissipators should be examined for any conditions which may pose constraints on the ability of the stilling basin to prevent downstream scour or erosion which may create or present a potential hazard to the safety of the dam. The existing condition of the channel downstream of the stilling basin should be determined.

4. *Outlet Works.* The outlet works examination should include all structures and features designed to release reservoir water below the spillway crest through or around the dam.

a. *Intake Structure.* The structure and all features should be examined for any conditions which may impose operational constraints on the outlet works. Entrances to intake structure should be examined for conditions such as silt or debris accumulation which may reduce the discharge capabilities of the outlet works.

b. *Operating and Emergency Control Gates.* The structural members, connections, guides, hoists, cables and operating machinery including the adequacy of normal and emergency power supplies should be examined and tested to determine the structural integrity and verify the operational adequacy of the operating and emergency gates, valves, bulkheads, and other equipment.

c. *Conduits, Sluices, Water Passages, Etc.* The interior surfaces of conduits should be examined for erosion, corrosion, cavitation, cracks, joint separation and leakage at cracks or joints.

d. *Stilling Basin (Energy Dissipator).* The stilling basin or other energy dissipator

should be examined for conditions which may impose any constraints on the ability of the stilling basin to prevent downstream scour or erosion which may create or present a potential hazard to the safety of the dam. The existing condition of the channel downstream of the stilling basin should be determined by soundings.

e. *Approach and Outlet Channels.* The approach and outlet channels should be examined for any conditions which may impose constraints on the functioning of the discharge facilities of the outlet works, or present a hazard to the safety of the dam.

f. *Drawdown Facilities.* Facilities provided for drawdown of the reservoir to avert impending failure of the dam or to facilitate repairs in the event of stability or foundation problems should be examined for any conditions which may impose constraints on their functioning as planned.

5. *Safety and Performance Instrumentation.* Instruments which have been installed to measure behavior of the structures should be examined for proper functioning. The available records and readings of installed instruments should be reviewed to detect any unusual performance of the instruments or evidence of unusual performance or distress of the structure. The adequacy of the installed instrumentation to measure the performance and safety of the dam should be determined.

a. *Headwater and Tailwater Gages.* The existing records of the headwater and tailwater gages should be examined to determine the relationship between other instrumentation measurements such as stream flow, uplift pressures, alignment, and drainage system discharge with the upper and lower water surface elevations.

b. *Horizontal and Vertical Alignment Instrumentation (Concrete Structures).* The existing records of alignment and elevation surveys and measurements from inclinometers, inverted plumb bobs, gage points across cracks and joints, or other devices should be examined to determine any change from the original position of the structures.

c. *Horizontal and Vertical Movement, Consolidation, and Pore-Water Pressure Instrumentation (Embankment Structures).* The existing records of measurements from settlement plates or gages, surface reference marks, slope indicators and other devices should be examined to determine the movement history of the embankment. Existing piezometer measurements should be examined to determine if the pore-water pressures in the embankment and foundation would under given conditions impair the safety of the dam.

d. *Uplift Instrumentation.* The existing records of uplift measurements should be examined to determine if the uplift pressures for the maximum pool would impair the safety of the dam.

e. *Drainage System Instrumentation.* The existing records of measurements of the drainage system flow should be examined to establish the normal relationship between pool elevations and discharge quantities and any changes that have occurred in this relationship during the history of the project.

f. *Seismic Instrumentation.* The existing records of seismic instrumentation should be

examined to determine the seismic activity in the area and the response of the structures of past earthquakes.

6. *Reservoir.* The following features of the reservoir should be examined to determine to what extent the water impounded by the dam would constitute a danger to the safety of the dam or a hazard to human life or property.

a. *Shore line.* The land forms around the reservoir should be examined for indications of major active or inactive landslide areas and to determine susceptibility of bedrock stratigraphy to massive landslides of sufficient magnitude to significantly reduce reservoir capacity or create waves that might overtop the dam.

b. *Sedimentation.* The reservoir and drainage area should be examined for excessive sedimentation or recent developments in the drainage basin which could cause a sudden increase in sediment load thereby reducing the reservoir capacity with attendant increase in maximum outflow and maximum pool elevation.

c. *Potential Upstream Hazard Areas.* The reservoir area should be examined for features subject to potential backwater flooding resulting in loss of human life or property at reservoir levels up to the maximum water storage capacity including any surcharge storage.

d. *Watershed Runoff Potential.* The drainage basin should be examined for any extensive alterations to the surface of the drainage basin such as changed agriculture practices, timber clearing, railroad or highway construction or real estate developments that might extensively affect the runoff characteristics. Upstream projects that could have impact on the safety of the dam should be identified.

7. *Downstream Channel.* The channel immediately downstream of the dam should be examined for conditions which might impose any constraints on the operation of the dam or present any hazards to the safety of the dam. Development of the potential flooded area downstream of the dam should be assessed for compatibility with the hazard classification.

8. *Operation and Maintenance Features.*

a. *Reservoir Regulation Plan.* The actual practices in regulating the reservoir and discharges under normal and emergency conditions should be examined to determine if they comply with the designed reservoir regulation plan and to assure that they do not constitute a danger to the safety of the dam or to human life or property.

b. *Maintenance.* The maintenance of the operating facilities and features that pertain to the safety of the dam should be examined to determine the adequacy and quality of the maintenance procedures followed in maintaining the dam and facilities in safe operating condition.

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APPENDIX III



Public Law 92-367
92nd Congress, H. R. 15951
August 8, 1972

An Act

To authorize the Secretary of the Army to undertake a national program of inspection of dams.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "dam" as used in this Act means any artificial barrier, including appurtenant works, which impounds or diverts water, and which (1) is twenty-five feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier, or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation or (2) has an impounding capacity at maximum water storage elevation of fifty acre-feet or more. This Act does not apply to any such barrier which is not in excess of six feet in height, regardless of storage capacity or which has a storage capacity at maximum water storage elevation not in excess of fifteen acre-feet, regardless of height.

National dam inspection program.
"Dam."

SEC. 2. As soon as practicable, the Secretary of the Army, acting through the Chief of Engineers, shall carry out a national program of inspection of dams for the purpose of protecting human life and property. All dams in the United States shall be inspected by the Secretary except (1) dams under the jurisdiction of the Bureau of Reclamation, the Tennessee Valley Authority, or the International Boundary and Water Commission, (2) dams which have been constructed pursuant to licenses issued under the authority of the Federal Power Act, (3) dams which have been inspected within the twelve-month period immediately prior to the enactment of this Act by a State agency and which the Governor of such State requests be excluded from inspection, and (4) dams which the Secretary of the Army determines do not pose any threat to human life or property. The Secretary may inspect dams which have been licensed under the Federal Power Act upon request of the Federal Power Commission and dams under the jurisdiction of the International Boundary and Water Commission upon request of such Commission.

Army, authorization.

Exceptions.

41 Stat. 1063;
49 Stat. 863.
16 USC 791a.

86 STAT. 506
86 STAT. 507

SEC. 3. As soon as practicable after inspection of a dam, the Secretary shall notify the Governor of the State in which such dam is located the results of such investigation. The Secretary shall immediately notify the Governor of any hazardous conditions found during an inspection. The Secretary shall provide advice to the Governor, upon request, relating to timely remedial measures necessary to mitigate or obviate any hazardous conditions found during an inspection.

Notice to Governors.

SEC. 4. For the purpose of determining whether a dam (including the waters impounded by such dam) constitutes a danger to human life or property, the Secretary shall take into consideration the possibility that the dam might be endangered by overtopping, seepage, settlement, erosion, sediment, cracking, earth movement, earthquakes, failure of bulkheads, flashboards, gates on conduits, or other conditions which exist or which might occur in any area in the vicinity of the dam.

SEC. 5. The Secretary shall report to the Congress on or before July 1, 1974, on his activities under the Act, which report shall include, but not be limited to—

Report to Congress.

- (1) an inventory of all dams located in the United States;
- (2) a review of each inspection made, the recommendations furnished to the Governor of the State in which such dam is located and information as to the implementation of such recommendation;

86 STAT. 507

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August 8, 1972

Liability.

(3) recommendations for a comprehensive national program for the inspection, and regulation for safety purpose of dams of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

Sec. 6. Nothing contained in this Act and no action or failure to act under this Act shall be construed (1) to create any liability in the United States or its officers or employees for the recovery of damages caused by such action or failure to act; or (2) to relieve an owner or operator of a dam of the legal duties, obligations, or liabilities incident to the ownership or operation of the dam.

Approved August 8, 1972.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 92-1232 (Comm. on Public Works).

CONGRESSIONAL RECORD, Vol. 118 (1972):

July 24, considered and passed House.

July 25, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 8, No. 33:

Aug. 9, Presidential statement.

BILLING CODE 3710-92-C

Appendix E—Suggested Outline

Inspection Report—National Dam Inspection Program (RCS-DAEN-CWE-17 and OMB No. 49-R0421)

Title Sheet

Name of Dam
ID Number from Inventory
State, County and River or Stream where dam is located
Owner
Size and Hazard Classification
Names of Inspectors
Names of Review Board
Approval Signature of District Engineer

Table of Contents**General Assessment**

Give brief assessment of general condition of dam with respect to safety, including a listing of deficiencies, and recommendations indicating degree of urgency.

1. Introduction

a. Authority
b. Purpose and Scope of Inspection

2. Project Information

a. Site Information
b. Description of Structures—Dam, Outlet, Spillway and other principal features.
c. Purpose of Dam
d. Design, Construction and Operating History

3. Field Inspection

Briefly describe physical condition of the dam and appurtenant structures as they were observed during the field inspection. (If field inspection form is appended, only present summary.) Describe operational procedures, including any warning system, condition of operating equipment, and provision for emergency procedures. Describe any pertinent observations of the reservoir area and downstream channel adjacent to dam.

4. Evaluation

a. Structural and Geotechnical
(1) General
(2) Embankment and/or Foundation Condition
(3) Stability—Briefly discuss pertinent information such as design, construction and operating records. Assess stability under maximum loading on basis of the record data, together with observations of field inspection and results of any additional, brief calculations performed by inspectors. If additional, detailed stability analyses are considered necessary, recommend that the owner engage a qualified engineer or firm to provide the analysis.
b. Hydrologic and Hydraulic
(1) Spillway Adequacy—Briefly describe pertinent record information such as hydrologic and hydraulic design data, flood of record, and previous analyses. Describe any hydraulic and hydrologic analyses made for this inspection. Present conclusion with respect to adequacy of spillway to pass the recommended spillway design flood without overtopping dam. If overtopping would occur, and if available from the type of analysis

used, give maximum depth over top of dam and duration of overtopping, assuming the dam does not fail. Also indicate the largest flood, as a percentage of the probable maximum flood which can be passed without overtopping.
(2) Effects of overtopping—If dam is overtopped by the recommended spillway design flood, provide assessment as to whether or not dam would likely fail, and if, in case of failure, the hazard to loss of life downstream of the dam would be substantially increased over that which would exist without failure. If information upon which to base a reasonable assessment is insufficient, so state and describe the needed data, and recommend that the necessary studies be performed by engineers engaged by the owner.
c. Operation and Maintenance
Assess operating equipment and procedures, emergency power for gate operation, and Emergency Action Plan. Assess quality of maintenance as it pertains to dam safety.

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(2) Effects of overtopping—If dam is overtopped by the recommended spillway design flood, provide assessment as to whether or not dam would likely fail, and if, in case of failure, the hazard to loss of life downstream of the dam would be substantially increased over that which would exist without failure. If information upon which to base a reasonable assessment is insufficient, so state and describe the needed data, and recommend that the necessary studies be performed by engineers engaged by the owner.
c. Operation and Maintenance
Assess operating equipment and procedures, emergency power for gate operation, and Emergency Action Plan. Assess quality of maintenance as it pertains to dam safety.

5. Conclusions

Provide conclusions on condition of dam and list all deficiencies. If dam is considered unsafe, so state and give reason.

6. Recommendations

List all recommended actions, including additional studies, installation of new surveillance procedures and devices, development of Emergency Action Plans, and remedial work. Recommend that a qualified engineering firm be retained to accomplish any recommended additional investigations and studies and also to design and supervise remedial works.

Appendixes

a. Inspection Checklist (if available)
b. Other Illustrations as follows:
(1) Include a map showing location of the dam. Usually a portion of a USGS quadrangle sheet can be used which will show the topography of the area, location of the dam, extent of the lake and drainage basin, and perhaps indicate the downstream development.
(2) If available, include a plan and section of the dam.
(3) General photographs of the dam and downstream channel should be included.
(4) Color photographs of deficiencies should be included. These should be held to the minimum required to illustrate the deficiencies.
(5) Available engineering data including Hydrologic/Hydraulic calculation and physical test results that might be available.

Appendix F

Instructions for Unsafe Dam Data Sheet (RCS-DAEN-CWE-17 and OMB No. 49-R0421)

The indicated information shall be provided in the format shown on Pg F-3 for each dam assessed to be unsafe during the reporting period. A separate data sheet should be provided for each unsafe dam. The information supplied should conform to the following.

a. Name—Name of dam.
b. Id. No.—Dam inventory identity number.

c. Location—List state county, river or stream and nearest D/S city or town where the dam is located.

d. Height—Maximum hydraulic height of dam.

e. Maximum Impoundment Capacity—List the capacity of the reservoir at maximum attainable water surface elevation including any surcharge loading.

f. Type—Type of dam, i.e., earth, rockfill, gravity, combination earth-gravity, etc.

g. Owner—Owner of dam.

h. Date Governor Notified of Unsafe Condition—The date and method of notification, such as, by telegram, letter, report, etc.

i. Condition of Dam Resulting in Unsafe Assessment—Brief description of the deficiencies discovered which resulted in the unsafe assessment.

j. Description of Danger Involved—Downstream (D/S) hazard potential category and a brief description of the danger involved.

k. Recommendations Given to Governor—Brief description of the actions recommended to Governor at time of notification of unsafe condition to eliminate or reduce the danger.

l. Urgency Category—State whether the unsafe condition of the dam is an emergency or non-emergency situation. An emergency situation should be considered to exist if the failure of the dam is judged to be imminent and requires immediate action to eliminate or reduce the danger.

m. Emergency Actions Taken—In case of an emergency situation, list the actions taken. For non-emergency situation, put NA for "not applicable."

n. Remedial Action Taken—For non-emergency situations list remedial actions taken.

o. Remarks—For other pertinent information.

Format for Unsafe Dam Data Sheet (RCS-DAEN-CWE-17 and OMB No. 49-R0421)

National Program of Inspection of Non-Federal Dams—Unsafe Dam Data Sheet

a. Name:

b. Type:

c. Height:

d. Id. No.

e. Location:

State: County:

Nearest D/S City, Town or Village:

River or Stream:

f. Owner:

g. Date Governor Notified of Unsafe Condition:

h. Condition of Dam Resulting in Unsafe Assessment:

i. Description of Danger Involved:

j. Recommendations Given to Governor:

k. Urgency Category:

l. Emergency Actions Taken:

m. Remarks:

Appendix G

National Program for Inspection of Non-Federal Dams—Monthly Progress Report (RCS-DAEN-CWE-19)

1. Instructions for Monthly Progress Report. The indicated information shall be provided in the format shown on page G-2.

1. Division Reporting:

2. Date:
3. Information Required for Each State Regarding Total Number of Inspections Performed (AE Inspections included) (Cumulative):

3.1. Number of Inspections Initiated by on-site inspection or the review of engineering data from project records.¹

3.2. Number of Inspections Completed (The number of inspection reports which have been submitted to the District Engineer for review and approval).

3.3 Number of Dams Reported to the Governor as Unsafe.²

3.4. Number of Approved Inspection Reports Submitted to the Governor.

4. Information Required for Each State Regarding Inspections Performed Under AE Contracts (Cumulative):

4.1. Number of Dams Contracted for Inspection by AE's with State or Corps.

4.2. Number of Inspections Initiated by AE's by on-site inspection or the review of engineering data from project records.¹

4.3. Number of Inspections Completed by AE's (The number of inspection reports which have been submitted to the District Engineer for review and approval).

4.4. Number of Approved Inspection Reports Prepared by AE's Submitted to the Governor.

II. Formation for Monthly Progress Report. National Program for Inspection of Non-Federal Dams—Monthly Progress Report

1. Division Reporting:

2. Date:

3. Information Required for Each State Regarding Total Number of Inspections Performed (Cumulative):

State	Inspections Initiated (3.1)	Inspections Completed (3.2)	Unsafe Dams Reported (3.3)	Approved Reports (3.4)
-------	-----------------------------	-----------------------------	----------------------------	------------------------

Total.....

4. Information Required for Each State Regarding Inspections Performed Under A/E Contracts (Cumulative):

State	Dams Under A/E Contract (4.1)	A/E Inspections Initiated (4.2)	A/E Inspections Completed (4.3)	A/E Reports Approved (4.4)
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Totals.....

¹ Each of the initiated inspections reported should be planned for completion within a reasonable period of time (30 days.)

² An unsafe dam is defined as a dam with deficiencies of such a nature that if not corrected could result in the failure of the dam with subsequent loss of lives or substantial property damage.

Appendix H

Suggested Scope of Work Contract for Architect-Engineer Services for Safety Inspection of Dams Within the State of

1. *General Description of Scope of Work.* The services to be rendered by the Architect-Engineer (AE) under the proposed contract shall include all engineering functions, hereinafter described, as needed to inspect the dams listed in Appendix A of this contract for the purpose of evaluating their risk of failure. A report which (a) describes the assessed condition of the dam, (b) provides conclusions as to which particular conditions could cause failure, (c) makes recommendations on remedial measures believed necessary, and (d) makes recommendations on whether and what type of future investigation should be conducted shall be provided for each inspected dam. The work shall proceed in accordance with Phase I of the Recommended Guidelines for Safety Inspection of Dams established by the Office of the Chief of Engineers (OCE) and the supplemented requirements listed in paragraph 3 below. The OCE guidelines are listed in Appendix B of this contract.

2. *Information and Services To Be Furnished by the Government.* The Contracting Officer will furnish the following information and services to the AE:

a. All information pertaining to each dam to be inspected as contained in the National Inventory of Dams.

b. Copies of recommended format for preparation of inspection report, engineering data check list and visual inspection check list.

c. All available pertinent information pertaining to the Dam Inspection Program and previous investigations having a bearing on inspections to be performed under this contract.

d. Right-of-entry for access to each dam site.

3. *Services To Be Rendered by the Architect-Engineer.* The principal services, subject to the optional provisions of the contract, to be rendered by the AE are itemized below:

a. *Technical Investigations.*

(1) *Engineering Data Collection.* To the extent feasible, the engineering data listed in Appendix I of the OCE guidelines relating to the design, construction and operation of the dam and appurtenant structures, should be collected from existing records and reviewed to aid in evaluating the general condition of each dam, including an assessment of the hydraulic and hydrologic features and structural stability of the dam. Where the necessary engineering data are unavailable, inadequate or invalid, a listing shall be made of those specific additional data deemed necessary by the engineer in charge of the investigation and included in the inspection report. The engineering data checklist provided by the Contracting Officer shall be used as a guide to compile this data.

(2) *Field Inspections.* The field inspection of each dam shall include examination of the items listed in Appendix II of the OCE guidelines, electrical and mechanical equipment for operation of the control

facilities, reservoir area, downstream channel in the vicinity of the dam and any other significant feature to determine how these features affect the risk of failure of the dam. The inspection shall be conducted in a systematic manner to minimize the possibility of any significant feature being overlooked. The visual inspection checklist provided by the Contracting Officer shall be used as a guide to document the examination of each significant feature.

Particular attention shall be given to detecting evidence of leakage, erosion, seepage, slope instability, undue settlement, displacement, tilting, cracking, deterioration, and improper functioning of drains and relief wells. The degree and quality of maintenance and regulating procedures for operation of the control facilities shall be assessed. The design and existing condition of such control facilities (i.e., spillway, outlet works, etc.) shall be evaluated. An assessment of the degree of siltation that is evident and its effect on the dam's reservoir shall be performed. Photographs and drawings should be used to record conditions in order to minimize written descriptions.

(3) *Engineering Analyses.*

(a) *Evolution of Hydraulic and Hydrologic (H&H) Features.* Evaluation of the hydraulic and hydrological features of each dam shall be based on criteria set forth in the OCE guidelines. If it is determined that the available H&H data are insufficient, the Contracting Officer must be so informed and may exercise an option of requiring the AE to perform an overtopping analysis at additional agreed-upon compensation. The methodology to be used by the AE for this analysis will be based on the OCE guidelines and subject to the approval of the Contracting Officer.

(b) *Evaluation of Structural Stability.* The evaluation of structural stability of each dam is to be based principally on existing conditions as revealed by the visual inspection, available design and construction information, and records of performance. The objectives are to determine the existence of conditions, identifiable by visual inspection or from records, which may pose a high risk of failure and to formulate recommendations pertaining to the need for any remedial improvements, additional studies, investigations, or analysis. The results of this phase of the inspection must rely substantially upon the experience and judgment of the inspecting engineer. Should it be determined that sufficient data are not available for a reasonable evaluation of the structural stability of a dam and appurtenances, the Contracting Officer should be informed which information is required prior to attempting to evaluate the risk of failure of the dam.

(c) *Evaluation of Operational Features.* Where critical mechanical/electrical operating equipment is used in controlling the reservoir of a dam, an evaluation of the operational characteristics of this equipment from the standpoint of risk of failure must be performed.

(d) *Evaluation of Reservoir Regulation Plan and Warning System.* The operational characteristics of each dam's existing reservoir regulation plan and warning system in event of a threatened failure shall be investigated.

b. *Emergency Situations.* The Contracting Officer must be immediately notified of any observed condition which is deemed to require immediate remedial action. After being notified, the Contracting Officer will contact the appropriate State personnel and will meet the AE at the site to determine the appropriate course of action. This will not relieve the AE of his responsibility to prepare a comprehensive inspection report at the earliest practicable date.

c. *Qualifications of Investigators.* The technical investigations shall be conducted by licensed professional engineers with a minimum of five years experience after licensing in the investigation, design and construction of earthfill, rockfill and concrete dams and/or in making risk of failure evaluations of completed dams. These engineers must be knowledgeable in the disciplines of hydrology, hydraulics, geotechnical, electrical, mechanical and structural engineering, as necessary. All field inspections should be conducted by engineers, engineering geologists and other specialists who are knowledgeable in the investigation, design, construction and operation of dams, including experts on mechanical and electrical operation of gates and controls, where needed.

d. *Preparation of Report.* A formal report shall be prepared for each dam inspected for submission to the Contracting Officer. Each report should contain the information specified in OCE guidelines and any other pertinent information. The recommended format provided by the Contracting Officer shall be used to document each report. The signature and registration identification of the professional engineer who directed the investigation and who was responsible for evaluation of the dam should be included in the report.

4. *Supervision and Approval of Work.* All work performed under this contract shall be subject to the review and approval of the Contracting Officer or his designee. Meetings will be held on a regular basis in the District office, during which the progress of inspections will be discussed and questions relating to inspection reports previously received by the Contracting Officer will be addressed. Reports will be revised as necessary when required by the Contracting Officer.

5. *Coordination.* During the progress of work, the AE shall maintain liaison with the _____ and other local authorities through the Contracting Officer as required to assure the orderly progression of the inspection. Copies of all correspondence with such authorities shall be provided to the Contracting Officer.

6. *Submission of Report.*

a. Each inspection report will be submitted for review to the Contracting Officer. Reports will be revised as required by the Contracting Officer. After all revisions have been made, the original and _____ copies of each inspection report shall be submitted to the Contracting Officer.

b. Text of all reports shall be typewritten and printed on both sides of 8" x 10 1/2" paper. All notes, inspection forms, sketches or

* Note.—Write in the designated State Authority.

similar matter shall be legible, distinct and suitable for reproduction.

7. *Period of Services.*

a. All inspections and reports included under this contract shall be completed within _____ days from date of Notice to Proceed.

b. If the option for performing an H&H analysis for any particular site is exercised, the AE shall complete such analysis within _____ days from date of Notice to Proceed. However, the overall completion time stated in paragraph 7a above shall not change.

Appendix I

Procedure for Using NASA Land Satellite Multispectral Scanner Data for Verification and Updating the National Inventory of Dams

1. *Purpose.* This appendix states the objective, defines the scope, prescribes procedures, and assigns responsibilities for using NASA Land Satellite (LANDSAT) Multispectral Scanner data along with NASA's Surface Water Detection And Mapping (DAM) Computer program to assist in verification and updating the National Inventory of Dams.

2. *Applicability.* This appendix is applicable to all divisions and districts having Civil Works responsibilities except POD.

3. *Reference.* NASA, DETECTION AND MAPPING PACKAGE, Users Manuals, Volumes 1, 2a, 2b, and 3 dated June 1976, published by the Johnson Space Center, Houston, Texas.

4. *Objectives.* Provide a uniform method, nation-wide, to help insure that all dams subject to Public Law 92-367, 8 August 1972 are properly identified and located in the National Inventory of Dams.

5. *Scope.* The computer printer overlay maps produced by the procedure described in reference 3b will be used by district and/or state or contractor personnel as a tool to assist in verification and updating of the National Inventory of Dams.

6. *Exceptions.* a. If a Division/District attempts the use of the procedure for a given region within their area of responsibility and finds the overlay maps cannot be used to assist in verification and updating the National Inventory of Dams, they may request an exception for a selected region. A selected region may include areas where conditions can reasonably be assumed to be the same as the region where the procedure was tried.

b. Request for exceptions should be documented to include firm boundary definitions and appropriate justification to demonstrate why the procedure cannot be used. This request should be submitted to WRSC WASH DC 20314, through the normal engineering chain of command.

c. Map overlays will be produced for all areas of the Continental United States even if they are not used in a few selected regions. This processing is required for a future Computer Water Body Change Detection system.

7. *Procedures.* Acquisition of LANDSAT data, registration of satellite coordinates to earth latitude and longitude and computer processing to produce overlay maps will be accomplished by two Regional Centers. Nashville District and Seattle District have

been designated as the Regional Centers, with each responsible for processing maps by state based on Divisional assignments in Appendix A. Regional Centers will support divisions as follows:

Regional Center	Division
Nashville District	New England North Atlantic South Atlantic Ohio River Lower Mississippi Valley North Central
Seattle District	Southwestern Missouri River North Pacific South Pacific

8. *Responsibilities.* a. The Water Resources Support Center at Fort Belvoir has overall responsibility for coordination and monitoring of this activity between NASA, Division Offices, and Regional Centers, and for providing Regional Center funding.

b. Regional Centers are responsible for:

(1) Acquiring proper LANDSAT data tape from EROS Data Center (Sioux Falls, South Dakota). Actual data scene selection will be coordinated with Division and/or District to insure proper consideration is given to local priorities and seasonal coverage.

(2) Arranging computer processing support using NASA's DAM package.

(3) Establishing proper control between satellite scanner-oriented coordinates and earth latitude/longitude.

(4) Producing total coverage of map overlays at a scale of 1:24,000 and/or smaller scales as required by Divisions and/or Districts.

(5) Instructing District, State, or contractor personnel in the assembly and use of map overlays.

c. Divisions/Districts are responsible for: (1) Designating one person from each Division and District as the point of contact with the Regional Center and provide this person's name and phone number to the Regional Center.

(2) Providing the Regional Center with map coverage of their area of responsibility. This will include state indexes and 7 1/2 minute quadrangle sheets (scale 1:24,000) where available.

(3) Coordinating with the Regional Center in selecting LANDSAT data tapes.

(4) Providing information to Regional Center on scale and priorities of desired computer produced map overlays.

(5) Assembling computer print-outs into overlay maps, and using as appropriate to assist in verification and updating the National Inventory of Dams.

9. *Points of Contact.* The points of contact in the Regional Centers for this program are as follows:

Name, Office Symbol, and Telephone

Jim Cook—DAEN-ORND, (615) 251-7366; FTS 852-7366.

Jack Erlandson—DAEN-NPSEN, (206) 764-3535; FTS 399-3535.

[FR Doc. 79-29478 Filed 9-25-79; 6:45 am]

BILLING CODE 3710-82-M

**GENERAL SERVICES
ADMINISTRATION**

41 CFR Parts 101-43,101-46

[FPMR Amdt. H-118]

**Automatic Data Processing Supplies
and Support Equipment**

AGENCY: General Services
Administration.

ACTION: Final rule.

SUMMARY: This regulation amends General Services Administration's regulations concerning utilization of personal property and disposal of personal property under exchange or sale authority so that they are consistent with General Services Administration's regulations concerning reutilization of excess automatic data processing supplies and support equipment.

EFFECTIVE DATE: September 26, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley M. Duda, Director, Utilization Division (703-557-1540).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

**PART 101-43—UTILIZATION OF
PERSONAL PROPERTY**

1. Section 101-43.000 is revised as follows:

§ 101-43.000 Scope of part.

This part prescribes the policies and methods governing the economic and efficient utilization of personal property located within and outside the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands, except that Subpart 101-36.3 prescribes the policies and procedures governing the worldwide reutilization of excess automatic data processing equipment and supplies by the Federal Government. Excess automatic data processing supplies and support equipment in Federal Supply Classification class 7045 with a unit original acquisition cost of \$1,500 or less shall be made available for transfer in accordance with this Part 101-43.

**Subpart 101-43.3—Utilization of
Excess**

2. Section 101-43.311-2 is revised as follows:

**§ 101-43.311-2 Form and distribution of
reports.**

Reports of excess property shall be made on Standard Form 120, Report of Excess Personal Property, and Standard Form 120A, Continuation Sheet (Report of Excess Personal Property), illustrated at §§ 101-43.4901-120 and 101-43.4901-120A respectively, in accordance with the instructions in § 101-43.4901-120-1, or, when acceptable to GSA, by data processing output. Standard Forms 120 and 120A shall be submitted in an original and three copies. Reporting by data processing output shall be submitted in the number of copies agreed upon by GSA. Reports shall be submitted to the GSA regional office for the region in which the property is located (see § 101-43.4802), except that reports of fixed wing and rotary wing aircraft shall be submitted to the General Services Administration (GSA), San Francisco, CA 94105, and excess Standard forms, with samples of these forms, shall be submitted to the General Services Administration (GSA), Washington, D.C. 20407, for potential redistribution under the Standard forms program. Reports of excess ADPE shall be submitted as set forth in Subpart 101-36.47, except for reports of excess ADP supplies and support equipment in class 7045 with a unit original acquisition cost of \$1,500 or less, which shall be submitted in accordance with this § 101-43.311-2. Since Standard Form 120, Report of Excess Personal Property, is an operating supply document and submitted by agencies as excess property is generated, it is excluded from the interagency reporting requirement as set forth in Subpart 101-11.11.

3. Section 101-43.320 is amended to revise paragraphs (b) (2) (iv) and (h) as follows:

**§ 101-43.320 Use of excess property on
grants.**

(b) * * *
(2) * * *
(iv) Excess scientific equipment transferred under section 11(e) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1870(e)). GSA will consider items of personal property as scientific equipment for transfer without reimbursement to the National Science Foundation for use by a project grantee when the property requested has a unit acquisition cost of \$1,000 or more and is within Federal Supply Classification Groups 14 (Guided Missiles), 43 (Pumps and Compressors), 48 (Valves), 58 (Communication, Detection, and Coherent Radiation Equipment), 59 (Electrical and Electronic

Equipment Components), 66 (Instruments and Laboratory Equipment), 67 (Photographic Equipment), 70 (General Purpose Automatic Data Processing Equipment, Software, Supplies, and Support Equipment), or 74 (Office Machines and Visible Record Equipment). Automatic data processing equipment, as defined in § 101-36.301, must be acquired under the provisions of Subpart 101-36.3 and § 101-36.4702, except for ADP supplies and support equipment in class 7045 with a unit original acquisition cost of \$1,500 or less, which must be acquired under the provisions of this § 101-43.320(b)(2)(iv). GSA will give consideration to the transfer without reimbursement of items of excess property in other Federal supply classification groups, and items with a unit acquisition cost of less than \$1,000, when the National Science Foundation certifies that the item requested is a component part of or related to a piece of scientific equipment or is an otherwise difficult-to-acquire item needed for scientific research. Items of property determined by GSA to be common-use or general purpose property, regardless of classification or unit acquisition cost, shall not be transferred to the National Science Foundation for use by a project grantee without reimbursement.

(h) Except when title is vested in the grantee, Federal agencies, upon termination of a grant in whole or in part, shall reassign Government-furnished property, as practicable, to other activities of the grantor Federal agency. If reassignment is not made, the property shall be reported to GSA by the grantor Federal agency for potential further Government use as provided in § 101-43.311, or § 101-36.4702 for automatic data processing equipment, unless other reporting requirements have been agreed upon by GSA and the reporting agency. ADP supplies and support equipment in class 7045 with a unit original acquisition cost of \$1,500 or less shall be reported to GSA as provided in § 101-43.311. Property normally shall be held by the grantee until transfer, donation, or disposal instructions are received. Grantor agencies shall publish procedures which clearly delineate the obligations of grantees with respect to the use and consumption or return to Government custody of property acquired from excess sources.

Subpart 101-43.48—Exhibits

4. Section 101-43.4801 is amended to revise paragraph (c) and to amend paragraph (d) by adding an entry for group 70 and revising the entry for group 74, as follows:

**§ 101-43.4801 Excess personal property
reporting requirements.**

* * * * *
(c) Automatic data processing

Federal supply classification		Not reportable to GSA	Reportable to GSA	Minimum reportable condition codes
Group No. and group identification	Classes			
70 General purpose automatic data processing equipment, software, supplies and support equipment. (See § 101-43.4801(c)).	All.....		X	N4, E4, O4, R4.
74 Office machines and visible record equipment.....	All.....		X	N4, E4, O4, R4.

**Subpart 101-43.49—Illustrations of
Forms**

5. Section 101-43.4901-120-1(d) is amended to add group number 70 and to revise group number 74, as follows:

**§ 101-43.4901-120-1 Instructions for
Preparing Standard Form 120.**

Note.—The instructions in this § 101-43.4901-120-1(d) are filed with the original document and do not appear in this volume.

(d) Page 4 of Instructions for Preparing Standard Form 120:

29. Engine Accessories.
30. Mechanical Power Transmission Equipment.
31. Bearings.
32. Woodworking Machinery and Equipment.
34. Metalworking Machinery.
35. Service and Trade Equipment.
36. Special Industry Machinery.
37. Agricultural Machinery and Equipment.
38. Construction, Mining, Excavating, and Highway Maintenance Equipment.
39. Materials Handling Equipment.
40. Rope, Cable, Chain, and Fittings.
41. Refrigeration, Air Conditioning and Air Circulating Equipment.
42. Fire Fighting, Rescue, and Safety Equipment.
43. Pumps and Compressors.
44. Furnace, Steam Plant, and Drying Equipment; and Nuclear Reactors.
45. Plumbing, Heating, and Sanitation Equipment.

equipment as defined in § 101-36.301-1, whether or not it falls within group 70, shall be reported in the manner set forth in Subpart 101-36.47 to the General Services Administration (GSA), Washington, DC 20405, except that ADP supplies and support equipment in class 7045, as defined in § 101-36.301-1(d), with a unit original acquisition cost of \$1,500 or less shall be reported to GSA regional offices in accordance with this Part 101-43.

(d) * * *

46. Water Purification and Sewage Treatment Equipment.
47. Pipe, Tubing, Hose, and Fittings.
48. Valves.
49. Maintenance and Repair Shop Equipment.
51. Hand Tools.
52. Measuring Tools.
53. Hardware and Abrasives.
54. Prefabricated Structures and Scaffolding.
55. Lumber, Millwork, Plywood, and Veneer.
56. Construction and Building Materials.
58. Communication, Detection, and Coherent Radiation Equipment.
59. Electrical and Electronic Equipment Components.
61. Electrical Wire and Power and Distribution Equipment.
62. Lighting Fixtures and Lamps.
63. Alarm and Signal Systems.
65. Medical, Dental, and Veterinary Equipment and Supplies.
66. Instruments and Laboratory Equipment.
67. Photographic Equipment.
68. Chemicals and Chemical Products.
69. Training Aids and Devices.
70. General Purpose Automatic Data Processing Equipment, Software, Supplies and Support Equipment.
71. Furniture.
72. Household and Commercial Furnishings and Appliances.
73. Food Preparation and Serving Equipment.
74. Office Machines and Visible Record Equipment.
75. Office Supplies and Devices.
76. Books, Maps, and Other Publications.

77. Musical Instruments, Phonographs, and Home-Type Radios.
78. Recreational and Athletic Equipment.
79. Cleaning Equipment and Supplies.
80. Brushes, Paints, Sealers, and Adhesives.
81. Containers, Packaging, and Packing Supplies.
83. Textiles, Leather, and Furs.
84. Clothing, Individual Equipment, and Insignia.
85. Toiletries.
87. Agricultural Supplies.
88. Live Animals.
89. Subsistence.
91. Fuels, Lubricants, Oils, and Waxes.
93. Nonmetallic Fabricated Materials.
94. Nonmetallic Crude Materials.
95. Metal Bars, Sheets, and Shapes.
96. Ores, Minerals, and their Primary Products.
99. Miscellaneous.

**PART 101-46—UTILIZATION AND
DISPOSAL OF PERSONAL PROPERTY
PURSUANT TO EXCHANGE/SALE
AUTHORITY**

**Subpart 101-46.3—Transfer and
Exchange Between Federal Agencies**

6. Section 101-46.301 is revised as follows:

§ 101-46.301 Agency responsibility.

Executive agencies having property other than automatic data processing equipment (ADPE) that is determined to be available for exchange or sale under this Part 101-46 shall, to the fullest extent practicable or economical and prior to any disposal action, solicit Federal agencies known to use or distribute this property and arrange for transfers thereto, except that no attempt need be made to obtain further utilization of property that is eligible for replacement in accordance with replacement standards prescribed in Subpart 101-25.4. GSA will solicit other agency requirements for ADPE determined to be available for exchange or sale subsequent to reporting in accordance with Subpart 101-36.47. Executive agencies may also exchange similar property with other Federal agencies (including the Senate, the House of Representatives, the Architect of the Capitol and any activities under the Architect's direction, the District of Columbia, and mixed-ownership Government corporations).

Subpart 101-46.4—Disposal

7. Section 101-46.400-1 is revised as follows:

§ 101-46.400-1 Automatic data processing equipment.

Automatic data processing equipment (ADPE) that meets the reporting criteria set forth in Subparts 101-36.3 and 101-36.47 and qualifies in accordance with Subpart 101-46.2 shall be reported for possible reutilization among Federal agencies as provided in Subpart 101-36.47. If not transferred for other reutilization among Federal agencies, ADPE may be disposed of as provided in this Subpart 101-46.4.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: September 12, 1979.

R. G. Freeman III,
Administrator of General Services.
[FR Doc. 79-29786 Filed 9-25-79; 8:45 am]
BILLING CODE 6820-96-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**Public Health Service****42 CFR Part 51b****Grants for Preventive Health Services; Grants for Fluoridation**

AGENCY: Center for Disease Control, Public Health Service, HEW.

ACTION: Final rule (with subsequent comment period).

SUMMARY: The current regulation contains subparts which apply to grants awarded to State and local government agencies, and to certain nonprofit entities, to assist them in meeting the costs of preventive health service programs. These programs currently include childhood immunization, urban rat control, venereal disease control, and influenza immunization, all of which are authorized by Sections 317 and 318 of the Public Health Service Act. An amendment to Section 317 added authority for fluoridation programs. This final rule amends the current regulation by adding an additional subpart governing this new grant program. The purpose of the new grant program is to assist grantees in promoting and meeting the initial costs for fluoridating community water systems and schools where indicated.

DATES: This regulation is effective September 26, 1979. Comments are due on or before November 26, 1979.

ADDRESS: Written comments should be sent to the Associate Director, Bureau of State Services, 1600 Clifton Road, NE., Atlanta, Georgia 30333. Comments received will be available for public inspection between 8:00 a.m. and 4:30

p.m. in Building 1, Room 2047, at the same address.

FOR FURTHER INFORMATION CONTACT: Mr. Windell R. Bradford (see address above), telephone (404) 329-3773 or FTS: 236-3773.

SUPPLEMENTARY INFORMATION: This new subpart will implement a new grant program for fluoridation in accordance with the Public Health Service Act as amended by the Health Services and Centers Amendments of 1978 (Pub. L. 95-626), approved November 10, 1978 and as corrected by Senate Joint Resolution 14 (Pub. L. 96-32), approved July 10, 1979. The purpose of the fluoridation grant program is to assist the State and local agencies in assuring that as many individuals as possible are provided optimally fluoridated water from birth or, where this is not possible because of the lack of a community water system, provide school water supply fluoridation or other adjunctive measures as appropriate. Drinking optimally fluoridated water from birth reduces dental caries by approximately two-thirds. The costs of dental care in children can be reduced by about 50 percent. School water fluoridation and some adjunctive measures, though less effective, are still cost beneficial.

Emphasis is placed on grants to State agencies. Through this mechanism, State level capacity can be built for the promotion, engineering, monitoring, and surveillance aspects of a statewide fluoridation effort. These grantee agencies are required to work with other agencies and organizations which supply potable water to communities and schools, and with appropriate community and professional organizations to achieve the State's goal.

Nothing in the authorizing legislation or in these regulations requires communities to fluoridate. The approach is to provide the community with factual information needed to decide whether to fluoridate, and to provide support for the costs associated with initiating fluoridation programs.

The regulations do contain limitations on certain costs associated with fluoridation programs. For example, support of the cost of chemicals for a newly fluoridated system is generally limited to 2 years, which permits local governing bodies adequate time to budget for such costs in the future.

The fluoridation of community water systems would not assure that all children receive the benefits of fluoridation, since approximately 40 million Americans live in areas where no community water system exists. In these situations, alternative means of fluoridation are encouraged. First and

foremost, the fluoridation of the individual school water system at four and one-half times the level recommended for community water systems is recommended for schools which are not served by a community water system. However, there are situations where this would provide excess fluoride to children that attend that school because their homes are supplied with fluoridated community water. In addition, there are schools supplied by fluoridated community water systems but attended by substantial numbers of children whose homes are not supplied with fluoridated water. These latter children receive very little benefit from their limited use of fluoridated community water while in school, but the other children would receive excess fluoride if the school water were to be adjusted to recommended levels for school systems. In these instances, a request for a cost effective adjunctive fluoride program will be entertained. Adjunctive fluoride programs refers to the application of fluoride by use of fluoride mouth rinses, gels, tablets or other such measures. The regulations permit support for the cost of supplies for such a program for a period not to exceed 2 years.

The Secretary recognizes that the concentration of fluoride in community water at the optimum level, or at four and one-half times the community level in schools, is critical for effectiveness and necessary for safety. Therefore, support is provided for statewide training, monitoring, and surveillance programs to insure maintenance of the correct level of fluoride in all fluoridated community and school water systems.

Draft guidelines for these grants have been distributed to State health departments for review and comment. Utilizing these comments as well as those from the State and territorial dental directors, the American Dental Association, the Association of Public Health Dentists, and other interested groups, final guidelines have been developed. The proposed regulation for these grants, Subpart G—Grants for Fluoridation, incorporates comments already received, based on grant guidelines. Copies of the guidelines are available upon request.

In order to provide a regulatory base prior to the award of grants, the Secretary has determined that it would be contrary to the public interest to follow proposed rulemaking procedures or to delay the effective date of this regulation, and that good cause exists, under 5 U.S.C. 553, for their omission. Nevertheless, comments are invited on this rule. All comments will be

considered and the regulation will be republished and revised as necessary.

Title 42, Part 51b of Code of Federal Regulations, is amended as set forth below.

Dated: September 18, 1979.

Julius B. Richmond,
Assistant Secretary for Health.

Approved: September 19, 1979.

Patricia Roberts Harris,
Secretary.

1. Part 51b, § 51b.101 of Subpart A—General Provisions, is amended to include fluoridation programs. As amended, the section reads as follows:

§ 51b.101 To which programs do these regulations apply?

The regulations of this part apply to grants authorized for childhood immunization, influenza immunization, urban rat control, and fluoridation programs under Section 317 of the Public Health Service Act (42 U.S.C. 247b) and to grants authorized for venereal disease prevention and control under Section 318 (42 U.S.C. 247c).

2. Part 51b is amended by adding the following:

Subpart F—[Reserved]**Subpart G—Grants for Fluoridation**

Sec.

51b.701 To which programs does this subpart apply?

51b.702 Definitions.

51b.703 Who is eligible for a grant under this subpart?

51b.704 What information is required in the application?

51b.705 How will grant applications be evaluated and the grants awarded?

51b.706 How can grant funds be used?

Authority: Sec. 317, Public Health Service Act (42 U.S.C. 247b); sec. 318 (42 U.S.C. 247c).

Subpart F—[Reserved]**Subpart G—Grants for Fluoridation****§ 51b.701 To which programs does this subpart apply?**

The regulations in this subpart apply to the award of project grants under Section 317 of the Act for activities necessary for the fluoridation of community water systems and for school fluoridation.

§ 51b.702 Definitions.

As used in this subpart:

"Adjunctive measures" means measures other than fluoridating water to protect teeth such as fluoride mouth rinses, fluoride tablets, fluoride gels, and pit and fissure sealant.

"Appurtenances" means all necessary accessories to make a fluoride feeder operational, including all applicable plumbing and electrical materials.

"Community fluoridation" means the adjustment of fluoride-deficient water to the optimal fluoride level for a specific geographic area in a community water system.

"Fluoride-deficient water system" means any system with a natural fluoride content which is below the optimal fluoride level for a specific geographic area.

"Monitoring" means the analysis and recording of the fluoride ion content of a water system on a regular basis.

"Optimal fluoride level" means the recommended fluoride level in drinking water in a community water system which is determined by the annual average daily air temperature over a 5-year period. This level is generally between 0.7 and 1.2 parts per million (PPM), in the United States.

"School fluoridation" means either (1) the adjustment of the fluoride-deficient water in an elementary and junior high school water system to 4.5 times the optimal community water level for a geographic region in a school water system not supplied by a community water system or (2) adjunctive fluoride measures when such a school's water supply cannot be fluoridated because:

(a) The school is served by a fluoridated community water system but attended by substantial numbers of children who are not served in their homes by that system, or

(b) The school is served by a nonfluoridated, noncommunity water system but attended by substantial numbers of children served in their homes by a fluoridated community water system.

"Surveillance" means the steps necessary to assure that fluoride test results over a period of time are in compliance with the optimal levels of fluoride for a specific geographic area.

§ 51b.703 Who is eligible for a grant under this subpart?

An applicant must be a State agency, a political subdivision of a State, or any other public agency which is authorized to supply potable water for public consumption.

§ 51b.704 What information is required in the application?

The application for a grant must include a description of the following:

- Background and need for project grant support.
- Specific, measurable long and

short-term objectives for the project, including a definitive time frame for accomplishing each major component of program activity.

(c) The activities which will be utilized in carrying out the fluoridation program, such as public awareness, community organization, installation, monitoring, and surveillance.

(d) A comprehensive and realistic plan for evaluating the project.

(e) A budget and justification for the funds requested.

(f) Any other information which will support the request for grant assistance.

§ 51b.705 How will grant applications be evaluated and the grants awarded?

(a) Special consideration will be given to Statewide programs which propose fluoridation of community water supplies and, where appropriate, school fluoridation activities.

(b) Priority for funding will be based upon the following factors:

(1) Number of additional individuals who will be provided with fluoridation or prevented from imminent discontinuance of their access to fluoridated water systems.

(2) Need for surveillance of presently fluoridated water systems and replacement equipment where necessary.

(3) Overall content of the application, including a description of necessary program activities, appropriateness of the budget's request, continuation assurance, and indications of local support.

§ 51b.706 How can grant funds be used?

Grant funds are available for costs associated with promoting, installing, operating, monitoring, conducting surveillance of, and upgrading fluoridation systems. Unless otherwise specifically justified to the satisfaction of the Secretary, support for the cost of chemicals for a newly fluoridated community or school water system will be limited to a period not to exceed 2 years; system replacement support will be limited to costs of replacement equipment and necessary appurtenances only; and support for adjunctive measures necessary for school fluoridation described in § 51b.702 will be limited to a 2-year expenditure per school and to the cost of the materials only.

[FR Doc. 79-29854 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-98-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 2800 and 3300

Outer Continental Shelf Minerals
Leasing and Rights-of-Way Granting
Programs

AGENCY: Bureau of Land Management,
Interior.

ACTION: Correction notice.

SUMMARY: The final rulemaking published in the Friday, June 29, 1979 (44 FR 38268), *Federal Register*, on Circular No. 2446, contained some errors. This notice is being published to correct these errors.

DATE: Effective on September 26, 1979.

ADDRESS: Any suggestions or inquiries on this notice should be sent to: Director (541), Bureau of Land Management, Department of the Interior, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: William J. Quinn, (202) 343-6906 or Robert C. Bruce, (202) 343-8735.

The corrections are as follows:

1. *Corrections to the Table of Contents:*

A. Entry 3316.5 is corrected to read "Award of leases."

B. Entry 3340.2-1 is corrected to read "Applications."

C. Entry 3340.4 is corrected to read "Assignment of right-of-way."

D. Entry 3340.5 is corrected to read "Relinquishment of right-of-way."

E. Entry 3340.6 is corrected to read "Change of use or flow."

2. Section 3316.3-1(j)(3)(ii)(A) is corrected to read: "(A) Ethane—C₂H₆."

3. Section 3316.3-1(j)(3)(ii)(B) is corrected to read: "(B) Propane—C₃H₈."

4. Section 3316.3-2(a) is corrected by changing the address near the end of the first sentence to read ". . . Director, Bureau of Land Management (Attention 541), Washington, D.C. 20240" The section is further corrected by deleting the sentence, "Statements of Production should be filed with the Director, Bureau of Land Management (Attention 722), Washington, D.C. 20240," because it is redundant.

5. The citation referring to § 3316.4(g) is changed to read "3316.4(h)" where it appears in §§ 3316.3-2(c), 3316.3-2(d), 3316.3-3(e)(1), 3316.3-3(e)(2) and 3316.3-4(b).

6. The last sentence of § 3317.4(c) is changed to read, "The anniversary date of a lease shall not change by reason of any period of lease suspension or rental or royalty relief resulting therefrom."

7. Section 3318.2 is corrected to read, "All bonds furnished by a lessee or

operator shall be on a form approved by the Director."

8. The last phrase of § 3319.9(a) is corrected to read, ". . . the primary term of the lease shall be extended by a period equivalent to the period of the suspension."

9. The last phrase of the first sentence of § 3320.2(d) is corrected to read, ". . . ; and (3) the advantages of cancellation outweigh the advantages of continuing such lease or permit in force."

10. The number of the first section under Subpart 3321 is corrected to read, "3321.1."

11. The reference to the section of the Act in the first sentence of § 3321.1(b) is corrected to read ". . . section 6(a) of the act"

12. The second sentence of § 3340.1(a)(6) is corrected to read, "In order to secure a waiver, the holder shall demonstrate to the satisfaction of the authorized officer that any abandonment in place shall not constitute an unreasonable hazard to navigation, fishing or the marine environment, and the line has been purged to remove materials that, if released, could be harmful to the marine environment."

13. The numbering of the two subparagraphs in § 3340.2-1(d)(3) is corrected to read, "(i)" in place of (1) and "(ii)" in place of (2).

14. The second sentence of § 3340.2-1(e)(1) is corrected to read, "The application shall contain a statement that a copy of the application has been delivered personally or by registered or certified mail to each lessee or right-of-way or easement holder whose lease, right-of-way, or easement is so affected."

15. The section reference on the last line of § 3340.2-1(e)(2) is corrected to read, "§ 3340.2-1(e)(1)."

Daniel P. Beard,

Acting Assistant Secretary of the Interior.

September 20, 1979.

[FR Doc. 79-23881 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS
COMMISSION

47 CFR Parts 1, 81, and 83

Stations on Land and on Shipboard in
the Maritime Services and Alaska—
Public Fixed Stations; Editorial
Amendments

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: This document makes editorial amendments to our rules to update, correct, and remove certain obsolete sections.

EFFECTIVE DATE: September 25, 1979.

ADDRESSES: Federal Communications
Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Kemp J. Beaty, Private Radio Bureau,
(202) 632-7175.

SUPPLEMENTAL INFORMATION:

In the Matter of Editorial amendment
to §§ 1.912, 81.82, 81.64, 83.106, 83.351,
83.359, 83.366 and 83.542 of the Rules;
order.

Adopted: September 10, 1979.

Released: September 13, 1979.

1. Section 1.912 of our rules informs the public where to file various applications. Paragraph (b) refers to ". . . stations (other than ship stations) covered by Part 85" Part 85 is no longer in existence as it was combined with Part 81. We are therefore deleting § 1.912(b) from our rules.

2. Sections 81.82 and 81.64, refer to construction permits. Construction permits are no longer required under Part 81. We are deleting these sections.

3. The simultaneous transmission of ship safety messages by ships on the Great Lakes was permitted on MF and VHF frequencies since the safety system on the Great Lakes was MF. In amending the Commission's rules establishing VHF as the safety system on the Great Lakes, the proviso in § 83.351(c)(3)(ii) was inadvertently overlooked and is now being deleted.

4. Section 83.359 lists the frequencies that are available in the band 156-158 MHz. However, this section does not contain the specific limitations on the uses of these frequencies that appear in § 83.351. We are amending § 83.359 to reflect a reference to § 83.351.

5. Section 83.366(b)(2) of our rules incorrectly refers to 156.3 MHz as an intership working frequency. We are amending this section to correct this reference.

6. An error appears in § 83.542(c) where the term ship's battery was used in lieu of ship's main source of energy. It was our intent to conduct measurements of the primary power and transmitter output with the power supplied by the ship's main source of energy.

7. In view of the foregoing and under the authority of Sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules, we are amending §§ 1.912, 81.82, 81.64, 83.106, 83.351, 83.359, 83.366 and 83.542 as shown in the attached Appendix. Since these amendments are editorial in nature, the

public notice, procedure and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, are not applicable.

8. Regarding questions on matters covered in this document contact Kemp J. Beaty, telephone (202) 632-7175.

9. In view of the above, IT IS ORDERED, That the rule amendment set forth in the attached Appendix ARE ADOPTED effective September 25, 1979.

Federal Communications Commission.

R. D. Lichtwardt,
Executive Director.

Appendix

Parts 1, 81 and 83 of Title 47 of the Code of Federal Regulations are amended as follows:

**A. PART 1—PRACTICE AND
PROCEDURE****§ 1.912 [Reserved]**

Section 1.912(b) is revoked and reserved.

**B. PART 81—STATIONS ON LAND IN
THE MARITIME SERVICES AND
ALASKA PUBLIC FIXED STATIONS****§ 81.62 [Reserved]**

1. Section 81.62 is revoked and reserved.

§ 81.64 [Reserved]

2. Section 81.64 is revoked and reserved.

**C. PART 83—STATIONS ON
SHIPBOARD IN THE MARITIME
SERVICES**

1. Section 83.351(c)(ii) is amended as follows:

§ 83.351 Frequencies available.

(c)
(iii) Prior to initiating a call on the frequencies, a ship station shall first attempt to communicate on the appropriate VHF frequencies. If no reply is received to the call made on VHF, then the frequencies in the band 2000-2850 kHz may be used for authorized communications.

2. Section 83.359 is amended by revising the introductory language to read as follows:

**§ 83.359 Frequencies in the band 156-162
MHz available for assignment.**

The frequencies listed in the following table are available for assignment to stations as indicated. Specific limitations on the use of these frequencies appear in Section 83.351.

3. Section 83.366(b)(2) is amended as follows:

**§ 83.366 General radiotelephone
operating procedure.**

(b)
(2) Except when other operating procedure is used to expedite safety communication, the frequency 156.8 MHz shall be used for call and reply by ship stations and marine utility stations on board ship before establishing communication on one of the intership working frequencies.

4. The introductory language of § 83.542 (c) is amended as follows:

§ 83.542 Radiotelephone transmitter.

(c) When an individual demonstration of the capability of the transmitter is deemed necessary in the judgment of the Commission, measurements of primary supply voltage and transmitter output power shall be made with the equipment drawing energy from the ship's main source of energy, as follows:

[FR Doc. 79-23881 Filed 9-25-79; 8:45 am]
BILLING CODE 6712-01-M

MARINE MAMMAL COMMISSION

50 CFR Part 540

Information Security; Executive Order
12065; Implementing Regulations

AGENCY: Marine Mammal Commission.

ACTION: Final rule.

SUMMARY: On August 10, 1979, the Marine Mammal Commission published, at 44 FR 47123-47124, proposed regulations to implement the policy, program, and procedures of Executive Order 12065 relating to information security. No comments were received and the regulations have therefore been adopted without change.

EFFECTIVE DATE: September 26, 1979.

FOR FURTHER INFORMATION CONTACT: Robert Eisenbud, General Counsel, Marine Mammal Commission, Room 307, 1625 I Street NW., Washington, D.C. 20006, telephone (202) 653-8237.

Accordingly, Chapter V, Marine Mammal Commission, of 50 CFR is amended by adding a new Part 540 as follows:

PART 540—INFORMATION SECURITY

Sec.
540.1 Policy.
540.2 Program.
540.3 Procedures.

Authority: Executive Order 12065.

§ 540.1 Policy.

It is the policy of the Marine Mammal Commission to act in accordance with Executive Order 12065 in matters relating to national security information.

§ 540.2 Program.

The Executive Director is designated as the Commission's official responsible for implementation and oversight of information security programs and procedures. He acts as the recipient of questions, suggestions, and complaints regarding all elements of this program, and is solely responsible for changes to it and for insuring that it is at all times consistent with Executive Order 12065. The Executive Director also serves as the Commission's official contact for requests for declassification of materials submitted under the provisions of Executive Order 12065, regardless of the point of origin of such requests. He is responsible for assuring that requests submitted under the Freedom of Information Act are handled in accordance with that Act and that declassification requests submitted under the provisions of Executive Order 12065 are acted upon within 60 days of receipt.

§ 540.3 Procedures.

(a) *Mandatory Declassification Review.* All requests for mandatory review shall be handled by the Executive Director or his designee. Under no circumstances shall the Executive Director refuse to confirm the existence or non-existence of a document requested under the Freedom of Information Act or the mandatory review provisions of Executive Order 12065, unless the fact of its existence or non-existence would itself be classified under Executive Order 12065. Request for declassification shall be acted upon within 60 days of receipt, providing that the request reasonably describes the information which is the subject of the request for declassification. In light of the fact that the Commission does not have original classification authority and national security information in its custody has been classified by another federal agency, the Executive Director will refer all requests for national security information in its custody to the federal agency that classified it or, if the agency that classified it has either ceased to exist or transferred the information in conjunction with a transfer of functions, to the appropriate federal agency exercising original classification authority with respect to the same subject, for review and disposition in accordance with

Executive Order 12065 and that agency's regulations and guidelines.

(b) *Exceptional Cases.* When an employee or contractor of the Commission originates information that is believed to require classification, the Executive Director shall insure that it is protected in accordance with Executive Order 12065 and shall promptly transmit it under appropriate safeguards to the agency with appropriate subject matter jurisdiction and classification authority for review and action in accordance with the Order and that agency's regulations and guidelines. The Executive Director shall transmit the information to the Director of the Information Security Oversight Office for his determination if it is not clear what agency has the appropriate subject matter jurisdiction and classification authority with respect to that information.

(c) *Derivative Classification.* Derivative classification markings shall be applied to information that is in substance the same as information that is already classified, in accordance with Executive Order 12065, Section 2-1, unless it is determined through inquiries made to the originators of the classified information or other appropriate persons that the paraphrasing, restating, or summarizing of the classified information obviates the need for its classification, in which case the information shall be issued as unclassified or shall be marked appropriately. After verifying the current level of classification so far as practicable, paper copies of such derivatively classified information shall be marked so as to indicate: (1) The source of the original classification; (2) the identity of the Commission employee originating the derivatively classified document; (3) the dates or events for declassification or review for declassification indicated on the classified source material; and (4) any additional authorized markings appearing on the source material.

(d) *Handling.* All classified documents shall be delivered to the Executive Director or his designee immediately upon receipt. All potential recipients of such documents shall be advised of the names of such designees and updated information as necessary. In the event that the Executive Director or his designee is not available to receive such documents, they shall be turned over to the Administrative Officer and secured, unopened, in the combination safe located in the Commission offices until the Executive Director or his designee is available. Under no circumstances shall classified materials that cannot be

delivered to the Executive Director or his designee be stored other than in the designated safe.

(e) *Reproduction.* Reproduction of classified material shall take place only in accordance with Executive Order 12065, Section 4-4, and any limitations imposed by the originator. Should copies be made, they are subject to the same controls as the original document. Records showing the number and distribution of copies shall be maintained, where required by the Executive Order, by the Administrative Officer and the log stored with the original documents. These measures shall not restrict reproduction for the purposes of mandatory review.

(f) *Storage.* All classified documents shall be stored in the combination safe located in the Commission's offices. The combination shall be changed as required by ISOO Directive No. 1, Section IV-F-5-a. The combination shall be known only to the Executive Director and his designees with the appropriate security clearance.

(g) *Employee Education.* All employees who have been granted a security clearance and who have occasion to handle classified materials shall be advised of handling, reproduction, and storage procedures and shall be required to review Executive Order 12065 and appropriate ISOO directives. This shall be effected by a memorandum to all affected employees at the time these procedures are implemented. New employees will be instructed in procedures as they enter employment with the Commission.

(h) *Agency Terminology.* The use of the terms "Top Secret", "Secret", and "Confidential" shall be limited to materials classified for national security purposes.

Dated: September 19, 1979.

John R. Twiss, Jr.,
Executive Director.

[FR Doc. 79-29786 Filed 9-25-79; 8:45 am]

BILLING CODE 6820-31-M

Proposed Rules

Federal Register

Vol. 44, No. 188

Wednesday, September 26, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

CIVIL AERONAUTICS BOARD

[14 CFR Part 378]

[SPDR-74; Docket: 36639; Dated: September 20, 1979]

Nondiscrimination on the Basis of Age

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The CAB proposes new rules to prohibit discrimination against air travelers on the basis of age and to implement the Age Discrimination Act of 1975. The rules would not affect mandatory retirement or other employment policies of airlines, or their practice of giving special discounts to children and senior citizens. This rulemaking is required by the Age Discrimination Act and by the implementing regulations of the Department of Health, Education, and Welfare.

DATES: Comments by: November 26, 1979.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 36639, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: In 1975, Congress enacted the Age Discrimination Act (42 U.S.C. 6101, *et seq.*) as part of the Amendments to the Older Americans Act (Pub. L. 94-135). The express purpose of the Age Discrimination Act was to prohibit

unreasonable discrimination based on age in programs and activities receiving Federal financial assistance.

The original act required the Commission on Civil Rights to conduct a study of age discrimination in Federally funded programs and activities. In October 1978, after receiving this report, the Congress enacted amendments to the act (Pub. L. 95-478). These amendments struck the word "unreasonable" from the statement of purpose clause, so that the purpose of the Age Discrimination Act is now to prohibit discrimination based on age in programs and activities receiving Federal financial assistance. However, Congress retained the exceptions to the prohibition against discrimination. Thus, the act still permits the use of some age distinctions and the use of "reasonable factors other than age" in the provision of services to people.

By its own terms, the Age Discrimination Act does not become effective until the Secretary of Health, Education, and Welfare (HEW) issues general implementing regulations and other agencies issue specific regulations. The HEW regulations were published on June 12, 1979, 44 FR 33768. They require each agency that provides Federal financial assistance to issue proposed and then final rules, and they set standards to be followed in developing these agency-specific rules. Since the Civil Aeronautics Board provides financial assistance to air carriers for the carriage of mail (section 406 of the Federal Aviation Act) and for supplying essential air service to small communities (section 419), we must issue age discrimination rules.

We are not aware that age discrimination is actually a problem for air travelers. Very few members of the public have complained to the Board that a carrier has discriminated against them because of their age. Nevertheless, the Age Discrimination Act indicates that the Board must issue these rules and the extent of the need for them does not appear to be relevant. We would like commenters' views, however, on whether there is impermissible age discrimination by airlines, the extent of the problem, and what activities need to be regulated.

Most of the significant problems involving age distinctions by the airline industry are either not covered by the Age Discrimination Act or are

specifically exempted from it. For example, the act does not cover employment practices of air carriers. Employment discrimination is dealt with by the Age Discrimination in Employment Act, 29 U.S.C. 621 *et seq.* That statute prohibits employment discrimination against persons between the age of 40 and 70. Individuals who feel they are victims of job discrimination on account of their age, such as airline pilots objecting to mandatory retirement, cannot obtain relief from the Civil Aeronautics Board under the Age Discrimination Act or the rules proposed here.

This act also does not affect special discounts that airlines often offer to children or senior citizens. Section 90.49(c) of HEW's implementing regulation (45 CFR 90.49) states that a recipient operating a program that serves the elderly or children in addition to persons of other ages may provide special benefits to the elderly or children, if that does not have the effect of excluding otherwise eligible persons from participation in that program. On the basis of that section, the Board proposed in § 378.5(a) to exempt special discounts for children and senior citizens from the prohibition against age discrimination. A discussion of the Board's tentative policy on air carrier price discrimination in general appears in PSDR-58 (44 FR 21816; April 12, 1979).

Finally, this proposed rule would not require air taxis or other operators of small aircraft to make structural modifications in their aircraft in order to accommodate small children or the elderly. The HEW implementing regulation indicates, at 45 CFR 90.15, that a carrier may take an action that excludes some people from or denies them benefits of air travel, if that action "is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages." Such action would be justified if the action bore "a direct and substantial relationship to the normal operation of [the carrier] or to the achievement of a statutory objective." The Board tentatively concludes that, although use of small aircraft could possibly impair some elderly people's access to air transportation, the use of such aircraft is directly and substantially related to the normal operation of air taxis and other operators of small aircraft, and to these

carriers' ability to provide essential air service to small communities as required by section 419 of the Federal Aviation Act. Nevertheless, the Board is concerned about the accessibility of air transportation for all persons. The problem of access to small aircraft is already being considered in our rulemaking about discrimination against handicapped persons (SPDR-70, 44 FR 32401, June 6, 1979.)

The proposed rule is based largely on the HEW implementing regulation. The only major difference is that we propose to apply our rule to all air carriers, not merely to those receiving Federal financial assistance. There appears to be no reason to limit it to the minimum coverage required by the Age Discrimination Act. The Board has broad authority under section 404 of the Federal Aviation Act to adopt rules about unjust discrimination. If there is age discrimination in the airline industry, the extent of the harm does not depend on the source of a carrier's funds. The proposal is framed in the alternative, however, and the Board specifically requests comments on the issue of the rule's applicability.

In other respects the Board's proposal follows the HEW implementing regulation. It would prohibit air carriers from discriminating on the basis of age in the provision of air transportation (§ 378.4) but would specify four exceptions to this general prohibition (§ 378.5). The burden of proving that a discriminatory action falls within one of these exceptions would be on the air carrier.

Carriers would also have to complete a written self-evaluation of compliance with the Age Discrimination Act, and when requested, provide the Board and the public with information, including the self-evaluations, to determine whether there has been a violation of the act or of the Board's rules. The Board could use this information to review the practices of air carriers to ensure that they are in compliance. These compliance reviews could be conducted even if there have been no complaints against the carrier.

Proposed § 378.9 establishes the procedure for filing complaints charging age discrimination. Five copies of a complaint must be filed in the Board's Docket Section, usually within 180 days after the complainant first learns of the act alleged to be discriminatory. Although complaints should conform to the Board's requirements for filing of documents set forth at 14 CFR 302.3, we would be flexible in accepting complaints that identify the parties, describe generally the act or practice

complained of, and are signed by the complainant.

When a complaint is filed, every effort would be made to resolve the problem without formal proceedings. All matters would first be referred to a mediator who would meet with the complainant and a carrier representative in an effort to find grounds for agreement. The Secretary of HEW has designated the Federal Mediation and Conciliation Service as the agency to manage mediation activities. If mediation failed, the Board would make another effort to resolve the differences by conducting an informal conference involving the complainant, the carrier, and a representative of the Board. Only if mediation and the informal conference failed to solve the problem would an enforcement proceeding be considered.

If no enforcement action had been brought within 180 days after the filing of the administrative complaint, or if the Board issued a finding in favor of the air carrier, the complainant could bring a civil action in the United States District court in any district where the air carrier is found or transacts business. If the complainant intended to seek attorneys' fees in that action, they would have to be demanded in the complaint. Before filing suit, the complainant would first have to give notice of the intention to do so to the parties listed in proposed § 378.18(a)(2).

If the Board found that a carrier had discriminated, there would be several ways that it could enforce compliance with the act. The act empowers the Board to terminate the carrier's financial assistance if it is receiving payments from the Board. The payments could be terminated only after the carrier had had an opportunity for a hearing.

The Board could also effect compliance by deferring the grant of new financial assistance to the discriminating carrier. New assistance would not include an increase in assistance resulting from a change in how it is computed. Unless there were a finding of discrimination against the air carrier, the deferral could be effective for only a limited period of time.

The HEW implementing regulation permits the Board to "use any other means authorized by law" to enforce its rules. We would retain the option to use all our customary enforcement procedures including issuing an order of compliance, assessing civil penalties, or seeking injunctive relief from a court since violations of the Age Discrimination Act would also be violations of section 404 of the Federal Aviation Act. The compliance order could be framed to provide the relief most suitable to the particular case. It

could require the carrier to take some remedial action or to cease and desist its discriminatory practice. The civil penalty option would be particularly important if there are cases of discrimination by carriers that are not receiving any subsidy, because those carriers are not subject to the Age Discrimination Act.

Accordingly, the Civil Aeronautics Board proposes to amend Chapter II of 14 CFR by adding a new Part 378, *Nondiscrimination on the Basis of Age*, to read:

PART 378—NONDISCRIMINATION ON THE BASIS OF AGE

Subpart A—General Provisions

Sec.

- 378.1 Purpose.
- 378.2 Applicability.
- 378.3 Definitions.
- 378.4 Discrimination prohibited.
- 378.5 Exceptions to the prohibition against age discrimination.
- 378.6 Burden of proof.
- 378.7 Air carrier self-evaluations.
- 378.8 Information requirements.

Subpart B—Compliance

- 378.10 Compliance reviews.
- 378.11 Complaints.
- 378.12 Mediation.
- 378.13 Informal Investigation.
- 378.14 Enforcement proceedings.
- 378.15 Procedure for effecting compliance.
- 378.16 Alternate funds disbursement procedure.
- 378.17 Remedial action by air carriers.
- 378.18 Civil action by the complainant.
- 378.19 Prohibition against intimidation or retaliation.

Authority: Age Discrimination Act of 1975, 89 Stat. 728 (42 U.S.C. 6101 *et seq.*) Sections 204, 404, 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 760, 789 (49 U.S.C. 1324, 1374, 1381)

Subpart A—General Provisions

§ 378.1 Purpose.

The purpose of this part is to prevent unjust discrimination based on a person's age by air carriers and to implement the Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

§ 378.2 Applicability.

(a) This part applies to all certificated air carriers and air taxi operators in all their operations in air transportation. [ALTERNATIVE PROPOSAL: This part would apply only to air carriers receiving financial assistance from the Board under section 406 or section 419 of the Federal Aviation Act.]

(b) This part does not apply to any employment practice, such as mandatory retirement, of any air carrier.

§ 378.3 Definitions.

As used in this part:

"Age distinction" means any action using age or an age-related term.

"Age-related term" means a word or phrase that necessarily implies a particular age or range of ages (examples: "children," "adult," "older person," but not "student").

"Normal operation" means the operation of a program or activity or the provision of air transportation by an air carrier without significant changes that would impair its ability to meet its objectives.

§ 378.4 Discrimination prohibited.

A carrier shall not, on the basis of age, directly or through contractual, licensing, or other arrangement, exclude any persons from participation in, deny them the benefits of, or otherwise subject them to discrimination in the provision of, air transportation or related services.

§ 378.5 Exceptions to the prohibition against age discrimination.

An air carrier may take an action that is otherwise prohibited by § 378.4 in any of the following cases:

(a) The air carrier is providing special benefits or discounts to the elderly or to children.

(b) The air carrier is applying an age distinction that is established by a Federal, State, or local statute or ordinance that—

(1) Provides benefits or assistance to persons based on age;

(2) Establishes criteria for participation in age-related terms; or

(3) Describes intended beneficiaries or target groups in age-related terms.

(c) The air carrier's action is based on a factor other than age, even though that action may result in reduced services or benefits to a particular age group. This exception applies only if the factor bears a direct and substantial relationship to the normal operation of the air carrier or to the achievement of an objective of a program or activity expressly stated in a Federal, State, or local statute or ordinance.

(d) The air carrier's action reasonably takes into account age as a factor necessary to its normal operation or to the achievement of an objective expressly stated in a Federal, State, or local statute or ordinance. An action reasonably takes into account age as a factor if—

(1) Age is being used as a measure or approximation of some other characteristic;

(2) The other characteristic must be measured or approximated in order for the carrier's normal operation to

continue, or to achieve the statutory objective;

(3) There is a close relationship between the other characteristic and age; and

(4) The other characteristic cannot be directly measured on an individual basis.

§ 378.6 Burden of proof.

The burden of proving that an age distinction falls within an exception set forth in § 378.5 shall be on the air carrier.

§ 378.7 Air carrier self-evaluations.

(a) Each air carrier employing the equivalent of 15 or more full-time employees shall complete a written evaluation of its compliance with this part within 18 months after the effective date of this part.

(b) Each carrier's self-evaluation shall identify and justify each age distinction that the carrier imposes in its program or activities.

(c) Each carrier shall make its self-evaluation available on request to the Board and to the public for a period of 3 years after its completion.

(d) Each air carrier shall take corrective and remedial action whenever a self-evaluation indicates a violation of this part.

§ 378.8 Information requirements.

(a) Each air carrier shall provide to the Director of the Bureau of Consumer Protection on request any information necessary to determine whether it is complying with this part.

(b) Each air carrier shall also permit reasonable access by the Director of the Bureau of Consumer Protection to its books, records, accounts, and other sources of information to the extent necessary to determine whether it is in compliance with this part.

Subpart B—Compliance

§ 378.10 Compliance reviews.

(a) The Board may at any time review the practice of air carriers to determine whether they are complying with this part.

(b) These reviews may be conducted even if there have been no complaints filed against a carrier. They may be as comprehensive as necessary to determine whether a violation of this part has occurred.

(c) If the review indicates a violation of this part, the Board will attempt to obtain voluntary compliance from the carrier. If voluntary compliance cannot be obtained, the Board will arrange for enforcement as described in § 378.14.

§ 378.11 Complaints.

(a) Any person, individually or as a member of a class, may file a complaint with the Board alleging discrimination prohibited by this part.

(b) The complaint shall be filed within 180 days after the complainant first has knowledge of the alleged act of discrimination, unless the Board extends the time of filing.

(c) The complaint shall conform to the requirements of § 302.3 of this chapter concerning the form and filing of documents except that the Board will:

(1) Accept as a sufficient complaint any written statement that identifies the parties involved, describes generally the action or practice complained of, and is signed by the complainant;

(2) Permit amendment of the complaint to meet the requirements of a sufficient complaint, and consider an amended complaint filed on the date it receives the amendment; and

(3) Accept a complaint with fewer than 5 copies.

§ 378.12 Mediation.

(a) All complaints that fall within the scope of this part and contain all information necessary for further processing will be referred to the Federal Mediation and Conciliation Service or any other mediation agency designated by the Secretary of Health, Education and Welfare.

(b) Both the complainant and a representative of the air carrier involved shall participate in the mediation process to the extent necessary to reach agreement or allow the mediator to decide that an agreement is not possible.

(c) If the complainant and the recipient reach an agreement, the mediator shall submit a written statement of the agreement, signed by the complainant and the carrier representative, to the Board. The Board will take no further action on the complaint unless either party fails to comply with the agreement.

(d) Mediation shall end as soon as any of the following occurs:

(1) Sixty days have passed from the time that the Board received the complaint;

(2) An agreement between the complainant and the air carrier is reached; or

(3) Prior to the end of the 60-day period, the mediator determines that an agreement cannot be reached. The Board will not accept such a determination unless each party has had at least one meeting with the mediator.

§ 378.13 Informal investigation.

(a) The Board will investigate complaints that are not resolved after

mediation or that are reopened because of an alleged violation of the mediation agreement. The informal investigation shall include an informal conference between the complainant and representatives of the Board and the carrier involved.

(b) If the informal conference results in agreement between the complainant and the carrier, the agreement shall be reduced to writing and signed by the parties to the conference and the Board will not process the complaint further.

§ 378.14 Enforcement proceedings.

Whenever the Board or the Director of the Bureau of Consumer Protection determines that there are reasonable grounds to believe that there has been a violation of this part or when efforts to settle a complaint under §§ 378.12 and 378.13 have failed, the Director will institute an investigation of any or all of the alleged violations and, if warranted, will start a formal enforcement proceeding under Part 302 of this chapter.

§ 378.15 Procedure for effecting compliance.

(a) The Board may enforce this part by taking any of the following measures:

(1) Terminating an air carrier's financial assistance from the Board. The termination will be limited to the particular program or activity receiving Federal financial assistance that is found to be in violation of this part. The termination will be made only after the air carrier has had an opportunity for a hearing on the record.

(2) Deferring the grant of new Federal financial assistance for which an application for approval, renewal, or continuation is filed. A deferral will not begin until the air carrier has received notice of its opportunity for a hearing, and will not continue for more than 60 days unless a hearing has begun or the time for its beginning has been extended by mutual consent of the air carrier and the Board. A deferral also will not continue for more than 30 days after the close of the hearing, unless the hearing results in a finding against the air carrier.

(3) Issuing an order of compliance specifying remedial action to be taken by the carrier or requiring it to refrain from its discriminatory practice.

(4) Assessing civil penalties or using any other means authorized by law.

(b) No action under paragraphs (a)(1) or (a)(2) of this section to enforce the Age Discrimination Act will be taken until both of the following have occurred:

(1) The Board has advised the air carrier of its failure to comply with this

part and has determined that voluntary compliance cannot be obtained; and

(2) Thirty days have elapsed after the Board has sent a written report of the grounds for the Board action to the Congressional committee having jurisdiction over the activity involved.

§ 378.16 Alternative funds disbursement procedure.

If the Board withholds funds under § 378.15, it may pay those funds to another qualified air carrier that can demonstrate the ability to achieve the goals of section 406 or section 419 of the Act, as applicable.

§ 378.17 Remedial action by air carriers.

(a) If an air carrier is found to have discriminated on the basis of age, it shall take any remedial action that the Board may require to overcome the effects of the discrimination.

(b) Even in the absence of a finding of discrimination, an air carrier may take affirmative action to overcome the effects of conditions that limit, for age-related reasons, participation in its programs or activities on the basis of age.

§ 378.18 Civil action by the complainant.

(a) A complainant may bring a civil action for injunctive relief under the Age Discrimination Act in a United States District Court for any district in which the air carrier is found or transacts business only after administrative remedies have been exhausted and proper notice has been given. These requirements are met when—

(1) The Board issues a finding in favor of the carrier or 180 days have passed since the complaint was filed and the Board has made no finding concerning that complaint; and

(2) Thirty days have passed since the complainant sent by registered mail to the Secretary of Health, Education, and Welfare, the Attorney General of the United States, the Board, and the air carrier involved, a notice that states the alleged violation of the Age Discrimination Act, the relief requested, the court in which the action will be brought, and whether attorney's fees are demanded in the event the complainant prevails.

(b) No civil action shall be brought under paragraph (a) of this section if the same alleged violation of the Age Discrimination Act by the same air carrier is the subject of a pending action in any court of the United States.

§ 378.19 Prohibition against intimidation or retaliation.

An air carrier shall not engage in acts of intimidation or retaliation against any person who—

(a) Attempts to assert a right protected by this part; or

(b) Cooperates in any mediation, investigation, hearing, or other part of the Board's investigation, conciliation, and enforcement process.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-29688 Filed 9-25-79; 8:45 am]

BILLING CODE 6320-01-M

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1201]

Safety Standard for Architectural Glazing Materials; Proposed Partial Revocation of Standard Concerning Accelerated Environmental Durability Testing of Plastic Glazing Materials; Withdrawal of Previously Proposed Amendment

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed partial revocation of rule and withdrawal of previously proposed amendment.

SUMMARY: The Consumer Product Safety Commission proposes to partially revoke the Safety Standard for Architectural Glazing Materials by eliminating the requirement that plastic glazing materials comply with an accelerated environmental durability test. The Commission is proposing this partial revocation because it has preliminarily determined that the accelerated environmental durability test for plastic glazing materials is not reasonably necessary to eliminate or reduce the unreasonable risk of injury associated with the use of the product. The proposed partial revocation does not affect any other type of glazing material subject to the standard. This proposed partial revocation also withdraws a proposed amendment on the same subject published on October 3, 1977.

DATES: (1) Written comments concerning the proposed partial revocation should be submitted by November 26, 1979. Comments received after this date will be considered to the extent practicable. (2) There will be an opportunity for interested persons to orally present data, views, or arguments on October 23, 1979 at 9:30 AM in the Commission's hearing room. Those wishing to make oral presentations should notify the Office of the Secretary in writing by October 10, 1979. A summary or copy of the testimony is to be submitted to the

Office of the Secretary by October 16, 1979.

EFFECTIVE DATE: The Commission specifically solicits comments and information concerning the appropriate effective date for the partial revocation.

ADDRESS: Comments should refer to "Plastic Glazing" and should be sent, preferably in five copies, to: Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments and other material pertaining to the proposed partial revocation may be seen in, or copies obtained from, the Office of the Secretary, 1111 18th Street, N.W., 3rd floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Harry I. Cohen, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6453.

SUPPLEMENTARY INFORMATION:

Background

On January 6, 1977, the Consumer Product Safety Commission issued the Safety Standard for Architectural Glazing Materials (16 CFR 1201) to eliminate or reduce unreasonable risks of injury associated with architectural glazing materials and certain products incorporating those materials (42 FR 1428, January 6, 1977). The standard prescribes tests to insure that glazing materials used in certain architectural products either do not break when impacted with a specified energy, or break with such characteristics that they are less likely to present an unreasonable risk of injury than other glazing materials. The standard became effective on July 6, 1977.

The standard prescribes accelerated environmental durability tests for laminated glass, organic coated glass, and plastic glazing materials. The purpose of the accelerated environmental durability test procedures (as well as the other test procedures) in the standard is to specify how the Commission will conduct testing to determine compliance with the requirements of the standard.

The accelerated environmental durability test for plastics includes specifications for the test specimen, the test equipment, the required time of exposure of the specimen, and the criteria for determining whether the specimen passes the test. Plastic glazing materials (other than those intended only for indoor use) are required to undergo a simulated (accelerated) weathering test in which test specimens are exposed in a xenon arc Weather-Ometer for a period of 1200 hours, 16 CFR 1201.4(d)(2)(ii)(A). The Weather-

Ometer is used to simulate the effects of outdoor exposure.

The test criterion is intended to insure that plastic glazing materials, after exposure to simulated outdoor conditions, continue to retain a portion of their original impact strength. The impact strength is tested using a device commonly called a "Charpy impact testing machine".¹

After the required period of exposure in the xenon arc Weather-Ometer, the specimens are tested in the Charpy impact testing machine and the results are compared with the test results of unexposed specimens. Plastic glazing material passes the test if the impact strength of the exposed specimens is at least 75 percent of the impact strength of the unexposed specimens, as measured by the Charpy method. 16 CFR 1201.4(e)(2)(ii)(A).

The requirement that plastic glazing materials be exposed in the xenon arc Weather-Ometer for a period of 1200 hours was included in the standard issued on January 6, 1977 on the basis of estimates that such exposure period was equivalent to 2000 hours of exposure in the twin carbon arc Weather-Ometer, a device then used by many testers to simulate the effects of outdoor exposure; and to 375,000 langley of solar irradiation, which is estimated to be in the range of two to three years of outdoor exposure in Florida.

While mandating exposure in the xenon arc Weather-Ometer as part of the environmental durability test, the Commission explicitly recognized that the technical knowledge in this area was evolving. For example, the Commission, at the time, was aware of an interlaboratory testing program underway to study the area of accelerated environmental durability testing sponsored by the American National Standards Institute (ANSI). The Commission believed that the results of the testing program could alter or refine the equivalent exposures on which the standard's test requirements were based, and therefore stated in the preamble to the standard that it "may consider amending the exposure requirements for the xenon arc Weather-Ometer" (43 FR 1437, January 6, 1977).

In March 1977, the Commission received a petition (CP 77-11) from the Plastic Safety Glazing Committee (PSGC) requesting an amendment to the standard (which was not yet in effect) to require plastic glazing material to be

¹ This apparatus is described in method B, "Simple Beam (Charpy-type) Test", ASTM D 256-73, "Test for Impact Resistance of Plastics and Electrical Insulating Materials, issued November 27, 1973 by the American Society for Testing and Materials, Philadelphia, PA.

exposed for a period 2000 hours in the twin carbon arc Weather-Ometer, rather than 1200 hours in the xenon arc Weather-Ometer. In issuing the standard the Commission had considered this alternative but had rejected it because it believed the xenon arc Weather-Ometer provided a fairer, more universal test for the full range of plastic glazing materials then on the market or likely to be developed. As an alternative to the change recommended in Petition CP 77-11, petitioner suggested that the Commission increase the period of exposure in the xenon arc apparatus to 3480 hours, a period the petitioner believed better simulated 375,000 langley of solar irradiation.

While the Commission was considering the petition, preliminary results from the ANSI interlaboratory testing program became available which indicated that the requirement for 1200 hours exposure in the xenon arc Weather-Ometer did not produce the equivalent exposure it was intended to produce. Accordingly, the Commission proposed in the Federal Register of October 3, 1977 to amend the standard to increase the period of exposure to 3480 hours as requested in Petition CP 77-11 (42 FR 53799-80).

The October 3, 1977 proposed amendment, however, has not been issued as a final rule. In the Federal Register of September 28, 1978 (43 FR 43707-08), the Commission stated that it was declining to finalize the proposed amendment because the ANSI interlaboratory testing program was still not yet completed. Information available to the Commission indicated that while increasing the period of exposure in the xenon arc Weather-Ometer would make the exposure more nearly equivalent to 375,000 langley of solar irradiation (and 2000 hours in the twin carbon arc Weather-Ometer), the Commission was concerned that the results of the ANSI study might support some period of exposure in the xenon arc Weather-Ometer other than 3480 hours.

By proposing the partial revocation set forth below, the Commission withdraws the October 3, 1977 proposal.

Petitions and Related Requests

There are currently pending with the Commission two petitions and a request for a temporary stay of enforcement concerning the accelerated environmental durability test for plastic glazing materials.

On September 13, 1977, APC Corporation, of Hawthorne, New Jersey (APC) filed a petition (CP 78-2) requesting amendment of the environmental durability test to require that tested specimens have a minimum

impact strength, with and without exposure in the Weather-Ometer, in order to pass the test. APC did not recommend any specific minimum impact strength.

The present environmental durability test provides that the impact strength of the exposed specimens must be at least 75 percent of the impact strength of the unexposed specimens as measured by the Charpy impact testing machine. No minimum value is specified in the standard.

APC asserts that certain plastic glazing materials have a sufficiently high initial impact strength such that the materials' absolute impact strength after exposure in the Weather Ometer, even though less than 75 percent of the original value, is sufficient to assure safety throughout the period of the product's expected use. APC maintains that the effect of the present standard is to exclude from the market plastic glazing materials which pose no risk of injury to consumers. According to the petitioner, these materials include polycarbonates, certain poly-vinyl chlorides, certain rubbery copolymers, and mixtures and blends of these materials. In support of the petition, APC cited its experience with a polyvinyl chloride sheet marketed under the trade name "Kleer-Vin", that as measured by the Charpy method, loses approximately half its impact strength after four years' weathering, but retains its properties to such an extent that the "usability" of the product is not adversely affected.

On April 22, 1978, the Richardson Company, Polymeric Systems Division, of Madison, Connecticut (Richardson) filed a request for a temporary stay of enforcement of the accelerated environmental durability test for plastics, pending resolution of the issues raised by Petition CP 78-2 and the Commission's October 3, 1977 proposed amendment discussed above. Richardson requested the stay in order to permit the marketing of a plastic material manufactured by the firm and used as a raw material for plastic architectural glazing materials, that according to Richardson, fails the present environmental durability test for plastics. Richardson states that the impact strength of the product (methyl methacrylate styrene, marketed under the trade name "GL-200"), when tested in the Charpy impact testing machine after exposure in the xenon-arc Weather Ometer, may be less than 75 percent of the original impact strength of the material. Richardson asserts, nevertheless, that the sheet extruded from GL-200 is a safe, cost effective

product that does not present a risk of injury to consumers. Richardson claims that when broken, GL-200 does not form sharp edges that can cause lacerations or other injuries, and that this characteristic is not changed by environmental exposure.

Richardson thus takes essentially the same position as APC (petitioner in CP 78-2) that the environmental durability test for plastics is based on an arbitrary assumption; namely that a more than 25 percent loss of impact strength necessarily renders a product unsafe. APC and Richardson claim that their products have sufficient initial impact strength such that as applied to their products, the environmental durability test is not a reasonable test of safety characteristics.

On November 14, 1978, the Plastic Safety Glazing Committee (PSGC) filed a petition (CP 79-5) requesting amendment of the environmental durability test for plastics to eliminate the requirement for exposure in the xenon-arc Weather Ometer and require instead, actual outdoor weathering.

PSGC believes that the present provision is not sufficiently stringent to preclude the use of certain plastic materials that do not retain sufficient impact strength after exposure. PSGC believes that under the present requirement for exposure in the xenon-arc Weather-Ometer, the exposure period would need to be increased from 1200 hours to at least 4500 hours to better approximate three years of actual exposure. (In Petition CP 77-11, discussed above PSGC had recommended 3480 hours as the exposure period.) However, PSGC maintains that the general lack of correlation between simulated weathering devices, including the xenon-arc Weather Ometer, and actual weathering renders such devices inappropriate to test the environmental durability of plastics. PSGC believes that only a test which requires natural outdoor weathering can provide sufficient confidence that plastics are safe when exposed to actual conditions of use. PSGC recommends that the standard require three years of actual outdoor weathering of specimens in Florida and Arizona. The three year period represents PSGC's estimate of the period during which plastic glazing materials will remain functional. During the period while the three year test is underway, PSGC recommends that specimens be subject to 4500 hours exposure in the xenon-arc Weather Ometer as an interim test requirement.

In summary, the Commission has under consideration a proposed amendment, two petitions, and a related

request for a stay of enforcement concerning environmental durability testing of plastic glazing materials.

The proposed amendment (published October 3, 1977 and deferred September 28, 1978) would increase the period of exposure in the xenon-arc Weather Ometer from 1200 hours to 3480 hours.

Petition CP 78-2 (APC) and the related request for a stay of enforcement from Richardson assert that the present test, which measures loss of impact strength, is based on an arbitrary assumption of the test's relationship to safety and unfairly excludes certain plastic materials from the glazing market that do not present an unreasonable risk of injury to consumers. APC requests that the Commission revise the present test to specify a minimum impact strength as the test criterion.

Petition CP 79-5 (PSGC) claims that the present requirement for 1200 hours exposure in the xenon-arc Weather Ometer is not stringent enough to exclude plastic glazing materials which do not retain sufficient impact strength after weathering; and is an inappropriate test of safety characteristics because of the lack of correlation between simulated weathering devices and actual outdoor weathering. PSGC therefore recommends that the Commission revise the test to specify actual outdoor weathering.

The partial revocation proposed below would remove from the standard the provision to which Petition CP 78-2, CP 79-5, and the request for a stay of enforcement are addressed. The partial revocation would therefore preclude the Commission from taking the action requested by the petitioners and has the effect of denying the petitions. Section 10(d) of the Consumer Product Safety Act (15 U.S.C. 2059(d)) requires the Commission to publish in the Federal Register its reasons for such denial. This notice shall constitute the required notice under section 10(d).

As discussed above, Richardson seeks a stay of enforcement of the accelerated environmental durability test for plastics, pending resolution of the issues addressed here. The Commission believes such a stay of enforcement is within its discretion and could be granted under certain limited circumstances, such as where there is compelling evidence that enforcement would cause serious economic harm to an affected party. In such circumstances, there would also need to be a showing that the safety of consumers would not be adversely affected by the granting of a stay and that the granting of a stay would not result in unfairness to other affected

parties. In the present circumstances, no such compelling evidence for issuance of a stay has been presented. Accordingly, the Commission has decided to deny Richardson's request for a stay of enforcement.

The Relationship of Accelerated Environmental Durability Testing To Safety

As provided in section 9(e) of the Consumer Product Safety Act (15 U.S.C. 2058(e)), in order to revoke a consumer product safety rule, in whole or in part, the Commission must determine that the rule is not "reasonably necessary" to eliminate or reduce an unreasonable risk of injury associated with the product. In the case of a test requirement in a safety standard, the Commission must determine that the test is not a reasonable criterion on which to judge whether a product subject to the standard presents an unreasonable risk of injury.

The standard's present requirements for accelerated environmental durability testing of plastics were issued to insure that plastic glazing materials will not lose their safety related performance characteristics (i.e., impact strength or breakage characteristics or both) over time as a result of environmental exposure. The Commission concluded, on the basis of the information available to it at the time, general assumptions about the behavior of plastic materials, and general engineering principles that "any change in impact strength of a plastic glazing material after accelerated environmental exposure could indicate that there would be a significant change in mechanical characteristics of that glazing material due to weathering during use."

[42 FR 1437, preamble to standard.] Such long term changes, it was concluded, could affect the long term breakage characteristics of the glazing material, and, therefore, its safety performance.

The Commission included the Charpy impact test method to measure reduction in impact strength because this method had an established and recognized history as a standard engineering test method. The permitted decrease in the impact strength of 25 percent was estimated to be the maximum decrease in the impact strength that could be permitted in the test without the expectation of a serious decrease in actual long term impact strength.

The Commission specified exposure in the xenon-arc Weather Ometer as the method to simulate actual exposure because it believed that a xenon-arc provided a fairer, more universal test than alternative test devices or methods

(e.g. the twin carbon arc Weather Ometer) for the full range of plastic glazing materials then on the market or likely to be developed. This belief was based on comparisons of the spectra of the xenon-arc as compared with the sun, and on the phenomenon of selective spectral absorption by glazing materials.

The participants in the standard development proceeding which led to the adoption of the present standard (the Commission's staff and the Consumer Safety Glazing Committee, the organization that served as the "offeror" under section 7 of the Consumer Product Safety Act), as well as a substantial portion of the glazing industry, agreed that it was necessary to provide a test to insure that plastic glazing materials not lose impact strength over time as a result of environmental exposure. The information on which the Commission based the test requirements for plastics reflected the "state of the art" and represented a broad consensus of the interested parties. In addition, information available to the Commission at the time the standard was issued indicated that no plastic material suitable for architectural glazing applications, with the exception of polystyrene, would fail to comply with the test, and thus be eliminated from the outdoor safety glazing market. There was general agreement at that time among members of the industry, that polystyrene should be excluded in "hazardous locations" where it would be exposed to unfiltered sunlight.

As discussed above, the Commission recognized that the technical knowledge in the area was evolving when it issued the standard and when it considered and then deferred action on an amendment to increase the period of exposure in the xenon-arc Weather-Ometer. In so deferring, the Commission specifically cited lack of definitive test results to show that exposure in the xenon-arc Weather-Ometer could be correlated either with actual outdoor exposure or with exposure in other simulated weathering devices.

This correlation is important in order to assure that the test fairly and reasonably measure the safety performance of the variety of plastic glazing materials to which the standard applies. A fair and reasonable performance test method should not have the effect of placing an additional "artificial" burden on a particular type of material, or on all materials subject to the test, that is not reasonably related to actual conditions of use.

The ANSI interlaboratory testing program examining these issues has not yet concluded its work. However,

further preliminary results available to the Commission show that weathering devices alter plastic specimens in a unique way depending on the type of device used and the type of plastic exposed. Further, the ANSI program does not include for testing several of the plastic materials that are currently candidates for use as architectural glazing materials, including polyvinyl chloride and copolymers of acrylic and styrene. The Commission believes, therefore, that it is unlikely that testing will establish a correlation between simulated weathering devices, including the xenon-arc Weather-Ometer, and actual outdoor weathering. Rather, the ANSI program will likely show that simulated weathering devices unfairly burden certain types of plastic. This result prevents these tests as a group from providing a meaningful measure of the performance characteristics of the full range of plastic materials that are currently candidates for use as architectural glazing materials. This conclusion is supported by the Plastic Safety Glazing Committee in Petition CP 79-5.

In addition to the correlation problem, the Commission's reevaluation of the standard indicates that the Charpy method of measuring impact strength in combination with the use of the xenon arc weather-ometer does not adequately measure safety characteristics of plastic glazing material. While the standard prohibits more than a specified decrease in impact strength, it does not require a minimum absolute impact strength, or minimum acceptable breakage characteristics, both of which are important elements in determining safety characteristics. The inclusion of the present requirement in the standard was chiefly based on the assumption that any change in impact strength of a material after accelerated environmental exposure could indicate a significant change in mechanical characteristics, which in turn, could affect breakage characteristics. However, empirical support for this assumption has not been developed through testing conducted since the standard has been in effect. Further, it now appears that inclusion of the test may have the effect of excluding certain products from the safety glazing market. Without a stronger demonstration of relationship to safety, this effect does not appear warranted.

Accordingly, the Commission believes that the present environmental durability test is not a reasonable test to determine or estimate the effects of actual outdoor weathering on the safety characteristics of plastic glazing

materials, and thus is not a reasonable criterion on which to judge whether a particular glazing material may present an unreasonable risk of injury after a period of actual use.

In view of the problems associated with the accelerated environmental durability tests discussed above, the Commission has carefully considered the alternative of actual outdoor weathering as the means for testing the environmental durability of plastic glazing materials. Such a test would have the advantage of eliminating most of the problems of lack of correlation with conditions of actual use by taking into account environmental factors such as atmospheric pollutants, dust, and temperature changes which could have an effect on the material.

The factors of time and cost, however, have a bearing on the Commission's consideration of actual outdoor weathering as an alternative to the present requirements.

The purpose of the test procedures in the standard is to specify how the Commission will conduct compliance testing. In the absence of a rule under section 14(b) of the Consumer Product Safety Act (15 U.S.C. 2063(b)) prescribing a reasonable testing program which manufacturers must conduct for products subject to a consumer product safety standard, such compliance testing is a prerequisite for any Commission legal action to enforce the standard.

The length of time required to conduct actual outdoor weathering would eliminate recall of noncomplying products as a practical enforcement mechanism. During the three years required to conduct the test, almost all of the products affected by the test could be expected to reach the ultimate consumers. Further, actual outdoor weathering is expensive and would be expected to increase substantially the costs of the Commission's compliance program for architectural glazing.

In view of the above and the fact that the Commission is not aware of any test data or other information showing the extent, if any, to which actual outdoor weathering affects the safety characteristics of plastic glazing material, the Commission does not believe actual outdoor weathering is an appropriate test method for inclusion in the standard.

Information on Consumer Injuries Associated with Plastic Glazing Materials

The Commission has reviewed data on injuries associated with plastic glazing materials. Preliminary analysis of 1978 injury data indicates that

between 130 and 450 injuries treated in emergency rooms were "associated with" plastic panels within the scope of the standard. However, the number of injuries involving broken plastic was estimated to be less than 50. A review of all available accident reports involving plastic glazing indicates that typical injuries result in lacerations or puncture wounds. There have been no deaths or hospitalizations reported.

On the basis of the review of injury information, the Commission concludes that plastic glazing materials are presently not a significant source of consumer injuries.

Economic Effects of the Requirement for Accelerated Environmental Durability Testing

APC (petitioner in Petition CP 78-2) and Richardson in its request for a stay of enforcement, have claimed that the environmental durability test requirements exclude from the market certain plastic glazing materials. These materials include methylacrylate styrene, certain polyvinylchlorides, certain polycarbonates, certain rubbery copolymers, and mixtures and blends of these materials. Some of these materials are less expensive than other materials (chiefly acrylic polymers) that meet the standard's requirements. It is also alleged that styrene acrylonitrile (SAN), a material that is also less expensive than acrylic polymer, also fails the present environmental durability test.

Plastics account for roughly five percent of the glazing material incorporated in products within the scope of the standard. Three-quarters of this plastic glazing material is subject to the environmental durability test for outdoor applications, virtually all in storm doors, a small fraction is specialty applications.

Acrylic is the chief plastic presently used in storm doors, usually as replacement glazing. Even prior to the standard, acrylic was the predominant plastic glazing in storm doors. Although twice as expensive as polystyrene, acrylic was marketed as superior in strength, optical clarity, scratch resistance, and useful life.

Manufacturers of plastic glazing products excluded from the present market predict that their products will win consumer acceptance. On the assumption that consumers would accept these plastic glazing materials consumer prices could drop. Using Richardson's product GL-200 as an example among many possibilities, consumer prices would drop by 15 to 20 percent or roughly \$0.30 per square foot of glazing material for total annual savings, without consideration of

possible differences in durability, of up to \$2 million.

Conclusion

Under the Consumer Product Safety Act (CPSA), consumer product safety rules (standards and bans) must be "reasonably necessary to eliminate or reduce an unreasonable risk of injury" associated with a consumer product and must be "in the public interest." 15 U.S.C. 2058(c)(2). The CPSA further provides that "[a]ny requirement of such a standard shall be reasonably necessary." 15 U.S.C. 2056(a). In order to revoke a consumer product safety rule, the Commission must affirmatively determine that the rule is not reasonably necessary. 15 U.S.C. 2058(e).

After considering the information concerning the lack of a correlation of effects between accelerated environmental durability testing and actual outdoor weathering; the lack of demonstrated relationship between loss of impact strength and safety characteristics, the lack of information concerning the effects of actual outdoor weathering on the safety characteristics of plastic glazing materials; information on injuries associated with plastic glazing materials; and information on the costs to consumers of various plastic glazing materials, the Commission has preliminarily concluded that the requirement for accelerated environmental durability testing of plastic glazing materials is not "reasonably necessary" to reduce or eliminate an unreasonable risk of injury and is not in the public interest.

Plastics For Indoor Use

The standard presently contains a requirement for an indoor aging test for plastic glazing materials in addition to the accelerated environmental durability test under consideration here. (See §§ 1201.4(d)(2)(iii) and 1201.4(e)(2)(ii)(C)). Plastic glazing materials that presently meet only the indoor aging test are required to be permanently labeled "INDOOR USE ONLY" (section 1201.5(b)). If the proposal to revoke the accelerated environmental durability test is issued as a final rule, it would no longer be necessary, for purposes of certifying compliance with the standard or for ensuring proper installation, to distinguish between plastic materials that meet both the accelerated environmental durability test and the indoor aging test and materials that meet only the indoor aging test. Materials that are certified to comply with the standard will be presumed to comply with the indoor aging test unless otherwise specified. Accordingly, the

Commission believes that the requirement in § 1201.5(b) relating to labeling of plastic glazing materials intended for indoor use would no longer be reasonably necessary and should be revoked.

If the proposal to revoke the accelerated environmental durability test is issued as a final rule and the indoor aging test is retained, the present language of the standard would appear to restrict materials that fail to comply with the indoor aging test to outdoor use only, provided they meet other applicable requirements. Through discussions with representatives of the plastic glazing materials industry, the Commission understands that this result may be at the variance with the industry's interpretation of the standard. Apparently on the basis of its understanding of the voluntary standard that preceded the Commission's standard, the industry interprets the present standard to permit materials that comply with the accelerated environmental durability test to be used without restriction while subjecting materials to an indoor aging test only if the material fails to comply with the accelerated environmental durability test. Under this interpretation, the accelerated environmental durability test and the indoor aging test are interrelated to the extent that revocation of one test as proposed below, would appear to require revocation of the other. The Commission has no information concerning whether any plastic glazing materials presently on the market fail to comply with the indoor aging test. Neither does the Commission have information on the effect on the industry of requiring materials to meet the indoor aging test that may not have previously been subjected to this requirement. The Commission requests comments and information from interested persons concerning the effect of retaining the present indoor aging test in the standard, and is particularly interested in obtaining information on the effect, if any, of restricting certain plastic glazing materials to outdoor use only.

Environmental Considerations

The Commission's environmental review procedures, 16 CFR 1021.5(b)(1), provide that an environmental review is generally not required for amendments to an existing standard that do not alter the principal purpose or effect of the standard. The partial revocation proposed below would not alter the principal purpose or effect of the standard for architectural glazing materials. The partial revocation will eliminate a test requirement of the

standard and will permit the use of certain glazing materials which presently are or may be excluded from use in specified architectural products subject to the standard. The Commission does not foresee any environmental effects from the issuance of the partial revocation that would necessitate an environmental review. Consequently, preparation of a draft environmental impact statement is unnecessary.

Effective Date

The Consumer Product Safety Act (CPSA), 15 U.S.C. 2058(e), provides that a rule amending or revoking a consumer product safety rule shall specify the effective date, which shall not exceed 180 days from the date of publication by the Commission of the final rule, unless the Commission finds, for good cause, that a later effective date is in the public interest.

The Administrative Procedure Act, 5 U.S.C. 553(d), provides that a rule which relieves a restriction or grants an exemption may take effect immediately. It is the Commission's view that the partial revocation proposed below is such a rule that could be issued as a final rule to take effect immediately.

The Commission recognizes that any change in an existing standard on which the affected industry has relied in making business decisions can result in a degree of market disruption while production methods, inventories, marketing plans and other activities are adjusted to meet new conditions.

Setting a delayed effective date for such a change is one means of lessening the potential disruption by giving affected parties an opportunity to make appropriate adjustments before the change becomes effective. At the same time, a delayed effective date for a change which the Commission has determined is in the public interest could unnecessarily deprive consumers or others affected by the change of benefits which the Commission has determined they should receive.

In the present situation, the Commission has no reliable information

concerning the potential market effects of issuing the partial revocation proposed below as a final rule either with an immediate or delayed effective date. The Commission therefore specifically solicits comments and information on this question. If any interested person believes a delayed effective date would be appropriate, the Commission would appreciate specific suggestions concerning the length of the delay.

Accordingly, the Commission gives notice that the effective date of any final rule may range from the date of publication to 180 days following publication of the final rule. The decision as to the effective date will be based on the Commission's evaluation of the comments and information received in response to this notice and other available information concerning the potential effects of various effective dates.

Withdrawal

By proposing the partial revocation set forth below, the Commission withdraws the October 3, 1977 proposal (42 FR 53798).

Proposal

In accordance with section 9(e) of the Consumer Product Safety Act (section 9(e), Pub. L. 92-573, 15 U.S.C. 2058(e)) and the Administrative Procedure Act (5 U.S.C. 553), the Commission proposes to eliminate the requirement for accelerated environmental durability testing of plastic glazing materials by making the following changes in Part 1201 of Title 16, Code of Federal Regulations:

§ 1201.4 [Amended]

1. In 16 CFR 1201.4(a)(2), the second sentence is revised to read as follows: "However, plastics (other than those intended only for indoor use), tempered glass, wired glass, and annealed glass are not required to be subjected to the accelerated environmental durability tests.

2. In 16 CFR 1201.4(a), Table 1, "Accelerated Tests", is revised to read as follows:

Table 1.—Accelerated Tests (Applicable Paragraphs)

Glazing material	Specimen	Test equipment	Exposure	Criteria for passing
Laminated glass	§ 1201.4(c)(1) and (c)(3)(i)	§ 1201.4(b)(3)(i)	§ 1201.4(d)(2)(i)	§ 1201.4(e)(2)(i)
Organic coated glass	§ 1201.4(c)(1) and (c)(3)(i) B.	§ 1201.4(b)(3)(i)	§ 1201.4(d)(2)(i) B.	§ 1201.4(e)(2)(i) B.
Plastics (outdoor only)	Exempt			
Plastics (indoor and outdoor)	§ 1201.4(c)(1) and (c)(3)(ii)	§ 1201.4(b)(3)(ii)	§ 1201.4(d)(2)(ii)	§ 1201.4(e)(2)(ii)(C)
Tempered glass	Exempt			
Wired glass	Exempt			
Annealed glass	Exempt			

3. In 16 CFR 1201.4(c)(3), paragraph (ii)(A) is revoked and reserved.
 4. In 16 CFR 1201.4(d)(2), paragraph (ii)(A) is revoked and reserved.
 5. In 16 CFR 1201.4(e)(2), paragraph (ii)(A) is revoked and reserved.
 6. In 16 CFR 1201.5(b), paragraph (b) is revoked and reserved.

(Sec. 9(e), Pub. L. 92-573 as amended, (15 U.S.C. 2058(e)) and 5 U.S.C. 553.)
 Dated: September 21, 1979.

Sadye E. Dunn,
 Secretary, Consumer Product Safety Commission.

[FR Doc. 79-29982 Filed 9-25-79; 8:45 am]
 BILLING CODE 6355-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 570]

[Docket No. R-79-716]

Community Development Block Grants—Grant Closeout

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of interim rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

24 CFR Part 570—Community Development Block Grants—Grant Closeouts

This interim rule would amend Part 570, § 570.512 to expand the

applicability of closeout procedures previously limited to general purpose discretionary grants made pursuant to Part 570, Subpart E. This amendment would make the grant closeout procedures applicable to all grants made pursuant to Title I of the Housing and Community Development Act of 1974. A new paragraph would be added to § 570.512 regarding termination, by the Secretary, of grants for cause.

(Sec. 7(o), Department of HUD Act (42 U.S.C. 3535(o)), sec. 324, Housing and Community Development Amendments of 1978

Issued at Washington, D.C., September 19, 1979.

Robert C. Embry,
 Acting Secretary, Department of Housing and Urban Development.

[FR Doc. 79-29853 Filed 9-25-79; 8:45 am]
 BILLING CODE 4210-01-M

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 882]

[Docket No. R-79-697]

Section 8 Housing Assistance Payments Program—Existing Housing Elimination of Rent Reduction Incentive

AGENCY: Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This rule would eliminate the Rent Reduction Incentive (Rent Credit). The regulations currently provide for a reduction in the Gross Family Contribution if an eligible family selects a unit for which the proposed contract rent, plus applicable allowances, is below the applicable Fair Market Rent (FMR) or such higher HUD-approved rent for a unit type or size. In addition to eliminating the Rent Credit this rule would also provide procedures for the gradual phasing out of this incentive for those families already receiving the Rent Credit. The elimination of the Rent Credit is considered vital in the effort to contain increases in Section 8 Existing Housing Program costs and to streamline the administration of the program.

DATES: Comments due: November 26, 1979.

ADDRESSES: Comments should refer to the docket number and date of publication and be sent to: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban

Development, 451 7th Street, SW., Washington, D.C., 20410, 202-755-7603. This is not a toll-free number.

FOR FURTHER INFORMATION CONTACT: Cecelia D. McConnell, Existing Housing Division, Office of Existing Housing and Moderate Rehabilitation Programs, Department of Housing and Urban Development, Washington, D.C. 20410, 202-755-6596. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department is proposing to amend Section 882.115 to eliminate the Rent Credit. A discussion of the reasons for this change and the problems with the current Rent Credit is set forth below.

Problems with Current Rent Reduction Incentive

The purpose of the current rent reduction incentive provision in this Section 8 Existing Housing Program regulations was to encourage families to choose decent, safe, and sanitary units renting for less than the Fair Market Rent (FMR) and to allow the family to keep a portion of the difference between the actual rent and the FMR by a reduction (Rent Credit) in its required monthly Gross Family Contribution (GFC).

The Department has no evidence that the current Rent Credit achieves this purpose. The results of a survey of the Section 8 Program indicate that no more than 14 percent of the families understood the incentive system. Families who may have understood the Rent Credit were not renting below the FMR more often than those who did not understand it. About 46 percent of the families assisted under the Section 8 Existing Program were receiving the Rent Credit, and half of those receiving the Rent Credit did not move from the unit they lived in before applying to the program. The survey also found that assisted families were playing a small role in negotiating the terms of the Section 8 lease, including the amount of rent, since many factors which affect the availability of the rent for a unit are beyond their control.

Congress has also questioned the effectiveness of the Rent Credit. The Senate Appropriations Committee Report on the 1979 HUD Appropriations Bill expressed concern that so many families who did not move received a Rent Credit. The Committee Report directed the Department to eliminate the Rent Credit for families who do not move and reduced the HUD appropriation by their estimate of the savings which would result. Also, the General Accounting Office (GAO) has recommended that the Rent Credit should be abandoned for all families

since it appears to have a negligible effect on the number of families selecting cheaper housing. GAO believes that the costs and problems in establishing, administering, and monitoring the Rent Credit outweigh any savings to be made.

As a response to this survey and the concerns of the Senate Committee Report and GAO, HUD proposes to amend the Section 8 Existing Housing regulations to eliminate the Rent Credit. As of the effective date of this regulation the Rent Credit shall not be available for new participants. The Rent Credit will be eliminated for families now receiving it at the end of the stated lease term or when the family moves to another unit.

NEPA

HUD has made a finding of inapplicability under the National Environmental Policy Act of 1969 and HUD procedures. A copy is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Accordingly, 24 CFR, Part 882 is proposed to be revised as follows:

§ 882.102 [Amended]

1. In § 882.102, at the end of the definition of "Gross Family Contribution," eliminate the phrase "before the deduction of Rent Credit, where applicable."

2. In § 882.102, delete the definition of Rent Credit.

3. Revise § 882.115 to read:

§ 882.115 Rent Reduction Incentive.

As of the effective date of these regulations, no family entering the program may receive a Rent Credit. For any family currently receiving a reduction in its Gross Family Contribution because the units selected by the family has a Gross Rent less than the Fair Market Rent or higher rent approved by HUD under § 882.106(a)(3), the rent reduction will be eliminated at the end of the stated lease term or when the family moves to another unit, whichever is earlier.

§ 882.116 [Amended]

4. In § 882.116(f), delete the phrase "including the operation of the Rent Credit."

5. In § 882.116(g), delete the phrase "and Rent Credit, if any."

§ 882.209 [Amended]

6. In § 882.209(b)(8), delete the phrase "and the benefit of the Rent Credit for rents below the Fair Market Rent or such higher rent as approved by HUD for a unit size or type pursuant to § 882.106(a)(3)."

7. In § 882.209(c)(7), delete the phrase "and operation of the Rent Credit."

8. § 882.210(c) is revised to read:

§ 882.210 Requests for Lease Approval.

(c) *Amount of Rent Payable by Family to Owner.* The amount of the rent payable by the Family to the Owner shall be the amount of the Gross Family Contribution, or the amount of the Contribution minus the amount of any Allowance for Utilities and Other Services which the Owner does not provide. If the Gross Family Contribution is less than the Allowance, the PHA shall pay the difference directly to the Family.

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 5(b), U.S. Housing Act of 1937 (42 U.S.C. 1437c(b))

Issued at Washington, D.C., July 27, 1979.

Lawrence B. Simons,
 Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 79-29948 Filed 9-25-79; 8:45 am]
 BILLING CODE 4210-01-M

Office of the Secretary

[24 CFR Part 888]

[Docket No. R-79-718]

Schedule D—Fair Market Rents for Mobile Home Spaces, Section 8 Existing Housing Program

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Transmittal of Interim Rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, SW., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION:

Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

24 CFR PART 888—SCHEDULE D—FAIR MARKET RENTS FOR MOBILE HOME SPACES—SECTION 8 EXISTING HOUSING PROGRAM

The rule established a Schedule of Fair Market Rents to be used by Public Housing Agencies (PHAs) in implementing 24 CFR Part 882, Subpart F—Special Assistance on Behalf of Mobile Home Owners.

(Sec. 7(o), Department of HUD Act, (42 U.S.C. 3535(o)), sec. 324, Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., September 19, 1979.

Robert C. Embry, Jr.,
 Acting Secretary, Department of Housing and Urban Development.

[FR Doc. 79-29945 Filed 9-25-79; 8:45 am]
 BILLING CODE 4210-01-M

[24 CFR Part 3610]

[Docket No. R-79-715]

Neighborhood Self-Help Development Program—Program Requirements

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of interim rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street SW., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

24 CFR PART 3610—NEIGHBORHOOD SELF-HELP DEVELOPMENT PROGRAM—PROGRAM REQUIREMENTS

This interim rule would establish the procedures for the award of grants and other forms of assistance under the Neighborhood Self-Help Development Program. The Neighborhood Self-Help Development Act of 1976 authorizes the Department to make grants and provide other forms of assistance to neighborhood organizations to prepare and implement neighborhood revitalization projects in low- and moderate-income neighborhoods.

(Sec. 7(o), Department of HUD Act, (42 U.S.C. 3535(o)), sec. 324, Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., September 19, 1979.

Robert C. Embry, Jr.,

Acting Secretary, Department of Housing and Urban Development.

[FR Doc. 79-29848 Filed 9-25-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 207

Navigable Waters; Restricted Area, Key West, Fla.

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Proposed rule.

SUMMARY: The U.S. Army Corps of Engineers has received a request from the Commander, U.S. Naval Air Station, Key West, Florida to amend the regulations which establish restricted areas in the Key West area. The amendments include the deletion of a portion of existing restricted area boundaries and the establishment of one new restricted area adjacent to the Boca Chica Naval Air Station, Florida. The changes are necessary to conform with the current situation in the Key West area.

DATE: Comments must be received by October 26, 1979.

ADDRESS: HQDA, DAEN-CWO-N, Washington, DC 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, Telephone No (202) 272-0200.

SUPPLEMENTAL INFORMATION: Regulations have been promulgated by the Department of the Army in 33 CFR 207.173 and 207.173a to establish restricted areas at the U.S. Naval Base,

Key West, Florida. The Commander of the Naval Air Station has requested that the restricted area under § 207.173 be disestablished and a new restricted area be established in certain portions of the waters adjacent to Boca Chica Key under § 207.173a.

Note.—The Corps of Engineers has determined that these regulations do not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

The Corps of Engineers proposes to amend the regulations in 33 CFR Part 207 by revoking § 207.173 and by revising and redesignating § 207.173a as set forth below:

§ 207.173 [Revoked]

§ 207.173a [Redesignated § 207.173]

Section 207.173 is revised to read as follows:

§ 207.173 Key West Harbor, at U.S. Naval Base, Key West, Fla.; naval restricted area.

(a) *The Areas:* (1) All waters within 100 yards of the Harry S. Truman Annex beginning at a point on the shore at latitude 24°32'45.3"N., longitude 81°47'51"W.; thence to a point 100 yards due south of the south end of Whitehead Street at latitude 24°32'42.3"N., longitude 81°47'51"W., and extending westerly paralleling the south shoreline of Harry S. Truman Annex to latitude 24°32'37.6"N., longitude 81°48'32"W., and thence to the shore at latitude 24°32'41"N., longitude 81°48'31"W. (Area 1).

(2) All waters within 100 yards of the Coast Guard Station and the westerly end of Trumbo Point Annex beginning at the shore at latitude 24°33'47.6"N., longitude 81°47'55.6"W.; thence westerly to latitude 24°33'48"N., longitude 81°48'00.9"W.; thence southerly to latitude 24°33'45.8"N., longitude 81°48'00.9"W., thence westerly to latitude 24°33'47"N., longitude 81°48'12"W.; thence northerly to latitude 24°34'00.6"N., longitude 81°48'10.6"W.; thence easterly to the bulkhead which forms the easterly end of slip between the Coast Guard Station and Pier D-3 at latitude 24°33'59.2"N., longitude 81°47'59.1"W. (Area 2).

(3) All water within 100 yards of Fleming Key (Area 3).

(4) All waters within 100 yards of a portion of the north shore of Trumbo Point Annex beginning at the shore at latitude 24°33'58"N., longitude 81°47'41.5"W.; thence northeasterly to latitude 24°34'00.9"N., longitude 81°47'37.7"W.; thence southeasterly to latitude 24°33'57.6"N., longitude 81°47'20"W.; thence southerly to the

shore at latitude 24°33'54.7"N., and longitude 81°47'20.9"W. (Area 4).

(5) All waters within 100 yards of a portion of the southwest shore of the Naval Air Station and Boca Chica Key between a point at latitude 24°33'24"N., and longitude 81°42'30"W., and a point at latitude 24°33'54"N., and longitude 81°42'56"W. (Area 5).

(b) *The Regulations:* (1) Entering or crossing any of the restricted areas described in paragraph (a) of this section is prohibited except as follows: Privately owned vessels properly registered and bearing identification in accordance with Federal and/or State laws and regulations, and at night showing lights required by Federal laws and Coast Guard regulations or, if no constant lights are required, then a bright white light showing all around the horizon, may transit the following portion of the restricted areas:

(i) The channel about 75 yards in width extending from the northwest corner of a pier formerly identified as "Pier D-3 of Trumbo Point Annex" eastward beneath the Fleming Key Bridge along the north shore of Trumbo Point Annex.

(ii) A channel 150 feet in width which extends easterly from the main ship channel into Key West Bight, the northerly edge of which passes 25 feet south of the Trumbo Point Annex piers on the north side of the bight. While legitimate access of privately owned vessels to facilities of Key West Bight is unimpeded, it is prohibited to moor, anchor, or fish within 50 feet of any U.S. Government owned pier or craft.

(2) Stopping or landing by other than Government owned vessels and certain specifically authorized private craft in any of the restricted areas described in paragraph 4(a) of this section is prohibited.

(3) Vessels using the restricted channel areas described in paragraph (b)(1)(i) and (ii) of this section shall proceed at speeds commensurate with minimum wake.

(4) The regulations in this section shall be enforced by the Commanding Officer, Naval Air Station, Key West, Florida, and such agencies as he may designate.

Dated: September 13, 1979.

Forrest T. Gay III,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 79-29477 Filed 9-25-79; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 51 and 52]

[FRL 1329-3]

Approval and Promulgation of Implementation Plans; Prevention of Significant Deterioration; Public Hearing

AGENCY: Environmental Protection Agency.

ACTION: Notice of public hearing and period for submitting rebuttal and supplementary information.

SUMMARY: On July 20, 1979, EPA proposed to amend (1) the grandfather provisions of its regulations for the prevention of significant air quality deterioration (PSD), (2) the provision of those regulations which governs the extension and expiration of PSD permits, and (3) the provision which defines "major modifications". See 44 FR 42722. EPA will hold a public hearing on that proposal on October 9, 1979, in Eastport, Maine, at the time and address given below. After the completion of that hearing, EPA will reopen the rulemaking docket for 30 days for the submittal of rebuttal and supplementary information only.

DATES: Public hearing. EPA will hold the public hearing on October 9, 1979, at 7:30 p.m. (local time).

Rebuttal and Supplementary Information. The deadline for submitting material that rebuts or supplements any presentation at the hearing is November 8, 1979.

ADDRESSES: Public hearing. EPA will hold the public hearing at the Municipal Auditorium, Sheaf Memorial High School, High Street, Eastport, Maine. **Rebuttal and Supplementary Information.** Such information should be sent (in duplicate, if possible) to the Central Docket Section (A-130), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Attention: Docket No. A-79-23.

FOR FURTHER INFORMATION CONTACT: Peter H. Wyckoff, Attorney, Office of General Counsel, 401 M Street, SW., Washington, D.C. 20460. 202-755-0766.

SUPPLEMENTARY INFORMATION:

Public Hearing

On July 20, 1979, EPA proposed to amend certain provisions of its PSD regulations at 40 CFR 51.24 and 52.21(1978). The proposal appears at 44 FR 42722. Section 307(d) of the Clean Air Act, 42 USC 7607(d), governs the procedural aspects of that proposal. It requires EPA to "give interested persons an opportunity for the oral presentation

of data, views, or arguments, in addition to an opportunity to make written submissions". To meet that requirement, EPA in the proposal asked anyone who wished a hearing to so notify the Administrator. In response, two persons who oppose the construction of a refinery in Eastport, Maine, demanded a hearing in Eastport. No one else requested a hearing. EPA therefore will hold a public hearing in Eastport, Maine, on October 9, 1979, at the time and place given above.

The hearing will be informal. A panel of EPA personnel will hear oral presentations. Each presentation should focus exclusively on one or more of the narrow issues raised by the proposal. There will be cross-examination and no requirement that any speaker be under oath. Each member of the panel may seek clarification or amplification of any presentation. The presiding officer of the panel may set a time limit for each presentation and may restrict any presentation that would be irrelevant or repetitious. A transcript of the hearing will be made and placed in the rulemaking docket.

Any person who wishes to speak at the hearing should so notify the presiding officer immediately before the hearing. The presiding officer will decide when and for how long the person may speak. Each speaker should bring extra copies of his or her presentation for the convenience of the hearing panel, the hearing reporter, the press and other participants. The hearing will be open to the public.

Rebuttal and Supplemental Information

Section 307(d) of the Act also requires EPA to "keep the record of [any hearing] open for thirty days after the completion of the [hearing] to provide an opportunity for the submission of rebuttal and supplementary information."

EPA therefore will accept until November 8, 1979, any material that rebuts or supplements any presentation at the hearing. Any such material should be sent to the Central Docket Section at the address given above. EPA will accept no other material, and will regard material which raises a new issue as neither rebutting nor supplementing a presentation.

(Secs. 101(b)(1), 110, 114, 160-60, 301(a) and 307(d) of the Clean Air Act, as amended (42 USC 7401(b)(1), 7410, 7414, 7470-79, 7601(a) and 7607(d).)

Dated: September 19, 1979.

Edward F. Tuerk,
Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 79-29905 Filed 9-25-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Parts 51 and 52]

[FRL 1328-6]

Emission Monitoring of Stationary Sources

AGENCY: Environmental Protection Agency.

ACTION: Extension of Comment Period.

SUMMARY: The deadline for submittal of comments on the advance notice of proposed rulemaking for emission monitoring of stationary sources, which was proposed on August 8, 1979 (44 FR 46481), is being extended from October 9, 1979 to December 10, 1979.

DATES: Comments must be received on or before December 10, 1979.

ADDRESSES: Comments should be submitted (in duplicate, if possible) to: Central Docket Section (A-130), Environmental Protection Agency, 401 M Street SW, Washington, DC 20460. Attention: Docket No. OAQPS-79-12.

Docket No. OAQPS-79-12, containing material relevant to this rulemaking, is located in the U.S. Environmental Protection Agency, Central Docket Section, Room 2903B, 401 M Street, SW, Washington, DC 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Sableski, Environmental Protection Agency (MD-15), Research Triangle Park, North Carolina 27711; Phone: (919) 541-5437.

SUPPLEMENTARY INFORMATION: On August 8, 1979 (44 FR 46481), the Environmental Protection Agency gave advance notice of proposed rulemaking to develop regulations which will refine and expand certain portions of Title 40 of the Code of Federal Regulations, in particular, the continuous monitoring requirements of § 51.19(e). In addition, among other options, the Agency is contemplating taking actions which will expedite the implementation of the continuous monitoring requirements through the promulgation of requirements in 40 CFR Part 52, and the use of authority granted to EPA by Section 114 of the Clean Air Act.

EPA has received requests from industrial firms and utilities to extend the comment period by 60 days through December 10, 1979, in order that they may have sufficient time to respond. An

extension of this length is justified due to the complexity of the proposal.

Dated: September 20, 1979.

Edward F. Tuerk

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 79-29906 Filed 9-25-79; 8:45 am]

BILLING CODE 5560-01-M

[40 CFR Part 52]

[FRL 1328-4]

Approval and Promulgation of Implementation Plans Proposed Revision; Washington State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability and advance Notice of Proposed Rulemaking.

SUMMARY: EPA announces today receipt of the Energy Facility Site Evaluation Council Regulations as a revision to the proposed Washington State Implementation Plan (SIP) for attainment and maintenance of National Ambient Air Quality Standards (NAAQS). These regulations supplement the Department of Ecology Regulations submitted by the Governor April 27, 1979. A Notice of Proposed Rulemaking describing this revision and the action that EPA intends to take regarding these proposed revisions will be published in the *Federal Register* at a later date. A second comment period for submittal of written comments will extend for thirty (30) days after the publication of the Notice of Proposed Rulemaking. Public comment is invited at this time in order to aid EPA in formulating the proposed rulemaking package.

DATE: Written comments are due by October 26, 1979.

ADDRESSES: Comments should be addressed to:

Laurie M. Kral, Air Programs Branch M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

The Energy Facility Site Evaluation Council regulations may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Air Programs Branch, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, WA 98101.
State of Washington, Department of Ecology, St. Martin's College, Lacey, WA 98504.

FOR FURTHER INFORMATION CONTACT: Richard F. White, Air Programs Branch

M/S 625, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, WA 98101, Telephone: (206) 442-1226, (FTS) 339-1226.

SUPPLEMENTAL INFORMATION: Section 172 of the Clean Air Act, as amended in August 1977, requires that State submit revisions to their implementation plans by January 1, 1979, to provide for the attainment and maintenance of the National Air Quality Standards (NAAQS) in areas designated nonattainment.

On April 4, 1979, EPA published in the *Federal Register* the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas (44 FR 20372). The General Preamble is hereby incorporated into this Advance Notice of Proposed Rulemaking.

The purpose of this Notice is to call the public's attention to the fact that the Energy Facility Site Evaluation Council regulations have been formally submitted to EPA as part of the Washington Implementation Plan. They are available for public inspection at the locations listed above. The public is encouraged to submit written comments regarding the proposed revision and thus participate in this rulemaking activity.

Those interested may wish to first read the General Preamble for Proposed Rulemaking published by EPA on April 4, 1979 (44 FR 20372) which identifies the major considerations that will guide EPA's evaluation of SIP revisions. A more detailed description of this revision will be published in the *Federal Register* at a later date as part of a Notice of Proposed Rulemaking.

(Section 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502).)

Dated: September 17, 1979.

Donald Dubois
Regional Administrator.

[FR Doc. 79-29909 Filed 9-25-79; 8:45 am]

BILLING CODE 5560-01-M

[40 CFR Part 65]

[FLL 1324-6]

Proposed Delayed Compliance Order for General Motors Corp.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: U.S. EPA proposes to issue an Administrative Order to General Motors Corporation (GMC). The Order requires the Company to bring boilers (the source) into compliance with AP-3-07 and AP-3-11, part of the federally approved Ohio State Implementation

Plan (SIP). Because the Company is unable to comply with these regulations at this time, the proposed Order would establish an expeditious schedule requiring final compliance by July 1, 1981. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act (Act) for violation of the SIP regulations covered by the Order.

The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on U.S. EPA's proposed issuance of the Order.

DATES: Written comments must be received by October 26, 1979 and requests for a public hearing must be received by October 11, 1979. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Ms. Anne Swofford, Attorney, Enforcement Division, U.S. ENVIRONMENTAL Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at (312) 353-2082.

SUPPLEMENTARY INFORMATION: GMC owns Fisher Body Division facilities at Columbus, Elyria, Hamilton, and Mansfield, Ohio; New Departure Hyatt Bearings Division at Sandusky, Ohio and Packard Electric Division at Warren, Ohio. The proposed Order addresses emissions from boilers at all of these facilities which are subject to AP-3-07 and AP-3-11 of the Ohio Implementation Plan. The regulations limit the emissions of particulate matter and visible emissions and are part of the federally approved Ohio State Implementation Plan.

On November 29, 1978, GMC met with representatives of the U.S. EPA and proposed the use of a side stream separator, a new system for reducing particulate emissions from coal fired boilers, to meet the requirements of

Ohio Regulation AP-3-11 at 15 of its boilers at the following facilities: Fisher Body Division, Columbus—4 boilers, Fisher Body Division, Elyria—1 boiler, Fisher Body Division, Hamilton—3 boiler, Fisher Body Division, Mansfield—3 boilers, New Departure Hyatt Bearings, Sandusky—3 boilers, and Packard Electric Division, Warren—1 boiler. After investigation, U.S. EPA determined that the side stream separator is a new means of emission limitation for control of particulate from industrial-sized spreader stoker boilers, that it will achieve continuous emission reduction equivalent to that required by AP-3-11 and AP-3-07 at substantial economic savings over conventional technology and that the issuance of this Order is consistent with the policy and intent of Section 113(d)(4). The Order requires final compliance with the regulations by July 1, 1981, and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d)(4) of the Act. If the Order is issued, source compliance with its terms would preclude further U.S. EPA enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether U.S. EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of U.S. EPA will publish in the *Federal Register* the Agency's final action on the Order in 40 CFR Part 65.

Dated: August 27, 1979.

John McGuire,

Regional Administrator Region V.

1. In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

By adding the following entry to the table in Section 65.400:

§ 65.400 Federal Delayed Compliance Orders issued under Section 113(d)(1), (3), and (4) of the Act.

2. The text of the order reads as follows:

U.S. Environmental Protection Agency, Region V

In the Matter of: General Motors Corporation; Fisher Body Division, Columbus, Ohio; Fisher Body Division, Elyria, Ohio; Fisher Body Division, Hamilton, Ohio; Fisher Body Division, Mansfield, Ohio; New Departure Hyatt Bearings Division, Sandusky, Ohio; Packard Electric Division, Warren, Ohio.

Order No.

Proceeding Pursuant to Section 113(d)(4) and Section 114 of the Clean Air Act, as Amended [42 U.S.C. Section 7413(d) and 7414]

Introduction

This Order is issued this date pursuant to Section 113(d)(4) and Section 114 of the Clean Air Act, as amended, 42 U.S.C. Section 7401 et seq. (hereafter the "Act") and contains a schedule for compliance, interim control requirements, and reporting requirements. Public notice, opportunity for a public hearing, and thirty (30) days notice to the State of Ohio have been provided pursuant to Section 113(d)(1) of the Act.

Findings

1. On October 7, 1976, James O. McDonald, Director, Enforcement Division, Region V, United States Environmental Protection Agency (hereafter referred to as "U.S. EPA"), pursuant to authority duly delegated to him by the Administrator of the U.S. EPA, issued a Notice of Violation (hereafter "NOV") to the General Motors Corporation (hereafter "GMC") New Departure Hyatt Bearings Division pursuant to Section 113(a)(1) of the Act, 42 U.S.C. 7413(a)(1), for alleged violations of Ohio State Implementation Plan Regulations AP-3-07 and AP-3-11. On April 11, 1977, James O. McDonald issued a NOV to the General Motors Packard Electric Division for alleged violations of Ohio State Implementation Plan Regulations AP-3-07 and AP-3-11. Copies of said Notices were sent to the State of Ohio Environmental Protection Agency.

2. Ohio Regulation AP-3-07 limits the opacity of emissions from any stationary source.

3. Ohio Regulation AP-3-11 limits emissions of particulate matter which may be emitted into the atmosphere from fuel burning equipment.

4. In satisfaction of Section 113(a)(4) of the Act, an opportunity to confer with the Administrator's delegate was given to these sources on May 20, 1977 and November 16, 1978. At those conferences, GMC stated that it did not agree that a violation of Ohio Regulation AP-3-11 existed because both sources were exercising their statutory right under the Ohio State Implementation Plan approved by the U.S. EPA, namely they requested an adjudication hearing before the Director of the Ohio Environmental Protection Agency challenging his proposed denial of its permit to operate or alternatively for variances for the sources. This request for hearing sought a statutory variance from the emission limitations contained in AP-3-11 or, in the alternative a determination that the emission limitation contained in AP-3-11 was unreasonable and unlawful as applied to the subject boilers. On July 14, 1978, the Director

of the Ohio EPA held, as a matter of law, that no variance could be granted as to particulate matter standards beyond April 15, 1977. Relief was therefore denied. This action was sustained by the Ohio Environmental Board of Review on December 14, 1978. On June 12, 1979, the Court of Appeals for Franklin County Ohio reversed the holdings of the Director and the EBR finding specifically that statutory variances could be granted consistent with the Ohio Revised Code and the Federal Clean Air Act. The matter has been remanded to the Director for action consistent with the opinion.

5. U.S. EPA has determined that said violations have continued beyond the thirtieth day after the date of the Enforcement Director's certification.

6. No notices of violation have been issued to the sources of Fisher Body Division, Columbus, Elyria, Mansfield, and Hamilton. Those sources were also parties to the same state proceeding seeking ultimate revisions to the State Implementation Plan. During the course of discussion with the U.S. EPA regarding the prior notice of violation and preliminary discussion as to the use of innovative technology, GMC and the U.S. EPA discussed the possibility of issuance of Orders to these sources. GMC agrees that this Order may be issued without the issuance of a NOV, any further opportunity to confer or a determination that a violation continued for thirty days, and waives any claim it may have in that regard.

7. On November 29, 1978, GMC met with representatives of the U.S. EPA and proposed the use of a side stream separator, a new system for reducing particulate emissions from coal-fired boilers, to meet the requirements of Ohio Regulation AP-3-11 at fifteen of its boilers at the following facilities:

- Fisher Body Division, Columbus, Ohio—4 boilers
- Fisher Body Division, Elyria, Ohio—1 boiler
- Fisher Body Division, Hamilton, Ohio—3 boilers
- Fisher Body Division, Mansfield, Ohio—3 boilers
- New Departure Hyatt Bearings, Sandusky, Ohio—3 boilers
- Packard Electric Division, Warren, Ohio—1 boiler

GMC requested from the EPA a detailed compliance Order for the time necessary to install and implement such innovative technology as provided by Congress in Section 113(d)(4) of the Clean Air Act.

8. It has been determined by the U.S. EPA that GMC is unable to immediately comply with Regulations AP-3-07 and AP-3-11 of the State of Ohio Implementation Plan.

9. After investigation, EPA has determined that:

- The side stream separator is a new means of emission limitation for control of particulate from industrial-sized spreader stoker boilers;
- this means of emission reduction has a substantial likelihood to achieve equivalent emission reductions as required by AP-3-11 at substantial economic savings over conventional technology;
- such new means is not likely to be used without this Order;

d. compliance with the Ohio State Implementation Plan is impractical prior to or during installation of the new means; and,
e. that the issuance of this Order is consistent with the policy and intent of Section 113(d)(4).

Order

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this Order is as expeditious as practicable, and that the terms of this Order comply with Section 113(d) of the Act. Therefore, it is hereby Agreed and Ordered that:

A. Packard Electric Division, Warren, Ohio

1. GMC shall bring boiler No. 3 at the Packard Electric Division, Warren, Ohio, into compliance with the emission limitation and standards contained in Ohio Implementation Plan Regulations AP-3-07 and AP-3-11 no later than July 1, 1981.

2. GMC shall install control equipment on boiler No. 3 sufficient to control emissions to a rate not greater than 0.18 lb/MMBTU.

3. GMC shall achieve compliance with Ohio Regulations AP-3-07 and AP-3-11 in accordance with the following schedule:

a. Complete bid evaluation and order equipment for Boiler No. 3—April 13, 1979
b. Complete installation engineering—May 28, 1979

c. Receive construction bids and obtain contractor—July 9, 1979

d. Complete equipment delivery—September 24, 1979

e. Begin installation—September 25, 1979
f. Complete installation and begin debugging—November 9, 1979

g. Begin test program period for emission control and equipment reliability—November 9, 1979

(1) Initial baseline emission testing
(2) Optimize removal efficiency under baseline conditions

(3) Determine removal efficiency and relationship to variable boiler and system parameters

(4) Determine equipment reliability over duration of test program

(5) Stack tests

To be completed by—April 30, 1980
h. Evaluation of test results and report to EPA—June 30, 1980

i. If compliance with Ohio Regulations AP-3-07 and AP-3-11 is demonstrated, certify compliance for boiler No. 3—June 30, 1980

j. In the event that the control plan specified in paragraphs (a) through (i) fails to achieve and demonstrate compliance with Ohio Regulations AP-3-07 and AP-3-11, submit specifications and preliminary drawings to U.S. EPA describing the steps to be taken to achieve compliance with the applicable particulate and visible emissions regulations—July 30, 1980

k. Negotiate and sign all necessary contracts for the emission control system—September 15, 1980

l. Commence construction or installation of emission control equipment—November 15, 1980

m. Complete construction or installation of emission control system—April 15, 1981

n. Stack test boiler No. 3—June 1, 1981
o. Submit test results, achieve and demonstrate compliance with AP-3-07 and AP-3-11—July 1, 1981

B. Fisher Body Division, Columbus, Ohio

1. GMC shall bring boilers Nos. 1, 2, 3, and 4 at the Fisher Body Division, Columbus, Ohio into compliance with the emission limitations and standards contained in Ohio Implementation Plan Regulations AP-3-07 and AP-3-11 no later than July 1, 1981.

2. GMC shall install equipment on boilers Nos. 1, 2, 3, and 4 sufficient to control emissions to a rate not greater than 0.15 lb/MMBTU. Such rate shall apply separately to each boiler.

3. GMC shall achieve compliance with Ohio Regulations AP-3-07 and AP-3-11 in accordance with the following schedule:

a. Complete bid evaluation, complete and order equipment for all boilers—April 15, 1979

b. Complete installation engineering—July 15, 1979

c. Receive construction bids and obtain contractor—September 1, 1979

d. Begin installation—September 15, 1979

e. Complete installation and begin debugging for test boiler No. 3—October 15, 1979

f. Complete installation and begin debugging for boilers Nos. 1, 2 and 4—January 15, 1980

g. Begin test program period for test boiler No. 3 for emission control and equipment reliability—November 1, 1979

(1) Initial baseline emission testing
(2) Optimize removal efficiency under baseline conditions

(3) Determine removal efficiency and variable boiler and system parameter

(4) Determine equipment reliability over duration of test program

(5) Stack tests

To be completed by—April 30, 1980
h. Evaluation of test results and report to EPA—June 30, 1980

i. If compliance with Ohio Regulations AP-3-07 and AP-3-11 is demonstrated, certify compliance for all boilers to EPA. EPA will retain discretion to request stack tests on boilers Nos. 1, 2, and 4 for compliance demonstration—June 30, 1980

j. In the event that the control plan specified in paragraphs (a) through (i) fails to achieve and demonstrate compliance with Ohio Regulations AP-3-07 and AP-3-11, submit specifications and preliminary drawings to U.S. EPA describing the steps to be taken to achieve compliance with the applicable particulate and visible emissions regulations—July 30, 1980

k. Negotiate and sign all necessary contracts for the emission control system—September 15, 1980

l. Commence construction or installation of emission control equipment—November 15, 1980

m. Complete construction or installation of emission control equipment—April 15, 1981

n. Stack test boiler No. 3—June 1, 1981

o. Submit test results, achieve and demonstrate compliance with AP-3-07 and AP-3-11. EPA will retain discretion to request stack tests on boilers Nos. 1, 2, and 4 for compliance demonstration—July 1, 1981

p. Complete construction or installation of emission control system—April 15, 1981

C. Fisher Body Division, Elyria, Ohio

1. GMC shall bring boiler No. 3 at the Fisher Body Division, Elyria, Ohio into compliance with the emission limitations and standards contained in Ohio Implementation Plan Regulations AP-3-07 and AP-3-11 no later than July 1, 1981.

2. GMC shall install control equipment on boiler No. 3 sufficient to control emissions to a rate not greater than 0.14 lb/MMBTU.

3. GMC shall achieve compliance with Ohio Regulations AP-3-07 and AP-3-11 in accordance with the following schedule:

a. Complete bid evaluation and order equipment for boiler No. 3—April 15, 1979

b. Complete installation engineering—August 1, 1979

c. Receive construction bids and obtain contractor—September 1, 1979

d. Complete equipment delivery—September 15, 1979

e. Begin installation—September 15, 1979

f. Complete installation and begin debugging—November 15, 1979

g. Begin test program period for emission control and equipment reliability—November 15, 1979

(1) Initial baseline emission testing
(2) Optimize removal efficiency under baseline conditions

(3) Determine removal efficiency and variable boiler and system parameter

(4) Determine equipment reliability over duration of test program

(5) Stack tests

To be completed by—April 30, 1980
h. Evaluation of test results and report to EPA—June 30, 1980

i. If compliance with Ohio Regulations AP-3-07 and AP-3-11 is demonstrated, certify compliance for boiler No. 3 to EPA—June 30, 1980

j. In the event that the control plan specified in paragraphs (a) through (i) fails to achieve and demonstrate compliance with Ohio Regulations AP-3-07 and AP-3-11, submit specifications and preliminary drawings to U.S. EPA describing the steps to be taken to achieve compliance with the applicable particulate and visible emissions regulations—July 30, 1980

k. Negotiate and sign all necessary contracts for the emission control system—September 15, 1980

l. Commence construction or installation of emission control equipment—November 15, 1980

m. Complete construction or installation of emission control equipment—April 15, 1981

n. Stack test boiler No. 3—June 1, 1981

o. Submit test results, achieve and demonstrate compliance with AP-3-07 and AP-3-11—July 1, 1981

p. Complete construction or installation of emission control equipment—April 15, 1981

q. Complete construction or installation of emission control system—April 15, 1981

r. Complete construction or installation of emission control system—April 15, 1981

s. Complete construction or installation of emission control system—April 15, 1981

t. Complete construction or installation of emission control system—April 15, 1981

u. Complete construction or installation of emission control system—April 15, 1981

v. Complete construction or installation of emission control system—April 15, 1981

w. Complete construction or installation of emission control system—April 15, 1981

x. Complete construction or installation of emission control system—April 15, 1981

y. Complete construction or installation of emission control system—April 15, 1981

z. Complete construction or installation of emission control system—April 15, 1981

3. GMC shall achieve compliance with Ohio Regulations AP-3-07 and AP-3-11 in accordance with the following schedule:
a. Complete bid evaluation, complete and order equipment for all boilers—April 15, 1979

b. Complete installation engineering—August 1, 1979

c. Receive construction bids and obtain contractor—September 1, 1979

d. Begin installation—September 15, 1979

e. Complete installation and begin debugging for test boiler No. 1—October 15, 1979

f. Complete installation and begin debugging for boilers Nos. 2 and 3—January 15, 1980

g. Begin test program period for test boiler No. 1 for emission control and equipment reliability—December 1, 1979

(1) Initial baseline emission testing
(2) Optimize removal efficiency under baseline conditions

(3) Determine removal efficiency and variable boiler and system parameter

(4) Determine equipment reliability over duration of test program

(5) Stack tests

To be completed by—April 30, 1980
h. Evaluation of test results and report to EPA—June 30, 1980

i. If compliance is demonstrated, certify compliance for all boilers to EPA. EPA will retain discretion to request stack tests on boilers Nos. 2 and 3 for compliance demonstration—June 30, 1980

j. In the event that the control plan specified in paragraphs (a) through (i) fails to achieve and demonstrate compliance with Ohio Regulations AP-3-07 and AP-3-11, submit specifications and preliminary drawings to U.S. EPA describing the steps to be taken to achieve compliance with the applicable particulate and visible emissions regulations—July 30, 1980

k. Negotiate and sign all necessary contracts for the emission control system—September 15, 1980

l. Commence construction or installation of emission control equipment—November 15, 1980

m. Complete construction or installation of emission control equipment—April 15, 1981

n. Stack test boiler No. 1—June 1, 1981

o. Submit test results, achieve and demonstrate compliance with AP-3-07 and AP-3-11. EPA will retain discretion to request stack tests on boilers Nos. 1 and 2 for compliance demonstration—July 1, 1981

p. Complete construction or installation of emission control equipment—April 15, 1981

q. Complete construction or installation of emission control system—April 15, 1981

r. Complete construction or installation of emission control system—April 15, 1981

s. Complete construction or installation of emission control system—April 15, 1981

t. Complete construction or installation of emission control system—April 15, 1981

u. Complete construction or installation of emission control system—April 15, 1981

v. Complete construction or installation of emission control system—April 15, 1981

w. Complete construction or installation of emission control system—April 15, 1981

x. Complete construction or installation of emission control system—April 15, 1981

y. Complete construction or installation of emission control system—April 15, 1981

z. Complete construction or installation of emission control system—April 15, 1981

aa. Complete construction or installation of emission control system—April 15, 1981

ab. Complete construction or installation of emission control system—April 15, 1981

ac. Complete construction or installation of emission control system—April 15, 1981

ad. Complete construction or installation of emission control system—April 15, 1981

b. Complete installation engineering—August 1, 1979
c. Receive construction bids and obtain contractor—September 1, 1979

d. Begin installation—September 15, 1979

e. Complete installation and begin debugging for test boiler No. 3—October 15, 1979

f. Complete installation and begin debugging for boilers Nos. 1 and 2—January 15, 1980

g. Begin test program period for test boiler No. 3 for emission control and equipment reliability—December 15, 1979

(1) Initial baseline emission testing
(2) Optimize removal efficiency under baseline conditions

(3) Determine removal efficiency and variable boiler and system parameter

(4) Determine equipment reliability over duration of test program

(5) Stack tests

To be completed by—April 30, 1980
h. Evaluation of test results and report to EPA—June 30, 1980

i. If compliance is demonstrated, certify compliance for all boilers to EPA. EPA will retain discretion to request stack tests on boilers Nos. 1 and 2 for compliance demonstration—June 30, 1980

j. In the event that the control plan specified in paragraphs (a) through (i) fails to achieve and demonstrate compliance with Ohio Regulations AP-3-07 and AP-3-11, submit specifications and preliminary drawings to U.S. EPA describing the steps to be taken to achieve compliance with the applicable particulate and visible emissions regulations—July 30, 1980

k. Negotiate and sign all necessary contracts for the emission control system—September 15, 1980

l. Commence construction or installation of emission control equipment—November 15, 1980

m. Complete construction or installation of emission control equipment—April 15, 1981

n. Stack test boiler No. 3—June 1, 1981

o. Submit test results, achieve and demonstrate compliance with AP-3-07 and AP-3-11. EPA will retain discretion to request stack tests on boilers Nos. 1 and 2 for compliance demonstration—July 1, 1981

p. Complete construction or installation of emission control equipment—April 15, 1981

q. Complete construction or installation of emission control system—April 15, 1981

r. Complete construction or installation of emission control system—April 15, 1981

s. Complete construction or installation of emission control system—April 15, 1981

t. Complete construction or installation of emission control system—April 15, 1981

u. Complete construction or installation of emission control system—April 15, 1981

v. Complete construction or installation of emission control system—April 15, 1981

w. Complete construction or installation of emission control system—April 15, 1981

x. Complete construction or installation of emission control system—April 15, 1981

y. Complete construction or installation of emission control system—April 15, 1981

z. Complete construction or installation of emission control system—April 15, 1981

aa. Complete construction or installation of emission control system—April 15, 1981

ab. Complete construction or installation of emission control system—April 15, 1981

ac. Complete construction or installation of emission control system—April 15, 1981

ad. Complete construction or installation of emission control system—April 15, 1981

ae. Complete construction or installation of emission control system—April 15, 1981

af. Complete construction or installation of emission control system—April 15, 1981

d. Begin installation—August 22, 1979
e. Complete installation and begin debugging for test boiler No. 3—November 30, 1979

f. Complete installation and begin debugging for boilers Nos. 1 and 2—December 15, 1979

g. Begin test program period for test boiler No. 3 for emission control and equipment reliability—November 30, 1979

(1) Initial baseline emission testing
(2) Optimize removal efficiency under baseline conditions

(3) Determine removal efficiency and variable boiler and system parameter

(4) Determine equipment reliability over duration of test program

(5) Stack tests

To be completed by—April 30, 1980
i. Evaluation of test results and report to EPA—June 30, 1980

j. If compliance is demonstrated, certify compliance for all boilers to EPA. EPA will retain discretion to request stack tests on boilers Nos. 1 and 2 for compliance demonstration—June 30, 1980

k. In the event that the control plan specified in paragraphs (a) through (j) fails to achieve and demonstrate compliance with Ohio Regulations AP-3-07 and AP-3-11, submit specifications and preliminary drawings to U.S. EPA describing the steps to be taken to achieve compliance with the applicable particulate and visible emissions regulations—July 30, 1980

l. Negotiate and sign all necessary contracts for the emission control system—September 15, 1980

m. Commence construction or installation of emission control equipment—November 15, 1980

n. Complete construction or installation of emission control equipment—April 15, 1981

o. Stack test boiler No. 3—June 1, 1981

p. Submit test results, achieve and demonstrate compliance with AP-3-07 and AP-3-11. EPA will retain discretion to request stack tests on boilers Nos. 1 and 2 for compliance demonstration—July 1, 1981

q. On a quarterly basis, beginning October 1, 1979, GMC shall notify U.S. EPA in writing of its compliance or noncompliance with any incremental step or final compliance date specified in this Order, and reasons therefor. The October 1, 1979 report will include a statement of compliance or noncompliance with all incremental steps included in this Order, commencing with April 13, 1979. If delay is anticipated in meeting any requirements of this Order, GMC shall immediately notify U.S. EPA in writing of the anticipated delay and reasons therefor. Notification to U.S. EPA of any anticipated delay does not excuse the delay.

r. All submittals and notifications to U.S. EPA, pursuant to this Order, shall be made to Eric Cohen, Chief, Air Compliance Section, Enforcement Division, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. In addition, all submittals and notifications required in this Order shall simultaneously be transmitted to the appropriate Ohio EPA local office.

s. Upon completion of the installation, operation, and testing increments shown for each facility, GMC will present to the U.S.

t. Upon completion of the installation, operation, and testing increments shown for each facility, GMC will present to the U.S.

u. Upon completion of the installation, operation, and testing increments shown for each facility, GMC will present to the U.S.

v. Upon completion of the installation, operation, and testing increments shown for each facility, GMC will present to the U.S.

w. Upon completion of the installation, operation, and testing increments shown for each facility, GMC will present to the U.S.

x. Upon completion of the installation, operation, and testing increments shown for each facility, GMC will present to the U.S.

y. Upon completion of the installation, operation, and testing increments shown for each facility, GMC will present to the U.S.

z. Upon completion of the installation, operation, and testing increments shown for each facility, GMC will present to the U.S.

aa. Upon completion of the installation, operation, and testing increments shown for each facility, GMC will present to the U.S.

ab. Upon completion of the installation, operation, and testing increments shown for each facility, GMC will present to the U.S.

ac. Upon completion of the installation, operation, and testing increments shown for each facility, GMC will present to the U.S.

ad. Upon completion of the installation, operation, and testing increments shown for each facility, GMC will present to the U.S.

ae. Upon completion of the installation, operation, and testing increments shown for each facility, GMC will present to the U.S.

af. Upon completion of the installation, operation, and testing increments shown for each facility, GMC will present to the U.S.

ag. Upon completion of the installation, operation, and testing increments shown for each facility, GMC will present to the U.S.

ah. Upon completion of the installation, operation, and testing increments shown for each facility, GMC will present to the U.S.

EPA and the Ohio EPA all pertinent test results and data, including boiler operating parameters so as to allow each agency to evaluate the performance of the new system. At the same time, GMC will prepare a report for the U.S. EPA and the Ohio EPA (1) evaluating test results, (2) demonstrating compliance with AP-3-07 and AP-3-11 or noncompliance therewith, (3) describing why compliance was or was not achieved, (4) if compliance was achieved, describing the key operational and design factors that contributed to compliance and whether any other changes could be made to improve performance, and (5) if compliance is not achieved, describing the key operational and design factors explaining such noncompliance and an engineering assessment as to whether ultimate compliance could be achieved and specifying operational and design parameters which can be instituted to achieve compliance. If GMC considers any information in the report to be confidential, all such information shall be placed in an appendix. The main body of the report shall contain all the non-confidential information and shall describe the sidestream separator and shall contain the emission test results. GMC agrees to waive any right to claim that information in the main body of the report is confidential.

I. Pursuant to section 113(d)(7) of the Act, during the period of this Order, GMC shall use the best practicable systems of emission reduction so as to minimize particulate emissions from each boiler and shall further comply with the requirements of the applicable implementation plan insofar as it is able to. Each facility shall immediately institute an operation and maintenance procedure which will result in the minimization of particulate matter emissions from all boilers on a day-to-day basis during the interim period preceding final compliance. Until installation of the sidestream separator on each boiler, each source shall continue operation of the existing control equipment on all boilers so that particulate emissions do not exceed 0.30 pounds per million Btu input.

J. Pursuant to authority granted under § 114 of the Clean Air Act, GMC shall continue to calibrate, maintain and operate continuous opacity monitoring systems in each stack which serves each of the 15 boilers covered by this Order, in accordance with manufacturer's specifications. All monitoring data produced by the system shall be retained by the Company for a period of not less than 2 years. GMC shall quarterly submit to U.S. EPA and the Ohio EPA a written report of excess emissions beginning June 30, 1980 including the nature and cause of the excess emissions, if known, and corrective action taken. If no excess emissions were recorded, GMC shall so certify on a quarterly basis.

K. Nothing contained in these Findings or Order shall affect GMC's responsibility to comply with State or local laws or regulations or other Federal laws or regulations.

L. GMC is hereby notified that its failure to achieve final compliance by July 1, 1981, at any or all of the facilities covered by this Order may result in a requirement to pay a

noncompliance penalty in accordance with Section 120 of the Act, 42 U.S.C. 7420. In the event of such failure, GMC will be formally notified, pursuant to Section 120(b)(3), 42 U.S.C. 7420(b)(3), and any regulations promulgated thereunder, of its noncompliance.

M. This Order shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator or his delegate determines on the record, after notice and hearing, that an inability to comply with Regulations AP-3-07 and AP-3-11 of the Ohio Implementation Plan no longer exists.

N. Violation of any requirement of this Order may result in one or more of the following actions:

1. Enforcement of such requirement pursuant to Section 113(a), (b), or (c) of the Act, 42 U.S.C. 7413(a), (b) or (c), including possible judicial action for an injunction and/or penalties and in appropriate cases, criminal prosecution.

2. Revocation of this Order, after notice and opportunity for a public hearing, and subsequent enforcement of Ohio Implementation Plan Regulations AP-3-07 and AP-3-11 in accordance with the preceding paragraph.

3. If such violation occurs on or after July 1, 1979, notice of noncompliance and subsequent action pursuant to Section 120 of the Act.

O. By proceeding with this schedule, GMC is protected by Section 113(d)(10) against Federal enforcement action and citizen suits under Section 304 until July 1, 1981, and is exempted by virtue of Section 113(d)(4) from Section 120 noncompliance penalties where the Company is in compliance with the terms of such Order.

P. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Clean Air Act, including, but not limited to Section 303 of the Act, 42 U.S.C. Section 7503.

Q. The provisions of this Delayed Compliance Order shall apply and be binding upon the company, its officers, directors, agents, servants, employees, and any successors in interest. The company shall give notice of this Delayed Compliance Order to any successors in interest prior to transfer of ownership, and shall simultaneously verify to the U.S. EPA, Region V, Enforcement Division, and the Ohio EPA that such notice has been given.

R. In the event that any of the plants do not achieve compliance with stated emission limitations at the end of the first test period and EPA determines there is a reasonable engineering basis to believe compliance can be achieved with further modification to the side stream, EPA may extend the ultimate date of this Order to April 1, 1982, in order to allow for further testing. In such event, all increments of progress will be appropriately modified at that time.

S. GMC agrees to license the technology it owns on the side stream separate to responsible parties for a reasonable fee.

T. In the event that the Ohio Implementation Plan shall be substantially modified or amended during the period of time in which this Order is in effect so as to make the above-described control program

inadequate or unnecessary to achieve compliance with such modified or amended Ohio State Implementation Plan, GMC and the U.S. EPA shall forthwith meet to discuss possible or appropriate modification of this Order as circumstances shall then require. No discussion shall be necessary until U.S. EPA approves any proposed revisions to the Ohio State Implementation Plan. Any such discussions shall not operate so as to amend or modify the obligations and undertakings herein contained pending the issuance of any amending or modifying Order.

U. This Order shall become effective upon final promulgation in the Federal Register.

Dated:

Administrator, U.S. Environmental Protection Agency.

GMC has reviewed this Order, consents to the terms and conditions of this Order, and believes it to be a reasonable means by which the sources can achieve final compliance with Ohio Regulations AP-3-07 and AP-3-11.

General Motors Corporation
Charles A. Rowley,

Plant Manager, New Departure Hyatt Bearings Division, Sandusky, Ohio.

W. C. Wehmer,
Director, Manufacturing Services, Packages Electric Division, Warren, Ohio.

H. R. Lambert,
Plant Manager, Fisher Body Division, Columbus, Ohio.

R. H. Enskat,
Plant Manager, Fisher Body Division, Mansfield, Ohio.

H. H. Linz,
Plant Manager, Fisher Body Division, Elyria, Ohio.

A. W. Harvey,
Plant Manager, Fisher Body Division, Hamilton, Ohio.

[FR Doc. 79-29908 Filed 9-25-79; 8:45 am]
BILLING CODE 6560-01

[40 CFR Parts 414 and 416]

[FRL 1328-7]

Self-Monitoring and Process Wastewater in Organic Chemicals Manufacturing and Plastic Industries; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period.

SUMMARY: On Friday, August 10, 1979 EPA disclosed its intention to require plants which manufacture specific chemicals and plastic materials to monitor their wastewater streams. Several interested parties have contacted Ms. Maria Irizarry stating that the 30 day time period was inadequate to prepare substantive comments.

EPA recognizes that appearance of the notice coincided with the summer vacation season and that key personnel may not have been available to assist in evaluating the impact of the program.

DATE: The comment period is hereby extended to October 12, 1979.

ADDRESS: Written comments may be submitted to the Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460. Attention: Distribution Officer, WH-552.

FOR FURTHER INFORMATION CONTACT: Paul D. Fahrenthold, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Telephone (202) 426-2497.

Dated: September 21, 1979.

James N. Smith,
Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 79-29904 Filed 9-25-79; 8:45 am]
BILLING CODE 6560-01-M

[40 CFR Part 425]

[FRL 1328-5]

Leather Tanning and Finishing Industry Point Source Category; Availability of Technical and Economic Development Documents and Initiation of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability and Initiation of Comment Period.

SUMMARY: EPA proposed regulations to limit effluent discharge to waters of the United States and introduction of pollutants into publicly owned treatment works from leather tanning and finishing facilities on July 2, 1979 (44 FR 38746).

EPA announces today that documents setting forth technical and economic conclusions and bases for the regulations, entitled *Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards for the Leather Tanning and Finishing Point Source Category, and Economic Impact Analysis of Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Leather Tanning and Finishing Point Source Category*, have been published and are available for public review and comment.

DATES: EPA also announces that the comment period for the proposed regulation will end November 26, 1979.

ADDRESS: Send comments to: Mr. Donald F. Anderson, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Attention: Proposed Leather Tanning Rules.

FOR FURTHER INFORMATION CONTACT: Technical information and copies of the development document may be obtained from Mr. Donald F. Anderson, at the address listed above, or call (202) 426-2707. Economic impact information and copies of the economic analysis may be obtained from Ms. Jean Noroian, Water Economics Branch, (WH-586), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, or call (202) 426-2617.

Dated: September 18, 1979.

Sweep T. Davis,
Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 79-29907 Filed 9-25-79; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 79-180; RM-3133; RM-3159]

FM Broadcast Stations in Athens and New Boston, Ohio, and Greenup and Vanceburg, Ky.; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action here extends the time for filing comments and reply comments in BC Docket No. 79-180.

DATES: Comments must be filed on or before October 2, 1979, and reply comments on or before October 23, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Louis C. Stephens, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

Adopted: September 18, 1979.

Released: September 19, 1979.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Athens and New Boston, Ohio, and Greenup and Vanceburg, Ky.), BC Docket No. 79-180, RM-3133, RM-3159, 44 FR 44573, July 30, 1979.

New Boston Broadcasting Corporation, one of the interested parties, has petitioned for extension of

the date for filing comments until October 2, 1979, in order to permit completion of site studies which are needed to meet spacing problems raised by the pending FM channel assignment proposals.

2. New Boston states that counsel for other parties known to be interested (licensees of WPAY, WNXT, WKKS, WXTQ and Greenup Broadcasting) have consented to the extension.

3. We find in these circumstances good cause for granting the extension. Accordingly, under authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, the time for filing comments in this proceeding is extended to October 2, 1979, and the time for filing reply comments is extended to October 23, 1979.

Federal Communications Commission.

Richard J. Shiben,
Chief, Broadcast Bureau.

[FR Doc. 79-29857 Filed 9-25-79; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Chapter VI]

North Pacific Fishery Management Council; Public Hearing

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Public hearing.

SUMMARY: The North Pacific Fishery Management Council will conduct a public hearing on: (1) Limited entry into the Halibut Fishery; (2) Policies of the Gulf of Alaska Groundfish Fishery Management Plan—directed domestic sablefish fisheries and trawl issues; (3) Proposed Amendments to the High Seas Salmon Fishery (Troll) off the Coast of Alaska East of 175° East Longitude Fishery Management Plan—prohibition of handtrawling in the FCZ; and (4) Amendments to the Tanner Crab Fishery Management Plan.

DATES: The North Pacific Fishery Management Council will conduct a public hearing on the above named subjects on October 3, 1979, from 9:30 a.m. to 5 p.m. at the Centennial Building, Harbor Drive, Sitka, Alaska.

ADDRESS: Send comments to: Chairman, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510. Individuals wishing to comment in person may appear before the Council on October 3, 1979.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3138DT, Anchorage, Alaska 99510, Telephone: (907) 274-4583.

SUPPLEMENTAL INFORMATION: (1) Limited entry into the Halibut Fishery. Comments are invited on whether limited entry should be imposed on the halibut fishery, dates limited entry should be effective, and whether a moratorium on licenses for 1980 should be set, which agency should develop the limited entry scheme, and which agency should enforce it. (2) Policies of the Gulf of Alaska Groundfish FMP. Comments are requested on whether the sablefish fishery should be a special directed longline species or part of a mixed trawl fishery, whether the domestic trawling off Southeast Alaska should be more regulated, and whether joint ventures on Pacific ocean perch, pollock, and cod be encouraged off Southeast Alaska. (3) Proposed Amendments to the High Seas Salmon Fishery Off the Coast of Alaska East of 175° East Longitude FMP. Comments are requested on whether a ban on handtrolling should be instituted in the Fishery Coastal Zone, for the following areas: Waters bounded by a line projected west of Cape Spencer at 58°12'45" N., 136°39'00" N., to a point at 58°12'00" N., 137°7'30" W., thence to a point at 58°21'00" N., 139°48'00" W., then east to the mouth of the Dangerous River at 59°21'00" N., 139°48'00" W., the troll season should be from April 15 thru June 30, except that coho salmon may be taken from June 15 thru June 30. In waters bounded by a line projected west from the mouth of the Dangerous River at 58°21'00" N., 139°19'00" W., to a point at 58°44'00" N., 141°22'05" W., then east to Stikagi Bluffs at 58°44'00" N., 140°58'00" W., the following regulations would be in effect: (a) The season for troll gear will be from April 15 thru September 20, except that coho salmon may be taken from June 15 thru September 20. (b) From the first Monday in July thru September 20 the weekly fishing period for troll gear will be from 12:01 p.m. Monday thru 12:00 Noon Friday. Comments are also requested on whether to limit a maximum of four lines to be fished from a troll vessel; whether, to maintain the status quo on limited entry, reduce the number of power trollers, or allow more power trollers to fish in the FCZ. (4) Amendments to the Tanner Crab Fishery Management Plan. Comments are requested on the following proposed Amendments to the FMP: (A) Increase the expected domestic annual harvest estimate for the Bering Sea for 1980 and determine probable areas of operation; (B) Greatly reduce, maybe eliminate the foreign

Tanner crab fishery in the Bering Sea; (C) Comments requested on Alaska Department of Fish and Game proposals to record deadloss on fish tickets, close the Bering Sea Tanner crab, *C. opilio*, season earlier than September 3rd, reduce Kodiak Tanner crab, *C. bairdi*, OY to 10-25,000 lbs. and reduce the Bering Sea Tanner crab, *C. bairdi* OY to 17-51,000,000 lbs.

Dated: September 20, 1979.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.

[FR Doc. 79-28770 Filed 9-25-79; 8:45 am]

BILLING CODE 3510-22-M

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Nezperce National Forest Plan, Idaho County, Idaho, et. al.; Intent To Prepare Environmental Statements

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare Environmental Statements for proposed Forest Land and Resource Management Plans for the Nezperce, Clearwater, and Idaho Panhandle National Forests. The management plan for each Forest will encompass the entire Forest of 2,242,572 acres (Nezperce National Forest), 1,838,549 acres (Clearwater National Forest) and 2,499,689 acres (Idaho Panhandle National Forests).

Preparation of the plans will follow direction outlined in the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, including the Secretary's Regulations provided therein.

The resulting plans will provide for multiple use and sustained yield of products and services from the Nezperce, Clearwater, and Idaho Panhandle National Forests. The plans will guide all natural resource management activities and establish management standards and guidelines. They will determine resource management practices, harvesting levels and procedures under the principles of multiple use and sustained yield, and the availability and suitability of lands for resource management.

Each Forest Plan will be selected from among representative alternatives which will include at least:

- A no change in existing resource outputs alternative;
- A range of alternatives that displays possible outputs of resources

available at each of several expenditure levels; and

c. Alternatives designed to resolve the identified major public issues and management concerns.

Public participation will be an integral part of the planning process. "Scoping" meetings to identify issues to be addressed will be held early in the process. Times and places for these meetings will be announced by notices in area newspapers, news releases to news media, and brochures mailed to other agencies, organizations, and individuals known to have interest in management of the Nezperce, Clearwater, or Idaho Panhandle National Forests.

Tom Coston, Regional Forester, is the responsible official for these plans.

Further information about the planning and Environmental Impact Statement process, or comments on the Notice of Intent should be directed to:

Ed Laven, Forest Planning Staff Officer,
Nezperce National Forest, 319 E. Main,
Grangeville, ID 83530, telephone (208) 983-1950.

John Underwood, Forest Planning Staff Officer, Clearwater National Forest, Route 4, Orofino, ID 83544, telephone (208) 476-4541.

Gerald House, Forest Planning Team Leader, Idaho Panhandle National Forests, 1201 Ironwood Drive, Coeur d'Alene, ID 83814, telephone (208) 667-2561.

The estimated dates for filing draft Environmental Impact Statements are: Nezperce, October 1980; Clearwater, April 1981; and Idaho Panhandle, April 1981; and for filing Final Environmental Statements: Nezperce, March 1981; Clearwater, October 1981; and Idaho Panhandle, January 1982.

Dated: September 17, 1979.

James E. Reid,
Acting Regional Forester.

[FR Doc. 79-29774 Filed 9-25-79; 8:45 am]

BILLING CODE 3410-11-M

Land and Resource Management Plan, Klamath National Forest, Siskiyou County, Calif., Jackson County, Oregon; Intent to Prepare an Environmental Impact Statement

The USDA-Forest Service will prepare an environmental impact statement for the forest plan for the Klamath National Forest.

This forest plan is one of eighteen currently being developed in the Pacific

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Southwest Region. The development of these several forest plans and the regional plan is starting simultaneously in order to facilitate the identification of issues to be addressed. Forest planning will be completed after adoption of a regional plan.

This forest plan will provide policy and program direction for all National Forest System lands under the administration of the Forest Supervisor.

The Forest Plan will:

- Briefly describe the major public issues and management concerns.
 - Briefly describe the lands and resources of the Klamath National Forest.
 - Identify the goals and objectives for management.
 - Describe the expected types and amounts of goods, services, or uses.
 - Identify the proposed vicinity, timing, standards, and guidelines for proposed implementation of management activities.
 - Identify monitoring and evaluation criteria.
 - Refer to information used in plan development, and
 - Identify the persons who participated in the development of the plan, including a summary of their qualifications.
- The issues expected to be discussed in the development of this plan include, but are not limited to:
- The kinds and amounts of goods produced, the services to be provided and the uses to be permitted on the National Forest System lands.
 - The costs and benefits of providing these goods and services, and
 - The physical, biological, economic and social effects associated with the production of goods and services.
- The Forest plan will be selected from a range of alternatives which will include at least:
- A "no action" alternative which represents continuation of the present management direction.
 - One or more alternatives formulated to respond to major public issues and management concerns.
 - One or more alternatives formulated to respond to the recreational opportunities, including wilderness option for RARE II further planning areas.
 - One or more alternatives formulated to investigate the effects of management for anadromous fisheries

and watershed protection on other forest resources.

(e) One or more alternatives formulated to investigate opportunities for departure from even flow non-declining timber yield.

As an early step in the planning, Federal, State, and local agencies, organizations, and individuals who may be interested in, or affected by, the adopted plan, will be invited to participate in:

(a) Identification of the issues to be addressed,

(b) Identification of those issues to be analyzed in depth, and

(c) Elimination from detailed study those issues which are not significant or which have been covered by prior environmental review, or are not within the scope of this Forest Plan.

To accomplish this, the Klamath National Forest will be sending, to those people currently on the Forest mailing list an initial draft of Forest issues, concerns and opportunities. Comments on this initial draft are requested in writing. In addition, some organization representatives and other individuals with known high interest will be contacted directly soliciting written comment. Additions to the mailing list will be added upon request.

Written comments about these issues are encouraged. To be most useful, they should be received by the Klamath National Forest before January 7, 1980. The kinds of additional public participation opportunities are being developed as part of a detailed Forest Work Plan. It will vary as the planning progresses and will be responsive to the issues and concerns identified.

The estimated date for distribution of the draft environmental impact statement is April 1981. Following a three month public review period, a final environmental impact statement will be prepared and distributed in approximately October 1981.

For further information about the planning project, or the availability of the environmental impact statements, or other documents relevant to the planning process, contact: Lewis G. Manhart, Land Management Planning Officer, Klamath National Forest, 1215 S. Main Street, Yreka, California 96097, 916-842-2741.

Dated: September 19, 1979.

Zane G. Smith, Jr.,

Regional Forester, Pacific Southwest Region.

[FR Doc. 79-29864 Filed 9-25-79; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Lower Otter and Dead Creeks Watershed, Vermont and Little River Watershed, South Carolina; Authorization for Watershed Planning

Concerned State Conservationists of the Soil Conservation Service have been authorized to provide planning assistance to local organizations for the indicated watersheds. The State Conservationists may proceed with investigations and surveys as necessary to develop watershed plans under authority of the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and in accordance with requirements of the National Environmental Policy Act of 1969, Pub. L. 91-190.

Persons interested in these projects may contact the State Conservationists listed below:

Lower Otter and Dead Creeks Watershed, Addison County, Vermont State Conservationist—Coy A. Garrett, Soil Conservation Service, 1 Burlington Square, Suite 205, Burlington, Vermont 05401; 802/862-6501 ext. 6261.

Little River Watershed, Laurens County, South Carolina State Conservationist—George E. Huey, Soil Conservation Service, 240 Stoneridge Drive, Columbia, South Carolina 29210; 803/765-5681.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program)

Dated: September 20, 1979.

Joseph W. Haas,

Assistant Administrator for Water Resource.

[FR Doc. 79-29865 Filed 9-25-79; 8:45 am]

BILLING CODE 3410-16-M

Twentyfive Mile Stream Watershed, Maine; Intent Not to File an Environmental Impact Statement for Deauthorization of Federal Funding of the Twentyfive Mile Stream Watershed.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Twentyfive Mile Stream Watershed, Waldo, Kennebec, Penobscot, and Somerset Counties, Maine.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional or national impacts on the environment. As

a result of these findings, Mr. Eddie L. Wood, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The watershed project, which included a combination of land treatment and structural measures, will not be completed and will not contribute to soil and water conservation, watershed protection or flood prevention of the area.

This notice of intent not to file an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473; 207-866-2132.

An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy request at the above address.

No administrative action on implementation of this proposal will be taken until November 26, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 USC 1001-1008)

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

September 18, 1979.

[FR Doc. 79-29866 Filed 9-25-79; 8:45 am]

BILLING CODE 3410-16-M

Upper Black Bear Creek Watershed Project, Oklahoma; Finding of No Significant Impact

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Black Bear Creek Watershed critical area treatment measures in Noble, Garfield, and Pawnee Counties, Oklahoma.

The environmental assessment of this federally-assisted action indicates that the measures will not cause significant adverse, local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an

environmental impact statement is not needed for these measures.

The planned critical area treatment will include small grade stabilization structures, diversions, critical area plantings, shaping and sodding, and grassed waterways.

The finding of no significant impact has been forwarded to the Council on Environmental Quality. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties through the Soil Conservation Service, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624-4360. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until October 26, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 U.S.C. 1001-1008)

Dated: September 19, 1979.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79-29867 Filed 9-25-79; 8:45 am]

BILLING CODE 3410-16-M

ARMS CONTROL AND DISARMAMENT AGENCY

General Advisory Committee; Meeting

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I, (the Act) and paragraph 8b of Office of Management and Budget Circular No. A-63 (Revised March 27, 1974) (the OMB Circular), that a meeting of the General Advisory Committee (GAC) is scheduled to be held on October 11, 1979 from 10 a.m. to 6 p.m. and on October 12, 1979 from 8:30 a.m. to 12:30 p.m. at 2201 C Street, NW., Washington, D.C., in Room 7518.

The purpose of the meeting is for the GAC to receive briefings and hold discussions concerning arms control and related issues which will involve national security matters classified in accordance with Executive Order 12065, dated June 28, 1978.

The meeting will be closed to the public in accordance with the determination of September 17, 1979 made by the Director of the U.S. Arms Control and Disarmament Agency pursuant to Section 10(d) of the Act and

paragraph 8d(2) of the OMB Circular that the meeting will be concerned with matters of the type described in 5 U.S.C. 553(b)(1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11686 dated October 7, 1972 and continued by Executive Order 11769 dated February 21, 1974.

Dated: September 19, 1979.

Charles R. Oleszycki,

Advisory Committee Management Officer.

[FR Doc. 79-29805 Filed 9-25-79; 8:45 am]

BILLING CODE 6820-32-M

CIVIL AERONAUTICS BOARD

[Docket 36634; Order 79-9-103]

Anchorage-Seattle/Portland Authority Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of September 1979.

By Order 79-3-60, March 13, 1979, issued in the *Northern Tier Show-Cause Proceeding*, we indicated that the issue of authority between Anchorage, on the one hand, and Seattle and Portland, on the other, would be excluded from consideration because it was involved in an ongoing formal proceeding, the *West Coast-Alaska Investigation*, Docket 30170. In Order 79-8-160, August 31, 1979, we made final our tentative findings and conclusions in Order 79-3-60 and stated that we would deal with the Anchorage-Seattle/Portland markets in a separate order.

We have now issued our decision in the *West Coast-Alaska* case, Orders 79-4-36 and 79-7-125, in which we awarded multiple authority, *inter alia*, between Anchorage and Seattle/Portland. In view of our findings there, we have decided to invite interested carriers to apply for authority in the two markets, and we will issue a final order granting the authority to any fit, willing and able applicants whose fitness, willingness and ability can be established by officially noticeable data.¹ We give all potential applicants 15 days from the date of service of this order to file applications, motions to consolidate with the proceeding we are

¹ Officially noticeable data consist of that material filed under subsection 302.24(m) of our Procedural Regulations. Applicants whose fitness cannot be so established must make a showing of fitness, as well as deal with any questions under sections 408 and 409 of the Act. Should such applications be filed, we will then consider how to deal with them procedurally.

instituting in Docket 36634, and the required data.²

Accordingly, 1. We institute the *Anchorage-Seattle/Portland Authority Proceeding*, Docket 36634;

2. Carriers desiring this authority should file, by October 9, 1979, applications, motions to consolidate, and the data set forth in footnote 2, in Docket 36634; and

3. We will serve a copy of this order upon all certificated carriers; the City of Anchorage; the City of Seattle; the City of Portland; Manager, Anchorage International Airport; Manager, Seattle-Tacoma International Airport; Manager, Portland International Airport; Alaska Transportation Commission; Washington State Aeronautics Commission; and Oregon State Department of Transportation, Aeronautics Division.

We will publish this order in the Federal Register.

All Members concurred.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-29879 Filed 9-25-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-9-105]

Atlanta-Phoenix/Tucson Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (79-9-105).

SUMMARY: The Board is proposing to grant Atlanta-Phoenix/Tucson authority to Eastern Air Lines, Atlanta-Phoenix authority to Western Air Lines and the authority in issue to any other fit, willing and able applicant, the fitness of which can be established by officially noticeable material. The complete text of this order is available as noted below.

DATES: All interested persons having objection to the Board issuing an order making final the tentative findings and conclusions shall file, by October 25, 1979, a statement of objections together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated

² They should submit an illustrative schedule of service in the markets at issue, which shows all points that they might choose to serve, the type and capacity of the equipment they would likely use and the elapsed trip time of flights in block hours over the segments. For the markets at issue only, they should also provide an environmental evaluation as required by Part 312 of our Regulations, and an estimate of the gallons of fuel to be consumed in the first year of operations in the markets if they instituted the proposed service, as well as a statement on the availability of the required fuel.

objections. Such filings shall be served upon all parties listed below.

ADDRESSES: Objections to issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 36636, which we have entitled the *Atlanta-Phoenix/Tucson Show-Cause Proceeding*.

In addition, copies of such filings should be served on Eastern Air Lines, Western Air Lines, the Mayors of Atlanta, Phoenix and Tucson, the Managers of Hartsfield-Atlanta International Airport, Sky Harbor International Airport and Tucson International Airport, the Bureau of Aeronautics of the Georgia Department of Transportation and the Aeronautics Division of the Arizona Department of Transportation.

FOR FURTHER INFORMATION CONTACT: Philip J. Reinke, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5105.

SUPPLEMENTARY INFORMATION: The complete text of Order 79-9-105 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-9-105 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 20, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-29862 Filed 9-25-79; 8:45 am]
BILLING CODE 6320-01-M

[Order 79-9-127; Docket 35285]

Bordaire Ltd.; Foreign Air Carrier Permit

AGENCY: Civil Aeronautics Board.
ACTION: Notice of Order to Show Cause: Order 79-9-127.

SUMMARY: The Board proposes to approve the following application:

Applicant: Bordaire Limited.
Application Date: April 9, 1979.
Docket: 35285.

Authority Sought: Foreign air carrier permit authorizing small aircraft charters between points in Canada and points in the United States.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than October 16, 1979, file a statement of such objections with the Civil Aeronautics Board (20 copies) and

mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Canada in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

ADDRESSES FOR OBJECTIONS:
Docket 35285, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Phillips, McKillop, Attn: L. G. Phillips, P.O. Box 491, 237 Church Street, Fort Frances, Ontario, Canada P9A 3M8.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Ave., NW Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Nancy L. Pitzer, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board—(202) 673-5104.

By the Civil Aeronautics Board: September 20, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-29865 Filed 9-25-79; 8:45 am]
BILLING CODE 6320-01-M

[Order 79-9-128]

National Airline Commission T/A Air Niugini; Foreign Air Carrier Permit

AGENCY: Civil Aeronautics Board.
ACTION: Notice of Order to Show Cause: Order 79-9-128.

SUMMARY: The Board proposes to approve the following application:

Applicant: National Airline Commission T/A Air Niugini.
Application Date: April 5, 1979.
Docket: 35236.

Authority Sought: Foreign air carrier permit to engage in foreign air transportation of persons, property and mail between Papua New Guinea and Honolulu, Hawaii and between Papua New Guinea and Guam.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, NO LATER THAN October 16, 1979, file a statement of such objections with the

Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Papua New Guinea in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

ADDRESSES FOR OBJECTIONS:
Docket 35236, Docket Section: Civil Aeronautics Board, Washington, D.C. 20428.

Air Niugini, c/o Robert T. Murphy, 300 Farragut Building, 900 Seventeenth Street, N.W., Washington, D.C. 20006.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: The Regulatory Affairs Division of the Bureau of International Aviation, Civil Aeronautics Board: (202) 673-5880.

By the Civil Aeronautics Board: September 20, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-29866 Filed 9-25-79; 8:45 am]
BILLING CODE 6320-01-M

[Docket 79-9-114]

Overseas National Airways, Inc.; Proposal to Revoke the All-Cargo Air Service Certificate

AGENCY: Civil Aeronautics Board.
ACTION: Notice of Order to Show Cause (79-9-114).

SUMMARY: The Board is proposing to revoke the All-Cargo Air Service Certificate of Overseas National Airways, Inc. for non-compliance with certificate conditions regarding the filing of an insurance certificate in accordance with section 291.22 of the Board's Economic Regulations. (The complete text of this order is available as noted below.)

DATES: All interested persons having objections to the Board issuing an order making final the tentative finding, shall file with the Board and serve upon the carrier, no later than October 24, 1979, a statement of objections, together with a summary of testimony, statistical data,

and such evidence to be relied upon to support the statement of objections.

ADDRESSES: Objections or additional data should be filed in Docket 32346, and sent to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: John McCamant, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5082.

SUPPLEMENTARY INFORMATION: In the event no objections are filed, the Secretary of the Board will enter an order making final our tentative finding and revoking the All-Cargo Air Service Certificate of Overseas National Airways.

The complete text of Order 79-9-114 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 79-9-114 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 20, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-29864 Filed 9-25-79; 8:45 am]
BILLING CODE 6320-01-M

[Order 79-9-130; Docket 31932]

Pacific Western Airlines, Ltd.; Order To Show Cause

AGENCY: Civil Aeronautics Board.
ACTION: Notice of Order to Show Cause: Order 79-9-130.

SUMMARY: The Board proposes to approve the following application:

Applicant: Pacific Western Airlines, Ltd.
Application Date: December 29, 1977.
Docket 31932.

Authority Sought: Renewal and amendment of foreign air carrier permit to operate Fifth Freedom charters.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, NO LATER THAN October 16, 1979, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Canada in Washington, D.C. A statement of objections must cite the docket number and must include a

summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

ADDRESSES FOR OBJECTIONS:
Docket 31932, Docket Section: Civil Aeronautics Board, Washington, D.C. 20428.

Applicant: Pacific Western Airlines, Ltd., c/o David B. Ortman, Suite 210, 1750 New York Avenue, N.W., Washington, D.C. 20006.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: C. Robert Mallalieu, Jr. Bureau of International Aviation, Civil Aeronautics Board: (202) 673-5407

By the Civil Aeronautics Board: September 20, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-29867 Filed 9-25-79; 8:45 am]
BILLING CODE 6320-01-M

[Order 79-9-109]

Pittsburgh-Las Vegas Nonstop Air Route Authority

AGENCY: Civil Aeronautics Board.
ACTION: Notice of Order 79-9-109.

SUMMARY: The Board is proposing to award Pittsburgh-Las Vegas nonstop air route authority under section 401 of the Federal Aviation Act of 1958, as amended, to USAir (formerly Allegheny Airlines), Western Air Lines and any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than October 26, 1979, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the

first year are directed to do so no later than October 11, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket 25242, Docket Section, Civil Aeronautics Board, Washington, D.C., 20428.

FOR FURTHER INFORMATION CONTACT: James F. Adley, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., 20428, (202) 673-5412.

SUPPLEMENTARY INFORMATION: Objections should be served upon the following persons: United Air Lines, USAir, Western Air Lines, the City of Pittsburgh and the City of Las Vegas.

The complete text of Order 79-9-109 is available from the Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 79-9-109 to that address.

By the Civil Aeronautics Board: September 20, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-29863 Filed 9-25-79; 8:45 am]
BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Rhode Island Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island Advisory Committee (SAC) of the Commission will convene at 4:30p and will end at 6:30p, on October 16, 1979, at Central Congregational Church, 296 Angell Street, Providence, Rhode Island.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston Massachusetts 02110.

The purpose of this meeting is to present update on juvenile justice; discuss program planning for FY 80 and SAC Regional Conference.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 21, 1979.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 79-29842 Filed 9-25-79; 8:45 am]
BILLING CODE 6335-01-M

**Vermont Advisory Committee;
Amended Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission originally scheduled for October 15, 1979, at Montpelier, Vermont (FR Doc. 79-29180, page 54531) has been changed.

The meeting will now be held October 18, 1979. The time and place will remain the same.

Dated at Washington, D.C., September 21, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-29843 Filed 9-25-79; 8:30 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE**National Technical Information Service****Government-Owned Inventions;
Availability for Licensing**

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents & Trademarks, Washington, D.C. 20231, for \$.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for \$4.00 (\$8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

Douglas J. Campion,

Patent Program Coordinator, National Technical Information Service.

U.S. Department of the Air Force, AF/JACP,
1900 Half Street SW., Washington, D.C.
20324.

Patent 4,147,858: Fluorocarbon Ether Bibenzoxazole Oligomers containing Reactive Acetylenic Terminal Groups, filed July 19, 1978; patented April 3, 1979; not available NTIS.

Patent 4,147,868: Acetylene-Substituted Aromatic Benzils and Acetylene-Terminated Quinoxaline Compositions, filed January 19, 1978; patented April 3, 1979; not available NTIS.

Patent 4,147,995: Foil Moderated Radioactive Preionization System for Gas Lasers, filed August 19, 1977; patented April 3, 1979; not available NTIS.

Patent 4,148,050: Radiation Dose Rate Hardened Light Detector, filed January 3, 1979; patented April 3, 1979; not available NTIS.

Patent 4,149,016: Perfluoroethers, filed November 16, 1977; patented April 10, 1979; not available NTIS.

Patent 4,149,884: High Specific Strength Polycrystalline Titanium-Based Alloys, filed June 30, 1978; patented April 17, 1979; not available NTIS.

Patent 4,151,358: Ethynyl-Substituted Bis-Naphthalimides, filed January 19, 1978; patented April 24, 1979; not available NTIS.

Patent 4,151,478: Nonlinearly Variable Grain Apparatus, filed January 3, 1978; patented April 24, 1979; not available NTIS.

Patent 4,151,539: Junction-Storage JFET Bucket-Brigade Structure, filed December 23, 1977; patented April 24, 1979; not available NTIS.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 6-005-635: Electrochromic Optical Mask and Method of Fabrication, filed January 22, 1979.

Patent application 6-008,820: Collective Particle Accelerator, filed February 2, 1979.

Patent application 6-010,859: Silicon Barrier Josephson Junction Configuration, filed February 9, 1979.

Patent application 6-013,093: Three Dimensional Integrated Circuits, filed February 21, 1979.

Patent application 6-024,136: Neutral Beam Sustained Astron Reactor, filed March 26, 1979.

Patent application 6-024,235: Solar Energy Heat-Storage Tank, filed March 26, 1979.

Patent application 6-027,691: V3Ga Composite Superconductor, filed April 6, 1979.

Patent application 965,755: Laser Device with Intracavity Harmonic Generator, filed December 4, 1978.

Patent 4,124,368: Insensitive Ammonium Nitrate, filed October 1, 1978; patented November 7, 1978; not available NTIS.

Patent 4,124,452: Distillation Technique for Removal of UDMH from Water, filed May 22, 1978; patented November 7, 1978; not available NTIS.

Patent 4,125,725: Phenylated Carboxyquinoxalines, filed June 3, 1977; patented November 14, 1978; not available NTIS.

Patent 4,125,893: Integrated Refractive Effects Prediction System, filed March 25, 1977; patented November 14, 1978; not available NTIS.

Patent 4,128,732: Surface Passivation of IV-Semiconductors with As₂S₃, filed August 18, 1977; patented November 21, 1978; not available NTIS.

Patent 4,138,401: (3,2-g) Pyranoquinoline Derivatives, filed March 29, 1978; patented February 6, 1979; not available NTIS.

Patent 4,140,912: Atmospheric Radon Monitor, filed July 25, 1977; patented February 20, 1979; not available NTIS.

Patent 4,143,336: Xenon Bromide (XeBr) Excimer Laser, filed March 3, 1978; patented March 8, 1979; not available NTIS.

[FR Doc. 79-29775 Filed 9-25-79; 8:45 am]

BILLING CODE 3510-04-M

**COUNCIL ON ENVIRONMENTAL
QUALITY****Third Progress Report on Agency
Implementing Procedures Under the
National Environmental Policy Act**

AGENCY: Council on Environmental Quality.

ACTION: Information Only: Publication of Third Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act.

SUMMARY: In response to President Carter's Executive Order 11991, on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA"). (43 FR 55978-56007; 40 CFR 1500-08) Section 1507.3 of the regulations provides that each agency of the Federal Government shall have adopted procedures to supplement the regulations by July 30, 1979. The Council has indicated to Federal agencies its intention to publish progress reports on agency efforts to develop implementing procedures under the NEPA regulations. The purpose of these progress reports, the third of which appears below, is to provide an update on where agencies stand in this process and to inform interested persons of when to expect the publication of proposed procedures for their review and comment.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006; 202-395-5750.

**Third Progress Report on Agency
Implementing Procedures Under the
National Environmental Policy Act**

At the direction of President Carter (Executive Order 11991), on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA"). These regulations appear at

Volume 43 of the Federal Register, pages 55978-56007 and in forthcoming revisions to Volume 40 of the Code of Federal Regulations, §§ 1500-1508. Their purpose is to reduce paperwork and delay associated with the environmental review process and to foster environmental quality through better decisions under NEPA.

Section 1507.3 of the NEPA regulations provides that each agency of the Federal government shall adopt procedures to supplement the regulations. The purpose of agency "implementing procedures," as they are called, is to translate the broad standards of the Council's regulations into practical action in Federal planning and decisionmaking. Agency procedures will provide government personnel with additional, more specific direction for implementing the procedural provisions of NEPA, and will inform the public and State and local officials of how the NEPA regulations will be applied to individual Federal programs and activities.

In the course of developing implementing procedures, agencies are required to consult with the Council and to publish proposed procedures in the Federal Register for public review and comment. Proposed procedures must be revised as necessary to respond to the ideas and suggestions made during the comment period. Thereafter, agencies are required to submit the proposed final version of their procedures for 30 days review by the Council for conformity with the Act and the NEPA regulations. After making such changes as are indicated by the Council's review, agencies are required to promulgate their final procedures. Although CEQ's regulations required agencies to publish their procedures by July 30, a number of Federal agencies did not meet this deadline.

The Council published its first progress report on agency implementation procedures on May 7, 1979, and its second progress report on July 23, 1979. (44 FR 26781-82; 44 FR 43037-38.) The third progress report appears below. The Council hopes that concerned members of the public will review and comment upon agency procedures to insure that the reforms required by President Carter and the Council's regulations are implemented. Agencies preparing implementing procedures are listed under one of the following four categories:

**Category #1: Final Procedures Have
Been Published**

This category includes agencies whose final procedures have appeared in the Federal Register.

Central Intelligence Agency, 44 FR 45431 (Aug. 2, 1979).
Department of Agriculture, 44 FR 44802 (July 30, 1979); Animal and Plant Health Inspection Service, 44 FR 50381 (August 28, 1979) (correction 44 FR 51272 (August 31, 1979)); Forest Service, 44 FR 44718 (July 30, 1979); Soil Conservation Service, 44 FR 50576 (August 29, 1979).
Department of Defense, 44 FR 46841 (August 9, 1979).
Export-Import Bank, 44 FR 50810 (August 30, 1979).
International Communications Agency, 44 FR 45489 (August 2, 1979).
Marine Mammal Commission, 44 FR 52837 (September 11, 1979).
National Aeronautics and Space Administration, 44 FR 44485 (July 30) [correction: 44 FR 49650 (August 24, 1979)].
Overseas Private Investment Corporation, 44 FR 51385 (August 31, 1979) [NEPA Procedures are contained in this agency's procedures implementing Executive Order 12114].

**Category #2: Proposed Procedures Have
Been Published**

The category includes agencies whose proposed procedures have appeared in the Federal Register. Those agencies whose final procedures are expected within 30 days are marked with a single asterisk (*); those expected within 60 days by a double asterisk (**).

Advisory Council on Historic Preservation, 44 FR 40653 (July 12, 1979)*.
Civil Aeronautics Board, 44 FR 45637 (August 3, 1979).
Department of Agriculture: Agriculture Stabilization and Conservation Service, 44 FR 44167 (July 27, 1979) [correction: 44 FR 45631 (August 3)]; Rural Electrification Administration, 44 FR 28383 (May 15, 1979)*.
Department of Defense: Department of the Air Force, 44 FR 44118 (July 26, 1979)*; Department of the Army, Corps of Engineers, 44 FR 38292 (June 29, 1979)*.
Department of Energy, 44 FR 42136 (July 18, 1979); Federal Energy Regulatory Commission, 44 FR 50052 (August 27, 1979)*.
Department of Housing and Urban Development: Community Development Block Grant Program, 44 FR 45568 (August 2, 1979)*.
Department of the Interior, 44 FR 40436 (July 10, 1979); Bureau of Reclamation, 44 FR 47627 (August 14, 1979); Heritage Conservation and Recreation Service, 44 FR 49523 (August 23, 1979).
Department of Justice, 44 FR 43751 (July 26, 1979)*; Drug Enforcement Agency, 44 FR 43754 (July 26, 1979)*; Immigration and Naturalization Service, 44 FR 43754 (July 26, 1979)*; Bureau of Prisons, 44 FR 43753 (July 26, 1979)*.
Department of Transportation, 44 FR 31341 (May 31, 1979)*; Coast Guard 44 FR 37098 (June 25, 1979)*; Federal Aviation Administration, 44 FR 32094 (June 4, 1979)*; Federal Railroad Administration, 44 FR 40174 (July 9, 1979)*.

Department of Treasury, 44 FR 39692 (July 6, 1979)*.
Environmental Protection Agency, 44 FR 35158 (June 18, 1979)*.
Federal Communications Commission, 44 FR 38913 (July 3, 1979)*.
Federal Maritime Commission, 44 FR 29122 (May 18, 1979).
Federal Trade Commission, 44 FR 42712 (July 20, 1979).
General Services Administration, 44 FR 33485 (June 11, 1979); Public Buildings Program, 44 FR 27473 (May 10, 1979).
National Capital Planning Commission, 44 FR 33185 (June 8, 1979)*.
National Science Foundation, 44 FR 46901 (August 9, 1979)*.
Pennsylvania Avenue Development Corporation, 44 FR 45925 (August 6, 1979).
Postal Service, 44 FR 36991 (June 25, 1979) [Addition—44 FR 52262 (September 7, 1979)]*.
Small Business Administration, 44 FR 45002 (July 31, 1979)*.
Tennessee Valley Authority, 44 FR 39679 (July 6, 1979)*.
Veterans Administration, 44 FR 48281 (August 17, 1979)*.
Water Resources Council, 44 FR 43749 (July 26, 1979)*.

**Category #3: Anticipate Publication of
Proposed Procedures by October 10**

This category includes agencies that are expected to publish proposed procedures in the Federal Register by October 10, 1979.

ACTION
Agency for International Development
Department of Agriculture: Science and Education Administration
Department of Commerce: National Oceanic and Atmospheric Administration
Department of Defense: Department of the Army; Department of the Navy
Department of Health, Education, and Welfare: Food and Drug Administration
Department of Housing and Urban Development
Department of Labor
Department of State
Federal Emergency Management Agency
International Boundary and Water Commission (U.S. Section)
Nuclear Regulatory Commission

**Category #4: Publication of Proposed
Procedures Delayed Beyond October 10,
1979**

This category includes agencies that are not expected to publish proposed procedures in the Federal Register by October 10, 1979.
Appalachian Regional Commission
Arms Control and Disarmament Agency
Community Services Administration
Consumer Product Safety Commission
Department of Agriculture: Farmers Home Administration
Department of Commerce: Economic Development Administration
Department of the Interior: Bureau of Indian Affairs; Bureau of Land Management; Bureau of Mines; Fish and Wildlife Service; Geological Survey; National

Park Service: Office of Surface Mining Reclamation and Control
 Department of Justice: Law Enforcement Assistance Administration
 Department of Transportation: Federal Highway Administration; National Highway Traffic Safety Administration; Urban Mass Transportation Administration; Saint Lawrence Seaway Corporation
 Farm Credit Administration
 Federal Deposit Insurance Corporation
 Federal Home Loan Bank Board
 Federal Reserve System
 Federal Savings and Loan Insurance Corporation
 Interstate Commerce Commission
 METRO
 National Credit Union Administration
 Securities and Exchange Commission

The development of agency implementing procedures is a critical stage in Federal efforts to reform the NEPA process. These procedures must, of course, be consistent with the Council's regulations and provide the means for reducing paperwork and delay and producing better decisions in agency planning and decisionmaking.

Interested persons will have the opportunity to make their suggestions for improving agency procedures when they are published in the Federal Register in proposed form. Broad public participation at this crucial juncture could go a long way toward ensuring that the goals of the NEPA regulations are widely implemented in the day-to-day activities of government.

Nicholas C. Yost,
 General Counsel.

September 20, 1979.

[FR Doc. 79-29796 Filed 9-25-79; 8:45 am]

BILLING CODE 3125-01-M

Progress Report on Agency Procedures Implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions" (January 4, 1979)

September 21, 1979.

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Information Only: Publication of First Progress Report on Agency Procedures Implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions."

SUMMARY: On January 4, 1979, President Carter issued Executive Order 12114 entitled "Environmental Effects Abroad of Major Federal Actions." Executive Order 12114 requires all federal agencies taking major federal actions outside the U.S. which are encompassed by and not exempted from the Order, to have in effect procedures implementing the

Order within 8 months after January 4, 1979 (i.e., by September 4, 1979). The Order requires agencies to consult with the Council on Environmental Quality and the Department of State before putting their implementing procedures in effect. The Council has previously published certain explanatory documents concerning implementation of EO 12114 (44 FR 18722, March 29, 1979). The purpose of this progress report is to provide an update on where affected agencies stand in this process.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006; (202) 395-5750.

Progress Report on Agency Procedures Implementing EO 12114

The progress report lists federal agencies in two categories. In Category 1 are agencies that have published proposed or final procedures implementing Executive Order 12114. Category 2 lists agencies that have prepared draft procedures or are in the process of developing such procedures, and contains an estimated time such procedures will be published in the Federal Register.

Category 1—Federal Agencies That Have Published Proposed or Final Procedures Implementing EO 12114

Department of Defense—Final Procedures issued April 12, 1979 (44 FR 21786)

Export-Import Bank of the United States—Final Procedures issued August 30, 1979 (44 FR 50813)

Overseas Private Investment Corporation—Final Procedures issued August 31, 1979 (44 FR 51385)

Department of Energy—Proposed Guidelines issued September 6, 1979 (44 FR 52146)

Department of Transportation—See proposed NEPA procedures (DOT Order 5610.1C) issued May 31, 1979 (44 FR 31341), Paragraph 16

National Aeronautics and Space Administration—See Final NEPA procedures § 1216.321 issued July 30, 1979 (44 FR 44490-44491)

Category 2—Federal Agencies Scheduled To Publish Procedures Implementing EO 12114 in the Near Future

Department of State—

(1) Draft procedures implementing EO 12114 (except nuclear actions) awaiting final approval

(2) Draft "Unified Procedures Applicable To Major Federal Actions Relating To Nuclear Activities Subject To Executive Order 12114" awaiting final approval
 Agency for International Development—Proposed Amendments to AID

*Although not published in proposed form for public review and comment, the preamble provides an opportunity for public comment on final procedures.

Environmental Procedures awaiting final approval
 Department of Commerce—Draft Proposed Procedures awaiting final approval
 National Oceanic and Atmospheric Administration—Draft NEPA Procedures (incorporating procedures implementing EO 12114)

Environmental Protection Agency—Draft Procedures implementing EO 12114 (to be incorporated as Subpart J to EPA NEPA regulations) awaiting final approval

Department of Agriculture—Amendments (containing procedures implementing EO 12114) to departmental NEPA procedures are under preparation. These amendments are expected to be published in final in the near future.

Department of Treasury—Draft Procedures implementing EO 12114 are under preparation. These procedures are expected to be published in the near future.

Department of Interior—Draft Procedures implementing EO 12114 are under preparation. These procedures are expected to be published in the near future.

Nicholas C. Yost,

General Counsel.

September 21, 1979.

[FR Doc. 79-29800 Filed 9-25-79; 8:45 am]

BILLING CODE 3125-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS)

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS)

SUMMARY: Intent to Prepare a Draft Environmental Impact Statement (DEIS) for a permit application for a proposed dredge and fill operation by the State of Alabama, Department of Mental Health, for the construction of a barge canal and appurtenances for unloading facilities on the Black Warrior River, River Mile 342.73, Tuscaloosa County, Alabama.

1. *Description of Proposed Action:* The applicant proposes to perform mechanical excavation and hydraulic dredging for the purpose of constructing a barge channel of a proposed industrial complex located on Warrior River, River Mile 342.7, near the City of Tuscaloosa, Alabama. The proposed barge canal will be approximately 300 feet wide by 3,600 feet long to a depth of -10 feet below ordinary high water which also includes a turning basin 600 feet by 600 feet square at the northern section of the canal. Approximately four million cubic yards of sandy-clayey material will be removed from the proposed barge

channel and used for fill and levee material to protect the surrounding site of 460 acres from being inundated by a potential 100-year flood as shown on the attached plans. Sheetpiling will be placed along perimeter of canal landward of proposed waterfront structures to control erosion of the bank. Subject structures will be designed to facilitate loading and unloading barges servicing proposed process and fabricating industries to be located within the site area. Sanitary wastes will be discharged into the City of Tuscaloosa's sewer system. Future maintenance dredging disposal areas have been set aside as shown on attached drawings and have a combined area of 15 acres and will accommodate approximately 250,000 cubic yards of advance maintenance material. Appropriate erosion control measures will be utilized on all cuts to minimize erosion and sloughing of slopes of subject cut areas. A soil reconnaissance survey has been completed by the applicant and is on file for review in the District Office during regular working hours. The overall acreage for the proposed industrial park is approximately 2,300 acres. The facilities will be served by a railspur from I.C.G. Railroad and highway access to U.S. Highway 82, immediately to the north of site.

2. *Alternative to the Proposed Action:* The alternative to the proposed action is "no action." Additional alternatives may be identified during the scoping process.

3. *Description of the Scoping Process:* Public involvement to date on the permit application has involved circulation of Public Notice No. AL78-00221-F on August 7, 1978. The scoping process, as outlined by the Council on Environmental Quality in the June 29, 1979, Federal Register, National Environmental Policy Act-Regulations, will be utilized to involve Federal, State and local agencies and other interested persons. Significant issues to be addressed in the EIS will be identified through the scoping process.

4. *Scoping Meeting:* The time, date and location of the scoping meeting have tentatively been set for 1300 hours, September 17, 1979, at the Mobile Municipal Auditorium, Mobile, Alabama, in Room 3.

5. *DEIS Preparation:* It is estimated that the DEIS will be available to the public in the summer of 1980.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. James B. Hildreth, PD-EE U.S. Army Engineer District, Mobile, P.O. Box 2288, Mobile, AL, 36628.

Dated: September 6, 1979.

Robert H. Ryan,
 Colonel, EN District Engineer.

[FR Doc. 79-29773 Filed 9-25-79; 8:45 am]

BILLING CODE 3710-CR-M

Intent To Prepare a Draft Environmental Impact Statement for a Proposed Maintenance Dredging, Snagging and Clearing and Lock Operation in the Hudson River, N.Y.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. Description of Proposed Action—Maintenance Dredging and snagging and clearing in the Hudson River from NYC to Waterford and operation of the Federal Lock at Troy, New York.

2. Reasonable Alternatives—Potentially, various dredged material disposal sites in the individual reaches that need to be dredged.

3. Scoping Process—
 a. Public Involvement—Contact will be made with those agencies, groups or individuals who are the standard commentators or who have shown an interest in Hudson River dredging. Any others who are interested in supplying input to DEIS should contact EIS coordinator listed below.

b. Significant Issues Requiring In-depth Analysis—Disposal site characteristics (value of, stability, occurrence of endangered species, proximity to valuable resources, archeological resources).

c. Assignments—None Anticipated.

d. Environmental review and consultation—Review will be as outlined in Corps Engineering Regulation 200-2-2 (DRAFT) dated 22 June 1979. Possible additional permits required, New York Water Quality Certificates and/or fresh water wetlands permits.

4. Scoping Meeting will be held October 17, 1979, at 10:00, location 26 Federal Plaza, New York, NY 10007.

5. Estimated date of statement availability: March, 1981.

Address: Project Manager, Charles Bruno, Attn: NANOP-N, Tel. No. (212) 264-0175. EIS Coordinator, Robert Will, Attn: NANEN-E, Tel. No. (212) 264-4662. U.S. Army Engineer District, New York, 26 Federal Plaza, New York, NY 10007.

Dated: September 19, 1979.

P. A. DeScenza,
 Chief, Engineering Division.

[FR Doc. 79-29874 Filed 9-25-79; 8:45 am]

BILLING CODE 3710-06-M

Department of the Navy

Naval Discharge Review Board; Hearing Locations

In November 1975, the Naval Discharge Review Board began to convene and conduct prescheduled discharge review hearings for a number of days each quarter in locations outside of the Washington, D.C. area. The cities in which these hearings are scheduled are determined in part by the concentration of applicants in a geographical area.

The following Naval Discharge Review Board itinerary for October 1979 thru February 1980 has been approved, but remains subject to modification if required:

October 1979, Chicago, IL, Minneapolis, MN.
 November 1979, Salt Lake City, UT, San Diego, CA, San Francisco, CA.
 December 1979, Salt Lake City, UT, San Diego, CA, San Francisco, CA.
 January 1980, Atlanta, GA, New Orleans, LA, Tampa, FL.
 February 1980, Portland, OR, San Francisco, CA.

The foregoing schedule supersedes the schedule published in the Federal Register for Friday, August 10, 1979.

Any former member of the Navy or Marine Corps who desires a discharge review, either in Washington, D.C., or in a city nearer to his or her residence, should file an application with the Navy Discharge Review Board using DD Form 293. If a personal appearance is requested, the petitioner should indicate on the application which location is preferred. Application forms (DD 293) may be obtained from, and the completed application should be mailed to, the following address: Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203.

Notice is hereby given that, since the foregoing itinerary is subject to modification and since, following receipt of a new application, the Naval Discharge Review Board must obtain the applicant's military records before a hearing may be scheduled, the submission of an application to the Naval Discharge Review Board is not tantamount to scheduling a hearing. Applicants and/or their representatives will be notified by mail of the date and place of their hearing when a personal appearance has been requested.

For further information concerning the Naval Discharge Review Board, contact: Captain John G. Shaw, U.S. Navy, Executive Secretary, Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203, (202) 696-4881.

Dated: September 17, 1979.

P.B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 79-29776 Filed 9-25-79; 8:45 am]

BILLING CODE 3610-70-M

Reestablishment of Long Beach Naval Station as a Pacific Fleet Homeport; decision

Pursuant to the provisions of the regulations implementing the procedural provisions of the National Environmental Policy Act. (Part 1505.2 of title 40, Code of Federal Regulations), the Department of the Navy announces its decision to reestablish the Long Beach, California, Naval Station as a Pacific Fleet Homeport.

The decision to reopen the Long Beach Naval Station as an active homeport will mean that approximately 9,000 military and civilian personnel and their dependents, plus 27 ships are to be ordered to Long Beach to coincide with the regular overhaul and new construction programs. Alternatives considered were no action and relocation of ships to other Pacific Coast ports. Long Beach was the environmentally preferable alternative as the facility that could easily accommodate the ships without major military construction. The existence of docks and supporting activities at Long Beach were influencing factors. As with other ports, the Navy has multiple programs to minimize environmental harm especially in the areas of waste disposal and oil pollution abatement. Monitoring to specifically identify air quality parameters will be accomplished as the Los Angeles Basin does note increased levels of pollution under adverse meteorological conditions.

For further information concerning this decision, contact: Mr. Edward W. Johnson, Environmental Protection and Occupational Safety and Health Division of the Office of the Deputy Chief of Naval Operations (Logistics), Room BD 766, Pentagon Washington, D.C. 20350, Telephone no. (202) 697-3668.

Dated: September 21, 1979.

P. B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 79-29900 Filed 9-25-79; 8:45 am]

BILLING CODE 3610-71-M

Office of the Secretary

The Privacy Act of 1974; Deletions and Addition of Records Systems

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of four deletions and one proposed new system of records under the Privacy Act of 1974.

SUMMARY: The Office of the Secretary of Defense proposes adding a new system of records to its inventory identified as DWHS P36, entitled: "Award Records for Military-Office of the Secretary of Defense (OSD) Personnel". The record system is published in its entirety below. This makes obsolete four existing records systems also identified below as deleted.

DATES: The new system shall become effective as proposed without further notice on October 26, 1979, unless comments are received on or before October 26, 1979, which would result in a contrary determination and require republication for further comments.

ADDRESS: Send comments to the System Manager identified in the record system.

FOR FURTHER INFORMATION CONTACT: Mr. James S. Nash, Chief, Records Management Division, Room 5C315, Pentagon, Washington, D.C. 20301, telephone 202-695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense record system notices inventory as prescribed by the Privacy Act of 1974, P.L. 93-579 (5 U.S.C. 552a) have been published in the Federal Register as follows:

FR Doc. 77-28255 (42 FR 50731) September 28, 1977
FR Doc. 78-25891 (43 FR 42375) September 20, 1978
FR Doc. 78-34821 (43 FR 58405) December 14, 1978
FR Doc. 78-35943 (43 FR 60331) December 27, 1978
FR Doc. 79-8786 (44 FR 17780) March 23, 1979
FR Doc. 79-11351 (44 FR 22143) April 13, 1979
FR Doc. 79-15267 (44 FR 28706) May 16, 1979
FR Doc. 79-17755 (44 FR 32724) June 7, 1979
FR Doc. 79-20389 (44 FR 38967) July 3, 1979
FR Doc. 79-26595 (44 FR 50081) August 27, 1979
FR Doc. 79-27756 (44 FR 52017) September 6, 1979
FR Doc. 79-28093 (44 FR 52714) September 10, 1979

The Office of the Secretary of Defense has submitted a new system report on August 23, 1979, for the proposed new record system under the provisions of 5 U.S.C. 552a(o) of the Privacy Act of 1974 which requires advance notice.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

September 21, 1979.

Deletions

The following Office of the Secretary of Defense (OSD) systems of records are deleted:

DWHS P15

System name:

Department of Defense Distinguished Service Medal Files (43 FR 42424, September 20, 1978).

Reason:

This system will be replaced by the new system (DWHS P36) published below.

DWHS P16

System name:

Joint Service Commendation Medal Recommendations File (43 FR 42424, September 20, 1978).

Reason:

This system will be replaced by the new system (DWHS P36) published below.

DWHS P31

System name:

Department of Defense Superior Service Medal (43 FR 42431, September 20, 1978).

Reason:

This system will be replaced by the new system (DWHS P36) published below.

DWHS P35

System name:

Defense Meritorious Service Medal Files (44 FR 38969, July 3, 1979).

Reason:

This system will be replaced by the new system (DWHS P36) published below.

DWHS P36

System name:

Award records for military-Office of the Secretary of Defense (OSD) personnel.

System location:

Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

Categories of individuals covered by the system:

Military personnel recommended for Defense medals.

Categories of records in the system:

Master log, copy of approved award signed by the Secretary of Defense, which contains the name, grade, Social Security Number, duty title, duty activity and period of assignment.

Authority for maintenance of the system:

5 USC 301; 10 USC 1121; Executive Orders 11904 and 12019.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

Internal users, uses, and purposes:

Military Personnel Division—To insure that certificate, citation, and medal are obtained and transmitted to the individual receiving the award.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, assessing, retaining, and disposing of records in the system:

Storage:

Metal five drawer legal size file cabinet with lock.

Retrievability:

Filed by case number with a master log.

Safeguards:

Building has security guards. File is maintained in an area which is secured during nonworking hours.

Retention and disposal:

OSD Award records are transferred to Washington National Records Center (WNRC) after three years, then destroyed when fifteen (15) years old. The appropriate Service files a record in the individual's personnel folder.

System manager(s) and address:

Director of Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301, Telephone: 202-697-5271.

Record access procedures:

Requests from individuals should be addressed to the above System Manager.

Contesting Record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Recommendations received from various Department of Defense related activities.

Systems exempted from certain provisions of the act:

None.

[FR Doc. 79-29913 Filed 9-25-79; 8:45 am]

BILLING CODE 3610-70-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session October 17, 1979 at 201 Varick Street, 9th Floor, New York, NY 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, section 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c) (1) (1976), and that

accordingly, this meeting will be closed to the public.

September 19, 1979.

H.E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 79-29777 Filed 9-25-79; 8:45 am]

BILLING CODE 3610-70-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session October 30, 1979, at 201 Varick Street, 9th floor, New York, NY 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night vision sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, section 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

September 19, 1979.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 79-29778 Filed 9-25-79; 8:45 am]

BILLING CODE 3610-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Case Nos. 52101-6085-01-77 and 52101-6085-02-77]

Northern Indiana Public Service Co., Request for Classification

AGENCY: Economic Regulatory Administration, Department of Energy.
ACTION: Notice of request for classification.

SUMMARY: On June 4, 1979, Northern Indiana Public Service Company (NIPSCO) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify R. M. Schahfer Generating Station Units 16A and 16B (Schahfer 16A and 16B) as an existing facility pursuant to Section 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979 (44 FR 17464), and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA). FUA imposes certain statutory prohibitions against the use of natural gas and petroleum by new and existing electric powerplants. ERA's decision in this matter will determine whether Schahfer 16A and 16B are new or existing powerplants. The prohibitions which apply to existing powerplants are different from those which apply to new powerplants. (Although NIPSCO filed separate requests with ERA for classification of Schahfer 16A and 16B as existing facilities, the requests have been consolidated for analysis by ERA since the costs pertaining to the two units' commonly shared auxiliary and fuel supply facilities are inseparable.)

The purpose of this Notice is to invite interested persons to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with Section 515.26 of the Revised Interim Rule, no public hearings will be held.

DATES: Written comments are due on or before October 17, 1979.

ADDRESSES: Ten copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B-110, Washington, D.C. 20461, Phone (202) 634-2170.

James W. Workman, Acting Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, Phone (202) 254-7450.

G. Randolph Comstock, Deputy Assistant General Counsel for Coal Regulations, Department of Energy, 12th and Pennsylvania Avenue NW., Room 7134, Washington, D.C. 20461, Phone (202) 633-8814.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels

Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3128L, Washington, D.C. 20461, Phone (202) 254-7442.

SUPPLEMENTARY INFORMATION: Northern Indiana Public Service Company (NIPSCO) is a corporation organized under the laws of the State of Indiana. NIPSCO supplies electric service in 21 counties in the northern third of Indiana.

NIPSCO stated that it executed contracts in July 1978, for the construction of two 75 MW, peak-shaving oil-fired turbine-generators, to be known as R. M. Schahfer Generating Station Units 16A and 16B (Schahfer 16A and 16B) in Jasper County, Indiana, and that commercial operation is scheduled for June 1979.

On June 4, 1979, pursuant to ERA's Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979, NIPSCO requested that ERA classify Schahfer 16A and 16B as "existing" facilities.

In accordance with Section 515.6 of ERA's Revised Interim Rule a powerplant will be classified as existing if the cancellation, rescheduling or modification of the construction or acquisition of a powerplant would result in a substantial financial penalty or an adverse effect on the electric system reliability. NIPSCO supported its request for classification by providing evidence in support of their claim that it would suffer a substantial financial penalty if Schahfer 16A and 16B were not permitted to proceed as oil-burning facilities. A summary of the evidence requirements and NIPSCO's response to those requirements follows:

Substantial financial penalty—Pursuant to Section 515.6(a) of the Revised Interim Rule, ERA will classify a facility as existing upon a demonstration that at least 25 percent of the total projected project cost as of November 9, 1978, was expended in nonrecoverable outlays as of November 9, 1978.

In response to the evidence requirements of Section 515.7(b)(1) of the Revised Interim Rule, NIPSCO provided the following information:

Schahfer 16A and 16B

Total projected project costs as of November 9, 1978—\$32,151,000.

Total project expenditures, including obligation and cancellation charges, as of November 9, 1978—\$25,287,000.

Total recoverable expenditures—\$2,966,000.

Total nonrecoverable outlays including penalty charges for obligations and cancellations—\$23,301,000.

Nonrecoverable outlays percentage of total project expenditures as of November 9, 1978—72 percent.

ERA hereby invites all interested persons to submit written comments on this matter.

The public file, containing NIPSCO's request for classification and supporting materials is available for inspection upon request at: ERA, Room B-110, 2000 M Street NW., Washington, D.C. 20461, Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C., on September 19, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-29878 Filed 9-25-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1328-3]

Huron River Steel Co., Sandusky, Ohio; Final Determination

In the matter of the applicability of Title I, Part C of the Clean Air Act (Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to Huron River Steel Company, Sandusky, Ohio.

On May 15, 1978, Huron River Steel Company submitted an application to the United States Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct a steel mill. Additional information was submitted by the Company on July 21, 1978. The application was submitted pursuant to the regulations for PSD.

On September 8, 1978, Huron River Steel Company was notified that its application was complete and preliminary approval was granted.

On October 9, 1978, U.S. EPA published notice of its decision to grant a preliminary approval to Huron Steel Company. No comments or requests for a public hearing were received.

After review and analysis of all materials submitted by Huron River Steel Company the Company was notified on November 24, 1978, that U.S. EPA had determined that the proposed new construction in Sandusky, Ohio, would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve Huron River Steel Company of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed sixty days from the date of this notice.

For further information contact Eric Cohen, Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2090.

John McGuire,

Regional Administrator Region V.

U.S. Environmental Protection Agency—Region V

In the matter of Huron River Steel Co.; proceeding pursuant to the Clean Air Act, as amended, EPA-5-A-79-2.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The Huron River Steel Company (HRS) proposes to construct a steel mill consisting of an electric arc furnace, scrap handling facilities, lime handling facilities, a boiler, a casting and rolling plant and slag processing equipment. The mill is proposed for a site near Sandusky in Erie County, Ohio.

2. Erie County is a Class II area as determined pursuant to Section 162 of the Act and has been designated as a nonattainment area for particulate matter by the State of Ohio pursuant to Section 107 of the Act.

3. The proposed steel mill is subject to the requirements of 40 CFR 52.21 and the applicable sections of the Act. The mill is not subject to the requirements of the Interpretive Ruling (41 FR 55524-30) because the allowable rate of particulate matter emissions from the proposed mill is less than 100 tons per year.

4. HRS submitted to the U.S. Environmental Protection Agency (U.S. EPA) an application for approval to construct the proposed steel mill on May 15, 1978. On June 13, 1978, HRS was notified that their application was deficient. On June 21, 1978, HRS submitted additional information to U.S. EPA. On September 21, 1978, the application was determined to be complete and preliminary approval was granted.

5. On October 9, 1978, U.S. EPA published notice in the Sandusky Register, seeking

written comments from the public on HRS's application and U.S. EPA's review and preliminary approval. There were no public comments and no requests for a public hearing.

6. After review of all the materials submitted by HRS, U.S. EPA has determined that emissions from the operation of the proposed steel mill will be reduced by application of the best available control technology and that emissions from the mill will not adversely impact air quality.

7. The electric arc furnace at the steel mill will meet a particulate emission limit at least as restrictive as the Federal Standard of Performance for Electric Arc Furnaces, 40 CFR Part 60, Subpart AA.

Conditions

8. Emissions from the positive pressure baghouse designed to control emissions from the electric arc furnace operation, melt shop, caster building, and tundish shall not exceed 0.0052 grains per dry standard cubic foot nor exit from this device at three percent opacity or greater.

9. There shall not be any visible emissions of particulate matter from any building or operation on the premises of HRS.

Conditions 8 and 9 are based upon the application of best available control technology as required by Section 165 of the Act.

10. HRS shall inform U.S. EPA of its start-up date at least one month in advance of that date.

11. HRS must install at least two transmissometers to monitor any row of discharge cowls and:

a. HRS must select one of the following alternatives:

1. Monitor all four rows of discharge cowls or,

2. Permanently install monitors on two preselected rows of discharge cowls and agree to increase the number of monitors if, in the opinion of Region V, it is warranted by operating conditions.

12. HRS shall submit monitoring reports to U.S. EPA in conformance with the requirements of 40 CFR 60.7(c) and 40 CFR 60.273(b).

13. HRS must construct and operate the proposed steel mill in accordance with the descriptions presented in their application for approval to construct. Any change in the proposed steel mill might alter U.S. EPA's conclusions and therefore, any changes in the steel mill must receive prior written authorization from U.S. EPA.

Approval

14. Approval to construct the steel mill is hereby granted to the Huron River Steel Company subject to the conditions expressed herein and consistent with the materials and data included in the application filed by the Company. Any departure from the conditions of this approval or the terms expressed in the application must receive the prior written authorization of U.S. EPA.

15. This approval to construct does not relieve HRS of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well

as all other applicable Federal, State and local requirements.

16. A copy of this approval has been forwarded to the Sandusky Library Association, West Adams and Columbus, Sandusky, Ohio, for public inspection.

Dated: November 24, 1978.

John McGuire,

Regional Administrator.

[FR Doc. 79-29896 Filed 9-25-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1328-8]

Greeley, Colo.; Intent to Prepare a Draft Environmental Impact Statement

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of Intent to prepare a supplemental draft environmental impact statement (EIS).

SUMMARY: To fulfill the requirements of Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an EIS and therefore issues this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, Environmental Evaluation Branch, U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. Telephone: (Commercial) 303-837-4831, (FTS) 8-327-4831.

SUPPLEMENTARY INFORMATION:

1. Description of proposed action: The EPA action would be the approval of a facilities plan and the issuance of grant monies pursuant to Section 201 of the Clean Water Act for the design and construction of wastewater treatment facilities for the city of Greeley located in Weld County, Colorado.

2. Public and private participation in the EIS process: Full participation by interested Federal, State and local agencies as well as other interested private organizations and parties is invited. The public will be involved to the maximum extent possible and is encouraged to participate in the planning process.

3. Scoping: The EPA Region VIII will be holding a meeting to discuss the alternatives relating to the scope of the draft EIS. For additional information, contact the person indicated above. Public notice will be given prior to all subsequent meetings.

4. Timing: EPA estimates the supplemental draft EIS will be available for public review and comment around November 1979.

5. Requests for copies of draft-EIS: All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on

the distribution list for the draft EIS and related public notices.

Dated: September 19, 1979.
William N. Hedeman,
Director, Office of Environmental Review.
[FR Doc. 79-29899 Filed 9-25-79; 8:45 am]
BILLING CODE 6560-01-M

[OTS-51002; FRL 1329-2]

Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA, or the Agency).
ACTION: Receipt of Premanufacture Notices.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. Section 5(d)(2) requires EPA to publish a summary of each PMN in the Federal Register. This Notice announces receipt of two PMN's and provides a summary of each.

DATE: Persons who wish to file written comments on a specific chemical substance should submit their comments no later than 30 days before the applicable notice review period ends.

ADDRESS: Written comments should bear the PMN number of the particular chemical substance, and should be submitted in triplicate, if possible, to the Document Control Officer (TS-793), Office of Toxic Substances, EPA, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Scott Flamm, Premanufacturing Review Division (TS-794), Office of Toxic Substances, EPA, Washington, D.C. 20460, telephone: 202/426-2601.

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA, any person who intends to manufacture or import a new chemical substance must submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. On May 15, 1979, EPA announced the availability of the Initial Inventory and identified June 1, 1979, as the official publication date (44 FR 28559). The Section 5 requirements became effective on July 1, 1979.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under Section 5(d)(2) subject to Section 14, EPA must publish in the Federal Register information on the identity and uses of the substance, as well as a

description of any test data submitted under Section 5(b). In addition, EPA has decided that the Section 5(d)(2) notice will include a description of any other test data submitted with the PMN, plus the identity of the manufacturer, when possible.

Publication of the Section 5(d)(2) notice is subject to Section 14 concerning disclosure of confidential data. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity, EPA will publish a generic name if the submitter provides one. If no generic name is provided, EPA will develop one and publish an amended notice after providing due notice to the submitter. EPA immediately will review confidentiality claims for chemical identity and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, after complying with applicable procedures, the Agency will place the information in the public file and will publish an amended notice of the information that should have been in the original Federal Register notice.

Once EPA receives a PMN, the Agency normally has 90 days to review it (Section 5(a)(1)). The Section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under Section 5(c), EPA may for good cause extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When manufacture begins, the submitter must report to EPA and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, anyone may manufacture it without providing EPA notice under Section 5(a)(1)(A).

EPA has proposed Premanufacture Notification Requirements and Review Procedures (44 FR 2242, January 10, 1979). These requirements are not yet in effect. Interested persons should consult the Agency's Interim Policy (44 FR 28564, May 15, 1979) for guidance concerning premanufacturing requirements prior to the effective date of the premanufacture rules and forms. In particular, see the section entitled "Notice in the Federal Register" on p. 28567 of the Interim Policy.

Authority: Section 5 of the Toxic Substances Control Act (90 Stat. 2012; 15 U.S.C. 2604).

Dated: September 21, 1979.

John P. DeKany,
Deputy Assistant Administrator for Chemical Control.

I. PMN No. 5AHQ-0979-0022

Close of review period: December 17, 1979.
Manufacturer's identity: Uniroyal Chemical Co., Uniroyal, Inc., Elm Street, Naugatuck, Connecticut 06770.

New Chemical Substance: The generic name of the substance for this PMN is potassium salt of a polyfunctional aliphatic acid oligomer. The company claims the specific chemical identity to be confidential.

Uses: The substance is intended to be sold in bulk containers and to be used as a dispersant for pigment slurries which are ultimately used in such industries as paint and paper. These pigments are typically inorganic colorants and inert additives, such as titanium dioxide, calcium carbonate and clays.

Data Submitted: The company submitted the following data concerning physical and chemical properties: The substance is defined as the potassium salt of a polyfunctional aliphatic acid oligomer which is a nonvolatile polymer. The product is highly soluble in water and will be marketed as an aqueous solution. It is essentially neutral, having a pH of about 7.5.

Data submitted for a 25 percent solution of a similar chemical substance (sodium salt of a polyfunctional aliphatic acid oligomer) which has been in commercial production for several years showed on acute oral LD₅₀ of over 20 (ml)/kg. This product was also shown to be "not an irritant to rabbit skin" and only a "mild transient irritant to the rabbit eye."

Below is a comparison of indicators of environmental pollution for this material and related chemicals.

Comparison of Indicators of Environmental Pollution				
	Sodium salt	Potassium salt	Ammonium salt	
Chemical Oxygen Demand (COD) (mg/l) ¹	3273	3057	3309	
Biological Oxygen Demand (BOD) (mg/l) ¹	300	300	300	
Microbiological Sensitivity Test (MST) ¹	Negative	Negative	Negative	
pH ¹	8.2	7.4	7.6	

¹ 1% solution of final product.

The company indicates that fish toxicity data are being obtained for this compound and will be submitted at a later date.

II. PMN No. 5AHQ-0979-0023

Close of Review Period: December 17, 1979.
Manufacturer's Identity: Uniroyal Chemical Co., Uniroyal, Inc., Elm Street, Naugatuck, Connecticut 06770.

New Chemical Substance: The generic name of the substance for this PMN is ammonium salt of a polyfunctional aliphatic acid oligomer. The company claims the specific chemical identity to be confidential.

Uses: The substance is intended to be sold in bulk containers and to be used as a dispersant for pigment slurries which are ultimately used in such industries as paint

and paper. These pigments are typically inorganic colorants and inert additives, such as titanium dioxide, calcium carbonate and clays.

Data Submitted: The company submitted the following data concerning physical and chemical properties: The substance is defined as the ammonium salt of a polyfunctional aliphatic acid oligomer which is a nonvolatile polymer. The product is highly soluble in water and will be marketed as an aqueous solution. It is essentially neutral, having a pH of about 7.5.

Data submitted for a 25 percent solution of a similar chemical substance (sodium salt of a polyfunctional aliphatic acid oligomer) which has been in commercial production for several years showed an acute oral LD₅₀ of over 20 (ml)/kg. This product was also shown to be "not an irritant to rabbit skin" and only a "mild transient irritant to the rabbit eye."

Below is a comparison of indicators of environmental pollution for this material and for related chemicals.

Comparison of Indicators of Environmental Pollution				
	Sodium salt	Potassium salt	Ammonium salt	
Chemical Oxygen Demand (COD) (mg/l) ¹	3273	3057	3309	
Biological Oxygen Demand (BOD) (mg/l) ¹	300	300	300	
Microbiological Sensitivity Test (MST) ¹	Negative	Negative	Negative	
pH ¹	8.2	7.4	7.6	

¹ 1% solution of final product.

The company indicates that fish toxicity data are being obtained for this compound and will be submitted at a later date.

The reports on which data are based and other nonconfidential information concerning this notice are available in the public record in the Office of Toxic Substances Reading Room from 9:00 a.m. to 5:00 p.m. on working days (Room E-447, 401 M Street, SW., Washington, D.C. 20460).

[FR Doc. 79-29897 Filed 9-25-79; 8:45 am]

BILLING CODE 6560-01-M

[OTS-50007; FRL 1329-1]

Transfer of TSCA Inventory Forms to Subcontractor; Data Transfer

AGENCY: Environmental Protection Agency (EPA), Office of Toxic Substances.

ACTION: Notice of Data Transfer.

SUMMARY: EPA's contractor, Chemical Abstracts Service (CAS), a division of the American Chemical Society, has entered into a subcontract with the Micrographics Division of Anacomp, Inc. for the microfilming of approximately 100,000 Inventory Reporting Forms A, B, and C. Some of the information on these forms has been claimed as confidential by the submitting companies.

DATE: The microfilming of the Inventory Reporting Forms will begin no sooner than October 10, 1979.

FOR FURTHER INFORMATION CONTACT:

John B. Ritch, Jr., Director, Industry Assistance Office, Office of Toxic Substances (TS-793), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The toll-free telephone number is 800-424-9065. In Washington, DC, please call 554-1404.

SUPPLEMENTARY INFORMATION: Under Section 8(a) of TSCA and the Inventory Reporting Regulations, 40 CFR 710, manufacturers and importers of chemical substances reported information, including confidential business information, for the chemical substance inventory. The original reporting forms have been kept in a secure area at the CAS facility in Columbus, Ohio. To facilitate handling of the information on the forms, EPA, through CAS's subcontractor Micrographics Division of Anacomp, Inc. of Columbus, Ohio, will microfilm the forms. CAS will then continue to maintain in secure storage the original forms and one microfiche copy. The original microfiche and a second copy will be forwarded to the Chemical Information Division at EPA Headquarters and will be placed in secure facilities.

Duplication of the original microfiche images will be performed by Anacomp, under the supervision of a CAS employee, at Anacomp's facilities. All other work under this subcontract will be performed at CAS facilities. Anacomp shall return to CAS all documents, including all microimages and all waste material, whether original or in process.

This subcontract is entered into in accordance with Prime Contract #68-01-4684 between the American Chemical Society and the United States Environmental Protection Agency.

Pursuant to 40 CFR 2.306(j), it has been determined that it is necessary for Anacomp to be furnished these forms in order to satisfactorily perform its work under this subcontract.

Pursuant to the EPA/TSCA Confidential Business Information Security Manual, Anacomp has been authorized to have access to this information. A security plan for Anacomp has been approved, and EPA's Security and Inspection Division has conducted the required inspection of the Anacomp facilities and found them to be in compliance with the requirements of the TSCA Confidential Business Information Security Manual.

Anacomp is required to treat all TSCA Confidential Business Information in

accordance with the requirements of that Manual.

Statutory authority: Section 8 of TSCA (Pub. L. 94-469, 90 Stat. 2003, 15 U.S.C. 2601 et seq.)

Dated: September 18, 1979.

Marilyn C. Bracken,
Deputy Assistant Administrator, Program Integration and Information.

[FR Doc. 79-29898 Filed 9-25-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

KUNO, FM, Inc., et al; Applications for Construction Permits; Memorandum Opinion and Order

Adopted: September 10, 1979.

Released: September 19, 1979.

In the matter of applications of KUNO, FM, INC., Corpus Christi, Texas; Req: 99.1 MHz, Channel 256 100 kW (H&V), 750 feet; BC Docket No. 79-223, File No. BPH-10,114; Big "C" Broadcasting Corporation, Corpus Christi, Texas; Req: 99.1 MHz, Channel 256 100 kW (H&V), 932 feet; BC Docket No. 79-224, File No. BPH-10,644; A. V. Bamford, Corpus Christi, Texas; Req: 99.1 MHz, Channel 256, 100 kW (H&V), 894 feet; BC Docket No. 79-225, File No. BPH-10,649; Radio KCCT, Inc., Corpus Christi, Texas; Req: 99.1 MHz, Channel 256, 100 kW (H&V), 750 feet; BC Docket No. 79-226, File No. BPH-10,654; for construction permits

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned, mutually exclusive applications of KUNO, FM, Inc. (KUNO), Big "C" Broadcasting Corporation (Big "C"), A.V. Bamford (Bamford) and Radio KCCT, Inc. (KCCT).¹

¹ On January 4, 1979, the staff issued deficiency letters to each of the applicants, indicating that requested information should be submitted in amendment form within 30 days. On January 31, 1979, counsel for Bamford requested an extension of time until March 1, 1979. On March 1, 1979, Bamford's counsel filed a further request for extension of time until March 8, 1979 to respond to the deficiency letter. On March 13, 1979, counsel for Bamford tendered for filing an amendment signed by counsel, with a request for waiver of the certification rules. In support, Bamford's counsel cited delay in the mails and express mail between the applicant in California and counsel in Washington, D.C. On March 16, 1979, counsel for Bamford tendered for filing the amendment executed by Mr. Bamford. Counsel for KCCT opposed Bamford's March 1, 1979 further request for extension of time. Inasmuch as the workload of the staff prevented processing of the application amendments during the relatively brief period requested, and Bamford has submitted the properly executed amendment, KCCT's request for dismissal of the Bamford application will be denied. Bamford's request for extension of time will be

Footnotes continued on next page

2. A review of KUNO's application reveals two deficiencies with regard to our certification requirements which necessitate the specification of an improper certification issue. We note that Section I, Page 2, and Section IV-A, Page 8 of FCC Form 301, are certified by John F. Robards, Vice President and General Manager, under date of June 23, 1976. However, Section V-B, Page 2, and Section V-C of the same application are certified by Donald G. Everist, consulting engineer, under date of June 28, 1976. Section I, Page 2 of FCC Form 301 requires that the certification portion of the application "not be dated and signed until all Sections and Exhibits have been prepared and attached." Accordingly, we are specifying an issue to permit KUNO to clarify the circumstances surrounding the preparation of its application.

3. Analysis of the financial data submitted by Bamford reveals that \$34,015 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment lease down payment	\$3,106
Equipment lease payments with interest	4,659
Land (lease)	1,250
Building	3,000
Miscellaneous	10,500
Operating costs (three months)	11,500
Total	\$34,015

Bamford plans to finance construction and operation with the following funds: \$13,933.76 in cash and a bank loan of \$25,000. Although the applicant shows a checking account balance of \$13,933.76 as of February 23, 1979, Bamford did not submit a current balance sheet. The balance sheet as of July 7, 1977, filed in Exhibit 2 of the original application showed cash on hand and in banks in excess of \$12,000 and marketable securities (\$5,000 Pan American Airways bond and 300 shares of Signor Corporation) worth at least \$10,000. However, the balance sheet disclosed current liabilities in the amount of \$14,200. Thus Bamford's cash (\$13,933.76) and securities (\$10,000), when offset against current liabilities (\$14,200), leaves \$9,733.76 in quick assets available. In addition, the bank commitment does not contain terms of interest, repayment and collateral as required by Paragraph 4(e) of Section III of the Form. Accordingly, Bamford has established the availability of only \$9,733.76 to meet anticipated costs of \$34,015 and a limited financial issue will be specified.

4. Analysis of the financial data submitted by KCCT reveals that

Footnotes continued from last page granted and the amendment accepted, and his request for waiver of the certification rules will be dismissed as moot.

\$122,654 will be required to construct and operate the proposed station for three months itemized as follows:

Equipment	\$62,284
Miscellaneous	17,120
Operating Costs (three months)	23,250
Total	\$122,654

KCCT plans to finance construction and operation with the following funds: cash on hand and in banks, \$13,000, and loan from Frost National Bank, San Antonio, Texas, \$275,000. However, the bank's loan commitment letter expired on July 7, 1977. Therefore, a limited financial issue will be specified.

5. Bamford's survey of community leaders of other areas to be served omitted the communities of Kingsville, Alice, Robstown, Portland, Arkansas Pass, Sinton and Mathis. Since the staff's letter to Bamford overlooked this deficiency, we will not specify an issue at this time. However, to assure that the applicant's ascertainment effort adequately reflects the problems and needs of its proposed service area and is in substantial compliance with the Commission's *Primer on Ascertainment of Community Problems by Broadcast Applicants*, we will afford Bamford an opportunity to amend its application within fifteen days of the release of this order to include community leader surveys from the aforementioned areas. See *Processing of Contested Broadcast Applicants*, 44 FR 34947, published June 18, 1979, 45 RR 2, 1220, paras. 47-55.

6. KCCT proposes predominantly Spanish language programming and Bamford proposes 50% Black and Hispanic programming, while the other applicants propose general market programming. However, neither KCCT nor Bamford have made a predesignation showing that their respective proposed formats are not available in the particular market in a substantial amount.² Accordingly, in accordance with the Commission's Memorandum Opinion and Order, *George E. Cameron Jr., Communications (KROQ)*, FCC 79-206, 71 FCC 2d 460 (1979), neither applicant would receive a preference in its specialized format and inquiry at hearing on this score is unnecessary.

7. Recognizing that its proposed 3.16 mV/m contour will encompass the entire population of Corpus Christi but not the entire area within the legal boundaries of the city, as depicted on a

² Bamford states only that it would be the only FM station in Corpus Christi offering a 50% Black and Hispanic and 50% progressive country format. Bamford application, Section IV-A, Paragraph 17. This falls short of the required showing of an absence of such programming in a substantial amount in the particular market.

map obtained from the Department of Planning and Urban Development of the city on May 13, 1977, Big "C" requests a waiver of the principal community coverage provisions of Section 73.315(a) of the Commission's Rules. In support, Big "C" states that the small area of Corpus Christi that lies outside the proposed 3.16 mV/m contour consists of the extreme eastern portion of the water of Corpus Christi Bay and unoccupied mud flats on the western side of Mustang Island. Our review of the other mutually extensive applications indicates that extension of the city limits of Corpus Christi as depicted by Big "C" results in similar principal community coverage deficiencies for each of the proposals. Since the area of Corpus Christi situated outside the proposed 3.16 mV/m contour consists entirely of water and uninhabited land, the proposals are in substantial compliance with the rule, and the matter need not be explored in hearing.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it is ordered, that A. V. Bamford's request for extension of time to file an amendment responsive to the Commission's deficiency letter is granted, the amendment is accepted, and A. V. Bamford's request for waiver of the application certification rules is dismissed as moot.

10. It is further ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether the application of KUNO, FM, Inc. was properly certified and executed in accordance with Commission requirements, and the effect thereof, if any, on the applicant's basic qualifications to be a Commission licensee.

(2) To determine with respect to A. V. Bamford:

(a) The source and availability of additional funds over and above the \$9,733.76 indicated; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(3) To determine with respect to Radio KCCT, Inc.:

(a) The source and availability of additional funds over and above the \$13,000 indicated; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(4) To determine which of the proposals would, on a comparative basis, best serve the public interest.

11. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-29858 Filed 9-25-79; 8:45 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

[D-79-11]

Delegation of Authority to the Chairman of the Federal Home Loan Bank Board

1. *Purpose.* This delegation confers upon the Chairman of the Federal Home Loan Bank Board any and all authority of the Administrator of General Services under the Public Buildings Cooperative Use Act of 1976 (40 U.S.C. 490(a) (16)) to outlease commercial space at the Bank Board's Headquarters Building, 1700 G Street, NW., Washington, D.C.

2. *Effective date.* This delegation of authority is effective immediately.

3. *Delegation.* (a) Pursuant to the authority vested in me by the Public Buildings Cooperative Use Act of 1976, the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(d)), the Public Building Act of 1959, as amended (40 U.S.C. 490(a)(16)), and the Federal Home Loan Bank Act of 1932, as amended (12 U.S.C. 1438(c)(4)), authority is delegated to the Chairman

of the Federal Home Loan Bank Board to outlease the commercial space in the Federal Home Loan Bank Board's Headquarter Building, 1700 G Street, NW., Washington, D.C.

(b) The Chairman of the Federal Home Loan Bank Board may redelegate this authority to any official, officer or employee of the Federal Home Loan Bank Board.

(c) This authority shall be exercised in accordance with the authorities set forth in subparagraph (a), above, and, where appropriate, the National Environmental Policy Act of 1969, section 106 of the National Historic Preservation Act of 1966, and the Federal Property and Administrative Services Act of 1949, as amended, and all other applicable statutes, regulations, and guidelines.

Dated: September 14, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-29779 Filed 9-25-79; 8:45 am]

BILLING CODE 6820-23-M

[GSA Bulletin FPR 37, Federal Procurement, Supplement 1]

Companies Not in Compliance With the Voluntary Wage and Price Standards

September 14, 1979.

1. *Purpose.* This supplement adds an additional company to the list of companies that have been determined to be in noncompliance with the Voluntary Wage and Price Standards formulated pursuant to Executive Order 12092.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until cancelled.

3. *Substance.* The following company is added to the companies listed in paragraph 4 of GSA Bulletin FPR 37, dated August 17, 1979:

Effective August 7, 1979

Laclede Steel Company, Equitable Building, St. Louis, Missouri 63102.

Pete Kayafas,

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 79-29780 Filed 9-25-79; 8:45 am]

BILLING CODE 6820-61-M

Public Buildings Service

Meeting on Consolidating Federal Agency Locations

The General Service Administration, in accordance with the National Environmental Policy Act of 1969 as amended, and the regulations issued by the Council of Environmental Quality, November 29, 1978, proposes to conduct

a Program Environmental Impact Statement (PEIS) on the central business area of Atlanta, Georgia. The PEIS will evaluate the environmental consequences of consolidating Federal agencies in the CBA in an existing building, Federally leased constructed building, or the rehabilitation and readaptive use of a historic, architecturally or culturally significant building.

A meeting to discuss the consolidation of Federal agencies will be held on September 28, 1979, beginning at 10:00 a.m. in the L. D. Strom Auditorium, Richard B. Russell Federal Building and Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30303.

Interested persons will have an opportunity to express their views as to the effects of consolidating Federal agencies in the central business area of Atlanta, Georgia. Written statements will be accepted.

For additional information contact: General Services Administration, Attn.: Mr. William H. Capes (4PG), 75 Spring Street, S.W., Atlanta, GA 30303, Telephone: (404) 221-3080.

Wesley L. Johnson, Jr.,

Regional Administrator.

[FR Doc. 79-29937 Filed 9-25-79; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Animal Resources Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Animal Resources Review Committee, Division of Research Resources, November 7, 1979, Room 104, Building 14C, National Institutes of Health, Bethesda, Maryland 20205.

The meeting will be open to the public on November 7 from 8:30 a.m. to 10:00 a.m., during which time there will be a brief staff presentation on the current status of the Animal Resources Program. The Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 7 from 11:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications submitted to the Laboratory Animal Sciences Program. These applications and discussions could reveal confidential trade secrets

or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B39, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Dennis O. Johnsen, Executive Secretary of the Animal Resources Review Committee, Room 5B55, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, National Institutes of Health)

Dated: September 20, 1979.

Suzanne L. Freneau,
NIH Committee Management Officer.

[FR Doc. 79-29816 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-08-M

Biomedical Library Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biomedical Library Review Committee, National Library of Medicine, on November 13-14, 1979, convening each day at 8:30 a.m. in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, to adjournment on November 14.

This meeting will be open to the public from 8:30 to 11:00 a.m. on November 13 for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 11:00 a.m. on November 13 to adjournment on November 14 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National

Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, telephone number: 301-496-4191, will provide summaries of the meeting, rosters of the committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—National Institutes of Health.)

Dated: September 20, 1979.

[FR Doc. 79-29817 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-08-M

Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Institute Board of Scientific Counselors, November 29 and 30, 1979, National Institutes of Health, Building 10, Room 7N214. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on November 29 and from 9:00 a.m. to 12 noon on November 30 for discussion of the general trends in research relating to cardiovascular, pulmonary and certain hematologic diseases. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1:30 p.m. to adjournment November 30 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the Board members. Substantive program information may be obtained from Dr. Jack Orloff, Director, Division of Intramural Research, NHLBI, NIH Building 10, Room 7N214, phone (301) 496-2116.

Dated: September 20, 1979.

Suzanne L. Freneau,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-29820 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-08-M

Cancer Control and Rehabilitation Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control and Rehabilitation Advisory Committee, National Cancer Institute, October 22, 1979, Building 31—A Wing, Conference Room 4, National Institutes of Health, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 a.m. to adjournment, to review planning for several projects planned for funding in fiscal year 1980. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Mr. H. C. Noyes, Acting Executive Secretary, National Cancer Institute, Blair Building, Room 720, Silver Spring, Maryland 20910 (301/427-8636) will furnish substantive program information.

Dated: September 20, 1979.

Suzanne L. Freneau,
Committee Management Officer, NIH.

[FR Doc. 79-29813 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-08-M

Genetic Basis of Disease Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Genetic Basis of Disease Review Committee, National Institute of General Medical Sciences on November 19-20, 1979, 9 a.m. Conference Room 7, Building 31C, National Institute of Health, Bethesda, Maryland.

This meeting will be open to the public on November 19 from 9 a.m. to 11 a.m. for opening remarks and discussion of procedural matters and issues relevant to the Genetics Program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552(b)(c)(6), the meeting will be closed to the public on November 19 from 11 a.m. to 5 p.m., and November 20 from 9 a.m. until adjournment, for the review, discussion, and evaluation of institutional training grant applications in genetics. These applications and the discussions could disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Mr. Paul Deming, Public Information Officer, NICMS, Westwood Building, Room 9A12, Bethesda, Maryland 20205, telephone (301) 496-7301, will furnish summary minutes of the meeting and a roster of committee members.

Mrs. Mary L. Wolff, Executive Secretary, Genetic Basis of Disease Review Committee, National Institute of General Medical Sciences, Room 953 Westwood Building, telephone (301) 496-7585, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-862, General Medical Sciences Genetics Program)

Dated: September 20, 1979.

Suzanne L. Freneau,
Committee Management Officer, NIH.

[FR Doc. 79-29819 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-08-M

Maternal and Child Health Research Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on November 15-16, 1979, in the Landow Building, Conference Room E, first floor, 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on November 15 from 9:00 a.m. to 10:30 a.m. to discuss items relative to the Committee's activities including announcements by the Director, Deputy Director, Associate Director for Scientific Review and the Chiefs of the Human Learning and Behavior and the Clinical Nutrition and Early Development Branches and the Executive Secretary of the Committee. Concept clearance for contract programs of the Center for Research for Mothers and Children will be discussed. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552(c)(4) and 522(c)(6) and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 15 from 10:30 a.m. to adjournment on November 16 for the review, discussion and evaluation of individual grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide a summary of the meeting and a roster of committee members. Dr. Jane Showacre, Executive Secretary, Maternal and Child Health Research Committee, NICHD, Landow Building, Room 7C16, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, National Institutes of Health)

Dated: September 20, 1979.

Suzanne L. Freneau,
Committee Management Officer, NIH.

[FR Doc. 79-29818 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Eye Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, October 25 and 26, 1979, Building 31, Conference Room 9, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m. until noon on Thursday, October 25, for opening remarks by the Director, National Eye Institute, discussion of procedural matters, and presentations by the extramural staff of the National Eye Institute. It will again be open to the public from 1:30 p.m. until adjournment on Friday, October 26, for a meeting of the Vision Research Program Planning Subcommittee of the National Advisory Eye Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public from 1:00 p.m. for the remainder of the day on Thursday, October 25, and from 8:30 a.m. until noon on Friday, October 26, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Julian Morris, Chief, Office of Scientific Reports and Program Planning, National Eye Institute,

Building 31, Room 6A-25, AC 301/496-5248, will provide summaries of meetings and rosters of committee members.

Dr. Ronald G. Geller, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A-04, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, 13.868, 13.869, 13.870, and 13.871, National Institutes of Health)

Dated: September 20, 1979.

Suzanne L. Freneau,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-29814 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-08-M

Transplantation Biology and Immunology Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Transplantation Biology and Immunology Committee, National Institute of Allergy and Infectious Diseases on November 2, 1979, National Institutes of Health, Building 31, Conference Room 8, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. to 12:30 p.m. on November 2, 1979 to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code section 10(d) of Pub. L. 92-463, the meeting of the Committee will be closed to the public on November 2, 1979 from 1:00 p.m. until 5:00 p.m., for the review, discussion, and evaluation of individual grant applications and contract proposals. These applications, proposals, and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, NIAID, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide summaries of the meeting, and rosters of the Committee members.

Dr. Harley G. Sheffield, Executive Secretary, Transplantation Biology and Immunology Committee, NIAID, NIH Westwood Building, Room 706,

telephone (301) 496-7966 will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health.)

Dated: September 20, 1979.

Suzanne L. Freneau,

Committee Management Officer, NIH.

[FR Doc. 79-29815 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-08-M

Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Metabolism, and Digestive Diseases, October 19-20, 1979, National Institutes of Health, Building 2, Room 102, Bethesda, Maryland 20205.

This meeting will be open to the public from 9:30 a.m. to 4:30 p.m. on October 19, and from 9:00-11:00 a.m. on October 20, and will be devoted to scientific presentations by various laboratories of the NIAMDD intramural research. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 4:30 p.m. to closing on October 19, and from 11:00 a.m. to adjournment on October 20, for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James N. Fordham, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20205, (301) 496-3583, will provide summaries of the meeting and rosters of the members.

Dated: September 20, 1979.

Suzanne L. Freneau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-29812 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-08-M

Clinical Trials Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, October 11-12, 1979, at the Boston Park Plaza Hotel, 64 Arlington Street, Boston, Massachusetts at 8:00 p.m. on October 11, 1979.

This meeting will be open to the public from 8:00 p.m. to 9:00 p.m. on October 11, 1979, to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 902-463, the meetings will be closed to the public on October 11, 1979, from 9:00 p.m. to adjournment on October 12, 1979, for the review, discussion and evaluation of an individual grant application. This application and the discussion could reveal personal information concerning individual associated with the application, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 4A-21, phone (301) 496-4236, will provide summaries of the meetings and rosters of committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Room 548B, phone (301) 496-7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health)

Dated: September 20, 1979.

Suzanne L. Freneau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-29806 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Allergy and Infectious Diseases Council; Amended Notice of Meeting

Notice is hereby given of changes in the meeting dates and times of the "closed" and "open" portions of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, which was published in the Federal Register on August 29, 1979 (44 FR 50659).

The Subcommittee on Manpower Development scheduled for October 22 at 2:00 p.m. has been cancelled. The full Council meeting will be open to the public on October 23 from 9:00 a.m. until 9:30 a.m., and from 1:30 p.m. until recess, and on October 24 from 9:00 a.m. until 11:00 a.m.

The meeting will be closed to the public on October 23 from 9:30 a.m. until

1:30 p.m., and on October 24 from 11:00 until adjournment.

(Catalog of Federal Domestic Assistance Program Nos. 13.855 and 13.856, National Institutes of Health.)

Dated: September 11, 1979.

Suzanne L. Freneau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-29810 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-08-M

NIH Public Advisory Committee; Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-77a6), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the following committees:

Bio-Psychology Study Section
Immunobiology Study Section
Neurology A Study Section
Surgery, Anesthesiology and Trauma Study Section
Toxicology Study Section
Research Manpower Review Committee

Authority for the above committees will expire on June 30, 1981, unless the Secretary formally determines that continuance is in the public interest.

Dated: September 14, 1979.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 79-29811 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-08-M

Office of the Assistant Secretary for Health

Intent To Grant Exclusive Patent License

Pursuant to § 6.3, 45 CFR, Part 8, and 41 CFR 101-4, notice is hereby given of intent to grant to Cardiassist Corporation an exclusive license to manufacture, use, and sell an invention of Clarence Dennis entitled "Process and Apparatus for Pressurizing Lower Extremities of a Patient During Ventricular Diastole." The license to be limited in scope, however, to the use of a liquid fluid for pressurizing the device. The device, using other pressurizing fluids, such as a gas, will remain available for nonexclusive licensing. A copy of United States Patent No. 3,303,841 may be obtained from the United States Patent and Trademark Office or by written request submitted to the Acting Chief of the Patent Branch,

Department of Health, Education, and Welfare, Room 5A03 Westwood Building, National Institutes of Health, Bethesda, Maryland 20205.

The proposed license will have a duration of five (5) years from the date of first commercial sale, may be royalty-bearing, and will contain other terms and conditions to be negotiated by the parties in accordance with Department of Health, Education, and Welfare patent regulations. The Department of Health, Education, and Welfare will grant the license unless, within sixty (60) days of this Notice, the Assistant Secretary for Health receives in writing, addressed to him at 330 Independence Avenue, SW., Washington, D.C. 20201, any of the following, together with supporting documents:

(1) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license; or
(2) An application for a nonexclusive license to manufacture or sell the invention in the United States is submitted in accordance with 41 CFR 101-4-104-2, and the application states that applicant has already brought the invention to practical application, or is likely to bring the invention to practical application expeditiously.

(45 CFR 6.3 and 41 CFR 101-4)

Dated: September 19, 1979.

Julius B. Richmond,

Assistant Secretary for Health.

[FR Doc. 79-29801 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-95-M

Office of the Assistant Secretary for Education

Data Acquisition Activities

AGENCY: Office of the Assistant Secretary for Education, Department of Health, Education, and Welfare.

ACTION: Notice of Data Acquisition Activities Involving Educational Agencies and Institutions.

SUMMARY: The paperwork control requirements in Section 400A of the General Education Provisions Act, added by Pub. L. 95-561, require public announcement of certain data requests that Federal agencies address to educational agencies and institutions. The Education Division of HEW proposes to collect the data described below from educational agencies or institutions during School Year 1979-80.

FOR FURTHER INFORMATION CONTACT: Mrs. Elizabeth M. Proctor, FEDAC Staff, 400 Maryland Avenue, S.W., Washington, D.C. 20202 Phone (202) 245-1022.

SUPPLEMENTARY INFORMATION: Under the Paperwork Control Amendments of 1978, section 400A of the General Education Provisions Act, the Secretary of Health, Education, and Welfare is responsible for reviewing and approving collection of information and data acquisition activities of all Federal agencies (1) Whenever the respondents are primarily educational agencies or institutions; and

(2) Whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs. The Secretary has delegated authority to the Assistant Secretary for Education.

We published interim FEDAC review procedures on August 8, 1979 (44 FR 48535), which are now effective. However, we are accepting public comments on the procedures until October 9 and we and the Federal Education Data Acquisition Council will decide if any changes are necessary based on any comments we receive.

One requirement is that "no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by the February 15 immediately preceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it." Since this requirement was not enacted until November, 1978, Federal agencies were unable to comply with it fully for data to be collected in School Year 1979-80 (the plan would have had to be announced by February, 1979). I determine an unusual circumstance exists regarding the data activities listed below because of the recent enactment of new review requirements.

Descriptions of proposed data acquisition activities for School Year 1979-80 are being published for comment. Most of these data acquisition activities were also listed—but not described in as much detail—in the Federal Register of February 15, 1979. Other activities previously approved were also in that list.

Each agency or institution subject to the request for the data, its representative organizations, or any member of the public, may comment on the proposed data acquisition activity. The Federal Education Data Acquisition Council Staff accepts comments at the above address. Comments should refer to the specific sponsoring agency and

form number and they must be received on or before October 26, 1979.

I ask the affected educational agencies and institutions to cooperate in the following data collection activities that are being reviewed by the Federal Education Data Acquisition Council (FEDAC) Staff.

Dated: September 19, 1979.

Mary F. Berry,

Assistant Secretary for Education.

The proposed data collection activities are:

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Application for Comprehensive Program of the Fund for the Improvement of Postsecondary Education.

(b) Agency/Bureau/Office

Office of the Assistant Secretary for Education/Fund for the Improvement of Postsecondary Education.

(c) Agency Form Number

ASE 0001.

(d) Legislative Authority for This Activity

Pub. L. 92-318, Sec. 301(a) (2) 20 U.S.C. 1221d "Subject to the provisions of subsection (b), the Secretary is authorized to make grants and contracts with, institutions of postsecondary education (including combinations of such institutions) and other public and private educational institutions and agencies (except that no grant shall be made to an educational institution or agency other than a non-profit institution or agency) to improve postsecondary educational opportunities by providing assistance to such educational institutions and agencies for * * *."

(e) Concise Description of the Proposed Activity

The Comprehensive Program is an annual grant competition designed to solicit applications from postsecondary education institutions which propose to improve educational practice. The information requested is necessary to make decisions about which applications will receive grant awards.

(f) Voluntary/Obligatory Nature of Response

Voluntary.

(g) Justification of How Information Collection Will be Used

To determine how grants will be awarded.

(h) Data Acquisition Plan

- (1) Method of Collection: Mail.
- (2) Time of collection: January, 1980.
- (3) Frequency: Annual.

(i) Timetable for Dissemination of the Collected Data

No dissemination of the data. Grant awards made in July.

(j) Respondents

- (1) Type: Colleges and Universities.
- (2) Estimated number by type: Preapplication: 1100; Application: 250.
- (3) Estimated average man-hours per respondent: Preapplication: 11; Application: 80.

- (1) Type: Non-profit organizations.
- (2) Estimated Number by Type: Preapplication: 200; Application: 50.
- Estimated average man-hours per respondent: Preapplication: 11; Application: 80.

- (1) Type: Organizations other than schools or colleges.
- (2) Estimated number by type: Preapplication: 200; Application: 50.
- (3) Estimated average man-hours per respondent: Preapplication: 11; Application: 80.

(k) Estimated Costs and Person-Hours to the Respondents (Total)

Costs: \$400, 500 hours: Preapplication: 16,500; Application: 28,000.

(l) Estimated Costs to the Federal Agency to Collect, Process and Analyze the Data (Contract, S&E)

\$160,000.

(m) A List of the Specific Data To Be Collected From Each Type of Respondent

Institution name and address and type.

Contact person address and phone. Federal identification number.

Type and number of clients benefiting from program.

Proposal title and abstract and narrative.

Federal funds requested. Duration of project.

Budget detail on salaries and wages, benefits, consultants, travel, materials, and supplies, equipment, production and other expenses.

(n) Name and Address of Individual or Office from Which a Copy of the Data Instrument May Be Obtained

Fund for the Improvement of Postsecondary Education, 400 Maryland

Avenue, SW., Room 3123, Washington, D.C. 20202.

*Description of a Proposed Collection of Information and Data Acquisition Activity**(a) Title of Proposed Activity*

The National Vocational Education Data Reporting and Accounting Systems.

(b) Agency/Bureau/Office

National Center for Education Statistics.

(c) Agency Form Number

NCES 2404, 2404-1, 2404-2, 2404-5, 2404-6, 2404-7, 2404-8.

(d) Legislative Authority for the Activity

" * * * National Center for Education Statistics shall design, implement and operate this information system. This system shall include information resulting from the evaluations required to be conducted by Sec. 112 Pub. L. 94-482 and other information on vocational" "(A) students (including information of their race and sex)," "(B) programs," "(C) program completers and leavers," "(D) staff," "(E) facilities, and (F) expenditures." (Sec. 161 (a) of Pub. L. 94-482)

(e) Concise Description of the Proposed Activity

This activity will develop the comprehensive vocational education data system mandated by the statute cited above.

(f) Voluntary/Obligatory Nature of Response

Required to obtain or maintain benefits.

(g) Justification of How Information Collected Will be Used

All information collected will be used to prepare the Commissioner's Annual Report to Congress on the status of Vocational Education, and for planning and monitoring vocational education programs at the Federal, State and Local levels as mandated.

(h) Data Acquisition Plan

- (1) Method of collection: Mail.
- (2) Time of collection: November 15, 1980.
- (3) Frequency: Annually.
- (4) Method(s) of analysis: Regression analysis and multivariate analysis, and descriptive analysis.

(i) Timetable for Dissemination of the Collected Data

January 15, 1981—Numerical Data only July 1, 1981—Tabular format for Commissioner's Annual Report.

(j) Respondents

- (1) Type: State Boards for Vocational Education.
- (2) Estimated number by type: 57 (universe).
- (3) Estimated average person-hours response time per type of respondent: 2150
- (1) Type: Former Students.
- (2) Estimated number by type: 336,000 (universe or sample).
- (3) Estimated average person-hours response time per type of respondent: 0.17.

- (1) Type: Employers.
- (2) Estimated number by type: 75,000 (universe or sample).
- (3) Estimated average person-hours response time per type of respondent: 0.07.

(k) Estimated Costs and Person-Hours to the Respondents (Total)

- (1) Person Hours—184,920.
- (2) Dollars—\$25 to \$50 M (all respondents).

(l) Estimated Cost to the Federal Agency To Collect, Process and Analyze the Data

\$250,000.

(m) A List of the Specific Data To Be Collected From Each Type of Respondent

- (1) Unduplicated enrollments in occupational preparation programs involved in VEDS follow-up activities by program for: Enrollment during the year by Race/Ethnic Group by sex, level, Adult-Short Term, Special Needs, Cooperative Vocational Education and Student terminations.

- (2) Unduplicated enrollments in Other Occupational Preparation and Support Programs not involved in VEDS follow-up activities by programs for: Enrollment during year by Race-Ethnic Group by Sex, level, Adult-Short Terms, Special Needs, Handicapped students in separate facilities.

- (3) Total number of instructional staff by program area-assignment by: Total headcount (by sex, Race/Ethnic category).

- (4) Total support and supervisory staff by Race/Ethnic category.

- (5) Expenditures on Vocational Education by legislative purpose.

- (6) Number of persons who benefited from expenditures.

- (7) Follow-up of Completers and Leavers: Education and Employment

status, Employer and Supervisor, Job title and duties, Job relatedness to training, Current hourly salary, Employer rating and training.

- (8) Employment status of completers/leavers: by program, racial/ethnic, designation by sex and by handicapped condition

- (9) Field of employment and average salary of completers/leavers by program.

- (10) Average employer rating by program, by racial/ethnic designation by sex and by program level by completion status.

(n) Name and Address of Individual or Office From Which a Copy of the Full Plan and the Data Instrument(s) may be obtained

Dr. Robert L. Morgan, ASE/NCES/DPVES/SDAB/VEDS, 400 Maryland Avenue, S.W., Room 3073, Washington, D.C. 20202.

*Description of Proposed Collection of Information and Data Acquisition Activity**(a) Title of Proposed Activity*

National Evaluation of the PUSH for Excellence (PUSH-EXCEL) project.

(b) Agency/Bureau/Office

National Institute of Education.

(c) Agency Form Number

NIE Form #198.

(d) Legislative Authority for the Activity

"(2) the Institute shall, in accordance with the provisions of this section, seek to improve education in the United States through concentrating the resources of the Institute on the following priority research and development needs * * *

(A) Improvement in student achievement in the basic educational skills, including reading and mathematics * * *

(C) Improving the ability of schools to meet their responsibilities to provide equal educational opportunities for students of limited English-speaking ability, women, and students who are socially, economically, or educationally disadvantaged * * *

(E) Improved dissemination of the results of, and knowledge gained from, educational research and development, including assistance to educational agencies and institutions in the application of such results and knowledge * * *

(1) In order to carry out the objectives of the Institute, the Director is authorized, through the Institute, to conduct and disseminate the findings of educational research" * * * (Pub. L. 92-

318, Sec. 405, General Education Provisions Act, as amended, 20 U.S.C. 1221e).

(e) Concise Description of the Proposed Activity

The purpose of the proposed evaluation is twofold: To learn from the PUSH-EXCEL experience about how to deal with some extraordinarily severe problems in our nation's schools, and to be of use to PUSH-EXCEL in its efforts to deal with those problems.

*(f) Voluntary/Obligatory Nature of Response**(g) Justification of How Information Collected Will Be Used*

The data will be used by the contractor to evaluate the PUSH For Excellence Project. It is anticipated that the reported results of the evaluation study will enable state and local education agencies, public and private agencies funding the program, community groups, and consumers of the program (parents, students), to make informed decisions about future support of the program.

(h) Data Acquisition Plan

- (1) Method of Collection: Questionnaire, interview, observation, and compilation from archive records.

- (2) Time of collection: Summer and fall for the two school years, 1979-80 and 1980-81.

- (3) Frequency: Semi-annually for 600 students. Annually for 600 students, 600 parents and 120 teachers.

- (4) Method of Analysis: Both qualitative and quantitative analyses will be performed as appropriate. Time series analyses will be applied to certain critical variables.

(i) Time Table for Dissemination of the Collected Data

The contractor will convey the results of the evaluation study to NIE in these major reports, on the dates shown:

Semi-Annual Technical Reports—December 1979, 1980, 1981.

Annual Technical Report—August 1980, 1981.

Final Report of the Evaluation—February 1982.

Executive Summary of the Final Report—February 1982.

The reports will be distributed by the contractor according to a Dissemination Plan submitted to NIE.

Respondents

- (1) Type: Students (standard questionnaire).
- (2) Number: 600.

- (3) Estimated average person-hours per type of respondent: Average = .25 hrs.; Total = 150 hours.

- (1) Type: Students (intensive interview).
- (2) Number: 600.

- (3) Estimated average person-hours per type of respondent: Average = .50 hrs. (semi-annually), total = 600 hrs.

- (1) Type: Parents.
- (2) Number: 600.

- (3) Estimated average person-hours per type of respondent: Average = .50 hrs., total = 300 hrs.

- (1) Type: Teachers.
- (2) Number: 120.

- (3) Estimated average person-hours per type of respondent: Average = .50 hrs.; total = 60 hrs.

(k) Cost of the Respondent in Dollars and person-hours

- (1) Type: Student (standard questionnaire).
- (2) Cost/person hour: None.
- (3) Total cost: none.

- (1) Type: Student (intensive interview).
- (2) Cost/person hour: None.
- (3) Total cost: None.

- (1) Type: Parent.
- (2) Cost/person hour: None.
- (3) Total cost: None.

- (1) Type: Teacher.
- (2) Cost/person hour: \$4.00 (Estimated per 1/2 hr. per year).
- (3) Total cost: 120 respondents x \$8.00/hr. = \$960.00.

(l) Cost to the Federal Agency to Collect, Process and Analyze the Data

- \$63,000 per year (Estimated).
- \$126,000 Total (Estimated).

(m) A List to the Specific Data To Be Collected

Students—The 600 students to be interviewed in individual sessions will be asked to provide information on in-school and out-of-school activities, expectations and aspirations, relationships with peers, and attitudes toward school. For the 600 students completing the self-report questionnaire, data on participation in the program and other school activities, attitudes toward school, and level of academic effort will be collected. The contractor intends to use archival data for basic impact measures (attendance, grades and test scores, etc.), for the 1,200 students.

Parents—These respondents will be asked to provide information on their involvement in the program and the school and their efforts to encourage their children to achieve. Information on family characteristics will also be requested.

Teachers—The teacher interviews will seek information on the impact of the program on the school, and preceptions of students and the school environment.

(n) Name and Address of Individual or Officer From Which Copies of the Data Instruments May Be Obtained

Further information may be obtained from: Dr. Norman Gold, Project Officer, NIE Teaching and Learning Program, 1200 19th Street, NW., Stop 9, Washington, D.C. 20208, (202) 254-6271.

(o) Multi-Year Approval

Multi-year approval is requested.

Description of Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

ERIC Cost and Usage Study.

(b) Agency/Bureau/Office

National Institute of Education.

(c) Agency Form Number

NIE Form 215.

(d) Legislative Authority for the Activity

"The Institute shall, in accordance with the provisions of this section seek to improve education in the United States through concentrating the resources of the Institute on the following priority research and development needs * * *

"(E) Improved dissemination of the results of, and knowledge gained from, educational research and development, including assistance to educational agencies and institutions in the application of such results and knowledge * * *

"In order to carry out the objectives of the Institute, the Director is authorized, through the Institute, to conduct education research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; * * * (Pub. L. 92-318, Sec. 405, General Education Provisions Act, as amended, 20 U.S.C. 1221e)

(e) Concise Description of the Proposed Activity

Background—The Educational Resources Information Center (ERIC) is a citation based bibliographic information system designed to serve researchers, practitioners and members

of the general public interested in the field of education. Since its inception in 1966, ERIC has received substantial Federal support. The system currently receives such support as well as central management and policy from the Information Resources (IR) Division of the Program on Dissemination and Improvement of Practice (DIP) in the National Institute of Education (NIE).

Study—The rapid growth of ERIC, newly available opportunities in information technology, shifts in public needs for information, and the fact that ERIC receives substantial public support dictate that existing practice and policies undergo frequent review and analysis. To meet this need, the Research and Educational Practice (REP) program of DIP at NIE is sponsoring a series of interrelated studies of information technology and the ERIC system.

The proposed study will focus on cost associated with providing and utilizing ERIC products and services and usage frequencies and patterns for the system. There will be four major tasks:

(1) The development of a data collection design and procedure, (2) the development of a data collection plan and schedule, (3) the conduct and management of data collection activities, and (4) the preparation of final reports.

It is anticipated that the study will collect data from ERIC producers (e.g., clearinghouses, the ERIC Facility, EDRS, etc.), from ERIC distributors and retailers (e.g., libraries, colleges and universities, information search services, etc.) and end users of ERIC information. Methods for data collection will most likely include questionnaires, interviews, and examination of archive materials and records.

(f) Voluntary/Obligatory Nature or Response

Voluntary.

(g) How Information To Be Collected Will Be Used

The data gathered in the study will serve as a data base for studies of the ERIC System. It is anticipated that the data and related studies will be useful to a host of policy makers; including Central ERIC staff, the National Council on Educational Research, budget and policy staff in the Office of the Assistant Secretary for Education and Congress. Specific uses of the data will include long range planning and ERIC policy analyses.

(h) Data Acquisition Plan

(1) Method of collection: Questionnaire, interview, checklist and

observation, compilation from archive records.

(2) Time of collection: Summer and Fall of 1980; sites to be selected by contractor.

(3) Frequency: Annual, one-time-only.

(4) Method(s) of analysis: Logical analysis and presentation as descriptive statistics and tables.

(i) Timetable for Dissemination of the Collected Data

Original data will be used to generate internal studies and reports for the Spring of 1981.

(j) Respondents

(1) Type: Producers of ERIC products and services.

(2) Number: Universe (approximately 20).

(3) Estimated average person-hours per respondent: 1.50.

(1) Type: Retailers/Distributors of ERIC products and services.

(2) Number: Sample (estimate 60 to 100).

(3) Estimated average person-hours per respondent: .50.

(1) Type: ERIC end users/customers.

(2) Number: Sample (Estimate 100 to 300).

(3) Estimated average person-hours per respondent: .10.

(k) Cost of the Respondent in Dollars and Person-Hours

(1) Type: Producers of ERIC products and services.

(2) Cost/person hour: \$12.00 (Estimated).

(3) Total cost: 20 respondents \times 1.5 hours each = \$360.

(1) Type: Retailers/Distributors of ERIC products and services.

(2) Cost/person hour: \$15.00 (Estimated).

(3) Total cost: 80 respondents \times .50 hours each = \$600.

(1) Type: ERIC end Users/Customers.

(2) Cost/person hour: \$5.00.

(3) Total cost: 200 respondents \times .10 hours each = \$100.

(l) Cost to the Federal Agency to Collect, Process and Analyze the Data \$275,000 (Estimated).

(m) A List of the Specific Data to be Collected

Producers of ERIC Products and Services.—Producers will be surveyed regarding the various costs they incur to produce and disseminate different types of ERIC products and services. ERIC clearinghouses will also be asked to provide usage information about products and services disseminated directly to customers.

Retailers/Distributors of ERIC Products and Services. This category

includes colleges and universities, libraries, information search services and others who distribute ERIC products and services to the consuming public. They will be asked to provide information about the costs they incur to acquire ERIC resources as well as costs incurred to distribute such. Information about different types and sources of financial support will also be requested. In addition, these distributors will be asked to provide or assist in the collection of usage data.

ERIC End Users/Customers.—These individuals will be asked to provide information about themselves, about how and why they are using various ERIC items, to furnish information about which products and services they utilize.

(n) Name and Address of Individual or Officer From Which Copies of the Data Instrument(s) May Be Obtained

Further information may be obtained from Joseph Heinmiller, Project Officer, Program for Dissemination and Improvement for Practice, REP, National Institute of Education, Washington, D.C. 20208, Area Code 202-254-9519.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

1980-81 Student Eligibility Report (Basic Educational Opportunity Grant Program).

(b) Agency/Bureau/Office

U.S. Office of Education/Bureau of Student Financial Assistance Division of Policy and Program Development.

(c) Agency Form Number

OE 255-1.

(d) Legislative Authority for This Activity

"The Commissioner shall pay to each student who has been accepted for enrollment in, or is in good standing at, an institution of higher education (according to the prescribed standards, regulations, and practices of that institution) for each academic year during which that student is in attendance at that institution, as an undergraduate, a basic grant in the amount for which that student is eligible * * * (20 U.S.C. 1070a) Pub. L. 92-318, Sec. 411(a)(1).

"In order to receive a Basic Educational Opportunity Grant for an academic year a student must apply for such a grant by submitting an official 'Student Eligibility Report' to the institution in which he is enrolled." (CFR 190.76)

(e) Concise Description of Proposed Activity

The Basic Grant Program is one which provides entitlement grants to eligible students at the postsecondary institution of their choice. Eligibility is determined by means of a formula which considers financial and other family data supplied by the student and/or his parents. The Student Eligibility Report displays the results of the formula, the student eligibility index, and serves as the notification document which must be taken to the school to receive payment. Basic Grant awards are disbursed by the institution to all eligible students. There is no institutional funding ceiling. The institution calculates the amount of an award based on the student's cost at that institution. These and the other items collected, which all relate to the amount of the student's award, are filled in Section 3 of the SER and forwarded to the Office of Education as an integral part of the funding and fund-accounting process. For example, the institution's expenditures must equal the sum of all disbursed awards. No student can be paid without an SER on file at the institution.

(f) Voluntary/Obligatory Nature of Response

Required to obtain benefit.

(g) Justification of how Information Collected Will Be Used

1. Program Management: to determine the eligibility of a student for a BEOG award and the amount of the award; accountability to USOE an DFAPS for funds expended by institutions to recipients of BEOG awards.

2. Evaluation: Information is not collected specifically for the purpose of program evaluation. However, ancillary uses of the collected data include evaluation of program effectiveness in terms of population reached by analyzing recipient characteristics and level of awards to various cohorts of that population. Recipient records are matched with their application records to provide correlation of complete financial and family with award and institutional data.

3. General research: Data which is compiled for evaluation purposes is also disseminated to other government agencies, State and private education associations, institutions and the general public upon request.

(h) Data Acquisitions Plan

1. Method of collection: Mail.
2. Time of collection: Throughout 1980-81 Academic Year,
3. Frequency: Once.

4. Method(s) of Analysis: Research (not accounting) data is aggregated on the national level by student, institutional and award characteristics (e.g., income by type and control; expenditures by state; award levels by type of institution). Only tabulations of descriptive data are to be reported.

(i) Timetable for Dissemination of the Collected Data

An End of Year Report is disseminated annually in the December following the close of the academic year. For 1980-81, this would be December 1981.

(j) Respondents

1. Type: Financial Aid Officers
2. Estimated number: 5,000
3. Estimated Average person-hours Response time per respondent: .5 hour.

(k) Estimated Costs and Person-Hours to the Respondents (Total)

1. Total person-hours: 1,250,000.
2. Dollar costs: \$5 million.

(l) Estimated Costs to the Federal Agency to Collect, Process and Analyze the Data

Costs: \$2 million.

(m) Information To Be Collected

Total Student Cost.
Eligibility Index.
Scheduled BEOG Award
Expected Disbursement.
Date Enrolled.
Expected Number of Months in School (7/80-6/81).
Enrollment Status.
BEOG ID Number.

(n) Contact Person From Whom Data Instrument May Be Obtained

Mr. Greg Blair, BSFA/Division of Policy and Program Development, ROB 3, Room 4318, 7th and D Street, SW., Washington, D.C. 20202

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Standard Application for Community Education.

(b) Agency/Bureau/Office

Office of Education, Bureau of Occupational and Adult Education, Community Education Program.

(c) Agency Form Number

OE Form 453

(d) Legislative Authority for the Activity

Title VIII, Community Schools and Comprehensive Community Education

Sec. 810 "(b) No grant may be made under the provisions of this section unless an application is made to the Commissioner at such time, in such manner and containing or accompanied by such information, as the Commissioner may reasonably require." (Pub. L. 95-561 (20 U.S.C. 3281)).

(e) Concise Description of the Proposed Activity

Solicitation for applications for funding under the Community Schools and Comprehensive Community Education Act of 1978.

(f) Voluntary/Obligatory Nature of Response

Required to obtain benefits.

(g) Justification of How Information Collected Will Be Used

The information collected will be used to decide which applicants will receive awards.

(h) Data Acquisition Plan

- (1) Method of collection: Mail.
- (2) Time of collection: January, 1980.
- (3) Frequency: Annually.
- (4) Method(s) of analysis: Field Reader and staff review.

(i) Timetable for Dissemination of the Collected Data

Awards to be completed by September 1980.

(j) Respondents

- (1) Type: Local educational agencies.
- (2) Estimated Number: 400.
- (3) Estimated average person-hours per respondent: 20.
- (1) Type: Public Agencies and Nonprofit private organization.
- (2) Estimated number: 300.
- (3) Estimated average person-hours per respondent: 20.
- (1) Type: Institutes of Higher Education.
- (2) Estimated Number: 100.
- (3) Estimated average person-hours per respondent: 20.
- (1) Type: State educational agencies.
- (2) Estimated Number: 56.
- (3) Estimated average person-hours per respondent: 20.

(k) Cost to the Respondent in Dollars and Person-Hours

80 hours/\$1,000.

(l) Cost to the Federal Agency To Collect, Process and Analyze the Data

\$40,000.

(m) List of the Specific Data To Be Collected

I. Identifying data—applicants name, project title, etc.

II. Approval information—related assistance on project, if any.

III. Project budget—budget summary, budget by categories, forecasted cash needs, estimates of Federal funds needed for balance of project, direct and indirect charges.

IV. Narrative (Conforming to Review Criteria EDGAR 100a.202-206)

- A. (1) Plan of Operation.
- (2) Personnel and Cost Effectiveness.
- (3) Evaluation Plan.
- (4) Resources.

B. In the local educational agency category the following additional information in addition to item A above, is to be collected (conforming to Review Criteria 45 CFR S160c.35).

- (1) Quality of Programming.
- (2) Potential for Advancing Community Education.
- (3) Evaluation and Potential for Replication.

C. State educational agencies applying under the Public Agencies and Nonprofit private organizations category must supply, in addition to item A above, the following information (conforming to Review Criteria 45 CFR 160c.45).

- (1) Quality of State level activities.
- (2) Quality of Technical assistance.
- (3) National Impact.

D. Public Agencies and Nonprofit private organizations applying under this category must supply, in addition to item A above, the following information (conforming to Review Criteria 45 CFR 160c.46).

- (1) Client Involvement.
- (2) Potential for Advancing Community Education.
- (3) Dissemination Plan.

E. Applicants applying in the Institutions of Higher Education category must supply, in addition to item A above, the following information (conforming to Review Criteria 45 CFR 160c.65).

- (1) Quality of Project.
- (2) Training Knowledge.
- (3) Client Involvement.

(4) Potential for Advancing Community Education.

- (5) Dissemination Plan.
- V. Assurances.

A. Compliance with all pertinent regulations, policies, guidelines, and requirements.

B. Applicant is legally authorized to apply; will prohibit employees from using positions for private gain; will give Comptroller General access to project records; will comply with grantor's special requirements; will insure that project facilities do not appear on Environmental Protection Agency's list of Violating Facilities.

C. Specific compliance with: Title VI of Civil Rights Act of 1964; Uniform Relocation Assistance and Real Properties Acquisition Act of 1970; Hatch Act; Federal Fair Labor Standards Act; Flood Disaster Protection Act of 1973; Sec. 102(a); National Historic Preservation Act of 1966 (as amended in Executive Order 11593); Sec. 106; and Archaeological and Historic Preservation Act of 1966.

(n) Name and Address of Individual or Office From Which Copies of the Data Instrument(s) May Be Obtained

Martha S. Methee, Bureau of Occupational and Adult Education, Community Education Branch, U.S. Office of Education, Room 5622, ROB #3, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Application for Strengthening Research Library Resources Program.

(b) Agency/Bureau/Office

U.S. Office of Education, Bureau of Elementary and Secondary Education, Office of Libraries and Learning Resources.

(c) Agency Form Number

OE-592.

(d) Legislative Authority for This Activity

"Sec. 231(b) It is the purpose of this part to promote research and education of higher quality throughout the United States by providing financial assistance to major research libraries."

"Sec. 235(b) Not more than 150 institutions may receive a grant under this part." (20 U.S.C. 1041-1046) Pub. L. 80-329; amended 10/12/76.

(e) Concise Description of the Proposed Activity

Solicitation of applications for a grant award under the Strengthening Research Library Resources Program.

(f) Voluntary/Obligatory Nature of Response

Required to obtain or maintain benefits.

(g) How Information To Be Collected Will Be Used

Information elicited will be used to determine institutional eligibility, the amount of the grant award, the length of the grant award (i.e., up to three years potential renewal), and adherence to published program funding criteria.

(h) Data Acquisition Plan

1. Method of collection: Mail.
2. Time of collection: Spring.
3. Frequency: Annually.
4. Method of Analysis: Not applicable.

(i) Timetable for Dissemination of the Collected Data

Not applicable.

(j) Respondents

a. Type: Institutions of higher education, independent research libraries, and other public or private nonprofit libraries.

b. Number 100.

c. Estimated Average Man-hours Per Respondent: 16.

(k) Estimated Costs and Person-Hours to the Respondents (total)

Costs: Not Applicable—Person-Hours: 1600.

(l) Estimated Costs to the Federal Agency To Collect, Process, and Analyze the Data (Contract, S and E)

\$21,000.

(m) Information To Be Collected

For all respondents, the following information will be obtained:

a. The standard face page for Federal applications (SF-424) will be used for Part I;

b. A budget outline page will be used for Part II;

c. A narrative statement will be used to elicit information which will establish eligibility and describe the nature of the project.

(n) Name and Address of Individual or Office From Which Copies of the Data Instrument(s) May Be Obtained

Frank A. Stevens, Bureau of Elementary and Secondary Education, U.S. Office of Education, Room 3622, ROB #3, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Financial Status and Performance Reports for:
13.406—College Library Resources.
13.468—Library Training.
13.518—Equipment and Materials To Improve Undergraduate Instruction.
13.578—Strengthening Research Library Resources.

(b) Agency/Bureau/Office

U.S. Office of Education, Bureau of Elementary and Secondary Education, Office of Libraries and Learning Resources.

(c) Agency Form Number

OE-606.

(d) Legislative Authority for This Activity

"Sec. 201(a) The Commissioner shall carry out a program of financial assistance to assist and encourage institutions of higher education in the acquisition of library resources, including law library resources." (20 U.S.C. 1021) (Pub. L. 89-329, as amended) (45 CFR 131)

"Sec. 201(b) The Commissioner shall carry out a program of financial assistance to assist with and encourage research and training persons in librarianship, including law librarianship." (20 U.S.C. 1021) (Pub. L. 89-329, as amended) (45 CFR Part 132)

"Sec. 601(a) The purpose of this part is to improve the quality of classroom instruction in selected subject areas in institutions of higher education." (20 U.S.C. 1121) (Pub. L. 89-329, as amended) (45 CFR Part 171)

"Sec. 231(b) It is the purpose of this part to promote research and education of higher quality throughout the United States by providing financial assistance to major research libraries."

"Sec. 235(b) Not more than 150 institutions may receive a grant under this part." (20 U.S.C. 1041-1046) (Pub. L. 89-329, as amended) (45 CFR Part 136)

(e) Concise Description of the Proposed Activity

This is a program management instrument and constitutes the required final report of expenditures for grant funds and final programmatic narrative information. The report results in the return of unused or disallowed grant funds and provides necessary data used in program assessment and special internal reports.

(f) Voluntary/Obligatory Nature of Response

Required to obtain or maintain benefits.

(g) Justification of How Information Collected Will Be Used

For 13.406 information will verify expenditures of the grant funds within the period of grant award and return of unobligated balances.

For 13.518 information will be used to determine adherence to statutory maintenance-of-effort and matching grant requirements. Information will verify all expenditures of grant funds within the period of grant award and return of unobligated balances.

For 13.468 and 13.578 information will be used to determine and verify all expenditures of grant funds within the

period of grant award and return of unobligated balances. Inasmuch as these programs require the completion of a specific project or training program a performance report is required to verify adherence to the approved plan of operation and to provide information relative to the operation and success of the program.

(h) Data Acquisition Plan

- a. Method of Collection: Mail.
- b. Time of Collection: 90 Days after completion of grant award period.
- c. Frequency: Annually.

(i) Timetable for Dissemination of the Collected Data

Approximately one year following data collection.

(j) Respondents

For 13.406: a. Type: Institutions of higher education.

b. Number: 2,650.

c. Estimated average man-hours per respondent: 4.

For 13.468: a. Type: Institutions of higher education and other library agencies.

b. Number: 60.

c. Estimated average man-hours per respondent: 8.

For 13.518: a. Type: Institutions of higher education.

b. Number: 800.

c. Estimated average man-hours per respondent: 8.

For 13.576: a. Type: Institutions of higher education, independent research libraries, and other public or private nonprofit libraries.

b. Number: 200.

c. Estimated average man-hours per respondent: 16.

(k) Estimated Costs and Person-Hours to the Respondents

\$176,000; 20,680 hours.

(l) Estimated Costs to the Federal Agency To Collect, Process and Analyze the Data

\$100,500—S & E.

(m) A List of the Specific Data To Be Collected From Each Type of Respondent

All respondents report financial information as required on Standard Form 269 consisting of: total outlays this report period; net outlays to date; total Federal share of outlays; total unliquidated obligations; Federal share of unliquidated obligations; total Federal share of outlays and unliquidated obligations; total cumulative amount of Federal funds authorized and, unobligated balance of Federal funds.

Respondents under 13.468 and 13.576 provide a Performance Report as outlined: a. Any major changes or revisions in the program with respect to educational activities, staffing, and budgeting; b. Fellowships—information as to employment placements by job level and type of library; c. Traineeships—pertinent information as to special internship, field work, and study-travel activities; d. Institutes—project director's internal evaluation and if applicable, external evaluations.

Respondents under 13.518 provide a Supplementary Financial Table consisting of verification of the maintenance-of-effort requirement. a. Actual base expenditures for the preceding fiscal year and second preceding fiscal year; b. Actual full-time equivalent number of students base expenditures per FTE for the preceding fiscal year and the second preceding fiscal year, and a yes or no question as to whether a waiver was previously requested.

(n) Name and Address of Individual or Office From Which a Copy of the Full Plan and the Data Instrument(s) May Be Obtained

Frank A. Stevens, Branch Chief, OE/BESE/OLLR/DLP, Library Education & Postsecondary Resources Branch, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Interviews to Validate the Usefulness and Practicality of a Monograph on Measuring the Impact of Vocational Education Demonstration Projects.

(b) Agency/Bureau/Office

Office of Education, Bureau of Occupational and Adult Education.

(c) Agency Form Number

OE Form 711.

(d) Legislative Authority for This Activity

"Section 171(a). Funds reserved to the Commissioner * * * shall be used * * * for contracts * * * for—

(1) activities authorized by section 131 (applied research and development in vocational education) * * * (Pub. L. 94-482, Title II, Section 202; 20 U.S.C. 2401).

(e) Concise Description of the Proposed Activity

Because of findings made in several studies conducted by such organizations as the GAO and the NAS that

vocational education demonstration projects funded by OE have not had documented, widespread impact, significant additions to the Vocational Act of 1963 were incorporated into the Educational Amendments of 1976 (Pub. L. 94-482). These amendments include a sharpened demand for specific, identifiable benefits to result from R & D expenditures. At several points the new legislation requires that grants and contracts be made only when the applicant demonstrates a reasonable probability that improved products or practices will result which will be used in a substantial number of classroom or other learning situations within five years after the termination of the award.

In response to the legislative mandate, a study was funded to develop criteria to measure the effectiveness of vocational education demonstration projects and to suggest methods for improving their impact. One result of this study will be a monograph for improving and measuring impact. This monograph will discuss the criteria, documentation, and standards which have been specified as defining acceptable evidence of impact. The monograph will also discuss required roles and accomplishments of project planners, implementers, monitors, evaluators, and disseminators in achieving success and improved impact as measured by the parameters of acceptable evidence. In preparing the monograph, a literature review was conducted to establish the state of the art, and panel of experts was established to review and provide input to each study product. As a further check on the validity of the monograph, eight demonstration projects were selected on which case studies will be prepared. The purpose of the case studies will be (1) to assess whether successful projects have collected, or could collect, the types of data specified in the study; (2) to determine whether these procedures do actually lead to success.

(f) Voluntary/Obligatory Nature of Response

Voluntary.

(g) How Information Collected Will Be Used

Information collected will be used to validate or revise a monograph now being developed. The monograph is being designed to help program administrators measure the impact of demonstration projects in vocational education.

(h) Data Acquisition Plan

(1) Method of Collection: Interview by telephone or on site.

(2) Time of Collection: Interviews will be conducted in Fall 1979.

(3) Frequency: One time.

(4) Method of analysis: The case studies will be used both individually and collectively to validate the monograph. Since the validation process will be more qualitative than quantitative in nature, a rigorous statistical analysis of the data is neither required nor appropriate. In revising the monograph, the experiences of the demonstration projects and adapting organizations reflected in the case studies and the conclusions resulting from a synthesis of their findings will be utilized.

(i) Timetable for Dissemination of the Collected Data

The monograph to be prepared as the major product of this study will be submitted to the U.S. Office of Education before the end of the eighteenth project month, or March 31, 1980. The case studies, which are supportive documents, are to be submitted to USOE by the end of the sixteenth project month, or January 31, 1980. Ten copies of the case study report will be delivered while 225 copies of the monograph will be produced. Two hundred of the 225 copies will be used in conducting training workshops for Federal, State, and local personnel charged with administering vocational education programs or projects; 25 will be delivered to USOE. In addition, the contractor will arrange to publish and sell the monograph or have it published and sold on a cost recovery basis under public domain or under USOE's copyright guidelines of November 6, 1973 (38 FR 213).

(j) Respondents

1. Type: Local Education Agencies (LEA's).
2. Number: 80.
3. Estimated average person-hours per respondent: 0.5.

(k) Estimated Costs and Person-Hours to the Respondent (Total)

\$680.00; 40 hours.

(l) Cost to the Federal Agency To Collect, Process, and Analyze the Data

\$10,787.

(m) A List of the Specific Data To Be Collected

(1) The process through which the LEA learned about a specified educational innovation and decided to adopt or adapt it.

(2) Components of the specified innovation which were adopted or adapted, and at what level.

(3) Components of the specified innovation which were not adopted or adapted and the reason for their not being adopted or adapted.

(4) The nature of the innovation (or components of the innovation) finally adopted or adapted.

(5) The level and scope of the impact of the innovation on the adopting or adapting LEA.

(6) The extent to which the adopting or adapting LEA has evaluated the innovation's success in meeting the needs of the LEA and the results of the evaluation.

(7) The nature of the help offered the adopting or adapting district by the developers or disseminators of the innovation and the relative value of that help to successful adopting or adaptation.

(8) Whether the innovation has, to the knowledge of the respondent, been adopted or adapted elsewhere.

(n) Name and Address of the Individual or Office From Which Copies of the Data Instrument(s) May Be Obtained

Joyce Cook, Bureau of Occupational and Adult Education, U.S. Office of Education, Room 5652, ROB-3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Regional Rural Roundtable Discussion Guide.

(b) Agency/Bureau/Office

U.S. Office of Education, Region VII and BESE.

(c) Agency Form Number

OE 718.

(d) Legislative Authority for the Activity

Sec. 403. (a)(2)(B). "The regional offices shall serve as centers for the dissemination of information about the activities of the agencies in the Education Division and provide technical assistance to State and local educational agencies, institutions of higher education, and other educational agencies, institutions, and organizations and to individuals and other groups having an interest in Federal education activities." (20 U.S.C. 1221c), Pub. L. 92-318 as amended.

Under Section 405(b)(1), "The National Institute of Education was established with the express authority to carry out the policy of * * * (a)(2)(i). "help to solve or to alleviate the

problems of, and promote the reform and renewal of American education, * * * Pub. L. 92-318. General Education Provisions Act, as amended (20 U.S.C. 1221e(b)(1)).

(e) Concise Description of the Proposed Activity

Solicit responses/comments to (28) twenty-eight Rural Education Recommendations (Rural Roundtable Discussion Guide) for validation of acceptance/rejection by rural individuals.

(f) Voluntary/Obligatory Nature of Response

Voluntary.

(g) Justification of How Information Collected Will Be Used

Information collected will be used for policy considerations and recommendations for subsequent regulations concerning rural education.

(h) Data Acquisition Plan

(1) Method of Collection: Mail and handcarried to Regional Rural Roundtables.

(2) Time of Collection: September, 1979.

(3) Frequency: One time.

(4) Method(s) of Analysis: USOE Region VII staff review.

(i) Timetable for Dissemination of the Collected Data

Analysis should be available for dissemination in November, 1979.

(j) Respondents

(1) Type: Rural Education Organization members.

(2) Estimated Number by Type: 350.

(3) Estimated average person-hours response time per type of respondent: .5.

(1) Type: Rural Education Organization or Education Organization with Rural Component.

(2) Estimated Number by Type: 300.

(3) Estimated average person-hours response time per type of respondent: .5.

(1) Type: State departments of education.

(2) Estimated Number by Type: 50.

(3) Estimated average person-hours response time per type of respondent: .5.

(1) Type: General Rural Organizations.

(2) Estimated Number by Type: 200.

(3) Estimated average person-hours response time per type of respondent: .5.

(k) Estimated Costs and Person-Hours to the Respondents (Total)

450 person-hours; costs: \$22,500.

(l) Estimated Costs to the Federal Agency To Collect, Process and Analyze the Data (S and E)

\$16,900.

(m) List of the Specific Data To Be Collected From Each Type of Respondent

The data to be collected during the Regional Rural Roundtables are reactions and comments about twenty-eight recommendations relative to the role of USOE Bureau of Elementary and Secondary Education Programs and services to rural schools. The recommendations fall into six major categories as follows:

(1) Equity and Quality for Rural Education.

(2) Linking Rural Development and Rural Education.

(3) Delivery of Services to Rural Education.

(4) Data Collection and Research.

(5) Vocational and Career Training in Rural Areas.

(6) Energy and Rural Education.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Higher Education Cost Containment Study.

(b) Agency/Bureau/Office

U.S. Office of Education/Region VII, Kansas City, Mo.

(c) Agency Form Number

OE Form 730.

(d) Legislative Authority for the Activity

Sec. 403. (a)(2)(B). "The regional offices shall serve as centers for the dissemination of information about the activities of the agencies in the Education Division and provide technical assistance to State and local educational agencies, institutions of higher education, and other educational agencies, institutions, and organizations and to individuals and other groups having an interest in Federal education activities." (20 U.S.C. 1221c), Pub. L. 92-318 as amended.

(e) Concise Description of the Proposed Activity

Solicit responses from 35 institutions of higher education in Region VII for the purpose of determining what impact federal policy and legislation have on higher education costs, and what barriers exist that prevent cost reduction.

(f) Voluntary/Obligatory Nature of Response

Voluntary.

(g) Justification of How Information Will Be Used

The information collected will be used to minimize any adverse impact caused by requirements of federal policy and legislation by recommending remedial measures that will reduce the burden of financial costs to institutions of higher education and increase cost effectiveness.

(h) Data Acquisition Plan

- (1) Method of Collection: Personal Interview.
- (2) Time of Collection: October 79.
- (3) Frequency: One time.
- (4) Method(s) of Analysis: OE staff and contractors.

(i) Timetable for Dissemination of Collected Data

Final report is expected to be submitted in December 1979.

(j) Respondents

- (1) Type: Business managers from institutions of higher education (Region VII).
- (2) Estimated Number by Type: 35.
- (3) Estimated average person-hours response time per type of respondent: 6.

(k) Estimated Costs and Person-hours to the Respondents (Total)

\$2,205; 210 person hours.

(l) Estimated Costs to the Federal Agency to Collect, Process and Analyze the Data (Total)

Contract: \$16,000; Salaries and expenses: \$4,500.

(m) List of Specific Data To Be Collected

I. Identifying data—name of institution of higher education.

II. Answers to the four questions listed below will be requested in conjunction with a variety of budget functions:

(1) What were expenditures for fiscal years 1975, 1976, 1977 and 1978 (to be extracted from HEGIS Survey)?

(2) What factors caused increase in expenditures?

(3) What impediments were encountered to limit or restrain increase?

(4) What cost-saving ideas were employed to limit or contain increases?

A. Education and general: In each of the following categories:

- (1) Instruction.
- (2) Research.
- (3) Public Service.

- (4) Academic Support.
- (5) Academic Support Libraries.
- (6) Student Services.
- (7) Institutional Support.
- (8) Operation and Maintenance of Plant.

B. Scholarships and fellowships: (1) Number of awards from Unrestricted Funds.

(2) Number of Awards from Restricted Funds.

C. Other: (1) Number of Education and General Mandatory Transfer.

(2) Total Educational and General Expenditures and number of Mandatory Transfer.

(3) Expenditures on Auxiliary Enterprises.

(4) Expenditures on Hospitals.

(5) Expenditures on Independent Operations.

(6) Total Current Funds Expenditures and number of Mandatory Transfers

III. The structured interview deals with issues that were addressed in the Higher Education Cost Containment Study. The Business Managers of the institutions will respond if there is a problem in increased cost as a result of inflation; technological change; declining enrollment; high cost students; increased personnel costs; and energy costs. In each of their responses the Institutions Business Managers will indicate whether these problems are reasons for exceptional increases in costs; what the degree of increase is, if any; and what factors and/or reasons there are that explain the increase.

A subsequent portion of the structured interview deals with the costs that are directly related to federal policy. For example, deferred operating costs, referred to in the above cost containment study, are related to inflation and interest rates; listing of operational costs and degree of cost is related to governance questions and the affect of local, State and Federal support.

Cost saving possibilities are at the heart of the structured interview, in that the sample respondent institutions report on any cost saving techniques and the effectiveness of the techniques utilized. The above cost containment study speaks to the point of each institution discovering barriers to cost containment and implementing certain cost-cutting techniques.

The structured interview concludes by asking the respondents the general question of what Federal, State and local government regulations and policies affect costs at their institutions. Also, this section, the respondents identify specific laws and policies that act adversely in the implementation of cost-cutting procedures. The enrollment

data requested is to be utilized for the stratification and analysis of the 35 institutions in the sample.

(n) Name and Address of Individual or Office From Which a Copy of the Full Plan and the Data Instrument(s) May Be Obtained

Dr. Harold L. Blackburn, Regional Commissioner for Educational Programs, 601 E. 12th St., Room 360, Kansas City, Missouri 64106 and Dr. Freeman Beets, Director, Educational Services Division, 601 E. 12th St., Room 360, Kansas City, Missouri 64106; telephone AC 816/758-2276.

*Description of a Proposed Collection of Information and Data Acquisition Activity**(a) Title of Proposed Activity*

Institutional Release of Funds/ Request for Additional Funds under the Supplemental Educational Opportunity Grants, College Work-Study, and/or National Direct Student Loan Programs.

(b) Agency/Bureau/Office

Office of Education/Bureau of Student Financial Assistance/Division of Program Operations.

(c) Agency Form Number

OE Form 1286.

(d) Legislative Authority for This Activity

The Supplemental Educational Opportunity Grants statute states that, "funds allocated to an institution for initial grants which the institution anticipates will not be used by the end of the period for which such funds were made available may be reallocated on an equitable basis to other institutions in that State." Pub. L. 95-205 (20 U.S.C. 1070b-3), CFR 176.4(b).

The College Work-Study statute states that "funds allocated to an institution which the institution anticipates will not be used by the end of the period for which the funds were made available may be reallocated on an equitable basis to other institutions in that State." Pub. L. 95-205 (42 U.S.C. 2756), CFR 175.4(b).

The National Direct Student Loan statute states that "if an institution * * * projects that it will not use a portion of its allocation by the end of the period for which those funds were made available, the amount * * * will be restored as part of the State apportionment. When the aggregate of funds restored to a State's apportionment becomes sufficient to increase significantly the amount of Federal capital contributions that can be awarded to other institutions within the

State, those funds will be awarded to other institutions in that State * * *." Pub. L. 95-480 (20 U.S.C. 1087bb), CFR 144.4(b).

(e) Concise Description of the Proposed Activity

Data Activity is used to request additional funds and/or release unused funds under the Supplemental Educational Opportunity Grants, College Work-Study, and/or National Direct Student Loan Programs.

(f) Voluntary/Obligatory Nature of Response

Required to obtain benefit.

(g) How Information Collected Will Be Used

The information will be used to identify those institutions that are unable to utilize all of their Federal funds in either the Supplemental Educational Opportunity Grants, College Work-Study, and/or National Direct Student Loan Programs during the award period, and the amounts, if any, that they are willing to release. The information will also be used to identify those institutions with additional need for funds in either or both programs.

(h) Data Acquisition Plan

1. Method of Collection: Mail.
2. Time of Collection: Fall.
3. Frequency: Annually.
4. Method of Analysis: Not Applicable.

(i) Timetable for Dissemination of the Collected Data

Not Applicable.

(j) Respondents

1. Type: Institutions of Higher Education.
2. Number: 2,500.
3. Estimated Average Person-hours Response Time Per Type of Respondent: 2.

(k) Estimated Costs and Person-Hours to the Respondents (Total)

Costs: \$25,000; Person-Hours: 5,000.

(l) Estimated Costs to the Federal Agency To Collect, Process, and Analyze the Data (Contract, (S&E))

\$23,000.

(m) A List of the Specific Data To Be Collected

The amount of Federal funds to be released for the Supplemental Educational Opportunity Grants, College Work-Study, and/or National Direct Student Loan Programs. The amount of additional Federal funds requested for

the SEOG, CWS, and/or NDSL programs.

(n) Name and Address of Individual or Office From Which Copies of the Data Instrument(s) May Be Obtained

Robert R. Coates, Bureau of Student Financial Assistance, Division of Program Operations, U.S. Office of Education, Room 4642, ROB No. 3, 400 Maryland Avenue, SW., Washington, D.C. 20202.

*Description of a Proposed Collection of Information and Data Acquisition Activity**(a) Title of Proposed Activity*

Application for School Assistance in Federally Affected Areas; and Instructions to Applications.

(b) Agency/Bureau/Office

U.S. Office of Education, Bureau of Elementary and Secondary Education, State and Local Educational Programs, Division of School Assistance in Federally Affected Areas.

(c) Agency Form Number

OE Form 4019 (RSF-1).

(d) Legislative Authority for the Activity

Sec. 5(a)(1) "Any local educational agency desiring to receive the payments to which it is entitled for any fiscal year under sections 2, 3, or 4 shall submit an application therefore through the State educational agency of the State in which such agency is located to the Commissioner. Such applications shall be submitted at such time, in such form, and containing such information as the Commissioner may reasonably require to determine whether such agency is entitled to a payment under any of such sections and the amount of such payment." Pub. L. 874, 81st Congress, (20 U.S.C. 240), Title I.

(e) Concise Description of the Proposed Activity

The Application for School Assistance in Federally Affected Areas enables local education agencies to apply for funds under the provisions of the Act.

(f) Voluntary/Obligatory Nature of Response

Voluntary.

(g) Justification of How Information Collected Will Be Used

The basic information supplied by the applicant on OE Form 4019 (RSF-1) is used for the purpose of computing the entitlement due the LEA.

(h) Data Acquisition Plan

- (1) Method of collection: All data necessary to compute the applicant's entitlement for payment is provided by the applicant in OE Form 4019(RSF-1)(any required supporting statements become part of the applicant form.)
- (2) Time of collection: The applicant is required to file the application with the Commissioner by January 31 of the school year for which assistance is sought.
- (3) Frequency: Annually.
- (4) Method(s) of analysis: The basic payment is formula-based. Following preliminary screening the data in the applications are key-typed to permit automatic data processing. This process includes producing receipt and production control reports, property validation reports, and worksheets. The analyst staff of Maintenance and Operations Branch reviews this ADP output for conformance with the provisions of the Act. If all requirements are met, payment is recommended. More detailed analysis procedures are required where the applicant elects to apply under more complicated Sections of the Act requiring additional data.

(i) Timetable for Dissemination of the Collected Data

The collected data results in an entitlement for payment for the eligible school district being made by June 30 of the school year for which assistance is sought.

(j) Respondents

- (1) Type: Local educational agencies.
- (2) Estimated number by type: Approximately 5000.
- (3) Estimated average person-hours response time per type of respondent: Approximately 12 person-hours.

(k) Estimated Costs and Person-Hours to the Respondents (Total)

Approximately 60,000 person-hours. Costs: \$300,000

(l) Estimated Costs to the Federal Agency To Collect, Process and Analyze the Data

\$1,800,000.

(m) A List of the Specific Data To Be Collected From Each Type of Respondent

- (1) Number of federally connected children claimed against each eligible Federal property.
- (2) Total school district membership as of the survey date.
- (3) Actual average daily attendance or average daily membership of the preceding school year.
- (4) Total current expenditures.

(5) Applicants for higher local contribution rates submit list of five comparable districts with 2nd year preceding attendance, fiscal and pupil service data.

(6) Applicants for assistance under Section 3(d)(2)(B) and Section 4 submit list of five comparable districts with current year attendance, fiscal and pupil service data.

(7) Applicants for assistance under Sections 2, 3(d)(2)(B) and (4) submit financial burden effort data for 2nd year preceding, and current fiscal year.

(8) Applicants for assistance under Section 4(a) supply data relating to the number of pupils admitted to school for the first time in current school year, whose parents migrated into the district on or after February 1 of the preceding year and are presently employed on eligible Federal activity.

Note.—The bulk of Pub. L. 81-874 applicants apply under the provisions of Section 3 only and submit only data explained in the first four items above.

(n) Name and Address of Individual or Office From Which a Copy of the Full Plan and the Data Instrument(s) May Be Obtained

William L. Stormer, Director, Division of School Assistance in Federally Affected Areas, Room 2071, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Fiscal Year 1981/82/83 State Plan for Part B of the Education of the Handicapped Act, as amended by Pub. L. 94-142.

(b) Agency/Bureau/Office

U.S. Office of Education/Bureau of Education for the Handicapped/Division of Assistance to States.

(c) Agency Form Number

OE FORM 9055

(d) Legislative Authority for This Activity

States which desire to participate in this program must submit a State plan. Section 612 and Section 613 of Pub. L. 94-142 constitute the authority for this activity. Section 612 addresses the conditions of eligibility a state must meet in order to qualify for assistance and Section 613 deals with State Plan requirements.

Section 612 sets forth the conditions which must be met regarding: a handicapped child's right to education; the full service goal and plan; the

timelines for providing a free appropriate public education; the requirement to identify, locate, and evaluate handicapped children; the confidentiality requirement; the requirement for public participation; the priorities for use of Federal funds; the requirement to maintain Individualized Education Programs for each child; requirements to provide for Procedural Safeguards; the requirement to educate handicapped children in the Least Restrictive Environment; the requirement to assure that testing and evaluation are non-discriminatory; the responsibility of the State educational agency for educational programs for handicapped children; and State assurances with regard to this program.

Section 613 sets forth the requirements for a state plan, including: the proper use of Title VI, Part B program funds; use of Federal funds from other sources; procedures for personnel development; procedures for disseminating significant information; private school placement; private school participation; State educational agency standards for the education of handicapped children; recovery of funds used erroneously; public control of program funds; reports and records required for use by the U.S. Commissioner of Education; State administration of funds (commingling/supplanting/excess cost); State fiscal control of funds and accounting procedures; State evaluation of program effectiveness; and the establishment of a State Advisory Panel on special education.

(e) Description of the Proposed Activity

Program Management.—The State Plan is the application submitted to the Commissioner of Education from each State desiring to receive grants under Part B of the Education for All Handicapped Children Act of 1975. The State Plan includes submission statements and assurances; in addition, States must submit for the implementation of Pub. L. 94-142, and a description of the use of Part B funds.

The submission statements and certification by the officer of the State educational agency (SEA) authorized to submit the plan show: (1) The plan has been adopted by the SEA, (2) that the plan will be the basis for operation and administration of the activities to be carried out in that State as required under Part B of 94-142, (3) that the SEA has authority under State law to submit the plan and to administer or to supervise the administration of the plan, and (4) that all plan provisions are consistent with State law.

The information will be used as the basis for determining: (1) Grant eligibility for each State; (2) compliance review and enforcement, and (3) the kind of technical assistance that may be needed. The information will also be used to identify State and national needs on services required to meet appropriate public education goal for handicapped children (Pub. L. 94-142, Section 613(a)(12)(A)); and to "provide to the appropriate committees of each House of Congress and to the general public . . . programmatic information . . ." (Pub. L. 94-142, Sec. 618(b)(1)). In summary, the information collected will be primarily used for determination of grant awards, compliance monitoring, accountability to the Commissioner and technical assistance requirements (Sec. 613(a) of Pub. L. 94-142).

(f) Voluntary/Obligatory Nature of Response

Required to obtain benefits.

(g) Data Acquisition Plan

- Method of collection: Mail.
- Time of collection: Spring, 1980.
- Frequency: Triennial.
- Method of analysis: Education Program Specialists (3) evaluate the State plan.

(h) Timetable for Dissemination of the Collected Data

January, 1981.

(i) Respondents

- Type: State Education Agencies.
- Number: 58.
- Estimated average person-hours per respondent: 30 hours/State.

(j) Cost to the Respondent in Dollars

\$450/State.

(k) Cost to the Federal Agency to Collect, Process and Analyze the Data

Included in normal operational budget.

(l) List of the Specific Data To Be Collected

The requirements for the FY-1981/82/83 State Plan are based entirely on the Rules and Regulations for Title VI, Part B, published August 23, 1977. (45 CFR 121a)

The information will be collected from State education agencies for the Title VI, Part B program in the form of a submission statement with program assurances, updates to State procedures, descriptions of ongoing program activities (use of funds and the Comprehensive System of Personnel

Development), and statistical information.

Under the authority of Pub. L. 94-142, the assurances and other statements will be signed by an authorized official of the State Education Agency certifying that all of the assurances and provisions listed will be met within the State. (45 CFR 121a.112(a), 121a.137, 121a.138, 121a.142, 121a.143, 121a.145, 121a.147, 121a.150, 121a.382);

The narrative portions of the State plan require descriptions of State policies and procedures for implementation of the Act. Each annual program plan must include policies and procedures which:

1. Insure public hearings, adequate notice of such hearings, and an opportunity for comment prior to the adoption of the State plan. (45 CFR 121a.120)
2. Show that all handicapped children within the mandated age ranges and timelines have the right to a free appropriate public education. (45 CFR 121a.121-122)
3. Insure that the State has a goal of providing full educational opportunity to all handicapped children aged birth through twenty-one. (45 CFR 121a.123)
4. Insures that each SEA and local educational agency (LEA) shall use funds under Part B of the Act (1) to provide free appropriate public education to handicapped children who are not receiving any education, and (2) to provide free appropriate education to handicapped children within each disability with the most severe handicaps who are receiving some but not all of the special education and related services needed. (45 CFR 121a.127)
5. Insure that all handicapped children, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated. (45 CFR 121a.128)
6. Assures the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by State and local educational agencies. (45 CFR 121a.129)
7. Show that each local educational agency in the State establishes, reviews, revises and maintains records of the individualized education program for each handicapped child. (45 CFR 121a.130)
8. Shows that each State and local education agency shall provide procedural safeguards to handicapped children and their parents with respect to the provision of a free appropriate public education. (45 CFR 121a.131)

9. Insure (1) that to the extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and (2) that special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (45 CFR 121a.132)

10. Insure that testing and evaluation materials and procedures used for the purposes of evaluation and placement of handicapped children must be selected and administered so as not to be racially or culturally discriminatory. (45 CFR 121a.133)

11. Assure that the State educational agency is responsible that the requirements of the Act are carried out for all educational programs within the State. (45 CFR 121a.134)

12. The SEA follows in insuring the SEA's and LEA's are (1) effectively implementing the procedural safeguards, and (2) using Part B funds properly and efficiently. (45 CFR 121a.135)

13. The SEA follows to inform each State and local agency of its responsibility for insuring effective implementation of procedural safeguards for the handicapped children served by that State or local agency. (45 CFR 121a.136)

14. Insure the development and implementation of a comprehensive system of personnel development. (45 CFR 121a.139)

15. Insures that provision is made for the participation of those children in the program assisted or carried out under Part B of Pub. L. 94-142 by providing those children who are enrolled in regular or special private school, special education and related services. (45 CFR 121a.140)

16. Insure that a handicapped child who is placed in or referred to a private school or facility by the SEA or LEA (1) is provided with special education and related services, (2) has all of the rights of a handicapped child who is served by a public agency. (45 CFR 121a.140, .401, .405)

17. Insure that the State seeks to recover any funds provided under Part B of the Act for services to a child who is determined to be erroneously classified as eligible to be counted. (45 CFR 121a.141)

18. Insure that the SEA does not take any final action with respect to an application submitted by an LEA before giving the LEA reasonable notice and an

opportunity for a hearing. (45 CFR 121a.144)

19. Provide for evaluation of the effectiveness of programs in meeting the educational needs of handicapped children. (45 CFR 121a.146)

20. Include information about the State's use of EHA-B funds. (45 CFR 121a.148)

21. Describe the use of Part B funds. (45 CFR 121a.149)

22. Include a description of direct services the SEA will provide. (45 CFR 121a.151)

All of the above policies and procedures are necessary to show that the States are (1) eligible to receive a grant award, and (2) in compliance with Pub. L. 94-142 and Section 504 of the Rehabilitation Act of 1973.

A program description is required for activities concerned with the Comprehensive System of Personnel Development which must be ongoing in a State which accepts Part B funding. The description of the State's system for training personnel includes a statistical table which must be updated every 3 years. This table is the only statistical information in the State plan. (45 CFR 121a.120, .127, .128, .139).

(m) Name and Address of Individual or Office From Which Copies of the Data Instrument(s) May Be Obtained

State Plan Office, Bureau of Education for the Handicapped, Division of Assistance to States, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Program Administrative Review System.

(b) Agency/Bureau/Office

U.S. Office of Education/Bureau of Education for the Handicapped.

(c) Agency Form Number

OE Form 9068.

(d) Legislative Authority for This Activity

"Whenever the Commissioner . . . finds—(1) that there has been a failure to comply substantially with any provision of Section 612 or Section 613 or, (2) that in the administration of the State Plan there is a failure to comply with any provision of this part or with any requirements set forth in the application of a local education agency or intermediate education unit approved by the State Plan, the Commissioner . . . shall . . . withhold

further payments * * * (Pub. L. 94-142, Part B, Section 616(a), 20 U.S.C. 1401-1402; 35 CFR Part 121a).

(e) Concise Description of the Proposed Activity

On-site Program Administrative Reviews are conducted in each State and territory every other year. Interviews are conducted with persons responsible for or concerned with the provision of special education and related services to handicapped children (see No. 10 below). Interviews are conducted in fifteen sites throughout a State or territory; they are also conducted in the State Education Agency. State level personnel, parent, teacher, and advocacy group representatives are interviewed on an advanced visit of three-days duration. This visit is followed within four weeks by a full week of interviewing in fifteen sites. At least eight sites will be local education agencies, at least four sites will be State Operated Programs, and least one site will be a private school in to which handicapped children have been placed by a public agency. The advance visit is conducted by the State Plan Officer for the given State. The full-week visit is conducted by a team of five to seven education program specialists, one of whom is the State Plan officer.

(f) Voluntary/Obligatory Nature of Response

Required to obtain or maintain benefits.

(g) Justification of How Information Collected Will Be Used

a. *Program Management:* The Division of Assistance to States, Bureau of Education for the Handicapped is charged with the responsibility for the administration of the Education of the Handicapped Act, Part B, as amended by Pub. L. 94-142. The information collected through this activity is necessary to fulfill the monitoring requirements of this statute. Further, it is essential to document that handicapped children in institutions and day programs receiving Pub. L. 89-313 funds are also receiving the benefits required by Pub. L. 94-142.

b. *Evaluation:* The Division of Assistance to States will use the information collected as the basis for the development of Program Administrative Review reports for each State and territory reviewed. The information will permit the Bureau to (1) assess the implementation of each State's current Annual Program Plan; (2) monitor State compliance with specific provisions of federal statutes; (3)

provide data for the Annual Report to Congress.

(h) Data Acquisition Plan

(1) Method of Collection: Personal Interview and Document Review (by BEH staff).

(2) Time of collection: Throughout the fiscal year from October through May.

(3) Frequency: Biennial.

(4) Method(s) of analysis: Each of the requirements for Pub. L. 94-142 (see #13) has specific compliance criteria associated with it. Interviewers seek evidence confirming that all compliance criteria are being met; that policies are in place, and procedures are being implemented. Through interviews, document reviews, and on-site observations, BEH staff determines the compliance status of each site on each requirement. This information is summarized across sites for a given State. From this summary a Program Administrative Review report is written in which, for each requirement, the number of sites which are in compliance and which are out of compliance are reported. For all requirements for which evidence of non-compliance exists, corrective actions are specified.

(i) Timetable for Dissemination of the Collected Data

As indicated in (h) above, a Program Administrative Review Report is written for each State visited. This report is disseminated in draft form within one month after the site visit, and in final form no later than two months after the site visit.

(j) Respondents

(1) Type: SEA administrators, LEA administrators, administrators of institutions, administrators of private schools, representatives of parent organizations, representatives of teacher organizations, representatives of advocacy organizations, representatives of private school organizations, and members of State Advisory panels.

b. Estimated number by type: SEA—3; LEA—3.

Institution—2; Private School—2. Parent Representatives—3 per State; Teacher Representatives—3 per State; Advocacy Group Representatives—3 per State.

Private School Organization Representatives—3 per State. Members of the State Advisory Panel—3 per State.

c. Estimated Average person-hours response time per type of respondent: SEA—3 hours; LEA—1.5 hours.

Institution Administrator—2 hours; Private School Administrator—1 hour.

Parent Representative—5 hour; Teacher Representative—5 hours. Advocacy Representative—5 hour; Private School Representative—5 hour; State Advisory Panel Member—5 hour.

(k) Estimated Costs and Person-Hours to the Respondent (Total)

\$700 per State (based on the respondents in each state); 30 person hours.

(l) Cost to the Federal Agency to Collect, Process and Analyze the Data

\$80,000.

(m) A List of the Specific Data To Be Collected From Each Type of Respondent

Information will be collected with the use of seven interview guides: A SEA Interview Guide, a LEA Interview Guide, a State Operated Program Interview Guide, a State Advisory Panel Interview Guide, a Parent Groups Interview Guide, a Teacher Groups Interview Guide, and a Private School Interview Guide. Each guide addresses specific administrative and programmatic requirements of Pub. L. 94-142. For each requirement specific compliance criteria must be confirmed through the interviewing process. The requirements are listed below:

Full Education Opportunity Goal (Pub. L. 94-142, Section 612).

Right to Education Policy (Pub. L. 94-142, Section 612).

Child Identification, Location, and Evaluation (Pub. L. 94-142, Section 612).

Protection in Evaluation Procedures (Pub. L. 94-142, Section 612).

Individualized Education Program (Pub. L. 94-142, Section 612).

Related Services (Pub. L. 94-142, Section 612).

Due Process (Pub. L. 94-142, Section 612).

Confidentiality (Pub. L. 94-142, Section 612).

Least Restrictive Environment (Pub. L. 94-142, Section 612).

Monitoring (Pub. L. 94-142, Section 612).

State Annual Program Plan (Pub. L. 94-142, Section 612).

Local Applications (Pub. L. 94-142, Section 612).

Priorities (Pub. L. 94-142, Section 612).

Administration of Funds by LEAs (Pub. L. 94-142, Section 612).

Private School Placements (Pub. L. 94-142, Section 612 and 613).

Private School Participation (Pub. L. 94-142, Section 612 and 613).

Comprehensive System of Personnel Development (Pub. L. 94-142, Section 613).

Complaint Management System (Pub. L. 94-142, Rules and Regulations, Section 121a.602).

Title IV C, Set Aside (ESEA, Title IV-C, Section 432).

Vocational Education, Set Aside (Vocational Education Act of 1963, Section 122).

Early Childhood Incentive Grants (Pub. L. 94-142, Section 619).

State Advisory Panel (Pub. L. 94-142, Section 613 and 615).

Children to Receive Benefits (ESEA, Title I, Section 305).

Agency Eligibility (ESEA, Title I, Section 305).

Application Requirements (ESEA, Title I, Section 305).

Supervision (ESEA, Title I, Section 305).

Program Monitoring (ESEA, Title I, Section 305).

Fiscal Monitoring (ESEA, Title I, Section 305).

(n) Name and Address of Individual or Office From Which a Copy Of The Full Plan and the Data Instrument(s) May Be Obtained

Jerry Vlasak, Chief, Administrative Review Section, Bureau of Education for the Handicapped, 400 Maryland Avenue, SW., Donohoe Building, Washington, D.C. 20202.

[FR Doc. 79-29828 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-89-M

Office of the Secretary

Meeting of the Secretary's Advisory Committee on the Rights and Responsibilities of Women

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs and activities of the Department on the Status of women will meet on Thursday, October 25, 1979, from 10:00 a.m. to 5:00 p.m., in Room 525-A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., and on Friday, October 26, 1979, from 9:00 a.m. to 3:00 p.m. in Room 4137 North Building, 330 Independence Avenue, S.W., Washington, D.C. The agenda will include reports from the task forces dealing with family policy, Title IX, national health insurance, reproductive technology and adolescent pregnancy.

Further information on the Committee may be obtained from: Cheryl Yamamoto, Executive Secretary, telephone 202-245-8454. These meetings are open to the public.

Dated: September 20, 1979.

Cheryl Yamamoto,
Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc. 79-29803 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-12-M

Meeting of the Secretary's Advisory Committee on the Rights and Responsibilities of Women

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs and activities of the Department on the status of women will hold its Health Task Force meeting on Wednesday, October 24, 1979 from 10:00 a.m. to 5:00 p.m. The meeting will be held in Room 727-A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. The agenda will include discussion and briefings on National Health Insurance, adolescent pregnancy (focus on prevention and education) and issues concerning reproductive technology, including use of fetal monitoring.

Further information on the Committee may be obtained from: Cheryl Yamamoto, Executive Secretary, telephone 202-245-8454. These meetings are open to the public.

Dated: September 20, 1979.

Cheryl Yamamoto,
Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc. 79-29804 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-12-M

Office of the General Counsel; Statement of Organization, Functions and Delegation of Authority

This notice amends the Statement of Organization, Functions and Delegation of Authority for the Department of Health, Education, and Welfare Chapter AG "OGC" (34 FR 17032, June 28, 1973, as amended at 42 FR 42716, August 24, 1977). The notice reflects the reorganization of OGC by the abolishment of the Inspector General Division and the incorporation of the duties of that Division into the functions of the Business and Administrative Law Division.

Section AG.18 *Divisions in the Office of the General Counsel* is amended to delete the words "Inspector General Division."

Section AG.22 A.1 *Divisions in the Office of the General Counsel* is amended to read as follows:

Section AG.22 *Divisions in the Office of the General Counsel.*

A. The Divisions in the Office of the General Counsel, under the direction of an Assistant General Counsel, have the following responsibilities:

1. *Business and Administrative Law Division.* The Business and Administrative Law Division shall be responsible for:

a. Legal services on business management activities and administrative operations throughout the Department, including procurement, contracting, personnel, patents, copyrights, budget, appropriations, employment, compensation, travel, and claims by and against the Department.

b. Legal services for the Department's surplus property, civil defense, and security programs.

c. Liaison with the Comptroller General.

d. Legal services under the National Environmental Policy Act.

e. Liaison with the Department of Justice on administration of the Freedom of Information Act.

f. Counseling employees who request advice on or interpretation of standards of conduct.

g. Under the direction of the Deputy Assistant General Counsel (Inspector General), the provision of legal services to the Office of Inspector General.

Section AG.22 *Divisions in the Office of the General Counsel* is further amended to delete subsection AG.22.A.9 *Inspector General Division.*

Dated: September 20, 1979.

Frederick M. Bohen,
Assistant Secretary for Management and Budget.

[FR Doc. 79-29802 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[Docket No. N-79-937]

Small Cities Discretionary Grants Under the Community Development Block Grant Program; Dates for Submission of Preapplications

AGENCY: Department of Housing and Urban Development.

ACTION: Amendment to Notice.

SUMMARY: Because of the devastation caused by Hurricane Frederic in the States of Alabama and Mississippi, the cities in those states are unable to meet the originally established deadline filing dates for preapplications for the Small

cities program. Therefore, HUD is amending the Notice of the dates for submission of preapplications to HUD Area Offices for the Small Cities Discretionary Grant Program under the Community Development Block Grant Program for Fiscal Year 1980, published in the **Federal Register** July 20, 1979, at 44 FR 42787, to read as follows:

Final Date for Submission		
Region IV	No earlier than—	No later than—
Alabama	Oct. 15, 1979	Oct. 29, 1979
Mississippi	Oct. 22, 1979	Nov. 5, 1979

FOR FURTHER INFORMATION CONTACT: Mr. James N. Forsberg, Small Cities Program Division, Office of Community Planning and Development of Housing and Urban Development, Washington, D.C. 20410, 202-755-6322.

SUPPLEMENTAL INFORMATION: Notice is hereby given that in accordance with 24 CFR 570.420(h)(2) the Department of Housing and Urban Development (HUD) has established dates for submission of preapplications for Small Cities Discretionary Grants to be accepted by HUD for Fiscal Year 1980.

For applicants from both metropolitan and nonmetropolitan areas, the earliest and latest date for submission are the dates established above for each State. Preapplications for funding under the Single Purpose and Comprehensive Grant provisions of the Small Cities Discretionary Grant program will be accepted only during the designated time period.

Applicants are hereby advised to submit their preapplications for Single Purpose Grants pursuant to 24 CFR 570.429, or their preapplication for Comprehensive Grants pursuant to 24 CFR 570.425, to the appropriate HUD Area Office serving the applicant's jurisdiction.

Issued at Washington, D.C., September 19, 1979.

Robert C. Embry, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc. 79-29799 Filed 9-25-79; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 38191]

New Mexico; Application

September 14, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act

of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 19 S., R. 33 E.

Sec. 17, E½SW¼;

Sec. 20, E½NW¼, NE¼SW¼ and W½SE¼;

Sec. 29, W½NE¼ and NW¼SE¼.

These pipelines will convey natural gas across 2.289 miles of public land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29781 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38155]

New Mexico; Application

September 17, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 6½-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 31 N., R. 12 W.

Sec. 17, W½NE¼, N½SE¼ and SE¼SE¼;

Sec. 20, E½NE¼;

Sec. 29, NE¼NE¼.

This pipeline will convey natural gas across 1.703 miles of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management,

P.O. Box 6770, Albuquerque, New Mexico 87107.

Raul E. Martinez,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29782 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38216]

New Mexico; Application

September 17, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 27 N., R. 6 W.

Sec. 19, E½SE¼;

Sec. 30, NE¼NE¼.

This pipeline will convey natural gas across .419 of a mile of public land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Raul E. Martinez,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29783 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-84-M

Burley District Grazing Advisory Board; Meeting

In accordance with Pub. L. 92-463, the Federal Advisory Committee Act, and Pub. L. 94-579, the Federal Land Policy and Management Act, notice is hereby given that the Burley District Grazing Advisory Board will meet on November 5, 1979.

The meeting will begin at 9:00 a.m. in the conference Room of Bureau of Land Management Office at 200 South Oakley Highway, Burley, Idaho.

The agenda for the meeting will include:

- (1) Review Goose Creek AMP relating to the Idaho Rangeland Committee's findings.
- (2) Expenditure of range betterment and advisory board funds for range improvements.
- (3) Forthcoming elections.
- (4) Set date for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Board between 2:00 p.m. and 3:30 p.m. or they may file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, Route 3, Box 1, Burley, Idaho 83318, by November 1, 1979. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the district manager.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection and reproductions (during regular business hours 7:45 a.m. to 4:30 p.m., Monday through Friday) within 30 days following the meeting.

Dated: September 18, 1979.

Nick James Cozakos,

District Manager.

[FR Doc. 79-29875 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-84-M

Montana; Proposed Decision on Intensive Wilderness Inventory Butte District; Overthrust Belt

This proposed decision is issued under the authority of Section 603 of the Federal Land Policy and Management Act of October 21, 1976, and under the guidelines provided in Step 5 of the Wilderness Inventory Handbook of September 27, 1978, issued by the U.S. Department of the Interior, Bureau of Land Management.

The Secretary of the Interior has directed that the wilderness inventory of all inventory units within the "Overthrust Belt" (a geologic formation with high oil and gas potential) be completed by December 31, 1979.

The entire Butte Bureau of Land Management (BLM) District is located within the Overthrust Belt in western Montana. The Butte District has forty-eight wilderness intensive inventory units as described in the **Federal Register** notice of August 16, 1979. The intensive inventory of these units has been completed. This notice is an announcement of the proposed wilderness study area decision.

A 75-day public comment period will begin September 24, 1979, and conclude December 7, 1979. The public is invited to review the proposed decisions and make comments to the Montana State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

The proposed decision has identified twenty inventory units described below, which are believed to possess

wilderness characteristics as set forth in Section 2(c) of the 1964 Wilderness Act and which are therefore proposed to become wilderness study areas (WSA's). These units are:

Butte District:

MT-076-001—Ruby Mountain, 26,357 acres.

MT-076-002—Blacktail Mountains, 19,189 acres.

MT-076-004—Big Spring Gulch, 30,998 acres.

MT-076-007—East Fork Blacktail Deer Creek, 6,180 acres.

MT-076-022—Hidden Pasture Creek, 15,475 acres.

MT-076-025—McCartney Mountain/Sandy Hollow, 18,380 acres.

MT-076-028—Henneberry Ridge, 10,111 acres.

MT-076-034—Farlin Creek, 1,260 acres.

MT-076-063—Tobacco Root Tackons, 1,640 acres.

MT-076-069—Axolotl Lakes, 7,140 acres.

MT-076-079—Madison Tackons, 1,509 acres.

MT-076-102—Blind Horse Creek, 4,927 acres.

MT-076-105—Chute Mountain, 3,085 acres.

MT-076-106—Deep Creek/Battle Creek, 3,086 acres.

MT-076-110—Beaver Meadows, 640 acres.

MT-076-114—Elkhorn, 3,585 acres.

MT-076-133—Yellowstone River Island, 53 acres.

MT-076-151a—Hoodoo Mountain, 11,522 acres.

MT-076-151b—Gallagher Creek, 5,927 acres.

MT-076-155—Quigg West, 520 acres.

The following twenty-eight wilderness inventory units have been determined

not to possess wilderness characteristics as set forth in section 2(c) of the 1964 Wilderness Act and are, therefore, proposed to be dropped from further consideration under the wilderness review process, and released from the constraints of interim management as specified in section 603(c) of the Federal Land Policy and Management Act.

Units MT-076-073 and MT-076-074 have been dropped from the inventory

procedures since they are not adjacent to a Forest Service Rare II further planning area as the Beaverhead National Forest has set the boundaries for 1-013.

Unit MT-074-151 was found to be two units, both larger than 5,000 acres. They are now MT-074-151a, Hoodoo Mountain, and MT-074-151b, Gallagher Creek.

Units MT-076-023 and 022 were found to be one unit during field inventory; they are now MT-076-022, Hidden Pasture Creek.

Units MT-076-026 and MT-076-027 were found to be one unit during field inventory; they are now MT-076-026, Bell/Limekiln Canyons.

Additional Information Available. Copies of wilderness characteristics narrative summaries and a 1:500,000 scale map showing the Montana BLM Overthrust Belt lands affected, may be obtained by writing the BLM offices listed below. In addition, detailed wilderness characteristics narratives (not summaries) are available for review at the Butte District Office and

Headwaters, Garnet and Dillon

MT-076-033—Garret Hill, 1,120 acres.

MT-076-034—Farlin Creek, 1,260 acres.

MT-076-063—Tobacco Root Tackons, 1,640 acres.

MT-076-069—Axolotl Lakes, 7,140 acres.

MT-076-079—Madison Tackons, 1,509 acres.

MT-076-102—Blind Horse Creek, 4,927 acres.

MT-076-105—Chute Mountain, 3,085 acres.

MT-076-106—Deep Creek/Battle Creek, 3,086 acres.

MT-076-110—Beaver Meadows, 640 acres.

MT-076-114—Elkhorn, 3,585 acres.

MT-076-133—Yellowstone River Island, 53 acres.

MT-076-151a—Hoodoo Mountain, 11,522 acres.

MT-076-151b—Gallagher Creek, 5,927 acres.

MT-076-155—Quigg West, 520 acres.

MT-076-042—Red Rock River Islands #2, 3 acres.

MT-076-043—Red Rock River Islands #1, no island exists.

MT-076-047—Jimmy New Creek, 6,275 acres.

MT-076-051—Maiden Rock Islands, 1 acre.

MT-076-054—Nez Perce Hollow, 12,743 acres.

MT-076-059—Block Mountain, 6,700 acres.

MT-076-070—Sweetwater, 7,749 acres.

MT-076-071—Elk Gulch, 10,292 acres.

MT-076-107—North Fork of Sun River, 196 acres.

MT-076-115—Black Sage, 5,926 acres.

MT-076-123—Missouri River Island, 22 acres.

MT-076-124—Missouri River Island, 12 acres.

MT-076-125—Missouri River Island, 5 acres.

MT-076-126—Missouri River Island, 17 acres.

MT-076-134—Yellowstone River Island, 23 acres.

MT-076-138—Missouri River Island, 40 acres.

Changes From Initial Inventory Decision Announcement. Some of the smaller inventory units contiguous to Forest Service Rare II areas placed in a further planning category have been grouped under the same inventory unit numbers. These units are: MT-076-079, MT-076-080, MT-076-081, MT-076-082, MT-076-084 which are now MT-076-079, Madison Tackons; MT-076-063, and MT-076-064 are now MT-076-063, Tobacco Root Tackons.

Units MT-076-073 and MT-076-074 have been dropped from the inventory procedures since they are not adjacent to a Forest Service Rare II further planning area as the Beaverhead National Forest has set the boundaries for 1-013.

Unit MT-074-151 was found to be two units, both larger than 5,000 acres. They are now MT-074-151a, Hoodoo Mountain, and MT-074-151b, Gallagher Creek.

Units MT-076-023 and 022 were found to be one unit during field inventory; they are now MT-076-022, Hidden Pasture Creek.

Units MT-076-026 and MT-076-027 were found to be one unit during field inventory; they are now MT-076-026, Bell/Limekiln Canyons.

Additional Information Available. Copies of wilderness characteristics narrative summaries and a 1:500,000 scale map showing the Montana BLM Overthrust Belt lands affected, may be obtained by writing the BLM offices listed below. In addition, detailed wilderness characteristics narratives (not summaries) are available for review at the Butte District Office and

Headwaters, Garnet and Dillon

MT-076-033—Garret Hill, 1,120 acres.

MT-076-034—Farlin Creek, 1,260 acres.

MT-076-063—Tobacco Root Tackons, 1,640 acres.

MT-076-069—Axolotl Lakes, 7,140 acres.

MT-076-079—Madison Tackons, 1,509 acres.

MT-076-102—Blind Horse Creek, 4,927 acres.

MT-076-105—Chute Mountain, 3,085 acres.

MT-076-106—Deep Creek/Battle Creek, 3,086 acres.

MT-076-110—Beaver Meadows, 640 acres.

MT-076-114—Elkhorn, 3,585 acres.

MT-076-133—Yellowstone River Island, 53 acres.

MT-076-151a—Hoodoo Mountain, 11,522 acres.

MT-076-151b—Gallagher Creek, 5,927 acres.

MT-076-155—Quigg West, 520 acres.

Resource Area Offices. These locations are as follows:

Office of Public Affairs, Montana State Office, Bureau of Land Management, 222 North 32d Street, P.O. Box 30157, Billings, Montana 59107.
Butte District Office, 106 N. Parkmont (Industrial Park), Butte, Montana 59701.
Headwaters Resource Area, 106 N. Parkmont (Industrial Park), Butte, Montana 59701.
Garnet Resource Area, 1819 Holborn Avenue, Missoula, Montana 59801.
Dillon Resource Area, 736 N. Montana Street, Dillon, Montana 59725.

To facilitate public review and comment on this proposal, the following schedule of public meetings is established:

Public Meetings

October 15, 1979—Village Red Lion Motor Inn, Russell Room, Missoula, Montana, 7 p.m.
October 16, 1979—Drummond Public School, Drummond, Montana, 7 p.m.
October 16, 1979—All Purpose Room-cafeteria, Sheridan Public School, Sheridan, Montana, 7 p.m.
October 17, 1979—St. Rose Family Center, Dillon, Montana, 7 p.m.
October 18, 1979—Multi-Purpose Room, Lima Public School, Lima, Montana, 7 p.m.
October 22, 1979—Butte District Office, 106 N. Parkmont (Industrial Park), Butte, Montana, 7 p.m.
October 23, 1979—Topper Motel, 1235 N. 7th, Bozeman, Montana, 7 p.m.
October 24, 1979—Travelodge, Rimini Room, Helena, Montana, 7 p.m.
October 29, 1979—Heritage Inn, Venice-Paris Room, Great Falls, Montana, 7 p.m.
October 30, 1979—Public Library, Choteau, Montana, 7 p.m.

Upon completion of the 75-day public comment period and analysis of public comments, a final wilderness study area decision will be announced through Montana media sources and the Federal Register.

Edwin Zaidlicz,
State Director.

[FR Doc. 79-29678 Filed 9-25-79; 8:45 am]
BILLING CODE 4310-84-M

[NM 28093]

New Mexico; Request for Public Comment

September 19, 1979.

U.S. Department of the Interior, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501. The Bureau of Land Management requests public comment on the fair market value of certain coal resources it proposes to offer for competitive lease sale.

The coal resource to be evaluated consists of underground reserves in the following described land located

approximately three miles northeast of Fruitland, New Mexico:-

T. 30 N., R. 15 W., NMPM. San Juan County
Sec. 13: S½;
Sec. 14: S½;
Sec. 23: All;
Sec. 24: All;
Sec. 25: All;
Sec. 28: All;
Sec. 35: Lots 1, 2, 3, 4, N½, N½S½.
Containing 3,855.60 acres.

The estimated total underground recoverable reserves in the upper coal bed are 25,846,367 short tons. The coal quality is as follows: BTU—9,290/lb.; Sulfur—.58%, and Ash—24.8%. The upper coal bed averages 6 feet thick over 3,840 acres. The estimated total underground recoverable reserves in the lower coal bed are 49,906,856 short tons. The coal quality is as follows: BUT—10,221/lb.; Sulfur—.99%, and Ash—17.65%. The lower coal bed averages 15 feet thick over 3,840 acres of the described lands.

The public is invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management and the U.S. Geological Survey. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resource, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions, may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1-2. Should any information submitted as comments be considered to be proprietary by the commenter, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to both the State Director, New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501, and to the Regional Conservation Manager, Conservation Division, Geological Survey, P.O. Box 25048, Denver Federal Center, Denver

Colorado 80225, to arrive no later than October 24, 1979.

Larry L. Woodard,
Acting State Director.

[FR Doc. 79-29680 Filed 9-25-79; 8:45 am]
BILLING CODE 4310-84-M

[NM 38268, 38269 and 38270]

New Mexico; Applications

September 19, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Company has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 17 S., R. 27 E.,
Sec. 24, SW¼NE¼.
T. 18 S., R. 29 E.,
Sec. 4, SW¼SE¼.
T. 19 S., R. 34 E.,
Sec. 6, SE¼SW¼;
Sec. 7, W¼NE¼ and NE¼NW¼.

These pipelines will convey natural gas across 0.759 of a mile of public lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Bill J. Warner,
Acting Chief, Division of Technical Services.
[FR Doc. 79-29677 Filed 9-25-79; 8:45 am]
BILLING CODE 4310-84-M

Office of the Secretary

[INT FES 79-43]

Grand Junction Grazing Management; Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of Interior has prepared an environmental statement on grazing management in the Grand Junction Resource Area. The proposal includes implementing 78 new grazing plans or allotment management plans (AMPs), fully implementing 8 partially completed AMPs and continuing present management on 3 AMPs. Less intensive grazing management would be applied

to 88 allotments and livestock grazing would be eliminated on 2 additional allotments.

The environmental statement analyzes the impacts that would result from management of livestock grazing and additional range improvement projects such as fences, livestock watering facilities, and vegetation treatment. The proposal is scheduled for implementation over an 8-year period.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Land Management, Office of Public Affairs, Room 5619, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240 (Phone: 202-343-4151).
Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202 (Phone: 303-837-4481).
Bureau of Land Management, Grand Junction District Office, 764 Horizon Drive, Grand Junction, Colorado 81501 (Phone: 303-243-6552).
Bureau of Land Management, Glenwood Springs Resource Area, 5629 Highway 6 & 24, Glenwood Springs, Colorado 81601 (Phone 303-945-2341).

Public Libraries

Mesa County Public Library, 530 Grand Avenue, Grand Junction, Colorado 81501.
Mesa College Library, Grand Junction, Colorado 81501.
Glenwood Springs Public Library, 806 Cooper, Glenwood Springs, Colorado 81601.
Conservation Library, Denver Public Library, 1357 Broadway, Denver, Colorado 80206.

County Courthouses

Garfield County, Glenwood Springs, Colorado 81601.
Mesa County, Grand Junction, Colorado 81501.

Single copies of the final statement can be obtained from the District Manager, Grand Junction District Office; or the State Director, Colorado State Office, at the addresses listed above.

Dated: September 20, 1979.

Larry E. Meierotto,
Assistant Secretary.

[FR Doc. 79-29840 Filed 9-25-79; 8:45 am]
BILLING CODE 4310-84-M

[INT FES 79-43]

Grazing Management Program for Caliente Area of Nevada; Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the Caliente grazing area in Lincoln County, Nevada.

The Caliente grazing proposal involves allocation of 74,293 AUMs of forage to livestock, period-of-use, for each class of livestock, allocation of forage to meet management goals for wildlife and wild horses (15,104 and 5,956 AUMs, respectively), implementation of intensive grazing management on 65 allotments (27 AMP areas), 12 non-AMP allotments, nine allotments which will not have domestic livestock grazing allowed, proper grazing treatments for each allotment, and necessary range improvements needed to fully implement the grazing systems.

The final environmental statement incorporates comments received on the draft environmental statement which was made available to the public May 25, 1979. The draft statement was the subject of public hearings held in Caliente, Nevada, on July 10, 1979; St. George, Utah, on July 11, 1979; and Las Vegas, Nevada, on July 12, 1979.

Copies of the final environmental statement are available on request by writing the Las Vegas District Manager, Bureau of Land Management, P. O. Box 5400, Las Vegas, Nevada 89102.

Public reading copies will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets N.W., Washington, D.C. 20240, Telephone: (202) 343-5717.
Nevada State Office, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nevada 89509, Telephone: (702) 784-5311.
Battle Mountain District Office, Bureau of Land Management, North 2nd and South Scott Streets, Battle Mountain, Nevada 89820, Telephone: (702) 635-5181.
Carson City District Office, Bureau of Land Management, 1050 E. Williams Street, Carson City, Nevada 89701, Telephone: (702) 882-1631.
Elko District Office, Bureau of Land Management, 2002 Idaho Street, Elko, Nevada 89801, Telephone: (702) 738-4071.
Ely District Office, Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301, Telephone: (702) 289-4665.
Las Vegas District Office, Bureau of Land Management, P. O. Box 5400, 4765 West Vegas Drive, Las Vegas, Nevada 89102, Telephone: (702) 385-6403.
Winnemucca District Office, Bureau of Land Management, 705 East 4th Street, Winnemucca, Nevada 89445, Telephone: (702) 623-3676.
Boulder City Library, 539 California Street, Boulder City, Nevada 89005.
Cedar City Public Library, 136 W. Center, Cedar City, Utah 84720.
Clark County Library, 1401 E. Flamingo Road, Las Vegas, Nevada 89109.
Lincoln County Library, Box 248, Pioche, Nevada 89043.
Lincoln County Library, Caliente Branch, Box 306, Caliente, Nevada 89008.

Las Vegas Public Library, 1726 E. Charleston Boulevard, Las Vegas, Nevada 89104.
St. George Public Library, 55 West Tabernacle, St. George, Utah 84770.
University of Nevada, Reno, Getchell Library, Reno, Nevada 89507.
University of Nevada, Las Vegas Library, 4505 Maryland Parkway, Las Vegas, Nevada 89154.
Washoe County Library, 301 S. Center Street, Reno, Nevada 89505.
White Pine County Library, Courthouse Plaza, Ely, Nevada 89301.
Dated: September 17, 1979

James W. Curlin,
Deputy Assistant Secretary of the Interior.
[FR Doc. 79-29841 Filed 9-25-79; 8:45 am]
BILLING CODE 4310-84-M

Bureau of Reclamation

Contract Negotiations With Wenatchee Heights Reclamation District, Wash.; Intent To Begin Repayment Contract Negotiations

The Department of the Interior, through the Bureau of Reclamation, intends to open negotiations to amend the August 31, 1977, repayment contract with the Wenatchee Heights Reclamation District, Wenatchee, Washington. That contract, as amended May 26, 1978, was executed under the authority of the Emergency Drought Act of April 7, 1977 (91 Stat. 36), as amended. The proposed amendment will defer the time for payment of installments under that contract, pursuant to the Act of September 21, 1959 (73 Stat. 584).

Pursuant to the Emergency Drought Act and the 1977 contract, funds in the amount of \$571,848.28 were expended to construct and operate emergency water supply facilities that were needed to avoid crop losses during the severe drought of 1977. The 1977 contract provided that those funds would be repaid by the district over a 10-year period beginning in 1978. The district has repaid \$83,202.13 and is essentially current in its payments to the United States; however, it has requested deferment of the semiannual installment due December 1979 and a longer repayment period due to greatly increased costs and other circumstances that developed after the repayment arrangements were made.

The public may observe any negotiating sessions. Advance notice of such meetings, if any, will be furnished on request. Requests must be in writing and must specify that the requesting party is interested in the proposed Wenatchee Heights Reclamation District contract. Inquiries should be addressed to the Regional Director, attention code

440, Bureau of Reclamation, 550 West Fort Street, Box 043, Boise, Idaho 83724.

A proposed draft contract will be made available for public review. Thereafter, a 30-day period will be allowed for receipt of written comments from the public.

For further information on scheduled negotiating sessions and copies of the proposed contract form, please contact: Ms. Patricia Gallagher, Bureau of Reclamation, Repayment and Statistics Branch, Division of Water, Power and Lands, 550 West Fort Street, Box 043, Boise, Idaho 83724, telephone (208) 384-1160.

Dated: September 18, 1979.

Clifford I. Barrett,

Assistant Commissioner of Reclamation.

[FR Doc. 79-29521 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-09-M

INTERNATIONAL TRADE COMMISSION

[TA-201-41]

Certain Fish; Correction of Notice of Investigation

Notice is hereby given that the notice of investigation and hearing in the above investigation inadvertently excluded item 110.55 of the Tariff Schedules of the United States from the product description of the fish covered by the investigation. The notice of investigation is hereby corrected to include item 110.55 of the Tariff Schedules of the United States in the product scope of the investigation.

The notice of investigation and hearing was published in the Federal Register of September 12, 1979 (44 FR 53112).

By order of the Commission.

Issued: September 20, 1979.

Kenneth Mason,

Secretary.

[FR Doc. 79-29911 Filed 9-25-79; 8:45 am]

BILLING CODE 7020-02-M

[225-1]

Competitive Status of Certain Benzenoid Chemical Imports From Switzerland and the European Community

AGENCY: United States International Trade Commission.

ACTION: Notice is hereby given that the United States International Trade Commission, following receipt on August 10, 1979, of a request from the Special Representative for Trade Negotiations, has instituted an investigation under Section 225 of the

Trade Agreements Act of 1979 with respect to the dutiable status of certain benzenoid chemical imports.

EFFECTIVE DATE: September 18, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. D. F. McCarthy, Office of Industries ((202)523-0492) or Mr. Holm Kappler, Office of Nomenclature, Valuation, and Related Activities ((202)523-0362), United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979 (the Act) contains a new tariff nomenclature for benzenoid chemicals with rates of duty adjusted to reflect the adoption by the United States of a revised system of customs valuation based principally upon transaction value. Under section 225 of the Act the President is authorized to proclaim a modification of the article descriptions in subparts B and C of part 1 of Schedule 4 of the Tariff Schedules of the United States in order to transfer articles within those provisions. The President may not make any such modification unless the Commission determines that—

(1) the chemical or product was not valued for customs purposes on the basis of American selling price upon entry into the United States during a period determined by the Commission to be representative, and

(2) a rate of duty provided for in such subparts, other than the rate of duty that would apply but for this section, is more appropriate and representative for such chemical or product.

The Commission is reviewing a list of certain benzenoid chemicals notified to the United States by Switzerland and the European Community with regard to the U.S. customs treatment of each chemical during 1976, 1977, and 1978. The Commission will publish its preliminary determinations with respect to this list of benzenoid chemicals for public comment on or about November 5, 1979.

COMPLETION DATE: The Commission plans to complete its study and report its findings to the President and the Special Representative for Trade Negotiations not later than December 12, 1979.

Issued: September 20, 1979.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-29912 Filed 9-25-79; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

U.S. v. Bethlehem Steel Corp.; Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States v. Bethlehem Steel Corporation* was lodged with the United States District Court for the Western District of Pennsylvania on September 6, 1979. The proposed decree provides that Bethlehem Steel will construct a new electric arc furnace melt shop at its Johnstown, Pennsylvania plant by December 31, 1982, and it will shut down by that date the existing coke battery No. 18, blast furnace, open hearth furnaces and sinter plants. The decree would require the posting of financial performance guarantees and compliance by the existing sources at the plant with emission and operating limitations until shut-down.

The Department of Justice will receive on or before October 26, 1979, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States v. Bethlehem Steel Corporation*, D. J. Reference No. 90-5-2-1-191.

The proposed consent decree may be examined at the office of the United States Attorney, Western District of Pennsylvania, 633 U.S.P.O. and Courthouse, 7th Avenue and Grant Street, Pittsburgh, Pennsylvania 15219, at the Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice (Room 2625), Ninth Street and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division, Department of Justice.

James W. Moorman,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 79-29784 Filed 9-25-79; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Controlled Substances; Establishment of 1980 Aggregate Production Quota for Hydromorphone

Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances in Schedules I and II. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations.

On July 20, 1979, a notice of the proposed aggregate production quota for hydromorphone for 1980 was published in the Federal Register (44 FR 42799). All interested parties were invited to comment on or object to the proposed aggregate production quotas on or before August 23, 1979. One comment was received from Knoll Pharmaceutical Company of Whippany, New Jersey.

In their comment, Knoll stated that they provided almost the entire supply of hydromorphone (Dilaudid) for medical purposes in the United States. Because of a growing awareness of physicians of the legitimate use of hydromorphone and the development of new products, Knoll is concerned that a reduction in quota to reduce abuse will serve only to limit the availability of hydromorphone to physicians and patients who actually need these products. Therefore, although Knoll agrees with DEA that abuse of hydromorphone should be reduced, they feel quota reductions would be inappropriate.

No other comments and no requests for hearing were received. Pursuant to § 1303.11(c) of Title 21 of the Code of Federal Regulations, the Administrator of the Drug Enforcement Administration has deemed, in his sole discretion, that hearings relative to the above comment are not necessary at this time.

Therefore, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator of the Drug Enforcement Administration hereby orders that the aggregate production quota for hydromorphone be established at 122,000 grams, expressed as anhydrous base.

DEA will review the above established quota early in 1980 to take into consideration actual 1979 sales and actual December 31, 1979 inventories as well as other information which might

be available to DEA. At that time, DEA will again consider those comments received in response to the proposal of July 20, 1979. In addition, it is expected that results of the study undertaken by DEA to determine the extent of hydromorphone abuse and diversion will be available for consideration.

This order is effective September 28, 1979.

Dated: September 20, 1979.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 79-29850 Filed 9-25-79; 8:45 am]

BILLING CODE 4410-08-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-317 and 50-318]

Baltimore Gas & Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 41 and 23 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company, which revised the licenses for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2 (the facilities) located in Calvert County, Maryland. The amendments will become effective 20 days from the date of publication of this notice of issuance (October 16, 1979) unless a hearing has been requested.

The amendments add license conditions pertaining to the completion of facility modifications to improve the fire protection program.

The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the licensee's submittals dated March 15, 1977, July 11 and October 20, 1978, March 22, April 19, August 6, 17, and 29, 1979, (2)

Amendments Nos. 41 and 23 to License Nos. DPR-53 and DPR-69, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of September 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc. 79-29832 Filed 9-25-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

Metropolitan Edison Co., et al., (Three Mile Island Nuclear Station, Unit 2); Delay in Issuance of Order for Modification of License

On July 20, 1979 the Director, Office of Nuclear Reactor Regulation issued an Order suspending the licensee's authority to operate this facility and directing that, pending further order, the licensee maintain the facility in a shutdown condition in accordance with the approved operating and contingency procedures. The Order further provided that a subsequent order would be issued within about thirty (30) days addressing (1) the imposition of new and/or revised Technical Specifications setting forth appropriate license conditions and (2) the time in which the licensee may file an answer and persons affected by the Order may request a hearing in this matter.

By further Order, dated August 20, 1979, the period of time in which to issue the contemplated Order was extended for an additional thirty (30) days due to the fact that the new and/or revised Technical Specifications had not yet been completed. These Technical Specifications are still in the process of finalization. Accordingly, an additional period of time will be required for finalization of these Technical Specifications and issuance of the Order imposing the modified Technical Specifications.

Dated at Bethesda, Maryland this 20th day of September, 1979.

For the Nuclear Regulatory Commission.
Harold R. Denton,
Director, Office of Nuclear Reactor Regulation.
 [FR Doc. 79-29833 Filed 9-25-79; 8:45 am]
 BILLING CODE 7590-01-M

[Dockets Nos. 50-277 and 50-278]

Philadelphia Electric Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 61 and 61 to Facility Operating License Nos. DPR-44 and DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

The amendments (1) revise the Administrative Controls section of the Technical Specifications to require the qualifications of the Supervisor-Health Physics to meet or exceed the qualifications set forth in Regulatory Guide 1.8, September 1975, (2) revise the membership of the Plant Operations Review Committee and the figure depicting the Organization for Conduct of Plant Operations to reflect changes in plant organization and (3) correct a typographical error in the Table of Primary Containment Isolation Valves to indicate that the Oxygen Analyzer System is isolated on a Group 3 Isolation signal.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated May 8 and August 21, 1979, Amendment Nos. 61 and 61 to License Nos. DPR-44 and DPR-56, and (3) the Commission's letter dated September 20, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 20th day of September 1979.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-29834 Filed 9-25-79; 8:45 am]
 BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric & Power Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 54 and 53 to Facility Operating License Nos. DPR-32 and DPR-37, issued to Virginia Electric and Power Company, which revised the license for operation of the Surry Power Station, Unit Nos. 1 and 2 (the facilities) located in Surry County, Virginia. The amendments will become effective twenty days from the date of publication of this notice of issuance unless a hearing has been requested.

The amendments add license conditions pertaining to the completion of facility modifications to improve the fire protection program.

The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact appraisal need not be prepared

in connection with issuance of these amendments.

For further details with respect to this action, see (1) the licensee's submittals dated November 18, 1976, April 5, July 1, 14, 1977, March 6, April 17, 24, May 25, July 21, August 11, 1978, August 17, and September 7, 1979, (2) Amendment Nos. 54 and 53 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of September, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-29836 Filed 9-25-79; 8:45 am]
 BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee Atomic Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Company (the licensee), which revised the Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee-Rowe) (the facility) located in Rowe, Franklin County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment incorporates limiting conditions and surveillance requirements for assurance of proper operation of the reactor cooling system overpressure protection system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this statement.

For further details with respect to this action, see (1) the application for amendment dated June 5, 1978 (Proposed Change No. 161), (2) Amendment No. 59 to License No. DPR-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of September, 1979.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-29837 Filed 9-25-79; 8:45 am]
 BILLING CODE 7590-01-M

[Docket No. PRM-20-12]

Louis Ray Urciuolo; Denial of Petition for Rulemaking To Change the Definition of "Radiation Area"

Please take notice that a petition for rulemaking to the Nuclear Regulatory Commission (NRC) has been denied. The petition was submitted by a letter dated October 17, 1978, from Louis Ray Urciuolo who requested the NRC to amend its regulations in 10 CFR Part 20, "Standards for Protection Against Radiation." This petition has been denied by the Executive Director for Operations in accordance with 10 CFR § 1.40(o).

Mr. Urciuolo indicated that § 20.105, "Permissible levels of radiation in unrestricted areas," implies that restrictions may be necessary in any area where radiation levels could exceed either 2 millirems in an hour, 100 millirems in 7 consecutive days, or is likely to exceed 500 millirems in a year. He petitioned the NRC to amend the definition of "radiation area" set forth in § 20.202(b)(2), to specify dose rates comparable to § 20.105 rather than the 5 millirems in an hour and 100 millirems in any 5 consecutive days currently

specified in § 20.202(b)(2). The proposed change would require any area that could not qualify as an unrestricted area to be posted as a radiation area. Mr. Urciuolo offers three bases for his petition:

1. Under present requirements, an area may require restriction due to the presence of radiation, but that area may not necessarily be required to be posted with a warning. Any area which is restricted because of the presence of an increased hazard level should be posted with a sign that will warn or instruct any individual entering the area of the hazard involved. This should be consistent with OSHA 29 CFR 1910.145(a), (b), and (c).

2. This proposition better illustrates the close interrelationship between a restricted area and a radiation area. It simplifies understanding of this interrelationship by removing unnecessary complicating differences between the two definitions.

3. The proposed change would provide, as a byproduct, more complete posting and, thus, be consistent with the spirit of 10 CFR 19.12.

A notice of filing of petition, Docket No. PRM-20-12, was published in the Federal Register on November 30, 1978 (43 FR 56108). The comment period expired January 29, 1979. Eight persons submitted comments; five opposed the petitioned change and three favored the change. Those commenting favorably on the petition stated that the differences between the definition of radiation area and the dose rate permitted in unrestricted areas has confused some persons. The NRC staff has concluded that these problems result from failure to understand the relationship between control requirements of 10 CFR Parts 19 and 20. Detailed discussion of these relationships follows. The arguments presented by commenters opposing the petitioned change basically were similar to those of the NRC staff and are set forth below.

Historically, § 20.105, "Permissible levels of radiation in unrestricted areas", was deliberately worded differently from the definition of radiation area set forth in § 20.202(b)(2). The underlying philosophy was that, because licensees cannot control the activities of individuals in (unrestricted) areas outside of the licensees control, the regulations should be expressed in terms of limitations on the levels of radiation and the concentrations of radioactive material in effluents that licensees may permit to be released to unrestricted areas. These radiation

¹ Then designated as "Pan American World Airways, Inc."

levels and effluent concentrations were derived such that, with assumed probabilities, including full-time occupancy (7 days per week), it would be unlikely that any individual in the population would receive doses greater than 10 percent of the occupational dose-limiting standards recommended by the International Commission on Radiological Protection (ICRP), the National Council on Radiation Protection and Measurements (NCRP), and the Federal Radiation Council (FRC). The FRC function is now part of the responsibility of the Environmental Protection Agency.

The NRC's regulations in 10 CFR Part 20 provide for the control of personnel exposures to radiation and radioactive material through the establishment of five different types of areas with varying degrees of prescribed protection.

There are two basic types of areas, unrestricted and restricted; within restricted areas there may be radiation areas, high radiation areas, and airborne radioactivity areas.

An unrestricted area is one that is not controlled by the licensee for purposes of radiation protection. However, permissible levels of radiation in unrestricted areas are specified (§ 20.105, and listed above), as are concentrations of radioactive material that may be released in effluents to unrestricted areas. If one or more of the limits is likely to be exceeded, the affected area must be classified as a restricted area.

A restricted area is any area access to which is controlled by the licensee for purposes of radiation protection. Within a restricted area a graduated scale of protective measures is imposed according to the degree of hazard present. Included in these protective measures are requirements for caution signs for the types of areas mentioned above.

A radiation area is one in which the dose to personnel could exceed 5 millirems in 1 hour or 100 millirems in any 5 consecutive days, and must be posted with a sign or signs bearing the radiation symbol and the words CAUTION—RADIATION AREA. If the dose could exceed 100 millirems in 1 hour, the area must be classified as a high radiation area, must be posted with a sign or signs bearing the radiation symbol and the words Caution—High Radiation Area, and additional controls imposed.

An airborne radioactivity area is one in which the concentration of airborne radioactive material exceed specified limits. These areas must be posted with a sign or signs bearing the radiation symbol and the words Caution—

Airborne Radioactivity Area. In addition, any area in which radioactive materials exceeding specified limits are used or stored must be posted with a sign or signs bearing the radiation symbol and the words Caution—Radioactive Materials.

In their simplest form, these area designations envision a restricted area, defined for example by a fence for access control, and a building and rooms within posted as radiation areas, high radiation areas, etc. If operations planned by a licensee could result in dose rates outside of the fence that may exceed one or more of the limits established for unrestricted areas (§ 20.105), the licensee must either modify the operations or the facilities in which they are to be conducted to reduce the dose rates, or take steps to restrict the additional area in which the dose rates may exist. The regulations in 10 CFR Part 20 recognize the practicality of establishing a restricted area and controlling access of purposes of radiation protection at some physical barrier that may be remote from the radioactive material and any associated radiation dose rates. Inside of the restricted area there may exist dose rates above 2 millirems per hour without further required posting until dose rates reach 5 millirems per hour at which time the area must be posted as a radiation area. Inside of the radiation area dose rates may exist above 5 millirems per hour without additional posting until dose rates reach 100 millirems per hour at which time the area must be posted as a high radiation area and other controls imposed.

Posting of areas is only one of the controls licensees are required to establish at and within the restricted areas. The individuals entering the licensee's restricted area are to be subject to the licensee's control, must be instructed commensurate with the risk (§ 19.12, 10 CFR Part 19), must be monitored according to § 20.202, and the individuals' doses maintained as low as is reasonably achievable as well as below the dose-limiting standards specified in §§ 20.101 and 20.104, 10 CFR Part 20. These controls ensure that individuals are aware of their entry into a restricted area. The NRC staff believes that the additional measure of posting signs at the restricted area boundary is unnecessary. As an individual progressive inside of a licensee's restricted area, the regulations provide for progressive levels of posting for radiation areas and high radiation areas and for varying degrees of control by alarms and interlocked devices that prevent entry until the dose rates are

reduced or automatically reduce the dose rates present.

If the petitioned changes were made to the definition of radiation area, licensees would be required to post at lower instantaneous dose rates than at present, that is, at 2 millirems rather than 5 millirems per hour. Posting would also be required at lower steady-state dose rates because the petitioned change would specify 100 millirems in any 7 rather than 5 consecutive days, that is at 0.6 rather than 0.8 millirems per hour, even though a majority of workers are on the job 5 days a week. It would appear that these changes would result in only very small improvement in radiation protection practices and very little or no reduction in radiation doses to workers. Indeed, the petitioned change would be counterproductive for it would have the disadvantage of eliminating the requirement for posting of any warning signs inside of the restricted area until dose rates reached 100 millirems per hour. The NRC staff is concerned that this could result in unnecessary exposure of workers. Further, as noted by persons commenting on the petition, those installations constructed to meet 5 millirems per hour requirements may require structural modifications in order to meet a 2 millirems per hour requirements.

The petitioned amendment to the regulations in 10 CFR Part 20 would require establishment and posting of the restricted area boundary at the point where the dose rate equals that permitted in unrestricted areas. The staff does not consider such action desirable because it would not recognize the practicality of establishing the restricted area at some physical barrier that may be remote from the areas in which radiation dose rates exist, or necessary in view of the other controls licensees are required to impose at the boundary of the restricted area.

The petitioner referred to OSHA's regulations in § 1910.145, 29 CFR 1910, that call for the provision of warning signs to "define specific hazards of a nature such that failure to designate them may lead to accidental injury to workers or the public." However, OSHA's specific regulations dealing with ionizing radiation in § 1910.96, 29 CFR 1910, contain definitions of radiation area, unrestricted and restricted areas, and posting and labeling requirements that are the same as those in 10 CFR Part 20. Therefore, in this area, the NRC's regulations are considered to be consistent with OSHA's regulations.

After careful consideration of the petition and the public comments, the

staff has concluded that the petition should be denied, principally because there does not appear to be any reduction in risk associated with the petitioned change. Indeed, there is a potential for unnecessary exposure of workers as a result of less posting under the petitioned change. Further, there is a potential for increase in cost to the industry associated with backfitting facilities, changing present posting, and instructing workers as to the significance of the petitioned posting. There is also the recognized cost to the NRC and other regulatory agencies to change their regulations and implement the changes.

In view of the foregoing, the petition for rulemaking filed by Mr. Urciuolo on October 17, 1978, is hereby denied. Copies of the petition for rulemaking, the comments thereon, and the NRC's letter of denial are available for public inspection in the NRC's Public Document Room at 1717 H Street, N.W., Washington, D.C.

Dated at Bethesda, Md. this 12th day of September, 1979.

For the Nuclear Regulatory Commission,
Lee V. Gossick,

Executive Director for Operations.

[FR Doc. 79-29835 Filed 9-25-79; 8:45 am]

BILLING CODE 7590-01-M

[NUREG-0610]

Draft Emergency Action Level Guidelines for Nuclear Power Plants; Availability

In connection with the Nuclear Regulatory Commission's ongoing effort to review emergency preparedness capabilities around operating nuclear power plants, the Office of Nuclear Reactor Regulation has developed draft Emergency Action Level Guidelines. These guidelines are for interim use during the initial phases of the Nuclear Regulatory Commission's effort to promptly improve emergency preparedness at operating nuclear power plants.

Four classes of Emergency Action Levels are established in the guidelines to replace the classes in Regulatory Guide 1.101. These classes are Notification of Unusual Event, Alert, Site Emergency, and General Emergency. The guidelines provide associated examples of initiating conditions for each of the classes.

Public comments are being solicited on these draft guidelines. Comments should be sent to the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service

Branch. All comments received by December 1, 1979 will be considered by the Commission.

Copies of the draft guidelines will be available for public inspection at the NRC Public Document Room at 1717 H Street, NW., Washington, D.C. 20555. Requests for single copies of NUREG-0610 should be made in writing to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated.

Dated at Bethesda, Md. this 19th day of September, 1979.

For the U.S. Nuclear Regulatory Commission,
Harold R. Denton,
Director, Office of Nuclear Reactor Regulation.

[FR Doc. 79-29838 Filed 9-25-79; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, RS 908-5, is proposed Revision 2 to Regulatory Guide 1.94 and is entitled "Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete, Structural Steel, Soils, and Foundations During the Construction Phase of Nuclear Power Plants." It describes a method for meeting quality assurance requirements for installation, inspection, and testing of structural concrete, structural steel, soils, and foundations during the construction phase of all types of nuclear power plants. This guide will endorse ANSI/ASME N45.2.5-1978, "Supplementary Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete, Structural Steel, Soils and Foundations During the

Construction Phase of Nuclear Power Plants."

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review, have not been reviewed by the NRC Regulatory Requirements Review Committee, and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by November 23, 1979.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 18th day of September 1979.

For the Nuclear Regulatory Commission,
Guy A. Arlotto,
Director, Division of Engineering Standards,
Office of Standards Development.

[FR Doc. 79-29838 Filed 9-25-79; 8:45 am]

BILLING CODE 7590-01-M

INTERSTATE COMMERCE COMMISSION

[Notice No. 134]

Assignment of Hearing—Correction

AB-6 (Sub-60F), Burlington Northern, Inc. Abandonment near St. Joseph MO, and

Humeston, IA, in Buchana, Andrew, DeKalb, Gentry and Harrison Counties MO and Decatur and Wayne Counties, IA appearing on page 50426; August 28, 1979 is corrected as follows:

AB-6 (Sub-60F), Burlington Northern, Inc. Abandonment near St. Joseph MO, and Humeston, IA, in Buchana, Andrew, DeKalb, Gentry and Harrison Counties MO and Decatur and Wayne Counties, IA now being assigned for hearing on October 15, 1979 (1 week), at Bethany, MO (instead of Chicago, IL)—location of hearing room will be by subsequent notice.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-29830 Filed 9-25-79; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

Correction

In FR Doc. 79-23657, published at page 45283, on Wednesday, August 1, 1979, on page 45284, in the second column, in the first paragraph reading "MC 14252 (Sub 67TA)", in the fourteenth line, "LA" should be corrected to read "IA."

BILLING CODE 1505-01-M

[Volume No. 105]

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 79-21513, published at page 40761, on Thursday, July 12, 1979, the following corrections should be made:

1. On page 40763, in the first column, in the last paragraph reading "MC 4963 (Sub-64F)", in the ninth line "irregular" should be corrected to read "regular";

2. On page 40771, in the third column, at the end of the document the "File Line" was inadvertently omitted, and should be added to read as follows:

[FR Doc. 79-21513; Filed 7-11-79; 8:45 am]

BILLING CODE 1505-01-M

Released Rates Application No. MC-1480

AGENCY: Interstate Commerce Commission

ACTION: Notice. Released Rates Application No. MC-1480.

SUMMARY: National Motor Freight Traffic Association wants to amend Released Rate Order Nos. MC-342 and MC-359 applying on drugs, medicines and toilet preparations to increase the carriers' liability from 50 cents per pound to \$1.10 per pound. However, the carriers also propose to reduce their liability for partial loss or damage from the released value per pound multiplied

by the *total weight* of the commodity shipped, to the released value multiplied by the weight of the *distribution package*. Further, Applicant wants to extend these liability limitations to less-than-truckload *commodity* rates in addition to less-than-truckload *class* rates.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. William W. Pugh, NMFTA, 1616 P St. NW., Washington, D.C. 20036

FOR FURTHER INFORMATION CONTACT: Max Pieper, Unit Supervisor, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423 telephone (202) 275-7553.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730, formerly Section 20(11) of the Interstate Commerce Act, for and on behalf of carriers parties to the National Motor Freight Classification.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-29831 Filed 9-25-79; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-12 (Sub-No. 20)]

Southern Pacific Transportation Co. Findings on Abandonment of its Line of Railroad in Victoria, Goliad, Bee, San Patricio, Jim Wells, Brooks and Hidalgo Counties, TX; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided October 26, 1978, and the decision of the Commission, Division 2, acting as an Appellate Division, served May 24, 1979, as modified, adopted the report and order of the Administrative Law Judge, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in AB-36 (Sub-No. 2), *Oregon Short Line Railroad Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979), and further that applicant shall not sell, lease, exchange or otherwise dispose of the right-of-way underlying the track, all bridges, and all culverts on the line for a period of 180 days following issuance of the certificate permitting abandonment unless such property has first been offered upon reasonable terms to responsible public authorities or other responsible persons interested in acquiring the property for public use, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Company of that portion of its railroad consisting of a part of the Alice sub division extending from (a) milepost 106.57 near Fannin-Goliad County to milepost 145.0 near Beeville,

Bee County, TX, approximately 38.43 miles. (b) From milepost 1.0 near Skidmore-Bee County to milepost 40.9 near Alice, Jim Wells County, TX, approximately 39.9 miles. (c) Extending from milepost 80.2 near Falfurrias, Brooks County, to milepost 138.9 near Edenburg, Hidalgo County, TX, approximately 58.7 miles. A certificate of abandonment will be issued to the Southern Pacific Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operation agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the *Federal Register* on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the

instructions contained in the above-referenced decision.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-29829 Filed 9-25-79; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the *Federal Register* publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the *Federal Register*. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

[Notice No. 158]

August 29, 1979.

MC 200 (Sub-381TA), filed July 18, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as above). *Plastic containers*, from Middletown, DE to Union, MO, for 180 days. Supporting shipper(s): Hercules Incorporated, 910

Market St., Wilmington, DE 19899. Send protests to: Vernon V. Coble, D/S, ICC, Room 600, Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 730 (Sub-458TA), filed July 19, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94595. Representative: Edgar E. Reddick (same address as applicant). *Tractors, with or without attachments and parts thereof*, between facilities of J. I. Case Company at or near Burlington, IA on the one hand and, on the other, points in the U.S. located east of the Mississippi River and AR, OK, LA and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. I. Case Company, 700 State Street, Racine WI 53404. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 2421 (Sub-26TA), filed July 26, 1979. Applicant: NEWTON TRANSPORTATION COMPANY, INC., P.O. Box 678, Lenoir, NC 28645. Representative: Charles H. Keller (same address as above). *Canned goods, not frozen*, from the facilities of Brooks Foods, Division of Curtice Burns, Inc. in Mount Summit, IN to points in NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Brooks Foods Division of Curtice-Burns, Inc., Rt. 36, Mt. Summit, IN 47361. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd.—Rm. CC516, Charlotte, NC 28205.

MC 4941 (Sub-58TA), filed July 19, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Russell S. Callahan (same address as applicant). *Paper and paper products* from the facilities of Union Camp Corporation at or near Richmond, VA to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, WV and DC. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 4941 (Sub-65TA), filed July 19, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Russell S. Callahan (same address as applicant). *Acids and chemicals (except in bulk)* from the facilities of Sobin Chemicals, Inc. at Newark, NJ to points in IL, IN, MI and OH. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sobin Chemicals, Inc., 1900 Prudential Tower, Boston, MA

02199. Send protests to: John B. Thomas, I.C.C., 150 Causeway Street, Boston, MA 02114.

MC 6031 (Sub-56TA), filed July 18, 1979. Applicant: BARRY TRANSFER & STORAGE CO., 120 E. National Ave., Milwaukee, WI 53204. Representative: Wm. C. Dineen, 710 N. Plakinton Ave., Milwaukee, WI 53203. Contract carrier; irregular routes: *Coke* from Milwaukee, WI to points in the Chicago, IL Commercial Zone, and East Dubuque, Moline, North Aurora, Plano, Peoria, Rock Falls, Rockford and South Beloit, IL; Bloomfield, Davenport, and Fairfield, IA; Iron Mountain and Marquette, MI; Mankato and Winona, MN, and points in the Minneapolis-St. Paul, MN Commercial Zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Milwaukee Solvey Coke Co., 332 S. Michigan Ave., Chicago, IL 60604. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 8771 (Sub-57TA), filed July 26, 1979. Applicant: SAW MILL SUPPLY, INC., 1018 Saw Mill River Road, Yonkers, NY 10710. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th St., N.W., Washington, D.C. 20004. *Tractors and/or tractor-excavating, grading and loading attachments*, from Deerfield, IL, to points and places in the Continental United States; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fiat-Allis Construction Machinery, Inc., 500 Lake Cook Road, Deerfield, IL, 60015. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 22311 (Sub-21TA), filed June 21, 1979. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative: Marvin Mickow (address same as applicant). *Aluminum and aluminum articles*, from the facilities of Kaiser Aluminum Corp., Ravenswood, WV to points in IL, IN, MI, MO, OH and WI for 180 days. Supporting shipper(s): Kaiser Aluminum & Chemical Corp., P.O. Box 98, Ravenswood, WV 26164. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1388, Chicago, IL 60604.

MC 33641 (Sub-145TA) (correction), filed May 25, 1979, previously noticed in the *Federal Register* issue of September 5, 1979. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84125. Representative: Martin J. Rosen, 256 Montgomery Street, San Francisco, CA 94104. *Common carrier-regular route: General Commodities*, except those of unusual value, classes A & B

explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Denver, CO, and Houston, TX: from Denver, CO, over U.S. Hwy 287 to Ft. Worth, TX, then over Interstate Hwy 20 to Dallas TX, then over Interstate Hwy 45 to Houston, TX, and return over the same route, serving the intermediate points of Ft. Worth and Dallas, TX, and also the commercial zones of Houston, Dallas, and Ft. Worth, TX, for 180 days. Applicant intends to tack the above requested authority with existing authority. Applicant also intends to interline with another carrier at Houston, Dallas and Fort Worth, TX. Supporting shipper(s): There are 98 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

Note.—The purpose of this republication is to indicate the tacking and interlining possibilities.

MC 47171 (Sub-736TA), filed July 24, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews, (same address as applicant). *Malt beverages and related advertising materials*, from Albany, GA to points in AL, FL, MS, NC, LA, SC, TN and VA; and (2) *Materials, equipment and supplies used in the manufacture of malt beverages* from the above named destination states to points in GA, for 180 days. Supporting shipper(s): Miller Brewing Company, 3939 W. Highland Blvd., Milwaukee, WI 53208. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 52460 (Sub-254TA), filed July 23, 1979. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 West 35th Street, Tulsa, OK 74107. Representative: Wilburn L. Williamson, 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Residual fuel oil*, from Houston, LA, to Tulsa Port of Catoosa, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mid Region Petroleum Company, Inc., P.O. Box 35385, Tulsa, OK 74135. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 52460 (Sub-255TA), filed July 27, 1979. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112.

Coffee and coffee products, from the facilities of The Proctor & Gamble Distributing Company and the Folger Coffee Company, at New Orleans, LA, to points in TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Proctor & Gamble Distributing Company, P.O. Box 599, Cincinnati, OH 45201. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 60271 (Sub-9TA), filed July 23, 1979. Applicant: HARPER TRUCK LINE, INC., P.O. Box 288, Monroe, LA 71201. Representative: Wilbur C. Littleton (same address as applicant). *Canned goods, oil in packages, shortening and matches*, from Harvey, LA to points in AR, LA, and MS for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Hunt-Wesson Foods, Inc., P.O. Box 61770, New Orleans, LA 70161. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 68100 (Sub-31TA), filed July 23, 1979. Applicant: D. P. BONHAM TRANSFER, INC., 318 South Adeline, P.O. Drawer C, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison Street, Tokepa, KS 66603. *Plastic pipe, plastic conduit, vinyl plastic sidings, and extruded plastic products, fittings and accessories*, from the facilities of Vinylplex, Inc., at or near Pasadena, TX, to points in AR, IA, KS, LA, MS, MO, NE, ND, OK, and SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vinylplex, Inc., P.O. Box 431, Pittsburg, KS 66762. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 68860 (Sub-42TA), filed July 25, 1979. Applicant: RUSSELL TRANSFER, INC., 5259 Aviation Drive, N.W., Roanoke, VA 24012. Representative: Liniel G. Gregory, Jr. (same address as above). (1) *Malt beverages and related advertising materials*, from Albany, GA to points in the states of AL, FL, KY, LA, MS, and TN and (2) *Supplies and equipment used in the manufacture, sale and distribution of malt beverages and return empty malt beverage containers* (except commodities in bulk) from points in the states of AL, FL, KY, LA, MS, MO, NC, OK, PA, SC, TN, TX, VA, WV, to Albany, GA for 180 days. Supporting shipper(s): Miller Brewing Company, 3939 West Highland Boulevard, Milwaukee, WI 53208. Send protests to: Charles F. Myers, DS, ICC, Room 10, 502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 70151 (Sub-57TA), filed June 22, 1979. Applicant: UNITED TRUCKING

SERVICE INC., 8505 West Warren Avenue, Dearborn, MI 48126. Representative: LaVergne L. Adsit, 8505 West Warren Avenue, Dearborn, MI 48126. Common Carrier, by motor vehicle, over regular routes transporting: *General Commodities* (except those of unusual value, Class A and B explosives, household goods, as described by the Commission, commodities in bulk and commodities requiring special equipment); (I) A. Between Lansing, MI and Muskegon: from Lansing, over I-96 to Muskegon and return over the same route serving all intermediate points and the off route point of Lyons, MI; B. Between Junction U.S. Hwy 27 with I94 and Junction I94 with U.S. Hwy 20: from Junction U.S. Hwy 27 with I94 and over to Junction U.S. Hwy 20 with I94 and return over the same route serving all intermediate points. C. Between Muskegon, MI and Junction U.S. Hwy 31 with I94: From Muskegon, MI over U.S. Hwy 31 to Junction with U.S. Hwy 31 with I94 and return over the same route serving all intermediate points. D. Between Grand Rapids, MI and Junction IN Hwy 13 with U.S. Hwy 20: from Grand Rapids, MI over U.S. Hwy 131 to Junction U.S. Hwy 131 with IN Hwy 13, then over IN 13 to Junction with U.S. Hwy 20 and return over the same route serving all intermediate points. (II) A. Between Junction U.S. Hwy 20 with I 65 and Indianapolis, IN: from Junction U.S. Hwy 20 with I 65 over I 65 to Indianapolis, and return over the same route serving all intermediate points. B. Between Junction U.S. Hwy 27 with U.S. Hwy 20 and Chicago, IL: from Junction U.S. Hwy 27 with U.S. Hwy 20 over U.S. Hwy 20 to Chicago and return over the same route serving all intermediate points. C. Between South Bend, IN and Junction U.S. Hwy 31 and U.S. Hwy 24: from South Bend, IN over U.S. Hwy 31 to Junction U.S. Hwy 31 with U.S. Hwy 24 and return over the same route serving all intermediate points. For 180 days. Supporting shipper(s): There are approximately 160 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 109891 (Sub-45TA), filed July 18, 1979. Applicant: INFINGER TRANSPORTATION COMPANY, INC., P.O. Box 7398, Charleston Heights, SC 29405. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. (1) *Paper, paper products and woodpulp* (except in bulk), from the facilities of Bowater Corporation at or near Catawba, SC, to FL and GA; and (2)

Materials, equipment and supplies used in the manufacture and distribution of paper, paper products and woodpulp (except in bulk), from FL and GA to the facilities of Bowater Carolina Corporation at or near Catawba, SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bowater Carolina Corporation, P.O. Box 7, Catawba, SC 29704. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 110841 (Sub-20TA), filed July 20, 1979. Applicant: PORT NORRIS EXPRESS CO., INC., 28 South High Street, Port Norris, NJ 18349. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Arlington, VA 22210. *Silica sand and silica products* from the facilities of or utilized by Ottawa Silica Company at or near North Stonington, CT to points in DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ottawa Silica Company, P.O. Box 577, Ottawa, IL 61350. Send protests to: Joel Morrows, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 111310 (Sub-52TA), filed July 20, 1979. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. (1) *Meat, meat products, meat byproducts and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209.766 (except commodities in bulk) from Norwalk, WI to points in IL & IN; (2) *Materials, equipment and supplies used in the manufacture and distribution of the commodities described in Part (1)* from points in IL & IN to Norwalk, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Pine Valley Meats, Inc., Rt. 71, Norwalk, WI 54648. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 111401 (Sub-582TA), filed July 27, 1979. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). *Lubricating oils*, in bulk, in tank vehicles, from Kansas City, KS, to points in UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Phillips Petroleum Company, 146 Phillips Building Annex, Bartlesville, OK 74004. Send protests to: Connie Stanley, ICC,

Rm 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 111401 (Sub-583TA), filed July 27, 1979. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). *Liquid cleaning compound*, in bulk, in tank vehicles, from Indianapolis, IN, to Tulsa, OK, for 180 days. Supporting shippers(s): Brulin & Company, Inc., 2920 Martindale, Indianapolis, IN 40206. Send protests to: Connie Stanley, ICC, Rm 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 112520 (Sub-375TA), filed July 27, 1979. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Pulp mill liquid and pulp mill products and waste products derived from Kraft Paper Process* from Pine Bluff, AR and Texarkana, TX to the facilities of Arizona Chemical Co. at Springhill, LA for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Arizona Chemical Company, Wayne, NJ 07470. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 112750 (Sub-352TA), filed July 30, 1979. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch (same address as applicant). *Contract carrier, irregular routes: Commercial papers, documents and written instruments (except currency and negotiable securities) as are used in the business of banks and banking institutions*, between Louisville, KY, on the one hand, and, on the other, points in IN, on and north of US Interstate Hwy 40: for 180 days; and underlying ETA seeks 90 days authority. Supporting shipper(s): First National Bank of Louisville, First National Tower, 101 South Fifth, Louisville, KY 40232. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 115651 (Sub-64TA), filed July 24, 1979. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., P.O. Box 39, Rockford, IL 61105. Representative: E. Stephen Heisley, 666 11th St., Washington, D.C. 20001. *Liquified petroleum gas*, from (1) Lemont, IL to points in IN, and (2) Dubuque, IA to points in IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Northern Propane Gas Co., 2223 Dodge St., Omaha, NE 68102. Send protests to:

Annie Booker, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 115841 (Sub-731TA), filed July 24, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). (1) *Such merchandise as is dealt in by discount and variety stores (except foodstuffs, furniture & commodities in bulk)*, and (2) *Foodstuffs (except in bulk) and furniture in mixed loads with the commodities in (1) above*, from Charlotte, NC to Los Angeles, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): K-Mart Corporation, 3100 W. Big Beaver Road, Troy, MI 48064. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 115841 (Sub-732TA), filed July 25, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *Fresh, frozen and canned meats*, from Wilson, NC to Baltimore, MD; Philadelphia & Lancaster, PA; Pennsauken & Secaucus, NJ; New York & Albany, NY; Boston & Springfield, MA; & Windsor Locks, CT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dinner Bell Foods, P.O. Box 1639, Wilson, NC 27893. Send protests to: Glenda Kuss, Suite A-422, 801 Broadway, Nashville, TN 37203.

MC 117730 (Sub-68TA), filed July 25, 1979. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. (1) *Meats, meat products, meat by-products, articles distributed by meat packinghouses and dairy products*, and (2) *Foodstuffs*, When moving in mixed loads with the commodities in (1) above (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (a) from the facilities of Oscar Mayer & Co., Inc. at Beardstown, IL to the facilities of Oscar Mayer & Co., Inc. at Goodlettsville, TN, and (b) from the facilities of Oscar Mayer & Co., Inc. at Goodlettsville, TN to Davenport, IA, Chicago, IL and Madison, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oscar Mayer & Co., P.O. Box 7188, Madison, WI 53707. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn Street, Rm. 1386, Chicago, IL 60604.

MC 118831 (Sub-18TA), filed July 26, 1979. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 7007, High Point, NC 27264. Representative: Ben H. Keller III, P.O. Box 7007, High Point, NC 27264. *Cleaning compounds* from Winder, GA to Chicago, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Westvaco Corporation, P.O. Box 643, Winder, GA 30680. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd.—Rm CC516, Charlotte, NC 28205.

MC 119630 (Sub-26TA), filed July 19, 1979. Applicant: VAN TASSEL, INC., 5th & Grand, Pittsburg, KS 66762. Representative: Dean Williamson, Suite 615—East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Plastic pipe, plastic conduit, vinyl plastic siding, extruded plastic products and fittings and accessories for such commodities*, from facilities of Vinylplex, Inc., at or near Pasadena, TX to points in the U.S., for 180 days, common, irregular. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vinylplex, Inc., P.O. Box 431, Pittsburg KS 66762. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 119741 (Sub-227TA), filed July 18, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, Ft. Dodge, IA 50501. Representative: D. L. Robson, P.O. Box 1235, Ft. Dodge, IA 50501. *Foodstuffs* (except in bulk, in tank vehicles), from the facilities of Shedd-Bartush Foods, Inc. at or near Louisville, KY to points in AL, AZ, AR, CA, CO, CT, DE, DG, FL, GA, IL, IN, IA, KS, LA, MD, MA, MI, MS, MO, NE, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, WV, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shedd-Bartush Foods, Inc., 2440 South Floyd Street, Louisville, KY 40217. Send protests to: Herbert W. Allen, D/S, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 120751 (Sub-4TA), filed July 25, 1979. Applicant: J. L. CARTAGE & WAREHOUSE, INC., P.O. Box B, Lagrange Park, IL 60525. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. (1) *Such commodities as are usually manufactured or dealt in by manufacturers of heat treating equipment*, from the facilities of Ipsen Industries, Inc., at Rockford, IL, to points in the U.S. (except AK, HI and IL) and (2) *General commodities* (except those of unusual value, classes A and B explosives and household goods as defined by the Commission) between points in Cook, Will, Kendall, Kane,

DuPage and Lake Counties, IL and between Cook, Will, Kendall, Kane, DuPage and Lake Counties, IL, on the one hand, and, on the other, points in IL, for 180 days. Supporting shipper(s): Ipsen Industries Inc., P.O. Box 6266, Rockford, IL 61125. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 121060 (Sub-116TA), filed July 19, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Mr. William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Composition board*, from the facilities of Champion International Corporation at or near Oxford, MS, to points in KY, IL, IN, IA, MI, MN, MO, OH, PA, WI, CA, NC, and SC. An underlying ETA seeks 90 days authority. Supporting shipper(s): Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 121060 (Sub-117TA), filed July 23, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Such commodities as are manufactured or distributed by a manufacturer of paper and paper products* (except in bulk), (1) between the facilities of or utilized by Scott Paper Company at or near Mobile, AL; Chicago, IL; Fond du Lac, Green Bay, Oconto Falls and Marinette, WI; (2) from facilities of or utilized by Scott Paper Company at Mobile, AL to points in IL, MI, IN, KY and TN; and (3) from the facilities of or utilized by Scott Paper Company at Atlanta, GA, to facilities of or utilized by Scott Paper Company in Mobile, AL, for 180 days. An ETA seeks 90 days authority. Supporting shipper(s): Scott Paper Company, Scott Plaza One, Philadelphia, PA 19113. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 124711 (Sub-97TA), filed July 26, 1979. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. *Lubricating oils*, in bulk, in tank vehicles, from Kansas City, KS to points in UT and WY, for 180 days. 90-day ETA filed simultaneously. Supporting shipper(s): Phillips Petroleum Company, 146 Phillips Bldg. Annex, Bartlesville, OK 74004. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 125601 (Sub-4TA), filed July 20, 1979. Applicant: MICHAEL J. FITZGIBBON d.b.a. FITZ FREIGHT TRANSFER, P.O. Box 1144, Miami, OK 74354. Representative: David Cherry, P.O. Box 1540, Edmond, OK 73034. *Meats, meat products and meat by-products, and articles distributed by meat packing houses*, as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Rockville, MO, to Oklahoma City, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): George A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 125780 (Sub-5TA), filed June 25, 1979. Applicant: DON TRIPP TRUCKING, P.O. Box 38, Lolo, MT 59847. Representative: Sam E. Haddon, First National Bank Bldg., Missoula, MT 59801. *Contract carrier-irregular routes: Asphalt roofing from Minneapolis, MN to Missoula, MT, for 180 days.* Supporting shipper(s): Exchange Lumber Co., P.O. Box 8288, Missoula, MT 59807. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 127651 (Sub-52TA), filed May 9, 1979. Applicant: EVERETT G. ROEHL, INC., East 29th St., Box 7, Marshfield, WI 54449. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Iron and steel articles from Chicago, IL and points in its Commercial Zone to facilities of Sam Bloom Iron & Metal Co., Minneapolis, MN, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Sam Bloom Iron & Metal Co., 1502 N. 2nd St., Minneapolis, MN 55411. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 127651 (Sub-54TA), filed June 8, 1979. Applicant: EVERETT G. ROEHL, INC., East 29th St., Box 7, Marshfield, WI 54449. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Iron and steel articles from Chicago, IL and points in its Commercial Zone to points in MN, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Viking Materials, Inc., 7900 Xerxes Ave., S. Bloomington, MN 55431. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 127651 (Sub-55TA), filed June 21, 1979. Applicant: EVERETT G. ROEHL, INC., East 29th St., Box 7, Marshfield,

WI 54449. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Iron and steel articles from Chicago, IL and points in its Commercial Zone to the facilities of Loed Corp., Wausau, WI, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Loed Corp., 738 S. 10th Ave., P.O. Box 1247 Wausau, WI 54401. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 127651 (Sub-56TA), filed July 9, 1979. Applicant: EVERETT G. ROEHL, INC., East 29th St., Box 7, Marshfield, WI 54449. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Steel coils from Chicago, IL and points in its Commercial Zone to facilities of Eclipse Mfg. Co. at or near Sheboygan, WI, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Eclipse Mfg. Co., 1828 Oakland Ave., Sheboygan, WI 53081. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 127651 (Sub-57TA), filed July 27, 1979. Applicant: EVERETT G. ROEHL, INC., East 29th St., Box 7, Marshfield, WI 54449. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Lumber and compressed wood products from facilities of Weyerhaeuser Co. at or near Marshfield and Independence, WI and St. Paul, MN; the facilities of Neumann Wood Processors, Inc. at or near LaCrosse, WI and the facilities of Robt. Herbst & Assoc. at or near Elk Mound, WI to points in IL, IN, IA, MI, MN, NO & WI, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Co., 100 S. Wacker Dr., Chicago, IL 60606. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 127820 (Sub-12TA), filed July 16, 1979. Applicant: TRANS-SERVICE, INC., 1943 S. Lawn Extension, Coshocton, OH 43812. Representative: Taylor C. Burneson, 1831 Northwest Professional Plaza, Columbus, OH 43220. *Contract carrier, irregular routes: Gloves, parts of gloves, clothing treated with protective substances, and materials, supplies, and equipment used in the manufacture and packaging of the aforesaid products*, between Tarboro, NC, on the one hand, and, on the other, Haynesville, LA, and Coshocton, OH, under continuing contract(s) with Becton, Dickinson and Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Becton, Dickinson & Co., Stanley St., Rutherford, NJ. Send

protests to: D/S. ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 127840 (Sub-122TA), filed July 23, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Dr., Lansing, IL 60438. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601. *Animal fats and vegetable blends*, from the facilities of Wilson Foods Corp., at Oklahoma City, OK, to all points in the State of TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilson Foods Corp., 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 128270 (Sub-42TA), filed July 19, 1979. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley St., East Gary, IN. Representative: Richard A. Kerwin, 180 N. LaSalle St., Chicago, IL 60601. *Iron and steel articles and materials, equipment, and supplies used in the manufacture of same*, between Union, MO, on the one hand, and on the other, points in the states of IN, IL, WI, IA, TX, OK, KS, AR, KY, LA, MI, OH, MN, CO, AL, and MS for 180 days. An ETA has been granted for 90 days. Supporting shipper(s): Maverick Tube Company, P.O. Box 696, Union, MO 63084. Send protests to: Dave Hunt, T/A, 219 South Dearborn St., Room 1386, Chicago, IL 60604.

MC 128270 (Sub-43TA), filed July 25, 1979. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street, East Gary, IN 46405. Representative: Richard Kerwin, 180 North LaSalle Street, Chicago, IL 60601. *Railway car wheels, iron or steel, loose or mounted on axles, with or without bearings*, from the plantsite of Griffin Wheel Company, Keokuk, IA to points in MN, KS, NB, MO, IL, WI and IN for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Griffin Wheel Company, Division of AMSTED Industries, Inc., 200 West Monroe Street, Chicago, IL 60606. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 128860 (Sub-17TA), filed July 18, 1979. Applicant: LARRY'S EXPRESS, INC., 720 Lake St., Tomah, WI 54660. Representative: James Spiegel, 6425 Odana Rd., Madison, WI 53719. *Contract carrier; irregular routes; Malt beverages and related advertising materials, premiums, and malt beverage dispensing equipment in mixed loads with malt beverages from Evansville, IN and Frankenthuth, MI to points in IA, MN, MO, WI and the UP of MI and (2) from Baltimore, MD to Newport, KY and Evansville, IN, restricted to transportation to be performed under a*

continuing contract(s) with G. Heileman Brewing Co., Inc., La Crosse, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): G. Heileman Brewing Co., Inc., 925 S. Third St., LaCrosse, WI 54601. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 129410 (Sub-23TA), filed July 20, 1979. Applicant: ROBERT BONCOSKY, INC., 4811 Tile Line Road, Crystal Lake, IL 60014. Representative: Carl Steiner, 39 South LaSalle Street, Chicago, IL 60603. *Contract Carrier, irregular routes, liquid sugar and blends thereof*, in bulk, in tank vehicles, from the facilities of Revere Sugar Corporation, Chicago, IL to points in IA, MI, MO, OH, KS, KY, NE, MN and PA for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Revere Sugar Corporation, 330 East North Water Street, Chicago, IL 60611. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 129480 (Sub-42TA), filed June 25, 1979. Applicant: TRI-LINE EXPRESSWAYS, LTD., 550—71st Avenue SE, Calgary, AB, Canada T2H 0S6. Representative: Richard S. Mandelson, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. *Farm machinery from Madison, SD to the International Boundary line between the U.S. and Canada, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Gehl Company, 915 SW 7th St., Madison, SD 57042. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 133630 (Sub-6TA), filed July 24, 1979. Applicant: KING BROS. TRUCKING, INC., Rural Route 2, Ashkum, IL 60911. Representative: Edward D. McNamara, Jr., 907 South Fourth, Springfield, IL 62703. *Crushed Stone*, from Newton County, IN to Ford County, IL for 180 days. Supporting shipper(s): Lehigh Paving Co., P.O. Box 231, Paxton, IL 60957. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 134201 (Sub-12TA), filed July 27, 1979. Applicant: JAMES V. PALMER, d.b.a. JIM PALMER TRUCKING, 3515 Hiway 10 West, Missoula, MT 59801. Representative: James V. Palmer (same address as applicant). *Contract carrier, irregular routes: (1) Building materials and cement pipe containing asbestos fibre*, from the plantsite of Johns-Manville Sales Corp. at or near Waukegan, IL to points in ID, MN, MT, ND, OR, SD, WA, and WY; (2) *plastic pipe* from the plantsite of Johns-Manville Sales Corp. at or near Wilton,

IA to points in ID, MT, ND, OR, SD, WA and WY; and (3) *insulation board* from the plantsite of Johns-Manville Perlite Corp. at or near Rockdale, IL to points in ID, MN, MT, ND, SD and WY. Restriction: Restricted to a transportation service to be performed under a continuing contract(s) with the Johns-Manville Sales Corp. of Oak Brook, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Johns-Manville Sales Corp., 2222 Kensington Ct., Oak Brook, IL 60521. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 135070 (Sub-92TA), filed July 26, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn Larsen, P.O. Box 82816, Lincoln, NE. *Bakers yeast and related ingredients from the facilities of Anheuser Busch, Inc., at or near Bakersfield, CA to Corpus Christi, Houston, and San Antonio, TX, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Anheuser Busch, Inc., 721 Pestalozzi, St. Louis, MO 63118. Send protests to: Martha A. Powell, TA, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 135070 (Sub-93TA), filed July 26, 1979. Applicant: JAY LINES, INC., 720 N. Grand—P.O. Box 30180, Amarillo, TX 79120. Representative: Charlene C. Marler, 720 N. Grand, Amarillo, TX 79120. *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses from the facilities of Vernon Calhoun Packing Co., at or near Palestine, TX to points in TN, PA, NY, OH, MO, IA, GA, and IL, for 180 days.* Supporting shipper(s): Vernon Calhoun Packing Co., P.O. Box 709, Palestine, TX 75801. Send protests to: Martha A. Powell, TCS, Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 135410 (Sub-84TA), filed July 26, 1979. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Meats and packinghouse products*, from the facilities of Briggs & Co., a subsidiary of Wilson Foods Corp., at Landover, MD to IA, KS, MN, MO, MN, NE, and WI for 180 days. An underlying ETA seeking 90 days authority was filed. Supporting shipper(s): Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OH 73105. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 135410 (Sub-85TA), filed July 26, 1979. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Such merchandise as is dealt in by wholesale food and drug outlets, from the facilities of Proctor & Gamble Company at/near Cape Girardeau, Neelys Landing and St. Louis, MO to points in IL, IN, IA and OH for 180 days. An underlying ETA seeking 90 days operating authority has been filed. Supporting shipper(s): The Proctor & Gamble Company, P.O. Box 599, Cincinnati, OH 45201. Send protests to: Annie Brooker, T.A. Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.*

MC 135430 (Sub-3TA), filed July 23, 1979. Applicant: LEAVITTS FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, OR 97477. Representative: David C. White, 2400 S.W. 4th Avenue, Portland, OR 97201, 503-226-6491. Contract, irregular. *Treated Poles* from points in Washington and Yamhill counties, OR to points in AZ, ID, and WA, under contract with North Pacific Lumber Company for 180 days. Supporting shipper(s): North Pacific Lumber Company, P.O. Box 3915, Portland, OR 97208. Send protests to: A. E. Odums, DS, ICC, 114 Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, OR 97204.

MC 135821 (Sub-4TA), filed June 20, 1979. Applicant: MADELINE MILESTONE, 4233 Leiper St., Phila., PA 19124. Representative: Anthony Witlin, 710 Two Penn Center Plaza, Phila., PA 19102. *Contract carrier: Irregular routes: Carpeting, padding, and all related materials used in sale. Between the plant site of General Felt Industries, Inc., at Phila., Pa. and Pts. in MD and DC commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Felt Industries, Inc., Park 80 Plaza West, Saddlebrook, NJ 07662. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 136220 (Sub-82TA), filed July 26, 1979. Applicant: SULLIVAN'S TRUCKING COMPANY, INC., P.O. Box 2164, Ponca City, OK 74601. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 24, El Reno, OK 73036. *Fishmeal*, in bulk, in dump vehicles, (1) from Ft. Smith and Van Buren, AR, to Watts and Westville, OK; and (2) from Watts and Westville, OK, to Springdale and Fayetteville, AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s):

Wilbur-Ellis Co., 1000 Plaza West Bldg., Little Rock, AR 72201. Send protests to: Connie Stanley, ICC, Rm. 240, 215 NW. 3rd, Oklahoma City, OK 73102.

MC 136511 (Sub-71TA), filed July 2, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Tiberlake Rd., Lynchburg, VA 23502. Representative: Lester R. Gutman, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. *Foodstuffs (except in bulk) in vehicles equipped with mechanical refrigeration* from the facilities of Kraft, Inc., at Allentown, PA, to points in West Virginia and from the facilities of Kraft, Inc., at Philadelphia, PA to points in North Carolina and Virginia for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kraft, Inc., 500 Peshtigo Court, Chicago, IL 60690. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 136511 (Sub-72TA), filed July 2, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Tiberlake Rd., Lynchburg, VA 24502. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. *Salad dressing* from Wichita, KS to Fredricksburg, VA, Atlanta, GA and Orlando, FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Clorox Co., 1221 Broadway, Oakland, CA 94612. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MA 138741 (Sub-85TA), filed July 26, 1979. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 N. Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 E. Franklin, Liberty, MO 64068. *Iron and steel articles*, from the facilities of Southwest Steel Supply at Madison, IL to points in IN, IA, KY, MO, & TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southwest Steel Supply, 3401 Morgan, St. Louis, MO 63116. Send protests to: Cheryl Livingston, T.A., 219 S. Dearborn, Rm 1386, Chicago, IL 60604.

MC 138741 (Sub-86TA), filed July 26, 1979. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 N. Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 E. Franklin, Liberty, MO 64068. *Roofing, building and insulating materials*, from the facilities of CertainTeed Corp. at Kansas City, MO to points in KS, NE and OK; and between the facilities of CertainTeed Corp. at Kansas City, MO and its facilities at Dallas, TX; and from the facilities of CertainTeed Corp. at Dallas, TX to points in AR, LA, OK and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s):

Shelter Materials Group CertainTeed Corp., P.O. Box 860, Valley Forge, PA 19482. Send protests to: Cheryl Livingston, T.A., 219 S. Dearborn, Rm 1386, Chicago, IL 60604.

MC 139380 (Sub-4TA), filed July 23, 1979. Applicant: STIDHAM TRUCKING, INC., POB 308 /Oregon and Payne Lane, Yreka, CA 96097. Representative: Michael J. O'Neill (same address as applicant), PH: (918) 842-4161. *Wine, Champagne, Brandy and Vermouth* from Modesto, CA to Boise, ID, Reno, NV, Tacoma and Seattle, WA and points within their respective commercial zones, for 180 days. Supporting shipper(s): E & J Gallo Winery, POB 1130, Modesto, CA 95353. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 141921 (Sub-63TA), filed July 10, 1979. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, NH 03108. Representative: John A. Sykas (same address as applicant). *Malt beverages, pallets, empty containers, separators, and related advertising material*, between Columbus, OH and VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anheuser Busch, Inc., D.W. Highway, Merrimack, NH 03054. Send protests to: Ross J. Seymour, DS, ICC, Room 3, 6 Loudon Road, Concord, NH 03301.

MC 141921 (Sub-64TA), filed June 25, 1979. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, NH 03108. Representative: John A. Sykas (same address as applicant). *Candy and confectionery products*, from Chicago, IL, to points in CT, MA, NJ, and NY; and from Hackettstown, NJ, to points in IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): M & M Mars, Inc., High Street, Hackettstown, NJ 07840. Send protests to: Ross J. Seymour, DS, ICC, Room 3, 6 Loudon Road, Concord, NH 03301.

MC 142891 (Sub-7TA), filed July 18, 1979. Applicant: A & H, INC., P.O. Box 346, Footville, WI 53537. Representative: Thomas Beener, One World Trade Center, NY, NY 10048. *Cheese and cheese products* (except in bulk) in vehicles equipped with mechanical refrigeration units from facilities of Grande Cheese at Brownsville, WI to points in CA, NV, UT, AL, TN, WV, GA, & FL, for 180 days. Supporting shipper(s): Grande Cheese Co., Box 67, Rt. 1, Brownsville, WI 53006. Send protests to: Gail Daugherty, T.A., ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 143291 (Sub-2TA), filed July 25, 1979. Applicant: RAYLS BROS.

TRANSFER, INC., Box 342, North Dixie Highway, Hoopeston, IL 60942. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Canned goods*, (except in bulk) and supplies and materials used in the selling, distribution and manufacture of canned goods between Mayville, WI and Princeville and Hoopeston, IL on the one hand, and points in IL, IN, LA, KY, MI, MO, MN, OH, and WI on the other for 180 days. (Restricted to movements originating or terminating at the plant sites of Joan of Arc Company, Inc. located at Mayville, WI, Hoopeston and Princeville, IL). An underlying ETA was granted for 90 days authority. Supporting shipper(s): Joan of Arc Company, Inc., 2231 West Altorfer Drive, Peoria, IL 61614. Send protests to: Annie Booker, T.A., 319 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 143621 (Sub-29TA), filed June 26, 1979. Applicant: TENNESSEE STEEL HAULERS, INC., 901 5th Avenue North, P.O. Box 5748, Nashville, TN 37208. Representative: Sidney T. Stanley (same address as applicant). *Iron and steel articles* (1) from the plant site of Tennessee Forging Steel Corp at or near Harriman, TN to the states of LA, MS, AL, GA, TN, AR, MO, IL, OH, IN, MI, and KY and (2) from the plant site of Tennessee Forging Steel Corp., Newport, AR to the states of LA, MS, AL, GA, TN, AR, MO, IL, OH, IN, MI, and KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tennessee Forging Steel Corporation, Harriman, TN 37748. Send protests to: Glenda Kuss, T.A., ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 144330 (Sub-78TA), filed July 26, 1979. Applicant: UTAH CARRIERS, INC., P.O. Box 1218 Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff (same address as applicant). *Plastic pipe, pipe fittings, conduits, building materials and supplies used in the installation thereof* from Shingle Springs, CA to points in CO, ID, & UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): CertainTeed Corporation, 1400 Union Meeting, Blue Bell, PA 19422. Send protests to: L. D. Helder, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 144630 (Sub-24TA), filed April 3, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46011. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. *Bananas*, from Charleston, SC and Tampa, FL, to points in IL, IN, KY, MI, OH, and TN, for 180 days. Supporting shipper: Del Monte

Banana Company, 1201 Brickell Ave., Miami, FL 33101. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 144630 (Sub-25TA), filed April 3, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46011. Representative: Donald W. Smith, 9000 Keystone Crossing, Suite 945 Indianapolis, IN 46240. *Bananas, and agricultural commodities exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas* from the Ports of Norfolk, Portsmouth and Hampton Roads, VA to points in IN, KY, OH, MI, IL, and TN for 180 days. Supporting shipper: The Best Banana Company, 3412-113th Street, Corona, NY 11368. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 144710 (Sub-3TA), filed July 24, 1979. Applicant: MONROE CONTRACTORS EQUIPMENT, INC., 1640 Penfield Road, Rochester, NY 14625. Representative: S. Michael Richards/Raymond A. Richards, 44 North Ave., P.O. Box 225, Webster, NY 14580. *Heavy merchandise and contractors equipment, materials and supplies*, from points on the Conrail railroad line between Jamestown (Mercer County) and Albion (Erie County), PA; and from Erie, Greenville and Altoona, PA, and Ashtabula, OH to points in Oswego County, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): L. B. Foster, 1910 Cochran Rd., Manor Oak Office Bldg., #2, Suite 108, Pittsburg, PA 15220. Send protests to: Anne C. Siler, T.A., ICC, 910 Federal Bldg., 111 West Huron St., Buffalo NY 14202.

MC 144740 (Sub-15TA), filed July 28, 1979. Applicant: L. G. DE WITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K Street, NW, Suite 300, Washington, DC 20006. *Contract carrier-Irregular routes: fresh meats, cheese and articles distributed by meat packing houses as described in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* from the facilities of Swift & Company at Green Bay, WI, Rochelle, St. Charles and Bradley, IL to points in AL, GA, NC, SC, FL, TN and MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Company, 115 West Jackson Blvd., Chicago, IL 60604. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 145380 (Sub-4TA), filed July 25, 1979. Applicant: THOM'S TRANSPORT COMPANY, INC., Box 405, Blackshear, GA 31516. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. (1) *wood chips, wood shavings and pine bark and (2) lumber*, (1) from the facilities of Gilman Paper Company at or near Maxville, FL to St. Marys, GA, and (2) from Blackshear and Dudley, GA and Maxville, FL to points in MN, WI, MI, and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gilman Paper Company, P.O. Box 520, St. Marys, GA 31558. Send protests to: Jean King, T.A., ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 145421 (Sub-3TA), filed July 11, 1979. Applicant: ED BURNS, d.b.a., ED BURNS & SON TRUCKING, Rural Route #1, Denver, IN 46928. Representative: Robert A. Kiscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. *Animal and poultry feed and feed ingredients*, between Lafayette, IN on the one hand and on the other points in IL, KY, MI, NY, OH and PA for 180 days. Restricted to a contract or continuing contracts with Ralston Purina Company. Supporting shipper: Ralston Purina Company, P.O. Box 119, Lafayette, IN 47902. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 145441 (Sub-50TA), filed July 18, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey, P.O. Box 5130, North Little Rock, AR 72119. *Surface coated paper and sensitized blueprinting or reproduction paper*, in vehicles equipped with mechanical refrigeration, from Medford, OR to St. Paul, MN; Compton, Orange and Dublin, CA; Grand Prairie, TX; Secaucus and Pennsauken, NJ; Springfield, VA; Denver, CO; Chicago and Wood Dale, IL; and Atlanta, GA, for 180 days. An underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): 3M Company, 3M Center, St. Paul, MN 55101. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 145541 (Sub-3TA), filed July 26, 1979. Applicant: SUNWAY CORP., 118 West Main St., Thomasville, NC 28380. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *New furniture, furniture parts and materials used in the manufacturing of new furniture* between points in Appomattox County, VA and those in Caldwell, Catawba, Davidson, Forsyth and Guilford Counties, NC, on

the one hand, and, on the other, points in the states of CO, ID, MT, NV, NM, OR, UT, WA and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thomasville Furniture Industries, Inc., P.O. Box 339, Thomasville, NC 27360. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 145560 (Sub-9TA), filed July 23, 1979. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Contract, irregular, *Carpeting and flooring*, from Dalton, Cartersville, Chatsworth and Calhoun, GA; Nashville, TN; and Center, TX, to points in UT, ID, MT, OR and WA, for 180 days, restricted to the transportation of shipments moving under a continuing contract or contracts with Wanke Panel Company. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wanke Panel Company, 2204 N. Clark Avenue, Portland, OR 97227. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 145680 (Sub-7TA), filed July 24, 1979. Applicant: C & R TRUCKING, LTD., 2955 Packers Ave., Madison, WI 53704. Representative: Michael Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Waste water flowage measurement devices, doors, manufactured buildings and parts and accessories for all the above specified items* from Necedah, WI to points in the U.S. (except AK & HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kenco Plastics Co., Inc., Div. of Dole Refrigerating Co., State Hwy 21, Necedah, WI 54646. Send protests to: Gail Daugherty, T/A, ICC, 517 E. Wisconsin Ave., Rm. 819, Milwaukee, WI 53202.

MC 145700 (Sub-1TA), filed June 29, 1979. Applicant: TIGATOR, INC. d.b.a. TIGATOR TRUCKING SERVICE, 8686 Anselmo Lane, Baton Rouge, LA 70810. Representative: J. H. Campbell, Jr., P.O. Box 1748, Baton Rouge, LA 70821. Applicant is seeking authority to operate as a *contract carrier* over irregular routes transporting *beef* from Amarillo, TX to Baton Rouge, LA, for 180 days. Restricted to a transportation service performed under a continuing contract or contracts with Associated Grocers, Inc. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Associated Grocers, Inc., P.O. Box 1748, Baton Rouge, LA 70821. Send protests to: Robert J. Kirspe, DS, ICC, T-9038 U.S. Postal Service Bldg.,

701 Loyola Ave., New Orleans, LA 70113.

MC 145700 (Sub-2TA), filed June 29, 1979. Applicant: TIGATOR, INC. d.b.a. TIGATOR TRUCKING SERVICE, 8686 Anselmo Lane, Baton Rouge, LA 70810. Representative: J. H. Campbell, Jr., P.O. Box 1748, Baton Rouge, LA 70821. Applicant is seeking authority to operate as a *contract carrier* over irregular routes transporting *citrus products and by-products, juices and drinks* from points in the following counties in the state of FL: Hardee, Hernando, Hillsborough, Lake, Manatee, Pasco, Polk, Sarasota, and Sumter to Baton Rouge, LA, for 180 days. Restricted to a transportation service performed under continuing contract or contracts with Associated Grocers, Inc. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Associated Grocers, Inc., P.O. Box 1748, Baton Rouge, LA 70821. Send protests to: Robert J. Kirspe, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 145870 (Sub-15TA), filed June 14, 1979. Applicant: L-J-R HAULING, INC., P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, Suite 805, 666 Eleventh Street, N.W., Washington, D.C. 20001. *Soda ash briquettes* from Salt Lake City, UT to points in IL, IN, KY, MO, NY, OH, PA, TX and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): REP, Inc. d.b.a. Western Briquette Company, 733 Genessee Ave., Salt Lake City, UT 84104. Send protests to: Charles F. Myers, DS, ICC, Room 10-502, Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 145930 (Sub-5TA), filed July 18, 1979. Applicant: WILLIAM E. MOROG, d.b.a. JONICK & CO., 2815 E. Liberty Ave., Vermillion, OH 44089. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. *Lime and limestone products*, in bulk, from the facilities of Mercer Lime & Stone Co., at or near Branchton, PA to all points in OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mercer Lime & Stone Co., 525 William Penn Pl., Pittsburgh, PA 15219. Send protests to: D/S, ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 145950 (Sub-33TA), filed July 23, 1979. Applicant: BAYWOOD TRANSPORT, INC., Rt. 6, Box 2611, Waco, TX 76706. Representative: Arthur W. Grimes (same address as applicant). *Liquid plastics (except commodities in bulk)* from the facilities of Texas urethanes, at or near Austin, TX to the states of NM, AZ, CO, OK, LA, and NE for 180 days. An underlying ETA for 90

days authority filed. Supporting shipper(s): Texas Urethanes, P.O. Box 9563, Austin, TX 78766. Send protests to: Martha A. Powell, Trans. Asst., I.C.C., Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 145950 (Sub-34TA), filed July 24, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Waco, TX 76706. Representative: Harry F. Horak, 5001 Brentwood Stair Rd., Suite 115, Fort Worth, TX 76112. (1) *Copper chemicals (except in bulk)*, and (2) *materials and supplies used in the manufacture of (1) above*, (1) from Houston, TX to points in the U.S. (except AK & HI), and (2) from points in the U.S. (except AK & HI), to Houston, TX, for 180 days. Supporting shipper(s): Kocide Chemical Corporation, 12701 Alameda Rd., Houston, TX 77045. Send protests to: Martha A. Powell, TCS, I.C.C., Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 145950 (Sub-35TA), filed July 24, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Waco, TX 76706. Representative: Harry F. Horak, 5001 Brentwood Stair Rd., Suite 115, Fort Worth, TX 76112. (1) *Such merchandise as is dealt in by wholesale, retail, chain groceries and food business houses; soy products, paste, flour products, dairy based products, and (2) materials, ingredients, and supplies used in the manufacture, distribution, and sale of products in (1) above*, between the facilities used by Ralston Purina Company at or near San Diego, CA; Sparks, NV; Denver, CO; Flagstaff, AZ; and Oklahoma City, OK, on the one hand, and, on the other, points in the U.S. (except AK & HI), for 180 days. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: Martha A. Powell, TCS, I.C.C., Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 146360 (Sub-10TA), filed July 27, 1979. Applicant: FLOYD SMITH JR. TRUCKING INC., 5303 Valle Grande, Meridian, ID 83642. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Such commodities as are dealt in by department, discount and catalog stores; and equipment, materials and supplies used in the conduct of such business*, (1) from points in CA to points in AZ, NM, UT and (2) from points in CA, DE, IL, IN, MA, MO, NY, NJ, OH, PA and TN to points in CO, ID, MN, MT, ND, OR, SD, WA and WY, for 180 days. Restricted to shipments originating at or destined to the facilities of Modern Merchandising and its subsidiary division and affiliated companies listed on the attachment. An underlying ETA

seeks 90 days authority. Supporting shipper(s): Modern Merchandising, Inc., 5101 Shady Oak Road, Minnetonka, MN 55343. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 146451 (Sub-2TA), filed June 28, 1979. Applicant: WHATLEY-WHITE, INC., 230 Ross Clark Circle, NE, Dothan, AL 36302. Representative: W. K. Martin, 57 Adams Avenue, Montgomery, AL 36104. *Plumbing goods, fixtures and supplies*, from the facilities utilized by Price Pfister, at or near Pacoima, CA, to all points in FL, GA, IL, IN, LA, MS, NJ and TX, for 180 days. Supporting shipper(s): Price Pfister, 13500 Paxton, Pacoima, CA 91331. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 146950 (Sub-1TA), filed April 16, 1978. Applicant: JOSEPH C. HALL, INC., 148 Kent Street, Albany, NY 12203. Representative: Bertrand F. Gould, Esq., 112 State Street, Suite 217, Albany, NY 12207. *Common carrier*, irregular routes: Paper, paper products and paper making material, except in bulk, between the facilities of Scott Paper Company located in NY, ME, and MA on the one hand, and, on the other, points in CT, MA, ME, NH, NY, RI, and VT. Supporting shipper(s): Scott Paper Company, Scott Plaza I, Philadelphia, PA 19113. Send protests to: Robert A. Radler, District Supervisor, Interstate Commerce Commission, P.O. Box 1167, Albany, NY 12201.

MC 146971 (Sub-1TA), filed July 26, 1979. Applicant: CONTRANS, INC., Arch Street, Erving, MA 01344. Representative: David M. Marshall, Esq., Marshall and Marshall, 101 State Street—Suite 304, Springfield, MA 01103. Contract carrier: irregular routes: *Paper and paper articles, plastic and plastic articles, metal articles; and materials and supplies used in the manufacture of such commodities (except in bulk, in tank vehicles)*, between the facilities of Erving Paper Mills at Erving, MA on the one hand, and, on the other, points in ME, NH, VT, CT, RI, NJ, PA, OH, NY, DE and MD under a contract with Erving Paper Mills, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Erving Paper Mills, Erving, MA 01344. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 147321 (Sub-2TA), filed July 11, 1979. Applicant: BILL STARR TRUCKING, INC., 1716 Berry Road, Independence, MO 64057. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. *Toilet preparations and other articles moving in mixed loads*

with toilet preparations, from Kansas City, MO, to San Antonio, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Avon Products, Inc., 83rd and College, Kansas City, MO 64141. Send protests to: Vernon V. Coble, D/S, ICC, Room 600, Federal Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 147381 (Sub-1TA), filed June 26, 1979. Applicant: LARRY MUNDER d.b.a. LARRY MUNDER ENTERPRISES, 4813 Chenetelle Drive, Taylorsville, UT 84107. Mailing address: P.O. Box 25831, Salt Lake City, UT 84125. Representative: Larry Munger (same address as applicant). Contract carrier: irregular route: *Wooden logs, beams, flooring, lumber, shakes and shingles* from Sisters, White Powder and Hines, OR; Seattle, WA; Boise, and Weiser, ID to points in IA, MN, IL, NB, CO, TX, AZ and NM, for 180 days. An ETA seeks 90 days authority. Supporting shipper(s): Homestead Log Co., R.R. #2, Creston, IA. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 147571 (Sub-1TA), filed June 12, 1979. Applicant: TWIN RIVERS TRANSPORTATION COMPANY, 500 Waukegan Road, Deerfield, IL 60015. Representative: Edward C. Bazelon, 39 S. LaSalle St., Chicago, IL 60603. Contract: (1) *Frozen foodstuffs and materials, equipment and supplies used in the manufacture, production and distribution of frozen foodstuffs*, (a) between the facilities of Kitchens of Sara Lee, Inc., located at or near deerfield and Chicago, IL, and New Hampton, IA, on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii); (b) between the facilities of Idaho Frozen Foods Corp. located at or near Nampa and Twin Falls, ID, and Clearfield, UT, on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii); (2) *Foodstuffs and materials, equipment and supplies used in the manufacture, production and distribution of foodstuffs*, (a) between the facilities of Booth Fisheries Corporation located at Portsmouth, NH, Lubec, ME, and Brownsville, TX, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (b) between the facilities of Chef Pierre, Inc., located at or near Traverse City and Grand Rapids, MI, and Forest, MS, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). (3)(a) *Flavorings, stabilizers, chocolate coatings, sticks and paper products* from Englewood, NJ, and city of Industry, CA, to Des Plaines, IL, Boston, MA, Green

Bay, WI, Dallas, TX, Los Angeles, CA, and Tampa, FL; (b) *chocolate cocoa powder* from Pennsauken, NJ, to City of Industry, CA; and (c) *sticks, fruit, fruit juices, and applesauce*, from Florida, Washington, and Maine, to Englewood, NJ, and City of Industry, CA, under contract with Popsicle Industries, Inc. The authority sought in (1) through (3) above is restricted against the transportation of commodities in bulk. Send protests to: Dave Hunt, 219 S. Dearborn St., Room 1386, Chicago, IL 60604; 5 supporting shippers. Applicant has an underlying ETA on file.

MC 147631 (Sub-1TA), filed July 19, 1979. Applicant: TAOS INTERSTATE EXPRESS, P.O. Box 262, Alamosa, CO 81101. Representative: Fred L. Williams (same address as above). *General Commodities*, except Classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. Between Fort Garland, Colorado, and Taos, New Mexico, serving all intermediate points in New Mexico without restriction; those between Fort Garland and the Colorado-New Mexico State Line, and serving the off-route points of San Acacio, Mesita, Chama, San Pablo, and Garcia, Colorado, and Sunshine Valley, Valdez, Taos Pueblo, Arroyo Seco, Ranchoes De Taos, and Talpa, New Mexico: From Fort Garland over Colorado Highway 159 to the Colorado-New Mexico State Line, thence over New Mexico Highway 3 to Taos, and return over the same route; Between Jaroso, Colorado, and junction unnumbered highway and New Mexico Highway 3 serving all intermediate points except for traffic moving in interstate or foreign commerce between points in Colorado where transportation by carrier is wholly within Colorado: From Jaroso over unnumbered highway to the Colorado-New-Mexico State Line, thence over unnumbered highway to junction New Mexico Highway 3 (about ¼ mile South of the State line), and return the route; Between Alamosa, Colorado, and Fort Garland, Colorado, serving no intermediate points: From Alamosa over U.S. Highway 160 to Fort Garland, and return over the same route. Applicant also requests deviation route for convenience and economy: From Alamosa, Colorado, over U.S. Highway 285 to junction U.S. Highway 64 to junction New Mexico Highway 3 and return over the same route for convenience only. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bill Clark Truck Line, Inc. 311 6th Street, Alamosa, CO 81101; Rio Grande Motor Way, Inc., 1400 W. 52nd

Avenue, Denver, CO 80221. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 147650 (Sub-1TA), filed July 27, 1979. Applicant: S & J HAULING, INC., P.O. Box 547, Kelso, WA 98626. Representative: R. I. Burnett, 3211 Wildwood Dr., Longview, WA 98632. *Lumber* between Portland, Linnton, North Plains, Mollala, & Clatskanie, OR on the one hand and Ridgefield & Vancouver, WA on the other hand, for 180 days. MC 147650 R granted 7/9/79, expires 10/6/79. Supporting shipper(s): Niedermeyer Martin Co., 1727 N.E. 11th Ave., Portland, OR 97212. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 147660 (Sub-1TA), filed July 23, 1979. Applicant: BETTER LIVING, INC., P. O. Box 967, Vernal, UT 84078. Representative: D. Michael Jorgensen, P.O. Box 2465, Salt Lake City, UT 84110. *Mobile homes and office trailers* between Uintah, Duchesne, and Daggett Counties, UT, on the one hand, and, on the other, points in CO, WY, ID, ND, SD, MT, NV, and UT, for 180 days. An underlying ETA seeking 90 days authority. Supporting shipper(s): Staley Rentals, 1971 South 1500 West, Vernal, UT 84078; Ross Construction, Box 397, Vernal, UT 84078. Send protests to: L. D. Hefler, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

Water Carriers of Property

W-1311 (Sub-2TA). By order entered August 29, 1979, the Motor Carrier Board granted American Pacific Container Line, Inc., San Francisco, CA, 180 days temporary authority to engage in the business of transportation by water vessel, in interstate commerce, in the transportation of (1) general commodities, in containers, between the Ports of Alameda, Arcata, Eureka, Port Chicago, Port Hueneme, Richmond, Sacramento, and Stockton, CA; Astoria, Coos Bay, and St. Helens, OR; and Bellingham, Kelso, Longview, Port Angeles, Port Townsend, and Vancouver, WA, restricted to cargo having a prior or subsequent movement by ocean carriers subject to the Shipping Act of 1916; (2) empty containers, between the Ports of Alameda, Arcata, Eureka, Port Chicago, Port Hueneme, Richmond, Sacramento and Stockton, CA; Astoria, Coos Bay and St. Helens, OR; and Bellingham, Kelso, Longview, Port Angeles, Port Townsend, and Vancouver, WA; and (3) general commodities, in trailers, empty trailers, chassis singly and in bundles, container lifting spreaders, and sailing vessels,

between the Ports of Alameda, Arcata, Eureka, Long Beach, Los Angeles, Oakland, Port Chicago, Port Hueneme, Richmond, Sacramento, San Diego, San Francisco and Stockton, CA; Astoria, Coos Bay, Portland, and St. Helens, OR and Bellingham, Kelso, Longview, Port Angeles, Port Townsend, Seattle, Tacoma and Vancouver, WA. M. Kimmerle Culver, 501 Army St., San Francisco, CA 94124. Applicant's representative. Any interested person may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto.

[Notice No. 159]

August 23, 1979.

MC 87523 (Sub-100TA), filed July 10, 1979. Applicant: STEWART TRUCKING COMPANY, INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M St.—Suite 301, Washington, DC 20036. *Paper, paper products, and empty containers*, between the facilities of Fonda/Royal Lace Group, Saxon Industries, Inc., located at or near Bethel and St. Albans, VT, on the one hand, and, on the other, points in NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Samson Distributing Center, 290 Larkin St., P.O. Box 1099, Buffalo, NY 14210. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 1783 (Sub-27TA), filed July 23, 1979. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Highway South, Nashua, NH 03060. Representative: Charles A. Webb, Suite 800 South, 1800 M St., N.W., Washington, DC 20036. *Paper, pulpboard, woodpulp articles, and plastic or rubber articles*, from Holmdel, NJ to Cabot, VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owens Illinois, Inc., Lily Division, Rt. 35, Holmdel, NJ 07733. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 1783 (Sub-28TA), filed July 23, 1979. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Highway South, Nashua, NH 03060. Representative: Charles A. Webb, Suite 800 South, 1800 M St., N.W., Washington, DC 20036. *Groceries and grocery supplies*, from Dayton, NJ, to Barre, Burlington, Essex Junction, Newport, and St. Johnsbury, VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): RJR Foods Inc., P.O. Box 950, Dayton, NJ 08810. Send protests to: Ross J. Seymour,

DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 1783 (Sub-29TA), filed July 23, 1979. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Highway South, Nashua, NH 03060. Representative: Charles A. Webb, Suite 800, 1800 M St., N.W., Washington, DC 20036. *Malt beverages*, from Merrimack, NH and Newark, NJ, to Barre, Burlington, Montpelier, and Winooski, VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): None. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 1783 (Sub-30TA), filed July 23, 1979. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Highway South, Nashua, NH 03060. Representative: Charles A. Webb, Suite 800 South, 1800 M St., N.W., Washington, DC 20036. *Petroleum products, (except in bulk in tank trucks)*, from Bayonne and Elizabeth, NJ to Williston VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): None. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 87523 (Sub-103TA), filed July 30, 1979. Applicant: STEWART TRUCKING COMPANY, INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M St. NW—Suite 501, Washington, DC 20036. *Glass bottles*, from the facilities of Owens Illinois, Inc., at or near Volney, NY, to Merrimack, NH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owens Illinois, Inc., P.O. Box 1035, Toledo, OH 43668. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 87523 (Sub-102TA), filed July 10, 1979. Applicant: STEWART TRUCKING COMPANY, INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M St. NW—Suite 301, Washington, DC 20036. *Malt beverages* from the facilities of the Genessee Brewing Co., at or near Rochester, NY, to Berlin, Keene, Manchester, Newmarket, and Laconia, NH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Amoskeag Beverage, Rt. 3-A, Hooksett, NH 03106; N. G. Gurnsey Co., Inc., Dunbar St., Keene, NH 03431; Bayside Distributors, P.O. Box W, Durham, NH 03824. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 87523 (Sub-101TA), filed July 10, 1979. Applicant: STEWART TRUCKING COMPANY, INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M St.—Suite 301, Washington, DC 20036. *Plastic, plastic*

products, and materials, equipment, and supplies used in the manufacture, production, and distribution of plastic and plastic products, (except in bulk), between the facilities of The Continental Group, Inc., at or near Merrimack, Hudson, and Nashua, NH, on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Continental Group, Inc., 15 Continental Blvd., Merrimack, NH 03054. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 1783 (Sub-26TA), filed July 23, 1979. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Highway South, Nashua, NH 03060. Representative: Charles A. Webb, Suite 800 South, 1800 M St., N.W., Washington, DC 20036. *Paper and paper products*, from Jay and Livermore Falls, ME, to Middlebury, VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Paper Company, 220 E. 42nd St., New York, NY 10017. Send protests to: Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 2052 (Sub-22TA), filed July 2, 1979. Applicant: BLAIR TRANSFER, INC., 203 South Ninth, Blair, NE 68008. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Craft, art and hobby supplies, materials and equipment used in the manufacture, production and distribution of craft, and art and hobby supplies (except commodities in bulk)* between the facility of Artex Hobby Products, Inc. at or near Lexington, SC on the one hand, and on the other, Lima, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Artex Hobby Products, Inc., 35300 Lakeland Blvd., East Lake, OH 44094, Robert D. Hickey, Traffic Consultant. Send protests to: District Supervisor Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68012.

MC 2253 (Sub-101TA), filed August 2, 1979. Applicant: CAROLINA FREIGHT CARRIERS CORP., P.O. Box 697, Cherryville, NC 28021. Representative: same as applicant. *Lumber* from points in GA to points in MI on and south of a line commencing at Port Huron, MI, then over MI Hwy 25 to Bay City, MI, then over US Hwy 10 to Ludington, MI, and points in IN on and north of IN Hwy 28 for 180 days. An underlying ETA seeks 90 days of authority. Supporting shipper(s): E.H. Mauk & Sons, Inc., 6600 Highland Rd., Suite 12, Pontiac, MI 48054. Send protests to: Terrell Price, 800

Briar Creek Rd., Rm. CC518, Charlotte, NC 28205.

MC 14252 (Sub-72TA), filed July 12, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Rd., Columbus, OH 43227. Representative: William C. Buckham, 3400 Refugee Rd., Columbus, OH 43227. *Common regular: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* serving Delavan, IL as an off-route pt. in connection with carriers presently authorized regular route operations, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack authority sought herein with authority presently held under docket number MC 14252. Supporting shipper(s): Capterpillar Tractor Co., 100 N.E. Adams St., Peoria, IL 61602. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 14252 (Sub-73TA), filed June 28, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: William C. Buckham, (same as applicant). *Common: regular: General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Decatur, IL via IL Hwy 48; thence via Interstate Hwy 55 to junction of IL Hwy 16; thence via IL Hwy 16 to Pana, IL; then via IL Hwy 29 to Taylorville, IL returning via the same route to Pana, IL; thence via IL Hwy 16 to junction of U.S. Hwy 51; thence via U.S. Hwy 51 to Decatur, IL, serving all intermediate points for 180 days. Applicant intends to tack authority sought herein with authority held under docket number MC 14252. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 12 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: ICC.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 16903 (Sub-1TA), filed August 1, 1979. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative: Donald W. Smith, 9000 Keystone Crossing, Indianapolis, IN 46240. *Composition Board* from the facilities of United States Gypsum at Greenville, MS to points in CN, DE, DC, ME, MD, MA, NH, NJ, PA, RI and VT for 180 days. Supporting shipper: United States Gypsum Company, 108 South Wacker

Drive, Chicago, IL 60606. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 27063 (Sub-25TA), filed July 27, 1979. Applicant: LIBERTY TRANSFER CO., INC., 1601 Cuba St., Baltimore, MD 21230. Representative: Jeremy Kahn, 1511 K St., NW, Suite 733, Washington, DC 20005. *Contract; irregular: (1) Roasted coffee*, from Baltimore, MD and Landover, MD to Florence, NJ; (2) *Green coffee*, from Philadelphia, PA to Baltimore and Landover, MD, under contract with A & P Tea Co. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Great Atlantic & Pacific Tea Co., Inc., 2 Paragon Dr., Montvale, NJ 07645. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 32882 (Sub-120TA), filed July 13, 1979. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Blvd., P.O. Box 17039, Portland, OR 97217. Representative: David J. Lister, 3841 N. Columbia Blvd., P.O. Box 17039, Portland, OR 97217. *Iron and Steel Articles* (1) From Los Angeles, CA and its commercial zone and Orange, CA and its commercial zone to Salt Lake City, UT and its commercial zone; Provo, UT and its commercial zone; Denver, CO and its commercial zone; Colorado Springs, CO and its commercial zone; and Pueblo, CO and its commercial zone. (2) From Salt Lake City, UT and its commercial zone; Provo, UT and its commercial zone; Denver, CO and its commercial zone; and Pueblo, CO and its commercial zone to Los Angeles, CA and its commercial zone and Orange, CA and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Restriction: Restricted against service from the facilities of Balfour, Guthrie and CO., Limited and Viking Steel Corporation in the Los Angeles commercial zone to points in Salt Lake County, UT when having a movement in foreign commerce by water. Supporting shipper(s): There are 10 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 43963 (Sub-22TA), filed July 26, 1979. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, Lake Station, IN 46405. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Aluminum and aluminum articles*, from the facilities of Kaiser Aluminum and Chemical Corp. at or

near Ravenswood, WV to points in IL, IN, IA, MI, MN, MO, and WI for 180 days. Supporting shipper(s): Kaiser Aluminum & Chemical Corp., P.O. Box 98, Ravenswood, WV 22164. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 63792 (Sub-34TA), filed July 6, 1979. Applicant: TOM HICKS. TRANSFER COMPANY, INC., P.O. Box 16006, Houston, TX 77022. Representative: C. W. Ferebee (same as applicant). *Storage systems, K.D., and other parts or sections thereof and equipment materials & supplies used in the manufacture construction & maintenance of storage systems between Sand Springs, OK, on the one hand, and on the other points in: CA, CO, IL, IN, IA, KS, MI, MN, MO, MT, NE, NJ, NY, ND, OH, OK, OR, PA, SK, TN, UT, VA, WA, WV, WI, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southwestern Porcelain, Inc., P.O. Box 8, Sand Springs, OK. Send protests to: John F. Mensing, DS, ICC, 515 Rusk #8610, Houston, TX 77002.*

MC 64832 (Sub-8TA), filed July 16, 1979. Applicant: MAGNOLIA TRUCK LINE, INC., P.O. Box 16587, 3097 Fontaine Road, Memphis, TN 38118. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. *Common Carrier: Regular Routes: General Commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving Fort Polk Military Reservation, IA; Hamburg, IA; Leesville, IA and Simmesport, IA, and points in their commercial zones, as off-route points in connection with applicant's regular route authority between Memphis, TN and Alexandria, IA, for 180 days. Applicant intends to tack the authority here applied for to authority held by it in MC-64832 (Subs 3, 4, and 6) and further intends to interline with other carriers at all points of common joinder, including Memphis, TN; Natchez and Vicksburg, MS and Alexandria, IA and proposes to serve points in the commercial zones of the communities here sought to be served. Supporting shipper(s): There are approximately 8 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof may be examined at the field office named below. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100*

North Main Building—Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 71593 (Sub-40TA), filed July 26, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second Street, Scotch Plains, NJ 07076. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. *Such commodities as are dealt in or used in retail stores (except foodstuffs, those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment) from the facilities of United States Packing & Shipping Co., Inc. at Jersey City, NJ to points in AR, IA, KY, LA, OK, TN and TX, for 180 days. Supporting shipper(s): F.W. Woolworth Co., 233 Broadway, New York, NY 10007; K Mart Corporation, 3100 W. Big Beaver Road, Troy, MI 48064; Chicago Shippers Association, 2 Sixth Street, Jersey City, NJ 07302; Southeast Shippers Association, Inc., 595 W. Alcy Road, Memphis, TN 38109; Wes-Tex Shippers Association, 617 Avenue G, Lubbock, Texas 79401. Send protests to: Robert E. Johnston, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.*

MC 71593 (Sub-41TA), filed July 30, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 East Second Street, Scotch Plains, NJ 07076. Representative: Ronald S. Potter, 1608 East Second Street, Scotch Plains, NJ 07076. *Beds, frames, bureaus and related accessories, from the facilities of Trend West, at or near Compton, CA, to Chicago and South Holly, IL; Andover, MA; Kentwood and Lansing, MI; Anoka, Hopkins and St. Cloud, MN; Columbia, MO; Omaha, NE; Charlotte, Fargo, Grand Fork and Minot, NC; Keitttering, OH; Pittsburgh, PA; Chattanooga, TN; Austin and Dallas, TX; Appelon, Milwaukee and Madison, WI, for 180 days. Supporting shipper(s): West America Corp., d.b.a., Trend West Furniture Mfg., P.O. Box 2830, 2820 El Presidio, Long Beach, CA 90810. Send protests to: Robert E. Johnston, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.*

MC 71593 (Sub-45TA), filed July 2, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 East Second Street, Scotch Plains, NJ 07076. Representative: Ronald S. Potter, 1608 East Second Street, Scotch Plains, NJ 07076. *Ground clay in bags such as are dealt in by retail stores, industrial distributors, grocery distributors, and drug stores (except commodities in bulk) from Paris, TN, Bloomfield, MO and Olmstead, IL to Chicago, IL, Columbus, OH, Youngstown, OH, Detroit, MI, Grand Rapids, MI, Milwaukee, WI,*

Pittsburgh, PA, Baltimore, MD, Landover, MD and Philadelphia, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s) Lowe's Inc., 348 South Columbia Street, South Bend, IN 46601. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 75192 (Sub-7TA), filed June 29, 1979. Applicant: CHARLES T. BROWN TRUCK LINES, INC., 1208 Buff St., Greensboro, NC 27406. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Air pollution control equipment systems and supplies, machinery, structural metal products and tanks from Graham, NC and Guilford County, NC to points in SC and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s) Newman-Whitney Machine Co., 507 Jackson St., Greensboro, NC; Burlington Engineering Sales Company, 911 Elm St., Graham, NC 27253; Carolina Blower Corp., P.O. Box 840, Greensboro, NC 27402; Debnam Hughes Corp., P.O. Box 9677, Greensboro, NC 27408. Send protests to: Terrell Price, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.*

MC 80653 (Sub-21TA), filed July 12, 1979. Applicant: DAVID GRAHAM CO., P.O. Box 254, Levittown, PA 19059. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. *Iron and steel articles from the facilities of Industrial Coating, Inc., Baltimore County, MD to points in and east of MN, IA, MO, AR, and LA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Industrial Coatings, Inc., Industrial Coatings, Intl., 7030 Quad Ave., Baltimore, MD 21237. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 97962 (Sub-2TA), filed July 25, 1979. Applicant: JOHN C. NEKITOPOULOS d.b.a. A-C MOTOR EXPRESS, 429 Memorial Avenue, West Springfield, Mass. 01089. Representative: John C. Nektipoulos (same address as above). *Meat and meat products and frozen foods requiring refrigerated service, between Springfield and Boston, MA, and points in Hartford and Tolland Counties, CT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): There are nine supporting shippers. Their statements may be examined at the office listed below and headquarters. Send protests to: David M. Miller, 438 Dwight Street, Springfield, MA. 01103.*

MC (Sub-977TA), filed May 21, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Trailers*

except those designed to be drawn by passenger automobiles in initial movements from the facilities of Fruehauf Corporation at or near Ft. Wayne, IN; Waverly, OH; Uniontown, PA and Memphis, TN to points in the U.S. (except AK and HI); and trailers, except those designed to be drawn by passenger automobiles in secondary movements between points in the U.S. for 180 days. Restricted: To traffic manufactured and distributed by the Fruehauf Corp. Supporting shipper: Fruehauf Corporation, 10900 Harper, Detroit, MI. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 103993 (Sub-978TA), filed April 30, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Portable bleachers from Detroit, MI and its commercial zones to points in NJ, PA, MD and VA for 180 days. Supporting shipper: General Service Administration, 7th and D Streets, S.W., Washington, DC 20407. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.*

MC 103993 (Sub-979TA), filed May 10, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Materials, equipment and supplies used in the manufacture, sale and distribution of metal buildings and metal building parts (except commodities in bulk), from Warrenton and St. Louis, MO; Birmingham, Fairfield and Gadsden, AL; Atlanta, GA; Grand Rapids, MI; Chicago and Granite City, IL; Columbia, SC, to the plantsites and storage facilities of Republic Buildings Corp., at or near Van Wert, OH and Rainsville, AL, for 180 days. Supporting shipper: Republic Buildings Corporation, 1202 Industrial Avenue, Van Wert, OH 45891. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.*

MC 103993 (Sub-980TA), filed May 5, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Truck bodies from the plantsite of Fruehauf Corporation at or near Uniontown, PA to the facilities of AM General Corporation at or near South Bend, IN for 180 days. Supporting shipper: Fruehauf Corporation, 10900*

Harper Avenue, Detroit, MI 48232. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 103993 (Sub-981TA), filed May 3, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani (same address as applicant). *Portable gasifiers between points in the United States (except AK and HI) for 180 days. Supporting shipper(s): Biomass Corporation, 951 Live Oak Blvd., Yuba City, CA 95991. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.*

MC 107002 (Sub-556TA), filed July 18, 1979. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth (same address as applicant). *Petroleum and petroleum products, in bulk, in tank vehicles, from Greenville, MS to points in AR and LA, for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Texaco, Inc., 1111 Rusk, Houston, TX 77002. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.*

MC 107012 (Sub-402TA), filed May 6, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Ft. Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Sporting goods and supplies used in the manufacture of sporting goods (except commodities in bulk) from the facilities of Wilson Sporting Goods Co. located at or near Fountain Inn, SC and Humboldt, TN to points in the United States (except AK and HI) for 180 days. Supporting shipper(s): Wilson Sporting Goods Co., 2233 West Street, River Grove, IL 60171. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204.*

MC 107012 (Sub-403TA), filed May 4, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Ft. Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Glass containers and closures for glass containers from the facilities of Ball Corporation located in Lake and Cook Counties, IL to points in AL, AR, CA, CO, FL, GA, ID, IA, KS, KY, MA, MN, MS, NJ, NY, NC, OK, OR, SC, TN, TX, UT, VA and WA for 180 days. Supporting shipper(s): Ball Corporation, 345 South High Street, Muncie, IN 47302. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 East*

Ohio Street, Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 107012 (Sub-404TA), filed May 4, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). (1) *Bicycles, tricycles, unicycles and exercise equipment, and (2) parts and accessories for the commodities named in (1) above, from the facilities of the Schwinn Bicycle Company near Chicago, Elk Grove Village and Bellwood, IL to points in the United States (except AK and HI) for 180 days. Supporting shipper(s): Schwinn Bicycle Company, 1856 North Kostner Avenue, Chicago, IL 60639. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.*

MC 107012 (Sub-405TA), filed June 14, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Appliance parts, when moving in mixed loads with appliances between the facilities of McGraw-Edison Co. located at or near Searcy, AR and Ripon, WI, for 180 days. Supporting shipper(s): McGraw-Edison Co., 1275 Davis Road, Elgin, IL 60120. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.*

MC 107012 (Sub-406TA), filed April 30, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Artificial trees, tree stands, decorations, and lamp outfits from the facilities of Mr. Christmas, Inc., located at or near East Douglas, MA to points in the United States (except AK and HI) for 180 days. Supporting shipper(s): Mr. Christmas, Inc., North Street, East Douglas, MA 01516. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.*

MC 107403 (Sub-1236TA), filed May 23, 1979. Applicant: MATLACK, INC., Ten W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Salt, in bulk, in tank vehicles from Detroit, MI to all points in OH and IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Salt Co., 1414 Rockefeller Bldg., 614 Superior Ave., NW., Cleveland, OH 44113. Send protests to:*

I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 107403 (Sub-1238TA), filed May 22, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Asphalt, in bulk, in tank vehicles* from Prior, OK to Ennis, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Polyguard Products, Inc., P.O. Box 755, Ennis, TX 75119. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 107403 (Sub-1239TA), filed June 25, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Liquid chemicals, in bulk, in tank vehicles* from Midland and Bay City, MI to all points in the U.S. (except AK & HI, for 180 days. Supporting shipper(s): Dow Chemical USA, Traffic Dept.—690 Bldg., Midland, MI 48640. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 107403 (Sub-1240TA), filed July 2, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Asphalt emulsion, in bulk, in tank vehicles* from Lake Charles, LA to Houston and Lufkin, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bitucote Products Co., 1824 Knox Ave., St. Louis, Mo 63139. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 107403 (Sub-1241TA), filed June 29, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Alumina, in bulk, in tank vehicles* from Baltimore, MD to Mt. Holly, SC for 180 days. Supporting shipper(s): Alumax, Inc., 400 S. El Camino Real, San Mateo, CA 94402. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 107403 (Sub-1242TA), filed July 19, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Chemicals, in bulk, in tank vehicles*, between Freeport, TX, on the one hand, and, on the other, points in the US (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dow Chemical USA, Freeport, TX 77541. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 107403 (Sub-1243TA), filed August 2, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Liquid caustic soda, in bulk, in tank vehicles* from Longview and Tacoma, WA to Wauna, OR for 180 days; underlying ETA seeks 90 days authority. Supporting shipper(s): Hooker Chemical Co., P.O. Box 2157, Tacoma, WA 98401. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 107882 (Sub-45TA), filed July 11, 1979. Applicant: ARMORED MOTOR SERVICE CORP., 160 Ewingville Road, Trenton, NJ 08638. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Contract, irregular. *Transit Authority tokens* from Cincinnati, OH to New York, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Osborne Coinage Company, 2851 Massachusetts Avenue, Cincinnati, OH 45225. Send protests to: Irwin Rosen, T/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 107912 (Sub-23TA), filed July 19, 1979. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood, Memphis, TN 38118. Representative: James N. Clay III, 2700 Sterick Building, Memphis, TN 38103. *Common carrier: Regular routes: General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Memphis, TN and Greenville, MS, serving all intermediate points between Clarksdale and Greenville including the termini: From Memphis, over U.S. Hwy 61 to junction U.S. Hwy 82, then west over U.S. Hwy 82 to Greenville and return over the same route. Between Batesville, MS and Clarksdale, MS, as an alternate route serving no intermediate points: From Batesville over Mississippi Hwy 6 to Clarksdale and return over the same route. Applicant intends to tack the authority here applied for to authority held by it in MC 107912 at common points of Memphis, TN and Batesville, MS and further intends to interline with other carriers at Memphis, TN, Jackson, MS and Baton Rouge, LA. Request is for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are approximately 50 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof may be examined at the field office named below. Send protests to: Floyd A.

Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building—Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 108633 (Sub-18TA), filed July 3, 1979. Applicant: BARNES FREIGHT LINE, INC., P.O. Box 800, Carrollton, GA 30117. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE, Atlanta, GA 30326. *Common carrier: Regular routes: General commodities, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require special equipment* between Birmingham, AL and Memphis, TN serving all intermediate points; from Birmingham over U.S. Hwy 78 to Guin, AL, then over U.S. Hwy 278 to junction U.S. Hwy 45 and Alternate U.S. Hwy 45 and 278 to Tupelo, MS, then over U.S. Hwy 78 and TN State Hwy 4 to Memphis, TN, and return over the same route. Applicant also seeks authority to tack the authority sought by this application with applicant's present authority and to interline with other carriers at Atlanta, GA, Memphis, TN, Tupelo, MS and Birmingham, Anniston and Gadsden, AL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 95 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

[Notice No. 160]

August 23, 1979.

MC 109533 (Sub-117TA), filed July 28, 1979. Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Avenue, Richmond, Virginia 23209. Representative: E. T. Lipfert, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle over regular routes, transporting: *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Alabama, GA and Jacksonville, FL. From Albany over U.S. Hwy 32 to Tifton, GA then over Interstate Hwy 75 to jct. Interstate Hwy 10, then over Interstate Hwy 10 to Jacksonville and return over the same route, serving no intermediate points. (2) Between Chicago, IL and Indianapolis, IN. From Chicago over Interstate Hwy 90 to jct. Interstate Hwy 65 then over Interstate Hwy 65 to Indianapolis and return over same route, serving no intermediate points. (3) Between Mt. Vernon, IL and

Indianapolis, IN. From Mt. Vernon over Interstate Hwy 57 to Effingham, IL, then over Interstate Hwy 70 to Indianapolis and return over same route serving no intermediate points. (4) Between Louisville, KY and Indianapolis, IN over Interstate Hwy 74, serving no intermediate points. (5) Between Cincinnati, OH and Indianapolis, IN over Interstate Hwy 74 serving no intermediate points. (6) Between Evansville, IN and Louisville, KY. From Evansville over U.S. Hwy 41 to jct. Interstate Hwy 64, then over Interstate Hwy 64 to Louisville and return over same route, serving no intermediate points. (7) Between Memphis, TN and Birmingham, AL, over U.S. Hwy 78 serving no intermediate points. (8) Between Birmingham, AL and Jacksonville, FL. From Birmingham over Interstate Hwy 65 to Montgomery, AL then over U.S. Hwy 231 to Dothan, AL then over U.S. Hwy 84 to Valdosta, GA, then over Interstate Hwy 75 to jct. Interstate Hwy 10 then over Interstate Hwy 10 to Jacksonville and return over same route, serving no intermediate points. (9) Between Memphis, TN and St. Louis, MO. From Memphis over Interstate Hwy 40 to jct. Interstate Hwy 55 then over Interstate Hwy 55 to St. Louis and return over same route, serving no intermediate points. (10) Between Memphis, TN and Benton, KY. From Memphis over U.S. Hwy 51 to jct. KY Purchase Parkway, then over KY Purchase Parkway to jct. KY Hwy 408, then over KY 408 to Benton and return over same route, serving no intermediate points. (11) Between Memphis, TN and Madisonville, KY. From Memphis over U.S. Hwy 51 to jct. KY Purchase Parkway, then over KY Purchase Parkway to jct. U.S. Hwy 41 then over U.S. Hwy 41 to jct. KY Hwy 85, then over KY Hwy 85 to Madisonville and return over same route, serving no intermediate points. (12) Between Evansville, IN and Indianapolis, IN. From Evansville over U.S. Hwy 40 to jct. Interstate Hwy 70 then over Interstate Hwy 70 to Indianapolis and return over same route, serving no intermediate points. (13) Between Jefferson City, MO and Memphis, TN. From Jefferson City over U.S. Hwy 63 to jct. Interstate Hwy 55 then over Interstate Hwy 55 to jct. Interstate Hwy 40 then over Interstate Hwy 40 to Memphis and return over same route, serving no intermediate points. (14) Between Washington, PA and Toledo, OH. From Washington over Interstate Hwy 79 to jct. Interstate Hwy 76 then over Interstate Hwy 76 to jct. Interstate Hwy 80 then over Interstate Hwy 80 to Toledo and return over same route serving no intermediate points.

(15) Between St. Louis, MO and Indianapolis, IN over Interstate Hwy 70 serving no intermediate points. (16) Between Jefferson City, MO and Chicago, IL. From Jefferson City over U.S. Hwy 54 to jct. U.S. Hwy 36, then over U.S. Hwy 36 to jct. Interstate Hwy 55 to Chicago and return over same route serving no intermediate points. (17) Between Kansas City, MO and Chicago, IL. From Kansas City over U.S. Hwy 24 to jct. Interstate Hwy 55 then over Interstate Hwy 55 to Chicago and return over same route, serving no intermediate points. (18) Between Indianapolis, IN and Toledo, OH. From Indianapolis over Interstate Hwy 69 to jct. U.S. Hwy 24, then over U.S. Hwy 24 to Toledo and return over same route serving no intermediate points. (19) Between Chicago, IL and Toledo, OH over Interstate Hwy 90 serving no intermediate points. (20) Between Columbus, OH and Toledo, OH. From Columbus over U.S. Hwy 23 to jct. Ohio Hwy 15 then over Ohio Hwy 15 to Findley, OH, then Interstate Hwy 75 to Toledo and return over same route serving no intermediate points, for 180 days. Supporting shippers(s): No supporting shippers. Send protests to: Paul D. Collins, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 109593 (Sub-10TA), filed July 25, 1979. Applicant: H. R. HILL, Box 875, 2007 West Shawnee, Muskogee, OK 74401. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. *Contract Carrier: Irregular Route: Plastic articles and such equipment, materials and supplies as are used in the manufacture and distribution of the commodities named above* (except commodities in bulk and those which because of size or weight require the use of special equipment), between the facilities of Fort Howard Paper Company, located at or near Muskogee, OK, on the one hand, and, on the other, points in AR, CO, IL, KS, LA, MO, NE, NM, TX, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fort Howard Paper Company, P.O. Box 130, 1919 S. Broadway, Green Bay, WI 54305. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 110563 (Sub-297TA), filed June 29, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Rt. 29 North, Sidney, OH 45365. Representative: John L. Maurer (same address as applicant). *Welding equipment and welding supplies* from Troy, OH to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, LA, MN,

MS, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, VA, WA, WV, WY for 180 days. Supporting shipper(s): Hobart Brothers Co., 600 W. Main St., Troy, OH 45373. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 110563 (Sub-299TA), filed July 11, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, OH 45365. Representative: John L. Maurer (same address as applicant). *Paper and paper products* from the facilities of Union Camp Corporation at or near Franklin, VA to points in CT, RI, VT, NH, MA, ME, and NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Camp Corporation, 1600 Valley Rd., Wayne, NJ 07470. Send protests to: D/S, ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 112713 (Sub-279TA), filed July 23, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: John M. Records (same address as above). *Glass lined chemical reactors and parts*, from Union, NJ to Magness, AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): DeDietrich, USA, Inc., U.S. Route 22, Union, NJ 07083. Send protests to: John V. Barry, D/S, ICC, Room 600, Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 114273 (Sub-634A), filed July 16, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, P.O. Box 68, Cedar Rapids, IA 52406. *Meats, Meat Products, and meat by-products* from Joslin, IL to points in MD and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Illini Beef Packers, Inc., P.O. Box 245, Geneseo, IL 61254. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-635TA), filed July 16, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, P.O. Box 68, Cedar Rapids, IA 52406. *Flat glass* from the facilities of Fourco Glass Co. at Clarksburg, WV, and Fourco Glass Co. float plant at or near Flemington, WV, to points in IA, NE, MN, KS and CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): AFG Industries, Inc., P.O. Box 929, Kingport, TN 37662. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-636TA), filed July 31, 1979. Applicant: CRST, INC., 3930 16th Ave. S.W., Cedar Rapids, IA 52406. Representative: Kenneth L. Core, (same

address as applicant). *Iron and steel articles* from Cedar Rapids, IA to York, PA for 180 days. The purpose of this application is to substitute single-line service for existing joint-line service. An underlying ETA seeks 90 days authority. Supporting shipper(s): Midland Forge, Inc., 101 50th Ave., S.W., Cedar Rapids, IA 52404. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114552 (Sub-228TA), filed July 18, 1979. Applicant: SENN TRUCKING CO., P.O. Box 220, Newberry, SC 29108. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Chain Link Fence and Fencing Materials*, from the facilities of Atlantic Steel Company at or near Atlanta, GA to points in IL, IN, KY, MI, MN, OH and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Atlantic Steel Company, P.O. Box 1714, Atlanta, GA 30301. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 115092 (Sub-86TA), filed June 18, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Air cooler or air conditioners, cooler or freezing machines or refrigeration evaporators or condensers* from Beardstown, IL to points in MN, IA, MO, AR, LA and states west thereof, for 180 days. Supporting shipper(s): Bohn Heat Transfer Division, 1625 E. Voorhees, Danville, IL 61832. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115092 (Sub-87TA), filed June 5, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Flat glass* from Truesdail, MO to Carson, CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): C. E. Glass, 700 Union Landing Road, Bldg. 3, Cinnaminson, NJ 08077. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115092 (Sub-88TA), filed June 14, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Canned goods* from City of Industry, CA, to Phoenix, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kern Foods, Inc., 1300 E. Temple Ave., City of Industry, CA 91749. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115092 (Sub-89TA), filed May 29, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Plastic articles and materials, equipment and supplies used in the manufacture and installation of plastic articles*, except in bulk, from Wichita Falls, TX, to points in MS, AR, MO, IA, MN, and states west thereof, for 180 days. Supporting shipper(s): Robintech, Inc., P.O. Box 115, Wichita Falls, TX 76307. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115092 (Sub-90TA), filed June 15, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Junk batteries* from Portland, OR to Seattle, WA for 180 days. Supporting shipper(s): General Battery Corporation, P.O. Box 1282, Reading, PA 19603. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115322 (Sub-194TA), filed July 19, 1979. Applicant: REDWING REFRIGERATED, INC., 9831 S. Orange Avenue, P.O. Box 10177, Taft, FL 32809. Representative: Warren P. Kurtz (same address as applicant). *Clay, crushed or ground, in bags*, from Thomas County, GA, to points in VA, DC, MD, NJ, PA, and NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Waverly Mineral Products Co., 3018 Market St., Philadelphia, PA 19104. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 115322 (Sub-195TA), filed July 18, 1979. Applicant: REDWING REFRIGERATED, INC., 9831 S. Orange Avenue, P.O. Box 10177, Taft, FL 32809. Representative: Warren P. Kurtz (same address as applicant). *Paper and paper products*, from the facilities of Union Camp Corporation at or near Savannah, GA and Tifton, GA to points in FL, VA, WV, PA, OH, DC, MD, DE, NJ, NY, CT, MA, RI, ME, NH, and VT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 115322 (Sub-196TA), filed July 18, 1979. Applicant: REDWING REFRIGERATED, INC., 9831 S. Orange Avenue, P.O. Box 10177, Taft, FL 32809. Representative: Warren P. Kurtz, (same address as applicant). *Zinc, zinc oxide, zinc dust, zinc dross, zinc residue, zinc skimmings, metallic cadmium, lead sheets, and materials and supplies used*

in the manufacture and distribution of the above items, (restricted against bulk movement), between the facilities of St. Joe Zinc Company located in Josephstown (Potter Township, Beaver County, PA), and states in and east of MN, IA, MO, AR, LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Joe Zinc Company, Two Oliver Plaza, Pittsburgh, PA 15222. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 115523 (Sub-189TA), filed August 1, 1979. Applicant: CLARK TANK LINES, COMPANY, 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin J. Whitear, (same address as applicant). *Liquid petroleum gas* from Roosevelt, UT and points within five miles to Bloomfield, NM, and points within 20 miles and Price, UT and points within 10 miles, for 180 days. An underlying ETA requests 90 days authority. Supporting shipper(s): Petro Fuels, Inc., 2018 West 18th, Plain View, TX 79072. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 116273 (Sub-237TA), filed June 19, 1979. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Ave., Cicero, IL 60650. Representative: William R. Lavery, (same address as applicant). *Liquid corn syrup and blends thereof in bulk*, in tank vehicles, from Detroit, MI to points in NJ, NY, SD, ND, WI and WY, for 180 days. Supporting shipper(s): Total Foods Corp., 6070 W. Maple Rd., West Bloomfield, MI 48033. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 116273 (Sub-238TA), filed July 9, 1979. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Ave., Cicero, IL 60650. Representative: William R. Lavery, (same address as applicant). *Fluorspar in bulk, in tank vehicles*, from Rosiclare, IL to Cleveland, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Foseco, Inc., 20200 Sheldon Rd., Brook Park, OH 44142. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 116763 (Sub-560TA), filed July 30, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Scrap & waste paper* between points in the states of DE, DC, GA, IL, IN, IA, KS, KY, LA, MA, ME, MD, MI, MN, MO, NB, NH, NJ, NY, NC, OH, OK, PA, RI, TN, TX, VA, WV, and WI, for 180 days. Restricted to traffic originating at, or destined to the facilities utilized by Hancock Paper Co., Inc. Supporting

shipper(s): Hancock Paper Co., 7333 Milnor St., Philadelphia, PA 19036. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 116763 (Sub-561TA), filed July 10, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Canned or preserved foodstuffs (except commodities in bulk, in tank vehicles)*, from the facilities of Heinz USA, Division of H. J. Heinz Co., at or near Mechanicsburg, PA, to points in ME, NH and VT. Restricted to traffic originating at the named origin and destined to the indicated destinations, for 180 days. An underlying ETA seek 30 days authority. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: D/S, I.C.C., 101 N. 7th St., Philadelphia, PA 19106.

MC 116763 (Sub-562TA), filed June 28, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Commodities as are used, distributed, manufactured, processed or dealt in by wholesalers, retailers, distributors, processors or manufacturers of candy and confectionary products (except commodities in bulk, in tank vehicles)* between points in the U.S. in and east of MN, IA, MO, OK, and TX, restricted to traffic originating at or destined to the facilities of The Falcon Candy Co., Inc., for 180 days. Supporting shipper(s): Falcon Candy Co., Inc., 2300 Carpenter, Philadelphia, PA 19146. Send protests to: D/S, ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 116763 (Sub-563TA), filed June 28, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Paper and paper products, plastic and plastic products and products manufactured and distributed by manufacturers and converters of paper and paper products, plastic and plastic products, and materials, equipment and supplies used in the manufacture and distribution of the above-named commodities (except commodities in bulk, in tank vehicles)*, between points in the U.S. in and east of MN, IA, MO, OK, and TX, restricted to traffic originating at or destined to the facilities of Continental Diversified Industries, for 180 days. Supporting shipper(s): Continental Diversified Industries, 800 E. Northwest Hwy., Palatine, IL 60067. Send protests to: D/S, ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 116763 (Sub-564TA), filed July 28, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Such commodities as are used, manufactured, or dealt in by producers of rubber, plastic and chemicals, and rubber, plastic and chemical products (except commodities in bulk, in tank vehicles)* between points in the U.S. in and east of MN, IA, MO, OK, and TX for 180 days. Restricted to the transportation of traffic originating at or destined to the facilities of Uniroyal, Inc. in the named territory. Supporting shipper(s): Uniroyal, Inc., Oxford Management & Research Center, Middlebury, CT 06749. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 116763 (Sub-565TA), filed July 26, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Such commodities as are dealt in by wholesale & retail grocery and food business houses (except commodities in bulk, in tank vehicles)* (1) between points in the U.S. in and east of MN, IA, NE, KS, OK, and TX; and (2) from points in CA, to points in the U.S. in and east of MN, IA, NE, KS, OK and TX for 180 days. Restricted in (1) & (2) above to traffic originating at or destined to the facilities of Shurfine Central Corp. or its affiliated retailers. Supporting shipper(s): Shurfine-Central Corp., 2100 North Mannheim Rd., North Lake, IL 60164. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 117883 (Sub-25TA), filed July 24, 1979. Applicant: SUBLER TRANSFER, INC., One Vista Drive, Versailles, OH 45380. Representative: Thomas R. Stone, P.O. Box 62, Versailles, OH 45380. *Foodstuffs and synthetic rubber* from Louisville, KY to CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, NE, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC for 180 days. Restriction: Restricted to traffic originating at the facilities of Louisville Freezer Center at the named origin and to the named destinations. An underlying ETA seeking 90 days authority. Supporting shipper(s): Louisville Freezer Center, 200 S. Ninth St., Louisville, KY 40208. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 117883 (Sub-252TA), filed July 30, 1979. Applicant: SUBLER TRANSFER, INC., One Vista Dr., P.O. Box 62, Versailles, OH 45380. Representative: Thomas R. Stone (same address as applicant). *Foodstuffs* (except in bulk, in

tank vehicles) from Littleton and Westboro, MA to points in IL, IN, KY, MI, OH, PA. Restriction: Restricted to traffic originating and destined at the facilities of New England Apple Products Co., Inc., for 180 days. An underlying ETA seeking 90 days authority. Supporting shipper(s): New England Apple Products Co., Inc., P.O. Box 425, Harwood Station, Littleton, MA 01460. Send protests to: I.C.C., Federal Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 117883 (Sub-253TA), filed July 27, 1979. Applicant: SUBLER TRANSFER, INC., One Vista Drive, P.O. Box 62, Versailles, OH 45380. Representative: Thomas R. Stone (same address as applicant). *Foodstuffs (except in bulk in tank vehicles)* from Carbondale, PA to IL, IN, MI, and OH for 180 days. Restriction: Restricted to traffic originating at plantsite or storage facilities of Pizza Crust Co. of PA, Inc. at the named origin and to the named destinations. Supporting shipper(s): Pizza Crust Co. of PA Inc., 7th Ave., Carbondale, PA 18407. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 117883 (Sub-254TA), filed August 1, 1979. Applicant: SUBLER TRANSFER, INC., One Vista Dr., P.O. Box 62, Versailles, OH 45380. Representative: Thomas R. Stone (Same address as applicant). *Foodstuffs* (except in bulk, in tank vehicles) (1) between Naugatuck, CT; Frankfort, IN; Hazelton, PA; and York, PA and (2) from Frankfort, IN to Kansas City, MO. Restriction: Restricted to traffic originating and destined to the facilities of Peter Paul-Cadbury, Inc. at the named cities, for 180 days. An underlying ETA seeking 90 days authority. Supporting shipper(s): Peter Paul Cadbury, Inc., New Haven Rd., Naugatuck, CT 06770. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 118142 (Sub-232TA), filed July 18, 1979. Applicant: M. BRUENGER & CO., INC., 6250 No. Broadway, Wichita, KS 67219. Representative: Lester C. Arv, 814 Century Plaza Bldg., Wichita, KS 67202. Meat, meat products, meat byproducts and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the Report and Descriptions in Motor Carrier's Certificates 61 MCC 209 and 766 (except hides and commodities in bulk), from facilities of Sunflower Beef Division, Del Pero-Mondon Meat Co., Wichita, KS to points in IL, IN, MN, MO, NE, ND, OH, SD and WI; for 180 days, common, irregular. An underlying ETA seeking 90 days authority. Supporting shipper(s): Sunflower Beef Division, Del Pero-

Mondon Meat Co., 800 E. 37th N, Wichita, KS 67219. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 121712 (Sub-7TA), filed July 17, 1979. Applicant: MORRIS TRANSPORTATION, INC., 8300 Baldwin Street, Oakland, CA 94621. Representative: Walter H. Walker III, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Materials, tools and supplies used in concrete construction* between points in CA, on the one hand and, on the other, points in OR, WA, AZ, & NV (other than Reno, Sparks, Winnemucca, and Carson City) restricted to plantsites, facilities and supplies of the Burke Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): The Burke Company, P.O. Box 15349, Sacramento, CA 95813. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 123613 (Sub-16TA), filed July 27, 1979. Applicant: CLAREMONT MOTOR LINES, INC., 2800 Tryon St., Charlotte, NC 28206. Representative: Same as applicant. *Frozen foods* from points in FL to points in AL, DE, IL, IN, KY, MI, MS, NJ, NY, NC, OH, PA, TN, TX, VA, WV, and DC for 180 days. Supporting shippers(s): Citrus Central, Inc., P.O. Box 17774, Orlando, FL 32810. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 125782 (Sub-9TA), filed June 7, 1979. Applicant: C. H. DREDGE & CO., INC., 918 South 2000 West, Syracuse, UT 84041. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. Contract carrier: Irregular route: *Salt, salt products, and materials and supplies used in agriculture, water treatment, food processing, wholesale grocery, and institutional supply industries, in mixed loads with salt and salt products*, from the facilities of Great Salt Lake Mineral & Chemical Corp., located at or near Little Mountain, UT to points in AZ, CA, NV, and NM under a continuing contract or contracts with Great Salt Lake Mineral & Chemical Corp., for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Great Salt Lake Mineral & Chemical Corp., P.O. Box 1190, Ogden, UT 84402. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 125952 (Sub-42TA), filed May 31, 1979. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango St. S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. Contract carrier: irregular routes: *Bakery products, bakery supplies,*

materials and ingredients, used in and distributed by the baking industry, between Oakland, CA and points in AZ, OR and WA for the account of Sunshine Biscuits Incorporated, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Sunshine Biscuits Incorporated, 851 81st Ave., P.O. Box 916, Oakland, CA 94604. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 128073 (Sub-8TA), filed July 18, 1979. Applicant: BANANA SHIPPING SERVICE, INC., P.O. Box 4374, Montgomery, AL 36101. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Bananas and agricultural commodities* exempt from regulation under Section 10526(a)(6) of the Interstate Commerce Act when moved in mixed loads with bananas, in shipper owned containers, from the facilities of Chiquita Brands, Co., at Gulfport, MS and points in its commercial zone to St. Louis, MO and points in its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Chiquita Brands Co., 15 Mercedes Drive, Mount Vail, NJ 07645. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 128662 (Sub-3TA), filed May 16, 1979. Applicant: STICKLEY'S GARAGE, INC., P.O. Box 2842, Winchester, VA 22601. Representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Frozen foods* between the plantsite of Zeropack in Winchester, VA, on the one hand, and, on the other, points in NY, NJ, PA, CT, MA, RI, NC, SC, GA, and FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Zeropack Co., 560 N. Cameron St., Winchester, VA 22601. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 129032 (Sub-97TA), filed July 26, 1979. Applicant: TOM INMAN TRUCKING, INC., 5656 South 129th E. Avenue, Tulsa, OK 74121. Representative: David R. Worthington (same address as applicant). (1) *Plastic articles, and such equipment, materials and supplies as are used in the manufacture and distribution of the commodities named in (1) above* (except commodities in bulk and those which because of size or weight require the use of special equipment), between the facilities of Fort Howard Paper Company, located at or near Muskogee, OK, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, KS, KY, LA, MS, MO, MT, NE,

NV, NM, NC, OR, SC, TN, TX, UT, VA, WA, & WY, restricted to traffic originating at the above named origin, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fort Howard Paper Company, P.O. Box 130, 1919 S. Broadway, Green Bay, WI 54305. Send protests to: Connie Stanley, ICC., Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 129032 (Sub-98TA), filed July 9, 1979. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, OK 74107. Representative: David R. Worthington, (same address as applicant). *Cheese and cheese foods*, (except commodities in bulk), from the facilities of Kroger Company, located at or near Rochester, NM, to Cincinnati and Cleveland, OH, Ft. Wayne, Indianapolis and Greensburg, IN, Peoria, IL, Detroit and Grand Rapids, MI, Louisville, KY, St. Louis, MO, Houston and Dallas, TX, Memphis and Nashville, TN, Little Rock, AR, and Los Angeles, CA, restricted to traffic originating at the above named origin and destined to the above named destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Kroger Co., 1014 Vine St., Cincinnati, OH 45242. Send protests to: Connie Stanley, ICC., 215 N.W. 3rd, Rm. 240, Oklahoma City, OK 73102.

MC 129902 (Sub-1TA), filed July 13, 1979. Applicant: LESLIE JOE BURTON, d.b.a. B & L TRUCKING, P.O. Box 163, Orleans, IN 47452. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. (1) *Commercial feed*, from Louisville, KY, to points in that part of IN on and south of U.S. Hwy 40 extending from the IL-IN State Line to Indianapolis, IN, and south of U.S. Hwy 52, extending from Indianapolis, to the IN-OH State Line, with no transportation for compensation on return except as otherwise authorized and (2) *Commercial feed and commercial feed ingredients*, from Vandalia, IL, to points in Davies, Dubois, Gibson, Knox, Marton, Pike, Posey and Vanderburg Counties, IN, with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper: Bartleys Feeders, Inc., Ireland, IN 47545. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 108473 (Sub-50TA), filed May 10, 1979, and previously published in the Federal Register on July 9, 1979, and republished this issue. By decision entered August 30, 1979, the Motor

Carrier Board granted St. Johnsbury Trucking Company, Inc., Holliston, MA, 180-day temporary authority to engage in the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over regular routes, between Bellows Falls, VT, and Plattsburgh, NY; from Bellows Falls over U.S. Hwy 5 to junction VT Hwy 103, then over VT Hwy 103 to junction U.S. Hwy 7, then over U.S. Hwy 7 to Rutland, then over U.S. Hwy 4 to Whitehall, NY, then over NY Hwy 22 to Plattsburgh, NY, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points. The authority granted may be joined at Bellows Falls, VT, with carrier's otherwise authorized regular route authority. Francis P. Barrett, 60 Adams Street, P.O. Box 238, Milton, MA 02187, for applicant. Any interested person may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto.

[Notice No. 163]

September 11, 1979.

MC 2095 (Sub-24TA), filed August 22, 1979. Applicant: KEIM TRANSPORTATION, INC., Route 2, Box 10, Sabetha, KS 66534. Representative: Clyde N. Christey, 110L 1010 Tyler, Topeka KS 66612. (1) Dry feed ingredients, in bags, and in bulk (2) soy bean meal, dry feed and dry feed ingredients, (1) From the facilities of Ralston-Purina Corp. located in North Kansas City, MO to points in AR, CO, IA, KS, LA, NE, OK, TX and Flagstaff, AZ. (2) From facilities of Ralston-Purina Corp. located in Kansas City, MO to points in AR, CO, IA, KS, LA, NE, OK, TX and Flagstaff, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Co., 2334 Rochester, Kansas City, MO. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 2934 (Sub-37TA), filed August 24, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 N. Michigan Road, Carmel, IN 46032. Representative: James L. Beatty, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. *New furniture*, from the facilities of Johnson Manufacturing Co., at or near Conway, SC, to points and places in AL, AZ, AR, CA, IL, IN, IA, KS, KY, LA, MN, MS, MO, NM, OH, OK, OR, TN, WA, WI, CA, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting

shipper(s): Frank & Son, 381 Park Avenue South, New York, NY 10016. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 3854 (Sub-54TA), filed July 31, 1979. Applicant: BURTON LINES, INC., 815 Ellis Rd., P.O. Box 11306, East Durham Station, Durham, NC 27703. Representative: Same as applicant. *Building or roofing materials* from the facilities of Johns-Manville at or near Savannah, GA to points in NC and SC for 180 days. An underlying ETA seeks 90 days of authority. Supporting shipper(s): Johns-Manville Sales Corp., P.O. Box 4487, Atlanta, GA 30302. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 4024 (Sub-8TA), filed August 22, 1979. Applicant: HORN TRUCKING CO., 300 Schmetter Rd., Highland, IL 62249. Representative: Edward McNamara, 907 S. 4th St., Springfield, IL 62703. *Building and roofing materials*, from the facilities of Flintkote Co. in Chicago Heights, IL to points in MO for 180 days. An underlying ETA was granted for 30 days. Supporting shipper(s): Flintkote Co., P.O. Box 800, Dallas, TX 75221. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 8535 (Sub-95TA), filed July 13, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INC., P.O. Box 500, Parkton, MD 21120. Representative: Charles J. McLaughlin, (same address as above). *Ores* (except in dump or tank vehicles) from Camden, NJ and Wilmington, DE, to points in IL, IN, OH and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Scott Deasy C-E Minerals Div. Combustion Eng. Inc., 801 E. 8th Ave., King of Prussia, PA 19406. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 10875 (Sub-54TA), filed August 9, 1979. Applicant: BRANCH MOTOR EXPRESS COMPANY, 114 Fifth Avenue, New York, NY 10011. Representative: G. C. Heller (same address as applicant). Common carrier, regular routes: *General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, serving the facilities of General Electric Company at Mt. Vernon, IN, as an off-route point in connection with applicant's regular routes; for 180 days; an underlying ETA seeks 90 days authority. Applicant does intend to tack and interline. Supporting shipper(s): General Electric Company, Mt. Vernon,

IN. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 10875 (Sub-61TA), filed August 20, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. (1) *Aluminum ingots and zinc alloy ingots*, from the facilities of Aluminum Smelting and Refining Co., Inc. and/or Certified Alloys Co. at or near Maple Heights, OH to AL, IN, NJ and PA. (2) Aluminum and materials, equipment and supplies used in the manufacture of aluminum, from IN, MI, NY and PA to the facilities in (1) above, for 180 days. Supporting shipper(s): Aluminum Smelting & Refining Co., Inc., 5463 Dunham Rd., Maple Heights, OH 44137. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 15155 (Sub-5TA), filed August 8, 1979. Applicant: H & W MOTOR LINES, INC., 94 Pintard Avenue, New Rochelle, NY 10805. Representative: David M. Marshall, Marshall and Marshall, 101 State St.—Suite 304, Springfield, MA 01103. *Alcoholic beverages and such commodities as are dealt in by wholesale, retail and chain liquor business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business*, between the facilities of the Miller Brewing Company located in Oswego and Onondaga Counties, NY, on the one hand, and, on the other, New York, NY, points in NY and NJ within 20 miles of New York, NY, points in MA in and west of Worcester County, and points in Hartford County, CT; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Miller Brewing Company, 3939 West Highland Boulevard, Milwaukee, WI 53202. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 15975 (Sub-22TA), filed July 5, 1979. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske, (same address as applicant). *Glass containers, equipment supplies, and accessories used in the manufacture or distribution of glass containers (except commodities in bulk)*, between Marion, IN, on the one hand, and on the other, points in IL, MO, MI and KY. Restricted to traffic originating at or destined to the facilities of National Can Corporation at Marion, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Can Corporation,

8101 W. Higgins Rd., Chicago, IL 60631. Send protests to: David Hunt, T.A. Rm. 1386, 219 Dearborn St., Chicago, IL 60604.

MC 24784 (Sub-35TA), filed August 7, 1979. Applicant: BARRY, INC., 463 South Water, Olathe, KS 66061. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Building, roofing and insulation materials (except iron and steel articles and commodities in bulk)*, from Phillipsburg, KS to points in CO, IA, IL, MN, MO, ND, NE and SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tampko Asphalt Products, Inc., R.D. #3, Phillipsburg, KS. Send protests to: Vernon V. Coble, DS, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 41404 (Sub-160TA), filed August 9, 1979. Applicant: ARGO-COLLIER TRUCK LINES CORP., P.O. Box 440, Martin, TN 38237. Representative: Mark L. Horne (same address as applicant). *Confectionery (except in bulk)*, in vehicles equipped with mechanical refrigeration from Frankfort, IN to Memphis, TN, for 180 days. Underlying 30+2 ETA granted as applied for August 6, 1979. Supporting shipper(s): Peter Paul Cadbury, Inc., New Haven Road, Naugatuck, CT 06770. Send protests to: Floyd A. Johnson, 100 North Main, Suite 2006, Memphis, TN 38103.

MC 52574 (Sub-57TA), filed August 21, 1979. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, NJ 07111. Representative: Edward F. Bowes, 167 Fairfield Road, Fairfield, NJ 07006. *Contract carrier, irregular routes for 180 days. Bakery products from Frederick, MD to Detroit, Ann Arbor, Ypsilanti, Inkster, Farmington, Pontiac and Mount Clemens, MI. An underlying ETA seeks 90 days authority. Supporting shipper(s): S. B. Thomas, Inc., 930 North Riverview Drive, Totowa, NJ 07511. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.*

MC 53965 (Sub-163TA), filed July 19, 1979. Applicant: GRAVES TRUCK LINE, INC., P.O. Drawer 1387, Salina, KS 67401. Representative: Bruce A. Bullock (same address as above). *Fresh Meats* from facilities of Swift & Company at Guymon, OK to LA and MS, for 180 days, common, irregular. Supporting shipper(s): Swift & Company, 115 West Jackson Blvd., Chicago, IL 60604. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 61445 (Sub-19TA), filed August 2, 1979. Applicant: CONTRACTORS TRANSPORT CORP., 5800 Farrington

Ave., Alexandria, VA 22304. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. *Cooling towers and evaporator condensers (1) from Baltimore, MD, and its commercial zone to points in DC, DE, MD, NJ, NY, PA, VA, and WV; and (2) from Milford, DE, to points in DC, DE, MD, NJ, NY, PA, VA, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Baltimore Air Coil Co., P.O. Box 7322, Baltimore, MD 21227. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 61825 (Sub-112TA), filed July 30, 1979. Applicant: ROY STONE TRANSFER CORP., V.C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same as applicant). *Mineral wool insulation (fibreglass), except in bulk from the facilities of CertainTeed Corp. located at or near Kansas City, KS and Memphis, TN, to points in the states of AL, AR, CT, DE, DC, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA and WV for 180 days. Supporting shipper(s): CertainTeed Corp. Insulation Group, P.O. Box 860, Valley Forge, PA 19482. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 65475 (Sub-27TA), filed August 6, 1979. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. (1) *Zinc, zinc oxide, zinc dust, zinc dross, zinc residue, zinc skimmings, lead sheet, and metallic cadmium, and (2) materials, equipment, and supplies used in the manufacturing and distribution of the commodities named in (1) above*, between the facilities of St. Joe Zinc Co. located at Josephstown, PA, in Beaver Co., PA on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Joe Zinc Co., Two Oliver Plaza, Pittsburgh, PA 15222. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 69454 (Sub-7TA), filed August 3, 1979. Applicant: DITTO FREIGHT LINES, INC., 1575 Industrial Ave., San Jose, CA 95112. Representative: W. H. Walker, 100 Pine St., Suite 2550, San Francisco, CA 94111. *General commodities (except household goods as defined by the Commission, commodities of unusual value, classes A and B explosives, and commodities in bulk) in containers or trailers, having an immediately prior or subsequent movement by water; and Empty containers empty trailers and chassis*,

between the ports of Los Angeles and San Francisco, CA and between points in CA, on the one hand, and, on the other, points in OR and WA for 180 days. Applicant intends to tack the authority here applied for to MC 89454 SUB 8. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nautilus Leasing Services, Inc., 100 California St., Suite 800, San Francisco, CA 94111; American President Lines, Ltd., 1950 Franklin St., Oakland, CA 94612; Sea-Land Service, Inc., 1425 Maritime St., Oakland, CA 94607 and five other supporting shippers. Send protests to: D/S Neil C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 72235 (Sub-14TA), filed August 7, 1979. Applicant: IVORY VANLINES, INC., 5601 Corporate Way, Suite 107, West Palm Beach, FL 33407. Representative: Edwin M. Snyder, Sullivan and Leavitt, P.C., 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. *Motor vehicle parts and equipment, materials, and supplies used in the manufacturing of same from the facilities of Rockwell International located at or near Centralia, IL to Detroit, Flint, Ypsilanti, MI and and St. Louis, MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rockwell International, 2135 W. Maple Rd., Troy, MI 48064. Send protests to: Donna M. Jones, T/A, ICC — BOP, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33168.*

MC 89684 (Sub-109TA), filed August 21, 1979. Applicant: WYCOFF COMPANY, INC., 560 South 30, West, P.O. Box 366, Salt Lake City, UT 84110. Representative: John J. Morrell (same address as applicant). *Food supplements, cleaning compounds, candy, vitamins, cosmetics, plastic articles, and printed material between Reno, NV and all points in NV, UT, ID, WY, CO and NE on shipments originating from Shaklee Corporation in Hayward, CA, for 180 days. Note: Applicant proposes to interline at Reno, NV and Denver, CO. An underlying ETA requests 90 days authority. Supporting shipper(s): Shaklee Corporation, 1900 Powell Street, Emeryville, CA 94608. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.*

MC 94265 (Sub-316TA), filed August 1, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, Virginia 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, Georgia 30342. *Foodstuffs, (except in bulk) in vehicles equipped with mechanical refrigeration, from Norfolk, VA to points in NC, SC, GA and WI for 180 days. An underlying ETA seeks 90*

days authority. Supporting shipper(s): Munford Refrigerated Warehouse, Inc., 3801 E. Princess Anne Road, Norfolk, VA 23502. Send protests to: Paul D. Collins, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 95084 (Sub-148TA), filed August 17, 1979. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, 1501 E. Main, P.O. Box 279, Ottumwa, IA 52501. *Iron and steel articles, iron and steel fence tubing and articles, materials and supplies used in the manufacture of fence tubing, from the facilities of Century Tube Corporation at Jefferson County, AR, to points in AL, AR, CT, DE, DC, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MS, MO, NJ, NH, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Century Tube Corporation, P.O. Box 7612, Pine Bluff, AR 71611. Send protests to: Herbert W. Allen, D/S, ICC, 518 Federal Bldg. Des Moines, IA 50309.*

MC 99234 (Sub-15TA), filed August 6, 1979. Applicant: WESTWAY MOTOR FREIGHT, INC., 5231 Monroe St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., 1600 Lincoln Center, Denver, CO 80264. *Photographic apparatus, equipment, materials, supplies and products used solely for photographic application, manufacturing, or processing (1) between the facilities of Eastman Kodak Company located at Windsor CO, on the one hand, and on the other, the facilities of Eastman Kodak Company located at Whittier, San Ramon, Palo Alto and Hollywood, CA and Dallas, TX; (2) between the facilities of Eastman Kodak Company located at San Ramon, CA and Salt Lake City, UT; and (3) between the facilities of Eastman Kodak Company located at Dallas, TX, on the one hand, and on the other, Denver, Colorado Springs and Pueblo, CO and Albuquerque, NM for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): Eastman Kodak Company, 2400 Mount Read Road, Rochester, NY 14650. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.*

MC 106674 (Sub-408TA), filed May 21, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Iron and steel articles, from the facilities of Laclede Steel at Alton, IL to points in IN on and south of U.S. Highway 40, KY and TN, for 180 days. An underlying ETA seeks*

90 days authority. Supporting shipper: Laclede Steel Company, Equitable Building, St Louis, MO 63102. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 106674 (Sub-409TA), filed May 24, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, US Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson (same address as Applicant). *Canned goods/non-alcoholic mixes, from Byhalia, MS to points in and east of TX, OK, KS, NE, SD, and ND, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Professional Mixers, Inc., 300 Chesterfield Center, Suite 210, Chesterfield, MO 63017. Send protests to: Beverly J. Williams, TA, ICC, 46 E. Ohio St., Room 429, Indianapolis, IN 46204.*

MC 106674 (Sub-412TA), filed July 31, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Hwy 24 West, Remington, IN 47977. Representative: Jerry L. Johnson, (address same as applicant). *Iron and steel articles, from the facilities of Atlantic Steel Company at Atlanta and Cartersville, GA, to points in IL, IN, KY, OH and PA, for 180 days. Supporting shipper: Atlantic Steel Company, Atlantic Building Systems, P.O. Box 1714, Atlanta, GA 30301. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.*

MC 106674 (Sub-413TA), filed August 14, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Hwy 24 West, Remington, IN 47977. Representative: Jerry L. Johnson, (address same as applicant). *Zinc oxide, zinc dust and zinc dross, between Josephstown, Pottertownship, (Bever County), PA on the one hand, and on the other points in AL, CT, DE, DC, FL, GA, IL, IN, KY, MD, MI, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, WI, and Herculaneum and St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Joe Zinc Company, Two Oliver Plaza, Pittsburgh, PA 15222. Send protests to: Beverly J. Williams, TA, ICC, 46 E. Ohio St., Room 429, Indianapolis, IN 46204.*

MC 107064 (Sub-135TA), filed August 17, 1979. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, TX 75221. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. *Petroleum products and chemicals, in bulk, between the plantsite of Calgon Corporation at or near Pasadena, TX, on the one hand, and, on the other, points in the U.S.*

(except TX, AK, and HI) for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Calgon Corporation, P.O. Box 1346, Pittsburgh, PA 15230. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 111214 (Sub-15TA), filed August 15, 1979. Applicant: GREENWOOD STORAGE AND TRUCKING CO., INC., P.O. Box 943, Greenwood, MS 38930. Representative: Harold H. Mitchell, Jr., 120 South Poplar St., Box 1295, Greenville, MS 38701. *Contract irregular. Iron and steel and iron and steel articles and materials, equipment and supplies used in the manufacture and distribution of iron and steel and iron and steel articles (except commodities in bulk and those requiring special equipment), between the facilities of Mississippi Steel Division, Magna Corporation at or near Jackson, MS and points in AL, AR, FL, GA, LA, TN, and TX, for 180 days. Supporting shipper(s): Magna Corporation, P.O. Box 5780, Jackson, MS 39208. Send protests to: Alan C. Tarrant, DS, ICC, Suite 1441, Federal Bldg., 100 West Capitol St., Jackson, MS 39201.*

MC 111274 (Sub-50TA), filed August 7, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 358, Morton, IL 61550. Representative: Frederick C. Schmidgall, P.O. Box 358, Morton, IL 61550. *Contract carrier: irregular routes: Furnace pipe elbows, duct work, register boots, register boxes, wall stack, gutters and rain carrying accessories, and materials, equipment and supplies used in the manufacture and distribution of the aforementioned commodities, between the facilities of Champion Furnace Pipe Co., Peoria, IL on the one hand, and on the other points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, OK, TN, WV, and WI for the account of Champion Furnace Pipe Company located at Peoria, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Champion Furnace Pipe Co., P.O. Box 957, Peoria, IL 61653. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.*

MC 111375 (Sub-115TA), filed August 10, 1979. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Elaine Conway, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Washers and gaskets, iron and steel, from Milwaukee, WI and its commercial zone to Portland, OR and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wrought Washer, 2100 S. Bay, Milwaukee, WI 53207. Send*

protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 112304 (Sub-209TA), filed August 16, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). *Iron and steel articles* from the facilities of Republic Steel Corp., at or near Gadsden, AL, to points in IL, IN, KY, MO, NY, OH, PA, TN, VA, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Republic Steel Corp., 174 So. 26th St., Gadsden, AL 35901. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 113855 (Sub-495TA), filed August 3, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, Southeast, Rochester, MN 55901. Representative: Thomas J. Van Osdal, 502 First National Bank Building, Fargo, ND 58126. *Such commodities as are dealt in or used by manufacturers and distributors of agricultural equipment and industrial equipment, except commodities in bulk*, from Mitchell, SD to points in IA, ND, NE, CO, UT, MT, WA, OR, WY, and ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owatonna Manufacturing Company, Inc., Highway 45 North, Owatonna, MN 55060. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 113855 (Sub-496TA), filed August 13, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, Southeast, Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Building, Fargo, ND 58126. (1) *Solar panels*; (2) *photovoltaic systems*; (3) *liquid storage batteries*; (4) *electrical instruments, parts and materials for (1), (2) and (3) above* from Ventura and Los Angeles Counties, CA to points in the United States, including AK but excluding HI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Arco Solar, Inc., subsidiary of Atlantic Richfield Company, 20554 Plummer Street, Chatsworth, CA 91311. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 113974 (Sub-81TA), filed August 14, 1979. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., 211 Washington Ave., Dravosburg, PA 15034. Representative: James D. Porterfield (same address as applicant).

Lumber and composition board, from Penobscot County, ME to points in CT, DE, DC, FL, GA, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Diamond International Corp., 733 Third Ave., New York, NY 10017. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 113974 (Sub-82TA), filed August 20, 1979. Applicant: PITTSBURGH AND NEW ENGLAND TRUCKING CO., 211 Washington Ave., Dravosburg, PA 15034. Representative: James D. Porterfield (same address as applicant). *Pre-cut log buildings and such commodities as are used in the construction of pre-cut log buildings* from Bangor, ME to points in CT, DE, DC, IN, KY, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Northern Products Log Homes, Inc., P.O. Box 616, Bomarc Road, Bangor, ME 04401. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 114045 (Sub-548TA), filed August 17, 1979. Applicant: TRANS-COLD EXPRESS INC., P.O. Box 61228, Dallas TX 75261. Representative: J. B. Stuart (same address as above). *Plumbing fixtures and fittings and accessory parts and supplies* from New Orleans, LA to FL and TX for 180 days. Supporting shipper(s): American Standard, Inc., P.O. Box 2003, New Brunswick, NJ 08903. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 114334 (Sub-59TA), filed August 9, 1979. Applicant: BUILDERS TRANSPORTATION CO., 3710 Tulane, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Iron and steel and iron and steel articles*, from the facilities of U.S. Steel in Gary, IN; South Chicago, Joliet and Waukegan, IL to points in AR, KY, MS, MO and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Steel Corp., 1000 East 80th Place, Merrillville, IN 46410. Send protests to: Floyd A. Johnson, 100 North Main Street—Suite 2006, Memphis, TN 38103.

MC 115654 (Sub-161TA), filed August 20, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 Thirteenth St., N.W., Washington, D.C. 20004. *Canned goods and beverage preparations*, from Newport and Tellico

Plains, TN to points in LA and MS, for 180 days. Supporting shipper(s): Stokely-Van Camp, Inc., P.O. Box 1113, Indianapolis, Ind. 46206. Send protests to: Glenda Kuss, TA, ICC, 801 Broadway, U.S. Federal Courthouse, Suite A-422, Nashville, TN 37203.

MC 116004 (Sub-58TA), filed August 16, 1979. Applicant: TEXAS OKLAHOMA EXPRESS, INC., 2222 E. Grauwylar Road, Irving, TX 75061. Representative: Doris Hughes, P.O. Box 47112, Dallas, TX 75247. Regular routes, common carrier, *General Commodities (except those of unusual value, Classes A and B Explosives, Household Goods as defined by the Commission, commodities in bulk or those requiring special equipment)* between Los Angeles, CA and its commercial zone, on the one hand, and on the other Amarillo, TX and its commercial zone, over IS Hwy 40 and U.S. Hwy 66, serving on intermediate points. Applicant intends to tack authority. Applicant intends to interline with other carriers. For 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): There are approximately 72 supporting shippers. Send protests to: Opal M. Jones, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 119765 (Sub-88TA), filed August 3, 1979. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Meats and packinghouse products* from the facilities of American Beef Packers, Inc. at Oakland, IA to points in FL, GA, NC, and VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Beef Packers, Inc., P.O. Box 518, Oakland, IA 51560. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 119864 (Sub-75TA), filed July 26, 1979. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Rd., Perrysburg, OH 43551. Representative: Brad A. James (same address as applicant). *Foodstuffs (except in bulk)* from Jacksonville, IL to points in IN, MI and OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anderson Clayton Foods Inc., P.O. Box 226155, Dallas, TX 75266. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 121664 (Sub-87TA), filed July 24, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35203. (1) *Sulfur and sulfur products*

from Atmore, AL to points in and east of ND, SD, NE, KS, OK and TX and (2) *Materials and supplies (except in bulk)*, from points in and east of ND, SD, KS, OK, and TX to Atmore, AL, for 180 days. Supporting shipper(s): Woolfolk Chemical Works, Inc., P.O. Box 5, Atmore, AL 36502. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 121664 (Sub-88TA), filed July 28, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 1st Avenue, Birmingham, AL 35203. (1) *Roofing and roofing materials*, from the facilities of the Elk Corporation at Tuscaloosa, AL, and Ennis, TX, to points in AL, AR, GA, FL, LA, MS, TN, and TX; and (2) *Materials and supplies*, except in bulk, from the points in AL, AR, GA, FL, LA, MS, TN, and TX, to the facilities of the Elk Corporation at Tuscaloosa, AL, and Ennis, TX, for 180 days. Supporting shipper(s): Elk Corporation of Alabama, P.O. Box 2450, Tuscaloosa, AL 35401. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 123255 (Sub-212TA), filed July 2, 1979. Applicant: B & L MOTOR FREIGHT, INC., 1985 Coffman Rd., Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). *Foodstuffs* from Pitman, NJ to points in IL, IN, MI, and OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Amstar Corp., P.O. Box 356, Philadelphia, PA 19105. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 123255 (Sub-213TA), filed August 6, 1979. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Rd., Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). *Insulating material* from the facilities of Owens Corning Fiberglas Corp. at or near Rotterdam, NY to points in CT, DE, MD, MA, NJ, PA, RI, VA, and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, OH 43659. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 123375 (Sub-19TA), filed July 13, 1979. Applicant: KIRK TRUCKING SERVICE, INC., 3100 Braun Ave., Westmoreland County, Murrysburg, PA 15668. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. (1) *Iron and steel articles*, from the facilities of Weirton Steel Division of National Steel Corporation at or near Weirton, WV and Steubenville, OH to

DE, MD, NY, and PA and (2) *materials equipment and supplies used in the manufacture of the commodities specified in (1) above*, from DE, MD, NY, and PA to the facilities of Weirton Steel Division of National Steel Corporation at or near Weirton, WV and Steubenville, OH, for 180 days. Supporting shipper(s): Weirton Steel Div. of National Steel Corp., Weirton, WV 26062. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 123885 (Sub-29TA), filed August 6, 1979. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road, S.W., Massillon, OH 44646. Representative: Boyd B. Ferris, 59 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors of salt and salt products*, between Massillon, OH and points in Tuscarawas County, OH, on the one hand, and, on the other, points in IL, MD, KY, MI, NJ, NY, PA, TN, VA, WV, OH, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pollack Salt Company, Division of Barmet Industries, Inc., P.O. Box 2732, Akron, OH 44301; Morton Salt, Division of Morton-Norwich Products, Inc., 110 North Wacker Dr., Chicago, IL 60606. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St. Rm. 620, Phila., PA 19106.

MC 123805 (Sub-15TA), filed July 16, 1979. Applicant: LOMAX TRUCKING SERVICE, INC., R.R. 1, Hannibal, MO 63401. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102. *Petroleum coke, in bulk in dump vehicles*, from Hartford, IL to Clarksville, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dundee Cement Company, P.O. Box 67, Clarksville, MO 63336. Send protests to: Vernon V. Coble, D/S, ICC, Room 600, Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 124025 (Sub-15TA), filed August 28, 1979. Applicant: GLASS TRUCKING CO., P.O. Box 276, Newkirk, OK 74647. Representative: C. L. Phillips, Rm. 248—Classen Terrace Bldg., Oklahoma City, OK 73106. *Contract carrier: Irregular route: Flour*, in bulk, from Blackwell, OK, to Joplin, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Multifoods Corp., 1200 Multifoods Bldg., Minneapolis, MN 55402. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W., 3rd, Oklahoma City, OK 73102.

MC 124154 (Sub-81TA), filed August 6, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F.

Panebianco, P.O. Box 1200, Tallahassee, FL 32302. *Agricultural machinery and equipment and component parts, and materials, used in the manufacturing of agricultural machinery and equipment (except commodities in bulk)*, between Lilliston Corporation plant sites in Crisp and Lee Counties, GA, or the one hand, and, on the other, points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lilliston Corporation, P.O. Box 3930, Albany, GA 31706. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124154 (Sub-84TA), filed August 21, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. *Iron and steel pipe, parts, materials and supplies used in the fabrication of iron and steel pipe (except commodities in bulk)*, between the facilities of E. I. duPont de Nemours & Co., Inc. at or near Albany, GA and Tallahassee, FL, on the one hand, and, on the other, points in AL, DE, FL, GA, KY, LA, MS, NJ, NC, PA, SC, TN, TX, and VA, for 180 days. Supporting shipper(s): E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, DE 19898. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124154 (Sub-85TA), filed August 8, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. *Trailer axles, running gear assemblies, and component parts and materials used in the manufacture of trailer axles and running gear assemblies (except commodities in bulk)*, between Turner County, GA, on the one hand, and, on the other, points in AR, IN, MO, OH, OK, VA, TX, and KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Foreman Geneva, P.O. Box 580, Ashburn, GA 31714. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124774 (Sub-119TA), filed July 31, 1979. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, Nebraska 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Electrical transformers, parts and accessories*, from the facilities of Saban Electric Corp. at Warner, NH to points in IL, IN, MI, MO, OH and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Saban Electric

Corp., Mill Street, Warner, NH 03278. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 124835 (Sub-16TA), filed August 24, 1979. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant). *Chemicals, liquid and dry, in bulk*, in tank vehicles from, Cartersville, GA to all points in the United States in and east of ND, SD, NE, KS, OK, and TX for 180 days. Supporting shipper(s): Chemical Products Corp., 48 Atlanta Road, Cartersville, GA 30120. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Federal Courthouse, 801 Broadway, Nashville, TN 37203.

MC 125335 (Sub-78TA), filed August 6, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Confectionary* from the facilities of M & M Mars Co., at or near Chicago, IL to points in PA, DE, MD, DC, NJ, NY, MA, CT, RI, VA, TN, NC, SC, GA, AL, FL, MS, WI, MN, ND, SD, IA and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): M & M Mars Co., High St., Hackettstown, NJ 07840. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 125335 (Sub-80TA), filed August 13, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Candy and confectionary* from the facilities of M & M Mars Co. at or near Elizabeth and Hackettstown, NJ and Elizabethtown, PA to points in AL, FL, GA, MS, NC, SC, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): M & M Mars, Div. of Mars, Inc., High St., Hackettstown, NJ 07840. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 125335 (Sub-79TA), filed August 13, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Candy and confectionary* from the facilities of M & M Mars Company at or near Waco, TX to points in, PA, DE, MD, DC, NJ, NY, MA, CT, RI, VA, TN, NC, SC, GA, AL, FL, ME, IA, IL, WI, MN, ND, and SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): M & M Mars, Div. of Mars, Inc., High St., Hackettstown, NJ 07840. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 127705 (Sub-93TA), filed August 7, 1979. Applicant: KREVEDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. *Glass containers and fibreboard boxes*, from warehouse facilities of Owens-Illinois, Inc. at Hartford City and Muncie, IN to Kentucky, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666. Send protests to: Beverly J. Williams, Transportation Assistant, ICC 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 129784 (Sub-13TA), filed August 16, 1979. Applicant: DAVISON TRANSPORT, INC., P.O. Drawer 846, Ruston, LA 71270. Representative: Tom E. Moore (same address as applicant). *Petroleum and petroleum products (except gasoline) in bulk*, in tank vehicles from Shreveport, LA to points in AR, and TX, for 180 days. Supporting shipper(s): Atlas Processing Company, 3333 Midway St., Shreveport, LA 71103. Send protests to: Robert J. Kirspe, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 133655 (Sub-178TA), filed August 6, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Neil A. Dujardin, P.O. Box 2298 Green Bay, WI 54306. *Paper and paper products, and equipment, materials, and supplies used in the manufacture and distribution of paper and paper products (except commodities in bulk)*, between the facilities of Container Corporation of America at Fort Worth, TX, on the one hand, and, on the other, Roswell, Hobbs, and Las Cruces, NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Container Corporation of America, P.O. Box 1441, Fort Worth, TX 76101. Send protests to: Martha A. Powell, TCS, I.C.C., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 133655 (Sub-179TA), filed August 13, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Neil A. Dujardin, P.O. Box 2298, Green Bay, WI 54306. *Paper and paper products, and equipment, materials, and supplies used in the manufacture and distribution of paper and paper products (except commodities in bulk)*, between the facilities of Container Corp. of America at or near Dallas and Fort Worth, TX, on the one hand, and, on the other, points in AR, IL, IN (except Terre Haute), KS, LA (except New Orleans, Alexandria, and Colfax), MD, MA, MI, MS (except Greenville), MO, OH, OK, PA (except

Wescosville), RI, NE, NJ, NY, and WI, for 180 days. Supporting shipper(s): Container Corporation of America, P.O. Box 1441, Ft. Worth, TX 76101. Send protests to: Martha A. Powell, TCS, I.C.C., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 133805 (Sub-32TA), filed August 8, 1979. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, 5001 Brentwood Stair Rd., Suite 115, Fort Worth, TX 76112. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 & 766 (except hides, skins and commodities in bulk)*, from the facilities used by John Morrell & Co. at or near Amarillo, El Paso, and Lubbock, TX, to points in AL, FL, GA, IL, KY, LA, MI, NH, NJ, NY, NC, OH, SC, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Martha A. Powell, TCS, I.C.C., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 134134 (Sub-49TA), filed August 20, 1979. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: J. F. Crosby, P.O. Box 37205, I-80 & Highway 50, Omaha, NE 68137. *Foodstuffs* from the facilities of Borden Foods, Division of Borden, Inc. at Wellsboro, PA and Syracuse, NY to points in OH, MI, IN, KY, WI, IL, MN, IA, MO, SD, NE, KS and CO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Borden Foods, Division of Borden, Inc., 180 E. Broad St., Columbus, OH 43215. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 145515 (Sub-4TA) filed July 25, 1979. Applicant: GREENE'S CARTAGE CO., INC., 1934 Avalon Avenue, Muscle Shoals, AL 35660. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, NE., Atlanta, GA 30309. *Paper and paper products*, from the facilities of the Weyerhaeuser Company in Florence, AL to TN, KY, MS, LA, AR, GA, OH, MI, IN, and IL and *Materials, equipment and supplies used to manufacture and distribute paper and paper products*, from IL, IN, GA, LA, TN, KY, MI, MS, OH and AR to the facilities of the Weyerhaeuser Company in Florence, AL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Company, 1547 Helton Drive, Florence, AL 35630. Send protests

to: Mabel E. Holston, T/A. ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 146434 (Sub-1TA), filed March 2, 1979. Applicant: GENE HICKS, 240 Ridgecrest Drive, Madisonville, TN 37354. Representative: Richard L. Hollow, P.O. Box 550, Knoxville, TN 37901. *Contract carrier: irregular routes: Lumber and lumber mill products* from Madisonville, TN to points in KY, NC, GA, AL, IN, and OH, for 180 days. Supporting shipper(s): Melvin Sheets Lumber Company, Madisonville, TN. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 147495 (Sub-2TA), filed August 1, 1979. Applicant: PRESTWOOD TRUCKING & LEASING, INC., P.O. Box 789, Hartsville, SC 29550. Representative: Peter A. Greene, 900 17th Street, N.W., Washington, DC 20006. (1) *Prefabricated metal buildings* from the facilities of Auburn Limited, Inc., Hartsville, SC to points in AL, FL, GA, LA, MS, NC, SC and VA; and (2) *materials and supplies used in the manufacture of prefabricated metal buildings* from points in AL, FL, GA, LA, MS, NC, SC and VA to the facilities of Auburn Limited, Inc., Hartsville, SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Auburn Limited, Inc., P.O. Box 1258, Hartsville, SC 29550. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Building, 1400 Pickens St., Columbia, SC 29201.

MC 70557 (Sub-15TA), filed June 12, 1979. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, IL 60639. Representative: Carl L. Steiner, 39 South LaSalle, Chicago, IL 60603. *Paper and paper products (except in bulk) and products (except in bulk) produced or distributed by manufacturers and converters of paper products* from the plant site and facilities used by Nekoosa Paper, Inc. in Little River County, AR to points in FL, GA, KY, LA, MS, NC, OK, SC, TN, and TX for 180 days. Supporting shipper(s): Nekoosa Papers Inc., 100 Wisconsin River Drive, Port Edwards, WI 54469. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 144622 (Sub-76TA), filed June 12, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: John Duncan Varda, 121 South Pinckney St., Madison, WI 53703. *Paper and paper products (except in bulk), and products (except in bulk) produced or distributed by manufacturers and converters of paper and paper products*, from the

facilities of Nekoosa Papers, Inc. in Little River County, AR, to points in AZ, CA, CO, FL, ID, IL, IN, MO, OH, OR, TX and WA, for 180 days. Supporting shipper(s): Nekoosa Papers, Inc., 100 Wisconsin River Dr., Port Edwards, WI 54469. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 144858 (Sub-13TA), filed June 12, 1979. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: John Duncan Varda, 121 S. Pinckney St., Madison, WI 53703. *Paper and paper products (except in bulk), and products (except in bulk) produced or distributed by manufacturers and converters of paper and paper products*, from the plantsite and facilities used by Nekoosa Papers, Inc., in Little River County, AR, to AL, AZ, CA, CT, IL, IN, IA, MD, MI, MO, NJ, NY, OH, OR, PA, RI, WA and WI, for 180 days. Supporting shipper(s): Nekoosa Papers, Inc., 100 Wisconsin River Dr., Port Edwards, WI 54469. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 146890 (Sub-9TA), filed June 13, 1979. Applicant: C & E TRANSPORT, d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: John Duncan Varda, 121 S. Pinckney St., Madison, WI 53703. *Paper and paper products (except in bulk), and products (except in bulk) produced or distributed by manufacturers and converters of papers and paper products* from the plant site and facilities used by Nekoosa Papers, Inc. in Little River County, AR, to points in CT, IL, IN, KY, MA, MD, MI, NJ, NY, OH, PA, and RI, for 180 days. Supporting shipper(s): Nekoosa Papers, Inc., 100 Wisconsin River Dr., Port Edwards, WI 54469. Send protests to: D/S, I.C.C., 101 N. 7th St., Philadelphia, PA 19106.

MC 133655 (Sub-140TA), filed January 9, 1979, and published in Federal Register issue of March 5, 1979, and republished as corrected this issue. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79101. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Such commodities as are dealt in, or used by, manufacturers and distributors of gum removing compound, between East Butler, PA; St. Louis, MO; and Los Angeles, CA on the one hand, and, on the other, points in the United States, for 180 days. Supporting shipper(s): Penreco, Inc., Gumout Div. Pennzoil, P.O. Box 671, Butler, PA 16001. Send protests to: Martha Powell, TA, ICC, 9A27 Fritz Garland Lanham Federal

Building, 819 Taylor Street, Fort Worth, TX 76102. The purpose of the republication is to correct the word from, which should read between.

MC 142715 (Sub-52TA), filed May 11, 1979, and published in Federal Register issue of June 7, 1979, and republished as corrected this issue. Applicant: LENERTZ, INC., P.O. Box 141, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). *Foodstuffs, candy and confectionery (except commodities in bulk)*, from Hershey, PA to points in IA, IL, IN, KS, MO, MN, MI, NE, ND, SD and WI, restricted to traffic originating at the facilities of Hershey Foods Corporation and its subsidiaries and destined to the named states, for 180 days. Supporting shipper(s): Hershey Food Corporation, 19 East Chocolate Avenue, Hershey, PA 17033. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, South 4th Street, Minneapolis, MN 55401. The purpose of this republication is to add candy to the commodities description, which was omitted.

[Notice No. 164]

September 6, 1979.

MC 1759 (Sub-39TA), filed August 20, 1979. Applicant: FROELICH TRANSPORTATION COMPANY, INC., Federal Road, Danbury, CT 06810. Representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. *Meats and packinghouse products* from Bedford and Manchester, NH to Springfield, MA and points in CT, limited at Bedford, NH to the facilities of M. M. Mades Company, Inc. and limited at Manchester, NH to the facilities of W. F. Schonland Sons, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): M. M. Mades Company, Inc., P.O. Box 4997, Manchester, NH 03108; W. F. Schonland Sons, Inc., 20 Blaine Street, Manchester, NH 03102. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Hartford, CT 06103.

MC 2229 (Sub-217TA), filed August 3, 1979. Applicant: RED BALL MOTOR FREIGHT, INC., P.O. Box 47407, Dallas, TX 75247. Representative: Jackie Hill (address same as above). *Common carrier, regular routes, general commodities (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between Memphis, TN and points within its commercial zone, on the one hand, and, on the other, Greenville, MS and points within its commercial zone: from Memphis over U.S. Highway 61 to junction with U.S. Hwy 82, then over

U.S. Hwy 62 to Greenville, and return over the same route. Restriction: Restricted against the transportation of traffic originating at Memphis, TN and points within its commercial zone, destined to Greenville, MS and points within its commercial zone. Also restricted against the transportation of traffic originating at Greenville, MS and points within its commercial zone, destined to Memphis, TN and points within its commercial zone. For 180 days. Applicant intends to tack its authority and intends to interline with other carriers. Underlying ETA for 90 days sought. Supporting shipper(s): There are twelve (12) supporting shippers. Send protests to: Opal M. Jones, TCS, Interstate Commerce Commission, 9A27 Federal Building, 819 Taylor St., Ft. Worth, TX 76102.

MC 2229 (Sub-218TA), filed August 3, 1979. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247. Representative: Jackie Hill, (same address as applicant). *Common carrier, regular routes, general commodities (except Classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between Albuquerque, NM and El Paso, TX: from Albuquerque over IS Hwy 25 (also U.S. Hwy 85) to junction IS Hwy 10, then over IS Hwy 10 to El Paso, and return over the same route, serving no intermediate points; for 180 days. Applicant seeks to tack authority with that issued in MC 2229 and subs thereto and to interline. Common control may be involved. Corresponding ETA for 90 days filed. Supporting shipper(s): There are 73 supporting shippers. Send protests to: Opal M. Jones, TCS, I.C.C., 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 2229 (Sub-219TA), filed August 8, 1979. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247. Representative: Jackie Hill (same address as above). *Concrete roofing* from Shawnee, OK to points in the U.S. (except AK and HI) for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): National Tile Industries, Inc., 706 West Independence, Shawnee, OK 74801. Send protests to: Opal M. Jones, TCS, I.C.C., 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 24379 (Sub-52TA), filed July 30, 1979. Applicant: LONG TRANSPORTATION COMPANY, 14650 West Eight Mile Road, Oak Park, MI 48237. Representative: Donald G. Hichman, 14650 West Eight Mile Road, Oak Park, MI 48237. *Aluminum and zinc*

ingots, from Maple Heights, OH to points in IL within an area bounded on the south by Interstate Hwy 80 and on the west by U.S. Hwy 51, including points and places on said highways. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Aluminum Smelting & Refining Co., Inc., Certified Alloys Company, 5463 Dunham Road, Maple Heights, OH 44137. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 52579 (Sub-188TA), filed August 8, 1979. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, NJ 07094. Representative: Herbert Burstein, Esq., One World Trade Center, Suite 2373, New York, NY 10046. Mixed loads of wearing apparel on hangers and in cartons along with such other merchandise and supplies as are dealt in by department stores between points in the states of CA, OR and WA for 180 days. Supporting shipper(s): Montgomery Ward, 3600 Rosemead Blvd., Rosemead, CA 91770. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 52709 (Sub-369TA), filed August 2, 1979. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). *Explosives, classes A and B, and materials, equipment and supplies for the distribution and use of explosives* from Sweetgrass, MT to all points in and west of MN, IA, MO, AR, and LA, for 180 days. Restricted to shipments originating at Sweetgrass, MT for Explosives Sales Corp. An underlying ETA seek 90 days authority. Supporting shipper(s): Explosives Sales Corp., 410 17th St., Suite 450, Denver, CO 80202. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 52979 (Sub-22TA), filed July 27, 1979. Applicant: HUNT TRUCK LINES, INC., West High Street, Rockwell City, IA 50579. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Cylinders, manifolds and cranes, and components thereof, from Pocahontas, IA to points in IN, KY, KS, OH, PA, SD, and TN for 180 days. An underlying ETA seek 90 days authority. Supporting shipper(s): Iowa Industrial Hydraulics, Inc., Industrial Park Rd., Pocahontas, IA 50574. Send protests to: Herbert W. Allen, D/S, ICC, 518 Federal Bldg., Des Moines, IA 50309.*

MC 55889 (Sub-53TA), filed July 30, 1979. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 6827, Dothan, AL 36302. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin

Avenue, Washington, DC 20014. Common, Regular: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Greer, SC and Atlanta, GA: From Greer over SC Hwy 14 to Interstate Hwy 85, then over Interstate Hwy 85 to Atlanta, and return over the same routes, serving no intermediate points, but serving all points in the commercial zones of Greer and Atlanta, for 180 days. An underlying ETA seek 90 days authority. Supporting shipper(s): There are approximately 75 statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, DC or in the Birmingham, AL field office. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2122 Building, Birmingham, AL 35203.

Note.—Applicant intends to tack the authority here applied for at Greer, SC, and Atlanta, GA, with its existing regular route authority.

MC 56679 (Sub-133TA), filed July 26, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave. SW, Atlanta, GA 30310. Representative: David L. Capps, (same address as applicant). *Poultry machinery and equipment* between Russellville, KY, Charleston, SC and Savannah, GA for 180 days. An underlying ETA seek 90 days authority. Supporting shipper(s): U.S.I. Agri Business, P.O. 888347, Atlanta, GA. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm 300, Atlanta, GA 30309.

MC 56799 (Sub-6TA), filed August 7, 1979. Applicant: CLAXON TRUCK LINE, INC., P.O. Box 678, Frankfort, KY 40602. Representative: George M. Catlett, Atty., Suite 708 McClure Bldg., Frankfort, KY 40601. *General Commodities* (with the usual exceptions), between Louisville, KY, and Cincinnati, OH; from Louisville, KY, over Interstate Highway 71 to Cincinnati, OH, and return over the same route, serving no intermediate points as an alternate route for operating convenience only, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): W. D. Parker, president, Claxon Truck Line, Inc., P.O. Box 678, Frankfort, KY 40602. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 58549 (Sub-33TA), filed July 31, 1979. Applicant: GENERAL MOTOR LINES, INC., 1634 Granby St., NE, P.O. B. 13727, Roanoke, VA 24034. Representative: Jerry D. Beard (same address as applicant). *Common carrier, irregular routes, general commodities*

(except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the commission, and those requiring the use of special equipment), (1) between the junction of Interstate Hwy 81 and VA Hwy 100 and the NC-SC State line, from the junction of Interstate Hwy 81 and VA Hwy 100 over Interstate Hwy 81 to junction Interstate Hwy 77, then over Interstate Hwy 77 to the NC-SC State line, and return over the same route, (2) between Martinsville, VA and Charlotte, NC, from Martinsville over U.S. Hwy 58 to Junction U.S. Hwy 29 at Danville, VA, then over U.S. Hwy 29 to Charlotte, NC, and return over the same route, (3) between the junction of U.S. Hwy 220 and NC Hwy 770 and Asheville, NC, over U.S. Hwy 220, (4) between the junction of U.S. Hwys 601 and 52 and Lexington, NC, over U.S. Hwy 52, (5) between the junction of U.S. Hwys 220 and 311 near Madison, NC and the junction of U.S. Hwys 311 and 220 near Randleman, NC, over U.S. Hwy 311, (6) between the junction of U.S. Hwy 220 and NC Hwy 68 and Thomasville, NC, over NC Hwy 68, (7) between Greensboro, NC and Hickory, NC, over Interstate Hwy 40, (8) between Greensboro, NC and the NC-SC State line, over Interstate Hwy 85, (9) between the junction of U.S. Hwy 601 and NC Hwy 268 and Salisbury, NC, over U.S. Hwy 601, (10) between the TN-NC State line and Winston-Salem, NC, over U.S. Hwy 421, (11) between West Jefferson, NC and the junction of U.S. Hwys 221 and 421, over U.S. Hwy 221, (12) between Boone, NC and the NC-SC State line, over U.S. Hwy 321, (13) between Statesville, NC and Asheville, NC, over U.S. Hwy 64, (14) between the junction of U.S. Hwys 221 and 21 and Charlotte, NC, over U.S. Hwy 21, (15) between Reidsville, NC and Winston-Salem, NC, over U.S. Hwy 158, (16) between Ridgeway, VA and Reidsville, NC, from Ridgeway over VA Hwy 87 to the VA-NC State line, then over NC Hwy 87 to junction NC Hwy 14, then over NC Hwy 14 to Reidsville, and return over the same route, (17) between the junction of NC Hwys 89 and 66 and the junction of NC Hwy 66 and U.S. Hwy 311 near High Point, NC, over NC Hwy 66, (18) between the junction of U.S. Hwy 58 and VA Hwy 93 near Mouth of Wilson, VA and Charlotte, NC, from the junction of U.S. Hwy 58 and VA Hwy 93 over VA Hwy 93 to the VA-NC State line, then over NC Hwy 93 to junction NC Hwy 113, then over NC Hwy 113 to junction NC Hwy 18, then over NC Hwy 18 to junction NC Hwy 16, then over NC Hwy 16 to Charlotte, and return over the same route, (19) between

Salisbury, NC and Statesville, NC, over U.S. Hwy 70, (20) between Baldwin, NC and Boone, NC, over NC Hwy 194, and (21) between Asheville, NC and Charlotte, NC, over NC Hwy 49, serving all intermediate points and their commercial zones on Routes (1) through (21) above, and serving points in Watauga, Wilkes, Yadkin, Forsyth, Guilford, Randolph, Davidson, Davie, Iredell, Rowan, Cabarrus, Mecklenburg, Gaston, Rockingham, Caswell, Caldwell, Alexander, Catawba, and Lincoln Counties, NC, as off-route points in connection with carrier's operations over Routes (1) through (21) above, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 22 supporting shippers' statements attached to this application that may be examined at the ICC office in Washington, DC or the Regional office shown below. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 61619 (Sub-14TA), filed July 27, 1979. Applicant: L & H TRUCKING CO., INC., Rd 3, Spring Grove, PA 17362. Representative: John E. Fullerton, 407 N. Front, Harrisburg, PA 17101. *Contract; irregular; Paper and paper products* from the facilities of Bergstrom Div. of P. H. Glatfelter Co. at W. Carrollton, OH to Binghamton, NY; Bloomsburg, Scranton, York, Manchester and Spring Grove, PA under a continuing contract with P. H. Glatfelter Co. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): P. H. Glatfelter Co., 228 So. Main St., Spring Grove, PA 17362. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 72069 (Sub-24TA), filed August 2, 1979. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 1030—15th St., NW., Washington, DC 20005. *Frozen bakery products, and materials, equipment, and supplies used in the manufacture and distribution of frozen bakery products, between Saugatuck and Holland, MI, on the one hand, and, on the other, points in MA, CT, RI, NY, NJ, PA, DE, MD, VA, NC, SC, GA, FL and DC, for 180 days. Supporting shipper(s): Jack Grilley, Transp. Mgr., Lloyd J. Harris Pie Co., 350 Culver Street, Saugatuck, MI 49453. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.*

MC 108859 (Sub-75TA), filed July 26, 1979. Applicant: CLAIRMONT TRANSFER CO., 1803 Seventh Avenue, North, Escanaba, MI 49829. Representative: Elmer J. Wery, P.O. Box 3548, 2666 Gross Avenue, Green Bay, WI 54303. *Lawn, garden and snow removal*

equipment, and (b) materials, equipment and supplies used in the manufacture of lawn, garden & snow removal equipment (except commodities in bulk) and those commodities which because of size and weight require the use of special equipment; between the facilities of Ariens Co., Inc. at or near Brillion, Calumet County, WI on the one hand, and, on the other, points in IL (on and north of U.S. Hwy 36) IN, MI and OH. For 180 days. Supporting shipper(s): Ariens Co., Inc., Brillion, WI 54110. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 114569 (Sub-335TA), filed July 23, 1979. Applicant: SHAFFER TRUCKING INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins, (same address as applicant). *Foodstuffs (except in bulk)*, from New York City, NJ; Jersey City, NJ and Phila., PA and their commercial zones to pts. in IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s) Atalanta Corp., 17 Varick St., New York City, NY 10013. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 114569 (Sub-336 TA), filed July 27, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same as address applicant). *Meats, meat products, meat by-products, articles distributed by meat packinghouses (except hides and commodities in bulk), and materials and supplies used by meat packers in the conduct of their business (except commodities in bulk) as described in Sections A, C, and D of appendix to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, between the facilities of Lauridsen Foods, Inc., at or near Britt, IA and the facilities of Armour and Co., at Mason City, IA on the one hand, and, on the other, points in the U.S. (except AK, AR, HI, LA, MI, MS, MN, and WI). Restricted to transportation of shipments originating at or destined to the facilities of Lauridsen Foods, Inc., at or near Britt, IA and the facilities of Armour and Co., at or near Mason City, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour and Co., Greyhound Tower, Phoenix, AZ 85077. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 114569 (Sub-337TA), filed July 30, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). *Pancake dry flour mix* from St. Charles, IL to Champaign, IL; St. Louis and Kansas

City, MO; Detroit, MI; Cleveland and Dayton, OH; Houston, San Antonio, and Dallas, TX; Indianapolis, IN; Omaha, NE; and Denver, CO., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International House of Pancakes, Inc., 6837 Lankershim Blvd., N. Hollywood, CA 91605. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 117119 (Sub-765TA), filed August 1, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Such merchandise as is dealt in by retail grocery stores and supermarkets (except foodstuffs and commodities in bulk) from the facilities of Contexx Corporation at Burlington, NC, to the facilities of Safeway Stores, Inc. at Los Angeles, San Francisco, Sacramento, and San Diego, CA; Portland, OR; Seattle and Spokane, WA; Butte, MT; Denver, CO; Omaha, NE; Salt Lake City, UT; Dallas, Houston, and EL Paso, TX; Kansas City, MO; Little Rock, AR; Tulsa and Oklahoma City, OK; and Phoenix, AZ for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Contexx Corporation, P.O. Box 2748, Burlington, NC 27215. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.*

MC 117119 (Sub-766TA), filed August 6, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Desks, credenza, chairs, and file cabinets from points in Los Angeles County, CA (Torrance, Bell Gardens, Vernon) and Arvin, CA to the facilities of Southworth, Inc. at Boise, Pocatello and Twin Falls, ID and Spokane, WA, for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Southworth, Inc., 5200 Fairview Avenue, Boise, ID 83704. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.*

MC 117639 (Sub-19TA), filed August 2, 1979. Applicant: PICK'S PACK HAULER, INC., 1214 East South Street, Hastings, Nebraska 68901. Representative: Lavern R. Holdeman, Peterson, Bowman & Johannis, 521 S. 14th Street, Lincoln, Nebraska 68501. Contract carrier, irregular routes: (1) *Building brick, fire brick, building tiles, and concrete blocks;* (2) *Materials and accessories used in the installation of the commodities listed in (1) above (except in bulk) between points in the states of AR, KS, LA, MS, MO, OK and*

TX under contract with Acme Brick Company, a division of Justin Industries, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Acme Brick Company, a division of Justin Industries, Inc., P.O. Box 425, 2821 West 7th St., Fort Worth, TX 76107. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 118159 (Sub-353TA), filed July 30, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Neil A. Dujardin, P.O. Box 2298, Green Bay, WI 54306. *Such commodities as are dealt in or used by wholesale and retail distributors of chemicals, from Syracuse, NY, Groton, CT, Adams and Everett, MA, Searsport, ME, Bethlehem, Allentown, Philadelphia, and Pittsburgh, PA, Wilmington, DE, and points in NJ north of NJ Hwy 33, to the facilities of Moreland McKesson Chemical Company, at or near Richmond, VA, Greenville, Greensboro, and Charlotte, NC, Spartanburg, SC, Augusta and Atlanta, GA, Jacksonville and Tampa, FL, Birmingham and Mobile, AL, and Nashville, Chattanooga, Knoxville, and Kingsport, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Moreland McKesson Chemical Co., Drawer 2169, Spartanburg, SC 29304. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 118159 (Sub-354TA), filed August 6, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Neil A. Dujardin, P.O. Box 2298, Green Bay, WI 54306. *Garage doors and parts and accessories used in the manufacture and distribution of garage doors, between the facilities of Clopay Corporation at or near Ada, OK, on the one hand, and, on the other, Ludlow, VT, Russia, OH, Orlando and Hialeah, FL, Cerritos, CA, and points in AL, AR, CO, IL, IA, KS, LA, MS, MO, NE, NM, OK, TN, & TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clopay Corporation, 2300 B Street, Ada, OK 74820. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 118159 (Sub-355TA), filed August 8, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Neil A. Dujardin, P.O. Box 2298, Green Bay, WI 54306. *Such commodities as are dealt in or used by wholesale and retail distributors of chemicals, from Houston,*

Bay City, Freeport, Texas City, Alvin, Dickinson, Sugar Land, Orange, and Port Arthur, TX, Westlake, Lake Charles, Baton Rouge, Plaquemine, Geismar, Gonzales, Bogalusa, Houma, and New Orleans, LA, and Hattiesburg, MS, to the facilities of Moreland McKesson Chemical Company, at or near Richmond, VA, Greenville, Greensboro, and Charlotte, NC, Spartanburg, SC, Augusta and Atlanta, GA, Jacksonville and Tampa, FL, Birmingham and Mobile, AL, and Nashville, Chattanooga, Knoxville, and Kingsport, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Moreland McKesson Chemical Co., Drawer 2169, Spartanburg, SC 29304. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 118159 (Sub-356TA), filed August 15, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Neil A. Dujardin, P.O. Box 2298, Green Bay, WI 54306. *Such commodities as are dealt in or used by wholesale and retail distributors of chemicals, from Akron, Cincinnati, Cleveland, Dover, Lockland, and Lima, OH, Detroit, Ludington, Midland, Manistee, and Kalamazoo, MI, Charleston, Belle, Nitro, Gallipolis, Ferry, Waverly, Sistersville, and Natrium, WV, Chicago, Joliet, and E. St. Louis, IL, St. Louis, MO, and Watertown, Rothschild, and Appleton, WI, to the facilities of Moreland McKesson Chemical Company at or near Richmond, VA, Greenville, Greensboro, and Charlotte, NC, Spartanburg, SC, Augusta and Atlanta, GA, Jacksonville and Tampa, FL, Birmingham, and Mobile, AL, and Nashville, Chattanooga, Knoxville, and Kingsport, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Moreland McKesson Chemical Co., Drawer 2169, Spartanburg, SC 29304. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 118159 (Sub-357TA), filed August 20, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Neil A. Dujardin, P.O. Box 2298, Green Bay, WI 54306. *Such commodities as are dealt in or used by wholesale and retail distributors of chemicals, from the facilities of McKesson Chemical Company, at Dallas and Ft. Worth, TX, to Tulsa and Oklahoma City, OK, Little Rock, AR, Memphis, TN, Monroe, Baton Rouge, and New Orleans, LA, for 180 days. An underlying ETA seeks 90 days*

authority. Supporting shipper(s): McKesson Chemical Company, 3525 N. Causeway Blvd., Metairie, LA 70002. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 118159 (Sub-358TA), filed August 6, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Neil A. Dujardin, P.O. Box 2298, Green Bay, WI 54306. *Such commodities as are dealt in by home improvement stores, from the facilities of Artesian Industries, Inc., at Mansfield and Shelby, OH, to points in AR, CA, CO, FL, GA, KS, KY, LA, MS, MO, NC, OK, SC, TN, TX, & VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Artesian Industries, Inc., 201 E. 5th Street, Mansfield, OH 44901. Send protests to: Connie Stanley, ICC, 215 N.W. 3rd, Rm. 240, Oklahoma City, OK 73102.*

MC 118959 (Sub-238TA), filed August 3, 1979. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *Containers and container ends, from Marion and LaPorte, IN and Chicago, IL to MO and KY, restricted to traffic originating at the facilities of National Can Corporation, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Can Corporation, 8101 W. Higgins Rd., Chicago, IL 60631. Send protests to: P. E. Binder, TS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.*

MC 118959 (Sub-239TA), filed August 3, 1979. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Marc J. Blumenthal, 39 S. LaSalle St., Chicago, IL 60603. *Wood fiberboard and accessories, materials and supplies used in the manufacture, installation or distribution of fiberboard, fiberboard faced or finished with decorative or protective materials, wood fiberboard and wood fiberboard products, from points in TX, KY, PA, WI, LA, GA and NC to the facilities of Masonite Corporation at or near Laurel, MS. Restricted to the transportation of traffic destined to the named destination, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Masonite Corporation, P.O. Box 1048, Laurel, MS 39440. Send protests to: P. E. Binder, TS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.*

MC 118989 (Sub-227TA), filed August 7, 1979. Applicant: CONTAINER TRANSIT, INC., 5223 S. 9th St.,

Milwaukee, WI 53221. Representative: Rolland K. Draves (same address as applicant). *Glass containers, from Dolton, IL to points in WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Metropak Containers Corp., 1099 Wall St. W., Lyndhurst, NJ 07071. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.*

MC 119099 (Sub-28TA), filed August 8, 1979. Applicant: BJORKLUND TRUCKING, INC., First Avenue Northeast & 8th Street, Buffalo, MN 55313. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. (1) *Treated lumber from the facilities of Timber Wholesalers at or near Willmar, MN to points in MT, ND, SD, NE, IA and WI; and (2) Lumber from Hulett and Osage, WY and Spearfish, SD to the facilities of Timber Wholesalers at or near Willmar, MN, for 180 days. Supporting shipper(s): Timber Wholesalers, Clara City, MN 56222. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.*

MC 119789 (Sub-622TA), filed August 2, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as above). *Non-alcoholic cocktail mixes, in containers, from Long Beach, CA to AR, LA, and TX for 180 days. Underlying ETA seeks 90 days filed. Supporting shipper(s): Glazer's Wholesale Drug, P.O. Box 1768, Dallas, TX 75221. Send protests to: Opal M. Jones, TCS, Interstate Commerce Commission, 9A27 Federal Building, 819 Taylor St., Ft. Worth, TX 76102.*

MC 121489 (Sub-17TA), filed August 8, 1979. Applicant: NEBRASKA-IOWA XPRESS, INC., 3219 Nebraska Avenue, Council Bluffs, IA 51501. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Meats, meat products and meat by-products and articles distributed by meat packinghouses as described in Descriptions in Motor Carrier Certificates Appendix I, Sections A and C of 61 M.C.C. 209 and 766 from Denver, CO and points in its commercial zone to points in IL, WI, MN, MO, IA, KS, NE, ND and SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) Flavorland Industries, Inc., 5590 High St., Denver, CO 80216; (2) Gold Star Beef Co., 4810 Newport, Commerce City, CO 80022. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.*

MC 121649 (Sub-8TA), filed August 7, 1979. Applicant: MILAN EXPRESS, INC., P.O. Box 439, Milan, TN 38358. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. *Common Carrier: regular routes; General commodities, except classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment; between Milan, Huntingdon and Nashville, TN: (1) From Milan via U.S. Hwy 70A to Huntingdon then via Tennessee Hwy 22 to junction with I40, then via I40 to Nashville, and return over the same route, serving Huntingdon as an intermediate point, (2) From Milan via U.S. Hwy 45E to junction with U.S. Hwy 45, then via U.S. Hwy 45 to junction with I40, then via I40 to Nashville, and return over the same route, serving no intermediate points, for 180 days. The applicant seeks authority to interline traffic with other carriers at Nashville, TN and to serve the commercial zones of the three named points. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 21 supporting shippers to this application. Send protests to: Floyd A. Johnson, 100 North Main St.—Suite 2006, Memphis, TN 38301.*

MC 121699 (Sub-2TA), filed July 30, 1979. Applicant: VOLUNTEER EXPRESS, INC., 1220 Faydure Court, Nashville, TN 37211. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37211. *Common carrier: regular route: general commodities, except Classes A and B explosives, household goods, commodities in bulk, and articles requiring special equipment between Nashville, TN and Bruceton and Huntingdon, TN: (1) from Nashville via Hwy 70 to Huntingdon, TN, and return over the same route serving Bruceton as an intermediate point; and (2) from Nashville via I40 to junction TN Hwy 22, then via TN Hwy 22 to Huntingdon then via U.S. Hwy 70 to Bruceton, and return over the same route, serving Huntingdon as an intermediate point, for 180 days. An underlying ETA seeks 90 days authority. Applicant proposes to interline at Nashville, TN. Supporting shipper(s): There are 26 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Glenda F. Kuss, T/A, ICC, Federal Bldg., 801 Bdwy., A422, Nashville, TN 37203.*

MC 121699 (Sub-3TA), filed August 9, 1979. Applicant: VOLUNTEER EXPRESS, INC., 1220 Faydur, Nashville, TN 37211. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. *General commodities, except*

Classes A and B explosives, household goods, commodities in bulk, and articles requiring special equipment, between Memphis, TN and Bruceton, TN (1) from Memphis via I-40 to junction TN Hwy 22, thence via TN Hwy 22 to Huntingdon, thence via Hwy 70 to Bruceton and return over the same route, serving no intermediate points, and (2) from Memphis via I-40 to junction US Hwy 45, thence via US Hwy 45 to junction US Hwy 45E, thence via US Hwy 45E to junction TN Hwy 54, thence via TN Hwy 54 to Dresden, thence via TN Hwy 22 to junction US Hwy 70, thence via US Hwy 70 to Bruceton, and return over the same route serving no intermediate points, for 180 days. Note: Applicant proposes to interline at Memphis, TN and will serve the commercial zone of Bruceton, and that part of the commercial zone of Memphis which lies in TN. An underlying ETA seeks 90 days authority. Supporting shipper(s): "There are 6 shippers. Their statements may be examined at the office listed below and headquarters." Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 124679 (Sub-103TA), filed August 9, 1979. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Daniel E. England (same address as applicant). *Foodstuffs*, from the facilities of Sun Maid Raisins at Kingsburg and Fresno, CA to points in the U.S., excluding AK and HI, for 180 days. Supporting shipper(s): Sun-Land Marketing, Inc., 3000 Sand Hill Road, Menlo Park, CA 94025. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 124839 (Sub-46TA), filed August 1, 1979. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, Savannah, GA 31408. Representative: B. M. Shirley, P.O. Box 7057, Savannah, GA 31408. *Contract carrier, irregular routes, transporting building materials and equipment, materials and supplies used in the distribution or manufacture of building materials, except commodities in bulk, between Newark, OH on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MD, MS, NC, OK, SC, TN, TX, VA, WV, and DC under continuing contract(s) with Pyronics, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pyronics, Inc., 17700 Miles Avenue, Cleveland, OH 44128. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.*

MC 125689 (Sub-6TA), filed August 8, 1979. Applicant: BEATTYVILLE TRANSPORT, INC., P.O. Box 357, Catlettsburg, KY 41129. Representative: Oakie G. Ford (same address as above). *Asphalt and asphalt products, in bulk, in tank vehicles, from the facilities of Koppers Co., Inc., at Marietta, OH, to points in WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clinton E. Appleby, Koppers Company, Inc., 850 Koppers Bldg., Pittsburgh, PA 15219. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.*

MC 128539 (Sub-14TA), filed August 9, 1979. Applicant: EAGLE TRANSPORT CORP., P.O. Box 4508, Rock Mount, NC 27801. Representative: Robert J. Corber, 1747 Pennsylvania Ave., NW, Washington, DC 20006. *Terephthalic acid, in bulk, in tote bins, or in hopper-type vehicles from Decatur, AL and points in Berkeley County, SC, to those points in the US on and east of a line beginning at the mouth of the Mississippi River to its junction with the western boundary of Itasca and Koochiching Counties, MN, to the International Boundary between the United States and Canada for 180 days. Supporting shipper(s): Amoco Chemicals Corp., 200 E. Randolph Dr., Chicago, IL. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.*

MC 128909 (Sub-19TA), filed March 7, 1979. Applicant: COMMODORE CONTRACT CARRIERS, INC., 400 West Brooklyn Avenue, Syracuse, IN 46567. Representative: Leonard A. Jaskiewicz, 1730 M Street, NW, Suite 501, Washington, DC 20036. *Contract carrier: Irregular routes: (1) Trailers designed to be drawn by passenger automobiles; buildings and sections, mounted on wheeled undercarriages with hitchball connectors; buildings in sections, and parts, appliances, furniture, and accessories, when moving in trailers, designed to be drawn by passenger automobiles and buildings and sections; and (2) damaged, defective, repurchased or repossessed trailers designed to be drawn by passenger automobiles, buildings and sections, parts, appliances, furniture and accessories and (3) wheels, axles and hitches, (1) between Syracuse, IN on the one hand, and on the other points in MO, WV, PA, IA, WI, OH, IL, MI, KY and Texarkana, TX and (2) between Texarkana, TX on the one hand, and on the other points in AR, LA, OK, NM and Syracuse, IN, for 180 days. Under contract with The Commodore Corporation at Syracuse, IN. Supporting shipper: The Commodore*

Corporation, P.O. Box 295, Syracuse, IN 46567. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429 Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 133689 (Sub-302TA), filed August 7, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Containers and lids, metal, from Baltimore, MD to Gaylord, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Independent Can Co., 1001 South Lakewood Avenue, Baltimore, MD 21224. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.*

MC 133689 (Sub-303TA), filed August 6, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Flour from New Prague, Wabasha and New Ulm, MN to points in MI, IL, IN, OH, NY, KY, and WI, for 180 days. Supporting shipper(s): International Multifoods Corporation, 1200 Multifoods Building, Minneapolis, MN 55402. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.*

MC 133959 (Sub-14TA), filed July 13, 1979. Applicant: LEWIS ALBAUGH AND MELVIN ALBAUGH, d.b.a., ALBAUGH TRUCK LINE, 123 Main Street, Elkart, IA 50073. Representative: Thomas E. Leahy, 1960 Financial Center, Des Moines, IA 50309. *Contract carrier, irregular routes. Such merchandise as is dealt in by wholesale and retail department stores, between Des Moines, IA and Charleston, WV, and from points in IN, KY, OH, PA, MI, VA, WV, to the facilities of Ardan Wholesale, Inc. in IL and IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ardan Wholesale Inc., 2320 Euclid, Des Moines, IA 50309. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg Des Moines, IA.*

MC 138469 (Sub-164TA), filed July 30, 1979. Applicant: DONCO CARRIERS, INC., 4720 W. 20th Street, Oklahoma City, OK 73128. Representative: Jack H. Blanshan, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Fresh meats and packinghouse products, (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, located at Marshall, MO, to points in KY, TN, and*

VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 138469 (Sub-165TA), filed August 1, 1979. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 200 West Touhy Ave., Suite 200, Park Ridge, IL 60068. *Alcoholic beverages, except in bulk, from points in CA, IL, KY, MI, NJ, NY, OH, & TN, to the facilities of Central Liquor Company located at Oklahoma City, OK, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Central Liquor Company, 4001 N.W. 3rd St., Oklahoma City, OK 73147. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 138469 (Sub-166TA), filed August 1, 1979. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. (1) *Commodities dealt in and sold by food business houses, (except meat and commodities in bulk); and (2) exempt commodities, when moving in mixed loads with those commodities named in part one above from, (A) CA, ME, OR, TX, UT, WA, & WI, to Oklahoma City, OK and Liberal, KS; and (B) from the facilities of Allied Supermarkets, Inc., at Oklahoma City, OK, to Liberal, KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allied Supermarkets, Inc., P.O. Box 14525, Oklahoma City, OK 73113. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 138469 (Sub-167TA), filed August 1, 1979. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. *Alcoholic beverages, except in bulk, from (1) IL, KY, MI, NJ, NY, OH, OK, & TN, to points in CA; and (2) from the facilities of Central Liquor Company at Oklahoma City, OK, to points in WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Central Liquor Company, 4001 N.W. 3rd, Oklahoma City, OK 73147. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 138469 (Sub-168TA), filed August 3, 1979. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. *Sales aids, from Phoenix, AZ, to the facilities of Shaklee Corporation, at Hayward, CA, Atlanta, GA, Chicago, IL, Dayton, NJ, and Dallas, TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destination, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shaklee Corporation, 1900 Powell St., Emeryville, CA 94608. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 142279 (Sub-5TA), filed August 10, 1979. Applicant: RAY REICH d.b.a. RAY REICH TRUCKING, Route 1, Box 133F, Forest Hill, LA 71430. Representative: Timothy Mashburn, 1806 Rio Grande, Austin, TX 78768. Applicant is seeking authority to operate as a *contract carrier over irregular routes: Forest products, lumber products and wood products, between points in Rapides Parish, LA on the one hand, and on the other, points in TN, for 180 days, under a continuing contract or contracts with Roy O. Martin Industries, Inc. of Alexandria, LA. Supporting shipper(s): Roy O. Martin Industries, Inc., P.O. Box 7798, Alexandria, LA 71306. Send protests to: Robert J. Kirspe, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.*

MC 144789 (Sub-2TA), filed August 14, 1979. Applicant: SUZANNE V. KING d.b.a. ERNIES MOBILE HOME TRANSPORT, 5779 Feather River Blvd., Marysville, CA 95901. Representative: Louis E. Hall, Jr., Ph: (916) 742-6974 (same address as applicant). *Trailers designed to be drawn by passenger automobiles and Buildings, complete or in sections mounted on wheeled undercarriages, from plant of Lancer Homes Inc., at/near Marysville, CA to points in WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lancer Homes Inc., 1401 Melody Rd., Marysville, CA 95901. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.*

MC 145499 (Sub-4TA), filed July 9, 1979. Applicant: R.M.S. INC. OF WISCONSIN, P.O. Box 249, County Trunk F, Edgerton, WI 53534. Representative: James Spiegel, 6425 Odana Rd., Madison, WI 53719. *New truck semi-trailers in driveway service from Elmhurst, IL to Madison, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s):*

Badger Utility, Inc., Route 1, Box 466-C3, Madison, WI 53704. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145579 (Sub-9TA), filed August 6, 1979. Applicant: D. IRVIN TRANSPORT LIMITED, Box 8, Station T, Calgary, AB, Canada T2H 2G7. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. *Combines from Independence, MO, to port of entry on the International Boundary line between the U.S. and Canada located at or near Sweetgrass, MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Orange Power Machinery, Ltd., Box 1929, Taber, AB, Canada T0K 2G0. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.*

MC 146049 (Sub-7TA), filed June 28, 1979. Applicant: SOLAR TRUCKING, INC., 211 8th St., Perrysburg, OH 43551. Representative: Arthur R. Cline, 420 Security Bldg., Toledo, OH 43604. *Ferrous and non-ferrous metals, including loose or baled scrap, in dump vehicles, between points in and east of MN, IA, NE, CO, and NM, on the one hand, and, on the other, points in the United States, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Aaron Ferer & Sons Co., 909 Abbott Dr., Omaha, NE. Send protests to: D/S, ICC, 101 N. 7 St., Philadelphia, PA 19106.*

MC 146409 (Sub-8TA), filed August 15, 1979. Applicant: WESTSHIP TRUCKING, INC., 3980 Quebec, Suite 113, Denver, CO 80207. Representative: Steve Simon (same address as above). *Common carrier, general commodities, excepting: Livestock, articles of unusual value, Household goods; between ports in the states of New York, Delaware, Maryland, Massachusetts, Rhode Island, Virginia, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, California, Oregon and Washington on the one hand and on the other, points and places in the states of Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Utah, West Virginia, Wisconsin, and Wyoming, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (Six supporting shippers.) Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.*

MC 146519 (Sub-6TA), filed April 25, 1979. Applicant: CALIANA MARKETING, INC., 2120 Prietom Road, Terre Haute, IN 47802.

Representative: Robert W. Loser, II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. *Dry corn products, except in bulk*, from the facilities of Illinois Cereal Mill, Inc. at or near Paris, IL to points in AR, OK, LA, and TX for 180 days. Restriction: Restricted to service performed pursuant to a continuing contract or contracts with Illinois Cereal Mill, Inc., Paris, IL. Supporting Shipper: Illinois Cereal Mill, Inc., Paris, IL. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 146639 (Sub-2TA), filed July 20, 1979. Applicant: THE LIMITED STORES, INC., One Limited Parkway, Columbus, OH 43216. Representative: Edward F. Schiff, 1333 New Hampshire Ave. NW, Washington, D.C. 20036. Contract carrier, irregular routes: *Fashion merchandise as is dealt in by retail department stores* (except commodities in bulk, in tank vehicles) from Miami, FL, Smithville, TN, and Andalusia, AL, to Woburn, MA, under continuing contract(s) with Mast Industries, a wholly owned subsidiary of The Limited Stores, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Mast Industries, Inc., 270 W. Cummings Park, Woburn, MA 01801. Send protests to: D/S, ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 146639 (Sub-3TA), filed June 25, 1979. Applicant: THE LIMITED STORES, INC., One Limited Parkway, Columbus, OH 43216. Representative: Edward F. Schiff, 1333 New Hampshire Ave. NW, Washington, D.C. 20036. Contract carrier, irregular routes: *such merchandise as is dealt in by retail department stores, and equipment, materials and supplies used in the conduct of such business (except commodities, in bulk, in tank vehicles)*, from Los Angeles, CA to Cincinnati, Columbus and Worthington, OH, under continuing contract or contracts with Gold Circle Stores, Shillitos and The Rike-Kumler Co., all divisions of Federated Department Stores, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): The Rike-Kumler Co., 2nd & Main St., Dayton, OH 45401; Shillitos, 5121 Fishwick Dr., Cincinnati, OH 45216; Gold Circle Stores, 6121 Huntley Rd., Worthington, OH 43085. Send protests to: D/S, I.C.C., 101 N. 7th St., Philadelphia, PA 19106.

MC 146719 (Sub-4TA), filed July 12, 1979. Applicant: MATERIAL DELIVERY SERVICE, INC., County Road 26, P.O. Drawer F, Alabaster, AL 35007. Representative: Charles N. Schueler,

Route 1, Box 312, Wilsonville, AL35186. *Cement, in bags and in bulk, and lime, in bags*, from the facilities of National Cement Company at Ragland, AL, to GA, IN, MS, and FL. For 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): National Cement Company, 110 Office Park Drive, Birmingham, AL 35223. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616-2121 Building, Birmingham, AL 35203.

MC 146769 (Sub-2TA), filed May 18, 1979. Applicant: STEWARD CORP. dba TRANSINTERNATIONAL SYSTEM, 800 North High St., P.O. Box 109, Worthington, OH 43085. Representative: Manuel A. Lojo, 1646 West Lane Ave., Columbus, OH 43221. *General Commodities (except commodities of unusual value, dangerous explosives, household goods as defined by the Commission, and commodities requiring special equipment)*, between Columbus, OH, on the one hand, and, on the other, point in OH for 180 days. Restricted to traffic having a prior or subsequent movement by railroad in foreign commerce. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Rockwell International, Marysville, OH 43040; Ohio Steel Tube Co., W. Main St., Shelby, OH. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147069 (Sub-4TA), filed July 5, 1979. Applicant: CAL THERMO EXPRESS, INC., 17327 Ventura Blvd., Suite 301, Encino, CA 91316. Representative: Milton R. Snelson (same address as applicant). *Commodities used in the manufacture of plastic articles (except in bulk), and plastic articles; and Chemicals and chemical compounds (except in bulk), in straight or mixed shipments*, (1) Between points in CA, on the one hand, and, on the other, points in TX, LA, OK, KS, MO, AR, and points east of the Mississippi River, and (2) Between points in TX, LA, OK, KS, AR, MO, and points east of the Mississippi River, for 180 days. Supporting shipper(s): Cal Thermoplastics, Inc., 17327 Ventura Blvd., Suite 301, Encino, CA 91316. Send protests to: Irene Carlos, T/A, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 147379 (Sub-2TA), filed June 7, 1979. Applicant: GERALD LEE WEBER, AN INDIVIDUAL d.b.a. JERRY WEBER TRUCKING, P.O. Box N, Akron, CO 80720. Representative: Nancy P. Bigbee, Jones, Meiklejohn, Kehl and Lyons, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. Contract carrier: irregular routes: *Malt beverages* from Ft. Worth, TX to Longmont, CO for 180 days. Underlying ETA seeks 90 days authority. Supporting Shipper:

Continental Beverage Corp., 1850 Lefthand Circle, Box 951, Longmont, CO 80501. Send protests to: Roger L. Buchanan, ICC, 492 U.S. Customs House, 721 19th St., Denver, CO 80202. Supporting shipper(s): Continental Beverage Corp., 1850 Lefthand Circle, Box 951, Longmont, CO. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 147409 (Sub-4TA), filed July 30, 1979. Applicant: THE SPRINGFIELD TRANSPORTATION CO., 3200 Columbiana Rd., New Springfield, OH 44443. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Hot rolled iron and steel products* from the facilities of Franklin Steel Co. at or near Franklin, PA, to points in the US except AK and HI, and use railroad rails in the reverse direction for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Franklin Steel Co., Allegheny Ave., Franklin, PA 16323. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147409 (Sub-5TA), filed June 25, 1979. Applicant: THE SPRINGFIELD TRANSPORTATION CO., 3200 Columbiana Rd., New Springfield, OH 44443. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. (1) *Such commodities as are dealt in or used by manufacturers of steel pipe and tubing*, except in bulk, between the facilities of Youngstown Welding & Engineering Co. at Youngstown, OH, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, TX, and (2) *such commodities as are dealt in or used by manufacturers of finished steel products*, except in bulk, between the facilities of Industrial Steel Co. at Niles and Youngstown, OH, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Industrial Steel Co., Inc., 1160 Hubbard Rd., Youngstown, OH 445501. The Youngstown Welding & Engineering Co., 3700 Oakwood Ave., Youngstown, OH 44509. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 147409 (Sub-6TA), filed June 27, 1979. Applicant: THE SPRINGFIELD TRANSPORTATION CO., 3200 Columbiana Rd., New Springfield, OH 44443. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH. 43215. (1) *Such commodities as are dealt in or used by manufacturers of tractor cabs, except in bulk*, between the plantsites and facilities of Sims Mfg. Co., Inc., at Rutland, MA; Payne, OH; Rock Falls, IL;

and pts. on the US Canadian border at or near Roosevelt, NY, on the one hand, and, on the other, pts. in the US, except AK and HI, restricted to the trans. of shipments originating at or destined to the named pts.; and (2) *such commodities as are dealt in or used by manufacturers of hand tools, except in bulk*, between Columbiana and Warren, OH and Fayetteville, AR, on the one hand, and, on the other, pts. in the US except AK and HI, Restricted to the trans. of shipments originating at or destined to the named pts., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sims Manufacturing Co., Inc., East Main St., Rutland, MA 01543, The Harrold Tool Co. Inc., State Route 344, Columbiana, OH 44408. Warren Tool Div., Griswald St. Ext., Warren, OH 44482. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147419 (Sub-2TA), filed April 23, 1979. Applicant: GAUB TRANSPORTATION, INC., 3987 Hilldale Avenue, Oroville, CA 95967. Representative: David P. Christianson, Knapp, Grossman & Marsh, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. Phone: 213-627-8471. Contract carrier, irregular routes: *Prefabricated Log Buildings*, and materials and supplies used in the construction, installation and erection of the above, between the facilities of Sierra Log Homes, Inc. in Lyon County, NV, on the one hand, and on the other, points in CA, AZ, NM, UT, OR, WA, ID, WY, MT, CO and TX, for 180 days. An underlying ETA seeking 90 days is pending. Supporting shipper(s): Sierra Log Homes, Inc., P.O. Box 2080, Carson City, NV 89701. Send protests to: A. J. Rodriguez, DS, ICC, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 147459 (Sub-2TA), filed June 11, 1979. (New Applicant). Applicant: WADE JONES CO., INC., 1100 Shaver Road, Springdale, AR 72764. Representative: Michael H. Mashburn, 111 Holcomb, P.O. Box 889, Springdale, AR 72764. Defluorinated rock phosphate (in bulk), from Van Buren, AR to Fort Smith, AR and its commercial zone; Westville, OK and points in Washington and Benton Counties, AR, for 180 days as a contract carrier over irregular routes. Supporting shipper(s): International Minerals & Chemical Corp., 421 E. Hawley Street, Mundelein, IL 60060. Send protests to: William H. Land, Jr., District Supervisor, 3106 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 147479 (Sub-2TA), filed June 13, 1979. Applicant: MELODY HOME TRANSPORTATION CO., P.O. Box

1227, Fort Worth, TX 76101. Representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, TX 76102. Contract Carrier, irregular routes, transports *mobile homes, house trailers, buildings in sections, and modular structures moving as wheeled undercarriages and equipment materials and supplies and appurtenances incidental thereto* between the plantsite of Melody Home Manufacturing Company on Hicks Field, North of Saginaw, TX and points in AL, AZ, AR, CO, KS, LA, MS, MO, MT, NE, NV, NM, OK, TN, UT, & WY, for 180 days. Supporting shipper(s): Melody Home Manufacturing Co., P.O. Box 1227, Fort Worth, TX 76101. Send protests to: Martha A. Powell, Transportation Assistant, I.C.C., Room 9A27 Fed. Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 147549 (Sub-1TA), filed July 2, 1979. Applicant: ROADAIR LEASING, INC., 3999 Erie Ave., Cincinnati, OH 45208. Representative: James D. Ferguson, 6520 Rollymeade Ave., Cincinnati, OH 45243. Contract: *Irregular: Merchandise as is dealt in by retail drug stores and supplies, equipment, and material used in the conduct thereof* between Louisville, KY and Cleveland, TN on the one hand, and on the other, all points in the states of AR, IL, IN, KS, KY, LA, MI, MO, OH, OK, TN, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): SuperRx Drugs, Inc., 175 Tri-County Pkwy., Cincinnati, OH 45246. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147559 (Sub-1TA), filed August 9, 1979. Applicant: SHEPPARD-WOOD VAN & STORAGE, INC., No. 4 Seventeenth Avenue South, Namap, ID 83651. Representative: Michael L. Scott (same as above). *General Commodities, except items of unusual value, household goods, commodities in bulk, explosives, from Namap ID to points in Idaho in and South of Idaho County, and Malheur County, OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bemis Manufacturing Company, 300 Mill Street, Sheboygan Falls, WI 53085; Interstate Express, Inc., 120 Apollo St., Brooklyn, NY 11222. Send protests to: Barney L. Hardin D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.*

MC 147629 (Sub-1TA), filed July 17, 1979. Applicant: SONIC DELIVERY, INC., WV Route 31 at Airport Rd., Williamstown, WV 26187. Representative: James Duvall, 220 W. Bridge St., Dublin, OH 43017. Contract carrier: Irregular routes: *Textiles, textile articles and materials, equipment, parts,*

and supplies used in the manufacture, sale and distribution of textiles and textile articles, between Troy, NH, Bloomsburg, PA, and Harrisville, WV, on the one hand, and on the other, pts. in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Troy Mills, Inc., 625 N. Penn Ave., Harrisville, WV 26362. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147629 (Sub-2TA), filed July 17, 1979. Applicant: SONIC DELIVERY, INC., WV Route 31 at Airport Road, Williamstown, WV 26187. Representative: James Duvall, 220 W. Bridge St., Dublin, OH 43017. Contract: *Irregular: materials, equipment, parts and supplies used in the manufacture, sale and distribution of aluminum and aluminum articles*, between the facilities of Ormet Corp., at or near Hannibal, OH, on the one hand, and, on the other, pts. in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, WI, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ormet Corp., P.O. Box 176, Hannibal, OH 43931. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147669 (Sub-1TA), filed July 23, 1979. Applicant: JAMES M. McNITT, d.b.a. JIM McNITT PRODUCE, 8236 Amelia Drive, Jenson, MI 49428. Representative: J. Michael Smith, 465 Old Kent Building, Grand Rapids, MI 49503. *Bananas and agricultural commodities exempt from economic regulations under Section 10526(a)(6)(B) of the Interstate Commerce Act when transported in mixed loads with bananas from the facilities of Turbana Bana Corporation at or near Tampa, FL to points in Detroit and Grand Rapids, MI and their commercial zones. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Turbana Banana Corporation 2701 Lejeune Road, Coral Gables, FL 33134. Send protests to: C. R. Flemming, D/S, ICC, 225 Federal Building, Lansing, MI 48933.*

MC 147679 (Sub-1TA), filed July 30, 1979. Applicant: CAT LINE, INC., 800 North Grant Street, Addison, IL 60101. Representative: James R. Madler, 120 West Madison Street, Chicago, IL 60602. Contract carrier: Irregular routes: *General Commodities (except Classes A & B explosives, household goods, and commodities in bulk)* between the

facilities of Jantzen International Ltd., Des Plaines, IL and the facilities of C & L Warehouse, Villa Park, IL on the one hand, and, on the other, points in the U.S. (except AK and HI), under a continuing contract with Jantzen International, Ltd., Des Plaines, IL and C & L Warehouse, Villa Park, IL for 180 days. An underlying ETA was submitted seeking 90 days authority. Supporting shipper(s): C & L Warehouse, 215 Adele, Villa Park, IL 60681; Jantzen International, Ltd., 55 Armstrong Rd., Des Plaines, IL 60018. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 147689 (Sub-1TA), filed July 13, 1979. Applicant: MEL MOTOR EXPRESS, INC., P.O. Box 29058, New Orleans, LA 70189. Representative: James T. Harmon, III (same address as applicant). Applicant is seeking authority as a contract carrier over irregular routes transporting *sugar, in bags and packages, and condiments, in individual servings*, from the plantsite of Godchaux-Henderson Sugar Company, Inc., located at Reserve, LA and its warehouses to points in the states of LA, MS, AL, AR, TN, TX, SC, NC, WV, VA, IN, IL, KY, OH, MO, GA, and the return of materials and supplies to the plantsite of Godchaux-Henderson Sugar Company, Inc. located at Reserve, LA and its warehouses, for 180 days. Restricted to the account of Godchaux-Henderson Sugar Company, Inc., and against bulk. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Godchaux-Henderson Sugar Co., P.O. Drawer AM, Reserve, LA 70084. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 147699 (Sub-1TA), filed July 16, 1979. Applicant: DOWNING EXPRESS, INC., R.R. 2, Lot 34, Tuscola, IL 61953. Representative: Paul Maton, 10 S. LaSalle St., Chicago, IL 60603. *Contract carrier: irregular routes: Mobile office trailers*, between the facilities of Whitley Mfg. Corp., located at or near South Whitley, IN and points in IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Williams Mobile Office, Inc., 2425 Hamilton Rd., Elk Grove Village, IL 60005. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 147709 (Sub-1TA), filed July 18, 1979. Applicant: MONTANA TRANSPORT COMPANY, P.O. Box 860, Billings, MT 59103. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. *Contract carrier,*

irregular routes: Roofing and roofing materials and accessories and metal doors, from Minneapolis and Shakopee, MN, and Waukegan and Chicago, IL to points in MT, restricted to a transportation service to be performed under a continuing contract(s) with Lumber Yard Supply, Great Falls, MT and Empire Building Materials, Inc., Bozeman, MT, for 180 days. An underlying ETA seeking 90 days authority. Supporting shipper(s): Lumber Yard Supply, P.O. Box 1419, Great Falls, MT 59403 Empire Building Materials, Inc., P.O. Box 220, Bozeman, MT 59715. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 147809 (Sub-2TA), filed July 25, 1979. Applicant: EARL L. ERDNER, INC., Box 240, Woodstown, NJ 08098. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. *Canned foods and dried fruits*. Between points in Salem and Gloucester Counties, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Del Monte Corporation, P.O. Box 3575, San Francisco, CA 94119. Send protests to: Joel Morris, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 147839 (Sub-3TA), filed July 31, 1979. Applicant: bib ENTERPRISES, INC., 401 West 9th South, Salt Lake City, UT 84101. Representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Contract carrier: Irregular routes: (1) Fertilizer and pesticides and materials and supplies used in the manufacture and distribution thereof (a) from CA, OR and WA to Salt Lake County, UT (b) from Salt Lake County, UT to CO, ID, MT, WA, AZ, NM, NV, and WY. (2) Packaged snow and ice melter* from Salt Lake County, UT to WI, OK, IS, MO, IA, IL, ND, SD, NE and MN. Under continuing contract or contracts with Morgro Chemical, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Morgro Chemical, Inc., 145 West Central Avenue, Salt Lake City, UT 84107. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 147839 (Sub-4TA), filed July 31, 1979. Applicant: bib ENTERPRISES, INC., 401 West 9th South Street, Salt Lake City, UT 84101. Representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Contract carrier: Irregular routes: Scrap metal for recycling*, from Salt Lake City, Ogden and Provo, UT to CA, Portland, OR, Seattle, Tacoma and Spokane, WA, Phoenix, Tempe and Tucson, AZ, Albuquerque, NM, Grand Junction and

Denver, CO, St. Louis, MO, Chicago, IL, El Paso and Tyler, TX and Wynne, AR, under a continuing contract or contracts with Pepper's Allied Metals Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pepper's Allied Metals Co., 401 West 9th South, Salt Lake City, UT 84101. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 147839 (Sub-5TA), filed August 2, 1979. Applicant: bib ENTERPRISES, INC., 401 West 9th South Street, Salt Lake City, UT 84101. Representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Contract carrier: Irregular routes: Iron and steel articles*. (1) from points in CA, OR, WA, MO, NE, and CO to Salt Lake City, UT and (2) from Salt Lake City, UT to Rock Springs, WY under a continuing contract(s) with Rockwest Steel Corporation, for 180 days. An underlying ETA requests 90 days authority. Supporting shipper(s): Rockwest Steel Corporation, 945 South 400 West, P.O. Box 324, Salt Lake City, UT 84101. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 147849 (Sub-1TA), filed August 2, 1979. Applicant: F. W. AND L. COMPANY, INC., P.O. Box 4570, Nashville, TN 37218. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Contract carrier: irregular routes: (1) Fabricated Steel Wire Products* from Nashville, TN and its commercial zone to GA, FL, OH, Birmingham, AL, Murray, KY and Denver, PA and the commercial zones of each, (2) *steel wire* from Atlanta, GA and Kokomo, IN and the commercial zones for each to Nashville, TN and its commercial zone, (3) *Fabricated steel wire products* from Denver, PA and its commercial zone to FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Feldkircher Wire Fabricating Co., Inc., P.O. Box 4570, 1015 W. Kirkland, Nashville, TN 37216. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 147869 (Sub-1TA), filed July 19, 1979. Applicant: PIERCE TRAFFIC CORPORATION, P.O. Box 52, Eugene, OR 97401. Representative: David C. White, 2400 S. W. Fourth Avenue, Portland, OR 97201. *Contract, irregular: Irrigation systems and materials, supplies, and equipment used in the installation and manufacture thereof* between the facilities of Pierce Corporation at Eugene, OR and Fort Lupton, CO, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing

contract or contracts with Pierce Corporation for 180 days. Supporting shipper(s): Pierce Corporation, John Stevens, President, P.O. Box 528, Eugene, OR 97401. Send protests to: A. E. Odoms, DS, ICC, Pioneer Courthouse (114), 555 S. W. Yamhill Street, Portland, OR 97204.

MC 147899TA (Sub-TA), filed July 10, 1979. Applicant: CONESTOGA TRUCKING, INC., 2102 North Broadwell, Grand Island, NE 68801. Representative: Floyd L. Mace (same as above). *Contract carrier, irregular routes: Steel buildings, agricultural implements and supplies* from Des Moines, IA; Hugoton, IA; Atlantic, IA and Broadview, IL to points in NE for 180 days. Restricted to transportation under a continuing contract with Edward Rathje DBA Phillips Farm Supply. Supporting shipper(s): Edward Rathje DBA Phillips Farm Supply, RR 1, Phillips, NE. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 147919 (Sub-1TA), filed August 2, 1979. Applicant: SEA LANE EXPRESS, INC., Suite 1832, 2 World Trade Center, New York, NY 10048. Representative: Morton E. Kiel (same address as applicant). *General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, in containers or trailers*, between Boston and New Bedford, MA, New Haven, CT, and Providence RI, on the one hand, and, on the other, Baltimore, MD, Philadelphia, PA, and New York, NY, restricted to traffic having a prior to subsequent movement by water; for 180 days. Supporting shipper(s): 1. Farrell Lines, Inc., 1 Whitehall St., New York, NY 10004. 2. All Trans International Inc., 1 Harmon Plaza, Secaucus, NJ 07094. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 142059 (Sub-77TA), filed May 23, 1979, published in the Federal Register August 6, 1979 and republished this issue. Applicant: Cardinal Transport, Inc., 1830 Mound Road, Joliet, IL 60438. Representative: Jack Riley (same as applicant). *Air Compressors, air stations, auto lifts, knocked down; electric controllers, flow meters, gasoline power measuring computers, iron body valves, iron roadway service boxes, iron machine parts, power measuring pumps, power pumps, and materials and supplies used in the manufacture thereof*; (except commodities which because of size or weight require specialized equipment),

Between Greensboro, NC and points in the United States (except Alaska and Hawaii), for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Gilbarco, Inc., Greensboro, NC 27420. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL, 60604. Purpose of this republication is to show the origin and destination points for which authority is sought.

MC 146209 (Sub-1TA), filed February 5, 1979. Applicant: Earl L. Henderson, R. R. No. 1, Box 118, Salem, IL 62881. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract, irregular: Printed matter*, for the account of World Color Press, Inc. from Kokomo, IN and Effingham, Salem and Sparta, IL to Phoenix, AZ, Los Angeles, Oakland, San Diego, CA, Denver, CO, Butte, MT, Las Vegas, Reno, NV, Portland, OR, Salt Lake City, UT, Seattle, WA, Dallas, and Houston, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): World Color Press, Inc., Box 1248, Effingham, IL 62401. Send protests to: D/S Charles Little, ICC, 4th Fl., Leland Bldg., 527 E. Capitol, Springfield, IL 62701.

MC 146409 (Sub-5TA), filed May 23, 1979. Applicant: WESTSHIP TRUCKING, INC., 3980 Quebec St., Suite 113, Denver, CO 80207. Representative: Donald K. Smith, 219 South Third St., Sterling, CO 80751. *Common, irregular: 1. Agricultural Machinery, Equipment and Parts. 2. Construction, roadbuilding machinery and parts*. Between Venders of Ball Corporation Agricultural Products located in Dallas, Fort Worth, and Houston, Texas; New Orleans, Louisiana; Mobile, Alabama; Tallahassee, Orlando, Tampa, Miami and Jacksonville, Florida; Savannah, Georgia; Charleston, South Carolina; Norfolk and Richmond, Virginia; Baltimore, Maryland; New York City, Syracuse and Dansville, New York; Youngstown, Cleveland and Toledo, Ohio; Detroit and Lansing, Michigan; Chicago, Illinois; San Diego, Oakland, San Francisco, Los Angeles and Long Beach, California; Portland, Eugene and Salem, Oregon; Seattle, Tacoma and Everett, Washington; Milwaukee, Wisconsin; Tell City, Fort Wayne, South Bend, and Indianapolis, Indiana; North Vernon, and Las Cruces, New Mexico; Cheyenne and Casper, Wyoming; Billings, Butte, Helena, and Great Falls, Montana; Pocatello and Boise, Idaho; Salt Lake City, Utah; Denver, Colorado; Hesston, Kansas; and intermediate points between, on the one hand and on the other Houston, Texas; New Orleans, and Mobile, Alabama; Tampa, Miami and Jacksonville, Florida; Savannah,

Georgia; Charleston, South Carolina; Norfolk and Richmond, Virginia; Baltimore, Maryland; New York City, New York; San Diego, Oakland, San Francisco, and Los Angeles, California; and Portland, Oregon, for 180 days. An underlying ETA seeks 90 days authority. Restricted to the above commodities being hauled solely in inter-modal container-trailers, and restrained to the use of such equipment. Primary reason for filing is to serve Ball Corporation and Venders and port cities as described above. Supporting shipper(s): Ball Agricultural Systems, Inc., P.O. Box 1034, Boulder, CO 80303. Send protests to: D/S Roger L. Buchanan, ICC, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 147009 (Sub-1TA), filed May 11, 1979. Applicant: DEAN HUGHS, P.O. Box 98, New Berlin, IL 62670. Representative: Douglas G. Brown, INB Center—Suite 555, Springfield, IL 62701. *Common, irregular: Paper and paper products* from Terre Haute, IN to points within the following IL COUNTIES: Adams, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cumberland, DeWitt, Douglas, Effingham, Fayette, Ford, Fulton, Green, Hancock, Jasper, Jersey, Knox, Livingston, Loan, Macon, Macoupin, Madison, Marion, Marshall, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, St. Clair, Sangamon, Schuyler, Scott, Shelby, Tazewell, Warren, Woodford, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weston Paper & Manufacturing Co., P.O. Box 539, Terre Haute, IN 47808. Send protests to: D/S Charles D. Little, Room 414 Leland Office Bldg., 527 East Capitol Avenue, Springfield, IL 62701.

MC 148079TA, filed July 31, 1979. Applicant: FRYE TRUCKING COMPANY, INC., 203 Middleton St., Robbins, NC 27325. Representative: same as applicant. *Treated and untreated forest products, steel, angles, flats, rounds, channels, tubing-galvanized and black*, from Robbins, NC to all points in NC, SC, VA, WV, MD, TN, GA, FL, and AL for 180 days. Supporting shipper(s): John L. Frye Co., Inc., Middleton St., Robbins, NC 27325; Franklin Tie & Wood Co. Inc., P.O. Box 553, Rocky Mount, VA 24151; Carolina Galvanizing Corporation, Rt. 1, Box 60, Aberdeen, NC 28315. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-29793 Filed 9-25-79; 8:45 am]
BILLING CODE 7035-01-M

Sunshine Act Meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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I

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., October 5, 1979.
PLACE: 2033 K Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1877-79 Filed 9-24-79; 1:45 pm]
BILLING CODE 8351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, September 27, 1979.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Closed Commission Meeting following the Open Meeting.

Agenda, Item No., and Subject

Hearing—1—Interlocutory appeal from Administration Law Judge's Order denying addition of a misrepresentation issue against Citizens for Responsive Public Television, Inc. in the Birmingham, Demopolis and Montgomery, Alabama educational TV proceeding (Docket Nos. 20675 and 20676).

General—1—General Administrative and Personnel Matters.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 24, 1979.

[S-1878-79 Filed 9-24-79; 2:48 pm]
BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, September 27, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

CHANGES IN THE MEETING: The following item has been deleted. This item was approved on September 18, 1979 by notation action circulation as was inadvertently listed on the public notice of September 20, 1979.

Agenda, Item No., and Subject

Common Carrier—1—Report and Order. Amendment of Section 61.72 of the Commission's rules to modify the requirements for posting of certain tariffs. (Dockets CC 78-10, RM-2688).

Additional information concerning this item may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 24, 1979.

[S-1879-79 Filed 9-24-79; 2:48 am]
BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, September 27, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Title: Report and Order to provide for the use of Class C Emergency Position Indicating Radiobeacons (EPIRB's) for vessels operating in coastal waters. (Docket No. 78-230). Summary: The FCC will consider adopting rules to define the technical and operational characteristics of EPIRB's for the VHF/FM maritime mobile frequency band (156-162 MHz). EPIRB's are intended to provide position and alerting information in a distress situation. These devices may be fitted on a voluntary basis by any vessel normally operating within 20 miles of shore. Use of an EPIRB by boaters is expected to improve boating safety since approximately 95% of the boating accidents occur in these waters.

General—2—Title: Petitions to amend Part 97 of the Commission's Rules to restrict

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purchase of amateur transmitting equipment to licensed amateur operators. Summary: Three petitioners request that the FCC adopt rules requiring proof of valid amateur operating license in order to purchase amateur transmitting equipment. One of the three petitioners also requests that the FCC institute a dealer licensing program for retail dealers of amateur transmitting equipment.

General—3—Amendment of the search fee provision of the Freedom of Information Rules.

General—4—Amendment of the Ex parte Rules. Summary: The item involves application of the ex parte rules to contested application proceedings prior to designation for hearing where an opposition pleading is filed but does not qualify as a petition to deny.

General—5—Title: Amendment of Sections 0.281, 1.104, 1.106 and 1.115 of the Commission's Rules of Practices and Procedures. Summary: The Commission is considering the adoption of certain rules with respect to procedures governing petitions for reconsideration and applications for review. The proposed rule changes consider what type showing a petitioner must make when seeking reconsideration of an order denying an application for review.

General—6—Title: FY 80 Policy Research. This item will seek Commission approval for FY 80 funding of policy research studies. The areas of study include Common Carrier issues, UHF comparability, electro-magnetic propagation, and AM channel spacing.

General—7—Title: Petition for Expedited Relief and Application for Review of that portion of Executive Director's ruling which denied a request filed by Noble Syndications, Inc., Noble Multimedia Communications, Inc., and International Radio, Ltd. ("Noble") for an investigation and report of an alleged *ex parte* presentation. Summary: Executive Director ruled that an oral presentation to the Chairman of the Commission which occurred prior to the filing of a petition for issuance of show cause order did not violate the *ex parte* rules, 47 CFR § 1.1203 (a), (b). Requesting parties Noble Syndications, Inc., Noble Multimedia Communications, Inc., and International Radio, Ltd. ("Noble") appeal the ruling and contend that the Executive Director should determine the facts and circumstances concerning the presentation and disclose such information pursuant to 47 CFR § 1.1243.

General—8—Title: Application for Review of a ruling by the General Counsel, which denied in part an FOIA request by John E. Bonine. (FOIA Control No. 9-128). Summary: The General Counsel partially denied a request for agency records under the Freedom of Information Act. The

General Counsel concluded that some of the records should not be disclosed because they were intra-agency memoranda falling within Exemption 5 of the Act. The requester of the information, John E. Bonine, appeals the General Counsel's ruling contending that the records do not fall within Exemption 5.

General—9—Title: *Minority Ownership Report to the Commission*. On February 14, 1978, the FCC through its Minority Ownership Task Force issued a contract to CCG, Inc., a research corporation in Cambridge, Mass. to conduct an in depth study of financial institutions' broadcast loan policies and their effect on minorities seeking to acquire broadcast properties. In addition, the FCC contract requested detailed information on the methods used by rating services and whether these services accurately reflect minority audience listening patterns. The Minority Ownership Task Force will present a summary of CCG, Inc.'s study and submit CCG's report and recommendations to the Commission for their consideration of future FCC activities in light of the findings of the study.

General—10—Extension of the Charter for the Radio Technical Commission for Marine Services (RTCM).

Private Radio—1—Title: Amendment of Sections 97.13, 97.47 and 97.59 of the Commission's Rules. Summary: The Commission is amending Sections 97.13 and 97.47 to delete provisions which allowed Amateur licensees to notify the Commission of name and mailing address changes by letter. In the future all Amateur license modifications must be requested by submission of the appropriate application form. Also amended is Section 97.59 to provide that all Amateur licenses will be given a five-year term.

Private Radio—2—Title: Deregulation of Part 97 of the Rules regarding emissions authorized in the Amateur Radio Service. (Docket No. 20777). Summary: The Commission is asked to decide whether or not radio amateurs should be permitted the use of the American Standard Code for Information Interchange (ASCII) and other types of radioteletype codes; and to determine what, if any, limitations should apply to such operation. Three basic options are under consideration: 1. Continued mandatory use of the Baudot Code only (the status quo), 2. Permitting the use of the American Standard Code for Information Interchange, and 3. Permitting the use of any desired radioteletype code. The Commission's decision here will not result in an immediate change in the rules, but will provide the basis for the development of a Third Report and Order which will amend the rules in accordance with the Commission's decision.

Common Carrier—1—Title: Report and Order. Amendment of Section 61.72 of the Commission's rules to modify the requirements for posting of certain tariffs. (Dockets CC 78-10, RM-2688.) Summary: The FCC requires communications businesses to put their current prices and rules on public display in various company offices. The FCC has considered two changes in these public-display rules: (1)

Require the communications businesses to display possible changes in prices and rules. (2) Allow telephone communications businesses to stop displaying prices and rules in certain places. These changes raise two questions. (A) What must communications businesses do to tell the public about prices and rules? (B) How much trouble and cost should telling the public cause? The FCC asked all communications businesses and the public to send their written ideas about these changes to the FCC Secretary. The FCC has reviewed all of these ideas. At this meeting the FCC will consider the questions and decide about making the changes.

Common Carrier—2—Title: AT&T Rate Base Treatment of Claimed Amounts for Investment in Affiliated Companies. (Docket No. 21244). Summary: As an outgrowth of Docket No. 19129, the last major AT&T rate investigation, the FCC issued a Notice of Proposed Rulemaking to examine AT&T's treatment for ratemaking purposes of its investment in the two affiliated companies, Bell Telephone Laboratories and 195 Broadway Corp. The FCC will consider whether AT&T's method of recovering a return on this investment is fair to ratepayers.

Common Carrier—3—Title: Final Decision and Order in Western Union Telegraph Company. Docket No. 20847. Summary: In 1976, Western Union increased its rates for its Series 1000 tariffs. These tariffs offer the public full-time, dedicated, low speed private line telegraph service. AT&T and the Department of Defense challenged these revisions and an investigation was held on their lawfulness. The Administrative Law Judge (ALJ) issued an Initial Decision, released July 18, 1978, concluding that the rates were not unlawful. Exceptions were filed to the ALJ's decision. The general issues to be considered here are whether Western Union met its initial burden of proof showing its revisions to be just and reasonable and whether the cost studies submitted by Western Union were so deficient as to require reversal of the ALJ's findings.

Common Carrier—4—Title: South Central Bell Telephone Company. Summary: The FCC is considering whether to designate for hearing the two applications of South Central Bell Telephone Company for construction permits to add improved mobile telephone service (IMTS) to Domestic Public Land Mobile Radio Telephone Service facilities in New Orleans and Houma, Louisiana. Any such hearing would examine whether South Central Bell has demonstrated public need for the proposed facilities and whether South Central Bell wrongfully refused to provide selector level interconnection to a competing carrier (anticompetitive practices issue and Communications Act Section 201 issue).

Common Carrier—5—Title: Amendment of Sections of Part 21 of the Commission's Rules to modify individual radio licensing procedures in the Domestic Public Radio Services. Summary: The FCC is considering deregulating one area of the Domestic

Public Land Mobile Radio Service by eliminating the licensing of individual land mobile radio stations.

Common Carrier—6—Title: Recodification of Rules Part 21 (Creation of new Part 22). Summary: The Commission will consider creating a new Rules 22, consisting of the Public Mobile Radio Services. Under the proposal Part 21 will consist only of the Domestic Public Fixed Radio Services and will be so named. The new Part 22 will consist of the Public Mobile Radio Services. The recodification has been proposed in order to eliminate confusion concerning these two separate radio services, which presently are grouped within the same Rules Part. In addition, the Commission is contemplating, in the near future, the revision and update of the Rules in the newly created Part 22. Separating the Rules Sections involved in the update project from those not involved (i.e., those which will be in the new Part 21) will avoid duplication of effort and make it more clear to the public the exact nature and extent of the update project.

Common Carrier—7—The Commission is considering the issuance of a Cable Landing License authorizing the landing and operation of a submarine cable (TAT-7) between Tuckerton, N.J. and Lands End, England issued in conjunction with the Commission's Section 214 authorization to construct, operate, activate and use a TAT-7 Cable System.

Common Carrier—8—Title: Application of Travel-Phone Corporation for a Construction Permit to establish a new radio common carrier station to provide car telephone and paging service in the Providence, Rhode Island area. Summary: Among the issues to be considered are (1) did Travel-Phone prematurely construct its facilities in violation of the Communications Act, (2) does Travel-Phone have the character qualifications to become a Commission licensee, (3) has Travel-Phone adequately demonstrated a need for its proposed station, and (4) is Travel-Phone financially qualified.

Common Carrier—9—Title: Reconsideration of the Commission's Decision in *American Television Radio Relay, Inc.*, 71 FCC 2d 130 (1979) (ATR Refund Proposal), generally approving a refund proposal submitted by ATR. Summary: Teleprompter Corp., UA-Columbia Cablevision, Inc., and United Cable Television Corp., customers of ATR's microwave system, jointly seek reconsideration of two specific aspects of the *ATR Refund Proposal* decision. The Commission will consider what action to take regarding those petitions.

Common Carrier—10—Title: In the matter of policies and rules concerning rates for competitive carrier services and facilities authorizations therefore. Summary: Consideration will be given to whether the Commission's rules should be relaxed for certain common carriers. Specifically, the Commission will address whether, and to what extent, the Commission should require carriers who offer services subject to competition to file cost support information with their tariff filings and to obtain Commission approval before undertaking certain activities.

Cable Television—1—Title: Docket 20019 (involving a definition of the due process standard of form Section 76.31 of the cable television rules); Docket 20022 (involving cable television franchise expiration, cancellation and continuation of service), and Docket 20023 (involving cable television system transfers of control). Summary: These proceedings relate to proposed changes in the cable television franchise standards that were formerly part of the cable television rules. Action on these proceedings was deferred pending a decision on whether the underlying standards themselves should be retained. Those standards were eventually deleted and the question now remains as to what if any additional action should be taken with respect to these proceedings.

Cable Television—2—Termination of proceeding in Docket 20553 involving cable television carriage of specialty stations.

Cable Television—3—Booneville Broadcast Company d/b/a Booneville Video Company (CSR-1449). Booneville Broadcasting Company operates two cable television systems in the Columbus-Tupelo smaller television market (#135). It requests a waiver of Section 76.59 of the Commission's Rules to enable it to add two independent stations, KTVU (Ind., Channel 2) Oakland, California and WGN-TV Ind. Channel 9) Chicago, Illinois. In support of this request, Booneville has submitted an impact formula which predicts that if every cable television system within thirty-five miles of the local commercial broadcast station (WTVA) were authorized to add the two signals requested, the total cumulative impact would be .773 percent.

Cable Television—4—Title: Petition for Special Relief filed June 29, 1979, by Warner Cable Corp., operator of a CATV system at Brattleboro, Vermont. Summary: Since Brattleboro, Vermont is located in the Adams, Massachusetts smaller TV market, Warner Cable has no in-state "must carry" signals pursuant to sec. 76.59 of the rules. Warner has stated that its subscribers want in-state programming and thus has petitioned the Commission for waiver of sec. 76.59 of the rules to add TV Broadcast Translator Station W82AT (Channel 62) Bellows Falls, Vermont, which rebroadcasts the signal of Station WCAX-TV (CBS, Channel 3) Burlington, Vermont.

Cable Television—5—United Community Antenna Systems d/b/a Master Cable TV systems (CAC-03722); Community Telecable of Inc. (CAC-03723); Tele-Vue Systems, Inc. (CPCLD-164.) In response to a previous Commission request, the captioned cable television systems have supplemented an earlier request not to be required to provide station KIRO-TV, Seattle, Washington, with nonduplication protection against programming pre-released by Canadian television stations carried by the systems. The systems offer to show that KIRO-TV will suffer an audience loss of less than 2 percent during prime time and a concomitant revenue loss of .5 percent. KIRO-TV has submitted a showing on the amount of program duplication that occurs, but also argues that the opinion of the court

in *KIRO, Inc. v. FCC*, 545 F.2d 204 (D.C. Cir. 1976), requires the Commission to find that nonduplication protection must be provided without the necessity for this showing and regardless of the projected impact on the station if it were not provided.

Renewal—1—Title: In re application of Amherst Broadcasting, Inc. For Renewal of License for Station WTTT, Amherst, Massachusetts. Summary: Hampshire County Broadcasting Company, Inc. (Hampshire) filed a petition to deny the license renewal application of WTTT, Amherst, Massachusetts, on the grounds that the licensee's application for a new FM station in Amherst was inadequate and because the license had failed to maintain WTTT's public reference file properly and had failed to provide ascertainment material with its renewal application.

Aural—1—Title: Modification of Permit to Change Main Studio Location. Summary: Frederick R. Cote, permittee of AM Station KGUD, Banning, California, is seeking authority to relocate its main studio to Riverside, California. Because KGUD proposes to relocate its main studio outside its community of license, at a site other than its transmitter site, the KGUD application is grantable only upon the waiver of the Commission's Main Studio Rule. The issue to be considered is whether KGUD has shown special circumstances to justify waiver of the Main Studio Rule.

Aural—2—Title: Memorandum Opinion and Order in re application of KBMR Radio, Inc., for construction permit for an increase in the daytime power of AM Station KBMR from 10 to 50 kilowatts, to add nighttime operation at 10 kilowatts, and to change its community of license from Bismarck, to Lincoln, North Dakota. Summary: The FCC considers the above application and a petition to deny filed by Bismarck-Mandan Communications, Inc., licensee of AM Station KBOM, Bismarck, North Dakota.

Aural Agenda—3—Title: Memorandum Opinion and Order in re Application of James B. Childress, d/b/a Childress of Virginia (File No. BP-20,032). Summary: The F.C.C. considers the above application for a new AM station (1600 kHz, 5 kW, Day) in Saltville, Virginia, and a petition to dismiss filed by Mountain View Broadcasting Company, Inc., licensee of AM Station WJSO, Jonesboro, Tennessee.

Television—1—Title: Applications of KOTV, Inc. (KOTV-TV) and Scripps-Howard Broadcasting (KTEW-TV), both Tulsa, Oklahoma, to change transmitter sites and to make equipment changes. Summary: KOTV and KTEW, both Tulsa, Oklahoma, request CP's to move their transmitters to the same site. Applications are opposed by UHF stations in Joplin, MO: Fort Smith, AR; and Fayetteville, AR. Questions raised as to UHF impact, loss areas, unserved areas, and other questions.

Broadcast—1—Reregulation and Rules Oversight of Radio and TV Broadcasting. The alphabetical index of the broadcast rules in Part 73 is revised and streamlined in order to facilitate simpler and quicker access to our rules.

Broadcast—2—Reregulation of Radio and TV Broadcasting. One of a continuing series of

Orders to delete broadcast rules which no longer have any regulatory purpose, to rewrite and restructure rules for ease of understanding and use, to combine several separate rules for each broadcast service into a single common rule, to simplify application filing procedures, and to make editorial corrections such as deleting past dates. This Order includes rewriting of the rules covering procedures for determining the operating power of FM and TV stations Broadcast—3—Reregulation and Rules Oversight of Radio and TV Broadcasting. Clarification is made and rewriting done on rules pertaining to: Sale of a station (§§ 73.139, 73.241, 73.659); FCC policy listing—four added to rules book with appropriate citations; FCC application and report forms rule—to correct one form's title and to delete another form, thereby conforming to recently adopted changes.

Broadcast—4—Proposed assignment of FM Channel 234 to Lockhart, Texas (RM-3118). The Commission will consider whether to propose a Class C channel for assignment to Lockhart, Texas, which conflicts with a recent grant of temporary authority to relocate the transmitter site of a Houston station. The temporary grant was made without prejudice to the Lockhart proposal.

Broadcast—5—Reassignment of UHF television Channel 14 from Washington, D.C., to Fairfax, Virginia, reserved for noncommercial educational use (BC Docket No. 78-52). The Commission will consider whether to remove UHF TV Channel 14 from Washington, D.C., and reassign it to Fairfax, Virginia, for noncommercial educational use. A different channel has also been proposed to provide improved service to northern Virginia.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 24, 1979.

[S-1880-79 Filed 9-24-79; 2:48 pm]

BILLING CODE 6712-01-M

5

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: September 20, 1979, 44 F.R. 5413

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: September 25, 1979, 10 a.m.

CHANGES IN THE MEETING: Addition of the following items to the open session:

5. Matson Navigation Company—80 Percent Increase in Wharfage Charges at U.S. West Coast Ports Only in Tariffs FMC-F Nos. 165, 166, and 167.

6. Sea-Land Service, Inc.—Reduced Refined Sugar Rate Applicable to Puerto Rico (FMC-F No. 36); and Reduced Raw Sugar

Cane Rate Applicable to Georgia (FMC-F No. 37).

[S-1875-79 Filed 9-24-79; 10:48 am]

BILLING CODE 6730-01-M

6

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 54152, September 18, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., Friday, September 21, 1979.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting:

1. Housing accommodations for Federal Reserve employees temporarily assigned to Washington, D.C.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board: (202) 452-3204.

Dated: September 21, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-1872-79 Filed 9-21-79; 4:18 pm]

BILLING CODE 6210-01-M

7

INTERNATIONAL TRADE COMMISSION (USITC SE-79-36)

TIME AND DATE: 2 p.m., Thursday, October 4, 1979.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: 1. Anhydrous Ammonia from the U.S.S.R. (Inv. TA-406-5)—vote on remedy, if necessary.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, (202) 523-0161.

[S-1874-79 Filed 9-21-79; 4:38 p.m.]

BILLING CODE 7020-02-M

8

INTERNATIONAL TRADE COMMISSION (USITC SE-79-35)

TIME AND DATE: 10:00 a.m., Tuesday, October 2, 1979.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Anhydrous Ammonia from the U.S.S.R. (Inv. TA-406-5)—briefing and vote on market disruption.

6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, (202) 523-0161

[S-1873-79 Filed 9-21-79; 4:38 pm]

BILLING CODE 7020-02-M

9

NATIONAL MEDIATION BOARD.

TIME AND DATE: 2 p.m., Wednesday, October 3, 1979.

PLACE: Board Hearing Room, 8th floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Ratification of Board actions taken by notation voting during the month of September 1979.

(2) Review of current fee schedules for NMB issuances and publications.

(3) Other priority matters which may come before the Board for which notice will be given at the earliest practical time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's Office following the meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Rowland K. Quinn, Jr., Executive Secretary, telephone: (202) 523-5920.

Date of Notice: September 24, 1979.

[S-1876-79 Filed 9-24-79; 12:38 pm]

BILLING CODE 7550-01-M

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federal register

Wednesday
September 26, 1979

Part II

ACTION

Privacy Act of 1974, Systems of Records;
Annual Publication

ACTION Privacy Act of 1974

AGENCY: ACTION

ACTION: Annual publication of Systems of Records

SUMMARY: The purpose of this notice is to inform the public of the Privacy Act systems of records maintained by ACTION.

DATES: This document fulfills the annual notice requirements of the Privacy Act for 1974.

FOR FURTHER INFORMATION CONTACT: John F. Nolan, Director, Administrative Services Division, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525. Phone number 202-254-8105.

SUPPLEMENTAL INFORMATION: The systems published in their entirety in this notice continue in effect. Since our last annual publication in the Federal Register, Volume 43 on September 7, 1978 at pages 39928-39929, we combined segmented notices of our volunteer and staff systems to create two major systems. The two systems are entitled the ACTION Staff Applicant and Employee Records ACTION/1 and ACTION Volunteer Applicant and Service Records System ACTION/2. A notice was published in FR Vol. 43, December 5, 1978 at pages 56924-56928.

This notice does not include specific identification of certain systems of records in the custody of the Agency due to the fact that other Federal agencies have assumed responsibility for publishing government-wide notices with respect thereto. Primarily this includes publication of systems records pertaining to Federal employee personnel records by the Office of Personnel Management.

Special note should be taken of the Preliminary Statement to the systems of records containing an indication of general routine uses, general exemptions from disclosure, general regulations as to notification, access and contest, and other material applicable to ACTION record systems generally. The Agency desired to avoid unnecessary repetition and duplication in the publication of each system of records which might make it difficult for the public to review and locate a system in which a record might be available. The publication of general routine uses and exemptions does not serve as an indication that each system will be normally used or usable for such purposes or subject to such exemptions, but that the use of any system for such routine use shall be permitted upon request of a designated routine user. Included in the preliminary statement of routine uses are certain indications of special exemptions with respect to volunteer personnel files and medical/psychiatric records as to which special procedures are required to comply with the Agency's special responsibility to volunteers and to personnel as to whom it maintains medical/psychiatric information.

This notice is issued in Washington, D.C., on September 18, 1979.

Robert S. Currie,
Executive Officer.

Preliminary Statement

Operating Units: Identification of the operating units within the Agency to which a particular system of records pertains appears as "ACTION" followed by a designated abbreviation. The abbreviations and their meanings are:

OD-Office of the Director
DO-Office of Domestic and Anti-Poverty Operations
PC-Peace Corps
OPP-Office of Policy and Planning
LGA-Office of Legislative and Intergovernmental Affairs
GC-Office of General Counsel
C-Office of Compliance
AF-Office of Administration and Finance
ORC-Office of Recruitment and Communications
VCP-Office of Voluntary Citizen Participation

OFFICIAL PERSONNEL FILES: Official personnel files of Federal employees in the General Schedule in the custody of the agency are considered the property of the Office of Personnel Management (OPM). Access to such files shall be in accordance with such notices published by OPM. Access to such files in the custody of the Agency will be granted to individuals to whom such files pertain upon request to the Director, Personnel Management Division, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Files of staff employees appointed under the Peace Corps appointing authority which are not specifically covered by the OPM publication are inter-filed with all other personnel files and treated in the same manner. The OPM publication of notice for official personnel files is therefore adopted by reference for Peace Corps appointee personnel files in the custody of the Agency provided however that access, contests and appeals as to any record shall be heard as

provided in accord with ACTION regulations under the Privacy Act.

Various offices in the Agency maintain files which contain miscellaneous copies of personnel material affecting ACTION employees. This would include copies of standard personnel forms, evaluation, etc. These files are kept only for immediate office reference use and are considered by the Agency to be part of the personnel file system. The Agency's internal regulations provide that such information is a part of the general personnel files and can only be disclosed through the Director of the Personnel Management Division in order that he/she may insure that any material to be disclosed is relevant, material, current, and fair to the individual employee. It is also the policy of the Agency to limit the use of such files and to encourage the destruction of as many as possible.

STATEMENT OF GENERAL ROUTINE USES

The following routine uses are incorporated by this reference into each system of records set forth herein, unless such incorporation is specifically limited in the system description.

1. In the event that a record in a system of records maintained by the Agency indicates any violation or potential violation of the law whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto, the relevant record in this system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto; such referral shall also include and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law or before an administrative board or hearing, and (2) such other inter-agency referrals as may be necessary to carry out the receiving agencies assigned law enforcement duties.

2. In the event the Agency receives a request from a Federal, state or local instrumentality under the jurisdiction of the United States for a record to be used for a civil or criminal law enforcement activity, authorized by law, such record shall be disclosed to such agency or instrumentality provided ACTION receives a written request from the head of such agency or instrumentality specifying the particular portion of the record desired and the law enforcement activity for which the record is sought.

3. A record may be disclosed as a routine use to designated officers and employees of other agencies and departments of the Federal government having an interest in the individual for employment purposes including the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract, or the issuance of license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter involved, provided however, that other than information furnished for the issuance of authorized security clearances, information divulged hereunder as to full-time volunteers under Title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951) or the Peace Corps Act (22 U.S.C. 2501) shall be limited to the provision of dates of service and a standard description of service as heretofore provided by the Agency.

4. A record may be disclosed as a routine use in the course of presenting evidence to a court, magistrate or administrative tribunal of appropriate jurisdiction and such disclosure shall include disclosures to opposing counsel in the course of settlement negotiation.

5. A record may be disclosed as a routine use to a member of Congress submitting a request involving an individual who is a constituent of such member who has requested assistance from the member with respect to the subject matter of the record.

6. Information from certain systems of records especially those relating to applicants for Federal employment or volunteer service may be disclosed as a routine use to designated officers and employees of other agencies of the Federal government for the purpose of obtaining information as to suitability, qualifications and loyalty to the United States government.

7. Information from records systems may be disclosed to any source from which information is requested in the course of an investigation to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

8. Information in any system may be used as a data source, for management information, for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies. Information may also be disclosed to respond to general request for statistical information (without personal identification of individuals) under the Freedom of

Information Act or the Privacy Act or to locate specific individuals for personnel research or other personnel management functions.

9. Information in any system of records may be disclosed to a Congressional office, in response to an inquiry from any such office, made at the request of the individual to whom the record pertains.

10. A record from any system of records may be disclosed as a routine use to the National Archives and Records Service, General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

Exemption of Disclosure—National Defense and Foreign Policy Matters—Certain systems of records covered by the Act and maintained by the Agency may from time to time contain materials subject to specific exemptions authorized by 5 U.S.C. 552a(k)(1) relating to national defense and foreign policy materials. Such materials, as an example, might consist of classified cables or other documents properly classified under Executive Order. The Agency maintains the right to exempt such materials from disclosure wherever they might appear in such systems of records, but only to the extent necessary to protect such material as required by Executive Order and various statutes in the interest of national defense and foreign policy.

Partial Exemption of Medical/Psychiatric Information—Certain systems of records maintained by the Agency contain medical/psychiatric information, the disclosure of which might harm an individual if disclosed directly to him or her. As to such records, if in the sole judgment of appropriate officials of the Agency such disclosure could have an adverse effect upon an individual under the provisions of 5 U.S.C. 552a(f)(3), disclosure may be limited to a physician chosen by the requesting individual or his or her authorized representative.

Location of Regional Offices

The Agency maintains ten Regional Offices and five Service Centers in which certain systems, or parts of systems are maintained. The Agency also maintains state offices under the jurisdiction of the Regional Offices and area and sub-area offices under the jurisdiction of the Service Centers. The Regional Offices and Service Centers, their addresses, and the States within their respective jurisdictions are listed below. In the event of any doubt as to whether a record is maintained in a Regional Office, a query may be directed to the Director, Administrative Services Division, ACTION, Washington, D.C. 20525, who shall furnish all assistance necessary to locate a specific record.

ACTION Region I, John W. McCormack Federal Bldg., Room 1420, Boston, Massachusetts 02109 (Massachusetts, Maine, New Hampshire, Vermont, Rhode Island and Connecticut).

ACTION Region II, 26 Federal Plaza, 16th Floor, Suite 1611, New York, New York 10007 (New York, New Jersey, Puerto Rico and Virgin Islands).

ACTION Region III, U.S. Customs House, Room 112, 2nd and Chestnut Street, Philadelphia, Pennsylvania 19106 (Pennsylvania, Maryland, District of Columbia, Delaware, Virginia and West Virginia).

ACTION Region IV, 101 Marietta Street, N.W., Room 2524, Atlanta, Georgia 30323 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee).

ACTION Region V, 1 North Wacker Drive, 3rd Floor, Room 322, Chicago, Illinois 60606 (Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin).

ACTION Region VI, Corrigan Tower Building, Suite 1600, 212 No. St. Paul Street, Dallas, Texas 75201 (Arkansas, Louisiana, New Mexico, Oklahoma and Texas).

ACTION Region VII, II Gateway Center, Room 330, 4th and State, Kansas City, Kansas 66101 (Iowa, Kansas, Missouri and Nebraska).

ACTION Region VIII, 1845 Sherman Street, Columbine Bldg., Room 201, Denver, Colorado 80203 (Colorado, Wyoming, Montana, North Dakota, South Dakota and Utah).

ACTION Region IX, 211 Main Street, 5th Floor, Room 533, San Francisco, California 94105 (Arizona, California, Hawaii and Nevada).

ACTION Region X, 1601 Second Avenue, Seattle, Washington 98101 (Alaska, Idaho, Oregon and Washington).

ACTION Recruitment and Placement Service Centers:

New York Service Center, ACTION 26 Federal Plaza, Room 1605, New York, New York 10007 (Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, New York and Puerto Rico).
Atlanta Service Center, ACTION, 101 Marietta Street, N. W., Room 2515, Atlanta, Georgia 30303 (Georgia, District of Columbia, Maryland, Virginia, West Virginia, Alabama, Florida, Mississippi, North Carolina, South Carolina, Kentucky, Tennessee, Pennsylvania and Delaware).

Chicago Service Center, ACTION, 1 North Wacker Drive, Room 322, Chicago, Illinois 60606 (Chicago, Michigan, Kansas, Missouri, Minnesota and Wisconsin).

Dallas Service Center, ACTION, 212 N. St. Paul Street, Suite 1620, Dallas, Texas 75201 (Texas, Louisiana, Arkansas, Oklahoma, New Mexico, Montana, North Dakota, South Dakota, Wyoming and Utah).

San Francisco Service Center, ACTION, 211 Main Street, 5th Floor, San Francisco, California 94105 (California, Arizona, Hawaii, Washington, Alaska, Idaho and Oregon).

NOTIFICATION

Individuals may inquire as to whether any system contains information pertaining to them by addressing the System Manager in writing. Such request should include the name and address of the individual, his or her social security number, and any relevant data concerning the information sought. Where possible, the place of assignment or employment, etc. In case of any doubt as to which system contains a record interested individuals may contact the Director, Administrative Services Division, ACTION, Washington, D.C. 20525, who has overall supervision of records systems and who will provide assistance in locating and/or identifying appropriate systems.

ACCESS AND CONTEST

In response to a written request by an individual the appropriate System Manager shall arrange for access to the requested record or advise the requester if no such record exists. If an individual wishes to contest the content of any record, he or she may do so by addressing a written request to the Director, Administrative Services Division, ACTION, 806 Connecticut Avenue, N. W., Washington, D.C. 20525. The Director shall provide all necessary information regarding such contest and appeal.

Alphabetical Listing of Systems of Records in Effect on September 18, 1979.

Accounts Receivable (collection of Debts Records and Claims Record)
ACTION Employees Occupation Injury and Illness Reports
ACTION Information Gathering System
ACTION Travel Files
ACTION Staff Applicant and Employee Records
ACTION Volunteer Applicant and Service Records System
Congressional Files System
Contractors and Consultants Records
Discrimination Complaint File
Domestic and International Volunteer Security Files
Domestic Volunteer Appeal File
Employee Pay and Leave Records
Employee Travel File
Employee Unofficial Personnel Files
Former Volunteer/Staff Resource Record
Legal Files-Staff and Applicants
Outplacement Counseling Talent Bank
Overseas Staff Personnel Records
Overseas Staff Correspondence Files
Peace Corps Property Records
Peace Corps Volunteer Authorized Storage File
Personal Services Contracts Records
Regional Peace Corps Personnel Records
Staff and Volunteer Household Storage File
Talent Bank
Travel Authorization File
Voucher Payment Record and Schedules of Payments File

ACTION/1

System name: ACTION Staff Applicant and Employee Records, ACTION/1

System location: ACTION, Personnel Management Division, 806 Connecticut Avenue, N.W., Washington, DC 20525.

Categories of individuals covered by the system: Current and former employees, applicants; any individual involved in a grievance or grievance appeal or who has filed a complaint with the Department of Labor, Federal Labor Relations Council, Federal Mediation and Conciliation Service, or similar organization; and individuals considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to Federal programs.

Categories of records in the system: (1) The staff security files contain investigative information regarding an individual's character, conduct, behavior in the community where he or she lives; loyalty to the U.S. Government; arrests and convictions for any violations against the law; reports or interviews with former supervisors; co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies; former employers, educational institutions attended; and other similar information developed from the above. (2) The Grievance, Appeal and Arbitration files contain copies of petitions, complaints, charges, responses, rebuttals, evidentiary materials, briefs, affidavits, statements, records of hearings and decisions or findings of fact with respect thereto and incidental correspondence regarding complaints and appeals with respect to grievances and arbitration matters. (3) The Employees Indebtedness files contain records which are primarily correspondence regarding alleged indebtedness of ACTION employees, including employees' responses, the agency's response to the employee and/or creditor and administrative correspondence and records relating to agency assistance to the employee in resolving the indebtedness, if appropriate. (4) The Employee Reemployment and Repromotion Priority Consideration files contain a listing on a person's name and the positions he or she was considered for, dates of consideration and a copy of the individual's latest Standard Form 171 and performance evaluation. (5) The Performance Evaluation files consist of the annual performance evaluations of employee performance prepared by supervisors and reviewed by supervisory reviewing officials, together with comments, if any, by the employees evaluated. (6) The Management-Union Records system consists of automated data printouts showing an employee's name, grade, series, title, organizational entity and other associated data which determines his or her inclusion or exclusion from the bargaining unit under the existing union contract. The record also contains a printout showing the amount of dues withheld from each employee who has authorized such withholding, and other related data. (7) The Personnel Management system is a computer-based record which includes data relating to tenure, benefits eligibility, whether former volunteer, end of tour dates, awards, etc., and other data needed by Personnel and agency managers which is used for management purposes. (8) The Inactive Service Record Card contains a record of personnel actions made during employment, forwarding address, reason for leaving, social security number, date of birth, tenure, information and disposition of the official personnel folder.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 ET Seq., the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 ET Seq., provisions of the Federal Personnel Manual, the Foreign Affairs Manual, Executive Orders concerning management relations with employment organizations and Executive Order 10450 and various acts of Congress relating to personnel investigations authorizing the same by the Civil Service Commission which responsibility can, under Civil Service regulations and law, be delegated in whole or in part to agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: As indicated below the subsystems incorporate all or some of our published routing uses. (1) Staff Security files—in addition to our general routine uses may be disclosed to the OPM as part of the central personnel investigation records system. (2) Grievance, Appeal and Arbitration Records and Files—in addition to our general routine uses may be disclosed and used: (a) To the OPM; the Merit System Protection Board; and the Office of Special Counsel, MSPB, on request in conjunction with any appeal or in conjunction with its official duties with regard to personnel matters and investigation regarding complaints of Federal employees and applicants. (b) To designate hearing examiners, arbitrators and third-party appellate authorities involved in the hearing or appeal procedures. (3) Employees Indebtedness Records and files—may be released under our routine uses numbers 1, 2 and 3 except

that under routine use number 1 records may be released only to an appropriate Federal agency and the records may also be referred to a court of law and before an administrative board of hearing to matters related probation and parole. (4) Employee Reemployment and Repromotion Priority Consideration Records and Files—in addition to our general routine uses may be disclosed to (a) the OPM as part of the OPM personnel management evaluation system and (b) to the OPM for information concerning the reemployment and repromotion rights of individuals covered under the OPM system. (5) Performance Evaluation files—in addition to our general routine uses may be disclosed to the OPM in connection with any request for information or inquiry as to Federal personnel regulations. (6) Management-Union Records—in addition to the general routine uses may be disclosed and used for the following (a) to the ACTION employees union for maintenance of its records with respect to dues and inclusion in the bargaining, (b) to the Treasury Department for preparation of payroll checks with appropriate withholding of dues, (c) to the OPM for union related reporting in the area of management/labor relations. (7) Personnel Management Information System—is used by agency officials for day to day work processing; statistical reports without personal identifiers and for in-house reports relating to management. Information contained in this record is reflected in the individual's official personnel folder. (8) Inactive Service Record Card File—is used by personnel staff to verify service and for day to day work information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, lists or looseleaf binders and are stored in metal file cabinets with a three-way combination lock and/or secured rooms with access limited to those employees whose official duties require access.

Retrievability: Records are indexed by name, social security number or employee number.

Safeguards: Records are generally available to ACTION employees having a need for such records in the performance of their duties. Generally the security files are available only to personnel of the Security office or to agency office heads or other agency security personnel and such personnel must have an appropriate security clearance.

Retention and disposal: After termination, death or retirement or consideration of an applicant the Staff Security files are kept in the security office three years and then retired to a Federal Records Center for 27 years and then destroyed. The Grievances, Appeals and Arbitration files are retained indefinitely in the Personnel Management Division. The Employee Indebtedness files are destroyed on a bi-annual basis or when the problem is resolved. The Employee Reemployment and Repromotion Priority Consideration files are retained according to length of reemployment or repromotion eligibility. The Performance Evaluation Files are retained one year or until superseded. The Personnel Management Information system records and the Inactive Employee Service Record Cards are kept indefinitely in the Personnel Management Division. The Management-Union Lists are retained until superseded by a corrected or updated list.

System manager(s) and address: The Director of Personnel has overall responsibility for records covered by this system. Personnel branch chiefs are responsible for the subsystems as follows: (a) Staff Security Files—Chief, Employee Security Branch; (b) Grievance, Appeal and Arbitration; Employee Indebtedness Files; and Management-Union Records—Chief, Labor and Employee Relations Branch; (c) Performance Evaluation File; Employee Reemployment and Repromotion Priority Consideration File; Personnel Management Information System and the Inactive Employee Record Service File—Chief, Personnel Staffing Branch.

The address for all systems is ACTION, Personnel Management Division, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: From the individual, the official personnel folder, statistical and other information developed by the Personnel Management Division staff, such as end of tour dates, arrival of post dates and within class increase due dates; agency supervisors and reviewing officials, individual employee fiscal and payroll records, alleged creditors of employees, witnesses to any occurrences giving rise to a grievance, appeal or other action, hearing records

and affidavits and other documents used or usable in connection with grievance, appeal and arbitration hearings, and information contained in the Staff Security files was obtained from (a) applications and other personnel and security forms furnished by the individual, (b) investigative material furnished by other Federal agencies, (c) by personal investigation or written inquiry from such associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, and other such sources as may be developed from the above, and (e) from the individual.

ACTION/2

System name: ACTION Volunteer Applicant and Service Records System, ACTION/2.

System location: This system is made up of subsystems which are located agencywide at ACTION offices. These locations are (a) ACTION Headquarters, (b) all ten Domestic and Regional State Offices; (c) all five Service Center offices, area and sub-area Recruitment offices; and (d) each Peace Corps overseas program office. There is at present an excess of 60 such overseas offices and this number fluctuates as programs are added or withdrawn. Specific addresses will be provided upon request to the Director of the Administrative Services Division. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, Peace Corps, c/o The American Embassy in the country.

Categories of individuals covered by the system: Current and former ACTION full-time volunteers, trainees and applicants for volunteer service in the Peace Corps, including Peace Corps United Nations Volunteers, or in one of ACTION's full-time Domestic Operations programs including Volunteers in Service to America (VISTA), University Year for ACTION (UYA), ACTION Cooperative Volunteers (ACV), Program for Local Service (PLS), and Volunteers in Justice (VIJ). A record may exist in a subsystem depending on whether a record was established as part of the application, placement, selection and services process. Normally, an applicant record will exist for all applicants and a service record will exist for all trainees and volunteers.

Categories of records in the system: This major system covers a number of temporary and permanent records established during the applicant, placement, selection and service stages. Most information maintained in this system is furnished by the individual. Generally, the individual is also aware of any necessary investigations being conducted and is either counseled or authorizes such investigations. As the record progresses through the subsystems, an applicant, medical, volunteer service, legal or special services file may be established. These records are explained in detail in the following paragraphs. At the processing and program support desk levels temporary day to day sets of records may be used or set up to speed up work process. This information used at the desk level is usually information extracted from the main file or is a duplicate of information contained in the main file and is utilized only as long as needed for a particular decision, project or period of services. Upon completion of the use of such records they are destroyed or, if a permanent document or record, are forwarded to the ACTION Records Center for consolidation, retirement or ultimate destruction.

(1) Volunteer Application Folder and Computer Based Record: This record contains forms related to the application process such as the application, references, invitation to training and other trainee enrollment forms, correspondence relating to the application, copies of other application documents, such as Peace Corps background investigation form, evaluator-recruiter interview forms. Information is extracted from the hard copy to create a computer record which is used to track progress, issue labels for correspondence to the applicant and account for the establishment, retirement and ultimate destruction of the individual record. Statistical information, without personal identifiers, is used from the computer record.

(2) Trainee and Volunteer Service and Pay Folder and Computer based record: This record contains correspondence, forms related to pay allowances, travel and service such as, the Oath, designation of beneficiary, address, social security number, duty station, next of kin, trainee registration form, service and termination documents. Information is coded from hard copy documents to create a record for pay and verification of service purposes.

(3) Medical Folder: The medical record contains medical examination forms and fitness for duty reports, medical claims, correspondence and cables, medical histories, payment records, record of the consulting physician, treatment, hospitalization and disposition of the case. History of psychiatric or psychological treatment.

(4) Legal Folder: These records contain a record of any legal matter affecting volunteers or applicants. Includes grievances, appeals, claims litigation, legal queries from volunteers/ applicants and

answers, and any other matter involving contact between a volunteer/applicant and the Office of the General Counsel.

(5) Special Services Folder: This record is set up to cover any unusual or extraordinary action or circumstance happening during service or causing the termination of the volunteer or trainee. These records contain details of extensions, transfers, reenrollments, reinstatements, death or termination. Details include name, country of assignment, program number, dates of the action, supportive documentation. Supportive documentation would include termination reports, staff recommendations, cables, financial information, travel arrangements and medical clearance. Death cases may also include autopsy report, documentation of account of the death, designation of beneficiary, police report, death certificate, correspondence related to final arrangements, money payments and other financial matters.

(6) Overseas Post Service and Medical Records: Contain correspondence and forms relating to in country service such as, records of all payments or accrued credit to volunteers and trainees, advances or other items due to the government from volunteers or trainees, monthly living allowances, leave allowances, settling in allowances, property assignments. The medical record is maintained at post by the Peace Corps Health official. It contains the entrance physical and dental examination records and record of treatment received while in Peace Corps.

(7) Headquarters International Operations Region Correspondence Files: These files contain copies and originals of correspondence to and from the volunteers or trainees regarding project activities.

(8) United Nations Volunteers Records: These records contain applications, correspondence related to the applicant/placement process, other records connected with the application, training and placement of persons wishing to serve or serving as United Nations Volunteers. For short periods of time references furnished by the applicant may be kept in the file but they are transferred to the ACTION Office of Recruitment which has the responsibility for the selection process. Similarly, medical history forms are collected but are immediately forwarded to the United Nations or Health Services Division of ACTION. Upon the end of service or inactivation of the record they are forwarded to the ACTION Records Center for combining and retirement as regular Peace Corps records.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq., The Peace Corps Act, 22 U.S.C. 2501 et seq., and The Budget and Accounting Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these files and records may be disclosed and used as follows:

(a) As stated in our general routine uses unless specifically stated otherwise under this heading.

(b) To the Domestic Volunteer's sponsor concerning placement, performance, support and related matters.

(c) To Peace Corps Volunteer host country officials to obtain visas, inform of pending arrival of the trainee/volunteer and for review of their qualifications for the program.

(d) To the trainee/volunteer's family or next of kin so that he or she may be located in case of emergency.

(e) To the Social Security Administration for crediting of social security accounts and reporting withholdings.

(f) To the Internal Revenue Service to report on taxes paid and for income tax purposes.

(g) To Federal agencies having a need to verify volunteer eligibility for Federal employment under provisions of Executive Order 11103.

(h) To the Treasury Department for purposes of issuing payroll checks, readjustment allowance checks or to report overpayments.

(i) For Peace Corps volunteers, as appropriate overseas U.S. Government agencies for monthly payroll preparation.

(j) To verify active or former volunteer service.

(k) Regarding the legal record: Information contained in the legal file is not routinely disclosed outside the agency except in the following circumstances: 1. To the Department of Justice in conjunction with litigation or potential litigation in situations in which the Department may be called upon to provide representation to the Agency. 2. In circumstances set forth in paragraphs 1, 2, 7 and 10 of our general routine uses.

(l) Regarding the United Nations Volunteer records: In addition to our general routine uses the contents of these records and files may be disclosed and used as follows: 1. To designated officers and employees of the United Nations having a responsibility for the selection and placement of U.N. Volunteers. 2. To officials of a proposed host country desiring the assignment or placement of U.N. volunteers.

(m) Regarding Medical records: In addition to our general routine uses the medical records and files may be disclosed or used as

follows: 1. To the contractor under the ACTION Health Policy, for purposes of adjudication of volunteer claims. 2. To the Office of Workers Compensation, U.S. Department of Labor in connection with claims under the Federal Employee's Compensation Act. 3. To a physician or other medical personnel treating or involved in the medical treatment and/or care of an applicant, trainee or volunteer and having a need for such records for the provision of the medical treatment or care. In situations where it is practicable the individual's consent will be obtained before releasing such information. 4. To psychiatrists or clinical psychologists when necessary for treatment. To the extent practicable disclosure will not be made without approval of the individual. The existence of psychiatric or psychological records but not their contents may be disclosed to designated officers and employees of other agencies and departments of the Federal government and the District of Columbia government having an interest in an individual for employment purposes including a security clearance or access determination. 5. In death cases to notify designated life and/or personal property insurance companies to obtain payment of insurance benefits; to notify the Office of the Vice-President for the preparation of condolence letters; to the Department of Labor, Office of Federal Employee's Compensation; to the family and next of kin; and for Peace Corps Volunteers, the Department of State.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files or records are maintained in folders, log books, cards, magnetic tape or disc packs with tape backup and are filed in metal filing cabinets with a manipulation proof combination lock or in a room with a combination lock in the door, or in a locked room when not in use.

Retrievability: The majority of the subsystem records are retrievable alphabetically by the last name. A few are retrievable by the social security number; by subject headings but access may be gained by reference to an alphabetical name index; or by alphabetical order by country of assignment.

Safeguards: Records are generally available only to ACTION employees with specifically assigned duties which requires working with the records on a day to day basis. They are available to other ACTION employees having the need for such records in the performance of their official duties. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Most volunteer records are kept no longer than seven years. The Domestic Operations Full-Time Volunteer Census Master File, the Domestic Operations Volunteer Status Change Card and Peace Corps Personnel and Payroll Computer Record and the Peace Corps Description of Service records are kept permanently. The legal files are kept 27 years. The medical records are kept for 25 years. Applications rejected immediately are destroyed in six months. Applications, including any medical records, rejected before enrollment as a volunteer are destroyed in one year.

System manager(s) and address: As the record flows from one state to another, or if a record is established for a specific purpose, the system manager is the agency official responsible for the particular function. If an individual is in doubt as to whom to contact, he or she should contact the Director, Administrative Services Division.

The subsystem managers are:

- a. The five ACTION Service Center Managers located at the New York Service Center; Atlanta Service Center; Chicago Service Center; Dallas Service Center and the San Francisco Service Center.
- b. The Administrative Officers for the ten Domestic Operations Regional offices.

The following officers are located at ACTION, 806 Connecticut Avenue, N.W., Washington, D.C., 20525.

- c. The Chief, Peace Corps Placement Branch.
- d. The Chief, Health Benefits and Analysis Branch.
- e. The Chief, Medical Screening and Services Branch.
- f. The Chief, Medical Operations Branch.
- g. The Chief, Domestic Volunteer Payroll Section.
- h. The Director, Planning and Evaluation Division.
- i. The General Counsel.
- j. The Chief, Peace Corps Support Services Branch.
- k. The Chief, ACTION Records Center.
- l. The Chief, Special Services Branch.
- m. The Director, Office of Multilateral and Special Programs.
- n. Peace Corps Country Desk Officers.

The following officers can be contacted at the post of assignment:

- o. Peace Corps Country Directors Overseas.
- p. Peace Corps Medical Officers Overseas.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information is obtained from the individual; sources whom the individual has named; ACTION employees or other volunteer/trainees; medical personnel who have examined or treated a volunteer or applicant or his or her records; medical contractors; U.S. Government investigative agencies, including the Office of Personnel Management; The Merit Systems Protection Board and its Special Counsel; The Federal Labor Relations Authority; and local law enforcement officials; Peace Corps Host Country Nationals; Peace Corps Country American Embassy and Consulates, United Nations Staff; and job supervisors.

ACTION/LGA—1

System name: Congressional Files System—ACTION/LGA

System location: Office of Legislative and Intergovernmental Affairs/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Members of Congress.

Categories of records in the system: The records in this system consist of bio-data, voting records, ACTION programs in members districts or states, indications of program concerns of members of Congress affecting ACTION, and copies of incoming and outgoing correspondence between personnel of ACTION and members of Congress.

Authority for maintenance of the system: Peace Corps Act, 22 U.S.C. 2501 et seq. and Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system are not subject to routine use outside the Agency except for routine use number 10 in the preceding preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are maintained in file folders in metal filing cabinets locked at the close of the business day in a building having a 24-hour security guard.

Retrievability: Records in this system concerning members of committees concerned with ACTION legislation are filed by Congressional committee and within each committee alphabetically; Congressional correspondence is filed alphabetically by last name of the member.

Safeguards: Records in this system are generally available only to personnel of ACTION having a need for such information in the performance of their official duties as such.

Retention and disposal: Records in this system are maintained permanently.

System manager(s) and address: Assistant Director for Legislative and Intergovernmental Affairs/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information in system of record is obtained from the following category of sources: 1. The Congressional Directory, Congressional Records, Congressional Quarterly, Periodicals and standard reference materials. 2. Members of Congress and their staffs. 3. ACTION employees. 4. Newspaper and magazine publications.

ACTION/AF—32

System name: ACTION Information Gathering System—ACTION/AF-32.

System location: Office of Administrative Service/ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Categories of individuals covered by the system: (1) Persons serving in, having served in, or who are served by programs initiated by ACTION; (2) persons working with ACTION programs on a volunteer basis, and (3) the general public, i.e., in communities and areas (i) where ACTION programs are; (ii) where ACTION programs are proposed; and (iii) nationwide for media impact studies, post-service studies, etc.

ACTION/AF/FVL—1

System name: Former Volunteer/Staff Resource Record (AF/FVL-1).

System location: ACTION, Office of Former Volunteer Liaison, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Categories of individuals covered by the system: All former staff and volunteers.

Categories of records in the system: Individual former staff and former volunteer files containing the following information about the particular individual; name, current address; current home and business phone number, social security number; date of birth; next of kin name and address; preservice, service, and post-service education, employment and training experience; trade skills; language skills; educational level; teaching experience; current interest in voluntary service; type of volunteer/staff duty assignments and location of assignments.

Authority for maintenance of the system: The Peace Corps Act, as amended (22 U.S.C. 2501, et seq.); and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this file will be used by the ACTION agency to involve former staff and volunteers with policy formation, program evaluation, recruitment, foreign and domestic disaster relief, and to keep up-to-date addresses for mailing publications and public affairs releases.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained on magnetic discs and tapes which are stored in a locked room when not in immediate use in a building with a 24-hour guard.

Retrievability: Records are indexed by categories such as skills, social security number, and alphabetical order.

Safeguards: Records in the system are available only to appropriate officials of ACTION with the need for access to such records for the performance of their duties.

Retention and disposal: Records are begun following end of staff and/or volunteer service and retained for the "life" of the volunteer/staffer. These records have no present destruction date and are now expected to be destroyed 50 years after establishment.

System manager(s) and address: Coordinator, Office of Former Volunteer Liaison, ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information supplied by former staff and former volunteers.

Notification procedure: Individuals wishing to see information in their records, inquire if this system of records contains information about them, or contest/correct information should provide their name, any former name, date of birth, social security number, dates of service if known, location of service and type of volunteer (Peace Corps or VISTA) or staff. Individuals should address their inquiries to: Director, Administrative Services Division, Office of Administration and Finance, ACTION, 806 Connecticut Avenue NW., Washington, D.C. All inquiries should have "Privacy Act Request" noted on the envelope.

ACTION/VCP/PMD—31

System name: Outplacement Counseling Talent Bank—ACTION AF/PMD-31.

System location: Outplacement Counseling Unit, Office of Voluntary Citizen Participation, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Applicants for employment with Federal, State and local government agencies and for private-sector employment, all of whom have been ACTION (Peace Corps or VISTA) Volunteers.

Categories of records in the system: These files contain copies of resumes and applications for employment (SF-171) with Federal, State and local government agencies and with private-sector employers, and copies of correspondence to and from individuals in the system and copies of correspondence relative to employment of those individuals, and similar documents.

Categories of records in the system: The system will contain information necessary to provide statistical and analysis data in connection with agency activities including volunteer projects. The agency anticipates during the next year studies in such areas as: Recruitment, impact of advertising campaigns or media on a given area; public awareness of proposed or existing programs; program effect in particular demographic areas; impact of volunteer service on individuals after service; community awareness of program impact and volunteer programs on private sector volunteerism, etc. Individuals will be asked to complete a form and will be informed of the particulars of the study, i.e., the specific purpose of the study, who is conducting the study, the use of the information they submit; who has access to the records; provisions of the Privacy Act; the authority for collecting the data; the effect of nondisclosure; the particular study title and the Privacy Act system of records identification number.

This information may include names and addresses, relationships to a particular agency activity, age, race, education, ethnic background, employment history, family size and age groups, marital status, impact of an ACTION program on the individual or community, type of service received, volunteer program interest area, effect of advertising on the individual. Although it is impossible to foresee all information which will be gathered for study the agency anticipates that such data may be collected. Subsystems of records may be set up for relatively short periods of time during the information gathering stage. However, the overall responsibility for these subsystems comes under the Administrative Services Division. Records will be retained only as long as needed for the study but statistical data may be retained after personal identifiers have been removed.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951, 5042 (13) and the Peace Corps Act, as amended (22 U.S.C. 2501, et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Data maintained in this system shall be used to enable the agency to carry out its authorized functions in connection with program and project evaluation as stated in the statement of general routine uses published in the preliminary statement set forth in 42 FR No. 182 at page 47439 paragraph 8. "Information in any system may be used as a data source, for management information, for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies. Information may also be disclosed to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or the Privacy Act or to locate specific individuals for personnel research or other personnel management functions." Initially, the information will be furnished by the individual to the ACTION staff personnel or personnel performing the study on behalf of ACTION. Such records will be retained only as long as required to complete the work.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These files may be maintained in various fashions. Material placed on computers shall be stored in disc packs with tape backup. All files shall in any event be maintained and filed in rooms or cabinets with manipulation proof combination locks which are not in immediate use.

Retrievability: Files are retrievable through name or identifying number.

Safeguards: Records in this system will be available only to appropriate personnel, including staff or other individuals working on ACTION's behalf, having a need for such records in the performance of their duties.

Retention and disposal: Records in this system shall be maintained only so long as necessary to carry out the management survey or other function for which they were collected and then shall either be destroyed or the information may be stored after removal of all personal identification.

System manager(s) and address: Director, Administrative Services Division, ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information will be obtained from the individual or persons dealing with ACTION programs.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq., and the Peace Corps Act, Amended, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: To Federal, State and local government agencies and to private-sector employers with regard to any applicant's eligibility and suitability for employment. Other routine uses as stated in ACTION's Preliminary statement published in FR Vol. 41, No. 238, Thursday, Dec. 9, 1976, pages 53940 and 53941, and FR Vol. 42, No. 114, Tuesday, June 14, 1977, page 30412.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets secured with three-way combination locks.

Retrievability: Records are indexed in alphabetical order and by skill code category.

Safeguards: All records are placed in combination-lock files when not in use and are locked during non-business hours.

Retention and disposal: Records in files are updated annually. If the subject of the file indicates a desire to remain in the system, the file is maintained for another year. Otherwise, the file is destroyed by burning or shredding.

System manager(s) and address: Chief, Outplacement Counseling Unit, OUCP, ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system is obtained from the following sources: applications, resumes and related personnel forms furnished by the individual.

ACTION/C-1

System name: Discrimination Complaint File

System location: Office of Compliance, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any employee or applicant for employment who has filed a complaint of discrimination against ACTION.

Categories of records in the system: Affidavits maintained concerning the following information: the complaint, correspondence related to the complaint and copies of personnel records and information how the complaint was resolved.

Authority for maintenance of the system: Executive Order 11478 and 5 CFR 713, 222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contents of these records and files may be disclosed and used as follows: a. To the Merit Systems Protection Board and its Special Counsel for hearings and/or administrative appeals on the complaint of discrimination; b. To the Department of Justice in connection with any suits brought against the agency for alleged discrimination; c. To the Equal Employment Opportunity Commission for advice and counsel within its jurisdiction. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks when not in immediate use.

Retrievability: Files are indexed alphabetically.

Safeguards: Records in the system are available only to appropriate personnel in the Office of Equal Opportunity and other designated officials of ACTION with a need of such records in the performance of their duties.

Retention and disposal: Records are destroyed five years after the close of the case.

System manager(s) and address: Director, Office of Compliance, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Data in this system is obtained from the following categories of sources: 1. Employees or applicants of ACTION involved as complainants, witnesses, etc. in discrimination complaints. 2. Reports of investigations and other materials prepared by Equal Employment Opportunity Officers, counsellors and investigators. 3. Copies of Agency documents relevant to any EO investigation. R. Records of hearings on complaints.

ACTION/AF-2

System name: Travel Authorization File—ACTION/AF

System location: Fiscal Services Branch Administration and Finance/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525

Categories of individuals covered by the system: Any ACTION employee, volunteer or person invited to travel for ACTION.

Categories of records in the system: Files consist of copies of obligated travel authorizations, travel vouchers, receipts, records of payments, and other materials related to official travel.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the Peace Corps Act, 22 U.S.C. 2051 et seq.; The Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; and the Federal Claim Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contents of these records and files may be disclosed and used as follows: a. To the Department of Treasury which receives a copy of the travel voucher forwarded with the Voucher and Schedule of Payment (SF-116) for forwarding to the payee. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in file folders in filing cabinets with bar locks, key locks or manipulation proof combination locks when not in immediate use.

Retrievability: Files are indexed alphabetically by last name.

Safeguards: Records in the system are available only to appropriate personnel, Fiscal Services Branch, and other appropriate officials of ACTION with the need for such records in the performance of their duties.

Retention and disposal: Records are held for three years and retired to the Federal Records Center in accordance with General Accounting Office instructions.

System manager(s) and address: Chief, Fiscal Services Branch, Accounting Division, Administration and Finance/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Data in this system is obtained from forms submitted by individuals engaging in official travel, and other ACTION employees.

ACTION/AF-3

System name: ACTION Employees Occupational Injury and Illness Reports—ACTION/AF

System location: Maintained at Headquarters, ACTION and all ACTION Domestic Regional Offices and Peace Corps countries.

Categories of individuals covered by the system: ACTION employees who have had job-related injuries or illnesses.

Categories of records in the system: Reports of occupational injuries and illnesses and medical reports with respect thereto.

Authority for maintenance of the system: The Occupational Safety and Health Act of 1970 Executive Order 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Occupational injury and illness reports are maintained in order to provide data, including statistical data required by the Occupational Safety and Health Administration, Department of Labor.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination lock.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to ACTION employees having a need for such records in the performance of their official duties.

Retention and disposal: Files in this system are retained for a period of five years following the calendar year to which they are related and then destroyed by burning or shredding in accordance with standard procedures.

System manager(s) and address: Chief, Health Benefits and Analysis Branch, Health Services Division, ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system is obtained from the following categories of sources: Employees who have suffered a work-related illness or injury ACTION Supervisory personnel.

ACTION/AF-9

System name: Domestic Volunteer Appeal File—ACTION/AF

System location: Labor and Employee Relations Branch Personnel Management Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Persons serving as volunteers in ACTION domestic full-time programs appealing any action terminating such volunteer, or any action of the Agency affecting such individual selected for volunteer service and any other appealable matters affecting domestic volunteers and applicants.

Categories of records in the system: The records contain applications or petitions relating to volunteers' appeals, including replies, rebuttals, hearing records, documentary evidence, determinations and records of resulting actions.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records may be used and disclosed as follows: 1. In the event of any indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute or regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred, as a routine use, to the appropriate Federal agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. Such referral shall also include and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and (2) such other inter-agency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties, provided however, that in the event of a request for records in this system from a Federal agency for a civil or criminal law enforcement activity, authorized by law, the record shall be disclosed only upon written request signed by the head of such agency or instrumentality specifying the particular portion desired in the law enforcement activity for which the record is sought. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in the system are generally available only to employees of the Agency having the need for such records in the performance of their duties.

Retention and disposal: Records in this system are maintained for 3 years and then retired to the Federal Records Center for disposition in accordance with regulations.

System manager(s) and address: Chief, Labor and Employee Relations Branch Personnel Management Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information in this system is obtained from the following sources: 1. ACTION employees. 2. Witnesses to any occurrence giving rise to a grievance, appeal or other action. 3. Hearing records and affidavits and other documents used or usable in connection with such hearings.

ACTION/AF-11

System name: ACTION Travel Files—ACTION/AF

System location: Chief, Travel and Transportation Division Office of Administrative Services/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any ACTION employees, volunteer, consultant, contractor or other individual who travels on agency business.

Categories of records in the system: Records maintained contains travel authorization itinerary Government Bills of lading, packing letter and passport numbers which are included for overseas travel, diplomatic, official and no-fee passports for staff, trainees and volunteers; completed visa applications are temporarily held in files for Peace Corps Trainees; and other travel related material.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. Section 4951 et seq.; the Peace Corps Act, 22 U.S.C. Section 2501 et seq.; The Budget and Accounting Act of 1921; the Accounting and Auditing Act of 1950; the Federal Claim Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in key locked cabinets.

Retrievability: Records are arranged alphabetically by name in accord with categories, i.e., staff travel file, Peace Corps volunteer travel file, Domestic Volunteer travel file, and consultants, experts and invitational travel files, some records are maintained by country.

Safeguards: Records are available only to appropriate personnel, Office of Travel and Transportation Division and other appropriate officials of ACTION with need for such records for the performance of their duties.

Retention and disposal: Records in the system are maintained in the Travel and Transportation Division of one year after the employee leaves the agency and are then burned.

System manager(s) and address: Chief, Travel and Transportation Division Office of Administrative Services ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information is obtained from the following categories of sources: individual travellers ACTION employees.

ACTION/AF-12

System name: Accounts Receivable (Collection of Debts Records and Claims Record)—ACTION/AF

System location: Fiscal Services Branch/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any person whether vendor or volunteer, or employee of ACTION as well as former volunteers and former employees allegedly erroneously overpaid by ACTION.

Categories of records in the system: This system contains the following categories of records: 1. Register of debts claimed. This record consists of names and addresses of individuals who are indebted to ACTION including the date of the debt, a claim number, the amount of the debt, and the date the debt is paid if that has occurred. 2. Claim Record Card. This record consists of the same information in shorter form as that contained in the Register. 3. File Folders. This record consists of the initial billing, follow up letters for collection of debt and related correspondence together with a copy of the check or checks paying the debt if that has occurred.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 and the Domestic Volunteer Service Act of 1973, 42

U.S.C. 4951; The Budget and Account Act of 1950. In addition to the above two Acts granting general powers of management to the Director of ACTION there are additional Federal statutes requiring and permitting the administrative settlement of claims by agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system may be disclosed in the following circumstances: To the General Accounting Office (GAO) for cases of administrative error amounting to over 500 dollars of overpayment and situations in which the agency has been unable to collect such debt. Disclosure will also occur in which the agency requests a waiver for error caused by overpayment of salary in excess to 500 dollars. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination lock.

Retrievability: Records are indexed in alphabetical order.

Safeguards: These records are available only to officials of ACTION having a need for such records in the performance of their official duties and for the routine uses listed above.

Retention and disposal: These records are maintained until the settlement of a claim and then retired to the Federal Record Center to be destroyed in accord with their schedule of destruction.

System manager(s) and address: Chief, Fiscal Services Branch, Accounting Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system was obtained from the following categories of sources: Domestic Retention Offices Peace Corps Country Posts Headquarters Payroll Office Employees of ACTION having knowledge of the facts.

ACTION/AF-16

System name: Voucher Payment Record and Schedules of Payments File—ACTION/AF

System location: Fiscal Services Branch, Administration and Finance, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any current or former ACTION, employee, volunteer or vendor.

Categories of records in the system: The Voucher Payment Record is a single index card form containing the following data: Invoice number or date, amount paid, voucher and schedule number, grant, contract or purchase order number and type of payment (advance, partial or final). The Schedule of Payments File consists of the invoice received, document authorizing the action to be taken such as travel authorization or purchase order and the voucher making the payment as well as the SF-1166 (Voucher and Schedule of Payments) and SF-1081 (Voucher and Schedule of Withdrawals and Credits—used in government only) and to which the other documents are attached.

Authority for maintenance of the system: Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.; Peace Corps Act, 22 U.S.C. 2501 et seq.; Budget and Accounting Act of 1921 Accounting and Auditing Act of 1950; and the Federal Claims Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The content of these records may be disclosed and used as follows: The Treasury Department receives the Schedule of Payment and a copy of voucher for payment. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Voucher Payment Records are stored in an index card box placed in a metal file cabinet with bar locks, key locks or manipulation proof combination locks when not in immediate use. Schedule of Payment is stored in the same way.

Retrievability: Voucher Payment Record is indexed by last name alphabetically. Schedule of Payments is filed numerically by schedule number.

Safeguards: Records in the system are available only to appropriate personnel, Fiscal Services Division, and other appropriate officials of ACTION with the need for such records in the performance of their duties.

Retention and disposal: Records are held for three years and retired to the Federal Records Center in accordance with General Accounting Office instructions.

System manager(s) and address: Chief, Fiscal Services Branch, Accounting Division, Administration and Finance, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Data is obtained from documents provided by the individual or the vendor.

ACTION/AF-20

System name: Peace Corps Volunteer Authorized Storage File—ACTION/AF

System location: Chief, Travel and Transportation Division, Office of Administrative Services, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps volunteers authorized to store household effects and personal belongings.

Categories of records in the system: Records contain copy of the travel authorization for the volunteer and the household goods storage letter.

Authority for maintenance of the system: Section 5(n) of the Peace Corps Act, 22 U.S.C. Section 2504(n).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained on book shelves in loose leaf binders in a locked room.

Retrievability: Records are arranged alphabetically by name.

Safeguards: Records in this system are available only to appropriate personnel, Office of Travel and Transportation and other appropriate officials of ACTION with a need for such records for the performance of their duties.

Retention and disposal: Records in the system are maintained in the Office of Travel and Transportation for two years after the Peace Corps volunteers terminate and are then burned.

System manager(s) and address: Chief, Travel and Transportation Division Office of Administrative Services/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Peace Corps Washington Staff ACTION Overseas Peace Corps Mission Requesting Volunteers.

ACTION/AF-21

System name: Personal Service Contracts Records—ACTION/AF

System location: Chief, Procurement Branch, Contracts and Grants Management Division/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Only those persons contracted through the Headquarters Procurement Branch who have served or are serving as a personal services contractor for the Peace Corps abroad or in the United States are covered by this system.

Categories of records in the system: The records maintained contain the history of employment, including earning records, of individuals hired as personal services contractors.

Authority for maintenance of the system: Section 10(a)(4) of the Peace Corps Act, 22 U.S.C. 2509.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks when not in immediate use.

Retrievability: Records are arranged by contract number.

Safeguards: Records in the system are available only to appropriate personnel in the Contracts and Grants Management Division and other appropriate officials of ACTION with the need for such records for the performance of their duties.

Retention and disposal: Records in the system are maintained in the Contracts and Grants Management Division for one year after the closing date of the contract and then sent to the Federal Records Center where they are maintained for three years and then destroyed in accordance with regulations governing such destruction of Federal Record Center records.

System manager(s) and address: Chief, Procurement Branch, Contracts and Grants Management Division, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system is obtained from the following categories of sources: Individual contractors Peace Corps Overseas Staff, Peace Corps Washington Staff.

ACTION/AF-22

System name: Talent Bank—ACTION/AF

System location: Personnel Management Division, Office of Administration and Finance; the Office of the Director and the Director, Peace Corps.

Categories of individuals covered by the system: Applicants for staff employment with ACTION.

Categories of records in the system: These files contain copies of applications for employment (SF-171), resumes submitted by applicants, and other background information regarding qualifications of the applicant for staff positions in ACTION.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To the Office of Personnel Management with regard to any question of eligibility, suitability or qualifications of an applicant for employment. b. To any source of which information is requested in the course of an inquiry as to the qualifications of an applicant, to the extent necessary to identify the individual, inform the source of the nature and purpose of the inquiry, and to identify the type of information requested. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are generally available only to employees with ACTION with the need for such records in the performance of their duties.

Retention and disposal: Records are destroyed when applications are two years old. Applications which result in appointment are filed in the Official Personnel Folder and are subsequently retired to the Federal Records Center, St. Louis.

System manager(s) and address: The Administrative Assistant to the Director and the Special Assistant for Country Director Recruitment in the Peace Corps are system managers for non-career applications until they are forwarded to the Personnel Management Division. The Chief, Personnel Operations Branch is the system manager for all other applications and for those non-career applications forwarded from the Office of the Director and the Peace Corps. All are located at 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system was obtained from the following categories of sources: Applications and other personnel forms furnished by the individual. By oral or written inquiries from sources disclosed by the applicant such as: Employers Schools References, etc.

ACTION/AF-23

System name: Staff and Volunteer Household Storage File—ACTION/AF

System location: Office of Administration and Finance/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any employee or volunteer of ACTION whose furniture is authorized for storage.

Categories of records in the system: The records maintained contain the following information: Travel authorization. A Xerox copy of the invoice for payment. Record of partial payment form.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.; the Peace Corps Act, 22 U.S.C. 2501 et seq.; and the Budget and Accounting Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To the Department of Treasury in connection with payment of invoice received from vendor. b. To the vendor in the event there is a discrepancy between its and ACTION records. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in file folders in filing cabinets with bar locks, key locks, or manipulation proof combination locks when not in immediate use.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in the system are available only to appropriate persons in Administration and Finance and other appropriate officials of ACTION with the need for such records for the performance of their duties.

Retention and disposal: Records are retained for two years after a volunteer's or employee's termination (including retirement) and retired to the Federal Records Center.

System manager(s) and address: Chief, Fiscal Services Branch, Accounting Division, Administration and Finance/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Administration and Finance, Fiscal Services Branch, Travel Orders, Vendors Invoices.

ACTION/AF-26

System name: Domestic and International Volunteer Security Files—ACTION/AF

System location: Employee Security Branch Personnel Management Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps volunteers and volunteer applicants. Volunteers serving in full-time domestic volunteer programs under Title I of the Domestic Volunteer Service Act of 1973 including service in such programs as VISTA, UYA, PLS, etc., and applicants for such service.

Categories of records in the system: These records contain investigative information regarding an individual's character, conduct, qualifications and integrity and reputation in the community where he or she lives, including records of arrest and convictions for any violations against the law, reports and recommendations from former supervisors, co-workers, friends, educators, etc.; reports of inquiries with law enforcement agencies, former employers, educational institutions attended, and other information developed from the above.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To the Office of Personnel Management as a part of the central OPM

personnel investigation records system. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks in a room which is locked when not in use.

Retrievability: Records are indexed in alphabetical order.

Safeguards: All officials of employees having access to such files are required to have an appropriate security clearance. Generally, these files are available only to personnel of the security office or to agency office heads or other agency personnel having a need for such files in the performance of their duties.

Retention and disposal: Peace Corps files are maintained in the personnel security office for three years after the termination or death of a volunteer, or for the same period of time after consideration of an applicant. Thereafter, said files are transferred to the Federal Records Center, where they are maintained for twenty-seven years and then destroyed in accordance with regulations of the General Services Administration. All domestic volunteer files are maintained in the personnel security office up to the time of the termination or death of a volunteer when they are destroyed by burning or shredding.

System manager(s) and address: Chief, Employee Security Branch, Personnel Management Division ACTION, Room 400, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system was obtained from the following categories of sources: a. Applications and other personnel and security forms furnished by the individual. b. Investigative material furnished by other Federal agencies. c. By personal investigation or written inquiry from such sources as employers, schools, references, etc. d. Neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, and other such sources as may be developed from the above.

ACTION/AF—27

System name: Employee Pay and Leave Records—ACTION/AF

System location: Office of Administration and Finance/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Persons employed by ACTION.

Categories of records in the system: Personnel actions employing, promoting and terminating employees, savings bond applications, advances of allotments, IRS tax levels, notice of deduction for health insurance, combined Federal campaign, union dues withholdings applications, and educational allowances for children of overseas employees and records regarding collections for overpayments and time and attendance records.

Authority for maintenance of the system: GAO Policy and Procedures Manual; 31 U.S.C. 66(a); and the Budget and Accounting Procedures Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information from these records are routinely provided as follows: 1. To the Treasury for payroll and savings bonds and other deduction purposes. 2. To Internal Revenue Service with regard to tax deductions. 3. To participating insurance companies holding policies with respect to Federal employees employed by ACTION. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders and looseleaf binders in metal file cabinets with manipulation proof combination locks. The individual Time and Attendance records maintained by designated timekeepers throughout the agency are stored in a metal file cabinet with a key lock or manipulation proof combination lock.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in this system are available only to employees of ACTION with a need for such records in the performance of their official duties.

Retention and disposal: Records in this system are maintained for three years after the end of the fiscal year in which an employee terminates his employment with ACTION, and then retired to the Records Center in accordance with GAO instructions.

System manager(s) and address: Designated timekeepers throughout the agency and Chief, Domestic Volunteer and Staff Payroll Branch, Accounting Division, Office of Administration and Finance, ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: ACTION employees and the individual to whom the record pertains.

ACTION/DO—3

System name: Employee Travel File—ACTION/DO

System location: All ACTION Domestic Regional Offices except for Region 1.

Categories of individuals covered by the system: Any employee, expert, consultant or other person engaged in travel on USG Travel authorization for a Domestic Regional Office.

Categories of records in the system: Records maintained are travel authorizations and vouchers.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records may be disclosed and used for the purposes expressed in the Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal filing cabinets with manipulation proof combination locks or key locked filing cabinets when not in immediate use.

Retrievability: Records are indexed alphabetically by last name.

Safeguards: Records in the system are available only to appropriate persons in the regional offices and other appropriate officials of ACTION with a need for such records for the performance of their duties.

Retention and disposal: Records are retained until the employee has terminated and then are destroyed.

System manager(s) and address: Administrative Officer, ACTION Regional Office.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Itinerary provided by individual or supervisor and the voucher submitted by the individual traveller.

ACTION/DO—7

System name: Employee Unofficial Personnel Files

System location: All ACTION Domestic Regional Offices. In some cases, these files may be located in ACTION State Offices. The supervising ACTION Regional Office shall be responsible for all relevant requests in such cases.

Categories of individuals covered by the system: Current ACTION Domestic Regional employees.

Categories of records in the system: The records maintained consist of copies of personnel documents sent to ACTION Headquarters in Washington including employment applications, appointment papers, job descriptions and personnel action change notices. The Official Personnel Folder is maintained in ACTION Headquarters in Washington.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: There are no routine uses other than those in the Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal filing cabinets with manipulation proof combination locks or locked in a room with a manipulation proof combination lock built into the door.

Retrievability: Records are indexed alphabetically by last name.

Safeguards: Records in the system are available only to appropriate persons in the regional offices and other appropriate officials of ACTION with the need for such records for the performance of their duties.

Retention and disposal: Files are retained until the employee terminates his service at the regional office and destroyed by burning or shredding one year after such termination.

System manager(s) and address: Administrative Officer, ACTION Regional Office.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: The data is obtained from the employee, his references and Agency personnel forms.

ACTION/GC—2

System name: Legal Files—Staff and Applicants (A-Z)—ACTION/GC

System location: Office of the General Counsel/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: 1. Applicants for employment with ACTION. 2. Staff employees of ACTION.

Categories of records in the system: Records of any legal matter affecting my present or former staff member of ACTION or any applicant for employment in ACTION whose employment has raised any legal question. Included among the kinds of records maintained are those involving employee grievances, appeals from adverse actions, claims by and against staff members, records concerning litigation in which ACTION staff members become involved as parties, legal queries from staff members regarding themselves or their employment and answers thereto and any other matter involving a contact between a staff member and an attorney of the Office of General Counsel.

Authority for maintenance of the system: These records are maintained under the general authority of the Office of General Counsel to represent the Agency in connection with its dealings with its employees and the general functions of the Office of General Counsel to provide advice and counsel to the Director of the Agency and his staff.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are not routinely disclosed outside the Agency except in the following circumstances: 1. To the Department of Justice in conjunction with litigation or potential litigation in situations in which the Department may be called upon to provide representation to the Agency. 2. In circumstances set forth in paragraphs 1, 2, 7, and 10 of the general routine uses set forth in the Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are kept in separate file folders in cabinets secured by changeable combination locks or bar locks secured by such combination locks and in room locked when not in use.

Retrievability: Files are maintained under subject headings but access to files concerning individuals may be gained by referring to an alphabetical index.

Safeguards: Files are available only to personnel of the Office of General Counsel which includes attorneys and confidential secretaries.

Retention and disposal: Files are maintained for the duration of the litigation or other matter to which they refer and retired on an annual review basis to the Federal Records Center for 27 years at which time they are destroyed.

System manager(s) and address: General Counsel, ACTION 806 Connecticut Avenue, NW., Room M-607, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Data is obtained from the following categories of sources: 1. ACTION employees. 2. Correspondence and reports from persons and agencies dealing with the agency and its employees. 3. Work product and research of lawyers of the office.

ACTION/PC—6

System name: Peace Corps Property Records—ACTION/PC

System location: These records are maintained in the office of each Peace Corps program overseas. There are at present an excess of 60 such offices and that this number fluctuates from time to time as programs are added or withdrawn. A complete list with specific addresses will be provided upon request to the Director of Administrative Services, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, c/o the American Embassy in such country.

Categories of individuals covered by the system: Current and former Peace Corps staff, Current and former Peace Corps volunteers, Current and former Peace Corps trainees who have trained overseas.

Categories of records in the system: These files consist of records of U.S. Government property assigned to Peace Corps staff, volunteers or trainees for which they are accountable and which must be returned to the Peace Corps.

Authority for maintenance of the system: The Peace Corps Act 22 U.S.C. Section 2501, et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: To the Department of State or any other Federal agency having the responsibility for accounting for the disposition of Federal property. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in metal file cabinets.

Retrievability: Files are indexed in alphabetical order in each Peace Corps post overseas.

Safeguards: Files are available only to ACTION/Peace Corps staff having a need for such records in the performance of their official duties. For these purposes, host country nationals employed by the U.S. Government and working for Peace Corps are considered staff.

Retention and disposal: Files in this system are retained at overseas posts for two years after an employee or volunteer leaves the country and then are destroyed by burning, shredding or such other method as is approved by the Department of State for the disposal of such request.

System manager(s) and address: Country Directors in each country in which ACTION/Peace Corps maintains a program.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Peace Corps overseas staff. The individual to whom the record pertains.

ACTION/PC—12

System name: Overseas Staff Personnel records ACTION/PC

System location: These records are maintained in the office of each Peace Corps program overseas. There are at present an excess of 60 such offices and this number fluctuates from time to time as programs are added or withdrawn. A complete list with specific addresses will be provided upon request to the Director of Administrative Services, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, c/o the American Embassy in such country.

Categories of individuals covered by the system: Staff employees of ACTION serving overseas who are United States Citizens.

Categories of records in the system: These records contain copies of personnel actions affecting overseas staff, copies of personnel evaluations retained in the Country Files, and an inventory list of Government property contained in residences of overseas staff.

Authority for maintenance of the system: The Peace Corps Act 22 U.S.C. Section 2501 and pertinent sections of the Foreign Affairs Manual adopted by Peace Corps and of the Peace Corps Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Wednesday
September 26, 1979

Part III

Department of Energy

Emergency Building Temperature
Restrictions; Availability of Forms; Final
Forms and Instructions

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders and metal file cabinets with three way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to the Country Director and ACTION staff with a need for such records in the performance of their duties.

Retention and disposal: These records are destroyed one year after the employee leaves the country and has completed all appropriate clearance procedures, including obtaining receipts for any property contained in inventories.

System manager(s) and address: The Country Director in each country in which Peace Corps serves.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: The individual employee to whom the record pertains. Supervisors and ACTION personnel officials.

ACTION/PC-13

System name: Overseas Staff Correspondence Files—ACTION/PC

System location: Africa Regional Office as to personnel serving in Africa and Latin America Regional Office as to personnel serving in Latin America, the Caribbean and Central America, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps overseas staff, contractors and consultants.

Categories of records in the system: Correspondence between the Regional Director or the Deputy Director and current overseas staff, consultants or contractors.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks.

Retrievability: Records are indexed by country of service and alphabetically within such countries.

Safeguards: Records in this system are available to regional office personnel and other officials of ACTION needing such records in the performance of their duties.

Retention and disposal: Records in this system are reviewed annually and destroyed after three years.

System manager(s) and address: Regional Director (Africa or Latin America) ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Individuals who are the subjects of the system and staff members of the Regional Offices.

ACTION/PC-15

System name: Regional Peace Corps Personnel Records—ACTION/PC

System location: Africa Region, Latin America Region and North Africa, Near East, Asia and Pacific Region (NANEAP), ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Staff Employees of ACTION serving in Regional Offices or overseas.

Categories of records in the system: These files contain correspondence, copies of resumes, form 171s and other documents regarding personnel matters and actions of current use.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et seq. and pertinent sections of the Peace Corps Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to ACTION staff for the need for such records in the performance of their duties.

Retention and disposal: Any documents which should be placed in the official personnel file are forwarded to the Office of Personnel Management after the employee terminates his employment with ACTION. Thereafter all other records are destroyed after one year following the termination of such employee.

System manager(s) and address: Personnel Analyst, Regional Offices, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: The individual employee to whom the record pertains, supervisors and other ACTION personnel.

ACTION/PC-16

System name: Contractors and Consultants Records File—ACTION/PC

System location: Africa, Latin America and NANEAP Regions, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Individuals who have served or could serve as Contractors/Training Consultants for Peace Corps programs overseas.

Categories of records in the system: These files contain correspondence, resumes, and other materials pertaining to current personal services contractors, training consultants, etc., or perspective applicants for such positions.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order. Alternatively records may be indexed by skills categories but alphabetically within such skills categories.

Safeguards: Records are available only to ACTION staff for the need for such records in the performance of their duties.

Retention and disposal: These records are reviewed annually and those which are no longer necessary for current operations are destroyed.

System manager(s) and address: Contract/Training Specialist, Africa, Latin America or NANEAP Region, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: The individual contractor or consultant to whom the record pertains, supervisors and other ACTION personnel.

[FR Doc. 79-29681 Filed 9-25-79; 8:45 am]

BILLING CODE 6050-01-F

federal register

DEPARTMENT OF ENERGY

10 CFR Part 490

[Docket No. CAS-RM-79-109]

Emergency Building Temperature Restrictions; Availability of Forms; Final Forms and Instructions**AGENCY:** Department of Energy.**ACTION:** Notice of Availability of Forms; Final Forms and Instructions.

SUMMARY: The Department of Energy (DOE) has issued the certification and compliance forms required by the final regulations on emergency building temperature restrictions published in the *Federal Register* on July 5, 1979 (10 CFR Part 490, 44 FR 39354). The "Certificate of Building Compliance," "Exemption Information Form" and the "Building Compliance Information Form" are published as an Appendix to this Notice, together with the instructions for their use prepared by DOE. These forms and instructions are now being distributed by DOE to affected building owners and operators by direct mail. In addition, the forms and instructions are available at the Regional Offices of DOE, Federal Information Centers, the Main Post Offices in large metropolitan areas, and at State Energy Offices. They may also be obtained upon request to DOE at the address and telephone number contained in this Notice.

EFFECTIVE DATE: Because of delays encountered in the printing and distribution of the forms, enforcement of the requirements relating to posting of the "Certificate of Building Compliance" and submission to DOE of the "Building Compliance Information Form" will not begin until after September 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Henry G. Bartholomew, Emergency Building Temperature Restrictions Program, Office of Conservation and Solar Applications, Department of Energy, Room GE-004A (CS-39), Forrestal Building, Washington, D.C. 20585 (202) 252-4966.

Lewis Shollenberger, Office of General Counsel, 20 Massachusetts Avenue, NW., Room 3228, Washington, D.C. 20585 (202) 376-4011.

SUPPLEMENTARY INFORMATION: On July 5, 1979, the Department of Energy (DOE) published final regulations (10 CFR Part 490, 44 FR 39354) (the Regulations) implementing the President's "Standby Conservation Plan No. 2, Emergency Building Temperature Restrictions" (the Plan). The Plan and the Regulations were declared by the President to be effective on July 16, 1979. DOE published a notice on July 16, 1979 of the effective

date of the Plan and the Regulations (44 FR 41205).

Section 490.43(a)(1) of the Regulations requires affected building owners or operators to complete in accordance with forms and instructions provided by DOE, and to post in a prominent location within the covered building, a "Certificate of Building Compliance" certifying compliance with the requirements of the Regulations. Section 490.43(b) requires building owners or operators to submit to DOE in accordance with forms and instructions provided by DOE, a "Building Compliance Information Form". Section 490.31(d) of the Regulations requires building owners or operators to retain and make available, upon request of DOE or its delegate, information described in § 490.31(c) pertaining to general exemptions claimed.

DOE has issued and is presently distributing to affected building owners and operators a packet of instructions and forms. The packet is published as the Appendix to this Notice. Included in each packet are the "Certificate of Building Compliance," the "Building Compliance Information Form" and an "Exemption Information Form" to be retained by the owner or operator for inspection. Also included are instructions for compliance with the Regulations and for the use of the forms.

It should be noted that "Building Compliance Information Form" and accompanying instructions provide that only those owners or operators or covered buildings who claim a general exemption under the Regulations are required to submit the form to DOE.

DOE is distributing the forms and instructions packets by direct mail. The packets are available at the Regional Offices of DOE, Federal Information Centers, the Main Post Offices in the 65 largest metropolitan areas, and at State Energy Offices. Packets may also be obtained from:

Department of Energy, Emergency Building Temperature Restrictions Program, Room GE-004A, (CS-39), Forrestal Building, Washington, D.C. 20585.

In addition, requests for packets may be made by telephoning DOE:

Within Continental U.S.—(800) 424-8122.

From Alaska/Hawaii/Puerto Rico/Virgin Islands—(800) 424-9088.

Within Washington, D.C. metropolitan area—(202) 252-4950.

Because of delays encountered in the printing and distribution of the forms, enforcement of the requirements of § 490.43(a)(1) and (b) with respect to posting the "Certificate of Building Compliance" and submission to DOE of the "Building Compliance Information

Form" will not begin until after September 1, 1979.

This Notice concerns a discretionary activity of DOE and is not a regulatory activity for purposes of the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 551) and the Department of Energy Organization Act (42 U.S.C. 7101).

Issued in Washington, D.C., on August 29, 1979.

Omi G. Walden,

Assistant Secretary, Conservation and Solar Applications.

BILLING CODE 6450-01-M

INTRODUCTION

What You Must Do With These Instructions

If you are a **Building Owner, Operator, or Manager** with control over the building's heating, cooling, and hot water system, you must:

- Comply with these regulations, and
- Complete the appropriate forms.

If you are a **Building Tenant** with control over any portion of the building's heating or cooling system, you must:

- Comply with these regulations, and
- Forward these instructions to the building owner, operator, or manager.

If you are a **Building Tenant** with no control over any portion of the building's heating or cooling system, you are requested to:

- Forward these instructions to the building owner, operator, or manager.

The Emergency Building Temperature Restrictions Regulations,¹ effective July 16, 1979, place temporary restrictions on temperatures for heating, cooling, and domestic hot water in commercial, industrial, government, and other non-residential buildings. The regulations generally require that thermostats be set no lower than 78°F for cooling, no higher than 65°F for heating, and no higher than 105°F for domestic hot water. Provisions are made, however, for maintenance of room temperatures at these limits as an alternative to thermostat settings. The regulations also require room temperature set-backs during periods when the building is unoccupied.

Owners and operators of buildings covered by the regulations are required to post a *Certificate of Building Compliance* in a prominent location in their buildings within 30 days of the effective date of the regulations. Tenants also are required to comply with the regulations although they are not required to post a Certificate or file documents with the Government.

Certain types of buildings and portions of certain buildings are excluded from the temperature restrictions. Exemptions also are available under certain specified conditions.

Civil penalties of up to \$5,000 and criminal penalties of up to \$10,000 are provided for violations of the regulations. The regulations will remain in effect until April 16, 1980, unless rescinded earlier by the President.

¹Pursuant to Sections 201(a) and (b) of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6201 et seq.), the President developed Standby Conservation Plan No. 2, Emergency Building Temperature Restrictions (the Plan) and sent it to the Congress on March 1, 1979. The Department of Energy (DOE) published a notice in the Federal Register on March 8, 1979 (44 FR 12906), of the President's adoption of the Plan. The Plan was approved by resolutions of the Senate on May 2, 1979, and of the House of Representatives on May 10, 1979. Proposed regulations were published in the Federal Register on June 1, 1979 (44 FR 31922). DOE published final regulations in the Federal

Register on July 5, 1979 (44 FR 39354). On July 10, 1979, the President issued and transmitted to Congress a Proclamation stating his finding that a "severe energy supply interruption" currently exists with respect to the supply of imported crude oil and petroleum products" (44 FR 40629). In the Proclamation, the President invoked his authority to implement the emergency building temperature restrictions, and declared July 16, 1979, as the effective date of the Plan and the regulations. DOE published a notice in the Federal Register on July 16, 1979, of the effective date of the Plan and the regulations (44 FR 41205).

REGULATIONS

Part A: How to Determine if the Regulations Apply to Your Building

1. Buildings which are covered. The regulations cover all non-residential buildings in the country unless a building is specifically excluded or exempted.

2. Buildings which are excluded. The regulations exclude all or portions of four types of buildings:

A. Residential Buildings. Buildings or areas of buildings, used exclusively for residential purposes are not subject to these temperature restrictions. However, non-residential portions of such buildings that have separate heating, cooling or hot water temperature controls, and which are used for commercial, industrial or other business purposes are covered and must comply with the regulations.

B. Hotels and Other Lodging Facilities. Buildings that, in the ordinary course of business, provide lodging or sleeping accommodations to the public or to private guests are not covered by these regulations. However, if the non-sleeping areas of such buildings have separate heating, cooling or water temperature controls, these areas are covered by the regulations. In hotel buildings, for example, the retail stores, restaurants, meeting rooms, lobbies, and offices that have separate temperature controls are covered and must be in compliance with the regulations.

C. Hospitals and Other Health-Care Facilities. Facilities authorized under State law to provide hospital or health-care services (e.g., general or specialized hospitals, clinics, and nursing or convalescent homes) are excluded. However, if the administrative or other portions of such buildings where patient care is not provided have separate heating, cooling or water temperature controls, such areas are covered by the regulations. Medical, dental and nursing school buildings, administrative buildings, and other buildings associated with hospitals and other health-care facilities, but where patients are not treated, are covered and must comply with the regulations. The offices of physicians and dentists are not excluded, but an exemption for health-related reasons is available. (For further detail, please see the *Exemption Information Form*.)

D. Elementary Schools, Nursery Schools, and Day-Care Centers. Buildings housing elementary schools (through sixth grade), nursery schools, and day-care centers (as defined by State or local law) are not covered by the regulations. However, if a building is used by both elementary and junior or senior high school level students, and those areas used by junior or senior high school students have separate heating, cooling or water temperature controls, then those areas are covered and must be in compliance with the regulations.

It is possible for portions of a building to be excluded while the remainder of the same building is covered by these regulations. If you determine, after careful reading of these instructions, that your entire building comes under one

of the exclusions, you need do nothing further. However, if you determine that your building is not wholly excluded, you must comply with the regulations.

3. Buildings and facilities which are exempted. A building owner, operator or tenant may be entitled to an exemption from the temperature restrictions under certain specified conditions. These exemptions are described on the *Exemption Information Form*. The exemptions are of two types: (1) general exemptions, which relate to the circumstances of a business activity, and (2) system related exemptions, which relate to conditions or operating features of heating, cooling or hot water equipment and systems.

As a rule, the general exemptions are available only to that portion or area of a building where the specified conditions exist. For example, an exemption for "special equipment," such as a computer facility, would be available only in those areas within the covered building containing such equipment, and in no other areas. Only if the building is served by a single master temperature control does the exemption extend beyond such areas.

Part B: How to Comply with the Regulations — Certificates and Forms

This manual contains three separate forms: (1) *Certificate of Building Compliance*, (2) *Exemption Information Form*, and (3) *Building Compliance Information Form*. Only the owner or operator of the covered building is required to complete these forms. Instructions on the responsibilities and liabilities of tenants are presented in Part E, below.

Certificate of Building Compliance: In all cases (unless the building is wholly excluded), the owner or operator must complete this form, remove it from the manual, and post it in a prominent public location within the building, e.g., lobby or bulletin board. Failure to post this Certificate by August 15, 1979, 30 days after the effective date of the regulations, is a violation subject to penalties. However, delays occurring in the distribution and receipt of the forms will be taken into account in determining compliance with the certification requirement.

Exemption Information Form: This form is to be completed only if one or more of the specified exemptions are claimed for areas within a covered building, or if a special exception has been granted by DOE. If exemptions are claimed by tenants of the building, the building owner or operator is advised to obtain a written statement from such tenants which describes and justifies the claimed exemption(s).

Such support documentation should be retained by the owner/operator, along with the Form, and must be available for review in the event of an inspection of the building.

Important Note: You are not required to apply to DOE for an exemption from these temperature restrictions. Any authorized exemption (as specified on the *Exemption Information Form*) becomes effective immediately upon your completion of the Form. You may be subject to a penalty, however, if a claimed exemption is determined to be invalid upon a later inspection and ruling by DOE. A building owner or operator shall not be liable for penalties as a result of an invalid exemption claimed by a tenant.

Building Compliance Information Form: Submittal of this form is mandatory only if claiming an exemption. Those claiming an exemption must complete the Form and return it to DOE with proper postage by August 15, 1979, or within 10 days after receipt of this manual, whichever is later.

Part C: How to Comply with the Regulations — Adjusting Air Temperatures

1. Heating and Cooling Temperature Restrictions. The regulations divide heating, ventilating, and air-conditioning (HVAC) systems into two basic categories: (1) simple systems which, at any given time, can either heat or cool, but cannot heat and cool simultaneously, and (2) compound or integrated systems which have the capability to heat and cool simultaneously, or heat one area of a building while cooling another.

These instructions cover those periods when the building is normally occupied. A building is considered occupied, day or night, when all or part of it is used for ordinary or customary functions, but not including such daily service functions as cleaning and maintenance. Instructions for heating and cooling during unoccupied periods are provided below.

A. Simple Systems: When the cooling system is operating, the thermostats shall be set so that no cooling energy is used to lower the room temperature below 78°F. When the heating system is operating, thermostats shall be set so that no heating energy is used to raise the room temperature above 65°F. (The temperature is to be measured with a "dry-bulb," or ordinary thermometer.) However, when cooling, the dry-bulb temperature may be lowered below 78°F to the extent necessary to lower the room "dew-point" temperature to not lower

REGULATIONS

than 65°F. (Dew-point temperature is a measure of humidity. Instructions on how to determine the dew-point temperature are provided below under *Temperature Measurement Techniques*.)

You may comply with these requirements by simply setting the thermostat(s) to the required point, i.e., 78°F when cooling or 65°F when heating, or you may comply by adjusting the thermostat(s) so that the room air temperature is maintained at the prescribed levels. For further instructions, see *Temperature Measurement Techniques*, below.

B. Compound or Integrated Systems: These systems include dual-duct, reheat, recool, multi-zone fans, fan-coil units in combination with central air or refrigerant, induction units in combination with central air, central systems with independent window air-conditioners or heat pumps, and similar systems. Several alternatives are provided for compliance in buildings with these systems, depending upon the type or configuration of HVAC system used.

1. The building owner/operator may set each temperature control device so the dry-bulb temperature (as measured in any room controlled by the same device) is not lower than 78°F when cooling or higher than 65°F when heating. For example, if the air temperature in three separate rooms is controlled by one thermostat, you may use the measured dry-bulb temperature in any one of those rooms to determine whether you are in compliance with the regulations, regardless of the thermostat setting. This same approach may be applied to control the dew-point temperature.

2. Alternatively, the owner/operator may use one of the compliance strategies outlined below:

a. Heating coils combined with constant-air-volume and/or variable-air-volume HVAC systems. In such systems, the heating coils used for exterior zones of a building typically are located in fan-coil units, induction units, baseboard heaters or similar units. To be in compliance, you may set the air-temperature control devices so that:

- When cooling, no heat is provided to the heating unit;
- At all times, no coolant liquid e.g., chilled water or refrigerant, is supplied to the cooling coils at temperatures below 55°F; and
- When heating, the room dry-bulb temperature is maintained not higher than 65°F.

b. Central chiller/heat pump HVAC systems. Such systems typically use a central chiller to supply cool air to the inner core of the building and circulate the warm condenser water from the chiller to the exterior rooms where heat is extracted by room heat pumps. For such systems, the building shall not be cooled below 78°F. When heating, the exterior zones shall not be heated above 65°F.

c. Constant or variable-air-volume-with-reheat and variable-air-volume ("all-air") systems: To be in compliance, set air temperature control devices so that:

- At all times, the temperature of the air leaving the cooling coils is at least 60°F; and
- When cooling, the heating system is turned OFF and the thermostats (or other local temperature control devices) are set at 78°F; and
- When heating, the cooling system is turned OFF and the thermostats are set at 65°F.

3. Instead of using any of the above compliance strategies, the owner/operator may use an alternative approach if a licensed professional engineer certifies it will consume less energy for heating and cooling the building than the approaches described above. However, such an alternative approach must include adjusting the cooling system so that: (a) no liquid coolant is provided to cooling coils at a temperature below 55°F; or (b) the dry-bulb temperature of air leaving the cooling coils is 60°F or higher.

Important Note: You may alternate at any time between the compliance strategies described in B-1, B-2, and B-3, above, to achieve permissible temperature levels. For example, with a fan-coil system, if room temperature when cooling cannot be reduced to 78°F with a circulated chilled water temperature of 55°F, you may lower the temperature of the chilled water. In doing so, however, you must then insure that room air temperature is not lowered below 78°F. If at another time, outside air temperatures or

interior heat loads should be reduced, you may adopt the alternative approach of maintaining chilled water at 55°F, or higher, regardless of the actual room air temperatures. Other actions may improve levels of comfort. Fans will assist the normal movement of air. Windows may be better insulated with shades or drapes. People may be moved away from hot or cold exterior walls and windows.

2. Temperature Restrictions When a Building Is Unoccupied. These provisions apply to all covered buildings, whether they have simple or complex HVAC systems.

HVAC systems must be turned OFF when a building is to be unoccupied for 8 hours or more, unless damage would occur to the building or its contents or the minimum anticipated outdoor air temperature (dry-bulb) during the unoccupied period is expected to be lower than 50°F.

In the latter case, the temperature control devices must be set so that either: (a) the room dry-bulb temperature is not greater than 55°F, or (b) the heated supply-air dry-bulb temperature is less than 100°F, or (c) the heating-water temperature is less than 120°F, or (d) the room air temperature control devices are set to a level not higher than 55°F, or at their lowest set-point. Both heating and cooling systems may be turned OFF by turning off the circulating air or circulating water systems.

3. Temperature Measurement Techniques. To determine whether a building is in compliance with these temperature restrictions, any one of the following measurement techniques may be used:

A. Compliance may be shown by reading the set-point of the thermostat. Building owners/operators are required to maintain thermostats at reasonable tolerances of accuracy. Any intentional alteration or damaging of such devices to produce inaccurate readings is a violation of the regulations.

B. Alternatively, measurements of the actual room temperature and humidity levels may be made by the following means:

- For measuring dry-bulb temperatures:
 - Reading a thermometer placed within two feet of the thermostat; or
 - Averaging the thermometer readings taken two feet away from and at the center of each external wall in the room, and at the center of the room; or
 - Taking the temperature at the center of the room if there are no external walls.
- For measuring dew-point temperature:
 - Using an instrument that indicates dew-point temperature; or
 - Inference from the dry-bulb temperature and relative humidity (See Table 1 below).
- For measuring relative humidity:
 - A humidity-indicating device (hygrometer); or

- Inference from the dew-point or from wet-bulb and dry-bulb temperature measurements (psychrometer).
- For measuring wet-bulb temperature:
 - An instrument for measuring wet-bulb temperature (psychrometer); or
 - Inference from the dew-point temperature or relative humidity.

Dew-point or wet-bulb temperatures and relative humidity may be measured within two feet of the humidity space-conditioning control device (humidistat), if located in the room, or in the same location used in measuring the dry-bulb temperature. To allow for HVAC system cycling, several temperature and humidity readings may be spaced to accommodate the time needed for compressors to go through their "on-off" cycles. Where an air-temperature control device controls the temperature in more than one room, the measurement(s) may be made in any one room controlled by that device.

4. Use of Portable Heaters and Ventilating Equipment. The use of auxiliary heating devices, e.g., portable electric heaters or heat lamps, is prohibited, except: (1) when the room dry-bulb temperature is below 65°F, or (2) to provide spot heating when the building is unoccupied. For example, a person working overtime may use auxiliary heating equipment.

The use of ventilating fans or ventilating systems is authorized, even when such use will raise the room temperature above 65°F (dry-bulb) or lower it below 78°F (dry-bulb). The use of free-standing fans within rooms is authorized at all times.

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REGULATIONS

Table 1: Dew-point temperature (°F) estimated from measurements of dry-bulb temperature and relative humidity.

Dry-Bulb Temperature (°F)	Relative Humidity (Percent)				
	50	60	70	80	90
70	51°	56°	60°	64°	67°
75	56°	60°	65°	68°	72°
78	58°	63°	67°	71°	75°
80	60°	65°	69°	73°	77°
85	64°	70°	74°	78°	82°

Using an ordinary thermometer and a relative humidity gauge, the approximate dew-point temperature can be estimated from this Table. Example: If the indoor dry-bulb temperature measures 78°F and the relative humidity (measured within the room) is 70 percent, the dew-point temperature is approximately 67°F. Under these conditions, the thermostat may be lowered below 78°F to reduce the dew-point

temperature to not more than 65°F. This may be done by first lowering the thermostat one degree to 77°F, and rechecking the relative humidity after the room temperature has stabilized. If the estimated dew-point temperature is still above 65°F, the thermostat may be lowered slightly again, and this process repeated until the estimated dew-point is 65°F.

Part D: How to Comply with the Regulations — Adjusting Water Temperatures

These restrictions apply only to "domestic" hot water — that is, water used for personal hygiene or general cleaning, for example, in rest rooms or janitorial facilities. Temperature control devices for domestic hot water must be set at 105°F or the lowest setting on the control device, whichever is higher. When a building is unoccupied for more than eight hours, the domestic hot-water circulating system pumps (if any) must be turned OFF, unless this would damage the building, its systems, or its internal processes.

Exemptions from these requirements are described on the *Exemption Information Form*.

Compliance with the hot-water temperature restrictions may be determined by measuring the water temperature:

- in the hot-water supply line; or
- at the tank temperature control point; or
- at the tap nearest to the tank discharge point.

Some systems may not have large hot-water storage capacity. In such cases, operators may take advantage of option "c" by installing a mixing valve between the

hot-water tank and the nearest tap. This will allow water in the storage tank to be heated above 105°F.

Water temperature control devices must be maintained within reasonable tolerances of accuracy, and any alteration with the intent of having that device function inaccurately is prohibited.

Part E: Tenant Responsibilities

Tenants of buildings covered by these regulations who have control of temperature control devices such as wall thermostats and window air-conditioners are required to maintain such devices at the levels required by the regulations. Failure to comply with these requirements is a violation subject to penalties.

A tenant entitled to an exemption is required to notify the building owner or operator in writing of such exemption. The exemption becomes effective upon notification of the owner/operator. The owner/operator will attach the claimed exemption to the *Exemption Information Form* which he is required to complete and retain on file.

Part F: Special Exceptions

In addition to the exemptions (see the *Exemption Information Form*), special exceptions will be granted when these regulations create special hardship, inequity, or an unfair distribution of the burden. Applications for special exceptions must be in writing and signed by the person or persons so affected. The application should set forth the relevant facts and explain why these regulations create a special hardship, inequity, or an unfair distribution of the burden. The building (or area therein) in which the requested exception would apply also should be identified.

Form Approved OMB No. 038-5700-6

CS-198



EMERGENCY BUILDING TEMPERATURE RESTRICTIONS CERTIFICATE OF BUILDING COMPLIANCE

Building Name _____ Address _____ Telephone _____

No. of Stories _____ No. of Square Ft. _____

This is to certify that the undersigned is in compliance with the Emergency Building Temperature Restrictions Plan, including the cooling, heating, and hot water temperatures of these premises have been adjusted in an attempt to achieve the reductions in energy consumption contemplated under the emergency measures.

☐ Full Compliance

☐ Exempted Compliance (See Building Manager for Exemption Details)

☐ Excepted From Compliance (See Building Manager for Exception Application)

(Check Appropriate Category)

Building Owner or Operator (Signature) _____ Date _____

Form Approved
OMB No. 038-579046U.S. DEPARTMENT OF ENERGY
EXEMPTION INFORMATION FORMBuilding owners or operators must complete this form and keep it on file.
Please do not forward the form to the Department of Energy.

1. Respondent/Building Identification

(Respondent's Name)

(Building Address)

(Respondent's Area Code and Telephone Number)

2. Building Owner Identification (if different)

(Owner's Name)

(Owner's Address, if different)

(Owner's Area Code and Telephone Number, if different)

3. Building Type (Please Check One)

- ☐ A. industrial/manufacturing ☐ F. office ☐ K. combination of above (please specify letters)
- ☐ B. school ☐ G. hotel/lodging
- ☐ C. restaurant ☐ H. shopping center
- ☐ D. retail store (other than retail food store) ☐ I. warehouse ☐ L. other (please specify)
- ☐ E. hospital/health care ☐ J. retail food store

4. Exemption Information

Instructions. You are entitled to claim exemption for as much of the building's area as is required to provide necessary temperatures to exempt areas. Exemptions shall become effective when claimed. There are two types of exemptions: (1) a general exemption which results from a situation of your

General exemptions (490.31)

- ☐ A. Maintenance of specified temperature levels is required by manufacturer's warranty (or other applicable instructions or equipment service contracts) to prevent damage to special equipment. 490.31(a)(1) Example: computer rooms.
- ☐ B. Maintenance of specified temperature and humidity levels is critical to materials and equipment used in manufacturing, industrial or commercial processes. 490.31(a)(2) Examples: freeze drying, certain printing processes, and manufacturing and handling of explosives.
- ☐ C. Maintenance of specified temperature and humidity levels is required for proper storage or handling of food or other agricultural commodities, raw materials, goods in process, and finished goods. 490.31(a)(3) Example: perishable-food warehouses.

business, and (2) a system-specific exemption due to the nature of your building's heating and cooling and/or hot water systems. Please check the exemption(s) that apply to your building. Note that section numbers refer to Department of Energy regulations (44 FR 39354, July 5, 1979).

- ☐ D. Special environmental conditions are required to protect plant or animal life or materials essential to the operation of a business. 490.31(a)(4) Examples: greenhouses, museums, certain laboratories, art galleries, zoos, and veterinary hospitals.
- ☐ E. Maintenance of specific temperature levels is required to protect the health of persons 490.31(a)(5):
- (i) in offices of physicians, dentists, and other members of health care professions licensed by the state to provide health-related services; or
 - (ii) engaged in rehabilitative physical therapy in physical therapy facilities; or
 - (iii) utilizing indoor swimming pools. (This exemption applies only to heating restrictions.)
- ☐ F. Maintenance of specific temperature or humidity levels is required to prevent damage to the structure or insulation of the building. 490.31(a)(6)

System-specific exemptions (490.18)

Exemptions affecting heating and cooling systems (490.18)

- ☐ G. Buildings or portions thereof which are neither heated nor cooled; and buildings or portions thereof which are equipped with space heating devices and space cooling devices with total rated output less than 3.5 Btu per hour (1 watt) per square foot of gross floor area. (You should be able to find the output on a label on the equipment, in the manufacturer's literature, or in the warranty statement.) 490.18(a)(1)
- ☐ H. Buildings that are cooled by a heating, ventilating, and air conditioning (HVAC) system capable of using outdoor air or evaporation of water for cooling effect without operation of a vapor compression or absorption-refrigeration system. (Applicable only at those times when such a system is used for cooling and when the outdoor air and/or evaporator effect provides the only cooling source.) 490.18(a)(2)
- ☐ I. Buildings that use otherwise wasted energy in, or to power, HVAC systems. (Applicable only at those times when wasted energy is the only source of heating and cooling energy.) 490.18(a)(3)
- ☐ J. Buildings that use solar HVAC systems. (Applicable only at those times when solar energy is the only source of heating and cooling energy.) 490.18(a)(4)
- ☐ K. Buildings that have HVAC systems whose capacity is insufficient to maintain the building at minimum authorized temperature or humidity levels for cooling. The reduced temperature levels may be maintained only for the period

necessary for the temperature to reach the minimum level otherwise permitted during the building's occupied period. 490.18(b)

- ☐ L. If a licensed Professional Engineer (P.E.) certifies that operation of the HVAC system in accordance with the regulations will result in consumption of more energy than will some alternate procedure and the owner/operator agrees to implement this alternate procedure. 490.12(e)(1)

Exemptions affecting hot water systems (490.24)

- ☐ M. Buildings where the domestic hot water heating equipment also provides hot water for manufacturing, industrial or commercial processes which require hot water temperature higher than 105° F. 490.24(a)
- ☐ N. Buildings where domestic hot water is the only source of water available for dishwashing or other purposes which are covered under state or local health regulations prescribing a higher minimum temperature than 105° F. 490.24(b)
- ☐ O. Buildings where domestic water heating/space heating boilers are combined. (This exemption applies only when the space heater is used.) 490.24(c)
- ☐ P. Buildings where solar energy (except for pumps and fans) provides the only source for domestic hot water heating energy. When a non-solar energy source is operating together with solar energy, this exemption does not apply. 490.24(d)
- ☐ Q. Buildings where otherwise wasted energy provides the only source for domestic hot water heating energy. (Applies only at those times when wasted energy is the only source of energy.) 490.24(e)

5. Exemption Justification

For each exemption checked in Section 4 above, attach hereto, and retain for possible inspection, written statements provided to you by tenants claiming exemptions within your building.

Name

Signature

Title

Date

5-114

Form Approved
OMB No. 038-S79046

U.S. DEPARTMENT OF ENERGY BUILDING COMPLIANCE INFORMATION FORM

(Submittal of this Form is Mandatory if any Exemptions are Claimed)

Please Type or Print—See Instructions on Pages 3.

1. Building Owner-Operator-Manager

Name (Last, First, Middle)

Building Street Address

City State ZIP Code

2. Building SizeA. Approximate Gross Floor Area in
Thousands of Square FeetB. Number of Stories Heated
and/or Air Conditioned**3. Building Type** (Please Check One)

- ☐ A. Industrial/Manufacturing
☐ B. School
☐ C. Restaurant
☐ D. Retail Store (other than retail food store)
☐ E. Hospital/Health Care
☐ F. Office
☐ G. Hotel/Other Lodging
- ☐ H. Shopping Center
☐ I. Warehouse
☐ J. Retail Food Store
☐ K. Combinations of Above (insert letters)
☐ L. Other (please use less than 15 letters)

4. Exemptions (If Claimed)**General**

- ☐ A. Equipment Warranty
☐ B. Processes
☐ C. Perishables
☐ D. Plant/Animal/Materials
☐ E. Health Protection
☐ F. Building Structure

System Specific

- ☐ G. No System
☐ H. Outside Air
☐ I. Waste Energy
☐ J. Solar Energy
☐ K. Under Capacity
☐ L. Certification

Hot Water

- ☐ M. Dual Use
☐ N. Dishwashing
☐ O. Combined
☐ P. Solar Energy
☐ Q. Waste Energy

5. Compliance Action Taken

- ☐ A. Full Compliance
☐ B. Compliance With
Authorized Exemptions
☐ C. Exception Requested

6. Year This Building Was Originally Constructed**7. Types of Fuels Used For Heating and Air Conditioning****Space Heating**

- ☐ A. Electricity
☐ B. Natural Gas
☐ C. Fuel Oil
☐ D. Coal
☐ E. Propane
☐ F. Other (specify)

Air Conditioning

- ☐ A. Electricity
☐ B. Gas
☐ C. Other (specify)

D. What percentage of this building's
gross floor space is air conditioned?

REGULATIONS

The letter, and any supporting documents, should be sent to the nearest DOE Regional Office of Hearings and Appeals. The envelope should be labeled: "APPLICATION FOR EXCEPTION—EBTR." Mailing addresses for the five DOE Regional Offices of Hearings and Appeals are:

26 Federal Plaza
New York City, NY 10007

1655 Peachtree Street, N.E.
Atlanta, GA 30309

2626 Mockingbird Lane
Dallas, TX 75235

175 West Jackson Street
Chicago, IL 60604

111 Pine Street
San Francisco, CA 94111

Important Note: a special exception does not become effective until such time as it is granted by the Department of Energy and the applicant has been notified.

Part G: Obtaining Further Information

1. Toll-Free Telephone Lines. Information concerning this program and how to comply with its regulations may be obtained by using the toll-free telephone numbers listed below. The lines will be operational between 9:00 A.M. and 5:30 P.M. (Eastern time), Monday through Friday.

Continental U.S.: 800-424-9122

Alaska, Hawaii,
Puerto Rico,
Virgin Islands:

800-424-9088

Metropolitan
Washington, D.C.:

252-4950

2. DOE Regional Offices. Additional program information and materials may be obtained from the following Department of Energy Regional Offices.

Region I
150 Causeway St.
Boston, MA 02114
(617) 223-3106

Connecticut, Massachusetts,
Maine, New Hampshire, Rhode
Island, Vermont

Region II
26 Federal Plaza
New York, NY 10007
(212) 264-8856

New Jersey, New York, Puerto
Rico, Virgin Islands

Region III
1421 Cherry St.
Philadelphia, PA 19102
(215) 597-3606

Delaware, District of Columbia,
Maryland, Pennsylvania, Virginia,
West Virginia

Region IV
1655 Peachtree St., N.E.
Atlanta, GA 30309
(404) 881-2838

Alabama, Canal Zone, Florida,
Georgia, Kentucky, Mississippi,
North Carolina, South Carolina,
Tennessee

Region V
175 W. Jackson St.
Chicago, IL 60604
(312) 353-1036

Illinois, Indiana, Michigan,
Minnesota, Ohio, Wisconsin

Region VI
2626 W. Mockingbird Lane
P.O. Box 35228
Dallas, TX 75235
(214) 767-7777

Arkansas, Oklahoma, Louisiana,
New Mexico, Texas

Region VII
324 East 11 St.
Kansas City, MO 64106
(816) 374-3815

Iowa, Kansas, Missouri, Nebraska

Region VIII
1075 S. Yukon
P.O. Box 26247, Belmar Branch
Lakewood, CO 80226
(303) 234-2765

Colorado, Montana, North Dakota,
South Dakota, Wyoming, Utah

Region IX
111 Pine St.
San Francisco, CA 94111
(415) 556-7148

American Samoa, Arizona,
California, Guam, Hawaii, Nevada,
Trust Territories of the Pacific

Region X
915 Second Ave.
Seattle, WA 98174
(206) 442-7285

Alaska, Idaho, Oregon, Washington

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Wednesday
September 26, 1979

Part IV

Department of Housing and Urban Development

Office of Assistant Secretary for
Housing—Federal Housing Commissioner

Transfer From Nonprofit To Profit-
Motivated Ownership for Multifamily
Housing Projects With HUD-Insured or
HUD-Held Mortgages; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 265]

[Docket No. R-79-698]

Transfer From Nonprofit to Profit-Motivated Ownership for Multifamily Housing Projects With HUD-Insured or HUD-Held Mortgages

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: This rule is proposed to clarify by regulation the process and criteria for the transfer from nonprofit to profit-motivated ownership for multifamily housing projects with HUD-insured or HUD-held mortgages. The rule reflects the Department's policy with respect to approval of such transfers and sets forth the standards and procedures under which they must be processed. The Department's principal concern in approving such transfers is that the physical, financial and management needs of the project be met satisfactorily by the transfer to new ownership.

DATES: Comments due: November 26, 1979.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. Jesse Wolf, Office of Multifamily Housing Management and Occupancy, Room 6148, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410; phone number (202) 755-5866. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Transfers of physical assets, i.e., the sale or transfer of projects by original or subsequent owners to a new owner without prepayment of the existing mortgage, are controlled by the Regulatory Agreement. The Regulatory Agreement provides that owners or sponsors shall not convey, transfer or encumber any of the mortgaged property without the express written approval of the Secretary. Language in the Insured Project Servicing Handbook, 4350.1, Chapter 4, sets forth the guidelines for such approval but does not specifically address nonprofit subsidized project sales. Prior to 1976, any requests for sale

by a nonprofit to a profit-motivated owner required that the mortgage be paid down by 10 percent. That requirement adjusted for the 100 percent mortgage received by nonprofit sponsors and 90 percent mortgages available to profit-motivated sponsors.

A change in policy allowed local office directors to accept less than the 10 percent equity contribution on such transfers if certain conditions were met. It further provided that funds received by the project from the sale could be utilized for various purposes other than paying down the mortgage, such as curing mortgage payment delinquencies or correcting deferred maintenance.

As part of its heightened efforts to address the problems of troubled multifamily housing projects, the Department has determined that considered approval of transfers of physical assets can result in significant benefits to the project, the neighborhood and the tenants, as well as protect the interests of the government.

After reviewing the present situation with regard to such transfers, the Department has decided to publish a proposed rule governing the transfer of physical assets in order to state clearly its policies and procedures for approval.

Interested persons are invited to submit written comments, suggestions and data regarding the proposed rule to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. All communications should make reference to the above docket number and title.

Submissions received on or before 60 days after publication will be considered before adoption of a final rule. A copy of each submission will be available for public inspection during business hours at the above address.

A Finding of Inapplicability with respect to environmental impact has been prepared in accordance with Procedures for Protection and Enhancement of Environmental Quality. Copies of the finding are available for inspection and copying in the Office of the Rules Docket Clerk at the above address.

Accordingly, the Department proposes to add a new part to Chapter II, 24 CFR Part 265, to read as follows:

PART 265—TRANSFER FROM NONPROFIT TO PROFIT-MOTIVATED OWNERSHIP FOR MULTIFAMILY HOUSING PROJECTS WITH HUD-INSURED OR HUD-HELD MORTGAGES

Sec.
265.1 Purpose and Scope.
265.2 Applicability.

Sec.

265.3 Definitions.
265.4 Waivers.
265.5 Prohibition and Limitations Against Transfer.
265.6 Approval of Transfer.
265.7 Conditions on Projects Eligible for Transfer.
265.8 Review of Projects Proposed for transfer and notice to Purchaser.
265.9 Minimum Standards for Approval.
265.10 Director's Analysis and Findings.
265.11 Schedule of Contributions.
265.12 Prohibition Against Payment to the Nonprofit Owner.
265.13 Tenant Participation.
265.14 Computation of Rents.
265.15 Limits on Distributions.
265.16 Cash Contributions.
265.17 Prepayment Prohibition.
265.18 Procedure for Review and Approval.
Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 265.1 Purpose and scope.

The purpose of this part is to govern the transfer of physical assets from nonprofit to profit-motivated ownership for multifamily housing projects with HUD-insured or HUD-held mortgages. The intent of these regulations is to provide for the orderly processing and approval of such transfers and to assure that the physical, financial and management needs of the projects subject to transfer are met through the change in ownership.

§ 265.2 Applicability.

These regulations shall apply to all multifamily housing projects with HUD-insured or HUD-held mortgages.

§ 265.3 Definitions.

(a) *Commissioner.* The Assistant Secretary for Housing-Federal Housing Commissioner.
(b) *Director.* The HUD field office Director, who is either an Area Office Manager in a HUD Area Office, or a Supervisor in a HUD Service Office with multifamily management responsibility.
(c) *HUD.* The Department of Housing and Urban Development.
(d) *Local General Partner.* A general partner which has as its principal place of business an office within the market area served by the multifamily housing project.
(e) *Multifamily Housing Project.* Any property, or combination of properties, consisting of five or more living units with a mortgage insured or held by the Secretary.
(f) *Nonprofit.* A corporation or association organized for purposes other than the making of profit or gain for itself or any persons identified with it and which the Commissioner finds is in no manner controlled or directed by persons or firms seeking to derive profit or gain from it.

(g) *Profit-motivated.* A corporation, trust, association, partnership, individual or other entity capable of holding title to real property and organized for the purposes of making profit or gain.

§ 265.4 Waivers.

Upon completion of a determination and finding of good cause by the Commissioner, HUD may waive any provision of this Part in any particular case subject only to statutory limitations. Each waiver shall be in writing supported by documentation of the facts and grounds which formed the basis for the waiver.

§ 265.5 Prohibition and Limitations Against Transfer.

(a) No nonprofit owner of a multifamily housing project may convey, transfer, or encumber any of the mortgaged property without the prior written approval of the Commissioner.

(b) The Transfer of physical assets from nonprofit to profit-motivated ownership of projects constructed under Section 202 of the Housing Act of 1959 or of the Housing Act of 1950 (College Housing) is prohibited.

§ 265.6 Approval of Transfer.

When it is in the best interests of the tenants, the project, the neighborhood and the Federal Government, a nonprofit owner may undertake a transfer of physical assets to a profit-motivated owner. The transfer must meet the standards and criteria of this Part and be approved by HUD.

§ 265.7 Conditions on Projects Eligible for Transfer.

(a) In addition to the minimum standards of § 265.9 below, all multifamily housing projects owned by non-profit owners which are eligible for transfer to profit-motivated sponsors are subject to the conditions set forth in this section. For the purposes of this section, a "troubled project" is a project with one or more of the following problems as determined by the Director and supported by written findings of fact:

- (1) The project is experiencing serious physical or financial difficulties; or
 - (2) The nonprofit owner is no longer capable of discharging its ownership responsibilities; or
 - (3) Significant deterioration in the project's condition or operation is anticipated in the foreseeable future.
- (b) In the case of a troubled project, the proposed purchaser must:
- (1) Make a cash payment at least equal to 8 percent of the unpaid mortgage principal balance or an amount established under paragraph (d)

of this section to be utilized as provided in § 265.16;

(2) Establish a cash reserve fund or irrevocable and unconditional letter of credit to the sole benefit of the project equal to 2% of the unpaid mortgage principal balance; and

(3) Include a local general partner and a local management agent in the new ownership entity;

(c) In the case of projects which are not troubled projects as defined above, a cash payment, at least equal to 10% of the unpaid mortgage principal balance must be remitted to the mortgagee and the criteria set out in § 265.9 must be met;

(d) As an alternative to the 8% contribution requirement for troubled projects in paragraph (b)(1) of this section, the Commissioner may determine the cash payment to be provided by a profit-motivated purchaser through a request for and competitive review of purchase proposals, in a manner acceptable to the Commissioner: *Provided*, That the requirements of paragraph (b)(2) and (3) of this section are met and in all cases the minimum contribution by the profit-motivated purchaser shall equal at least 5% of the unpaid mortgage balance.

§ 265.8 Review of Projects Proposed for Transfer and Notice to Purchaser.

When a project is proposed for a transfer of physical assets, the Director shall schedule a full review of the project to identify the present physical, financial, management and tenant needs. The proposed purchaser will be provided with the results of this review in writing, with a complete physical inspection report and annual management review, including HUD's recommended corrective actions. The Director will put the proposed purchaser on notice of the requirement to respond to all the noted deficiencies satisfactorily in the proposed purchase plan, as well as the criteria of § 265.9.

§ 265.9 Minimum Standards for Approval.

(a) Any new ownership entity and its principals must meet the following minimum standards as determined by the Director and supported by written findings of fact:

- (1) Demonstrated ability to provide sound financial management;
- (2) Demonstrated ability to provide sound physical management;
- (3) The ability to respond to the economic and social needs of the residents and to work with tenant organizations;
- (4) The overall capacity, including financial capacity as determined by the Commissioner, to operate the project

successfully for the remaining term of the mortgage given the proposed purchaser's present commitment to ownership of other multifamily housing projects.

(b) Any new ownership entity and its principals must satisfy the following additional requirements as determined by the Director and supported by written findings of fact:

(1) Develop a detailed plan to respond to the needs and to undertake the corrective actions specified by the Director pursuant to the full review made of the project (see § 265.8), and to address the social and economic needs of the tenants;

(2) Receive previous participation clearance (2530) for both the owner and the principals in the ownership entity and the proposed management agent; and

(3) Execute a new regulatory agreement governing the future operations of the project, which shall include the requirement to adhere to the project's affirmative fair housing marketing plan on record as updated and approved by HUD.

§ 265.10 Director's Analysis and Findings.

(a) The Director shall submit written findings as to whether or not the new ownership entity will meet the standards for approval set out in § 265.9 and the conditions of § 265.7.

(b) In addition, the Director shall not recommend a transfer for approval unless the Director also submits a written finding that the transfer as proposed responds satisfactorily to the deficiencies noted by the review made pursuant to § 265.8, including meeting the terms of any proposed mortgage workout agreement or other mortgage relief. In the case of an insured mortgage which is delinquent, the plan must provide that the mortgage will be brought current by a date certain.

§ 265.11 Schedule of Contributions.

Cash contributions required of the purchaser must be made according to the following schedule:

(a) The total contribution must be made either in equal or successively smaller installments over a 24-month period or, if the Director determines it to be in the best interests of the project, over a 36-month period, with the first installment to be made at closing.

(b) In addition, the initial contribution must be sufficient to meet the project's immediate physical and financial needs as specified by HUD in its review pursuant to § 265.8.

§ 265.12 Prohibition Against Payment to the Nonprofit Owner.

(a) Except as provided in paragraph (b) and (c) of this section, the non-profit owner selling the project shall not receive any remuneration in any form, either in direct payment in respect of the transfer or in respect of any other contribution to the nonprofit, its parent or affiliate organizations, in excess of nominal consideration necessary to effect the sale.

(b) Where the total equity contribution of the purchaser is 10 percent of the sum of the unpaid mortgage principal balance and the interest delinquencies, the nonprofit may receive a payment if it is in addition to the 10% contribution.

(c) The nonprofit may be reimbursed in order to repay advances or loans made to assure the continued operation of the project made within the previous 24 months, if approved by the Director.

§ 265.13 Tenant Participation.

The Director shall assure that the requirements of 24 CFR Part 401 for tenant input are adhered to and that tenant comments received pursuant to 24 CFR Part 401 are reviewed and considered fully prior to recommending any transfer for approval.

§ 265.14 Computation of Rents.

The rental formula to be used for the new profit-motivated owner shall be the same formula as applied previously to the nonprofit owner. No allowance shall be made in the rent schedule for a return on equity to the profit-motivated owner.

§ 265.15 Limits on Distributions.

(a) No distribution can be made until a written finding is made by the Director that all the project's physical and financial needs have been met.

(b) The owner shall be limited in any one year to a maximum distribution of six percent of its actual cash investment in the project.

§ 265.16 Cash Contributions.

(a) Cash contributions paid pursuant to a transfer shall be placed either in the reserve for replacement account and withdrawn for project needs subject to HUD approval or paid directly to the mortgagee as a prepayment on the mortgage, or to HUD in the case of Secretary-held mortgages.

(b) The Director shall determine the appropriate use of the cash contributions.

§ 265.17 Prepayment Prohibition.

Prepayment of mortgages in whole or in part of projects transferred from nonprofit to profit-motivated ownership

shall be prohibited without the prior written approval of the Commissioner.

§ 265.18 Procedure for Review and Approval.

(a) The Director shall review all applications for transfer of physical assets and make written findings as to whether or not all the requirements of this part are met.

(b) The Director may reject any such application upon a written finding of its failure to meet any of the conditions or criteria of this Part.

(c) If the Director determines that all of the conditions and criteria are met, a written recommendation containing supporting documentation shall be forwarded to the Commissioner for review and approval or disapproval. The supporting documentation shall include:

(1) The results of the full review conducted pursuant to § 265.8.

(2) The owner's plan to respond to those results.

(3) Evidence of 2530 clearance.

(4) The new regulatory agreement.

(5) The Director's findings made pursuant to § 265.10.

(6) A summary and copies of any tenant input received pursuant to 24 CFR Part 401, and.

(7) In the case of proposed purchase by limited dividend partnership entities, a sample copy of the investor's prospectus.

Issued at: Washington, D.C., July 27, 1979.

Patricia Roberts Harris,

Secretary of the Department of Housing and Urban Development.

[FR Doc. 79-29844 Filed 9-25-79; 8:45 am]

BILLING CODE 4210-01-M

federal register

Wednesday
September 26, 1979

Part V

Department of Housing and Urban Development

Office of the Assistant Secretary for Fair
Housing and Equal Opportunity

Nondiscrimination and Equal Opportunity
in Housing Under Executive Order 11063

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of the Assistant Secretary for Fair Housing and Equal Opportunity****[24 CFR Part 107]****[Docket No. R-79-700]****Nondiscrimination and Equal Opportunity in Housing Under Executive Order 11063****AGENCY:** Department of Housing and Urban Development.**ACTION:** Proposed rule.

SUMMARY: Executive Order 11063, Equal Opportunity in Housing was issued November 20, 1962 (27 FR 11527). Regulations implementing the Executive Order were issued under program authorities administered by various agencies that were incorporated in the Department of Housing and Urban Development when it was established in 1965. These are the first Department-wide regulations proposed under E.O. 11063.

Pursuant to the delegation of the authority with respect to E.O. 11063 from the Secretary of Housing and Urban Development to the Assistant Secretary for Equal Opportunity, now the Assistant Secretary for Fair Housing and Equal Opportunity, 37 FR 12253 (June 21, 1972), it is proposed to publish compliance and enforcement procedures to be utilized by the Department in implementing its responsibilities under the Executive Order. HUD will rescind or revise obsolete regulations and issuances pursuant to E.O. 11063 including the Nondiscrimination and Equal Opportunity in Housing Regulations, 24 CFR 200.300, when formal rulemaking is issued.

DATES: Comments due: November 26, 1979.

FOR FURTHER INFORMATION CONTACT: Marianne Freeman, Special Assistant, Assistant Secretary for Fair Housing and Equal Opportunity, Room 5240, Department of Housing & Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, Telephone No. (202) 755-7007.

SUPPLEMENTARY INFORMATION: E.O. 11063 directs Federal departments and agencies to take all action necessary and appropriate to prevent discrimination because of race, color, creed, or national origin (1) in the sale, leasing, rental or other disposition of residential property and related facilities which are owned or operated by the Federal Government or provided with Federal assistance; and (2) in the lending practices with respect to residential property and related facilities of lending institutions insofar

as such practices relate to loans insured or guaranteed by the Federal Government.

This Part provides in § 107.11 that where matters within the purview of E.O. 11063 involve discrimination in a program or activity of the Department subject to Title VI, Nondiscrimination in Federally Assisted Programs (24 CFR Part 1), shall apply. Title VI provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, denied the benefits of or otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. The coverage of Title VI, however, does not extend to contracts providing Federal guarantees or insurance of loans. Nor does Title VI prohibit discrimination based on creed.

These regulations shall apply to complaints alleging discriminatory practices in programs or activities of the Department not subject to Title VI and to complaints alleging discrimination in HUD programs and activities when such complaints allege discriminatory practices based on creed.

Since certain HUD affirmative fair housing marketing requirements are based on E.O. 11063, this regulation further provides that violation of those requirements constitutes a discriminatory practice under this Part 107.

This regulation, in its major substantive provisions, (1) defines discriminatory practices and prohibits discrimination in programs and activities subject to E.O. 11063; (2) establishes certain record keeping requirements; and (3) establishes compliance and enforcement procedures, including imposition of sanctions, for implementation of the Order and this Part.

Specifically, § 107.15 defines in general terms practices deemed discriminatory under the Executive Order and gives examples of such practices.

Section 107.20 prohibits such discriminatory practices by any person receiving assistance from, doing business with, or participating in any HUD program involving housing or related facilities. This section would also stipulate that any person against whom a formal finding of discrimination has been made must take affirmative action to overcome the discrimination. Further, the section indicates that nothing in this Part precludes any person from taking affirmative action to prevent discrimination in housing or related facilities where the purpose of such action is to overcome prior discriminatory practice or usage.

Section 107.21 provides that all persons receiving assistance from, doing business with, or participating in any HUD program involving housing or related activities shall take all action necessary and appropriate to prevent discrimination. Regulations describing the obligations of persons covered by E.O. 11063 to prevent discrimination and enumerating the standards upon which HUD will review the efforts of such persons to provide equal housing opportunity in HUD programs or activities will be published separately.

HUD has determined that accurate information concerning persons benefitting from HUD programs or activities or applying for loans or other assistance with respect to residential property and related facilities is necessary in the administration of HUD E.O. 11063 responsibilities. Existing record keeping requirements for HUD programs and for compliance with the Equal Credit Opportunity Act with respect to race and national origin have been incorporated in this regulation. Thus, the regulation would require that all persons participating in any Departmental program or activity involving the provision of housing, related facilities or other assistance maintain such racial and national origin records as required by the Department. Also, all approved lenders participating in Departmental mortgage insurance programs, home improvement loan programs, GNMA mortgage purchase programs, or special mortgage assistance programs, are required to keep data on the race and national origin of applicants. Maintenance of data on the sex of persons participating in HUD programs and activities relating to housing and related facilities is not required under this Part 107 based on the extent of the coverage of E.O. 11063. However, data on the sex of participants is obtained in HUD programs and activities pursuant to HUD's data collection regulations (24 CFR Part 100).

The proposed regulations provide procedures for the receipt of complaints of alleged violation of the Executive Order; initiation of investigations and routine compliance reviews by the Secretary; resolution of matters through informal compliance meetings; the conduct of compliance reviews in the event of failure to resolve apparent violations through such informal means; and imposition of sanctions authorized in Part III of the Executive Order. Complaints may be filed by any person who perceives that a recipient of assistance from the Department may be violating a prohibition against

discrimination as provided by E.O. 11063 or this part.

The compliance procedures in this regulation are intended to establish a cumulative process which provides a setting for informal resolution of possible violations previous to imposition of sanctions. The vehicle provided for such informal resolution is the compliance meeting. Where preliminary analysis of a complaint, a compliance review initiated by the Assistant Secretary for FH&EO, or other information indicates a possible violation of E.O. 11063 or this part, the person allegedly in violation shall be notified of the allegations in a Notice of Compliance Meeting and requested to attend such a meeting. The purpose of the compliance meeting is to acquaint the respondent with the nature of the alleged violation, afford an opportunity to respond, and clearly identify the actions which must be taken to remove or remedy a violation through informal means. The respondent will be given the opportunity, prior and during the meeting, to submit information to document compliance with E.O. 11063, with this part and with the Affirmative Fair Housing Marketing Regulations, the Fair Housing Poster Regulations, and the Advertising Guidelines to the extent to which they apply to the alleged violation. After the compliance meeting, the Department shall determine and notify the respondent whether an apparent violation exists.

Submission of information and appearance at the compliance meeting are voluntary. Failure to attend the meeting or to submit information requested in connection therewith does not prejudice the procedural rights of a respondent in a proceeding to impose sanctions under §§ 107.55, 107.60 or 107.65.

If the respondent cannot establish compliance and the matters cannot be resolved informally pursuant to the procedures outlined above, the Director of the Office of Regional FH&EO may conduct a compliance review or, where appropriate, refer the matter to the Assistant Secretary for FH&EO for possible imposition of sanctions. After the compliance review is concluded a report will be prepared indicating whether a finding of compliance or noncompliance has been made. Where noncompliance is found, the entire file is sent to the Assistant Secretary for FH&EO for review and for a determination as to whether to impose sanctions. Failure or refusal to remedy the discriminatory practices may constitute proper basis for initiating action to apply sanctions. The HUD

procedures leading to the imposition of sanctions are set forth in §§ 107.40, 107.45, 107.50, 107.55 and 107.60. Those procedures in § 107.40 incorporating a compliance meeting follow accepted Departmental procedures in providing due process to the respondent and will replace the informal conference provided by present HUD regulations 24 CFR 200.300.

Interested persons are invited to comment on this proposed regulation by furnishing such written comments, data, and recommendations as they may desire. All such materials should be filed with Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW, Washington, D.C. 20410. Comments received on or before November 26, 1979, will be considered before adoption of a final regulation in this matter. Copies of all comments will be available for public inspection at the above address during regular business hours both before and after the close of the comment period.

A finding of inapplicability with respect to environmental impact has been prepared in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality. A copy of the Finding is available for inspection and copying in the Office of the Rules Docket Clerk at the above address. This regulation has been evaluated and has been found not to have major economic consequences for the general economy or for individual industries, geographic regions, or levels of government.

Accordingly, it is proposed to amend Subchapter A of Chapter I of Title 24 of the Code of Federal Regulations by establishing a new Part 107 to read as follows:

PART 107—NONDISCRIMINATION AND EQUAL OPPORTUNITY IN HOUSING UNDER EXECUTIVE ORDER 11063

- Sec. 107.5 Authority.
- 107.10 Purpose.
- 107.11 Relation to other authorities.
- 107.15 Definitions.
- 107.20 Prohibition against discrimination.
- 107.21 Prevention of discrimination.
- 107.25 Provisions in legal instruments.
- 107.30 Recordkeeping requirements.
- 107.35 Complaints.
- 107.40 Compliance meeting.
- 107.45 Resolution of matters.
- 107.50 Compliance reviews.
- 107.55 Application of sanctions.
- 107.60 Sanctions and penalties.
- 107.65 Referral to the Attorney General.

Authority: E.O. 11063, Equal Opportunity in Housing, issued November 20, 1962 (27 FR

11527); delegation of authority by the Secretary of Housing and Urban Development published in 34 FR 12253 (June 21, 1972).

§ 107.5 Authority.

The regulations in this part are prescribed pursuant to the provision of E.O. 11063, Equal Opportunity in Housing, issued November 20, 1962 (27 FR 11527) together with the delegation of authority by the Secretary of Housing and Urban Development published in 34 FR 12253 (June 21, 1972) delegating the power and authority of the Secretary under E.O. 11063, with certain exceptions, to the Assistant Secretary for Fair Housing and Equal Opportunity (FH&EO).

§ 107.10 Purpose.

These regulations are to carry out the requirements of E.O. 11063 that all action necessary and appropriate be taken to prevent discrimination because of race, color, creed, or national origin in residential property and related facilities owned or operated by the Federal Government, or provided with Federal assistance by the Department of Housing and Urban Development and in the lending practices with respect to residential property and related facilities of lending institutions insofar as such practices relate to loans insured, guaranteed or purchased by the Department. These regulations are intended to assure compliance with the established policy of the United States that the benefits under programs and activities of the Department which provide financial assistance, directly or indirectly, for the provision, rehabilitation, or operation of housing and related facilities are made available without discrimination based on race, color, creed, or national origin. These regulations are also intended to assure compliance with the policy of this Department to administer its housing programs affirmatively, so as to achieve a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, creed, or national origin.

§ 107.11 Relation to other authorities.

Where alleged discrimination on the grounds of race, color, or national origin is cognizable under E.O. 11063 and involves a matter subject to Title VI of the Civil Rights Act of 1964, the implementing regulations of Title VI, Nondiscrimination in Federally Assisted Programs, under Part 1 of this Title shall apply.

§ 107.15 Definitions.

As used in this Part 107—

(a) "Department" means the Department of Housing and Urban Development.

(b) "Secretary" means the Secretary of Housing and Urban Development.

(c) "State" includes the District of Columbia, the Commonwealth of Puerto Rico and the territories of the United States.

(d) "Assistance" includes (1) grants, loans, contributions, and advances of Federal funds; (2) the grant or donation of Federal property and interests in property; (3) the sale, lease, and rental of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration or a consideration which is reduced for the purpose of assisting the recipient or in recognition of the public interest to be served by such sale or lease to the recipient, when such order granting permission accompanies the sale, lease, or rental of Federal properties; (4) loans in whole or in part insured, guaranteed, or otherwise secured by the credit of the Federal Government; and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(e) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives or agents, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries and public entities.

(f) "Public entity" means a government or governmental subdivision or agency.

(g) "Discriminatory practice" means:

(1) Any discrimination on the basis of race, color, creed, or national origin in the sale, rental or other disposition of residential property or related facilities (including land to be developed for residential use), or in the use or occupancy thereof, where such property or related facilities are:

(i) Owned or operated by the Secretary;

(ii) Provided in whole or in part with the aid of loans, advances, grants, or contributions agreed to be made by the Department after November 20, 1962;

(iii) Provided in whole or in part by loans insured, guaranteed or otherwise secured by the credit of the Department after November 20, 1962; or

(iv) Provided by the development or the redevelopment of real property purchased, leased, or otherwise obtained from a State or local public agency or unit of general purpose local

government receiving Federal financial assistance from the Department under a loan or grant contract entered into after November 20, 1962.

Examples of discriminatory practices under this paragraph include but are not limited to the following when based on race, color, creed or national origin:

(i) Denial to a person of any housing, accommodations, facilities, services, financial aid or other benefit provided under the program or activity;

(ii) Providing any housing, accommodations, facilities, services, financial aid, or other benefits to a person which are different, or are provided in a different manner, from those provided to others in the program or activity;

(iii) Subjecting a person to segregation or separate treatment in any matter related to the receipt of housing, accommodations, facilities, services, financial aid, or other benefits under the program or activity;

(iv) Restricting a person in any way to access to housing, accommodations, facilities, services, financial aid or other benefits, or in the enjoyment of any advantage or privilege enjoyed by others in connection with such housing, accommodations, facilities, services, financial aid, or other benefits under the program or activity;

(v) Treating persons differently in determining whether they satisfy any occupancy, admission, enrollment, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any housing, accommodations, facilities, services, financial aid, or other benefits provided under the program or activity;

(vi) Denying a person opportunity to participate in a program or activity through the provision of services or otherwise, or affording the person an opportunity to do so which is different from that afforded others in the program or activity.

(2) Any discrimination on the basis of race, color, creed or national origin in the lending practices with respect to residential property and related facilities (including land to be developed for residential use) of lending institutions, insofar as such practices relate to loans, insured or guaranteed, by the Department after November 20, 1962.

(3) Nothing in paragraphs (g)(1) or (2) of this section shall prohibit a recipient from taking any actions to prevent discrimination; overcome prior discriminatory practice or usage; or to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, creed or national origin.

(4) Noncompliance with relevant affirmative fair housing marketing requirements contained in HUD programs and regulations.

§ 107.20 Prohibition against discrimination.

(a) No person receiving assistance from, doing business with or participating in any program or activity of the Department involving housing and related facilities shall engage in a discriminatory practice.

(b) Where the person has been found by the Department or any other Federal Department, agency, or court to have previously discriminated against persons on the ground of race, color, creed, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(c) Nothing in this part precludes a person from taking affirmative action to prevent discrimination in housing or related facilities where the purpose of such action is to overcome prior discriminatory practice or usage or to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, creed or national origin.

§ 107.21 Prevention of discrimination.

All persons receiving assistance from, doing business with or participating in any program or activity of the Department involving housing and related facilities shall take all action necessary and proper to prevent discrimination on the basis of race, color, creed, or national origin.

§ 107.25 Provisions in legal instruments.

All contracts, grants and agreements providing assistance for the provision of housing and related facilities and those involving sales, rental, or management of properties owned by the Secretary of Housing and Urban Development, all corporate charters, regulatory agreements, and other instruments relating to multifamily and land development projects, approvals of financial institutions and other lenders as approved FHA mortgagees, all requests for subdivision reports under home mortgage procedures and for preapplication analysis of multifamily and land development projects and all guaranty agreements shall hereafter contain provisions or statements requiring compliance with Executive Order 11063 or this part. All such contracts and other instruments shall indicate that the failure or refusal to comply with the requirements of the Executive Order or this part shall be a proper basis for the imposition of

sanctions, as appropriate, including future rejection of applications and refusal by the Department to enter into contracts with and insure or guarantee loans involving persons or entities identified with such refusal or failure.

§ 107.30 Recordkeeping requirements.

(a) All persons receiving assistance through any program or activity of the Department involving the provision of housing and related facilities subject to E.O. 11063 shall maintain racial and national origin data required in such program or activity.

(b) All lenders participating in Departmental mortgage insurance programs, home improvement loan programs, GNMA mortgage purchase programs, or special mortgage assistance programs, shall maintain data regarding the race and national origin of each applicant and joint applicant for assistance with regard to residential property and related facilities. This data shall be noted in the following categories: American Indian/Alaskan Native, Asian/Pacific Islander, Black, White, Hispanic, Other (specify). If an applicant or joint applicant refuses to voluntarily provide the information or any part of it, that fact shall be noted and the information shall be obtained through observation. Applications shall be retained for a period of at least twenty-five (25) months following the date the record was made.

(c) A failure to comply with any of the requirements of paragraph (a) or (b) of this section shall be deemed *prima facie* evidence of a discriminatory practice.

§ 107.35 Complaints.

(a) The Assistant Secretary for Fair Housing and Equal Opportunity, or designee, shall conduct such compliance reviews, investigations, inquiries, and informal meetings as may be necessary to effect compliance with this part.

(b) Complaints under this part may be filed by any person and must be filed within 180 days of the alleged act of discrimination unless the time for filing is extended by the Assistant Secretary for Fair Housing and Equal Opportunity. Complaints must be signed by the complainant and may be filed with the Assistant Secretary for Fair Housing and Equal Opportunity, Washington, D.C., 20410, or any regional or area office of the Department. All complaints shall be forwarded to the Director, Office of Regional Fair Housing and Equal Opportunity in the appropriate Regional Office which has jurisdiction in the area in which the property is located.

(c) Upon receipt of a timely complaint, the Director of the Office of Regional

FH&EO shall determine whether the complaint indicates a possible violation of the Executive Order or this Part. The Director of the Office of Regional FH&EO or a designee shall conduct an investigation into the facts.

§ 107.40 Compliance meeting.

(a) Where preliminary analysis of a complaint, a compliance review initiated by the Assistant Secretary for FH&EO, or other information indicates a possible violation of E.O. 11063, or this part, the person allegedly in violation shall be notified of the allegations in a Notice of Compliance Meeting and requested to attend a compliance meeting. The purpose of the compliance meeting is to provide the respondent with the opportunity to address matters raised and to remedy such possible violations speedily and informally by further verifying their validity or lack of validity; identifying the possible remedies; and effecting a resolution as provided in § 107.45.

(b) The Notice of Compliance Meeting shall be sent to the last known address of the person allegedly in violation, by certified mail, or through personal service. The Notice will advise such person of the right to respond within seven (7) days to the matters and to submit information and relevant data evidencing compliance with E.O. 11063, the Affirmative Fair Housing Marketing Regulations, 24 CFR 200.600, the Fair Housing Poster Regulations, 24 CFR Part 110, the Advertising Guidelines for Fair Housing, 37 FR 6700, April 1, 1972, other affirmative marketing requirements applicable to the HUD program or activity and any revisions thereto. Further, the person will be offered an opportunity to be present at the meeting in order to submit any other evidence showing such compliance. The date, place, and time of the scheduled meeting will be included in the Notice.

(c) The Area Office having jurisdiction over the program will prepare a report concerning the status of the respondent's participation in HUD programs to be presented to the respondent at the meeting. The Area Manager shall be notified of the meeting and may attend the meeting.

(d) At the Compliance Meeting the respondent to the matters under consideration may be represented by counsel and shall have a fair opportunity to present any relevant matters.

(e) During and pursuant to the Compliance Meeting, the Director of the Office of Regional FH&EO shall consider all evidence relating to the alleged violation, including any action taken by the person allegedly in

violation to implement Executive Order 11063.

(f) If the evidence shows no violation of the Executive Order or this Part, the Director of the Office of Regional FH&EO shall so notify the person(s) involved within ten (10) days of the meeting. A copy of this notification shall be submitted to the Assistant Secretary for FH&EO.

(g) If the evidence indicates an apparent failure to comply with the Executive Order or this part, and the matter cannot be resolved informally pursuant to § 107.45, the Director of the Office of Regional FH&EO shall so notify the respondent no later than ten (10) days after the date on which the compliance meeting is held, in writing by certified mail, return receipt requested, and shall advise the respondent whether the Department will conduct a comprehensive compliance review, or, where appropriate, refer the matter to the Assistant Secretary for FH&EO for possible imposition of sanctions. A copy of this notification shall be submitted to the Assistant Secretary for FH&EO. The compliance review shall be conducted to determine whether the respondent has complied with the provisions of Executive Order 11063, Title VIII of the Civil Rights Act of 1968, HUD regulations and HUD Affirmative Fair Housing Marketing requirements.

(h) If the applicant fails to attend the meeting scheduled pursuant to this section, the Director of the Office of Regional FH&EO shall so notify the person no later than ten (10) days after the date of the scheduled meeting, in writing by certified mail, return receipt requested, and shall advise the person as to whether the Department may conduct a comprehensive compliance review or, where appropriate, refer the matter to the Assistant Secretary for FH&EO for possible imposition of sanctions. A copy of this notification shall be submitted to the Assistant Secretary for FH&EO.

§ 107.45 Resolution of matters.

(a) Attempts to resolve and remedy matters found in a complaint investigation or a compliance review shall be made through the methods of conference, conciliation, and persuasion.

(b) Efforts to remedy matters shall be directed toward achieving a just resolution of the probable violation and obtaining assurance(s) that the respondent will satisfactorily remedy any violation of Executive Order 11063 and will take actions to eliminate the discriminatory practices and prevent reoccurrences. Compensation to

individuals from the respondent may also be considered.

(c) The terms of settlements shall be reduced to a written agreement, signed by the respondent and the Assistant Secretary for FH&EO or a designee. Such settlements shall seek to protect the interests of the complainant, if any, other persons similarly affected, and the public interest. A written notice of the disposition of matters pursuant to this section and of the terms of settlement shall be given the Area Manager by the Assistant Secretary for FH&EO or a designee and the complainant, if any. The Assistant Secretary for FH&EO or a designee may, from time to time, review compliance with the terms of the settlement and may, upon finding of a violation(s), take enforcement action provided under this part.

§ 107.50 Compliance reviews.

(a) Compliance reviews shall be conducted by the Director of the Office of Regional FH&EO or a designee. Complaints alleging a violation(s) of this part or information ascertained in the absence of a complaint indicating apparent failure to comply with this part shall be referred immediately to the Director of the Office of Regional FH&EO. The Regional Director of the Office having jurisdiction over the programs involved and the Area Manager shall be notified of all alleged violations of the regulations. A complaint is not a prerequisite for the initiation of compliance review.

(b) The purpose of a compliance review is to determine whether the respondent is in compliance with the Executive Order or this part. Where allegations may also constitute a violation of the provisions of Title VIII of the Civil Rights Act of 1968, HUD regulations and Affirmative Fair Housing Marketing requirements, a review may be undertaken to determine compliance with those requirements. The applicant shall be given at least five (5) days notice of the time set for any compliance review and the place or places for such review.

§ 107.55 Compliance report.

Following completion of a compliance review, a report shall be prepared promptly and the Assistant Secretary for FH&EO shall make a finding of compliance or noncompliance. If it is found that the respondent is in compliance, all persons concerned shall be notified of the finding. Where a finding of noncompliance is made, the report shall specify the violations found. The respondent shall be sent a copy of the report by certified mail, return receipt requested, together with a Notice

that the matter has been forwarded to the Assistant Secretary for FH&EO for a determination as to whether actions will be initiated for the imposition of sanctions. The Regional Director of the Office having jurisdiction over the programs involved and the Area Manager shall also receive a copy of the report and the notice of intention to refer the matter to the Assistant Secretary for FH&EO.

§ 107.60 Sanctions and penalties.

Failure or refusal to comply with the requirements of this part shall be proper basis for applying sanctions. Violations of the regulations and requirements under E.O. 11063 of other Federal Departments and agencies may also result in the imposition of sanctions by this Department. Such sanctions as are specified by E.O. 11063, the contract through which Federal assistance is provided, and such sanctions as are specified by the rules or regulations of the Department governing the program under which Federal assistance to the project is provided, shall be applied in accordance with the relevant regulations. Actions which may be taken include: Cancellation, termination, or suspension, in whole or in part of the contract or agreement; refusal to approve a lender or withdrawal of approval; a determination of ineligibility or debarment from any further assistance or contracts, in specified programs and under specified conditions; provided, however, that sanctions of debarment, suspension, ineligibility are subject to the Department's regulations under Part 24 of this title; and provided further, that no sanction under Section 302(a), (b), and (c) of E.O. 11063 shall be applied by the Assistant Secretary for FH&EO without the concurrence of the Secretary.

§ 107.65 Referral to the Attorney General.

If the results of a complaint investigation or a compliance review demonstrate that any person, or specified class of persons, has violated E.O. 11063 or this part, and efforts to resolve the matter(s) by informal means have failed, the Assistant Secretary for FH&EO in appropriate cases shall recommend that the General Counsel refer the case to the Attorney General of the United States for appropriate civil or criminal action under Section 303 of Executive Order 11063.

Issued at Washington, D.C., July 30, 1979.

Sterling Tucker,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 79-29849 Filed 9-25-79; 8:45 am]

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Part VI

**Department of
Housing and Urban
Development**

Office of the Assistant Secretary for Fair
Housing and Equal Opportunity

Advertising Guidelines for Fair Housing;
Proposed Rulemaking

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

[24 CFR Part 109]

[Docket No. R-79-699]

Nondiscrimination in Fair Housing
Advertising; Proposed RulemakingAGENCY: Department of Housing and
Urban Development.

ACTION: Proposed rulemaking.

SUMMARY: This Department proposes to reissue the Advertising Guidelines for Fair Housing (37 FR 6700, April 1, 1972), with certain revisions, as regulations. This proposed regulation also takes into account the amendment of Title VIII of the Civil Rights Act of 1968, (42 U.S.C. 3601 et seq.) prohibiting discrimination on account of sex in the sale, rental or financing of a dwelling.

The regulation will establish specific guidance for newspaper publishers, real estate firms, banks, building and loan associations and other individuals, firms or corporations concerning nondiscrimination in advertising the sale, rental, financing or other services in connection with residential real estate, as provided in Section 804(c) of Title VIII of the Civil Rights Act of 1968.

DATES: Comments due: November 26, 1979.

ADDRESSES: Send comments to Rules Docket Clerk, Office of General Counsel, Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Marianne Freeman, Special Assistant, Assistant Secretary for Fair Housing and Equal Opportunity, Room 5240, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, Telephone: (202) 755-7007.

SUPPLEMENTARY INFORMATION:

Background

Title VIII of the Civil Rights Act of 1968, the Federal Fair Housing Law, as enacted April 11, 1968, prohibited discrimination in the provision of brokerage services in the sale, rental, and financing of housing on the basis of race, color, religion, and national origin. The Housing and Community Development Act of 1974, which became effective on August 22, 1974, (Pub. L. 93-383) amended the provisions of Sections 804, 805, and 806 of Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284 (42 U.S.C. 3604, 3605, 3606) by adding the word "sex" after the word "religion" in each place it appeared in the Sections.

Thus, as amended, Section 804(c) of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3604(c), makes it unlawful to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling (any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy, as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof) that indicates any preference, limitation, or discrimination based on race, color, religion, sex, or national origin, or an intention to make any such preference, limitation, or discrimination.

On April 1, 1972, prior to the amendment of Title VIII, the Department published the Advertising Guidelines for Fair Housing in order to facilitate and promote compliance with Section 804(c). The Guidelines indicate graphic and written expressions which are appropriate for the preparation, publication, and general use of advertising matter with respect to the sale or rental of a dwelling as defined by the Act.

The Guidelines were issued for the purpose of assisting all advertising media, advertising agencies, and all other persons who use advertising or who make, print, or publish or cause to be made, printed, or published any classified or display advertisement with respect to the sale, rental, or financing of a dwelling by the owner or an agent, in complying with the requirements of Title VIII.

Conformance with the guidelines is considered in evaluating compliance with Title VIII in connection with investigations by the Assistant Secretary for Fair Housing and Equal Opportunity of advertising practices and policies under the Title.

Since their issuance, these Guidelines have been integrated into the Fair Housing and Equal Opportunity requirements of the Department's various programs. The Guidelines for use of logo-type or slogan (Paragraph C.1 of the Guidelines) are a requirement of the Affirmative Fair Housing Marketing (AFHM) Regulations Section 200.620(e) and (f). Affirmative Fair Housing Marketing Plans are imposed in most housing programs including the FHA subsidized and unsubsidized housing programs, the Section 8 New Construction Program—24 CFR 880.218(a), the Section 8 Substantial Rehabilitation Program—24 CFR 881.218(a), and the Housing Finance and Development Agency Program New

Construction and Substantial Rehabilitation projects under Subpart C of 24 CFR Part 883—24 CFR 883.309(c)(7) and the Section 515 Rural Rental Program of the Agriculture Department, provided with HUD Section 8 subsidies under the HUD-Agriculture Memorandum of Understanding see 24 CFR 883.814(a), approved by the Farmer's Home Administration. Adherence to these Guidelines is also a requirement of the HUD-VA Nondiscrimination Certification. In addition, adherence to these Guidelines is a requirement for participation in HUD's voluntary affirmative marketing agreements executed by the various segments of the housing industry and the Department.

Furthermore, conciliation agreements entered into in resolution of Title VIII complaints often include a provision that respondents such as owners, developers, and managers, of the dwellings will conform to the Advertising Guidelines. The Department of Justice has required adherence to the Advertising Guidelines in its consent decrees involving pattern or practice suits. In addition, at the time the Federal Financial Regulatory Agencies adopted their Nondiscrimination Policy Statements, they incorporated the fair housing advertising principles in the prohibitions against discrimination in lending practices by financial institutions which are subject to their control.

Summary of Proposed Action

The Advertising Guidelines for Fair Housing have been considered as providing substantive guidance with regard to compliance with Section 804(c) of Title VIII even though the April 1, 1972 guidelines were not published as rules and regulations.

Based on experience in administering Title VIII, and the effort of other Federal agencies to assure fair housing, the Department has determined that the Guidelines should be reissued as Regulations in order to attain better enforcement and to assure consistency in obtaining compliance with Section 804(c).

In addition, the present guidelines were published prior to enactment of the Housing and Community Development Act of 1974, which amended Title VIII to prohibit discrimination in housing based on sex. The amendment of the statute to prohibit discrimination on the basis of sex has necessitated an in-depth review of sex discrimination to develop appropriate revisions since the mere addition of the word "sex" to the existing Guidelines does not deal with the complex problems of sex

discrimination in the marketing of housing.

An examination of fair housing complaints the Department has received disclosed that many cases alleging discrimination on the basis of the marital status of the applicant in fact involved different treatment of persons based on sex. For example, a divorced woman may be denied rental housing or forced to meet different rental conditions, whereas a divorced man in the same situation is accepted or given favorable treatment. Thus, it has been Departmental policy to accept and investigate all such complaints in order to ascertain if, in fact, the disparate treatment accorded is actually based on the sex of the applicant and therefore covered by the Fair Housing Act.

The following are examples of types of situations involving discrimination on the basis of sex:

1. *Discrimination Based on Sex in the Financing of Housing.* This may involve refusal to finance housing for unmarried persons based on sex, or a refusal to consider in whole or in part all income of persons obligated to pay in the financing of a dwelling because of the sex of such persons.

2. *Discrimination Based on Sex in the Rental of Housing.* These complaints may involve refusal to rent to unmarried persons of either sex who may be seeking a unit alone or on a shared basis with a person of the same or different sex, or imposing different conditions for rental on women than those imposed on men. Some of the complaints of discrimination involve the denial of units to persons in certain occupations such as airline stewardesses, or waitresses (or the denial to either sex in student categories). Complaints also involve the refusal to count or the discounting of income based on the sex of persons in determining eligibility to rent housing.

In view of the problems discussed, the existing Guidelines have been reviewed and comprehensive regulations are proposed which would provide the media or marketers of housing with specific information concerning ways to avoid discrimination on the basis of sex in advertisements.

Authority

The proposed Regulations are issued under the Authority of Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et. seq.).

Interested persons are invited to comment on the proposed Regulations by furnishing such written comments, data, and recommendations as they may desire. All such materials should be filed with the Rules Docket Clerk, Office

of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. Comments received on or before November 26, 1979, will be considered before adoption of the final Regulations in this matter. Copies of all comments will be available for public inspection at the above address during regular business hours both before and after the close of the comment period.

A finding of Inapplicability with respect to environmental impact has been prepared in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality. A copy of the Finding is available for inspection and copying in the Office of the Rules Docket Clerk at the above address. This regulation has been evaluated and has been found not to have major economic consequences for the general economy or for individual industries, geographic regions, or levels of government.

Accordingly, it is proposed to revise Chapter I of Subtitle B of Title 24 to include a new Part 109 to read as follows:

PART 109—FAIR HOUSING
ADVERTISING

Sec.
109.5 Policy.
109.10 Purpose.
109.15 Definitions.
109.20 Use of Words, Phrases, Sentences and Visual Aids.
109.25 Selective Use of Advertising Media and Content.
109.30 Fair Housing Policies and Practices.

Authority: Title VIII, Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.)

§ 109.5 Policy.

It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States. The provisions of Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) make it unlawful to discriminate in the sale, rental, and financing of housing, and in the provision of brokerage services on account of race, color, religion, sex or national origin. Section 804(c) of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3604(c), as amended, makes it unlawful to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex or national origin, or an intention to make such preference, limitation or discrimination.

§ 109.10 Purpose.

These regulations are for the purpose of assisting all advertising media, advertising agencies and all other persons who use advertising to make, print, or publish or cause to be made, printed, or published any classified or display advertisement with respect to the sale, rental, or financing of a dwelling by owners or agents, in compliance with the requirements of Title VIII. These regulations also describe the matters this Department will review in evaluating compliance with Title VIII in connection with investigations of complaints alleging discriminatory housing practices involving advertising.

§ 109.15 Definitions.

(a) "Secretary" means the Secretary of Housing and Urban Development.

(b) "Assistant Secretary means the Assistant Secretary for Fair Housing and Equal Opportunity.

(c) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(d) "Family" includes a single individual.

(e) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers, and fiduciaries.

(f) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(g) "Discriminatory housing practice" means an act that is unlawful under Section 804, 805, or 806 of Title VIII of the Civil Rights Act of 1968.

§ 109.20 Use of words, phrases, sentences, and visual aids.

The following words, phrases, symbols, and forms typify those most often used in residential real estate advertising to convey either overt or tacit discriminatory intent. Their use should, therefore, be avoided in order to eliminate their discriminatory effect. In considering a complaint under Title VIII, the Assistant Secretary will normally consider the use of these and comparable words, phrases, symbols, and forms to indicate a possible violation of the Title and to establish a need for seeking resolution of the complaint, if it is apparent from the

context of the usage that discrimination within the meaning of the Title is likely to result.

(a). *Words descriptive of dwelling, landlord, and tenant.* White private home, Colored home, Jewish home, Female residence, Male residence, Hispanic residence.

(b). *Words indicative of race, color, religion, sex or national origin.*—(1). *Race*—Negro, Black, Caucasian, Oriental, American Indian.

(2). *Color*—White, Black, Colored.

(3). *Religion*—Protestant, Christian, Catholic, Jew, Hebrew.

(4). *National Origin*—Mexican American, Puerto Rican, Philippine, Polish, Hungarian, Irish, Italian, Chicano, African, Hispanic, Chinese, Indian, Latino.

(5). *Sex*—the exclusive use of words in advertisements including those involving the rental of separate units in a single or multi-family dwelling tending to imply that the housing being advertised is available to persons of only one sex and not the other, except where the sharing of living areas is involved.

(6). *Catch words.* Words such as restricted, ghetto, and disadvantaged should be avoided. Also, words such as private, integrated, traditional, and phrases such as "broad approval" or "membership approval" if used in a discriminatory context should be avoided.

(c). *Symbols or logotypes.* Symbols or logotypes which imply or suggest race, color, religion, sex, or national origin.

(d). *Colloquialisms.* Locally accepted words or phrases which imply or suggest race, color, religion, sex, or national origin.

(e). *Directions to real estate for sale or for rent (use of maps or written instructions).* Directions can imply a discriminatory preference, limitation, or exclusion. For example, references to real estate location can be made in terms of racial or national origin significant landmarks such as an existing black development (signal to blacks) or an existing development known for its inclusion of minorities (signal to whites) and should not be used. Specific directions given from or to a racial or national origin significant area may indicate a preference and should not be used. References to a synagogue, congregation or parish may also indicate a religious preference and should not be used.

(f). *Area (location) description.* Names of facilities which cater to a particular racial, national origin or religious group such as country club or private school designations, or which are used

exclusively by one sex, should not be used to describe an area.

§ 109.25 Selective use of advertising media or content.

The selective use of advertising media or content when particular combinations thereof are used exclusively with respect to various housing developments or sites can lead to discriminatory results and may indicate a violation of Title VIII. The use of English language media alone in an area where there are also available non-English language media catering to non-English speaking people, or the selective use of human models in advertisements, may have discriminatory impact. The following are examples of the selective use of advertising:

(a). *Selective geographic advertisements.* Such selective use may involve the strategic placement of billboards, brochure advertisements distributed within a limited geographic area by hand or in the mail, or advertising in particular geographic coverage editions of major metropolitan newspapers or in newspapers of limited circulation which are mainly advertising vehicles for reaching a particular segment of the community, or in displays or announcements only in selected sales offices.

(b). *Selective use of equal opportunity slogan or logo.* When placing advertisements such selective use may involve placing the equal opportunity slogan or logo in advertising reaching some geographic areas, but not others, or with respect to some properties but not others.

(c). *Selective use of human models when conducting an advertising campaign.* Some selective advertising may also involve the use of human models primarily in media that cater to one racial or national origin segment of the population that is not balanced by a complementary advertising campaign that is directed at other groups, or the use by a developer of racially mixed models to advertise one of the developments and not others. Similar care must be exercised in advertising in publications or other media directed at one particular sex. Such selective advertising may involve the use of human models of members of only one sex in displays, photographs or drawings to indicate preference for one sex or the other.

§ 109.30 Fair Housing Policy and Practices.

The following practices should be used to indicate Fair Housing policies and practices in real estate advertising:

(a). *Use of Fair Housing logotype, statement, or slogan.* All advertising of residential real estate for sale, rent, or financing should contain an equal housing opportunity logotype, statement, or slogan as a means of educating the homeseeeking public that the property is available to all persons regardless of race, color, religion, sex, or national origin. Table I (see appendix) indicates suggested sizes for the use of the logotype. In all space advertising which is less than 4 column inches of a page in size the equal housing opportunity slogan should be used. The advertisement may be grouped with other advertisements under a caption which states that the housing is available to all without regard to race, color, religion, sex, or national origin. Alternatively, 3-5 percent of the advertisement copy may be devoted to a statement of the equal housing opportunity policy of the owner or agent. Table II (see appendix) contains copies of the suggested Equal Housing Opportunity logotype, statement and slogan.

(b). *Use of human models.* Human models in photographs, drawings, or other graphic techniques may not be used to indicate exclusiveness on the basis of race, color, religion, sex, or national origin. If models are used in display advertising campaigns, the models should be clearly definable as reasonably representing majority and minority groups in the metropolitan area and both sexes. Models, if used, should indicate to the general public that the housing is open to all without regard to race, color, religion, sex, or national origin, and is not for the exclusive use of one such group.

(c). *Notification of Fair Housing Policy*—(1). *Employees.* All publishers of advertisements, advertising agencies, and firms engaged in the sale or rental or financing of real estate should provide a printed copy of their nondiscriminatory policy to each employee and officer.

(2). *Clients.* All publishers of advertisements and advertising agencies should post a copy of their nondiscrimination policy in a conspicuous place wherever persons come to place advertising and should have copies available for all firms and persons using their advertising services.

(3). *Publishers notice.* All publishers should publish at the beginning of the real estate advertising section a notice such as that appearing in Table III (see appendix).

Issued at Washington, D.C., July 30, 1979.

Sterling Tucker,

Assistant Secretary for Fair Housing and Equal Opportunity.

The following three tables may serve as a guide for the use of the Equal Housing Opportunity logotype, statement, slogan, and publisher's notice for display advertising:

Table I

A simple formula can guide the real estate advertiser in using the Equal Housing Opportunity logotype, statement, or slogan. If other logotypes are used in the advertisement, then the Equal Housing Opportunity logo should be of a size equal to the largest of the other logotypes; if no other logotypes are used, then the following guidelines can be used. In all instances, the type should be bold display face and no smaller than 8 points.

Approximate size of advertisement	Size of logotype in inches
1/2 page or larger	2 x 2
1/4 page up to 1/2 page	1 x 2
4 column inches to 1/4 page	1/2 x 1/2
Less than 4 column inches	(1)

(1) Do not use.

Table II.—Illustrations of Logotype, Statement, and Slogan

Equal Housing Opportunity Logotype:



Equal Housing Opportunity Statement: We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, or national origin.

Equal Housing Opportunity Slogan: "Equal Housing Opportunity."

Table III.—Illustration of Publisher's Notice

Publisher's notice: All real estate advertised in this newspaper is subject to the Federal Fair Housing Act of 1968 which makes it illegal to advertise "any preference, limitation, or discrimination based on race, color, religion, sex, or national origin, or intention to make any such preference, limitation, or discrimination."

This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis."

[FR Doc. 79-29851 Filed 9-25-79; 8:45 am]

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Wednesday
September 26, 1979

Part VII

Department of Energy

Grant Programs for Schools and
Hospitals and Buildings Owned by Units
of Local Government and Public Care
Institutions

DEPARTMENT OF ENERGY

10 CFR Parts 450 and 455

Grant Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions; Regulatory Analysis

AGENCY: Department of Energy.

ACTION: Notice of Availability of Regulatory Analysis and Summary of Regulatory Analysis.

SUMMARY: The President, by Executive Order 12044, has directed agencies of the Executive Branch to conduct a Regulatory Analysis of regulations which they prepare that are likely to have a major economic impact. An objective of the Regulatory Analysis is to examine alternative regulatory provisions which might permit achievement of the regulatory goals at a lower cost.

In keeping with these objectives, the Department of Energy has prepared a Regulatory Analysis of its rules to implement Title III, Parts 1 and 2 of the National Energy Conservation Policy Act (NECPA). The rules provide for Grant Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions to assist schools and hospitals, local government and public care institutions in identifying and implementing energy conservation maintenance and operating procedures and in evaluating energy conservation measures and to assist schools and hospitals in acquiring and installing energy conservation measures.

Pursuant to the regulations published in the Federal Register on April 2, 1979 (44 FR 19340) and on April 17, 1979 (44 FR 22940), this Summary of the Regulatory Analysis is published subsequent to publication of those rules.

ADDRESSES: A copy of the complete Regulatory Analysis may be obtained by contacting:

Mr. Ronald Milner, Office of State and Local Programs, Department of Energy, Room 2H043, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-2325.

Copies of this summary and of the complete Regulatory Analysis are available in the Freedom of Information Reading Room, Department of Energy, Room GA-142, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Milner, (202) 252-2325.

Summary of Regulatory Analysis

I. Statement of Problem

The rapid rise in energy demand and costs since the beginning of the decade has interfered with the ability of many public institutions to provide services to their constituencies. As part of a comprehensive effort to deal with the national energy crisis, Congress established a program under Title III of the National Energy Conservation Policy Act (NECPA) to aid service institutions in their efforts to conserve energy.

The legislation authorized 3-year funding of \$900 million in matching grants for schools and hospitals, and 2-year funding of \$65 million in matching grants for public care facilities and local government buildings. The financial assistance outlined in the Act funds four program activities: preliminary energy audits (PEA), energy audits (EA), technical assistance programs (TA), and energy conservation measures (ECM). To implement these activities, the Act provides for grants to States as well as to eligible local governments and institutions. Schools and hospitals may qualify for all four activities, but local governments and public care institutions are eligible only for PEA, EA, and TA.

Preliminary energy audits (PEA), which provide basic buildings data, including the identification of major energy using systems, will be implemented through grants to States. The information and data obtained through the preliminary energy audit is intended to serve as the basis for subsequent program decisions and development of the State Plan.

Energy audits (EA) include the identification of operations and maintenance procedures that can be undertaken to reduce energy use or the rate of growth in energy consumption. EAs provide information necessary to identify buildings most in need of TA grants or most likely to benefit from additional conservation actions. Energy audits will be implemented through grants to States.

Technical assistance (TA) programs, which involve detailed analyses by professional engineers or architect-engineer teams or other technical professionals qualified pursuant to the State Plan, provide the economic and energy saving assessments of energy conservation measures for schools, hospitals, public care institutions or to buildings owned by local governments. All of the above institutions who qualify are eligible for TA grant awards.

Energy conservation measures (ECM) grants will provide financial assistance for the acquisition and installation of energy conservation measures such as

insulation, storm windows and doors, multi-glazed windows and doors, caulking, automatic energy control systems, solar heating and cooling systems and others. The grants are made to schools and hospitals only based on provisions in the relevant State Plan and as a result of technical assistance programs undertaken by the institution.

II. Objectives of the Program

The major objectives of the NECPA grant programs are two-fold:

- Save energy and reduce the associated costs to institutions; and
- Facilitate and encourage the shift from scarce energy resources such as petroleum products, to renewable energy resources, such as solar.

There are certain additional program objectives which were determined by DOE in developing regulations to implement the legislation. These program objectives together with the overall policy objectives cited above, are the standards used in analyzing the effects of the regulations. The program objectives include:

- Maximize the participation of eligible institutions;
- Minimize the costs of administering the program to the States and the institutions; and

Ensure that special consideration is provided to those institutions most in need which would not otherwise be able to participate.

III. Alternatives to the Program

As the price of energy rises, market forces themselves will provide more incentive to undertake energy-conserving actions. Many institutions have already begun conservation programs in response to rising energy prices. Public and private, non-profit institutions, however, often lack the resources, the expertise or the motivation necessary to undertake energy conserving actions. Consequently, many institutions may be unable or unwilling to take full advantage of the opportunities for energy conservation and the associated cost savings. The NECPA, Title III grant programs were designed to help overcome some of these obstacles by providing information and financial assistance to public and private, non-profit institutions.

There are Federal energy conservation programs which impact on institutions which were in existence prior to enactment of NECPA. If NECPA had not been funded or enacted, these programs would have been able, to a limited extent, to provide assistance to many of the institutions eligible for

funding under NECPA. However, the scope and/or funding of these programs is not directly aimed at the institutions funded by NECPA, and the impact on conservation and energy savings could not be expected to have the same projected impact.

IV. Regulatory Provisions

In developing the regulations, eight provisions having alternatives which could significantly alter the impact of the programs were considered. Each of the eight provisions are discussed below:

(a) *Allocation Formula.* The formula used to allocate funds among the States for the technical assistance programs and energy conservation measures is based on population, climate and fuel cost as required by NECPA. Specifically, the allocation formula is:

$$(1) \quad K = \frac{.07}{n} + \frac{.1}{Nfc} \left(\frac{Sfc}{Nfc} \right) + \frac{.83}{NPC} \left(\frac{Sp}{NPC} \right) \left(\frac{Sc}{NPC} \right)$$

where Sfc = the average retail cost per million Btus of energy in the State's region
Nfc = the summation of Sfc numerators for all States

n = number of eligible States

Sp = population of State

Sc = sum of the State's heating and cooling degree-days

NPC = sum of Sp x Sc for all States

The purpose of this allocation formula is to distribute available funds among the States according to the relative energy needs of the institutions within the States as required by the law. NECPA specified that population be considered since it correlates with the numbers of institutions in the States. Climate was specified since it correlates with the level of energy use in those buildings. DOE chose to use the product of population and climate rather than incorporate them as separate additive factors. The product of population and climate is believed to better reflect the relative energy needs of institutions within the States by jointly favoring States having institutions with high levels of energy use and States having large numbers of institutions.

In designing the allocation formula, DOE could have chosen to place greater emphasis on cooling degree-days to reflect that more energy is expended in providing a degree of cooling than is expended in providing a degree of heating. DOE could have also chosen to place more emphasis on heating to reflect that, for many applications, heating is more essential than cooling. DOE chose to consider heating and cooling degree-days equally in order

that no one sector of the country would be unduly favored.

Other allocation formulae considered by DOE tended to widen the spread of allocation, favoring larger states at the expense of smaller ones. However, NECPA specified that no state could receive less than 0.5 percent of the total amount funded by the grant program. Therefore, the formula selected by DOE includes a factor .07/n to assure that the requirement is met.

(b) *Use of Simple Payback Methodology to Identify and Rank Eligible Energy Conservation Measures.* NECPA program success requires that all measures for which financial assistance is provided must be cost-effective. Therefore, an economic analysis was included as a factor for determining the eligibility of proposed energy conservation measures, and for ranking those measures for funding. Three alternatives were considered during the selection of an economic analysis methodology.

(1) Allow each State to specify the methodology to be used in that State;

(2) Specify simple payback as a ranking factor; and

(3) Specify another economic analysis methodology as a ranking factor.

The simple payback methodology was selected because it is widely used and understood and thereby should reduce the administrative burden placed upon applicants.

However, simple payback does not consider changes in non-energy related recurring costs (such as increases or decreases in operating and maintenance cost) resulting from a measure, price escalations, or discount rates. This may result in some measures appearing to be either more or less cost effective than would actually be the case. Also, simple payback considers only the energy savings accruing over the payback period and does not consider the total energy savings over the life of the measure. Therefore, simple payback does not differentiate between measures having long useful lives and greater cumulative energy savings and those having shorter useful lives and correspondingly smaller cumulative energy savings.

Therefore, DOE is considering the use of Life Cycling Costing (LCC) as the economic analysis methodology to be required for use in subsequent grant cycles of this program. LCC considers the time value of money, fuel price escalations and future operating, maintenance and other costs over the life of a project. Any such change in the specified methodology would customarily entail an amendment to the regulations.

(c) *Technical Assistance Analyst Qualifications.* NECPA directed that DOE provide guidelines for use by the States in identifying persons qualified to conduct technical assistance programs. In establishing the guidelines, DOE considered three alternatives:

(1) Provide only general guidelines and allow States maximum flexibility to qualify technical assistance analysts;

(2) Provide precise criteria and allow States no flexibility;

(3) Suggest the criteria but allow States to propose alternate criteria in their State Plan.

Due to the highly specialized nature of technical assistance programs, it is essential that only those individuals having the appropriate background, training and experience be considered as qualified technical assistance analysts. Therefore, alternate (3) was adopted, with the caveat that State's alternate criteria meet high standards.

(d) *Ranking Criteria.* NECPA directed DOE to provide guidelines describing the factors which States could consider in determining which applications would be given priority for financial assistance. Three alternatives were considered in determining the manner in which guidelines would be provided:

(1) Provide precise ranking criteria and allow States no flexibility in the ranking of applications;

(2) Provide general guidelines and allow States maximum flexibility; and

(3) Provide specific criteria but allow States to select the weights to be applied to each criterion.

DOE chose to provide specific criteria, listed according to their priority, in order to assure a standard basis upon which applications would be ranked and to assure that the criteria were consistent with National energy conservation goals. However, in consideration of the differing conditions which exist between States, DOE also chose to allow States to select the weights which would be applied to each criterion so that the States could take into consideration special conditions which may exist within their borders, and to allow the addition of other criteria if considered appropriate.

(e) *Hardship Provisions.* NECPA required that 10 percent of the funds made available for schools and hospitals for technical assistance and energy conservation measures be allocated for the purpose of making grants in excess of the 50 percent Federal share to those schools and hospitals determined to be in a class of severe hardship. In establishing the manner in which hardship would be determined, three alternatives were considered:

(1) Retain within DOE the 10 percent reserved for hardship grants and make all determinations regarding institutions' needs for financial assistance in excess of 50 percent;

(2) Allocate the funds reserved for hardship among States according to a separate formula and allow States to identify institutions eligible for hardship funding;

(3) Allocate all funds available for technical assistance and energy conservation measures, require States to reserve 10 percent of their allocations for hardship, and allow States to identify both the institutions eligible for hardship funding and to recommend to DOE the amounts for which they should be funded.

Since States are in a better position to identify those institutions which are in need of financial assistance in excess of 50 percent and to determine the minimum amounts necessary to enable them to participate in these programs, DOE chose alternative (3). [This will disadvantage states which have relatively more institutions which might qualify for hardship funding.]

(f) *BTU Conversion Factors*. In order to represent the total energy use of institutional buildings participating in the grant programs, and the overall energy savings resulting from the adoption of improved maintenance and operating procedures and the implementation of selected conservation measures, the rules require the use of specific factors to convert the standard physical units of fuels and electricity to their equivalent in British Thermal Units (Btus). These Btu conversion factors are set forth in section 450.42(a)(11).

After having identified the actual Btu content of petroleum products and the factors affecting the assumed Btu content of other fuels, DOE considered two alternatives:

(1) To specify the Btu conversion factors to be used under all circumstances, regardless of the actual Btu content of the fuels used in a particular building; or

(2) To specify the Btu conversion factors of only those fuels whose Btu content was uniform nationwide (petroleum products).

In order to ensure consistency in the data gathered under the program, DOE chose to establish specific conversion factors for all major energy forms used in buildings eligible for assistance under the program. This decision will result in some technical distortions at the local and State levels, but these distortions are expected to be generally very small and are not likely to have any significant affect on the distribution of funds.

(g) *State Administrative Cost Limits and Responsibilities*. In accordance with NECPA, State responsibilities include development of a State Plan, evaluation and ranking of grant applications, and program administration within the State. In selecting the limits to be placed on State administrative expense grants consistent with those responsibilities, DOE considered three alternatives:

(1) Provide States with a specified dollar amount for administrative expenses;

(2) Limit State administrative expense grants to a percentage of their allocation for technical assistance programs and energy conservation measures;

(3) Limit State administrative expenses grant to a percentage of the amounts granted for technical assistance programs and energy conservation measures in that State.

Since State expenses in the administration of the programs are generally related to the level of technical assistance and energy conservation measures activities in a State, DOE chose to limit administrative expenses grants to a percentage of the technical assistance and energy conservation measures applications funded. DOE reviewed the manner in which administrative costs are treated in other Federal grants programs to States. While treatment varies among agencies and in some cases, from program to program within a given agency, it is believed that the procedures set by these regulations will foster the objective of minimizing State administrative cost. In selecting this alternative, DOE considered various percentage limits. The 5 percent limit chosen is considered generally consistent with current practice, and will provide sufficient funds coupled with State matching funds to help defray State expenses in administering the program.

(h) *Reporting Requirements*. In determining the reporting requirements under these programs, DOE took into consideration the types of information required and reporting frequency necessary for effective program management, as well as the need to minimize the reporting burdens placed upon States and grantees.

Under the programs, grantees are required to submit semiannual progress and financial status reports; final reports upon completion of technical assistance programs or energy conservation measures; and, annual energy use reports for a minimum of three years following installation of energy conservation measures. States are required to submit semi-annual progress

and financial status reports and annual reports containing estimates of energy use reductions resulting from implementation of energy conservation maintenance and operating procedures and installation of energy conservation measures. The information to be provided by these reports is considered to be the minimum necessary to enable DOE to carry out its program management responsibilities and to monitor program effectiveness.

V. Economic Impacts of the Program.

The economic impacts of these regulations at the national level and at the institutional level have been analyzed, and the results are as follows:

(a) National Economic Issues

1. *Employment*. The number of persons expected to be employed as a result of the programs is 13,750 or a very small fraction of the civilian labor force. The program is not expected to appreciably affect predicted unemployment rates.

2. *Gross National Product (GNP)*. The total expenditures over a 3-year period for the technical assistance and energy conservation programs would be \$1.85 billion or an average of \$0.617 billion per year. Assuming that the GNP for 1979 is \$2,000 billion, the expenditures of the programs would be .03 percent of GNP which is considered to be an insignificant amount.

3. *Private Domestic Investment*. The average investment per year for schools, hospitals, and local governments participating in the programs will be at most \$0.308 billion (the investment required assuming no in-kind contribution). Total private domestic investment for the United States for 1978 was \$345.6 billion. Average investment in the program is 0.09 percent of total private domestic investment, a relatively insignificant amount.

4. *Inflation*. Given the small relative expenditures involved in the technical assistance and energy conservation programs (an average of \$0.617 billion per year), no immediate effects on price levels is expected. The long run effects of the programs on the price level involve more uncertainty. If energy price increases are greater than expected, cost savings derived from the program will increase. Under certain conditions (such as sharp increases in energy prices), the cost savings could be significant enough to have deflationary effects.

5. *Capital Markets and Interest Rates*. While forecasts of future interest rates vary, hospitals and schools that borrow to finance part of the expenditures on engineering analyses and energy

conservation measures can expect interest rates in the range of 10-12 percent.

The estimated amount of debt financing by hospitals, schools and local governments for these programs is \$0.278 billion over a 3-year period, which is 30 percent of the expenditures by the institutions. The amount of financing needed will not affect interest rates.

6. *Energy Demand*. Energy consumption by schools and hospitals averages approximately 2.0×10^5 Btu's/sq. ft. per year. Energy used by primary and secondary schools was 104,445 Btu's/sq. ft. for 1977-78. Colleges and universities used 1.85×10^5 Btu's/sq. ft. in the academic year 1974-75. Energy usage by hospitals averaged 289,000 Btu's/sq. ft. in 1978.

Using these figures for energy usage per square foot and estimates of square footage for schools and hospitals, the estimated energy consumption per year is 1.01×10^{15} Btu's. This represents end-use and not primary energy consumption. An estimated 30.8 percent of building space, 2.19×10^9 sq. ft., will be affected by the program; this 2.19×10^9 sq. ft. corresponds to $.312 \times 10^5$ Btu's of energy use. Assuming a 25 percent savings in energy use, the estimated energy savings per year is $.078 \times 10^5$ Btu's.

(b) Economic Issues at the Institutional Level

1. *Capital Expenditure Requirements*. Hospitals, schools and local governments are expected to finance 25-30 percent of the expenditures required for the technical assistance and energy conservation programs by debt financing. The remaining expected sources of funds for the projects include equity and in-kind contributions.

2. *Effect of Regulation on Competition Among Architectural/Engineering Firms*. The technical assistance programs requires a technical assistance analyst(s) to perform an engineering analysis. This engineering analysis will normally be performed by an outside architectural and engineering group unless the school or hospital has an especially strong engineering staff. Outside engineering groups will normally be architectural and engineering consultants but in some cases may be professors of nearby universities or local professionals who are willing to contribute services to the community.

An estimated 10-25 percent of the engineers working in energy-related areas are qualified to perform engineering analyses. There is funding for an average of 770 over a 3-year

period for the technical assistance projects. The ratio of the number of qualified engineers to the number of positions funded could range from 5.85-14.13. [The effect on the program on A/E firms will be monitored as the program becomes operative.]

3. *Impact of the Program on Suppliers of Energy Conserving Equipment*. Most of the equipment, except for solar components, is manufactured by established firms. These supplies and equipment are standard materials used by the construction industry. Until the initial phases of program implementation are completed, it is impossible to assess the possible effects of the program on the overall demand for these supplies and equipment.

The solar equipment industry is in the initial stages of development. Even though the extent to which hospitals and schools will apply for grants to cover solar measures is uncertain, it is expected that the solar equipment needed can be obtained.

VI. Urban and Community Impact Analysis

The allocation formula targets proportionately higher rates of energy conservation expenditures to States and regions of the country which have high population densities and which experience long and severe winters. Thus per capita allocations of DOE grant awards differ between regions and States. The milder regions (III, IV, VI, and IX) receive the same or less than their population would indicate, while the colder regions (I, II, V, VII, VIII, and X) receive the same or more than their population alone would indicate.

The regulations make no provisions that States consider community type in the evaluation of applications. State energy agencies will rank all buildings in order of priority for funding. These priorities are established on the basis of energy conservation potential as indicated by energy audits.

Thus the program is aimed at conserving energy, not, for example, at changing employment patterns, nor revitalizing depressed communities. While there may be some positive impact on personal income, tax receipts, employment, or on urban renewal, such impact would very likely be only a modest incidence of the program.

Each State formulates and administers its own conservation program with DOE's approval. State energy agencies will receive, review and rank applications for financial assistance. The geographic distribution (urban vs. suburban vs. rural) that results depends on which buildings meet the criteria established by the States in

accordance with the regulations and not necessarily on location of buildings. However, State programs are required to be operated so as to assure equitable distribution of available grant funds. While the condition of buildings (potential for energy savings) is very important, the willingness and ability of institutions to participate, as well as the number and extent of institutions requiring hardship funding in excess of 50 percent can also have an impact on priority rankings.

This program is to be administered by the State. Each State is required to formulate a State Plan for the operation of these grant programs which they will present to DOE for approval. Thus the plan reinforces the States' important role in managing Federal conservation programs at State and local levels.

State buildings unless they are schools and hospitals, are not eligible for this program. However, it is estimated that local governments may own or operate buildings totaling 1.4 billion gross square feet of floor space area and use about 0.25 quadrillion Btu's annually. The portion of the program addressing local government and public care buildings differs from the Schools and Hospitals portion in that grants can be used for audits and technical assistance, but not for energy conservation projects. Assuming that local government and public care buildings receive an equitable distribution of funds (which regulations require), there should be a relatively uniform distribution of beneficial impacts between urban, suburban and rural areas.

Issued in Washington, D.C. September 20, 1979.

Maxine Savitz,
Deputy Assistant Secretary, Conservation
and Solar Applications.

[FR Doc. 79-29902 Filed 9-25-79; 9:45 am]

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Wednesday
September 26, 1979

Part VIII

Endangered Species Scientific Authority

Bobcat, Lynx, River Otter, Alaskan Brown
Bear, and Alaskan Gray Wolf; Export
Findings 1979-80 Season

ENDANGERED SPECIES SCIENTIFIC AUTHORITY**50 CFR Part 810****Export of Appendix II Species: Bobcat, Lynx, River Otter, Alaskan Brown Bear, and Alaskan Gray Wolf—Export Findings for the 1979–80 Season**

AGENCY: Endangered Species Scientific Authority.

ACTION: Final rulemaking.

SUMMARY: On July 12, 1979 and September 7, 1979, (44 FR 40841 and 44 FR 52289), the Endangered Species Scientific Authority (ESSA) proposed findings on a state-by-state basis as to whether commercial export of bobcat, lynx, and river otter taken in 1979–80 will not be detrimental to the survival of those species; and proposed findings for each of these species as to whether such export will not be detrimental to the survival of similar species protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Both findings must be positive before export can be allowed. Findings for export of brown bear and gray wolf from Alaska were proposed relative only to whether export will not be detrimental to other populations of the same species. These findings are meant to satisfy ESSA's responsibilities under Article IV, paragraph 2 of the CITES. These proposals were preceded by an advanced notice of proposed rulemaking published in the April 30, 1979 *Federal Register* (44 FR 25383). The ESSA has received substantial comment on the proposal, primarily in the form of state reports in support of no detriment findings. The ESSA hereby establishes final export findings for this season. Federal export permits may be issued only for pelts that were harvested in states for which the U.S. Fish and Wildlife Service, serving as the U.S. Management Authority for the CITES (MA), is satisfied the state programs assure that the pelts to be exported will be legally obtained and tagged, and for which the ESSA has made positive findings as described above.

EFFECTIVE DATE: September 28, 1979.

ADDRESS: Comments should be addressed to the Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets, N.W., Washington, D.C. 20240. Forthcoming comments and comments already received will be available for public inspection at 1717 H Street, N.W., Washington, D.C., Room 536, 7:45 a.m. to

5:30 p.m., Mondays through Fridays except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For information concerning biological findings by the ESSA contact: Dr. Peter C. Escherich, Staff Zoologist, Endangered Species Scientific Authority, 18th and C Streets, N.W., Washington, D.C. 20240 (202/653-5948).

For information concerning findings by the Management Authority and state tagging programs contact: Ronald Singer, Staff Biologist, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2418).

For information concerning Federal Export Permits contact: Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1903).

Supplementary Information

The CITES and its implementing regulations, 50 CFR Part 23, control international trade in animal and plant species, subspecies or geographically separate populations included in any of three CITES Appendices. A list of species included in the appendices can be found at 50 CFR 23.23. Currently, 54 nations are party to the CITES. The CITES is implemented in each Party country by one or more scientific authorities and one or more management authorities. The CITES appendices are distinct from the list of species issued under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq., 50 CFR 17.11.

All five species discussed in this notice are included in Appendix II. According to Article II, paragraph 2 of the CITES, Appendix II is to include:

- All species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival, and
- Other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.

Although the CITES provides for the inclusion of species in Appendix II for two distinct purposes, Parties proposing additions in the past usually have not clearly identified the purpose of listing in their original proposals or in other supporting documents. At the second meeting of the Conference of the Parties (held in San Jose, Costa Rica in March 1979), the Parties recommended "that proposals for additions to Appendix II should make it clear whenever possible whether the proposal is made under

Article II 2(a) or Article II 2(b) . . ." (Com. 2.13, also see Com. 2.12). This recommendation is intended to clarify the responsibility of the Parties' scientific authorities in making findings on applications to export or to import specimens of species protected by the CITES.

As discussed in our notice of April 30, 1979 (44 FR 25383), the MA may grant an export permit for a specimen of an Appendix II species only after the ESSA has found that the export "will not be detrimental to the survival of that species" (Article IV 2(a)). For specimens of species included in Appendix II under Article II 2(a), because of potential threat to their own survival, we are addressing the potential effect of exports on the listed species itself; for species included in Appendix II under Article II 2(b), to protect other species, we are addressing how such exports may affect the status of the species intended to be protected: those associated species included in Appendix II under Article II 2(a), or included in Appendix I.

In certain cases it may be necessary to include a species in Appendix II both because it may become threatened with extinction and because its trade must be regulated to effectively control trade in other species included because of biological jeopardy. In such cases the ESSA is making two findings on detriment, one with respect to Article II 2(a) and the other with respect to Article II 2(b).

In the notice of April 30 (44 FR 25383) and July 12, 1979 (44 FR 40841), the ESSA described the rationale for treatment of the bobcat, lynx, and river otter as having been included in Appendix II under both Article II 2(a) and Article II 2(b). As cited in those notices, both the Berne criteria for addition (Conf. 1.1, 5.11.1976) and the original statements for addition of the Felidae and Lutrinae to Appendix II support such an approach. Thus, the ESSA is establishing findings for these species both on whether export is not detrimental to the survival of the indicated species and whether export is not detrimental to other species of cats and otters.

At the second meeting of the Conference of the Parties, the Parties agreed that the Alaskan and Canadian populations of brown bear, *Ursus arctos*, and wolf, *Canis lupus*, were to be treated as being included in Appendix II under Article II 2(b). These agreements became effective on June 28, and the ESSA limits its review of export of Alaskan brown bear and gray wolf to findings made with respect to Article II 2(b). When reviewing proposals to

export these Alaskan specimens, the ESSA only considers and only makes a finding on the probable impact that export of specimens from Alaska will have on the status of other populations of the same species.

Guidelines for ESSA Findings on Export Article II 2(a)

For the bobcat, lynx, and river otter, the ESSA published guidelines in the April 10, 1978, *Federal Register* (43 FR 15097), and further amplified and discussed these guidelines on July 7, 1978 (43 FR 29469). These guidelines were originally developed for the 1978–79 season, but are considered equally applicable to the 1979–80 season (see 44 FR 25383, April 30, 1979, and 44 FR 40841, July 12, 1979).

These guidelines depend on analysis of both biological information and management programs adopted by the states. A Working Group on these species recommended the following minimum requirements for these (see 43 FR 11081, March 16, 1978):

Minimum Requirements for Biological Information

1. Population trend information * * * the method of determination to be a matter of state choice.
2. Information on total harvest of the species.
3. Information on distribution of harvest.
4. Habitat evaluation.

Minimum Requirements for a Management Program

1. There should be a controlled harvest * * * methods and seasons to be a matter of state choice.
2. All pelts should be registered and marked.
3. Harvest level objective should be determined annually.

As in previous years, not all states meet every one of the requirements, which were considered as minimums by the Working Group. The ESSA has approved export in the past from states when it considered that other information would provide a reasonable basis for a finding of no detriment. This was done with the understanding that early stages of research and progress toward improved management might be inhibited or made more difficult were no export allowed at all. The progress in both these areas over the past two years has been encouraging, and we wish to recognize the efforts made by the states. Many of these changes are recorded in our tables of findings for last year and in the present findings.

There remains only one state, New Mexico, in which the wildlife

department has not been granted regulatory authority over the bobcat, although the species was either unregulated or bountied in a large proportion of the states only a few years ago. In New Mexico, a substantial effort has been made to assess the status of that species and has demonstrated to the ESSA that export subject to a quota in 1979–80 will not be detrimental to the survival of the species in that state.

In some cases, rigorous historical data may be irretrievably lost, but intensive efforts are currently being made to improve the states' information both on populations and harvests, and other information may provide reasonable assurances that export will not be detrimental. Such assurances are further strengthened by states' actions in providing new controls on harvest and sale where these have been less rigorous in the past and where current conditions call for such changes. Thus, the ESSA can find export will not be detrimental to the survival of the species for this season, but anticipates further improvement as the results of new research and management initiatives become more apparent.

Application of these guidelines to brown bear and gray wolf from Alaska is not discussed because these populations are considered to have been included in Appendix II under Article II 2(b) only (see 44 FR 25480, May 1, 1979, and 44 FR 9689, February 14, 1979), and thus only a finding relative to that article is required of the ESSA.

Article II 2(b)

These findings under Article II 2(b) address the question of potential detriment to other associated species. As described in more detail in the April 30, 1979, *Federal Register* (44 FR 25383), we are addressing two major concerns: (1) that specimens of the exported species are sufficiently distinguishable from specimens of the similar species protected by the CITES to prevent a detrimental confusion in trade, and (2) that trade in the species concerned does not stimulate trade in similar protected species which would be detrimental to those species. Because the CITES defines "species" to include "any species, subspecies, or geographically separate population thereof" (Article I(a)), important units to consider are other populations or subspecies of the species under consideration as well as related species which are particularly difficult to distinguish. Each of the five species under consideration here has similar relatives in one or both of these categories which are included in the appendices, and which are the basis for

the inclusion of the present species under Article II 2(b).

Summary of General Comments

As in the past, the majority of comments have been from state wildlife agencies supplying updated information on status and management and research programs. These comments are summarized in the tables and discussions of findings for each species contained in the present notice, the proposal (July 12, 1979, 44 FR 40841) and supplemental proposal (Sept. 7, 1979, 44 FR 52289). Seven states provided additional comments which are not reflected in the tables.

Maine indicated that reporting is also required for hunters, so the "How Reported" column of the table should also contain an "HR" as well as a "TR." They also identified a study to be initiated which will compare bobcat and coyote prey, interactions, and densities in that state. California indicated that their "recent changes and comments" section would be clarified by a rewording of the second sentence to read "All pelts held must be tagged and data on specimens turned in." Massachusetts confirmed their previous plans of requiring mandatory turn-in of bobcat carcasses, and provided dealer report numbers of 121 otters and 23 bobcats. Age structures now calculated indicate no change in average age of otters taken since the previous season. An apparent decrease in age of bobcats taken relies on such small samples (15 and 7) that it cannot be considered statistically meaningful.

Florida, Alaska, and Louisiana expressed concern over the ESSA's making findings relative to Article II 2(b). These comments largely reflect more extensive comments made by Florida, Louisiana and other states relative to ESSA findings on American alligator exports and their potential effects on other crocodilian species. In the ESSA's final findings regarding export of American alligator, to be issued this month, the question of this authority is discussed extensively, and will not be repeated here. Further discussion of actual findings made relative to Article II 2(b) for these species will be found below in that section of this notice.

Louisiana also suggested that additional "Consequences of no [export]" (in the Environmental Assessment section of the July 12 proposal) should include impacts on the fur industry, impact on other species which trappers may switch to, and reductions in incentives for habitat conservation. West Virginia disagreed with ESSA's statement in that section

that "to some extent, a decrease in harvest would result in increased population of these species." However, we have previously pointed out (43 FR 29173, July 7, 1978) that, according to the best available data for bobcat, most annual natural mortality may occur in the fall, before the trapping season, and that a model presuming harvest of a "fall surplus" is inappropriate for this species. Thus, although there are levels of harvest which can probably be sustained over long periods, substantial harvests may keep the population at some level below the maximum possible.

Louisiana also stated that mandatory tagging was less effective than their system of reporting through dealer audits. We recognize Louisiana's experience in this area, and note that the MA has approved their system for supplying export tags. On the other hand, we know of no other state with a comparable system. While some states have dealer reports which are apparently reliable, many others either have had no dealer reporting requirements or have had problems with low compliance with requirements and with sale of pelts to out-of-state or unlicensed dealers.

The Interior Alaska Trappers Association submitted a comment objecting to continued inclusion of lynx and river otter on the Appendices, although their status was reviewed by the MA in preparation for the CITES meeting of March, 1979, and the data found insufficient to warrant recommending removal (43 FR 55313, Nov. 27, 1978). They further object to federal controls on export of these species and on wolf and brown bear, although these are required by law.

Defenders of Wildlife submitted a lengthy comment urging the ESSA "to reconsider its proposed bobcat findings for the 1979-80 season in their entirety," and cite several aspects of the findings with which they disagree. They also suggested that the Management Authority has not established an adequate program for controlling trade, and that as a result no export should be allowed; we refer interested parties to the memorandum to the ESSA from the Wildlife Permit Office, quoted elsewhere in this notice, which describes their program and findings. Defenders characterized the ESSA's guidelines for export approval as inadequate and suggested additional areas in which they feel data should be required to properly evaluate "the species' role in the ecosystem", such as "current population levels and distribution of the species, its demographic characteristics, its

movement patterns, its food habits, and the relation between the Appendix II species and other species." The ESSA recognizes the value of such data in evaluating the species' role, but feels that given the information required in the guidelines, as well as the results of much other research available in these areas, that it may be unnecessary to require such specific information from everywhere in the species' range. As was done for last years' findings, the ESSA has approved export for some states where not all the guidelines are met rigorously, but only because we consider other information sufficient for a finding of no detriment. A single year's information cannot be taken alone, and previous material has been considered in making those findings, although the information used may not have been reprinted in this year's tables. In the July 12 proposal, all of the previous notices were referenced, with an indication that they "should be consulted for background data relevant to the current proposed findings."

Defenders' comments also raised again the issue of making findings based on subspecies rather than by state and referenced their comment on last year's proposals. An extensive discussion of the problems of that approach was published in last year's final rulemaking (43 FR 39305, September 1, 1978), and will not be repeated here in detail. Although the ESSA recognized the mandate to protect subspecies, our state-by-state approach provides a more precise and responsive mechanism than would findings based primarily on subspecies. In addition, bobcat subspecies are much more poorly defined than is apparent from Defenders' comment, adding weight to this conclusion. The current comment from Defenders cites California and Nevada as states with extensive range for more than one subspecies but which do not manage on a subspecies basis. Both, however, provide information which could allow them to manage on even more local bases than subspecies if necessary. Nevada is currently assessing bobcat harvest and status by individual mountain ranges, whereas California has harvest data from each of 58 counties, and is currently, or has recently conducted intensive research on bobcats within the distribution of each of its resident subspecies.

Defenders also objected to ESSA's procedure of not publishing proposals for all states simultaneously. The same procedure was followed last season without objection. The ESSA would prefer to present all proposals early in the summer, in order to give maximum

notice to all interested parties before the season, but a number of problems have prevented states from providing pertinent biological and management information earlier. These problems include state administrative procedures laws requiring set periods and review before new regulations can be effected, state laws with late dates for turn-in of harvest data by dealers or trappers, funding for data analysis which may not become available until a new fiscal year, and slow response rates to mail surveys or questionnaires. Thus, to provide maximum availability of proposals for comment, we have published material as it has become available. A small number of states are given export approval in this notice without a formal comment period.

Harvest season for these species generally begins in the fall of the year and some begin as early as October 1. State agencies must have some notice of ESSA findings on export before the season begins so that any conditions imposed on export may be fulfilled. Additionally, in a number of states, the practices of trappers and fur buyers are affected by the ESSA findings and it is important to provide them with notice of those findings before the season begins. Therefore, the ESSA finds it impractical to provide notice and opportunity for comment on findings approving export from states that have only recently been able to supply relevant information and for which export approval was not proposed. We note, however, that additional information presented to the ESSA concerning such findings will be considered in that findings may be modified as necessary. The ESSA also anticipates receiving state comments earlier in the season in subsequent years.

Defenders of Wildlife also submitted comments on the September 7 supplemental proposal (44 FR 52289). Much of their comment repeats concerns expressed in their previous comment, cited above. In addition, they objected specifically to approval of exports from certain states, basing their comments on restatements and recharacterizations of information selected from material previously summarized or discussed by the ESSA, but arriving at different conclusions. No new information is provided which alters the ESSA's proposed findings.

A comment from TRAFFIC(USA) and the IUCN/SSC Otter Specialist Group recognized the general improvement that has been made by states in their record-keeping. Concern was expressed over control and record-keeping at the ports, as well as concern at export of a

small number of pelts apparently from closed states. Prior to the request in the TRAFFIC/Otter Group letter, we had expressed our concern to the MA over export from closed states and have also provided all states with the MA's export statistics. Recommendations were made by the TRAFFIC/Otter Group that no exports be allowed from several specific states. For most of these, information lacking at the time of their review has now been received, problems cited have been corrected, or our information is contrary to that cited in their comment. Their comment indicates that two reports suggest a decline of otters in Arkansas. We have seen neither of these reports, so we are unable to assess their validity. We would be interested in receiving these, as well as comments on these by the Arkansas Game and Fish Commission. Suggestions were also made that all tagging be mandatory, that reproductive status be included in harvest reports, and that baseline population models be developed from untrapped populations to assess better the effect of trapping.

Three additional comments were received from individuals who requested that no export be allowed for one or more of the species considered here, but provided little substantive information or analysis.

Management Authority Findings

Before the MA may issue permits for foreign export of Appendix II species taken from the wild, the MA must be satisfied that specimens were not obtained in violation of State or federal law, and the ESSA must advise the MA that the export will not be detrimental to the survival of the species (CITES, Article IV, paragraph 2). Although this notice refers to ESSA "approval" of export, the term indicates that the ESSA has no objection to issuance of export permits by the MA and in no way suggests limitation of the authority of the MA to withhold permits on other grounds. Further, the MA, in issuing permits, provides the means by which ESSA conditions on export are met.

In a memorandum dated September 14, 1979, the Wildlife Permit Office, U.S. Fish and Wildlife Service, notified the ESSA of their review of state tagging systems for CITES-controlled species. Their review process was described as follows:

1979 Fur Export Program for CITES-Controlled Species

This is our final report on the Service's implementation of CITES requirements towards the 1979 export of controlled fur species.

Our review process included an analysis of each State's CITES-controlled species tagging program and how this program could satisfy the Service that tagged pelts were not obtained in violation of state law.

All involved States were contacted in June by mail and were asked to notify the WPO of their current tagging program as well as to provide us with samples of their 1979-80 tag(s) (sample letter #1 attached). States that received provisional approval for their 1978-79 export program were reminded that program compliance standards would have to be met to gain approval for 1979 export (sample letter #2 attached). Phone discussions were utilized to supplement the letters when additional information was required or clarification was needed.

Attachment #3 is a reporting form showing our review process for each State, our commentary, and our conclusion concerning the State's tagging program. In the near future, we intend to give each State a copy for its records and where necessary, to suggest improvements in individual State programs. A complete set will be sent to you [the ESSA] as well.

The attached chart (item #4) shows our review of the involved State's tagging programs as well as our conclusions concerning the export of CITES-controlled fur species for 1979-80.

Attachment #3 included a list of criteria against which each program was to be judged:

- (1) Each skin must be marked with a tag that is:
 - (a) made of metal or some other permanent material;
 - (b) applied within a specific time of taking that is set by the State; and
 - (c) permanently attached to each skin.
- (2) The tags must show:
 - (a) State of origin;
 - (b) year of taking;
 - (c) species; and
 - (d) be serially unique.
- (3) A sample of each State tag must be sent to the WPO.

Attachment #4 is a table presenting the conclusions of the Service concerning approval of states' programs. No state for which the ESSA has approved export was identified as being disapproved by the Wildlife Permit Office. The following states were given a "+" in the "1979 Program Approved" column, indicating approval of the program:

Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Oklahoma, South Carolina,

(*) Appropriate tags must accompany finished fur products to the port where the tags will be collected by USFWS officers. The tags are necessary to show source and tag numbers of pelts used in the manufacture.

Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, Navajo Nation.

The following states were given a "P" in the "1979 Program Approved" column, indicating provisional approval:

Arizona, Maryland, Massachusetts, New Hampshire, North Carolina, Oregon, South Dakota, Utah.

Supplemental Table for Bobcat and River Otter

For each of the states included in the following tables, the ESSA has received additional information relative to the findings under Article II 2(a) for bobcat or river otter. Consequently, we are publishing summaries of this information in the same format as used in our proposals of July 12 (44 FR 40841) and September 7 (44 FR 52289). Description of the table categories follows, along with explanations of abbreviations used.

Harvest level objective for 1979-80

As recommended by the Working Group, it is desirable to define a permissible, desirable, or project level of harvest prior to setting regulations or controls on that harvest. Setting such as objective serves two functions: It clarifies the intent of those controls, which can aid in making decisions on the nature and level of controls to use, and it provides a standard by which the effect of those controls can later be measured. We cite here objectives or projections which have been defined to us by the individual states. These are not quotas or limits, although certain states may have treated them as such, in various forms, in their own regulations (e.g., California and Massachusetts, for bobcats). Where agencies have given us a number it is included here; qualitative objectives are indicated here by abbreviations:

- M=Maintain: The state intends to maintain a harvest approximately equal to that in the previous season or to the average of that in several recent seasons.
- D=Decrease: The state intends to decrease harvest.
- I=Increase: The state intends to increase harvest.
- NS=None specified: The state has not identified to the ESSA a harvest level objective for 1979-80.
- P=Totally protected: There is no open season for 1979-80. The species may be included in a state list of endangered wildlife, or there may be a temporary moratorium.
- X=Not present: The species may never have occurred there, or may have been extirpated in historical times.

Reported harvest, 1978-1979

The state's reported harvest for the 1978-1979 trapping season. In certain

cases (see abbreviations below), more than one reporting system was used, and the differing reports are given with appropriate designations. Problems of comparing harvest reports made by different systems are discussed in the March 16, 1978, notice (43 FR 11081):

TR=Trapper report: Mandatory report by trapper of each kill. In most cases, this includes tagging of the pelt by a state official. This is generally considered the most reliable measure of harvest.

HR=Hunter report: Mandatory report by hunter (as for trapper).

DR=Dealer report: Mandatory report by fur dealers in state of all furs bought and sold. Such reports may be misleading when no distinction is made for skins originating in one state and sold in another. Multiple sales of the same pelt can also reduce accuracy of this method.

TS=Trapper survey; HS=Hunter survey; DS=Dealer survey: Voluntary survey or reports from a sample of trappers, hunters, or fur dealers. Results of these are commonly extrapolated, with a wide range of reliability, depending on attention to statistical limitations.

VT=Voluntary tag: State provides tags, but does not require their application to all pelts taken. Because such tags are required for identification of legally taken and approved pelts on export, pelts bearing such tags apparently receive higher prices, producing an incentive for tagging. (See also tagging column.)

Tagging

The Working Group recommended that all pelts "be registered and marked." The ESSA and the MA have required as a condition of export that all pelts be clearly identified as to state of origin and season of taking. These recommendations and conditions have generally been met through the application of state-supplied tags to pelts. State requirements and mechanisms for tagging vary widely and, as described above, may have effects on the state's own ability to gather data, on programs in nearby states, as well as on the degree to which tags may identify legally taken hides from the indicated states.

Abbreviations, as follows, are used to

summarize the states' tagging programs. Dates following an abbreviation indicate, where known, the first year that program was applied:

MTA=Mandatory tag, applied by agent: All animals of that species taken or possessed must be tagged; a state agent applies the tag.

MSA=Mandatory tag for sale or transport of pelt, applied by agent: Only pelts to be sold or to enter interstate commerce must be tagged; a state agent applies tag. In some cases, there may be a substantial kill not falling in these categories which is not included in such tagging.

VTA=Voluntary tag, applied by agent: Tags are applied by state agents, but are not required by the state for any particular category of pelt.

MTT=Mandatory tag for taking or possession, but issued to trapper, hunter, or dealer;

MST=Mandatory tag for taking or for sale or transport, but issued to trapper, hunter or dealer;

VTT=Voluntary tag, issued to trapper, hunter, or dealer. In these cases the state may have less control over which pelts are actually tagged.

Local Data and Management

The Working Group recommended that there be "information on distribution of harvest." In addition, the ESSA is required to consider in its finding the "species throughout its range . . ." and the CITES defines species to include subspecies and populations. Not all situations may require data on management more detailed than on a statewide level, especially in small states with little diversity in natural habitat. On the other hand, large states, especially those with considerable variety of habitat and uneven distribution of harvest effort, may find it essential to gather data in local units and to have different regulations for different parts of the state. These are indicated by the abbreviations below:

LH=Local harvest data: Harvest data is available by county or game management unit.

LR=Local research: Intensive research projects are being carried out in two or more diverse sites within the state, providing data

which may be useful in differential management of local populations.

LS=Local surveys: Qualitative surveys of abundance have been carried out which suggest abundance by county or game management unit.

LM=Local management: Regulations or other measures which may affect local abundance or harvest are set differently for different areas within the state.

Recent Management Changes and Other Comments

Continued improvement in management regimes and research programs can have an important bearing on whether the ESSA can find that export will not be detrimental.

Findings and Conditions Under Article II 2(a) for the 1979-80 Season

The ESSA's findings under Article II 2(a) for pelts harvested during the coming fur season are given here. The ESSA is also making a separate finding under Article II 2(b) for export of bobcat, lynx and river otter pelts.

In addition, as described above, the Management Authority must have made a positive finding concerning the adequacy of the state's tagging system as a means of identifying the state of origin and season of taking and whether the pelt is legally taken.

A=Approved: The ESSA finds that export of specimens of this species will not be detrimental to its survival. The ESSA considers that expected harvest under the state's planned management regime will not be detrimental to the survival of the species in that state. As a condition to this finding, all pelts must be clearly identified as to state of origin and season of taking. The purpose of this condition is to provide a record of the harvest and to facilitate research efforts.

Q:###=Quota: Exports from this state are approved for pelts taken during the 1979-1980 season, on the condition that exports are limited to the specified quota, and pelts are clearly identified to state and season.

NEA=No export approved: Explanation given in "comments" for the state.

P=Protected, or X=Not present; no export approved: As in harvest objective column. A finding in favor of export for the 1979-1980 season would be inconsistent with current state conditions.

Bobcat

State	Harvest objectives, 1979-80	Reported harvest, 1978-79		Tagging	Local data and management	Recent changes and comments	Findings and conditions under article II 2(a) for 1979-80
		No.	How reported				
Georgia	M	4,410 4,869	DR VT	VTA'78	LS	'79-'80: Trapping season reduced by 23 days, licenses to be required for all persons selling pelts. Extensive scent post survey established throughout state, to be combined with 3 intensive local surveys. Age structure and reproductive data to be analyzed.	A
Mississippi	4,000 max	3,142 2,673	TS DS	MST'78 MSA'79	LH, LS	'79-'80: Taking only allowed by trappers. Season reduced by 18 days in most of state. Improved procedures for tagging and accounting of tag applied. Baseline data on harvest per unit effort available by county. Considerable research planned.	A

Bobcat

State	Harvest objectives, 1979-80	Reported harvest, 1978-79		Tagging	Local data and management	Recent changes and comments	Findings and conditions under article II 2(a) for 1979-80
		No.	How reported				
North Carolina	850	861	DR	VITT'79		Extensive research planned. New tagging system requires strict accounting of pelts to be tagged before issuance of tags, and no tags may be used on out-of-state pelts.	A
North Dakota	M	49	VT	VTA'78 MTA'79	LH	'79-'80: Tagging to be done by agent, carcass to be required for tag. Age structure analysis continuing. Little change seen in harvest.	A
Oklahoma	3,250-4,745 max	2,903 2,902	DR TR	MITT'78 MSA'79	LH, LS	'79-'80: Daily limit of 2, season limit of 8. '79-'80: Tags to be replaced with agent-applied tags, improved dealer reporting system (past harvests underestimated by poor reporting). Scent station records indicate stable to increasing population. Considerable research planned.	A
Texas	21,000	14,256 18,261 ±4,240	TR TS	MSA'78 MST'79	LH, LS	'79-'80: Will issue tags through dealers, but require strict accountability, return of unused tags, and limit period of availability. State is working with neighboring states to develop uniform method for tagging and reporting of pelts.	A
Wyoming	M or D	1,304 3,227	TS DR	VTA'77		'79: Game and Fish Department given regulatory authority. Season reduced from year-round to seven months. Age structure analysis suggests improving status ('77-'78).	A

River Otter

Georgia	M	3,643 3,000	DR VT	VTA'78		'79-'80: Trapping season reduced by 23 days, license to be required for all persons selling pelts. Age structure and reproductive data collection begun, '78-'79, to be continued, based on collection of carcasses, eye lenses, and canine tooth sections.	A
Mississippi	1,500 max	952	TS	MST'78 MSA'79	LH, LS	Three-fold increase in beaver impoundments over past ten years has significantly increased available habitat. '79-'80: Season reduced by 18 days in most of state. Improved procedures for tagging and accounting of tags applied. Baseline data on harvest per unit effort available by county. Apparent decrease in trapper success not statistically significant.	A
Nevada	NS					Limited season for otter, few taken, no export requested or new data supplied.	NEA
North Carolina	1,125	1,357	DR	VTT'78		Extensive research planned. New tagging system requires strict accounting of pelts to be tagged before issuance of tags, and no tags may be used on out-of-state pelts.	A
Texas	NS					Although Texas has limited open season, no export requested or new data supplied. Status survey in progress.	NEA
Vermont	80 max	78	TR	MTA'73	LH	To increase sample collection for age, sex, reproductive, and food habits data. More stringent furbuyer reporting system planned for 1978.	A

ESSA Findings Under Article II 2(b)

The ESSA finds that export of specimens of bobcat and lynx will not be detrimental to the survival of other species of felids protected by the CITES.

The ESSA finds that export of specimens of river otter will not be detrimental to the survival of other species of otters protected by the CITES.

The ESSA finds that export of specimens of Alaskan brown bear will not be detrimental to the survival of other populations of this species.

The ESSA finds that export of specimens of Alaskan gray wolf will not be detrimental to the survival of other populations of this species.

Conditions: The ESSA establishes the following conditions for these findings:

1. Bobcat, lynx, and river otter pelts may only be exported if taken in states approved under Article II 2(a), subject to the conditions described under those findings, and must be tagged according to standards and conditions established by the MA. The July 12 proposal gave details on the MA's 1978-79 standards and conditions for tagging systems, which will not be repeated here. Further information on MA findings is included

in the memo quoted above in the discussion of ESSA findings under Article II 2(a).

2. Specimens of brown bear and gray wolf may only be exported if legally taken in the State of Alaska and must be tagged according to the regulations of that state.

General Discussion

As we have discussed previously, the major issues under the finding relative to Article II 2(b) involve identification and possible stimulation of trade in similar species and populations.

The ESSA must depend upon effective enforcement of the CITES. To the degree that the ESSA can place confidence in the system provided for controlling trade, we can be correspondingly satisfied that existing procedures are adequate to ensure that specimens of one species will not be confused, intentionally or unintentionally, with specimens of other species.

Tagging of pelts helps provide assurance that specimens will be identified properly. Without tags, pelts would only be identified by paper documentation accompanying entire shipments. For such shipments, there

would be many opportunities for confusing the identity of individual specimens. Tagging is particularly important because certain populations of these species are protected or may be threatened, and we know of no unequivocal way to distinguish between at least some specimens of these species taken from different parts of their distributions.

As most states already tag harvested pelts of these species, this condition will not result in significant additional burdens to state game agencies nor to the industry beyond that required for the conditions placed on the finding under Article II 2(a) and by the MA. For these reasons, and because tagging is useful as a vehicle for facilitating research, we believe this condition is very appropriate.

The April 30 notice discussed a possible condition requiring marking on the reverse side of exported hides in addition to the tagging requirement. Although applying this condition to one or more species might significantly reduce problems of identification, it was the judgment of the ESSA that available information concerning possible abuse of the trade in these species is

insufficient to warrant such a condition, and it was not proposed (see 44 FR 40854, July 12, 1979).

In the July 12 Federal Register notice, the ESSA proposed four possible alternative conditions concerning either (a) no restriction as to which countries may receive exported pelts or export only to: (b) countries which are Parties to the CITES and which have not taken reservations for the species in trade or for species which that species was included in the appendices to protect, (c) countries whose wildlife trade and wildlife trade regulation have been reviewed by the ESSA and found to provide assurances that contributing the U.S. pelts to their trade will not be detrimental to other species included in the appendices, or (d) countries which meet either condition (b) or (c) above.

Of these possible alternatives, the ESSA finds that other controls, as well as the nature of the trade in these species, make it unnecessary at this time to restrict the countries to which pelts may be exported. In the July 12, proposal, we pointed out that such limitations in trade were originally proposed for export of American alligator (44 FR 31583, May 31, 1979). However, we see considerable difference between the crocodilians and these furbearers. A substantial proportion of the trade in other crocodilians, including several on Appendix I, is known to involve countries which either are not parties to CITES or which have taken specific reservations to Appendix I crocodilians. Trade in some crocodilian species is known to have been detrimental to their survival, and such trade still occurs in volume for several endangered crocodilian species. In addition, the potential for confusing crocodilian products is great, particularly where small pieces are involved. As was discussed in detail in the July 12 proposal, most of the trade in these five furbearers from the U.S. is already with CITES Parties, and none of the major importing Party countries have taken reservations for these or related species. U.S. Fish and Wildlife Service records for 1978 indicate that for bobcat, lynx, and river otter, 85% went to CITES countries, 8% to unidentified countries, and only 7% were known to have gone to non-CITES parties. All known exports of brown bear and gray wolf went to CITES Parties.

Thus, in general a restriction of trade in these species to CITES Parties would have little effect, because the majority of U.S. trade is already with those countries. The small U.S. trade with non-CITES Parties is distributed among

seven different countries, further diluting any potential effect on trade by individual countries or companies. As noted above, we must give some weight to the provisions of the CITES as being implemented and enforced by the Party countries. The 1978 Annual Report of the Secretariat for the CITES includes an analysis of the International Trade in Felidae 1977 (CITES Doc. 2.8, Annex 2), which is based on reports from the CITES Parties and on customs statistics for 1977. Although that report identifies problems in data collection, as might be expected in what was only the first or second year of enforcement of CITES for most of the countries, the volume of Appendix I cat skins in trade is insignificant for those countries, which adds weight to a reliance on CITES controls. Because many of the non-CITES countries trading in these species were also recorded in this report, and few Appendix I species are involved there also, it would appear that even these conditions are improving, and that opportunities for look-alike confusion in trade may be decreasing.

Regarding the question of stimulation of trade, comments by the states of Florida and Louisiana suggest that the availability of relatively plentiful species may prevent switching by the trade to more endangered species. Some weight may be given this argument by the generally acknowledged observation that the increasing demand for bobcat resulted to some degree from trade bans on many threatened populations of tropical spotted cats, although the CITES Secretariat report does report a large trade yet in Appendix II ocelot and margay from South America.

Discussions of world trade in the present species are included in the July 12 proposal and will not be repeated here except in summary.

Bobcat and Lynx. These two species are similar to each other, but dissimilar to most other cat species in trade, and thus unlikely to be confused with species other than the European lynx, which is generally well protected and reported as increasing in many localities (M. Fernex, 1979. Reintroducing the lynx. Council of Europe, Environment Features 79-1). In addition, most of our trade is with CITES Parties, and there is also considerable trade in lynx from Canada and possibly the Soviet Union. Thus we find it unnecessary to restrict trade in these species to certain countries.

River Otter. Although this species is especially difficult to distinguish from other otters, the tagging systems for otters in the U.S. have been established longer than those for bobcat and lynx, and their reliability is somewhat higher.

The requirement of tags on pelts exported from the U.S. can provide aid to other countries in identifying legitimate pelts of U.S. *Lutra canadensis*. Again, the great bulk of U.S. exports go to CITES Parties, providing further assurance that documentation will be required and examined. We are aware of past trade data concerning other otter species exported from South America (N. DuPlaix, ed. 1978. Otters. IUCN Publ. New Series), but there is no indication that confusion with *L. canadensis* played a role in that trade. Thus we find it unnecessary to restrict trade in river otters to certain countries.

Brown Bear from Alaska. All known trade in these specimens from the U.S. consists of well-documented trophies being shipped to individual hunters in CITES Parties, and we can find little evidence of extensive commercial trade in this species. Thus we find it unnecessary to restrict trade in brown bears from Alaska to certain countries.

Gray Wolf from Alaska. Alaska requires close accounting of all pelts taken and shipped, and in addition the U.S. fractional contribution of wolves to combined worldwide trade in wolf and coyote pelts can hardly be measured. Thus we find it unnecessary to restrict trade in gray wolf from Alaska to certain countries.

Regulations Promulgation

PART 810—EXPORT OF APPENDIX II SPECIES

Accordingly, Part 810, Chapter VIII, Title 50 of the Code of Federal Regulations, is hereby amended. The current unlettered "Annex" to Part 810 is deleted. New Annexes C, D, E, F, and G are added and read as follows (findings prior to 1979-80 are adopted from previous determinations):

Annex C—Bobcat (*Lynx rufus*)

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species.

1977-78 Harvest: Alabama (Quota 4,000), Arizona (Q 8,000), Arkansas (Q 3,000), California (Q 6,000), Colorado (Q 4,000), Florida (Q 3,500), Georgia (Q 4,000), Idaho (Q 1,475), Louisiana (Q 4,000), Maine (Q 500), Massachusetts (Q 50), Michigan (Q 350), Minnesota (Q 150), Mississippi (Q 4,000), Montana (Q 1,070), Nebraska (Q 400), Nevada (Q 2,225), New Mexico (Q 6,000), New York (Q 225), North Carolina (Q 800), North Dakota (Q 165), Oregon (Q 3,000), South Dakota (Q 500), Tennessee (Q 1,000), Texas (Q 10,000), Vermont (Q 200), Virginia (Q 1,500), Washington (Q 6,000), West Virginia (Q 500), Wisconsin (Q 300), Wyoming (Q 2,000), Navajo Nation (Q 500).

For further information: See 42 FR 43729, August 30, 1977; 43 FR 11081, March 16, 1978; and 43 FR 29489, July 7, 1978.

1978-79 Harvest: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico (Q 6,000), New York, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming (Q 2,000), and the Navajo Nation.

Condition on findings: Pelts must be clearly identified as to state of origin and season of taking.

For further information: See 43 FR 11096, March 16, 1978; 43 FR 13913, April 3, 1978; 43 FR 15097, April 10, 1978; 43 FR 29489, July 7, 1978; 43 FR 35013, August 7, 1978; 43 FR 36293, August 16, 1978; and 43 FR 39305, September 1, 1978.

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species and to the survival of similar felid species included in the CITES appendices.

1979-80 Harvest: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico (Q 6,000), New York, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, Navajo Nation.

Condition on findings: Pelts must be clearly identified as to state of origin and season of taking, including tagging according to standards and conditions established by the MA.

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, September 7, 1979; and 44 FR [insert page and date of present FR notice].

Annex D—River Otter (*Lutra canadensis*)

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species.

1977-78 Harvest: Alabama (Quota 1,500), Alaska (open), Arkansas (Q 400), Connecticut (Q 100), Delaware (Q 60), Florida (Q 6,000), Georgia (Q 4,000), Louisiana (Q 7,500), Maine (Q 600), Maryland (Q 165), Massachusetts (Q 68), Michigan (Q 810), Minnesota (Q 700), Mississippi (Q 350), Montana (Q 36), New Hampshire (Q 200), New York (Q 700), North Carolina (Q 1,200), Oregon (Q 335), Rhode Island (Q 15), South Carolina (Q 650), Vermont (Q 50), Virginia (Q 585), Washington (Q 770), Wisconsin (Q 1,200).

For further information: See 42 FR 43729, August 30, 1977; 43 FR 11081, March 16, 1978; and 43 FR 29489, July 7, 1978.

1978-79 Harvest: Alabama, Alaska, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, New Hampshire, New York, North Carolina, Oregon, Rhode Island,

South Carolina, Vermont, Virginia, Washington, Wisconsin.

Condition on findings: Pelts must be clearly identified as to state of origin and season of taking.

For further information: See 43 FR 11096, March 16, 1978; 43 FR 13913, April 3, 1978; 43 FR 15097, April 10, 1978; 43 FR 29489, July 7, 1978; 43 FR 35013, August 7, 1978; 43 FR 36293, August 16, 1978; and 43 FR 39305, September 1, 1978.

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species and to the survival of similar otter species included in the CITES appendices.

1979-80 Harvest: Alabama, Alaska, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, New Hampshire, New York, North Carolina, Oregon, South Carolina, Vermont, Virginia, Washington, Wisconsin.

Conditions on findings: Pelts must be clearly identified as to state of origin and season of taking, including tagging according to standards and conditions established by the MA.

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, September 7, 1979; and 44 FR [insert page and date of present FR notice].

Annex E—Lynx (*Lynx canadensis*)

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species.

1977-78 Harvest: Alaska (open), Idaho (Quota 25), Minnesota (Q 25), Montana (Q 200), Washington (Q 35).

For further information: See 42 FR 43729, August 30, 1977; 43 FR 11081, March 16, 1978; and 43 FR 29489, July 7, 1978.

1978-79 Harvest: Alaska, Idaho, Minnesota, Montana, Washington.

Condition on findings: Pelts must be clearly identified as to state of origin and season of taking.

For further information: See 43 FR 11096, March 16, 1978; 43 FR 13913, April 3, 1978; 43 FR 15097, April 10, 1978; 43 FR 29489, July 7, 1978; 43 FR 35013, August 7, 1978; 43 FR 36293, August 16, 1978, and 43 FR 39305, September 1, 1978.

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species and to the survival of similar felid species included in the CITES appendices.

1979-80 Harvest: Alaska, Idaho, Minnesota, Montana, Washington.

Condition on findings: Pelts must be clearly identified as to state of origin and state of taking, including tagging according to standards and conditions established by the MA.

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, September 7, 1979; and 44 FR [insert page and date of present FR notice].

Annex F—Gray wolf (*Canis lupus*)

State for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of Alaskan gray wolf.

1977-78 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

1978-79 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

State for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of other wolf populations.

1979-80 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, September 7, 1979; and 44 FR [insert page and date of present FR notice].

Annex G—Brown bear (*Ursus arctos*)

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of Alaskan brown bear.

1977-78 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

1978-79 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

State for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of other brown bear populations.

1979-80 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, September 7, 1979; and 44 FR [insert page and date of present FR notice].

Publication of these final findings has been approved by the members of the Endangered Species Scientific Authority.

Dated: September 20, 1979.

William Y. Brown,
Executive Secretary.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

*NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Assistant Secretary for Community Planning and Development—

46836 8-9-79 / Community development block grants; households who could reasonably be expected to reside; interim rule

50248 8-27-79 / Community Development Block Grants; technical provisions

[Corrected at 44 FR 54294, 9-19-79]

47512 8-13-79 / Section 312 Rehabilitation Loan Program; interim rule

Office of Assistant Secretary for Housing—

46835 8-9-79 / Mutual mortgage insurance and improvement loans; dollar limitation increase for solar energy systems

Office of the Secretary—

30946 5-29-79 / Uniform relocation assistance and real property acquisition

47508 8-13-79 / Uniform relocation assistance and real property acquisition

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

50314 8-27-79 / Standards for Lithium Sulfur Dioxide batteries

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

54302 9-19-79 / Handling of cranberries; allocation of base quantity to producers from established reserve; comments by 10-4-79

54303 9-19-79 / Milk in Indiana area; changes in order provisions; comments by 10-4-79

Animal and Plant Health Inspection Service—

49695 8-24-79 / Foreign quarantine notices for nursery stock plants and seeds; comments by 10-1-79

48230 8-17-79 / Hawaiian and territorial quarantine notice; fruits and vegetables; comments by 10-1-79

45631 8-3-79 / Importation of male horses from countries affected with contagious equine metritis; comments by 10-2-79

45634 8-3-79 / Revision of erysipelotheix rhusiopathiae bacteria potency test; comments by 10-2-79

Federal Crop Insurance Corporation—

44857 7-31-79 / Proposed combined crop insurance regulations; comments by 10-1-79

44861 7-31-79 / Proposed sunflower crop insurance regulations; comments by 10-1-79

Food and Nutrition Service—

54076 9-18-79 / National School Lunch and School Breakfast Programs; comments by 10-6-79

49694 8-24-79 / National School Lunch Program and school breakfast program; foods in competition; comments period extended from 9-6-79 to 10-6-79

[Originally published at 44 FR 40004, 7-6-79]

Food Safety and Quality Service—

44874 7-31-79 / Use of enzyme threatened substances as binders and extenders; comments by 10-1-79

CIVIL AERONAUTICS BOARD

45637 8-3-79 / Implementation of National Environmental Policy Act of 1969; comments by 10-2-79

COMMODITY FUTURES TRADING COMMISSION

51225 8-31-79 / Petitions for confidential treatment; comments by 10-1-79

ENERGY DEPARTMENT

38994 7-3-79 / Commercially generated radioactive waste; comments by 10-4-79

- Economic Regulatory Administration—
- 34468 6-15-79 / Amendments to extend current provisions of entitlements program relating to residual fuel oil; comments by 10-1-79
- 45958 8-6-79 / Minimum criteria for required program measures for State energy conservation plans; notice of inquiry; comments by 10-5-79
- 50605 8-29-79 / Phased Deregulation at upper tier crude oil; comments by 10-5-79
- Federal Energy Regulatory Commission—
- 53178 9-13-79 / Floodplain management and protection of wetlands; comments extended to 10-1-79
[Originally published at 44 FR 49466, 50052, Aug. 23 and Aug. 27, 1979]
- Leasing Policy Development Office—
- 45900 8-3-79 / Leasing; acquisition and disposition of Federal royalty oil; comments by 10-5-79
- ENVIRONMENTAL PROTECTION AGENCY**
- 45970 8-6-79 / Air quality control regions, criteria and control techniques, attainment status designation; comments by 10-5-79
- 51924 9-5-79 / Air quality implementation plans; requirements for preparation, adoption and submittal and approval and promulgation of State implementation plans; comments by 10-5-79
- 44904 7-31-79 / Approval and promulgation of implementation plans; Arkansas plan for nonattainment areas; comments by 10-1-79
- 44908 7-31-79 / Approval and promulgation of implementation plans; Louisiana plan for nonattainment areas; comments by 10-1-79
- 44912 7-31-79 / Approval and promulgation of implementation plans; Oklahoma plan for nonattainment areas; comments by 10-1-79
- 45218 8-1-79 / Pesticide use restrictions; comments by 10-1-79
- 54069 9-18-79 / Requirements for preparation, adoption and submittal of implementation plans; comments by 10-5-79
- FEDERAL COMMUNICATIONS COMMISSION**
- 47962 8-16-79 / Enid, Okla.; FM broadcast stations; table of assignments; Comments by 10-5-79
- 48287 8-17-79 / Fee refunds and future FCC fees; comments by 10-1-79
- 44192 7-27-79 / Granbury, Tex; changes in FM table of assignments; reply comments by 10-6-79
- 39550 7-6-79 / Inquiry concerning 9 khz channel spacings for AM broadcasting; comments by 10-1-79
- 3663 1-17-79 / Inquiry on technical improvements to television receivers and certain transmitter standards; reply comments by 10-1-79
- 30135 5-24-79 / Land mobile radio systems; multiple licensing; reply comments by 10-5-79
- 49704 8-24-79 / One-way radio paging in the special emergency radio service; reply comments by 10-1-79
- 48299 8-17-79 / Operation of wireless inflight entertainment system; reply comments by 10-1-79
- 47963 8-16-79 / Paradise, Calif.; FM broadcast stations; table of assignments; comments by 10-5-79
- 47964 8-16-79 / Plainview, Tex; FM broadcast stations; table of assignments; comments by 10-5-79
- 44574 7-30-79 / Rio Grande City and Roma-Los Soenz, Tex.; FM broadcast stations; table of assignments; reply comments by 10-6-79
- 44194 7-27-79 / Riverside and Santa Ana, Calif.; changes in television table of assignments; reply comments by 10-6-79
- 39513 7-8-79 / Second computer inquiry; tentative decision and further notice of inquiry and rule making; comments by 10-1-79
- 44193 7-27-79 / Thomaston, Ga.; changes in FM table of assignments; reply comments by 10-6-79
- 44195 7-27-79 / Tullahoma, Tenn.; changes in television table of assignments; reply comments by 10-6-79
- 43495 7-25-79 / Vancouver, Wash.; television broadcast stations; table of assignments; reply comments by 10-5-79
- FEDERAL ELECTION COMMISSION**
- 51962 9-5-79 / Contributions to and expenditures by delegates; comments by 10-5-79
- FEDERAL EMERGENCY MANAGEMENT AGENCY**
- 45652 8-3-79 / Criteria for land management and use in National Flood Insurance Programs; comments by 10-2-79
- FEDERAL HOME LOAN BANK BOARD**
- 45635 8-3-79 / Federal Savings and Loan System; insurance of accounts; securing Eurodollar deposits; comments by 10-1-79
- FEDERAL RESERVE SYSTEM**
- 50809 8-30-79 / Truth-in-lending; Official Staff interpretation; comments by 10-1-79
- FOREIGN CLAIMS SETTLEMENT COMMISSION**
- 49703 8-24-79 / National Security information, E.O. 12065; implementation; comments by 9-30-79
- GENERAL SERVICES ADMINISTRATION**
- 53161 9-13-79 / Federal employee parking; comments by 10-1-79
- HEALTH, EDUCATION, AND WELFARE, DEPARTMENT—**
- Education Office—
- 38400 6-29-79 / Financial assistance to local and state agencies to meet special educational needs; comments by 10-1-79
- Food and Drug Administration—
- 45642 8-3-79 / Allergenic products; antigen E potency test; comments by 10-2-79
- 45645 8-3-79 / Diagnostic X-ray systems and their major components; amendments to performance standard; comments by 10-2-79
- 44884 7-31-79 / Model regulations editorial revisions; comments by 10-1-79
- 40016 7-6-79 / Prescription drug products; patient labeling requirements; comments by 10-4-79
- Human Development Services Office—
- 45032 7-31-79 / Grants for State and community programs on aging; comments by 10-1-79
- 45947 8-6-79 / University Affiliated Facilities Program; comments by 10-5-79
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT**
- Office of the Secretary—
- 45568 8-2-79 / Community Development Block Grant Program; environmental review procedures; comments by 9-30-79
- 45416 8-2-79 / Part-time career employment program; comments by 10-1-79
- INTERIOR DEPARTMENT**
- Heritage Conservation and Recreation Service—
- 51829 9-5-79 / Procedures for the identification and protection of archeological, architectural, historic, and scientific properties; comments by 10-4-79
[Originally published at 44 FR 45417, 8-2-79]

- Land Management Bureau—
- 45425 8-2-79 / Exchanges of public lands and interests; comments by 10-1-79
- INTERNATIONAL COMMUNICATION AGENCY**
- 53089 9-12-79 / Part-time career employment program; comments by 9-30-79
- INTERSTATE COMMERCE COMMISSION**
- 51830 9-5-79 / Legal assistance referral service for indigent or partially indigent participants in legal proceedings; comments by 10-5-79
- NATIONAL CREDIT UNION ADMINISTRATION**
- 43737 7-26-79 / Organization and operations of Federal credit unions; comments by 10-1-79
- PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION**
- 51586 9-4-79 / Planning and design objectives, controls, and standards on the western half of Square 457; comments by 10-4-79
- PERSONNEL MANAGEMENT OFFICE**
- 44818 7-31-79 / Adverse actions, interim regulations; comments by 10-1-79
- 26843 5-8-79 / Ethics in Government; financial reporting; comments by 9-30-79
- 44815 7-31-79 / Removal, reinstatement, and guaranteed placement in the Senior Executive Service; comments by 10-1-79
- SECURITIES AND EXCHANGE COMMISSION**
- 49465 8-23-79 / Designation of national market system securities; comments by 9-30-79
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- 47100 8-10-79 / Investment advisory or underwriting contracts; approval exemption; comments by 10-5-79
- TRANSPORTATION DEPARTMENT**
- Coast Guard—
- 52010 9-6-79 / Great Lakes pilotage regulations; comments by 10-5-79
- 3444 8-14-79 / Proposal for existing tank barges to prevent oil pollution; comments by 9-30-79
- 34440 8-14-79 / Proposed design standards for tank barges to prevent oil pollution; comments by 9-30-79
- Federal Aviation Administration—
- 51610 9-4-79 / Designation of alternate airways; comments by 10-3-79
- National Highway Traffic Safety Administration—
- 42233 7-19-79 / Highway safety program; innovative project grants; comments by 10-1-79
- TREASURY DEPARTMENT**
- Internal Revenue Service—
- 36071 8-20-79 / Credibility of foreign taxes; comments by 9-30-79
- Next Week's Meetings**
- AGRICULTURE DEPARTMENT**
- Forest Service—
- 52013 9-6-79 / Coconino National Forest Grazing Advisory Board, Flagstaff, Ariz. (open), 10-1-79
- 47780 8-15-79 / Southwestern Region, Tonto National Forest Grazing Advisory Board; Phoenix, Ariz. (open), 10-1-79
- Rural Electrification Administration—
- 51632 9-4-79 / Environmental impact statement, Panora, Iowa, 10-2-79
- ARTS AND HUMANITIES, NATIONAL FOUNDATION**
- 53592 9-14-79 / Dance Advisory Panel (closed), Washington, D.C., 10-5 through 10-6-79
- 53592 9-14-79 / Humanities Panel (closed), Washington, D.C., 10-3 through 10-5-79
- 52057 9-6-79 / Humanities Panel, Washington, D.C. (closed), 10-3 and 10-4-79
- 52057 9-6-79 / Humanities Panel, Washington, D.C. (closed), 10-4 and 10-5-79
- 53592 9-14-79 / Humanities Panel (closed), Washington, D.C., 10-5 and 10-6-79
- 53114 9-12-79 / Literature Advisory Panel, Washington, D.C. (partially open), 10-5 and 10-6-79
- 53592 9-14-79 / Media Arts Advisory Panel (closed), Los Angeles, Calif., 10-2 and 10-3-79
- 53114 9-12-79 / Museum Advisory Panel, Washington, D.C. (partially open), 10-2 and 10-3-79
- CIVIL RIGHTS COMMISSION**
- 53097 9-12-79 / Arkansas Advisory Committee, Little Rock, Ark., (open), 10-6-79
- 54326 9-19-79 / Connecticut Advisory Committee, Hartford, Conn. (open), 10-6-79
- 54326 9-19-79 / Maine Advisory Committee, Augusta, Me. (open), 10-2-79
- 51833 9-5-79 / Maryland Advisory Committee, Ellicott City, Md. (open), 10-3-79
- 53097 9-12-79 / North Dakota Advisory Committee, Bismark, N. Dak. (open), 10-5-79
- 54081 9-18-79 / West Virginia Advisory Committee, Charleston, W. Va. (open), 10-4-79
- COMMERCE DEPARTMENT**
- Census Bureau—
- 51834 9-5-79 / Census Advisory Committee on the Black Population for the 1980 Census, Suitland Md. (open), 10-2-79
- National Oceanic and Atmospheric Administration—
- 54328 9-19-79 / Gulf of Mexico Fishery Management Council, Galveston, Tex. (open), 10-1 through 10-3-79
- 54082 9-18-79 / North Pacific Fishery Management Council and Scientific and Statistical Committee and Advisory Panel, Sitka, Alaska (open), 10-2 through 10-5-79
- 54749 9-21-79 / Pacific Fishery Management Council's Groundfish Advisory Subpanel, Portland, Ore. (open), 10-8-79
- DEFENSE DEPARTMENT**
- Air Force Department—
- 53282 9-13-79 / USAF Scientific Advisory Board, Washington, D.C. (closed), 10-2 and 10-3-79
- 46912 8-9-79 / USAF Scientific Advisory Board Electronic Systems Division Advisory Group, Hanscom Air Force Base, Mass. (closed), 10-5-79
- Office of the Secretary—
- 49009 8-21-79 / Department of Defense Wage Committee, Washington, D.C. (closed), 10-2-79
- 52016 9-6-79 / Defense Science Board Advisory Committee, Arlington, Va. (closed), 10-4 and 10-5-79
- 53769 9-17-79 / DOD Advisory Group on Electron Devices (AGED), New York, N.Y. (closed), 10-4-79
- 52017 9-6-79 / U.S. Court of Military Appeals Nominating Commission, Arlington, Va. (closed), 10-3-79
- EMPLOYMENT POLICY, NATIONAL COMMISSION**
- 54797 9-21-79 / Meeting, Washington, D.C. (open), 10-12-79

- ENERGY DEPARTMENT**
- 45985 8-6-79 / Energy Extension Service, coordination with private sector, Washington, D.C. (open), 10-2-79
- 53288 9-13-79 / Energy Extension Service National Advisory Board, Washington, D.C. (open), 10-3 and 10-4-79
- ENVIRONMENTAL PROTECTION AGENCY**
- 54118 9-18-79 / Science Advisory Board, Economic Analysis Subcommittee, Boston, Mass. (open), 10-5-79
- 46686 8-8-79 / Voluntary aftermarket part self-certification program; proposed regulations; Washington, D.C., 10-3 through 10-5-79
- FEDERAL PREVAILING RATE ADVISORY COMMITTEE**
- 53570 9-14-79 / Open Committee (open), Washington, D.C., 10-4-79
- GENERAL SERVICES ADMINISTRATION**
- 53313 9-13-79 / Regional Public Advisory Panel on Architectural and Engineering Services, Auburn, Wash. (open), 10-5-79
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
- Food and Drug Administration—
- 53571 9-14-79 / Dental Devices Section of the Ophthalmic; Ear, Nose, Throat; and Dental Devices Panel (open), Washington, D.C., 10-1 and 10-2-79
- 53571 9-14-71 / Ear, Nose, and Throat Devices Section of the Ophthalmic; Ear, Nose, Throat; and Dental Devices Panel, Washington, D.C. (open), 10-3 and 10-4-79
- 52336 9-7-79 / Endocrinologic and Metabolic Drugs Advisory Committee, Rockville, Md. (open), 10-4-79
- 52336 9-7-79 / Science Advisory Committee, Carcinogenesis Subcommittee, Jefferson, Ark. (open), 10-4 and 10-5-79
- 52337 9-7-79 / Science Advisory Board, Pathology Subcommittee, Jefferson, Ark. (open), 10-5-79
- National Institute of Health—
- 50657 8-29-79 / Annual NIH Instrumentation Symposium, Bethesda, Md., 10-3 through 10-5-79
- 50658 8-29-79 / Board of Regents, Bethesda, Md. (partially open), 10-4 and 10-5-79
- 49310 8-22-79 / Cardiology Advisory Committee, Bethesda, Md. (open), 10-1 and 10-2-79
- 49309 8-22-79 / National Arthritis Advisory Board, Arlington, Va. (open), 10-3-79
- [Amended at 44 FR 53107, 9-12-79]
- 53802 9-17-79 / National Cancer Advisory Board and Subcommittees, Bethesda, Md. (open), 10-2 through 10-5-79
- 52039 9-6-79 / Pathobiological Chemistry Study Section Workshop, Bethesda, Md. (open), 10-2-79
- 52038 9-6-79 / Pulmonary Diseases Advisory Committee, Bethesda, Md. (open), 10-4-79
- Office of the Secretary—
- 53580 9-14-79 / Board of Advisors to the Fund for the Improvement of Postsecondary Education (open), Washington, D.C., 10-4 and 10-5-79
- 52889 9-11-79 / Rights and Responsibilities of Women Advisory Committee, Washington, D.C., 10-4-79
- Social Security Administration—
- 54128 9-18-79 / Social Security For Your Future, Washington, D.C. 10-3-79
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- Land Management Bureau—
- 50920 8-30-79 / Arizona Strip District Advisory Board, St. George, Utah (open), 10-2-79
- 46953 8-9-79 / Canon City District Advisory Board, Carson City, Colo. (open), 10-3-79
- 52757 9-10-79 / Craig District Grazing Advisory Board, Craig, Colo. (open), 10-4-79

- National Park Service—
- 54130 9-18-79 / Chattahoochee River National Recreation Area, Atlanta, Ga. (open), 10-4-79
- 54130 9-18-79 / Chattahoochee River National Recreation Area, Sandy Springs, Ga. (open), 10-6-79
- 52045 9-6-79 / National Park System Advisory Board, Lakewood, Colo. and Keystone, Colo. (open), 10-2 through 10-5-79
- Surface Mining Reclamation and Enforcement Office—
- 54785 9-21-79 / Mining and Mineral Resources Research Advisory Committee, Washington, D.C. (open), 10-10-79
- NATIONAL SCIENCE FOUNDATION**
- 53821 9-17-79 / Cell Biology Subcommittee of the Advisory Committee for Physiology, Cellular and Molecular Biology, Washington, D.C. (closed), 10-4 through 10-6-79
- 53822 9-17-79 / Ecological Sciences Subcommittee of the Advisory Committee for Environmental Biology, Washington, D.C. (partially open), 10-3 through 10-5-79
- 53822 9-17-79 / Mathematical Sciences Subcommittee of the Advisory Committee for Mathematical and Computer Sciences, Washington, D.C. (partially open), 10-5 and 10-6-79
- NUCLEAR REGULATORY COMMISSION**
- 54368 9-19-79 / Reactor Safeguards Advisory Committee, Washington, D.C. (partially closed), 10-4 through 10-6-79
- 53592 9-14-79 / Reactor Safeguards Advisory Committee, Ad Hoc Subcommittee on the Three Mile Island, Unit 2 (open), Washington, D.C. 10-2-79
- SMALL BUSINESS ADMINISTRATION**
- 53117 9-12-79 / Region II Advisory Council, Clark, N.J. (open), 10-3-79
- 49036 8-21-79 / Region VIII Advisory Council, Fargo, N. Dak. (open), 10-3-79
- 54148 9-18-79 / Region VIII Advisory Council, Sioux Falls, Dakota (open), 10-5-79
- STATE DEPARTMENT**
- Agency for International Development—
- 54800 9-21-79 / Joint Research Committee of the Board for International Agricultural Development, Arlington, Va. (open), 10-9 and 10-10-79
- 54801 9-21-79 / Asia Regional Work Group, Rosslyn, Va. (open), 10-9-79
- 54801 9-21-79 / Latin America Regional Work Group, Washington, D.C. (open), 10-9-79
- Office of the Secretary—
- 52780 9-10-79 / Advisory Committee to the U.S. National Section of the Inter-American Tropical Tuna Commission, La Jolla, Calif. (open), 10-4 and 10-5-79
- 53335 9-13-79 / Shipping Coordinating Committee, Washington, D.C. (open), 10-3-79
- TRANSPORTATION DEPARTMENT**
- National Highway Traffic Safety Administration—
- 51692 9-4-79 / GM jack defects, Washington, D.C. (open), 10-4-79
- VETERANS ADMINISTRATION**
- 53602 9-14-79 / Wage Committee, Washington, D.C. (closed), 10-4-79

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- COMMERCE DEPARTMENT**
- National Oceanic and Atmospheric Administration—
- 52852 9-11-79 / Mid-Atlantic and New England Fishery Management Councils, fixed gear regulations, Portsmouth, N.H., 10-3-79

- DEPARTMENT OF ENERGY**
- Economic Regulatory Administration—
- 50847 8-30-79 / Mandatory petroleum price regulations; refiner investment incentives, Houston, Tex., 10-4-79
- 50847 8-30-79 / Mandatory petroleum price regulations; refiner investment incentives, New York, N.Y., 10-2-79
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- 53538 9-14-79 / Filing of changes in rate schedules, Washington, D.C., 10-4 and 10-5-79
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- List of Public Laws**
- Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.
- [Last Listing 9-24-79]
- Documents Relating to Federal Grant Programs**
- This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.
- DEADLINES FOR COMMENTS ON PROPOSED RULES**
- 54910 9-21-79 / Commerce/Sec'y—Departmental administrative order on grants administration; comments by 11-20-79
- 54908 9-21-79 / Commerce/Sec'y—Grants: Disputes and appeals procedures; comments by 11-20-79
- 54950 9-21-79 / Justice/AG—Nondiscrimination based on handicap in federally assisted programs—implementation of section 504 of the Rehabilitation Act of 1973 and Executive Order 11914; comments by 12-21-79
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- 54127 9-18-79 / HEW/OE—College work-study, national direct student loan, and supplemental educational opportunity grant programs; apply by 10-18-79 for establishing institutional eligibility and funds
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- 53800 9-17-79 / HEW/NIH—Division of Research grants; October and November 1979 meetings
- 53802 9-17-79 / HEW/NIH—National Advisory General Medical Sciences Council, Bethesda, Md. (partially open), 10-24 and 10-25-79
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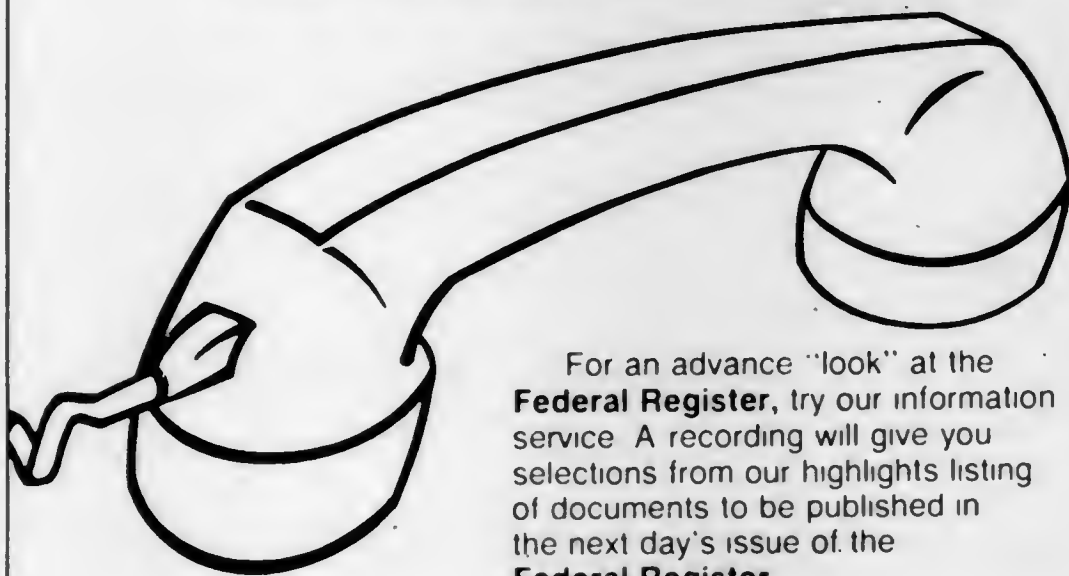
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312-663-0884

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- 55562 Rehabilitation Loan Program** HUD/CPD redefines when personal liability is required in the case of corporate or partnership borrowers; effective 10-24-79; comments by 11-26-79
- 55774 Energy Technology Grants** DOE proposes regulations on Appropriate Technology Small Grants Program; comments by 11-26-79; hearing 11-14-79 (Part III of this issue) ♦
- 55602 Lead-Based Paint Poisoning Programs** HEW/CDC and PHS proposes to develop rules which will govern the award of grants
- 55660 Medicare Hospital Insurance Program** HEW/Sec'y announces inpatient hospital deductible for spells of illness beginning in 1980; effective 1-1-80
- 55594 Presidential Election Campaign Fund** FEC request comments on proposed rules regarding the eligibility of candidates who exceed the expenditure limitations; comments by 10-29-79
- 55574 Cable Television** FCC specifies filing periods and other procedural requirements; effective 10-1-79
- 55573 Equipment Authorization Program** FCC sets up a single system of identification; effective 10-29-79

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Area Code 202-523-5240

- 55592 National Maximum Speed Limit** DOT/FHWA/NHTSA extends certification of monitoring requirements for one additional reporting period; comments by 11-26-79
 - 55554 Truth in Lending** FRS is publishing in final form an official staff interpretation
 - 55553 Truth in Lending** FRS creates an alternative in certain circumstances to the three-day cancellation right applicable to each individual under the open-end credit accounts
 - 55766 Highways** DOT/FHWA proposes revision of policies and procedures applicable to federally funded research and development projects conducted by the State highway agencies; comments by 11-26-79 (Part II of this issue)
 - 55612 Motorcycle Helmets** DOT/NHTSA proposes to establish a minimum level of performance; comments by 11-26-79
 - 55603 Communications** FCC proposes to eliminate the exception of UHF stations subject to multiple ownership rule; comments by 11-27-79
 - 55679 Privacy Act** Panama Canal Company and Canal Zone Government issue annual publication of systems of records
 - 55658 Privacy Act** GSA publishes annual notice of systems of records
 - 55623 Privacy Act** DOD/Navy publishes new system of records; comments by 10-29-79; effective 10-29-79
 - 55676 Privacy Act** OMB publishes report of agency systems of records
 - 55622 Privacy Act** Fine Arts Commission issues annual publication of systems of records
 - 55572 Freedom of Information** FCC states its policies regarding disclosure of information to other Federal agencies; effective 9-28-79
 - 55731 Sunshine Act Meetings**
- Separate Parts of This Issue**
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55549

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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary and general officers of the Department to realign functional responsibility for the National Poultry Improvement Plan (NPIP).

EFFECTIVE DATE: September 27, 1979.

FOR FURTHER ACTION CONTACT: John C. Frey, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, DC 20250 (202-447-5335).

SUPPLEMENTARY INFORMATION: The National Poultry Improvement Plan is almost entirely a disease control program and its major objective is to provide a cooperative State-Federal program for the control of egg-transmitted and hatchery disseminated diseases. The responsibility for the NPIP was formerly delegated to the Assistant Secretary for Conservation, Research and Education and the Director of Science and Education. The Department believes this new alignment of functions conforms to the missions of the Agencies involved and that placing all of the responsibility for cooperative disease control programs in the Assistant Secretary for Marketing and Transportation Services and the Administrator of the Animal and Plant Health Inspection Service will enable the Department to serve the public more efficiently. Therefore, the delegations of authority by the Secretary of Agriculture and general officers are being amended to provide that the Assistant Secretary

for Marketing and Transportation Services and the Animal and Plant Health Inspection Service (APHIS) are responsible for NPIP Federal coordinating functions.

This rule relates to internal agency management and, therefore, pursuant to 5 U.S.C. 553 it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management it is exempt from the provisions of Executive Order 12044, Improving Government Regulations, and, thus, does not require the preparation of a regulatory impact analysis.

Accordingly 7 CFR Part 2 is amended as follows:

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, Assistant Secretaries, the Director of Economics, Policy Analysis and Budget, and the Director, Office of Governmental and Public Affairs

1. Section 2.17 is amended by adding a new paragraph (b)(19) to read as follows:

§ 2.17 Delegations of authority to the Assistant Secretary for Marketing and Transportation Services.

(b) * * *
(19) Improvement of poultry, poultry products, and hatcheries (7 U.S.C. 429).

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Transportation Services

2. Section 2.51 is amended by adding a new paragraph (a)(19) to read as follows:

§ 2.51 Administrator, Animal and Plant Health Inspection Service.

(a) * * *
(19) Improvement of poultry, poultry products, and hatcheries (7 U.S.C. 429).

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

For Subpart C.

Dated: September 21, 1979.

Jim Williams,
Acting Secretary of Agriculture.

For Subpart F.
Dated: September 21, 1979.

Jerry C. Hill,
Deputy Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 79-23962 Filed 9-26-79; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Part 906

[Amdt. 20]

Oranges and Grapefruit Grown in Texas; Container and Pack Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment authorizes the use of the 8-pound bag for shipping Texas oranges and grapefruit to market, provided they are shipped in the authorized master container. It also permits the use of existing inventories of the 1½ bushel wirebound box during the 1979-80 season. This action is based upon recommendations and information submitted by the Texas Valley Citrus Committee and upon other available information. This amendment relieves restrictions on the handling of oranges and grapefruit, shipments of which are expected to begin in late September.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, (202) 447-5975.

SUPPLEMENTARY INFORMATION: Findings. This final rule is issued under the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon recommendations and information submitted by the Texas Valley Citrus Committee, and upon other available information.

This action reflects the Department's appraisal of the containers needed to ship Texas oranges and grapefruit to market. The amendment authorizes the

use of 8-pound bags, provided they are shipped in the authorized master container. Use of the 8-pound bag was no longer authorized after December 4, 1978, except that use of existing inventories was permitted until July 31, 1979. However, increased usage of the 8-pound bag last season by certain handlers and receivers stimulated the committee to recommend reauthorization.

The amendment also provides for the use of existing inventories of 1½ bushel wirebound wooden boxes through July 31, 1980. This container was not authorized for use after December 4, 1978, except to exhaust existing inventories until July 31, 1979. The short crop of last season failed to deplete these inventories. Therefore, this extension is necessary.

After consideration of all relevant matter presented, the recommendation of the committee, and other available information, it is hereby found that this amendment of the rules and regulations is in accordance with this marketing agreement and order and will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the amendment at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time. This amendment relieves restrictions on the handling of oranges and grapefruit, shipments of which are expected to begin in late September. No purpose would be served by delaying the effective date beyond October 1, 1979.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this amendment warrants publication without opportunity for further public comment. The amendment has not been classified significant under USDA criteria for implementing the Executive Order 12044. An Impact Analysis is available from Malvin E. McGaha, 202-447-5975.

Accordingly, it is found that the provisions of paragraphs (a) (iv), (v) and

(ix) in § 906.340 should be and are amended to read as follows:

§906.340 Container, pack, and container marking regulations.

(a) No handler shall handle any variety of oranges or grapefruit grown in the production area on and after October 1, 1979, unless such fruit is in one of the following containers, and the fruit is packed and the containers are marked as specified in this section.

(1) Containers.

(iv) Closed fiberboard carton with inside dimensions of 20 x 13¼ inches and of a depth from 9¼ to 10¼ inches: *Provided*, That the container has a Mullen or Cady test of at least 250 pounds and the container is used only for the shipment of eight 5-pound bags or five 8-pound bags of fruit.

(v) Bags having a capacity of 5 or 8 pounds of fruit: *Provided*, That fruit packed in such bags shall be handled only when packed in the number and container specified in paragraph (a)(1)(iv):

(ix) Closed wirebound wooden box with inside dimensions of 24½ x 11½ x 11½ inches, described in Freight Container Tariff 2G as container No. 3680: *Provided*, such containers are from inventories on hand, and used prior to July 31, 1980.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 21, 1979, to become effective October 1, 1979.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-29929 Filed 9-26-79; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 908

[Valencia Orange Reg. 631]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period September 28-October 4, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202-447-5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act by tending to establish and maintain, in the interests of producers and consumers, an orderly flow of oranges to market and avoid unreasonable fluctuations in supplies and prices. The action is not for the purpose of maintaining prices to farmers above the level which is declared to be the policy of Congress under the act.

The committee met on September 25, 1979 to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia Oranges is fairly firm.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an opening meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, the emergency nature of this regulation warrants publication without opportunity for further public comment, in accord with emergency procedures in Executive Order 12044. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An impact analysis is available from Malvin E. McGaha, (202) 447-5975.

§ 908.931 Valencia Orange Regulation 631.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period September 28, 1979, through October 4, 1979, are established as follows:

- (1) District 1: 378,000 cartons;
- (2) District 2: 322,000 cartons;
- (3) District 3: Unlimited.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the market order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: September 26, 1979.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-30319; Filed 9-26-79; 11:58 am]

BILLING CODE 3410-02-M

7 CFR Part 1030

Milk in Chicago Regional Marketing Area; Temporary Revision of Shipping Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rules.

SUMMARY: This action temporarily relaxes the shipping requirement for supply plants during October and November 1979 for the Chicago Regional marketing area as a means of preventing uneconomic shipments of milk to the market and of maintaining the pool status of producers who regularly supply the market. The revisions are made in response to a request by a cooperative association of producers supplying the market.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Proposed Temporary Revision of Shipping Percentage, issued August 31, 1979; published September 6, 1979 (44 FR 51991).

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1030.7(b)(5) of the Chicago Regional milk order.

Notice of proposed rulemaking was published in the *Federal Register* (44 FR 51991) concerning a proposed decrease in the shipping requirement for supply

plants for the months of October and November 1979. The public was afforded an opportunity to comment on the proposal by submitting written data, views and arguments.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views and arguments filed, and other available information, it is hereby found and determined that for the months of October and November 1979 the supply plant shipping percentage of 35 percent set forth in § 1030.7(b) should be decreased to 30 percent.

Pursuant to the provisions of § 1030.7(b)(5) the supply plant shipping percentages set forth in § 1030.7(b) may be increased or decreased by the Director of the Dairy Division by up to 10 percentage points during the months of August-March to encourage additional milk shipments to pool distributing plants or to remove the need for milk shipments to such plants merely for purposes of qualifying a supply plant.

The National Farmers Organization, representing a portion of the producers supplying the Chicago Regional market, requested that during October and November 1979 the supply plant shipping percentages be reduced 5 percentage points. The counsel for the cooperative association stated that the 35 percent shipping requirements for October and November 1979 would cause uneconomic shipments of milk.

For June, July, and August 1979, producer milk volume for the market was 5.5 percent greater than for the same months last year. From market data available, it is estimated that for the months of September through December, producer milk volume will continue to be 5.5 percent greater than the same months last year. For October and November 1979, specifically, it is estimated that producer milk volume for the market will be 5.6 percent greater than in the same months last year.

For the months of June, July and August 1979, the pounds of pooled Class I milk for the market were slightly less (0.1 percent) than for the same months last year. It is estimated that for the months of September through December 1979, the volume of pooled Class I milk for the market will average 1.0 percent less than for the same months last year. For the months of October and November 1979, it is estimated that the volume of pooled Class I sales will be 0.6 percent lower than for the same months last year.

It is evident from these data that producer milk supplies for the market currently and prospectively are increasing substantially more than Class

I sales, and that consideration to lowering the supply plant shipping percentage temporarily is warranted.

The Central Milk Sales Agency, which represents six cooperative associations whose members comprise the majority of producer milk associated with the market, presented similar data relating to Agency supply plants. The Agency estimates that current projections of producer receipts for the two months under consideration indicate an increase of between 7 and 8 percent over the same months last year. The Agency estimates that for October, producer receipts for the Agency will be 414 million pounds, an increase of 28 million pounds (7.3 percent) over last October. Where the Agency had 370 million pounds of producer receipts in November 1978, it is anticipated that the receipts this November will be 400 million pounds, an increase of 8.1 percent. The Agency stated that without the requested reduction of 5 percent in the shipping percentage for October 1979, the Agency would not be able to pool all of the Agency's producer receipts.

The Agency is unable, at this time, to estimate closely what its Class I sales would be for November. An intangible factor in this is the volume of milk which would be ordered by other Federal milk order areas. It appears to the Agency at this time that a reduction of 3 percentage points would suffice for its operations.

For the market as a whole, however, it is apparent that the percentage reduction that was requested initially would reduce the volume of uneconomic milk movements that would occur if the action were not taken, and still provide the market with an adequate supply of milk for fluid use.

The projected volume of milk that will be received at supply plants for October and November is expected to be 766 million pounds and 732 million pounds, respectively. At a 35% shipping percentage the qualifying shipments from supply plants would have to be 268 and 256 million pounds, respectively, when projected Class I sales are anticipated to be 260 million and 255 million pounds respectively.

An additional consideration is that supply plant receipts account for about 92 percent of total receipts for the market. The remaining 8 percent is received directly at pool distributing plants from farms. Thus, at a 35 percent shipping factor the volume of uneconomic shipments from supply plants would approach 77 million pounds for October and 65 million pounds for November. By reducing the supply plant shipping percentage to 30

percent, about 230 million pounds would be required for qualifying shipments from supply plants in October. With projected Class I use at 260 million pounds, the difference would be made up from direct shipped milk. A similar situation would prevail for the market for November. At this level of shipments, distributing plants should be adequately supplied during these two months.

On the basis of available information, it is concluded that the supply plant shipping percentages should be reduced to 30 percent for the months of October and November 1979. Providing the reduction for both months at this time on the basis of current information will afford all parties adequate advance knowledge for adjusting their operations accordingly.

The proposed reduction was supported in data, views and arguments by two other cooperative associations supplying the market, and by 18 supply plants associated with the Trade Association of Proprietary Plants. In addition, the reduction was supported by two proprietary handlers.

One proprietary handler opposed the request on the basis that bottlers are faced with paying premiums to producers to compete with cheese plants for milk supplies. The handler apparently believes that a reduction in the shipping requirements would make it still more difficult to obtain milk supplies for Class I use.

The shipping percentage reduction is aimed at facilitating the delivery of milk to the market from supply plants for Class I use without requiring uneconomic shipments merely for pooling purposes. It is concluded that the supply-demand conditions in the market warrant a lowering of the shipping requirements on a temporary basis.

Another handler claimed that the action should be taken, if needed, for only one month at a time. In the handler's view, weather conditions, say in November, could change milk production so that a reduction in the supply plant shipping percentage might not be needed. In this connection, current indications are that the action is needed for October and November 1979. Further, by taking the action now, all supply plant operators are advised in advance of what the supply plant shipping percentages are to be. Should severe weather change the projections for November, consideration could be given to terminating the action at that time.

It is hereby found and determined that thirty days' notice of the effective date

hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the months of October and November 1979;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective for the months of October and November 1979.

It is therefore ordered, That the aforesaid provisions of the order are hereby revised for October and November 1979.

(Secs. 1-19, 48 Stat. 31, as amended (7 USC 601-674))

Effective date: October 1, 1979.

Signed at Washington, D.C., on September 21, 1979.

Herbert L. Forest,

Director, Dairy Division.

[FR Doc. 79-29956 Filed 9-26-79, 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Regulation Q, Docket No. R-0247]

Interest on Deposits

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Temporary suspension of the Regulation Q penalty normally imposed upon the withdrawal of funds from time deposits prior to maturity.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by Hurricane Frederic in the States of Alabama, Mississippi, and Florida.

EFFECTIVE DATE: September 13, 1979.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452-3611).

SUPPLEMENTARY INFORMATION: On September 13, 1979, pursuant to section 301 of the Disaster Relief Act of 1974 (42

U.S.C. 5141) and Executive Order 12148 of July 20, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the following counties of the States of Alabama, Mississippi, and Florida major disaster areas: Alabama—Baldwin, Mobile, Covington, Clarke, Geneva, Marengo, Escambia, Conecuh, Choctaw, Washington, and Monroe; Mississippi—Hancock, Forrest, Covington, Harrison, Perry, Lauderdale, Jackson, Greene, George, Wayne, Stone, Jones, Pearl River, and Clarke; Florida—Escambia, Walton, Santa Rosa, Bay, and Okaloosa. The Board regards the President's action as recognition by the Federal government that disasters of major proportions have occurred. The President's designation enables victims of the disasters to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty.¹ The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of Hurricane Frederic. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to September 13, 1979, and will remain in effect until 12 midnight March 31, 1980.

Section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) provides that no member bank shall pay any time deposit before maturity except upon such conditions and in accordance with such rules and regulations as may be prescribed by the Board. The Board has determined it to be in the overriding public interest to suspend the penalty

¹ Effective July 1, 1979, section 217.4(d) of Regulation Q provides that where a time deposit with an original maturity of one year or less, or any portion thereof, is paid before maturity, a depositor shall forfeit at least three months of interest on the amount withdrawn at the rate being paid on the deposit. Time deposits with original maturities of greater than one year require the forfeiture of at least six months' interest when paid prior to maturity. With respect to time deposits issued prior to July 1, 1979, where such deposits, or any portion thereof, are paid before maturity, a member bank may pay interest on the amount withdrawn at a rate not to exceed the current ceiling rate for a savings deposit under section 217.7 and the depositor shall forfeit three months of interest payable at such rate. Effective August 1, 1979, a member bank may apply the new, generally less restrictive, penalty to time deposits issued prior to July 1, 1979, with the consent of the depositor.

provision in § 217.4(d) of Regulation Q for the benefit of depositors suffering disaster-related losses within those geographical areas of the States of Alabama, Mississippi, and Florida officially designated major disaster areas by the President. The Board, in granting this temporary suspension, encourages member banks to permit penalty-free withdrawal before maturity of time deposits for depositors who have suffered disaster-related losses within the designated disaster areas.

In view of the urgent need to provide immediate assistance to relieve the financial hardship suffered by persons directly affected by the severe damage and destruction occasioned by Hurricane Frederic in the designated counties of Alabama, Mississippi, and Florida, good cause exists for dispensing with notice and public participation referred to in section 553(b) of Title 5 of the United States Code with respect to this action and public procedure with regard to this action would be contrary to the public interest. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make the action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority (12 CFR 265.2(a)(18)), September 20, 1979.

Theodore E. Allison,
Secretary of the Board.

[FR Doc. 79-30049 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

12 CFR Part 226

[Reg. Z; Docket No. R-0202]

Truth in Lending; Right of Rescission

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: Effective in August 1978, the Board amended Regulation Z by creating an alternative in certain circumstances to the three-day cancellation right otherwise applicable to each individual advance under open-end credit accounts secured by consumers' residences. This action rescinds that amendment. It also rescinds a Board interpretation that provided sample disclosures that creditors could use to meet certain of the amendment's requirements and rescinds an official staff interpretation of the applicability of the amendment to nonsale credit advances.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Robert C. Plows, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3667).

SUPPLEMENTARY INFORMATION: On December 9, 1977 (42 FR 62146), the Board proposed an amendment to § 226.9(g) of Regulation Z (12 CFR Part 226) to provide an exception to the requirement that a customer have a three-day "cooling off" period in which to cancel each separate advance under an open-end credit plan (such as a credit card or cash advance checking account) where credit extended under the plan is secured by the customer's principal residence. The proposal was substantially modified based upon the comments that were received, and was adopted effective August 3, 1978 (43 FR 34111). It permits a creditor that is not the seller of the goods or services being purchased on credit to extend open-end credit without each separate advance being subject to the right of rescission.

The amendment, incorporated in § 226.9(g)(6), was accompanied by Board Interpretation § 226.904, which sets forth model disclosures that creditors may use to comply with certain notice requirements of the amendment. A technical change, revising the language, but not the substance, of the model disclosures was adopted effective October 31, 1978 (43 FR 50672).

In addition, the staff issued Official Staff Interpretation FC-0159 (43 FR 56877), which states that the exception to the right of rescission in § 226.9(g)(6) is available to a creditor that extends essentially nonsale credit, for example, a cash advance loan in the form of traveler's checks. The staff interpretation has been suspended pending the Board's decision on the question of whether to retain the exemption in § 226.9(g)(6).

After the exemption was adopted, the Board was urged to reconsider the matter because interested parties may not have been aware of the proposal when it was initially published and may not, therefore, have submitted comments on the possible risks and benefits to customers that might result from the amendment. Accordingly, on February 15, 1979 (44 FR 9761), the Board asked for comment on whether it should suspend or repeal the amendment and Board interpretation, whether the amendment should be modified to provide additional protections to customers, and whether creditors that intend to offer open-end credit plans under the amendment should be required to notify the Board of that

intention and provide the Board with a copy of the initial Truth in Lending disclosures to be made in connection with the plans. The Board also requested information about plans currently being offered pursuant to the amendment.

Some 160 comments were received from the credit industry, consumer representatives, government agencies, members of the Congress and the Board's Consumer Advisory Council, and others. After carefully considering all of the comments, the Board has decided to rescind the amendment and the related Board and staff interpretations. In reaching that decision, the Board took into consideration the concern expressed by some members of the Congress and the Board's Consumer Advisory Council, consumer representatives, and federal, state, and local government agencies that consumers might be led unawares into more debt than they could afford and might as a result lose their homes—a consequence that the right of rescission is intended to help prevent.

The Board also considered three other factors: the potentially unfair competitive advantage that the amendment gives to nonseller creditors; the fact that few creditors are offering plans pursuant to the amendment; and the fact that creditors can feasibly offer lines of credit secured by a customer's residence even if each use of the line is subject to the right of rescission.

Regarding that final point, while credit extended through conventional credit cards cannot practically be secured by the customer's residence given the three-day cancellation right for each advance, the convenience of flexible repayment under an open-end credit arrangement, as well as more favorable terms reflecting the existence of a security interest in a residence, can be made available in compliance with § 226.9 for customers who have specific, foreseeable credit needs. For example, a creditor could offer an open-end credit plan pursuant to which cash advances would be made to the customer after the notice of the right of rescission had been given and the three-day "cooling off" period had expired.

The Board's action revoking the amendment and interpretations will become effective on March 31, 1980, in order to provide ample time for the orderly modification or termination of the limited number of open-end credit plans now in existence that are secured by the customer's principal residence. In order to provide guidance to nonseller creditors during the transition, the Board is republishing Official Staff Interpretation FC-0159. FC-0159 will

take effect immediately and will remain in effect until March 31, 1980. The result of revoking the amendment and related interpretations will be to require that a notice of the right of rescission be given in connection with each credit advance occurring after March 30, 1980, pursuant to any open-end credit plan secured by a customer's principal residence.

Therefore, pursuant to the authority granted in section 105 of the Truth in Lending Act (15 U.S.C. 1604 (1970)), the Board amends § 226.9(g) of Regulation Z (12 CFR Part 226) by deleting § 226.9(g)(6). It also revokes Board Interpretation § 226.904 and Official Staff Interpretation FC-0159. This action shall take effect on March 31, 1980.

By order of the Board of Governors,
September 19, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30055 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

12 CFR Part 226

[Reg. Z; FC-0159]

Truth in Lending; Final Official Staff Interpretation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final Official Staff Interpretation.

SUMMARY: The Board is publishing in final form official staff interpretation FC-0159 of Regulation Z, Truth in Lending, regarding the availability of the § 226.9(g)(6) exception to the right of rescission for a creditor that extends essentially nonsale credit. The agency is taking this action pursuant to its final rule concerning § 226.9(g)(6) of Regulation Z, which is published in this issue of the Federal Register.

DATE: FC-0159 is effective immediately, but it shall cease to be effective March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Robert C. Plows, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-3667.

SUPPLEMENTARY INFORMATION: (1) For further information concerning this action, refer to the Board's final rule on the right of rescission, Docket No. R-0202, which is published in today's issue of the Federal Register.

(2) Official Staff Interpretation FC-0159, which follows, is effective immediately, but it shall cease to be effective March 31, 1980.

(3) Authority: 15 U.S.C. 1640(f);

§ 226.9(g) Creditor that extends nonsale credit directly to customer under open end credit plan may qualify for § 226.9(g)(6) exception to general rescission requirements.

September 19, 1979.

This is in response to your letter of . . . , in which you request an official staff interpretation of the Board's recent amendment to the rescission provisions of Regulation Z. That amendment, § 226.9(g)(6) of the regulation, provides an exception to the regulation's general requirements regarding the right of rescission for individual transactions under an open end credit account, provided the specific requirements of the amendment are satisfied.

Specifically, you ask for clarification of § 226.9(g)(6)(i). Under that provision, the exception from the right of rescission for individual transactions under an open end credit account applies (assuming the amendment's other requirements are met) provided "[t]hat the creditor and the seller are not the same or related persons." You are concerned that this provision may be interpreted to mean that, for the exception to apply, an open end credit transaction must involve a *seller* that is not the same person as the creditor or related to the creditor. Under such an interpretation, the exception could not apply to a nonsale open end credit transaction (e.g., a cash advance loan made pursuant to an open end line of credit).

The staff is of the opinion that, in adopting this amendment to Regulation Z, the Board intended to allow creditors to qualify for an exception to the regulation's general rescission requirements for any open end credit transaction, whether involving sale or nonsale credit, except for the limited class of transactions in which the creditor of an open plan is the same person as or is related to the seller of property or services purchased by means of the plan. Thus, for example, a creditor of an open end plan could extend nonsale credit under the plan directly to a customer (in which case the creditor and the lender would be the same person and there would be no *seller* involved in the transaction at all) and could still qualify for the amendment's exception.

This is an official staff interpretation of Regulation Z, issued pursuant to the Board's final rule concerning § 226.9(g)(6) of Regulation Z. It is effective immediately, but shall cease to be effective March 31, 1980.

Nathaniel E. Butler,

Associate Director.

By order of the Board of Governors,
September 19, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30056 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 700

Nonrisk Assets; Definition Amended

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: Section 700.1(j) of the National Credit Union Administration Rules and Regulations is being amended to expand the definition of non-risk assets. The change defines two types of assets as non-risk assets: (1) loans insured or guaranteed by the Federal or a State government, and (2) guaranty accounts established in insured credit unions under the authority of Section 208(a)(1) of the Federal Credit Union Act. This amendment is promulgated pursuant to the Administration's authority to define risk assets for purposes of the reserve requirement set forth in Section 116 of the Federal Credit Union Act.

EFFECTIVE DATE: This rule is effective September 27, 1979.

ADDRESS: National Credit Union Administration, 2025 M Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Jerry L. Courson, Office of Examination and Insurance, or Edward J. Dobranski, Office of General Counsel, at the above address or by telephone: (202) 254-8760 (Mr. Courson) or (202) 632-4870 (Mr. Dobranski).

SUPPLEMENTARY INFORMATION: The Agency reviewed the definition of risk assets in Section 700.1(j) of the National Credit Union Administration Rules and Regulations, and a decision was reached that two additional types of assets need not be considered as risk assets for purposes of Section 116 of the Federal Credit Union Act (reserve requirements).

The first type is a loan that is insured or guaranteed by the Federal or a State government or an agency of either. Regulation 700.1(j) in its present form already states that certain loans of this type are not considered risk assets. The loans presently excluded are those loans insured under Title I of the National Housing Act by the Federal Housing Administration (12 CFR 700.1(j)(6)). Section 700.1(j)(6) is now being amended to include all loans that are insured or guaranteed (in full or in part) by the Federal or a State government. Examples of such loans are real estate loans insured by the Veterans Administration or a State agency.

As in the case of FHA Title I loans, because of the government nature of the insurance or guaranty (whether full or

partial), the Administration has determined that there is little or no risk to the lending credit union in the event of default of the loan agreement.

The second type of asset which will be considered non-risk is an account established as a National Credit Union Share Insurance Fund Guaranty Account. Such an account may be established by the Administration to reopen a closed insured credit union or to prevent the closing of an insured credit union. When the account is established as a guaranty account, there is little or no risk to the insured credit union as the guaranty account is backed by the National Credit Union Share Insurance Fund.

Since this rulemaking relieves a restriction in an existing regulation, and because an immediate effective date will assist some Federally-insured credit unions in the calculation of the required transfer to Regular Reserve at the September 30, 1979, dividend period, the Administration has for good cause found that the notice and public participation provisions of 5 U.S.C. 553 are unnecessary and contrary to the public interest.

Accordingly, 12 CFR 700 is amended as set forth below.

By the National Credit Union Administration Board, September 20, 1979.

Rosemary Brady,

Secretary of the Board.

(Section 116, 91 Stat. 49 (12 U.S.C. 1762),
Section 120, 73 Stat. 835 (12 U.S.C. 1766).)

Section 700.1(j) is amended by revising paragraph (6) and by adding new paragraph (15) at the end thereof, as follows:

§ 700.1 Definitions.

(j) * * *

(6) Loans that are fully or partially insured or guaranteed by the Federal or a State government or any agency of either.

(15) National Credit Union Share Insurance Fund Guaranty Accounts established with the authorization of the National Credit Union Administration under the authority of Section 208(a)(1) of the Federal Credit Union Act.

[FR Doc. 79-30004 Filed 9-26-79; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 76-SW-19;
Amdt. 39-3569]

Airworthiness Directives; Bell Model 204B and 205A-1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD 76-12-07) applicable to Bell Models 204B and 205A-1 helicopters by decreasing the inspection interval of the pitch control chain from 25 hours' time in service to 10 hours' time in service for Model 205A-1 helicopters only. The amendment is needed because several tail rotor pitch control chain failures have occurred in flight and several reports of cracked chain links on Model 205A-1 helicopters have been received indicating a reduction in the inspection interval is necessary. Failure of the tail rotor pitch control chain would result in loss of helicopter directional control.

AD 76-12-07 is also amended to require removal of the chain and cable system and installation of the tail rotor push-pull control system in conjunction with the installation of the Model 212 type of tail rotor, within 100 hours' time in service after the effective date of the amendment for certain Bell Model 205A-1 helicopters only.

DATES: Effective date of the AD Amendment will be October 29, 1979. Compliance as prescribed in the body of the AD.

ADDRESSES: Bell service information may be obtained from Product Support Dept., Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101, or from the Chief, Engineering and Manufacturing Branch, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number (817) 624-4911, extension 518.

SUPPLEMENTARY INFORMATION: This amendment changes Amendment 39-2640 (41 FR 23939), AD 76-12-07, which currently requires at 25-hour intervals, repetitive inspections of the Bell Models 204B and 205A-1 helicopter tail rotor control chain, P/N 204-001-739-3. Because of an in-flight failure of the

chain and because of other possible chain failures and cracked chain links, a notice was published in 44 FR 40649 on July 12, 1979, proposing to require repetitive inspections of the Bell Model 205A-1 tail rotor pitch control chains at 10 hour intervals and to require installation of the Model 212 type of tail rotor and the push-pull tail rotor control system in place of the cable and chain system, within 100 hours' time in service after the effective date of the amendment to Amendment 39-2640, AD 76-12-07. The amendment also provides for approval of equivalent means of modification and allows ferrying the aircraft for the modification work.

The Model 204B inspection interval and requirement is not affected by this amendment to Amendment 39-2640.

One comment was received in support of the proposal, but recommending a shorter inspection interval. This comment also noted the lack of service problems with the chain. No objections to the proposal were received.

Therefore, the amendment is adopted as proposed except that the effective date has been changed from September 28, 1979, to not less than 30 days after publication in the Federal Register. Additionally, an information statement has been added to paragraph (f) stating that removal of the chain and cable system and installation of the push-pull control system is required in conjunction with use of the Model 212 type of tail rotor.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending Amendment 39-2640 (41 FR 23939), AD 76-12-07 as follows:

§ 39.13 [Amended].

1. By revising the applicability statement to read as follows:

Applies to tail rotor pitch control chains, P/N 204-001-739-3, installed on all Bell Model 204B helicopters and on Bell Model 205A-1 helicopters, S/N 30001 through 30228, certificated in all categories (Airworthiness Docket No. 76-SW-19).

2. By revising the compliance statement to read as follows:

Compliance required for Model 204B helicopters within 25 hours' time in service after July 19, 1976, and thereafter, at intervals not to exceed 25 hours' time in service from the last inspection.

Compliance required for Model 205A-1 helicopters within 10 hours' time in service after October 29, 1979, and

thereafter, at intervals not to exceed 10 hours' time in service from the last inspection, until Bell Service Bulletin 205-78-5 dated May 16, 1978, is incorporated per paragraph (f) of this AD.

3. By revising paragraph (f) to read as follows:

Within 100 hours' time in service after October 29, 1979, modify Bell Model 205A-1 aircraft in accordance with Bell Service Bulletin 205-78-5 dated May 16, 1978, as appropriate. This, in part, requires removal of the chain and cable control system and installation of the push-pull control system in conjunction with use of the Model 212 type of tail rotor.

4. After paragraph (f), add new paragraphs (g) and (h) as follows:

(g) Aircraft may be flown in accordance with FAR 21.197 to a location where modification required by paragraph (f) of this AD may be accomplished.

(h) Equivalent means of compliance with paragraph (f) of this AD may be approved by Chief, Engineering and Manufacturing Branch, FAA, Southwest Region, Fort Worth, Texas.

This amendment becomes effective October 29, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89).

Issued in Fort Worth, Texas, on September 12, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29823 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 79-ASW-25; Amdt. 39-3572]

Airworthiness Directives; Bell Models 204B, 205A-1, and 212 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an initial and then repetitive inspections at 2400-hour intervals and corrosion protection and sealing of the main rotor yokes on Bell Models 204B, 205A-1, and 212 helicopters. The AD is needed to detect or preclude possible cracks as a result of corrosion or damage in the main rotor yoke which could result in a crack and failure of the yoke and loss of the main rotor blade. The AD is prompted by several cases of

cracked main rotor yokes found on Bell Models 205A-1 and 212 helicopters.

DATES: Effective October 31, 1979. Compliance schedule as prescribed in the AD.

ADDRESSES: The applicable maintenance manual revisions may be obtained from Publication Distribution, Logistics Department, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101, or from the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number (817) 624-4911, Extension 516.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring, for Bell Models 204B, 205A-1, and 212 helicopters, inspections for cracks, corrosion, a sharp radius, or mechanical damage on the yoke and requiring specific corrosion protection and sealing of certain yokes before December 1, 1979, or before attaining 1000 hours' time in service as specified in the AD as published in 44 FR 42219 dated July 19, 1979. The inspections and corrosion protection would be required, thereafter, at intervals not to exceed 1000 hours from the last inspection. Repair limits for the yoke, specified in the overhaul manuals, would also be imposed by the AD.

The proposal was prompted by several reports of cracks occurring in the main rotor yokes of Models 205A-1, and 212 helicopters as a result of corrosion pits or surface marks or damage in the main rotor yoke. Bell Helicopter Textron issued Service Bulletin Nos. 204-79-6, 205-79-8, and 212-79-14 to establish improved corrosion protection and sealing of the main rotor yokes for the Bell Models 204B, 205A-1, and 212 helicopters. Cracked or corroded main rotor yokes may exist or develop on other Bell Models 204B, 205A-1, and 212 helicopters which could result in failure of the yoke and loss of the main rotor blade.

Interested persons have been afforded an opportunity to participate in the making of the amendment. An operator and a foreign agency requested that subsequent inspection and sealing be accomplished at 1200 or 2400 hour intervals. Bell Helicopter Textron requested that the interval be 2400 hours

to agree with a maintenance manual revision. The foreign agency suggested a calendar time interval may be appropriate. Therefore, the 1000-hour interval has been changed to a 2400 hour interval in the adopted rule. Bell also requested editorial changes to improve definition of the areas requiring inspection and to note sealing is a part of the maintenance manual procedures incorporated in the AD. Bell requests for editorial changes were honored in part by changes to paragraphs (b)(1) and (2), (c) and (d). A sharp radius was also changed to a radius less than .050-inch. Bell Helicopter Textron requested the FAA require initial compliance for all affected helicopter yokes by December 1, 1979, as provided by the Bell Service Bulletins. Based on the service information contained in the Notice (44 FR 42219) the FAA believes compliance as stated in the proposal will maintain airworthiness of the helicopters but acknowledges compliance by December 1, 1979, would be prudent for certain helicopter operators.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Bell. Applies to Models 204B, 205A-1, and 212 helicopters, certificated in all categories equipped with main rotor hub assembly, P/N 204-012-101 and yoke assembly, P/N 204-011-102 (Airworthiness Docket No. 79-ASW-25).

For main rotor yokes having 500 hours or more total time in service on the effective date of this AD, compliance required prior to December 1, 1979, unless already accomplished, and thereafter at intervals not to exceed 2400 hours from the last inspection.

For main rotor yokes having less than 500 hours' total time in service on the effective date of this AD, compliance required prior to attaining 1000 hours' total time in service and thereafter, at intervals not to exceed 2400 hours from the last inspection.

To detect and preclude corrosion and possible cracks in the main rotor yoke, accomplish the following:

(a) Remove the yoke assembly from the main rotor hub assembly.

(b) Conduct the following inspections:

(1) Inspect yoke for corrosion pits, scratches, and damage in the pillow block bushing hole, in each spindle radius, and yoke web section and for a radius less than .050 inch in the bottom of the pillow block bushing holes by using a five power or higher magnifying glass.

(2) Inspect the yoke for cracks using a magnetic particle inspection method. Note: Special attention should be directed to the center section web, spindles, radius, and pillow block bushing holes.

(c) Remove corrosion pits, repair, refinish, and seal the yoke as prescribed by Model 212 Component Repair and Overhaul, Revision 4, Chapter 65 or Revision 12, Model 204B Maintenance and Overhaul Manual, or Revision 1, Model 205A-1 Component Repair and Overhaul Manual.

(d) Replace yokes having a crack, a radius less than .050 inch in a pillow block bushing hole, or that exceed repair limits specified in the appropriate model maintenance or repair and overhaul manual, with a serviceable yoke, before further flight. The serviceable yoke must have been refinished and sealed as prescribed by Model 212 Component Repair and Overhaul, Revision 4, Chapter 65 or Revision 12, Model 204B Maintenance and Overhaul Manual or Revision 1, Model 205A-1 Component Repair and Overhaul Manual.

(e) Equivalent means of compliance with this AD may be approved by Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

(f) The helicopter may be flown in accordance with FAR 21.197 to a base where inspections and repairs can be performed.

(g) Upon request of the operator, an FAA maintenance inspector subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region, may adjust the repetitive inspection intervals specified in this AD if the request contains data justifying the increase.

This amendment becomes effective October 31, 1979.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89).

Issued in Fort Worth, Texas, on September 13, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29871 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 79-ASW-19; Amdt. 39-3568]

Airworthiness Directives; Brantly Models B-2, B-2A, and B-2B Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts an amendment to an existing airworthiness directive (AD 68-4-4) applicable to Brantly Models B-2, B-2A, and B-2B helicopters by limiting the AD to certain design tail rotor blades and to extend to 300 hours the inspection interval for the new improved strength tail rotor blades, P/N 111-11A, that use the spar, P/N D1783. Helicopters certificated in all categories are also included in the applicability statement of the AD. This

amendment is needed to include restricted category helicopters and to recognize use of the new improved strength blades.

DATES: Effective date of the AD will be October 28, 1979. Compliance as prescribed in the AD.

ADDRESSES: Brantly service information may be obtained from Brantly-Hynes Helicopter, Inc., Box 697, Frederick, Oklahoma 73542 or from the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number (817) 624-4911, Ext. 516.

SUPPLEMENTARY INFORMATION: A proposal was published in 44 FR 37628 on June 28, 1979, to amend Amdt. 39-557 (33 FR 3371), AD 68-4-4 by specifying in the compliance statement a 100-hour inspection interval for blades, P/N 111-11 (spar, P/N 109), and a 300-hour inspection interval for blades, P/N 111-11A (spar, P/N D1783), on Brantly Models B-2, B-2A, and B-2B helicopters and by including helicopters certificated in all categories in the applicability statement. The FAA had determined that new design tail rotor blades, P/N 111-11A, should be noted in the AD and may be inspected at 300-hour intervals.

Amendment 39-557, AD 68-4-4 presently requires prior to flight after February 27, 1968, inspection and replacement where necessary of all Brantly tail rotor assemblies having 100 or more hours' time in service and requires repetitive inspections thereafter at 100-hour intervals.

The AD is also being further amended to reflect that the FAA Southwest Region, and not the FAA Central Region, is the current region responsible for Brantly type designs.

Interested persons have been afforded an opportunity to participate in the rule making. Brantly-Hynes Helicopter, Inc., supported the proposal and no other comments were received. Accordingly, the proposal is adopted without change. It is noted the 300-hour inspection interval for new design tail rotor blades is a relaxation of the inspection interval for these blades. Therefore, this interval for these blades may be used after August 15, 1979, as specified in the proposal.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator,

Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending Amendment 39-557 (33 FR 3371), AD 68-4-4 as follows:

1. Revise the applicability statement to read as follows: Applies to Model B-2, B-2A, and B-2B helicopters, certificated in all categories (Airworthiness Docket No. 79-ASW-19).

2. Revise the compliance statement to read as follows: For tail rotor blades, P/N 111-11, with 100 or more hours' time in service after February 27, 1968, compliance required prior to further flight, unless already accomplished, and, thereafter, at intervals not to exceed 100 hours' time in service from the last inspection. For tail rotor blades, P/N 111-11A, with 300 or more hours' time in service after August 15, 1979, compliance required prior to further flight, unless already accomplished, and, thereafter, at intervals not to exceed 300 hours' time in service from the last inspection.

3. Revise paragraph (a)(2) to delete phrase: "... FAA, Central Region, Kansas City, Missouri ..." and add phrase: "... FAA, Southwest Region, Fort Worth, Texas 76101."

This amendment becomes effective October 28, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

Issued in Fort Worth, Texas, on September 12, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29822 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-WE-25-AD; Amdt. 39-3576]

Airworthiness Directives; Lockheed L-1011 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires incorporation of an elevator drive system jam warning system and exterior visual checks of the elevator/stabilizer surface positions which are required until the warning system is installed and is operational on all aircraft of each operator's L-1011 fleet. This AD is necessary to provide a warning to the flight crew of an occurrence of a potentially hazardous jam in the elevator drive system prior to takeoff, and thus prevent takeoff with a

possible jammed elevator drive system on the horizontal stabilizer of the primary pitch control system which can result in degradation of the airplane controllability.

DATES: Effective October 11, 1979. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Department 63-11, U33, B-1.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or
Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION:

Degradation of L-1011 aircraft controllability, during two separate incidents in 1977, resulted from jamming of the elevator drive system during the preflight controls check. The deterioration of the functional integrity of the upper and lower bearings in the elevator drive system quadrant unit was identified as the cause of the above two jams. The airworthiness directive (AD) 77-18-07, which has been accomplished throughout the L-1011 fleet, has eliminated the factors contributing to the deterioration of the bearings in the quadrant unit of the elevator drive system and provided an optional "fail-safe" journal bearing.

FAA requested the Lockheed-California Company to conduct a review of the elevator drive system to show whether the L-1011 does possess an inherent capability for continued safe flight and landing when experiencing an elevator drive system jam at any trailing edge position for possible cause(s) other than the above deterioration of the quadrant bearings. Specifically, FAA stated to Lockheed: "Since the conduct of the preflight controls check is a normally encountered operating procedure, the elevator drive system must comply with the requirements of the FAA Special Conditions No. 25-27-WE-6, Special Airframe Condition No. 1, Control System."

Lockheed reviewed the elevator drive system and concluded that the airplane is controllable with an elevator jammed at any angle normally encountered in flight. However, this conclusion was not considered to be valid for an elevator jam at angles normally encountered during the preflight control system check. Results of further analysis covering the conditions of elevator jams at extreme angles, which theoretically could occur during this preflight check, indicated that in extreme cases such a jam could cause serious pitch control problems. The modifications in the elevator drive system required by AD 77-18-07 have improved the integrity and reliability of this system. However, extreme improbability of an elevator jam was not established for certain specific failures in the system as well as arbitrary insertion of a foreign object into the elevator drive system at specific locations, which are conditions encompassed by the referenced special condition. The manufacturer has elected to show compliance with the above FAA Special Condition by proposing an elevator drive system jam warning system which would inform the flight crew of an occurrence of an elevator jam and which would permit a timely pilot action(s) to prevent takeoff, i.e., a jammed elevator system is indicated by an intermittent aural warning and is annunciated with a specific elevator identification light prior to start of the takeoff roll.

In consideration of the above, the FAA is requiring the incorporation of the elevator drive system jam warning system for all of the L-1011-385-1, L-1011-385-1-14, and L-1011-385-1-15 series aircraft. The Model L-1011-385-3 includes the elevator drive system jam warning system in its type design. Exterior visual checks of the elevator/stabilizer surface positions are required until the system is installed and is operational on all aircraft of each operator's L-1011 fleet. The exterior visual check of the elevator/stabilizer surface positions is considered to constitute an adequate means of detecting an elevator drive system jam prior to takeoff, pending installation and operation of the warning system throughout the L-1011 fleet.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

Lockheed-California Company. Applies to all L-1011-385-1, L-1011-385-1-14, and

L-1011-385-1-15 series airplanes certificated in all categories.

Compliance required as indicated. To provide a warning to the flight crew of an occurrence of a potentially hazardous jam in the elevator drive system prior to takeoff, and thus prevent takeoff with a possible jammed elevator drive system on the horizontal stabilizer of the primary pitch control system which can result in degradation of the airplane controllability, accomplish the following:

(a) Within the next ten (10) days after the effective date of this AD, unless the elevator drive system jam warning system of paragraph (b) is installed and is operational on all aircraft of each operator's fleet, initiate the following check program:

(1) Prior to each takeoff, conduct an exterior visual check of the elevator/stabilizer surface positions after the full aft controls check and with the control column full forward to assure there is no obvious discrepancy between elevator positions. The pilot-in-command shall be informed of the results of this check.

Note.—This check can be accomplished with any one single hydraulic system pressurized by any main hydraulic system pump.

(2) If obvious discrepancy is noted, correct prior to further flight.

(3) No further full aft control column movement may be performed prior to takeoff. A placard must be installed in the flight station in full view of the pilot to inform the pilot of the requirements of this subparagraph.

(b) On or before July 1, 1981, unless already accomplished, install the elevator drive system jam warning system in accordance with FAA approved Lockheed-California Company Service Bulletin 093-27-174, dated August 3, 1979. The visual exterior checks of paragraph (a), above, may be discontinued upon installation and operation of the warning system on all aircraft of each operator's L-1011 fleet.

(c) All elevator surface jam conditions indicated by the warning system of paragraph (b) must be corrected prior to further flight.

(d) If the elevator drive system jam warning system is not fully operative prior to initiation of flight operations, the aircraft may be allowed to dispatch provided the visual exterior check of paragraph (a) is accomplished.

(e) Alternative checks, installations or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective October 11, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Issued in Los Angeles, California on September 14, 1979.

William R. Krieger,
Acting Director, FAA Western Region.

(FR Doc. 79-29670 Filed 9-26-79; 8:45 am)
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-SO-57; Amdt. No. 39-3573]

Airworthiness Directives; Piper PA-31 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires that 12 volt cigar-lighter circuits in certain Piper PA-31 series airplanes be disconnected at the circuit breaker. The AD is prompted by reports of an electrical circuit condition which has resulted in smoke in the cockpit.

DATES: Effective October 2, 1979.

Compliance is required within the next 25 hours of time in service or 30 days, whichever occurs first, after the effective date of this AD unless already accomplished.

ADDRESSES: The Rules Docket is located in Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Whipple Street, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT: Clarence W. Kaiser, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20638, Atlanta, Georgia 30320, telephone (A/C 404) 783-7407.

SUPPLEMENTARY INFORMATION: There have been three reports of failures in the cigar lighter electrical circuit resulting in smoke in the cockpit of certain Piper PA-31 series airplanes which use 12 volt cigar lighters powered through a voltage dropping resistor network. These failures did not trip the circuit breaker. Since this condition is likely to exist on other airplanes of the same type design, an Airworthiness Directive is being issued which requires disconnecting the cigar lighter circuit on certain Piper PA-31 series airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation

Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive (AD):

Piper Aircraft Corporation: Applies to the following Piper Models of airplanes, equipped with three 12 volt cigar lighters powered through a triplet of voltage dropping resistors, certificated in all categories: PA-31 and PA-31-325, S/N 31-7712074 through 31-7912098 and PA-31-350, S/N 31-7752096 through 31-7952197.

Compliance is required within the next 25 hours time in service or 30 days, whichever occurs first, after the effective date of this AD unless already accomplished.

To prevent smoke in the cockpit, accomplish the following:

a. For Models PA-31 and PA-31-325, S/N 31-7712074 to, but not including, 31-7912001, and PA-31-350, S/N 31-7752096 to, but not including, 31-7952001; disconnect wire CIG-1 from the 7 amp circuit breaker located at the voltage dropping resistor assembly under the instrument panel or disconnect wire CIG-1A from the 15 amp "Heater and Cigar Lighter" circuit breaker located on the pilot's circuit breaker panel.

b. For Models PA-31 and PA-31-325, S/N 31-7912001 through 31-7912098, and PA-31-350, S/N 31-7952001 through 31-7952197, except 31-7952191, 31-7952193, 31-7952195; disconnect wire CIG-1 from the 7 amp "Lighter" circuit breaker located on the pilot's circuit breaker panel.

c. After disconnection, protect the wire by insulating its disconnected end and fold the wire end back against itself or the bundle in which it is routed and secure it.

Compliance with the provisions of this Airworthiness Directive may be accomplished in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

This amendment is effective October 2, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 28, 1979).

Issued in East Point, Georgia, on October 2, 1979.

Louis J. Cardinali,
Director, Southern Region.

(FR Doc. 79-29624 Filed 9-26-79; 8:45 am)
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-GL-44]

Designation of Federal Airways Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate controlled airspace near North Lima, Ohio to accommodate a new Very High Frequency Omni-directional Range (VOR) instrument approach into Youngstown Elser Metro Airport, North Lima, Ohio established on the basis of a request from the Elser Metro Airport officials to provide that facility with instrument capability.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200 feet above ground to 700 feet above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 42224 of the Federal Register dated July 19, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at North Lima, Ohio. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposal Rule Making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 29, 1979, as follows:

In Section 71.181 (44 FR 442) the following addition should be made to the existing transition area:

North Lima, Ohio

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius area of the Youngstown Elser Metro Airport (latitude 40°57'30" N, longitude 80°40'30" W), within 2.5 miles each side of the Akron, Ohio VORTAC 110° radial extending from the 5.5 mile radius area to 7 miles northwest of the airport excluding that portion that coincides with the Youngstown, Ohio transition area.

(Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-44, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 19, 1979.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 79-29821 Filed 9-26-79; 9:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

(Airspace Docket No. 79-GL-41)

Designation of Federal Airways Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate controlled airspace near Flora, Illinois to

accommodate a new Non-Directional Radio Beacon (NDB) Runway 21 instrument approach into Flora Municipal Airport, Flora, Illinois established on the basis of a request from the Flora Airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-4500, extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200 feet above ground to 700 feet above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 42226 of the Federal Register dated July 19, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Flora, Illinois. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 29, 1979, as follows:

In § 71.181 (44 FR 442) the following addition should be made to the existing transition area:

Flora, Illinois

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Flora Municipal Airport (FOA) (latitude 38°39'55"N, longitude 88°27'10"W), and within 3 miles each side of the 042° bearing from the FOA NDB, extending from the 5-mile radius to 8 miles NE of the NDB. (Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-41, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 19, 1979.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 79-29868 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

(Airspace Docket No. 79-GL-42)

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Gaylord, Michigan to accommodate a relocation of the Gaylord Very High Frequency Omnidirectional Range (VOR) and revised instrument approach procedures into the Otsego County Airport, Gaylord, Michigan.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this

approach procedure in instrument weather conditions and other aircraft operating under visual conditions. The floor of the controlled airspace will be lowered from 1200 feet above the surface to 700 feet for a distance of approximately one mile beyond that now depicted. The development of the revised procedure necessitates the FAA to alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 42222 of the Federal Register dated July 19, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Gaylord, Michigan. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 29, 1979, as follows:

In § 71.181 (44 FR 442) the following transition area is amended to read:

Gaylord, Michigan

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Otsego County Airport, Gaylord, Michigan (latitude 45°01'00" N; longitude 84°41'45" W) and within an 8.5 mile radius of the Gaylord (GLR) VORTAC (latitude 45°00'45.3" N; longitude 84°42'14.5" W) and 4.0 miles south and 4.0 miles north of the 282° true radial of the GLR VORTAC extending from the 8.5 mile radius out to 13.0 miles, and within 5.0 miles north and 5.0 miles south of the 274° true bearing of the Alpine (ALV) NDB (latitude 45°04'58" N; longitude 83°33'25" W) extending from the 8.5 mile radius out to 13.0 miles.

(Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

The Federal Aviation Administration has determined that this document involves a regulation which is not

significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-42, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 19, 1979.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 79-29869 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

(Airspace Docket No. 79-ASW-23)

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area: Lufkin, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Lufkin, Tex. The intended effect of the action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Lufkin Angelina County Airport. The circumstance which created the need for the action is the proposed establishment of a nonfederal partial instrument landing system (ILSP) to Runway 07.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On July 12, 1979, a notice of proposed rulemaking was published in the Federal Register (44 FR 40652) stating that the Federal Aviation Administration proposed to alter the Lufkin, Tex., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No objections were received to the proposal. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Lufkin, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Lufkin Angelina County Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) is amended, effective 0901 GMT, November 29, 1979, as follows:

In Subpart G, § 71.181 (44 FR 442) the Lufkin, Tex., transition area is altered to read as follows:

Lufkin, Tex.

That airspace extending upward from 700 feet above the surface within 8.5 miles of the Angelina County Airport (Latitude 31°14'05" N, Longitude 94°45'00" W) and within 8 miles east and 5 miles west of the Lufkin VOR 157° radial extending from the VOR to 12 miles southeast and within 3.5 miles either side of the 255° bearing from the LOM (Latitude 31°13'06.92" N, Longitude 94°49'31.52" W), extending 11.5 miles west of the LOM.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on September 13, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29826 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-EA-23]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points, Designation of Transition Area: Clarion, Pa.**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This amendment designates a Clarion, Pa., Transition, over Clarion County Airport, Clarion, Pa. A new VOR-A approach procedure has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Charles J. Bell, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a new transition area. The rule resulted from the development of a new instrument approach for the airport. On page 39191 of the Federal Register for July 5, 1979, the FAA published a proposed amendment to designate the subject transition area. Interested parties were given time in which to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT November 29, 1979, as published.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Clarion, Pa. 700-foot floor transition area as follows:

"That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Clarion County Airport (41°13'38" N., 79°26'30" W.)."

(Section 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

Issued in Jamaica, New York, on September 12, 1979.

Brian J. Vincent,
Acting Director, Eastern Region.

[FR Doc. 79-29625 Filed 9-26-79; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of the Assistant Secretary for Community Planning and Development****24 CFR Part 510**

[Docket No. R-79-708]

Section 312 Rehabilitation Loan Program; Interim Rule

AGENCY: Housing and Urban Development/Office of the Assistant Secretary for Community Planning and Development.

ACTION: Interim rule.

SUMMARY: The Secretary is amending the Section 312 Rehabilitation Loan Program regulations to redefine when personal liability is required in the case of corporate or partnership borrowers in connection with a Section 312 loan. In lieu of explicitly requiring personal liability of all corporate chief executives, as previously required, this amendment gives officials approving loans the option of requiring personal liability in the case of a corporate borrower where necessary to make the loan an acceptable risk. In the case of the borrower being a partnership, personal liability will still be required in all cases.

EFFECTIVE DATE: October 17, 1979.
Comments due: November 28, 1979.

FOR FURTHER INFORMATION CONTACT: Craig Nickerson, Director, Rehabilitation Management Division, Department of Housing and Urban Development, 451 Seventh St., SW., Room 7162, Washington, D.C. 20410, Telephone Nr. Area Code 202, 755-5973.

SUPPLEMENTARY INFORMATION: There are no comprehensive published regulations for the Section 312 Rehabilitation Loan Program authorized by Section 312 of the Housing Act of 1964, as amended. On April 11, 1979, the Department published an interim rule implementing certain 1978 legislative amendments to Section 312. The interim rule specified in § 510.105(h) that on all Section 312 loans to corporate borrowers or partnerships, the Chief Executive Officer of the corporation and each partner of a partnership must assume personal liability for the loan in

addition to the security provided by the mortgage of the property.

This requirement has discouraged and effectively prevented the submission of loan applications from corporate borrowers in cases where personal liability is not normally required by operation of state law and is neither necessary nor appropriate for the determination of acceptable risk required under Section 312(a)(3) in connection with making Section 312 loans.

This rule eliminates the requirement for personal liability in the case of a corporate borrower except in cases where it is determined by the approving officials to be necessary for the finding of acceptable risk. In view of the urgency in facilitating approval of loan applications involving corporate borrowers in rehabilitation efforts, the Secretary has determined that notice and public procedure with respect to this rule is impractical and contrary to the public interest.

A finding of inapplicability with respect to environmental impact has been prepared in accordance with Procedures for Protection and Enhancement of Environmental Quality. A copy of this finding is available for inspection and copying in the Office of the Rules Docket Clerk at the above address.

Accordingly, 24 CFR, Part 510 is hereby amended by replacing the existing § 510.105(h) with the new § 510.105(h) which reads as follows:

PART 510—SECTION 312 REHABILITATION LOAN PROGRAM**§ 510.105 [Amended]**

(h) * * *

(1) In cases in which a corporation is a borrower on a Section 312 loan, the Area Manager or his designee, or the approving officer where a locality has local Section 312 loan approval authority, may require an officer of the corporation or a principal stockholder to personally guarantee the Section 312 loan or to cosign the loan note as a borrower, where necessary to make the finding of acceptable risk required under Section 312(a)(3) for approval of the loan.

(2) All partners of any partnership which is a borrower on a Section 312 loan shall be personally liable for repayment of the Section 312 loan. Limited partners shall assume personal liability by co-signing the loan note as a borrower or by personally guaranteeing the loan.

(3) Any personal guarantee or endorsement shall not relieve the

partnership or corporate borrower from securing the Section 312 loan by a mortgage or deed of trust on the property to be rehabilitated.

(Sec. 312 of the United States Housing Act of 1974 (42 U.S.C. 1452b), and sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., August 28, 1979.

Walter G. Farr, Jr.,
Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 79-29963 Filed 9-26-79; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF DEFENSE**Department of the Air Force****32 CFR Part 802****Air Force Technical Order System**

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by adding a new Part 802 to Subchapter A of 32 CFR, consisting of §§ 802.0 through 802.27. The new part establishes and explains the Air Force Technical Order (TO) System, describes the devices and data to be included in a TO, and assigns basic responsibilities. It applies to all Air Force activities procuring, developing, managing, or using publications in the TO System. This part implements DOD Instruction 4151.9, January 7, 1975, and supersedes Air Force Regulation 8-2, November 23, 1971.

EFFECTIVE DATE: June 6, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. W. J. Stiegmann, phone: (202) 697-1525.

SUPPLEMENTARY INFORMATION: Chapter VII, Title 32 of the Code of Federal Regulations is revised by adding Part 802 to Subchapter A—Administration. This part deletes software from the technical order system, expands policy guidance on the use of TOs at the job site; explains terms; adds policy on changes in data support for new series of aircraft or equipment; states policy regarding exclusion of TOs from the Freedom of Information Act; describes new two-step TO verification concept; corrects security review requirements; adds AFTO Forms 22 report guidance; adds base DA as storage and issue agency; adds AFTEC responsibilities; corrects office symbols; and other minor changes.

Title 32 of the Code of Federal Regulations is amended by adding a new Part 802 to read as follows:

Part 802—Air Force Technical Order System.

Sec.
802.0 Purpose.

Subpart A—General Provisions

802.1 Applicability of TO system.
802.2 Air Force policy.
802.3 Terms explained.
802.4 Recommending improvements.

Subpart B—Explanation of TO System

802.5 General information.
802.6 Types of TOs.
802.7 Procuring material for TOs.
802.8 TOs for training.
802.9 Specifications and standards.
802.10 Joint procurement and use of other departmental publications.
802.11 Use of commercial instructions.
802.12 Budgeting and funding for TOs.
802.13 Revisions, changes, and supplements.
802.14 Security classification.
802.15 Distribution of TOs.
802.16 Technical manual cost information.

Subpart C—TO System Council

802.17 Composition and purpose of the council.
802.18 Method of Operation.

Subpart D—HQ USAF and Command Responsibilities

802.19 HQ US Air Force.
802.20 HQ Air Force Systems Command.
802.21 HQ Air Force Logistics Command.
802.22 HQ Air Training Command.
802.23 HQ Air Force Communications Service.
802.24 HQ Air Force Test and Evaluation Center.
802.25 Major Commands and Separate Operating Agencies.
802.26 Charter for the USAF Technical Order system council.
802.27 Specifications and standards application record.

Authority: 10 U.S.C. 8012.

Note.—This part is derived from Air Force Regulation 8-2, June 6, 1979.

Part 806 of this Chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 802.0 Purpose.

This part establishes and explains the Air Force Technical Order (TO) System, describes the devices and data to be included in a TO, and assigns basic responsibilities. It implements DOD Instruction 4151.9, January 7, 1975. It applies to all Air Force activities procuring, developing, managing, or using publications in the TO system.

Subpart A—General Provisions.**§ 802.1 Applicability of TO system.**

The Air Force TO system is the only official medium for disseminating technical information, instructions, and safety procedures for the operation, installation, maintenance, and production or retrofit modification of Air Force equipment and materials. The following are excluded from the TO system:

(a) Contractor-operated experimental equipment, designed specifically for research purposes.

(b) The operation and maintenance of real property (RP) or real property installed equipment (RPIE), as defined in AFM 93-1 and AFR 400-41. However, all Air Force personnel must comply with TOs applicable to centrally procured and managed equipment, and those issued for equipment or systems interfacing with AFM 66-1 and AFR 66-5 (for example, TO 37-1-1 for fuel dispensing systems).

(c) The Air Force stocklist publications system, specified in AFR 72-8.

(d) Subjects more suitable for coverage in standard publications, as identified in AFR 5-1.

(e) Development program manuals (see § 802.3(c)).

(f) Computer programs and documentation managed according to AFR 800-14 and the 300-series regulations. However, computer program operator's manuals designated in the applicable Computer Resources Integrated Support Plan (CRISP) for Air Force Logistics Command (AFLC) management, are managed in the TO system.

(g) Equipment to be maintained by the manufacturer over its life cycle.

(h) Nonstandard cryptologic equipment operated, maintained, and managed by HQ US Air Force Security Service (USAFSS).

(i) Other forms of technical data specifically excluded by authority of HQ USAF.

§ 802.2 Air Force policy.

All Air Force systems and equipment except those excluded by § 802.1, will be operated and maintained according to the procedures described in TOs. For conditions under which TO compliance may be waived, see TO 00-5-1.

(a) Specific TOs, including Job Guide Manuals, that prescribe procedures for a repair or servicing action will be available at the job site; however, general-type TOs need not be at the job site. The TOs will be reviewed for familiarization with latest procedures, adjustment tolerances, and so forth, and

will then be referred to, as required, to ensure the accomplishment of the task, according to the TO. Appropriate 11N Series TOs must be referred to during the maintenance of nuclear weapons. Specific TOs will take precedence over general-type TOs. Major commands may, at the LGM (or equivalent) level, provide further definition of a job site for specific situations, or may delegate this authority to the unit DCS for maintenance (or equivalent). In defining the job site, the TOs must be readily available to personnel accomplishing work. For example, TOs in the maintenance office or library cannot be considered as available on the flight line or missile job site.

(b) TOs, or portions of TOs, published as checklists or inspection workcards must be referred to during the operation and maintenance of systems or equipment. Items on workcards will be referred to as the step is accomplished, and items on checklists will be performed in the prescribed sequence. AFR 60-9 establishes policy for exceptions to this rule, in the use of flight manual (-1) checklists during aircraft emergency operations. Further, in the case of munitions loading checklists (-16 and -33) several nondependent tasks, such as aircraft preparation and munitions preparation, may be performed simultaneously, as set forth in TO 00-5-1.

(c) The management of the TO system includes exploring and adopting promising new techniques and technology for technical data format and presentation; determining TO requirements, material content, and distribution procedures; printing and funding.

(1) Approval actions will be taken by technically qualified personnel at the highest level, consistent with good management.

(2) Major command (MAJCOM) and separate operating agency (SOA) headquarters will ensure that subordinate activities comply with TOs 00-5-1, 00-5-2, and 00-5-15.

(3) Annual inspections will be conducted to ensure the effective and economical operation of the TO system.

(4) Requirements for TOs and associated data are placed on contract according to AFR 310-1.

(5) Using commands will not supplement TOs, except as specifically authorized by TO 00-5-1.

(6) TOs and associated data will be printed according to AFR 6-1.

§ 802.3 Terms explained.

The following terms are explained for use in the TO system.

(a) Commercial Publications. Commercial publications contain technical information on the assembly, installation, operation, servicing, disassembly, overhaul, reassembly, and parts identification. These publications are manuals, booklets, or like data that are furnished by manufacturers to purchasers of their products.

(b) Contractor Data. Data relating to equipment designed specifically for the Air Force. It differs from commercial-type data, in that equipment and data are not available nor used on the commercial market. Contractor data usually consists of documents, pamphlets, or instructions, and contains technical information. This data may consist of, but is not limited to, specifications, schematics, wiring diagrams, drawings, checklists, and other data.

(c) Development Program Manuals (DPMs). Organized groupings of procedural support data by system, subsystem, or end item. DPMs are used by contractors, HQ Air Training Command, or Air Force test personnel during such programs as research and development prototype evaluation, and full scale development programs. DPMs provide information on assembly, installation, operation, maintenance, and procedures for explosive ordnance disposal and rendering the ordnance safe.

(d) Formal Technical Orders. Military specification TOs that have been sufficiently verified to make them usable for operation and maintenance. They may be fully verified, or when used under the two-step verification concept, they may be partially verified with only the safety and essential verifications accomplished. Until they are fully verified, they shall contain a verification status page, identifying those functions that have not been verified.

(e) Format Requirements. Configuration and text layout of TOs as prescribed in TO military specifications.

(f) Integrated Loading Manuals and Checklists. Manuals and checklists covering munition-loading configurations, consisting of two or more different types without regard to whether the munitions are nuclear or nonnuclear.

(g) Partially Verified Technical Orders. Formal military specification TOs on which all safety and essential verifications have been completed and that are acceptable for use in the operational environment. They are marked "Partially Verified" on the cover page and will include a verification status page, to identify unverified procedures.

(h) Preliminary Technical Orders. TOs reproduced in limited quantities, for use to test and verify maintenance and operation procedures, and for initial training purposes. They may be in any form, including manufacturers' in-house manuals, repair or test data, and so forth.

(i) Technical Orders. Publications described in this part and TO 00-5-1, which are distributed according TO 00-5-2. TOs prescribe procedures for operating and maintaining Air Force systems/equipment. § 802.6 explains the types of TOs authorized.)

(j) Technical Order Management Agency (TOMA). The Air Force Systems Command (AFSC) or AFSC activity responsible for ensuring, during the acquisition period, that TOs for a specific system, item of equipment, or modification are prepared and delivered according to contractual requirements.

(k) TO Publication Plan. A contractor-prepared plan according to the terms of the contract and data item description outlining the general procedures, terms, and conditions governing the planning, selection, preparation, validation, verification, and delivery of TOs. It will identify requirements for training, maintenance, and operational support of the system or equipment being procured. The TO Publication Plan is managed by the procuring TOMA, and includes both contractor and organic planning. While generally not included in TO system, RPIE manuals may be included in the TO plan for scheduling and control purposes (see § 802.1(b)).

(l) TO Supplement. Subsidiary TOs issued to update or complement the information in basic TOs. The criteria for application of supplements are defined in TO 00-5-1.

(m) Technical Content. The statement of technical requirement or instruction contained in TOs.

(n) Training Support Data. Data used when referring collectively to contractor-prepared drawings, in-house documents, commercial manuals, procedural support data, development program manuals, or preliminary TOs that are to be obtained for HQ Air Training Command (ATC) training purposes.

(o) Two Step Verification. A concept used when verification cannot be completed in time to provide fully verified TOs with first delivered operational systems/or equipment. Preliminary TOs are used to accomplish safety and essential verifications. Then, formal military specification TOs are prepared with the cover page marked "Partially Verified," and a verification status page is used to identify unverified procedures. A verification organization

is named by each affected operating command, with System Manager concurrence, to complete nonsafety and nonessential verifications during a period not to exceed 2 years.

Management and distribution are according to TO 00-5-1 and 2, respectively, with the contractor responsible for correction of errors and deficiencies under warranty provisions.

(p) Validation. The process by which the contractor tests maintenance and operating procedures in the proposed TOs, for technical accuracy, adequacy, completeness, and compatibility with the requirement of the applicable military specifications. Validation is conducted at the contractor's facility or at the operational site, and entails the actual performance of operating and maintenance procedures. It includes configuration, inspection, circuit analysis, trouble shooting, checkout, calibration, alignment, fault isolation, removal, repair and replacement instructions, associated checklists, and computation of reading grade levels (RGL) according to MIL-M-38784 in conformance with RGLs specified by the procuring activity.

(q) Verification. The process (by which TOs are tested and proven by Air Force personnel under Air Force jurisdiction) to be clear, logical, and adequate for operating and maintaining associated equipment and for certifying that TOs are compatible with the pertinent hardware, tools, and support equipment. Verification consists of the actual performance of procedures by Air Force using command and testing personnel, in the operational environment, utilizing applicable maintenance instructions and checklist. Normally, initial technical orders are verified during Development Test and Evaluation (DT&E); however, verification may continue into Operational Test and Evaluation (OT&E) if necessary.

(r) Reading Grade Level (RGL). The level of reading commensurate with the reading capability of the target audience.

§ 802.4 Recommending improvements.

(a) The Air Force continually strives to improve format, presentation, and display techniques for use in the TO system. Duplicated efforts must be avoided in developing and preparing military specifications governing the format and technical content of TOs; developing procedures for joint usage of common data among the military departments (AFR 66-19); and developing and service-testing new techniques for data preparation and dissemination.

(b) All recommendations for improvements in the existing TO system, including proposals for new types of TOs or improvements in existing types, must be submitted by letter or message to HQ AFLC/LOLDT, Wright-Patterson AFB OH 45433, for review, comment, and submission to HQ USAF. When new techniques or new concepts requiring research and development (R&D) are identified, HQ AFLC must submit a Statement of Operational Need (SON) to HQ USAF for approval, according to AFR 57-1.

(c) Recommendations for specific TO improvements, corrections of errors, or omissions of a technical nature that prevent adequate performance of functions required for mission accomplishment, are reported according to TO 00-5-1, section VI.

(d) AFSC laboratories and program offices identifying requirements for new techniques or concepts must submit a study proposal with justification to HQ USAF/LEYE, for coordination and approval.

Subpart B—Explanation of TO System

§ 802.5 General information.

(a) Air Force instructions issued through the TO system are termed TOs. Each TO issued is identified by an assigned TO number. The detailed explanation of the TO system and its operation are covered by TOs 00-5-1, 00-5-2 and 00-5-15.

(b) A TO constitutes a military order, and is issued in the name of the Chief of Staff, USAF, and by order of the Secretary of the Air Force. Compliance with Air Force technical orders is mandatory. Noncompliance may result in court-martial or nonjudicial punishment under the Uniform Code of Military Justice, or administrative action according to AF regulations.

(c) Planning for TOs to support a system and associated equipment must begin during the earliest planning phases. Normally, this is during the conceptual and validation phases when technical publications are identified in gross design requirements. This is in the form of a TO publication plan. Technical publication coverage must agree with all other elements of the system such as maintenance concept, equipment, facilities, and personnel. To ensure comprehensive response to proposals, prospective contractors must be furnished as much detail as possible on these requirements. Many TO requirements are not defined until after the hardware is selected and the maintenance concept is analyzed. The bulk of the TOs required for a system fall into this category, and it is during

this period that final requirements are defined. TO requirements are established by HQ AFLC through the designated Air Logistics Center (ALC), in coordination with the program office, HQ ATC and the using commands or activities, and are in consonance with established Air Force maintenance and logistics support concepts and plans.

(d) Data acquired to support R&D on a new system, which is or could be applicable to the TO system, must be procured in a format that is readily expanded for publication, according to a military specification. This simplifies publication efforts, if TOs eventually require preparation according to military specification formats. When TOs are required, in addition to commercial data and engineering data for support of R&D programs, these manuals are developed to be equivalent to preliminary TOs. TO data must be delivered in the format prescribed by contractual and planning documents, before or concurrently with the delivery of equipment. Corrected preliminary TOs may be provided instead of formal TOs, according to § 802.7(h). All TO data procured must be according to military specifications or reviewed according to this part, to ensure that they provide sufficient detail to permit system support in the operational environment, through either the use of Air Force personnel or competitive contractor support.

(e) Policy for the sale and release of TOs is as follows:

(1) The Air Force must maintain a system for providing TOs to foreign governments who have purchased the system or equipment through the USAF or other US military departments. Controls must be established, to ensure that individual TOs are releasable to the requesting activity, that sanitization has been accomplished when necessary, and fees charged according to AFRs 400-3, 5-16, 12-32 (part 813 of this chapter) and interim TO price guidance.

(2) Other US government agencies must be provided TOs according to the provisions of AFR 66-19.

(3) Contractors and prospective contractors must be provided required TOs, necessary to accomplish an Air Force contract or to bid on an Air Force contract.

(4) TOs for specific systems and equipment in the USAF inventory must not be sold or released to the public. These TOs are an exploitable resource and due to high development costs are valuable Air Force property. As such, they are not to be considered "records," and are excluded from the provisions of the Freedom of Information Act (see part 806 of this chapter).

(5) The Air Force sells to the public: Methods and Procedures TOs, General TOs (such as welding or painting practices), and specific equipment TOs for those systems and equipments that are no longer in the USAF or Security Assistance (SA) Program countries' inventory. Fees must be charged according to Part 813 of this chapter. (These TOs are normally retained for a period of six years after the equipment phases out of USAF and SA program countries' inventories.)

(f) The assignment of a new series designator to a model of a system or equipment indicates a significant change in configuration. When this occurs, a separate set of basic or supplemental manuals must be procured. This refers to the basic TOs for the system or equipment (for example, the Flight/Operation Manual, the Organizational Maintenance Manuals, the Structural Repair Manual, illustrated Parts Breakdown and Inspection Requirements Manuals, or Workcards). Even though these publications may repeat information contained in the manuals for the previous series, presenting the information in separate or supplemental manuals makes it easier to understand and use, and simplifies the control of classified or restricted information. It also facilitates the inclusion of the changes and explanations, required as a result of numerous retrofit changes to the system and installed equipment.

(g) The narrative material of all TOs must be written at a reading grade level (RGL) commensurate with the capability of the target audience. The RGL applicable to each Air Force Specialty Code (AFSC) is identified in MIL-STD-1752 (USAF). Procuring activities must determine and notify contractors in advance of the RGL applicable to each manual. MIL-M-38784 prescribes the methodology for determining and validating the readability of TO narrative material. If the Overall Grade Level (OGL) is exceeded, the manuscript must be rewritten as required, to meet the RGL specified for the TO.

§ 802.6 Types of TOs.

Types of TOs authorized for issue are: (a) Technical Manual (TM). A TM contains instructions designed to meet the needs of personnel engaged or being trained in the operation, maintenance, service, overhaul, installation, and inspection of equipment and material. The TM may deal with specific aircraft, missiles, communications, electronics, and meteorological (CEM) systems and items of equipment, or may be a "General TO" dealing with a subject

area, such as welding or painting procedures, and so forth.

(b) Methods and Procedures Technical Order (MPTO). An MPTO is a TM that establishes policies and provides information and instructions on maintenance management or administration, configuration management, and so forth. Examples are all 00-5 series, most 00-20 series, 00-25 series, 00-35 series, and D-series publications.

(c) Time Compliance Technical Order (TCTO). A TCTO sets forth instructions for accomplishing a modification to equipment, performing or initiating special "one time" inspections, imposing temporary restrictions on aircraft flight, missile launch or usage of airborne, ground communications-electronics equipment, and support equipment. Policy and procedures for management of the TCTO system are in TO 00-5-15.

(d) Index (Type) TO. An index TO shows the status of all TOs, and provides personnel with a means of selecting needed publications. Examples are "Numerical Index and Requirement Table (NI&RT)," and "List of Applicable Publications (LOAPS)."

(e) Abbreviated TO. This is primarily a work-simplification device such as a checklist, inspection workcard, lubrication chart, or sequence chart.

(f) Preliminary TO. These TOs are prepared in a limited quantity to test and verify the procedures contained therein, against first text or early production models of the equipment for which procured. These TOs may be used for training purposes; however, they are not used for operation or maintenance by operating commands, except as set forth in § 802.7(h).

(g) Joint Nuclear Weapons Publications (JNWPs). These technical publications, which carry an Air Force TO 11N, 60N, or 60NR designator and also bear other Service, Defense Nuclear Agency (DNA), or Department of Energy (DOE) designators, are published under the provisions of a Memorandum of Understanding between the DOE and the Department of Defense. JNWPs are designed to preclude the necessity for issuance of separate Service, DNA, and DOE manuals on the same subject, which relate to nuclear ordnance and ancillary equipment in areas such as operation, maintenance, Explosive Ordnance Disposal (EOD), supply, transportation, safety, and stockpile accounting. The JNWPs system is managed by Field Command Defense Nuclear Agency for the Department of Defense in coordination with the DOE. The HQ AFLC Albuquerque office performs the function of Air Force executive agent for JNWPs, as directed

by a Department of the Air Force letter, and must staff, coordinate, and approve these publications for the Air Force.

§ 802.7 Procuring material for TOs.

Material for preparing TOs to support a new system is procured on a time-phased schedule. This schedule is formally imposed on contractors to meet the requirements for acquisition, review, validation, verification, and delivery to the operating unit, concurrent with the delivery of the hardware.

(a) While the TO is in preparation, the Air Force must conduct in-process reviews to furnish detailed guidance to the contractor and to evaluate his or her progress and understanding of contractual requirements.

(b) Preliminary TOs may be produced to meet special training requirements, only when it is in the best interest of the Air Force from the standpoint of economy and timely development of a personnel system. Preliminary and formal TOs are developed and delivered, consistent with the development testing program and operational need dates. To permit printing and distribution before or concurrently with delivery of the equipment, reproducible copies or negatives of formal TOs must be delivered not later than 60 days before the equipment is delivered.

(c) Government inspection and selective prepublication technical reviews are completed before TOs are delivered, to ensure conformance with format, style, and other specification requirements and to review the technical content.

(d) Preliminary TOs must be verified by the pertinent government agencies, to determine that the manuals have been prepared according to applicable military specifications, that the content is technically accurate, and that they contain adequate instructions for accomplishing the operation or maintenance function. Verification may take place during DT&E or OT&E testing, at a point when the system or equipment is comparable to, or similar to, the production article. With approval of the procuring agency and using command, verification may be accomplished, concurrent with validation; but it must take place before the preparation and acceptance of formal TOs or reproducible materials used to print formal TOs.

(e) Government verification of TOs must be completed in time to permit necessary correction, publication, and delivery of final, formal TOs to the operating unit, before, or concurrent with, delivery of equipment to the using command.

(f) When verification is not completed in time to ensure concurrent delivery of final TOs with the equipment, a two-step verification process must be used. Safety and essential verification of essential day-to-day operations must be completed during the first phase, using preliminary TOs. Formal military specification TOs, marked "Partially Verified" on the front page, must be used for operation and maintenance during the second phase. These partially verified TOs must have a verification status page, which states that the safety and essential verification has been completed, and lists all procedures that have not been verified.

(g) A verification plan must be developed by the TOMA, with ALFC, using command, and Air Force Test and Evaluation Center (AFTEC) participation. It must identify the activity or activities responsible for the two-step verification, and must ensure that verification is completed at the earliest possible time. The verification time specified in the plan must not exceed two years after delivery of the first production article. That plan must describe the TOMA role in the distribution of partially verified TOs and any peculiar procedures for reporting TO deficiencies. Contracts must ensure that contractors are responsible for issuing timely corrections to all TO errors and deficiencies identified during the verification period and for updating the verification status page. TO deficiency reporting during this period must be according to TO 00-5-1, section VI. After verification is completed, the cover page is removed from the "Partially Verified" marking and the verification status page is also removed.

(h) In exceptional cases when formal military specification TOs are not printed and distributed in time to meet operational needs, the verified preliminary TOs are used pending the receipt of formal TOs, provided they support the production configuration and their use is concurred in by the MAJCOM, HQ AFLC, and HQ AFSC. In such cases, the preliminary TOs must be manually distributed and controlled by the TOMA.

(i) Post publication review of TOs is made after the operating command has possessed the system and supporting equipment long enough to permit an adequate evaluation of the instructions.

§ 802.8 TOs for training.

The primary purpose of procuring TOs is to support operation and maintenance requirements; however, TOs should be used for training purposes, to the extent possible. HQ ATC must identify the specific TOs or preliminary TOs

required. Where HQ ATC special courses begin before the programmed delivery of TOs, the system program office or Air Force procuring agency must arrange to obtain copies of procedural support data, development program manuals, or preliminary TOs compatible with production configuration, to meet training requirements.

§ 802.9 Specifications and standards.

(a) Military specifications and standards related to the TO system must receive coordination of all interested activities, and approval by HQ USAF/LEYE before publication. Participation of industry in reviewing specifications and providing comments is encouraged. There are two types of specifications for TOs: those containing format requirements and those containing technical requirements. Specifications containing technical requirements should not contain format requirements, unless it is necessary to meet a specific technical requirement. Standardize format requirements, when possible. Standardization between the Services is encouraged, when maintenance concepts permit.

(b) All TO specifications are identified by Federal Supply Classification area Technical Manual Specifications and Standards (TMSS). After HQ USAF has approved a specification for Air Force application, no deviations are authorized without advance written approval of the designated preparing activity. Supplement specifications only by a formal specification amendment, as authorized in DOD Manual 4120.3-M. Do not use exhibits instead of an existing approved specification or as an expedient to defer the preparation of a new specification.

(c) If a requirement for a new type of technical manual is identified during the contract negotiation period, and the need-date is such that formal specification coordination could not be obtained, provide a draft copy of the proposed specification to HQ AFLC/LOLD for approval, for one-time application. At the time of this approval, HQ AFLC must establish a TMSS project and designate the activity to complete the specification preparation and approval requirements, for follow-on applications.

(d) The Air Force participates in the DOD Specification Standardization Program and HQ AFLC/LOLD (Code 16) is the assigned departmental participating activity for TMSS.

§ 802.10 Joint procurement and use of other departmental publications.

TMs from other departments or agencies are used (when available) to satisfy Air Force requirements, if they meet the Air Force operational and maintenance needs. When integrated into the system, these TMs are assigned an Air Force TO number, indexed, distributed, stocked for filling requisitions, reprinted as needed, and deleted from the system in the same manner as any other TO (see AFR 66-19). The present and future configuration of the equipment is considered when determining the usability of the manuals. Under joint procurement programs, common source data are used to the maximum, to provide TOs for each Service. Source data are converted into the most usable form, to meet operational and maintenance requirements.

§ 802.11 Use of commercial instructions.

When feasible from technical usability and economical points of view, commercial-type operating instructions, parts-breakdown handbooks, and overhaul manuals may be used instead of formal (military specification) TOs, if no degradation in system operation, support, or reliability will result. Commercial publication or contractor data will be reviewed by the designated AFLC management agency and personnel from the using command activities to determine the extent of acceptability for Air Force application using specification MIL-M-7298C. Data determined as being acceptable for utilization, instead of TOs prepared to military specifications, will be identified by a TO number and will be controlled and distributed according to TO 00-5-1 and TO 00-5-2. All TO data procured must be in sufficient detail to permit system support in the operational environment, through either the use of Air Force personnel or competitive contractor support. Operational requirements and usability by maintenance personnel must not be sacrificed to use commercial instructions. MIL-M-7298C will not be used to order the preparation of technical manuals for Air Force use. When commercial manuals are used in support of a system, an overall integrating manual should be considered, to ensure the proper interface of individual units. Commercial instructions that provide adequate technical coverage will be used, where standard commercial types of support equipment are utilized.

§ 802.12 Budgeting and funding for TOs.

TO materials encompass writing, editing, preparing reproducible copy, and printing. The cost of acquiring TO material is charged to the applicable budget program or activity, according to the following criteria:

(a) Initial Procurement. When HQ AFSC has program management responsibility, it budgets and funds for all initial TO requirements and changes, until Program Management Responsibility Transfer (PMRT) occurs. AFSC budgets and funds for initial TO requirements for equipment procured by AFSC, and on a reimbursable basis, procurements made for Military Assistance Program (MAP), Foreign Military Sales (FMS), and other agencies.

(b) Items in Service. (Out-of-production weapon support systems and equipment items for which HQ AFSC and HQ AFLC PMRT has been accomplished.) After the completion of the acquisition phase, the cost of preparing a master reproducible copy for revisions of existing TOs—except for changes attributable to modifications or replenishment spares—is financed with Operation and Maintenance (O&M) funds. The printing of multiple copies of such revised TOs is also charged to O&M funds.

(c) Production and Retrofit Change Program. Generally, any change to a weapon system or equipment causes changes in operational and maintenance procedures which, in turn, require changes to TOs. These TO requirements must be identified as a part of the production or retrofit change and funding must be from the procurement appropriation that funded the change requirement.

(d) Replenishment Spares. If replenishment spares procurement involves accepting a substitute item—from either a different manufacturer of the item or as the result of using new specifications—new TOs or the revision of existing TOs may be required. In such cases, both the cost of reproducible copy and printing are chargeable to the same funds used to procure the spare item to which the TO applies.

(e) Commercial Manuals. The initial procurement of commercial manuals is included in the equipment or item cost. If the procurement of commercial manuals becomes necessary after the item procurement contract is closed, the cost is chargeable to O&M funds.

(f) Research and Development Projects. Generally, the requirements for TMs pertinent to R&D is minimized. Quantities are limited to meet specific purposes, such as testing validation and

engineering. Applicable costs are charged to the same account that covers a related effort, pertinent to the approved programs. The procuring activity may refine and further develop preliminary data to military specification, for use by operating commands.

§ 802.13 Revisions, changes, and supplements.

TOs may be completely revised, changed, or supplemented. The publication of changes, revisions, and supplements is restricted to meeting criteria set forth in TO 00-5-1. Contracts must not provide for the automatic revision, change, or supplement of TOs.

§ 802.14 Security classification.

TOs may contain classified information up to and including Top Secret-Restricted Data (see AFRs 205-1 (Part 850 of this chapter) and 205-49). The classification of each paragraph and page containing classified information must be based on its contents and indicated in the prescribed manner. The title pages are marked to show the highest security classification of material contained in the TO. Classified TOs are reviewed by the issuing agency once each 12 months, and when they are changed, revised, or supplemented. The purpose of this review is to downgrade as much of the content as possible, consistent with security.

§ 802.15 Distribution of TOs.

The distribution of TOs must be controlled according to TO 00-5-2. To reduce reproduction and shipping costs, only units having a specific requirement for the information may requisition TOs.

§ 802.16 Technical Manual cost information.

The Air Force maintains a system to determine or estimate the cost of TOs. HQ AFSC and HQ AFSC must gather the cost information in sufficient detail to ensure management control and to permit more precise negotiation of TO costs, to effect reductions in the cost of acquisition, distribution, and revision. TO personnel use this data to identify areas requiring intensified management actions and application of new concepts. The data are made available to HQ USAF and other DOD agencies, upon request. When directed, the OT&E management command or agency use this data to assess the operating and support cost of TOs. Data must be collected by application of the proper Data Item Description (DID) to the Contract Data Requirements List (CDRL). The Office of Management and Budget approval number 21-R235

applies to the data required of contractors.

Subpart C—TO System Council**§ 802.17 Composition and purpose of the council.**

The TO System Council, composed of knowledgeable personnel and chaired by HQ AFLC, serves as an advisory panel to HQ USAF/LEYE, in the management and improvement of the TO system.

§ 802.18 Method of Operation.

The organization, frequency of meetings, and operation of the council is described in the TO System Council Charter (see § 802.26).

Subpart D—HQ USAF and Command Responsibilities**§ 802.19 HQ US Air Force.**

(a) HQ USAF/LEYE will:

(1) Manage and approve changes to the TO system.

(2) Issue all Air Force policy for the management of the TO system and provide the final authority for that policy.

(3) Approve all TO specifications and amendments thereto.

(4) Approve all service tests and studies of new techniques for use in the TO system.

(5) Approve all revisions and changes to TOs 00-5-1, 00-5-2, 00-5-15, 00-20-8, 00-20-14, and 00-25-108.

(6) Review and approve the TO System Council Charter.

(7) Review AFR 60-9, to ensure consistency with the TO system, and coordinate TO policy changes affecting the Aircrew Flight Manuals Program with the manager of the program.

(b) HQ USAF/LEYPM will approve all revisions and changes to TOs 00-20-1, 00-20-2, 00-20-2-2, 00-20-2-4, 00-20-2-5, 00-20-2-6, 00-20-2-7, 00-20-2-8, 00-20-2-10, 00-20-2-13, 00-20-3, 00-20-4, 00-20-5, 00-20-5-1, 00-20-6, 00-20-7, 00-20-9, 00-20-10, 00-25-4, 00-25-107, 00-25-172, 00-25-189, 00-25-240, and 00-35D-54.

(c) HQ USAF/LEYF will approve all revisions and changes to TOs 00-25-172 and 00-25-212.

(d) HQ USAF/LETN will approve all revisions and changes to TOs 00-20B-5, 00-20D-1, 00-25-246, and 00-25-249.

§ 802.20 HQ Air Force Systems Command.

HQ AFSC will:

(a) Budget and fund for TOs, according to § 802.12 and maintain cost information, according to § 802.16.

(b) Prepare specifications for:

(1) Aircraft flight manuals.

(2) Missile operation and countdown manuals and related checklists.

(3) Cargo loading.

(4) Basic weight checklist and loading data.

(5) Nuclear munitions loading, delivery, and transport manuals and checklists.

(6) Nonnuclear munitions delivery manuals and checklists.

(7) Air refueling manuals.

(8) Integrated loading manuals and checklists, when nuclear munitions are involved.

Note.—For specifications listed in (1) through (8) above, HQ AFSC will prepare the draft of part 3 (Requirements) of the specification, including all known technical requirements and ensure technical content accuracy. HQ AFSC will forward the draft part 3 to HQ AFLC, Code 16, for review and format completion of parts 1, 2, 4, 5 and 6 according to DOD Manual 4120.3-M. HQ AFSC will coordinate as necessary with using commands, industry, and HQ AFSC; resolve all differences; and forward the coordinated specifications and copies of HQ AFSC comments to HQ USAF/LEYE for approval. HQ AFLC will send all technical differences, received during coordination, to HQ AFSC for resolution.

(c) Procure TOs according to Air Force approved specifications designated by HQ AFLC, and will be responsible for technical accuracy of all TOs during the production phase. Contracts will be written to ensure that correction of TO deficiencies and errors is a contractor responsibility.

(d) Comply with AFR 66-19, when Joint Service TOs or systems are procured.

(e) Ensure, through collaboration with AFLC Program managers that invoked specifications, Standard and Data Item Descriptions are selectively tailored to apply only those requirements that are necessary for imposing the minimum essential needs for the particular application. Further, according to DOD Directive 4120.212, Specifications and Standards Application, will ensure that the manner and degree of tailoring accomplished during contract performance, is documented and fed back to the respective specification preparing activity, as material to be considered during the next document improvement process. The feedback material will be formatted according to § 802.27.

(f) Monitor the validation and supervise the verification of TOs that are in acquisition and under technical management of HQ AFSC, according to TO 00-5-1. Also, will accomplish or administer the contractual acceptance inspection of TOs acquired for the Air Force.

(g) Make special arrangements to provide HQ ATC with preliminary TOs, training support data, and other materials specified in § 802.8 for special training. This will be accomplished by contractual arrangements, to procure only essential copies of the operation and maintenance TMs and training support data to satisfy HQ ATC requirements. Revisions to this material, as a result of normal revision actions during the acquisition process, will be incorporated to provide the latest information available, at the time the data is required for training classes. The cost of procuring training support data, required for classes beginning before these manuals normally are available, will be weighted against the number and type of students to be trained and the urgency for the early training.

(h) Furnish the AFLC system manager (SM) or item manager (IM), at earliest possible date, with analysis data and background information required by him or her to determine Air Force TO requirements.

(i) Provide for the publication of all TOs, under HQ AFSC management, during the production phase, according to Air Force current publication and printing policy (AFRs 5-1, 6-1, 9-5, and this part).

(j) Ensure that all TOs, under HQ AFSC management, concurrently reflect all changes generated by production changes.

(k) Ensure that development program procedural support data, and other data pertinent to TO development, are managed as an integral part of the total weapon system or equipment acquisition. The development of TOs and supporting development data should be accomplished and phased relative to design stability; the support of other acquisition efforts (such as test, integration, and so forth), with objective of minimizing duplication and TO revision cost.

(l) Schedule delivery and provide controls, to ensure that TOs are available at using activities before or concurrently with the delivery of applicable systems and equipment.

(m) Include in PMRT agreements, the mutually agreeable and positive dates on which the TOMA responsibility for TOs will be passed to HQ AFLC for each aerospace vehicle or system.

(n) Develop and maintain currency of TO inputs to all system program documentation.

(o) Ensure command-wide compliance with TOs 00-5-1, 00-5-2, and 00-5-15.

(p) Coordinate with the proper AFLC activity to ensure compatibility of TOs, tapes, and computer programs used in

the maintenance and operation of systems or equipment.

(q) Provide membership to the Interservice Group on the Exchange of TM Technology (AFR 66-19) and to the TO System Council.

(r) Provide timely replies to major command AFTO Forms 22, Technical Order System Publication Improvement Report and Reply, when HQ AFSC is the TOMA. Provide AFTO Forms 22 action status to HQ AFLC for the TO Improvement System Report (TO 00-5-1), except during the two-step verification period. During the two-step verification, provide control information to AFLC GO-22 system, to maintain TO distribution control by the System Program Office.

(s) Provide OT&E management agency and commands with TOs, to be used during OT&E.

(t) Establish controls to ensure that individual TOs are releasable to foreign governments; international organizations, eligible to participate in the Air Force Security Assistance program; and to Air Force contractors.

§ 802.21 HQ Air Force Logistics Command.

HQ AFLC will:

(a) Prepare all specifications, in coordination with AFSC and interested MAJCOMs and SOAs (including general format), for all TOs, except those identified in 802.20(c). All revisions or changes to technical order specifications will be coordinated with HQ AFSC, using commands, and industrial associations accorded an opportunity to comment on the specifications before they are forwarded to HQ USAF/LEYE for approval. A copy of HQ AFSC comments will also be forwarded with the request for approval.

(b) Act as the Participating Department Activity in the Technical Manual Specifications and Standards (TMSS) Program for the Air Force. This responsibility will include management of the Air Force portion of the DOD-wide TMSS program.

(c) Review deviations and waivers to military specifications, for which HQ AFLC is the preparing activity. Grant approval of deviations or waivers and assist in solving specification problems, as appropriate.

(d) Develop and maintain current 71-531-series Air Force Acquisition Documents (AFAD) for use in contractual procurement of TOs and obtain HQ AFSC coordination on these documents and changes or revisions thereto.

(e) Develop, coordinate, and maintain currency of TO inputs to Section 8 (Logistics) of all System Program

Documentation and participate in preparation of Request For Procurement (RFP) and Statement of Work (SOW).

(f) Determine and furnish HQ AFSC with the coordinated Air Force requirements for TOs pertaining to operational systems, equipment, and support equipment (SE). (This includes identification of TO format and content specifications to be used.)

(g) Participate in conferences and furnish recommendations to HQ AFSC regarding the planning for, development of, and acceptance of TOs.

(h) Budget, fund, and procure all TO material and printing for systems, equipment items, and SE that are not undergoing acquisition or that have been formally transferred to HQ AFSC. Coordinate PMRT agreements with HQ AFSC, and determine the exact date of the assumption of TOMA responsibility for each aerospace vehicle, system, or associated equipment.

(i) Comply with AFR 66-19 when Joint Service TOs or systems are procured.

(j) Establish and operate the Air Force system for TO numbering, indexing, storing, requisitioning and distribution. Indexing will be organized to permit interservice use of TMs. Work with other services to permit crossfeed of TOs.

(k) Participate in DOD directed programs to develop joint procedures for the military departments, ensuring maximum joint use of TMs. Provide a representative to cochair the Interservice Group On The Exchange of TM Technology, according to AFR 66-19.

(l) Prepare, coordinate with using commands, and publish method and procedures TOs, including a detailed explanation of the TO System (TO 00-5-1, TO 00-5-2, and TO 00-5-15), after receiving HQ USAF approval on the TOs identified in § 802.19(a)(5).

(m) Furnish necessary assistance, in coordination with HQ AFSC, for Government review and verifications of TOs.

(n) Acquire and maintain an internal capability for preparing TOs that pertain to an Air Force maintenance management system. This includes inspection requirements TCTOs, TMs, checklists, missile receipt-to-launch sequence charts, and similar instructions.

(o) Integrate into the system other Government agencies' publications that apply to equipment used by the Air Force.

(p) Control the distribution costs of TOs and maintain cost information, according to § 802.16.

(q) Receipt, store, and issue TOs, according to TO 00-5-2. (Base, Chief of Administration at the Air Logistics Centers.)

(r) Comply with the publishing and printing policies of AFRs 5-1, 6-1, 9-5, and this part.

(s) Continually review existing TOs to detect errors, deficiencies, and obsolete or nonessential material (such as TOs covering equipment phased-out of the Air Force inventory). The review should ensure that data still required for support of international logistic programs is not deleted.

(t) Operate and maintain a TO improvement reporting system.

(u) Forward to HQ USAF/LEYE, for approval, valid proposals received according to § 802.4 (a) and (b).

(v) Provide a representative to chair the TO System Council and additional membership as necessary.

(w) Determine the number of copies of TOs to be printed or procured, to satisfy the known distribution demands.

(x) Ensure command-wide compliance with TOs 00-5-1, 00-5-2, and 00-5-15.

(y) Evaluate new methods for data presentation, storage, and retrieval. Maintain a capability to evaluate or service test new techniques recommended by either Air Force activities or Department of Defense agencies. Review contractor proposals to determine the applicability to Air Force requirements.

(z) Provide the normal TO acquisition functions, when the system or project management is assigned to HQ AFSC. This includes functions described in § 802.20(g).

(aa) Retire on issuance, a permanent record copy of each TO according to AFM 12-50.

(bb) Include procedures in TOs prepared organically by AFLC to minimize the amount of air and water pollution generated by normal base industry type operations (corrosion control, engine repair, plating, chemical waste handling, and so forth), as required by AFRs 19-1 and 19-2.

§ 802.22 HQ Air Training Command.

HQ ATC will:

(a) Provide HQ AFSC and HQ AFLC with a time-phased requirement for operation and maintenance TOs, preliminary TOs, development program manuals, procedural support data, or training support data for developing and accomplishing special training courses.

(b) Notify the appropriate ALC/SM or IM of TO requirements, when HQ AFLC is responsible for TO acquisition (for example, nonsystem TOs or equipment procurement).

(b) Assist HQ AFSC in budgeting for operation and maintenance manuals, by identifying types and quantities that must be procured early to support training requirements before these manuals normally are available. This requirement is coordinated to prevent duplication of procurement of information.

(c) Collaborate with HQ AFSC in planning for the acquisition of training data required for initial training, as indicated in § 802.8.

(d) Provide membership to the TO System Council.

(e) Provide training to support the TO system. Training will include the varied aspects of TO acquisition, system operation, TO distribution, TO requisition, organizational use, and file maintenance.

§ 802.23 HQ Air Force Communications Service.

HQ AFCS will:

(a) Prepare TMs of the following types, in support of the ground Communications-Electronics-Meteorological (CEM) program, for inclusion in the TO system:

(1) General engineering and planning.
(2) Facility, subsystem, and system installation-engineering and installation.
(3) Standard Installation Practices Technical Orders (SIPTOs).

(b) Coordinate with the proper ALC and HQ AFSC to ensure compatibility of above TOs with CEM equipment TOs and to ensure timely budgeting, printing, and distribution by the ALC.

(c) Comply with AFRs 5-1, 6-1, 9-5, and this part regarding publications, policies, joint usage publications, forms, and printing policies.

(d) Comply with all provisions of § 802.25.

(e) Provide membership to the TO System Council.

§ 802.24 HQ Air Force Test and Evaluation Center.

HQ AFTEC will:

(a) Serve as an associate member to the TO System Council for test matters.

(b) Participate in the preparation of TO verification plans, make OT&E test resources available, and participate in TO verification, when specified in the verification plans.

(c) Evaluate system TOs as a part of all AFTEC managed OT&E.

(d) Report TO deficiency recommendations, through channels as early as possible, in the acquisition cycle.

(e) Provide a summary of the TO program in the OT&E final report, when directed by the Program Management Directive (PMD).

(f) Assume the lead in the development of TO evaluation criteria and procedures for Air Force-wide OT&E application.

§ 802.25 Major Commands and Separate Operating Agencies.

These activities will:

(a) Ensure timely compliance with the policies of this part and all applicable TOs.

(b) Conduct programs to familiarize command personnel with the TO system.

(c) Ensure that command organizations establish and maintain only those TO files that are essential to the primary mission of the respective units. Establish within each command the necessary procedures to ensure a recurring review of requirements, control, and distribution of TOs.

(d) Submit recommended changes to the TO system, according to § 802.4(b).

(e) Participate in the preparation of Request For Procurement (RFP) and data calls, and assist HQ AFSC and HQ AFLC in determining the scope of technical data, to be included in specifications used for procuring TOs.

(f) Assist HQ AFLC in determining requirements for TOs.

(g) Assist in reviewing and verifying TOs for systems, equipment items, and SE, to determine adequacy and accuracy.

(h) Assist HQ AFSC and HQ AFLC in controlling and reducing costs of TOs.

(i) Provide membership to TO System Council meetings.

(j) Provide the following, when hosting a TO System Council meeting.

(1) Adequate conference facilities.
(2) Administrative support, including:
(i) Billeting arrangements.
(ii) Transportation arrangements.
(iii) Stenographic support.
(iv) Typing.
(v) Reproduction capability.
(vi) Audio-visual equipment.
(vii) Communication facilities.

§ 802.26 Charter for the USAF Technical Order System Council.

(a) TO System Council. This council is chartered as an advisory group to identify problems related to the management of the TO system and to recommend solutions to HQ USAF.

(b) Composition. The council will be composed of representatives from each MAJCOM, SOA, specified and unified command (for example: HQ USAF, AFLC, AFSC, AFCS, ADCOM, AFRES, AAC, ATC, MAC, NGB, PACAF, SAC, USAFE); and associate members.

(1) HQ AFLC will chair the council.
(2) HQ USAF will be an advisor to the council.

(3) Each primary organization will provide a principal and should also provide an alternate representative to the council, with the senior representative having authority to act for the command. Additional attendees necessary to represent the various functions of the respective commands will be at command discretion.

(4) Associate members will provide their special expertise and experience. Examples are: The Air Force Logistics Management Center (AFLMC), the Air Force Human Resources Laboratory (AFHRL), the AFLC/Air Force Acquisition Logistics Division (AFALD), the Air Force Test and Evaluation Center (AFTEC), and the Air Logistics Centers (ALCs). Associate memberships will be reevaluated at each council meeting.

(c) Frequency of Meetings. The council will normally meet twice a year. The frequency will be based on council requirements. The location of meetings will be determined by the chairperson.

(d) Method of Operation

(1) The council will:

(i) Periodically review and evaluate the soundness of TO system management and the policy of this part. TOs 00-5-1, 00-5-2, and 00-5-15.

(ii) Identify areas requiring additional study and establish working groups to develop recommended solutions.

(iii) Evaluate improved techniques for data presentation.

(iv) Forward all recommendations for changes and improvements in the TO system, which require a policy change, to HQ USAF/LEYE for staffing.

(v) Consider user's needs to be paramount in recommending changes and improvements to the TO system.

(vi) Initiate cost trade-off studies, when recommended improvements introduce significant new costs.

(vii) Provide participation in symposia and conferences relative to the TO system, and industrial associations' technical publication meetings.

(2) Members will prepare themselves before the council meetings by reviewing past minutes, task group recommendations, and present agenda items.

(3) The chairperson will:

(i) Before the council meeting:

(a) Review minutes from the past meeting.

(b) Remain up-to-date on open study items.

(c) Collect and review working group inputs.

(d) Propose agenda items 60 days before the council meeting, for coordination with members.

(e) Call meetings and publish agenda at least 30 days before the council meeting.

(ii) During the meeting:

(a) Open each TO council meeting with a review of the minutes of the previous council meeting. If an agenda item is open due to working group action, the chairperson will call for the working group report. Pursue all recommendations to a proposed solution, identify and action agency, establish a suspense or direct further working group action.

(b) Ensure that all items are resolved or an action agency identified and a suspense established.

(c) Forward all council positions to HQ USAF/LEYE for proper action, and specify that the position was unanimous or was a majority position, with minority reports from dissenting command/organization(s) attached.

(d) Ensure that all open items from the previous minutes are discussed before new business is addressed.

(e) Present agenda items for discussion.

(f) Assign a recorder and summarize remarks, as required.

(g) When problems arise requiring more time than can properly be allotted, activate task groups as required. Task group chairperson, members, objectives, and suspenses will be assigned.

Note.—Task groups will submit their recommendations to the council members 30 days in advance of council meetings, to permit staff coordination within the commands.

(h) Designate participants to symposia, conferences relating to the TO system, and industrial associations' technical publication meetings.

(i) Convene an executive session with the designated members to finalize the council actions, before closing the meeting. Action on council policy matters will be discussed and finalized.

(iii) After the meeting:

(a) Disseminate minutes to attendees and HQ USAF/LEYE, within 30 days.

(b) Monitor action agencies and working groups to ensure suspenses are met.

§ 802.27 Specifications and standards application record.

A permanent record will be maintained as a management review tool documenting the manner and degree in which the referenced specifications and standards have been tailored. This record will:

(a) Identify the system or equipment and corresponding Solicitation/Contract Number.

(b) Identify and list separately by number and title each document that is

cited in the System Specifications and Statement of Work.

(c) Provide the following information for each document:

(1) Identify where the document is referenced in the solicitation.

(2) List (as minimum by paragraph number) all requirements appearing in the document that are not applicable, and those that have been modified. For convenience, if most requirements in the document are not applicable, list only those requirements that are applicable and have been modified. If all provisions of the document are applicable, so indicate.

(3) Provide a simple, short entry for each requirement that has been excluded (for example, not applicable) or modified, limited to reasons such as the following:

(i) To accommodate state-of-the-art technology.

(ii) To accommodate industry capability and/or practice.

(iii) To accommodate the specific system or acquisition phase.

(iv) Alteration of requirement to match specific mission, application, or operation.

(4) Identify the applicable Data Item Description (DD Form 1664) and whether these have been tailored to conform to the governing document.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 79-29939 Filed 9-26-79; 8:45 am]

BILLING CODE 3910-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 762

[FRL 1300-2; OTS-62001]

Fully Halogenated Chlorofluoroalkanes; Toxic Substances Control Act; Inkless Fingerprinting Systems

Correction

In FR Doc. 79-29182, published at page 54297, on Wednesday, September 19, 1979, the agency's docket number in the heading of the document, reading "[FRL 1300-2; OTS-6200]" should be corrected to read "[FRL 1300-2; OTS-62001]".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 5694]

List of Communities With Special Hazard Areas Under the National Flood Insurance Program

Correction

In FR Doc. 79-28357 appearing on page 53163 in the issue of Thursday, September 13, 1979, in the table on page 53164, the first entry, now reading "Arizona, Montgomery, city of Norman, 0001B" should have read, "Arkansas, Montgomery, city of Norman, 0001B."

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 79-525]

Stating the Commission's Policy Regarding Disclosure of Information To Other Federal Agencies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: To call attention to policies which guide the Commission in acting on requests by other Federal agencies for the inspection of papers accepted by the Commission with assurances against disclosure to public under the Freedom of Information Act, the FCC has set those policies out in its rules. The request will be granted if (1) specific assurances against such disclosure have not been given, (2) the other agency has established a legitimate need for the information, (3) disclosure is made subject to the provisions of 44 U.S.C. 3508(a), and (4) disclosure is not prohibited by the Privacy Act or other provisions of law. With one exception a person who furnished records to the Commission in confidence will be notified when the request for disclosure is submitted and will be afforded ten days in which to oppose disclosure. Notice will not be given if the agency requesting the records satisfies the Commission that notice will interfere unduly with its law enforcement activities and agrees to give notice when the potential for such interference is eliminated.

EFFECTIVE DATE: September 28, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION: Upton Guthery, Office of General Counsel, (202) 632-6990.

Order

Adopted: September 13, 1979.

Released: September 21, 1979.

In the matter of amendment of Part 0, rules and regulations, to state the Commission's policy regarding the disclosure of information to other Federal Agencies.

1. We are hereby adopting a rule to codify and to make public the standards that guide the Commission in acting on requests by other federal agencies for the inspection of Commission records and, in particular, the inspection of papers accepted by the Commission with the assurance against public disclosure provided by §§ 0.457, 0.459 and 0.461 of the Freedom of Information rules.

2. The disclosure to other federal agencies of materials that have been obtained from the public (in confidence or otherwise) is generally governed by 44 U.S.C. 3512 and 3508(a). In the interest of minimizing the burden on agencies of making, and on the public in responding to, multiple requests or demands by differing agencies for the same information, Section 3512 encourages agencies to share information they have obtained. Section 3508(a) subjects the agency to which the information is furnished to the same restrictions on disclosure of the information as apply to the agency that originally obtained it. The limitations on disclosure of information to another agency set out in Section 3508(b) do not apply to "independent Federal regulatory agencies." See the definition of "Federal agency" in 44 U.S.C. 3502.

3. Under § 0.442, as set out in the attached appendix below, information submitted to the Commission in confidence will be disclosed to other agencies provided: (1) Specific Commission assurances against such disclosure have not been given, (2) the other agency has established a legitimate need for the information, (3) disclosure is made subject to the provisions of 44 U.S.C. 3508(a), and (4) disclosure is not prohibited by the Privacy Act or other provisions of law. This section also provides that staff

¹ This policy applies to all information obtained by the Commission, and not only to the limited types of information falling within the definition of that term in 44 U.S.C. 3502. This policy is not intended to govern disclosure of information to Congress where somewhat different considerations may apply. See, e.g., *Exxon Corp. v. FTC*, 589 F.2d 582 (D.C. Cir. 1978), cert. denied, 47 U.S.L.W. 3748 (U.S. 1979); *Ashland Oil, Inc. v. FTC*, 548 F.2d 977 (D.C. Cir. 1978).

assurances against disclosure of information to other federal agencies may be given only with the prior written approval of the General Counsel.

Advance assurances against release will not be given if submission of the information is required by statute or Commission regulation; but the person supplying such information will ordinarily be notified of a disclosure request, given an opportunity to file an objection with the Commission and, if necessary, seek a judicial stay.

4. When a request from another agency for records submitted to the Commission in confidence is received, the party who submitted the records to the Commission will be notified and afforded 10 days in which to oppose disclosure, provided the other agency has not satisfied the Commission that notice would interfere unduly with its law enforcement activities and has agreed to provide notice when the potential for such interference has been eliminated. Any request that notice not be given and any opposition to disclosure of the records will be acted on by the Commission *en banc*. If notice is given and disclosure is not opposed, the staff will make the records available to the other agency.

5. The amendment is set out in the attached Appendix. Because it concerns only Commission policies and procedures and implements Congressional policies set out in the Federal Reports Act, as amended by Pub. L. 93-153, November 16, 1973, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable. Authority for adoption of these rules is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and in 44 U.S.C. 3508(a) and 3512.

6. Accordingly, it is ordered, effective September 28, 1979, That Part 0 of the rules and regulations is amended as set out in the Appendix below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

William J. Tricarico

Secretary.

Appendix

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 0.422 is added, to read as follows:

§ 0.422 Disclosure to other federal government agencies of information submitted to the Commission in confidence:

(a) The disclosure of records to other federal government agencies is generally

governed by 44 U.S.C. 3512 and 3508(a) rather than the Freedom of Information Act. The acceptance of materials in confidence under § 0.457 or § 0.459 does not provide assurance against their disclosure to other agencies.

(b) Information submitted to the Commission in confidence pursuant to § 0.457(c) (2) and (3), (d) and (g) or § 0.459 will be disclosed to other agencies of the federal government upon request: *Provided* (1) Specific Commission assurances against such disclosure have not been given, (2) the other agency has established a legitimate need for the information, (3) disclosure is made subject to the provisions of 44 U.S.C. 3508(a), and (4) disclosure is not prohibited by the Privacy Act or other provisions of law.

(c) The Commission's staff may give assurances against disclosure of information to other federal agencies only with the prior written approval of the General Counsel. In no event will assurance against disclosure to other agencies be given in advance of submission of the information to the Commission if submission is required by statute or by the provisions of this chapter; but the notice provisions of paragraph (d) of this section will apply to such information.

(d)(1) Except as provided in subparagraph (2) of this paragraph a party who furnished records to the Commission in confidence will be notified at the time that the request for disclosure is submitted and will be afforded 10 days in which to oppose disclosure.

(2) If the agency requesting the records states to the satisfaction of the Commission that notice to the party who furnished the records to the Commission will interfere unduly with its law enforcement activities and further states that it will notify that party of the Commission's disclosure once the potential for such interference is eliminated, the Commission will not give notice of disclosure.

(3) If notice is given to the party who furnished the records to the Commission in confidence and disclosure is not opposed, the staff is authorized to make the records available to the agency which requested them.

(4) If disclosure is opposed and the Commission decides to make the records available to the other agency, the party who furnished the records to the Commission will be afforded ten (10) working days from the date of the ruling in which to move for a judicial stay of the Commission's action. If he does not move for stay within this period, the records will be disclosed.

(e) Nothing in this section is intended to govern disclosure of information to Congress.

[FR Doc. 79-29988 Filed 9-26-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 2

[Docket No. 20790; FCC 79-522]

Setting up a Single System of Identification for all Devices Covered Under the Equipment Authorization Program

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Amendment of rule in re acceptability of nameplates. Instituted because of petition for reconsideration filed by Electronic Industries Association Consumer Equipment Group. Relaxes and clarifies requirements.

EFFECTIVE DATE: October 29, 1979.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Milton C. Mobley, Laboratory Division, Office of Science and Technology, (301)-725-1585.

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order

Adopted: September 13, 1979.

Released: September 21, 1979.

By the Commission: Commissioner Jones not participating.

In the matter of revisions of Parts 2, 15, 18, and 83 of the rules and regulations to set up a single system of identification for all devices covered under the equipment authorization program, Docket No. 20790.

1. On February 28, 1979, the Commission adopted a Report and Order in this proceeding which was published in the *Federal Register* (44 FR 17175) on March 21, 1979; and which adopted new rules (effective April 25, 1979) providing a single system of identification for all devices covered under the equipment authorization program.

2. On April 20, 1979, the Consumer Electronics Group of Electronic Industries Association (EIA/CEG) filed a petition for reconsideration of § 2.925(d) in this rulemaking.

3. Section 2.925(d) as adopted reads as follows:

"(d) The nameplate shall be permanently affixed to the equipment and shall be readily visible to the purchaser at time of purchase.

(1) As used here, "permanently affixed" means that the required nameplate data must

be etched, engraved, stamped into, indelibly printed, or otherwise permanently displayed on a permanently-attached part of the equipment enclosure, or displayed on a durable metal nameplate of at least 0.020" (or 0.5 mm) in thickness attached to such part of the equipment enclosure by means of rivets, spot welding, or other method that would make removal of the nameplate difficult. Paper nameplates and/or nameplates attached with a soluble glue are not acceptable. The nameplate must be of a permanent nature capable of lasting the expected lifetime of the device and attached so that it cannot readily be detached.

(2) As used here, "readily visible" means that the nameplate or nameplate data must be visible from the outside of the equipment enclosure. It is preferable that it be visible at all times during normal installation or use, but this is not a prerequisite for grant of equipment authorization."

4. Section 2.925(d)(1) and 2.925(d)(2) were not included in the text of the original Notice in this proceeding. They were added in the final rulemaking to clarify the intent of the Commission with regard to the meaning of the terms "permanently attached" and "readily visible."

5. Petitioner contends that inclusion of these sections in this manner did not afford any parties opportunity to comment thereon. They also contend that changing nameplates to conform to the rules cited will entail extra costs and cause production line difficulties, delays, and other problems. Their specific objections are to the prohibition of use of paper nameplates or use of soluble glue for attachment of nameplates, and to the specification of a minimum thickness of 0.020" (or 0.5 mm) for metal nameplates. Although cited in their petition, no objection was raised to § 2.925(d)(2), which had to do with visibility of nameplates.

6. Petitioner requests that the Commission reconsider its action in the Report and Order and amend § 2.925(d) to "permit use of paper nameplates if it can be shown that they cannot be removed and will last the product's lifetime, and that where metal nameplates are used that they be permitted to be less than 0.020" in thickness." They point out that the majority of EIA/CEG members now use paper nameplates attached with pressure sensitive adhesive. From the language in their petition, it appears that this method applies primarily to television and FM broadcast receivers.

7. As stated in the Report and Order adopted February 28, 1979, § 2.925(b) as proposed in the NPRM was revised to be more specific as to location and method of attachment of nameplates, in response to comments by Land Mobile Communications Section, Electronic

Industries Association (LMCS/EIA). Due to rearrangement of sections in the final report, this section was renumbered as § 2.925(d).

8. Taking into account both the original comments of LMCS/EIA and those in the instant petition, we now believe that our objective of assuring reasonably permanent identification of equipment can be achieved with less restrictive language in the rules. The revised rules in the Appendix, while not identical in language to the changes proposed by EIA/CEG in their petition, will accomplish this.

9. The petition for reconsideration filed by EIA/CEG is granted to the extent discussed above. The rules adopted in the Report and Order are amended effective October 29, 1979, as set out in the Appendix below.

10. Authority for this action may be found in Sections 4(i), 302 and 303(r) of the Communications Act of 1934, as amended.

11. For further information on this proceeding, contact Milton C. Mobley, Laboratory Division, OST (301) 725-1585.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, Sec. 302, 82 Stat., 290; (47 U.S.C. 154, 302, 303))

Federal Communications Commission.

William J. Tricarico,
Secretary.

Appendix

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS GENERAL RULES AND REGULATIONS

1. Section 2.925 is amended by revising paragraph (d)(1) as follows:

§ 2.925 Identification of Equipment.

(d) * * *

(1) As used here, "permanently affixed" means that the required nameplate data is etched, engraved, stamped, indelibly printed, or otherwise permanently marked on a permanently attached part of the equipment enclosure. Alternatively, the required information may be permanently marked on a nameplate of metal, plastic, or other material fastened to the equipment enclosure by welding, riveting, etc., or with a permanent adhesive. Such a nameplate must be able to last the expected lifetime of the equipment in the environment in which the equipment will be operated and must not be readily detachable.

[FR Doc. 79-29992 Filed 9-26-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 76

[FCC 79-538]

Providing Rules of Procedure Governing Petitions to Initiate Forfeiture Action Against Cable Television Systems and Related Pleadings

AGENCY: Federal Communications Commission.

ACTION: Amendment of § 76.9 of the Commission's rules.

SUMMARY: The Commission is amending its rules to specify filing periods and other procedural requirements for parties requesting the Commission to fine a cable television operator and for parties wishing to file pleadings in response to such requests. The new rules closely follow existing provisions for petitions for orders to show cause.

DATE: Effective October 1, 1979.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Bob Ratcliffe, Cable Television Bureau, (202) 254-3407.

SUPPLEMENTARY INFORMATION: None.

Order

Adopted: September 13, 1979.

Released: September 21, 1979.

In the matter of: amendment of Part 76, Subpart A of the Commission's rules and regulations to provide rules of procedure governing petitions to initiate forfeiture action against Cable Television Systems and related pleadings.

1. Effective March 23, 1978, the Commission was empowered to impose monetary penalties on cable television systems for willful or repeated failure "(T)o comply with any of the provisions of (the Communications) Act or any rule, regulation or order issued by the Commission under (that) Act * * *." Since that time the Commission has received numerous petitions from outside parties seeking to initiate forfeiture actions against cable television systems pursuant to this new authority. In dealing with these requests, we have closely followed the procedural provisions governing the analogous show cause petitioning process found in § 76.9 of the rules and have found this approach to be quite appropriate. Because these rules do not expressly encompass forfeiture proceedings, however, some uncertainty has arisen

¹ Communications Act Amendments of 1978, 92 Stat. 33 (1978), amending 47 U.S.C. 503(b).

among participants concerning their applicability. In order to eliminate this uncertainty and conform the rule to what has been the practice, we have decided to amend § 76.9 of the rules to include specific references to petitions for forfeiture action.

2. The amended language of § 76.9 will require parties filing petitions to initiate forfeiture proceedings or submitting responsive pleadings thereto to comply with the same time frame and other filing requirements already in effect for show cause petitions. Consistent with existing show cause practice, the Commission may in appropriate circumstances establish a shorter period for the submission of pleadings than specified in the rule.

3. Due to the alternative hearing and notice of apparent liability mechanisms by which forfeiture matters may be pursued² we have added Note 3 to the provisions of § 76.9 requiring petitioners to specifically justify any request to proceed by hearing in a forfeiture action in lieu of the more usual notice of apparent liability. This requirement reflects our determination that forfeiture actions will ordinarily be handled through the hearing process only when an adjudicatory proceeding is being conducted for reasons other than the assessment of a fine. See § 1.80(g) of the rules. In any event, of course, the Commission retains discretion to proceed by whichever approach it deems will better serve the ends of justice.

4. Since the rules we are adopting today relate only to Commission procedure, the prior notice and effective date provision of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

Authority for the rules adopted herein is contained in Sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective October 1, 1979, Part 76 of the Commission's rules and regulations is amended as set forth in the attached Appendix below.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; (47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317.))

² See §§ 1.80(f) and 1.80(g) of the rules.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 76.9, the caption is amended, paragraphs (a), (b), (c), (f), and note 2 are amended, and a new note 3 is added, to read as follows:

§ 76.9 Order to Show Cause; Forfeiture Proceeding.

(a) Upon petition by any interested person, the Commission may:

(1) Issue an order requiring a cable television operator to show cause why it should not be directed to cease and desist from violating the Commission's rules;

(2) Initiate a forfeiture proceeding against a cable television operator for violation of the Commission's Rules.

(b) The petition may be submitted informally, by letter, but shall be accompanied by a certificate of service on any interested person who may be directly affected if an order to show cause is issued or a forfeiture proceeding initiated. An original and two copies of the petition and all subsequent pleadings should be filed.

(c) The petition shall state fully and precisely all pertinent facts and considerations relied on to support a determination that issuance of an order to show cause or initiation of a forfeiture proceeding would be in the public interest. Factual allegations shall be supported by affidavit of a person or persons with actual knowledge of the facts, and exhibits shall be verified by the person who prepares them.

(f) The Commission, after consideration of the pleadings, shall determine whether the public interest requires the issuance of an order to show cause or the initiation of a forfeiture proceeding.

Note 2.—Nothing in this Section is intended to prevent the Commission from initiating show cause or forfeiture proceedings on its own motion; *Provided, however*, That show cause proceedings and forfeiture proceedings pursuant to § 1.80(g) of the rules will not be initiated by such motion until the affected parties are given an opportunity to respond to the Commission's charges.

Note 3.—Forfeiture proceedings are generally nonhearing matters conducted pursuant to the provisions of § 1.80(f) of the rules (Notice of Apparent Liability). Petitioners who contend that the alternative hearing procedures of § 1.80(g) of the rules should be followed in a particular case must support this contention with a specific

showing of the facts and considerations relied on.

[FR Doc. 79-29989 Filed 9-26-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 71

[OST Docket No. 9; Notice 79-18]

Standard Time Zone Boundary in the State of Alaska; Relocation of Time Zone Boundary

AGENCY: Department of Transportation.
ACTION: Final rule.

SUMMARY: The Department of Transportation is relocating the boundary between the Pacific and Yukon Time Zones in the State of Alaska so as to move Juneau, Alaska, and a portion of the surrounding area, from the Pacific to the Yukon Zone. This action which has been requested by the governing body of the city and borough of Juneau, is taken because it appears that relocation would serve the convenience of commerce, which is the statutory standard.

EFFECTIVE DATE: 2:00 a.m., PST, Sunday, April 27, 1980.

FOR FURTHER INFORMATION CONTACT: Jack Lusk, Office of General Counsel, Department of Transportation, 400 Seventh Street, S.W.—Room 10421, Washington, D.C. 20590, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Pursuant to a formal petition from the assembly of the city and borough of Juneau, Alaska, the Department of Transportation (DOT) proposed to relocate the boundary between the Pacific and Yukon Time Zones in the State of Alaska so as to move Juneau and parts of the surrounding area from the Pacific to the Yukon Time Zone. (44 FR 28698; May 16, 1979). Interested parties were given until July 18, 1979, to submit comments on the proposal; additionally representatives of DOT conducted a public hearing in Haines on June 6, 1979, and in Juneau on June 7, 1979. Comments were received, at the hearings and to the docket, from approximately 60 persons.

Under Section 4 of the Uniform Time Act of 1966 (15 U.S.C. 261) (The Act) the Secretary of Transportation has the authority to modify the boundaries between time zones in the United States so as to move an area from one time zone to another. The Act's standard is "regard for the convenience of commerce and the existing junction points and division points of common

carriers engaged in interstate or foreign commerce."

The State of Alaska is in four of the eight time zones that are formally recognized under the Act and that span the United States. From east to west the four are Pacific, Yukon, Alaska-Hawaii, and Bering. Juneau, the capital city of Alaska, has been in the Pacific Time Zone since 1937. There is currently a difference of three hours between Nome, in the Bering Zone, and Juneau; there is a two hour difference between the Anchorage-Fairbanks region, in the Alaska-Hawaii Zone and Juneau. The decision by the Secretary endorsing the request by the Juneau Assembly will have the effect of moving Juneau and the surrounding area, on the north and east reaching to the Canadian border, and abutting the Yukon Time Zone on the west, one hour closer to these major cities.

The preponderance of the evidence indicates that the convenience of commerce would better be served if Juneau were to observe Yukon Time and not, as in the past, Pacific Standard Time. On balance, the record supports the Assembly's petition to the effect that Juneau would become more accessible to the other major cities in the State, will be better able to provide services to those cities and to the parts of the population living in the rest of the State, and that government and its related activities constitute Juneau's largest business. The change to the Yukon Time Zone has also received support because the move places Juneau in the geographically correct time zone.

A number of significant issues were raised in the written comments and oral testimony received on this matter. A number of commenters stated their belief that a change of the Capital's time zone would not have any effect on the Capital move issue or induce the advocates of the Capital move to change their minds. We do not take any position on the ultimate location of the State Capital, since that is a State matter. However, we do agree with the position of the Assembly of the City and Borough of Juneau that the change in time would make Juneau more accessible to the large population centers in the western part of the State, and that such accessibility is important to Juneau's commerce for as long as Juneau is the State Capital.

Another group of commenters argued that, by breaking up the southeastern part of the State into two time zones, a great deal of confusion would be created and commerce would be adversely affected. We acknowledge that this change could potentially be somewhat disruptive to the traditionally close

commercial ties existing in the southeastern part of Alaska. Nevertheless, at the time that the Juneau Assembly originally made this proposal, inquiries were sent, by the Juneau Assembly, to the city governments of all the other municipalities in southeastern Alaska seeking their comments on the proposal. Though all the cities south of Juneau declined the invitation to join in the proposed time zone move, support for Juneau's proposal was received from several of the other major cities, including Petersburg and Ketchikan, which preferred themselves to remain on Pacific Time, but concurred in a change for Juneau. No comments were received from any of these localities opposing the creation of the two time zones in this southeastern area.

A number of commenters also raised the question of whether commerce between the affected area and the continental United States, especially Seattle and the west coast, as well as neighboring portions of Canada, would be adversely affected. In particular, several commenters felt that by moving Juneau and the surrounding area to a more westerly time zone, political and business relationships with the rest of the country would be disrupted. The possible disruption of commerce between these areas and Juneau has been carefully considered in this rulemaking. However, we find that the probable benefits to Juneau outweigh these arguments at this time.

Several commenters questioned whether the new time zone boundaries proposed by Juneau would cross commercial fishing zone boundaries in a disruptive manner. Although the State Division of Commercial Fisheries indicated the result would be inconsequential, the boundary lines have been revised to minimize the problems that might have been caused by the boundary which was first proposed. The revised boundary line will include the following boroughs and cities in the Yukon Time Zone: Yakutat; Skagway; Klukwan; Haines; Gustavus; Juneau; and Hoonah. (Reference is Alaska Department of Community and Regional Affairs Map dated January 1, 1979.)

It was announced in the Federal Register notice of May 16, 1979, that, if adopted, the proposed time zone change would become effective on September 2, 1979. Several comments to the docket were received that cited possible confusion resulting from a change in time zones so shortly after a decision is announced. In the interest of minimizing disruption and easing the transition, the time zone boundary change will now

take effect at 2:00 a.m. Pacific Standard Time on Sunday, April 27, 1980, the moment Daylight Saving Time begins. The effect will be that clocks in the Juneau area will not have to be changed.

Note.—The Office of the Secretary has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation Regulatory Policies and Procedures published in the Federal Register on February 26, 1979 (44 FR 11034). Furthermore, the economic impact of the proposed regulation is so minimal that a full Regulatory Evaluation is not warranted.

In consideration of the foregoing, section 71.11 of Title 49 CFR, is amended to read as appears below. (Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260-267); section 6(e)(5) Department of Transportation Act (49 U.S.C. 1655(d)(5)).)

Issued in Washington, D.C. on September 19, 1979.

Neil E. Goldschmidt,
Secretary of Transportation.

§ 71.11-1 Boundary line between Yukon and Pacific Zones.

Alaska. Beginning at Boundary Peak No. 74 on the Alaska/Canadian borderline; thence running westerly on a straight line to the head of Endicott Arm; thence northwesterly, along the southerly and southwesterly edge of Endicott Arm to Point Astley; thence southerly along the east edge of Stevens Passage to Point League; thence southwesterly across Stevens Passage to Point Hugh on the south end of Glass Peninsula on Admiralty Island; thence northerly along the east edge of Seymour Canal to 57°37' north latitude; thence west on 57°37' north latitude to the west edge of Seymour Canal; thence northwesterly across Admiralty Island to Fishery Point, being on the easterly edge of Chatham Strait; thence westerly to East Point on Chichagof Island; thence northwesterly approximately 11 miles, to a mountain with an elevation of 2,775 feet; thence northwesterly approximately 8 miles to a mountain with an elevation of 3,408 feet; thence northwesterly approximately 2.5 miles, to a mountain with an elevation of 3,030 feet; thence northwesterly approximately 4.5 miles, to a mountain with an elevation of 3,430 feet, all of said mountains being on Chichagof Island; thence due south to the northerly edge of Tenakee Inlet; thence northwesterly, along the northerly edge of said inlet to the head of said inlet; thence northwesterly approximately 2

miles to a mountain with an elevation of 3,253 feet; thence westerly approximately 6 miles to Pyramid Peak; thence westerly to Crag Mountain; thence northwesterly to Mount Althorp; thence northwesterly to Column Point located on the northwest side of Althorp Peninsula; thence due west from Column Point until an intersection is reached with 137° west longitude.

[FR Doc. 79-29993 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-62-M

Research and Special Programs Administration

49 CFR Parts 171, 173 and 178

(Docket No. HM-163C; Amdt. Nos. 171-50, 173-132, 178-57)

Transfer of Approval Registration and Reporting Functions

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Final Rule.

SUMMARY: The purpose of these amendments to the Department's Hazardous Materials Regulations is to transfer from the Transportation Systems Center to the Bureau's Associate Director for operations and Enforcement (OE) responsibility for: (1) approving cigarette lighters and other ignition devices (§ 173.21(d)); (2) registering container manufacturers' mark or symbol; and (3) receiving and maintaining reports required to be filed in connection with hazardous materials shipping containers and packagings. Specifically, these changes to the regulations (1) provide that the Associate Director for OE will issue approvals for cigarette lighters and similar ignition devices based on his review and acceptance of the results of examinations and tests performed for the applicant by test facilities recognized by the MTB, and (2) require registration of container manufacturers' marks, symbols, and the filing of reports directly with the Associate Director for OE. As part of these amendments, MTB is also identifying the Bureau of Explosives as the initial recognized test facility for the examination of cigarette lighters.

DATE: The effective date is September 27, 1979.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, Washington, D.C. 20590, (202) 426-2975.

SUPPLEMENTARY INFORMATION: On August 17, 1978, the Materials

Transportation Bureau published a final rule, Docket HM-163; Amdt. Nos. 171-41, 173-119, 178-49 (43 FR 36445) which assigned certain regulatory responsibilities to the Transportation Systems Center. This action reassigns those responsibilities. The MTB is taking this action because it believes that it can more effectively employ TSC's capability on other than basic testing activities and record keeping, and because it sees an opportunity to make its approvals system more responsive through giving recognition to more than a single test facility.

Since these amendments do not impose additional requirements, public notice has not been provided and this amendment is effective upon publication in the Federal Register (September 27, 1979). The MTB has determined that the environmental and economic impact associated with these amendments is minimal. Primary drafters of this document are Darrell L. Raines, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, and George W. Tenley, Office of Chief Counsel, Research and Special Programs Administration.

In consideration of the foregoing, 49 CFR Parts 171, 173, and 178 are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

§ 171.8 [Amended]

1. In § 171.8 the paragraph containing the definition of "MTB-TSC" is deleted.
2. § 171.18 is revised to read as follows:

§ 171.18 Continuation of effectiveness of existing Bureau of Explosives registrations.

A registration filed with the Bureau of Explosives in compliance with a requirement of this subchapter, which is valid at the time that registration function is assumed by MTB remains valid to the same extent as if it had been filed originally with MTB.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

3. In § 173.21 paragraph (d) is revised to read as follows:

§ 173.21 Prohibited packing.

(d) The offering for transportation of any package containing a cigarette lighter or other similar ignition device charged with fuel and equipped with an ignition element, or any self-lighting cigarette, is forbidden unless design of the device and its packaging insofar as they affect safety in transportation have

been examined by the B of E or another test facility recognized by the MTB and, based on the results of that examination, approved by the Associate Director for OE. (An approval which was issued by the B of E before August 17, 1976, remains valid to the same extent as if it had been issued by MTB.) For lighters containing flammable gases, also see § 173.308.

§ 173.24 [Amended]

4. The abbreviation "MTB-TSC" is changed to read Associate Director for OE in § 173.24(c)(1)(ii).

§§ 173.34 and 173.119 [Amended]

5. The abbreviation "MTB-TSC" is changed to read Associate Director for OE each time it appears in the following sections:

§ 173.34(1)(2)
§ 173.34(1)(3)
§ 173.119(b)(3) Note 1.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

6. The abbreviation "MTB-TSC" is changed to read Associate Director for OE each time it appears in the following sections:

§ 178.1-4(a)	§ 178.1-8(a)(2)
§ 178.1-9(f)	§ 178.2-4(a)
§ 178.2-6(a)(2)	§ 178.3-4(a)
§ 178.3-8(a)(2)	§ 178.3-9(f)
§ 178.4-4(b)	§ 178.4-7(a)(2)
§ 178.4-8(f)	§ 178.5-7(a)(2)
§ 178.5-9(f)	§ 178.6-8(a)(2)
§ 178.6-10(f)	§ 178.7-3(a)
§ 178.7-7(a)(2)	§ 178.7-8(f)
§ 178.8-7(a)(2)	§ 178.9-7(a)(2)
§ 178.12-9(a)(2)	§ 178.13-2(a)
§ 178.13-5(a)(2)	§ 178.14-3(a)
§ 178.14-7(a)(2)	§ 178.14-8(f)
§ 178.15-7(b)	§ 178.16-8(a)(2)
§ 178.19-6(a)(3)	§ 178.21-2(b)(2)
§ 178.24-5(a)(2)	§ 178.27-2(c)(2)
§ 178.33-9(a)(2)	§ 178.33a-9(a)(2)
§ 178.35-3(b)(2)	§ 178.35a-2(c)(2)
§ 178.38-4(d)	§ 178.38-20(a)(3)
§ 178.37-4(d)	§ 178.37-20(a)(3)
§ 178.38-4(d)	§ 178.38-20(a)(2)
§ 178.39-4(d)	§ 178.39-19(a)(2)
§ 178.40-4(d)	§ 178.40-20(a)(2)
§ 178.41-4(d)	§ 178.41-19(a)(2)
§ 178.42-4(d)	§ 178.42-14(a)(2)
§ 178.43-4(d)	§ 178.43-20(a)(2)
§ 178.44-4(d)	§ 178.44-23(a)(2)
§ 178.47-4(d)	§ 178.47-21(a)(2)
§ 178.48-4(d)	§ 178.48-19(a)(2)
§ 178.49-4(d)	§ 178.49-19(a)(2)
§ 178.50-4(d)	§ 178.50-19(a)(2)
§ 178.51-4(d)	§ 178.52-4(d)
§ 178.52-19(a)(2)	§ 178.53-4(d)
§ 178.53-18(a)(2)	§ 178.54-4(d)
§ 178.54-20(a)(2)	§ 178.55-4(d)
§ 178.55-20(a)(2)	§ 178.56-4(d)
§ 178.56-19(a)(2)	§ 178.57-4(d)
§ 178.57-20(a)(3)	§ 178.58-4(d)
§ 178.58-21(a)(2)	§ 178.59-3(c)
§ 178.59-18(a)(2)	§ 178.60-3(c)
§ 178.60-22(a)(2)	§ 178.61-4(d)
§ 178.61-20(a)(2)	§ 178.68-4(d)
§ 178.68-19(a)(2)	§ 178.80-11(a)(2)
§ 178.81-11(a)(2)	§ 178.82-11(a)(2)
§ 178.83-11(a)(2)	§ 178.84-11(a)(2)
§ 178.85-10(a)(2)	§ 178.87-11(a)(2)
§ 178.88-10(a)(2)	§ 178.89-9(a)(2)

§ 178.90-10(a)(2)	§ 178.91-11(a)(2)
§ 178.92-12(a)(2)	§ 178.97-9(a)(2)
§ 178.98-9(a)(2)	§ 178.99-9(a)(2)
§ 178.100-9(a)(2)	§ 178.101-9(a)(2)
§ 178.102-4(a)(2)	§ 178.103-6(a)(3)
§ 178.107-9(a)(2)	§ 178.108-9(a)(2)
§ 178.109-9(a)(2)	§ 178.110-8(a)(2)
§ 178.111-8(a)(2)	§ 178.112-10(a)(2)
§ 178.115-10(a)(2)	§ 178.118-10(a)(2)
§ 178.117-11(a)(2)	§ 178.118-10(a)(2)
§ 178.119-10(a)(2)	§ 178.130-8(a)(2)
§ 178.131-9(a)(3)	§ 178.132-9(a)(3)
§ 178.133-9(a)(2)	§ 178.134-4(a)(2)
§ 178.135-8(a)(3)	§ 178.136-9(a)(2)
§ 178.140-6(a)(2)	§ 178.141-7(a)(2)
§ 178.146-15(a)(2)	§ 178.147-15(a)(2)
§ 178.148-5(a)(2)	§ 178.149-7(a)(2)
§ 178.150-7(a)(3)	§ 178.158-12(a)(2)
§ 178.165-13(b)	§ 178.168-18(d)
§ 178.169-18(d)	§ 178.170-17(d)
§ 178.171-17(d)	§ 178.172-19(b)
§ 178.176-6(b)	§ 178.177-6(b)
§ 178.181-11(b)	§ 178.182-4(a)(2)
§ 178.185-19(b)	§ 178.185-22(c)(2)
§ 178.186-19(b)	§ 178.187-5(b)
§ 178.190-9(a)(2)	§ 178.191-9(a)(2)
§ 178.193-6(a)(2)	§ 178.194-6(b)
§ 178.196-15(a)(2)	§ 178.197-14(a)(2)
§ 178.198-4(a)(2)	§ 178.205-18(a)(2)
§ 178.206-18(a)(2)	§ 178.207-18(a)(2)
§ 178.208-12(a)(2)	§ 178.209-13(a)(2)
§ 178.209-14(a)	§ 178.210-12(a)(2)
§ 178.211-8(a)(2)	§ 178.212-8(a)(2)
§ 178.214-17(a)(2)	§ 178.214-18(a)
§ 178.218-10(a)(2)	§ 178.218-11(a)
§ 178.219-13(a)(2)	§ 178.219-14(a)
§ 178.224-4(a)(2)	§ 178.225-3(a)(1)(iii)
§ 178.225-3(a)(2)(ii)	§ 178.226-4(a)(2)
§ 178.230-8(a)(2)	§ 178.233-9(a)(2)
§ 178.234-9(a)(2)	§ 178.236-7(b)
§ 178.237-7(b)	§ 178.238-7(b)
§ 178.239-7(b)	§ 178.240-10(a)(2)
§ 178.241-5(b)	§ 178.245-7(a)
§ 178.255-15(a)	

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1.)

Note.—The Materials Transportation Bureau has determined that this document will not have a major impact under Executive Order 12044 and DOT implementing procedures (43 FR 9582). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C., on September 24, 1979.

L. D. Santman,
Director, Materials Transportation Bureau.

[FR Doc. 79-30005 Filed 9-26-79; 8:45 am]
BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 525

[Docket No. FE 76-04; Notice 4]

Exemptions From Average Fuel Economy Standards; Final Rule

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule makes several amendments to the requirements governing the contents of petitions by

manufacturers of fewer than 10,000 passenger automobiles annually for exemption from the generally applicable fuel economy standards and in the procedures followed by the National Highway Traffic Safety Administration (NHTSA) in processing those petitions. These amendments will require that petitions for exemption contain more information concerning the fuel economy testing of the vehicles, but otherwise simplify the general content requirements for these petitions. In addition, the notice of receipt of the petitions and the proposed decision on the petitions will now be combined into one notice. These changes will simplify and expedite the preparation and processing of these petitions.

EFFECTIVE DATE: This rule is effective with respect to petitions for exemption for 1980 and subsequent model years.

FOR FURTHER INFORMATION CONTACT: William Devereaux, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, Washington, DC 20590 (202-755-9384).

SUPPLEMENTARY INFORMATION: Section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended (the Act), provides that a low volume manufacturer of passenger automobiles may be exempted from the generally applicable average fuel economy standards for passenger automobiles if those standards are more stringent than the maximum feasible average fuel economy for that manufacturer and if the NHTSA establishes an alternative standard for the manufacturer at its maximum feasible level. Under the Act, a low volume manufacturer is one who manufactures fewer than 10,000 passenger automobiles in the model year for which the exemption is sought (the affected model year) and who manufactures fewer than 10,000 passenger automobiles in the second model year preceding the affected model year.

To implement section 502(c), NHTSA issued Part 525. Exemptions from Average Fuel Economy Standards. Part 525 prescribes the content of exemption petitions and sets forth the agency procedures for processing those petitions. In connection with the processing of petitions submitted by low volume manufacturers, several problems with the process for handling exemption petitions became apparent. The most obvious problems were the amount of time needed to obtain a complete petition from the petitioners and the amount of time needed to publish a final decision on the petitions. To reduce these problems, NHTSA published a

notice of proposed rulemaking to amend Part 525 at 44 FR 21051; April 9, 1979.

Two comments were submitted in response to this proposal. One comment addressed the issue of the fuel economy improvements to be expected from improved lubricants, but did not address any of the issues raised in the notice. Accordingly, that comment will not be discussed further in this notice.

The other comment was submitted by Aston Martin Lagonda, a low volume manufacturer. Aston Martin suggested that the rule be amended so that low volume manufacturers not be required to submit petitions two years before the affected model year. This suggestion has not been adopted. For the same reasons set forth in the final rule originally establishing Part 525 (42 FR 38374; July 28, 1977), NHTSA believes that retention of the two year requirement is more consistent with the energy conservation purposes of the Act. Early submission allows NHTSA to set standards at levels that require maximum fuel economy improvements by the exempted manufacturers. The agency also believes that it is essential that low volume manufacturers know the fuel economy standard which they will have to meet as far in advance of the affected model year as possible, so that the manufacturers can make any necessary changes in their product plans with a maximum of efficiency and a minimum of expense and disruption.

Aston Martin went on to argue that it should not be expected to make any significant alterations to its vehicles. This does not relate to the issues raised in the proposal, but on how NHTSA should determine a manufacturer's maximum feasible average fuel economy. As such, the comment is not relevant to the issues raised in the notice.

Neither of these commenters responded to NHTSA's request for comments as to means of avoiding an annual submission and processing of petitions for exemption, and the request for comments on extending the duration of the exemption from the current three year maximum to a longer period. Since no commenter has raised any objection to the proposed amendments, they are being adopted without change.

In consideration of the foregoing, 49 CFR Part 525 is amended to read as follows:

PART 525—EXEMPTIONS FROM AVERAGE FUEL ECONOMY STANDARDS

1. Section 525.4(b) is revised to read as follows:

§ 525.4 Definitions.

(b) *Other terms.* (1) The term "base level" and "vehicle configuration" are used as defined in 40 CFR 600.002-77. (2) The term "vehicle curb weight" is used as defined in 40 CFR 85.002. (3) The term "interior volume index" is used as defined in 40 CFR 600.315-77. (4) The term "frontal area" is used as defined in 40 CFR 86.129-79. (5) The term "basic engine" is used as defined in 40 CFR 600.002-77(a)(21). (6) The term "designated seating position" is defined in 49 CFR 571.3. (7) As used in this Part, unless otherwise required by the context—"Act" means the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513), as amended by the Energy Policy and Conservation Act (Pub. L. 94-163);

"Administrator" means the Administrator of the National Highway Traffic Safety Administration; "Affected model year" means a model year for which an exemption and alternative average fuel economy standard are requested under this Part; "Production mix" means the number of passenger automobiles, and their percentage of the petitioner's annual total production of passenger automobiles, in each vehicle configuration which a petitioner plans to manufacture in a model year; and "Total drive ratio" means the ratio of an automobile's engine rotational speed (in revolutions per minute) to the automobile's forward speed (in miles per hour).

2. Section 525.6 is amended as follows: Paragraph (b) is revised and paragraph (e) is amended.

§ 525.6 Requirements for petition.

(b) Be submitted not later than 24 months before the beginning of the affected model year, unless good cause for later submission is shown;

(e) State the full name, address, and title of the official responsible for preparing the petition, and the name and address of the manufacturer;

3. Section 525.7 is amended as follows: Paragraph (a) is revised, paragraph (d) is revised, paragraph (e) is amended, and paragraph (h) is amended.

§ 525.7 Basis for petition.

(a) The petitioner shall include the information specified in paragraphs (b) through (h) in its petition.

(d) For each affected model year, the petitioner's projections of the most fuel

efficient production mix of vehicle configurations and base levels of its passenger automobiles which the petitioner could sell in that model year, and a discussion demonstrating that these projections are reasonable. The discussion shall include information showing that the projections are consistent with—

- (e) * * *
- (1) Frontal area;
- (4) Basic engine, displacement, and SAE net horsepower;
- (5) * * *
- (6) Drive train configuration and total drive ratio;
- (7) * * *

(8) Dynamometer road load setting, determined in accordance with 40 CFR Part 86, and the method used to determine that setting, including information indicating whether the road load setting was adjusted to account for the presence of air conditioning and whether the setting was based on the use of radial ply tires; and

(9) Use of synthetic lubricants, low viscosity lubricants, or lubricants with additives that affect friction characteristics in the crankcase, differential, and transmission of the vehicles tested under the requirements of 40 CFR Parts 86 and 600. With respect to automobiles which will use these lubricants, indicate which one will be used and explain why that type was chosen. With respect to automobiles which will not use these lubricants, explain the reasons for not so doing.

(h) Information demonstrating that the average fuel economy figure provided for each affected model year under paragraph (g) of this section is the maximum feasible average fuel economy achievable by the petitioner for that model year, including—

(1) For each affected model year and each of the two model years immediately following the first affected model year, a description of the technological means selected by the petitioner for improving the average fuel economy of its automobiles to be manufactured in that model year.

(2) A chronological description of the petitioner's past and planned efforts to implement the means described under paragraph (h)(1) of this section.

(3) A description of the effect of other Federal motor vehicle standards on the fuel economy of the petitioner's automobiles.

(4) For each affected model year, a discussion of the alternative and additional means considered but not

selected by the petitioner that would have enabled its passenger automobiles to achieve a higher average fuel economy than is achievable with the means described under paragraph (h)(1) of this section. This discussion must include an explanation of the reasons the petitioner had for rejecting these additional and alternative means.

(5) In the case of a petitioner which plans to increase the average fuel economy of its passenger automobiles to be manufactured in either of the two model years immediately following the first affected model year, an explanation of the petitioner's reasons for not making those increases in that affected model year.

4. Section 525.8 is amended as follows: Paragraph (a) is deleted, paragraphs (b) through (f) are redesignated as paragraphs (a) through (e), respectively, and the paragraph redesignated as (d) is revised.

§ 525.8 Processing of petitions.

(d) Any interested person may, upon written request to the Administrator not later than 15 days after the publication of a notice under paragraph (c) of this section, meet informally with an appropriate official of the National Highway Traffic Safety Administration to discuss the petition or notice.

Note.—The agency has reviewed the impacts of this rule and determined that they are minimal, and that the rule is not a significant regulation within the meaning of Executive Order 12044.

The program official and attorney principally responsible for the development of this proposed regulation are William Devereaux and Stephen Kratzke, respectively.

Authority: Sec. 9, Pub. L. 89-670, 80 Stat. 981 (49 USC 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 USC 2002); delegation of authority at 41 FR 25015, June 22, 1976.

Issued on September 19, 1979.

Joan Claybrook,
Administrator.

[FR Doc. 79-29685 Filed 9-26-79; 8:45 am]
BILLING CODE 4910-59-M

49 CFR Part 571

[Docket No. 1-18; Notice 14]

Federal Motor Vehicle Safety Standards; Controls and Displays

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Response to petitions for reconsideration.

SUMMARY: This notice responds to petitions for reconsideration of Federal Motor Vehicle Safety Standard (FMVSS) 101-80, *Controls and Displays*, published June 26, 1978. Several aspects of the petitions are granted, most notably those relating to clarification of the references to other vehicle safety standards and additional symbols. The other aspects of the petitions are denied.

EFFECTIVE DATE: September 1, 1980, except that the amendments to Federal Motor Vehicle Safety Standard No. 208 (49 CFR 571.208) become effective on September 27, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Nelson Erickson, Office of Vehicle Safety Standards, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-2720.

SUPPLEMENTARY INFORMATION: On June 26, 1978, the NHTSA published (42 FR 27541) a final rule establishing new requirements in FMVSS 101-80 for the location, identification, and illumination of controls and displays in passenger cars, multipurpose passenger vehicles, trucks, and buses.

Petitions for reconsideration of FMVSS No. 101-80 were received from the following organizations: Ford Motors Company, American Motor Corporation, British Leyland UK Ltd., Volkswagen of America, Blue Bird Body Company and Mack Trucks, Inc. A discussion of the issues raised by the petitions and their resolution follows. All petitions are denied except as otherwise noted.

Ford requested that vehicles over 10,000 pounds gross vehicle weight rating (GVWR) be excluded from the control requirements. Blue Bird made a similar request, asking that school buses over 10,000 pounds GVWR be excluded. The notice of proposed rulemaking, issued on October 21, 1976 (41 FR 46460) would have required all passenger cars, multipurpose passenger vehicles, trucks, and buses to meet its control and display requirements. The agency, however, found merit in the comments of truck manufacturers who objected to the application of display requirements to heavy duty vehicles. As a result, the final rule provided that heavy duty vehicles need not comply with the display requirements, but must meet the control requirements. Ford and Blue Bird believe that the reasons for excluding these vehicles from the display requirements are equally applicable to the control requirements. They indicated that the operators of these vehicles are professionals who are familiar with the controls and their functions. They further stated that compliance would impose unwarranted redesign and expenditures.

Neither Ford nor Blue Bird addressed the issue of applicability to heavy duty vehicles in commenting on the proposed rule. No other manufacturers of these vehicles have petitioned for reconsideration of those requirements.

The agency draws a distinction between controls and displays in regard to the safety significance of drivers' being able to quickly and correctly locate and identify them. Controls are typically far more important than displays in driving safely and responding to emergency operating conditions. Further, while drivers do become familiar in time with control location, the identification of controls can be critical during the period of familiarization and continues to promote safety even after that period. The agency notes that it has plans for examining the desirability of further regulating controls and displays by standardizing their location and, in the case of some controls, their manner of operation. If rulemaking is undertaken on this matter, the requirements for controls would be put into effect first. The agency concludes that the task of complying with the existing control requirements is not so difficult as to justify foregoing the benefits of those requirements.

British Leyland petitioned for the ISO symbol for the Manual Choke to be added to Table 1 and the ISO symbol for the Brake System to be added to Table 2. No amendment of the standard is necessary to permit use of these two symbols since FMVSS 101-80 does not specify any requirements regarding symbols for those items. Amendment of the standard to require the use of those symbols would require a new proposal to be issued since such an amendment would be beyond the scope of the October 12, 1976, proposal which led to the June 26, 1978 final rule. Treating this part of British Leyland's petition as a petition for rulemaking instead of a petition for reconsideration, the agency grants it. It should be understood that granting the petition does not necessarily mean that an amendment will ultimately be adopted.

American Motors Corporation petitioned to have the requirement for the turn signal control symbol deleted from the final rule because it was not part of the 1976 proposal and they did not have an opportunity to comment. The commenter stated also that there was no safety need because the column mounted lever was in common usage and standardized through accepted industry practice. The commenter's suggestion that there was no notice for the turn signal control symbol lacks

merit. Under the Administrative Procedures Act, notice may be given for a requirement by generally raising the issue in the preamble of a proposal or by setting forth the text of the proposed requirement. While the turn signal control symbol was inadvertently omitted from Table I (concerning control symbols) in the proposed rule, S5 of that rule required use of a turn signal control symbol. The symbol to be used could have been determined from the preamble which expressly provided that the proposal would require use of the ISO turn signal control symbol. Further, that symbol was shown in Table II (concerning display symbols) of the proposed rule.

The location and operation of the turn signal control has over the past several years, become standardized as a finger tip operated lever mounted on the left side of the steering column. There are no reported incidents of accident causation because of the driver's unfamiliarity with the position and use of this control. NHTSA is, therefore, granting AMC's petition to delete the requirement for symbol identification with regard to those vehicles that have a single standardized finger tip operated lever mounted on the left side of the steering column.

American Motors also objected to the use of the highbeam telltale, stressing that it was already uniquely identified by a blue color. It further stated that most vehicles have the highbeam located in the same area as the speedometer dial. This position is in the normal line of sight of the driver, thereby minimizing the time of diversion from the roadway. AMC indicated that an additional graphic representing the highbeam would require its relocation to an area further from the normal line of sight because of the limited area near the speedometer. Such a relocation, AMC argued, would offset any potential benefit. It, therefore, urged that the highbeam telltale symbol be optional.

The NHTSA believes that the highbeam telltale symbol is necessary to alert drivers to the fact that their highbeams are on. Its presence would educate new drivers and act as a reminder to all drivers, especially those who drive infrequently. As to the alleged uniqueness of the use of blue to indicate highbeams, there is no regulation prohibiting its use for telltales other than highbeams. In fact, the color blue is also being proposed by Working Group 5 of Subcommittee 13 of the ISO Technical Committee 22 to the ISO as the color that would be used to indicate spot lamp, long range lamp, cold air, and cold. Therefore, it is possible that

further use of the color blue could lead to confusion unless the highbeam symbol also is required. The NHTSA also believes that the space in the area of the speedometer face is sufficient to allow the symbol for the highbeam to be located there. Therefore, AMC's petition is denied with regard to the highbeam telltale symbol.

In a related vein, Mack, British Leyland, and Mercedes Benz petitioned the agency to substitute the ISO master lighting switch symbol (an illuminated light bulb) for the headlamp and tail lamp symbol (an illuminated headlamp) specified in Table 1 of FMVSS 101-80 or to add the ISO symbol as an optional alternative to the currently specified symbol. The commenters indicated that the European Economic Community's (EEC) Directive 78/316 requires use of the ISO symbol and that Canada allows either that symbol or the one specified by FMVSS 101-80. Mack argued that use of the ISO symbol should be permitted to enable the company to avoid expensive changes in vehicles that are shipped overseas.

If a vehicle contains a master lighting control in addition to a headlamp and tail lamp control, the ISO symbol may be used for the master lighting control. The agency recognizes, however, that most vehicles presently sold in this country have one control that operates all lights, including the headlamps and tail lamps. On those vehicles, the single control must be identified by the headlamp and tail lamp symbol specified in FMVSS 101-80. The agency believes that this requirement should be retained because the headlamps and tail lamps are the more important lights controlled by a master light control. Further, the agency believes that the headlamp and tail lamp symbol is more easily recognizable as related to those lamps than is the ISO master lighting symbol. However, in the agency's forthcoming proposal on controls and displays, the agency will propose that the ISO symbol be required on master lighting controls in vehicles having both a master lighting control and a headlamp and tail lamp control. We will, however, request comments on allowing the ISO symbol as an optional alternative to the headlamp/tail lamp symbol and/or requiring the ISO symbol instead of the headlamp/tail lamp symbol.

American Motors raised a final question about the phase-in of the requirements of the final rule. It noted that S4 of the existing Federal Motor Vehicle Safety Standard (FMVSS) 101 was amended to allow any manufacturer to meet the requirements

of that standard with regard to the location, identification and illumination of the listed controls or to meet the requirements of FMVSS 101-80 with respect to such controls. Although the amendment did not expressly provide for early compliance with the display requirements of FMVSS 101-80, early compliance is nevertheless permissible. Early compliance with a new FMVSS is always permissible unless the requirements of the new FMVSS conflict with those of an existing FMVSS. If early compliance is to be allowed in the case of a conflict, then the existing standard must be amended to permit compliance with the new FMVSS in lieu of compliance with the existing FMVSS. As to display requirements, there is no conflict since FMVSS 101 does not regulate displays.

Volkswagen of America petitioned to allow the use of yellow as an alternative color for the telltale indicator for the headlamp highbeam. It maintains that the designated blue color or alternative blue-green will prohibit the use of light emitting diodes (LEDs). VW submitted supporting documentation that blue LEDs are not currently in production and technically will not be feasible for a number of years. They also stated that several European countries are permitting the color yellow, as well as red, as alternatives for the highbeam indicator. VW stressed the reliability and longer service of LEDs as reasons for installing them in vehicles rather than the current incandescent lamps. VW also alleged that the color yellow is more desirable for the telltale than blue or blue-green.

The NHTSA does not believe that the available information justifies granting VW's request. Presently, the activation of the highbeam indicator is conveyed primarily by the colors blue or red. The ISO and EEC are currently undergoing an effort, like that of the NHTSA, to further standardize the color to blue, thereby improving driver performance. The introduction of a yellow indicator is likely to result in greater driver confusion. Further, VW's contention that reliability is an important design criterion for the highbeam telltale is not of great significance. The highbeam is in use approximately 5 percent of the total driving time. Given this small usage rate, current incandescent lamps are capable of lasting many years. Replacements are also inexpensive and readily available. The NHTSA also disagrees with VW that yellow is more desirable than blue or blue-green. As the eye becomes more adapted to the dark it is more sensitive to blue, not yellow. For

these reasons, Volkswagen's petition is denied.

Several minor technical changes have also been made in the rule. In Table 1, the abbreviations "Mfg" are changed to "Mfr". In Column 3 of Table 2, the cross reference for Brake Air Pressure is changed from FMVSS 108 to FMVSS 121, the cross reference for Malfunction in Anti-Lock is changed from FMVSS 121 to FMVSS 105-75, and the cross reference for Malfunction Brake System is changed from FMVSS 121 to FMVSS 105-75. Footnote 5 to Table 2 is changed to read "Framed areas may be filled."

Federal Motor Vehicle Safety Standard 208 is also amended to permit the seat belt telltale symbol specified in FMVSS 101-80 to be displayed in place of the words "Fasten Seat Belts" or "Fasten Belts."

In consideration of the foregoing, Part 571 of Title 49 of the Code of Federal Regulations is amended as follows:

1. The first sentence of S4.5.3.3(b)(1) of § 571.208, *Occupant Crash Protection*, is amended to read:

§ 571.208 Standard No. 208, Occupant Crash Protection.

S4.5.3.3(b) (1) At the left front designated seating position (driver's position), be equipped with a warning system that activates, for a period of not less than 4 seconds and not more than 8 seconds (beginning when the vehicle ignition switch is moved to the "on" or the "start" position), a continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belt" or "Fasten Belt" or the identifying symbol for the seat belt telltale in Table 2 of Federal Motor Vehicle Safety Standard No. 101-80 when condition (A) exists simultaneously with condition (B).

2. The first sentence of S7.3 of § 571.208, *Occupant Crash Protection*, is amended to read:

§ 571.208 Standard No. 208, Occupant Crash Protection.

S7.3 Seat belt warning system. A seat belt assembly provided at the driver's seating position shall be equipped with a warning system that activates, for a period of not less than 4 seconds and not more than 8 seconds (beginning when the vehicle ignition switch is moved to the "on" or the "start" position), a continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belt" or "Fasten Belt" or the identifying symbol for the seat belt telltale in Table 2 of Federal Motor Vehicle Safety Standard No. 101-80 when condition (a)

exists, and a continuous or intermittent audible signal when condition (a) exists simultaneously with condition (b).

3. The first sentence of S7.3.1 of § 571.208, *Occupant Crash Protection*, is amended to read:

§ 571.208 Standard No. 208, Occupant Crash Protection.

S7.3.1 Seat belt assemblies provided at the front outboard seating positions in accordance with S4.1.1 or S4.1.2 shall have a warning system that activates, for at least 1 minute, a continuous or intermittent audible signal and continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belt" or "Fasten Belt" or the identifying symbol for the seat belt telltale in Table 2 of Federal Motor Vehicle Safety Standard No. 101-80 when condition (a) exists, simultaneously with either of conditions (b) or (c).

4. The first sentence of S7.3a of § 571.208, *Occupant Crash Protection*, is amended to read:


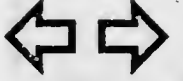

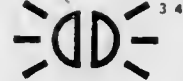



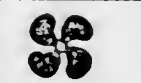


§ 571.208 Standard No. 208, Occupant Crash Protection.

S7.3a A seat belt assembly provided at the driver's seating position shall be equipped with a warning system that activates, for a period of not less than 4 seconds and not more than 8 seconds (beginning when the vehicle ignition switch is moved to the "on" or the "start" position), a continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belts" or "Fasten Belt" or the identifying symbol for the seat belt telltale in Table 2 of Federal Motor Vehicle Safety Standard No. 101-80 when condition (a) exists, and a continuous or intermittent audible signal when condition (a) exists simultaneously with condition (b).

5. Table 1 of § 571.101-80, *Controls and Displays*, is amended to read:

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TABLE 1
Identification and Illumination of Controls

Column 1	Column 2	Col. 3	Col. 4
Hand Operated Controls	Identifying Words or Abbreviation	Identifying Symbol	Illumination
Headlamps and Tail Lamps	Lights		—
Turn Signal	—		—
Hazard Warning Signal	Hazard		Yes
Clearance Lamps System	Clearance Lamps or Cl Lps		Yes
Windshield Wiping System	Wiper or Wipe		Yes
Windshield Washing System	Washer or Wash		Yes
Windshield Washing and Wiping Combined	Wash-Wipe		Yes
Heating and/or Air Conditioning Fan	Fan		Yes
Windshield Defrosting and Defogging System	Defrost, Defog or Def.		Yes
Rear Window Defrosting and Defogging System	Rear Defrost, Rear Defog or Rear Def		Yes
Engine Start	Engine Start ¹	—	—
Engine Stop	Engine Stop ¹	—	Yes
Manual Choke	Choke	—	—
Hand Throttle	Throttle	—	—
Automatic Vehicle Speed	(Mfr. Option)	—	Yes
Identification Lamps	Identification Lamps or Id Lps	—	Yes
Heating and Air Conditioning System	(Mfr. Option)	—	Yes

¹ Use when engine control is separate from the key locking system.

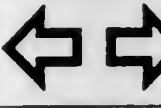







² Use also when clearance, identification, parking and/or side marker lamps are controlled with the headlamp switch.

³ Use also when clearance lamps, identification lamps and/or side marker are controlled with one switch other than the headlamp switch.

⁴ Framed areas may be filled.

6. Table 2 of § 571.101-80, Controls and Displays, is amended to read:

TABLE 2
Identification and Illumination of Internal Displays

Display	Col. 2 Telltale Color	Column 3 Identifying Words or Abbreviation	Col. 4 Identifying Symbol	Col. 5 Illuminate
Turn Signal Telltale	Green	Also see FMVSS 108		—
Hazard Warning Telltale	Red	Also see FMVSS 108		—
Seat Belt Telltale	Red	Also see FMVSS 208		—
Fuel Level Telltale	Yellow	Fuel		—
Gauge	—	Fuel	—	Yes
Oil Pressure Telltale	Red	Oil		—
Gauge	—	Oil	—	Yes
Coolant Temperature Telltale	Red	Temp		—
Gauge	—	Temp	—	Yes
Electrical Charge Telltale	Red	Volts, Charge or Amp		—
Gauge	—	Volts, Charge or Amp	—	Yes
Speedometer	—	MPH and Km/h	—	Yes
Odometer	—	—	—	—
Automatic Gear Position	—	Also see FMVSS 102	—	Yes
High Beam Telltale	Blue	Also see FMVSS 108		—
Brake Air Pressure Telltale	Red	Brake Air Also see FMVSS 121	—	—
Malfunction in Anti-Lock or	Yellow	Anti-Lock Also see FMVSS 105-75	—	—
Brake System	Red	Brake Also see FMVSS 105-75	—	—

1. The pair of arrows is a single symbol. When the indicators for left and right turn operate independently, however, the two arrows will be considered separate symbols and may be spaced accordingly.
2. Not required when arrows of turn signal telltales that otherwise operate independently flash simultaneously as hazard warning telltale.
3. If the odometer indicates kilometres, then "KILOMETRES" shall appear, otherwise, no identification is required.
4. Red can be red-orange. Blue can be blue-green.
5. Framed areas may be filled.

BILLING CODE 4910-59-C

7. The first sentence of S5.2.1 of § 571.101-80, Controls and Displays, is amended to read:

§ 571.101-80 Standard No. 101-80, Controls and Displays. (Effective Sept. 1, 1980.)

S5.2.1. Except for a turn signal control which is operated in a plane essentially parallel to the steering wheel by the only lever mounted on the left side of the steering column, any hand operated control listed in column 1 of Table 1 that has a symbol designated in column 3 shall be identified by that symbol.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on September 19, 1979.

Joan Claybrook,
Administrator.

[FR Doc. 79-29619 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE
COMMISSION

49 CFR Part 1033

[S.O. No. 1364-A]

Wabash Valley Railroad Co., Illinois
Terminal Railroad Co., and
Consolidated Rail Corp. Authorized To
Operate Multiple-Car Shipments of
Less Than Number of Cars Required
by Tariff

Decided: September 18, 1979.

AGENCY: Interstate Commerce
Commission.

ACTION: Service Order No. 1364-A.

SUMMARY: Service Order No. 1364 authorizes the Wabash Valley Railroad Company, Illinois Terminal Railroad Company and Consolidated Rail Corporation to operate multiple-car shipments of corn syrup in less than the number of cars required by tariff. Since the subject tariff has been amended to include smaller minimum shipments, Service Order No. 1364 is no longer required and will be vacated at the below published date and time.

EXPIRATION DATE: 11:59 p.m., September 21, 1979.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

Upon further consideration of Service Order No. 1364 (44 FR 12039), and good cause appearing therefore:

It is ordered: § 1033.1364 Wabash Valley Railroad Company, Illinois Terminal Railroad Company, and Consolidated Rail Corporation authorized to operate multiple-car

shipments of less than number of cars required by tariff. Service Order No. 1364 is vacated effective 11:59 p.m., September 21, 1979.

(49 U.S.C. (10304-10305 and 11121-11126))

A copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-29984 Filed 9-26-79; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Parts 1207 and 1240

[No. 36137 (Sub No. 1)]

Revision of Levels of Revenue Which
Define Classes of Motor Carriers of
Property

AGENCY: Interstate Commerce
Commission.

ACTION: Final rule.

SUMMARY: The Commission is revising the class revenue levels for motor carriers of property to: \$5 million or more for Class I carriers; \$1 million to less than \$5 million for Class II carriers; and less than \$1 million for Class III carriers. This revision will relieve small motor carriers of property from detailed accounting and reporting to the Commission.

DATES: Effective for the reporting year beginning January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275-6236.

SUPPLEMENTARY INFORMATION: In our Notice of Proposed Rulemaking served 1/8/79, and published in the Federal Register January 11, 1979 (43 FR 2407), we proposed to increase class revenue levels for motor carriers of property. We estimated that the proposed revision would result in 700 Class II and Class I carriers, being reclassified downward to Class III and Class II carriers, respectively, and about 800 Class III carriers would remain Class III carriers. We received 40 responses to the NPR from motor carriers of property, a motor carrier holding company, rate bureaus

(RBO's), and trade associations. Thirty-six respondents generally favored the new class revenue levels while four were opposed. The major issues, as viewed by the respondents, are considered in the following discussion.

Reduction or Loss of Data Base. The American Trucking Association (ATA) opposes the revision because it would curtail financial data availability and comparability. The ATA contends that the industry, the general public, and the Commission would be deprived of a data base for evaluating the consequences of economic regulation, especially at a time when its merits are under public scrutiny. The Central Analyses Bureau, Inc., representing the interests of insurance companies, contends the revision would reduce the flow of financial data used to evaluate and monitor carrier insurability. RBO's contend that the revision is inconsistent with the Commission's demand for more and better data in general rate increase proceedings. Further, they expressed concern that the Commission's cost studies might be jeopardized as a direct result of data flow reduction.

Financial and Statistical Reporting Policy. In the past, the Commission perceived data collection for external users as a public service. While that policy benefited some special interest groups, it was also responsible for some of the administrative and financial burden of small motor carriers. To remedy this situation, the Commission adopted a new reporting policy that only requires the reporting of basic and currently needed information. The Commission will no longer collect data beyond the nature and scope of its regulatory needs, merely to satisfy the needs of special interest groups. Moreover, the classification of carriers as a means of collecting needed data and reducing carrier reporting burden has become a component of Commission policy on financial and statistical reporting.

Any reduction in the flow of financial data at the discomfiture of insurance companies, would be no less a public disservice than the enforcement of reporting requirements that are burdensome to small motor carriers. Insurance companies have been providing insurance coverage for cargoes of some 13,000 Class III carriers. These carriers do not file detailed reports with the Commission. If cargo insurance coverage hinges on the insurance companies' capability to evaluate and monitor carrier insurability, the insurance companies have been apparently unhampered by the lack of detailed reports for Class III

carriers. The insurance companies have shown a capability for relying upon their own resources and experience in assessing and monitoring the insurability of carriers. Therefore, we believe that relieving small motor carriers of property from a detailed reporting burden is a greater public service.

In general rate increase proceedings, the Commission demands accurate and reliable data. Requiring periodic reporting of data that has one time or occasional usage, would be inconsistent with the Commission's policy on financial and statistical reporting. This revision, in effect, implements a periodic reporting requirement geared to the needs of the Commission, without jeopardizing its ongoing cost studies and economic regulation of the industry.

Reporting Relief for Small Carriers. Thirty-six motor carriers of property summarily view this revision as relief from a detail reporting and financial burden. A group of nine motor carriers describes the revision as a "... meaningful effort to reduce unnecessary and burdensome rules." Another carrier viewed the benefits of this revision as a significant cost savings. It is estimated the initial cost of converting the accounting and reporting system of a Class III carrier to a Class II carrier was approximately \$2,000. In addition, one carrier expected to incur an additional \$12,000 expense for a bookkeeper's annual salary.

Two carriers, who strongly favor this revision, each suggested a balanced interval between carrier classes (i.e., Class I—\$5 million or more; Class II—\$2.5 million to not more than \$5 million; Class III—less than \$2.5 million). We reviewed this alternative but gave greater weight to revenue class intervals which could provide relief from reporting burden to small motor carriers at a minimum reduction in data flow and without disruption to ongoing cost studies and economic regulation of the industry. We believe these goals are met in the revised class revenue levels.

This decision does not significantly affect the quality of the human environment.

Accordingly, Part 1207 and Part 1240, Title 49 of the Code of Federal Regulations, are amended as shown below.

This revision is issued under the authority of 49 U.S.C. 11142 and 11145.

Decided: September 14, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham,

Clapp, Christian, Trantum, Gaskins and Alexis.
Agatha L. Mergenevich,
Secretary.

Vice Chairman Stafford (dissenting):

I am opposed to the adoption of this proposal. While the benefit of reduced paperwork is commendable, I fear that we may be restricting the Commission's own ability to monitor important data. This data is especially relevant if we are to properly assess the results of many of our recent policy actions. The change in revenue classes will make it difficult to accurately compare future data with previous statistics. I would at least postpone action on this proposal until a later date.

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

Under instruction "1. Classification of carriers," paragraphs (a) and (b)(2) are revised to read:

1. Classification of carriers.

(a) For purposes of accounting and reporting regulations, common and contract carriers of property subject to the Interstate Commerce Act are grouped into the following three classes:

Class I: Carriers having annual carrier operating revenues (including interstate and intrastate) of \$5 million or more.

Class II: Carriers having annual carrier operating revenues (including interstate and intrastate) of \$1 million but not more than \$5 million.

Class III: Carriers having annual carrier operating revenues (including interstate and intrastate) of less than \$1 million.

(b) * * *

(2) A carrier is reclassified downward if for three consecutive years its annual operating revenue has declined below the minimum revenue level for its class. The carrier's new classification shall be based on the revenue level it has achieved in the preceding three years. The new carrier classification shall be effective on January 1 of the next year. In situations where carrier annual operating revenue fails to decline below the minimum revenue level for three consecutive years, the carrier shall retain its current classification.

2. Records. Under instruction "2. Records," paragraph (f)(2) is revised to read:

(f) * * *

(2) Agents shall prepare the required financial statements as follows:

(i) Agents with gross operating revenues (interstate and intrastate) of \$5 million or more shall follow the form prescribed in Annual Report Form M for Class I motor carriers of property.

(ii) Agents with gross operating revenues (interstate and intrastate) of \$1 million but not more than \$5 million, shall follow the form prescribed in Annual Report Form M for Class II motor carriers of property.

(iii) Agents with gross operating revenues (interstate and intrastate) of less than \$1 million, shall follow the form prescribed in Annual Report Form M-3 for Class III motor carriers of property.

PART 1240—CLASSES OF CARRIERS

3. Section 1240.5 is amended by revising paragraphs (a) and (b)(2) to read as follows:

§ 1240.5 Classification of motor carriers of property.

(a) Commencing with the year beginning January 1, 1980, common and contract carriers of property subject to the Interstate Commerce Act are grouped into the following three classes for accounting and reporting purposes:

Class I: Carriers having annual carrier operating revenues of \$5 million or more.

Class II: Carriers having annual carrier operating revenues of \$1 million but not more than \$5 million.

Class III: Carriers having annual carrier operating revenues of less than \$1 million.

(b) * * *

(2) A carrier is reclassified downward if for three consecutive years its annual operating revenue has declined below the minimum revenue level for its class. The carrier's new classification shall be based on the revenue level it has achieved in the preceding three years. The new carrier classification shall be effective on January 1 of the next year. In situations where carrier annual operating revenue fails to decline below the minimum revenue level for three consecutive years, the carrier shall retain its current classification.

4. Section 1240.5 is also amended in paragraph (b)(4), in lines 13 and 14, by changing "Section of Reports" to: "Section of Accounting and Reporting".

[FR Doc. 79-29963 Filed 9-26-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Opening of Certain National Wildlife Refuges in Arizona, California and New Mexico

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to hunting of certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting of migratory game birds will be permitted on portions of certain National Wildlife Refuges in Arizona, California and New Mexico.

DATES: Effective on date of publication from September 1, 1979 through January 31, 1980.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

Albert W. Jackson, Area Manager, U.S. Fish and Wildlife Service, 2953 West Indian School Road, Phoenix, AZ 85017. Telephone: 602-261-6833.

Wesley V. Martin, Refuge Manager, Cibola National Wildlife Refuge, P.O. Box AP, Blythe, CA 92225. Telephone: 714-922-2129.

Tyrus W. Berry, Refuge Manager, Havasu National Wildlife Refuge, P.O. Box A, Needles, CA 92363. Telephone: 714-326-3853.

Gerald E. Duncan, Refuge Manager, Imperial National Wildlife Refuge, P.O. Box 2217, Martinez Lake, AZ 85364. Telephone: 602-783-3400.

Ronald L. Perry, Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, NM 87801. Telephone: 505-835-1828.

LeMoyné B. Marlatt, Refuge Manager, Bitter Lake National Wildlife Refuge, P.O. Box 7, Roswell, NM 88201. Telephone: 505-622-6755.

John H. Kiger, Jr., Refuge Manager, Sevilleta National Wildlife Refuge, Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, NM 87801. Telephone: 505-835-1828.

SUPPLEMENTARY INFORMATION:

General

Hunting of migratory game birds on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of

refuges which are open to hunting are designated by signs and/or delineated on maps available at the above addresses. Vehicular travel is restricted to designated roads and trails.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 32.12 Special regulations; migratory game birds for individual wildlife refuge areas.

Listed migratory game bird species may be hunted on the following refuges:

Arizona and California

Cibola National Wildlife Refuge. Ducks, geese, coots and gallinules. Special Conditions:

(1) Up to two dogs per hunter are permitted for the purpose of hunting and retrieving game.

(2) Hunting is prohibited within one-fourth mile of any occupied dwelling or within 250 yards of any farm worker or within 50 yards of any road or levee.

(3) Vehicles may not be driven onto or across any farm field.

(4) Pits or permanent blinds may not be constructed.

(5) Neither hunters nor dogs may enter closed areas to retrieve game.

(6) Only shotguns permitted for taking ducks, geese, coots and gallinules; however, no shot larger than "BB" may be in hunter's possession.

(7) Decoys of 36 inch dimensions or less are permitted.

(8) Special Use Permits are required for all hunting guides. These permits can be obtained from refuge headquarters in Blythe, California.

(9) Migratory game birds can be attracted by means of artificial bird

decoys and/or mouth or hand operated calls only.

Havasu National Wildlife Refuge. Ducks, geese, coots, gallinules and Wilson's snipe. Special conditions:

(1) Hunting on the Pintail Slough Management Unit will be permitted only on Fridays, Saturdays and Sundays. This unit includes all refuge land north of the north dike and west of Arizona Highway 95.

(2) Only shotguns permitted—limited to 10 gauge or smaller.

(3) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(4) Unloaded firearms (dismantled or cased) may be transported through the closed area over established routes.

(5) Neither hunters nor dogs may enter closed area to retrieve game.

(6) Only two dogs per hunter are permitted for hunting and retrieving migratory game birds.

(7) Pits/permanent blinds prohibited.

(8) Entrance to Pintail Slough hunt area permitted only from the designated parking areas.

(9) Firearms are prohibited on observation towers.

(10) Decoys must be removed at the end of each day.

Imperial National Wildlife Refuge. Ducks, geese, coots and gallinules.

Special Conditions: The construction or use of permanent blinds or pits is prohibited.

New Mexico

Bitter Lake National Wildlife Refuge. Ducks, geese, coots, common (Wilson's) snipe and lesser sandhill cranes. Special conditions:

(1) Steel (iron) shot shotgun ammunition only may be used for taking ducks, geese, coots, snipe, or sandhill cranes on the south refuge unit (area C). Further, it is not permissible to have shotgun ammunition other than steel shotshells in possession in area C during the waterfowl season.

(2) Up to two dogs per hunter are permitted for the purpose of hunting and retrieving game.

(3) Neither hunters nor dogs may enter areas closed to hunting to retrieve game.

(4) Pits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought onto the refuge for blind construction must be removed at the end of each hunt.

Bosque del Apache National Wildlife Refuge. Snow, blue and Ross's geese. Special Conditions:

(1) Refuge hunting days will be November 24 through 28, 1979;

December 12 through 17, 1979; and December 27 through 31, 1979. Shooting hours will be from sunrise until 10:00 a.m., local time.

(2) For each day's hunt, each hunter will be limited to ten (10) steel (iron) shot shotshells. It will be illegal to possess any shells other than the ten (10) steel shotshells within the goose hunt area.

(3) Hunters will be required to apply by pre-season application for hunting dates. Applications are available from the New Mexico Department of Game and Fish, Albuquerque, Bosque del Apache National Wildlife Refuge, Area Office, U.S. Fish and Wildlife Service, 2953 West Indian School Road, Phoenix, AZ 85017; and Regional Office, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, NM 87103.

(4) Hunters may apply as a party of 1, 2, or 3 persons. If the application is for a party of less than three persons, the blind vacancies may be filled from other applications, or by a daily drawing. No substitutions for an original applicant will be permitted.

(5) A hunter's name may appear on only one application each season. If an applicant's name appears on more than one application, all applications containing his/her name will be voided.

(6) Applicants may indicate up to four choices of hunting days. All hunters will be limited to no more than two hunts by reservations. Only applications received at the refuge office before 10:00 a.m., October 1, 1979, will be accepted.

(7) All successful applicants and hunters wishing to hunt on a stand-by basis will be required to undergo and successfully complete, prior to the hunt, a migratory bird identification and hunter training program sponsored specifically for this hunt by the U.S. Fish and Wildlife Service. Hunters who successfully completed the course in 1978 need not retake the course. Individuals who completed the course in 1977 or previously will be required to retake the course. Locations for programs to be presented will be contained in material sent to successful hunt applicants and news releases sent to state news media.

(8) Hunters selected to participate in each day's hunt will be assigned to their blinds by lot.

(9) Hunting is permitted only from the assigned blinds with no more than three hunters per blind. Switching from assigned blinds is prohibited.

(10) Each Hunter will pay a special hunter service recreation fee of \$3 on the day of the hunt. Holders of "Golden Age Passport" are entitled to a 50 percent discount on this \$3 fee.

(11) The daily bag limit will be five of the permitted species, except that no more than one Ross's goose will be permitted in a daily bag.

(12) Hunters will be permitted to use only snow goose decoys.

(13) Hunters must check in through the middle refuge gate on New Mexico Highway 1, one and one-half (1 1/2) miles south of the north boundary of the refuge. This gate is located on the east side of the A.T. & S.F.R.R. which parallels the highway. Check-in must be no later than 5:00 a.m., local time, on the day they are to hunt and must check out through the hunter check station by 11:00 a.m. of that same day.

(14) Dogs are prohibited.

(15) No alcoholic beverages will be permitted in the hunt area. Any individual obviously under the influence of alcohol will not be permitted to enter the hunt area.

Sevilleta National Wildlife Refuge. Ducks, geese and coots. Special conditions:

(1) No camping is permitted.

(2) Parking will be limited to areas as posted and designated on hunt map.

(3) There will be no entry to the hunt area earlier than 2 hours before sunrise.

(5) Hunters may not enter closed area to retrieve birds.

(6) Fires of any type are prohibited.

(7) Unloaded firearms that are dismantled or cased may be transported through the closed area over posted routes of travel.

(8) Pits and/or permanent blinds are prohibited.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Note.—The Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

Albert W. Jackson,
Area Manager, Fish and Wildlife Service,
Phoenix, AZ.

September 20, 1979.

[FR Doc. 79-29941 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 32

Hunting; Oklahoma and Texas

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special Regulations.

SUMMARY: The Area Manager has determined that the opening to hunting of certain National Wildlife Refuges in the states of Oklahoma and Texas is compatible with the objectives for which these areas were established, will utilize a renewable national resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the approaching upland game hunting season.

EFFECTIVE DATES: September 1, 1979 through February 15, 1980.

FOR FURTHER INFORMATION CONTACT: The Refuge Manager at the address and/or telephone number listed below in the body of these Special Regulations.

General

Public hunting is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR 32 and the following Special Regulations. Special conditions applying to individual refuges are listed on leaflets available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 300 E. 8th Street, Room G-121, Austin, Texas 78701.

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that such recreational use will not interfere with the primary purpose for which the areas were established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Public hunting shall be in accordance with all applicable Federal and State laws and regulations subject to the following conditions:

§ 32.22 Special regulations; upland game; for individual wildlife refuge area.

Oklahoma

Sequoyah National Wildlife Refuge, P.O. Box 695, Vian, Oklahoma 74962, telephone 918-773-5251. Upland Game.

Special conditions: Hunting seasons are as follows: squirrel, September 1, 1979 through January 1, 1980; quail, November 20, 1979 through the last day of the regular 1979-80 waterfowl season; rabbits, October 1, 1979 through the last day of the regular 1979-80 waterfowl season. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail, squirrel, and rabbits, subject to the following special conditions:

1. Only shotguns without slug ammunition or longbow and arrow are permitted.

2. Firearms and/or archery equipment are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where they must be cased or broken down.

3. Dogs may be used for hunting quail or rabbit, but must be under immediate control or supervision and restrained from pursuit of protected species.

4. Camping or possession of firearms on the refuge from sunset to sunrise is prohibited.

5. All vehicles must be parked in designated parking areas as shown on maps available at refuge headquarters and at leaflet boxes throughout the public hunting area.

Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Oklahoma 73460, telephone number 405-371-2402. Upland Game.

Special conditions: (1) Bobwhite quail, cottontail, and swamp rabbit hunting shall be in accordance with all applicable State regulations covering the hunting of these species. (2) Open season for hunting bobwhite on the refuge (Wildlife Management Unit) will vary according to the Zones within the Management Unit in order to limit conflicts with waterfowl hunting in the area, and are as follows: *Zones 1 & 2.* Bobwhite hunting is permitted from official sunrise to 11:45 a.m. on Tuesday, Thursdays, Saturdays, Sundays, and all national holidays except Christmas, beginning on the first day of the second half of duck season and ending at 12:00 o'clock noon on the last day of the duck season. Beginning at 12:00 o'clock noon on the last day of duck season and continuing through February 1, 1980, bobwhite hunting will be permitted every day from official sunrise to official sunset. *Zone 3.* No bobwhite hunting will be permitted until after the close of the 1979-80 goose season on the

Management Unit. Starting at 12:00 o'clock noon on the last day of goose season on the Management Unit and continuing through February 1, 1980, bobwhite hunting will be permitted every day from official sunrise to official sunset. (3) Open season for hunting cottontails and swamp rabbits on the refuge (Wildlife Management Unit) will be the same as the regulations for bobwhite hunting except that cottontail and swamp rabbit hunting will continue through February 15, 1980. (4) Vehicular access for hunting upland game in Zone 1 & 2 during the period of half day quail and rabbit hunting is restricted to existing roads and trails. No vehicular access will be allowed after the close of waterfowl season in any of the three zones (Zones 1, 2, or 3); access will be by walk-in only. (5) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving game. (6) Hunters, upon entering and leaving the hunting area, shall report at designated checking stations as may be established for the regulation of the hunt and shall furnish upon request information pertaining to their hunting activities.

Texas

Aransas National Wildlife Refuge (Matagorda Unit), P.O. Box 100, Austwell, Texas 77950, telephone number 512-286-3559. Upland Game.

Special Conditions: (1) Unless otherwise specified, all laws and regulations published by the Texas Parks and Wildlife Department concerning bobwhite quail hunting will be applicable. (2) Shot guns only will be allowed for quail hunting. (3) Hunting hours will be from 8:00 a.m. until 4:00 p.m. throughout the designated season. (4) All hunters must report to the island docks for briefing on endangered species and hunter conduct. Once hunters have arrived on the island they will be transported to or from the hunting area at 8:00 a.m., 12:00 p.m. and 4:00 p.m. only. (5) In the event whooping cranes begin using habitat within the hunt area, all or portions of that area will be closed to hunting.

The provisions of this special regulation supplement the regulations which govern public hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact

Statement under Executive Order 11949 and OMB Circular A-107.

Joseph R. Higham,
Area Manager, Austin, Texas.

[FR Doc. 79-30156 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Groundfish of the Gulf of Alaska Fishery Management Plan Amendment #6: Final Implementing Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA/Commerce).

ACTION: Final Regulations.

SUMMARY: Final regulations are promulgated to implement amendment number 6 to the Groundfish of the Gulf of Alaska Fishery Management Plan. These regulations lower the estimates of domestic annual harvest (DAH) and commensurately increase the total allowable level of foreign fishing (TALFF).

EFFECTIVE DATE: September 24, 1979.

FOR FURTHER INFORMATION CONTACT: Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Telephone (907) 586-7221.

SUPPLEMENTARY INFORMATION: At its June 28-29 meeting, the North Pacific Fishery Management Council (Council) submitted amendment 6 to the FMP for the Gulf of Alaska Groundfish fishery. The amendment lowers the estimates of DAH and commensurately increases the TALFF by 27,700 m.t. for all species of groundfish combined. (For specifications by species, see revised Table 61 which may be found in sec. 5.2.2.2 of the FMP.) The Assistant Administrator for Fisheries approved the amendment on July 26, 1979. Proposed regulations were published August 2, 1979 (44 FR 46904).

The lowering of DAH, by species and individual regulatory areas in the Gulf of Alaska, is based upon data gathered by the National Marine Fisheries Service and reviewed by the Council on (1) total domestic harvest through April 1979, and (2) processors' intentions to process during the remainder of the fishing year. The purpose of the amendment is to make available for foreign fishing, fish which will not be harvested by domestic vessels. No comments were received on the proposed regulation. A final reserve release was effective on August 31, 1979 (44 FR 52214). The amounts of fish made

available to TALFF as a result of this release are incorporated in the final regulations implementing this amendment.

The Assistant Administrator for Fisheries, under a delegation of authority from the Secretary, has determined that this amendment to the FMP (1) is necessary and appropriate to the conservation and management of Gulf of Alaska Groundfish resources; (2) is consistent with the National Standards and other provisions of the Fishery Conservation and Management Act of 1976; (3) does not constitute a major Federal action requiring the preparation of an environmental impact statement; and (4) does not constitute a significant action requiring the preparation of a regulatory analysis under Executive Order 12044.

The Assistant Administrator also finds that the 30-day cooling-off period required under the Administrative Procedure Act is unnecessary, impractical, and contrary to the public interest because it is desirable that foreign fishermen have the best opportunity possible to harvest their respective allocations.

Signed in Washington, D.C., this 24th day of September 1979.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.

(16 U.S.C. 1801 *et seq.*)

PART 611—FOREIGN FISHING

50 CFR Part 611 is amended as follows:

1. Section 611.20(c) Table 1, change the TALFFs for species in the Gulf of Alaska fishery to the following:

§ 611.20 Total allowable level of foreign fishing.

(c) * * *

Fishery	Species	Species Code	TALFF (Metric Tons)
Gulf of Alaska Groundfish.	Cod, Pacific	702	**29,300
Do.	Flounders, including yellowfin sole.	129	**32,025
Do.	Mackerel, Atka	207	**26,775
Do.	Perch, Pacific Ocean (POP).	780	**22,750
Do.	Pollock	701	**157,200
Do.	Rockfishes, other than POP.	849	**6,675
Do.	Rattails	315	**11,868
Do.	Sablefish	703	**8,805
Do.	Squid	509	**4,975
Do.	Other species	499	**15,570

2. Section 611.92(b)(1), remove Table I and replace it with the following Table I.

§ 611.92 Gulf of Alaska trawl fishery.

(b) * * *
(1) * * *

Table I—Gulf of Alaska Groundfish Fishery: Tally and Reserve by Species and Regulatory Area for 1978/1979

Species	(Metric Tons)			Total
	Western	Central	Eastern	
Pollock:				
TALFF	56,925	84,420	15,855	157,200
Reserve	50	5,400	50	5,500
Pacific Cod:				
TALFF	8,860	15,070	5,370	29,300
Reserve	500	850	150	1,500
Flounders:				
TALFF	10,250	14,300	7,475	32,025
Reserve	50	100	25	175
Pacific Ocean: ¹				
Perch (POP)				
TALFF	2,475	8,355	13,920	22,750
Reserve	200	1,250	400	1,850
Other Rockfishes: ²				
TALFF	230	500	5,945	6,675
Reserve	25	100	100	225
Sablefish:				
TALFF	1,965	3,570	3,270	8,805
Reserve	35	130	30	195
Atka Mackerel:				
TALFF	4,395	19,390	2,990	26,775
Reserve	5	10	10	25
Squid:				
TALFF	995	1,990	1,990	4,975
Reserve	5	10	10	25
Rattails:				
TALFF	3,267	7,067	1,534	11,868
Reserve	0	0	0	0
Other Species: ³				
TALFF	4,280	8,380	3,090	15,750
Reserve	20	120	10	150

¹See figure 1 of this Section 611.92(b) for description of regulatory areas.

²The category "Pacific ocean perch" includes *Sebastes* species *S. alutus* (Pacific ocean perch), *S. polycarpus* (northern rockfish), *S. aleuticus* (rougheye rockfish), *S. borealis* (shortfin rockfish), and *S. zacentrus* (sharpchin rockfish).

³The category "other rockfish" includes all fish of the genus *Sebastes* except the category "Pacific ocean perch" as defined above.

⁴The category "other species" includes all species of fish except (A) the other fish listed in the table, and (B) shrimp, scallops, steelhead trout, Pacific halibut, herring, and Continental Shelf fishery resources.

[FR Doc. 79-30068 Filed 9-26-79; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries Amendments to Final Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/Commerce.

ACTION: Amendments to final regulations.

SUMMARY: These amendments to the final regulations for the Atlantic surf clam and ocean quahog Fisheries implement the amendment to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP), approved by the Assistant Administrator for Fisheries, to regulate fishing during the period beginning October 1, 1979, and ending on December 31, 1979. These regulations basically extend regulations already in

effect. They modify the record-keeping and data reporting requirements for surf clam and ocean quahog processors. They also modify the procedure for setting allowable times for fishing for surf clams.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone (617) 281-3800.

SUPPLEMENTARY INFORMATION: The FMP was amended by the Mid-Atlantic Fishery Management Council (the Council) to extend the management program established in the FMP for three months until December 31, 1979. This was accomplished by establishing optimum yields and quotas for both surf clams and ocean quahogs identical to those established for the corresponding three-month period in 1978, and extending the moratorium on the entry of new vessels into the surf clam fishery. The amendment also requires additional record-keeping and data reporting by surf clam and ocean quahog processors to provide information necessary for the determination of U.S. capacity to process these species, and contains language bringing the FMP into conformity with the Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. 1801 *et seq.* the Act). Finally, the amendment establishes a new procedure for determination and adjustment of allowable times for fishing for surf clams. The amendment to the FMP and these amendments to the regulations are intended to provide for interim management while the Council is preparing a more comprehensive amendment to the FMP.

Public Comments

These regulations were proposed on August 1, 1979 (44 FR 45227) and public comment was invited until September 16, 1979. No comments have been received from the general public concerning the proposed regulations. The only significant public comment received during the course of this amendment process concerned the additional reporting requirements which are to be imposed on processors of the regulated species. Additional information about the capacity, payroll and employment of those operations will facilitate analysis of U.S. capacity to harvest and process regulated species, which is necessary under Pub. L. 95-354, an amendment to the Act. The information will also greatly enhance the understanding of the fishery and will facilitate the analysis of future

management alternatives. A number of processors were initially concerned that the information requested would represent a burden in collection and a possible intrusion into their operations. The proposed regulations addressed that concern by minimizing the additional information requested, and establishing a reasonable reporting schedule.

The implementation of these amendments by the Assistant Administrator for Fisheries does not constitute a major federal action significantly affecting the quality of the human environment. A statement of negative environmental significance is on file with the Environmental Protection Agency. The Assistant Administrator has determined that this action does not require preparation of a regulatory analysis, nor does it meet the criteria of significance, under E.O. 12044.

The Assistant Administrator finds that there is good cause to make these regulations effective sooner than 30 days after their publication, because of the conservation needs of the fishery resource.

Signed at Washington, D.C., this 24th day of September, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

(16 U.S.C. 1801 *et seq.*)

Accordingly, Part 652 is amended as follows:

1. Strike § 652.6 (a) and (b) and substitute the following:

§ 652.6 Catch quotas.

Catch quotas for vessels of the United States permitted to fish for surf clams or ocean quahogs are as follows:

(a) *Surf clams.* October 1, 1979, through December 31, 1979 * * * 350,000 Bushels

(1) If the actual catch of surf clams in any quarter falls more than 5,000 bushels short of the specified quota, the Regional Director shall add the amount of the shortfall to the next succeeding quarterly quota. If the actual catch of surf clams in any quarter exceeds the specified quarterly quota, the Regional Director shall subtract the amount of the excess from the next succeeding quarterly quota.

(2) The Assistant Administrator shall publish a notice in the Federal Register whenever the Regional Director adjusts the quarterly quota of surf clams under subparagraph (1) of this paragraph.

(b) *Ocean Quahogs.* January 1, 1979 to December 31, 1979 * * * 3,000,000 Bushels

If necessary, the Regional Director may establish quarterly quotas for ocean quahogs, and, in that event, the

Assistant Administrator shall publish a notice of such quarterly quotas in the Federal Register.

2. Strike § 652.7(a) (2), (3), and (4) and substitute the following:

§ 652.7 Effort restriction.

(a) *Surf Clams.* (1) * * *

(2) Prior to the beginning of each quarter specified in § 652.6(a), the Regional Director, in consultation with the Surf Clam Committee of the Mid-Atlantic Council and in consideration of any public comment received concerning the matter, shall determine what level of effort will provide for the continued catch of surf clams throughout the entire quarter. That determination will be based both on the consultations and comments and on historical catch records with emphasis given to the data from the previous completed quarter. Any comments from members of the public concerning the appropriate level of effort for a quarter must be received by the Regional Director 30 days prior to the beginning of that quarter to allow for proper consideration. Each quarterly determination will be made in a timely manner, and published in the Federal Register.

(3) If the Regional Director determines during any quarter that the quarterly allocation (as adjusted under § 652.6 (a)(1)) of surf clams will be exceeded at the then-current level of fishing effort, he may reduce the number of hours per week during which fishing for surf clams is permitted in that quarter to avoid prolonged closure of the fishery.

(4) If the Regional Director determines during any quarter that the quarterly allocation (as adjusted under § 652.6 (a)(1)) of surf clams will not be harvested at the then-current level of fishing effort, and that the catch rate has not diminished as a result of a decline in abundance of stocks of surf clams, he may increase the number of hours per week during which fishing for surf clams is permitted during that quarter to facilitate the harvest of the full quarterly allocation.

3. Strike § 652.9(b) and substitute the following:

§ 652.9 Vessel moratorium.

(a) * * *

(b) The moratorium shall remain in effect until December 31, 1979, unless the Secretary determines, after public hearings and consultation with the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils to terminate the moratorium at an earlier date.

4. Strike § 652.13(a)(1) (viii), (ix), and (x), and § 652.13(a)(2) and substitute a new § 652.13(a) (2) and (3) as follows:

§ 652.13 Reports and records.

(a) *Dealers.* (1) * * *

(2) All persons required to submit reports under paragraph (a)(1) of this section shall also provide the following information to the Regional Director on an annual basis on forms to be supplied by the Regional Director:

(i) Number of dealer or processing plant employees during each month of the year just ended.

(ii) Number of employees engaged in production of processed surf clam and ocean quahog products, by species, during each month of the year just ended.

(iii) Total payroll of those employees in paragraph (a)(2)(ii) of this section during each month of the year just ended.

(iv) Plant capacity to process surf clam and ocean quahog shellstock, or to process surf clam and ocean quahog meats into finished products, by species, and

(v) Projection of paragraph (a)(2)(iv) of this section for the next year.

If the capacity in paragraph (a)(2)(iv) of this section increases or decreases more than ten percent during any year, the processor shall promptly notify the Regional Director of the change in capacity.

(3) All persons purchasing, receiving, or processing surf clams or ocean quahogs at sea for transport to any port of the United States must maintain records identical to those required by paragraphs (a) (1) and (2) of this section and provide those records to the Regional Director on the same frequency basis.

[FR Doc. 79-30065 Filed 9-26-79; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Sport Hunting; Correction to Special Regulations Concerning DeSoto National Wildlife Refuge, Iowa and Portion of Nebraska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; correction.

SUMMARY: This document contains information that was not contained in the original hunting regulations at DeSoto National Wildlife Refuge.

DATES: See below.

FOR FURTHER INFORMATION CONTACT:

Tom A. Saunders, Area Manager, U.S. Fish and Wildlife Service, 2701 Rockcreek Parkway, Suite 106, North Kansas City, Missouri 64116, Telephone: 816/374-6166.

George Gage, Refuge Manager, DeSoto National Wildlife Refuge, RR #1, Box 114, Missouri Valley, Iowa 51555, Telephone: 712/642-4121.

SUPPLEMENTARY INFORMATION:

General

Special Regulations were published in Volume 44, No. 165, pages 49459-61, dated Thursday, August 23, 1979. Those regulations are amended to include the following:

§ 32.12 Special regulations; migratory game bird hunting for individual wildlife refuge areas.

Iowa

DeSoto National Wildlife Refuge

Migratory game bird hunting will be permitted on DeSoto NWR, Iowa November 1 through December 7, 1979, both dates inclusive.

§ 32.32 Special Regulations, big game for individual wildlife refuge areas.

Nebraska

DeSoto National Wildlife Refuge

Muzzleloader hunting of deer on DeSoto NWR, Nebraska is permitted December 15 through December 19, 1979, both dates inclusive.

Dated: September 21, 1979.

Jefferson L. Fountain,
Acting Area Manager.

[FR Doc. 79-30299 Filed 9-26-79; 9:37 am]
BILLING CODE 4310-55-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

National Highway Traffic Safety Administration

23 CFR Part 658

[FHWA Docket No. 78-41, Notice 2]

National Maximum Speed Limit; Certification and Monitoring Requirements

AGENCIES: Federal Highway Administration (FHWA) and National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Amendment and extension to emergency final rule.

SUMMARY: This document extends the certification of speed limit monitoring requirements for one additional reporting period (through the 12 months ending September 30, 1980). Minor amendments governing the use of automatic speed monitoring equipment are also being made.

DATES: This amendment and extension becomes effective on October 1, 1979. Comments must be received on or before November 26, 1979.

ADDRESS: Anyone wishing to submit written comments may do so, preferably in triplicate, to FHWA Docket No. 78-41, Notice 2, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William F. Bauch, Office of Traffic Operations, 202/426-1993; or David C. Oliver, Office of the Chief Counsel, 202/426-0825.

SUPPLEMENTARY INFORMATION: Section 205 of the Surface Transportation Assistance Act of 1978, Pub. L. 95-599, 92 Stat. 2689, amended 23 U.S.C. 154 to include criteria against which to judge each State's level of compliance with the 55 mile-per-hour national maximum speed limit. The Act also legislated a significant change in the speed monitoring data collection procedures. Title 23 U.S.C. 154 now requires that the "percent exceeding 55 miles per hour" figure, reported with each State's annual certification of speed limit enforcement, be based on the speeds of all vehicles, or a representative sample of all vehicles. This requirement is in contrast to the "free-flow" vehicle concept which had been the basis of the speed monitoring programs in effect previously.

The new legislation, which the President signed into law on November 6, 1978, made these new program features effective immediately and thus applicable to the certification period ending September 30, 1979. Recognizing that the legislation would require substantial modification of the governing regulation, and that these modifications would require a considerable lead time to finalize, the FHWA issued an emergency regulation (43 FR 59464) on December 20, 1978, to provide interim program guidance for the certification period ending September 30, 1979. The intent was to have a "final" regulation, which took

into account all of the new requirements in place and effective October 1, 1979. A notice of proposed rulemaking is being issued and therefore a final regulation may not be issued for several months. Accordingly we are extending the effective period of the existing speed monitoring certification requirements in 23 CFR 658.7 for one additional certification period, i.e., through the 12 months ending September 30, 1980.

We are aware of the fact that a number of States already have taken delivery, or at least have placed orders for various types of automatic vehicle speed monitoring equipment. These actions are being taken in anticipation of probable future speed monitoring requirements. Since the majority of States have not reached this stage in equipment purchase, we feel that it is only reasonable to permit these States to follow current procedures for another year. However for the States that do attain automatic speed monitoring capability during the year, elimination of all "free-flow" monitoring and complete adoption of automatic monitoring may be implemented at the beginning of a calendar quarter. Analysis procedures should be altered to reflect the change in data collection, with "free-flow" conversion factors being used only for the period up to the equipment changeover.

Fifteen comments were received in the public docket on the December 20, 1978 emergency regulation. The consensus of the comments stressed two points. First, as an interim measure the regulation would be acceptable, with no specific comments received on the methodology itself; and second, the regulation should not be retained on a permanent basis. The substance of these comments was that some type of machine monitoring of all traffic at logically determined, representative sites should constitute the basis of a final regulation. The notice of proposed rulemaking which is being issued addresses this subject in detail.

Accordingly, the only revisions to 23 CFR 658.7(d) in extending its effective period will be:

1. To require that the supplemental data collection of paragraph (2) be accomplished during each quarter of the twelve month period ending September 30, 1980, that "free-flow" speed monitoring would be scheduled. The current wording requires that the supplemental data collection be accomplished during the third and fourth quarters of the twelve month period ending September 30, 1979; and

2. Allow changeover to automatic machine based all traffic speed monitoring during the speed monitoring year.

In consideration of the foregoing 23 CFR 658.7(d) (2) (i), (ii), (iii) and (5) are revised to read as follows effective October 1, 1979:

§ 658.7 Certification of speed limit enforcement.

(d) * * *

(1) * * *

(2) * * *

(i) *Use of automatic speed recording or speed classifying machines.* Using this method, data should be collected at a minimum of two locations on each highway type monitored by a State, during each quarter of the speed monitoring year. As a minimum, data should be collected during the same time period and cover the same traffic as that from which the "free-flow" data are collected.

(ii) *Supplemental radar data.* This method would require the commitment of additional personnel and equipment in order to monitor all vehicles during the same time period that "free-flow" data are being collected. This effort would be required at a minimum of two locations per highway type monitored by a State, during each quarter of the speed monitoring year.

(iii) *Supplemental radar data—sampling the traffic stream.* Where traffic volumes are large enough to make radar monitoring of all vehicles impractical, a sampling of the traffic stream may be monitored. This method would involve monitoring every nth vehicle in the traffic stream ("n" to be determined by site geometrics, i.e., number of lanes, traffic volumes, and data recording capability). If volumes warrant, data may be collected by lane, by 15-minute time periods, for the duration of "free-flow" collection period. As a minimum this method would be used at two locations per highway type monitored by a State, during each quarter of the speed monitoring year.

(3)(i) * * *

(ii) * * *

(4) * * *

(5) If a State attains automatic "all traffic" speed monitoring capability during the 12 months ending September 30, 1980, the State may commence use of this capability with the quarter following FHWA Division Administrator approval of this changeover. Procedures for calculating the annual statewide percentage exceeding 55 miles per hour should reflect the use of the two data collection methods during the year.

(23 U.S.C. §§ 141, 154; § 205 of the Surface Transportation Assistance Act of 1978, Pub. L. 95-599, 92 Stat. 2689; 49 CFR 1.48(b)).

Note.—The Federal Highway Administrator and the National Highway Traffic Safety Administrator have determined that this document relates to a significant regulatory action according to the criteria established by the Department of Transportation pursuant to E.O. 12044. A regulatory evaluation is available for inspection in the public docket and may be obtained by contacting Mr. William F. Bauch of the program office at the address specified above.

Issued on: September 26, 1979.

R. D. Morgan,
Acting Federal Highway Administrator.

Joan Claybrook,
National Highway Traffic Safety Administrator.

[FR Doc. 79-30300 Filed 9-26-79; 10:35 am]

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Proposed Rules

Federal Register

Vol. 44, No. 189

Thursday, September 27, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL ELECTION COMMISSION

[11 CFR Parts 9032, 9033, 9035]

Presidential Election Campaign Fund and Presidential Primary Matching Fund

AGENCY: Federal Election Commission.**ACTION:** Notice of Proposed Rulemaking.

SUMMARY: The Commission requests comments on proposed rules to govern the administration of the Presidential Primary Matching Fund Account provided for in Chapter 96 of Title 28 United States Code. The revisions of the regulations at 11 CFR Chapter I concern the eligibility of candidates who exceed the expenditure limitations set forth at 11 CFR Part 9035 prior to applying for certification under 11 CFR Part 9033.

DATES: Comments must be received on or before October 29, 1979.

ADDRESSES: Address comments to Office of General Counsel, Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463.

FOR FURTHER INFORMATION, CONTACT: Patricia Ann Fiori, Assistant General Counsel for Legislation and Regulations, (202) 523-4143.

SUPPLEMENTARY INFORMATION: The current regulations at 11 CFR 9033.2 stipulate that a candidate seeking to become eligible to receive Presidential primary matching fund payments must certify that the candidate and his or her authorized committee(s) will not incur qualified campaign expenses in excess of the expenditure limitations specified in 11 CFR Part 9035. The proposed regulations will require a candidate seeking to become eligible to receive public funds to certify that the candidate and his or her authorized committee(s) have not and will not incur qualified campaign expenses in excess of the expenditure limitations. Candidates who exceed the limitations will be ineligible to receive primary matching fund payments. The proposed regulations also establish a mechanism under which those candidates who have exceeded

the expenditure limitations may become eligible for public funding.

11 CFR 9032.9(a) is amended to read as follows:

PART 9032—DEFINITIONS

§ 9032.9 Qualified campaign expense.

(a) "Qualified campaign expense" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value—

(1) Incurred by a candidate or his or her authorized committees from the date the individual becomes a candidate through the last day of the candidate's eligibility as determined under § 9033.4.

(2) Made in connection with his or her campaign for nomination; and

(3) Neither the incurrence nor payment of which constitutes a violation of any law of the United States or any regulation prescribed thereunder, or of any State in which the expense is incurred or paid, except that any State law which has been preempted by the Federal Election Campaign Act of 1971, as amended, shall not be considered a State law for purposes of this subchapter.

PART 9033—ELIGIBILITY

11 CFR 9033.2(b) is amended to read as follows:

§ 9033.2 Candidate Certifications; threshold amount

(b) The candidate and his or her authorized committee(s) shall certify that they have not and will not incur qualified campaign expenses in excess of the limitations under 11 CFR Part 9035.

The following new section is added to 11 CFR Part 9033:

§ 9033.3 Expenditure limitation certification.

(a) If the Commission makes an initial determination that a candidate or the candidate's authorized committee(s) have knowingly and willfully exceeded the expenditure limitations at 11 CFR Part 9035 prior to that candidate's application for certification, the Commission may make an initial determination that the candidate is ineligible to receive matching funds.

(b) The Commission shall notify the candidate of its initial determination,

provide the legal and factual reasons for its initial determination and advise the candidate of the evidence upon which its initial determination is based. The candidate will be given an opportunity, within 20 days of the Commission's notice, to submit written legal or factual materials to demonstrate that he or she has not knowingly and willfully exceeded the expenditure limitations at 11 CFR Part 9035.

(c) The Commission will consider all written legal or factual materials submitted by the candidate under 11 CFR 9033.3(b) in making its final determination. These materials may be submitted by counsel on the candidate's behalf.

(d) A final determination of the candidate's ineligibility by the Commission shall be accompanied by a written statement of reasons for the Commission's action. This statement shall explain the reasons underlying the Commission's determination and shall summarize the results of any investigation upon which the determination is based.

(e) A candidate who receives a final determination of ineligibility under 11 CFR 9033.3(d) may establish his or her eligibility if the candidate pays to the United States Treasury an amount equal to the amount by which the candidate exceeded the expenditure limitation under 11 CFR 9035.

§§ 9033.3—9033.8 [Renumbered as §§ 9033.4—9033.9]

Renumber § 9033.3 through § 9033.8 as § 9033.4 through § 9033.9.

PART 9035—EXPENDITURES

11 CFR Part 9035.1 is amended as follows:

§ 9035.1 Qualified campaign expense limitation.

(a) No candidate shall knowingly incur qualified campaign expenses which, in the aggregate, exceed \$10,000,000 (as adjusted under 2 U.S.C. 441a(c)) except that the aggregate expenditures by a candidate in any one State shall not exceed the greater of: 16 cents (as adjusted under 2 U.S.C. 441a(c)) multiplied by the voting age population of the State (as certified under 2 U.S.C. 441a(e)); or \$200,000 (as adjusted under 2 U.S.C. 441a(c)).

(b) The expenditure limitations of 11 CFR Part 9035 shall not apply to a

candidate who at no time receives matching funds.

Dated: September 24, 1979.

Robert O. Tiernan,

Chairman, Federal Election Commission.

[FR Doc. 79-30054 Filed 9-26-79; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]**[Airspace Docket No. 79-ASW-35]**

Proposed Designation of Transition Area: Center, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of Proposed Rulemaking.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Center, Tex. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Center Municipal Airport. The circumstance which created the need for the action is the proposed establishment of a nondirectional radio beacon (NDB) located on the airport. Coincident with this action, the airport is changed from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR).

DATES: Comments must be received on or before October 29, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Manuel R. Hugonnet, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of a transition area at Center, Tex., will

necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before October 29, 1979, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed below.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Center, Tex. The FAA believes this action will enhance IFR operations at the Center Municipal Airport by providing controlled airspace for aircraft executing proposed instrument approach procedures using the proposed NDB located on the airport. Subpart G of Part 71 was republished in the Federal Register on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as

republished (44 FR 442) by adding the Center, Tex., transition area as follows:

Center, Tex.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Center Municipal Airport, Center, Tex. (latitude 31°50'00" N., longitude 94°09'00" W.), and within 3.5 miles each side of the 321° bearing from the NDB (latitude 31°50'10" N., longitude 94°08'59" W.), extending from the 6-mile radius area to 8.5 miles northwest of the NDB.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on September 13, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29895 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]**[Airspace Docket No. 79-ASW-36]**

Proposed Designation of Transition Area: Winters, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of Proposed Rulemaking.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Winters, Tex. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Winters Municipal Airport. The circumstance which created the need for the action is the proposed establishment of a nondirectional radio beacon (NDB) located on the airport. Coincident with this action the airport is changed from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR).

DATES: Comments must be received by October 29, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Manuel R. Hugonnet, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of a transition area at Winters, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before October 29, 1979 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region,

Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Winters, Tex. The FAA believes this action will enhance IFR operations at the Winters Municipal Airport by providing controlled airspace for aircraft executing proposed instrument approach procedures using the proposed NDB located on the airport. Subpart G of Part 71 was republished in the Federal Register on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) by adding the Winters, Tex., transition area as follows:

Winters, Tex

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Winters Municipal Airport (latitude 31°56'45" N., longitude 99°59'08" W.) and within 3.5 miles each side of the 187° bearing from the NDB (latitude 31°57'12" N., longitude 99°59'00" W.) extending from the 7-mile radius area to 8.5 miles south of the NDB. (Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on September 13, 1979.

Paul J. Baker,
Acting Director, Southwest Region.

[FR Doc. 79-29894 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-ASW-34]

Proposed Alteration of Transition Area: Sulphur Springs, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of the action being taken is to propose alteration of the transition area at Sulphur Springs, Tex. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Sulphur Springs Municipal Airport. The circumstance which created the need for the action is the proposed establishment of a nondirectional radio beacon (NDB) located on the airport.

DATES: Comments must be received by October 29, 1979.

ADDRESS: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Manuel R. Hugonnet, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting Instrument Flight Rules (IFR) activity. Alteration of the transition area at Sulphur Springs, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before October 29, 1979 will be considered before action is taken on the proposed

amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Sulphur Springs, Tex. The FAA believes this action will enhance IFR operations at the Sulphur Springs Municipal Airport by providing controlled airspace for aircraft executing a proposed instrument approach procedure using the proposed NDB located on the airport. Subpart G of Part 71 was republished in the Federal Register on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) by altering the Sulphur Springs, Tex., transition area by adding the following:

Sulphur Springs, Tex.

... and within 3 miles each side of the 002° bearing from the NDB (latitude 33°09'30" N., longitude 95°37'05" W.) extending from the 5-mile radius area to 8.5 miles north of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(a), Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979.) Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas, on September 13, 1979.

Paul J. Baker,
Acting Director, Southwest Region.

[FR Doc. 79-29827 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Parts 71 and 73]

[Airspace Docket No. 79-GL-10]

Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the boundaries of the Lacarne, Ohio Restricted Area R-5502, divide it into two areas and include them in the Continental Control Area. This action would more accurately define the area that is presently in use and permit public use of a subarea when it is not in use for military purposes.

DATES: Comments must be received on or before October 29, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 79-GL-10, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018.

This official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 918, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION: Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before October 29, 1979 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would rescind R-5502 and add R-5502A and R-5502B, thereby in essence, modifying and dividing the existing restricted area and changing its hours of use. R-5502 is listed in § 71.151 which includes it in the Continental Control Area. R-5502A and R-5502B would replace R-5502 in this listing. This action would permit greater use of the area by the public when the military is using only a part of it. The Department of the Army is the lead agency for compliance with the Environmental Policy Act (NEPA). Chief, National Guard Bureau, Operating Activity Center, Attention: OCA-AYN-A, Aberdeen Proving Ground, MD 21010, is the agency to which comments on the environmental aspects can be addressed.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Parts 71 and 73 of the Federal Aviation

Regulations (14 CFR 71 and 73) as republished (44 FR 344 and 709) as follows:

Under § 71.151:

"R-5502 Lacarne, Ohio" is deleted.
"R-5502A Lacarne, Ohio" is added.
"R-5502B Lacarne, Ohio" is added.

Under § 73.55:

R-5502 title and text are deleted.

R-5502A is added as follows:

R-5502A Lacarne, Ohio

Boundaries. Beginning at Lat. 41°35'19"N., Long. 82°55'30"W.; to Lat. 41°32'30"N., Long. 83°01'00"W.; to Lat. 41°38'35"N., Long. 83°04'52"W.; thence via a 5 NM arc centered at Lat. 41°32'30"N., Long. 83°01'00"W.; to point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. 0800 to 1700 local time April 1 to November 30; 0800 to 1700 local time Tuesday, Wednesday and Thursday, December 1 to March 31; other times by NOTAM 48 hours in advance.

Controlling agency. Federal Aviation Administration, Cleveland ARTC Center. Using agency. The Adjutant General, State of Ohio.

R-5502B is added as follows:

R-5502B Lacarne, Ohio

Boundaries. Beginning at Lat. 41°41'30"N., Long. 83°00'00"W.; to Lat. 41°35'40"N., Long. 82°54'50"W.; to Lat. 41°32'30"N., Long. 83°01'00"W.; to Lat. 41°38'35"N., Long. 83°04'52"W.; to Lat. 41°41'30"N., Long. 83°07'30"W.; to point of beginning.

Designated altitudes. Surface to 23,000 feet MSL.

Time of designation. Tuesday, Wednesday, and Thursday, 0800 to 1700 local time; other times by NOTAM 48 hours in advance.

Controlling agency. Federal Aviation Administration, Cleveland ARTC Center. Using agency. The Adjutant General, State of Ohio.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 USC 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 USC 1655(c)); and 14 CFR 11.65)

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on September 19, 1979.

William E. Broadwater,
Chief, Airspace and Air Traffic Rules
Division.

[FR Doc. 79-29993 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

[23 CFR Part 655]

[FHWA Docket No. 70-17]

Traffic Control Devices on Federal-Aid and Other Streets and Highways; Proposed Revision

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to revise and consolidate the existing regulation which prescribes procedures for obtaining basic uniformity of traffic control devices on all streets and highways as prescribed in the Manual on Uniform Traffic Control Devices (MUTCD).

DATES: Comments must be received on or before November 26, 1979.

ADDRESS: Anyone wishing to submit written comments may do so, preferably in triplicate, to FHWA Docket No. 79-17, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: Donald P. Ryan, Chief, Signs and Markings Branch, Office of Traffic Operations, 202-426-0411, or Lee J. Burstyn, Office of the Chief Counsel, 202-426-0761. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The MUTCD¹ has been approved by the Federal Highway Administrator as the national standard for all streets and highways open to public travel in accordance with 23 U.S.C. sections 109(b), 109(d) and 402(a). The MUTCD has also been specifically approved by

¹ The MUTCD, Federal Highway Administration 1978, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (GPO Stock Number 050-001-90001-7). It is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

FHWA for application on all Federal-aid highway projects (23 CFR 625.3(c)(1)).

The existing regulation on the MUTCD appears as Subpart F of Part 655 of title 23, Code of Federal Regulations (23 CFR Part 655F). The purpose of this proposed revision is to eliminate redundant and inapplicable material and to reorganize and consolidate the remaining provisions. The availability of funds under Chapter 1 (Federal-Aid Highways) or Chapter 4 (Highways Safety) of title 23, U.S.C., would not be affected by the proposed revision of this regulation.

The proposed revision would delete information pertaining to movable bridges, trail markers, and wrong-way traffic controls, since standards and guidelines for these devices have been incorporated into the MUTCD. Much of the material on project procedures, funding, and target dates which is no longer pertinent to the regulation would be deleted. Color specifications for sign materials which provide a method for determining the color of retroreflective sign materials would be added in an Appendix. References to standards for specific information signs, traffic control plans, and needs inventories would be outlined, as well as provisions for the use of higher cost materials on Federal-aid projects.

Note.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044. A draft regulatory evaluation is available for inspection in the public docket and may be obtained by contacting Donald P. Ryan, Office of Traffic Operations, at the address specified above.

In consideration of the foregoing and under the authority of 23 U.S.C. sections 101(e), 109(b) and (d), 114(a), 217, 315, and 402(a); 23 CFR 1204.4; and 49 CFR 1.48(b), the Federal Highway Administration proposes to revise 23 CFR Part 655, Subpart F to read as set forth below.

Issued on: September 18, 1979.

Karl S. Bowers,
Federal Highway Administrator.

PART 655—TRAFFIC OPERATIONS

Subpart F—Traffic Control Devices on Federal-Aid and Other Streets and Highways

Sec.	
655.601	Purpose.
655.602	Definitions.
655.603	Standards.
655.604	Achieving basic uniformity.
655.605	Project procedures.
655.606	Higher cost materials.
655.607	Funding.

Appendix—Alternate method of determining the color of retroreflective sign materials.

Authority: 23 U.S.C. sections 109(b) and (d), 114(a), 217, 315, and 402(a); 23 CFR 1204.4; 49 CFR 1.48(b).

Subpart F—Traffic Control Devices on Federal-Aid and Other Streets and Highways

§ 655.601 Purpose.

The purpose of this regulation is to prescribe the policies and procedures of the Federal Highway Administration (FHWA) to obtain basic uniformity of traffic control devices on all streets and highways in accordance with the Manual on Uniform Traffic Control Devices¹ (MUTCD).

§ 655.602 Definitions.

The terms used herein are defined in accordance with definitions and usages contained in the MUTCD and 23 U.S.C. section 101(a).

§ 655.603 Standards.

(a) *National MUTCD.* All traffic control devices installed on any street, highway or bicycle trail open to public travel shall conform to the standards contained in the MUTCD.

(b) *State MUTCD.* Where State MUTCDs or supplements are required, they shall be in substantial conformance with the national MUTCD. Changes in national standards issued by the FHWA shall be adopted periodically by the States to maintain conformance. The FHWA Regional Administrator has been delegated the authority to approve State MUTCDs and supplements. States are encouraged to adopt the national MUTCD as their official manual on uniform traffic control devices.

(c) *Color specifications.* Color determinations and specifications of sign and pavement marking materials shall conform to requirements of the FHWA Color Tolerance Charts.² An alternate method of determining the color of retroreflective sign materials is provided in the Appendix.

(d) *Compliance.* (1) *Existing highways.* Each State shall establish a program for the systematic upgrading of substandard traffic control devices and for the installation of needed devices to achieve conformity with the MUTCD.

¹ The MUTCD, Federal Highway Administration 1978, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (GPO Stock Number 050-001-90001-7). It is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

² The charts are available for purchase through the Office of Traffic Operations, FHWA, Washington, D.C. 20590 and are available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

(2) *New or reconstructed highways.* Newly constructed or reconstructed streets and highways shall not be opened to the public for unrestricted use until all appropriate traffic control devices, either temporary or permanent, are installed and functioning properly. When temporary devices are used, they shall conform to the MUTCD.

(3) *Construction area activities.* All traffic control devices installed in construction areas shall conform to the MUTCD. Traffic control plans for handling traffic and pedestrians through construction zones and for protection of workers shall conform to the requirements of 23 CFR Part 630, Subpart J, Traffic Safety in Highway and Street Work Zones.

(4) *MUTCD revisions.* Compliance with official MUTCD revisions shall be 2 years after publication of the revisions unless otherwise specified.

(e) *Specific information signs.* Standards for specific information signs are contained in 23 CFR Part 655, Subpart C, National Standards for Specific Information Signs.

§ 655.604 Achieving basic uniformity.

(a) *Programs.* Programs for the orderly and systematic upgrading of existing or the installation of needed traffic control devices on or off the Federal-aid system shall be based on inventories made in accordance with 23 CFR 1204.4, Highway Safety Program Standards. These inventories provide the necessary information for programming upgrading projects.

(b) *Inventory.* An inventory of all traffic control devices is required by Highway Safety Program Standard 13, Traffic Engineering Services (23 CFR 1204.4). Highway planning and research funds and highway safety funds may be used in statewide or systemwide studies. Also, metropolitan planning (PL) funds may be used in urbanized areas provided the activity is included in an approved unified work program.

§ 655.605 Project procedures.

(a) *Federal-aid highways.* Federal-aid projects involving the installation of traffic control devices shall follow normal procedures as established in 23 CFR Part 630, Subpart A, Federal-Aid Program Approval and Project Authorization. Simplified and timesaving procedures are to be used to the extent permitted by existing policy.

(b) *Off-system highways.* Certain federally funded programs are available for installation of traffic control devices on streets and highways that are not on the Federal-aid system. The procedures used in these programs may vary from project to project; but essentially, the

guidelines as set forth herein should be used.

§ 655.606 Higher cost materials.

The use of signing, pavement marking, and signal materials (or equipment) having distinctive performance characteristics but costing more than other materials (or equipment) commonly used is considered to be in the public interest. Such requests for use may be approved by the Division Administrator when the specific use proposed is justified.

§ 655.607 Funding.

(a) *Federal-aid highways.* Funds apportioned under 23 U.S.C. section 104(b) are eligible to participate in projects to install traffic control devices in accordance with the MUTCD on newly constructed or reconstructed highways, or on existing highways to achieve basic conformity with the MUTCD, when this work is not construed to be maintenance. Funds apportioned by other sections of 23 U.S.C. are eligible for participation in improvements conforming to the MUTCD in accordance with the provisions of applicable program regulations and directives.

(b) *Off-system highways.* Federal-aid highway funds are eligible to participate in traffic control device improvement projects on off-system highways that will directly facilitate and control traffic flow on any Federal-aid highway.

Appendix—Alternate Method of Determining the Color of Retroreflective Sign Materials

1. The FHWA Color Tolerance Charts provide that conventional color measuring instruments such as spectrophotometers and tristimulus photoelectric colorimeters should not be used for measurement of retroreflective material colors and that such materials should be evaluated visually using the Color Tolerance Charts and paying strict attention to prescribed illumination and viewing conditions.

2. As an alternate to visual testing, the diffuse day color of retroreflective sign material may be determined in accordance with ASTM E 97, "Standard Method of Test for 45-Degree, 0-Degree Directional Reflectance of Opaque Specimens by Filter Photometry." Geometric characteristics must be confined to illumination incident within 10 degrees of, and centered about, a direction 45 degrees from the perpendicular to the test surface; viewing is within 15 degrees of, and centered about, the perpendicular to the test surface. Conditions of illumination and observation must not be interchanged.

Standards to be used for reference are the Munsell Papers designated in Table I or Table II, attached. The papers must be recently calibrated on a spectrophotometer. Acceptable test instruments are:

a. Gardner Multipurpose Reflectometer or Model XL 20 Color Difference Meter,

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b. Gardner Model AC-2a or XL 30 Color Difference Meter,
c. Meece Model V Colormaster,
d. Hunterlab D25 Color Difference Meter,
or
e. An approved equal.
Average performance sheeting is identified as Types I and II sheeting and high performance sheeting is identified as Types III and IV sheeting in Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects ³ (FP-79, Section 633).
BILLING CODE 4910-22-M

³ This document is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

TABLE I
Color Specification Limits and Reference Standards
Types I and II Sheeting

Color	Chromaticity Coordinates* (Corner Points)								Reflectance Limits (ZY) Y		Reference*** Standard (Munsell Papers)
	1		2		3		4		Min.	Max.	
	x	y	x	y	x	y	x	y			
White**	.305	.290	.350	.342	.321	.361	.276	.308	35	--	6.3GY 6.77/0.8
Red	.602	.317	.664	.336	.644	.356	.575	.356	8	12	8.2R 3.78/14.0
Orange	.535	.375	.607	.393	.582	.417	.535	.399	18	30	2.5YR 5.5/14.0
Brown	.445	.353	.604	.396	.556	.443	.445	.386	4	9	5.0YR 3/6
Yellow	.482	.450	.532	.465	.505	.494	.475	.485	29	45	1.25Y 6/12
Green	.130	.369	.180	.391	.155	.460	.107	.439	3.5	9	0.65BG 2.84/8.4
Blue	.147	.075	.176	.091	.176	.151	.106	.113	1.0	4	5.8PB 1.32/6.8

TABLE II
Color Specification Limits and Reference Standards
Types III and IV Sheeting

Color	Chromaticity Coordinates* (Corner Points)								Reflectance Limits (XY) Y		Reference Standard (Munsell Papers)***
	1		2		3		4		Min.	Max.	
	x	y	x	y	x	y	x	y			
White**	.303	.287	.368	.353	.340	.380	.274	.316	27	--	5.0PB 7/1
Red	.613	.297	.708	.292	.636	.364	.558	.352	2.5	11	7.5R 3/12
Orange	.550	.360	.630	.370	.581	.418	.516	.394	14	30	2.5YR 5.5/14
Yellow	.498	.412	.557	.442	.479	.520	.438	.472	15	40	1.25Y 6/12
Green	.030	.380	.166	.346	.286	.428	.201	.776	3	8	10G 3/8
Blue	.144	.030	.244	.202	.190	.247	.066	.208	1	10	5.8PB 1.32/6.8

*The four pairs of chromaticity coordinates determine the acceptable color in terms of the CIE 1931 standard colorimetric system measured with standard illumination source C.

**Silver white is an acceptable color designation.

***These materials are available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D and may be purchased from Munsell Color Company, 2441 Calvert Street, Baltimore, Maryland 21218.

[FR Doc. 79-29747 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-22-C

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 1329-71]

Approval and Promulgation of State Implementation Plans; Proposed Rulemaking on Approval of Montana State Implementation Plan**AGENCY:** Environmental Protection Agency.**ACTION:** Proposed Rulemaking; extension of comment period.

SUMMARY: August 2, 1979, (44 FR 45420). EPA published a notice of proposed rulemaking regarding the Montana State Implementation Plan. The purpose of that notice was to describe the results of EPA's review of the Montana State Implementation Plan (SIP) which was received on April 24, 1979, and to invite public comment on its approvability. A 30 day period for public comment was provided. The purpose of this notice is to extend that period an additional 30 days.

DATES: Comments received prior to October 4, 1979, will be considered in EPA's final decision.

ADDRESSES: Comments should be sent to: Ivan W. Dodson, Director, Montana Office, Environmental Protection Agency, Region VIII, FOB, Drawer 10096, 301 South Park, Helena, Montana 59601.

Comments received on this proposal, EPA's evaluation report, and the SIP submission itself will be available for review by any interested persons at:

Environmental Protection Agency, Montana Office, FOB, Drawer 10096, 301 South Park, Helena, Montana 59601.

Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C. 20460.

Environmental Protection Agency, Region VIII, Regional Library, 1860 Lincoln Street, Denver, Colorado 80295.

FOR FURTHER INFORMATION CONTACT: Mr. Ken Alkema, Environmental Protection Agency, Montana Office, 301 South Park, Helena, Montana 59601, (406) 585-5414.

Dated: September 19, 1979.

Roger L. Williams,
Regional Administrator.

[FR Doc. 79-30059 Filed 9-26-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 81]

[FRL 1329-6]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations—California**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed Rulemaking.

SUMMARY: This notice proposes to revise the attainment status designation of Alameda County, California, for total suspended particulates (TSP). On March 3, 1978 (43 FR 8970), under Section 107(d)(2) of the Clean Air Act (CAA), as amended, Alameda County was designated nonattainment (primary) for TSP (40 CFR 81.305). The EPA now proposes to redesignate Alameda County as attainment for TSP.

The EPA invites public comments on the proposed redesignation. If the area is redesignated attainment, the requirements of Title I, Part D, of the CAA, as amended, would no longer apply to Alameda County for TSP.

DATES: Comments will be accepted if received on or before October 29, 1979.

ADDRESSES: Comment should be directed to: Arnold Den, Chief, Air Technical Branch (A-4), Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco CA 94105.

Information pertinent to the proposed redesignation is available for public inspection during normal business hours at the following locations:

Public Information Reference Unit, Library (Room 2922), Environmental Protection Agency, 401 "M" Street, S.W., Washington, D.C. 20460.

EPA Region IX Office, 215 Fremont Street, San Francisco CA 94105.

California Air Resources Board, 1102 "Q" Street, Sacramento CA 95812.

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco CA 94109.

Association of Bay Area Governments, Hotel Claremont, Berkeley CA 94705.

FOR FURTHER INFORMATION CONTACT: Rodney L. Cummins, Chief (A-4-3), Technical Analysis Section, Air Technical Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco CA 94105, Phone: (415) 558-2002.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8970), under Section 107(d)(2) of the CAA, as amended, the EPA promulgated the State of California's designation of Alameda County as nonattainment (primary) for TSP. That designation was

based on concentrations in excess of the national standards in 1975 and 1976.

Since that designation was made, all available data indicate that the national standards for TSP have not been violated during the most recent eight consecutive quarters for which data are available (1977 and 1978).

Based upon the most recent data cited above, the California Air Resources Board, in a letter to the EPA dated August 14, 1979, requested the redesignation of Alameda County to attainment for TSP.

Under Section 107(d)(5) of the CAA, as amended, a state may revise its designations of attainment status and submit them to the EPA for promulgation. Based upon a review of the TSP air quality data for Alameda County, the EPA believes that the NAAQS for TSP have been attained.

If Alameda County is redesignated attainment for TSP as proposed, the State would no longer be subject to the requirements of Part D of the CAA, as amended, for TSP in Alameda County. However, Alameda County remains subject to the requirements of Part D until the EPA approves in a final rulemaking action the State's redesignation of Alameda County as attainment for TSP.

Note.—The Environmental Protection Agency has determined that this document is not a significant regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

(Secs. 107(d), 301(a), Clean Air Act, as amended (42 U.S.C. 7407(d), 7801(a)))

Dated: September 18, 1979.

Sheila M. Prindiville,
Acting Regional Administrator.

[FR Doc. 79-30060 Filed 9-26-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**Public Health Service, Center for Disease Control**

[42 CFR Parts 51b, 91]

Grants for Preventive Health Services; Detection, Treatment, and Prevention of Lead-Based Paint Poisoning**AGENCY:** Center for Disease Control, PHS, HEW.**ACTION:** Notice of Decision to Develop Regulations.

SUMMARY: The Center for Disease Control proposes to amend Part 51b of Title 42, Code of Federal Regulations, by adding a new subpart, which will govern the award of grants for lead-based paint poisoning prevention programs under a

new Section 316 of the PHS Act. Pub. L. 95-628 transferred the authority for these grants from the Lead-Based Paint Poisoning Prevention Act (Pub. L. 91-695) to Section 316 of the PHS Act. The proposed new subpart will replace existing regulations in 42 CFR Part 91. Revisions will be made in the regulations to reflect the new authority and two specific changes: (1) The establishment of community advisory boards will no longer be mandatory; and (2) the requirement that a grant may not exceed 90 percent of the total cost of developing and carrying out an approved program over a 3-year period will be eliminated.

FOR FURTHER INFORMATION CONTACT: Dr. Vernon N. Houk, Director, Environmental Health Services Division, Bureau of State Services, Center for Disease Control, PHS, HEW, Atlanta, Georgia 30333, telephone: 262-6645 or FTS: 236-6645

Dated: August 29, 1979.

Charles Miller,

Acting Assistant Secretary for Health.

[FR Doc. 79-30058 Filed 9-26-79; 8:45 am]

BILLING CODE 4110-86-M

FEDERAL MARITIME COMMISSION

[46 CFR Chapter IV]

[Docket No. 79-18]

Exemptions From Provisions of Shipping Act, 1916 and Intercoastal Shipping Act, 1933**AGENCY:** Federal Maritime Commission.**ACTION:** Discontinuance of Proceeding.

SUMMARY: This proceeding was instituted by notice of inquiry published March 28, 1979 (44 FR 18537) requesting comments on proposed exemptions under section 35 of the Shipping Act, 1916. Comments have been received and are now being analyzed by the Commission.

It was not anticipated that any proposals would ensue from this particular proceeding. Rather, specific exemptions would be proposed in separate proceedings which will give further opportunity for comment thereon. Accordingly, this proceeding is discontinued.

FOR FURTHER INFORMATION CONTACT: Secretary, Federal Maritime Commission, Room 11101, Washington, D.C. 20573, (202) 523-5725.

By the Commission,

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 79-29964 Filed 9-26-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 63 and 64]

[CC Docket No. 78-96]

Domestic Public Message Services by Entities Other Than the Western Union Telegraph Co. and Proposed Amendments Order Extending Time for Filing Reply Comments**AGENCY:** Federal Communications Commission.

ACTION: Time limits for filing reply comments extended in CC Docket No. 78-96 (*Domestic Public Message Services*).

SUMMARY: On August 20, 1979, the Federal Communications Commission extended the time for filing comments in CC Docket No. 78-96. This proceeding deals with proposed changes in rules and policies for domestic public message services. Reply comments were originally due on September 7, 1979, then later extended to September 24, 1979. Reply comments are now due September 28, 1979.

DATES: Reply comments must be filed on or before September 28, 1979.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Leonard Sawicki, Common Carrier Bureau, (202) 632-6363.

SUPPLEMENTARY INFORMATION:

Adopted: September 19, 1979;

Released: September 20, 1979.

In the matter of regulatory policies concerning the provision of domestic public message services by entities other than the Western Union Telegraph Company and proposed amendments to Parts 63 and 64 of the Commission's rules.

By the Chief, Common Carrier Bureau:

1. On September 18, 1979, ITT World Communications, Inc. (Worldcom) filed a request for extension of time for filing reply comments on the Commission's *Notice of Inquiry and Proposed Rulemaking* (Notice) in CC Docket No. 78-96, released July 23, 1979 (FCC 79-442). Worldcom seeks to have the reply date extended one week from September 24, 1979 to October 1, 1979. In

support of its request, Worldcom cites difficulty in procuring the comments of other parties and notes that additional time will allow the parties to "formulate more concise and thoroughly considered reply positions."

2. Because of the importance of this proceeding to the domestic public message services market, an extension appears reasonable and in the public interest. However, an extension to September 28, 1979 should allow sufficient time for the preparation of reply comments and still leave the Commission time to reach a decision by the November 21, 1979 deadline imposed by the U.S. Court of Appeals for the District of Columbia Circuit.

3. Accordingly, it is ordered, pursuant to Section 0.291 of the Commission's Rules on delegation of authority THAT the request for extension for all parties to file reply comments in CC Docket No. 78-96 is granted to the extent noted here. Reply comments shall be filed on or before September 28, 1979.

Federal Communications Commission.

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 79-29991 Filed 9-26-79; 8:45 am]

BILLING CODE 6712-01-M

[47 CFR Part 73]

[BC Docket No. 79-233; FCC 79-537]

Multiple Ownership of AM, FM, and TV Broadcast Stations**AGENCY:** Federal Communications Commission.**ACTION:** Notice of Proposed Rule Making.

SUMMARY: The FCC's one-to-a-market rule (which mostly grandfathered existing combinations) restricts a party to one AM-FM combination or one TV station in the same community. The regional concentration rule (also prospective) restricts a party to two stations within a 100-mile radius. Applications involving UHF TV stations are not subject to these rules. The reason for these UHF exceptions was to encourage the building of UHF stations. However, the FCC has found that these exceptions have not helped UHF development significantly and are contrary to the basic purpose of the rules, which is to maximize the possible number of diverse sources of information and opinion available to an audience. (Although there has been a great increase in applications for new UHF stations recently, it found that this appears to be due to existing UHF stations' becoming profitable, rather than to the exceptions.) Accordingly, the

FCC proposes to eliminate the exceptions and treat UHF stations the same as VHF TV stations for the purpose of the one-to-a-market and regional concentration rules. The FCC noted that it has taken other actions recently to help UHF development directly (such as actions to improve UHF transmission and reception and consumer information to help viewers improve reception).

DATES: Comments must be filed on or before November 27, 1979, and reply comments on or before December 17, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Carol F. Foelak, Broadcast Bureau, (202) 632-7792 or Alan Stillwell, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

Adopted: September 13, 1979;
Released: September 24, 1979.

By the Commission: Commissioners Ferris, Chairman and Brown concurring in part and dissenting in part and issuing a joint statement; Commissioner Quello concurring and issuing a statement; Commissioner Fogarty issuing a separate statement.

In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commission's rules relating to Multiple Ownership of AM, FM, and TV Broadcast Stations, BC Docket No. 79-233.

1. The Commission has before it for consideration those exceptions to its one-to-a-market and regional concentration rules which provide that applications involving UHF TV stations which would otherwise violate these rules be treated "on a case-by-case basis" to determine whether common ownership, operation or control of the stations would be in the public interest. These rules are part of the multiple ownership rules, which apply to commercial broadcast stations, and are found at 47 CFR 73.35(AM), 73.240(FM), and 73.636(TV). The exceptions are found in Notes 8 and 11 to those rules.

2. The Commission's multiple ownership rules are central to its regulation of broadcasting since they serve the fundamental purpose of promoting the availability of a diversity of sources of information (or viewpoints) essential to an informed electorate. Such structural rules also promote economic competition.

3. The one-to-a-market and regional concentration rules, which restrict common ownership of stations in the same community or region, are especially important in promoting a diversity of program sources for any

particular audience. Specifically, the one-to-a-market rule restricts a party to one AM-FM combination, or one TV station, or one daily newspaper in a market. The regional ownership rule takes this concept a step farther to restrict a party to two stations within a 100 mile radius. The exception permitting case by case handling of UHF-radio combinations in violation of the one-to-a-market rule is found in Note 8 and was adopted by the Commission for the general purpose of promoting UHF development. The exception applicable to regional ownership, found at Note 11, was patterned after the one in Note 8 and provides for treatment of applications subject to it "consistent with the precedents" of the earlier Note 8 exception.

4. Since we view these basic rules as an important safeguard of the public interest, we have become concerned over the existence of the exceptions to them and have studied the record to determine whether they have promoted their intended purpose—UHF development. If not, then it appears that they may detract from the basic purpose of the rules by encouraging common ownership. As will be described below, our conclusion is that the benefits—promotion of UHF development by these particular exceptions to the rules—are illusory. The costs in maintaining the exceptions, however, are a decrease in the possible number of diverse program sources every time an application is granted under the exceptions. For this reason we propose to delete the exceptions from the rules. To provide perspective, we will start by describing the background of the rules before setting forth the policy considerations that cause us to strengthen them.

Background

5. The Commission began the one-to-a-market proceeding, Docket No. 18110, in 1968 (33 FR 5315, April 3, 1968). The first stage of the proceeding resulted in a rule restricting a party to one AM-FM combination or one TV station in a market. *Multiple Ownership*, 22 F.C.C. 2d 306 (1970), *recon.*, 28 F.C.C. 2d 662 (1971). The rule was extended to cover newspapers in 1975, restricting a party to one AM-FM combination or one TV station or one daily newspaper in a market. *Multiple Ownership*, 50 F.C.C. 2d 1046, *recon.*, 53 F.C.C. 2d 589 (1975), *Aff'd*, 436 U.S. 775 (1978). Except for a few "egregious" cases, the rule applies prospectively to ban the formation or transfer of new radio-TV and/or newspaper combinations.

6. The rule has two purposes: to provide as many different sources of information as possible and to prevent

undue economic concentration. 22 F.C.C. 2d 306, 310-14.

7. While the rule serves both purposes compatibly, the first purpose, which is also characterized as diversity of program voices or viewpoints, is considered to be more important than the second, which concerns competition for advertising. The Commission has explained this by saying that basic to our form of government is the belief that "the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public." *Associated Press v. U.S.*, 326 U.S. 1, 20 (1945). This is because "right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection." *U.S. v. Associated Press*, 52 F. Supp. 362, 372 (S.D. N.Y. 1943). In discussing this philosophical underpinning of the one-to-a-market rule, the Commission has stated that since, in any particular area, there may be more voices that would like to be heard than can be licensed, a proper objective is the maximum diversity that technology permits in each area. Thus, 51 licensees are more desirable than 50. 22 F.C.C. 2d 306, 311.

8. As to the second purpose, to promote economic competition, the Commission has stated that it is based on the national economic policy, expressed in antitrust laws and elsewhere. 50 F.C.C. 2d 1046 (1974). It is the view of the Department of Justice, which has often urged the Commission to consider antitrust implications in rule making proceedings and in specific cases, that the various media are for many purposes sufficiently interchangeable to be directly competitive and that one effect of combined ownership of media in the same market is to lessen the degree of competition for advertising among the alternative media. When it adopted the one-to-a-market rule, the Commission said it would provide a healthier competitive environment of benefit to smaller licensees.

Regional Concentration

9. The Commission broadened the one-to-a-market concept a degree further when it adopted the three station regional concentration rule in 1977. *Multiple Ownership*, 63 F.C.C. 2d 824, *recon.*, 67 F.C.C. 2d 54 (1977). Applying prospectively, it prohibits common ownership, operation or control of three stations where any two are within 100 miles of the third if there is primary service contour overlap of any of the stations. Commonly owned AM and FM stations licensed to communities within

15 miles of each other are counted as one station.¹

The UHF Exception

10. The UHF exception in Note 8 was part of the original one-to-a-market rule and provides that the rule "will not apply to" applications involving UHF TV-radio combinations. Instead, such applications "will be handled on a case-by-case basis" to determine whether common ownership, operation, or control of the stations "would be in the public interest." The theory behind this exception to the "go-no-go" one-to-a-market rule was that it would promote UHF development.² 22 F.C.C. 2d 306, 319.

Another formulation of this argument was that any harm from common ownership of radio and UHF stations in the same market was outweighed by the benefit of placing an additional UHF station on the air instead of letting the assignment remain unused.³ The UHF exception to the regional concentration rule, in Note 11, permitting "case-by-case" consideration of applications involving UHF stations subject to that rule "consistent with the precedents of UHF determinations made under the one-to-a-market" rule is derivative of the Note 8 exception. 67 F.C.C. 2d 54, 57.

11. We have found that Note 8 has had little effect on UHF development. There has been no history under the Note 11 exception, which became effective in January 1978. As described in the attached Appendix, since 1970 the Commission has acted on only four applications for new commercial UHF stations filed by licensees of radio stations in the same markets.⁴ When

¹The Commission has instructed its Broadcast Bureau to prepare an Agenda item exploring the possibility of eliminating AM-FM cross-ownership. Such a document, eliciting public comment on this issue, will be considered by the Commission in the near future.

²When it adopted the newspaper cross-ownership rule in 1975, the Commission specifically rejected special treatment for UHF-newspaper combinations. It said a UHF-newspaper combination is a much more imposing entity than a UHF-radio combination. 50 F.C.C. 2d 1046, 1077.

³As of February 1968, there were only 172 commercial UHF stations on the air; in the top 100 markets 84 of 297 UHF allocations (about 30%) had not been applied for. At the same time the Commission noted that radio licensees had shown little inclination to build UHF stations. There were only two UHF-radio combinations in the top 50 markets in 1968. 22 F.C.C. 2d 306, 319.

⁴Recently even this argument has been questioned: minority parties have argued in rule making proceedings that the Commission should take steps to make sure that when a large number of minority entrepreneurs are able to invest in broadcasting, there will be some assignments available.

⁵It also acted on two applications to combine existing UHF and radio stations located in the same market and four applications to transfer existing combinations. The Commission has also waived the one-to-a-market rule, to permit transfers of VHF-

this small number of UHF stations whose development might be attributed to the exception is compared with the increase in commercial UHF stations overall, from 180 in 1970 to 218 now, it appears that the exception has not contributed in any substantial way to UHF development.

12. We feel we should reevaluate the UHF exception in light of its side effect of promoting common ownership because of the large number of applications for new commercial UHF stations now on file. As revealed by the Appendix, during the years 1973-78, only a few applications were filed each year, but interest increased substantially when UHF profits took a dramatic turn for the better, in 1976. There were 94 applications filed in 1978, and there are now 186 pending. Of these, 19 were filed by local radio stations. This increased interest in building UHF stations appears to be attributable to the improvement in UHF profits in recent years. In 1978, 73% of UHF stations earned profits, while in 1973, only 31% did. From this perspective it appears that increased interest in UHF is not a response to the special treatment afforded by Note 8 but rather to a healthy profit picture. Certainly the exception could not have motivated the vast majority—about 90%—of pending UHF applications, because only about 10% were filed by local radio stations. Further, as will be seen from the discussion immediately following, economic analysis also supports the conclusion to which the factual record points. In sum, the exceptions do not appear to have promoted UHF development, which has recently begun to accelerate for apparently unrelated reasons, and retaining the exceptions has the undesirable side effect of restricting potential diversity.

13. The lack of interest in marginal UHF opportunities by local radio stations is not really surprising. There are three areas in which the common ownership of a radio station in the same market has been generally assumed to provide advantages for overcoming barriers to UHF entry: cross-subsidization, investment start-up costs and expertise, and economies of joint

radio combinations three times (for stations in the 50 states). Two of the cases were successive transfers of the same stations. The last waiver was in 1973.

Of course, it is possible that there was more than one party interested in applying for one of these channels, so that if the local radio station had not filed its application, another party might have filed. Once the first application was on file, however, other potential applicants may have decided not to file on the ground that the mere possibility of winning the channel would not be worth the cost and delay of a hearing.

operation. A brief examination of each of these aspects reveals that the advantages are generally small, nonexistent, difficult to measure, or contrary to Commission objectives.

Cross-Subsidization

14. In general, subsidization involves providing a product or a service at a price which is below cost. In the case of cross-subsidization, the entrepreneur recovers the difference between price and cost through sale of some other product or service at a price which exceeds cost. In the present context, for example, if this price structure existed it would imply either that a UHF-radio combination sold television time below cost and radio time above cost, or vice versa.⁷ The profits from the sale of radio advertising time priced above cost would then be used to subsidize the UHF advertising time priced below cost.

15. Economic theory does not provide much support for the practice of cross-subsidization in UHF-aural combinations since by definition, some part of the operation is selling below cost. Profit maximizing firms, which we assume to include radio and TV stations, do not have any economic incentive to participate in cross-subsidization. To do so would involve expenditure of resources with no anticipated gain.⁸

16. It is important to distinguish between the kind of pricing behavior we are discussing here and the situation where the return to the owners of one enterprise is used to start another. The former is subsidy with no anticipated gain. The latter, even though it may involve monopoly profit from another business, is an ordinary investment decision.

Start-up Costs

17. If it is likely that a new UHF station will be viable after a reasonable start-up period, then any qualified investor should be willing to develop the station. In general, it is not clear that a radio station owner has any greater incentive than any other investor, for example, a hardware or shoe store owner, to use profits from other enterprises or borrowed capital to

⁷The intent behind the exception, of course, is that the "struggling" UHF station would be supported by the more viable aural outlet.

⁸In the presence of high entry barriers, an entrepreneur may be tempted to use cross-subsidization as a means of predatory pricing to weaken or discipline competitors and improve his long run position. However, the likelihood of such behavior is limited, because his competitors can be expected to recover quickly once the predatory behavior ceases. Further, it is a type of anti-competitive behavior our cross-ownership rules seek to forestall.

finance UHF start-up costs. There are, however, two possible exceptions to this statement.

18. First, the radio station owner may have an advantage over other investors in terms of special knowledge and expertise which is transferable to television broadcasting. The local broadcaster may know the advertising market, audience, and community better than a broadcaster from the outside, while other local investors who know the market might not know the broadcast industry. Thus, the local radio station operator could be in a special position, and by using his combined knowledge and skills might be able to put a station on the air and keep it going where someone else might not. This advantage may make it easier to raise the necessary financing for a new UHF station. Based, however, on the apparent past lack of interest of radio station owners in developing UHF stations, this advantage appears to have provided little incentive.

19. Second, the local radio owner may have an extra incentive over other investors in that if it can gain control over a UHF station in the same market, it can effectively head off another competitor and take advantage of market power in advertising markets. Thus, the local radio owner might be willing to engage in UHF television based on a lower initial expected return than other investors would require. This behavior might be further encouraged by the improving financial outlook for UHF, in that more stations are now likely to be viable. While we do not know the strength of this incentive, to permit or encourage such activity is contrary to the purpose of the multiple ownership rules, both in reducing the possible number of program voices and competition for advertising in a community.

Joint Economies

20. Finally, we believe the economies of joint operation that can be realized by merging a new UHF with an existing radio station are likely to be minimal. Unless there are specific plans for developing another broadcast station, an efficient radio station owner will not maintain the excess capacity necessary to contribute substantially to a television station. For example, there is no need to purchase or maintain building space, tower structure, or other facilities at a level higher than that consistent with the needs of the radio station. To the extent that existing facilities are compatible with television broadcasting, such as an accounting/billing system, real savings may be possible. Nevertheless, we believe that

such opportunities for savings would not generally be sufficient to make the local radio station the only party willing and able to bring a new UHF station on the air.

21. In the case of applications that involve transfers of existing combinations, the situation becomes more difficult to analyze in that the additional element of separation costs must be considered. It has been argued that the costs associated with separating relatively weak stations whose operations, activities and legal structure are highly intertwined may well be so high as to result in the failure of one or more of the stations.⁹

22. While in principle there is no reason to separate existing and proposed combinations in the analysis of joint economies, the additional element of separation costs may make a difference in terms of the viability of one or both of the on-going operations.

23. Except for the observed earlier lack of interest in UHF-aural combinations, we do not have much empirical to support our position on the joint economies issue. The problem is that from an analytical standpoint it is difficult to assess the benefits of joint operation. The specific kinds of joint economies and the degree to which they can be exploited vary widely among different UHF-aural combinations. This problem is further enlarged by the fact that the Annual Financial Reports (FCC Form 324) do not provide the kind of information necessary to evaluate the existence or extent of joint economies. Therefore, while it is possible to use the financial data to approximate the viability of combined stations, we cannot determine the extent to which joint economies are either possible or in fact realized. The income data shown on the chart on page 11 of the Appendix reveals that the same-market UHF radio combinations approved in the past have involved essentially marginal enterprises. However, it is not possible in those cases to determine whether or not the individual station financial performances would change as a result of the loss of joint economies if the stations were separated. Nevertheless, in general, one might expect that if in fact significant economies are possible under joint operation there would have been more applications for new combinations than the six received since the rules were adopted in 1970.

24. Both the available facts and economic reasoning suggest that the

⁹ In our review of the applications processed under Note 8, we found that three of the four transfers of existing combinations were based at least in part on this factor.

exception has not contributed to UHF development. Except for the possibility of forestalling competition, the incentives for development of marginal UHF stations by local radio stations do not appear to be substantially greater than those of other investors. On the other hand, potential costs must be set against this apparent lack of benefits.

25. In the worst case, the rationale embodied in the exception would provide a stepping stone for radio stations to apply for same market UHF stations which might well be developed or acquired by another party. This behavior might be further encouraged by the improving economic outlook for UHF in that more stations are likely to be viable and by an incentive to control a potential competitor. While this set of circumstances may result in a station going on the air sooner than otherwise, we cannot always be sure that is the case.¹⁰ Further, that argument holds only for new stations, not for those cases involving a transfer or assignment of license. On the other hand, granting these applications serves to remove a potential competitor for the advertiser's dollars.

26. The economic rationale for the exception in Note 11 is even weaker than that for Note 8. Joint economies are even less likely and the arguments against cross-subsidization are essentially the same as in the case of UHF-radio same market cross-ownership. As in the UHF-radio same market case there may be advantages to be gained from the experience of existing station owners that might allow easier access to financing and perhaps earlier UHF start-up. This potential, probably slight, advantage, however, must be weighed against the lost opportunity to promote the expansion of independent voices and economic competition within a region.

Conclusion

27. As we have described, both the factual record and economic analysis point to the conclusion that the UHF exception in Note 8 has not fulfilled its original purpose of promoting UHF development. Although we have seen interest in UHF increase recently, this

¹⁰ As we suggested in footnote 8 above, the fact that no other application has been filed for the channel is not dispositive. There are not likely to be large joint economies which make the investment more desirable for a local radio station than other investors, so the filing of an application by a radio station owner rather than another investor may be just chance. Once that application is filed, however, the high costs of prosecuting an application through a hearing may discourage the other possible applicants. Only one of the 19 UHF exception applications currently on file is mutually exclusive with another application for the same channel.

appears to be related to the profitability of UHF stations now on the air and not to the exceptions for UHF contained in the multiple ownership rules. Looking to the future, we are concerned that the exception in Note 8, along with that in Note 11, will increasingly detract from promoting diversity and competition if left as is, without providing a countervailing public interest benefit. Accordingly, we propose to amend Notes 8 and 11 of 47 CFR 73.35, 73.240, and 73.636 to delete the provisions for case-by-case handling of applications subject to those rules which involve UHF stations.

Interim Policy

28. Applications on file as of 4:30, September 13, 1979, will be processed under the exceptions, as now applicable. Applications filed after that time which would be affected by the proposed elimination of the exceptions will not be acted on while this proceeding is pending. While we recognize that this policy may have an adverse impact on applicants, we intend to minimize it by concluding the proceeding as quickly as possible after a comment period of 60 days and a reply comment period of 20 days. We believe that the adverse impact of a short delay on applicants would be outweighed by the cost to the public interest and the difficulties of administration of any different approach.

29. This action is taken pursuant to authority found in Sections 4(i), and 303(b), (g) and (r) of the Communications Act of 1934, as amended.

30. Pursuant to procedures set forth in §§ 1.4, 1.46, and 1.415 of the Commission's rules, interested parties may file comments on or before November 27, 1979, and reply comments on or before December 17, 1979. The Commission will consider all relevant and timely comments and reply comments before taking final action in this proceeding.

31. In accordance with the provisions of § 1.419 of the Commission's rules, an original and five copies of all comments, replies, pleadings, briefs, and other documents shall be furnished to the Commission Members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying the docket number, including the entire designation (BC Docket No. 79-233) in the heading. Anyone can examine the documents filed in this proceeding during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

32. For further information concerning this proceeding contact Carol P. Foelak, Broadcast Bureau, (202) 632-7792, or Alan Stillwell, Broadcast Bureau, (202) 632-6302. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, *ex parte* contacts presented to the Commission in proceedings such as this one will be disclosed in the public docket file. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation requested by the Commission. If a member of the public does wish to comment on the merits of this proceeding in this manner, he or she should follow the Commission's procedures governing *ex parte* contacts in informal rule making. A summary of these procedures is available from the Commission's Consumer Assistance Office, Federal Communications Commission, Washington, D.C. 20554 (202-632-7792).

Federal Communications Commission,
William J. Tricarico,
Secretary.

Appendix

Introduction

This Appendix reviews the pattern of economic development in UHF television and the record associated with the UHF exception to the "one-to-a-market" rule. This information provides evidence which lends support to the position that the special UHF exceptions to the "one-to-a-market" and regional concentration rules should be abandoned. The first section addresses the

¹¹ See attached Joint Statement of Chairman Ferris and Commissioner Brown, Concurring Statement of Commissioner Quello and Separate Statement of Commissioner Fogarty.

economic development of UHF television over the last eight years, including overall growth and the demand for new channels. The remainder of the discussion summarizes the record of the Commission and the industry with respect to the UHF exception to the "one-to-a-market" rule. To date, there has been no history under the regional concentration rule.

Economic Development in the UHF Sector

The overall economic position of UHF television has essentially been reversed in the last eight years. As shown on Table 1, UHF income has grown from losses of 32.7 million dollars in 1971 to profits of 71 million dollars in 1977. In the same period, revenues nearly tripled while the total number of stations increased only slightly. This growth has been consistent year to year, with the biggest increase occurring in 1976. As a further indication of the improvement in the economic health of UHF television, we found that the number of stations reporting profits increased from 47 in 1971 (31 percent of the total reporting) to 127 stations in 1977 (73 percent of the total reporting).¹ With respect to the breakdown between network affiliated and independent stations, we found that 68 percent of the independents and 76 percent of the affiliates reported profits in 1977.

Another indicator of the state of UHF development is the proportion of U.S. television households that have sets equipped to receive UHF stations. This proportion, which is also known as the UHF penetration rate, has increased from 80 percent in 1971 to 94 percent in 1978. The substantial growth in this factor is a direct result of the all-channel receiver law enacted in 1962.

The pattern of demand for UHF facilities follows the pattern of UHF economic growth. In the 1971-1975 period when the observed economic picture was more or less bleak, demand for UHF channels was low. The number of applications received annually for new stations varied from 8 to 15 in this period. After the rapid economic growth in 1976, the number of applications increased substantially to 68 in 1977. This increased demand showed further strength in 1978

¹ Source: FCC Television Broadcast Financial Reports, 1971 and 1977.

Table 1.—Total UHF Stations

Year:	Number of stations in operation	Number of stations reporting ¹	Penetration ² (percent)	Millions of dollars		Applications received for new UHF commercial stations ⁴	New license granted ⁴
				Revenues	Income ³		
1971	199	182	80	148	(-32.7)	9	8
1972	196	182	81	185	(-15.9)	8	5
1973	208	181	85	209	(-7.7)	14	9
1974	202	180	89	231	(-6.1)	11	3
1975	201	180	90	263	9.9	15	8
1976	197	190	92	363	64.8	14	4
1977	206	186	93	401	71.0	68	12
1978	N/A	N/A	94	N/A	N/A	94	15

¹ Source: FCC Television Financial Reports 1971-1977.

² UHF penetration as reported by Arbitron UHF estimates.

³ Financial figures are not adjusted for inflation.

⁴ Source: Broadcast License Division.

when 94 UHF applications were received.² It is thus apparent that entrepreneurs are responding to the improved economic health of UHF television.

UHF Exception to the "One-to-a-Market" Rule

The "one-to-a-market" rule (§§ 73.35(a)(1), 73.636(a)(1) and 73.240(a)(1)) was adopted in 1970 to further Commission goals favoring diversification of program sources and competition. The rule prohibits the ownership, operation, or control of more than one station in a given market by a single licensee.

The Commission also realized that this restriction might conflict with its desire to encourage the development of UHF television. The reasoning was that often the local radio licensee might be the only party with the desire and/or resources to build a UHF television station and therefore prohibiting UHF-Aural combinations might be contrary to a general policy of fostering UHF development. In order to obviate this possible conflict of objectives, the Commission specified that the "one-to-a-market" restriction will not apply to applications which concern a UHF television station operating in the same market as commonly owned, operated, or controlled AM and/or FM station. (See Note 8 of §§ 73.636(TV), 73.240(FM), 73.35(AM) of the Commission's rules.) Instead, such applications are to be handled on a case-by-case basis to determine if a grant will serve the public interest.

In this section we present a review of the record that has been developed over time with respect to the special UHF exception to the "one-to-a-market" rule. Our approach to this task was to first identify the applications which have been processed under the exception, then examine the circumstances of either the grant or denial of these applications, and finally track the performance of the stations subsequent to the application process. We found that thirteen applications were processed under the exception.³ Three of the thirteen were considered not useful for grant analysis: One application was for a religious station, another for a change of channel for a UHF station that was part of an existing

² It is also important to note that many of these applications propose to broadcast subscription television programming (16 applications) or religious programming (29 applications). Both of these types of operation can obtain revenues in addition to advertising revenues and therefore may have a better chance of economic survival than a conventional advertiser supported station.

³ This information was extracted from the TV Factbook and records in the License Division and the Transfer Branch. It was cross-checked against a list of all the UHF-Aural same market combinations on the air at present. One problem we encountered in compiling the list of applications is that there is no reliable index or other retrieval system which can be used to identify cases.

combination and the third was granted conditioned upon divestiture within one year.⁴ Inasmuch as the identification phase revealed only ten usable applications, we were forced to adopt the case study method for the analysis rather than a more sophisticated statistical procedure.

The group of ten was comprised of: Four requests by radio licensees for new television facilities, three transfers of existing facilities, one request by a television licensee for a new radio facility and two requests to combine existing radio and television stations. We were unable to locate any applications which were denied and we believe it is likely that, in fact, none was denied.

The examination of the circumstances under which the ten applications were granted addressed two issues: the applicants' arguments to justify the need for joint facilities and the Commission's comments in granting the applications.

The applicants' supporting arguments include:

1. Profits generated by the radio stations are important to the survival of the UHF or the economies realized from combined operation are essential to the viability of the stations (10 applicants).
2. The applicant, an experienced local broadcaster, is the only party willing and able to build the new station (2 applications).
3. The continuation, expansion, and improvement of informational programming depends on savings effected by combination of facilities (2 applications).
4. The UHF station will compete with a number of other broadcast stations and media outlets in the market (8 applications).
5. The UHF station will provide the community with its first local television outlet

The thirteen applications that were processed include:

- WJCL, Savannah, Georgia—TV/FM. Granted: February 16, 1972.
- WYUR, Huntsville-Decatur, Alabama—TV/AM/FM. Granted: April 20, 1978.
- WJNL, Johnstown, Pennsylvania—TV/AM/FM. Granted: March 24, 1971.
- WVNY, Burlington, Vermont—TV/FM. Granted: April 17, 1974.
- WCPT, Crossville, Tennessee—TV. WCSV-AM. Granted: January 14, 1978.
- WAPT, Jackson, Mississippi—TV. WLIN-FM. Granted: March, 1976.
- WFMZ, Allentown, Pennsylvania—TV/FM. Granted: December 9, 1975.
- WCTF, Cleveland, Ohio—WIXY(AM), WDOK(FM). Granted: October 25, 1973.
- WNYR/WELO, Rochester, New York—TV/AM/FM. Granted: May 23, 1978.
- WAIM, Anderson, South Carolina—AM/FM/TV. Granted: May 31, 1978.
- WNOK, Columbia, South Carolina—AM/FM/TV. Granted: February 22, 1978 (conditioned upon divestiture).
- The religious station is WGPR, Detroit, Michigan—TV/FM.
- The station with the channel change is KTVV, Austin, Texas.

⁴ The station that divested one facility is WNOK, Columbia, South Carolina.

⁵ Most applications specified more than one reason.

or its first UHF service (3 applications).

8. Separation of the stations would result in substantial additional costs to both stations, with the result that one of the stations might go dark (3 applications).

7. The degree of co-ownership involves only a minority interest in one of the stations (2 applications).

The Commission's primary reasons for granting these applications were:

1. A media voice could be provided which otherwise would not be present in the market (4 applications).

2. The new UHF station would provide a first local television service where no other applicant would be expected to apply (3 applications).

3. The combination would strengthen the financial position of the radio or the television station (3 applications).

In all but one case, the Commission also indicated that the grants would not create undue concentration in the market because of the availability of other broadcast stations. The exception concerned a facility in Cleveland, a market with 4 TV stations and 23 radio stations, and therefore we could assume the undue concentration judgment to apply to this application also, even though it was not specifically mentioned.

Our conclusion with respect to the record established by eleven applications that have been approved since 1970 is that the Commission's policy has been consistent. In each case, the decision was to create or strengthen a station which it was presumed would not otherwise survive. Furthermore, each of the permitted combinations was to operate in a market with a significant number of other broadcast outlets. Finally, in no case was an application for transfer of license unconditionally granted if both stations were operating profitably.

The final activity in our review was to examine the economic performance of those combinations permitted under the exception after a reasonable period of time had elapsed. The preferred approach of this task would have been to examine the savings and benefits resulting from joint operation and then compare this information to profits to determine whether or not the stations would be profitable if separated. Unfortunately, we were not able to do this because the Annual Financial Reports (Form 324) do not provide enough information to assess the economies resulting from joint operation of facilities in the same market. Without this kind of information it is not possible to assess the importance of joint operation to the viability of combined stations. In order to obtain some indication of the viability of the stations in combinations approved under Note 8, we examined their income (revenue less expense) and gross income (income + depreciation + payments to principals). This information does not provide insight with respect to the financial performance of the stations operating combined as opposed to separated.

Our financial review included only seven stations since one of the new stations in the ten applications we examined was never built and two others, granted in 1978 have not

yet established a financial record. The 1977 broadcast financial reports (FCC Form 324) for these combinations indicate that all seven are generating positive gross income.⁶ Only two combinations, however, report positive income and the rate of return on revenue for these two is essentially low. The data for the individual stations show positive income for three of the UHF facilities. Only one of the UHF stations reports negative gross income. Five of the radio stations are earning positive income and all seven are generating positive gross income. The rate of return on revenue for all of the individual AM, FM and UHF stations is also low.

From this data, it appears that the same market UHF-radio combinations approved thus far under Note 8 have involved essentially marginal enterprises. As we discussed above, these data do not reveal whether the financial performance of these stations would be different if they were separated.

Joint Statement of Chairman Charles D. Ferris and Commissioner Tyrone Brown Concurring in Part and Dissenting in Part

Re: Amendment of §§ 73.35, 73.240, and 73.636 of the Commission's Rules Relating to Multiple Ownership of AM, FM and TV Broadcast Stations (The UHF Exceptions)

We support the issuance of this Notice of Proposed Rulemaking looking toward the elimination of the so-called "UHF Exception" from our one-to-a-market and regional concentration rules. We agree with the Commission's conclusion that although UHF television has shown dramatic growth in recent years, it appears that little if any of that growth is attributable to the UHF exceptions. We dissent, however, from the majority's refusal to freeze all pending applications which involve UHF exceptions until the completion of this rule-making proceeding.

According to the FCC financial figures for 1978, of 197 UHF's reporting, 135 were profitable. Of these, 94 were network affiliates while 41 were independents. Currently there are only 14 UHF channels unapplied for in the Arbitron Top 50 markets and over 200 applications (most of them mutually-exclusive) are now pending for UHF channels.

This suggests to us that even if the UHF exceptions have helped promote the growth of UHF television, the current popularity of UHF permits us to delete these exceptions from our multiple ownership rules. This is all the more pressing in light of the Commission's expressed interest in deregulation of radio.

In large part, the deregulation of radio is based on the existence of a multiplicity of broadcast outlets serving most American communities. The Commission's recent proposals for radio deregulation rest in part on the assumption that even markets with only one radio station receive at least one television signal, and television appears to be the primary source of information for most

⁶ We have not shown the actual financial figures in order to protect the confidentiality of the individual station data.

⁷ We also looked at technical, program, and general and administrative expenses. However, it is difficult to determine if economies in these areas

Americans today. Restrictions against future UHF ties with other media in a particular community will help to assure diversity of voices within the community and further support our radio deregulation efforts. The need for the Commission to revisit our rules and policies with a view toward enhancing diversity becomes more pressing as we consider radio deregulation.

This is not to say that we should abandon our effort to encourage the development of UHF television. And of course we have not. Just two days ago (September 11, 1979), the Commission accepted our staff report, *Comparability for UHF Television: A Preliminary Analysis*, as part of Docket 79-391* and authorized its submission to Congress. That report represents a significant first step in determining the various causes of the "UHF handicap" and in diminishing that handicap.

While UHF television had a slow start—in part due to Commission actions—now it is generally a profitable segment of the very profitable broadcast industry. Our efforts in the technical areas of the UHF handicap will help spur that growth. Moreover, the blossoming availability of programming as a result of the cable explosion and other factors should make UHF stations even more attractive in the future. These factors indicate that UHF is no longer the step-child of the broadcast industry and that it no longer needs the crutch of the UHF exceptions. We look forward to reading the comments submitted in this proceeding to determine if these preliminary indications are borne out by the full period.

We disagree with the majority's refusal to adopt an interim policy which would freeze all pending applications involving UHF exceptions. Since this rule-making will be an expedited one, the adverse impact of a short delay on applicants would be outweighed by benefits to diversity obtained should the Commission adopt the proposed rules. September 13, 1979.

Concurring Statement of FCC Commission James H. Quello

In re: Exceptions (found in Notes 8 and 11 of the multiple ownership rules) permitting case by case treatment of certain UHF television applications which would otherwise violate the one-to-a-market and regional concentration rules.

I am somewhat uneasy about these proposed rules because I don't believe that we have sufficient information to make such proposals with any degree of confidence. We have used ballpark figures of the numbers of UHF stations on the air and generalized

are realized and even more difficult to estimate savings. We did not attempt to statistically compare the data from the combined stations with that from other stations because our sample of stations was very small and the individual elements of the expense data are generally too imprecise for this sort of analysis.

*Notice of Inquiry in the Matter of Improvements to UHF Television Reception, Gen. Docket No. 78-391, FCC 78-864, December 20, 1978. Two companion Notices indicate our concern with the UHF comparability problem. Notice of Inquiry in the Matter of Technical Improvements to Television Receivers and Certain Transmitter Standards, Gen. Docket No. 78-392, FCC 78-866, December 20, 1978; Notice of Inquiry in the Matter of Television Receiver Performance Standards, Gen. Docket No. 78-393, FCC 78-868, December 20, 1978.

profit figures to support the proposition that all UHF stations are created equal.

There is no doubt UHF is a long way from comparability with VHF technically and economically. I also believe the Commission should encourage UHF service in smaller markets.

I think we need more specific information related to market size and potential profitability. I suggest that we limit our proposed elimination of the exceptions to only the top fifty markets. Perhaps even that cutoff is too narrow. We simply lack the information at this time to make such a judgment. I am hopeful that the comments resulting from the issuance of this Notice of Proposed Rulemaking will supply the knowledge which we now lack and that we will be able to fashion an appropriate rule based upon a complete and reasonable record.

While this might more properly be captioned a Notice of Inquiry, I believe it's possible to build an adequate record in a timely fashion in one proceeding without the necessity of going out for further comments. For that reason, I concur.

Separate Statement of Commissioner Joseph R. Fogarty

In Re: Amendment of §§ 73.35, 73.240, and 73.636 of the Commission's Rules Relating to Multiple Ownership of AM, FM, and TV Broadcast Stations.

The time has clearly come for the Commission to consider whether the so-called UHF exceptions to the one-to-a-market and regional concentration rules continue to serve the public interest. Although these exceptions were intended to advance the worthy goal of UHF development, they attempted to do so at the cost of potentially reducing the diversity of program sources. As the Notice details, it appears that the UHF exceptions have not contributed significantly to the attainment of that goal, and that the growth and current profitability of UHF broadcast stations warrants a rebalancing of our regulatory policy in favor of the maximum diversification of broadcast ownership.

While I therefore fully support the action proposed by the Notice, I do not believe it is either appropriate or necessary to impose a freeze on the 19 applications for new facilities which are presently before the Commission seeking consideration according to the existing UHF exceptions. Many of these applications have been pending since 1977 and all were filed in reliance on our existing rules and policies. Basic considerations of fairness and administrative regularity argue strongly against a freeze under these circumstances. Most importantly, the existing UHF exceptions, which provide for ad hoc determinations as to whether common ownership or control would be in the public interest, afford the Commission sufficient flexibility to identify and balance the competing values of UHF service development and ownership diversity on a case-by-case basis pending completion of this generic rule making proceeding.

[FR Doc. 79-29985 Filed 9-26-79; 8:45 am]

BILLING CODE 6712-01-M

[47 CFR Part 83]**[PR Docket No. 79-232; FCC 79-529]****Permitting a Certification on the Expired Ship Station License To Be Considered as a Valid Attachment to a Renewed Station License for a Short Period of Time****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rulemaking.

SUMMARY: Amendment of Part 83 of the rules to permit a certification on the expired ship station license to be considered as a valid attachment to a renewed station license for a short period of time, namely, from the date of expiration of the old license until the first subsequent annual inspection. With computerization of the files, it has become increasingly difficult to certify the most recent ship compliance on renewal licenses, as required by the Communications Act. This rule change will assure continued compliance with the statutory requirement.

DATES: Comments must be received on or before October 29, 1979 and Reply Comments must be received on or before November 8, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.
FOR FURTHER INFORMATION CONTACT: Irvin Hurwitz, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Adopted: September 13, 1979.
Released: September 21, 1979.

In the matter of amendment of Part 83 of the rules to permit a certification on the expired ship station license to be considered as a valid attachment to a renewed station license for a short period of time, PR Docket No. 79-232.

1. This action proposes to amend the Commission's rules by permitting a certification on the expired ship station license to be considered as a valid attachment to a renewed station license for a short period of time, namely, from the date of expiration of the old license until the first subsequent annual inspection.

2. Section 362 of Title III Part II of the Communications Act of 1934, as amended, requires that, after completion of the required yearly inspection of compulsory radio equipment, the Commission shall certify on the station license that the station complies with all FCC requirements. Normally this is accomplished by having the Commission engineer, at the completion of his annual inspection, endorse the station license to that effect.

3. However, when a license is endorsed shortly before it is due to expire (the usual term of a license is five years), the renewal that is issued to replace it will not normally carry this endorsement; the information as to when the station was last found to be in compliance will not be immediately available to the interested government inspector aboard the vessel, whether FCC, Coast Guard, or other. This condition may persist until the next FCC annual inspection at which time, of course, the engineer will recertify compliance of the station.

4. It is proposed that, during this period between posting of the renewal license and the first FCC annual inspection thereafter, the licensee continue the posting of the expired license so that the intent of the statutory requirement be met and the information it contains be made immediately available to concerned personnel.

5. The proposed amendments to the rules, as set forth in the appendix below are issued pursuant to the authority contained in Section 4(i) and Sections 303(f) and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 29, 1979, and reply comments on or before November 8, 1979. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 5 copies of all statements, briefs, or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.339, paragraph (a)(1) is amended to read as follows:

§ 83.339 Station documents.

(a) The compulsory fitted ship radiotelegraph station shall be provided with the following documents:

(1) A valid station license; after expiration the expired license shall remain posted alongside the renewal license until the first Commission detailed inspection subsequent to the expiration has been completed;

2. In § 83.367, subparagraph (a)(1) is amended to read as follows:

§ 83.367 Station documents.

(a) Ship radiotelephone stations subject to the radio provisions of the Safety Convention shall be provided with the following documents:

(1) A valid station license; after expiration the expired license shall remain posted alongside the renewal license until the first Commission detailed inspection subsequent to the expiration has been completed;

[FR Doc. 79-29990 Filed 9-26-79; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****[49 CFR Part 571]****[Docket No. 71-1; Notice 07]****Motor Vehicle Safety Standards; Glazing Materials**

AGENCY: National Highway Traffic Safety Administration (NHTSA).
ACTION: Proposed rule.

SUMMARY: This notice proposes to amend Safety Standard No. 205, *Glazing Materials*, to delete the abrasion resistance requirements specified for Items 3, 5, 9 and 12 glazing. The proposal is in response to petitions for rulemaking from the California Highway Patrol, PPG Industries and the Specialty Equipment Manufacturers Association. The purpose of the abrasion requirements is to ensure that glazing will resist scratching which could distort and reduce visibility for the driver. The glazing items specified above, however, can only be used on vehicles in window locations not required for driving visibility. These locations include side windows to the rear of the driver in trucks, multipurpose passenger vehicles and buses and sun

roofs on all vehicles. Since the standard currently does not require glazing in the above auxiliary window locations to be transparent, this notice proposes to delete the abrasion requirements for those glazing types on the basis that abrasion is irrelevant. The notice also proposes to require glazing for use in all rear windows in light trucks and vans to transmit sufficient light (70 percent) to ensure adequate driving visibility through those windows.

DATES: Comments must be received no later than November 13, 1979. Proposed effective date: Upon publication of a final rule for certain aspects of the proposed amendment, and six months after the publication of a final rule for other aspects of the proposed amendment.

ADDRESSES: Comments should refer to the docket and notice numbers and be submitted to: Room 5108, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Robert Williams, Office of Vehicle Safety Standards, Crashworthiness Division, National Highway Traffic Safety Administration, 400 Seventh Street S.W., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: Safety Standard No. 205, *Glazing Materials*, (49 CFR Part 571.205) specifies performance requirements for glazing materials to be used in motor vehicles and motor vehicle equipment, and also specifies the vehicle locations in which various types of glazing may be used. The standard incorporates by reference the American National Standard "Safety Code for Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," Z26.1—1966 (ANS Z26). The abrasion resistance requirements of Standard No. 205 are set forth in ANS Z26 in terms of performance tests that the various "Items" of glazing must pass. (There are 13 "Items" or types of glazing for which requirements are specified in the standard.) Items 3 and 9 glass glazing materials are required to pass abrasion Test No. 18 (less than 2 percent light scatter or haze when abraded for 1,000 cycles) and Items 5 and 12 rigid plastic glazing materials are required to pass abrasion Test No. 17 (less than 15 percent light scatter or haze when abraded for 100 cycles).

The agency has received petitions from the California Highway Patrol (CHP), PPG Industries and the Specialty Equipment Manufacturers Association to alter or delete the abrasion resistance requirements of the standard for these types of glazing materials. These petitions have been

supported in a submission to the agency by General Motors Corporation.

Petitioners state that the abrasion requirements for these glazing items result in inconsistencies and fail one material while passing another even though both serve the same purpose and are equally safe. Items 3, 5, 9 and 12 may only be used in vehicle locations not requisite for driving visibility, and none are required to meet the light transmission criteria specified in the standard for glazing used in locations necessary for driving visibility. Petitioners argue that the only purpose of the abrasion tests is to assure that the glazing will be scratch-resistant to prevent distortion of the driver's view, and that since visibility through glazing Items 3, 5, 9 and 12 is not required, the abrasion tests serve no useful purpose. The CHP, therefore, petitioned to delete the abrasion requirements for the four items altogether. The Specialty Equipment Manufacturers Association petitioned to delete the requirements for Items 3, 5 and 9 glazing.

PPG Industries manufactures an Item 3 glazing (tempered glass) with a colored metallic oxide coating bonded to one surface. The coated glass product was originally developed by PPG for energy efficiency as architectural glazing, but has recently been used in motor vehicles as Item 3 safety glazing with the coating applied to the interior surface. The metallic oxide side of this glazing will not pass the abrasion resistance requirements of Test No. 18 for Item 3 glazing. PPG points out that Item 3 (tempered glass) and Item 5 (rigid plastics) are permitted to be used in trucks and multipurpose passenger vehicles at levels not requisite for driving visibility yet the abrasion requirements for the two types of glazing vary significantly in terms of stringency. PPG petitioned for the abrasion requirements for Item 3 glazing to be revised to specify that the interior surface (as installed in the vehicle) meet the requirements of Test No. 17 and the outer surface meet the requirements of Test No. 18. PPG argued that its coated glass should be permitted since the standard does not require Item 3 glazing to transmit light and since the coated glass contributes to increased energy efficiency by significantly reducing transmitted solar radiation.

The NHTSA has determined that petitioners arguments have merit. There appears to be no compelling safety need for retaining the abrasion requirements for these four glazing items since the standard prohibits their use in vehicle locations requisite for driving visibility. While the abrasion requirements for

these items do serve as additional tests of glazing strength and durability, there are other more direct tests of these characteristics applicable to these items of glazing that should ensure the glazing remains in safe condition throughout its useful life. Likewise, although these types of glazing might at times be used in locations that provide at least auxiliary visibility for drivers, the abrasion requirements are probably not justified since totally opaque glazing is allowed by the standard. In light of these considerations, the agency proposes to delete the abrasion resistance requirements for Items 3, 5, 9 and 12 glazing materials.

The CHP petition also requested revision of the standard to limit light reflectance of glazing materials. The CHP is concerned that the highly-reflective coated materials currently being used on many vans and other vehicles are annoying and cause glare that interferes with the driver's vision of the road and other vehicles. While it may be true that these reflective windows are annoying, the agency is not aware of any data showing that glare from vehicle glazing has resulted in accidents. Without evidence that a safety problem exists, the agency of course cannot initiate rulemaking in this area. Accordingly, this aspect of the CHP petition is denied.

In addition to the above, this notice also proposes to amend Standard No. 205 to clarify that the rear windows in trucks, multipurpose passenger vehicles, and buses having GVWR's of 10,000 pounds or less are considered requisite for driving visibility (the rear-most window, if present, in these vehicles, not side windows). This means that glazing materials for use in rear windows in these vehicles must have a luminous transmittance of at least 70 percent, as specified in Test No. 2 of the ANS Z26 standard. Currently, Standard No. 205 (ANS Z26) allows the use of certain types of glazing that are not required to have a luminous transmittance of 70 percent, if the rear window is not requisite for driving visibility or, for one glazing item, if other means of providing visibility to the side and rear of the vehicle exist. The standard does not specify, however, which rear windows are necessary for driving visibility. With the recent great increase in the number of light trucks and vans and the increasing use of these vehicles for passenger carrying purposes, the agency has tentatively concluded that any rear window in a truck or van should transmit sufficient light to afford the driver adequate visibility even if the view is partially obscured by cargo or

passengers. The proposed change is intended to clarify the current indefiniteness of the ANS Z26 standard with regard to rear windows in trucks and vans. In correlation with this proposed change, the agency also intends to propose an amendment to Safety Standard No. 111, *Rearview Mirrors* (49 CFR 571.111), that would require inside rearview mirrors for all light trucks and multipurpose passenger vehicles. The agencies believe that, together, these proposed changes will greatly increase driving visibility and safety in these vehicles.

This proposed amendment does not qualify as a significant regulation as defined in Executive Order 12044 and, therefore, a regulatory analysis is not required. The agency's preliminary evaluation indicates that the environmental or economic consequences resulting from this proposed amendment should be minimal, since it would only delete an existing test requirement.

The engineer and lawyer primarily responsible for this notice are Bob Williams and Hugh Oates, respectively.

In consideration of the foregoing, it is proposed that Standard No. 205 (49 CFR 571.205) be amended as set forth below.

1. A new paragraph S5.1.1.7 would be added to read:

S5.1.1.7 Test No. 17 is deleted from the lists of tests specified in ANS Z26 for Item 5 and Item 12 glazing materials and Test No. 18 is deleted from the lists of tests specified in ANS Z26 for Item 3 and Item 9 glazing materials.

2. The following sentence would be added to the end of S5.1.1.6:

"Notwithstanding the other provisions of ANS Z26, the rear windows of trucks, multipurpose passenger vehicles and buses having a GVWR of 10,000 pounds or less, if present, shall be considered requisite for driving visibility."

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the address given

above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on September 20, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-30063 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-59-M

[49 CFR Part 571]

[Docket No. 72-6; Notice 05]

Federal Motor Vehicle Safety Standards; Motorcycle Helmets

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes the amendment of Safety Standard No. 218,

Motorcycle Helmets, to extend application of the current requirements to all helmets that can be placed on the size "C" headform. The proposed extension would be an interim rule for certification of all large-size and many small-size helmets, until test headform sizes A and D have been developed. The purpose of the proposed extension is to establish a minimum level of performance for a large number of the helmets that are currently not being tested and certified by manufacturers.

DATES: Comment closing date: November 28, 1979.

ADDRESSES: Comments should refer to the docket number and notice number and be submitted to: Docket Section, Room 5108, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Liu, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: Safety Standard No. 218, *Motorcycle Helmets* (49 CFR 571.218), specifies minimum performance requirements for helmets designed for use by motorcyclists and other motor vehicle users. Currently, the standard is only applicable to a portion of the annual helmet production. Paragraph S3 of the standard provides:

"... The requirements of this standard apply to helmets that fit headform size C, manufactured on or after March 1, 1974. Helmets that do not fit headform size C will not be covered by this standard until it is extended to those sizes by further amendment.

"Fitting" is intended to mean something that is neither too small nor too large. It excludes not only helmets that are too small to be placed on the size C headform, but also helmets so large that they could be placed on the size D headform were it available. As explained below, that headform size is not currently available.

The standard references and describes in its appendix four test headform sizes (A, B, C, and D). Currently, only test headform size C has been developed, and it is identical to the American National Standard specifications for Protective Headgear for Vehicular Users, ANSI Z90.1-1971. The other test headforms are to be scaled proportionately from the ANSI-Z90 (size C) headform. The performance requirements of the standard for helmets fitting other than size C headforms were held in abeyance until these additional headform sizes could be developed. (39 FR 3554, January 28, 1974) Because of problems with prototype headforms supplied to NHTSA under contract (the

headforms did not meet dimensional tolerances considered acceptable), development of these additional headforms has been delayed. The agency anticipates that the standard will include requirements for headform sizes A and D by September 1, 1981 (size B will be deleted from the standard).

Last year, the Safety Helmet Council of America (SHCA) recommended that the agency require certification of all adult-size helmets on the size C headform. The SHCA stated that the delay in development of the additional headform sizes has led to confusion and unfair practices since many helmets are reportedly being improperly certified and many other helmets are not being certified that are required to comply with the standard. The agency has stated in the past that only helmets that are subject to compliance with Standard No. 218 should be certified and labeled with the "DOT" symbol. Apparently, some manufacturers have used the "DOT" label on untested helmets for competitive purposes. The SHCA stated that these practices have placed considerable burdens on the integrity of manufacturers of high quality helmets. The organization pointed out that under the ANSI standard only one headform (size C) was used to test all helmets except child-size helmets, and that approximately 95 percent of current helmet production could and should be tested on the size C headform and certified for compliance with Standard No. 218.

The NHTSA Office of Vehicle Safety Standards recently investigated the current labeling and certification practices of helmet manufacturers. It was found that most manufacturers currently test only "medium" size helmets on the size "C" headform, yet there is considerable variation among manufacturers as to which helmets are considered medium. Further, the agency found that the percentage of helmets subject to certification under the current applicability of the standard is substantially greater than the 40 percent that manufacturers are now testing on the size "C" headform. (Data from the investigation have been placed in the NHTSA docket under the docket number and notice number of this notice.)

As stated earlier, under the existing applicability requirements of the standard, only helmets that "fit" headform size "C" must be certified. Apparently, interpretation of the term "fit" by manufacturers has led to some mislabelings and failures to certify. Under the existing requirements, "helmets that fit headform size C"

should be all helmets other than those that must be tested on the other headform sizes. To determine which helmets must be tested on a particular headform size, one follows the procedures of paragraph S6.1.1 of the standard. That paragraph provides in part:

"... Place the complete helmet to be tested on the reference headform of the largest size specified in the Appendix whose circumference is not greater than the internal circumference of the headband when adjusted to its largest setting, or if no headband is provided to the corresponding interior surface of the helmet.

Using the procedure of paragraph S6.1.1, manufacturers currently need only concern themselves with headform sizes "C" and "D", since small, child-size helmets that could not physically be placed on the size "C" headform would not have to be tested. As to the other helmet sizes, helmets that "fit headform size C" means any helmet that can be placed on the size "C" headform, except those helmets which the manufacturer can demonstrate could be placed on a size "D" headform. To make that demonstration, the manufacturer would have to show that the internal circumference of the helmet headband or the corresponding interior surface of the helmet is larger than the circumference of the size "D" headform. Even though the size "D" headform is not currently available, the dimensions of the headform are specified in the appendix of the standard, from which the manufacturer can make its determination. Regarding small, child-size helmets, the determination whether or not a particular helmet can be placed on the size "C" headform should be based on normal fitting procedures. This means, for example, that undue force should not be applied to forcibly push the headform into the helmet. However, efforts necessary for the ordinary wearing of the helmet should be employed, such as expanding the lower portions of a flexible-shell, full-face helmet. Apparently, many manufacturers have failed to use these procedures for determining which of their helmets "fit" headform size "C" and must be certified.

In light of the improper certification and the noncertification, the unavailability of the additional headform sizes until late 1981, the need to ensure the safe performance of the large helmets and the apparent sufficiency of the size "C" headform for testing large helmets, the agency has tentatively concluded that the recommendations of the Safety Helmet Council of America have merit. Therefore, this notice proposes the

amendment of Safety Standard No. 218 to require all motorcycle helmets that can be placed on the size "C" headform to be certified in accordance with the requirements of the standard. "Placed" is a broader term than "fit" primarily in that the former term does not imply any upper limit on helmet size.

Under the proposed requirements, more than 90 percent of current helmet production could be tested on the size "C" headform. Only small, child-size helmets (size A) would be excluded, since they could not physically be placed on the size "C" headform. As noted in the procedures discussed above, normal fitting procedures would be used to determine if a particular helmet could be placed on the size "C" headform, without the use of undue force.

During its investigation, the NHTSA contacted manufacturers whose collective market share exceeds 80 percent of current annual helmet production. All of these manufacturers indicated that 90 percent or more of their helmet production could be placed and tested on the size "C" headform. Many of the manufacturers indicated that they are already testing the majority of their helmets on the size "C" headform for quality-control purposes, even though not required by the standard. Also, it was found that helmet shells and performance characteristics of a particular manufacturer's helmets do not generally vary significantly over the various size range of helmets produced.

The proposed amendment would only be an interim measure to establish a minimum level of performance for the large number of helmets that are currently not being certified for compliance with Standard No. 218. Testing extra-large helmets on the size "D" headform would require a higher level of performance for those helmets, since the weight of the size "D" headform is greater than that of the size "C" headform. Therefore, development of the size "A" and size "D" headforms will continue, and incorporation of requirements in the standard for these headforms will occur after development. However, until this is accomplished, the agency believes that the performance level that will be required by testing on the size "C" headform is preferable to an absence of any requirements whatsoever. As stated earlier, the ANSI standard for helmets specifies only one headform size ("C") for testing all helmets. The additional headform sizes were originally specified in Standard No. 218 in response to suggestions from some manufacturers that requirements

be more "fine-tuned" for the various helmet sizes.

The agency has tentatively concluded that the proposed requirements would preclude the great majority of any unsafe helmets currently on the road. Further, with all adult helmets certified, retailers and consumers would no longer be confused or misled concerning the DOT certification labels found in their helmets, and NHTSA's enforcement activities would become more effective and uniform.

Under the proposed requirements, extra-large helmets would be tested on the size "C" headform without the use of "shims" or other devices to obtain a secure fit of the helmet on the headform. Comments concerning the use of shims are requested, however. Agency tests involving extra-large helmets on the size "C" headform show results that correlate well with tests of medium-size helmets on the size "C" headform. (Data from these tests have been placed in the NHTSA docket.) Therefore, the agency has concluded that repeatable results can be obtained under the existing procedures with the size "C" headform.

The proposed effective date for extending the applicability of Standard No. 218 to all helmets that can be placed on the size "C" headform is January 1, 1980. The agency's past position has been that it would be "false and misleading," within the meaning of the statute (15 U.S.C. 1397(C)), for a "DOT" symbol to appear without qualification on helmets manufactured before the effective date of the standard. However, since the standard is currently effective for helmets that fit size "C" headforms, and since there is such a widespread variation among manufacturers as to which helmets they consider to fit the size "C" headform, the agency is considering allowance of voluntary certification and labeling of helmets prior to January 1, 1980. This, of course, would only apply to helmets that can be placed on the size "C" headform. Small helmets that could not be placed on the headform could not be certified with the "DOT" symbol until after the standard has been amended to include specifications for the size "A" headform. Also, helmets certified and labeled with the "DOT" symbol prior to the January 1, 1980, effective date would be subject to the general enforcement provisions of the National Traffic and Motor Vehicle Safety Act. Therefore, manufacturers would have to exercise "due care" to assure that any helmet they certified in fact complied with the performance requirements of Standard No. 218.

The engineer and lawyer primarily responsible for the development of this

notice are William J. J. Liu and Hugh Oates, respectively.

In consideration of the above, it is proposed that paragraph S3 of Safety Standard No. 218, *Motorcycle Helmets* (49 CFR 571.218), be amended to read as follows:

§ 571.218 Standard No. 218; motorcycle helmets.

S3. Application. This standard applies to helmets designed for use by motorcyclists and other motor vehicle users. The requirements of this standard apply to all helmets that can be placed on the size C headform using normal fitting procedures. Helmets that cannot be placed on the size C headform will not be covered by this standard until it is extended to those sizes by further amendment.

(The second sentence in S6.1.1 of the standard relating to the selection of a reference headform should be disregarded until the standard is made effective for helmets that must be tested on headform sizes A and D.)

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552 (b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of

section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on September 20, 1979.

Michael M. Finkelstein,
Associate Administrator for Rulemaking.

[FR Doc. 79-30082 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-59-M

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES COMMITTEE ON JUDICIAL REVIEW; PUBLIC MEETING

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 2:30 p.m., Monday, October 8, 1979, in the seventh floor main Conference Room of Covington and Burling, 888 16th Street, N.W., Washington, D.C.

The Committee will meet to discuss the scope of a project on proposed legislation that amends the Administrative Procedure Act, 5 U.S.C. § 706. The amendment would broaden the scope of judicial review of agency action.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance of the meeting. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information, contact Linda Sedivec (202-254-7065). Minutes of the meeting will be available on request.

Richard K. Berg,
Executive Secretary.
September 21, 1979.

[FR Doc. 79-30036 Filed 9-26-79; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Modoc National Forest Grazing Advisory Board; Meeting

The fall meeting of the Modoc National Forest Grazing Advisory Board

will be held at 1000, October 30, 1979 at the Ranger Station in Adin, California. This meeting will consist of a field tour to examine range improvement practices on the Big Valley Ranger District. The meeting will be open to the public. For additional information contact Jim Kaderabek, District Ranger, 916-299-3215 or Bill Britton, Range and Wildlife Officer, 916-233-3521.

G. Lynn Sprague,
Forest Supervisor.

September 19, 1979.

[FR Doc. 79-29918 Filed 9-26-79; 8:45 am]

BILLING CODE 3410-11-M

Thompson Creek Molybdenum Project Custer County, Idaho; Intent To Prepare an Environmental Impact Statement; Correction

In FR Document 79-26202 appearing on page 49482 in the Federal Register of August 23, 1979, first column, paragraph 6, sentence 4 is corrected to read "Jack E. Bills, Forest Supervisor, Challis National Forest, is the responsible official, and Gordon V. Reid, Forest Planner, Challis National Forest, can be contacted for further information on the Environmental Impact Statement."

Dated: September 18, 1979.

Jack E. Bills,
Forest Supervisor.

[FR Doc. 79-29974 Filed 9-26-79; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Order 79-9-129; Docket 35361]

Air Carrier Rules Governing Failure To Operate on Schedule or Failure To Carry; Order

By Order 79-4-115, April 19, 1979, the Board tentatively concluded that Rule 380(H) in the domestic passenger rules tariff, CAB No. 142, is unjust and unlawful and should be cancelled. In general, Rule 380 states the obligations airlines assume toward passengers when schedule changes or irregularities result in delay or cancellation of their flights. The carriers undertake to arrange alternate transportation or make a refund to the passenger and provide certain amenities, such as hotel rooms or meals, for some stranded or delayed passengers. Rule 380(H), the rule challenged in this proceeding, exculpates the airlines from any

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additional liability to passengers, regardless of the circumstances:

Except to the extent provided in this rule, no carrier shall be liable for failing to operate any flight according to schedule or for changing the schedule of any flight, with or without notice to the passenger.

The Board noted in Order 79-4-115 that this exculpatory clause is so broad as to cover virtually any type of scheduling problem and passenger inconvenience. This overbreadth, the Board explained, presents greater cause for concern in an increasingly flexible and competitive environment, when carriers have greater freedom to enter and withdraw from markets and greater incentive to change schedules for business reasons. The greater likelihood of schedule changes and interruptions planned in advance increases the potential hazard to passengers of a rule absolving airlines from all responsibility to notify passengers of changes or cancellations.

The Board has received several responses to its order, all from carriers objecting to cancellation of Rule 380(H).¹ Generally, the carriers contend that the Board's proposed action goes beyond what is necessary to solve two specific problems identified by the Board—notification to passengers of advance cancellations and rebooking in connection with service withdrawals. The carriers assert that cancellation of Rule 380(H) would make them guarantors of their schedules and could subject them to liability for consequential damages, even for cancellations and delays beyond their control. Additionally, the carriers have raised procedural objections, contending that the Board cannot cancel a tariff rule without holding an adjudicatory hearing and prescribing a lawful replacement rule.

Having carefully considered the carriers' objections, we have concluded that our tentative findings should be made final. As more fully discussed below, we believe that the show cause procedures used here meet the requirements of the Federal Aviation Act and the Administrative Procedure

¹ Comments were filed by the following carriers: US Air, Aloha, American, Braniff, Continental, Delta, Eastern, Hughes Airwest, Republic, Southwest, TWA, and United. Continental filed its comments a day late, accompanied by a motion for leave to file an otherwise unauthorized pleading. We grant Continental's motion.

Act, and that the Carriers' substantive objections to cancellation are largely based on misunderstanding of the purpose and impact of the Board's proposed action. Accordingly, we are now ordering cancellation of Rule 380(H) of CAB No. 142.^{1a}

Substantive Issues

The objecting carriers raise similar substantive objections to the Board's proposal to cancel Rule 380(H). The several points they present can be grouped into three main criticisms.

First, the carriers contend, cancellation of the exculpatory clause is far too sweeping a remedy for the problems actually presented by the airlines' current handling of schedule changes and irregularities. They argue that the clause is reasonable when considered in the context of Rule 380 as a whole, which provides many benefits for passengers. The carriers note that the Board has referred explicitly to only two specific problems presented by Rule 380—the carriers' lack of any obligation to notify passengers of cancellations or schedule changes made in advance, and the carriers' apparent lack of obligation to rebook passengers on other carriers' flights when withdrawing all service from a market. In practice, the carriers assert, most airlines voluntarily provide notification or interline rebooking in these situations, so cancellation of the rule that would insulate them from liability should they fail to provide these voluntary protections is unnecessary. Alternatively, some carriers acknowledge the existence of problems, but contend that they could be remedied by modifying the other provisions of Rule 380 or by other means, such as the Board's orders directing carriers withdrawing service under § 401(j) of the Federal Aviation Act to notify their passengers and assist them with rebooking (citing Orders 79-5-87, 79-5-137, 79-5-189). The comments of Delta Airlines disputing the Board's assertion that the rule is overbroad are typical:

Rule 380(H) is only the uppermost ceiling on airline liability. It only applies in situations not covered by the other, extensive provisions in Rule 380. Rule 380 must be read in its entirety and with care together with an examination of the airlines' actual application of the Rule in order to appreciate the full array of amenities provided passengers who are inconvenienced by

^{1a} On September 14, 1979, Airline Tariff Publishing Company issued a new rules tariff, CAB No. 352, to replace CAB Nos. 142 and 248 as of October 15, 1979. The new tariff did not change the text of Rule 380(H), but redesignated it Rule 240(H) of CAB No. 352. Accordingly, this Order applies to Rule 240(H) of CAB No. 352 as the successor of Rule 380(H).

schedule irregularities. (Emphasis in original.)²

We think these arguments miss their mark. Even if true, the fact that airlines seldom act unreasonably is not a sufficient justification for retaining a tariff rule that absolutely immunizes them from liability when they do act unreasonably. In pending Federal court litigation Delta itself, in pleadings that we notice officially as a matter of public record, has taken the position that Rule 380(H) acts as an absolute bar to a suit alleging negligence and fraudulent misrepresentation, in addition to breach of contract, in connection with a flight schedule irregularity:

The applicability of Rule 380(H) is not dependent on the source of the delay, the reasons why notice of the delay may or may not have been given, or the timing of any such notice. . . .

It bars all liability for scheduling delays, "with or without notice to the passenger." The plaintiffs' "reasonableness test" is but an attempt to avoid giving effect to the language of Rule 380(H).

Reply Statement of Points and Authorities in Support of Motion to Dismiss, at 4-5, April 27, 1979, *Rubin v. Delta Airlines, Inc.*, Civil Action No. 79-0186, D.D.C. We express no opinion, of course, on the merits of the particular claims involved in this litigation. But we believe that a tariff rule that purports to provide an absolute technical defense to any allegations of negligent and intentional tort that may arise from a schedule change or irregularity is unreasonably overbroad on its face.

Moreover, this overbreadth would not be cured even if, as the carrier asserts, alternate solutions to two specific problems cited by the Board could be found. As the *Delta* litigation demonstrates, these two problems are only examples, albeit important ones, of the reach of Rule 380(H). Resolving either or both of them would not render the clause reasonable when an airline could still rely on it to deny liability even for intentional torts or to limit its liability for negligence without providing actual notice to the passenger of the limitation. In any case, we are not persuaded that the alternative "solutions" proposed by the carriers will be better or more effective ways of

² Objections of Delta Air Lines, Inc. at 2-3. Delta's assertion that Rule 380(H) applies only in "situations" not otherwise covered by Rule 380 may be misleading. In fact, Rule 380(H) protects carriers from liability for failing to notify passengers promptly in all of the situations to which Rule 380 applies. For schedule changes planned in advance, prompt notice can often be the difference between a convenient rebooking that really protects the passenger and an inconvenient one that causes financial damage or a disruption in plans.

dealing even with the specific problems than cancellation of Rule 380(H).

The carriers' second major contention is that elimination of Rule 380(H) will increase litigation against the carriers, leading to a host of bad consequences—an increase in costs that will have to be passed on to consumers, subjection of airlines to the vexatious or "nuisance" claims of unscrupulous litigants who hope to be "bought off", development of inconsistent or onerous legal principles by the courts, and substitution of an indefinite expensively obtained judicial remedy for consumers for the clearly defined and immediately available tariff remedy.

At best, these claims are entirely speculative. If, as they assert, the airlines regularly make their best efforts to notify and accommodate passengers affected by schedule changes, they should have little fear of noticeable increases in litigation,³ particularly since the small amounts of provable damages likely to be at stake in most such cases would not provide much of an incentive to litigate.⁴ We doubt that large numbers of airline travelers are waiting for the opportunity to press frivolous or dishonest claims. Moreover, we are confident of the ability of judges to discern whether claims are substantial or frivolous and to apply suitable principles of law to those cases that reach the courts. There is, of course, some risk of inconsistent precedents—the same risk faced by any litigant in our judicial system, in which inconsistent decisions may be rendered at any time the same legal issue is raised in more than one forum.

When the Board's tariff authority expires in 1983, airlines will face the ordinary risks of litigation, including frivolous lawsuits and inconsistent precedents, involving every aspect of their business, just as other companies do. We do not believe that protecting

³ Aloha Airlines and Republic Airlines contend that cancellation of Rule 380(H) would necessitate vast, expensive changes in reservations systems to avoid potential liability for failure to notify passengers of changes. This contention is apparently based on the assumption that cancellation of Rule 380(H) will somehow make carriers strictly liable to all passengers affected by schedule changes. A carrier that has actually made its best efforts under the circumstances to notify passengers of a change, whether directly or through a ticketing travel agent, will not face significant liability to those few passengers who cannot be reached.

⁴ Delta's comment that the Board's Bureau of Consumer Protection advises consumers to go to small claims court regardless of the merits of their claims, we note in passing, is a mischaracterization. BCP does not purport to act as private counsel by recommending whether a consumer should pursue a claim. BCP does, however, inform consumers that small claims court may be an alternative, should they wish to pursue their claims.

carriers from litigation is a proper goal of the Board, particularly when the protection is against legitimate claims as well as frivolous ones.

Most especially, we do not understand why cancellation of Rule 380(H) would relegate travelers in each case to an uncertain litigation remedy rather than the stable, immediately available protections provided by Rule 380. Carriers may continue to follow the practices prescribed in the rule, and to take the additional measures they assert they undertake in practice. We anticipate that these will continue to be adequate to cover the vast majority of consumer problem situations.

Cancellation of Rule 380(H) will by no means obligate carriers to negotiate a satisfactory individual arrangement with each passenger. It will simply place passengers on a more equal footing with carriers when the standard tariff remedy is inadequate.

Finally, some carriers contend that cancellation of Rule 380(H) will effectively require airlines to guarantee their schedules. As the Board made clear in Order 79-4-115, it is not our intention to require carriers to guarantee their schedules. Nor do we mean to prohibit airlines from setting reasonable limits on their liability for schedule irregularities. We do not believe that cancellation of Rule 380(H) will produce these results.

The carriers' apparent assumption that the only alternatives are the exact liability limitations of Rule 380(H) or none at all is unfounded. Most carriers already print on their tickets the statement that they do not guarantee their schedules, and we see nothing unreasonable in establishing this as a contract term. As a matter of contract, carriers, like other purveyors of goods and services, may establish reasonable liability limits allocating the risk of delay or service interruption between carrier and passenger.⁵ We feel confident the courts, if called upon to handle cases arising out of schedule irregularities, will recognize this fact and evaluate the limits established by airlines under the same principles of conscionability they would apply to other contracts.⁶ But we see no reason

⁵ We note that commuter airlines limits their liability through contract although they file no tariffs at all with the Board, and they have not indicated that any difficulties have resulted from this approach.

⁶ As discussed later in this order, we will waive section 221.38 of our rules, 14 CFR 221.38, to the extent necessary to permit carriers to limit their liability for schedule changes or irregularities through direct contractual means without filing a substitute rule for Rule 380(H). This should insure that courts will not misconstrue the absence of a liability limitation in Rule 380 to mean that the

why carriers must also exculpate themselves from any responsibility for intentional torts or for negligent failure to notify passengers promptly of a schedule change so that inconvenience will be minimized. Nor do we believe they should be able to do so by means of a tariff rule, the reasonableness of which the Board has never previously addressed in specific terms, and the purported lawfulness of which is offered as an absolute defense in the courts, without providing actual notice of the limitation to the passenger.

Procedural Issues

Several carriers contend that the Board cannot use show cause procedures to cancel a tariff rule, but must hold an adjudicatory hearing. The simple answer to this assertion is that it is incorrect. Not every administrative "hearing" required by statute must be a trial-type oral hearing, and the Board has used show-cause procedures to determine the lawfulness of tariff rules before. See Orders 77-2-9, 77-7-43.

Administrative agencies perform both adjudicatory and legislative functions, and different procedural requirements apply to each function. In determining the lawfulness of a tariff rule in wide use on the basis of general legal procedures and policy considerations, the Board is engaging in a legislative function. Under the Administrative Procedure Act, the Board need provide only the notice and comment procedures required by 5 U.S.C. § 553 unless its own statute requires that such proceedings be conducted in "on-the-record" hearings. Section 1002(d) of the Federal Aviation Act provides that the Board shall find rates or rules unlawful "after notice and hearing", but there is no indication that an adjudicatory or "on-the-record" trial type hearing is required, and we believe the law is clear that such a hearing is not required, especially where, as here, there are no material issues of disputed fact whose resolution requires full trial-type procedures. *Vermont Yankee Nuclear Power Corp. v. National Resources Defense Council*, 435 U.S. 519 (1978); *United States v. Florida East Coast (Railway Co.)*, 410 U.S. 224 (1973); *United States v. Allegheny-Ludlum Steel Corp.*, 406 U.S. 742 (1972).

Order 79-4-115 gave full notice of the Board's proposed action and explicitly asked interested persons to present any arguments or data in support of their objections to that action in written form. The Board instructed those who desired an oral evidentiary hearing to identify

carrier has assumed unlimited liability to passengers.

the facts that would be developed in such a hearing and explain why adjudicatory procedures would be necessary.

Only one carrier—United—listed specific factual issues that in its view required exploration in an adjudicatory hearing. United has not provided any factual information or data on these issues, nor has it offered any reason why such information could not be presented in written objections. We are not persuaded that an adjudicatory hearing is required to develop a record on any of these issues. All four issues raised by United are based on its erroneous legal, not factual, assumption that the Board's action would result in unlimited liability for carriers as insurers against bad weather or other circumstances beyond their control. And all four deal with totally speculative conjectures as to carrier and passenger behavior in response to this unlimited liability, not with any matters as to which useful factual or statistical information is likely to be available.⁷ We decline to waste Board resources holding an adjudicatory hearing that is neither required by law nor potentially useful in developing and resolving important factual issues.

Several carriers also contend that the Board must prescribe a lawful replacement rule in order to cancel Rule 380(H). We recognize that section 1002(d) of the Act states that the Board "shall determine and prescribe . . . the lawful classification, rule, regulation, or practice thereafter to be made effective." But the airline industry is already in transition from regulation to market competition. The Board no longer determines single "lawful" fares for transportation, but establishes wide zones of reasonableness within which carriers are free to make their own fare choices. Similarly, the carriers' practices and the terms and conditions under which they offer transportation may be selected from among a range of reasonable options. In this increasingly competitive environment, we do not believe that section 1002(d) eliminates our discretion to find in a particular case

⁷ One issue raised by United is whether airlines or their employees might consider possible liability exposure in making flight schedule decisions that may affect flight safety. We doubt whether this will be a problem, since we have not proposed to impose unlimited liability on carriers, and since the carriers have the means to limit their actual liability exposure through insurance coverage. We will, however, be watchful for evidence that an airline is repeatedly taking unnecessary safety risks for this or any other reason, and will refer any such problems promptly to the Federal Aviation Administration, which has jurisdiction over air safety matters.

that no one "lawful" rule needs to be or should be prescribed. Such a strict interpretation of the section is unwarranted and would be inconsistent with the procompetitive policies established by Congress in the Airline Deregulation Act.

We have concluded that Rule 380(H), as currently written, is unlawful. But there is more than one reasonable limitation of liability carriers could adopt that we would not find unlawful. While we don't believe carriers should have to guarantee their schedules, for example, we see no reason why a carrier should not be permitted to do so, by offering greater financial protection for passengers in case of a delay, if it chooses. Particularly in a time sensitive industry like air transportation, where carriers already compete on the basis of ability to meet their schedules, the level of contract liability for delay assumed by a carrier is well suited to be an element of competition among carriers.

We would prefer, moreover, that liability limitations for delay be established directly between airlines and their customers through normal contractual means, with ultimate resort to the courts, rather than to the Board, if it should become necessary to test the legality of any such limitations. The tariff system will be eliminated in 1983, and a non-tariff approach to this problem could provide useful experience for airlines and the traveling public. Moreover, we are concerned generally about the fairness of attempting to bind consumers to the terms of exculpatory clauses and liability limits that are contained only in tariff rules and are never communicated directly to the consumer. Accordingly, we believe that it is in the public interest not to prescribe a substitute rule for Rule 380(H) at this time.

The Board encourages airlines to adopt a contract approach to this problem, as described above, and we waive section 221.38 of our rules insofar as it would require those airlines who choose the contract approach to file substitute provisions for Rule 380(H). The Board will, however, permit carriers to file substitute tariff provisions that avoid the overbreadth of Rule 380(H) if they wish to. These new tariff filings will be subject to specific Board review of their reasonableness. We would, however, expect carriers filing such revised tariff rules to make provision for giving direct, easily understood notice to passengers of their liability limits.

Accordingly:

1. Effective 45 days from the date of service of this order, Rule 380(H) of CAB No. 142 (and its successor, Rule 240(H) of CAB No. 352) is cancelled insofar as it

applies to interstate and overseas operations of U.S. certificated carriers;

2. Section 221.38 of the Board's Economic Regulations, 14 CFR 221.38, is waived insofar as it would require U.S. certificated carriers who choose to limit their liability for schedule changes and irregularities in their interstate and overseas operations by direct contract to refile substitute tariff provisions for Rule 380(H); and

3. Except as otherwise stated in this order, all objections and motions are denied.

This order shall be served on all U.S. certificated carriers and shall be published in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-30029 Filed 9-26-79; 8:45 am]
BILLING CODE 6320-01-M

[Order 79-9-111]

Air Route Nonstop Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-9-111.

SUMMARY: The Board is proposing to award air route nonstop authority under section 401 of the Federal Aviation Act of 1958, as amended, between the terminal point Boise on the one hand, and the alternate terminal points San Francisco, San Jose, Oakland, Portland, Reno and Salt Lake City on the other to Air California, and any other fit, willing and able carrier the fitness of which can be established by officially noticeable material.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than October 26, 1979, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year and (d) a statement as to the availability of fuel for its proposed service are directed to do so no later than October 11, 1979.

ADDRESSES: Objections to the issuance of a final order, or additional data as described above, should be filed in the Docket 36638, which we have entitled the *Boise-San Francisco/San Jose/*

Oakland/Portland/Reno/Salt Lake City Show-Cause Proceeding. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Samuel J. Lebowich, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5329.

SUPPLEMENTARY INFORMATION:

Objections should also be served upon the following persons: Air California, Hughes Airwest, Western Airlines, United Air Lines, Air Oregon, Mountain West Airlines, Gem State Airlines, the Mayors and Airport Managers of Boise, San Francisco, San Jose, Oakland, Portland, Reno and Salt Lake City, the California Department of Transportation, the Nevada Public Service Commission, the Oregon State Department of Transportation and the Utah Department of Transportation.

The complete text of Order 79-9-111 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-9-111 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 20, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-30027 Filed 9-26-79; 8:45 am]
BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Notice is hereby given that, during the week ended September 21, 1979 CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the application. Answers to

conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the

applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

Subpart Q Applications

Date filed	Docket No.	Description
Sept. 18, 1979	36619	National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, Florida 33158. Application of National Airlines, Inc., pursuant to Section 401 of the Act requesting a certificate of public convenience and necessity authorizing it to engage in nonstop scheduled air transportation of persons, property, and mail on a permissive basis in the following market: "Between the terminal point New Orleans, La., and the terminal point Washington, D.C." National hereby reserves the right to amend this application to add other terminal end/or intermediate points as may be included in the geographic area of any proceeding within which this application may be consolidated. Conforming answers and applications are due October 15, 1979.
Sept. 18, 1979	36620	National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, Florida 33158. Application of National Airlines, Inc., pursuant to Section 401 of the Act requesting a certificate of public convenience and necessity authorizing it to engage in nonstop scheduled air transportation of persons, property, and mail on a permissive basis in the following markets: "Between the terminal point Denver, Co., and the terminal point Fresno, Ca." Between the terminal point Sacramento, Ca., and the terminal point Fresno, Ca." Conforming applications and answers due October 15, 1979.
Sept. 18, 1979	36621	National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, Florida 33158. Application of National Airlines, Inc., pursuant to Section 401 of the Act requesting a certificate of public convenience and necessity authorizing it to engage in nonstop scheduled air transportation of persons, property, and mail on a permissive basis in the following markets: "Between the terminal point Albuquerque, NM, and the terminal point Dallas, TX. Between the terminal point Albuquerque, NM, and the terminal point El Paso, TX. Between the terminal point Albuquerque, NM, and the terminal point Phoenix, AZ. Between the terminal point Albuquerque, NM, and the terminal point San Diego, CA. Between the terminal point Albuquerque, NM, and the terminal point San Francisco, CA. Between the terminal point Albuquerque, NM, and the terminal point San Jose, CA. Between the terminal point Albuquerque, NM, and the terminal point Tucson, AZ." Conforming applications and answers are due October 15, 1979.
Sept. 20, 1979	36658	U S Air, Inc., Washington National Airport, Washington, D.C. 20001. Application of U S Air, Inc., requests the Board pursuant to Section 401 of the Act, Part 201 and Subpart Q of Part 302 of the Board's Economic Regulations for an amendment of its certificate of public convenience and necessity for Route 97 so as to remove its one-stop restriction in the Dallas/Ft. Worth, Texas-Corpus Christi, Texas market. Conforming Applications and Answers are due on October 4, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-30030 Filed 9-26-79; 8:45 am]
BILLING CODE 6320-01-M

Dismissed Passenger Fare/Cargo Rate Investigations

AGENCY: Civil Aeronautics Board.

ACTION: Notice of dismissed miscellaneous passenger fare/cargo rate investigations (Order 79-9-125).

SUMMARY: The Board is: (1) dismissing various fare and rate investigations made moot by intervening statutory and policy changes (Dockets 30288, *et al.*); (2) proposing to dismiss, absent the receipt of compelling justification for its continuation, an investigation of rates for multi-container cargo shipments in Docket 30528.

DATES: Any interested person believing the multi-container rate investigation should continue shall file by October 10, 1979, a statement of the reasons for such belief along with information sufficient to identify the extent of any harm that would flow from the continuation of these rates and a description of the persons or entities upon whom it would fall; answers are due on October 19, 1979. Such filings shall be served upon all parties listed below.

ADDRESSES: Requests for continuation of this investigation shall be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 30528, entitled *Container Charges between New York and Los Angeles/San Francisco proposed by American Airlines, Inc.*

In addition, copies of such filings shall be served on American Airlines, Inc.,

The Flying Tiger Line Inc., Trans World Air Lines, Inc., United Air Lines, Inc., the Air Freight Forwarders Association, Shulman Air Freight, Inc., the Mayor of Los Angeles, California, and the Mayor of New York City, New York, and the Mayor of San Francisco, California.

FOR FURTHER INFORMATION CONTACT: Joseph Bolognesi, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5057.

SUPPLEMENTARY INFORMATION: The complete text of Order 79-9-125 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-9-125 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 20, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-30025 Filed 9-26-79; 8:45 am]
BILLING CODE 6320-01-M

[Docket 35394]

Kodiak-Western Alaska Airlines, Inc. et al.

In the matter of application of Kodiak-Western Alaska Airlines, Inc. and Charles F. Willis III for approval of control and interlocking relationships under sections 408 and 409 of the Act.

By application filed April 24, 1979, as supplemented July 23, 1979, Kodiak-Western Alaska Airlines, Inc. (Kodiak) and Charles F. Willis III request that the Board approve, under sections 408 and 409 of the Act, the control and interlocking relationships resulting from the acquisition of control of Kodiak by Mr. Willis, the sole owner of Charles F. Willis III Co., Inc. (Willis Corporation), and the leasing of aircraft to Kodiak by Willis Corporation. Mr. Willis, as an individual, proposes to acquire control of Kodiak by purchasing the Kodiak stock currently held by Robert L. Hall and Helen F. Hall.¹

¹Robert L. Hall owns 32,500 shares of Kodiak's capital stock and Helen F. Hall owns an equal number of shares. Together the Halls own 65 percent of Kodiak's outstanding capital stock. Mr. Hall is President of Kodiak; Mrs. Hall is the airline's Secretary.

Kodiak is a certificated air carrier engaged in the carriage of persons, property, and mail² in the Kodiak Island, King Salmon, Dillingham, and Bristol Bay areas of Alaska. It operates thirteen aircraft, one of which is leased from Willis Corporation.³

Willis Corporation, the applicants allege, is a person substantially engaged in aeronautics. It acts primarily as an aviation consultant on a fee basis, giving advice on matters involving aircraft operations and regulatory agency procedures. It has acted as a broker in the sale of aircraft on a commission basis, and has purchased as a principal one Cessna 207 aircraft which it has leased to Kodiak for a five-year period commencing June 27, 1979. It has also been engaged in transporting Vietnamese refugees from Southeast Asia to the United States, under a contract with the United Nations Committee for European Migration. According to the applicants, Willis Corporation is no longer engaged in air carriage, does not hold out such service to the general public, and does not plan to do so in the future.

Mr. Willis is an officer, director, and the sole owner of Willis Corporation. Since February 1, 1979, he has been Vice President-Sales and Promotion and a director of Kodiak.⁴ Since that time, he has received a monthly salary plus reimbursement of expenses in the same manner as Kodiak's other corporate officers. Mr. Willis currently owns no stock in Kodiak. Upon acquiring the Halls' capital stock, he will become Kodiak's President and Chief Executive Officer, replacing Mr. Hall.

We have received no comments on this application.

We have tentatively concluded that the acquisition of control of Kodiak by Mr. Willis, resulting in the common control of Kodiak, on one hand, and of Willis Corporation, on the other hand, should be approved.

While the proposed acquisition will result in the common control of a certificated air carrier and an aircraft lessor, such control relationships do not raise issues new to the Board.⁵ The

² Kodiak receives mail pay subsidy from the Board. See Order 79-1-158, January 24, 1979 and the orders cited there.

³ In addition to the aircraft leased from Willis Corporation, Kodiak's aircraft fleet is comprised of six aircraft owned by the air carrier and six aircraft leased from other sources.

⁴ According to the applicants, Mr. Willis has attended two meetings of Kodiak's Board of Directors, one as an observer and one as a full voting participant.

⁵ See Wright Air Lines, Inc., Air Cleveland, Inc., Garsco, Inc., et al., Control and Interlocking Relationships, Docket 32947, Order 79-0-184, June 28, 1979.

Board has expressly permitted such control previously and has also declined to require that such preexisting relationships be terminated upon initial certification of a carrier.⁶ Moreover, such common control relationships have been found to pose no anticompetitive threat.⁷ Thus, we tentatively conclude that the common control relationships here cannot be construed as lessening competition in any way.⁸

Furthermore, we tentatively conclude that the proposed acquisition of control and common control relationships described above will not result in a monopoly, nor further a combination or conspiracy to monopolize or to attempt to monopolize the business of air transportation in any region of the United States; will not substantially lessen competition, tend to create a monopoly or to otherwise restrain trade in any region of the United States; and will not otherwise be inconsistent with the public interest; and that, except to the extent granted, all other requests in this docket should be dismissed.

Insofar as the leasing of an aircraft by Kodiak from Willis Corporation may be subject to section 408(a)(3) of the Act, the transaction comes within the ambit of Part 299.3 of the Board's Economic Regulations and requires no further action.⁹

The interlocking relationships resulting from the control relationships described above are subject to the exemptions set forth in sections 287.3 and 287.4 of the Board's Economic Regulations and, accordingly if an order making final our tentative conclusions here is issued, no further relief will be necessary.¹⁰

We further tentatively conclude that show cause procedures should be used

⁶ See F.C.H. Financial Corporation Stock Acquisition of McCulloch International Airlines, Inc., Order 75-8-150, July 31, 1975. See also Continental Air Lines, Inc. and Continental Aircraft Services, Inc., Order 77-3-81, March 15, 1977, and Mackey Certification Proceeding, Order 78-7-107, July 24, 1978.

⁷ See Orders 75-8-150 and 77-3-81, *supra*.

⁸ In the event that the Willis Corporation should resume its air carriage activities, new issues could be raised which could only be resolved upon the filing of further applications for Board approval. The need for further applications could also arise with the expansion of Willis Corporation's other aviation-related activities or with Kodiak's engagement in non-transport activity—see section 399.90 of the Board's Regulations's. Thus, we will retain jurisdiction to take any further action that the public interest may require. The applicants have not requested relief from the antitrust laws and we will confer none.

⁹ See ER-1136, July 27, 1979.

¹⁰ The application discloses that relationships in possible violation of sections 408 and 409 of the Act may have existed previously. Our action here does not preclude enforcement action regarding those violations. See Swift International Forwarders, Inc., Order 78-12-84, December 14, 1978.

to grant the necessary approvals, since we have found no anticompetitive potential in this case.¹¹ Furthermore, no one has objected to this application, nor do there appear to be any material, determinative issues of fact that require a full evidentiary hearing for their resolution. Therefore, we will direct all interested persons to show cause why the tentative conclusions, findings, and proposed approvals should not be made final.¹²

Accordingly,

1. We direct all interested persons to show cause why we should not make final our tentative conclusions and findings and issue an order that would approve the acquisition of control of Kodiak-Western Alaska Airlines, Inc. by Charles F. Willis III and the resulting common control relationships that follow from the acquisition of control, as described above;

2. Any person disclosing a substantial interest in our proposed approvals and supporting or objecting to our issuing an order making final our tentative findings and conclusions, or desiring the imposition of conditions upon approval, shall file comments with us within 14 days of the date of service of this order; and

3. A copy of this order shall be served upon the U.S. Attorney General and Secretary of Transportation.

This order shall be published in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

All Members concurred except Member O'Melia who did not vote.

[FR Doc. 79-300-28 Filed 9-26-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-9-104]

Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-9-104, Charleston, W. Va.-New York, Charleston, W. Va.-Atlanta Show-Cause Proceeding, Docket 36635.

¹¹ See Order 79-6-184, *supra*. Since our proposed action in this case would not result in any substantial change in the level of existing air service, we tentatively find that our action is neither a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, nor a major regulatory action within the meaning of the Energy Policy and Conservation Act of 1975.

¹² We anticipate that such persons will support their objections with detailed answers specifically setting forth the tentative findings and conclusions to which they object. Persons supporting approval are similarly expected to document their positions.

SUMMARY: The Board is proposing to remove one stop restrictions in Piedmont's authority between Charleston, W. Va. and New York/Newark, and between Charleston, W. Va. and Atlanta; to remove the one-stop restrictions in USAir's authority between Charleston, W. Va. and New York/Newark, and to grant Charleston, W. Va.-New York/Newark and/or Charleston, W. Va.-Atlanta to any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than October 28, 1979, a statement of objection, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDITIONAL DATA: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than October 11, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Peter M. Bloch, B-72, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. (202) 673-5340.

SUPPLEMENTARY INFORMATION: Objections should be served upon Piedmont and USAir.

The complete text of Order 79-9-104 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 79-9-104 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 20, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-30028 Filed 9-26-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Agriculture Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Census Advisory Committee on Agriculture Statistics will convene on October 23, 1979, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

This Committee was established in 1962 to advise the Director, Bureau of the Census, concerning the kind of information that should be obtained from respondents associated with agricultural production; to prepare recommendations regarding the contents of agricultural reports; and to present the views and needs for data of major agricultural organizations and their members, and other suppliers and users of agricultural statistics.

The Committee is composed of 20 members appointed by the presidents of the nonprofit organizations having representatives on the Committee, and a representative from the U.S. Department of Agriculture.

The agenda for the meeting, which is scheduled to adjourn at 4:00 p.m., is: (1) Introductory remarks by the Director of the Census Bureau; (2) current Bureau activities and the legislative situation; (3) report on 1978 Census of Agriculture data collection, processing, tabulation, and publication; (4) use of area segment sample results; (5) changing needs for agricultural statistics; (6) follow-on surveys, and other background papers; (7) statistical concepts for today's food and fiber industry, including: (a) the farm gate concept and problems, (b) the establishment and company concept, (c) the statistical research requirements, and (d) discussion; (8) policy plans for the 1982 Census of Agriculture; and (9) Committee recommendations and election of chairperson-elect.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Orvin L. Wilhite, Chief, Agriculture Division, Bureau of the Census, Room 3015, Federal Building 4, Suitland,

Maryland. (Mail address: Washington, D.C. 20233), Telephone: (301) 763-5230.

Dated: September 24, 1979.

Vincent P. Barabba,
Director, Bureau of the Census.
[FR Doc. 79-30031 Filed 9-26-79; 8:45 am]
BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Docket No. 9-79]

Foreign-Trade Zone—Clinton County, N.Y.; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Clinton, State of New York, requesting authority to establish two general-purpose foreign-trade zone facilities within the County, one near the Clinton County Airport in the Town of Plattsburgh (Site No. 1) and the other in the Town of Champlain (Site No. 2) on the Canadian border. The sites are adjacent to the Champlain-Rouses Point Customs port of entry.

The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formerly filed on September 6, 1979. The County is authorized to make this proposal under Chapter 575 of the New York Laws of 1979, approved on July 10, 1979.

The proposal for Site 1 calls for the establishment of a 24-acre general-purpose zone owned by the County within the 200-acre Clinton County Air Industrial Park in Plattsburgh. The Clinton Area Development Corporation, a quasi-public New York corporation, plans to construct an 80,000-square foot zone facility.

Site 2 involves an 11-acre parcel in the Town of Champlain at the U.S. Customs border crossing into Canada. The tract is owned by the Champlain Warehouse and Distribution, Inc. (CWD) and includes a 60,000 square foot warehouse facility presently operated under Customs bonded procedures. Initially a 5,000 square foot portion of this facility would be activated for zone purposes. CWD would operate both sites for the County.

The application contains economic data and information concerning the need for providing zone services for firms in the Clinton County area. Several firms have indicated their intention to use the zone for warehousing, distribution, assembly, and light manufacturing activities on various products including printing

machinery, luggage, electric motors, furniture, cosmetics, foodstuffs, cassette tapes, and control valves.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report to the Board. The Committee consists of: Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, 14th and E Streets, NW, Washington, D.C. 20230; Donald F. Kelly, Assistant Regional Commissioner (Operations), U.S. Customs Services, Region I, 100 Summer Street, Suite 1819, Boston, Massachusetts 02110; and Colonel Clark H. Benn, District Engineer, U.S. Army Engineer District New York, 26 Federal Plaza, New York, New York 10007.

As part of its investigation of the proposal, the Examiners Committee will hold a public hearing on October 24, 1979, beginning at 9:00 a.m., in the Legislative Chambers of the Clinton County Legislature, located in the Government Center at 135 Margaret Street in Plattsburgh, New York. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested persons or their representatives are invited to present their views at the hearing. Such persons should, by October 17, notify the Board's Executive Secretary of their desire to be heard either in writing at the address below or by phone, 202/377-2862. In lieu of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the Examiners Committee, care of the Executive Secretary, at any time from the date of this notice through November 23, 1979. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing.

A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Clinton County Area Development Corp., 2nd floor, Surrogate's Building, 137 Margaret Street, Plattsburgh, New York.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886-B, 14th and E Streets, N.W., Washington, D.C. 20230.

Dated: September 24, 1979.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 79-30017 Filed 9-26-79; 8:45 am]

BILLING CODE 3510-25-M

Office of the Secretary

National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete; Open Meeting

The Subcommittee of the National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete will hold its second meeting on October 23-24, 1979, at Room B111, Building 225, National Bureau of Standards, Gaithersburg, Maryland. The Subcommittee will meet from 10:00 a.m. to 5:00 p.m. on Tuesday and from 9:00 a.m. to 4:00 p.m. on Wednesday.

Tentative agenda items include:

1. Presentation and discussion of test method supplemental information documents.
2. Review of submitted test questions for incorporation into supplemental information.
3. Discussion of proficiency testing program requirements.

The meeting will be open to public observation. The public may submit written statements or inquiries to the Subcommittee Chairman before or after the meeting. A limited number of seats will be available to the public and to the press on a first-come, first-served basis.

Copies of the minutes and material distributed will be made available for reproduction following certification by the Subcommittee Chairman, in accordance with the Federal Advisory Committee Act, at Room 3876, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230.

Additional information may be obtained from James Bryson of the Office of Testing Laboratory Evaluation Technology, Room B06, Building 225, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234; telephone: 301-921-2368.

Dated: September 24, 1979.

Jordan J. Baruch,

Assistant Secretary for Science and Technology.

[FR Doc. 79-30076 Filed 9-26-79; 8:45 am]

BILLING CODE 3510-13-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, October 23, 1979, at 10:00 a.m. in the Commission's offices at 708 Jackson

Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C. 21 September 1979.

Charles H. Atherton,
Secretary.

[FR Doc. 79-29975 Filed 9-26-79; 8:45 am]

BILLING CODE 6330-01-M

Privacy Act of 1974; Systems of Records; Annual Publication

As required by 552A (E) (4) Privacy Act of 1974 for each agency to publish its systems of record. The Commission of Fine Arts reports no changes since its last published text, 42 FR 473 89 of September 20, 1977. All systems remain in effect.

Charles H. Atherton,
Secretary.

September 20, 1979.

[FR Doc. 79-30037 Filed 9-26-79; 8:45 am]

BILLING CODE 6330-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel

In accordance with Public Law 95-202, Section 401 (The G.I. Bill Improvement Act of 1977), and under the provisions of DODD 1000.20, Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel, the Secretary of the Air Force, under authority delegated by the Secretary of Defense, determined on August 31, 1979, that the service of the Engineer Field Clerks (WW I), whose service encompassed approximately the period July 1917 through, in some instances, 1921, shall be considered active military service in the Armed Forces of the United States for purposes of all laws administered by the Veterans Administration. Individual members of the Engineer Field Clerks (WW I) may submit applications to the Department of the Army, Commander, U.S. Army Reserve Components Personnel and Administrator Center (Attn: PSD), 9700 Page Boulevard, St. Louis, MO 63132. Applications may be prepared using DD Form 2168 or in narrative form. Applications on behalf of individuals who are deceased or incompetent must be accompanied by

legal proof of death or incompetency. Applications should include any supporting material or evidence of membership and character of service performed which supports the individual claim of membership in the Engineer Field Clerks (WW I).

FOR FURTHER INFORMATION CONTACT:

Staff Sergeant Theodore K. Scholz, USAF, telephone: 694-5204 or 694-5380, Office of the Secretary of the Air Force (Personnel Council), (SAF/MIPC), The Pentagon, Washington, DC 20330.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 79-29976 Filed 9-26-79; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Privacy Act of 1974; New System of Records

AGENCY: Department of the Navy (DON).

ACTION: Notice of a new system of records.

SUMMARY: The Navy is adding a new system of records to its inventory of record systems subject to the Privacy Act of 1974. The Act requires that any proposed new record system shall be published in advance for public review and comment.

DATES: This new record system shall be effective as proposed without further notice on October 29, 1979, unless comments are received on or before October 29, 1979, which would result in a contrary determination and require republication for further comments.

ADDRESS: Send comments to the systems manager identified in the particular record system notice.

FOR FURTHER INFORMATION CONTACT:

Mrs. Gwendolyn R. Rhoads, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, DC 20350, telephone 202-694-2004.

SUPPLEMENTARY INFORMATION: The Navy systems of records notices as prescribed by the Privacy Act of 1974, 5 U.S.C. 552a (Public Law 93-579) have been published in the Federal Register as follows:

FR Doc. 77-28233 (42 FR 51229) September 28, 1977

FR Doc. 78-23953 (43 FR 42379) September 20, 1978

FR Doc. 78-32596 (43 FR 54124) November 20, 1978

FR Doc. 79-20457 (44 FR 38961) July 3, 1979

FR Doc. 79-24619 (44 FR 46912) August 9, 1979

FR Doc. 79-27188 (44 FR 50884) August 30, 1979

FR Doc. 79-29285 (44 FR 54750) September 21, 1979

The Navy has submitted a new system report dated August 23, 1979, for this new record system under the provisions of 5 U.S.C. 552a(o) of the Privacy Act which requires submission of a new system report and in accordance with Office of Management and Budget (OMB) Circular A-108, Transmittal Memoranda No. 1 and No. 3, dated September 30, 1975, and May 17, 1976, respectively, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of records under the Privacy Act of 1974. This OMB guidance was set forth in the Federal Register (40 FR 45877) on October 3, 1975.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.
September 24, 1979.

N00015.L1000

SYSTEM NAME:

Naval Intelligence Management Information System (NIMIS)

SYSTEM LOCATION:

Naval Intelligence Support Center, 4301 Suitland Road, Washington, D.C. 20390.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and federal employees of the Commander, Naval Intelligence Command and subordinate commands thereof.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a record of taskings to various components of the Office of Naval Intelligence and the Naval Intelligence Command, including a record of workhours expended on those tasks by each individual involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information derived from this system is used by the Office of Naval Intelligence and its components, for research analysis, developing and evaluating plans, policies, procedures, and related matters. The information is also used for the purpose of measuring intelligence production against budgeted programs and goals; for purposes of maintaining a record of intelligence taskings and projects assigned to the Office of Naval Intelligence and its components including the current status; for historical and statistical purposes; including use of summary data as the

basis for various reports; and for such other matters as may be necessary to fulfill the responsibilities of ONI and components thereof; the Director of Central Intelligence; United States Foreign Intelligence Board; and other appropriate federal agencies requiring the information to fulfill legal responsibilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disk with backup on magnetic tape. Maintained in controlled access areas.

RETRIEVABILITY:

Files are accessed and retrieved by a project number and/or by social security number or a locally assigned number.

SAFEGUARDS:

In compliance with the specified requirements for classified matter and are accessible to authorized personnel with proper security clearance and need for access.

RETENTION AND DISPOSAL:

Records are maintained by fiscal year and are destroyed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Intelligence Command, Building No. 1, Federal Complex, Suitland, Maryland 20390.

NOTIFICATION PROCEDURE:

A person can determine whether the system contains information pertaining to that individual by making a written request to the system manager. The written request should contain full name, social security number, current residence address and telephone number.

RECORD ACCESS PROCEDURES:

Written requests to the system manager requesting rules for access to records.

CONTESTING RECORD PROCEDURES:

The Office of Naval Intelligence rules for contesting contents and appealing determinations may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Workhour inputs are obtained from each individual on a weekly basis.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Some information contained in this system of records in classified and exempt from access pursuant to provisions of 5 U.S.C. 522a(k)(1). Access

will be granted to those portions of the record which: (1) Are determined to be unclassified at the time access is requested, and (2) are reasonably segregable from exempt portions.

[FR Doc. 79-30035 Filed 9-26-79; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY

Proposed Designation of Processing Sites and Establishment of Priorities Under the Uranium Mill Tailings Radiation Control Act of 1978 [Pub. L. 95-604]; Change in Comment Date

AGENCY: Department of Energy.

ACTION: Notice of proposed designation of processing sites and establishment of priorities as required by Section 102 of Pub. L. 95-604, Uranium Mill Tailings Radiation Control Act of 1978, enacted on November 8, 1978; change in comment date.

SUMMARY: In the Federal Register of September 5, 1979 (44 FR 51894), a change is made in the comment date concerning the proposed designation of these processing sites and establishment of site priorities as indicated below.

DATES: Request comments be received on or before October 5, 1979.

ADDRESS FOR COMMENTS AND FURTHER INFORMATION: Dr. William E. Mott, Director, Environmental Control Technology Division, Office of the Assistant Secretary for Environment, U.S. Department of Energy, Washington, D.C. 20545, Telephone: (301) 353-3016.

Issued in Washington, D.C. September 21, 1979.

Ruth C. Clusen,

Assistant Secretary for Environment.

[FR Doc. 79-30020 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

Conduct of Employees

Section 602(c) of the Department of Energy Organization Act (Pub. L. 95-91, hereinafter referred to as the "Act") authorizes the Secretary of Energy to grant waivers from the divestiture requirements of section 602(a) of the Act to "supervisory employees" (as defined in section 601(a) of the Act) of the Department of Energy who have vested pension interests in "energy concerns" (as defined in section 601(b) of the Act).

It has been established to my satisfaction that the vested pension interests of the individual "supervisory employees" of the Department of Energy whose names are listed below satisfy the requirements of section 602(c) of the Act. Accordingly, I have granted them waivers from the divestiture provisions of section 602(a) of the Act for the duration of their employment with the Department of Energy.

Name	Energy concern
Beckett, Eugene F.	Nuclear Projects Inc.
Becky, David J.	Westinghouse Electric Corp.
Boe, Martin	Rockwell International Corp.
Glassie, C. Roger	University of California
Hamric, Jon P.	United Nuclear Corp.
Liverman, James	Union Carbide Corp.
Oliver, David R.	Atlantic Richfield Corp.
Pitolo, Augustine	General Electric Corp.
Shepherd, George R.	University of California
Tinney, Joseph F.	University of California

Each supervisory employee named above will be directed not to participate personally and substantially, as a Government employee, in any particular matter the outcome of which could have a direct and predictable effect on the energy concern in which he has a financial interest, unless the employee's supervisor and the counselor agree that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of the employee.

Dated: August 23, 1979.

James R. Schlesinger,
Secretary of Energy.

[FR Doc. 79-30019 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Canadian Crude Oil Allocation Program Supplemental Allocation Notice for the July 1 Through September 30, 1979, Allocation Period

In accordance with § 214.32(c) of the Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues a supplemental allocation notice to reflect an increase in the export level of Canadian heavy crude oil for the month of September 1979.

The revised issuance of Canadian crude oil rights for the July 1, 1979, through September 30, 1979, allocation period to refiners and other firms is set

forth in the Appendix to this notice. As to this allocation period, the Appendix lists: (1) The name of each refiner and other firm to which rights have been issued; (2) the base period volume¹ of Canadian crude oil for each refiner's first or second priority refinery; (3) the base period volume of Canadian light and heavy crude oil, respectively, for each refiner's first or second priority refinery; (4) the nominations to ERA for Canadian light and heavy crude oil, respectively, of each refiner or other firm; (5) the number of rights for Canadian light and heavy crude oil, respectively, expressed in barrels per day, issued to each such refiner or other firm; and (6) the specific first or second priority refineries for which rights are applicable.

The total volume of Canadian light crude oil authorized for export to the United States, and therefore subject to allocation under Part 214, for the three month allocation period commencing July 1, 1979, remains at the average level of 55,062 B/D. The revised average export levels for Canadian heavy crude oil remain at the level of 72,708 B/D for July and 82,254 B/D for August. The export level for September has been increased from 73,513 B/D to 92,392 B/D. For purposes of determining the allocation of Canadian heavy crude oil, it has been assumed that the average export level will be 82,343 B/D for the three months.

Pursuant to 10 CFR 214.35, ERA is continuing to give effect to the operational constraint regarding the Thunderbird refinery specified in the Allocation Notice published June 25, 1979, in the revised issuance of Canadian crude oil rights for the July 1 through September 30, 1979, allocation period set forth in the Appendix. The Canadian light and heavy crude oil rights were computed in accordance with the formulas set forth in the allocation notice issued on June 18, 1979, (44 F.R. 37028, June 25, 1979). However,

¹ Base period volume for the purposes of this notice means average number of barrels of Canadian crude oil included in a refinery's crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period (November 1, 1974, through October 31, 1975) on a barrels per day basis.

Murphy Oil Corporation advised that its Priority I refinery at Superior, Wisconsin, did not need an increased allocation of Canadian heavy crude oil for this allocation period. This volume was reallocated among the remaining first priority refineries nominating for heavy crude oil because, even with the increased amount available, there was not enough to cover the base period volumes of those refineries.

This notice is issued pursuant to Subpart G of ERA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before October 29, 1979.

Issued in Washington, D.C. on September 21, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

BILLING CODE 6450-01-M

APPENDIX
CANADIAN ALLOCATION PROGRAM
RIGHTS - July 1. thru September 30, 1979
(Barrels Per Day)

Priority	Refiner/Refinery	Base Period Volumes				Nominations		Allocation	
		Total Canadian Runs	Canadian Light Crude Oil	Canadian Heavy Crude Oil		Light	Heavy	Light	Heavy
II	AMOCO	26,751	25,560	1,191		0	5,000	0	0
II	Whiting, Ind.	2,991	2,991	0		0	0	0	0
II	Casper, Wyo.	8,995	8,995	0		0	0	0	0
II	Mandan, N.D.	317	317	0		0	0	0	0
II	Sugar Creek, Mo.								
II	ARCO	34,225	34,225	0		0	0	0	0
II	Cherry Point, Wash.								
II	ASHLAND	36,752	32,033	4,719		0	0	0	0
II	Buffalo, N.Y.	2,198	33	2,165		0	0	0	0
II	Findlay, Ohio	14,707	13,127	1,580	1/	40,000	20,000	6,570	7,928
I	St. Paul Park, Minn.								2/
II	CLARK	18,764	18,764	0		0	0	0	0
II	Blue Island, Ill.								
I	CONSUMERS POWER	13,872	13,872	0		0	0	0	0
I	Essexville, Mich.	27,306	27,306	0		17,500	0	0	3/
I	Marysville, Mich.								
I	CONTINENTAL	25,994	25,994	0		25,994	0	13,129	0
II	Billings, Mont.	4,639	4,639	0		4,638	0	0	0
II	Denver, Colo.	1,188	1,188	0		1,188	0	0	0
II	Ponca City, Ok.	20,651	20,651	0		20,651	0	10,430	0
I	Wrenshall, Minn.								
II	CRA	318	318	0		0	0	0	0
II	Coffeyville, Kan.	173	173	0		0	0	0	0
II	Phillipsburg, Kan.	401	401	0		0	0	0	0
II	Scottsbluff, Neb.								

Priority	Refiner/Refinery	Base Period Volumes				Nominations		Allocation	
		Total Canadian Runs	Canadian Light Crude Oil	Canadian Heavy Crude Oil		Light	Heavy	Light	Heavy
II	CRYSTAL	1,104	1,104	0		0	0	0	0
II	Carson City, Mich.								
II	DOW CHEMICAL, U.S.A.	2,767	2,767	0		0	0	0	0
II	Bay City, Mich.								
II	ENERGY COOPERATIVE	10,804	10,267	537		0	0	0	0
II	East Chicago, Ind.								
I	EXXON	15,908	15,908	0		16,000	0	8,035	0
I	Billings, Mont.								
I	FARMERS UNION	13,439	13,439	0		13,500	0	6,788	0
I	Laurel, Mont.								
II	GLADIEUX	774	774	0		0	0	0	0
II	Fort Wayne, Ind.								
II	GULF	13,253	13,253	0		0	0	0	0
II	Toledo, Ohio								
II	HUSKY	4,865	4,865	0		0	0	0	0
II	Cheyenne, Wyo.	806	806	0		0	0	0	0
II	Cody, Wyo.								
I	KOCH	44,383	3,396	40,987	1/	0	95,000	0	69,226
I	Pine Bend, Minn.								2/
I	LAKE SUPERIOR D.P.	125	125	0		0	0	0	0
I	Ashland, Wisc.								
II	LAKESIDE	1,240	1,240	0		0	0	0	0
II	Kalamazoo, Mich.								
II	LAKETON	141	10	131		0	0	0	0
II	Laketon, Ind.								
II	LITTLE AMERICA	2,248	2,248	0		0	0	0	0
II	Casper, Wyo.	709	709	0		0	0	0	0
II	Sinclair, Wyo.								

Priority	Refiner/Refinery	Base Period Volumes			Nominations		Allocation	
		Total Canadian Runs	Canadian Light Crude Oil	Canadian Heavy Crude Oil	Light	Heavy	Light	Heavy
II	MARATHON Detroit, Mich.	10,301	10,159	142	13,900	0	0	0
II	MOBIL Buffalo, N.Y.	24,995	24,995	0	0	6,036	0	0
II	Ferdale, Wash.	45,444	45,444	0	0	10,975	0	0
II	Joliet, Ill.	14,606	2,132	12,474	0	12,989	0	0
I	MURPHY Superior, Wisc.	25,625	20,253	5,372	10,000	10,000	10,000	5,189
II	NCRA McPherson, Kan.	836	836	0	0	0	0	0
II	PESTER REFINING CO. El Dorado, Kan.	196	196	0	0	0	0	0
II	PHILLIPS Great Falls, Mont.	1,222	1,222	0	0	0	0	0
II	Kansas City, Kan.	3,352	3,105	247	0	0	0	0
II	ROCK ISLAND Indianapolis, Ind.	1,063	1,063	0	0	0	0	0
II	SHELL Anacortes, Wash.	55,919	55,919	0	0	0	0	0
II	Wood River, Ill.	8,673	8,673	0	0	0	0	0
II	SOHIO Toledo, Ohio	29,182	29,182	0	15,000	10,000	0	0
II	SUN Toledo, Ohio	16,427	16,427	0	0	0	0	0
II	TENNECO Chalmette, La.	1,767	1,767	0	0	0	0	0

Priority	Refiner/Refinery	Base Period Volumes			Nominations		Allocation	
		Total Canadian Runs	Canadian Light Crude Oil	Canadian Heavy Crude Oil	Light	Heavy	Light	Heavy
II	TEXACO Anacortes, Wash.	41,229	41,229	0	0	0	0	0
II	Casper, Wyo.	1,380	1,380	0	0	0	0	0
II	Lockport, Ill.	1,244	1,244	0	0	0	0	0
II	TEXAS AMERICAN West Branch, Mich.	2,011	2,011	0	0	0	0	0
II	THE REFINERY CORP. Commerce City, Colo.	174	174	0	0	0	0	0
II	THUNDERBIRD Cut Bank, Mont.	554	554	0	50	0	4/50	0
II	TOTAL PETROLEUM Alma, Mich.	9,727	3,020	6,707	0	8,000	0	0
II	UNION OIL OF CALIF. Lemont, Ill.	11,711	11,711	0	10,000	20,000	0	0
II	UNITED REFINING Warren, Pa.	9,917	9,789	128	0	0	0	0
II	WYOMING REFINING CO. New Castle, Wyo.	676	676	0	0	0	0	0
	TOTAL PRIORITY I	202,010	154,071	47,939	143,645	125,000	55,012	82,343
	TOTAL PRIORITY II	469,029	440,588	28,441	44,776	73,000	50	0
	TOTAL I&II	671,039	594,659	76,380	188,421	198,000	55,062	82,343

- 1/ Adjusted.
- 2/ Adjustments to base period volumes not given effect in allocation of Canadian heavy crude oil.
- 3/ No Condensate available for export through Sarnia to Consumers
- 4/ Operational constraint.

[FR Doc. 79-30021 Filed 9-26-79; 8:45 am]

BILLING CODE 6460-01-C

[ERA Docket No. 79-CERT-089]**Ford Aerospace and Communications Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil**

Take notice that on September 10, 1979, Ford Aerospace and Communications Corporation (Ford), c/o Ford Motor Company, Energy Engineering Department, Room 620, The American Road, Dearborn, Michigan, 48121, filed an application for certification of an eligible use of natural gas to displace fuel oil at its Lansdale Plant in Lansdale, Pennsylvania, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979), all as more fully set forth in the application on file with the Economic Regulatory Administration (ERA) and open to public inspection at the ERA, Docket Room 4126-A, 2000 M Street, N.W., Washington, D.C., 20461, from 8:30 a.m.—4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Ford states that the volume of natural gas for which it requests certification is 65,000 Mcf per year. The eligible seller is National Gas and Oil Corporation, 1500 Granville Road, P.O. Drawer A-F, Newark, Ohio, 43055. This natural gas is estimated to displace the use of 425,000 gallons of No. 2 fuel oil (0.1% sulfur) per year at the Lansdale Plant. The gas will be transported by the Texas Eastern Gas Transmission Corporation, P.O. Box 2521, Houston, Texas, 77001, and the Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania, 19101.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 4126-A, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, on or before October 9, 1979.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines an oral presentation is required, further notice will be given to

Ford and any persons filing comments, and published in the **Federal Register**.

Issued in Washington, D.C., on September 20, 1979.

Doris J. Dewton,
Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-29917 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

Dickey-Lincoln School Lakes Transmission Facility; Intent To Prepare a Draft Supplemental Environmental Impact Statement

The Department of Energy hereby gives public notice of this intent to issue a draft supplemental environmental impact statement on the Dickey-Lincoln School Lakes Transmission Project in northern New England.

The Department of Energy as a cooperating agency with the U.S. Army Corps of Engineers is responsible for the engineering and environmental studies for alternative transmission plans for the proposed hydroelectric project in northern Maine.

DOE has completed a draft EIS which was filed with EPA on April 1, 1978, held appropriate public meetings, received and responded to comments, and made changes in the draft EIS. The DOE studies were then summarized by the U.S. Army Corps of Engineers into the final EIS. The final was due to be filed with EPA in the fall of 1978.

Circumstances related to fish and wildlife mitigation planning for the project have resulted in a new scheduled filing date for the final statement of June 1981. Based upon the new schedule, construction of the project could start in FY 1983.

This delay in the start of construction made it necessary for DOE to review the adequacy of power system planning studies which identified the proposed "plan of service." The studies upon which the proposed plan was selected used system assumptions for the region that were prevalent in 1974. In the intervening time there have been substantial decreases in load estimates and the generation assumption have changed. Additional load flow studies have been made by DOE and NEPLAN to verify the plan-of-service decision using system assumptions for load and generation that are consistent with forecasts presently being used in the region.

These studies have demonstrated that a change in the transmission plan-of-service is probably in order for the

authorized level. The change would consist of the addition of a 345-kV transmission line from the Moore or Comerford Substation near Littleton, New Hampshire to Beebe Substation near West Campton, or to the Webster Substation near Franklin, New Hampshire in lieu of the 345-kV lines in the previous plan from Granite Substation near Montpelier, Vermont, to Essex Junction Substation near Burlington, Vermont.

The new line will be approximately 50 to 70 miles long, depending on the termini and route finally selected. Environmental studies will be made of approximately 180 miles of route location alternatives. This activity is supplemental to the work already done on the project. A supplemental draft statement of the findings will be prepared, public meeting(s) held, comments obtained and responses prepared. This information will be transmitted to the New England Division of the Corps of Engineers in October 1980. The Corps will include it in the final EIS for the project which is scheduled to be filed in June 1981.

DOE is soliciting input to the EIS preparation process so that concerns identified now can be fully considered in the preparation of the supplemental EIS. Any suggestions or questions regarding the EIS should be directed to Harry D. Hurless, Project Manager, Dickey-Lincoln School Lakes Transmission EIS Project, Department of Energy, Bonneville Power Administration, P.O. Box 491, Vancouver, Washington 98660.

Dated at Washington, D.C. this 21st day of September 1979.

George E. Bell,
Assistant Administrator.

[FR Doc. 79-29916 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

Rollert-Waddell Co., Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective Date: September 12, 1979.

COMMENTS BY: October 29, 1979.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, 214-767-7745.

SUPPLEMENTARY INFORMATION: On September 12, 1979, the Office of Enforcement of the ERA executed a Consent Order with Ben P. Rollert, Jr. and H. K. Waddell, d.b.a. Rollert-Waddell Company (Rollert-Waddell) of Luling, Texas. Under 10 CFR § 205.199(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Rollert-Waddell, with its office located in Luling, Texas, is a firm engaged in crude oil production, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of crude oil sales, the Office of Enforcement, ERA, and Rollert-Waddell entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was September 1, 1973 through December 31, 1977, and it included all sales of crude oil which were made during that period.

2. Rollert-Waddell improperly applied the provisions of 10 CFR, Part 212 Subpart D, when determining the prices to be charged for crude oil; and as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and Rollert-Waddell have agreed to a settlement in the amount of \$90,000.00. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Rollert-Waddell.

4. Because the ultimate consumers are not readily identifiable, the refund will be made through the DOE in accordance with 10 CFR Part 205, Subpart V as provided below.

5. The provisions of 10 CFR § 205.199], including the publications of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Rollert-Waddell agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of \$90,000.00 on or before August 25, 1980. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR § 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program 10 CFR § 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR § 205.199(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing

the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Rollert-Waddell Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on October 29, 1979.

You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR § 205.9(f).

Issued in Dallas, Texas on the 18th day of September 1979.

Herbert F. Buchanan,

Deputy District Manager for Enforcement, Southwest District Economic Regulatory Administration.

[FR Doc. 79-30023 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. GP79-129]

Arkansas Oil and Gas Commission; Preliminary Finding

Issued: September 14, 1979.

Section 103 NGPA Determination, Art Machin & Associates, Inc., Bodcaw No. 2 Well, State Docket 2-79, JD79-15972.

On August 2, 1979, the Arkansas Oil and Gas Commission (Arkansas) submitted to the Commission a notice of its determination that the Art Machin & Associates, Inc., Bodcaw No. 2 well is a new, onshore production well pursuant to Section 103 of the Natural Gas Policy Act of 1978 (NGPA), Pub. L. No. 95-621. The Commission published notice of the determination in the **Federal Register** on August 24, 1979.

Section 103(c)(1) of the NGPA Provides that in order for a well to qualify as a new, onshore production well, surface drilling of that well must have begun on or after February 19, 1977. The application for determination included a statement made under oath that the surface drilling of the subject well began on or after February 19, 1977.

There is also included in the record an unsigned well completion report which

has as the well commencement date December 6, 1977 and a completion date of December 16, 1977. The total depth of the well specified in this report is 6,330 feet. However, in response to an informal inquiry by the Commission staff, Arkansas has advised that the applicant was granted an application on November 28, 1977 to reenter an old well originally spudded on June 18, 1943 by Hunt Oil Company. The well, then designated Bodcaw Fee No. 1, was drilled to 6,338 feet and abandoned as a dry hole. Therefore, since it appears that the spud date of the subject well was prior to February 19, 1977, there is not substantial evidence in this record to support Arkansas' determination that the subject well is a new, onshore production well under section 103 of the NGPA.

Accordingly, the Commission hereby makes a preliminary finding (pursuant to 18 CFR § 275.202(a)(1)(C)) that the determination made by Arkansas was not supported by substantial evidence in the record on which the determination was made.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29998 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2644]

Bowersock Mills & Power Co.; Application for Approval of Exhibit R (Recreational Use Plan)

September 17, 1979.

Take notice that on May 8, 1978, the Bowersock Mills and Power Company of Lawrence, Kansas (Applicant) filed an application for approval of Exhibit R (recreational use plan) for its constructed Kansas River Project, FERC No. 2644, pursuant to the Federal Power Act (16 U.S.C. §§ 791(a)-825(r)) and Article 35 of the license for Project No. 2644. The application was supplemented by filings on October 11, 1978 and November 27, 1978. Correspondence regarding the application should be sent to: Mr. Stephen H. Hill, President, Bowersock Mills and Power Company, P.O. Box 218, Lawrence, Kansas 66044.

Applicant owns no recreational land and does not propose to develop public use facilities at the Kansas River project. The proposed Exhibit R describes nine public access sites around the reservoir owned by the City of Lawrence, Kansas. Recreational development plans of the City of Lawrence, Kansas for future facilities on lands adjacent to the project reservoir

will assist in meeting local needs for shoreline access and support facilities.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before October 10, 1979. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30009 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-528]

Cincinnati Gas & Electric Co.; Order Accepting Rates for Filing, Suspending Proposed Rate Increase, Granting Intervention and Establishing Procedures

Issued: September 14, 1979.

Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, and George R. Hall.

On July 20, 1979, Cincinnati Gas and Electric Company (CG&E) submitted for filing a proposed increase in wholesale rates for service to the Villages of Bethel, Blanchester, Georgetown, Homersville and Ripley, Ohio as well as Union Light, Heat and Power Company (Union) and West Harrison Gas and Electric Company.¹ The latter customers are wholly-owned subsidiaries of CG&E. The proposed rates would result in additional revenue of \$5,648,774 (10.4%) based on the twelve month period ending December 31, 1979. CG&E has requested an effective date of September 19, 1979.

Notice of the filing was issued on July 30, 1979, with responses due on or before August 17, 1979. On August 20, 1979, Interlake Incorporated filed a petition for leave to intervene in the instant docket. In support of its petition,

¹See Attachment for rate schedule designations.

Interlake states that it is a corporation authorized to do business in Kentucky, that it owns and operates various manufacturing plants in that state, and that it is the largest customer of Union. Petitioner asserts that, as a result of its relationship to Union, it will be directly affected by any increase in rates which may be approved as to CG&E. Interlake also asserts that its interests would not be adequately represented by any other party in this proceeding.

The Commission notes that Interlake's petition to intervene is untimely. We find, however, that Interlake may be adversely affected by any Commission action taken in this proceeding and that Interlake's interest is of such a nature that its participation may be in the public interest. We will therefore permit Interlake to intervene in this proceeding.

In its filing, CG&E has proposed billing the Village of Georgetown, Ohio under Rate WS-S but has failed to file a revised Index of Purchasers reflecting such change.² The present tariff indicates that Georgetown is billed under Rate WS-P. CG&E is hereby directed to file such revised rate sheets with this Commission pursuant to Section 35.13 of the Commission's Regulations.

CG&E proposes to functionalize its general plant on a basis other than labor ratios. We shall require CG&E to meet the burden of showing that the use of labor ratios for the functionalization of general plant is unreasonable in this case, not merely that its alternative method might be reasonable. This requirement is consistent with prior Commission action.³

Our review indicates that the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept CG&E's submittal for filing and suspend the rates for five months, to become effective February 19, 1980, subject to refund.

The Commission orders: (A) CG&E's proposed rates are hereby accepted for filing and suspended for five months, to become effective February 19, 1980, subject to refund.

(B) Interlake Incorporated is hereby permitted to intervene in this proceeding subject to the Rules and Regulations of

²See Revised Sheet No. 12 of CG&E's tariff.
³See, *Upper Peninsula Power Company*, Docket No. ER79-107, (issued February 12, 1979); *Missouri Utilities Company*, Docket No. ER79-21 (issued February 2, 1979); see also, *Opinion Nos. 20 and 20-A*, issued August 3, 1978 and October 30, 1978, respectively, *Minnesota Power & Light Company*, Docket Nos. E-9499 and E-9502 and *Superior Water, Light and Power Company*, Docket No. ER76-20.

the Commission; *Provided however*, that participation of Interlake shall be limited to the matters set forth in its petition to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any orders entered in this proceeding.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Act and by the Federal Power Act, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I) a public hearing shall be held concerning the justness and reasonableness of the rate schedules proposed by CG&E in the instant docket.

(D) CG&E must meet the burden of showing that the use of labor ratios is an unreasonable method of functionalization for its general plant expenses.

(E) The Staff shall serve top sheets in this proceeding on or before December 19, 1979.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that purpose, shall convene a prehearing conference in this proceeding, to be held within 45 days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. That conference shall be for the purpose of resolving any problems relating to the data requests of the staff and the intervenors. Within 10 days of the service to top sheets, the presiding administrative law judge shall convene a second prehearing conference. The presiding administrative law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

Attachment A.—The Cincinnati Gas & Electric Co. Rate Schedule Designations

Dated: (1), (2), and (3) Undated; (5) July 18, 1979

FPC Electric Tariff; First Revised Volume No. 1

Designation

- (1) First Revised Sheet No. 4 (Supersedes Original Sheet No. 4); Rate WH-I.
- (2) Third Revised Sheet No. 5 (Supersedes Second Revised Sheet No. 5); Rate WE-S.
- (3) First Revised Sheet No. 6 (Supersedes Original Sheet No. 6); Rate WS-S.

Other Party: Village of Georgetown

- (4) Service Agreement under above listed Tariff (Supersedes unexecuted Service Agreement); Executed Service Agreement.

[FR Doc. 79-29999 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2948]

City of Alexandria, La.; Application for Preliminary Permit

September 17, 1979.

Take notice that on August 14, 1979, the City of Alexandria, Louisiana, filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 2948 to be known as the Red River Lock and Dam No. 3 Project, located on the Red River in Rapides and Grant Parishes, Louisiana. The project would be located on U.S. lands administered by the Corps of Engineers and would affect navigable waters of the United States. Correspondence with Applicant should be addressed to Carrol E. Lanier, Mayor, P.O. Box 71, Alexandria, Louisiana 71301.

Purpose of Project—Power generated by the project would be used by the City of Alexandria in meeting its load requirements with any surplus power being sold or exchanged with other utilities in the area.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would include preliminary designs, economic analysis, preparation of preliminary engineering plans, study of environmental assessment, and, in coordination with the Corps of Engineers, a study of the plans and operation of the proposed Lock and Dam No. 3. The work would be coordinated with the Corps' investigations already in progress for construction of the proposed Lock and Dam No. 3 as part of the development of the Red River Waterway Project. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimated that the work to be performed under this preliminary permit would cost \$50,000.

Project Description—The project would be operated as run-of-the-river and would consist of a powerplant built integrally with, or adjacent to, the proposed Corps' Lock and Dam No. 3 facilities, including bulb or tube turbine/generators (the number to be determined during the study period) having a total installed capacity of 34 MW and having an average annual generation of 150,000,000 kWh.

Applicant's proposal is in competition with an application for preliminary permit filed on February 14, 1979, by the Town of New Roads, Louisiana (Project No. 2908).

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, the Applicant seeks a 36-month permit.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, (Rules) 18 CFR § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before November 19, 1979. The Commission's address is: 825 North

Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30010 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2950]

City of Alexandria, La.; Application for Preliminary Permit

September 17, 1979.

Take notice that on August 14, 1979, the City of Alexandria, Louisiana, filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 2950 to be known as the Red River Lock and Dam No. 2 Project, located on the Red River in Rapides Parish, Louisiana. The project would be located on U.S. lands administered by the Corps of Engineers and would affect navigable waters of the United States. Correspondence with Applicant should be addressed to Carrol E. Lanier, Major, P.O. Box 71, Alexandria, Louisiana 71301.

Purpose of Project—Power generated by the project would be used by the City of Alexandria in meeting its load requirements with any surplus power being sold or exchanged with other utilities in the area.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would include preliminary designs, economic analysis, preparation of preliminary engineering plans, study of environmental assessment, and, in coordination with the Corps of Engineers, a study of the plans and operation of the proposed Lock and Dam No. 2. The work would be coordinated with the Corps' investigations already in progress for construction of the proposed Lock and Dam No. 2 as part of the development of the Red River Waterway Project. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimated that the work to be performed under this preliminary permit would cost \$50,000.

Project Description—The project would be operated as run-of-the-river and would consist of a powerplant built integrally with, or adjacent to, the proposed Corps' Lock and Dam No. 2 facilities including bulb or tube turbine-generators (the number to be determined

during the study period) having a total installed capacity of 25 MW and having an average annual generation of 115,000,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, the Applicant seeks a 36-month permit.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, (Rules) 18 CFR § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before November 19, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30011 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2100]

Department of Water Resources, State of California; Application for Approval of Change in Land Rights

September 12, 1979.

Take notice that on July 31, 1979 the Department of Water Resources of the State of California (Applicant) filed an application pursuant to the Federal Power Act, 16 U.S.C. §§ 791a-825r, for a change in land rights at the Feather River Project No. 2100.

The proposed change would occur in Butte County, California. Correspondence concerning the application should be sent to: Mr. George P. Panos, Division of Land and Right of Way, Department of Water Resources, State of California, P.O. Box 388, Sacramento, California 95802.

Applicant requests Commission approval to grant an easement to the County of Butte, California over 0.23 acres of project land for construction of a prestressed-concrete highway bridge, to be known as the Table Mountain Boulevard Bridge, across the Feather River, immediately upstream of the existing bridge.

This area is designated as Parcel No. FHR-2.A. It is located in Section 8, T. 19 N. R. 4 E., M.D.M., Butte County, near the town of Oroville, California.

Additionally, the Applicant proposes that the existing bridge be left in place because of its historical significance and as a convenience for the use of bicyclists and pedestrians.

A United States Army Corps of Engineers permit has been issued for the proposed construction work.

Anyone desiring to be heard or to make any protest about this application should file a protest or a petition to intervene with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure (Rules), 18 CFR § 1.10 or § 1.8 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before October 22, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the

Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29995 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. C168-979; et al.]

Getty Oil Co. (Successor to Ashland Exploration, Inc.); Notice of Redesignation

September 14, 1979.

On May 18, 1979, Getty Oil Company (Getty), filed an application for a certificate of public convenience and necessity as successor in interest to various properties and assets owned by Ashland Exploration, Inc. (Ashland) and requests that certificates currently held by Ashland be amended by substituting Getty as certificate holder and to redesignate the related rate schedules in the name of Getty, all as more fully set forth in the Appendix hereto.

Effective January 1, 1979, Ashland Exploration, Inc. assigned to Getty Oil Company all of Ashland's right, title, and interest in the leases as described in the application.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas

Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 5, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Secretary.

Appendix

New: Getty Oil Co. FERC gas rate schedule No.	Assignment and conveyance designation supplement No.	Certificate docket No.	Old: Ashland Exploration, Inc., FERC gas rate schedule No.	Buyer
431	37	C168-979	208	Michigan Wisconsin Pipe Line Company.
432	21	C172-255	232	Do.
433	18	C172-352	233	Do.
434	12	C173-98	234	Transcontinental Gas Pipeline Company.
435	15	C173-318	239	Michigan Wisconsin Pipe Line Company.
436	21	C173-377	240	Do.
437	11	C175-24	242	Do.
438	1	C175-122	251	Trunkline Gas Company.
439	8	C177-280	252	Michigan Wisconsin Pipe Line Company.

[FR Doc. 79-30000 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-640]

Hartford Electric Light Co.; Purchase Agreement

September 13, 1979.

The filing Company submits the following: Take notice that on September 5, 1979, The Hartford Electric

Light Company (HELCO) tendered for filing a proposed rate schedule pertaining to a Purchase Agreement with Respect to Middletown Unit No. 4 between HELCO and Village of Hardwick Electric Light Department (Hardwick) dated as of September 1, 1977.

HELCO states that the Purchase Agreement provides for a sale to Hardwick of a specified percentage of capacity and energy from HELCO's Middletown Unit No. 4 generating unit during the period November 1, 1979 through October 31, 1985.

HELCO requests that the Commission permit the rate schedule filed to become effective on November 1, 1979.

HELCO states that the capacity charge rate for the proposed service is a rate determined on a cost-of-service basis. The monthly transmission charge rate is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee. The monthly Transmission Charge is determined by the product of (i) the transmission charge rate (\$/KW-month), and (ii) the number of kilowatts of winter capability which Hardwick is entitled to receive reduced to give due recognition for payments made by Hardwick to intervening systems. The Energy Charge is based on Hardwick's portion of the applicable fuel expenses and no special cost-of-service studies were made to derive this charge.

HELCO states that the services to be provided under the Purchase Agreement are similar to services provided by HELCO relating to an agreement between HELCO and North Attleborough Electric Department (FERC Rate Schedule No. HELCO 155).

HELCO states that a copy of the rate schedule has been mailed or delivered to HELCO, Hartford, Connecticut, and Hardwick, Hardwick, Vermont.

HELCO further states that the filing is in accordance with Part 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30001 Filed 9-26-79; 8:45 am]
BILLING CODE 6450-01-M

Mountain Fuel Resources, Inc. et al.; Order Granting Motion for Severance

In the matter of: Mountain Fuel Resources, Inc., CP76-285; Mountain Fuel Supply Co., CP76-388; Northwest Pipeline Corp., CP76-389; El Paso Natural Gas Co., CP77-289; Northwest Pipeline Corp., CP77-511; Clay Basin Storage Co., CP77-512; El Paso Natural Gas Co., CP76-87 (Rhodes Reservoir); El Paso Natural Gas Co., CP78-172 (Barker Creek Dome); Western Gas Interstate Co., CP78-257 (Barker Creek Dome); Supron Energy Corp., CI78-506.

Issued September 17, 1979.

Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, and George R. Hall.

On June 8, 1979, Mountain Fuel Resources, Inc. (Resources) and Mountain Fuel Supply Company (Mountain Fuel Supply) filed a motion pursuant to Section 1.12 of the Commission's Rules of Practice and Procedure requesting that the Commission sever Docket Nos. CP76-285, CP76-388 and CP76-389 from the above-styled consolidated proceedings.

Procedural History and Background of These Consolidated Proceedings

The Clay Basin Field is a substantially depleted natural gas production field in Daggett County, Utah. In 1976, applications were filed by Resources in Docket No. CP76-285, Mountain Fuel Supply in Docket No. CP76-388 and Northwest Pipeline Corporation (Northwest) in Docket No. CP76-389 for certificates of public convenience and necessity authorizing development and conversion of the Clay Basin Field into a gas storage reservoir and the rendition of storage service utilizing the new storage capacity.

It was contemplated that Resources would develop the Clay Basin Storage Project and utilize the newly developed storage capacity to render a long-term service of fifteen years for Northwest, pursuant to Resources Service Rate Schedule S-1, as amended. Northwest would deliver gas for storage in the Clay Basin Field to Resources during off-peak periods when its supplies were in excess of system requirements in order to enhance its delivery capability during peak periods. The Commission granted temporary authorization by order issued on July 19, 1976, for the operation of

Clay Basin Field as proposed in the above applications.

Rate of return and depreciation were the only issues that were raised relative to Resources' application in the proceeding relating to the development of Clay Basin Field as a storage reservoir in Docket No. CP76-285. A Stipulation and Agreement has been entered into between the parties on the issue of depreciation; however, it has not as yet been approved by the Commission. There were no requests for hearing with respect to Mountain Fuel Supply's application in Docket No. CP76-388 or Northwest's in Docket No. CP76-389. The hearing on this only issue (rate of return) concluded on September 26, 1978, and briefs were filed on October 27, 1978, and December 18, 1979, on this issue.

The Interim Storage Plan

In 1977, applications were filed by El Paso Natural Gas Company (El Paso) in Docket No. CP 77-289, Clay Basin Storage Company (Clay Basin) in Docket No. CP77-512 and Northwest in Docket No. CP77-511 proposing the utilization of the Clay Basin storage on an interim basis for the benefit of El Paso's east of California customers. This service was interim because it would only remain effective until El Paso developed other long-term storage. In order to implement this service, El Paso would deliver gas to Northwest which would in turn deliver it to Resources for injection and storage for the account of Clay Basin pursuant to Resource's Interim Storage Service Rate Schedule S-2. Clay Basin would hold title to the stored gas and make predetermined sales to four of El Paso's east of California customers.

By order of September 30, 1977, the Commission set all six of the above-applications for hearing on a consolidated basis. The parties stipulated on the record of that consolidation that they had no objection to the initial Clay Basin storage project involving Resources, Mountain Fuel Supply and Northwest in docket Nos. CP76-285, CP76-388 and CP76-389 respectfully, proceeding to hearing and decision independently from the issues in the six consolidated dockets.¹

On October 13, 1978, El Paso filed a motion to consolidate for hearing and decision the following:

(1) certificate issues remaining in the proceeding in Docket Nos. CP76-285, et al., concerning the participation of El Paso and Clay Basin Storage Company (Storage Company) in the Clay Basin storage field project;

¹ See record in those consolidated proceedings of July 11, 1978 (Tr. 169-170).

(2) El Paso's pending certificate application in Docket No. CP76-87 concerning El Paso's Rhodes Reservoir storage project; and

(3) the pending certificate applications of El Paso at Docket No. CP78-172, Western Gas Interstate (WGI) at Docket No. CP78-257 and Supron Energy Corporation (Supron) at Docket No. CI78-506, which concern El Paso's proposed Barker Creek Dome storage project.

By order issued December 15, 1978, the Clay Basin and the above-designated El Paso storage certificate proceedings were consolidated with the underlying case involving Resources, Mountain Fuel Supply and Northwest applications.

The El Paso motion to consolidate was not opposed by Resources or Mountain Fuel Supply because it was their view that the underlying case would proceed to decision in light of the stipulation on the record by the parties. (See footnote 1, *supra*). Further, Resources and Mountain Fuel Supply assumed that if the initial decision was not forthcoming, there would be no substantial delay in concluding the hearing on the above El Paso storage certificate proceedings. Mountain Fuel Supply and Resources contend that such a conclusion on their behalf has proven grossly erroneous. They currently contend that it may be "unduly conservative" to project that at least two years may be required to achieve a final decision in these El Paso certificate proceedings.

The Commission agrees with the rationale of Resources and Mountain Fuel Supply that there is no reason to postpone a decision on the rate of return issue in Resource's application in Docket No. CP76-285 until a final determination in the consolidation has been made. We further agree with Resources that such a determination will lend rate stability to its service with Northwest as it is presently collecting a rate predicated upon a 12 percent over-all rate of return subject to refund. Certainly no useful purpose can be served by leaving the current rate in the effect subject to refund for such extended period of time. The Commission will sever Docket Nos. CP76-285, CP76-388 and CP76-389 from the above-styled consolidated proceeding in order to permit it to proceed to decision.

The Commission finds: The severance requested by Resources and Mountain Fuel Supply is in the public interest.

The Commission orders: The proceedings relating to Mountain Fuel Resources, Inc. in Docket No. CP76-285, Mountain Fuel Supply Company in

docket No. CP76-388 and Northwest Pipeline Corporation in Docket No. CP76-389 are severed from the above-styled consolidated proceedings in order that these proceedings can proceed expeditiously to decision.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30012 Filed 9-26-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. TC79-136]

Nucor Steel—Nebraska, Division of Nucor Corp.; Supplement to Petition for Extraordinary Relief

September 19, 1979.

Take notice that on September 5, 1979, Nucor Steel—Nebraska, a Division of Nucor Corporation (Nucor), P.O. Box 309, Norfolk, Nebraska 68701, filed in Docket No. TC79-136 a supplement to its petition for extraordinary relief in said docket pursuant to Section 1.7(b) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(b)) requesting temporary relief requiring Kansas-Nebraska Natural Gas Company (Kansas-Nebraska) to deliver to Nucor, through its distributor, Cengas, natural gas sufficient to satisfy its peak day plant process gas requirements pending formal hearing and final decision in this proceeding, all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

In view of the urgent situation now facing Nucor, the Commission is requested to take interim action immediately without formal hearing on the basis of the evidence contained in Nucor's petition for extraordinary relief herein and evidence contained in the record now before the Commission in the matter of Kansas-Nebraska's pending proposed tariff and curtailment plan in Docket No. RP78-90. Nucor asserts that on or about September 15, 1979, it would have used up its annual gas entitlement of 664,020 Mcf of natural gas to which it is presently restricted by the proposed Kansas-Nebraska tariff, and that on that date, unless temporary relief is granted, it would have to switch to the only alternate fuel available, propane. Nucor states that this proceeding will not be completed and a final decision issued prior to the time Nucor would have to switch to propane, and, accordingly, Nucor requests interim temporary relief.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 1,

1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30014 Filed 9-26-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. E-9530]

Pyramid Lake Paiute Tribe of Indians and Sierra Pacific Power Co.; Extension of Time

September 18, 1979.

On September 5, 1979, a motion was filed with the Commission by the Sierra Pacific Power Company (Sierra) for an extension of time in which to show cause why a license should not be required for their Donner Lake development on the Truckee River, pursuant to Commission Opinion No. 61, issued August 8, 1979, in the above-referenced proceedings. The motion states that additional time is needed because of the delay in the Company's receipt of the Opinion and because of prior obligations of Sierra officials. The motion also states that Sierra plans to file an Application for Rehearing of the Opinion and suggests that the additional time will enable the Commission to act on the rehearing request.* The motion further states that Commission staff has no objection to this request for an extension.

Upon consideration, notice is hereby given that an extension of time is granted to and including October 10, 1979, for Sierra to show cause why a license is not required, pursuant to Opinion No. 61 in the above-referenced proceedings.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30013 Filed 9-26-79; 8:45 am]
BILLING CODE 6450-01-M

*Sierra filed for rehearing on September 7, 1979.

[Project No. 2931]

S. D. Warren Co.; Application for Major License

September 12, 1979.

Take notice that on May 15, 1979, the S. D. Warren Company (Applicant) filed an application for a major license [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)(1976)] for the constructed Gambo Project, FERC No. 2931, located on the Presumpscot River in Cumberland County, Maine, near the towns of Gorham and Windham, Maine. Correspondence regarding the application should be sent to: John B. Blatz, III, Associate Counsel, S. D. Warren, a Division of Scott Paper Company, Scott Plaza One, Philadelphia, Pennsylvania 19113; and Bernard A. Foster, III and Nancy J. Hubbard, Ross, Marsh & Foster, 730 15th Street, N.W., Washington, D.C. 20005.

The Gambo Project consists of: (1) a 250-foot-long, 24-foot-high, concrete overflow dam; (2) a pond with negligible storage capacity and a normal water surface elevation of 138.8 feet m.s.l.; (3) a 30-foot-long, 29-foot-high sluice gate structure containing three 5.55-foot-high, 4.5-foot-wide sluice gates; (4) a 4-foot-by-4-foot log sluice gate; (5) a 15-foot-deep, 737-foot-long concrete-lined canal; (6) a concrete and brick powerhouse containing two 950 kW generators; and (7) appurtenant facilities. The project is operated as a run-of-the-river facility.

According to the application, minimal recreational use is made of the project because of the urban setting, the industrial and commercial use of the land at the project, the high population density, and the limited availability of open space. The Applicant does not propose the installation of any recreational facilities at the project.

The Applicant uses the 12,960,000 kWh of project energy generated annually by the Gambo Project in the operation of its Westbrook Paper manufacturing plant.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to

intervene must be filed on or before November 9, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29986 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 199, Docket No. E-9110]

South Carolina Public Service Authority; Order Approving Offer of Settlement

Issued: September 18, 1979.

On November 15, 1974, W. T. Jones and the environmental society of which he is a member filed a complaint with the Commission¹ (designated as Docket No. E-9110) to the effect that H. B. Rickenbacker, a developer of lands adjacent to the Santee-Cooper Project No. 199, had begun to dredge three canals affecting project lands and waters without the Commission's prior authorization,² in order that a proposed residential development would have access by water to Lake Marion, one of the project waters. The complaint asserted, among other things, that the dredging has "caused great silting and ruined the recreational capabilities" of the project waters. On October 14, 1976, South Carolina Public Service Authority ("South Carolina"), licensee of Project No. 199, filed an application with the Commission for authorization to connect the canals to the project waters and to extend two of them.

A hearing was held on November 7 and 8, 1978, to consider the complaint and application. At its conclusion, the administrative law judge requested the parties to engage in discussions for the purpose of determining whether a settlement agreement could be reached.

Following those discussions, South Carolina, on March 16, 1979, filed an Offer of Settlement with the presiding judge. Its terms mandate the licensee to require Mr. Rickenbacker, "his successors and assigns," to agree, among other matters, (1) to install diversion tubes and construct ditches to improve drainage and lessen soil erosion, (2) to convey to the licensee scenic easements along the shorelines of

the canals, (3) to develop an erosion control plan in conjunction with the U.S. Department of Agriculture, (4) to develop a plan for monitoring the quality of the water in the canals and (5) to restrict the developers of any lots along the canals from constructing dwellings closer than 75 feet thereto and from constructing septic tanks between a dwelling and a canal. Furthermore, South Carolina agrees to enter into a written stipulation with Mr. Rickenbacker "and his partners" within 60 days after the date of this order whereby the latter agrees to comply with the terms of the Offer of Settlement and this order. A copy of that stipulation shall be filed with the Commission.

The Offer of Settlement was promptly certified to the Commission and notice thereof was duly promulgated. Mr. Jones submitted a letter in opposition asserting that the proposed settlement is "totally unsatisfactory." Reiterating his previous complaint, he states:

I believe there will be sewage leaching into the Project waters from the residential lots adjacent to the canals, and that with the high density development projected for this area, it will completely ruin the water quality in the adjacent areas.

Mr. Jones does not explicate in his letter how, in his view, the measures contemplated by the Offer of Settlement fail to adequately protect the water quality of the project. He does not explain why the measures designed to remedy or alleviate the environmental problems associated with the Rickenbacker canals and related real estate development are not in the public interest and should not be approved. Our review of the record persuades us that the principal environmental problems associated with the canals and related development have been addressed in the Offer of Settlement and, on balance, that approval of that offer is in the public interest.³ We find that the Offer of Settlement is consistent with Project No. 199's operation and maintenance as licensed and adopted to a comprehensive plan for beneficial public uses and should, therefore, be approved in its entirety.

While we have no reason to question the good faith of Mr. Rickenbacker "and his partners," we are apprehensive that the construction restrictions applicable to dwellings and septic tanks might pass from their control during the term of the license. While we note that "Mr.

Rickenbacker, his successors and assigns" are to undertake those restrictions, we also note that they apply to "the developers of any lot along the canals." We are apprehensive that a purchaser-homeowner might not be construed as a "developer" and might not, therefore, be precluded from constructing a new septic tank between a canal and his home, or within 75 feet of a canal. In any event, we question whether a developer could insure that "his successors and assigns" would continue to abide by the agreement after a dwelling is constructed and sold, unless the restrictions are placed in the chains of title for the canal-side lots.

Accordingly, and without changing the substance of the Offer of Settlement, our approval will be effective only when restrictive covenants precluding the construction of dwellings closer than 75 feet to the highwater marks of the canals and the construction of septic tanks between a canal and a dwelling, have been duly recorded in the appropriate land records office with respect to all lands affected by the Offer of Settlement. Such restrictive covenants should remain in force as long as Project 199 either remains under license or, if acquired by the United States, is owned by the United States. Moreover, they should indicate that they were imposed in settlement of a complaint and application proceeding before this Commission which was terminated by this order and, therefore, that they cannot be waived or modified without the consent of the Commission.

Finally, we note that the Offer of Settlement provides for the conveyance to the licensee of 30-foot wide scenic easements along the canals to protect the shoreline and waters. Although the Offer of Settlement does not specifically address the matter, we interpret it to contemplate that these easements will then be within the project, like the other shoreline buffer zones provided for in our May 9, 1979, "Order Issuing New Major License and Approving Offer of Settlement with Modifications," for Project No. 199. Consequently, those easements should be included within the revised project boundary when South Carolina files its revised Exhibit K and R drawings under Article 48 of the license. Furthermore, so that subsequent purchasers will have notice of those easements, our approval will be effective only when they have been duly recorded in the appropriate land records office.

The Commission orders: (A) The application of South Carolina Public Service Authority filed October 14, 1976, for approval of use of Project No. 199

lands and waters by Mr. H. B. Rickenbacker for certain canals to be connected to Lake Marion is approved effective as set forth in Ordering Paragraph (B) and subject to the terms and conditions set forth as paragraphs II (1)(A) through (D) of the Offer of Settlement submitted by South Carolina Public Service Authority on March 16, 1979.

(B) This approval is effective only when shoreline scenic easements and restrictive covenants prohibiting the construction of dwellings closer than 75 feet to the highwater marks of the canals and the construction of septic tanks between a canal and a dwelling, have been duly recorded in the appropriate land records office with respect to all lands affected by the Offer of Settlement, as provided further in this order. South Carolina Public Service Authority shall file with the Commission proof that the easements and restrictive covenants have been recorded within 30 days of the recording.

(C) South Carolina Public Service Authority shall include within the revised project boundary in its revised Exhibit K and R drawings to be submitted under Article 48 of the license for Project No. 199 the lands over which it obtains scenic easements pursuant to paragraph II (1)(A)(d) of the approved Offer of Settlement.

(D) The complaint proceeding in Docket No. E-9110 is hereby terminated.

By the Commission.
Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30003 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP79-128]

State of West Virginia, et al.; Preliminary Finding

Issued: September 14, 1979.

Section 108 NGPA Determinations, Consolidated Gas Supply Corporation, W. R. Johnson, Jr. No. 11801 Well JD79-15208, State File No. 790227-108-019-0250.

On August 2, 1979, the State of West Virginia Department of Mines, Oil and Gas Division (West Virginia), Submitted to the Federal Energy Regulatory Commission (Commission) a notice of determination that the Consolidated Gas Supply Corporation W. R. Johnson, Jr. No. 11801 well qualifies for a maximum lawful price under section 108 of the Natural Gas Policy Act of 1978 (NGPA).

Section 108(b)(1) of the NGPA provides that in order to qualify as a stripper well, a well must, among other

things, produce nonassociated natural gas at a rate which does not exceed an average of 60 Mcf per production day during a 90-day production period. Section 108(b)(3) defines "production day" as (1) any day during which natural gas is produced; and (2) any day during which natural gas production is prohibited by a requirement of State law or a conservation practice recognized or approved by the State agency.

The record submitted with the determination for the above-listed well indicates that the well produced an average of 67 Mcf of natural gas per production day during the 90-day production period upon which the application was based. No non-producing days were reported during this period. Since section 108(b) requires that a well produce natural gas at a rate not exceeding an average of 60 Mcf per production day, a well which produces an average of 67 Mcf of natural gas per production day fails to meet this statutory requirement.

On the basis of the record submitted with this determination, the Commission hereby makes a preliminary finding, pursuant to 18 C.F.R. § 275.202(a)(1)(i), that the determination submitted by the State of West Virginia Department of Mines, Oil and Gas Division, that the above-listed well qualifies as a section 108 stripper well, is not supported by substantial evidence in the record on which the determination was made.

By direction of the Commission.
Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30008 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-55]

Transwestern Pipeline Co.; Petition To Amend

September 12, 1979.

Take notice that on August 13, 1979, Transwestern Pipeline Company (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP79-55 a petition to amend the order of January 16, 1979, issued in said docket pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) so as to authorize Petitioner to increase by \$3,400,000 its total cost of facilities constructed under its gas purchase budget-type authorization; all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that pursuant to the Commission's order of January 16, 1979, it is authorized to construct during the

calendar year 1979, gas purchase facilities utilized for the gathering, connection and transportation of newly acquired gas supplies. Petitioner indicates that the total cost of facilities constructed under the budget-type authorization is limited to \$8,600,000, which was two percent of Petitioner's gross plant balance as of August 31, 1978, with no single project to exceed \$1,500,000.

Petitioner requests a waiver of Section 157.7(b)(1) of the Commission's Regulations so as to increase its allowable costs for the calendar year 1979 from \$8,600,000 to \$12,000,000 for a total increase of \$3,400,000 to be used for additional gas purchase facilities. Any single project constructed with the increase would be limited to \$1,500,000.

Petitioner states that it would soon exhaust the maximum authorization for gas purchase facilities under this docket due to increased construction costs caused by inflation and the number of new gas supply sources in Petitioner's supply area. Petitioner also states that granting the requested authorization would ensure that Petitioner would be able to maintain its present active gas supply program for the benefit of its customers, while at the same time, minimize the cost and delay which would be created by the requirement of filing separate applications for certificate authorization.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 3, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29987 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

¹ This proceeding was commenced before the Federal Power Commission (FPC). By the joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC. The term "Commission", when used in the context of action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

² See Section 10(b) of the Federal Power Act, 16 U.S.C. 803(b).

³ If the terms and conditions of the Offer of Settlement are not met, the canals will constitute an unauthorized use of project lands and waters and we may require South Carolina to take whatever measures are necessary to ensure that those uses cease, the canals are removed, and project lands and waters are adequately restored.

[Docket No. G-232]

United Gas Pipe Line Co.; Petition To Amend

September 14, 1979.

Take notice that on August 22, 1979, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. G-232 a petition to amend the order of November 10, 1942¹ issuing a certificate of public convenience and necessity in the instant docket pursuant to Section 7(c) of the Natural Gas Act for authorization to continue the sale of natural gas to Arkansas Louisiana Gas Company (Arkla), successor in interest to Dixie-Caddo Gas Company, Inc. (Dixie-Caddo), all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

United states that pursuant to the order issued on November 10, 1942, in the instant docket, United is authorized to sell natural gas to Dixie-Caddo, the owner of the distribution system located near the towns of Belcher and Dixie, Caddo Parish, Louisiana. The subject sale of gas is said to occur at the Dixie, Louisiana, city gate station located near the town of Dixie.

United has been advised that the system formerly owned by Dixie-Caddo has been sold to Arkla. United, therefore, requests authorization to continue the sale of gas to Arkla, successor in interest to Dixie-Caddo, under Rate Schedule G-N without change. United asserts that an amended service agreement reflects the change in ownership of the distribution system and provides for the continuation of gas service through the Dixie, Louisiana, city gate station delivery point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 5, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a

¹ This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.11), it was transferred to the FERC.

petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30002 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[No. 79]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

September 10, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Oklahoma Corporation Commission

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-17407/00027
2. 35-009-20220
3. 107

4. The GHK Co.
5. Russell #1-5
- 6.

7. Beckham, OK
8. .0 million cubic feet
9. August 14, 1979
10. Arkansas Louisiana Gas Co

1. 79-17408
2. 35-129-20337
3. 102

4. Grace Petroleum Corp.
5. Tracy 1-25
6. West Cheyenne

7. Roger Mills, OK
8. 292.0 million cubic feet
9. August 14, 1979
10. El Paso Natural Gas Co.

West Virginia Department of Mines Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-17322
2. 47-103-00604
3. 108

4. Consolidated Gas Supply Corp.
5. Mills Wetzel Land Co. 11971
6. West Virginia other A-85772
7. Wetzel, WV

8. 16.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17323
2. 47-041-01992
3. 108

4. Consolidated Gas Supply Corp.
5. D Beachler 11927
6. West Virginia other A-85772
7. Lewis, WV
8. 10.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17324
2. 47-001-00655
3. 108

4. Consolidated Gas Supply Corp.
5. C Kines 11656
6. West Virginia other A-85772
7. Barbour, WV
8. 15.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17325
2. 47-055-00034
3. 108

4. Consolidated Gas Supply Corp.
5. Pocahontas Land 11771
6. Pineville Field Area A-59442
7. Mercer, WV
8. 12.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17328
2. 47-047-00719
3. 108

4. Consolidated Gas Supply Corp.
5. Pocahontas Land 12376
6. Pineville Field Area A-59442
7. McDowell, WV
8. 13.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17327
2. 47-041-02013
3. 108

4. Consolidated Gas Supply Corp.
5. J T Imboden 12006
6. West Virginia other A-85772
7. Lewis, WV
8. 7.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17328
2. 47-041-02007
3. 108

4. Consolidated Gas Supply Corp.
5. J McClain 11993
6. West Virginia other A-85772
7. Lewis, WV
8. 9.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17329
2. 47-041-02066
3. 108

4. Consolidated Gas Supply Corp.
5. E Henry 12180
6. West Virginia other A-85772
7. Lewis, WV
8. 8.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

2. 47-041-02024
3. 108
4. Consolidated Gas Supply Corp.
5. W B Hacker 12093
6. West Virginia other A-85772
7. Lewis, WV

8. 8.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17331
2. 47-017-01842
3. 108

4. Consolidated Gas Supply Corp.
5. E E Harry 12168
6. West Virginia other A-85772
7. Doodridge, WV
8. 3.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17332
2. 47-033-01010
3. 108

4. Consolidated Gas Supply Corp.
5. J W Sommerville 12183
6. West Virginia other A-85772
7. Harrison, WV
8. 12.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17333
2. 47-033-00786
3. 108

4. Consolidated Gas Supply Corp.
5. C Ryan 11745
6. West Virginia other A-85772
7. Harrison, WV
8. 1.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17334
2. 47-017-01737
3. 108

4. Consolidated Gas Supply Corp.
5. Caulfield-McQuain 11655
6. West Virginia other A-85772
7. Doddridge, WV
8. 9.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17335
2. 47-097-01612
3. 108

4. Consolidated Gas Supply Corp.
5. D Post 11972
6. West Virginia other A-85772
7. Upshur, WV
8. 8.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17336
2. 47-047-00671
3. 108

4. Consolidated Gas Supply Corp.
5. Consolidation Coal Co. 12097
6. Pinefield Field Area A-59442
7. McDowell, WV
8. 15.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17337
2. 47-055-00038
3. 108

4. Consolidated Gas Supply Corp.
5. Pocahontas Land 12005
6. Pineville Field Area A-59442

7. Mercer, WV
8. 20.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17338
2. 47-097-01610
3. 108

4. Consolidated Gas Supply Corp.
5. H Fidler 11965
6. West Virginia other A-85772
7. Upshur, WV
8. 2.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17339
2. 47-067-00315
3. 108
4. Consolidated Gas Supply Corp.
5. G Minner 11806
6. West Virginia other A-85772

7. Nicholas, WV
8. 3.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17340
2. 47-001-00710
3. 108

4. Consolidated Gas Supply Corp.
5. H Winans 11834
6. West Virginia other A-85772
7. Barbour, WV
8. 4.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17341
2. 47-001-00728
3. 108
4. Consolidated Gas Supply Corporation
5. W H Lantz 12038
6. West Virginia other A-85772

7. Barbour, WV
8. 2.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17342
2. 47-013-02540
3. 108

4. Consolidated Gas Supply Corporation
5. D Brannon 12039
6. West Virginia other A-85772
7. Calhoun, WV
8. .4 million cubic feet
9. August 21, 1979
10. General System Purchasers

- 1.
1. 79-17343
2. 47-041-01991
3. 108
4. Consolidated Gas Supply Corporation
5. R Crites 11926

6. West Virginia other A-85772
7. Lewis, WV
8. 10.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17344
2. 47-041-01971
3. 108

4. Consolidated Gas Supply Corporation
5. Union National Bank 11869
6. West Virginia other A-85772
7. Lewis, WV
8. 8.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17345
2. 47-041-01965
3. 108
4. Consolidated Gas Supply Corporation
5. E S Poling 11628
6. West Virginia other A-85772
7. Lewis, WV

8. 4.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17346
2. 47-041-02093
3. 108

4. Consolidated Gas Supply Corporation
5. F L Hacker 12081
6. West Virginia other A-85772
7. Lewis, WV
8. 6.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17347
2. 47-041-02014
3. 108
4. Consolidated Gas Supply Corporation
5. C W Meader 12011
6. West Virginia other A-85772

7. Lewis, WV
8. 14.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17348
2. 47-041-02091
3. 108

4. Consolidated Gas Supply Corporation
5. P Doonan Hrs 12120
6. West Virginia other A-85772
7. Lewis, WV
8. 1.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17349
2. 47-041-01905
3. 108
4. Consolidated Gas Supply Corporation
5. W L Fury 11644
6. West Virginia other A-85772

7. Lewis, WV
8. 6.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17350
2. 47-041-01961
3. 108

4. Consolidated Gas Supply Corporation
5. W L Fury 11732
6. West Virginia other A-85772
7. Lewis, WV
8. 5.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17351
2. 47-041-01951
3. 108
4. Consolidated Gas Supply Corporation
5. A Trefz 11618
6. West Virginia other A-85772

7. Lewis, WV
8. 15.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17352
2. 47-041-01936
3. 108

4. Consolidated Gas Supply Corporation
5. F Hacker 11662

6. West Virginia other A-85772
7. Lewis WV
8. 5.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17353
2. 47-041-01940
3. 108
4. Consolidated Gas Supply Corporation
5. K H Horner 11690
6. West Virginia other A-85772
7. Lewis WV
8. 14.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17354
2. 47-041-01937
3. 108
4. Consolidated Gas Supply Corporation
5. W J Ross 11682
6. West Virginia other A-85772
7. Lewis WV
8. 3.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17355
2. 47-041-01912
3. 108
4. Consolidated Gas Supply Corporation
5. D E Gould 11663
6. West Virginia other A-85772
7. Lewis WV
8. 12.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17356
2. 47-041-01913
3. 108
4. Consolidated Gas Supply Corporation
5. D E Gould 11654
6. West Virginia other A-85772
7. Lewis WV
8. 16.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17357
2. 47-041-01897
3. 108
4. Consolidated Gas Supply Corporation
5. W H Linger 11566
6. West Virginia other A-85772
7. Lewis WV
8. 13.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17358
2. 47-041-02018
3. 108
4. Consolidated Gas Supply Corporation
5. J Beach 12049
6. West Virginia other A-85772
7. Lewis WV
8. 2.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17359
2. 47-041-01994
3. 108
4. Consolidated Gas Supply Corporation
5. Bennett-Hall 11955
6. West Virginia other A-85772
7. Lewis WV
8. 17.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17360
2. 47-041-02020
3. 108
4. Consolidated Gas Supply Corporation
5. H D Curtis 12012
6. West Virginia other A-85772
7. Lewis WV
8. 3.0 million cubic feet
9. August 21, 1979
10. General System Purchasers
1. 79-17402
2. 47-021-03217
3. 103
4. Gene Stalnaker Inc
5. John Killingsworth #1
6. Glenville Field
7. Gilmer WV
8. 21.9 million cubic feet
9. August 21, 1979
10. Equitable Gas Co
1. 79-17403
2. 47-021-03034
3. 103 denied
4. Gene Stalnaker Inc
5. R J Messenger #2
6. Glenville
7. Gilmer WV
8. 24.0 million cubic feet
9. August 21, 1979
10. Consolidated Gas Supply Corp.
1. 79-17404
2. 47-021-03232
3. 103
4. Gene Stalnaker Inc
5. John Killingsworth B-23-#3
6. Glenville Field
7. Gilmer WV
8. 21.9 million cubic feet
9. August 21, 1979
10. Equitable Gas Co
1. 79-17405
2. 47-021-03234
3. 103
4. Gene Stalnaker Inc
5. John Killingsworth B-24-#4
6. Glenville Field
7. Gilmer WV
8. 21.9 million cubic feet
9. August 21, 1979
10. Equitable Gas Co
1. 79-17406
2. 47-041-00724
3. 108
4. Allegheny Land & Mineral Co
5. A-137
6. Freemans Creek District
7. Lewis WV
8. 2.5 million cubic feet
9. August 10, 1979
10. Consolidated Gas Supply Corp
U.S. Geological Survey, Albuquerque, N. Mex.
1. Control number (FERC/State)
2. API well number
3. Section of NCPA
4. Operator
5. Well name
6. Field or OCS area name
7. Country, State or block No.
8. Estimated annual volume
9. Date received at FERC,
10. Purchasers(s)
1. 79-17361/NM 2024-79
2. 30-039-05783-0000-0

3. 108
4. El Paso Natural Gas Co.
5. Jicarilla B #5
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 11.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17362/NM-1920-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Co.
5. Lockhart A-27 #8
6. New Mexico Federal Unit
7. Lea NM
8. 7.1 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas (C-4067)
1. 79-17363/NM-2021-79
2. 30-045-20325-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Russell #7
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 8.4 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17364/NM-2022-79
2. 30-039-05931-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla E #5
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 10.2 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17365/NM-2023-79
2. 30-045-20335-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Howell #7
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 11.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17366/NM 1352-79
2. 30-045-06316-0000-0
3. 108
4. Gulf Oil Corp.
5. Scott E Federal No. 3
6. Kutz Pictured Cliffs West
7. San Juan NM
8. 8.9 million cubic feet
9. August 21, 1979
10. Gas Company of New Mexico
1. 79-17367/NM-1353-79
2. 30-039-20093-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Lindrith unit #72
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 16.1 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17368/NM 2025-79
2. 30-045-11919-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Hardie E #5
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM

8. 8.4 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17369/NM 2026-79
2. 30-039-08072-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Lindrith unit NP #62
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 13.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17370/NM 2027-79
2. 30-039-05446-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla #2
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 13.5 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17371/NM 2028-79
2. 30-045-11779-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Ludwick #24
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 4.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17372/NM 2029-79
2. 30-045-11780-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Heaton #21
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 8.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17373/NM 2031-79
2. 30-045-11728-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Schwerdtfeger A #22
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 15.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17374/NM 2032-79
2. 30-039-05832-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla D #3
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 15.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17375/NM 2033-79
2. 30-039-05802-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla B #7
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 9.5 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17376/NM 2034-79
2. 30-039-05499-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Lindrith unit #39
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 16.8 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17377/NM 2035-79
2. 30-039-05451-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Lindrith unit #35
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 12.4 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17378/NM 2036-79
2. 30-039-07108-0000-0
3. 108
4. El Paso Natural Gas Co.
5. SJ 28-6 unit #96
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 12.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17379/NM 2037-79
2. 30-039-07397-0000-0
3. 108
4. El Paso Natural Gas Co.
5. SJ 28-5 unit #39
6. Blanco-Mesaverde gas
7. Rio Arriba NM
8. 12.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17380/NM 2030-79
2. 30-043-05174-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla 183 #2
6. Ballard-Pictured Cliffs Gas
7. Sandoval NM
8. 10.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17381/NM 1528-79
2. 30-039-20519-0000-0
3. 108
4. El Paso Natural Gas Co.
5. San Juan 30-6 unit No. 102R
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 13.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17382/NM 1529-79
2. 30-045-06673-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Dryden No. 2
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 7.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17383/NM 1701-79
2. 30-045-06826-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Harmon A 1
6. Kutz West-Pictured Cliffs Gas

7. San Juan NM
8. 4.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17384/NM 1702-79
2. 30-039-05464-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla A No. 4
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 1.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17385/NM 1703-79
2. 30-045-06394-0000-0
3. 108
4. El Paso Natural Gas Co.
5. McAdams 1
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan NM
8. 6.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17386/NM 1704-79
2. 30-039-05929-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla C No. 9
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 6.6 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17387/NM 1354-79
2. 30-045-20282-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Huerfano unit No. 178
6. Basin-Dakota Gas
7. San Juan NM
8. 10.2 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co. Northwest Pipeline Corporation.
1. 79-17388/NM 1362-79
2. 30-039-06364-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla F No. 2
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 13.1 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co. Northwest Pipeline Corporation.
1. 79-17389/NM 1408-79
2. 30-039-06476-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla J No. 12
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 16.4 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co. Northwest Pipeline Corporation.
1. 79-17390/NM-1409-79
2. 30-039-05983-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla F No. 15
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 8.8 million cubic feet

9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17391/NM-1520-79
2. 30-039-06504-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla F No. 13
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 17.9 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation
1. 79-17392/NM-1521-79
2. 30-039-06501-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla F No. 14
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 15.7 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation
1. 79-17393/NM-1522-79
2. 30-045-11763-0000-0
3. 108
4. El Paso Natural Gas Company
5. Herfanto Unit No. 100
6. Blanco-Mesarverde Gas
7. San Juan NM
8. 6.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation
1. 79-17394/NM-1526-79
2. 30-039-21087-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-5 Unit No. 81
6. Basin-Dakota Gas
7. Rio Arriba NM
8. 8.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17395/NM-1527-79
2. 30-039-07080-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28-6 Unit No. 91
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 5.5 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17396/NM-1887-79
2. 30-039-21254-0000-0
3. 108
4. Lynco Oil Corporation
5. Jicarilla No. 1
6. Gallup
7. Rio Arriba NM
8. 12.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17397/NM-1919-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. North El Mar Unit No. 11
6. El Mar
7. Lea NM
8. 6 million Cubic Feet
9. August 21, 1979
10. Phillips Petroleum (C-638)
1. 79-17409/NM-0003-79
2. 30-039-00000-0000-0
3. 108
4. D E Florance
5. Jicarilla Apache-382 No. D-3
6. Ballard Picture Cliff
7. Rio Arriba NM
8. 16.3 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17410
2. 30-039-00000-0000-0
3. 108
4. D E Florance
5. Jicarilla Apache-382 No. D-2
6. Ballard Picture Cliff
7. Rio Arriba Co NM
8. 5.3 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17411/NM 382-79
2. 30-005-60436-0000-0
3. 102
4. C E Larue and B N Muncy Jr
5. Nola No. 4
6. Sams Ranch Grayburg
7. Chaves NM
8. .0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17412/NM 383-79
2. 30-005-00000-0000-0
3. 102
4. C E Larue and B N Muncy Jr
5. Hanlad No. 2
6. Sams Ranch Grayburg
7. Chaves NM
8. .0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17413/NM 384-79
2. 30-005-60390-0000-0
3. 102
4. C E Larue and B N Muncy Jr
5. Nola No. 3
6. Sams Ranch Grayburg
7. Chaves NM
8. .0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17414/NM-1360-79
2. 30-039-05782-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla No. 3
6. Blanco South-Pictured Cliffs
7. Rio Arriba NM
8. 5.1 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17415/NM-1361-79
2. 30-039-06471-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla F No. 12
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 10.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corporation
1. 79-17416/NM-1363-79
2. 30-039-20740-0000-0
3. 108
4. El Paso Natural Gas Company

5. Sanchez A 4
6. Otero-Chacra Gas
7. Rio Arriba NM
8. 15.7 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17417/NM-1364-79
2. 30-045-21685-0000-0
3. 108
4. El Paso Natural Gas Company
5. Nye 16
6. Aztec-Fruitland Gas
7. San Juan NM
8. 5.8 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17418/NM-1365-79
2. 30-045-21568-0000-0
3. 108
4. El Paso Natural Gas Company
5. Nye 12
6. Aztec-Fruitland Gas
7. San Juan NM
8. 9.9 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17419/NM-1377-79
2. 30-045-09295-0000-0
3. 108
4. El Paso Natural Gas Company
5. Sunray D 1
6. Basin-Dakota Gas
7. San Juan NM
8. 18.3 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17420/NM-1860-79
2. 30-039-05436-0000-0
3. 108
4. Ken Blackford
5. Well 37B 1 Lease 09-000037-B
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 1.7 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17421/NM-1861-79
2. 30-039-05412-0000-0
3. 108
4. Ken Blackford
5. Well 37B 2 Lease 09-000037-B
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 9.2 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17422/NM-1862-79
2. 30-039-05435-0000-0
3. 108
4. Ken Blackford
5. Well 37B 3 Lease 09-000037-B
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 9.6 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17423/NM-1863-79
2. 30-039-05305-0000-0
3. 108
4. Ken Blackford
5. Well 37B 4 Lease 09-000037-B
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 5.4 million cubic feet
9. August 21, 1979

10. El Paso Natural Gas Company
1. 79-17424/NM-1864-79
2. 30-039-05346-0000-0
3. 108
4. Ken Blackford
5. Well 37B 5 Lease 09-000037-B
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 12.7 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17425/NM-1865-79
2. 30-039-05347-0000-0
3. 108
4. Ken Blackford
5. Well 13 1 Lease 09-000013
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 4.1 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17426/NM-1866-79
2. 30-039-60026-0000-0
3. 108
4. Ken Blackford
5. Well 13 2 Lease 09-000013
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 5.1 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company

U.S. Geological Survey, Tulsa, Okla.

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)
1. 79-17398
2. 35-137-00000-0000-0
3. 108
4. Tenneco Oil Company
5. Lena Simpson 5-A
6. Doyle
7. Stephens OK
8. 1.4 million cubic feet
9. August 21, 1979
10. Aminoil USA Inc.
1. 79-17399
2. 35-137-00000-0000-0
3. 108
4. Tenneco Oil Company
5. Lena Simpson 3-A
6. Doyle
7. Stephens OK
8. .6 million cubic feet
9. August 21, 1979
10. Aminoil USA Inc.
1. 79-17400
2. 35-137-00000-0000-0
3. 108
4. Tenneco Oil Company
5. Lena Simpson 2A
6. Doyle
7. Stephens OK
8. .6 million cubic feet
9. August 21, 1979
10. Aminoil USA Inc.
1. 79-17401
2. 35-137-00000-0000-0

3. 108
4. Tenneco Oil Company
5. Lena Simpson 6-A
6. Doyle
7. Stephens OK
8. 1.5 million cubic feet
9. August 21, 1979
10. Aminoil USA Inc.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the Federal Register.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30007 Filed 9-26-79; 8:45 am]
BILLING CODE 6450-01-M

[No. 80]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

September 10, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Mississippi Oil and Gas Board

1. Control number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-17427/78-79-418
2. 23-065-20114
3. 102 103 107
4. Harkins & Company
5. Dale Unit 17-8 Well No 1
6. Greens Creek
7. Jefferson Davis MS
8. 1825.0 million cubic feet
9. August 22, 1979
10. Transcontinental Gas Pipeline Corp.

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control Number (FERC/State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or Block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 79-17428
 2. 30-015-22275
 3. 102 103
 4. Read & Stevens Inc
 5. Turkey Tract State Com No. 1
 6. Turkey Tract Morrow
 7. Eddy NM
 8. 330.0 million cubic feet
 9. August 22, 1979
 10. El Paso Natural Gas Company
- Texas Railroad Commission, Oil and Gas Division
1. Control number (FERC/State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well Name
 6. Field or OCS area name
 7. County, State or Block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 79-17459/08022
 2. 42-175-31003
 3. 103
 4. Amoco Production Company
 5. L W O'Connor A No. 71
 6. Live Oak Lake (4630')
 7. Coliad TX
 8. 771.0 million cubic feet
 9. August 22, 1979
 10. Amoco Gas Company
 1. 79-17460/08394
 2. 42-283-30635
 3. 102
 4. Mormac Oil & Gas Co.
 5. C N Cooke B No. 2
 6. Cooke (Wilcox 4100 West)
 7. La Salle TX
 8. 55.0 million cubic feet
 9. August 22, 1979
 10. Transcontinental Gas Pipeline Corp.
 1. 79-17461/05132
 2. 42-371-32479
 3. 103
 4. Getty Oil Company
 5. Anna Laughlin No. 1
 6. Gomez NW (Wolfcamp)
 7. Pecos TX
 8. 500.0 million cubic feet
 9. August 22, 1979
 10. El Paso Natural Gas Company
 1. 79-17462/05131
 2. 42-497-00000
 3. 103
 4. Getty Oil Company
 5. Caughlin Unit No. 26
 6. Caughlin (Strawn)
 7. Wise TX
 8. 5.0 million cubic feet
 9. August 22, 1979
 10. Cities Service Company, Natural Gas Pipeline Co.

1. 79-17483/05135
2. 42-103-31779
3. 103
4. Getty Oil Company
5. University M Well No. 18
6. McElroy
7. Crane TX
8. 10.0 million cubic feet
9. August 22, 1979
10. Phillips Petroleum Company
1. 79-17484/03983
2. 42-295-30530
3. 103
4. Argonaut Energy Corporation
5. Stuart Ranch No. 2 017954
6. Stuart Ranch (Morrow Lower)
7. Lipscomb TX
8. 435.6 million cubic feet
9. August 22, 1979
10. Northern Natural Gas Company
1. 79-17465/03957
2. 42-461-30707
3. 103
4. Cotton Petroleum Corporation
5. Halff Estate No. 4
6. Amacker-Tippett (Devonian)
7. Upton TX
8. 90.8 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Company
1. 79-17466/03919
2. 42-131-32915
3. 103
4. Mobil Oil Corporation
5. Duval Ranch Sec 106 No. 9
6. Piedre Lumbre (Wilcox)
7. Duval TX
8. 75.0 million cubic feet
9. August 22, 1979
10. Tennessee Gas Pipeline Company
1. 79-17467/03905
2. 42-227-31529
3. 103
4. Harper & Lawless
5. W S Cole No. 1
6. Vincent (Clear Fork Lower)
7. Howard TX
8. 1.6 million cubic feet
9. August 22, 1979
10. Getty Oil Company
1. 79-17468/03891
2. 42-461-31294
3. 103
4. Cotton Petroleum Corporation
5. Jackson A No. 1
6. Amacker-Tippett (Devonian)
7. Upton TX
8. 182.5 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Co.
1. 79-17469/03759
2. 42-371-00000
3. 107
4. C & K Petroleum Inc.
5. Maddox State No. 1
6. Hershey (Dev-Fuslm-Mont)
7. Pecos TX
8. 550.0 million cubic feet
9. August 22, 1979
10. Northern Natural Gas Co.
1. 79-17470/03752
2. 42-409-00000
3. 108
4. Forest Oil Corporation
5. S G Floerke No. 1 (No. 14368)
8. Stark Field
7. San Patricio TX
8. 10.0 million cubic feet
9. August 22, 1979
10. Sinclair Oil & Gas Company (ARCO)
1. 79-17471/03668
2. 42-175-31144
3. 103
4. L & I Petroleum Corporation
5. Raymond Mainka No. 1 79279
6. Brandt
7. Coliad TX
8. 146.0 million cubic feet
9. August 22, 1979
10. Texas Eastern Transmission Corp.
1. 79-17472/03577
2. 42-475-00000
3. 108
4. Petroleum Consultant Services
5. Pet Con Ser No. 1 Joner
6. Pitzer (Ramsey)
7. Ward TX
8. 18.0 million cubic feet
9. August 22, 1979
10. Northern Natural Gas
1. 79-17473/03544
2. 42-367-00000
3. 108
4. Ladd Petroleum Corporation
5. Scott-Woody No. 2
6. Toto
7. Parker TX
8. 5.8 million cubic feet
9. August 22, 1979
10. Long Star Gas Company
1. 79-17474/05130
2. 42-497-00000
3. 103
4. Getty Oil Company
5. Caughlin Unit No. 35
6. Caughlin (Strawn)
7. Wise TX
8. 3.0 million cubic feet
9. August 22, 1979
10. Cities Service Company, Natural Gas Pipeline Co.
1. 79-17475/04843
2. 42-285-31278
3. 102
4. F B Lacy
5. Brushy Creek Unit 1 78306
6. Brushy Creek (4800)
7. Lavaca TX
8. 300.0 million cubic feet
9. August 22, 1979
10. Texas Eastern Transmission Corp.
1. 79-17476/04550
2. 42-383-31265
3. 103
4. Houston Oil & Minerals Corp.
5. Merchant Estate 17 No. 8
6. Spraberry (trend area)
7. Reagan, TX
8. 30.0 million cubic feet
9. August 22, 1979
10. Union Texas Petroleum
1. 79-17477/04541
2. 42-383-31209
3. 103
4. Houston Oil & Minerals Corp.
5. Sugg F No. 5
6. Calvin (Dean)
7. Reagan, TX
8. 80.0 million cubic feet
9. August 22, 1979
10. Union Texas Petroleum
1. 79-17478/05148
2. 42-079-30810
3. 103
4. Getty Oil Company
5. Xit Unit Well No. 164
6. Levelland
7. Cochran, TX
8. 70.0 million cubic feet
9. August 22, 1979
10. Cities Service Company
1. 79-17479/05143
2. 42-079-30813
3. 103
4. Getty Oil Company
5. Xit Unit Well No. 182
6. Levelland
7. Cochran, TX
8. 8.0 million cubic feet
9. August 22, 1979
10. Cities Service Company
1. 79-17480/05144
2. 42-079-30811
3. 103
4. Getty Oil Company
5. Xit Unit Well No. 163
6. Levelland
7. Cochran, TX
8. 4.0 million cubic feet
9. August 22, 1979
10. Cities Service Company
1. 79-17481/05145
2. 42-079-30983
3. 103
4. Getty Oil Company
5. Xit Unit Well No. 166
6. Levelland
7. Cochran, TX
8. 7.0 million cubic feet
9. August 22, 1979
10. Cities Service Company
1. 79-17482/04396
2. 42-367-31272
3. 103
4. The Baron Company, Inc.
5. Lockhart
6. Grant Strawn Lower
7. Parker, TX
8. 66.0 million cubic feet
9. August 22, 1979
10. Lone Star Gas Company
1. 79-17483/03986
2. 42-295-30492
3. 102
4. Argonaut Energy Corporation
5. Stuart Ranch No. 1 75150
6. Stuart Ranch (Morrow Lower)
7. Lipscomb, TX
8. 3150.0 million cubic feet
9. August 22, 1979
10. Northern Natural Gas Company
1. 79-17484/01532
2. 42-495-00000
3. 108
4. McCommons Oil Company
5. Q. C. Massey No. 1
6. Boonsville Bend
7. Wise, TX
8. 8.0 million cubic feet
9. August 22, 1979
10. Natural Gas Pipeline Co. of America
1. 79-17485/00922
2. 42-239-31213
3. 103

4. Everest Exploration Company
5. Everest Expl No. 1 Kubenka
6. Kubenka (4090) Field
7. Jackson, TX
8. 90.0 million cubic feet
9. August 22, 1979
10. Tennessee Gas Pipeline Co.
1. 79-17486/00854
2. 42-219-31934
3. 103
4. Bass Enterprises Production Co.
5. Pirkle Unit No. 4
6. Slaughter
7. Hockley, TX
8. 8.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company
1. 79-17487/00853
2. 42-219-31935
3. 103
4. Bass Enterprises Production Co.
5. A. E. Coe No. 22
6. Slaughter
7. Hockley, TX
8. 3.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company
1. 79-17488/00625
2. 42-495-00000
3. 103
4. Taylor Operating Company
5. R. H. Nobles A No. 1 (77797)
6. Boonsville (Bend Congl Gas)
7. Wise, TX
8. 28.0 million cubic feet
9. August 22, 1979
10. Natural Gas Pipe Co. of Amer.
1. 79-17489/00465
2. 42-175-00000
3. 103
4. Omega Minerals Inc.
5. Augusta Bethke No. 1 #76255
6. Karen Beauchamp (2300)
7. Coliad, TX
8. 28.0 million cubic feet
9. August 22, 1979
10. United Gas Pipe Line Company
1. 79-17490/04507
2. 42-383-31213
3. 103
4. Houston Oil & Minerals Corp.
5. Merchant Estate 14 No. 8
6. Spraberry (Trend area)
7. Reagan, TX
8. 35.0 million cubic feet
9. August 22, 1979
10. Union Texas Petroleum
1. 79-17491/04425
2. 42-435-32055
3. 103
4. Enserch Exploration Inc.
5. A. L. Jones 121 No. 3
6. Sawyer (Canyon)
7. Sutton, TX
8. 195.0 million cubic feet
9. August 22, 1979
10. Natural Gas Pipeline Co. of America, Northern Natural Gas Co., Lone Star Gas Co.
1. 79-17492/04423
2. 42-435-32054
3. 103
4. Enserch Exploration Inc.
5. A. L. Jones 121 No. 4
6. Sawyer (Canyon)
7. Sutton, TX
8. 165.0 million cubic feet
9. August 22, 1979
10. Natural Gas Pipeline Co. of America, Northern Natural Gas Co., Lone Star Gas Co.
1. 79-17493/04422
2. 42-435-31465
3. 103
4. Enserch Exploration Inc.
5. A. L. Jones 113 No. 3
6. Sawyer (Canyon)
7. Sutton, TX
8. 195.0 million cubic feet
9. August 22, 1979
10. Natural Gas Pipeline Co. of America, Lone Star Gas Co.
1. 79-17494/04421
2. 42-435-31464
3. 103
4. Enserch Exploration Inc.
5. E. E. Sawyer 129 No. 3
6. Sawyer (Canyon)
7. Sutton, TX
8. 76.0 million cubic feet
9. August 22, 1979
10. Natural Gas Pipeline Co. of America, Lone Star Gas Co.
1. 79-17495/04420
2. 42-413-30645
3. 103
4. Enserch Exploration Inc.
5. Powell 14 No. 1
6. Kama (Canyon)
7. Schleicher, TX
8. 10.0 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Company
1. 79-17496/04419
2. 42-413-30405
3. 103
4. Enserch Exploration Inc.
5. Jeffers No. 2
6. Kama (Canyon)
7. Schleicher, TX
8. 22.0 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Company
1. 79-17497/04418
2. 42-413-30711
3. 103
4. Enserch Exploration Inc.
5. Jeffers 28 No. 1
6. John Rae (Penn)
7. Schleicher, TX
8. 50.0 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Company
1. 79-17498/04397
2. 42-495-00000
3. 103
4. Taylor Operating Company
5. Flanagan No. 1 (79908)
6. Boonsville (Bend Congl Gas)
7. Wise, TX
8. 219.0 million cubic feet
9. August 22, 1979
10. Natural Gas Pipeline Co. of America
1. 79-17499/03543
2. 42-387-00000
3. 108
4. Ladd Petroleum Corporation
5. Linehan No. 1
6. Toto
7. Parker, TX
8. 7.2 million cubic feet
9. August 22, 1979
10. Lone Star Gas Company
1. 79-17500/03099
2. 42-087-26316
3. 108
4. El Paso Natural Gas Company
5. Wischkaemper A 1
6. Panhandle East
7. Collingsworth, TX
8. 15.1 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Company
1. 79-17501/02071
2. 42-079-00000
3. 103
4. Monsanto Company
5. F. O. Mastern No. 51 03692
6. Levelland
7. Cochran, TX
8. 2.2 million cubic feet
9. August 22, 1979
10. Cities Service Gas Company
1. 79-17502/02070
2. 42-079-00000
3. 103
4. Monsanto Company
5. F. O. Mastern No. 51 03692
6. Levelland
7. Cochran, TX
8. 2.7 million cubic feet
9. August 22, 1979
10. Cities Service Gas Company
1. 79-17503/02058
2. 42-087-00000
3. 108
4. GHK Corporation
5. L. M. Tittle D-1 2-044-40107-9
6. Panhandle East
7. Collingsworth, TX
8. 0.5 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas
1. 79-17504/02057
2. 42-087-00000
3. 108
4. GHK Corporation
5. L. M. Tittle C-1 2-044-38267-5
6. Panhandle East
7. Collingsworth, TX
8. 10.3 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas
1. 79-17505/02058
2. 42-087-00000
3. 108
4. GHK Corporation
5. L. M. Tittle 1-842-044-38268-3
6. Panhandle East
7. Collingsworth, TX
8. 2.5 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas
1. 79-17506/02055
2. 42-087-00000
3. 108
4. GHK Corporation
5. Laycock 1-98 2-944-38265-9
6. Panhandle East
7. Collingsworth TX
8. 1.2 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas
1. 79-17507/02054

2. 42-087-00000
3. 108
4. CHK Corporation
5. L M Tittle 1-83 2-044-38267-5
6. Panhandle East
7. Collingsworth TX
8. 1.3 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas
1. 79-17508/02053
2. 42-087-00000
3. 108
4. CHK Corporation
5. Laycock 1-3 2-044-38264-2
6. Panhandle East
7. Collingsworth TX
8. .8 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas
1. 79-17509/02052
2. 42-087-00000
3. 108
4. CHK Corporation
5. J St Mary 1-A 2-044-40106-1
6. Panhandle East
7. Collingsworth TX
8. 5.6 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas
1. 79-17510/02023
2. 42-389-30965
3. 103
4. Marathon Oil Company
5. Fidelity Trust Co et al Well 4-A
6. Waha North (Delaware Sand)
7. Reeves TX
8. 8.0 million cubic feet
9. August 22, 1979
10. Transwestern Pipeline Company
1. 79-17511/01984
2. 42-245-30121
3. 102
4. McMoran-Transco Exploration Co
5. State Tract 77-S Well No 1-0
6. McFadden Beach E (8200)
7. Jefferson TX
8. 720.0 million cubic feet
9. August 22, 1979
10.
1. 79-17512/01923
2. 42-335-31290
3. 103
4. Sun Oil Company (Delaware)
5. V T McCabe D No 13
6. Jameson North (Strawn)
7. Mitchell TX
8. 38.0 million cubic feet
9. August 22, 1979
10. Lone Star Gas Company
1. 79-17513/01553
2. 42-103-31940
3. 103
4. Mobil Oil Corporation
5. Texas University Sec 15 & 16 No 1541
6. Dune
7. Crane TX
8. 58.0 million cubic feet
9. August 22, 1979
10. Phillips Petroleum Company
1. 79-17514/04525
2. 42-383-31205
3. 103
4. Houston Oil & Minerals Corporation
5. Merchant Estate 14 No 6
6. Spraberry (Trend Area)

7. Reagan TX
8. 30.0 million cubic feet
9. August 22, 1979
10. Union Texas Petroleum
1. 79-17515/04524
2. 42-383-31258
3. 103
4. Houston Oil & Minerals Corp
5. Merchant Estate 13 No 7
6. Spraberry (Trend Area)
7. Reagan TX
8. 34.0 million cubic feet
9. August 22, 1979
10. Union Texas Petroleum
1. 79-17516/05163
2. 42-079-30524
3. 103
4. Getty Oil Company
5. C S Dean Unit A No 184
6. Slaughter
7. Cochran TX
8. 16.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company
1. 79-17517/05167
2. 42-079-30514
3. 103
4. Getty Oil Company
5. C S Dean Unit A No 118X
6. Slaughter
7. Cochran TX
8. 15.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company
1. 79-17518/05166
2. 42-495-30501
3. 103
4. Getty Oil Company
5. S M Halley Well No 257
6. Weiner (Colby Sand)
7. Winkler TX
8. 25.0 million cubic feet
9. August 22, 1979
10. Cabot Corporation
1. 79-17519/05161
2. 42-079-30525
3. 103
4. Getty Oil Company
5. C S Dean Unit A No 183
6. Slaughter
7. Cochran TX
8. 15.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company
1. 79-17520/05159
2. 42-495-30502
3. 103
4. Getty Oil Company
5. S M Halley Well No 258
6. Weiner (Colby Sand)
7. Winkler TX
8. 20.0 million cubic feet
9. August 22, 1979
10. Cabot Corporation
1. 79-17521/05157
2. 42-495-30502
3. 103
4. Getty Oil Company
5. S M Halley Well No 259
6. Weiner (Colby Sand)
7. Winkler TX
8. 20.0 million cubic feet
9. August 22, 1979
10. Cabot Corporation
1. 79-17522/05155

2. 42-079-30517
3. 103
4. Getty Oil Company
5. C S Dean Unit A No 191
6. Slaughter
7. Cochran TX
8. 32.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company
1. 79-17523/05153
2. 42-079-31000
3. 103
4. Getty Oil Company
5. C S Dean Unit A No 194
6. Slaughter
7. Cochran TX
8. 10.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company
1. 79-17524/05151
2. 42-079-30999
3. 103
4. Getty Oil Company
5. C S Dean Unit A No 195
6. Slaughter
7. Cochran TX
8. 32.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company
1. 79-17525/05149
2. 42-079-30974
3. 103
4. Getty Oil Company
5. C S Dean Unit A No 196
6. Slaughter
7. Cochran TX
8. 15.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company
1. 79-17526/05148
2. 42-079-30981
3. 103
4. Getty Oil Company
5. XIT Unit Well No 169
6. Levelland
7. Cochran TX
8. 12.0 million cubic feet
9. August 22, 1979
10. Cities Service Company
1. 79-17527/05147
2. 42-079-30978
3. 103
4. Getty Oil Company
5. XIT Unit Well No 167
6. Levelland
7. Cochran TX
8. 5.0 million cubic feet
9. August 22, 1979
10. Cities Service Company
1. 79-17528/06246
2. 42-235-31241
3. 103
4. Arco Oil and Gas Company
5. J R Scott 70 #2
6. Spraberry (Trend Area)
7. Irion County TX
8. 20.0 million cubic feet
9. August 22, 1979
10. J L Davis
1. 79-17529/06083
2. 42-365-30768
3. 102
4. Pennzoil Producing Company
5. Thompson Unit No 3-T
6. Carthage/Cotton Valley

7. Panola TX
8. 900.0 million cubic feet
9. August 22, 1979
10. United Gas Pipe Line Company
1. 79-17530/05856
2. 42-365-30275
3. 102
4. Pennzoil Producing Company
5. Whitaker Unit No 3
6. Carthage/Cotton Valley
7. Panola TX
8. 850.0 million cubic feet
9. August 22, 1979
10. United Gas Pipe Line Company
1. 79-17531/05855
2. 42-365-30695
3. 102
4. Pennzoil Producing Company
5. Smith-Bird Unit No 2
6. Carthage/Cotton Valley
7. Panola TX
8. 700.0 million cubic feet
9. August 22, 1979
10. United Gas Pipe Line Company
1. 79-17532/05804
2. 42-495-30916
3. 103
4. Bass Enterprises Production Co
5. M J Bashara #60
6. Keystone
7. Winkler TX
8. 82.0 million cubic feet
9. August 22, 1979
10. Transwestern Pipeline Company, El Paso Gas Company
1. 79-17533/05554
2. 42-219-00000
3. 103
4. El Ran Inc
5. Davis 8 RRC= 61678
6. Levelland
7. Hockley TX
8. 6.1 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Co
1. 79-17534/05544
2. 42-219-00000
3. 103
4. El Ran Inc
5. Davis 7 RRC =61678
6. Levelland
7. Hockley TX
8. 6.1 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Co
1. 79-17535/05543
2. 42-219-00000
3. 103
4. El Ran Inc
5. Davis 6 RRC =61678
6. Levelland
7. Hockley TX
8. 6.2 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Co
1. 79-17536/05533
2. 42-389-00000
3. 108
4. UV Industries Inc
5. Caldwell No 2
6. Olds (Delaware)
7. Reeves TX
8. 3.2 million cubic feet
9. August 22, 1979
10. Continental Oil Company

1. 79-17537/05169
2. 42-079-30522
3. 103
4. Getty Oil Company
5. C S Dean Unit A No 186
6. Slaughter
7. Cochran TX
8. 15.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company
1. 79-17538/06875
2. 42-065-30648
3. 103
4. B & W Oil & Gas
5. Burnett Lease #1-100
6. Panhandle-Carson County
7. Carson TX
8. 17.5 million cubic feet
9. August 22, 1979
10. Panhandle Eastern Pipe Line
1. 79-17539/06689
2. 42-165-31443
3. 103
4. Mobil Oil Corporation
5. H & J Sec 127-B No 13
6. G-M-K So (San Andres)
7. Gaines TX
8. 6.5 million cubic feet
9. August 22, 1979
10. Phillips Petroleum Co
1. 79-17540/06498
2. 42-165-31414
3. 103
4. Texas Pacific Oil Company Inc
5. Hahn-Deep No 1
6. Seminole (Devonian)
7. Gaines TX
8. .0 million cubic feet
9. August 22, 1979
10.
1. 79-17541/06339
2. 42-391-31286
3. 103
4. North American Royalties Inc
5. Smaystra #2 (I D #Pending)
6. Austwell (Frio 8960)
7. Refugio TX
8. 365.0 million cubic feet
9. August 22, 1979
10. Energy Development Corporation

U.S. Geological Survey—Albuquerque, N.M.

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-17429/COA-1867-79
2. 05-067-06122-0000-0
3. 108
4. Lynco Oil Corporation
5. Flume Canyon Ute #3
6. Ignacio Blanco Pictured Cliffs
7. La Plata CO
8. 12.0 million cubic feet
9. August 21, 1979
10. Northwest Pipeline Company
1. 79-17430/NM-1888-79
2. 30-039-21042-0000-0
3. 108

4. Lynco Oil Corporation
5. Elliott Federal 1-A
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 6.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17431/NM-1889-79
2. 30-039-05119-0000-0
3. 108
4. Lynco Oil Corporation
5. Peggy Federal #1
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 10.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17432/NM-1890-79
2. 30-039-05152-0000-0
3. 108
4. Lynco Oil Corporation
5. Douthit Browning #1
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 3.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17433/NM-1891-79
2. 30-039-06155-0000-0
3. 108
4. American Petrofina Company of Texas
5. Bolack Federal No 2
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 15.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17434/NM-1892-79
2. 30-045-13283-0000-0
3. 108
4. American Petrofina Company of Texas
5. Bolack Federal No 1
6. Ballard Pictured Cliffs
7. San Juan NM
8. 7.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17435/NM-1893-79
2. 30-039-05636-0000-0
3. 108
4. American Petrofina Company of Texas
5. Bolack B Federal No 1
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 11.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17436/NM-1895-79
2. 30-045-06441-0000-0
3. 108
4. American Petrofina Company of Texas
5. Campbell Federal No 1
6. South Blanco Pictured Cliffs
7. San Juan NM
8. 10.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17437/NM-1896-79
2. 30-039-06115-0000-0
3. 108
4. American Petrofina Company of Texas
5. Foster Federal A No 1
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 19.0 million cubic feet

9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17438/NM-1897-79
2. 30-039-06123-0000-0
3. 108
4. American Petrofina Company of Texas
5. Bolack Federal No 3
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 9.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17439/NM-1898-79
2. 30-045-09614-0000-0
3. 108
4. American Petrofina Company of Texas
5. H Bolack No 1
6. Aztec Pictured Cliffs
7. San Juan NM
8. 7.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17440/NM-1899-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Meyer B-4 #9
6. New Mexico Federal Unit
7. Lea NM
8. 12.9 million cubic feet
9. August 21, 1979
10. Warren Petroleum (C-657)
1. 79-17441/NM-1903-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Sholes B-30 #2
6. New Mexico Federal Unit
7. Lea NM
8. 7.3 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas (C-4037)
1. 79-17442/NM-1904-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache J #1
6. Axi Apache Area
7. Rio Arriba NM
8. 19.1 million cubic feet
9. August 21, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17443/NM-1905-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Stevens B-14 #2
6. New Mexico Federal Unit
7. Lea NM
8. 4.4 million cubic feet
9. August 21, 1979
10. Phillips Petroleum Co (C-468)
1. 79-17444/NM-1906-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Lockhart H-14 A #4
6. New Mexico Federal Unit
7. Lea NM
8. 2.0 million cubic feet
9. August 21, 1979
10. Getty Oil Co (C-112)
1. 79-17445/NM-1908-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache L #1
6. Axi Apache Area
7. Rio Arriba NM
8. 12.6 million cubic feet
9. August 21, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17446/NM-1909-79
2. 30-025-25389-0000-0
3. 108
4. Continental Oil Company
5. North El Mar Unit #59
6. El Map
7. Lea NM
8. 2.6 million cubic feet
9. August 21, 1979
10. Phillips Petroleum (C-638)
1. 79-17447/NM-1910-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache N #3
6. Axi Apache Area
7. Rio Arriba NM
8. 10.0 million cubic feet
9. August 21, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17448/NM-1912-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache C No 10
6. Axi Apache Area
7. Rio Arriba NM
8. 10.3 million cubic feet
9. August 21, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17449/NM-1915-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. North El Mar Unit No 34
6. El Mar
7. Lea NM
8. 1 million cubic feet
9. August 21, 1979
10. Phillips Petroleum (C-638)
1. 79-17450/NM-2011-79
2. 30-045-12036-0000-0
3. 108
4. Bradley H. Keyes
5. Kutz No. 1 SF-07/384
6. Fulcher Kutz Pictured Cliffs
7. San Juan NM
8. 7.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17451/NM-2012-79
2. 30-045-08127-0000-0
3. 108
4. Bradley H. Keyes
5. Moxey Federal No 1-013885
6. Fulcher Kutz Picture Cliff
7. San Juan NM
8. 5.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17452/NM-2013-79
2. 30-045-06392-0000-0
3. 108
4. Bradley H. Keyes
5. Yockey No 3 NM-020496
6. West Kutz Pictured Cliffs
7. San Juan NM

8. 1.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17453/NM 2015-79
2. 30-039-05854-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No 106
6. Ballard—Pictured Cliffs Gas
7. Rio Arriba NM
8. 3.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17454/NM 2016-79
2. 30-039-05401-0000-0
3. 108
4. El Paso Natural Gas Company
5. Lindrith Unit No. 37
6. Blanco South—Pictured Cliffs Gas
7. Rio Arriba NM
8. 6.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17455/NM-2017-79
2. 30-039-05973-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla E No 3
6. Blanco South—Pictured Cliffs Gas
7. Rio Arriba NM
8. 11.3 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17456/NM 2018-79
2. 30-039-20235-0000-0
3. 108
4. El Paso Natural Gas Company
5. Vaughn No 9
6. Otero-Chacra Gas
7. Rio Arriba NM
8. 15.7 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17457/NM-2019-79
2. 30-039-05893-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla C No 3
6. Blanco South—Pictured Cliffs Gas
7. Rio Arriba NM
8. 11.7 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17458/NM 2020-79
2. 30-045-20311-0000-0
3. 108
4. El Paso Natural Gas Company
5. Case No 10
6. Aztec—Pictured Cliffs Gas
7. San Juan NM
8. 11.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the Federal Register.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30006 Filed 9-26-79; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1329-4]

Modification to State NPDES Programs

AGENCY: Environmental Protection Agency.

ACTION: Notice of approval of:

1. The State of Illinois' request for authority to administer the National Pollutant Discharge Elimination System (NPDES) with respect to Federal facilities.

2. The State of Washington's request that its Energy Facility Site Evaluation Council be given authority to administer NPDES for the facilities within its jurisdiction.

SUMMARY: On September 20, 1979, the Environmental Protection Agency approved the State of Illinois' request to include regulation of Federal facilities under their State water pollution permit program. Previously the State had been approved to participate in the National Pollutant Discharge Elimination System (NPDES). On August 15, 1979, EPA approved the request of the State of Washington that its Energy Facility Site Evaluation Council participate in the NPDES program.

FOR FURTHER INFORMATION CONTACT: David Schnapf, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, 202-755-1572.

SUPPLEMENTARY INFORMATION: In 1977 Congress amended section 313 of the Clean Water Act (33 U.S.C. 1251, et seq.) to authorize States to regulate Federally owned or operated facilities under their water pollution control programs. Prior to the amendment, States, including those authorized pursuant to section 402(b) of the Clean Water Act to participate in the National Pollutant Discharge Elimination System (NPDES), were precluded from regulating Federal facilities. Therefore, the Environmental Protection Agency (EPA) in approving

State programs under section 402(b) reserved the authority to issue NPDES permits to Federal facilities.

With the passage of the 1977 amendments, EPA has been transferring NPDES authority over Federal facilities to approved States. Today's Federal Register notice is to announce the approval of the State of Illinois' request to assume NPDES authority over Federal facilities.

On November 14, 1973, EPA approved the State of Washington's request to participate in NPDES. At that time permitting responsibility in the State was divided between the Department of Ecology and the Thermal Power Plant Site Evaluation Council (TPPSEC). TPPSEC was subsequently abolished and replaced by the Energy Facility Site Evaluation Council (EFSEC). The State then sought approval of a modification to its NPDES program authorizing EFSEC's participation in NPDES. On August 15, 1979, EPA approved EFSEC's request. Also included in this notice is a list of approved NPDES States indicating which have been granted Federal facilities and pretreatment authority.

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program
California	05/14/73	05/05/78	
Colorado	03/27/75		
Connecticut	09/26/73		
Delaware	04/01/74		
Georgia	06/26/74		
Hawaii	11/28/74	06/01/79	
Illinois	10/23/77	09/20/79	
Indiana	01/01/75	12/09/78	
Iowa	08/10/78	08/10/78	
Kansas	08/28/74		
Maryland	09/05/74		
Michigan	10/17/73		
Minnesota	06/30/74	12/09/78	07/16/79
Mississippi	05/01/74		
Missouri	10/30/74	06/26/79	
Montana	06/10/74		
Nebraska	06/12/74		
Nevada	09/19/75	08/31/78	
New York	10/28/75		
North Carolina	10/19/75		
North Dakota	06/13/75		
Ohio	03/11/74		
Oregon	09/26/73	03/02/79	
Pennsylvania	06/30/78	06/30/78	
South Carolina	06/10/75		
Tennessee	12/28/77		
Vermont	03/11/74		
Virgin Islands	06/30/76		
Virginia	03/31/75		
Washington ¹	11/14/73		
Wisconsin	02/04/74		
Wyoming	01/30/75		

¹ On January 26, 1979, the United States Court of Appeals for the Seventh Circuit invalidated the Agency's approval of the Illinois NPDES program in *Citizens for a Better Environment v. Environmental Protection Agency* (No. 78-1042; Petition for rehearing denied May 16, 1979). However, on May 30, 1979, the Court stayed the enforcement of its order until February 23, 1980, in order to provide EPA an opportunity to revise its regulations governing public participation in enforcement. In the interim, the State of Illinois is operating an approved program.

² On August 15, 1979, EPA approved a modification to Washington's NPDES program to allow the State Energy Facility Site Evaluation Council to issue and enforce permits.

For further information on the *Citizens for Better Environment* case and the Agency's response thereto, see the public participation in enforcement regulations that were recently promulgated in the Federal Register (44 FR 49275, August 22, 1979).

Dated: September 20, 1979.

Joan Z. Bernstein,
Acting Assistant Administrator for Enforcement.

[FR Doc. 79-30053 Filed 9-26-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1329-5]

Montana Power Co., Colstrip Units No. 3 and No. 4; Approval of PSD Permit

Notice is hereby given that on September 11, 1979, the U.S. Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Montana Power Company, Butte, Montana, to construct Colstrip Units #3 and #4, two 778 megawatt (gross) coal fired steam electric generating plants at Colstrip, Montana. This permit has been issued under EPA's Prevention of Significant Deterioration Regulations (40 CFR, Part 52.21) subject to certain conditions, as summarized below:

1. SO₂ emissions from either unit shall not exceed 761 pounds per hour (running 30-day average) or 0.18 pounds per million BTU heat input as averaged over any calendar day, to be exceeded no more than once during any calendar month. Compliance with these limits will be based solely on continuous emission monitor (CEM) data.

2. Particulate matter emissions from either unit shall not exceed 0.05 pounds per million BTU heat input as averaged over three hours (minimum) of reference method testing; and 20 percent opacity. Compliance will be based on Reference Method 5; and Reference Method 9 and CEM data, respectively.

3. Nox emissions from either unit shall not exceed 0.70 pounds per million BTU heat input, as averaged over any calendar day. Compliance to be based solely on CEM data.

4. A CEM system for measuring opacity, optical density, sulfur dioxide, nitrogen oxides, and diluent shall be installed, calibrated, maintained and operated by the Company.

5. The Company shall submit to EPA all future information and final plans for the SO₂ and particulate control system. If EPA determines that the emission limits will not be met, the permit shall be denied *ab initio*.

6. The Company shall establish an air quality and meteorology monitoring network.

The following conditions were added as a result of proceedings conducted pursuant to Section 164(e) of the Clean Air Act. Should the Northern Cheyenne Reservation be redesignated to any PSD classification less stringent than Class I Conditions 7, 8 and 9 shall be of no force and effect. However, and controls designed and implemented pursuant to Conditions 7 and 8 prior to such redesignation shall remain operable.

7. Colstrip Units #3 and #4 will be subject to the best available retrofit technology (BART) requirements for nitrogen oxides at such time as EPA promulgates these requirements for power plants.

8. If there is a perceptible plume (as will be specified in EPA visibility regulations) on the Northern Cheyenne Indian Reservation, as observed by an impartial observer designated by EPA, Units #3 and #4 will be subject to the BART requirements for particulate matter.

9. The Company and Northern Cheyenne Tribe shall work together to define a baseline and operational visibility monitoring program. This program is to be funded by the Company.

This notice contains only a summary of the permit conditions and interested parties are advised to review the full permit. This PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed on or before November 26, 1979.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency, Region VIII, Air Programs Branch, Room 204, 1860 Lincoln Street Denver, CO 80295 (303) 837-3763.

Montana Air Quality Bureau, Department of Health & Environmental Sciences, Cogswell Building, Helena, Montana 59601 (406) 449-3454.

Rosebud County Clerk's Office, Rosebud County Courthouse, Forsyth, Montana 59327 (406) 356-7318.

Dated: September 21, 1979.

Roger L. Williams,
Regional Administrator.

[PR Doc. 79-30062 Filed 9-26-79; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[PR Docket No. 79-222]

Charles A. Stevens, Sr., and Buddy's Fire Protection; Designating Application for Hearing on Stated Issues; Designation Order

Adopted: September 10, 1979.

Released: September 18, 1979.

In the matter of application of Charles A. Stevens, Sr., d.b.a. Buddy's Fire Protection, Box 1236, Pearland, Texas 77581, for business radio service license, PR Docket No. 79-222.

The Chief, Private Radio Bureau, has under consideration the application for a Business Radio Service license, filed by Charles A. Stevens, d.b.a. Buddy's Fire Protection.

1. Charles A. Stevens held a license for station KQQ-8472 in the Citizens Band Radio Service, granted on June 30, 1976, for a five year term. An Order to Show Cause why his Citizens Band license should not be revoked was released on July 29, 1977 because of his conviction in United States District Court on April 26, 1977, for violations of section 502 of the Communications Act of 1934, as amended. The convictions were the result of Stevens' operation of a CB station in violation of the following Commission Rules:

(a) Section 95.37(c), by operating with a fixed station antenna which exceeded the maximum height set forth therein, on August 29, October 6, October 13, November 4, and November 8, 1976;

(b) Section 95.43, by operating a Citizens Band radio station with radio frequency power in excess of the maximum power permitted by the Commission's rules, on August 29, October 13, November 8, and November 11, 1976;

(c) Section 95.95(c), by failing to identify his transmissions by the station's assigned call sign, on August 29, October 6, October 8, October 13, November 4, November 8, and November 11, 1976; and

(d) Section 95.55(c)(2), by operating a Citizens Band radio station equipped with transmitters not accepted by the Commission's Rules, including a Yaesu FT-101E Transceiver and radio frequency linear amplifiers, on November 11, 1976.

¹Effective August 1, 1978, CB Rules were renumbered and revised. The Sections cited are those in effect at the time of the radio operation.

2. A hearing was held on October 20, 1977, in Houston, Texas. In an Initial Decision released on July 5, 1978 (FCC 78D-38, Docket 21379), it was concluded that through his violations of Commission Rules and the resulting criminal conviction, Stevens had demonstrated that he did not possess the requisite qualifications to be a licensee of the Commission and that his CB license should be revoked.

3. Stevens excepted to the Initial Decision. On July 2, 1979, the Review Board released a decision (FCC 79R-29, Docket 21379) which affirmed the revocation of Stevens' CB license.

4. In view of Stevens' operation of radio transmitting equipment in violation of the Commission's Rules and his resulting criminal conviction, it cannot be determined that a grant of his Business Radio Service application would serve the public interest, convenience and necessity. Therefore, the Commission must designate the application for hearing.

5. Accordingly, it is ordered, pursuant to Section 309(e) of the Communications Act of 1934, as amended, and §§ 0.331 and 1.973(b) of the Commission's rules, that the captioned application is designated for hearing at a time and place to be specified by subsequent order, upon the following issues:

(1) To determine the effect of the Initial Decision of July 5, 1978 (FCC 78D-38), as affirmed by the Decision of July 2, 1979, (FCC 79R-29) upon Stevens' qualifications to become a licensee of the Commission.

(2) To determine whether, in light of the evidence adduced under Issue (1), the public interest, convenience and necessity would be served by the grant of the Business Radio Service application of Charles A. Stevens, d.b.a. Buddy's Fire Protection.

The Burden of proof under these issues shall be on the applicant. The Decisions referred to in Issue (1) shall constitute collateral estoppel in this proceeding.

6. It is further ordered, that to obtain a hearing on the application, Stevens in person or by attorney shall within 20 days of the mailing of this Order file with the Commission a written appearance stating an intent to appear on a date fixed for hearing to present

evidence on the Issues specified in the foregoing paragraph. Failure to file a written appearance within the time specified will result in the dismissal of the application with prejudice.

7. It is further ordered, that a copy of this Order shall be sent by regular United States Mail to Charles A. Stevens at his address as shown in the caption.

Chief, Private Radio Bureau.
Gerald M. Zuckerman,
Chief, Compliance Division.
[PR Doc. 79-29945 Filed 9-26-79; 8:45 am]
BILLING CODE 6712-01-M

Petitions for Reconsideration of Actions in Rulemaking Proceedings Filed

September 19, 1979.

Docket or RM No.	Rule No.	Subject	Date received
19128	Part 74, Subpart K	Amendment of Subpart K of Part 74 of the Commission's Rules and Regulations with Respect to the Maintenance of Program Logs for Cablecasting by Community Antenna Television Systems. (Filed by Earle K. Moore, Michael Botein and David M. Rice, Attorneys for United Church of Christ Office of Communications).	Sept. 7, 1979.

NOTE.—Oppositions to petitions for reconsideration must be filed on or before October 12, 1979. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

Federal Communications Commission.

William J. Tricarico,
Secretary.

[PR Doc. 79-29944 Filed 9-26-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 8, 1979.

Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreements Nos. T-3079-4, T-3079-5, and T-3079-6

Filing Party: T. Terrell Sessums, General Counsel, Tampa Port Authority, 811 Wynkoop Road, P.O. Box 2192, Tampa, Florida 33601.

Summary: Agreements Nos. T-3079-4, T-3079-5, and T-3079-6 between the Tampa Port Authority (Port) and Eller & Co., Inc. (Eller) modifies the parties' basic agreement providing for the lease to Eller of land and public dock apron area located at the Holland Terminal Area, Tampa, Florida. Agreement No. T-3079-4 between the Port, Eller, and Ellerco, Inc. (Ellerco), is an Assignment and Assumption of the parties' original lease agreement, whereby, in consideration of \$10 paid by each party to the other, Eller sells and assigns to Ellerco all of its right, title, and interest in Agreement No. T-3079, as amended. Agreement No. T-3079-5 is an Assignment and Assumption of Supplemental Facilities Lease Agreement No. T-3079-1, whereby, in consideration of \$10 paid by each party to the other, Eller sells and assigns to Ellerco all of its right, title, and interest in Agreement No. T-3079-1, as amended. Agreement No. T-3079-6 is an Assignment and Assumption Agreement whereby Eller transfers, assigns, conveys, and delivers to Ellerco all rights, obligations, and privileges Eller has under an Agreement of Further Assurances and a Guarantee Agreement, entered into with the Exchange National Bank of Tampa to secure Revenue Bond financing of improvements at the Terminal involved.

Dated: September 21, 1979.

By Order of the Federal Maritime Commission.

Joseph C. Polking,
Assistant Secretary.

[PR Doc. 79-29948 Filed 9-26-79; 8:45 am]

BILLING CODE 6730-01-M

Flagship Cruises (Liberia) Ltd.; Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance; Order of Revocation

Certificate of Financial Responsibility for Indemnification of passengers for nonperformance of transportation No. P-153 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,155.

Flagship Cruises (Liberia) Ltd., c/o Oivind Lorentzen, Inc., 522 Fifth Avenue, New York, New York 10036. Order of Revocation.

Whereas, Flagship Cruises (Liberia) Ltd. has ceased to operate the passenger vessel M.S. KUNGSJOLM,

It is ordered, that Certificate (Performance) No. P-153 and Certificate (Casualty) No. C-1,155 issued to Flagship Cruises Ltd. and Oivind Lorentzen, Inc. and reissued to Flagship Cruises (Liberia) Ltd. and Oivind Lorentzen, Inc. be and are hereby revoked effective September 20, 1979.

It is further ordered, that a copy of this Order be published in the Federal Register and served on certificants.

By the Commission September 20, 1979.

Joseph C. Polking,
Assistant Secretary.

[PR Doc. 79-29950 Filed 9-26-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE**Performance Review Board; listing of members**

Below is a listing of the Federal Mediation and Conciliation Service's Performance Review Board Members in conformance with 5 USC 4314:

Bernard M. O'Keefe, Regional Director, Region 5—Chicago, Illinois, Chairperson—Three Years.

Robert P. Gajdys, Director of Administration, Office of Administration, Washington, D.C.—Two Years.

James L. Macpherson, Regional Director, Region 8—Seattle, Washington—One Year.

Nicholas A. Fidandis, Director of Mediation Services, Office of Mediation Services, Washington, D.C.—Alternate.

Wayne L. Horvitz,

Director, Federal Mediation and Conciliation Service.

[FR Doc. 79-29955 Filed 9-26-79; 8:45 am]

BILLING CODE 6732-01-M

FEDERAL RESERVE SYSTEM**Bank Holding Companies; Proposed De Novo Nonbank Activities**

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated

for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than October 22, 1979.

A. Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045:

Citicorp, New York, New York (financing and insurance activities; Missouri): to engage, through its subsidiary, Nationwide Financial Corporation of Missouri, in operating a finance company, including making consumer installment personal loans; purchasing and servicing for its own account consumer installment sales finance contracts; making loans to individuals and businesses secured by real and personal property, the proceeds of which may be for purposes other than personal, family or household usage; and sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance and the sale of credit related property and casualty insurance protecting personal and real property subject to a security agreement with Nationwide Financial Corporation of Missouri. These activities would be conducted from an office in Springfield, Missouri, serving a geographic area with a radius of 100 miles in every direction from the office, excluding the State of Arkansas.

B. Federal Reserve Bank of Chicago, 230 South LaSalle Street, Chicago, Illinois 60690:

Midland Mortgage Corporation, Detroit, Michigan (mortgage banking activities; Florida, Washington, D.C., Virginia, Maryland, Michigan): to engage, in the origination of mortgages on single family residential housing. This activity would be conducted from offices in Detroit, Michigan serving the above listed geographic areas.

C. Federal Reserve Bank of Dallas, 400 South Akard Street, Dallas, Texas 75222:

First United Bancorporation, Inc., Fort Worth, Texas (bookkeeping and data processing services; Texas): to engage, through its subsidiary, First United Systems, Inc., in providing bookkeeping and data processing services for the internal operations of the holding company and its subsidiaries and affiliates, and processing other banking, financial or related economic data. These activities would be conducted from an office in Fort Worth, Texas and will serve Tarrant, Johnson and Dallas Counties, all in Texas.

D. Federal Reserve Bank of San Francisco, 400 Sansome Street, San Francisco, California 94120:

Patagonia Corporation, Tucson, Arizona (mortgage activities; Utah): proposes to engage, through its subsidiary Western American Mortgage Company, in originating residential and commercial real estate loans for sale to permanent investors and servicing the same. These activities would be conducted at *de novo* offices in Salt Lake City, Utah serving a geographic area within an approximately 20 mile radius and an office located mid-way between Orem and Provo, Utah serving a geographic area within approximately an eight mile radius.

E. Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, September 21, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30050 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and

requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than October 19, 1979.

A. Federal Reserve Bank of Cleveland, 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Mellon National Corporation, Pittsburgh, Pennsylvania (Consumer finance; insurance activities, Indiana): to engage, through its subsidiary, Freedom Financial Services Corporation, in consumer finance activities and in the sale of life, accident and health, and property insurance directly related to its extensions of credit. These activities would be conducted from an office in Lafayette, Indiana, and would serve Tippecanoe County, Indiana.

2. Centran Corporation, Cleveland, Ohio (Consumer and commercial finance and insurance activities; Maryland): to engage, through its subsidiary, Major Finance Corporation, in the making or acquiring of consumer and commercial finance loans for its own account or the account of others (including loans secured by mortgages or deeds of trust on real property), the sale as agent of life insurance and health and accident insurance in connection with its extensions of credit; and the servicing of loans and other extensions of credit. These activities would be conducted from an office in Silver Spring, Maryland and will serve Montgomery and Prince Georges Counties, Maryland.

B. Federal Reserve Bank of Richmond, 100 North Ninth Street, Richmond, Virginia 23261:

Northwestern Financial Corporation, Wilkesboro, North Carolina (mortgage banking activities; North Carolina): to engage, through its subsidiary First Atlantic Corporation, in making, acquiring, and servicing loans and other extensions of credit by first mortgages on real estate. The activities will be conducted from an office in Goldsboro, North Carolina, serving the Goldsboro area.

C. Federal Reserve Bank of Dallas, 400 South Akard Street, Dallas, Texas 75222:

First City Bancorporation of Texas, Inc., Houston, Texas (insurance activities; Texas): to engage, through a subsidiary known as First City Insurance Agency, Inc., in acting as an insurance agent or broker in the office of the holding company with respect to any insurance for the holding company's banking subsidiaries; and any insurance that is directly related to an extension of credit by a bank or bank-related firm of the kind described in the Board's

Regulation Y including, but not limited to, credit life insurance, credit accident and health insurance and property and casualty insurance designed to protect collateral securing a loan. These activities will be conducted in an office in Houston, Texas, serving Texas.

D. Federal Bank of San Francisco, 400 Sansome Street, San Francisco, California 94120:

Crocker National Corporation, San Francisco, California (mortgage banking activities) to engage, through its subsidiary Crocker Mortgage Company, in acquiring entire or partial interest in real estate loans and extensions of credit secured by real estate; creating, acquiring holding and disposing of bonds, debentures, pass-through certificates or other instruments which are secured by interests in real estate; making leases of real property in accordance with the Board's Regulation Y; acting as agent, broker, or advisor in connection with the activities listed above; servicing real estate loans and other extensions of credit. These activities will be conducted from offices in San Francisco, Santa Ana, and Los Angeles, California, and Atlanta, Georgia, and the company will solicit and accept engagements, real estate credit, servicing and investment relationships with persons or entities located throughout the United States.

E. Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, September 19, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30051 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

Citrus & Chemical Bancorp., Inc.; Formation of Bank Holding Company

Citrus and Chemical Bancorporation, Inc., Bartow, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Citrus & Chemical Bank of Bartow, Bartow, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 19, 1979. Any comment on an application that requests a hearing must include a

statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 18, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30039 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

First Naperville Bancorp., Inc.; Formation of Bank Holding Company

First Naperville Bancorporation, Inc., Naperville, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The First Bank, Naperville, Naperville, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 19, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 19, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30040 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

Center Point Banshares Corp.; Formation of Bank Holding Company

Center Point Banshares Corp., Crawfordsville, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 91.5 per cent or more of the voting shares of Iowa State Bank and Trust Company, Center Point, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 18, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 18, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.
[FR Doc. 79-30041 Filed 9-26-79; 8:45 am]
BILLING CODE 6210-01-M

Oakley Holding Co.; Formation of Bank Holding Company

Oakley Holding Company, Buffalo, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 94.04 per cent of the voting shares of The Oakley National Bank of Buffalo, Buffalo, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 18, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 18, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.
[FR Doc. 79-30042 Filed 9-26-79; 8:45 am]
BILLING CODE 6210-01-M

Tulsa Bancshares, Inc.; Formation of Bank Holding Company

Tulsa Bancshares, Inc., Tulsa, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the

Bank Holding Company Act (12 U.S.C. section 1842(a)(1)) to become a bank holding company by acquiring 80.25 per cent of the voting shares of Guaranty Bancorporation, Tulsa, Oklahoma, and thereby to control Guaranty National Bank, Tulsa, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act of (12 U.S.C. section 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 22, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 21, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.
[FR Doc. 79-30043 Filed 9-26-79; 8:45 am]
BILLING CODE 6210-01-M

Robinson Bancshares, Inc.; Formation of Bank Holding Company

Robinson Bancshares, Inc., Robinson, Kansas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Bank of Robinson, Robinson, Kansas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 22, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 20, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.
[FR Doc. 79-30044 Filed 9-26-79; 8:45 am]
BILLING CODE 6210-01-M

NorBanCo, Inc.; Formation of Bank Holding Company

NorBanCo, Inc., Norman, Oklahoma, has applied, for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Norman Bank of Commerce, Norman, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

NorBanCo, Inc., Norman, Oklahoma, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to indirectly acquire voting shares of NorBanCo Insurance Agency, Inc., Norman, Oklahoma.

Applicant states that the proposed subsidiary would engage in the activities of selling as agent credit related accident life and health insurance on extensions of credit made by Norman Bank of Commerce. These activities would be performed from offices of Applicant's subsidiary in Norman, Oklahoma, and the geographic areas to be served are Cleveland County and the northern part of McClain County, Oklahoma. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party

commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 19, 1979.

Board of Governors of the Federal Reserve System, September 21, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.
[FR Doc. 79-30045 Filed 9-26-79; 8:45 am]
BILLING CODE 6210-01-M

Republic of Texas Corp.; Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Republic Bank of Irving, Irving, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 22, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 21, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.
[FR Doc. 79-30046 Filed 9-26-79; 8:45 am]
BILLING CODE 6210-01-M

First Financial Group of New Hampshire, Inc.; Proposed Acquisition of First Guaranty Savings Bank

First Financial Group of New Hampshire, Inc., Manchester, New Hampshire, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 C.F.R. 225.4(b)(2)) for permission to

acquire voting shares of First Guaranty Savings Bank, Salem, New Hampshire.

Applicant states that the proposed subsidiary, as a guaranty savings bank, would engage in the following activities: accepting time and savings deposits, including NOW accounts; investing in residential and commercial mortgages; investing in U.S. Government securities and other investments permitted by applicable laws; making secured and unsecured loans; providing safe deposit services; and servicing mortgages and other loans. These activities would be performed from offices of Applicant's subsidiary in Salem, New Hampshire, and the geographic areas to be served are the towns of Salem, Windham, and Pelham, New Hampshire.

In 1975, the Board approved the acquisition of a New Hampshire guaranty savings bank by a New Hampshire bank holding company, *Profile Bankshares, Inc.*, 61 Federal Reserve Bulletin 901 (1975). However, the operation of a guaranty savings bank has not been specified by the Board in § 225.4(a) of Regulation Y as permissible generally for bank holding companies.

Interested persons may express their views on the question whether the proposed activity is so closely related to banking or managing or controlling banks as to be a proper incident thereto. Interested persons may also express their views on the question whether consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. Any request for a hearing on either of these questions must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 22, 1979.

Board of Governors of the Federal Reserve System, September 21, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.
[FR Doc. 79-30047 Filed 9-26-79; 8:45 am]
BILLING CODE 6210-01-M

Republic of Texas Corp.; Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Southwest National Bank, San Antonio, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 22, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 20, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.
[FR Doc. 79-30048 Filed 9-26-79; 8:45 am]
BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on September 21, 1979. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB request are invited from all

Interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before October 15, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Civil Aeronautics Board

The CAB requests clearance of the new requirements for questionnaires, appeals and petitions contained in Part 325 of the Board's Procedural Regulations. Part 325 governs procedures for determining the essential air service of eligible points under section 419 of the Airline Deregulation Act of 1978 (Pub. L. 95-504). Sections 325.4, 325.7 and 325.10 are the specific sections containing the questionnaire, appeals and petitions requirements. The CAB estimates respondents will number approximately 700 municipal chief executives and state aeronautics commissions and that burden will average 4 hours per questionnaire, appeal or petition.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 79-29971 Filed 9-26-79; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

Privacy Act of 1974; Annual Notice of Systems of Records

AGENCY: General Services Administration.

ACTION: Annual notice of Privacy Act systems of records.

SUMMARY: Federal agencies are required by the Privacy Act of 1974 to give notice of certain records that they maintain. The purpose of this document is to fulfill the Privacy Act annual notice requirements by providing the Federal Register references to the current status of the GSA systems of records. In addition, this notice includes changes to the GSA systems of records that have not been previously published.

DATES: This document fulfills the Privacy Act annual notice requirements for 1979.

FOR FURTHER INFORMATION CONTACT: Mr. William Hiebert, Records Management Branch, Information Management Division, 202-566-0673.

SUPPLEMENTARY INFORMATION:

1. The following notices of this agency that appeared in the Federal Register and the following changes not previously published constitute the current status of the GSA systems of records:

a. Annual publication of the GSA systems of records, 42 FR 47730 through 47783.

b. Notice of incorporation by reference, 43 FR 39938 through 39940.

c. New system of records, Federal Information Center (FIC) Client Case Files GSA/AV-1 (23-00-0105), 43 FR 38623 and 38624.

d. Amended system of records, Investigation and Personnel Security Case Files GSA/ADM-24 (23-00-0024), 43 FR 43066 and 43067.

e. Revised routine use for the system of records, Federal Information Center (FIC) Client Case Files GSA/AV-1 (23-00-0105), 43 FR 56733 and 56734.

f. New systems of records, Employee Related Files GSA/FPRS-1 (23-00-0106) and Hazardous Materials Exposure History GSA/FPRS-2 (23-00-0107), 44 FR 26796 through 26798.

g. The following systems of records are deleted: These systems covered records being maintained by the Federal Preparedness Agency. Executive Order 12148 of July 20, 1979, transferred the functions and the records of the Federal Preparedness Agency to the Federal Emergency Management Agency.

(1) Distribution Lists GSA/FPA-2 (23-00-0057).

(2) Emergency Assignment System GSA/FPA-3 (23-00-0058).

(3) Employee Directories GSA/FPA-4 (23-00-0059).

(4) National Defense Executive Reserve System GSA/FPA-5 (23-00-0060).

(5) Office-level Employee Records GSA/FPA-6 (23-00-0061).

(6) Resources Interruption Monitoring System GSA/FPA-11 (23-00-0066).

(7) Security Management System GSA/FPA-12 (23-00-0067), and

(8) Interagency Directories GSA/FPA-13 (23-00-0101).

h. The system of records, Supply Distribution Work Measurement System GSA/FSS-5 (23-00-0087), is deleted as it has been determined that the system does not contain the type of information that is subject to the provisions of the Privacy Act.

i. The system of records, Hazardous Materials Exposure History System GSA/FSS-4 (23-00-0086), is deleted as the records were transferred to the system of records GSA/FPRS-2 (23-00-0107).

j. Two new systems of records are being maintained by GSA. The

Transportation and Public Utilities Service (TPUS) was established as a result of a reorganization. TPUS is maintaining two systems of records that consist of records that were previously a part of other GSA systems of records. As these records were a part of systems previously reported in the Federal Register, a new system report was not filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget. The new systems of records are as follows:

GSA/TPUS-1. (23-00-0108)

SYSTEM NAME:

Employee Related Files.

SYSTEM LOCATION:

All or portions of the records are maintained at the division or branch levels of the various Transportation and Public Utilities Service offices located in Crystal Mall Building 4, Arlington, VA; 425 I Street NW., Washington, DC; and at the regional office locations at the addresses listed in the appendix following notice GSA/TPUS-2. In addition, portions of the records are maintained at motor pools located throughout the regions, the addresses of which can be obtained from the office of the applicable regional commissioner.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Transportation and Public Utilities Service, applicants or potential applicants for employment, and employees of other agencies for employee relief bills.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of a variety of documents accumulated by operating officials and supervisors in administering personnel matters for or about employees, including the following kinds of records, which are representative of the system: Records on equal employment opportunities; performance appraisals, potential performance appraisals, and supporting documents; promotion records; applications, resumes, and biographical or employment history documents; emergency locator and notification documents containing name, address, home telephone, and emergency contracts; employee training, counseling, and development documents; position descriptions; management and classification documents; records on awards; security clearance records; leave, pay, and time and attendance records; emergency duty rosters; committee, team, task force participation rosters and comments;

Congressional files relating to employee relief bills; staffing information, including organizational rosters for both Central Office and regional personnel; retirement data; medical certifications for granting parking permits to handicapped; indebtedness complaint records; news releases; duty station assignment records; photographs; personnel plans; travel records; employee record cards containing summary information; and injuries and occupational disease records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949; as amended (63 Stat. 377); Title 5 U.S.C. generally; and Title 31 U.S.C. generally.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses of these records are to the Office of Personnel Management in connection with recruitment activities and evaluation survey programs; to the Department of Labor in connection with settlement and adjudication of labor-management disputes; and additional routine uses as described in the appendix following the GSA notices.

POLICIES AND PRACTICES OF STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card files and printouts.

RETRIEVABILITY:

Alphabetically by individual's name.

SAFEGUARDS:

Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of TPUS. Any records containing information, the unauthorized disclosure of which could result in substantial harm, embarrassment, inconvenience, or unfairness to the individual, are filed in lockable cabinets.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director (TS), Transportation and Public Utilities Service, Crystal Mall Building 4, Arlington, VA. Mailing address: General Services Administration (TS), Washington, DC 20406.

NOTIFICATION PROCEDURE:

Individuals may obtain information about whether they are part of this system of records from the supervisor of the activity that the individual is or was employed with. If not known, general inquiries should be made to the system manager.

RECORD ACCESS PROCEDURES:

Requests from individuals to access records should be addressed to the officials cited above. In person requests may also be made during normal business hours at each location listed in the appendix following the notice GSA/TPUS-2. For written requests, the individual should provide full name, address, and telephone number, approximate dates and places of employment, and any other information which the individual believes would facilitate locating the record. For personal visits, the individual should be able to provide some acceptable identification such as a driver's license or employment identification card. Only general inquiries may be made by telephone.

CONTESTING RECORD PROCEDURES:

GSA rules for contesting records and for appealing initial determinations are contained in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from the individual, personnel forms, Congressional inquiries, committees, agency officials, third parties submitting indebtedness complaints, applications from individuals applying for positions, and doctors for individuals requesting handicapped parking permits.

GSA/TPUS-2 (23-00-0109)

SYSTEM NAME:

Accountability and Property Inventory System.

SYSTEM LOCATION:

Records are maintained at the regional commissioner offices and motor equipment divisions at the addresses listed in the appendix following this notice. In addition, portion of the records are maintained at motor pools located throughout the regions, the addresses of which can be obtained from the applicable regional director.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Motor pool personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of keys issued, accountability of Government property and

supplies, bonding of collection officers, contractor officer designations, and discrepancy reports. The records are primarily used by officers and employees of the agency who have a need for the records in the performance of their duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 40 U.S.C. Section 483; Title 5 U.S.C. generally; and Title 31 U.S.C. generally.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses of these records are described in the appendix following the GSA notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper forms.

RETRIEVABILITY:

Individual's name.

SAFEGUARDS:

Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of TPUS.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director (TS), Transportation and Public Utilities Service, Crystal Mall Building 4, Arlington, VA. Mailing address: General Services Administration (TS), Washington, DC 20406.

NOTIFICATION PROCEDURE:

Individuals may obtain information about whether they are part of this system of records from the regional director of the applicable activity shown in the location portion of this notice in which the individual is or was employed. If not known, general inquiries should be made to the Office of the Executive Director (TS), Transportation and Public Utilities Service, Crystal Mall Building 4, Arlington, VA 20406.

RECORD ACCESS PROCEDURES:

Requests from individuals to access records should be addressed to the officials cited above. In person requests may also be made during normal business hours at each location listed in the appendix following this notice. For

written requests, the individual should provide full name, address, and telephone number; approximate dates and places of employment; and any other information which the individual believes would facilitate locating the record. For personal visits, the individual should be able to provide some acceptable identification such as a driver's license or employment identification card. Only general inquiries may be made by telephone.

CONTESTING RECORDS PROCEDURES:

GSA rules for contesting records and for appealing initial determinations are contained in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from the individuals, agency supervisors, and personnel action forms.

APPENDIX-GSA/TPUS ADDRESSES OF LOCATIONS

Region 1

John W. McCormack Post Office and Courthouse Office Square, Boston, MA 02109

Region 2

26 Federal Plaza, New York, NY 10007

Region 3

9th and Market Streets, Philadelphia, PA 19107

Region 4

75 Spring Street, SW, Atlanta, GA 30303

Region 5

230 South Dearborn Street, Chicago, IL 60604

Region 6

1500 E. Bannister Road, Kansas City, MO 64131

Region 7

817 Taylor Street, Fort Worth, TX 76102

Region 8

Building 41, Denver Federal Center, Denver, CO 80225

Region 9

525 Market Street, San Francisco, CA 94105

Region 10

GSA Center, Auburn, WA 98002

National Capital Region

7th and D Streets SW., Washington, D.C. 20407

2. The following is a list of the systems of records being maintained by the General Services Administration as

of the effective date of this notice. Upon request, the Records Management Branch will furnish a copy of the full text of a particular records system or systems. Requests should be addressed to the General Services Administration (HRAR), Washington, D.C. 20405.

System number and System name

GSA/AV-1 (23-00-0105), Federal Information Center (FIC) Client Case Files

GSA/OAD-1 (23-00-0001), Standards of Conduct Files

GSA/OAD-4 (23-00-0004), Employee Drug Abuse/Alcoholism Files

GSA/OAD-6 (23-00-0006), Occupational Health and Injury Files

GSA/OAD-7 (23-00-0007), Labor-Management Relations Files

GSA/OAD-9 (23-00-0009), Employee Benefits Files

GSA/OAD-11 (23-00-0011), Career and Executive Development Records

GSA/OAD-12 (23-00-0012), Executive Assignment, Promotion, and Retirement

GSA/OAD-15 (23-00-0015), Personnel Office General Staffing Information

GSA/OAD-17 (23-00-0017), Compensation and Classification Records

GSA/OAD-19 (23-00-0019), Office Personnel Files

GSA/OAD-22 (23-00-0022), Listing of Physicians

GSA/OAD-23 (23-00-0023), Staffing Reporting System

GSA/ADM-24 (23-00-0024), Investigation and Personnel Security Case Files

GSA/OAD-25 (23-00-0026), Credentials, Passes, and Licenses

GSA/OAD-26 (23-00-0027), Motor Vehicle Operator Applications

GSA/OAD-27 (23-00-0028), Emergency Notification Rosters and Files

GSA/OAD-29 (23-00-0032), Disbursement and Accounts Payable Files

GSA/OAD-30 (23-00-0033), Accounts Receivable Claims Files

GSA/OAD-31 (23-00-0034), Travel System

GSA/OAD-32 (23-00-0035), Manpower and Payroll Statistics System (MAPS)

GSA/OAD-33 (23-00-0036), Payroll, Time, and Attendance Reporting System

GSA/OAD-34 (23-00-0100), Employee Credit Reports

GSA/OAD-36 (23-00-0103), Defunct Agency Records

GSA/OGC-2 (23-00-0040), Attorney Placement

GSA/OGC-4 (23-00-0042), General Law Files

GSA/OGC-5 (23-00-0043), General Personnel Files

GSA/OGC-6 (23-00-0044), Potential Employee Referrals

GSA/NARS-1 (23-00-0046), Researcher Application Files

GSA/NARS-2 (23-00-0047), Reference Request Files

GSA/NARS-3 (23-00-0048), Donors of Historical Materials Files

GSA/NARS-4 (23-00-0049), National Archives Advisory Council Files

GSA/NARS-5 (23-00-0050), Conference and Related Activities Files

GSA/NARS-6 (23-00-0051), Mailing List Files

GSA/NARS-7 (23-00-0052), Review of Classified Document/Request Files

GSA/NARS-8 (23-00-0053), Classified Records Access Authorization Files

GSA/NARS-9 (23-00-0054), Authors Files

GSA/NARS-10 (23-00-0055), Employee Related Files

GSA/REGADM-2 (23-00-0069), Employee Related Files

GSA/REGADM-3 (23-00-0070), Biographical Sketches

GSA/REGADM-4 (23-00-0071), Official Correspondence Files

GSA/REGADM-6 (23-00-0102), Council of Governments Carpool System

GSA/PBS-1 (23-00-0073), Employee Related Files

GSA/PBS-3 (23-00-0075), Incident Reporting System

GSA/ADTS-1 (23-00-0076), Classified Control Files

GSA/ADTS-2 (23-00-0077), Congressional Files

GSA/ADTS-3 (23-00-0078), Discretionary Supervisor Files

GSA/ADTS-4 (23-00-0079), Emergency Notification Files

GSA/ADTS-5 (23-00-0080), Financial Management Files

GSA/ADTS-6 (23-00-0081), Personnel Administrative Files

GSA/ADTS-7 (23-00-0082), Workload Measurement Files

GSA/ADTS-8 (23-00-0096), Special Purpose Telephone Contact Listings

GSA/FPRS-1 (23-00-0106), Employee Related Files

GSA/FPRS-2 (23-00-0107), Hazardous Materials Exposure History System

GSA/FSS-8 (23-00-0090), Employee Related Files

GSA/FSS-9 (23-00-0091), Cataloging Action Master File—Work Measurement

GSA/FSS-12 (23-00-0094), Accountability and Property Inventory System

GSA/TPUS-1 (23-00-0108), Employee Related Files

GSA/TPUS-2 (23-00-0109), Accountability and Property Inventory System

GSA/TPUS-2 (23-00-0109), Accountability and Property Inventory System

Ben Schiffman,

Director of Administrative Services.

September 18, 1979.

[FR Doc. 79-29559 Filed 9-26-79; 8:45 am]

BILLING CODE 6820-34-M

of illness beginning in the following year.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Guy King, Director, Division of Medicare Cost Estimates, 3-0-3 Operations Building, Baltimore, Maryland 21235, Telephone: (301) 594-2826.

AUTHORITY: Sec. 1813(b)(2) of the Social Security Act (42 U.S.C. 1395e(b)(2)). (Catalog of Federal Domestic Assistance Program No. 13.773, Medical Hospital Insurance).

SUPPLEMENTARY INFORMATION: Under the authority in section 1813(b)(2) of the Social Security Act (42 U.S.C. 1395e(b)(2)), I have determined that the Medicare inpatient hospital deductible for 1980 shall be \$180.

Section 1813 provides for an inpatient hospital deductible and certain coinsurance amounts to be deducted from the amount paid by Medicare for inpatient hospital services and post-hospital extended care services furnished an individual during a spell of illness. Section 1813(b)(2) requires the Secretary of HEW to publish between July 1 and October 1 of each year, the amount of the inpatient hospital deductible applicable to spells of illness beginning in the following calendar year.

Because the coinsurance amounts in section 1813 are fixed percentages of the inpatient hospital deductible for services furnished in the same spell of illness, the increase in the deductible has the effect of also increasing the amount of coinsurance the Medicare beneficiary must pay. Thus, for spells of illness beginning in 1980, the daily coinsurance for the 61st through 90th days of hospitalization (1/4 of the inpatient hospital deductible) will be \$45; the daily coinsurance for lifetime reserve days (1/2 the inpatient hospital deductible) will be \$90; and the daily coinsurance for the 21st through the 100th days of post-hospital extended care services in a skilled nursing facility (1/4 of the inpatient hospital deductible) will be \$22.50.

Under the formula in the law, the deductible for calendar year 1980 must be equal to \$40 multiplied by the ratio of (1) the current average per diem rate for inpatient hospital services for calendar year 1978 to (2) the average per diem rate for such services in 1966. The amount so determined is rounded to the nearest multiple of \$4. The average per diem rates are based on the amounts paid to participating hospitals by Medicare for inpatient services to insured individuals, plus the deductible and coinsurance amounts.

The average per diem rate for a calendar year is computed from the inpatient hospital bills for all beneficiaries. Each bill shows the number of inpatient days of care and the interim cost (the sum of interim reimbursement, deductible, and coinsurance). The data are summarized for each year, and an average interim per diem rate computed that accurately reflects interim costs on an accrual basis.

In order to reflect the change in the average per diem hospital cost under the program properly, the average interim cost must be adjusted to show the effect of final cost settlements made with each participating hospital after the end of its accounting year. The final settlement adjusts the interim payment to the hospital to the actual full cost of providing covered services to beneficiaries. To the extent that the ratio of final cost to interim cost for 1978 differs from the ratio of final cost to interim cost for 1966, the increase in average interim per diem costs will not coincide with the increase in actual cost that has occurred.

The current average interim per diem rate for inpatient hospital services for calendar year 1978, based on tabulated interim costs, is \$174.69; the corresponding amount for 1966 is \$37.92. These averages are based on approximately 96 million days of hospitalization in 1978 and 30 million days in 1966 (last 6 months of the year). The ratio of final cost to interim cost is approximately 1.035 for 1978 and 1.055 for 1966. Thus, the inpatient hospital deductible is \$40 × [(174.69 × 1.035) / (37.92 × 1.055)] = \$180.78, which is rounded to \$180.

Dated: September 19, 1979.

Patricia Roberts Harris,
Secretary.

[FR Doc. 79-30015 Filed 9-26-79; 8:45 am]

BILLING CODE 4110-12-M

Advisory Council on Social Security; Public Meetings; Correction

AGENCY: Advisory Council on Social Security, HEW.

ACTION: The notice of the September 28 and 29, 1979, meetings of the Advisory Council on Social Security (See FR Doc 79-25966 appearing on page 49311 of the August 22, 1979, Federal Register) is being corrected by this document. The dates and location of the scheduled meetings are being changed. The September 28 and 29, 1979, meetings have been canceled. The Advisory Council will meet on October 13, 1979, from 8:00 a.m. to 5:00 p.m. at a place to be determined. The meeting will be

devoted to the review of the final report (benefits, financing, and all other issues).

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence H. Thompson, Executive Director, Advisory Council on Social Security, P.O. Box 17054, Baltimore, Maryland 21235. Telephone inquiries should be directed to Mr. Edward F. Moore, (301) 597-1712.

(Catalog of Federal Domestic Assistance Program Numbers 13.800-13.807 Social Security Program.)

Dated: September 21, 1979.

Lawrence H. Thompson,
Executive Director, Advisory Council on Social Security.

[FR Doc. 79-30174 Filed 9-26-79; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 24128 T & V]

Colorado; R/W Application for Pipeline

September 21, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for approximately 1.948 miles of natural gas pipeline to collect and deliver gas into the Philadelphia Creek Gathering System on the following public land:

Sixth Principal Meridian, Rio Blanco County, Colo.

T. 1 S., R. 101 W.

Sec. 34: SW 1/4 SW 1/4.

T. 2 S., R. 101 W.

Sec. 1: S 1/2 S 1/2.

Sec. 2: SE 1/4 SE 1/4.

Sec. 3: Lot 8.

Sec. 4: Lots 5 & 6, SW 1/4 NE 1/4.

Sec. 11: N 1/2 NE 1/4.

The expansion of the above-named gathering system will enable the applicant to collect and deliver natural gas. The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) To give all interested parties the opportunity to comment on the application. (3) To allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the

Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation*. Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

Andrew W. Heard, Jr.,

Leader, Craig Team Branch of Adjudication.

[FR Doc. 79-29923 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

Aravaipa Canyon Wilderness Study; Availability of Report

Pursuant to Section 603 of the Federal Land Policy and Management Act of 1976 (Public Law 94-579), the Safford Arizona District of the Bureau of Land Management has conducted a study of the wilderness character of Aravaipa Canyon Primitive Area and adjoining public lands, and their suitability for inclusion in the National Wilderness Preservation System (NWPS).

The lands studied are located about 70 miles northeast of Tucson in Southeastern Arizona. A wilderness inventory determined that the primitive area and some of the adjoining public lands meet the Wilderness Act, Section 2(c), criteria for wilderness. A multiple-use analysis of resource allocations identified no significant use conflicts.

Based upon the results of the wilderness inventory and study and the associated environmental statement, the State Director of Arizona BLM has proposed that Aravaipa Canyon Primitive Area and some adjoining public lands which have wilderness character be recommended for inclusion in the NWPS.

A comment period on this proposal will begin October 5, 1979, and will end on December 6, 1979.

Copies of the Wilderness Suitability Report are available from the Safford District BLM Office. Persons who wish to submit comments or obtain additional information should write to: Guy E. Baier, District Manager, Safford District Office, BLM, 425 East 4th Street, Safford, Arizona 85548.

Guy E. Baier,

District Manager.

September 19, 1979.

[FR Doc. 79-29919 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

Aravaipa Canyon Wilderness Study; Public Hearings

A notice appearing in Volume 44, page 52040, dated September 6, 1979 of the *Federal Register* incorrectly stated the purpose of three public hearings to be held in Arizona during November, 1979. The notice announced hearings to "receive comments on the Aravaipa Canyon Wilderness Suitability Report and Environmental Statement." The notice should have stated the purpose of the hearings is to receive comments only on the Suitability Report, not on the Environmental Statement.

Glendon E. Collins,

Acting State Director, Arizona.

[FR Doc. 79-29920 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Wilderness Initial Inventory; Decision

The Federal Land Policy and Management Act of 1976 (FLPMA) requires the Secretary of the Interior to identify those roadless areas of public land administered by the Bureau of Land Management which possess wilderness characteristics as described in the Wilderness Act of 1964.

The BLM wilderness inventory process is divided into two steps; the initial inventory and the intensive inventory.

The initial inventory distinguishes between lands which are clearly and obviously not wilderness in character and those which may have wilderness characteristics. Of the total public lands inventoried, 6,368,500 acres have been found to not meet wilderness criteria and are no longer subject to interim management restrictions. The balance of the public lands, 5,517,400 acres, will be intensively inventoried. A formal comment period to review the preliminary findings of the intensive inventory will be announced at a later date.

This notice announces the decision on the results of the initial inventory, and becomes final on October 27, 1979 unless formally and publicly amended and published by the State Director based on new information received as a result of this notice.

A map and summary report of the inventory results can be obtained from the Bureau of Land Management, Arizona State Office, 2400 Valley Bank Center, Phoenix, Arizona 85073.

telephone (602) 261-3831, or from any of the District offices.

Glendon E. Collins,

Acting State Director, Arizona.

September 28, 1979.

[FR Doc. 79-29921 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

Initial Wilderness Inventory—Idaho; Final Decision

Notice is hereby given that the decision as published in the August 10, 1979, *Federal Register* is now final with the exception of the following wilderness inventory units for which a notice of appeal has been filed:

- 16-8 Hardtrigger Creek
- 18-2 Sumac Creek
- 18-5 Sugar Loaf
- 18-9 Indian Creek
- 18-11 Hog Creek
- 18-12 Coonrod Gulch
- 111-1 Birch Creek
- 111-10 Upper Josephine Creek
- 111-40 Halfway Gulch
- 23-1 Jim Sage
- 35-3 Sand Mountain
- 35-4 Black Knoll
- 35-5 Big Sandy

For further information contact: Robert O. Buffington, State Director, Idaho State Office—BLM, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724.

Dated: September 19, 1979.

Robert O. Buffington,

Idaho State Director, Bureau of Land Management.

[FR Doc. 79-29924 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

[M 29897]

Montana; Application for Pipeline Right-of-Way

September 17, 1979.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 185 (1976), the Northern Border Pipeline Company of Omaha, Nebraska, has filed an application for a right-of-way to construct a 42-inch pipeline for the purpose of transporting natural gas across Federal lands. The corridor being reviewed pursuant to this application contains Federal lands in the following sections:

Principal Meridian, Montana

- T. 37 N., R. 31 E., Secs. 1 and 12.
- T. 36 N., R. 32 E., Secs. 1, 2, 11, 12, and 13.
- T. 37 N., R. 32 E., Secs. 3 to 10, inclusive, Secs. 13 to 15, inclusive, Secs. 17 and 18, Secs. 20 to 23,

- inclusive, Sec. 25, Secs. 27 to 29, inclusive, and Secs. 33 to 35, inclusive.
- T. 35 N., R. 33 E., Secs. 1 to 4, inclusive, and Secs. 12, 13, and 24.

- T. 36 N., R. 33 E., Secs. 2 to 15, inclusive, Secs. 17 to 24, inclusive, Secs. 28 to 29, inclusive, and Secs. 33 to 35, inclusive.

- T. 37 N., R. 33 E., Secs. 18 and 19, and Secs. 30 to 33, inclusive.

- T. 34 N., R. 34 E., Secs. 1, 2, 12, 13, and 23.

- T. 35 N., R. 34 E., Secs. 3 to 8, inclusive, Secs. 8 to 10, inclusive, Secs. 15 and 19, Secs. 21 to 27, inclusive, and Secs. 32 and 35.

- T. 36 N., R. 34 E., Secs. 29 to 33, inclusive.

- T. 34 N., R. 35 E., Secs. 2, 4, 11, 13, 14, 21, 25, and 26.

- T. 35 N., R. 35 E., Secs. 30 and 31.

- T. 33 N., R. 36 E., Secs. 1, 4, and 12.

- T. 34 N., R. 36 E., Secs. 7 to 10, inclusive, Secs. 13 to 15, inclusive, Secs. 18 to 22, inclusive, and Secs. 24 to 35, inclusive.

- T. 33 N., R. 37 E., Secs. 1 to 5, inclusive, and Secs. 7 to 15, inclusive.

- T. 34 N., R. 37 E., Sec. 18, Secs. 20 to 23, inclusive, Secs. 25 to 28, inclusive, Sec. 30, and Secs. 33 to 35, inclusive.

- T. 33 N., R. 38 E., Secs. 1, and 2, Secs. 4 to 15, inclusive, Secs. 17 to 24, inclusive, and Secs. 28 to 29, inclusive.

- T. 34 N., R. 38 E., Secs. 28 to 35, inclusive.

- T. 33 N., R. 39 E., Secs. 4 to 8, inclusive, Sec. 10, and Secs. 18 and 19.

- T. 34 N., R. 39 E., Sec. 31.

- T. 29 N., R. 54 E., Sec. 3.

- T. 29 N., R. 55 E., Secs. 4, 5, 8, and 9.

- T. 27 N., R. 59 E., Secs. 17, 20, 21, 26, and 27.

Fifth Principal Meridian, North Dakota

- T. 134 N., R. 78 W., Secs. 5 and 7.

- T. 134 N., R. 79 W., Secs. 3, 10, and 11.

- T. 135 N., R. 81 W., Sec. 8.

- T. 143 N., R. 89 W., Sec. 34.

- T. 147 N., R. 97 W., Sec. 8.

- T. 148 N., R. 97 W., Secs. 15, 19, and 22 and Secs. 26 to 33, inclusive.

- T. 149 N., R. 99 W., Sec. 35.

- T. 152 N., R. 103 W., Sec. 20.

- T. 153 N., R. 103 W., Secs. 26 and 27.

- T. 152 N., R. 104 W.,

- Sec. 14.
- T. 153 N., R. 104 W., Sec. 10.

The proposed pipeline will transport natural gas from the International boundary between Canada and the United States in Montana to Iowa.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of the terms and conditions for the grant being issued to accommodate this application. Said grant is required in accordance with the provisions of Sec. 9 of the Alaska Gas Transportation Act of 1976, 15 U.S.C. 719.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their names and addresses and send them to the State Director, Bureau of Land Management, P.O. Box 30157, Billings Montana.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29925 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

National Outer Continental Shelf Advisory Board; Pacific States Regional Technical Working Group Committee; Meeting

AGENCY: Department of the Interior, Bureau of Land Management Pacific Outer Continental Shelf.

ACTION: Outer Continental Shelf Advisory Board Pacific States Regional Technical Working Group Committee; Notice and Agenda for Meeting.

This notice is issued in accordance with the provision of the Federal Advisory Committee Act, Pub. L. 92-463.

The Pacific States Regional Technical Working Group Committee of the National Outer Continental Shelf Advisory Board will meet during the period 9:00 a.m. to 3:30 p.m., October 30, 1979, and 9:00 a.m. to 3:00 p.m., October 31, 1979, at the Federal Building, Room 8041, 300 N. Los Angeles, Los Angeles, California.

The agenda for the meeting will include the following subjects:

Organization of the National OCS Advisory Board and the Component Committees
The Intergovernmental Planning Program for OCS Oil and Gas Leasing, Transportation and Related Facilities

Role of Member Federal and State Agencies Regarding Oil and Gas Development Issues and Schedule of Program Events for FY 1980

Recommendations of Agenda Items for December 5-7 Meeting of the National OCS Advisory Board Plenary Session in Norfolk, Virginia

The meeting is open to the public. Interested persons may make oral or written presentations to the Committee. Such requests should be made no later than October 20 to: Ellen G. Aronson, Pacific OCS Office, Bureau of Land Management, Department of the Interior, 1340 W. Sixth St., Room 200, Los Angeles, California 90017 (213/688-7234).

Requests to make oral statements should be accompanied by a summary of the statement to be made.

Minutes of the meeting will be available for public inspection and copying at the following locations:

Pacific OCS Office, Bureau of Land Management, 1340 W. Sixth Street, Room 200, Los Angeles, CA 90017.
Bureau of Land Management, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Dated: September 20, 1979.

Harold R. Martin,

Acting Manager, Pacific OCS Office.

[FR Doc. 79-29922 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38217]

New Mexico; Application

September 18, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Conoco Incorporated has applied for one 4 1/2-inch gas and crude oil emulsions pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

- T. 21 S., R. 25 E., Sec. 2, lots 4 and 5;
- Sec. 3, lot 1.

This pipeline will convey gas and crude oil across 0.327 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Michael T. Solan,

Chief, Division of Technical Services.

[FR Doc. 79-29928 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38207 and 38208]

New Mexico; Applications

September 18, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 31 N., R. 6 W.,
Sec. 14, W½NE¼.
T. 31 N., R. 7 W.,
Sec. 4, lot 7.
T. 32 N., R. 7 W.,
Sec. 33, lot 3.

These pipelines will convey natural gas across 0.165 of a mile of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Michael T. Solan,
Chief, Division of Technical Services.

[FR Doc. 79-29927 Filed 9-26-79; 8:45 am]
BILLING CODE 4310-84-M

[NM 38188 and 38267]

New Mexico; Applications

September 18, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 19 S., R. 31 E.,
Sec. 1, SW¼NW¼.
T. 18 S., R. 32 E.,
Sec. 33, SE¼NE¼ and NE¼SE¼.

These pipelines will convey natural gas across 0.501 of a mile of public lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Michael T. Solan,
Chief, Division of Technical Services.

[FR Doc. 79-29928 Filed 9-26-79; 8:45 am]
BILLING CODE 4310-84-M

[NM 38192 and 38220]

New Mexico; Applications

September 18, 1979.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for rights-of-way for one 6-inch and one 4-inch natural gas pipelines across the following lands:

T. 17 S., R. 29 E.,
Sec. 19, W½NE¼.
T. 24 S., R. 34 E.,
Sec. 18, SW¼SE¼.

These pipelines will convey natural gas across 0.511 of a mile of public lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Michael T. Solan,
Chief, Division of Technical Services.

[FR Doc. 79-29930 Filed 9-26-79; 8:45 am]
BILLING CODE 4310-84-M

[NM 38230]

New Mexico; Application

September 18, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for one 4-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 19 S., R. 23 E.,
Sec. 17, SW¼NW¼;
Sec. 18, SE¼NE¼.

This pipeline will convey natural gas across 0.333 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Michael T. Solan,
Chief, Division of Technical Services.

[FR Doc. 79-29931 Filed 9-26-79; 8:45 am]
BILLING CODE 4310-84-M

[OR 10138]

Oregon; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The U.S. Forest Service, Department of Agriculture, on December 7, 1972, filed application Serial No. OR 10138 for a withdrawal in relation to the following described lands:

Willamette Meridian

Rogue River and Klamath National Forests

T. 40 S., R. 1 E.,
Sec. 9, S½S½S½;
Sec. 15, SW¼NW¼, NW¼SW¼;
Sec. 16, N½;
Sec. 17, E½;
Sec. 20, NE¼;
Sec. 21, S½N½.

The area described contains 1,120 acres in Jackson County, Oregon.

The applicant desires that the lands be withdrawn from location and entry under the mining laws for the purposes of expanding the Mt. Ashland Winter Sports Area. A notice of the proposed withdrawal was published in the Federal Register on November 6, 1973, Vol. 38 page 30569, FR Doc. 73-23533.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before November 6, 1979. Notice of the public hearing will be published in the Federal Register, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All

previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination of the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before November 6, 1979.

The above described lands are temporarily segregated from location and entry under the mining laws, but not the mineral leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 14, 1979.

Champ C. Vaughan, Jr.,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29932 Filed 9-26-79; 8:45 am]
BILLING CODE 4310-84-M

[OR 13498]

Oregon; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The U.S. Forest Service, Department of Agriculture, on September 10, 1974, filed application Serial No. OR 13498 for a withdrawal in relation to the following described lands:

Willamette Meridian

Umpqua National Forest, Cow Creek Recreation and Administrative Site

T. 32 S., R. 3 W.,
Sec. 5, N½NW¼ and N½S½NW¼.

The area contains 120 acres in Douglas County, Oregon. The application desires that the lands be withdrawn from location and entry under the mining laws and reserved for the Cow Creek Recreation and Administrative Site. A notice of the

proposed withdrawal was published in the Federal Register on October 24, 1974, Vol. 39, page 37787, FR Doc. 74-24865.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before November 5, 1979. Notice of the public hearing will be published in the Federal Register, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before November 5, 1979.

The above described lands are temporarily segregated from location and entry under the mining laws, but not the mining leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 14, 1979.

Champ C. Vaughan, Jr.,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29933 Filed 9-26-79; 8:45 am]
BILLING CODE 4310-84-M

Oregon; Limitation on Using Motorized Vehicles on Public Lands

Notice is hereby given that use of motorized vehicles on certain public lands in the Millican Valley located 20 miles east of Bend, Oregon is hereby limited in accordance with the provisions of 43 CFR 8340. These limitations do not apply to emergency, law-enforcement and Federal or other government vehicles while being used for official or other emergency purposes.

The area affected by this designation notice aggregate 60,000 acres of public land including all or portions of the following described lands:

Willamette Meridian

T. 18 S., R. 15 E.
Secs. 8 to 11 inclusive, secs. 14 to 23 inclusive, and secs. 26 to 35 inclusive.
T. 19 S., R. 14 E.
Sec. 1, sec. 12, sec. 13, secs. 22 to 27 inclusive, sec. 33, sec. 34, and sec. 36.
T. 19 S., R. 15 E.
Secs. 1 to 13 inclusive, and secs. 15 to 36 inclusive.
T. 19 S., R. 16 E.
Secs. 3 to 9 inclusive, secs. 17 to 21 inclusive, and secs. 29 to 31 inclusive.
T. 20 S., R. 14 E.
Secs. 1 to 4 inclusive, secs. 10 to 15 inclusive, and secs. 22 to 24 inclusive.
T. 20 S., R. 15 E.
Secs. 4 to 8 inclusive, sec. 17, and sec. 18.

Past and present use of these public lands by off-road vehicles for organized events as well as casual use by individuals has, to varying degrees, impacted nearly every aspect of the environment of Millican Valley including soil, vegetation, wildlife, air and humans. While off-road vehicle activities are a legitimate use of the public lands, the resources of the public lands must be protected, the safety of all users of those lands must be promoted and conflicts among the various users of those lands minimized. In order to promote off-road vehicle activities consistent with pertinent policy and regulations the following limitations of the use of motorized vehicles off of designated roads in the area known as Millican Valley will become effective immediately.

(1) A maximum of 8 organized events will be allowed per season in the entire area.

(2) Organized events will be authorized between September 1 and March 15 in approximately the south half of the designated area. Casual use will also be permissible during this period, except on 15 separate trail segments and hillclimbs which total approximately 4.5 miles in length. These trail segments and hillclimbs will be closed permanently to use by off-road vehicles because of unstable soil conditions and high erosion hazard. The south half of the area will be closed to all off-road vehicle use between March 15 and September 1.

(3) Organized ORV events will be authorized in approximately the north half of the area between September 1 and November 30 and from March 15 to April 30. Casual off-road use will be allowed in the north area from March 15 to November 30. The north area will then be closed to all off-road vehicle use from December 1 to March 15.

The management plan and maps specifically describing the above area are available at the Bureau of Land Management, Prineville District Office, P.O. Box 550, Prineville, Oregon 97754.

Dated September 17, 1979.

Paul W. Arrasmith,

Prineville District Manager.

[FR Doc. 79-19934 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

[Bureau Order No. 601 Amdt 11]

Oregon; Declaration of Annual Productive Capacity of Josephine Master Unit

AGENCY: Bureau of Land Management.
ACTION: Notice.

SUMMARY: The annual productive capacity of the Josephine Master Unit, composed of Revested Oregon and California Railroad Grant Lands and the intermingled and adjacent public domain areas in Oregon, declared in Bureau Order No. 601, Amendment No. 10, dated April 7, 1971, is amended as follows: the annual productive capacity is 18,300,000 cubic feet (94,000,000 board feet, Scribner equivalent).

The declaration of a new annual productive capacity is a result of a reinventory and revision of the land use and the timber management plans for the Josephine Master Unit. The annual productive capacity of 18,300,000 cubic feet represents the annual level of harvest which can be sustained in perpetuity without any planned decrease in the future. In addition to the annual productive capacity, the timber management plan specifies: (1) The annual harvest of 1,000,000 cubic feet (5,000,000 board feet, Scribner equivalent) of surplus overmature timber for the next 10 years on the land base included in the determination of the annual productive capacity, and; (2) The annual harvest of approximately 1,800,000 cubic feet (9,000,000 board feet, Scribner equivalent) for the next 10 years as part of the cooperative Forestry Intensified Research (FIR) project to determine the number of years needed to re-establish commercial tree species on selected areas not included in the annual productive capacity land base.

The revised timber management plan is described in the Final Josephine Timber Management Plan

Environmental Statement issued October 26, 1978. This Environmental Statement, together with the record of decision, is available for inspection at the Medford District Office of the Bureau, located at 310 W 6th St., in Medford, Oregon, and at the Oregon State Office of the Bureau located at 729 NE Oregon St., Portland, Oregon.

This declaration shall be effective October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Ron Sadler, BLM Oregon State Office, 729 NE Oregon St., Portland, Oregon 97232, 503-231-6851.

Dated: September 17, 1979.

Muriel W. Storms,

State Director.

[FR Doc. 79-29851 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 12690 (Wash.)]

Washington; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The Fish and Wildlife Service, Department of the Interior, on May 6, 1974, filed application Serial No. OR 12690 (Wash.) for a withdrawal in relation to the following described lands:

Willamette Meridian

T. 12 N., R. 10 W.,

Sec. 31, lot 1.

The area described contains .15 acres in Pacific County, Washington.

The applicant desires that the land be withdrawn from mineral entry and reserved as part of the Willapa National Wildlife Refuge. A notice of the proposed withdrawal was published in the *Federal Register* on July 24, 1974, Vol. 39, page 26922, F.R. Doc. 74-16862.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before November 5, 1979. Notice of the public hearing will be published in the *Federal Register*, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the

record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before November 5, 1979.

The above described lands are temporarily segregated from location and entry under the mining laws, but not the mineral leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 12, 1979.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29935 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 1294 (Wash.)]

Washington; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The Department of Agriculture, on behalf of the Forest Service, on February 21, 1967, filed application Serial No. OR 1294 (Wash.) for a withdrawal in relation to the following described lands:

Willamette Meridian

Okanogan National Forest; Billy Goat Recreation Area

T. 38 N., R. 20 E., unsurveyed, A tract of land within sections 15, 22, and 23, and which is more particularly described as:

Beginning at the forks of Eightmile Creek and an unnamed tributary in sec. 23, thence northwesterly along unnamed tributary 4260', thence 396' on a bearing of S. 72° W., thence 330' on a bearing of S. 38° W. to Larch Creek Trail and continuing on same bearing 330' to Hidden Lakes Trail, thence on Hidden Lakes Trail a distance of 363' on a bearing of S. 38° E., thence 330' on a

bearing of S. 46° W., thence 132' on a bearing of S. 29° E., thence 264' on a bearing of S. 58° W., thence 1354' on a bearing of S. 2° E. toward Eightmile Creek, thence along Eightmile Creek 2850' to point of beginning.

The area described aggregates approximately 102 acres in Okanogan County.

The applicant desires that the land be withdrawn from mineral entry to protect the Billy Goat Recreation Area for public recreational use. A notice of the proposed withdrawal was published in the *Federal Register* on March 10, 1967, Vol. 32, page 3949, FR Doc. 67-2661.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Directors, Bureau of Land Management, at the address shown below, on or before November 5, 1979. Notice of the public hearing will be published in the *Federal Register*, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before November 5, 1979.

The above described lands are temporarily segregated from location and entry under the mining laws, but not the mineral leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management,

Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 12, 1979.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29936 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

Idaho; Opening of Lands and Revocation of Final Classification Order

September 20, 1979.

1. Notice is hereby given that in accordance with the regulations in 43 CFR 2411, the initial decision dated September 7, 1978, classifying the following described lands as unsuitable for entry under the desert land act is hereby revoked and the lands are hereby reclassified for entry under the desert land act, provided that an application is filed on either parcel, but it must be for only those lands in the parcel:

Boise Meridian

Parcel "A"

T. 9 S., R. 25 E.,

Sec. 33, SE ¼ NE ¼, SE ¼.

Parcel "B"

T. 9 S., R. 25 E.,

Sec. 34, S ½ SW ¼, W ½ SE ¼.

The area described aggregates 360 acres.

2. From the date of publication of this notice, the lands will be open to filing of desert land applications in accordance with the above reclassification. All valid applications received between the date of publication of this notice and 10 a.m. on October 29, 1979, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Idaho State Office, Federal Building, 550 West Fort Street, Box 052, Boise, Idaho 83724.

Dated: September 20, 1979.

Theodore G. Bingham,

Acting State Director.

[FR Doc. 79-29977 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

Final Decisions on Initial Wilderness Inventory in Nevada

The Bureau of Land Management in Nevada has announced its final initial wilderness inventory decisions. Unless protests are received, those decisions will be implemented Oct. 29, 1979.

BLM State Director Ed Spang said the Bureau has decided to drop from wilderness consideration 31.6 million acres of public land in Nevada (most due to the initial inventory and some due to earlier, accelerated special inventories) and to intensively inventory about 16.1 million acres for possible wilderness characteristics. The Bureau's recommendations on the intensive inventory will be released for public comment in April 1980. At that time, the Bureau will recommend which areas in the state contain wilderness characteristics and should be designated wilderness study areas and which areas should be dropped from further consideration because they lack wilderness characteristics. After all public comments have been analyzed and evaluated by BLM, the final decisions will be announced in late August 1980. The wilderness study areas will go through the Bureau's land use planning and environmental study phases and eventually will be recommended to Congress as suitable or unsuitable for inclusion in the National Wilderness Preservation System.

Spang said the decision means that about 65 percent of the 49 million acres of public lands in Nevada has been dropped from further consideration because the areas lack wilderness characteristics defined by Congress.

An additional 1.1 million public land acres in Nevada have already been designated wilderness study areas due to accelerated or special project inventories conducted earlier.

The decisions follow a 90-day public comment period which began May 1, 1979, with the announcement of the Bureau's initial inventory recommendations. During that comment period, almost 6,000 comments from 600 groups, agencies, and individuals were received and analyzed by BLM. Based on those comments and subsequent field checks, the Bureau amended its recommendations, dropping an additional 2.2 million acres that had been recommended for intensive inventory and adding 277,640 acres to intensive inventory that had been recommended to be dropped.

Spang also explained that public comment is still being received and analyzed on a special, accelerated inventory in Southern Nevada announced earlier in the *Federal Register* covering 2.1 million acres of potentially valuable oil and gas lands called the Overthrust Belt. The Bureau is recommending that 1.65 million acres be dropped from further consideration and 450,000 acres be designated wilderness study areas. The final decision on the Overthrust Belt, which is slated for

December 1979, could change the figures cited earlier.

A summary book describing the public comment received on each area, the Bureau's decisions, and rationale is available from the Nevada State Office, BLM, 300 Booth St., Room 3008 Federal Building, 89509, along with a revised statewide map. Maps depicting these areas in more detail are also available upon request and citation of the specific area desired.

Date: September 19, 1979.

Edward F. Spang,
State Director, Nevada.

[FR Doc. 79-29878 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 7771]

Oregon; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The Fish and Wildlife Service, Department of the Interior, on March 24, 1971, filed application Serial No. OR 7771 for a withdrawal in relation to the following described lands:

Willamette Meridian

T. 25 S., R. 33 E.,
Sec. 34, lot 10.
T. 26 S., R. 33 E.,
Sec. 3, lots 2, 4, 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, W $\frac{1}{2}$ NE $\frac{1}{4}$.

The area described contains 200 acres in Harney County, Oregon.

The applicant desires that the lands be withdrawn from location and entry under the mining laws and reserved as an addition to the Malheur National Wildlife Refuge. A notice of the proposed withdrawal was published in the *Federal Register* on June 15, 1971, Vol. 36, page 11527, FR Doc. 71-8387.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before November 6, 1979. Notice of the public hearing will be published in the *Federal Register*, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before November 6, 1979.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, but not the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 17, 1979.

Harold A. Berends,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29979 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 10898]

Oregon; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The U.S. Forest Service, Department of Agriculture, on May 21, 1973, filed application Serial No. OR 10898 for a withdrawal in relation to the following described lands:

Willamette Meridian

Rogue River National Forest

T. 30 S., R. 2 E.,
Sec. 23, that part of the E $\frac{1}{2}$ south of the divide between the Rogue River and Umpqua National Forests;
Sec. 24, that part of said section south of the divide between the Rogue River and Umpqua National Forests;
Sec. 25, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 36, E $\frac{1}{2}$ of lot 3, lot 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 30 S., R. 3 E.,
Sec. 19, that part of lot 2 south of the divide between the Rogue River and Umpqua

National Forests, lot 3, W $\frac{1}{2}$ of lot 4, lots 5 through 8, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 30, lots 1 through 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 31, lots 1 through 10, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate approximately 2,760.94 acres of which 820.73 are in Douglas County, and 1,940.21 in Jackson County, Oregon. The applicant desires that the land be withdrawn from location and entry under the mining laws and reserved for the Abbot Creek Research National Area. A notice of the proposed withdrawal was published in the *Federal Register* on March 24, 1975, Vol. 40, page 13012, FR Doc. 75-7567.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before November 6, 1979. Notice of the public hearing will be published in the *Federal Register*, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before November 6, 1979.

The above described lands are temporarily segregated from location and entry under the mining laws, but not the mineral leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 17, 1979.

Harold A. Berends,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29980 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 11159]

Oregon; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The U.S. Forest Service, Department of Agriculture, on August 6, 1973, filed application Serial No. OR 11159 for a withdrawal in relation to the following described lands:

Willamette Meridian

Deschute National Forest

Cascade Lakes Highway Road Zone Addition. A strip of land 330 feet wide on each side of surveyed centerline of said road through the following legal subdivisions:

T. 20 S., R. 7 E.,
Sec. 36, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.
T. 21 S., R. 7 E.,
Sec. 1, lots 3 and 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 12, E $\frac{1}{2}$ W $\frac{1}{2}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 13, W $\frac{1}{2}$ E $\frac{1}{2}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 24, SE $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 25, E $\frac{1}{2}$;
Sec. 36, E $\frac{1}{2}$.
T. 22 S., R. 7 E.,
Sec. 1, E $\frac{1}{2}$;
Sec. 12, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$;
Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 23 S., R. 7 E.,
Sec. 12, lots 2 and 3, E $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 13, N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 19 S., R. 8 E.,
Sec. 5, lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 6, lot 1;
Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 16, W $\frac{1}{2}$ W $\frac{1}{2}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 27, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 33, E $\frac{1}{2}$ E $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 20 S., R. 8 E.,
Sec. 4, lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 16, E $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$;
Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 29, W $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, lots 1 and 2 and NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 22 S., R. 8 E.,
Sec. 7, lot 4;
Sec. 17, SW $\frac{1}{4}$;
Sec. 18, lots 1, 2, and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 19, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 30, NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, E $\frac{1}{2}$ W $\frac{1}{2}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 23 S., R. 8 E.,
Sec. 6, lots 3, 6, and 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 7, lot 1.

Bachelor Butte Recreation Area

T. 18 S., R. 8 E.,
Sec. 13, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 24, E $\frac{1}{2}$.
T. 18 S., R. 9 E.,
Sec. 16, SW $\frac{1}{4}$;
Sec. 17, excepting strip withdrawn in Cascade Lakes Road Zone by PLO 2751 dated 8/13/62;
Sec. 18, lots 1, 2, 3, and 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, excepting strip withdrawn in Cascade Lakes Road Zone by PLO 2751 dated 8/13/62;
Sec. 19, lots 1, 2, 3, and 4, NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, N $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, excepting strip withdrawn in Cascade Lakes Road Zone by PLO 2751 dated 8/13/62;
Sec. 21, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, excepting strip withdrawn in Cascade Lakes Road Zone by PLO 2751 dated 8/13/62;
Sec. 28, E $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, excepting strip withdrawn in Cascade Lakes Road Zone by PLO 2751 dated 8/13/62;
Sec. 29, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 31, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 33, NW $\frac{1}{4}$.

Todd Lake Recreation Area

T. 18 S., R. 9 E.,
Sec. 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate approximately 7,148.31 acres in Deschutes and Klamath Counties, Oregon.

The applicant desires that the lands be withdrawn from location and entry under the mining laws and reserved for public recreational uses. A notice of the proposed withdrawal was published in the *Federal Register* on May 13, 1975, Vol. 40, page 20830, FR Doc. 75-12569. Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for public hearing is afforded in connection

with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before November 6, 1979. Notice of the public hearing will be published in the *Federal Register*, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before November 6, 1979.

The above described lands are temporarily segregated from location and entry under the mining laws, but not the mineral leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 17, 1979.

Harold A. Berends,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29984 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Charles M. Russell National Wildlife Refuge; Intent To Prepare an Environmental Impact Statement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the Fish and Wildlife Service will prepare an Environmental Impact Statement for a proposal to implement a master plan for the operation of the Charles M. Russell National Wildlife Refuge. The environmental impact statement process will be integrated with ongoing planning and be used to further evaluate the management alternatives and select the management plan for the refuge. This notice solicits public comment regarding the Service's preparation of the environmental impact statement.

DATES: Comments must be received by October 29, 1979.

ADDRESS: Send written comments to James C. Gritman, Acting Regional Director, U.S. Fish and Wildlife Service, Box 25486, Denver Federal Center, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Hinckley, Leader, Planning Team, Charles M. Russell National Wildlife Refuge, P.O. Box 698, Lewistown, MT 59457.

SUPPLEMENTARY INFORMATION: The EIS will be tiered from the final environmental statement for the "Operation of the National Wildlife Refuge System" issued November 1976.

The scoping process was started before the Council on Environmental Quality issued the latest final regulations (43 FR 55978) for implementing the procedural provisions of the National Environmental Policy Act on November 29, 1978, which are binding on all Federal Agencies as of July 30, 1979. The scoping process consisted of the following. A select group of people from across the nation with backgrounds and interests in many natural resource areas toured the refuge and provided recommendations. Public meetings were advertised by newspapers, radio, television, and mail. Letters were sent to 185 individuals, 20 special interest groups and 12 Federal, State and local government representatives. The meetings were held in Lewistown, Helena, Billings, and Glasgow, Montana, on April 24, 25, 26 and 27, 1978, respectively. The meetings aided in the determination of the significant issues on the refuge and provided an opportunity for public involvement in formulating the long range goals for the refuge.

In addition, a planning steering committee was established, comprised of the Bureau of Land Management, State Department of Fish, Wildlife and Parks, U.S. Army Corps of Engineers, Department of State Lands, and the Montana Department of Natural Resources, representing the State

Grazing Districts. These groups have been involved throughout the process.

The Army Corps of Engineers held public meetings in Lewistown, Glasgow, Glendive, and Jordan, Montana on June 4, 5, 6, 7, 1979, respectively. Information gathered at these meetings will be incorporated into the planning and scoping process. The refuge manager's advisory group made up of private citizens representing wildlife management, range management, recreation, local sportsmen groups, grazing interests, county government, wilderness, and banking have been informed of the planning progress and will comment on proposed management recommendations. Presentations have also been made at various meetings such as rod and gun clubs, Chambers of Commerce, Rotary International, Lions, State Grazing Board Executive Committee, etc.

From the initiation of the planning effort in January of 1978, a continuous effort has been made to obtain public and private participation in the planning and scoping process. Additional public meetings co-sponsored with the Corps of Engineers were held in Lewistown, Glasgow, Helena, Missoula, Glendive, Billings, Great Falls, and Jordan, Montana, during the period September 10-22, 1979, prior to the initiation of the DEIS review process.

The DEIS is expected to be available to the public in January, 1980. The primary author of this notice is Bill Knauer, U.S. Fish and Wildlife Service, Regional Office, Denver, Colorado, (303-234-4608).

Dated: September 20, 1979.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 79-29872 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Outer Continental Shelf (OCS) Orders

On May 18, 1979, the following revised OCS Orders were published effective July 1, 1979, for the Atlantic OCS Area, Pacific OCS Area, Gulf of Alaska OCS Area, and Gulf of Mexico OCS Area:

- OCS Order No. 1. Identification of Wells, Platforms, Structures, Mobile Drilling Units, and Subsea Objects
- OCS Order No. 2. Drilling Operations
- OCS Order No. 3. Plugging and Abandonment of Wells
- OCS Order No. 4. Determination of Well Productivity
- OCS Order No. 5. Production Safety Systems
- OCS Order No. 7. Pollution Prevention and Control
- OCS Order No. 12. Public Inspection of Records

The effective date for these Orders was subsequently extended to October 1, 1979, by Federal Register Notice which was published in Vol. 44, No. 127, on June 29, 1979. This Notice also requested comments to be submitted on the content of these Orders by August 1, 1979. Due to the time required for the analysis of the large volume of comments received, it is anticipated that the final version of these Orders will be published during the week of October 22 through 26, 1979. Accordingly, the effective date of the Orders is hereby extended to December 1, 1979.

Proposed Arctic Area OCS Orders Nos. 1, 2, 3, 4, 5, 7, and 12, which correspond in title and content to the Orders listed above, were published in the Federal Register, Vol. 44, No. 115, on June 13, 1979, with a solicitation for comments to be submitted by July 30, 1979. Appropriate suggestions received in response to this solicitation will be incorporated into final OCS Orders for the Arctic Area. These final Orders are also to be published with the final Orders listed above.

A proposed version of OCS Order No. 8 for all Areas of the OCS and a document entitled "Operating Procedures for the OCS Platform Verification Program" were published in the Federal Register, Vol. 44, No. 128, on July 2, 1979, with a solicitation for comments on these documents to be submitted by August 1, 1979.

Appropriate suggestions received in response to this solicitation will be incorporated into a final version of these documents which will be published along with the All Area OCS Orders listed above.

Booklet copies of the finalized revised OCS Orders will not be available until after December 1, 1979.

For further information, contact Mr. Richard Krah, Chief, Branch of Marine Oil and Gas Operations, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 620, Reston, Virginia 22092. Telephone: (703) 860-7531.

H. William Menard,

Director.

[FR Doc. 79-30032 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Everglades National Park, Fla.; Public Hearings Regarding Proposed Rule Changes in Fishing and Boating Regulations

Notice is hereby given that the National Park Service will hold a series of four public hearings in Florida during

October 9-12, 1979, on the proposed fishing and boating regulations for Everglades National Park. These hearings were previously announced in the notice of proposed rulemaking published on September 14, 1979 (44 FR 53541). A Review of Alternatives for Fisheries Management at Everglades National Park and proposed regulations governing fishing and boating activities were published on September 14, 1979. The regulations are being proposed to provide greater resource protection through regulated use and to provide for increased recreational use and enjoyment of park resources by resolving the competition between commercial and recreational fishermen. This will be accomplished by: (1) Closure of additional areas of Florida Bay to all public entry by establishing sanctuary areas to protect crocodile nesting critical habitat, (2) restriction of additional shellfish harvest (blue crab traps, stone crab traps and spiny lobster), (3) establishment of bag limits for fish species, (4) assimilation of the State of Florida statutes for commercial stone crabbing, and (5) elimination of commercial fishing by December 31, 1985, within waters of the park.

Dates: Written comments, suggestions or objections will be accepted until October 29, 1979.

The hearings will be held on the dates and times indicated in the following places:

October 9-7:00 p.m.—North Miami Senior

High School, 800 Northeast 137 Street, North Miami, Florida.

October 10-7:00 p.m.—Homestead Junior High School, 650 Northwest 2 Avenue, Homestead, Florida.

October 11-7:00 p.m.—Marathon Senior High School, Sombrero Beach Road, Marathon, Florida.

October 12-7:00 p.m.—East Naples Middle School, 4100 Estey Avenue, Naples, Florida.

The hearings will begin at 7:00 p.m. National Park Service personnel will be available at each of the hearing locations on dates indicated at 6:00 p.m. local time to answer questions or explain the details of the proposed regulations during the hour before the hearing begins.

An information packet containing a review of the fishery management alternatives together with the proposed rule changes may be obtained from the Superintendent, Everglades National Park, P.O. Box 279, Homestead, Florida 33030, telephone (305) 247-6211, or from the Regional Director, Southeast Region, National Park Service, Richard B. Russell Building, 75 Spring Street, S.W., Atlanta, Georgia 30303, telephone (404) 221-5465.

Interested individuals, representatives or organizations and public officials are invited to express their views in person at the aforementioned public hearings. Those wishing to speak must register their intention to do so prior to the start of the meeting. Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement that may be submitted to the Hearing Officer at the time of the presentation of the oral statement. Written statements presented in person at the hearings will be considered for inclusion in the transcribed hearing record.

Those not wishing to appear in person may submit written statements on the proposed rule changes to the Superintendent, Everglades National Park, P.O. Box 279, Homestead, Florida 33030, for inclusion in the official record which will be held open for 30 days following the last meeting.

After an explanation of the proposed rule changes, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

1. Governor of the state or his representative.
2. Members of Congress.
3. Members of the state legislature.
4. Official representatives of the counties in which the park is located.
5. Officials of other federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.

Dated: September 24, 1979.

Daniel J. Tobin, Jr.,

Associate Director, Management and Operations.

[FR Doc. 79-30249 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

[INT FES 79-45]

Gateway National Recreation Area General Management Plan; Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for a proposed General Management Plan for Gateway National Recreation Area.

The final environmental statement describes the various proposals recommended to manage, develop, and provide the necessary programs and services for visitor use of the recreation

area over the next 20 years. This statement assesses only those actions scheduled for stage 1, while the other two stages are described briefly and will be assessed in subsequent planning and design work with public review prior to physical implementation. The proposals involve such topics as management zoning, resource management policies, transportation policies, concession management, and design standards. There are specific proposals recommended for the most urgent management and development matters in the unit areas of Sandy Hook, Staten Island, Breezy Point, Floyd Bennett Field/Plumb Beach, Jamaica Bay North Shore, and Jamaica Bay Wildlife Refuge.

No action will be taken to implement proposals of the general management plan prior to 60 days from the date of this notice.

Copies of the final environmental statement are available from or for inspection at the following locations:

National Park Service, North Atlantic Region, 15 State Street, Boston, MA 02109.

National Park Service, Manhattan Sites, 26 Wall Street (Federal Hall), New York, NY 10005.

Gateway National Recreation Area, National Park Service, Floyd Bennett Field, Building 69, Brooklyn, NY 11234.

Dated: September 24, 1979.

Heather L. Ross,

Deputy Assistant Secretary of the Interior.

[FR Doc. 79-30186 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-59]

Pump Top Insulated Containers; Commission Hearing on the Presiding Officer's Recommended Determinations, Relief, the Public Interest, and Bonding, and of the Schedule for Filing Written Submissions

Recommended Determinations of the Presiding Officer

In connection with the U.S. International Trade Commission's investigation under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), of alleged unfair methods of competition and unfair acts in the importation and sale of certain pump top insulated containers in the United States, the presiding officer issued a recommended determination on June 15, 1979, that the Commission determine that there are violations of section 337 by Apollo Limited and in the unauthorized importation of certain

pump top insulated containers into the United States from Korea and Taiwan. The presiding officer certified the evidentiary record to the Commission for its consideration.

The presiding officer on July 9, 1979, issued a second recommended determination that the Commission determine that there is no violation by Rollin Corporation. The presiding officer certified the additional evidentiary record to the Commission for its consideration.

Previous to the two above described recommended determinations, the presiding officer recommended that the investigation be terminated as to two other respondents. The Warren Company and Rainbow National, Inc. That recommendation will not be the subject of these oral arguments and oral presentations.

Interested persons may obtain copies of the presiding officer's recommended determinations (and all other public documents) by contacting the office of the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0161.

Commission Hearing Scheduled

The Commission will hold a hearing beginning at 10:00 a.m., e.d.t., on October 12, 1979, in the Commission's Hearing Room (Room 331), 701 E Street NW., Washington, D.C. 20436, for two purposes. First, the Commission will hear oral arguments on the presiding officer's recommendations that there are violations of section 337 of the Tariff Act of 1930, as amended, by Apollo Limited and in the unauthorized importation of certain pump top insulated containers from Korea and Taiwan, but no violation by Rollin Corporation. Second, the Commission will hear oral presentations concerning appropriate relief, the public-interest factors, and bonding, for consideration in the event that the Commission determines that there is a violation of section 337. These matters are being heard on the same day in order to facilitate the completion of this investigation within time limits established under law and to minimize the burden of this hearing upon the parties to the investigation. The procedure for each portion of the hearing follows.

Oral Argument Concerning the Presiding Officer's Recommended Determinations

A party to the Commission's investigation or an interested agency wishing to present to the Commission an oral argument concerning the presiding officer's recommended determinations will be limited to no more than 30

minutes. A party or interested agency may reserve 10 minutes of its time for rebuttal. The oral arguments will be held in this order: complainant, respondents, interested agencies, and Commission investigative staff. Any rebuttals will be held in this order: respondents, complainant, interested agencies, and Commission investigative staff.

Oral Presentations on Relief, the Public Interest, and Bonding

Following the oral arguments on the presiding officer's recommended determinations, a party to the investigation, an interested agency, a public-interest group, or any interested member of the public may make an oral presentation on relief, the public-interest factors, and bonding.

1. *Relief.* If the Commission finds a violation of section 337, it may issue (1) an order which could result in the exclusion from entry of certain pump top insulated containers into the United States or (2) an order which could result in requiring respondents to cease and desist from alleged unfair methods of competition or unfair acts in the importation and sale of certain pump top insulated containers. Accordingly, the Commission is interested in what relief should be ordered, if any.

2. *The public interest.* If the Commission finds a violation of section 337 and orders some form of relief, it must consider the effect of that relief upon the public. Accordingly, the Commission is interested in the effect of any exclusion order or cease and desist order upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers.

3. *Bonding.* If the Commission finds a violation of section 337 and orders some form of relief, such relief would not become final for a 60-day period, during which the President would consider the Commission's report. During this period certain pump top insulated containers would be entitled to enter the United States under a bond determined by the Commission and prescribed by the Secretary of the Treasury. Accordingly, the Commission is interested in what bond should be determined, if any.

Those persons making an oral presentation on any or all of the above topics will be limited to 15 minutes, with an additional 5 minutes each for summation after all presentations have been made. Participants with similar interests may be required to share time. The order of oral presentations will be as follows: complainant, respondents, interested agencies, public-interest

groups, other interested members of the public, and Commission investigative staff. Summations will follow the same order.

How To Participate in the Hearing

Any person desiring to appear at the Commission's hearing must file a written request to appear with the Secretary to the U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, no later than the close of business (5:15 p.m., e.d.t.) on October 3, 1979. The written request must indicate whether such person wishes to present an oral argument concerning the presiding officer's recommended determinations and/or an oral presentation concerning relief, bonding, and the public interest. While only parties to the Commission's investigation, interested agencies, and the Commission investigative staff may present an oral argument concerning the presiding officer's recommended determination, public-interest groups and other interested members of the public are encouraged to make an oral presentation concerning the public interest.

Written Submissions to the Commission

The Commission requests that briefs and written comments as described below be filed no later than the close of business on October 3, 1979. Written requests to participate in the hearing must also be filed by October 3, 1979.

1. *Briefs on the presiding officer's recommended determinations.* Parties to the Commission's investigation, interested agencies, and the Commission investigative staff are encouraged to file briefs concerning exceptions to the presiding officer's recommended determinations. Briefs must be served on all parties of record to the Commission's investigation on or before the date they are filed with the Secretary. Statements in briefs should be supported by references to the record. Persons with the same positions on the issues are encouraged to consolidate their briefs, if possible.

2. *Written comments and information concerning relief, the public interest, and bonding.* Parties to the Commission's investigation, interested agencies, public-interest groups, and any other interested members of the public are encouraged to file written comments and information concerning relief, the public interest, and bonding. These submissions should include a proposed remedy, a discussion of the effect of the proposals on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the

United States, and U.S. consumers, as well as a proposed determination of bonding.

3. *Requests to participate in the hearing.* Written requests to appear at the Commission hearing must be filed by October 3, 1979, as described above.

Additional Information

The original and 19 true copies of all briefs and written comments and any written request to participate must be filed with the Secretary to the Commission.

Any person desiring to discuss confidential information at the hearing shall request the Chairman to direct that a portion of the hearing be held *in camera*. Documents containing confidential information which has been previously submitted subject to the protective order in this investigation will be treated accordingly. Documents containing information which has not been previously submitted as confidential subject to the protective order will be treated as confidential only upon written request directed to the Secretary which includes a full statement of the reasons why the Commission should grant such treatment. All nonconfidential written submissions will be open to public inspection at the Secretary's office.

Notice of the Commission's investigation was published in the Federal Register of November 9, 1978 (43 FR 52297).

Issued: September 24, 1979
By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-30033 Filed 9-26-79; 8:45 am]
BILLING CODE 7020-02-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(Notice 79-79)

NASA Advisory Council (NAC); Meeting

The NASA Advisory Council's Informal Executive Subcommittee will meet on October 17, 1979, in the Chapman Room, Mesa Laboratory, National Center for Atmospheric Research, Boulder, Colorado 80307. Except as noted below, the meeting will be open to the public up to the seating capacity of the room (approximately 20 persons, including subcommittee members and other participants). Visitors will be requested to sign a visitor's register.

The meeting will be closed to the public from 8:30 a.m. to 2:30 p.m. for a

discussion of the qualifications of candidates for participation in the proposed 1980 NAC Innovation Study. Such a discussion would invade the privacy of the candidates and other individuals involved. Since this session will be concerned with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this period of time be closed to the public.

The Informal Executive Subcommittee of the NASA Advisory Council was established to assist the chairman in planning the activities, establishing meeting agendas, and guiding the activities of its parent unit. The Informal Executive Subcommittee is chaired by the Council Chairperson, Dr. William A. Nierenberg, and membership includes the Council's Vice Chairperson and four other members. The agenda for this meeting is given below. For further information, contact the Executive Secretary, Mr. Nathaniel B. Cohen, A/C 202 755-8383, NASA Headquarters, Washington, DC 20546.

Agenda

October 17, 1979

8:30 a.m.—Discussion of candidates for participation in the 1980 Innovation Study (Closed Session).

2:30 p.m.—Discussion of Council report on NASA five year planning.

3:30 p.m.—Other business.

4:00 p.m.—Adjourn.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

September 21, 1979.

[FR Doc. 79-29915 Filed 9-26-79; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

(IN-AR 79-39)

Accident Reports, Safety Recommendation Letters and Responses; Availability

Reports

Swift Aire Lines, Inc., Nord 262, N418SA, Marina Del Rey, California, March 10, 1979.—The National Transportation Safety Board has completed its investigation of this accident and on September 19 released copies of its formal report, No. NTSB-AAR-79-13. The twin-engine turbo-prop aircraft, an Aerospatiale Nord 262, was on a scheduled commuter airline passenger flight from Los Angeles to Santa Maria, Calif., with four passengers and three crewmembers on board when it ditched in the Santa Monica Bay near Marina Del Rey shortly after takeoff from Los Angeles International Airport.

Two crewmembers and one passenger died when they were unable to get out of the aircraft.

The Safety Board has determined that the probable cause of the accident was the flightcrew's mismanagement of an emergency procedure following an autofeather of the right propeller which resulted in their shutting down the remaining engine. Contributing to the accident was the unavailability of vital restart information to the crew.

U.S. Motor Tankship SEALIFT CHINA SEA Ramming of the Italian Motor Cargo Vessel LORENZO D'AMICO, Los Angeles Harbor, California, January 15, 1978.—The Safety Board's formal investigation report, No. NTSB-MAR-79-13, was made available on September 17. Investigation showed that the CHINA SEA rammed amidships into the LORENZO D'AMICO which was moored. The CHINA SEA's engine control system was inoperative, and hand signals were being used to relay orders for the controllable-pitch propeller. The pilot's orders of half and full astern were mistakenly applied as half and full ahead, and the CHINA SEA rammed the LORENZO D'AMICO at a 90° angle at a speed of 3 to 4 kts. The CHINA SEA was slightly damaged, and the LORENZO D'AMICO was damaged beyond economical repair. No injuries or deaths resulted.

This accident was investigated jointly by the Safety Board and the U.S. Coast Guard. A public hearing was convened in Long Beach, Calif., on January 18, 1978. The Safety Board, on evidence developed by that investigation, has determined that the probable cause of this accident was the misinterpretation of the hand signals used to relay engine orders from the engine control room to the local control station for the controllable-pitch propeller, which resulted in wrong direction thrust. Contributing to the accident were the inadequate design of the engine control system, which failed to provide independent functioning of the propeller pitch direction indicators; the inadequate measures used to maintain, repair, and provide spare parts for the engine control system; the lack of an installed, reliable method to transmit engine orders to the local control station; and the inadequate telephone system between the engine control room and the local control station.

One of 10 safety recommendations (Nos. M-79-88 through 97) which the Board on September 6 issued to the Coast Guard would require all ships of 1,600 or more gross tons, when operating in U.S. waters, to be equipped with engine thrust indicators. These would

have to be (1) independent from automated control consoles; (2) prominently positioned in wheelhouses, bridge wings, and engine rooms; (3) illuminated effectively for day and night viewing; and (4) designed to show exact propeller shaft RPM and propeller thrust direction. Another Board recommendation urged that a secondary engine command communication system be required on oceangoing vessels which may be operated manually while automated control systems are out of service.

The Board also found that the semiautomated control system of the four-year-old CHINA SEA and the eight other ships of its class cannot yet be maintained adequately. The Board recommended that the U.S. Navy Military Sealift Command, for which the CHINA SEA is operated, join the Coast Guard in a special evaluation of the system's maintenance deficiencies and make needed manning and equipment changes (M-79-98). (For the complete text of the above recommendations see 44 FR 52063, September 6, 1979.)

Safety Recommendation Letters

Highway: H-79-40.—About 9:15 p.m. last April 23 a 1978 Ford Courier pickup truck with 12 teenaged occupants, 8 of whom were riding in the open bed, was traveling at a high rate of speed along a winding country road near Crofton, Md. The truck failed to negotiate a curve to the left, ran off the right side of the road, and struck three trees located about 7 feet from the edge of the pavement. Ten passengers were killed and one passenger was seriously injured; the driver was injured slightly.

The Safety Board notes that impact speed was so great that even if occupants were wearing seat and shoulder belts they would have had little or no predictable chance of surviving the collision. Passengers in the bed or rear of the truck had even less of a chance for surviving any type of high-speed collision because they had no belts available to use and had little or no protective shell to prevent their ejection or intrusion from out side objects. Data from the National Highway Traffic Safety Administration's Fatal Accident Reporting System indicated that from 1975 to 1978, an average of about 4,200 persons per year were killed in pickup trucks, including all pickup trucks: those with campers, stake, and small dump bodies. Of these, about 250 persons per year were riding in the bed of the pickup. Excluding fatal accidents in which only a driver was involved, 34 percent of the passengers riding in the bed were killed while 28 percent of the drivers and passengers in

the cab were killed. This accident reinforced those statistics.

Since no State is known to have laws that prohibit riding in the bed of a pickup truck, and the Safety Board believes that at least a law should be directed specifically to open-cargo area vehicles being used for nonwork-related purposes, the Board on September 21 recommended that the National Committee on Uniform Traffic Laws and Ordinances whose function is to establish uniform traffic laws for the States and local communities:

Establish model guidelines for prohibiting passengers from riding in open-cargo areas of vehicles that are not being used for work-related purposes. (Class II, Priority Action) (H-79-40)

Railroad: R-79-61.—This recommendation was made public September 10 on release of the formal investigation report concerning the rear-end collision of two Consolidated Rail Corporation freight trains at Muncy, Pa., last January 31. (See 44 FR 54560, September 20, 1979.) The recommendation, directed to the Federal Railroad Administration, was forwarded in recommendation letter format on September 19 and asked FRA to:

Promulgate regulations to require the conductor or other employee in charge of the train to be located and informed so that he can properly supervise the safe operation of the train. (Class II, Priority Action) (R-79-61)

Railroad: R-79-62 and 63.—Last January 19 Bay Area Rapid Transit District (BART) train No. 117 caught fire inside the Transbay Tube. While investigating the accident, the Safety Board found that, because of a short in the train's control circuit, the on-board uncoupling system would not function. BART's emergency plan for tunnel evacuation of passengers from disabled trains is, first, to move the passengers from the damaged cars to the undamaged cars, then uncouple the damaged cars and move the undamaged portion of the train to a point where the passengers can be safely removed. Had this been accomplished, the passengers on train No. 117 would have been removed from the tunnel with little, if any, adverse effects. Valuable time was consumed in an unsuccessful attempt to uncouple the cars; the failure to uncouple the cars ultimately resulted in the passengers being released into the smoke-filled tunnel.

The Safety Board believes that moving passengers to the undamaged cars, separating the train, and then moving the undamaged cars and passengers out of danger is the quickest and the best approach to this type of an emergency. However, any transit system

that depends on this method to evacuate passengers from tunnels must have a dependable uncoupling system and employees must be thoroughly instructed in its use. Accordingly, on September 19 the Safety Board recommended that the Urban Mass Transportation Administration:

Require those rapid transit systems that depend on uncoupling damaged cars from trains for the evacuation of passengers to redesign and modify car uncoupling circuitry to provide train operators with a positive means of uncoupling from within the cars in the event of an electrical short or other malfunction in the control circuit. (Class II, Priority Action) (R-79-62)

Require those rapid transit systems that depend on uncoupling damaged cars from trains for the evacuation of passengers to establish training programs in emergency procedures for train operators and crewmembers to insure that they thoroughly understand the method used to uncouple cars. (Class II, Priority Action) (R-79-63)

Responses to Safety Recommendations

Aviation

A-72-56 and 57.—Letter of September 17 from the Federal Aviation Administration responds to the Safety Board's September 5 comments on FAA's response under date of July 18 (44 FR 45479, August 2, 1979).

Concerning recommendation A-72-56, which recommended that FAA install underwater locating devices on new cockpit voice recorders (CVR's) similar to those now required for flight data recorders (FDR's) as prescribed in 14 CFR 121.343, the Board's September 5 letter states that recently revised §§ 25.1457(g) and 25.1359(c) have been reviewed. The Board is concerned that FAA is still of the view that one underwater locating device is sufficient to recover both the FDR and CVR if these two units are installed adjacent to each other. Accident history does not support this belief, as explained to FAA in Board letter of August 24, 1972. Records do get separated in an accident and there is a need for an underwater locating device for each unit. FAA said it will review the basis for the regulatory revisions and will be prepared to discuss the subject at the next NTSB/FAA Quarterly Meeting, as suggested by the Safety Board.

With reference to A-72-57, which recommended that FAA encourage operators of large aircraft to affix reflective tape to the cases of FDR's and CVR's, the Safety Board on September 5 said it was pleased to find that this is a practice supported by regulation. The Board now classifies this recommendation as "Closed—Acceptable Action."

A-76-136 and 137.—FAA's letter of September 11 concerns recommendations issued by the Safety Board on November 18, 1976, after investigation of several incidents involving inability to stop aircraft on the runway revealed that the frictional characteristics of some runway surfaces had not been maintained sufficiently to provide effective braking action. The Board found that this is particularly true for surfaces in the touchdown zones of runways during wet runway conditions and believed that such conditions pose a serious hazard for emergency takeoff aborts at high gross weights when the last 1,000 to 1,500 feet of runway are required to stop safely.

FAA's September 11 letter refers to responses of February 15, 1977, and April 10, 1978, wherein FAA indicated it did not intend to make friction measurement a regulatory requirement because of insufficient standards and authentic guidance material. FAA says it is necessary to refine and update the technical data and standards used in advisory circular 150/5320-12. To establish necessary background information, FAA has a national program with a contractor engaged to perform runway surface friction measurements for developing new standards. After completion of the contract, FAA says there should be sufficient technical data to provide timely safety information to airport operators for runway surface maintenance and to revise the advisory circular.

FAA states that the contract effort will involve approximately 270 airports. These are airports that are in the airport certification program, ILS-equipped, and provide service to turbojet aircraft. The first phase of the contract, a testing procedure evaluation phase, began on September 29, 1978, and was completed on June 26, 1979. It involved 28 airports. The second phase began on May 10, 1979, and when completed in October 1980 the runways used by air carrier aircraft at all 270 airports will have had two or three friction and pavement condition surveys. To date, FAA has realized these findings from the contract effort:

The friction measuring device, the Mu Meter, has shown that it is reliable and provides repeatable results representative of runway friction characteristics.

The predetermined field survey schedule can be reasonably accomplished within the time limits imposed.

The types and volume of the data acquired in the program are appropriate for effective statistical analysis.

During the phase I effort, water depth (universally accepted at that time as 0.02

inches) was found not adequate to cover all textured surfaces measured. An evaluation determined that it should be changed to 0.04 inches to represent a more realistic rainfall rate of one inch per hour.

Data collected on an individual runway usually showed a pattern associated with rubber accumulation. Dry Mu values on most runway surfaces were relatively constant and at high levels throughout the runway length regardless of rubber accumulation; whereas, wet Mu values tended to drop quite dramatically in areas of significant rubber accumulation.

Runway grooving and porous friction course overlays provided the most consistent Mu values and drainage characteristics.

The frequency of surveys at airports still is under study to determine how often surveys should be conducted.

A-79-11.—On September 17 FAA advised the Safety Board of issuance of a change to Order 8340.1A, "Maintenance Bulletins," which directs principal inspectors to review their assigned operators' manuals to ensure that they have adequate procedures for maintenance logbook accountability; a copy of the order is attached to FAA's letter. The recommendation stemmed from the Antilles Air Boats, Inc., Grumman G-21A accident at St. Thomas, V.I., September 2, 1978. The investigation revealed that several pages were missing from the maintenance logbook and that some pages had been falsified. The Board requested FAA to require all aircraft maintenance logbook sheets to be numbered consecutively. On August 27 the Safety Board commented on FAA's initial response of July 26 (44 FR 46965, August 9, 1979) to this recommendation.

Highway

H-78-19.—The Federal Highway Administration on August 31, 1979, formally responded to a recommendation issued May 1, 1978, following investigation of the highway accident near McAlester, Okla., July 14, 1977. (See 43 FR 20284, May 11, 1978.) The recommendation asked FHWA to develop expeditiously procedures to determine the skid resistant characteristics of newly constructed and resurfaced roadways before they are opened to the public.

FHWA states that from a contractual standpoint, in order to require any acceptance testing, it is necessary to have a specification requirement and that differing aggregates, climates, asphalt, traffic characteristics, and associated costs make this problem extremely complex. FHWA cannot identify a single set of practical construction specifications which would produce a universal acceptance criteria. FHWA agrees with the "spirit" of the

recommendation, but takes exception to the approach put forth by the Safety Board. An alternative approach is offered.

FHWA notes that new asphalt pavement may be lower in skid resistance than a pavement that has been in use for a time. "Scrubbing" the surface could bring up the new pavement's skid resistance, but the effectiveness of this method has not been determined. Locked wheel skid tests on new pavements do not reflect long-term performance. Validation tests for sand-patch, outflow, and British portable skid measuring methods have not been successfully conducted. In many cases, flushing or mix consolidation only occur after a full summer of heavy traffic. If flushing or consolidation are problems, skid testing is not necessary to identify them. Almost any pointed cement concrete pavement is expected to provide adequate skid resistance. Initial skid testing will not reflect long-term quality. FHWA says that a skid test requirement would delay the opening of a new or resurfaced road and thereby increase the time usage of temporary roadways and detours.

The FHWA alternative is a systematic approach to the reduction of wet weather skidding accidents, including:

1. Update of FHWA 6-2-4-3, "Skid Accident Reduction Program," to reflect latest technology.
2. Require States to evaluate pavement design and surface treatments for skid resistance, to develop an annual list of wet pavement accident locations and corrections made, to incorporate pavement skid conditions into capital improvement program, to prequalify aggregates through standard tests.
3. Establishment of closer working relationship between FHWA, State, and local governments on resurfacing programs.

FHWA notes that existing technology enables engineers to predict probable in-service skid properties of mixes, materials, and procedures. Through this preconstruction identification, surfaces which may provide marginal skid resistance can be avoided.

Railroad

R-79-1 and 2.—In response to the Safety Board's request of July 25 (44 FR 46967, August 9, 1979), the New York City Transit Authority (NYCTA) supplied a status report on its implementation of recommendation R-79-2. The recommendation was issued to NYCTA last January 19 during the Safety Board's investigation of the derailment of an eight-car subway train in New York City, December 12, 1978, and concerned retrofitting rapid transit

cars with an indicator to determine position of handbrake.

NYCTA reports that of its present fleet of 6,424 cars, 1,054 now have handbrake indicators, all original equipment, and 5,370 cars are to be retrofitted with indicators; no cars have been completed. Tests of six prototype cars had been successfully completed as of June 29, 1979. Advertisement for material bids was accomplished on June 16 and the bid opening date was July 17. Delivery of material is expected by January 31, 1980. NYCTA expects to begin its installation by next February 11 and complete the schedule on February 13, 1981. NYCTA will inform the Safety Board if any schedule changes take place and will advise of the completion of the retrofit program.

The Safety Board on July 25 informed NYCTA that recommendation R-79-1, concerning thermal-damaged wheel inspection, has now been classified as "Closed—Acceptance Action."

R-79-10 and 11.—The Federal Railroad Administration on September 12 formally responded to recommendations issued last March 6 following investigation of the head-on collision at Florence, Ala., of a Louisville & Nashville (L&N) freight train and an L&N yard train, September 18, 1978. (See 44 FR 15817, March 15, 1979.)

Recommendation R-79-10 asked FRA to insure that L&N complies with the requirements of 49 CFR Part 174, Transportation of Hazardous Materials; 49 CFR Part 232, Railroad Power Brakes; and 49 CFR Part 217, Railroad Operating Rules, particularly in connection with the application and enforcement of L&N Rules 93 and 99. In response, FRA reports that it issued on February 7, 1979, an emergency order against L&N. FRA notes that conditions on the railroad had created a situation that was responsible for an increasing number of train accidents per year, causing loss of life and property and evacuation of many people from their homes near accident sites. On June 18, the U.S. District Court of the District of Columbia enjoined the operation of the emergency order issued by FRA on the basis that the order exceeded the authority granted the Administrator under 45 U.S.C. §432. FRA reports that during the four months the order was in effect, however, FRA administered an intensive surveillance and analysis program of all phases of L&N's operation to insure compliance with both Federal regulations and the carrier's own operating rules. FRA notes that during this period L&N "made great strides in upgrading track, improving equipment, maintaining and bringing about a general improvement in

operating practices." A continuing surveillance of the carrier's operation will be carried out by FRA to insure compliance. FRA says it is impressed with the progress made by the carrier and the cooperation given to FRA by the new L&N president.

Recommendation R-79-11 asked FRA to expedite action on its study of locomotive operator compartment design to minimize crash damage and promulgation of appropriate regulations. The study was first recommended on June 28, 1978, No. R-78-27, following investigation of the December 28, 1977, collision of an L&N freight train with a log-laden tractor-semitrailer at the Vine Street crossing in Goldonna, La.

In its September 12 response to recommendation R-79-11, FRA notes that its initial response to R-78-27 indicated that FRS's Office of Research and Development has sponsored and initiated a program to evaluate locomotive control compartment crashworthiness. Through the Locomotive Control Compartment Committee—established at FRA's suggestion and consisting of representatives from government, industry and railroad labor groups—FRA has directed research toward improvement of locomotive control compartment (cab) design. FRA reports that full-scale rear end impact tests have identified many potential cab safety problems which serve as guidance for the research now under way. A small-scale simulated locomotive cab, incorporating many of the improved structural features, has been constructed. FRA research is directed at improving cab safety, including seat design, which will provide easy egress for the engineer during emergencies.

FRA believes that, based on labor and industry cooperation achieved thus far, the industry will arrive at a mutually agreed upon cab design which will provide the desired degree of safety and that the matter may ultimately be resolved without additional regulations. The locomotive control compartment crashworthiness studies should be completed within the next 36 months and results should provide guidelines for improved cab structure and locomotive anticlimb protection to minimize collision damage and injuries to occupants. FRA said that findings will be evaluated to determine whether there is a need for Federal regulations.

Note.—Single copies of the Safety Board's accident reports are available without charge, as long as limited supplies last. Copies of recommendation letters issued by the Board, response letters and related correspondence are also available free of charge. All requests for copies must be in

writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 90-633, 88 Stat. 2169, 2172 (49 U.S.C. 1906, 1907)))

Margaret L. Fisher,
Federal Register Liaison Officer.
September 24, 1979.

[FR Doc. 79-30024 Filed 9-26-79; 8:45 am]
BILLING CODE 4910-58-M

OFFICE OF MANAGEMENT AND BUDGET

Privacy Act; New Systems

The purpose of this notice is to give members of the public an opportunity to comment on Federal agency proposals to establish or alter personal data systems subject to the Privacy Act of 1974.

The Act states that "each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effect on such proposal on the privacy and other personal or property rights of individuals. . . ."

OMB policies implementing this provision require agencies to submit reports on proposed new or altered systems to Congress and OMB 60 days prior to the issuance of any data collection forms or instructions, 60 days before entering any personal information into the new or altered systems, or 60 days prior to the issuance of any requests for proposals for computer and communications systems or services to support such systems—whichever is earlier.

The following reports on new or altered systems were received by OMB between September 3, 1979 and September 14, 1979. Inquiries or comments on the proposed new systems or changes to existing systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. The 60 day advance notice period begins on the report date indicated.

Department of Health, Education, and Welfare

System Name: HCFA Health Maintenance Organization Prospective Reimbursement Demonstrations.

Report Date: August 28, 1979.

Point-of-Contact: Mr. Leonard D. Schaeffer, Administrator, HCFA, Department of Health, Education, and Welfare, Washington, D.C. 20201.

Summary: This new system of records is proposed by the Health Care Financing Administration to provide data to calculate adjusted average per capital costs for Health Maintenance Organizations, in order to determine whether rates can be predicted accurately enough to ensure sufficient revenues for HMO's. The records in the system will not be used to affect individual entitlements under Medicare. **System Name:** Municipal Health Services Program.

Report Date: August 28, 1979.

Point-of-Contact: Mr. Leonard D. Schaeffer, Administrator, HCFA, Department of Health, Education and Welfare, Washington, DC 20201.

Summary: The Health Care Financing Administration proposes this new system of records to provide billing data for reimbursement and evaluation of clinics which participate in the Municipal Health Services Program. The MHSF is a cooperative effort designed to provide health care services to "medically underserved areas." Records will be maintained on Medicare and Medicaid beneficiaries who receive treatment at clinics funded by the Robert Wood Johnson Foundation under the MSHSP.

Department of Labor

System Name: General Investigative Files, Case Tracking Files, and Subject/Title Index.

Report Date: August 30, 1979.

Point-of-Contact: Mr. A. A. Rossi, Information and Privacy Coordinator, Office of Inspector General, Department of Labor, Washington, DC 20210.

Summary: This new system of records is reported by the Office of the Inspector General of the Department of Labor, and will include investigative files on all matters within the purview of the Inspector General of the Labor Department. Individuals in the system may include DOL employees, applicants for employment, contractors, grantees, claimants for benefits, individuals who have threatened the Secretary of Labor, alleged violators of laws whose enforcement is the responsibility of the Department of Labor.

Department of Defense

System Name: Employee Screening Program/Installation Access Files.

Report Date: August 31, 1979.

Point-of-Contact: Mr. William T. Cavaney, Executive Secretary,

Defense Privacy Board, 2735 N. Lynn Street, Arlington, VA 22209.

Summary: The Army proposes this new system to provide a means for control of security screening actions to determine suitability for employment and for access to military installations by civilians employed by the U.S. in the Berlin command area.

Administrative Conference of the U.S.

System Name: Conflict of Interest Files. **Report Date:** September 10, 1979.

Point-of-Contact: Mr. Charles Pou, Jr., Administrative Conference of the U.S., 2120 L Street, NW, Suite 500, Washington, DC 20037.

Summary: This system of records will include records on members of the Conference and former members relating to their financial interests and outside activities, including general statements of practice and affiliation.

David R. Leuthold,
Budget and Management.

FR Doc. 79-30036 Filed 9-26-79; 8:45 am]
BILLING CODE 3110-01-M

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer;
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and
The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk (*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimmer—447-6201

New Forms

Agricultural Marketing Service
Special Report on the Purchase of Carcasses and Boxes
Beef Operations
Single time
Livestock slaughters & processes in the U.S., 370 responses, 2,220 hours
Charles A. Filett, 395-5080

Revisions

Food and Nutrition Service
Summer Food Service Program for Children
FNS 80 & 418
On Occasion

FNS regional offices of appropriate SA & service inst., 11,844 responses, 23,586 hours
Charles A. Filett, 395-5080

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377-3627

New Forms

Industry and Trade Administration
Carbon/Graphite Fibers (C/F) Sporting Goods
Manufacturer Report
ITA-9035
Single time
Manufacturers of sporting goods, 30 responses, 75 hours
Richard Sheppard, 395-3211
Industry and Trade Administration
Carbon/Graphite Fibers (C/F)-Prepreg
Producer Report
ITA-9034
Single time
Producers of C/F prepreg, 20 responses, 40 hours
Richard Sheppard, 395-3211

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—252-5214

Extensions

Survey of Gallonage Sales of Gasoline
SC-1, SC-2, SC-4
Monthly
Retail gasoline service stations, 9,344 responses, 2,336 hours
Off. of Federal Statistical Policy & Standard, 673-7974

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter Gness—245-7488

New Forms

Alcohol, Drug Abuse and Mental Health Administration
Treatment Outcome Prospective Study (TOPS) Follow-Up
Phase
Other (see SF-83)
Clients discharged from drug abuse treatment programs, 1,542 responses, 1,542 hours
Richard Eisinger, 395-3214
Public Health Service
Status Assessment of Inactive Reserve Officer Availability
PHS-6127, 6074, 6125, 6126
Other (see SF-83)
Indiv. holding PHS inactive reserve commissions, 2,300 responses, 2,300 hours
Richard Eisinger, 395-3214

Revisions

National Institutes of Health

NIH Inventory of Clinical Trials
NIH 2242
Annually
Scientists conducting clinical trials, 1,000 responses, 1,000 hours
Richard Eisinger, 395-3214

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755-5184

Revisions

Community Planning and Development
Community Development Block Grant
Grantee Performance Report
HUD-4069 & 4082 4087
Annually
Units of general local govt. receiving CDBG grants, 660 responses, 198,000 hour
Arnold Strasser, 395-5080
Housing Management
Funding Formula Data Collection Forms
HUD-52720 A, & B, 52722A, 52722E
Annually
Public housing agencies, 2,300 responses, 6,900 hours
Arnold Strasser, 395-5080

Extensions

Housing Production and Mortgage Credit
Depository Bank Acceptance and Confirmation statement
HUD-4304
On occasion
College & university administrators, 100 responses, 50 hours
Arnold Strasser, 395-5080
Housing Production and Mortgage Credit
Calculation of Net Amount Due for Bond Purchase
HUD 4301
On occasion
College & university administrators, 10 responses, 5 hours
Arnold Strasser, 395-5080

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633-3526

Reinstatements

Offices, Boards, Division
Federal Sentencing Guideline Survey
Single time
Description not furnished by Agency, 1,200 responses, 1,104 hours
Laverne V. Collins, 395-3214

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523-6341

Revisions

Bureau of Labor Statistics

Occupational Wage Survey Program; Authorization to Release Data; Wage and Salary Survey (Form 552)
2751A, 2752A & B, 2753F & G, & 275AF (St. of Calif. Form 552)
On occasion
Establish, in specific SIC's. nationwide & spec. SMSA's, 45,327 responses, 128,282 hours
Off. of Federal Statistical Policy & Standard, 673-7974
Employment Standards Administration
Definition of Workforce Analysis and AAP for Veterans and Handicapped—41 CFR Parts 60-2, 60-60, 60-250 and 60-741
CC-71, CC-60-2, & 60-60
Other (see F-83)
Fed non-contr. W/50 or MC. emp. & contr. of 50000 or MC., 8,000 responses, 32,000 hours
Arnold Strasser, 395-5080

DEPARTMENT OF STATE (EXC. AID)

Agency Clearance Officer—Gail J. Cook—632-3538

New Forms

Application for Dependent Care/ Training Grant
JF-53
On occasion
State Department employees & family members, 300 responses, 150 hours
Marsha D. Traynham, 395-6140

PENSION BENEFIT GUARANTY CORPORATION

Agency Clearance Officer—Charles P. Paul—254-4765

Revisions

Audit Verification Questionnaire
Annually
Plan Participants, 200 responses, 20 hours
Arnold Strasser, 395-5080

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312-751-4693

Revisions

*Designation or Change of Beneficiary by Railroad Employees
AA-11A
On occasion
Railroad employees, 3,000 responses, 501 hours
Barbara F. Young, 395-6132

Extensions

*Employee Representatives Status Report
DC-2A
On occasion
Employee representative, 100 responses, 25 hours

Barbara F. Young, 395-6132

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389-2282

New Forms

Pension Verification-Interview Worksheet
Annually
VA pensioners, 3,800 responses, 3,800 hours
Richard Eisinger, 395-3214
Stanley E. Morris,
Deputy Associate Director for Regulatory Policy and Reports Management.
[FR Doc. 79-30064 Filed 9-26-79; 8:45 am]
BILLING CODE 3110-01-M

PANAMA CANAL COMPANY/CANAL ZONE GOVERNMENT**Privacy Act of 1974; Systems of Records; Annual Publication**

AGENCY: Panama Canal Company and Canal Zone Government.

ACTION: Interim Notice—Annual Publication of Systems of Record.

SUMMARY: The Panama Canal Company and the Canal Zone Government are required by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), to give annual notice in the Federal Register of the character and existence of the systems of records they maintain. The purpose of this notice is to advise the public that the systems of records of the Canal agencies, as they appeared in the "Privacy Act Issuances—1978" Compilation, volume IV, page 521¹ published by the Office of the Federal Register, and the recently established system, Personnel Information System, PCC-CZG/PR-7, as published at 44 FR 42829-42830, July 20, 1979, will remain in effect until full-text publication of the revised systems can be accomplished. (The Canal agencies last published the full text of descriptions of their systems of records in the Federal Register of September 22, 1977 (42 FR 48182-48227.) As a result of the reorganization of the Canal agencies upon entry into force of the Panama Canal Treaty of 1977 and related agreements on October 1, 1979, it is expected that the nature and number of systems maintained and the number of individuals on whom records are maintained by the new Panama Canal Commission (the new United States agency that will replace the present Canal agencies under the terms of the treaty) is expected to be accomplished by December 31, 1979.

¹Privacy Act Issuances; 1978 Compilation, volume IV, may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 the cost of the volume is \$10.50

FOR FURTHER INFORMATION CONTACT: Mrs. Hazel M. Murdock, Assistant to the Secretary, Panama Canal Company, Room 312, Pennsylvania Building, 425 13th Street N.W., Washington, D.C. 20004. (Telephone: 202-724-0104.)

SUPPLEMENTARY INFORMATION: The Panama Canal Treaty of 1977 between the United States of America and the Republic of Panama will take effect on October 1, 1979. On that date, the Canal Zone Government will cease operations on the Isthmus of Panama and, under the terms of proposed legislation to implement the Treaty, the Panama Canal Company will be replaced by a new United States agency, the Panama Canal Commission. By the terms of the treaty, the Commission will be precluded from performing many significant functions of the existing Canal agencies. Some of these functions will be transferred to Panamanian administration. Several of the services now provided by the Canal Zone Government (CZG), such as schools and medical facilities, will be provided after the treaty takes effect by other United States agencies, such as the Department of Defense. The impact of this organizational change is significant since sixty-nine (52%) of the Canal agencies' present systems of records are maintained in support of Canal Zone Government functions. The curtailment or discontinuance of other operations presently performed by the Canal agencies, with an accompanying 40% reduction in the total workforce, will also affect the number of systems of records maintained and the number of individuals on whom records are maintained by the new Canal agency.

Dated: September 27, 1979.

Clarence C. Payne,
Acting Administrative Assistant to the Governor-President.

[FR Doc. 79-30034 Filed 9-26-79; 8:45 am]
BILLING CODE 3640-01-M

TENNESSEE VALLEY AUTHORITY**Public Utility Regulatory Policies Act of 1978, Tennessee Valley Authority Act of 1933; Determinations on Service Practice Standards**

AGENCY: Tennessee Valley Authority (TVA).

NOTICE: Notice of determinations on service practice standards considered by the TVA Board.

SUMMARY: The TVA Board has made its determinations on the service practice standards set out in the notice published in the Federal Register on January 11, 1979 (44 FR 2448) and the notice of proposed determinations set out in the Federal Register on July 6, 1979 (44 FR 39686). The standards considered include those listed in section 113 of the Public Utility Regulatory Policies Act of 1978 (Pub. L. 95-617), and other service practices affecting consumers of TVA power. The TVA Board considered the standards on the basis of their effect on conservation of energy, efficient use of facilities and resources, and equity among electrical consumers, and the objectives and requirements of the TVA Act.

DATES: The standards adopted by the TVA Board for TVA and the distributors of TVA power are effective as of October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Dawn S. Ford, Tennessee Valley Authority, 400 Commerce Avenue, E12A2, Knoxville, Tennessee 37902, (615) 632-4402.

SUPPLEMENTAL INFORMATION: Of the standards considered, the Public Utility Regulatory Policies Act of 1978 (Pub. L. 95-617) (PURPA) required that TVA consider standards 1-5. Standards 6-8 involve either provisions presently contained in the wholesale power contracts between TVA and the distributors of TVA power or generally included in individual distributors' Schedule of Rules and Regulations attached to the wholesale power contracts. Standard 9 was a new consideration.

Data, views, and comments were requested from the public as to the need and desirability of changes in the service practices affecting TVA consumers with respect to each of the nine standards. Public hearings, with both morning and evening sessions, were conducted at seven locations throughout the area in which TVA and the distributors serve. In addition to the notice in the Federal Register on January 11, 1979, which described the standards, news releases describing the standards and providing information as to the time and location of the hearings were furnished to the news media throughout the region. Also, advertising providing notification of the hearings and the standards being considered was placed in newspapers in the vicinity of each of the hearings. Arrangements were made at TVA expense with seven law firms for service as public counsel to represent the interests of consumers who otherwise could not afford to participate effectively in the hearings.

Prior to the hearings, a Statement of the TVA Office of Power Staff, which described how the nine standards would apply to the TVA system and evaluated the standards in light of available data, was prepared and made available to the public.

Attendance at the public hearings totaled about 1,000 people, with nearly 200 speaking. In addition, considerable written data and information were submitted for consideration. Copies of verbatim transcripts of the public hearings and written materials submitted, totaling more than 9,000 pages, were made available for public use. These verbatim transcripts of the public hearings were placed in 26 public libraries throughout the region, in the eight TVA offices identified in the January 11, 1979 Federal Register notice, and in the principal offices of the 160 municipal and cooperative distributors of TVA power.

TVA's consideration of, and the determinations concerning, the nine service practice standards were carried out pursuant to the provisions of PURPA, under which TVA is identified as the regulatory authority for electric utilities over which TVA has ratemaking authority, and the Tennessee Valley Authority Act of 1933, 48 Stat. 58, as amended, 16 U.S.C. §§ 831-831dd (1976). After consideration of the comments and materials received in connection with public hearings on the standards, TVA developed proposed determinations which were set out in a notice in the Federal Register on July 6, 1979 (44 FR 39686). Comments were invited on the proposed determinations. Following review of public comments on the proposed determinations and further consideration, the TVA Board made final determinations as to the standards and whether they should be adopted for TVA and the distributors of TVA power. Comments received from the public on the proposed determinations and these determinations will be placed at those locations where the Transcript of Public Hearings has been made available for public use. (See 44 FR 2448.)

Determinations

The TVA Board has considered for adoption for itself and the distributors of TVA power nine service practice standards. The Board has determined that its consideration of the standards, and the determinations being made with respect thereto, are in accord with the provisions of the Tennessee Valley Authority Act of 1933 and the Public Utility Regulatory Policies Act of 1978. The first five standards are those set out in PURPA while the remaining four standards, which involve other service

practices affecting consumers of TVA power, are being considered by the Board under the provisions of the TVA Act.

The nine standards have been considered in light of the record developed during proceedings on the standards. The Board recognizes the importance of and concurs in the purposes of conservation of electrical energy, efficiency in the use of facilities and resources, and equitable rates as described in PURPA. These purposes were considered in reaching the determinations below. The Board also took into account the objectives and requirements of the TVA Act. In making its determinations the Board recognizes the many diverse conditions affecting the distribution of electric power in the region served by TVA. The Board is aware of the wide range of opinions and diversity of views expressed during the hearings.

As demonstrated by the data and information contained in the record, there is a great variety of conditions prevailing in the TVA region that can significantly affect the need for an effect of various service practices. Not only do conditions frequently differ between local distribution systems but there are often significant variations of conditions within individual systems. Among the factors that can cause such variations are the number of customers served (TVA distributors range in size from a few hundred customers to a quarter of a million), whether service principally involves rural or urban consumers, differing social and economic conditions, and differences in consumers' usage of electric power depending on the reliance on electricity for heating or cooling and the availability of alternative energy sources.

The determinations of the Board as to the standards reflect the recognition of such varying conditions and the initiative and ability individual distributors have demonstrated in dealing with these conditions. In some instances, it was therefore determined that the prescribed standards were not appropriate or needed. The adopted standards, to the extent practicable, are general in nature so as to permit local distributor managements to achieve the best match of service and consumer needs consistent with the desired purposes. TVA will negotiate with distributors appropriate amendments to the power contract implementing the adopted standards.

TVA is interested in seeing how well the adopted standards work as they are implemented on the systems of individual distributors and how

effective they are in carrying out the intended purposes. The Board will continue to actively review service practices in the region as data and information are developed and new problems arise.

The Board's determinations follow.

Standard 1—Master Metering

I. Standard Under Consideration

(1) *Master metering.* To the extent determined appropriate, master metering of electric service in the case of new buildings shall be prohibited or restricted to the extent necessary to carry out the purposes of Title I of the Public Utility Regulatory Policies Act of 1978 (Pub. L. 95-617). Separate metering shall be determined appropriate for any new building if—

(a) There is more than one unit in such building;

(b) The occupant of each such unit has control over a portion of the electric energy used in such unit; and

(c) With respect to such portion of electric energy used in such unit, the long-run benefits to the electric consumers in such building exceed the costs of purchasing and installing separate meters in such building.

II. Observations

The TVA Board believes that it is important that individual occupants be made to feel a responsibility for electric energy use in the units they occupy. However, information in the record indicates that in the TVA region the standard would not be particularly effective for achieving such response. One factor is the strong trend that has developed against the use of master metering. Individual metering is normally provided in construction of new multiunit residential buildings. The only significant exception is in the case of public housing. Individual metering is not cost effective in public housing where individual occupants pay rental charges, which cover utility services, based on the occupant's income rather than the consumption of services.

Part of the provisions of the standard which was considered are currently being met through requirements of Energy Conservation Codes for new construction. These codes have recently been adopted by a number of the States in the area served by TVA, and a majority of the consumers receiving TVA power are in these States. The codes in general require that, in all multifamily dwellings, provision shall be made to determine the energy consumed by each tenant by separately metering individual dwelling units. To the extent that such requirements lead to conservation of energy use, it is already accomplished through the application of the codes.

It is also recognized that there are possibilities for long-run energy-saving benefits to consumers through use of more efficient central equipment, renewable energy resources, and load management schemes. It is clearly not in the consumer's interest to require individual metering which could preclude the use of any such advantageous measures.

While the application of the standard in some cases would probably promote conservation of energy and efficient use of facilities, on balance the adoption of the standard would appear to be of marginal benefit in helping to achieve such purposes from an overall standpoint. With the strong trend toward voluntary application of metering of individual units and the need to retain flexibility to ensure that the most cost-effective measures are followed, the standard is not considered necessary or appropriate for the TVA area at this time.

Those commenting were in favor of the proposed determination as set out in the Federal Register (44 FR 39688) that the adoption of the standard is not considered necessary or appropriate.

III. Determination by the TVA Board

Adoption of the standard is not considered necessary or appropriate.

Standard 2—Automatic Adjustment Clauses

I. Standard Under Consideration

(2) *Automatic adjustment clauses.* No rate may be increased pursuant to an automatic adjustment clause unless it makes the following requirements:

(a) Such clause is determined, not less often than every four years, by TVA, after an evidentiary hearing, to provide incentives for efficient use of resources (including incentives for economical purchase and use of fuel and electrical energy) and

(b) Such clause is reviewed not less often than every two years, by TVA, to ensure the maximum economies in those operations and purchases which affect the rates to which such clause applies. In making such review TVA shall examine and, if appropriate, cause to be audited its practices relating to costs subject to an automatic adjustment clause and shall require such reports as may be necessary to carry out such review (including disclosure of any ownership or corporate relationship between TVA and sellers to it of fuel, electric energy, or other items).

The term "automatic adjustment clause" means a provision of a rate schedule which provides for increases or decreases (or both), without prior hearing, in rates reflecting increases or decreases (or both) in costs incurred by TVA or the distributors of TVA power. Such term does not include an interim rate which takes effect subject to a later determination of the appropriate amount of the rate.

II. Observations

Under the TVA Act, TVA establishes (1) the rates for electricity sold to all of the distributors of TVA power and to all customers served directly by TVA and (2) the resale rates applicable for all electricity sold by the distributors. The use of automatic adjustment clauses as a part of such rates has been discontinued by TVA. Adoption of the standard in the TVA area would not serve to carry out the purposes of PURPA. Of those commenting, most favored the proposed determination as set out in the Federal Register (44 FR 39688) that the adoption of the standard is not considered necessary or appropriate.

III. Determination by the TVA Board

Adoption of the standard is not considered necessary or appropriate.

Standard 3—Information to Consumers

I. Standard Under Consideration

(3) *Information to consumers.* TVA and the distributors of TVA power shall transmit to each of their electric consumers the following information regarding rate schedules:

(a) A clear and concise explanation of the existing rate schedule and any rate schedule applied for or proposed applicable to such consumer. Such statement shall be transmitted to each such consumer—

(i) Not later than 60 days after the date of commencement of service to such consumer or 90 days after this standard is adopted, whichever last occurs; and

(ii) Not later than 30 days (60 days in the case of a bimonthly billing system) after application for or proposal of any change in a rate schedule applicable to such consumer.

(b) Each electric consumer shall be given not less frequently than once each year

(i) A clear and concise summary of the existing rate schedules applicable to each of the major classes of electric consumers for which there is a separate rate and

(ii) An identification of any classes whose rates are not summarized.

Such summary may be transmitted together with such consumer's billing or in such other manner as TVA or the distributor deems appropriate.

(c) On request an electric consumer shall be given a clear and concise statement of the actual consumption (or degree-day adjusted consumption) of electric energy by such consumer for each billing period during the prior year (unless such consumption data is not reasonably ascertainable).

II. Observations

In a period of higher cost energy and public awareness, it is important that distributors take reasonable, positive actions to inform customers about such important matters as rates and service practice policies. Informed customers are better able to respond to changes in rates and act in their own interest and in the interest of all customers. A body of

informed customers is clearly a desirable goal in the face of the long-run rise in energy costs and the obvious possibility of energy shortages. Distributors are demonstrating an increasing awareness of the need to see that such information is available to consumers and the importance of furnishing it in the most cost-effective manner.

The availability of information about rates, consumption, and service practice policies is considered to be effective in helping customers achieve conservation of energy, the efficient use of facilities and resources, and equity among consumers. However, it is important from the customer's standpoint that such benefits be achieved as economically as possible. As indicated throughout the record, the mandatory requirements for transmitting information to each customer would result in little if any additional benefits while creating considerable additional cost. Based on information and data in the record, such provisions for the mandatory transmittal of information to all customers are not considered effective for achieving the purposes set out in PURPA and are not considered appropriate for adoption in the TVA area.

It is essential that the most effective means be used to provide information to consumers that will encourage conservation of energy. TVA expects to work closely with distributors in using present means, as well as developing more effective methods, of reaching consumers with information that will achieve such purposes.

The notice in the Federal Register proposed revisions, as set out at 44 FR 39689, of the standard under consideration and adoption of the revised standard. With a few exceptions, all those commenting favored the proposed determination.

III. Determination by the TVA Board

The standard under consideration is revised and adopted as follows:

Information to Consumers

Distributors shall reasonably inform customers about rates and service practice policies by making such information available upon application for service and at any other time upon request.

Distributor, on request, shall provide a statement of the monthly consumption for the prior 12 months if it is reasonably ascertainable.

Distributor, as it determines appropriate, shall utilize channels such as mail, newsletter, newspaper, radio, and television to inform customers about rates and service policies.

Each distributor shall, upon notice and opportunity for comment, develop and file with TVA within 60 days of the effective date of this standard an information service policy, which takes into account the considerations set out in the observations above, consistent with local circumstances.

Standard 4—Procedures for Termination of Electric Service

I. Standard Under Consideration

(4) *Procedures for termination of electric service.* Electric service to any Electric consumer may not be terminated except pursuant to procedures which provide that

(a) Reasonable prior notice (including notice of rights and remedies) is given to such consumer and such consumer has a reasonable opportunity to dispute the reasons for such termination and

(b) During any period when termination of service to an electric consumer would be especially dangerous to health, as determined by TVA, and such consumer establishes that

(i) He is unable to pay for such service in accordance with the requirements of the billing or

(ii) He is able to pay for such service but only in installments

such service may not be terminated.

Such procedures shall take into account the need to include reasonable provisions for elderly and handicapped consumers.

II. Observations

The importance of electricity to the well-being and health of individual consumers in the region in which TVA power is made available is widely understood. Termination of service for any reason is considered a matter of serious concern by TVA, distributors, and customers.

Several organizations commenting on the proposed determination on behalf of consumers advocated adoption of a standard containing detailed provisions specifically covering matters such as limitations on terminations, deferred payments of bills, and procedures to be followed. They felt that consumers would not fully understand their rights and the procedures available to them. It was suggested that a more detailed standard is necessary to ensure that customers will not be abused by distributors' termination procedures. Concern was expressed over terminations of electric service, particularly for the elderly and ill, during the winter months. Some suggested that the standard should prohibit termination during winter months, while one comment recommended that it provide for no termination when temperatures were below 32 degrees Fahrenheit. It was also suggested that a standard should require that, when service is in a landlord's

name, a termination notice should also be sent to the tenant.

The Board shares the concern that there be no abuse of ultimate consumers through the termination procedures of individual distributors. It is recognized, however, that circumstances and conditions affecting individual distributor systems vary considerably, demonstrating a need for each system to have flexibility in developing procedures for terminating service appropriate for that system. After consideration of the various views expressed and in light of the progress which distributors have made in developing reasonable termination policies reflecting humane concerns, the Board is of the opinion that a generalized standard, in contrast to a more detailed one, should be adopted. Consumer interests will be recognized as individual distributors, within the framework of this standard, develop specific termination policies reflecting local circumstances and conditions. In all circumstances, distributors are to satisfy due process and other legal requirements in terminating service to customers. Procedures must provide for adequate notice and opportunity for consideration of disputed bills.

While the Board is concerned as to health risks associated with termination during severe weather conditions and believes that distributors should give special consideration to termination of service during such periods, it does not believe that it would be in the overall best interest of consumers for the standard to require a moratorium on termination. In reaching this conclusion, the Board is aware of information in the record concerning the loss of Crisis Intervention Program funds in States with such moratoriums. It also recognizes the problems of accumulated bills which electric systems and consumers have experienced in other regions as a result of moratoriums. Recognizing the restraint demonstrated by most distributors in applying termination procedures, the Board believes it is unnecessary and undesirable to have the standard require a moratorium on terminations that would lead to such problems.

In the development of individual distributor service policies for termination of service, the following considerations must be taken into account.

(1) In establishing the amount of time that it considers to be reasonable notice for each class of service, each distributor should recognize the delays that frequently are now incurred in receiving mailings as well as the difficulties of taking immediate steps to

avoid terminations because of the work schedules of the customers or where elderly individuals or illness is involved.

(2) Notification on the customer's bill is not considered adequate for satisfying the requirement for a reasonable prior written notice under the adopted standard.

(3) Distributors are expected to consider the desirability of establishing, as part of termination procedures, efforts to actually contact customers prior to termination. Inasmuch as some customers are unable for health or other reasons to effectively respond to notice of termination, distributors are urged to include provisions permitting third-party notifications.

(4) In the case of tenants whose electric service is in the landlord's name, notification of termination of service should also be sent to the tenant(s) who may have far more interest in continuity of service than the landlord.

(5) All distributors are urged to consider the plight of consumers without electric service in severe weather as they develop and apply termination policies. In particular, they are urged to provide for deferred payment of power bills when termination would threaten health and the consumer is unable to pay except in installments. Programs at the Federal and State levels are available to help provide funds and other assistance in customer hardship situations. TVA will be working with distributors in placing greater emphasis on such programs, in helping to see that they are available for customer use, and in seeing that customers have knowledge of the availability.

The notice in the Federal Register proposed revisions, as set out at 44 FR 39689, of the standard under consideration and adoption of the revised standard.

III. Determination by the TVA Board

The standard under consideration is revised and adopted as follows:

Procedures for Termination of Electric Service. Service may not be terminated for nonpayment of a bill except after affording the affected customer due process. Reasonable prior written notice (including notice of available rights and remedies) shall be given before termination for nonpayment.

Each distributor shall, upon notice and opportunity for comment, develop and file with TVA within 60 days of the adoption of this standard a termination of service policy, which takes into account the considerations set out in the observations above consistent with local circumstances.

Standard 5—Advertising

I. Standard Under Consideration

(5) *Advertising.* Neither TVA nor the distributors of TVA power may recover from any person other than their shareholders (or other owners) any direct or indirect expenditure for promotional or political advertising.

(a) The term "advertising" means the commercial use of any media, including newspaper, printed matter, radio, and television, in order to transmit a message to a substantial number of members of the public or to electric consumers.

(b) The term "political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

(c) The term "promotional advertising" means any advertising for the purpose of encouraging any person to select or use electric service or additional electric service or the selection or installation of any appliance or equipment designed to use electric service.

(d) The terms "political advertising" and "promotional advertising" do not include

(i) Advertising which informs electric consumers how they can conserve energy or can reduce peak demand for electric energy;

(ii) Advertising required by law or regulation, including advertising required under part 1 of Title II of the National Energy Conservation Policy Act;

(iii) Advertising regarding service interruptions, safety measures, or emergency conditions;

(iv) Advertising concerning employment opportunities;

(v) Advertising which promotes the use of energy efficient appliances, equipment, or service; or

(vi) Any explanation or justification of existing or proposed rate schedules or notifications of hearings thereon.

II. Observations

Advertising by TVA and the distributors of TVA power is presently used to encourage and emphasize the need for conservation through efficient use of electricity and is not now used to increase sales. TVA does not engage in political advertising, and provisions of the wholesale power contracts specifying the purposes for which revenues from the sale of power can be spent prevent the distributors from engaging in political advertising. Similarly, promotional advertising to promote the increased sale of electricity is considered an inappropriate use of power revenue. The standard would not appear to further the purposes of PURPA with respect to TVA or the distributors and is not considered necessary or appropriate for adoption.

Of those commenting, most favored the proposed determination as set out in the Federal Register (44 FR 39690) that

the adoption of the standard is not considered necessary or appropriate.

III. Determination by the TVA Board

Adoption of the standard is not considered necessary or appropriate.

Standard 6—Deposit

I. Standard Under Consideration

(6) *Deposit.* A deposit or suitable guarantee approximately equal to twice the average monthly bill may be required of any Customer before electric service is supplied. Distributor may at its option return deposit to Customer after one year. Upon termination of service, deposit may be applied by Distributor against unpaid bills of Customer, and if any balance remains after such application is made, said balance shall be refunded to Customer.

II. Observations

The record contains information on the role of security deposits in helping reduce bad debt losses, and thereby protecting the mass of customers who pay their bills from unfairly having to pay for those who do not. There were comments that noted the frequent failure of new businesses, the sudden bankruptcy of established firms after years of good payment, and that residential customers sometimes owe for two months of service before it becomes apparent that payment will not be made.

However, there are also a number of comments in the record in opposition to security deposits. Some consider deposits to be an unfair burden for many consumers and that they should be waived for the poor and elderly. It was also suggested by some opposed to deposits that they did not find any correlation between deposits and bad debt losses resulting from failure to pay power bills. There was also objection to deposits on the basis that bad debt losses are an insignificant percentage of revenue.

There were comments that the size of deposits should be limited and the record shows that some consumers may be temporarily unable to obtain service unless they are allowed to pay their deposits in installments. On the other hand, data and information were submitted for the record for the purpose of showing the logic of permitting distributors to require deposit amounts of up to twice the average monthly bill, especially in the case of consumers with poor credit ratings. The distributors commented that they needed flexibility in order to meet local needs.

The record indicated that the prevailing practice throughout the nation is to require that interest be paid on consumer deposit balances. Some

argued that unless interest is paid the consumer is deprived of the use of his money without direct compensation. Also, security deposits can be used to meet a part of the distributor's capital requirements. On the other hand, the payment of interest increases administrative and accounting costs which are borne by the consumers. The record also indicates that some distributors require such small deposits that these handling costs could be prohibitive. The Board also recognizes that a portion of distributor administrative cost is associated with receiving and maintaining records on deposits and that such costs under certain circumstances could exceed interest earned on retained deposits for several months.

The Board understands both the need for local flexibility on the one hand and consumer objections to deposits and consumer arguments that deposits should earn interest on the other hand. The Board is also aware of distributor objections to mandatory payment of interest despite the prevailing national practice of requiring the payment of interest on utility deposits. The Board finds that the record supports the need for the collection of deposits under specified conditions as well as a requirement that interest payments should be required on any deposit kept after a specified period to time. The Board has concluded that deposits can serve to help reduce bad debt losses, thereby helping to protect paying customers from having to pay for those who do not pay. However, the Board also has concluded that it is unfair to customers for deposits equivalent to more than one month's average bill to be retained for an extended time with no interest being paid.

On balance, the Board is persuaded that local flexibility combined with interest rates on deposits is the proper approach. In recognition of the various conditions and circumstances affecting individual systems, it is felt that distributors should have flexibility to require or not to require deposits, to determine the size of and retention period of deposits, and to determine whether interest should be paid on deposits during the first several months of retention.

At the same time, provision for interest rates on deposits held for more than six months should provide encouragement for the refunding at the earliest practical date of deposits no longer considered necessary. However, when such deposits are retained for more than six months consumers would be compensated for the use of their

funds on deposit. After consultation with distributors and others, TVA will inform distributors annually of the interest rate to be applied during each year beginning July 1.

In establishing individual distributor policies, the following considerations must be taken into account:

(1) Deposits collected on the basis of race, color, creed, sex, national origin, or marital status are inappropriate.

(2) The size of deposits should be held to reasonable levels and distributors are urged to make provisions for installment payments for those who might otherwise be denied service.

The notice in the Federal Register proposed revisions, as set out at 44 FR 39690, of the standard under consideration and adoption of the revised standard.

III. Determination by the TVA Board

The standard under consideration is revised and adopted.

Deposit. A reasonable deposit may be required of any Customer. In cases of hardship of residential customers, distributor may accept installment payment of deposits. All deposits greater than one month's average bill and retained longer than 6 months shall earn interest at a rate to be specified by TVA from time to time after consultation with distributors and others. Such earned interest shall be paid, or credited against power bill(s), at least annually.

Each distributor shall, upon notice and opportunity for comment, develop and file with TVA within 60 days of the adoption of this standard a deposit policy, which takes into account the considerations set out in the observations above, consistent with local circumstances.

Standard 7—Connection, Reconnection, and Disconnection Charges

I. Standard Under Consideration

(7) **Connection, reconnection, and disconnection charges.** Distributor may establish and collect standard charges to cover the reasonable average cost, including administration, of connecting or reconnecting service, or disconnecting service as provided above. Higher charges may be established and collected when connections and reconnections are performed after normal office hours or when special circumstances warrant.

II. Observations

The record indicates that there are relatively few problems with connection, reconnection, and disconnection charges as they are being applied by distributors. The record indicates that some individuals have difficulties in paying such charges. The

Board believes that individual distributors can help alleviate the difficulties of this small number of persons without adopting a mandatory standard containing such requirements.

The Board further recognizes that, as shown in the record, because of a diversity of conditions prevailing throughout the Tennessee Valley area and from system to system, individual distributors are in the best position to establish the charges, if any, which are appropriate.

The majority of those commenting favored the proposed determination as set out in the Federal Register (44 FR 39690) that adoption of a new standard is not considered necessary.

III. Determination by the TVA Board

Adoption of a new standard is not considered necessary.

Standard 8—Billing

I. Standard Under Consideration

(8) **Billing.** Bills will be rendered monthly and shall be paid at the office of Distributor or at other locations designated by Distributor. Failure to receive bill will not release Customer from payment obligation. Should bills not be paid by due date specified on bill, Distributor may at any time thereafter, upon five (5) days' written notice to Customer, discontinue service. Bills paid after due date specified on bill may be subject to additional charges. Should the due date of bill fall on a Sunday or holiday, the business day next following the due date will be held as a day of grace for delivery of payment. Remittances received by mail after the due date will not be subject to such additional charges if the incoming envelope bears the United States Postal Service date stamp of the due date or any date prior thereto.

Distributor shall designate in its standard policy a period of not less than 10 days nor more than 20 days after date of the bill during which period the bill is payable as computed by application of the charges for service under the appropriate resale schedule and shall further designate in said policy the percentage or percentages, if any, not to exceed 10 percent of the bill, computed as above provided, which will be added to the bill as additional charges for payment after the period so designated.

II. Observations

Data and information in the record show that timely receipt of revenues is needed by distributors to meet expenses and to avoid incurring additional cost. At the same time as electric rates continue to increase, many customers, particularly those with low or fixed income, are having more difficulty making timely payments of power bills.

The record indicates that distributors are sensitive to the need to reach an appropriate balance between these two compelling factors. In this regard,

distributors are tending toward lengthening the net payment period (from previous limits of 10 days) and reducing the late payment charge (from previous levels of 10 percent). The offering by many distributors of special counseling in hardship cases (referral to public assistance agencies, installment payments, etc.) is proving effective in helping customers deal with payment problems. While it is considered appropriate to adopt a standard containing certain limits, it is recognized as shown in the record, that distributors need the flexibility to reflect individual system conditions in establishing billing policies. Considerable data and information as to an appropriate period for net payment of residential bills were provided in the record. The record indicates that the time required to read meters and prepare and deliver bills is such that the customer's bill in some cases covers electricity consumed considerably more than a month before receipt of the bill and even longer before the due date of the bill. As the record further shows, if the net payment period were to be extended much beyond 15 days, this would cause considerable billing problems and customer confusion resulting from overlaps of a notice of termination for nonpayment for one month's bill with the bill for the following month. After consideration of these circumstances, it appears appropriate that the standard provide a net payment period of at least 15 days. Although some have suggested substantially longer periods to pay, it seems likely that this would only tend to cause some customers to accumulate larger amounts in arrears making eventual payment even more difficult. It is also apparent that longer payment periods result in additional cost that must be recovered from paying customers. Such costs include increased administrative expense, bad debt, and cost of money due to delayed cash flow.

There were numerous objections to late payment charges in the record, especially late payment charges of 10 percent. In addition it was noted that late payment charges as high as 10 percent applied to today's higher bills may produce more revenue that the costs associated with late payments. Many advocated late payment charges of no more than 1½ percent per month. However, information and data provided for the record indicate that 1½ percent would not offset costs of followup billing, collection efforts, and cost of money. Distributors also expressed concern that late payment charges of 1½ percent would provide little incentive to pay bills promptly. The

conclusion drawn from the record is that for most distributors with service policies tailored to local conditions and adequate cost control a late payment charge in the order of 5 percent would be an adequate upper limit to cover the additional distributor costs imposed by late payments and, at the same time, encourage customers to pay before the due date. An increasing number of distributors are applying late payment charges of 5 percent or less. It is recognized charges of 5 percent are not needed in many cases and distributors, where possible, are encouraged to limit such charges to 1½ percent per month.

As indicated by the record, budget billing can be a helpful device for lessening the impact of higher seasonal bills of residential customers. While it is recognized that budget billing may not be readily adaptable for customers who change location often, distributors are strongly encouraged to include the availability of budget billing within the service policy provisions covering billing and to publicize its availability. The record also indicated that distributor policies under this standard should continue to provide for such related matters as payment locations, responsibilities in event of nonreceipt of bill, effect of holidays on due dates, and evidence as to the date of payment.

The notice in the Federal Register proposed revisions, as set out at 44 FR 39691, of the standard under consideration and adoption of the revised standard.

III. Determination by the TVA Board

The standard is revised and adopted.

Billing. Distributor shall designate a standard net payment period for residential customers of not less than 15 days, and for other classes of service not less than 10 days, after the date of the bill. Distributor may establish for any class of service a late payment charge of no more than 5 percent for any portion of bill paid after the net payment period.

Each distributor shall, upon notice and opportunity for comment, develop and file with TVA within 60 days of the adoption of this standard a service policy, which takes into account the consideration set out in the observations above, consistent with local circumstances.

I. Standard Under Consideration

(9) **Building standards.** New buildings, including homes, must meet energy conservation weatherization standards developed by TVA as a requirement for electric service.

II. Observations

The record indicates that most people are concerned about the high cost of energy and agree with the concept of energy-efficient homes and buildings but that it is difficult for consumers to discriminate between those homes which are in fact energy efficient and those which are not. Many of those commenting on the standard, including individuals and construction-related organizations, felt that traditional code-making and governmental enforcement bodies should be relied upon to develop and enforce conservation standards for new buildings and that such a role was inappropriate for TVA. However, statements received from Federal and State agencies indicated that adoption or development and/or enforcement of conservation standards may not be forthcoming from the various legislative or regulatory bodies. In the absence of legislative action, they encouraged TVA to develop and enforce conservation standards and related programs for new buildings.

Existing codes and those under development, if adopted by the States and stringently enforced, would greatly improve the energy efficiency of new commercial and industrial buildings. However, as indicated in the record, existing codes being adopted by the States for new homes are only minimally better than current practice. The potential exists for considerable conservation improvement in the residential sector with resulting savings of substantial sums of money to the homeowner over the life of the property. However, lack of reliable information about the efficiency of new homes is a barrier which needs to be breached if these savings of energy and money are to be fully captured.

Many participants expressed concern that increased housing costs due to conservation might squeeze potential home buyers out of the market. The record also reveals a lack of knowledge by consumers that energy savings quickly repay the cost of conservation investments and then the consumer will save money each year thereafter. Builders also indicated that lending institutions do not generally give credit for conservation measures in loan qualification procedures or appraisals. New home buyers generally are not able to estimate and compare accurately the utility costs between energy-efficient and energy-inefficient buildings and are thus unable to trade off the increased first cost of energy efficiency against decreased operating costs when making purchasing decisions.

These factors support the conclusion that the consuming public is not adequately informed so as to demand from builders the highly efficient homes along the lines of the TVA Super Saver. The record does show that most people would support a voluntary program designed both to upgrade the thermal characteristics of new homes and to provide trustworthy information about the energy efficiency of new construction.

The adoption of mandatory standards by TVA may in the future be a necessary and cost-effective way to ensure energy efficiency in new buildings. However, it will obviously be preferable if TVA could avoid taking on such a responsibility ordinarily carried out by agencies of government responsible for building codes. TVA will therefore actively encourage the responsible State and local governments to develop and adopt more than minimal codes and to enforce them strictly. In addition, a voluntary residential sector program, emphasizing education, energy-efficiency labeling, and technical assistance, will be established and monitored for effectiveness to encourage the construction and purchase of highly efficient homes. Financial incentives for energy-efficient construction may also be considered, but such consideration should more appropriately be taken up as part of proceedings dealing with section 111 of PURPA.

In lieu of adopting a mandatory standard, TVA will take the following steps to improve energy efficiency of new buildings. TVA will:

(1) Aid and encourage the Federal, State, and local governments to develop, adopt, and enforce building standards that optimize reduced utility costs with increased building costs to produce the lowest total cost to the consumer.

(2) Establish a residential program using education and technical assistance for consumers, builders, lending institutions, and realtors to encourage the construction of energy-efficient homes equivalent to:

Twenty-five percent of all new homes built to TVA's Super Saver specifications during the first year.

Forty percent of all new homes built to TVA's Super Saver specifications during the second year.

Sixty-five percent of all new homes built to TVA's Super Saver specifications during the third year.

(3) Inspect new homes and provide certification and labeling of those inspected homes that meet the energy efficiency equivalent of TVA's Super Saver standard. A TVA-approved "Energy Saving Home" seal of approval would be available for display. This will

better enable those in the home-buying market to choose the most efficient homes, as well as providing an additional market-related stimulus to meet the goals cited above.

In the event that this overall approach does not produce the desired improvements in the energy efficiency of new buildings, adoption of mandatory standards by TVA will be reconsidered.

With the exception of a few comments recommending the adoption of a mandatory building standard, most of those commenting favored the proposed determination. One comment on the proposed determination suggested adopting a broader standard that includes existing buildings. In the Board's view a standard for existing buildings is also unnecessary at this time. However, TVA and the distributors are involved in numerous demonstration projects and programs directed toward improved energy efficiency in existing buildings. Existing programs include the home insulation program with free energy surveys, interest-free financing of insulation and weatherization, and post installation inspections for upgrading the efficiency of dwellings. About 140,000 surveys have already been made in this program. Present programs also include (1) a commercial and industrial audit program under which financing is made available for acquiring equipment and materials to achieve greater energy efficiency and (2) a program under which financing is available for the purchase of heat pumps to replace resistance heating. Solar water heater programs underway will help to reduce electricity consumption for water heating for thousands of homes. These and other programs are being undertaken to help meet the need for conservation and to promote greater use of renewable energy resources in existing buildings. Existing programs will be modified and new programs will be developed as necessary to better meet changing needs in the future.

Most of those commenting were in favor of the proposed determination as set out in the **Federal Register** (44 FR 39692) that the adoption of the standard is not considered appropriate.

III. Determination by the TVA Board.

Adoption of the standard is not considered appropriate.

Dated: September 21, 1979.

W. F. Willis,
General Manager.

[FR Doc. 79-29942 Filed 9-26-79; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

General Aviation District Office and Air Carrier District Office at Tulsa, Okla.; Consolidation

Notice is hereby given that on or about October 1, 1979, the General Aviation District Office at Tulsa, Oklahoma, and the Air Carrier District Office at Tulsa, Oklahoma, will be consolidated. The consolidated office will be listed as the Flight Standards District Office, Tulsa, Oklahoma. All services to the public formerly provided by the individual offices will be provided by the consolidated office. This information will be reflected in the FAA Organization Statement the next time it is reissued.

Issued in Fort Worth, Texas, on September 18, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29948 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

General Aviation District Office and Engineering and Manufacturing District Office at San Antonio, Tex.; Consolidation

Notice is hereby given that on or about October 1, 1979, the General Aviation District Office at San Antonio, Texas, and the Engineering and Manufacturing District Office at San Antonio, Texas, will be consolidated. The consolidated office will be listed as the Flight Standards District Office, San Antonio, Texas. All services to the public formerly provided by the individual offices will be provided by the consolidated office. This information will be reflected in the next FAA Organization Statement the next time it is reissued.

Issued in Fort Worth, Texas, on September 18, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

FR Doc. 79-29949 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13

[Summary Notice No. PE-79-22]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter 1) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: October 17, 1979.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-24), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on September 21, 1979.

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
19588	Stanley D. Lindholm and Air Nebraska	14 CFR § 135.234(a)	To allow Mr. Lindholm to serve as Captain for Air Nebraska until he reaches his 23rd birthday, without holding an Airline Transport Pilot Certificate (ATPC).
19585	Ms. Della L. Farris and Key West Airlines	14 CFR § 135.39	To allow Ms. Farris to serve as Chief Pilot of Key West Airlines without having the prerequisite Airline Transport Pilot Certificate (ATPC).
19586	Mr. Brian Coast	14 CFR § 135.243(a)	To permit Mr. Coast to serve as pilot in command for ZIA airlines, a commuter airline, without holding an Airline Transport Pilot Certificate (ATPC), due to the age 23 requirement.
19498	Air Logistics of Alaska	14 CFR § 135.385 (b) and (c)	To permit the petitioner to operate its CASA 212 airplane without meeting, to the extent necessary, the performance requirements of Section 135.385 (b) and (c).

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
18912	Transasian Airlines	14 CFR portions of Parts 21, 61, 63, and 91.	To amend Exemption No. 2714, as amended, to reflect the corporation's new name "Air Transcontinental Airlines, Ltd." <i>Granted 9/18/79.</i>
19239	Henson Aviation	14 CFR 121.503 (d) and (e)	To allow their pilots to exceed the flight time limitations of 100 hours monthly and 1,000 hours annually. <i>Granted 9/18/79.</i>
19336	Heussler Air Service Corp.	14 CFR § 135.149(c)	To permit petitioner to operate its Cessna 500 Citation aircraft without the required third gyroscopic bank-and-pitch indicator. <i>Denied 9/13/79.</i>
19419	Midwest Air Charter, Inc.	14 CFR § 135.149(c)	To permit petitioner to operate six Cessna Citation 500 aircraft without the required third attitude gyroscopic bank-and-pitch indicator until Dec. 31, 1979. <i>Granted 9/13/79.</i>
19503	Mackey Int'l Airlines	14 CFR § 121.191(a)(1)	To permit petitioner to begin DC-8-S1 operations without first performing a full seating capacity emergency evacuation. <i>Granted 9/13/79.</i>
19509	North Air KS	14 CFR Parts 21 and 91	To allow petitioner, in effect, to operate a B-707-321C aircraft of United States registry, using an FAA-approved master minimum equipment list (M MEL) and a continuous airworthiness inspection program. <i>Granted 9/14/79.</i>

[FR Doc. 79-29947 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

[Docket No. EX79-01; Notice 2]

Model A and Model T Motor Car Reproduction Corp.; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

This notice grants the petition by the, Model A and Model T Motor Car Reproduction Corporation of Detroit, Michigan ("Model A" herein) for a temporary exemption of its Model A replica passenger car from certain safety standards. The company had applied on the basis that compliance would cause it substantial economic hardship.

Notice of receipt of the petition was published on July 23, 1979, and an opportunity afforded for comment (44 FR 43135).

Model A has not yet commenced manufacturing motor vehicles but according to Automotive News (August 13, 1979) it has taken deposits on 10,000 orders for a replica of a 1928 Ford Model A roadster. This represents the total planned production run of the car. Model A, therefore, does not intend to achieve conformance with standards from which it may be exempted for three years.

The company requested exemption from every safety standard applicable to

passenger cars except Standards Nos. 101, 102, 106, 107, 111, 112, 113, 114, 115, 118, 124, 127, 205, 210, 211, and 302. However, there will be partial compliance with some of the standards from which exemption is requested. This will be discussed in detail. In its first fiscal year ending March 31, 1979, Model A had a net loss of \$100,000.

Subsequent to preparation of Notice 1, the petitioner informed NHTSA that the top speed of the Model A will be not more than 55 mph.

In support of its petition, the company argued that its replica vehicles are not likely to present a significant hazard to traffic safety. It believes the overall concept is such that the vehicles' appeal is primarily for occasional, limited use (e.g., auto shows, resort use) rather than extensive daily use on the public roads.

In further support of its argument that an exemption would be in the public interest, the company stated that it

"... has worked closely with Battle Creek Unlimited, a nonprofit organization, assisting the City of Battle Creek in coordinating new business for the community which has been designated by the Federal Government as an area of economic hardship. The Company has purchased a building in Battle Creek from the city under the Title 9 program in which Federal funds were utilized to allow the Company to establish a production facility in this area to create additional jobs. The Company has already hired personnel under the Federal CETA program, the Federal CETA program

job hire No. 2 (Veterans) and the Federal WIN program (unemployed parents on ADC) for on-the-job training of the unemployed in the Battle Creek area. In addition, the Company has hired additional persons under a State of Michigan program which utilizes Federal funds to provide for the pre-training of unemployed in order to ready a work force for production this Fall."

As of September 18, 1979, the company had a work force of 144 employees, 51% of whom are receiving training under the programs. Model A has also emphasized that it is ordering parts, where feasible, from the depressed recreational vehicle industry, and that its parts orders have created many additional jobs for its vendors.

As a final remark in the preliminary portion of this Notice, NHTSA has noted that the Company intends subsequently to produce replicas of other Ford Motor Company products: 1955 Thunderbird, 1964 Mustang, 1940 Lincoln Continental, Model T, Model A pickup and Model B.

One comment was received on the petition, from the State of Maryland which opposed it as a setback for safety and difficulties that replica vehicles present under that state's current titling and registration regulations.

Since January 1, 1968, when the initial Federal motor vehicle safety standards became effective under the National Traffic and Motor Vehicle Safety Act, there has been no "right" to

manufacture motor vehicles without fulfilling the statutory obligation that they comply with all applicable Federal motor vehicle safety standards. In response to the inability of certain low volume manufacturers to comply with all initial safety standards by their effective dates, P.L. 90-283 provided the Secretary with authority to temporarily exempt such manufacturers from compliance if compliance would cause "substantial economic hardship". After expiration of the exemption authority in 1971, experience demonstrated a continuing need with the result that a permanent exemption authority was enacted in 1972, 15 U.S.C. 1410.

Pursuant to this authority the Administrator, as the Secretary's delegate, may,

"... under such terms and conditions and to such extent as he deems appropriate, temporarily exempt . . . a motor vehicle from any motor vehicle safety standard established under this Title if he finds—

(1)(A) that compliance would cause such manufacturer substantial economic hardship and that the manufacturer has, in good faith, attempted to comply with each standard from which it requests to be exempted.

(2) that such temporary exemption would be consistent with the public interest and the objectives of the Act."

The Traffic Safety Act does not deal specifically with the subject of new motor vehicles replicating those of an earlier era, perhaps because only a handful of such manufacturers existed at the time that both the Act and the exemption legislation were enacted. The principal U.S. replica car manufacturer at that time, SS Automobiles Inc., which produces a 1929 Mercedes SSK-type vehicle, the Excalibur, has never applied for an exemption under the 1972 authority, and certifies its vehicles as conforming to all Federal standards. This is an indication to the agency that there is no inherent incompatibility between replica vehicles and contemporary safety standards, when a replica vehicle is designed to meet them.

To date, the agency has been sympathetic to the petitions submitted by replica car manufacturers.¹

¹These petitioners, docket numbers, vehicle replicated number of vehicles produced and/or planned, number of standards exempted, top speed, and Federal Register Decision Notices are given below.

Grants

1. Albany Motor Carriage Company, EX 73-7, 1906-style, 150 produced of 300 planned, 10 standards, 40 mph, 39 FR 3709, 39 FR 28175, 42 FR 31861.

2. Vintage Reproductions Inc., EX 74-6, 1901-style, 129 produced of 900 planned, 25 standards, 40 FR 3709.

3. Sharro, EX 75-23, 1936 BMW 328 sports car, 24 produced, 12 standards, 40 FR 52752.

Exemption has been found to be consistent with the public interest, when they provide jobs for American workers and companies, and promote small businesses. The facts that most of the replicas are produced in quantities of less than 100, are low-speed vehicles, and suitable more for special use occasions than as substitutes for vehicles for every day use on the public roads have provided Administrators with basis for an assessment that their introduction into interstate commerce is not likely to have a measurable effect upon traffic safety.² Indeed, to date, no reports of accidents involving an exempted replica vehicle are known to the agency.

The petition of Model A, however, is readily distinguishable from any previously submitted. The manufacturer intends to produce up to 10,000 vehicles capable of the maximum national speed limit. It has made virtually no concession to modern exterior and interior design in its effort to replicate a 50 year old vehicle. Further, the vehicle is to be only the first in a family of replica vehicles and the likelihood is such that the agency may be petitioned in the future for additional exemptions.

Thus, the NHTSA is now presented with the issue whether multiple exemptions for mass-produced antique-type automobiles are consistent with the intent of Congress in enacting a comprehensive scheme for the reduction of traffic deaths and injuries, a scheme which has emphasized the design and manufacture of motor vehicles and equipment complaint with minimum Federal safety standards. Because of the emphasis that the petitioner has placed on Federal and State employment programs, the Model A petition also presents special considerations of the public interest.

The Administrator has determined, for the reasons given below, that the competing social interests which this petition represents are best met by granting Model A's requests but limiting many exemptions to a period of only one year.

4. Lafer Automotive of Brazil, EX 75-24, 1952 MG TD sports car, 200 produced, 11 standards, 40 FR 56490.

5. Panther Westwinds Ltd., EX 76-2, 1930's style sedan, 4 produced, 2 standards, 41 FR 7168.

Denial

1. Auto Sport Importers, EX 73-6, 1936 Jaguar SS roadster, 50 to 100 to be produced, 4 standards, 38 FR 27106 (denied because of insufficient information).

²In granting the first such exemption, however, the agency warned that it did "not necessarily mean that exemptions will be provided any manufacturer of a replica-type vehicle" and that "each application will be reviewed on the merits and according to the facts of the particular case" (39 FR 3709).

The standards

Model A presented essentially two hardship arguments—that testing to conform was prohibitively expensive, and that if compliance were required, it would destroy the character of the vehicle and hence its sales appeal. The first argument is one that is commonly presented by low-volume manufacturers, and one the agency has accepted in providing hardship exemptions. The second argument has been presented before (e.g., Albany, Vintage Reproductions) but the exemptions granted found other bases for hardship. While the bare argument that compliance with a particular standard would lessen sales appeal is too speculative to support an exemption the agency does recognize that the cost to conform to that standard might indeed prove prohibitive. The agency is also cognizant that hardship can be caused by lost sales from the delay occasioned while a manufacturer retools for compliance.

Although Model A did not detail its conformance cost estimates as the exemption regulation contemplates, the agency has not insisted on such submissions from a petitioner whose income statement, like Model A's, shows a net loss. In such instances, the agency has tended to view any expenditures of a more than modest nature as likely to cause "substantial economic hardship." Accordingly Model A has in general presented acceptable hardship arguments.

Standard No. 103, *Windshield Defrosting and Defogging Systems*. Model A argued that the standard has no application in an open style vehicle such as the Model A replica which does not have side windows. NHTSA concurs with this argument which has formed the basis for an exemption from Standard No. 103 in other instances.

Standard No. 104, *Windshield Wiping and Washing Systems*. Petitioner will provide two wipers and a washer system. The company argued that compliance with the wiping pattern requirements was "not practicable without destroying the appearance of the vehicle to redesign the windshield and wipers to meet the standard." The wiping pattern requirements are for clearance of 99% of Area C (representing, in essence, that portion of the windshield directly in front of the driver), 94% of Area B (a larger area which includes Area C) and 80% of Area A (a still larger area that includes both Areas B and C). In Model A's original design the Model A wiped clear only 81% of Area C, 68% of Area B, and 67% of Area A. This results in restriction of

the driver's vision in the center and to the right of the windshield. At NHTSA's urging, it revised its wiper design and sweeping arc so that 95% of Area C would be cleared, 79% of Area B, and 70% of Area A.

There is a problem, however, in that Model A's vendors appear unable to provide a motor for the wider arc in less than six months. Realizing the hardship that petitioner would be caused and the dislocation in the public employment programs if Model A were unable to commence production as planned, the Administrator has decided that the most satisfactory resolution of the conflicting interests involved is to grant Model A an exemption of six months for its old system and by imposing the following terms and conditions upon such grant under the authority provided by 15 U.S.C. 1410: that each such vehicle be labeled to warn the operator of restricted vision in inclement weather, and that the manufacturer notify owners when the new wiping system is available and offer to install it without charge.

Standard No. 105, *Hydraulic Brake Systems*. The vehicle "incorporates the principal components used in the Ford Pinto and Mustang car lines", and does not replicate the mechanical brake system of the Model A. However, the company has not yet tested for compliance to this standard.

The Administrator believes that good faith has been shown in attempting to meet Standard No. 105, and that an exemption should be provided until September 1, 1980. Within that time, petitioner will be able to verify compliance through testing.

Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*. Under the petition Model A will not be equipped with front and rear side marker lamps and reflectors. The company argued that compliance would compromise the sales appeal of the vehicle, and submitted a photograph of a side marker lamp installed on the Model A's front fender. The NHTSA regards this argument as too speculative to support a finding that the cost of providing the lamps and reflectors would cause substantial economic hardship. However, NHTSA understands that each vehicle has as original equipment cowl lights that operate when the headlamps are activated and the agency believes that this supplemental light source is an acceptable substitute for the front side marker lamps and reflectors meriting a three-year exemption. But there is no equivalent supplemental rear lighting device, and the company has been given

one year to meet that portion of Standard No. 108.

Standard No. 109 and 110, *New Pneumatic Tires/Tire and Rim Combination*. These standards do not include tires and rims of the sizes necessary to replicate the Model A. Petitioner has assured NHTSA that the tires (Sears Allstate 525/550-18), have been designed and constructed by Armstrong Rubber Company in the same manner and of the same materials as bias ply tires that comply with the standard even though a wheel is not available on which to test them. In view of this assurance an exemption from the standards would not appear to compromise motor vehicle safety.

Standard No. 201, *Occupant Protection in Interior Impact*.

Standard No. 202, *Head Restraints*.

Exemptions are requested on the grounds that barrier crash testing would be necessary to ensure compliance with these standards which would create an economic hardship on the Company and further, if such testing required design changes, they could destroy the character of the vehicle and its sales market.

At NHTSA's urging, Model A re-evaluated its compliance status and concluded that its sole area of noncompliance with Standard No. 201 was its failure to provide sun visors. The intent of the standard is to provide protection in the header area, and since the windshield configuration of the Model A is such that it has no header, an exemption will not compromise safety. With respect to Standard No. 202, the petitioner informed NHTSA that it had several options for compliance, none of which it really deemed acceptable. NHTSA believes that this aspect of passenger protection should and can be provided, and Model A is granted a year in which to implement it.

Standard No. 203, *Impact Protection for the Driver From the Steering Control System*.

Standard No. 204, *Steering Control Rearward Displacement*.

The Model A employs "the basic Ford Motor Company energy absorbing steering column as used on the Fairmont and other Ford vehicles". As such, the petitioner feels there will not be improper rearward displacement but it terms testing costs "prohibitive". It also has stated that the steering wheel design may not meet the standard.

NHTSA believes that the company has demonstrated a good faith effort to meet these important passenger protection requirements, and has decided to provide the 3-year exemption requested from Standard No. 204. Because of the petitioner's uncertainty

regarding its steering wheel design, the agency has determined that a one year exemption will allow Model A to determine whether or not the design complies and, if not, to develop an alternative design.

Standard No. 206, *Door Locks and Door Retention Components*.

Standard No. 207, *Seating Systems*.

Standard No. 208, *Occupant Crash Protection*.

Standard No. 212, *Windshield Mounting*.

Standard No. 214, *Side Door Strength*.

Standard No. 219, *Windshield Zone Intrusion*.

Petitioner argues that "to comply with these standards would require substantial additional costs in design and testing which may necessitate a significant change in the outer or interior design of the replica". The company explains that Standard No. 206 could not be met unless the door thickness was "increased substantially to accommodate currently available latching devices which in turn would require redesign of the exterior of the body." A similar reason is given for request for exemption from Standard No. 214.

NHTSA urged the company to re-evaluate its requests. In reply, Model A informed the agency that it had found a conforming latch and that its sole area of noncompliance involved its inability to find a hinge meeting the load requirements of S4.1.2. The year that NHTSA is providing should be sufficient for Model A to find or develop a conforming hinge. With respect to Standard No. 214, Model A argued that its configuration meets the intent of the standard to provide protection against impacts from the side. The height above the pavement of the vehicle's 4-inch steel box frame approximates that of the front bumper heights required by the Federal bumper standard, 49 CFR Part 581, so that in a side crash, the bumper should impact Model A's frame, not its door. A 1-year exemption will, therefore, allow Model A to verify its theory or to take remedial measures.

After review of the Company's data, it appears that the design of the seat which is "integrated with the body of the vehicle" might well meet Standard No. 207 if tested to it. The agency, therefore, considers that a good faith effort has been made to meet the standard and that an exemption is warranted. Standard Nos. 212 and 219 do not apply to open body type vehicles with removable or fold-down windshields. The substantial similarity of the Model A windshield to those excepted by the standards renders, in

the agency's view, these standards inapplicable and the petition moot.

With respect to Standard No. 208, petitioner asked for relief from the barrier impact requirements though it will offer a Type 1 seat belt system. Mode A appeared to refer to S4.1.2.3.1(a), but the requirement applicable to its product, a convertible, in reality is S4.1.3.2 which does not impose such a test. If, as the agency assumes, a seat belt warning system will be provided, Model A will apparently be able to meet Standard No. 208 and its petition for relief from this standard also will be moot. If NHTSA's assumption is incorrect, the cost of providing the system is not such as to cause hardship.

Standard No. 301-75, Fuel System Integrity

Petitioner has explained that:

The fuel system was specially designed for this vehicle utilizing Ford engine compartment components and a fuel tank of 14 gauge welded steel construction with a fuel capacity of 10 gallons. . . . This same tank is being used on Ford, Chevrolet, Dodge International Harvester and Jeep Truck products as an auxiliary tank and is located in the Model A replica forward of the rear axle between the steel frame of the vehicle.

Cost of testing is given as the primary argument for hardship. Upon review, the agency has determined that a good faith attempt has been made to meet the requirements of Standard No. 301-75 and that an exemption ought to be provided until September 1, 1980. This time will allow a better judgment both by the manufacturer and the agency of the actual state of the vehicle's compliance.

NHTSA hopes future manufacturers of replica passenger cars will, from the very beginning, design their products for compliance. It also trusts that any manufacturers wishing an exemption will apply in a timely manner. At no time during the design development process did Model A communicate with the agency to discern its responsibilities and only when it had received 3500 orders did it file an exemption petition. Since then, NHTSA has attempted to accommodate the petitioner's desire for an early decision by according the petitioner priority treatment, and reduced the comment period from 30 days to 20. It has also informed the company that it will expect future products to be designed from the beginning with compliance in mind.

The Public Interest

The Administrator is charged with finding that exemptions are "consistent with the public interest and the

objectives of the [Traffic Safety] Act." In the instant case petitioner is using Federal, State, and City programs designed to foster employment, and it is clearly in the public interest that it be encouraged to do so. Further, the limited nature of the exemptions that are provided, where compliance appears substantially achieved, are consistent with the statutory objectives of the Act to reduce traffic accidents and consequent deaths and injuries.

Decision

It is hereby found that compliance with the safety standards indicated below would cause substantial economic hardship, that good faith efforts have been made, and that exemptions are consistent with the public interest and the objectives of the Traffic Safety Act. In consideration of the foregoing, Model A and Model T Motor Car Reproduction Corporation is hereby granted NHTSA Exemption No. 79-01 from the following safety standards or sections thereof, that expire on the dates indicated:

(1) Expiring March 1, 1980: Paragraph S4.1.2, *Wiped Areas*, of 49 CFR 571.104, Motor Vehicle Safety Standard No. 104, *Windshield Wiping and Washing Systems*, provided: that the wiped areas are not less than 67% (A), 68% (B), and 81% (C), that each vehicle bear a label permanently affixed to its cowl or dash, readily visible to the driver, that reads: "Warning. The windshield wiping system of this vehicle does not totally clear areas deemed critical for visibility in rain or fog by Federal Motor Vehicle Safety Standard No. 104," and that the owner of each such vehicle manufactured between September 1, 1979 and March 1, 1980 shall be notified not later than April 1, 1980 of the availability of an improved wiper system and offered the opportunity to present the vehicle for installation of the improved wiper system, without charge.

(2) Expiring September 1, 1980: 49 CFR 571.105, Motor Vehicle Safety Standard No. 105, *Hydraulic Brake Systems*; Rear marker lamps and reflectors of Table III of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*; 49 CFR 571.202, Motor Vehicle Safety Standard No. 202, *Head Restraints*; 49 CFR 571.203, Motor Vehicle Safety Standard No. 203, *Impact Protection for the Driver From the Steering Control System*; S4.1.2, *Door Hinges*, of 49 CFR 571.206, Motor Vehicle Safety Standard No. 206, *Door Locks and Door Retention Components*; 49 CFR 571.214, Motor Vehicle Safety Standard No. 214, *Side Door Strength*; and 49 CFR 571.301-75,

Motor Vehicle Safety Standard No. 301-75, *Fuel System Integrity*.

(3) Expiring September 1, 1982: 49 CFR 571.103, Motor Vehicle Safety Standard No. 103, *Windshield Defrosting and Defogging Systems*; Paragraph S4.1.2, *Wiped Areas*, of 49 CFR 571.104, Motor Vehicle Safety Standard No. 104, *Windshield Wiping and Washing Systems*, provided that the wiped areas are not less than 70% (A), 79% (B), and 95% (C); Front side marker lamps and reflector of Table III of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*; 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires*; 49 CFR 571.110, Motor Vehicle Safety Standard No. 110, *Tire and Rim Combination*; Paragraph S3.4, *Sun Visors*, of 49 CFR 571.201, Motor Vehicle Safety Standard No. 201, *Occupant Protection in Interior Impact*; 49 CFR 571.204, Motor Vehicle Safety Standard No. 204, *Steering Control Rearward Displacement*; and 49 CFR 571.207, Motor Vehicle Safety Standard No. 207, *Seating Systems*.

(Sec. 2, Pub. L. 92-593, 86 Stat. 1153 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.50).

Issued on September 21, 1979.

Joan Claybrook,
Administrator.

[FR Doc. 79-29970 Filed 9-26-79; 8:45 am]
BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Customs Service

[521412]

Notice That the Customs Service is Requesting the Views of the Public on the Standards it Uses for Orange Juice Products in Determining Same Kind and Quality Questions Under the Drawback Law

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Notice requesting public comments.

SUMMARY: The Customs Service applies the standards of identities of the Food and Drug Administration and the standards of grades of the Department of Agriculture for orange juice products in determining the same kind and quality questions for orange juice products. The Customs Service has been requested to reconsider a ruling based on these standards and, in the process of reconsidering the ruling, is inviting the views of the public concerning the use of these standards in determining same kind of quality questions for drawback substitution purposes.

DATES: Comments must be received on or before November 26, 1979.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Norman W. King, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-5856).

SUPPLEMENTARY INFORMATION:

Background

"Drawback" denotes a situation in which a duty or tax, lawfully collected, is refunded or remitted, wholly or partially, because of a particular use made of the merchandise on which the duty or tax was collected. One of the more common types of drawback is that allowed, under section 313(a), Tariff Act of 1930 (19 U.S.C. 1313(a)), upon the exportation of articles manufactured or produced in the United States with the use of imported merchandise. Under section 313(b), Tariff Act of 1930, as amended (19 U.S.C. 1313(b)), if domestic merchandise of the same kind and quality as imported merchandise is used in the manufacture of new and different articles, drawback may be allowed on the imported merchandise, notwithstanding the fact that none of the imported merchandise was actually used in the manufacture or production of the exported articles. Section 313(b) is often called the "drawback substitution law".

The Customs Service has the responsibility to determine the same kind of quality questions under the drawback substitution law. Customs has consistently applied the standards of identities of the Food and Drug Administration for orange juice products (21 CFR Part 146) as guidelines to determine whether one orange juice product was of the same kind as another. For example, 21 CFR 146.153 defines the standards of identity for the product "concentrated orange juice for manufacturing" and 21 CFR 146.145 defines the standards of identity for "orange juice from concentrate". Thus, two different orange juice products are defined by these standards.

Customs also has consistently applied the standards of grades for orange products of the Department of Agriculture (7 CFR Part 2852) as guidelines to determine whether products of the same kind were of the same quality. For example, two batches of orange juice from concentrate that

meet the grade A standard under 7 CFR 2852.5681-5691 would be considered to be the same quality.

A processor proposed to substitute fresh orange juice (identified under 21 CFR 146.135) for orange juice from concentrate (identified under 21 CFR 146.145) for use in the manufacture of pasteurized orange juice (identified under 21 CFR 146.140). In applying the standards of identities, Customs ruled that fresh orange juice was not the same kind and quality as orange juice from concentrate for drawback purposes. Customs has been asked to reconsider that ruling.

To give the matter full and fair consideration, Customs is publishing this notice requesting the views of the public on its use of the standards of identities and grades in determining same kind and quality questions for drawback substitution purposes for orange juice products. To assist prospective commenters, there are set forth below brief descriptions of the standards of identities and grades and a brief statement of Customs reasons for using those standards and possible effects of not using the standards in determining same kind and quality questions.

Standards of Identities

The standards of identities for orange juice and orange juice products were published in the *Federal Register* (28 FR 10900) dated October 11, 1963. The citrus industry, primarily located in Florida, petitioned the Food and Drug Administration to establish standards of identities for orange juice products. The industry participated in the rulemaking process by the submission of written opinions and oral evidence at the hearing. The Commissioner of the Food and Drug Administration made certain findings of fact based upon the evidence. Findings of fact numbered 1 and 2 contained in the preamble of the rulemaking document (28 FR 10901) are quoted in full as follows:

1. The food commonly and usually known as orange juice is the natural liquid that is squeezed from mature oranges. Oranges generally used in producing orange juice are of the species *Citrus sinensis*.

2. Fresh orange juice is not a suitable name for the commercially packaged expressed juice of oranges. The housewife who for many years has squeezed oranges knows this juice to be orange juice. The term "fresh" is ambiguous in that it is difficult to determine and to draw the line when a product is fresh and when it is no longer fresh. The use of the term "fresh" on commercially packed orange juice or orange juice products would tend to confuse and mislead consumers.

The first sentence of finding of fact numbered 3 states that "Orange juice is

the raw material out of which all other orange juice products are made." The first sentence of finding of fact numbered 18 (28 FR 10903) states that "Reconstituted orange juice differs from orange juice in many respects." It continues as follows:

It is made from orange juice concentrate. It contains added water, and parts of it, if not all of it, have been subjected to heat-treatment. It is necessary to establish a minimum requirement for the percentage of orange juice soluble solids in the standards of identity for this product, especially since water is being added. A reasonable and practical requirement is 11.8° Brix. This product will then be comparable to the product prepared in the home by the consumer, from concentrate. The standard of identity should provide that the product may be heat-treated, either before or after reconstitution. The names "reconstituted orange juice" and "orange juice from concentrate" are truthful, meaningful, and accurate designations for this product and are presently being used by some firms.

Briefly, the Commissioner found that orange juice was the natural liquid that is squeezed from mature oranges of the species *Citrus sinensis* and that the use of the term "fresh" juice for orange juice products (such as orange juice from concentrate) would "confuse and mislead consumers". Therefore, standards of identities were necessary to inform the consumer concerning the differences between orange juice and orange juice products. These standards of identities are set forth in 21 CFR Part 146.

Standards of Grades

The regulations of the Department of Agriculture set forth certain standards of grades for orange juice products and refer to the standards of identities of the Food and Drug Administration to define those products. For example 7 CFR 2852.5681 states that "orange juice from concentrate is the product defined in the standards of identity (21 CFR 146.145) issued pursuant to the Federal Food, Drug and Cosmetic Act." There are several standards of grades, such as grade A, B, or C, which determine the quality of the product based upon a scoring system for color, defects, and flavor including a minimum degree brix and brix-acid ratio.

Reasons for Customs Use of These Standards and Possible Effects of Not Using Them

The standards of grades and standards of identities have constituted useful guidelines for Customs in determining same kind and quality questions under the drawback law for orange juice products. The standards are used throughout the industry.

A rate of drawback is a contract between Customs and a drawback applicant based on the applicant's description of his manufacturing operation for certain products which permits him to file drawback claims for these products with reasonable certainty that he will receive a refund of the duty or tax collected. Drawback rates or contracts covering orange juice products are approved by applying the standards of identities and grades as guidelines to determine whether substituted domestic merchandise was of the same kind and quality as the imported merchandise, as required under the drawback law. Any changes in the guidelines would most likely affect these contracts.

To qualify for drawback, the imported merchandise and substituted domestic merchandise must be used in the manufacture of new and different articles. If new guidelines were developed by Customs for the determination of same kind and quality questions, those guidelines could affect the determinations of whether or not new and different articles have been manufactured with the use of the imported and substituted merchandise.

Comments

The Customs Service invites written comments (preferably in triplicate) on its use, for orange juice and orange juice products, of the standards of identities of the Food and Drug Administration and the standards of grades of the Department of Agriculture as guidelines in determining same kind and quality questions for purposes of substitution under the drawback law and what changes, if any, should be made.

All comments received in response to this notice will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Legal Publications Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2335, Washington, D.C. 20229.

Drafting Information

The principal author of this notice was Paul G. Hegland, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development.

Dated: September 20, 1979.

Donald W. Lewis,

Director, Office of Regulations and Rulings.

[FR Doc. 79-29981 Filed 9-26-79; 8:45 am]

BILLING CODE 4810-22-M

Office of the Secretary

Debt Management Advisory Committees; Meetings

Notice is hereby given, pursuant to section 10 of Pub. L. 92-463, that meetings will be held in Washington on October 23 and 24, 1979 of the following debt management advisory committees:

American Bankers Association, Government Borrowing Committee,
Public Securities Association, U.S. Government and Federal Agencies, Securities Committee.

The agenda for the American Bankers Association Government Borrowing Committee meetings provides for working sessions on October 23 and a report to the Secretary of the Treasury and Treasury staff on October 23.

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meetings provides for working sessions on October 23 and a report to the Secretary of the Treasury and the Treasury staff on October 24.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of the Office of the Secretary. When so utilized they are recognized to be advisory committees under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such these debt management advisory committee activities concern matters which fall within the exemption covered by section 552(b)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may or may not reflect the advice provided in

reports of these committees, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of the meeting of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: September 21, 1979.

Anthony M. Solomon,
Under Secretary for Monetary Affairs.

[FR Doc. 79-29973 Filed 9-26-79; 8:45 am]

BILLING CODE 4810-25-M

INTERSTATE COMMERCE COMMISSION

[No. 37183 (Sub-1)]

Port of Lake Charles—Petition for Rulemaking—Freight Car Demurrage and Car Utilization and Beaumont Chamber of Commerce—Petition for Rulemaking—Freight Car Demurrage and Car Utilization

Decided: September 13, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Denial of petitions.

SUMMARY: Petitioners request the Commission to institute a rulemaking proceeding concerning freight car demurrage and car utilization. Petitioners contend that there has not been a recent thorough investigation of car demurrage and car utilization; that numerous reductions in free time and increases in demurrage charges have been authorized without any requirement that the carriers prove that the charges are accomplishing the objectives underlying those proposals; and that there has been no real evidence to show that railroad operating policies and facilities have improved such as to contribute significantly to car utilization.

The Commission denied the petitions. Initially, it noted that the petitions are exceedingly broad in scope, that except for general allegations petitioners have not submitted any material evidence to support a large scale rulemaking proceeding, and that such a rulemaking proceeding, if immediately instituted, would necessarily commit the Commission's limited resources without a prior careful appraisal of the benefits to be derived from such a proceeding.

The Commission then reviewed specific areas suggested by petitioners. It noted that it has consistently exercised its supervisory powers over demurrage, has recently revised the basic per diem charges, and has frequently urged the railroads to improve car utilization. With respect to an amendment of the average agreement or changes in the free time provisions, the set-aside of demurrage funds for the purchase of additional equipment, and the development of a system of penalties against the railroads for operating failures, the Commission stated that those issues require careful consideration before any changes are made and that, in any event, their consideration should await the disposition of specified pending proceedings. As an alternative, the Commission suggested that petitioners submit specific proposals to the Committee on Compensation, Association of American Railroads (A.A.R.). If the A.A.R. fails to act in a responsive manner on such specific proposals, then petitioners are not precluded from renewing their petitions to this Commission.

FOR A COPY OF THE DECISION CONTACT:
Agatha L. Mergenovich, Secretary,
Room 2215, Interstate Commerce Commission, Washington, D.C. 20423.
(202) 275-7428.

FOR FURTHER INFORMATION CONTACT:
Harvey Gobetz, (202) 275-7656.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins and Alexis.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-29980 Filed 9-26-79; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the *Federal Register*. Protests (such as were allowed to filings prior to March 1, 1979) will be rejected. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, and has the necessary equipment and

facilities for performing that service, and (2) has either performed service within the scope of the application or has solicited business which is controlled by those supporting the application and which would have involved transportation performed within the scope of the application.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth a specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract

carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed on or before October 29, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 159

Decided: August 31, 1979.

By the Commission, Review Board Number 2. Members Boyle, Eaton, and Liberman.

MC 2229 (Sub-209F), filed May 1, 1979. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Dallas, TX 75247. Representative: Jackie Hill (same address as applicant).

Transporting (1) *plastic sheeting and plastic film*, and (2) *accessories* used in the installation of the commodities in (1) above, from Denver, CO, to points in CT, ME, NH, RI, MA, VT, PA, and FL. (Hearing site: Denver, CO, or Dallas, TX.)

MC 7228 (Sub-45F), filed April 23, 1979. Applicant: COAST TRANSPORT, INC., 1906 S.E. 10th Avenue, Portland, OR 97214. Representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Transporting, (1) *bananas*, and (2) *agricultural commodities* which are otherwise exempt from economic regulation under 49 U.S.C. 10526(a)(6), when moving in mixed loads with bananas, from the facilities of Del Monte Banana Co., at Port Hueneme, CA, to points in OR, and WA, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Portland, OR, or Seattle, WA.)

MC 35628 (Sub-409F), filed April 20, 1979. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, (a corporation), 134 Grandville Avenue, SW, Grand Rapids, MI 49503. Representative: Michael P. Zell (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission commodities in bulk, and those requiring special equipment), serving the facilities of Kay-Fries, Inc., at Stony Point, NY, as an off-route point in connection with applicant's otherwise authorized regular-route operations, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: New York, NY, or Newark, NJ.)

MC 50069 (Sub-545F), filed April 23, 1979. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Transporting *petroleum products*, in bulk, in tank vehicles, from Dayton, OH, to (1) those points in IN north of a line beginning at the IN-OH State line and extending along IN Hwy 14 to junction U.S. Hwy 41, and then along unnumbered Newton County, IN, Hwy via Elmer, IN, to the IN-IL State line, and (2) those points in KY on and west of U.S. Hwy 231. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 55889 (Sub-51F), filed April 25, 1979. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 6827, Dothan, AL 36302. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014.

Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Birmingham, AL, and points in Jefferson and Shelby Counties, AL, on the one hand, and, on the other, Andalusia, Athens, Brundidge, Citronelle, Clayton, Cullman, Decatur, Demopolis, Dothan, Elba, Enterprise, Eufaula, Eutaw, Fairhope, Fayette, Flomaton, Florida, Foley, Greensboro, Haleyville, Hartselle, Headland, Huntsville, Jasper, Linden, Luverne, Monroeville, Opp, Ozark, Robertsdale, Russellville, Samson, Stevenson, Troy, Tuscaloosa, Union Springs, and Uniontown, AL. (Hearing site: Birmingham, AL.)

Note.—Tacking with existing regular-route authority is intended at Birmingham and common radial points to serve all points in applicant's regular-route system.

MC 58549 (Sub-29F), filed April 20, 1979. Applicant: GENERAL MOTOR LINES, INC., 1634 Granby St., NE, P.O. Box 13727, Roanoke, VA 24034. Representative: Jerry D. Beard, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Roanoke, VA, and Martinsville, VA, over U.S. Hwy 220, (2) between Roanoke, VA, and Warm Springs, VA, over U.S. Hwy 220, (3) between Glasgow, VA, and the VA-NC State line, over U.S. Hwy 501, (4) between the VA-KY State line and the VA-NC State line, from the VA-KY State line over U.S. Hwy 460 to junction U.S. Hwy 29, then over U.S. Hwy 29 to the VA-NC State line, and return over the same route, (5) between Martinsville, VA, and junction U.S. Hwys 58 and 501, over U.S. Hwy 58, (6) between Charity, VA, and junction VA Hwy 40 and U.S. Hwy 501, over VA Hwy 40, (7) between Lexington, VA, and the VA-WV State line, from Lexington over U.S. Hwy 11 to (a) junction Interstate Hwy 64, then over Interstate Hwy 64 to the VA-WV State line, and return over the same route, and (b) junction U.S. Hwy 60, then over U.S. Hwy 60 to the VA-WV State line, and return over the same route, (8) between junction Interstate Hwys 81 and 64 and the VA-TN State line, over Interstate Hwy 81 (also over U.S. Hwy 11), (9) between Wytheville, VA, and junction Interstate Hwy 77 and U.S. Hwy 460, over Interstate Hwy 77, (10) between

Mouth of Wilson, VA, and Norton, VA, from Mouth of Wilson over U.S. Hwy 58 to junction U.S. Hwy 58 Alternate, then over U.S. Hwy 58 Alternate to Norton, and return over the same route, (11) between the VA-KY State line and VA-NC State line, over U.S. Hwy 23, (12) between Claypool Hill, VA, and Hansonville, VA, over U.S. Hwy 19, (13) between junction Interstate Hwy 81 and VA Hwy 100 and Pearlsburg, VA, over VA Hwy 100, and serving, in (T) through (13) above, inclusive, all intermediate points, and all off-route points in Alleghany, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties, VA. Applicant intends to tack the above authorities with its other operating rights. (Hearing site: Roanoke, VA.)

MC 73688 (Sub-87F), filed April 12, 1979. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Memphis, TN 38107. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *general commodities*, (Except commodities in bulk, in tank vehicles), between the facilities of the Henderson County Riverport Authority, in Henderson County, KY, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. Condition: The certificate issued in this proceeding, so far as it authorizes the transportation of classes A and B explosives, will be limited in point of time to a period expiring 5 years from the date of issuance of the certificate. (Hearing site: Louisville, KY, or Evansville, IN.)

MC 78118 (Sub-45F), filed April 24, 1979. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, PA 17602. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Transporting *expanded plastic articles*, between the facilities of W. R. Grace Co., in Berks County, PA, on the one hand, and, on the other, points in OH, NJ, DE, MD, VA, NC, SC, GA, FL, and DC and those in the lower peninsula of MI, restricted to the transportation of traffic originating at and destined to the above described points. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 103498 (Sub-60F), filed April 23, 1979. Applicant: B & L TRUCK LINES, INC., 339 East 34th Street, Lubbock, TX 79404. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *petroleum products and lubricating oils*, (except commodities in

bulk), from facilities of Mobil Oil Corporation, at or near Beaumont, TX, to points in AR, KS, LA, MO, NM, OK, and TX. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier, must either file an application under 49 U.S.C. 11343 [formerly section 5(2) of the Interstate Commerce Act], or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Houston or Dallas, TX.)

Note.—Dual operations may be involved.

MC 103798 (Sub-36F), filed April, 23, 1979. Applicant: MARTEN TRANSPORT, LTD., R.R. 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. Transporting (1) *cheese, cheese products, and synthetic cheese*, and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1)*, from points in MN and WI, to Logan, UT, and points in MO. (Hearing site: Minneapolis or St. Paul, MN.)

Note.—Dual operations may be involved.

MC 103798 (Sub-37F), filed April, 23, 1979. Applicant: MARTEN TRANSPORT, LTD., R.R. 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. Transporting *foodstuffs* (except in bulk), from the facilities of Jen's, Inc., at (a) Duluth, MN, and (b) Superior, WI, to points in AZ, CA, ID, CO, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 105269 (Sub-74F), filed April, 24, 1979. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Transporting (1) *paper and paper products*, and (2) *materials, equipment, and supplies used in the manufacture and distribution of paper products*, between points in IL, IN, IA, KY, MI, MN, MO, OH, PA, WV, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Champion International Corporation. (Hearing site: Lansing, MI, or Chicago, IL.)

MC 106398 (Sub-883F), filed April 9, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 S. Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr., (same address as applicant). Transporting *construction materials*, between the facilities of the Symons Corporation, at (a) Phoenix, AZ, (b) Hayward and City of Industry, CA, (c)

Denver, CO, (d) Dania, FL, (e) Lithonia, GA, (f) Centralia and Des Plaines, IL, (g) La Place, LA, (h) Baltimore, MD, (i) Plymouth, MI, (j) Bloomington, MN, (k) Kansas City, MO, (l) Fairfield, NJ, (m) Victor, NY, (n) Charlotte, NC, (o) Cleveland and Port Union, OH, (p) King of Prussia and Pittsburgh, PA, (q) Memphis, TN, (r) Dallas, Houston, and New Braunfels, TX, (s) Bellevue, WA, and (t) Waukesha, WI, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Chicago or Des Plaines, IL.)

MC 106398 (Sub-899F), filed May 1, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr., (same address as applicant). Transporting *iron and steel articles*, from the facilities of Feralloy Corp., at Chicago, IL, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 106398 (Sub-900F), filed May 1, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr., (same address as applicant). Transporting *construction equipment*, between the facilities of REMA Equipment Co., at Atlanta, GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 106398 (Sub-901F), filed May 1, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr., (same address as applicant). Transporting *iron and steel articles*, from the facilities of East Coast Steel, at Eastover, SC, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 113678 (Sub-797F), filed April 12, 1979. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting (1) *foodstuffs* (except in bulk), from points in ID, OR, and WA, to points in AZ, CA, MT, NV, ND, and UT; and (2) non-frozen *foodstuffs* (except in bulk), from points in ID, OR, and WA, to points in CO, KS, NE, NM, SD, TX, and WY. (Hearing site: Seattle, WA.)

MC 113678 (Sub-789F), filed March 28, 1979. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting (1) *rubber articles and plastic articles*, (except commodities in bulk, in tank vehicles), from the facilities of ENTEK Corp. of America, at or near Irving, TX, to points in AR, AZ, CA, CO, IL, IN, IA,

KS, MO, NE, NM, NV, OH, OK, UT, and WY; and (2) *materials and supplies used in the manufacture or distribution of the commodities named in (1)* above, in the reverse direction. (Hearing site: Dallas, TX.)

MC 113678 (Sub-796F), filed April 12, 1979. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting (1) *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides, and commodities in bulk), in vehicles equipped with mechanical refrigeration, and (2) *foodstuffs* (except those commodities named in (1) above), from the facilities of Geo. A. Hormel & Co., at or near (a) Austin and Owatonna, MN, (b) Ft. Dodge, IA, and (c) Fremont, NE, to points in CA and O. (Hearing site: Milwaukee, WI.)

MC 113678 (Sub-798F), filed April 12, 1979. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting *glues, adhesives, caulkers, chemicals, and plastic containers*, (except commodities in bulk), from the facilities of Franklin Chemical Industries, Inc., at or near Columbus, OH, to points in TX, MO, CO, and UT. (Hearing site: Columbus, OH.)

MC 114569 (Sub-302F), filed April 23, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Transporting *bakery goods*, from the facilities of Mothers Cookies, at Louisville, KY, to those points in the United States in an east of ND, SD, NE, CO, OK, and TX. Note: Dual operations may be involved. (Hearing site: Louisville, KY, or Washington, DC.)

MC 117119 (Sub-738F), filed April 23, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting *canned and preserved foodstuffs*, from the facilities of Campbell Soup (Texas) Inc., at or near Paris, TX, to the facilities of Campbell Soup Company, at or near (a) Camden, NJ, (b) Chicago, IL, and (c) Napoleon, OH. (Hearing site: Dallas, TX, or Washington, DC.)

MC 117119 (Sub-739F), filed April 23, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as

applicant). Transporting *lecithin* (except in bulk), in vehicles equipped with mechanical refrigeration, from Helena and Stuttgart, AR, to points in CA, IL, IN, MD, MI, NJ, NY, OH, and PA. (Hearing site: Little Rock, AR, or Washington, DC.)

MC 117119 (Sub-740F), filed May 1, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: Martin M. Geffon, P.O. Box 156, Mt. Laurel, NJ 08054. Transporting *plastic containers*, from Middletown, DE, to Waseca, MN. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 118959 (Sub-215F), filed April 30, 1979. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Representative: Marc J. Blumehthal, 39 South LaSalle Street, Chicago, IL 60603. Transporting (1) *bakery goods*, and (2) *materials and supplies used in the manufacture, sale, and distribution of bakery goods*, between the facilities of Bremner Biscuit Co., a division of Ralston Purina Co., at Louisville, KY, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 121499 (Sub-9F), filed April 2, 1979. Applicant: WILLIAM HAYES LINES, INC., P.O. Box 610, Lebanon, TN 37087. Representative: John A. Crawford, 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission commodities in bulk, and those requiring special equipment), (1) between Nashville, TN, and New Albany, IN, over U.S. Hwy 31W, serving Louisville, KY, as an intermediate point, and serving (a) junction TN Hwy 109 and U.S. Hwy 31W, at or near Mitchell, TN; (b) junction U.S. Hwy 68 and U.S. Hwy 31W, (c) junction KY Hwy 90 and U.S. Hwy 31W, (d) junction KY Hwy 218 and U.S. Hwy 31W, and (e) junction Western Kentucky Parkway and U.S. Hwy 31W, for purposes of joinder only; (2) between Nashville, TN, and New Albany, IN, from Nashville over Interstate Hwy 65 to junction Interstate Hwy 64, then over Interstate Hwy 64 to New Albany, and return over the same route, serving Louisville, KY, as an intermediate point, and serving (a) junction U.S. Hwy 31W/TN Hwy 109 and Interstate Hwy 65, (b) junction U.S. Hwy 68 and Interstate Hwy 65, (c) junction KY Hwy 90 and Interstate Hwy 65, (d) junction KY Hwy 218 and Interstate Hwy 65, and (e) junction Western Kentucky Parkway

and Interstate Hwy 65, for purposes of joinder only; (3) between Nashville, TN, and Lebanon, TN, over U.S. Hwy 70, serving all intermediate points; (4) between Nashville, TN, and Lebanon, TN, from Nashville over Interstate Hwy 40 to junction U.S. Hwy 231 then over U.S. Hwy 231 to Lebanon, and return over the same route, serving all intermediate points; (5) between Lebanon, TN, and Louisville, KY, from Lebanon over U.S. Hwy 231 to junction U.S. Hwy 31E, then over U.S. Hwy 31E to Louisville, and return over the same route, serving all intermediate points between Lebanon and junction U.S. Hwy 231 and TN Hwy 25, and serving (a) junction KY Hwy 90 and U.S. Hwy 31E and (b) junction KY Hwy 211, 218 and U.S. Hwy 31E, for purposes of joinder only; (6) between junction TN Hwy 109 and Interstate Hwy 40 and junction U.S. Hwy 31W and TN Hwy 109 over TN Hwy 109, serving no intermediate points, and serving junction U.S. Hwy 70 TN Hwy 109 and the termini for purposes of joinder only; (7) between junction KY Hwy 90 and U.S. Hwy 31E, at or near Glasgow, KY, and junction KY Hwy 90 and Interstate Hwy 65 near Cave City, KY, over KY Hwy 90, serving no intermediate points, but serving junction KY Hwy 90 and U.S. Hwy 31W and the termini for purposes of joinder only; (8) between junction KY Hwy 218 and U.S. Hwy 31E and junction KY Hwy 218 and U.S. Hwy 31E, over KY Hwy 218 serving no intermediate points, but serving junction KY Hwy 218 and U.S. Hwy 31W and the termini for purposes of joinder only; (9) between Memphis, TN, and Nashville, TN, over Interstate Hwy 40, serving no intermediate points; (10) between Memphis, TN, and junction U.S. Hwy 68 and Interstate Hwy 65/U.S. Hwy 31W, at or near Smiths Grove, KY, from Memphis over U.S. Hwy 79 to junction U.S. Hwy 68 to junction Interstate Hwy 65/U.S. Hwy 31W at or near Smiths Grove, KY, and return over the same route, serving no intermediate points; (11) between Memphis, TN and junction Western Kentucky Parkway and Interstate Hwy 65/U.S. Hwy 31W, at or near Elizabethtown, KY, from Memphis over U.S. Hwy 51 to junction Purchase Parkway, at or near Fulton, KY, then over Purchase Parkway to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction Western Kentucky Parkway, then over Western Kentucky Parkway to junction Interstate Hwy 65/U.S. Hwy 31W, at or near Elizabethtown, KY, and return over the same route, serving no intermediate points; (12) between Memphis, TN, and

Atlanta, GA, from Memphis over U.S. Hwy 72 to junction U.S. Hwy Alternate 72, then over U.S. Hwy Alternate 72 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Birmingham, AL, then over U.S. Hwy 78 to Atlanta, GA, and return over the same route, serving no intermediate points, but serving junction Interstate Hwy 65 and U.S. Hwy 278 for purposes of joinder only; (13) between junction Interstate Hwy 65 and U.S. Hwy 278 at or near Cullman, AL, and Atlanta, GA, over U.S. Hwy 278, serving no intermediate points; (14) Between New Albany, IN, and Chattanooga, TN, from New Albany over Interstate Hwy 64, to junction Interstate Hwy 75, then over Interstate Hwy 75 to Chattanooga, TN, and return over the same route, serving Louisville, KY, as an intermediate point, and serving (a) junction Interstate Hwy 65 and U.S. Hwy 127; (b) junction Interstate Hwy 64 and U.S. Hwy 27; and (c) Chattanooga, TN, for purposes of joinder only; (15) between junction Interstate Hwy 64 and U.S. Hwy 127 and Chattanooga, TN, from junction Interstate Hwy 64 and U.S. Hwy 127, over U.S. Hwy 127 to junction U.S. Hwy 150, then over U.S. Hwy 150 to junction U.S. Hwy 27, then over U.S. Hwy 27 to Chattanooga and return over the same route, serving no intermediate points, but serving junction U.S. Hwy 27 and U.S. Hwy 150 and the termini for purposes of joinder only; (16) between junction Interstate Hwy 64 and U.S. Hwy 127, over U.S. Hwy 127 to junction U.S. Hwy 150, then over U.S. Hwy 150 to junction U.S. Hwy 27, then over U.S. Hwy 27 to Chattanooga and return over the same route, serving no intermediate points, but serving junction U.S. Hwy 27 and U.S. Hwy 150 and the termini for purposes of joinder only; (17) between Lebanon, TN, and Atlanta, GA, from Lebanon over U.S. Hwy 231 to Murfreesboro, TN, then over U.S. Hwy 41 to Atlanta, and return over the same route, serving Murfreesboro and Chattanooga for purposes of joinder only; (18) between Murfreesboro, TN, and Atlanta, GA, from Murfreesboro over Interstate Hwy 24 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Atlanta, and return over the same route, serving no intermediate points, and serving Murfreesboro and Chattanooga, TN, for purposes of joinder only; (19) between Nashville and Murfreesboro, TN, over U.S. Hwy 41, serving no intermediate points, and serving Murfreesboro for purpose of joinder only; and serving points in Wilson County, TN, as off-route points in connection with routes (1-19) above. (Hearing site: Atlanta, GA, or Memphis, TN.)

MC 124949 (Sub-5F), filed April 17, 1979. Applicant: HI-LINE TRUCKING, INC., P.O. Box 682, Sidney, MT 59270.

Representative: Joe Gerbase, 100 Transwestern Bldg., Billings, MT 59101. Transporting (1) *materials, equipment, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts*, and (2) *materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines*, (except the stringing or picking up of pipe in connection with main or trunk pipelines), (a) from points in Dawson and Richland Counties, MT, to those points in ND on and west of U.S. Hwy 83, and (b) from those points in ND on and west of U.S. Hwy 83, to points in MT, restricted against the transportation of water and oil well and gas well drilling fluids. (Hearing site: Billings, MT, or Denver, CO.)

MC 124988 (Sub-12F), filed March 12, 1979. Applicant: TRUCK SERVICE COMPANY, a corporation, 2169 E. Blaine, Springfield, MO 65803. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10582. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *drugs, cleaning compounds, iron and steel rust preventing or removing compounds, plastic articles* (except expanded plastic articles), and *bathroom and lavatory fixtures*, from Rensselaer, NY, to Menlo Park and Vernon, CA, Dallas, TX, and Seattle, WA; (2) *drugs and toilet preparations*, from Monticello, IL, to Menlo Park and Vernon, CA, and Seattle, WA; and (3) *drugs*, cleansing paper, cleansing towels, plastic (except expanded plastic articles), rubber articles (except expanded rubber articles), chemicals, and lanolin cloths and towels, (except commodities in bulk), from Myerstown, PA, to Menlo Park and Vernon, CA, Dallas, TX, and Seattle, WA, restricted in (1), (2), and (3) above against the transportation of commodities in bulk, under continuing contract(s) in (1), (2), and (3) above, with Sterling Drug, Inc., of New York, NY. (Hearing site: New York, NY.)

MC 125708 (Sub-166F), filed April 25, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting *fabricated steel articles*, from Tampa, FL, to points in the United States (except AK and HI).

(Hearing site: Tampa, FL, or Washington, D.C.)

MC 125708 (Sub-167F), filed May 1, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting (1) *iron and steel articles*, from Midlothian, TX, to points in the United States (except AK and HI); and (2) (a) *scrap metal*, and (b) *materials, equipment, and supplies used in the manufacture of iron and steel articles*, in the reverse direction. (Hearing site: Dallas, TX, or Washington, D.C.)

MC 126118 (Sub-165F), filed April 9, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). Transporting *such commodities as are dealt in or used by manufacturers of motorcycles, snowmobiles, and recreational vehicles*, (except commodities in bulk and those which because of size or weight require the use of special equipment), from points in Los Angeles and Orange Counties, CA, to Lincoln, NE. (Hearing site: Lincoln, NE.)

Note.—Dual operations may be involved.

MC 127019 (Sub-15F), filed April 25, 1979. Applicant: LA RUE LAMB, d.b.a. LA RUE LAMB TRUCKING, Box 374, Myton, UT 84052. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting *gilsonite*, in bulk, from points in Duchesne and Uintah Counties, UT, to points in IL, LA, ND, OH, and PA. (Hearing site: Salt Lake City, UT.)

MC 128888 (Sub-4F), filed April 25, 1979. Applicant: PANDA TRANSPORT, INC., 2700 Broening Highway, Baltimore, MD 21222. Representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Transporting containers and container ends, and materials, equipment, supplies and accessories used in the manufacture, sale, and distribution of containers and container ends (except commodities in bulk), between points in DE, MD, NJ, NY, NC, OH, PA, VA, WV, and DC. (Hearing site: Washington, D.C.)

MC 129328 (Sub-12F), filed May 1, 1979. Applicant: PALTEX TRANSPORT CO., a Corporation, P.O. Box 296, Palestine, TX 75801. Representative: Kenneth R. Hoffman, 801 Vaughn Building, Austin, TX 78701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper*

and paper products, (except commodities in bulk), from the facilities of Clevepak Corporation, at or near (a) Dallas, TX, to points in AZ, CA, CO, GA, KS, MO, and TN, and (b) Franklinton, GA, to points in AL, FL, LA, MS, NC, SC, and TN; and (2) *materials, equipment, and supplies used in the manufacture, and distribution of the commodities in (1) above* (except commodities in bulk), from points in AZ, CA, CO, GA, KS, MO, and TN, to the facilities of Clevepak Corporation, at or near Dallas, TX, and (b) from points in AL, FL, LA, MS, NC, SC, and TN, to the facilities of Clevepak Corporation, at or near Franklinton, GA, under continuing contract(s) in both (1) and (2) above, with Clevepak Corporation, of Dallas, TX. (Hearing site: Dallas, TX.)

MC 133119 (Sub-160F), filed April 30, 1979. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 200 Norka Drive, Akron, IA 51001. Representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Transporting *such commodities as dealt in by chain grocery and food business houses*, (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AR, GA, IA, ID, IL, IN, KS, MI, MN, MO, MS, MT, NC, ND, NE, SD, TN, TX, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 133689 (Sub-268F), filed April 24, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, S.W., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *starch and chemicals* (except commodities in bulk), and (2) *materials, equipment, and supplies used in the manufacture and distribution of starch and chemicals*, (except commodities in bulk), from the facilities of National Starch & Chemical Corporation, at or near Chicago and Meredosia, IL, to points in IN, IA, MI, MN, MO, ND, OH, SD, and WI. (Hearing site: St. Paul, MN.)

MC 135989 (Sub-6F), filed May 1, 1979. Applicant: COAST EXPRESS, INC., P.O. Box 1215, Whittier, CA 90609. Representative: William J. Lippman, Suite 330, Steele Park, 50 South Steele Street, Denver, CO 80209. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wheels, brakes, and axle assemblies*, and (2) *parts for the commodities in (1) above*, (a) between Chicago, IL, Chino, CA, Chattanooga, TN, Davenport, IA, Warwick, RI, Montezuma, GA, Sedalia,

MO, Miguon, WI, and points in MI, OH, and IN, on the one hand, and, on the other, Seminole, OK, (b) between Davenport, IA, Warwick, RI, Montezuma, GA, Sedalia, MO, and points in OH, and IN, on the one hand, and, on the other, Chino, CA, and McMinnville, OR, (c) between Seminole, OK, on the one hand, and, on the other, McMinnville, OR, (d) from Elkhart, IN, to Sherman, TX, and (e) from Montezuma, GA, to Chattanooga, TN, restricted to the transportation of traffic originating at or destined to the facilities used by Kelsey-Hayes Company, Kelsey Axle and Brake Division, under continuing contract(s) with Kelsey-Hayes Company, Kelsey Axle and Brake Division, of Seminole, OK. (Hearing site: Los Angeles, CA, or Dallas, TX.)

MC 140768 (Sub-36F), filed April 24, 1979. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 8193, 5 World Trade Center, New York, NY 10048. Transporting (1) *air conditioning, heating, and cooling equipment*, (2) *parts from the commodities in (1) above*, and (3) *materials and supplies used in the manufacture, repair, and distribution of the commodities in (1) above*, (except commodities in bulk, and those which because of size or weight require the use of special equipment), between the facilities of Fedders Corporation, at or near (a) Edison, NJ, (b) Effingham, IL, and (c) Frederick, MD, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NJ, NH, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 140898 (Sub-6F), filed April 20, 1979. Applicant: KENDRICK TRUCKING CORP., P.O. Box 19097, Louisville, KY 40219. Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. Transporting parts used in the repair and maintenance of mining, earthmoving, and quarrying, from the facilities of Lake Shore, Inc., at Louisville, KY, to points in IL, IN, MO, OH, TN, VA, and WV, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Louisville or Lexington KY.)

MC 141138 (Sub-16F), filed April 30, 1979. Applicant: STEVE SCHRANZ TRUCKING, INC., 350 Honeysuckle Lane, Belleville, IL 62221. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *dry animal and poultry feed, dry feed ingredients, and animal health products*, from the facilities of

International Multifoods Corp., at East St. Louis, IL, to points in AR, IA, IL, IN, KS, KY, MI, MN, MO, NE, OH, TN, TX, OK, MS, and WI. (Hearing site: St. Louis, MO.)

MC 142368 (Sub-23F), filed April 30, 1979. Applicant: DANNY HERMAN TRUCKING, INC., 1415 East Ninth Avenue, Pomona, CA 91766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting automotive bumpers, from Oklahoma City, OK, to Glendora, CA. NOTE: The person or persons who appear to be engaged in common control between applicant and another regulated carrier, must either file an application under 49 U.S.C. 11343 [formerly Section 5(2) of the Interstate Commerce Act], or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Los Angeles, CA.)

MC 143029 (Sub-3F), filed April 19, 1979. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in or used by food and drug business houses*, (except commodities in bulk), between points in IL, IN, IA, WI, and the Lower Peninsula of MI, under continuing contract(s) with Jewel Companies, Inc., of Melrose Park, IL. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 143389 (Sub-6F), filed April 30, 1979. Applicant: MERCHANTS DUTCH EXPRESS, INC., P.O. Box 2525, 700 Pine Street, Monroe, LA 72107. Representative: Bruce E. Mitchell, 3390 Peachtree Road, Fifth Floor, Atlanta, GA 30328. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products*, and (2) *materials, equipment, and supplies used in the manufacture and distribution of paper and paper products*, between points in AZ and NM, and those in the United States in and east of ND, SD, KS, NE, OK, and TX, under continuing contract(s) with Con Pac, Inc., of Monroe, LA. (Hearing site: Memphis, TN.)

MC 143659 (Sub-8F), filed April 24, 1979. Applicant: VALLEY TRUCKING, INC., R.R. No. 2, Box 55 Fargo, ND 58102. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. Transporting *foodstuffs* (except frozen, and commodities in bulk), from the facilities of RJR Foods, Inc., at or near Ortonville, MN, to points in IA, NE, ND,

and SD, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Fargo, ND.)

Note.—Dual operations may be involved.

MC 144599 (Sub-4F), filed April 23, 1979. Applicant: TRANSFER, INC., 90 S. Ko-We-Ba Lane, Indianapolis, IN 46241. Representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *polyethylene plastics* (except in bulk), from the facilities of U.S. Industrial Chemical Co., at Tuscola, IL, to Indianapolis, IN. (Hearing site: Indianapolis, IN.)

MC 144688 (Sub-32F), filed April 13, 1979. Applicant: READY TRUCKING, INC., 4722 Lake Mirror Place, Forest Park, GA 30050. Representative: Lavern R. Holdeman, 521 S. 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *containers, container parts, and materials, equipment, and supplies used in the manufacture or distribution of containers*, (except commodities in bulk), (1) from the facilities of Container Corporation of America, Inc., at or near (a) Lithonia and Atlanta, GA, (b) Jeffersonville, IN, and (c) Cincinnati and Piqua, OH, to points in AL, FL, GA, IN, KY, LA, MS, NC, OH, SC, and TN, and (2) from points in AL, FL, GA, IN, KY, LA, MS, NC, OH, SC, and TN, to the facilities of Container Corporation of America, Inc., at or near (a) Lithonia and Atlanta, GA, (b) Jeffersonville, IN, (c) Cincinnati and Piqua, OH, (d) Winston-Salem, Shelby, and Greensboro, NC, (e) Chattanooga, Nashville, Knoxville, and Memphis, TN, (f) New Orleans, LA, (g) Brewton, AL, and (h) Wildwood and Fernandina Beach, FL, restricted, in both (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Atlanta, GA.)

MC-145039-2F, filed April 9, 1979. Applicant: B & H PIGGYBACK SERVICE, INC., P.O. Box 4096, North Station, Winston-Salem, NC 27105. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Winston-Salem, NC, on the one hand, and, on the other, those points in NC in and east of Ashe, Watauga, Avery, Mitchell, Yancey, McDowell, and Rutherford Counties, and in and west of Warren, Franklin, Johnston, Harnett, Cumberland, Hoke, and Scotland Counties, and those points in VA in and east of Craig, Giles, Bland, Tazewell, Russell, and Washington

Counties and in and west of Alleghany, Rockbridge, Amherst, Appomattox, Charlotte, Lunenburg, and Mecklenburg Counties, restricted to the transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Winston-Salem, NC.)

MC 145569 (Sub-4F), filed April 30, 1979. Applicant: M & M EQUIPMENT CO., INC., 24400 E. Alameda Avenue, Aurora, CO 80011. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat by products, and articles distributed by meat-packing houses*, as described in sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of United Packing Company, at or near Denver, CO, to points in MA, CT, NY, PA, NJ, and MD, under continuing contract(s) with United Packing Company, of Denver, CO. (Hearing site: Denver, CO.)

MC 145759 (Sub-1F), filed May 2, 1979. Applicant: CHARLES A. DALBEY AND DAVID H. MURPHY, a partnership, d.b.a. MONTEREY PENINSULA MOVERS, 666 Redwood Avenue, Seaside, CA 93955. Representative: Alan F. Wohlstetter, 1700 K Street, NW, Washington, DC 20006. Transporting *used household goods*, between points in Monterey, Santa Cruz, San Benito, and San Luis Obispo Counties, CA, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. (Hearing site: Seaside, CA.)

MC 146128 (Sub-2F), filed April 30, 1979. Applicant: MERRITT FOODS COMPANY, d.b.a. MERRITT REFRIGERATED SERVICE, 2840 Guinotte, Kansas City, Mo 64120. Representative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *confectionery*, in vehicles equipped with mechanical refrigeration, from the facilities of Hollywood Brands, Inc., at Centralia, IL, to Kansas City, MO. NOTE: Dual operations may be involved. CONDITION: The person or persons who appear to be engaged in common control of applicant and another regulated carrier, must either file an application under 49 U.S.C. 11343

[formerly section 5(2) of the Interstate Commerce Act], or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Kansas City, MO.)

MC 146239 (Sub-2F), filed April 30, 1979. Applicant: INTERNATIONAL FOODS TRANSPORT, INC., P.O. Box 127, Hope, NJ 07844. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: (1) *glass containers*, and (2) *materials and supplies used in the manufacture of glass containers* (except commodities in bulk), between Port Allegany, PA, on the one hand, and, on the other, points in MD, NJ, NY, VA, and DC, under continuing contract(s) with Pierce Glass Company, of Port Allegany PA. (Hearing site: New York, NY.)

MC 146258 (Sub-5F), filed April 25, 1979. Applicant: M. R. BRUTON, INC., P.O. Box 547, Cuba, MO 65453. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *iron and steel articles* (except commodities in bulk), from St. Louis, MO, to points in AL, AZ, AR, CA, FL, GA, KY, KS, LA, MS, NM, NC, SC, OK, TX, and TN. (Hearing site: St. Louis, MO.)

MC 146519 (Sub-3F), filed April 30, 1979. Applicant: CALIANA MARKETING, INC., 2120 Prairieton Road, Terre Haute, IN 47802. Representative: Robert W. Loser II, 1101 Chamber of Commerce Building, Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *baking powder* (except in bulk), from the facilities of Hulman & Co., at or near Terre Haute, IN, to Birmingham, Dothan, Mobile, and Montgomery, AL, Phoenix, AZ, Little Rock and Waldo, AR, Fresno, Los Angeles, San Francisco, Union City, and Sacramento, CA, Denver, CO, Jacksonville, Miami, and Tampa, FL, Wichita, KS, Lexington and Louisville, KY, Alexandria, Monroe, New Orleans, and Shreveport, LA, Greenville and Jackson, MS, Joplin, Kansas City, Springfield, and St. Louis, MO, Omaha, NE, Albuquerque, NM, Oklahoma City and Tulsa, OK, Bristol, Chattanooga, Knoxville, Memphis, and Nashville, TN, Arlington, Dallas, Fort Worth, Houston, San Antonio, Lubbock, Tyler, and El Paso, TX, and Salt Lake City, UT, under continuing contract(s) with Hulman and Co., of Terre Haute, IN. (Hearing site: Chicago, IL, or Washington, DC.)

MC 146659 (Sub-1F), filed April 24, 1979. Applicant: GOLDSTON

TRANSFER, INC., P.O. Box 338, Eden, NC 27288. Representative: K. Edward Wolcott, 1200 Gas Light Tower, 235 Peachtree Street NE., Atlanta, GA 30303. Transporting *malt beverage containers, container ends, and container caps*, from Ringgold, VA, and Greensboro, NC, to Eden, NC. (Hearing site: Charlotte, NC.)

MC 147148F, filed April 30, 1979. Applicant: GOLDEN TRIANGLE TRANSPORTATION, INC., Highway 82 East, P.O. Box 2043, Columbus, MS 39701. Representative: G. Lowrey Lucas, P.O. Box 1615, Jackson, MS 39205. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *titanium dioxide pigment*, from the facilities of the Kerr-McGee Corporation, at Hamilton and Tupelo, MS, to points in TX, under continuing contract(s) with Kerr-McGee Chemical Corporation, of Oklahoma City, OK. (Hearing site: Columbus or Jackson, MS.)

MC 147338F, filed April 16, 1979. Applicant: POWER PACKAGING TRANSPORTATION CORP., 1150 Powis Road, West Chicago, IL 60603. Representative: Abraham A. Diamond, 29 South LaSalle Street, Chicago, IL 60603. Transporting *foodstuffs, and materials, equipment, and supplies used in the manufacture and distribution of foodstuffs* (except commodities in bulk), between the facilities of Power Packaging, Inc., at or near (a) Chicago, IL, (b) Grand Prairie, TX, and (c) Placentia, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

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Decided: Sept. 11, 1979.

By the Commission, Review Board Number 2. Members Boyle, Eaton and Liberman.

MC 1824 (Sub-90F), filed April 30, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, MD 21655. Representative: Charles S. Perry (same address as applicant). Transporting *such commodities as are dealt in by chain grocery and food business houses* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AR, AZ, CT, FL, GA, IA, IL, IN, KS, KY, MA, MD, MI, MN, MO, MS, MT, NC, ND, NE, NY, NJ, OH, PA, SC, SD, TN, TX, VA, VT, WI, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 4405 (Sub-602F), filed May 4, 1979. Applicant: DEALERS TRANSIT, INC., a corporation, P.O. Box 236, Tulsa, OK 74101. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting (1) *rock crushing equipment, shredders, conveyors, and screens*, and (2) *parts* for the commodities named in (1) above, from Cedar Rapids, IA, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 4484 (Sub-9F), filed April 30, 1979. Applicant: CROWN TRANSPORT, INC., R.D. #2, Wampum, PA 16157. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *cast iron pipe, fittings, valves, and hydrants*, from the facilities of Mueller Company at (a) Albertville, AL, and (b) Chattanooga, TN, to those points in the United States and east of WI, IL, KY, TN, and MS. (Hearing site: Chicago, IL, or Minneapolis, MN.)

MC 30844 (Sub-642F), filed April 23, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). Transporting *prepared foodstuffs*, from Dunkirk, Williamson, and Hamlin, NY, to points in IL, MI, and WI. (Hearing site: Washington, DC.)

MC 53965 (Sub-150F), filed April 18, 1979. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lawton, OK, and Ft. Worth, TX: from Lawton over U.S. Hwy 281, to Wichita Falls, TX, then over U.S. Hwy 287 to Ft. Worth, and return over the same route, serving no intermediate points, and serving Dallas, TX, as an off-route point. (Hearing site: Lawton or Oklahoma City, OK.)

Note.—Applicant intends to tack this authority at Lawton, OK, with authorized regular routes in OK, TX, NE, KS, CO, MO, and IA.

MC 56244 (Sub-79F), filed April 25, 1979. Applicant: KUHN TRANSPORTATION COMPANY, INC., R.D. #2 P.O. Box 98, Gardners, PA 17324. Representative: John M. Musselman, 410 North Third Street, P.O. Box 1146, Harrisburg, PA 17108. Transporting *grain and soybean products, and foodstuffs* (except commodities in bulk), from the facilities of Archer Daniels Midland Company at Decatur, IL, to

points in MD, NJ, NY, PA and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 56244 (Sub-80F), filed May 3, 1979. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. #2, Gardners, PA 17324. Representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Transporting *such commodities* as are dealt in by grocery and food business houses (except commodities in bulk and frozen foods), from the facilities of Libby, McNeill & Libby, Inc., at Chicago, IL, to points in MD, NJ, PA, and DC, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 59655 (Sub-19F), filed April 19, 1979. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, NJ 10901. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *glass containers*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of (a) containers, (b) container ends, and (c) closures (except commodities in bulk), between points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of National Bottle Company. (Hearing site: New York, NY, or Washington, DC.)

MC 60014 (Sub-114F), filed May 4, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting (1) *plastic pipe, and fittings*, and (2) *materials, supplies, and accessories* used in the installation of the commodities named in (1) above, from the facilities of R & G Sloane Manufacturing Company, Inc., at (a) Cleveland, OH, (b) Stone Mountain, GA, and (c) Bakersfield, San Valley, and Santa Ana, CA, to points in the United States (except AK and HI), and (3) *materials and supplies* used in the manufacture of the commodities named in (1) above, in the reverse direction. (Hearing site: San Francisco, CA.)

MC 73165 (Sub-469F), filed April 30, 1979. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, AL 35202. Representative: R. Cameron Rollins (same address as applicant). Transporting *tractors* (except truck tractors), from the facilities of Ford Motor Company at or near Romeo, MI, to points in AL, AR, FL, GA, LA, MS,

NC, SC, TN, and TX, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations, (except traffic moving in foreign commerce). (Hearing site: Detroit, MI, or Washington, D.C.)

MC 73165 (Sub-471F), filed April 30, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St. North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting (1) *buildings*, complete, knocked down or in sections, (2) *building sections and building panels*, and (3) *parts and accessories* used in the installation and erection of the commodities in (1) and (2) above, from the facilities of Marathon Metallic Building Co., at or near Houston, TX, to points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Houston, TX.)

MC 94265 (Sub-298F), filed April 27, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Route 460 West, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *such commodities* as are dealt in by chain grocery and food business houses, (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AR, GA, IA, IL, IN, KS, KY, MI, MN, MO, MS, NC, NE, NY, OH, PA, SD, TN, TX, VA, VT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Chicago, IL, or Washington, DC.)

MC 105045 (Sub-15F), filed May 4, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20005. Transporting *iron and steel articles*, from Coatesville, PA, to Winchester, KY, and Kenton and Newark, OH. (Hearing site: Philadelphia, PA and Washington, DC.)

MC 106074 (Sub-93F), filed April 26, 1979. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *glass containers*, from the facilities of Thatcher Glass Manufacturing Co., Division of Dart Industries, Inc., at Streator, IL, to points in NC. (Hearing site: Charlotte, NC, or Washington, DC.)

Note.—Dual operations may be involved.

MC 106074 (Sub-106F), filed May 4, 1979. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221 South, Forest City, NC 28043.

Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *animal feed and feed ingredients* (except commodities in bulk), from the facilities of Kal Kan Foods, Inc., at (a) Hutchinson, KS, Mattoon, IL, and (c) Columbus, OH, to points in FL, GA, NC, SC, TN, and VA. Hearing site: Charlotte, NC, or Washington, DC.)

Note.—Dual operations may be involved.

MC 106674 (Sub-383F), filed April 30, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *fabricated metal products*, from the facilities of the United States Gypsum Company, at Franklin Park, IL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-385F), filed April 23, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting (1) *precast and prestressed concrete products*, and (2) *accessories* used in the installation of precast and prestressed concrete products, from Bristol and Knoxville, TN, to points in AL, GA, KY, NC, VA, and WV. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 109515 (Sub-15F), filed May 4, 1979. Applicant: OZELLA HARRINGTON, P.O. Box 604, Benson, AZ 85602. Representative: Earl H. Carroll, 363 North First Ave., Phoenix, AZ 85003. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ammonium nitrate solution and ammonium nitrate*, in bulk, from Carlsbad, NM, to points in AZ, under continuing contract(s) with Apache Powder Company, of Curtiss, AZ. (Hearing site: Phoenix, AZ, or Los Angeles, CA.)

MC 110525 (Sub-1296F), filed April 27, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Dowingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting *chemicals, vegetable oils, animal oils, fats, and fat products*, in bulk, in tank vehicles, between Cincinnati, OH, on the one hand, and on the other, points in AR, IL, IN, KS, KY, MI, MO, TN, WI, and WV. (Hearing site: Cincinnati, OH.)

MC 110525 (Sub-1298F), filed April 27, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Dowingtown, PA 19335.

Representative: Thomas J. O'Brien (same address as applicant). Transporting *chromic acid*, in bulk, in tank vehicles, from Cleveland, OH, to Memphis, TN. (Hearing site: Cleveland, OH.)

MC 110525 (Sub-1301F), filed May 4, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Dowingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting (1) *liquid chemicals*, in bulk, in tank vehicles, (a) from Savannah, GA, to points in FL, and (b) from the facilities of Dow Chemical USA, at Channahon, IL, to those points in the United States on and east of U.S. Hwy 85. (Hearing site: Washington, DC.)

MC 111274 (Sub-39F), filed April 30, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials and components* used in the manufacture of grain drying, handling, and storage equipment, between Assumption, IL, on the one hand, and, on the other, points in IN, under continuing contract(s) with Grain Systems, Inc., of Assumption, IL. (Hearing site: Springfield or Chicago, IL.)

MC 111274 (Sub-40F), filed April 26, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *milk and milk products*, between Peoria, IL, and Logansport, IN, under continuing contract(s) with Producers Dairy, of Peoria, IL. (Hearing site: Springfield or Chicago, IL.)

MC 111375 (Sub-104F), filed March 12, 1979. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Daniel C. Sullivan, 10 S. LaSalle—Suite 1600, Chicago, IL 60603. Transporting (1) *foodstuffs, and pet foods*, and (2) *equipment and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (a) between points in CA, on the one hand, and, on the other, points in OR and WA, and (b) from points in CA, OR, and WA, to points in IL, IN, IA, MI, MN, OH, and WI. (Hearing site: Los Angeles, CA.)

MC 111545 (Sub-280F), filed May 4, 1979. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA

30065. Representative: Robert E. Born (same address as applicant). Transporting *tractors* (except truck tractors), from the facilities of Ford Motor Company, at or near Romeo, MI, to points in FL, GA, NC, SC, and TN, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 112595 (Sub-87F), filed May 3, 1979. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton, OH 45638. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. Transporting *liquid chemicals*, in bulk, in tank vehicles, from the facilities of Dow Chemical, U.S.A., at Hanging Rock, OH, to points in MN, IA, MO, WI, IL, IN, KY, TN, MI, VA, WV, DE, MD, those in NY on the west of a line beginning at Point Breeze, and extending along NY Hwy 98 to junction NY Hwy 39, then along NY Hwy 39 to junction NY Hwy 16, at or near Yorkshire, NY, then along NY Hwy 16, to junction NY Hwy 17, then along NY Hwy 17 to junction U.S. Hwy 219, then along U.S. Hwy 219 to the NY-PA State line, and those in PA on and west of U.S. Hwy 219. (Hearing site: Columbus, OH, or Washington, DC.)

MC 113434 (Sub-133F), filed April 26, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A-5253 144th Ave., Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Transporting *such commodities* as are used or produced by food processors, between points in IL, IN, IA, KY, MI, OH, PA, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Heinz U.S.A. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 114045 (Sub-540F), filed April 25, 1979. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as applicant). Transporting (1) *building board, wallboard, and insulating materials*, (except commodities in bulk), and (2) *materials and supplies* used in the installation of the commodities named in (1) above, (except commodities in bulk), (a) from the facilities of Armstrong Cork Company at Marietta, PA, to points in AZ, CA, NV, NM, OK, and TX, and (b) from the facilities of Armstrong Cork Company, at or near Pensacola, FL, to points in TX. (Hearing site: Philadelphia, PA.)

MC 114725 (Sub-100F), filed April 20, 1979. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, NE 68110. Representative: Donald L. Stern, Suite 610, 7171 Mercy

Road, Omaha, NE 68106. Transporting *sulfuric acid*, in bulk, in tank vehicles, (1) from Omaha, NE, to points in IA, KS, MO, and SD, and (2) from Kansas City, KS, to Lincoln, NE. (Hearing site: Omaha, NE.)

MC 114725 (Sub-101F), filed April 20, 1979. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, NE 68110. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *phosphoric acid*, in bulk, in tank vehicles, from Omaha and Weeping Water, NE, to points in IA, SD, MO, and MN. (Hearing site: Omaha, NE.)

MC 115924 (Sub-35F), filed April 30, 1979. Applicant: SUGAR TRANSPORT, INC., P.O. Box 4063, Port Wentworth, GA 31407. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid fertilizer solutions*, in bulk, in tank vehicles, from points in Chatham County, GA, to points in FL, NC, and SC, under continuing contract(s) with Kaiser Agricultural Chemicals, Division of Kaiser Aluminum & Chemicals Corp., of Savannah, GA. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 116045 (Sub-50F), filed May 4, 1979. Applicant: NEUMAN TRANSIT CO., INC., P.O. Box 38, Rawlins, WY 82301. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Transporting *hydrogen peroxide*, in bulk, from Natrona County, WY, to points in WY, restricted to the transportation of traffic having an immediately prior movement by rail. (Hearing site: Casper, WY.)

MC 119774 (Sub-99F), filed May 3, 1979. Applicant: EAGLE TRUCKING COMPANY, a corporation, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116. Transporting *scrap and waste paper*, in bales, from the facilities of Bird & Son, Inc., at or near Shreveport, LA, to points in AR and TX. (Hearing site: Shreveport, LA, or Dallas, TX.)

MC 119974 (Sub-79F), filed April 30, 1979. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 949 Advance Street, Green Bay, WI 54304. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305. Transporting *such commodities as are dealt in by chain grocery and food business houses* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between AL,

AR, CT, FL, GA, IA, IL, IN, KS, KY, MD, MI, MN, MO, MS, NC, ND, NE, NJ, OH, PA, SC, SD, TN, TX, UT, VA, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 121664 (Sub-70F), filed April 30, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 848, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35201. Transporting *motor vehicle parts and accessories, scrap metal, coil steel, steel tubing, and sheet steel*, between Monroeville and Fayette, AL, Monticello, AR, Dexter, MO, Columbus, Greenwood, Indianapolis, Franklin, and North Vernon, IN, Middletown, OH, Atlanta, GA, and Verona, MS, restricted to the transportation of traffic originating at or destined to the facilities of Arvin Industries. (Hearing site: Indianapolis, IN, or Birmingham, AL.)

MC 124154 (Sub-75F), filed April 12, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, FL 32302. Transporting (1) *agricultural and construction equipment*, and *road construction equipment*, (2) *parts for the commodities named in (1) above*, and (3) *materials and supplies used in the manufacture of the commodities named in (1) above*, (except commodities in bulk), between points in GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta or Albany, GA.)

MC 124174 (Sub-143F), filed April 23, 1979. Applicant: MOMSEN TRUCKING CO., (a corporation), 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen, (same address as applicant). Transporting (1) *irrigation systems*, and *parts for irrigation systems*, (2)(a) *solar energy systems*, and *fuelburning heating appliances*, and (b) *parts and accessories used in the installation, operation, and maintenance of the commodities named in (2)(a) above*, (3)(a) *pipe, and poles*, and (b) *materials, equipment, and supplies used in the installation and maintenance of the commodities named in (3)(a) above*, (4) *iron and steel articles*, and (5) *materials, equipment, and supplies used in the manufacture or assembly of the commodities named in (1), (2), (3) and (4) above*, between the facilities of Valmont Industries, Inc., at or near Valley, NE, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. Condition: The person or persons engaged in common control of applicant and

another regulated carrier must either file an application for approval under 49 U.S.C. § 11343 or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Omaha, NE.)

Note.—Dual operations may be involved.

MC 124775 (Sub-10F), filed April 27, 1979. Applicant: HRIBAR TRUCKING, INC., 1521 Waukesha Road, Caledonia, WI 53108. Representative: Frank M. Coyne, 25 West Main Street, Madison, WI 53703. Transporting *crushed stone*, in dump vehicles, from Wausau, WI, to points in IL and IN. (Hearing site: Madison, WI, or Chicago, IL.)

MC 124964 (Sub-34F), filed April 25, 1979. Applicant: JOSEPH M. BOOTH, d.b.a. J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, FL 32726. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cheese and cheese products*, (except commodities in bulk), from Plymouth, WI and Van Wert, OH, to points in AL, FL, and GA, under continuing contract(s) with Borden Foods, a Division of Borden, Inc., of Columbus, OH. (Hearing site: Columbus, OH, or Washington, DC.)

MC 124964 (Sub-35F), filed May 3, 1979. Applicant: JOSEPH M. BOOTH, d.b.a. J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, FL 32726. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from the facilities of Heinz USA, Division of H. J. Heinz Company, at or near (a) Holland, MI, (b) Fremont and Toledo, OH, and (c) Mechanicsburg and Pittsburgh, PA, to points in AL, FL, GA, LA, MS, NC, and SC, under continuing contract(s) with Heinz USA, Division of H. J. Heinz Company, of Pittsburgh, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 126045 (Sub-26F), filed April 26, 1979. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, P.O. Box 3122, Davenport, IA 52808. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. Transporting *iron and steel articles, and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles*, between the facilities of Northwestern Steel and Wire Company, at Sterling, IL, on the one hand, and, on the other, points in AR, IN, IA, KS, MI, MN, MO, NE, ND, SD, TX, and WI. (Hearing site: Chicago, IL.)

MC 126305 (Sub-114F), filed April 25, 1979. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *lumber and lumber products*, between points in VA, on the one hand, and, on the other points, those in the United States in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: Montgomery or Birmingham, AL.)

MC 127524 (Sub-21F), filed April 3, 1979. Applicant: QUADREL BROS. TRUCKING COMPANY, INC., 1603 Hart St., Rahway, NJ 07065. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10582. Transporting *mineral oil*, in bulk, from Bayonne and Bayway, NJ, to Baltimore, MD. (Hearing site: New York, NY, or Newark, NJ.)

MC 127705 (Sub-79F), filed April 27, 1979. Applicant: KREYDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *Fiberboard boxes*, from the facilities of Longview Fiber Company, at Milwaukee, WI, to points in IL, IN, OH, NY, NJ, WV, and PA, restricted to the transportation of traffic originating at the named and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 133384 (Sub-1F), filed April 30, 1979. Applicant: BARBERTON RECON CENTER, INC., 5075 Wooster Road W., Barberton, OH 44203. Representative: E. H. Van Deusen, P.O. Box 97, 220 West Bridge Street, Dublin, OH 43017. Transporting *used automobiles*, in secondary movements, in truckaway service, between Barberton, OH, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, WI, and DC. Condition: Issuance of this certificate is conditioned upon the prior or coincidental cancellation, at applicant's written request, of Certificate MC-133384. (Hearing site: Columbus, OH.)

MC 134035 (Sub-36F), filed April 30, 1979. Applicant: DOUGLAS TRUCKING COMPANY, (a corporation), P.O. Box 696, Highway 75 South, Corsicana, TX 75110. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting (1) *plastic insulating materials*, and (2) *materials and supplies used in the manufacture and distribution of plastic insulating materials*, between Big Spring and Fort Worth, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 134404 (Sub-51F), filed April 27, 1979. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at or destined to the facilities of Union Camp Corporation, under continuing contract(s) with Union Camp Corporation, of Wayne, NJ. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 134405 (Sub-70F), filed April 26, 1979. Applicant: BACON TRANSPORT COMPANY, (a corporation), P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *anhydrous ammonia*, in bulk, in tank vehicles, from Ft. Madison, IA, to points in IL and MO. (Hearing site: St. Louis, MO.)

MC 134574 (Sub-29F), filed May 4, 1979. Applicant: FIGOL DISTRIBUTORS LIMITED, P.O. Box 6298, Station "C", Edmonton, AB T5B 4K6 Canada. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. Transporting *wine*, in containers, from points in CA, OR, and WA, to points in MT. (Hearing site: San Francisco, CA.)

MC 135725 (Sub-19F), filed April 23, 1979. Applicant: FRY TRUCKING, INC., 507 W. 5th Street, Wilton, IA 52778. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. Transporting *soy lecithin, flour, and grits*, from points in AR, to points in IA, IL, IN, KY, MI, MN, NY, OH, PA, and WI. (Hearing site: Chicago, IL.)

MC 135895 (Sub-36F), filed April 23, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting *plastic granules, plastic pellets, plastic powder, and ethanalamines*, in containers, from the facilities of Dow Chemical Corporation, at or near Baton Rouge and Plaquemine, LA, to points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN, and TX. (Hearing site: Baton Rouge or New Orleans, LA.)

MC 136155 (Sub-7F), filed April 30, 1979. Applicant: GAY TRUCKING COMPANY, a corporation, P.O. Box 7179, Savannah, GA 31408. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *iron and steel articles*, between points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Washington, DC, or Atlanta, GA.)

MC 136545 (Sub-19F), filed April 23, 1979. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad Street, Prentice, WI 54556. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting *iron and steel articles*, from Chicago, IL, to points in MN and WI. (Hearing site: Chicago, IL or Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 138635 (Sub-81F), filed April 26, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. Transporting *such commodities as are dealt in by chain grocery and food business houses* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AR, AZ, FL, GA, ID, IL, KY, MA, MN, MO, MS, MT, NC, NY, OH, PA, SC, TN, TX, UT, VA, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC or Chicago, IL.)

Note.—Dual operations may be involved.

MC 138635 (Sub-80F), filed April 30, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. Transporting (1) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds (except commodities in bulk, in tank vehicles)*, and *filters*, from the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, to points in GA, NC, SC, TN, and VA, and (2) *petroleum, petroleum products, vehicle body sealer, sound deadener compounds, filters, and materials, supplies, and equipment used in the manufacture, sale, and distribution of the commodities named in (1) above*, (except commodities in bulk, in tank vehicles), from points in SC and VA, to the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Pittsburgh, PA.)

Note.—Dual operations may be involved.

MC 139459 (Sub-440F), filed April 30, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: HERBERT ALAN DUBIN, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *chilled shot and iron sand*, from Westland and Detroit, MI, and Wadsworth and Cleveland, OH, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 140024 (Sub-145F), filed April 27, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *foodstuffs*, (except in bulk), in vehicles equipped with mechanical refrigeration, from Fulton, Oswego, and Syracuse, NY, Danbury and New Milford, CT, Freehold and Secaucus, NJ, to Chicago, IL, St. Louis, MO, Denver, CO, Fullerton and Watsonville, CA, and Dallas and Houston, TX. (Hearing site: Denver, CO, or Washington, DC.)

MC 140024 (Sub-146F), filed April 19, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 E. 52nd Avenue, Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *bakery goods* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Pepperidge Farms, Inc., at or near (a) Downingtown, Fogelville, New Holland, and Philadelphia, PA, (b) Baltimore, MD, and (c) Milford, DE, to points in AR, CA, IL, NE, and UT, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Denver, CO, or Washington, DC.)

MC 140104 (Sub-6F), filed April 27, 1979. Applicant: TOLEDO FRIGID LINES, INC., 4060 Fitch Road, Toledo, OH 43613. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 42315. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, Transporting (1) *such commodities* as are dealt in by chain grocery and food business houses, institutions, catalog showroom stores, and home center stores (except commodities in bulk), and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above, between Toledo and Maumee, OH, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Seaway Food Town, Inc., of Maumee, OH. (Hearing site: Columbus, OH, or Washington, DC.)

MC 140484 (Sub-39F), filed April 30, 1979. Applicant: LESTER COGGINS TRUCKING, INC., 2871 E. Edison Avenue, P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). Transporting *such commodities*, as are dealt in by chain grocery and food business houses (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points, in AL, AR, FL, GA, IA, IL, IN, KS, KY, MI, MN, NC, NY, OH, PA, SC, TN, TX, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC.)

MC 141684 (Sub-6F), filed April 27, 1979. Applicant: COMMAND CARGO CORPORATION, 7950 E. Baltimore Street, Baltimore, MD 21224. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities which because of size or weight require the use of special equipment, live laboratory animals, commercial papers, documents and written instruments as are used in the business of banks and banking institutions, and stocks, bonds, securities, and negotiable instruments), between Baltimore, MD, on the one hand, and, on the other, points in VA, MD, DE, PA, WV, and DC, restricted against the transportation of (1) articles weighing in the aggregate more than three hundred fifty pounds (350) from one consignor at one location to one consignee at one location, in any given day, and (2) tissue cultures and biological products, between Baltimore, MD, on the one hand, and, on the other, points in Howard, Frederick, and Montgomery Counties, MD, and DC. (Hearing site: Baltimore, MD, or Washington, DC.)

MC 141804 (Sub-167F), filed May 1, 1979. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *hardware, building supplies, and home accessories*, between points in CA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles or San Francisco, CA.)

MC 142715 (Sub-40F), filed April 26, 1979. Applicant: LENERTZ, INC., P.O. Box 141, South St. Paul, MN 55075. Representative: K. O. Petrick (same

address as applicant). Transporting *such commodities* as are dealt in by retail discount, department, and variety stores (except commodities in bulk), from points in AL, FL, GA, MS, NC, SC, TN, and VA, to the facilities of Wal-Mart Stores, Inc., at or near Bentonville, Ft. Smith and Searcy, AR, restricted to the transportation of traffic originating at the indicated origins and destined to the named facilities (except traffic moving in foreign commerce). (Hearing site: Little Rock, AR, or St. Paul, MN.)

MC 143775 (Sub-84F), filed April 25, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *toilet preparations, foodstuffs, and chemicals* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (1) between points in IL, on the one hand, and, on the other, points in GA, MA, NV, NJ, and NY, (2) from Atlanta, GA, to points in TN, VA, and MD, and (3) from Reno, NV, to points in CA, WA, and OR, restricted in (1), (2), and (3) above to the transportation of traffic originating at the facilities of the Alberto Culver Company. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved. MC 144234 (Sub-2F), filed May 4, 1979. Applicant: PDV CARTAGE, INC., Minonk, IL 61760. Representative: Douglas G. Brown, The INB Center—Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. Transporting *sulphuric acid*, from the facilities of Beker Industries Corp., at Marseilles, IL, to points in IN, IA, KY, MI, MO, and WI. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 144345 (Sub-10F), filed May 3, 1979. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Ariport Way, Caldwell, ID 83605. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *dairy products*, from the facilities of Dairymen's Creamery Ass'n, Inc., at Caldwell, ID, to points in UT. (Hearing site: Boise, ID, or Portland, OR.)

MC 144855 (Sub-9F), filed March 13, 1979. Applicant: TRANS CONTINENTAL CARRIERS, a corporation, 169 East Liberty Ave., Anaheim, CA 92803. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. Transporting (1) *foodstuffs, food-treating compounds, and chemicals*, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of foodstuffs (except commodities in bulk),

between points in the United States (except AK and HI), restricted to the transportation of traffic originating at, destined to or moving between the facilities used by (a) McCormick & Company, Inc., (b) All Portions, Inc., (c) Astro Foods, Inc., (d) McCormick & Company, Inc., Food Service Division, (e) Gilroy Foods, Incorporated, (f) Golden West Foods, Inc., (g) McCormick & Company, Inc., Grocery Products Division, (h) McCormick & Company, Inc., McCormick Flavor Division, (i) McCormick Foods, Inc., (j) Tubed Products, Inc., and (k) TV Time Foods, Inc. (Hearing site: Los Angeles, CA.)

MC 145054 (Sub-14F), filed April 27, 1979. Applicant: COORS TRANSPORTATION COMPANY, a corporation, 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln Street, Denver, CO 80264. Transporting *canned foods and canned juices*, from points in Yakima and Chelan Counties, WA, to points in AZ, CA, CO, NV, and UT. (Hearing site: Denver, CO.)

MC 145335 (Sub-1F), filed March 8, 1979. Applicant: RIVER ENTERPRISES, INC., P.O. Box 458, South Roxana, IL 62087. Representative: Robert T. Lawley, 300 Reich Bldg., Springfield, IL 62701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *construction, mining, and contractors' machinery*, between points in IL, IN, KY, and MO, under continuing contract(s) with Bramco, Inc., Brandeis Machinery & Supply Corporation, Missouri-Illinois Tractor and Equipment Company, State Equipment Company of Indiana, and Rental Equipment Service Company, all of Louisville, KY, and (2) (a) *engines, engine parts, marine equipment and parts* for marine equipment, and (b) *tools and equipment* used in the installation and maintenance of engines, ships, and marine equipment, between Hartford, IL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with National Marine Service, Inc., of Hartford, IL. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 145384 (Sub-32F), filed April 23, 1979. Applicant: ROSE-WAY, INC., 1914 E. Euclid Avenue, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *lumber, lumber products; wood products, and millwork*, from points in CA, ID, OR, and WA, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Portland, OR, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 145545 (Sub-2F), filed April 27, 1979. Applicant: CENTURY REEFER SERVICE, INC., 8 Main Street, Salisbury, MA 01950. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, D.C. 20005. Transporting (a) *parts and accessories* for drills, hoists, and compressors (except commodities which because of size or weight require the use of special equipment), from Claremont, NH, to Michigan City, IN, and Elk Grove Village, IL, and (b) *wheels*, from Seabrook, NY, to Dothan and Union Springs, AL; Compton and North Hollywood, CA, Denver, CO, Freeport and Chicago, IL, Columbus, Seymour, and South Bend, IN, Gardner and Westfield, MA, St. Louis, MO, Englewood, Pennsauken, and Blenheim, NJ, Orangeburg and Rochester, NY, Tarboro, NC, Celina, OH, Bedford, PA, and Delavan, Janesville, and Milwaukee, WI. (Hearing site: Boston, MA.)

MC 145754 (Sub-1F), filed February 6, 1979. Applicant: SUMMIT TRANSPORTATION COMPANY, a Corporation, P.O. Box 1937, Breckenridge, CO 80424. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver CO 80202. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *dairy and health food products*, (except commodities in bulk), from Denver and Boulder, CO, to points in the United States (except AK and HI), and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction, under continuing contract(s) and in both (1) and (2) above with Mountain High Incorporated, of Denver, CO. (Hearing site: Denver, CO.)

MC 145904 (Sub-5F), filed April 25, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *salad dressings*, from Grundy Center, IA, to points in CA, IL, IN, MO, MN, and WI. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 146185 (Sub-2F), filed April 27, 1979. Applicant: ROMAN WEBER, d.b.a. BULK FEED TRANSPORTS, Bartleso, IL 62218. Representative: Robert T. Lawley, 300 Reich Bldg., Springfield, IL 62701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by (a) chain grocery and food

business houses, and (b) animal, fish, and poultry feed dealers, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and sale of the commodities in (1) above, between the facilities of Ralston Purina Company at (a) Bloomington and Vandalia, IL, (b) Evansville and Richmond, IN, (c) Clinton and Davenport, IA, (d) Louisville, KY, (e) Bridgeton, Kansas City, and Montgomery City, MO, (f) Red Wing, MN, (g) Memphis, TN and (h) Hager City, WI, on the one hand, and on the other, points in AR, IL, IN, IA, and MO, under continuing contract(s) with Ralston Purina Company, of St. Louis, MO. (Hearing site: St. Louis, MO.)

MC 146724 (Sub-1F), filed April 30, 1979. Applicant: DEAN RAPPLEYE, INC., P.O. Box 204, West Jordan, UT 84084. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting (1) *bananas*, and (2) *agricultural commodities* otherwise exempt from economic regulation under the provisions of 49 USC § 10526(a)(6), in mixed loads with bananas, from the facilities of Del Monte Banana Co., at Port Hueneme, CA, to points in AZ, CO, ID, MN, MT, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Los Angeles, CA.)

MC 146965F, filed April 24, 1979. Applicant: REDDING LUMBER TRANSPORT, INC., 4161 Eastside Road, P.O. Box 3308, Redding, CA 96001. Representative: George La Bissoniere, 1100 Norton Building, Seattle, WA 98104. Transporting *lumber and lumber products*, between points in CA and OR. (Hearing site: Sacramento or Redding, CA.)

MC 147155, filed April 26, 1979. Applicant: FRANK B. TAGGART d.b.a. TAGGART SYSTEMS, Box 135, Cody, WY 82124. Representative: F. Robert Reeder, P.O. Box 11898, Salt Lake City, UT 84147. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bentonite*, in bags, from Greybull, WY, to Long Beach, Oxnard, Bakersfield, Healdsburg, Sacramento, Santa Maria, and Brawley, CA, under continuing contract(s) with Dresser Industries, Inc., of Houston, TX. (Hearing site: Salt Lake City, UT, or Billings, MT.)

MC 147165F, filed April 23, 1979. Applicant: RUIZ TRANSPORT, INC., 324 Suffolk Street, Lowell, MA 01852. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. Transporting (1) *such*

commodities as are dealt in or used by (a) automotive service stations and (b) automotive supply dealers (except commodities in bulk, in tank vehicles), and (2) *petroleum products*, in containers, from Lowell, MA, to points in ME, NH, VT, CT and RI, under continuing contract(s) with Northeast Lubricants, Inc., of Lowell, MA. (Hearing site: Boston, MA, or Lowell, MA.)

Passenger

MC 143515 (Sub-7F), filed April 26, 1979. Applicant: P & W CHARTER SERVICE, INC., P.O. Box 2455, Yakima, WA 98907. Representative: Randy Ammerman, 216 So. 3rd Avenue, P.O. Box 2455, Yakima, WA 98907. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, beginning and ending at points in Chelan, Franklin, and Walla Walla Counties, WA and extending to points in the United States (including AK but excluding HI). (Hearing site: Yakima or Olympia, WA.)

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Decided: August 31, 1979.

By the Commission, Review Board Number 1. Members Carleton, Joyce, and Jones.

MC 409 (Sub-75F), filed May 8, 1979. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Saunders Avenue and Hwy 6, Sutton, NE 68979. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *"anhydrous ammonia and (2) liquid fertilizer* (except anhydrous ammonia) bulk, from the facilities of Phillips Petroleum Company, at or near Aurora and Hoag, NE, to points in CO, IA, KS, MN, NE, MO, OK, SD, and WY. (Hearing site: Kansas City, MO.)

MC 13569 (Sub-50F), filed April 25, 1979. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, INC., 1200 South State Street, Girard, OH 44420. Representative: Michael R. Werner, Post Office Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Transporting *iron and steel articles*, between the facilities of Jones & Laughlin Steel Corporation, at Cleveland, Louisville, Warren, and Youngstown, OH, on the one hand, and, on the other, points in IN, IL, and MI. (Hearing site: Columbus, OH.)

MC 25798 (Sub-376F), filed April 26, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., Post Office Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). Transporting *foodstuffs*, from the facilities used by the Green Giant Company, at Blue Earth,

Glencoe, Montgomery, Le Sueur, St. James, Cokato, Winsted, and Minneapolis, MN, to points in TX, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Tampa, FL.)

MC 25798 (Sub-377F), filed May 10, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, P.O. Box 1186, Auburndale, FL 33823. *Such commodities as are dealt in by chain grocery and food business houses (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration*, between points in AL, AR, AZ, FL, GA, IA, ID, IL, IN, KS, KY, MA, MI, MN, MO, MS, MT, NC, ND, NE, NY, OH, PA, SC, SD, TN, TX, UT, VA, WV, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 29079 (Sub-106F), filed April 30, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, Northwest, Washington, DC 20006. Transporting (1) *metal articles*, from points in Tuscarawas County, OH, to points in IL, IN, KY, MD, MA, MI, MO, NJ, NY, NC, PA, SC, VT, VA, WV, WI and DC, and (2) *equipment, materials, and supplies* used in the manufacture of the commodities in (1) above, in the reverse direction. (Hearing site: Washington, DC.)

MC 43038 (Sub-479F), filed April 25, 1979. Applicant: COMMERCIAL CARRIERS, INC., 20300 Civic Center Drive, 4th Floor, Box CS 5027, Southfield, MI 48037. Representative: Nicholas W. Hetman, 3800 Frederica Street, Owensboro, KY 42301. Transporting *motor vehicles* (except trailers), in secondary movements, in truckaway service, between Birmingham, AL, on the one hand, and, on the other, points in FL. (Hearing site: Detroit, MI, or Washington, DC.)

MC 43038 (Sub-480F), filed April 25, 1979. Applicant: COMMERCIAL CARRIERS, INC., 20300 Civic Center Drive, 4th Floor, Box CS 5027, Southfield, MI 48037. Representative: Nicholas W. Hetman, 3800 Frederica Street, Owensboro, KY 42301. Transporting *motor vehicles* (except trailers), in secondary movements, in truckaway service, between Jacksonville, and Tampa, FL, on the one hand, and, on the other, points in NC, SC, VA, and WV. (Hearing site: Detroit, MI, or Washington, DC.)

MC 43038 (Sub-481F), filed April 25, 1979. Applicant: COMMERCIAL CARRIERS, INC., 20300 Civic Center Drive, 4th Floor, Box CS 5027, Southfield, MI 48037. Representative: Nicholas W. Hetman, 3800 Frederica Street, Owensboro, KY 42301.

Transporting *motor vehicles* (except trailers), in truckaway service, between Detroit, MI, on the one hand, and, on the other, points in AZ. (Hearing site: Detroit, MI, or Washington, DC.)

MC 50069 (Sub-546F), filed April 26, 1979. Applicant: REFINER'S TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Transporting *roofing materials*, from Heath, OH, to points in PA and WV. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 52709 (Sub-359F), filed May 7, 1979. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). Transporting *automobile and railway car parts*, from the facilities of The General Tire & Rubber Company, at or near Ionia, MI, to points in ID, IL, IN, IA, KS, NE, and PA. (Hearing site: Grand Rapids, MI, or Denver, CO.)

MC 56679 (Sub-120F), filed May 8, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW., Atlanta, GA 30310. Representative: Leonard S. Cassell (same address as applicant). Transporting *internal combustion engines and parts of internal combustion engines* from New Holstein, WI, to McRae and Swainsboro, GA. (Hearing site: Atlanta or Savannah, GA.)

MC 81779 (Sub-2F), filed April 27, 1979. Applicant: PAUL A. JOHNSON, INC., 236 North Elm, Waterman, IL 60556. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Transporting *iron and steel articles*, from Chicago, IL, to St. Louis, MO, and points in IL, IA. (Hearing site: Chicago, IL, or Washington, DC.)

MC 82079 (Sub-76F), filed May 4, 1979. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW, Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Transporting (1) *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Chef Pierre, Inc., at or near Traverse City, MI, to points in KY and WI; and (2) *materials, equipment, and*

supplies used in the manufacture and distribution of foodstuffs, (except commodities in bulk), from points in IN, KY, OH and WI, to the facilities named in (1) above. (Hearing site: Chicago, IL, or Lansing, MI.)

Note.—Dual operations may be involved.

MC 83539 (Sub-519F), filed May 4, 1979. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (same address as applicant). Transporting *tractors* (except truck tractors), from the facilities of Ford Motor Company, at or near Romeo, MI, to points in AR, CT, DE, IA, IL, IN, KS, KY, LA, ME, MD, MA, MN, MO, NE, NH, NJ, NY, OH, OK, PA, RI, TX, VT, VA, WV, WI, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. Except traffic moving in foreign Commerce. (Hearing site: Detroit, MI, or Washington, DC.)

MC 83539 (Sub-520F), filed May 4, 1979. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (same address as applicant). Transporting *metal pipe, metal sheet, metal plate, billet, metal strips, and metal bars* from points in Weber County, UT, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Western Zirconium, Inc. (Hearing site: Salt Lake City, UT, or Dallas, TX.)

MC 105269 (Sub-77F), filed May 8, 1979. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, P.O. Box 968, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Transporting (1) *paper, paper products, and paper mill products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in IL, IN, IA, KY, MI, MN, MO, OH, PA, WV, and WI. (Hearing site: Lansing, MI, or Chicago, IL.)

MC 106398 (Sub-888F), filed April 26, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). Transporting *furnace and chimney lining products*, from Denver, CO, to points in AR, IL, IA, KS, MO, NE, NM, OK, LA, TX, and WY. (Hearing site: Chicago, IL.)

MC 106398 (Sub-889F), filed April 26, 1979. Applicant: NATIONAL TRAILER

CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). Transporting *sheet metal duct work, angles, and hanger straps*, from the facilities of John Gruss Co., Inc., at Shawnee Mission, KS, to points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 106398 (Sub-890F), filed April 30, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). Transporting, (1) *plywood paneling, gypsum board, particleboard, pressboard, molding, trim, and roofing*, from the facilities of Sequoia Supply Co., at or near Jacksonville, FL, to points in GA, NC, SC, VA, WV, PA, NY, OH, IN, KY, TN, IL, WI, MO, AR, LA, MS, AL, and TX, and (2) *materials and supplies* used in the manufacture of commodities in (1) above, in the reverse direction. (Hearing site: Dallas, TX.)

MC 106398 (Sub-893F), filed April 27, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). Transporting (1) *poultry processing equipment and poultry equipment housing*, from the facilities of the USI Agri-Business Company in Forsythe County, GA, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacturing of the commodities in (1) above, in the reverse direction. (Hearing site: Dallas, TX.)

MC 106398 (Sub-894F), filed April 27, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). Transporting (1) *steel tubing*, and (2) *accessories* for steel tubing from the facilities of the OxyLance Corporation at Atlanta, GA, to points in the United States (except AK and HI), and (3) *materials* used in the manufacture of commodities named in (1) and (2) above, in the reverse direction, restricted to the transportation of traffic originating at or destined to the facilities of the OxyLance Corporation, at Atlanta, GA. (Hearing site: Dallas, TX.)

MC 109449 (Sub-30F), filed May 4, 1979. Applicant: KUJAK TRANSPORT, INC., Junction Avenue, Winona, MN 55987. Representative: Gary Huntbatch (same address as applicant). Transporting *foodstuffs*, from the facilities of The Pillsbury Company at Minneapolis, MN to points in IN, OH, MI, IL, MO, KY, WI, PA and NY, restricted to the transportation of traffic originating at the named origin and

destined to the indicated destinations. (Hearing site: St. Paul, MN or Washington, DC.)

MC 109538 (Sub-31F), filed April 27, 1979. Applicant: CHIPPEWA-MOTOR FREIGHT, INC., P.O. Box 850, Sioux Falls, SD 57101. Representative: Dennis Riswold (same as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities used by John Morrell & Co., at or near Sioux Falls, SD, and Estherville and Sioux City, IA, to points in IL, IA, IN, KY, MI, MO, OH, and WI, restricted to the transportation of traffic originating at the named origins. (Hearing site: Chicago, IL, or Sioux Falls, SD.)

MC 109538 (Sub-32F), filed April 23, 1979. Applicant: CHIPPEWA MOTOR FREIGHT, INC., 1000 East 41st Street, Sioux Falls, SD 57105. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Chicago IL, and points in IA, (a) from Chicago over Interstate Hwy 55 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Davenport, IA, then over U.S. Hwy 6 to Des Moines, IA, (also from Davenport over Interstate Hwy 80 to Des Moines), and return over the same route, and (b) from Chicago over U.S. Hwy 34 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 169, then over U.S. Hwy 169 to Ft. Dodge, IA, in (1)(a) and (1)(b), and return over the same route, serving all intermediate points in IA, and the off-route point of Belle Plaine, IA, (2) between points in IA; (a) from Davenport over U.S. Hwy 61 to junction IA Hwy 92, then over IA Hwy 92 to junction U.S. Hwy 218, then over U.S. Hwy 218 to Mt. Pleasant, then over U.S. Hwy 34 to Ottumwa, then over U.S. Hwy 63 to Oskaloosa, then over IA Hwy 163 to Des Moines (also from junction IA Hwy 92 and U.S. Hwy 218 over IA Hwy 92 to Oskaloosa), (b) from Mt. Pleasant over U.S. Hwy 218 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Keokuk, (c) from Davenport over U.S. Hwy 61 to Maquoketa, then over IA Hwy 64 to Cedar Rapids, (d) from junction U.S. Hwys 6 and 218 over U.S. Hwy 218 to

junction U.S. Hwy 18, then over U.S. Hwy 18 to Clear Lake, (e) from Cedar Rapids over IA Hwy 150 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Waterloo, (f) from Oskaloosa over U.S. Hwy 63 to Waterloo, (g) from Des Moines over U.S. Hwy 65 to junction IA Hwy 330, then over IA Hwy 330 to Marshalltown, then over IA Hwy 14 to junction IA Hwy 57, then over IA Hwy 57 to Waterloo, (h) from junction U.S. Hwy 65 and IA Hwy 330 over U.S. Hwy 65 to Mason City, (i) from junction U.S. Hwy 65 and IA Hwy 175 over IA Hwy 175 to junction IA Hwy 14, (j) from Ft. Dodge over U.S. Hwy 20 to Waterloo, and (k) from Clear Lake over U.S. Hwy 18 to junction U.S. Hwy 69, then over U.S. Hwy 69 to Des Moines (also from junction U.S. Hwy 18 and Interstate Hwy 35 to Des Moines), in (2)(a) through (2)(k), and return over the same route, serving all intermediate points, and the off-route point of Ft. Madison, IA, (3) between Chicago, IL and points in MI; (a) from Chicago over U.S. Hwy 12 to St. Joseph, MI, then over U.S. Hwy 31 to South Haven, MI, (b) from Chicago over Interstate Hwy 94 to Kalamazoo, MI, and (c) from Chicago over Interstate Hwy 94 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction IN Hwy 2, then over IN Hwy 2 to South Bend, IN, then over U.S. Hwy 31, to Niles, MI, then over MI Hwy 60 to junction U.S. Hwy 131, then over U.S. Hwy 131 to Kalamazoo, MI, in (3)(a) through (3)(c), and return over the same route, serving all intermediate points in MI, and Michigan City and South Bend, IN, and the off-route points of Three Oaks, Buchanan and Dowagiac, MI, (4) between South Bend, IN, and Benton Harbor, MI, over U.S. Hwy 31, serving all intermediate points in MI, (5) between Chicago, IL and Independence, IA, over U.S. Hwy 20, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations, (6) between Iowa City, IA, and junction U.S. Hwy 218 and IA Hwy 92, over U.S. Hwy 218, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations, and (7) serving the facilities of Minnesota Mining and Manufacturing Company, at or near Knoxville, IA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL, or Des Moines, IA.)

Note.—Applicant intends to tack these authorities to others.

MC 109689 (Sub-349F), filed May 4, 1979. Applicant: W. S. HATCH CO., a

corporation, P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, 10 West Broadway, No. 400, Salt Lake City, UT 84101. Transporting *ferro phosphorous slag*, in bulk, from the facilities of Stauffer Chemical Company, at or near Silver Bow, MT, to the facilities of Kerr McGee Corporation, at or near Soda Springs, ID. (Hearing site: Salt Lake City, UT.)

MC 113528 (Sub-41F), filed April 16, 1979. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, AL 36601. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Dallas, TX, and Baton Rouge, LA, from Dallas over interstate Hwy 20 to junction U.S. Hwy 71, at or near Shreveport, LA, (also over U.S. Hwy 80 to junction U.S. Hwy 71, at or near Shreveport, LA), then over U.S. Hwy 71 to junction U.S. Hwy 190, at or near Kotz Springs, LA, then over U.S. Hwy 190 to Baton Rouge, and return over the same route, serving those intermediate points within 15 miles of Baton Rouge, (2) serving points within a 15-mile radius of Baton Rouge, LA, as off-route points in connection with carrier's regular-route operations authorized in (1) above, (3) serving Mt. Vernon, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations, and (4) serving Newnan, GA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Dallas, TX, or Baton Rouge, LA.)

Note.—Applicant intends to tack (1) to other authorities.

MC 114098 (Sub-51F), filed May 8, 1979. Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. BOX 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave., and 13th St. NW., Washington, DC 20004. Transporting *lumber* (1) from points in Georgetown County, SC, to points in GA, TN, and MD, and (2) from points in SC, to points in NC. (Hearing site: Charlotte, NC.)

Note.—Dual operations may be involved.

MC 114569 (Sub-303F), filed April 26, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Transporting (1) *fiberglass cloth and*

fabric, from Sequin, TX, to Spokane, WA, and (2) *boards, blocks, pallets, and panels*, (a) from La Mirada, CA, to Nogales, AZ, and (b) from Casa Grande, AZ, to points in CO and WA. (Hearing site: San Francisco, CA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 114569 (Sub-304F), filed April 26, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Transporting *boards, blocks, pallets, or panels*, between Michigan City, IN, and Park Forest South, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 114569 (Sub-305F), filed April 26, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Transporting (1) *foodstuffs* (except in bulk), from New York, NY, to points in CA, and (2) *confectionery* from points in MA, to points in CA, OR, and WA. (Hearing site: New York, NY, or Washington, DC.)

Note.—Dual operations may be involved.

MC 114608 (Sub-35F), filed April 25, 1979. Applicant: CAPITAL EXPRESS, INC., 5635 Clay Avenue, S.W., Grand Rapids, MI 49508. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 49226. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household appliances, and parts* for household appliances, from the facilities of White Westinghouse Appliance Company, Division of White Consolidated Industries, Inc., at or near Columbus, OH, to points in MI, under continuing contract(s) with White Westinghouse Appliance Company, Division of White Consolidated Industries, Inc., of Columbus, OH. (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—The person or persons who appear to be engaged in common control with another carrier must either file an applicant under 49 U.S.C. § 11343(a) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indication why such approval is unnecessary. Affidavits are due within 30 days from publication.

MC 115669 (Sub-187F), filed May 8, 1979. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Wilbur C. Hoyt (same address as applicant). Transporting (1) *anhydrous ammonia and liquid fertilizer* (except *anhydrous ammonia*), from the

facilities of Phillips Petroleum Company, at or near Aurora and Hoag, NE, to points in CO, IA, KS, MN, NE, MO, OK, SD, and WY. (Hearing site: Kansas City, MO.)

MC 116628 (Sub-26F), filed April 25, 1979. Applicant: SUBURBAN TRANSFER SERVICE, INC., P.O. Box 168, Rutherford, NJ 07070. Representative: Thomas F. X. Foley, State Highway 34, Colts Neck, NJ 07722. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise* as is dealt in or used by retail department stores, between New York, NY, on the one hand, and, on the other, points in CA, FL, IL, MI, and PA, under continuing contract(s) with Bonwit Teller, Inc., of New York, NY. (Hearing site: Newark, NJ, or New York, NY.)

MC 117119 (Sub-742F), filed May 4, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: Martin M. Geffon, P.O. Box 156, Mt. Laurel, NJ 08054. Transporting *confectionery* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, at (a) Hackettstown, NJ, (b) Elizabethtown, PA, and (c) Chicago, IL, to points in WA, OR, and UT, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: New York City, NY, or Washington, DC.)

MC 118159 (Sub-328F), filed April 25, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Warren Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *paper and paper products, and cellulose materials and products* (except commodities in bulk), from the facilities of Scott Paper Company, at or near (a) Philadelphia, PA, and (b) Albany and Fort Edward, NY, to points in AL, FL, GA, NC, SC, and TN. (Hearing site: Chicago, IL.)

MC 118959 (Sub-216F), filed May 8, 1979. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Transporting *aluminum castings*, from Sheboygan, WI, to points in AR, IL, MO, SC, and VA. (Hearing site: Chicago, IL.)

MC 118959 (Sub-217F), filed May 8, 1979. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago,

IL 60603. Transporting *printed matter*, from E. Prairie, MO, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 119349 (Sub-15F), filed April 30, 1979. Applicant: STARLING TRANSPORT LINES, INC., P.O. Box 1733, Fort Pierce, FL 33450. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Transporting (1) *bananas, and* (2) *agricultural commodities*, the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. 10526 (a)(6) in mixed loads with bananas, from Norfolk, VA, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Norfolk, VA.)

Note.—Dual operations may be involved.

MC 119619 (Sub-134F), filed April 4, 1979. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 W. 43rd Street, Chicago, IL 60609. Representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. Transporting *foodstuffs* (except in bulk), from points in CT, DE, MD, NJ, NY, PA, RI, VA, ME, VT, NH, WV, and DC, to Denver, CO, Louisville, KY, and points in IL, IN, IA, MI, MN, MO, OH, WI, KS, and NE. (Hearing site: New York, NY.)

MC 119639 (Sub-19F), filed May 4, 1979. Applicant: INCO EXPRESS, INC., 3600 South 124th Street, Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Transporting (1) *meats, meat products and meat by-products*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk, in tank or hopper-type vehicles), (2) *foods* (other than those in (1) and (3) *commodities*, the transportation of which is otherwise exempt from regulation under 49 U.S.C. 10526 (a)(6), except those described in (2) above, when moving in mixed loads with the commodities in (1) and (2) above, between points in WA, and OR, on the one hand, and, on the other, points in AZ and NV. (Hearing site: Seattle, WA, or Portland, OR.)

MC 119789 (Sub-583F), filed April 27, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting *lighting fixtures*, from Vermillion, OH, to points in AL, AR, CA, CO, FL, GA, ID, LA, MS, MT, NM, OR, TX, and WA. (Hearing site: Cleveland, OH.)

MC 119789 (Sub-586F), filed April 27, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). Transporting *such merchandise* as is dealt in by specialty gift stores, from Charlotte, NC, to Wichita, KS. (Hearing site: Atlantic City, NJ.)

MC 119789 (Sub-589F), filed May 7, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). Transporting *meats, meat products, meat byproducts and articles distributed by meat-packing houses* as defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at (a) Albert Lea, MN and (b) Cedar Rapids, IA, to points in AL, FL, GA, NC, SC, and TN, restricted to the transportation of traffic originating at the above named origins and destined to the indicated destinations. (Hearing site: Oklahoma City, OK.)

MC 119789 (Sub-600F), filed May 11, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Wichita, KS, to points in ME, NH, VT, MA, RI, CT, NY, PA, NJ, DE, MD, VA, WV, MI, OH, KY, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Omaha, NE.)

MC 119988 (Sub-200), filed April 27, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting *such commodities* as are dealt in by retail, department, and variety stores (except commodities in bulk) from points in the United States (except AK and HI) to Columbia, MS, and points in Angelina County, TX. (Hearing site: Jackson, MS, or New Orleans, LA.)

MC 123048 (Sub-437F), filed May 8, 1979. Applicant: DIAMOND

TRANSPORTATION SYSTEM, INC., 5021-21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting *iron and steel articles*, from Gerald, MO, to points in AR, IL, IN, IA, KY, LA, MI, MN, NE, OH, PA, TN, TX, and WI. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 124159 (Sub-11F), filed May 11, 1979. Applicant: DAGGETT TRUCK LINE, INC., P.O. Box 158, Frazee, MN 56544. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting (1) *bananas* and (2) *agricultural commodities* otherwise exempt from regulation under 49 U.S.C. 10526(a)(6) formerly section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with bananas, from the facilities of Del Monte Banana Co., at Port Hueneme, CA, to points in CO, IL, IA, MN, NE, ND, SD, and WI, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 125368 (Sub-62F), filed May 9, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Roland Lowell, 6th Floor United American Bank Bldg., Nashville, TN 37219. Transporting *cheese and cheese spread*, from the facilities of Fisher Cheese Company, at or near Wapakoneta, OH, to points in AL, AR, DE, GA, KY, LA, MD, MI, MS, NJ, NC, OK, PA, SC, TN, TX, VA, WV, and DC. (Hearing site: Washington, DC, or Chicago, IL.)

MC 125729 (Sub-1F), filed May 4, 1979. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, NJ 08638. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *currency*, between Atlanta, Ga, Baltimore, MD, Birmingham, AL, Boston, MA, Buffalo, and New York, NY, Charlotte, NC, Chicago, IL, Cincinnati and Cleveland, OH, Coral Gables and Jacksonville, FL, Culpeper and Richmond, VA, Dallas, El Paso, Houston, and San Antonio, TX, Denver, CO, Detroit, MI, Louisville, KY, Helena, MT, Kansas City and St. Louis, MO, Little Rock, AR, Los Angeles and San Francisco, CA, Memphis and Nashville, TN, Minneapolis, MN, New Orleans, LA, Oklahoma City, OK, Omaha, NE, Philadelphia and Pittsburgh, PA, Portland, OR, Salt Lake City, UT, Seattle, WA, and DC. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 128648 (Sub-18F), filed May 4, 1979. Applicant: TRANS-UNITED, INC., 425 West 152nd Street, P.O. Box 2081, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in by manufacturers and distributors of locomotive and railway car wheels* (except commodities in bulk), from the facilities of Griffin Wheel Company, Div. of Amsted Industries Incorporated, at or near (a) Bessemer, AL, (b) Colton, CA, (c) Bensenville and West Chicago, IL, and (d) Keokuk, IA, and (e) Kansas City, KS, to points in the United States (except AK and HI), under continuing contract(s) with Amsted Industries Incorporated, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 133119 (Sub-181F), filed May 4, 1979. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 200 Norka Drive, Akron, IA 51001. Representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Transporting *frozen foods*, (1) from Murfreesboro and Nashville, TN, Seelyville, IN, Joplin and Carthage, MO, and Minneapolis, MN, to those ports of entry on the international boundary line between the United States and Canada in MN, ND, MT, ID, and WA, restricted to the transportation of traffic moving in foreign commerce, and (2) from Minneapolis, MN, to points in ND, SD, MT, ID, and WA, restricted to the transportation of traffic originating at the named origin. (Hearing site: Minneapolis, MN, or Omaha, NE.)

MC 133689 (Sub-273F), filed May 7, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW, New Brighton, MN 55112. Representative: Robert P. Sack P.O. Box 6010, West St. Paul, MN 55118. Transporting, *such merchandise as are dealt in by chain grocery and food business houses* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AR, GA, IA, IL, IN, KS, KY, MA, MI, MN, MO, MS, NC, ND, NE, NY, OH, PA, SD, TN, VA, VT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: St. Paul, MN.)

MC 133928 (Sub-21F), filed May 4, 1979. Applicant: OSTERKAMP TRUCKING, INC., 764 North Cypress Street, P.O. Box 5546, Orange, CA 92667. Representative: Steven K. Kuhlman, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle,

in interstate or foreign commerce, over irregular routes, transporting (1) *composition board and wood fiber products* (except commodities in bulk), and (2) *materials and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above (except commodities in bulk), between the facilities of United States Gypsum Company, at or near Pilot Rock, OR, on the one hand, and, on the other, those points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), under continuing contract(s) with United States Gypsum Company, of Chicago, IL. (Hearing site: San Francisco, CA, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 134838 (Sub-24F), filed May 7, 1979. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., P.O. Box 39235, Bolton Station, Atlanta, GA 30318. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 39345. Transporting *lumber and lumber products*, between points in KY and WV, on the one hand, and, on the other, points in NC, SC, and GA. (Hearing site: Atlanta, GA.)

MC 134838 (Sub-24F), filed May 7, 1979. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., P.O. Box 39235, Bolton Station, Atlanta, GA 30318. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 39345. Transporting (1) *steel pipe, pipe fittings, beams, piling, rails, railway track accessories, pile drivers, and pile extractors*, (2) *parts of the commodities in (1) above*, and (3) *Materials, equipment and supplies* used in the manufacture, installation, dismantling and distribution of the commodities in (1) above (except commodities in dump or tank vehicles), between the facilities of L. B. Foster Company at Parkersburg and Washington, WV, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MS, NC, SC, VA, and TN. (Hearing site: Atlanta, GA.)

MC 135009 (Sub-5F), filed May 7, 1979. Applicant: PEAK TRANSFER CO., INC., 57 Hathaway Street, Wallington, NJ 07866. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *book parts, and printed matter*, between Crawfordsville, IN, and Willard, OH, on the one hand, and, on the other, points in NJ and NY, under continuing contract(s) with R.R. Donnelley & Son Co., Inc., of

Crawfordsville, IN. (Hearing site: New York, NY.)

MC 135658 (Sub-7F), filed April 25, 1979. Applicant: ROCK RIVER CARTAGE, INC., P.R. #2, Box 430, Rock Falls, IL 61071. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, (1) *iron and steel articles*, from the facilities of Inland Steel Company at East Chicago, IN, to points in IL on and west of U.S. Hwy 51 and on and north of U.S. Hwy 34, and those in IA on and east of U.S. Hwy 61 under continuing contract(s) with Inland Steel Company, of Chicago, IL, and (2) cold finished turned, ground and polished steel bars, from Gary, IN, to Rock Island and Moline, IL, under continuing contract(s) Republic Steel Corporation, Union Drawn Division, of Massillon, OH. (Hearing site: Chicago, IL.)

MC 136528 (Sub-4F), filed May 10, 1979. Applicant: GREAT NORTHEASTERN, INC., P.O. Box 115, Blue Ball, PA 17506. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cleaning products, pesticides, paint*, (except commodities in bulk), and (2) *materials, equipment, and supplies*, (a) for farms, (b) for dairies, and (c) used in water treatment, (except commodities in bulk and those which, because of size or weight, require the use of special equipment), between the facilities of Babson Bros. Co., at or near Oak Brook and Hillside, IL, and the facilities of Pfanstiehl Detergent Chemicals, Inc., at Romeoville, IL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Babson Bros. Co., of Oak Brook, IL. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 138308 (Sub-71F), filed April 30, 1979. Applicant: KLM, INC., Old Highway 49 South, P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, Jackson, MS 39205. Transporting: (1) *petroleum, petroleum products, vehicle body sealer and sound deadener compounds*, (except commodities in bulk, in tank vehicle), and *filters*, from the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, to points in AL, AZ, CA, FL, GA, IL, IN, MI, MS, NM, OH, TN, TX, and WI and (2)(a) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds* (except commodities in bulk,

in tank vehicles), and *filters*, and (b) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of the commodities in 2(a) above, (except commodities in bulk, in tank vehicle), from points in GA, IL, IN, NJ, NY, OH, PA, and VA, to the facilities of Quaker State Oil Refining Corporation, in Warren County MS, restricted in parts (1) and (2) above to the transportation of traffic originating or destined to the facilities of Quaker State Oil Refining Corporation, in Warren County, MS. (Hearing site: Jackson, MS or Washington, DC.)

Note.—Dual operations may be involved.

MC 138469 (Sub-143F), filed April 25, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: William J. Green (same address as applicant). Transporting *materials, supplies and machinery*, used in the manufacture and distribution of toilet preparations, household and industrial cleaning articles, insect repellents, grooming aids, food products, clothes hangers, medicated sprays and promotional materials, from points in CT, IN, MD, MA, MN, VT, and WV, to the facilities of Fuller Brush Company, at Great Bend, KS, restricted to transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Wichita, KS, or Oklahoma City, OK.)

MC 138469 (Sub-145F), filed April 26, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: William J. Green (same address as applicant). Transporting *kitchen cabinets and parts for kitchen cabinets*, from San Antonio, TX, to the facilities of Customline Products, Inc., at Grand Junction, CO, restricted to transportation of traffic originating at named origin and destined to indicated destination. (Hearing site: Grand Junction or Denver, CO.)

MC 138469 (Sub-146F), filed May 7, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: William J. Green (same address as applicant). Transporting (1) *office and household fixtures and furnishings*, (2) *component parts* for the commodities in (1) above, and (3) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, from the facilities of Triangle Pacific Corporation, at Union City, IN, to points in CT, DE, KY, ME, MD, MA, MI, NJ, NH, NY, OH, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations.

(Hearing site: Dallas, TX, or Oklahoma City, OK.)

MC 138469 (Sub-149F), filed May 10, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting (1) *bananas* and (2) *agricultural commodities* otherwise exempt from regulation under 49 U.S.C. 10526(a)(6) formerly 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with bananas, from the facilities of Del Monte Banana Co., at Port Hueneme, CA, to points in AZ, CO, ID, IL, IN, IA, KS, MN, MO, MT, NV, NE, NM, ND, OK, OR, SD, TX, UT, WA, WI and WY, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Los Angeles, CA.)

MC 139479 (Sub-4F), filed May 7, 1979. Applicant: ROBERT E. PIELEMEIER d.b.a. PIELEMEIER TRANSPORTATION, 1125 Fallen Leaf Road, Arcadia, CA 91006. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in by chain supermarkets*, (1) from points in CA (except La Habra) to points in Maricopa and Pinal Counties, AZ, and (2) from points in CA to points in Pima and Yuma Counties, AZ, under continuing contract(s) with Alpha Beta Company, of La Habra, CA. (Hearing site: Los Angeles, CA.)

MC 140159 (Sub-11F), filed May 8, 1979. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting *stone*, between points in Huntingdon, Fulton, Clearfield, and Blair Counties, PA, on the one hand, and, on the other, points in OH and IN. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 140389 (Sub-58F), filed May 7, 1979. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. Transporting, *frozen foods*, from the facilities of Chef Pierre, Inc., at or near Forest, MS, to points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, LA, MN, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SD, TX, UT, WA, WI, and WY, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Jackson, MS, or New Orleans, LA.)

MC 140549 (Sub-14F), filed May 8, 1979. Applicant: FRITZ TRUCKING, INC., East Highway 7, Clara City, MN 56222. Representative: David Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Transporting *foodstuffs* from Owatonna, MN, to points in AL, AR, CA, CO, FL, LA, MS, OK, and TX. (Hearing site: Minneapolis or St. Paul, MN.)

Note.—Dual operations may be involved.

MC 140829 (Sub-228F), filed April 28, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting (1) *wall and insulating boards, and insulating materials, and (2) materials, equipment, and supplies* used in the installation of the commodities in (1) above, (except commodities in bulk, in tank vehicles), from the facilities of Armstrong Cork Company, at or near Beaver Falls and Marietta, PA, to points in AR, CO, IL, IA, KS, LA, MN, MO, NE, ND, OK, SD, TX, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-229F), filed April 24, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting (1) *electric light bulbs, and lighting fixtures, and (2) materials, equipment, and supplies* used in the manufacturing and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles) from St. Marys and Montoursville, PA, Dyersburg, TN, Versailles, KY, and points in Bristol and Essex County, MA, to points in CO, IL, KS, LA, MI, MN, MO, NY, OH, PA, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-232F), filed April 26, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *uncut greeting cards* in sheets, between Dallas, TX, Lawrence and Topeka, KS, and Kansas City, MO, restricted to the transportation of traffic originating at the named origin and destined to the named points. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-235F), filed May 4, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and *materials, equipment, and supplies* used by meat packers (except commodities in bulk), between Britt and Mason City, IA, on the one hand, and, on the other, points in AR, CO, CT, DE, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MO, NC, ND, NE, NH, NJ, NY, NM, OH, OK, PA, RI, SD, TN, TX, VA, WI, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-237F), filed May 4, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of West Coast Shippers Association, at (a) New York, NY, and (b) Philadelphia, PA, to points in CO, IL, KS, MN, MO, NM, OK, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-238F), filed May 7, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *petroleum products* (except in bulk in tank vehicles), from Beaumont and Cheek, TX and Baton Rouge, LA, to points in IL, NJ, and NY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-239F), filed May 7, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting (1) *artificial trees, light sets, decorations, and displays* and (2) *materials, equipment, and supplies* used in the manufacture of the commodities, in (1) above (except commodities in bulk, in

tank vehicles), from East Douglas, MA, to points in AR, IN, IA, KS, LA, MN, NE, OK, TX, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-241F), filed May 4, 1979. Applicant: CARGO, INC., P.O. Box 206, US Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *such commodities* as are dealt in by manufacturers and distributors of home products (except commodities in bulk, in tank vehicles), from Easthampton, MA, to points in IL, IA, KY, TN, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-252F), filed May 10, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *retail store fixtures, and equipment, materials, and supplies* used in the manufacture of retail store fixtures (except commodities in bulk, in tank vehicles), between the facilities of Lozier Corporation, at or near (a) Scottsboro, AL, (b) Kansas City, MO, (c) Omaha, NE, and (d) McClure, PA, on the one hand, and on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WI, and DC. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-253F), filed May 10, 1979. Applicant: CARGO, INC., P.O. Box 206, US Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *food products*, from Chicago, IL, to points in KS, OK, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-254F), filed May 11, 1979. Applicant: CARGO, INC., P.O. Box 206, US Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting (1) *foodstuffs* (except commodities in bulk, in tank vehicles), from Council Bluffs, IA, Omaha, NE, and Laramie, WY, to those points in the United States in and east of MT, WY, CO, and NM, and (2) *foodstuffs and materials, equipment,*

and supplies used in the manufacture and distribution of foodstuffs (except commodities in bulk, in tank vehicles), in the reverse direction, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-255F), filed May 11, 1979. Applicant: CARGO, INC., P.O. Box 206, US Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *dry fertilizer, ice melting compounds, and vermiculite* (except commodities in bulk, in tank vehicles) from the facilities of Koos, Inc., at or near Kenosha, WI, to points in AR, CT, IA, KS, LA, ME, MA, MO, NE, NH, NJ, NY, ND, OK, PA, RI, SD, TX, and VT, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 142059 (Sub-71F), filed May 8, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley (same address as applicant). Transporting *wallboard and fibreboard*, from Lockport, NY, to points in the United States (except AK and HI). (Hearing site: Buffalo, NY, or Washington, DC.)

MC 142559 (Sub-93F), filed May 7, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon 100 East Broad Street, Columbus, OH 43215. Transporting (1) *paper, paper products, plastic articles, and furniture, and (2) materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Scott Paper Company. (Hearing site: Columbus, OH.)

Note.—Dual operations may be involved.

MC 142559 (Sub-96F), filed May 9, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Transporting (1) *household appliances, and (2) materials and supplies* used in the manufacture and distribution of household appliances, (except commodities in bulk), between Columbus, OH, on the one hand, and, on the other, points in the United States,

(except AK and HI). (Hearing site: Columbus, OH.)

Note.—Dual operations may be involved.

MC 143059 (Sub-78F), filed April 25, 1979. Applicant: MERCER TRANSPORTATION CO., a corporation, 12th Main Street, P.O. Box 35610, Louisville, KY 40232. Representative: James L. Stone (same as applicant). Transporting *composition board and sheets*, from the facilities of Champion International Corporation, (1) at or near Oxford, MS, to points in IL, IN, KY, MI, OH, TN, and WI, and (2) at or near South Boston, VA, to points in CT, DE, KY, MA, ME, MD, NH, NJ, NC, NY, OH, PA, RI, SC, TN, VT, WV and DC. (Hearing site: Louisville, KY, or Washington, DC.)

MC 144239 (Sub-9F), filed April 26, 1979. Applicant: J.L.T. CORPORATION, Route 22, White House Station, NJ 08889. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen sour dough bread*, in vehicles equipped with mechanical refrigeration, from the facilities of Parisian Baking Co., at San Francisco, CA, to Boston, MA, Baltimore, MD, Columbus, OH, New York, NY, and Philadelphia, PA, under continuing contract(s) with Parisian Baking Co., of San Francisco, CA. (Hearing site: New York, NY.)

MC 144658 (Sub-1F), filed May 4, 1979. Applicant: FRALEY & SCHILLING, INC., General Delivery, Rushville, IN 46173. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *ferroalloys, silicon metal, and manganese metal*, (b) *and materials* used in the manufacture and distribution of the commodities in (1)(a) above, between the facilities of Foote Mineral Company, at or near (i) Graham, WV, and (ii) Cambridge, OH, on the one hand, and, on the other, points in AL, KY, TN, NC, MA, CT, and RI; (2)(a) *ferroalloys, silicon metal, and pig iron, and (b) materials* used in the manufacture and distribution of the commodities in (2)(a) above, between the facilities of Foote Mineral Company, at or near Keokuk, IA, on the one hand, and, on the other, points in AL, KY, TN, NC, MA, CT, RI, OH, IL, IN, MD, MI, NJ, NY, PA, VA, WV, WI, and DE; (3) *ferroalloys, silicon metal, manganese metal, chrome ore, manganese ore, and lithium chemicals*, between the facilities of Foote Mineral Company, at or near New Johnsonville, TN, on the

one hand, and on the other, points in AL, CT, DE, IL, IN, IA, KY, MD, MA, MI, MO, NJ, NY, NC, OH, PA, RI, VA, WV, and WI, under continuing contract(s) with Foote Mineral Company, of Exton, PA. (Hearing site: Washington, DC.)

MC 144688 (Sub-33), filed April 9, 1979. Applicant: READY TRUCKING, INC., 4722 Lake Mirror Place, Forest Park, GA 30050. Representative: Lavern R. Holdeman, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Transporting *containers, container parts, and materials, equipment, and supplies* used in the manufacture, sale, and distribution of containers (except commodities in bulk), (1) from the facilities of Container Corporation of America, Inc., at or near (a) Lithonia and Atlanta, GA, (b) Jeffersonville, IN, and (c) Cincinnati and Piqua, OH, to points in AL, FL, GA, IN, KY, LA, MS, NC, OH, SC, and TN, and (2) from points in the destination states in (1) above to the facilities of Container Corporation of America, Inc., at or near Lithonia and Atlanta, GA, (b) Jeffersonville, IN, (c) Cincinnati and Piqua, OH, (d) Winston-Salem, Shelby, and Greensboro, NC, (e) Chattanooga, Nashville, Knoxville, and Memphis, TN, (f) New Orleans, LA, (g) Brewton, AL, and (h) Wildwood and Fernandina Beach, FL, restricted in (1) and (2) above to the transportation of traffic originating at the named origins or destined to the indicated destinations. (Hearing site: Atlanta, GA.)

MC 145018 (Sub-7F), filed May 11, 1979. Applicant: NORTHEAST DELIVERY, INC., P.O. Box 127, Taylor, PA 18517. Representative: John W. Frame, Box 628, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting *such commodities* as are dealt in or used by food processors, (except commodities in bulk), between Erie and North East, PA, and Westfield, NY, on the one hand, and, on the other, points in MD, ME, NH, VT, CT, MA, RI, and DC. (Hearing site: Harrisburg, PA.)

MC 145129 (Sub-3F), filed May 10, 1979. Applicant: WHITAKER TRANSPORTATION CO., INC., P.O. Box 1705, Chattanooga, TN 37401. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Hamilton County, TN, on the one hand, and, on the other, points in Bradley, Polk, Rhea, McMinn, Meigs, Madison, Marion, Sequatchie, Franklin, Roane Grundy, Bledsoe,

Warren, Coffee, Monroe, Lincoln, and Moore Counties, TN; Walker, Catoosa, Whitfield, Dade, Floyd, Murray, Chattooga, and Gordon Counties, GA, and Jackson, De Kalb, and Madison Counties, AL, restricted to transportation of traffic having a prior or subsequent movement by rail or water. (Hearing site: Chattanooga, TN.)

MC 145149 (Sub-7F), filed May 11, 1979. Applicant: MATADOR SERVICE, INC., P.O. Box 2256, 4111 E. 37th St. No. Wichita, KS 67201. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting (1) *anhydrous ammonia* and (2) *liquid fertilizer*, (except *anhydrous ammonia*), in bulk, from Hoag, NE, to points in IA, MO, KS, OK, CO, and WY. (Hearing site: Kansas City, MO.)

MC 145219 (Sub-5F), filed May 8, 1979. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, Savannah, GA 31408. Representative: William P. Sullivan, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Transporting *tires, tread stock, and tubes* from Findlay and Rossford, OH, and Texarkana, AR, to points in AL, FL, GA, NC, and SC. (Hearing site: Washington, DC, or Columbus, OH.)

Note.—Dual operations may be involved.

MC 145468 (Sub-22F), filed March 14, 1979. Applicant: K.S.S. TRANSPORTATION CORP., P.O. Box 3052, North Brunswick, NJ 08402. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by restaurants (except commodities in bulk), from points in GA, FL, MA, NC, NY, SC, and TX, to the facilities of Hardee's Food System, Inc., at Mason City, IA, and Independence, MO. (Hearing site: Des Moines, IA, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 146179 (Sub-2F), filed May 4, 1979. Applicant: R & E, INC., 4009 Dahlman Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Palamera Beef Corp., at Omaha, NE, to points in CT, IL, IN, IA, KS, MA, MI, MN, NJ, NY, OH, PA, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Omaha, NE.)

MC 146458 (Sub-2F), filed May 9, 1979. Applicant: VIRGIL MOELLER d.b.a. MOELLER FARMS, Box 104, Spring Valley, MN 55975. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *animal and poultry feed, mineral mixtures, insecticides, livestock feeders, and poultry feeders*, (except liquid commodities, in bulk), from the facilities of Moorman Manufacturing Company, at or near Quincy, IL, to points in MN. (Hearing site: Minneapolis, MN.)

MC 146888 (Sub-2F), filed April 27, 1979. Applicant: GLASS CONTAINER TRANSPORT, INC., Route 1, Box 271, Ridgeway, SC 29130. Representative: Archie B. Culbreth, Suite 202, 2000 Century Parkway, Atlanta, GA 30345. Transporting *insulation and insulating materials*, from Villa Rica, GA, to points in AL, FL, GA, NC, SC, and TN. (Hearing site: Atlanta, GA.)

MC 147129F, filed April 9, 1979. Applicant: TRANS WESTERN TRUCKING, INC., Hwy 67, P.O. Box 812, Cleburne, TX 76031. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *rubber articles and plastic articles*, from the facilities of Rubbermaid Commercial Products, Inc., at or near Cleburne, TX, to points in LA, AR, OK, NM, AZ, CA, NV, UT, and TX. (Hearing site: Dallas, TX.)

Note.—The person or persons who appear to be engaged in common control must either file an application under Section 11343(a) of the Interstate Commerce Act or submit an affidavit indicating why such approval is unnecessary.

MC 147149F, filed April 25, 1979. Applicant: P. T. & E. CO., 309 Industrial Blvd., Lufkin, TX 75901. Representative: Charles E. Munson, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *oil well drilling mud, mud compounds, and additives*, (except commodities in bulk), between points in TX, OK, LA, and MS, under continuing contract(s) with Dresser Industries, Inc., of Houston, TX. (Hearing site: Houston or Dallas, TX.)

MC 147168F, filed April 27, 1979. Applicant: BEDFORD CAR CARRIER, INC., 114 Green Lane, Bedford Hills, NY 10507. Representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, NY 10528. Transporting *used motor vehicles* except trailers designed to be drawn by passenger automobiles, in truckaway

service, between points in Westchester and Putnam Counties, NY, on the one hand, and, on the other, points in CT, NJ, NY, and PA. (Hearing site: White Plains, NY.)

MC 147169F, filed May 4, 1979. Applicant: SERVICEWAY MOTOR FREIGHT, INC., P.O. Box 243 Alcoa, TN 37701. Representative: John G. Hardeman, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *carbonated beverages and carbonated beverage containers*, between Knoxville, TN, on the one hand, and on the other, points in GA, KY, NC, SC, and VA. (Hearing site: Knoxville or Nashville, TN.)

MC 147309F, filed May 7, 1979. Applicant: PATH TRUCK LINES, INC., 3649 East Lake Road, Dunkirk, NY 14048. Representative: Ronald W. Malin, Bankers-Trust Building, Jamestown, NY 14701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel bars, steel billets, and steel coils*, from the facilities of Roblin Steel Company, Division of Roblin Industries, Inc., at Dunkirk, NY and North Tonawanda, NY, to those points in the United States in and east of WI, IL, KY, and TN and in and north of SC and NC and (2) *equipment, materials, and supplies* use in the manufacture of steel, in the reverse direction. (Hearing site: Buffalo, NY.)

MC 148048F, filed March 8, 1979. Applicant: V. & K., INC., Route 3, Box 6281, Columbia, KY 42728. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. Transporting *passengers and their baggage*, in special and charter operations, between round-trip and one-way points in Adair, Casey, Cumberland, Metcalfe, Russell, and Taylor Counties, KY, on the one hand, and on the other, points in AL, FL, GA, IN, NC, OH, TN, VA, and DC. (Hearing site: Louisville or Lexington, KY.)

Agatha L. Mergenovich,
Secretary.

(FR Doc. 79-29846 Filed 9-26-79; 9-25 am)

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[Volume No. 33]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Park and Crate

Dated: September 13, 1979.

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the Federal Register with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or (b) where the identify of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's

representative, and oral hearing requests.

MC 42487 (Sub-885 (M1F)) (notice of filing of petition to delete a restriction), Published in the Federal Register of August 6, 1979 and republished as corrected in this issue. Petitioner: CONSOLIDATED FREIGHTWAYS CORP. of Delaware, 175 Linwood Dr., Menlo Park, CA 94025. Representative: Mark J. Andrews, Suite 1000, 1660 L St. NW, Washington, DC 20036. Petitioner holds a *motor common carrier* certificate in MC-42487 Sub 885, issued April 17, 1979, authorizing transportation, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment), between Houston, TX and New Orleans, LA, serving intermediate points of Orange and Beaumont, TX with service at points in the Orange, Beaumont and Houston, TX commercial zones, as defined by the Commission, restricted to the transportation of traffic moving to or from points in the below described route in Louisiana, and serving all intermediate points in Louisiana, with service at Baton Rouge, LA restricted to traffic moving to or from points west of the Louisiana-Texas state line, from Houston over US Hwy 90 to Iowa, LA then over US Hwy 115 to Kinder, LA, then over US Hwy 190 to Baton Rouge, LA, then over US Hwy 61 to New Orleans, and return over the same route. By the instant petition, petitioner seeks to delete the restriction which reads "with service at Baton Rouge, LA, restricted to traffic moving to or from points west of the Louisiana-Texas state line" from the above described authority.

MC 114552 (Sub-135F(M1F)) (correction) (notice of filing of petition to modify certificate), filed April 23, 1979, published in the Federal Register, issue of August 21, 1979, and republished, as corrected, this issue. Petitioner: SENN TRUCKING COMPANY, a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Petitioner holds *motor common carrier* certificate in MC-114552 Sub 135, issued August 11, 1978, to transport in interstate or foreign commerce, over irregular routes, (1) *roofing asphalt* (except in bulk), from Memphis, TN, to points in AL, GA, IL, KY, MS, MO, NC, and SC; and (2) *commodities used in the manufacture and distribution of roofing asphalt* (except commodities in bulk), from points in AL, GA, IL, KY, MS, MO, NC,

and SC to Memphis, TN. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at or destined to the facilities of the Trumbull Asphalt Company at Memphis, TN. This certificate may not be tacked or joined with the carrier's other irregular-route authority. By the instant petition, petitioner seeks to modify the authority as follows: delete the originating at or destined to in the restriction in this certificate, and modify the commodity description so as to authorize the transportation of *roofing and roofing materials* (except commodities in bulk), in (1) above, and commodities used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), in (2) above. The purpose of this republication is to indicate the modification of the commodity description, inadvertently omitted.

MC 125978 (Sub-4 (M1F)), (notice of filing of petition to modify territorial description) filed February 7, 1979. Petitioner: DEPENDABLE CAR TRAVEL SERVICE, INC., 130 West 42nd Street, New York, NY 10036. Representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. Petitioner holds a *common carrier* certificate in MC 125978 Sub-4, issued June 26, 1967, authorizing transportation over irregular routes, of *used passenger automobiles*, with or without baggage, personal effects, and pets of owners of such vehicles, in driveaway service, between points in NY, NJ, CT, and PA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted against the transportation of vehicles (1) moving on government bills of lading, (2) having an immediately prior or subsequent movement by rail, and (3) moving for, from or on behalf of manufacturers of new automobiles and station wagons (except licensed vehicles transported for use of personnel of manufacturers). By the instant petition, Petitioner seeks to change the territorial description to authorize service, with the same restrictions, between points in CA, NY, NJ, CT, and Pa, on the one hand, and, on the other, points in the United States (except AK and HI).

Republications of Grants of Operating Rights Authority Prior to Certification; Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 78276 (Sub-9) (republication), filed September 1, 1977, published in the **Federal Register** October 27, 1977, and republished this issue. Applicant: MAZZEO & SONS EXPRESS, 311 South River St., Hackensack, New Jersey. 07601. Representative: George A. Olsen, 69 Tonnele Ave., Jersey City, New Jersey 07306. A Decision of the Commission, Division 1, decided August 6, 1979, and served August 14, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes in the transportation of (1) *wearing apparel*, and (2) *materials, supplies and equipment*, used in the manufacture and sale of wearing apparel, when moving with the commodities in (1) above, between Baltimore, MD, Philadelphia, PA, Wilmington, DE, New York, NY, those points in Rockland and Suffolk Counties, NY, not within the New York, NY, commercial zone as defined by the Commission, and points in New Jersey, on the one hand, and, on the other, points in Georgia, North Carolina and South Carolina will be consistent with the public interest and the national transportation policy. The purpose of this republication is to modify the commodity description.

MC 78276 (Sub-11) (republication), filed September 12, 1977, published in the **Federal Register** November 10, 1977, and republished this issue. Applicant: MAZZEO & SONS EXPRESS, 311 South River St., Hackensack, New Jersey, 07601. Representative: George A. Olsen, 69 Tonnele Ave., Jersey City, New Jersey 07306. A Decision of the Commission, Division 1, decided August 6, 1979, and served August 14, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign

commerce, as a *common carrier*, by motor vehicle, over irregular routes in the transportation of (1) *wearing apparel*, between Atlanta, GA, Charlotte, NC, Hialeah and Orlando, FL, Memphis, TN, and Spartanburg, SC, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee will be consistent with the public interest and the national transportation policy. The purpose of this republication is to modify the commodity description.

MC 141511 (Sub-1F) (republication), filed March 8, 1977, previously noticed in the **Federal Register** issue of April 28, 1977. Applicant: ROBERT W. RETTIG, d.b.a. PROTEIN EXPRESS, Route 3, Hartford, Wis. 53207. Representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. A Decision by the Commission, Division 1, Acting as an Appellate Division, decided February 2, 1979, and served March 2, 1979 finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cheese*, in vehicles equipped with mechanical refrigeration, (a) from Fergus Falls, Winsted, and Zumbrota, MN, to Marathon, WI, and Booneville, MS, and (b) from Marathon, WI to Booneville, MS; and (2) *cheese, food products, and gift packages containing cheese*, in vehicles equipped with mechanical refrigeration, from points in WI to points in CO, FL, GA, KY, NJ, NM, NV, NY, OH, OR, PA, TN, UT, and WA, restricted in parts (1) and (2) to shipments originating at the named origins and destined to the named destination points. The purpose of this republication is to indicate the deletion of the facility and supplier reference in part (2) above.

MC 115826 (Sub-325F) (republication), filed June 13, 1978, published in the **Federal Register** issue August 10, 1978, and republished this issue. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colorado 80217. Representative: Howard Gore (same address as applicant). A Decision of the Commission, Review Board Number 3, decided July 2, 1979, and served August 14, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *frozen prepared foods*, and (2) *agricultural commodities*, otherwise exempt from economic regulation under 49 U.S.C. 10526 (a)(D), when moving in mixed loads with frozen prepared foods,

in vehicles equipped with mechanical refrigeration (a) from the facilities of Artic Cold Storage at or near Santa Fe Springs, CA, to Erie, PA, Syracuse, NY, and points in Illinois, Kansas, Michigan, Missouri, and Ohio, and (b) from Erie, PA, to Atlanta, GA, Syracuse, NY, and points in Illinois, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

MC 129747 (Sub-3(MIF)) (republication) filed March 8, 1976, published in the **Federal Register** April 1, 1976, and republished this issue. Applicant: CASCO SERVICES, INC., 47 Chetwood Terrace, Fanwood, New Jersey 07023. Representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, New Jersey 07306. A Decision of the Commission, Review Board No. 3, decided January 24, 1979, and served February 26, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting general commodities (except classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities of unusual value, and those requiring special equipment), in containers, between (1) points in that portion of the New York, NY Commercial Zone as defined by the Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the "exempt zone") and (2) Somerville, NJ, on the one hand, and, on the other, points in Middlesex, Monmouth, Ocean, and Somerset Counties, NJ, restricted to the transportation of traffic having a prior or subsequent movement by rail or water, that applicant if fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission rules and regulations. The purpose of this republication is to modify the territorial description.

Motor Carrier Operating Rights Applications; Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being

furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 Fed. Reg. 50908, as modified at 43 Fed. Reg. 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 143236 (Sub-32F), filed May 9, 1979. Applicant: WHITE TIGER TRANSPORTATION, INC., 40 Hackensack Avenue, South Kearny, NJ 07032. Representative: Jay Schiffrs, 1511 K Street, N.W., Suite 505, Washington, DC 20005. Authority sought to operate as a *Common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting such *commodities* as dealt in or used by retail department stores, (except commodities in bulk), from Jersey City, NJ, to the facilities of Famous-Barr Company at or near St. Louis, MO. (Hearing site: Newark, NJ, or New York, NY.)

Note.—Dual operations may be involved.

Broker, Water Carrier and Freight Forwarder Operating Rights Applications; Notice

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such an authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues of allegations phrased generally, protests not in reasonable compliance with the requirements of the rules may be rejected.

Interstate Commerce Commission: Office of Proceedings; Permanent Authority Decisions; Decision-Notice—Decided: September 11, 1979

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Failure to file a protest with 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, as specifically noted below, and specify with particularity the facts, matters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that

sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will

be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

Broker

MC 130566F, filed April 9, 1979. Applicant: HIGHSMITH TOURS, INC., 5005 Thrush Lane, Richmond, VA 23227. Representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. To engage in operations, in interstate or foreign commerce, as a *broker* at Richmond, VA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning at Ashland, Colonial Heights, Petersburg, Richmond, and Hopewell, VA, and points in Chesterfield, Hanover, Henrico, New Kent, Charles City, and Prince George Counties, VA, and extending to points in the United States (except AK and HI). (Hearing site: Richmond, VA.)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Touck Tours, Inc.*, Extension—New York, NY, 54 M.C.C. 291 (1954).

MC 130587F, filed June 25, 1979. Applicant: POOLE ENTERPRISES, INC. d.b.a. POOLE ENTERPRISES TRAVEL, P.O. Box 1166, 5069 N. Sultana Avenue, Temple, CA 91780. Representative: David Boller, 700 S. Flower Street, Los Angeles, CA 90017. To engage in operations, in interstate or foreign commerce, as a *broker*, at Temple City, CA, in arranging for the transportation, by motor vehicle of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, from Los Angeles, San Francisco, and San Diego, CA, to points in the United States (including AK, but excluding HI). (Hearing site: Los Angeles, CA.)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the

requirements set forth in *Touck Tours, Inc.*, Extension—New York, NY, 54 M.C.C. 291 (1954).

MC 130595F, filed July 24, 1979. Applicant: BRIAR SPECIALIZED TRAVEL, INC., 15 Main St., Hackensack, NJ 07601. Representative: Victor C. Sellarole (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker*, at Hackensack, NJ, in arranging for the transportation, by motor vehicle, of *passengers and baggage*, between points in the United States, including AK and HI. (Hearing site: New York, NY, or Newark, NJ.)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Touck Tours, Inc.*, Extension—New York, N.Y. 59 M.C.C. 291 (1952).

Permanent Authority Decisions

Decision-Notice

Decided: September 7, 1979.

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the *Federal Register*. Failure to file a protest within 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, as specifically noted below), and specify with particularity the facts, matters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the

request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

Broker

MC 130585F, filed July 6, 1979. Applicant: WEISSMAN TEEN TOURS, INC., 517 Almena Ave., Ardsley, NY 10502. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10001. To engage in operations, in interstate or foreign commerce, as a *broker*, at Ardsley, NY, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, (1) beginning and ending at Denver, CO, and Carway, MT, and extending to points in AZ, UT, NV, ID, CA, OR, WA, MT, WY, and SD, restricted to the transportation of passengers having an immediately prior movement by air, and (2) beginning and ending at points in the New York, NY Commercial Zone as defined by the Commission, and extending to points in the United States (including AK, but excluding HI). (Hearing site: New York, NY)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Touck Tours, Inc.*, Extension—New York, N.Y. 59 M.C.C. 291 (1952).

MC 130594F, filed July 23, 1979. Applicant: KEITH G. STEVER, 2133 Raynell St. Springfield, MO 65804. Representative: (same as applicant). To engage in operations, in interstate or foreign commerce, as a *broker*, at Springfield, MO, in arranging for the transportation, by motor vehicle, of *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between points in the United States (except AK and HI). (Hearing site: Kansas City or St. Louis, MO.)

Permanent Authority Decisions

Decision-Notice

Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: September 7, 1979.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed

below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission within 30 days of publication of this decision-notice.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately preceding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of

Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

MC 115213 (Sub-9F), filed May 7, 1979. Applicant: ELLIOTT AND FIKES TRUCK LINE, INC., P.O. Box 8827, Pine Bluff, AR 71611. Representative: Horace Fikes, Jr., 414 National Building, Pine Bluff, AR 71601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from points in AR, to Memphis, TN, North Kansas City, MO, points in KS, OK, those in MO on and south of a line beginning at the northwestern boundary of Jackson County, MO, and extending along the northern boundary of Jackson County to the eastern boundary of Jackson County to the eastern boundary of Jackson County, then along the eastern boundary of Jackson County to

junction U.S. Hwy 40, and then along U.S. Hwy 40 to the Mississippi River, and those in TX on and east of a line beginning at the TX-NM State line, and extending along U.S. Hwy 84 to junction U.S. Hwy 380, then along U.S. Hwy 380 to junction U.S. Hwy 283, then along U.S. Hwy 283 to junction U.S. Hwy 84 near Coleman, TX, then along U.S. Hwy 84 to junction U.S. Hwy 281, at or near Evant, TX, then along U.S. Hwy 281 to the international boundary line between the United States and the Republic of Mexico at or near Hidalgo, TX. (Hearing site: Little Rock, AR, or Memphis, TN.)

Note.—The purpose of this application is to substitute single-line for joint-line service.

Permanent Authority Decisions

Decision-Notice

Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: September 11, 1979.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission within 30 days of publication of this decision-notice.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately preceding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions

containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain

requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, review Board Number 3, Members Parker, Fortier, and Hill.

MC 200 (Sub-351F), filed May 9, 1979. Applicant: RISS INTERNATIONAL CORPORATION a Delaware corporation, 903 Grand Ave., Kansas City, MO 64108. Representative: Ivan E. Moody (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving all intermediate points in IN on U.S. Hwys 40, 50, 150, 36, 31, 52, 24, 27, 30, 20, and IN Hwy 67, and serving all other points in IN as off-route points in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Kansas, City, MO.)

Note.—The purpose of this application is to substitute single-line for joint-line service.

MC 115603 (Sub-19F), filed May 17, 1979. Applicant: TURNER BROS. TRUCKING COMPANY, INC., P.O. Box 94626, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 24, El Reno, OK 73036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of manufactured and natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof; and, *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in or in connection with: (a) the transportation, installation,

removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, (1) between points in AR, on the one hand, and, on the other, points in LA; and, (2) between points in KS, OK, and TX, on the one hand, and, on the other, points in AL, FL, and GA. (Hearing site: Oklahoma City, OK.)

Note.—By this application, applicant intends and seeks to substitute a single-line service for its existing joint-line operations.

Finance Applications

Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC-F-13670. As stated in the original notice published July 27, 1978, authority was sought for purchase by WINTER TRUCK LINES, INC., 2620 McCormick Street, Wichita, KS 67213, of a portion of the operating rights of the Rock Island Motor Transit Co., 2744 Southeast Market Street, Des Moines, IA 50317, and for acquisition by Glen H. Winters, Thomas G. Winters, R. Patrick Winters, Gerry L. Winters and G. Elaine Winters of control of such rights through the transaction. Transferee's attorney: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Transferor's attorneys: Donald Niemann, 1119 High Street, Des Moines, IA 50309 and Raymond Goldfarb, 72

West Adams Street, Chicago, IL 60603.

An initial decision granted this authority on June 28, 1979 and was adopted by the Commission on August 22, 1979. The original *Federal Register* publication did not cover removal of a restriction on part of the authority. The grant of the authority *strikes the following restriction* as it appeared in the first part of the description in the original *Federal Register* publication: Restriction: The service authorized over Route No. 10 is subject to the following conditions: The service by motor vehicle to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of, rail service of the C.R.I. & P. RR., hereinafter called the Railway. Said carrier shall not serve any point not a station on the railway. All contractual arrangements between said carrier and the railway shall be reported to the Commission and shall be subject to the revisions, if and as the Commission finds necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions as the Commission may find necessary to impose in order to restrict said carrier's operations by motor vehicle to service which is auxiliary to, or supplemental of, rail service. Because the motor carrier operations authorized by the Commission exceed the scope of the authority described in the original publication, the issuance of a certificate will be withheld for a period of 30 days, during which period any interested person may file a petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been prejudiced by the striking of this restriction from the granted authority.

MC-F-13944F. Authority sought by FILM TRANSIT, INC., 3931 Homewood Road, Memphis, TN, 38118, to purchase all of the operating rights of TRANSWAY, INC., P.O. Box 1266, Metairie, La. 70004, in Docket MC-107304 and subs thereunder. Common control of both companies was approved in Docket MC-F-3158. Applicant's Representative: Warren A. Goff, Attorney at Law, 2008 Clark Tower, Memphis, TN. Operating Rights to be purchased: motion picture film, shipments having a prior and subsequent movement by air, magazines and limited weight shipments between points in described areas in Louisiana, Mississippi, Alabama and Florida. Transferee holds authority to transport the same types of traffic between points in described areas of Arkansas, Mississippi, Tennessee, Louisiana, Oklahoma, Alabama, Kentucky and

Missouri, pursuant to certificates issued in Docket MC-67866 and subs thereunder. Application has been filed for temporary authority under Section 210(a)(b). (Hearing site: Washington, D.C.)

Application for Authority Under Section 5, Interstate Commerce Act, To Purchase Operating Rights of Motor Carrier

Summary of Authority Sought

Notice of Filing of the Application for Publication in the *Federal Register*

MC-F 14117F Transferee: WHEELER FREIGHTWAYS, a California corporation, 3375 South Polaris Avenue, Las Vegas, NV 89102. Transferor: C & E TRUCKING CO., INC., a California corporation, 11910 Greenstone Avenue, Santa Fe Springs, CA 90607. Representative: Robert Fuller, 13215 E. Penn Street, Suite 310, Whittier, CA 90602. Authority sought for the purchase by transferee of a portion of the operating rights of transferor as a motor common carrier over irregular routes as set forth in Certificate of Public Convenience and Necessity No. MC 142335 as follows: *machinery, material, supplies, and equipment* incidental to, or used in mining, milling, building construction, and highway building and maintenance, requiring special equipment, between points in that part of California south of a line extending from the Pacific Ocean through Monterey, Salinas, Fresno, Dunlap, and Independence, CA, to the CA-NV State line, on the one hand, and, on the other, points in that part of CA north of said line, and *machinery, materials, supplies, and equipment* incidental to, or used in mining, milling, building construction, and highway building and maintenance, between points in those parts of Inyo, San Bernardino, Riverside, Imperial and San Diego Counties, CA 10 miles east of a line beginning at Independence, CA, and extending along U.S. Hwy 395 to junction Interstate Hwy 15, thence extending along Interstate Hwy 15 to unnumbered state hwy, thence extending along unnumbered state hwy to Joshua Tree, CA, thence extending along CA Hwy 62 to junction Interstate Hwy 10, thence extending along Interstate Hwy 10 to junction U.S. Hwy 395, thence extending along U.S. Hwy 395 to Escondido, CA, thence extending along CA Hwy 78 to Ramona, CA, thence extending along CA Hwy 67 to junction Interstate Hwy 8, thence extending along Interstate Hwy 8 to junction County Road S-1 at Forest, CA, thence extending along County Road S-1 to the United States-Mexico Boundary line, on the one hand, and, on the other, points in CA beyond the above

described territory, and between points in CA, on the one hand, and, on the other, points in Nevada, and between points in NV. Restriction: The authority granted herein is subject to the following conditions; (1) the authority granted herein is restricted against the transportation of any shipment which requires special equipment and handling by reason of unusual weight, bulk, or length, except petroleum products in tank vehicles, in shipments of not less than 10,000 pounds between points in that part of CA on and north of a line extending from the Pacific Ocean through Monterey, Salinas, Fresno, Dunlap, and Independence, CA, to the CA-NV Boundary line, on the one hand, and, on the other, points in NV; and between Las Vegas, NV, on the one hand, and, on the other, points in NV, and (2) the authority granted herein is restricted against the transportation of commodities not requiring the use of special equipment by reason of size or weight when moving in the same vehicle at the same time as the commodities set forth in (1) above from one consignor to one consignee between Las Vegas, NV, on the one hand, and, on the other, points in NV, and (3) the authority granted herein is restricted against the transportation of shipments to or from military bases and facilities located in CA. Transferee presently holds authority from this Commission with lead docket No. MC 106679. Application has not been filed for temporary authority under 49 U.S.C. 11349. This application is filed simultaneously with companion application wherein authority is sought by transferor herein to purchase concurrently a portion of the operating rights in MC 106679 held by transferee herein.

MCF-14139F. Transferee: BUDIG TRUCKING CO., 1100 Gest Street, Cincinnati, OH 45203. Transferor: MIDLAND TRUCK LINES, INC., 311 Marion Street, St. Louis, MO 63104. Transferee's Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transferor's Representative: Dave Ulmer, 1 Mercantile Center, 34th Floor, St. Louis, MO 63101. Authority sought for purchase by transferee of a portion of the operating rights of transferor as set forth in Certificate No. MC-21227 issued July 1, 1957 authorizing regular route operations as a motor common carrier, transporting: *General commodities* (with the usual exceptions), serving points in St. Louis County, MO and points in the St. Louis, MO-East St. Louis, IL Commercial Zone, as defined by the Commission, and the site of The Emerson Electric Manufacturing

Company located near Ferguson, MO, as off-route points in connection with carrier's authorized regular-route operations to and from St. Louis, MO; *general commodities* (with the usual exceptions), between St. Louis, MO and Mexico, MO, serving all intermediate points, and the off-route point of Fulton, MO; from St. Louis over Alternate U.S. Hwy. 40 to junction ByPass U.S. Hwy. 40, thence over ByPass U.S. Hwy. 40 to Wentzville, MO, thence over U.S. Hwy. 40 to Kingdom City, MO, and thence over U.S. Hwy. 54 to Mexico, and return from Mexico, MO over U.S. Hwy. 54 to junction MO. Hwy. 19, thence over MO. Hwy. 19 to junction U.S. Hwy. 40, thence over U.S. Hwy. 40 to Wentzville, MO, and thence as specified immediately above to St. Louis, MO; between Kingdom City, MO, and Boonville, MO, serving all intermediate points; from Kingdom City over U.S. Hwy. 40 to Boonville, and return over the same route; *fresh meat, cured meat, smoked meat, lard, oleo, and eggs*, between St. Louis, MO and National Stock Yards, IL, serving all intermediate points; from St. Louis over U.S. Hwy. 40 to East St. Louis, IL, thence over city streets to National Stock Yards, and return over the same route; also *irregular route* authority transporting *general commodities* (with the usual exceptions) between points in the St. Louis, MO-East St. Louis, IL Commercial Zone, as defined by the Commission; and all of the authority contained in Certificate No. MC-21227 Sub-No. 11 issued August 17, 1976, authorizing regular route operations as a motor common carrier, transporting *general commodities* (with the usual exceptions), (1) between Kingdom City, MO, and Reform, MO, serving the intermediate points of Wainwright, Tebbetts, Mokans, and Portland, MO, and the off-route point of the facilities of Union Electric Company at or near Reform, MO, from Kingdom City over U.S. Hwy. 54 to junction MO Hwy. 94, thence over Missouri Highway 94 to junction Callaway County Route D, thence over Callaway County Route D to junction County Route O, thence over Callaway County Route O to junction Callaway County Route CC, thence over Callaway County Route CC to Reform, MO, and return over the same route; (2) between junction Missouri Highway 94 and Callaway County Route CC and Reform, MO, serving the intermediate point of Steedman, MO, and the off-route point of the facilities of the Union Electric Company at or near Reform, MO; from junction Missouri Highway 94 and Callaway County Route CC over Callaway County Route CC to Reform, MO, and return over the same route; (3)

between junction U.S. Hwy. 54 and Callaway County Route O and junction Callaway County Route O and Callaway County Route CC, serving no intermediate points, and serving the termini for the purpose of joinder only; from junction U.S. Hwy. 54 and Callaway County Route O over Callaway County Route O to junction Callaway County Route CC, and return over the same route; (4) between junction U.S. Hwy. 54 and Callaway County Route C and junction Callaway County Route C and Missouri Highway 94, serving no intermediate points and serving the termini for the purpose of joinder only; from junction U.S. Hwy. 54 and Callaway County Route C over Callaway County Route C to junction Missouri Highway 94, and return over the same route; (5) between junction Interstate Hwy. 70 and Callaway County Route D and junction Callaway County Route D and Callaway County Route O, serving the intermediate point of Readsville, MO, and the termini for the purpose of joinder only; from junction Interstate Hwy. 70 and Callaway County Route D over Callaway County Route D to junction Callaway County Route O, and return over the same route; (6) between junction Interstate Hwy. 70 and Missouri Hwy. 19 and junction MO Hwy. 94 and Callaway County Route D, serving the intermediate point of Rhineland, MO, and the termini for the purpose of joinder only; from junction Interstate Hwy. 70 and MO Hwy. 19 over MO Hwy. 19 to junction MO Hwy. 94, thence over MO Hwy. 94 to junction Callaway County Route D, and return over the same route; (7) between junction Callaway County Route D and Callaway County Route K and junction Montgomery County Route K and Missouri Highway 19, serving no intermediate points and serving the termini for the purpose of joinder only; from junction Callaway County Route D and Callaway County Route K over Callaway County Route K and its continuation as Montgomery County Route K to junction Missouri Highway 19, and return over the same route. Transferee presently holds authority from this Commission in MC-77016. Application has been filed for temporary authority under 49 U.S.C. 11349.

Summary of Authority for Publication in the Federal Register Filed

No. MC-F-14141F. Transferee: T.F.S., INC., Box 126, Rural Route 2, Grand Island, Nebraska 68801. Transferor: LTL PERISHABLES, INC., 550 East 50th Street South, South St. Paul, Minnesota 55075. Applicants' Representatives: Lavern R. Holeman, PETERSON, BOWMAN & JOHANNIS, 521 South 14th

St., Suite 500, P.O. Box 81849, Lincoln, Nebraska 68501. Paul Nelson, 550 East 50th Street South, South St. Paul, Minnesota 55075. Authority sought to purchase by T.F.S., INC., Box 126, Rural Route 2, Grand Island, Nebraska 68801, of a portion of the operating rights of LTL Perishables, Inc., 550 East 50th Street South, South St. Paul, MN 55075, of control of such rights through the transaction. Applicants' representatives: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501, and Paul Nelson, 550 East 50th St., South St. Paul, MN 55075. Operating rights, as a common carrier, over irregular routes, sought to be transferred: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Whitehall Packing Company, Inc., at or near Whitehall and Eau Claire, WI, to points in CT, DE, IL, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the named origins and destined to the named destinations; (2) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Whitehall Packing Company, Inc., located at or near Whitehall and Eau Claire, WI, to points in IA, KS, MO, NE, ND and SD, with no transportation for compensation on return except as otherwise authorized; (3) (1) *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of TERMICOLD, INC., at or near Bettendorf, IA, to points in ND, CO, MI, IN, OH, KY, WV, VA, MD, DE, NJ, PA, NY, CT, RI, MA, NH, VT and DC; and (2) *Foodstuffs and materials, equipment and supplies* used in the processing and packaging of foodstuffs (except commodities in bulk), in vehicles equipped with mechanical refrigeration from points in ME, NH, VT, MA, RI, CT, DE, MD, WA, WV, KY, OH, MI, IN, WA, OR, CA, ID, ND, SD, NE, MN, IL, from points in PA east of U.S. Hwy 15, and from the facilities of General Foods Corporation at or near Avon, Fulton and Saratoga, NY, to the facilities of TERMICOLD, INC., at or near

Bettendorf, IA, restricted in (1) and (2) above to traffic originating at or destined to the facilities of TERMICOLD, INC., located at or near Bettendorf, IA. T.F.S., holds authority as a contract carrier conducting operations between various points in the U.S. for the accounts of Oxford Cheese Corporation, Ag Service, Inc., Morgen Manufacturing Co., Bonsail Pool Co., and Endicott Clay Products Co. Application has been filed for temporary authority under Section 210a(b).

Note.—Dual operations may be involved.

MC-F 14143F. Transferee: WESTCHESTER FURNITURE DELIVERY, INC., P.O. Box 392, Milford, Connecticut 06460. Transferor: WESTCHESTER MOTOR LINES, INC., 35 Edgemere Road, New Haven, Connecticut. Applicant's Representative: MAXWELL A. HOWELL, ESQUIRE, 1100 Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. Transferee seeks authority under § 5 to purchase the operating rights of transferor, granted in Certificate MC-108247 and Subs thereto authorizing the following transportation: *Regular and Irregular Routes*: MC 10847, Between MA points, and points in NJ and NY, as follows: *New Furniture, unfinished furniture, children's vehicles and parts, cartons and containers, hardwood boxes, baby and doll carriages and parts, and carriage hardware*, from Ashburnham, Gardner, Baldwinville, Tully, Fitchburg, Leominster, and Templeton, MA, over irregular routes to Winchendon and Athol, MA, thence over U.S. Highway 202 to junction U.S. Highway 5, thence over U.S. Highway 5 to junction unnumbered highway near East Windsor Hill, CT, thence over unnumbered highway via South Windsor, CT, to junction U.S. Highway 5, thence over U.S. Highway 5 to junction Alternate U.S. Highway 5, thence over Alternate U.S. Highway 5 via Meriden, CT, to junction U.S. Highway 5, thence over U.S. Highway 5 to North Haven, CT, thence over Alternate U.S. Highway 5 to New Haven, CT, thence over U.S. Highway 1 via New York, NY to Newark, NJ, and thence over irregular routes to Hoboken and Paterson, NJ and Long Island City, NY. From the above-specified MA points to New York, NY, as specified above, thence over U.S. Highway 9 to Fishkill, NY, and thence over NY Highway 52 to Beacon, NY (also from Gardner over MA Highway 68 to Baldwinville, MA, thence over U.S. Highway 202 to Peekskill, NY, thence over U.S. Highway 9 to Fishkill, NY, and thence over NY Highway 52 to Beacon). From the above-specified MA points to

Winchendon and Athol over irregular routes, thence over U.S. Highway 202 to junction MA Highway 2, thence over MA Highway 2 to the MA-NY State line, thence over NY Highway 2 to Troy, NY, and thence over NY Highway 7 to Schenectady, NY (also from Troy over U.S. Highway 4 to junction NY Highway 43, thence over NY Highway 43 to Albany, NY and thence over NY Highway 5 to Schenectady) (also from Troy over NY Highway 7 to junction NY Highway 32, thence over NY Highway 32 to Albany). *Baby and doll carriages returned for repairs, excelsior, moss, hay, straw, cotton, in bales cloth, in bales, newspapers, veneer, and wool*, From the above-specified destination points over the above-specified regular and irregular routes to points in MA as specified above. Service is authorized to and from the intermediate points of Hartford, New Haven, Milford, Thompsonville, Meriden, and Bridgeport, CT, Brooklyn, Bronx, New York, Albany, and Troy, NY, Jersey City, NJ, and Athol and Winchendon, MA, and the off-route points of New Britain, Manchester, and Waterbury, CT, and Cohoes, NY. *Irregular routes: New furniture*, except as authorized in Ex Parte MC-19 *Practices of Motor Common Carriers of Household Goods*, 17 MCC 467, Between New York, NY, on the one hand, and, on the other, points in VT, MA, RI, CT, NY (except those in Dutchess, Putnam, Orange, and Rockland Counties), NJ, PA, DE, MD, and DC. *Baby carriages, juvenile furniture, and toy vehicles*, uncrated, From Fitchburg, Gardner, and Leominster, MA, to New York, NY, points in Westchester County, NY, those on Long Island, NY, west of a line extending from Freeport, NY, to Oyster Bay, NY, and those in NJ on and south of New Jersey Highway 4 and on and east of a line beginning at Paterson, NJ, and extending through Passaic, Newark, Elizabeth, and Rahway, NJ, to Perth Amboy, NJ. *Baby and doll carriages*, uncrated, From Beacon, NY, to points in the above-described NJ territory, except those in Bergen, Passaic, Middlesex, Somerset, and Union Counties. (Sub-1) *New furniture*, except household goods as defined by the Commission, Between Ashburnham, Athol, Baldwinville, Fitchburg, Gardner, Leominster, Templeton, Tully and Winchendon, MA; Hoboken, Jersey City and Paterson, NJ; Albany, Beacon, Brooklyn, Bronx, Cohoes, Long Island City, New York City, Schenectady and Troy, NY; Fairfield County, Hartford, Manchester Meriden, Milford, New Britain, New Haven, Thompsonville and Waterbury, CT, on the one hand, and, on the other.

points in VT, MA, RI, CT, NY (except those in Dutchess, Putnam, Orange, and Rockland Counties), NJ, PA, DE, MD, and DC. (Sub-3) *Organs*. From the facilities of Thomas International Corp., located at Philadelphia, PA, and at or near Milford, CT, to points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT, with no transportation for compensation on return except as otherwise authorized. This certificate is issued pursuant to an application filed after November 23, 1973, and in accordance with 49 CFR 1065 may not be tacked or joined with the carrier's other irregular-route authority, unless specifically authorized herein. (Sub-4TA) *Furniture parts and materials and supplies* used in the manufacture or assembly of furniture. From Newark, OH, to Milford, CT, restricted to the transportation of shipments originating at and destined to the facility of Chatham County Furniture, Division of U.S. Furniture Industries. And to substitute transferee as applicant in the following applications for temporary authority now pending: (Sub-5TA) R-2 *New Furniture, cabinets, and accessories* thereto, Between Milford, CT, on the one hand, and, on the other, points in ME and NH. (Sub-6TA) R-4 *New furniture, cabinets, and furniture parts* thereto, From Brooklyn, NY to points in OH. (Sub-7TA) R-5 *Furniture*. Between points in OH, CT and MA. Transferee holds no authority from this Commission. An application for temporary lease authority has been filed.

MC-F 14144F. Authority sought for purchase by CHURCHILL TRUCK LINES, INC., U.S. Hwy 36 West, P.O. Box 250, Chillicothe, MO 64601, of a portion of the operating rights of INDIANHEAD TRUCK LINE INC., P.O. Box 3355, St. Paul, MN 55165, and control of such rights through the purchase. Applicant's representatives: John L. Bruemmer, Attorney for Transferor, 121 West Doty Street, Madison, WI 53703, and Frank W. Taylor, Jr., Attorney for Transferee, 1221 Baltimore Avenue, Suite 600, Kansas City, MO 64105. Operating rights sought to be purchased: A portion of Certificate MC-108449 authorizing the transportation of: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over irregular routes, from points in the Twin Cities area, namely, Minneapolis, St. Paul, Columbia Heights, Robbinsdale, South St. Paul, North St. Paul, Inver Grove Heights (formerly Invergrove), West St. Paul, Newport, St. Louis Park, Hopkins, Edina,

Richfield, Fridley, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, MN, to points in IA, with no transportation for compensation on return except as otherwise authorized, and between points in the Twin Cities area as described immediately above, on the one hand, and, on the other, points in that part of IL on and north of U.S. Hwy 8, except Chicago, and points in the Chicago, IL Commercial Zone, as defined by the Commission. Transferee proposes to tack the authority sought in this application with its existing authority. Application has been filed for temporary authority under section 11349. (Hearing sites: Minneapolis or Kansas City.)

MC-F 14147F. Applicant: ALL FREIGHT EXPRESS, INC., 7200 South Ferdinand, Bridgeview, IL 60455. Representative: Eugene L. Cohn, One North LaSalle Street, Chicago, IL 60602. Applicant seeks to purchase that portion of the authority issued to O.K. Motor Service, Inc. in MC 52587 (Sub-10), authorizing operations as a *Common Carrier* by motor vehicle, over *irregular routes* transporting: *Iron and Steel Articles*, from the plant site of Jones & Laughlin Steel Corporation, located in Putnam County, IL, to points in WI; and *Materials, Equipment and Supplies* used in the manufacture and processing of iron and steel articles, from points in WI, to the plant site of Jones & Laughlin Steel Corporation, located in Putnam County, IL. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of traffic originating at or destined to the named origins and destinations. Said operations are restricted against the transportation of commodities in bulk. Said operations are restricted against the transportation of oil field and pipeline commodities as defined by the Commission in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. Vendee is authorized to operate as a Contract Carrier in IL, IN and WI. Application has not been filed for Temporary Authority. (Hearing Site: Chicago, IL.)

Note.—Dual operations may be involved.

MC-F-14150F. Authority sought for purchase by COHEY TRUCKING COMPANY, INC., 3015 Vermont Avenue, Baltimore, MD 21227 and William Cohey of the same address, of a portion of the operating rights of WESTERN MARYLAND TRANSFER, INC., 3225 Tate Street, Baltimore, MD 21226. Applicants' attorneys John R. Sims, Jr. and John L. Boyd, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW, Washington, DC 20004. Operating rights

sought to be purchased are those in Certificate No. MC 87285 authorizing operations (a) over regular routes in the transportation of general commodities with the usual exceptions, between Baltimore, MD, and Alexandria, VA, over U.S. 1 serving all intermediate points, and the off-route points within 10 miles of Washington, DC; and (b) over irregular routes, in the transportation of acid, machinery parts, rayox, and titanium dioxide from Baltimore, MD to Newport, DE; iron filings and machinery parts, from Newport, DE, to Baltimore, MD; acid, in containers, and asphalt, from Baltimore, MD to Washington, DC; and empty acid containers from Washington, DC to Baltimore, MD. Also included is irregular route transportation of rowing equipment, during the season extending generally from the first day of June to the third day of September inclusive between Baltimore, MD, on the one hand, and, on the other, Alexandria and Richmond, VA. Application has been filed for temporary authority under section 210(b)

Caption Summary

MC-F 14152F. Transferee: HOLMES FREIGHT LINES, INC., 7878 I St., Omaha, NE 68127. Transferor: GREAT PLAINS TRANSPORTATION COMPANY, 7878 I St., Omaha, NE 68127. Representative: Donald L. Stern, Suite 610, 7171 Mercey Road, Omaha, NE 68106. Authority sought for merger by Transferee of the operating rights and properties of Transferor. Transferee and Transferor are already commonly controlled by Thomas Fulkerson and K. Susan Edmunds. Operating rights sought to be merged: *General commodities*, except those requiring special equipment, over regular routes; between Omaha, NE and McCook, NE, serving the intermediate points of Lincoln and Hastings, NE, and intermediate points west of Hastings, restricted against service between Hastings and Heartwell, NE; between Holdrege, NE and Eustis, NE, serving all intermediate points; between Elwood, NE and Maywood, NE, serving all intermediate points, and the off-route point of Orafino, NE; between Hastings, NE and Grand Island, NE, serving all intermediate points; and between Holdrege, NE and Arapahoe, NE, as an alternate route for operating convenience only, in connection with carrier's regular route operations between Omaha, NE and McCook, NE, authorized in the first service route herein, serving no intermediate points; RESTRICTION: The authority granted above to the extent it authorizes the transportation of Classes A and B explosives, shall be limited, in point of

time, to a period expiring five years after April 13, 1985; *general commodities*, except Classes A and B explosives, groceries, and those requiring special equipment, over irregular routes, between points in NE within 60 miles of Wilsonville, NE, and between points in NE within 60 miles of Wilsonville, NE, on the one hand, and, on the other, points in NE; *general commodities*, except Classes A and B explosives and commodities requiring special equipment, over regular routes, serving Wray, CO, as an off-route point in connection with carrier's presently authorized regular-route operations.

RESTRICTION: The operations authorized herein are restricted against the transportation of traffic originating at Omaha, NE and destined to Denver, CO, and traffic originating at Denver, CO, and destined to Omaha, NE.

Transferee is authorized to operate as a common carrier in IA, IL, IN, KS, MO and NE. Application has not been filed for temporary authority under Section 210a(b). (Hearing site: Omaha, NE.)

MC-F-14153. Applicant: BRAZOS TRANSPORT CO. Applicant's Representative: Richard Hubbert, Sims, Kidd & Hubbert, P.O. Box 10236, Lubbock, TX 79408. Authority sought by Brazos Transport Co. for the merger into it of all of the operating rights of B & L Truck Lines, Inc. Operating rights sought to be merged: *Specified commodities* such as lumber and lumber products, as a common carrier, from points in AR on and west of a line beginning at the AR-MO State Line and extending along U.S. Hwy. 67 to Little Rock, AR; then along U.S. Hwy. 65 to the AR-LA State Line; to all points in OK and TX; those in that part of KS on and south of U.S. Hwy. 36; and those in that part of MO on and south of a line beginning at the MO-KS State Line and extending along U.S. Hwy. 36 to junction unnumbered Hwy. (formerly portion U.S. Hwy. 36); then along unnumbered Hwy. through Hamilton, Nettleton and Breckenridge, MO, to junction U.S. Hwy. 36; then along U.S. Hwy. 36 to junction unnumbered Hwy. (formerly portion U.S. Hwy. 36) at or near Utica, MO; then along unnumbered Hwy. to junction U.S. Hwy. 65; then along U.S. Hwy. 65 to junction U.S. Hwy. 36, approximately 2 miles south of Chillicothe, MO, and then along U.S. Hwy. 36 to the MO-IL State Line. B & L Truck Lines, Inc., holds other specific operating rights from numerous points in AR, OK, TX, LA, MO and MS for the transportation of various building materials, including gypsum products, to points throughout the South, Southwest and Midwest. All such authority is set out in MC-103498 and various subs

thereof. This notice does not purport to be a complete description of all of the operating rights of B & L Truck Lines, Inc. It is believed to be sufficient for the purpose of public notice regarding the nature and extent of B & L Truck Lines, Inc.'s authority, without stating in full the entirety thereof. Transferor is authorized as a common carrier under MC-126930 and various subs thereof to transport specified commodities from specified points to points in the South, Southwest and Midwest. (Hearing site: Lubbock, TX or Washington, DC.)

Transfer Proceedings

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission within 30 days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

MC-FC-78127 filed May 8, 1979.

Transferee: MINNEHAN TRANSPORTATION CO., INC., Rockingham Road, Bellows Falls, VT 05101. Transferor: J. J. MINNEHAN, INC., Same address as Transferee. Representative: Frederick T. O'Sullivan, PO Box 2184, Peabody, MA 01960. Authority sought for purchase by

transferee of operating rights held by transferor in Permits No. MC 6607 and Subs 11, 12, 14, and 16, and Certificate No. MC 139624 Sub 3, issued April 10, 1953, December 11, 1975, July 17, 1974, December 22, 1975, and April 18, 1975, and April 5, 1977, authorizing (1) in No. MC 6607 various named commodities, including sugar, hides, dairy products, veneer, meats, canned goods, paper, potatoes, cotton and cotton waste, Navy yard equipment, materials, and supplies, agricultural commodities, fish, and groceries, from and to various points in MA, RI, CT, ME, NH, and VT; (2) in Sub 11, paper place mats and sugar service kits, from Boston, MA, to MA, RI, NH, VT, and a portion of CT and ME, under contract with Amstar Corp.; (3) in Sub 12, corn products and blends, and sugar and blends, from Boston, MA, to NH, VT, RI, and a portion of ME and CT, under contract with Amstar Corp. and Revere Sugar Refinery; (4) in Sub 14, corn products and blends, and sugar and blends, from Beverly and Boston, MA, to NH, VT, and RI, and a portion of ME and CT, under contract with CPC International, Inc.; (5) in Sub 16, water, in bulk, in tank vehicles, from Middleborough, MA, to Goshen, NY, under contract with Dairylea Co-Operative, Inc., and from Westerly, RI, to Groton, CT, under contract with General Dynamics Corp.; and in No. MC 139624 Sub 3, (1) wrecked, disabled and repossessed trucks, tractors and trailers (except trailers designed to be transported by passenger automobiles), in truck-away service, and (2) replacement vehicles for the wrecked or disabled vehicles described in (1), between Bellows Falls and Chester, VT, on the one hand, and, on the other, CT, NJ, MA, NH, ME, and NY. Transferee holds no authority from this Commission. An application seeking temporary lease authority has not been filed.

MC-FC-78219 filed June 29, 1979. Transferee: COURIER SYSTEMS, INC., 123 Pennsylvania Ave., South Kearny, NJ 07032. Transferor: Robert J. Dukin, 28 Canfield Rd., East Hanover, NJ 07936. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought for purchase by transferee of operating rights held by transferor in Certificate No. MC 75650, issued November 17, 1961, as follows: household goods, between points in NJ, on the one hand, and, on the other, points in NJ, NY, CT, RI, MA, PA, MD, DE, and DC. Transferee holds authority from this Commission under docket number MC 35077. An application for temporary lease authority has not been filed.

MC-FC-78238 filed July 24, 1979. Transferee: RUNYON ENTERPRISES, INC., Route 1, Box 10, Bidwell, OH 45614. Transferor: Steve Runyon, doing business as RUNYON TRUCKING, Same address as Transferee. (Dan Runyon, administrator for the estate of Steve Runyon) Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Authority sought for purchase by transferee of operating rights held by transferor in Permit No. MC 144220 Sub 1, issued December 14, 1978, and Certificate No. MC 145146F, issued March 29, 1979, authorizing coal, in bulk, in dump vehicles, from mine sites in Athens, Gallia, Hocking, Jackson, Lawrence, Meigs, Perry, and Vinton Counties, OH, to West Columbia and Clifton, WV, restricted to traffic having subsequent movements by barge, and under contract with Raven Hocking Coal Corporation, of Mason, WV; and coal, in bulk, in dump vehicles, from points in Athens, Hocking, Jackson, Lawrence, and Vinton Counties, OH, to West Columbia and Clifton, WV. An application for temporary lease authority has not been filed. Transferee holds no authority from this Commission.

MC-FC 78240, filed July 19, 1979. Transferee: PETER DEL GRANDE, INC. d.b.a. JAMES GALLAGHER TRUCKING, 301 Jackson St., Camden, NJ 08101. Transferor: DRAKE MOTOR LINES, INC. (John M. Chilcott, Trustee in Bankruptcy). c/o Siegel, Sommers & Schwartz, 2 Park Ave., New York, NY 10016. Representatives: James F. Maher, Attorney for Transferor, 1100 Four Penn Center Plaza, Philadelphia, PA 19103. Richard Rueda, Attorney for Transferee, 133 N. 4th St., Philadelphia, PA 19106. Authority sought for the purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-70083 (Sub-No. 26), issued August 30, 1973, as follows: *Such commodities as are dealt in by retail department stores, in retail delivery service, from the facilities of B. Altman Company, of St. Davids, PA, to points in NJ and DE, restricted against the transportation of articles weighing 50 pounds or less and having dimensions of less than 108 inches in length and girth combined, except in mixed shipments with packages or articles weighing more than 50 pounds and shipments with packages or articles weighing more than 50 pounds and having dimensions of more than 108 inches in length and girth combined.* Transferee presently holds authority from this Commission under MC-1475. Application has been filed for temporary authority under 49 U.S.C. 11349.

MC-FC 78247, Filed July 20, 1979. Transferees: QUALITY MOVERS EAST, INC., 601 N. Fourth Street, Jeannette, PA 15644. QUALITY MOVERS NORTH, INC., P.O. Box 710, Butler, PA 16001. Transferor: Roy W. Nichols, d.b.a. QUALITY MOVERS 601 N. Fourth Street, Jeannette, PA 15644. Representative: Robert E. Michelson, Sullivan & Dubin, Suite 500, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought for: (1) the transfer of the operating rights of transferor, as set forth in Certificate No. MC-75535, issued May 1, 1967, to transferee Quality Movers East, Inc., which authorizes the transportation of household goods between points in Westmoreland County, PA, on the one hand, and, on the other, points in DE, IL, MD, MI, NJ, NY, OH, WV and DC; and (2) the transfer of the operation rights of transferor, as set forth in Certificate No. MC-75535 Sub No. 1, issued August 27, 1974, to transferee Quality Movers North, Inc. which authorizes the transportation of household goods between points in Bulter County, PA, on the one hand, and, on the other points in NY, OH, MD, WV, NJ, MI, and DC. Transferees presently hold no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC-FC 78252 filed July 30, 1979. Authority sought by SPARK, INC., Building A, 10 E. Oregon Avenue, Philadelphia, PA, 19148, to purchase a portion of the operating rights of DRAKE MOTOR LINES, INC., bankrupt, 20 Olney Avenue, Cherry Hill, NJ, 08002. (John M. Chilcott, Trustee.) Applicant's Representative: Richard Rueda, Esquire, 133 N. 4th Street, Philadelphia, PA 19106. Attorney for Transferor: James F. Maher, Esquire, Blank, Rome, Comisky & McCauley, 1100 Four Penn Center Plaza, Philadelphia, PA 19103. Operating right sought to be transferred: (1) *General commodities, except items dealt in by retail department stores, Classes A and B explosives, dangerous chemicals, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over irregular routes, Between New York, NY on the one hand, and, on the other, points in Bergen, Hudson, and Essex Counties, NJ, points in that part of Passaic County, NJ, east and south of an imaginary straight line running from Riverdale, NJ to Oakland, NJ and points in that part of Union County, NJ, east of an imaginary straight line running from the northern boundary of Union County through Union and Rahway, NJ to the southern*

boundary of Union County. Vendee is a non-carrier. Application has been filed for temporary authority under section 11349 (formerly 210a(b) of the Act). Operating rights to be sold are in Certificate No. MC 78003 Sub 12, issued January 5, 1967.

MC-FC 78258, filed August 7, 1979. Transferee: MALFIN EXPRESS, INC., 155 Lenox Street, Norwood, MA 02062. Transferor: LOVEJOY'S EXPRESS, INC., 86 Walnut Avenue, Norwood, MA 02062. Applicants' representatives: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181 and Eli Flieshman, 148 State Street, Boston, MA 02109. Authority sought by Transferee for the purchase of operating rights of the transferor set forth in Certificate No. MC-22425, and Sub 5 thereto, issued April 30, 1962 and November 12, 1963, respectively, as follows: *General Commodities, with exceptions, over irregular routes, between Cambridge, Boston and Somerville, MA, on the one hand, and, on the other, Boston, Dedham, Dedham, Canton, Sharon, Foxboro, Mansfield, Norton, Attleboro, Newton, Dover, Sherborn, Holliston, Milford, Norwood, Walpole, Wrentham, Plainville, North Attleboro, South Attleboro, Westwood, Medfield, Millis, Medway, West Medway, North Bellingham, Franklin and Caryville, MA. General Commodities, with exceptions, over regular routes, between Boston, MA and Sharon, MA, serving all intermediate points; between Canton, MA, and Attleboro, MA, serving all intermediate points and the off-route points of Sharon and Foxboro, MA; and mill machinery and supplies, rosin, wool, cotton, cotton products, and groceries, over irregular routes, between Boston and Canton, MA, on the one hand, and, on the other, points in R.I. Transferee presently holds no authority from the Commission. Application has not been filed for temporary authority.*

MC-FC 78259, filed August 7, 1979. Transferee: STUMPS REFRIGERATED EXPRESS, INC., R.F.D. 1, Tiro, OH 44887. Transferor: DAKOTA EXPRESS, INC., 550 E. Fifth St., S. St. Paul, MN 55075. Representative: Michael M. Briley, Attorney-at-Law, P.O. Box 2088, Toledo, OH 43603. Authority for purchase by transferee of the operating rights of transferor, as set forth in Certificate no. MC-83217 (Sub no. 54), issued May 18, 1972, as follows: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses (except commodities in bulk and hides), over irregular routes, from the facilities of Illini Beef Packers, Inc., at Joslin, IL, to points in CT, DE, IN, IA, ME, MD, NY, MA, MI, MN, NH, NJ,*

OH, PA, RI, VT, VA, WV, and DC, with no transportation for compensation on return except as otherwise authorized. Transferee presently holds no authority from this Commission, but has filed for temporary authority under 49 U.S.C. § 11349.

MC-FC 78261, filed August 2, 1979. Transferee: CAPITAL CITIES COACH CO., INC., 8800 Yellow Brick Road, Baltimore, MD 21237. Transferor: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. Authority sought for purchase by Transferee of that portion of operating rights of Transferor in Docket No. MC-1501 (Sub-No. 104 [renumbered MC-1515 (Sub No. 8)] but not yet reissued) which authorizes the transportation of passengers, light express matter, mail and newspapers: 1. Between Washington, D.C. and Annapolis, MD, serving all intermediate points on Maryland Highway 214 between Washington, D.C. and a point two miles east of Chapel Road, restricted against pick-up or delivery of passengers moving to or from Washington, D.C. and all other intermediate points without restriction: From the junction of U.S. Highway 301 and Maryland Highway 450, at Priest Bridge, MD, over Maryland Highway 450 via Parole to Annapolis and return over the same route and From Washington over Maryland Highway 214 to junction Maryland Highway 2, thence over Maryland Highway 2 to Parole, MD, and thence over Maryland Highway 450 (formerly U.S. Highway 50) to Annapolis, and return over the same route. 2. Between junction U.S. Highway 301 and U.S. Highway 50 (formerly the Annapolis-Washington Expressway), at a point just south of Priest Bridge, MD, and the junction of Maryland Highway 450 and U.S. Highway 50 (formerly Annapolis-Washington Expressway), near Parole, MD, serving all intermediate points. From the junction of U.S. Highway 301 and U.S. Highway 50 over U.S. Highway 50 to junction of Maryland Highway 450, near Parole, and return over the same route. 3. Between junction U.S. Highway 50 and 301 near Bowie, MD and Washington, D.C., serving the intermediate point of Lanham, MD, and serving junction Ardmore-Ardwick and U.S. Highway 50 for joinder only. From junction U.S. Highway 50 and 301 near Bowie, over U.S. Highway 50 to Washington and return over the same route. Restriction: The authority granted above is restricted to the transportation of passengers and their baggage and

express and newspapers in the same vehicle with passengers, having a prior or subsequent movement beyond either Washington, D.C. or Lanham, MD. 4. Between junction U.S. Highway 50 and Ardmore-Ardwick Road and the Metroliner Station of the Penn-Central Railroad at Lannham, MD, serving no intermediate points: From junction U.S. Highway 50 and Ardmore-Ardwick Road over unnumbered access road, thence over unnumbered access road to the Metroliner Station of the Penn Central Railroad at Lanham, and return over the same route. As a matter directly related to this finance application, Capital Cities Coach Co., Inc. is filing for certificated authority over MD Hwy 3 between its junction with MD Hwy 450, near Priest Bridge, MD, and the junction of MD Hwy 3 and U.S. Hwy 50, serving all intermediate points. (Hearing site Washington, D.C.). Temporary authority is also being sought with respect to the authority sought to be purchased. Transferee holds no authority from the Commission.

MC-FC 78264, filed August 20, 1979. Transferee: Richard D. Lorenzen, d.b.a. R. L. TRANSPORT, Deloit, IA 51441. Transferor: Robert H. Carritt and Richard D. Lorenzen, d.b.a. C & L TRANSPORTATION, Beloit, IA 51441. Authority sought for purchase by transferee of operating rights of transferor in Permit No. MC 134834, issued January 4, 1972, authorizing malt beverages, from Minneapolis and St. Paul, MN, and La Crosse, WI, to Sioux City, IA, under contract with City Club Distributing Co., of Sioux City, IA. Transferee holds no authority from this Commission. An application for temporary lease authority has not been filed.

Operating Rights Application(s) Directly Related to Finance Proceedings

Notice

The following operating rights application(s) are filed in connection with pending finance applications under Section 11343 (formerly Section 5(2)) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 10926 (formerly Section 212(b)) of the Interstate Commerce Act. On applications filed before March 1, 1979, an original and one copy of protests to the granting of authorities must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protests shall conform with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a

concise statement of protestant's interest in the proceeding and copies of its conflicting authorities.

Applications filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *General Rules of Practice* also but are subject to petitions to intervene either with or without leave. An original and one copy of the petition must be filed with the Commission within 30 days after date of publication. A petition for intervention must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points. Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Verified statements in opposition should not be tendered at this time. A copy of the protest or petition to intervene shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 2860 (Sub-182F), filed June 20, 1979. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Peter J. Nickles, 888 16th Street, N.W., Washington, D.C. 20006. Authority sought to transport, over irregular routes, general commodities, with the usual exceptions, (1) Between Columbus, Atlanta, Augusta, GA: SC, NC, on the one hand, and, on the other, points in VA, (on and east of Route 15), MD, PA, DE, NY, NJ, CT, RI, and MA; and (2) Between Savannah, GA, on the one hand, and, on the other, points in

SC, NC, VA. (on and east of Route 15), MD, PA, DE, NJ, NY, CT, RI, and MA; and (3) Between Atlanta, Augusta, Columbus and Savannah, GA, on the one hand, and, on the other, points in SC. (Hearing site: Washington, D.C.)

Note.—The purpose of this application is to eliminate the gateways at Richmond, VA, Baltimore, MD, Darlington, McBee and Hartsville, SC. This proceeding is directly related to MC-F-14060F, published in the August 29, 1979, issue of the Federal Register, and is indirectly related to Docket Nos. MC-F-12190 and MC-2860 (Sub-No. 144).

MC 58721, (Sub-4F), filed August 15, 1979. Applicant: ASKINS MOVING & STORAGE, INCORPORATED, Post Office Box 3954, Florence, South Carolina 29501. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, South Carolina 29201. Authority sought to operate as a common carrier by motor vehicle over irregular routes, transporting *Household Goods, as defined by the Commission*, between points in South Carolina on the one hand, and, on the other, points in Florida, Georgia, North Carolina, South Carolina and Virginia. (Hearing site: Columbia, SC, Charlotte, NC or Washington, DC.)

Note.—Purpose of application is to eliminate the gateway between Sumter, South Carolina and points and places within a fifty (50) mile radius of Sumter, South Carolina. This application is directly related to the transfer application assigned Docket No. MC FC 78001.

MC 67866 (Sub-38F), filed June 7, 1979. Applicant: FILM TRANSIT, INC., 3931 Homewood Road, Memphis, Tennessee 38118. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tennessee 38137. Authority is sought to operate as a common carrier, by motor vehicle, in the transportation of (1) *motion picture films, supplies, and commodities used in the operation of motion picture theatres; and dated publications*, over irregular routes, between Oklahoma City, OK, points in AR, those in AL on and west of a line beginning at the AL-TN state line extending along U.S. Highway 43 to Hamilton, AL, along U.S. Highway 78 to the AL-MS state line, those in KY on and west of a line beginning at Owensboro, KY and extending over U.S. Highway 431 to Central City, KY, then over U.S. Highway 62 to Greenville, KY, then over Kentucky Highway 171 to Kirksmansville, KY, then over Kentucky Highway 107 to Hopkinsville, KY, then over Alternate U.S. Highway 41 to the KY-TN state line, those in MS on and north of U.S. Highway 80, those in MO on and south of a line beginning at the AR-MO state line and extending over U.S. Highway 62

to Malden, MO, then over MO Highway 25 to Townley, MO, then east over unnumbered highway through Lilbourn, MO, to junction U.S. Highway 82 then over U.S. Highway 62 to New Madrid, MO, those in TN on and west of a line beginning at the KY-TN state line and extending over U.S. Alternate 41 to Clarksville, TN, then over TN Highway 13 to Cunningham, TN, then over TN Highway 48 to Dickson, TN, then over TN Highway 46 to junction TN Highway 100, then over TN Highway 100 to Centerville, TN, then over TN Highway 50 to Lewisburg, TN, then over U.S. Highway 431 to the TN-AL state line, on the one hand, and, on the other, points in LA, those in AL on, south, and west of a line beginning at the AL-MS state line and extending along AL Highway 19 to U.S. Highway 78, then over U.S. Highway 78 to Winfield, AL, then over U.S. Highway 43 to Tuscaloosa, AL, then over AL Highway 69 to Greesboro, AL, then over AL Highway 61 to Uniontown, AL, then over U.S. Highway 80 to Browns, AL, then over AL Highway 5 to Catherine, AL, then over AL Highway 28 to Camden, AL, then over AL Highway 10 to Laverne, AL, then over U.S. Highway 29 to Brantley, AL, then over U.S. Highway 331 and AL Highway 189 to Elba, AL, then over U.S. Highway 84 to Dothan, AL, then over U.S. Highway 231 to the AL-FL state line, those in FL on and east of U.S. Highway 231, those in MS on and south of U.S. Highway 80, and those in Texas on the TX-AR state line extending from Texarkana, AR-TX to the TX-AR-LA state line; (2) *General Commodities, having an immediately prior or subsequent movement by air* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities, in bulk, commodities requiring special equipment, and commodities injurious, or contaminating to other lading), over irregular routes, (a) between Memphis, TN, on the one hand, and, on the other, New Orleans and Shreveport, LA, and Mobile, AL, (b) between Little Rock, AR, on the one hand, and, on the other, New Orleans, LA, Shreveport, LA, and Jackson, MS; (3) *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, shipments having an immediately prior or subsequent movement by air, commercial papers, documents, and written statements, as used in the business of banks and banking institutions, radioactive pharmaceuticals, and medical isotopes),

between Lilbourn, MO, points in AR, and those in KY on and west of a line beginning at the IL-KY state line extending along U.S. Highway 68 to junction U.S. Highway 641, then along U.S. 641 to the KY-TN state line, those in MS on and north of U.S. Highway 80, those in TN on and west of a line beginning at the KY-TN state line and extending along U.S. Highway 31W to Nashville, then along U.S. Highway 31 to Columbia, then along TN Highway 50 to Lewisburg, then along U.S. Highway 431 to the TN-AL state line, those in AL on, west and north of a line beginning at the TN-AL state line and extending along AL Highway 17 to Hamilton, then over U.S. Highway 78 to the AL-MS state line, and those in MO, on and south of a line beginning at the AR-MO state line and extending along U.S. Highway 62 to New Madrid and the Mississippi River, on the one hand, and, on the other, points in LA on and east of a line beginning at Grand Isle, LA, extending along LA Highway 1 to Baton Rouge, LA, then over U.S. Highway 61 to the LA-MS state line, those in MS on, south and east of a line beginning at the MS-LA state line and extending along U.S. Highway 61 to Natchez, MS, then over U.S. Highway 84 to Waynesboro, MS, then over U.S. Highway 45 to the MS-AL state line, point in AL on and south of a line extending from the MS-AL state line over U.S. Highway 45 to Mobile, AL, then over Interstate Highway 10 to the AL-FL state line, those in FL on and south of a line beginning at the AL-FL state line and extending over Interstate Highway 10 to Pensacola, FL. Restriction: The operations authorized herein are subject to the following restrictions: Said operations are restricted against the transportation of any package or article weighing more than 70 pounds or exceeding 96 inches in length, or exceeding 108 inches in length and girth combined. Said operations are restricted against the transportation of packages or articles weighing in the aggregate more than 200 pounds from one consignor to one consignee on any one day. Paragraph (1) above involves the elimination of gateways in the joinder of MC-107304 with MC-67866 (Sub 4) the points of joinder located at any point along the southern boundary of AR or at any point on U.S. Highway 80 in MS or any point on AL Highway 19, north of U.S. Highway 78, and the joinder of MC-107304 with MC-67866 (Sub 10) at any point along the southern boundary of AR. Paragraph (2) above involves the elimination of gateways involved in the joinder of MC-107304 (Sub 9) with MC-67866 (Sub 15) to eliminate Jackson, MS

as the point of joinder on traffic moving between Memphis, TN and New Orleans, LA; Meridian, MS on traffic between Memphis, TN and Mobile, AL; Junction City, AR on traffic moving between Memphis, TN and Shreveport, LA; Junction City, AR, on traffic moving between Little Rock, AR, and New Orleans, LA, and Shreveport, LA; and Greenville, MS, on traffic moving between Little Rock, AR, and Jackson, MS. Paragraph (3) above involves the elimination of New Orleans, LA as the gateway on traffic moving between MC-107304 (Sub 10) and MC-67866 (Sub 33). **Note:** This matter is directly related to MC-F-13944F, published in a previous section of this FR notice. (Hearing site: Memphis, TN.)

Note.—This application is directly related to the Docket No. MC-F-13944F Film Transit, Inc.—Purchase—Transway, Inc., published in a previous section of this FR Notice. This filing is to eliminate the gateway created by the joinder of authorities as follows:

MC 147759, filed August 3, 1979. Applicant: CAPITAL CITIES COACH CO., 8800 Yellow Brick Road, Baltimore, MD 21237. Representative: L.C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincoln Road, Alexandria, VA 22312. Authority sought to operate as a common carrier, by motor vehicle, over the following specified regular routes, transporting passengers and their baggage, in the same vehicle with passengers: Between the junction of MD Hwys 3 and 450, at or near Priest Bridge, MD, and the junction of U.S. Hwy 301, MD Hwy 3 and U.S. Hwy 50, serving all intermediate points, as follows: From the junction of MD Hwys 3 and 450 over MD Hwy 3 to its junction with U.S. Hwys 50 and 301, and return over the same route. (Hearing Site: Washington, D.C.)

Note.—This application is being filed to permit applicant to acquire the necessary operating authority over the involved route segment so as to permit applicant to continue to provide all of the same services which Greyhound is operating over its existing certificated routes between Washington, DC and Annapolis, MD, including its route via Priest Bridge, MD. This matter is directly related to MC-FC 78261, published in a previous section of this FR notice.

Motor Carrier Alternate Route Deviations

Notice

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein

described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Passengers

MC 1515 (Deviation No. 749), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077, filed August 16, 1979. (Cancels Deviation No. 706.) Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage and express and newspapers in the same vehicle with passengers, over deviation routes as follows: from Chicago, IL, over Interstate Hwy 94 to junction U.S. Hwy 41, South of the Wisconsin-Illinois State line, with the following access routes: (1) from junction Interstate Hwy 94 and Illinois Hwy 58, over Illinois Hwy 58 to junction U.S. Hwy 41, Skokie, IL, (2) from junction Interstate Hwy 94 and Illinois Hwy 68, over Illinois Hwy 68 to junction U.S. Hwy 41 at Northbrook, IL, (3) from junction Interstate Hwy 94, and Illinois Hwy 137, over Illinois Hwy 137 to junction U.S. Hwy 41, and (4) from junction Interstate Hwy 94 and Illinois Hwy 132, over Illinois Hwy 132 to junction U.S. Hwy 41 at Gurnee, IL, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: from the Wisconsin-Illinois State line over U.S. Hwy 41 (segments of which have also been designated as Interstate Hwy 94) to Chicago, IL, and return over the same route.

Motor Carrier Intrastate Application(s)

Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent

changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Florida Docket 790716-CCT, filed August 29, 1979. Applicant: ALL FLORIDA FREIGHTWAYS, INC., P.O. Box 420524, 5520 N.W. 35th Ave., Miami, FL 33142. Representative John T. Bond, Suite 410, Hollywood Federal Bldg., 909 S. State Road No. 7, Hollywood, FL 33023. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, to, from and between all points and places in the State of Florida, over regular routes and on regular schedules. No duplicating authority sought. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Florida Public Service Commission, Fletcher Bldg., 101 East Gaines St., Tallahassee, FL 32304, and should not be directed to the Interstate Commerce Commission.

Florida Docket 790721-CCT, filed August 29, 1979. Applicant: ALL SOUTHERN TRUCKING, INC., P.O. Box 2698, Tampa, FL 33601. Representative: John T. Bond, Suite 410, Hollywood Federal Bldg., 909 S. State Road No. 7, Hollywood, FL 33023. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Heavy articles, heavy equipment, contractors' equipment, farm equipment and machinery and other articles too bulky or too heavy for carriage by regular freight haulers, which by reason of their size, weight or bulk, require specialized handling or specialized equipment, and iron and steel articles and concrete forming systems composed of iron, steel, aluminum and/or wooden parts to, from and between all points and places in the State of Florida, on irregular routes and on irregular schedules. No duplicating authority sought. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to Florida Public Service Commission, Fletcher Bldg., 101 East Gaines Street, Tallahassee, FL 32304, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket MC-5312 (Sub-5), filed August 6, 1979. Applicant: S & D TRUCKING CO., INC. 125 Reynolds Avenue, Dyersburg, TN 38024. Representative: Barret Ashley, 322

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Church Avenue, P.O. Box H, Dyersburg, TN 38024. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, except household goods, explosives, and commodities requiring special equipment between Dyersburg and Memphis, to be used in conjunction with the applicant's present authority. Route description: From Dyersburg, TN, over US Hwy 51 to Memphis, TN, and return over the same route, serving all intermediate points, with close door authority between Memphis, TN, and Jackson, TN, via I-40, as an alternate route to the resulting authority which applicant will have on the granting of the authority between Dyersburg and Memphis. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Tennessee Public Service Commission, Cordell Hull Bldg., Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

Texas Docket 002600A6A, filed August 1, 1979. Applicant: RED ARROW FREIGHT LINES, INC., P.O. Box 1897, 3901 Seguin Road, San Antonio, TX 78297. Representative: James M. Doherty, Doherty, Birnbaum & Munson, P.O. Box 1945, Austin, TX 78767. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, (1) between Fort Worth, TX, and Abilene, TX, as follows: From Fort Worth, TX, over Interstate Hwy 30 to its intersection with Interstate Hwy 20, then over Interstate Hwy 20 to Abilene, TX, and return over the same route, serving the termini but serving no intermediate points; (2) between Fort Worth, TX, and Abilene, TX, as follows: From Fort Worth, TX, over Interstate Hwy 20 to Abilene, TX, and return over the same route, serving the termini but serving no intermediate points. Applicant proposes to tack and to coordinate the proposed additional services with all services authorized in intrastate commerce under Texas Common Carrier Motor Carrier Certificate No. 2600 and with all services authorized in interstate and foreign commerce under authorities granted in Docket No. MC-2226 and all subs thereunder. No duplicate authority is sought. Intrastate, interstate, and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to Transportation Division, Railroad Commission of Texas, P.O. Drawer

12967, Austin, TX 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-29968 Filed 9-26-79; 8:45 am]
BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register

Vol. 44, No. 189

Thursday, September 27, 1979

55731

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-249, Amdt. 1; Sept. 24, 1979]

CIVIL AERONAUTICS BOARD.

Addition of item to the September 27, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., September 27, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 18a. Docket 36077—Application of Texas International Airlines for restriction removal under Subpart Q in the Amarillo-Albuquerque market (BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Action is required by September 30, 1979, since that is the statutory deadline for action under section 401(e)(7)(B) of the Act. Accordingly, the following Members have voted that Item 18a be added to the September 27, 1979 agenda and that no earlier announcement was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-1886-79, Filed 9-25-79; 3:25 pm]

BILLING CODE 6320-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1787-79.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (Eastern Time), Tuesday, September 18, 1979.

CHANGE IN THE MEETING: The following matter is added to the agenda for the open portion of the meeting:

1. Freedom of Information Act Appeal No. 79-8-FOIA-181, concerning the denial to the attorney of an alleged discriminatory EEOC official certain documents in an EEO complaint file.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of change: Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; Ethel Bent Walsh, Commissioner; and J. Clay Smith, Commissioner.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued September 17, 1979.

[S-1893-79 Filed 9-25-79; 3:58 pm]

BILLING CODE 6570-06-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m., Friday, September 28, 1979.

PLACE: Commission Conference Room, 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

MATTERS TO BE CONSIDERED:

1. Recommendations as to the contract recipients for the Private Bar Loan Fund Program.

2. Request for extension of law professor program to conduct hearings on Federal Sector complaint of discrimination.

Closed to the Public

1. Litigation authorization; General Counsel Recommendations. A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required that this meeting be held and that no earlier announcement was possible.

In favor of holding meeting: Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; Ethel Bent Walsh, Commissioner; and Armando M. Rodriguez, Commissioner.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued September 25, 1979.

[S-1894-79 Filed 9-25-79; 3:58 pm]

BILLING CODE 6570-06-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 10:00 a.m. on Monday, September 24, 1979, the Board of Directors of the Federal Deposit Insurance Corporation met by telephone conference call to authorize payment of the insured deposits in The Farmers State Bank, Protection, Kansas, which was closed by the State Bank Commissioner of the State of Kansas as of the close of business Friday, September 21, 1979, and to appoint a liquidator for the assets of the closed bank.

In calling the meeting, the Board determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a close meeting pursuant to subsection (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552(c)(9)(B)).

Dated: September 24, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1881-79 Filed 9-25-79; 11:20 am]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday,

September 24, 1979, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations regarding the liquidation of assets acquired by the Corporation from Franklin National Bank, New York, New York (Case Nos. 44,052-L and 44,062-L).
Legal Division memorandum dated September 11, 1979, in connection with an appeal from a denial of a request for records under the Freedom of Information Act.

The Board further determined, by the same majority vote, that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Application of Global Union Bank, a proposed new bank, to be located at Wall Street Plaza, New York (Manhattan), New York, for Federal deposit insurance.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; and that the matters added to the agenda could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(B)).

Dated: September 24, 1979.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-1882-79 Filed 9-25-79; 11:20 am]
BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2 p.m., October 1, 1979.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Requests by the Comptroller of the Currency for reports on the competitive factors involved in proposed mergers,

purchase and assumption transactions, or consolidations:

Heritage Bank, National Association, Cherry Hill Township (P.O. Cherry Hill), New Jersey, and Coastal State Bank, Ocean City, New Jersey.

The Oneida National Bank and Trust Company of Central New York, Utica, New York, and The Little Falls National Bank, Little Falls, New York.

Memorandum and Resolution re: Adoption of appendix to Part 346 of the Corporation's rules and regulations, entitled "Foreign Banks."

Memorandum proposing the payment of a second dividend in connection with the receivership of The Peoples Bank of the Virgin Islands, Charlotte Amalie, Virgin Islands.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum re: Eatontown National Bank, Eatontown, New Jersey.

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with liquidation activities:

O'Neill & Borges, Hato Rey, Puerto Rico, in connection with the liquidation of Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico. (Two Memorandums)

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Controller re: Summary of liquidation and insurance expenses, estimated losses and other fiscal data, active liquidations—June 30, 1979.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary (202) 389-4425.

[S-1891-79 Filed 9-25-79; 3:44 pm]
BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2:30 p.m., October 1, 1979.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Application for Federal deposit insurance:

Jefferson Bank and Trust Company, a proposed new bank, to be located at 8703 Central Avenue, Capitol Heights, Maryland, for Federal deposit insurance.

Request for exemption pursuant to section 348.4(b)(2) of the Corporation's rules and regulations entitled "Management Official Interlocks":

Jefferson Bank and Trust Company, Capitol Heights, Maryland.

Notice of Acquisition of Control:

Bank of Granite, Granite, Oklahoma.

Application for consent to merge and establish a branch:

Erie Savings Bank, Buffalo, New York, an insured mutual savings bank, for consent to merge, under its charter and title, with Fredonia Savings and Loan Association, Fredonia, New York, and consent to establish the sole office of Fredonia Savings and Loan Association as a branch of the resultant bank.

First-Citizens Bank & Trust Company, Raleigh, North Carolina, an insured State nonmember bank, for consent to merge, under its charter and title, with Bank of Conway, Conway, North Carolina, and for consent to establish the sole office of Bank of Conway as a branch of the resultant bank.

Application for consent to merge, establish branches, and to redesignate the main office location:

Bank of Chincoteague, Incorporated, Chincoteague, Virginia, an insured State nonmember bank, for consent to merge, under its charter, with Farmers & Merchants National Bank in Onley, Onley, Virginia, to establish the three offices of Farmers & Merchants National Bank in Onley as branches of the resultant bank which would bear the title "Farmers & Merchants Bank-Eastern Shore," and to redesignate the main office location of the resultant bank to be the site of the current main office of Farmers & Merchants National Bank in Onley.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,038-L—Franklin National Bank, New York, New York.

Case No. 44,054-L—The Bank of Bloomfield, Bloomfield, New Jersey.

Memorandum re: Franklin National Bank, New York, New York.

Memorandum proposing the payment of an eighth dividend in connection with the receivership of Sharpstown State Bank, Houston, Texas.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

CONTACT PERSON FOR MORE

INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary, (202) 389-4425.

[S-1892-79 Filed 9-25-79; 3:44 pm]

BILLING CODE 6714-01-M

8

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, October 2, 1979 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE DISCUSSED: Compliance and personnel.

DATE AND TIME: Thursday, October 4, 1979 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.

Advisory Opinions: AO 1979-21, Glenn E. Watts, Chairman CWA-COPE PCC. AO 1979-43, Richard Grayson. AO 1979-49, C. C. Clinkscale, III, Tres., Independent Campaign to Elect William E. Simon President. AO 1979-50, James M. Peirce, President, National Federation of Federal Employees (Public Affairs Council).

Public notice to National Banks to be issued by the Comptroller of the Currency and the FEC.

1980 elections and related matters.
Consultant's report on audit process (continued).

Appropriations and budget.

Pending legislation.

Classification actions.

Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-1888-79 Filed 9-25-79; 3:25 pm]

BILLING CODE 6715-01-M

9

September 25, 1979.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: October 2, 1979, 10 a.m.

PLACE: 825 North Capitol Street, NE., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Briefing of the Commission by Richard Solom, Chairman of the Subcommittee on Ex Parte and Separation of Functions with respect to the report of that Subcommittee. Mr. George Bruder has also been invited to express his individual views on the issue of separation of functions.

CONTACT PERSON FOR MORE

INFORMATION: Lois D. Cashell, Acting Secretary, Telephone (202) 357-8400.

[S-1887-79 Filed 9-25-79; 3:25 pm]

BILLING CODE 6450-01-M

10

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Friday, October 5, 1979.

PLACE: Room 532, (open); Room 540 (closed) Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions Open to Public

(1) Oral Argument in Kroger Company, Docket 9102.

Portions Closed to the Public

(2) Executive Session to discuss Oral Argument in Kroger Company, Docket 9102.

CONTACT PERSON FOR MORE

INFORMATION: Ira J. Furman, Office of Public Information: (202) 523-3830; Recorded Message: (202) 523-3806.

[S-1890-79 Filed 9-25-79; 3:39 pm]

BILLING CODE 6750-01-M

11

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 A.M., NOON

THURSDAY, OCTOBER 4, 1979.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Presentation on use of marketing research by the Association of National Advertisers and the American

Association of Advertising Agencies, with question and answer period to follow.

CONTACT PERSON FOR MORE

INFORMATION: Ira J. Furman, Office of Public Information: (202) 523-3830; Recorded Message: (202) 523-3806.

[S-1889-79 Filed 9-25-79; 3:39 pm]

BILLING CODE 6750-01-M

12

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of emergency meeting held.

TIME AND DATE: 5:35 p.m., Thursday, September 20, 1979.

PLACE: 2025 M Street NW., Washington, D.C., 4th Floor Conference Room.

STATUS: Closed.

MATTER CONSIDERED:

1. Emergency loan request, under Section 208 of the Federal Credit Union Act, by a federal credit union impacted by a recent hurricane.

At its previously announced open meeting, the morning of September 20, the Chairman publicly announced that he had just received word that in the afternoon the emergency meeting might be necessary.

In the afternoon the Board voted:

1. that because of the emergency nature of the loan request, the Board meet to consider the request prior to giving 7 days advance notice; and

2. that based on the Board's consideration of the public interest and General Counsel certification, this meeting could properly be closed.

CONTACT PERSON FOR MORE

INFORMATION: Rosemary Brady, Secretary of the Board, telephone (202) 254-9800.

[S-1885-79 Filed 9-25-79; 2:48 pm]

BILLING CODE 7535-01-M

13

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [to be published].

STATUS: Open Meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, September 19, 1979.

CHANGES IN THE MEETING: Additional item/change in location of meeting.

The following additional item will be considered at a closed meeting scheduled for Wednesday, September 26, 1979, at 10 a.m.

Administrative proceeding of an enforcement nature.

The open meeting scheduled for Wednesday, September 26, 1979, at 1:30 p.m. with Professor Louis Loss of Harvard Law School to discuss the American Law Institute Proposed Federal Securities Code, will be held in room 825.

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Ketels at (202) 272-2462. September 24, 1979.

[S-1883-79 Filed 9-25-79; 1:35 pm]
BILLING CODE 8010-01-M

14 SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of October 1, 1979, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Tuesday, October 2, 1979, at 10 a.m. A closed meeting will be held on Tuesday, October 2, 1979, immediately following the 10 a.m. open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402 (a)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter open meeting scheduled for Tuesday, October 2, 1979, at 10 a.m., will be:

1. Consideration of whether to adopt Rule 17d-1(d)(6) under the Investment Company Act of 1940, which, subject to conditions, would permit an investment company and certain affiliated persons to enter into a joint arrangement to receive securities and/or cash pursuant to a portfolio company's plan of reorganization. For further information,

please contact Mark B. Goldfus at (202) 272-2048.

2. Consideration of whether to adopt Rule 17d-1(d)(7) under the Investment Company Act of 1940 to permit, subject to conditions, the joint purchase of liability insurance policies by an investment company and affiliated person of such company. For further information, please contact Mark B. Goldfus at (202) 272-2048.

3. Consideration of whether to issue a release announcing the adoption of: (1) amendments to Securities Exchange Act Rule 15b9-2, which requires SECO broker-dealers to pay annual assessments; and (2) Form SECO-4-79, an assessment and information form for SECO broker-dealers, which specifies SECO assessments for fiscal 1979. For further information, please contact Janet R. Zimmer at (202) 272-2863.

The subject matter of the closed meeting scheduled for Tuesday, October 2, 1979, immediately following the open, will be:

Litigation matters.
Formal order of investigation.
Formal order of investigation and institution of injunctive action.
Opinion.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: George Yearsich at (202) 272-2178. September 24, 1979.

[S-1884-79 Filed 9-25-79; 1:35 pm]
BILLING CODE 8010-01-M

federal register

Thursday
September 27, 1979

Part II

Department of Transportation

Federal Highway Administration

Research and Development; Proposed
Revision of Regulations

DEPARTMENT OF TRANSPORTATION Federal Highway Administration

[23 CFR Parts 511, 521, 531, 541]

[FHWA Docket No. 79-21]

Research and Development; Proposed Revision of Regulations

AGENCY: Federal Highway Administration (FHWA), DOT.
ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Highway Administration is considering the revision of policies and procedures applicable to federally funded research and development projects conducted by the State highway agencies. These revisions would clarify and reduce existing requirements and provide greater flexibility.

DATES: Written comments must be received on or before November 28, 1979.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 79-21, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: Harry H. Hersey, Office of Research and Development, 703-557-5257; or Lee J. Burstyn, Office of the Chief Counsel, 202-426-0754, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The existing regulations were originally published at 41 FR 55178 on December 17, 1976. This proposed revision of Subchapter F (at the present time consisting of parts 520, 522, 524, 530, 540, 542, 544, and 560) of Chapter I of title 23, Code of Federal Regulations would codify material contained in the Federal-Aid Highway Program Manual, volume 5, chapters 1 through 4, section 1.¹

These proposed regulations set forth the policies and procedures which are applicable to State Highway Agencies which elect to conduct federally aided research and development (R & D) projects. The FHWA encourages such projects to promote the effective

¹ This document is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

utilization of available resources and aid the highway program. Specific benefits to be derived are: increased highway performance, enhanced safety, improved environmental compatibility, and reduced costs.

The procedures to be followed in R & D projects have been modified to reduce unnecessary requirements and paperwork. An individual statement for each study will no longer be required in the R & D work program. The budget limit for individual Type B programs, essentially a small-scale study, has been increased from \$30,000 to \$50,000. In addition, the work program limit for completing Type B studies has been eliminated.

Technical papers and articles must now be submitted to the FHWA for information purposes, but do not require review and acceptance. However, interim and final study reports do require submission and approval by the FHWA. The requirements for the submission of progress reports have been modified.

Note.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044. A regulatory evaluation is available for inspection in the public docket and may be obtained by contacting Harry H. Hersey of the program office at the address specified above.

In consideration of the foregoing, and under the authority of 23 U.S.C. 307(c), 315 and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b), the Federal Highway Administration proposes to revise Chapter I, Subchapter F of title 23, Code of Federal Regulations to read as set forth below.

Issued on: September 19, 1979.

R. D. Morgan,
Associate Administrator for Engineering and Traffic Operations.

PART 511—R & D STUDIES AND PROGRAMS

Sec.

511.1 Purpose.

511.3 Definitions.

511.5 Civil Rights policy.

511.7 Policy on R & D programs.

511.9 Study proposals and changes.

511.11 Work program and changes.

511.13 Equipment.

511.15 Patents and inventions.

Authority: 23 U.S.C. §§ 307(c), 315; 49 CFR 1.48(b).

§ 511.1 Purpose.

The purpose of this regulation is to prescribe policies and procedures for Research and Development (R & D)

federally funded studies and the R & D work program.

§ 511.3 Definitions.

(a) "Budget item" is a short descriptive title in the budget tabulation with its associated budget estimate.

(b) "Highway Research Information Service (HRIS)" is a computerized storage and retrieval system for two types of information:

(1) Resumes of ongoing R & D studies, and

(2) Abstracts of R & D reports and articles.

(c) "Major change" is a change, including termination, in the objective, scope, or work plan or principal investigator of a study which significantly alters the course or the expected results of the study. Also a change in the cost of the study which modifies the initial estimated cost by 15 percent or more.

(d) "Minor change" is any other change in the study.

(e) "Nonexpendable equipment" is equipment having a useful life of more than 1 year and an acquisition cost of more than \$300 per unit.

(f) "Proposal" is an outline of specific research or development to be conducted which includes such items as description of the objectives, work plan, cost estimate, and time schedule.

(g) "R & D work program" is an annual or biennial listing of proposed work and estimated cost.

(h) "Type B study" is a small-scale study which does not exceed \$50,000 or require more than 2 years to complete (this time limit may be extended for experimental construction studies or for reasonable delays not to exceed 1 year) and is one of the following types: (1) Short term study related to local or regional problems; (2) exploratory, survey, or feasibility study; (3) experimental construction study (see Federal-Aid Highway Program Manual, Volume 6, Chapter 4, Section 2, Subsection 4 (FHPM 6-4-2-4).² Construction Projects Incorporating Experimental and/or Evaluation Features); or (4) implementation effort.

(i) "Type A study" is a study which addresses regional or national problems or exceeds the limitations of a Type B study defined in paragraph (h) of this section.

(j) "Work plan" is the section of the study proposal which contains the detailed description of the procedures which will be used to conduct the research.

² This document is available for inspection and copying as prescribed in 49 CFR Part 7, appendix D.

§ 511.5 Civil Rights policy.

The implementation of these program activities shall be in accordance with the policy of the Federal Highway Administration (FHWA) to ensure compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, and Related Statutes and Regulations, as stated in 23 CFR Part 200, the Title VI Program.

§ 511.7 Policy on R & D programs.

(a) Each State Highway Agency (SHA) is encouraged to maintain a viable R & D program, adequately funded, to address its most urgent short- and long-range problems. To promote effective utilization of available resources, the SHA's are encouraged to cooperate with the FHWA and other SHA's to achieve R & D objectives established at the national level. An SHA R & D program is primarily a problem-solving service to the practicing engineers and other users. It can best be justified as a continuing activity when it is demonstrated that R & D results and end products are used and pay dividends to the highway program as a whole.

(b) Each SHA is further encouraged to participate with other segments of the research and development community to solve regional and national problems. To assure a minimum of duplication in R & D work, new studies shall be coordinated with the work of others in the subject area.

(c) In order to benefit from the results of research and development, each SHA should develop an active technology transfer program to promote the use of those results.

§ 511.9 Study proposals and changes.

(a) An SHA desiring Federal aid initiates a request for Type A or Type B study by submitting the study proposal to the FHWA for approval. A research study proposal shall establish the necessity for a research undertaking, clearly define the objective, provide a detailed work plan for achieving the objective, and indicate how the research findings are expected to be used. An HRIS or other literature search shall be made for Type A studies to minimize duplication of work. Such a search is encouraged for Type B studies.

(b) The SHA's may initiate new research and development studies at any time during the work program period. New studies may address a new subject area or may extend, modify, or refine previous work in a subject area.

(c) Major Changes—Major changes in the objective, scope, work plan, principal investigator, or cost shall be fully documented and submitted to the

FHWA for prior approval except as provided in 23 CFR Part 521, R & D Management Option.

(d) Minor Changes—Minor cost changes may be made by the SHA without the FHWA approval except for the purchase of nonexpendable equipment costing over \$1,000. The FHWA shall be promptly informed of all actions taken by the SHA. Other minor changes shall be submitted to the FHWA for approval except as provided in 23 CFR Part 521.

§ 511.11 Work program and changes.

(a) Each SHA desiring Federal aid for R & D work must prepare an R & D work program and submit it to the FHWA for approval. It shall include each approved Type A and Type B study until either the study's draft final report has been accepted by the FHWA as fulfilling the technical requirements, or the study has been terminated. It shall include the following information in tabular form for each budget item:

- (1) State study number.
- (2) Type A or B.
- (3) Study title.
- (4) Budget estimate for program year.
- (5) Estimated cost for previous year for continuing studies.
- (6) Accumulated expenditures to date.
- (7) Approved total study budget.
- (8) Completion date.

(b) Each SHA is encouraged to include in the R & D work program information regarding R & D work funded entirely by the SHA's. This information will assist the FHWA in its role of coordinating research and development, and will provide the FHWA with a more complete picture of each SHA's capabilities and resources.

(c) Individual budget items for "Administration", "Research Correlation Service", "Implementation", and "Contingencies" shall be included as needed in each SHA's R & D work program, in addition to the budget items for Type A and Type B studies, and a listing of proposed studies.

(d) After the work program is approved, subsequent changes which are made for individual studies are automatically changes in the current R & D work program and no further action is required, unless a cost increase exceeds the funds available in the project agreement. If a cost increase exceeds the funds available in the project agreement, and there are unobligated balances available, the cost increase may be approved and the PR-2 must be modified in accordance with 23 CFR Part 630, Subpart C at or prior to final voucher stage. Other work program changes, such as a cost increase in the

administrative budget item, shall be submitted to the FHWA for approval.

§ 511.13 Equipment.

(a) Nonexpendable equipment for an R & D study shall be purchased and managed in such a manner that only those equipment costs reasonably attributable to the study are charged to that study. Nonexpendable equipment purchased with Federal-aid funds shall be properly disposed of at the completion of the study and the residual value credited to the study. The SHA shall obtain prior FHWA approval on all equipment purchased, rented, or disposed of which exceeds \$1,000, except as provided in 23 CFR Part 521, R & D Management Option. This approval may be requested as a part of the proposal submission, or as a separate submission.

(b) Each SHA shall maintain an inventory record for each piece of nonexpendable equipment purchased or built under the Federal-aid R & D program including equipment acquired by a contractor. Property records shall include:

- (1) A description of the property including the manufacturer's serial number, model number, or other identification number.
- (2) Source of the property including the study number or title.
- (3) Acquisition date and unit acquisition cost.
- (4) Location, use and condition of the property and the date the information was reported.
- (5) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value.

(c) When nonexpendable property is acquired with Federal-aid funds, the title shall rest with the SHA.

§ 511.15 Patents and inventions.

If an R & D study produces patents, patent rights, processes or inventions, the SHA shall follow procedures similar to those set forth in 41 CFR 1-9.1, Administration of Negotiated Contracts, to assure the preservation of the public's rights in inventions resulting from these studies.

PART 521—R & D Management Option

Sec.

521.1 Purpose.

521.3 Policy.

521.5 Definitions.

521.7 Procedures.

Authority: 23 U.S.C. 117, 307(c), 315; 49 CFR 1.48(b).

§ 521.1 Purpose.

The purpose of this regulation is to prescribe policies and procedures for

reducing specified Research and Development (R & D) administrative requirements if a State highway Agency (SHA) satisfies specified management standards.

521.3 Policy.

The SHA's which meet certain R & D management standards may operate under the R & D management option which grants greater flexibility in the administration of the Federal-aid R & D program.

521.5 Definitions.

(a) "Federal-aid R & D work program" is an annual or biennial statement of proposed work and estimated cost.

(b) "Type B study" is a small-scale study as defined in 23 CFR 511.3(h).

(c) "Type A study" is a large-scale study as defined in 23 CFR 511.3(i).

521.7 Procedures.

(a) Any SHA operating under the R & D management option may take the following actions on Federal-aid R & D studies without prior Federal Highway Administration (FHWA) approval:

(1) Initiation of new Type B studies listed in the current SHA R & D work program except those which require the FHWA approval of the statement of work (work plan) in accordance with the FHWA procedures for the administration of negotiated contracts.

(2) Make all minor changes listed in 23 CFR Part 511, R & D Studies and Programs.

(3) Make changes in the principal investigator of a study.

(4) Make all major changes in Type B studies listed in 23 CFR Part 511, R & D Studies and Programs.

(5) Purchase or rent equipment up to 20 percent of the total study budget.

(b) The FHWA shall be fully informed of all actions the SHA takes in accordance with the above paragraph by transmittal of copies of the action documents to the FHWA.

(c) If an SHA desires to manage its Federal-aid R & D program under this option, the SHA shall submit a request to the FHWA for approval.

(d) The FHWA will review the SHA's request and will determine if the SHA is capable of accomplishing the legislative objectives of 23 U.S.C. 307(c) without the FHWA review and approval of actions listed in paragraph (a) of this section. The FHWA review will be based on the following criteria:

(1) The SHA has established an R & D advisory council or committee.

(2) The SHA has documented its current internal operating procedures which include the requirements of

Subchapter F of Title 23, Code of Federal Regulations.

(3) The SHA has an R & D management staff, including a designated R & D manager, to direct and control the Federal-aid R & D program.

(4) The SHA has established internal reporting and review procedures to accomplish the legislative objectives of 23 U.S.C. 307(c) without the FHWA review and approval of actions listed in paragraph (a) of this section.

(e) If the SHA's request satisfies the criteria, its request to operate under the R & D management option shall be approved by the FHWA. If the SHA's R & D management is in substantial (but not complete) agreement with the criteria, the SHA's request may be approved on a provisional basis for a period not to exceed 1 year.

(f) Any R & D management options shall be reviewed annually to determine compliance with the approved procedures and staffing.

PART 531—R & D REPORTS AND IMPLEMENTATION ACTIVITIES

Sec.

531.1 Purpose.

531.3 Definitions.

531.5 Policy.

531.7 Report requirements.

531.9 Types of reports.

531.11 Implementation procedures.

Appendix.—Technical report documentation page.

Authority: 23 U.S.C. 307(c), 315; 49 CFR 1.48(b).

§ 531.1 Purpose.

The purpose of this regulation is to prescribe policies and procedures for reports from the Research and Development (R & D) studies and for implementation activities.

§ 531.3 Definitions.

(a) "Final report" is a report documenting a completed study.

(b) "Implementation" is the packaging and followup of research results to provide the basis for adopting the innovations into practice.

(c) "Implementation package" is material in any media (such as printed manuals, training courses, movies, computer programs, or video tape) used to transfer technology.

(d) "Interim report" is a report documenting a major phase of a study.

(e) "Summary final report" is a final report summarizing a completed study which has been previously documented in interim reports.

§ 531.5 Policy.

All studies shall be completely documented in a timely manner. When the work is not normally expected to

result in a final report, such as for implementation efforts, this provision will not apply.

§ 531.7 Report requirements.

All of the following items apply to interim and final reports prepared for publication and distribution. Individual items may also apply to other reports and papers as specified.

(a) Technical Report Documentation Page, DOT F 1700.7 (Appendix) shall be completed and included in each report.

(b) Adherence to the Department of Transportation (DOT) document, (DOT-TST-75-97), "Standards for the Preparation and Publication of DOT Scientific and Technical Reports" is encouraged in the preparation of all R & D interim and final reports.

(c) Include a credit reference to the Federal Highway Administration (FHWA) such as, "prepared in cooperation with the U.S. Department of Transportation, Federal Highway Administration."

(d) Include a disclaimer statement equivalent to the following:

"The contents of this report reflect the views of the author(s) who is (are) responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the (SHA or the) Federal Highway Administration at the time of publication. This report does not constitute a standard, specification, or regulation."

(e) The State Highway Agencies (SHA) are encouraged to provide both English and SI (metric) units of measurement in their reports.

(f) The author shall be free to copyright material developed under the contract with the provision that the SHA and the FHWA reserve a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, the work for Government purposes.

(g) Reports of nonprofitmaking organizations may be published if the FHWA fails to complete its review within 4 months from submission. Reports of nonprofitmaking organizations may be published even though the FHWA does not concur with the findings and conclusions in the report, provided the FHWA has the right to include technical comments in the report in a clearly identified section such as "sponsors comments."

³This publication is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D. The publication may be purchased from the National Technical Information Service, Springfield, Va. 22161, Order Number PB 245400.

§ 531.9 Types of reports.

(a) *Interim reports.* These reports shall be submitted to the FHWA for review and acceptance prior to publication. They shall be submitted when major phases of a study are completed as stipulated in the approved work plan, or when significant scientific breakthroughs are realized.

(b) *Final reports.* (1) A final report shall completely document all data gathered, analyses performed, and the results achieved. For a study where a number of interim reports have been published, a summary final report is satisfactory, provided adequate detailed documentation of the work completed has been published previously.

(2) The SHA's shall determine if a study produced implementable results. If so, the study report shall recommend procedures for implementation, indicate expected benefits, and, if needed, recommend additional work to achieve implementation.

(3) The final report shall be sent to the FHWA for review and acceptance prior to publication.

(c) *Film reports.* (1) Where motion pictures, film clips, or sets of slides are produced in connection with a study, a minimum of one reproducible copy of the film or slide documentation shall be furnished to the FHWA. The master copy of any film produced shall be available for subsequent use of the FHWA as necessary.

(2) Motion picture films produced shall include a brief credit line for the SHA and the FHWA support and simple waiver statement equivalent to the following: "This film presents recent research results and does not necessarily reflect the FHWA policy at the time of production."

(d) Publication of papers and articles. Publication of significant technical findings from a study are encouraged. If the results reported have not appeared in reports submitted to the FHWA, copies shall be submitted to the FHWA before submission for publication or release to the media. All papers should contain a disclaimer statement. All papers that contain previously undisclosed findings shall contain a statement equivalent to the following:

This paper presents findings from a study sponsored jointly by the SHA and the FHWA and at the time of publication was not reviewed by the FHWA for policy implications.

(e) *Progress reports.* (1) For all studies in an approved work program, progress reports shall be submitted to the FHWA as specified in the FHWA's approval of the study. A minimum of two progress reports shall be submitted each year.

(2) These reports shall contain sufficient information to evaluate the progress and possible future course of a study.

§ 531.11 Implementation procedures.

(a) *Early consideration of implementation.* In all R & D activities, implementation is a continuing consideration, beginning with the research problem selection and work plan development, and extending throughout the research effort.

(b) *Implementation budget item.* (1) Each SHA is encouraged to include an implementation budget item in the R & D work program with the suggested title "Implementation." Under this general budget item, an SHA may conduct necessary activities to enhance the adoption of R & D findings. Such findings need not have resulted from the SHA's own R & D program.

(2) Documentation of activities carried out under this budget item shall be sent to the FHWA. This documentation shall include an evaluation of the degree of success and the benefits derived. An annual summary report is required, however, special reports on major successful efforts may be submitted. When implementation activities results in training materials such as audiovisual items, one reproducible copy of such material shall be sent to the FHWA to be considered for possible wider dissemination.

BILLING CODE 4910-22-M

APPENDIX

Technical Report Documentation Page

1. Report No.	2. Government Accession No.	3. Recipient's Catalog No.
4. Title and Subtitle	5. Report Date	6. Performing Organization Code
7. Author(s)	8. Performing Organization Report No.	10. Work Unit No. (TRAIS)
9. Performing Organization Name and Address	11. Contract or Grant No.	13. Type of Report and Period Covered
12. Sponsoring Agency Name and Address	14. Sponsoring Agency Code	
15. Supplementary Notes		
16. Abstract		
17. Key Words	18. Distribution Statement	
19. Security Classif. (of this report)	20. Security Classif. (of this page)	21. No. of Pages
		22. Price

Form DOT F 1700.7 (8-72)

Reproduction of completed page authorized

BILLING CODE 4910-22-C

PART 541—COOPERATIVELY FUNDED R. & D. STUDIES

Sec.

541.1 Purpose.
 541.3 Definitions.
 541.5 Policy.
 541.7 Criteria for 100-percent funding.
 541.9 Pooled funding procedures.
 Authority: 23 U.S.C. 307(c), 315; 49 CFR 1.48(b).

§ 541.1 Purpose.

The purpose of this regulation is to prescribe policies and procedures for cooperatively funded studies.

§ 541.3 Definitions.

(a) "Pooled funding" is the cooperative funding of a study or program by two or more State highway agencies (SHA).

(b) "National pooled fund study" is a pooled fund study on a problem of national significance administered by the Federal Highway Administration (FHWA) Washington Headquarters in cooperation with the sponsoring SHA's.

(c) "Regional Cooperative Study (RCS)" is a pooled fund study on a problem of regional significance administered by the lead SHA and the appropriate FHWA regional office in cooperation with the other sponsoring SHA's. It may include the SHA's in adjacent FHWA regions.

(d) "Lead State" is the SHA which has agreed to administer the RCS for all the sponsoring SHA's.

(e) "National Cooperative Highway Research Program (NCHRP)" is a pooled fund program directed toward problems of national significance sponsored by the SHA's and the FHWA, and administered by the Transportation Research Board, National Academy of Sciences.

§ 541.5 Policy.

When widespread national or regional interest is shown in the solution of a significant problem, the FHWA encourages arrangements by which a Research and Development (R & D) study may be cooperatively sponsored by two or more SHA's. The study may be administered by a lead SHA under its own procedures, by NCHRP, or by the FHWA Washington Headquarters under the Federal Procurement Regulations, 41 CFR Chapter 1.

§ 541.7 Criteria for 100-percent funding.

(a) The following criteria are used by the FHWA for determining when Federal-aid funds used for R & D studies and programs without State matching would best serve the interests of the Federal-aid highway program:

(1) The proposed study or program addresses a national or regional

problem of high priority, and the results are expected to be immediately implementable.

(2) The study proposed satisfies the requirements in 23 CFR Part 511, R & D Studies and Programs.

(b) The NCHRP satisfies the criteria set forth in paragraph (a) of this section, and Federal-aid funds without State matching may be used in this program.

§ 541.9 Pooled funding procedures.

(a) *National Cooperative Highway Research Program.* Interested SHA's participate in a continuing program by contributing annually a percent of their Federal-aid funds apportioned each year. The SHA's contribution may be furnished entirely from Federal-aid funds without SHA matching. The SHA's contribution also may be financed from both Federal- and State-matching funds or entirely from SHA funds. Proposals for funding under the NCHRP are submitted in accordance with the procedures under the triparty agreement between the National Academy of Sciences, the FHWA, and the American Association of State Highway and Transportation Officials dated June 29, 1965, and as amended.

(b) *National pooled fund study.* (1) A request for a 100 percent pooled fund R & D study may be initiated by two or more SHA's and submitted to the FHWA for review. If the request meets the criteria set forth in § 541.7(a), the FHWA may approve the request as a 100 percent pooled fund R & D study.

(2) This SHA-initiated study proposal shall indicate the willingness of other SHA's to cooperate and contribute funds. A technical committee consisting of representatives from the sponsoring SHA's is formed to review the prospects and monitor the study. The R & D study is administered by the FHWA Washington Headquarters under the Federal Procurement Regulations. All other SHA's will be advised of the study and may join in the effort.

(c) *Regional Cooperative Study.* (1) When widespread regional interest is shown in the solution of a significant problem, an R & D study may be cooperatively sponsored by two or more SHA's and administered by a lead SHA under its own procedures. Either the lead SHA or the appropriate regional office may act as the fiscal agent for the study.

(2) To initiate an RCS, the sponsoring SHA shall obtain statements from other interested SHA's within a region of their willingness to cooperate in financing the study. The sponsoring SHA shall then submit to the FHWA a proposal for a Type A study for review and approval. The proposed financing plan shall be

indicated in the submission. When the conduct of an RCS is considered in the national interest and is of sufficient urgency, justification may be submitted to the FHWA for approval to finance the study with 100 percent Federal-aid funds.

(3) For RCS, the administrative and contracting procedures for Type A studies apply in accordance with 23 CFR Part 511, R & D Studies and Programs.

[FR Doc. 79-23789 Filed 9-26-79; 8:45 am]

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federal register

Thursday
September 27, 1979

Part III

Department of Energy

Appropriate Technology Small Grants
Program; Proposed Rulemaking and
Public Hearing

DEPARTMENT OF ENERGY

[10 CFR Part 470]

[Docket No. CAS-RM-79-601]

Appropriate Technology Small Grants Program; Proposed Rulemaking and Public Hearing Amending Program Guidelines**AGENCY:** Department of Energy.**ACTION:** Proposed rule.

SUMMARY: The Department of Energy (DOE) is proposing amendments to the Program Guidelines for the Appropriate Technology Small Grants Program (program) which were issued by DOE pursuant to the Energy Research and Development Administration Appropriation Authorization of 1977. The proposed amendments would modify and clarify parts of the Program Guidelines, based on the experience gained in administering the program, and would update the Program Guidelines to reflect the applicability of DOE's recently issued Assistance Regulations.

DATES: Written comments must be received by 4:30 p.m., e.s.t., on November 26, 1979. The public hearing will be held on November 14, 1979, at 9:30 a.m., e.s.t. Requests to speak at the hearing must be received by 4:30 p.m., e.s.t., on November 2, 1979, and speakers will be notified by November 6, 1979. Written copies of a speaker's statement must be received by 4:30 p.m., e.s.t., on November 12, 1979.

ADDRESSES: Send written comments, requests to speak and copies of speaker's statement to Joanne Bakos, Office of Conservation and Solar Applications, Mail Stop 2221C, Department of Energy, 20 Massachusetts Avenue, NW., Washington, D.C. 20585. The public hearing will be held in Room 3000A, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Ann Hegnauer, Office of Small Scale Technology, 20 Massachusetts Avenue, NW., Washington, D.C. 20585 (202) 376-4480.

Joshua P. Smith, Office of the General Counsel, 20 Massachusetts Avenue, NW., Washington, D.C. 20585 (202) 376-9469.
Joanne Bakos, Office of Hearings and Dockets, 20 Massachusetts Avenue, NW., Washington, D.C. 20585 (202) 376-1651.

SUPPLEMENTARY INFORMATION:

- I. Background.
- II. Discussion of Proposed Amendments to the Program Guidelines.
- III. Opportunities for Public Comment.
- IV. Other Matters.

I. Background

Section 112 of the Energy Research and Development Administration Appropriation Authorization of 1977 (Pub. L. 95-39) (Act), required the Department of Energy (DOE), as the successor to the Energy Research and Development Administration (ERDA), to establish a small grants program (the program) for the purpose of encouraging projects for the development and demonstration of appropriate technology. Pursuant to section 112(c) of the Act, such projects involve energy-related systems and supporting technologies appropriate to (1) the needs of local communities and the enhancement of community self-reliance through the use of available resources; (2) the use of renewable resources and the conservation of non-renewable resources; (3) the use of existing technologies applied to novel situations and uses; (4) applications which are energy-conserving, environmentally sound, small scale, durable and low cost; and (5) applications which demonstrate simplicity of installation, operation and maintenance.

On April 12, 1978, DOE issued proposed guidelines for implementing the program, as required by section 112 of the Act (43 FR 16185, April 17, 1978). After reviewing public comments, DOE issued final Program Guidelines for implementing the program in Part 470 of Chapter II of Title 10 of the Code of Federal Regulations on August 3, 1978 (43 FR 35020, August 8, 1978). In accordance with the Program Guidelines, DOE implemented the program in fiscal years 1978 and 1979 on a phased-in regional basis.

II. Discussion of Proposed Amendments to the Program Guidelines**A. Introduction**

Based on its experience in administering the program and in order to reflect the recent issuance of DOE's generic regulations governing financial assistance, DOE is proposing several amendments to the Program Guidelines. Some amendments would affect the regulations generally, while others would affect only specific sections of the regulations. The proposed amendments are discussed below, and DOE is interested in comments on the appropriateness and clarity of all the proposed amendments.

B. Proposed Amendments Which Apply to the Program Guidelines in General

All references to the ERDA Financial Assistance Manual (ERDA-FAM) and the ERDA Procurement Regulations (ERDA-PR) have been deleted from the

Program Guidelines, as these have been superseded, respectively, by the DOE Assistance Regulations (10 CFR Part 600; 44 FR 12920, March 8, 1979) (DOE-AR) and the DOE Procurement Regulations (41 CFR Part 9-9, 44 FR 34424, June 14, 1979) (DOE-PR). The applicability of these new regulations to particular provisions of the Program Guidelines is discussed, as appropriate, below.

The terms "support" and "program announcement" have been replaced throughout Part 470 by the terms "assistance" and "program solicitation," respectively. These changes in terminology are proposed to allow easier cross-reference to the appropriate provisions of DOE-AR, which use the terms "assistance" and "program solicitation."

All references to contracts and cooperative agreements as instruments for financial assistance under the program have been deleted. While section 112(d)(1) of the Act authorizes the use of grants, agreements and contracts, DOE believes, based on its use of grants in the operation of the program and the requirements of the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95-224), as implemented by DOE-AR, that grants, which do not involve substantial involvement between the Federal Government and the recipient, are the most appropriate means of awarding assistance for the program.

C. Definitions (§ 470.2)

DOE is proposing several amendments to definitions. The term "assistance" is defined as "financial assistance or award under the program through grants," in accordance with DOE's determination on award instruments discussed above. The definitions of "affiliate," "Indian tribe" and "State government" are revised to correct inadvertent errors. Finally, a definition of "concern" is added, since that term is important to the definitions of both "affiliate" and "small business."

D. Program Solicitation (§ 470.13)

DOE is proposing several revisions to the required contents of each region's program solicitation. The amendments reflect the requirements of DOE-AR and DOE's evaluation of program solicitations which have been used in the program. As a result of these amendments, the program solicitation will provide more complete information on application and selection procedures and policies.

The proposed amendments would delete or replace certain items and would require that each regional

program solicitation also include the following new or revised items: (1) A description of the program; (2) the eligibility requirements for proposers; (3) a simple application form, together with instructions; (4) a description of the evaluation and selection procedures, including a notice to proposers that if the proposer expressly indicates that only Government evaluation is authorized, DOE may be unable to give full consideration to a proposal; (5) instructions to proposers as to how to identify information in their proposals which they do not want disclosed for purposes other than evaluation; (6) a statement notifying proposers that information in proposals will be handled in accordance with the procedures set forth in DOE-AR and disclosed, if appropriate, only in accordance with DOE's Freedom of Information regulations (10 CFR Part 1004); (7) notice to proposers of their right to request a debriefing, as provided in § 470.18 and (8) notice to proposers of their right to request a waiver of DOE's title to inventions made under a grant.

E. Evaluation and Selection (§ 470.14)

DOE is proposing the following amendments to the evaluation and selection procedures set forth in § 470.14. DOE is deleting the terms "technical evaluation panel" and "State review panel" and revising the language of the section to conform to the actual function of the individual technical reviewers and State reviewers. The technical and State reviewers do not act as collegial groups but rather forward to the DOE selection panel their individual evaluations on each proposal provided to them.

DOE is also proposing to amend § 470.14(c) by revising one of the criteria used by the State reviewers and to add an additional criteria. The reference to ERDA-FAM 503 is deleted from § 470.14(c)(10), and the paragraph is revised to state that reviewers are to consider the reasonableness of the proposer's budget for carrying out a proposal. A new paragraph § 470.14(c)(11) is added to direct State reviewers to consider the need of the proposer to receive assistance under the program. This criteria is added to promote the best use of the limited funds available under the program to assist innovative proposals which might not otherwise receive funding.

Section 470.14(d) is deleted and the subsequent paragraphs have been appropriately redesignated. This paragraph which set forth the program policy as to the selection of reviewers and restrictions on their access to proposal information were based on the

provisions of ERDA-FAM and ERDA-PR which are no longer in effect. The selection and performance of reviewers is now governed by current DOE regulations and policies.

Section 470.14(e), as redesignated, is revised to make clear that a DOE selection official in each region shall select the proposals which are to be funded in that region.

F. Allocation of Funds (§ 470.15)

DOE is proposing two significant changes to the formula for the annual allocation of fiscal year funds available for assistance, set forth in § 470.15. Instead of dividing the funds among the ten standard Federal regions entirely on the basis of population, as currently provided in the regulations, DOE is proposing to allocate two-thirds of funds according to population and to allocate the remaining one-third according to the number of proposals, received per hundred thousand of population in the region, which meet the "prescreening" requirements of § 470.14(a). DOE is also proposing to reduce the minimum level of assistance to projects in each state of a region from 25 percent to 10 percent of the funds available to the region divided by the number of states in the region. These amendments will improve the opportunity for funding in areas where interest in the program is high, while still maintaining the equitable distribution of funds to all regions.

To implement the revised allocation formula, DOE will annually inform the Regional Program Managers as to the date by which all regional program solicitations must close, in order for DOE to receive the necessary information from the regions for the purpose of allocating fiscal year funds according to the formula in § 470.15. This deadline would not prevent individual regions from establishing earlier local deadlines for proposals.

Since the allocation formulas for fiscal years 1978 and 1979 as set forth in § 470.15(a) and (b) are no longer applicable, DOE is proposing to delete these paragraphs and to designate the revised annual allocation formula as § 470.15(a).

G. Cost Sharing and Funds From Other Sources

Section 470.16 is amended to delete the references to ERDA-FAM and ERDA-PR. The appropriate procedures for cost sharing are now provided by DOE policies and regulations.

H. General Requirements (§ 470.17)

Section 470.17 is amended to delete the references to ERDA-FAM and ERDA-PR and to reference, as the

generally governing requirements for the program, DOE-AR and any other DOE or Federal requirements applicable to the award and administration of grants. Section 470.17 is also revised to indicate that grants are the only instrument of assistance to be used under the program.

I. Debriefing (§ 470.18a)

Section 470.18 is amended to provide specifically for the debriefing of unsuccessful proposers. Upon written request by a proposer, within 30 working days of notification of elimination from consideration, an unsuccessful proposer will be provided a debriefing. The debriefing will be provided at the earliest feasible time, as determined by the Regional Program Manager.

J. Inventions and Patents (§ 470.19)

Since § 600.82 of DOE-AR sets forth appropriate policy and procedures concerning title to inventions made under grants, § 470.19 is deleted. DOE's patent policy is set forth in section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908) and is implemented in Part 9-9 of the DOE-PR (41 CFR Part 9-9). Under DOE policy, title to inventions made under DOE grants vests in the Government unless a waiver of the Government's rights is granted. In the past, DOE has approved class waivers on a regional basis which apply to grants under this program. At the present time, a request is being made for a class waiver to be applicable to the program on a nationwide basis. This request has not yet been acted upon, however it is expected that if the class waiver is granted, the patent provisions appropriate for grants under the nationwide program would be generally similar to those now applicable to the regional class waivers. The regional class waivers provide that the grantee retains title to inventions subject to the Government's license and march-in rights. The waivers operate to grant the waiver automatically to small businesses who desire the waiver and to others who have an intention and plan to commercialize inventions.

Appropriate information on requesting waivers is provided in the regional program solicitations pursuant to the proposed amendments to § 470.13.

III. Opportunities for Public Comment.

A. Written Comments. Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed amendments to the Program Guidelines set forth in this notice. Comments should be submitted to the address

indicated in the addresses section of this preamble and should be identified on the outside of the envelope and on documents submitted to DOE with the designation "Appropriate Technology Small Grants Program" (Docket No. CAS-RM-79-601). Fifteen (15) copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday. All comments received by [60 days after publication] before 4:30 p.m., e.s.t., and all other relevant information will be considered by DOE before final action is taken on the proposed amendments to the Program Guidelines.

Pursuant to the provisions of 10 CFR 1004.11 (44 FR 1908, January 8, 1979), any person submitting information which he or she believes to be confidential and which may be exempt by law from public disclosure should submit one complete copy, and fifteen copies from which information claimed to be confidential has been deleted. In accordance with the procedures established at 10 CFR 1004.11, DOE shall make its own determination with regard to any claim that information submitted be exempt from public disclosure.

B. Public Hearing.

1. *Request Procedures.* The time and place of the public hearing are indicated in the dates and addresses sections of this preamble. DOE invites any person who has an interest in this proposed rulemaking or who is a representative of a group or class of persons that has an interest in the proposed rulemaking to make a written request for an opportunity to make an oral presentation. Such a request should be directed to DOE at the address indicated in the addresses section of this preamble and must be received before 4:30 p.m., e.s.t., on November 2, 1979. A request may be hand delivered between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Requests should be labeled both on the document and on the envelope "Appropriate Technology Small Grants Program—Public Hearing (Docket No. CAS-RM-79-601)."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where the requester may be contacted through the day before the hearing. Each person selected to be

heard will be notified by DOE before 4:30 p.m., e.s.t., November 6, 1979. Each person selected to be heard must submit 15 copies of her or his statement to the address given in the addresses section of this preamble before 4:30 p.m., e.s.t., November 12, 1979. In the event that any person wishing to testify cannot provide 15 copies, alternative arrangements can be made in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling Joanne Bakos at (202) 376-1651.

2. *Conduct of the Hearing.* DOE reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearing. This will not be a judicial type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of the persons presenting statements. Any decision made by DOE with respect to the subject matter of the hearing will be based on all information available to DOE. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person who wishes to have a question asked at the hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person wishing to make an oral presentation at the hearing, but who does not file a timely request as specified above, may notify Joanne Bakos before the hearing or the presiding officer during the hearing of his or her desire to make a presentation. Such person will be admitted as a "limited" participant and will be heard at such time and for such duration as the presiding officer may permit.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room GA-152,

Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

IV. Other Matters

A. *Environmental Review.* As part of the original development of the Program Guidelines, DOE determined that the regulations did not constitute a major Federal action with significant impact on the human environment, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) (NEPA). While DOE believes that, due to the small scale and diversity of projects funded under the program, this conclusion is still correct, DOE is currently developing an Environmental Assessment (EA) to evaluate the environmental effects of the Program, as required by 40 CFR 1501.3 and DOE's NEPA Guidelines. When the EA is completed, it will be made available for public comment.

B. *Regulatory Review.* It has been determined that the proposed amendments to the Program Guidelines are significant, as that term is used in Executive Order 12044 and amplified in DOE Order 2030. This determination is based upon the demonstrated public interest in the Appropriate Technology Small Grants Program. It has been further determined that this regulatory action is not likely to have a major impact, as defined by Executive Order 12044 and DOE Order 2030; consequently, no regulatory analysis will be prepared in this instance.

C. *Urban Impact Analysis.* This proposed regulation has been reviewed in accordance with OMB Circular A-118 to assess the impact on urban centers and communities. In accordance with DOE's finding that the regulation is not likely to have a major impact, DOE had determined that no community and urban impact analysis of the rulemaking is necessary, pursuant to section 3(a) of Circular A-118.

(Energy Research and Development Administration Appropriation Authorization of 1977, Pub. 95-39, 91 Stat. 180, 42 U.S.C. 5907a; Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565, 42 U.S.C. 7101 *et seq.*)

In consideration of the foregoing, DOE hereby proposes to amend Part 470 of Chapter II of Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., September 21, 1979.

Omi G. Walden,

Assistant Secretary, Conservation and Solar Applications.

1. Section 470.2 is amended by deleting the terms "ERDA-FAM", "ERDA-PR", and "Support" and their corresponding definitions; and by amending certain definitions in the section to read as follows:

§ 470.2 Definitions.

"Affiliate" means a concern which, either directly or indirectly, controls or has the power to control another concern, is controlled by or is within the power to control of another concern or, together with another concern, is controlled by or is within the power to control of a third party, taking into consideration all appropriate factors, including common ownership, common management and contractual relationships.

"Assistance" means financial assistance or award under the program by grant.

"Concern" means any business entity organized for profit (even if its ownership is in the hands of a nonprofit entity) with its principal place of business located in the United States. "Concern" includes, but is not limited to, an individual, partnership, corporation, joint venture, association or cooperative. For the purpose of making affiliation findings, any business entity, whether organized for profit or not, and any foreign business entity, (i.e. any entity located outside the United States) shall be included.

"Indian tribe" means any tribe, band,

"State government" means the government of a State, or an interstate organization.

2. Section 470.13 is amended by changing the heading of the section, by deleting the word "and" from the end of paragraph (b)(10) and by further amending paragraph (b) as follows:

§ 470.13 Program solicitation.

(b) Each program solicitation shall set forth the requirements and procedures for applying for grants under the program, including—

- (1) A description of the program;
- (2) The eligibility requirements;

(4) A simple application form for submitting a proposal for assistance

under the program, together with instructions for completing the application form;

(6) An explanation of the evaluation and selection procedures, including a notice to proposers that if the proposer expressly indicates that only Government evaluation is authorized, DOE may be unable to give full consideration to the proposal.

(12) A statement notifying proposers how to identify information in the proposal which the proposer does not want disclosed for purposes other than the evaluation of the proposal.

(13) A statement notifying proposers that all information contained in the proposal will be handled in accordance with the policies and procedures set forth in 10 CFR Part 600 entitled "Assistance Regulations" and disclosed, if appropriate, in accordance with 10 CFR Part 1004 entitled "Freedom of Information."

(14) A statement notifying proposers of their right to request a debriefing pursuant to the procedures set forth in § 470.18; and

(15) A statement notifying proposers of their right to request a waiver of DOE's title to inventions made under the program.

(3) Section 470.14 is amended by deleting paragraph (d); by redesignating paragraphs (e) and (f) as paragraphs (d) and (e) respectively; and by amending paragraphs (b), (c), (d) and (e) as follows:

§ 470.14 Evaluation and selection.

(b) The Regional Program Manager shall select a number of technical evaluation reviewers, representing several different disciplines, to ensure adequate technical review of the proposals. Each technical evaluation reviewer shall evaluate those proposals which he or she receives from the selection panel established pursuant to paragraph (d) of this section and shall provide his or her findings and comments to the selection panel. In addition to the general criteria underlying the establishment of the program as set forth in § 470.10, the major criteria to be considered by each technical evaluation reviewer shall include—

(c) Each State or combination of States shall nominate, and each Regional Program Manager shall select, a number of State reviewers for each State or combination of States, respectively. The nominations and

selections shall take into consideration representation by persons from a variety of backgrounds, including persons who are able to evaluate proposals of potential merit in various fields and from various types of proposers. Each State reviewer shall evaluate those proposals which he or she receives from the selection panel pursuant to paragraph (d) of this section and, taking into account the findings and comments of the technical evaluation reviewers, provide his or her findings and comments to the selection panel. In addition to the general criteria underlying the establishment of the program as set forth in § 470.10, the criteria to be considered by each State reviewer shall include—

(10) The adequacy of the business aspects of the proposal, including the reasonableness of the proposer's budget for carrying out the proposal; and

(11) The need of the proposer to receive assistance under the program.

(d) A selection panel composed of DOE personnel appointed by the Regional Program Manager shall, taking into account the findings of the technical evaluation reviewers, forward to the appropriate State reviewers for their evaluation those proposals judged by the selection panel to be of sufficient technical merit to warrant further review. After receiving the finding and comments of the State reviewers, the selection panel shall, taking into account the findings and comments of the technical evaluation and State reviewers, evaluate and rank the proposals in accordance with the criteria stated in the program solicitation.

(e) For each region, a DOE selection official shall select proposals for assistance from the ranking established by the selection panel, taking into account the following program policy factors in order to determine the mix of proposed projects which will best further specific program goals—

4. Section 470.15 is amended by deleting paragraphs (a), (b) and (c), by redesignating paragraph (d) as paragraph (c) and by adding new paragraphs (a) and (b) to read as follows:

§ 470.15 Allocation of funds.

(a) DOE shall annually allocate fiscal year funds available for assistance among the ten standard Federal regions, according to the following formula:

(1) Two-thirds to be allocated according to population; and

(2) One-third to be allocated according to the number of proposals received, per hundred thousand of population of the region, which meet the requirements set forth in § 470.14(a).

(b) The minimum annual level of assistance for projects for each State within a region shall be ten percent of the fiscal year funds allocated to the region, divided by the number of States in the region.

§ 470.16 [Amended]

5. Section 470.16 is amended by deleting the last sentence of the section.

6. Section 470.17 is amended by deleting the words "cooperative agreement or contract" from paragraph (b) and revising paragraph (a) to read as follows:

§ 470.17 General requirements.

(a) Except where this part provides otherwise, the award and administration of grants under the program shall be governed by—

(1) 10 CFR Part 600, entitled "Assistance Regulations";

(2) Such other requirements applicable to this part as DOE may from time to time prescribe; and

(3) Any Federal requirements applicable to grants under this part.

7. Section 470.18 is amended by changing the heading of the section and by revising the section to read as follows:

§ 470.18 Debriefing.

Upon written request, unsuccessful proposers will be accorded debriefings. Such debriefings must be requested within 30 working days of notification of elimination from consideration. Debriefings will be provided at the earliest feasible time as determined by the Regional Program Manager.

§ 470.19 [Deleted]

8. Section 470.19 is deleted.

9. Part 470 is further amended by deleting the words "program announcement" and "support" wherever they appear and substituting the words "program solicitation" and "assistance," respectively.

[FR Doc. 79-39890 Filed 9-26-79; 8:45 am]

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Thursday
September 27, 1979

Part IV

Federal Election
Commission

Presidential Election Campaign Fund and
Presidential Primary Matching Fund;
Transfer of Regulations to New Chapter

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FEDERAL ELECTION COMMISSION**11 CFR Chapters I, IX****Deletion of Chapter****AGENCY:** Federal Election Commission.**ACTION:** Deletion of Chapter; Transfer of Contents to New Chapter.

SUMMARY: The Federal Election Commission hereby deletes 11 CFR, Chapter IX; and transfers the material currently appearing in that chapter to 11 CFR, Chapter I, Subchapter G. The Commission also sets forth the index of 11 CFR, Chapter I, to which future recodification of Commission regulations will conform.

EFFECTIVE DATE: September 27, 1979.**FOR FURTHER INFORMATION CONTACT:**

Ms. Patricia Ann Fiori, Assistant General Counsel for Legislation and Regulations, 1325 K Street, Northwest, Washington, D.C. (202) 523-4143.

SUPPLEMENTARY INFORMATION: On May 7, 1979, the Commission created a new chapter of 11 CFR—Chapter IX—and prescribed regulations to be codified as Parts 9031 through 9038 of that chapter (See, 44 FR 26733). The subject matter of these regulations was formerly in Parts 130 through 134 of 11 CFR, Chapter I. The new numbering of the regulations was based on the Commission's plan to renumber all of its substantive regulations according to the U.S. Code Section upon which each is based. This will permit the user to more easily cross-reference statutory and regulatory material.

Since prescription of those regulations, agreement has been reached with the Office of the Federal Register to accommodate the Commission's special numbering requirements by expanding Chapter I of 11 CFR to encompass Parts 1 through 9999. The Federal Register was able to make this special concession because the FEC is, at present, the sole occupant of 11 CFR.

As further revisions are made to Commission regulations they will be renumbered according to the new system. (See, for example, the Notice of Proposed Rulemaking relating to Convention Financing Regulations published on June 8, 1979, at 44 FR 32608.) When our revision is completed, 11 CFR, Chapter I will be arranged as follows:

Subchapter A—Administrative
Parts 1 through 5
Subchapter B—[Reserved]
Subchapter C—General
Parts 431 through 455
Subchapter D—[Reserved]

Subchapter E—Presidential Election
Campaign Fund: General Election
Financing

Parts 9001 through 9007

Subchapter F—Presidential Election
Campaign Fund: Convention Financing
Part 9008

Subchapter G—Presidential Election
Campaign Fund: Primary Matching Fund
Parts 9031 through 9038

Since the transfer being made today is merely technical, the Commission's action is not rulemaking within the scope of 26 U.S.C. 9039(c) requiring transmittal of proposed regulations to Congress.

Title 11, Code of Federal Regulations is amended as follows:

11 CFR, Chapter IX is hereby deleted and the material contained therein transferred without change to 11 CFR Chapter I, Subchapter G, Parts 9031 through 9038.

Dated: September 21, 1979.

Robert O. Tiernan,

Chairman, Federal Election Commission.

[FR Doc. 79-29965 Filed 9-26-79; 8:45 am]

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Thursday
September 27, 1979

Part V

Department of Justice

Law Enforcement Assistance
Administration

Final Guideline Revision for the Definition
of a Juvenile Detention or Correctional
Facility

DEPARTMENT OF JUSTICE

Law Enforcement Assistance
AdministrationFinal Guideline Revision for Definition
of Juvenile Detention or Correctional
Facility

Notice is hereby given that the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5601, et. seq., is issuing a revision to the State Planning Agency Grants Guideline Manual, M 4100.1F, Change 3, July 25, 1978, Chapter 3, Paragraph 52(n)(2) and Appendix 1, Paragraph 4.

Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires states, in order to receive formula grant funds, to:

Provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such non-offenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities.

In July 1978, LEAA issued a guideline revision for implementation of the formula grant provisions of the JJDP Act which contained criteria for identifying a juvenile detention or correctional facility. Since that time, concern has been expressed over these definitional criteria. The areas of concern involve both the scope and the underlying basis of the present definition, its impact on such groups as private non-profit and community-based organizations as well as its potential impact on the eligibility of a number of jurisdictions to continue participation in the JJDP Act. The Office of Juvenile Justice and Delinquency Prevention determined that these concerns merited a reexamination of the juvenile detention or correctional facility criteria. On March 29, 1979, a notice of reexamination of the definition of detention and correctional facilities was published in the Federal Register.

In order to assist the Office of Juvenile and Delinquency Prevention in formulating the proposed guideline change, the notice of reexamination provided interested organizations and individuals the opportunity to submit written views, comments and specific recommendations on the juvenile detention or correctional facility criteria.

As a result of the reexamination process, OJJDP published in the June 27, 1979 Federal Register a proposed revision to the definition of a juvenile

detention or correctional facility. This publication provided interested individuals the opportunity to again submit comments and recommendations on the proposed revision. A total 41 comments were received and analyzed. The responses included comments from 20 of the 57 states and territories eligible to participate in the JJDP Act formula grant program. Appendix A provides additional information regarding the review and analysis of these comments.

The final guideline revision for the definition of a juvenile detention or correctional facility as contained in M 4100.1F, Paragraph 52(n)(2) is as follows:

Juvenile Detention or Correctional
Facility Definition

52(n)(2). For the purpose of monitoring, a juvenile detention or correctional facility is:

(a) Any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders; or

(b) Any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted adult criminal offenders.

The definition of underlined terms are provided in Appendix 1, Paragraph 4(a)-(k) of M 4100.1F. No changes are being made in the definition of terms.

David D. West,

Acting Associate Administrator, Office of Juvenile Justice and Delinquency Prevention.

Appendix A—Supplemental Information
Including a Review and Analysis of
Comments Received in Response to the
June 27, 1979, Proposed Guideline
Revision for the Definition of a Juvenile
Detention or Correctional Facility

A total of 41 comments were received and included in the analysis. The response included comments from 20 of the 57 states and territories eligible to participate in the JJDP Act formula grant program. Some respondents took the opportunity to comment on issues other than those which OJJDP specifically identified in the Federal Register publication. These supplemental comments included views on the definition of terms used in the juvenile detention or correctional facility criteria (e.g., secure and non-secure).

All comments and recommendations were logged, reviewed, and analyzed. The review and analysis consisted of recording each response as to whether or not a specific recommendation was presented. This recording effort was established to determine whether the respondent recommended each component of the criteria to be: (1) retained, (2) eliminated, or (3) modified, or if no specific recommendation was

made. The analysis also identified and recorded substantive responses for consideration during the revision process.

The results are presented according to each component of the proposed definition of a juvenile detention or correctional facility.

Criterion (a)

A juvenile detention or correctional facility is:

"Any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders."

A total of 34, or 82.9% of the 41 comments provided a recommendation on this criterion. A very large percentage of the respondents recommended that this criterion be retained; their comments indicated that the criterion dealing with security has broad support. No respondents recommended the elimination of this criterion. Those who recommended that the criterion be modified generally felt that specific types of secure facilities (i.e., mental health, diagnostic and/or specialized treatment facilities) should be exceptions to the criterion. With regard to the suggested exception of secure mental health and diagnostic facilities from the general prohibition against placement in secure facilities, it is OJJDP's position that the general jurisdiction of juvenile courts over status offenders and non-offenders is an insufficient basis for such placement. Rather the use of existing mental health law, with appropriate due process protections, is a more acceptable procedure.

It is OJJDP's position that all juvenile status offenders or non-offenders in any category should not be placed in any secure facility. However, for the purposes of monitoring, Section 223(a)(12)(A) may be interpreted to include within its scope only juveniles who are before a juvenile, family, or other civil court for reasons which are unique to the individual's status as a juvenile. In other words, for the purposes of monitoring, a juvenile committed to a mental health facility under state law governing civil commitment of all individuals for mental health treatment would be considered as outside the class of juvenile non-offenders defined by Section 223(a)(12)(A) of the Act.

It should be perfectly clear that these distinctions for monitoring purposes would not permit placement of status offenders or non-offenders in a secure mental health facility following an adjudication for a status offense or a court finding that the juvenile is a non-

offender. The placement of status offenders or non-offenders in such a facility for diagnostic purposes is not allowable. A separate civil mental health commitment proceeding would be required before a status offender or non-offender could be placed in a secure facility and, for monitoring purposes, be outside the scope of Section 223(a)(12)(A). Any placement of such status offender or non-offender must occur only after a full due process hearing is undertaken to protect the rights of the child.

The prohibition against placing status offenders and non-offenders in secure facilities is in keeping with the Report of the Advisory Committee which recommends that status offenders not be placed in secure facilities, training schools, camps and ranches. The difficulty with any definition that prohibits placement of status offenders and non-offenders in secure facilities lies in determining what program and architectural features make a facility secure. Discussions between OJJDP staff and knowledgeable people in the field resulted in the definition of security being related to the overall operation of the facility. Where the operation involves exit from the facility only upon approval of staff, use of locked outer doors, manned checkout points, etc., the facility is considered secure. If exit points are open but residents are authoritatively prohibited from leaving at anytime without approval, it would be a secure facility. If the facility is not characterized by the use of physically restricting construction hardware or procedures and provides its residents access to the surrounding community with minimal supervision, it would be a non-secure facility.

This definition was not intended to prohibit the existence within the facility of a small room for the protection of individual residents from themselves or others, or the adoption of regulations establishing reasonable hours for residents to come and go from the facility. OJJDP recognize the need for a balance between allowing residents free access to the community and providing facility administrators with sufficient authority to maintain order, limit unreasonable actions on the part of residents, and ensure that children placed in their care do not come and go at all hours of the day and night or absent themselves at will for days at a time.

Experts advising OJJDP recommend that security rooms be used only in an emergency situation, and not without court approval. The OJJDP definition does not include this requirement.

However, the limited use of security in individual emergency cases will have to be monitored by the state to insure it is not used in excess.

Although the Federal Register notice did not specifically request comments on the definition of terms used in the criteria, several respondents offered comments. The term "secure" received the most comments. A secure facility is defined as:

"One which is designed and operated so as to ensure that all entrances and exists from such facility are under the exclusive control of the staff of such facility, whether or not the person being detained has freedom of movement within the perimeters of the facility or which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents."

Generally, respondents felt the definition of secure should be clarified. Others recommended that the definition be limited to locked rooms, buildings, or physical restraint. However, OJJDP considers its current definition, which includes elements of both physical security and psychological restraint, to provide the necessary elements to guide states in the classification of facilities. OJJDP is available to assist states, as necessary, in applying the criteria to specific facilities.

Criterion (b)

A juvenile detention or correctional facility is:

"Any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted adult criminal offenders."

Of the 41 comments, 33 or 80.5% provided a recommendation on this criterion. A large percentage of the respondents recommended that this criterion be retained.

Those who recommended a modification of this criterion generally would delete that word "adult". The impact of deleting the term "adult" would be to preclude the placement of juveniles awaiting trial on criminal charges or convicted of a crime in non-secure facilities that also house status offenders and non-offenders. This would be a return to the 1978 wording of this criterion.

The word "adult" was added to criterion (b) in 1977 because it was felt by the OJJDP Administrator that the inclusion of juvenile criminal offenders in the prohibition unnecessarily foreclosed a potentially valuable treatment option and was unnecessary to achieve consistency with the Section 223(a)(12) separation requirement. Thus, by including the term adult in the

criterion the state has the option of placing a juvenile convicted in criminal court either in a juvenile facility, in an adult facility, or in a non-secure facility housing status offenders and non-offenders.

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
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DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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*NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

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Rules Going Into Effect Today**FEDERAL RESERVE SYSTEM**

50326 8-28-79 / Regulation Z; official staff interpretation

NUCLEAR REGULATORY COMMISSION

50324 8-28-79 / Addition of veterinarians to in vitro general license

List of Public Laws**Last Listing September 24, 1979**

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.R. 2774 / Pub. L. 96-66 To authorize appropriations for fiscal years 1980 and 1981 under the Arms Control and Disarmament Act, and for other purposes. (Sept. 21, 1979; 93 Stat. 414) Price \$.75.

S. 1019 / Pub. L. 96-67 To amend the International Development and Food Assistance Act of 1978 and the Foreign Assistance and Related Programs Appropriations Act, 1979 by striking out certain prohibitions relating to Uganda, and for other purposes. (Sept. 21, 1979; 93 Stat. 415) Price \$.75.

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Federal Register

Book 1 of 2 Books
Friday, September 28, 1979

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- 55787 **Federal Consumer Programs** Executive order
- 55836 **Income Tax** Treasury/IRS issues regulations relating to the treatment of qualified stock options and employee stock purchase plans; effective 12-31-63
- 55866 **Grants** VA establishes interim regulations providing aid to States for the establishment, expansion, and improvement of veteran's cemeteries; effective 10-1-79; comments by 11-27-79
- 55873 **Health Education** HEW/PHS establishes rule applying to grants to initiate or strengthen risk-reduction programs; effective 9-28-79; comments by 11-27-79
- 55872 **Supply and Procurement** GSA provides regulations permitting agencies to purchase products from any source when available at lower overall costs; effective 9-28-79
- 55826, 55833 **Housing** HUD/FHC publishes a determination on regulations concerning the prototype cost limits for low-income public housing; effective 9-28-79

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- 55815 Small Businesses** SBA issues amending regulations increasing the size standard for assistance to concerns by investment companies or by development companies; effective 9-28-79
- 55802 Natural Gas** USDA/Sec'y establishes administrative procedures for adjustments of curtailment priority regulations under the Act; effective 10-29-79
- 56184 Comprehensive Employment and Training** Labor/ETA provides notice promulgating the final wage adjustment index for fiscal year 1980 under the Act; effective 10-1-79
- 56266 Veterans** Labor/ETA proposes to update the levels for preference indicators of compliance for fiscal year 1980; comments by 10-29-79
- 56068 Privacy Act** NRC amends routine uses of certain systems of records; effective 10-29-79
- 56067 Privacy Act** NRC adopts a system of records; effective 10-29-79
- 55811 Privacy Act** NRC exempts a system of records from certain requirements; effective 10-29-79
- 55910 Improving Government Regulations** Treasury/FS prints semiannual agenda of regulations
- 55890 Improving Government Regulations** FDIC prints semiannual agenda of regulations
- 56176 Oil and Gas** Interior/BLM intends to set forth changes in the simultaneous leasing system; comments by 11-27-79

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- 56120 Part III, EPA**
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Friday, September 28, 1979

Presidential Documents

Title 3—

The President

Executive Order 12160 of September 26, 1979

Providing for Enhancement and Coordination of Federal Consumer Programs

By virtue of the authority vested in me as President by the Constitution of the United States of America, and in order to improve the management, coordination, and effectiveness of agency consumer programs, it is ordered as follows:

1-1. *Establishment of the Consumer Affairs Council.*

1-101. There is hereby established the Consumer Affairs Council (hereinafter referred to as the "Council").

1-102. The Council shall consist of representatives of the following agencies, and such other officers or employees of the United States as the President may designate as members:

- (a) Department of Agriculture.
- (b) Department of Commerce.
- (c) Department of Defense.
- (d) Department of Energy.
- (e) Department of Health, Education, and Welfare.
- (f) Department of Housing and Urban Development.
- (g) Department of the Interior.
- (h) Department of Justice.
- (i) Department of Labor.
- (j) Department of State.
- (k) Department of Transportation.
- (l) Department of the Treasury.

Each agency on the Council shall be represented by the head of the agency or by a senior-level official designated by the head of the agency.

1-2. *Functions of the Council.*

1-201. The Council shall provide leadership and coordination to ensure that agency consumer programs are implemented effectively; and shall strive to maximize effort, promote efficiency and interagency cooperation, and to eliminate duplication and inconsistency among agency consumer programs.

1-3. *Designation and Functions of the Chairperson.*

1-301. The President shall designate the chairperson of the Council (hereinafter referred to as the "Chairperson").

1-302. The Chairperson shall be the presiding officer of the Council and shall determine the times when the Council shall convene.

1-303. The Chairperson shall establish such policies, definitions, procedures, and standards to govern the implementation, interpretation, and application of this Order, and generally perform such functions and take such steps, as are necessary or appropriate to carry out the provisions of this Order.

1-4. *Consumer Program Reforms.*

1-401. The Chairperson, assisted by the Council, shall ensure that agencies review and revise their operating procedures so that consumer needs and interests are adequately considered and addressed. Agency consumer programs should be tailored to fit particular agency characteristics, but those programs shall include, at a minimum, the following five elements:

(a) *Consumer Affairs Perspective.* Agencies shall have identifiable, accessible professional staffs of consumer affairs personnel authorized to participate, in a manner not inconsistent with applicable statutes, in the development and review of all agency rules, policies, programs, and legislation.

(b) *Consumer Participation.* Agencies shall establish procedures for the early and meaningful participation by consumers in the development and review of all agency rules, policies, and programs. Such procedures shall include provisions to assure that consumer concerns are adequately analyzed and considered in decisionmaking. To facilitate the expression of those concerns, agencies shall provide for forums at which consumers can meet with agency decisionmakers. In addition, agencies shall make affirmative efforts to inform consumers of pending proceedings and of the opportunities available for participation therein.

(c) *Informational Materials.* Agencies shall produce and distribute materials to inform consumers about the agencies' responsibilities and services, about their procedures for consumer participation, and about aspects of the marketplace for which they have responsibility. In addition, each agency shall make available to consumers who attend agency meetings open to the public materials designed to make those meetings comprehensible to them.

(d) *Education and Training.* Agencies shall educate their staff members about the Federal consumer policy embodied in this Order and about the agencies' programs for carrying out that policy. Specialized training shall be provided to agency consumer affairs personnel and, to the extent considered appropriate, by each agency and in a manner not inconsistent with applicable statutes, technical assistance shall be made available to consumers and their organizations.

(e) *Complaint Handling.* Agencies shall establish procedures for systematically logging in, investigating, and responding to consumer complaints, and for integrating analyses of complaints into the development of policy.

1-402. The head of each agency shall designate a senior-level official within that agency to exercise, as the official's sole responsibility, policy direction for, and coordination and oversight of, the agency's consumer activities. The designated official shall report directly to the head of the agency and shall apprise the agency head of the potential impact on consumers of particular policy initiatives under development or review within the agency.

1-5. *Implementation of Consumer Program Reforms.*

1-501. Within 60 days after the issuance of this Order, each agency shall prepare a draft report setting forth with specificity its program for complying with the requirements of Section 1-4 above. Each agency shall publish its draft consumer program in the **Federal Register** and shall give the public 60 days to comment on the program. A copy of the program shall be sent to the Council.

1-502. Each agency shall, within 30 days after the close of the public comment period on its draft consumer program, submit a revised program to the Chairperson. The Chairperson shall be responsible, on behalf of the President, for approving agency programs for compliance with this Order before their final publication in the **Federal Register**. Each agency's final program shall be published no later than 90 days after the close of the public comment period, and shall include a summary of public comments on the draft program and a discussion of how those comments are reflected in the final program.

1-503. Each agency's consumer program shall take effect no later than 30 days after its final publication in the **Federal Register**.

1-504. The Chairperson, with the assistance and advice of the Council, shall monitor the implementation by agencies of their consumer programs.

1-505. The Chairperson shall, promptly after the close of the fiscal year, submit to the President a full report on government-wide progress under this Order during the previous fiscal year. In addition, the Chairperson shall evaluate, from time to time, the consumer programs of particular agencies and shall report to the President as appropriate. Such evaluations shall be informed by appropriate consultations with interested parties.

1-6. *Budget Review.*

1-601. Each agency shall include a separate consumer program exhibit in its yearly budget submission to the Office of Management and Budget. By October 1 of each year the Director of the Office of Management and Budget shall provide the Chairperson with a copy of each of these exhibits. The Chairperson shall thereafter provide OMB with an analysis of the adequacy of the management of, and the funding and staff levels for, particular agency consumer programs.

1-7. *Civil Service Initiatives.*

1-701. In order to strengthen the professional standing of consumer affairs personnel, and to improve the recruitment and training of such personnel, the Office of Personnel Management shall consult with the Council regarding:

(a) the need for new or revised classification and qualification standard(s), consistent with the requirements of Title 5, United States Code, to be used by agencies in their classification of positions which include significant consumer affairs duties;

(b) the recruitment and selection of employees for the performance of consumer affairs duties; and

(c) the training and development of employees for the performance of such duties.

1-8. *Administrative Provisions.*

1-801. Executive agencies shall cooperate with and assist the Council and the Chairperson in the performance of their functions under this Order and shall on a timely basis furnish them with such reports as they may request.

1-802. The Chairperson shall utilize the assistance of the United States Office of Consumer Affairs in fulfilling the responsibilities assigned to the Chairperson under this Order.

1-803. The Chairperson shall be responsible for providing the Council with such administrative services and support as may be necessary or appropriate; agencies shall assign, to the extent not inconsistent with applicable statutes, such personnel and resources to the activities of the Council and the Chairperson as will enable the Council and the Chairperson to fulfill their responsibilities under this Order.

1-804. The Chairperson may invite representatives of non-member agencies, including independent regulatory agencies, to participate from time to time in the functions of the Council.

1-9. *Definitions.*

1-901. "Consumer" means any individual who uses, purchases, acquires, attempts to purchase or acquire, or is offered or furnished any real or personal property, tangible or intangible goods, services, or credit for personal, family, or household purposes.

1-902. "Agency" or "agencies" means any department or agency in the executive branch of the Federal government, except that the term shall not include:

(a) independent regulatory agencies, except as noted in subsection 1-804;

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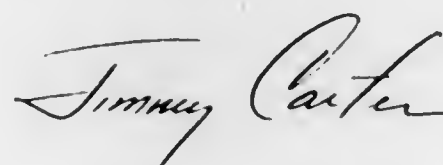
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(b) agencies to the extent that their activities fall within the categories excepted in Sections 6(b)(2), (3), (4), and (6) of Executive Order No. 12044.

(c) agencies to the extent that they demonstrate within 30 days of the date of issuance of this Order, to the satisfaction of the Chairperson with the advice of the Council, that their activities have no substantial impact upon consumers.

THE WHITE HOUSE,
September 26, 1979.



Editorial Note: The President's remarks of Sept. 26, 1979, on signing Executive Order 12160, are printed in the Weekly Compilation of Presidential Documents (vol. 15, no. 39)

[FR Doc. 90383
Filed 9-26-79; 4:56 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 44, No. 190
Friday, September 28, 1979

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL LABOR RELATIONS AUTHORITY, AND FEDERAL SERVICE IMPASSES PANEL

5 CFR Chapter XIV

Interim Rules and Regulations

AGENCY: Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and Federal Service Impasses Panel.

ACTION: Interim rules and regulations.

SUMMARY: This rule amends Appendix A, paragraph (f) (44 FR 44775) of the interim rules and regulations of the Federal Labor Relations Authority (Authority), General Counsel of the Federal Labor Relations Authority (General Counsel), and Federal Service Impasses Panel (Panel), published at 44 FR 44740, to provide that the locality of the Canal Zone is within the geographic jurisdiction of the Dallas Regional Office.

DATES: Effective Date: September 14, 1979. Comment Date: Written comments will be considered if received no later than October 31, 1979.

ADDRESS: Send written comments to the Federal Labor Relations Authority, Office of the General Counsel, 200 Constitution Avenue, NW., Room N 5657, Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: S. Jesse Reuben, Deputy General Counsel (202) 523-7262.

SUPPLEMENTARY INFORMATION: Effective July 30, 1979, the Authority, General Counsel and Panel published, at 44 FR 44740, Interim rules and regulations to principally govern the processing of cases by the Authority, General Counsel and Panel under chapter 71 of title 5 of the United States Code. These interim rules and regulations are required by Title VII of the Civil Service Reform Act

of 1978 and will continue to be applied until their expiration on January 31, 1980, or upon the effective date of final rules and regulations prior to January 31, 1980. As previously indicated at 44 FR 44740, interested labor organizations, agencies and other persons may comment in writing on the interim rules and regulations and such comments should be submitted no later than October 31, 1979.

Appendix A, paragraph (f) of the interim rules and regulations (44 FR 44775) sets forth geographic jurisdictions of the Regional Directors of the Authority. Under paragraph (f) of Appendix A, the locality of the Canal Zone is listed to be within the geographic jurisdiction of the Authority's New York Regional Office. Based upon a careful review of overhead costs, travel costs and the need for effective supervision of field personnel, it has been concluded that it would be in the best interest of optimizing the transaction of Authority business through the most effective and efficient manner by placing the locality of the Canal Zone within the geographic jurisdiction of the Authority's Dallas Regional Office. The address of the Dallas Regional Office, as set forth in Appendix A, paragraph (d)(6) of the interim rules and regulations (44 FR 44775) is as follows: (6) *Dallas Regional Office:* Downtown Post Office Station, Bryan and Ervay Streets, P.O. Box 2640, Dallas, Texas 75221. Telephone: FTS 729-4996. Commercial (214) 767-4996. Accordingly, Appendix A, paragraph (f) of the Authority, General Counsel, and Panel interim rules and regulations (44 FR 44775) is amended, in part, to read as follows:

Appendix A—Authority, General Counsel, Chief Administrative Law Judge, Regional Directors and Panel

Temporary Addresses and Geographic Jurisdictions

(f) The geographic jurisdictions of the Regional Directors of the Authority are as follows:

State or other locality	Regional office
Canal Zone	Dallas

(5 U.S.C. 7134)
Dated: September 14, 1979.
Federal Labor Relations Authority.
Ronald W. Haughton,
Chairman.
Henry B. Frazier III,
Member.
Leon B. Applewhaite,
Member.
H. Stephan Gordon,
General Counsel.
[FR Doc. 79-30160 Filed 9-27-79; 8:45 am]
BILLING CODE 6325-19-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. These amendments establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of the Plant Protection and Quarantine Programs performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: Friday, September 28, 1979.

FOR FURTHER INFORMATION CONTACT: H. V. Autry, Regulatory Support Staff, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, U.S. Department of Agriculture, Hyattsville, MD 20782 (301-436-8247).

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and expo the administrative instructions appearing at 7 CFR 354.2, as amended,

January 5, 1979 (44 FR 1364), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) or deleting the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

Commuted Traveltime Allowances (In hours)		
Location covered	Served from	Metropolitan area
		Within Outside
Delete:		
Hawaii:		
Schofield Barracks,	Honolulu	2
Wahiawa, Oahu	Hilo, Honolulu	3
Undesignated Ports	or Keahole	
Louisiana:		
England AFB,	Baton Rouge	4
Alexandria		
Tennessee:		
Memphis	Batesville, MS	2
Undesignated Ports	Knorrville and	4
Pulaski		
Texas:		
Edinburgh	Hidalgo	2
Add:		
Arizona:		
Sasabe	Nogales	4
Hawaii:		
Wahiawa, Oahu	Honolulu	2
West Loch, Pearl		
Harbor	Honolulu	2
Undesignated Ports	Hilo, Honolulu	3
	Keahole or	
	Kahului	
Louisiana:		
England AFB,	Baton Rouge	5
Alexandria	Shreveport	5
Do		
Tennessee:		
Memphis	Dyersburg	4
Millington	Dyersburg	3
Undesignated ports	Knorrville	4

(64 Stat. 561; (7 U.S.C. 2260))

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the Federal Register.

Note.—This final rulemaking is being published under emergency procedures as authorized by E.O. 12044 and Secretary's Memorandum No. 1955. It has been determined by James O. Lee, Jr., Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, that the emergency nature of these commuted traveltime allowances warrant the publication of this rule without waiting for public comment. This amendment, as well as the complete regulation, will be scheduled for review under provisions of E.O. 12044 and Secretary's Memorandum No. 1955. The review will include preparation of an Impact Analysis Statement which will be available from Regulatory Support Staff, Room 633, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8247.

Done at Washington, D.C., this 24th day of September 1979.

Thomas G. Darling,

Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc. 79-30151 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-34-M

Federal Crop Insurance Corporation

7 CFR Parts 401, 421

Cotton Crop Insurance Regulations; Proposed Procedures

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule prescribes procedures for insuring cotton crops effective with the 1980 crop year. The rule combines provisions from previous regulations for insuring cotton in a shorter, clearer, and more simplified document which will make the program more effective administratively. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-3325.

SUPPLEMENTARY INFORMATION: The Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking in the Federal Register on July 18, 1979 (44 FR 41815), outlining prescribed procedures for insuring cotton crops effective with the 1980 crop year. In the notice, FCIC, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), proposed that a new Part 421 of Chapter IV in Title 7 of the Code of Federal Regulations be established to

prescribe procedures for insuring cotton crops effective with the 1980 crop year to be known as 7 CFR Part 421 Cotton Crop Insurance.

All previous regulations applicable to insuring cotton crops, as found in 7 CFR 401.101-401.111, and 401.136, are not applicable to 1980 and succeeding cotton crops but remain in effect for FCIC cotton insurance policies issued for the crop years prior to 1980.

It has been determined that combining all previous regulations for insuring cotton crops into one shortened, simplified, and clearer regulation would be more effective administratively.

In addition, 7 CFR Part 421 provides (1) for a Premium Adjustment Table which replaces the current premium discount provisions and includes a maximum 50 percent premium reduction for good insurance experience, as well as premium increases for unfavorable experience, on an individual contract basis, (2) for the consolidation of termination for indebtedness dates to the extent possible, (3) that any premium not paid by the termination date will be increased by a 9 percent service fee with a 9 percent simple interest charge applying to any unpaid balances at the end of each subsequent 12-month period thereafter, (4) that the time period for submitting a notice of loss be extended from 15 days to 30 days, (5) that the 60-day time period for filing a claim be eliminated, (6) that coverage level options be offered in each county, (7) that the Actuarial Table shall provide the level which will be applicable to a contract unless a different level is selected by the insured and the conversion level will be the one closest to the present percent level offered in each county, (8) for an increase in the limitation from \$5,000 to \$20,000 in those cases involving good faith reliance on misrepresentation, as found in 7 CFR 421.5 of these regulations, wherein the Manager of the Corporation is authorized to take action to grant relief, and (9) that the terms "sharecropper" and "share tenant" be eliminated.

The Cotton Crop Insurance regulations provide a September 30 cancellation date for certain south Texas counties. These regulations, and any amendments thereto, must be placed on file in the Corporation's office for the county in which the insurance is available not later than 15 days prior to the cancellation date.

Under the provisions of Executive Order No. 12044, and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and

views on the proposed regulations, but none were received.

The final rule includes a revision of footnote 2 of the Premium Adjustment Table in the proposed rule. In the proposed rule, footnote 2 stated that only the most recent 15 crop years would be used to determine the number of loss years in making premium adjustments for unfavorable insurance experience. However, since insureds with unfavorable insuring experience were recently reviewed and changes in rate and/or coverage classifications on individual policies have been made, the Corporation has determined that only those crop years subsequent to the 1979 crop year will be used to determine loss years for the purpose of any premium increase for the producers.

This revision assures fair and equitable treatment to the producers whose ratings and/or classifications were changed.

In addition, there is added to the final rule an Appendix "B", which lists the counties where cotton crop insurance is available in accordance with the provisions of 7 CFR 421.1. The provisions provide, in part, that before insurance is offered in any county there shall be published by appendix to this chapter the names of the counties in which such insurance shall be offered.

With the exception of other minor and nonsubstantive corrections to language, the regulations, as contained in the proposed rule, are hereby issued as a final rule to be in effect beginning with the 1980 crop year.

Since the rule involves public contracts, the 30 day effective date requirement of 5 U.S.C. 553 is inapplicable.

PART 401—FEDERAL CROP INSURANCE

§ 401.136 [Reserved]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby deletes and reserves 7 CFR 401.136, with such regulations as are contained therein remaining in effect for FCIC insurance policies issued for crop years prior to 1980, and issues a new Part 421 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR Part 421) to be known as the Cotton Crop Insurance Regulations, which shall remain in effect, until amended or superseded, for the 1980 and succeeding crop years, to read as follows:

PART 421—COTTON CROP INSURANCE

Subpart—Regulations for the 1980 and Succeeding Crop Years

Sec.

- 421.1 Availability of cotton insurance.
- 421.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
- 421.3 Public notice of indemnities paid.
- 421.4 Creditors.
- 421.5 Good faith reliance on misrepresentation.
- 421.6 The contract.
- 421.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516).

§ 421.1 Availability of cotton insurance.

Insurance shall be offered under the provisions of this subpart on cotton in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this chapter the names of the counties in which cotton insurance will be offered.

§ 421.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for cotton which shall be shown on the county actuarial table on file in the office of the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 421.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 421.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 421.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the cotton insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than \$20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 421.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the cotton crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 421.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the cotton crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its

determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the Federal Register upon the manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however*, That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1969 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a cotton contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Cotton Insurance Policy for the 1980 and succeeding crop years, and the Appendix to the Cotton Insurance Policy are as follows:

U.S. Department of Agriculture

Federal Crop Insurance Corporation

Application for 19— and Succeeding Crop Years

Cotton
Crop Insurance Contract

(Name and Address) (Zip Code)
Type of entity

(Contract Number)

(Identification Number)

(County)

(State)
Applicant is over 18 Yes — No —

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the cotton planted on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and price at which indemnities shall be computed. THE PREMIUM RATES

AND PRODUCTION GUARANTEES SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.

Level Election _____
Price Election _____

Example: For the 19— Crop Year Only (100% Share)

Loc./Farm No.	Guar. Per Acre*	Prem. Per Acre**	Practice

*Your guarantee will be on a unit basis (acres x per acre guarantee x share).

**Your premium is subject to adjustment in accordance with section 5 of the policy.

B. WHEN NOTICE OF ACCEPTANCE OF THIS APPLICATION IS MAILED TO THE APPLICANT BY THE CORPORATION, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED as provided in the contract. This accepted application, the following cotton insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage, shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

(Code No./witness to signature)

(Signature of applicant)

(Date)

Address of office for county:

Phone

Location of farm headquarters:

Phone

Cotton Crop Insurance Policy

Terms and conditions

Subject to the provisions in the attached appendix:

1. *Causes of loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss that are shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized

good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop and acreage insured.* (a) The crop insured shall be American Upland lint cotton for which the actuarial table shows a guarantee and premium rate per acre, and which is grown on insured acreage.

(b) The acreage insured for each crop year shall be that acreage planted to cotton on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. The acreage insured of skip-row planting shall be the acreage occupied by the rows of cotton and eliminating the skipped-row portions, as determined by the Corporation: *Provided*, That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) which is non-irrigated and from which a hay crop was harvested or a small grain crop reached the heading stage in the same calendar year, (2) which is new ground acreage, (3) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (4) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (5) which is destroyed and after such destruction it was practical to replant to cotton and such acreage was not replanted, (6) initially planted after the date on file in the office for the county which has been established by the Corporation as being too late to initially plant and expect a normal crop to be produced, or (7) planted to a type or variety not established as adapted to the area or shown as noninsurable on the actuarial table.

(c) Insurance may attach only by written agreement with the Corporation on acreage which is planted for the development or production of hybrid seed or for experimental purposes.

3. *Responsibility of insured to report acreage and share.* The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of cotton planted in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time of planting. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. *Production guarantees, coverage levels, and prices for computing indemnities.* (a) For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

(b) The production guarantees per acre shown on the actuarial table are progressive as follows: (1) First Stage—after it is too late to plant to cotton until the first blooms are shed and also applicable to any acreage that

the Corporation determines was damaged in this stage to the extent that growers in the area usually would not further care for the crop, (2) Second Stage—after the first blooms are shed and until acreage qualifies for the Third Stage, or (3) Third Stage—after harvest of at least 20 percent of the pound guarantee per acre for this stage. The production guarantee applicable to any acreage within a unit shall be that established for the stage reached by the crop on such acreage as determined by the Corporation.

5. *Annual premium.* (a) The annual premium is earned and payable at the time of planting and the amount thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time of planting, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

BILLING CODE 3410-08-M

% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE																
Loss Ratio 1/ Through Previous Crop Year	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Percentage Adjustment Factor For Current Crop Year																
.00 - .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 - .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 - .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 - .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 - 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE																
Loss Ratio 1/ Through Previous Crop Year	Number of Loss Years Through Previous Year 2/															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Percentage Adjustment Factor For Current Crop Year																
1.10 - 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 - 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 - 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 - 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 - 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 - 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 - 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 - 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 - 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 - Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

1/ Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

2/ Only the crop years subsequent to 1979 crop year will be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year).

BILLING CODE 3410-08-C

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided*, When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however*, if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. *Insurance period.* Insurance on insured acreage shall attach at the time the cotton is planted and shall cease upon the earliest of (a) final adjustment of a loss, (b) removal from the field or upon being housed, (c) total destruction of the insured cotton crop, or (d) the date shown below immediately following the beginning of the normal harvest period:

Arizona and California..... Jan. 31
Texas:
Jackson, Victoria, Goliad, Bee, Live Oak, McMullen, La Salle, and Dimmit Counties, Texas, and all Texas counties lying south thereof..... Sep. 30
All other Texas counties..... Dec. 31
All other States..... Dec. 31

7. *Notice of damage or loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if, during the period before harvest, the cotton on any unit is damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or if the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to replant to cotton. Notice shall also be given when such acreage has been put to another use.

(c) In addition to the notices required in subsection (b) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation

at the office for the county not later than 30 DAYS after the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire cotton crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(d) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(e) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. *Claim for indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of cotton on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of cotton on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production of cotton to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided*, That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production: *Provided*, That for acreage not qualifying for the third stage production guarantee, only the amount of appraised and harvested production in excess of the difference between the third stage production guarantee and the production guarantee applicable to such acreage shall be counted except that for acreage abandoned, put to another use without prior written consent of the Corporation, or damaged solely by an uninsured cause not less than the applicable production guarantee shall be counted.

(1) The total production to be counted for any unit shall not include any harvested production destroyed due to insurable causes occurring within the insurance period before being housed or removed from the field.

(2) Any harvested production shall be reduced when, due solely to insured causes, the quality of the cotton produced is such that, on the date the final notice of loss is given by the insured, the price quotation for cotton of like quality (price quotation "A") at the applicable spot market, as determined by the Corporation, is less than 75 percent of price quotation "B". Price quotation "B" shall be that day's spot market price quotation at

the same market for cotton of the grade, staple length, and micronaire reading shown on the actuarial table for this purpose. In such cases, the pounds of production to be counted shall be determined by multiplying the actual number of pounds of such production by price quotation "A" and dividing the result by 75 percent of price quotation "B".

(d) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However*, if consent is given to put acreage to another use and the Corporation determines that any second stage acreage (1) is not put to another use before harvest of cotton becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

(e) The cotton stalks on any acreage with respect to which an indemnity is claimed shall not be destroyed until consent is given by the Corporation. For any acreage on which the stalks have been destroyed prior to such consent, the Corporation shall have the right to make an appraisal on such acreage of not less than the third-stage guarantee.

9. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. *Transfer of insured share.* If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

11. *Records and access to farm.* The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all cotton produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. *Life of contract: Cancellation and termination.* (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on

or before the termination date for indebtedness preceding such crop year: *Provided*, That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

County	Cancellation date	Termination date for indebtedness
Jackson, Victoria, Goliad, Bee, McMullen, La Salle, and Dimmit Counties, Texas, and all Texas counties lying south thereof.	September 30	January 31.
All other counties	December 31	March 31.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix (Additional Terms and Conditions)

1. *Meaning of terms.* For the purposes of cotton crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding cotton insurance in the county.

(b) "Cotton" means only American Upland Cotton.

(c) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(d) "Crop year" means the period within which the cotton crop is normally grown and shall be designated by the calendar year in which the cotton crop is normally harvested.

(e) "Harvest" means the removal of seed cotton from the open cotton boll or the severance of the open cotton boll from the stalk by either manual or mechanical means.

(f) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(g) "Insured" means the person who submitted the application accepted by the Corporation.

(h) "New ground acreage" in all States except Arizona, California, and New Mexico, means acreage on which it was necessary to remove or deaden timber and remove undergrowth to carry out established cultural practices. Pasture land, other than woodland pasture, cleared of underbrush and brought into cultivation will not be considered new ground acreage. In Arizona, California, and New Mexico, "new ground acreage" means any acreage which has not been planted to a crop in any one of the previous three crop years, except that acreage in tame hay or

rotation pasture during the previous crop year shall not be considered new ground acreage.

(i) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(j) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(k) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured cotton crop at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided*, That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(l) "Spot market" means a market so designated by the Secretary of Agriculture by Regulation (7 CFR 27.93) pursuant to 28 U.S.C. 4862.

(m) "Tenant" means a person who rents land from another person for a share of the cotton crop or proceeds therefrom.

(n) "Unit" means all insurable acreage of cotton in the county on the date of planting for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the cotton crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Acreage insured.* (a) The Corporation reserves the right to limit the insured acreage of cotton to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the planting of cotton.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. *Irrigated acreage.* (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of planting.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. *Annual premium.* (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however*, any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. *Claim for and payment of indemnity.* (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured cotton acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However*, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the cotton is planted for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation

determines that the amount of loss cannot be satisfactorily determined.

8. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. *Termination of the contract.* (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. *Coverage level and price election.* (a) If the insured has not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

9. *Assignment of indemnity.* Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. *Contract changes.* The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Appendix "B"—Counties Designated for Cotton Crop Insurance—7 CFR Part 421

In accordance with the provisions of 7 CFR 421.1, the following counties are designated for cotton crop insurance:

Alabama

Blount
Cherokee
Chilton
Colbert

Hale
Jackson
Lauderdale
Lawrence

Conecuh
Covington
Cullman
Dallas
De Kalb
Escambia
Etowah

Arizona

Maricopa
Pinal

Arkansas

Arkansas
Ashley
Chicot
Clay
Craighead
Crittenden
Cross
Desha
Greene
Jackson
Jefferson
Lawrence

California

Fresno
Imperial
Kern
Kings

Georgia

Ben Hill
Brooks
Clay
Colquitt
Cook
Crisp
Decatur
Dooly
Early
Houston
Irwin

Kentucky

Fulton

Louisiana

Acadia
Avoyelles
Bossier
Caddo
Caldwell
Catahoula
Concordia
Evangeline
Franklin
Lafayette

Mississippi

Alcorn
Benton
Bolivar
Calhoun
Carroll
Chickasaw
Choctaw
De Soto
Hinds
Holmes
Humphreys
Issaquena
Lee
Leflore

Missouri

Butler
Dunklin
Mississippi
New Madrid

New Mexico

Chaves
Dona Ana
Eddy

Limestone
Madison
Marshall
Morgan
Pickens
Shelby
Tuscaloosa

Yuma

Lee
Lincoln
Lonohe
Mississippi
Monroe
Phillips
Poinsett
Prairie
Randolph
St. Francis
Woodruff

Madera

Merced
Riverside
Tulare

Lee

Miller
Mitchell
Randolph
Sumter
Terrell
Thomas
Tift
Turner
Worth

Madison

Morehouse
Natchitoches
Pointe Coupee
Rapides
Richland
St. Landry
Tensas
West Carroll

Madison

Monroe
Panola
Pontotoc
Prentiss
Quitman
Sharkey
Sunflower
Tallahatchie
Tippah
Tunica
Union
Washington
Yazoo

Pemiscot

Scott
Stoddard

Lea

Roosevelt

North Carolina

Anson
Edgecombe
Halifax
Hoke
Nash

Oklahoma

Beckham
Caddo
Grady
Harmon

South Carolina

Aiken
Allendale
Anderson
Bamberg
Barnwell
Calhoun
Chester
Chesterfield
Clarendon
Darlington
Dillon
Dorchester
Edgefield

Tennessee

Carroll
Chester
Crockett
Dyer
Fayette
Franklin
Gibson
Giles
Hardeman
Haywood
Henderson

Texas

Austin
Bailey
Bell
Bosque
Brazos
Briscoe
Burleson
Calhoun
Cameron
Castro
Childress
Cochran
Collin
Collingsworth
Crosby
Dawson
Deaf Smith
Denton
Ellis
El Paso
Falls
Fannin
Floyd
Fort Bend
Gaines
Garza
Grayson
Hale
Hall
Haskell
Hidalgo
Hill

Virginia

Southampton

These regulations have been reviewed under the USDA criteria established to implement Executive Order No. 12044.

"Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S. Department of Agriculture, Washington, D.C., 20250.

Note.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, and OMB Circular No. A-40.

Dated: September 20, 1979.

Approved by:

George F. Vohs,
Acting Manager.

[FR Doc. 79-29938 Filed 9-27-79; 8:45 am]
BILLING CODE 3410-06-M

Agricultural Stabilization and Conservation Service

7 CFR Part 724

[Amdt. 9]

Tobacco Allotment and Marketing Quota Regulations; 1978-79 Average Market Price and 1970 Penalty Rate

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule contains the average market price received by producers for the 1978-79 marketings and the penalty rate that applies to tobacco which may be subject to marketing quota penalty during the 1979-80 marketing year. The penalty rate is 75 percent of the previous year market average, as required by Section 314 of the Agricultural Adjustment Act of 1938, as amended.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burgess, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447-7935.

SUPPLEMENTARY INFORMATION: Since the 1979-80 marketing year for fire-cured, dark air-cured, Virginia sun-cured, cigar-binder (types 51 and 52), and cigar filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco begins October 1, persons engaged in the production of such tobacco need to know immediately the average market prices and penalty rates as specified in this amendment. The average market price and penalty rate reflect only mathematical computations

rather than substantive changes. Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective upon publication of this document in the Federal Register.

Final Rule

Accordingly, 7 CFR Part 724 is amended by adding a new paragraph (k) to § 724.88 to read as follows:

§ 724.88 Rate of penalty.

(k)(1) The 1978-79 average market price. The average market price for the kinds of tobacco listed below as determined by the Crop Reporting Board for the 1978-79 marketing year was:

Average Market Price

Kind of Tobacco:	Cents per pound
Fire-cured (type 21).....	94.5
Fire-cured (types 22, 23, 24).....	113.6
Virginia sun-cured.....	88.8
Cigar-filler and binder (types 42, 43, 44, 53, 54 and 55).....	96.1
Cigar-binder (types 51 and 52).....	144.9

(2) 1979-80 rate of penalty per pound. The penalty per pound for marketings of excess tobacco during the marketing year 1979-80, for the kinds of tobacco listed below shall be:

Rate of Penalty

Kinds of tobacco:	Cents per pound
Fire-cured (type 21).....	71
Fire-cured (types 22, 23, 24).....	85
Dark air-cured.....	76
Virginia sun-cured.....	87
Cigar-filler and binder (types 42, 43, 44, 53, 54 and 55).....	72
Cigar-binder (types 51 and 52).....	(1)

¹ Quotas terminated for 1979 crop.

Authority: Sec. 301, 313, 314, 316, 317, 363, 372-375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65-66, as amended, 72 Stat. 995; sec. 401, 63 Stat. 1505, as amended, sec. 106, 122, 125, 70 Stat. 191, 195, 198, as amended, sec. 16(e) 76 Stat. 606, (7 U.S.C. 1301, 1313, 1314, 1314b, 1314c, 1363, 1372-1375, 1377, 1378, 1421, 1813, 1824, 1836) (16 U.S.C. 590p(e)).

Note.—This final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Jeffress A. Wells, Director, Production Adjustment Division, that the emergency nature of this final rule warrants publication without opportunity for public comment and preparation of an impact analysis statement.

Signed at Washington, D.C. on September 19, 1979.

John W. Goodwin,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-29961 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-06-M

7 CFR Part 726

[Amdt. 13]

Burley Tobacco; 1978-79 Average Market Price and 1979-80 Penalty Rate

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule contains the average market price received by producers for 1978-79 marketings and the penalty rate that applies to tobacco which may be subject to penalty during the 1979-80 marketing year. The penalty rate is 75 percent of the previous year market average, as required by section 314 of the Agricultural Adjustment Act of 1938, as amended.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burgess, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447-7935.

SUPPLEMENTARY INFORMATION: Since the 1979-80 marketing year for burley tobacco begins October 1, persons engaged in the production of such tobacco need to know immediately the average market prices and penalty rates as specified in the amendment. The average market price and penalty rate reflect mathematical computations rather than substantive changes. Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective upon publication of this document in the Federal Register.

Final Rule

Accordingly, 7 CFR Part 726 is amended by revising section 726.86 (c) to read as follows:

§ 726.86 Rate of penalty.

(c)(1) Average market price. The average market price as determined by the Crop Reporting Board for the marketing years specified were:

Average Market Price

Marketing year:	Cents per pound
1973-74.....	79.2
1974-75.....	92.9
1975-76.....	113.7
1976-77.....	114.2
1977-78.....	120.0
1978-79.....	131.0

(2) Rate of penalty per pound. The penalty per pound for marketing of excess tobacco subject to marketing quotas during the marketing years specified shall be:

Rate of Penalty

Marketing year:	Cents per pound
1974-75.....	70
1975-76.....	85
1976-77.....	79
1977-78.....	86
1978-79.....	90
1979-80.....	98

Authority: Sec. 301, 313, 314, 316, 317, 363, 372-375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65-66, as amended, 72 Stat. 995, sec. 401, 63 Stat. 1505, as amended, sec. 106, 122, 125, 70 Stat. 191, 195, 198, as amended, sec. 16(e), 76 Stat. 606 (7 U.S.C. 1301, 1313, 1314, 1314b, 1314c, 1363, 1372-1375, 1377, 1378, 1421, 1813, 1824, 1836).

Note.—This final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Jeffress A. Wells, Director, Production Adjustment Division, that the emergency nature of this final rule warrants publication without opportunity for public comment and preparation of an impact analysis statement.

Signed at Washington, D.C. September 19, 1979.

John W. Goodwin,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-29960 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 219]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period September 30-October 6, 1979. Such action is needed to provide for orderly marketing of fresh lemons for

this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: September 30, 1979.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202-447-5975.

SUPPLEMENTARY INFORMATION: Findings. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The committee met on September 25, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is steady.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, 202-447-5975.

§ 910.519 Lemon Regulation 219.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period September 30, 1979, through October 6, 1979, is established at 200,053 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: September 26, 1979.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-30427 Filed 9-27-79; 11:55 am]

BILLING CODE 3410-02-M

7 CFR Part 926

[Tokay Grape Regulation 15, Amendment 1]

Tokay Grapes Grown in San Joaquin County, Calif.; Extension of Effective Period for Regulation of Grade and Container Markings

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment continues through November 30, 1979, the currently effective minimum grade and container marking requirements for Tokay grapes. These requirements are necessary to ensure that the grapes shipped will be of suitable quality in the interest of consumers and producers.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, (202) 447-5975.

SUPPLEMENTARY INFORMATION: This regulation is issued under the provisions of the marketing agreement and Order No. 926 (7 CFR Part 926) which regulates the handling of Tokay grapes grown in San Joaquin County, California, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On August 23, 1979, a notice was published in the Federal Register (44 FR 49462) that the Department was considering amendment of § 926.315, Tokay Grape Regulation 15 (44 FR 46427), to continue the effective date of the regulation through November 30, 1979. The notice provided interested persons the opportunity to submit written comments relative to the proposal until September 17, 1979. None were received.

Under the regulations which is a minimum standard, Tokay grapes must meet the grade and size specifications of U.S. No. 1 Table Grapes and at least 30 percent of the berries in the lower 25 percent of each bunch shall show characteristic color; and each container must bear a Federal-State Inspection Service lot stamp number.

After consideration of all relevant matter presented, including that

contained in the notice and other available information, it is hereby found that extension of the effective period of § 926.315, Tokay Grape Regulation 15, as hereinafter set forth, will tend to effectuate the declared policy of the act and be in the public interest.

It is further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the Federal Register (5 U.S.C. 553) in that: (1) shipments of Tokay grapes are currently in progress and to effectuate the declared policy of the act, the regulation currently in effect should be extended without interruption for the remainder of the season; (2) the amendment is the same as that specified in the notice to which no exceptions were filed; and (3) compliance with the regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

This regulation has been reviewed under USDA criteria for implementing Executive Order 12044. A determination has been made that this action should not be classified "significant". An Impact Analysis is available from Malvin E. McGaha, 202-447-5975.

Therefore, the provisions of § 926.315(a) of Tokay Grape Regulation 15 are hereby amended to read as follows:

§ 926.315 Tokay Grape Regulation 15.

(a) During the period August 9, 1979, through November 30, 1979, no handler shall ship:

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 25, 1979.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-30154 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-02-M

Office of the Secretary

7 CFR Parts 2900 and 2901

Final Rulemaking Regarding Administrative Procedures for Adjustments of Natural Gas Curtailment Priority Regulations

AGENCY: Office of the Secretary, United States Department of Agriculture.

ACTION: Final rule

SUMMARY: This final rulemaking establishes administrative procedures as required by section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621, November 9, 1978), for

the making of certain adjustments to the USDA Essential Agricultural Uses and Requirements regulations in Part 2900 of Chapter XXIX of Title 7, Code of Federal Regulations. The procedures established include the opportunity for the oral presentation of data, views, and arguments which would be used in conjunction with requests for interpretations, modifications, rescissions, exceptions or exemptions, necessary to prevent special hardship, inequity, or an unfair distribution of burdens.

EFFECTIVE DATE: The Final Rule will become effective October 29, 1979.

FOR FURTHER INFORMATION CONTACT: Weldon V. Barton, Director, Office of Energy, USDA, Room 226-E Administration Building, 14th and Independence Avenue, SW., Washington, D.C. 20250, telephone number: (202) 447-2455

SUPPLEMENTARY INFORMATION: Section 502(c) of NGPA requires the Secretary of Agriculture to prescribe a rule which provides for the making of "adjustment" to rules under the NGPA as necessary to prevent special hardship, inequity or unfair distribution of burdens.

On July 23, 1979, the Secretary published a notice of proposed rulemaking regarding the establishment of administrative procedures for adjustments of the Essential Agricultural Uses and Requirements Regulations (44 FR 42998, July 23, 1979).

Ten commenters responded to the solicitation for written comments. Their comments have been addressed in the final rule as follows:

1. Five commenters objected to the required showing of "special hardship, inequity or unfair distribution of burdens" in connection with requests for interpretations. This standard is set forth in section 502(c) of the NGPA and remains in the final rule as an element of a request for an interpretation. However, upon consideration of the comments, USDA has decided that where a request for a simple clarification of language in the regulation is made, it should not be subject to the strict procedural rules under section 502(c). Accordingly, a new subsection (f) has been added to § 2901.4 to except such requests from the requirements of this rule, with the proviso that the Director, Office of Energy is the final arbiter of what is a "clarification."

2. While two commenters supported the USDA rationale that the USDA rule need not relate to exceptions and exemptions seven commenters felt that the referrals to FERC of such requests

amounted to an improper delegation of authority by the Secretary.

It was not the intent of the proposed rulemaking to delegate to FERC any authority of the Secretary of Agriculture under section 401 of the NGPA. Rather it was felt that the types of "adjustments" arising with respect to the Secretary's responsibilities would be adequately covered by interpretations, modifications and rescissions and that exceptions and exemptions would likely arise under implementation of curtailment priority which was under FERC jurisdiction.

USDA is persuaded that there may be instances where requests for exceptions and exemptions to the USDA rule itself would be proper and therefore have added a new § 2901.6 to prescribe procedures for such requests. These procedures basically involve an initial request to the Director, Office of Energy, and an appeal of a denial of such request to the Secretary of Agriculture. Denial by the Secretary of Agriculture would be a final agency action permitting the requester to seek judicial review in accordance with section 506 of the NGPA. Federal Register notice of both the request and its disposition is provided for.

One commenter who supported the proposed rule's referral of exemptions and exceptions to FERC additionally suggested limiting USDA consideration of interpretations, modifications, and rescissions to instances which might be resolved by a modification of the classes of uses set forth in Part 2900 and requiring requesters to demonstrate why issues are involved in their request for which FERC curtailment jurisdiction would be insufficient to resolve.

USDA feels that this would impose criteria in excess of those contemplated by section 502(c) of the NGPA. It is recognized however that issues may arise under adjustment requests to USDA which are related to FERC responsibility and FERC adjustment requests. In such instances USDA would endeavor to coordinate, to the extent practicable, its procedures with FERC.

3. Two commenters suggested that notice of requests for interpretation be provided to third parties. The final rule provides for Federal Register notice of requests for interpretations, as well as notice of the issuance of an interpretation.

4. One commenter objected to the constraint of the Freedom of Information Act and other applicable laws and regulations with respect to determinations by the Director on disclosure of confidential information submitted with a request for an adjustment.

The final rule retains this language as an appropriate consideration in individual disclosure requests.

The same commenter also requested that the rule provide at least 5 days prior notice to submitters of information before material identified by the submitter as confidential is disclosed. Since under the Freedom of Information Act, USDA has only 10 days to respond to requests for information, it is reluctant to shorten that period by 5 days in order to be able to give the requested advance notice to submitters. However, USDA will attempt to keep submitters informed of requests for their information.

In addition, USDA has added a clarifying sentence to § 2901.3 to indicate that an official of USDA shall preside at oral presentations. The rule also specifies that a grant by the Director of a request for an interpretation, exception or exemption is a final agency action for purposes of judicial review.

In consideration of the foregoing, a new Part 2901 is added to Chapter XXIX of Title 7, Code of Federal Regulations, as set forth below:

PART 2900—ESSENTIAL AGRICULTURAL USES AND VOLUMETRIC REQUIREMENTS—NATURAL GAS POLICY ACT

§ 2900.5 [Revoked]

1. Part 2900 of Chapter XXIX of Title 7, Code of Federal Regulations, is amended by deleting § 2900.5 thereof.
2. Chapter XXIX of Title 7, Code of Federal Regulations, is amended by adding a Part 2901, to read as follows:

PART 2901—ADMINISTRATIVE PROCEDURES FOR ADJUSTMENTS OF NATURAL GAS CURTAILMENT PRIORITY

Sec.	Purpose and scope.
2901.1	Purpose and scope.
2901.2	Definitions.
2901.3	Oral presentation.
2901.4	Interpretations.
2901.5	Modifications and rescissions.
2901.6	Exceptions and exemptions.
2901.7	Review of denials.
2901.8	Judicial review.
2901.9	Effective date.

Authority: Secs. 502, 507, Pub. L. 95-621, 92 Stat. 3397, 3405, November 9, 1978.

§ 2901.1 Purpose and scope.

The purpose of this Part 2901 is to provide procedures for the making of certain adjustments to the Secretary of Agriculture's Essential Agricultural Uses and Requirements regulations in accordance with section 502(c) of the Natural Gas Policy Act of 1978, in order to prevent special hardship, inequity, or

an unfair distribution of burdens. The procedures in this Part 2901 apply to any person seeking an interpretation of, modification of, rescission of, exception of, or exemption from the Essential Agricultural Uses and Requirements regulations in Part 2900 of Chapter XXIX.

§ 2901.2 Definitions.

(a) "Person" means any individual, firm, sole proprietorship, partnership, association, company, joint venture or corporation.

(b) "Director" means the Director of the Office of Energy, U.S. Department of Agriculture.

(c) "Secretary" means the Secretary of the U.S. Department of Agriculture.

(d) "Adjustment" means an interpretation, modification, rescission of, exception to or exemption from the Essential Agricultural Uses and Requirements regulations, Part 2900 hereof.

(e) "NGPA" means the Natural Gas Policy Act of 1978, Pub. L. 95-621.

(f) "Petitioner" means any person seeking an adjustment under this Part 2901.

§ 2901.3 Oral presentation.

Any person seeking an adjustment under this Part 2901 shall be given an opportunity to make an oral presentation of data, views and arguments in support of the request for an adjustment, provided that a request to make an oral presentation is submitted in writing with the request for the adjustment. An official of the Department of Agriculture shall preside at such oral presentation.

§ 2901.4 Interpretations.

(a) *Request for an interpretation.* (1) Any person seeking an interpretation of the Essential Agricultural Uses and Requirements regulations in Part 2900 shall file a formal written request with the Director. The request should contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the request and to the action sought, and should state the special hardship, inequity, or unfair distribution of burdens that will be prevented by the interpretation sought and why the interpretation is consistent with the purposes of NGPA. The Director shall publish a notice in the Federal Register advising the public that a request for an interpretation has been received and that written comments will be accepted with respect thereto, if received within 20 days of the notice. The Federal Register notice will provide that copies of the request for

interpretation from which confidential information has been deleted in accordance with paragraph (a)(2) of this section may be obtained from the petitioner.

(2) If the petitioner wishes to claim confidential treatment for any information contained in the request or other documents submitted under this Part 2901, such person shall file together with the document a second copy of the document from which has been deleted the information for which such person wishes to claim confidential treatment. The petitioner shall indicate in the original document that it is confidential or contains confidential information and may file a statement specifying the justification for non-disclosure of the information for which non-disclosure is sought. The Director shall consider such requests, and subject to the Freedom of Information Act, 5 U.S.C. 552 and other applicable laws and regulations, shall treat such information as confidential.

(b) *Investigations.* The Director may initiate an investigation of any statement in a request and utilize in his evaluation any relevant facts obtained in such investigation. The Director may accept submissions from third persons relevant to any request for interpretation provided that the petitioner is afforded an opportunity to respond to all such submissions. In evaluating a request for interpretation, the Director may consider any other source of information.

(c) *Applicability.* Any interpretation issued hereunder shall be issued on the basis of the information provided on the request, as supplemented by other information brought to the attention of the Director during the consideration of the request. The interpretation shall, therefore, depend for its authority on the accuracy of the factual statement and may be relied upon only to the extent that the facts of the actual situation correspond to those upon which the interpretation was based.

(d) *Issuance of an interpretation.* Upon consideration of the request for interpretation and other relevant information received or obtained by the Director, the Director may issue a written interpretation. A copy of the written interpretation shall be provided to FERC and the Secretary of Energy. Notice of the issuance of the written interpretation shall be published in the Federal Register. The granting of a request for issuance of an interpretation shall be considered final agency action for purposes of judicial review under § 2901.8.

(e) *Denial of an Interpretation.* An interpretation shall be considered

denied for purpose of review of such denial under section 2901.7 only if:

(1) The Director notifies the petitioner in writing that the request is denied and that an interpretation will not be issued; or

(2) The Director does not respond to a request for an interpretation, by (i) issuing an interpretation, or (ii) giving notice of when an interpretation will be issued within 45 days of the date of receipt of the request, or within such extended time as the Director may prescribe by written notice within the 45-day period.

(f) For purposes of this Part 2901 the word "interpretation" shall not be deemed to include a simple clarification of an actual or purported ambiguity in Part 2900. The Director reserves the right to determine whether a request involves simple clarification and shall advise the requester of his decision.

§ 2901.5 Modifications and rescissions.

(a) *Request for modification or rescission.* (1) Any person seeking a modification or a rescission of the Essential Agricultural Uses and Requirements regulations of Part 2900 shall file a formal written request with the Director. The request shall contain a full and complete statement of all relevant facts pertaining to the circumstance, act or transaction that is the subject of the request and to the action sought. The request should state the special hardship, inequity or unfair distribution of burdens that will be prevented by making the modification or rescission.

(2) If the petitioner wishes to claim confidential treatment for any information contained in the request or other documents submitted under this Part 2901, such person shall file together with the document a second copy of the document from which has been deleted the information for which such person wishes to claim confidential treatment. The petitioner shall indicate in the original document that it is confidential or contains confidential information and may file a statement specifying the justification for non-disclosure of the information for which non-disclosure is sought. The Director shall consider such requests, and subject to the Freedom of Information Act, 5 U.S.C. 552 and other applicable laws and regulations, shall treat such information as confidential.

(3) The request shall be filed as a petition for rulemaking and treated in accordance with the procedures, as applicable, of 7 CFR Part 1, Subpart B.

(b) *Institution of rulemaking.* Upon consideration of the request for modification or rescission and other relevant information received or

obtained by the Director, the Director may institute rulemaking proceedings in accordance with the Administrative Procedures Act 5 U.S.C. 551 *et seq.* and applicable regulations.

(c) *Denial of a modification or rescission.* If the Director (1) denies the request for modification or rescission in writing by notifying the petitioner that he does not intend to institute rulemaking proceedings as proposed and stating the reasons therefor, or (2) does not respond to a request for a modification or rescission in accordance with paragraph (b) of this section or (3) notifies the petitioner in writing that the matter is under continuing consideration and that no decision can be made at that time because of the inadequacy of available information, changing circumstances or other reasons as set forth therein, within 45 days of the date of the receipt thereof, or within such extended time as the Director may prescribe by written notice within that 45-day period, the request shall be considered denied for the purpose of review of such denial under § 2901.7.

§ 2901.6 Exceptions and exemptions.

(a) *Request for exception or exemption.* (1) Any person seeking an exception or exemption from the Essential Agricultural Uses and Requirements regulations in Part 2900 shall file a formal written request with the Director. The request shall contain a full and complete statement of all relevant facts pertaining to the circumstance, act, or transaction that is the subject of the request and to the action sought. The request should state the special hardship, inequity or unfair distribution of burdens that will be prevented by making the exception or exemption. The Director shall publish a notice in the Federal Register advising the public that a request for an exception or exemption has been received and that written comments will be accepted with respect thereto if received within 20 days of the notice. The Federal Register notice will provide that copies of the request from which confidential information has been deleted in accordance with paragraph (a)(2) of this section may be obtained from the petitioner. The Petitioner shall be afforded an opportunity to respond to such submissions.

(2) If the petitioner wishes to claim confidential treatment for any information contained in the request or other documents submitted under this Part 2901, such person shall file together with the document a second copy of the document from which has been deleted the information for which such person wishes to claim confidential treatment.

The petitioner shall indicate in the original document that it is confidential or contains confidential information and may file a statement specifying the justification for non-disclosure of the information for which non-disclosure is sought. The Director shall consider such requests, and subject to the Freedom of Information Act, 5 U.S.C. 552 and other applicable laws and regulations, shall treat such information as confidential.

(b) *Decision and order.* Upon consideration of the request for an exception or exemption and other relevant information received or obtained during the proceedings, the Director shall issue an order granting or denying the request. The Director shall publish a notice in the Federal Register of the issuance of a decision and order on the request. The granting of a request for an exception or exemption shall be considered final agency action for purposes of judicial review under § 2901.8.

(c) *Denial of an exception or exemption.* A request for an exception or exemption shall be considered denied for purposes of review of such denial under § 2901.7 only if: (1) the Director has notified the petitioner in writing that the request is denied under paragraph (b) of this section or (2) the Director does not respond to a request for an exception or exemption by (i) granting the request for an exception or exemption under paragraph (b) of this section or (ii) giving notice of when a decision will be made within 45 days of the receipt of the request, or with such extended time as the Director may prescribe by written notice within the 45-day period.

§ 2901.7 Review of denials.

(a) *Request for review.* (1) Any person aggrieved or adversely affected by a denial of a request for any interpretation under § 2901.4 may request a review of the denial by the Secretary, within 30 days from the date of the denial.

(2) Any person aggrieved or adversely affected by a denial of a request for a modification or rescission under § 2901.5, may request a review of the denial by the Secretary within 30 days from the date of the denial.

(3) Any person aggrieved or adversely affected by a denial of a request for an exception or an exemption under § 2901.6, may request a review of the denial by the Secretary within 30 days from the date of the denial.

(b) *Procedures.* Any request for review under § 2901.7(a) shall be in writing and shall set forth the specific ground upon which the request is based. There is no final agency action for purposes of judicial review under

§ 2901.8 until that request has been acted upon. If the request for review has not been acted upon within 30 days after it is received, the request shall be deemed to have been denied. That denial shall then constitute final agency action for the purpose of judicial review under § 2901.8.

§ 2901.8 Judicial review.

Any person aggrieved or adversely affected by a final agency action taken on a request for an adjustment under this section may obtain judicial review in accordance with section 506 of the Natural Gas Policy Act of 1978.

§ 2901.9 Effective date.

This rule shall become effective on October 29, 1979.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should be classified as "significant" under those criteria. An Approved Final Impact Statement is available from Weldon V. Barton, Director, Office of Energy, USDA.

Additionally, USDA has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, no environmental impact statement is required for this regulation. A copy of the finding of no significant impact and environmental assessment is available for inspection and copying in Room 6573 South Building, 12th and Independence, SW., United States Department of Agriculture, Washington, D.C. 20250.

Dated: September 25, 1979.

Bob Bergland,

Secretary of Agriculture.

[FR Doc. 79-30251 Filed 9-27-79, 8:45 am]

BILLING CODE 3410-01-M

Animal and Plant Health Inspection Service

9 CFR Part 78

Miscellaneous

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the brucellosis regulations to update, simplify, and clarify the requirements under which certain cattle may be moved interstate. This action is needed to make the regulations consistent with the provisions of the revised brucellosis eradication Uniform Methods and Rules

and to revise the regulations for uniform interpretation. This action relieves certain restrictions which are no longer considered necessary and revises the regulations for uniform compliance.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. A. D. Robb, Staff Veterinarian, National Brucellosis Eradication Program, Federal Building, Room 805, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8711.

SUPPLEMENTARY INFORMATION: On February 9, 1979, there was published in the Federal Register (44 FR 8271-8276) a proposed amendment to the regulations (9 CFR 78). A period of 60 days was provided for comment which expired April 10, 1979.

A total of 12 comments were received in response to the proposal which are summarized as follows:

1. Eight of the comments received opposed locations for the alternate "S" branding identification site for brucellosis exposed cattle that were not proposed and were for that reason rejected as irrelevant.

2. Three of the comments received objected to the requirement in Section 78.8 (a) and (b) that "a Veterinary Services approved metal eartag" be used as a means of identifying brucellosis-exposed cattle. These commentors apparently did not understand that this is a requirement of the present regulations and was not proposed as an additional requirement. Since this requirement has been satisfactory in the past, the proposal did not include a change. Therefore, these comments were rejected.

3. One comment received opposed the requirement in § 78.9(b) (1) and (2) allowing cattle from herds not known to be affected with brucellosis to be moved from a modified certified brucellosis area interstate to slaughter or to quarantined feedlots "if accompanied by a permit." This comment did not recognize this as a relaxation of the present regulation. Since the comment opposed additional restrictions, it was felt this comment was satisfied by the proposal.

4. Two verbal comments within Veterinary Services suggested editorial changes to clarify the regulations:

1. In the definition of "official adult vaccinate," insert "vaccinated when" between "dairy breed" and "over 6 months" and between "beef breed" and "over 10 months" striking out "which has been vaccinated" following "(300 days)."

2. In the definition of "official seal," add "which" before "is applied by." This

continues phraseology used throughout the sentence structure.

There were no comments approving or opposing any other proposed provision.

The verbal comments are accepted and incorporated to provide clarification of these definitions.

After due consideration of all the comments received, the Department has decided to amend the regulations as proposed with minor changes as indicated for purposes of clarification.

Accordingly, Part 78, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 78.1, paragraphs (w), (y), and (dd) are deleted; paragraph (x) is redesignated as paragraph (w), paragraph (z) is redesignated as paragraph (x), paragraph (aa) is redesignated as paragraph (y), paragraph (bb) is redesignated as paragraph (z), paragraph (cc) is redesignated as paragraph (aa), paragraph (ee) is redesignated as paragraph (bb), and new paragraphs (cc), (dd), (ee), and (pp) are added to read:

§ 78.1 Definitions.

(cc) *Farm of origin.* A farm or other premises where the cattle to be shipped interstate were born or have been kept for not less than 4 months prior to the date of shipment and which within the 4 months prior to the date of shipment, have not been used to assemble cattle from any other premises.

(dd) *Recognized slaughtering establishment.* Any slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or a State Meat Inspection Act.

(ee) *Official adult vaccinate.* A female bovine animal of a dairy breed vaccinated when over 6 months of age (180 days), or a female bovine animal of a beef breed vaccinated when over 10 months of age (300 days) with an approved brucella vaccine in accordance with the Uniform Methods and Rules. The vaccination shall be conducted under the supervision of a Federal or State veterinary official and the vaccination shall be preceded by a negative official test for brucellosis conducted no more than 10 days prior to the vaccination. At the time of vaccination, the animal must be a member of, or be an addition to a herd known to be affected and approved for adult vaccination by both State and Federal officials. The official adult vaccinate shall be permanently identified with an official metal eartag or registration tattoo and be hot-iron

branded "AV" on the right jaw at the time of vaccination.

(pp) *Official seal.* A serially numbered, metal strip, consisting of a self-locking device on one end and a slot on the other end, which forms a loop when the ends are engaged, which cannot be reused if opened, and which is applied by a representative of the Veterinarian in Charge or the State animal health official.

2. In § 78.7, the introductory paragraph is amended to read:

§ 78.7 Brucellosis reactor cattle.

Brucellosis reactor cattle may only be moved interstate for immediate slaughter directly to a recognized slaughtering establishment or from a farm of origin directly to no more than one specifically approved stockyard and then directly to such a recognized slaughtering establishment and only in accordance with the following requirements:

3. In § 78.8, paragraphs (a), (b), and the heading in paragraph (c) are amended to read:

§ 78.8 Brucellosis-exposed cattle.

Except as provided in Part 51 of the regulations, brucellosis-exposed cattle may be moved interstate only as follows:

(a) *Movement of brucellosis-exposed cattle to quarantined feedlots.* Such cattle are moved directly to a quarantined feedlot or from a farm of origin directly through no more than one specifically approved stockyard and then directly to a quarantined feedlot, and only if such cattle are:

(1) individually identified by a Veterinarian Services approved metal eartag;

(2) accompanied by a permit; and

(3) such cattle are:

(i) hot-iron branded with an "S" on the left jaw or high on the tailhead, so as to be visible from ground level, in letters not less than 2 nor more than 3 inches high, before the animals leave the premises from which they move interstate, or

(ii) officially adult vaccinated cattle and have been hot-iron branded "AV" on the right jaw.

If the movement is directly to a specifically approved stockyard for sale and shipment to a quarantined feedlot, a separate permit shall be required for the subsequent interstate movement of such cattle from any such stockyard directly to a quarantined feedlot; or

(b) *Movement of brucellosis-exposed cattle for immediate slaughter.* Such cattle are moved directly to a recognized

slaughtering establishment, or from a farm of origin directly through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment, only if such cattle are:

(1) individually identified by a Veterinarian Services approved metal eartag;

(2) accompanied by a permit; and

(3) such cattle are:

(i) hot-iron branded with an "S" on the left jaw or high on the tailhead so as to be visible from ground level in letters not less than 2 nor more than 3 inches high, before the animals leave the premises from which they move interstate, or

(ii) in the instances when a claim for indemnity is being made by the owner under the provisions of 9 CFR 51.3(a)(2), (3), or (4), brucellosis exposed cattle are identified with the letter "B" as prescribed in 9 CFR 51.5(b), or

(iii) officially adult vaccinated cattle and have been hot-iron branded "AV" on the right jaw, or

(iv) moved in vehicles closed with official seals.

Official seals shall only be applied or removed by a Veterinarian Services representative, State representative, accredited veterinarian or by other persons authorized for this purpose by a Veterinarian Services representative. If the movement is directly to a specifically approved stockyard and then to a recognized slaughtering establishment, a separate permit shall be required for the subsequent interstate movement of such cattle from such stockyard directly to such slaughtering establishment; or

(c) *Movement of brucellosis exposed cattle other than in accordance with paragraphs (a) or (b) of this section.*

4. In § 78.9, paragraphs (a) and (b) are amended to read:

§ 78.9 Cattle from herds not known to be affected with brucellosis.

Cattle from herds not known to be affected with brucellosis may be moved interstate from specified areas only as follows:

(a) *Certified Brucellosis-Free Areas.* If such cattle are in a Certified Brucellosis-Free Area, they may be moved interstate without restrictions under this subpart.

(b) *Modified Certified Brucellosis Areas.* If such cattle are in a Modified Certified Brucellosis Area, they may only be moved interstate from such area under the conditions specified in one or more of the following subparagraphs:

(1) *Movement for immediate slaughter.* Such cattle may be so moved for immediate slaughter directly from a farm of origin to a recognized

slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment. Such cattle moving other than directly from a farm of origin may be moved interstate directly to a recognized slaughtering establishment if accompanied by a permit.

(2) *Movement to quarantined feedlots.* Such cattle may be moved to a quarantined feedlot directly from a farm of origin or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot. Such cattle moving other than directly from a farm of origin may be moved interstate directly to a quarantined feedlot if accompanied by a permit.

(3) *Movement other than in accordance with paragraphs (b) (1) and (2) of this section.* Such cattle may be moved interstate other than in accordance with paragraphs (b) (1) and (2) of this section only if:

(i) Such cattle originate in Certified Brucellosis-Free herds and they are accompanied by a certificate, which states, in addition to the items specified in § 78.1(u), that the cattle originated in a Certified Brucellosis-Free Herd; or

(ii) Such cattle are of the beef breeds under 24 months of age and of other breeds under 20 months of age which are not parturient (springers) or post parturient, then they may be so moved without restriction under this subpart; or

(iii) Such cattle are accompanied by a certificate, are subjected to an official test for brucellosis and found negative for brucellosis within 30 days prior to such interstate movement and the certificate shows in addition to items required under § 78.1(u), the test dates and results of the official brucellosis tests; or

(iv) Such cattle are moved directly from a farm of origin to a specifically approved stockyard and the shipper causes such cattle to be subjected to an official test for brucellosis upon arrival at such stockyard prior to losing their identity with the farm of origin; or

(v) Such cattle: (A) originate from herds in which all the cattle were subjected to a complete herd test for brucellosis in accordance with the Uniform Methods and Rules within 12 months of the date of the interstate movement; (B) any cattle which were added to the herd subsequent to such complete herd test were tested and found negative to an official test for brucellosis within 30 days prior to the date the cattle were added to the herd; (C) the cattle subject to the complete herd test have not changed ownership

from the date of such test; and (D) none of the cattle in the herd have come in contact with any other cattle which have not been tested as prescribed in this subparagraph.

5. In § 78.10, paragraphs (a), (b), and paragraph (c) up to the colon, are amended to read:

§ 78.10 Cattle from qualified herds.

Cattle from qualified herds in any noncertified area may be moved interstate only as follows:

(a) *Movement for immediate slaughter.* Such cattle are moved directly to a recognized slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment; or

(b) *Movement to quarantined feedlots.* Such cattle are moved directly to a quarantined feedlot, or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot; or

(c) *Movement other than in accordance with paragraphs (a) or (b) of this section.* Such cattle may be moved other than in accordance with paragraphs (a) or (b) of this section only if:

(1) Such cattle originate in Certified Brucellosis-Free herds and they are accompanied by a certificate which states, in addition to the items specified in § 78.1(u), that the cattle originate in a Certified Brucellosis-Free herd; or

(2) Such cattle are official vaccinates of the beef breeds under 24 months of age and of other breeds under 20 months of age and are accompanied by a certificate; or

(3) Such cattle except calves under 6 months of age, have been subjected to an official test for brucellosis not less than 30 days after the date of the last qualifying herd test and not more than 30 days before the date of the interstate movement, and such cattle are accompanied by a certificate which shows, in addition to the items required under § 78.1(v), the dates and results of any official test required by this paragraph.

6. § 78.11 is amended to read:

§ 78.11 Cattle from herds of unknown status.

Cattle which originate in herds of unknown status in any noncertified area may be moved interstate only if accompanied by a permit and moved directly to a recognized slaughtering establishment or directly to a quarantined feedlot, or directly from a farm of origin through no more than one specifically approved stockyard and

then directly to a quarantined feedlot or such a slaughtering establishment.

7. In § 78.12a, paragraphs (d)(1), (2), and (3) are amended to read:

§ 78.12a Cattle from quarantined areas.

(d) *Movement from qualified herds.* Cattle from qualified herds in any quarantined area may be moved interstate only as follows:

(1) *Movement for immediate slaughter.* (i) Such cattle may move for immediate slaughter directly from a farm of origin to a recognized slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment and they are accompanied by a certificate, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement and the certificate shows, in addition to items required under § 78.1(u), the test dates and results of the official brucellosis test; or (ii) Such cattle are moved in accordance with the provisions of § 78.8(b); or

(2) *Movement to quarantined feedlots.* (i) Such cattle may move to a quarantined feedlot directly from a farm of origin or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot if they are accompanied by a certificate, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement and the certificate shows, in addition to items required under § 78.1(u), the test dates and results of the official brucellosis test; or (ii) Such cattle are moved in accordance with the provisions of § 78.8(a).

(3) *Movement other than in accordance with paragraphs (d)(1) or (2) of this section.* Such cattle may be moved other than in accordance with paragraphs (d)(1) or (2) of this section, either directly from a farm of origin or through no more than one specifically approved stockyard, if the cattle are accompanied by a certificate and the cattle, except official vaccinates less than 12 months of age and calves less than 6 months of age, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement, and the certificate shows, in addition, to items required under § 78.1(u), the test dates and results of the official brucellosis test.

8. In § 78.15, the introductory paragraph is amended to read:

§ 78.15 Brucellosis reactor bison.

Brucellosis reactor bison may only be moved interstate for immediate slaughter directly to a recognized slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to such a slaughtering establishment, and only in accordance with the following requirements:

9. In § 78.16, paragraphs (a) and (b) are amended to read:

§ 78.16 Brucellosis exposed bison.

Brucellosis exposed bison may be moved interstate from any area only as follows:

(a) *Movement of brucellosis exposed bison to quarantined feedlots.* Such bison are moved directly to a quarantined feedlot or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot. Such bison shall be accompanied by a permit. If the movement is through a specifically approved stockyard to a quarantined feedlot, a separate permit shall be required for the subsequent interstate movement of the bison from the stockyard to the quarantined feedlot, or

(b) *Movement of brucellosis-exposed bison for immediate slaughter.* Such bison are moved directly to a recognized slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to such a slaughtering establishment. Such bison shall be accompanied by a permit. If the movement is through a specifically approved stockyard to a slaughtering establishment, a separate permit shall be required for the subsequent interstate movement of the bison from the stockyard to the recognized slaughtering establishment.

10. In § 78.17, paragraphs (a), (b), and paragraph (c) up to the colon, are amended to read:

§ 78.17 Bison from herds not known to be affected with brucellosis.

Bison from herds not known to be affected with brucellosis may be moved interstate from any area only as follows:

(a) *Movement for immediate slaughter.* Such bison are so moved for immediate slaughter, or

(b) *Movement to quarantined feedlot.* Such bison are so moved to a quarantined feedlot.

(c) *Movement other than in accordance with paragraphs (a) or (b) of this section.* Such bison may be moved other than in accordance with

paragraphs (a) or (b) of this action only as follows:

11. In § 78.17(c)(4), the period at the end of the sentence is deleted and the phrase "and the results of the official brucellosis test." is added in lieu thereof.

12. In Subpart D, the heading is amended to read:

Subpart D—Designation of Brucellosis Areas and Specifically Approved Stockyards

§ 78.24 [Amended]

13. Section 78.24(b) is deleted.

14. In § 78.25, the last two sentences of paragraph (b) are deleted and paragraph (c) is amended to read:

§ 78.25 Designation of areas and approved stockyards.

(c) Before the Deputy Administrator withdraws specific approval and removes any specifically approved stockyard from the approved lists, the owner of such establishment shall be given notice by the Deputy Administrator of the charges against him and shall have an opportunity to present his views thereon. In those instances where there is a conflict as to the facts, a hearing shall be held to resolve such conflicts.

15. In Part 78, footnotes 1 and 2 are amended to read:

¹ Copies of the July 1977 Recommended Brucellosis Eradication Uniform Methods and Rules (APHIS 91-1) are available upon request from Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Building, Hyattsville, MD 20782.

² Incorporation by reference provisions approved by the Director, Office of the Federal Register on November 15, 1977. (Secs. 4, 5, 7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132, (21 U.S.C. 111-113, 114a-1, 115, 120, 121, 125, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. 301-436-8695.

Done at Washington, D.C., this 19th day of September 1979.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-29706 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 97

Overtime Services Relating to Imports and Exports; Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. This amendment establishes commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. H. L. Arnold, USDA, APHIS, VS, Federal Building, Room 867, Hyattsville, MD. 20782, 301-436-8684.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (44 FR 17652), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to and deleting from the respective lists therein as follows:

§ 97.2 Administrative instructions prescribing commuted traveltime.

• • • • •
Outside Metropolitan Area
• • • • •

Two Hours

Add: Eastport and Porthill, Idaho (served from Bonners Ferry, Idaho).

• • • • •

Three Hours

Delete: Eastport and Porthill, Idaho (served from Sandpoint, Idaho).

• • • • •
(64 Stat. 561 (7 U.S.C. 2260))

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the *Federal Register*.

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Dr. G. V. Peacock, Director, National Program Planning Staffs, Veterinary Services, Animal and Plant Health Inspection Service, that the emergency nature of this final rule warrants publication without opportunity for public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 97. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 24th day of September 1979.

E. A. Schilf,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-30153 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Quality Service

9 CFR Parts 331 and 381

Poultry Products Inspection Regulations; Designation of the Commonwealth of the Northern Mariana Islands

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the Commonwealth of the Northern Mariana Islands as

required under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act. The Governor of the Commonwealth has advised this Department that the Commonwealth does not desire to develop and implement Commonwealth meat and poultry inspection programs. Accordingly, effective October 29, 1979 all establishments conducting operations and transactions wholly within the Commonwealth shall be subject to the provisions of titles I and IV of the Federal Meat Inspection Act and sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act.

DATES: Effective date of this document: September 28, 1979. Effective date of application of regulation: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. J. K. Payne, Director, Federal-State Relations Staff, Field Operations, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6313.

SUPPLEMENTARY INFORMATION: Pursuant to Pub. L. 94-241 (90 Stat. 263 *et seq.*) and Presidential Proclamation 4534 (October 24, 1977), the provisions of the Federal Meat Inspection Act and the Poultry Products Inspection Act have been made applicable to the Commonwealth of the Northern Mariana Islands, hereinafter referred to as the Commonwealth. The Governor of the Commonwealth has advised this Department that the Commonwealth does not desire to develop and implement a Commonwealth meat inspection program, and has requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the Commonwealth at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within the Commonwealth, and with respect to operations and transactions wholly within the Commonwealth concerning meat products and other meat articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

Also, the Governor of the Commonwealth has advised this Department that the Commonwealth does not desire to develop and implement a Commonwealth poultry inspection program, and has requested the Department to assume the responsibility for carrying out the

provisions of sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act with respect to establishments within the Commonwealth at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within the Commonwealth, and with respect to operations and transactions wholly within the Commonwealth concerning products and other articles and animals subject to the Poultry Products Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary has determined that the Commonwealth will not develop and activate requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act and sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act, and has further determined that the Commonwealth is not effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act and sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates the Commonwealth under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act.

On October 29, 1979, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to operations and transactions wholly within the Commonwealth and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Federal Meat Inspection Act, and any establishment in the Commonwealth which conducts any slaughtering or preparation of carcasses or parts or products thereof of cattle, sheep, swine, goats, horses, mules, or other equines, must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Also, on October 29, 1979, the provisions of sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act shall apply to operations and transactions wholly within the Commonwealth and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Poultry Products Inspection Act, and any establishment in the Commonwealth which conducts any slaughtering or processing of poultry

or poultry products must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 15 or 5(c)(2) of the Poultry Products Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operation after October 26, 1979, should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Acts and application for inspection and survey of the establishment:

Dr. L. J. Raftery, Director, Western Meat and Poultry Inspection Program, Building 2C, 620 Central Avenue, Alameda, CA 94501 (Telephone: 415/273-7402).

Accordingly, the table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

§ 331.2 [Amended]

1. In the "State" column, "Northern Mariana Islands" is added immediately below "North Dakota."

2. In the "Effective date of application of Federal provisions" column, October 29, 1979, is added on the line with "Northern Mariana Islands."

(Secs. 21 and 301(c), 34 Stat. 1260, as amended; 21 U.S.C. 621, 661(c); 42 FR 35625-35632)

§ 381.221 [Amended]

Further, the table in § 381.221 of the poultry products inspection regulations (9 CFR 381.221) is amended as follows:

1. In the "State" column, "Northern Mariana Islands" is added immediately below "North Dakota."

2. In the "Effective date of application of Federal provisions" column, October 29, 1979, is added on the line with "Northern Mariana Islands."

(Secs. 5(c) and 14, 71 Stat. 441, as amended; 21 U.S.C. 454(c), 463; 42 FR 35625-35632)

These amendments of the Federal meat inspection regulations and the poultry products inspection regulations are necessary to reflect the determination of the Secretary of Agriculture under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act. Therefore, it does not appear that any additional relevant information would be made available to the Secretary by an impact statement or by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, D.C., on: September 21, 1979.

Donald L. Houston,
Administrator, Food Safety and Quality
Service.

[FR Doc. 79-29957 Filed 9-27-79; 8:45 am]
BILLING CODE 3410-DM-M

9 CFR Parts 331 and 381

Designation of the Commonwealth of the Northern Mariana Islands Under the Federal Meat Inspection Act and the Poultry Products Inspection Act for Special Purposes

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the Commonwealth of the Northern Mariana Islands under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act. The designations are necessary to carry out the Secretary's responsibilities under the Acts.

DATES: Effective date of this document: September 28, 1979. Effective date of application of regulation: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. J. K. Payne, Director, Federal-State Relations Staff, Field Operations, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202/447-6313).

SUPPLEMENTARY INFORMATION: Pursuant to Pub. L. 94-241 (90 Stat. 263 *et seq.*) and Presidential Proclamation 4534 (October 24, 1977), the provisions of the Federal Meat Inspection Act and the Poultry Products Inspection Act have been made applicable to the Commonwealth of the Northern Mariana Islands. Sections 202, 203, and 204 of the Federal Meat Inspection Act (21 U.S.C. 642, 643, 644) provide for recordkeeping, access, and related requirements; registration requirements; and regulation of transactions involving dead, dying, disabled, or diseased livestock of the specified kinds, or parts of the carcasses of such animals that died otherwise than by slaughter, with respect to operators engaged in specified kinds of business in or for "commerce" as defined in the Act. Similar provisions with respect to poultry and poultry products are contained in sections 11 (b), (c), and (d) of the Poultry Products Inspection Act (21 U.S.C. 460 (b), (c), and (d)). Section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 645, 460(e))

authorize the Secretary of Agriculture to exercise authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of business but not in or for "commerce" in any State or organized territory (including the Commonwealth of the Northern Mariana Islands) when he determines, after consultation with an appropriate advisory committee, that the State or Territory does not have at least equal authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Acts.

The Governor of the Commonwealth of the Northern Mariana Islands has advised this Department that the Commonwealth of the Northern Mariana Islands does not desire to develop and implement a Commonwealth meat or poultry program with respect to matters specified in the aforesaid sections.

The Secretary, after consultation with the appropriate advisory committee, has now determined that the Commonwealth of the Northern Mariana Islands is not exercising, in a manner to effectuate the purposes of the said Acts, with respect to intrastate businesses, wholly within the Commonwealth of the Northern Mariana Islands, authorities at least equal to those under sections 202, 203, and 204 of the Federal Meat Inspection Act and section 11 (b), (c), and (d) of the Poultry Products Inspection Act, including the Secretary or his representatives being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, the Commonwealth of the Northern Mariana Islands is hereby designated under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act for the exercise of the specified authorities with respect to businesses, wholly within the Commonwealth of the Northern Mariana Islands, and hereafter sections 202, 203, and 204 of the Federal Meat Inspection Act and section 11 (b), (c), and (d) of the Poultry Products Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of business specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

Accordingly, the table in § 331.6 of the Federal meat inspection regulations (9 CFR 331.6) is amended as follows:

§ 331.6 [Amended]

1. In the "State" column, "Northern Mariana Islands" is added in alphabetical order in all three places.
2. In the "Effective date of designation" column, October 29, 1979, is added on the line with "Northern Mariana Islands" in all three places.

(Secs. 21 and 205, 34 Stat. 1260, as amended; 81 Stat. 584, 21 U.S.C. 621, 645; 42 FR 35625-35632)

Further, the table in § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is amended as follows:

§ 381.224 [Amended]

1. In the "State" column, "Northern Mariana Islands" is added in alphabetical order in all three places.
2. In the "Effective date" column, October 29, 1979, is added on the line with "Northern Mariana Islands" in all three places.

(Secs. 11(e) and 14, 71 Stat. 441, as amended; 82 Stat. 791, 21 U.S.C. 460(e), 463; 42 FR 35625-35632)

After consulting with the appropriate advisory committee, Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that it is necessary to designate the Commonwealth of the Northern Mariana Islands immediately in accordance with section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act, in order to carry out the Secretary's responsibilities under the Acts. Therefore, it does not appear that any additional relevant information would be made available to the Secretary by an impact statement or by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, D.C., on: September 21, 1979.

Donald L. Houston,
Administrator, Food Safety and Quality
Service.

[FR Doc. 79-29958 Filed 9-27-79; 8:45 am]
BILLING CODE 3410-DM-M

9 CFR Parts 331 and 381

Designation of the State of New Hampshire Under the Federal Meat Inspection Act and the Poultry Products Inspection Act for Special Purposes

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the State of New Hampshire under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act. The designations are necessary to carry out the Secretary's responsibilities under the Acts.

DATES: Effective date of this document: September 28, 1979. Effective date of application of regulation: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. J. K. Payne, Director, Federal-State Relations Staff, Field Operations, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250 (202/447-6313).

SUPPLEMENTARY INFORMATION: Sections 202, 203, and 204 of the Federal Meat Inspection Act (21 U.S.C. 642, 643, 644) provide for recordkeeping, access, and related requirements; registration requirements; and regulation of transactions involving dead, dying, disabled, or diseased livestock of the specified kinds, or parts of the carcasses of such animals that died otherwise than by slaughter, with respect to operators engaged in specified kinds of business in or for "commerce" as defined in the Act. Similar provisions with respect to poultry and poultry products are contained in sections 11 (b), (c), and (d) of the Poultry Products Inspection Act (21 U.S.C. 460 (b), (c), and (d)). Section 205, of the Federal Meat Inspection Act and section 11 (e) of the Poultry Products Inspection Act (21 U.S.C. 645, 460(e)), authorize the Secretary of Agriculture to exercise authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of business but not in or for "commerce" in any State or organized Territory when he determines, after consultation with an appropriate advisory committee, that the State or territory does not have at least equal authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Acts.

Representatives of the Governor of New Hampshire have advised this Department that New Hampshire does not maintain a meat or poultry program with respect to matters specified in the aforesaid sections.

The Secretary, after consultation with the appropriate advisory committee, has now determined that the State of New Hampshire is not exercising, in a manner to effectuate the purposes of the said Acts, with respect to intrastate

businesses, authorities at least equal to those under sections 202, 203, and 204 of the Federal Meat Inspection Act and sections 11 (b), (c), and (d) of the Poultry Products Inspection Act, including the Secretary or his representatives being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, New Hampshire is hereby designated under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act for the exercise of the specified authorities with respect to intrastate businesses, and hereafter sections 202, 203, and 204 of the Federal Meat Inspection Act and sections 11 (b), (c), and (d) of the Poultry Products Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of business specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

Accordingly, the table in § 331.6 of the Federal meat inspection regulations (9 CFR 331.6) is amended as follows:

§ 331.6 [Amended]

1. In the "State" column, "New Hampshire" is added in alphabetical order in all three places.
2. In the "Effective date of designation" column, October 29, 1979, is added on the line with "New Hampshire" in all three places.

(Secs. 21 and 205, 34 Stat. 1260, as amended; 81 Stat. 584, 21 U.S.C. 621, 645; 42 FR 35625-35632)

Further, the table in § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is amended as follows:

§ 381.224 [Amended]

1. In the "State" column, "New Hampshire" is added in alphabetical order in all three places.
2. In the "Effective date" column, October 29, 1979, is added on the line with "New Hampshire" in all three places.

(Secs. 11(e) and 14, 71 Stat. 441, as amended; 82 Stat. 791, 21 U.S.C. 460(e), 463; 42 FR 35625-35632)

After consulting with the appropriate advisory committee, Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that it is necessary to designate the State of New Hampshire immediately in accordance with section 205 of the Federal Meat Inspection Act and section 11(e), of the Poultry Products Inspection Act, in order to carry out the Secretary's responsibilities under the Acts.

Therefore, it does not appear that any additional relevant information would be made available to the Secretary by an impact statement or by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, D.C. on: September 21, 1979.

Donald L. Houston,
Administrator, Food Safety and Quality
Service.

[FR Doc. 79-29959 Filed 9-27-79; 8:45 am]
BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 9

Privacy Act Regulations; Effective Exemptions

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission has established in § 9.95 of 10 CFR Part 9, exemptions as provided under the Privacy Act of 1974. This amendment of the Commission's regulation "Public Records" exempts from certain requirements of the Privacy Act portions of a new system of records, "Special Inquiry File."

EFFECTIVE DATE: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7211.

SUPPLEMENTARY INFORMATION: On July 27, 1979, the Commission published a notice in the *Federal Register* (44 FR 44309) to establish a proposed new system of records, identified as Special Inquiry File, NRC-33. On August 16, 1979, the Commission published in the *Federal Register* (44 FR 47950) a proposed amendment to § 9.95 of 10 CFR Part 9 to exempt portions of system of records NRC-33 from certain requirements of the Privacy Act. The notice invited public comment on the proposed amendment by September 17, 1979. No comments were received.

Specific exemptions from the requirements of the Privacy Act pertaining to proposed NRC-33 are intended to prevent access to (a) information classified pursuant to

Executive Order 12065 and exempted pursuant to 5 U.S.C. 552a(k)(1); (b) investigatory material compiled for law enforcement purposes exempted pursuant to 5 U.S.C. 552a(k)(2); and (c) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts or access to classified information exempted pursuant to 5 U.S.C. 552a(k)(5). The text of the amendment is identical to the proposed rule published on August 16.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a, and 553 of Title 5 of the United States Code, notice is hereby given of the adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 9.

1. Section 9.95 of 10 CFR Part 9 is amended by adding a new paragraph (n) to read as follows:

§ 9.95 Specific exemptions.

Pursuant to 5 U.S.C. 552a(k), portions of the following NRC systems of records are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(1); (e)(4)(G), (H), and (I) and (f) and are subject to the provisions of § 9.81 of this part:

(n) Special Inquiry File.

(Sec. 161, Pub. L. 83-703, 66 Stat. 948 (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 68 Stat. 1242 (42 U.S.C. 5841); 5 U.S.C. 552a.

Dated at Bethesda, MD this 21st day of September 1979.

For the Nuclear Regulatory Commission.

Lee V. Gossick,

Executive Director for Operations.

[FR Doc. 79-30171 Filed 9-27-79; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 219

[Docket No. R-0243]

Regulation S; Reimbursement to Financial Institutions for Assembling or Providing Financial Records

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final regulation.

SUMMARY: The Board of Governors of the Federal Reserve System has adopted a new regulation required by section 1115 of the Right to Financial Privacy Act (12 U.S.C. § 3415) that provides rates and conditions for reimbursement

of reasonably necessary costs, directly incurred by financial institutions in assembling or providing customer financial records to a federal government authority.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mary Ellen A. Brown, Senior Counsel, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452-3608).

SUPPLEMENTARY INFORMATION: On August 8, 1979, the Board of Governors of the Federal Reserve System proposed a regulation (to be known as Regulation S) for reimbursement of reasonably necessary costs directly incurred by financial institutions, to search for, reproduce, and transport financial records sought by a federal authority, and invited public comments on this proposal (44 F.R. 46475). Comments were invited particularly about how the reimbursement should be set and how it could be permitted to vary over time.

As background information, the Right to Financial Privacy Act of 1978 (the "Act") restricts federal government access to individual customers' financial records maintained by financial institutions, and requires that, with certain exceptions, federal authorities seeking disclosure of these records must follow prescribed procedures. Access to or disclosure of these financial records must generally be pursuant to one of the following procedures authorized by the Act: (1) valid written customer authorization; (2) administrative summons or subpoena; (3) valid search warrant; (4) judicial subpoena; or (5) formal written request. However, emergency access is also authorized in certain situations, as is access pursuant to a grand jury subpoena or for Secret Service or foreign intelligence activities. The Act also restricts transfer of financial information obtained under the Act from one federal agency to another.

The Act does not cover financial records of corporations or of partnerships comprised of more than five individuals.

Except where access is sought pursuant to a search warrant or a grand jury subpoena, or in an emergency, or for Secret Service or foreign intelligence purposes, the bank customer is also given advance notice of his or her rights to challenge the federal government's access, and advice about how to effectuate these challenge rights.

A financial institution is also generally prohibited from releasing a customer's financial records until the federal agency seeking the records certifies in writing to the financial

institution that it has fully complied with the Act.

Various exceptions to the Act's requirements are provided, including one that exempts the Board and other federal financial supervisory agencies from these restrictions in the exercise of their supervisory, regulatory, or monetary functions.

Civil penalties, injunctive relief, and employee disciplinary proceedings are authorized as remedies for violations of the Act.

The comment period for proposed Regulation S was announced as closing September 10, 1979. Because of recent delays in mail deliveries, this period was extended informally to the close of business September 12, 1979. A total of 108 letters of comment concerning the proposed regulation were received by that deadline. The Board considered the proposed regulation in light of the comments received and, in several instances, changed the proposal in response to comments received. Aspects of the final regulation that differ significantly from the proposed regulation are summarized below:

Rate of reimbursement for search and processing time is increased to \$10 per hour per person, computed on the basis of \$2.50 per quarter hour, limited to the total amount of personnel time spent in locating, retrieving, reproducing, packaging, and preparing for shipment documents or information required or requested by the government authority.

Reimbursement for reproduction of documents is increased to \$0.15 per page.

The response to the Board's particular request about a variable rate elicited 28 favorable comments out of the 108 total responses. An additional 11 comments suggested periodic or annual review of the rates set. Another 3 comments suggested a sliding scale, a form of variable rate, to vary with the time limit and scope of the work required. Thus, in all, some 42 comments favored either periodic review of rates or some form of a variable rate.

Certain technical changes were also made in this final regulation.

Financial institutions are reminded to keep an accurate record of personnel time, computer costs, number of reproductions made, and transportation costs, by each request, and to include on the itemized bill or invoice the name of the customer to whom it relates. After a financial institution receives a Certificate of Compliance with the Act from the government authority seeking access to financial records, the financial institution may then submit an itemized bill or invoice to that federal authority. If the financial institution does not receive a Certificate of Compliance because the federal agency has

withdrawn its request for disclosure or a customer has revoked his or her authorization, or because a customer has successfully challenged disclosure to the federal agency, the financial institution may submit an itemized bill or invoice for reasonably necessary costs directly incurred in assembling financial records prior to the time that the federal agency notifies it that its request is withdrawn or defeated.

Financial institutions are also reminded that the statute provides eleven types of exceptions from cost reimbursement which are incorporated into this regulation. Reimbursement for financial records sought pursuant to any of these exceptions is, accordingly, also excepted from this regulation.

Financial institutions should also be aware that just as the Act provides certain exceptions to its reimbursement requirement, it also provides exceptions to the Certificate of Compliance requirement. Thus, financial institutions will not receive a Certificate of Compliance when financial records are sought by a financial supervisory agency (12 U.S.C. § 3413(b)); or for federal litigation (12 U.S.C. § 3413(e)); or for agency adjudicative proceedings (12 U.S.C. § 3413(f)); or pursuant to a grand jury subpoena or court order (12 U.S.C. § 3413(i)); or by the Secret Service or for foreign intelligence activities (12 U.S.C. § 3414(a)).

Regulation S does not address the issue of internal procedures for federal agencies because this issue is expected to be resolved by agencies' internal audit procedures. Comments were received urging that agencies provide a uniform time limit for the submission of invoices and for prompt payment of invoices; and that agencies seek to develop and utilize a uniform invoice for payment. However, the Board regards it as beyond the scope of its responsibility to prescribe detailed internal procedures for other federal agencies to follow, except where such procedures have been developed through common agreement with and by other federal agencies.

This regulation is issued pursuant to 5 U.S.C. § 553, 12 CFR § 262.2 and in accordance with the Board's Statement of Policy Regarding Expanded Rulemaking Procedures (44 Fed. Reg. 3957). Since the regulation will reduce cost burdens to financial institutions by reimbursing them for searching for and reproducing customers' financial records as required or requested by the federal government or as authorized by the customer, and in view of the fact that the regulation must be adopted by October 1, 1979, expedited rulemaking procedures were followed in issuing this

regulation, in accordance with the Board's Policy Statement. Since the Right to Financial Privacy Act requires the Board to establish, by regulation, the rates and conditions of cost reimbursement, nonregulatory alternatives were not considered during planning of these regulations.

Under the authority of section 1115 of the Right to Financial Privacy Act of 1978, 12 U.S.C. § 3415, the Board amends Title 12 of the Code of Federal Regulations by adding a new Part 219 (to be known as Regulation S) to read as follows:

Regulation S

PART 219—REIMBURSEMENT TO FINANCIAL INSTITUTIONS FOR ASSEMBLING OR PROVIDING FINANCIAL RECORDS

Sec.

- 219.1 Authority, purpose and scope.
- 219.2 Definitions.
- 219.3 Cost reimbursement.
- 219.4 Exceptions.
- 219.5 Conditions for payment.
- 219.6 Payment procedures.
- 219.7 Effective date.

Authority: 12 U.S.C. 3415.

§ 219.1 Authority, purpose and scope.

This Part is issued by the Board of Governors of the Federal Reserve System under section 1115 of the Right to Financial Privacy Act of 1978 (the "Act") (12 U.S.C. § 3415). It establishes the rates and conditions for reimbursement of reasonably necessary costs directly incurred by financial institutions in assembling or providing customer financial records to a government authority.

§ 219.2 Definitions.

For the purposes of this Part, the following definitions shall apply:

(a) "Financial institution" means any office of a bank, savings bank, card issuer as defined in section 103 of the Consumers Credit Protection Act (15 U.S.C. 1602(n)), industrial loan company, trust company, savings and loan, building and loan, or homestead association (including cooperative banks), credit union, or consumer finance institution, located in any State or territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

(b) "Financial record" means an original of, a copy of, or information known to have been derived from, any record held by a financial institution pertaining to a customer's relationship with the financial institution.

(c) "Government authority" means any agency or department of the United

States, or any officer, employee or agent thereof.

(d) "Person" means an individual or a partnership of five or fewer individuals.

(e) "Customer" means any person or authorized representative of that person who utilized or is utilizing any service of a financial institution, or for whom a financial institution is acting or has acted as a fiduciary, in relation to an account maintained in the person's name. "Customer" does not include corporations or partnerships comprised of more than five persons.

(f) "Directly incurred costs" means costs incurred solely and necessarily as a consequence of searching for, reproducing or transporting books, papers, records, or other data, in order to comply with legal process or a formal written request or a customer's authorization to produce a customer's financial records. The term does not include any allocation of fixed costs (overhead, equipment, depreciation, etc.). If a financial institution has financial records that are stored at an independent storage facility that charges a fee to search for, reproduce, or transport particular records requested, these costs are considered to be directly incurred by the financial institution.

§ 219.3 Cost reimbursement.

Except as hereinafter provided, a government authority requiring or requesting access to financial records pertaining to a customer shall pay to the financial institution that assembles or provides the financial records a fee for reimbursement of reasonably necessary costs which have been directly incurred according to the following schedule:

(a) *Search and processing costs.* (1) Reimbursement of search and processing costs shall be the total amount of personnel direct time incurred in locating and retrieving, reproducing, packaging and preparing financial records for shipment.

(2) The rate for search and processing costs is \$10 per hour per person, computed on the basis of \$2.50 per quarter hour or fraction thereof, and is limited to the total amount of personnel time spent in locating and retrieving documents or information or reproducing or packaging and preparing documents for shipment where required or requested by a government authority. Specific salaries of such persons shall not be included in search costs. In addition, search and processing costs do not include salaries, fees, or similar costs for analysis of material or for managerial or legal advice, expertise, research, or time spent for any of these activities. If itemized separately, search and processing costs may include the

actual cost of extracting information stored by computer in the format in which it is normally produced, based on computer time and necessary supplies; however, personnel time for computer search may be paid for only at the rate specified in this paragraph.

(b) *Reproduction costs.* (1) Reimbursement for reproduction costs shall be for costs incurred in making copies of documents required or requested.

(2) The rate for reproduction costs for making copies of required or requested documents is 15 cents for each page, including copies produced by reader/printer reproduction processes. Photographs, films, and other materials are reimbursed at actual cost.

(c) *Transportation costs.* Reimbursement for transportation costs shall be for (1) necessary costs, directly incurred, to transport personnel to locate and retrieve the information required or requested; and (2) necessary costs, directly incurred solely by the need to convey the required or requested material to the place of examination.

§ 219.4 Exceptions.

A financial institution is not entitled to reimbursement under the Act for costs incurred in assembling or providing the following financial records or information:

(a) *Security interests, bankruptcy claims, debt collection.* Any financial records provided as an incident to perfecting a security interest, proving a claim in bankruptcy, or otherwise collecting on a debt owing either to the financial institution itself or in its role as a fiduciary.

(b) *Government loan programs.* Financial records provided in connection with a government authority's consideration or administration of assistance to a customer in the form of a government loan, loan guaranty, or loan insurance program; or as an incident to processing an application for assistance to a customer in the form of a government loan, loan guaranty, or loan insurance agreement; or as an incident to processing a default on, or administering, a government-guaranteed or insured loan, as necessary to permit a responsible government authority to carry out its responsibilities under the loan, loan guaranty, or loan insurance agreement.

(c) *Nonidentifiable information.* Financial records that are not identified with or identifiable as being derived from the financial records of a particular customer.

(d) *Financial supervisory agencies.* Financial records disclosed to a financial supervisory agency in the exercise of its supervisory, regulatory, or monetary functions with respect to a financial institution.

(e) *Internal Revenue summons.* Financial records disclosed in accordance with procedures authorized by the Internal Revenue Code.

(f) *Federally required reports.* Financial records required to be reported in accordance with any federal statute or rule promulgated thereunder (such as the Bank Secrecy Act).

(g) *Government civil or criminal litigation.* Financial records sought by a government authority under the Federal Rules of Civil or Criminal Procedure or comparable rules of other courts in connection with litigation to which the government authority and the customer are parties.

(h) *Administrative agency subpoenas.* Financial records sought by a government authority pursuant to an administrative subpoena issued by an administrative law judge in an adjudicatory proceeding subject to section 554 of Title 5, United States Code, and to which the government authority and the customer are parties.

(i) *Identity of accounts in limited circumstances.* Financial information sought by a government authority, in accordance with the Right to Financial Privacy Act procedures and for a legitimate law enforcement inquiry, and limited only to the name, address, account number and type of account of any customer or ascertainable group of customers associated (1) with a financial transaction or class of financial transactions, or (2) with a foreign country or subdivision thereof in the case of a government authority exercising financial controls over foreign accounts in the United States under section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)); the International Emergency Economic Powers Act (Title II, Pub. L. 95-223); or section 5 of the United Nations Participation Act (22 U.S.C. 287(c)).

(j) *Investigation of a financial institution or its noncustomers.* Financial records sought by a government authority in connection with a lawful proceeding, investigation, examination, or inspection directed at the financial institution in possession of such records or at a legal entity which is not a customer.

(k) *General Accounting Office requests.* Financial records sought by the General Accounting Office pursuant to an authorized proceeding, investigation, examination or audit directed at a government authority.

(1) *Securities and Exchange Commission requests.* Until November 10, 1980, financial records sought by the Securities and Exchange Commission.

§ 219.5 Conditions for payment.

(a) *Limitations.* Payment for reasonably necessary, directly incurred costs to financial institutions shall be limited to material required or requested.

(b) *Separate consideration of component costs.* Payment shall be made only for costs that are both directly incurred and reasonably necessary. In determining whether costs are reasonably necessary, search and processing, reproduction, and transportation costs shall be considered separately.

(c) *Compliance with legal process, request, or authorization.* No payment shall be made until the financial institution satisfactorily complies with the legal process or formal written request, or customer authorization, except that in the case where the legal process or formal written request is withdrawn, or the customer authorization is revoked, or where the customer successfully challenges access by or disclosure to a government authority, the financial institution shall be reimbursed for reasonably necessary costs directly incurred in assembling financial records required or requested to be produced prior to the time that the government authority notifies the institution that the legal process or request is withdrawn or defeated, or that the customer has revoked his or her authorization.

(d) *Itemized bill or invoice.* No payment shall be made unless the financial institution submits an itemized bill or invoice showing specific details concerning the search and processing, reproduction, and transportation costs.

§ 219.6 Payment procedures.

(a) *Notice to submit invoice.* Promptly following a government authority's service of legal process or request, the government authority shall notify the financial institution that an itemized bill or invoice must be submitted for payment and shall furnish an office address for this purpose.

(b) *Special notice.* If a government authority withdraws the legal process or formal written request, or if the customer revokes his or her authorization, or if the legal process or request has been successfully challenged by the customer, the government authority shall promptly notify the financial institution of these facts, and shall also notify the financial institution that the itemized bill or

invoice must be submitted for payment of costs incurred prior to the time that the financial institution receives this notice.

§ 219.7 Effective date.

This regulation shall become effective October 1, 1979.

By order of the Board of Governors,
effective October 1, 1979.

Griffith L. Garwood,
Deputy Secretary.

[FR Doc. 79-30375 Filed 9-28-79; 8:45 am]

BILLING CODE 6210-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

[Revision 13, Amdt. 29]

Small Business Size Standards: Increased Size Standard of Small Business Concerns for Assistance by Small Business Investment Companies or by Development Companies

AGENCY: Small Business Administration.
ACTION: Final rule.

SUMMARY: This rule increases the size standard for assistance to small business concerns by small business investment companies or by development companies. The previous size standard defined a small concern as one which does not have assets exceeding \$9.0 million, does not have net worth in excess of \$4.0 million, and does not have after-tax average net income for the preceding two (2) years in excess of \$400,000. Alternatively, a small concern is one which qualifies under § 121.3-10 (loan size standard).

This rule makes a change in the financial measures used in establishing small business size by deleting the assets size test. Further, this rule increases the net worth test to \$6.0 million and increases the net income test to \$2.0 million. The alternative of using Section 121.3-10 is not changed.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Werner, (202) 653-6672.

SUPPLEMENTARY INFORMATION:

Deletion of Assets Size as a Measure. Using a uniform assets size test for all industries is not appropriate due to the considerable technological contrasts between industries.

The two more commonly used measures of inter-industry technological differences are the ratio of capital to production worker and the ratio of capital to output. Capital for this purpose is considered tangible assets used in the production of output without

regard to the financing of such assets. Seldom do industries have identical technologies and thus seldom does the absolute level of assets tell much about relative size. In short, a firm with \$25.0 million in assets in one industry could be small while one of the same assets size in another industry could be large.

It is for this reason that the rule deletes the assets test as a measure of size for the purpose of assistance by small business investment companies or development companies.

Increase in Net Worth Standard

Inflation has considerably eroded the value of the dollar since August 1975 when the SBIC size standards were last adjusted. The price deflator for Nonresidential Fixed Investment as it appears in the Gross National Product accounts shows that prices for that sector have increased 2.2 times (through 1978) since the inception of the SBIC program. This multiplier applied to the program's original net worth size standard produces a price adjusted net worth standard of \$5.5 million through 1978.

This rule increases the net worth standard to \$6.0 million to adjust for inflation through the end of 1978 and forward through the end of 1979.

Increase in Net Income Standard

Recent studies and Congressional hearings indicate that after-tax earnings of over \$2.0 million is a minimum level to consider for public offerings of a firm's securities, all other conditions being ideal.

There is a substantial gap between the net income size standard of \$400,000 and the \$2.0 minimum public offering level and this rule provides standards to fill that gap.

The increased size standard shall also be applicable to the definition of small business for the purpose of SBA pollution control guarantee assistance financings under 13 CFR Part 111. Pollution Control (which utilizes the same size standards by reference under Section 121.3-16).

All public comments which were received on the proposed amendment (44 FR 36195) were favorable, and indicated the amendment would aid additional small firms having difficulty obtaining necessary financing.

Accordingly, pursuant to Sections 3 and 5(b)(6) of the Small Business Act (15 U.S.C. 632, 634), the Small Business Administration amends Part 121 of its Regulations (13 CFR Part 121) by amending § 121.3-11 to read as follows:

§ 121.3-11 Definition of small business for assistance by small business investment companies or by development companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies or development companies is one which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have net worth in excess of \$6 million, and does not have an average net income, after Federal income taxes, for the preceding 2 years in excess of \$2 million (average net income to be computed without benefit of any carryover loss); or

(b) Qualifies as a small business concern under § 121.3-10.

Dated: September 21, 1979.

A. Vernon Weaver,
Administrator.

[FR Doc. 79-30112 Filed 9-27-79; 8:45 am]

BILLING CODE 8025-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Aluminized Polyester Film Kites; Banning as Hazardous Article

AGENCY: Consumer Product Safety Commission.

ACTION: Final regulation.

SUMMARY: The Commission is issuing a regulation banning aluminized polyester film kites because such kites are capable of conducting electricity and are susceptible to contact with high voltage electric power lines. This regulation is intended to reduce the risk of serious injury or death by electric shock created when an aluminized polyester film kite contacts a power line and conducts an electric current through the aluminized surface of a kite or its tail to a person in contact with the kite or its tail; and the risk of injury to persons in the vicinity of electric power lines which could break and fall as a result of an electric arc caused by the kites.

EFFECTIVE DATE: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: David Thome, Division of Regulatory Management, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6400.

SUPPLEMENTARY INFORMATION:

Background and Proposal

In the Federal Register of January 26, 1979 (44 FR 5459), the Consumer Product Safety Commission proposed for public

comment a regulation (16 CFR 1500.18(c)(1)) declaring as banned hazardous articles aluminized polyester film kites. The regulation was proposed in order to eliminate the risk of serious injury or death by electric shock created when an aluminized polyester film kite contacts a high voltage electric power line.

The Commission proposed the banning regulation pursuant to section 2(f)(1)(D) of the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261(f)(1)(D)). Section 2(f)(1)(d) provides for the classification of any toy or other article intended for use by children as a hazardous substance if the Commission determines that the article presents an "electrical hazard". Under section 2(r), an article presents an "electrical hazard" if "in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electric shock." Under section 2(q)(1)(A), any toy or other article intended for use by children which is a hazardous substance is, by operation of the statute, a banned hazardous substance.

In proposing the ban, the Commission found that aluminized polyester film kites are an excellent conductor of electricity. The kites are capable of transmitting approximately 52 to 66 milliamperes of current at ordinary household voltage (120 VAC), when measured in accordance with the American National Standard for Leakage Current for Appliances (ANSI C 101.1-1973). If an aluminized polyester film kite and/or tail were entangled across a live 12,000 volt line and a line which would act as a ground, an arc or ionized path could be created through which a significantly greater amount of current can flow than would be expected from the thin layer of aluminum coating on the kite. Test data which the Commission has reviewed reveals that as much as 100 amperes (100,000 milliamperes) can pass through such an arc.

When an electrically conductive aluminized kite, tail or string comes in contact with a high voltage power line, bodily contact with the kite, tail, or string can result in serious injury ranging from tissue burns to respiratory paralysis, ventricular fibrillation, and death. Ventricular fibrillation, a condition in which the heart pulsates irregularly and stops pumping blood, may cause death if not defibrillated within three minutes. A lethal shock can occur as a result of exposure to 100 milliamperes of electric current for one second.

The Commission found that aluminized polyester film kites are susceptible to becoming entangled in electric power lines in such a way as to conduct electricity from one power line to another.

The Commission has determined that kites are articles intended for use by children, and as such fall within the scope of the FHSA. This finding is based on the retail price of the kites—between \$7.95 and \$12.95—which does not preclude their purchase by children, or by others as gifts for children; the design of the kites, and the level of skill required to use them, which does not preclude their use by children; and the marketing pattern and instructions accompanying the kites, which specify that the kites are intended "for all ages".

The proposed ban applies to any kite or component constructed of or containing a piece of aluminized polyester film measuring 10 inches or more in any dimension. Such a kite was found to be susceptible to becoming entangled in high voltage electric power lines. The specification of a 10 inch dimension is intended to provide a safety margin in view of the American National Standards Institute standard for electric power lines (ANSI C2), which allows a minimum horizontal clearance of 12 inches between power lines with potential difference not exceeding 8700 volts.

Comments on the Proposal

The proposal of January 26, 1979 invited interested persons to submit written comments on or before March 27, 1979. A total of 14 comments were received: six from interested consumers, four from public utility companies, one from a representative of a public interest research group, one from a manufacturer of kites and two from engineering consultants. The issues raised by the commenters and the Commission's responses are as follows.

Four interested consumers, the representative of the public interest research group and the public utility companies expressed support for the banning regulation. A public utility company related an incident where an aluminized kite had become entangled in power lines. One company stated that it had sponsored several televised comprehensive consumer safety education programs in its area which described safety tips for flying kites. Notwithstanding these televised consumer education programs, aluminized polyester film kites remain readily available in area stores according to this company.

One of the public utility companies supports a broadening of the proposed

ban to include all kites composed of or containing any metal material. This portion of the comment is addressed in more detail below.

Two interested consumers oppose the banning regulation because they believe the proposal represents excessive government regulation.

As set forth above, the Commission found that the kites that are the subject of the proposed ban present an electrical hazard. The aluminum surface of the kite does not add to the flying capability of the kite but merely adds to its aesthetic value. Given the nature and severity of the risk of electric shock and the absence of a benefit sufficient in the Commission's view to justify the risk, the Commission believes that a ban as proposed is reasonable and consistent with its statutory duty to protect consumers.

The comment from the manufacturer of kites acknowledges that aluminized polyester film kites may present a safety problem, but states the manufacturer's belief that the potential problems presented are not serious enough to warrant governmental action. The commenter contends that very few of these kites are presently being manufactured and that he is unaware of any injuries caused by polyester film kites. The manufacturer believes, therefore, that a ban with recall and repurchase is unnecessary.

As set forth above, the Commission has concluded that aluminized polyester kites present an electrical hazard and should be banned. While the Commission agrees with the commenter that the number of aluminized polyester film kites manufactured over the past several years is small, and further, that the life usage of such kites is short, these factors, in the Commission's view, do not weigh against issuance of the ban. Rather, the factors indicate that a ban of the kites, including a requirement for repurchase, would not be burdensome. Moreover, regardless of the number of aluminized polyester film kites currently being manufactured, the ban would prevent the future manufacture and sale of the kites.

In response to the commenter's statement that he is unaware of any injuries caused by aluminized polyester film kites, the Commission acknowledges that it has no documented reports of injuries involving the subject kites. However, the record includes several reports of incidents involving the kites and high voltage electric power lines, including the following:

In early April 1975 at Herman Street, San Francisco, California, an aluminized polyester film kite and tail caused two 12,000 volt conductors to break and fall

on a car. The live conductors burned a hole in the right rear of the seat and burn marks were found on the tires and wheels.

On April 15, 1975, near Jackson and Broderick Streets, San Francisco, California, an aluminized polyester film kite and tail, apparently having severed its string, crossed three high voltage conductors causing them to break and fall resulting in a power surge into nearby residences, blowing a fuse box off the wall, exploding an electric meter and light fixture, and burning out a refrigerator compressor. In addition, an additional incident is reported in the comments on the proposal received from a public utility company.

These incidents and the engineering and medical judgment of the Commission's staff leads the Commission to conclude that a real risk of serious injury or death, particularly to children, is presented by the continued manufacture and sale of the kites, and the possibility of future manufacture and sale.

In response to the commenter's suggestion that warning labels would provide sufficient protection against the hazard presented by the kites, the Commission points out that the kites have been found to present an electrical hazard, and as such are "banned hazardous substances." Under the FHSA (section 2(q)(1)(A)(i)), the Commission may exempt articles from classification as a banned hazardous substance if, by reason of their functional purpose, the article necessarily presents an electrical, mechanical or thermal hazard and bears a label giving adequate directions and warnings for safe use. However, in the present situation, the Commission has found that the aluminized polyester film does not add to the flying capability of the kite but merely adds to its aesthetic value. Therefore, aluminized polyester film kites are not eligible for the exemption in section 2(q)(1)(A)(i). Further, kites, particularly as flown by children, can become essentially uncontrollable and are subject to accidental entanglement in power lines, thus rendering warning labels or instructions ineffective. For these reasons, the Commission does not believe labeling is an appropriate alternative to a ban.

The commenter challenges the Commission's statement that "kites are generally recognized as articles intended for use by children and are widely used by children." He supports this challenge by stating that the American Kitefliers Association is an adult organization. Furthermore, according to the commenter, when

children fly kites they are generally accompanied by their parents or other adults.

The Commission, in proposing the ban, found that kites are articles intended for use by children. As discussed above, the retail price of the kites, their design and the level of skill required to use them, and the marketing pattern and instructions accompanying the kites indicate that children have access to the kites and are likely to use them. The fact that children may be accompanied by adults when flying kites does not affect this finding.

The commenter suggests the Commission work with the American Kitefliers Association to develop a voluntary standard. He further believes that overhead wiring should be eliminated since kites are non-electrical devices and it is the electric wires that present the problems. He also feels that scientific, research and other serious kite usage should not be banned "because kites are sometimes flown by children". The commenter cites, for example, the utility of electrically conductive kites as emergency locators for people in distress.

The Commission's proposal is not intended to address those kites which are used by adults for scientific research and other serious purposes. None of these kites, including those used as emergency locators, are intended for use by children; therefore, they are beyond the scope of the ban. The elimination or regulation of overhead electrical wiring is beyond the authority of the Commission and may not be considered as an alternative to banning the kites.

The comments from the two engineering consultants address the scope of the ban and a number of technical aspects of the ban.

One of these commenters suggests that the proposed ban should address kites made of electrically conductive materials other than polyester film and that conductivity should be defined by some measurable parameter, such as insulation resistance or leakage current.

In developing the proposed ban, the Commission's staff conducted a survey of the market place which revealed no information indicating that any other electrically conductive film was currently being used in kites. Since the record demonstrates that aluminized polyester film is electrically conductive, it does not appear necessary to define the degree of conductivity by technical criteria or test method. The Commission did not include within the scope of the ban kites constructed of aluminum tubing and gas filled balloons made of aluminized polyester film, because the Commission has limited knowledge and

no complaint or incident data concerning these articles. Moreover, such a ban would have more significant economic effects than the proposal presently under consideration and is not warranted on the basis of existing information. Accordingly, the Commission decided to restrict the ban to aluminized polyester film kites as defined in the proposal.

One of the engineering consultant commenters addressed the scope of the definition of the kites proposed to be banned as it relates to certain aspects of electrical power transmission and the effect of electric current on the human body. The commenter expressed concern about the dimensions of the kites. While recognizing that the American National Standards Institute standard for electric power lines (ANSI C2 1977) allows a minimum horizontal clearance of 12 inches between power lines with potential difference not exceeding 8700 volts, the commenter points out that a 10 inch by 10 inch piece of aluminized polyester film has a diagonal dimension of approximately 14.14 inches, thereby enhancing the possibility of contact between power lines separated by 12 inches.

The Commission's proposal would ban any kite 10 inches or greater in *any dimension* (emphasis added) constructed of aluminized polyester film or any kite having a tail or other component consisting of a piece of aluminized polyester 10 inches or greater in *any dimension* (emphasis added). Thus, a kite which has a diagonal dimension of more than 10 inches would be banned.

The commenter states that electrical current exceeding 5 milliamperes is considered potentially dangerous. He also states that while a lethal shock can occur as a result of exposure to 100 milliamperes, this is a median figure for the general population. A few percent of the population will experience ventricular fibrillation for hand-foot current flows in the range of 52-66 milliamperes, depending on the physical condition of the individual. He further notes that many kite string electric shock accidents involve bystanders.

The Commission appreciates the information provided by the commenter. The Commission found that the subject kites were capable of transmitting approximately 52 to 66 milliamperes of current at ordinary household voltage of 115 to 120 volts through an impedance of approximately 1500 ohms, representing the resistance of the human body. Accordingly, the Commission proposed a ban of the kites on the basis that they present an electrical hazard when

exposed to high voltage electric power lines.

A kite string which is composed of an electrically conductive material also presents a dangerous situation. Regardless of the composition or size of the body of the kite, the Commission believes such string should not be used as kite string.

The commenter points out that many electrical power transmission, distribution, and service facilities exist throughout the United States which were constructed prior to the ANSI C2 standard. In particular, he states that the clearance between uninsulated service conductors can be as little as 3 inches, and the horizontal separation requirements between two wires is less than 12 inches under bridges and in railway feeders. The commenter therefore questions whether the provision in the proposed ban specifying a maximum dimension of 10 inches is adequate to protect against the electrical hazard.

The Commission recognizes that standards prior to ANSI C2 permitted a clearance of as little as three inches between uninsulated secondary distribution wires. However, the voltage of 120v or 240v in these lines is not high enough to pose the risk of arcing and breakage of power lines possible at 8000 to 12,000 volts, which is one of the hazards the ban is intended to prevent. (The other hazard the ban is intended to prevent is contact between a user or retriever of a kite and a power line, a hazard addressed by limiting the size of the kite or tail to 10 inches.) As to the existence of requirements for horizontal separation of less than 12 inches for wires under bridges and in railway feeders, the Commission believes that there are relatively few such locations accessible to kite flyers and little likelihood of a kite becoming entangled in electrical wires in these locations.

The commenter states that the minimum distance between aluminized pieces is also important and must be specified. He feels that a minimum spacing of 1/2 inch should be employed between aluminized pieces of kite material.

Although the Commission appreciates the commenter's concern, it has no information which indicates that kites have been constructed with individual aluminized pieces such as described by the commenter. Nor does the Commission believe that a kite manufacturer could obtain polyester film composed of such individual aluminized pieces in order to construct a kite that would circumvent the regulation.

The commenter states that a large kite containing a "considerable surface area" of aluminized polyester film might conceivably become entangled in overhead wires in such a manner that much of the conductive material will overlap forming a continuous conductor. To guard against this, individual pieces of the conductive material should be restricted to dimensions less than one inch.

The proposed ban applies to any kite having a component consisting of aluminized polyester film 10 inches or greater in dimension. As discussed above, the Commission has no information which indicates that aluminized polyester film has been used in a manner which would make the occurrence of overlapping of individual pieces of aluminized material likely.

Economic Considerations

An assessment has been made of the ban's economic impact. In conducting the economic assessment, the Commission has been unable to identify any firms which still manufacture the long-tailed "dragon" kites which are one of the types of kites subject to the ban. It is estimated that fewer than one percent of other kites manufactured in the past two years would be subject to the ban.

In addition to prohibiting manufacture, distribution, or sale of aluminized polyester film kites, the banning regulation set forth below will require the repurchase of banned kites, in accordance with section 15 of the FHSA (15 U.S.C. 1274) and Commission regulations published at 16 CFR 1500.202 and 1500.203.

The repurchase requirement will have the effect of requiring the recall of any banned kites which have previously been manufactured or distributed. The cost of such recall could be significant for a small number of firms. However, the Commission noted in the proposed ban several factors which will be likely to minimize these costs. Given the relatively short usable life of an aluminized polyester film kite, the Commission concluded that there may be very few previously sold kites still in consumers' hands and subject to recall. Furthermore, several of the firms which previously manufactured these kites have conducted a recall and very few kites were returned by consumers. The Commission received no comments on the assessment of the economic impact of the proposed ban.

Environmental Considerations

The Commission has determined that there are no significant environmental effects associated with this ban. Therefore, an environmental impact

statement is unnecessary. A copy of the environmental assessment is on file and can be inspected in the Commission's Office of the Secretary at the above address.

Effective Date

The effective date of this banning regulation for aluminized polyester film kites is October 29, 1979. No kite meeting the definition set forth § 1500.18(c)(1) below may be introduced or delivered for introduction into, or received in, interstate commerce after the above-referenced effective date. In addition, after the effective date, the ban will be applicable to all kites meeting the definition in distribution channels or consumers' hands regardless of when manufactured or introduced into interstate commerce. Pursuant to section 15 of the FHSA (15 U.S.C. 1274) any such kite is subject to repurchase under 16 CFR 1500.202 and 1500.203.

Conclusion

Under the Federal Hazardous Substances Act (FHSA) the term "hazardous substance" includes any toy or article intended for use by children that the Commission determines by regulation presents an electrical hazard (sec. 2(f)(1)(D), 15 U.S.C. 1261(f)(1)(D)). Section 2(q)(1)(A) of the FHSA provides that such toy or article is also a banned hazardous substance.

"Electrical hazard" is defined by section 2(r) of the act, which reads "an article may be determined to present an electrical hazard if in normal use or when subjected to reasonably foreseeable damage or abuse its design or manufacture may cause personal injury or illness by electrical shock" (15 U.S.C. 1261(r)).

Based on information available to the Commission, the Commission has determined that certain aluminized polyester film kites, because of electrical hazards associated with their design (specifically their size and electrical conductivity) present a risk of personal injury from electric shock as a result of their ability to conduct electricity and to become entangled in or otherwise contact high voltage electric power lines. The Commission believes that the potential for serious personal injury presented by such kites outweighs the potential economic impact that would result from a ban. Consequently, the Commission believes such kits should be banned from interstate commerce.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (Sec. 2(f)(1)(D), (q)(1)(A), (r), 3(e)(1), 74 Stat. 1304-05, 83 Stat. 187-189, 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Consumer

Product Safety Act (sec. 30(a), 86 Stat. 1231, 15 U.S.C. 2079(a)), the Commission amends Title 16, Chapter II, Subchapter C of the Code of Federal Regulations by adding a new paragraph (c)(1) to § 1500.18 as follows:

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

§ 1500.18 Banned toys and other banned articles intended for use by children.

(c) Toys and other articles (not electrically operated) presenting electric hazards. Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commission has determined that the following types of toys or other articles intended for use by children (not electrically operated) present an electrical hazard within the meaning of section 2(r) of the act.

(1) Any kite 10 inches or greater in any dimension constructed of aluminized polyester film or any kite having a tail or other component consisting of a piece of aluminized polyester film 10 inches or greater in any dimension presents an electrical hazard and is a banned hazardous substance because its design (specifically its size and electrical conductivity) presents a risk of personal injury from electric shock due to its ability to conduct electricity and to become entangled in or otherwise contact high voltage electric power lines.

(15 U.S.C. 1261(f)(1)(D), (q)(1)(A), (r); 15 U.S.C. 1262(e)(1); 15 U.S.C. 2079(a)).

Dated: September 24, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-30156 Filed 9-27-79; 8:45 am]

BILLING CODE 6355-01-M

16 CFR Part 1700

Exemption From Child-Resistant Packaging Standards of Certain Erythromycin Ethylsuccinate Tablets

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission issues a final amendment under the Poison Prevention Packaging Act of 1970 (PPPA) to exempt from child-resistant packaging erythromycin ethylsuccinate tablets in packages containing no more than 16 grams, total dosage, of the drug. The Commission's decision to grant an exemption is based

on toxicity and injury data indicating a low risk of injury associated with accidental ingestion of the drug in the amount requested for exemption by the petitioner.

EFFECTIVE DATE: This amendment is effective September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Sandra Eberle, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207 (301) 492-6400.

SUPPLEMENTARY INFORMATION:

Background

Regulations issued under the Poison Prevention Packaging Act of 1970 (PPPA) (15 U.S.C. 1471-1476) establish child-protection packaging requirements for human oral prescription drugs in order to protect children from serious personal injury or illness resulting from handling, using, or ingesting these substances.

On January 31, 1979, the Commission proposed an exemption to these child-resistant packaging regulations (44 FR 6344) for erythromycin ethylsuccinate in tablet form, each tablet containing no more than the equivalent of 200 mg erythromycin dispensed in packages of no more than 80 tablets (16 grams total dosage). The Commission took this action in response to a petition from Abbott Laboratories and its subsidiary Ross Laboratories. (PP 78-2).

Erythromycin ethylsuccinate is an antibiotic, most often used in the treatment of skin and upper respiratory tract infections, or as a substitute to treat persons allergic to penicillin. Symptoms produced by overdosage include nausea, vomiting, diarrhea, and abdominal cramps. While these gastrointestinal disturbances cause discomfort, they are rarely severe. As currently marketed by Abbott and Ross Laboratories, erythromycin ethylsuccinate is packaged in cartons containing 50 tablets on a cardboard strip with a foil-polyester backing and a vinyl blister covering each tablet. An exemption will allow Abbott (and any other company with a similar product) to eliminate the polyester from the backing, making the individual packages somewhat easier to open.

The Commission proposed the exemption, in part, because of the lack of any significant adverse human experience since 1962, when erythromycin ethylsuccinate was introduced. A Commission staff survey of various sources (including the Department of Health, Education and Welfare National Clearinghouse for Poison Control Centers, the National Electronic Injury Surveillance System,

and Poison Control Center Contract Data) reveals that out of 234 reported ingestions by children under five of the substance between 1975 and April, 1979, two resulted in hospitalization. The normal symptoms from overdosage of this substance, gastric upset, diarrhea, and vomiting, generally are not considered to be serious injuries.

The Commission also based its decision on evidence showing that erythromycin ethylsuccinate has very low toxicity, and that ingestion of even an entire 16 gram (80 tablet) prescription would not be harmful. The data presented by the petitioner indicates that the extrapolated oral median lethal dose (LD 50) for 10 kg children is from 300 to 500 tablets. (Analysis of other experimental data and available pharmacological information, both animal and human, indicates that the oral toxicity of this product is such that this extrapolation may be considered to approximate the anticipated toxicological effect in humans.) Based on this information, a 16 gram prescription, even if entirely ingested at one sitting by a child, would result in substantially less than a toxic dose. Further, it is unlikely a child could gain access to larger quantities, because prescriptions larger than 16 grams remain subject to child-resistant packaging requirements.

Response to Comments

The Commission received one comment, from the American Society of Hospital Pharmacists, in response to the proposed exemption. The commenter noted its support for this exemption because the data indicate that there is a minimal danger of toxicity to children who might ingest the substance. The commenter, however, repeated its recommendation from past comments on other exemptions that exemptions from the PPPA should go beyond the petitioner's request and be based on a determination of the maximum quantity of a drug which can be ingested by a child without significant effect.

In response, the Commission notes that it would be an inefficient use of the agency's limited resources to attempt to set exemption levels beyond those requested by a petitioner. This is particularly true where, as with erythromycin ethylsuccinate, there is no apparent need for an exemption level higher than that requested. Furthermore, any attempt to set a maximum allowable level would be difficult because there is no established method of determining such maximum levels with any reasonable degree of certainty. For example, while median lethal dose data (LD 50) may be used to

approximate a range of doses that could be considered fatal, such data do not provide information on how much of a drug may be ingested with impunity.

It should be noted, however, that while the proposal specified the tablet size and number of tablets for exemption, the final version, below, simply exempts erythromycin ethylsuccinate tablets in packages containing no more than the equivalent of 16 grams of erythromycin. The Commission points out that this exemption is premised on the toxicity of up to 16 grams of erythromycin and is not dependent on tablet size. Therefore, the Commission believes that elimination of the tablet size and number of tablets requirements from the final version of the exemption is appropriate. The final exemption will allow regular packaging for 200 mg or other size tablets in packages containing up to the equivalent of 16 grams of erythromycin.

Comments from FDA and the Technical Advisory Committee on Poison Prevention Packaging

The Commission solicited the opinion of the Food and Drug Administration (FDA) on the exemption request. Based on the low acute oral toxicity of the drug, FDA concluded that the exemption should be granted.

The Commission also received recommendations from ten members of the Technical Advisory Committee on Poison Prevention Packaging. Seven of the ten favored granting an exemption. Three others recommended denial for various reasons. One reason was the possibility of allergic and drug reactions. The Commission notes that erythromycin has relatively low allergenicity and in fact, may be used as a substitute for persons allergic to penicillin. The other reasons cited for denial were (a) the lack of evidence that the easier-to-open blister packaging would sufficiently deter children; and (b) that the amount of erythromycin available (16 grams) was considered to be too high. The Committee members who recommended granting the exemption cited the relative low toxicity of the drug and its safety record.

Finding

Having considered the petition and the comments on the proposal, human experience data from the National Clearinghouse for Poison Control Centers and the Commission's own resources, as well as medical and scientific literature and having consulted, pursuant to section 3 of the PPPA with the Technical Advisory Committee on Poison Prevention

Packaging established under section 6 of the act, the Commission finds that erythromycin ethylsuccinate tablets, in packages containing no more than the equivalent of 16 grams of erythromycin do not pose a risk of serious personal illness or injury to children.

Effective Date

Since this rule grants an exemption, the delayed effective date provisions of the Administrative Procedure Act are inapplicable (5 U.S.C. 553(d)(1)). Accordingly, this exemption becomes effective on September 28, 1979.

Environmental Considerations

The Commission's interim rules for carrying out its responsibilities under the National Environmental Policy Act (see 16 CFR Part 1021; 42 FR 25494) provide that exemptions to an existing standard that do not alter the principal purpose or effect of the standard normally have no potential for affecting the environment and environmental review of exemptions from such regulations is, therefore, generally not required (§ 1021.5(b)(1)). The rules also state that environmental review of rules requiring poison prevention packaging is generally not required (§ 1021.5(b)(3)).

With respect to this exemption of erythromycin ethylsuccinate from poison prevention packaging, the Commission finds that the rule will have no significant effect on the human environment and that no environmental review is necessary.

Conclusion and Promulgation

Having considered the petition, the comment on the proposal, and other relevant material, the Commission concludes that the final rule should be adopted as set forth below.

Accordingly, pursuant to the provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, sections 2(4), 3, 5, 84 Stat. 1670-72; 15 U.S.C. 1471(4), 1472-1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-573, section 30(a), 86 Stat. 1231, 12 U.S.C. 2079(a)), the Commission amends 16 CFR 1700.14 by adding a new paragraph (a)(10)(xvi) as follows (the introductory portion of paragraph (a)(10), although unchanged, is included for context):

§ 1700.14 Substances requiring special packaging.

(a) * * *

(10) *Prescription drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or

written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c), except for the following:

(xvi) Erythromycin ethylsuccinate tablets in packages containing no more than the equivalent of 16 grams erythromycin.

(Pub. L. 91-601, secs. 2(4), 3, Stat. 1670-72 (15 U.S.C. 1471(4)), 1472, 1474; Pub. L. 92-573, sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)))

Effective date: September 28, 1979.

Dated: September 24, 1979.

Sadye E. Dunn,
Secretary, Consumer Product Safety
Commission.

(FR Doc. 79-30155 Filed 9-27-79; 8:45 am)

BILLING CODE 6355-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 31

Temporary Moratorium Regarding Leverage Transactions on Commodities Other Than Gold and Silver Bullion or Bulk Coins

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission has adopted Rule 31.2, imposing a temporary moratorium on persons entering the business of offering and selling to the public standardized contracts for delivery of any commodity (other than gold and silver bullion and bulk coins) commonly known to the trade as margin accounts, margin contracts, leverage accounts or leverage contracts. The rule also covers any contracts, accounts, arrangements, schemes, or devices that serve the same function or functions or are marketed or managed in substantially the same manner as such standardized contracts. The moratorium will remain in effect only until such time as the Commission determines whether leverage transactions on these commodities are contracts for future delivery within the meaning of the Commodity Exchange Act and should be regulated accordingly, or are not contracts for future delivery and the Commission adopts appropriate registration, financial, recordkeeping, disclosure or other regulations as necessary in order to provide adequate customer protection.

The moratorium rule does not affect firms engaged in a leverage transaction

business involving commodities other than gold and silver bullion or bulk coins on February 2, 1979. In addition, the rule provides that the Commission may, in its discretion, grant exemptions from the moratorium to any person who is able to demonstrate (1) that he had invested substantial resources in the development of a leverage transaction business on commodities other than gold and silver bullion or bulk coins, prior to February 2, 1979, (2) that his business will be conducted in a manner that may reasonably be expected to ensure the financial solvency of the transactions to be offered and to prevent manipulation or fraud and (3) that the manner in which the business will be conducted will present no substantial risk to the public and will otherwise be consistent with the public interest.

EFFECTIVE DATE OF RULE: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: John P. Connolly, Office of the General Counsel, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-5608.

SUPPLEMENTARY INFORMATION: On February 2, 1979, the Commission published a proposed rule that would prohibit persons from engaging in the business of offering and selling to the public standardized contracts for delivery of any commodity (other than gold and silver bullion and bulk coins) commonly known to the trade as margin accounts, margin contracts, leverage accounts, or leverage contracts. As proposed, the rule would also cover any contracts, accounts, arrangements, schemes, or devices that serve the same function or functions or are marketed or managed in substantially the same manner as such standardized contracts. The Commission also indicated in its proposed rule that pending completion of its rulemaking proceeding on the proposed prohibition, the Commission might determine to impose a temporary moratorium on entry into this area of the leverage transaction business. The Commission also announced its intention to establish a procedure whereby a person might be granted an exemption from any prohibition or suspension that might be imposed.¹

In its notice of proposed rulemaking, the Commission noted its jurisdiction

and regulatory authority over leverage transactions under Section 2(a)(1) of the Commodity Exchange Act, 7 U.S.C. 2 (1976), and Section 217 of the Commodity Futures Trading Commission Act of 1974, 7 U.S.C. 15a (1976). The Futures Trading Act of 1978, Pub. L. 95-405, 92 Stat. 865, *et seq.*, added a new Section 19 to the Commodity Exchange Act, which greatly expands the Commission's authority over leverage transactions to encompass all commodities. That new legislation also grants the Commission exclusive jurisdiction over these transactions.²

New Section 19 of the Commodity Exchange Act prohibits leverage transactions involving those commodities (essentially domestic agricultural commodities) that were specifically enumerated in Section 2(a) of the Act prior to 1974,³ incorporates the substantive provisions concerning gold and silver leverage transactions previously embodied in Section 217 of the Commodity Futures Trading Commission Act of 1974, and empowers the Commission either to prohibit or regulate leverage transactions involving all other commodities under terms and conditions that the Commission shall initially prescribe by October 1, 1979. In addition, Section 19 broadens the Commission's jurisdiction over leverage transactions to include not only a standardized contract commonly known to the trade as a margin account, margin contract, leverage account or leverage contract, but also any contract, account, arrangement, scheme or device that serves the same function or functions, or is marketed or managed in substantially the same manner, as such a standardized contract. Finally, Section 19 provides that if the Commission determines any leverage transaction in gold, silver or any other commodity to be a contract for future delivery, within the meaning of the Act, such transaction shall be regulated as such.⁴

¹ See Section 2(a)(1) of the Commodity Exchange Act, 7 U.S.C. 2, as amended by Pub. L. 95-405, sections 2, 23, 92 Stat. 865, 876-877.

² The commodities specifically enumerated in Section 2(a) of the Act prior to 1974 are: Wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, millfeeds, butter, eggs, onions, Solanum tuberosum (Irish potatoes), wool, wooltops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products, and frozen concentrated orange juice.

³ In response to these legislative developments, on November 30, 1978, the Commission adopted Rule 31.1, which imposed a moratorium, effective January 4, 1979, on the entry of new firms into the gold and silver leverage transaction field (43 FR 56885-56887, December 5, 1978). That rule does not affect firms engaged in a gold or silver leverage transaction business on June 1, 1978. In addition, the rule provides that the Commission may, in its

The Commission's notice of proposed rulemaking contained a statutory and legislative analysis of its new authority under new Section 19 of the Commodity Exchange Act. Specifically, the Commission indicated that it had examined carefully the highly speculative nature of leverage transactions in commodities other than gold and silver, studied the legislative history of Section 19 and reviewed its experience with the marketing in the United States of off-exchange instruments. The Commission also made clear that the public interest considerations it would apply under Section 19 would include an analysis both of the economic purpose served by leverage transactions and whether these transactions presented an unnecessary risk to the public. The Commission requested comment on whether these leverage transactions had the characteristics of contracts for future delivery. The Commission further specifically requested from those persons currently involved in the business of marketing these leverage contracts to the public information concerning their activities, those commodities on which leverage transactions were being offered to the public and the economic purpose served by their enterprises. Little information or data was received.

Accordingly, the Commission has determined that in the absence of any substantial evidence of economic purpose served by this class of leverage transactions, there appears no reason to permit the entry into an activity in which the potential for customer abuses is so great without rigorous controls. Nor does there appear any reason for the Commission to adopt a comprehensive regulatory program for the few firms that appear to be engaged in this business. However, the Commission has not at this time received sufficient data and evidence which, in its judgment, would justify the permanent prohibition of this area of the leverage transaction business. Thus, on the basis of the information it now possesses, the Commission has determined to impose a temporary moratorium on entry into the leverage transaction field involving commodities other than gold and silver bullion or bulk coins. This rule would apply to all persons other than those engaged in the business prior to

discretion, grant applications for exemption from the moratorium. Thereafter, on December 11, 1978, the Commission adopted an expanded version of its antifraud rule, 17 CFR § 31.03, previously applicable only to gold and silver leverage transactions to cover fraudulent conduct in connection with leverage transactions involving all commodities. (43 FR 58554, December 15, 1978).

⁴ The Commission indicated in its proposed rule (44 FR 6737, 6740, February 2, 1979) that it considered the record developed in connection with its earlier proceeding pertaining to Rule 31.1, which established a moratorium on the entry into the business of offering and selling leverage contracts involving the delivery of silver bullion, gold bullion, bulk silver coins and bulk gold coins (43 FR 56885, December 5, 1978), to be a part of the record upon which it would consider the present rule.

February 2, 1979 (the date the Commission's rule proposal was published in the *Federal Register*) and will become effective 30 days after publication.

In its proposal the Commission summarized its experience concerning the offer and sale of leverage contracts in the United States. That experience included the in-depth survey of firms then known to be marketing leverage transactions conducted by the Commission's Division of Enforcement.⁹ Additional investigation by the Division of Enforcement identified approximately 73 firms that were selling off-exchange instruments, some of which appeared to be leverage contracts. The initial survey and other Enforcement Division inquiries indicated that several commodities other than gold and silver were being sold on a leverage basis, including copper, platinum, and diamonds and other precious gems.¹⁰ Customer complaints and preliminary investigations conducted by the Commission's staff indicate a likelihood that high-pressure "boiler-room" sales techniques, including cold-canvas telephone calls and misrepresentations, are being employed to sell off-exchange instruments including some leverage transactions in commodities other than gold and silver. These are the same kinds of fraudulent and abusive practices which characterized the sale of London commodity options. It also appears that entry of some persons into the leverage transaction business coincided with the June 1, 1978, effective date of the Commission's suspension of the offer and sale of commodity options in the United States. 17 CFR 32.11 (1978).

In March, 1979, the Commission proposed to adopt the analysis of its Office of General Counsel pertaining to gold and silver leverage transactions which were the subject of Section 217 of the Commodity Futures Trading Commission Act of 1974, now recodified as part of Section 19 of the Commodity Exchange Act. 44 FR 13494-13501, March 12, 1979. As noted above, under that section if the Commission determines that any of the transactions are

⁹ The Division of Enforcement survey, among other things, identified the principal characteristics of the leverage transactions then being marketed. Based on the survey findings, the Commission's Division of Economics and Education, in a May 8, 1978, memorandum to the Commission, concluded that the leverage transactions then being offered by the firms that were the subject of the Enforcement Division's survey were essentially contracts for future delivery.

¹⁰ See letter and exhibits of September 8, 1978, from former Vice-Chairman Seavers to Senator Talmadge, copies of which are available for public inspection at the Commission's Washington, D.C., headquarters.

contracts for future delivery within the meaning of the Commodity Exchange Act, those transactions are required to be regulated as such. Thus, under Sections 4 and 4h of the Commodity Exchange Act, 7 U.S.C. 6, 6h, it would be unlawful to effect these transactions other than on or through a designated contract market.

On July 10, 1979, following the receipt and analysis of public comments on its proposal, the Commission announced its intention to determine, effective January 1, 1980, that leverage transactions for the delivery of gold and silver bullion or bulk coins of the type being offered to the public are, in fact, contracts for future delivery within the meaning of the Commodity Exchange Act. 44 FR 44177, July 27, 1979. In recognition of the interest expressed by its Congressional oversight committees regarding the Commission's determination that these leverage transactions are contracts for future delivery, the Commission has also informed those committees of the Commission's intentions. See, S. Rep. No. 1239, 95th Cong., 2d Sess. 28 (1978), the Conference Report on S. 2391, The Futures Trading Act of 1978. In the absence of a statutory change, the Commission expects to take final action on its determination sometime before the proposed effective date of January 1, 1980.

On July 5, 1979, the Commission's Enforcement Division provided the Commission with an update of its April 19, 1978, survey of leverage trading. The Enforcement Division's study focused on nine leverage transaction dealers. That study, as well as the initial survey, indicated that leverage transactions involving commodities other than gold and silver have similar characteristics to the gold and silver transactions that were the subject of the memorandum of the Commission's Office of General Counsel.

The Commission intends to review the moratorium on leverage transactions on commodities other than gold and silver or bulk coins as well as to review any petitions received for exemption from the moratorium. By this method, the Commission hopes to obtain additional data on the nature of these transactions in order to develop a permanent regulatory program if warranted. In considering any petitions for exemption that may be submitted, the Commission will examine carefully the characteristics and nature of the instrument which is the subject of the petition. Should the Commission determine that an instrument is, in fact, a contract for future delivery within the meaning of the Commodity Exchange

Act, then it would be unlawful to effect such transactions except through a designated contract market.⁷

Eight written comments on the proposed rule were received.⁸ Three of those comments from state attorneys general and one from a securities division of a secretary of state were favorable to either a temporary suspension of prohibition.⁹ Two leverage transaction firms submitted a joint petition for rulemaking pursuant to Commission Rule 31.2, as an alternative to the Commission's proposed prohibition or temporary suspension.¹⁰

⁷ In this connection, the Office of General Counsel's memorandum pertaining to leverage transactions on gold and silver or bulk coins specifically noted that the analysis contained in that memorandum applies to instruments other than gold and silver leverage transactions.

⁸ One commentator asserted that precious gems did not fall within the definition of a commodity contained within Section 2(a)(1) of the Act and suggested that the Commission eliminate in its final action any suggestion that precious gems are commodities. In this connection, however, the Senate Committee Report accompanying S. 2391 made clear that the Commission would have the "authority to regulate or ban leverage contracts on diamonds." S. Rep. No. 95-850, 95th Cong., 2d Sess. 27 (1978). Similarly, Senator Huddleston, the sponsor of S. 2391, observed during the floor debate on the bill, as reported by the Conference Committee:

"The media has recently disclosed the widespread potential for fraud in the marketing of leverage contracts in diamonds. The Commission under new Section 19 of the Commodity Exchange Act, will have the authority to regulate or ban leverage transactions in diamonds, emeralds, or other commodities on which leverage transactions are offered. It is my hope that this new authority coupled with the Commission's acquired experience over the past three years, will insure that the scandals with 'London' options will not be repeated with leverage transactions." 124 Cong. Rec. S16530 (daily ed., September 28, 1978).

⁹ The Commission mailed a copy of its proposed rule to the attorneys general and securities administrators of the states and requested that they provide the Commission with their comments and any promotional materials they may have obtained from leverage contract firms.

¹⁰ The petition for rulemaking, which covered leverage transactions on all commodities, was submitted on behalf of two firms which deal in leverage transactions and is presently pending before the Commission. Since the Commission is adopting a temporary moratorium until such time as it may determine that leverage transactions on commodities other than gold and silver bullion or bulk coins are contracts for future delivery or, in the alternative, to adopt, as the joint petitioners request, a separate regulatory structure for these transactions, consideration of the merits of the petition as it relates to these transactions will be deferred.

That rulemaking petition also related to leverage transactions on gold and silver bullion or bulk coins. However, as discussed above, on July 10, 1979 (44 FR 44177, July 27, 1979), the Commission announced its intention to determine, effective January 1, 1980, that leverage transactions for the delivery of gold and silver bullion or bulk coins of the type being offered to the public are contracts for future delivery within the meaning of the Commodity Exchange Act and are required to be regulated as such. Pending Congressional hearings, if any, with respect to the Commission's intent to

Footnotes continued on next page

On April 13, 1979, the Commission determined to make publicly available and seek written comments on that petition (44 FR 23092, April 18, 1979). That petition for rulemaking opposed a prohibition or moratorium and suggested that the Commission adopt a comprehensive regulatory structure to govern the offer and sale of leverage transactions which would include, among other things, registration, net working capital, segregation of customers' funds, disclosure and recordkeeping requirements. While the Commission may ultimately determine to adopt a separate regulatory scheme for certain classes of leverage transactions, such a decision would be premised on the Commission first concluding that these transactions are not contracts for future delivery within the meaning of the Commodity Exchange Act.

In any event, regardless of the form of regulation the Commission may ultimately decide to adopt concerning leverage transactions, some time will be needed to reach and implement that decision. In the interim, on the basis of the information it now possesses concerning leverage transactions and consistent with the basic policies underlying the Commodity Exchange Act, the Commission believes that the imposition of a moratorium is necessary to protect the public interest.¹¹

One leverage firm commentator asserted that the Commission had not demonstrated that leverage transactions on any commodity are contrary to the public interest and that the legislative history of Section 19 indicates that the Commission should exercise its authority to prohibit leverage transactions in a commodity only if it determines that such transactions are contrary to the public interest or cannot be regulated successfully. Another leverage transaction firm commentator asserted that the Commission's proposal to include a public interest—economic purpose test similar to that contained in Section 5(g) of the Commodity Exchange Act is inappropriate, since leverage transactions are not designed with commercial usage in mind.

With respect to these comments, the Commission, at this time, has determined to impose only a temporary

moratorium, rather than a prohibition, on entry into this area of the leverage transaction business. This temporary moratorium will not affect existing businesses. This approach also affords persons who had been planning to enter the field the opportunity to demonstrate that their business may commence consistent with the public interest, while at the same time permitting the Commission to evaluate these businesses under adequate controls. Further, the 1978 amendments to the Act, including Section 19, and their legislative history fully support the Commission's regulatory approach. As the statutory prohibitions on certain commodity option transactions and on leverage transactions involving domestic agricultural commodities enacted in 1978 demonstrate, Congress is particularly concerned that commodity-related transactions should be permitted only when they may be effected with a reasonable expectation of adequate customer protection.¹²

In its notice of proposed rulemaking, the Commission made clear that in considering whether leverage transactions are contrary to the public interest it would apply economic purpose criteria similar to those subsumed within Section 5(g) of the Act. Thus, in making its proposal, the Commission requested information concerning the commercial use of leverage transactions for hedging, price basing, or otherwise to facilitate the production, marketing and processing of commodities in interstate commerce, or any other economic purpose served by these transactions. Accordingly, the Commission did not suggest that leverage contracts must serve the same economic purpose as futures contracts but rather requested evidence concerning any economic purpose served by these transactions to balance against the real and potential danger for customer abuse—an equally important public interest consideration under the Act, as the 1978 amendments to the Act make clear. However, the Commission has not received any evidence indicating any significant economic purpose which may be served by these leverage transactions;¹³ nor does it

¹² Congress expressly cautioned both in 1974 and 1978 that any regulation of leverage transactions in gold and silver should be designed "to ensure the financial solvency of the transaction" and "prevent manipulation or fraud." 7 U.S.C. 15a (1976); 92 Stat. 878. See also note 8, *supra*.

¹³ A leverage firm commentator (which was also a party to the joint rulemaking petition) asserted that one of the primary benefits obtained by leverage customers is the protection against the erosion of savings or wealth through inflation by the ownership of precious metals. However, the

possess evidence sufficient to indicate that the number of firms operating in this area of the leverage transaction business would justify the creation of a separate regulatory structure. For these reasons, pending further study, the Commission has determined to impose a temporary moratorium.

Certain comments submitted with the joint rulemaking petition (see n. 10, *supra*) expressed the view that even the threat of a moratorium or prohibition would discourage legitimate enterprises from entering into the leverage transaction business. Those comments suggested that the proposed rule, even prior to adoption, would have a chilling effect by making it difficult to attract and retain qualified employees. In this connection, one leverage firm commentator urged that the adoption of a moratorium would be inconsistent with Section 15 of the Commodity Exchange Act, 7 U.S.C. 19 (1976), since the objectives of Section 15 could, in its view, be achieved by the Commission's regulation of all leverage transactions. In proposing and in adopting the moratorium, the Commission has considered carefully its responsibility under Section 15 of the Act. That Section does not require the Commission to subordinate the policies and purposes of the Commodity Exchange Act to those of the antitrust laws. Consistent with Section 15 the Commission may adopt regulations that may have anticompetitive implications, and is not required to take the least anticompetitive course of action when the objectives, policies or purposes of the Commodity Exchange Act would be better served in some other way. In this connection and notwithstanding Section 15 of the Act, Congress itself prohibited certain commodity option and leverage transactions under the Futures Trading Act of 1978 and authorized the Commission to prohibit other forms of leverage transactions.¹⁴

Commission has not received evidence that these leverage transactions in fact provide an economical means of obtaining precious metals.

¹⁴ As the Commission stated in adopting its suspension of commodity options: "the public interest considerations underlying the antitrust laws are predicated on the benefits flowing to the economy and the consumer from the effects of legitimate enterprises vying for a share of a given market through fair dealing and just and equitable principles of trade. In the absence of a demonstrated social or economic utility served by the product sold and where the marketing of that product is uniquely susceptible to . . . fraudulent and abusive practices, these public interest considerations are being subverted. Thus, notwithstanding the existence of the antitrust laws, Congress prohibited certain options transactions in 1938 and has continued that prohibition to the present day. And in 1974, at the same time it enacted section 15, Congress empowered the

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Although the Commission recognizes that the moratorium may inhibit competition by permitting some firms to continue to market leverage transactions while preventing others from doing so for the present time, the moratorium is an interim measure designed to halt the entry of firms into this area of the leverage transaction field only until an appropriate regulatory scheme to assure adequate customer protection safeguards is implemented, or until such time as the Commission may determine to regulate these leverage transactions as contracts for future delivery within the meaning of the Commodity Exchange Act.

Since publication of the proposed moratorium rule, the Commission has continued to monitor closely the offer and sale of leverage transactions in the United States. However, as the Commission indicated in its proposed rule, since the area of leverage transactions has yet to be brought under a system of comprehensive regulatory control, there exists a significant possibility that the increased marketing of these contracts will result in severe financial loss to numerous members of the public. The prices of leverage contracts are not competitively determined nor are they widely disseminated. Leverage transactions also require a substantial initial investment by the customer, a large percentage of which often goes immediately to the leverage dealer in the form of commissions, mark-ups, and other costs or fees. The lack of public understanding concerning leverage transactions together with the lure of large potential profits to be made, make these transactions highly susceptible to overreaching and fraudulent activities. Under these circumstances, and in the absence of any evidence that there is a significant economic purpose associated with these leverage transactions, the Commission has determined that adequate customer protection can be assured at this time only by a moratorium on the entry into the leverage transaction field on commodities other than gold and silver bullion and bulk coins. In this way, the Commission will be able to limit temporarily what would otherwise be the uncontrolled entry of firms into the business of offering and selling leverage transactions on such commodities. Further, this moratorium will provide the Commission with the opportunity to

evaluate carefully this area of business activity, and to adopt and implement an appropriate regulatory program, if warranted.

The Commission fully appreciates that there may be some individuals or firms who may have been planning to establish a leverage transaction business after February 2, 1979, and who may now be temporarily prohibited from so doing. The Commission is also aware that some persons may have established leverage contract businesses subsequent to February 2, 1979, who now will be required temporarily to curtail leverage contracts sales activity.¹³ However, these individuals or firms have proceeded at their own risk in the face of the Commission's publication of the proposed moratorium and prohibition rule on February 2, 1979. And, to minimize any adverse effects of the moratorium on persons who had made a substantial investment to develop a leverage transaction business but had not commenced the business by February 2, 1979, the moratorium rule establishes a procedure whereby such persons may make a written request to the Commission for an exemption from the moratorium. In any event, in balancing the adverse consequences which may be involved, the Commission has determined that the private interests of all these persons must yield to the public interest and the protection of the public.

Furthermore, with respect to requests for exemption from the moratorium which may be submitted to the Commission pursuant to paragraph (b) of the rule, such requests must be in writing and should set forth complete and specific details concerning the basis upon which the exemption is requested. The Commission wishes to make clear that it has no intention of expending its limited resources on a myriad of exemptive requests which are not meritorious and, therefore, it will not entertain frivolous or undocumented requests for exemption. Exemptions will be granted only if the Commission finds that the criteria set forth in paragraph (b) of the rule have been satisfied.

In consideration of the foregoing, Chapter I of Title 17 of the Code of Federal Regulations is hereby amended

¹³ Of course, the temporary moratorium does not in any way relieve individuals or firms who have established leverage businesses after February 2, of the obligations owing to customers arising out of leverage contracts sold since that date but prior to the effective date of the moratorium. In this regard, the Commission will consider a failure by such individuals or firms to discharge these obligations as constituting, among other things, a violation of the Commission leverage contract antifraud rule. 17 CFR 31.03 (1978).

by adding a new section to Part 31 as follows:

§ 31.2 Temporary moratorium on the offer and sale of certain transactions for the delivery of commodities other than gold or silver bullion or bulk coins.

(a) Until the Commission by rule, regulation or order determines otherwise, it shall be unlawful for any person, by use of the mails or any means or instrumentality of interstate commerce to engage in the business of offering to enter into, entering into, or confirming the execution of, any transaction for the delivery of any commodity other than gold and silver bullion or bulk coins in the United States under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account or leverage contract or under any contract, account, agreement, scheme, or device that serves the same function or functions as such a standardized contract, or that is marketed or managed in substantially the same manner as such a standardized contract, who was not engaged in that business on February 2, 1979.

(b) The Commission may, in its discretion, grant an exemption from the provisions of paragraph (a) of this section to any person who can demonstrate to the Commission's satisfaction that (1) prior to February 2, 1979, the person had invested substantial resources to develop a business referred to in paragraph (a) of this section, (2) the business will be conducted in a manner that may reasonably be expected to ensure the financial solvency of the contract to be offered and sold and to prevent manipulation or fraud, and (3) the manner in which the business will be conducted will present no substantial risk to the public and will otherwise be consistent with the public interest.

(7 U.S.C. 12a, (1976); as amended, Pub. L. 95-405, secs. 2 and 23, 92 Stat. 865, 876-877.)

Issued in Washington, D.C. on September 25, 1979.

Jean A. Webb,

Deputy Secretary, Commodity Futures Trading Commission.

[FR Doc. 79-30258 Filed 9-27-79; 8:45 am]

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**DEPARTMENT OF THE TREASURY
Customs Service**

19 CFR Part 159

[T.D. 79-253]

Non-Rubber Footwear, Certain Castor Oil Products, Scissors and Shears, and Cotton Yarn From Brazil; Declaration of Net Amount of Bounty or Grant

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Net Amount of Bounty or Grant Declared.

SUMMARY: This notice is to advise the public of the new rates of countervailing duty applicable to imports of non-rubber footwear, certain castor oil products, scissors and shears, and cotton yarn from Brazil. These rates will be applicable to such merchandise exported from Brazil on or after September 30, 1979.

EFFECTIVE DATE: September 30, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Charles F. Goldsmith, Economist, Office of Tariff Affairs, U.S. Department of the Treasury, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220, telephone (202) 566-2951.

SUPPLEMENTARY INFORMATION: In the Federal Register of May 17, 1979 (44 F.R. 28790-2) it was announced that due to actions taken by the Government of Brazil to eliminate export payments which have been determined by Treasury to constitute bounties or grants, reductions of the countervailing duty rates applicable to imports of non-rubber footwear, certain castor oil products, scissors and shears, and cotton yarn, would be made quarterly to reflect the staged reduction of these benefits. The present action is taken to reduce the countervailing duty rates applicable to imports of the above merchandise which are exported from Brazil on or after September 30, 1979.

On the basis of the actions taken by the Government of Brazil on September 30, 1979, to reduce the payments to the exporters of the subject merchandise, it has been ascertained and determined that the net amount of bounties or grants paid or bestowed, directly or indirectly by the Government of Brazil on the exportation of the subject merchandise, in terms of the f.o.b. or ex-works price to the United States of the applicable merchandise, is as follows:

(1) Non-rubber footwear:

(A) 9.5 percent for shoes manufactured by firms whose export sales account for 40 percent or less of the value of their total sales; and

(B) 3.7 percent for shoes manufactured by firms whose export sales account for more than 40 percent of the value of their total sales.

(2) Certain castor oil products, 8.5 percent.

(3) Scissors and shears, 12.5 percent.

(4) Cotton yarn, 15.3 percent.

Accordingly, until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable non-rubber footwear, certain castor oil products, scissors and shears, and cotton yarn, respectively, imported directly or indirectly from Brazil, and exported from that country on or after September 30, 1979, which benefit from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

Any merchandise subject to the terms of this declaration shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such non-rubber footwear, certain castor oil products, scissors and shears, and cotton yarn, respectively, from Brazil.

The table in section 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry for "non-rubber footwear," "certain castor oil products," "scissors and shears," and "cotton yarn," respectively, under the country heading "Brazil", the number of this Treasury Decision in the column so headed and the words "New Rate" in the column headed "Action."

(R.S. 251, section 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2049; 19 U.S.C. 66, 1303, as amended, 1624).

David R. Brennan,
Acting General Counsel of the Treasury.
September 24, 1979.

[FR Doc. 79-30258 Filed 9-27-79; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF LABOR

**Employment and Training
Administration**

20 CFR Part 655

**Adverse Effect Wage Rate for
Agricultural Employment in the State
of Arizona**

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: On August 24, 1979, there was published in the Federal Register a proposal to amend 20 CFR § 655.207(b)(2) to add Arizona to the list of States for which agricultural adverse effect wage rates are computed and published annually (44 FR 49697). This document adopts that proposal. The adverse effect wage rates are established and set to prevent the employment of nonimmigrant alien workers from adversely affecting the wages of similarly employed United States workers.

EFFECTIVE DATE: This amendment applies to all agricultural employment in the State of Arizona beginning and/or occurring on or after September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Aaron Bodin, Chief, Division of Labor Certifications, U.S. Employment Service, Room 8410, 601 "D" Street, N.W., Washington, D.C. 20513. Telephone: 202-376-6295.

SUPPLEMENTARY INFORMATION:

Temporary Alien Employment Certification Program. Pursuant to 8 CFR § 214.2(h)(3)(i) of the Immigration and Naturalization Service (INS) regulations, the Department of Labor (DOL) advises INS with respect to the availability of qualified U.S. workers for temporary jobs offered to certain nonimmigrant aliens, and with respect to the adverse effect that the employment of these aliens might have on similarly employed U.S. workers. This process and the factors taken into consideration during this process were described fully in the Notice of Proposed Rulemaking, 44 FR 49697-49698.

The DOL regulations governing the temporary labor certification process for agricultural employment are published at 20 CFR Part 655, Subpart C. The regulations require the Administrator, U.S. Employment Service (USES), to compute and to cause to be published annually adverse effect wage rates for agricultural employment in various States. The adverse effect wage rate for a State is the minimum rate that agricultural employers of nonimmigrant aliens must offer and pay all their workers to avoid adversely affecting the wages of similarly employed U.S. workers. 20 CFR § 655.207. The Notice of Proposed Rulemaking published on August 24, 1979, explained how the employment of nonimmigrant alien agricultural labor in Arizona has had and will continue to have an adverse effect on U.S. workers unless an adverse effect wage rate is set for that State. 44 FR 49698. DOL has determined to adopt that proposed rule and to amend 20 CFR § 655.207(b)(2) to include the State of Arizona.

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Commission to prohibit option transactions in the newly-regulated commodities." 43 FR 16156 (April 17, 1978).

If Arizona employers seeking nonimmigrant aliens for temporary agricultural labor offer those aliens or U.S. workers wages below the adverse effect wage rate, DOL will determine that similarly employed U.S. workers will be adversely affected. The wages offered and afforded to temporary aliens and to U.S. workers by specific agricultural employers in Arizona will be compared to the established adverse effect wage rate. If it is concluded that an adverse effect would result, the ultimate determination of availability of U.S. workers cannot be made. U.S. workers cannot be expected to accept employment under conditions below the established adverse effect levels. 20 CFR § 655.0(d). It is anticipated that the adverse effect wage rate for Arizona will begin at \$3.67 per hour.

Consideration of Comments. Interested parties were invited to submit comments until September 24, 1979, on the proposed rule. The comments received were carefully reviewed and considered.

An agricultural employers' association objected to the proposal's comparison between the wages offered in job orders last year and those offered this year, which was one basis for determining the existence of adverse effect. The growers argue that the 1978 wage offer of \$3.13 per hour, \$23 per hour higher than the 1979 offer, was made at the request of the Arizona State employment service, and did not reflect actual labor market conditions. However, it did indicate that in the 1978 season the growers were willing to pay the higher wage and that in 1979 they were willing to offer only a lower wage rate.

The growers' association also argues that the ETA Regional Administrator permitted the growers to recruit workers at the lower 1979 wage of \$2.90 per hour, which they believe indicates that the rate did not have an adverse effect. The growers did not mention in their comments, however, that they had agreed to amend their job orders to offer the computed adverse effect wage rate when one is established for Arizona.

The growers state that even though they are recruiting with a wage offer of only \$2.90 per hour, their job orders are attracting U.S. workers who have accepted employment at that wage. Nevertheless, even if U.S. workers are willing to accept lower wages, there is still an adverse effect as a result of the recruitment and/or employment of the alien workers at those low wages.

The growers' association also alleges that of 142 undocumented alien agricultural workers apprehended by the Immigration and Naturalization Service in the first four months of 1979, 109 were

being paid between \$4.40 and \$6.49 per hour, arguing that this shows the absence of adverse effect. However, if these facts are as alleged, the growers should have no objection to a guaranteed adverse effect wage rate of only \$3.67 per hour. If as the result of piece rates workers are able to earn more than the adverse effect wage rate, the higher production and higher earnings inure to the benefit of the employer and the employee alike. Additionally, the growers fail to consider the other assurances required from growers as a condition for certification of alien labor, such as housing, three daily meals, insurance, and a guarantee of employment for ¾ of the contract period. No evidence was submitted to show that the undocumented aliens employed by the growers received any of these benefits.

Other comments were received, from the Arizona Department of Employment Security, and from various farmworker-oriented organizations, all of which were favorable to the proposed rule, and urged that it be published in final without delay. One farmworker association, however, reproached DOL and ETA for the publication of the proposed rulemaking this late in the year. DOL and ETA also regret that the proposed rule was not published earlier, but the extent of time necessary to collect and assemble the data from which the proposal derived necessitated the delay.

The adverse comments were not persuasive and DOL and ETA have determined that an adverse effect wage rate is necessary in Arizona, to avoid adverse effect on the wages of similarly employed U.S. agricultural workers in that State.

Development of Regulations. This final rulemaking document was prepared under the direction and control of: Mr. David O. Williams, Administrator, U.S. Employment Service, Employment and Training Administration, U.S. Department of Labor, Washington, D.C.

Final Rule. Accordingly, § 655.207(b)(2) of Part 655 of Chapter V, Code of Federal Regulations, is revised to read as follows:

§ 655.207 Adverse effect rates.

(b) * * *

(2) *List of States.* Arizona, Colorado, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, Texas, Vermont, Virginia, and West Virginia. Other States may be added as appropriate.

(Secretary of Labor's Order No. 4-75, 40 FR 18515).

Signed at Washington, D.C. this 25th day of September 1979.

Ernest G. Green,
Assistant Secretary for Employment and Training.

[FR Doc. 79-30252 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 841

[Docket No. N-79-948]

Prototype Cost Determination Under 24 CFR, Part 841—Public Housing Program; Development Phase; Appendix A—Prototype Cost Limits for Low-Income Public Housing

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, (HUD).

ACTION: Notice of Prototype Cost Determination Under 24 CFR, Part 841, Appendix A.

SUMMARY: On June 6, 1979, the Department published a revised schedule of "Prototype Cost Limits for Low-Income Public and Indian Housing." Omissions and errors detected in the June 6, 1979 Schedule A, and subsequent disclosure of factual data, require revisions to correct the per unit prototype cost limits for five areas in the State of Rhode Island; one area in the State of Michigan; one area in the State of Texas; one area in the State of North Dakota; five areas in the State of South Dakota; five areas in the State of Montana; three areas in the State of Nevada; and six areas in the State of California.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Jack R. VanNess, Director, Technical Support Division, Office of Public Housing—Room 6248 451 7th Street, S.W., Washington, D.C., 20410, (202) 755-4956 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The United States Housing Act of 1937 requires determination by HUD of the costs in different areas for construction and equipment (prototype costs) of new dwelling units suitable for occupancy by low-income families. The prototype costs constitute a limit on development cost for construction and equipment of new public housing projects including Indian projects.

The schedules in this Notice establish revised per unit prototype cost limits for development of public housing under 24 CFR Part 841 (see Section 841.115(b)(2)), and of Indian Housing under 24 CFR Part 805 (see Sections 805.213 and 805.214(b)).

The prototype cost determinations are based on data supplied by the HUD Field Offices and by the public.

Where prototype schedules are established for special Indian prototype cost areas in accordance with 24 CFR Section 805.213, the prototype cost limits apply only for development of Indian Housing (these special areas are identified by an asterisk (*) on the schedules).

Section 6(b) of the U.S. Housing Act of 1937 provides that the prototype costs shall become effective upon the date of publication in the Federal Register, and this Notice is, therefore, made effective upon publication.

Timely written comments will be considered and additional amendments will be published if the Department determines that acceptance of the comments is appropriate. Comments with respect to cost limits for a given location should be sent to the address indicated above.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969, has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410.

The prototype per unit cost schedules issued under 24 CFR, Part 841, Appendix A, Prototype Cost Limits for Low-Income Housing are amended as follows:

1. At 44 FR 32521, revise the prototype per unit cost schedules for elevator dwellings, as shown on the prototype per unit cost schedules, Region I, Providence, Newport and Westerly, Rhode Island.

2. At 44 FR 32522, revise the prototype per unit cost schedules for elevator dwellings, as shown on the prototype per unit cost schedules, Region I, Pawtucket and Woonsocket, Rhode Island.

3. At 44 FR 32546, revise the prototype per unit cost schedules for detached and semi-detached dwellings, as shown on the prototype per unit cost schedules, Region V; *Manistique, Michigan.

4. At 44 FR 32559, revise the prototype per unit cost schedules for elevator dwellings, as shown on the prototype per unit cost schedules, Region VI; San Antonio, Texas.

5. At 44 FR 32567, revise the prototype per unit cost schedules for detached and semi-detached, row and walk-up dwellings, as shown on the per unit cost schedules, Region VIII; *Fort Totten, North Dakota.

6. At 44 FR 32567, revise the prototype per unit cost schedules for detached and semi-detached, row and walk-up dwellings, as shown on the per unit cost schedules, Region VIII; *Mission, South Dakota.

7. At 44 FR 32568, revise the prototype per unit cost schedules for detached and semi-detached, row and walk-up dwellings, as shown on the per unit cost schedules, Region VIII; *Fort Thompson, *McLaughlin, *Wagner, and *Sisseton, South Dakota.

8. At 44 FR 32566, revise the prototype per unit cost schedules for detached and semi-detached, row and walk-up dwellings, as shown on the per unit cost schedules, Region VIII; *Ronan, *Harlen, *Browning, *Wolf Point, and *Lodge Grass, Montana.

9. At 44 FR 32579, add the prototype per unit cost schedules for zero and one bedroom detached and semi-detached dwellings, and the complete schedules for row and walk-up dwellings, as shown on the per unit cost schedules, Region IX; Elko, Fallon and Garderville, Nevada.

10. At 44 FR 32573, revise the prototype per unit cost schedules for row and walk-up dwellings, as shown on the per unit cost schedules, Region IX; Victorville, California.

11. At 44 FR 32574, revise the prototype per unit cost schedules for row and walk-up dwellings, as shown on the per unit cost schedules, Region IX; Arrowhead, Barstow, Big Bear and Desert Center, California.

12. At 44 FR 32575, revise the prototype per unit cost schedules for row and walk-up dwellings, as shown on the prototype per unit cost schedules, Region IX; Needles, California.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Sec. 6(b) U.S. Housing Act of 1937, 42 U.S.C. 1437(d)).

Issued at Washington, D.C. on September 19, 1979.

Lawrence B. Simmons,
Assistant Secretary for Housing-Federal Housing Commissioner.

BILLING CODE 4210-01-M

PROTOTYPE PER UNIT COST SCHEDULE
REGION V

MICHIGAN									
PROVIDENCE	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.									
Row Dwellings									
Walk-Up									
Elevator-Structure									
NEWPORT									
Det. & Semi-Det.									
Row Dwellings									
Walk-Up									
Elevator-Structure									
WESTERLY									
Det. & Semi-Det.									
Row Dwellings									
Walk-Up									
Elevator-Structure									
PAINTUCKET									
Det. & Semi-Det.									
Row Dwellings									
Walk-Up									
Elevator-Structure									
MOON SOCKET									
Det. & Semi-Det.									
Row Dwellings									
Walk-Up									
Elevator-Structure									

PROTOTYPE PER UNIT COST SCHEDULE
REGION I

PROVIDENCE	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
NEWPORT							
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
WESTERLY							
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
PAINTUCKET							
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
MOON SOCKET							
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

PROTOTYPE PER UNIT COST SCHEDULE
REGION VIII

NORTH DAKOTA									
PROVIDENCE	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.									
Row Dwellings									
Walk-Up									
Elevator-Structure									
Det. & Semi-Det.									
Row Dwellings									
Walk-Up									
Elevator-Structure									
Det. & Semi-Det.									
Row Dwellings									
Walk-Up									
Elevator-Structure									
Det. & Semi-Det.									
Row Dwellings									
Walk-Up									
Elevator-Structure									
Det. & Semi-Det.									
Row Dwellings									
Walk-Up									
Elevator-Structure									

PROTOTYPE PER UNIT COST SCHEDULE
REGION VI

PROVIDENCE	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

PROTOTYPE PER UNIT COST SCHEDULE
REGION VIII

SOUTH DAKOTA									
* MISSION	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.	26,800	31,100	37,050	42,900	51,700	57,500	59,900		
Row Dwellings	25,450	29,550	35,200	40,750	49,100	54,600	56,900		
Walk-Up	22,800	26,450	31,500	36,450	43,950	48,900	50,900		
Elevator-Structure									
* FORT THOMPSON	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.	26,350	30,550	36,400	42,150	50,800	56,600	59,050		
Row Dwellings	25,050	29,000	34,600	40,050	48,250	53,750	56,100		
Walk-Up	22,400	25,950	30,950	35,800	43,200	48,100	50,200		
Elevator-Structure									
* McLAUGHLIN	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.	27,200	31,450	37,350	43,200	51,900	57,950	60,550		
Row Dwellings	25,850	29,900	35,500	41,050	49,300	55,050	57,500		
Walk-Up	23,100	26,750	31,750	36,700	44,100	49,250	51,450		
Elevator-Structure									
* WAGNER	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.	21,300	27,050	32,250	37,350	44,950	50,150	52,350		
Row Dwellings	20,250	25,700	30,650	35,500	42,700	47,650	49,750		
Walk-Up	18,100	23,000	27,400	31,750	38,200	42,600	44,500		
Elevator-Structure									
* SLEIGHTON	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.	26,300	30,400	36,050	41,650	50,000	55,900	58,350		
Row Dwellings	25,000	28,900	34,250	39,550	47,500	53,100	55,450		
Walk-Up	22,350	25,850	30,650	35,400	42,500	47,500	49,600		
Elevator-Structure									

PROTOTYPE PER UNIT COST SCHEDULE
REGION VIII

MONTANA									
* ROMAN	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.	25,150	29,000	34,550	39,900	48,100	53,600	56,150		
Row Dwellings	23,900	27,550	32,800	37,900	45,700	50,900	53,350		
Walk-Up	21,400	24,650	29,350	33,900	40,900	45,550	47,700		
Elevator-Structure									
* BROWNING	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.	26,000	29,800	35,300	40,650	48,900	54,550	57,100		
Row Dwellings	24,700	28,300	33,550	38,600	46,450	51,800	54,250		
Walk-Up	22,100	25,350	30,000	34,550	41,550	46,350	48,550		
Elevator-Structure									
* HARLEM	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.	25,150	29,000	34,550	39,900	48,100	53,600	56,150		
Row Dwellings	23,900	27,550	32,800	37,900	45,700	50,900	53,350		
Walk-Up	21,400	24,650	29,350	33,900	40,900	45,550	47,700		
Elevator-Structure									
* WOLF POINT	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.	25,650	29,850	35,450	41,350	49,550	55,350	58,050		
Row Dwellings	24,350	28,350	33,700	39,300	47,100	52,600	55,150		
Walk-Up	21,800	25,400	30,150	35,150	42,100	47,050	49,350		
Elevator-Structure									
* LODGE GRASS	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.	25,150	29,000	34,550	39,900	48,100	53,600	56,150		
Row Dwellings	23,900	27,550	32,800	37,900	45,700	50,900	53,350		
Walk-Up	21,400	24,650	29,350	33,900	40,900	45,550	47,700		
Elevator-Structure									

PROTOTYPE PER UNIT COST SCHEDULE
REGION IX

NEVADA									
ELKO	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.	28,150	33,800							
Row Dwellings	26,175	32,100	35,650	41,750	49,900	55,350	57,900		
Walk-Up	23,900	28,700	31,900	37,350	44,600	49,500	51,800		
Elevator-Structure									
FALLON	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.	28,150	33,800							
Row Dwellings	26,750	32,100	35,650	41,750	49,900	55,350	57,900		
Walk-Up	23,900	28,700	31,900	37,350	44,600	49,500	51,800		
Elevator-Structure									
CARRISVILLE	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.	28,150	33,800							
Row Dwellings	26,750	32,100	35,650	41,750	49,900	55,350	57,900		
Walk-Up	23,900	28,700	31,900	37,350	44,600	49,500	51,800		
Elevator-Structure									
DET. & SEMI-DET.	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Row Dwellings									
Walk-Up									
Elevator-Structure									
DET. & SEMI-DET.	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Row Dwellings									
Walk-Up									
Elevator-Structure									

PROTOTYPE PER UNIT COST SCHEDULE
REGION IX

CALIFORNIA									
VICTORVILLE	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.									
Row Dwellings	19,550	23,350	29,000	34,650	41,550	46,350	48,450		
Walk-Up	17,500	20,900	25,900	31,050	37,200	41,500	43,350		
Elevator-Structure									
ARROWHEAD	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.									
Row Dwellings	19,850	23,850	29,550	35,250	42,450	47,250	49,400		
Walk-Up	17,750	21,350	26,450	31,550	38,000	42,300	44,200		
Elevator-Structure									
BARSTON	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.									
Row Dwellings	19,550	23,350	29,000	34,650	41,550	46,350	48,450		
Walk-Up	17,500	20,900	25,900	31,050	37,200	41,500	43,350		
Elevator-Structure									
BIG BEAR	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.									
Row Dwellings	19,850	23,850	29,550	35,250	42,450	47,250	49,400		
Walk-Up	17,750	21,350	26,450	31,550	38,000	42,300	44,200		
Elevator-Structure									
DESERT CENTER	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		
Det. & Semi-Det.									
Row Dwellings	21,950	26,300	32,600	38,950	46,850	52,200	54,750		
Walk-Up	19,650	23,550	29,150	34,850	41,900	46,700	49,000		
Elevator-Structure									

PROTOTYPE PER UNIT COST SCHEDULE
REGION IX

CALIFORNIA	NEEDLES					
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR
Det. & Semi-Det.						
Row Dwellings	22,250	26,550	32,900	39,400	47,200	55,050
Walk-Up	19,900	23,750	29,450	35,250	42,250	49,250
Elevator-Structure						
Det. & Semi-Det.	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR
Row Dwellings						
Walk-Up						
Elevator-Structure						
Det. & Semi-Det.	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR
Row Dwellings						
Walk-Up						
Elevator-Structure						
Det. & Semi-Det.	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR
Row Dwellings						
Walk-Up						
Elevator-Structure						
Det. & Semi-Det.	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR
Row Dwellings						
Walk-Up						
Elevator-Structure						
Det. & Semi-Det.	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR
Row Dwellings						
Walk-Up						
Elevator-Structure						

[FR Doc. 79-28861 Filed 9-27-79; 8:45 am]

BILLING CODE 4210-01-C

24 CFR Part 841

[Docket No. N-79-950]

Prototype Cost Determination Under 24 CFR, Part 841—Public Housing Program; Development Phase; Appendix A—Prototype Cost Limits for Low-Income Public Housing

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of Prototype Cost Determination Under 24 CFR, Part 841, Appendix A.

SUMMARY: On June 6, 1979, the Department published a revised schedule of "Prototype Cost Limits for Low-Income Public Housing." After consideration of additional factual data, revisions are necessary to increase per unit prototype cost limits for thirteen areas in the State of Washington.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Jack R. VanNess, Director, Technical Support Division, Office of Public Housing—Room 6248, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-4956 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The United States Housing Act of 1937 requires determination by HUD of the costs in different areas for construction and equipment (prototype costs) of new dwelling units suitable for occupancy by low-income families. The prototype costs constitute a limit on development cost for construction and equipment of new public housing projects including Indian housing projects.

The schedules in this Notice establish revised per unit prototype cost limits for development of public housing under 24 CFR Part 841 (see § 841.115(b)(2)), and of Indian Housing under 24 CFR Part 805 (see §§ 805.213 and 805.214(b)).

The prototype cost determinations are based on data supplied by the HUD Seattle Office and by the public.

Where prototype schedules are established for special Indian prototype cost areas in accordance with 24 CFR Section 805.213, the prototype cost limits apply only for development of Indian Housing (these special areas are identified by an asterisk (*) on the schedules).

Section 6(b) of the U.S. Housing Act of 1937 provides that the prototype costs shall become effective upon the date of publication in the Federal Register, and

this Notice is, therefore, made effective upon publication.

Timely written comments will be considered and additional amendments will be published if the Department determines that acceptance of the comments is appropriate. Comments with respect to cost limits for a given location should be sent to the address indicated above.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969, has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5128, 451 7th Street, S.W., Washington, D.C. 20410.

The prototype per unit cost schedules issued under 24 CFR, Part 841, Appendix A, Prototype Cost Limits for Low-Income Housing are amended as follows:

1. At 44 FR 32583, revise the prototype per unit cost schedules for detached and semi-detached, row and walk-up dwellings, as shown on the per unit cost schedules, Region X; Seattle, Port Angeles, *Tahola, Longview, Aberdeen, Bellingham, Olympia and Yakima, Washington.

2. At 44 FR 32584, revise the prototype per unit cost schedules for detached and semi-detached, row and walk-up dwellings, as shown on the per unit cost schedules, Region X; *Nespelem, Spokane, Cheney, Kennewick and Pullman, Washington.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Sec. 6(b) U.S. Housing Act of 1937, 42 U.S.C. 1437(d).)

Issued at Washington, D.C. on September 25, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

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REGION X											
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		0 BR	1 BR	2 BR
SEATTLE											
Det. & Semi-Det.	18,450	22,350	27,450	32,800	39,350	43,690	45,850		18,450	22,350	27,450
Row Dwellings	18,050	21,900	26,900	32,100	38,550	42,800	44,900		18,050	21,900	26,900
Walk-Up	17,000	20,600	25,350	30,250	36,300	40,300	42,300		17,000	20,600	25,350
Elevator-Structure											
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		0 BR	1 BR	2 BR
PORT ANGELES											
Det. & Semi-Det.	18,450	22,350	27,450	32,800	39,350	43,690	45,850		18,450	22,350	27,450
Row Dwellings	18,050	21,900	26,900	32,100	38,550	42,800	44,900		18,050	21,900	26,900
Walk-Up	17,000	20,600	25,350	30,250	36,300	40,300	42,300		17,000	20,600	25,350
Elevator-Structure											
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		0 BR	1 BR	2 BR
*TAHOLA											
Det. & Semi-Det.	19,350	23,400	28,750	34,350	41,250	45,900	48,200		19,150	23,200	28,500
Row Dwellings	18,950	22,900	28,150	33,650	40,400	44,950	47,200		18,750	22,700	27,900
Walk-Up	17,850	21,600	26,000	31,700	38,050	42,350	44,650		17,650	21,400	26,300
Elevator-Structure											
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		0 BR	1 BR	2 BR
LONGVIEW											
Det. & Semi-Det.	16,300	22,150	27,250	32,550	39,100	43,400	45,550		20,050	24,250	29,800
Row Dwellings	17,900	21,700	26,700	31,900	38,300	42,500	44,600		19,650	23,750	29,200
Walk-Up	16,900	20,000	25,150	30,000	36,100	40,050	42,050		18,500	22,400	27,500
Elevator-Structure											
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		0 BR	1 BR	2 BR
ABERDEEN											
Det. & Semi-Det.	18,300	22,150	27,250	32,550	39,100	43,400	45,550		16,550	20,050	24,600
Row Dwellings	17,900	21,700	26,700	31,900	38,300	42,500	44,600		16,200	19,650	24,100
Walk-Up	16,900	20,000	25,150	30,000	36,100	40,050	42,050		15,250	18,500	22,700
Elevator-Structure											
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		0 BR	1 BR	2 BR
BELLINGHAM											
Det. & Semi-Det.											
Row Dwellings											
Walk-Up											
Elevator-Structure											
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		0 BR	1 BR	2 BR
OLYMPIA											
Det. & Semi-Det.											
Row Dwellings											
Walk-Up											
Elevator-Structure											
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		0 BR	1 BR	2 BR
YAKIMA											
Det. & Semi-Det.											
Row Dwellings											
Walk-Up											
Elevator-Structure											
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		0 BR	1 BR	2 BR
*WESPELLEN											
Det. & Semi-Det.											
Row Dwellings											
Walk-Up											
Elevator-Structure											
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		0 BR	1 BR	2 BR
SPOKANE											
Det. & Semi-Det.											
Row Dwellings											
Walk-Up											
Elevator-Structure											
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		0 BR	1 BR	2 BR

REGION X											
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		0 BR	1 BR	2 BR
CHENEY											
Det. & Semi-Det.	16,800	20,050	25,050	29,900	35,900	39,850	41,850		16,800	20,050	25,050
Row Dwellings	16,450	19,650	24,550	29,300	35,150	39,050	41,000		16,450	19,650	24,550
Walk-Up	15,500	18,500	23,100	27,600	33,100	36,750	38,600		15,500	18,500	23,100
Elevator-Structure											
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		0 BR	1 BR	2 BR
KENNEWICK											
Det. & Semi-Det.	18,550	20,350	27,600	32,950	39,550	43,900	46,100		18,550	20,350	27,600
Row Dwellings	18,150	19,950	27,050	32,250	38,750	43,000	45,150		18,150	19,950	27,050
Walk-Up	17,100	18,800	25,450	30,400	36,500	40,500	42,550		17,100	18,800	25,450
Elevator-Structure											
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		0 BR	1 BR	2 BR
PULLMAN											
Det. & Semi-Det.	17,250	20,900	25,650	30,650	36,800	40,850	42,550		17,250	20,900	25,650
Row Dwellings	16,900	20,450	25,100	30,000	36,050	40,000	42,015		16,900	20,450	25,100
Walk-Up	15,900	19,300	23,650	28,300	33,950	37,700	39,600		15,900	19,300	23,650
Elevator-Structure											
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		0 BR	1 BR	2 BR
*TACOMA											
Det. & Semi-Det.											
Row Dwellings											
Walk-Up											
Elevator-Structure											
	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR		0 BR	1 BR	2 BR

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

(T.D. 7645)

Income Tax: Taxable Years Beginning After December 31, 1953; Definition of Employee Stock Purchase Plan**AGENCY:** Internal Revenue Service, Treasury.**ACTION:** Final Regulations.

SUMMARY: This document provides final regulations relating to the treatment of qualified stock options and employee stock purchase plans. Changes to the applicable tax law were made by the Revenue Act of 1964. The regulations would provide employees and employers with the guidance needed to comply with that act, and would affect grantors and grantees of certain stock options.

EFFECTIVE DATE: The regulations will be effective for taxable years beginning after December 31, 1963.

FOR FURTHER INFORMATION CONTACT: Annie R. Alexander of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3671, not a toll-free call.

SUPPLEMENTARY INFORMATION:**Background**

On February 20, 1979, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 423 of the Internal Revenue Code of 1954 (44 FR 10397). There was no request for a public hearing and accordingly none was held. After consideration of all comments regarding the proposed amendments, those amendments are adopted, as revised, by this Treasury decision.

Drafting Information

The principal author of this regulation is Annie R. Alexander of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Explanation of Revision to Proposed Regulations and Comments Considered

Consistent with one comment the final regulations in § 1.423-2(e)(1) are clarified to assure that an employee stock option plan, which permits all eligible employees to elect to participate in an offering, will not violate the requirements of Code § 423(b)(4) solely because eligible employees who elect not to participate in the offering are not granted options pursuant to such offerings.

Other comments did not result in any changes to the proposed Treasury decision because it was felt that the regulations do not require additional clarification, or the changes would make the regulations inconsistent with the statute.

Adoption of Amendments to the Regulations

After careful consideration the proposed amendments to the regulations are adopted subject to the following change:

Section 1.423-2(e)(1) is changed by adding a new sentence immediately after the last sentence of paragraph (e)(1) to read as follows:

§ 1.423-2 Employee stock purchase plan defined.

(e) *Employee covered by plan.* (1) * * * However, a plan which, by its terms, permits all eligible employees to elect to participate in an offering will not violate the requirements of this paragraph solely because eligible employees who elect not to participate in the offering are not granted options pursuant to such offering.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Approved: September 12, 1979.

Jerome Kurtz,
Commissioner of Internal Revenue.
Donald C. Lubick,
Assistant Secretary of the Treasury.

§ 1.423 [Deleted]

Paragraph 1. Section 1.423 is deleted.

Par. 2. Section 1.423-2 is amended by adding paragraph (e)(1), and paragraphs (f) (3) and (4) to read as follows.

§ 1.423-2 Employee stock purchase plan defined.

(e) *Employees covered by plan.* (1) Subject to the limitations of section 423(b) (3), (5) and (8), an employee stock purchase plan must, by its terms, provide that options are to be granted to all employees of any corporation which grants options to any of its employees

by reason of their employment by such corporation except that one or more of the following categories of employees may be excluded from the coverage of the plan:

- (i) Employees who have been employed less than 2 years;
- (ii) Employees whose customary employment is 20 hours or less per week;
- (iii) Employees whose customary employment is for not more than 5 months in any calendar year;
- (iv) Officers;
- (v) Persons whose principal duties consist of supervising the work of other employees; and
- (vi) Highly compensated employees.

No option granted under a plan or offering which excludes from participation any employees, other than those who may be excluded under section 423(b)(4) and this paragraph, and those barred from participation by reason of section 423(b) (3), (5), and (8) and paragraphs (d), (f) and (i) of this section, can be regarded as having been granted under an employee stock purchase plan. If an option is not granted to any employee who is entitled to the grant of an option under the terms of the plan or offering, none of the options granted under such offering will be treated as having been granted under an employee stock purchase plan. Furthermore, no option will be considered as having been granted under an employee stock purchase plan if the option was granted in connection with an offering made after September 28, 1979, with respect to which employees, otherwise eligible, are denied participation to any extent because of their continuing participation or eligibility for participation in a prior plan or offering (including a prior plan or offering of a related corporation). However, a plan, which, by its terms, permits all eligible employees to elect to participate in an offering will not violate the requirements of this paragraph solely because eligible employees who elect not to participate in the offering are not granted options pursuant to such offering.

(f) Equal rights and privileges. * * * (3)(i) Except as provided in paragraph (f)(3)(ii) of this section, a plan permitting one or more employees to apply sums which were withheld under an earlier plan or offering towards the purchase of additional stock under the current plan or offering will be a violation of equal rights and privileges unless all employees in the current plan or offering

are permitted to make payments in an amount not less than that which any employee is allowed to carry over, to be applied to the purchase of shares under the current plan or offering.

(ii) A plan will not fail to satisfy the requirements of this section merely because one or more employees are permitted to apply sums, in an amount representing a fractional share, which were withheld under an earlier plan or offering toward the purchase of additional stock under the current plan or offering.

(4)(i) Section 423(b)(5) does not prohibit the delaying of the grant of an option to any employee who is barred from being granted an option solely by reason of such employee's failing to meet a minimum service requirement until such employee meets such requirement.

(ii) The provision of this paragraph (4) may be illustrated by the following example:

Example. N Corporation has an employee stock purchase plan which provides that options to purchase stock in an amount equal to ten percent of an employee's annual salary at a price equal to 85 percent of the fair market value at the time the option is granted will be granted to all employees other than those who have been employed less than 18 months. In addition, the plan provides that employees who have not yet met the minimum service requirements on the date the options are initially granted will be granted similar options on the date such employment has been attained. Such plan meets the requirements of section 423(b)(5).

[FR Doc. 79-30192 Filed 9-27-79; 8:45 am]
BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco, and Firearms

27 CFR Parts 1, 2, 3, 4, 5, 6, 7, 8, 18, 47, 70, 71, 72, 170, 173, 178, 179, 181, 186, 194, 195, 196, 197, 200, 201, 211, 212, 213, 231, 240, 245, 250, 251, 252, 270, 275, 285, 290, 295, and 296

Title and Definition Changes; Correction

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Correction notice to final rule (Treasury decision).

SUMMARY: This notice corrects errata appearing in Treasury Decision ATF-48 which provides nomenclature changes to be used throughout Title 27: Alcohol, Tobacco Products and Firearms.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Armida N. Stickney at 202-566-7626.

SUPPLEMENTARY INFORMATION: A number of editorial errors and

inadvertent omissions appeared in Treasury Decision ATF-48 as published in the Federal Register of March 31, 1978 (43 FR 13531). It is necessary, therefore, that the Treasury decision be corrected as indicated below.

Authority and Issuance

This correction notice to T.D. ATF-48 is issued under the authority contained in 28 U.S.C. 7805 (68A Stat. 917), 27 U.S.C. 205 (49 Stat. 981, as amended), 18 U.S.C. 928 (82 Stat. 1226), 18 U.S.C. 847 (84 Stat. 959), and 22 U.S.C. 2778 (90 Stat. 744).

Accordingly, FR Doc. 78-8370 is corrected as follows:

PART 1—BASIC PERMIT REQUIREMENTS UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT

01. The table of sections in 27 CFR Part 1 is corrected by updating the citation of authority as follows:

Authority: August 29, 1935, ch. 815, sec. 1, 49 Stat. 977, as amended (27 U.S.C. 203, 204), unless otherwise noted.

§ 1.1 [Amended]

02. Section 1.1 is corrected by changing the clause "except that the provisions of 28 CFR Part 200, Rules of Practice in Permit Proceedings are" to read "except that the provisions of Part 200, Rules of Practice in Permit Proceedings, of this Chapter are".

03. Section 1.5 is corrected by deleting the citation of authority and is to read as follows:

§ 1.5 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in this subpart.

Act. The Federal Alcohol Administration Act.

Applicant. Any person who has filed with the regional regulatory administrator an application for a basic permit under the Federal Alcohol Administration Act.

Basic permit. A formal document issued under the Act in the form prescribed by the Director, authorizing the person named therein to engage in the activities specified at the location stated.

Director. * * *

Other term. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the same meaning assigned to it by the Act.

Permittee. Any person holding a basic permit issued under the Federal Alcohol Administration Act.

Person. Any individual, partnership, joint-stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent.

Regional regulatory administrator. * * *

Resale at wholesale. A sale to any trade buyer.

Trade buyer. Any person who is a wholesaler or retailer of distilled spirits, wine, or malt beverages.

04. Section 1.31 is corrected to read as follows:

§ 1.31 Denial of permit applications.

If, upon examination of any application for a basic permit, the regional regulatory administrator has reason to believe that the applicant is not entitled to such a permit, he shall institute proceedings for the denial of the application in accordance with the procedure set forth in Part 200 of this chapter.

05. Section 1.35 is corrected to read as follows:

§ 1.35 Authority to issue, amend, deny, suspend, revoke, or annul basic permits.

The authority and power of issuing, amending, or denying basic permits, or amendments thereof, is conferred upon the Director and (except as to agency initiated curtailment) upon the regional regulatory administrator. The authority and power of suspending, revoking, or annulling basic permits is conferred upon the Director, and upon the administrative law judges referred to in Part 200 of this chapter. The Director, upon consideration of appeals on petitions for review, may order the regional regulatory administrator to issue, deny, suspend, revoke, or annul basic permits.

§§ 1.50, 1.51 and 1.52 [Amended]

06. Sections 1.50, 1.51, and 1.52 are corrected by changing the citation "28 CFR Part 200", wherever it appears, to read "Part 200 of this chapter". Section 1.52 is further corrected by changing "distilled spirits, wines or malt beverages" to read "distilled spirits, wines, or malt beverages".

§ 1.57 [Amended]

07. Section 1.57 is corrected by changing the parenthetic "(26 CFR Part 200)", wherever it appears, to read "(Part 200 of this chapter)"; and by changing "suspension, and annulment", wherever it appears, to read "suspension, or annulment".

§ 1.59 [Amended]

08. Section 1.59(c) is corrected by changing the phrase "of the examiner's recommended decision", wherever it appears, to read "of the administrative law judge's recommended decision".

PART 2—NONINDUSTRIAL USE OF DISTILLED SPIRITS AND WINE

09. The table of sections in 27 CFR Part 2 is corrected to read as follows:

Subpart B—Definitions

Sec.
2.5 Meaning of terms.

Authority: August 29, 1935, ch. 814, sec. 1, 49 Stat. 977, as amended (27 U.S.C. 202), unless otherwise noted.

10. Section 2.5 is corrected by deleting the citation of authority and is to read as follows:

§ 2.5 Meaning of terms.

Distilled spirits. Section 17(a) of the Federal Alcohol Administration Act defines "distilled spirits" as ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof for nonindustrial use.

Wine. Section 17(a) of the Federal Alcohol Administration Act defines "wine" as (a) wine as defined in section 610 and section 617 of the Revenue Act of 1918 (26 U.S.C. 5381-5392), as now in force or hereafter amended, and (b) other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry, and sake; in each instance, only if containing not less than 7 percent and not more than 24 percent of alcohol by volume, and if for nonindustrial use.

PART 3—BULK SALES AND BOTTLING OF DISTILLED SPIRITS

11. The table of sections in 27 CFR Part 3 is corrected to read as follows:

Subpart B—Definitions

Sec.
3.5 Meaning of terms.

Authority: August 29, 1935, ch. 814, sec. 6, 49 Stat. 985, as amended (27 U.S.C. 206), unless otherwise noted.

12. Section 3.5 is corrected by deleting the citation of authority and is to read as follows:

§ 3.5 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in this subpart.

Alcohol. Ethyl alcohol distilled at or above 190° proof.

Brandy. Brandy or wine spirits for addition to wines as permitted by internal revenue law.

Distilled spirits. Section 17(a) of the Federal Alcohol Administration Act defines "distilled spirits" as ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.

In bulk. Distilled spirits in containers having a capacity in excess of one wine gallon.

Other terms. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the meaning assigned to it by the Act.

13. Section 3.12 is corrected to read as follows:

§ 3.12 Acquiring or receiving distilled spirits in bulk for redistillation, processing, rectification, warehousing, or warehousing and bottling.

Persons holding basic permits (issued under Part 1 of this chapter) authorizing the distilling, rectifying, or warehousing and bottling of distilled spirits, or operating permits (issued under § 201.136 et seq. of this chapter) may acquire or receive in bulk distilled spirits as follows:

(a) * * *

PART 4—LABELING AND ADVERTISING OF WINE

14. The citation of authority to the table of sections in 27 CFR Part 4 is corrected to read as follows:

Authority: August 29, 1935, ch. 814, sec. 5, 49 Stat. 981, as amended (27 U.S.C. 205), unless otherwise noted.

15. Section 4.10 is corrected by deleting the citation of authority and is to read as follows:

§ 4.10 Meaning of terms.

Act. The Federal Alcohol Administration Act.

Added brandy. Brandy or wine spirits for use in fortification of wine as permitted by internal revenue law.

Advertisement. See § 4.61 for meaning of term as used in Subpart G of this part.

Alcohol. Ethyl alcohol distilled at or above 190° proof.

American. The several States, the District of Columbia, and Puerto Rico; "State" includes the District of Columbia and Puerto Rico.

Bottler. Any person who places wine in containers of four liters or less. (See meaning for "containers" and "packer".)

Brand label. The label carrying, in the usual distinctive design, the brand name of the wine.

Container. Any bottle, barrel, cask, or other closed receptacle irrespective of size or of the material from which made for use for the sale of wine at retail. (See meaning for "bottler" and "packer".)

Director. * * *

Gallon. A U.S. gallon of 231 cubic inches of alcoholic beverages at 60° F.

Interstate or foreign commerce. Commerce between any State and any place outside thereof, or commerce within any Territory or the District of Columbia, or between points within the same State but through any place outside thereof.

Liter or litre. (a) A metric unit of capacity equal to 1,000 cubic centimeters and equivalent to 33.814 U.S. fluid ounces. For purposes of this part, a liter is subdivided into 1,000 milliliters (ml).

(b) For purposes of regulation, one liter of wine is defined as that quantity (mass) of wine occupying a one-liter volume at 20° Celsius (68° F).

Packer. Any person who places wine in containers in excess of four liters. (See meaning for "container" and "bottler".)

Percent or percentage. Percent by volume.

Permittee. Any person holding a basic permit under the Federal Alcohol Administration Act.

Person. Any individual, partnership, joint-stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent, and including an officer or employee of any agency of a State or political subdivision thereof.

Pure condensed must. The dehydrated juice or must of sound, ripe grapes, or other fruit or agricultural products, concentrated to not more than 80° (Balling), the composition thereof remaining unaltered except for removal of water.

Regional regulatory administrator.

Restored pure condensed must. Pure condensed must to which has been added an amount of water not

exceeding the amount removed in the dehydration process.

Sugar. Pure cane, beet, or dextrose sugar in dry form containing, respectively, not less than 95 percent of actual sugar calculated on a dry basis.

Trade buyer. Any person who is a wholesaler or retailer.

United States. The several States, the District of Columbia, and Puerto Rico; the term "State" includes the District of Columbia and Puerto Rico.

Use of other terms. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the same meaning assigned to it by the Act.

Wine. (a) Wine as defined in section 610 and section 617 of the Revenue Act of 1918 (26 U.S.C. 3036, 3044, 3045) and (b) other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry, and sake; in each instance only if containing not less than 7 percent, and not more than 24 percent of alcohol by volume, and if for nonindustrial use.

§ 4.21 [Amended]

16. Section 4.21 is corrected (1) by changing in paragraph (a)(1)(iii) the clause "In the case of domestic wine, in accordance with section 5383 of the Internal Revenue Code" to read "In the case of domestic wine, in accordance with 26 U.S.C. 5383"; (2) by changing in paragraph (e)(1)(i) the clause "in accordance with the provisions of section 5384 of the Internal Revenue Code" to read "in accordance with the provisions of 26 U.S.C. 5384"; (3) by changing in paragraph (d)(1)(i) the clause "in accordance with the provisions of section 5384 of the Internal Revenue Code" to read "in accordance with the provisions of 26 U.S.C. 5384"; an (4) by changing in paragraph (f)(1)(i) the phrase "with Subpart T of 28 CFR Part 240," to read "Subpart T, Part 240, of this Chapter".

§ 4.34 [Amended]

17. Section 4.34(a) is corrected by changing the phrase "by Part 240 of this title", wherever it appears, to read "by Part 240 of this chapter".

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

18. The citation of authority to the table of sections in 27 CFR Part 5 is corrected to read as follows:

Authority: August 29, 1935, ch. 814, sec. 5, 49 Stat. 981, as amended (27 U.S.C. 205), unless otherwise noted.

19. Section 5.11 is corrected (1) by adding a definition for the term "advertisement", (2) by deleting the definition for the term "assistant regional commissioner", and (3) by deleting the statutory citation following the section. As amended, § 5.11 reads as follows:

§ 5.11 Meaning of terms.

Age. * * *

Advertisement. See § 5.62 for meaning of term as used in Subpart H of this part.

Bottle. * * *

§ 5.22 [Amended]

20. Section 5.22(b)(1)(iii) is corrected (1) by changing the phrase "under section 5025(e)(5), Internal Revenue Code (26 U.S.C. 5025(e)(5), and implementing regulations in 26 CFR Part 201" to read "under 26 U.S.C. 5025(e)(5) and Part 201 of this chapter"; and (2) by changing the sentence, "Other whiskies may be designated 'straight' to read "No other whiskies may be designated 'straight'".

§ 5.36 [Amended]

21. Section 5.36 is corrected by changing in paragraph (a)(2) the phrase "under section 5233, Internal Revenue Code (26 U.S.C. 5233)" to read "under 26 U.S.C. 5233".

PART 6—INDUCEMENTS FURNISHED TO RETAILERS

22. The citation of authority to the table of sections in 27 CFR Part 6 is corrected to read as follows:

Authority: August 29, 1935, ch. 814, sec. 5, 49 Stat. 981, as amended (27 U.S.C. 205), unless otherwise noted.

23. Section 6.10 is corrected by deleting the citation of authority and is to read as follows:

§ 6.10 Meaning of terms.

Industry member. Any person engaged in business as a distiller, brewer, rectifier, blender, or other producer, or as an importer or wholesaler, of distilled spirits, wine, or malt beverages, or as a bottler, or

warehouseman and bottler, of distilled spirits, but shall not include an agency of a State or political subdivision thereof, or an officer or employee of such agency.

Other terms. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the meaning assigned to it by the Act.

Product. Distilled spirits, wine, or malt beverages, as defined in the Federal Alcohol Administration Act.

Retailer. Any person engaged in the sale of distilled spirits, wine, or malt beverages to consumers.

Retail establishment. Any premises where distilled spirits, wine, or malt beverages are sold or offered for sale to consumers, whether for consumption on or off the premises where sold.

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

24. The citation of authority to the table of sections in 27 CFR Part 7 is corrected to read as follows:

Authority: August 29, 1935, ch. 814, sec. 5, 49 Stat. 981, as amended (27 U.S.C. 205) unless otherwise noted.

25. Section 7.10 is corrected by deleting the citation of authority and is to read as follows:

§ 7.10 Meaning of terms.

Act. The Federal Alcohol Administration Act.

Advertisement. See § 7.10 for meaning of term as used in Subpart F of this part.

Brand label. The label carrying, in the usual distinctive design, the brand name of the malt beverage.

Bottler. Any person who places malt beverages in containers of a capacity of one gallon or less.

Container. Any can, bottle, barrel, keg, or other closed receptacle, irrespective of size or of the material from which made, for use for the sale of malt beverages at retail.

Director. * * *

Gallon. A U.S. gallon of 231 cubic inches of malt beverages at 39.1° F (4° C). All other liquid measures used are subdivisions of the gallon as defined.

Interstate or foreign commerce. Commerce between any State and any place outside thereof, or commerce within any Territory or the District of Columbia, or between points within the same State but through any place outside thereof.

Malt beverage. A beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their

products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

Other terms. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the same meaning assigned to it by the Act.

Packer. Any person who places malt beverages in containers of a capacity in excess of one gallon.

Person. Any individual, partnership, joint-stock company, business trust, association, corporation, or other form of business enterprise, including a receiver trustee, or liquidating agent, and including an officer or employee of any agency of a State or political subdivision thereof.

Regional regulatory administrator. * * *

United States. The several States, the District of Columbia, and Puerto Rico; the term "State" includes the District of Columbia and Puerto Rico.

PART 8—CREDIT PERIOD TO BE EXTENDED TO RETAILERS OF ALCOHOLIC BEVERAGES

26. The citation of authority to the table of sections in 27 CFR Part 8 is corrected to read as follows:

Authority: August 29, 1935, ch. 814, sec. 5, 49 Stat. 981, as amended (27 U.S.C. 205), unless otherwise noted.

27. Section 8.10 is corrected to read as follows:

§ 8.10 Meaning of terms.

Act. The Federal Alcohol Administration Act.

Distilled spirits. Ethyl alcohol, hydrated oxide of ethyl spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.

Malt beverage. A beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

Wine. (a) Wine as defined in the section 610 and section 617 of the

Revenue Act of 1918 (26 U.S.C. 441, 444), as now in force or hereafter amended, and (b) other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine compounds sold as wine, vermouth, cider, perry, and sake, in each instance only if containing not less than 7 percent and not more than 24 percent of alcohol by volume, and if for nonindustrial use.

PART 18—PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATES

28. The citation of authority to the table of sections in 27 CFR Part 18 is corrected to read as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917 (26 U.S.C. 7805), unless otherwise noted.

29. Section 18.11 is corrected by deleting the citation of authority and is to read as follows:

§ 18.11 Meaning of Terms

Bonded wine cellar. Premises established under Part 240 of this chapter for the production, blending, cellar treatment, storage, bottling, or packaging of untaxed wine, and includes premises designated as "bonded winery".

PART 47—IMPORTATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR

30. The citation of authority to the table of sections in 27 CFR Part 47 is corrected to read as follows:

Authority: Sec. 38, Pub. L. 94-329, 90 Stat. 744 (22 U.S.C. 2778), unless otherwise noted.

31. Section 47.11 is corrected to read as follows:

§ 47.11 Meaning of terms.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any functions relating to the administration or enforcement of this part.

Article. Any of the arms, ammunition, and implements of war enumerated in the U.S. Munitions Import List.

Bureau. * * *

Carbine. A short-barrelled rifle whose barrel is generally not longer than 22

inches and is characterized by light weight.

Chemical agent. A substance useful in war which, by its ordinary and direct chemical action, produces a powerful physiological effect.

Director. * * *

Firearms. A weapon not over .50 caliber which will or is designed to or may be readily converted to expel a projectile by the action of an explosive, but shall not include BB and pellet guns or firearms covered by Category I (a) and (e) established to have been manufactured before 1898.

Import or importation. Bringing into the United States from a foreign country any of the articles on the Import List, but shall not include intrastate, temporary import or temporary export transactions subject to Department of State controls under Title 22, Code of Federal Regulations.

Import List. * * *

Machinegun. * * *

Permit. The same as "license" for purposes of 22 U.S.C. 1934(c).

Person. A partnership, company, association, or corporation; as well as a natural person.

Pistol. A hand-operated firearm having a chamber integral with, or permanently aligned with, the bore.

Regional regulatory administrator. * * *

Revolver. A hand-operated firearm with a revolving cylinder containing chambers for individual cartridges.

Rifle. A shoulder firearm discharging bullets through a rifled barrel at least 18 inches in length, including combination and drilling guns.

Sporting-type sight including optical. * * *

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

United States. When used in the geographical sense, unless otherwise expressly defined, includes the several States, the insular possessions of the United States, the Canal Zone, the District of Columbia, and any territory over which the United States exercises all and any powers of administration, legislation, and jurisdiction.

U.S.C. * * *

PART 70—PROCEDURE AND ADMINISTRATION

32. The citation of authority to the table of sections in 27 CFR Part 70 is corrected to read as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917 (26 U.S.C. 7805), unless otherwise noted.

33. Section 70.11 is corrected by deleting the citation of authority and by adding the definition for ATF officer. Section 70.11 reads as follows:

§ 70.11 Meaning of terms.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

§§ 70.35 and 70.36 (Amended)

34. Sections 70.35 and 70.36(c) are corrected by changing the title "regional director", wherever it appears, to read "special agent in charge".

PART 71—STATEMENT OF PROCEDURAL RULES

35. Section 71.11 is corrected to read as follows:

§ 71.11 Meaning of terms.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

Regional regulatory administrator. The principal ATF regional official responsible for administering regulations in this part.

PART 72—DISPOSITION OF SEIZED PERSONAL PROPERTY

0§ 72.11 (Amended)

36. Section 72.11 is corrected by deleting the citation of authority.

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

37. The table of sections in 27 CFR Part 170 is corrected to read as follows:

Subpart P-T—[Reserved]

Authority: August 16, 1954, ch. 736, 68A Stat. 917 (26 U.S.C. 7805), unless otherwise noted.

38. Section 170.3 is corrected to read as follows:

§ 170.3 Applications.

* * * The applicant shall submit with his application a certified copy of ATF Form 2630 on which (a) as to a package filled in internal revenue bond, report was made of the gauge for withdrawal of the package from bond; or (b) as to a package filled after tax payment or determination, report was made of the

gauge of the package at the time of its filling.

39. Section 170.43 is corrected to read as follows:

§ 170.43 Meaning of terms.

Controlled stock. Stock on control premises, comprising of:

- (a) * * *
- (b) * * *
- (c) Tax-determined imported spirits from internal revenue bond (as authorized by 26 U.S.C. 5232) for rectification or bottling;
- (d) * * *

40. Section 170.86 is corrected to read as follows:

§ 170.86 Meaning of terms.

Director. * * *

District director of customs. The district director of customs at a headquarters port of the district (except the district of New York, N.Y.); the area directors of customs in the district of New York, N.Y.; and the port director at a port not designated as a headquarters port.

Owner. * * *

Regional regulatory administrator. * * *

Tax. Any tax imposed by 26 U.S.C. 5001-5066, or by any corresponding provision or prior internal revenue laws, and in the case of any commodity of a kind subject to a tax under such sections, any tax equal to any such tax, any additional tax, or any floor stocks tax. The term includes an extraction denominated a "tax", and any penalty, addition to tax, additional amount, or interest applicable to any such tax.

41. Section 170.123 is corrected to read as follows:

§ 170.123 Meaning of terms.

When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in Part 201 of this chapter, except that the term "in bond" shall refer to spirits possessed under bond to secure payment of internal revenue tax imposed by 26 U.S.C. 7652. The term "ATF officer" means an officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this subpart.

§ 170.153 (Amended)

42. Section 170.153(a) is corrected by replacing the phrase "by section 7652,

I.R.C." with the phrase "by 26 U.S.C. 7652".

43. Section 170.612 is corrected by (1) deleting the terms for "assistant regional commissioner" and "I.R.C.", and deleting the citation of authority; and amending the terms "commodity tax", "special tax", "this chapter", and "taxpaid distilled spirits, or wines". As amended, § 170.612 read as follows:

§ 170.612 Meaning of terms.

Commodity tax. The tax or taxes imposed by 26 U.S.C. 5021 and 5022 on products of rectification.

Special tax. The special (occupational) tax imposed by 26 U.S.C. 5081, 5111, and 5121 on rectifiers and dealers in liquors.

Taxpaid distilled spirits or wines. Distilled spirits or wines as the case may be, on which the distilled spirits tax imposed by 26 U.S.C. 5001, or the wine taxes imposed by 26 U.S.C. 5041, have been paid or determined.

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

§ 170.683 (Amended)

44. Section 170.683 is corrected by changing the phrase "of 26 CFR Part 170", wherever it appears, to read "of 27 CFR Part 170".

§ 170.687 (Amended)

45. Section 170.687 is corrected by changing the phrase "to the Assistant Regional Commissioner, Alcohol, Tobacco and Firearms", wherever it appears, to read "to the Regional Regulatory Administrator, Bureau of Alcohol, Tobacco and Firearms".

PART 173—RETURNS OF SUBSTANCES, ARTICLES, OR CONTAINERS

46. The citation of authority to the table of sections in 27 CFR Part 173 is corrected to read as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917 (26 U.S.C. 7805), unless otherwise noted.

47. Section 173.5 is corrected by deleting the citation of authority and is to read as follows:

§ 173.5 Meaning of terms.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the

administration or enforcement of this part.

Articles. * * *

Assistant regional commissioner. The official responsible to and functions under the direction and supervision of the regional commissioner of the Internal Revenue Service.

Distilled spirits or spirits. That substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and shall include whisky, brandy, rum, gin, vodka, and products produced in such manner that the person producing them is a rectifier within the meaning of 26 U.S.C. 5082, as amended.

Render. To deliver the completed return to the office indicated in the demand letter, not later than the date required by the demand letter, or to mail such completed return, in an envelope properly addressed and stamped, in sufficient time for such envelope to be postmarked by the U.S. Postal Service not later than the date required by the demand letter. The time and date of the United States postmark shall constitute the time and date of delivery of the return to the designated office.

Substance. Includes, but not limited by, any of the following: * * *

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

United States. * * *

U.S.C. The United States Code.

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

48. The citation of authority to the table of sections in 27 CFR Part 178 is corrected to read as follows:

Authority: 18 U.S.C. 921-928, unless otherwise noted.

49. Section 178.11 is corrected (1) by deleting the definition for "Internal Revenue Code of 1954"; (2) by deleting the citation of authority, and (3) by amending the definitions for "Act", "Federal Firearms Act", and "National Firearms Act" to read as follows:

§ 178.11 Meaning of terms.

Act. 18 U.S.C. Chapter 44.

Antique firearms. * * *

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the

administration or enforcement of this part.

Federal Firearms Act. 15 U.S.C. Chapter 18.

Indictment. * * *

Internal revenue district. * * *

National Firearms Act. 26 U.S.C. Chapter 53.

§§ 178.52, 178.53, 178.56, 178.57, 178.95, 178.127, and 178.144 [Amended]

50 and 51. Sections 178.52, 178.53, 178.56(b), 178.57, 178.95(c), 178.127, and 178.144 are corrected by changing the wording "internal revenue region", wherever it appears, to read "region".

§ 178.80 and 178.82 [Amended]

52. Sections 178.80 and 178.82 are corrected by changing the phrase "before the Internal Revenue Service", wherever it appears, to read "before the Bureau of Alcohol, Tobacco and Firearms".

§ 178.96 [Amended]

53. Section 178.96(b) is corrected by changing the phrase "with U.S. Post Office Department regulations" to read "with U.S. Postal Service regulations".

PART 179—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

54. The citation of authority to the table of sections in 27 CFR Part 179 is corrected to read as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805); August 16, 1964, ch. 736, 68A Stat. 721, as amended (26 U.S.C. Chapter 53), unless otherwise noted.

§ 179.1 [Amended]

55. Section 179.1 is corrected by changing the parenthetic "(Chapter 53, I.R.C.)" to read "(26 U.S.C. Chapter 53)".

§ 179.11 [Amended]

56. Section 179.11 is corrected (1) by adding the definition of "ATF officer" to read "ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part"; (2) by changing in the term "destructive devices" the phrase "pursuant to the provisions of section 4684(2), 4685, or 4686 of Title 10 of the United States Code;" to read "under 10 U.S.C. 4684(2), 4685, or 4686;" (3) by changing the definition of "district director" to read "District director. A

district director of the Internal Revenue Service in an internal revenue district"; (4) by changing in the term "importation" the phrase "pursuant to the I.R.C." to read "under Title 26 of the United States Code"; and (5) by deleting "I.R.C." as a term.

§ 179.22 [Amended]

57. Section 179.22 is corrected by changing (1) the wording "Any internal revenue officer or employee of the Internal Revenue Service" to read "Any ATF officer or employee of the Bureau of Alcohol, Tobacco and Firearms"; and (2) the wording "Chapter 53, I.R.C.", wherever it appears, to read "26 U.S.C. Chapter 53".

§ 179.23 [Amended]

58. Section 179.23 is corrected by changing the phrase "of Chapter 53, I.R.C." to read "of 26 U.S.C. Chapter 53".

§ 179.24 [Amended]

59. Section 179.24 is corrected by changing the phrase "with section 5845(f), I.R.C." to read "with 26 U.S.C. 5845(f)".

§ 179.25 [Amended]

60. Section 179.25 is corrected by changing the phrase "with section 5845(a), I.R.C." to read "with 26 U.S.C. 5845(a)".

§ 179.34 [Amended]

61. Section 179.34(a) is corrected (1) by changing the phrase "under section 5801, I.R.C." to read "under 26 U.S.C. 5801"; and (2) by changing the phrase "with section 5802, I.R.C.", to read "with 26 U.S.C. 5802".

§§ 179.38 and 179.39 [Amended]

62. Sections 179.38 and 179.39 are corrected by changing the phrase "under section 5801, I.R.C.", wherever it appears, to read "under 26 U.S.C. 5801".

§ 179.48 [Amended]

63. Section 179.48 is corrected by changing the following, wherever they appear, to read—

(1) From the phrase "under section 5801, I.R.C." to "under 26 U.S.C. 5801";

(2) From the parenthetic clause "(see sections 6601 and 6651, I.R.C.)" to "(see 26 U.S.C. 6601 and 6651)"; and

(3) From the phrase "under section 5871, I.R.C." to "under 26 U.S.C. 5871".

§ 179.66 [Amended]

64. Section 179.66 is corrected by changing the phrase "with section 5821, I.R.C." to read "with 26 U.S.C. 5821".

§§ 179.88 and 179.90 [Amended]

65. Sections 179.88(c) and 179.90(c) are corrected by changing the parenthetic

clause "(See sections 5852, 5861, and 5871, I.R.C.)", wherever it appears, to read "(See 26 U.S.C. 5852, 5861, and 5871.)".

§ 179.91 [Amended]

66. Section 179.91 is corrected by changing the parenthetic clause "(See sections 5811, 5852, 5861, and 5871, I.R.C.)" to read "(See 26 U.S.C. 5811, 5852, 5861, and 5871.)".

§ 179.10 [Amended]

67. Section 179.101(c) is corrected by changing the parenthetic reference "(Chapter 53, I.R.C.)" to read "(26 U.S.C. Chapter 53)".

§ 179.111 [Amended]

68. Section 179.111(a) is corrected by changing the parenthetic clause "(See sections 5861, 5871, and 5872 I.R.C.)" to read "(See 26 U.S.C. 5861, 5871, and 5872.)".

§ 179.163 [Amended]

69. Section 179.163 is corrected by changing the phrase "by section 7208, I.R.C." to read "by 26 U.S.C. 7208".

70. Section 179.181 is corrected to read as follows:

§ 179.181 Penalties.

Any person who violates or fails to comply with the requirements of 26 U.S.C. Chapter 53 shall, upon conviction, be subject to the penalties imposed under 26 U.S.C. 5871.

§ 179.182 [Amended]

71. Section 179.182 is corrected by changing the following, wherever they appear, to read—

(a) From "section 5872, I.R.C." to "26 U.S.C. 5872" and

(b) From "Chapter 53, I.R.C." to "26 U.S.C. Chapter 53".

72. Section 179.191 is corrected to read as follows:

§ 179.191 Applicability of other provisions of internal revenue laws.

All of the provisions of the internal revenue laws not inconsistent with the provisions of 26 U.S.C. Chapter 53 shall be applicable with respect to the taxes imposed by 26 U.S.C. 5801, 5811, and 5821 (see 26 U.S.C. 5846).

§ 179.192 [Amended]

73. Section 179.192 is corrected by changing the clause "see 18 U.S.C., chapter 44", to read "see 18 U.S.C. Chapter 44."

PART 181—COMMERCE IN EXPLOSIVES

74. The citation of authority to the table of sections in 27 CFR Part 181 is corrected to read as follows:

Authority: 18 U.S.C. Chapter 40, unless otherwise noted.

75. Section 181.11 is corrected (1) by deleting the citation of authority and (2) by amending the definition of "Act" to read as follows:

§ 181.11 Meaning of terms.

Act. 18 U.S.C. Chapter 40.

Army-type structure. * * *

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

§§ 181.54, 181.56, 181.59, 181.61 and 181.104 [Amended]

76. Sections 181.54, 181.56, 181.59(b), 181.61, and 181.104(c) are corrected by changing the wording "internal revenue region", wherever it appears, to read "region".

§ 181.78 [Amended]

77. Section 181.78 is corrected (1) by changing the phrase "before the Internal Revenue Service" to read "before the Bureau of Alcohol, Tobacco and Firearms" and (2) by changing the phrase "in 31 CFR Part 10 (Treasury Department Circular No. 230)" to read "in 31 CFR Part 8".

PART 186—GAUGING MANUAL

78. The citation of authority to the table of sections in 27 CFR Part 186 is corrected to read as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

79. Section 186.11 is corrected by (1) deleting the definition of "I.R.C." and the citation of authority; and (2) by amending the definitions of "tax gallon", and "regional regulatory administrator", and "this chapter". Section 186.11 is to read as follows:

§ 186.11 Meaning of terms.

Regional regulatory administrator. The principal ATF regional official responsible for administering regulations in this part.

Tax gallon. The unit of measure of spirits for the importation of tax under 26 U.S.C. 5001. When spirits are 100

degrees of proof or more, the tax is determined on a proof gallon basis. When spirits are less than 100 degrees of proof, the tax is determined on a wine gallon basis.

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

PART 194—LIQUOR DEALERS

80. The table of sections in 27 CFR Part 194 is corrected by making the following format change to the citation of authority:

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

§ 194.1 [Amended]

81. Section 194.1 is corrected by changing the phrase "under the Internal Revenue Code of 1954, as amended" to read "under Title 26 of the United States Code, as amended".

§ 194.3 [Amended]

82. Section 194.3 is corrected by changing the phrase, "in 27 CFR Part 1", to read "in Part 1 of this Chapter".

§ 194.4 [Amended]

83. Section 194.4 is corrected by changing the phrase "by Chapter 51, I.R.C.", to read "by 26 U.S.C. Chapter 51".

84. Section 194.11 is corrected by (1) deleting the definition for "I.R.C." and the citation of authority and (2) by amending the definition of "fiscal year" to read as follows:

§ 194.11 Meaning of terms.

Fiscal year. The period from October 1 of one calendar year through September 30 of the following year.

§ 194.23 [Amended]

85. Section 194.23(b) is corrected by changing the phrase "of Chapter 51, I.R.C.", to read "of 26 U.S.C. Chapter 51".

§ 194.101 [Amended]

86. Section 194.101 is corrected by changing the italicized parenthetic term "(fiscal year)", in paragraph (a), to read "(tax year)".

§ 194.103 [Amended]

87. Section 194.103 is corrected by changing the phrase "for the entire fiscal year" to read "for the entire tax year".

§ 194.104 [Amended]

88. Section 194.104 is corrected by changing the phrase "into a new fiscal year" to read "into a new tax year".

§ 194.136 [Amended]

89. Section 194.136 is corrected by changing the phrase "by section 6511, I.R.C." to read "by 26 U.S.C. 6511".

§ 194.193 [Amended]

90. Section 194.193 is corrected by changing the phrase "of section 5117, I.R.C." to read "of 26 U.S.C. 5117".

§ 194.261 [Amended]

91. Section 194.261 is corrected by changing the phrase "of Chapter 51, I.R.C.", wherever it appears, to read "of 26 U.S.C. Chapter 51".

92. Section 194.281 is corrected to read as follows:

§ 194.281 General.

A State, or political subdivision of a State, or a person holding a wholesale liquor dealers' basic permit issued under Part 1 of this chapter, may export bottled taxpaid distilled spirits with benefit of drawback to the extent provided in § 252.171 of this chapter.***

PART 195—PRODUCTION OF VINEGAR BY THE VAPORIZING PROCESS

93. The table of sections in 27 CFR Part 195 is corrected by updating the citation of authority as follows:

Authority: August 16, 1954, Ch. 736, Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

94. Section 195.10 is corrected (1) by deleting the definition of "I.R.C." and the citation of authority and (2) by amending the section to read as follows:

§ 195.10 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart. Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

Director. **

Distilled spirits. The substance known as ethyl alcohol, ethanol, spirits, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and includes low wines

produced by the vaporizing process in the manufacture of vinegar.

Distilling materials. The fermented mash of grain, molasses, or other materials produced for distillation.

District director of internal revenue. The Director, Internal Revenue Service, in any of the internal revenue districts.

Gallon or wine gallon. A United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

Grain gallon. A gallon of vinegar of 100 grain strength.

Grain strength. A measure of the acetic acid content of vinegar, expressed as 10 times the grams of acetic acid per 100 ml.

Including. The term "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

Person, proprietor, vinegar maker. Includes natural persons, trusts, estates, associations, partnerships, companies, and corporations.

Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Proof gallon. The alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 percent of ethyl alcohol by volume.

Regional regulatory administrator. ***

U.S.C. The United States Code.

Vinegar plant or vinegar factory. An establishment qualified under this part for the manufacture of vinegar by the vaporizing process.

§ 195.87 [Amended]

95. Section 195.87 is corrected by adding at the end of the sentence the phrase "of this part".

§ 195.114 [Amended]

96. Section 195.114 is corrected by changing the phrase "in Subpart L" to read "Subpart L of this part".

§ 195.130 [Amended]

97. Section 195.130 is corrected by adding at the end of the sentence the phrase "of this part".

PART 196—STILLS

98. The table of sections in 27 CFR Part 196 is corrected by updating the citation of authority as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

99. Section 196.5 is corrected by deleting the citation of authority and is to read as follows:

§ 196.5 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart. Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

Condenser. Any apparatus capable of being used when connected with a still, for condensing or liquefying alcoholic or spirituous vapors, but shall not include condensers to be used with laboratory stills or stills used for distilling water or other nonalcoholic materials where the cubic capacity of such stills is one gallon or less.

Director. ***

Director of the service center. The Director, Internal Revenue Service Center, in each of the internal revenue regions.

Distilled spirits or spirits. That substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and shall include whisky, brandy, rum, gin, and vodka.

Distilling. The distillation of spirits as defined by 26 U.S.C. 5002(a)(6)(A). Such distillation shall include: (a) The original manufacture of distilled spirits from mash, wort, or wash, or any material suitable for the production of spirits; (b) the redistillation of spirits in the course of manufacture; (c) the redistillation of spirits, or products containing spirits within the provisions of 26 U.S.C. 5082; (d) the distillation, redistillation, or recovery of spirits or of completely or specially denatured spirits, or of articles containing spirits or completely or specially denatured spirits; and (e) the redistillation or recovery of tax-free spirits.

Distilling apparatus. Any still or condenser defined in this section.

District director of internal revenue. The Director, Internal Revenue Service, in any of the internal revenue districts.

District director of customs. ***

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

Person, manufacturer, distiller, user. An individual, a trust, estate, partnership, association, company, or corporation.

Regional regulatory administrator. ***

Still. Any apparatus capable of being used for separating alcoholic or spirituous vapors, or spirituous solutions, or spirits, from spirituous solutions or mixtures, but shall not include stills used for laboratory purposes or stills used for distilling water or other nonalcoholic materials where the cubic capacity of such stills is one gallon or less.

§ 196.36 [Amended]

100. Section 196.36 is corrected by changing (1) the phrase "section 5101, I.R.C." to read as "26 U.S.C. 5101"; and (2) the phrase "in each year", wherever it appears, to read "in each tax year".

§ 196.60a [Amended]

101. Section 196.60a is corrected by changing the phrase "on the Internal Revenue Service form" to read "on Form 1610".

PART 197—DRAWBACK ON DISTILLED SPIRITS USED IN MANUFACTURING NONBEVERAGE PRODUCTS

102. The table of sections in 27 CFR Part 197 is corrected by updating the citation of authority as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

103. Section 197.5 is corrected by deleting the citation of authority and is to read as follows:

§ 197.5 Meaning of terms.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

Director. ***

Distilled spirits. That substance known as ethyl alcohol, ethanol, spirits, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, including alcohol, whisky, brandy, rum, gin, and vodka, all of which are fully taxpaid or tax-determined at the distilled spirits rate.

Director of the service center. The Director, Internal Revenue Service Center, in each of the internal revenue regions.

District director or district director of internal revenue. The Director, Internal Revenue Service, in any of the internal revenue districts.

Filed. Subject to the provisions of 26 CFR 301.7502 through 301.7503-1, a claim

for drawback shall be deemed to have been "filed" when it is delivered to the office of the proper regional regulatory administrator, and by that office received.

Intermediate products. Products containing distilled spirits which are not subject to drawback until used in a nonbeverage product eligible for drawback.

Nonbeverage products. Medicines, medicinal preparations, food products, flavors, or flavoring extracts, in the manufacture or production of which distilled spirits are used under the provisions of 26 U.S.C. 5131-5134 and this part, and which are unfit for use for beverage purposes.

Regional regulatory administrator. ***

Tax year. The period which begins July 1 and ends on the following June 30.

Time distilled spirits are used. ***

Total annual withdrawals. The total quantity of distilled spirits (proof gallons), which are used in the manufacture or production of nonbeverage products during a year.

U.S.C. The United States Code.

Used. Distilled spirits shall be deemed to have been "used" in the manufacture of a product under this part, when such spirits are either consumed in such manufacture or are incorporated in the product; except that spirits lost by causes such as spillage, leakage, breakage, or theft, prior to or during the process of manufacture, shall not be deemed to be consumed in such manufacture.

§§ 197.25, 197.55 and 197.56 [Amended]

104. Sections 197.25, 197.55, and 197.56 are corrected by changing the word "year", wherever it appears, to read "tax year".

§§ 197.27, 197.46, 197.48, and 197.50 [Amended]

105. Sections 197.27, 197.46, 197.48, and 197.50 are corrected by changing the term "fiscal year", wherever it appears, to read "tax year".

106. Section 197.117 is corrected to read as follows:

§ 197.117 Account of distilled spirits reordered in the manufacture of products eligible for drawback.

*** (For additional provisions respecting the recovery of distilled spirits and the records of the recoveries, see Part 170, Subpart U, of this chapter.) (Sec. 201, Pub. L. 85-859, 72 Stat. 1330, as amended (26 U.S.C. 7025))

§ 197.130a [Amended]

107. Section 197.130a is corrected by changing the wording "26 CFR Part 186,

Gauging Manual", to read "in Part 186, Gauging Manual, of this chapter".

PART 200—RULES OF PRACTICES IN PERMIT PROCEEDINGS

108. The table of sections in 27 CFR Part 200 is corrected by revising Subpart B and by updating the citation of authority as follows:

Subpart B—Definitions

Sec.
200.5 Meaning of terms.

Authority: August 16, 1954, Ch. 736, 68A Stat. 917, as amended (26 U.S.C. 8705), unless otherwise noted.

§ 200.1 [Amended]

109. Section 200.1 is corrected by changing (1) the phrase "under the Internal Revenue Code (26 U.S.C.)" to read "under Title 26 of the United States Code"; and (2) the phrase "by the Alcohol, Tobacco and Firearms Division, Internal Revenue Service" to read "by the Bureau of Alcohol, Tobacco and Firearms".

110. Section 200.5 is corrected (1) by deleting the definition for "I.R.C." and the citation of authority and (2) by incorporating the definitions in § 200.16. As amended, § 200.5 reads as follows:

§ 200.5 Meaning of terms.

Applicant. Any person who has filed an initial application for a permit under the Federal Alcohol Administration Act or the Internal Revenue Code (26 U.S.C.).

Application.

(a) *General.* Any application for a permit under the Federal Alcohol Administration Act or the Internal Revenue Code (26 U.S.C.).

(b) *Initial application.* An application for an original permit for operations not covered by an existing permit.

(c) *Renewal application.* An application timely filed for the renewal of an existing permit.

Attorney for the Government. The Attorney in the office of the Chief Counsel (assigned to the National or regional office) authorized to represent the regional regulatory administrator in the proceeding.

CFR. The Code of Federal Regulations.

Citation. Includes any notice contemplating the disapproval of an application (whether initial or renewal) or any order to show cause why a permit should not be suspended, revoked or annulled.

Director. ***

Initial decision. The decision (order) of the regional regulatory administrator in any proceeding on an initial application for a permit, and the decision of the administrative law judge in any proceeding on the suspension, revocation, or annulment of a permit or on the disapproval of a renewal application.

Other term. Any other term defined in the Federal Alcohol Administration Act (27 U.S.C. 201), the Internal Revenue Code (26 U.S.C.) or the Administrative Procedure Act (5 U.S.C. 1001), where used in this part, shall have the meaning assigned to it therein.

Permit.

(a) **Basic Permit.** The document authorizing the person named therein to engage in a designated business or activity under the Federal Alcohol Administration Act.

(b) **Industrial use permit.** A document issued pursuant to 26 U.S.C. 5271(a), authorizing a person named therein to use distilled spirits free of tax, deal in or use specially or completely denatured spirits, as described therein.

(c) **Operating permit.** The document issued pursuant to 26 U.S.C. 5171(b), authorizing the person named therein to engage in the business described therein.

(d) **Tobacco permit.** The document issued pursuant to 26 U.S.C. 5713(a), authorizing the person named therein to engage in the business described therein.

(e) **Withdrawal permit.** The document issued pursuant to 26 U.S.C. 5271(a), authorizing the person named therein to withdraw tax-free spirits or specially denatured spirits, as specified therein.

Permittee. Any person holding a basic permit under the Federal Alcohol Administration Act or the Internal Revenue Code (26 U.S.C.).

Person. An individual, trust, estate, partnership, association, company, or corporation.

Recommended decision. The advisory decision of the administrative law judge in any proceeding on an initial application for a permit.

Regional regulatory administrator.

Respondent. Any person holding a permit against which an order has been issued to show cause why such permit should not be suspended, revoked, or annulled, or against the renewal of which a notice of contemplated disapproval has been issued.

U.S.C. The United States Code.

§ 200.16 [Deleted]

111. Section 200.16 is deleted.

§ 200.26 [Amended]

112. Section 200.26 is corrected by replacing the phrase "by any employee of the Internal Revenue Service" with the phrase "by any employee of the Bureau of Alcohol Tobacco and Firearms".

113. Section 200.31 is corrected to read as follows:

§ 200.31 Attorneys.

A respondent or applicant may be represented by an attorney, a certified public accountant, or other person enrolled to practice before the Bureau of Alcohol, Tobacco and Firearms under the provisions of 31 CFR Part 8, and files in the proceeding a duly executed power of attorney to represent the applicant or respondent. See 26 CFR 601.501-601.527. The regional regulatory administrator shall be represented in proceedings under this part by the attorney for the Government who is authorized to execute and file motions, briefs, and other papers in the proceeding, on behalf of the regional regulatory administrator, in his own name as "Attorney for the Government".

§ 200.46 [Amended]

114. Section 200.46 is corrected (1) by changing the phrase "of Chapter 52" to read "26 U.S.C. Chapter 52" and (2) by changing the phrase "of the Internal Revenue Code" to read as "of 26 U.S.C."

115. Section 200.48 is corrected to read as follows:

§ 200.48 Operating, industrial use, and withdrawal permits.

(a) Has not in good faith complied with the provisions of 26 U.S.C. Chapter 51 or enabling regulations; or

(b)

(e) Has violated or conspired to violate any law of the United States relating to intoxicating liquor or has been convicted of any offense under 26 U.S.C. punishable as a felony or of any conspiracy to commit such an offense; or

(f)

116. Section 200.49a is corrected to read as follows:

§ 200.49a Applications for operating, industrial use, and withdrawal permits.

If, on examination of an application (including a renewal application) for an operating, industrial use, or withdrawal permit, the regional regulatory administrator has reason to believe—

(a)

(b) The applicant (including in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, a partner) is, by reason of the applicant's business experience, financial standing, or trade connections, not likely to maintain operations in compliance with 26 U.S.C. Chapter 51 or implementing regulations; or

(c)

117. Section 200.49b is corrected to read as follows:

§ 200.49b Applications for tobacco permits.

If, on examination of an application for a tobacco permit provided for in 26 U.S.C. 5713, the regional regulatory administrator has reason to believe—

(a)

(b) The applicant (including, in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, a partner) is, by reason of his business experience, financial standing, or trade connections, not likely to maintain operations in compliance with 26 U.S.C. Chapter 52, or has failed to disclose any material information required or made any material false statement in the application; the regional regulatory administrator may issue a citation for the contemplated disapproval of the application.

118. Section 200.56 is corrected to read as follows:

§ 200.56 Form.

(a) Form 1430-A, "Order To Show Cause", shall be used for all citations for the suspension, revocation, or annulment, as the case may be, of permits under the Internal Revenue Code or the Federal Alcohol Administration Act.

(b)

§§ 200.85, 200.95, 200.98, 200.99 and 200.100 [Amended]

119. Sections 200.85, 200.95, 200.98, 200.99, and 200.100 are corrected by deleting the citations of authority.

§§ 200.97 and 200.98 [Amended]

120. Sections 200.97 and 200.98 are corrected by changing the phrase "of the Internal Revenue Service", wherever it appears, to read "of the Bureau of Alcohol, Tobacco and Firearms".

PART 201—DISTILLED SPIRITS PLANTS

Note.—Since ATF is in the process of revising 27 CFR Part 201 in order to implement the Distilled Spirits Tax Revision

Act of 1979 (Title VIII of the Trade Agreements Act of 1979), errors and inadvertent omissions to 27 CFR Part 201, which appeared in Treasury Decision ATF-48, will not be corrected at this time.

PART 211—DISTRIBUTION AND USE OF DENATURED ALCOHOL AND RUM

121. The table of sections in 27 CFR Part 211 is corrected by updating the citation of authority as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

122. Section 211.11 is corrected (1) by deleting the definitions for "internal revenue officer" and "I.R.C."; (2) by deleting the citation of authority; and (3) by correcting the definitions for "industrial use permit", "this chapter", and "withdrawal permit". As corrected, § 211.11 reads as follows:

§ 211.11 Meaning of terms

Industrial use permit. The document issued under 26 U.S.C. 5271(a), authorizing the person named therein to deal in or use specially denatured alcohol or specially denatured rum or to recover denatured alcohol, specially denatured rum or articles, as described therein.

Manufacturer or user.

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

U.S.C.

Withdrawal permit. The document issued under 26 U.S.C. 5271(a), authorizing the person named therein to withdraw specially denatured alcohol or specially denatured rum, as specified therein, from the premises of a distilled spirits plant or bonded dealer.

§ 211.48 [Amended]

123. Section 211.48(b) is corrected by changing (1) the phrase "with Chapter 51, I.R.C." to read "with 26 U.S.C. Chapter 51" and (2) the citation of authority "[72 Stat. 1370; 26 U.S.C. 5271]" to read "[Sec. 201, Pub. L. 85-859, 72 Stat. 1370, as amended (26 U.S.C. 5271)]".

124. Section 211.50 is corrected to read as follows:

§ 211.50 Suspension or revocation.

(a) Has not in good faith complied with the provisions of 26 U.S.C. Chapter 51, or regulations issued thereunder; or

(Sec. 201, Pub. L. 85-859, 72 Stat. 1370 as amended (26 U.S.C. 5271))

§ 211.108 [Amended]

125. Section 211.108 is corrected by changing (1) the phrase "of the Internal Revenue Service" to read "the Bureau of Alcohol, Tobacco and Firearms" and (2) the citation of authority to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1370, as amended, 1372, as amended (26 U.S.C. 5271, 5273))".

§ 211.147 [Amended]

126. Section 211.147(a) is corrected by changing the phrase "by the Internal Revenue Service" to read "by the Bureau of Alcohol, Tobacco and Firearms".

127. Section 211.190(b) is corrected to read as follows:

§ 211.190b Removals.

. . . Bulk conveyances shall be sealed at the time of filling by the consignor with railroad or other appropriate seals dissimilar in marking from cap seals used by the Bureau of Alcohol, Tobacco and Firearms.

PART 212—FORMULAS FOR DENATURED ALCOHOL AND RUM

128. The table of sections in 27 CFR Part 212 is corrected by updating the citation of authority as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

§ 212.5 [Amended]

129. Section 212.5 is corrected (1) by deleting the definition for "I.R.C." and (2) by deleting the citation of authority.

§ 212.15 [Amended]

130. Section 212.15(b) is corrected by changing the phrase "of Chapter 51 I.R.C." to read "26 U.S.C. Chapter 51".

PART 213—DISTRIBUTION AND USE OF TAX-FREE ALCOHOL

131. The table of sections in 27 CFR Part 213 is corrected by updating the citation of authority as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

132. Section 213.11 is corrected (1) by deleting the definition for "I.R.C."; (2) by deleting the citation of authority; and (3) by correcting the definitions of "industrial use permit", "this chapter", and "withdrawal permit". As corrected, § 213.11 reads as follows:

§ 213.11 Meaning of terms.

Industrial use permit. The document issued under 26 U.S.C. 5271(a),

authorizing the person named therein to use tax-free alcohol, as described therein.

Permittee.

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

U.S.C.

Withdrawal permit. The document issued under 26 U.S.C. 5271(a), authorizing the person named therein to withdraw tax-free alcohol, as specified therein, from the premises of distilled spirits plants.

§ 213.47 [Amended]

133. Section 213.47(b) is corrected by changing the phrase "with Chapter 51, I.R.C." to read "with 26 U.S.C. Chapter 51" and (2) the citation of authority "[72 Stat. 1370; 26 U.S.C. 5271]" to read "[Sec. 201, Pub. L. 85-859, 72 Stat. 1370, as amended (26 U.S.C. 5271)]".

134. Section 213.49 is corrected to read as follows:

§ 213.49 Suspension or revocation of permits.

(a) Has not in good faith complied with the provisions of 26 U.S.C. Chapter 51, or regulations issued thereunder; or

(Sec. 201, Pub. L. 85-859, 72 Stat. 1370, as amended (26 U.S.C. 5271))

135. Section 213.101 is corrected to read as follows:

§ 213.101 Authorized uses.

(a) For the use of any educational organization described in 26 U.S.C. 503(b)(2), which is exempt from income tax under 26 U.S.C. 501(a), or for the use of any scientific university or college of learning;

(Sec. 201, Pub. L. 85-859, 72 Stat. 1362, as amended, 1370 as amended (26 U.S.C. 5214, 5271))

§ 213.103 [Amended]

136. Section 213.103 is corrected by changing (1) the phrase "under section 501(a), I.R.C." to read "under 26 U.S.C. 501(a)" and (2) the citation of authority "[72 Stat. 1362; 26 U.S.C. 5214]" to read "[Sec. 201, Pub. L. 85-859, 72 Stat. 1362, as amended (26 U.S.C. 5214)]".

§ 213.117 [Amended]

137. Section 213.117 is corrected by changing the phrase "of section 5688(a)(2)(B), I.R.C." to read "of 26 U.S.C. 5688(a)(2)(B)".

§ 213.141 [Amended]

138. Section 213.141 is corrected by changing (1) the phrase "by section

5214(a)(2), I.R.C." to read "by 26 U.S.C. 5214(a)(2)" and (2) the citation of authority "(72 Stat. 1362; 26 U.S.C. 5214)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1362, as amended (26 U.S.C. 5214))".

PART 231—TAXPAID WINE BOTTLING HOUSES

139. The table of sections in 27 CFR Part 231 is corrected by updating the citation of authority as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

140. Section 231.10 is corrected by (1) deleting the definition for "I.R.C.", (2) by deleting the citation of authority, and (3) by adding a definition for "ATF officer". As corrected, § 231.10 reads as follows:

§ 231.10 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any functions relating to the administration or enforcement of this part.

Director. . . .

Exception. The definitions in this subpart are prescribed pursuant to the internal revenue laws governing the bottling, packaging and removal of taxpaid wine and shall not supersede or affect the requirements set forth in Part 4 of this chapter, relative to the labeling of wine under the provisions of the Federal Alcohol Administration Act.

Foreign wine. Wine produced outside the United States.

Gallon or wine gallon. The liquid measure equivalent to the volume of 231 cubic inches.

Package. Any barrel, cask, keg, or similar container, or any demijohn (or bottle) of two gallons or more capacity, used to remove wine from taxpaid wine bottling houses.

Proprietor. The operator of a taxpaid wine bottling house.

Regional regulatory administrator. . . .

Standard wine. Natural wine, specially sweetened natural wine,

special natural wine and standard agricultural wine produced in accordance with the provisions of Part 240 of this chapter.

Taxpaid wine. Wine on which the tax imposed by 26 U.S.C. 5041 has been determined, regardless of whether the tax has actually been paid or the payment of tax has been deferred under 26 U.S.C. 5061.

U.S.C. The United States Code.

United States wine. Wine produced on bonded wine cellar premises in the United States.

Wine. When used without qualification, all still wine including vermouth and other special (flavored) natural wine.

§ 231.51 [Amended]

141. Section 231.51 is corrected by changing the phrase "in 27 CFR Part 1" to read "in Part 1 of this chapter".

142. Section 231.82 is corrected to read as follows:

§ 231.82 Bottling and labeling operations.

(b) Kind of wine (class and type), in the manner specified by Part 4 of this chapter;

(c) The alcohol content by volume in the manner specified by Part 4 of this chapter; and

(d) The net contents of the bottle, unless displayed on the bottle as provided in § 4.37(d) of this chapter.

§ 231.83 [Amended]

143. Section 231.83 is corrected by changing the phrase "of 27 CFR Part 4" to read "of Part 4 of this chapter".

PART 240—WINE

144. The table of sections in 27 CFR Part 240 is corrected to read as follows:

Sec.
240.783 Losses during a year.

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

145. Section 240.10 is corrected (1) by deleting the definition for "I.R.C.", (2) by deleting the citation of authority, (3) by adding a definition for "ATF officer", and (4) by updating the section to read as follows:

§ 240.10 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the

plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Affiliated persons or firms. Any one or more bonded wine cellar proprietors associated as members of the same farm cooperative, or any one or more bonded wine cellar proprietors affiliated within the meaning of section 17(a)(5) of the Federal Alcohol Administration Act, as amended.

Agricultural wine. Wine made from suitable agricultural products other than the juice of grapes, berries, or other fruits.

Allied products. Commercial fruit products and by-products not taxable as wine.

Amelioration. The addition to juice or wine before, during and after fermentation, of either water or pure sugar, or a combination of water and pure sugar, or liquid sugar or invert sugar syrup, to adjust the acid content or to develop alcohol by fermentation.

Artificially carbonated wine. Effervescent wine artificially charged with carbon dioxide.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any functions relating to the administration or enforcement of this part.

Bonded wine cellar. Premises established under the provisions of Subpart C of this part, including premises designated as "bonded winery".

Concentrate plant. An establishment qualified under Part 18 of this chapter for the production of volatile fruit-flavor concentrates.

Container. Any case, cask, barrel, keg, pipeline, tank, tank truck, railroad tank car, or other approved container (except bottles having a capacity of one gallon or less) used to remove wine from bonded wine cellars.

Director. . . .

Director of the service center. The Director, Internal Revenue Service Center, in any of the internal revenue regions.

Distilled spirits plant. An establishment qualified under Part 201 of this chapter for the production, bonded storage, or bottling of spirits, or for rectification, or for any combination of such operations.

District director. The District Director of Internal Revenue.

Effervescent wine. Sparkling wine and artificially carbonated wine and shall

not include still wine as defined in this part.

Executed under penalties of perjury. . . .

Exception. The definitions in this subpart are prescribed pursuant to the internal revenue laws governing the production and removal of wine, and shall not supersede or affect the requirements set forth in Part 4 of this chapter, relative to the labeling of wine under the provisions of the Federal Alcohol Administration Act.

Fold. The ratio of the volume of the fruit mash or juice to the volume of the volatile fruit-flavor concentrate produced from such fruit mash or juice; for example, one gallon of concentrate of 100-fold would be the product from 100 gallons of fruit mash or juice.

Foreign wine. Wine produced outside the United States.

Fruit wine. Wine made from the juice of sound, ripe fruit (including berries) other than grapes.

Gallon or wine gallon. A United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

General bonded area. The unsegregated portion of the bonded wine cellar not set aside and designated for a particular use.

Heavy bodied blending wine. Wine made from fruit without added sugar, with or without added wine spirits, and conforming to the definition of natural wine in all respects except as to maximum total solids content.

In bond. When used with respect to wine spirits, "in bond" means such spirits possessed under bond to secure the payment of the internal revenue tax thereon and in respect to which the tax has not been determined as provided in this chapter, and includes such spirits withdrawn without payment of tax under 26 U.S.C. 5214(a)(5), and with respect to which relief from liability has not yet occurred.

In bond. When used with respect to wine spirits, "in bond" means such spirits possessed under bond to secure the payment of the internal revenue tax thereon and in respect to which the tax thereon has not been determined as provided in this chapter, and includes such wines on the bonded premises of a bonded wine cellar, in transit to a bonded wine cellar, and such wine withdrawn without payment of tax under 26 U.S.C. 5362, and with respect to which relief from liability has not yet occurred.

Invert sugar syrup. A solution of invert sugar which has been prepared by recognized methods of inversion from pure sugar. It shall be a substantially colorless solution and contain not less

than 60 percent sugar by weight (60 degrees Brix).

Juice (or must). The unfermented juice of fruit, berries and authorized agricultural products, exclusive of pulp, skins, or seeds.

Lees. The settlings of wine.

Liter or litre. A metric unit of capacity equal to 1000 cubic centimeters of alcoholic beverage, and equivalent to 33.814 U.S. fluid ounces. A liter is subdivided into 1000 milliliters (ml).

Liquid sugar. A substantially colorless pure sugar and water solution containing not less than 60 percent pure sugar by weight (60 degrees Brix).

Person. An individual, trust, estate, partnership, association, company, or corporation.

Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Proof gallon. The alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 percent of ethyl alcohol by volume.

Proprietor. The operator of a bonded wine cellar, and includes the term "winemaker" when the context so requires.

Pure sugar. Pure refined sugar, suitable for human consumption, having a dextrose equivalent of not less than 95 percent on a dry basis, and produced from cane, beets, or fruit, or from grain or other sources of starch: *Provided*, That invert sugar syrup produced from such pure sugar by recognized methods of inversion may be used to prepare any sugar syrup, or solution of water and pure sugar.

Regional regulatory administrator. . . .

Same kind of fruit. In the case of grapes, all of the several species and varieties of grapes. In the case of fruits other than grapes, this term includes all of the several species and varieties of any given kind; except that this shall not preclude a more precise identification of the composition of the product for the purpose of its designation.

Sparkling wine or champagne. Effervescent wine charged with carbon dioxide, resulting from fermentation of the wine within a closed container or bottle.

Special natural wine. A product, such as vermouth, made pursuant to an approved formula in accordance with the provisions of 26 U.S.C. 5386, and Subpart S of this part.

Specially sweetened natural wine. A product having a total solids content in excess of 17 percent by weight and an alcohol content of not more than 14 percent by volume, made in accordance

with the provisions of 26 U.S.C. 5385 and Subpart R of this part.

Standard agricultural wine. Agricultural wine made within the limitations of Subpart T of this part.

Standard wine. Natural wine, specially sweetened natural wine, special natural wine and standard agricultural wine, produced in accordance with the provisions of 26 U.S.C. 5381, 5385, 5386, and 5387 and Subparts P, Q, R, S, and T of this part.

Still wine. Noneffervescent wine, including those wines containing carbon dioxide as authorized in §§ 240.531 to 240.534, inclusive.

Sugar. Pure sugar, liquid sugar, and invert sugar syrup.

Taxpaid wine. Wine on which the tax imposed by 26 U.S.C. 5041, has been determined, regardless of whether the tax has actually been paid or the payment of tax has been deferred under 26 U.S.C. 5061.

Tax year. The period from July 1 of one calendar year through June 30 of the following year.

Total solids. The degrees Brix of the dealcoholized wine.

U.S.C. The United States Code.

United States wine. Wine produced on bonded wine cellar premises in the United States.

Volatile fruit-flavor concentrate. Any volatile fruit-flavor concentrate produced by any process which includes evaporations from any fruit mash or juice at a concentrate plant.

Wine. When used without qualification, includes all still wines, champagne and other sparkling wines, artificially carbonated wine, and special natural wine produced on bonded wine cellar premises.

Wine spirits. As authorized for use in wine production by 26 U.S.C. 5373, brandy or wine spirits produced in a distilled spirits plant (with or without the use of water to facilitate extraction and distillation) exclusively from (a) fresh or dried fruit, or their residues, (b) the wine or wine residues therefrom, or (c) special natural wine; except that where, in the production of natural wine or special natural wine, sugar has been used, the wine or the residuum thereof may not be used if the unfermented sugars therein have been re-fermented. Such wine spirits shall not be reduced with water from the distillation proof, nor be distilled at less than 140 degrees of proof (except that commercial brandy aged in wood for a period of not less than 2 years, and barreled at not less than 100 degrees of proof, shall be deemed wine spirits for the purpose of this part).

Withdrawn without payment of tax. "Withdrawn free of tax", wherever used

in this part, except in reference to wine withdrawn under 26 U.S.C. 5362(c)(7), (8), and (9), shall mean "withdrawn without payment of tax".

§ 240.120 [Amended]

145. Section 240.120 is corrected by changing (1) the phrase "under section 5042, I.R.C." to read "under 26 U.S.C. 5042" and (2) the citation of authority "68A Stat. 867, 72 Stat. 1378; (26 U.S.C. 7302, 5351)" to read "August 16, 1954, ch. 736, 68A Stat. 867 (26 U.S.C. 7302); sec. 201, Pub. L. 85-859, 72 Stat. 1378, as amended (26 U.S.C. 5351)".

§ 240.191 [Amended]

146. Section 240.191 is corrected by changing the phrase "in 27 CFR Part 1" to read "Part 1 of this chapter".

§ 240.223 [Amended]

147. Section 240.223 is corrected by changing (1) the phrase "of Chapter 51, I.R.C." to read "of 26 U.S.C. Chapter 51" and (2) the citation of authority "to read (Sec. 201, Pub. L. 85-859, 72 Stat. 1314, as amended, 1383, as amended (26 U.S.C. 5001, 5382))".

§ 240.343 [Amended]

148. Section 240.343 is corrected by changing the phrase "of each year" to read "of each tax year".

§ 240.344 [Amended]

149. Section 240.344 is corrected by changing the phrase "by a United States post office" to read "by the U.S. Postal Service".

§ 240.489 [Amended]

150. Section 240.489 is corrected by changing (1) the phrase "by 27 CFR Part 4" to read "Part 4 of this chapter" and (2) the citation of authority "(72 Stat. 1381, 1383; 26 U.S.C. 5364, 5381)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1381, as amended, 1383 as amended (26 U.S.C. 5364, 5381))".

151. Section 240.523 is corrected to read as follows:

§ 240.523 Sterilizing and preserving.

Sterilizing and preserving agents, such as sulfur dioxide, potassium metabisulphite, or sodium metabisulphite, may be used to the extent necessary: *Provided*, The sulfur content of the finished wine does not exceed the limits prescribed in Part 4 of this chapter.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1383, as amended (26 U.S.C. 5382))

§ 240.535 [Amended]

152. Section 240.535 is corrected by changing (1) the phrase "in section 5662, I.R.C." to read "in 26 U.S.C. 5662" and (2) the citation of authority "(72 Stat.

1407; 26 U.S.C. 5662)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1407, as amended (26 U.S.C. 5662))".

§ 240.562 [Amended]

153. Section 240.562(a)(3) is corrected by changing the phrase "with 27 CFR Part 4" to read "with Part 4 of this chapter".

§ 240.566 [Amended]

154. Section 240.566 is corrected by changing (1) the phrase "in 27 CFR Part 4" to read "Part 4 of this chapter" and (2) the citation of authority "(68A Stat. 666; 26 U.S.C. 5368)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1381, as amended (26 U.S.C. 5368))".

§ 240.567 [Amended]

155. Section 240.567(c) is corrected by changing the phrase "by 27 CFR Part 4", to read "by Part 4 of this chapter".

§ 240.573 [Amended]

156. Section 240.573 is corrected by substituting the phrase "by the Bureau of Alcohol, Tobacco and Firearms," in place of the wording "by the Internal Revenue Service".

§ 240.579 [Amended]

157. Section 240.579 is corrected (1) by changing in paragraph (d) the phrase "27 CFR 4.37(d)" to read "§ 4.37(d) of this chapter"; and (2) by deleting both citations of authority found in the section; and (3) by adding a new citation of authority at the end of the section which is to read "Sec. 201, Pub. L. 85-859, 72 Stat. 1381, as amended, 5662, as amended (26 U.S.C. 5368, 5662))".

§§ 240.580, 240.581, 240.582 and 240.583 [Amended]

158. Sections 240.580, 240.581, 240.582, and 240.583 are corrected by changing the citation "27 CFR Part 4", wherever it appears, to read "Part 4 of this chapter".

§ 240.596 [Amended]

159. Section 240.596 is corrected by changing (1) the phrase "of the United States Post Office" to read "of the U.S. Postal Service".

§ 240.620 [Amended]

160. Section 240.620 is corrected by changing the wording "26 CFR Part 240" to read "27 CFR Part 240".

§ 240.783 [Amended]

161. Section 240.783 is corrected (1) by changing the title of the section to read "§ 240.783 Losses during a year", (2) by deleting the term "fiscal" wherever it appears in the section, and (3) by updating the citation of authority "(72 Stat. 1381; 26 U.S.C. 5370)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1381, as amended (26 U.S.C. 5370))".

§ 240.805 [Amended]

162. Section 240.805 is corrected by changing (1) the phrase "of section 5044, I.R.C." to read "of 26 U.S.C. 5044" and (2) the citation of authority "(72 Stat. 1332, 26 U.S.C. 5044)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1332, as amended (26 U.S.C. 5044))".

§ 240.820 [Amended]

163. Section 240.820 is corrected by changing (1) the phrase "under section 5373, Internal Revenue Code", to read "under 26 U.S.C. 5373" and (2) the citation of authority "(72 Stat. 1382; 26 U.S.C. 5373)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1382, as amended (26 U.S.C. 5373))".

§ 240.881 [Amended]

164. Section 240.881 is corrected by changing (1) the phrase "of Subchapter F of Chapter 51 of the Internal Revenue Code" to read "of Subchapter F of 26 U.S.C. Chapter 51", and (2) the citation of authority "(68A Stat. 672; 26 U.S.C. 5391)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1387 (26 U.S.C. 5391))".

PART 245—BEER

165. The table of sections in 27 CFR Part 245 is corrected by updating the citation of authority as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

166. Section 245.5 is corrected (1) by deleting the definition for "I.R.C.", (2) by deleting all of the citations of authority within and at the end of the section, and (3) by updating the section to read as follows:

§ 245.5 Meaning of terms.

When used in this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this subpart. Words in the plural form shall include the singular and vice versa, and words in the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things other than those enumerated which are in the same general class.

AFT officer. * * *

Beer. Beer, ale, porter, stout, and other similar fermented beverages (including sake or similar products) of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

Bottle. A bottle, can, or similar container.

Bottling. The filling of bottles, cans, and similar containers.

Brewer. Any person who brews beer (except a person who produces only beer exempt from tax under 26 U.S.C. 5053(e)) and any person who produces beer for sale.

Brewery. The land and buildings described as such in the brewer's notice on Form 27-C, where beer is to be produced and packaged.

Brewing. The production of beer for sale.

Business day. The 24-hour cycle of operations in effect at the brewery, which, if other than the calendar day, is subject to the approval of the regional regulatory administrator. The business day, having been once established, shall be applicable to all records and operations of the brewery, and shall not be changed without approval of the regional regulatory administrator.

Cereal beverage. A malt beverage, either fermented or unfermented, which contains, when ready for consumption, less than one-half of 1 percent of alcohol by volume.

Delegate. * * *

Director of the service center. The Director, Internal Revenue Service Center, in any of the internal revenue regions.

District director. A district director of internal revenue.

Executed under penalties of perjury. Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the return, claim, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this — (insert type of document such as statement, report, certificate, application, claim, or other document), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct and complete."

Gallon. The liquid measure containing 231 cubic inches.

Package. A bottle, can, keg, barrel, or other original consumer container.

Packaging. The filling of any package.

Person. An individual, a trust, estate, partnership, association, company, and corporation.

Region. * * *

Regional regulatory administrator. * * *

Removed for consumption or sale. Except when used with respect to beer removed without payment of tax as authorized by law, (a) the sale and transfer of possession of beer for consumption at the brewery, or (b) any removal of beer from the brewery.

Secretary. The Secretary of the Treasury or his delegate.

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

U.S.C. The United States Code.

§ 245.75 [Amended]

167. Section 245.75 is corrected by changing (1) the phrase "by section 5091, I.R.C." to read "by 26 U.S.C. 5091" and (2) the citation of authority "(72 Stat. 1346; 26 U.S.C. 5142)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1346, as amended (26 U.S.C. 5142))".

§ 245.126 [Amended]

168. Section 245.126 is corrected by changing (1) the phrase "by 27 CFR Part 7" to read "by Part 7 of this chapter" and (2) the citation of authority "(72 Stat. 1389; 26 U.S.C. 5412)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1389, as amended (26 U.S.C. 5412))".

§ 245.208 [Amended]

169. Section 245.208 is corrected by changing the phrase "To the Assistant Regional Commissioner (Alcohol, Tobacco and Firearms), — Region, Internal Revenue Service:" to read "To the Regional Regulatory Administrator, — Region, Bureau of Alcohol, Tobacco and Firearms:".

§ 245.220 [Amended]

170. Section 245.220 is corrected by changing (1) the phrase "of section 7606 I.R.C." to read "of 26 U.S.C. 7606" and (2) the citation of authority "(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)" to read "(August 16, 1954, ch. 736, 68A Stat. 872, 903, as amended (26 U.S.C. 7342, 7606))".

§§ 245.240 and 245.241 [Amended]

171. Sections 245.240 and 245.241 are corrected by changing the phrase "of Part 245, Title 26, Code of Federal Regulations", wherever it appears, to read "of 27 CFR Part 245".

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

172. The table of sections in 27 CFR Part 250 is corrected by updating the citation of authority as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

173. Section 250.11 is corrected (1) by deleting the definition for "I.R.C.", (2) by deleting the citation of authority, (3) by adding a definition for "ATF officer", and (4) by updating the section to read as follows:

§ 250.11 Meaning of terms.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

Industrial spirits. * * *

Liquor bottle. * * *

Red strip stamp. The stamp prescribed under authority of 26 U.S.C. 5205(a)(2).

Virgin Islands regulations.

Regulations issued or adopted by the Governor of the Virgin Islands, or his duly authorized agents, with the concurrence of the Secretary of the Treasury of the United States, or his delegate, under the provisions of 26 U.S.C. 5314, as amended, and § 250.201a.

Wine. * * *

174. Section 250.36 is corrected to read as follows:

§ 250.36 Products exempt from tax.

Subject to the provisions of this part, the following products may be brought into the United States from Puerto Rico without incurring liability to any tax imposed by 26 U.S.C. 5001(a)(10) or 7652(a):

(a) Industrial spirits for the purposes authorized in 26 U.S.C. 5214(a) (2) and (3).

(Sec. 201, Pub. L. 85-859, 72 Stat. 1375, as amended (26 U.S.C. 5314))

§§ 250.36a and 250.36(b) [Amended]

175. Sections 250.36a and 250.36(b) are corrected by changing (1) the phrase "in section 5214(a)(2) and (3), I.R.C.", wherever it appears, to read "in 26 U.S.C. 5214(a)(2) and (3)" and (2) the citations of authority "(72 Stat. 1375; 26 U.S.C. 5314)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1375, as amended (26 U.S.C. 5314))".

176. Section 250.39 is corrected to read as follows:

§ 250.39 Labels.

All labels affixed to bottles of liquors coming into the United States shall conform to the requirements of the Federal Alcohol Administration Act and implementing regulations (Parts 4, 5, and 7 of this chapter).

§ 250.53 [amended]

177. Section 250.53 is corrected by changing the phrase "in 27 CFR Part 5" to read "in Part 5 of this chapter".

178. Section 250.66 is corrected to read as follows:

§ 250.66 Bond, Form 2896—Distilled spirits and rectification.

(a) *Withdrawal of distilled spirits from bonded storage in Puerto Rico.* Where the proprietor of a bonded warehouse or a bonded processing room intends to withdraw for purpose of shipment to the United States, distilled spirits of Puerto Rican manufacture from bonded storage in Puerto Rico on computation, but before payment, of the tax imposed by 26 U.S.C. 7652(a), equal to the tax imposed in the United States by 26 U.S.C. 5001(a)(1), he shall, before making any such withdrawal, furnish a bond, Form 2896, to secure payment of such tax, at the time and in the manner prescribed in this subpart, on all distilled spirits so withdrawn. * * *

(b) *Rectification in Puerto Rico.* Where the proprietor of a rectifying plant in Puerto Rico intends to ship rectified products to the United States and desires that the tax imposed by 26 U.S.C. 7652(a), equal to the tax imposed in the United States by 26 U.S.C. 5021 and 5022, be computed at the time the bottling and casing is completed, but payment thereof be deferred, he shall furnish a bond, Form 2896, to secure payment of such tax, at the time and in the manner prescribed in this subpart, on all rectified spirits and wines so bottled and cased. * * *

(c) * * *

(Aug. 16, 1954, ch. 736, 68A Stat. 775, as amended, 847, as amended, 906, 907, as amended (26 U.S.C. 6302, 7101, 7102, 7651(2)(B), 7652(a)))

179. Section 250.67 is corrected to read as follows:

§ 250.67 Bond, Form 2897—Wine.

Where a proprietor intends to withdraw, for purpose of shipment to the United States, wine of Puerto Rican manufacture from bonded storage in Puerto Rico on computation, but before payment, of the tax imposed by 26 U.S.C. 7652(a), equal to the tax imposed in the United States by 26 U.S.C. 5041, he shall, before making any such withdrawal, furnish a bond, Form 2897, to secure payment of such tax, at the time and in the manner prescribed in this subpart, on all wine so withdrawn. * * *

(Aug. 16, 1954, ch. 736, 68A Stat. 775, as amended, 847, as amended, 906, 907, as amended (26 U.S.C. 6302, 7101, 7102, 7651(2)(B), 7652(a)))

180. Section 250.68 is corrected to read as follows:

§ 250.68 Bond, Form 2898—Beer.

Where a brewer intends to withdraw, for purpose of shipment to the United States, beer of Puerto Rican

manufacture from bonded storage in Puerto Rico on computation, but before payment, of the tax imposed by 26 U.S.C. 7652(a), equal to the tax imposed in the United States by 26 U.S.C. 5051, he shall, before making any such withdrawal, furnish a bond, Form 2898, to secure payment of such tax, at the time and in the manner prescribed in this subpart, on all beer so withdrawn. * * *

(Aug. 16, 1954, ch. 736, 68A Stat. 775, as amended, 847, as amended, 906, 907, as amended (26 U.S.C. 6302, 7101, 7102, 7651(2)(B), 7652(a)))

§ 250.76 [Amended]

181. Section 250.76 is corrected by changing the phrase "by section 7652(a), I.R.C." to read "by 26 U.S.C. 7652(a)".

§ 250.77 [Amended]

182. Section 250.77 is corrected by changing (1) the phrase "by sections 5001(a)(1), 5021, and 5022, I.R.C." to read "by 26 U.S.C. 5001(a)(1), 5021, and 5022" and (2) the citation of authority "(68A Stat. 907; 26 U.S.C. 7652)" to read "(Aug. 16, 1954, ch. 736, 68A Stat. 907, as amended (26 U.S.C. 7652))".

183. Section 250.85(a) is corrected to read as follows:

§ 250.85 Rectification tax.

(a) *Computation.* After distilled spirits tax equal to the tax imposed in the United States by 26 U.S.C. 5001(a)(1), has been deferred or paid (as prescribed in § 250.80 or § 250.81) and the rectified spirits have been bottled and cased, or packaged, the rectifier shall prepare Form 2926, in quintuplet. He shall compute on Form 2926 the rectification tax (equal to the tax imposed in the United States by 26 U.S.C. 5021 and 5022) incurred on the spirits so rectified, and bottled and cased, or packaged. * * *

§ 250.92 [Amended]

184. Section 250.92 is corrected by changing (1) the phrase "by section 5041, I.R.C." to read "by 26 U.S.C. 5041" and (2) the citation of authority "(68A Stat. 907; 26 U.S.C. 7652)" to read "(Aug. 16, 1954, ch. 736, 68A Stat. 907, as amended (26 U.S.C. 7652))".

185. Section 250.96a is corrected to read as follows:

§ 250.96a Rectification tax.

Where wine, on which tax equal to the tax imposed in the United States by 26 U.S.C. 5041 has been deferred or paid (as prescribed in § 250.95 or § 250.96), is rectified, the finished product is subject to tax equal to the rectification tax imposed in the United States by 26 U.S.C. 5021. * * *

§ 250.99 [Amended]

186. Section 250.99 is corrected by changing (1) the phrase in paragraph (a) "by section 5001(a)(1), I.R.C." to read "by 26 U.S.C. 5001(a)(1)"; (2) the phrase in paragraph (b) "by section 5041, I.R.C." to read "by 26 U.S.C. 5041"; and (3) the phrase in paragraph (c) "by section 5021 or section 5022, I.R.C." to read "by 26 U.S.C. 5021 or 5022".

§ 250.101 [Amended]

187. Section 250.101 is corrected by changing (1) the phrase "by section 5051, I.R.C." to read "by 26 U.S.C. 5051" and (2) the citation of authority "(68A Stat. 907; 26 U.S.C. 7652)" to read "(Aug. 16, 1954, ch. 736, 68A Stat. 907, as amended (26 U.S.C. 7652))".

§§ 250.107, 250.111 and 250.116 [Amended]

188. Sections 250.107, 250.111, and 250.116 are corrected by changing the citation "section 7652(a), I.R.C.", wherever it appears, to read "26 U.S.C. 7652(a)".

§ 250.109 [Amended]

189. Section 250.109 is corrected by changing (1) the phrase in paragraph (a) "by section 5001(a)(1), I.R.C." to read "by 26 U.S.C. 5001(a)(1)"; (2) the phrase in paragraph (b) "by section 5041, I.R.C." to read "by 26 U.S.C. 5041"; and (3) the phrase in paragraph (c) "by section 5051, I.R.C." to read "by 26 U.S.C. 5051".

§ 250.112 [Amended]

190. Section 250.112 is corrected by changing the following phrases:

(1) In paragraph (a), the phrase "by section 7652(a), I.R.C." to read "by 26 U.S.C. 7652(a)" and the phrase "by sections 5001(a)(1), 5021, and 5022, I.R.C." to read "by 26 U.S.C. 5001(a)(1), 5021, and 5022";

(2) In paragraph (b), the phrase "by section 7652(a), I.R.C." to read "by 26 U.S.C. 7652(a)" and the phrase "by section 5041, I.R.C." to read "by 26 U.S.C. 5041"; and

(3) In paragraph (c), the phrase "by section 7652(a), I.R.C." to read "by 26 U.S.C. 7652(a)" and the phrase "by section 5051, I.R.C." to read "by 26 U.S.C. 5051".

§ 250.112a [Amended]

191. Section 250.112a is corrected by changing the phrase "in 26 CFR 250.112(e)" to read "in 27 CFR 250.112(e)".

§ 250.113 [Amended]

192. Section 250.113 is corrected by changing (1) the phrase in paragraph (c) "by sections 5001(a)(1), 5021, and 5022, I.R.C." to read "by 26 U.S.C. 5001(a)(1), 5021, and 5022"; (2) the phrase in

paragraph (d) "by section 5041, I.R.C." to read "by 26 U.S.C. 5041"; and (3) the phrase in paragraph (e) "by section 5051, I.R.C." to read "by 26 U.S.C. 5051".

193. Section 250.201 is corrected to read as follows:

§ 250.201 Products exempt from tax.

Subject to the provisions of this part, the following products may be brought into the United States from the Virgin Islands without incurring liability to the tax imposed by 26 U.S.C. 7652(b)(1):

(a) Industrial spirits for the purposes authorized in 26 U.S.C. 5214(a) (2) and (3).

(Sec. 201, Pub. L. 85-859, 72 Stat. 1375, as amended (26 U.S.C. 5314))

194. Section 250.201a is corrected to read as follows:

§ 250.201a Production in the Virgin Islands for tax-free shipment to the United States.

(a) * * *

(1) Industrial spirits produced or manufactured in the Virgin Islands and shipped to the United States free of tax for the purposes authorized in 26 U.S.C. 5214(a) (2) and (3);

(2) * * *

(b) * * *

(1) All provisions of 26 U.S.C. Chapter 51, with the exception of 26 U.S.C. 5314(b) and 5687; and

(2) The provisions of this subchapter in respect of the production, bonded warehousing, denaturation, and withdrawal of distilled spirits and the use of denatured spirits in the United States:

Provided, That such exemption shall be effective only to the extent that any amendments or revisions of the regulations issued by the Governor of the Virgin Islands, or his duly authorized agents, are concurred in by the Secretary of the Treasury of the United States or his delegate. Otherwise, all provisions of law as provided in 26 U.S.C. 5314(b), and the provisions of this subchapter in respect of the production, bonded warehousing, denaturation, and withdrawal from bond of distilled spirits and denatured spirits and the use of denatured spirits in the manufacture of products shall extend to and apply in the Virgin Islands (i) in respect of the production, bonded warehousing, and withdrawal of spirits for shipment to the United States free of tax for the purposes authorized in 26 U.S.C. 5214(a) (2) and (3), and (ii) in respect of the production, bonded warehousing, and denaturation of spirits, and to the withdrawal and use of denatured spirits, where the denatured spirits or products

containing denatured spirits are to be shipped to the United States free of tax.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1375, as amended (26 U.S.C. 5314))

§ 250.201b [Amended]

195. Section 250.201b(a) is corrected by changing (1) the phrase "in section 5214(a) (2) and (3), I.R.C." to read "in 26 U.S.C. 5214(a) (2) and (3)" and (2) the citation of authority "(72 Stat. 1375; 26 U.S.C. 5314)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1375, as amended (26 U.S.C. 5314))".

§ 250.202 [Amended]

196. Section 250.202 is corrected by changing the parenthetical citation "(27 CFR Parts 1, 4, 5, 7)" to read "(Parts 1, 4, 5, and 7 of this chapter)".

§ 250.223 [Amended]

197. Section 250.223 is corrected by changing the phrase "in 27 CFR Part 5" to read "in Part 5 of this chapter".

198. Section 250.240 is corrected by changing (1) in paragraph (a)(1) the phrase "in 27 CFR Part 1" to read "in Part 1 of this chapter" and (2) the citation of authority "(72 Stat. 1358; 26 U.S.C. 5205)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1358, as amended (26 U.S.C. 5205))".

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

199. The table of sections in 27 CFR Part 251 is corrected by updating the citation of authority as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

§ 251.1 [Amended]

200. Section 251.1 is corrected by changing the phrase "of Part 250 of this Subchapter" to read "of Part 250 of this chapter".

201. Section 251.11 is corrected by (1) deleting the definition "I.R.C." (2) by deleting the statutory citation at the end of the section, and (3) by updating the definition of "Red strip stamps". Section 251.11 as corrected reads as follows:

§ 251.11 Meaning of terms.

* * *

Importer. * * *

Liquor bottle. * * *

* * *

Red strip stamps. The stamps prescribed under authority of 26 U.S.C. 5205(a)(2).

* * *

§§ 251.40 and 251.41 [Amended]

202. Sections 251.40 and 251.41 are corrected by changing (1) the phrase "by section 5001, I.R.C.", wherever it appears, to read "by 26 U.S.C. 5001" and (2) the citations of authority "(72 Stat. 1314; 26 U.S.C. 5001)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1314, as amended (26 U.S.C. 5001))".

§ 251.43 [Amended]

203. Section 251.43 is corrected by changing (1) the phrase "by section 5001, I.R.C." to read "by 26 U.S.C. 5001" and (2) the citation of authority "(72 Stat. 1314, 1331; 26 U.S.C. 5001, 5041)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1314, as amended, 5041, as amended (26 U.S.C. 5001, 5041))".

§ 251.45 [Amended]

204. Section 251.45 is corrected by changing (1) the phrase "by section 5051, I.R.C." to read "by 26 U.S.C. 5051" and (2) the citation of authority "(72 Stat. 1333, 1334, as amended; 26 U.S.C. 5051, 5054)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1333, as amended, 1334, as amended (26 U.S.C. 5051, 5054))".

§§ 251.56 and 251.58 [Amended]

205. Sections 251.56 and 251.58 are corrected by changing the phrase "27 CFR Part 5", wherever it appears, to read "Part 5 of this chapter".

§ 251.72 [Amended]

206. Section 251.72 is corrected by changing (1) the phrase "of Chapter 51, I.R.C." to read "of 26 U.S.C. Chapter 51" and (2) the citation of authority "(72 Stat. 1358; 26 U.S.C. 5205)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1358, as amended (26 U.S.C. 5205))".

§ 251.74 [Amended]

207. Section 251.74 is corrected by changing (1) the phrase "by 27 CFR Part 5" to read "by Part 5 of this chapter"; (2) "of 27 CFR Parts 4 and 7" to read "of Parts 4 and 7 of this chapter"; and (3) the citation of authority "(72 Stat. 1358, 1314; 26 U.S.C. 5205, 5301)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1358, as amended, 1374, as amended (26 U.S.C. 5205, 5301))".

§ 251.122 [Amended]

208. Section 251.122 is corrected by changing (1) the parenthetical phrase "(Part 201 of this subchapter)", wherever it appears, to read "(Part 201 of this chapter)"; and (2) the citation of authority "(72 Stat. 1358; 26 U.S.C. 5205)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1358, as amended (26 U.S.C. 5205))".

209. Section 251.171 is corrected to read as follows:

§ 251.171 General provisions.

Imported distilled spirits in bulk containers of five gallons or more capacity may, under the provisions of this subpart, be withdrawn by the proprietor of a distilled spirits plant from customs custody and transferred in such bulk containers or by pipeline to the bonded premises of his plant, without payment of the internal revenue tax imposed on imported spirits by 26 U.S.C. 5001. Imported spirits so withdrawn and transferred to a distilled spirits plant (a) may not be bottled in bond under 26 U.S.C. 5233, (b) may be redistilled or denatured only if of 185 degrees or more of proof, and (c) may be withdrawn from internal revenue bond for any purpose authorized by 26 U.S.C. Chapter 51, in the same manner as domestic distilled spirits. Imported distilled spirits transferred from customs custody to the bonded premises of a distilled spirits plant under the provisions of this subpart shall be received and stored thereat, and withdrawn or transferred therefrom, subject to the applicable provisions of Part 201 of this chapter. The person operating the bonded premises of the distilled spirits plant to which imported spirits are transferred shall become liable for the tax on distilled spirits withdrawn from customs custody under 26 U.S.C. 5232, upon release of the spirits from customs custody, and the importer shall thereupon be relieved of his liability for such tax.

(Sec. 7, Pub. L. 91-659, 82 Stat. 1328, as amended (26 U.S.C. 5232))

PART 252—EXPORTATION OF LIQUORS

210. The table of sections in 27 CFR Part 252 is corrected by updating the citation of authority as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

§ 252.1 [Amended]

211. Section 252.1 is corrected by changing the phrase "in section 5066, I.R.C." to read "in 26 U.S.C. 5066".

212. Section 252.11 is corrected (1) by deleting the definition for "I.R.C.", (2) by deleting the citation of authority, (3) and by updating the definitions of "tax" and "tax gallon". As corrected, § 252.11 read as follows:

§ 252.11 Meaning of terms.

ATF officer. . . .

Gallon or wine gallon. . . .

Liquor. . . .

Tax. The distilled spirits tax, the rectification tax (including the taxes imposed by 26 U.S.C. 5022 and 5023), the beer tax, or the applicable wine tax, as the case may be, imposed by 26 U.S.C. Chapter 51.

Tax gallon. The unit of measure of spirits for the imposition of tax under 26 U.S.C. 5001. When spirits are 100 degrees of proof or more when withdrawn from bond, the tax is determined on a proof gallon basis. When spirits are less than 100 degrees of proof when withdrawn from bond, the tax is determined on a wine gallon basis.

§ 252.25 [Amended]

213. Section 252.25 is corrected by changing (1) the phrase "in section 5522, I.R.C." to read "in 26 U.S.C. 5522" and (2) the phrase "in section 5066, I.R.C." to read "in 26 U.S.C. 5066".

214. Section 252.302(d) is corrected by changing (1) the phrase "of section 5008 (a) and (f), I.R.C." to read "of 26 U.S.C. 5008 (a) and (f)" and (2) the citation of authority "(72 Stat. 1323; 26 U.S.C. 5008)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008))".

§ 252.316 [Amended]

215. Section 252.316(d) is corrected by changing (1) the phrase "of section 5370, I.R.C." to read "of 26 U.S.C. 5370" and (2) the citation of authority "(72 Stat. 1381; 26 U.S.C. 5370)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1381, as amended (26 U.S.C. 5370))".

PART 270—MANUFACTURE OF CIGARS AND CIGARETTES

216. The table of sections in 27 CFR Part 270 is corrected by updating the citation of authority to read as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

217. Section 270.1 is corrected by changing (1) the phrase "by Chapter 52 of the Internal Revenue Code", wherever it appears, to read "26 U.S.C. Chapter 52".

218. Sections 270.11 is corrected to read as follows:

§ 270.11 Meaning of terms.

Factory. The premises of a manufacturer of tobacco products as described in his permit issued under 26 U.S.C. Chapter 52.

In bond. The status of cigars, cigarettes, and cigarette papers and

tubes, which come within the coverage of a bond securing the payment of internal revenue taxes imposed by 26 U.S.C. 5701 or 7652, and in respect to which such taxes have not been determined as provided by regulations in this chapter, including (a) such articles in a factory, (b) such articles removed, transferred, or released, pursuant to 26 U.S.C. 5704, and with respect to which relief from the tax liability has not occurred, and (c) such articles on which the tax has been determined, or with respect to which relief from the tax liability has occurred, which have been returned to the coverage of a bond.

Large cigarettes. . . .

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

§ 270.26 [Amended]

219. Section 270.26 is corrected by changing (1) the phrase "by section 5701, I.R.C." to read "by 26 U.S.C. 5701"; (2) the phrase "to section 5704, I.R.C." to read "to 26 U.S.C. 5704"; (3) the phrase "of section 5751(a) (1) or (2), I.R.C." to read "of 26 U.S.C. 5751(a) (1) or (2)"; (4) the citation of authority "(72 Stat. 1417, 1424; 26 U.S.C. 5703, 5751)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1415, as amended, 1424, as amended (26 U.S.C. 5703, 5751))".

§ 270.27 [Amended]

220. Section 270.27 is corrected by changing (1) the phrase "in section 6501, I.R.C." to read "in 26 U.S.C. 6501" and (2) the citation of authority "(72 Stat. 1417; 26 U.S.C. 5703)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1415, as amended (26 U.S.C. 5703))".

§ 270.63 [Amended]

221. Section 270.63 is corrected by changing (1) the phrase "to Chapter 52, I.R.C." to read "to 26 U.S.C. Chapter 52" and (2) the citation of authority "(72 Stat. 1421; 26 U.S.C. 5712)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1421, as amended (26 U.S.C. 5712))".

§ 270.74 [Amended]

222. Section 270.74 is corrected by changing (1) the phrase "with Chapter 52, I.R.C." to read "with 26 U.S.C. Chapter 52" and (2) the citation of authority "(72 Stat. 1421; 26 U.S.C. 5713)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1421, as amended (26 U.S.C. 5713))".

§ 270.165 [Amended]

223. Section 270.165(c) is corrected by changing the phrase "of the U.S. Post

Office" to read "of the U.S. Postal Service".

§§ 270.166 and 270.168 [Amended]

224. Sections 270.166 and 270.168 are corrected by changing the phrase "in § 301.6311-1 of this chapter", wherever it appears, to read "in 26 CFR 301.6311-1".

§ 270.169 [Amended]

225. Section 270.169 is corrected by changing (1) the parenthetic phrase "(defined at § 301.7701-12 of this chapter)" to read "(defined at 26 CFR 301.7701-12)" and (2) the phrase "in § 301.6676-1 of this chapter" to read "in 26 CFR 301.6676-1".

§ 270.171 [Amended]

226. Section 270.171 is corrected by changing the phrase "in § 301.6091-1 of this chapter" to read "in 26 CFR 301.6091-1".

§ 270.252 [Amended]

227. Section 270.252 is corrected by changing the phrase "without internal revenue supervision" to read "without ATF supervision".

§ 270.283 [Amended]

228. Section 270.283 is corrected by changing (1) the phrase "by Chapter 52, I.R.C., or section 7652, I.R.C." to read "by 26 U.S.C. 7652 or Chapter 52" and (2) the citation of authority "(72 Stat. 1419, as amended; 26 U.S.C. 5707)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1419, as amended (26 U.S.C. 5707))".

§ 270.286 [Amended]

229. Section 270.286 is corrected by changing the parenthetic sentence "(Section 6511, I.R.C., provides that in most cases, any adjustment of claim for refund of an overpayment of tax on cigars and cigarettes must be made or filed within 3 years after the tax is paid.)" to read "(Section 6511, 26 U.S.C., provides that, in most cases, any adjustment of claim for refund of an overpayment of tax on cigars and cigarettes must be made or filed within three years after the tax is paid.)".

230. Section 270.332 is corrected by changing (1) the phrase "of Chapter 52, I.R.C." to read "of 26 U.S.C. Chapter 52", (2) the phrase "of the I.R.C." to read "of 26 U.S.C."; and (3) the citation of authority "(72 Stat. 1421; 26 U.S.C. 5713)" to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1421, as amended (26 U.S.C. 5713))".

PART 275—IMPORTATION OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

231. The table of sections in 27 CFR Part 275 is corrected by updating the citation of authority to read as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

232. Section 275.11 is corrected by deleting the citation of authority and the definition for "I.R.C." As corrected, § 275.11 reads as follows:

§ 275.11 Meaning of terms.

Bonded manufacturer. A manufacturer of cigars or cigarettes in Puerto Rico who has an approved bond, in accordance with the provisions of this part, authorizing him to defer the payment in Puerto Rico of the internal revenue tax imposed on such products by 26 U.S.C. 7652(a) as provided in this part.

Importer. . . .

Large cigarettes. . . .

§ 275.40 [Amended]

233. Section 275.40 is corrected by changing (1) the phrase "by section 5701 or 7652, I.R.C." to read "by 26 U.S.C. 5701 or 7652" and (2) the citation of authority "(68A Stat. 907, as amended, 72 Stat. 1417; 26 U.S.C. 7652, 5703)" to read "(Aug. 16, 1954, ch. 736, 68A Stat. 907, as amended (26 U.S.C. 7652); Sec. 201, Pub. L. 85-859, Stat. 1417, as amended (26 U.S.C. 5703))".

§ 275.60 [Amended]

234. Section 275.60 is corrected by changing the phrase "in section 6501, I.R.C." to read "in 26 U.S.C. 6501".

§ 275.101 [Amended]

235. Section 275.101 is corrected by changing (1) the phrase "by section 7652(a), I.R.C." to read "by 26 U.S.C. 7652(a)"; (2) the phrase "in section 5701, I.R.C." to read "in 26 U.S.C. 5701"; and (3) the phrase "to section 7652(a)(3), I.R.C." to read "to 26 U.S.C. 7652(a)(3)".

§ 275.109 [Amended]

236. Section 275.109 is corrected by changing the phrase "by section 7652(a), I.R.C." to read "by 26 U.S.C. 7652(a)".

§ 275.114a [Amended]

237. Section 275.114a is corrected by changing (1) the phrase "in 26 CFR 275.114", wherever it appears to read "in 27 CFR 275.114".

§ 275.115 [Amended]

238. Section 275.115 is corrected by changing (1) the phrase "of § 301.6311-1 of this chapter" to read "of 26 CFR 301.6311-1" and (2) the citation of authority "(68A Stat. 778; 26 U.S.C. 6313)" to read "(Aug. 16, 1954, ch. 736, 68A Stat. 778 (26 U.S.C. 6313))".

§ 275.136 [Amended]

239. Section 275.136 is corrected by changing the phrase "by section 7652(a), I.R.C.", wherever it appears to read "by 26 U.S.C. 7652(a)".

§ 275.140 [Amended]

240. Section 275.140 is corrected by changing (1) the phrase "by section 7652(a), I.R.C., at the rates prescribed in section 5701, I.R.C.", wherever it appears, to read "by 26 U.S.C. 7652(a), at the rates prescribed in 26 U.S.C. 5701".

§ 275.163 [Amended]

241. Section 275.163 is corrected by changing the phrase "by Chapter 52, I.R.C. or by Section 7652, I.R.C." to read "by 26 U.S.C. 7652 or Chapter 52".

PART 285—MANUFACTURE OF CIGARETTE PAPERS AND TUBES

242. The table of sections in 27 CFR Part 285 is corrected by updating the citation of authority to read as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

243. Section 285.11 is corrected by deleting the citation of authority and the definition for "I.R.C.". As corrected, § 285.11 reads as follows:

§ 285.11 Meaning of terms.

In bond. The status of cigarette papers and tubes which come within the coverage of a bond securing the payment of internal revenue taxes imposed by 26 U.S.C. 5701 or 7652 and in respect to which such taxes have not been determined as provided by regulations in this chapter, including (a) such articles in a factory, (b) such articles removed, transferred, or released, pursuant to 26 U.S.C. 5704, and with respect to which relief from the tax liability has not occurred, and (c) such articles on which the tax has been determined, or with respect to which relief from the tax liability has occurred, which have been returned to the coverage of a bond.

Manufacturer of cigarette papers and tubes. . . .

§ 285.23 [Amended]

244. Section 285.23 is corrected by changing (1) the phrase "by section 5701, I.R.C." to read "by 26 U.S.C. 5701"; (2) the phrase "to section 5704, I.R.C." to read "to 26 U.S.C. 5704"; and (3) the phrase "of section 5751(a) (1) or (2), I.R.C." to read "of 26 U.S.C. 5751(a) (1) or (2)".

§ 285.26 [Amended]

245. Section 285.26 is corrected by changing the phrase "in section 6511, I.R.C." to read "in 26 U.S.C. 6511".

§ 285.28 [Amended]

246. Section 285.28 is corrected by changing the phrase "in section 6501, I.R.C." to read "in 26 U.S.C. 6501".

§ 285.29 [Amended]

247. Section 285.29 is corrected by changing the phrase "in § 301.6676-1 of this chapter" to read "in 26 CFR 201.6676-1".

§ 285.42 [Amended]

248. Section 285.42 is corrected by changing the phrase "of Chapter 52, I.R.C." to read "26 U.S.C. Chapter 52".

§ 285.173 [Amended]

249. Section 285.173 is corrected by changing the phrase "by Chapter 52, I.R.C., or section 7652, I.R.C." to read "by 26 U.S.C. 7652 or Chapter 52".

PART 290—EXPORTATION OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, OR WITH DRAWBACK OF TAX

250. The table of sections in 27 CFR Part 290 is corrected by updating (1) the titles of §§ 290.264 and 290.266 and (2) the citation of authority. The table of sections reads as follows:

Sec.	
290.264	To export warehouses.
290.266	Return of cigars from export warehouses.

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

§ 290.11 [Amended]

251. Section 290.11 is corrected by deleting the definition for "I.R.C." and the citation of authority.

§ 290.65 [Amended]

252. Section 290.65 is corrected by changing (1) the phrase "by section 5701, I.R.C." to read "by 26 U.S.C. 5701"; (2) the phrase "to section 5704, I.R.C." to read "to 26 U.S.C. 5704"; and (3) the

phrase "of section 5751(a) (1) or (2), I.R.C." to read "of 26 U.S.C. 5751(a) (1) or (2)".

§ 290.69 [Amended]

253. Section 290.69 is corrected by changing the phrase "in section 6501, I.R.C." to read "in 26 U.S.C. 6501".

§ 290.92 [Amended]

254. Section 290.92 is corrected by changing the phrase "with Chapter 52, I.R.C." to read "with 26 U.S.C. Chapter 52".

§ 290.154 [Amended]

255. Section 290.154 is corrected by changing the phrase "by Chapter 52, I.R.C. or by section 7652, I.R.C." to read "by 26 U.S.C. 7652 or Chapter 52".

§ 290.162 [Amended]

256. Section 290.162 is corrected by changing (1) the phrase "of Chapter 52, I.R.C." to read "of 26 U.S.C. Chapter 52" and (2) the phrase "of the I.R.C." to read "of 26 U.S.C.".

§ 290.243 [Amended]

257. Section 290.243 is corrected by changing the citation "Chapter 52, I.R.C." wherever it appears, to read "26 U.S.C. Chapter 52".

258. Section 290.264 is corrected to read as follows:

§ 290.264 To export warehouses.

Where cigars are withdrawn from a customs warehouse for delivery to an export warehouse, the proprietor of the customs warehouse shall forward to the proprietor of the export warehouse three copies of the notice of removal, Form 2149, covering the shipment, for execution and disposition in accordance with procedure similar to that set forth in § 290.200 in connection with a shipment of cigars, cigarettes, and cigarette papers and tubes from a factory to an export warehouse. The executed copy of the notice of removal, Form 2149, returned to the customs warehouse proprietor by the export warehouse proprietor shall be filed with the appropriate regional regulatory administrator.

259. Section 290.266 is corrected to read as follows:

§ 290.266 Return of cigars from export warehouses.

Where cigars are returned to a customs warehouse from an export warehouse, the officer in charge of the customs warehouse shall execute the certificate of receipt on each of the copies of the related Form 2150 received from the export warehouse proprietor, after checking the containers to determine whether all the cigars

described on the notice have been received. Thereafter, both copies of the Form 2150 shall be turned over to the proprietor of the customs warehouse who shall return one copy to the export warehouse proprietor for disposition as provided in § 290.201. The customs warehouse proprietor shall retain the other copy of the notice of removal, as a part of his records, for two years following the close of the calendar year in which the shipment was received. Such copy shall be made available for inspection by any ATF officer upon his request.

PART 295—REMOVAL OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, FOR USE OF THE UNITED STATES

260. The table of sections in 27 CFR Part 295 is corrected by updating the citation of authority to read as follows:

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

261. Section 295.11 is corrected by (1) deleting the citation of authority and the definition for "I.R.C.", and (2) updating the definition for "this chapter". Section 295.11 reads as follows:

§ 295.11 Meaning of terms.

Federal agency. * * *
Large cigarettes. * * *

This chapter. Chapter I, Title 26, Code of Federal Regulations.

§ 295.35 [Amended]

262. Section 295.35 is corrected by changing the phrase "by section 5701, I.R.C." to read "by 26 U.S.C. 5701"; and (2) the phrase "of section 5751(a) (1) or (2), I.R.C." to read "of 26 U.S.C. 5751(a) (1) or (2)".

§ 295.37 [Amended]

263. Section 295.37 is corrected by changing the phrase "in section 6501, I.R.C." to read "in 26 U.S.C. 6501".

PART 296—MISCELLANEOUS REGULATIONS RELATING TO CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

264. The table of sections in 27 CFR Part 296 is corrected to read as follows:

Subpart A—Application of 26 U.S.C. 6423, as Amended, To Refund or Credit of Tax on Cigars, Cigarettes, and Cigarette Papers and Tubes

Authority: August 16, 1954, ch. 736, 68A Stat. 917, as amended (26 U.S.C. 7805), unless otherwise noted.

265. The heading to Subpart A and § 296.1 are corrected to read as follows:

Subpart A—Application of 26 U.S.C. 6423, as Amended, To Refund or Credit of Tax on Cigars, Cigarettes, and Cigarette Papers and Tubes

§ 296.1 Scope of regulations in this subpart.

The regulations in this subpart relate to the limitations imposed by 26 U.S.C. 6423, on the refund or credit of tax paid or collected in respect to any article of a kind subject to a tax imposed by 26 U.S.C. Chapter 52.

266. Section 296.2 is corrected by (1) deleting the citation of authority and definition for "I.R.C." and (2) updating the section to read as follows:

§ 296.2 Meaning of Terms.

Article. * * *
Claimant. * * *
Director. * * *
Owner. * * *

Regional regulatory administrator. The principal ATF regional regulatory official responsible for administering regulations in this subpart.

Tax. Any tax imposed by 26 U.S.C. Chapter 52, or by any corresponding provision of prior internal revenue laws, and in the case of any commodity of a kind subject to a tax under such chapter, any tax equal to any such tax, any additional tax, or any floor stocks tax. The term includes an exaction denominated a "tax", and any penalty, addition to tax, additional amount, or interest applicable to any such tax.

§ 296.7 [Amended]

267. Section 296.7 is corrected by changing the parenthetical sentence "(For provisions relating to hand-carried documents see § 301.6091-1(b) of this Chapter.)" to read "(For provisions relating to hand-carried documents, see 26 CFR 301.6091-1(b).)".

§ 296.71 [Amended]

268. Section 296.71 is corrected by changing the phrase "to implement section 5708, I.R.C." to read "to implement 26 U.S.C. 5708".

269. Section 296.72 is corrected by (1) deleting the citation of authority and definition for "I.R.C." and (2) updating the section to read as follows:

§ 296.72 Meaning of terms.

Duty or duties. * * *
Region. * * *
Regional regulatory administrator. The principal ATF regional official responsible for administering regulations in this part.
Removal or remove. * * *
Tax paid or determined. The internal revenue tax on cigars, cigarettes, and cigarette papers and tubes which has actually been paid, or which has been determined pursuant to 26 U.S.C. 5703(b), and regulations thereunder, at the time of their removal subject to tax payable on the basis of a return.

§ 296.80 [Amended]

270. Section 296.80 is corrected by changing the phrase "in sections 7206 and 7207 of the Internal Revenue Code" to read "in 26 U.S.C. 7206 and 7207".

271. Section 296.163 is corrected to read as follows:

§ 296.163 Meaning of terms.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this subpart.
Dealer. * * *
Manufacturer of tobacco products. * * *

Signed: August 15, 1979.

G. R. Dickerson,
Director.

[T.D. ATF-48, amended]

[FR Doc. 79-30261 Filed 9-27-79; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE**Department of the Army****32 CFR Part 513**

(AR 600-15)

Assistance of Creditor by Department of the Army

AGENCY: Department of the Army, DOD.
ACTION: Final rule.

SUMMARY: On August 6, 1979 notice was published in the Federal Register (44 FR 4567) that the Department of the Army was proposing a revision to 32 CFR Part 513 regulation on the policies for processing claims of delinquent indebtedness against Army members. This proposal implemented and expanded the recent amendments of the

DOD Directive 1344.9 that incorporates provision of (a) the Truth-in-Lending Act, and (b) the recently enacted Fair Debt Collection Practices Act, which prohibits debt collection agencies from contacting third parties. Interested persons were given until September 5, 1979 to submit written comments. Two comments were received, but after discussion between the writers and Army officials, the comments were withdrawn. Effective September 1, 1979 the cost for locator service in § 513.6 was increased to \$2.40. An editorial change was made in § 513.6(b) to correct an incomplete sentence at the end of the subparagraph. The revised rule is adopted as published except for the rate increase and the editorial correction.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mrs. Mary-Howard Critchell, Telephone 202-325-8080, or write to Cdr. MILPERCEN, DAPC-EPA-P, 2461 Eisenhower Avenue, Alexandria, VA 22331.

Accordingly 32 CFR Part 513 is revised to read as follows:

PART 513—ASSISTANCE OF CREDITOR BY THE DEPARTMENT OF THE ARMY

Sec.	
513.1	Purpose.
513.2	Applicability.
513.3	Policy.
513.4	Banks and credit unions.
513.5	Fair Debt Collection Practices Act.
513.6	Locator service.
513.7	Debt processing procedures.
513.8	Debt complaints returned to creditors without action.
513.9	Exemptions from Full Disclosure and Standards of Fairness.
513.10	Action by commanders.
513.11	Referral to Department of the Army.
513.12	Appendix A—Certificate of Compliance.

Authority: The provisions of this Part 513 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012.

§ 513.1 Purpose.

This Part gives Department of the Army policy and guidance in handling debt claims against Army members. The Army Regulation (AR 600-15) complies with the Department of Defense (DOD) Directive 1344.9 contained in Part 43a, Chapter I of this title.

§ 513.2 Applicability.

(a) This Part applies to all active Army members and to creditors who seek help in processing debt complaints against Army members.

Note.—A debt collector is not a creditor.

(b) This Part does not apply to—

(1) Soldiers who are retired or separated from active duty unless assigned to the Reserves.

(2) Claims for support of dependents or claims by the Federal, State or local government.

§ 513.3 Policy.

(a) The Army expects soldiers to conduct their private affairs satisfactorily and pay their just debts promptly. It must be a legal debt acknowledged by the soldier in which there is no reasonable dispute as to the facts or the law, or one reduced to judgment which conforms to the Soldiers' and Sailors' Relief Act (50 U.S.C. Appendix, Section 501 et seq. (1970)) if applicable.

(b) The Army has no legal authority to force soldiers to pay their debts; nor can the Army divert any part of their pay even though payment was decreed by a civil court. Although the Army does not condone irresponsibility, only civil authorities can enforce payment of private debts.

(c) The Army will revoke debt processing privileges for those creditors who do not abide by the rules for processing debt complaints, or who are trying to use the Army as a debt collection agency.

§ 513.4 Banks and credit unions.

Banks and credit unions located on military bases must apply DOD Standards of Fairness, before making loans or credit agreements. Banks and credit unions which do not meet this requirement will be denied help in processing debt complaints. If soldiers are referred to off-base branches of an on-post bank or credit union, the branches must also comply with the Standards of Fairness before making loans or credit agreements.

§ 513.5 Fair Debt Collection Practices Act.

Section 43a.5(e) of this title states that the debt collector must have the prior consent of the debtor to contact the commanding officer. This consent must be in writing and include the debt collector's name.

§ 513.6 Locator service.

(a) Current military address for all active Army personnel may be obtained by writing Commander, US Army Enlisted Records and Evaluation Center (USAEREC), Fort Benjamin Harrison, IN 46249. All requests must include the soldier's full name, rank, social security number, and the date and place of birth if social security number is not known. A check or money order for \$2.40 payable to the Treasurer of the United

States must be enclosed with each request.

(b) If a debt collector knows the soldier is represented by a civilian lawyer or a military legal assistance officer, he must first contact one of them. If he does not know or cannot find out the name and address of the lawyer, or does not receive a response, he may then write to the above address. However, debt collectors must not use postcards nor state that the locator service is being sought in order to collect a debt; doing so would violate the Fair Debt Collection Practices Act.

§ 513.7 Debt processing procedures.

In addition to § 43a.6 (b) and (c) of this title, creditors must submit a true copy of the signed contract. An additional paragraph has been added to the Certificate of Compliance (Appendix A). (See § 513.12.) This insures that the creditor is complying with the relevant State's law regarding contact with an employer, as stated in section 43a5(d) of this title.

§ 513.8 Debt complaints returned to creditors without action.

(a) In addition to the provision in sec. 43a.5(c) (1) through (3), debt complaints will not be processed if:

(1) A loan or credit has been made without a credit check.

(2) A loan or credit has been made to a soldier who cannot furnish references or already has a delinquent debt with the creditor.

(3) The soldier was not given a chance to answer a previous inquiry (45 days for those in the contiguous 48 States and the District of Columbia; 60 days for all others).

(b) The provisions of sec. 43a.5(c)(1) are explained in greater detail in AR 600-15. Photostatic copies of actual correspondence, or documentary proof that every effort has been made to obtain payment by direct contact with the soldier must be enclosed with all requests for assistance.

§ 513.9 Exemptions from Full Disclosure and Standards of Fairness.

The following debt complaints are exempt from the Full Disclosure and Standards of Fairness. This does not prevent the debtor from questioning service charges and negotiating a fair and reasonable settlement.

(a) Claims from private parties selling personal items (e.g., car, furniture, appliances, etc.) on a one-time basis.

(b) Claims from companies furnishing services in which credit is given only to facilitate the service (e.g., utilities, milk, laundry, and related services).

(c) Claims by endorsers, co-makers, or lenders who intend only to help the

soldier in getting credit. These claims, however, may not benefit the above through receipt of interest or otherwise.

(d) Contract for the purchase, sale, or rental of real estate.

(e) Claims in which the total unpaid amount does not exceed \$50.

(f) Claims based on a revolving or open-end credit account. The account must show:

(1) The periodic interest rate and the equivalent annual rate.

(2) The balance to which the interest is applied to compute the charge.

(g) Liens on real property (e.g., a house). This does not include improvements or repairs.

§ 513.10 Action by commanders.

(a) Creditors, notified of the requirements of this Part, who refuse or repeatedly fail to comply with them, will be informed by the commander that no action will be taken until they comply with the provisions of this Part. Commanders receiving subsequent inquiries from Headquarters, Department of the Army (HQDA), White House, Congress, or any other source will inform HQDA that the creditor has been informed that no action can be taken until the creditor provides the necessary data or documentation.

(b) Inquiries from creditors, no matter what the merits of the claim, which clearly show that the creditor is attempting to make unreasonable use of the debt processing privilege, will be referred to HQDA through channels, with a recommendation stating the reasons why the creditors' debt processing privileges should be revoked.

§ 513.11 Referral to Department of the Army.

(a) Creditors who have complied with these terms and are unsuccessful, after reasonable efforts to collect the debt, may request help from Commander, US Army Military Personnel Center. In such cases, the information must be the same as that furnished the unit commander. The request should be sent to Cdr, MILPERCEN, ATTN: DAPC-OPR-P, Alexandria, VA 22332 for commissioned and warrant officers, or ATTN: DAPC-EPA-P, Alexandria, VA 22331 for enlisted members. All requests must include:

(1) The soldier's full name, rank, social security number, and the date and place of birth, if social security number is not known.

(2) The amount and date of the original debt.

(3) The terms of payment.

(4) The balance due.

(5) The required documents, including copies of all correspondence.

(b) Separate letters must be written on each account for prompt and efficient processing.

(c) Inquiries which clearly show that the creditor is not conforming with this Part, or is trying to use the Army as a collection agency, will be informed that the debt processing privilege has been revoked. The Commanding General, MILPERCEN, will inform commanders world-wide by electrical message that the debt processing privilege of a specific creditor has been revoked.

§ 513.12 Appendix A—Certificate of Compliance.

I certify that the (Name of Creditor) _____ upon extending credit to (Name of soldier) _____ on (Date) _____ complied with the full disclosure requirements of the Truth-in-Lending Act and Regulation Z (or the laws and regulations of State of _____), and that the attached statement is a true copy of the general and specific disclosures provided the soldier as required by law.

I also certify that, to the best of my knowledge (Name) _____ is presently located in the State of _____ and that this inquiry conforms to the laws of that State regarding contact with the employer of a debtor. I further certify that the Standards of Fairness set forth in appendix A of AR 600-15 have been applied to the consumer credit transaction to which this form refers. (If the unpaid balance has been adjusted as a consequence, the specific adjustments in the finance charge and the annual percentage rate should be set forth below.)

(Adjustments) _____
(Date of Certification) _____
(Signature of Creditor or Authorized Representative) _____
(Street) _____

Dated: September 25, 1979.

By authority of the Secretary of Army.

Jerry L. Quintard,
Lieutenant Colonel, US Army Chief,
Personnel Actions Branch, MILPERCEN.

(FR Doc. 79-30191 Filed 9-27-79; 8:45 am)

BILLING CODE 3710-08-M

Defense Logistics Agency

32 CFR Part 1290

Policy and Procedures for Processing of Minor Offenses and Violations Referred to U.S. District Courts

AGENCY: Defense Logistics Agency.

ACTION: Final Rule.

SUMMARY: This regulation prescribes policy and procedures for the processing of minor offenses and violations referred to US District Courts. It requires that traffic offenses occurring on DLA

installations be referred to the US Magistrate in the interest of impartial judicial determination and effective law enforcement. It allows the Heads of DLA activities the option of referring non-traffic minor offenses to the US Magistrate. The regulation applies to all persons who operate a motor vehicle on a DLA installation. The regulation implements DoD Instruction 6055.4, Department of Defense Traffic Safety Program.

EFFECTIVE DATE: August 7, 1979.

FOR FURTHER INFORMATION CONTACT: Maj. David H. Gilmore, Commercial AC 202-274-6263, AUTOVON 284-6263.

By order of the Director.

William I. Starrett, Jr.,
Captain, SC, USN, Staff Director,
Administration, DLA.

Part 1290, Subchapter B, Chapter XII of Title 32 of the Code of Federal Regulations is added to read as follows:

PART 1290—PREPARING AND PROCESSING MINOR OFFENSES AND VIOLATION NOTICES REFERRED TO U.S. DISTRICT COURTS

Sec. 1290.1 References.
1290.2 Purpose and scope.
1290.3 Policy.
1290.4 Definitions.
1290.5 Background.
1290.6 Significant Changes.
1290.7 Responsibilities.
1290.8 Procedures.
1290.9 Forms and reports.
Appendix A—Preparation Guide for DD Form 1805, Violation Notice.
Appendix B—Ticket Sample—A Parking Violation.
Appendix C—Ticket Sample—A Moving Violation.
Appendix D—Ticket Sample—A Nontraffic Violation.
Authority: Department of Defense Instruction 6055.4; 18 U.S.C. 13, 3401, and 3402.

§ 1290.1 References.

(a) DLAR 5720.1/AR 190-5/OPNAVINST 11200.5B/AFR 125-14/MCO 5110.1B, Motor Vehicle Traffic Supervision.

(b) DLAR 5710.1, Authority of Military Commanders To Issue Security Orders and Regulations for the Protection of Property or Places Under Their Command.

¹Reference (a) may be purchased from the Commander, U.S. Army AG Publications Center, 2800 Eastern Blvd., Baltimore, Md. 21220; reference (b) from the Defense Logistics Agency (DASC-IP), Cameron Station, Alexandria, Va. 22314; references (c), (d), and (e) from the Superintendent of Documents, Government Printing Office, Washington, D. C. 20402.

(c) Sections 1, 3401 and 3402, Title 18, U.S. Code (USC).

(d) Rules of procedures for the Trial of Minor Offenses before United States Magistrates.

(e) Section 13, Title 18, U.S. Code, Assimilative Crimes Act.

§ 1290.2 Purpose and scope.

(a) This Part 1290 implements DoD Instruction 6055.4, Department of Defense Traffic Safety Program, and sets forth basic objectives and procedures applicable to implementation of the Federal Magistrate System by DLA. This Part 1290 is applicable to HQ DLA, Defense Supply Centers (DSC's), less Defense Fuel Supply Center and Defense Industrial Supply Center, and to Defense Depots, less Defense Depot Mechanicsburg. DLA activities/ personnel tenant on other DoD activities will abide by the requirements of the host.

(b) This Part 1290 provides Heads of DLA primary level field activities (PLFAs) with a means of exercising effective control over violators who are not otherwise under their jurisdiction.

§ 1290.3 Policy.

(a) It is the policy of HQ DLA that the Heads of DLA PLFAs will take such steps as are necessary to prevent offenses. Emphasis will be placed on prevention rather than apprehension and prosecution of offenders.

(b) The procedures outlined in this Part 1290 may, at the discretion of the Head of the activity concerned, be invoked in lieu of the provisions of the Uniform Code of Military Justice (UCMJ) to deal with minor offenses of a civil nature, other than violations of state traffic laws, committed by military personnel. These procedures may also be invoked to deal with nontraffic minor offenses committed by civilian personnel.

§ 1290.4 Definitions.

For the purpose of this Part 1290 the following definitions apply:

This Part 1290 supersedes Part 1290 April 26, 1972.

(a) **Law Enforcement Personnel.** Persons authorized by the Head of the PLFA to direct, regulate, control traffic; to make apprehensions or arrests for violations of traffic regulations; or to issue citations or tickets. Personnel so designated will include the Command Security Officer and all other personnel in 080, 083, 085, or 1800 series positions.

(b) **Minor Federal Offenses.** Those offenses for which the authorized penalty does not exceed imprisonment

for a period of 1 year, or a fine of not more than \$1000, or both (18 U.S.C. 3401f).

(c) *Petty Federal Offenses.* Those offenses for which the authorized penalty does not exceed imprisonment for a period of 6 months or a fine of not more than \$500, or both (18 U.S.C. 1(3)).

Note.—A petty offense is a type of minor offense.

(d) *Violation Notice.* DD Form 1805, Violation Notice, which will be used to refer all petty offenses to the U.S. Magistrate/District Courts for disposition.

Note.—A complaint, made under oath on forms provided by the magistrate, is the prescribed form for charging minor offenses other than petty offenses.

§1290.5 Background.

(a) DoD Instruction 6055.4 requires that all traffic violations occurring on DoD installations be referred to the appropriate United States Magistrate, or State or local system magistrate, in the interest of impartial judicial determination and effective law enforcement. Exceptions will be made only for those rare violations in which military discipline is the paramount consideration, or where the Federal court system having jurisdiction has notified the PLFA commander it will not accept certain offenses for disposition.

(b) Generally, the Federal Magistrate System applies state traffic laws and appropriate Federal laws to all personnel while on Federal property (Section 13, Title 18, U.S. Code, Assimilative Crimes Act).

§1290.6 Significant changes.

This revision incorporates the DoD requirement for referral of traffic violations occurring on military installations to the Federal or local magistrate.

§1290.7 Responsibilities.

(a) HQ DLA.

(1) *The Command Security Officer, DLA (DLA-T)* will:

(i) Exercise staff supervision over the Magistrate system within DLA.

(ii) Provide guidance and assistance to DLA activities concerning administrative and procedural aspects of this Part 1290.

(2) *The Counsel, DLA (DLA-G)* will provide guidance and assistance to DLA activities concerning legal aspects of this Part 1290.

(b) *The Heads of DLA Primary Level Field Activities* will:

(1) Develop and put into effect the necessary regulatory and supervisory procedures to implement this Part 1290.

(2) Ensure implementing directives authorize law enforcement/security force (080, 083, 085 and 1800 series) personnel to issue DD Form 1805.

(3) Periodically publish in the PLFA Daily or Weekly Bulletin, a listing of offenses for which mail-in procedures apply, with the amount of the fine for each, and a listing of offenses requiring mandatory appearance of the violator before the U.S. Magistrate. The listings will indicate that they are not necessarily all inclusive and that they are subject to change. A copy of the listings will be provided to the local Union representatives.

§1290.8 Procedures.

(a) *The U.S. Magistrate Court Provides DLA* with:

(1) The means to process and dispose of certain categories of minor offenses by mail. Under this system, U.S. Magistrate and District Courts will, by local court rule, preset fines for the bulk of petty violations (Federal or Assimilated) and permit persons charged with such violations, who do not contest the charge nor wish to have a court hearing, to pay their fines by using mail-in, preaddressed, postage paid envelopes furnished to them with the violation notice.

(2) Efficient, minimal commitment of judicial and clerical time by using uniform procedures which centralize the collection of fines, the scheduling of mandatory hearings or hearings where violators request them, and the keeping of violator records.

(3) A simple but sure method of accounting for fines collected and tickets issued.

(4) Impartial enforcement of minor offense laws.

(b) *Court Appearances*

(1) *Mandatory Appearances*

(i) As required by the Administrative Office of the United States Courts, each District Court will determine, by local court rule, those offenses requiring mandatory appearance of violators. PLFA Counsels will coordinate with local magistrates or district courts and secure a court approved list of offenses requiring mandatory appearance of violators before the local U.S. Magistrate.

(ii) *Mandatory appearance offense categories* normally include:

(A) Indictable offenses.

(B) Offenses resulting in accidents.

(C) Operation of motor vehicle while under the influence of intoxicating alcohol or a narcotic or habit producing or other mind altering drug, or permitting another person who is under the influence of intoxicating alcohol, or a narcotic or habit producing or mind

altering drug to operate a motor vehicle owned by the defendant or in his/her custody or control.

(D) Reckless driving or speeding.

(2) *Voluntary Appearances*

(i) Requested by violators at the time DD Form 1805 is issued.

(A) Personnel issuing DD Form 1805 will refer violator for hearings before U.S. Magistrates in each instance where a hearing is requested by the violator.

(B) Command security officers will provide security force personnel with necessary information to facilitate scheduling violators to appear before U.S. Magistrates. Box B of the DD Form 1805 will be marked by the issuing official for each violator requesting a hearing. Additionally procedures set forth in Appendix A will be accomplished by the official issuing violation notice.

(ii) Requested by violators by mail.

(A) Voluntary appearance procedures are also available for violators who are not present at the time a DD Form 1805 is issued (i.e., parking violations) or who subsequently decide to voluntarily appear before a U.S. Magistrate rather than pay the fine indicated in the DD Form 1805.

(B) Violators who use the mail-in procedure to voluntarily appear before a U.S. Magistrate must follow the instructions in Box B of the DD Form 1805 (violation copy). The violator will be notified by the clerk of the District Court of the time and place to appear for the scheduled hearing.

§1290.9 Forms and reports.

(a) General information on preparation and issue of DD Form 1805:

(1) The U.S. Magistrate system is based on use of a four-ply ticket designed to provide legal notice to violators and records required by the court, law enforcement authorities, and, if appropriate, the state motor vehicle departments. The DD Form 1805 is printed on chemically carbonized paper and prenumbered in series for accounting control. Heads of DLA primary level field activities are responsible for maintaining accountability for each ticket issued and stocks on hand.

(2) DLA field activity Counsels will coordinate with the U.S. Magistrate of the judicial district in which the activity is located and maintain the information listed below:

(i) List of petty offenses for which mail-in procedure is authorized and the amount of the fine for each specific offense. The District Court address will be prestamped on the violator's copy of the DD Form 1805 by the applicable issuing authority.

(ii) List of minor offenses requiring mandatory appearance of the violator before the magistrate. The name and location of the magistrate before whom violators will appear. Schedule will be coordinated with nearest Military Service activity and appearance will be conducted jointly whenever possible.

(b) Issue procedures for DD Form 1805:

(1) Information entered on the DD Form 1805 is dependent upon two considerations:

(i) The type of violation, i.e., parking, (such as blocking a fire lane) moving traffic violation, or nontraffic offenses.

(ii) Whether the offense cited requires the mandatory appearance of the violator before a U.S. Magistrate.

(2) Preparation and disposition of DD Form 1805:

(i) See illustration in Appendix B for petty offenses where the mail-in fine procedures are authorized.

(A) The amount of the fine for a specific offense must be recorded in the lower right corner of the DD Form 1805. This amount will always be predetermined by the U.S. Magistrate and provided to on duty enforcement personnel by the activity security officer or equivalent authority. When violation notices are issued for an offense (e.g., parking violation) and the offender is absent, all entries concerning the violator will be left blank.

(B) Disposition of DD Form 1805 will be as follows:

(1) The fourth copy (envelope) will be issued to the violator or placed on the vehicle of the violator.

(2) Copies one (white copy), two (yellow copy), and three (pink copy) will be returned to the Security Officer's office. The Security Officer will forward copies one and two, by letter of transmittal, to the appropriate U.S. District Court.

(3) Copy three will be filed at the Security Office or equivalent issuing authority. DLA Form 1454, Vehicle Registration/Driver Record, will be annotated with each traffic offense.

(ii) When DD Form 1805 is used to cite personnel for mail-in type violations, the appropriate supervisor will be provided an information copy of DLA Form 635, Security/Criminal Incident Report, denoting the date, time, place, and type of violation, and the amount of fine assessed.

(iii) Heads of DLA primary level field activities or their representative will not accept or otherwise collect any fines or keep records of fines paid or not paid. They also will take no action concerning nonpayment delinquencies except where warrants are subsequently issued

for the violator concerned by the appropriate court authorities.

(iv) See illustrations in Appendices C and D for minor offenses requiring the mandatory appearance of violators before the U.S. Magistrate:

(A) Mail-in fine procedures will not apply in mandatory appearance cases. The law enforcement authority issuing a violation notice for an offense requiring mandatory appearance of the violator, will place a check mark in "Box A", DD Form 1805. The name and location of the U.S. Magistrate before whom the violator must appear will be inserted on the line below "United States District Court" as shown in Appendix C. The date and time of the initial appearance will be entered in the space provided in "Box A". It is the violator's responsibility to verify the date, time, and place of required court appearances.

(B) Disposition of DD Form 1805 will be as follows:

(1) The fourth copy (envelope) will be issued to the violator.

(2) Copies one (white copy), two (yellow copy), and three (pink copy) will be returned to the Security Officer's office. The Security Officer will forward copies one and two, by transmittal as soon as possible, to the magistrate before whom the violator is scheduled to appear.

(3) Copy three will be filed in the office of the Security Officer or equivalent issuing authority.

(C) When DD Form 1805 is used to cite personnel for mandatory appearance type offenses, the individual's supervisor will be provided an information copy of DLA Form 635, denoting the date, time, place, and type of violation, and the date the violator is scheduled to appear before the U.S. Magistrate.

(v) Additional information governing preparation of DD Form 1805 is provided as Appendix A.

Appendix A.—Preparation Guide for DD Form 1805, Violation Notice

All violations will require:

Last four digits of the Social Security Number of the Issuing guard/police officer (placed in space marked "Officer No."). Date of notice (is also violation date unless otherwise shown) and time. Description of violation, including place noted. Violation code number and issuing location code number (as determined by local Magistrate/District Court). Examples are shown at Appendices B, C, and D.

In addition to above items

Parking offenses require: Vehicle description (make, color, body type), licensing state, auto license number; and, if violator is present: Driver permit number, driver address, driver's name (all of above

items and); moving traffic offenses require: Birth date and sex, race (if it appears on driver's permit), height and weight.

Nontraffic offenses require: Statute violated, person's name, person's address, birth date, and sex; and, if applicable: Race, height, and weight.

All mailable disposition offenses—amount of fine (collateral).

All mandatory court offenses—Above data as appropriate, and the place of court (i.e., Magistrate Court Address), the date and time of appearance (if known by officer), and check mark in Box "A".

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APPENDIX F

TICKET SAMPLE - A PARKING VIOLATION

VIOLATION NOTICE FILED IN UNITED STATES DISTRICT COURT OFFICER NO. 0416 CASE NO. N A 10882

OFFICER'S SIGNATURE: John C. Doe

NATURE OF VIOLATION: Blocking fire lane

PLACE NOTED: SW side Bldg 14

DESCRIPTION OF AUTOMOBILE: Blue Chev

AUTO TAG - STATE AND TAG NUMBER: N A 10882 MD 401-E03

VIOLATION CODE: 1. - Parking

ISSUING LOCATION CODE: "CS" Cameron Sta.

AMOUNT OF FINE OR COLLATERAL: 1 CS 15.00

DATE, TIME AND DAY OF WEEK OF VIOLATION: 05/10/79 10:20 AM

VOID

APPENDIX C

TICKET SAMPLE - A MOVING VIOLATION
(In Mandatory Appearance Category)

VIOLATION NOTICE FILED IN UNITED STATES DISTRICT COURT OFFICER NO. 0416 CASE NO. N A 10883

MANDATORY APPEARANCE LOCATION: 200 N. Washington St., Alex. VA.

OFFICER'S SIGNATURE: John C. Doe

NATURE OF VIOLATION: Exceeded speed

PLACE NOTED: Sherman Avenue

DESCRIPTION OF VEHICLE: Blue Ford

AUTO TAG - STATE AND TAG NUMBER: N A 10883 VA 550M61

VIOLATION CODE: 1. - Parking

ISSUING LOCATION CODE: "CS" Cameron Sta.

AMOUNT OF FINE OR COLLATERAL: 1 CS 15.00

DATE, TIME AND DAY OF WEEK OF VIOLATION: 05/10/79 10:20 AM

VOID

APPENDIX D

FR Doc. 79-29940 Filed 9-27-79; 8:45 am]
BILLING CODE 3620-01-C

2. Section 9.5(d) is revised as follows:

§ 9.5 Uniform schedule of fees.

(d) Information and documents shall be furnished without charge, or at a reduced charge, when the Agency Records Officer, Panama Canal Company, or, if the request is on appeal, the Executive Assistant to the President, Panama Canal Company, determines that waiver or a reduction of the fees provided for in paragraph (a) of this section is in the public interest because furnishing the information can be considered as primarily benefiting the public. In the case of a reduced charge, the Agency Records Officer or the Executive Assistant to the President, if the request is on appeal, shall determine the amount of the reduction.

PART 10—ACCESS TO INFORMATION CONCERNING INDIVIDUALS

3. Section 10.8(c) is revised as follows:

§ 10.8 Agency review of request for correction or amendment of record.

(c) Where after initial review all or part of the individual's request is disapproved, the Agency Records Officer or the system manager will:

(1) Advise the individual of this determination and the reasons therefor, including any criteria for determining accuracy which were employed in the review;

(2) Inform the individual that he may request a further review by the Executive Secretary of the Canal Zone (Executive Assistant to the President, Panama Canal Company) or by some other specified official in cases where the initial determination is based upon advice from another agency; and

(3) Describe the procedures to be followed in obtaining such review.

4. Section 10.9 is amended by revising paragraphs (a) through (d) as follows:

§ 10.9 Appeal of initial adverse agency determination on correction or amendment.

(a) An individual whose request for correction or amendment of a record has been denied in whole or in part may obtain review of such denial by the Executive Secretary of the Canal Zone (Executive Assistant to the President, Panama Canal Company). Requests for review must be in writing and must be clearly marked on the exterior and in the text with the words "Privacy Act Appeal."

(b) Following receipt of a request, the Executive Secretary-Executive Assistant shall direct such review as he deems appropriate and shall make a final agency determination within 30 working days from the date of the request.

(c) If the Executive Secretary-Executive Assistant concurs in the refusal to amend the record, he will advise the individual of such refusal and the reasons therefor, and that:

(1) Such determination is a final agency action;

(2) The individual may file a concise statement setting forth his reasons for disagreeing with the determination, and any procedures to be followed in submitting such a statement;

(3) Such statement, if submitted, will be made available to anyone to whom the record is subsequently disclosed and to any prior recipients of the disputed record (to the extent that an accounting of disclosures has been maintained), together with any summary of the agency's position which is considered appropriate; and

(4) The individual may seek judicial review of the agency's refusal to amend a record, in accordance with 5 U.S.C. § 552a(g).

(d) If the Executive Secretary-Executive Assistant determines that the record should be amended in accordance with the individual's request, he will so advise the individual. The system manager will be responsible for correcting the record and, where an accounting of disclosures has been maintained, for advising all previous recipients of the record that such correction has been made.

Dated: September 19, 1979.

H. R. Parfitt,

Governor of the Canal Zone, President, Panama Canal Company.

[FR Doc. 79-30208 Filed 9-27-79; 8:45 am]

BILLING CODE 3640-01-M

VETERANS ADMINISTRATION**38 CFR Part 39****State Cemetery Grants; Aid to States for Establishment, Expansion, and Improvement of Veterans' Cemeteries**

AGENCY: Veterans Administration.

ACTION: Interim regulations with comments requested.

SUMMARY: The Veterans Administration is proposing new regulations for the implementation of legislation which provides for a program of aid to States for the establishment, expansion, and improvement of veterans' cemeteries.

DATES: Comments must be received on or before November 27, 1979. It is proposed to make these regulations effective October 1, 1979.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs

(271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. Comments will be available for inspection at the address shown above during normal business hours until December 7, 1979.

FOR FURTHER INFORMATION CONTACT: C. W. Eyman (202) 389-2313.

SUPPLEMENTARY INFORMATION: Pub. L. 95-478 (92 Stat. 1497), the Veterans' Housing Benefits Act of 1978, authorized the Administrator of Veterans Affairs to make grants to any State to assist such State in establishing, expanding, or improving veterans' cemeteries owned by such State.

The Act authorizes the appropriation of \$5,000,000 for fiscal year 1980 and for each of the four succeeding fiscal years to provide such assistance. The Administrator of Veterans Affairs is authorized to establish the form and manner of applying for assistance under this program and to prescribe standards and guidelines relating to State veterans' cemetery site selection, planning, and construction.

The Veterans Administration is proposing new regulations for the guidance of States seeking assistance under this program for the provision of cemeterial benefits to eligible veterans.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding these documents to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until December 7, 1979. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the above address and room number.

Approved: September 20, 1979.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

A new Part 39 is added to read as follows:

PART 39—STATE CEMETERY GRANTS**Aid to States for Establishment, Expansion, and Improvement of Veterans' Cemeteries**

Sec.

39.1 Definitions.

39.2 Scope of the State cemetery grant program.

39.3 Applications with respect to projects.

39.4 Disallowance of a grant application and notice of a right to hearing.

39.5 Responsibilities following project completion.

39.6 State to retain control of operations.

39.7 Recapture.

39.8 General standards for site selection and construction of State veterans' cemeteries.

Authority: 38 U.S.C. 1008.

Aid to States for Establishment, Expansion, and Improvement of Veterans' Cemeteries**§ 39.1 Definitions.**

For the purpose of this part:

(a) The term "establishment" means the process of site selection, land acquisition, development planning, contouring, landscaping, and construction necessary to convert a tract of land to an operational cemetery. (38 U.S.C. 1008(c)(2))

(b) The term "expansion" means an increase in the burial capacity or acreage of a cemetery through the addition of gravesites and/or cemeterial facilities. (38 U.S.C. 1008(c)(2))

(c) The term "improvement" means the enhancement of a cemetery through landscaping, nonrecurring maintenance, or addition of other features appropriate to cemeteries. (38 U.S.C. 1008(c)(2))

(d) The term "time phased development plan" means a detailed, narrative description of the proposed site's characteristics, schedule for development, and estimates of costs by phases of construction. (38 U.S.C. 1008(c)(2))

(e) The term "project" means an undertaking to establish, expand, or improve a specific site for use as a State-owned veterans' cemetery. (38 U.S.C. 1008(c)(2))

(f) The term "State" means each of the several States, Territories and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. (38 U.S.C. 101(20))

(g) The term "veteran" means a person who served in the active military, naval, or air service and who died while in service or was discharged or released therefrom under conditions other than dishonorable. (38 U.S.C. 1002)

§ 39.2 Scope of the State cemetery grants program.

(a) Subject to the availability of an appropriation, the Administrator may approve grants to assist any State in establishing, expanding, or improving veterans' cemeteries which are or will be owned by such State. In order to qualify for assistance under this program, a cemetery must be operated solely for the interment of veterans, their wives, husbands, surviving spouses, minor children, and unmarried adult children who were physically or mentally disabled and incapable of self-support. (38 U.S.C. 1008(c)(2) and 101(4))

(b) The amount of the Federal contribution to a State is limited to 50 percent of the combined value of the land to be acquired or dedicated for cemetery purposes and the dollar value of the improvements to be made. The remaining 50 percent of the project's cost will be contributed by the State. (38 U.S.C. 1008(b)(2))

(c) A State may dedicate for the purposes of the cemetery involved land which it already owns. The value of land of this nature can be included in the computation of the State's portion of the funding for the establishment of a State veteran's cemetery. The value of the land, however, cannot exceed 50 percent of the State's total contribution to the project's cost. "Uniform Appraisal Standards for Federal Land Acquisitions" (Interagency Land Acquisition Conference—1973) shall be used as guidelines when determining the value of the land. (38 U.S.C. 1008(b)(3))

§ 39.3 Applications with respect to projects.

(a) A State seeking Federal assistance for establishment, expansion, or improvement of a State veterans' cemetery shall submit to the Administrator a preapplication and an application for such assistance in compliance with the uniform requirements for grants-in-aid to State and local governments prescribed by Office of Management and Budget Circular No. A-102, Revised. The applicant shall submit as a part of the application or as an attachment thereto:

(1) The amount of the grant requested with respect to such project which may not exceed 50 per centum of the estimated cost of construction of such project.

(2) A description of the site for such project.

(3) Plans and specifications as required by § 39.8.

(4) Any comments or recommendations made by appropriate State (and areawide) clearinghouses pursuant to policies outlined in part I,

OMB Circular No. A-95, Revised. (38 U.S.C. 1008(a)(1))

(b) The applicant must furnish reasonable assurance that:

(1) Any cemetery established, expanded, or improved through assistance of this program shall be used exclusively for the interment of eligible persons as set forth in §§ 39.1(g) and 39.2(a).

(2) Title to such site is or will be vested solely in the State.

(3) It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

(4) It will comply with the provisions of: Executive Order 11988, 3 CFR 1977 Comp., p. 117 relating to floodplain management and Executive Order 11752, relating to the prevention, control, and abatement of environmental pollution.

(5) It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.

(6) It will obtain approval by the Administrator of the final working drawings and specifications before the project is advertised or placed on the market for bidding; it will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications; it will submit to the Administrator for prior approval changes that alter the costs of the project, use of space, or functional layout; it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) have been met.

(7) It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Administrator may require.

(8) It will operate and maintain the facility in accordance with standards as prescribed under § 39.5.

(9) It will give the Administrator and the Comptroller General through any authorized representative access to and the right to examine all records, books, papers, or documents related to the grant.

(10) It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-19.603). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.

(11) It will cause work on the project to be commenced within a reasonable time after receipt of notification from the Administrator that funds have been approved and that the project will be prosecuted to completion with reasonable diligence.

(12) It will not dispose of or encumber its title or other interests in the site and facilities.

(13) It will comply with Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measure necessary to effectuate this agreement. This assurance shall obligate the applicant for the period during which the site is operated as a State veterans' cemetery.

(14) It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

(15) It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.

(16) It will comply with all requirements imposed by the Veterans Administration concerning special requirements of law, program requirements, and other administrative requirements in accordance with OMB Circular A-102, Revised.

(17) It will comply with the provisions of the Hatch Act which limits the political activity of employees.

(18) It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local government.

(19) It will insure that the facilities under its ownership which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Veterans Administration of the receipt of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility to be utilized in the project is under consideration for listing by the EPA.

(20) It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Pub. L. 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1974, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.

(21) It will assist the Veterans Administration in its compliance with section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (i) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR 800.8) by the activity, and notifying the Veterans Administration of the existence of any such properties, and by (ii) complying with all requirements established by the Veterans Administration to avoid or mitigate adverse effects upon such properties.

(c) The Administrator will approve any such application if the Administrator finds that there are sufficient funds available to make the grant requested with respect to such project and that:

(1) It has been determined by the Veterans Administration that the application meets the requirements of paragraphs (a) and (b) of this section.

(2) The plans and specifications for such project are in accordance with § 39.8.

(3) The State has established procedures for determining reasonableness, allowability, and allocability of costs in accordance with the provisions of Federal Management Circular 74-4.

(4) The State is not receiving more than 20 per centum of the total amount appropriated for such grants for such fiscal year. (38 U.S.C. 1008(b)(1))

(d) The Administrator shall certify approved applications to the Secretary of the Treasury in the amount of the grant requested, but in no event an amount greater than 50 percent of the estimated cost of the project, and shall designate the appropriation from which it shall be paid. Such certification shall provide for payment to the applicant or, if designated by the applicant, to any agency or instrumentality of the applicant. Funds paid for the establishment, expansion, or improvement of a State veterans' cemetery will be used solely for carrying out such project as so approved. (38 U.S.C. 1008(c)(2))

(e) Any amendment of any application, whether or not approved under paragraph (c) of this section, will be subject to review and approval pursuant to the regulations governing grants to States for establishment, expansion, and improvement of State veterans' cemeteries in the same manner as an original application. (38 U.S.C. 1008(c)(1))

(f) Sums provided under paragraph (d) of this section shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated. If all funds from a grant have not been utilized by a State for the purpose for which the grant was made within 3 years after the Administrator has certified the approved application for such grant to the Secretary of the Treasury, the United States shall be entitled to recover any such unused grant funds from such State. (38 U.S.C. 1008(d))

§ 39.4 Disallowance of a grant application and notice of a right to hearing.

(a) No application for the establishment, expansion or improvement of State veterans' cemeteries shall be disapproved until the applicant has been afforded an opportunity for a hearing.

(b) Whenever a hearing is requested under this section, notice of hearing, procedure for the conduct of such hearing, and procedures relating to decisions and notices shall be in accord with the provisions of §§ 18.9 and 18.10, Title 38, Code of Federal Regulations.

Failure of an applicant to request a hearing under this section or to appear

at a hearing for which a date has been set shall be deemed to be a waiver of the right to be heard and constitutes consent to the making of a decision on the basis of such information as is available. (38 U.S.C. 1008(c)(2))

§ 39.5 Responsibilities following project completion.

(a) The State shall, within a reasonable period following completion of such project, cause to be affixed at the main entrance to the veterans' cemetery suitable public acknowledgment of VA cemetery grant assistance in the form of a sign which shall be designed and furnished by the Veterans Administration. (38 U.S.C. 1008(c)(2))

(b) State veterans' cemeteries established, expanded, or improved with assistance under this program shall be operated and maintained as follows:

(1) The cemetery shall be maintained as a suitable memorial to the veterans interred.

(2) Sanitation and sanitary facilities shall be maintained in accordance with applicable State and local health standards.

(3) The cemetery shall be kept safe for public use.

(4) Buildings, roads, walks, and other structures shall be kept in reasonable repair to prevent undue deterioration.

(5) The cemetery shall be kept open for public use at reasonable hours and times of the year. (38 U.S.C. 1008(c)(1))

(c) The Administrator, in coordination with the State, shall:

(1) Audit such projects at their completion in accordance with audit procedures as established by the VA Office of the Inspector General.

(2) Inspect the project at completion for compliance with the standards set forth in § 39.8; and at least once in every 3-year period following completion of the project, and throughout the period the facility is operated as a State veterans' cemetery.

(d) At the completion of such inspections, the VA inspector(s) shall submit a written report to the Director, State Cemetery Grants Program, giving the date and location where the inspection was made and citing any deficiencies and corrective action taken or proposed. (38 U.S.C. 1008(c)(2))

(e) Failure of the State to comply with paragraphs (a) through (c) of this section shall be considered cause for the Veterans Administration to suspend any payments due a State on any or all projects until the situation involved is corrected. (38 U.S.C. 1008(c)(2))

§ 39.6 State to retain control of operations.

Neither the Administrator nor any employee of the Veterans Administration shall exercise any supervision or control over the administration, personnel, maintenance, or operation of any State veterans' cemetery constructed, expanded, or improved with assistance received under this program except as prescribed in this part. (38 U.S.C. 1008(c)(2))

§ 39.7 Recapture.

If a State which has received a grant to establish, expand, or improve a veteran's cemetery ceases to own such cemetery, ceases to operate such cemetery as a veterans' cemetery, or uses any part of the funds provided through such grant for a purpose other than for which the grant was made, the United States shall be entitled to recover from the State the total of all grants made to the State in connection with the establishment, expansion or improvement of such cemetery. (38 U.S.C. 1008(b)(4))

§ 39.8 General standards for site selection and construction of State veterans' cemeteries.

(a) *General.* (1) The various codes, requirements, recommendations (as well as any amendments or revisions) of State and local authorities or technical and professional organizations, to the extent and manner in which reference is made in these standards, are applicable to grants for construction of State veterans' cemeteries. Additional information concerning these standards may be obtained from the Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420.

(2) These standards constitute general design and construction criteria and shall apply to all projects for which Federal assistance is requested under 38 U.S.C. 1008.

(3) In developing these standards, no attempt has been made to comply with all of the various State and local codes and regulations. These standards must be followed where they exceed State or local codes and regulations. Conversely, compliance is required with State and local codes where such requirements provide a higher standard. However, the additional cost, if any, in using standards which are higher than those of the VA (Veterans Administration) should be carefully considered and justified.

(4) The space criteria and area requirements referred to in these standards should be used as a guide in planning. Additional area and facilities beyond those specified as basic may be

included if found to be required by the program but are subject to approval by VA. Substantial deviation from the space or area standards should be carefully considered and justified, except for occasional variances which would require individual justification. Failing to meet or exceeding the standards by more than 10 percent in the completed plan would be regarded as evidence of inferior design or as exceeding the boundaries of professional requirements. VA participation may be subject to proportionate reduction in those projects which unjustifiably exceed maximum space or area criteria.

(b) *Site Planning Standards.*—(1) *Site Selection.* (i) *Location.* The land should be located as closely as possible to the densest veteran population in the area under consideration.

(ii) *Size.* Sufficient acreage should be available to provide gravesites for estimated needs for at least 20 years. Acreage could vary depending on the State veteran population and National Cemetery availability.

(iii) *Accessibility.* The site should be readily accessible by highway, bus, railroad, or other public transportation.

(iv) *Topography.* The land should range from comparatively level to rolling and moderately hilly terrain. Natural rugged contours are suitable only if development and maintenance costs would not be excessive and burial areas would be accessible to elderly and infirm visitors. The land should not be subject to flooding.

(v) *Water Table.* The water table should be lower than the maximum proposed depth of burial.

(vi) *Soil requirement.* The soil should be free from rock, muck, quicksand, and other materials that would hamper the economical excavation of graves by normal methods. In general, the soil should meet the standards of good agricultural land that is capable of supporting lawns, shrubs, and trees, with normal care and without the addition of topsoil.

(vii) *Utilities.* Electricity and/or gas should be available (if required).

(viii) *Water Supply.* An adequate supply of water should be available.

(ix) *Sanitary sewer.* An approved means to dispose of storm flow and sewage from the facility should be available.

(2) *Site Development Requirements.* (i) *General.* The development plan shall provide for adequate hardsurfaced roads, walks, parking areas, public rest rooms, flag circle, protective enclosure of the area, and a main gate. Pedestrian gates should also be provided at the main gate for activities that may be

necessary or appropriate when the main gates are closed.

(ii) *Road widths.* Road widths shall be compatible with proposed traffic flows and volumes.

(iii) *Surface and Structure Parking.* All parking facilities shall include provisions to accommodate the physically handicapped. A minimum of one space shall be set aside and identified with signage in each parking area with additional spaces provided in the ratio of one handicapped space to every twenty regular spaces. Handicapped spaces shall not be placed between two conventional diagonal or head-on parking spaces. Each of the handicapped parking spaces shall not be less than 9 feet wide; in addition, a clear space 4 feet wide shall be provided between the adjacent conventional parking spaces and also on the outside of the end spaces.

(iv) *Pavement Design.* The pavement section of all roads, service areas and parking areas shall be designed for the maximum anticipated traffic loads and existing soil conditions and in accordance with local and State design criteria.

(v) *Curbs.* Bituminous roads may be provided with integral curbs and gutters constructed of portland cement concrete. Free standing curbs may be substituted when the advantage of using them is clearly indicated. All curbs shall have a "roll-type" cross section for vehicle and equipment access to lawn areas except as may be necessary for traffic control.

(vi) *Curb Radii.* The radii of curbs at road intersections shall not be less than 20'-0".

(vii) *Curb Ramps (Curb Cuts).* Curb ramps shall be provided to accommodate the physically handicapped and lawnmowers. Curb ramps shall be provided at all intersections of roads and walks. The curb ramps shall not be less than 4 feet wide; they shall not have a slope greater than 8 percent, and preferably not greater than 5 percent. The vertical angle between the surface of a curb ramp and the surface of a road or gutter shall not be less than 170 degrees; the transition between the two surfaces shall be smooth. Curb ramps shall have nonslip surfaces.

(viii) *Walks.* Walks shall be designed with consideration for the physically handicapped. Walks and ramps designed on an incline shall have periodic level platforms. All walks, ramps and platforms shall have nonslip surfaces. Any walk shall be ramped if the slope exceeds 3 percent. Ramps shall not have a slope greater than 8 percent, and preferably not greater than

5 percent. The ramps shall have handrails on both sides unless other protective devices are provided; every handrail shall have clearance of not less than 1 1/2 inches between the back of the handrail and the wall or any other vertical surface behind it. Ramps shall not be less than 4 feet wide between curbs; curbs shall be provided on both sides. The curbs shall not be less than 4 inches high and 4 inches wide. A level platform in a ramp shall not be less than the full width of the ramp and not less than 5 feet long. Entrance platforms and ramps shall be provided with protective weather barriers to shield them against hazardous conditions resulting from inclement weather.

(ix) *Steps.* Exterior steps may be included in the site development as long as provisions are also provided for use by physically handicapped persons.

(x) *Grading.* Minimum lawn slopes shall be 2 percent; critical spot grade elevations shall be shown on the contract drawings. Insofar as practicable, lawn areas shall be designed without steep slopes.

(xi) *Landscaping.* (A) The landscaping plan should provide for a park-like setting, of harmonious open spaces balanced with groves of indigenous and cultivated deciduous and evergreen trees. Shrubbery should be kept to a minimum.

(B) Plants having thorns, or branches and leaves ending in thorns should not be used in heavy pedestrian traffic areas.

(C) Where lawn areas are to be mowed, layout spaces and planting beds should be designed to provide adequate room to accommodate mowing equipment.

(D) If necessary as preventive maintenance, edging should be provided around planting beds.

(E) Steep slopes that are unsuitable for interment areas should be kept in their natural state.

(xii) *Surface Drainage.* Surface grades shall be determined in coordination with the architectural, structural and mechanical design of buildings and facilities so as to provide proper surface drainage.

(xiii) *Burial Areas.* (A) *General.* A site plan of the cemetery shall include a burial layout. If appropriate, the burial layout should reflect the phases of development in the various sections. All applicable dimensions to roadways, fences, utilities or other structures shall be indicated on the layout.

(B) *Area Standard.* The VA standard for computing gravesite yield from net burial acreage is 600 gravesites per acre. This figure normally can account for roads, utilities, and other service related

structures. Depending on the character of the land and the way in which the cemetery is to be developed, a minimum of 50 percent of the gross acreage available at the site should be designated as burial acreage. A site proposed for development as a veterans' cemetery should be adequate to meet the State's projected interment needs for a minimum of twenty years.

(C) *Gravesites.* Gravesites should be laid out in uniform pattern. There should be a minimum of 10 feet from the edge of roads and drives and a minimum of 20 feet from the boundaries or fence lines. Maximum carrying distance from the edge of a permanent road to any gravesite should not be over 275 feet. Temporary roads may be provided to serve areas in phase developments.

(D) *Monumentation.* It is advisable that permanent gravesite control markers be installed based on a grid system throughout the burial area unless otherwise specified. This will facilitate the gravesite layout, placement of utility lines, and alignment of headstones. Markers may be either flat or upright, but must be uniform throughout the cemetery.

(c) *Architectural Design Standards.*

(1) *Architectural and Structural Requirements.* (i) *Fire Safety Codes.* The latest edition of the National Fire Codes (a compilation of National Fire Protection Association Codes, Standards, recommended practices and manuals) will be the design criteria. Fire safety construction features not included in the National Fire Codes shall be designed in accordance with the requirements of the latest edition of the National Building Code (American Insurance Association). Where the adopted codes state conflicting requirements, the National Fire Codes shall govern.

(ii) *State and Local Codes.* In addition to compliance with the standards set forth in this document, all applicable local and State building codes and regulations must be observed. In areas not subject to local or State building codes, the recommendations of any one of the following national codes shall apply insofar as such recommendations are not in conflict with the standards set forth in this document.

(A) *National Building Code.* American Insurance Association, Engineering and Safety Services, 85 John Street, New York, New York 10038.

(B) *Basic Building Code.* Building Officials Conference of America, 1313 East 60th Street, Chicago, Illinois 60637.

(iii) *Occupational Safety and Health Standards.* Applicable standards as contained in the Occupational Safety and Health Act must be observed.

(iv) *Handicapped Provisions.* Applicable standards as contained in ANSI Standard No. A117.1 ("Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped") must be observed.

(2) *Mechanical Requirements.* The heating system, boilers, steam system, ventilation system and air-conditioning system shall be furnished and installed to meet all requirements of the local and State codes and regulations, and the regulations of the National Fire Protection Association and the National Board of Fire Underwriters and the minimum general standards as set forth. Where there is no local or State boiler code, the recommendations of the American Society of Mechanical Engineers (ASME) shall apply. The design and specifications shall comply with the standards relating to the control of air pollution.

(3) *Plumbing Requirements.* Plumbing systems shall comply with all applicable local and State codes, the requirements of the State Department of Health, and the minimum general standards as set forth in these regulations. Where no State or local codes are in force, the National Plumbing code AASA-A40.8, latest edition, shall apply.

(4) *Electrical Requirements.* The installation of electrical work and equipment shall comply with the National Electrical Codes (NFPA Nos. 70, 78A, and 72E) all local and State codes and laws applicable to electrical installations and the minimum general standards as set forth in these regulations. The regulations of the local utility company shall govern service connections. Aluminum busways should not be used as a conducting medium in the electrical distribution system.

(5) *Space Criteria.* Space criteria for cemetery buildings at active VA national cemeteries are published in chapters 701 and 703 of VA Handbook H-08-9, Planning Criteria for VA Facilities, which can be inspected at or made available through the VA address listed in subparagraph (a)(1) of this paragraph.

(d) *Plan Preparation.* (1) *General.* The requirements contained herein have been established for the guidance of the State agency and the architect to provide a standard for preparation of drawings, specifications and estimates.

(2) *Predesign Conferences.* A conference is recommended for all major construction projects primarily to ensure that the State agency becomes oriented to VA procedures and requirements plus any technical comments pertaining to the project.

(3) *Preapplication Requirements.* No plans and specifications will be required

with the preapplication submission to the VA. A location map showing the location of the project and all appropriate demographic boundaries shall be incorporated in the preapplication submission.

(4) *Application Requirements.*—(i) *Boundary and Site Survey and Soil Investigation.* (A) The State agency shall provide for a survey and soil investigation of the site and furnish a legal description of the site. The purpose of this survey and soil investigation is to obtain data necessary for the evaluation of the site as a cemetery, structural design and utility service connections. A boundary and site survey need not be submitted if one was submitted for a previously approved project and there have been no changes. Relevant information may then be shown on the site plan.

(B) If required the survey shall show:

(1) The outline and location referenced to boundaries, of all existing buildings, streets, alleys (whether public or private), block boundaries, easements, encroachments, the names of streets, railroads and streams, and other information as hereinafter specified. If there is nothing of this character affecting the property, the Surveyor shall so state on the drawings.

(2) The point of beginning, bearing, distances, and interior angles. Closures computations shall be furnished with the survey and error of closure shall not exceed 1 foot for each 10,000 feet or lineal traverse. Boundaries of an unusual nature (curvilinear, off-set, or having other change or direction between corners), shall be referenced with curve data (including measurement chord) and other data sufficient for replacement and such information shall be shown on the map. For boundaries of such nature, coordinates shall be given for all angles and other pertinent points.

(3) The area of the parcel in acres or in square feet.

(4) The location of all monuments.

(5) Delineation of 100-year floodplain and source.

(6) The signature and certification of the Surveyor.

(C) Soil investigation of the scope necessary to ascertain site characteristics for construction and burial or to determine foundation requirements. A new soil investigation is not required if one was done for a previously approved project on the same site and information contained is adequate and unchanged. Soil investigation when done shall be documented in a signed report.

(1) Adequate investigation shall be made to determine the subsoil conditions. The investigation shall

include a sufficient number of test pits or test borings as will determine, in the judgment of the architect, the true conditions.

(2) The following information shall be covered in the report:

(i) Thickness, consistency, character, and estimated safe bearing value where needed for structural foundation design of the various strata encountered in each pit or boring.

(ii) Amount and elevation of ground water encountered in each pit or boring, its probable variation with the seasons, and effect on the subsoil.

(iii) The elevation of rock, if known, and the probability of encountering quicksand.

(3) The elevations and location of tops of workings relative to the site, if the site is underlain with mines, or old workings are located in the vicinity.

(ii) *Preliminary Site Plan.* A site plan showing the proposed layout of all facilities on the selected site shall be included as an exhibit to the formal application. If the project is to be phased into different year programs, the phasing shall be indicated. The preliminary site plan shall be submitted on standard 28 inch by 42 inch plan sheets as a scale sufficiently large to show necessary details or dimensions.

(iii) *Preliminary Architectural Drawings.* All buildings are to be shown on drawings accompanying the application. The drawings must comply with the following requirements:

(A) A site plan of the immediate area around the building shall be drawn to a convenient scale and shall show the building roof plan, utility services, walks, gates, walls or fences, flagpoles, drives, parking areas, indication of handicapped provisions, landscaping, north arrow and any other appropriate items.

(B) Floor plans of all levels at a convenient scale shall be double line drawings and shall show overall dimensions, construction materials, door swings, names and square feet for each space, toilet room fixtures and interior finish schedule.

(C) Elevations of the exteriors of all buildings shall be drawn to the same scale as the plan and shall include all material indications.

(D) Preliminary mechanical and electrical layout plans shall be drawn at a convenient scale and shall have an equipment and plumbing fixture schedule.

(e) *Final Working Drawings and Specifications.* Prior to the release of funds for the construction of any project being sponsored under this program, the VA must approve the final working drawings and specifications.

(1) Final working drawings shall be prepared so that clear and distinct prints may be obtained, accurately dimensioned and include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for complete VA review and comment. Separate drawings shall be prepared for each of the following types of work:

architectural, structural, heating and ventilating, plumbing and electrical. They shall include the following:

(i) *Architectural Drawings.* Site plan showing all new topography, grades, existing buildings, roadways, walks and areas to be seeded. All structures and other work to be removed; all floor plans and a roof plan if any new work is involved; all elevations which are affected by the alterations; building sections; demolition drawings. All details to complete the proposed work and finish schedules.

(ii) *Planting Drawings.* (A) All proposed features such as roads, buildings, walks, utility lines, burial layout, etc.

(B) Contours, scale, north arrow, legend showing existing trees.

(C) A graphic or keyed method of showing plant types as well as quantities of each plant.

(D) Plant list with the following: key, quantity, botanical name, common name, size and remarks (i.e., balled and burlaped, container, 3 stem clump, specimen, etc.)

(E) Typical tree and shrub planting details.

(F) Areas to be seeded or sodded.

(G) Areas to be mulched.

(iii) *Layout Drawings.* Submit a layout plan which shows the following:

(A) Roadways, walks, buildings, scale and north arrow, boundary lines and fence lines.

(B) Section layout with permanent section monument markers and lettering system.

(C) Gravesite layout and numbering system.

(D) Gravesites which are obstructed.

(E) Direction the headstone faces.

If the cemetery is existing and the project is expansion or renovation, show available, occupied, obstructed and reserved gravesites.

(iv) *Equipment Drawings.* Large scale drawings of typical special rooms indicating all fixed equipment and major items of furniture and moveable equipment.

(v) *Structural Drawings.* Complete foundation and framing plans and details. General notes to include: governing code, material strengths, live loads, windloads, foundation design values, and seismic zone.

(vi) *Mechanical Drawings.* Heating and ventilation drawings showing complete systems and details of air conditioning, heating ventilation and exhaust. Plumbing drawings showing sizes and elevations of soil and waste systems; sizes of all hot and cold water piping; drainage and vent systems; plumbing fixtures and riser diagrams.

(vii) *Electrical Drawings.* Separate drawings for lighting and power. Service entrance, feeders and all characteristics. All panel, breaker, switchboard and fixture schedule. All lighting outlets, receptacles, switches, power outlets and circuits. Telephone layout, fire alarm systems and emergency lighting.

(2) Final specifications (to be used for bid purposes) shall be in completed format. Specifications shall include the invitations for bids, cover of title sheet, index, general requirements, form of bid bond, form of agreement, performance and payment bond forms, and sections describing materials and workmanship in detail for each class of work.

(3) Show in convenient form and detail the estimated total cost of the work to be performed under the contract including provisions of fixed equipment shown by the plans and specifications, if applicable, to reflect the changes of the approved financial plan. Estimates shall be summarized and totaled under each trade or type of work.

(4) All of the above requirements must be met and approved prior to the State agency advertising for bids.

(f) *Final Review and Approval—(Bid Tabulations and Cost Estimates).* (1) The State agency shall submit itemized bid tabulations; assurance, if required; and a revised Grant application form reflecting final cost in the project. If there are non-VA participating areas, these should be itemized separately.

(2) Following VA approval of bid tabulations and cost estimates, a Memorandum of Agreement executing the grant awards will be signed by the Administrator.

(38 U.S.C. 1008)

[FR Doc. 79-30186 Filed 9-27-79; 8:45 am]

BILLING CODE 8320-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-26

[FPMR Amendment E-233]

Purchase of Items From Federal Supply Schedule Contracts; Lower Prices for Identical Items

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation permits agencies to purchase products from any source when they are available at lower overall costs than the prices of identical products provided by multiple-award Federal Supply Schedule contracts. Recent experience has indicated that lower prices occasionally become available. The intended effect is to minimize the cost of products and services to ordering agencies while maintaining the mandatory use requirements of schedule contracts.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Agin, Acquisition Management and Review Directorate (202-566-1867).

SUPPLEMENTARY INFORMATION:

Contracts awarded before January 10, 1979, are not affected by the change. Contracts based on solicitations issued on or after January 10, 1979, include a clause that reflects the relaxation of the use requirement. This relaxation was authorized by an instruction issued by the Federal Supply Service (FSS) Procurement Letter No. 283, January 10, 1979.)

The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Section 101-26.401-4 is amended by adding new paragraph (f) to read as follows:

§ 101-26.401-4 Exceptions to mandatory use.

(f) *Lower prices for identical items.* (1) Agencies may purchase products from any source when they are available at prices lower than the prices of identical products provided by multiple-award Federal Supply Schedule contracts.

(2) All of the costs and related considerations for lower priced products shall be evaluated, including but not limited to comparisons of warranties, transportation costs (origin and destination), and delivery terms. However, the prohibition in § 101-26.401(a) must be observed.

(3) When products are purchased from noncontract sources at delivered prices that are lower than the prices provided by multiple-award schedule contracts, copies of the purchase order shall be sent to the General Services Administration, (FCC) Washington, DC 20406, at the time the order is issued.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 466(c))

Dated: September 20, 1979.

R. G. Freeman III,
Administrator of General Services.

[FR Doc. 79-30113 Filed 9-27-79; 8:45 am]

BILLING CODE 6820-62-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service

42 CFR Part 51g

Grants for Health Education-Risk Reduction

AGENCY: Center for Disease Control, Public Health Service, HEW.

ACTION: Final rule (with subsequent comment period).

SUMMARY: This final rule applies to grants to initiate or strengthen health education-risk reduction programs. The grants are intended to encourage participation and coordination of efforts by all agencies involved in health education. The grants will support personal choice health behavior education to reduce the risk of premature death and disability associated with cigarette smoking, obesity, hypertension, and other risk factors associated with chronic and preventable health conditions affecting the American people.

DATES: This regulation is effective September 28, 1979. Comments are due November 27, 1979.

ADDRESS: Written comments should be sent to the Director, Bureau of Health Education, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333. Comments will be available for public inspection between 8 a.m. and 4:30 p.m. in Building 14 at the same address.

FOR FURTHER INFORMATION CONTACT: Billy G. Griggs, Deputy Director, Bureau of Health Education, Center for Disease Control, Atlanta, Georgia 30333, telephone (404) 329-3111 or FTS: 236-3111.

SUPPLEMENTARY INFORMATION: This final rule applies to grants authorized under Section 1703(a) of the Public Health Service Act. It establishes procedures and requirements for awarding grants to State and local health agencies to assist them in becoming the recognized resource and established contact point for health education-risk reduction programs. This grant program was originally proposed as part of the Department's smoking and health program. However, it was expanded to address other health education-risk reduction activities as recommended in the House Appropriations Committee Report:

"The Committee believes that the increased funds requested in the budget and approved by the committee should be used for the support of a broad range of health information and promotion activities, as contemplated in Title XVII of the Public Health Service Act, and not concentrated on any one health problem, to the exclusion of all others, as proposed in the budget." (H.R. Rep. No. 1248, 95th Cong., 2d Sess. 19 (1978).)

The purpose of the health education-risk reduction grant program is to assist State and local health agencies in initiating or strengthening health education programs. The grants will encourage participation and coordination of efforts by all agencies, public and private, involved in health education programs. The grant funds will be used for projects which emphasize personal choice health behavior education to reduce the risk of premature death and disability associated with cigarette smoking, obesity, hypertension, and other chronic and preventable health conditions and diseases affecting the American people. Grantees will establish surveillance systems to obtain current data on chronic and preventable diseases related to personal choice behavior. These systems will permit continuous monitoring of program impact and will provide a basis for the direction of future health education-risk reduction programs.

The statute authorizes the award of grants to a wide variety of organizations in addition to State and local health agencies. However, these regulations limit potential grantees to State and local health agencies because they have the statutory responsibility for the public health of their citizens and the maximum opportunity for coordinating these services. In addition, the establishment of a health education-risk reduction program, generally at the State government level, provides a unique potential for coordinating the diverse activities in health education conducted under a variety of auspices, for stimulating new or expanded programs, and for continuity of effort. Limiting grantees to State and local health agencies will make the best use of the limited grant funds.

Grant funds will be available for basic activities and for optional activities. Under the grants for basic activities, States will identify and list existing health education-risk reduction activities, eliminate or reduce undesirable duplicate efforts, pinpoint target groups needing health education-risk reduction activities, and set up programs to meet these identified

problems or needs. Grant funds may also be used for optional activities which address specific risk reduction activities such as media approaches, special innovative youth activities, and intervention activities with specific high risk target groups. Grantees are encouraged to enter into arrangements with other organizations in developing optional program activities.

The issuance of a final rule without a Notice of Proposed Rulemaking is necessary because only a brief period remains during this fiscal year for carrying out the congressional mandate for the health education-risk reduction program. If grants are not awarded by September 30, 1979, funds for this fiscal year cannot be used.

For this reason the Secretary has determined that it would be impracticable and contrary to the public interest to follow proposed rulemaking procedures or to delay the effective date of this regulation, and that good cause exists, under 5 U.S.C. 553, for their omission.

Nevertheless, comments are invited on this rule. All comments will be considered, and the regulation will be republished and revised as necessary.

Chapter I of Title 42, code of Federal Regulations, is amended by adding a new Part 51g as set forth below.

Dated: July 16, 1979.

Julius B. Richmond

Assistant Secretary for Health.

Approved: September 24, 1979.

Patricia Roberts Harris

Secretary.

PART 51g—GRANTS FOR HEALTH EDUCATION-RISK REDUCTION

- Sec. 51g.1 To which programs does this regulation apply?
- 51g.2 Definitions.
- 51g.3 Who is eligible to apply for a health education-risk reduction grant?
- 51g.4 What information must be included in the application for a grant?
- 51g.5 How will grant applications be evaluated and the grants awarded?
- 51g.6 How may a grantee use grant funds?
- 51g.7 Which other HEW regulations apply to these grants?
- 51g.8 Which other conditions apply to these grants?

Authority: Sec. 215, 58 Stat. 690 (42 U.S.C. 216); Sec. 1703(a), 90 Stat. 697 (42 U.S.C. 300u-2(a)).

§ 51g.1 To which programs does this regulation apply?

This regulation applies to health education-risk reduction grants authorized under Section 1703(a) of the Public Health Service Act (42 U.S.C. 300u-2(a)).

§ 51g.2 Definitions.

As used in this regulation:

"Act" means the Public Health Service Act, as amended.

"Health education-risk reduction" refers to health program activities which address personal choice behavior to produce changes which may result in lowering risks of developing or aggravating a chronic disease or other preventable health condition or in improving health. Examples of personal choice behavior are cigarette smoking, food selection, alcohol consumption, exercise, and stress reduction.

"Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department to whom the authority involved has been delegated.

"State" means one of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

§ 51g.3 Who is eligible to apply for a health education-risk reduction grant?

Any State health agency, or local health agency with the concurrence of its State health agency, may apply for a health education-risk reduction grant.

§ 51g.4 What information must be included in the application for a grant?

(a) A grant application must include evidence or a description of the following:

(1) *Background and need*

(i) Political subdivision included in the project.

(ii) Structure of grantee health agency.

(iii) Current population (age groups) of project area.

(iv) Ethnic and geographic characteristics of project area.

(v) Current relevant morbidity and mortality data on the specific diseases and conditions affected by personal choice behavior. A plan for establishing a system for the collection of these morbidity data must be included if one has not already been established.

(vi) Resources and facilities available to implement the program. This information must specify personnel, by position and number; funds, by amount and source; and facilities, by description and location.

(vii) Utilization and coordination of volunteers.

(viii) Interrelationship with other relevant State and Federally assisted programs.

(ix) Additional State and other resources which will be mobilized.

(2) *Project Objectives*

(i) The objectives must be specific, measurable, and realistic.

(ii) The objectives must relate to the following national program goals:

(A) To increase knowledge and awareness in the general population of the health hazards of cigarette smoking, obesity, hypertension, and other risk factors related to chronic and preventable health conditions and diseases.

(B) To provide susceptible groups such as young people, pregnant women, the elderly, and others the opportunity to make informed decisions (for example, not to smoke or to adopt a lifestyle to combat obesity) that will positively affect personal, family, and community health and well-being.

(C) To reduce the risk factors of cigarette smoking, obesity, hypertension, and other precursors of chronic and preventable health conditions and diseases and bring about a measurable reduction in premature death and disability associated with these conditions.

(iii) Both short-term (up to 1 year) and long-term (up to 5 years) objectives must be stated.

(b) The application must contain a narrative description of procedures for carrying out the following basic program activities:

(1) Establishment of the grantee as the lead organization in coordinating health education-risk reduction activities.

(2) Establishment of working liaisons with voluntary agencies, professional and education groups, and other organizations to facilitate education, prevention, and lifestyle change programs directed toward populations in need of these programs. Examples of these organizations are State and local Boards of Education, school systems, Parent-Teacher Associations, Cooperative Extension Services, voluntary health agencies, and health service providers.

(3) Conduct of public and professional education and information activities about lifestyle and chronic disease programs with special emphasis on the general health effects of smoking and other risk factors.

(4) Development of plans for identifying and recording information on the risk factors of chronic diseases and for developing or modifying surveillance systems to record the morbidity and mortality of smoking-related diseases (for example, myocardial infarction, cancer of lung, larynx, pharynx, and urinary bladder). These activities must be coordinated with existing data collection systems for these diseases.

(5) Establishment of prevalence and attitudinal baseline data for selected

groups to provide documentation for education activities related to smoking or other risk factors.

(6) Identification and listing of existing health education-risk reduction activities on a Statewide or local project area basis, including those carried out in schools or by voluntary and private agencies.

(c) The application may request funds for optional program activities. A grantee must submit additional narrative and budget material for each optional program activity. Applications for optional program activities must address specific risk reduction activities such as media approaches, special innovative youth activities, and health education activities with specific high risk target groups. Voluntary and other private sector health and education agencies and organizations may submit proposals for support of health education-risk reduction programs to the State or local health agency for consideration as part of the grant application.

(d) The application must contain evidence satisfactory to the Secretary that it meets all applicable requirements of Section 1513(e) of the Act concerning review by the appropriate Health Systems Agency.

§ 51g.5 How will grant applications be evaluated and the grants awarded?

(a) The Secretary may award grants for projects which will best promote the purposes of Section 1703(a) of the Act. In making this determination, the Secretary will consider the extent to which:

(1) The basic program elements are addressed.

(2) The grantee agency health education unit is being involved in the program in a meaningful and productive manner.

(3) Budget requests and proposed use of grant funds are appropriate and reasonable.

(4) A logical method of operation is specified for each proposed activity.

(5) The applicant has developed adequate plans for involving a wide range of public, private, and voluntary agencies in health education activities in the project area and plans have been made to use existing community resources effectively.

(6) The project objectives are specific, measurable, realistic, and related to the national program goals.

(7) Effective evaluation measures are specified.

(b) Neither the approval of a grant application nor the award of any grant obligates the United States to make any additional, supplemental, continuation,

or other award to any approved program. The grantee must apply for continuing support.

§ 51g.6 How may a grantee use grant funds?

A grantee may use grant funds for salaries and related costs of planning, organizing, and implementing health education-risk reduction program activities. A grantee may not use grant funds to supplant or replace existing State or local funds.

§ 51g.7 Which other HEW regulations apply to these grants?

Several other HEW regulations apply to grants under this part. These include, but are not limited to:

45 CFR Part 74—Administration of Grants.

45 CFR Part 75—Informal Grant Appeals Procedures.

45 CFR Part 80—Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health, Education, and Welfare Effectuation of Title VI of the Civil Rights Act of 1964.

45 CFR Part 81—Practice and Procedure for Hearings Under Part 80.

45 CFR Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

§ 51g.8 Which other conditions apply to these grants?

The Secretary may, with respect to any grant award, impose additional conditions at the time of the grant award when the Secretary determines that they are necessary to advance the approved program, the interest of the public health, or the conservation of grant funds.

[FR Doc. 79-30146 Filed 9-27-79; 8:45 am]
BILLING CODE 4110-06-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****43 CFR Part 1820**

[Circular No. 2452]

Application Procedures; Subpart 1821—Execution and Filing of Forms; Place for Filing

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking amends 43 CFR 1821.2-1 to reflect the addresses of offices where applicants can inspect records and file applications and other documents under this title. This updating is designed to expedite the processing of applications.

EFFECTIVE DATE: September 28, 1979.

ADDRESS: Any suggestions or inquiries should be sent to: Director (650), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Cecil R. Feeney (202) 343-7424.

SUPPLEMENTARY INFORMATION: The principal author of this rulemaking is Cecil R. Feeney of the Office of Legislation and Regulatory Management, Bureau of Land Management, Washington, D.C.

It is hereby determined that publication of this final rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 [42 U.S.C. 4332(2)(C)] is required.

The Department of the Interior has determined that this document is not a

significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The customary 30-day period between the publication date and effective date of final rules is hereby waived because this rulemaking does not initiate change, but is an administrative action reflecting changes.

Under the authority of section 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1740), Part 1820, Group 1800, Subchapter A, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

James Curlin
Acting Assistant Secretary of the Interior.
September 24, 1979.

1. Section 1821.2-1 is amended to read as follows:

§ 1821.2-1 Office hours; place for filing.

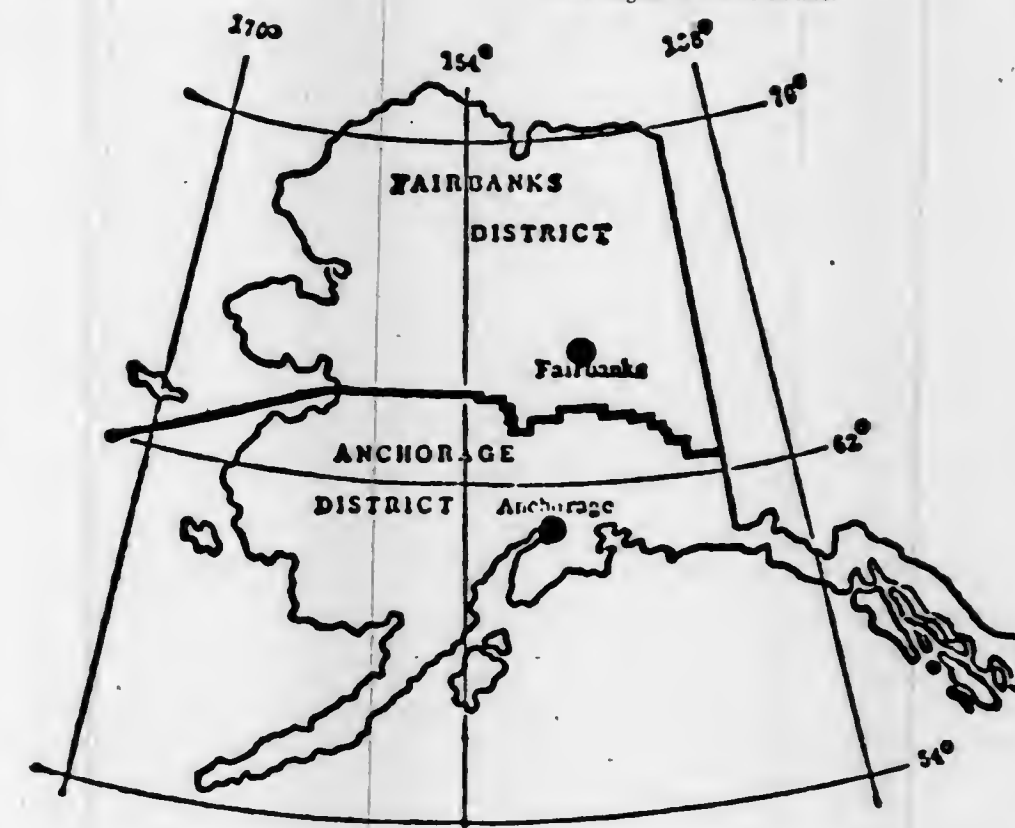
(d) * * *

Office and Area of Jurisdiction

Alaska State Office, 701 "C" Street, Box 13, Anchorage, Alaska 99513—Southern Alaska.¹

Fairbanks District Office, N. Post of Ft. Wainwright, P.O. Box 1150, Fairbanks, Alaska 99707—Northern Alaska.¹

¹ See diagram for division line.



Arizona State Office, 2400 Valley Bank Center, Phoenix, Arizona 85073—Arizona.
California State Office, Federal Building, 2800 Cottage Way, Sacramento, California 95825—California.
Colorado State Office, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202—Colorado.
Eastern States Office, 350 So. Pickett Street, Alexandria, Virginia 22304—Arkansas, Iowa, Louisiana, Minnesota, Missouri, and all States east of the Mississippi River.
Idaho State Office, Federal Building, 550 West Fort Street, Box 042, Boise, Idaho 83724—Idaho.
Montana State Office, Granite Tower, 222 N. 32nd Street, P.O. Box 30157, Billings, Montana 59107—Montana, North Dakota, and South Dakota.
Nevada State Office, Federal Building, 300 Booth Street, Reno, Nevada 89509—Nevada.
New Mexico State Office, U.S. Post Office and Federal Building, South Federal Place, Santa Fe, New Mexico 87501—New Mexico, Oklahoma, and Texas.
Oregon State Office, 729 Northeast Oregon Street, Portland, Oregon 97208—Oregon and Washington.
Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111—Utah.
Wyoming State Office, 2515 Warren Avenue, P.O. 1828, Cheyenne, Wyoming 82001—Wyoming, Kansas, and Nebraska.
[FR Doc. 79-30166 Filed 9-27-79; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Part 2540

[Circular No. 2447]

Qualification of Applicants; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule relating to color-of-title and omitted lands published in the Federal Register, July 18, 1979 (44 FR 41792).

FOR FURTHER INFORMATION CONTACT: Stephen Spector, 202-343-8731.

SUPPLEMENTARY INFORMATION: The FR Doc. 79-22171 amending 43 CFR Part 2540 published in the Federal Register on July 18, 1979, (44 FR 41793), is corrected by changing the reference in the last sentence of § 2547.1(a) from "2342" to "2742".

James Curlin,

Acting Assistant Secretary of the Interior.
September 24, 1979.

[FR Doc. 79-30194 Filed 9-27-79; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Part 2740

[Circular No. 2450]

Recreation and Public Purposes Act; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule relating to Recreation and Public Purposes Act published in the Federal Register, July 25, 1979 (44 FR 43470).

FOR FURTHER INFORMATION CONTACT: Stephen Spector, 202-343-8731.

SUPPLEMENTARY INFORMATION: The FR Doc. 79-22923 amending 43 CFR 2740 published in the Federal Register on July 25, 1979 (44 FR 43470), is corrected by changing the sentence in item "1", which follows the signature of the Assistant Secretary of the Interior in column 2 on page 43471, from "1. Part 2740 is revised to read as follows:" to "1. Subparts 2740 and 2741 are revised to read as follows:".

James Curlin,

Acting Assistant Secretary of the Interior.
September 24, 1979.

[FR Doc. 79-30195 Filed 9-27-79; 8:45 am]
BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 3

Standards of Conduct

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This corrects an erroneous citation in Section 3.88 of the FEMA Standards of Conduct Regulations.

ADDRESS: Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Office of the General Counsel, (202) 254-6435.

SUPPLEMENTARY INFORMATION: Interim FEMA Standards of Conduct Regulations were published on August 27, 1979 in the Federal Register. There is an incorrect reference in § 3.88 of this regulation. Section 3.88 appears at 44 FR 50284. There is a reference to § 008.080 which should be § 3.80.

Accordingly, 44 CFR 3.88 is amended by deleting "§ 008.080" where it appears in the section and substituting "§ 3.80" in lieu thereof.

(5 CFR Parts 735, EO 11222 (30 FR 6469), 3 CFR 1964-1965 Compl. page 306).

Dated: September 24, 1979.

George Jett,

General Counsel.

[FR Doc. 79-30092 Filed 9-27-79; 8:45 am]
BILLING CODE 4210-23-M

44 CFR Part 65

[Docket No. FEMA 5700]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line 800-424-8872, Room 5150, 451 Seventh St., SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood Insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of

Federal Regulations except for the page number of this entry in the Federal Register.
The entry reads as follows:

§ 65.9 List of communities with minimal flood hazard areas.

State	County	Community name	Date of conversion to regular program
Iowa	Carroll	City of Carroll	October 2, 1979.
Washington	Spokane	Town of Rockford	October 2, 1979.
Louisiana	Richland Parish	Town of Mangham	October 9, 1979.
Oklahoma	Wagoner	Town of Red Bird	October 9, 1979.
Texas	McLennan	City of Lacy-Lakeview	October 9, 1979.
New Jersey	Monmouth	Township of Upper Freehold	October 12, 1979.
Louisiana	East Carroll Parish	Town of Lake Providence	October 16, 1979.
Texas	Archer	City of Archer City	October 16, 1979.
Washington	Spokane	Town of Fairfield	October 16, 1979.
Kansas	Harper	City of Harper	October 23, 1979.
Texas	San Patricio	City of Mathis	October 23, 1979.
South Carolina	Dorchester	Town of Harleyville	October 26, 1979.
New Jersey	Morris	Borough of Mount Arlington	October 26, 1979.
Kansas	Rawlins	City of Herndon	October 30, 1979.
Utah	Sevier	Town of Annabella	October 30, 1979.
Washington	King	Town of Black Diamond	October 30, 1979.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: September 14, 1979.

Gloria M. Jinenez,

Federal Insurance Administrator.

[FR Doc. 79-30111 Filed 9-27-79; 8:45 am]
BILLING CODE 4210-23-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

45 CFR Part 19

Change of Designation of Chairman of the Pharmaceutical Reimbursement Board

AGENCY: Office of the Secretary, HEW.
ACTION: Final regulation.

SUMMARY: This rule specifies that the Director of the Bureau of Program Policy within the Health Care Financing Administration (HCFA) or his designee will serve as Chairman of the Pharmaceutical Reimbursement Board. The amendment is made necessary by an internal reorganization within HCFA.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Peter Rodler, 301-594-9485.

SUPPLEMENTARY INFORMATION: The present Maximum Allowable Cost (MAC) regulations specify that the Director of the Office of Pharmaceutical Reimbursement (OPR) will serve as Chairman of the Pharmaceutical Reimbursement Board. The Health Care Financing Administration, within which

OPR is located, has recently undergone internal reorganization. The present functions of OPR will be conducted within the newly created Bureau of Program Policy. The amended rule specifies that the Director of the Bureau of Program Policy or his designee will serve as Chairman of the Board.

This amendment to the MAC regulations is merely technical, and involves no substantive change in the MAC program. We intend that the MAC program will continue to function as before, without interruption. Because the amendment is technical and involves no substantive change, we find that there is good cause to waive a notice of proposed rulemaking and good cause not to have a delayed effective date. The rule is, therefore, published in final form, effective on the date of publication.

45 CFR Section 19.4 is amended by revising paragraph (a) to read as follows:

§ 19.4 Establishment of Pharmaceutical Reimbursement Board.

(a) There is established in the Health Care Financing Administration a Pharmaceutical Reimbursement Board consisting of six full time employees of the Department, representing the principal offices and agencies concerned with developing and implementing cost determinations under this part. The Director of the Bureau of Program

Policy, HCFA, or his designee shall serve as the Chairman.

* * * * *

(Section 1102 of the Social Security Act, 42 U.S.C. 1302)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program).

Dated: September 24, 1979.

Patricia Roberts Harris,

Secretary.

[FR Doc. 79-30147 Filed 9-27-79; 8:45 am]
BILLING CODE 4110-35-M

OFFICE OF PERSONNEL MANAGEMENT

45 CFR Part 801

Voting Rights Program

AGENCY: Office of Personnel Management.

ACTION: Final Rule; Nomenclature and Editorial Changes.

SUMMARY: This document makes nomenclature and editorial changes to the Office of Personnel Management's regulations on the Voting Rights Program. These changes result from Reorganization Plan No. 2 of 1978, which abolished the U.S. Civil Service Commission and transferred responsibility for the program to the U.S. Office of Personnel Management.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: James Ludwig, 202-632-5420.

SUPPLEMENTARY INFORMATION: Reorganization Plan No. 2 of 1978 (43 FR 36037) transferred, from the Civil Service Commission to the Office of Personnel Management, the responsibility for maintaining Chapter 8 of Title 45 of the Code of Federal Regulations. This document contains a list of terms and addresses that will be changed in that chapter. Because the forms titles (e.g., CSC 805-L) have not been changed, they appear as CSC forms. As their titles are changed, notice will appear in the Federal Register.

Office of Personnel Management
Beverly M. Jones,
Issuance System Manager.

Accordingly, the Office of Personnel Management is amending Part 801, of Title 45, Code of Federal Regulations as follows:

Part 801 [Amended].

(1) The following are nomenclature and editorial changes to Part 801 of Title 45, Code of Federal Regulations.

Change from	to
United States Civil Service Commission	U.S. Office of Personnel Management
U.S. Civil Service Commission	U.S. Office of Personnel Management
Civil Service Commission	U.S. Office of Personnel Management
Commission	OPM
Comision del Servicio Civil de los Estados Unidos	Oficina de Administracion de Personal de los Estados Unidos de America

§ 801.206 Appendix C [Revised].

(2) Appendix C of § 801.206 is revised to read as follows:

Appendix C

These are the addresses of each Examiner (State Supervisor), U.S. Office of Personnel Management.

Alabama

Examiner (State Supervisor), U.S. Office of Personnel Management, Southeast Region, 75 Spring Street, S.W., Atlanta, Georgia, 30303.

Georgia

Examiner (State Supervisor), U.S. Office of Personnel Management, Southeast Region, 75 Spring Street, S.W., Atlanta, Georgia, 30303.

Louisiana

Examiner (State Supervisor), U.S. Office of Personnel Management, Southwest Region, 610 South Street, Room 804, New Orleans, Louisiana, 70130.

Mississippi

Examiner (State Supervisor), U.S. Office of Personnel Management, Southeast Region, 802 State Street, Room 403, Jackson, Mississippi, 39201. Address effective December 1, 1979: 75 Spring Street, S.W., Atlanta, Georgia, 30303.

South Carolina

Examiner (State Supervisor), U.S. Office of Personnel Management, Southeast Region, 75 Spring Street, S.W., Atlanta, Georgia, 30303.

Texas

Examiner (State Supervisor), U.S. Office of Personnel Management, Southwest Region, 1100 Commerce Street, Room 4C24, Dallas, Texas, 75242.

(Reorganization Plan No. 2 of 1978 (43 FR 36037))

[FR Doc. 79-30144 Filed 9-27-79; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

45 CFR Part 1361

Vocational Rehabilitation Programs

AGENCY: Department of Health, Education, and Welfare, Office of Human Development Services, Rehabilitation Services Administration.

ACTION: Final regulation with a comment period.

SUMMARY: This regulation provides for the designation of a substitute agency to carry out a State's vocational rehabilitation service program when the Commissioner of the Rehabilitation Services Administration has withheld all funds from the previously designated State agency. The purpose of the regulation is to identify the procedures and criteria for choosing a substitute agency.

DATES: Effective date: This regulation is final October 29, 1979. All comments received on this regulation on or before November 27, 1979 will be considered for possible revision.

ADDRESS: Written comments on the regulations should be sent to the Commissioner, Rehabilitation Services Administration, Department of Health, Education, and Welfare, Washington, D.C. 20201. These comments will be open for inspection in Room 3321, Mary E. Switzer Building, 330 C Street, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Harold F. Shay, Director, Division of Manpower Development, Rehabilitation Services Administration, Room 3321, Mary E. Switzer Building, 330 C Street, SW., Washington, D.C. 20201, (Area Code (202) 245-0079) or (TTY (202) 245-0591).

SUPPLEMENTARY INFORMATION: This regulation implements section 101(c)(2) of the Rehabilitation Act of 1973, as added by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Pub. L. 95-602). Under this provision, the Commissioner may designate a substitute agency to carry out the State's program of vocational rehabilitation services if funds are totally withheld from the previously designated sole State vocational rehabilitation agency because either (1) the State plan has been found out of conformity with the Act or (2) the State has not been

complying with the requirements of the Act in its administration of the State plan. This regulation will be operative only when an administrative decision under section 1361.5 of this part is in effect and funds either have been totally withheld from a State agency or funds have been granted to a State agency on a temporary basis for the purpose of assisting in an orderly transition of responsibility to a substitute agency. The substitute State agency provision will not be applied when funds have only been partially withheld.

Any public or nonprofit private organization or agency, or any political subdivision of a State, may apply to serve as the substitute agency. The Commissioner will designate a substitute agency on the basis of a competitive review of proposals submitted by applicants. Each proposal will be expected to describe the applicant's plans for developing a vocational rehabilitation service program which conforms with all State plan requirements established under Title I of the Act. The Commissioner will select the proposal which offers the greatest promise of program excellence. The substitute State plan need not be submitted by the substitute agency until after the proposal with the greatest merit has been selected.

A substitute State plan may be approved for a three-year period or for that period of time remaining after funds have been withheld under a previously approved State plan. The Commissioner will determine on an individual basis the period of time for which each substitute State plan is approved, based on such factors as the period of time remaining under a previously approved State plan and the reasons for withholding funds from the State.

Administration of the State vocational rehabilitation program by a sole State agency is, of course, preferred. The regulation, therefore, provides a mechanism by which the previously designated State agency will be re-designated as the sole State agency for vocational rehabilitation if it submits an approvable State plan or changes its administration of the plan to comply with Federal requirement after the substitute agency has begun operation. When a State agency has been re-designated, the Commissioner will determine the earliest possible date for the State agency to resume administrative responsibility for the program after he has discussed the matter with both the State agency and the substitute State agency.

In developing this regulation, consideration was given to specifying a date on which the State agency would

routinely resume its operation of the program. This approach was considered not feasible because of the special variables expected in each situation. The Commissioner will determine therefore the date of resumption of responsibility in each special case.

Because of the likelihood that it will soon be necessary for the Commissioner to designate a substitute State agency, this regulation is being published in final form and will be effective 30 days after publication. A Notice of Availability of Draft Regulations was published in the Federal Register of April 2, 1979 (44 Fed. Reg. 19214) and approximately 100 requests for draft regulations were received.

The Rehabilitation Service Administration will publish a complete set of proposed regulations covering new provisions of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 and recodifying existing regulations under the Rehabilitation Act of 1973 in the near future. There will be a 60-day comment period on section 1361.24 and we will consider public comment on this final regulation before we publish the final version of those proposed and recodified rules.

Accordingly, Part 1361 of Chapter XIII of Title 45 of the Code of Federal Regulations is amended as follows:

PART 1361—THE STATE VOCATIONAL REHABILITATION PROGRAM

In Subpart B of Part 1361, § 1361.24 is added as follows:

§ 1361.24 Designation of substitute State vocational rehabilitation agency.

(a) *General Provisions.* (1) If the Commissioner has withheld all funding from a State under § 1361.5, he may designate another agency to substitute for the State agency in carrying out the State's program of vocational rehabilitation services. Funds are considered to be withheld when a final administrative decision under § 1361.5 is in effect and funds either are not granted to a State agency or are granted to the State agency to enable it to operate the program on a temporary basis pending the orderly transition of responsibility to a substitute agency.

(2) Any public agency or nonprofit organization or agency within the State or any political subdivision of the State may apply for designation as a substitute agency.

(3) To be eligible for designation as a

substitute agency, the applicant must submit a proposal for a substitute State plan which meets the requirements of this part.

(4) The substitute State plan covers a three-year period or the remaining portion of the period covered by the previously approved State plan. The Commissioner may not make a grant to a substitute agency until he approves its plan.

(b) *Proposal submittal.* A proposal for submitting a substitute State plan must be in the format required by the Commissioner.

(c) *Factors considered in evaluating proposals.* In selecting a substitute agency, the Commissioner considers the following factors:

(1) The program and financial capacity of the applicant agency for carrying out a program of vocational rehabilitation services, including the source of funds to be contributed in order to match Federal funds;

(2) The organizational structure of the applicant agency;

(3) The qualifications to be required of the applicant agency staff; and

(4) The extent to which the proposed State vocational rehabilitation service program is comparable to the program which had been carried out under the most recent previously approved State plan in the State.

(d) *Review of proposals.* In selecting a substitute agency, the Commissioner evaluates the relative merit of all proposals which are submitted.

(e) *Substitute agency matching share.* The Commissioner shall not make any payment to the substitute agency unless it has provided assurances that it will contribute the same proportion of the total amount of funds as the State would have been obligated to contribute if the State agency were carrying out the vocational rehabilitation service program.

(f) *State agency re-designation.* If the State agency changes its State plan or agrees to change its administration of the plan to comply with Federal requirements, the State agency is re-designated as the agency to operate the vocational rehabilitation program. The State agency resumes its operation of the program on a date determined by the Commissioner after discussion with the substitute agency and the State agency. (29 U.S.C. 712)

EFFECTIVE DATE: These regulations shall be effective October 29, 1979.

Dated: August 24, 1979.

Robert R. Humphreys,
Commissioner, Rehabilitation Services Administration.

Approved: August 27, 1979.

Arabella Martinez,
Assistant Secretary for Human Development Services.

Approved: September 24, 1979.

Patricia Roberts Harris,
Secretary.

[FR Doc. 79-30296 Filed 9-27-79; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF COMMERCE

United States Fire Administration

45 CFR Chapter XX

Transfer and Vacation of Regulations

The regulations in this chapter have been transferred to Title 44 Chapter I and this chapter vacated elsewhere in this issue of the Federal Register. See the Table of Contents under Federal Emergency Management Agency for the page number.

BILLING CODE 4210-23-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 81, 83, 90

[Gen. Docket No. 78-376; FCC 79-523]

Making the Frequencies 156.050 and 156.175 MHz Available for Port Operations Purposes in the Coast Guard Designated New Orleans Vessel Traffic Services Area

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Amendment of the rules to make the frequencies 156.050 and 156.175 MHz available for port commercial and port operations purposes in a portion of the Coast Guard designated New Orleans Vessel Traffic Services (VTS) radio protection area. As a result of the assignment of three maritime mobile frequencies for exclusive use for VTS purposes in the New Orleans VTS area, this amendment is deemed necessary to help alleviate the burden on the remaining frequencies available.

EFFECTIVE DATE: October 29, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert H. McNamara, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of Parts 2, 81, 83 and 89 of the rules to make the frequencies 156.050 and 156.175 MHz available for port operations purposes in the Coast Guard designated New Orleans Vessel Traffic Services area. Gen Docket No. 78-376.

Report and Order—(Proceeding Terminated)
(43 FR 59110)

Adopted: September 13, 1979.

Released: September 21, 1979.

By the Commission:

Summary

1. This action will amend the Commission's rules to make two additional frequencies (156.050 and 156.175 MHz) available for commercial and port operations purposes in a portion of the U.S. Coast Guard designated New Orleans Vessel Traffic Services (VTS) radio protection area.

Background

2. As part of a program to implement the provisions of the "Ports and Waterways Safety Act of 1972" (Pub. L. 92-340, 86 Stat. 424, 33 U.S.C. 1221) the U.S. Coast Guard is establishing Vessel Traffic Services (VTS) systems for a number of the largest and busiest port areas in the United States. These VTS systems are, essentially, vessel movement reporting systems designed to prevent damage to or loss of vessels, bridges or other structures in U.S. navigable waters, and to protect these waters and associated natural resources from environmental harm resulting from such damage or loss. At the request of the Commandant, U.S. Coast Guard, the Commission amended the rules in order to make up to three frequencies available exclusively for VTS purposes within designated VTS radio protection areas.¹ Due to a scarcity of suitable frequencies it was necessary to select frequencies previously authorized for commercial (156.550 MHz) and port operations (156.600 and 156.700 MHz) purposes in the Maritime Mobile Service. Although these frequencies were extensively utilized in the large port areas involved, the Commission believed it was expected by law, and in the public interest, to assist the Coast Guard in implementing the new legislation.

3. As traffic has shifted in the affected port areas² from the previously available frequencies, use of the remaining frequencies has been increasing. It appears that maritime communications in the New Orleans port area have been particularly strained. Due to the size and number of vessel movements, the Coast Guard divided the New Orleans VTS area into three sectors and utilized all three of the frequencies available for assignment exclusively for VTS purposes. This has resulted in the loss of two of the seven available port operations frequencies and one of the eight commercial frequencies for vessels operating in the New Orleans VTS area.

¹ Report and Order, Docket No. 20444, Adopted December 2, 1975, 40 FR 57673, 56 FCC 2d 10889.

² The Coast Guard is in various stages of implementing VTS systems in the port areas of New Orleans, New York, Houston, Seattle, San Francisco and Valdez (Alaska).

4. In conjunction with meetings with the Coast Guard and industry the staff has been studying the feasibility of utilizing frequencies in the band 156.025-156.250 MHz³ for port operations purposes in certain VTS areas. Although this band is allocated to the land mobile Public Safety Radio Service in the United States, assignments could be made such that the use of one or more of the subject frequencies by maritime mobile licensees operating in designated VTS areas, the rules were amended in Docket No. 21370⁴ to make available the frequency 156.250 MHz for port operations purposes in the New Orleans and Houston VTS areas. After careful investigation it was determined that the use of the band edge frequency 156.250 MHz by maritime mobile stations in these two VTS areas would not result in harmful interference with land mobile assignments on the adjacent highway maintenance frequencies.

5. Because of the apparent need by vessel operators in the New Orleans area, we individually addressed that area in the Notice of Proposed Rule Making in this proceeding.⁵ After analyzing land mobile assignments in the band 156.025-156.250 MHz in the New Orleans port area, we proposed to make the frequencies 156.050 and 156.175 MHz available to stations in the Maritime Mobile Service in a portion of the New Orleans VTS area.⁶ We noted that the use of these two frequencies by maritime stations would prevent the assignment of four Highway Maintenance Radio Service (HMRS) frequencies⁷ in the New Orleans area due to the potential for co-channel interference. However, we specifically requested comments as to whether the two selected frequencies could be utilized by the Maritime Mobile Service in the entire VTS radio protection area⁸ without potential harm to the HMRS.

Comments

6. Comments regarding the Notice of Proposed Rule Making were received from (1) the American Commercial Barge Line

³ Frequencies in this band are allocated internationally to the maritime mobile service in Appendix 18 of the Radio Regulations. Therefore, they are within the operating capabilities of many existing shipboard transceivers.

⁴ Report and Order, Docket No. 21370, Adopted December 7, 1977, 42 FR 6496, 87 FCC 2d 903.

⁵ Notice of Proposed Rule Making, Gen Docket No. 78-376, adopted December 7, 1978, 43 FR 59110, FCC 78-844.

⁶ We proposed to limit the use of the subject frequencies by maritime mobile stations to the lower Mississippi River, from the various pass entrances in the Gulf of Mexico to Godchaux light at river mile 136. This is approximately 25 air miles from the Center of New Orleans. Further we proposed to limit assignment of the four HMRS frequencies within 100 miles from the center of New Orleans [29°56'53"N., 90°04'10"W.].

⁷ 156.045, 156.060, 156.165 and 156.180 MHz.

⁸ The New Orleans VTS radio protection area is defined in Rules 81.357 and 83.361 as the rectangle between north latitudes 27°30' and 31°30' and west longitudes 87°30' and 92°.

Company,⁹ (2) the Union Mechling Corporation, (3) the American Waterways Operators, Inc. (AWQ), (4) the C. W. Gladders Towing Company, Inc., and (5) the Ad Hoc Committee for Ports and Waterways. No reply comments were filed.

7. All of the comments supported the proposed amendment of the Commission's rules. In addition the American Commercial Barge Line Company and AWO support the use of the two subject frequencies in the entire VTS area rather than only in a portion thereof. AWO states that the acute need of the maritime service for additional frequencies extends to Baton Rouge, approximately 100 miles upstream from New Orleans. AWO further argues that there is no indication that allowing the use of the two frequencies in the entire New Orleans VTS area would interfere with existing or proposed HMRS operations.

8. As an ancillary matter, AWO notes that we have proposed to allocate both frequencies for port operations usage. Coupled with 156.250 MHz which was also allocated for port operations purposes (in Docket No. 21370 supra) these port operations dedicated frequencies replace the one commercial and two port operations frequencies originally taken for VTS usage. AWO suggests that, in view of the frequency shortage in the Mississippi River area, 156.050 and 156.175 MHz be authorized for both commercial and port operations usage.

Discussion

9. The use of the two subject frequencies in the entire VTS radio protection area would result in interference with existing HMRS licensees located along the perimeter of the area. Considering typical radiated powers, antenna heights and area propagation characteristics, in the case of frequencies 5 kHz apart (e.g. 156.045 and 156.050 MHz) an additional protection area of approximately 75 miles beyond the VTS radio protection area boundaries would be required to prevent harmful interference between marine and highway maintenance users. For frequencies 10 kHz apart (e.g. 156.050 and 156.060 MHz) an additional 50 miles would be required. However, it appears that by enlarging the portion of the VTS area where the two frequencies are authorized to include the complete New Orleans-Baton Rouge corridor, relief will be provided for the most heavily travelled and heavily congested area without potential interference problems being caused to existing HMRS licensees. Therefore, we will authorize the use of the frequencies 156.050 and 156.175 MHz by maritime mobile stations from the various pass entrances in the Gulf of Mexico to Devil's Swamp Light at mile 242.4 AHP (above head of pass) near Baton Rouge, rather than to Godchaux light at river mile 136 as initially proposed.

10. In regard to AWO's suggestion that the subject frequencies be authorized for both

⁹ Two comments were filed on behalf of the American Commercial Barge Line Company. One received January 15, 1979 was signed by Paul H. Hise, Electronic Engineer. The other, signed by Jack R. Bullard, Marine Superintendent, was received January 17, 1979. Since both comments are similar, we are treating them as one herein.

commercial and port operations usage,¹⁰ we feel this is a viable approach. One of the three frequencies dedicated for VTS purposes was previously used for commercial communications. We proposed to make both 156.050 and 156.175 MHz available for port operations purposes because industry appeared to be most concerned with the need to reduce congestion on port operations channels. However, in light of the heavy use of commercial as well as port operations frequencies in the New Orleans area and the relatively limited use (at least initially) expected on the new replacement frequencies, we will follow AWO's recommendation and authorize both commercial and port operations communications on the frequencies 156.050 and 156.175 MHz.

Action

11. In view of the above, we are amending the Commission's rules, substantially as proposed in the NPRM, to make the frequencies 156.050 and 156.175 MHz available for commercial and port operations purposes in a portion of the Coast Guard designated New Orleans VTS radio protection area. As a result of the deregulation of the Private Land Mobile Radio Service, Part 90 rather than Part 89 (as appears in the caption and the Notice of Proposed Rule Making) will be amended by this proceeding.

12. Regarding questions on matters covered in this document contact Robert McNamara, (202) 632-7175.

13. Accordingly, IT IS ORDERED, That, pursuant to the authority contained in Sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended, the Commission's rules ARE AMENDED as set forth in the attached Appendix, effective October 29, 1979.

14. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

[Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.]

Federal Communications Commission,
William J. Tricarico,
Secretary.

Attachment: Appendix.

Appendix

Parts 2, 81, 83 and 90 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

¹⁰ "Port operations" communications consist of messages relating to the safety, operational handling and movement of ships in or near ports, locks or navigable waterways. These communications may be between ship stations or between a ship station and a coast station. "Commercial" communications consist of messages pertaining to commercial, operational or economic matters directly related to the purposes for which a ship is used. The communications may be between ship stations aboard commercial transport vessels or between a ship station aboard a commercial vessel and a coast station.

A. PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

In § 2.106 the table is amended by deleting NG 117 and adding NG 119 in column 8 in the band 154.6375-156.250 MHz, and NG footnotes are amended by adding NG 119, to read as follows:

§ 2.106 Table of frequency allocations.

Band (MHz)	Service	Frequency (MHz)	Nature of Services and Stations
7	8	10	11
154.6375-156.25	Land mobile (NG 119).		Public safety.

NG Footnotes.

NG 119. Specified frequencies in the band 156.025-156.250 MHz may be assigned to stations in the maritime mobile service for commercial and port operations purposes within certain Coast Guard designated Vessel Traffic Services (VTS) radio protection areas, or parts thereof, listed in §§ 81.357 and 83.361.

B. PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

In § 81.356, the table in paragraph (a) is amended, and paragraph (b)(3) is added, to read as follows:

§ 81.356 Assignable frequencies in the band 156-162 MHz.

(a) * * *

Port operations			
01	156.050	156.050Coast to ship.	3
63	156.175	156.175.....do.....	3
05	156.250	156.250.....do.....	2

* * *	* * *	* * *	* * *
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Commercial			
01	156.050	156.050Coast to ship.	3
63	156.175	156.175.....do.....	3
07	156.350	156.350.....do.....	
* * *	* * *	* * *	* * *

* * *	* * *	* * *	* * *
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(b) * * *

(3) Available for use within the U.S. Coast Guard designated Vessel Traffic Services (VTS) area of New Orleans, on the Lower Mississippi River from the various pass entrances in the Gulf of Mexico to Devil's Swamp light at river mile 242.4 AHP (above head of pass) near Baton Rouge.

C. PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.351, the table in paragraph (a) is amended, and paragraph (b)(9) added, to read as follows:

§ 83.351 Frequencies available.

(a) * * *

Carrier frequency (MHz)	Conditions of use	
	Section	Limitations
156.050	83.359	9
156.175	83.359	9
156.250	83.359	12

(b) * * *

(9) Available for use within the U.S. Coast Guard designated Vessel Traffic Services (VTS) area of New Orleans, on the Lower Mississippi River from the various pass entrances in the Gulf of Mexico to Devil's Swamp light at river mile 242.4 AHP (above head of pass) near Baton Rouge.

2. In § 83.359, the table under "Port Operations" and "Commercial" is amended to read as follows:

§ 83.359 Frequencies in the band 156-162 MHz available for assignment.

* * *

Channel designator	Frequency MHz	Points of communication
	Ship	Coast
* * *	* * *	* * *

Port Operations			
01	156.050	156.050	Intership and ship to coast.
63	156.175	156.175	Do.
05	156.250	156.250	Do.

* * *	* * *	* * *	* * *
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Commercial			
01	156.050	156.050	Intership and ship to coast.
63	156.175	156.175	Do.

07 156.350 156.350 Do.
* * * *

D. PART 90—PRIVATE LAND MOBILE RADIO SERVICES

In § 90.23, the table in paragraph (b) is amended and a new subparagraph c(14) is added, to read as follows:

§ 90.23 Highway maintenance radio service.

(b) * * *

Frequency or band	Class of station(s)	Limitations
MHz:		
* * * *	* * *	* * *
156.045	Mobile	14
156.060	do	14
* * *	* * *	* * *
156.165	Base and mobile	5, 14
156.180	do	5, 14
* * *	* * *	* * *

(c) * * *

(14) This frequency may not be assigned with 100 miles of New Orleans (coordinates 29-56-53 N and 90-04-10 W).

[FR Doc. 79-23967 Filed 9-27-79; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Parts 2, 87

[Gen. Docket No. 78-235; RM-2971; FCC 79-526]

Making the Frequencies in the 190-200, 510-525 and 525-535 kHz Bands Available to the Aeronautical Radionavigation Service; Providing for Sharing of the Bands 275-285 and 325-335 kHz by Aeronautical and Maritime Radionavigation Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action terminates the proceeding and amends the rules to provide additional frequencies for aeronautical radionavigation beacons. In addition it provides for certain portions of the bands used by aeronautical beacons to be shared by maritime beacons. The action was necessary because of frequency congestion in part brought about by use of beacons on off-shore drilling and exploration platforms for the guidance of helicopters and small craft, and in part by the proliferation of navigation beacons at private airports. These rule amendments will provide more

frequencies for the installation of these beacons.

EFFECTIVE DATE: October 29, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kemp J. Beaty, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Report and Order

(Proceeding Terminated)

Gen Docket No. 78-235 RM-2971

Adopted: September 13, 1979.

Released: September 21, 1979.

By the Commission:

In the matter of amendment of Parts 2 and 87 of the Commission's rules to make frequencies in the 190-200, 510-525 and 525-535 kHz bands available to the aeronautical radionavigation service. Amendment of Part 2 of the rules to provide for sharing of the bands 275-285 and 325-335 kHz by aeronautical and maritime radionavigation services.

1. Acting on a petition for rulemaking from the Radio Technical Commission for Aeronautics (RTCA), the Commission released a Notice of Proposed Rule Making (NPRM) in the subject matter on August 11, 1978. This was published in the *Federal Register* on August 17, 1978 (43 FR 36489). Comments were due on October 16, 1978, and reply comments due on November 15, 1978.

2. The petition requested that the Commission consider the following:

a. Make the band 190-200 kHz available exclusively for the aeronautical radionavigation service;

b. make the band 525-535 kHz available for the aeronautical radionavigation service on a shared co-equal basis with Travelers Information Stations;

c. make the band 510-525 kHz available exclusively for aeronautical radionavigation with a footnote concerning use of 512 kHz for use by the maritime mobile service, and

d. consider the sharing of the bands 275-285 and 325-335 kHz by maritime and aeronautical radionavigation.

3. Comments were submitted by the following:

Aircraft Owners and Pilots Association

Aeronautical Radio, Inc. and the Air

Transport Association of America

Alaska Aviation Radio, Inc.

Condor Helicopter

Central Committee on Telecommunications of

the American Petroleum Institute

Radio Technical Commission for Aeronautics

All of the comments favored the proposal. No reply comments were submitted.

4. The reason given by RTCA for its proposal is a condition of congestion on most of the frequencies now used for aeronautical non-directional beacons (NDB). These beacons, normally assigned frequencies from 200 to 415 kHz, are used for navigation purposes by both general aviation and carrier aircraft. The signal from the beacon is used to determine the aircraft's bearing from a fixed point. The stations are primarily operated by

the U.S. Government with provision made for the authorization of non-Government facilities by the Commission after coordination between the Commission and the Federal Aviation Administration (FAA). For the past several years, concurrent with the growth in aviation, installation of these beacons has increased. Since 1970 non-Government installations have increased from 523 to 1033. According to figures available from the FAA, there were more than 1800 stations in use on January 1, 1977. An FAA survey of its Regional Offices which coordinated these assignments indicates that each region has at least one area which has now reached, or shortly will reach, saturation.¹ A substantial portion of the increase has been due to the use of helicopters to service and supply off-shore drilling platforms. With the recent expansion of off-shore drilling for natural fuels, we anticipate considerable growth in the use of beacons. A plan for a time-sharing program for operation of the beacons is presently under study in the Gulf of Mexico area. However, this program is still in the development stages and no firm conclusions have been reached at this time.

5. There appears to be a similar need for additional spectrum space for maritime radionavigation. This, too, has been brought about by the surge of activity in off-shore exploration and drilling and an increased use of small marine craft.

6. In recognition of these problems, the Interdepartment Radio Advisory Committee (IRAC) established a committee (Ad Hoc 149) to study the question of how more spectrum might be made available. After studying the occupancy of the bands 190-535 kHz, the basic approach adopted was to recommend increased sharing in the same spectrum region between beacons and the other services whose current use of the bands are relatively light, or, in some cases, non-existent. The conclusions and recommendations of this committee were forwarded as a U.S. proposal for the 1979 General World Administrative Radio Conference. The RTCA petition argues that the need for additional spectrum space for both aeronautical and maritime radiobeacons is sufficiently urgent to warrant immediate action on the national level. We have reviewed RTCA's conclusion as to the need to act now and we agree that this is required without delay.

7. The NPRM proposed reallocation of the 190-200 kHz to provide one additional channel for aeronautical beacons. The full band 160-200 kHz is presently allocated for non-Government fixed and Government fixed and Maritime mobile use in the United States. There are no non-Government fixed

¹ This survey indicates that new NDBs are not able to be accommodated in Ohio, Indiana, Connecticut, within 50 NM of Poughkeepsie, NY (an area which includes southern New York and parts of western Pennsylvania and northern New Jersey), Boston, Massachusetts, Louisiana Gulf Coast and within 100 NM of Ft. Rucker, Alabama. Other areas which are very tight are San Francisco, California Bay area, Los Angeles, CA basin, North Carolina, upper South Carolina, Kentucky, the Texas coast, Puget Sound, Washington and the north slope of Alaska.

assignments on the proposed frequencies. The U.S. Navy has fixed operations in Hawaii on 198 kHz. Since most direction finding equipment used aboard aircraft is capable of tuning to as low as 190 kHz, we envision no delays in use of the band as proposed. We are therefore amending Section 2.106, Table of Allocations, to reallocate the band 190-200 kHz to aeronautical radionavigation. To afford protection to the U.S. Navy installations in Hawaii, new footnote US 226 will be added prohibiting interference to its station on 198 kHz.

8. The NPRM also proposed to reallocate these bands to provide two additional channels for maritime beacons. Currently, the band 285-325 kHz is allocated primarily to maritime beacons and the bands immediately above and below to aeronautical beacons. Our NPRM proposed that 10 kHz immediately above and below the band 285-325 kHz be reallocated to permit sharing by aeronautical and maritime beacons. Marine radiobeacon receivers normally tune from 285 to 325 kHz, so should be able to tune (or can be made to tune) the additional frequencies with little or no modification. The Ad Hoc 149 committee found that, under certain restrictions, maritime and aeronautical beacons could share the same spectrum compatibly. NDB assignments for both services are coordinated through the IRAC, and this should insure compatibility. We are therefore amending the rules to permit sharing of the bands 275-285 and 325-335 kHz by aeronautical and maritime radionavigation. Maritime radionavigation will be afforded secondary status and use will be limited to NDB's.

9. As presently constituted, the U.S. Table of Allocations shows 510-535 kHz to be one band. However, within the Radio Regulations of the International Telecommunication Union, this range is separated into two bands, 510-525 and 525-535 kHz. For reasons explained below we are amending Rule Section 2.106 to show the same delineation.

10. In its study of the use of the frequencies from 200 to 525 kHz, the IRAC agreed that the present prohibition in US 14 against non-Government use of 510-525 kHz is not necessary. We are therefore amending the rules to allocate the band 510-525 kHz for both Government and non-Government aeronautical radionavigation service. Footnote US 14 is amended and new footnote US 225 is being added to establish this use of the frequencies and protect the continued use of 512 kHz as a ship calling frequency. We have proposed, at the 1979 WARC, the use of this band on a secondary basis by the maritime radionavigation service.

11. There is, of course, some possibility that these proposals will not be adopted by the WARC, although we believe there is a strong likelihood they will. If they are adopted by the WARC, any domestic changes made now would be in compliance with the new ITU allocation table. If they are not adopted by the WARC, our domestic table will be in derogation of the ITU allocation, which means that our beacon use would be secondary to other uses of other countries which are in accord with the Table. However, this does not present a significant international problem because these beacons

have relatively short propagation ranges at medium and low frequency bands. In addition, we are not adopting RTCA's request to make the band 525-535 kHz available on a shared basis with Travelers Information Stations as further studies and research must be done to establish guidelines for sharing.

12. Footnote US 18 provides that non-Government authorizations for radionavigation stations may be made in certain frequency bands in those cases where the Government is not prepared to render the service. We will amend this footnote to show the bands as amended by this rulemaking.

13. Regarding questions on matters covered in this document contact: Kemp J. Beaty, Telephone (202) 632-7175.

14. Considering the above and under the authority contained in Sections 4(i), 303 (b), (c), (d), (f) and (r) of the Communications Act of 1934, as amended, IT IS ORDERED, That effective October 29, 1979, Parts 2 and 87 of the Commission's Rules ARE AMENDED as shown in the Appendix.

15. It is further ordered, That this proceeding is terminated.

[Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303]

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachment: Appendix

Appendix

Parts 2 and 87 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS.

Section 2.106, the Table of Frequency Allocations, is amended to read as follows, footnotes US 14 and US 18 are amended and new footnotes US 225 and US 226 are added as follows:

BILLING CODE 6712-01-M

§ 2.106 Table of Frequency Allocations.

Band (kHz)	Service	Class of Station	Frequency (kHz)	(OF SERVICES Nature of stations)
7	8	9	10	11
160-190	*	*	*	*
190-200	AERONAUTICAL RADIONAVIGATION. (US 226)	Radionavigation land.		AERONAUTICAL RADIONAVIGATION.
200-275	*	*	*	*
275-285	AERONAUTICAL RADIONAVIGATION. Maritime radio- navigation (Radiobeacons). (US18) Aeronautical mobile.	*	*	AERONAUTICAL MOBILE. AERONAUTICAL RADIONAVIGATION. MARITIME RADIO- NAVIGATION.
***	***	***	***	***
325-335	AERONAUTICAL RADIONAVIGATION. Maritime radio- navigation (Radiobeacons). (US18) Aeronautical mobile.	*	*	AERONAUTICAL MOBILE. AERONAUTICAL RADIONAVIGATION. MARITIME RADIO- NAVIGATION.
335-405	*	*	*	*
***	***	***	***	***
510-525 (US14) (US225)	AERONAUTICAL RADIONAVIGATION Maritime radio- navigation (Radiobeacons). (US18)	Radionavigation land.		AERONAUTICAL RADIONAVIGATION. MARITIME RADIO- NAVIGATION.
525-535 (US221)	*	*	*	*
*	*	*	*	*

BILLING CODE 6712-01-C

Footnotes

US14: When 500 kHz is used for distress purposes, ship and coast stations may use 512 kHz for calling except in inland waters.

US18: Navigation aids in the U.S. and possessions between 90 and 110 kHz, 190 and 525 kHz and 1800 and 2000 kHz, are normally operated by the U.S. Government. However, authorizations may be made by the Commission for non-Government operation in these bands subject to the conclusion of appropriate arrangements between the commission and the Government agencies concerned and upon special showing of need for service which the Government is not yet prepared to render.

US225: In addition to its present Government use, the frequency band 510-525 kHz is available to Government and non-Government aeronautical radionavigation stations inland of the Territorial Base line¹ as coordinated with the military services. In addition, the frequency 510 kHz is available for non-Government ship-helicopter operations when beyond 100 nautical miles from shore and required for aeronautical radionavigation.

US226: In the state of Hawaii, stations in the aeronautical radionavigation service shall not cause harmful interference to U.S. Navy reception from its station at Honolulu on 198 kHz.

B. Part 87—Aviation Services.

In § 87.501, paragraph (f) is amended to read as follows:

§ 87.501 Frequencies available.

(f) Radiobeacon stations: 190-285 kHz; 325-415 kHz; 510-525 kHz.

[FR Doc. 79-29986 Filed 9-27-79; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. 1397]

Chesapeake & Ohio Railroad Co.;
Authorization To Operate Over the
Baltimore & Ohio Railroad Co. tracks
at Cottage Grove, Ind.

AGENCY: Interstate Commerce
Commission.

ACTION: Service Order No. 1397.

¹ Territorial Base Line is the line from which territorial sea limits are measured.

SUMMARY: Service Order No. 1397 authorizes The Chesapeake and Ohio Railway Company to operate over The Baltimore and Ohio Railroad Company tracks at Cottage Grove, Indiana.

This order extends existing C&O rights over B&O tracks at Cottage Grove by approximately 761 feet which will improve transit time by reducing train delays and improving switching at the interchange point.

EFFECTIVE DATE: 11:59 p.m., September 21, 1979, until further order of this Commission.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275-4840.

Decided: September 20, 1979.

The Chesapeake and Ohio Railway Company (C&O) operates its trains between Cincinnati, Ohio, and Cottage Grove, Indiana, over tracks of The Baltimore and Ohio Railroad Company (B&O) under a trackage rights agreement approved by the Commission. Each C&O train must stop at the present connection at Cottage Grove to obtain train dispatcher authority and to operate a hand-throw switch. Track and signal changes, including the installation of a power switch, are being made at Cottage Grove which will permit C&O trains to enter and leave B&O trackage without stopping.

C&O and B&O have entered into an agreement in which B&O grants to the C&O trackage rights over additional tracks at Cottage Grove. This agreement extends the existing C&O rights over B&O tracks at Cottage Grove by approximately 761 feet. C&O has filed an application with the Commission for trackage rights over these B&O tracks.

These new trackage rights will improve transit time by reducing train delays and will improve interchange switching at this point. These additional trackage rights do not provide for any extension of service.

It is the opinion of the Commission that an emergency exists requiring operation of C&O trains over these tracks of B&O in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1397 The Chesapeake & Ohio Railway Co. authorized to operate over tracks of the Baltimore & Ohio Railroad Co.

(a) The Chesapeake and Ohio Railway Company (C&O) is authorized to operate over tracks of The Baltimore and Ohio Railroad Company (B&O) between B&O valuation station 14443+82 and B&O valuation station

14436+21, a distance of approximately 761 feet, at Cottage Grove, Indiana.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgment of the application of C&O seeking authority to operate over these tracks.

(d) *Effective date.* This order shall become effective at 11:59 p.m., September 21, 1979.

(e) *Expiration.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

(49 U.S.C. (10304-10305 and 11121-11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member Joel E. Burns not participating.

Agatha L. Mergenovich, *Secretary*.

[FR Doc. 79-30138 Filed 9-27-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

Atlantic Groundfish Regulations; Final Regulations; Correction of Regulations and Establishment of Catch Limits

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Promulgation of final and corrected regulations; establishment of catch limits.

SUMMARY: The fishery management plan for Atlantic groundfish (FMP) which was implemented October 1, 1978, continues in effect. Catch limits for the first quarter of the fishing year (beginning October 1, 1979) are established in Appendix B. The closure provision, section 651.24(c), is corrected to implement the FMP's intent that a fishery must be closed to prevent an annual quota from being exceeded. The amendment to section 651.23(a),

proposed on July 23, 1979, to eliminate "piggybacking" of catch limits for cod and haddock, is made final.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930. Telephone: (617) 281-3600.

SUPPLEMENTARY INFORMATION: The FMP, as implemented October 1, 1978 (43 FR 45872) and amended to eliminate "piggybacking" (44 FR 42977), remains in effect until any subsequent amendment is implemented by final regulations. An amendment to increase quotas, which was implemented by emergency regulation on July 23, 1979 (44 FR 42977), was intended as a single, short-term action for the fourth quarter only, and expires September 30, 1979.

The New England Fishery Management Council has recently submitted to the Secretary an amendment, based on the latest stock assessment data. The amendment would increase optimum yields (OY's) and increase mesh sizes. Implementation of this amendment cannot occur before late January of 1980. Therefore, the fishing year must begin with the same OY's as at the beginning of the 1978-79 fishing year.

Catch Limits

The Council and the Regional Director have recommended certain catch limits for the beginning of the 1979-80 fishing year. The Assistant Administrator has adopted the recommendations, pursuant to section 651.23(f). Cod and haddock fisheries still open at the end of the fourth quarter will continue at the same levels. Those which were closed will reopen at levels identical to the catch limits of October 1, 1978.

The fishery for yellowtail flounder east of 69° W. longitude will be set at 5,000 pounds per week or per trip, whichever is the longer time period the same as a year ago. West of 69° W. longitude, yellowtail catches will be limited to 1,500 pounds per week or per trip, whichever is the longer time period, as long as necessary to spread fishing effort throughout the winter season. These catch limits appear in Appendix B.

Management Measures

Management measures are the same as those implemented by final regulation on January 3, 1979 (44 FR 885), with several exceptions:

1. The amendment proposed on July 23, 1979, to eliminate "piggybacking" is published as a final regulation. The

provision, § 651.23(a)(2), allows a vessel which fishes for cod and haddock in both management areas (Gulf of Maine, Georges Bank and South) to land only the larger of the catch limits from either area. The amendment was designed to eliminate the practice of claiming combined catch limits from more than one management area. It will not reduce the total harvest, but will spread the catch out over a longer period and result in more dependable catch statistics.

No comments were received on the proposed regulation. Implementation of this amendment to the FMP does not constitute a major federal action under the National Environmental Policy Act. The Assistant Administrator has made an initial determination that this action does not require preparation of a regulatory analysis, nor does it meet the criteria of significance under E.O. 12044.

2. Section 651.23 was revised on July 23, 1979 (44 FR 42977), to clarify the Council's intent that catch limits may be adjusted up or down, and to change an inconsistent reference in paragraph (b).

3. Section 651.24(c) was "corrected" on March 16, 1979 (44 FR 16017), so that overruns of quarterly quotas did not automatically result in closures. In changing "shall" to "may," however, the regulation inadvertently eliminated mandatory closures to prevent an annual quota from being exceeded. Section 651.24(c) is corrected to preserve the FMP's requirement that annual quotas be enforced through closures.

The Assistant Administrator finds that there is good cause to make these regulations effective sooner than 30 days after their publication, because of the conservation needs of the fishery resource.

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C. this 24th day of September, 1979.

Winfred H. Meibohn,

Executive Director, National Marine Fisheries Service.

Part 651 is revised as follows:

1. Paragraph 651.23(a) is amended to read:

§ 651.23 Catch limitations.

(a) *General.* (1) Appendix B to this part sets forth the catch limitations which govern fishing for groundfish. For any fishing trip, a vessel is entitled to the catch limitation for only one vessel class.

(2) A vessel which fishes for cod and haddock in both management areas (Gulf of Maine, Georges Bank and South) during a week may land only the larger of the catch limitations from either area. A vessel may not land catch limitations from both areas.

(3) A vessel which fishes for yellowtail flounder in both management areas (east of 69° W. long., west of 69° W. long.) during a week or trip may land only the larger of the catch limitations from either area. A vessel may not land catch limitations from both areas.

2. Paragraph (c) of § 651.24 is amended to read:

§ 651.24. Closures

(c) *Notice of closure.* (1) the Assistant Administrator may, by publication of a notice in the **Federal Register**, close the fishery for groundfish for the relevant species, vessel class, and area, on the date recommended under paragraph (b) of this section, or on such other date as the Assistant Administrator determines will prevent the quarterly quota from being exceeded.

(2) The Assistant Administrator shall, by publication of a notice in the **Federal Register**, close the fishery for groundfish for the relevant species, vessel class, and area, on the date recommended under paragraph (b) of this section, or on such other date as the Assistant Administrator determines will prevent the annual quota from being exceeded.

3. Appendices A and B are revised as follows:

Appendix A.—Quarterly Quotas

(In metric tons)

	October to December 1979	January to March 1980	April to June 1980	July to September 1980	Annual
Cod—Gulf of Maine (commercial):					
Mobile gear:					
1-60 GRT.....	581	699	798	479	2,557
61-125 GRT.....	342	277	262	266	1,147
Over 125 GRT.....	190	171	55	55	461
Fixed gear.....	317	253	645	620	1,835
Total.....	1,420	1,400	1,760	1,420	6,000
Cod—Georges Bank and South (commercial):					
Mobile gear:					
1-60 GRT.....	501	593	648	364	2,106
61-125 GRT.....	1,777	1,567	2,232	1,361	6,937
Over 125 GRT.....	2,958	2,129	2,426	2,365	9,878
Fixed gear.....	404	311	824	1,540	3,079
Total.....	5,640	4,600	6,130	5,630	22,000

Appendix A.—Quarterly Quotas—Continued

(In metric tons)

	October to December 1979	January to March 1980	April to June 1980	July to September 1980	Annual
Haddock—Gulf of Maine (commercial):					
Mobile gear:					
1-60 GRT.....	183	146	460	200	989
61-125 GRT.....	261	209	183	160	813
Over 125 GRT.....	178	202	83	86	549
Fixed gear.....	106	210	265	198	779
Total.....	728	767	991	644	3,130
Haddock—Georges Bank and South (commercial):					
Mobile gear:					
1-60 GRT.....	86	40	150	157	433
61-125 GRT.....	650	662	1,782	1,023	4,117
Over 125 GRT.....	1,133	1,393	2,449	1,720	6,695
Fixed gear.....	33	72	82	338	525
Total.....	1,902	2,167	4,463	3,238	11,770
Yellowtail Flounder—East of 69° W (commercial and recreational):					
All classes.....	810	1,500	640	1,450	4,400
Yellowtail Flounder—West of 69° W (commercial and recreational):					
All classes.....	960	1,150	830	760	3,700

Revised October 1, 1979.

Appendix B.—Catch Limitations

Vessel class	Gulf of Maine weekly limit	Georges Bank and south weekly limit	Vessel class	West of 69° W.	East of 69° W.
			Yellowtail Flounder ¹		
Cod (pounds per week) ¹			0-60 GRT.....	1,500	5,000
0-60 GRT.....	2,500	7,000	61-125 GRT.....	1,500	5,000
61-125 GRT.....	5,000	14,000	Over 125 GRT.....	1,500	5,000
Over 125 GRT.....	7,000	20,000			
Fixed gear.....	5,000	16,000	¹ No overruns are allowed.		
Haddock (pounds per week) ¹			² Pounds per week or per trip, whichever is the longer time period. No overruns are allowed.		
0-60 GRT.....	5,000	7,000	Revised October 1, 1979.		
61-125 GRT.....	7,000	14,000	[FR Doc. 79-30260 Filed 9-27-79; 8:45 am]		
Over 125 GRT.....	10,000	20,000	BILLING CODE 3510-22-M		
Fixed gear.....	16,000	16,000			

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

1980 Peanut Program; Proposed Determinations Regarding National Acreage Allotments and Poundage Quotas

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture proposes with respect to the 1980 crop of peanuts to: a. Determine and proclaim a national poundage quota;

b. Determine and proclaim a national acreage allotment; and

c. Apportion such allotment to States.

The effect of the determinations is to establish for the 1980 crop of peanuts the national poundage quota and the national acreage allotment and to apportion such allotment to States. This notice invites comments on these proposed determinations.

DATE: Written comments must be received by November 15, 1979 in order to be sure of consideration.

ADDRESS: Send comments to Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Room 3741-South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Dalton J. Ustynik, (ASCS), (202) 447-6733.

SUPPLEMENTARY INFORMATION: The following determinations are required to be made by the Secretary not later than December 1, 1979, in accordance with provisions of section 358 of the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "Act").

(a) *National poundage quota.* Section 358 (1) of the Act provides that the Secretary shall, not later than December 1, 1979, announce a national poundage quota for 1980 crop peanuts at not less than 1,516,000 tons. It further provides that if the Secretary determines that the

minimum national poundage quota for any marketing year is insufficient to meet total estimated requirements for domestic edible use and a reasonable carryover, such quota may be increased by the Secretary to the extent determined by the Secretary to be necessary to meet such requirements.

The latest available data indicate that a national poundage quota of 1,516,000 tons should be sufficient to meet total requirements for domestic edible use and a reasonable carryover during the 1980 marketing year:

Quota Peanuts—Projected Supply and Domestic Edible and Related Requirements, 1980 Marketing Year

	1,000 tons
Quota.....	1,516
Effective quota.....	1,600
Projected supply:	
Carryin.....	275
Quota marketings.....	1,566
Total supply.....	1,841
Projected requirements:	
Domestic edible.....	1,050
Seed.....	103
Crushing residual.....	150
Subtotal, domestic edible and related.....	1,303
Carryover (15 percent of requirements).....	195
Total statutory requirement.....	1,498
Available for other use.....	343

b. *National acreage allotment.* Section 358(k) of the Act provides that the Secretary shall, not later than December 1, 1979, announce a national acreage allotment for 1980 crop peanuts taking into consideration projected domestic use, exports, and a reasonable carryover, subject to the proviso that such allotment shall be not less than 1,614,000 acres.

The latest available data indicate that the minimum acreage allotment should be sufficient to meet total requirements for domestic use, exports and a reasonable carryover during the 1980 marketing year:

Total Projected Supply and Projected Requirements, 1980 Marketing Year	
	Projected Estimate 1,000 tons
Supply:	
Carryin.....	300
Marketings.....	1,980
Imports.....	negligible
Total.....	2,260

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Total Projected Supply and Projected Requirements, 1980 Marketing Year—Continued

	Projected Estimate 1,000 tons
Requirements:	
Domestic edible, seed and commercial crushing.....	1,302
Exports.....	510
Total requirements.....	1,812
Reasonable carryover (15 percent of re- quirements).....	272
Total.....	2,084
Available for other use.....	176

(c) *Apportionment of national acreage allotment to the States.* Apportionment of the national peanuts acreage allotment among the States is governed by section 358(c)(1) of the Act, which provides that apportionment among the States shall be on the basis of their shares of the national acreage allotment for the most recent year in which such apportionment was made, except that the minimum allotment for the State of New Mexico shall not be reduced below the 1977 crop acreage allotment as increased pursuant to a short supply determination under section 358(c)(2) of the Act. Under this provision, the 1980 crop of peanuts will be apportioned to the States on the basis of their shares of the 1979 national acreage allotment.

Proposed rule

The Secretary proposes to: (a) Determine and proclaim a national poundage quota, (b) Determine and proclaim a national acreage allotment, and (c) Apportion such allotment to States.

Before making final determinations, consideration will be given to any relevant data, views, recommendations, or alternative proposals which are submitted in writing to the Director of the Price Support and Loan Division, ASCS-USDA.

All written submissions made pursuant to this notice will be made available for inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 3741-South Building.

Note.—This proposal has been classified as significant and is being published under emergency procedures, as authorized by Executive Order 12044 and Secretary's Memorandum No. 1955, without a full 60-day comment period. It has been determined by Jerome F. Sitter that an emergency situation exists which warrants less than a full 60-day comment period on this proposal because the Food and Agriculture Act of 1977 provides

that the acreage allotment and national poundage quota for the 1980 crop year must be announced by December 1, 1979.

A Draft Impact Analysis is available from Gypsy S. Banks (ASCS), (202) 447-6733.

Signed at Washington, D.C. on September 20, 1979.

John W. Goodwin,
Acting Administrator, Agricultural
Stabilization and Conservation Service.

[FR Doc. 79-29003 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

[7 CFR Part 989]

Raisins Produced From Grapes Grown in California; Proposed Amendment of Subpart—Administrative Rules and Regulations, Definitions of Varietal Types of Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking proposes definitions of the varietal types established under the Federal marketing order for California raisins, to indicate which raisins are included in each category, and to allow for the inclusion of other raisins which have been developed recently. In this connection, the term "Dipped Seedless" raisins would be changed to "Dipped and Related Seedless" raisins and would include raisins which are artificially dried but not dipped or sprayed. The proposal is based on a recommendation of the Raisin Administrative Committee, the body established under the order, to administer its terms and provisions.

DATES: Comments must be received by October 17, 1979.

ADDRESSES: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for inspection during business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: William J. Higgins, (202) 447-5053.

SUPPLEMENTARY INFORMATION: This action would be taken under § 989.10 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural

Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

In 1977, the order was amended to simplify the classification of raisins used in regulating the volume and quality of raisins moving to market. As amended, § 989.10 lists seven varietal types of raisins. Each category is intended to include all raisins with similar characteristics and market uses regardless of the method of making the raisins or variety of grapes used. The seven listed varietal types are: Natural (sun-dried) Seedless; Dipped Seedless; Golden Seedless; Muscats (including other raisins with seeds); Sultana; Zante Currant; and Monukka raisins. Section 989.10 also provides that the Committee may, subject to the approval of the Secretary, change this list of varietal types.

As proposed, § 989.110 defines the varietal types of raisins listed in § 989.10 to indicate which raisins are included in each category, and to allow for the inclusion of other raisins which have been developed recently. In this connection, the varietal type "Dipped Seedless" would be changed to "Dipped and Related Seedless" and would include raisins which are artificially dried but not dipped or sprayed. Seedless raisins which have been artificially dried but not dipped or sprayed closely resemble those currently in the Dipped Seedless category and it is appropriate that they be included with them in the same category. In the absence of the proposal, handlers of artificially dried but not dipped or sprayed raisins could circumvent order regulations, and reap the benefits of the order without any of its limitations.

The proposed change in the term "Dipped Seedless" to "Dipped and Related Seedless" necessitates minor wording changes in Subpart—Quality Control (7 CFR 989.701-989.703) and these changes are also proposed.

This proposal has been reviewed under USDA criteria for implementing Executive Order 12044. It is being published with less than a 60-day comment period because the information upon which the proposed regulation is based was not available in time to avoid delaying the issuance of the final regulation beyond the time when deliveries for 1979 crop raisins begin in volume and handlers finalize their marketing plans. In making such plans, handlers should have the benefit of concrete groundrules, not proposals which may or may not be effectuated.

A determination has been made that this action should not be classified "significant". A draft Impact Analysis is

available from William J. Higgins, (202) 447-5053.

The proposal is as follows:

1. Add a new § 989.110 to Subpart—Administrative Rules and Regulations (7 CFR Part 989.102-989.176) to read as follows:

§ 989.110 Changed list of Varietal types.

Pursuant to § 989.10, the list of varietal types of raisins contained in that section is changed by changing the term "Dipped Seedless" to Dipped and Related Seedless" any by specifying definitions for each varietal type category as follows:

(a) Category (1), Natural (sun-dried) Seedless includes all sun-dried seedless raisins that possess characteristics similar to natural Thompson Seedless raisins which have not been dipped in or sprayed with water with or without soda, oil, or other chemicals prior to or during the drying process.

(b) Category (2), Dipped and Related Seedless includes, but is not limited to, all seedless raisins produced by sun-drying or other dehydration of grapes which have been dipped in or sprayed with water with or without soda, oil, or other chemicals and which may or may not have been sulfured prior to drying. This category would also include seedless raisins produced from grapes which were not dipped in or sprayed with water prior to artificial dehydration. It would not include Golden Seedless raisins, but could include dried-on-the-vine raisins.

(c) Category (3), Golden Seedless includes all seedless raisins whose color varies from dark to golden yellow.

(d) Category (4), Muscats (including other raisins with seeds) include all raisins with seeds.

(e) Category (5), Sultana includes all raisins with an undeveloped (vestigial) seed.

(f) Category (6), Zante Currant includes all raisins produced from Black Corinth or White Corinth grapes.

(g) Category (7), Monukka includes all raisins produced from Monukka and Black Imperial grapes.

§§ 989.701-989.703 [Amended]

2. Amend §§ 989.701, 989.702, and 989.703 of Subpart Quality Control (7 CFR Part 989.701-989.703) by changing the term "Dipped Seedless" to "Dipped and Related Seedless" wherever that term appears in these sections.

Dated: September 25, 1979.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 79-30263 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration **[7 CFR Part 1701]**

Specification for Service Entrance and Station Protector Installations; Proposed Revision of REA Bulletin

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposes to revise REA Bulletin 345-52, Specification for Service Entrance and Station Protector Installations (PC-5). This document was designed to be used in conjunction with REA's Telephone System Construction Contract which has recently been revised. Changes in this contract will be reflected in the revision of PC-5.

DATE: Public comments must be received no later than: November 27, 1979.

ADDRESS: Submit written comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355-S, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Harry Hutson, telephone (202) 447-3827.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Bulletin 345-52.

Interested persons may obtain copies of this proposed action from the address indicated above. All written submission made pursuant to this action will be made available for public inspection during regular business hours, address above.

General Summary of Changes

PC-5 will, by this revision, be divided into two subparts: PC-5A, Specification for Service Entrance and Station Protector Installations and PC-5B, Specification for Station Installations. The PC-5A will conform closely with the revised 515g. The PC-5B will set standards for station wiring and instrument installations—subjects no longer covered in the Telephone System Construction Contract.

On issuance of revised Bulletin 345-52, Appendix A to Part 1701 will be modified accordingly.

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A draft Impact Analysis has been prepared and is available from the Director, Telephone Operations and Standards Division, Rural Electrification

Administration, Room 1355-S, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated: September 21, 1979.

William W. Kelly,

Acting Assistant Administrator.

[FR Doc. 79-30152 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Ch. III]

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to notify the public of the regulatory actions currently being considered by FDIC. The agenda provides information on regulations that have been proposed by FDIC but have not yet been finally adopted, certain regulations that are currently under development, and existing regulations that are under review. The agenda also contains a list of those regulation on which final action has been taken since the publication of the last agenda.

ADDRESS: Interested persons are invited to submit comments on the semiannual agenda to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. Comments on a specific regulation included in the agenda should be addressed to the official whose name appears below with the information about the regulation.

FOR FURTHER INFORMATION CONTACT: Jerry L. Langley, Senior Attorney, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC, 20429 (202) 389-4237.

SUPPLEMENTARY INFORMATION:

Proposals to Simplify FDIC Rules and Regulations

[12 CFR Parts 301, 305, 306, 307, 325, 327, and 330]

On September 4, 1979, FDIC issued for comment proposals to simplify its rules and regulations. The proposed changes would eliminate four regulations: Part 301 (Introductory), Part 305 (Payment of Insured Deposits), Part 306 (Receiverships and Liquidations), and Part 325 (Introductory). The regulations are basically informational in nature and contain little or no operative language. Further, the proposals, if

adopted, would revise Part 330 (Clarification and Definition of Deposit Insurance Coverage) by deleting §§ 330.13 and 330.14 relating to continuation of prior insurance coverage and notification of depositors. These sections are outdated.

The proposal would also change Part 307 (Voluntary Termination of Insured Status) and Part 327 (Assessments) by: (1) Retitling Part 307 as "Termination of Insured Status"; (2) eliminating as unnecessary §§ 307.1 and 307.2 which prescribe procedures for insured nonmember banks that voluntarily terminate their insured status through liquidation and member banks that terminated their insured status by ceasing to be a member of the Federal Reserve System; (3) transferring the assessment provisions of Part 307 to Part 327; and (4) revising the remainder of Part 307 to simplify the reporting and depositor notice requirements for insured banks whose deposits are assumed by other insured banks.

For further information, contact Jerry L. Langley, Senior Attorney, Legal Division, 202-389-4237.

International Banking Act Amendments

[12 CFR Parts 303-307, 326-329, 331-333, 335, 337-339, and 341-343]

The International Banking Act of 1978 authorizes Federal deposit insurance coverage for U.S. branches of foreign banks and in some cases requires insurance. The Act also establishes special requirements for branches which are insured. To bring foreign banks and branches within the coverage of its present regulatory scheme, FDIC intends to make a series of technical amendments to its existing regulations. Because these amendments are procedural in nature and are required by statute, FDIC may adopt them in final form without a comment period.

For further information, contact Margaret M. Olsen, Attorney, Legal Division, 202-389-4433.

Change in Bank Control

[12 CFR Part 303]

On January 24, 1979, FDIC adopted revisions to §§ 303.11 and 303.15 of its regulations to implement the Change in Bank Control Act of 1978. The Act provides for advance notice to FDIC of the changes in control of banks regulated by FDIC. Additional public comment on the revisions was invited through April 8, 1979. Although certain comments were received in response to the invitation, no significant problems areas were identified which justify or require any immediate amendments to the regulations.

For further information, contact Katharine H. Haygood, Attorney, Legal Division, 202-389-4433.

Rules of Practice and Procedure

[12 CFR Part 308]

FDIC is in the process of simplifying the language of this Part which sets forth the procedures used by FDIC in proceedings brought under section 8 of the Federal Deposit Insurance Act and certain other statutory provisions.

For further information, contact Barbara I. Gersten, Attorney, Legal Division, 202-389-4261.

Disclosure of Confidential Financial Information

[12 CFR Part 309]

On June 11, 1979, FDIC issued for public comment a proposal to amend Part 309 to permit routine disclosure of the Trust Department Annual Reports of Assets filed with FDIC by insured State nonmember banks. The period for public comment ended on August 16, 1979. The comments that were received are being evaluated.

For further information, contact Pamela E. F. LeCren, Attorney, Legal Division, 202-389-4433.

FDIC is also considering an amendment to this Part that will provide for notice to a bank before FDIC releases business information submitted by the bank which the bank considers confidential. This is under consideration because of the concerns voiced by foreign banks now subject to FDIC rules and regulations under the International Banking Act of 1978.

For further information, contact Margaret M. Olsen, Attorney, Legal Division, 202-389-4433.

Right to Financial Privacy

[12 CFR Part 309]

FDIC is in the process of preparing technical amendments to Part 309 to conform it to the requirements of the Right to Financial Privacy Act of 1978, enacted by Congress as Title XI of the Financial Institutions Regulatory and Interest Rate Control Act of 1978. These amendments are expected to be published in final form in the near future.

For further information, contact Pamela E. F. LeCren, Attorney, Legal Division, 202-389-4433.

Assessments

[12 CFR Part 327]

FDIC is in the process of simplifying the language of this Part which sets forth the procedures to be used for the computation and payment of assessments by insured banks as provided under sections 7 and 8 of the Federal Deposit Insurance Act.

For further information, contact Jerry L. Langley, Senior Attorney, Legal Division, 202-389-4237.

Depositor Notice on Maturing Time Deposits

[12 CFR Part 329]

On November 22, 1976, FDIC published for comment a proposed amendment to § 329.3(f). Under the proposed amendment, FDIC would require insured State nonmember banks to give notice to depositors of maturing time deposits, which become demand deposits unless renewed or withdrawn within ten days after maturity. A revised version of the proposal is being prepared and will be published for public comment soon.

For further information, contact F. Douglas Birdzell, Senior Attorney, Legal Division, 202-389-4324.

Disclosure of Withdrawal Penalties

[12 CFR Part 329]

On July 30, 1979, FDIC adopted several amendments to this Part which require insured nonmember banks to grant requests for withdrawal without penalty when depositors die or are judicially declared mentally incompetent. FDIC is preparing conforming amendments to the provisions of § 329.4(f) relating to the disclosure of withdrawal penalties to depositors. Because these amendments are procedural in nature, FDIC intends to publish them in final form without a comment period.

For further information, contact F. Douglas Birdzell, Senior Attorney, Legal Division, 202-389-4324.

Exemption to Nondeposit Obligation Restrictions

[12 CFR Part 329]

Under Part 329, FDIC restrictions that govern the advertising and payment of interest on deposits also apply to nondeposit obligations that are undertaken by insured State nonmember banks for the purpose of obtaining funds to be used in the banking industry. In order to eliminate unnecessary restraints, FDIC is proposing an

amendment to § 329.10(b) which would exempt from such restrictions certain nondeposit obligations of mutual savings banks in amounts of \$100,000 or more. The proposal was issued for public comment on September 17, 1979. Written comments are invited through October 26, 1979.

For further information, contact Daniel Wm. Persinger, Assistant General Counsel, Legal Division, 202-389-4387.

Securities of Insured State Nonmember Banks

[12 CFR Part 335]

On June 4, 1979, FDIC issued for comment a proposal to amend Part 335 which contains FDIC's securities disclosure regulations. The amendments would update the regulations and make them substantially similar to those of the Securities and Exchange Commission, as required by section 12(i) of the Securities and Exchange Act of 1934. The period for comment ended on August 7, 1979. The comments that were received are being evaluated.

For further information, contact Gerald J. Gervino, Attorney, Legal Division, 202-389-4422.

Recordkeeping and Confirmation Requirements for Securities Transactions

[12 CFR Part 344]

On July 16, 1979, FDIC adopted this Part requiring insured State nonmember banks that effect certain securities transactions for customers to provide confirmation of and maintain records with respect to such transactions, effective January 1, 1980. (44 FR 43260). Additional comments on the confirmation requirements as they apply to transactions in U.S. Government, agency and municipal securities were invited until September 24, 1979. FDIC will consider the comments and adopt any appropriate amendments to the regulation.

For further information, contact Gerald J. Gervino, Attorney, Legal Division, 202-389-4422.

Disclosure of Brokerage Allocation Practices

[12 CFR Part 344]

Under section 28(e)(2) of the Securities Exchange Act of 1934, FDIC is preparing an amendment to Part 344 to require insured nonmember banks

exercising investment discretion to disclose their brokerage allocation practices. The disclosure would aid settlors and certain beneficiaries of trusts in comparing the services that are provided for the commissions charged by the various brokerage firms with which the banks do business. It is expected that the revision will be published for comment.

For further information, contact Gerald J. Cervino, Attorney, Legal Division, 202-389-4422.

Correspondent Accounts and Disclosure of Material Facts

[12 CFR Parts 349 and 304]

On March 9, 1979, FDIC, in conjunction with the Board of Governors of the Federal Reserve System and the Comptroller of the Currency, published for comment proposed regulations to implement Titles VIII and IX of the Financial Institutions Regulatory and Interest Rate Control Act of 1978.

Title VIII prohibits banks maintaining a correspondent account relationship with each other from extending credit on preferential terms to each other's executive officers, directors, or principal stockholders. It also prohibits the opening of a correspondent account relationship between banks where there is a preferential extension of credit from one bank to an executive officer, director, or principal shareholder of the other bank. In connection with Title IX, Title VIII further requires insured banks and their executive officers and principal stockholders of record to file certain disclosure reports. The period for public comment ended on April 20, 1979. The comments that have been received are being evaluated on an interagency basis.

For further information, contact Pamela E. F. LeCren, Attorney, Legal Division, 202-389-4433.

Final Actions Since Last Semiannual Agenda

The following final regulatory actions have been taken by FDIC since the publication of the last semiannual agenda in the *Federal Register* (44 FR 18035, March 26, 1979):

1. FDIC has withdrawn the proposal to revise Part 302 relating to the development and review of its regulations. A policy statement has been adopted to replace the Part. Its content is substantially the same as that of the proposed revision. 44 FR 31007 (May 30, 1979).

2. The technical amendments to Part 307 pertaining to the termination of insured status have been adopted in final form. 44 FR 20633 (April 6, 1979).

3. The proposed revisions of Parts 308

and 327 to implement provisions of recent statutory amendments have been adopted in final form. 44 FR 25412 (May 1, 1979); 44 FR 20634 (April 6, 1979).

4. An official interpretation of section 329.3(a) has been issued. It states the position of FDIC's Board of Directors with respect to pooling of funds to achieve minimum denominations required for certain categories of deposits. 44 FR 32356 (June 6, 1979).

5. Proposals to amend Part 329 to address the problem of relatively low return to small savers under existing depository institution interest rate structure have been adopted in final form. 44 FR 32353 (June 6, 1979).

6. FDIC has adopted amendments to Part 329 relating to penalties for early withdrawal of deposits, interest rate ceilings on deposits, and restrictions on nondeposit obligations. 44 FR 46264 (August 7, 1979).

7. FDIC has amended Part 336 of its regulations to change the designated FDIC Ethics Counselor from the Assistant to the Chairman of the Board of Directors to the Executive Secretary of FDIC. 44 FR 27379 (May 10, 1979).

8. The proposal to establish a new Part 340 regarding the use of offering circulars for public issuance of bank securities has been withdrawn. A policy statement containing a substantial simplification of the proposed Part has been adopted instead. 44 FR 39361 (July 6, 1979).

9. Final rules to amend Part 330 and to establish a new Part 346 in order to implement the deposit insurance provision of the International Banking Act of 1978 have been adopted. 44 FR 40056 (July 9, 1979). Part 346 was amended in September 1979. 44 FR 52675 (September 10, 1979).

10. The proposed new Part 347 and amendments to Parts 303, 304 and 332 concerning foreign activities of insured State nonmember banks have been adopted in final form. 44 FR 25193, 25194. (April 30, 1979).

11. The proposed new Part 348 concerning management official interlocks has been adopted in final form. 44 FR 42152 (July 19, 1979).

12. Corrections have been made to the following provisions: Section 303.11, 44 FR 30076 (May 24, 1979); § 303.14, 44 FR 32649 (May 30, 1979).

By Order of the Board of Directors, dated September 24, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 79-30132 Filed 9-27-79; 8:45 am]

BILLING CODE 6714-01-M

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1700]

Human Prescription Drugs in Oral Dosage Forms; Proposed Exemption of Isosorbide Dinitrate in Sublingual and Chewable Forms Containing Not More Than 10 Milligrams of Isosorbide Dinitrate From Child-Protection Packaging Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes for public comment an exemption from child-protection packaging requirements for isosorbide dinitrate in sublingual and chewable dosage forms containing not more than 10 milligrams of isosorbide dinitrate. An exemption for sublingual and chewable dosage forms containing not more than 5 milligrams of isosorbide dinitrate is currently in effect. The Commission believes that child-protection packaging for the larger dosage forms is unnecessary to protect children from serious illness or injury, based upon the lack of adverse reaction by children who have accidentally ingested isosorbide dinitrate-containing drugs in the past. In addition, the Commission believes that an exemption is justified because of the seriousness of the consequences should administration of this medication be delayed by accessibility problems due to special packaging. Ives Laboratories petitioned the Commission to take this action.

DATES: Comments on this proposed exemption must be received by November 27, 1979. Comments received after this date will be considered to the extent practicable. If the Commission issues a final regulation concerning the exemption, the Commission proposes that the exemption become effective on the date the final regulation is published in the *Federal Register*.

ADDRESS: Comments, preferably in five copies, should be addressed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments received may be seen in the Office of the Secretary, 1118 18th Street, N.W., Third Floor, during working hours Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. Fred Marozzi, Division of Safety Packaging and Scientific Coordination, Directorate for Engineering and Science, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 301-492-6477.

SUPPLEMENTARY INFORMATION: Background

On December 28, 1978, the Consumer Product Safety Commission received a petition (PP 79-1) from Ives Laboratories, of New York City, requesting an exemption from child-protection packaging requirements for sublingual and chewable forms of isosorbide dinitrate in dosage units containing isosorbide dinitrate in strengths of 10 milligrams (mg) or less.¹ Isosorbide dinitrate-containing drugs are generally used to relieve the pain associated with an angina attack (constriction of a blood vessel supplying oxygen to the heart). The principal adverse effect associated with such drugs is that because they dilate the blood vessels, the drugs can produce a drop in blood pressure that can result in a feeling of weakness or fainting and a loss of consciousness. However, as soon as the patient is placed in a reclining position with the feet raised, consciousness usually returns immediately.

Human prescription oral drugs containing over 5 mg of isosorbide dinitrate are currently subject to the Commission's child-protection packaging requirements, set forth at 16 CFR 1700.14(a)(10). Sublingual and chewable forms of isosorbide dinitrate in dosage units of 5 mg or less are currently exempted from these requirements at 16 CFR 1700.14(a)(10)(ii).² That exemption was granted at a time when only 5 mg dosage strengths for the drug were manufactured. Since that time, a few manufacturers, including the petitioner, have produced 10 mg tablets in response to the fact that some angina patients require a higher dose of medication to control symptoms. For the reasons stated below, the Commission has decided to propose an exemption for sublingual and chewable forms of isosorbide dinitrate in dosage units containing isosorbide dinitrate in strengths of 10 mg or less. The Commission, therefore, proposes to revise the existing exemption for

¹ Although the petitioner's letter actually specified only the chewable form for an exemption, the Commission is proposing an exemption for both chewable and sublingual forms of isosorbide dinitrate. The reasons for this proposal are: (1) the existing 5 mg exemption applies to these two forms of this drug, (2) the sublingual and chewable forms of isosorbide dinitrate are the two forms of the drug which are recommended for use during an angina attack, and (3) the effects of both forms are sufficiently similar to apply the same conclusions concerning the risk of injury from accidental ingestion of the drug by young children.

² On November 20, 1974, the Commission published a document in the *Federal Register* (39 FR 40761) issuing an exemption for sublingual and chewable forms of isosorbide dinitrate in dosage strengths of 5 milligrams or less.

isosorbide dinitrate by setting a higher dosage level for exemption.

Grounds for Exemption

Ives Laboratories contends that the same grounds which justified an exemption for isosorbide dinitrate in 5 mg sublingual and chewable forms support the current request. The 5 mg exemption was based on the following facts: (1) the difficulty and delay that a patient might experience in trying to open a child-resistant closure while under the stress of an angina attack could result in serious consequences; (2) sublingual form of nitroglycerin previously had been exempted for the same accessibility reasons; (3) Commission staff examination of the National Clearinghouse for Poison Control Centers (NCPCC) data for 1969 through 1972 revealed no reported cases of serious illness or injury to young children accidentally ingesting isosorbide dinitrate; specifically, of the 74 reported ingestions of this drug by children under 5 years of age during this period, only two cases reported symptoms (lethargy), and three cases (including the former two) reported hospitalizations for observation purposes.

A search of the most current data sources available to the Commission staff reveals a continued lack of serious adverse reaction by young children who have accidentally ingested isosorbide dinitrate. Data from the NCPCC indicate that of the 240 reported ingestions by children under 5 years of age from 1969 through 1978, 11 children reportedly manifested some symptoms, for which 5 were hospitalized. Two cases involved lethargy, and one case involved pallor; all three children were hospitalized for observation. The children in the remaining two cases were reported as having rapid pulse rates; one child was hospitalized for observation and was found stable by evening, and the other child was hospitalized for an unspecified duration. The remaining 6 children of the 11 who exhibited some symptoms were not hospitalized. Of the 229 remaining children who reportedly exhibited no symptoms, 5 were hospitalized for observation.

Data collected by six poison control centers under contract with the Commission during the years 1976 through 1977 reveal 9 reported ingestions of isosorbide dinitrate by children, with only one case of nausea and vomiting. None of these 9 children was hospitalized. The amounts ingested in these cases ranged from one-half to 23 tablets (the child ingesting 23 tablets (50-55 mg) reportedly did not show any symptoms).

The National Electronic Injury Surveillance System Comment File for 1973 through the first six months of 1979 contain two incidents associated with isosorbide dinitrate involving children under 5 years of age. One incident occurred in 1978, and the other occurred in June, 1979. Both children were treated and released from the hospital emergency room.

The Commission's consumer complaint files and death certificate files contain no reports associated with isosorbide dinitrate, as of June, 1979.

The Commission staff also conducted a toxicological evaluation of isosorbide dinitrate. Although the literature does not contain any estimate of what would be a toxic dose of isosorbide dinitrate, the Commission staff has assumed that a toxic dose of isosorbide dinitrate would be greater than 1 gram (or greater than 100-10 mg tablets). This assumption is based upon the finding that the organic nitrates, such as isosorbide dinitrate and nitroglycerin, are much less active in producing the substance methemoglobin (the increase of which reduces the body's oxygen supply in the blood) than the inorganic nitrites, such as sodium nitrite, which have been studied to a greater extent. (In the literature there is a case in which 130 mg of sodium nitrite caused serious symptoms in a 2-month old child; 450 mg were fatal in a slightly older child. It is estimated that 1 gm of sodium nitrite might be fatal in an adult).

Information available to the Commission indicates that greater than normal levels of methemoglobin have not been detected in patients taking organic nitrates at prescribed dosage strengths. The Commission staff estimates that an extremely high dosage strength of isosorbide dinitrate—considerably higher than any of the reported accidental ingestions by young children—would produce some methemoglobin. However, none of the reported ingestions of this drug indicated symptoms of cyanosis (blueness of the skin). Because this symptom appears at concentrations of 10-15% methemoglobin, and because serious and possibly fatal effects of lack of oxygen do not occur until concentrations of more than 60% methemoglobin, the Commission staff concludes that very low levels of methemoglobin, if any, were formed in the 240 accidental ingestions.

Commission staff investigation further reveals that although the cardiovascular effects of ingesting isosorbide dinitrate can sometimes result in a momentary loss of consciousness until the patient is placed in a reclining position, this symptom also was not observed in any

of the 240 reported cases of accidental ingestion by children.

The Commission solicited the opinion of the Food and Drug Administration (FDA) on the exemption request. Based upon the need for rapid accessibility to the drugs for treatment of angina pectoris and upon the lack of reported substantial hazard to children, FDA concluded that the exemption should be granted.

The Commission also solicited the opinion of its Technical Advisory Committee on Poison Prevention Packaging. Of the 14 members who commented on the petition, 10 members recommended granting the exemption and 4 members recommended denial. The four members who recommended denial expressed concern about the cardiovascular effects and toxic potential of isosorbide dinitrate, cited inadequate injury data relating to dosage strengths, and questioned the need for the exemption since alternative dosage forms are available. The ten members who recommended granting the petition cited the need for rapid access to the medication by angina patient and the lack of evidence of serious illness or injury to young children in cases of accidental ingestion.

Findings

Based on currently available information showing a lack of adverse human experience reported from ingesting isosorbide dinitrate - containing drugs, the Commission preliminary finds that that sublingual and chewable forms of this drug containing not more than 10 milligrams of isosorbide dinitrate do not pose a risk of serious personal illness or serious injury to children. Furthermore, based on the fact that a patient might suffer serious consequences in trying to open a child-resistant closure while under the stress of an angina attack, the Commission preliminarily finds that special packaging is not appropriate for this substance. The Commission emphasizes that this proposed exemption is limited to isosorbide dinitrate in sublingual and chewable forms, containing not more than 10 milligrams of isosorbide dinitrate and containing no other substance subject to the requirements for special packaging under 16 CFR 1700.14(a)(10). The applicability of the requirement of special packaging at 16 CFR 1700.14(a)(10) is not affected by this proposal. Products within the scope of this proposal must continue to be in special packaging until the effective date of any final regulation.

Environmental Considerations

The Commission's interim rules for carrying out its responsibilities under the National Environmental Policy Act (see 16 CFR Part 1021; 42 FR 25494) provide that exemptions to an existing standard that do not alter the principal purpose or effect of the standard normally have no potential for affecting the environment and that, therefore, environmental review of exemptions is generally not required (§ 1021.5(b)(1)). The rules also state that environmental review of rules requiring poison prevention packaging is generally not required (§ 1021.5(b)(3)).

With respect to this exemption of isosorbide dinitrate in 10-milligram sublingual and chewable forms from poison preventing packaging, the Commission finds that the rule will have no significant effect on the human environment and that no environmental review is necessary.

Conclusion and Promulgation

Having considered the petition, the poison control statistics from the National Clearinghouse for Poison Control Centers and from six poison control centers under contract with the Commission, and other human experience data and medical and scientific literature, and having consulted, pursuant to section 3 of the Poison Prevention Packaging Act (PPPA) of 1970, with the Technical Advisory Committee on Poison Prevention Packaging established in accordance with section 6 of the Act, the Commission concludes that an exemption from the special packaging requirements for isosorbide dinitrate in sublingual and chewable dosage forms containing not more than 10 milligrams of isosorbide dinitrate should be proposed as set forth below. Accordingly, pursuant to the provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, sections 2(4), 3, 5; 84 Stat. 1670-72; 15 U.S.C. 1471(4), 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-572, sec. 30(a); 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission proposes that 16 CFR 1700.14 be amended by revising paragraph. (a)(10)(ii), as follows:

§ 1700.14 Substances requiring special packaging

(a) ***

(10) *Prescription Drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug

shall be packaged in accordance with the provision of § 1700.15 (a), (b), and (c), except for the following:

(ii) Sublingual and chewable forms of isosorbide dinitrate in dosage units containing isosorbide dinitrate in strengths of 10-milligrams or less.

Dated: September 26, 1979.

Sadye E. Dunn,
Secretary, Consumer Product Safety
Commission.

[FR Doc. 79-30313 Filed 9-27-79; 8:45 am]

BILLING CODE 6355-01-M

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33-6127; File No. S7-801]

Accountant Liability for Reports on Unaudited Interim Financial Information Under Securities Act of 1933

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: Since the issuance of Statement on Auditing Standards No. 24 (SAS No. 24) by the Auditing Standards Board of the American Institute of Certified Public Accountants (AICPA) in March 1979, several reports by independent public accountants on interim unaudited financial information have been included in Securities Act filings on Form S-16 or S-14. Such filings have raised a question of whether accountants could be liable under Section 11(a) of the Securities Act (which imposes liability on every accountant "who has with his consent been named as having prepared . . . any report") in such circumstances. The Commission is proposing for comment two alternative rules which, if adopted, would have the effect of excluding accountants issuing such reports from Section 11(a) liability.

DATE: Comments should be received by the Commission on or before November 15, 1979.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-801. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: James J. Doyle (202-272-2130), Office of

the Chief Accountant, Consuela M. Washington (202-272-2573), Division of Corporation Finance, or Robert Chira (202-272-2437), Special Advisor, Office of the General Counsel, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is proposing for public comment two alternative rules which would amend 17 CFR 230.437 and 436, either of which if adopted would have the effect of excluding accountants from potential liability under Section 11(a) of the Securities Act of 1933 for SAS No. 24 reports included in Securities Act filings. Version "A" would provide that the written consent of the accountant under Section 7 of the Securities Act would not be required (without the need for application to the Commission on a case-by-case basis) if an SAS No. 24 report prepared for use other than a registration statement is included in a Securities Act filing. This would have the effect that no Section 11(a) liability would result since the accountant would not have consented to being named as "having prepared" . . . any report." Version "B" would exclude an SAS No. 24 report from the definition of "report" for the purposes of Sections 7 and 11 of the Securities Act.

Although other forms of reporting on unaudited information are now under consideration by the AICPA, either rule would address only reports on interim financial information under SAS No. 24.

I. Background

A. Development of Reporting on Interim Financial Information

In March 1979, the Auditing Standards Board of the AICPA issued Statement on Auditing Standards No. 24¹ which delineates procedures to be followed by accountants with respect to reviews of unaudited interim financial information and which sets forth standards for reports based on such reviews. A report under SAS No. 24 consists of the following: (1) a statement that the review of interim financial information was made in accordance with established professional standards for such reviews; (2) an identification of the interim financial information reviewed; (3) a description of the procedures for a review of interim financial information; (4) a statement that a review of interim financial information is substantially less in scope than an examination in accordance with generally accepted auditing standards, the objective of

¹ SAS No. 24, "Review of Interim Financial Information," AICPA, March 1979.

which is an expression of opinion regarding the financial statements taken as a whole, and accordingly no such opinion is expressed; and (5) a statement about whether the accountant is aware of any material modifications that should be made to the accompanying financial information so that it conforms with generally accepted accounting principles.²

The Commission has encouraged increased auditor involvement with interim financial information and reports containing a limited statement of assurance by accountants concerning unaudited financial information or other matters for which a full audit has not been undertaken.³ Other proposals being considered include reports on required supplemental information concerning the effects of changing prices⁴ and reports on internal accounting controls.⁵ The expansion of auditors' responsibilities beyond the audits of financial statements was also recommended by the Commission on Auditors' Responsibilities.⁶ In encouraging reviews by auditors of interim financial information the Commission has recognized that although such reviews will not prevent all deficiencies in interim financial reports, they will increase the likelihood that management will discover needed adjustments on a timely basis and be able to identify problem areas more promptly so that adjustments are not so frequently required in the last quarter of a fiscal year. The Commission has noted that "the involvement of independent accountants will add the expertise of

² See "Id.", paragraph 17.

³ See, e.g., Securities and Exchange Commission Report to Congress on the Accounting Profession and the Commission's Oversight Role, U.S. Government Printing Office, July 1979, pages 241-243.

⁴ The Financial Accounting Standards Board (FASB) has proposed that such supplemental information be required to be presented by certain companies for years ending on or after December 25, 1979. See "Financial Reporting and Changing Prices," FASB Exposure Draft, December 28, 1978.

⁵ In Securities Exchange Act Release No. 15772, April 30, 1979, [44 FR 26702] the Commission proposed rules which would require an independent public accountant to examine and report on a management statement on internal accounting controls for periods ending after December 15, 1980.

⁶ The Commission on Auditors' Responsibilities: "Report, Conclusions, and Recommendations," AICPA, 1978. See generally pages 51-69. It specifically recommended that the auditor should be required to review and report on the company's interim information on a timely basis, stating:

The auditor's involvement in the process can result in a general improvement in financial reporting even if it is limited to a review of the process rather than an audit. A review is likely to inhibit practices that cannot stand even superficial scrutiny. However, the main benefit of a review of a process is that it can be expected to improve the preparation of information.

Id., p. 64.

professional accountants with wide experience in reporting problems. . . . This should improve individual company reporting and direct greater professional attention to the general problems of interim reporting."⁷

In furtherance of this objective, in September 1975 the Commission issued ASR No. 177 which amended Form 10-Q to increase substantially the requirements concerning the content of quarterly reports. In this regard, it permitted, but did not require, reporting companies to state that an independent accountant had reviewed the data in accordance with established professional standards and procedures for such a review. If the registrant so states, it must also indicate whether all adjustments or additional disclosures proposed by the independent accountant have been reflected, and if not, why not. In addition, the registrant may include as an exhibit a letter from the independent accountant who reviewed the interim financial data before the filing of the Form 10-Q. At the same time, ASR 177 amended Regulation S-X to require certain registrants to disclose summarized quarterly financial data in unaudited notes to annual financial statements.

In response to ASR No. 177, the AICPA issued SAS No. 10⁸ and SAS No. 13.⁹ SAS No. 10 set forth the procedures to be followed by accountants in reviewing quarterly financial data in Form 10-Q as well as the summaries of such data in the unaudited footnote to annual audited financial statements. These procedures were limited and considerably less than those undertaken in an audit of annual financial statements.

SAS No. 13 prescribed the form of the accountant's letter in the event that such accountant reviewed the interim financial data on a timely basis (the so-called "timely review") before the filing of the quarterly report.¹⁰ It allowed the accountant to state that the interim financial information had been reviewed but that the accountant had not performed an audit and did not express an opinion on the information. Furthermore, SAS No. 13 required the accountant to modify his report if (a) a change in accounting principle had not been in conformity with generally accepted accounting principles, or (b)

⁷ Accounting Series Release No. 177, September 10, 1975.

⁸ SAS No. 10, "Limited Review of Interim Financial Information," AICPA, December 1975.

⁹ SAS No. 13, "Reports on a Limited Review of Interim Financial Information," AICPA, May 1976.

¹⁰ SAS No. 13 did not prescribe any report for the summary of interim financial data in the unaudited note to the annual financial statements.

the registrant had not given effect to a material adjustment or disclosure proposed by the accountant. However, although an unmodified report implied that the accountant had not become aware of any improper changes in accounting principle or any necessary adjustment or disclosure in the interim financial data, SAS No. 13 did not permit the accountant to give any express assurance to that effect.

In March 1979, the AICPA issued SAS No. 24, which superseded SAS No. 10 and SAS No. 13. The only substantive change from the review procedures contained in SAS No. 10 is that a letter containing written representations from management as to certain matters relied on by the accountant is now required. However, the procedures for reviews of interim financial information remain as they were under SAS No. 10 and SAS No. 13—that is, limited to inquiries and review procedures which are substantially less than an audit.

The significant differences between the objectives of such a review as compared to the objectives of an audit is described as follows:

The objective of a review of interim financial information is to provide the accountant, based on objectively applying his knowledge of financial reporting practices to significant accounting matters of which he becomes aware through inquiries and analytical review procedures, with a basis for reporting whether material modifications should be made for such information to conform with generally accepted accounting principles. The objective of a review of interim financial information differs significantly from the objective of an examination of financial statements in accordance with generally accepted auditing standards. The objective of an audit is to provide a reasonable basis for expressing an opinion regarding the financial statements taken as a whole. A review of interim financial information does not provide a basis for the expression of such an opinion, because the review does not contemplate a study and evaluation of internal accounting control; tests of accounting records and of responses to inquiries by obtaining corroborating evidential matter through inspection, observation, or confirmation; and certain other procedures ordinarily performed during an audit. A review may bring to the accountant's attention significant matters affecting the interim financial information, but it does not provide assurance that the accountant will become aware of all significant

matters that would be disclosed in an audit.¹¹

With respect to reporting on a timely review of interim financial information, SAS No. 24 does make a substantive change from SAS No. 13. SAS No. 24 permits the accountant to express some assurance in his report, as follows:

Based on our review, we are not aware of any material modifications that should be made to the accompanying financial (information or statements) for them to be in conformity with generally accepted accounting principles.

SAS No. 13, by contrast, prohibited the accountant from giving any such assurance. The example of a report in SAS No. 13 is as follows:

We have made a limited review, in accordance with standards established by the American Institute of Certified Public Accountants, of (describe the information or statements subjected to such review) of ABC Company and consolidated subsidiaries as of September 30, 19X1 and for the three-month and nine-month periods then ended. Since we did not make an audit, we express no opinion on the (information or statements) referred to above.

With respect to an accountant's timely review of interim financial information in a Form 10-Q, paragraph 2 of SAS No. 24 makes clear: "This Statement does not apply to an accountant's involvement with interim financial information included in documents filed with the Securities and Exchange Commission pursuant to the Securities Act of 1933" In recent practice, however, several SAS No. 24 reports have been used by registrants in connection with Securities Act registration statements. This has occurred when an accountant has issued an SAS No. 24 report included by the registrant in a Form 10-Q, and the registrant subsequently has filed a Securities Act registration statement on Form S-18 incorporating by reference the Form 10-Q. This has also occurred when an SAS No. 24 report on interim financial information has been included in a proxy statement which subsequently has been included in a Securities Act registration statement on Form S-14.

If SAS No. 24 reports are used by registrants in connection with Securities Act registration statements, concern has been raised that there may be reluctance on the part of accountants to issue reports on the basis of the limited review procedures specified in SAS No. 24 because of their potential liability

¹¹ SAS No. 24, paragraph 3.

under Section 11(a) of the Securities Act. Alternatively, if accountants perform significantly expanded procedures, much closer to a complete audit, in order to meet potential liability concerns under Section 11(a), substantial increased costs to issuers could result.

As a result of the foregoing, the Commission has determined to consider adoption of either of the two rules being proposed in this Release.

B: Statutory Framework

Section 11(a)(4) of the Securities Act imposes civil liability for material misstatements or omissions in registration statements upon "every accountant . . . who has with his consent been named . . . as having prepared or certified any report or valuation which is used in connection with the registration statement. . . ." ¹² Section 7 of the Securities Act deals with the matter of consent by requiring the filing of a written consent with the registration statement by any accountant who is named as having prepared or certified a report for use in connection with the registration statement. Section 7 establishes a separate requirement for reports which are used in a registration statement but which were prepared by the accountant for some other purpose; here, written consent is required "unless the Commission dispenses with such filing as impracticable or as involving undue hardship on the person filing the registration statement". ¹³

As a consequence of the interrelationship between Sections 7

¹² Section 11(a) in imposing civil liability for material misstatements or omissions in registration statements applies to: (4) every accountant, engineer, or appraiser, or any person whose profession gives authority to a statement made by him, who has with his consent been named as having prepared or certified any part of the registration statement, or as having prepared or certified any report or valuation which is used in connection with the registration statement, with respect to the statement in such registration statement, report, or valuation, which purports to have been prepared or certified by him. . . .

¹³ The pertinent language of Section 7 is: If any accountant, engineer, or appraiser, or any person whose profession gives authority to a statement made by him, is named as having prepared or certified any part of the registration statement, or is named as having prepared or certified a report or valuation for use in connection with the registration statement, the written consent of such person shall be filed with the registration statement. If any such person is named as having prepared or certified a report or valuation (other than a public official document or statement) which is used in connection with the registration statement, but is not named as having prepared or certified such report or valuation for use in connection with the registration statement, the written consent of such person shall be filed with the registration statement unless the Commission dispenses with such filing as impracticable or as involving undue hardship on the person filing the registration statement.

and 11, concern has been expressed that accountants issuing SAS No. 24 reports, who subsequently consent under Section 7 to being named in a registration statement which incorporates their report by reference, could be held subject to Section 11(a) which imposes liability on every accountant "who has with his consent been named as "having prepared . . . any report. . . ."

Since SAS No. 24 was only recently issued, the question of whether accountants could be held liable under Section 11(a) for SAS No. 24 reports included with the consent of the accountants pursuant to Section 7 in Securities Act filings has not yet been tested in the courts. Under existing case law, Section 11(a) liability of an accountant who has consented to being named in a registration statement has been limited to audited financial statements which have been certified by him. See *Escott v. Bar Chris Construction Corp.*, 283 F. Supp. 643 (S.D.N.Y. 1968), and *Grimm v. Whitney-Fidalgo Seafoods, Inc.*, [1977-78 Transfer Binder] CCH Fed. Sec. L. Rep. ¶ 96,029 (S.D.N.Y. 1973). These cases arose, however, before the issuance of SAS No. 24 reports and their inclusion in Securities Act filings with the accountant's consent to being named as having prepared them. As a result of the different facts now presented by issuance of SAS No. 24 reports, the accountant's consent and issuance of such a report may be found to come within the language of Section 11(a)(4) which imposes liability on an accountant "who has with his consent been named as having prepared or certified . . . any report or valuation which is used in connection with the registration statement. . . ."

The Commission recognizes that an important consequence, if Section 11(a) liability is applicable to accountants in these circumstances, is that a plaintiff who makes a prima facie showing of a material misstatement or omission in a registration statement will have met his burden of proof. The burden of proof will then shift to the defendant-accountant under Section 11(b)(3)(B)(i) to demonstrate that he believed the statement was true and not misleading after conducting a "reasonable investigation" and that he had reasonable ground for this belief.¹⁴

¹⁴ Section 11(b)(3) provides a defense to Section 11(a) liability for every person named in Section 11(a), other than an issuer, if such person sustains the burden of proof that:

(B) as regards any part of the registration statement purporting to be made upon his authority as an expert or purporting to be a copy of or extract from a report or valuation of himself as an expert,

It should be noted that accountants have heretofore considered their duty to conduct a reasonable investigation to have been met when they performed a full audit¹⁵ and not when only limited procedures are involved as in an SAS No. 24 review. There is therefore additional uncertainty, if Section 11(a)(4) is applicable to accountants for SAS No. 24 reports, as to whether SAS No. 24 limited procedures will constitute a reasonable investigation defense in these circumstances under Section 11(b)(3)(B)(i).

In the event that the Commission were to adopt either proposed rule which would have the effect of excluding accountants from Section 11(a) liability in these circumstances, it should be emphasized that accountants would nevertheless remain subject to liability under Section 17(a) of the Securities Act of 1933 for SAS No. 24 reports used in connection with registration statements.¹⁶ The Section provides an alternate vehicle for securing many of the protections afforded under Section 11 of the Securities Act,¹⁷ although there

(i) he had, after reasonable investigation, reasonable ground to believe and did believe, at the time such part of the registration statement became effective, that the statements therein were true and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading, or (ii) such part of the registration statement did not fairly represent his statement as an expert or was not a fair copy of or extract from his report or valuation as an expert

¹⁵ E.g. Codification of Statements on Auditing Standards, AU § 630.02, in the context of "Letter to Underwriters" states: "The accountants' reasonable investigation must be premised upon an audit; it cannot be accomplished short of an audit."

¹⁶ Section 17(a) of the Securities Act provides in its entirety: It shall be unlawful for any person in the offer or sale of any securities by the use of any means or instruments of transportation or communication in interstate commerce or by the use of the mails, directly or indirectly—

(1) to employ any device, scheme, or artifice to defraud, or

(2) to obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or

(3) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

¹⁷ With respect to Commission enforcement actions, Section 17(a) has generally been interpreted by the courts to impose civil liability without scienter. *Securities and Exchange Commission v. World Radio Mission*, 544 F.2d 535 (1st Cir. 1976); *Securities and Exchange Commission v. Coven*, 581 F.2d 1020 (2d Cir. 1978), cert. denied, 47 U.S.L.W. 3568 (1979); *Securities and Exchange Commission v. Aaron*, [Current] CCH Fed. Sec. L. Rep. ¶ 96,800 (2d Cir. 1979); *Securities Exchange Commission v. American Realty Trust*, [1978] CCH Fed. Sec. L. Rep. ¶ 96,605 (4th Cir. 1978). Therefore, insofar as material misstatements or omissions are made by accountants in SAS No. 24 Reports used in registration statements, the Commission may take appropriate enforcement action against such

are significant differences between the two sections. In this regard, the Commission in proposing this rule does so, in part, based upon its belief that a private action may properly be brought under Section 17(a) of the Securities Act or Section 10(b) of the Securities Exchange Act on behalf of investors aggrieved by an SAS 24 Report which contains misstatements or omissions or would operate as a fraud.

Another consequence if either proposed rule is adopted is that if shareholders sued the corporate directors or underwriters of the issuer for damages under Section 11(a), the directors and underwriters in defense may not be able to rely on an SAS No. 24 report on interim financial data included in a registration statement as statements "purporting to be made on the authority of an expert . . . which they had no reasonable ground to believe . . . were untrue . . ." under Section 11(b)(3)(C).¹⁸ Rather, directors and underwriters may be required, as has been the case before issuance of SAS No. 24 whenever unaudited financials are included in a registration statement, to affirmatively demonstrate under Section 11(b)(3)(A) that, after conducting a reasonable investigation, they had reasonable ground to believe, and did believe, that the interim financial data was true.²⁰

accountants under Section 17(a). Of course, where an accountant's report is found to be fraudulent, and the fraud has occurred in connection with the purchase or sale of a security, civil liability would also arise pursuant to Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78j(b), and Rule 10b-5 thereunder, 17 CFR 240.10b-5, see, e.g., *Blue Chip Stamps v. Manor Drug Stores*, 421 U.S. 723 (1975).

¹⁸ Section 11(b)(3) provides a defense to Section 11(a) liability to every person named in Section 11(a), other than an issuer, if such person sustains the burden of proof that:

(C) as regards any part of the registration statement purporting to be made on the authority of an expert (other than himself) or purporting to be a copy of or extract from a report or valuation of an expert (other than himself), he had no reasonable ground to believe, and did not believe, at the time such part of the registration statement became effective, that the statements therein were untrue or that there was an omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading, or that such part of the registration statement did not fairly represent the statement of the expert or was not a fair copy of or extract from the report or valuation of the expert

²⁰ Section 11(b)(3) provides a defense to Section 11(a) liability to every person named in Section 11(a), other than an issuer, if such person shall sustain the burden of proof that:

(A) as regards any part of the registration statement not purporting to be made on the authority of any expert and not purporting to be a copy of or extract from a report or valuation of an expert, and not purporting to be made on the authority of a public official document or statement, he had, after reasonable investigation, reasonable ground to believe and did believe, at the time such

Footnotes continued on next page

II. Discussion of Proposed Rules

A. Version "A"

As proposed, Version "A" (the "exemptive rule") would provide that the written consent of an accountant pursuant to Section 7 of the Act may be omitted, without specific application to the Commission, in respect of a report on unaudited interim financial information prepared by an independent accountant for other than use in a registration statement when the accountant has conducted a review of and reported on such information in accordance with SAS No. 24. If adopted, the Commission's view would be that a waiver of the consent requirement should operate to insulate the accountant from Section 11(a) liability if such SAS No. 24 report is included in a Securities Act filing.

In proposing such a rule the Commission is calling for comment on whether, because of the consent requirement under Section 7 and its interrelationship with Section 11, a finding may be made pursuant to Section 7 that requiring consent is likely to be impracticable or alternatively that it imposes an undue hardship on registrants. If either finding may be made, the Commission also invites comment on whether the public interest in having these types of reports on interim financial data included in other Commission filings outweighs the public interest in having accountants held to potential liability under Section 11(a) of the Securities Act for SAS No. 24 reports included in registration statements.

B. Version "B"

As an alternative formulation, the Commission could adopt, pursuant to its rulemaking authority under Section 19(a) of the Securities Act, a "definitional" rule, defining "report" as one of the "accounting, technical and trade terms used in this title." Version "B" would, in effect, define an SAS No. 24 report not to be a report prepared or certified by an accountant within the meaning of Sections 7 and 11 of the Act. Accordingly, the filing of a consent under Section 7 would be unnecessary, and accountants would not be liable for such reports under Section 11(a).

C. Choice of Rules

The Commission invites public comment on which rule is preferable if either is to be adopted. The Commission

notes that, among other considerations, the exemptive rule appears to be more limited in that it applies to circumstances where SAS No. 24 reports are prepared for uses other than inclusion in the registration statement, and not when prepared specifically for use in a registration statement, while the definitional rule would apply in either case.

The Commission invites comments on whether both formulations adequately address the Section 11(a) potential liability problem: Version "A" by dispensing with the required consent, and Version "B" by defining "report" as not including an SAS No. 24 report.

The Commission notes that if either rule is adopted appropriate disclosure would still be required in the prospectus under the caption "Experts" that the accountant's consent was not included and that, accordingly, no civil liability under Section 11(a) of the Act for the accountant should result.

III. Other Considerations

The Commission recognizes that it could elect not to adopt either of the rules being proposed, thus leaving the issue of accountant liability for SAS No. 24 reports for future judicial determination. And, the Commission could preserve the practice, developed in the several filings which have occurred to date, which requires the accountant to consent to the use of the SAS No. 24 report but which allows him to state that it is not clear whether his report has been made on the authority of an expert within the purview of Sections 7 and 11 of the Act. The Commission invites comment as to whether to continue this course of action.

The Commission invites comment on whether, absent adoption of either proposed rule, SAS No. 24 reports will be discouraged or, if issued in such circumstances, whether significantly higher costs to registrants might result in the future due to the potential for use in a Securities Act filing.

The Commission also requests comment on whether accountants' concern over Section 11(a) liability sufficiently outweighs the public interest in having accountants and other professionals on whom investors rely held to potential liability under Section 11(a). Conversely, comment is invited on whether adoption of either rule might help clarify to the investing public the limited nature of the accountant's involvement in reviewing unaudited data and not mislead any investor into confusing audited financial information with unaudited data.

Finally, the Commission notes that adoption of either rule could further

accountant involvement throughout the year with interim financial information. Due to the increasing integration of Securities Act registration statements and periodic reporting requirements under the Securities Exchange Act of 1934, comment is invited as to whether such continuous accountant involvement supplements other Commission efforts to provide public investors with a continuing disclosure system.

IV. Authority for Proposed Rules

The exemptive rule (Version "A") providing for a waiver of the written consent required by Section 7 would be promulgated pursuant to Sections 7 and 19(a) of the Securities Act of 1933. Section 7 confers authority on the Commission to dispense with the filing of a consent where an accountant is named as having prepared a report which is used in connection with a registration statement, but who is not named as having prepared such report for use in the registration statement, if the Commission finds such a consent would involve "impracticability or undue hardship on the person filing the registration statement." Section 19(a) grants the Commission authority to "make . . . such rules and regulations as may be necessary to carry out the provisions of this title . . ."

The definitional rule (Version "B") excluding an SAS No. 24 report from the definition of "report" in Sections 7 and 11 of the Securities Act would be promulgated pursuant to Section 19(a) of the Securities Act of 1933 which grants the Commission authority to define "accounting, technical and trade terms used in this title."

V. Request for Comments

All interested persons are invited to submit their views and comments on the foregoing in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C., 20549 on or before November 15, 1979. Such communications should refer to File S7-801 and will be available for public inspection.

VI. Text of Proposed Rules

In consideration of the foregoing, it is proposed to amend 17 CFR Chapter II as follows:

A. Proposed Rule Amendment—Waiver of Consent

Text of the Proposed Amendment

Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended by designating the present paragraph as (a) and adding

paragraphs (b) and (c) to § 230.437 as follows:

§ 230.437 Application to dispense with consent.

(a) . . .
(b) Notwithstanding the provisions of paragraph (a) any such consent may be omitted without application to the Commission in respect of a report on unaudited interim financial information (as defined in paragraph (c) below) prepared for use other than in a registration statement by an independent accountant who has conducted a review of such interim financial information.

(c) The term "report on unaudited interim financial information" shall mean a report which consists of the following: (1) a statement that the review of interim financial information was made in accordance with established professional standards for such reviews; (2) an identification of the interim financial information reviewed; (3) a description of the procedures for a review of interim financial information; (4) a statement that a review of interim financial information is substantially less in scope than an examination in accordance with generally accepted auditing standards, the objective of which is an expression of opinion regarding the financial statements taken as a whole and, accordingly, no such opinion is expressed; and (5) a statement about whether the accountant is aware of any material modifications that should be made to the accompanying financial information so that it conforms with generally accepted accounting principles.

B. Proposed Rule Amendment—Definition of "Report"

Text of the Proposed Amendment

Part 230 of Chapter II of the Title 17 of the Code of Federal Regulations is proposed to be amended by adding paragraphs (c) and (d) to § 230.436 as follows:

§ 230.436 Consents required in special cases.

(c) Notwithstanding the provisions of paragraph (b), a report prepared or certified by an expert within the meaning of sections 7 and 11 of the act shall not include a report on unaudited interim financial information (as defined in paragraph (d) below) by an independent accountant who has conducted a review of such interim financial information.

(d) The term "report on unaudited interim financial information" shall mean a report which consists of the

following: (1) a statement that the review of interim financial information was made in accordance with established professional standards for such reviews; (2) an identification of the interim financial information reviewed; (3) a description of the procedures for a review of interim financial information; (4) a statement that a review of interim financial information is substantially less in scope than an examination in accordance with generally accepted auditing standards, the objective of which is an expression of opinion regarding the financial statements taken as a whole, and, accordingly, no such opinion is expressed; and (5) a statement about whether the accountant is aware of any material modifications that should be made to the accompanying financial information so that it conforms with generally accepted accounting principles.

By the Commission.
George A. Fitzsimmons,
Secretary.

September 20, 1979.

[FR Doc. 79-30157 Filed 9-27-79; 8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

(Regs. No. 4)

Federal Old-Age, Survivors' and Disability Insurance Benefits; Wage Credits for Veterans and Members of the Uniformed Services

AGENCY: Social Security Administration, HEW.

ACTION: Proposed rule.

SUMMARY: The Social Security Administration is revising the regulations in Subpart N of 20 CFR Part 404 to make them clearer and easier for the public to use. Generally, Subpart N contains the rules on wage credits for veterans and members of the uniformed services. We provide wage credits under the old-age, survivors', and disability insurance programs to World War II and post-World War II veterans of active military or naval service of the United States, to certain veterans who served in the armed forces of allied countries during World War II, and to members of the uniformed services who served on active duty after 1956. In addition, this subpart contains the rules under which certain deceased World War II veterans are considered (deemed) fully insured. This results in the veterans' survivors

having the same benefit rights as if the veterans were actually fully insured when they died.

DATE: Your comments will be considered if we receive them no later than November 27, 1979.

ADDRESSES: Send your written comments to: Social Security Administration, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments we receive in response to this notice will be available for public inspection at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 1169, 330 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Mrs. Vera Schlosser, 4-H-10, West High-rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235; 301-594-7332.

SUPPLEMENTARY INFORMATION: We are revising this subpart as part of HEW's "Operation Common Sense," a Department-wide effort to review, simplify, and reduce HEW's rules.

General

The rules explain that we provide noncontributory wage credits to individuals who served in the active military or naval service of the United States during the World War II or post-World War II period. We also provide noncontributory wage credits to certain individuals who served in the active military or naval service of allied countries during World War II. In addition, individuals get wage credits for serving on active duty or active duty for training in the uniformed services of the United States beginning in 1957, when services as members of the uniformed services were first covered for social security purposes on a contributory basis.

Reorganizing Sections

We changed the title of this subpart to more accurately reflect the content and we reorganized the sections so that the sequence is more logical. We added subtitles to highlight important rules and to make them easier to find. We also arranged the rules in outline form for the convenience of the user.

Definitions

We added a new section (§ 404.1302) to define terms that are used in this subpart. We also added definitions to certain sections where they specifically apply.

Footnotes continued from last page
part of the registration statement became effective, that the statements therein were true and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading . . .

Wage Credits for World War II Veterans and Veterans of Post-World War II Service

A wage credit is the (deemed) amount of dollars we add for each month or part of a month the veteran was in the active military or naval service of the United States during the World War II or post-World War II period (§ 404.1340). These wage credits are added after an application for monthly benefits or a lump-sum death payment is filed. We use these wage credits when they result in entitlement to a monthly benefit, a higher monthly benefit amount, or a lump-sum death payment. They are also used to establish a period of disability. The wage credits are used instead of the actual amounts earned by the veteran while in the active military or naval service because those earnings were not covered for social security purposes. For purposes of these regulations the "World War II period" is the period September 16, 1940, through July 24, 1947. The "post-World War II period" is the period July 25, 1947 through December 31, 1956.

We discuss in §§ 404.1310-404.1313 who may qualify as a World War II veteran, how we determine whether the 90-day active service requirement for a World War II veteran is met, what we consider to be World War II active military or naval service, and what we do not consider to be World War II active military or naval service. In §§ 404.1320-404.1323 we discuss similar rules that apply to post-World War II veterans.

There are circumstances when wage credits cannot be granted to World War II or post-World War II veterans. The limits on granting wage credits and the exceptions to the limits are described in §§ 404.1342 and 404.1343.

Wage Credits for Members of the Uniformed Services

Individuals also get wage credits for serving on active duty or active duty for training in the uniformed services of the United States beginning in 1957. We refer to these individuals as members of the uniformed services. We discuss in § 404.1330 who may qualify as a member of a uniformed service.

Services of members of the uniformed services are covered for social security purposes. These individuals get wage credits for each calendar quarter in 1957 through 1977 or for each calendar year beginning in 1978 for active duty or active duty for training in addition to the wages they were paid as a member of a

uniformed service. The amount of wage credits they get is based on the wages they are paid for their services. The rules are described in § 404.1341.

We added the rules on members of the uniformed services to this subpart because wage credits for them are in several respects similar to those given World War II veterans and veterans of post-World War II service. There are, however, some differences. For instance, World War II and post-World War II veterans receive wage credits based on the length of active military or naval service, type of separation from active military or naval service, and in some cases whether the veterans are receiving other Federal benefits based on their active military or naval service. However, members of the uniformed services receive wage credits regardless of length of service, type of separation, or receipt of other Federal benefits based on their services as members of the uniformed services.

Deemed Insured Status for World War II Veterans

Section 404.1350 explains that certain deceased World War II veterans are considered (deemed) fully insured. This section also explains how we compute benefits for their survivors. In § 404.1351 we describe when deemed insured status does not apply.

Effect of Other Benefits on Payment of Social Security Benefits and Payments

When social security benefits are based on deemed insured status (§ 404.1350) for a World War II veteran and the veteran's survivor is also eligible for compensation or a pension from the Veterans Administration (VA), this may result in an erroneous social security payment. Similarly, when social security benefits are based on wage credits for a World War II or post-World War II veteran, and the veteran or his or her survivor is eligible for another Federal benefit (other than from the VA), this may result in an erroneous social security payment. Sections 404.1360 and 404.1361 describe how we determine when an erroneous payment is made and §§ 404.1362 and 404.1363 describe how we determine the amount of erroneous payments.

Evidence of Active Service and Membership in a Uniformed Service

Section 404.1370 describes the types of evidence we request when an individual files an application for monthly benefits or a lump-sum death payment based on active military or naval service during the World War II or post-World War II

period. Section 404.1371 describes the kinds of evidence we accept to show entitlement to wage credits for membership in a uniformed service during the years 1957 through 1967.

Provisions Deleted or Extensively Modified

1. The terms "World War II veteran" and "veteran of post-World War II service" do not include an individual who died while in the active military or naval service and whose death was inflicted as punishment for a military or naval offense under the laws of the United States or an allied country. We propose to remove this seldom used provision from the regulations, but the rule will be used in any case where it applies.

2. The limits on granting wage credits to World War II and post-World War II veterans do not apply if using them reduces the veteran's primary insurance amount (§ 404.203(a)) by 50 cents or less. We propose to remove this rarely applicable provision from the regulations, but the rule will be used when appropriate.

3. We propose to remove the rules explaining that a parent of a deceased veteran filing for parent's insurance benefits has 2 years from the date of the veteran's death to file evidence of support from the veteran because these rules are contained in Subpart G of Part 404.

4. Individuals who were on active service with the commissioned corps of the United States Public Health Service during the post-World War II period are considered post-World War II veterans regardless of whether they were on detail to a service department. Also, individuals who were on active service in the commissioned corps of the United States Coast and Geodetic Survey during the post-World War II period are considered post-World War II veterans regardless of whether they were on detail to a service department. To avoid confusion, these provisions have been revised to state that individuals who were on active service with the commissioned corps of the United States Public Health Service or the United States Coast and Geodetic Survey during the post-World War II period are considered post-World War II veterans.

(Catalog of Federal Domestic Assistance program Nos. 13.802 Social Security—Disability Insurance; 13.803 Social Security—Retirement Insurance; 13.805 Social Security—Survivors' Insurance)

Dated: August 6, 1979

Robert P. Bynum,
Acting Commissioner of Social Security.

Approved: September 24, 1979.

Patricia Roberts Harris,
Secretary of Health, Education, and Welfare.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended by revising Subpart N to read as follows:

Subpart N—Wage Credits for Veterans and Members of the Uniformed Services

General

Sec.

404.1301 Introduction.

404.1302 Definitions.

World War II Veterans

404.1310 Who is a World War II veteran.

404.1311 Ninety-day active service requirement for World War II veterans.

404.1312 World War II service included.

404.1313 World War II service excluded.

Post-World War II Veterans

404.1320 Who is a post-World War II veteran.

404.1321 Ninety-day active service requirement for Post-World War II veterans.

404.1322 Post-World War II service included.

404.1323 Post-World War II service excluded.

Separation From Active Service

404.1325 Separation from active service under conditions other than dishonorable.

Members of the Uniformed Service

404.1330 Who is a member of a uniformed service

Amounts of Wage Credits and Limits on Their Use

404.1340 Wage credits for a World War II or post-World War II veteran.

404.1341 Wage credits for a member of a uniformed service.

404.1342 Limits on granting World War II and post-World War II wage credits.

404.1343 When the limits on granting World War II and post-World War II wage credits do not apply.

Deemed Insured Status for World War II Veterans

404.1350 Deemed insured status.

404.1351 When deemed insured status does not apply.

404.1352 Benefits and payments based on deemed insured status.

Effect of Other Benefits on Payment of Social Security Benefits and Payments

404.1360 Veterans Administration pension or compensation payable.

Sec.

404.1361 Federal benefit payable other than by Veterans Administration.

404.1362 Treatment of social security benefits or payments where Veterans Administration pension or compensation payable.

404.1363 Treatment of social security benefits or payments where Federal benefit payable other than by Veterans Administration.

Evidence of Active Service and Membership in a Uniformed Service

404.1370 Evidence of active service and separation from active service.

404.1371 Evidence of membership in a uniformed service during the years 1957 through 1967.

Authority: Sec. 205, 210, 217, 229, and 1102 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 64 Stat. 494, 64 Stat. 512, as amended, 81 Stat. 833 as amended, 49 Stat. 647 as amended; 42 U.S.C. 405, 410, 417, 429, and 1302

General

§ 404.1301 Introduction.

(a) The Social Security Act (Act), under section 217, provides for noncontributory wage credits to veterans who served in the active military or naval service of the United States from September 16, 1940, through December 31, 1956. These individuals are considered World War II or post-World War II veterans. The Act also provides for noncontributory wage credits to certain individuals who served in the active military or naval service of an allied country during World War II. These individuals are considered World War II veterans. In addition, certain individuals get wage credits, under section 229 of the Act, for service as members of the uniformed services on active duty or active duty for training beginning in 1957 when that service was first covered for social security purposes on a contributory basis. These individuals are considered members of the uniformed services.

(b) World War II or post-World War II veterans receive wage credits based on the length of active military or naval service, type of separation from service and, in some cases, whether the veteran is receiving another Federal benefit. However, a member of a uniformed service receives wage credits regardless of length of service, type of separation, or receipt of another Federal benefit.

(c) The Social Security Administration (SSA) uses these wage credits, along with any covered wages or self-employment income of the veteran or member of a uniformed service, to determine entitlement to, and the amount of, benefits and the lump-sum death payment that may be paid to them, their dependents or survivors under the old-age, survivors', and

disability insurance programs. These wage credits can also be used by the veteran or member of the uniformed service to meet the insured status and quarters of coverage requirements for a period of disability.

(d) This subpart tells how veterans or members of the uniformed services obtain wage credits, what evidence of service SSA requires, how SSA uses the wage credits, and how the wage credits are affected by payment of other benefits.

(e) This subpart explains that certain World War II veterans who die are considered (deemed) fully insured. This gives those veterans' survivors the same benefit rights as if the veterans were actually fully insured when they died.

(f) The rules are organized in the following manner:

(1) Sections 404.1310-404.1313 contain the rules on World War II veterans. We discuss who may qualify as a World War II veteran, how we determine whether the 90-day active service requirement for a World War II veteran is met, what we consider to be World War II active military or naval service, and what we do not consider to be World War II active military or naval service.

(2) Sections 404.1320-404.1323 contain the rules on post-World War II veterans. We discuss who may qualify as a post-World War II veteran, how we determine whether the 90-day active service requirement for a post-World War II veteran is met, what we consider to be post-World War II active military or naval service, and what we do not consider to be post-World War II active military or naval service.

(3) In § 404.1325 we discuss what is a "separation under conditions other than dishonorable." The law requires that a World War II or post-World War II veteran's separation from active military or naval service be other than dishonorable for the veteran to get wage credits.

(4) Section 404.1330 contains the rules on members of the uniformed services. We discuss who may qualify as a member of a uniformed service.

(5) In §§ 404.1340-404.1343, we discuss the amount of wage credits for veterans and members of the uniformed services, situations which may limit the use of wage credits for World War II and post-World War II veterans, and situations in which the limits do not apply.

(6) Sections 404.1350-404.1352 contain the rules on deemed insured status for World War II veterans. We discuss when deemed insured status applies, the amount of wage credits used for deemed insured World War II veterans, how the wage credits affect survivors' social

security benefits, and when deemed insured status does not apply.

(7) Sections 404.1360-404.1363 contain the rules on the effect of other benefits on the payment of social security benefits and lump-sum death payments based on wage credits for veterans. We discuss what happens when we learn of a determination that a Veterans Administration pension or compensation is payable or that a Federal benefit is payable before or after we determine entitlement to a monthly benefit or lump-sum death payment based on the death of the veteran.

(8) Sections 404.1370 and 404.1371 contain the rules on what we accept as evidence of a World War II and post-World War II veteran's active military or naval service, including date and type of separation, and what we accept as evidence of entitlement to wage credits for membership in a uniformed service during the years 1957 through 1967.

§ 404.1302 Definitions.

As used in this subpart—

"Act" means the Social Security Act, as amended.

"Active duty" means periods of time an individual is on full-time duty in the active military or naval service after 1956 and includes active duty for training after 1956.

"Active service" means periods of time prior to 1957 an individual was on full-time duty in the active military or naval service. It does not include totaling periods of active duty for training purposes before 1957 which are less than 90 days.

"Allied country" means a country at war on September 16, 1940, with a country with which the United States was at war during the World War II period. Each of the following countries is considered an allied country: Australia, Belgium, Canada, Czechoslovakia, Denmark, France, India, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Union of South Africa, and the United Kingdom.

"Domiciled in the United States" means an individual has a true, fixed, and permanent home in the United States to which the individual intends to return whenever he or she is absent.

"Federal benefit" means a benefit which is payable by another Federal agency (other than the Veterans Administration) or an instrumentality owned entirely by the United States under any law of the United States or under a program or pension system set up by the agency or instrumentality.

"Post-World War II period" means the time period July 25, 1947, through December 31, 1956.

"Reserve component" means Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve, National Guard of the United States or Air National Guard of the United States.

"Resided in the United States" means an individual had a place where he or she lived, whether permanently or temporarily, in the United States and was bodily present in that place.

"Survivor" means you are a parent, widow, divorced wife, widower, or child of a deceased veteran or member of a uniformed service.

"United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"Veteran" means an individual who served in the active military or naval service of the United States and was discharged or released from that service under conditions other than dishonorable. For a more detailed definition of the World War II veteran and a post-World War II veteran, see §§ 404.1310 and 404.1320.

"Wage credit" means a dollar amount we add to the earnings record of a veteran of the World War II or the post-World War II period. It is also a dollar amount we add to the earning record of a member of a uniformed service who was on active duty after 1956. The amount is set out in the Act and is added for each month, calendar quarter, or calendar year of service as required by law.

"We", "us", or "our" means the Social Security Administration.

"World War II period" means the time period September 16, 1940, through July 24, 1947.

"You" or "your" means a veteran, a veteran's survivor or a member of a uniformed service applying for or entitled to a social security benefit or a lump-sum death payment.

World War II Veterans

§ 404.1310 Who is a World War II veteran.

You are a World War II veteran if you were in the active service of the United States during the World War II period and, if no longer in active service, you were separated from that service under conditions other than dishonorable after at least 90 days of active service. The 90-day active service requirement is discussed in § 404.1311.

§ 404.1311 Ninety-day active service requirement for World War II veterans.

(a) The 90 days of active service required for World War II veterans do not have to be consecutive if the 90 days were in the World War II period. The 90-

day requirement cannot be met by totaling the periods of active duty for training purposes before 1957 which were less than 90 days.

(b) If, however, all of the 90 days of active service required for World War II veterans were not in the World War II period, the 90 days must (only in those circumstances) be consecutive if the 90 days began before September 16, 1940, and ended on or after that date, or began before July 25, 1947, and ended on or after that date.

(c) The 90 days of active service is not required if the World War II veteran died in service or was separated from service under conditions other than dishonorable because of a disability or injury which began or worsened while performing service duties.

§ 404.1312 World War II service included.

Your service was in the active service of the United States during the World War II period if you were in the—

(a) Army, Navy, Marine Corps, or Coast Guard, or any part of them;

(b) Commission corps of the United States Public Health Service and were—

(1) On active commissioned service during the period beginning September 16, 1940, through July 28, 1945, and the active service was done while on detail to the Army, Navy, Marine Corps, or Coast Guard; or

(2) On active commissioned service during the period beginning July 29, 1945, through July 24, 1947, regardless of whether on detail to the Army, Navy, Marine Corps, or Coast Guard;

(c) Commissioned corps of the United States Coast and Geodetic Survey and were—

(1) During the World War II period—

(i) Transferred to active service with the Army, Navy, Marine Corps, or Coast Guard; or

(ii) Assigned to active service on military projects in areas determined by the Secretary of Defense to be areas of immediate military hazard; or

(2) On active service in the Philippine Islands on December 7, 1941; or

(3) On active service during the period beginning July 29, 1945, through July 24, 1947;

(d) Philippine Scouts and performed active service during the World War II period under the direct supervision of recognized military authority;

(e) Active service of an allied country during the World War II period and—

(1) Had entered into that active service before December 9, 1941;

(2) Were a citizen of the United States throughout that period of active service or lost your United States citizenship solely because of your entrance into that service;

(3) Had resided in the United States for a total of four years during the five-year period ending on the day you entered that active service; and

(4) Were domiciled in the United States on that day; or

(f) Women's Army Auxiliary Corps, during the period May 14, 1942, through September 29, 1943, and performed active service with the Army, Navy, Marine Corps, or Coast Guard after September 29, 1943.

§ 404.1313 World War II service excluded.

Your service was not in the active service of the United States during the World War II period if, for example, you were in the—

(a) Women's Army Auxiliary Corps, except as described in § 404.1312(f);

(b) Coast Guard Auxiliary;

(c) Coast Guard Reserve (Temporary) unless you served on active full-time service with military pay and allowances;

(d) Civil Air Patrol; or

(e) Civilian Auxiliary to the Military Police.

Post-World War II Veterans

§ 404.1320 Who is a post-World War II veteran.

You are a post-World War II veteran if you were in the active service of the United States during the post-World War II period and, if no longer in active service, you were separated from the service under conditions other than dishonorable after at least 90 days of active service. The 90-day active service requirement is discussed in § 404.1321.

§ 404.1321 Ninety-day active service requirement for post-World War II veterans.

(a) The 90 days of active service required for post-World War II veterans do not have to be consecutive if the 90 days were in the post-World War II period. The 90-day requirement cannot be met by totaling the periods of active duty for training purposes before 1957 which were less than 90 days.

(b) If, however, all of the 90 days of active service required for post-World War II veterans were not in the post-World War II period, the 90 days must (only in those circumstances) be consecutive if the 90 days began before July 25, 1947, and ended on or after that date, or began before January 1, 1957, and ended on or after that date.

(c) The 90 days of active service is not required if the post-World War II veteran died in service or was separated from service under conditions other than dishonorable because of a disability or injury which began or worsened while performing service duties.

§ 404.1322 Post-World War II service included.

Your service was in the active service of the United States during the post-World War II period if you were in the—

(a) Air Force, Army, Navy, Marine Corps, Coast Guard, or any part of them;

(b) Commissioned corps of the United States Public Health Service and were on active service during that period;

(c) Commissioned corps of the United States Coast and Geodetic Survey and were on active service during that period; or

(d) Philippine Scouts and performed active service during the post-World War II period under the direct supervision of recognized military authority.

§ 404.1323 Post-World War II service excluded.

Your service was not in the active service of the United States during the post-World War II period if, for example, you were in the—

(a) Coast Guard Auxiliary;

(b) Coast Guard Reserve (Temporary) unless you served on active full-time service with military pay and allowances;

(c) Civil Air Patrol; or

(d) Civilian Auxiliary to the Military Police.

Separation From Active Service

§ 404.1325 Separation from active service under conditions other than dishonorable.

Separation from active service under conditions other than dishonorable means any discharge or release from the active service except—

(a) A discharge or release for desertion, absence without leave, or fraudulent entry;

(b) A dishonorable or bad conduct discharge issued by a general court martial of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States, or by the active service of an allied country during the World War II period;

(c) A dishonorable discharge issued by the United States Public Health Service or the United States Coast and Geodetic Survey;

(d) A resignation by an officer for the good of the service;

(e) A discharge or release because the individual was a conscientious objector; or

(f) A discharge or release because the individual was convicted by a civil court for treason, sabotage, espionage, murder, rape, arson, burglary, robbery, kidnapping, assault with intent to kill, assault with a deadly weapon, or because of an attempt to commit any of these crimes.

Members of the Uniformed Services

§ 404.1330 Who is a member of a uniformed service.

A member of a uniformed service is an individual who served on active duty after 1956. You are a member of a uniformed service if you—

(a) Are appointed, enlisted, or inducted into—

(1) The Air Force, Army, Navy, Coast Guard, or Marine Corps; or

(2) A reserve component of the uniformed services in paragraph (a)(1) of this section (except the Coast Guard Reserve as a temporary member);

(b) Served in the Army or Air Force under call or conscription;

(c) Are a commissioned officer of the National Oceanic and Atmospheric Administration or its predecessors, the Environmental Science Services Administration and the Coast and Geodetic Survey;

(d) Are a commissioned officer of the Regular or Reserve Corps of the Public Health Service;

(e) Are a retired member of any of the above services;

(f) Are a member of the Fleet Reserve or Fleet Marine Corps Reserve;

(g) Are a cadet at the United States Military Academy, Air Force Academy, or Coast Guard Academy, or a midshipman at the United States Naval Academy; or

(h) Are a member of the Reserve Officers Training Corps of the Army, Navy or Air Force, when ordered to annual training duty for at least 14 days and while performing official travel to and from that duty.

Amounts of Wage Credits and Limits on Their Use

§ 404.1340 Wage credits for World War II and post-World War II veterans.

In determining your entitlement to, and the amount of, your monthly benefit or lump-sum death payment based on your active service during the World War II period or the post-World War II period, and for establishing a period of disability as discussed in §§ 404.118 and 404.120, we add the (deemed) amount of \$160 for each month during a part of which you were in the active service as described in § 404.1312 or § 404.1322. For example, if you were in active service from October 11, 1942, through August 10, 1943, we add the (deemed) amount of \$160 for October 1942 and August 1943 as well as November 1942 through July 1943. The amount of wage credits that are added in a calendar year cannot cause the total amount credited to your earnings record to exceed the annual earnings limitation explained in §§ 404.1027(a) and 404.1068(b).

§ 404.1341 Wage credits for a member of a uniformed service.

(a) *General.* In determining your entitlement to, and the amount of, your monthly benefit or a lump-sum death payment based on your wages while on active duty as a member of a uniformed service after 1956 and for establishing a period of disability as discussed in § 404.118, we add wage credits to the wages paid you as a member of that service. The amount of the wage credits and applicable time periods and the limits on the amount of the wage credits are discussed in paragraphs (b) and (c) of this section.

(b) *Amount of wage credits.* The amount of wage credits added is—

(1) \$100 for each \$300 in wages paid to you for your service in each calendar year after 1977; and

(2) \$300 for each calendar quarter in 1957 through 1977, regardless of the amount of wages actually paid you during that quarter for your service.

(c) *Limits on wage credits.* The amount of the wage credits we add cannot exceed \$1,200 for any calendar year. Also, the total of the wage credits added to wages paid you as a member of a uniformed service for that year cannot cause the total amount credited to your earnings record to exceed the annual earnings limitation explained in §§ 404.1027(a) and 404.1068(b).

§ 404.1342 Limits on granting World War II and post-World War II wage credits.

(a) You get wage credits for World War II or post-World War II active service only if the use of the wage credits results in entitlement to a monthly benefit, a higher monthly benefit; or a lump-sum death payment.

(b) You may get wage credits for active service in July 1947 for either the World War II period or the post-World War II period but not for both. If your active service is before and on or after July 25, 1947, we add the \$160 wage credit to the period which is most advantageous to you.

(c) You do not get wage credits for the World War II period if another Federal benefit (other than one payable by the Veterans Administration) is determined by a Federal agency or an instrumentality owned entirely by the United States to be payable to you, even though the Federal benefit is not actually paid or is paid and then terminated, based in part on your active service during the World War II period except as explained in § 404.1343.

(d) You do not get wage credits for the post-World War II period if another Federal benefit (other than one payable by the Veterans Administration) is determined by a Federal agency or an

instrumentality owned entirely by the United States to be payable to you, even though the Federal benefit is not actually paid or is paid and then terminated, based in part on your active service during the post-World War II period except as explained in § 404.1343.

§ 404.1343 When the limits on granting World War II and post-World War II wage credits do not apply.

The limits on granting wage credits described in § 404.1342(c) and (d) do not apply—

(a) If the wage credits are used solely to meet the insured status and quarters of coverage requirements for a period of disability as described in §§ 404.118 and 404.120;

(b) If you are the widow or child of a veteran of the World War II period or post-World War II period and you are entitled under the Civil Service Retirement Act of 1930 to a survivor's annuity based on the veteran's active service and—

(1) You give up your right to receive the survivor's annuity;

(2) A benefit under the Civil Service Retirement Act of 1930 based on the veteran's active service is not payable to the veteran; and

(3) Another Federal benefit is not payable to the veteran or his or her survivors except as described in paragraph (c) of this section; or

(c) For the years 1951 through 1956, if another Federal benefit is payable by the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, or the Public Health Service based on post-World War II active service but only if the veteran was also paid wages as a member of a uniformed service after 1956.

Deemed Insured Status for World War II Veterans**§ 404.1350 Deemed insured status.**

(a) *When deemed insured status applies.* If you are the survivor of a World War II veteran, we consider the veteran to have died fully insured as discussed in § 404.113 and we include wage credits in determining your monthly benefit or lump-sum death payment if—

(1) The veteran was separated from active service of the United States before July 27, 1951; and

(2) The veteran died within 3 years after separation from active service and before July 27, 1954.

(b) *Amount of wage credits used for deemed insured World War II veterans.*

(1) When we compute a survivor's benefit or lump-sum death payment, we add to the World War II veteran's earnings record an amount of wages equal to at least—

(i) 200 dollars for each calendar year in which the veteran had at least 30 days of active service beginning September 16, 1940, through 1950; and

(ii) An average monthly wage of \$160.

(2) If the World War II veteran was fully or currently insured without the wage credits, we add increment years (years after 1936 and prior to 1951 in which the veteran had at least \$200 in creditable earnings) to the increment years based on the veteran's wages.

§ 404.1351 When deemed insured status does not apply.

As a survivor of a World War II veteran, you cannot get a monthly benefit or lump-sum death payment based on the veteran's deemed insured status as explained in § 404.1350 if—

(a) Your monthly benefit or lump-sum death payment is larger without using the wage credits;

(b) The Veterans Administration has determined that a pension or compensation is payable to you based on the veteran's death;

(c) The veteran died while in the active service of the United States;

(d) The veteran was first separated from active service after July 26, 1951;

(e) The veteran died after July 26, 1954; or

(f) The veteran's only service during the World War II period was by enlistment in the Philippine Scouts as authorized by the Armed Forces Voluntary Recruitment Act of 1945 (Pub. L. 190 of the 79th Congress).

§ 404.1352 Benefits and payments based on deemed insured status.

(a) *Our determination.* We determine your monthly benefit or lump-sum death payment under the deemed insured status provisions in §§ 404.1350 and 404.1351 regardless of whether the Veterans Administration has determined that any pension or compensation is payable to you.

(b) *Certification for payment.* If we determine that you can be paid a monthly benefit or lump-sum death payment, we certify these benefits for payment. However, the amount of your monthly benefit or lump-sum death payment may be changed if we are informed by the Veterans Administration that a pension or compensation is payable because of the veteran's death as explained in § 404.1360.

(c) *Payments not considered as pension or compensation.* We do not consider as pension or compensation—

(1) National Service Life Insurance payments;

(2) United States Government Life Insurance payments; or

(3) Burial allowance payments made by the Veterans Administration.

Effect of Other Benefits on Payment of Social Security Benefits and Payments**§ 404.1360 Veterans Administration pension or compensation payable.**

(a) *Before we determine and certify payment.* If we are informed by the Veterans Administration that a pension, or compensation is payable to you before we determine and certify payment of benefits based on deemed insured status, we compute your monthly benefit or lump-sum death payment based on the death of the World War II veteran without using the wage credits discussed in § 404.1350.

(b) *After we determine and certify payment.* If we are informed by the Veterans Administration that a pension or compensation is payable to you after we determine and certify payment of benefits based on deemed insured status, we—

(1) Stop payment of your benefits or recompute the amount of any further benefits that can be paid to you; and

(2) Determine whether you were erroneously paid and the amount of any erroneous payment.

§ 404.1361 Federal benefit payable other than by Veterans Administration.

(a) *Before we determine and certify payment.* If we are informed by another Federal agency or instrumentality of the United States (other than the Veterans Administration) that a Federal benefit is payable to you by that agency or instrumentality based on the veteran's World War II or post-World War II active service before we determine and certify your monthly benefit or lump-sum death payment, we compute your monthly benefit or lump-sum death payment without using the wage credits discussed in § 404.1340.

(b) *After we determine and certify payment.* If we are informed by another Federal agency or instrumentality of the United States (other than the Veterans Administration) that a Federal benefit is payable to you by that agency or instrumentality based on the veteran's World War II or post-World War II active service after we determine and certify payment, we—

(1) Stop payment of your benefits or recompute the amount of any further benefits that can be paid to you; and

(2) Determine whether you were erroneously paid and the amount of any erroneous payment.

§ 404.1362 Treatment of social security benefits or payments where Veterans Administration pension or compensation payable.

(a) *Before we receive notice from the Veterans Administration.* If we certify your monthly benefit or a lump-sum death payment as determined under the deemed insured status provisions in § 404.1350 before we receive notice from the Veterans Administration that a pension or compensation is payable to you, our payments to you are erroneous only to the extent that they exceed the amount of the accrued pension or compensation payable.

(b) *After we receive notice from the Veterans Administration.* If we certify your monthly benefit or lump-sum death payment as determined under the deemed insured status provisions in § 404.1350 after we receive notice from the Veterans Administration that a pension or compensation is payable to you, our payments to you are erroneous whether or not they exceed the amount of the accrued pension or compensation payable.

§ 404.1363 Treatment of social security benefits or payments where Federal benefit payable other than by Veterans Administration.

If we certify your monthly benefit or lump-sum death payment based on World War II or post-World War II wage credits after we receive notice from another Federal agency or instrumentality of the United States (other than the Veterans Administration) that a Federal benefit is payable to you by that agency or instrumentality based on the veteran's World War II or post-World War II active service, our payments to you are erroneous to the extent the payments are based on the World War II or post-World War II wage credits. The payments are erroneous beginning with the first month you are eligible for the Federal benefit.

Evidence of Active Service and Membership in a Uniformed Service**§ 404.1370 Evidence of active service and separation from active service.**

(a) *General.* When you file an application for a monthly benefit or lump-sum death payment based on the active service of a World War II or post-World War II veteran, you must submit evidence of—

(1) Your entitlement as required by Subpart H of this part or other evidence that may be expressly required;

(2) The veteran's period in active service of the United States; and

(3) The veteran's type of separation from active service of the United States.

(b) *Evidence we accept.* We accept as proof of a veteran's active service and separation from active service—

(1) An original certificate of discharge, or an original certificate of service, from the appropriate military service, from the United States Public Health Service, or from the United States Coast and Geodetic Survey;

(2) A certified copy of the original certificate of discharge or service made by the State, county, city agency or department in which the original certificate is recorded;

(3) A certification from the appropriate military service, United States Public Health Service, or United States Coast and Geodetic Survey showing the veteran's period of active service and type of separation;

(4) A certification from a local selective services board showing the veteran's period of active service and type of separation; or

(5) Other evidence that proves the veteran's period of active service and type of separation.

§ 404.1371 Evidence of membership in a uniformed service during the years 1957 through 1967.

(a) *General.* When you file an application for a monthly benefit or lump-sum death payment based on the service of a member of a uniformed service during the years 1957 through 1967, you should submit evidence identifying the member's uniformed service and showing the period(s) he or she was on active duty during the period.

(b) *Evidence we accept.* The evidence we will accept includes any official correspondence showing the member's status as an active service member during the appropriate period, a certification of service by the uniformed service, official earnings statements, copies of the member's Form W-2, and military orders, for the appropriate period.

[FR Doc. 79-30148 Filed 9-27-79; 8:45 am]

BILLING CODE 4110-07-M

[20 CFR Part 404]**Federal Old-Age, Survivors, and Disability Insurance Program; Coverage of Employees of State and Local Governments; Decision To Develop Regulations**

AGENCY: Social Security Administration, HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The Department of Health, Education, and Welfare plans to expand

and rewrite its current regulations in 20 CFR Part 404, Subpart M, on including employees of State and local governments and interstate instrumentalities in the social security program. The primary purpose of this recodification is to reflect in the regulations SSA's policies on the coverage of these employees; many of these policies have been in effect for many years. In addition, we will rewrite these regulations in clear, common sense language. The existing regulations will be updated to reflect many policies now being followed including: how States and interstate instrumentalities may initiate or terminate an agreement with the Secretary of Health, Education, and Welfare, providing social security coverage for their employees; how States and interstate instrumentalities may appeal decisions affecting these agreements; refunds of contributions; charging of interest; Secretary's review of assessments and claims for credit or refund; and giving notices. As we rewrite this subpart, we will look at the current relevance of each policy. The Department of Health, Education, and Welfare has classified this recodification proposal as policy significant.

FOR FURTHER INFORMATION CONTACT: Armand Esposito, Room 4234, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7455.

Dated: August 6, 1979.

Approved:

Robert P. Bynum,

Acting Commissioner of Social Security.

[FR Doc. 79-30321 Filed 9-27-79; 8:45 am]

BILLING CODE 4110-07-M

Food and Drug Administration

[21 CFR Part 50]

[Docket No. 78N-0400]

Protection of Human Subjects; Informed Consent

Correction

In FR Doc. 79-24787 appearing on page 47713 in the issue of Tuesday, August 14, 1979, on page 47723, in the 6th line of paragraph (10) of § 50.3, "... described of this chapter." should have read "... described in this chapter."

On page 47724, paragraph (h) of § 50.3, in the fifth line "... maybe either ..." should have read "... may be either ..." and in the seventh line "... benefit of ..." should have read "... benefit or ..."

BILLING CODE 1505-01-M

[21 CFR Parts 56, 314, and 430]

[Docket No. 77N-0350]

Protection of Human Subjects; Standards for Institutional Review Boards for Clinical Investigations

Correction

In FR Doc. 79-24786 appearing on page 47699 in the issue of Tuesday, August 14, 1979, make the following corrections:

(1) In the center column of page 47702, in the table of contents for part 56, the entry for "56.9 Cooperative clinical investigations" should have been listed in Subpart A after "56.8 ..." instead of in Subpart B.

(2) In the third column of page 47706, in the second line of paragraph (2) of § 56.90(b), "... article is adequate. ..." should have read "... article is inadequate. ..."

(3) In the third column of page 47707, the heading for § 56.204 should have read,

"§ 56.204 Notice of an opportunity for a hearing on proposed disqualification."

(4) In the middle column of page 47710, the last line of § 314.110(a)(11), "... § 56.28 ..." should have read "... § 56.8 ..."

(5) On page 47711, in the 9th line of § 430.20, "... set for the in Part 56 ..." should have read "... set forth in Part 56 ..."

BILLING CODE 1505-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

[29 CFR Ch. XII]

Semi-Annual Agenda of Regulations Under Review and Development

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Publication of Semi-annual Agenda of Regulations under Review and Development.

SUMMARY: This notice contains the semi-annual list of existing FMCS Regulations presently under review by the Service and the list of proposed Regulations currently under development. The Regulations discussed are those governing Federal Sector, Health Care, and Arbitration under the Insecticide, Fungicide, and Rodenticide Act. The list is published pursuant to Section 2(a) of Executive Order 12044.

FOR FURTHER INFORMATION CONTACT: David Vaughn, Associate General Counsel, or Nancy Broff, Assistant General Counsel, Federal Mediation and

Conciliation Service, Washington, D.C., 20427, (202) 653-5305, FTS 653-5305.

SUPPLEMENTARY INFORMATION: This Agenda of Regulations under development or review by Federal Mediation and Conciliation Service is published semi-annually pursuant to Section 2(a) of Executive Order 12044. The initial list of Regulations was contained in paragraph 5 of the report published at 43 FR 54139. This Agenda has been approved by the Director of FMCS.

The following Regulations are under review or development:

1. The development of Regulations governing the role of the Service and the parties in the operation of the Health Care Amendments of 1974 (P.C. 96-360) has been completed. The Regulations were published at 44 FR 42683 and became effective on August 1, 1979. Inquiries regarding the health care regulations may be directed to Nancy Broff, Assistant General Counsel, (202) 653-5305.

2. The review of Regulations governing FMCS Mediation Services in the Federal Sector (29 CFR Part 1425) listed previously is continuing. Revision of the Regulations is necessary in order to comply with Section 7134 of the Civil Service Reform Act of 1978 and to incorporate changes in FMCS procedures due to the evolving nature of federal sector labor relations. A regulatory analysis is not required for these Regulations.

An Advance Notice of Proposed Rulemaking was published on July 10, 1979 (44 FR 40354) for a 60-day period of public comment. The agency is currently reviewing the comments, and publication in the Federal Register of draft regulations is expected in the near future. Inquiries regarding the Federal Sector Regulations may be directed to David Vaughn, Associate General Counsel or Nancy Broff, Assistant General Counsel (202) 653-5305.

3. FMCS is in the process of developing new Regulations as to how FMCS will make appointments of arbitrators for disputes regarding compensation for use or development of data in connection with the registration of pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (Public Law 95-386, September 30, 1978), and as to the procedure and rules that will be applicable to such arbitration proceedings. Development of Regulations is necessary for FMCS to perform its statutory responsibility under FIFRA. A regulatory analysis is not required for these Regulations.

Because of the relatively small roll of FMCS in the FIFRA regulatory scheme and the need to have the system in place quickly, the Service did not issue an Advance Notice of Proposed Rulemaking. The proposed regulations, which were developed after extensive discussions with the Environmental Protection Agency, were published in the Federal Register on July 24, 1979 (44 FR 43292) for a 60-day period of public comment. FMCS expects to publish final Regulations in the near future. Inquiries concerning the FIFRA Regulations may be directed to Nancy Broff, Assistant General Counsel, (202) 653-5305.

4. The Labor-Management Cooperation Act of 1978 (P.L. 95-524) authorizes FMCS to provide assistance, including grants and contracts, for establishment and operation of labor-management committees. Because the legislation was passed after FMCS submitted its FY 1980 budget request, a Budget Amendment is necessary before the Service can provide funding for grants to labor management committees.

If budgetary authority is granted, the Service will need to develop regulations to implement the funding program. The Service is engaged in internal discussions so Advance Notice of Proposed Rulemaking can be drafted promptly if an appropriations bill is passed. Inquiries concerning this program may be directed to David Vaughn, Associate General Counsel, (202) 653-5305.

Wayne L. Horvitz,

Director.

[FR Doc. 79-30222 Filed 9-27-79; 8:45 am]

BILLING CODE 6732-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1600]

Coordination of Federal Equal Employment Opportunity Programs

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: These procedural regulations are proposed pursuant to Executive Order 12067 (Providing for Coordination of Federal Equal Employment Opportunity Programs) and implement the obligations outlined in Sections 1-303 and 1-304 of E.O. 12067 which require that Federal agencies consult and coordinate with EEOC in the development of rules, regulations, policies, procedures or orders dealing with equal employment opportunity. These proposed regulations outline the

means by which the consultation and coordination shall occur between the EEOC and Federal agencies and departments which are authorized to enforce Federal law in support of equal employment opportunity.

Executive Order 12067 assigns to EEOC the responsibility to provide leadership and coordination in the government's effort to "maximize effort, promote efficiency, and eliminate conflict, competition, duplication, and inconsistency among the operations, functions, and jurisdictions of the Federal departments and agencies."

DATE: Comments on these Regulations must be received on or before November 28, 1979.

FOR FURTHER INFORMATION CONTACT: Francesa E. Farmer, Director, Office of Interagency Coordination, Room 2534, Equal Employment Opportunity Commission, 2401 "E" Street, N.W., Washington, D.C. 20506.

ADDRESS: Comments may be sent to: Francesa E. Farmer, Director, Office of Interagency Coordination, Room 2534, Equal Employment Opportunity Commission, 2401 "E" Street, N.W., Washington, D.C. 20506, (202) 653-5490.

SUPPLEMENTARY INFORMATION: This proposed regulation is the first issuance to agencies under E.O. 12067. The first draft of these procedures was disseminated to affected Federal agencies in December 1978 for comment. Of the approximately 40 responses received about 25 either approved or had no comments. A subsequent revision was disseminated to Federal agencies in June 1979. To date, approximately 18 agencies have responded.

These regulations are being issued pursuant to Section 1-303 of E.O. 12067. Their intended effect is to promote uniform standards and consistent enforcement of equal employment opportunity programs on the part of Federal agencies.

These regulations identify the Office of Interagency Coordination (OIC) and assign to OIC the responsibility of managing the review of proposed issuances at the informal and formal stages. These regulations also clarify EEOC's authority to interpret E.O. 12067 and the right of EEOC as well as the affected departments or agencies to confirm to the Executive Office of the President disputes which cannot be resolved through good faith efforts on the part of EEOC and a department or agency.

The following areas are highlighted and specific comment by the public is invited on these areas:

1. The definition of "significant issuance" distinguishes those

documents which must be published from written communications which need not be. Comments are solicited on the criteria for making this determination.

2. Section 9A of the regulations "Notification to EEOC of the Development of Rules" requires that when an initiating agency develops an issuance, it shall provide a draft of that issuance and subsequent redrafts to the Director, OIC. Comments are solicited on how to identify at which stage of development a draft should be submitted for review.

3. Earlier drafts of these regulations had required notice to EEOC both when the agency intended to develop an issuance and when an agency had prepared a draft. In this proposal, EEOC has chosen to require notice only when an issuance is prepared. (See Section 9A and Section 9F "Formal Submission in Advance of Publication for Comment").

4. Section 9A contains the requirement that EEOC make the determination that an issuance is exempt as an internal management and administration matter upon receipt from the initiating agency.

These regulations have been reviewed in accordance with Executive Order 12044. It has been determined that they do not require a regulatory analysis under Section 3 of that Order.

Signed at Washington this 24th day of September.

For the Commission,
Eleanor Holmes Norton,
Chair.

Equal Employment Opportunity
Commission—Management Directive
EEO-MD—

To the Heads of Federal Agencies

1. Subject: Procedures on Interagency Coordination of EEO Issuances.

2. Purpose: These regulations prescribe the means by which review and consultation shall occur between the Equal Employment Opportunity Commission and other Federal departments and agencies having responsibility for enforcement of Federal statutes, Executive Orders, regulations and policies which require equal employment opportunity without regard to race, color, religion, sex, national origin, age or handicap. Subsequent regulations will expand on standards for the coordination of specific matters referenced or alluded to herein.

3. Supersession: None. These regulations are the first in a series of instructions issued by EEOC pursuant to its authority under Executive Order 12067.

4. Authority: These regulations are prepared pursuant to the Equal Employment Opportunity Commission's obligation and authority under Section 1-303 and 1-304 of Executive Order 12067 (Providing for Coordination of Federal Equal Employment Opportunity Programs) 43 Federal Register 28987 (July 5, 1978).

5. Policy Intent: These procedures will govern the conduct of such departments and agencies in the development of uniform standards, guidelines and policies for defining discrimination, uniform procedures for investigations and compliance reviews, and uniform recordkeeping and reporting requirements and training programs. These procedures will also facilitate information sharing, and programs to develop appropriate publications and other cooperative programs. This goal is to be achieved with the maximum participation and review on both an informal and formal basis by the relevant Federal agencies and departments and, finally, by the public.

6. Scope: These procedures apply to Federal departments and agencies having EEO program responsibilities or authority other than EEO responsibilities for their own Federal employees. Its provisions do not apply to issuances related to internal management or administration of the department or agency. However, it shall be the responsibility of the EEOC to determine the extent to which a particular issuance is covered by this exemption.

7. Definitions:

"Affected Agency" means any agency as defined below, whose program, policies, procedures, authority or other statutory mandates (including coverage of groups of employers, unions, State and local governments or other organizations mandated by statute or Executive Order) indicate that the agency may have an interest in the proposed issuance.

"Agency Component" means a discreet office, program, division, subdivision, or any group of these offices, programs, divisions or sub-agencies, having policy-making authority and/or statutory responsibility for EEO.

"Consultation" means the exchange of advice and opinions on a subject occurring among the EEOC and affected agencies before formal submission of the issuance.

"Departments" and "Agencies" means those Executive and independent agencies, agency components, regulatory commissions, and advisory bodies having EEO program responsibilities or authority other than EEO responsibilities for their own Federal employees.

"Formal Submission" means the act of formal transmittal of a written, publication-ready document by the issuing agency to the EEOC and other affected agencies for at least 15 working days from date of receipt. The formal submission shall take place before the publication of any issuance as a final document.

"Internal or Administrative Document," pursuant to 1-304, means any document relating to internal EEO programs or any document setting forth administrative procedures for the conduct of programs (e.g., internal reporting requirements, forms, tables of organization, etc.) Internal or administrative documents do not include compliance manuals, training materials or any other internal documents setting forth procedures for the resolution of complaints, standards of review or proof, or any other policies, standards or directives having implications for non-Federal employees.

"Issuance" includes, but is not limited to, any rule, regulation, guideline, order, policy

directive, procedural directive, legislative proposal, publication, or data collection or recordkeeping instrument, and also includes agency documents as described above, or revisions of such documents, developed pursuant to court order. "Issuance" does not include orders issued to specific parties as a result of adjudicatory-type processes.

"Order" means Executive order 12067 (Providing for Coordination of Federal Equal Employment Opportunity Programs).

"Publication" means either the publication of an interim document for public comment, or, at the end of the formal submission period as defined above, the printing of an issuance as final in the Federal Register as well as in any other Federal or private publication as appropriate.

"Significant Issuance" means any issuance which the public must be afforded an opportunity to comment upon. In determining whether an issuance is significant, the EEOC shall apply the following criteria:

- The type and number of individuals, businesses, organizations, employers, unions and State and local governments affected;
- The compliance and reporting requirements likely to be involved;
- The impact on the identification and elimination of discrimination in employment;
- The relationship of the proposed issuance to those of other programs and agencies.

8. Responsibilities:

A. The Director of the Office of Interagency Coordination (OIC) is responsible for coordinating the consultation and review process with other agencies on any issuances covered by the Order.

B. All Federal departments and agencies shall advise and offer to consult with the EEOC during the development of any proposed rules, regulations, policies, procedures or orders concerning equal employment opportunity.

9. Policies and Procedures:

A. Notification to EEOC of Development of Rules: Whenever an agency of the Federal government (initiating agency) develops a proposed issuance which will require consultation among the affected agencies, a responsible official of that agency or agency component shall initiate consultation by immediately advising the Chair of the EEOC (ATTN: Director, OIC) and indicate the appropriate office or person responsible for development of the issuance. It is suggested that agencies notify the Commission whenever they intend to develop an issuance so that potential duplication, overlap or inconsistency with the proposed issuances of other agencies can be identified before substantial agency time and resources have been expended. However, an early draft, designated at agency discretion, must be forwarded to the Commission prior to the point that the issuance is deemed final and ready for publication. EEOC recognizes that subsequent intra-agency clearance activities may change the policies outlined in the issuance and may add or delete items included in prior drafts. Therefore, during this period of policy development, an initiating agency shall not be bound by the contents of drafts which precede the final draft.

A responsible agency official shall initiate consultation by making a request of or

submitting the appropriate documents to the EEOC. Except as provided in Section 9(G) below, in no instance shall there be formal submission to the EEOC or the affected agencies without prior consultation pursuant to Section 1-304 of the Order. The requirement for consultation applies equally and to the same extent whether or not the agency plans to publish the issuance in the Federal Register for public comment.

Issuances related to internal management or administration are exempt from the consultation process under the Order. The EEOC will consider any justification offered by an agency in support of an EEOC determination that an issuance would be exempt and shall determine upon receipt the extent to which a particular issuance is covered by the exemption.

B. Rules Proposed by EEOC: Whenever the EEOC proposes to develop an issuance, the procedure outlined in these guidelines shall also apply, as set forth in the Section 1-303 of the Order. The EEOC shall advise and consult with other affected agencies whenever it develops an issuance, in the same manner and to the same extent as other agencies are required to do so in Section 9(A) above and in other sections below.

C. Scope of Consultation Determined: At the start of consultation, the EEOC shall determine which other agencies would be affected by the proposed issuance, and the initiating agency shall consult with such agencies. However, agencies may consult with any other agencies that they believe would be affected by the issuance. The consultation period shall be determined by the parties. During the consultation period, the EEOC shall seek to resolve any disputes with the initiating agency before publication.

D. Coordination of Proposed Issuance:

1. Procedure for publication of proposed issuance. If the initiating agency, after consultation with EEOC, proposes to publish the issuance for purposes of receiving comments from the public, it shall confer with EEOC and agree on a mutually agreeable length of time, no less than 15 working days, during which the proposal shall be submitted to all affected Federal departments and agencies pursuant to Section 1-304 of the Order. The period of submission shall be sufficient to allow all affected departments and agencies time in which to properly review the proposal. The initiating agency may proceed to publication of the proposed issuance for comment after 15 working days if the EEOC has not requested an extension of time or otherwise communicated the need for more time to review the proposal.

2. Procedure for publication of final issuance. After the period for public comment has closed, the initiating agency shall then incorporate the changes it deems appropriate and forward to EEOC for review, a copy of the document as published, a copy of the document as amended, any staff analysis, and copies of the public comments as received by the agency. The time needed to review these materials shall be agreed on by the EEOC and the initiating agency. After completion of this review, the initiating agency shall formally submit the proposed final issuance to all affected agencies for at least 15 working days prior to publication.

E. Nondisclosure of Interim Drafts: In the interest of encouraging full interagency discussion of these matters and expediting the coordination process, the EEOC will not disclose to the public any drafts other than those which are to be published for comment without the permission of the proposing agency. This does not preclude the proposing agency from making such disclosures at its discretion.

F. Formal Submission in Absence of Consultation: If an initiating agency has an issuance which was already under development on or before July 1, 1978, when Executive Order 12067 became effective, and on which there has been no consultation, the agency shall immediately notify the EEOC of the existence of such proposals and the following procedure shall apply:

(1) EEOC shall confer with the initiating agency and shall determine whether the proposal should be the subject of informal consultation and/or formal submission to other affected Federal departments and agencies pursuant to Section 1-304 of the Order. This does not preclude the right of the agency to consult with any other agency it wishes.

(2) If the EEOC decides that informal consultation and/or formal submission is necessary, it shall confer with the proposing agency and agree on a mutually acceptable length of time for one or both (the informal consultation and/or formal submission).

(3) The period of formal submission shall be sufficient to allow all affected departments and agencies time in which to properly review the proposal. While such period may be longer, in no instance may it be shorter than 15 working days.

G. Temporary Waiver of Guideline Requirements: In the event that the proposed issuance is of great length or complexity, the EEOC may, at its discretion, grant a temporary waiver of the requirements contained in Section 9(A). Such waivers may be granted if:

(1) The period of consultation and thorough review required for these documents would be so long as to disrupt normal agency operations; or

(2) The initiating agency is issuing a document to meet an immediate statutory deadline; or

(3) The initiating agency presents other compelling reasons why interim issuance is essential.

In the event of a waiver, the initiating agency shall clearly indicate that the issuance is interim and subject to review. As part of the waiver, the initiating agency shall certify, in writing, that the EEOC reserves the right, after publication, to review the document in light of the objectives of the Order, and may require substantive conforming changes.

H. Notice of Unresolved Disputes: Whenever the Commission or a Federal department or agency believes that there exists a dispute between them concerning the promulgation of a final issuance and it is determined that further good faith efforts on the part of the Commission and the department or agency involved would be ineffective in achieving a resolution of the dispute, the agency or department involved

shall send written notification to the EEOC of the dispute and the reasons therefor before any steps are taken to refer the dispute to the Executive Office of the President.

Such reference to the Executive Office of the President shall be made not later than 15 working days following receipt of the initiating agency's notice of intent publicly to announce the subsequently disputed issuance and may be made by the Chair of the EEOC or the head of the Federal department or agency. Nevertheless, referral should occur only in extraordinary circumstances after substantial efforts to resolve the dispute in a reasonable time have occurred.

I. Interpretation of the Order: Subject to the dispute resolution procedures set forth above and in accordance with the objectives set forth in 1-201 and the procedures in 1-303 of the Order, the EEOC shall interpret the meaning and intent of the order. EEOC also will issue procedural changes under the Order, as appropriate, after advice and consultation with affected agencies as provided for in these procedures.

10. Reporting Requirements: The regulations do not establish reporting requirements other than the required notices of proposed rulemaking and formal and informal review.

[FR Doc. 79-30062 Filed 9-27-79; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining

[30 CFR Parts 722 and 843]

Services of Notices of Violation, Cessation Orders, and Show Cause Orders; Informal Public Hearings

AGENCY: Office of Surface Mining (OSM) U.S. Department of the Interior Washington, D.C. 20240.

ACTION: Notice of Public Hearing and Reopening of the Record on Proposed Rulemaking.

SUMMARY: Notice is being given of a public hearing to be held on proposed amendments to OSM's interim and permanent program regulations published August 20, 1979, 44 FR 48720-48723. The record will be reopened for purposes of including the transcript of the public hearing and subsequent written comments.

DATES: The record will remain open for receipt of additional written comments until October 15, 1979, for the proposed rulemaking. The hearing will be held on October 9, 1979 at 9:30 a.m.

ADDRESSES: Written comments must be mailed to: Office of Surface Mining, U.S. Department of the Interior, P.O. Box 7267, Benjamin Franklin Station, Washington, D.C. 20044. Alternatively, comments may be hand delivered to: Office of Surface Mining, Room 135, U.S.

Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, where all comments will be available for inspection.

The hearing will be held at the Department of the Interior Auditorium, 18th and C Streets, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Richard Robinson, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-8061.

SUPPLEMENTARY INFORMATION: In 44 FR 48720-48723, August 20, 1979, OSM published proposed amendments to its interim and permanent regulations concerning service of notices of violation, cessation orders and show cause orders, and informal public hearings. Information regarding the public hearing on the proposed rulemaking was inadvertently omitted.

DATES: The hearing will be held at the Department of the Interior Auditorium, 18th and C Streets, N.W., Washington, D.C. 20240, and will begin at 9:30 a.m. on October 9, 1979. Persons wishing to testify at the public hearing on the proposed rulemaking should contact Richard Robinson (202) 343-8061.

Individual testimony at the hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and facilitate the job of the court reporter. The record will remain open for receipt of additional written comments until October 15, 1979, for the proposed rulemaking.

The public hearing will continue on the day identified above until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard at the end of scheduled speakers. The hearing will end after all people scheduled to testify and persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

Dated: September 21, 1979.

Walter N. Heine,
Director, Office of Surface Mining.

[FR Doc. 79-30221 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Ch. II]

Improving Government Regulations;
Semiannual AgendaAGENCY: Bureau of Government
Financial Operations.

ACTION: Semiannual agenda.

SUMMARY: As required by Executive
Order 12044, "Improving Government
Regulations," and the Treasury

Department directive implementing that
Executive Order, the Bureau of
Government Financial Operations has
prepared and is publishing for public
information a listing of its regulatory
actions since March 30, 1979. The
Bureau announces that it has no
significant or nonsignificant new
regulations under development. This
semiannual agenda lists the status of the
regulations that were published on
March 30, 1979.

FOR FURTHER INFORMATION CONTACT:
Mr. William V. Bour, Jr., at 202-566-
8707. For any information about any

particular item on the semiannual
agenda, contact the individual listed in
column headed "knowledgeable official"
for that item.

Semiannual Agenda

The semiannual agenda reads as set
forth below.

Dated: September 25, 1979.

By direction of the Secretary of the
Treasury.D. A. Pagliai,
Commissioner.

Description	Justification for regulatory action	Regulatory analysis	Legal authority	CFR	Knowledgeable official
Indorsement and payment of checks drawn on the United States.	This proposed regulation will provide instructions for forms of indorsement of Treasury checks. Status: Proposed rule published in the FEDERAL REGISTER on September 12, 1979.	No.....	31 U.S.C. 561-564, 5 U.S.C. 301.	31 CFR Part 240.	Michael D. Serlin, 202-566-2392.
Depositories and financial agents of the Government.	To assist handicapped persons and qualified dis- abled veterans employed by contractors with the U.S. by providing affirmative action programs in their behalf. See Sec. 503 of Rehabilitation Act of 1973 and Sec. 503 of Veterans Employment and Readjustment Act of 1972. Status: Final rule published in the FEDERAL REGIS- TER on September 11, 1979.	No.....	29 U.S.C. 793, 38 U.S.C. 2012, Exec. Order 11701.	31 CFR Part 202.	Charles F. Schwan III, 202-566- 8488

[FR Doc. 79-30134 Filed 9-27-79; 8:45 am]

BILLING CODE 4810-35-M

BOARD FOR INTERNATIONAL
BROADCASTING

[32 CFR Part 2600]

Executive Order 12065; Implementing
RegulationsAGENCY: Board for International
Broadcasting.

ACTION: Proposed rule.

SUMMARY: Section 5-402 of Executive
Order 12065, relating to national security
information, requires that regulations
establishing agency information security
policy and guidelines for systematic
declassification review shall be
published in the Federal Register. This
notice proposes to adopt a new Part
2600 of 32 CFR, consisting of the
regulations set forth below, to
implement the policy, program and
procedures of the Executive Order as
they apply to the Board.

DATES: Written comments may be
submitted on or before October 29, 1979.ADDRESS: All comments should be
addressed to: Arthur D. Levin, Budget
and Administrative Officer, Board for

International Broadcasting, 1030 15th
Street, N.W., Suite 430, Washington,
D.C. 20005.

It is proposed to add a new Chapter
XXVI, Board for International
Broadcasting, of 32 CFR to include Part
2600 as follows:

PART 2600—SECURITY INFORMATION
REGULATIONSSec.
2600.1 Policy.
2600.2 Program.
2600.3 Procedures.

Authority: Executive Order 12065.

§ 2600.1 Policy.

It is the policy of the Board for
International Broadcasting (BIB) to act
in accordance with Executive Order
12065 in matters relating to national
security information.

§ 2600.2 Program.

The Executive Director is designated
as the Board for International
Broadcasting's official responsible for
implementation and oversight of
information security programs and
procedures. He acts as the recipient of

questions, suggestions and complaints
regarding all elements of this program,
and is solely responsible for changes to
it and for ensuring that it is at all times
consistent with Executive Order 12065.
The Executive Director also serves as
the BIB's official contact for requests for
declassification of materials submitted
under the provisions of Executive Order
12065, regardless of the point of origin of
such requests. He is responsible for
assuring that requests submitted under
the Freedom of Information Act are
handled in accordance with that Act
and that declassification requests
submitted under the provisions of
Executive Order 12065 are acted upon
within 60 days of receipt.

§ 2600.3 Procedures.

(a) *Mandatory Declassification
Review.* (1) All requests for mandatory
review shall be handled by the
Executive Director or his designee.
Under no circumstances shall the
Executive Director refuse to confirm the
existence or non-existence of a
document requested under the Freedom
of Information Act or the mandatory

review provisions of Executive Order
12065, unless the fact of its existence or
non-existence would itself be classified
under Executive Order 12065.

(2) A request for declassification shall
be acted upon within 60 days of receipt,
providing that the request reasonably
describes the information which is the
subject of the request for
declassification.

(3) In light of the fact that the BIB does
not have original classification authority
and national security information in its
custody has been classified by another
Federal agency, the Executive Director
shall refer all requests for national
security information in its custody to the
Federal agency that classified it for
review and disposition in accordance
with Executive Order 12065 and that
agency's regulations and guidelines.

(b) *Handling.* All classified documents
shall be delivered to the Executive
Director or his designee immediately
upon receipt.

All potential recipients of such
documents shall be advised of the
names of such designees and updated
information as necessary. In the event
that the Executive Director or his
designee is not available to receive such
documents, they shall be turned over to
the Budget and Administrative Officer
and secured, unopened, in the
combination safes located in the file
room of the BIB offices until the
Executive Director or his designee is
available. Under no circumstances shall
classified materials that cannot be
delivered to the Executive Director or
his designee be stored other than in the
designated safes.

(c) *Reproduction.* Reproduction of
classified material shall take place only
in accordance with Executive Order
12065, Section 4-4, and any limitations
imposed by the originator. Should copies
be made, they are subject to the same
controls as the original document.
Records showing the number and
distribution of copies shall be
maintained, where required by the
Executive Order, by the Budget and
Administrative Officer, and the log shall
be stored with the original documents.
These measures shall not restrict
reproduction for the purposes of
mandatory review.

(d) *Storage.* All classified documents
shall be stored in the combination safes
located in the file room of the BIB
offices.

The combination shall be changed as
required by Information Security
Oversight Office (ISOO) Directive No. 1,
Section IV-F-5-a. The combination shall
be known only to the Executive Director
and his designees each of whom must
have the appropriate security clearance.

(e) *Employee Education.* All
employees who have been granted a
security clearance and who have
occasion to handle classified materials
shall be advised of handling,
reproduction and storage procedures
and shall be required to review
Executive Order 12065 and appropriate
ISOO directives. This shall be
accomplished by a memorandum to all
affected employees at the time these
procedures are implemented. New
employees will be instructed in
procedures as they enter employment
with the BIB.

(f) *Agency Terminology.* the use of the
terms "Top Secret", "Secret" and
"Confidential" shall be limited to
materials classified for national security
purposes.

Dated: September 21, 1979.

John A. Gronouski,
Chairman.

[FR Doc. 79-30253 Filed 9-27-79; 8:45 am]

BILLING CODE 6155-01-M

COMMITTEE FOR PURCHASE FROM
THE BLIND AND OTHER SEVERELY
HANDICAPPED

[41 CFR Parts 51-3 and 51-4]

Workshop Certification

AGENCY: Committee for Purchase from
the Blind and Other Severely
Handicapped.

ACTION: Proposed rule.

SUMMARY: The Committee proposes to
amend its regulations regarding the
submission and processing of initial and
annual certifications by workshops and
central nonprofit agencies. The changes
have been occasioned by the revision of
the Committee's Forms 401 through 404
which are used for reporting by
workshops of certain data required by
the Committee under the Act. The
changes are the result of a review by the
Committee of the reports it requires
from workshops in order to reduce the
amount of information provided by
workshops and the amount of records
workshops must maintain.

DATES: Comments must be received on
or before November 30, 1979.ADDRESS: Committee for Purchase from
the Blind and Other Severely
Handicapped, 2009 14th Street North,
Suite 610, Arlington, Virginia 22201.FOR FURTHER INFORMATION CONTACT: C.
W. Fletcher (703) 557-1145.SUPPLEMENTARY INFORMATION:
Currently, Committee regulations
require central nonprofit agencies to
submit to the Committee a

comprehensive annual report for each
fiscal year concerning the operations of
its workshops under the Act, including
significant accomplishments and
developments, and such other details as
the central nonprofit agencies consider
appropriate or the Committee may
request. That provision has resulted in a
substantial amount of data being
required from the workshops for
submission to the Committee. The
Committee has determined that much of
the information submitted is not
required on a recurring basis and has
reduced the amount of operational data
to be reported annually to about one-
third that previously required. The
Committee has also revised the annual
certificates which workshops are
required to submit, Committee Form 403
and 404, to reflect on the reverse side
the minimum operational data the
Committee needs to fulfill its
responsibilities under the Act.
Therefore, the requirement for the
submission of a separate annual report
has been eliminated.

The proposed new paragraph 51-3.2(j)
addresses the responsibilities of the
central nonprofit agencies for processing
initial certificates. In the past, this
subject was not covered in Part 51-3
although it has been one of the
responsibilities assigned to the central
nonprofit agencies by the Committee.

A new section 51-3.6 "Report to
Central Nonprofit Agencies", is
proposed which will authorize the
central nonprofit agencies to obtain any
information, in addition to that required
by the Committee, which they determine
is necessary for their own management
purposes. However, such information
must be requested separately from the
Committee's annual certification.

In paragraph 51-4.2(a)(3) it is
proposed to streamline the procedure for
the Committee's notifying workshops of
the verification of their nonprofit status.
In paragraph 51-4.3(a)(7) the
recordkeeping requirements with regard
to the initial and annual evaluations
would be reduced.

There are a number of other minor
changes such as those which clarify the
requirements for submitting initial and
annual certifications.

It is proposed to amend 41 CFR 51, as
follows:

PART 51-3 CENTRAL NONPROFIT
AGENCIES

1. In § 51-3.2 revise paragraphs (j) and
(k) to read as follows:

§ 51-3.2 Responsibilities.

(j) At the time the central nonprofit
agency recommends to the Committee

the addition of a commodity or service to the Procurement List, it shall submit a completed, original copy of the appropriate Initial Certification (Committee Form 401 or 402) for the workshop concerned. This requirement does not apply to a workshop that is already authorized to produce a commodity or provide a service under the Act.

(k) Review and forward to the Committee by December 15 of each year a completed, original copy of the appropriate Annual Certification (Committee Form 403 or 404) for each of its participating workshops covering the fiscal year ending the preceding September 30.

2. Add a new § 51-3.6 to read as follows:

§ 51-3.6 Reports to central nonprofit agencies.

Any information, other than that contained in the Annual Certification required by paragraph 51-4.3(a)(4), which a central nonprofit agency requires its workshops to submit on an annual basis shall be requested separately from the Annual Certification. Any such request shall not indicate that the information is requested by the Committee. The central nonprofit agency shall, prior to distribution, provide to the Committee a copy of each form which it plans to use to obtain such information from its workshops and, when requested, shall make available to the Committee the results of the information so obtained.

PART 51-4 WORKSHOPS

3. In § 51-4.2 redesignate paragraphs (a)(3), (b), and (c) as paragraphs (b), (c), and (d) respectively and revise to read as follows:

51-4.2 Procedures for qualification.

(b) The Committee shall review the documents submitted and, if they are acceptable notify the workshop by letter, with a copy to its central nonprofit agency, that the Committee has verified its nonprofit status under the Act.

(c) Submit two completed copies of the appropriate Initial Certification (Committee Form 401 or 402) to its central nonprofit agency, when the addition of a commodity or service is recommended to the Committee for provision by the workshop. This requirement does not apply if a workshop is already authorized to produce a commodity or provide a service under the Act.

(d) To maintain its qualification under the Act, each workshop authorized to produce a commodity or provide a service under the Act must continue to meet the requirements for a "workshop for the blind" or "workshop for the other severely handicapped" as defined in paragraph 51-1.2(h) or (i), respectively. Additionally, each such workshop shall complete and submit the appropriate Annual Certification (Committee Form 403 or 404) as required by paragraph 51-4.3(a)(4).

4. In § 51-4.3 revise paragraphs (a)(4), (a)(7) and (a)(8) to read as follows:

§ 51-4.3 Responsibilities.

Each workshop participating under the Act shall:

(4) Submit to its central nonprofit agency by November 15, two completed copies of the appropriate Annual Certification covering the fiscal year ending the preceding September 30.

(7) Maintain a file on each blind and other severely handicapped individual which includes reports on the individual's capability for normal competitive employment, prepared at least annually by a person or persons qualified by training and experience to evaluate the work potential, interests, aptitudes and abilities of handicapped persons. The file on individuals who have been in the workshop for less than two years shall contain the report of the initial or preadmission evaluation and, where appropriate, the next annual reevaluation. The file on individuals who have been in the workshop for two or more years shall, as a minimum, contain reports of the two most recent annual reevaluations.

(8) Maintain an ongoing placement program with staff assigned responsibility for evaluation and placement to include liaison with appropriate community services such as the State employment service, employer groups, and others; and list with one or more of these services those individuals whose most recent evaluations show them to be capable of normal competitive employment.

C. W. Fletcher,
Executive Director.

[FR Doc. 79-30193 Filed 9-27-79; 8:45 am]

BILLING CODE 6420-33-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 126]

Health Education Assistance Loan Program

AGENCY: Office of Education, HEW.
ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The Commissioner of Education proposes to develop a Notice of Proposed Rule Making to implement certain provisions of the Health Professions Education Assistance Act of 1976. The regulation will govern provisions not previously implemented in the Health Education Assistance Loan (HEAL) Program. Additionally, the regulation will make changes based on public comments received on 45 CFR Part 126, Interim Final Regulation, effective September 15, 1978. The HEAL Program provides Federally insured loans to graduate students in health professions schools.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Laverentz, ROB-3, Room 3674, 400 Maryland Avenue, S.W., Washington, D.C. 20202, telephone (202) 245-2201.

(Catalog of Federal Domestic Assistance No. 13.574 Health Education Assistance Loan Program)

Dated: August 2, 1979.

Mary F. Berry,

Acting U.S. Commissioner of Education.

[FR Doc. 79-30320 Filed 9-27-79; 8:45 am]

BILLING CODE 4110-02-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

[48 CFR Parts 10 and 11]

Draft Federal Acquisition Regulation; Availability

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Availability and request for comment on draft Federal Acquisition Regulation.¹

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment segments of the draft Federal Acquisition Regulation

¹ Draft regulation field as part of the original document.

(FAR) regarding (1) specifications, standards, and other product descriptions and (2) the acquisition and distribution of commercial products. Availability of additional segments for comment will be announced at other times. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before December 5, 1979.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William J. Maraist, Deputy Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, NW, Room 9025, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Strat Valakis (202) 305-3300.

SUPPLEMENTARY INFORMATION: The fundamental purpose of the FAR is to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear, and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following draft Federal Acquisition Regulation parts are available upon request for public and Government agency review and comment.

PART 10—SPECIFICATIONS, STANDARDS, AND OTHER PRODUCT DESCRIPTIONS

The government acquires and uses hundreds of thousands of different products annually. To help effectively acquire and manage this large number of items, a central system of uniform product descriptions has been developed. This system is generally referred to as the government's specification program. The policies, procedures, and definitions used in administering the specification program are set forth in this part.

PART 11—THE ACQUISITION AND DISTRIBUTION OF COMMERCIAL PRODUCTS

This part prescribes policies, procedures, and definitions for acquiring and distributing commercial products. It requires agencies to purchase commercial products and use commercial distribution systems whenever such products or distribution systems adequately satisfy the Government's needs.

Background

To aid in reviewing Parts 10 and 11, the following background material is provided.

Part 10

The Commission on Government Procurement in its 1972 report recommended that, "development of new Federal specifications for commercial-type products be limited to those that can be specifically justified including the use of total cost-benefit criteria. All commercial product-type specifications should be reevaluated every five years. Purchase descriptions should be used when Federal specifications are not available."

In order to implement the Commission's recommendation a government-wide management system has been developed covering the preparation and issuance of specifications, standards, and other product descriptions used in the procurement process. This part describes that system. It includes policies and procedures relating to the use of all forms of product descriptions. It provides for a new series of descriptions—commercial item descriptions, and it provides definite guidelines relating to the establishment of need and justification criteria.

The policies included in the management system maximize the use of functional and performance-type descriptions. They eliminate unnecessary Federal specifications and standards, and emphasize reliance on commercial packaging, packing, and marking. Reference materials are limited by the system to those which are essential and efficient, and the complexity of purchase descriptions are generally reduced commensurate with the legitimate and essential needs of Federal agencies.

Policies contained in the part that are not presently covered by the FPR and DAR are:

(1) The establishment of a preference for the use of voluntary standards to communicate the Government's needs and for the use of commercial item descriptions to acquire commercial products when voluntary standards cannot be used.

(2) The establishment of a preference for the use of functional specifications when voluntary standards and commercial item descriptions are not appropriate.

(3) The elimination of brand-name-or-equal descriptions which become unnecessary with the use of functional specifications and commercial item descriptions; and

(4) The requirement that agencies establish a system of user feedback on centrally managed product descriptions, the products acquired under the product descriptions, and the associated logistics system.

Part 11

The December 1972 report of the Commission on Government Procurement recommended that the Office of Federal Procurement Policy be responsible for policies to "achieve greater economy in the procurement, storage, and distribution of commercial products used by Federal agencies." This part implements that recommendation and addresses the Acquisition and Distribution of Commercial Products (ADCOP) policy first promulgated by the Office of Federal Procurement Policy in May 1976.

This Part is intended to permit agencies to take advantage of the efficiencies of the commercial market place and to prevent the development of duplicative and overlapping Government systems for the procurement and supply of common commercial products. Specific objectives of the part are to (1) reduce acquisition lead time; (2) ensure the acquisition of products that meet users' needs; (3) increase competition for Government contracts; (4) strengthen the commercial industrial base; (5) reduce unnecessary Government investments in inventories and accompanying storage, handling, and distribution costs; and (6) take advantage of commercial quality assurance, warranties, and installation, maintenance, and repair services.

There is no present FPR or DAR coverage of the policies contained in this part. Specifically, the FPR and DAR do not require agencies to conduct market research and analysis prior to selecting an acquisition strategy for a commercial product. Similarly, the FPR and DAR do not require the use of acceptable commercial products and commercial distribution systems. Market research and analysis, the use of commercial products, and reliance on commercial distribution systems are covered by this part.

Dated: September 25, 1979.

LeRoy J. Haugh,
Associate Administrator for Regulations and Procedures.

[FR Doc. 79-30262 Filed 9-27-79; 8:45 am]

BILLING CODE 3110-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 651]

Mid-Atlantic Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Public hearings on amendments to the Fishery Management Plans for Atlantic Squid and Atlantic Mackerel.

SUMMARY: The Mid-Atlantic Fishery Management Council announces public hearings for consideration of proposed amendments to the Fishery Management Plans for Atlantic Squid and Atlantic Mackerel.

DATES: The hearings will be held on the following dates and at the following places:

- October 15, 1979—Dutch Inn, Great Island Road, Narragansett (Galilee), RI 02882.
- October 16, 1979—Sheraton Inn, 291 Jones Road, Falmouth, MA 02540.
- October 17, 1979—Gloucester City Hall, Dale Avenue, Gloucester, MA 01930.
- October 18, 1979—Holiday Inn Downtown, 88 Spring Street, Portland, Maine 04111.
- October 18, 1979—Asbury Avenue Pavillion, South Asbury and Ocean Avenue, Asbury Park, NJ 07712.
- October 19, 1979—Golden Eagle, Philadelphia Avenue on the Beach, Cape May, NJ 08204.
- October 22, 1979—Holiday Inn, Route 25, Riverhead, NY 11901.
- October 22, 1979—Sheraton Foundainbleau Inn, 10100 Ocean Highway, Ocean City, MD 21842.
- October 23, 1979—Quality Inn Lake Wright, 6280 Northampton Blvd., Norfolk, VA 23502.

All of the above hearings will start promptly at 7:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674-2331.

SUPPLEMENTAL INFORMATION:**Proposed Amendment to the Fishery Management Plan for Atlantic Squid**

The Fishery Management Plan for Atlantic Squid (squid plan) was approved by the Assistant Administrator for Fisheries, NOAA, on June 6, 1979, and published on July 26, 1979 (44 FR 37252). The squid plan contains management measures for squid fishing in the fishery conservation zone off the Atlantic coast during the 1979-80 fishing year (April 1, 1979-March 31, 1980).

The Mid-Atlantic Fishery Management Council (Council) proposes to amend the squid plan to extend it beyond March 31, 1980. The Council has considered alternative management measures as follows:

1. Take no action. In that event the National Marine Fisheries Service would be required to prepare a preliminary fishery management plan to govern foreign fishing.

2. Continue the present squid plan for the 1980-81 fishing year with no other changes.

3. Continue the present squid plan without time limits with no other changes.

4. Provide a reserve for *Illex* and *Loligo*. A reserve is a portion of the optimum yield (of each of the two squid genera under the squid plan) that would be initially unallocated to a specific user group. The amount of squid in reserve would be distributed during the fishing year to the domestic and foreign fishermen depending on performance of the U.S. harvesting sector and assessments of the stocks of squid.

5. Increase optimum yields.

6. Reduce optimum yields.

7. Combine the squid plan and the Council's proposed Fishery Management Plan for Butterfish.

8. Modify the objectives of the squid plan.

The Council proposes to: Extend the squid plan for two years, Provide for reserves, Modify the objectives of the plan, and Combine the squid plan with the butterfish plan as soon as the Secretary of Commerce approves the butterfish plan.

Proposed Amendment to the Fishery Management Plan for Atlantic Mackerel

The Fishery Management Plan for Atlantic Mackerel (mackerel plan) was approved by the Assistant Administrator for Fisheries, NOAA, on July 3, 1979, and published on September 13, 1979 (44 FR 53191). The mackerel plan contains management measures for mackerel fishing in the fishery conservation zone off the Atlantic coast during the 1979-80 fishing year (April 1, 1979-March 31, 1980).

The Council proposes to amend the mackerel plan to extend it beyond March 31, 1980. The Council has considered alternative management measures as follows:

1. Take no action. In that event the National Marine Fisheries Service would be required to prepare a preliminary fishery management plan to govern foreign fishing.

2. Continue the present mackerel plan for the 1980-81 fishing year with no other changes.

3. Continue the present mackerel plan without time limits.

4. Continue the mackerel plan with changes to optimum yield and quotas and provision for a reserve.

5. Revise Objective 4, "Achieve efficient allocation of capital and labor in the mackerel fishery." The Council's intent is more clearly stated as "Achieve efficiency in harvesting and use."

The Council proposes to extend the mackerel plan for one year (to March 31, 1981), increase the optimum yield, modify quotas, provide a reserve, and revise Objective 4.

Written comments should be sent to the contact person identified above by November 5, 1979, to receive full consideration in the process of amending the squid and mackerel plans. The hearings will be tape recorded and the tapes filed as an official formal transcript of proceedings. Summary minutes will be prepared on each hearing.

Dated September 24, 1979.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.

[FR Doc. 79-30232 Filed 9-27-79; 8:45 am]

BILLING CODE 3510-22-M

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

Done at Washington, D.C., this 20th day of September, 1979.

Edward L. Thompson,
Chief, Registrations, Bonds and Reports Branch, Livestock Marketing Division.

[FR Doc. 79-30149 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-02-M

Office of the Secretary

Meat Import Limitations; Fourth Quarterly Estimate

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, and frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by Section 2(a) of the Act.

In accordance with the requirements of the Act, the following fourth quarterly estimates for 1979 are published.

1. The estimated aggregate quantity of such articles prescribed by Section 2(a) of the Act during the calendar year 1979 is 1,131.6 million pounds.

2. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1979 is 1,570.0 million pounds.

This estimate is based upon a voluntary restraint program which has been negotiated by the Department of State with major supplying countries. Were it not for the restraint program, the estimate of imports in 1979 subject to the Act would have been higher. Since the estimated quantity of imports continues to exceed 110 percent of the estimated quantity prescribed by Section 2(a) of the Act, limitations for the calendar year 1979 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), are required unless suspended by the President pursuant to Section 2(d) of the Act. Such limitations were imposed by Proclamation 4642 of February 28, 1979, but were simultaneously suspended.

Federal Register

Vol. 44, No. 190

Friday, September 28, 1979

Done at Washington, D.C. this 24th day of September 1979.

Bob Bergland,
Secretary.

[FR Doc. 79-30069 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-01-M

Section 22 Import Fees; Determination of Quarterly Import Fees On Sugar

AGENCY: Office of the Secretary.

ACTION: Notice.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to determine on a quarterly basis the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended. This notice announces those determinations for the fourth calendar quarter of 1979.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: William F. Doering, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250 (202-447-6723).

SUPPLEMENTARY INFORMATION: By Presidential Proclamation No. 4631, dated December 28, 1978. Headnote 4 of Part 3 of the TSUS was amended to provide that quarterly adjusted fees shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15). Paragraph (c)(ii) of Headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the daily spot (world) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee and Sugar Exchange or, if such quotations are not being reported, by the International Sugar Organization), expressed in United States cents per pound, Caribbean ports, in bulk, adjusted to a United States delivered basis by adding the applicable duty and 0.90 cents per pound to cover attributed costs for freight, insurance, stevedoring, financing, weighing and sampling, is less than 15.0 cents per pound. However, whenever the average of the daily spot price quotations for 10 consecutive market days within any calendar

quarter, adjusted to a United States delivered basis, plus the fee then in effect: (1) Exceeds 16.0 cents, the fee then in effect shall be decreased by one cent; or (2) Is less than 14.0 cents, the fee then in effect shall be increased by one cent. The fee, in any event, may not be greater than 50 per centum of the average of such daily spot price quotations. Paragraph (c)(i) further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus .52 cents per pound.

The average of the daily spot (world) price quotations for raw sugar for the applicable twenty day period prior to the fourth calendar quarter of 1979 has been calculated to be 9.53 cents per pound. This results in a fee of 1.76 cents per pound for item 956.15 [15.0 cents—(9.53 cents average spot price + 2.81 cents duty + .90 cents attributed costs) = 1.76 cents]. Accordingly, the fee for items 956.05 and 957.15 for the fourth calendar quarter of 1979 is 2.28 cents per pound.

Headnote 4(c) requires the Secretary of Agriculture to determine and announce the amount of the quarterly fees no later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable. The Secretary is also required to certify the amounts of such fees to the Secretary of the Treasury and file notice thereof with the Federal Register prior to the beginning of the calendar quarter during which the fees shall be applicable. This notice is therefore being issued in order to comply with the requirements of Headnote 4(c).

Notice

Notice is hereby given that, in accordance with the requirements of Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the quarterly adjusted fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the fourth calendar quarter of 1979 shall be as follows:

Item and Fee

956.05—2.28 cents per lb.
956.15—1.76 cents per lb.
957.15—2.28 cents per lb.

The amounts of such fees have been certified to the Secretary of the Treasury in accordance with paragraph (c)(iii) of Headnote 4.

Signed at Washington, D.C. on September 20, 1979.

Bob Bergland,

Secretary of Agriculture.

[FR Doc. 79-30231 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-10-M

Rural Electrification Administration

United Power Association; Elk River, Minn.; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 STAT. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of \$24,632,000 to United Power Association of Elk River, Minnesota. These loan funds will be used to finance a construction program consisting of approximately 30 miles of 115 kV transmission line, conversion of 4.3 miles of 69 kV to 115 kV and a 69/24.9 kV substation to 115/24.9 kV; and acquisition of a 67 mile portion of a 500 kV transmission line.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Philip O. Martin, Manager, United Power Association, Elk River, Minnesota 55330.

In order to be considered, proposals must be submitted on or before October 29, 1979 to Mr. Martin. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as United Power Association and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 20th day of September 1979.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 79-29952 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-15-M

Science and Education Administration

Joint Council on Food and Agricultural Sciences

According to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

Name: Joint Council on Food and Agricultural Sciences.

Date: October 10-12, 1979.

Time and Place: 1:00-5:00 p.m., October 10; 8:30 a.m.-5:00 p.m., October 11; 8:30 a.m.-Noon, October 12. Holiday Inn—Capitol Beltway Motel, 10000 Baltimore Avenue, College Park, Md.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: Review progress in the establishment of the organizational structure for planning and coordination; discuss plans and preparations for the Joint Council Annual Report for 1979; assess status of progress of work of Joint Council study panels; and conduct a session on planning and supporting research, extension, and higher education in the food and agricultural sciences.

Contact person: Dr. J. C. Torio, Executive Secretary, Joint Council on Food and Agricultural Sciences, Science and Education Administration, U.S. Department of Agriculture, Room 351-A, Administration Building, Washington, D.C. 20250, telephone (202) 447-6651.

Done at Washington, D.C. this 24th day of September 1979.

James Nielson,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 79-30135 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-03-M

Joint Council on Food and Agricultural Sciences Executive Committee

According to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

Name: Executive Committee of the Joint Council on Food and Agricultural Sciences.

Date: October 10, 1979.

Time and Place: 9:30 a.m.-Noon, Holiday Inn—Capitol Beltway Motel, 10,000 Baltimore Avenue, College Park, Maryland.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: Review the status of putting into place the organizational structure for planning and coordination; prepare for the October 10-12, 1979 meeting of the Joint Council; and review progress on the preparation of the Joint Council annual report for 1979.

Contact Person: Dr. J. C. Torio, Executive Secretary, Joint Council on Food and Agricultural Sciences, Science and Education Administration, U.S. Department of Agriculture, Room 351-A, Administration Building, Washington, D.C. 20250, telephone (202) 447-6651.

Done at Washington, D.C., this 24th day of September, 1979.

James Nielson,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 79-30136 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-03-M

CIVIL AERONAUTICS BOARD

[Docket 34136]

Chicago/Texas/Southeast-Western Mexico Route Proceeding; Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Richard J. Murphy to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 79-30203 Filed 9-27-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket Nos. 34582, 32711, and 33019]

Southwest Airlines Automatic Market Entry Investigation; Dallas/Fort Worth-Fort Lauderdale Service Investigation (Part II); Chicago-Midway Expanded Service Proceeding; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-titled proceedings will be held on October 9, 1979, at 10:00 a.m. (local time), in Room 1003, Hearing Room A, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details of these cases, interested persons are referred to Civil Aeronautics Board Order 79-9-78 adopted September 14, 1979, reopening and remanding certain issues in these proceedings to an administrative law

judge and other documents which are in the dockets of these proceedings on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 24, 1979.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 79-30206 Filed 9-27-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket 36419]

Texas-Alberta-Alaska Case; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 30, 1979, at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Ronnie A. Yoder.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of International Aviation will circulate its material on or before October 5, 1979, and the other parties on or before October 19, 1979. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., September 24, 1979.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 79-30205 Filed 9-27-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-9-147; Docket 36683]

Investigation of Compliance With the Board's Consumer Protection Rules for Charters; Order Instituting Informal Nonpublic Investigation Pursuant to Part 305 of the Board's Procedural Regulations

Issued under delegated authority September 25, 1979.

Since our concern that consumers be afforded the protections contained in the Board's charter regulations is of primary importance, there is a continuing need for the Board to monitor the activities of persons involved in the sale and operation of public charters. SPR-158,

which was adopted on March 2, 1979, provides several new benefits for charter participants: refunds when charter packages are cancelled or major changes occur, disclosure requirements for charter advertising, and specific requirements for contracts between charter operators and participants. Additionally, the Board has recently authorized air taxis and direct air carriers to market public charters, subject to similar consumer protection rules. (SPR-164 and SPR-166, adopted August 20 and 23, 1979). We are therefore planning to conduct an informal nonpublic investigation in this docket under the procedures established in Part 305 of the Board's regulations, 14 CFR 305, to determine whether tour operators, air carriers and others are complying with the consumer protection regulations governing charters, including these new provisions.

Petitions for review of this order may be filed by any person who discloses a substantial interest which would be adversely affected by it within the meaning of § 385.50 of the regulations. Such petitions shall conform to the requirements of § 385.51 of the regulations and shall be filed within ten days of service of this order or within ten days of receipt of any subpoena issued pursuant to § 305.7(a) of the regulations, whichever shall be earlier.

In view of the importance of the matters described herein, both with respect to the Board's ongoing regulatory requirements and the public's confidence in the soundness and integrity of its air transportation system, immediate action is required. Since our institution of this investigation is consistent with prior Board precedent and policy, petitions for review shall not of themselves stay the effectiveness of this order, the conduct of our investigation, or the validity or effectiveness of any subpoena issued thereunder.

Accordingly, 1. Under the authority of sections 202, 204, 411, 415, 1001, 1002, 1004 and 1007 of the Act and pursuant to the authority delegated to the Director, Bureau of Consumer Protection, by § 385.22 of the Board's regulations, we institute an informal nonpublic investigation under 14 CFR 305 to determine:

a. whether, with respect to charters operated or to be operated pursuant to the Board's Special Regulations, including Part 380, tour organizers, charter operators, ticket agents, air carriers, or other persons have failed to comply with the refunding, promotion and advertising, participant contracts, financial protection, or other requirements; have submitted false or

incomplete records, documents, or reports to the Board; or have advertised, solicited, or operated charters prior to the time authorization to so act was secured from the Board; and

b. if so, what remedial action, if any, should be taken.

2. We designate Charles L. Reischel, Howard M. Schmeltzer, and Edward H. Bonekemper, III, as Investigation Attorneys to conduct this investigation.

3. This order shall be stayed only by the express direction of the Board.

This order shall be published in the Federal Register.

Reuben B. Robertson,

Director, Bureau of Consumer Protection.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-30204 Filed 9-27-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of the American Economic Association; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Census Advisory Committee of the American Economic Association will convene on October 19, 1979, at 9:15 a.m. in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Economic Association advises the Director, Bureau of the Census, on technical matters, accuracy levels, and conceptual problems concerning the economic censuses; reviews major aspects of the Bureau's programs, and advises on the role of analysis within the Bureau and the need for providing data in more detail.

The Committee is composed of 15 members of the American Economic Association.

The agenda for the meeting, which is scheduled to adjourn at 3:45 p.m., is: 1) Introductory remarks by the Director, Bureau of the Census, including staff changes, major budget program developments, and other topics of current interest; 2) election of chairperson-elect; 3) status of adjustment of 1980 census count; 4) redesign of Current Population Survey; 5) report on the American Statistical Association/National Science Foundation/Census Bureau Research Fellowship Program; 6) supplement to the Origin of Exports Survey; 7) status of the Study of Minority-Owned Manufacturing Firms; 8) mid-decade

census; and 9) date and plans for the next meeting.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Elmer Biles, Senior Economic Advisor, Bureau of the Census, Room 3061, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-7184.

Dated: September 25, 1979.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 79-30314 Filed 9-27-79; 8:45 am]

BILLING CODE 3510-07-M

Economic Development Administration

Petitions by Producing Firms For Determinations of Eligibility to Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from nineteen firms: (1) Neatfit Knitting Mill, Inc., 1920 East 20th Street, Los Angeles, California 90058, a producer of knitted underwear (accepted September 13, 1979); (2) Dakota Industries, Inc., Box 932, Sioux Falls, South Dakota 57101, a producer of outerwear and other garments (accepted September 13, 1979); (3) Iberia Jewelry Design, Inc., 1534 South Figueroa Street, Los Angeles, California 90015, a producer of costume jewelry (accepted September 13, 1979); (4) T.M. Landis, Inc., 45 Main Street, Mainland, Pennsylvania 19451, a processor of meat (accepted September 14, 1979); (5) C & M Coat Company, Inc., 1620 Manhattan Avenue, Union City, New Jersey 07087, a producer of women's coats (accepted September 14, 1979); (6) Silco Specialties, Inc., Box 961, Wilkes-Barre, Pennsylvania 18703, a producer of handbags (accepted September 17, 1979); (7) G. S. Furniture Manufacturing, Inc., 8981 San Fernando Road, Sun Valley, California 91352, a producer of furniture (accepted September 17, 1979); (8) Roger Adam Limited, 47 Broadway, Lynbrook, New York 11563, a producer of women's sportswear (accepted September 17, 1979); (9) V & R Finishing Corporation, 2032 Greene Avenue, Ridgewood, New York 11237, a producer of women's tops and sweaters (accepted September 17, 1979); (10) DenTron Radio Company,

Inc., 2100 Enterprise Parkway, Twinsburg, Ohio 44087, a producer of stereo equipment (accepted September 17, 1979); (11) Rochester Clothing Company, Inc., 288 Martin Street, Rochester, New York 14605, a producer of men's coats and pants (accepted September 18, 1979); (12) Stanco Manufacturing Company, 67 35th Street, Brooklyn, New York 11232, a producer of men's, women's and boys' knitted shirts (accepted September 20, 1979); (13) Sprunger Corporation, Box 1621, Elkhart, Indiana 46515, a producer of drill presses, saws and lathes (accepted September 20, 1979); (14) Della Dee Fashions, Inc., Box 7, Folsomville, Indiana 47614, a producer of women's apparel (accepted September 20, 1979); (15) Manchester Modes, Inc., Pine Street, Manchester, Connecticut 06040, a producer of women's coats, jackets and suits (accepted September 20, 1979); (16) Salton, Inc., 1260 Zerega Avenue, Bronx, New York 10462, a producer of electric kitchen appliances (accepted September 20, 1979); (17) Taylor Radio Company, Inc., 3305 Commerce Drive, Augusta, Georgia 30909, a producer of C. B. radios and base stations (accepted September 20, 1979); (18) Kinzua Plastics, Inc., 145 Fairmount Avenue, Jamestown, New York 14701, a producer of fishing rod blanks (accepted September 21, 1979); and (19) Smith of Galetton Gloves, 66 Sherman Street, Galetton, Pennsylvania 16922, a producer of men's, women's and children's gloves (accepted September 21, 1979).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Ratification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the

tenth calendar day following the publication of this notice.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 79-30086 Filed 9-27-79; 8:45 am]

BILLING CODE 3510-24-M

Foreign-Trade Zones Board

[Order No. 147]

Resolution and Order Approving Application of the City of Long Beach for a Foreign-Trade Zone in Long Beach, Calif.

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Board of Harbor Commissioners of the Port of Long Beach, submitted on behalf of the City of Long Beach, a California municipal corporation, filed with the Foreign-Trade Zones Board (the Board) on March 29, 1979, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in Long Beach, California, within the Los Angeles/Long Beach Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves an industrial park type zone that envisages the possible construction of buildings by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to § 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Foreign-Trade Zones Board

Washington, D.C.

Grant To Establish, Operate, and Maintain a Foreign-Trade Zone in Long Beach, Calif.

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the

establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board of Harbor Commissioners of the Port of Long Beach has made application (filed on March 29, 1979) on behalf of the City of Long Beach (the Grantee), in due and proper form to the Board, requesting the establishment, operation and maintenance of a foreign-trade zone at Long Beach, California, within the Los Angeles-Long Beach Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's Regulation (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 50, at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, said grant being subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C., this 14th day of September 1979, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Juanita M. Kreps,

Chairman and Executive Officer.

Attest: John J. Daponte, Executive Secretary.

[FR Doc. 79-30175 Filed 9-27-79; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Issuance of Permit

On August 15, 1979, Notice was published in the Federal Register (44 FR 47782), that an application has been filed with the National Marine Fisheries Service by Mr. William L. Dovel, Oceanic Society, Stamford, Connecticut 06902, to take by capture, tag, and release shortnose sturgeon (*Acipenser brevirostrum*) in the Hudson River.

Notice is hereby given that on September 19, 1979, and as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a Scientific Purposes Permit for the above taking to Mr. William L. Dovel, subject to certain conditions set forth therein.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on the finding that such Permit: (1) Was applied for in good faith; (2) Will not operate to the disadvantage of the endangered species which is the subject of the Permit; and (3) Will be consistent with the purposes and policies set forth in Section 2 of the Act.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: September 19, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-30255 Filed 9-27-79; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: a. Name: S.A.R.L. La Galopierie; b. Address: Boite Postale 10, 59186 Anor, France.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Atlantic bottlenose dolphins (*Tursiops truncatus*), 3; California sea lions (*Zalophus californianus*), 2.

4. Type of Take: To capture and maintain permanently in a facility. Beached/stranded California sea lions will be utilized, if available.

5. Location of Activity: The dolphins will be collected from Copano Bay, Texas, and the sea lions, if wild animals are used, will be collected from the Channel Islands, California.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before October 29, 1979. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11614, March 12, 1975). In this regard, the application:

(a) Was submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the Direction des Services Veterinaires, that Department being responsible, among other things, for ensuring the suitable care of animals in captivity;

(b) Includes: i. A verification from the Veterinaires of France of the information set forth in the application;

ii. A certification from the Veterinaires that the Government of France is prepared to monitor compliance with the terms and conditions of the permit, and will do so, if and when necessary; and

iii. A statement that the Veterinaires will have no objection to a NMFS decision to amend, suspend, or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Veterinaires of France have been found appropriate and sufficient to allow consideration of this permit application.

Document submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: September 21, 1979.

William Aron,

Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 79-30256 Filed 9-27-79; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1979; Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1979 a commodity to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 31, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the

Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1979, November 15, 1978 (43 FR 53151):

Class 3990

Pallet, Material Handling, 3990-00-599-5326.

C. W. Fletcher,

Executive Director.

[FR Doc. 79-30170 Filed 9-27-79; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1979; Proposed Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Deletion from Procurement List.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1979 a commodity produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 31, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

It is proposed to delete the following commodity from Procurement List 1979, November 15, 1978 (43 FR 53151):

Class 7920

Brush, Scrub, Vegetable, 7920-00-324-2746.

C. W. Fletcher,

Executive Director.

[FR Doc. 79-30169 Filed 9-27-79; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army

Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following committee meeting:

Name of committee: United States Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Viral & Rickettsial Diseases.

Date of meeting: October 16 and 17, 1979.

Time: 0845.

Proposed agenda: This meeting will be open to the public on October 16, 1979, from 0845

to 1130 to discuss the scientific research program of the Viral & Rickettsial Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available. In accordance with the provisions set forth in Section 552(c)(6), Title 5, U.S. Code and Section 10(d) of P. L. 92-463, the meeting will be closed to the public on October 16, from 1300 to 1630 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. If the review of research proposals requires additional time, the closed portion of the meeting may be extended into October 17.

Dr. Howard Noyes, Associate Director, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576-3061) will furnish summary minutes, roster of Committee members and substantive program information. For the commander:

Richard O. Spertzel,

Colonel, VC Executive Officer.

[FR Doc. 79-30201 Filed 9-27-79; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Public Notice of Proposed Floodplain Action, Fairview-Bandon No. 2 230-kV Line

Bonneville Power Administration (BPA) hereby solicits public comment on a BPA proposal to replace an existing 115-kV transmission line with a 230-kV double circuit transmission line. The proposed action is necessary to accommodate projected load growth and maintain system reliability.

Known as Fairview-Bandon No. 2, the existing transmission line crosses the floodplain of the Coquille River approximately two miles (3 km.) south of Coquille, Oregon. Existing wood poles would be replaced with lattice steel towers, potentially changing the visual impact of the transmission line. The existing right-of-way would be widened and some tall growing trees removed.

Also being considered is the removal and retirement of Fairview-Bandon No. 1 between Fairview and Norway Substations. This 115-kV line is partially located in the floodplain of the North Fork, approximately five miles (8 km.) southeast of Coquille, Oregon.

The alternative to locating the proposed action in the floodplain is no

action, which would lead to overload conditions by 1986.

Comments concerning potential impacts of the proposal, mitigation measures, and alternatives are welcome; all comments will be considered in evaluating the proposal and alternatives. Questions and comments should be directed to John E. Kiley, Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, telephone 503-234-3361, extension 5136. The public comment period will close October 19, 1979.

Dated at Portland, Oregon, this 19th day of September 1979.

Sterling Munro,

Administrator.

[FR Doc. 79-30118 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

Public Notice of Proposed Floodplain Action, Chemawa-Salem 230-kV Line

Bonneville Power Administration (BPA) hereby solicits public comment on a BPA proposal to replace two existing 115-kV transmission lines near Salem, Oregon, with a 230-kV double circuit transmission line. The proposed action is necessary to accommodate projected load growth and maintain system reliability.

Located between Chemawa Substation and Salem Substation, the existing lines occupy ten and one-half miles (17 km.) of transmission line corridor, crossing the Willamette River floodplain north of Salem at Spongs Landing Park. In the floodplain, the proposed action would remove H-frame wood poles and replace them with steel towers. Alternatives presently being considered are whether to construct lattice steel towers or tubular steel towers, and no action. The proposed construction would have possible impacts to waterfowl and potentially change the visual impact. No action would lead to impending overload conditions in the Salem area.

Comments concerning potential impacts of this proposal, mitigation measures, and alternatives are welcome; all comments will be considered in evaluating the proposal and alternatives. Questions and comments should be directed to John E. Kiley, Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, telephone 503-234-3361, extension 5136. The public comment period will close October 15, 1979.

Dated at Portland, Oregon, this 19th day of September, 1979.

Sterling Munro,

Administrator.

[FR Doc. 79-30120 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of August 1979. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Allocation and Price Regulations and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;
 2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height; and
 3. Properly maintain records required under the aforementioned regulations.
- For further information regarding these Consent Orders, please contact Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, telephone number 214/767-7745.

Firm's Name, Address, and Date of Consent Order

Sheldon Hanson, d.b.a. H & B Texaco Service, 2515 Fifth St., Wichita Falls, Tx 76301; July 31, 1979.
James R. Ezell, d.b.a. Quick-Fill Corporation, 5801 Marvin D. Love Fwy, Suite 300, Dallas, Tx 75237; Aug. 23, 1979.
Joplin Gulf, 204 Elm. Graham, Tx 76048; Aug. 21, 1979.
Wilford Montgomery, d.b.a. Lee circle Texaco, 919 St. Charles Ave., New Orleans, La. 70130; Aug. 20, 1979.

Coronado Heights Mobil, 3741 N.W. 63rd, Oklahoma City, OK 73116; Aug. 28, 1979.
 Ray Alyesamerl, d.b.a. Chef & I-10 Shell Service, Center, 6700 Chef Menteur H'way, New Orleans, La 70126; Aug. 28, 1979.
 Doyle Netherland, d.b.a. Doyle's Avenue "A" Shell, Center, 4280 West Bank Expressway, Marrero, La 70072; Aug. 15, 1979.
 Chef Menteur H'way Shell, 6700 Chef Menteur H'way, New Orleans, La. 70128; Aug. 15, 1979.
 Dales Ave. A Shell, 4200 West Bank H'way, Marrero, La 70072; Aug. 16, 1979.
 William Fredrick, d.b.a. Airline Shell, 611 Arnold Ave., River Ridge, La. 70123; Aug. 9, 1979.
 Central Ave. Texaco, 4327 Jefferson H'way, Jefferson, La. 70121; July 30, 1979.
 Gauthier Exxon, 3331 Carondelet, New Orleans, La. 70115; Aug. 8, 1979.
 Willford Fontone, d.b.a. Fontone For Corners, Phillips 66, University and Cameron, Lafayette, La. 70501; Aug. 8, 1979.
 Darold Gulf, Rt. 3, Box 804 (H'way 10 & 347), Henderson, La. 70517; July 31, 1979.
 Oil Center Amoco, 633 Penhook Rd., Lafayette, La. 70501; July 31, 1979.
 Mike Nassif Exxon, 8160 Gulf Freeway, Houston, TX 77017; Aug. 9, 1979.
 Issued in Dallas, Texas, this 20th day of September, 1979.

Herbert F. Buchanan,
Deputy District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FP Doc. 79-30219 Filed 9-27-79; 6:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Order

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of August 1979. These Consent Orders concern prices charged by retail motor gasoline dealers in excess of the maximum lawful selling price for motor gasoline since August 1, 1979, failure to properly post the maximum lawful selling price or certification, and engaging in business practices which are either discriminatory with respect to purchasers of motor gasoline, result in a higher price than permitted or tied the sale of gasoline to the purchase of another service. The purpose and effect of these Consent Orders is to bring the consenting firms into compliance with the Mandatory Petroleum Allocation and Price Regulations from August 1, 1979 and they do not address or limit any liability with respect to consenting

firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

A. With respect to selling prices: 1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Roll back prices to achieve refund of overcharges;

3. Properly maintain records required under the aforementioned regulations.

B. With respect to business practices: 1. Cease and desist from employing any form of discriminatory practice;

2. Cease and desist from employing and practice designed to obtain a price higher than is permitted by the regulations;

3. Cease and desist from employing any practice of making the sale of gasoline contingent upon the purchase of another service, charging for services by means of a fee computed on a cents per gallon basis, or charging a fee to dispense gasoline.

C. With respect to posting requirements: 1. Properly post the maximum lawful selling price or certification;

2. Rollback the maximum lawful selling price for failure to post.

For further information regarding these Consent Orders, please contact Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, telephone number 214/767-7745.

Firm's Name, Address, and Date of Consent Order

Ray Hollingsworth dba Ray's Chevron Service, 1101 Andrews H'way Midland, TX 79701; Aug. 4, 1979.
 Village Tire Center, 2200 W. Wall Midland, TX 79701; Aug. 6, 1979.
 Joe D. Stegall, dba Village Gulf, 2110 W. Wall Midland, TX 79701; Aug. 6, 1979.
 Charles B. Nottley, dba C. B. Nottley Exxon, 4001 N. Grandview Odessa, TX 79761; Aug. 7, 1979.
 J. L. Chancellor, dba Chancellor's Gulf, 42nd & N. Dixie Odessa, TX 79762; Aug. 7, 1979.
 N. B. Mabrey, dba Mabrey Gulf Service, 1363 East 6th Odessa, TX 79761; Aug. 8, 1979.
 John Patrick Callahan, dba Pat & Susan Callahan Exxon, 3305 Sherwood Way San Angelo, TX 76901; Aug. 8, 1979.
 James T. Randall, dba Randall's Exxon, 310 W. Dickenson Ft. Stockton, TX 79735; Aug. 9, 1979.
 Joe Shuster, dba Shuster Comanche Shell, 1200 W. Dickenson Ft. Stockton, TX 79735; Aug. 9, 1979.
 Jesus Vega, dba Vega Chevron, 301 E. Holland Alpine, TX 79830; Aug. 10, 1979.
 Fred M. Daughtry, dba Mountain Park Chevron, 7801 Alabama El Paso, TX 79904; Aug. 6, 1979.

Harold West, dba Harold's Chevron, 5525 Montana El Paso, TX 79903; Aug. 6, 1979.
 Lizardo Borado, dba Freeway Chevron, 7500 Gateway East El Paso, TX 79915; Aug. 7, 1979.

Mike Null, dba Interstate Chevron, 5040 East I-10 El Paso, TX 79912; Aug. 9, 1979.

Jeff J. Charles, dba Thunderbird Chevron, 5914 North Mesa St. El Paso, TX 79912; Aug. 9, 1979.

John Nelson & Jessie Young dba Quality Texaco, 601 E. Dickenson Ft. Stockton, TX 79735; Aug. 9, 1979.

Everett Texaco, 23 W. Wadley Midland, TX 79701; Aug. 16, 1979.

Isabel Pallanes, dba Chester's Chevron, 2300 W. Wadley Midland, TX 79701; Aug. 16, 1979.

David Albrecht, dba Albrecht Texaco, 2200 West Front Midland, TX 79701; Aug. 8, 1979.

Elisco Nelendic, dba Hondo Village Exxon, 4922 Hondo Pass El Paso, TX; Aug. 20, 1979.

L. R. Nichol's Exxon, 300 North Hobart Pampa, TX 79065; Aug. 20, 1979.

Tommy Crutchfield, dba Holiday Chevron, 2101 I-40 East Amarillo, TX 79104; Aug. 21, 1979.

Edwin T. Simmons, dba Simmons Exxon, 1000 Andrews H'way Midland, TX 79701; Aug. 20, 1979.

Johnny F. Montoya, dba North Midkiff Exxon, 3210 North Midkiff Midland, TX 79701; Aug. 20, 1979.

Thomas Linton, dba Kimber-Lee Park Shell, 3211 North Midkiff Midland, TX 79701; Aug. 20, 1979.

Clifford Cacy, dba Cliff's Chevron, 1201 South Union Roswell, N.M. 88201; Aug. 7, 1979.

James A. Weese, 720 East 7th Clovis, N.M. 88101; Aug. 6, 1979.

Riley Brewer, dba Riley Mobil, 800 East 1st Clovis, N.M. 88101; Aug. 6, 1979.

George Lathrop, dba Lathrop's Chevron, 1015 W. Main St. Artesia, N.M. 88101; Aug. 8, 1979.

Johnny Barajas, dba Johnny's Exxon, 1302 E. 2nd St. Roswell, N.M. 88201; Aug. 8, 1979.

E. J. Argenbright, dba Matawan Texaco, 801 W. 2nd St. Roswell, N.M. 88201; Aug. 9, 1979.

Hubert Merritt, dba Merritt's Exxon, 223 West Broadway Tatum, N.M. 88267; Aug. 10, 1979.

Ike's Shamrock, 120 Maxwell Springer, N.M. 87747; Aug. 8, 1979.

Darryl Rigdon, 1300 W. Tucumcari Blvd. Tucumcari, N.M. 88401; Aug. 6, 1979.

Robert Null, dba I-10 Chevron, 500 East Railroad Deming, N.M. 88030; Aug. 10, 1979.

Henry T. Briceno, dba Henry's Chevron, 1204 South Canal Carlsbad, N.M. 88220; Aug. 13, 1979.

Doyle Purvis, dba Purvis Exxon, 300 East 20th Farmington, N.M. 87401; Aug. 10, 1979.

George Hillman, dba East Main Chevron, 4110 East Main Farmington, N.M. 87401; Aug. 21, 1979.

Robert E. Dobba, dba Triangle Chevron, 2901 Central Ave., N.E. Albuquerque, N.M. 87106; Aug. 14, 1979.

Rick Arimt, dba Centennial Shell, 7010 Central, S.E. Albuquerque, N.M. 87106; Aug. 14, 1979.

Jim W. Davis, dba I-25 and Gibson Exxon, 1306 Gibson Rd., S.E. Albuquerque, N.M. 87106; Aug. 14, 1979.

Bertran B. Blackwell, dba Western Skies Chevron, 13300 Central Ave., S.E. Albuquerque, N.M. 87112; Aug. 16, 1979.

Jack Veach's Texaco, 1101 W. Airport F'way Irving, TX 75062; Aug. 7, 1979.

Clyde Stafford, dba Stafford's Exxon, 1901 E. H'way 356 Irving, TX 75062; Aug. 6, 1979.

Leonel Espailcot, dba Rick's Texaco, 4101 W. Airport F'way Irving, TX 75062; Aug. 3, 1979.

Joe Raspenite, dba Raspenite Exxon 722 E. Irving Blvd. Irving, TX 75060; Aug. 6, 1979.

George Deel, dba Deel's Exxon, 403 W. Irving Blvd. Irving, TX; Aug. 6, 1979.

Jerry Williams, dba Williams Auto World, 2025 E. Pipeline Rd. Bedford, TX 76021; Aug. 3, 1979.

Carl Griffith, dba Carl Griffith Shell, 101 S. Industrial Eules, TX 76039; Aug. 2, 1979.

Otis W. Perry, 2406 S. Carrier Pkway Grand Prairie, TX 75051; Aug. 13, 1979.

Roger Nash, dba Roger Nash Exxon, 1630 North Loop 323 Tyler TX 75704; Aug. 18, 1979.

Joe Snow, dba Snow's Conoco, 315 Ft. Worth Dr. Denton, TX 76201; Aug. 7, 1979.

Marion C. Quinn Mobil, 3101 Forest Lane Dallas, Texas 75235; Aug. 8, 1979.

Isaac N. Toew's Texaco, 2525 Valley View Farmers Branch, TX 75234; Aug. 8, 1979.

Bob Norman, dba University Mobil, 1105 E. University Denton, TX 76201; Aug. 6, 1979.

Bill Lindsey, dba Lindsey Gulf, 1205 E. University Denton, TX 76201; Aug. 3, 1979.

Larry B. Howell, dba Howell's 66, 801 I-35 East Denton, TX 76201; Aug. 3, 1979.

William E. Gilbreath, dba Interstate Mobil, 4001 Stemmons Denton, TX 76201; Aug. 3, 1979.

Bill J. Love Exxon, P.O. Box 338 (I-20 & FM 707) Tye, TX 79563; Aug. 16, 1979.

Kellas M. Davis, dba K & H Shell, Rt. 1, Box 475 Abilene, TX 79601; Aug. 16, 1979.

Myles Kitner, dba Wynnewood Texaco, 2304 Llewellyn Dallas, TX 75224; Aug. 24, 1979.

Olin Vaughn, dba Vaughn's Shell Station, 500 W. Kiest Blvd. Dallas, TX 75224; Aug. 18, 1979.

Glenn D. Miser Texaco, 6509 Brentwood Star Rd. Ft. Worth, TX 76112; Aug. 7, 1979.

Jim Reed Texaco Station, 3324 Belknap Ft. Worth, TX 76111; Aug. 8, 1979.

Lee Roy Oaks, dba Oak's Exxon, P.O. Box 4277 (H'way 69 & Loop 323) Tyler, TX 75701; Aug. 21, 1979.

Warren Coffman, dba Coffman's Texaco Service, 3210 Gentry Parkway Tyler, TX 75702; Aug. 21, 1979.

Truman Allen, dba Allen's Exxon, 5900 East End Blvd. Marshall, TX; Aug. 10, 1979.

Black & Phillips Mobil, 201 East End Blvd., N. Marshall, TX 75670; Aug. 18, 1979.

Bailey Salmon, Jr., dba Salmon's Exxon, 128 W. Marshall Longview, TX 75601; Aug. 24, 1979.

Tom Barwise Texaco Tire Center, 3901 Altamesa Ft. Worth, TX 76133; Aug. 22, 1979.

Floyd Bell, dba Holiday Gulf, 2107 H'way 75N Sherman, TX 75090; Aug. 17, 1979.

Grady White, Jr., dba Martin & White Exxon, 1706 E. H'way 82 Gainesville, TX 78249; Aug. 17, 1979.

Eric Wright, dba Early Chevron, 130 Early Blvd. Brownwood, TX 76801; Aug. 21, 1979.

Ron Holder, dba Holder's Gulf, 1065 Dilmer Sulphur Springs, TX 75482; Aug. 21, 1979.

M. M. Moore, dba Moore's Texaco Service Station, 202 Ferguson Mt. Pleasant, TX 75455; Aug. 21, 1979.

Dick Johnson, dba Johnson Exxon, 414 East Tyler Athens, TX 75751; Aug. 21, 1979.

E. H. Gay, dba Gay Gulf Service Station, 1001 S. Jackson Jacksonville, TX 75766; Aug. 22, 1979.

Royce Fletcher, dba Glass Texaco, 401 S. Bolton Jacksonville, TX; Aug. 22, 1979.

Francis Bateman, dba Bateman Texaco, 1108 S. Jackson Jacksonville, TX 75766; Aug. 22, 1979.

F. E. Weimer, dba Alto Exxon Station, P.O. Box 637 (H'way 69 & 29) Alto, TX 75925; Aug. 22, 1979.

Hugh Estes Click, dba Click's Arco, Box 45 Alto, TX 75925; Aug. 22, 1979.

William G. Ross, Jr., dba Ross East Main Exxon, 608 E. Main St. Nacogdoches, TX 75961; Aug. 23, 1979.

E. G. Wilson, dba Wilson's Gulf, 2344 W. Ledbetter Dallas, TX 75224; Aug. 24, 1979.

Paul Collum, dba I-30 Gulf, I-30 & Summerhill Rd. Texarkana, TX 75503; Aug. 22, 1979.

Miles and Son Texaco, 4821 Summerhill Rd. Texarkana, TX 75501; Aug. 22, 1979.

Bill Shockley's Conoco, 2007 N. Robinson Rd. Texarkana, TX 75501; Aug. 22, 1979.

Amos Denny, dba Denny's Exxon, 1725 New Boston Rd. Texarkana, TX 75501; Aug. 22, 1979.

Albert McCoy's Exxon, 1604 S. Vine Tyler, TX 75701; Aug. 23, 1979.

D. C. Sims, dba West 80 Exxon, 4701 W. Marshall Longview, TX 75604; Aug. 24, 1979.

Kenneth Cuvelier, dba Cuvelier, Inc., 4300 South Broadway Tyler, TX 75701; Aug. 15, 1979.

John A. Jones Exxon, 4705 E. Lancaster Ft. Worth, TX 76103; Aug. 9, 1979.

Jimmy L. Isham, dba Holiday Gulf, 2715 North NW Loop 323 Tyler, TX 75701; Aug. 21, 1979.

Doug Moseley, dba Moseley's Gulf, 404 East End Blvd., S. Marshall, TX 75670; Aug. 13, 1979.

W. H. Fleming, Jr. Exxon, 301 S. High Longview, TX; Aug. 10, 1979.

P. R. Sibbley, dba Youree at Southfield Exxon, 4520 Youree Dr. Shreveport, La. 71105; Aug. 24, 1979.

Bill's McArthur Gulf Service, 35 McArthur Dr. Alexandria, La 71301; Aug. 23, 1979.

Interstate Exxon, 5109 Monkhouse Dr. Shreveport, La. 71109; Aug. 20, 1979.

Bill Hood, dba Hood's Island Exxon, 935 Camella Dr. Shreveport, La 71104; Aug. 21, 1979.

James A. Hagen, dba Airline Mobil Service Center, 1898 Airline Dr. Bossier, La 71112; Aug. 20, 1979.

Euan Patric, dba Patrick's Truck Stop, Inc., Rt. 4, Box 6 Coshatt, La 71019; Aug. 24, 1979.

Wixon's Texaco, 5201 Monkhouse Dr. Shreveport, La 71109; Aug. 20, 1979.

Armistead Texaco, Rt. 4, Box 7D Coshatt, La 71019; Aug. 29, 1979.

McCain's Gulf, 421 Texas Street Natchitoches, La 71415; Aug. 28, 1979.

Thompson's Texas Street Texaco, 401 Texas Street Natchitoches, La 71451; Aug. 28, 1979.

Polk Street Amoco, 1125 Polk Street Mansfield, La 71052; Aug. 27, 1979.

Leonard's Texaco, P.O. Box 653 Coshatt, La 71019; Aug. 27, 1979.

Miller's I-20 Exxon, I-20 & Grambling Rd. Grambling, La 71245; Aug. 27, 1979.

East Side Exxon, LA 1 and Bienville Natchitoches, La 71457; Aug. 30, 1979.

Robert Chavoya Exxon, 2849 North Central Dallas, TX 75204; Aug. 14, 1979.

Richard A. Landrum, 1619 W. Erwin Tyler, TX 75702; Aug. 16, 1979.

Clarence R. Barron Exxon, 505 No. Center Brownwood, TX 76801; Aug. 28, 1979.

Reed Grocery, 402 Broadway Daingerfield, TX 75638; Aug. 24, 1979.

George Whitehead, 510 S. Patrick Dublin, TX 76446; Aug. 28, 1979.

Don Stone, 303 E. Blackjack Dublin, TX 76446; Aug. 28, 1979.

M. A. Turner's Mobil, 2505 Inwood Rd. Dallas, TX; Aug. 29, 1979.

McSweens Exxon, 4631 Maple St. Dallas, TX 75219; Aug. 27, 1979.

Avens Gulf, 1424 S. E. 29th Oklahoma City, OK 73106; Aug. 7, 1979.

Bert's Texaco, 8205 E. Franklin Rd Norman, OK; Aug. 8, 1979.

Robert H. Edwards, dba Pro-Am Truck Stop, I-40 and Choctaw Rd Oklahoma City, OK; Aug. 10, 1979.

Brent Lane, dba Lane's Texaco, 1302 N. Porter Norman, OK 73071; Aug. 21, 1979.

Barber Street Exxon, 823 E. 9th Little Rock, Ar; Aug. 9, 1979.

Geyer Springs 66, 8001 Geyer Springs Rd Little Rock, Ar; Aug. 10, 1979.

Freeman Prothro Texaco, 2522 Jacksonville H'way North Little Rock, Ar; Aug. 9, 1979.

Trek's Texaco, 721 E. 9th Little Rock, Ar; Aug. 9, 1979.

Howard Stack, dba Bell H Grocery, Box 562 Heiderheimer, TX 76533; Aug. 6, 1979.

Truly Investment Co., Grand Prairie, dba Bargain Oil Co., Inc., Cameron, TX 76520; Aug. 6, 1979.

Joe Ambriz Gulf, 207 W. 4th Cameron, TX 76520; Aug. 6, 1979.

Frank Tomascik, dba Service Oil Co., Box 125 Buckholts, TX 76518; Aug. 6, 1979.

Calvin Allison, dba Allison Exxon, Box 225 Buckholts, TX 76518; Aug. 6, 1979.

John Klecka, dba Roger's Texaco, H'way 190 Rogers, TX; Aug. 6, 1979.

Graham Bros. Texaco, 3629 S. General Bruce Dr. Temple, TX 76501; Aug. 7, 1979.

E. C. Kotrla, dba Slim Kotrla's Conoco, 2613 S. General Bruce Dr. Temple, TX 76501; Aug. 7, 1979.

Ben Winkler, 51st and I-35 Temple, TX 76501; Aug. 7, 1979.

David Pitts, dba Pitt's 66, P.O. Box 12 Troy TX 76579; Aug. 8, 1979.

J. R. Prince, dba Prince Texaco #2, I-35 and FM 935 Troy, TX 76579; Aug. 8, 1979.

Ray E. Griffiths, dba Griffiths' Gulf, 2600 LaSalle Waco, TX 76706; Aug. 8, 1979.

Ceil K. Ashley, dba Ashley Texaco, I-35 and H'way 107 Eddy, TX 76524; Aug. 8, 1979.

Bill Ferris, dba I-35 Texaco, 111 S. Blvd. Belton, TX 76513; Aug. 10, 1979.

Allen D. Meadors, 1002 Market Hearne, TX 77659; Aug. 14, 1979.

Bobby Madden, 602 Market Hearne, TX 7765

Martinez Texaco, H'way 81 Encinal, Tx 78019; Aug. 7, 1979.

Tom H. Yates, I-35 & Del Mar Blvd., 2119 Sanders, 2019 Guadalupe Laredo, Tx; Aug. 8, 1979.

Joe Guerra, dba Guerra Exxon, I-35 & Del Mar Blvd. Laredo, Tx; Aug. 7, 1979.

T. J. Hall, 4420 S. Bernardo 2720 Saunders Laredo, Tx 78040; Aug. 7, 1979.

Geronimo Santos, 4202 San Bernardo Laredo, Tx 78014; Aug. 7, 1979.

Rocha Gulf, 2603 Saunders Laredo, Tx 78040; Aug. 8, 1979.

Gary W. Brown, 102 N. 1st Carrizo Springs, Tx 78834; Aug. 8, 1979.

Jim Johnson, 305 1st Street Carrizo Springs, Tx 78834; Aug. 8, 1979.

H. C. LaGrone, 401 N. 1st Street Carrizo Springs, Tx 78834; Aug. 8, 1979.

Richard George, 800 N. 1st Street Carrizo Springs, Tx 78834; Aug. 8, 1979.

David Baggett, Box 2587 Eagle Pass, Tx 78852; Aug. 9, 1979.

Ed Ferguson, 2415 Main Street Eagle Pass, Tx 78852; Aug. 9, 1979.

Joan Martinez, 2195 Main Street Eagle Pass, Tx 78852; Aug. 9, 1979.

Harry E. Ferguson, 750 Main Eagle Pass, Tx 78852; Aug. 9, 1979.

Jose A. Martiarena, 130 E. Garfield Del Rio, Tx 78840; Aug. 9, 1979.

Bill Green, 409 E. Gibbs Del Rio, Tx 78840; Aug. 9, 1979.

J. J. Foster Exxon, 909 Avenue F Del Rio, Tx 78840; Aug. 10, 1979.

Francisco S. Ramirez, 1800 Avenue F Del Rio, Tx 78840; Aug. 10, 1979.

Joe Villareal, 1200 E. Gibbs Del Rio, Tx 78840; Aug. 10, 1979.

Jesse Morales, Jr., 595 W. Main Uvalde, Tx 78801; Aug. 10, 1979.

Antonio Vela, 201 West Main Uvalde, Tx 78801; Aug. 10, 1979.

R. C. Thornton, 335 E. Main Uvalde, Tx 78801; Aug. 10, 1979.

Rodolfo Alejandro, H'way 90 Sabinal, Tx 78881; Aug. 10, 1979.

Joe Nigro, dba Joe Nigro Gulf, 1303 Vance Jackson San Antonio, Tx 78201; Aug. 20, 1979.

Vernon Votaw Texaco, I-10 & Mile Marker 653 Waelder, Tx 78959; Aug. 21, 1979.

Florian J. Vrana, dba Vrana's Exxon, 710 E. U.S. H'way 90 Flatona, Tx 78941; Aug. 21, 1979.

Robert Madrigal, dba Round Rock Gulf, I-35 & Old H'way 81 Round Rock, Tx 78664; Aug. 24, 1979.

John & Luz Castillo, dba Castillo's Texaco, I-35 & FM 820 Round Rock, Tx 78664; Aug. 24, 1979.

Armando Aguilar, P.O. Box 741 La Feria, Tx 78599; Aug. 7, 1979.

Jose A. Jimenez Gulf, 6226 S. Flores San Antonio, Tx 78214; Aug. 28, 1979.

Lewis LaFevre, dba Texas Texaco, 6020 S. Flores San Antonio, Tx 78214; Aug. 28, 1979.

Juan Clapa Exxon, 526 W. Cevallos San Antonio, Tx 78207; Aug. 28, 1979.

Noe Morin Texaco, 1025 Pleasanton Dr. San Antonio, Tx 78124; Aug. 29, 1979.

Lionel Cortinas, dba Arco Stop Shop, 1124 D Floresville, Tx 78114; Aug. 29, 1979.

Clem Christa, Jr. Mobil, 918 10th Street Floresville, Tx 78114; Aug. 29, 1979.

Denver L. Malaw, dba A & M Gulf Self Service, Rt. 2, Box 103 Floresville, Tx 78114; Aug. 29, 1979.

L. N. Elder & Sons, Inc., dba White's Auto Store, 757 West Court Seguin, Tx 78155; Aug. 30, 1979.

Siegfried Donaback Exxon, 601 N. Austin St. Seguin, Tx 78155; Aug. 30, 1979.

M. C. Reed Mobil Service Station, 415 N. Austin St. Seguin, Tx 78155; Aug. 30, 1979.

Adam Priere Mobil, 103 W. Kingsbury Seguin, Tx 78155; Aug. 30, 1979.

Paul Hermilo, dba Paul's Texaco, 102 W. Kingsbury Seguin, Tx 78155; Aug. 30, 1979.

Isidoro A. Vigil, dba Green Valley Phillips 66, Rt. 1, Box 406 Cibola, Tx 78108; Aug. 31, 1979.

Eugene Bielke Exxon, H'way 78 Marion, Tx 78124; Aug. 31, 1979.

J. C. Dengler Texaco, P.O. Box 458 McQueeney, Tx 78123; Aug. 31, 1979.

Jesse Butler Exxon, 106 E. Kingsburg Seguin, Tx 78155; Aug. 31, 1979.

Donald Boeder, 1098 E. I-10 Seguin, Tx 78155; Aug. 31, 1979.

Humbert Cruz, 1723 W. H'way 83 McAllen, Tx 78501; Aug. 7, 1979.

Marcelo Ledesma, H'way 77S & Ed Carey Harlingen, Tx 78550; Aug. 7, 1979.

Pablo Montoya, Jr., 619 2nd St. Mercedes, Tx 78570; Aug. 8, 1979.

Manual Martinez, 301 E. H'way 83 Weslaco, Tx 78596; Aug. 8, 1979.

D. C. Hobbs, 1 South Case Pharr, Tx 78577; Aug. 9, 1979.

Jesus Saenz, 110 E. H'way 83 Pharr, Tx 78577; Aug. 9, 1979.

Fred Davin 1520 N. 10th St. McAllen, Tx 78501; Aug. 9, 1979.

Glen P. Quinn, 3921 N. 10th St. McAllen, Tx 78501; Aug. 10, 1979.

Pablo Fuentes Gulf, 1422 E. Harrison Harlingen, Tx 78550; Aug. 9, 1979.

Troyce Shofner Exxon, 1434 E. Harrison Harlingen, Tx 78550; Aug. 9, 1979.

Memo's Conoco, Queen Isabella & Gomez Port Isabel, Tx 78578; Aug. 7, 1979.

Jon J. Schroeder Exxon, H'way 100 and Trevino Port Isabel, Tx 78578; Aug. 7, 1979.

Captain Henry, 503 West H'way 100 Port Isabel, Tx 78578; Aug. 7, 1979.

Ernie's Texaco, 1873 Boca Chica Brownsville, Tx 78520; Aug. 7, 1979.

Walco #9-079, 4500 E. 14th St. Brownsville, Tx 78520; Aug. 8, 1979.

Four Corners Texaco, H'way & Boca Chica Blvd. Brownsville, Tx 78520; Aug. 8, 1979.

El Centro Super Markets, Inc., 4435 E. 14th St. Brownsville, Tx 78521; Aug. 8, 1979.

R & R Fina, 1500 Central Blvd. Brownsville, Tx 78520; Aug. 8, 1979.

George Lipe Exxon Service, 1454 Central Blvd. Brownsville, Tx 78520; Aug. 8, 1979.

Harry L. Faulk Gulf, FM 802 & Expressway 83 Brownsville, Tx 78520; Aug. 8, 1979.

Bill's Exxon Service, 397 E. H'way 77 San Benito, Tx 78586; Aug. 9, 1979.

Sunshine Texaco, 1397 E. H'way 77 San Benito, Tx 78586; Aug. 9, 1979.

Tropical Trail Texaco, 1397 W. H'way 77 San Benito, Tx 78586; Aug. 10, 1979.

Sanchez Texaco, 211 N. Ed Carey Dr. Harlingen, Tx 78550; Aug. 9, 1979.

Herrera's Texaco, 1301 N. 23rd St. McAllen, Tx 78501; Aug. 10, 1979.

Molina Walco Station, 1200 S. 23rd St. McAllen, Tx 78501; Aug. 10, 1979.

Noris Hall Truck Stop, Inc., P.O. Box 9550 Corpus Christi, Tx 78408; Aug. 15, 1979.

Aramando Rivera, 5420 Leopard Corpus Christi, Tx 78408; Aug. 18, 1979.

Curtis Hill, 103 Cleveland Aransas Pass, Tx 78336; Aug. 18, 1979.

Allen Duroy, 700 N. Allister Port Aransas, Tx 78373; Aug. 17, 1979.

Henry's Exxon, 1600 S. 23rd St. McAllen, Tx 78501; Aug. 10, 1979.

Joe Morin, dba Joe's Texaco Service, 304 N. Odem Sinton, Tx 78387; Aug. 20, 1979.

Ted Knox Texaco, 502 W. Sinton St. Sinton, Tx 78387; Aug. 20, 1979.

Thomas J. Salvato, dba 7 Seas Gulf, Park Road 22 Corpus Christi, Tx 78418; Aug. 20, 1979.

Tom Spiewak, dba Jito of Parde, Inc., P.O. Box 8151 Corpus Christi, Tx 78412; Aug. 20, 1979.

Charles Rawalt, dba The Coastway, 13402 S. Padre Island Dr. Corpus Christi, Tx 78418; Aug. 22, 1979.

S. A. Kimbrell, dba Red Dot Bait Stand, 913 Lunnhurst Corpus Christi, Tx 78418; Aug. 20, 1979.

Al Kennedy, dba Jerry's Place, 3909 Laguna Shores Flour Bluff, Tx 78418; Aug. 21, 1979.

Jack Edwards, dba Ed's Sporting Goods, 10425 S. Padre Island Dr. Corpus Christi, Tx 78418; Aug. 22, 1979.

W. L. Hermis, dba Gardendale Service Station, 5437 Staples Street Corpus Christi, Tx 78411; Aug. 22, 1979.

David McMinn, dba McMinn's Gulf, 4428 Kostoryz Rd. Corpus Christi, Tx 78415; Aug. 23, 1979.

Jose Sanchez Rodriguez, dba, Del Mar Exxon, 2314 Ayers Corpus Christi, Tx 78408; Aug. 23, 1979.

Zenon R. Canales, dba Canale's Mobil, 1159 E. Main Alice, Tx 78332; Aug. 23, 1979.

Gwynn Senf, dba Gwynn's Exxon, 323 W. Sinton St. Sinton, Tx 78387; Aug. 20, 1979.

Robert N. West, dba West's Texaco, P.O. Box 163 (H'way 181) Taft, Tx 78390; Aug. 22, 1979.

B. D. Bailey, dba Bailey's Ice House, H'way 136 Bayside, Tx 78340; Aug. 22, 1979.

B. C. Grimes, dba Grime's Exxon, General Delivery Bayside, Tx 78340; Aug. 22, 1979.

Jose R. Rodriguez, dba Jose Exxon, 1205 East Main St. Alice, Tx 78332; Aug. 23, 1979.

Duke Barry, dba Duke's Texaco, 1101 East Main Alice, Tx 78389; Aug. 23, 1979.

Manuel Olivares Texaco, H'way 181 Skidmore, Tx 78389; Aug. 23, 1979.

E. L. Gilliam's Store, Rt. 1, Box 184 Sinton, Tx 78387; Aug. 24, 1979.

Hurb Stoddard Texaco, US H'way 181 & Houston Portland, Tx 78374; Aug. 27, 1979.

Butler & Clevenser, dba Portland #2 Texaco, US H'way 181 & Wildcat Portland, Tx 78374; Aug. 24, 1979.

Louis Cantu, dba St. Paul Grocery, (H'way 181) Rt. 1, Box 211A St. Paul, Tx 78387; Aug. 24, 1979.

Fermin Olivares Exxon, US H'way 181 & Sullun Skidmore, Tx 78389; Aug. 24, 1979.

Jose Numez Gulf, Box 54 (Baylor & H'way 77) Odem, Tx 78370; Aug. 27, 1979.

Tony Benavidez Texaco, H'way 77 & Selleas St. Odem, Tx 78370; Aug. 27, 1979.

Tony Mohar Gulf Station, 518 Junction H'way Kerrville, Tx 78028; Aug. 30, 1979.

L. M. Jones, dba Schertz Exxon Station, 432 Main St. Schertz, Tx 78154; Aug. 31, 1979.

Max Piega, dba Max's Texaco, 101 W. I-10 Seguin, Tx 78155; Aug. 31, 1979.

Clarence Schuenemann, dba Schuenemann Exxon Service Station, 1805 H'way 46 North Seguin, Tx 78155; Aug. 31, 1979.

Richard Seals, dba Richard's Exxon, 6904 Bellfort Houston, Tx 77087; Aug. 14, 1979.

Marvis W. Koon, dba Koon's Texas, 7702 Bellfort Houston, Tx 77081; Aug. 7, 1979.

Montgomery Wards, 2222 Spencer Pasadena, Tx 77504; Aug. 10, 1979.

Ben Finch, dba Quail Valley Texaco, 2465 Cartwright Missouri City, Tx; Aug. 10, 1979.

Avant, Inc. Gulf Station, 2301 Broadway; Aug. 15, 1979.

Dimitrios Texaco Service, 2122 Gessner at Hammary Houston, Tx 77055; Aug. 9, 1979.

Nicholaos Emmanouil, dba Nick's Gulf Service, 8201 Katy F'way at Wirt and Westview at Campbell Houston, Tx 77055; Aug. 9, 1979.

Chung Sik Pak, dba Park's Mobil Service Station, 10101 Long Point Houston, Tx 77043; Aug. 10, 1979.

Aaron A. Dominguez, dba Aaron's Mobil Service Center, 8435 Katy F'way Houston, Tx 77024; Aug. 10, 1979.

Ahmed Maged, dba Ahmed's Mobil Station, 12102 Hempstead H'way Houston, Tx 77092; Aug. 10, 1979.

National Convenience Stores, dba Stop N Go Markets District #32, 4038 Boone Road Houston, Tx 77099; Aug. 15, 1979.

A. Spahis, dba Bunker Hill Texaco Service Station, 995 Bunker Hill Houston, Tx 77024; Aug. 16, 1979.

George D. Hardy, dba Hardy's Gulf Service, 3754 Westheimer Houston, Tx 77027; Aug. 10, 1979.

Gary A. Simon, dba Gary's Exxon; 6186 Westheimer Houston, Tx 77057; Aug. 13, 1979.

Teddy Koulianos Texaco, 10202 Westheimer Houston, Tx 77042; Aug. 8, 1979.

Eggat M. Sheedid Mobil, 8003 Beechnut Houston, Tx 77036; Aug. 9, 1979.

Antonios E. Moustakelis, dba Tony's Exxon, 5202 Richmond Houston, Tx 77056; Aug. 10, 1979.

Nick Tsaroumis, dba Westwood Texaco, 9602 Southwest F'way Houston, Tx 77036; Aug. 7, 1979.

Marcel Rizk, dba Sharptown Texaco, 7070 Southwest D'way Houston, Tx 77074; Aug. 7, 1979.

George Thanos, dba Southway Texaco Service Station, 8601 Southwest F'way Houston, Tx 77074; Aug. 7, 1979.

Kostas Roudas, dba Kostas' Texaco—Memorial City, 10097 Katy F'way Houston, Tx 77024; Aug. 16, 1979.

Konstantinos Alexopoulos, dba Alexopoulos' Texaco, 11009 Katy F'way Houston, Tx 77099; Aug. 7, 1979.

Huelett Northon, dba Spencer Shell, 3028 Shaver Pasadena, Tx 77502 City; Aug. 21, 1979.

Issued in Dallas, Texas, this 20th day of September, 1979.

Herbert F. Buchanan,
Deputy District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 79-30220 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 50256-3325-04-77]

Ben French No. 4, Black Hills Power & Light Co.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of request for classification.

SUMMARY: On June 4, 1979, Black Hills Power and Light Company (Black Hills) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Ben French No. 4 as an existing facility pursuant to § 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979 (44 FR 17464), and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978; 42 U.S.C. 8301 et seq. (FUA). FUA imposes certain statutory prohibitions against the use of natural gas and petroleum by new and existing electric powerplants. ERA's decision in this matter will determine Ben French No. 4 is a new or existing powerplant. The prohibitions which apply to existing powerplants are different from those which apply to new powerplants.

The purpose of this Notice is to invite interested persons to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with Section 515.26 of the Revised Interim Rule, no public hearings will be held.

DATES: Written comments are due on or before October 19, 1979.

ADDRESSES: Ten copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, Phone (202) 634-2170.

James W. Workman, Acting Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3128I, Washington, D.C. 20461, Phone (202) 254-7450.

C. Randolph Comstock (Office of the General Counsel), Department of Energy, 12th & Pennsylvania Avenue, N.W., Room 7134, Washington, D.C. 20461, Phone (202) 633-8814.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels Conversions, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3128I, Washington, D.C. 20461, Phone (202) 254-7442.

SUPPLEMENTARY INFORMATION: Black Hills Power and Light Company (Black Hills) is a corporation organized under the laws of the State of South Dakota. Black Hills supplies electric service in western South Dakota and eastern Wyoming.

Black Hills stated that it executed a contract in January 1976 for the construction of a 25.2 MW, oil-fired combustion turbine, to be known as Ben French No. 4 in Pennington, County, South Dakota, and that commercial operation was scheduled for June 1979.

On June 4, 1979, pursuant to ERA's Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 14, 1979, Black Hills requested that ERA classify Ben French No. 4 as an "existing" facility.

In accordance with § 515.6 of ERA's Revised Interim Rule, a powerplant will be classified as existing if the cancellation, rescheduling or modification of the construction or acquisition of a powerplant would result in a substantial financial penalty or an adverse effect on the electric system reliability. Black Hills supported its request for classification by providing evidence in support of their claim that it would suffer a substantial financial penalty if Ben French No. 4 were not permitted to proceed as an oil-burning facility. A summary of the evidence requirements and Black Hills' response to those requirements follows:

Substantial financial penalty—Pursuant to § 515.6(a) of the Revised Interim Rule, ERA will classify a facility as existing upon a demonstration that at least 25 percent of the total projected project cost of November 9, 1978, was expended in nonrecoverable outlays as of November 9, 1978.

In response to the evidence requirements of § 515.6(b)(1) of the Revised Interim Rule, Black Hills provided the following information:

Total projected project cost as of 11/09/78.....	\$3,511,000
Total project expenditures as of 11/09/78.....	1,303,000
Total recoverable expenditures.....	1,000,000
Total nonrecoverable outlays, including penalty charges for obligations and cancellations.....	1,943,000
Nonrecoverable outlays percent of total projected project expenditures as of 11/09/78.....	55.3

ERA hereby invites all interested persons to submit written comments on this matter.

The public file, containing Black Hills' request for classification and supporting materials, is available for inspection upon request at: ERA, Room B-110, 2000 M Street NW., Washington, D.C. 20461, Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C. on September 24, 1979.

Robert L. Davies,
Acting Assistant Administrator, Office of
Fuels Conversion, Economic Regulatory
Administration.

[FR Doc. 79-30216 Filed 9-27-79; 8:45 am]
BILLING CODE 6450-01-M

[ERA Case No. 50868-9005-21-77]

El Paso Electric Co.; Copper Station No. 1

AGENCY: Economic Regulatory Administration, Department of Energy.
ACTION: Notice of request for classification.

SUMMARY: On June 4, 1979, El Paso Electric Company (El Paso) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Copper Station No. 1 as an existing facility pursuant to § 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979 (44 FR 17464), and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq. (FUA). FUA imposes certain statutory prohibitions against the use of natural gas and petroleum by new and existing electric powerplants. ERA's decision in this matter will determine whether Copper Station No. 1 is a new or existing powerplant. The prohibitions which apply to existing powerplants are different from those which apply to new powerplants.

The purpose of this Notice is to invite interested persons to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with § 515.26 of the Revised Interim Rule, no public hearings will be held.

DATES: Written comments are due on or before October 19, 1979.

ADDRESSES: Ten copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, Phone (202) 634-2170.

James W. Workman, Acting Director,
Division of Existing Facilities Conversion,
Economic Regulatory Administration,
Department of Energy, 2000 M Street, N.W.,
Room 31281, Washington, D.C. 20461,
Phone (202) 254-7450.

G. Randolph Comstock (Office of the General Counsel), Department of Energy, 12th & Pennsylvania Avenue, N.W., Room 7134, Washington, D.C. 20461, Phone (202) 633-8814.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 31281, Washington, D.C. 20461, Phone (202) 254-7442.

SUPPLEMENTARY INFORMATION: El Paso Electric Company (El Paso) is a corporation organized under the laws of the State of Texas. El Paso supplies electric service in southwestern Texas and a portion of New Mexico.

El Paso stated that it executed contracts in December 1977 for the construction of a 67 MW, combustion turbine capable of burning No. 2 distillate fuel oil, residual oil or natural gas and to be known as Copper Station No. 1 in El Paso County, Texas, and that commercial operation is scheduled for May 1980.

On June 4, 1979, pursuant to ERA's Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979, El Paso requested that ERA classify Copper Station No. 1 as an "existing" facility.

In accordance with § 515.6 of ERA's Interim Rule, a powerplant will be classified as existing if the cancellation, rescheduling or modification of the construction or acquisition of a powerplant would result in a substantial financial penalty or an adverse effect on the electric system reliability. El Paso supported its request for classification by providing evidence in support of their claim that it would suffer a substantial financial penalty if Copper Station No. 1 were not permitted to proceed as an oil/gas-burning facility. A summary of the evidence requirements and El Paso's response to those requirements follows:

Substantial financial penalty—
Pursuant to § 515.6(a) of the Revised Interim Rule, ERA will classify a facility as existing upon a demonstration that at least 25 percent of the total projected project cost as of November 9, 1978, was expended in nonrecoverable outlays as of November 9, 1978.

In response to the evidence requirements of § 515.7(b)(1) of the Revised Interim Rule, El Paso provided the following information:

Total projected project cost as of 11/09/78.....	\$10,800,000
Total projected project cost as of 11/09/78.....	7,042,309
Total recoverable expenditures.....	3,427,790
Total nonrecoverable outlays, including penalty charges for obligations and cancellations.....	5,491,838
Nonrecoverable outlays percent of total projected project expenditures as of 11/09/78.....	50.8

ERA hereby invites all interested persons to submit written comments on this matter.

The public file, containing El Paso's request for classification and supporting materials, is available for inspection upon request at: ERA, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461, Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C., on September 24, 1979.

Robert L. Davies,
Acting Assistant Administrator, Office of
Fuels Conversion, Economic Regulatory
Administration.

[FR Doc. 79-30217 Filed 9-27-79; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Interim Remedial Orders for Immediate Compliance

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Interim Remedial Orders for Immediate Compliance (IROICs) were issued by the Office of Enforcement, ERA, to the firms listed during the month of August 1979. These IROICs concern both prices charged by retail motor gasoline dealers in excess of the maximum lawful selling prices for motor gasoline and discriminatory business practices. To prevent further irreparable harm to the public interest which might result if the firms continued these pricing and business practices, the lawfulness of which could not be justified, IROICs were issued in accordance with 10 CFR 205.199D and ordered the firms to come into compliance with legal requirements by taking the following actions:

1. Reduce prices for each grade of gasoline to not more than the maximum lawful selling price;
2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height;
3. Properly maintain records required under the Mandatory Petroleum Allocation and Price Regulations, Title 10, Code of Federal Regulations; and
4. Cease and desist from employing any form of discrimination practices as set forth in 10 CFR 210.62(b) and conform its business practices to those practices followed during the base period.

In the alternative, these firms were ordered to come forth within five days with support for the lawfulness of its business practices and the maximum lawful selling prices they otherwise contend are appropriate.

For further information regarding these IROICs, please contact Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, telephone number 214/767-7745.

Firm's Name, Address, and Date

Doy Gatlin, dba El Paso Auto Truck Stop, Inc., 1301 North Horizon Blvd. El Paso, TX 79927, Aug. 22, 1979.

Samuel D. Lee, dba Lee's Gulf, 2238 South Main, Stafford, TX 77077, Aug. 10, 1979.
Bruce's Texaco, 9142 Long Point, Houston, TX, Aug. 16, 1979.

Issued in Dallas, Texas on the 20th day of September, 1979.

Herbert F. Buchanan,
Deputy District Manager, Southwest District
Enforcement, Economic Regulatory
Administration.

[FR Doc. 79-30218 Filed 9-27-79; 8:45 am]
BILLING CODE 6450-01-M

Canadian Crude Oil Allocation Program Allocation Notice for the October 1 Through December 31, 1979, Allocation Period

In accordance with the provisions of the Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby publishes the allocation notice specified in § 214.32 for the allocation period commencing October 1, 1979.

The Canadian National Energy Board (NEB) recently announced that, beginning in October 1979, exports of crude oil from Canada will be authorized on a monthly basis, instead of a quarterly basis.¹ Consequently, although this allocation notice is for the October through December 1979 quarter, the volumes listed represent only October exports from Canada. Pursuant to § 214.32(c), this quarterly notice will be revised with the publication of supplemental notices when Canada notifies the ERA of export levels for November and for December.

The issuance of Canadian crude oil rights for the October 1, 1979, allocation period to refiners and other firms is set forth in the Appendix to this notice. As to this allocation period, the Appendix lists: (1) The name of each refiner and other firm to which rights have been issued; (2) The base period volume² of

¹ The ERA is considering proposing a change in the regulations to account for Canada's decision to announce exports on a monthly rather than a quarterly basis.

² Base period volume for the purposes of this notice means average number of barrels of Canadian crude oil included in a refinery's crude oil runs to stills or consumed or otherwise utilized by a

Canadian crude oil for each first or second priority refinery; (3) The base period volume of Canadian light and heavy crude oil respectively, for each first or second priority refinery; (4) The nominations to ERA for Canadian light and heavy crude oil, respectively, of each refiner or other firm; (5) The number of rights for Canadian light and heavy crude oil, respectively, expressed in barrels per day, issued to each such refiner or other firm; and (6) The specific first or second priority refineries for which rights are applicable. The appendix also contains a list equating the quarterly allocations to monthly export volumes, since the allocation volumes being announced at this time will all be exported in October.

The issuance of Canadian crude oil rights is made pursuant to § 214.31, which provides that rights may be issued to refiners or other firms that own or control a first or second priority refinery based on the number of barrels of Canadian light and heavy crude oil, respectively, included in the refinery's volume of crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period, November 1, 1974, through October 31, 1975. These calculations have been made and are shown on a barrels per day basis.

The listing contained in the Appendix also reflects any adjustments made by ERA to base period volumes to compensate for reductions in volumes due to unusual or nonrecurring operating conditions or to reflect current operating conditions as provided by § 214.31(d).

Based on its review of the affidavits, supplemental affidavits and reports filed pursuant to Subpart D of Part 214, and other information available to the agency, ERA has designated each refinery or other facility listed in the Appendix as a first or second priority refinery as defined in § 214.21. If a refinery or other facility has not been designated as a priority refinery by ERA, such refinery or other facility is not entitled to process or otherwise consume Canadian crude oil subject to allocation under the program.

As provided by § 214.31(e), in the allocation period commencing October 1, 1979, each refinery or other firm which has been issued Canadian crude oil rights for light and heavy crude oil, respectively, is entitled to process, consume or otherwise utilize in the priority refinery or refineries specified in the Appendix to this notice a number of barrels of Canadian light and heavy

facility other than a refinery during the base period (November 1, 1974, through October 31, 1975) on a barrels per day basis.

crude oil, respectively, subject to allocation under Part 214, equal to the number of rights specified in the Appendix.

The NEB has formally advised ERA that the total volume of Canadian light crude oil authorized for export to the United States, and therefore subject to allocation under Part 214, for the month of October 1979 will be 13,939 B/D; all of which is operationally constrained in the following manner:

—11,200 B/D of condensate through the Rangeland-Aurora-Glacier pipeline system to Montana.

—2,689 B/D of light crude oil through the Murphy pipeline system to Montana.

—50 B/D of light crude oil through the Union Oil pipeline from the Reagan field in Canada to the Thunderbird refinery (second priority) at Cut Bank, Montana.

The total volume of Canadian heavy crude oil authorized for export and subject to allocation under Part 214 will be 94,393 B/D for this allocation period.

Allocation of Canadian Light Crude Oil

Giving effect to the operational constraints on the exports of light crude oil requires that a total of 13,889 B/D for the month of October (= 13,939 B/D less 50 B/D to Thunderbird refinery) or 4,697 B/D for the allocation quarter, be allocated among the three first priority refineries with base period volumes of Canadian light crude oil in the Billings/Laurel area of Montana. The adjusted base period volumes of Canadian light crude oil for the eligible first priority refineries substantially exceeds the light crude oil export level. Accordingly, the export level of light crude oil was allocated on a pro rata basis with reference to one-fourth of their adjusted total base period volumes.

Allocation of Canadian Heavy Crude Oil

The authorized export level for Canadian heavy crude oil for the month of October 1979, is 94,393 B/D or 31,806 B/D for the allocation period commencing October 1, 1979. Allocations of heavy crude oil were made according to the procedures specified in § 214.31(a)(3).

First priority refineries for which nominations had been submitted were allocated heavy crude oil on a pro rata basis with reference to one-fourth of their total base period volumes of Canadian heavy crude oil. Murphy Oil Corporation's allocation was reduced to conform to the level of its nomination. Allocations under the third through sixth steps specified in § 214.31(a)(3) were not necessary because the export level of heavy crude oil does not exceed the total Canadian base period volumes for

all first priority refineries for which nominations for heavy crude oil had been received.

On or prior to the thirtieth day preceding each allocation period, each refiner or other firm that owns or controls a first priority refinery shall file with ERA the supplemental affidavit specified in § 214.41(b) to confirm the continued validity of the statements and representations contained in the previously filed affidavit or affidavits, upon which the designation for that priority refinery is based. Each refiner or other firm owning or controlling a first or second priority refinery shall also file the periodic report specified in § 214.41(d)(1) on or prior to the thirtieth day preceding each allocation period, provided, however, that the information as to estimated nominations specified in § 214.41(d)(1)(i) is not required to be reported.

Within 30 days following the close of each three-month allocation period, each refiner or other firm that owns or controls a priority refinery shall file the periodic report specified in § 214.41(d)(2) certifying the actual volumes of Canadian crude oil and Canadian plant condensate included in the crude oil runs to stills of or consumed or otherwise utilized by each such priority refinery (specifying the portion thereof that was allocated under Part 214) for the allocation period.

This notice is issued pursuant to Subpart G of ERA's regulations governing its administrative procedures and sanctions, 10 CFR part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before October 29, 1979.

Issued in Washington, D.C. on September 21, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

BILLING CODE 8460-01-M

APPENDIX

CANADIAN ALLOCATION PROGRAM

RIGHTS - October 1, thru December 31, 1979
(Barrels Per Day)

Priority	Refiner/Refinery	Base Period Volumes				Nominations		Allocation 1/	
		Total Canadian Runs	Canadian Crude Oil		Canadian Heavy Crude Oil	Light	Heavy	Light	Heavy
			Light	Heavy					
II	AMOCO	26,751	25,560	1,191	0	0	0	0	0
	Whiting, Ind.	2,991	2,991	0	0	0	0	0	0
	Casper, Wyo.	8,995	8,995	0	0	0	0	0	0
	Mandan, N.D.	317	317	0	0	0	0	0	0
	Sugar Creek, Mo.								
II	ARCO	34,225	34,225	0	0	0	0	0	0
	Cherry Point, Wash.								
II	ASHLAND	36,752	32,033	4,719	0	0	0	0	0
	Buffalo, N.Y.	2,198	33	2,165	0	0	0	0	0
	Pindlay, Ohio	14,707	13,127	1,580	2/	40,000	25,050	0	5,422 3/
	St. Paul Park, Minn.								
II	CLARK	18,764	18,764	0	0	0	0	0	0
	Blue Island, Ill.								
I	CONSUMERS POWER	13,872	13,872	0	0	0	0	0	0
	Essererville, Mich.	27,306	27,306	0	0	17,500	0	0	0
I	CONOCO	25,994	25,994	0	0	25,994	0	2,198 4/	0
	Billings, Mont.	4,639	4,639	0	0	4,638	0	0	0
	Denver, Colo.	1,188	1,188	0	0	1,188	0	0	0
	Ponca City, Ok.	20,651	20,651	0	0	20,651	0	0	0
	Wrenshall, Minn.								
II	CRA	318	318	0	0	0	0	0	0
	Coffeyville, Kan.	173	173	0	0	0	0	0	0
	Phillipsburg, Kan.	401	401	0	0	0	0	0	0
II	Scottsbluff, Neb.								

Priority	Refiner/Refinery	Base Period Volumes				Nominations		Allocation 1/	
		Total Canadian Runs	Canadian Light Crude Oil		Canadian Heavy Crude Oil	Light	Heavy	Light	Heavy
II	CRYSTAL Carson City, Mich.	1,104	1,104		0	0	0	0	0
II	DOW CHEMICAL, U.S.A. Bay City, Mich.	2,767	2,767		0	0	0	0	0
II	ENERGY COOPERATIVE East Chicago, Ind.	10,804	10,267		537	0	0	0	0
I	EXXON Billings, Mont.	15,908	15,908		0	16,000	0	1,345 4/	0
I	FARMERS UNION Laurel, Mont.	13,439	13,439		0	13,500	0	1,137 4/	0
II	GLADIEUX Fort Wayne, Ind.	774	774		0	0	0	0	0
II	GULF Toledo, Ohio	13,253	13,253		0	0	0	0	0
II	HUSKY Cheyenne, Wyo. Cody, Wyo.	4,865 806	4,865 806		0 0	0 0	0 0	0 0	0 0
I	KOCH Pine Bend, Minn.	44,383 2/	3,396 2/	40,987 2/	0	95,000	0	23,689 3/	0
I	LAKE SUPERIOR D.P. Ashland, Wisc.	125	125	0	0	0	0	0	0
II	LAKESIDE Kalamazoo, Mich.	1,240	1,240	0	0	0	0	0	0
II	LAKETON Laketon, Ind.	141	10	131	0	5,000	0	0	0
II	LITTLE AMERICA Casper, Wyo. Sinclair, Wyo.	2,248 709	2,248 709	0 0	0 0	0 0	0 0	0 0	0 0

Priority	Refiner/Refinery	Base Period Volumes				Nominations		Allocation 1/	
		Total Canadian Runs	Canadian Light Crude Oil		Canadian Heavy Crude Oil	Light	Heavy	Light	Heavy
II	MARATHON Detroit, Mich.	10,301	10,159		142	19,522	10,000	0	0
II	MOBIL Buffalo, N.Y. Ferndale, Wash. Joliet, Ill.	24,995 45,444 14,606	24,995 45,444 2,132		0 0 12,474	0 0 0	6,036 10,975 12,989	0 0 0	0 0 0
I	MURPHY Superior, Wisc.	25,625	20,253	5,372	0	10,000	8,000	0	2,695
II	MCRA McPherson, Kan.	836	836	0	0	0	0	0	0
II	PESTER REFINING CO. El Dorado, Kan.	196	196	0	0	0	0	0	0
II	PHILLIPS Great Falls, Mont. Kansas City, Kan.	1,222 3,352	1,222 3,105	0 247	0 0	0 0	0 0	0 0	0 0
II	ROCK ISLAND Indianapolis, Ind.	1,063	1,063	0	0	0	0	0	0
II	SHELL Anacortes, Wash. Wood River, Ill.	55,919 8,673	55,919 8,673	0 0	0 0	0 0	0 0	0 0	0 0
II	SORIO Toledo, Ohio	29,182	29,182	0	15,000	10,000	0	0	0
II	SUN Toledo, Ohio	16,427	16,427	0	0	0	0	0	0
II	TENNECO Chalmette, La.	1,767	1,767	0	0	0	0	0	0

Priority	Refiner/Refinery	Base Period Volumes		Nominations		Allocation 1/	
		Total Canadian Runs	Canadian Light Crude Oil	Light	Heavy	Light	Heavy
II	TEXACO						
II	Anacortes, Wash.	41,229	41,229	0	0	0	0
II	Casper, Wyo.	1,380	1,380	0	0	0	0
II	Lockport, Ill.	1,244	1,244	0	0	0	0
II	TEXAS AMERICAN						
II	West Branch, Mich.	2,011	2,011	0	0	0	0
II	THE REFINERY CORP.						
II	Commerce City, Colo.	174	174	0	0	0	0
II	THUNDERBIRD						
II	Cut Bank, Mont.	554	554	50	0	17 4/	0
II	TOTAL PETROLEUM						
II	Alma, Mich.	9,727	3,020	0	8,000	0	0
II	UNION OIL OF CALIF.						
II	Lemont, Ill.	11,711	11,711	10,000	20,000	0	0
II	UNITED REFINING						
II	Warren, Pa.	9,917	9,789	0	0	0	0
II	WYOMING REFINING CO.						
II	New Castle, Wyo.	676	676	0	0	0	0
	TOTAL PRIORITY I	202,010	154,071	143,645	128,050	4,680	31,806
	TOTAL PRIORITY II	469,029	440,588	50,398	83,000	17	0
	TOTAL I&II	671,039	594,659	194,043	211,050	4,697	31,806

1/ Although \$214.21 and \$214.31 require that allocations be made on a quarterly basis, the Canadian National Energy Board has announced export volumes only for the month of October 1979.

2/ Adjusted.

3/ Adjustments to base period volumes not given effect in allocation of Canadian heavy crude oil.

4/ Operational constraint.

BILLING CODE 6450-01-C

Canadian Crude Oil Exports for October

The allocations on the preceding list are given in barrels/quarter, since the regulations provide for allocations on a quarterly basis. However, the allocations only reflect Canadian exports for October 1979. For the convenience of refiners receiving allocations and other interested parties, the following list of Canadian exports for October is given by refinery. This is how the oil would be allocated if allocations were made on a monthly basis.

	Allocation (B/D)	
	Light	Heavy
Ashland:		
St. Paul Park, Minn.	0	16,091
Conoco:		
Billings, Mont.	6,524	0
Exxon:		
Billings, Mont.	3,992	0
Farmers Union:		
Laurel, Mont.	3,373	0
Koch:		
Pine Bend, Minn.	0	70,302
Murphy:		
Superior, Wisc.	0	8,000
Thunderbird:		
Cut Bank, Mont.	50	0
Total Priority I	13,889	94,393
Total Priority II	50	0
Total I & II	13,939	94,393

[FR Doc. 79-30022 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

Domestic Crude Oil Allocation Program; Entitlement Notice for July 1979

AGENCY: Department of Energy, Economic Regulatory Administration.
ACTION: July 1979 entitlement notice.

SUMMARY: Under the Department of Energy's (DOE) domestic crude oil allocation (entitlements) program, this is the monthly entitlement notice which sets forth the entitlement purchase or sale requirements of domestic refiners for July 1979.

DATES: Payments for entitlements required to be purchased under this notice must be made by September 30, 1979. The monthly transaction report specified in § 211.66(i) shall be filed with the DOE by October 10, 1979.

FOR FURTHER INFORMATION CONTACT: Douglas McIver (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street NW., Room 61281, Washington, D.C. 20461, (202) 254-8860.

Kristina Clark (Office of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Room 6A-127, Washington, D.C. 20585, (202) 252-6744.

SUPPLEMENTAL INFORMATION: In accordance with the provisions of 10 CFR § 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA), the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for July 1979 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports, middle distillate imports, and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production shipped in foreign flag tankers for sale in the East Coast market provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier and upper tier crude oil provided in § 211.67(a)(4); August 1979 deliveries of crude oil for storage in the Strategic Petroleum Reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for July 1979 is calculated to be .220984.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil including in a refiner's adjusted crude oil receipts for the month of July 1979, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .542919 of a barrel of deemed old oil.

The issuance of entitlements for the month of July 1979 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR § 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of July 1979 is hereby fixed at \$16.01, which is the exact differential as reported for the month of July between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR § 211.67(b), each refiner that has been issued fewer entitlements for the month of July 1979 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to

purchase a number of entitlements for the month of July 1979 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of July 1979 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months of September 1975 through May 1979 pursuant to 10 CFR § 211.67(j)(1).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column labeled "Exceptions and Appeals" additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see *Beacon Oil Company, et al*, 4 FEA par. 67,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated Sales" entry is equal to the July 1979 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its July 1979 entitlement purchase requirement and that no one firm will be unable to sell its entitlement by reason of a default by Arizona Fuels. For a full discussion of the issues involved, see *Entitlement Notice for October 1977* (42 FR 64401, December 23, 1977).

For purposes of § 211.67(d) (6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve, the number of barrels sold to the Government totaled 586,463 barrels.

For the month of July 1979, imports of residual fuel oil eligible for entitlements issuances totaled 25,033,834 barrels.

For the month of July 1979, imports of middle distillates eligible for entitlement issuances totaled 2,050,604 barrels.

In accordance with § 211.67(a)(4), the number of barrels of California lower tier and upper tier crude oil as reported by refiners to the DOE, and the weighted average gravity thereof are as follows:

	Volumes	Weighted average gravity
California lower tier, crude oil	7,226,773	19*
California upper tier, crude oil	9,679,213	20*

The total number of entitlements required to be purchased and sold under this notice is 20,804,286.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for July 1979, the pricing composition and weighted average costs thereof are as follows:

	Volumes	Weighted average cost	Percent of total volumes*
Lower Tier	68,576,908	\$6.44	14.2
Upper Tier	96,118,950	13.76	19.9
Exempt Domestic:			
Alaskan	36,760,390	18.97	6.2
Stripper	49,071,474	23.80	10.2
Naval Petroleum Reserve	3,416,193	20.13	0.7
Tertiary	58,648	17.16	0.01
Newly Discovered	3,040,849	25.87	0.6
Total Domestic	260,043,402	17.24	53.9
Total Imported (incl. SPR)	222,394,720	23.07	46.1
Total Reported Crude Oil Receipts	482,438,122	18.58	
Total Reported Crude Oil Runs to Stills	492,245,601		
Total Uncontrolled (Exempt Domestic and Imported)	317,742,264	22.66	65.9

*Volumes may not add due to rounding.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b) for July 1979 must be made by September 30, 1979.

On or prior to October 10, 1979, each firm which is required to purchase or sell entitlements for the month of July 1979 shall file with the DOE the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of July. The monthly transaction report forms for the month July have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by September 30, 1979 are requested to contact the ERA at (202) 254-3336 to expedite consummation of these

transactions. For firms that have failed to consummate required entitlement transactions on or prior to September 30, 1979, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before October 29, 1979.

Issued in Washington, D.C., on September 21, 1979.

David J. Bardin,
Administrator, Economic Regulatory
Administration.

BILLING CODE 6450-01-M

APPENDIX
ENTITLEMENTS FOR DOMESTIC CRUDE OIL
JULY 1979

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENTS PRODUCT CALIFORNIA	ENTITLEMENTS REQUIRED TO BUY	REQUIRED TO SELL
-CONSOL'D-SALES	-64,478	0	0	0	0	64,478
A-JOHNSON	5,543	74,743	0	0	0	69,200
ALLIED	584	20,676	0	0	0	20,092
AMER-PETROFINA	1,177,832	912,638	0	0	265,194	0
AMERADA-HESS	2,398,497	3,926,571	0	0	0	1,528,074
AMOCO	10,313,641	7,068,871	0	0	3,244,770	0
ANCHOR	10,825	34,171	0	0	0	0
APEX	0	20,428	0	0	0	23,346
ARCO	3,654,788	5,712,079	0	0	0	20,428
ARIZONA	99,286	34,808	0	0	0	2,057,291
ASAMERA	137,299	127,760	0	0	64,478	0
ASHLAND	1,186,416	2,819,701	0	0	9,539	0
BASIN	50,790	104,814	0	0	0	1,633,285
BAYOU	39,445	38,633	0	0	0	54,024
BEACON	182,936	97,596	0	0	812	0
BELCHER	0	162,972	0	0	85,340	0
BI-PETRO	36,466	169,682	0	0	0	162,972
BRUIN	165,556	125,306	0	0	0	133,214
CBH	0	290	0	0	40,250	0
CALCASIEU	105,496	79,217	0	0	26,279	0
CALUMET	16,395	19,213	0	0	0	818
CANAL	116,240	57,104	0	0	0	0
CARBONIT	56,181	51,044	0	0	59,096	0
CARROU	63,971	50,358	0	0	5,137	0
CASTLE	0	23,163	0	0	13,613	0
CENTRAL	0	9,988	0	0	0	23,163
CHAMPLIN	1,591,027	1,451,724	0	0	139,303	9,988
CHARTER	456,079	476,569	-5,516	0	0	0
CHARTER-BAHAMAS	0	510,045	0	0	0	20,490
CHEVRON	6,794,771	7,404,158	105,860	510,045	0	510,045
CIBRU	0	219,764	0	12,047	0	609,387
CITGO	2,229,813	1,780,132	0	11,463	0	219,764
CLAIBORNE	79,966	34,921	0	0	449,681	0
CLARK	393,278	737,791	0	0	45,047	344,513

NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	ENTITLEMENTS PRODUCT CALIFORNIA	***** REQUIRED TO BUY	***** REQUIRED TO SELL
COASTAL	282,426	1,514,491	0	108,901	0	1,232,065
COLONIAL	0	20,210	0	20,210	0	20,210
CUNOCO	2,667,944	2,452,568	0	48,633	215,376	0
CONSUMERS-POWER	0	79,968	0	79,968	0	79,968
COPANO	18,871	18,049	0	0	822	0
CORAL	15,989	218,340	0	0	0	0
CORCO	0	1,096,770	372,068	247,161	0	202,351
CRA-FARMLAND	354,880	569,614	0	0	0	1,096,770
CROSS	51,830	68,958	0	0	0	214,734
CROWN	375,758	682,648	0	0	0	17,128
CRYSTAL-OIL	129,879	102,844	0	0	0	306,890
CRYSTAL-REF	0	15,426	0	0	27,035	0
DELTA	249,443	334,845	0	0	0	15,426
DEMENNO	23,891	62,002	0	0	0	85,402
DETROIT-ED	0	53,031	0	53,031	0	38,111
DFSC	0	243	0	243	0	53,031
DIAMOND	445,389	362,141	0	0	83,248	243
DILLMAN	0	346	0	0	0	346
DORCHESTER	16,255	186,518	0	0	0	170,263
DOW	96,939	87,728	0	0	0	0
E-SEABOARD	0	70,608	0	70,608	9,211	0
ECO	114,463	78,565	0	0	35,898	70,608
EDDY	49,865	30,603	0	0	19,262	0
ENERGY-COOP	0	728,348	7,413	0	0	0
ENTERPRISE	0	6,847	0	6,847	0	728,348
ERCON	21,037	79,443	0	0	0	6,847
ERICKSON	44,050	116,624	0	0	0	58,406
EVANGELINE	58,639	25,205	0	0	0	72,574
EXXON	10,927,924	10,168,966	214,4963/	571,043	33,434	0
EZ-SERVE	33,722	24,565	0	0	758,958	0
FARMERS-UN	220,703	239,242	0	0	9,157	0
FIGUL	0	1,242	1,2423/	0	0	18,539
FLETCHER	13,265	190,293	0	0	0	1,242
FLINT	6,413	5,608	0	0	1,520	177,028
					805	0

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	ENTITLEMENTS PRODUCT CALIFORNIA	***** REQUIRED TO BUY	***** REQUIRED TO SELL
FRIENDSWOOD	35,555	62,185	0	0	0	26,630
FUNDING	91,882	42,014	0	0	49,868	0
GARY	186,900	72,735	0	0	114,165	0
GETTY	1,266,566	1,341,445	0	0	0	74,879
GIANT	50,593	52,736	0	0	0	2,143
GIBNEY&SHUIVER	0	80	803/	0	0	80
GLACIER-PARK	163,147	35,641	0	0	67,506	0
GLADIEUX	35,509	50,657	0	0	0	15,148
GOLDEN-EAGLE	0	112,159	0	0	0	112,159
GOLDKING	270,457	122,253	0	0	148,204	0
GOOD-HIPE	51,218	232,968	0	0	0	181,750
GRAND-TRUNK	0	1,783	1,7833/	0	0	1,783
GUAM	0	158,660	0	0	0	158,660
GULF	7,697,944	6,377,495	3,367	35,603	1,320,453	0
GULF-STG	69,877	122,643	0	0	0	52,766
HALL-DIST	0	20	203/	0	0	20
HIRI	0	473,949	0	0	0	473,949
HOWELL	157,598	232,434	0	0	0	74,836
HUDSON-OIL	36,258	139,319	0	0	0	103,061
HUNT	253,212	224,997	0	0	28,215	0
HUSKY	809,392	809,392	474,800	0	0	02/
INDEPENDENT-REF	30,806	95,963	0	0	0	65,157
INDIANA-FARM	45,418	155,695	0	0	0	110,277
INDUST-FUEL	35,061	18,889	0	0	16,172	0
INTER-PETRO	0	15,457	0	15,457	0	15,457
INTER-PROCESS	24,744	214,393	0	0	0	189,649
IRVING	0	26,102	0	26,102	0	26,102
KENCO	45,724	32,808	0	0	12,916	0
KENTUCKY	14,006	9,210	0	0	4,796	0
KERN	252,781	243,456	67,401	21,117	9,325	0
KERR-MCGEE	1,021,753	927,748	0	0	94,005	0
KOCH	690,040	861,764	0	0	0	171,724
LAGLORIA	345,928	256,025	0	0	89,903	0
LAKE-CHARLES	0	31,639	0	0	0	31,639

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	***** ENTITLEMENTS PRODUCT CALIFORNIA	***** ENTITLEMENTS PRODUCT CALIFORNIA	***** REQUIRED TO BUY	***** REQUIRED TO SELL
LAKEHEAD	0	8,312	8,312/	0	0	0	8,312
LAKESIDE	17,582	16,473	0	0	0	1,109	0
LAKETON	191,288	171,106	91,396	0	0	20,182	0
LITTLE-AMER	1,714,088	559,305	41,844	0	0	1,154,693	0
LOUISIANA-LAND	577,525	264,200	0	0	0	313,325	0
MACMILLAN	97,269	106,679	0	11,426	0	0	9,470
MARATHON	4,642,150	2,951,990	0	0	0	1,690,160	0
MARION	114,722	147,870	0	0	0	0	33,148
METROPOLITAN	0	138,077	0	138,077	0	0	138,077
MID-AMER	448	22,834	0	0	0	0	22,834
MOBILE-RAY	6,466,109	5,943,199	234,231 3/	44,658	522,910	0	22,386
MOHAWK	383,528	88,341	46,804	0	0	0	88,341
MONOCO	0	264,502	0	14,542	119,026	0	14,542
MONSANTO	439,683	14,542	0	0	0	0	0
MORRISON	23,537	244,395	0	0	165,288	0	0
MOUNTAINEER	4,080	7,947	0	0	15,590	0	0
MT-AIRY	105,410	2,504	0	0	1,576	0	0
MURPHY	926,446	114,949	0	0	0	0	9,539
N-AMER-PETRO	137,338	862,440	0	0	64,006	0	0
NATL-COOP	250,446	170,322	0	0	0	0	32,984
NAVAJO	346,283	380,740	0	0	0	0	130,294
NEVADA	42,368	209,512	0	0	0	0	0
NEW-EDGINGTON	532,162	22,838	0	0	130,771	0	0
NEW-ENGL-POWER	0	314,745	39,177	0	19,470	0	0
NEWHALL	47,342	118,981	0	118,981	217,417	0	118,981
NORTHEAST-PETRO	0	108,531	0	0	0	0	61,189
NORTHLAND	44,970	55,178	0	55,178	0	0	55,178
NORTHVILLE	0	44,970	36,171	20,213	0	0	0
OKC	145,284	20,213	0	0	0	0	20,213
OKLA-REF	62,344	187,101	0	0	0	0	41,817
OXNARD	14,196	103,783	0	0	0	0	41,439
PEERLESS	0	24,215	0	0	0	0	10,019
PEMEX	0	41,515	0	0	0	0	41,515
		129,5994/	0	0	0	0	129,599

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	***** ENTITLEMENTS PRODUCT CALIFORNIA	***** ENTITLEMENTS PRODUCT CALIFORNIA	***** REQUIRED TO BUY	***** REQUIRED TO SELL
PENNZOIL	526,066	368,198	0	0	0	157,868	0
PESTER	139,382	166,447	0	0	0	0	27,065
PHILLIPS	2,984,110	1,953,183	0	-54	1,030,936	0	0
PHILLIPS-PR	0	204,628	0	0	0	0	204,628
PIONEER	90,469	48,702	0	0	41,767	0	0
PLACID	620,292	250,745	0	0	369,547	0	0
PLATEAU	243,307	183,727	0	0	59,580	0	0
PORT	9,082	9,864	0	0	0	0	782
POWERINE	180,443	237,000	0	20,041	0	0	56,557
PRIDE	201,167	116,461	0	0	84,706	0	0
QUAD	78,245	37,470	0	0	40,775	0	0
QUAKER-ST	53,331	182,230	0	0	0	0	128,899
QUITMAN	0	60,724	0	0	4,930	0	60,724
RANCHO-REF	12,503	7,573	0	0	0	0	0
RICHARDS	195	68,560	0	0	0	0	68,365
ROAD-OIL	0	7,574	0	0	0	0	7,574
ROCK-ISLAND	228,723	271,257	0	0	0	0	42,534
SABER-TEX	33,685	92,122	0	0	0	0	58,437
SABRE-CAL	37,281	66,362	0	2,925	0	0	24,000
SAGE-CREEK	9,260	4,205	0	0	5,055	0	0
SAN-JUAN	248,952	171,283	0	48,287	77,669	0	0
SCALLOP	0	254,738	0	254,738	0	0	254,738
SCANDIL	0	36,200	0	36,200	0	0	36,200
SCHULZE	20,429	10,239	0	0	10,190	0	0
SEAVIEW	0	236,425	0	0	0	0	236,425
SECTOR	48,785	35,143	0	0	13,642	0	0
SEMINOLE	12,582	88,974	0	0	0	0	76,392
SENTRY	41,986	154,101	57,089	3,731	0	0	112,115
SHELL	9,552,369	6,568,913	0	235,971	2,983,456	0	0
SHEPHERD	32,265	69,955	0	0	0	0	37,690
SIGMUR	15,551	183,916	0	0	0	0	168,365
SILVER-EAGLE	2,253	1,379	0	0	874	0	0
SLAPCO	114,585	71,971	0	0	42,614	0	0
SO-HAMPTON	85,246	86,417	0	0	0	0	1,171

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SOHIO	1,162,347	3,181,253	0	0	0	2,018,900
SOMERSET	27,594	31,053	0	0	0	3,459
SOUND	29,438	54,629	0	5,320	0	25,191
SOUTHERN-UNION	228,844	265,208	0	0	0	36,364
SOUTHLAND	396,787	229,855	44,235	0	166,932	0
SOUTHWESTERN	6,637	7,223	1,841	0	0	586
SPRAGUE	0	26,658	0	26,658	0	26,658
SUNLAND	4,176	89,239	0	0	94	85,063
SUNOCO	3,768,397	3,874,523	6,973	0	0	106,126
T&S	0	2,312	0	0	0	2,312
TENNECO	1,411,716	718,265	0	0	0	0
TESORO	248,491	484,942	0	0	693,451	0
TEXACO	9,074,882	7,231,071	58,1053/	192,577	1,843,811	236,451
TEXAS-AMERICAN	99,771	68,876	0	0	30,895	0
TEXAS-ASPH	25,234	9,048	0	0	16,1865/	0
TEXAS-CITY	472,134	814,071	0	0	0	341,437
THAGARD	104,671	111,514	0	0	0	6,843
THRIFTWAY	47,634	34,118	0	0	13,516	0
THUNDERBIRD	75,403	91,807	0	0	0	16,404
TIPPERARY	21,168	50,608	0	0	0	29,440
TOKAWA	75,755	47,564	0	0	0	0
TOSCU	1,812,847	1,381,875	0	0	28,191	0
TOTAL-PETROLEUM	504,319	593,117	0	231,957	430,972	0
UCC-CARIBE	0	150,641	0	150,641	0	68,798
UNI-REF	113,434	106,090	0	0	7,344	150,641
UNION-OIL	3,706,665	3,227,307	0	0	479,358	0
UNTD-REF	113,662	268,788	0	131,566	0	0
US-OIL	22,113	152,418	0	0	0	155,126
USA-PETROCHEM	41,768	272,677	0	0	0	130,305
VAL-VERDE	5,145	3,705	0	2,899	0	230,909
VICKERS	189,399	435,126	0	4,438	1,440	0
VICKSBURG	11,712	52,494	0	0	0	245,727
WARREN	0	15,615	0	0	0	40,782
WARRIOR	60,463	31,183	15,6153/	0	29,280	15,615
		9,169	0	0	0	0

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	***** ENTITLEMENTS PRODUCT CALIFORNIA	***** POSITION REQUIRED TO BUY	***** REQUIRED TO SELL
WEST-COAST	59,124	50,702	0	0	8,422	0
WESTERN	122,093	74,832	0	0	47,261	0
WHATCOM	0	1713/	171	0	0	171
WINSTON	56,761	117,600	0	0	0	60,899
WIREBACK	0	398	0	0	0	398
WITCO	98,887	162,984	0	0	0	74,097
WYOMING	99,703	75,634	0	11,182	24,069	0
YETTER	0	534	0	0	0	534
YORKSTON	0	4983/	498	0	0	498
YOUNG	54,322	33,569	16,662	0	20,753	0
TOTAL	118,405,062	118,405,062	1,938,642	1,785,374	20,804,286	20,804,286

1/ See discussion in Notice.

2/ This is consistent with the court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the court's Judgment in Husky Oil Co. v. DOE, et al., Civ. Action No. C77-190-B (D.Wyo., filed March 14, 1978), remanded F.2d (No. 10-18 TECA, August 10, 1978).

3/ Entitlements issued pursuant to the regulation issued May 24, 1979 (44 FR 31162 May 31, 1979) which provides entitlements benefits for imports of middle distillates for the months May 1979 through August 1979.

4/ Includes entitlements issued for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve.

5/ This does not include the purchase obligation stayed by court order in Texas Asphalt & Refinery Co. v. FEA Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

Refiners Crude Oil Allocation Program; Allocation Period of October 1, 1979 Through March 1, 1980

The notice specified in 10 CFR 211.65(g) of the refiners' crude oil allocation program is hereby issued for the allocation period of October 1, 1979 through March 1, 1980.

The buy/sell list for refiners for the allocation period commencing October 1, 1979, is set forth as an appendix to this notice. The provisions of 10 CFR 211.65 apply to all transactions made under the buy/sell list. Included as part of the list, as required by 10 CFR 211.65(g), are: the names of refiner-buyers and their eligible refineries; the quantity of crude oil each refiner-buyer is eligible to purchase; the total allocation obligation for all refiner-sellers; the fixed percentage share for each refiner-seller; and the quantity of crude oil that each refiner-seller is obligated to offer for sale to refiner-buyers.

The allocations shown on the buy/sell list for refiner-buyers were determined in accordance with 10 CFR 211.65(b) and (c)(2). With respect to allocations under 10 CFR 211.65(b), for the allocation period of October 1, 1979 through March 31, 1980, each refiner-buyer shall be entitled to purchase, for each of its refineries that is determined by ERA not to have access to imported crude oil, an amount of crude oil equal to the difference between (1) the volume of crude oil runs to stills (not including crude oil processed for other refineries) at the eligible refinery in the period October 1, 1978 through March 31, 1979, and (2) the volume of crude oil runs to stills (not including crude oil runs attributable to purchaser under 10 CFR 211.65 or crude oil processed for other refineries) at the eligible refinery in the period April 1, 1979 through September 30, 1979 (calculated by using the level of the crude oil runs to stills at that refinery in the period April 1, 1979 through July 31, 1979 for the entire six month period).

The buy/sell list sets forth separately the allocations for refiner-buyers with eligible newly constructed refinery capacity and reactivated refineries and expanded refinery capacity. Pursuant to 10 CFR 211.65(a)(1)(iii), ERA has decided to assign such refinery capacity an allocation equal to 25 percent of the capacity for the allocation period commencing October 1, 1979. In the event that ERA subsequently determines that any such allocation is incorrect, ERA will adjust the allocation in this allocation period or in the allocation period commencing April 1, 1980.

Pursuant to 10 CFR 211.65(c)(1), any small refiner may apply to ERA for review of the denial of eligibility of a refinery owned by that refiner where significant changes in the refinery's access to imported crude oil have occurred since the refinery was determined by ERA to be ineligible for an allocation. Any refiner-buyer may apply to ERA for an adjustment to an allocation for an eligible refinery to compensate for reductions in crude oil runs to stills due to unusual or nonrecurring operating conditions or an unconsummated directed sale under 10 CFR 211.65(j) due to documented delays in delivering allocated crude oil. Applications for review of eligibility for an allocation or adjustment to an allocation for the allocation period commencing April 1, 1980, must be received by ERA no later than January 31, 1979.

Pursuant to 10 CFR 211.65(c)(2), any refiner-buyer may apply to ERA at any time for an emergency allocation for one or more of its eligible refineries for one or more allocation periods, or for part of an allocation period; provided that such refiner will be required to demonstrate that it has incurred or will incur a reduction in its crude oil supply for the eligible refinery for which an emergency allocation is sought equal to at least 25 percent of its runs to stills in the period January through October 1978.

The buy/sell list covers PAD Districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to § 211.65(f), each refiner-seller shall offer for sale, directly or through exchange, to refiner-buyers during an allocation period a quantity of crude oil equal to that refiner-seller's sales obligation plus any portion of that refiner-seller's sales obligation as to which ERA directs a sale pursuant to 10 CFR 211.65(j).

Pursuant to 10 CFR 211.65(h), each refiner-buyer and refiner-seller is required to report to ERA in writing or by telex the details of each transaction under the buy/sell list within forty-eight hours of the completion of arrangements therefor. Each report must identify the refiner-seller, the refiner-buyer, the refineries to which the crude oil is to be delivered, the volumes of crude oil sold or purchased, and the period over which the delivery is expected to take place.

The procedures of 10 CFR 211.65(j) provide that if a sale is not agreed upon subsequent to the date of publication of this notice, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request ERA to direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such request must be

received by the ERA no later than twenty days after the publication date of the buy/sell notice for the allocation period for which the assignment of a refiner-seller is requested. Upon such request, ERA may direct one or more refiner-sellers that have not completed their required sales to sell crude oil to the refiner-buyer.

In directing a refiner-seller to make such sales, the ERA will consider the percentage of each refiner-seller's sales obligation for the allocation period that has been sold as reported pursuant to § 211.65(h), as well as the refiner-seller or sellers that can best be expected to consummate a particular directed sale. If, in ERA's opinion, a valid directed sale request cannot reasonably be expected to be consummated by a refiner-seller that has not completed all or substantially all of its sales obligation for the allocation period, the ERA may issue one or more directed sales orders that would result in one or more refiner-sellers selling more than their published sales obligations for that allocation period. In such cases, the refiner-seller or sellers will receive a barrel-for-barrel reduction in their sales obligation for the next allocation period pursuant to 10 CFR 211.65(f)(3)(ii).

If the refiner-buyer declines to purchase the crude oil specified by the ERA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation period, provided that the refiner-seller or refiner-sellers have fully complied with the provisions of 10 CFR 211.65.

Refiner-buyers requesting directed sales must document their inability to purchase crude oil from refiner-sellers by supplying the following information to the ERA:

(i) Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy/sell program transactions.

(ii) Name and location of the refineries for which crude oil has been sought, the amount of crude oil sought for each refinery, and the technical specification of crude oils that have historically been processed in each refinery.

(iii) Statement of any restrictions, limitations or constraints on the refiner-buyer's purchases of crude oil, particularly concerning the manner or time of deliveries.

(iv) Names and locations of all refiner-sellers from which crude oil has been sought under the buy/sell notice, the refineries for which crude oil has been sought, and the volume and specifications of the crude oil sought from each refiner-seller.

(v) The response of each refiner-seller to which a request to purchase crude oil has been made and the name and telephone number of the individual contacted at each such refiner-seller.

(vi) Such other pertinent information as the ERA may request.

All reports and applications made under this notice should be addressed to: Crude Oil Allocation Branch, 20th Street Postal Station, P.O. Box 19028, Washington, D.C. 20036.

This notice is issued pursuant to Subpart G of DOE's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before October 29, 1979.

Issued in Washington, D.C., September 21, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix

The list of refiner-sellers and refiner-buyers for the period April 1, 1979 through September 30, 1979, is as follows. The first part of the list sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner-seller, and the volumes of crude oil that each refiner-buyer is eligible to purchase for each eligible refinery. Allocations for newly constructed refinery capacity and reactivated refinery capacity are set forth in the second part of the list.

The list of refiner-sellers' sales obligations does not reflect any sales that may have been consummated to fulfill obligations first listed in the supplemental allocation list issued on September 14, 1979.

Six refiner-sellers are to be given credit for half their sales to Commonwealth Oil Refining Company made at the direction of the Office of Hearings and Appeals (Case Nos. DEL-8020 and DES-8020). These refiner-sellers will be given credit in future regular or supplemental Buy/Sell lists after such sales have been completed.

Crude Oil Allocation Program for the Period October 1, 1979-March 31, 1980

Refiner-sellers	Share ¹	Sales obligation ²
Amoco Oil Company	.105	1,635,791
Atlantic Richfield Company	.077	1,193,309
Chevron U.S.A. Inc.	.025	1,798,510
Cities Service, Inc.	.101	384,409
Continental Oil Company	.004	62,469
Exxon Company, U.S.A.	.089	1,369,248

Crude Oil Allocation Program for the Period October 1, 1979-March 31, 1980—Continued

Refiner-sellers	Share ¹	Sales obligation ²
Getty Refining and Marketing Co.	.021	331,322
Gulf Refining and Marketing Co.	.091	1,411,418
Marathon Oil Company	.022	352,808
Mobil Oil Corporation	.094	1,489,342
Phillips Petroleum Company	.041	648,915
Shell Oil Company	.113	1,765,495
Sun Company	.055	866,836
Texaco Incorporated	.114	1,891,400
Union Oil Company of California	.046	838,544
Total sales		16,037,816

¹ All Refiner-Sellers' percentage shares have changed because of the Continental Oil Company and Exxon Company, U.S.A. Decision and Order dated March 20, 1979. Case numbers are FEX-0185 and FEX-0184.

² Barrels.

Eligible Refineries—October 1, 1979-March 31, 1980

Refiner	Refinery location	Allocation (barrels)
Asamers Oil, Inc.	Denver, CO	448,545
Carbonit Ref. Inc.	Hearne, TX	0
Caribou Four Corners	Woods Cross, UT	320,473
Caribou Four Corners	Kirtland, NM	22,504
CRA-Farmland Ind., Inc.	Scottsbluff, NE	109,849
CRA-Farmland Ind., Inc.	Phillipsburg, KS	124,909
Dow/Refinery	Bay City, MI	445,409
Evangeline Ref.	Jennings, LA	0
Farmers Union Central Exchange	Laurel, MT	2,083,473
Giant Industries	Bloomfield, NM	0
Hunt Oil Company	Tuscaloosa, AL	190,213
Kenco Ref. Co., Inc.	Wolf Point, MT	0
Kentucky Oil Ref. Co.	Betsy Layne, KY	0
Little America Ref.	Sinclair, WY	1,054,512
Little America Ref.	Casper, WY	108,092
Macmillan Ref. Co.	Norphlet, AR	89,786
Marion Corporation	Mobile, AL	973,662
Mount Airy	Mourit Airy, LA	58,533
Newhall Ref. Co.	Newhall, CA	185,039
OKC Corp.	Okmulgee, OK	264,844
Pennzoil Co. (Atlas)	Shreveport, LA	0
Plateau, Inc.	Bloomfield, NM	0
Plateau, Inc.	Roosevelt, UT	9,727
Pioneer Ref. Co.	Nixon, TX	0
Pride Ref., Inc.	Ablene, TX	508,486
Rancho Ref. Co. of TX	Donna, TX	0
Shepherd Oil Inc.	Jennings, LA	727,849
Somerset Ref. Inc.	Somerset, KY	0
Southern Union	Lovington, NM	1,883,256
Southern Union	Monument, NM	128,054
Southwestern Ref. Co.	La Barge, WY	18,580
Texas American Petrochemicals, Inc.	West Branch, MI	0
Thunderbird Resources (Westco)	Cut Bank, MT	222,333
Thunderbird Resources (Westland)	Williston, ND	120,537
Western Ref. Co.	Woods Cross, UT	659,935
Wyoming Ref. (Tesoro)	Newcastle, WY	0
Total		10,756,464

Additional allocations for newly constructed and expanded refining capacity and reactivated refineries

Refiner	Refinery location	Capacity (B/D)	Allocation (barrels)
Plateau	Bloomfield, NM	7,900	361,425

Previously Issued October Emergency Allocations¹

Refiner	Refinery locations	October 1979 allocations (barrels)
Allied Materials	Stroud, OK	57,939
Bruin	St. James, LA	188,511
Crystal Refining	Carson City, MI	73,005
Delta	Memphis, TN	264,275
Ergon	Vicksburg, MS	189,658
Gladieux	Ft. Wayne, IN	186,992
Hudson	Cushing, OK	425,661
Indiana Farm Bureau	Mt. Vernon, IN	213,993
Lakeview	Kalamazoo, MI	31,062
Rock Island	Rock Island, IN	698,616
Shepherd	Jennings, LA	42,346
Southern Union	Lovington, NM	50,685
Texas City	Texas City, TX	2,035,522
United	Warren, PA	461,662
Total allocations		4,919,927

¹ The Decisions and Orders for these allocations are available for public inspection in ERA Public Docket Room, Room B-110, 2000 M Street, NW., Washington, D.C. 20036.

Total October 1979-March 1980 Allocations—11,117,889.

Total October emergency allocations—4,919,927.

Total allocations—16,037,816.

[FR Doc. 79-30018 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-MY

Federal Energy Regulatory Commission

[No. 81]

Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

September 20, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Arkansas Oil and Gas Commission

- Control number (FERC/State)
- API well number
- Section of NGPA
- Operator
- Well name
- Field or OCS area name
- County, State or Block No.
- Estimated annual volume
- Date received at FERC
- Purchaser(s)
 - 79-17542
 - 03-047-10108
 - 103
 - Jim L Hanna DBA Hanna Oil and Gas
 - Piles #1
 - Peter Pender
 - Franklin AR
 - 182.0 million cubic feet
 - August 23, 1979
 10.
 - 79-17543
 - 03-047-10097-0000-1
 - 103
 - Jim L Hanna DBA Hanna Oil and Gas
 - Hettie Stubblefield #1-C
 - Peter Pender
 - Franklin AR

8. 248.0 million cubic feet
9. August 23, 1979
10. Arkansas Oklahoma Gas Corporation
1. 79-17544
2. 03-047-10081-0000-1
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. V Hiatt #1-C
6. Cecil
7. Franklin AR
8. 58.0 million cubic feet
9. August 23, 1979
- 10.
1. 79-17545
2. 03-047-10097-0000-2
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Hettie Stubblefield #1-T
6. Peter Pender
7. Franklin AR
8. 248.0 million cubic feet
9. August 23, 1979
10. Arkansas Oklahoma Gas Corporation
1. 79-17546
2. 03-047-10081-0000-2
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. V Hiatt #1-T
6. Cecil
7. Franklin AR
8. 58.0 million cubic feet
9. August 23, 1979
- 10.
1. 79-17547
2. 03-047-10105-0000-1
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Atha #1-C
6. Ozark
7. Franklin AR
8. 213.0 million cubic feet
9. August 23, 1979
- 10.
1. 79-17550
2. 03-047-10129
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Shale Pit #1
6. Massard
7. Sebastian AR
8. 222.0 million cubic feet
9. August 24, 1979
10. Arkansas Oklahoma Gas Corporation
1. 79-17551
2. 03-047-10132-0000-1
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Mill Creek #1-C
6. Massard
7. Sebastian AR
8. 353.0 million cubic feet
9. August 24, 1979
10. Arkansas Oklahoma Gas Corporation
1. 79-17552
2. 03-047-10132-0000-2
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Mill Creek #1-T
6. Massard
7. Sebastian AR
8. 353.0 million cubic feet
9. August 24, 1979
10. Arkansas Oklahoma Gas Corporation
1. 79-17553
2. 03-047-10139-0000-1
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Pearl Gipson #1-C
6. Gragg
7. Sebastian AR
8. 312.0 million cubic feet
9. August 24, 1979
10. Arkansas Louisiana Gas Co
1. 79-17554
2. 03-047-10139-0000-2
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Pearl Gipson #1-T
6. Gragg
7. Sebastian AR
8. 312.0 million cubic feet
9. August 24, 1979
10. Arkansas Louisiana Gas Co
1. 79-17557
2. 03-047-10092-0000-1
3. 102
4. Weiser-Brown Oil Company
5. Bica #1-12 C
6. Batson
7. Franklin AR
8. 156.0 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company
1. 79-17558
2. 03-047-10092-0000-2
3. 102
4. Weiser-Brown Oil Company
5. Bida #1-12 T
6. Batson
7. Franklin AR
8. 3.8 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company
1. 79-17559
2. 03-071-10148-0000-1
3. 103
4. Weiser-Brown Oil Company
5. Sherrell #1-9 C
6. Batson
7. Johnson AR
8. 168.8 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company
1. 79-17560
2. 03-071-10148-0000-2
3. 103
4. Weiser-Brown Oil Company
5. Sherrell #1-9 UT
6. Batson
7. Johnson AR
8. 253.5 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company
1. 79-17561
2. 03-071-10148-0000-3
3. 103
4. Weiser-Brown Oil Company
5. Sherrell #1-9 LT
6. Batson
7. Johnson AR
8. 84.8 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company
1. 79-17562
2. 03-071-10152-0000-1
3. 103
4. Weiser-Brown Oil Company
5. U S A #1-4 C
6. Batson
7. Johnson AR
8. 243.2 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company
1. 79-17563
2. 03-071-10152-0000-2
3. 103
4. Weiser-Brown Oil Company
5. U S A #1-4 T
6. Batson
7. Johnson AR
8. 88.8 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company
1. 79-17564
2. 03-071-10153-0000-1
3. 103
4. Weiser-Brown Oil Company
5. U S A #2-4 C
6. Batson
7. Johnson AR
8. 46.9 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company
1. 79-17565
2. 03-071-10153-0000-2
3. 103
4. Weiser-Brown Oil Company
5. U S A #2-4 T
6. Batson
7. Johnson AR
8. 221.3 million cubic feet
9. August 24, 1979
10. Arkansas Western Gas Company
1. 79-17566
2. 03-071-10166-0000-1
3. 103
4. Weiser-Brown Oil Company
5. Rinke #1-6 C
6. Union City
7. Johnson AR
8. 540.0 million cubic feet
9. August 24, 1979
10. Arkansas Louisiana Gas Company
1. 79-17567
2. 03-071-10166-0000-2
3. 103
4. Weiser-Brown Oil Company
5. Rinke #1-6 T
6. Union City
7. Johnson AR
8. 270.0 million cubic feet
9. August 23, 1979
10. Arkansas Louisiana Gas Company
1. 79-17681
2. 03-083-10037
3. 103
4. Jim L Hanna DBA Hanna Oil and Gas
5. Rocky Top #1
6. Booneville
7. Logan AR
8. 233.0 million cubic feet
9. August 24, 1979
- 10.
1. 79-17682

2. 03-115-10038
 3. 103
 4. Sun Oil Company (Delaware)
 5. Billy Webb Well No 1
 6. Ross
 7. Pope AR
 8. 31.0 million cubic feet
 9. August 24, 1979
 10. Arkansas Louisiana Gas Company
- Louisiana Office of Conservation**
1. Control Number (FERC/State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 75-17723/79-2088
 2. 17-057-21592
 3. 102
 4. Alliance Exploration Corporation
 5. No. 1 Martinez 162547
 6. Rousseau i
 7. Lafourche, LA
 8. 700.0 million cubic feet
 9. August 27, 1979
 10. Texas Gas Transmission Corp
- Montana Board of Oil and Gas Conservation**
1. Control Number (FERC/State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 75-17568/7-79-223
 2. 25-041-21823
 3. 108
 4. Tricentral United States Inc
 5. McCloskey 29-4-32-15
 6. Tiger Ridge-Bullhook Unit
 7. Hill, MT
 8. 18.0 million cubic feet
 9. August 24, 1979
 10. Northern Natural Gas Company
 1. 79-17569/7-79-238
 2. 25-101-21794
 3. 103
 4. Texaco, Inc
 5. R P Hasquet No. 1
 - 6.
 7. Toole, MT
 8. 76.0 million cubic feet
 9. August 24, 1979
 10. Montana Power Company
 1. 79-17570/7-79-240
 2. 25-017-00000
 3. 108
 4. Montana-Dakota Utilities Co
 5. J P Johnson 44-21
 6. Liscom Creek
 7. Custer, MT
 8. 8.0 million cubic feet
 9. August 24, 1979
 10. Montana Dakota Utilities Co
 1. 79-17571/7-79-239
 2. 25-041-21893
 3. 108
 4. Amoco Production Company
3. 108
 4. Western Natural Gas Company
 5. Majerus 1-3 Sec 3 T-32N R-14-E
 6. Tiger Ridge
 7. Hill, MT
 8. 3.5 million cubic feet
 9. August 24, 1979
 10. Northern Natural Gas Company
 1. 79-17572/7-79-221
 2. 25-005-22044
 3. 103
 4. Tricentral United States Inc
 5. Hiller 3-5-31-18
 6. Tiger Ridge
 7. Blaine, MT
 8. 118.6 million cubic feet
 9. August 24, 1979
 10. Northern Natural Gas Company
 1. 79-17607/7-79-222
 2. 25-005-22059
 3. 102
 4. Tricentral United States Inc
 5. Hiller 27-15-32-18
 6. Tiger Ridge
 7. Blaine, MT
 8. 348.0 million cubic feet
 9. August 23, 1979
 10. Northern Natural Gas Company
- New Mexico Department of Energy and Minerals Oil Conservation Division**
1. Control Number (FERC/State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 79-17608
 2. 30-015-23458
 3. 102
 4. Anadarko Production Company
 5. Turkey Track State 2
 6. Turkey Track
 7. Eddy, NM
 8. 360.0 million cubic feet
 9. August 23, 1979
 10. El Paso Natural Gas Co
 1. 79-17724
 2. 30-045-09214
 3. 108 denied
 4. Amoco Production Company
 5. Stedje Gas Com #1
 6. Basin-Dakota
 7. San Juan, NM
 8. 21.0 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas Co
 1. 79-17725
 2. 30-045-21005
 3. 108
 4. Amoco Production Company
 5. Sammons Gas Com D#1
 6. Aztec-Pictured Cliffs
 7. San Juan, NM
 8. 14.0 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas Company
 1. 79-17728
 2. 30-045-20984
 3. 108
 4. Amoco Production Company
5. Canepile Gas Com C#1
 6. Blanco-Pictured Cliffs
 7. San Juan, NM
 8. 1.0 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas Co
 1. 79-17727
 2. 30-045-07921
 3. 108
 4. Amoco Production Company
 5. Lefkovitz Gas Com #1-X
 6. Aztec-Pictured Cliffs
 7. San Juan, NM
 8. 15.0 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas Company
 1. 79-17728
 2. 30-045-07780
 3. 108
 4. Amoco Production Company
 5. Pollock M Gas Com #1
 6. Aztec-Pictured Cliffs
 7. San Juan, NM
 8. 12.0 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas Company
 1. 79-17729
 2. 30-045-10168
 3. 108
 4. Amoco Production Company
 5. Wallace Gas Com #2
 6. Aztec-Pictured Cliffs
 7. San Juan, NM
 8. 8.0 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas Co
 1. 79-17730
 2. 30-045-08765
 3. 108
 4. Amoco Production Company
 5. State Gas Com T#1
 6. Aztec-Pictured Cliffs
 7. San Juan, NM
 8. 8.0 million cubic feet
 9. August 28, 1979
 10. El Paso Natural Gas Co
- Ohio Department of Natural Resources, Division of Oil and Gas**
1. Control Number (FERC/State)
 2. API Well Number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or Block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 79-17556/04906
 2. 34-059-21888-0014
 3. 108
 4. Appalachian Exploration Inc
 5. Art #1
 - 6.
 7. Guernsey, OH
 8. 9.0 million cubic feet
 9. August 28, 1979
 10. East Ohio Gas Co
 1. 79-17731/04581
 2. 34-167-23842-0014
 3. 108
 4. Valentine Oil Properties
 5. Deist #2
 - 6.

7. Washington, OH
8. 2.7 million cubic feet
9. August 28, 1979
10. The River Gas Company
1. 79-17732/04582
2. 34-167-23841-0014
3. 108
4. Valentine Oil Properties
5. Halsser #1
6.
7. Washington, OH
8. 2.3 million cubic feet
9. August 28, 1979
10. The River Gas Company
1. 79-17733/04583
2. 34-167-22539-0014
3. 108
4. Valentine Oil Properties
5. Pearl & Nellie Dailey #1
6.
7. Washington, OH
8. .4 million cubic feet
9. August 28, 1979
10. The River Gas Company
1. 79-17734/04584
2. 34-167-22872-0014
3. 108
4. Valentine Oil Properties
5. Ralston #1
6.
7. Washington, OH
8. .4 million cubic feet
9. August 28, 1979
10. The River Gas Company
1. 79-17735/04585
2. 34-167-22578-0014
3. 108
4. Valentine Oil Properties
5. Sylvia Jamison Well #1
6.
7. Washington, OH
8. .5 million cubic feet
9. August 28, 1979
10. The River Gas Company
1. 79-17736/04587
2. 34-167-22538-0014
3. 108
4. Valentine Oil Properties
5. Harold & Irene Huck #1
6.
7. Washington, OH
8. .1 million cubic feet
9. August 28, 1979
10. The River Gas Company
1. 79-17737/04865
2. 34-007-20693-0014
3. 108
4. Meridian Oil & Gas Ent Inc
5. Clara M Byrd Well #1
6.
7. Ashtabula, OH
8. 15.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79-17738/03849
2. 34-151-22227-0014
3. 108
4. Belden & Blake Oil Production
5. W Bowman Comm #6-597
6.
7. Stark, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17739/03850

2. 34-151-22215-0014
3. 108
4. Belden & Blake Oil Production
5. W Bowman #5-592
6.
7. Stark, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17740/03851
2. 34-151-22210-0014
3. 108
4. Belden & Blake Oil Production
5. G & B Stark #1-591
6.
7. Stark, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17741/03852
2. 34-019-20549-0014
3. 108
4. Belden & Blake Oil Production
5. Karl Hoover #4-587
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17742/03853
2. 34-019-20546-0014
3. 108
4. Belden & Blake Oil Production
5. Karl Hoover Comm #3-576
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17743/03854
2. 34-019-20706-0014
3. 108
4. Belden & Blake Oil Production
5. Glen Gery #4-687
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17744/03855
2. 34-151-22370-0014
3. 108
4. Belden & Blake Oil Production
5. P Downes Comm #1-680
6.
7. Stark, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17745/03856
2. 34-151-22372-0014
3. 108
4. Belden & Blake Oil Production
5. W Bowman #9-678
6.
7. Stark, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17746/03857
2. 34-019-20661-0014
3. 108
4. Belden & Blake Oil Production
5. James Bros Coal #5-676
6.

7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17747/03858
2. 34-019-20241-0014
3. 108
4. Belden & Blake Oil Production
5. A B Baker #3-542
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17748/03859
2. 34-019-20283-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #4.451
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17749/03860
2. 34-019-20535-0014
3. 108
4. Belden & Blake Oil Production
5. W & E Grell Comm #3-567
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17750/03861
2. 34-019-20532-0014
3. 108
4. Belden & Blake Oil Production
5. W E Grell #2-566
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17751/03862
2. 34-019-20533-0014
3. 108
4. Belden & Blake Oil Production
5. James Bros Coal Co #4-565
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17752/03863
2. 34-019-20530-0014
3. 108
4. Belden & Blake Oil Production
5. G Nofsinger #4-564
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17753/03864
2. 34-019-20531-0014
3. 108
4. Belden & Blake Oil Production
5. G Nofsinger #13-563
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17754/03865

2. 34-019-20650-0014
3. 108
4. Belden & Blake Oil Production
5. Curtis Seemann #8-655
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17755/03866
2. 34-019-20645-0014
3. 108
4. Belden & Blake Oil Production
5. Hickory Clay #7-648
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17756/03867
2. 34-151-22327-0014
3. 108
4. Belden & Blake Oil Production
5. Mehl Young Comm #3-642
6.
7. Stark, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17757/03868
2. 34-019-20644-0014
3. 108
4. Belden & Blake Oil Production
5. Karl Hoover #5-647
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17758/03870
2. 34-151-22296-0014
3. 108
4. Belden & Blake Oil Production
5. R Bogue Comm #2-632
6.
7. Stark, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17759/03869
2. 34-151-22329-0014
3. 108
4. Belden & Blake Oil Production
5. G Gill #4-639
6.
7. Stark OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17760/03872
2. 34-151-22255-0014
3. 108
4. Belden & Blake Oil Production
5. E Gill Comm #3-623
6.
7. Stark OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17761/03873
2. 34-019-20245-0014
3. 108
4. Belden & Blake Oil Production
5. Natco Corp #2-400
6.

7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17762/03874
2. 34-019-20189-0014
3. 108
4. Belden & Blake Oil Production
5. W E Grell #1-237
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17763/03875
2. 34-151-22232-0014
3. 108
4. Belden & Blake Oil Production
5. G & M Close Comm #2-605
6.
7. Stark OH
8. 9.2 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17764/03876
2. 34-151-22233-0014
3. 108
4. Belden & Blake Oil Production
5. G & M Close Comm #1-604
6.
7. Stark OH
8. 9.2 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17765/03877
2. 34-151-22323-0014
3. 108
4. Belden & Blake Oil Production
5. Howenstine #2-641
6.
7. Stark OH
8. 6.6 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17766/03878
2. 34-151-22182-0014
3. 108
4. Belden & Blake Oil Production
5. Howenstine #1-589
6.
7. Stark OH
8. 6.6 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17767/03879
2. 34-019-20635-0014
3. 108
4. Belden & Blake Oil Production
5. Glen Gery #5-745
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17768/03880
2. 34-151-22467-0014
3. 108
4. Belden & Blake Oil Production
5. W Bowman Comm #11-689
6.
7. Stark OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17769/03881

2. 34-019-20268-0014
3. 108
4. Belden & Blake Oil Production
5. Natco Corp #3-401
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17770/04318
2. 34-151-22564-0014
3. 108
4. Belden & Blake Oil Production
5. E Halter Comm #1-735
6.
7. Stark OH
8. 6.1 million cubic feet
9. August 28, 1979
10. Buckeye-Franklin Co
1. 79-17771/04319
2. 34-151-22565-0014
3. 108
4. Belden & Blake Oil Production
5. F Bowman #2-734
6.
7. Stark OH
8. 6.1 million cubic feet
9. August 28, 1979
10. Buckeye-Franklin Co
1. 79-17772/04320
2. 34-019-20811-0014
3. 108
4. Belden & Blake Oil Production
5. G Dowell #3-732
6.
7. Carroll OH
8. 1.8 million cubic feet
9. August 28, 1979
10. MB Operating Co Inc
1. 79-17773/04323
2. 34-157-21704-0014
3. 108
4. Belden & Blake Oil Production
5. MWCD #1-646
6.
7. Tuscarawas OH
8. 13.9 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17774/04324
2. 34-151-22374-0014
3. 108
4. Belden & Blake Oil Production
5. C Border Comm #1-640
6.
7. Stark OH
8. 4.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17775/04325
2. 34-019-20627-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #24-633
6.
7. Carroll OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Whitacre Greer
1. 79-17776/04327
2. 34-019-20584-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #22-622
6.

7. Carroll OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Whitacre Greer
1. 79-17777/04328
2. 34-019-20583-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #21-621
6.
7. Carroll OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Whitacre Greer
1. 79-17778/04329
2. 34-019-20594-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #23-609
6.
7. Carroll OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Whitacre Greer
1. 79-17779/04330
2. 34-019-20581-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #19-601
6.
7. Carroll OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Whitacre Greer
1. 79-17780/04331
2. 34-019-20551-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #18-586
6.
7. Carroll OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Whitacre Greer
1. 79-17781/04334
2. 34-151-21913-0014
3. 108
4. Belden & Blake Oil Production
5. L & G Thouvenin #2-513
6.
7. Stark OH
8. 3.5 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17782/04335
2. 34-019-20388-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #10-510
6.
7. Carroll OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Whitacre Greer
1. 79-17783/04341
2. 34-133-20336-0014
3. 108
4. Belden & Blake Oil Production
5. Alvin Rothermel Comm #1-388
6.
7. Portage OH
8. 1.9 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17784/04580
2. 34-167-23802-0014
3. 108
4. Valentine Oil Properties
5. Deist #1
6.
7. Washington OH
8. 2.7 million cubic feet
9. August 28, 1979
10. The River Gas Company
1. 79-17785/02161
2. 34-105-21634-0014
3. 108
4. Petro-Lewis Corporation
5. Lemley #1 Andrew F
6.
7. Meigs OH
8. .0 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission
1. 79-17786/02162
2. 34-105-21626-0014
3. 108
4. Petro-Lewis Corporation
5. Carson #1 Harold E
6.
7. Meigs OH
8. 6.6 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission
1. 79-17787/02164
2. 34-105-21686-0014
3. 108
4. Petro-Lewis Corporation
5. Karr #1 Ortho
6.
7. Meigs OH
8. 1.2 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission
1. 79-17788/02689
2. 34-009-21484-0014
3. 108
4. Robert V Altier Agent C/O N A Ross
5. Smith #1
6.
7. Athens OH
8. 3.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission
1. 79-17789/02951
2. 34-119-21249-0014
3. 108
4. Russell Hayes L Pflieger J Bebout
5. Christian R Heckel #2
6.
7. Muskingum OH
8. 7.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79-17790/02952
2. 34-031-21584-0014
3. 108
4. O & G Co and L Pflieger
5. Clyde Blair #4
6.
7. Coshocton OH
8. 1.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79-17791/02987
2. 34-119-22129-0014
3. 108
4. The Oxford Oil Co
5. Carl Longstreth #1
6.

7. Muskingum OH
8. 2.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17792/02990
2. 34-157-22128-0014
3. 108
4. The Oxford Oil Co
5. Robert Lahna #1
6.
7. Tuscarawas OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17793/02992
2. 34-169-20438-0014
3. 108
4. The Oxford Oil Co
5. Andrew Johnson #A-2
6.
7. Wayne OH
8. 4.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17794/02993
2. 34-075-21594-0014
3. 108
4. The Oxford Oil Co
5. Woodrow Johnson #1
6.
7. Holmes OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17795/03204
2. 34-127-23214-0014
3. 108
4. The Oxford Oil Co
5. Parker C Ice #1-A
6.
7. Perry OH
8. 2.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17796/03740
2. 34-151-21828-0014
3. 108
4. Belden & Blake Oil Production
5. W Bowman Comm #1-499
6.
7. Stark OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17797/03741
2. 34-019-20334-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #7-497
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17798/03742
2. 34-019-20249-0014
3. 108
4. Belden & Blake Oil Production
5. G Nofsinger #4-447
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17799/03743

2. 34-019-20237-0014
3. 108
4. Belden & Blake Oil Production
5. Smith & Evans Comm #1-445
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17800/03744
2. 34-019-20238-0014
3. 108
4. Belden & Blake Oil Production
5. Smith & Evans Comm #2-446
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17801/03745
2. 34-019-20286-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #5-443
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17802/03746
2. 34-019-20246-0014
3. 108
4. Belden & Blake Oil Production
5. Curtis Seemann #7-442
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17803/03747
2. 34-019-20276-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #3-441
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17804/03748
2. 34-019-20240-0014
3. 108
4. Belden & Blake Oil Production
5. Louisa Farber Comm #3-440
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17805/03749
2. 34-019-20232-0014
3. 108
4. Belden & Blake Oil Production
5. Curtis Seemann #6-438
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17806/03750
2. 34-019-20230-0014
3. 108
4. Belden & Blake Oil Production
5. A B Baker #2-437
6.

7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17807/03751
2. 34-019-20231-0014
3. 108
4. Belden & Blake Oil Production
5. Curtis Seemann #5-436
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17808/03752
2. 34-019-20229-0014
3. 108
4. Belden & Blake Oil Production
5. Curtis Seemann #4-435
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17809/03753
2. 34-019-20275-0014
3. 108
4. Belden & Blake Oil Production
5. R P Smith Comm #1-434
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17810/03754
2. 34-019-20225-0014
3. 108
4. Belden & Blake Oil Production
5. Curtis Seemann #3-433
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17811/03756
2. 34-019-20227-0014
3. 108
4. Belden & Blake Oil Production
5. A B Baker #1-430
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17812/03757
2. 34-019-20224-0014
3. 108
4. Belden & Blake Oil Production
5. N W Baker Comm #1-425
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17813/03758
2. 34-019-20274-0014
3. 108
4. Belden & Blake Oil Production
5. J F Larson #1-424
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17814/03759

2. 34-019-20221-0014
3. 108
4. Belden & Blake Oil Production
5. Curtis Seemann #1-422
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17815/03760
2. 34-019-20226-0014
3. 108
4. Belden & Blake Oil Production
5. Louisa Farber #2-421
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17816/03761
2. 34-019-20272-0014
3. 108
4. Belden & Blake Oil Production
5. G Nofsinger Comm #7-420
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17817/03762
2. 34-019-20262-0014
3. 108
4. Belden & Blake Oil Production
5. G Nofsinger #6-419
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17818/03763
2. 34-151-20219-0014
3. 108
4. Belden & Blake Oil Production
5. Louisa Farber #1-415
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17819/03764
2. 34-019-20253-0014
3. 108
4. Belden & Blake Oil Production
5. R P Smith-Evans #3-412
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17820/03771
2. 34-019-20282-0014
3. 108
4. Belden & Blake Oil Production
5. James & James Comm #1-450,
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17821/03772
2. 34-019-20252-0014
3. 108
4. Belden & Blake Oil Production
5. G Nofsinger #5-448
6.

7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17822/03848
2. 34-019-20256-0014
3. 108
4. Belden & Blake Oil Production
5. Smith & Evans Comm #4-455
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17823/03847
2. 34-019-20259-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #1-454
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17824/04923
2. 34-119-23751-0014
3. 108
4. The Clinton Oil Co
5. Toth #1
6.
7. Muskingum, OH
8. 8.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79-17825/04924
2. 34-127-22084-0014
3. 108
4. The Clinton Oil Co
5. Shiplett #6
6.
7. Perry, OH
8. 8.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79-17826/04926
2. 34-119-23638-0014
3. 108
4. The Clinton Oil Co
5. Goss #5
6.
7. Muskingum, OH
8. 4.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79-17827/04931
2. 34-127-23369-0014
3. 108
4. The Clinton Oil Co
5. Mason #3
6.
7. Perry, OH
8. 2.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79-17828/04945
2. 34-119-23570-0014
3. 108
4. The Clinton Oil Co
5. M Foster #1
6.
7. Muskingum, OH
8. 8.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79-17829/04947

2. 34-119-23285-0014
3. 108
4. Alan Schottenstein
5. William Lake #3
6.
7. Muskingum, OH
8. 14.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79-17830/04948
2. 34-007-20892-0014
3. 108
4. Meridian Oil & Gas Ent Inc
5. Robert R Spencer Well #1
6.
7. Ashtabula, OH
8. 10.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79-17831/04949
2. 34-007-20781-0014
3. 108
4. Meridian Oil & Gas Ent Inc
5. Beatrice A Wilson Well #1
6.
7. Ashtabula, OH
8. 3.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79-17832/04950
2. 34-007-20780-0014
3. 108
4. Meridian Oil & Gas Enter Inc
5. Robert R Spencer Well #2
6.
7. Ashtabula, OH
8. 8.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79-17833/04968
2. 34-119-23282-0014
3. 108
4. Alan Schottenstein
5. John McCormick #1
6.
7. Muskingum, OH
8. 5.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79-17834/04981
2. 34-151-20998-0014
3. 108
4. Belden & Blake Oil Production
5. S Kukich Comm #1-298
6.
7. Stark, OH
8. 14.7 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79-17835/04982
2. 34-151-20997-0014
3. 108
4. Belden & Blake Oil Production
5. L & G Hornberger Comm #1-297
6.
7. Stark, OH
8. 3.7 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79-17836/04984
2. 34-151-20850-0014
3. 108
4. Belden & Blake Oil Production
5. M Sabo #1-199
6.

7. Stark, OH
8. 2.4 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79-17837/04985
2. 34-151-20810-0014
3. 108
4. Belden & Blake Oil Production
5. Hambleton Punccheon #1-180
6.
7. Stark, OH
8. 9.9 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17838/04986
2. 34-157-20739-0014
3. 108
4. Belden & Blake Oil Production
5. C Pieczynski #1-303
6.
7. Tuscarawas, OH
8. 1.1 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17839/04987
2. 34-151-20858-0014
3. 108
4. Belden & Blake Oil Production
5. Howard Comm #1-202
6.
7. Stark, OH
8. 4.7 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17840/04988
2. 34-151-20883-0014
3. 108
4. Belden & Blake Oil Production
5. Dafler Comm #2-215
6.
7. Stark, OH
8. 8.4 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17841/04989
2. 34-151-20779-0014
3. 108
4. Belden & Blake Oil Production
5. Carl Maier #1-189
6.
7. Stark, OH
8. 11.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17842/04990
2. 34-151-20736-0014
3. 108
4. Belden & Blake Oil Production
5. Ira Smith #1-182
6.
7. Stark, OH
8. 7.2 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17843/03848
2. 34-151-22228-0014
3. 108
4. Belden & Blake Oil Production
5. B Williams Et Al Comm #1-598
6.
7. Stark, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17844/01496

2. 34-089-22216-0014
3. 108
4. American Exploration Co
5. Denman #3
6.
7. Licking, OH
8. 2.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79-17845/01692
2. 34-009-21015-0014
3. 108
4. Joseph J Mihelic
5. Howard #3
6.
7. Athens, OH
8. .5 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17846/01693
2. 34-009-20726-0014
3. 108
4. Joseph J Mihelic
5. Howard #2
6.
7. Athens, OH
8. .5 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17847/01694
2. 34-115-00451-0014
3. 108
4. Joseph J Mihelic
5. Dougan #2
6.
7. Morgan, OH
8. .7 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17848/01695
2. 34-115-00680-0014
3. 108
4. Joseph J Mihelic
5. Devore #4
6.
7. Morgan, OH
8. .3 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17849/01696
2. 34-115-00659-0014
3. 108
4. Joseph J Mihelic
5. Devore #3
6.
7. Morgan OH
8. .3 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17850/01697
2. 34-115-00661-0014
3. 108
4. Joseph J Mihelic
5. Devore #5
6.
7. Morgan OH
8. .3 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17851/01698
2. 34-115-20887-0014
3. 108
4. Joseph J Mihelic
5. McIntire #1
6.

7. Morgan OH
8. 1.3 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17852/01699
2. 34-115-20909-0014
3. 108
4. Joseph J Mihelic
5. McIntire #2
6.
7. Morgan OH
8. 1.3 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17853/01700
2. 34-115-00644-0014
3. 108
4. Joseph J Mihelic
5. Allen #2
6.
7. Morgan OH
8. .8 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17854/01701
2. 34-115-00643-0014
3. 108
4. Joseph J Mihelic
5. Allen #1
6.
7. Morgan OH
8. .8 million cubic feet
9. August 28, 1979
10. Columbia Gas Trans Corp
1. 79-17855/01807
2. 34-031-23174-0014
3. 108
4. Oxford Oil Co
5. R Miskimens #1
6.
7. Coshocton OH
8. 13.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79-17856/02160
2. 34-105-21693-0014
3. 108
4. Petrc-Lewis Corporation
5. Herald-Dolan #2
6.
7. Meigs OH
8. 3.6 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission
1. 79-17857/04970
2. 34-119-22033-0014
3. 108
4. The Clinton Oil Co
5. Crock #1
6.
7. Muskingum OH
8. 8.0 million cubic feet
9. August 28, 1979
10. Ohio Fuel Gas
1. 79-17858/04971
2. 34-119-23284-0014
3. 108
4. Alan Schottenstein
5. J Lake #1
6.
7. Muskingum OH
8. 2.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission Corp
1. 79-17859/04972

2. 34-119-23287-0014
3. 108
4. Alan Schottenstein
5. Opal Best #1
6.
7. Muskingum OH
8. 1.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission Corp
1. 79-17860/04974
2. 34-119-23262-0014
3. 108
4. Alan Schottenstein
5. Clyde Watson #2
6.
7. Muskingum OH
8. 5.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission Corp
1. 79-17861/04975
2. 34-119-23263-0014
3. 108
4. Alan Schottenstein
5. Clyde Watson #1
6.
7. Muskingum OH
8. 5.0 million cubic feet
9. August 28, 1979
10. Columbia Gas Transmission Corp
1. 79-17862/04979
2. 34-151-20513-0014
3. 108
4. Belden & Blake Oil Production
5. Canton Terrace #1-100
6.
7. Stark OH
8. 8.4 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17863/04980
2. 34-151-21000-0014
3. 108
4. Belden & Blake Oil Production
5. S Brechbuhler Comm #1-301
6.
7. Stark OH
8. 1.8 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17864/04907
2. 34-157-21253-0014
3. 108
4. Appalachian Exploration Inc
5. Baer Unit #1
6.
7. Tuscarawas OH
8. 14.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79-17865/04914
2. 34-119-23236-0014
3. 108
4. Alan Schottenstein
5. D Prouty #2
6.
7. Muskingum OH
8. 5.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17866/04915
2. 34-119-23247-0014
3. 108
4. Alan Schottenstein
5. Cross #1-A
6.

7. Muskingum OH
8. 20.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17867/04916
2. 34-119-23286-0014
3. 108
4. Alan Schottenstein
5. William Lake #2
6.
7. Muskingum OH
8. 13.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17868/04917
2. 34-119-23473-0014
3. 108
4. Clinton Oil Co
5. Freeman #1
6.
7. Muskingum OH
8. 3.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79-17869/04918
2. 34-119-23467-0014
3. 108
4. Clinton Oil Co
5. Good #1
6.
7. Muskingum OH
8. 12.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79-17878/04919
2. 34-119-23512-0014
3. 108
4. Clinton Oil Co
5. Lounsbury #1
6.
7. Muskingum OH
8. 8.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79-17871/04920
2. 34-119-22971-0014
3. 108
4. Clinton Oil Co
5. Gee #1
6.
7. Muskingum OH
8. 4.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79-17872/04921
2. 34-115-21520-0014
3. 108
4. Clinton Oil Co
5. W T Hilamen #1
6.
7. Morgan OH
8. 1.0 million cubic feet
9. August 28, 1979
10. National Gas & Oil Corp
1. 79-17873/04991
2. 34-151-20560-0014
3. 108
4. Belden & Blake Oil Production
5. Magdalene Boron #1-107
6.
7. Stark OH
8. 6.8 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17874/04992

2. 34-151-20512-0014
3. 108
4. Belden & Blake Oil Production
5. Canton Amusement #2-93
6.
7. Stark OH
8. 8.6 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17875/04993
2. 34-151-20564-0014
3. 108
4. Belden & Blake Oil Production
5. Barber Comm #1-90
6.
7. Stark OH
8. 5.1 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17876/04994
2. 34-151-20437-0014
3. 108
4. Belden & Blake Oil Production
5. Cock Comm #1-74
6.
7. Stark OH
8. 4.9 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17877/04995
2. 34-151-20342-0014
3. 108
4. Belden & Blake Oil Production
5. Metro Brick #1-49
6.
7. Stark OH
8. 7.5 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17878/04996
2. 34-151-20270-0014
3. 108
4. Belden & Blake Oil Production
5. J C Steiner #1-38
6.
7. Stark OH
8. 4.1 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17879/04997
2. 34-153-20354-0014
3. 108
4. Belden & Blake Oil Production
5. Rockwell Stipe Comm #3-315
6.
7. Summit, OH
8. .3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17880/04998
2. 34-153-20352-0014
3. 108
4. Belden & Blake Oil Production
5. E & L Merkel Comm #1-313
6.
7. Summit, OH
8. .4 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17881/04999
2. 34-153-20350-0014
3. 108
4. Belden & Blake Oil Production
5. Von Gunten Comm #1-309
6.

7. Summit, OH
8. .4 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17882/05001
2. 34-153-20336-0014
3. 108
4. Belden & Blake Oil Production
5. G & H Weinrich #3-299
6.
7. Summit, OH
8. .3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17883/05002
2. 34-153-20340-0014
3. 108
4. Belden & Blake Oil Production
5. P & D Martin #1-304
6.
7. Summit, OH
8. .2 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17884/05003
2. 34-103-21075-0014
3. 108
4. Belden & Blake Oil Production
5. R & F Carr #2-284
6.
7. Medina, OH
8. .3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17885/05004
2. 34-153-20307-0014
3. 108
4. Belden & Blake Oil Production
5. J & S Laughlin #2-279
6.
7. Summit, OH
8. .4 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17886/05005
2. 34-103-21067-0014
3. 108
4. Belden & Blake Oil Production
5. R & F Carr #1-275
6.
7. Medina, OH
8. .3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17887/05006
2. 34-153-20301-0014
3. 108
4. Belden & Blake Oil Production
5. F & M Bleichroot Comm #1-269
6.
7. Summit, OH
8. .3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17888/03629
2. 34-133-20296-0014
3. 108
4. Belden & Blake Oil Production
5. H & B Kerns Comm #1-385
6.
7. Portage, OH
8. 5.8 million cubic feet
9. August 28, 1979
10. East Ohio Gas

1. 79-17889/03630
2. 34-133-20255-0014
3. 108
4. Belden & Blake Oil Production
5. E & N Thomas Comm #1-382
6.
7. Portage, OH
8. 5.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17890/03631
2. 34-133-20245-0014
3. 108
4. Belden & Blake Oil Production
5. L & I May Comm #1-380
6.
7. Portage, OH
8. 10.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17891/03632
2. 34-151-22581-0014
3. 108
4. Belden & Blake Oil Production
5. J Baylor Comm #1-739
6.
7. Stark, OH
8. 3.8 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17892/03633
2. 34-151-22552-0014
3. 108
4. Belden & Blake Oil Production
5. W & C Bucher Well #1-730
6.
7. Stark, OH
8. 5.7 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17893/03634
2. 34-151-22541-0014
3. 108
4. Belden & Blake Oil Production
5. H & H Pepper #1-724
6.
7. Stark, OH
8. 8.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17894/03635
2. 34-151-22679-0014
3. 108
4. Belden & Blake Oil Production
5. F Kilgore Comm #2-787
6.
7. Stark, OH
8. 17.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17895/03636
2. 34-151-21944-0014
3. 108
4. Belden & Blake Oil Production
5. J Rentsch Comm #1-522
6.
7. Stark, OH
8. 5.1 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17896/03637
2. 34-133-20385-0014
3. 108
4. Belden & Blake Oil Production
5. W & H Jones Comm #1-405

6.
7. Portage, OH
8. 1.2 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17897/03640
2. 34-151-21080-0014
3. 108
4. Belden & Blake Oil Production
5. C & M Shilling Comm #1-423
6.
7. Stark, OH
8. 3.5 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17898/03642
2. 34-151-22468-0014
3. 108
4. Belden & Blake Oil Production
5. D & R Price Comm #1-690
6.
7. Stark, OH
8. 11.1 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17899/03644
2. 34-151-22362-0014
3. 108
4. Belden & Blake Oil Production
5. R Maier Comm #2-674
6.
7. Stark, OH
8. 5.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17900/03645
2. 34-151-21753-0014
3. 108
4. Belden & Blake Oil Production
5. P & V Mayes #1-493
6.
7. Stark, OH
8. 3.2 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17901/03646
2. 34-151-21745-0014
3. 108
4. Belden & Blake Oil Production
5. H Schmuck #8-490
6.
7. Stark, OH
8. .3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17902/03647
2. 34-151-21744-0014
3. 108
4. Belden & Blake Oil Production
5. H Schmuck #5-489
6.
7. Stark, OH
8. .5 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17903/03648
2. 34-151-21742-0014
3. 108
4. Belden & Blake Oil Production
5. J & S Davis Comm #1-488
6.
7. Stark, OH
8. 2.4 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79-17904/03649
2. 34-151-22658-0014
3. 108
4. Belden & Blake Oil Production
5. F Kilgore Comm #1-772
6.
7. Stark, OH
8. 19.6 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17905/03650
2. 34-151-22652-0014
3. 108
4. Belden & Blake Oil Production
5. L & I Miller #1-770
6.
7. Stark, OH
8. 12.8 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17906/03729
2. 34-019-20254-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer Comm #1-408
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17907/03730
2. 34-019-20260-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #2-404
6.
7. Carroll, OH
8. 2.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17908/03731
2. 34-019-20453-0014
3. 108
4. Belden & Blake Oil Production
5. Hickory Clay #3-540
6.
7. Carroll, OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17909/03732
2. 34-019-20422-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #12-535
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17910/03733
2. 34-019-20421-0014
3. 108
4. Belden & Blake Oil Production
5. Hickory Clay #2-534
6.
7. Carroll OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17911/03734
2. 34-019-20409-0014
3. 108
4. Belden & Blake Oil Production
5. Whitacre Greer #11-532

- 6.
 7. Carroll OH
 8. 3.1 million cubic feet
 9. August 28, 1979
 10. Belden & Blake Corporation
 1. 79-17912/03735
 2. 34-157-21107-0014
 3. 108
 4. Belden & Blake Oil Production
 5. G Nofsinger #10-519
 - 6.
 7. Tuscarawas OH
 8. 3.1 million cubic feet
 9. August 28, 1979
 10. Belden & Blake Corporation
 1. 79-17913/03736
 2. 34-151-21902-0014
 3. 108
 4. Belden & Blake Oil Production
 5. W Bowman #3-511
 - 6.
 7. Stark OH
 8. 3.1 million cubic feet
 9. August 28, 1979
 10. Belden & Blake Corporation
 1. 79-17914/03737
 2. 34-019-20359-0014
 3. 108
 4. Belden & Blake Oil Production
 5. C & V Hoover #1-506
 - 6.
 7. Carroll OH
 8. 3.1 million cubic feet
 9. August 28, 1979
 10. Belden & Blake Corporation
 1. 79-17915/03738
 2. 34-019-20360-0014
 3. 108
 4. Belden & Blake Oil Production
 5. Whitacre Greer #9-505
 - 6.
 7. Carroll OH
 8. 3.1 million cubic feet
 9. August 28, 1979
 10. Belden & Blake Corporation
 1. 79-17916/03739
 2. 34-019-20356-0014
 3. 108
 4. Belden & Blake Oil Production
 5. Whitacre Greer #8-500
 - 6.
 7. Carroll OH
 8. 3.1 million cubic feet
 9. August 28, 1979
 10. Belden & Blake Corporation
 1. 79-17917/03598
 2. 34-151-21206-0014
 3. 108
 4. Belden & Blake Oil Production
 5. J & E Sukosd Comm #1-456
 - 6.
 7. Stark OH
 8. 4.7 million cubic feet
 9. August 28, 1979
 10. East Ohio Gas Company
 1. 79-17918/03599
 2. 34-151-21181-0014
 3. 108
 4. Belden & Blake Oil Production
 5. D Shammo Comm #1-444
 - 6.
 7. Stark OH
 8. 9.2 million cubic feet
 9. August 28, 1979
 10. East Ohio Gas Company
1. 79-17919/03600
 2. 34-151-21097-0014
 3. 108
 4. Belden & Blake Oil Production
 5. Wilbur Wentling #1-439
 - 6.
 7. Stark OH
 8. 7.8 million cubic feet
 9. August 28, 1979
 10. East Ohio Gas Company
 1. 79-17920/03603
 2. 34-151-21095-0014
 3. 108
 4. Belden & Blake Oil Production
 5. C & V Stahl Comm #1-427
 - 6.
 7. Stark OH
 8. 3.3 million cubic feet
 9. August 28, 1979
 10. East Ohio Gas Company
 1. 79-17921/03604
 2. 34-133-20325-0014
 3. 108
 4. Belden & Blake Oil Production
 5. H & H & I McCaffery Comm #1-398
 - 6.
 7. Portage OH
 8. 4.3 million cubic feet
 9. August 28, 1979
 10. East Ohio Gas Co
 1. 79-17922/03605
 2. 34-133-20327-0014
 3. 108
 4. Belden & Blake Oil Production
 5. R & S Rodenbucher Comm #1-396
 - 6.
 7. Portage OH
 8. 2.1 million cubic feet
 9. August 28, 1979
 10. East Ohio Gas Co
 1. 79-17923/03606
 2. 34-133-20326-0014
 3. 108
 4. Belden & Blake Oil Production
 5. M Stanford Comm #1-395
 - 6.
 7. Portage OH
 8. 3.3 million cubic feet
 9. August 28, 1979
 10. East Ohio Gas Co
 1. 79-17924/03608
 2. 34-133-20210-0014
 3. 108
 4. Belden & Blake Oil Production
 5. W & M Breiding Comm #1-377
 - 6.
 7. Portage OH
 8. 9.7 million cubic feet
 9. August 28, 1979
 10. East Ohio Gas
 1. 79-17925/03609
 2. 34-133-20224-0014
 3. 108
 4. Belden & Blake Oil Production
 5. A Rothermel Comm #1-376
 - 6.
 7. Portage OH
 8. 6.3 million cubic feet
 9. August 28, 1979
 10. East Ohio Gas
 1. 79-17926/03610
 2. 34-133-20218-0014
 3. 108
 4. Belden & Blake Oil Production
 5. J & E Misock Comm #1-375

- 6.
7. Portage OH
8. 3.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17927/03611
2. 34-133-20223-0014
3. 108
4. Belden & Blake Oil Production
5. J Bedard Comm #1-374
- 6.
7. Portage OH
8. 5.9 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17928/03612
2. 34-133-20242-0014
3. 108
4. Belden & Blake Oil Production
5. J & A Curry Comm #1-372
- 6.
7. Portage OH
8. 12.1 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17929/03623
2. 34-151-22354-0014
3. 108
4. Belden & Blake Oil Production
5. J Baumgartner Comm #1-660
- 6.
7. Stark OH
8. 14.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17930/03624
2. 34-050-22360-0014
3. 108
4. Belden & Blake Oil Production
5. C Snyder #2-659
- 6.
7. Stark OH
8. 3.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17931/03625
2. 34-133-20239-0014
3. 108
4. Belden & Blake Oil Production
5. K & J Showers Comm #1-391
- 6.
7. Portage OH
8. 10.9 million cubic feet
9. August 28, 1979
10. East Ohio Gas Co
1. 79-17932/03626
2. 34-133-20257-0014
3. 108
4. Belden & Blake Oil Production
5. M & J Herchek Comm #1-390
- 6.
7. Portage OH
8. 12.6 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17933/03627
2. 34-133-20256-0014
3. 108
4. Belden & Blake Oil Production
5. B & A Knecht Comm #1-389
- 6.
7. Portage OH
8. 5.6 million cubic feet
9. August 28, 1979
10. East Ohio Gas

1. 79-17934/03628
2. 34-133-20230-0014
3. 108
4. Belden & Blake Oil Production
5. R & M Bender Comm #1-387
- 6.
7. Portage OH
8. 5.7 million cubic feet
9. August 28, 1979
10. East Ohio Gas
1. 79-17935/03550
2. 34-151-22347-0014
3. 108
4. Belden & Blake Oil Production
5. W English #2-657
- 6.
7. Stark OH
8. 2.6 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17936/03551
2. 34-151-21736-0014
3. 108
4. Belden & Blake Oil Production
5. W & C Berger Comm #1-487
- 6.
7. Stark OH
8. 1.8 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17937/03552
2. 34-151-21735-0014
3. 108
4. Belden & Blake Oil Production
5. O & E Kintigh Comm #1-485
- 6.
7. Stark OH
8. 4.6 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17938/03553
2. 34-151-21729-0014
3. 108
4. Belden & Blake Oil Production
5. E Erechbill #3-482
- 6.
7. Stark OH
8. 1.6 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17939/03554
2. 34-151-21728-0014
3. 108
4. Belden & Blake Oil Production
5. G & Bevington Comm #1/481
- 6.
7. Stark OH
8. 4 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17940/03555
2. 34-151-21713-0014
3. 108
4. Belden & Blake Oil Production
5. C & B Bennington Comm #1-479
- 6.
7. Stark OH
8. 2.1 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17941/03556
2. 34-151-21704/0014
3. 108
4. Belden & Blake Oil Production
5. P & M Bechtel #1-478

- 6.
7. Stark OH
8. 4 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17942/03557
2. 34-151-21706-0014
3. 108
4. Belden & Blake Oil Production
5. E Brechbill Comm #2-477
- 6.
7. Stark OH
8. 2.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17943/03558
2. 34-151-21613-0014
3. 108
4. Belden & Blake Oil Production
5. H Schmuck #4-470
- 6.
7. Stark OH
8. 1 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17944/03559
2. 34-151-21326-0014
3. 108
4. Belden & Blake Oil Production
5. E & R Garl Comm #1-464
- 6.
7. Stark OH
8. 6.1 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17945/03560
2. 34-151-21271-0014
3. 108
4. Belden & Blake Oil Production
5. H C Schmuck #4-463
- 6.
7. Stark OH
8. 3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17946/03561
2. 34-151-22513-0014
3. 108
4. Belden & Blake Oil Production
5. W & N Walker Comm #1-721
- 6.
7. Stark OH
8. 3.9 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17947/03562
2. 34-151-20355-0014
3. 108
4. Belden & Blake Oil Production
5. E & L Merkel Comm #2-318
- 6.
7. Stark OH
8. 4 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17948/03563
2. 34-151-20356-0014
3. 108
4. Belden & Blake Oil Production
5. S & M Goins #1-319
- 6.
7. Stark OH
8. 3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company

1. 79-17949/03580
2. 34-151-22236-0014
3. 108
4. Belden & Blake Oil Production
5. G Gill #2-611
- 6.
7. Stark OH
8. 3.1 million cubic feet
9. August 28, 1979
10. Belden & Blake Corporation
1. 79-17950/03582
2. 34-151-22501-0014
3. 108
4. Belden & Blake Oil Production
5. O & F Schmucki #1-705
- 6.
7. Stark OH
8. 6.7 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17951/03586
2. 34-019-20213-0014
3. 108
4. Belden & Blake Oil Production
5. E & M Saybe #1-409
- 6.
7. Mahoning OH
8. 4.0 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17952/03589
2. 34-151-22342-0014
3. 108
4. Belden & Blake Oil Production
5. B & A Hrometz #1-649
- 6.
7. Stark OH
8. 7.5 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17953/03592
2. 34-151-22338-0014
3. 108
4. Belden & Blake Oil Production
5. C & M Mandeville Comm #1-643
- 6.
7. Stark OH
8. 7.7 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17954/03594
2. 34-151-22313-0014
3. 108
4. Belden & Blake Oil Production
5. F Farmer #3-637
- 6.
7. Stark OH
8. 4.3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17955/03595
2. 34-151-21254-0014
3. 108
4. Belden & Blake Oil Production
5. H C Schmuck #3-462
- 6.
7. Stark OH
8. 3 million cubic feet
9. August 28, 1979
10. East Ohio Gas Company
1. 79-17956/03596
2. 34-151-21250-0014
3. 108
4. Belden & Blake Oil Production
5. H & H Schmuck #2-461

8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17575
2. 47-109-00737
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11807
6. Pineville field area A-59442
7. McDowell WV
8. 4.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17576
2. 47-047-00643
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Consolidation Coal Co 11982
6. Pineville field area A-59442
7. McDowell WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17577
2. 47-047-00642
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Consolidation Coal 11979
6. Pineville field area A-59442
7. McDowell WV
8. 1.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17578
2. 47-095-00485
3. 108 denied
4. Consolidated Gas Supply Corporation
5. L H Maple 12386
6. West Virginia other A-85772
7. Tyler WV
8. 15.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17579
2. 47-047-00648
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Consolidation Coal Co 11981
6. Pineville field area A-59442
7. McDowell WV
8. 2.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17580
2. 47-047-00635
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11770
6. Pineville field area A-59442
7. McDowell WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17581
2. 47-033-01084
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Matheny-Calkins 12383
6. West Virginia other A-85772
7. Harrison WV
8. .0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17582
2. 47-055-00037
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 12158
6. Pineville field area A-59442
7. Mercer WV
8. 12.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17583
2. 47-055-00036
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11768
6. Pineville field area A-59442
7. Mercer WV
8. 12.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17584
2. 47-017-01853
3. 108 denied
4. Consolidated Gas Supply Corporation
5. E W Kreyenbuhl 12356
6. West Virginia other A-85772
7. Doddridge WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17585
2. 47-047-00727
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 12363
6. Pineville field area A-59442
7. McDowell WV
8. 20.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17586
2. 47-055-00028
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11759
6. Pineville field area A-59442
7. Mercer WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17587
2. 47-047-00613
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11709
6. Pineville field area A-59442
7. McDowell WV
8. 14.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17588
2. 47-041-01918
3. 108 denied
4. Consolidated Gas Supply Corporation
5. T Fahey 11639
6. West Virginia other A-85772
7. Lewis WV
8. 1.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17589
2. 47-047-00678
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 12156
6. Pineville field area A-59442
7. McDowell WV
8. 20.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17590
2. 47-087-01695
3. 108 denied
4. Consolidated Gas Supply Corporation
5. L D Perrine 12212
6. West Virginia other A-85772
7. Upshur WV
8. 20.0 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17591
2. 47-109-00746
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11773
6. Pineville field area A-59442
7. Wyoming WV
8. .4 million cubic feet
9. August 24, 1979
10. General System Purchasers
1. 79-17592
2. 47-055-00035
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11765
6. Pineville field area A-59442
7. Mercer, WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General system purchasers
1. 79-17593
2. 47-055-00030
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11766
6. Pineville field area A-59442
7. Mercer, WV
8. 13.0 million cubic feet
9. August 24, 1979
10. General system purchasers
1. 79-17594
2. 47-041-01990
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Bennett-Hall 11954
6. West Virginia other A-85772
7. Lewis, WV
8. 14.0 million cubic feet
9. August 24, 1979
10. General system purchasers
1. 79-17595
2. 47-047-00627
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11762
6. Pineville field area A-59442
7. McDowell, WV
8. 14.0 million cubic feet
9. August 24, 1979
10. General system purchasers
1. 79-17596
2. 47-047-00633
3. 108 denied
4. Consolidated Gas Supply Corporation
5. G M Evans 11872
6. Pineville field area A-59442
7. McDowell, WV
8. 20.0 million cubic feet
9. August 24, 1979
10. General system purchasers
1. 79-17597

2. 47-109-00738
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11809
6. Pineville field area A-59442
7. Wyoming, WV
8. 12.0 million cubic feet
9. August 24, 1979
10. General system purchasers
1. 79-17598
2. 47-047-00596
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11804
6. Pineville field area A-59442
7. McDowell, WV
8. 16.0 million cubic feet
9. August 24, 1979
10. General system purchasers
1. 79-17599
2. 47-047-00647
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Consolidation coal 11980
6. Pineville field area A-59442
7. McDowell, WV
8. 1.0 million cubic feet
9. August 24, 1979
10. General system purchasers
1. 79-17600
2. 47-055-00031
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11767
6. Pineville field area A-59442
7. Mercer, WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General system purchasers
1. 79-17601
2. 47-047-00638
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11918
6. Pineville field area A-59442
7. McDowell, WV
8. 8.0 million cubic feet
9. August 24, 1979
10. General system purchasers
1. 79-17602
2. 47-047-00686
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 12204
6. Pineville field area A-59442
7. McDowell, WV
8. 9.0 million cubic feet
9. August 24, 1979
10. General system purchasers
1. 79-17603
2. 47-047-00626
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 11760
6. Pineville field area A-59442
7. McDowell, WV
8. 10.0 million cubic feet
9. August 24, 1979
10. General system purchasers
1. 79-17604
2. 47-041-02036
3. 108 denied
4. Consolidated Gas Supply Corporation
5. R R Hopkins 12095
6. West Virginia other A-85772
7. Lewis, WV
8. 9.0 million cubic feet
9. August 24, 1979
10. General system purchasers
1. 79-17605
2. 47-047-00728
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 12364
6. Pineville field area A-59442
7. McDowell, WV
8. 9.0 million cubic feet
9. August 24, 1979
10. General system purchasers
1. 79-17606
2. 47-109-00753
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Pocahontas land 12125
6. West Virginia other A-85772
7. Wyoming, WV
8. 1.0 million cubic feet
9. August 24, 1979
10. General system purchasers

United States Geological Survey,
Albuquerque, N. Mex.

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)

1. 79-17709/COA 1888-79
2. 05-067-06131-0000-0
3. 108
4. Lynco Oil Corporation
5. Dorothy L. Gould #3
6. Ignacio Blanco Pictured Cliffs
7. La Plata, Co
8. 10.0 million cubic feet
9. August 24, 1979
10. Northwest Pipeline Company

1. 79-17549/NM-1454-79
2. 30-039-05940-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hill 10
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17555/NM1758-79
2. 30-045-22503-0000-0
3. 103
4. El Paso Natural Gas Company
5. Scott, 6A
6. Blanco
7. San Juan, NM
8. 231.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17609/NM-1837-79
2. 30-045-09162-0000-0
3. 108
4. Ladd Petroleum Corporation
5. Twin Mounds #1-25
6. Basin Dakota
7. San Juan, NM
8. 23.0 million cubic feet

9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17610/NM-524-79-10
2. 30-015-22623-0000-0
3. 102
4. Anadarko Production Company
5. Power Federal Commission 1-Y
6. Cedar Lake Morrow
7. Eddy, NM
8. 720.0 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico
1. 79-17611/NM-524-79-10
2. 30-015-22623-0000-0
3. 103
4. Anadarko Production Company
5. Power Federal Commission 1-Y
6. Cedar Lake Morrow
7. Eddy, NM
8. 720.0 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico
1. 79-17612/NM-2109-79
2. 30-039-60018-0000-0
3. 108
4. El Paso Natural Gas Company
5. Lindrith Unit NP #68
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17613/NM-2111-79
2. 30-045-12065-0000-0
3. 108
4. El Paso Natural Gas Company
5. Feuille A #3
6. Aztec-Pictured Cliff Gas
7. San Juan, NM
8. 15.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17614/NM-2112-79
2. 30-039-07274-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28-7 1 MV & PC
6. Blanco MV & Blanco South PC
7. Rio Arriba, NM
8. 19.3 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17615/NM-2115-79
2. 30-039-05838-0000-0
3. 108
4. EL Paso Natural Gas Company
5. Canyon Largo Unit #42
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 21.5 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17616/NM-32-78
2. 30-045-00000-0000-0
3. 108
4. Mesa Petroleum Co
5. Trice Federal #2
6. Basin Dakota
7. San Juan NM
8. 19.2 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Co
1. 79-17617/NM-0205-79
2. 30-045-11856-0000-0

3. 108
4. Supron Energy Corporation
5. Hodges #8
6. Basin Dakota
7. San Juan NM
8. .0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Co
1. 79-17618/NM-1988-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache H #14
6. Axi Apache Area
7. Rio Arriba NM
8. 7.4 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17619/NM-1989-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache C #3
6. Axi Apache Area
7. Rio Arriba NM
8. 6.3 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17620/NM-1991-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache J #2
6. Axi Apache Area
7. Rio Arriba NM
8. 12.0 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17621/NM-1995-79
2. 30-039-21434-0000-0
3. 103
4. Continental Oil Company
5. Axi Apache O #15
6. Axi Apache Area
7. Rio Arriba NM
8. 18.0 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17622/NM-1996-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache L #3
6. Axi Apache Area
7. Rio Arriba NM
8. 2.2 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17623/NM-1998-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache J #7
6. Axi Apache Area
7. Rio Arriba NM
8. 8.2 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17624/NM-2000-79-1
2. 30-039-21435-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache O #16
6. Axi Apache Area
7. Rio Arriba NM

8. 4.4 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17625/NM-2000-79-1
2. 30-039-21435-0000-0
3. 103
4. Continental Oil Company
5. Axi Apache O #16
6. Axi Apache Area
7. Rio Arriba NM
8. 6.0 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17626/NM-2005-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache J #10-Com
6. Axi Apache Area
7. Rio Arriba NM
8. 11.7 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17627/NM-2007-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache N #6
6. Axi Apache Area
7. Rio Arriba NM
8. 28.1 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17628/NM-2008-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache A #3
6. Axi Apache Area
7. Rio Arriba NM
8. 3.3 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17629/NM-2009-79-1
2. 30-039-21433-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache O #14
6. Axi Apache Area
7. Rio Arriba NM
8. 10.0 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17630/NM-2009-79-1
2. 30-039-21433-0000-0
3. 103
4. Continental Oil Company
5. Axi Apache O #14
6. Axi Apache Area
7. Rio Arriba NM
8. 11.0 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico
1. 79-17631/NM-2071-79
2. 30-039-07061-0000-0
3. 108
4. EL Paso Natural Gas Company
5. Rincon Unit #87
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 16.8 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17632/NM-2104-79

2. 30-045-20355-0000-0
3. 108
4. El Paso Natural Gas Company
5. Filan #6
6. Basin-Dakota Gas
7. San Juan NM
8. 15.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17633/NM-2105-79
2. 30-045-20502-0000-0
3. 108
4. El Paso Natural Gas Company
5. Storey #7
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 5.8 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17634/NM-2106-79
2. 30-045-20501-0000-0
3. 108
4. El Paso Natural Gas Company
5. Russell #8
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 18.4 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17635/NM-2107-79
2. 30-039-20232-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit NP #148
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 19.7 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17636/NM-2108-79
2. 30-045-20503-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hardie A #3
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 13.9 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17637/NM-1134-79
2. 30-045-20818-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit 217
6. Basin-Dakota Gas
7. San Juan NM
8. 20.1 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company Northwest Pipeline Co Southern Union Gathering Co
1. 79-17638/NM-1358-79
2. 30-039-20869-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 27-5 Unit #173
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba 14.0NM
8. 14.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company Northwest Pipeline Co
1. 79-17639/NM-1366-79
2. 30-045-21225-0000-0
3. 108
4. El Paso Natural Gas Company

5. Nye 9
6. Aztec-Fruitland Gas
7. San Juan NM
8. 11.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17640/NM-1367-79
2. 30-045-20904-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hardie 6
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 11.7 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17641/NM-1368-79
2. 30-045-07339-0000-0
3. 108
4. El Paso Natural Gas Company
5. White Kutz 2
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan NM
8. 17.5 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17642/NM-1369-79
2. 30-045-05535-0000-0
3. 108
4. El Paso Natural Gas Company
5. Mc Manus 13
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 1.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17643/NM-1370-79
2. 30-045-05635-0000-0
3. 108
4. El Paso Natural Gas Company
5. Mc Manus 14
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 13.5 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17644/NM-1371-79
2. 30-045-13312-0000-0
3. 108
4. El Paso Natural Gas Company
5. Quitau 11
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 16.4 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17645/NM 1372-79
2. 30-045-05561-0000-0
3. 108
4. El Paso Natural Gas Company
5. Sheets C 5
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 8.8 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17646/NM 1373-79
2. 30-045-21454-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huebell 4
6. Bloomfield-Chacra Gas
7. San Juan NM
8. 13.9 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17647/NM 1374-79
2. 30-045-07181-0000-0
3. 108
4. El Paso Natural Gas Company
5. Howell 2
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 8.4 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17648/NM 1375-79
2. 30-045-09291-0000-0
3. 108
4. El Paso Natural Gas Company
5. Stewart 2
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 7.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17649/NM 1376-79
2. 30-045-09156-0000-0
3. 108
4. El Paso Natural Gas Company
5. Stewart 1
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 3.3 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17650/NM 1378-79
2. 30-039-06798-0000-0
3. 108
4. El Paso Natural Gas Company
5. Reuter 1
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 5.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17651/NM 1379-79
2. 30-045-21149-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hardie 9
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 13.5 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17653/NM 1416-79
2. 30-045-21116-0000-0
3. 108
4. El Paso Natural Gas Company
5. Case 16
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 10.6 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17654/NM 1756-79
2. 30-045-22529-0000-0
3. 103
4. El Paso Natural Gas Company
5. Walker Com 2A
6. Blanco
7. San Juan NM
8. 262.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17655/NM 1882-79
2. 30-039-05822-0000-0
3. 108
4. Lynco Oil Corporation
5. Hall #3
6. South Blanco PC
7. Rio Arriba NM
8. 3.0 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Company
1. 79-17656/NM 1921-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache F #2
6. Axi Apache Area
7. Rio Arriba NM
8. 8.9 million cubic feet
9. August 23, 1979
10. El Paso Natural Gas Co (C-4786)
1. 79-17657/NM 1987-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache L #6
6. Axi Apache Area
7. Rio Arriba NM
8. 1.1 million cubic feet
9. August 23, 1979
10. Gas Co of New Mexico (C-4787)
1. 79-17658/NM 1907-79
2. 30-039-00000-0000-0
3. 108 Denied
4. Continental Oil Company
5. Northeast Haynes #8
6. Otero Ranch
7. Rio Arriba NM
8. 11.1 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas (C-04608)
1. 79-17659/NM 1914-79
2. 30-039-05511-0000-0
3. 108 Denied
4. Continental Oil Company
5. Northeast Haynes #2
6. Otero Ranch
7. Rio Arriba NM
8. 11.8 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas (C-4608)
1. 79-17660/NM 1999-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache P #3
6. Axi Apache Area
7. Rio Arriba NM
8. 8.0 million cubic feet
9. August 23, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17663/NM 1883-79
2. 30-039-05771-0000-0
3. 108
4. Lynco Oil Corporation
5. Hall #2
6. South Blanco PC
7. Rio Arriba NM
8. 7.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17664/NM 1884-79
2. 30-039-21099-0000-0
3. 108
4. Lynco Oil Corporation
5. Peggy Federal 1-A
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 3.0 million cubic feet

9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17665/NM 1885-79
2. 30-039-21159-0000-0
3. 108
4. Lynco Oil Corporation
5. Regina #7
6. South Blanco
7. Rio Arriba NM
8. 1.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17666/NM 1917-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Lockhart B-13A #5
6. Terry Blinebry
7. Lea NM
8. 8.7 million cubic feet
9. August 24, 1979
10. Getty Oil Co (C-112)
1. 79-17667/NM 2039-79
2. 30-045-11409-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 32-9 unit #69
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 5.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17668/NM 2041-79
2. 30-039-06195-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #90
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 10.2 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17669/NM 2081-79
2. 30-039-06907-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #40
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 19.7 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17670/NM 2062-79
2. 30-039-06044-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #13
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 14.6 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17671/NM 2063-79
2. 30-039-05462-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #91
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 4.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17672/NM 2064-79
2. 30-045-11376-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 32-9 Unit #67
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 5.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17673/NM 423-78
2. 30-025-25170-0000-0
3. 103
4. Grace Petroleum Corporation
5. Belmont Federal #1
6. South Salt Lake
7. Lea NM
8. 900.0 million cubic feet
9. August 24, 1979
10. Gas Company of New Mexico
1. 79-17674/NM 503-79
2. 30-039-00000-0000-0
3. 108
4. D E Florance
5. Jicarilla Apache-362 #D-4
6. Ballard Pictured Cliff
7. Rio Arriba NM
8. 19.5 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Co
1. 79-17675/NM 503-79
2. 30-039-60024-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache B #4
6. Otero
7. Rio Arriba NM
8. 4.4 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17676/NM 504-79
2. 30-039-05910-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache A #2
6. Otero
7. Rio Arriba NM
8. 2.9 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17677/NM 505-79
2. 30-039-05354-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache B #5
6. Otero
7. Rio Arriba NM
8. 10.1 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17678/NM-506-79
2. 30-039-05839-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache A #6(Dual)
6. Otero
7. Rio Arriba NM
8. 10.9 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17679/NM-507-79
2. 30-039-00000-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache B #6
6. Otero
7. Rio Arriba NM
8. 13.5 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17680/NM-501-79
2. 30-039-08091-0000-0
3. 108
4. Amerada Hess Corporation
5. McKenzie Federal #2
6. Otero
7. Rio Arriba NM
8. 10.1 million cubic feet
9. August 24, 1979
10. Gas Company of New Mexico
1. 79-17681/NM-508-79
2. 30-039-60024-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache B #1
6. Otero
7. Rio Arriba NM
8. 7.3 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17682/NM-509-79
2. 30-039-05354-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache B #7
6. Otero
7. Rio Arriba NM
8. 3.1 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17683/NM-510-79
2. 30-039-05362-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache B #2
6. Otero
7. Rio Arriba NM
8. 3.1 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17684/NM-511-79
2. 30-039-20349-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache B #8
6. Otero
7. Rio Arriba NM
8. 4.6 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17685/NM-512-79
2. 30-039-05421-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache B #3
6. Otero
7. Rio Arriba NM
8. 1.4 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17686/NM-513-79
2. 30-039-05227-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache D #1
6. Otero
7. Rio Arriba NM
8. 4.8 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17687/NM-515-79

2. 30-039-05176-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache H TR 1 #1
6. Otero
7. Rio Arriba, NM
8. 6.8 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17688/NM-518-79
2. 30-039-60036-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache F #5
6. Otero
7. Rio Arriba, NM
8. 3.8 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17689/NM-517-79
2. 30-039-05137-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache H TR 1 #2
6. Otero
7. Rio Arriba, NM
8. 9.1 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17690/NM-518-79
2. 30-039-82338-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache F #8
6. Otero
7. Rio Arriba, NM
8. 15.4 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17691/NM-522-79
2. 30-039-05107-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache H TR 2 #2
6. Otero
7. Rio Arriba, NM
8. 13.9 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17692/NM-523-79
2. 30-039-20022-0000-0
3. 108
4. Amerada Hess Corporation
5. Jicarilla Apache J #1
6. Otero
7. Rio Arriba, NM
8. 13.8 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17693/NM-1350-79
2. 30-045-06325-0000-0
3. 108
4. Gulf Oil Corporation
5. Scott E Federal Well No. 1
6. Kutz Pictured Cliffs West
7. San Juan, NM
8. 6.2 million cubic feet
9. August 24, 1979
10. Gas Company of New Mexico
1. 79-17694/NM-1351-79
2. 30-045-06343-0000-0
3. 108
4. Gulf Oil Corporation
5. Scott E Federal Well No. 5
6. Kutz Pictured Cliffs West
7. San Juan, NM
8. 13.7 million cubic feet
9. August 24, 1979
10. Gas Company of New Mexico
1. 79-17695/NM-1355-79
2. 30-039-20082-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 29-7 Unit #101
6. Basin-Dakota Gas
7. Rio Arriba, NM
8. 18.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17696/NM-1357-79
2. 30-039-20676-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 27-5 Unit #157
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation
1. 79-17697/NM-1417-79
2. 30-039-07075-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit NP 42
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 4.7 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17698/NM-1418-79
2. 30-039-20403-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit NP 172
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 4.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17699/NM-1419-79
2. 30-045-20916-0000-0
3. 108
4. El Paso Natural Gas Company
5. El Paso 2
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 14.6 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17700/NM-1692-79
2. 30-039-06411-0000-0
3. 108
4. El Paso Natural Gas Company
5. Quantius 1
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.4 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17701/NM-1693-79
2. 30-039-20738-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit 199
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 14.6 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

1. 79-17702/NM-1754-79
2. 30-045-22500-0000-0
3. 103
4. El Paso Natural Gas Company
5. Barrett 1A
6. Blanco
7. San Juan, NM
8. 359.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17703/NM-1755-79
2. 30-045-22452-0000-0
3. 103
4. El Paso Natural Gas Company
5. Walker 1A
6. Blanco
7. San Juan, NM
8. 366.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17704/NM-1757-79A
2. 30-045-22372-0000-1
3. 103
4. El Paso Natural Gas Company
5. Pritchard 3A (Mesaverde)
6. Blanco
7. San Juan, NM
8. 349.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17705/NM-1757-79B
2. 30-045-22372-0000-2
3. 103
4. El Paso Natural Gas Company
5. Pritchard 3A Undes Fruitland
6. Blanco
7. San Juan, NM
8. 349.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17706/NM-1761-79
2. 30-045-22905-0000-0
3. 103
4. El Paso Natural Gas Company
5. San Juan 32-9 Unit #97
6. Blanco
7. San Juan, NM
8. 230.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17707/NM-1762-79
2. 30-045-22907-0000-0
3. 103
4. El Paso Natural Gas Company
5. San Juan 32-9 Unit #4A
6. Blanco
7. San Juan, NM
8. 150.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17708/NM-1763-79
2. 30-045-22906-0000-0
3. 103
4. El Paso Natural Gas Company
5. San Juan 32-9 Unit #93
6. Blanco
7. San Juan, NM
8. 160.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17710/NM-1866-79
2. 30-045-05602-0000-0
3. 108
4. Lynco Oil Corporation
5. Nickson #1

8. Ballard PC
7. San Juan, NM
8. 4.0 million cubic feet
9. August 24, 1979
10. Gas Co of New Mexico
1. 79-17711/NM-1870-79
2. 30-045-05625-0000-0
3. 108
4. Lynco Oil Corporation
5. Nickson #3
6. Ballard PC
7. San Juan, NM
8. 8.0 million cubic feet
9. August 24, 1979
10. Gas Co of New Mexico
1. 79-17712/NM-1871-79
2. 30-045-05602-0000-0
3. 108
4. Lynco Oil Corporation
5. Nickson #2
6. Ballard PC
7. San Juan, NM
8. 5.0 million cubic feet
9. August 24, 1979
10. Gas Co of New Mexico
1. 79-17713/NM-1872-79
2. 30-045-09682-0000-0
3. 108
4. Lynco Oil Corporation
5. Dick Hunt #1
6. Basin Dakota
7. San Juan, NM
8. 18.0 million cubic feet
9. August 24, 1979
10. Northwest Pipeline Company
1. 79-17714/NM-1873-79
2. 30-045-09525-0000-0
3. 108
4. Lynco Oil Corporation
5. Dick Hunt #2
6. Basin Dakota
7. San Juan, NM
8. 17.0 million cubic feet
9. August 24, 1979
10. Northwest Pipeline Company
1. 79-17715/NM-1874-79
2. 30-039-21187-0000-0
3. 108
4. Lynco Oil Corporation
5. Porkchop #1
6. Ballard PC
7. San Juan, NM
8. 16.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17716/NM-1875-79
2. 30-039-05808-0000-0
3. 108
4. Lynco Oil Corporation
5. Federal 30-H-1
6. Gavilan PC
7. Rio Arriba, NM
8. .0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company
1. 79-17717/NM-1876-79
2. 30-039-21180-0000-0
3. 108
4. Lynco Oil Corporation
5. Regina #8
6. South Blanco
7. Rio Arriba, NM
8. 10.0 million cubic feet
9. August 24, 1979
10. El Paso Natural Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with

18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 15, 1979.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30098 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[No. 84]

Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

September 20, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

California Department of Conservation, Division of Oil and Gas.

1. Control Number (FERC/State)
2. API well number
3. Section of NCPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-18857/79-6-0058
2. 04-011-20127
3. 103
4. Gas Producing Enterprises Inc
5. S Sycamore #1
6. West Grimes
7. Colusa CA
8. 73.0 million cubic feet
9. September 5, 1979
10. Pacific Gas & Electric
1. 79-18858/79-6-0055
2. 04-067-20125
3. 102
4. Union Oil Co of California
5. Florin #1
6. Florin Gas Field
7. Sacramento CA
8. 365.0 million cubic feet
9. September 5, 1979
- 10.

1. 79-18859/79-6-0048
2. 04-013-20137
3. 103
4. Depco Inc
5. Bonnickson 48-7
6. South Oakley Field
7. Contra Costa CA
8. 54.8 million cubic feet
9. September 5, 1979
- 10.

1. 79-18860/79-6-0050
2. 04-013-20132
3. 103
4. Depco Inc
5. Nunn 21-17
6. South Oakley Field

7. Contra Costa CA
8. 748.0 million cubic feet
9. September 5, 1979
10. Dow Chemical Company
1. 79-18861/K-79-0049
2. 04-013-20114
3. 103
4. Depco Inc
5. McLeod No 444-7
6. South Oakley Field
7. Contra Costa CA
8. 748.0 million cubic feet
9. September 5, 1979
10. Dow Chemical Company

Kansas Corporation Commission

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-18816/K-79-0172
2. 15-067-20445
3. 103
4. Ashland Exploration Inc
5. Flowers 2-9
6. Panoma Council Grove
7. Grant KS
8. 97.3 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79-18817/K-79-0173
2. 15-067-20492
3. 103
4. Ashland Exploration Inc
5. B D Evans 2-25
6. Panoma Council Grove
7. Grant KS
8. 108.8 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79-18818/K-79-0174
2. 15-081-20152
3. 103
4. Ashland Exploration Inc
5. Roy #7-20
6. Panoma Council Grove
7. Haskell KS
8. 54.7 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79-18819/K-79-0175
2. 15-067-20465
3. 103
4. Ashland Exploration Inc
5. Stuart 3-34
6. Panoma Council Grove
7. Grant KS
8. 107.8 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79-18820/K-79-0176
2. 15-067-20544
3. 103
4. Ashland Exploration Inc
5. A B Gilbert 2-30
6. Panoma Council Grove
7. Grant KS
8. 134.3 million cubic feet
9. September 4, 1979

10. Cities Service Gas Company
1. 79-18821/K-79-0177
2. 15-081-20129
3. 103
4. Ashland Exploration Inc
5. J C Stevens 4-7
6. Panoma Council Grove
7. Haskell KS
8. 120.9 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company
1. 79-18822/K-79-0178
2. 15-067-20466
3. 103

4. Ashland Exploration Inc
5. Garton 2-32
6. Panoma Council Grove
7. Grant KS
8. 102.9 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company
1. 79-18823/K-79-0179
2. 15-067-20474
3. 103

4. Ashland Exploration Inc
5. Snowbarger 2-2
6. Panoma Council Grove
7. Grant KS
8. 88.8 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company
1. 79-18824/K-79-0180
2. 15-067-20486
3. 103

4. Ashland Exploration Inc
5. Ben Evans 2-8
6. Panoma Council Grove
7. Grant KS
8. 100.2 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company
1. 79-18826/K-79-0212
2. 15-187-20239
3. 108

4. Ashland Exploration Inc
5. Baughman #3-16
6. Panoma Council Grove
7. Stanton KS
8. 4.0 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18827/K-79-0144
2. 15-067-20478
3. 103

4. Ashland Exploration Inc
5. Lowe 2-35
6. Panoma Council Grove
7. Grant KS
8. 87.7 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company
1. 79-18828/K-79-0146
2. 15-067-20493
3. 103

4. Ashland Exploration Inc
5. Klein 2-23
6. Panoma Council Grove
7. Grant KS
8. 92.7 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company
1. 79-18829/K-79-0162
2. 15-067-20459
3. 103

4. Ashland Exploration Inc
5. Blakesley #2-35
6. Panoma Council Grove
7. Grant KS
8. 78.2 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company
1. 79-18830/K-79-0132
2. 15-067-20457
3. 103

4. Ashland Exploration Inc
5. Hockett 2-4
6. Panoma Council Grove
7. Grant KS
8. 90.8 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company
1. 79-18831/K-79-0207
2. 15-187-20222
3. 103

4. Ashland Exploration Inc
5. T R Winger 2-23
6. Panoma Council Grove
7. Stanton KS
8. 109.0 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18832/K-79-0208
2. 15-067-20491
3. 103

4. Ashland Exploration Inc
5. Julian #2-23
6. Panoma Council Grove
7. Grant KS
8. 49.4 million cubic feet
9. September 4, 1979
10. Panhandle Eastern Pipeline Company
1. 79-18833/K-79-0209
2. 15-067-20440
3. 103

4. Ashland Exploration Inc
5. J Pinney 2-27
6. Panoma Council Grove
7. Grant KS
8. 122.9 million cubic feet
9. September 4, 1979
10. Panhandle Eastern Pipeline Company
1. 79-18834/K-79-0210
2. 15-067-20501
3. 103

4. Ashland Exploration Inc
5. Reed 2-1
6. Panoma Council Grove
7. Grant KS
8. 40.8 million cubic feet
9. September 4, 1979
10. Panhandle Eastern Pipeline Company
1. 79-18835/K-79-0211
2. 15-067-20495
3. 103

4. Ashland Exploration Inc
5. Taylor #2-2
6. Panoma Council Grove
7. Grant KS
8. 99.9 million cubic feet
9. September 4, 1979
10. Panhandle Eastern Pipeline Company
1. 79-18836/K-79-0141
2. 15-067-20460
3. 103

4. Ashland Exploration Inc
5. Teeter 8-23
6. Panoma Council Grove
7. Grant KS
8. 92.7 million cubic feet

9. September 4, 1979
10. Cities Service Gas Company
1. 79-18837/K-79-0142
2. 15-067-20482
3. 103
4. Ashland Exploration Inc
5. Teeter 8-14
6. Panoma Council Grove
7. Grant KS
8. 103.8 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79-18838/K-79-0143
2. 15-067-20437
3. 103
4. Ashland Exploration Inc
5. Teeter 7-10
6. Panoma Council Grove
7. Grant KS
8. 92.4 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79-18839/K-79-0145
2. 15-067-20436
3. 103
4. Ashland Exploration Inc
5. Winter 3-3
6. Panoma Council Grove
7. Grant KS
8. 82.3 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79-18840/K-79-0147
2. 15-067-20552
3. 103
4. Ashland Exploration Inc
5. Williams 3-31
6. Panoma Council Grove
7. Grant KS
8. 97.3 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79-18841/K-79-0148
2. 15-067-20481
3. 103
4. Ashland Exploration Inc
5. Ray Lighty 4-14
6. Panoma Council Grove
7. Grant KS
8. 118.3 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79-18842/K-79-0149
2. 15-067-20480
3. 103
4. Ashland Exploration Inc
5. Ray Lighty 3-11
6. Panoma Council Grove
7. Grant KS
8. 94.6 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79-18843/K-79-0150
2. 15-067-20490
3. 103
4. Ashland Exploration Inc
5. Truesdale #2-12
6. Panoma Council Grove
7. Grant KS
8. 71.3 million cubic feet
9. September 4, 1979
10. Cities Service Gas Company

1. 79-18844/K-79-0199
2. 15-075-20190

3. 103
4. Ashland Exploration Inc
5. Heltemes #4-19
6. Panoma Council Grove
7. Hamilton KS
8. 93.5 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18845/K-79-0200
2. 15-075-20191
3. 103

4. Ashland Exploration Inc
5. Heltemes 5-25
6. Panoma Council Grove
7. Hamilton KS
8. 102.7 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18846/K-79-0201
2. 15-075-20179
3. 103

4. Ashland Exploration Inc
5. C A Hoffman 2-18
6. Panoma Council Grove
7. Hamilton KS
8. 167.2 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18847/K-79-0202
2. 15-187-20219
3. 103

4. Ashland Exploration Inc
5. E Mohny 2-34
6. Panoma Council Grove
7. Stanton KS
8. 94.4 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18848/K-79-0203
2. 15-187-20224
3. 103

4. Ashland Exploration Inc
5. A E Smith 2-26
6. Panoma Council Grove
7. Stanton KS
8. 117.1 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18849/K-79-0204
2. 15-075-20194
3. 103

4. Ashland Exploration Inc
5. M Stucky #2-17
6. Panoma Council Grove
7. Hamilton KS
8. 112.3 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18850/K-79-0205
2. 15-187-20223
3. 103

4. Ashland Exploration Inc
5. D R Wilson 1-22
6. Panoma Council Grove
7. Stanton KS
8. 125.9 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18851/K-79-0206
2. 15-187-20220
3. 103

4. Ashland Exploration Inc
5. C Winger 6-35
6. Panoma Council Grove
7. Stanton KS

8. 145.0 million cubic feet
9. September 4, 1979
10. Colorado Interstate Gas Company
1. 79-18888/K-79-0151
2. 15-067-20455
3. 103
4. Ashland Exploration Inc
5. R J Lighty 2-29
6. Panoma Council Grove
7. Grant KS
8. 96.3 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79-18889/K-79-0152
2. 15-081-20131
3. 103
4. Ashland Exploration Inc
5. Threlkeld 2-6
6. Panoma Council Grove
7. Haskell KS
8. 104.3 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79-18890/K-79-0153
2. 15-067-20441
3. 103
4. Ashland Exploration Inc
5. M Thurow 4-34
6. Panoma Council Grove
7. Grant KS
8. 129.1 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79-18891/K-79-0154
2. 15-067-20503
3. 103
4. Ashland Exploration Inc
5. Baughman #4-13
6. Panoma Council Grove
7. Grant KS
8. 89.4 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79-18892/K-79-0155
2. 15-067-20424
3. 103
4. Ashland Exploration Inc
5. Bain #1-9
6. Panoma Council Grove
7. Grant KS
8. 69.5 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79-18893/K-79-0156
2. 15-067-20539
3. 103
4. Ashland Exploration Inc
5. Miller 2-14
6. Panoma Council Grove
7. Grant KS
8. 103.3 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79-18894/K-79-0157
2. 15-067-20543
3. 103
4. Ashland Exploration Inc
5. McCall 4-28
6. Panoma Council Grove
7. Grant KS
8. 83.4 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

1. 79-18895/K-79-0158

2. 15-067-20463
3. 103
4. Ashland Exploration Inc
5. McCall #3-15
6. Panama Council Grove
7. Grant KS
8. 88.8 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18896/K-79-0159
2. 15-067-20489
3. 103
4. Ashland Exploration Inc
5. Ashland #1-3
6. Panama Council Grove
7. Grant KS
8. 68.9 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18897/K-79-0160
2. 15-067-20547
3. 103
4. Ashland Exploration Inc
5. Radcliff 2-21
6. Panama Council Grove
7. Grant KS
8. 144.7 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18898/K-79-0161
2. 15-061-20124
3. 103
4. Ashland Exploration Inc
5. Poncetti 2-19
6. Panama Council Grove
7. Haskell KS
8. 180.7 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18899/K-79-0163
2. 15-067-20476
3. 103
4. Ashland Exploration Inc
5. Blackwelder #4-24
6. Panama Council Grove
7. Grant KS
8. 123.3 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18900/K-79-0164
2. 15-067-20439
3. 103
4. Ashland Exploration Inc
5. L M Owen 2-22
6. Panama Council Grove
7. Grant KS
8. 139.0 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18901/K-79-0165
2. 15-061-20128
3. 103
4. Ashland Exploration Inc
5. Effie Owens 2-16
6. Panama Council Grove
7. Haskell KS
8. 165.9 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18902/K-79-0166
2. 15-067-20475
3. 103
4. Ashland Exploration Inc
5. Blackwelder #3-23
6. Panama Council Grove
7. Grant KS
8. 130.5 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18903/K-79-0167
2. 15-067-20444
3. 103
4. Ashland Exploration Inc
5. Eldridge 2-28
6. Panama Council Grove
7. Grant KS
8. 120.2 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18904/K-79-0168
2. 15-067-20464
3. 103
4. Ashland Exploration Inc
5. Ramsey 2-10
6. Panama Council Grove
7. Grant KS
8. 114.1 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18905/K-79-0169
2. 15-067-20479
3. 103
4. Ashland Exploration Inc
5. Crail #2-8
6. Panama Council Grove
7. Grant KS
8. 103.3 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18906/K-79-0170
2. 15-061-20141
3. 103
4. Ashland Exploration Inc
5. Collingwood #5-9
6. Panama Council Grove
7. Haskell KS
8. 147.6 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18907/K-79-0171
2. 15-067-20494
3. 103
4. Ashland Exploration Inc
5. Brewer #2-24
6. Panama Council Grove
7. Grant KS
8. 115.9 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18908/K-79-0131
2. 15-067-20546
3. 103
4. Ashland Exploration Inc
5. Stubbs 2-36
6. Panama Council Grove
7. Grant KS
8. 127.1 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18909/K-79-0133
2. 15-067-20502
3. 103
4. Ashland Exploration Inc
5. Stuart 4-27
6. Panama Council Grove
7. Grant KS
8. 96.2 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18910/K-79-0134

2. 15-067-20545
3. 103
4. Ashland Exploration Inc
5. L L Gilbert 3-31
6. Panama Council Grove
7. Grant KS
8. 175.6 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18911/K-79-0135
2. 15-067-20542
3. 103
4. Ashland Exploration Inc
5. Lahey 5-28
6. Panama Council Grove
7. Grant KS
8. 99.6 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18912/K-79-0136
2. 15-067-30477
3. 103
4. Ashland Exploration Inc
5. T J Lahey 4-28
6. Panama Council Grove
7. Grant KS
8. 128.1 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18913/K-79-0137
2. 15-067-20456
3. 103
4. Ashland Exploration Inc
5. Lahey 3-33
6. Panama Council Grove
7. Grant KS
8. 99.6 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18914/K-79-0138
2. 15-067-20461
3. 103
4. Ashland Exploration Inc
5. Teeter 10-26
6. Panama Council Grove
7. Grant KS
8. 128.4 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18915/K-79-0139
2. 15-067-20473
3. 103
4. Ashland Exploration Inc
5. Koenig 7-11
6. Panama Council Grove
7. Grant KS
8. 119.3 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18916/K-79-0140
2. 15-067-20443
3. 103
4. Ashland Exploration Inc
5. C N King 5-30
6. Panama Council Grove
7. Grant KS
8. 104.6 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18941/K-79-0124
2. 15-067-20549
3. 103
4. Ashland Exploration Inc
5. Ashland #2-36
6. Panama Council Grove
7. Grant KS
8. 152.7 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18942/K-79-0125
2. 15-061-20125
3. 103
4. Ashland Exploration Inc
5. Anthony #2-18
6. Panama Council Grove
7. Haskell KS
8. 105.3 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18943/K-79-0126
2. 15-061-20521
3. 103
4. Ashland Exploration Inc
5. E L Allmon #2-13
6. Panama Council Grove
7. Grant KS
8. 86.5 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18944/K-79-0127
2. 15-067-20541
3. 103
4. Ashland Exploration Inc
5. Maude Allmon #2-7
6. Panama Council Grove
7. Grant KS
8. 86.4 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18945/K-79-0128
2. 15-067-20540
3. 103
4. Ashland Exploration Inc
5. Roy King 2-22
6. Panama Council Grove
7. Grant KS
8. 209.0 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18946/K-79-0129
2. 15-067-20438
3. 103
4. Ashland Exploration Inc
5. Teeter 6-15
6. Panama Council Grove
7. Grant KS
8. 140.3 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18947/K-79-0130
2. 15-067-20551
3. 103
4. Ashland Exploration Inc
5. Hooper 5-22
6. Panama Council Grove
7. Grant KS
8. 93.0 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18948/K-79-0191
2. 15-075-20177
3. 103
4. Ashland Exploration Inc
5. I S Brothers #3-3
6. Panama Council Grove
7. Hamilton KS
8. 84.7 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company
1. 79-18949/K-79-0192

2. 15-075-20178
3. 103
4. Ashland Exploration Inc
5. Federal Farm Mortgage
6. Panama Council Grove
7. Hamilton KS
8. 97.4 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company
1. 79-18950/K-79-0193
2. 15-075-20178
3. 103
4. Ashland Exploration Inc
5. R S Fields #1-36
6. Panama Council Grove
7. Hamilton KS
8. 92.3 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company
1. 79-18951/K-79-0194
2. 15-187-20735
3. 103
4. Ashland Exploration Inc
5. Floyd #2-9
6. Panama Council Grove
7. Stanton KS
8. 70.1 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company
1. 79-18952/K-79-0195
2. 15-075-20180
3. 103
4. Ashland Exploration Inc
5. E M Frease 2-20
6. Panama Council Grove
7. Hamilton KS
8. 101.4 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company
1. 79-18953/K-79-0196
2. 15-075-20175
3. 103
4. Ashland Exploration Inc
5. E M Frease #3-25
6. Panama Council Grove
7. Hamilton KS
8. 144.0 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company
1. 79-18954/K-79-0197
2. 15-075-20181
3. 103
4. Ashland Exploration Inc
5. L J Hatrup #2-30
6. Panama Council Grove
7. Hamilton KS
8. 107.2 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company
1. 79-18955/K-79-0198
2. 15-075-20182
3. 103
4. Ashland Exploration Inc
5. Heltemes #1-36
6. Panama Council Grove
7. Hamilton KS
8. 69.0 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company
1. 79-18956/K-79-0181
2. 15-067-20485
3. 103
4. Ashland Exploration Inc
5. Reno 2-25
6. Panama Council Grove
7. Grant KS
8. 100.8 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18957/K-79-0182
2. 15-075-20189
3. 103
4. Ashland Exploration Inc
5. Barney Akers #2-5
6. Panama Council Grove
7. Hamilton KS
8. 21.6 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company
1. 79-18958/K-79-0183
2. 15-067-20425
3. 103
4. Ashland Exploration Inc
5. Nora Christian #4-16
6. Panama Council Grove
7. Grant KS
8. 80.4 million cubic feet
9. September 5, 1979
10. Panhandle Eastern Pipeline Company
1. 79-18959/K-79-0184
2. 15-075-20193
3. 103
4. Ashland Exploration Inc
5. Brothers #4-9
6. Panama Council Grove
7. Hamilton KS
8. 118.4 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company
1. 79-18960/K-79-0185
2. 15-075-20192
3. 103
4. Ashland Exploration Inc
5. Lampe Inc 2-8
6. Panama Council Grove
7. Hamilton KS
8. 38.6 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company
1. 79-18961/K-79-0186
2. 15-187-20221
3. 103
4. Ashland Exploration Inc
5. C Winger #7-27
6. Panama Council Grove
7. Stanton KS
8. 60.9 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company
1. 79-18962/K-79-0187
2. 15-187-20236
3. 103
4. Ashland Exploration Inc
5. C Winger #8-21
6. Panama Council Grove
7. Stanton KS
8. 66.3 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company
1. 79-18963/K-79-0188
2. 15-187-20241
3. 103
4. Ashland Exploration Inc
5. C Winger #9-28
6. Panama Council Grove
7. Stanton KS
8. 101.1 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company
1. 79-18964/K-79-0189

2. 15-187-20237
3. 103
4. Ashland Exploration Inc
5. C Winger #10-33
6. Panoma Council Grove
7. Stanton KS
8. 121.8 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company
1. 79-18965/K-79-0190
2. 15-187-20238
3. 103
4. Ashland Exploration Inc
5. C Winger #11-4
6. Panoma Council Grove
7. Stanton KS
8. 102.0 million cubic feet
9. September 5, 1979
10. Colorado Interstate Gas Company

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-18880
2. 30-025-00000
3. 102 103
4. Hng Oil Company
5. Shoe Bar Ranch Unit 34 #1
6. South Shoe Bar
7. Lea NM
8. 729.0 million cubic feet
9. September 5, 1979
10. Natural Gas Pipeline of America
1. 79-18881
2. 30-025-00000
3. 102 103
4. Hng Oil Company
5. Shoe Bar Ranch Unit 3 #1
6. South Shoe Bar (Atoka)
7. Lea NM
8. 803.0 million cubic feet
9. September 5, 1979
10. Natural Gas Pipeline of America
1. 79-18882
2. 30-045-23163
3. 103
4. Amoco Production Company
5. Earl B. Sullivan #1
6. Bloomfield Chacra
7. San Juan NM
8. 171.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Co
1. 79-18883
2. 30-025-25609
3. 103
4. Victory III Petroleum Company
5. New Mexico 22 State No 1
6. Kemnitz-Lower Wolfcamp SW/4 22-18S-
7. Lea NM
8. 65.0 million cubic feet
9. September 5, 1979
10. Continental Oil Company
1. 79-18884
2. 30-025-08522
3. 108

4. Phillips Petroleum Company
5. Vacuum ABO Unit 01-01
6. Vacuum ABO Reef
7. Lea NM
8. 2.1 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Co
1. 79-18885
2. 30-025-00000
3. 103
4. Natomas North America Inc
5. Antelope Ridge State Com 23 #1
6. Wildcat
7. Lea NM
8. 720.0 million cubic feet
9. September 5, 1979
10. Gas Company of New Mexico El Paso Natural Gas Co
1. 79-18886
2. 30-045-23311
3. 103
4. Southland Royalty Company
5. Zachry Com #1-A
6. Blanco Mesa Verde
7. San Juan NM
8. 150.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company
1. 79-18887
2. 30-045-23200
3. 103
4. Dugan Production Corp
5. Winifred #2
6. Harper Hill Fruitland PC
7. San Juan NM
8. 48.0 million cubic feet
9. September 5, 1979
10. El Paso Natural Gas Company

North Dakota Geological Survey

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-18718/139-NGPA
2. 33-053-00770
3. 102
4. Terra Resources Inc
5. BNRR 1-29
6. Bicentennial
7. McKenzie ND
8. 12.0 million cubic feet
9. September 10, 1979
10. True Oil Company
1. 79-18729/131-NGPA
2. 33-007-00248
3. 102
4. Cities Service Co
5. Wilke A #1
6. Little Knife
7. Billings ND
8. 148.0 million cubic feet
9. August 30, 1979
- 10.
1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name

6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-18876/00030
2. 35-009-00000
3. 103
4. Amarex Inc
5. Russell Estate #1-35
6. Carpenter
7. Beckham OK
8. 54.8 million cubic feet
9. August 28, 1979
10. Arkansas Louisiana Gas Company
1. 79-18877/00035
2. 35-011-00000
3. 103
4. Amarex Inc
5. Neely #1
6. South Greenfield
7. Blaine OK
8. 900.0 million cubic feet
9. August 28, 1979
- 10.
1. 79-18878/00153
2. 35-007-21320
3. 103
4. American Petrofina Company of Texas
5. Beckham-Hennigh No 1
6. Mocane Laverne
7. Beaver OK
8. 96.0 million cubic feet
9. August 28, 1979
10. Northern Natural Gas Company
1. 79-18879/00154
2. 35-007-21387
3. 103
4. American Petrofina Company of Texas
5. Beckham-Thomas No 1
6. Mocane Laverne
7. Beaver OK
8. 120.0 million cubic feet
9. August 28, 1979
10. Northern Natural Gas Company
1. 79-18880/00155
2. 35-007-21361
3. 103
4. American Petrofina Company of Texas
5. Lorene Beckham No 1
6. Mocane Laverne
7. Beaver OK
8. 12.0 million cubic feet
9. August 28, 1979
10. Northern Natural Gas Company
1. 79-18881/00156
2. 35-007-21336
3. 103
4. American Petrofina Company of Texas
5. Hennigh-Lotspeich No 1
6. Mocane Laverne
7. Beaver OK
8. 29.0 million cubic feet
9. August 28, 1979
10. Northern Natural Gas Company
1. 79-18882/00168
2. 35-139-00000
3. 108
4. Ashland Exploration Inc
5. Lida Hawkins #1
6. Guymon Hugoton
7. Texas OK
8. 11.6 million cubic feet
9. August 28, 1979
10. Northern Natural Gas Company

1. 79-18883/00169
2. 35-025-20307
3. 103
4. Ashland Exploration Inc
5. Ross #3
6. Keyes
7. Cimarron OK
8. .0 million cubic feet
9. August 28, 1979
10. Colorado Interstate Gas Company
1. 79-18884/00170
2. 35-007-00000
3. 108
4. Ashland Exploration Inc
5. RE Adams #8
6. Mocane
7. Beaver OK
8. 6.2 million cubic feet
9. August 28, 1979
10. Colorado Interstate Gas Company
1. 79-18885/00171
2. 35-007-00000
3. 108
4. Ashland Exploration Inc
5. RE Adams #8
6. Mocane
7. Beaver OK
8. 11.0 million cubic feet
9. August 28, 1979
10. Colorado Interstate Gas Company
1. 79-18886/00179
2. 35-093-21369
3. 103
4. Ashland Exploration Inc
5. Rother #1-34
6. Seiling NE
7. Major OK
8. 121.2 million cubic feet
9. August 28, 1979
10. Michigan Wisconsin Pipeline Co
1. 79-18887/00183
2. 35-151-35269
3. 108
4. Ashland Exploration Inc
5. Gerloff #1
6. Freedom NW
7. Woods OK
8. 9.5 million cubic feet
9. August 28, 1979
10. Michigan Wisconsin Pipeline Co
1. 79-18888/00191
2. 35-139-21040
3. 103
4. Anadarko Production Co
5. Oklahoma State J No 1
6. Unity Creek
7. Texas OK
8. 120.0 million cubic feet
9. August 28, 1979
10. Panhandle Eastern Pipeline Co
1. 79-18889/00192
2. 35-047-21351
3. 103
4. Blaik Oil Company
5. McClanahan #1
6. Sooner Trend
7. Garfield OK
8. 5.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA
1. 79-18886/00193
2. 35-047-00000
3. 103
4. Blaik Oil Company
5. McClanahan #2

6. Sooner Trend
7. Garfield OK
8. 6.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA
1. 79-18891/00194
2. 35-047-21757
3. 103
4. Blaik Oil Company
5. King-Boedeker #2
6. Sooner Trend
7. Garfield OK
8. 12.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA
1. 79-18892/00195
2. 35-047-21676
3. 103
4. Blaik Oil Company
5. Spohrer Unit #4
6. Sooner Trend
7. Garfield OK
8. 20.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA
1. 79-18893/00196
2. 35-047-21743
3. 103
4. Blaik Oil Company
5. Thomas Unit #2
6. Sooner Trend
7. Garfield OK
8. 16.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA
1. 79-18894/00197
2. 35-047-21693
3. 103
4. Blaik Oil Company
5. Traylor Unit #3
6. Sooner Trend
7. Garfield OK
8. 13.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA
1. 79-18895/00198
2. 35-047-21651
3. 103
4. Blaik Oil Company
5. Ava Unit #4
6. Sooner Trend
7. Garfield OK
8. 14.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA
1. 79-18896/00199
2. 35-047-21711
3. 103
4. Blaik Oil Company
5. Neely Unit #4
6. Sooner Trend
7. Garfield OK
8. 9.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA
1. 79-18897/00200
2. 35-047-21712
3. 103
4. Blaik Oil Company
5. Avel Unit #4
6. Sooner Trend
7. Garfield OK
8. 16.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA

1. 79-18898/00201
2. 35-007-21406
3. 103
4. Blaik Oil Company
5. Nichols Unit #1
6. Mocane
7. Beaver OK
8. 150.0 million cubic feet
9. August 28, 1979
10. Northern Natural Gas
1. 79-18899/00210
2. 35-047-21391
3. 103
4. Blaik Oil Company
5. Taylor #2
6. Sooner Trend
7. Garfield OK
8. 3.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA
1. 79-18700/00211
2. 35-047-21403
3. 103
4. Blaik Oil Company
5. Milacek #2
6. Sooner Trend
7. Garfield OK
8. 4.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA
1. 79-18701/00212
2. 35-047-21380
3. 103
4. Blaik Oil Company
5. Baker #2
6. Sooner Trend
7. Garfield OK
8. 12.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA
1. 79-18702/00213
2. 35-047-21780
3. 103
4. Blaik Oil Company
5. Hromas #2
6. Sooner Trend
7. Garfield OK
8. 14.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA
1. 79-18703/00214
2. 35-047-21501
3. 103
4. Blaik Oil Company
5. Wilson #2
6. Sooner Trend
7. Garfield OK
8. 6.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA
1. 79-18704/00215
2. 35-003-20587
3. 103
4. Blaik Oil Company
5. Schmidt #2
6. Sooner Trend
7. Alfalfa OK
8. 12.0 million cubic feet
9. August 28, 1979
10. Union Texas Petroleum
1. 79-18705/00216
2. 35-003-20584
3. 103
4. Blaik Oil Company
5. Marteney #2

6. Sooner trend
7. Alfalfa, OK
8. 7.0 million cubic feet
9. August 28, 1979
10. Union Texas Petroleum
1. 79-18708/00217
2. 35-003-20579
3. 103
4. Blaik Oil Company
5. Buller #2
6. Sooner trend
7. Alfalfa, OK
8. 10.0 million cubic feet
9. August 28, 1979
10. Union Texas Petroleum
1. 79-18707/00177
2. 35-073-22073
3. 103
4. Classen Oil and Gas Company
5. Rose Ingle #1
6. Sooner trend
7. Kingfisher, OK
8. 30.0 million cubic feet
9. August 28, 1979
10. Exxon Company USA
1. 79-18708/00166
2. 35-093-21380
3. 103
4. Creslenn Oil Company
5. Unwin Unit No 1
6. N S Seiling
7. Major County, OK
8. 150.0 million cubic feet
9. August 28, 1979
10. Michigan Wisconsin Pipeline Company
1. 79-18709/00243
2. 35-053-00092
3. 108
4. Energy Reserves Group Inc.
5. F C Feist #1
6. S E Eureka
7. Grant, OK
8. 5.0 million cubic feet
9. August 28, 1979
10. Sun Oil Company
1. 79-18710/00264
2. 35-053-00128
3. 108
4. Energy Reserves Group Inc.
5. F C Feist A #1
6. S E Eureka
7. Grant, OK
8. 3.0 million cubic feet
9. August 28, 1979
10. Sun Oil Company
1. 79-18711/00102
2. 35-077-20132
3. 108
4. Grace Petroleum Corporation
5. Carver 1-23
6. Robbers Cave
7. Latimer, OK
8. 8.4 million cubic feet
9. August 28, 1979
10. Arkansas Louisiana Gas Company
1. 79-18712/00219
2. 35-007-00000
3. 108
4. Ivanhoe Petroleum Company
5. Poorbaugh #1 (Sec 8-4N-27 ECM)
6. Mocane-Laverne
7. Beaver, OK
8. 5.8 million cubic feet
9. August 28, 1979
10. Panhandle Eastern Pipeline Company
1. 79-18713/00165
2. 35-017-20808
3. 103
4. Mesa Petroleum Co
5. Jonas 1-23
6. N W Union City
7. Canadian, OK
8. 302.0 million cubic feet
9. August 28, 1979
10. Transok Pipeline Company, Michigan
1. 79-18714/00222
2. 35-015-20722
3. 103
4. Michigan Wisconsin Pipeline Company
5. Hotz A #1
6. South Niles
7. Caddo, OK
8. 270.0 million cubic feet
9. August 28, 1979
10. Michigan Wisconsin Pipeline Company
1. 79-18715/00223
2. 35-011-20672
3. 103
4. Michigan Wisconsin Pipeline Company
5. Groendyke-Hall A 1-9
6. Elm Grove
7. Blaine, OK
8. 450.0 million cubic feet
9. August 28, 1979
10. Michigan Wisconsin Pipeline Company, Transok Pipeline Co
1. 79-18716/00224
2. 35-011-20829
3. 103
4. Michigan Wisconsin Pipeline Company
5. Mordecai #1
6. Elm Grove
7. Blaine, OK
8. 274.0 million cubic feet
9. August 28, 1979
10. Michigan Wisconsin Pipeline Company
1. 79-18717/00225
2. 35-011-20890
3. 103
4. Michigan Wisconsin Pipeline Company
5. Williams #2-29
6. Squaw Creek
7. Blaine, OK
8. 1460.0 million cubic feet
9. August 28, 1979
10. Michigan Wisconsin Pipeline Company, Mustang Fuel Corp
1. 79-18719/00190
2. 35-083-00000
3. 103
4. Wm J O'Connor
5. Hainer #2
6. East Guthrie
7. Logan, OK
8. 365.0 million cubic feet
9. August 28, 1979
10. Magic Circle Gas Corporation, Cities Service Gas Corp
1. 79-18720/00092
2. 35-059-00000
3. 108
4. Okmar Oil Company
5. Bessie Unit #1
6. N W Lovedale
7. Harper, OK
8. 10.0 million cubic feet
9. August 28, 1979
10. Cities Service Gas Co
1. 79-18721/00142
2. 35-111-20500
3. 108
4. Okmar Oil Company
5. B-Line #1
- 6.
7. Okmulgee, OK
8. 7.0 million cubic feet
9. August 28, 1979
10. Phillips Petroleum Co
1. 79-18722/00140
2. 35-059-20293
3. 108
4. Premier Resources Ltd
5. Seeger #1-C
6. Mocane-Laverne
7. Harper, OK
8. 15.9 million cubic feet
9. August 28, 1979
10. Northern Natural Gas Company
1. 79-18723/00139
2. 35-051-00000
3. 108
4. R & N Associates—G M Neubert Agt
5. Jacobs No 1
6. Burns Beaver
7. Grady, OK
8. 18.6 million cubic feet
9. August 28, 1979
10. Getty Oil Company
1. 79-18724/00203
2. 35-121-20495
3. 103
4. Samson Resources Company
5. McBee Unit No 1
6. West Wilburton
7. Pittsburg, OK
8. 547.5 million cubic feet
9. August 28, 1979
10. Arkansas Louisiana Gas Company
1. 79-18725/00207
2. 35-061-20240
3. 103
4. Samson Resources Company
5. Rush Unit No 1
6. Kunta
7. Haskell, OK
8. 365.0 million cubic feet
9. August 28, 1979
10. Arkansas Louisiana Gas Company, Okla Gas and Electric Co, Public Service Co of Okla
1. 79-18726/00209
2. 35-079-22073
3. 103
4. Samson Resources Company
5. Burrows No 1
6. Bokoshe
7. Leflore, OK
8. 182.5 million cubic feet
9. August 28, 1979
10. Arkansas Louisiana Gas Company
1. 79-18727/00133
2. 35-007-35367
3. 108
4. Sohio Natural Resources Co
5. Shepherd #1 Well
6. Mocane Laverne
7. Beaver, OK
8. 10.6 million cubic feet
9. August 28, 1979
10. Northern Natural Gas Co
1. 79-18728/00143
2. 35-093-20570
3. 108
4. I A Wyant & H W O'Keefe

5. Taylor Unit No 1-13
6. N E Cheyenne Valley
7. Major, OK
8. 8.0 million cubic feet
9. August 28, 1979
10. Phillips Petroleum Co
- West Virginia Department of Mines Oil and Gas Division
1. Control Number (FERC/State)
2. Api well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)
1. 79-18730
2. 47-041-01812
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. G Gibson—11361
6. West Virginia Other A-85772
7. Lewis WV
8. 18.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18731
2. 47-041-01757
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Fleming Howell 11223
6. West Virginia Other A-85772
7. Lewis WV
8. 4.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18732
2. 47-041-01202
3. 108
4. Consolidated Gas Supply Corporation
5. Mabel I Linger 10508
6. West Virginia Other A-85772
7. Lewis WV
8. 6.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18733
2. 47-041-00962
3. 108
4. Consolidated Gas Supply Corporation
5. Bertha Linger 10423
6. West Virginia Other A-85772
7. Lewis WV
8. 10.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18734
2. 47-041-01207
3. 108
4. Consolidated Gas Supply Corporation
5. Robert McCue 10507
6. West Virginia Other A-85772
7. Lewis WV
8. 11.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18735
2. 47-041-01480
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Brent Maxwell 10797
6. West Virginia Other A-85772
7. Lewis WV
8. 4.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18736
2. 47-041-00406
3. 108
4. Consolidated Gas Supply Corporation
5. C A See 10247
6. West Virginia Other A-85772
7. Lewis WV
8. 8.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18737
2. 47-041-00457
3. 108
4. Consolidated Gas Supply Corporation
5. C A See 10257
6. West Virginia Other A-85772
7. Lewis WV
8. 15.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18738
2. 47-033-00997
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. M L Nutter 12228
6. West Virginia Other A-85772
7. Harrison WV
8. 3.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18739
2. 47-041-00168
3. 108
4. Consolidated Gas Supply Corporation
5. E P Powell 1505
6. West Virginia Other A-85772
7. Harion WV
8. 3.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18740
2. 47-041-01980
3. 108
4. Consolidated Gas Supply Corporation
5. P M Ball 4523
6. West Virginia Other A-85772
7. Doodridge WV
8. 10.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18741
2. 47-041-00022
3. 108
4. Consolidated Gas Supply Corporation
5. Cordelia Bailey 8325
6. West Virginia Other A-85772
7. Lewis WV
8. 8.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18742
2. 47-041-01959
3. 108
4. Consolidated Gas Supply Corporation
5. W Turner 11805
6. West Virginia Other A-85772
7. Lewis WV
8. 13.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18743
2. 47-047-00807
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. R L Dennis 11921
6. Pineville Field Area A-59442
7. McDowell WV
8. 20.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18744
2. 47-013-02932
3. 108
4. Consolidated Gas Supply Corporation
5. Logan McDonald 6458
6. West Virginia Other A-85772
7. Calhoun WV
8. 3.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18745
2. 47-007-00979
3. 108
4. Consolidated Gas Supply Corporation
5. I N Brown 11328
6. West Virginia Other A-85772
7. Braxton WV
8. 2.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18746
2. 47-013-02919
3. 108
4. Consolidated Gas Supply Corporation
5. Peter Hicks 7266
6. West Virginia Other A-85772
7. Calhoun WV
8. 3.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18747
2. 47-013-02912
3. 108
4. Consolidated Gas Supply Corporation
5. S P Bell 6725
6. West Virginia Other A-85772
7. Calhoun WV
8. 3.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18748
2. 47-017-02403
3. 108
4. Consolidated Gas Supply Corporation
5. Z T Ball 766
6. West Virginia Other A-85772
7. Doddridge WV
8. 12.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18749
2. 47-021-00414
3. 108
4. Consolidated Gas Supply Corporation
5. Cora Lockard 9291
6. West Virginia Other A-85772
7. Glmer WV
8. 3.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18750
2. 47-021-01986
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 11141
6. West Virginia Other A-85772

7. Gilmer WV
8. 10.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18751
2. 47-033-00109
3. 108
4. Consolidated Gas Supply Corporation
5. William Jarvis 3871
6. West Virginia Other A-85772
7. Harrison WV
8. 8.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18752
2. 47-013-02482
3. 108
4. Consolidated Gas Supply Corporation
5. Allen Hardman 11373
6. West Virginia Other A-85772
7. Calhoun WV
8. 8.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18753
2. 47-017-01909
3. 108
4. Consolidated Gas Supply Corporation
5. Chas G Schutte 764
6. West Virginia Other A-85772
7. Doddridge WV
8. 11.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18754
2. 47-017-01673
3. 108
4. Consolidated Gas Supply Corporation
5. W H Hitt 3151
6. West Virginia Other A-85772
7. Doddridge WV
8. 7.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18755
2. 47-001-03100
3. 108
4. Consolidated Gas Supply Corporation
5. 10841-B Reeder
6. West Virginia Other A-85772
7. Barbour WV
8. 13.0 million cubic feet
9. August 31, 1979
10. General System Purchasers
1. 79-18862
2. 47-041-01288
3. 108
4. Consolidated Gas Supply Corporation
5. Russell Barton 10614
6. West Virginia Other A-85772
7. Lewis WV
8. 7.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18863
2. 47-041-01282
3. 108
4. Consolidated Gas Supply Corporation
5. F White 10548
6. West Virginia Other A-85772
7. Lewis WV
8. 11.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18864
2. 47-041-01281
3. 108
4. Consolidated Gas Supply Corporation
5. F Smith 10540
6. West Virginia Other A-85772
7. Lewis WV
8. 12.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18865
2. 47-041-01243
3. 108
4. Consolidated Gas Supply Corporation
5. Carl F Simons 10521
6. West Virginia other A-85772
7. Lewis WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18866
2. 47-097-00731
3. 108
4. Consolidated Gas Supply Corporation
5. Icy L Malcomb 10422
6. West Virginia other A-85772
7. Upshur WV
8. 11.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18867
2. 47-041-01858
3. 108
4. Consolidated Gas Supply Corporation
5. G. Smith 11483
6. West Virginia other A-85772
7. Lewis WV
8. 13.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18868
2. 47-033-00991
3. 108
4. Consolidated Gas Supply Corporation
5. John D McReynolds 8159
6. West Virginia other A-85772
7. Harrison WV
8. 10.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18869
2. 47-041-02698
3. 108
4. Consolidated Gas Supply Corporation
5. S D Camden 8231
6. West Virginia other A-85772
7. Lewis WV
8. 9.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18870
2. 47-041-02720
3. 108
4. Consolidated Gas Supply Corporation
5. George W Smith 8349
6. West Virginia other A-85772
7. Lewis WV
8. 10.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18871
2. 47-045-0056
3. 108
4. Consolidated Gas Supply Corporation
5. Boone County Coal Corp 9282
6. West Virginia other A-85772
7. Logan WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18872
2. 47-045-00071
3. 108
4. Consolidated Gas Supply Corporation
5. Boone County Coal Corp 9289
6. West Virginia other A-85772
7. Logan WV
8. 5.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18873
2. 47-045-00098
3. 108
4. Consolidated Gas Supply Corporation
5. Boone County Coal Corp 9280
6. West Virginia other A-85772
7. Logan WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18874
2. 47-033-00528
3. 108
4. Consolidated Gas Supply Corporation
5. W T Law 11205
6. West Virginia other A-85772
7. Harrison WV
8. 15.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18875
2. 47-097-00608
3. 108
4. Consolidated Gas Supply Corporation
5. Lona Zickafoose 10284
6. West Virginia other A-85772
7. Upshur WV
8. 12.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18876
2. 47-041-01022
3. 108
4. Consolidated Gas Supply Corporation
5. Icie M Fox 10406
6. West Virginia other A-85772
7. Lewis WV
8. 10.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18877
2. 47-041-01366
3. 108
4. Consolidated Gas Supply Corporation
5. Carl W Smith 10676
6. West Virginia other A-85772
7. Lewis WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18878
2. 47-041-01109
3. 108
4. Consolidated Gas Supply Corporation
5. W M Zinn 10436
6. West Virginia other A-85772
7. Lewis WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18879

2. 47-041-01034
3. 108
4. Consolidated Gas Supply Corporation
5. Ona L Strader 10429
6. West Virginia other A-85772
7. Lewis WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18917
2. 47-035-00698
3. 108
4. Consolidated Gas Supply Corporation
5. John B Euler 9408
6. West Virginia other A-85772
7. Jackson WV
8. 3.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18918
2. 47-033-00875
3. 108
4. Consolidated Gas Supply Corporation
5. M W Smith 8015
6. West Virginia other A-85772
7. Harrison WV
8. 5.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18919
2. 47-033-00850
3. 108
4. Consolidated Gas Supply Corporation
5. L Conley 6920
6. West Virginia other A-85772
7. Harrison WV
8. 7.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18920
2. 47-033-00821
3. 108
4. Consolidated Gas Supply Corporation
5. James Monroe 7928
6. West Virginia other A-85772
7. Harrison WV
8. .4 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18921
2. 47-041-00163
3. 108
4. Consolidated Gas Supply Corporation
5. Thomas Casey 4028
6. West Virginia other A-85772
7. Lewis WV
8. 5.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18922
2. 47-041-00106
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 8975
6. West Virginia other A-85772
7. Lewis WV
8. 5.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18923
2. 47-085-01765
3. 108
4. Consolidated Gas Supply Corporation
5. J C Patton 10102
6. West Virginia other A-85772
7. Ritchie WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18924
2. 47-041-00385
3. 108
4. Consolidated Gas Supply Corporation
5. W Lough 10227
6. West Virginia other A-85772
7. Lewis WV
8. 12.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18925
2. 47-041-01870
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. C Skinner 11531
6. West Virginia other A-85772
7. Lewis WV
8. 12.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18926
2. 47-097-01058
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Troy E Hardman 10932
6. West Virginia other A-85772
7. Upshur WV
8. 20.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18927
2. 47-033-00545
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. M Burnside 11294
6. West Virginia other A-85772
7. Harrison WV
8. 18.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18928
2. 47-033-00536
3. 108
4. Consolidated Gas Supply Corporation
5. M F Randolph 11224
6. West Virginia other A-85772
7. Harrison WV
8. 8.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18929
2. 47-035-00783
3. 108
4. Consolidated Gas Supply Corporation
5. John B Euler 9478
6. West Virginia other A-85772
7. Jackson WV
8. 3.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18930
2. 47-097-00471
3. 108
4. Consolidated Gas Supply Corporation
5. W L Ashworth 9971
6. West Virginia other A-85772
7. Upshur WV
8. 9.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18931
2. 47-097-00354
3. 108
4. Consolidated Gas Supply Corporation
5. B L Martin 9301
6. West Virginia other A-85772
7. Upshur WV
8. 17.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18932
2. 47-045-0856
3. 108
4. Consolidated Gas Supply Corporation
5. Dingess Run Coal Co 10698
6. West Virginia Other A-85772
7. Logan WV
8. 14.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18933
2. 47-043-00830
3. 108
4. Consolidated Gas Supply Corporation
5. Robert F. Ferrell 9203
6. West Virginia Other A-85772
7. Lincoln WV
8. 10.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18934
2. 47-085-01764
3. 108
4. Consolidated Gas Supply Corporation
5. Alfred Barr 10101
6. West Virginia Other A-85772
7. Ritchie WV
8. 2.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18935
2. 47-085-01715
3. 108
4. Consolidated Gas Supply Corporation
5. J R Wesfall 10030
6. West Virginia Other A-85772
7. Ritchie WV
8. 3.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18936
2. 47-033-00520
3. 108
4. Consolidated Gas Supply Corporation
5. M J Loughmiller 11160
6. West Virginia Other A-85772
7. Harrison WV
8. 12.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18937
2. 47-033-00417
3. 108
4. Consolidated Gas Supply Corporation
5. W Gaston 1231
6. West Virginia Other A-85772
7. Harrison WV
8. 4.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18938
2. 47-033-00153
3. 108
4. Consolidated Gas Supply Corporation
5. Virginia Haymond 5547
6. West Virginia Other A-85772

7. Harrison WV
8. 2.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18939
2. 47-033-00606
3. 108
4. Consolidated Gas Supply Corporation
5. Lloyd Washburn 11461
6. West Virginia Other A-85772
7. Harrison WV
8. 19.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
1. 79-18940
2. 47-033-00595
3. 108 denied
4. Consolidated Gas Supply Corporation
5. C E Snider 11425
6. West Virginia Other A-85772
7. Harrison WV
8. 21.0 million cubic feet
9. September 5, 1979
10. General System Purchasers
- Wyoming Oil and Gas Conservation Commission**
1. Control Number (FERC /State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-18756A/NG-242-79
2. 49-035-20030
3. 108
4. Belco Petroleum Corporation
5. Bird-State 1 20030
6. East Labarge
7. Sublette
8. 6.0 million cubic feet
9. August 31, 1979
10. Northwest Pipeline Corporation
1. 79-18756B/NG243-79
2. 49-035-20034
3. 108
4. Belco Petroleum Corporation
5. Bird-State 2 20034
6. East Labarge
7. Sublette WY
8. 11.0 million cubic feet
9. August 31, 1979
10. Northwest Pipeline Corporation
1. 79-18757/NG-244-79
2. 49-009-09118
3. 108
4. Belco Petroleum Corporation
5. Shawnee 8-13 09118
6. Flat Top
7. Converse WY
8. 12.0 million cubic feet
9. August 31, 1979
10. Kansas-Nebraska Natural Gas Co
1. 79-18758/NG-245-79
2. 49-023-08559
3. 108
4. Belco Petroleum Corporation
5. GRBU 42 (Lot 37) 08559
6. Green River Bend
7. Lincoln WY
8. 11.0 million cubic feet
9. August 31, 1979
10. Northwest Pipeline Corporation
1. 79-18759/NG-246-79
2. 49-035-07595
3. 108
4. Belco Petroleum Corporation
5. GRBU 10-9 07595
6. Green River Bend
7. Sublette WY
8. 15.0 million cubic feet
9. August 31, 1979
10. Northwest Pipeline Corporation
1. 79-18760/NG-233-79
2. 49-013-20680
3. 102
4. Monsanto Company
5. Oconnell #1-36
6. Madden
7. Fremont WY
8. 146.0 million cubic feet
9. August 31, 1979
10. Colorado Interstate Gas Company
1. 79-18761/NG-247-79
2. 49-035-20373
3. 108
4. Belco Petroleum Corporation
5. Budd 3-5 20373
6. Big Piney
7. Sublette
8. 11.0 million cubic feet
9. August 31, 1979
10. Northwest Pipeline Corporation
1. 79-18762/NG-194-79
2. 49-037-21244
3. 103
4. Prenalta Corporation
5. State 12-16-21-103
6. Crooked Canyon
7. Sweetwater WY
8. 146.0 million cubic feet
9. August 31, 1979
10. Stauffer Chemical Company of Wyoming
1. 79-18763/NG-250-79
2. 49-037-21199
3. 102
4. Davis Oil Company
5. Hay Reservoir #13
6. Hay Reservoir
7. Sweetwater WY
8. 180.0 million cubic feet
9. August 31, 1979
10. Colorado Intrastate Gas Company.
1. 79-18764/NG-254-79
2. 49-037-21081
3. 103
4. Davis Oil Company
5. Nickel #1
6. Wild Rose
7. Sweetwater
8. 180.0 million cubic feet
9. August 31, 1979
10. Natural Gas Pipeline Company of Amepanhandle Eastern P/L Co
1. 79-18765/NG-160-79
2. 49-003-72098-5
3. 103
4. Amoco Production Company
5. Salazar Unit #2
6. Salazar
7. Sweetwater WY
8. 58.0 million cubic feet
9. August 31, 1979
10. Cities Service Gas Company
1. 79-18766/NG-258-79

2. 49-009-05751
3. 108
4. Belco Petroleum Corporation
5. Macson Hall 1-11 05751
6. Flat Top
7. Converse WY
8. 6.0 million cubic feet
9. August 31, 1979
10. Kansas-Nebraska Natural Gas Co
1. 79-18767/NG-255-79
2. 49-037-20932
3. 103
4. Kenneth Luff Inc
5. #4-25 Amoco Champlin
6. Antelope
7. Sweetwater WY
8. 200.0 million cubic feet
9. August 31, 1979
10. Mountain Fuel Supply Company
1. 79-18768A/NG-188-79
2. 49-005-24542
3. 102
4. Reading & Bates Petroleum Co
5. State #2
6. Hartzog Draw
7. Campbell WY
8. 1980.0 million cubic feet
9. August 31, 1979
10. Phillips Petroleum Company
1. 79-18768B/NG-189-79
2. 49-005-24526
3. 102
4. Reading & Bates Petroleum Co
5. State #1
6. Hartzog Draw
7. Campbell WY
8. 744.0 million cubic feet
9. August 31, 1979
10. Phillips Petroleum Company
1. 79-18768C/NG-190-79
2. 49-005-24541
3. 102
4. Reading & Bates Petroleum Co
5. State #3
6. Hartzog Draw
7. Campbell WY
8. 1896.0 million cubic feet
9. August 31, 1979
10. Phillips Petroleum Company
1. 79-18769/NG-212-79
2. 49-037-20886
3. 103
4. Michigan Wisconsin Pipe Line Company
5. Judson #1-11
6. South Spearhead Ranch
7. Converse WY
8. 380.0 million cubic feet
9. August 31, 1979
10. Mountain Fuel Supply Company
1. 79-18770/NG-97-79
2. 49-037-21132
3. 103
4. Marathon Oil Company
5. Marathon State #1-18
6. Wamsutter
7. Sweetwater WY
8. 203.0 million cubic feet
9. August 31, 1979
10. Colorado Interstate Gas Compnay
1. 79-18771/NG-240-79
2. 49-005-24772
3. 103
4. Skyline Oil Company
5. Big Al No 1-13
6. Hartzog Draw

7. Campbell WY
8. 5.7 million cubic feet
9. August 31, 1979
10. Phillips Petroleum Company
1. 79-18772A/NG-251-79
2. 49-009-21464
3. 102
4. Davis Oil Company
5. Cheesbrough #2
6. Mikes Draw
7. Converse WY
8. 50.0 million cubic feet
9. August 31, 1979
10. Phillips Petroleum Company
1. 79-18772B/NG-252-79
2. 49-009-21400
3. 102
4. Davis Oil Company
5. Cheesbrough #1
6. Mikes Draw
7. Converse WY
8. 13.0 million cubic feet
9. August 31, 1979
10. Phillips Petroleum Company
1. 79-18772C/NG-253-79
2. 49-009-21465
3. 102
4. Davis Oil Company
5. Holmes #1
6. Mikes Draw
7. Converse WY
8. 80.0 million cubic feet
9. August 31, 1979
10. Phillips Petroleum Company
- U.S. Geological Survey Metairie, La.**
1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-18773/G9-783
2. 17-713-40050-00D2-0
3. 102
4. Ocean Production Company
5. OCS-G-072 No 29C
6. South Pelto 20 Field
7. 12
8. 250.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79-18774/G9-759
2. 17-713-40044-00D2-0
3. 102
4. Ocean Production Company
5. OCS-G-072 No 24B
6. South Pelto 20 Field
7. 12
8. 200.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79-18778/G8-199
2. 17-713-40036-00D1-0
3. 102
4. Ocean Production Company
5. OCS-G 072 No 23A
6. South Pelto 20 Field
7. 12
8. 110.0 million cubic feet
9. September 4, 1979

10. Transcontinental Gas PL Corp
1. 79-18777/G9-827
2. 17-713-40057-00D2-0
3. 102
4. Ocean Production Company
5. OCS-G-072 No 31C
6. South Pelto 20 Field
7. 12
8. 1825.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79-18778/G9-828
2. 17-713-40057-00D1-0
3. 102
4. Ocean Production Company
5. OCS-G-072 No 31A
6. South Pelto 20 Field
7. 12
8. 250.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79-18779/G9-760
2. 17-713-40047-00S1-0
3. 102
4. Ocean Production Company
5. OCS-G-072 No 26
6. South Pelto 20 Field
7. 12
8. 350.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79-18780/G8-206
2. 17-713-40040-00D1-0
3. 102
4. Ocean Production Company
5. OCS-G 072 No 27A
6. South Pelto 20 Field
7. 12
8. 250.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79-18781/G9-764
2. 17-713-40053-00D1-0
3. 102
4. Ocean Production Company
5. OCS-G-072 No 30A
6. South Pelto 20 Field
7. 12
8. 250.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79-18782/G9-782
2. 17-713-40050-00D1-0
3. 102
4. Ocean Production Company
5. OCS-G-072 No 29A
6. South Pelto 20 Field
7. 12
8. 250.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79-18783/G9-761
2. 17-713-40053-00D2-0
3. 102
4. Ocean Production Company
5. OCS-G-072 No 30B
6. South Pelto 20 Field
7. 12
8. 2200.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79-18784/G9-758
2. 17-713-40044-00D1-0
3. 102

4. Ocean Production Company.
5. OCS-G-072 No 24A
6. South Pelto 20 Field
7. 12
8. 250.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79-18785/G9-834
2. 17-713-40122-0000-0
3. 102
4. Chevron USA Inc
5. OCS-G-2955 #B-6
6. Main Pass 133
7. 236
8. 894.0 million cubic feet
9. September 4, 1979
10. Southern Natural Gas Co
1. 79-18786/G9-737
2. 17-713-40158-01S1-0
3. 102
4. Arco Oil and Gas Company
5. OCS G 2137 D-11
6. South Pass Blk 61 Field
7. 60
8. 90.0 million cubic feet
9. September 4, 1979
10. Southern Natural Gas Company
1. 79-18788/G8-178
2. 17-713-40028-00D1-0
3. 102
4. Ocean Production Company
5. OCS G 072 No 22A
6. South Pelto 20 Field
7. 12
8. 250.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79-18789/G8-205
2. 17-713-40040-00D2-0
3. 102
4. Ocean Production Company
5. OCS G 072 No 27B
6. South Pelto 20 Field
7. 12
8. 450.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79-18790/G8-180
2. 17-713-40028-00D2-0
3. 102
4. Ocean Production Company
5. OCS G 072 No 22B
6. South Pelto 20 Field
7. 12
8. 450.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79-18791/G8-181
2. 17-713-40036-00D3-0
3. 102
4. Ocean Production Company
5. OCS G 072 No 23C
6. South Pelto 20 Field
7. 12
8. 550.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas PL Corp
1. 79-18792/G9-634
2. 17-709-00419-00S2-0
3. 102
4. Ocean Production Company
5. OCS-G 0228 #2A
6. Eugene Island 89 Field
7. 93
8. 365.0 million cubic feet

9. September 4, 1979
10. United Gas Pipeline Company
1. 79-18793/G9-772
2. 17-705-40335-0000-0
3. 102
4. McMoran Offshore Exploration Co
5. OCS-G 3390 #7
6. Vermilion
7. 25
8. 5475.0 million cubic feet
9. September 4, 1979
10. Transcontinental Gas Pipeline Co
1. 79-18794/G 9-835
2. 17-724-40116-0000-0
3. 102
4. Chevron USA Inc
5. OCS-G-2955 No. B4
6. Main Pass 133
7. 236
8. 1862.0 million cubic feet
9. September 4, 1979
10. Southern Natural Gas Co
1. 79-18815/G9-833
2. 17-724-40117-0000-0
3. 102
4. Chevron USA Inc
5. OCS-G-2955 No. B-5
6. Main Pass 133
7. 236
8. 111.7 million cubic feet
9. September 4, 1979
10. Southern Natural Gas Co
1. 79-18775/G9-694
2. 42-711-40361-0000-0
3. 102
4. Aminoil Development Inc
5. OCS-G-3286 No. B-3
6. West Cameron
7. 613
8. 1825.0 million cubic feet
9. September 4, 1979
- 10.
1. 79-18787/G8-148
2. 42-711-40200-00D1-0
3. 102
4. Sun Oil Company
5. OCS-G-2434 No. A-5
6. East High Island
7. A-370
8. 2600.0 million cubic feet
9. September 4, 1979
10. Trunkline Gas Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18795/G9-678
2. 42-711-40269-0000-0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-19
6. High Island East Add South Ext
7. A-340
8. 20305.1 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18796/G9-672
2. 42-711-40241-0000-2
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-15D
6. High Island East Add South Ext
7. A-339
8. 7134.8 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co

1. 79-18797/G9-667
2. 42-711-40210-0000-3
3. 102
4. Pennzoil Oil & Gas Inc
5. Pennzoil Company No. A-11 Alt 2
6. High Island East Add South Ext
7. A-339
8. 1798.4 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18798/G9-668
2. 42-711-40210-0000-2
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-11 Alt 1
6. High Island East Add South Ext
7. A-339
8. 1798.4 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18799
2. 42-711-40210-0000-1
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-11
6. High Island East Add South Ext
7. A-339
8. 112.4 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18800/G9-676
2. 42-711-40188-0000-0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-9
6. High Island East Add South Ext
7. A-340
8. 21091.9 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18801/G9-664
2. 42-711-40178-0000-2
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-8D
6. High Island East Add South Ext
7. A-339
8. 21299.8 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18802/G9-674
2. 42-711-40241-0000-1
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-15
6. High Island East Add South Ext
7. A-339
8. 1601.7 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18803/G9-663
2. 42-711-40171-0000-0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-7
6. High Island East Add South Ext
7. A-339
8. 7674.4 million cubic feet

9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18804/G9-669
2. 42-711-40211-0000-0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-12
6. High Island East Add South Ext
7. A-339
8. 20538.3 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18805/G9-675
2. 42-711-40261-0000-0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-17
6. High Island East Add South Ext
7. A-339
8. 17141.0 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18806/G9-671
2. 42-711-40235-0000-0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-14
6. High Island East Add South Ext
7. A-339
8. 13445.9 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18807/G9-670
2. 42-711-40223-0000-0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-13
6. High Island East Add South Ext
7. A-339
8. 1729.0 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18808/G9-665
2. 42-711-40178-0000-1
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-8
6. High Island East Add South Ext
7. A-339
8. 16803.8 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18809/G9-681
2. 42-711-40307-0000-0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-24
6. High Island East Add South Ext
7. A-340
8. 12009.9 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18810/G9-662
2. 42-711-40157-0000-1
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-5
6. High Island East Add South Ext

7. A-339
8. 20541.1 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Natural Gas Pipeline Co
1. 79-18811/G9-679
2. 42-711-40278-0000-0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-20
6. High Island East Add South Ext
7. A-340
8. 13171.6 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18812/G9-661
2. 42-711-40157-0000-2
3. 102 Denied
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-5D
6. High Island East Add South Ext
7. A-339
8. 20934.5 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18813/G9-680
2. 42-711-40282-0000-0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-21
6. High Island East Add South Ext
7. A-340
8. 6595.1 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18814/G9-677
2. 42-711-40263-0000-0
3. 102
4. Pennzoil Louisiana & Texas Offshore
5. Pennzoil Company No. A-18
6. High Island East Add South Ext
7. A-340
8. 5690.3 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. 79-18825/G9-673
2. 42-711-40241-0000-3
3. 102
4. Pennzoil Louisiana and Texas offsho
5. Pennzoil Company # A-15 alternate
6. High Island E addition S extension
7. A-339
8. 1518.2 million cubic feet
9. September 4, 1979
10. United Gas Pipe Line Company, Michigan-Wisconsin P/L Co, Transco Gas Supply Co
1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-18852
2. 35-113-00000-0000-0
3. 103
4. Service Drilling Co
5. Star #8

- 6.
7. Osage OK
8. 42.0 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18853
2. 35-113-00000-0000-0
3. 103
4. Service Drilling Co
5. Fred #2-8 (2-A)
- 6.
7. Osage OK
8. .0 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18854
2. 35-113-00000-0000-0
3. 103
4. Service Drilling Co
5. Star #7
- 6.
7. Osage OK
8. 10.0 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18855
2. 35-113-00000-0000-0
3. 103
4. Service Drilling Co
5. Fred #3-8 (#3)
- 6.
7. Osage OK
8. .0 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company
1. 79-18856
2. 35-113-24056-0000-0
3. 103
4. CEJA Corporation
5. Brooks #1A-NW1/4 Sec 22-27N-7E
6. South Foraker
7. Osage OK
8. 182.0 million cubic feet
9. September 5, 1979
10. Cities Service Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 15, 1979.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30089 Filed 9-27-79; 8:45 am]
BILLING CODE 6450-01-M

[No. 83]

Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

September 20, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kansas Corporation Commission

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-18325/K-78-0388
2. 15-047-20317
3. 103
4. Beren Corporation
5. Elledge #2
6. Truostale NE
7. Edwards KS
8. 72.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Company
1. 79-18326/K-78-0387
2. 15-125-00000
3. 108
4. Benson Mineral Group Inc
5. Peoples Kansas Gas
6. Jefferson-Sycamore
7. Montgomery KS
8. 1.8 million cubic feet
9. September 7, 1979
10. Union Gas Systems Inc
1. 79-18327/K-78-366
2. 15-125-00000
3. 108
4. Benson Mineral Group Inc
5. Sprague-Fleming
6. Jefferson-Sycamore
7. Montgomery KS
8. 4.7 million cubic feet
9. September 7, 1979
10. Union Gas Systems Inc
1. 79-18328/K-78-353
2. 15-095-20660
3. 103
4. The Maurice L. Brown Company
5. Swingle #1
6. Spivey-Grabs
7. Kingman KS
8. 183.0 million cubic feet
9. September 7, 1979
10. Peoples Natural Gas Company

Louisiana Office of Conservation

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.

8. Estimated annual volume
9. Date Received at FERC
10. Purchaser(s)
1. 79-18670/79-1662
2. 17-075-22504
3. 102
4. C F Braun & Co
5. I L Perez No 1-D
6. Bayou Gentilly-Section 17-15S-14E
7. Plaquemines Parish La
8. 500.0 million cubic feet
9. August 30, 1979
10.

1. 79-18671/79-181
2. 17-001-20638
3. 102 103
4. MCRAE Exploration Inc
5. Henry Dommert Estate No. 1
6. Egan
7. Acadia LA
8. 0 million cubic feet
9. August 30, 1979
10. United Gas Pipeline Co

1. 75-18673/79-2174
2. 17-113-20843
3. 102
4. Goldking Production Company
5. O A Broussard Estate No. 1
6. Erath
7. Vermillion Parish LA
8. 723.0 million cubic feet
9. August 30, 1979
10. Dow Chemical USA

1. 79-18674/79-1663
2. 17-075-22504
3. 102
4. C F Braun & Co
5. I L Perez No. 1
6. Bayou Gentilly—Section 17-15S-14E
7. Plaquemines Parish LA
8. 500.0 million cubic feet
9. August 30, 1979
10.

Michigan Department of Natural Resources

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCSA area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-18675
2. 21-101-00000
3. 102
4. Energy Acquisition Corp
5. Roll in Davis et al #2-19
6. Manistee
7. Manistee MI
8. 400.0 million cubic feet
9. August 31, 1979
10. Michigan Consolidated Gas Co

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control. number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.

8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-18255
2. 30-045-22221
3. 103
4. Amoco Production Co
5. Sammons Gas Com H #1
6. Blanco-Pictured
7. San Juan NM
8. 110.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Com

1. 79-18256
2. 30-025-25522
3. 103
4. Sun Oil Company
5. Walter Lynch Well No 5
6. Wantz Granite Wash
7. Lea NM
8. 66.0 million cubic feet
9. August 30, 1979
10. Skelly Oil Company

1. 79-18257
2. 30-025-26213
3. 103
4. Doyle Hartman Oil Operator
5. Wilson State No 1
6. Eumont Gas Pool
7. Lea NM
8. 111.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79-18258
2. 30-025-25967
3. 103
4. Doyle Hartman Oil Operator
5. Highland State No 1
6. Jalmat (Gas) Pool
7. Lea NM
8. 75.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79-18259
2. 30-025-25825
3. 103
4. Lewis B Burleson Inc
5. Harrison #2
6. Jalmat
7. Lea NM
8. 144.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79-18260
2. 30-045-01008
3. 108
4. Amoco Production Company
5. State Gas Com BJ #1
6. Basin-Dakota
7. San Juan NM
8. 13.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79-18261
2. 30-045-21080
3. 108
4. Amoco Production Company
5. Hare Gas Com #1
6. Blanco-Pictured Cliffs
7. San Juan NM
8. 14.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co
1. 79-18262

2. 30-045-00000
3. 108
4. Petroleum Corp of Texas
5. Langlie State A No 2-Y B-1187
6. Jalmat Yates (Gas)
7. Lea County NM
8. 13.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co

1. 79-18263
2. 30-025-25628
3. 103
4. Southern Union Exploration Co
5. Susco State #2
6. Flying M
7. Lea NM
8. 4.0 million cubic feet
9. August 30, 1979
10. Warren Petroleum Company

1. 79-18264
2. 30-025-25554
3. 103
4. Southern Union Exploration Co
5. Susco State #1
6. Flying M
7. Lea NM
8. 7.0 million cubic feet
9. August 30, 1979
10. Warren Petroleum Company

1. 79-18265
2. 30-025-25638
3. 103
4. E L Latham Jr & Roy G Barton Jr
5. Cash #1
6. Flying M (SA) Field
7. Lea NM
8. 10.0 million cubic feet
9. August 30, 1979
10. Warren Petroleum Company

1. 79-18266
2. 30-005-20071
3. 108
4. Arco Oil and Gas Company
5. L C Harris Well No 2
6. Cato
7. Chaves NM
8. 2.9 million cubic feet
9. August 30, 1979
10. Cities Service Company

1. 79-18267
2. 30-005-20077
3. 108
4. Arco Oil and Gas Company
5. L C Harris Well No 3
6. Cato
7. Chaves NM
8. 2.9 million cubic feet
9. August 30, 1979
10. Cities Service Company

1. 79-18268
2. 30-005-20078
3. 108
4. Arco Oil and Gas Company
5. L C Harris Well No 4
6. Cato
7. Chaves NM
8. 2.9 million cubic feet
9. August 30, 1979
10. Cities Service Company

1. 79-18269
2. 30-005-20068
3. 108
4. Arco Oil and Gas Company
5. L C Harris Well No 1
6. Cato

7. Chaves
8. 2.9 million cubic feet
9. August 30, 1979
10. Cities Service Company
1. 79-18270
2. 30-045-00000
3. 108
4. Petroleum Corp of Texas
5. Farming A State Lease E-1201
6. Fulcher Kutz Field
7. San Juan County NM
8. 18.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79-18271
2. 30-015-70344
3. 102
4. Mesa Petroleum Co
5. Catclaw State #1
6. Wildcat
7. Eddy NM
8. 150.0 million cubic feet
9. August 30, 1979
10. Northern Natural Gas Co

1. 79-1827255
2. 30-0145-22702
3. 102
4. Amoco Production Company
5. Teledyne 8 Well No 1
6. Wildcat-Morrow
7. Eddy NM
8. 1795.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79-18273
2. 30-015-22686
3. 102
4. Amoco Production Company
5. Williams Gas Com No 1
6. Undesignated Morrow
7. Eddy NM
8. 627.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79-18274
2. 30-015-22677
3. 102
4. Amoco Production Company
5. Brantley Gas Com No 1
6. Undesignated-Morrow
7. Eddy NM
8. 362.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79-18275
2. 30-015-22451
3. 102
4. Amoco Production Company
5. Ingalls Gas Com No 1
6. Undesignated-Morrow
7. Eddy NM
8. 134.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79-18276
2. 30-015-22791
3. 102
4. J C Barnes Oil Company
5. Big Chief Comm No 3
6.
7. Eddy NM
8. 2.5 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79-18277

2. 30-045-10928
3. 108
4. Union Texas Petroleum
5. Culpepper-Martin No 3
6. Basin Dakota Sec 7-T31N-R12W
7. San Juan NM
8. 11.0 million cubic feet
9. August 30, 1979
10. Southern Union Gathering Co
1. 79-18278
2. 30-015-22814
3. 103

4. Southland Royalty Company
5. State 23A Comm #1
6. Undesignated Morrow
7. Eddy NM
8. 125.0 million cubic feet
9. August 30, 1979
10. Llano Incorporated
1. 79-18279
2. 30-025-10074
3. 103

4. Amoco Production Company
5. Grizzell A No 5
6. Drinkard
7. Lea NM
8. 50.6 million cubic feet
9. August 30, 1979
10. Getty Oil Company, El Paso Natural Gas Company, Northern Natural Gas Company

1. 79-18280
2. 30-025-26114
3. 103
4. Amoco Production Company
5. State Dr No 3
6. E Lusk (Wolfcamp)
7. Lea NM
8. 80.0 million cubic feet
9. August 30, 1979
10. Phillips Petroleum Co

1. 79-18281
2. 30-045-09124
3. 108
4. Amoco Production Company
5. Rowland Gas Com #1
6. Basin-Dakota
7. San Juan NM
8. 10.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co

1. 79-18282
2. 30-045-08814
3. 108
4. Amoco Production Company
5. Jaquez Gas Com B #2
6. Blanco-Pictured Cliffs
7. San Juan NM
8. 9.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79-18283
2. 30-045-08004
3. 108
4. Amoco Production Company
5. Chavez Gas Com B #1
6. Aztec Pictured Cliffs
7. San Juan NM
8. 18.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co

1. 79-18284
2. 30-045-20285
3. 108
4. Amoco Production Company
5. Gallegos Canyon Unit #282

6. Basin-Dakota
7. San Juan, NM
8. 18.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18285
2. 30-045-09569
3. 108
4. Amoco Production Company
5. Totah Vista Gas Com #1
6. Basin-Dakota
7. San Juan, NM
8. 13/0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79-18286
2. 30-025-01270
3. 108
4. Phillips Petroleum Company
5. New Mex-A No 3
6. Kemnitz Lower Wolfcamp
7. Lea, NM
8. 1.9 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79-18287
2. 30-025-26170
3. 103
4. Amerada Hess Corporation
5. State of #5
6. Eumont-Queen
7. Lea, NM
8. 88.0 million cubic feet
9. August 30, 1979
10. Northern Natural Gas Company

1. 79-18288
2. 30-025-26223
3. 103
4. Phillips Petroleum Company
5. Philmex No 13
6. Maljamar GB-SA
7. Lea, NM
8. 28.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79-18289
2. 30-015-00000
3. 103
4. Ralph Nix
5. Hondo Kelly Com #1
6. Undesignated Atoka Penn
7. Eddy, NM
8. 36.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79-18290
2. 30-025-09316
3. 108
4. Texas Pacific Oil Company Inc
5. State A A/C 1 No 85
6. Langlie Mattix/7 R Queen
7. Lea, NM
8. 9.1 million cubic feet
9. August 30, 1979
10. Phillips Petroleum Company

1. 79-18291
2. 30-025-09396
3. 108
4. Texas Pacific Oil Co Inc
5. State A A/C 1 No 73
6. Langlie Mattix/7 R Queen
7. Lea, NM
8. 6.9 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79-18292
 2. 30-025-09314
 3. 108
 4. Texas Pacific Oil Co Inc
 5. State A A/C 1 No 88
 6. Langlie Mattix/7R-Queen
 7. Lea, NM
 8. 8.6 million cubic feet
 9. August 30, 1979
 10. Phillips Petroleum Company
 1. 79-18293
 2. 30-025-09312
 3. 108
 4. Texas Pacific Oil Co Inc
 5. State A A/C 1 No 62
 6. Langlie Mattix/7R-Queen
 7. Lea, NM
 8. 11.6 million cubic feet
 9. August 30, 1979
 10. Phillips Petroleum Company
 1. 79-18294
 2. 30-025-00000
 3. 108
 4. Two States Oil Company
 5. Cole B State Lease Well No 1
 6. Penrose Skelly Grayburg
 7. Lea, NM
 8. 7.0 million cubic feet
 9. August 30, 1979
 10. Warren Petroleum Company
 1. 79-18295
 2. 30-045-09487
 3. 108 denied
 4. Amoco Production Company
 5. Hancock Gas Com #1
 6. Basin-Dakota
 7. San Juan, NM
 8. 21.0 million cubic feet
 9. August 30, 1979
 10. El Paso Natural Gas Co
 1. 79-18296
 2. 30-045-20293
 3. 108 denied
 4. Amoco Production Company
 5. State Gas Com BN#1
 6. Blanco-Pictured Cliffs
 7. San Juan, NM
 8. 21.0 million cubic feet
 9. August 30, 1979
 10. El Paso Natural Gas Co
 1. 79-18297
 2. 30-045-08762
 3. 108
 4. Amoco Production Company
 5. Lobato Gas Com B #1-X
 6. Blanco-Pictured Cliffs
 7. San Juan, NM
 8. 12.0 million cubic feet
 9. August 30, 1979
 10. El Paso Natural Gas Company
 1. 79-18298
 2. 30-045-20686
 3. 108
 4. Amoco Production Company
 5. Gutierrez Gas Com C#1
 6. Blanco-Fruitland
 7. San Juan, NM
 8. 5.0 million cubic feet
 9. August 30, 1979
 10. El Paso Natural Gas Company
 1. 79-18299
 2. 30-045-20978
 3. 108
 4. Amoco Production Company
 5. Valencia Gas Com C#1
6. Aztec-Pictured Cliffs
 7. San Juan, NM
 8. 17.0 million cubic feet
 9. August 30, 1979
 10. El Paso Natural Gas Company
 1. 79-18300
 2. 30-045-08778
 3. 108
 4. Amoco Production Company
 5. State Gas Com B G #1
 6. Blanco-Mesaverde
 7. San Juan, NM
 8. 19.0 million cubic feet
 9. August 30, 1979
 10. El Paso Natural Gas Co
 1. 79-18301
 2. 30-045-00000
 3. 103
 4. Great Western Drilling Company
 5. J E Decker 3-A
 6. Blanco Mesa Verde
 7. San Juan, NM
 8. .0 million cubic feet
 9. August 30, 1979
 10. El Paso Natural Gas Company
 1. 79-18302
 2. 30-045-00000
 3. 103
 4. Great Western Drilling Company
 5. J E Decker 2-A
 6. Blanco Mesa Verde
 7. San Juan, NM
 8. .0 million cubic feet
 9. August 30, 1979
 10. El Paso Natural Gas Company
 1. 79-18303
 2. 30-025-20879
 3. 108
 4. Phillips Petroleum Company
 5. Vacuum ABO Unit 01-09
 6. Vacuum ABO Reef
 7. Lea, NM
 8. .7 million cubic feet
 9. August 30, 1979
 10. El Paso Natural Gas Company
 1. 79-18304
 2. 30-025-10712
 3. 108
 4. Texas Pacific Oil Company Inc
 5. State A A/C 1 No 79
 6. Langlie Mattix/7 R Queen
 7. Lea, NM
 8. 10.9 million cubic feet
 9. August 30, 1979
 10. Phillips Petroleum Company
 1. 79-18305
 2. 30-025-11543
 3. 108
 4. Texas Pacific Oil Company Inc
 5. S E Eaton No 2
 6. Langlie Mattix/7 R Queen
 7. Lea, NM
 8. 8.7 million cubic feet
 9. August 30, 1979
 10. El Paso Natural Gas Company
 1. 79-18306
 2. 30-025-00000
 3. 108
 4. Gil-Mc Oil Corporation
 5. Linam A Com No 1
 6. Eumont
 7. Lea, NM
 8. 18.3 million cubic feet
 9. August 30, 1979
 10. Warren Petroleum Company

1. 79-18307
2. 30-025-26227
3. 103
4. Phillips Petroleum Company
5. East Vacuum GB/SA Unit Tr 3202 No 00
6. Vacuum Grayburg/San Andres
7. Lea, NM
8. 109.8 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co
1. 79-18308
2. 30-025-26230
3. 103
4. Phillips Petroleum Company
5. East Vacuum GB/SA Unit TR3229 005
6. Vacuum Grayburg-San Andres
7. Lea, NM
8. 58.8 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co
1. 79-18309
2. 30-025-00000
3. 108
4. Amerada Hess Corporation
5. State LM T #2
6. Jalmat
7. Lea, NM
8. 17.1 million cubic feet
9. August 30, 1979
10. Northern Natural Gas Co
1. 79-18310
2. 30-025-26224
3. 103
4. Phillips Petroleum Company
5. East Vacuum GB/SA Unit Tr 2739 No 0
6. Vacuum Grayburg/San Andres
7. Lea, NM
8. 15.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18311
2. 30-025-26320
3. 103
4. Martindale Petroleum Corp
5. Little V #3
6. Drinkard
7. Lea, NM
8. 40.0 million cubic feet
9. August 30, 1979
10. Getty Oil Company
1. 79-18312
2. 30-039-05520
3. 108
4. J Gregory Merriion
5. Edna #1
6. Devils Fork Gallup
7. Rio Arriba, NM
8. 17.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18313
2. 30-039-05578
3. 108
4. J Gregory Merriion
5. Edna #3
6. Devils Fork Gallup
7. Rio Arriba, NM
8. 1.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18314
2. 30-039-05579
3. 108
4. J Gregory Merriion
5. Edna #4

6. Devils Fork Gallup/Mesa Verde
7. Rio Arriba NM
8. 11.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18315
2. 30-015-22730
3. 103
4. Flag-Redfern Oil Company
5. New Mexico State No 1 Well
6. Shugart Yates Grayburg
7. Eddy NM
8. 12.8 million cubic feet
9. August 30, 1979
10. Continental Oil Company
1. 79-18316
2. 30-045-22954
3. 103
4. Amoco Production Company
5. Martinez Gas Com I #1
6. Blanco Mesaverde
7. San Juan NM
8. 50.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18617
2. 30-025-00000
3. 102
4. Southern Union Exploration Company
5. Lea L State #1
6. Undesignated
7. Lea NM
8. 182.0 million cubic feet
9. August 30, 1979
10. Gas Company of New Mexico
1. 79-18659
2. 30-015-70345
3. 102
4. Mesa Petroleum Co
5. Gardner State #1
6. Wildcat
7. Eddy NM
8. 1800.0 million cubic feet
9. August 30, 1979
10. Natural Gas Pipeline Company of America
1. 79-18660
2. 30-025-25961
3. 102
4. Arco Oil and Gas Company
5. Langley Getty Com No 1
6. Undesignated Devonian Gas
7. Lea County NM
8. 2190.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18661
2. 30-015-00000
3. 102 103
4. Harvey E Yates Company
5. Amoco 22 State #1
- 6.
7. Eddy County NM
8. .0 million cubic feet
9. August 30, 1979
10. Llano Inc
1. 79-18662
2. 30-015-22825
3. 102
4. Hondo Oil & Gas Company
5. Exxon State #1
6. Wild Morrow Gas
7. Eddy NM
8. 560.0 million cubic feet
9. August 30, 1979

10. Tuco Inc
1. 79-18663
2. 30-025-26075
3. 102
4. Arco Oil & Gas Company
5. Langley Greer Com #1
6. Undesignated Devonian
7. Lea NM
8. 1300.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18664
2. 30-005-00000
3. 102
4. Wainoco Oil & Gas Company
5. White Ranch No 2
6. White Ranch Mississippian
7. Chaves NM
8. 292.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co
1. 79-18665
2. 30-025-26292
3. 102 103
4. Hng Oil Company
5. NM 34 Stat Com # L-5464
6. South Shoebar
7. Lea NM
8. 621.0 million cubic feet
9. August 30, 1979
10. Natural Gas Pipeline Company
1. 79-18666
2. 30-025-00000
3. 102 Denied
4. Sabine Production Company
5. North Edison Fee No 1
6. North Edison Morrow
7. Lea NM
8. 73.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18667
2. 30-015-22698
3. 102
4. Anadarko Production Company
5. New Mexico AA State No 1
6. North Turkey Track Morrow
7. Eddy NM
8. 1825.0 million cubic feet
9. August 30, 1979
10. Llano Inc
1. 79-18668
2. 30-015-22817
3. 102
4. W A Moncrief Jr
5. Balldridge Canyon Com 1
6. Wildcat
7. Eddy NM
8. 600.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Co

Ohio Department of Natural Resources,
Division of Oil and Gas

1. Control number (FERC/State)
2. API well number
3. Section of NCPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-18382/00402

2. 34-053-20195-0014
3. 108
4. Neill C Flemister Jr
5. ROJ Corp #1
- 6.
7. Gallia OH
8. 12.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18383/01024
2. 34-005-23115-0014
3. 108
4. Hortin and Huffman
5. Rena Heffelfinger #1
- 6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18384/01322
2. 34-005-23110-0014-
3. 108
4. Hortin and Huffman
5. James and Mildred Fisher #1
- 6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18385/01321
2. 34-005-23136-0014
3. 108
4. Hortin and Huffman
5. C & M Bender #1
- 6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18386/06114
2. 34-009-21945-0014
3. 103
4. Trend Exploration Ltd
5. Trend #2 Coakley
6. Coolville
7. Athens OH
8. .0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18387/06109
2. 34-133-21912-0014
3. 103
4. R D Curry Production Co
5. Thomas J Gadel #1
- 6.
7. Portage OH
8. 1.0 million cubic feet
9. August 30, 1979
10. The East Ohio Gas Company
1. 79-18388/06110
2. 34-133-21556-0014-
3. 103
4. R D Curry Production Company
5. Habyan-Thompson-Haught Unit #1
- 6.
7. Portage OH
8. 2.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company
1. 79-18389/06111
2. 34-133-21731-0014
3. 103
4. Viking Resources Corporation
5. John Francis #1
- 6.

7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
- 10.
1. 79-18390/06112
2. 34-133-21871-0014
3. 103
4. Viking Resources Corporation
5. Corbett-Writtenberry #2
- 6.
7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
- 10.
1. 79-18391/06113
2. 34-133-21870-0014
3. 103
4. Viking Resources Corporation
5. Corbett-Writtenberry #1
- 6.
7. Portage, OH
8. 30.0 million cubic feet
9. August 30, 1979
- 10.
1. 79-18392/06115
2. 34-075-19780-014
3. 103
4. Berwell Energy Inc
5. James Waddell No 1
- 6.
7. Holmes, OH
8. 24.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18393/06119
2. 34-075-22160-0014
3. 103
4. Oxford Oil Co
5. Emanuel Miller #1
- 6.
7. Holmes, OH
8. 9.0 million cubic feet
9. August 30, 1979
- 10.
1. 79-18394/06120
2. 34-169-22097-0014
3. 103
4. Amtex Oil and Gas Inc
5. Neiss Well No 1
- 6.
7. Wayne, OH
8. 250.0 million cubic feet
9. August 30, 1979
- 10.
1. 79-18395/06134
2. 34-155-20637-0014
3. 103
4. Atlas Energy Group Inc
5. May Unit No 1—#0531
- 6.
7. Trumbull, OH
8. .0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18396/06135
2. 34-133-21928-0014
3. 103
4. Jud Noble and Associates Inc
5. H & M Hall #4
- 6.
7. Portage, OH
8. 20.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company
1. 79-18397/06136
2. 34-151-23028-0014
3. 103
4. Belden & Blake and Co L P No 71
5. W & P Ames Comm #1-891
- 6.
7. Stark, OH
8. 36.5 million cubic feet
9. August 30, 1979
- 10.
1. 79-18398/06137
2. 34-151-23027-0014
3. 103
4. Belden & Blake and Co L P No 71
5. C & L Linerode Comm #1-884
- 6.
7. Stark, OH
8. 36.5 million cubic feet
9. August 30, 1979
- 10.
1. 79-18399/06138
2. 34-151-23034-0014
3. 103
4. Belden & Blake and Co L P No 71
5. D Huennergardt Comm #1-882
- 6.
7. Stark, OH
8. 36.4 million cubic feet
9. August 30, 1979
- 10.
1. 79-18400/06139
2. 34-151-23030-0014
3. 103
4. Belden & Blake and Co L P No 71
5. Magnolia Mining #10-881
- 6.
7. Stark, OH
8. 36.5 million cubic feet
9. August 30, 1979
- 10.
1. 79-18401/-06140
2. 34-151-22892-0014
3. 103
4. Belden & Blake and Co L P No 71
5. K & R Wenger #1-858
- 6.
7. Stark, OH
8. 36.5 million cubic feet
9. August 30, 1979
- 10.
1. 79-18402/06141
2. 34-089-23599-0014
3. 103
4. American Well Management Company
5. Bero No 1
- 6.
7. Licking, OH
8. 18.0 million cubic feet
9. August 30, 1979
- 10.
1. 79-18403/06142
2. 34-127-24307-0014
3. 103
4. Bell Drilling & Producing Co
5. George F Weaver #1
- 6.
7. Perry, OH
8. 2.4 million cubic feet
9. August 30, 1979
10. Altheirs Oil Inc
1. 79-18404/06143
2. 34-005-23224-0014
3. 103
4. Hortin & Huffman
5. Guy Z & Fern O Humm #1
- 6.

7. Ashland, OH
8. 10.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18405/06144
2. 34-089-23561-0014
3. 103
4. Hortin & Huffman
5. Rolla E Weiss #1
- 6.
7. Licking, OH
8. 3.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79-18406/06145
2. 34-075-22135-0014
3. 103
4. Hortin & Huffman
5. Charles & Mary Lou Bender #1
- 6.
7. Holmes, OH
8. 5.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company
1. 79-18407/06146
2. 34-083-22568-0014
3. 103
4. Hortin & Huffman
5. Robert K & Trudy Kauffman #1
- 6.
7. Knox, OH
8. 4.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18408/06147
2. 34-031-21995-0014
3. 103
4. Jerry Moore Inc
5. Huber A Brenly Unit #1
6. Keene
7. Coshocton, OH
8. 10.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18409/06148
2. 34-031-23458-0014
3. 103
4. Jerry Morre Inc
5. Huber A Brenly Unit #3
6. Keene
7. Coshocton, OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18410/06149
2. 34-031-23107-0014
3. 103
4. Jerry Moore Inc
5. Bruce Holderbaum Unit #1
6. Keene
7. Coshocton, OH
8. 3.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18411/06150
2. 34-099-21175-0014
3. 103
4. Phoenix Ohio Partners—1979
5. D & R Myers #3-3030
- 6.
7. Mahoning, OH
8. 36.5 million cubic feet
9. August 30, 1979
- 10.
1. 79-18412/06151
2. 34-099-21174-0014
3. 103
4. Phoenix Ohio Partners—1979
5. D & R Myers #2-3029
- 6.
7. Mahoning, OH
8. 36.5 million cubic feet
9. August 30, 1979
- 10.
1. 79-18413/06152
2. 34-099-21151-0014
3. 103
4. Phoenix Ohio Partners—1979
5. D Hartzell #1-3024
- 6.
7. Mahoning, OH
8. 36.5 million cubic feet
9. August 30, 1979
- 10.
1. 79-18414/06153
2. 34-099-21180-0014
3. 103
4. Phoenix Ohio Partners—1979
5. D & R Myers #1-3028
- 6.
7. Mahoning, OH
8. .0 million cubic feet
9. August 30, 1979
- 10.
1. 79-18415/06154
2. 34-099-21152-0014
3. 103
4. Phoenix Ohio Partners—1979
5. I McElroy #1-3023
- 6.
7. Mahoning, OH
8. 36.5 million cubic feet
9. August 30, 1979
- 10.
1. 79-18416/06155
2. 34-031-22153-0014
3. 103
4. Seneca Energy Corp
5. H J Lowe #1
- 6.
7. Coshocton, OH
8. .0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18417/06156
2. 34-031-23279-0014
3. 103
4. Jerry Moore Inc
5. Nellie M Miller #1-16
6. Keene
7. Coshocton, OH
8. 7.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18418/06157
2. 34-031-23520-0014
3. 103
4. Jerry Moore Inc
5. William W Osborne #1
6. Keene
7. Coshocton, OH
8. 4.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18419/06158
2. 34-031-23333-0014
3. 103
4. Jerry Moore Inc
5. Margaret W Roemer #1
6. Keene

7. Coshocton, OH
8. 10.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18420/06159
2. 34-031-23337-0014
3. 103
4. Jerry Moore Inc
5. Margaret W Roemer #2
6. Keene
7. Coshocton, OH
8. 4.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18421/06160
2. 34-031-23278-0014
3. 103
4. Jerry Moore Inc
5. Eddie Schrader Unit #1
6. Keene
7. Coshocton, OH
8. 8.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18422/06161
2. 34-031-23499-0014
3. 103
4. Jerry Moore Inc
5. Alvin F Stauffer #1
6. Keene
7. Coshocton, OH
8. 6.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18423/06162
2. 34-031-23223-0014
3. 103
4. Jerry Moore Inc
5. Ben V Beachy #3
6. Keene
7. Coshocton, OH
8. 6.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18424/06163
2. 34-031-23193-0014
3. 103
4. Jerry Moore Inc
5. Ben V Beachy #2
6. Keene
7. Coshocton, OH
8. 7.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18425/06164
2. 34-031-23078-0014
3. 103
4. Jerry Moore Inc
5. Ben V Beachy Unit #1
6. Keene
7. Coshocton, OH
8. 6.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18426/06165
2. 34-031-23473-0014
3. 103
4. Jerry Moore Inc
5. Oatie Kise Unit #1
6. Keene
7. Coshocton, OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18427/06166
2. 34-031-23128-0014
3. 103
4. Jerry Moore Inc
5. R Martin Daugherty Unit #1
6. Keene
7. Coshocton, OH
8. 8.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18428/06167
2. 34-031-23303-0014
3. 103
4. Jerry Moore Inc
5. R Martin Daugherty #2
6. Keene
7. Coshocton, OH
8. 7.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18429/06168
2. 34-031-23264-0014
3. 103
4. Jerry Moore Inc
5. Richard P Gilmore #1
6. Keene
7. Coshocton, OH
8. 7.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18430/06169
2. 34-031-23248-0014
3. 103
4. Jerry Moore Inc
5. John C Eberly #1
6. Keene
7. Coshocton, OH
8. 8.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18431/06170
2. 34-031-23176-0014
3. 103
4. Jerry Moore Inc
5. Jerry P Nini Unit #1
6. Keene
7. Coshocton, OH
8. 6.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18432/06171
2. 34-031-23183-0014
3. 103
4. Jerry Moore Inc
5. Levi J Miller #1-11
6. Keene
7. Coshocton, OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18433/06173
2. 34-085-20284-0014
3. 103
4. Frank R Angeloro
5. Angeloro
6. Not Named
7. Lake OH
8. 100.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company
1. 79-18434/06179
2. 34-157-23340-0014
3. 103
4. Joe L Schrimsher
5. Carl E Fivecoat #1
- 6.

7. Tuscarawas, OH
8. 20.0 million cubic feet
9. August 30, 1979
10.
1. 79-18435/01517
2. 34-005-23121-0014
3. 108
4. Hortin and Huffman
5. Richard & Pauline Teeters #1
6.
7. Ashland, OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18436/01518
2. 34-005-23111-0014
3. 108
4. Hortin and Huffman
5. Carl & Thelma Stitzlein #1
6.
7. Ashland, OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18437/01518
2. 34-005-23123-0014
3. 108
4. Hortin and Huffman
5. Irvin Mumper #1
6.
7. Ashland, OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18438/01520
2. 34-005-23122-0014
3. 108
4. Hortin and Huffman
5. James & Mildred Fisher #2
6.
7. Ashland, OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18439/01523
2. 34-157-21459-0014
3. 108
4. Zenith Exploration Company
5. G Marsh #1
6.
7. Tuscarawas, OH
8. 17.0 million cubic feet
9. August 30, 1979
10. Stone Creek Brick Co
1. 79-18440/01524
2. 34-029-20556-0014
3. 108
4. Zenith Exploration Company
5. FD & EP Emmons #1
6.
7. Columbiana, OH
8. 12.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18441/01525
2. 34-157-21795-0014
3. 108
4. Zenith Exploration Company
5. Robert H Williamson #1
6.
7. Tuscarawas, OH
8. 10.0 million cubic feet
9. August 30, 1979
10. Mutual Oil & Gas Co
1. 79-18442/03909

2. 34-127-24267-0014
3. 103
4. Custom Industries Inc
5. Jack Treadway #4
6.
7. Perry, OH
8. 36.0 million cubic feet
9. August 30, 1979
10.
1. 79-18443/05564
2. 34-115-21766-0014
3. 103
4. O'Neal Productions Inc
5. Ferguson Et Al (Huck) #1
6. McConnesville
7. Morgan, OH
8. .0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18444/05925
2. 34-059-22521-0014
3. 103
4. William N Tipka
5. Cunningham #1
6.
7. Guernsey, OH
8. .0 million cubic feet
9. August 30, 1979
10. The East Ohio Gas Co
1. 79-18445/05979
2. 34-031-23386-0014
3. 103
4. Conpetro Inc
5. Althea Braniger #2
6.
7. Coshocton, OH
8. .0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18446/06001
2. 34-157-22849-0014
3. 103
4. William N Tipka
5. Angel #1
6.
7. Tuscarawas, OH
8. .0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18447/06002
2. 34-157-22762-0014
3. 103
4. William N Tipka
5. G Sauser #1A
6.
7. Tuscarawas, OH
8. 40.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18448/06003
2. 34-157-22840-0014
3. 103
4. William N Tipka
5. Angel Unit #1
6.
7. Tuscarawas, OH
8. .0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18449/06004
2. 34-119-24785-0014
3. 103
4. Cameron Brothers
5. Marvin Stephens #1
6.

7. Muskingum, OH
8. 9.0 million cubic feet
9. August 30, 1979
10.
1. 79-18450/06005
2. 34-031-23349-0014
3. 103
4. Dale C Dugan
5. Larry Fox #1
6.
7. Coshocton, OH
8. 5.0 million cubic feet
9. August 30, 1979
10.
1. 79-18451/06006
2. 34-127-24224-0014
3. 103
4. Altier Petroleum Inc
5. G Sherrick #2
6.
7. Perry OH
8. 12.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79-18452/06014
2. 34-133-21848-0014
3. 103
4. Viking Resources Corporation
5. G & P Hudak & J P & M Sekel #1
6.
7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
10.
1. 79-18453/06015
2. 34-053-20432-0014
3. 103
4. Altheirs Oil Inc
5. Hortie Roush #3
6. Cheshire Twp
7. Gallia OH
8. 12.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18454/06016
2. 34-053-20428-0014
3. 103
4. Altheirs Petroleum Inc
5. Hortie Roush #2
6. Cheshire Twp
7. Gallia OH
8. 13.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18455/06017
2. 34-053-20427-0014
3. 103
4. Altheirs Oil Inc
5. Hortie Roush #1
6. Cheshire Twp
7. Gallia OH
8. 12.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18456/06018
2. 34-053-20364-0014
3. 103
4. Altheirs Oil Inc
5. Henry #1
6. Addison Twp
7. Gallia OH
8. 12.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18457/06007

2. 34-133-21423-0014
3. 103
4. Clinton Sands Natural Resource GP
5. Morgan #1
6.
7. Portage OH
8. 25.0 million cubic feet
9. August 30, 1979
10.
1. 79-18458/06008
2. 34-133-21835-0014
3. 103
4. Viking Resources Corporation
5. Fred P Kirkhart #2
6.
7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
10.
1. 79-18459/06010
2. 34-133-21709-0014
3. 103
4. Viking Resources Corporation
5. Richard & Annice Blackburn #1
6.
7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
10.
1. 79-18460/06011
2. 34-133-21726-0014
3. 103
4. Viking Resources Corporation
5. Michael Dittmer (Eagleson Unit) #3
6.
7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
10.
1. 79-18461/06012
2. 34-133-21724-0014
3. 103
4. Viking Resources Corporation
5. Michael D Dittmer (Eagleson Unit)
6.
7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
10.
1. 79-18462/06013
2. 34-133-21847-0014
3. 103
4. Viking Resources Corporation
5. J Natale & R Stewart Unit #1
6.
7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
10.
1. 79-18463/01323
2. 34-005-23152-0014
3. 108
4. Hortin and Huffman
5. Richard & Thelma Krebs #2
6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18464/01324
2. 34-005-23147-0014
3. 108
4. Hortin and Huffman
5. Richard E & Thelma J Krebs #1
6.

7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18465/01325
2. 34-005-23146-0014
3. 108
4. Hortin and Huffman
5. Rena C Heffelfinger #2
6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18466/01326
2. 34-005-23142-0014
3. 108
4. Hortin and Huffman
5. Sadie S Chesrown #1
6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18467/01327
2. 34-005-23141-0014
3. 108
4. Hortin and Huffman
5. Robert W & Colleen Stitzlein #1
6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18468/01328
2. 34-005-23143-0014
3. 108
4. Hortin and Huffman
5. William L Raubenolt #1
6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18469/01329
2. 34-005-23153-0014
3. 108
4. Hortin and Huffman
5. John M Leininger Jr #1
6.
7. Ashland OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18470/01379
2. 34-083-22153-0014
3. 108
4. Lein Bates Jr
5. Douglas #1
6.
7. Knox OH
8. 25.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18471/01383
2. 34-083-22395-0014
3. 108
4. Bates Oil & Gas Inc
5. McCullough-Hogle #1
6.
7. Knox OH
8. 4.4 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18472/01368

2. 34-083-22402-0014
3. 108
4. Bates Oil & Gas Inc
5. Gorsuch #2
6.
7. Knox OH
8. 1.5 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18473/03007
2. 34-127-22617-0014
3. 108
4. George W Sharp
5. R E Beard #1
6.
7. Perry OH
8. 1.6 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18474/03008
2. 34-127-23243-0014
3. 108
4. George W Sharp
5. E Beard #2
6.
7. Perry OH
8. 1.6 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18475/03009
2. 34-127-23671-0014
3. 108
4. George W Sharp
5. R E Beard #5
6.
7. Perry OH
8. 7.3 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18476/03011
2. 34-059-21739-0014
3. 108
4. Resource Exploration Inc
5. Dorst #1
6.
7. Guernsey OH
8. 1.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18477/03014
2. 34-059-21755-0014
3. 108
4. Resource Exploration Inc
5. McClelland #2
6.
7. Guernsey OH
8. 1.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18478/03015
2. 34-059-21747-0014
3. 108
4. Resource Exploration Inc
5. Pribonic #1
6.
7. Guernsey OH
8. 1.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18479/03016
2. 34-059-21751-0014
3. 108
4. Resource Exploration Inc
5. McClelland #1
6.

7. Guernsey OH
8. 1.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18480/04867
2. 34-059-22052-0014
3. 108
4. Appalachian Exploration Inc
5. R Smith #1
6.
7. Guernsey OH
8. 3.0 million cubic feet
9. August 30, 1979
10. Consolidated Aluminum Corp
1. 79-18481/04869
2. 34-059-21997-0014
3. 108
4. Appalachian Exploration Inc
5. Scott-Edwards #1
6.
7. Guernsey OH
8. 13.0 million cubic feet
9. August 30, 1979
10. Consolidated Aluminum Corp
1. 79-18482/04879
2. 34-059-21998-0014
3. 108
4. Appalachian Exploration Inc
5. Scott #2
6.
7. Guernsey OH
8. 3.0 million cubic feet
9. August 30, 1979
10. Consolidated Aluminum Corp
1. 79-18483/04883
2. 34-059-22049-0014
3. 108
4. Appalachian Exploration Inc
5. F Ringer #1
6.
7. Guernsey OH
8. 10.0 million cubic feet
9. August 30, 1979
10. Consolidated Aluminum Corp
1. 79-18484/04888
2. 34-059-22006-0014
3. 108
4. Appalachian Exploration Inc
5. Milhoan #1
6.
7. Guernsey OH
8. 8.0 million cubic feet
9. August 30, 1979
10. Consolidated Aluminum Corp
1. 79-18485/04932
2. 34-127-23407-0014
3. 108
4. The Clinton Oil Co
5. Mason #4
6.
7. Perry OH
8. 2.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79-18486/04933
2. 34-119-23135-0014
3. 108
4. The Clinton Oil Co
5. Pearson #1
6.
7. Muskingum OH
8. 8.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79-18487/04934

2. 34-119-23536-0014
3. 108
4. The Clinton Oil Co
5. E. Swingle #1
6.
7. Muskingum OH
8. 8.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79-18488/04935
2. 34-119-23468-0014
3. 108
4. The Clinton Oil Co
5. Potts #1
6.
7. Muskingum OH
8. 1.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79-18489/04938
2. 34-167-23184-0014
3. 108
4. The Clinton Oil Co
5. West #1
6.
7. Washington OH
8. 1.0 million cubic feet
9. August 30, 1979
10. River Gas Co
1. 79-18490/04938
2. 34-167-21314-0014
3. 108
4. The Clinton Oil Co
5. Nellie Hall #2
6.
7. Washington OH
8. .3 million cubic feet
9. August 30, 1979
10. River Gas Co
1. 79-18491/04939
2. 34-119-23415-0014
3. 108
4. The Clinton Oil Co
5. S Swingle #1
6.
7. Muskingum OH
8. 1.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79-18492/04941
2. 34-119-23554-0014
3. 108
4. The Clinton Oil Co
5. R Swingle #1
6.
7. Muskingum OH
8. 12.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79-18493/04942
2. 34-119-23627-0014
3. 108
4. The Clinton Oil Co
5. Wilson #2
6.
7. Muskingum OH
8. .5 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79-18494/04944
2. 34-119-22972-0014
3. 108
4. The Clinton Oil Co
5. Deitrick #1
6.

7. Muskingum OH
8. 4.0 million cubic feet
9. August 30, 1979
10. National Gas & Oil Corp
1. 79-18495/04964
2. 34-105-21673-0014
3. 108
4. Robert D Carson & Mary V Carson
5. Dater #1
6.
7. Meigs OH
8. 6.6 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18496/05114
2. 34-089-23759-0014
3. 108
4. Dick Hart
5. W & E Shafen #1
6.
7. Licking OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18497/05119
2. 34-089-23826-0014
3. 108
4. Dick Hart
5. W & E Shafen #2
6.
7. Licking OH
8. 5.1 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18498/05120
2. 34-115-21087-0014
3. 108
4. Roger Michael Stright
5. Stright #1
6.
7. Morgan OH
8. 2.2 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18499/05178
2. 34-157-22873-0014
3. 108
4. Whirlpool Corporation
5. Snyder #3
6.
7. Tuscarawas OH
8. 15.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18500/05177
2. 34-157-22874-0014
3. 108
4. Whirlpool Corporation
5. Snyder #4
6.
7. Tuscarawas OH
8. 15.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18501/05178
2. 34-157-22872-0014
3. 108
4. Whirlpool Corporation
5. Snyder #2
6.
7. Tuscarawas OH
8. 15.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18502/05179

2. 34-157-22871-0014
3. 108
4. Whirlpool Corporation
5. Snyder #1
6.
7. Tuscarawas OH
8. 15.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18503/05180
2. 34-157-22875-0014
3. 108
4. Whirlpool Corporation
5. F Edwards #1
6.
7. Tuscarawas OH
8. 14.6 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18504/05182
2. 34-157-22788-0014
3. 108
4. Whirlpool Corporation
5. Murphy #2
6.
7. Tuscarawas OH
8. 11.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18505/05183
2. 34-157-22565-0014
3. 108
4. Whirlpool Corporation
5. Murphy #1
6.
7. Tuscarawas OH
8. 11.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18506/05187
2. 34-059-21890-0014
3. 108
4. Whirlpool Corporation
5. Neilley-Mathers Unit #1
6.
7. Guernsey OH
8. 4.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18507/05188
2. 34-059-21891-0014
3. 108
4. Whirlpool Corporation
5. Ringer-Mathers #1
6.
7. Guernsey OH
8. 15.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18508/05189
2. 34-059-21807-0014
3. 108
4. Whirlpool Corporation
5. Ringer-Lucas #1
6.
7. Guernsey OH
8. 7.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18509/05190
2. 34-059-21889-0014
3. 108
4. Whirlpool Corporation
5. Ringer #2

6.
7. Guernsey OH
8. 7.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18510/05293
2. 34-119-22227-0014
3. 108
4. The Oxford Oil Co
5. E D Mann #1
6.
7. Muskingum OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18511/05294
2. 34-119-22330-0014
3. 108
4. The Oxford Oil Co
5. E D Mann #2
6.
7. Muskingum OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18512/05295
2. 34-119-23364-0014
3. 108
4. The Oxford Oil Co
5. E D Mann #3
6.
7. Muskingum OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18513/05296
2. 34-119-23385-0014
3. 108
4. The Oxford Oil Co
5. E D Mann #4
6.
7. Muskingum OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18514/05297
2. 34-119-23973-0014
3. 108
4. The Oxford Oil Co
5. E D Mann #5
6.
7. Muskingum OH
8. 5.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18515/05299
2. 34-075-21991-0014
3. 108
4. The Oxford Oil Co
5. Andy Rohkopf #1
6.
7. Holmes OH
8. 15.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp
1. 79-18516/05300
2. 34-075-21751-0014
3. 108
4. The Oxford Oil Co
5. John Schlabach #1
6.
7. Holmes OH
8. 12.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Trans Corp

1. 79-18517/06044
2. 34-155-25730-0014
3. 103
4. A W E Inc
5. Tryon No 1
6.
7. Trumbull OH
8. 36.5 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18518/06045
2. 34-119-24518-0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #39
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.
1. 79-18519/06046
2. 34-119-23045-0014
3. 103
4. Williston Oil & Development Corp
5. Frame/Sutton #4
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.
1. 79-18520/06047
2. 34-119-24682-0014
3. 103
4. Williston Oil & Development Corp
5. Williston #51
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.
1. 79-18521/06048
2. 34-119-24686-0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #52
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.
1. 79-18522/06049
2. 34-119-24687-0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #53
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.
1. 79-18523/06050
2. 34-009-21967-0014
3. 103
4. R Wolfe Oil & Gas
5. Linscott #2 permit #1967
6.
7. Athens OH
8. 2.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Company
1. 79-18524/06051
2. 34-155-21032-0014
3. 103
4. A W E Inc
5. Borland-Olson No 1

6.
7. Trumbull OH
8. 36.5 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18525/06053
2. 34-155-20597-0014
3. 103
4. Pyramid Oil & Gas Company
5. Strock #1
6.
7. Trumbull OH
8. 30.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company
1. 79-18526/06054
2. 34-155-21064-0014
3. 103
4. Pyramid Oil & Gas Company
5. New Ditrach #1
6.
7. Trumbull OH
8. 30.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company
1. 79-18527/06055
2. 34-155-20587-0014
3. 103
4. Pyramid Oil & Gas Company
5. Good #2
6.
7. Trumbull OH
8. 30.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company
1. 79-18528/06056
2. 34-127-24186-0014
3. 103
4. Quaker State Oil Refining Corp
5. Adcock 3-T-1 80146-3
6.
7. Perry OH
8. 4.7 million cubic feet
9. August 30, 1979
10. Foraker Gas Co
1. 79-18529/06057
2. 34-127-24121-0014
3. 103
4. Quaker State Oil Refining Corp
5. Taylor #3-T-1 80186
6.
7. Perry OH
8. 14.6 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18530/06053
2. 34-127-24082-0014
3. 103
4. Quaker State Oil Refining Corp
5. Taylor #2-T-1 80161-2
6.
7. Perry OH
8. 8.4 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18531/06059
2. 34-127-24114-0014
3. 103
4. Quaker State Oil Refining Corp
5. Adcock 2-T-5 80150-2
6.
7. Perry OH
8. 3.3 million cubic feet
9. August 30, 1979
10. Foraker Gas Co

1. 79-18532/06060
2. 34-127-24182-0014
3. 103
4. Quaker State Oil Refining Corp
5. Adcock 4-T-5 80150-4
6.
7. Perry OH
8. 4.7 million cubic feet
9. August 30, 1979
10. Foraker Gas Co
1. 79-18533/06061
2. 34-119-24652-0014
3. 103
4. Clinton Oil Co
5. James Siegrist #2
6.
7. Muskingum OH
8. 20.0 million cubic feet
9. August 30, 1979
10.
1. 79-18534/06062
2. 34-089-23607-0014
3. 103
4. George M Gernhardt
5. Sands #3
6.
7. Licking OH
8. 12.0 million cubic feet
9. August 30, 1979
10.
1. 79-18535/06068
2. 34-121-22123-0014
3. 103
4. Tiger Oil Inc
5. Vernon White #1
6.
7. Noble OH
8. 15.0 million cubic feet
9. August 30, 1979
10. The East Ohio Gas Company
1. 79-18536/06069
2. 34-115-21784-0014
3. 103
4. The Benatty Corporation
5. D Robinson #1
6.
7. Morgan OH
8. 5.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company
1. 79-18537/06070
2. 34-169-22155-0014
3. 103
4. Patco Inc
5. Boyas #1
6.
7. Wayne OH
8. 20.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission
1. 79-18538/06071
2. 34-157-23338-0014
3. 103
4. William N Tipka
5. Frank Quillin #1
6.
7. Tuscarawas OH
8. .0 million cubic feet
9. August 30, 1979
10. The East Ohio Gas Co
1. 79-18539/06072
2. 34-121-22054-0014
3. 103
4. Tiger Oil Inc
5. Alice Gorrell #1

6.
7. Noble OH
8. .0 million cubic feet
9. August 30, 1979
10. The East Ohio Gas Company
1. 79-18540/06073
2. 34-099-21146-0014
3. 103
4. Rowley & Brown Petroleum Corp
5. Lloyd #1
6.
7. Mahoning OH
8. 27.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Company
1. 79-18541/06074
2. 34-133-21906-0014
3. 103
4. Orion Energy Corp
5. Wise Bros #3
6.
7. Portage OH
8. 12.0 million cubic feet
9. August 30, 1979
10.
1. 79-18542/06075
2. 34-119-24789-0014
3. 103
4. The Benatty Corporation
5. Mabel Daily #5
6.
7. Muskingum OH
8. 20.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18543/06076
2. 34-119-24659-0014
3. 103
4. The Benatty Corporation
5. Mabel Daily #4
6.
7. Muskingum OH
8. 20.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18544/06077
2. 34-119-24661-0014
3. 103
4. The Benatty Corporation
5. Daily-Heineman Unit #1
6.
7. Muskingum OH
8. 25.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Corp
1. 79-18545/06079
2. 34-111-21885-0014
3. 103
4. Drillers Petroleum Corp
5. Homer Burkhardt #1
6.
7. Monroe OH
8. 54.0 million cubic feet
9. August 30, 1979
10.
1. 79-18546/06080
2. 34-075-22150-0014
3. 103
4. William F. Hill
5. Hood #1
6.
7. Holmes OH
8. 10.0 million cubic feet
9. August 30, 1979
10.

1. 79-18547/06081
2. 34-169-22127-0014
3. 103
4. Amtex Oil and Gas Inc
5. Johnson Well No 4
6.
7. Wayne OH
8. 200.0 million cubic feet
9. August 30, 1979
10.
1. 79-18548/06082
2. 34-169-22128-0014
3. 103
4. Amtex Oil and Gas Inc
5. Johnson Well No 3
6.
7. Wayne OH
8. 200.0 million cubic feet
9. August 30, 1979
10.
1. 79-18549/06083
2. 34-169-22130-0014
3. 103
4. Amtex Oil and Gas Inc
5. Johnson Well No 2
6.
7. Wayne OH
8. 200.0 million cubic feet
9. August 30, 1979
10.
1. 79-18550/06084
2. 34-169-22129-0014
3. 103
4. Amtex Oil and Gas Inc
5. Johnson Well No 1
6.
7. Wayne OH
8. 200.0 million cubic feet
9. August 30, 1979
10.
1. 79-18551/06085
2. 34-119-24410-0014
3. 103
4. Williston Oil & Development Corp
5. Osborn #1
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.
1. 79-18552/06086
2. 34-119-24411-0014
3. 103
4. Williston Oil & Development Corp
5. Osborn #2
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.
1. 79-18553/06087
2. 34-119-24408-0014
3. 103
4. Williston Oil & Development Corp
5. Osborn #3
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.
1. 79-18554/06088
2. 34-119-24409-0014
3. 103
4. Williston Oil & Development Corp
5. Osborn #4

6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.
1. 79-18555/06089
2. 34-119-24449-0014
3. 103
4. Williston Oil & Development Corp
5. Osborn #5
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.
1. 79-18556/06090
2. 34-119-24503-0014
3. 103
4. Williston Oil & Development Corp
5. Osborn #6
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.
1. 79-18557/06091
2. 34-119-24505-0014
3. 103
4. Williston Oil & Development Corp
5. Osborn #7
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.
1. 79-18558/06092
2. 34-119-24452-0014
3. 103
4. Williston Oil & Development Corp
5. Osborn #8
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 30, 1979
10.
1. 79-18559/06093
2. 34-121-22059-0014
3. 103
4. Tiger Oil Inc
5. Grimes Heirs #1
6.
7. Noble OH
8. 20.0 million cubic feet
9. August 30, 1979
10. Columbia Gas
1. 79-18560/06094
2. 34-121-22072-0014
3. 103
4. Tiger Oil Inc
5. Grimes Heirs #3
6.
7. Noble OH
8. 20.0 million cubic feet
9. August 30, 1979
10. Columbia Gas
1. 79-18561/06095
2. 34-167-22052-0014
3. 103
4. Tiger Oil Inc
5. Grimes Heirs #2
6.
7. Noble OH
8. 20.0 million cubic feet
9. August 30, 1979
10. Columbia Gas

1. 79-18562/06096
2. 34-167-23906-0014
3. 103
4. Tiger Oil Inc
5. Stockport Sand & Schott #1
6.
7. Washington OH
8. 12.0 million cubic feet
9. August 30, 1979
10. Columbia Gas
1. 79-18563/06097
2. 34-007-21121-0014
3. 103
4. Clarence K Tussell Jr
5. F Walla #1
6.
7. Ashtabula OH
8. 25.0 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18564/06098
2. 34-007-21120-0014
3. 103
4. Clarence K Tussell Jr
5. E. Georgia Jr #1
6.
7. Ashtabula OH
8. 30.0 million
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18565/06099
2. 34-007-21114-0014
3. 103
4. Clarence K Tussell Jr
5. Warren Prod Credit #1
6.
7. Ashtabula OH
8. 30.0 million
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18566/06100
2. 34-007-21113-0014
3. 103
4. Clarence K Tussell Jr
5. I Cole #1
6.
7. Ashtabula OH
8. 30.0 million
9. August 30, 1979
10. East Ohio Gas Co
1. 79-18567/06101
2. 34-031-22888-0014
3. 103
4. Cyclops Corporation
5. Harold & Violet Noble #1
6.
7. Coshocton OH
8. 33.0 million cubic feet
9. August 30, 1979
10.
1. 79-18568/06102
2. 34-031-23351-0014
3. 103
4. Independent Oil Investors
5. Ray Underwood #1
6. Ray & Dorothy Underwood
7. Coshocton OH
8. 10.0 million cubic feet
9. August 30, 1979
10. National Gas
1. 79-18569/06103
2. 34-031-23227-0014
3. 103
4. Monroe & Keusink Inc #316
5. Robert Wolf #1-34-031-2-3227**14

- 8.
7. Coshocton OH
8. 12.0 million cubic feet
9. August 30, 1979
10. Columbia Gas Transmission Co
1. 79-18570/06108
2. 34-133-21732-0014
3. 103
4. Viking Resources Corporation
5. John Francis #2
- 6.
7. Portage OH
8. 30.0 million cubic feet
9. August 30, 1979
- 10.
1. 79-18672/06043
2. 34-155-21006-0014
3. 103
4. AWE Inc
5. Kachurik No 1
- 6.
7. Trumbull OH
8. 36.5 million cubic feet
9. August 30, 1979
10. East Ohio Gas Co

West Virginia Department of Mines, Oil and Gas Division

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-18317
2. 47-045-00738
3. 108
4. Peake Operating Company
5. Newberry No 77 Log-738
6. Triadelphia District
7. Logan WV
8. 19.0 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-18318
2. 47-045-00699
3. 108
4. Peake Operating Company
5. Newberry No 87 Log-699
6. Triadelphia District
7. Logan WV
8. 12.7 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-18319
2. 47-005-00914
3. 108
4. Peake Operating Company
5. Y & O No 97 Boo-914
6. Sherman District
7. Boone WV
8. 2.2 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-18320
2. 47-005-00941
3. 108
4. Peake Operating Company
5. Y & O No 123 Boo-941
6. Crook District
7. Boone WV

8. 4.4 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-18321
2. 47-005-00957
3. 108
4. Peake Operating Company
5. Eunice No 134 Boo-957
6. Crook District
7. Boone WV
8. 9.1 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-18322
2. 47-005-00975
3. 108 denied
4. Peake Operating Company
5. Y & O No 138 Boo-975
6. Crook District
7. Boone WV
8. .2 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-18323
2. 47-005-00970
3. 108 denied
4. Peake Operating Company
5. Y & O No 125 Boo-970
6. Crook District
7. Boone WV
8. .2 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-18324
2. 47-045-00471
3. 108
4. Peake Operating Company
5. Newberry No 31 Log-471
6. Triadelphia District
7. Logan WV
8. 16.4 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-18329
2. 47-001-00227
3. 108
4. Consolidated Gas Supply Corp
5. C Robinson 10718
6. West Virginia Other A-85772
7. Barbour WV
8. 11.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18330
2. 47-021-00711
3. 108
4. Consolidated Gas Supply Corp
5. W G Bennett 8993
6. West Virginia Other A-85772
7. Gilmer WV
8. 5.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18331
2. 47-021-00871
3. 108
4. Consolidated Gas Supply Corp
5. Louis Bennett 8919
6. West Virginia Other A-85772
7. Gilmer WV
8. 3.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18332

2. 47-001-00115
3. 108
4. Consolidated Gas Supply Corp
5. James E Sayers 10399
6. West Virginia Other A-85772
7. Barbour WV
8. 19.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18333
2. 47-001-00047
3. 108
4. Consolidated Gas Supply Corporation
5. Indian Fork Coal & Coke Co 9070
6. West Virginia Other A-85772
7. Barbour WV
8. 9.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18334
2. 47-021-00891
3. 108
4. Consolidated Gas Supply Corp
5. Bennett Mercer 9688
6. West Virginia Other A-85772
7. Gilmer WV
8. 9.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18335
2. 47-017-00909
3. 108
4. Consolidated Gas Supply Corp
5. J W Smith 10456
6. West Virginia Other A-85772
7. Doddridge WV
8. 8.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18336
2. 47-001-00143
3. 108
4. Consolidated Gas Supply Corp
5. Ruth Wood Darton 10503
6. West Virginia Other A-85772
7. Barbour WV
8. 8.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18337
2. 47-001-00120
3. 108
4. Consolidated Gas Supply Corp
5. Vera P Nutter 10419
6. West Virginia Other A-85772
7. Barbour WV
8. 8.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18338
2. 47-017-02410
3. 108
4. Consolidated Gas Supply Corp
5. Adams Heirs 1494
6. West Virginia Other A-85772
7. Doddridge WV
8. 8.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18339
2. 47-017-01573
3. 108
4. Consolidated Gas Supply Corp
5. W B Maxwell 11271
6. West Virginia Other A-85772

7. Doddridge WV
8. 7.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18340
2. 47-013-02188
3. 108
4. Consolidated Gas Supply Corp
5. Louis Bennett 10692
6. West Virginia other A-85772
7. Calhoun WV
8. 2.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18341
2. 47-017-00161
3. 108
4. Consolidated Gas Supply Corp
5. W B Maxwell 9007
6. West Virginia other A-85772
7. Doddridge WV
8. 9.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18342
2. 47-017-00093
3. 108
4. Consolidated Gas Supply Corp
5. W B Maxwell 7047
6. West Virginia other A-85772
7. Doddridge WV
8. 8.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18343
2. 47-021-00878
3. 108
4. Consolidated Gas Supply Corp
5. Louis Bennett 9643
6. West Virginia other A-85772
7. Gilmer WV
8. 14.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18344
2. 47-013-00960
3. 108
4. Consolidated Gas Supply Corp
5. J N Vincent 9167
6. West Virginia other A-85772
7. Calhoun WV
8. 5.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18345
2. 47-021-00436
3. 108
4. Consolidated Gas Supply Corp
5. R J Boggs 6480
6. West Virginia other A-85772
7. Gilmer WV
8. 3.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18346
2. 47-013-00840
3. 108
4. Consolidated Gas Supply Corp
5. Hess Reynolds 8966
6. West Virginia other A-85772
7. Calhoun WV
8. 10.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18347

2. 47-013-02219
3. 108
4. Consolidated Gas Supply Corp
5. C Rice 11241
6. West Virginia other A-85772
7. Calhoun WV
8. 11.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18348
2. 47-013-00335
3. 108
4. Consolidated Gas Supply Corp
5. T B Amor 7742
6. West Virginia other A-85772
7. Calhoun WV
8. 3.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18349
2. 47-013-00471
3. 108
4. Consolidated Gas Supply Corp
5. C W Hardman 7819
6. West Virginia other A-85772
7. Calhoun WV
8. 8.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18350
2. 47-013-00513
3. 108
4. Consolidated Gas Supply Corp
5. Allen Hardman 7846
6. West Virginia other A-85772
7. Calhoun WV
8. 5.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18351
2. 47-013-01222
3. 108
4. Consolidated Gas Supply Corp
5. Louis Bennett 9860
6. West Virginia other A-85772
7. Calhoun WV
8. 9.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18352
2. 47-021-00142
3. 108
4. Consolidated Gas Supply Corp
5. F R Beall 7743
6. West Virginia other A-85772
7. Gilmer WV
8. 3.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18353
2. 47-001-00268
3. 108
4. Consolidated Gas Supply Corp
5. George S White 10765
6. West Virginia other A-85772
7. Barbour WV
8. 5.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18354
2. 47-001-00243
3. 108
4. Consolidated Gas Supply Corp
5. W McVickers 10746
6. West Virginia other A-85772

7. Barbour WV
8. 11.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18355
2. 47-013-00838
3. 108
4. Consolidated Gas Supply Corp
5. Hays-Nichols 8961
6. West Virginia other A-85772
7. Calhoun WV
8. 3.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18356
2. 47-001-00408
3. 108
4. Consolidated Gas Supply Corp
5. Harrison-Ritchie Oil & Gas Co
6. West Virginia other A-85772
7. Barbour WV
8. 18.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18357
2. 47-001-00309
3. 108
4. Consolidated Gas Supply Corp
5. Abner Stout 10787
6. West Virginia other A-85772
7. Barbour WV
8. 13.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18358
2. 47-001-00064
3. 108
4. Consolidated Gas Supply Corp
5. French Trimble 9223
6. West Virginia other A-85772
7. Barbour WV
8. 1.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18359
2. 47-013-02011
3. 108
4. Consolidated Gas Supply Corp
5. Eliza C Chancey 10491
6. West Virginia other A-85772
7. Calhoun WV
8. 5.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18360
2. 47-001-00370
3. 108
4. Consolidated Gas Supply Corp
5. Haller & McCoy 10937
6. West Virginia other A-85772
7. Barbour WV
8. 2.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18361
2. 47-013-00816
3. 108
4. Consolidated Gas Supply Corp
5. A L Gainer 8917
6. West Virginia other A-85772
7. Calhoun WV
8. 10.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18362

2. 47-013-00705
3. 108
4. Consolidated Gas Supply Corp
5. A L Gainer 8628
6. West Virginia other A-85772
7. Calhoun WV
8. 3.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18363
2. 47-033-00073
3. 108
4. Consolidated Gas Supply Corp
5. C D Robinson 11063
6. West Virginia other A-85772
7. Harrison WV
8. 14.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18364
2. 47-013-02418
3. 108
4. Consolidated Gas Supply Corp
5. L Bennett 11162
6. West Virginia other A-85772
7. Calhoun WV
8. 11.0 million cubic feet
9. August 30, 1979
10. General System Purchasers
1. 79-18365
2. 47-013-01223
3. 108
4. Consolidated Gas Supply Corp
5. A L Gainer 9858
6. West Virginia other A-85772
7. Calhoun WV
8. 8.0 million cubic feet
9. August 30, 1979
10. General System Purchasers

Wyoming Oil and Gas Conservation Commission

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)
1. 79-18366/NG-248-79
2. 49-041-20111
3. 102
4. Ladd Petroleum Corp
5. URLR-Amoco #1
6. West Sulphur Creek
7. Uinta, WY
8. 0 million cubic feet
9. August 30, 1979
10. Mountain Fuels Supply Co
1. 79-18669/NG241-79
2. 49-023-20252
3. 102
4. C & K Petroleum Inc
5. Chrisman No 1
6. Wildcat
7. Lincoln, WY
8. 135.0 million cubic feet
9. August 30, 1979
10. Northwest Pipeline Company

U.S. Geological Survey, Metalrie, La.

1. Control Number (FERC/State)

2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)
1. 79-18367/G 9-594
2. 17-715-40184-00D1-0
3. 102
4. Chevron USA Inc
5. OCS-G-1241 #14
6. South Timbalier
7. 52
8. 61.0 million cubic feet
9. August 24, 1979
10. Trunkline Gas Co
1. 79-18368/G 9-595
2. 17-715-40187-00D2-2
3. 102
4. Chevron USA Inc
5. OCS-G-1241 #12-D
6. South Timbalier
7. 52
8. 632.0 million cubic feet
9. August 24, 1979
10. Trunkline Gas Co
1. 79-18369/G 9-591
2. 17-715-40187-00D1-1
3. 103
4. Chevron USA Inc
5. OCS-G-1241 #12
6. South Timbalier
7. 52
8. 44.0 million cubic feet
9. August 24, 1979
10. Trunkline Gas Co
1. 79-18370/G 9-801
2. 17-715-40289-0000-1
3. 102
4. Chevron USA Inc
5. OCS-G-1241 #18
6. South Timbalier
7. 52
8. 43.0 million cubic feet
9. August 24, 1979
10. Trunkline Gas Company
1. 79-18371/G 9-802
2. 17-715-40280-0000-2
3. 102
4. Chevron USA, Inc
5. OCS-G-1241 #18-D
6. South Timbalier
7. 52
8. 143.0 million cubic feet
9. August 24, 1979
10. Trunkline Gas Company
1. 79-18372/G 9-589
2. 17-715-40184-40-00D2-2
3. 102
4. Chevron USA, Inc
5. OCS-G-1241 #14-D
6. South Timbalier
7. 52
8. 112.0 million cubic feet
9. August 24, 1979
10. Trunkline Gas Co
1. 79-18373/G 9-592
2. 17-715-40183-00S1-0
3. 102
4. Chevron USA, Inc
5. OCS-G-1241 #15
6. South Timbalier

7. 52
8. 14.9 million cubic feet
9. August 27, 1979
10. Trunkline Gas Co
1. 79-18374/G 9-593
2. 17-715-40183-00D1-1
3. 102
4. Chevron USA, Inc
5. OCS-G-1241 #10
6. South Timbalier
7. 52
8. 41.0 million cubic feet
9. August 27, 1979
10. Trunkline Gas Co
1. 79-18375/G 9-583
2. 17-715-40157-0000-0
3. 102
4. Chevron USA, Inc
5. OCS-G-1240 #5
6. South Timbalier
7. 51
8. 592.0 million cubic feet
9. August 27, 1979
10. Trunkline Gas Co
1. 79-18378/G9-773
2. 17-705-40335-0000-0
3. 107
4. McMoran Offshore Exploration Co
5. OCS-G 3390 #7
6. Vermilion
7. 25
8. 5475.0 million cubic feet
9. August 29, 1979
10. Transcontinental Gas Pipeline Co
1. 79-18379/G 9-649
2. 17-702-40512-01S1-0
3. 102
4. Exxon Corporation
5. OCS-G 2560 No A-2
6. West Cameron
7. Parish, LA
8. 5000.0 million cubic feet
9. August 29, 1979
10. Columbia Gas Trans Corp Northern Natural Gas Co Trunkline Gas Co Natural Gas Pipeline Co
1. 79-18380/G 8-177
2. 17-711-40377-00S1-0
3. 102
4. Ocean Production Company
5. OCS-G 1528 No B-18A
6. Ship Shoal 222
7. 223
8. 120.0 million cubic feet
9. August 29, 1979
10. Transcontinental Gas Pl Corp
1. 79-18381/G 8-202
2. 17-711-40366-00D2-0
3. 102
4. Ocean Production Company
5. OCS-G-0818 No 7-B
6. Ship Shoal 167
7. 167
8. 1000.0 million cubic feet
9. August 24, 1979
10. Tennessee Gas Pl Co
1. 79-18377/G 8-154
2. 42-711-40245-00D1-0
3. 102
4. Sun Oil Company
5. OCS-G-2434 No A-9
6. East High Island
7. A-370
8. 2600.0 million cubic feet
9. August 29, 1979

10. Trunkline Gas Company Michigan-Wisconsin P/L Co Natural Gas Pipeline Co

1. 79-18378/G 9-590
2. 17-715-40183-00D2-
3. 102
4. Chevron USA Inc
5. OCS-G-1241 #10-D
6. South Timbalier
7. 52
8. 1005.0 million cubic feet
9. August 24, 1979
10. Trunkline Gas Co

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)
1. 79-18571/NM 2133-79
2. 30-039-06507-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla J No. 15
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation
1. 79-18572/NM 2134-79
2. 30-039-07994-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 32-5 Unit 13 MV
6. Blanco-Mesa Verde Gas
7. Rio Arriba, NM
8. 15.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18573/NM 2140-79
2. 30-039-20701-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No. 192
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 17.9 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18574/NM 2143-79
2. 30-045-07344-0000-0
3. 108
4. El Paso Natural Gas Company
5. J. C. Davidson D No. 1
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan, NM
8. 7.3 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18575/NM 2145-79
2. 30-045-07184-0000-0
3. 108
4. El Paso Natural Gas Company
5. J. C. Davidson F No. 1
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan, NM
8. 11.0 million cubic feet
9. August 30, 1979

10. El Paso Natural Gas Company

1. 79-18578/NM 2146-79
2. 30-039-05465-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No. 108
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 5.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18577/NM 2147-79
2. 30-039-07442-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-5 Unit No. 27
6. Blanco-Mesa Verde Gas
7. Rio Arriba, NM
8. 18.1 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18578/NM 2148-79
2. 30-039-06791-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 77
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.5 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18579/NM 2149-79
2. 30-039-06820-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 76
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18580/NM 2172-79
2. 30-039-06962-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 27-5 Unit 43 PC & MV
6. Tapacito-Pictured Cliffs Gas & Blanco
7. Rio Arriba, NM
8. 17.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation
1. 79-18581/NM 2173-79
2. 30-039-05945-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla 67 6 CH & PC
6. Otero-Chacra Gas & Blanco South-PI
7. Rio Arriba, NM
8. 23.5 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18582/NM 2174-79
2. 30-039-06786-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 27-5 Unit 35 PC & MV
6. Blanco South-Pictured Cliffs Gas & B
7. Rio Arriba, NM
8. 17.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation
1. 79-18583/NM 2175-79

2. 30-039-07456-0000-0

3. 108
4. El Paso Natural Gas Company
5. San Juan 28-4 Unit No. 6
6. Choza Mesa-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18584/NM 2176-79
2. 30-039-07453-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-4 Unit No. 7
6. Choza Mesa-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18585/NM 2177-79
2. 30-039-06821-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 124
6. Blanco-Mesa Verde Gas
7. Rio Arriba, NM
8. 16.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18586/NM 2178-79
2. 30-039-06046-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No. 35
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 14.8 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18587/NM 2179-79-1
2. 30-039-05999-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No. 36
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.8 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18588/NM 2179-79-3
2. 30-045-11789-0000-0
3. 108
4. El Paso Natural Gas Company
5. Florance No. 6
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 15.7 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18589/NM 2181-79
2. 30-045-20274-0000-0
3. 108
4. El Paso Natural Gas Company
5. Bolack B No. 6
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 14.2 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18590/NM 2182-79
2. 30-045-20281-0000-0
3. 108
4. El Paso Natural Gas Company
5. Roelofs No. 4
6. Blanco South-Pictured Cliffs Gas

7. San Juan, NM
8. 20.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18591/NM 2183-79
2. 30-039-06950-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 110
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 14.8 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18592/NM 2184-79
2. 30-039-06984-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 111
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18593/NM 2185-79
2. 30-039-06972-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 114
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.1 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18594/NM 2186-79
2. 30-039-06901-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit No. 85
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 18.3 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18595/NM 2187-79
2. 30-039-20737-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit No. 88
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 15.3 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18596/NM 2188-79
2. 30-039-07160-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit 104 MV & PC
6. Blanco-Mesa Verde Gas
7. Rio Arriba, NM
8. 12.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18597/NM 2189-79
2. 30-039-20508-0000-0
3. 108
4. El Paso Natural Gas Company
5. Vaughn 22 PC & CH
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 15.7 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18598/NM 2190-79
2. 30-039-20795-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit 178 CH & PC
6. Largo-Chacra Gas Blanco
7. Rio Arriba, NM
8. 18.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18599/NM 2191-79
2. 30-039-06844-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 27-5 Unit 20 PC & MV
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.8 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation
1. 79-18600/NM 2192-79
2. 30-039-06977-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #59
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 10.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18601/NM 2193-79
2. 30-045-07484-0000-0
3. 108
4. El Paso Natural Gas Company
5. Johnston 8 PC & MV
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 18.2 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18602/NM 2194-79
2. 30-045-11465-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 32-9 Unit #77
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 13.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18603/NM 2195-79
2. 30-039-05638-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #104
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 5.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18604/NM 2196-79
2. 30-039-07388-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 2804 Unit #28
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 9.1 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18605/NM 2197-79
2. 30-045-11494-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 32-9 Unit #55
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 8.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18606/NM 2198-79
2. 30-039-07124-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit 86 PC & MV
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 18.3 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18607/NM 2199-79
2. 30-039-06151-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #23
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 6.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18608/NM 2200-79
2. 30-045-06384-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #53
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 3.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18609/NM 2201-79
2. 30-045-06363-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #57
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 17.5 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18610/NM 2203-79
2. 30-045-11364-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 32-9 Unit X #70
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 20.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18611/NM 2204-79
2. 30-039-82372-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #162
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 6.9 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18612/NM 2205-79
2. 30-039-06906-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit #123
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. .0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company

1. 79-18613/NM 2206-79
2. 30-039-06931-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #153
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 10.6 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18614/NM 2207-79
2. 30-039-06018-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #103 GL & DK
6. Angela Peak-Callup Gas
7. San Juan, NM
8. 9.7 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18615/NM 2208-79
2. 30-039-06018-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla 4 PAC & MBV
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.4 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18616/NM 2209-79
2. 30-045-20450-0000-0
3. 108
4. Southland Royalty Co
5. Pierce #4
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 12.0 million cubic feet
9. August 30, 1979
10. El Paso Natural Gas Company
1. 79-18618/NM 2208-79
2. 30-045-06678-0000-0
3. 108
4. El Paso Natural Gas Company
5. Day B #6
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 18.6 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18619/NM 2224-79
2. 30-039-60043-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #44
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 11.3 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18620/NM 2225-79
2. 30-039-05777-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #46
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.6 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18621/NM 2226-79
2. 30-039-06440-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla C #11
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 6.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-18622/NM 2227-79
2. 30-039-06499-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G #14
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 6.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-18623/NM 2228-79
2. 30-039-06503-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla F #15
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-18624/NM 2229-79
2. 30-039-06467-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla F #16
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 14.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-18625/NM 2230-79
2. 30-045-09511-0000-0
3. 108
4. El Paso Natural Gas Company
5. Schumacher #1
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 2.6 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18626/NM 2231-79
2. 30-039-06359-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla C #2
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.1 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-18627/NM 2232-79
2. 30-039-07183-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-5 unit #7
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 18.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18634/NM 2273-79
2. 30-045-11270-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 32-9 unit #60
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 8.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18635/NM 2274-79
2. 30-045-11432-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 32-9 unit #54
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 15.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

1. 79-18636/NM 2275-79
2. 30-039-05543-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo unit #3
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 10.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18637/NM 2276-79
2. 30-045-11499-0000-0
3. 108
4. El Paso Natural Gas Company
5. S J 32-9 unit #85
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 11.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18638/NM 2277-79
2. 30-039-07018-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon unit #118
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18639/NM 2278-79
2. 30-039-07046-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon unit #105
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 16.8 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18640/NM 2279-79
2. 30-039-070090-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon unit #116
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 16.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18641/NM 2280-79
2. 30-039-06194-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #11
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.1 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18642-Nm 2281-79
2. 30-039-07081-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #78
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 3.3 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18643/NM 2283-79
2. 30-039-07196-0000-0
3. 108
4. El Paso Natural Gas Company
5. S J 28-7 Unit #83
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18644/NM 2283-79
2. 30-039-07195-0000-0
3. 108
4. El Paso Natural Gas Company
5. S J 28-7 Unit #84
6. Blanco Mesaverde Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18645/Nm 2553-79
2. 30-045-00000-0000-0
3. 108
4. William C Russell
5. Russell #41 Hammond
6. Largo Chacra
7. San Juan, NM
8. 15.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18646/NM 2238-79
2. 30-039-05517-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla #12
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 2.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-18647/NM 2239-79
2. 30-039-06506-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla J #14
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 7.7 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-18648/NM 2240-79
2. 30-039-06453-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla C #9
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 17.9 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-18649/NM 2281-79
2. 30-045-06229-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #39
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 2.6 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18650/NM2282-79
2. 30-039-07534-0000-0
3. 108
4. El Paso Natural Gas Company
5. S J 29-4 Unit #1
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM

8. 3.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18651/NM 2263-79
2. 30-045-06352-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #45
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juana, NM
8. 4.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18652/NM 2264-79
2. 30-045-06181-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #32
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 1.8 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18653/NM 2265-79
2. 30-045-06383-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #44
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan, NM
8. 4.4 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18654/NM 2266-79
2. 30-045-06216-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #38
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 1.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18655/NM 2267-79
2. 30-045-06132-0000-0
3. 108
4. El Paso Natural Gas Company
5. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 7.7 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18656/NM 2268-79
2. 30-045-06228-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #40
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 3.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18657/NM 2269-79
2. 30-039-07236-0000-0
3. 108
4. El Paso Natural Gas Company
5. S J 28-6 Unit #17
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company
1. 79-18658/NM 2270-79

2. 30-045-06057-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #49
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 5.5 million cubic feet
9. August 31, 1979
10. El Paso Natural Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the commission's office of public information, room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the commission on or before October 25, 1979.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30106 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

September 21, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Colorado Oil and Gas Conservation Commission

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block no.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-19735/79-49
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33-10 #19
6. Ignacio Blanco
7. La Plata CO
8. 4.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19736/79-62
2. 05-067-00000

3. 108
4. Northwest Pipeline Corporation
5. McCulloch #3
6. Ignacio Blanco
7. La Plata CO
8. 13.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79-19737/79-61
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33-9 #9
6. Ignacio Blanco
7. La Plata CO
8. 13.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19738/79-44
2. 05-067-00000
3. 108

4. Northwest Pipeline Corporation
5. Bondad 33-10 #8
6. Ignacio Blanco
7. La Plata CO
8. 9.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79-19739/79-60
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Tiffany #1
6. Ignacio Blanco
7. La Plata CO
8. 2.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79-19740/79-45
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33-9 #1
6. Ignacio Blanco
7. La Plata CO
8. 5.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19741/79-68
2. 05-067-06207
3. 103

4. Mesa Petroleum Co
5. Ute Indian 11A
6. Ignacio Blanco Mesa Verde
7. La Plata CO
8. 137.0 million cubic feet
9. September 6, 1979
10. El Paso Natural Gas Co

1. 79-19742/79-67
2. 05-123-09623
3. 103
4. Homestead Oil Incorporated
5. Vawter Gas Unit #1
6. Wattenberg Gas
7. Weld CO
8. 182.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipe Line
1. 79-19743/79-83
2. 05-125-06154
3. 103
4. Alexander & Ambrose Oil Corp

5. #1-A Welp
6. Beecher Island
7. Yuma CO
8. 40.0 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Nat Gas Co Inc
1. 79-19744/79-79
2. 05-067-00000
3. 108
4. Ladd Petroleum Corporation
5. N E Cox Canyon #1-7
6. Ignacio Blanco
7. La Plata CO
8. 7.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19745/79-35
2. 05-009-06207
3. 103
4. Samson Oil Company
5. Newman 2-8
6. Greenwood
7. Baca CO
8. 90.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co
1. 79-19746/79-34
2. 05-009-06177
3. 103
4. Samson Oil Company
5. Alfrey 1-35
6. Vilas
7. Baca CO
8. 36.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co
1. 79-19747/79-28
2. 05-009-06163
3. 103
4. Samson Oil Company
5. Freighberger 1-7
6. Vilas
7. Baca CO
8. 180.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co
1. 79-19748/79-27
2. 05-009-06164
3. 103
4. Samson Oil Company
5. D R Thompson 1-25
6. Vilas
7. Baca CO
8. 120.0 million cubic feet
9. September 6, 1979
10. RJB Gas Pipeline Co
1. 79-19749/79-29
2. 05-009-06192
3. 103
4. Samson Oil Company
5. State 1-36
6. Greenwood
7. Baca CO
8. 180.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co
1. 79-19750/79-37
2. 05-009-06195
3. 103
4. Samson Oil Company
5. Bishop 1-17
6. Walsh
7. Baca CO

8. 90.0 million cubic feet
9. September 6, 1979
10. RJB Gas Pipeline Company
1. 79-19751/79-36
2. 05-009-06196
3. 103
4. Samson Oil Company
5. Brown 2-6
6. Vilas
7. Baca CO
8. 48.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co
1. 79-19752/79-33
2. 05-009-06197
3. 103
4. Samson Oil Company
5. Sowers 1-31
6. Greenwood
7. Baca CO
8. 90.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co
1. 79-19753/79-32
2. 05-009-06184
3. 103
4. Samson Oil Company
5. Porter 1-11
6. Vilas
7. Baca CO
8. 54.0 million cubic feet
9. September 6, 1979
10. RJB Gas Pipeline Co
1. 79-19754/79-31
2. 05-009-06188
3. 103
4. Samson Oil Company
5. Rutherford 1-13
6. Vilas
7. Baca CO
8. 72.0 million cubic feet
9. September 6, 1979
10. RJB Gas Pipeline Company
1. 79-19755/79-50
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33-9 #34
6. Ignacio Blanco
7. La Plata CO
8. 12.0 million cubic feet
9. July 6, 1979
10. Northwest Pipeline Corporation
1. 79-19756/79-52
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Ignacio 33-8 #8
6. Ignacio Blanco
7. La Plata CO
8. 12.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19757/79-47
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33-9 #3
6. Ignacio Blanco
7. La Plata CO
8. 7.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19758/79-55
2. 05-067-00000

3. 108
4. Northwest Pipeline Corporation
5. Bondad 33-9 #32
6. Ignacio Blanco
7. La Plata CO
8. 11.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19759/79-8
2. 05-103-07964
3. 103
4. Provident Resources Inc
5. Steele 9-35-4-102
6. Foundation Creek
7. Rio Blanco CO
8. 34.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19760/79-9
2. 05-103-07972
3. 108
4. Provident Resources Inc
5. Steele 9-28-4-102
6. Foundation Creek
7. Rio Blanco CO
8. 28.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19761/78-273
2. 05-123-06311
3. 108
4. Energy Minerals Corporation
5. Carlson #1
6. Wattenberg Field
7. Weld County CO
8. 20.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Company
1. 79-19762/78-269
2. 05-123-09441
3. 108
4. Energy Minerals Corporation
5. State 38-2
6. Roggen Field
7. Weld County CO
8. 16.0 million cubic feet
9. September 6, 1979
10. Crystal Gas Resources Inc
1. 79-19763/79-84
2. 05-067-00000
3. 108
4. Lynco Oil Corporation
5. Jacquez #1
6. Ignacio Blanco Pictured Cliffs
7. La Plata CO
8. 35.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19764/79-76
2. 05-067-05426
3. 108
4. El Paso Natural Gas Company
5. Harmon #1
6. Ignacio Blanco (Fruitland)
7. La Plata CO
8. 1.5 million cubic feet
9. September 6, 1979
10. El Paso Natural Gas Company
1. 79-19765/79-74
2. 05-067-05082
3. 108
4. El Paso Natural Gas Company
5. Sever #1
6. Ignacio Blanco (Mesaverde)
7. La Plata CO

8. 7.0 million cubic feet
9. September 6, 1979
10. El Paso Natural Gas Company
1. 79-19766/79-71
2. 05-067-05406
3. 108
4. El Paso Natural Gas Company
5. Helton #1
6. Ignacio Blanco (Dakota)
7. La Plata CO
8. 15.0 million cubic feet
9. September 6, 1979
10. El Paso Natural Gas Company
1. 79-19767/79-77
2. 05-067-06145
3. 103
4. El Paso Natural Gas Company
5. Allison Unit #59 (Dakota)
6. Ignacio Blanco
7. La Plata CO
8. 70.0 million cubic feet
9. September 6, 1979
10. El Paso Natural Gas Company
1. 79-19768/79-70
2. 05-067-06145
3. 103
4. El Paso Natural Gas Company
5. Allison Unit #59 (Mesaverde)
6. Ignacio Blanco
7. La Plata CO
8. 90.0 million cubic feet
9. September 6, 1979
10. El Paso Natural Gas Company
1. 79-19769/79-4
2. 05-123-00000
3. 103
4. X O Exploration Inc
5. No 1 Perry
6. Wattenberg-J Sandstone
7. Weld CO
8. 100.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19770/79-7
2. 05-045-06118
3. 102
4. Provident Resources Inc
5. Young 3-28-5-102
6. Douglas Pass Unit
7. Garfield CO
8. 204.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19771/79-8
2. 05-103-07674
3. 108
4. Provident Resources Inc
5. Kirby Robertson 1-36-4-102
6. Foundation Creek
7. Rio Blanco CO
8. 12.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19772/79-10
2. 05-045-06169
3. 103
4. Provident Resources Inc
5. Young 11-27-5-102
6. Douglas Pass Unit
7. Garfield Co
8. 165.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19773/79-54

2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33-9 #18
6. Ignacio Blanco
7. La Plata CO
8. 10.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19774/79-53
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33-10 #6
6. Ignacio Blanco
7. La Plata CO
8. 10.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19775/79-59
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33-9 #26
6. Ignacio Blanco
7. La Plata CO
8. 15.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19776/79-57
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Ignacio 33-8 #10
6. Ignacio Blanco
7. La Plata CO
8. 17.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19777/78-196
2. 05-123-08228
3. 108
4. Crystal Oil Company
5. Tolle Mabel 1
6. Prospect
7. Weld CO
8. 4.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co
1. 79-19778/78-194
2. 05-123-06193
3. 108
4. Crystal Oil Company
5. Keller 1
6. Roggen
7. Weld Co
8. 5.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co
1. 79-19779/79-78
2. 05-067-00000
3. 108
4. Ladd Petroleum Corporation
5. Cox-Canyon #1-34
6. Ignacio Blanco
7. La Plata CO
8. 10.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas
1. 79-19780/78-195
2. 05-123-06351
3. 108
4. Crystal Oil Company
5. Klein 11-10

6. Lost Creek
7. Weld CO
8. 12.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co
1. 79-19781/79-89
2. 05-123-00000
3. 108
4. UV Industries Inc
5. UV Industries Inc State 1851 No 2-12
6. Wildcat
7. Weld CO
8. 2.9 million cubic feet
9. September 6, 1979
10.
1. 79-19782/78-188
2. 05-123-08228
3. 108
4. Crystal Oil Company
5. Baumgartner 1
6. Roggen
7. Weld CO
8. 2.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co
1. 79-19783/78-189
2. 05-123-08366
3. 108
4. Crystal Oil Company
5. Baumgartner 1-B
6. Sheehan
7. Weld CO
8. 15.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co
1. 79-19784/79-85
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. NWCH 32 10 #12
6. Ignacio Blanco
7. La Plata CO
8. 11.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19785/79-56
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33-10 #3
6. Ignacio Blanco
7. La Plata CO
8. 13.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19786/79-64
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33-10 #2
6. Ignacio Blanco
7. La Plata CO
8. 8.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19787/79-63
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33-9 #23
6. Ignacio Blanco
7. La Plata CO
8. 15.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation

1. 79-19788/79-828
2. 05-067-00000
3. 103
4. Lynco Oil Corporation
5. Cox Canyon #1
6. Ignacio Blanco Pictured Cliffs
7. La Plata CO
8. 14.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19789/79-85
2. 05-123-05928
3. 103
4. Cottom Petroleum Corporation
5. Wooley B Unit #1
6. Wattenburg
7. Weld CO
8. 9.7 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19790/79-25
2. 05-125-06056
3. 108
4. Mountain Petroleum Ltd
5. Rose #1-19
6. Beecher Island
7. Yuma, CO
8. 19.2 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company
1. 79-19791/78-155
2. 05-123-08432
3. 108
4. Nielson Enterprises Inc
5. Becker #1
6. Wattenberg J Field
7. Weld, CO
8. 15.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19792/79-89
2. 05-123-09297
3. 102
4. J R Drilling & Exploration Co Inc
5. Seyfried #1
6. Waite Lake
7. Weld, CO
8. 110.0 million cubic feet
9. September 6, 1979
10. Crystal Gas Resources Inc
1. 79-19793/79-13
2. 05-125-06117
3. 103
4. Mountain Petroleum Corporation
5. Ekberg #2-34
6. Beecher Island
7. Yuma, CO
8. 28.0 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company
1. 79-19794/79-14
2. 05-125-06153
3. 103
4. Mountain Petroleum Corporation
5. Brueggeman #1-31
6. Vernon
7. Yuma, CO
8. 75.0 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company
1. 79-19795/79-24
2. 05-125-06051
3. 108
4. Mountain Petroleum Ltd
5. New #A-1

6. Beecher Island
7. Yuma, CO
8. 18.0 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company
1. 79-19796/79-18
2. 05-125-06070
3. 108
4. Mountain Petroleum Corporation
5. Chapman #1-10
6. Phuma
7. Yuma, CO
8. 13.2 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company
1. 79-19797/79-11
2. 05-125-06108
3. 103
4. Mountain Petroleum Ltd
5. Beecher Island Association #2
6. Beecher Island
7. Yuma, CO
8. 36.0 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company
1. 79-19798/79-12
2. 05-125-06107
3. 103
4. Mountain Petroleum Ltd
5. Chase #2
6. Beecher Island
7. Yuma, CO
8. 32.4 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company
1. 79-19799/79-23
2. 05-125-06052
3. 108
4. Mountain Petroleum Ltd
5. Strangways #A-1
6. Beecher Island
7. Yuma, CO
8. 19.8 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company
1. 79-19800/79-88
2. 05-123-08140
3. 102
4. J R Drilling & Exploration Co Inc
5. State #1-12
6. Waite Lake
7. Weld, CO
8. 365.0 million cubic feet
9. September 6, 1979
10. Crystal Gas Resources Inc.
1. 79-19801/79-73
2. 05-067-05325
3. 108
4. El Paso Natural Gas Company
5. Ignacio 33-8 #7
6. Ignacio Blanco (Mesaverde)
7. La Plata CO
8. 17.5 million cubic feet
9. September 6, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation
1. 79-19802/79-75
2. 05-067-05532
3. 108
4. El Paso Natural Gas Company
5. Jarvis Pool Unit #1
6. Alkali Gulch (Paradox)
7. La Plata CO
8. 2.0 million cubic feet
9. September 6, 1979
10. El Paso Natural Gas Company
1. 79-19803/79-5
2. 05-121-06439
3. 108
4. C W Hughes
5. #1 Fassler Nene 34-2N-58W
6. Sundown
7. Washington County CO
8. 12.2 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Co
1. 79-19804/79-15
2. 05-095-06012
3. 108
4. Mountain Petroleum Corporation
5. Ferguson #1-28
6. Phuma
7. Phillips CO
8. 1.2 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company
1. 79-19805/79-19
2. 05-125-06106
3. 108
4. Mountain Petroleum Corporation
5. Fitch #1-9
6. Phuma
7. Yuma, CO
8. 9.8 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Co Inc
1. 79-19806/79-192
2. 05-123-09275
3. 108
4. Crystal Oil Company
5. Crystal State 32-27
6. Lost Creek
7. Weld, CO
8. 21.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co
1. 79-19807/79-197
2. 05-123-08950
3. 108
4. Crystal Oil Company
5. Trupp Bittner 2
6. Roggen
7. Weld, CO
8. 3.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co
1. 79-19808/79-190
2. 05-123-08152
3. 108
4. Crystal Oil Company
5. Carlson 1
6. Roggen
7. Weld, CO
8. 18.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co
1. 79-19809/79-193
2. 05-123-08246
3. 108
4. Crystal Oil Company
5. Herbert 1
6. Prospect
7. Weld, CO
8. 18.0 million cubic feet
9. September 6, 1979
10. Colorado Interstate Gas Co
1. 79-19810/79-66
2. 05-045-06104
3. 103
4. Fuel Resources Development Co
5. Kelly-Young-Jensen No 2-14 Well
6. South Canyon
7. Garfield CO
8. 28.0 million cubic feet
9. September 6, 1979
10. Western Slope Gas Company, Northwest Pipeline Corporation, Colorado Interstate Gas Company
1. 79-19811/79-3
2. 05-123-09410
3. 103
4. Patrick Petroleum Corp of Michigan
5. Reid-Cooksey No 1 CO-35244
6. Weld, CO
7. Weld, CO
8. 5.4 million cubic feet
9. September 6, 1979
10. Crystal Gas Resources Inc
1. 79-19812/79-2
2. 05-123-09346
3. 103
4. Patrick Petroleum Corp of Mich
5. J D Uncapher CO 35240
6. Weld, CO
7. Weld, CO
8. 12.6 million cubic feet
9. September 6, 1979
10. Crystal Gas Resources Inc
1. 79-19813/79-1
2. 05-123-09398
3. 103
4. Patrick Petroleum Corp of Mich
5. Lois Wahl No. 1 CO 35242
6. Weld, CO
7. Weld, CO
8. 155.7 million cubic feet
9. September 6, 1979
10. Crystal Gas Resources Inc
1. 79-19814/79-18
2. 05-095-06017
3. 108
4. Mountain Petroleum Corporation
5. Lett #1-23
6. Phuma
7. Phillips CO
8. 7.2 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company
1. 79-19815/79-22
2. 05-125-06111
3. 108
4. Mountain Petroleum Corporation
5. Smith/Ekberg #1-10
6. Beecher Island
7. Yuma, CO
8. 11.4 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Co Inc
1. 79-19816/79-43
2. 05-123-00000
3. 103
4. Parachute Ranch Inc
5. O'Hara #2-9
6. Lost Creek Sec 9-2N-62W
7. Weld, CO
8. 25.0 million cubic feet
9. September 6, 1979
10. Phillips Petroleum Company
1. 79-19817/79-87
2. 05-067-00000
3. 108
4. Strong, Spann & Claridge, Trustees
5. McCulloch #5
6. Ignacio

7. La Plata CO
8. 21.6 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corp
1. 79-19818/79-205
2. 05-039-06273
3. 103 denied
4. Champlin Petroleum Company
5. #2 Whitehead 24-17 SESW 17-6S-62W
6. Comanche Creek
7. Elbert CO
8. .0 million cubic feet
9. September 6, 1979
10. Sun Oil Company
1. 79-19819/79-90
2. 05-067-00000
3. 108
4. Strong Spann & Claridge
5. McCulloch #2
6. Wildcat
7. La Plata CO
8. 16.2 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corp
1. 79-19820/79-38
2. 05-075-0000
3. 108
4. Chain Oil Inc
5. Casement Well No 1
6. Scarp
7. Logan CO
8. 15.2 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Co Inc
1. 79-19821/79-58
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Ignacio 33-8 #8
6. Ignacio Blanco
7. La Plata CO
8. 11.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19822/79-51
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. Bondad 33-9 #15
6. Ignacio Blanco
7. La Plata CO
8. 11.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19823/79-48
2. 05-067-00000
3. 108
4. Northwest Pipeline Corporation
5. NWCH 32 10 #7
6. Ignacio Blanco
7. La Plata CO
8. 5.0 million cubic feet
9. September 6, 1979
10. Northwest Pipeline Corporation
1. 79-19824/79-21
2. 05-125-06163
3. 108
4. Mountain Petroleum Corporation
5. Smith/Ekberg #1-4
6. Beecher Island
7. Yuma CO
8. 11.4 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company
1. 79-19825/79-20
2. 05-125-06162
3. 108
4. Mountain Petroleum Corporation
5. Smith/Whomble #1-3
6. Beecher Island
7. Yuma CO
8. 8.4 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company
1. 79-19826/79-17
2. 05-125-06104
3. 108
4. Mountain Petroleum Corporation
5. Schmidt #1-2
6. Phuma
7. Yuma CO
8. 4.8 million cubic feet
9. September 6, 1979
10. Kansas-Nebraska Natural Gas Company
1. 79-19827/79-30
2. 05-009-06176
3. 103
4. Samson Oil Company
5. State of Colorado 1-18
6. Wildcat
7. Baca CO
8. 144.0 million cubic feet
9. September 6, 1979
10. RJB Gas Pipeline Co
- Kansas Corporation Commission**
1. Control Number (FERC/State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS Area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-19563/K-79-0065
2. 15-067-20532
3. 103
4. Anadarko Production Co
5. Real Estate A No 1
6. Panoma Council Grove
7. Grant KS
8. 60.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19564/K-79-0071
2. 15-129-20357
3. 103
4. Anadarko Production Co
5. Low D No 7
6. Panoma Council Grove
7. Morton KS
8. 60.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19565/K-79-0072
2. 15-189-20349
3. 103
4. Anadarko Production Co
5. Ratcliff A No 1
6. Panoma Council Grove
7. Stevens KS
8. 60.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19566/K-79-0073
2. 15-129-20334
3. 103
4. Anadarko Production Co
5. McKellips A No 1
6. Panoma Council Grove
7. Morton KS
8. 72.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19567/K-79-0074
2. 15-189-20400
3. 103
4. Anadarko Production Co
5. K U Endowment B No 1
6. Panoma Council Grove
7. Stevens KS
8. 48.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19568/K-79-0076
2. 15-189-20365
3. 103
4. Anadarko Production Co
5. Morris C No 1
6. Panoma Council Grove
7. Stevens KS
8. 60.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19569/K-79-0077
2. 15-129-20326
3. 103
4. Anadarko Production Co
5. Hayward J No 1
6. Panoma Council Grove
7. Morton KS
8. 60.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19570/K-79-0078
2. 15-189-20348
3. 103
4. Anadarko Production Co
5. Cox A No 2
6. Panoma Council Grove
7. Stevens KS
8. 36.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19571/K-79-0079
2. 15-067-20466
3. 103
4. Anadarko Production Co
5. Tucker H No 1
6. Panoma Council Grove
7. Grant KS
8. 60.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19572/K-79-0275
2. 15-093-20477
3. 103
4. Anadarko Production Co
5. Kurz A No 1
6. Panoma Council Grove
7. Kearny KS
8. 55.0 million cubic feet
9. September 6, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19573/K-79-0276
2. 15-189-20343
3. 103
4. Anadarko Production Co
5. FNB Wichita A1
6. Panoma Council Grove
7. Stevens KS
8. 72.0 million cubic feet

9. September 8, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19574/K-79-0279
2. 15-189-20410
3. 103
4. Anadarko Production Co
5. Davis G NO 1
6. Gentzler
7. Stevens KS
8. 240.0 million cubic feet
9. September 8, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19575/K-79-0280
2. 15-189-20398
3. 103
4. Anadarko Production Co
5. Heger A NO 1
6. Panama Council Grove
7. Stevens KS
8. 82.0 million cubic feet
9. September 8, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19576/K-79-0281
2. 15-093-20478
3. 103
4. Anadarko Production Co
5. Lindner A NO 1
6. Panama Council Grove
7. Kearny KS
8. 72.0 million cubic feet
9. September 8, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19577/K-79-0282
2. 15-175-20332
3. 103
4. Anadarko Production Co
5. Gano A NO 7
6. Massoni
7. Seward KS
8. 36.0 million cubic feet
9. September 8, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19578/K-79-0283
2. 15-129-00000
3. 108
4. Anadarko Production Co
5. Roll A NO 1
6. Interstate Red Cave
7. Morton KS
8. 18.0 million cubic feet
9. September 8, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19579/K-79-0284
2. 15-075-20219
3. 103
4. Anadarko Production Co
5. Butcher A NO 1
6. Panama Council Grove
7. Hamilton KS
8. 52.0 million cubic feet
9. September 8, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19597/K-79-0242
2. 15-081-20112
3. 103
4. Cities Service Company
5. Kells C-3
6. Panama
7. Haskell KS
8. 84.4 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79-19598/K-79-0243
2. 15-067-20471

3. 103
4. Cities Service Company
5. King B-2
6. Panama
7. Grant KS
8. 89.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19599/K-79-0244
2. 15-067-20518
3. 103
4. Cities Service Company
5. Ladner C-2
6. Panama
7. Grant, KS
8. 75.4 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19600/K-79-0245
2. 15-067-20519
3. 103
4. Cities Service Company
5. Ladner D-2
6. Panama
7. Grant, KS
8. 71.1 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19601/K-79-0246
2. 15-129-20311
3. 103
4. Cities Service Company
5. Lautaret A-2
6. Panama
7. Morton, KS
8. 18.3 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19602/K-79-0247
2. 15-129-20314
3. 103
4. Cities Service Company
5. Renshaw A-3
6. Panama
7. Morton, KS
8. 112.8 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19603/K-79-0248
2. 15-129-20312
3. 103
4. Cities Service Company
5. Renshaw B-2
6. Panama
7. Morton, KS
8. 77.8 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19604/K-79-0249
2. 15-093-20473
3. 103
4. Cities Service Company
5. Robison C-2
6. Panama
7. Kearny, KS
8. 73.8 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79-19605/K-79-0250
2. 15-093-20475
3. 103
4. Cities Service Company
5. Robison D-2
6. Panama
7. Kearny, KS

8. 109.3 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19606/K-79-0251
2. 15-081-20111
3. 103
4. Cities Service Company
5. Stanley A-2
6. Panama
7. Haskell, KS
8. 70.8 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79-19607/K-79-0252
2. 15-129-20349
3. 103
4. Cities Service Company
5. Stuart A-2
6. Panama
7. Morton, KS
8. 72.7 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19608/K-79-0253
2. 15-081-20109
3. 103
4. Cities Service Company
5. Tunis A-2
6. Panama
7. Haskell, KS
8. 74.0 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79-19609/K-79-0254
2. 15-067-20523
3. 103
4. Cities Service Company
5. Wolff C-2
6. Panama
7. Grant, KS
8. 85.4 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19674/K-78-0364
2. 15-125-00000
3. 108
4. Benson Mineral Group Inc
5. Sprague #1
6. Jerrerson-Sycamore
7. Montgomery, KS
8. 8.0 million cubic feet
9. September 7, 1979
10. Union Gas Systems Inc
1. 79-19675/K-78-0393
2. 15-145-20495
3. 103
4. Beren Corporation
5. Andree No 1
6. Fort Larned
7. Pawnee, KS
8. 237.3 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company
1. 79-19676/K-78-0395
2. 15-025-20215
3. 103
4. Byron E Hummon Jr
5. Harper Ranch No 2
6. Harper Ranch North
7. Clark, KS
8. 380.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19677/K-78-0396

2. 15-025-20200
3. 103
4. Byron E Hummon Jr
5. Harper Ranch No 1
6. Harper Ranch North
7. Clark, KS
8. 360.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19678/K-78-0397
2. 15-097-20413
3. 103
4. Okmar Oil Company
5. Brensing No 1
6. Fralick West
7. Kiowa, KS
8. 60.6 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Company
1. 79-19679/K-78-0399
2. 15-047-20264
3. 102
4. Imperial Oil Company
5. Roenbaugh No 2-34
6. Mull
7. Edwards, KS
8. 25.0 million cubic feet
9. September 7, 1979
10. Kansas-Nebraska Natural Gas Co Inc
1. 79-19681/K-79-0088
2. 15-175-20355
3. 103
4. Hasada Industries
5. Inland #1 1563496
6. Evalyn-Condit
7. Seward, KS
8. 90.0 million cubic feet
9. September 7, 1979
10. Anadarko Production Co
1. 79-19682/K-79-0080
2. 15-081-20082
3. 108
4. Benson Mineral Group Inc
5. Smith Estate #1
6. Hugoton
7. Haskell, KS
8. 11.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company
1. 79-19683/K-79-0082
2. 15-081-20080
3. 108
4. Benson Mineral Group Inc
5. Ocker #1
6. Hugoton
7. Haskell, KS
8. 13.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company
1. 79-19684/K-79-0083
2. 15-081-20061
3. 108
4. Benson Mineral Group Inc
5. Riphahn #1
6. Hugoton
7. Haskell, KS
8. 18.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company
1. 79-19685/K-79-0084
2. 15-081-20067
3. 108
4. Benson Mineral Group Inc
5. Fincham #1
6. Hugoton

7. Haskell, KS
8. 7.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company
1. 79-19686/K-79-0085
2. 15-081-20076
3. 108
4. Benson Mineral Group Inc
5. Ellsaesser #1
6. Hugoton
7. Haskell, KS
8. 20.4 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company
1. 79-19687/K-79-0086
2. 15-081-20060
3. 108
4. Benson Mineral Group Inc
5. Bale #1
6. Hugoton
7. Haskell, KS
8. 8.3 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company
1. 79-19688/K-79-0087
2. 15-081-20072
3. 108
4. Benson Mineral Group Inc
5. Patterson #1
6. Hugoton
7. Haskell, KS
8. 9.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company
1. 79-19689/K-79-0091
2. 15-055-20220
3. 108
4. Benson Mineral Group Inc
5. Greathouse #1
6. Hugoton
7. Finney, KS
8. 3.2 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company
1. 79-19690/K-79-0092
2. 15-081-20058
3. 108
4. Benson Mineral Group Inc
5. Trickey #1
6. Hugoton
7. Haskell, KS
8. 2.5 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company
1. 79-19691/K-79-0096
2. 15-081-20055
3. 108
4. Benson Mineral Group Inc
5. Schmidt #1
6. Hugoton
7. Haskell, KS
8. 18.1 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Company
1. 79-19692/K-79-0232
2. 15-081-20120
3. 103
4. Cities Service Company
5. Alexander A-2
6. Panama
7. Haskell, KS
8. 85.2 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79-19693/K-79-0233

2. 15-081-20121
3. 103
4. Cities Service Company
5. Eubank C-4
6. Panama
7. Haskell, KS
8. 116.8 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79-19694/K-79-0234
2. 15-093-20531
3. 103
4. Cities Service Company
5. Fletcher B-2
6. Panama
7. Kearny KS
8. 64.9 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79-19695/K-79-0235
2. 15-129-20316
3. 103
4. Cities Service Company
5. French A-3
6. Panama
7. Morton KS
8. 75.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19696/K-79-0236
2. 15-189-20356
3. 103
4. Cities Service Company
5. Green D-3
6. Hugoton
7. Stevens KS
8. 42.6 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19697/K-79-0237
2. 15-175-20312
3. 103
4. Cities Service Company
5. Hitch E-3
6. Holt
7. Seward KS
8. 87.2 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19698/K-79-0238
2. 15-175-20313
3. 103
4. Cities Service Company
5. Hitch G-2
6. Holt
7. Steward KS
8. 99.3 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19699/K-79-0239
2. 15-067-20526
3. 103
4. Cities Service Company
5. Ingles A-2
6. Panama
7. Grant KS
8. 65.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19700/K-79-0240
2. 15-067-20528
3. 103
4. Cities Service Company
5. Jones F-2
6. Panama

7. Grant KS
8. 119.0 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79-19701/K-79-0241
2. 15-129-20315
3. 103
4. Cities Service Company
5. Kansas University A-2
6. Panama
7. Morton KS KS
8. 85.2 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19702/K-79-0221
2. 15-067-20527
3. 103
4. Cities Service Company
5. Johnston G-2
6. Panama
7. Grant KS
8. 90.1 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19703/K-79-0222
2. 15-061-20116
3. 103
4. Cities Service Company
5. Howell A-2
6. Panama
7. Haskell KS
8. 85.6 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79-19704/K-79-0223
2. 15-067-20525
3. 103
4. Cities Service Company
5. English E-3
6. Panama
7. Grant KS
8. 78.8 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19705/K-79-0224
2. 15-061-20110
3. 103
4. Cities Service Company
5. Elliott A-4
6. Panama
7. Haskell KS
8. 43.0 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79-19706/K-79-0225
2. 15-129-20317
3. 103
4. Cities Service Company
5. Drew A-3
6. Panama
7. Morton KS
8. 60.5 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19707/K-79-0226
2. 15-067-20417
3. 103
4. Cities Service Company
5. Dew A-2
6. Panama
7. Grant KS
8. 69.2 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19708/K-79-0227
2. 15-061-21106
3. 103
4. Cities Service Company
5. Davatz D-2
6. Panama
7. Haskell KS
8. 48.2 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79-19709/K-79-0228
2. 15-129-20310
3. 103
4. Cities Service Company
5. Crayton A-3
6. Panama
7. Morton KS
8. 18.3 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19710/K-79-0229
2. 15-175-20317
3. 103
4. Cities Service Company
5. Cooper B-2
6. Hugoton
7. Seward KS
8. 25.6 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19711/K-79-0230
2. 15-093-20540
3. 103
4. Cities Service Company
5. Beymer A-2
6. Panama
7. Kearny KS
8. 81.1 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
1. 79-19712/K-79-0231
2. 15-093-20497
3. 103
4. Cities Service Company
5. Beaty A-2
6. Panama
7. Kearny KS
8. 18.2 million cubic feet
9. September 7, 1979
10. Colorado Interstate Gas Co
- Louisiana Office of Conservation**
1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)
1. 79-19384/79-2128
2. 17-057-21389
3. 103
4. Gulf Oil Corporation
5. TB D12 Su S L PP 192 No 270
6. Timballer Bay
7. LaFourche LA
8. 920.0 million cubic feet
9. September 6, 1979
10. Tennessee Gas Pipelin
1. 79-19385/79-2127
2. 17-109-21966
3. 103
4. Pennzoil Producing Company

5. KB CONT VU CL & F SA NO 11
6. Kent Bayou
7. Terrebonne LA
8. 1250.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19386/79-2126
2. 17-109-21972
3. 103
4. Pennzoil Producing Company
5. KB CONR VU CL & F A NO 21
6. Kent Bayou
7. Terrebonne LA
8. 30.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19387/79-2125
2. 17-075-22403
3. 103
4. Chevron USA INC
5. WDB 83 101000 CSU USA #11
6. West Dalata Block 83
7. Plaquemines LA
8. 223.0 million cubic feet
9. September 6, 1979
10. Tennessee Gas Pipeline Co
1. 79-19388/79-2097
2. 17-073-00290
3. 103
4. Pennzoil Producing Company
5. Darbonne No A-5
6. Monroe
7. Ouachita LA
8. 1.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19389/79-2096
2. 17-111-02599
3. 103
4. Pennzoil Producing Company
5. Downey-Robinson No 1
6. Monroe
7. Union LA
8. 2.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19390/79-2095
2. 17-111-01678
3. 103
4. Pennzoil Producing Company
5. FEE 105 No 4
6. Monroe
7. Union LA
8. 14.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19391/79-2094
2. 17-073-0000
3. 103
4. Pennzoil Producing Company
5. FEE No 4
6. Monroe
7. Ouachita LA
8. 11.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19392/79-2236
2. 17-111-01966
3. 103
4. Pennzoil Producing Company
5. Nolan No 1
6. Monroe
7. Union LA
8. 5.0 million cubic feet
9. September 6, 1979

10. United Gas Pipe Line Company
1. 79-19393/79-2213
2. 17-017-22710
3. 103
4. Energy Reserve Group Inc
5. Simon Herold Et Al #1
6. Greenwood-Waskom
7. Caddo LA
8. 288.0 million cubic feet
9. September 6, 1979
10. Arkansas Louisiana Gas Co
1. 79-19394/79-2214
2. 17-111-01679
3. 108
4. Pennzoil Producing Company
5. Grayling No 2
6. Monroe
7. Union LA
8. 8.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19395/79-2215
2. 17-111-00273
3. 108
4. Pennzoil Producing Company
5. Grayling No 11
6. Monroe
7. Union LA
8. 5.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19396/79-2216
2. 17-111-00263
3. 108
4. Pennzoil Producing Company
5. Grayling No 12
6. Monroe
7. Union LA
8. 4.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19397/79-2217
2. 17-111-00262
3. 108
4. Pennzoil Producing Company
5. Grayling No 14
6. Monroe
7. Union LA
8. 8.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19398/79-2218
2. 17-111-00226
3. 108
4. Pennzoil Producing Company
5. Grayling No 15
6. Monroe
7. Union LA
8. 3.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19399/79-2167
2. 17-073-20400
3. 108
4. Roy M Teel
5. George M Trezevant MD #1
6. Monroe Gas Rock Field
7. Ouachita LA
8. 2.8 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19400/79-2166
2. 17-073-20406
3. 108
4. Roy M Teel
5. A L Smith #6
6. Monroe Gas Rock Field
7. Ouachita LA
8. 7.3 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19401/79-2238
2. 17-073-00000
3. 108
4. Pennzoil Producing Company
5. Morris No 1
6. Monroe
7. Ouachita LA
8. 7.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19402/79-2237
2. 17-111-00000
3. 108
4. Pennzoil Producing Company
5. Miller No 1
6. Monroe
7. Union LA
8. 19.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19403/79-2254
2. 17-061-20192
3. 102 103
4. Bass Enterprises Production Co
5. CV Davis RB SUG Harris Green #1
6. Middlefork
7. Lincoln LA
8. 320.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19404/79-2247
2. 17-111-01156
3. 108
4. Pennzoil Producing Company
5. Holloway, G H No 1
6. Monroe
7. Union LA
8. 8.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19405/79-2170
2. 17-067-20517
3. 108
4. Roy M Teel
5. J C Sandidge Et Al #3
6. Monroe Gas Rock Field
7. Morehouse LA
8. 5.6 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19406/79-2169
2. 17-067-20516
3. 108
4. Roy M Teel
5. J C Sandidge Et Al #2
6. Monroe Gas Rock Field
7. Morehouse LA
8. 5.6 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19407/79-2168
2. 17-067-20572
3. 108
4. Roy M Teel
5. Mrs S S Patton #2
6. Monroe Gas Rock Field
7. Morehouse LA
8. 3.4 million cubic feet

8. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19408/79-2147
2. 17-057-21544
3. 102
4. McAlester Fuel Company
5. 10900 RK SUA Pierce No 1
6. Cut Off
7. Lafourche LA
8. 1095.0 million cubic feet
9. September 6, 1979
10. Columbia Gas Transmission Corp
1. 79-19409/79-2250
2. 17-113-20740
3. 107
4. CNG Producing Company
5. Indian Point #8
6. Hell Hole Bayou
7. Vermilion LA
8. 292.0 million cubic feet
9. September 6, 1979
10. Texas Gas Transmission Corp
1. 79-19410/79-2249
2. 17-111-00000
3. 108
4. Pennzoil Producing Company
5. Hollis No 1
6. Monroe
7. Union LA
8. 9.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19411/79-2248
2. 17-111-00000
3. 108
4. Pennzoil Producing Company
5. Williams F No 2
6. Monroe
7. Union LA
8. 5.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19412/79-2150
2. 17-057-21496
3. 102
4. McAlester Fuel Company
5. UL-2 RA SUA David No 1
6. Cut Off
7. Lafourche LA
8. 1825.0 million cubic feet
9. September 6, 1979
10. Columbia Gas Transmission Corp
1. 79-19413/79-2149
2. 17-057-21513
3. 102
4. McAlester Fuel Company
5. UL-2 RB SUA Braud No 1
6. Wildcat
7. Lafourche LA
8. 2190.0 million cubic feet
9. September 6, 1979
10. Columbia Gas Transmission Corp
1. 79-19414/79-2148
2. 17-057-21585
3. 102
4. McAlester Fuel Company
5. TEX W-8 RA SUA; Braud No 2
6. Wildcat
7. Lafourche Parish LA
8. 1154.0 million cubic feet
9. September 6, 1979
10. Columbia Gas Transmission Corp
1. 79-19437/79-2135
2. 17-113-20886

3. 103
4. Exxon Corporation
5. Exxon Fee-Pecan Island No 70
6. Pecan Island
7. Vermilion LA
8. 1500.0 million cubic feet
9. September 6, 1979
10. Columbia Gas Trans Corp
1. 79-19438/79-2134
2. 17-057-21411
3. 103
4. Gulf Oil Corporation
5. TB 4900 RBA SU S L PP 192 #272
6. Timbalier Bay
7. LaFourche LA
8. 62.1 million cubic feet
9. September 6, 1979
10. Tennessee Gas Pipeline Company
1. 79-19439/79-2133
2. 17-057-21545
3. 103
4. American Petrofina Company of Texas
5. LaFourche Realty A No 1
6. E Golden Meadow
7. LaFourche LA
8. 545.0 million cubic feet
9. September 6, 1979
10. Southern Natural Gas Company
1. 79-19440/79-2152
2. 17-075-22217
3. 102
4. McMoran Exploration Co
5. A M Kitchen No 1 152865
6. Bastian Bay
7. Plaquemines LA
8. 636.0 million cubic feet
9. September 6, 1979
10. Transcontinental Gas Pipeline
1. 79-19441/79-2219
2. 17-111-00229
3. 108
4. Pennzoil Producing Company
5. Grayling No 16
6. Monroe
7. Union LA
8. 8.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19442/79-2226
2. 17-111-00216
3. 108
4. Pennzoil Producing Company
5. Grayling No 24
6. Monroe
7. Union LA
8. 3.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19443/79-2227
2. 17-111-00208
3. 108
4. Pennzoil Producing Company
5. Grayling No 25
6. Monroe
7. Union LA
8. 5.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19444/79-2228
2. 17-111-00196
3. 108
4. Pennzoil Producing Company
5. Grayling No 28
6. Monroe
7. Union LA
8. 6.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19445/79-2229
2. 17-111-00000
3. 108
4. Pennzoil Producing Company
5. Thompson No. 1
6. Monroe
7. Union, LA
8. 3.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19446/79-2223
2. 17-111-00228
3. 108
4. Pennzoil Producing Company
5. Grayling No. 19
6. Monroe
7. Union, LA
8. 4.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19447/79-2224
2. 17-111-00210
3. 108
4. Pennzoil Producing Company
5. Grayling No. 22
6. Monroe
7. Union, LA
8. 9.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19448/79-2225
2. 17-111-00209
3. 108
4. Pennzoil Producing Company
5. Grayling No. 23
6. Monroe
7. Union, LA
8. 3.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19449/79-2222
2. 17-111-00271
3. 108
4. Pennzoil Producing Company
5. Grayling No. 18
6. Monroe
7. Union, LA
8. 4.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19450/79-2221
2. 17-051-20475
3. 103
4. Kenegy Petroleum Corporation
5. Rigolets Corp. No. 1 TR-IA 157215
6. East Little Temple TR-IA
7. Jefferson, LA
8. 100.0 million cubic feet
9. September 6, 1979
10. Tennessee Gas Pipeline Company
1. 79-19451/79-2121
2. 17-075-22498
3. 102, 103
4. Texaco Inc.
5. GIB F-2A RA-6C SU SL 214 No. 853
6. Garden Island Bay
7. Plaquemines, LA
8. 26.0 million cubic feet
9. September 6, 1979
10. Southern Natural Gas Co
1. 79-19452/79-2122
2. 17-075-22329
3. 103
4. Texaco Inc
5. Gib F-1 RKG SU SL 214 No. 848
6. Garden Island Bay
7. Plaquemines, LA
8. 52.0 million cubic feet
9. September 6, 1979
10. Southern Natural Gas Co
1. 79-19453/79-2123
2. 17-075-22331
3. 103
4. Texaco Inc
5. DDC 7800 R 170 SU DDC U-1 No. 108
6. Delta Duck Club
7. Plaquemines, LA
8. 258.0 million cubic feet
9. September 6, 1979
10. Tennessee Gas Pipeline Co
1. 79-19454/79-2124
2. 17-053-20492
3. 103
4. Amoco Production Company
5. SJ EL SU E C Miller No. 2
6. South Jennings
7. Jefferson Davis, LA
8. 1095.0 million cubic feet
9. September 6, 1979
10. Michigan Wisconsin Pipeline Co
1. 79-19455/79-2111
2. 17-053-20592
3. 103
4. Tabco Exploration Inc
5. H. J. Shoemith No. 1
6. China Field
7. Jefferson Davis, LA
8. 730.0 million cubic feet
9. September 6, 1979
10. Texas Gas Transmission Corp
1. 79-19456/79-2112
2. 17-023-21249
3. 103
4. Amoco Production Company
5. C-6 RA Sub Miami Corp B-6D
6. North Deep Lake
7. Cameron, LA
8. 373.0 million cubic feet
9. September 6, 1979
10. United Gas Pipeline Co
1. 79-19457/79-2113
2. 17-023-21249
3. 103
4. Amoco Production Company
5. R-1 RA Sub Miami Corp B-6
6. North Deep Lake
7. Cameron, LA
8. 0 million cubic feet
9. September 6, 1979
10. United Gas Pipeline Co
1. 79-19458/79-2145
2. 17-015-21095
3. 103
4. O. B. Mobley
5. Hoss RA SUG Wayne T Davis No. 1
6. Plain Dealing
7. Bossier, LA
8. 102.0 million cubic feet
9. September 6, 1979
10. Arkansas Louisiana Gas Co
1. 79-19459/79-2144
2. 17-111-21476
3. 103
4. Jim V Haddox
5. Olinkraft A-1 158770
6. Monroe

7. Union, LA
8. 45.6 million cubic feet
9. September 6, 1979
10. Mid-La Gas Company
1. 79-19460/79-2143
2. 17-097-20524
3. 103
4. Graham Exploration LTD Drilling Par
5. Manuel Farms Inc No. 1 161794
6. Savoy
7. St Landry, LA
8. 199.7 million cubic feet
9. September 6, 1979
10.
1. 79-19461/79-2114
2. 17-053-20504
3. 103
4. Amoco Production Company
5. CAM 1 Sun Farmers Oil Fee No. 10-D
6. Welsh
7. Jefferson Davis, LA
8. 511.0 million cubic feet
9. September 6, 1979
10. Michigan Wisconsin Pipeline Co
1. 79-19462/79-2220
2. 17-007-20244
3. 103
4. Daniel Oil Company
5. Sabine Corp Fee No. 1 No. 157981
6. Ratcliff
7. Assumption, LA
8. 180.0 million cubic feet
9. September 6, 1979
10. Sugar Bowl Gas Corp
1. 79-19463/79-2120
2. 17-113-20705
3. 103
4. Texaco Inc
5. Erath SU EU 3 No. 9
6. Erath
7. Vermilion, LA
8. 425.0 million cubic feet
9. September 6, 1979
10. Columbia Gas Transmission Corp
1. 79-19464/79-2132
2. 17-045-20521
3. 102
4. The Stone Oil Corporation
5. Disc 14 RC Sub Cocke No. 1
6. East Bayou Pigeon
7. Iberia, LA
8. 1275.0 million cubic feet
9. September 6, 1979
10. Texas Gas Transmission Corporation
1. 79-19465/79-2205
2. 17-099-20726
3. 103
4. D C Bintliff
5. St Martin Ld Co No. 1
6. Plumb Bob
7. St Martin, LA
8. 550.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co
1. 79-19466/79-2204
2. 17-111-21744
3. 103
4. Ergon Inc
5. R L Edwards No. 4
6. Monroe (8824)
7. Union (058), LA
8. 20.8 million cubic feet
9. September 6, 1979
10. IMC Exploration Company
1. 79-19467/79-2203
2. 17-111-21585
3. 103
4. Godfrey & Riley
5. Mashaw-Rabun No. 4
6. Monroe
7. Union, LA
8. 36.5 million cubic feet
9. September 6, 1979
10. Mid Louisiana Gas Company
1. 79-19468/79-2202
2. 17-111-21584
3. 103
4. Godfrey & Riley
5. Mashaw-Rabun No. 3
6. Monroe
7. Union, LA
8. 36.5 million cubic feet
9. September 6, 1979
10. Mid Louisiana Gas Company
1. 79-19469/79-2201
2. 17-111-21583
3. 103
4. Godfrey & Riley
5. Mashaw-Rabun No. 2
6. Monroe
7. Union, LA
8. 36.5 million cubic feet
9. September 6, 1979
10. Mid Louisiana Gas Company
1. 79-19470/79-2200
2. 17-111-21582
3. 103
4. Godfrey & Riley
5. Mashaw-Rabun No. 1
6. Monroe
7. Union, LA
8. 36.5 million cubic feet
9. September 6, 1979
10. Mid Louisiana Gas Company
1. 79-19471/79-2199
2. 17-111-21587
3. 103
4. Godfrey & Riley
5. Eubanks No. 6
6. Monroe
7. Union, LA
8. 36.5 million cubic feet
9. September 6, 1979
10. Mid Louisiana Gas Company
1. 79-19472/79-2146
2. 17-015-21100
3. 103
4. O B Mobley
5. CV RA SUC Bolinger No. 8
6. Plain Dealing
7. Bossier, LA
8. 24.0 million cubic feet
9. September 6, 1979
10. Arkansas Louisiana Gas Co
1. 79-19473/79-2251
2. 17-097-20542
3. 103
4. Jimmie C Meador
5. Futral No. 2
6. Port Barre
7. St Landry, LA
8. 0 million cubic feet
9. September 6, 1979
10. Monterey Pipeline Company
1. 79-19474/79-2129
2. 17-075-22559
3. 103
4. Gulf Oil Corporation
5. WB 6B RE SU J G Timolat B No. 136
6. West Bay
7. Plaquemines, LA
8. 76.0 million cubic feet
9. September 6, 1979
10. Texas Eastern Transmission Corp
1. 79-19475/79-2115
2. 17-053-20504
3. 103
4. Amoco Production Company
5. Cam II Sun Farmers Oil Fee #10
6. Welsh
7. Jefferson Davis LA
8. 321.0 million cubic feet
9. September 6, 1979
10. Michigan Wisconsin Pipe Line Co
1. 79-19476/79-2130
2. 17-045-20556
3. 102
4. The Stone Oil Corporation
5. Disc 15 RC Sua Cotton #1
6. East Bayou Pigeon
7. Iberia LA
8. 1194.0 million cubic feet
9. September 6, 1979
10. Texas Gas Transmission Corporation
1. 79-19477/79-2116
2. 17-075-22342
3. 102
4. Louisiana Gas Service Expl Prog
5. Zinsel RA Sua Burch No 1
6. Fort St Philip
7. Plaquemines LA
8. 493.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19478/79-2117
2. 17-075-22235
3. 102
4. Louisiana Gas Service Expl Prog
5. Perez RA Sua Perez No 1
6. Fort St Philip
7. Plaquemines LA
8. 336.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19479/79-2230
2. 17-073-00000
3. 108
4. Pennzoil Producing Company
5. White A C No 1
6. Monroe
7. Ouachita LA
8. 3.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19480/79-2119
2. 17-045-20455
3. 103
4. Texaco Inc
5. Kling & Walet #28
6. Fausse Point
7. Iberia LA
8. 525.0 million cubic feet
9. September 6, 1979
10. Florida Gas Transmission Co
1. 79-19481/79-2118
2. 17-045-20524
3. 103
4. Texaco Inc
5. FP Lwr 9 RC SU Kling & Walet #30
6. Fausse Point
7. Iberia LA
8. 0 million cubic feet
9. September 6, 1979
10. Florida Gas Transmission CO
1. 79-19482/79-2232

2. 17-111-00000
3. 108
4. Pennzoil Producing Company
5. Steele No 1
6. Monroe
7. Union LA
8. 11.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19483/79-2231
2. 17-073-00000
3. 108
4. Pennzoil Producing Company
5. Pereboom No 1
6. Monroe
7. Ouachita LA
8. 1.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19484/79-2235
2. 17-073-00546
3. 108
4. Pennzoil Producing Company
5. J T Cole No 2
6. Monroe
7. Ouachita LA
8. 7.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19485/79-2234
2. 17-067-00460
3. 108
4. Pennzoil Producing Company
5. State of LA #2
6. Monroe
7. Morehouse LA
8. 12.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19486/79-2223
2. 17-073-00000
3. 108
4. Pennzoil Producing Company
5. McGee No 1
6. Monroe
7. Ouachita LA
8. 8.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19487/79-2164
2. 17-073-20405
3. 108
4. Roy M Teel
5. A L Smith #5
6. Monroe Gas Rock Field
7. Ouachita LA
8. 7.3 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co
1. 79-19488/79-2163
2. 17-073-20404
3. 108
4. Roy M Teel
5. A L Smith #4
6. Monroe Gas Rock Field
7. Ouachita LA
8. 7.3 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co
1. 79-19489/79-2151
2. 17-075-22217
3. 102
4. McMoran Exploration Co
5. C RA SUA Kitchen No 1-T
6. Bastian Bay
7. Plaquemines LA
8. 266.0 million cubic feet
9. September 6, 1979
10. Transcontinental Pipeline Corp
1. 79-19490/79-2154
2. 17-075-22230
3. 102
4. McMoran Exploration Co
5. UB RA SUA Kitchen No 2T ALT
6. Bastian Bay
7. Plaquemines LA
8. 275.0 million cubic feet
9. September 6, 1979
10. Transcontinental Pipeline Corp
1. 79-19491/79-2153
2. 17-075-22230
3. 102
4. McMoran Exploration Co
5. Disc 12 RD SUA Kitchen No 2D
6. Bastian Bay
7. Plaquemines LA
8. 172.0 million cubic feet
9. September 6, 1979
10. Transcontinental Pipeline Corp
1. 79-19492/79-2109
2. 17-119-20219
3. 103
4. Marathon Oil Company
5. CVSU MOC Bodcaw #5
6. Cotton Valley
7. Webster LA
8. 400.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19493/79-2108
2. 17-057-21603
3. 103
4. General American Oil Company of Tex
5. SC-3 SU F Valentine No 48
6. Valentine
7. Lafourche LA
8. 565.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19494/79-2106
2. 17-113-20827
3. 107
4. The Superior Oil Company
5. Burnell D Hardee No 4
6. Southeast Cuedan
7. Vermilion Parish LA
8. 1732.0 million cubic feet
9. September 6, 1979
10. Michigan Wisconsin Pipe Line Co
1. 79-19495/79-2105
2. 17-111-01770
3. 108
4. Pennzoil Producing Co
5. Fee 105 No 1
6. Monroe
7. Union LA
8. 10.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co
1. 79-19496/79-2104
2. 17-111-01697
3. 108
4. Pennzoil Producing Company
5. Fee 103 No 1
6. Monroe
7. Union LA
8. 17.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co
1. 79-19497/79-2206

2. 17-109-22066
3. 103 107
4. Placid Oil Company
5. VUI S L 1249 No 29
6. Caillou Island
7. Terrebonne LA
8. .0 million cubic feet
9. September 6, 1979
10. Tennessee Gas Pipeline Company
1. 79-19498/79-2252
2. 17-061-20201
3. 102 103
4. Bass Enterprises Production Co
5. CV Davis RB Sum NY Henry #1
6. Middlefork
7. Lincoln LA
8. 370.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Company
1. 79-19499/79-2208
2. 17-111-21448
3. 102
4. Cities Service Company
5. SMK RA SUB Hendrix A-1
6. Lynn Creek Field
7. Union LA
8. 240.0 million cubic feet
9. September 6, 1979
10.
1. 79-19500/79-2207
2. 17-052-24070
3. 103
4. Getty Oil Company
5. Buras Levee District No 187
6. Venice
7. Plaquemines LA
8. 50.0 million cubic feet
9. September 6, 1979
10. United Gas Pipeline Company
1. 79-19501/79-2093
2. 17-073-00000
3. 108
4. Pennzoil Producing Company
5. Fee No 3
6. Monroe
7. Ouachita LA
8. 6.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co
1. 79-19502/79-2092
2. 17-111-01695
3. 108
4. Pennzoil Producing Company
5. FEE 105 No 2
6. Monroe
7. Union LA
8. 17.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19503/79-2091
2. 17-111-01769
3. 108
4. Pennzoil Producing Co
5. FEE 68 No 2
6. Monroe
7. Union LA
8. 8.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co
1. 79-19504/79-2090
2. 17-073-00194
3. 108
4. Pennzoil Producing Company
5. FEE 55 No 2
6. Monroe

7. Ouachita LA
8. 4.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co
1. 79-19505/79-1996
2. 17-007-20253
3. 103
4. Petro-Lewis Funds Inc
5. Crist III RB SUA F L Daigle #2
6. Napoleonville
7. Assumption Parish LA
8. 360.0 million cubic feet
9. September 6, 1979
10. United Gas Pipeline Company
1. 79-19506/79-2197
2. 17-111-21568
3. 108
4. IMC Exploration Company
5. La Gas Lands #19
6. Monroe Gas Field
7. Union LA
8. 10.9 million cubic feet
9. September 6, 1979
10. Mid Louisiana Gas Company
1. 79-19507/79-2195
2. 17-726-00185
3. 108
4. Dixie Well Service Inc
5. SL 4289 No 1
6. Breton Sound Block 18
7. Plaquemines LA
8. 17.0 million cubic feet
9. September 6, 1979
10. Southern Natural Gas Company
1. 79-19508/79-2196
2. 17-111-21553
3. 108
4. IMC Exploration Company
5. Rabun #24
6. Monroe Gas Field
7. Union LA
8. 6.3 million cubic feet
9. September 6, 1979
10. Mid Louisiana Gas Company
1. 79-19509/79-2192
2. 17-019-20771
3. 103
4. Union Oil Company of California
5. M Gray G 76-D
6. Vinton
7. Calcasieu LA
8. 27.0 million cubic feet
9. September 6, 1979
10. Transcontinental Gas Pipe Line Corp
1. 79-19510/79-2190
2. 17-067-20170
3. 108
4. Roy M Teel
5. Freeland-Odom #3
6. Monroe Gas Rock Field
7. Morehouse Parish LA
8. .7 million cubic feet
9. September 6, 1979
10. Georgia-Pacific
1. 79-19511/79-2189
2. 17-067-20161
3. 108
4. Roy M Teel
5. Snyder Brothers #1
6. Monroe Gas Rock Field
7. Morehouse Parish LA
8. .1 million cubic feet
9. September 6, 1979
10. Georgia-Pacific
1. 79-19512/79-2188
2. 17-073-20039
3. 108
4. Roy M Teel
5. Cole Heirs #16
6. Monroe Gas Rock Field
7. Ouachita Parish LA
8. 13.2 million cubic feet
9. September 6, 1979
10. IMC Exploration Co
1. 79-19513/79-2187
2. 17-067-20514
3. 108
4. Roy M Teel
5. J C Sandidge Et Al #10
6. Monroe Gas Rock Field
7. Morehouse Parish LA
8. .2 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co
1. 79-19514/79-2186
2. 17-067-20520
3. 108
4. Roy M Teel
5. J C Sandidge Et Al #9
6. Monroe Gas Rock Field
7. Morehouse Parish LA
8. .2 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co
1. 79-19515/79-2185
2. 17-067-20507
3. 108
4. Roy M Teel
5. J C Sandidge Et Al #8
6. Monroe Gas Rock Field
7. Morehouse Parish LA
8. .2 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co
1. 79-19516/79-2198
2. 17-111-21586
3. 103
4. Godfrey & Riley
5. Eubanks #5
6. Monroe
7. Union LA
8. 36.5 million cubic feet
9. September 6, 1979
10. Mid Louisiana Gas Company
1. 79-19517/79-2210
2. 17-111-21611
3. 102
4. Cities Service Co
5. SMK RA SU A Hendrix B No 1
6. Lynn Creek
7. Union Parish LA
8. 163.0 million cubic feet
9. September 6, 1979
10.
1. 79-19518/79-2209
2. 17-111-21641
3. 102
4. Cities Service Company
5. SMK RA SU C Roach A No 1
6. Lynn Creek
7. Union Parish LA
8. 85.0 million cubic feet
9. September 6, 1979
10.
1. 79-19519/79-2103
2. 17-111-01761
3. 108
4. Pennzoil Producing Company
5. FEE 101 No 1
6. Monroe

7. Union LA
8. 14.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co
1. 79-19520/79-2177
2. 17-073-21034
3. 108
4. M T Herbst
5. West Virginia #3
6. Monroe Gas Rock
7. Ouachita Parish LA
8. 1.8 million cubic feet
9. September 6, 1979
10. City of Monroe
1. 79-79-19521/79-2178
2. 17-073-21035
3. 108
4. M T Herbst
5. West Virginia #4
6. Monroe Gas Rock
7. Ouachita Parish LA
8. 5.1 million cubic feet
9. September 6, 1979
10. City of Monroe
1. 79-19522/79-2179
2. 17-111-01655
3. 108
4. Pennzoil Producing Company
5. Grayling No 17
6. Monroe
7. Union LA
8. 16.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19523/79-2180
2. 17-073-21040
3. 108
4. M T Herbst
5. Sho-Van #2
6. Monroe Gas Rock
7. Ouachita Parish LA
8. 5.5 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19524/79-2181
2. 17-073-21047
3. 108
4. M T Herbst
5. Sho-Van #3
6. Monroe Gas Rock
7. Ouachita Parish LA
8. 5.6 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19525/79-2182
2. 17-073-21048
3. 108
4. M T Herbst
5. Sho-Van #4
6. Monroe Gas Rock
7. Ouachita Parish LA
8. 4.7 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19526/2183
2. 17-067-20506
3. 108
4. Roy M Teel
5. J C Sandidge Et Al #6
6. Monroe Gas Rock Field
7. Morehouse Parish LA
8. 5.6 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co
1. 79-19527/79-2164

2. 17-067-20503
3. 108
4. Roy M Teel
5. J C Sandidge Et Al #7
6. Monroe Gas Rock Field
7. Morehouse Parish LA
8. 2 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co
1. 79-19528/79-2131
2. 17-045-20558
3. 102
4. The Stone Oil Corporation
5. Disc 14 RC SUA Cotton # 1-D
6. East Bayou Pigeon
7. Theria LA
8. 1290.0 million cubic feet
9. September 6, 1979
10. Texas Gas Transmission Corporation
1. 79-19528/79-2172
2. 17-067-20519
3. 108
4. Roy M Teel
5. J C Sandidge Et Al #5
6. Monroe Gas Rock Field
7. Morehouse Parish LA
8. 5.4 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Co
1. 79-19530/79-2248
2. 17-111-01850
3. 108
4. Pennzoil Producing Company
5. Hill No 3
6. Monroe
7. Union LA
8. 10.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19531/79-2245
2. 17-111-01951
3. 108
4. Pennzoil Producing Company
5. Hill No 1
6. Monroe
7. Union LA
8. 11.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19532/79-2244
2. 17-111-00582
3. 108
4. Pennzoil Producing Company
5. Pace L J/UPC/No 2
6. Monroe
7. Union LA
8. 6.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19533/79-2243
2. 17-111-00581
3. 108
4. Pennzoil Producing Company
5. Pace N A /UPC/ No 2
6. Monroe
7. Union LA
8. 8.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19534/79-2242
2. 17-111-00000
3. 108
4. Pennzoil Producing Company
5. Trimble No 1
6. Monroe
7. Union LA
8. 12.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19535/79-2241
2. 17-073-00283
3. 108
4. Pennzoil Producing Company
5. C G Wall No. 1
6. Monroe
7. Ouachita, La
8. 3.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19536/79-2240
2. 17-111-00000
3. 108
4. Pennzoil Producing Company
5. Tanner No. 2
6. Monroe
7. Union, La
8. 7.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19537/79-2239
2. 17-073-00000
3. 108
4. Pennzoil Producing Company
5. Potts-Thomas No. 1
6. Monroe
7. Ouachita, La
8. 10.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19538/79-2171
2. 17-067-20518
3. 108
4. Roy M Teel
5. J C Sandidge et al No. 4
6. Monroe Gas Rock Field
7. Morehouse, La
8. 5.6 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19539/79-2176
2. 17-113-20669
3. 102
4. Amerada Hess Corporation
5. L Faciane No. 2
6. Bancker
7. Vermilion, La
8. 673.0 million cubic feet
9. September 6, 1979
10. Louisiana Resources Company
1. 79-19540/79-2102
2. 17-073-00195
3. 108
4. Pennzoil Producing Company
5. Fee 92 No. 1
6. Monroe
7. Ouachita, La
8. 6.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19541/79-2101
2. 17-073-00100
3. 108
4. Pennzoil Producing Company
5. Fee 86 No. 1
6. Monroe
7. Ouachita, La
8. 10.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19542/79-2100
2. 17-073-00137
3. 108
4. Pennzoil Producing Company
5. Fee 85 No. 1
6. Monroe
7. Ouachita, La
8. 7.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19543/79-2099
2. 17-073-00231
3. 108
4. Pennzoil Producing Company
5. Fee 59 No. 1
6. Monroe
7. Ouachita, La
8. 8.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19544/79-2098
2. 17-073-00181
3. 108
4. Pennzoil Producing Company
5. Fee 53 No. 1
6. Monroe
7. Ouachita, La
8. 13.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19545/79-2110
2. 17-089-20386
3. 103
4. Exxon Corporation
5. P RA Suo Sarpy Bros No. 25
6. Good Hope
7. St Charles, La
8. 55.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19546/79-2156
2. 17-073-21051
3. 108
4. S Teel
5. Sho-Van No. 2
6. Monroe Gas Rock
7. Ouachita Parish, La
8. 4.3 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19547/79-2155
2. 17-073-21031
3. 108
4. S Teel
5. West Virginia No. 1
6. Monroe Gas Rock
7. Ouachita Parish, La
8. 2.9 million cubic feet
9. September 6, 1979
10. City of Monroe
1. 79-19548/79-2253
2. 17-061-20182
3. 102 103
4. Bass Enterprises Production Co
5. CV Davis RB Suj James C Doss No. 1
6. Middlefork
7. Lincoln, La
8. 185.0 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19549/79-2162
2. 17-073-20403
3. 108
4. Roy M Teel
5. A L Smith No. 3
6. Monroe Gas Rock Field

7. Ouachita Parish, La
8. 7.3 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19550/79-2181
2. 17-073-20401
3. 108
4. Roy M Teel
5. A L Smith No. 2
6. Monroe Gas Rock Field
7. Ouachita Parish, La
8. 7.3 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19551/79-2160
2. 17-073-20399
3. 108
4. Roy M Teel
5. A L Smith No. 1
6. Monroe Gas Rock Field
7. Ouachita Parish, La
8. 7.3 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19552/79-2159
2. 17-073-00248
3. 108
4. Lahoma Gas Company
5. Union Producing No. 2
6. Monroe Gas Rock Field
7. Ouachita Parish, La
8. 3.7 million cubic feet
9. September 6, 1979
10. IMC Exploration Company
1. 79-19553/79-2158
2. 17-073-00247
3. 108
4. Lahoma Gas Company
5. Union Producing No. 1
6. Monroe Gas Rock Field
7. Ouachita Parish, La
8. 5.2 million cubic feet
9. September 6, 1979
10. IMC Exploration Company
1. 79-19554/79-2157
2. 17-073-21043
3. 108
4. S Teel
5. Sho-Van No. 4
6. Monroe Gas Rock Field
7. Ouachita Parish, La
8. 3.7 million cubic feet
9. September 6, 1979
10. United Gas Pipe Line Company
1. 79-19555/79-2142
2. 17-031-20972
3. 103
4. White and Ellis Drilling Inc
5. PSU-T Bagley No. 1 (163207)
6. Bethany-Longstreet
7. DeSoto Parish, La
8. 175.0 million cubic feet
9. September 6, 1979
10. Arkansas Louisiana Gas Company
1. 79-19556/79-2141
2. 17-031-20541
3. 108
4. Northeast Resources Inc
5. GR RA Sua Risinger No. 1
6. Chemard Lake
7. DeSoto Parish, La
8. 11.5 million cubic feet
9. September 6, 1979
10. Lumar Gas Gathering
1. 79-19557/79-2140
2. 17-031-20523
3. 108
4. Northeast Resources Inc
5. Hoss RA SU B J J Rambin No. 2
6. Chemard Lake
7. DeSoto Parish, La
8. 8.0 million cubic feet
9. September 6, 1979
10. Lumar Gas Gathering
1. 79-19558/79-2139
2. 17-031-20561
3. 108
4. Northeast Resources Inc
5. Hoss RA SU D Irene B Gregory No. 4
6. Chemard Lake
7. DeSoto Parish, La
8. 8.5 million cubic feet
9. September 6, 1979
10. Lumar Gas Gathering
1. 79-19559/79-2138
2. 17-001-20678
3. 103
4. Amarillo Oil Company
5. Nod 1-B RB Sua Houssiere 1-D
6. North Crowley
7. Acadia Parish, La
8. 344.0 million cubic feet
9. September 6, 1979
10. Monterey Pipeline Company
1. 79-19560/79-2137
2. 17-001-20678
3. 103
4. Amarillo Oil Company
5. Nod 1 RJ Sua Houssiere No. 1
6. North Crowley
7. Acadia Parish, La
8. 956.0 million cubic feet
9. September 6, 1979
10. Monterey Pipeline Company
1. 79-19561/79-2136
2. 17-077-20197
3. 103
4. Smith Petroleum Co
5. Vua Roy O Martin No. 1
6. Lottie
7. Pointe Coupee, La
8. 146.0 million cubic feet
9. September 6, 1979
10. Texas Eastern Transmission Corp
1. 79-19562/79-2165
2. 17-061-20193
3. 103
4. Bass Enterprises Production Co
5. CV RA Sub J L Smith A No. 2
6. Hico-Knowles
7. Lincoln, La
8. 0 million cubic feet
9. September 6, 1979
10. United Gas Pipeline Company
1. 79-19680/79-2080
2. 17-093-20158
3. 102
4. Exxon Corporation
5. SL 560 No. 6-d
6. College Point-St James
7. St James, La
8. 700.0 million cubic feet
9. September 7, 1979
10. United Gas Pipeline Company
1. 79-02486/79-598 (Revised)
2. 17-001-20728
3. 102 103
4. Henry Goodrich DBA Goodrich Oil Co.
5. NS RA Sub: A T Jagneaux No. 1
6. Branch
7. Acadia, La
8. 600.0 million cubic feet
9. April 4, 1979
10. United Gas Pipeline Company
1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-19732
2. 21-035-00000
3. 102
4. Dart Oil & Gas Corporation
5. Barhitte #6-30 (32902)
6. Winterfield-29 Field
7. Clare, Mi
8. 20.0 million cubic feet
9. August 31, 1979
10. Consumers Power Company
1. 79-19733
2. 21-035-00000
3. 102
4. Dart Oil & Gas Corporation
5. Fox #3-32 (32971)
6. Winterfield-29 Field
7. Clare, Mi
8. 20.0 million cubic feet
9. August 31, 1979
10. Consumers Power Company
Nebraska Oil and Gas Conservation Commission
1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-19713/NGPA-35
2. 26-033-21883
3. 103
4. Marathon Oil Company
5. G Rippe B #4
6. Huntsman
7. Cheyenne, NE
8. 0 million cubic feet
9. September 5, 1979
10. Kansas-Nebraska Natural Gas Co
1. 79-19714/NGPA-36
2. 26-033-21884
3. 103
4. Marathon Oil Company
5. Cruise A #7
6. Huntsman
7. Cheyenne, NE
8. 11.0 million cubic feet
9. September 5, 1979
10. Kansas-Nebraska Natural Gas Co
New Mexico Department of Energy and Minerals, Oil Conservation Division
1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name

8. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-19715
2. 30-015-21441
3. 108
4. J B Adamson
5. Collier State #3L
6. E-Empire-Yates Seven Rivers
7. Eddy, NM
8. .9 million cubic feet
9. September 10, 1979
10. Phillips Petroleum Co
1. 79-19716
2. 30-015-21712
3. 108
4. J B Adamson
5. Collier State #4L
6. E-Empire-Yates Seven Rivers
7. Eddy, NM
8. 1.1 million cubic feet
9. September 10, 1979
10. Phillips Petroleum Co
1. 79-19717
2. 30-015-21272
3. 108
4. J B Adamson
5. Collier State #2L B-11593
6. E-Empire-Yates Seven Rivers
7. Eddy NM
8. .8 million cubic feet
9. September 10, 1979
10. Phillips Petroleum Co
1. 79-19734
2. 30-025-26187
3. 103
4. Southern Union Exploration Company
5. Shell Groebli et al #1
6. Flying "M"
7. LEA NM
8. .0 million cubic feet
9. September 10, 1979
10. Warren Petroleum Company

Oklahoma Corporation Commission

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date Received at FERC
10. Purchaser(s)
1. 79-19415/00302
2. 35-051-35191
3. 108
4. Phillips Petroleum Co
5. Dahl #2
6.
7. Grady, OK
8. .0 million cubic feet
9. September 7, 1979
10.
1. 79-19610/00272
2. 35-139-21043
3. 103
4. Cities Service Co
5. Pierce B-2
6. S E Eva
7. Texas OK
8. 78.3 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19611/00240
2. 35-151-20832
3. 103
4. S Keith Tuthill & Bill J Barbee
5. London #1-19
6. SE Fairvalley
7. Woods, OK
8. 180.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line
1. 79-19612/00206
2. 35-061-20239
3. 103
4. Samson Resources
5. Kennedy Unit No 2
6. Kinta
7. Haskell OK
8. 320.0 million cubic feet
9. September 7, 1979
10. Arkansas Louisiana Gas Company
1. 79-19613/00242
2. 35-153-20902
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Booth-Hemenway #1-25
6. SW Freedom
7. Woodward, OK
8. 200.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line
1. 79-19614/00235
2. 35-151-20789
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Cropp #1-1
6. NE Waynoka
7. Woods, OK
8. 300.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line
1. 79-19615/00285
2. 35-059-30105
3. 108
4. Alan L Lamb
5. #1 Boland 059-37254
6. Laverne
7. Harper, OK
8. 10.0 million cubic feet
9. September 7, 1979
10. Northern Natural
1. 79-19616/00226
2. 35-011-20855
3. 103
4. Michigan Wisconsin Pipe Line Company
5. Nitzel #1
6. Squaw Creek
7. Blaine, OK
8. 2190.0 million cubic feet
9. September 7, 1979
10. Michigan Wisconsin Pipe Line Co
Mustang Fuel Corp
1. 79-19617/00259
2. 35-087-20364
3. 103
4. Phillips Petroleum Co
5. Coyle A #1
6. Blanchard
7. McClain, OK
8. 16.0 million cubic feet
9. September 7, 1979
10.
1. 79-19618/00230

2. 35-039-20162
3. 102
4. Michigan Wisconsin Pipe Line Co
5. Watt #1
6. S E Aledo
7. Custer, OK
8. 250.0 million cubic feet
9. September 7, 1979
10. Michigan Wisconsin Pipe Line Co
1. 79-19619/00308
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Berry E No 1
6. Guymon Hugoton
7. Texas, OK
8. 10.9 million cubic feet
9. September 7, 1979
10. Michigan-Wisconsin Pipeline Co
1. 79-19620/00307
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Bergner-B No 1
6. Guymon Hugoton
7. Texas, OK
8. 6.8 million cubic feet
9. September 7, 1979
10. Michigan-Wisconsin Pipeline Co.
1. 79-19621/00261
2. 35-017-20995
3. 103
4. Phillips Petroleum Company
5. Bomhoff-A No. 1
6. S Okarche
7. Canadian, OK
8. 110.0 million cubic feet
9. September 7, 1979
10.
1. 79-19622/00262
2. 35-043-20805
3. 103
4. Phillips Petroleum Company
5. Drake-B No 1
6. SW VICI
7. Dewey, OK
8. 385.0 million cubic feet
9. September 7, 1979
10. Transwestern Pipeline Co
1. 79-19623/00269
2. 35-139-20996
3. 103
4. Cities Service Co
5. Stonebraker A-90
6. West Stonebraker
7. Texas, OK
8. 60.3 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19624/00266
2. 35-139-20995
3. 103
4. Cities Service Co
5. Stonebraker L-2
6. West Stonebraker
7. Texas, OK
8. 15.9 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19625/00266
2. 35-139-21069
3. 103
4. Cities Service Co
5. Stonebraker A-97
6. West Stonebraker

7. Texas, OK
8. 44.4 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19626/00271
2. 35-139-21065
3. 103
4. Cities Service Co
5. Stonebraker A-94
6. S E Eva
7. Texas, OK
8. 91.8 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19627/00340
2. 35-007-00000
3. 108
4. Phillips Petroleum Company
5. Knowles No 1
6. South Como-Upper Morrow
7. Beaver County, OK
8. 6.0 million cubic feet
9. September 7, 1979
10. El Paso Natural Gas Co Panhandle
Eastern P/L Co
1. 79-19628/00343
2. 35-007-00000
3. 108
4. Phillips Petroleum Company
5. Loesch-B No 4
6. Como
7. Beaver, OK
8. 7.5 million cubic feet
9. September 7, 1979
10. El Paso Natural Gas Co
1. 79-19629/00346
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Hornet-C No 1
6. Guymon Hugoton
7. Texas, OK
8. 11.7 million cubic feet
9. September 7, 1979
10. Michigan-Wisconsin Pipeline Co
1. 79-19630/00323
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Fez No 1
6. Guymon Hugoton
7. Texas, OK
8. 7.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19631/00301
2. 35-049-38801
3. 108
4. Phillips Petroleum Company
5. Wyant-B No 1
6. Golden Trend
7. Garvin, OK
8. 6.5 million cubic feet
9. September 7, 1979
10. Warren Petroleum Corporation
1. 79-19632/00282
2. 35-059-20631
3. 103
4. Cities Service Co
5. McClung D-3
6. Mocane-Laverne
7. Harper, OK
8. 17.7 million cubic feet
9. September 7, 1979
10. Michigan-Wisconsin Pipe Line Co
1. 79-19633/00292
2. 35-019-00000
3. 108
4. E Lyle Johnson Inc
5. Pruitt A-2 Meter #526
6. Caddo
7. Carter, OK
8. 13.4 million cubic feet
9. September 7, 1979
10. Union Oil Co of Calif
1. 79-19634/00283
2. 35-059-20684
3. 103
4. Cities Service Co
5. McClung C-3
6. Mocane-Laverne
7. Harper, OK
8. 11.8 million cubic feet
9. September 7, 1979
10. Michigan-Wisconsin Pipeline Co
1. 79-19635/00238
2. 35-151-20843
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Whipple #1-36
6. NE Waynoka
7. Woods OK
8. 200.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line
1. 79-19636/00221
2. 35-015-20768
3. 103
4. Michigan Wisconsin Pipe Line Company
5. Raymond Jones #1
6. Northeast Binger
7. Caddo, OK
8. 183.0 million cubic feet
9. September 7, 1979
10. Michigan Wisconsin Pipe Line Company
1. 79-19637/00321
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Biskra No 1
6. Guymon Hugoton
7. Texas, OK
8. 4.8 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19638/00322
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Line No 2
6. Guymon Hugoton
7. Texas OK
8. 11.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19639/00324
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Twirp No 1
6. Guymon Hugoton
7. Texas OK
8. 16.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19640/00325
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Jerome No 2
8. Guymon Hugoton
7. Texas OK
8. 8.5 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19641/00326
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Lyndon No 1
6. Guymon Hugoton
7. Texas OK
8. 7.5 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19642/00327
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Bobarr No 2
6. South Guymon-Morrow
7. Texas OK
8. 1.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19643/00328
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Luman No 2
6. South Guymon-Morrow
7. Texas OK
8. 1.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19644/00329
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Stew No 1
6. Guymon Hugoton
7. Texas OK
8. 15.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19645/00330
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Deakin No 1
6. Guymon Hugoton
7. Texas OK
8. 6.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19646/00331
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Strat No 1
6. Guymon Hugoton
7. Texas OK
8. 11.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19647/00332
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Hugoton No 2
6. South Guymon-Morrow
7. Texas OK
8. 11.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co

1. 79-19648/00332
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Place No 2
6. South Guymon-Morrow
7. Texas OK
8. 11.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19649/00334
2. 35-139-00000
3. 108
4. Phillips Petroleum Company
5. Place No 1
6. Guymon Hugoton
7. Texas OK
8. 14.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipeline Co
1. 79-19650/00273
2. 35-139-20982
3. 103
4. Cities Service Co
5. Stonebraker A-93
6. S W Unity
7. Texas OK
8. 47.8 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19651/00275
2. 35-139-21074
3. 103
4. Cities Service Co
5. Stonebraker AN-3
6. N W Guymon
7. Texas OK
8. 99.4 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19652/00248
2. 35-151-20740
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Reutlinger #1-20
6. North Edith
7. Woods OK
8. 200.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19653/00249
2. 35-151-20847
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Reutlinger #1-29
6. North Edith
7. Woods OK
8. 200.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19654/00241
2. 35-151-20757
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Eden #1-4
6. SE Fairvalley
7. Woods OK
8. 300.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line
1. 79-19655/00236
2. 35-153-20905
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Walker #1-7
6. South East Fairvalley
7. Woodward OK
8. 300.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line
1. 79-19656/00237
2. 35-151-20838
3. 103
4. S Keith Tuthill & Bill J Barbee
5. McGill #1-23
6. East Brace
7. Woods OK
8. 150.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line
1. 79-19657/00239
2. 35-153-20812
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Simpson Walker #1-30
6. SE Fairvalley
7. Woodward OK
8. 300.0 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line
1. 79-19658/00244
2. 35-151-20868
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Tatro #1-21
6. North Edith
7. Woods OK
8. 200.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19659/00245
2. 35-151-20792
3. 103
4. S Keith Tuthill & Bill J Barbee
5. Kurz #1-19
6. North Edith
7. Woods OK
8. 200.0 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19660/00284
2. 35-059-20058
3. 108
4. Alan L Lamb
5. Snell 059-35571
6. Mocane-Laverne
7. Harper OK
8. 10.0 million cubic feet
9. September 7, 1979
10. Michigan Wisconsin Pipe Line Co
1. 79-19661/00281
2. 35-007-20265
3. 108
4. Alan L Lamb
5. #1 Smith 007-41426
6. Mocane-Laverne
7. Beaver OK
8. 7.0 million cubic feet
9. September 7, 1979
10. Michigan Wisconsin
1. 79-19662/00233
2. 35-093-21282
3. 103
4. Michigan Wisconsin Pipe Line Company
5. Dyche #1
6. N E Cedardale
7. Major OK
8. .6 million cubic feet
9. September 7, 1979
10. Michigan Wisconsin Pipe Line Company

1. 79-19663/00232
2. 35-039-20182
3. 103
4. Michigan Wisconsin Pipe Line Company
5. Arnold #1
6. Southeast Aledo
7. Custer OK
8. 98.0 million cubic feet
9. September 7, 1979
10. Michigan Wisconsin Pipe Line Company
1. 79-19664/00229
2. 35-039-20142
3. 103
4. Michigan Wisconsin Pipe Line Company
5. Shepherd #1
6. Southeast Aledo
7. Custer OK
8. 128.0 million cubic feet
9. September 7, 1979
10. Michigan Wisconsin Pipe Line Company
1. 79-19665/00172
2. 35-121-20618
3. 103
4. Key Operating Company Inc
5. Reynolds #1
6. South Pine Hollow
7. Pittsburg OK
8. .0 million cubic feet
9. September 7, 1979
- 10.
1. 79-19666/00274
2. 35-139-21023
3. 103
4. Cities Service Co
5. Stonebraker A-95
6. West Stonebraker
7. Texas OK
8. 31.8 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19667/00270
2. 35-139-21039
3. 103
4. Cities Service Co
5. Pierce A-2
6. West Stonebraker
7. Texas OK
8. 52.5 million cubic feet
9. September 7, 1979
10. Northern Natural Gas Co
1. 79-19668/00279
2. 35-139-20965
3. 103
4. Cities Service
5. Bartels A-1 (Upper Morrow)
6. West Optima
7. Texas OK
8. 320.2 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19669/00278
2. 35-139-20965
3. 103
4. Cities Service Co
5. Bartels A-1 (Lower Morrow)
6. West Optima
7. Texas OK
8. 14.8 million cubic feet
9. September 7, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19670/00277
2. 35-007-21520
3. 103
4. Cities Service Company
5. Shadden E-2

6. Mocane-Laverne
 7. Beaver OK
 8. 833.8 million cubic feet
 9. September 7, 1979
 10. Colorado Interstate Gas Co
 1. 79-19671/00276
 2. 35-007-21360
 3. 103
 4. Cities Service Company
 5. Ferguson F-2
 6. Mocane-Laverne
 7. Beaver OK
 8. 29.8 million cubic feet
 9. September 7, 1979
 10. Colorado Interstate Gas Co
 1. 79-19672/00246
 2. 35-151-20778
 3. 103
 4. S Keith Tuthill & Bill J Barbee
 5. Hodgson #1-18
 6. North Edith
 7. Woods OK
 8. 200.0 million cubic feet
 9. September 7, 1979
 10. Northern Natural Gas Co
 1. 79-19673/00247
 2. 35-151-20840
 3. 103
 4. S Keith Tuthill & Bill J Barbee
 5. Kurz #1-17
 6. North Edith
 7. Woods OK
 8. 200.0 million cubic feet
 9. September 7, 1979
 10. Northern Natural Gas Co
- West Virginia Department of Mines, Oil and Gas Division**
1. Control Number (FERC/State)
 2. API Well Number
 3. Section of NGPA
 4. Operator
 5. Well Name
 6. Field or OCS Area Name
 7. County, State or Block No.
 8. Estimated Annual Volume
 9. Date Received at FERC
 10. Purchaser(s)
 1. 79-19416
 2. 47-021-01110
 3. 108
 4. Consolidated Gas Supply Corporation
 5. Louis Bennett 10169
 6. West Virginia Other A-85772
 7. Gilmer WV
 8. 12.0 million cubic feet
 9. September 6, 1979
 10. General System Purchasers
 1. 79-19417
 2. 47-021-01003
 3. 108
 4. Consolidated Gas Supply Corporation
 5. McConanghy Bennett 5701
 6. West Virginia Other A-85772
 7. Gilmer WV
 8. 4.0 million cubic feet
 9. September 6, 1979
 10. General System Purchasers
 1. 79-19418
 2. 47-021-00952
 3. 108
 4. Consolidated Gas Supply Corporation
 5. W G Bennett 8786
 6. West Virginia Other A-85772
 7. Gilmer WV

8. 10.0 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19419
2. 47-021-00922
3. 108
4. Consolidated Gas Supply Corporation
5. A S Moore 6000
6. West Virginia Other A-85772
7. Gilmer WV
8. .7 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19420
2. 47-021-00895
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9684
6. West Virginia Other A-85772
7. Gilmer WV
8. 2.0 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19421
2. 47-001-00039
3. 108
4. Consolidated Gas Supply Corporation
5. Cora M Peck 9025
6. West Virginia Other A-85772
7. Barbour WV
8. 4.0 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19522
2. 47-001-00044
3. 108
4. Consolidated Gas Supply Corporation
5. Guy D Burner 9056
6. West Virginia Other A-85772
7. Barbour WV
8. 3.0 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19423
2. 47-001-00101
3. 108
4. Consolidated Gas Supply Corporation
5. John S Reger-10231
6. West Virginia Other A-85772
7. Barbour WV
8. 10.0 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19424
2. 47-021-00718
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9010
6. West Virginia Other A-85772
7. Gilmer WV
8. 4.0 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19425
2. 47-033-00562
3. 108
4. Consolidated Gas Supply Corporation
5. J B Gusman 11349
6. West Virginia Other A-85772
7. Harrison WV
8. 17.0 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19426

2. 47-021-01899
3. 108
4. Consolidated Gas Supply Corporation
5. Edna Stalnaker 10903
6. West Virginia Other A-85772
7. Gilmer WV
8. 4.0 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19427
2. 47-033-00035
3. 108
4. Consolidated Gas Supply Corporation
5. C W Murray 2104
6. West Virginia Other A-85772
7. Harrison WV
8. 3.0 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19428
2. 47-103-00648
3. 108
4. Consolidated Gas Supply Corporation
5. Josephine Brast 6
6. West Virginia Other A-85772
7. Wetzel WV
8. 3.0 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19429
2. 47-021-00886
3. 108
4. Consolidated Gas Supply Corporation
5. W G Bennett 9683
6. West Virginia Other A-85772
7. Gilmer WV
8. 2.0 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19430
2. 47-021-00717
3. 108
4. Consolidated Gas Supply Corporation
5. John W Fisher 9009
6. West Virginia Other A-85772
7. Gilmer WV
8. 4.0 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-10431
2. 47-021-00685
3. 108
4. Consolidated Gas Supply Corporation
5. R M Marshall 6797
6. West Virginia Other A-8577
7. Gilmer WV
8. 3.0 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19432
2. 47-021-00673
3. 108
4. Consolidated Gas Supply Corporation
5. E H Stump 8925
6. West Virginia Other A-85772
7. Gilmer WV
8. 1.5 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19433
2. 47-021-00654
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 8683
6. West Virginia Other A-85772

7. Gilmer WV
8. 4.0 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19434
2. 47-021-00592
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 8663
6. West Virginia Other A-95772
7. Gilmer WV
8. 2.0 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19435
2. 47-021-00635
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 8648
6. West Virginia Other A-85772
7. Gilmer, WV
8. 3.0 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19436
2. 47-097-00667
3. 108
4. Consolidated Gas Supply Corporation
5. Arthur J Hinkle 10355
6. West Virginia Other A-85772
7. Upshur, WV
8. 1.0 million cubic feet
9. September 6, 1979
10. General System Purchasers
1. 79-19580
2. 47-005-00919
3. 108
4. Peake Operating Company
5. Y & O No 103 800-919
6. Crook District
7. Boone, WV
8. .2 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-19581
2. 47-045-00324
3. 108
4. Peake Operating Company
5. Newberry No 14 Log-324
6. Triadelphia District
7. Logan, WV
8. 10.2 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-19582
2. 47-045-00306
3. 108
4. Peake Operating Company
5. Newberry No 7 Log-306
6. Triadelphia District
7. Logan, WV
8. 8.4 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-19583
2. 47-045-00284
3. 108
4. Peake Operating Company
5. Newberry No 2 Log-284
6. Triadelphia District
7. Logan, WV
8. 8.0 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-19584
2. 47-045-00283
3. 108
4. Peake Operating Company
5. Newberry No 1 Log-283
6. Triadelphia District
7. Logan, WV
8. 5.4 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-19585
2. 47-045-00352
3. 108
4. Peake Operating Company
5. Newberry No 15 Log-352
6. Triadelphia District
7. Logan, WV
8. 10.2 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-19586
2. 47-005-00954
3. 108
4. Peake Operating Company
5. WPC Bunice Lends No 133
6. Crook District
7. Boone, WV
8. 21.1 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-19587
2. 47-005-00926
3. 108
4. Peake Operating Company
5. Y & O No 115 B00-926
6. Crook District
7. Boone, WV
8. 21.1 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-19588
2. 47-005-00966
3. 108
4. Peake Operating Company
5. Y & O No 124 B00-966
6. Crook District
7. Boone, WV
8. 20.0 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-19589
2. 47-045-00813
3. 108
4. Peake Operating Company
5. Newberry No 130 Log-813
6. Triadelphia District
7. Logan, WV
8. 21.0 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-19590
2. 47-045-00745
3. 108
4. Peake Operating Company
5. Newberry No 81 Log-745
6. Triadelphia District
7. Logan, WV
8. 9.0 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-19591
2. 47-045-00390
3. 108
4. Peake Operating Company
5. Newberry No 20 Log-398
6. Triadelphia District

7. Logan, WV
8. 12.4 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-19592
2. 47-045-00386
3. 108
4. Peake Operating Company
5. Newberry No 19 Log-386
6. Triadelphia District
7. Logan, WV
8. 10.6 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-19593
2. 47-045-00323
3. 108
4. Peake Operating Company
5. Newberry No 11 Log-323
6. Triadelphia District
7. Logan, WV
8. 20.8 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-19594
2. 47-045-00356
3. 108 denied
4. Peake Operating Company
5. Newberry No 16 Log-356
6. Triadelphia District
7. Logan, WV
8. .2 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-19595
2. 47-045-00723
3. 108 denied
4. Peake Operating Company
5. Newberry No 71 Log-723
6. Triadelphia District
7. Logan, WV
8. .1 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-19596
2. 47-045-00338
3. 108
4. Peake Operating Company
5. Newberry No 8 Log-338
6. Triadelphia District
7. Logan, WV
8. 6.6 million cubic feet
9. September 7, 1979
10. Consolidated Gas Supply Corporation
1. 79-19718
2. 47-109-00447
3. 108
4. Peake Operating Company
5. Welchlands No 32 Wyo-447
6. Slab Fork District
7. Wyoming, WV
8. 10.9 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp
1. 79-19719
2. 47-109-00657
3. 108
4. Peake Operating Company
5. Welchlands No 140 Wyo-657
6. Clear Fork District
7. Wyoming, WV
8. 7.3 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp
1. 79-19720

2. 47-109-00457
3. 108
4. Peake Operating Company
5. Welchlands No 36 Wyo-457
6. Slab Fork District
7. Wyoming, WV
8. 5.8 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp
1. 79-19721
2. 47-109-00466
3. 108
4. Peake Operating Company
5. Newberry No 38 Wyo-466
6. Clear Fork District
7. Wyoming, WV
8. 8.0 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp
1. 79-19722
2. 47-109-00503
3. 108
4. Peake Operating Company
5. Welchlands No 61 Wyo-503
6. Slab Fork District
7. Wyoming, WV
8. 5.5 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp
1. 79-19723
2. 47-109-00527
3. 108
4. Peake Operating Company
5. Newberry No 73 Wyo-527
6. Clear Fork District
7. Wyoming, WV
8. 20.4 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp
1. 79-19724
2. 47-109-00448
3. 108 denied
4. Peake Operating Company
5. Welchlands No 33 Wyo-448
6. Slab Fork District
7. Wyoming, WV
8. .2 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp
1. 79-19725
2. 47-081-00238
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 91 Ral-238
6. Marsh Fork
7. Raleigh, WV
8. .2 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp
1. 79-19726
2. 47-109-00554
3. 108
4. Peake Operating Company
5. Welchlands No 87 Wyo-554
6. Slab Fork District
7. Wyoming, WV
8. 3.0 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp
1. 79-19727
2. 47-109-00529
3. 108
4. Peake Operating Company
5. Welchlands No 76 Wyo-529
6. Slab Fork District

7. Wyoming, WV
8. 6.6 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp
1. 79-19728
2. 47-109-00406
3. 108
4. Peake Operating Company
5. Welchlands No 22 Wyo-406
6. Slab Fork District
7. Wyoming, WV
8. 5.8 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp
1. 79-19729
2. 47-109-00420
3. 108
4. Peake Operating Company
5. Welchlands No 25 Wyo-420
6. Slab Fork District
7. Wyoming, WV
8. 11.7 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp
1. 79-19730
2. 47-109-00431
3. 108
4. Peake Operating Company
5. Welchlands No 27 Wyo-431
6. Slab Fork District
7. Wyoming, WV
8. 10.2 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp
1. 79-19731
2. 47-109-00444
3. 108
4. Peake Operating Company
5. Newberry No 28 Wyo-444
6. Clear Fork District
7. Wyoming, WV
8. 20.4 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corp

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the Federal Register.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30123 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-652]

Arkansas Power & Light Co.; Notice of Filing of Letter Agreement

September 21, 1979.

The filing Company submits the following:

Take notice that on September 14, 1979, Arkansas Power & Light Company (AP&L) tendered for filing a Letter Agreement dated April 17, 1979 between Southwestern Power Administration (SWPA) and AP&L. AP&L states that the Agreement provides for the exchange of energy between AP&L and SWPA for the period between 12:01 A.M., April 18, 1979 and 11:59 P.M., June 30, 1980. AP&L states that energy will be exchanged between AP&L and SWPA on a kilowatt-hour for kilowatt-hour basis. No firm capacity is provided under the Agreement as stated by AP&L. AP&L states that any energy not returned by AP&L to SWPA will be purchased by AP&L from SWPA at a rate equal to the average cost of fuel per kilowatt-hour of generation at AP&L-owned generating units during the months hydroelectric energy was furnished by SWPA to AP&L. AP&L requests an effective date of 12:01 A.M., April 18, 1979. AP&L requests waiver of the Commission's notice requirement. AP&L states that due to difficulty of estimating hydroelectric generation due to water conditions, no billing data was filed.

A copy of the filing has been mailed to SWPA, according to AP&L.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30110 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2949]**City of Alexandria; Notice of Application for Preliminary Permit**

September 20, 1979.

Take notice that on August 14, 1979, the City of Alexandria, Louisiana, filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 2949 to be known as the Red River Lock and Dam No. 1 Project, located on the Red River in Avoyelles Parish, Louisiana. The project would be located on U.S. lands administered by the Corps of Engineers and would affect navigable waters of the United States. Correspondence with the Applicant should be addressed to Carrol E. Lanier, Mayor, P.O. Box 71, Alexandria, Louisiana 71301.

Purpose of Project—Power generated by the project would be used by the City of Alexandria in meeting its load requirements with any surplus power being sold or exchanged with other utilities in the area.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would include preliminary designs, economic analysis, preparation of preliminary engineering plans, study of environmental assessment, and, in coordination with the Corps of Engineers, a study of the plans and operation of the proposed Lock and Dam No. 1. The work would be coordinated with the Corps investigations already in progress for construction of the proposed Lock and Dam No. 1 as part of the development of the Red River Waterway Project. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimated that the work to be performed under this preliminary permit would cost \$50,000.

Project description—The project would be operated as run-of-the-river and would consist of a powerplant built integrally with, or adjacent to, the proposed Corps' Lock and Dam No. 1 facilities, including bulb or tube turbine/generators (the number to be determined during the study period) having a total installed capacity of 15 MW and having an average annual generation of 60,000,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary

studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, the Applicant seeks a 36-month permit.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, (Rules), 18 C.F.R. 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before November 19, 1979. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30100 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA79-23]**Dorfman Production Co.; Application for Adjustment**

September 20, 1979.

On August 24, 1979, Dorfman Production Company filed with the Federal Energy Regulatory Commission an Application for an Adjustment under

Section 502(c) of the Natural Gas Policy Act of 1978 (the "NGPA"), wherein Dorfman Production Company sought relief from the maximum lawful pricing provisions of the NGPA.

The procedures applicable to the conduct of the adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before October 15, 1979.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30101 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP78-12]**East Tennessee Natural Gas Co.; Report of Refunds**

September 20, 1979.

Take notice that on September 10, 1979, East Tennessee Natural Gas Company (East Tennessee) tendered for filing a report of refunds made pursuant to the Stipulation and Agreement dated November 6, 1978 in Docket No. RP78-12.

East Tennessee states that on September 10, 1979, it mailed to each of its jurisdictional customers an invoice for August, 1979, deliveries and made the full refunds required by Article IX of the Stipulation for the calendar year 1978 by a credit on the invoice.

East Tennessee states that copies of the filing have been mailed to all of its affected jurisdictional customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 4, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30102 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES79-65]**El Paso Electric Co.; Notice of Application**

September 20, 1979.

Take notice that on September 11, 1979, El Paso Electric Company (Applicant) filed a request with the Commission, pursuant to section 204 of the Federal Power Act, requesting authority to negotiate for the private placement of up to \$25 million of unsecured promissory five year notes. The Applicant is a Texas Corporation, with its principal office at El Paso, Texas, and is engaged in the electric utility business in Texas and New Mexico.

The net proceeds from the sale of the unsecured notes will be used to repay outstanding debt.

Any person desiring to be heard or to make any protest with reference to the application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30103 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP79-16 & RP79-64]**Florida Gas Transmission Co.; Settlement Conference**

September 19, 1979.

Take notice that an informal settlement conference in the subject proceedings will be convened on September 25, 1979, at 10:00 A.M. in Hearing Room A of the Civil Aeronautics Board, room 1003 Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C. 20428. Among other things, the participants should be prepared to discuss a draft settlement agreement to be provided by Florida Gas Transmission Company.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been

permitted to intervene by order of the Commission or the Presiding Administrative Law Judge, attendance at the conference will not be deemed to authorize intervention as a party to this proceeding.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30104 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES79-64]**Indianapolis Power & Light Co.; Notice of Application.**

September 20, 1979.

Notice is hereby given that on September 11, 1979, Indianapolis Power & Light Company (Applicant) filed an application with the Commission seeking an order pursuant to Section 204 of the Federal Power Act, authorizing the issuance of up to \$100,000,000 principal amount of unsecured short-term promissory notes. Applicant is incorporated in the State of Indiana and with its principal business office at Indianapolis, Indiana, and is engaged primarily in the sale of electric energy in Indiana.

The net proceeds to be received from the initial issuance of the Notes will be applied to the payment of part of the cost of Applicant's 1979-1983 construction program. construction expenditures are estimated to be \$81,616,803 for 1979, \$77,170,303 for 1980, and an aggregate of \$439,547,630 for the years 1981, 1982 and 1983.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D. C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before October 4, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30105 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP69-36, RP70-35, and RP71-125]**Natural Gas Pipeline Co. of America; Filing of Report of Refund**

September 20, 1979.

Take notice that Natural Gas Pipeline Company of America (Natural), on September 11, 1979, tendered for filing its verified report of distribution of refunds for the period October 1, 1970 through September 30, 1972 paid to its jurisdictional customers on June 19, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 4, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30107 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP73-48]**Peoples Natural Gas, Division of Northern Natural Gas Co.; Notice of Rate Change Pursuant to Purchased Gas Cost Adjustment Provision**

September 20, 1979.

Take notice that on September 10, 1979, Peoples Natural Gas Division of Northern Natural Gas Company (Peoples Division) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 4, the following tariff sheet:

Twenty-Fourth Revised Sheet No. 3a

Twenty-fourth Revised Sheet No. 3a is filed pursuant to Peoples Division's Purchased Gas Adjustment provision of its FPC Gas Tariff, Original Volume No. 4. This change in rates reflects the increase in Peoples Division's average estimated cost of purchased gas, pursuant to Paragraph 19.2 of its FPC Gas Tariff Original Volume No. 4.

Copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 4, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30108 Filed 9-27-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. SA79-24]

Southern Union Gathering Co., Notice of Application for Adjustment and Request for Interim Relief

September 20, 1979.

Take notice that on August 31, 1979, Southern Union Gathering Company (Southern Union), 1800 First International Building, Dallas, Texas 75270, filed with the Federal Energy Regulatory Commission (Commission) in Docket No. SA79-24 an application for an adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) 15 U.S.C. 3301 *et seq.* and §§ 270.202 and 271.1104 of the Commission's Regulations [18 CFR 202; 1104].

Specifically, Southern Union seeks an adjustment which would allow it to recover a gathering allowance of 19.66 cents per Mcf at 15.025 psia (19.2740 cents per Mcf at 14.73 psia) for its sales to El Paso Natural Gas Company (El Paso) and Gas Company of New Mexico (GCNM). Furthermore, Southern Union seeks interim relief by proposing the effective date of the requested allowance, subject to refund, to be December 11, 1978.

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR § 1.41 *et seq.* See also Commission Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before October 25, 1979 and should be sent to the Federal Energy Regulatory

Commission, 825 North Capitol St., N.E., Washington, D.C., 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30108 Filed 9-27-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. EL78-29]

Village of Penn Yan, N.Y.; Order Denying Rehearing

Issued: September 17, 1979.

Introduction

On March 28, 1979, the Commission issued a "Declaratory Order Modifying Jurisdictional Contracts." In that order, the Commission ordered New York State Electric and Gas Corporation (NYSEG) to file certain contracts relating to NYSEG's agreement to transmit Niagara Project power to certain preference customers of the Power Authority of the State of New York (PASNY), including the Village of Penn Yan (Penn Yan).¹ In addition, the Commission determined that provisions in these contracts which limit a municipal's use of power wheeled by NYSEG to retail service within the municipal's borders as of the date of the contract are unjust and unreasonable because they are unreasonably anticompetitive in effect.

On April 25, 1979, NYSEG filed an application for rehearing of the declaratory order and requested the Commission to vacate the order in its entirety.²

We find, on careful consideration of NYSEG's application, no factual or legal issues which have not been previously addressed or which would warrant modification of the March 28 order. Accordingly, we shall deny rehearing.

Discussion

1. Jurisdiction. In its application, NYSEG reiterates its claim that the PASNY/NYSEG NS-11 Contract and the NYSEG/Penn Yan 1962 Agreement are not subject to the jurisdiction of the Commission. This claim warrants little response. We need simply state that under Section 201(b) of the Federal

¹ The PASNY-NYSEG transmission agreement is designated Niagara Contract NS-11 and is referred to herein as NS-11.

The NYSEG-Penn Yan transmission agreement, recognizing the NYSEG's transmission obligation as established in NS-11, is referred to herein as the 1962 Agreement.

² On May 3, 1979, the Village of Penn Yan filed a response to NYSEG's application for rehearing. While responses to rehearing applications ordinarily do not lie, we believe that Penn Yan's pleading will aid the Commission in its consideration of the issues raised by NYSEG and shall therefore consider Penn Yan's response.

Power Act, NYSEG is a jurisdictional utility. Its transmission contracts with PASNY and the preference customers of PASNY are jurisdictional agreements which must be filed under Section 205(c) of the Federal Power Act and Section 35.1 of our Rules of Practice and Procedure.³

2. Need for Hearing. In its application, NYSEG argues that the Commission erred in determining that the territorial restrictions contained in Contract NS-11 and the related transmission contracts between NYSEG and the individual PASNY customers were unenforceable, without an evidentiary hearing. In support of this position, NYSEG argues that, because the Commission's order compels wheeling, the statutory requirements of Sections 211 and 212 of the Federal Power Act⁴ and general principles of due process require that an evidentiary hearing be held.

NYSEG's arguments regarding the requirements of Sections 211 and 212 are totally inapposite. As stated in the declaratory order:

Finally, we note that NYSEG's repeated assertions that the Commission's modification of these provisions would result in an "order compelling wheeling" are unfounded. By entering into the two contracts at issue, NYSEG, has already undertaken an obligation to wheel power to Penn Yan. By eliminating the restrictive provisions, we are eliminating the restrictions on the use of wheeled power rather than "compelling wheeling." (Order at 8).

Contrary to NYSEG's assertion that Commission's order results in "unlimited availability of NYSEG's transmission facilities," the order merely removes an anticompetitive restriction on NYSEG's existing wheeling obligation. Since the order does not create a wheeling obligation, the hearing, findings and

³ NYSEG also challenges the Commission's requirement that the 1962 Agreement be filed on the ground that this filing order was based on the Commission's consideration of Penn Yan's Motion to Compel Filing. Such a motion would not lie under Section 1.12(a) of the Commission's Rules of Practice and Procedure. NYSEG argues, because no hearing has been ordered in this docket and the motion requested relief not contemplated in that section. As with many of the arguments made by NYSEG in its application, such an argument improperly elevates form over substance. Regardless of whether Penn Yan properly captioned its request as a "motion," the Commission has ample authority under Section 205(c) of the Act and Section 35.1 of the Rules of Practice and Procedure to require a jurisdictional utility to file jurisdictional transmission agreements. This authority may be exercised pursuant to a complaint under Section 1.6(a) filed at any time by "any person complaining of anything done or omitted to be done by any . . . public utility" or by the Commission acting *suo sponte*.

⁴ 16 U.S.C. § 824 j and k, as added by the Public Utility Regulatory Policies Act of 1978 (Pub. L. 95-617, Title II, §§ 203 and 204(a), 92 Stat. 3136 and 3138 enacted November 9, 1978).

determinations under Sections 211 and 212 were not necessary for our determination.

Even if the specific requirements of Sections 211 and 212 need not have been met in this case, NYSEG argues that the Commission's action in rendering the disputed provisions unenforceable without an evidentiary hearing was an abuse of discretion. Again, NYSEG's argument must be rejected.

It is well-established that the Commission need not hold a hearing where it is present with questions of law only and no factual issue is in dispute. In *Citizens for Allegany County v. FPC*,⁵ the court held:

. . . the right of opportunity for hearing does not require a procedure that will be empty sound and show, signifying nothing. The precedents establish, for example, that no evidentiary hearing is required where there is no dispute on the facts and the agency proceeding involves only a question of law. [footnote omitted.]

Similarly, in *Municipal Light Boards of Reading and Wakefield v. FPC*,⁶ the court held:

There are occasions when an agency may dispose of a controversy on the pleadings without an evidentiary hearing when the opposing presentations reveal that no dispute of fact is involved, but only a question of law or administrative policy of such a nature that there is neither a dispute as to material facts nor a need to ventilate the underlying facts to aid in policy determination.⁷

Here, the Commission was presented with the question of whether the territorial limitations on wheeling service were just and reasonable. The resolution of that issue was dependent on the Commission's determination that 1) the disputed provision is anticompetitive in effect and 2) no countervailing public interest objective justifies upholding such a provision.⁸ In this case each of these questions could be resolved on the basis of the undisputed facts contained in the pleadings.

⁵ 414 F.2d 1125, 1128 (D.C. Cir. 1969).

⁶ 450 F.2d 1341, 1345 (D.C. Cir. 1971), *cert. denied*, 405 U.S. 969 (1972).

⁷ *Accord*, *Virginia Electric and Power Company*, 351 F.2d 406, 410 (4th Cir. 1965); *Pennsylvania Gas and Water Co. v. FPC*, 463 F.2d 1242, 1251 (D.C. Cir. 1972); *Independent Bankers Association of Georgia v. Board of Governors of the Federal Reserve System*, 516 F.2d 1208, 1220 (D.C. Cir. 1975).

⁸ Had a legitimate objective been raised in support of the provision, the Commission would have made a third inquiry—viz, whether alternative means of less anticompetitive effect exist which would accomplish the objective. Here, since NYSEG's stated objective was to protect itself from competition, no countervailing public interest objective existed in this case. The question of alternative means did not, therefore, have to be addressed.

First, no party disputes the anticompetitive effect of the provision—i.e., to restrict Penn Yan's ability to extend its municipal system, thereby impairing and diminishing competition to serve retail customers in the extended territories. On the question of NYSEG's objective in including such a provision in its transmission agreements, the pleadings are clear.⁹ As stated in the declaratory order, NYSEG's Protest and Petition to Intervene described its reasons for including the provision as protection of its "corporate interest" and to avoid wheeling power "involuntarily for a direct competitor."

Thus, the pleadings and the contracts themselves provide a sufficient factual basis for the Commission's finding that the disputed provision is anticompetitive in effect and serves no countervailing public interest objective. Since no material facts were in dispute a hearing would simply have been the occasion for "empty sound and show, signifying nothing." *Citizens for Allegany County, supra*. All issues were fully briefed and a hearing was not necessary to protect the rights of the parties and would have been an uneconomical use of the Commission's resources.¹⁰

3. The Effect of State Approval of Contract NS-11. Because NS-11 has been approved by the State of New York, NYSEG argues that 1) the Commission is without authority to modify its terms, and 2) its provisions, even if anticompetitive, are immune from the Federal antitrust laws by virtue of state action. Both arguments are totally without merit. Before addressing these arguments, however, it is necessary to briefly examine the nature of "state approval" of PASNY contracts such as NS-11.

PASNY is a public benefit corporation of the State of New York. Exercising powers delegated by the state, PASNY finances, builds and operates electric generation and transmission facilities for purposes specified by the Legislature and Governor of New York.¹¹ Under the Public Authorities Law, contracts for the

⁹ While NYSEG claims that it has not had an opportunity to fully brief the question of possible objectives to be served by the disputed provision, it should be noted that even in its application for rehearing the Company failed to offer any other alternative objectives.

¹⁰ NYSEG also claims that its opportunity to be heard in this proceeding has been limited by the Commission's failure to grant NYSEG's petition to intervene. While NYSEG's petition to intervene should have been granted in the declaratory order and was inadvertently omitted, no prejudice will result from granting the company's petition in this order. NYSEG has responded to all pleadings submitted by Penn Yan and such pleadings have been considered in determining appropriate Commission action.

¹¹ See § 1005 of the Pub. Auth. L. of New York.

sale, transmission and distribution of power from PASNY projects are negotiated by representatives of the Authority, publicly noticed, approved by the trustees of PASNY and finally, approved by the Governor of New York.¹² Such approval, however, in no way limits this Commission's authority to regulate jurisdictional utilities who may contract with PASNY or to regulate PASNY, as a licensee, where it is contracting to transmit power from projects licensed by this Commission.

In arguing that state approval renders the Commission powerless to modify the provisions of NS-11, NYSEG argues that the Niagara Redevelopment Act¹³ expresses the intent of Congress to give the state sole jurisdiction over the terms and conditions of sale and transmission of Niagara Project power. An examination of the Niagara Redevelopment Act, however, indicates that the approval of the Governor of the State of New York was contemplated in a specific area involving the marketing of project power.¹⁴ Such approval was to be given in accordance with the procedures of New York state law as discussed above.

There is absolutely no language in the Act which supports the proposition that the Act expresses the intent of Congress to prevent the Commission from exercising its authority under Part II to, *inter alia*, determine the justness and reasonableness of the terms and conditions of jurisdictional transmission agreements.¹⁵ In addition, Section 1(b)(4) of the Act, cited by NYSEG as support for its argument, places an affirmative obligation on PASNY to provide transmission service to its preference customers, either by purchasing such service under reasonable conditions or constructing the necessary transmission lines. If anything, this language lends

¹² See § 1009 of the Pub. Auth. L. of New York.

¹³ 16 U.S.C. § 836 (Pub. L. 85-156; 71 Stat. 401, enacted August 21, 1957).

¹⁴ § 836(b)(3) provides in pertinent part: (3) The licensee shall contract, with the approval of the Governor of the State of New York, pursuant to the procedure established by New York law, to sell the licensee of Federal Power Commission project 16 for period ending not later than the final maturity date of the bonds initially issued to finance the project works herein specifically authorized, four hundred and forty-five thousand kilowatts of the remaining project power, which is equivalent to the amount produced by project 16 prior to June 7, 1956, for resale generally to the industries which purchased power produced by project 16 prior to such date, or their successors, in order as nearly as possible to restore low power costs to such industries and for the same general purposes for which power from project 16 was utilized.

¹⁵ In addition, the Niagara Redevelopment Act clearly recognizes this Commission's authority under Part I of the Federal Power Act to regulate licensees such as PASNY, through the imposition and enforcement of conditions in the Niagara Project license.

support to the Commission's action on the territorial restriction in the contracts at issue. In sum, the Niagara Development Act does not affect, in any way, the Commission's authority to modify the contracts at issue.

A related and similarly flawed argument raised by NYSEG's application is that the provisions of NS-11, even in anticompetitive, were imposed by the State of New York and are therefore, immune from the Federal antitrust laws under *Parker v. Brown*.¹⁶ An examination of this decision and its development in subsequent cases indicates that the action of the State of New York in this case does not confer antitrust immunity on NYSEG.

In *Parker*, the Supreme Court held that an anticompetitive California raisin marketing program which "derives its authority and its efficacy from the legislative command of the State" was not a violation of the Sherman Act because it was ordered and enforced by a state commission operating under the mandate of a state statute limiting competition among raisin growers. The *Parker* decision was discussed by the Supreme Court in *Cantor v. Detroit Edison Co.*¹⁷ In *Cantor*, the Supreme Court considered whether the state public utility commission's approval of a utility's tariff, which contained a provision tying the sale of light bulbs to electric power service, immunized the utility from Sherman Act liability for that tying arrangement. In rejecting the utility's claim of state action exemption, the Supreme Court held that:

... notwithstanding the state participation in the decision, the private party exercised sufficient freedom of choice to enable the court to conclude that he should be held responsible for the consequences of his decision.¹⁸

In order for a company to be immune from antitrust liability, the state's participation must be so dominant that it would be unfair to hold the private party liable.¹⁹

Here, the provisions of NS-11 were negotiated by PASNY and approved by the State of New York. However, as discussed herein, the territorial restriction was included in NS-11 by NYSEG for its own protection and not

as the result of a direction by the state. As in *Cantor*, the state, through the action of PASNY and the Governor, may have approved NS-11 but it did not impose the territorial restriction contained in the contract. Clearly, NYSEG exercised "sufficient freedom of choice" in including the restrictive provision in its contracts with PASNY and PASNY's preference customers "to be held responsible for the consequences of its decision."

For the foregoing reasons, NYSEG's application for rehearing will be denied.

The Commission orders: (1) The petition to intervene of New York State Electric & Gas Company is hereby granted.

(2) The application for rehearing of New York State Electric & Gas Company is hereby denied.

(3) The Secretary shall promptly publish this order in the Federal Register.

By the Commission,
Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30097 Filed 9-27-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP78-99, et al.]

Wyoming Interstate Natural Gas System, et al.; Notice of Joint Amendment to Applications in the Nature of a Settlement Proposal

September 13, 1979.

Take notice that on September 10, 1979, Wyoming Interstate Natural Gas System (WINGS), Colorado Interstate Gas Company (CIG), Northwest Pipeline Corporation (Northwest), and Michigan-Wisconsin Pipe Line Company (Mich-Wis) filed in Docket Nos. CP78-99 and CP78-122 a joint petition to amend the applications in the subject dockets to effect a proposal of settlement in all outstanding issues of the instant consolidated proceeding.

The proposed settlement contemplates the issuance of certificates of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act, authorizing the transportation and exchange of natural gas, all as more fully set forth in the joint application to amend the applications which is on file with the Commission, but which can be summarized as follows:

Said joint amendment requests Commission approval of two separate arrangements for the transportation and exchange of natural gas: The first arrangement is proposed pursuant to a "Gas Transportation and Exchange Agreement" between CIG and Michigan-Wisconsin, dated July 20, 1979, which is

submitted in Exhibit I to the Joint Amendment. Such agreement provides for transportation by CIG and redelivery to Mich Wis of equivalent volumes of natural gas which Mich Wis delivers to CIG's system, and for the transportation by Mich Wis and redelivery to CIG of equivalent volumes of natural gas which CIG delivers to Mich Wis' system. The initial sources of supply and points of delivery are set forth in Exhibit C to the Agreement, and it is provided that additional points for the delivery or redelivery of gas may be added by the parties, and the volumes to be delivered or redelivered at any point may be changed by amendment of such Exhibit. The initial sources of supply include gas from Mich Wis which was proposed to have been transported by the original WINGS project. The agreements provide the other terms and conditions and limitations for the transportation and exchange proposed, including transportation charges, and a summary of some of such terms is set forth in the joint amendment.

The second transaction proposed by the Joint Amendment is provided by a letter agreement between CIG and Northwest, dated July 20, 1979, which is submitted in Exhibit I to the Joint Amendment. Such Agreement and a Master Agreement which the parties plan to enter into, provide for the transportation and redelivery by CIG of equivalent volumes of natural gas which Northwest delivers to CIG's system, and for the transportation and redelivery by Northwest of equivalent volumes of natural gas which CIG delivers to Northwest's system. The proposed initial points of delivery will allow Northwest to deliver to, and have transported and redelivered by CIG, gas which would have been transported by the WINGS project. The agreements provide the other terms, conditions and limitations for the transportation and exchange proposed, including transportation charges, and a summary of some of such terms as set forth in the Joint Amendment.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the

protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Regulations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30096 Filed 9-27-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-656]

Central Illinois Light Co.; Filing

September 21, 1979.

The filing Company submits the following:

Take notice that on September 17, 1979, Central Illinois Light Company (CILCO) tendered for filing pursuant to Section 205 of the Federal Power Act and Part 35 of the Federal Energy Regulatory Commission's regulations thereunder a Notice of Cancellation of Appendix B to its Interconnection Agreement with the City of Springfield, Illinois (Springfield) (CILCO Rate Schedule FERC No. 21).

CILCO states that Appendix B, which provides for payment by Springfield of a facilities charge for CILCO's investment in the 138 kv interconnection, is no longer needed. CILCO has requested that cancellation of Appendix B be made effective as of July 1, 1979.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before October 15, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30121 Filed 9-27-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-653]

The Cincinnati Gas & Electric Co.; Changes in Rates and Charges

September 21, 1979.

The filing Company submits the following:

Take notice that The Cincinnati Gas & Electric Company (Cincinnati) tendered for filing on September 14, 1979 a Second Supplemental Agreement dated as of June 1, 1979 to the Interconnection Agreement dated September 15, 1969, between Cincinnati and the City of Hamilton, Ohio (Hamilton) designated Cincinnati's Rate Schedule FPC No. 32.

Section 1. of this Second Supplemental Agreement provides for a Second Revised Sheet No. 7, to supersede First Sheet No. 7 appended to the First supplemental Agreement dated January 1, 1975, as Exhibit D. This Second Revised Sheet No. 7 provides for an increase in the Demand Charge for Short Term Power Service from 45¢ per kilowatt per week to 70¢ per kilowatt per week.

Section 2. of this Second Supplemental Agreement provides for a First Revised Sheet No. 8 to supersede original Sheet No. 8 identified in the 1969 Agreement as Exhibit E. This First Revised Sheet No. 8 provides for an increase in the Capacity Reservation Contract Demand for Capacity Reservation Power Service from \$2.10 per kilowatt per month to \$3.75 per kilowatt per month.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30122 Filed 9-27-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-487]

Columbia Gas Transmission Corp.; Application

September 21, 1979.

Take notice that on September 14, 1979, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, Charleston, West Virginia 25314, filed in Docket No. CP79-487 an application pursuant to Section

7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 707 interconnecting tap facilities to provide additional points of delivery to certain existing wholesale customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate the following:

1. 45 taps for residential service and 2 taps for commercial service to provide additional points of delivery in various counties in Kentucky to Columbia Gas of Kentucky, Inc.

Estimated annual deliveries through each of the proposed residential taps are 150 Mcf and through the commercial taps 665 Mcf and 1,875 Mcf, for total estimated annual deliveries of 9,290.

2. 448 taps for residential service, 2 taps for commercial service and 1 tap for combined residential and commercial service to provide additional points of delivery in various counties in Ohio to Columbia Gas of Ohio, Inc.

Estimated annual deliveries through each of the proposed residential taps are 150 Mcf, with 300 Mcf and 600 Mcf for multiple residential taps, through the commercial taps 360 Mcf and 480 Mcf, and through the commercial and residential tap 430 Mcf, for total estimated annual deliveries of 77,440 Mcf.

3. 28 taps for residential service to provide points of delivery in various counties in Pennsylvania to Columbia Gas of Pennsylvania, Inc.

Estimated annual deliveries for each residential tap are 150 Mcf, with 300 Mcf and 450 Mcf for multiple residential taps, for total estimated annual deliveries of 4,950 Mcf.

4. 2 taps for residential service to provide additional points of delivery in Rockridge County, Virginia, to Columbia Gas of Virginia, Inc.

Estimated annual deliveries through each of the residential taps are 150 Mcf, for total estimated annual deliveries of 300 Mcf.

5. 178 taps for residential service and 2 taps for commercial service to provide additional points of delivery in various counties in West Virginia to Columbia Gas of West Virginia, Inc.

Estimated annual deliveries through each of the residential taps are 150 Mcf and through the commercial taps 150 Mcf and 198 Mcf, for total estimated annual deliveries of 28,748 Mcf.

6. 1 tap for residential service to provide an additional point of delivery in Paulding County, Ohio, to West Ohio Gas Company.

Estimated annual delivery through the tap is 150 Mcf.

The total estimated cost of construction of the proposed interconnecting tap facilities is \$212,450, which cost would be financed by Applicant with internally generated funds.

The points of delivery requested by Applicant are required to provide service beginning November 1, 1979, in time for the winter heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 3, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30124 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-654]

Florida Power Corp.; Filing of Notice of Termination

September 21, 1979.

Take notice that Florida Power Corporation, on September 14, 1979, filed a Notice of Termination which terminates certain service to the Cities of Kissimmee and St. Cloud, Florida ("Joint Cities") on November 30, 1979. Florida Power has provided firm service pursuant to a Letter of Commitment under Schedule D of its Contract for Interconnection and Electric Service with the Joint Cities. This Letter Agreement expires by its own terms on November 30, 1979.

Copies of the filing were served upon the Joint Cities and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30125 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. EL79-28]

Georgia Power Co.; Filing of Application To Sell Facilities

September 21, 1979.

The filing Company submits the following:

Take notice that on September 4, 1979, Georgia Power Company tendered for filing an application for an Order authorizing the sale of revenue metering facilities to the Tennessee Valley Authority ("TVA").

The Company states that the parties have entered into an Interconnection Agreement (the "Interconnection Agreement") providing for the use by TVA of certain transmission facilities of the Company for the delivery of TVA power. The Company further states that the Interconnection Agreement requires TVA to provide revenue metering

equipment at certain points of interconnection between TVA and the Company and that TVA desires to purchase certain revenue metering equipment presently owned by the Company which after such sale shall become TVA equipment.

Any person desiring to be heard or to protest said application should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30126 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES79-63]

Missouri Utilities Co.; Application

September 21, 1979.

Take notice that on September 5, 1979, Missouri Utilities Company (Applicant) filed an application with the Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the issuance of up to \$7,500,000 of short-term unsecured promissory notes, with final maturities not later than December 31, 1980. The Applicant is a Missouri corporation, with its principal business office at Cape Girardeau, Missouri and is engaged in the electric and natural gas utility business in Missouri.

The proceeds will be used to finance in part Applicant's construction program to December 31, 1980. The construction program of Applicant, as now scheduled, calls for plant expenditures of approximately \$13,759,000 for 1979 and 1980.

Any person desiring to be heard or to make any protest with reference to the application should on or before November 1, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will

be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30127 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-655]

The Montana Power Co.; Compliance Filing

September 21, 1979.

The filing company submits the following:

Take notice that on September 14, 1979, The Montana Power Company tendered for filing in compliance with the Federal Power Commission's Order of May 6, 1977, a summary of sales made under the Company's FPC Electric Tariff M-1 during July, 1979, along with cost justification for each rate charged.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30128 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP75-73, et al.]

Texas Eastern Transmission Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

September 21, 1979.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 9, 1979. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
8-31-79	Texas Eastern	RP75-73	Report.
9-10-79	Eastl.	RP78-12	Report.
9-5-79	Tennessee	RP77-139	Report.
8-28-79	Texas Gas	RP69-27, et al.	Report.

[FR Doc. 79-30129 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-651]

Virginia Electric & Power Co.; Contract Supplement

September 21, 1979.

The filing Company submits the following:

Take notice that on September 14, 1979, Virginia Electric and Power Company (VEPCO) tendered for filing a Contract Supplement dated August 6, 1979 to the Rate Contract between VEPCO and the Mecklenburg Electric Cooperative.

Said Supplement requests the Commission's authorization for connection of the new delivery point designated as Shockoe Delivery Point, located in Mecklenburg County, Virginia.

VEPCO requests an effective date for the new delivery point as that of the date of connection of the new facilities which is expected to occur sometime in November 1979.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in

any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30130 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-657]

Virginia Electric & Power Co.; Contract Supplement

September 21, 1979.

The filing Company submits the following:

Take notice that on September 14, 1979, Virginia Electric and Power Company (VEPCO) tendered for filing a Contract Supplement dated August 6, 1979 to the Rate Contract between VEPCO and the Mecklenburg Electric Cooperative.

Said Supplement requests the Commission's authorization for connection of the new delivery point designated as Shockoe Delivery Point, located in Mecklenburg County, Virginia.

VEPCO requests an effective date for the new delivery point as that of the date of connection of the new facilities which is expected to occur sometime in November, 1979.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30131 Filed 9-27-79; 8:45 am]

BILLING CODE 6450-01-M

GENERAL SERVICES
ADMINISTRATION

[E-79-10]

Delegation of Authority to the
Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Rhode Island Public Utilities Commission involving electric utility rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Rhode Island Public Utilities Commission involving the application of the Newport Electric Corporation for an increase in its electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 18, 1979.

R. G. Freeman III,
Administrator of General Services.

[FR Doc. 79-30072 Filed 9-27-79; 8:45 am]

BILLING CODE 6820-AM-M

[E-79-11]

Delegation of Authority to the
Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a gas rate proceeding before the Georgia Public Service Commission.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Georgia Public Service Commission involving the application of the Gas Light Company of Columbus, Georgia, for an increase in its gas rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 14, 1979.

R. G. Freeman III,
Administrator of General Services.

[FR Doc. 79-30073 Filed 9-27-79; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFAREAlcohol, Drug Abuse, and Mental
Health Administration

Advisory Committees; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National advisory body scheduled to assemble during the month of October 1979.

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism. October 16, 9:00 a.m.—Open meeting. Conference Room 303-A, Hubert Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Contact Mr. James Vaughan, Room 16C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301/443-3888.

Purpose: The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism (1) evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism

and provides for the communication and exchange of information necessary to maintain the coordinations and effectiveness of such programs and activities, and (2) seeks to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

Agenda: The meeting will consist of a discussion of working group activities, including agency participation in working group meetings and reports on items of current interest to Federal alcoholism programs.

Substantive program information may be obtained from the contact person listed above. The NIAAA Information Officer who will furnish summaries of the meeting and a roster of Committee members is Mr. Harry Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 11-A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, 20857, 301/443-3306.

Dated: September 24, 1979.

Elizabeth A. Connolly,
Committee Management Officer, Alcohol,
Drug Abuse, and Mental Health
Administration.

[FR Doc. 79-30085 Filed 9-27-79; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

Advisory Committees: Meetings

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 [5 U.S.C. App. I]), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of psychiatry.

Agenda—Open public hearing. Any interested person may present data,

information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss safety and effectiveness of Alprazolam (Xanax-Upjohn); safety and effectiveness of

Nomifensine (Merital-Hoechst); evaluation of Methylphenidate HCl (Ritalin-Ciba) to support the new indications of mild depression and withdrawn behavior in the elderly; labeling for gero-psychiatric indications of drugs; and preliminary report on long-term studies with pemoline.

Committee name	Date, time, and place	Type of meeting and contact person
2. Anti-Infective Drugs Subcommittee of the Anti-Infective and Topical Drugs Advisory Committee.	October 25 and 26, 9 a.m., Conference Rm. A, 5600 Fishers Lane, Rockville, MD.	Open public hearing October 25, 9 a.m. to 10 a.m.; open committee discussion October 25, 10 a.m. to 4:30 p.m.; October 26, 9 a.m. to 1 p.m.; Mary K. Bruch (HFD-140), 5600 Fishers Lane, Rockville, MD 20857, 301-443-4310.

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in infectious diseases, dermatological disorders, and ocular disease.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The

Committee will discuss Trimethoprim (NDA 17-943 and NDA 17-952); limitations of chloramphenicol use; erythromycin estolate; corticosteroids in septic shock; and guidelines for prophylactic use of systemic antimicrobials.

Committee name	Date, time, and place	Type of meeting and contact person
3. Peptides Subcommittee of the Drug Abuse Advisory Committee.	October 29 and 30, 9 a.m., Conference Rm. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open public hearing October 29, 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; October 30, 9 a.m. to 5 p.m.; Frank Vocci (HFD-120), 5600 Fishers Lane, Rockville, MD 20857, 301-443-3504.

General function of the Committee. The Subcommittee will review and evaluate available data and make recommendations concerning the development of clinical guidelines for the evaluation of endogenous peptides and their analogues.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the Subcommittee.

Open committee discussion. Introduction by Dr. J. Richard Crout, Director, Bureau of Drugs; delivery of charge to the subcommittee; presentation on FDA preclinical and clinical study guidelines; presentations by invited guest speakers; presentations by industry representatives and liaison members; group discussion of peptides guidelines format.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee

deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the

beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Committee name	Date, time, and place	Type of meeting and contact person
1. Psychopharmacological Drugs Advisory Committee	October 15 and 16, 9 a.m., Conference Rm. A, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open public hearings October 15, 9 a.m. to 10 a.m.; open committee discussion October 15 10 a.m. to 4:30 p.m.; October 16 9 a.m. to 4:30 p.m.; Robert C. Nelson (HFD-120), 5600 Fishers Lane, Rockville, MD 20857, 301-443-3830.

Dated: September 20, 1979.
William F. Randolph,
*Acting Associate Commissioner for
 Regulatory Affairs.*
 [FR Doc. 79-29796 Filed 9-27-79; 8:45 am]
BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by James C. Simmons, District Director, Cincinnati District Office, Cincinnati, OH.
DATE: The meeting will be held at 1 p.m. on Monday, October 29, 1979.
ADDRESS: The meeting will be held at the Federal Building, Rm. 5525, 550 Main St., Cincinnati, OH 45202.
FOR FURTHER INFORMATION CONTACT:

Ruth E. Weisheit, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, 601 Rockwell Ave., Rm. 463, Cleveland, OH 44114, 216-522-4844.
SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Cincinnati District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: September 21, 1979.
William F. Randolph,
*Acting Associate Commissioner for
 Regulatory Affairs.*
 [FR Doc. 79-30063 Filed 9-27-79; 8:45 am]
BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: This document announces a forthcoming Consumer Exchange Meeting to be chaired by Thomas L. Hooker, District Director, Baltimore District Office, Baltimore, MD.
DATE: The meeting will be held at 10 a.m., on Thursday, October 18, 1979.
ADDRESS: The meeting will be held at the Food and Drug Administration, Conference Room, 900 Madison Ave., Baltimore, MD 21201.
FOR FURTHER INFORMATION CONTACT:
 Anne B. Lane, Consumer Affairs Officer, Food and Drug Administration,

Department of Health, Education, and Welfare, 900 Madison Ave., Baltimore, MD 21201, 301-962-3731.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and the FDA Baltimore District Office, and to contribute to the agency's policy-making decisions on vital issues.

Dated: September 21, 1979.
William F. Randolph,
*Acting Associate Commissioner for
 Regulatory Affairs.*
 [FR Doc. 79-30064 Filed 9-27-79; 8:45 am]
BILLING CODE 4110-03-M

Orthopedic Devices Section of the Surgical and Rehabilitation Devices Panel; Meeting Cancellation

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The meeting of the Orthopedic Devices Section of the Surgical and Rehabilitation Devices Panel, which was scheduled for October 15 and 16, 1979, and announced by notice in the *Federal Register* of September 14, 1979 (44 FR 53572), has been cancelled.

FOR FURTHER INFORMATION CONTACT:
 James G. Dillon, Bureau of Medical Devices (HFK-410), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7238.

Dated: September 20, 1979.
William F. Randolph,
*Acting Associate Commissioner for
 Regulatory Affairs.*
 [FR Doc. 79-29797 Filed 9-27-79; 8:45 am]
BILLING CODE 4110-03-M

National Institutes of Health

Report on Bioassay of 3-Nitro-p-acetophenetide for Possible Carcinogenicity; Availability

3-Nitro-p-acetophenetide (CAS 1777-84-0) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay for possible carcinogenicity of 3-nitro-p-acetophenetide was conducted using Fischer 344 rats and B6C3F1 mice. 3-Nitro-p-acetophenetide was

administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species, with the exception of low dose male mice, of which there were 49.

Under the conditions of this bioassay, dietary administration of 3-nitro-p-acetophenetide was not carcinogenic in Fischer 344 rats of either sex or in female B6C3F1 mice. The compound, however, was considered carcinogenic in male B6C3F1 mice based on a significant increase in the combined incidence of hepatocellular carcinomas and hepatocellular adenomas in these animals.

Single copies of the report, Bioassay of 3-Nitro-p-acetophenetide for Possible Carcinogenicity (T.R. 133), are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20205.

Dated: September 20, 1979.
Donald S. Fredrickson, M.D.,
Director, National Institutes of Health.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)
 [FR Doc. 79-29807 Filed 9-27-79; 8:45 am]
BILLING CODE 4110-06-M

Report on Bioassay of Michler's Ketone for Possible Carcinogenicity; Availability

Michler's ketone (CAS 90-94-8) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay for the possible carcinogenicity of technical-grade Michler's ketone was conducted using Fischer 344 rats and B6C3F1 mice. Applications of the chemical include use as an intermediate in the manufacture of dyes. Michler's ketone was administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species.

Under the conditions of this bioassay, dietary administration of Michler's ketone was carcinogenic to male and female Fischer 344 rats and female B6C3F1 mice, causing hepatocellular carcinomas, and to male B6C3F1 mice, causing hemangiosarcomas.

Single copies of the report, Bioassay of Michler's Ketone for Possible Carcinogenicity (T.R. 181), are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21,

National Institutes of Health, Bethesda, Maryland 20205.

Dated: September 20, 1979.
Donald S. Fredrickson, M.D.,
Director, National Institutes of Health.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)
 [FR Doc. 79-29808 Filed 9-27-79; 8:45 am]
BILLING CODE 4110-06-M

Report on Bioassay of Malaoxon for Possible Carcinogenicity; Availability

Malaoxon (CAS 1634-78-2) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of malaoxon, the oxygen analogue of malathion (an organophosphate insecticide), for possible carcinogenicity was conducted by administering the test chemical in feed to F344 rats and B6C3F1 mice.

It was concluded that under the conditions of this bioassay malaoxon was not carcinogenic for F344 rats or B6C3F1 mice.

Single copies of the report, Bioassay of Malaoxon for Possible Carcinogenicity (T.R. 135), are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20205.

Dated: September 20, 1979.
Donald S. Fredrickson, M.D.,
Director, National Institutes of Health.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)
 [FR Doc. 79-29809 Filed 9-27-79; 8:45 am]
BILLING CODE 4110-06-M

Office of the Secretary

White House Conference on Families; National Hearings

The White House Conference on Families was called by President Carter to "examine the strengths of American families, the difficulties they face, and the ways in which family life is affected by public policies."

The Conference is guided by a 41-person National Advisory Committee, which has adopted an innovative conference process to take the White House Conference on Families to the people. This process includes hearings, state activities, national organization activities, and issue work groups which will lead up to three White House

Conferences across the country in the summer of 1980.

The purpose of the hearings is to give families an opportunity to discuss their concerns, ideas, successes and problems relating to contemporary family life. The hearings will help to identify key issues and concerns for the White House Conference on Families. Testimony should identify the most pressing concerns facing American families today and into the 1980's, together with any recommended policies, programs, and strategies for meeting these concerns. Information from the hearings will be available to all the states and will be used as background material for delegates to the National Conferences.

The second of the national hearings will be held in Tennessee.

October 12—Nashville, Tennessee, State Capitol.

October 13—Memphis, Tennessee.

Other hearing sites and dates are tentatively scheduled for Denver, Colorado, October 26-27; Hartford, Connecticut, November 16-17; Washington, D.C., November 30-December 1; Detroit, Michigan, December 7-8; and Seattle, Washington, January 11-12.

The hearings are open to the public. Members of the National Advisory Committee on the White House Conference on Families will serve as the hearing panel and are hoping to hear testimony from family members themselves, as well as from representatives of organizations and agencies that are concerned about families, members of the academic community, leaders in the religious community, public officials, employers, and program administrators.

It is anticipated that more requests to testify will be received than time will permit. Advance registration is, therefore, strongly encouraged to accommodate as many people as possible. Persons wishing to testify should submit a written request which includes the following information: name; home address; telephone numbers at both home and office; whether or not testimony is on behalf of an agency or organization and, if so, the name of the group and individuals' position title; topic of proposed testimony; preferences of location and day or evening testimony and whether an English translator or other special arrangements will be needed. This request must be received by the White House Conference on Families, 330 Independence Avenue, S.W., Washington, D.C. 20201, no later than October 9, 1979, for the Tennessee hearings.

Time limits will be strictly enforced on all persons giving testimony. Whenever feasible, participants will be grouped together when dealing with similar topics. Members of the National Advisory Committee will be given an opportunity to question individuals and group members after their presentations.

Each hearing will also have a limited time set aside for individuals who have not signed up in advance. Individuals not wishing to testify at the hearings are welcome to attend.

Written testimony is also strongly encouraged and will be included as part of the record of the hearing. It should be typed and not exceed 1,000 words.

FOR FURTHER INFORMATION CONTACT:

HEW Regional Office: 816-374-2821.
 WHCF Tennessee Coordinator: 913-296-4650.
 or

White House Conference on Families, 330 Independence Avenue S.W., Washington, D.C. 20201 (202) 472-4395.

John L. Carr,
*Executive Director, White House Conference
 on Families.*

[FR Doc. 79-30207 Filed 9-27-79; 8:45 am]
BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-16669]

Alaska Native Claims Selection

On November 2, 1977, Cook Inlet Region, Inc. filed an application for title to oil, gas and coal pursuant to Sec. 12(b)(2) of the act of January 2, 1976, 89 Stat. 1145, 1151; 43 U.S.C. 1601, 1611(e) (1976), and Sec. I.B.(1) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet area, as clarified on August 31, 1976, 90 Stat. 1935.

Section 12(b)(2) of the act of January 2, 1976, authorizes conveyance to Cook Inlet Region, Inc. of the subsurface estate of the oil, gas and coal within lands described in Appendix B-1 of the Terms and Conditions. These lands are located within the Kenai National Moose Range.

The selection application of Cook Inlet Region, Inc., as to the lands described below is properly filed and meets the requirements of the Act. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the subsurface estate of the oil, gas and coal in the following described lands, aggregating approximately 15,185 acres,

is considered proper for acquisition by Cook Inlet Region, Inc. and is hereby approved for conveyance pursuant to sec. 12(b)(2) of the act of January 2, 1976, *supra*, and the Terms and Conditions for Land Consolidation and Management in the Cook Inlet area:

Seward Meridian, Alaska (Unsurveyed)

T. 7 N., R. 9 W.,
Sec. 3, E½E½, SW¼SE¼;
Sec. 5, NW¼;
Sec. 8, N¼, SW¼;
Sec. 8, SW¼NW¼, W¼SW¼;
Sec. 10, E½, SE¼NW¼, E¼SW¼;
Sec. 15, all;
Sec. 16, SE¼NE¼, SE¼;
Sec. 21, NE¼;
Sec. 22, all.
Containing approximately 3,010.00 acres.

T. 8 N., R. 9 W.,
Secs. 2 and 3, all;
Sec. 4, NE¼, S½;
Sec. 9, N¼NE¼, SW¼NE¼, W¼,
SW¼SE¼;
Sec. 10, NE¼, NE¼SE¼;
Sec. 11, all;
Sec. 13, W¼;
Sec. 14, all;
Sec. 16, W¼;
Sec. 21, W¼W¼, SE¼SW¼, SW¼SE¼;
Sec. 23, all;
Sec. 24, NW¼, S½;
Secs. 25 and 26, all;
Sec. 27, E½SE¼;
Sec. 28, NW¼NE¼, NW¼, W¼SW¼;
Secs. 29, 30 and 31, all;
Sec. 32, N¼, SW¼, NW¼SE¼;
Sec. 33, NW¼NW¼;
Sec. 34, E½E½;
Secs. 35 and 16, all.
Containing approximately 11,215.00 acres.

T. 6 N., R. 10 W.
Sec. 9, NW¼NW¼, S¼N¼, S½.
Containing approximately 520.00 acres.

T. 7 N., R. 10 W.
Sec. 27, N¼N¼;
Sec. 28, N¼NE¼, NW¼, NW¼SW¼.
Containing approximately 440.00 acres.

Conveyance of the subsurface estate of the oil, gas and coal of the lands described above shall contain the following reservation to the United States:

1. All other minerals including but not limited to common varieties of minerals. The grant of the above described estate shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1976))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights,

privileges, and benefits thereby granted to him;

3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 714; 43 U.S.C. 1601, 1621(g) (1976)), that the above described lands which were withdrawn by Public Land Order No. 3400, on May 22, 1964, and are now a part of the Kenai National Moose Range, remain subject to the laws and regulations governing use and development of such Refuge;

4. The provisions of Sec. 1.B.(1) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet area; namely the covenants that: The right to extract coal shall be conditioned upon the opening by the Secretary for the extraction of coal of that portion of the Range in which these lands are located, and provided further, that coal shall only be extracted in a liquid or gaseous state; all activities related to the extraction of oil, gas and coal which affect the surface of the Kenai National Moose Range shall be conducted in accordance with a surface use plan approved by the Secretary. Such extraction shall be undertaken in accordance with the most advanced technology commercially available at that time and causing the least practicable temporary and permanent harm to the fish and wildlife habitats of the Range; and any surface damage caused by the exercise of the rights herein must be repaired or reclaimed by Cook Inlet Region, Inc., its successors and assigns, as rapidly as practicable without unreasonable interference with the rights of extraction; and

5. The terms of the following described oil and gas leases:

Serial Number and Legal Description

Seward Meridian, Alaska

A-028077

T. 8 N., R. 9 W.
Sec. 4, NE¼, S½;
Sec. 9, all;
Sec. 16, all;
Sec. 21, all.

A-028083

T. 7 N., R. 10 W.
Sec. 27, all;
Sec. 28, all;
Sec. 33, all;
Sec. 34, all.

A-028118

T. 6 N., R. 10 W.
Sec. 3, all;
Sec. 4, all;
Sec. 9, all;
Sec. 10, N¼, SW¼.

A-028384

T. 8 N., R. 9 W.
Sec. 13, W¼;
Sec. 14, all;
Sec. 15, E½;
Sec. 23, all;
Sec. 24, W¼, SE¼;

Sec. 25, NW¼.

A-028396

T. 7 N., R. 9 W.

Sec. 5, NW¼;
Sec. 6, N¼, SW¼.
T. 8 N., R. 9 W.
Sec. 30, all;
Sec. 31, all;
Sec. 32, all.

A-028399

T. 8 N., R. 9 W.

Sec. 28, all;
Sec. 29, all;
Sec. 33, N¼, SW¼.

A-028405

T. 8 N., R. 9 W.

Sec. 2, all;
Sec. 3, all;
Sec. 10, all;
Sec. 11, all.

A-028406

T. 8 N., R. 9 W.

Sec. 15, W¼;
Sec. 22, all;
Sec. 26, N¼, SW¼;
Sec. 27, all;
Sec. 34, N¼.

A-028990

T. 8 N., R. 9 W.

Sec. 25, NE¼, S½;
Sec. 28, SE¼;
Sec. 33, SE¼;
Sec. 34, S½;
Sec. 35, all;
Sec. 36, all.

A-028993

T. 7 N., R. 9 W.

Sec. 15, all;
Sec. 16, N¼, SE¼;
Sec. 21, NE¼;
Sec. 22, all.

A-028996

T. 7 N., R. 9 W.

Sec. 5, NE¼, S½;
Sec. 8, all.

A-028997

T. 7 N., R. 9 W.

Sec. 3, all;
Sec. 4, all;
Sec. 9, all;
Sec. 10, all.

Not all of the lands described in the above listed oil and gas leases are herein approved for conveyance; therefore, in accordance with the provisions of Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613 (1976)), administration of these leases will continue to be by the United States.

Pursuant to Sec. 12(c) of the act of January 2, 1976, conveyance of title to 3.58 townships (82,483.20 acres) of the subsurface estate of the oil, gas and coal within the Kenai National Moose Range shall constitute the full surface and subsurface entitlement of Cook Inlet Region, Inc. under Sec. 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)). Together with the lands herein approved, the total acreage conveyed or approved for conveyance is 82,144.00 acres. Action on

the remaining 14(h)(8) entitlement will be taken at a later date.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until October 29, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509. Sue Wolf,

Chief, Branch of Adjudication.

[FR Doc. 79-30181 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

[AA-6692-A through AA-6692-K]

Alaska Native Claims Selections

On December 24, 27 and 30, 1968, the State filed general purposes grant selection applications pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)) for certain lands in the Pilot Point area. Applications AA-5166, AA-5167, AA-5272, AA-5290, AA-5291, AA-5343 and AA-5344, all as amended, selected lands in Ts. 29 and 31 S. R. 51 W., Ts. 29 to 32 S., R. 52 W. and Ts. 31 and 32 S., R. 53 W., Seward Meridian respectively.

The Bureau of Indian Affairs filed an application on December 12, 1978, to withdraw all unreserved public lands in Alaska for the determination and protection of the rights of the Alaska Natives. Subsequently, on January 17, 1969, Public Land Order 4582 was issued to affirm the withdrawal of all unreserved lands in Alaska from all forms of appropriation and disposition under the public land laws except locations for metalliferous minerals. Public Land Order 4582 further provided that applications filed by the State of Alaska after December 12, 1968, and prior to January 4, 1969, must be embraced in leases, licenses, permits, or contracts issued pursuant to the Mineral Leasing Act of 1920 or the Coal Leasing Act of 1914 in order to be a valid selection application.

Since the lands selected in State selection applications AA-5166, AA-5167, AA-5272, AA-5290, AA-5291, AA-5343 and AA-5344 filed on December 24, 27 and 30, 1968, were not entirely within lands embraced in leases, etc., these applications must be and are hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA-5167

T. 29 S., R. 51 W.

Sec. 35, all.

Containing approximately 640 acres.

State Selection AA-5272

T. 31 S., R. 53 W.

Secs. 13 and 14, all;
Secs. 15 and 16 (fractional), all;
Secs. 20 and 21 (fractional), all;
Secs. 22 and 23, all;
Secs. 26, 27 and 28, all;
Secs. 29, 30 and 31 (fractional), all;
Secs. 32 to 36, inclusive, all.

Containing approximately 10,300 acres.

State Selection AA-5290

T. 31 S., R. 51 W.

Sec. 4, all;
Secs. 5 and 6 (fractional), all;
Secs. 9 and 16, all;
Sec. 17 (fractional), all;
Secs. 19 and 20 (fractional), excluding Ugashik River;
Secs. 21, 22 and 23, excluding Ugashik River;
Secs. 26 and 27, excluding Ugashik River;
Secs. 28, 29 and 30, all.
Containing approximately 6,411 acres.

State Selection AA-5291

T. 31 S., R. 52 W.

Secs. 2 and 3 (fractional), all;
Secs. 4 to 10, inclusive, all;
Secs. 11, 13 and 14 (fractional), all;
Secs. 15 to 18, inclusive, all;
Sec. 22, all;
Secs. 23 and 24 (fractional), excluding King Salmon River;
Sec. 25, all;
Sec. 28, excluding King Salmon River;
Secs. 27, 28 and 29, all;

Secs. 32, 33 and 34, all;
Sec. 35, excluding King Salmon River;
Sec. 36, all.
Containing approximately 16,398 acres.

State Selection AA-5343

T. 32 S., R. 52 W.

Sec. 2, excluding King Salmon River;
Secs. 3, 4 and 5, all;
Secs. 8, 9 and 10, all;
Sec. 17, all.

Containing approximately 4,930 acres.

State Selection AA-5344

T. 32 S., R. 53 W.

Sec. 4, N¼ SW¼;
Secs. 5 and 6, all.

Containing approximately 1,752 acres.
Aggregating approximately 40,431 acres.

The State selected lands rejected above were not valid selections and will not be charged against the village corporation as State selected lands.

Section 11(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 696; 43 U.S.C. 1601, 1610(a) (1976)) (ANCSA), withdrew the lands surrounding the Native village of Pilot Point, including lands in the subject State selection applications for Native selection. Pilot Point Native Corporation filed selection applications AA-6692-A on January 25, 1974 and AA-6692-B through AA-6692-K on November 1, 1974, as amended, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act for lands within the subject State selections.

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by Sec. 11(a).

Section 11(a)(2) further withdrew for possible selection by the Native corporation those lands within the townships described in Sec. 11(a)(1) that have been selected by, or tentatively approved to, but not yet patented to the State under the Alaska Statehood Act.

Section 12(a) further provided, however, that no village corporation may select more than 69,120 acres from lands withdrawn by Sec. 11(a)(2).

The lands described below were properly selected by Pilot Point Native Corporation in village selection applications AA-6692-F, AA-6692-G, AA-6692-H, and AA-6692-I; accordingly, State selection applications AA-5166, AA-5167, AA-5291 and AA-5344 are hereby rejected, as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA-5166

T. 29 S., R. 52 W.

Sec. 35, all;
Sec. 36, excluding Dago Creek.
Containing approximately 1,180 acres.

State Selection AA-5167

T. 29 S., R. 51 W.
Secs. 28 to 33, inclusive, all;
Sec. 36, all.
Containing approximately 4,423 acres.

State Selection AA-5291

T. 30 S., R. 52 W.
Sec. 1 (fractional), excluding Dago Creek;
Sec. 2 (fractional), all.
Containing approximately 1,085 acres.

State Selection AA-5344

T. 32 S., R. 53 W.
Sec. 4, SE¼
Containing approximately 160 acres.
Aggregating approximately 6,848 acres.

By virtue of a properly filed selection under Sec. 12(a) of the Alaska Native Claims Settlement Act, by Pilot Point Native Corporation, State selection application AA-5287, as to lands located in T. 30 S., R. 51 W., Seward Meridian, were rejected by decision dated October 24, 1974.

The total amount of State selected lands, including lands previously rejected to permit the conveyance hereafter given totals approximately 13,653 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of the Alaska Native Claims Settlement Act. Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date.

As to the lands described below, the applications submitted by Pilot Point Native Corporation, as amended, are properly filed, and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 87,670 acres, is considered proper for acquisition by Pilot Point Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Unsurveyed)

T. 32 S., R. 49 W.,
Sec. 4, all;
Secs. 5, 6 and 7, excluding Dog Salmon River;
Secs. 8 and 9, excluding Native allotment AA-6230 and Dog Salmon River;
Secs. 10 to 14, inclusive, all;
Secs. 16, 17 and 18, excluding Dog Salmon River.

Containing approximately 7,680 acres.

T. 32 S., R. 50 W.,
Sec. 1, excluding Dog Salmon River;

Sec. 12, excluding Native allotment AA-7697 and Dog Salmon River;
Secs. 13 to 16, inclusive, all;
Secs. 19 to 36, inclusive, all.
Containing approximately 14,863 acres.

T. 29 S., R. 51 W.,
Secs. 28 to 33, inclusive, all;
Secs. 35 and 36, all.
Containing approximately 5,063 acres.

T. 30 S., R. 51 W.,
Secs. 1 to 5, inclusive, all;
Sec. 6 (fractional), excluding Dago Creek;
Sec. 7 (fractional), excluding Native allotment AA-8276 Parcel A;
Sec. 8, excluding Native allotment AA-8276 Parcel A;
Secs. 9 to 16, inclusive, all;
Sec. 17 (fractional), all;
Sec. 20 (fractional), excluding U.S. Survey 5245 lot 1 and Native allotment AA-7666;
Sec. 21, excluding Native allotment AA-8243 Parcel A and AA-7666;
Secs. 22 to 27, inclusive, all;
Sec. 28, excluding U.S. Survey 5558A, Native allotments AA-7666, AA-7582, AA-6440 and AA-6327;
Sec. 29 (fractional), excluding U.S. Survey 5550, U.S. Survey 5245, U.S. Survey 2649, U.S. Survey 2648, U.S. Survey 1426, U.S. Survey 891, U.S. Survey 504, U.S. Survey 501, U.S. Survey 63, Native allotments AA-6327, AA-7666 and AA-8048;
Sec. 32 (fractional), excluding U.S. Survey 5558B, U.S. Survey 1426, U.S. Survey 503, U.S. Survey 502, U.S. Survey 501, and U.S. Survey 71;
Secs. 33 to 36, inclusive, all.
Containing approximately 17,848 acres.

T. 31 S., R. 51 W.,
Sec. 4, all;
Secs. 5 and 8 (fractional), all;
Secs. 9 and 16, all;
Sec. 17 (fractional), all;
Secs. 19 and 20 (fractional), excluding Ugashik River;
Secs. 21, 22 and 23, excluding Ugashik River;
Secs. 26 and 27, excluding Dog Salmon River;
Secs. 28, 29 and 30, all.
Containing approximately 6,411 acres.

T. 29 S., R. 52 W.,
Sec. 35, all;
Sec. 36, excluding Dago Creek.
Containing approximately 1,180 acres.

T. 30 S., R. 52 W.,
Sec. 1 (fractional), excluding Dago Creek;
Sec. 2 (fractional), all.
Containing approximately 1,085 acres.

T. 31 S., R. 52 W.,
Secs. 2 and 3 (fractional), all;
Secs. 4 to 10, inclusive, all;
Secs. 11, 13 and 14 (fractional), all;
Secs. 15 to 18, inclusive, all;
Sec. 22, all;
Secs. 23 and 24 (fractional), excluding King Salmon River;
Sec. 25, all;
Sec. 26, excluding King Salmon River;
Secs. 27, 28 and 29, all;
Secs. 32, 33 and 34, all;
Sec. 35, excluding King Salmon River;
Sec. 36, all.
Containing approximately 16,398 acres.

T. 32 S., R. 52 W.,
Sec. 2, excluding King Salmon River;
Secs. 3, 4 and 5, all;

Secs. 8, 9 and 10, all;
Sec. 17, all.
Containing approximately 4,930 acres.

T. 31 S., R. 53 W.,
Secs. 13 and 14, all;
Secs. 15 and 16 (fractional), all;
Secs. 20 and 21 (fractional), all;
Secs. 22 and 23, all;
Secs. 26, 27 and 28, all;
Secs. 29, 30 and 31 (fractional), all;
Secs. 32 to 36, inclusive, all.
Containing approximately 10,300 acres.

T. 32 S., R. 53 W.,
Secs. 4, 5 and 6, all.
Containing approximately 1,912 acres.
Aggregating approximately 87,670 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (1976)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (1976)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-6692-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

Site Easement (Airstrip)—The uses allowed for a site easement are: aircraft landing, vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading or unloading shall be limited to 24 hours.

a. (EIN 9c D9) An easement for an existing access trail fifty (50) feet in width from Cape Menshikof easterly through Secs. 31, 32, 33, 34, and 35, T. 31 S., R. 53 W., Seward Meridian, to public

land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

b. (EIN 10 D1) An easement for an existing access trail twenty-five (25) feet in width from the village of Pilot Point in Sec. 28, T. 30 S., R. 51 W., Seward Meridian, northerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

c. (EIN 11 C4, D9) An easement for an existing access trail fifty (50) feet in width beginning northeast of the village of Pilot Point in Sec. 21, T. 30 S., R. 51 W., Seward Meridian; thence northeasterly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

d. (EIN 20 C5) A site easement for an existing bush airstrip one hundred fifty-five (155) feet in width and five thousand five hundred (5,500) feet in length located in Sec. 17, T. 32 S., R. 52 W., Seward Meridian. This is the minimum size necessary for safe public use. The uses allowed are those listed above for a bush airstrip site.

e. (EIN 20a C5) An easement for a/an proposed/existing access trail fifty (50) feet in width beginning at airstrip site easement EIN 20 C5 in Sec. 17, T. 32 S., R. 52 W., Seward Meridian, easterly to public land adjacent in Sec. 16 and westerly to public land adjacent in Sec. 18. The uses allowed are those listed for a fifty (50) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1976))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of ANCSA, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Those rights for a water reservoir and water pipeline purposes as have been granted to the Alaska Packers Association, its successors or assigns, by right-of-way, A-017471, located in Secs. 28 and 29, T. 30 S., R. 51 W., Seward Meridian, under the Act of

February 15, 1901 (31 Stat. 790; 43 U.S.C. 959);

4. Airport lease A-058483, containing approximately 117.20 acres, located within N½ Sec. 28 and SE¼NE¼ Sec. 29, T. 30 S., R. 51 W., Seward Meridian, issued to the State of Alaska, Department of Transportation and Public Facilities, under the provisions of the act of May 24, 1928 (45 Stat. 728-729; 49 U.S.C. 211-214 (1976)); and

5. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (1976)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Pilot Point Native Corporation is entitled to conveyance of 92,160 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 87,670 acres. The remaining entitlement of approximately 4,490 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Bristol Bay Native Corporation when the surface estate is conveyed to Pilot Point Native Corporation, and shall be subject to the same conditions as the surface conveyance.

Within the above described lands, only the following inland water bodies are considered to be navigable:

Ugashik River;
King Salmon River;
Dog Salmon River;
Dago Creek.

In accordance with Departmental regulations 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to

sign the return receipt shall have until October 29, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Pilot Point Native Corporation, Pilot Point, Alaska 99649.
Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

Sue A. Wolf,

Chief, Branch of Adjudication.

[FR Doc. 79-30182 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-64-M

AA-6708-A through [AA-6708-H]

Alaska Native Claims Selections

On December 27, 1968, the State filed general purposes grant selection applications pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)) for certain lands in the Ugashik area. Applications AA-5315, AA-5331, AA-5332 and AA-5333 selected lands in T. 31 S., R. 49 W.; T. 30 S., R. 50 W.; T. 30 S., R. 49 W.; and T. 30 S., R. 48 W., Seward Meridian, respectively. On June 16, 1972, each application was amended to include all lands in the townships, excluding patented lands.

The Bureau of Indian Affairs filed an application on December 12, 1968, to withdraw all unreserved public lands in Alaska for the determination and protection of the rights of the Alaska Natives. Subsequently, on January 17, 1969, Public Land Order 4582 was issued to affirm the withdrawal of all unreserved lands in Alaska from all forms of appropriation and disposition under the public land laws except locations for metalliferous minerals. Public Land Order 4582 further provided that applications filed by the State of Alaska after December 12, 1968, and prior to January 4, 1969, must be embraced in leases, licenses, permits, or

contracts issued pursuant to the Mineral Leasing Act of 1920 or the Coal Leasing Act of 1914 in order to be a valid selection application.

Since the land selected in State selection applications AA-5315, AA-5331, AA-5332 and AA-5333 filed on December 27, 1968, were not entirely within lands embraced in leases, etc., these applications must be and are hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA-5315

T. 31 S., R. 49 W.,
Sec. 1, all;
Secs. 12 to 36, inclusive, all.
Containing approximately 16,592 acres.

State Selection AA-5331

T. 30 S., R. 50 W.,
Sec. 27, excluding Ugashik River;
Sec. 33, excluding Ugashik River;
Sec. 34, all;
Sec. 35, excluding Ugashik River.
Containing approximately 2,130 acres.

State Selection AA-5332

T. 30 S., R. 49 W.,
Sec. 25, excluding Ugashik River;
Sec. 36, all;
Containing approximately 1,245 acres.

State Selection AA-5333

T. 30 S., R. 48 W.,
Sec. 25, excluding Lower Ugashik Lake and Ugashik River;
Sec. 26, excluding Ugashik River;
Sec. 30, excluding Ugashik River;
Sec. 31, all;
Secs. 35 and 36, excluding Lower Ugashik Lake.
Containing approximately 2,196 acres.
Aggregating approximately 22,163 acres.

Furthermore, on November 14, 1978, the State filed general purposes grant selection AA-21843, as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)). The selection application is for all unpatented lands within T. 31 S., R. 48 W., Seward Meridian.

The following described State selected lands were properly selected by Ugashik Native Corporation in village selection application AA-6708-D; accordingly, State selection AA-21843 is hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA-21843

T. 31 S., R. 48 W.,
Sec. 2, excluding Lower Ugashik Lake;
Sec. 3, all;
Secs. 6 and 7, all;
Sec. 10, all;
Sec. 11, excluding Lower Ugashik Lake;
Sec. 14, excluding Lower Ugashik Lake;
Secs. 15 to 22, inclusive, all;
Secs. 23 to 25, inclusive, excluding Lower Ugashik Lake;

Secs. 26 to 36, inclusive, all.
Containing approximately 16,354 acres.

The aggregate total of all State selected lands rejected above is 38,517 acres. These lands were not valid selections and will not be charged against the village corporation as State selected lands.

Section 11(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 696; 43 U.S.C. 1601, 1610(a) (1976)) (ANCSA), withdrew the lands surrounding the Native village of Ugashik, including lands in the subject State selection applications for Native selection. Ugashik Native Corporation filed selected applications AA-6708-A on January 15, 1974, and AA-6708-B through AA-6708-H on November 1, 1974, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act for lands within the subject State selections.

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by Sec. 11(a).

Section 11(a)(2) further withdrew for possible selection by the Native Corporation those lands within the townships described in Sec. 11(a)(1) that have been selected by, or tentatively approved to, but not yet patented to the State under the Alaska Statehood Act.

Section 12(a) further provided, however, that no village corporation may select more than 69,120 acres from lands withdrawn by Sec. 11(a)(2).

The following described State selected lands were properly selected by Ugashik Native Corporation in village selection application AA-6708-B; accordingly, State selection application AA-5331 is hereby rejected, as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA-5331

T. 30 S., R. 50 W.,
Sec. 32, excluding Native allotment AA-7901 and Ugashik River.
Containing approximately 170 acres.

The total amount of State selected lands rejected to permit the conveyance hereafter given, including a State selection application previously rejected, totals approximately 1,389 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of the Alaska Native Claims Settlement Act. Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date.

As to the lands described below, the applications submitted by Ugashik Native Corporation, as amended, are properly filed, and meet the

requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 65,327 acres, is considered proper for acquisition by Ugashik Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Seward Meridian, Alaska (Unsurveyed)

T. 30 S., R. 48 W.,
Sec. 25, excluding ANCSA Sec. 3(e) application AA-25572 Site 1, Lower Ugashik Lake and Ugashik River;
Sec. 26, excluding Ugashik River;
Sec. 30, excluding Ugashik River;
Sec. 31, all;
Secs. 35 and 36, excluding Lower Ugashik Lake
Containing approximately 2,171 acres.

T. 31 S., R. 48 W.,
Sec. 2, excluding Lower Ugashik Lake;
Sec. 3, all;
Secs. 6 and 7, all;
Sec. 10, all;
Sec. 11, excluding Lower Ugashik Lake;
Sec. 14, excluding Lower Ugashik Lake;
Secs. 15 to 22, inclusive, all;
Secs. 23 to 25, inclusive, excluding Lower Ugashik Lake;
Secs. 26 to 36, inclusive, all.
Containing approximately 16,354 acres.

T. 32 S., R. 48 W.,
Secs. 5 to 8, inclusive, all;
Secs. 17 to 20, inclusive, all.
Containing approximately 5,096.

T. 30 S., R. 49 W.,
Sec. 25, excluding Ugashik River;
Sec. 36, all.
Containing approximately 1,245 acres.

T. 31 S., R. 49 W.,
Sec. 1, all;
Secs. 12 to 36, inclusive, all.
Containing approximately 16,592 acres.

T. 32 S., R. 49 W.,
Secs. 1 to 3, inclusive, all.
Containing approximately 1,920 acres.

T. 30 S., R. 50 W.,
Sec. 27, excluding Ugashik River;
Sec. 32, excluding Native allotment AA-7901 and Ugashik River;
Sec. 33, excluding Ugashik River;
Sec. 34, all;
Sec. 35, excluding Ugashik River.
Containing approximately 2,300 acres.

T. 31 S., R. 50 W.,
Secs. 1 to 3, inclusive, all;
Sec. 4, excluding Ugashik River;
Sec. 5, excluding Native allotment AA-7901 and Ugashik River;
Sec. 6, excluding Ugashik River;
Sec. 7, all;
Sec. 8, excluding Ugashik River;
Sec. 9, excluding U.S. Survey 556, U.S. Survey 4994, Trade and Manufacturing site AA-542 and Ugashik River;

Sec. 10, excluding Trade and Manufacturing site AA-542;
Secs. 11 to 15, inclusive, all;
Sec. 16, excluding U.S. Survey 1029, U.S. Survey 2324, U.S. Survey 4994, Native allotment AA-7001 and Ugashik River;
Secs. 17 to 21, inclusive, excluding Ugashik River;
Secs. 22 to 25, inclusive, all;
Secs. 26 and 27, excluding Dog Salmon River;
Sec. 28, all;
Sec. 29, excluding Ugashik River;
Sec. 30, all;
Sec. 31, excluding Dog Salmon River;
Secs. 32 and 33, all;
Secs. 34 to 36, inclusive, excluding Dog Salmon River.
Containing approximately 19,649 acres.
Aggregating approximately 65,327 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (1976)).

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1976))), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of ANCSA, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (1976)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Ugashik Native Corporation is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 65,327 acres of

this entitlement have been approved for conveyance; the remaining entitlement of approximately 3,793 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance to the subsurface estate of the lands described above shall be granted to Bristol Bay Native Corporation when conveyance is granted to Ugashik Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

Within the described lands, only the following inland water bodies are considered to be navigable:

Ugashik River;
Dog Salmon River;
Lower Ugashik Lake.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks in the Anchorage Times. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99501 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until October 29, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99501.

If an appeal is taken, the adverse parties to be served are:

Ugashik Native Corporation, Ugashik, Alaska 99683.
Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Sue A. Wolf,
Chief, Branch of Adjudication.

[FR Doc. 79-30183 Filed 9-27-79; 8:45 am]
BILLING CODE 4310-84-M

[AA-6680-A through AA-6680-I]

Alaska Native Claims Selections

On November 14, 1978, the State filed general purposes grant selection applications AA-21783, AA-21784, AA-21796 and AA-21807, all as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)), for certain lands in the Naknek area.

Section 11(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 696; 43 U.S.C. 1601, 1610(a) (1976)) (ANCSA), withdrew the lands surrounding the Native village of Naknek, including lands in the subject State selection applications for Native selection. Paug-Vik Incorporated, Limited filed selection applications AA-6680-A on January 25, 1974 and AA-6680-B through AA-6680-I, all as amended, on December 4, 1974, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act for lands within the subject State selections.

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by Sec. 11(a).

Since the lands selected in the aforementioned State selection applications were previously selected by the village corporation, these applications must be and are hereby rejected in their entirety, as to the following described lands:

Seward Meridian, Alaska

State Selection AA-21783

T. 14 S., R. 46 W. (Unsurveyed)
All.

State Selection AA-21784

T. 14 S., R. 47 W. (Unsurveyed)
E½

State Selection AA-21796

T. 15 S., R. 46 W. (Unsurveyed)
All.

State Selection AA-21807

T. 16 S., R. 48 W. (Partially Surveyed)
All.
T. 16 S., R. 47 W. (Unsurveyed)
All.

The State selected lands rejected above were not valid selections and will

not be charged against the village corporation as State selected lands.

Section 11(a)(2) further withdrew for possible selection by the Native corporation those lands within the townships described in Sec. 11(a)(1) that have been selected by, or tentatively approved to, but not yet patented to the State under the Alaska Statehood Act.

Section 12(a) further provided, however, that no village corporation may select more than 69,120 acres from lands withdrawn by Sec. 11(a)(2).

On September 22, 1960, the State filed general purposes grant selection application A-053268 pursuant to Sec. 6(b) (1976)), and on November 29, 1961 and March 1, 1966, they filed community grant applications A-056256 and A-067409, pursuant to Sec. 6(a) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 46 U.S.C. Ch. 2, Secs. 6(a) and (b)), for certain lands in the Naknek area. Application A-053268, as amended, selected lands in T. 17 S., R. 45 W., Seward Meridian, and applications A-056256 and A-067409, as amended, selected lands in Ts. 15 and 16 S., R. 46 W., Seward Meridian.

The following described State selected and tentatively approved lands have been properly selected under village selection applications AA-6680-A, AA-6680-B and AA-6680-E. Accordingly, the following State selection applications are rejected as to the following described lands:

Seward Meridian, Alaska

State Selection A-053268 (General Purposes Grant)

T. 17 S., R. 45 W. (Partially Surveyed).
Sec. 3, including unnamed lake;
Sec. 4, all;
Sec. 5, N $\frac{1}{2}$, N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 6, Lots 1 and 2, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 7, Lots 4 and 5, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, excluding Native allotment AA-6157 Parcel B;
Sec. 9, Lots 1, 2, 3 and 4, E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, including unnamed lake;
Sec. 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ S $\frac{1}{2}$;
Sec. 12, all;
Sec. 13, Lots 1 through 6, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$, including unnamed lakes;
Sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 15, N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 16, excluding Native allotments AA-6157 Parcel B and AA-7283;
Sec. 17, Lots 3, 4, 5 and 6, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, excluding Native allotment AA-6157 Parcel B;
Sec. 18, Lot 1;
Sec. 20, Lots 1 and 2;
Sec. 21, Lots 1, 4, 5 and 6, W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Containing approximately 6,959 acres.

State Selection A-056256 (Community Grant)

T. 15 S., R. 46 W. (unsurveyed),
Sec. 18 (fractional), S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 19 (fractional), all, including U.S. Survey 2711 and U.S. Survey 3528.
Containing approximately 241 acres.

State Selection A-067409 (Community Grant)

T. 16 S., R. 46 W. (Partially Surveyed),
Sec. 36, Lot 1, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
Containing 160.38 acres.
Aggregating approximately 7,360 acres.

The total amount of State selected lands rejected to permit the conveyance hereafter given including State selections previously rejected totals approximately 7,766 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of the Alaska Native Claims Settlement Act. Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date.

As to the lands described below, the applications submitted by Paug-Vik Incorporated, Limited, as amended, are properly filed, and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 103,988 acres, is considered proper for acquisition by Paug-Vik Incorporated, Limited, and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

The following described lands are approved for patent:

U.S. Survey No. 935 of the U.S. School Reserve at Kogiung, district of Alaska.
Containing 7.72 acres.

U.S. Survey No. 2349, situated on the south shore of a small lake, approximately six-tenths (6/10) mile north of Naknek River, Alaska.

Containing 1.97 acres.
U.S. Survey No. 2356 situated on the north shore of Naknek River, Alaska.

Containing 11.09 acres.
U.S. Survey No. 2406 situated on a small lake approximately thirty (30) chains east of Kvichak River, Alaska.

Containing 1.00 acre.
U.S. Survey No. 2711 situated adjacent to U.S. Survey No. 1106 on Graveyard Creek, east side of Kvichak Bay, Alaska.

Containing 29.98 acres.
U.S. Survey No. 2712 situated adjoining U.S. Survey No. 915 on east shore of Kvichak Bay, approximately 3.3 nautical miles north of Cape Suworof, Alaska.

Containing 19.21 acres.
U.S. Survey No. 3006 situated on the easterly shore of Kvichak Bay about one and three-quarters (1 $\frac{3}{4}$) miles west of Naknek, Alaska.

Containing 5.00 acres.
U.S. Survey No. 3513, Lot 15, situated on both sides of Naknek-King Salmon road about three-quarters (3/4) mile easterly from Naknek, Alaska.

Containing 0.15 acre.
U.S. Survey No. 3528 situated on easterly side of Kvichak Bay, Alaska adjacent to U.S. Survey No. 2711.

Containing 19.21 acres.
U.S. Survey No. 3539, Lots 2, 4, 5, 6, 8, 9, 10, 11, 14, 17, 21, 24 and 27, situated adjacent to the town of Naknek, Alaska.

Containing 30.10 acres.
U.S. Survey No. 3580, Lots 3 and 4, situated east of Nornek Lake one-half (1/2) mile north of Naknek, Alaska.

Containing 0.24 acre.
Aggregating 125.67 acres.

Seward Meridian, Alaska

T. 17 S., R. 44 W. (Surveyed).
Secs. 7 to 13, inclusive, all;
Sec. 14, N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Secs. 15, 16, and 17, all;
Sec. 18, Lots 1, 2, 3 and 4, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 19, Lots 5 and 6, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 20, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 21, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 22, all;
Sec. 23, NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 24, all;
Sec. 25, Lots 1, 2 and 3, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 26, Lots 1, 2, 3, 6, 7, 8, 9 and 10, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 28, NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 32, Lot 3, S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 33, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 35, all;
Sec. 36, Lot 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
Containing 13,802.39 acres.

T. 17 S., R. 45 W. (Partially Surveyed),
Secs. 3 and 4, all;
Sec. 5, N $\frac{1}{2}$, N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 6, Lots 1 and 2, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 7, Lots 4 and 5, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 9, Lots 1, 2, 3 and 4, E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 11, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 12, all;
Sec. 13, Lots 1 through 6, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$;

Sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 15, N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 16, NE $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 17, Lots 4, 5 and 6, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, Lot 1;
Sec. 20, Lots 1 and 2;
Sec. 21, Lots 1, 4, 5 and 6, W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Containing 6,385.35 acres.

T. 18 S., R. 46 W. (Partially Surveyed),
Sec. 31, Lots 1 through 7, inclusive, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 32, Lots 1 through 8, inclusive, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 33, Lots 1, 2 and 4;
Sec. 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 35, Lots 1, 2 and 3, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 36, Lot 1, N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Containing 2,050.40 acres.

T. 17 S., R. 47 W. (Surveyed).
Sec. 2, Lots 10, 20, 25, 31, 32 and 36, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 3, Lots 1, 3, 5, 6, 8, 10, 15, 16 and 18, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.

S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 4, Lots 3, 4, 6, 7, 8, 10, 11, 12, 13, 14 and 15, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9, Lots 1 and 3.
Containing 847.14 acres.
Aggregating 23,210.95 acres.

The following described lands are approved for interim conveyance:

Seward Meridian, Alaska

T. 17 S., R. 44 W. (Surveyed),
Sec. 9, unnamed lake;<

Sec. 24, excluding U.S. Survey 2674, ANCSA Sec. 3(e) application AA-12833, Squaw Creek and the Kvichak River; Sec. 25, excluding U.S. Survey 506, U.S. Survey 507, U.S. Survey 533, U.S. Survey 539, U.S. Survey 696, U.S. Survey 2598, U.S. Survey 2599, Squaw Creek and the Kvichak River; Sec. 26, excluding U.S. Survey 2800; Secs. 27, 34 and 35, all; Sec. 36, excluding U.S. Survey 507 and the Kvichak River.

Containing approximately 10,937 acres.

T. 15 S., R. 47 W. (Unsurveyed), Secs. 1 and 2 (fractional), all; Secs. 3, 8, 9 and 10, all; Secs. 11, 14, 15 and 16 (fractional), all; Secs. 17 and 18, excluding King Salmon Creek; Sec. 19 (fractional), all; Sec. 20 (fractional), excluding U.S. Survey 730 and King Salmon Creek; Secs. 21 and 30 (fractional), all.

Containing approximately 7,170 acres.

T. 16 S., R. 47 W. (Unsurveyed), Sec. 13 (fractional), all; Sec. 23 (fractional), excluding U.S. Survey 915, U.S. Survey 2712 and U.S. Survey 4695;

Sec. 24 (fractional), excluding U.S. Survey 915 and U.S. Survey 2712;

Sec. 25, excluding Native allotments AA-4142 Parcel B and AA-5716 Parcel B;

Sec. 26 (fractional), excluding U.S. Survey 1020, U.S. Survey 2399, U.S. Survey 2429, U.S. Survey 5248, Native allotments AA-4142 Parcels A and B, AA-5716 Parcel B and A-055659 Parcel C;

Sec. 35 (fractional), excluding U.S. Survey 1582;

Sec. 36, excluding U.S. Survey 1582.

Containing approximately 2,211 acres.

T. 17 S., R. 47 W. (Surveyed), Sec. 3, Lot 13, excluding Native allotment AA-6242 Parcel B, Lot 14, excluding Native allotment AA-975 Parcel C, and Monsen and Nornek Lakes;

Sec. 4, Lot 5, excluding Native allotment AA-6622 Parcel C;

Sec. 9, Lot 2, excluding ANCSA sec. 3(e) application AA-12835.

Containing approximately 152 acres.

T. 15 S., R. 48 W. (unsurveyed), Sec. 13, all;

Secs. 19 to 24, inclusive, all;

Sec. 25 (fractional), excluding U.S. Survey 1030, U.S. Survey 5269 and Copenhagen Creek;

Secs. 26 and 27, all;

Sec. 28, excluding Native allotment AA-6119 Parcel B;

Secs. 29 and 30, all;

Sec. 31, excluding Native allotment A-062335 Parcel B;

Sec. 32 (fractional), excluding Native allotment A-062335 Parcel B;

Sec. 33 (fractional), excluding Native allotment AA-4141 and AA-6119 Parcel B;

Sec. 34 (fractional), excluding Native allotment AA-4141;

Sec. 35 (fractional), all.

Containing approximately 9,214 acres.

Aggregating approximately 80,777 acres.

Total aggregated acreage, approximately 103,988 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (1976)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (1976)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-6680-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles and four-wheel drive vehicles.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: Travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 4 C3, D1, D9, L) An easement for an existing access trail fifty (50) feet in width from Sec. 14, T. 17 S., R. 45 W., Seward Meridian, northeasterly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

b. (EIN 12 C3, D1, D9, L) An easement sixty (60) feet in width for an existing road from King Salmon easterly to the Katmai National Monument in Sec. 30, T. 17 S., R. 43 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

c. (EIN 12a C3, D1, D9, L) An easement sixty (60) feet in width for an existing road from EIN 12 C3, D1, D9, L, in Sec. 32, T. 17 S., R. 44 W., Seward Meridian, southerly to a military camp and the Naknek River in Sec. 4, T. 16 S., R. 44 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

d. (EIN 14 C3, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from Naknek in Sec. 3, T. 17 S., R. 47 W., Seward Meridian, northerly to Levelock. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

e. (EIN 19 C3, C5, D1) An easement sixty (60) feet in width for an existing road from Naknek easterly to King Salmon in Sec. 26, T. 17 S., R. 45 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

f. (EIN 29c C5) An easement for an existing access trail twenty-five (25) feet in width from the community of Naknek in Sec. 25, T. 14 S., R. 47 W., Seward Meridian, westerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

g. (EIN 29d C5) An easement for a proposed access trail twenty-five (25) feet in width from a cannery on the Kvichak River in Sec. 33, T. 14 S., R. 46 W., Seward Meridian, easterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

h. (EIN 31 C4) An easement sixty (60) feet in width for an existing road from road EIN 19 C3, C5, D1 in Sec. 6, T. 17 S., R. 45 W., Seward Meridian, northerly to a Federal Aviation Administration outer marker site, which is an airways navigational aid associated with an instrument approach landing. The uses allowed are those listed above for a sixty (60) foot wide road easement. Use of the road will be limited to government personnel only.

i. (EIN 32 C4) An easement twenty-five (25) feet in width for an existing aerial power and control line beginning in Sec. 26, T. 17 S., R. 45 W., Seward Meridian, northwesterly, roughly paralleling road EIN 19 C3, C5, D1 to the outer marker site in Sec. 6, T. 17 S., R. 45 W., Seward Meridian. The uses allowed are those activities associated with the operation and maintenance of the powerline facility.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1976))), contract, permit, right-of-way or

easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of ANCSA, and valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. A right-of-way, A-051081, located in Secs. 7, 8, 15, 16, 17, 22, 23 and 26, T. 17 S., R. 45 W.; Secs. 32, 33, 34, 35 and 36, T. 16 S., R. 46 W.; Secs. 1, 2, 3 and 4, T. 17 S., R. 46 W.; and Secs. 1 and 2, T. 17 S., R. 47 W., Seward Meridian, twenty (20) feet on each side of the centerline for an electrical distribution line and an additional electrical distribution line located in Secs. 31, 32, 33, 34 and 35, T. 16 S., R. 46 W.; Sec. 23, T. 17 S., R. 45 W.; and Sec. 2, T. 17 S., R. 47 W., Seward Meridian, fifteen (15) feet on each side of the centerline for the Naknek Electric Association, Inc., under the provisions of the Act of October 21, 1976 (90 Stat. 2743, 2776; 43 U.S.C. 1701, 1761 (1976));

4. Those rights for water pipeline purposes, and appurtenances thereto, as have been granted to A. W. Brindle, his successors or assigns, by right-of-way A-047779, located in Secs. 29, 31 and 32, T. 16 S., R. 46 W., Seward Meridian, under the Act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959);

5. Those rights for water pipeline purposes, and appurtenances thereto, as have been granted to Nelbro Packing Company, its successors or assigns, by right-of-way A-031271, located in Sec. 2, T. 17 S., R. 47 W., Seward Meridian, under the Act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959);

6. Those rights for water pipeline purposes, and appurtenances thereto, as have been granted to P. E. Harris Company, Inc., its successors or assigns, by right-of-way A-010402, located in Sec. 3, T. 17 S., R. 47 W., Seward Meridian, under the Act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959);

7. Those rights for water pipeline purposes, and appurtenances thereto, as have been granted to New England Fish Company, its successors or assigns, by right-of-way A-013744, located in Sec. 25, T. 16 S., R. 47 W., Seward Meridian, under the Act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959);

8. Those rights for water pipeline purposes, and appurtenances thereto, as have been granted to New England Fish Company, its successors or assigns, by right-of-way A-010870, located in Secs. 25 and 26, T. 14 S., R. 47 W., Seward Meridian, under the Act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959);

9. A right-of-way, A-08536, located in Secs. 1, 2 and 3, T. 17 S., R. 47 W., Seward Meridian, for a wagon-road

between U.S. Surveys 544 and 764 for the Red Salmon Canning Company, under the provisions of the Act of May 14, 1898 (30 Stat. 409; 48 U.S.C. 411-419 (1976));

10. Airport lease, A-056941, containing 172.09 acres, located within Lots 1, 3, 6 and 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 17 S., R. 47 W., Seward Meridian, and Lots 4, 5, 6 and 27, U.S. Survey No. 3539 issued to the State of Alaska, Department of Transportation and Public Facilities, under the provisions of the Act of May 24, 1928 (45 Stat. 728-729); 43 U.S.C. 211-214 (1976)); and

11. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (1976)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Paug-Vik Incorporated, Limited is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 103,988 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 11,212 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance to the subsurface estate of the lands described above shall be granted to Bristol Bay Native Corporation when conveyance is granted to Paug-Vik Incorporated, Limited for the surface estate, and shall be subject to the same conditions as the surface conveyance.

Only the following inland water bodies, within the described lands, are considered to be navigable: Naknek River; Kvichak River.

Streams exhibiting tidal influence within the selection area are:

Graveyard Creek T. 15 S., R. 48 W., south boundary Sec. 21;

Coffee Creek T. 15 S., R. 48 W., east boundary Sec. 3;

Squaw Creek T. 14 S., R. 47 W., west boundary Sec. 24;

Copenhagen Creek T. 15 S., R. 48 W., north boundary Sec. 25;

Suoger Slough T. 14 S., R. 46 W., entire slough;

Duck Creek T. 14 S., R. 47 W., north boundary Sec. 13;

King Salmon Creek T. 15 S., R. 47 W., north boundary Sec. 17;

(west side of Kvichak Bay)

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks in the

ANCHORAGE TIMES. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until October 29, 1979 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

Paug-Vik Incorporated, Limited, Naknek, Alaska 99633.

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Sue A. Wolf, Chief, Branch of Adjudication.

[FR Doc. 79-30184 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

California Desert Conservation Area Advisory Committee; Field Reviews

Notice is hereby given in accordance with Public Laws 92-463 and 94-579 that the California Desert Conservation Area Advisory Committee to the Bureau of Land Management, U.S. Department of the Interior, will hold a series of field reviews in the California Desert Conservation Area. The field reviews will be held at various locations to provide the members firsthand information on the geography, topography, resources and uses of the public lands with the Desert Conservation Area, as well as conflicts among uses. The purpose of the trips is

for observation and orientation and no formal meetings of the Committee will be held in conjunction with the field reviews; nor will the BLM seek advice from the Advisory Committee on the field reviews; nor will there be opportunity for public presentation or comment. Site examples will include areas with high values for outdoor recreation, wildlife, cultural and historical resources, and minerals and energy resources. BLM personnel will discuss resource programs and conditions at the various sites. Members of the public who wish to participate in the field reviews must furnish their own transportation, meals, and lodging.

The initial field review will be held October 12 and 13, 1979, and will be concerned with the public lands and resources of the northern portions of the California Desert Conservation Area. Subsequent field reviews, on November 16 and 17, and on December 7 and 8, will be concerned, respectively, with the central and southern portions of the CDCA. The field reviews are open to the public but will not include formal meetings or opportunities to present formal statements. Further information regarding the field reviews and itineraries may be obtained from the Chairman, California Desert Conservation Area Advisory Committee, c/o Desert Plan Staff, Bureau of Land Management, 3610 Central Avenue Suite 402, Riverside, California 92506.

Dated: September 20, 1979.

James B. Ruch,
State Director.

[FR Doc. 79-30081 Filed 9-27-79; 8:45 am]
BILLING CODE 4310-84-M

[S 4928]

California; Order Providing for Opening of Lands

September 20, 1979.

1. In a gift of lands made under Section 8(a) of the Taylor Grazing Act of June 28, 1934 (43 Stat. 1272; 43 U.S.C. 315g), the following lands have been conveyed to the United States:

Mount Diablo Meridian

T. 13 N., R. 6 W., M.D.M.
Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 29, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 30, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area aggregates approximately 440 acres in Lake County, California.

2. The subject land is located approximately 6 miles east of Clear Lake, California, in the Cache Creek area. The land will be managed together

with adjoining public lands under principles of multiple land use.

3. At 10 a.m. on October 30, 1979, the land shall be open to operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2), and the mineral leasing laws, subject to valid existing rights, the provision of existing withdrawals, and the requirement of applicable law. All valid applications received at or prior to 10 a.m. on October 30, 1979, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands shall be addressed to the Bureau of Land Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Acting Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 79-30077 Filed 9-27-79; 9:45 am]

BILLING CODE 4310-84-M

[N-300]

Nevada; Amended Notice of Proposed Withdrawal and Opportunity for Public Hearing

September 21, 1979.

The Notice of Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal published in the Federal Register on September 27, 1978 (Vol. 43, No. 188) identified a proposed withdrawal of 2.9 acres of public land to be used as an air navigation site by the Federal Aviation Administration.

The original withdrawal application did not include sufficient acreage to accommodate existing underground facilities or to guarantee freedom from conflicting uses. Therefore, the Federal Aviation Administration has filed an amended application to withdraw the following described land from all forms of appropriation, including the mining laws (30 U.S.C., Ch. 2) but not the mineral leasing laws:

Mount Diablo Meridian

T. 29 N., R. 45 E.

A circular plot with a radius of 350 feet, the center of which is the on-site ARSR tower, located S. 87° 48' W., 1,790 feet from the Mount Lewis triangulation station in the NW quarter of Section 12, containing approximately 8.83 acres.

The applicant desires the land for the continued operation and maintenance of the existing Air Route Surveillance Radar Facility known as Battle Mountain ARSR-2.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is

hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below on or before November 7, 1979. Upon determination by the State Director that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management within the 40 day period allowed.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All correspondence in connection with this withdrawal should be addressed to the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, 300 Booth Street, Reno, Nevada 89509.

Wm. J. Malencik,

Acting Chief, Division of Technical Services.

[FR Doc. 79-30078 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

[N-25249]

Nevada; Proposed Withdrawal and Reservation of Land

September 21, 1979.

The U.S. Forest Service, Department of Agriculture, on June 21, 1979, filed an application to withdraw the national forest land described below, subject to

valid existing rights, from all forms of appropriation under the mining laws (30 U.S.C. Ch. 2), but not the mineral leasing laws:

Mount Diablo Meridian

T. 14 N., R. 46 E.,

Beginning at a point on Nevada Protraction Diagram No. 223, labeled "NPD, NYB 096 L" (identical with south section corner common to sections 31 and 32, T. 14 N., R. 47 E., MDM); thence North 89°55' West 78.17 chains along the north line of T. 13 N., R. 47 E. to the northwest corner of said township; then West 203.00 chains along the north township line of T. 13 N., R. 46 E. to the true place of beginning; then South 10 chains; thence West 20 chains; thence North 20 chains; thence East 20 chains; thence South 10 chains to the true place of beginning, and consisting of 40 acres situated partly in the north portion of section 3, T. 13 N., R. 46 E., and partly in the south portion of section 34;

T. 13 N., R. 45 E.,

Sec. 4, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The land comprising approximately 80 acres, is within the Toiyabe National Forest and will be administered in accordance with applicable laws and regulations for national forest lands.

The Forest Service desires that the lands be withdrawn and reserved for the purpose of establishing the Gatecliff and Triple "T" Archaeological Sites. For a period of 40 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address provided below, on or before November 7, 1979. Upon determination by the State Director that a public hearing should be held, the time and place of such hearing will be announced.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs while providing for the maximum concurrent utilization of the

lands for purposes other than the applicant's and will reach an agreement on the concurrent management of the land and the attendant resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the Federal Register. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

The above described lands are temporarily segregated from the operation of the mining and mineral leasing laws to the extent that the withdrawal, if and when effected, would prevent disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 30, 1981, unless sooner terminated by action of the Secretary of Interior.

All correspondence in connection with this withdrawal should be directed to the Bureau of Land Management, Department of Interior, 300 Booth Street, Reno, Nevada 89509.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 79-30079 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

[N-10852]

Nevada; Order Providing for Opening of Public Land

September 18, 1979.

In an exchange of land made under the provisions of Section 8 of the Act of June 28, 1934, as amended, the following described land has been reconveyed to the United States:

Mount Diablo Meridian

T. 32 N., R. 46 E.,

Sec. 25, A11;

T. 32 N., R. 47 E.,

Sec. 9, W $\frac{1}{2}$;

Sec. 17, E $\frac{1}{2}$;

Sec. 29, A11;

Sec. 31, N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 33, W $\frac{1}{2}$;

T. 31 N., R. 46 E.,

Sec. 1, A11;

Sec. 13, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$;

T. 31 N., R. 47 E.,

Sec. 5, A11;

Sec. 7, A11;

comprising approximately 4,712 acres.

The land lies on the western slope of the Shoshone Range south of Argenta Point and ranges from gently rolling to deep and rugged terrain, predominantly the latter. The elevation ranges from 4,640 feet to 7,200 feet.

Subject to valid existing rights, the land is hereby restored to the operation of the public land laws, but not the mining and mineral leasing laws. The minerals were not reconveyed to the United States.

Wm. J. Malencik,

Acting Chief, Division of Technical Services.

[FR Doc. 79-30080 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

Amended Final Decision on IPP Inventory

The Bureau of Land Management in Nevada has received a protest to a portion of its second special wilderness inventory for the proposed Intermountain Power Project, as was published in the Federal Register, September 14, 1979 (FR Doc. 79-28592 filed 9-13-79; 8:45 a.m.)

The protest concerns BLM's boundary alignment on the Evergreen Wilderness Study Area Unit (NV-050-01R-16A) which is immediately south of Maynard Lake and the Pahranaagat National Wildlife Refuge on State Highway 93.

The protest states that the Evergreen unit's northern boundary is improper because the close visual proximity between the canyon and the west side of the highway does not allow the visitor to escape the sights and sounds emanating from the highway and the nearby 69 kilovolt powerline.

BLM agrees that the extenuating circumstances created by the narrow canyon, do detract substantially from the area's value for a wilderness experience. Therefore, a further boundary change from the State Director's decision of September 5, 1979, is necessary to eliminate this portion from the wilderness study area. This amended decision will be implemented 30 days following the date of the State Director's decision.

The following amended decision is made: To drop 140 acres from the Evergreen wilderness study area which now becomes 2,660 acres in size. The new boundary will begin at the midpoint of the east boundary of the Desert Game Range in Section 10, Township 9 South, Range 62 East, Mt. Diablo meridian and thence proceed southeasterly down the ridge until it intersects with the abandoned county road in Section 14, Township 9 South, Range 62 East.

Further information on the protest and the BLM's amendment can be obtained

from the Nevada State Office, BLM, Room 3008 Federal Building, 300 Booth Street, Reno, Nevada 89509.

Dated: September 24, 1979.

Edward F. Spang,
State Director, Nevada.

FR Doc. 79-30159 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf, North Atlantic Oil and Gas Lease Sale No. 42

1. *Authority.* This notice is published pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343), as amended, and the regulations issued thereunder (43 CFR Part 3300).

2. *Filing of Bids.* Sealed bids will be received by the Manager, New York Outer Continental Shelf (OCS) Office, Bureau of Land Management, at the Biltmore Plaza Hotel, Kennedy Plaza, Providence, Rhode Island 02903. Bids may be delivered in person to the Bureau at that address (State Suites B and C) from 1:00 p.m. to 5:00 p.m., e.s.t., October 29, 1979 or to that address (Grand Ballroom) from 8:30 a.m., e.s.t., to 9:30 a.m., e.s.t., October 30, 1979. Bids may also be delivered to the address in paragraph 14 until 4:45 p.m., e.s.t., Friday, October 26, 1979. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., e.s.t., October 30, 1979. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 44 FR 24348.

3. *Method of Bidding.* A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., e.s.t., October 30, 1979", must be submitted for each tract. A suggested form appears in 43 CFR Part 3300 (44 FR 38289) Appendix A. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 13 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a

maximum of five decimal places, as well as submit a sworn statement that the bidder is qualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300 (44 FR 38289) Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. *Bonus Bidding With a Fixed Sliding Scale Royalty.* Bids on 42-18, 42-19, 42-20, 42-26, 42-27, 42-28, 42-76, 42-79, 42-80, 42-81, 42-89, 42-97, 42-98, 42-111, 42-112, 42-113, 42-117, 42-118, 42-119, 42-122, 42-123, 42-124, 42-125, 42-126, 42-127, 42-128, 42-130, 42-131, 42-132, 42-133, 42-134, 42-135, 42-136, 42-137, 42-138, 42-139, 42-140, 42-141, 42-142, 42-143, 42-144, 42-145, 42-146, 42-150, 42-151, 42-152, 42-153, 42-154, 42-155, 42-156, 42-157, 42-158, 42-162, 42-163, and 42-164 must be submitted on a cash bonus bid basis with the percent royalty due in amount or value of production saved, removed or sold fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining percent royalty due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64 and Sec. 6 (b) of the lease form.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than \$15.929026 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than \$15.929026 million, but less than or equal to \$3423.822697 million, the royalty percent due on the unadjusted value or amount of production is given by

$$R_j = b (\ln (V_j/S))$$

Where:

R_j = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

$b = 9.0$

\ln = natural logarithm

V_j = the value of production in quarter j , adjusted for inflation, in millions of dollars

$S = 2.5$

BILLING CODE 4310-84-M

Figure 1
Form of the Sliding Royalty Schedule

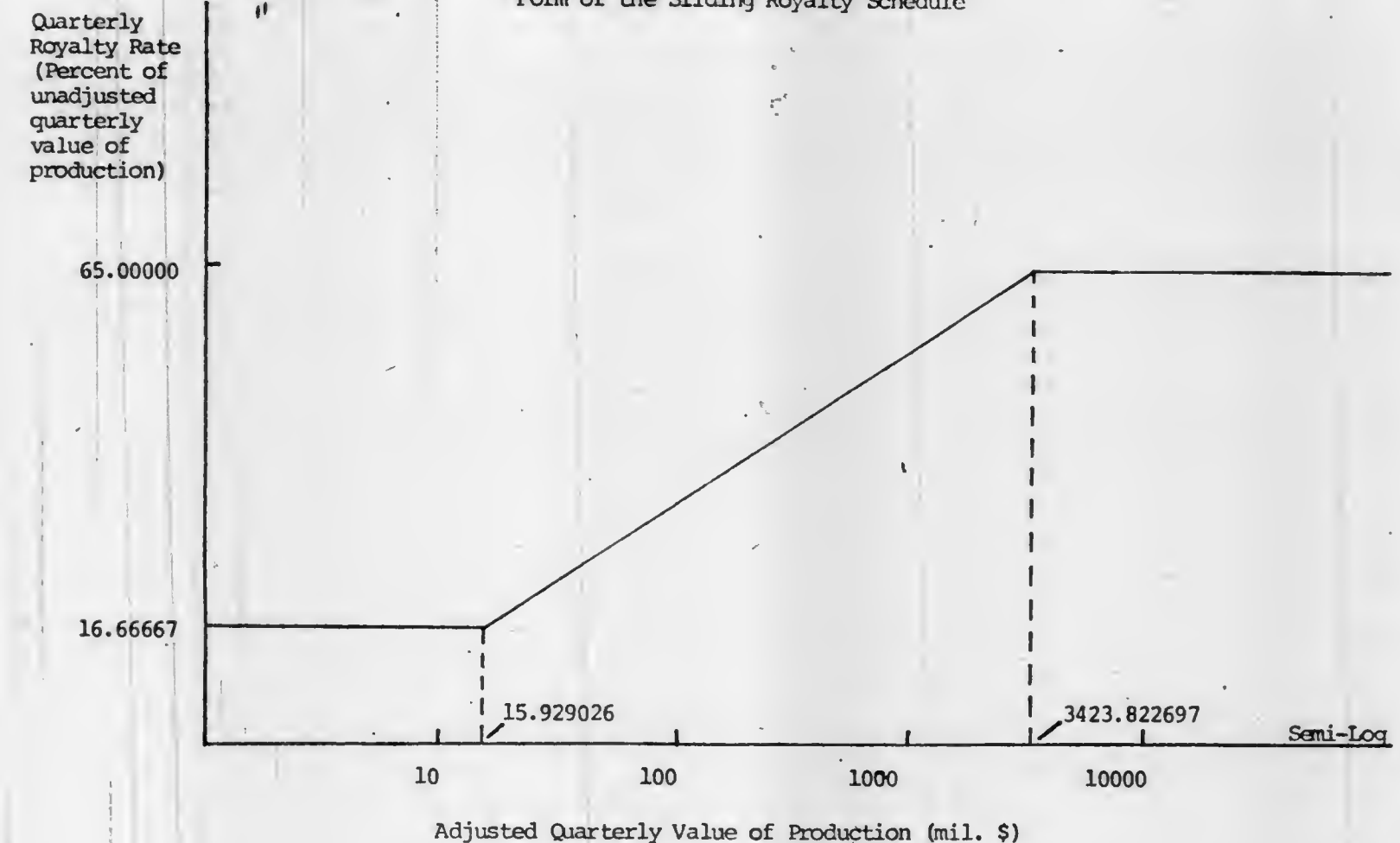


TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor ¹	(D) Adjusted Value of Quarterly Production ² (Vj, Millions of \$)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment ³ (Millions of Dollars)
10.000000	200.0	4/3	7.500000	16.66667	1.666667
30.000000	200.0	4/3	22.500000	19.77502	5.932506
90.000000	200.0	4/3	67.500000	29.66253	26.696277
270.000000	200.0	4/3	202.500000	39.55004	106.785108
810.000000	200.0	4/3	607.500000	49.43755	400.444155
10.000000	250.0	4/3	6.000000	16.66667	1.666667
30.000000	250.0	4/3	18.000000	17.76673	5.330019
90.000000	250.0	4/3	54.000000	27.65424	24.888816
270.000000	250.0	4/3	162.000000	37.54175	101.362725
810.000000	250.0	4/3	486.000000	47.42926	384.177006

1 Column (B)) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

2 Column (A) divided by Inflation Factor.

3 Column (A) times Column (E) divided by 100.

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When the adjusted quarterly value of production is greater than \$3423.822697 million, a royalty of 65.00000 percent in amount or value of production saved, removed, or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, R_j , the calculation will be rounded to five decimal places (for example, 18.59859 percent). This calculation will incorporate the adjusted quarterly value of production, V_j in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 19.743026 millions of dollars).

The form of sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold as determined pursuant to 30 CFR 250.64 and Sec. 6(b) of the lease form. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

Leases awarded on the basis of cash bonus bid with fixed sliding scale royalty will provide for a yearly rental or minimum royalty payment of \$8 per hectare or fraction thereof.

Bidders for these tracts should recognize that the Department of Energy is authorized, under Section 302 (b) and (c) of the Department of Energy

Organization Act, to establish production rates for all Federal Oil and Gas leases.

5. *Bonus Bidding With a Fixed Constant Royalty.* Bids on the remaining tracts to be offered at this sale must be on a cash bonus basis with fixed royalty of 16 2/3 percent. Leases which may be issued will provide for a yearly rental payment or minimum royalty payment of \$8 per hectare or fraction thereof.

6. *Equal Opportunity.* Each bidder must have submitted by 9:30 a.m., e.s.t., October 30, 1979 the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

7. *Bid Opening.* Bids will be opened on October 30, 1979, beginning at 10 a.m., e.s.t., at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, October 30, 1979, that bid will be returned unopened to the bidder, as soon thereafter as possible.

8. *Deposit of Payment.* Any cash, cashier's checks, certified checks, or bank draft, submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

9. *Withdrawal of Tracts.* The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

10. *Acceptance or Rejection of Bids.* The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

- The bidder has complied with all requirements of this notice and applicable regulations;
- The bid is the highest valid cash bonus bid; and
- The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of \$62 or more per hectare or fraction thereof.

11. *Successful Bidders.* Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR 3318.1 within the time provided in 43 CFR 3318.5.

12. *Protraction Diagram.* Tracts offered for lease may be located on the following protraction diagrams which are available from the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, 26 Federal Plaza, Suite 32-120, New York, New York 10007, at \$2 each.

- Outer Continental Shelf Official Protraction Diagram No. NK 19-8, Chatham (Approved April 18, 1979).
- Outer Continental Shelf Official Protraction Diagram No. NK 19-9, (Approved March 20, 1975).
- Outer Continental Shelf Official Protraction Diagram No. NK 19-11 (Approved October 31, 1974).
- Outer Continental Shelf Official Protraction Diagram No. NK 19-12 (Approved April 29, 1975).

13. *Tract Descriptions.* The tracts offered for bid are as follows:

Note.—There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental statement may not be included in this notice.

OCS Official Protraction Diagram NK 19-8,
Chatham
(Approved April 18, 1979)

Tract	Block	Description	Hectares
42-3.....	643	All	2304
42-6.....	916	All	2304
42-7.....	917	All	2304
42-8.....	961	All	2304
42-9.....	962	All	2304
42-10.....	1006	All	2304

OCS Official Protraction Diagram NK 19-9,
(Approved March 20, 1975)

Tract	Block	Description	Hectares
44-11.....	863	All	2304
42-12.....	884	All	2304
42-15.....	926	All	2304
42-16.....	927	All	2304
42-17.....	928	All	2304
42-18.....	930	All	2304
42-19.....	931	All	2304
42-20.....	932	All	2304
42-24.....	970	All	2304
42-25.....	971	All	2304
42-26.....	974	All	2304
42-27.....	975	All	2304
42-28.....	976	All	2304

OCS Official Protraction Diagram NK 19-11,
(Approved October 31, 1974)

Tract	Block	Description	Hectares
42-38.....	38	All	2304
42-39.....	39	All	2304
42-40.....	80	All	2304
42-41.....	81	All	2304
42-42.....	82	All	2304
42-43.....	83	All	2304
42-44.....	84	All	2304
42-45.....	123	All	2304
42-46.....	124	All	2304
42-47.....	125	All	2304
42-48.....	128	All	2304
42-49.....	167	All	2304
42-50.....	168	All	2304
42-51.....	169	All	2304
42-52.....	171	All	2304
42-53.....	172	All	2304
42-54.....	214	All	2304
42-55.....	215	All	2304
42-56.....	216	All	2304
42-57.....	258	All	2304
42-58.....	259	All	2304
42-59.....	260	All	2304
42-76.....	1	All	2304
42-77.....	2	All	2304
42-78.....	6	All	2304
42-79.....	7	All	2304
42-80.....	8	All	2304
42-81.....	12	All	2304
42-88.....	45	All	2304
42-89.....	56	All	2304
42-90.....	57	All	2304
42-96.....	89	All	2304
42-97.....	99	All	2304
42-98.....	100	All	2304
42-99.....	101	All	2304
42-105.....	133	All	2304
42-106.....	134	All	2304
42-107.....	135	All	2304
42-108.....	136	All	2304
42-109.....	137	All	2304
42-110.....	138	All	2304
42-111.....	142	All	2304
42-112.....	143	All	2304
42-113.....	144	All	2304
42-114.....	145	All	2304
42-115.....	146	All	2304
42-116.....	177	All	2304
42-117.....	186	All	2304
42-118.....	187	All	2304
42-119.....	188	All	2304
42-120.....	189	All	2304
42-121.....	190	All	2304
42-122.....	226	All	2304
42-123.....	227	All	2304
42-124.....	228	All	2304
42-125.....	229	All	2304
42-126.....	230	All	2304
42-127.....	231	All	2304
42-128.....	232	All	2304
42-129.....	233	All	2304
42-130.....	286	All	2304
42-131.....	267	All	2304
42-132.....	269	All	2304
42-133.....	270	All	2304
42-134.....	271	All	2304
42-135.....	272	All	2304
42-136.....	273	All	2304
42-137.....	274	All	2304
42-138.....	310	All	2304
42-139.....	311	All	2304
42-140.....	312	All	2304
42-141.....	313	All	2304
42-142.....	314	All	2304
42-143.....	315	All	2304
42-144.....	316	All	2304
42-145.....	317	All	2304
42-146.....	318	All	2304
42-147.....	322	All	2304
42-148.....	323	All	2304
42-149.....	324	All	2304
42-150.....	353	All	2304
42-151.....	354	All	2304
42-152.....	355	All	2304
42-153.....	356	All	2304
42-154.....	357	All	2304
42-155.....	358	All	2304
42-156.....	359	All	2304
42-157.....	360	All	2304
42-158.....	381	All	2304
42-159.....	365	All	2304
42-160.....	366	All	2304

OCS Official Protraction Diagram NK 19-11,—
Continued
(Approved October 31, 1974)

Tract	Block	Description	Hectares
42-181.....	367	All	2304
42-182.....	397	All	2304
42-183.....	398	All	2304
42-184.....	399	All	2304
42-185.....	408	All	2304
42-170.....	410	All	2304

14. *Lease Terms and Stipulations.* All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, New York Outer Continental Shelf Office, Federal Building, Suite 32-120, 26 Federal Plaza, New York, New York 10007. Section 6 of the lease form will be amended for tracts offered on a cash bonus basis with a fixed sliding scale royalty, listed in paragraph 4 as follows:

Sec. 6 *Royalty on Production.* (a) To pay the lessor a royalty of that percent in amount or value of production saved, removed or sold from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than \$15.929026 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than \$15.929026 million, but less than or equal to \$3423.822697 million, the royalty percent due on the unadjusted value or amount of production is given by

$$R_j = b (\ln (V_j/S))$$

where

R_j = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

$$b = 9.0$$

\ln = natural logarithm

V_j = the value of production in quarter j , adjusted for inflation, in millions of dollars

$$S = 2.5$$

When the adjusted quarterly value of production is greater than \$3423.822697 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, R_j , the calculation will be rounded to five decimal places (for example, 18.59859 percent). This calculation will incorporate the adjusted quarterly value of production, V_j , in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 19.743026 millions of dollars). Gas of all kinds (except Helium) is subject to royalty. The lessor shall determine whether

production royalty shall be paid in amount or value.

Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulation the term Supervisor refers to the Atlantic Area Oil and Gas Supervisor for Operations of the Geological Survey and the term Manager refers to the Manager of the New York OCS Office of the Bureau of Land Management.

Stipulation No. 1

If the Supervisor having reason to believe that a site, structure or object of historical or archeological significance hereinafter referred to as "cultural resource", may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archeologist shall be submitted by the lessee to the Supervisor and to the Manager for review.

If such cultural resource indicators are present the lessee shall: (1) Locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the Supervisor, on the basis of further archeological investigation conducted by a qualified marine survey archeologist or underwater archeologist using such survey equipment and technique as deemed necessary by the Supervisor, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archeologist shall be submitted to the Supervisor and the Manager for their review. Should the Supervisor determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the Supervisor has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its preservation.

Stipulation No. 2

If biological populations or habitats which may require additional protection are identified by the Supervisor in the leasing area, the Supervisor will require the lessee to conduct environmental surveys or studies, including sampling as, approved by the Supervisor, to characterize existing environmental conditions in an identified zone prior to oil and gas operations, and to determine the extent and composition of biological populations or habitats, and the effects of proposed or existing operations on the populations or habitats which might require additional protective measures. The Supervisor shall provide written notice to the lessee of his decision to require such surveys or studies. The nature and extent of any surveys or studies will be determined by the Supervisor on a case-by-case basis.

Based on any surveys or studies which the Supervisor may require of the lessee, the Supervisor may require the lessee to: (1) Relocate the site of operations so as not to affect adversely the significant biological populations or habitats deserving protection; (2) modify operations in such a way as not to affect adversely the significant biological populations or habitats deserving protection; (3) provide for periodic sampling of environmental conditions during operations; or (4) establish to the satisfaction of the Supervisor that such operations will not adversely affect the significant biological populations or habitats deserving protection.

The lessee shall submit all data obtained in the course of such surveys or studies to the Supervisor, with the locational information for drilling or other activity. The lessee may take no action that might result in any effect on the biological populations or habitats surveyed, until the Supervisor provides written directions to the lessee, with regard to permissible actions.

In the event that important biological populations or habitats are identified subsequent to commencement of operations, the lessee shall make every reasonable effort to preserve and protect all significant biological populations and habitats within the lease area, until the Supervisor provides written instructions to the lessee with regard to the biological populations or habitats identified.

Stipulation No. 3

Pipelines will be required, (1) if pipeline rights-of-way can be determined and obtained, (2) if laying such pipelines is technically feasible and environmentally preferable, and (3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the intergovernmental planning program for assessment and management of

transportation of Outer Continental Shelf oil and gas with the participation of Federal, State, and local government and industry. Where feasible and environmentally preferable, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries' trawling gear, and other factors as determined on a case-by-case basis. All valves, taps, or other irregular surfaces that might be vulnerable or might damage fishing gear will be buried to a minimum of one foot or to a depth suitable for adequate protection or covered with an approved protective dome which will allow commercial trawl gear to pass over the structure without snagging or damaging the structure or fishing gear.

Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Supervisor. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels pursuant to the Ports and Waterways Safety Act of 1972 as amended (46 U.S.C. 391a).

Stipulation No. 4

The Supervisor may require the lessee to dispose of drill cuttings and drilling muds by shunting the material to a depth and location below the ocean surface as specified by the Supervisor, or by transporting the material to disposal sites approved by the Environmental Protection Agency. The Supervisor shall determine the method of disposal based upon review of the data obtained from the surveys and studies established pursuant to stipulation No. 2, and from other relevant sources of information.

Based upon the composition of produced formation waters, the site-specific environmental conditions in a leasing area, and the data obtained from the surveys and studies established pursuant to stipulation No. 2, as well as data from other relevant sources, the Supervisor may require the lessee to reinject formation waters. The Supervisor shall provide written notice to the lessee of a decision to require reinjection of such formation waters.

Stipulation No. 5

(The lease for the following tract will include this stipulation, which will apply only to operations within the designated portion of this tract: 42-43, NW ¼, N½SW¼).

Portions of this tract may contain a shallow "bright spot" seismic amplitude anomaly which may be indicative of a shallow gas deposit. Surface occupancy above this anomaly and drilling through the anomaly will not be allowed unless or until the lessee has demonstrated to the Supervisor's satisfaction that a potentially hazardous accumulation of shallow gas does not exist or that exploratory drilling operations,

structures (platforms), casing, and wellheads can be placed, or drilling plans designed to assure safe operations in the area above the anomaly. This may necessitate all exploration for and development of oil and gas be performed from locations outside the area of concern, either within or outside this lease block.

Stipulation No. 6

The lessee shall include in his exploration and development plans submitted under 30 CFR 250.34 a proposed fisheries training program for review and approval by the Supervisor pursuant to this stipulation. The training program shall be for the personnel involved in vessel operations (related to offshore exploration and development and production operations); and platform and shorebased supervisors. The purpose of the training program shall be to familiarize persons working on the project of the value of the commercial fishing industry and the methods of offshore fishing operations and the potential hazards, conflicts and impacts resulting from offshore oil and gas activities. The program shall be formulated and implemented by qualified and experienced instructors in the kinds of fishing activities, methods of communication and navigational safety.

Stipulation No. 7

(To be included in any leases resulting from this sale for the sliding scale royalty tracts listed in paragraph 4 of this notice).

(a) The royalty rate on production saved, removed or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.12(e)). The Director, Geological Survey, may grant a reduction for only one year at a time. Reduction of royalty rates will not be approved unless production has been underway for one year or more.

(b) Although the royalty rate specified in Sec. 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16% percent of the production saved, removed or sold from the lease area may be taken as royalty on amount, except as provided in Sec. 15 (d) of this lease; the royalty on any portion of the production saved, removed or sold from the lease in excess of 16% percent may only be taken in value of the production saved, removed or sold from the lease area.

Stipulation No. 8

(To be included only in the lease resulting from this sale for tract 42-3).

(a) The lessee agrees that prior to operating or causing to be operated on its behalf boat or aircraft traffic into individual, designated warning areas, the lessee shall coordinate and comply with instructions from the Commander, Submarine Squadron Two, Naval Submarine Base, New London, Connecticut. Such coordination and instruction will provide for positive control of boats and aircraft operating into the warning areas at all times.

(b) Whether or not compensation for such damage or injury might be due under a theory

of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors, or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of Commander, Submarine Squadron Two, Naval Submarine Base, New London, Connecticut or other appropriate military agency.

Notwithstanding any limitations of the lessee's liability in Section 14 of the lease, the lessee assumes the risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installations and agencies whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

(c) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual, designated defense warning areas in accordance with requirements specified by the Commander, Submarine Squadron Two, Naval Submarine Base, New London, Connecticut, to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense Flight, testing or operational activities conducted within individual designated warning areas. Necessary monitoring control and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be affected by the commander of the appropriate onshore military installation conducting operations in the particular warning area: *Provided however*, That control of such electromagnetic emissions shall permit at least one continuous channel of communication between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

15. *Information to Lessees.* On September 18, 1978, Congress passed

amendments to the OCS Lands Act of 1953. Some sections of current regulations applicable to OCS leasing operations are inconsistent with this new legislation, and the legislation requires the issuance of some new regulations. The inconsistencies will be corrected by rulemakings and the new regulations will be issued as soon as possible. Nevertheless, bidders are notified that provisions of the new OCS Lands Act Amendments shall apply to all leases offered at this lease sale and shall supersede all inconsistent provisions in current regulations applicable to OCS leasing operations.

Some of the tracts offered for lease may fall in areas may be included in fairways, precautionary zones, or traffic separation schemes. Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf Lands in accordance with Section 4(e) of the Outer Continental Shelf Lands Act, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are also advised that in accordance with Sec. 16 of each lease offered at this sale the lessor may require a lessee to operate under a unit, pooling or drilling agreement and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a royalty rate based on a sliding scale.

A Biological Task Force (BTF) has been established to advise the Supervisor on those aspects of oil and gas operations resulting from lease Sale #42 that affect biological resources on Georges Bank and their habitats. The BTF is composed of designated representatives of the Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Geological Survey, NOAA, and the Environmental Protection Agency. Representatives of the affected coastal States may participate in activities of the BTF, but will not be formal members. It is intended that this BTF will remain in existence throughout the operating life of the field. The Supervisor will consult with the BTF in identifying areas or resources of biological importance, on the conduct of

the biological surveys or studies, including periodic sampling of environmental conditions by lessees, and on the appropriate course of action after the surveys have been conducted.

In applying safety, environmental, and conservation laws and regulations the Supervisor, in accordance with Sec. 21(b) of the OCS Lands Act, as amended, will require the use of the best available and safest technologies which the Secretary determines to be economically feasible, wherever failure of equipment would have a significant effect on safety, health, or the environment, except where the Secretary determines that the incremental benefits are clearly insufficient to justify the incremental costs of utilizing such technologies. To the extent practical, the Supervisor will consult with the relevant Federal agencies and the affected State(s) in the execution of these responsibilities.

Bidders are advised that the Secretary of the Interior has directed that a development phase Environmental Impact Statement (EIS) be prepared for the North Atlantic lease sale area. The content of this EIS will be in accordance with the rules and regulations promulgated by the Department.

If significant biological populations or habitats are identified by the lessee subsequent to commencement of operations, the Supervisor will provide written instructions to the lessee within 15 working days with regard to the biological populations or habitats identified.

Each lessee shall, soon after the award of the lease, submit to the Supervisor the name(s) of individual(s) who will be responsible for preparing an exploration plan. The Supervisor shall provide these names to the affected States.

It will be required that in the immediate vicinity of drilling operations an open sea skimming unit equivalent to Clean Atlantic Associate Fast Response Unit Model II and 1000 feet of open sea oil containment boom be maintained. In addition, a suitable deployment vessel and personnel trained in deployment and use of this equipment should be immediately available. As part of the approval of development and production plans, suitable pollution prevention equipment will be required in the immediate vicinity of development and production operations.

Bidders are advised that the Intergovernmental Planning Program for OCS Oil and Gas Leasing, Transportation and Related Facilities (IPP) is being implemented nationwide. The post-scale procedures of the IPP will be applicable to lease sale 42. The North

Atlantic Regional Technical Working Group Committee of the OCS Advisory Board has been established as the organizational component of the IPP for the North Atlantic.

16. *OCS Orders.* Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Outer Continental Shelf Atlantic Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

Dated: September 24, 1979.

Ed Hastey,
Associate Director, Bureau of Land Management.

Approved:
Cecil D. Andrus,
Secretary of the Interior.

[FR Doc. 79-29953 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf, North Atlantic; Outer Continental Shelf Leasing Systems, Sale No. 42

Sec 8(a)(8) (43 U.S.C. 1337(a)(8)) of the Outer Continental Shelf Lands Act, as amended, requires that, at least 30 days before any lease sale, a notice be submitted to the Congress and published in the *Federal Register*:

(A) Identifying the bidding systems to be used and the reasons for such use; and

(B) Designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

A. *Bidding systems to be used.* In OCS Lease Sale #42, a system employing a cash bonus bid with a constant royalty fixed at 16½% will be used on 61 tracts. This system is authorized by Sec. 8(a)(1)(A) of the OCS Lands Act as amended. A system employing a cash bonus bid with a royalty established according to a semi-logarithmic sliding scale will be used on the remaining 55 tracts. This system is authorized by Sec. 8(a)(1)(C) of the OCS Lands Act, as amended. The use of the sliding scale royalty system was first introduced in OCS Lease Sale #43 and used again in the last six OCS lease sales as part of the commitment by the Department of the Interior and the Department of Energy to develop and test new bidding systems.

The sliding scale is designed to establish higher royalty rates for larger reservoirs with higher production rates. In such cases, the expected bonus would be reduced, which may improve competition for leases. This would also tend to reduce the likelihood of production losses that could result if

royalty rates are set by other means, such as royalty bidding, at levels so high that production is made uneconomic. These production losses are dependent upon the different exploration, development and production costs for the specific area. Because the assumed costs were different in the Sale #42 area than other areas, the formula provided for this sale is slightly different from that utilized in the last sale—Sale 58.

The sliding scale used in Sales #43 and #45 was linear in form. Although this form is easy to depict it has three disadvantages which may affect the socially optimal level of production. At certain levels of production, a linear schedule causes erratic fluctuations in the royalty charged on increments in output which may lead producers to make socially non-optimal production decisions in order to minimize these royalty impacts on revenues. Marginal royalty rates also can reach very high levels even though average rates are low. In addition, because production costs are non-linear it can be shown that the royalty rate schedule should more closely conform to the functional form of these costs in order to minimize production losses.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than \$15.929026 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than \$15.929026 million, but less than or equal to \$3423.822697 million, the royalty percent due on the unadjusted value is given by the formula

$$R_j = b[\ln(V_j/S)]$$

where

R_j = the percent royalty that is due and payable on the unadjusted amount of value of all production saved, removed or sold in quarter j

$b = 9.0$

V_j = the value of production in quarter j , adjusted for inflation, in millions of dollars

$S = 2.5$

When the adjusted quarterly value of production is greater than \$3423.822697 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production

during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the *Survey of Current Business* by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold as determined pursuant to 30 CFR 250.64 and Sec. 6(b) of the lease form.

The form of the sliding scale royalty schedule is identical to that used in OCS Sale No. 49. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

The system employing cash bonus bids with a constant fixed royalty has been used extensively since the passage of the OCS Lands Act in 1953. Its use in Sale No. 42 will provide data with which to compare the data from use of the sliding scale royalty system. The use of the two bidding system in Sale No. 42 is consistent with the requirements of Sec. 8(a)(5)(B) of the OCS Lands Act, as amended.

B. *Designation of Tracts.* The following tracts are to be offered for bonus bidding with a fixed sliding scale royalty:

42-18, 42-19, 42-20, 42-26, 42-27, 42-28, 42-78, 42-79, 42-80, 42-81, 42-89, 42-97, 42-98, 42-111, 42-112, 42-113, 42-117, 42-118, 42-119, 42-122, 42-123, 42-124, 42-125, 42-126, 42-127, 42-128, 42-130, 42-131, 42-132, 42-133, 42-134, 42-135, 42-136, 42-137, 42-138, 42-139, 42-140, 42-141, 42-142, 42-143, 42-144, 42-145, 42-146, 42-150, 42-151, 42-152, 42-153, 42-154, 42-155, 42-156, 42-157, 42-158, 42-162, 42-163, and 42-164.

Bids on the remaining tracts to be offered at this sale must be on a cash bonus basis with a fixed royalty of 16½ percent.

The selection of tracts to be offered under the sliding scale royalty system was made for the following reasons:

1. A sufficient number of tracts was needed to provide data for valid statistical analysis while limiting the risk of losses caused by unforeseen problems which could arise in the use of any new bidding system. A sample size

of approximately 47% (55 tracts) was determined to be appropriate.

2. The range and distribution of the characteristics of sliding scale royalty tracts were to match, as closely as possible, the range and distribution of the characteristics of the tracts being offered in the sale. Such characteristics include estimated resources, water depth, structure depth, favorable vs. unfavorable location of tracts on structures, and the location of tracts across trends.

Ed Hastey,
Associate Director, Bureau of Land Management.

Approved September 24, 1979.

Cecil D. Andrus,
Secretary of the Interior.

[FR Doc. 79-29954 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

Minnesota; Commencement of Public Comment Period on Initial Wilderness Inventory

This notice announces the beginning of a 90-day public comment period concerning the initial wilderness inventory of public lands and islands administered by the Bureau of Land Management in Minnesota. Beginning on the date of this announcement and running until December 27, 1979, the public is invited to review and provide comments on the wilderness inventory of public lands and islands in Minnesota. The initial inventory was officially announced in the *Federal Register* on March 27, 1979, and was conducted under the authority of section 603 of the Federal Land Policy and Management Act of October 21, 1976.

All public lands and islands administered by the Bureau of Land Management in Minnesota have been reviewed. All roadless islands and those areas of 5,000 acres or more that are roadless have been identified. A situation evaluation has been prepared for each such area and for groupings of islands which are listed according to similarities in characteristics. Each area or island grouping has been tentatively placed into one of two categories using the criteria set forth in section 2(c) of the Wilderness Act of 1964. These are:

1. Areas that clearly and obviously do not meet basic wilderness criteria and will be dropped from further study.

2. Areas that may possibly meet the criteria and will require more intensive inventory.

All of the situation evaluations have been published in an Initial Inventory Report and Map, available from the offices listed below. In addition, more

detailed maps of individual areas or islands are available free upon request.

To facilitate public review and comment on this initial inventory effort, the following schedule of public meetings is established.

International Falls—October 15, 1979, Rainy River Community College, Room S-108, International Falls, Minnesota, 7:30 p.m.

Detroit Lakes—October 18, 1979, Becker County Courthouse, Commissioner's Room, Detroit Lakes, Minnesota, 7:30 p.m.

Brainerd—October 17, 1979, Brainerd Community College, Brainerd, Minnesota, 7:30 p.m.

St. Paul—October 18, 1979, University of Minnesota at St. Paul, Earl Brown Center, Room 155, St. Paul, Minnesota, 7:30 p.m.

In addition, all inventory files, maps, photos and other data used in the initial inventory are available for public inspection at any time during regular office hours at the Lake States Office in Duluth.

The public meetings will include discussion of the Bureau's land use planning process now underway in Minnesota. Included will be information about the unit resource analysis phase, during which public input is requested, and an explanation about how the wilderness review process relates to land use planning.

Those persons planning to participate and make oral comments at one or more of the public meetings are urged to also submit written comments. In preparing written comments, it is recommended that separate worksheets be prepared for each inventory unit or island. Worksheets are available to assist in responding specifically about the characteristics of each island or area. Comments should be mailed to the Manager, Lake States Office, Bureau of Land Management, 125 Federal Building, Duluth, Minnesota 55802.

After the comment period closes in December, the Bureau will analyze the public response and prepare a decision setting forth those inventory units that will undergo more intensive inventory. The map will be modified to reflect this decision. A *Federal Register* notice, including the decision and other pertinent information will be published. Those lands not being designated for further inventory will be released from wilderness-related management restrictions as set forth in Section 603(c) of the Federal Land Policy and Management Act.

For additional information and maps, contact:

Director, Eastern States, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, telephone (703) 235-2840.

Manager, Lake States Office, Bureau of Land Management, 125 Federal Building, Duluth, Minnesota 55802, telephone (218) 727-6692, Ext. 378.

David P. Lodzinski,
Acting Director, Eastern States.

[FR Doc. 79-30178 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

Gulf of Mexico Outer Continental Shelf; Availability of Draft Environmental Statement and Location and Date of Public Hearing Regarding Proposed Oil and Gas Lease Sales A62 and 62

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental statement relating to the proposed sale of oil and gas leases for exploration, development and production on 296 tracts (1,517,787 acres) of submerged Federal lands in the Gulf of Mexico (OCS Sales A62 and 62).

Single copies of the draft environmental statement can be obtained from the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Suite 841, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft statement will also be available for review at the following libraries: Austin Public Library, 401 West Ninth Street, Austin, Texas; Houston Public Library, 500 McKinney Street, Houston, Texas; Rosenberg Library, 2310 Sealy Street, Galveston, Texas; Dallas Public Library, 1954 Commerce Street, Dallas, Texas; Brazoria County Library, 410 Brazoport Boulevard, Freeport, Texas; La Ratama Library, 505 Mesquite Street, Corpus Christi, Texas; Texas Southmost College Library, 80 Fort Brown Street, Brownsville, Texas; New Orleans Public Library, 219 Loyola Avenue, New Orleans, Louisiana; Louisiana State Library, Baton Rouge, Louisiana; Lafayette Public Library, 301 West Congress Street, Lafayette, Louisiana; Calcasieu Parish Library, Downtown Branch, Lake Charles, Louisiana; Harrison County Library, 21st Avenue and Beach Street, Gulfport, Mississippi; Mobile Public Library, 701 Government Street, Mobile, Alabama; Montgomery Public Library, 445 South Lawrence Street, Montgomery, Alabama; St. Petersburg Public Library, 3745 Ninth Avenue North, St. Petersburg, Florida; West Florida Regional Library, 200 West

Gregory Street, Pensacola, Florida; Northwest Regional Library System, 25 West Government Street, Panama City, Florida; Leon County Public Library, 127 North Monroe Street, Tallahassee, Florida; Lee County Free Library, 3355 Fowler Street, Fort Myers, Florida; Charlotte-Glades Regional Library System, 801 NW Aaron Street, Port Charlotte, Florida; and Tampa-Hillsborough County Public Library System, 800 North Ashley Street, Tampa, Florida.

In accordance with 43 CFR 3314.1, a public hearing on the draft statement is scheduled on November 15, 1979, in the BLM Conference Room, Suite 841, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana. The hearing will convene at 9:00 a.m. and will conclude at 5:00 p.m. or earlier, if all scheduled witnesses have testified.

The hearing will provide the Secretary of the Interior with information from government agencies, public and private groups, and others to help evaluate the potential effects of the proposed lease offering. Comments are solicited concerning the effects of projected sale-related activities on marine, cultural, recreational and other resources of the Gulf of Mexico region.

Interested individuals, representatives of organizations, and public officials wishing to testify at the public hearing are requested to contact the Manager, New Orleans OCS Office, Bureau of Land Management at the above address by 4:00 p.m., November 13, 1979. Written comments from those unable to attend the hearing should also be sent to the Manager, New Orleans OCS Office at the same address. The Bureau will accept written testimony and comments on the draft environmental statement until November 28, 1979. This will allow those unable to testify at the hearing to make their views known, and those presenting oral testimony to submit supplemental materials. Time limitations make it necessary to limit the length of oral presentations to ten minutes. An oral statement may be supplemented, however, by a more complete written statement which should be submitted to a hearing official at the time of presentation. To the extent that time is available following presentation of oral statements by those who have given advance notice, others present will be given an opportunity to be heard.

After all testimony and comments have been received and evaluated, a

final environmental statement will be prepared.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

Approved: September 25, 1979.

Larry E. Meierotto,

Assistant Secretary of the Interior.

[FR Doc. 79-30230 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Contract Negotiations With the Redwood Valley County Water District; Intent To Negotiate an Amendatory Contract for Repayment of a Cost Escalation Loan

The Department of the Interior, through the Bureau of Reclamation, intends to negotiate an amendment to contract No. 14-06-200-8423A, with the Redwood Valley County Water District, Mendocino County, California, for repayment of a \$2,513,000 cost escalation loan. The proposed amendatory contract will be written pursuant to the Small Reclamation Projects Act of 1956 (70 Stat. 1044), as amended. The terms and conditions of the proposed amendatory contract are ultimately dependent upon the Secretary of the Interior's approval of the district's application for the cost escalation loan and his approval of the form of the proposed amendatory contract.

The original \$4,800,000 loan was for construction of a water conveyance and distribution system to furnish irrigation and municipal and industrial water supply in the Redwood Valley area. The loan application was submitted to the Bureau on December 6, 1972, and was found to be engineeringly and financially feasible, and a reasonable risk under the terms of the Small Reclamation Projects Act. Contract No. 14-06-200-8423A was executed March 22, 1976, and provided for repayment of the Federal funds advanced.

Due to the time lapse between the application and execution of the contract, cost escalations have prevented the district from completing the construction program with the original loan. The purpose of the proposed amendatory contract is to provide the district loan funds to cover the cost escalations and complete the original construction program.

The public is invited to observe the negotiating sessions and to submit written comments on the proposed amendatory contract not later than 30 days after the completed contract draft is declared to be available to the public. All written correspondence concerning

the proposed amendatory contract is available to the public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended. Advance notice of negotiating sessions shall be furnished only to those parties having previously furnished a written request for such notice to the office identified below at least 1 week prior to any session.

For further information, please contact Ms. Cindy Cowden, Repayment Specialist, Division of Water and Power Resources Management, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484-4540.

Dated: September 24, 1979.

Clifford I. Barrett,

Assistant Commissioner of Reclamation.

[FR Doc. 79-30139 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-09-M

Geological Survey

[Int FES 79-46]

Availability of Final Statement for Big Sky Mine, Rosebud County, Mont.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and section 69-6504 R.C.M. of the Montana Environmental Policy Act of 1971, the Department of the Interior, in cooperation with the State of Montana, has prepared a final environmental impact statement on the Big Sky surface coal mining operation proposed by Peabody Coal Company in Rosebud County, Montana. The final statement consists of two volumes: volume I was distributed as the draft statement (DES 78-51) on December 14, 1978; volume II includes the comments and corrections from the public review. The statement assesses the environmental impacts of the lessee's plan for the surface mining of 4.2 million tons annually of federally and privately owned coal, and the concurrent reclamation and revegetation of surface lands. The proposed action is on Federal coal lease M-15965 T. 1 N., R. 41 E., Principal meridian.

The mining and reclamation plan contained in this statement was submitted for review prior to the revision of the 30 CFR 211 regulations (43 F.R. 37181 *et seq.*, August 22, 1978), which incorporated the initial regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This plan was also submitted prior to the April 20, 1979, effective date of the permanent regulatory program on Federal lands under SMCRA, 30 CFR Subchapter D, 44 F.R. 15332, March 13, 1979. Thus, the mine plan has not been reviewed for compliance with the

applicable requirements of SMCRA and implementing regulations. Prior to making any decision on approval of the mining and reclamation plan, the Office of Surface Mining Reclamation and Enforcement (OSM) will perform a technical review for compliance with SMCRA and the applicable regulations. Once the mine plan conforms to the applicable requirements of those authorities, OSM will evaluate whether this final environmental impact statement is adequate for mine plan approval action or whether a supplement or other environmental documents need to be prepared and distributed.

The final statement is available for public review in the U.S. Geological Survey Library, 1526 Cole Blvd., Golden, Colo.; the U.S. Geological Survey Library, Room 4A100, National Center, Reston, Va.; the Montana Department of State Lands, 1625 11th Ave., Helena, Mont.; the Bureau of Land Management, Miles City, Mont.; the Parmley Billings Public Library, 510 North Broadway, Billings, Mont.; the Big Horn County Public Library, 419 North Custer Ave., Hardin, Mont.; the Montana State Library, 930 East Lyndale, Helena, Mont.; and the Rosebud County Library, 201 North 9th Ave., Forsyth, Mont.

A limited number of copies are available on request from the U.S. Geological Survey, Land Information and Analysis Office, Federal Center, Stop 701, Box 25046, Denver, Colo. 80225, and the Montana Department of State Lands, 1625 11th Ave., Helena, Mont. 59601.

Dated: September 24, 1979.

Heather L. Ross,

Deputy Assistant Secretary of the Interior.

[FR Doc. 79-30150 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-31-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before September 24, 1979. Pursuant to 60.13 of 36 CFR Part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments or a request for additional

time to prepare comments should be submitted by October 9, 1979.

Charles A. Herrington,

Acting Keeper of the National Register.

ARKANSAS

Pulaski County

Little Rock, *Little Rock City Hall*, 500 W. Markham St.

Little Rock, *Little Rock Central Fire Station*,

520 W. Markham St.

Little Rock, *Pulaski County Courthouse*, 405 W. Markham St.

DISTRICT OF COLUMBIA

Washington

Codman-Davis House, 2145 Decatur Pl., NW.

WEST VIRGINIA

Berkeley County

Martinsburg, *Apollo Theatre*, 128 E. Martin St.

[FR Doc. 79-30093 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-03-M

National Park Service

Committee for the Preservation of the White House; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Committee for the Preservation of the White House will be held at 1:30 p.m. on Friday, October 28, 1979 in Room 2010, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C.

The Committee was established for the purpose of advising the Director of the National Park Service so that he may make recommendations to the President concerning the preservation and the interpretation of the museum character of the principal corridor on the ground floor and the principal public rooms on the first floor of the White House. The Committee shall make recommendations as to the articles of furniture, fixtures, and decorative objects which shall be used or displayed in the aforesaid areas of the White House and to the decor and arrangements therein best suited to enhance the historic and artistic values of the White House and of such articles, fixtures, and objects.

Purpose of the meeting: The Committee will discuss and recommend priorities for acquisition to the White House Collection, receive subcommittee reports and reports on previous acquisitions and loans.

The meeting will be open to the public. Public attendance depending on available space will be limited to those who have notified the Executive Secretary of the Committee in writing at least 5 days prior to the meeting of their

intention to attend the October 26 meeting.

Any member of the public may file a written statement with the Committee before, during or after the meeting. To the extent that time permits the Committee Chairman may allow public participation.

All communication regarding the Committee should be addressed to Mr. Elmer S. Atkins, Executive Secretary, Committee for the Preservation of the White House, Room 344, 1100 Ohio Drive, SW., Washington, D.C. 20242.

Dated September 21, 1979.

Manus J. Fish, Jr.

Regional Director, National Capital Region.

[FR Doc. 79-30187 Filed 9-27-79; 8:45]

BILLING CODE 4310-70-M

Office of the Secretary

[INT DEIS 79-54]

Availability of the Draft Environmental Impact Statement Crossman Peak Radar Proposal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Draft Environmental Impact Statement on the Federal Aviation Administration's proposed radar installation on Crossman Peak near Lake Havasu City, Arizona.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement concerning the Federal Aviation Administration's proposed radar installation on Crossman Peak near Lake Havasu City, Arizona. The draft environmental statement analyzes the impacts of the proposal and a two-site alternative, consisting of Cherum Peak near Kingman, Arizona and Harquahala Peak near Wenden, Arizona.

DATE: Comments by November 13, 1979
ADDRESS: Comments should be sent to: State Director (911), Bureau of Land Management, Valley Bank Center, Phoenix, Arizona 85073.

Comments will be available for public review at the above address during regular business hours (7:45 am to 4:15 pm) Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Pat Clason, Division of Rights-of-way and Project Review (332), Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240. (202) 343-5441 or Art Tower, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602) 281-5127.

SUPPLEMENTARY INFORMATION: A limited number of copies of the draft environmental impact statement are available upon request at the following offices:

Arizona State Office (911), Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602) 261-5127.
Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 (602) 761-4231.
Yuma District Office, P.O. Box 5680, Yuma Arizona 85364 (602) 726-2612.

In addition to the above locations, copies of the draft environmental impact statement will be available for public reading and review at the following locations:

Office of Information, Bureau of Land Management, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240 (202) 343-5717.
Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401 (602) 757-3161.

Heather L. Ross,
Deputy Assistant Secretary of the Interior.

[FR Doc. 79-30078 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal Committee on Apprenticeship; Public Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the Federal Committee on Apprenticeship will conduct the following open meetings at the United Association Mechanical Trades School, 8509 Ardmore-Ardwick Road, Ardmore-Ardwick Industrial Park, Landover, Maryland, as shown below:

(a) *FCA Subcommittee on Research*
Date: October 17, 1979. Time: 9:00-11:30 a.m.

Agenda

- (1) Final Review of Proposed Research Projects FY 80
- (2) Update—Apprenticeship Research Conference
- (3) Review of HEW Funded Research Pertinent to Apprenticeship
- (4) Update—FY 79 Research
- (b) *FCA Subcommittee on Goals*
Date: October 17, 1979. Time: 9:00-11:30 a.m.

Agenda

- Financial Incentives to Expand Apprenticeship
- (c) *FCA Subcommittee on Federal-State Relations*

Date: October 17, 1979. Time: 1:30-3:00 p.m.

Agenda

Conclusions and Recommendations to Effective State-Federal Coordination in the National Apprenticeship System as proposed by the L.B.J. School of Public Affairs Apprenticeship Project.

The Federal Committee on Apprenticeship will hold a full open meeting on Thursday, October 18 from 9 a.m. to 4:30 p.m.; Friday, October 19, 1979, from 9 a.m. to 12 noon.

The agenda for the meeting on October 18 will cover:

- (1) Vocational Industrial Clubs of America (VICA)
- (2) Overview of Agenda and Objectives of Meeting—Discussion of Role of Vocational Education with Respect to Apprenticeship
- (3) Understanding Vocational Education: An Overview
- (4) Briefing on HEW-Sponsored Research Activities Related to Apprenticeship
- (5) Overview of The National Center on Research for Vocational Education

Part I.—Vocational Education as an Effective Preapprenticeship Experience

- (6) Improving School Guidance and Counseling for Apprenticeable Occupations
- (7) Sex Equity Activities in Vocational Education
- (8) The Rise of Cooperative Education: Implications for Apprenticeship
- (9) School to Apprenticeship Linkage

The agenda for the meeting on October 19 will include:

- (1) Report on Activities of the Bureau of Apprenticeship and Training (BAT)
- (2) Report on Activities of State Apprenticeship Agencies/Councils
- (3) FCA Subcommittee Reports and Other FCA Business

The agendas are subject to change due to time constraints and priority items which may come before the Committee between the time of this publication and the scheduled date of the FCA meeting.

Members of the public are invited to attend the proceedings. Any member of the public who wishes to file written data, views or arguments pertaining to the agenda may do so by furnishing it to the Executive Secretary at any time prior to the meeting. Thirty copies are needed for the members and for the inclusion in the minutes of the meeting.

Any member of the public who wishes to speak at this meeting should so indicate in a written statement, also the nature of the intended presentation and amount of time needed. The Chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows: Mrs. M. M. Winters, Bureau of Apprenticeship and Training, ETA, U.S. Department of Labor, 601 D Street NW., (Room 5434), Washington, D.C. 20213.

Signed at Washington, D.C. this 26th day of September 1979.

Ernest G. Green,

Assistant Secretary for Employment and Training Administration.

[FR Doc. 79-30317 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-30-M

Temporary Alien Labor Certification Program: Adverse Effect Wage Rate for the State of Arizona

AGENCY: U.S. Employment Service, Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Administrator, U.S. Employment Service, announces the adverse effect wage rate for Arizona, the minimum rate which must be offered and paid by employers of temporary alien agricultural workers in that State.

EFFECTIVE DATE: The rate announced in this document applies to agricultural employment in the State of Arizona beginning and/or occurring on or after September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Aaron Bodin, Chief, Division of Labor Certification, U.S. Employment Service, Suite 8410, 601 "D" Street, NW., Washington, D.C. 20213. Telephone: 202-376-6295.

SUPPLEMENTARY INFORMATION:

Requirement of Notice

The Department of Labor's regulations for the certification of nonimmigrant aliens for temporary agricultural employment in the United States require the Administrator, U.S. Employment Service, to publish in the Federal Register annually notice(s) of the adverse effect wage rates for agricultural workers in various States. 20 CFR 655.207; see 44 FR 32306 (June 5, 1979), 44 FR 39049 (July 3, 1979), and 44 FR 47174 (August 10, 1979).

Adverse Effect Wage Rate: Arizona

The adverse effect wage rate for agricultural employment in the State of Arizona is \$3.67 per hour, as computed pursuant to 20 CFR 655.207.

Signed at Washington, D.C. this 25th day of September, 1979.

David O. Williams,

Administrator, U.S. Employment Service.

[FR Doc. 79-30250 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-30-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 79-53]

Exemption From the Prohibitions for Certain Transactions Involving the Employees' Retirement Plan of Consolidated Electrical Distributors Inc. (Exemption Application No. D-1337)

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the sale for cash of shares of Hughes Supply Inc. common stock by the Employees' Retirement Plan of Consolidated Electrical Distributors Inc. (the Plan) to Consolidated Electrical Distributors Inc. (the Employer).

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, (202) 523-7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On August 10, 1979 notice was published in the Federal Register (44 FR 47183) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a) and 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the sale for cash of 249,000 shares of the common stock of Hughes Supply Inc. by the Plan to the Employer for the higher price of either (1) \$14% per share of (2) the highest over-the-counter market price between March 29, 1979 and the date of this grant in the Federal Register. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. This notice also invited interested persons to submit comments on the

requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted, solely by the Department because, effective December 31, 1978 section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471,

April 28, 1975), and based upon the entire record, the Department makes the following determinations:

- (a) The exemption is administratively feasible;
- (b) It is in the interests of the Plan and of its participants and beneficiaries; and
- (c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of sections 406(a) and 406(b)(1) and (b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the sale for cash of 249,000 shares of the common stock of Hughes Supply Inc. by the Plan to the Employer.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 21st of September 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 79-30189 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 79-52]

Exemption From the Prohibitions for Certain Transactions Involving the Profit Sharing Plan for Employees of Stone, Marraccini & Patterson (Exemption Application No. D-211)

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits a loan to Silvio P. Marraccini, Norman W. Patterson and Associates (the Partnership) from the Profit Sharing Plan for Employees of Stone, Marraccini & Patterson (the Plan) which was entered into before the effective date of the Act, but after July 1, 1974, the date specified in the transitional rules contained in sections 414 and 2003 of the Act.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald D. Allen of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, (202) 523-7901. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 6, 1979 notice was published in the Federal Register (44 FR 39627) of the

pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(E) of the Code, for the transaction described in the application filed by the trustees of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted, solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan

must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under sections 406(a) and 406(b)(3) of the Act and sections 4975(c)(1)(A) through (D) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

The restrictions of sections 406(b)(1) and (b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(E) of the Code, shall not apply, effective January 1, 1975, to the refinancing agreement dated October 1, 1974 between the Plan and the Partnership.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 21st day of September, 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 79-30190 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-5678]

Armstrong Rubber Co., Eastern Division, West Haven, Conn.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on June 29, 1979 in response to a worker petition received on June 26, 1979 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers producing tires at the West Haven, Connecticut plant of the Eastern Division of Armstrong Rubber Company. The investigation revealed that the plant produces passenger car tires. It is concluded that all of the requirements have been met.

U.S. imports of passenger car tires increased relative to domestic production in 1978 compared to 1977 and increased absolutely and relatively in the first quarter of 1979 compared to the same period of 1978.

The Department conducted a survey of customers accounting for a major proportion of the sales of the West Haven, Connecticut plant of Armstrong Rubber Company. The survey revealed that customers increased their reliance on imported passenger car tires while decreasing purchases of car tires from the subject firm in 1978 compared to 1977 and in the first half of 1979 compared to the same period of 1978.

Conclusion

After careful review, of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with passenger car tires produced at the West Haven, Connecticut plant of Armstrong Rubber Company, Eastern Division contributed importantly to the decline in sales or production to the total or partial separations of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the West Haven plant of Armstrong Rubber Company, Eastern Division who became totally or partially separated from employment on or after June

22, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30236 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5679]

Armstrong Rubber Co., Midwest Division, Des Moines, Iowa; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on June 29, 1979 in response to a worker petition received on June 26, 1979 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers producing passenger car, truck and tractor tires at the Des Moines, Iowa plant of the Midwest Division of Armstrong Rubber Company. It is concluded that all of the requirements have been met.

U.S. imports of passenger car tires increased relative to domestic production in 1978 compared to 1977 and increased absolutely and relatively in the first quarter of 1979 compared to the same period of 1978.

The Department conducted a survey of customers accounting for a major proportion of the sales of the Des Moines, Iowa plant of Armstrong Rubber Company. The survey revealed that customers increased their reliance on imported passenger car tires while decreasing purchases of car tires from the subject firm in 1978 compared to 1977 and in the first half of 1979 compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with passenger car tires produced at the Des Moines, Iowa plant of Armstrong Rubber Company, Midwest Division contributed

importantly to the decline in sales or production and to the total or partial separations of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Des Moines, Iowa plant of Armstrong Rubber Company, Midwest Division, who became totally or partially separated from employment on or after June 22, 1978 be eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30237 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5680]

Armstrong Rubber Co., Southern Division, Natchez, Miss.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certifications of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on June 29, 1979, in response to a worker petition received on June 26, 1979, which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers producing passenger car and truck tires at the Natchez, Mississippi plant of the Southern Division of Armstrong Rubber Company. The investigation revealed that the Natchez plant primarily produces passenger car tires. It is concluded that all of the requirements have been met.

U.S. imports of passenger car tires increased relative to domestic production in 1978 compared to 1977 and increased absolutely and relatively in the first quarter of 1979 compared to the same period of 1978.

U.S. imports of truck and bus tires increased in 1978 compared to 1977 and in the first quarter of 1979 compared to the same period of 1978.

The Department conducted a survey of customers accounting for a major proportion of the sales of Natchez, Mississippi plant of Armstrong Rubber Company. The survey revealed that customers increased their reliance on

imported passenger car tires, and truck tires, while decreasing purchases from the subject firm in 1978 compared to 1977 and in the first half of 1979 compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with passenger car tires and truck tires produced at the Natchez, Mississippi plant of Armstrong Rubber Company, Southern Division contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Natchez, Mississippi plant of Armstrong Rubber Company, Southern Division, who became totally or partially separated from employment on or after June 22, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30238 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5529]

Armstrong Rubber Co., Southeastern Division, Madison, Tenn.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on June 8, 1979 in response to a worker petition received on June 4, 1979 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers producing tires at the Madison, Tennessee plant of the Southeastern Division of Armstrong Rubber Company. The investigation revealed that the plant produces passenger car-sized tires, which are used for vans and small trucks as well as passenger cars. It is concluded that all of the requirements have been met.

U.S. imports of passenger car tires increased relative to domestic production in 1978 compared to 1977 and increased absolutely and relatively in the first quarter of 1979 compared to the same period of 1978.

The Department conducted a survey of customers accounting for a major proportion of the Madison plant's decline in sales. The survey revealed that customers increased their reliance on imported passenger car tires while decreasing purchases from the Madison plant in 1978 compared to 1977 and in the first half of 1979 compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with passenger car tires produced at the Madison, Tennessee plant of Armstrong Rubber Company, Southeastern Division contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Madison, Tennessee plant of Armstrong Rubber Company, Southeastern Division, who became totally or partially separated from employment on or after May 31, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30235 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5885]

Auto Terminals, Inc., Fenton, Mo.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 23, 1979 in response to a worker petition received on August 21, 1979 which was filed on behalf of workers

and former workers of the Fenton, Missouri facility of Auto Terminals, Incorporated, engaged in releasing autos to carriers.

Auto Terminals, Incorporated is engaged in providing the service of releasing automobiles from manufacturing plants and transporting them by truck to dealerships.

Thus, workers of Auto Terminals, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Auto Terminals, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

None of the firms owned in common with Auto Terminals, Incorporated produces an article.

All workers engaged in auto releasing and transporting at Auto Terminals, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by Auto Terminals, Incorporated. All employee benefits are provided and maintained by Auto Terminals, Incorporated. Workers are not, at any time, under employment or supervision by customers of Auto Terminals, Incorporated. Thus, Auto Terminals, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of the Fenton, Missouri facility of Auto Terminals, Incorporated are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30239 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5887]

Carousel Slacks, Hammonton, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding

certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 23, 1979 in response to a worker petition received on August 21, 1979 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's and women's slacks at Carousel Slacks, Hammonton, New Jersey. The investigation revealed that Carousel Slacks also produces women's skirts. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Carousel Slacks performed stitching contract work on women's and men's slacks for several manufacturers in 1977 and 1978. A Department of Labor survey of some of the manufacturers contracting work with Carousel Slacks revealed that none of them purchased imported men's and women's slacks in 1977 or 1978. Customers who decreased contract purchases from Carousel Slacks in 1978 compared with 1977 increased their purchases from other domestic sources.

As a result of the decreased contract orders of their customers, Carousel Slacks experienced a shutdown in late 1978 and the first month of 1979. Since February 1979, the company has been able to obtain new contract orders from other manufacturers to produce women's slacks and skirts.

Conclusion

After careful review, I determine that all workers of Carousel Slacks, Hammonton, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-30240 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5851]

Herman Kay Co., Inc., New York City, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 13, 1979 in response to a worker petition received on August 6, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' wool coats and ladies' raincoats at Herman Kay Co., Inc., New York City, New York. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that the declines in sales, production and employment at Herman Kay can be attributed to seasonal fluctuations.

Company sales and production of ladies' winter coats and ladies' raincoats increased in 1978 compared to 1977 and increased in the first seven months of 1979 compared to the first seven months of 1978. Company sales and production increased in each quarter from the third quarter of 1978 through the second quarter of 1979 when compared to the like quarter of the preceding year.

Declines in sales and production at Herman Kay in the first two quarters of 1979 and declines in employment in the first quarter of 1979 when compared to the previous quarter reflect the seasonal nature of the ladies' coat industry.

Conclusion

After careful review, I determine that all workers of the Herman Kay Co., New York City, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30242 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5712 and 5712a]

Oomphies, Inc., Lowell and Lawrence, Mass.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 5, 1979, in response to a worker petition received on July 5, 1979, which was filed by the United Shoe Workers of America, a division of the Amalgamated Clothing and Textile Workers Union, on behalf of workers and former workers producing women's shoes and slippers at the Lowell, Massachusetts plant of Oomphies, Incorporated. The investigation was expanded to include the Lawrence, Massachusetts plant of Oomphies. It is concluded that all of the requirements have been met.

U.S. imports of women's nonrubber footwear, except athletic, increased absolutely and relatively in 1978 compared with 1977 and in the first quarter of 1979 compared with the like period of 1978.

Company imports of women's slippers increased in 1978 compared with 1977 and in the first half of 1979 compared with the like period of 1978.

The Department surveyed customers of Oomphies, Incorporated for imports of women's shoes. The survey indicated that customers accounting for a significant proportion of Oomphies' decline in sales in 1978 compared with 1977 and in the first half of 1979 compared with the first half of 1978 increased their imports of women's dress and casual shoes during these periods.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the women's shoes and slippers produced at

the Lowell and Lawrence, Massachusetts plants of Oomphies, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Lowell, Massachusetts and Lawrence, Massachusetts plants of Oomphies, Incorporated who became totally or partially separated from employment on or after September 23, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30243 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5908]

Reynolds Shipyard Corp., Staten Island, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In Accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 27, 1979, in response to a worker petition received on August 21, 1979, which was filed by the Industrial Union of Marine and Shipbuilding Workers of America on behalf of workers and former workers of Reynolds Shipyard Corporation, Staten Island, New York, engaged in conversion, repair, overhaul, and maintenance of marine vessels.

Reynolds Shipyard Corporation is engaged in providing the service of repairing and warehousing ships. The subject firm is affiliated with Reynolds Lauhch Service, Incorporated.

Thus, workers of Reynolds Shipyard Corporation do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Reynolds Shipyard Corporation by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose

workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Reynolds Shipyard Corporation and its customers have no controlling interest in one another. Neither the subject firm nor any affiliated company produces any articles.

All workers engaged in repairing and warehousing ships at Reynolds Shipyard Corporation are employed by that firm. All personnel actions and payroll transactions are controlled by Reynolds Shipyard Corporation. All employee benefits are provided and maintained by Reynolds Shipyard Corporation. Workers are not, at any time, under employment or supervision by customers of Reynolds Shipyard Corporation. Thus, Reynolds Shipyard Corporation, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Reynolds Shipyard Corporation, Staten Island, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30244 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5326]

Royalty Smokeless Coal Co., Premier, W. Va.; Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Sections 221 and 223(a) of the Trade Act of 1974 (19 USC 2271, 2273), on June 29, 1979 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Royalty Smokeless Coal Company, Premier Tipple, Premier, West Virginia.

Subsequent to the publication of the original determination, the Office of Trade Adjustment Assistance received inquiries regarding workers and former workers engaged in the cleaning of metallurgical coal at the Rebuild Shop and Engineering Department of Royalty Smokeless Coal Company, Premier, West Virginia. The Rebuild Shop and the Engineering Department provided maintenance and technical services for both the Premier Tipple of Royalty Smokeless Coal Company and its

producing affiliate, Trace Fork Coal Company (TA-W-5330-5333). In addition, employees of the Royalty offices, located in Premier, West Virginia, performed essential clerical services for Royalty Smokeless Coal Company. There were layoffs among workers of all four departments of Royalty Smokeless Coal Company during 1978.

Conclusion

Based on the additional evidence, a review of the entire record and in accordance with the provisions of the Act, I make the following revised certification:

All workers of Royalty Smokeless Coal Company (including workers of the Premier Tipple, Rebuild Shop, Engineering Department, and Royalty offices), Premier, West Virginia who became totally or partially separated from employment on or after April 19, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of September 1979.

James F. Taylor,

Director, Office Administration and Planning.

[FR Doc. 79-30245 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5330, 5331, 5332, 5333]

Trace Fork Coal Co., Trace Fork Mines #4, #5, and #8, Banacek Mine, Trace Fork Mine #12, Premier Office, Premier, W. Va.; Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Sections 221 and 223(a) of the Trade Act of 1974 (19 USC 2271, 2273), on June 29, 1979 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Trace Fork Mine #4, Trace Fork Mine #5, Trace Fork Mine #8, and the Banacek Mine of Trace Fork Coal Company, Premier, West Virginia.

Subsequent to the publication of the original determination, the Office of Trade Adjustment Assistance received inquiries regarding workers producing metallurgical coal at Trace Fork Mine #12 and workers in the Premier Office of Trace Fork Coal Company, Premier, West Virginia. Further investigation revealed that the Premier Office of Trace Fork Coal Company provided administrative and clerical services for Trace Fork Mines #4, #5, #8, #12 and the Banacek Mine. Layoffs among Trace Fork office workers occurred in 1978. Trace Fork Mine #12 was shut down in January, 1979. Customer survey results

regarding coal produced at Trace Fork Coal Company (TA-W-5330-5333) also pertain to Mine #12. Employment at Mine #12 was terminated when the mine closed.

Conclusion

Based on the additional evidence, a review of the entire record and in accordance with the provisions of the Act, I make the following certification:

All workers of Trace Fork Mine #4, Trace Fork Mine #5, Trace Fork Mine #8, the Banacek Mine, Trace Fork Mine #12, and the Premier Office of Trace Fork Coal Company, Premier, West Virginia who became totally or partially separated from employment on or after April 19, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of September 1979.

James F. Taylor,

Director, Office of Management, Administrative and Planning.

[FR Doc. 79-30246 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-4780]

U.S. Steel Corp., New Orleans District Sales Office, New Orleans, La.; Negative Determination on Reconsideration

On May 29, 1979, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the New Orleans District Sales Office of U.S. Steel Corporation who were denied eligibility to apply for worker adjustment assistance. This determination was published in the Federal Register on June 5, 1979, (44 FR 32321).

After the initial investigation by the Department, eligibility to apply for worker adjustment assistance was denied to the workers engaged in customer service operations and to the workers engaged in sales operations at U.S. Steel Corporation's New Orleans District Sales Office.

The petitioners do not refute the denial with respect to the workers engaged in sales operations in their application for reconsideration. However, the petitioners present evidence that contradicts information cited by the Department in support of the denial with respect to the workers engaged in customer service operations. Specifically, the petitioners dispute the premise that all workers were offered transfers, adducing the cases of several workers who claim they were not offered transfers and of several more workers whose separations

occurred prior to the first announcement of the consolidation, and further claim that increased imports of steel products contributed importantly to those separations which have occurred.

Whether an offer of transfer was made to each individual worker is problematic. Indeed, any answer to this question would have to address the issue of what constitutes an "offer of transfer." The resolution of this question, however, is not critical to the Department's determination. The important facts are that the customer service functions of the New Orleans office were transferred to the Houston Office as part of the effort of U.S. Steel Corporation to provide more efficient customer service and that this transfer was accomplished without a reduction in the total number of workers employed (i.e., the effect of the transfer was to increase employment in the Houston Office by the same number it was to reduce employment in the New Orleans Office).

With respect to the workers separated prior to the announcement of the consolidation, it should be noted that certification of eligibility to apply for worker adjustment assistance under Section 222 of the Trade Act of 1974 requires a finding that sales or production, or both, of the workers' firm or subdivision have decreased absolutely. Sales made through the New Orleans Office have increased in each year, 1977 and 1978, in terms of both quantity and value of steel.

Conclusion

In view of these facts, after review of the entire record and an assessment of the petitioner's arguments, it is concluded that increased imports of steel products did not contribute importantly to the separation of workers at the New Orleans District Sales Office of U.S. Steel Corporation. The original denial is, therefore, affirmed.

Signed at Washington, D.C. this 21st day of September 1979.

James F. Taylor,

Director, Office of Management, Administrative and Planning.

[FR Doc. 79-30247 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-4634]

United Pocahontas Coal Co., Algoma Preparation Plant, Algoma, W. Va.; Negative Determination Regarding Application for Reconsideration

By an application dated April 11, 1979, the United Mine Workers of America requested administrative reconsideration of the Department of

Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing metallurgical coal at the Algoma Preparation Plant of United Pocahontas Coal Company. The determination was published in the Federal Register, on March 20, 1979, (44 FR 18977).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

- (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or
- (3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

Workers at the Algoma Preparation Plant were denied eligibility to apply for worker adjustment assistance after the Department's investigation demonstrated they did not meet the first group eligibility requirement as stated in Section 222 of the Trade Act of 1974, i.e., that a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated or are threatened to become totally or partially separated.

In its application for reconsideration, the petitioning union claims that the number of hours worked by the miners of the Algoma Preparation Plant have been reduced substantially since January 27, 1979. The union believes this first-half 1979 employment decline is relevant to the Department's evaluation of significant total or partial worker separations. Further, the union has submitted employment data which, in its view, indicates that significant partial separations occurred during the April-November period of 1978.

The Department does not agree with the union that a 1979 employment decline is relevant for rebutting the basis of the Department's denial. The investigation of the Algoma Preparation Plant was initiated on January 8, 1979, in response to a worker petition received on December 18, 1978. Therefore, the losses in the number of hours worked in 1979 are beyond the appropriate period of investigation upon which the initial denial was based.

The data submitted by the union in support of its contention that employment declined in the April-November period in 1978 compared to the same period in 1977 are not valid for

purposes of comparison. During the three-month period, July-September, 1978, employment and production at the Preparation Plant were reduced sharply as a consequence of a railroad strike which closed down operations of United Pocahontas Coal Company's only means of transporting coal. Therefore, a comparison of employment for the period April-November, 1978 with the same period in 1977 must be adjusted for the July-September, 1978 decline which cannot be attributed to increasing import competition in the domestic coke and metallurgical coal market. Employment data, adjusted for the July-September, 1978 aberration, show that the number of employees working at the Preparation Plant increased in the April-November, 1978 period compared to the same period in 1977 and that average weekly hours worked per employee did not decrease significantly during this period.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C. this 21st day of September 1979.

James F. Taylor,

Director, Office of Management, Administrative and Planning.

[FR Doc. 79-30248 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of

a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 9, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance.

Assistance, at the address shown below, not later than October 9, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1979.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Advance Inland Shoe Company (workers).....	Advance, Mo.....	9/14/79	9/7/79	TA-W-6,047	Men's, women's, and children's vinyl shoes, also, women's casual canvas shoes.
Bethlehem Steel Corp. (USWA).....	Seattle, Wash.....	9/14/79	9/11/79	TA-W-6,048	Roll steel into shapes and nuts and bolts.
C&P Sportswear (ILGWU).....	Bricktown, N.J.....	9/14/79	9/10/79	TA-W-6,049	Women's and children's coats, and women's suits.
Cherokee Mining Company (workers).....	Logan, W. Va.....	9/14/79	9/18/79	TA-W-6,050	Mining of steam coal.
Clinchfield Coal Co., Camp Branch #1 (workers).....	Lebanon, Va.....	9/17/79	9/11/79	TA-W-6,051	Metallurgical coal.
Clinchfield Coal Co., Lambert Fork #24 (workers).....	Lebanon, Va.....	9/17/79	9/11/79	TA-W-6,052	Metallurgical coal.
Clinchfield Coal Co., Splashdam #47 (workers).....	Lebanon, Va.....	9/17/79	9/11/79	TA-W-6,053	Metallurgical coal.
Coopwell Paper Products (workers).....	Brooklyn, N.Y.....	9/10/79	9/5/79	TA-W-6,054	Wholesaler of paper products for factories.
Ganesco, Inc., Footwear Sector (company).....	Tullahoma, Tenn.....	9/13/79	9/7/79	TA-W-6,055	Cut and fit uppers for men's casual shoes.
Holiday Fashions (company).....	Hoboken, N.J.....	9/14/79	8/28/79	TA-W-6,056	Women's outerwear: coats, raincoats.
Lighthouse Footwear, Inc. (workers).....	Skowhegan, Maine.....	9/17/79	9/12/79	TA-W-6,057	Men's and women's casual shoes and boots.
K. J. Quinn & Co., Inc. (company).....	Malden, Mass.....	9/17/79	9/12/79	TA-W-6,058	Polymer coatings used in the finishing of shoes and leather.
Sharon Jay Togs, Inc. (workers).....	New Bedford, Mass.....	9/17/79	8/31/79	TA-W-6,059	Children's sportswear.
Waterville Auto Mart, Inc. (workers).....	Waterville, Maine.....	9/17/79	9/11/79	TA-W-6,060	Sales and service of passenger cars.

[FR Doc. 79-30233 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers

firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request

a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 9, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 9, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of September 1979.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Annette, Inc. (ILGWU).....	New Bedford, Mass.....	9/17/79	9/4/79	TA-W-6,061	Ladies' sportswear.
COMPO Industries, Inc. (workers).....	Waltham, Mass.....	9/17/79	9/14/79	TA-W-6,062	Aluminum shoe molds.
General Electric, Wiring Device Department (I.U.E.).....	Providence, R.I.....	9/17/79	9/12/79	TA-W-6,063	Electrical extension cords.
Hawley Coal Mining Corp. (workers).....	Keystone, W. Va.....	9/17/79	9/10/79	TA-W-6,064	Metallurgical coal.
Keystone Metal Moulding, Pontotoc, Miss. Plant (workers).....	Pontotoc, Miss.....	9/18/79	9/8/79	TA-W-6,065	Metal moulding for automobiles.
Lee Tire & Rubber Company (URW).....	Conshohocken, Pa.....	9/17/79	9/4/79	TA-W-6,066	Passenger car tires and truck tires.
New Jersey Steel Corporation (workers).....	Sayreville, N.J.....	9/18/79	9/13/79	TA-W-6,067	Rebars, also smooth rounds, equipment for flats and angles.
Reltec Manufacturing Company (ACTWU).....	Winnfield, Ala.....	9/18/79	9/14/79	TA-W-6,068	Men's slacks and men's jeans.
Reltec Manufacturing Co. (ACTWU).....	Carbon Hill, Ala.....	9/18/79	9/14/79	TA-W-6,069	Men's slacks and men's jeans and men's jackets.
Reltec Manufacturing Co. (ACTWU).....	Florence, Ala.....	9/18/79	9/14/79	TA-W-6,070	Men's slacks and men's jeans.
Reltec Manufacturing Co. (ACTWU).....	Beaverton, Ala.....	9/18/79	9/14/79	TA-W-6,071	Men's slacks and men's jeans.
Stauffer Chemical Company, Passaic, N.J. Plant (workers).....	Passaic, N.J.....	9/17/79	9/11/79	TA-W-6,072	Plastic and vinyl wall coverings.
Swainboro Print Works, Inc. (Machine Printers and Engravers Association).....	Swainboro, Ga.....	9/13/79	9/10/79	TA-W-6,073	Printing textiles.
U.S. Steel Corp., Duluth Works (USWA).....	Duluth, Minn.....	9/18/79	9/15/79	TA-W-6,074	Metallurgical Coke.

[FR Doc. 79-30234 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers

firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject

matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 9, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 9, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of September 1979.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Dibner Brothers, Inc. (ILGWU).....	Waterbury, Conn.....	9/17/79	9/7/79	TA-W-6,075	Women's dresses and suits.
Elektra Asylum Records (workers).....	Los Angeles, Calif.....	9/12/79	8/24/79	TA-W-6,076	Record manufacturers.
Esther Dress Company, Inc. (ILGWU).....	Waterbury, Conn.....	9/17/79	9/7/79	TA-W-6,077	Women's dresses.
Hilda Dress Co. (ILGWU).....	Waterbury, Conn.....	9/17/79	9/7/79	TA-W-6,078	Women's dresses.
I & J Dress Company, Inc. (ILGWU).....	Bridgeport, Conn.....	9/17/79	9/7/79	TA-W-6,079	Women's dresses.
K-Way Manufacturing (ILGWU).....	Moundville, Ala.....	9/17/79	9/10/79	TA-W-6,080	Women's and children's outerwear.
Liela Dress of Bridgeport (d.b.a. Rose Dress) (ILGWU).....	Bridgeport, Conn.....	9/17/79	9/7/79	TA-W-6,081	Women's dresses.
Liela Dress of Derby, Inc. (d.b.a. Valley Dress) (ILGWU).....	Derby, Conn.....	9/17/79	9/7/79	TA-W-6,082	Women's dresses.
Liela Dress Co., Inc. (ILGWU).....	Waterbury, Conn.....	9/17/79	9/7/79	TA-W-6,083	Women's dresses.
National Mines Corp., Pocahontas Division (UMWA).....	Wyoming County, W. Va.....	9/3/79	8/28/79	TA-W-6,084	Metallurgical coal.
NL Industries, Inc., DeLore Plant (International Brotherhood of Painters & Allied Trades).....	St. Louis, Mo.....	9/17/79	9/10/79	TA-W-6,085	Barium sulphate.
Neal Coal, Inc. (workers).....	Summersville, W. Va.....	9/17/79	9/10/79	TA-W-6,086	Metallurgical coal.
Siage's Fashions (ILGWU).....	Waterbury, Conn.....	9/17/79	9/7/79	TA-W-6,087	Contractor of women's dresses.
Toledo Shingle Company, Inc. (workers).....	Toledo, Oreg.....	9/18/79	9/11/79	TA-W-6,088	Cedar shingles.

[FR Doc. 79-30241 Filed 9-27-79; 8:45 am]

BILLING CODE 4510-28-M

MINIMUM WAGE STUDY COMMISSION**Meeting**

September 13, 1979.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Commission meeting:

Name: Minimum Wage Study Commission.
Date: Oct. 9, 1979.
Time: 1 p.m.
Place: 1430 K St. NW., Suite 1102, Washington, DC 20005.

Original notification of this meeting appeared in the Federal Register, Sept. 7.

Proposed Agenda:

1. MWSC staff proposals for study of exemptions to the Fair Labor Standards Act.
2. MWSC staff proposals for the study of FLSA provisions affecting employment of handicapped workers.
3. Approval of outside research proposals.

Next meeting of the Commission will be held Tuesday, Nov. 13, 1979.

All communications regarding this Commission should be addressed to: Mr. Louis McConnell, Executive Director, 1430 K St. NW., Washington, DC 20005, (202) 376-2450.

Louis E. McConnell,
Executive Director.

[FR Doc. 79-30227 Filed 9-27-79; 8:45 am]
BILLING CODE 4510-23-M

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY**Advisory Council Meeting**

September 25, 1979.

Pursuant to Section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the National Advisory Council on Economic Opportunity will hold a two-day meeting on Tuesday and Wednesday, October 23 and 24, 1979 at its offices at 1725 K Street NW. (Room 405), Washington, D.C. The meeting will begin at 9:30 EDST on October 23rd and will continue on October 24th and is open to the public.

The purpose of the meeting will be to swear-in new Council members and to discuss progress reports on Council activities and to outline its future projects.

The National Advisory Council on

Economic Opportunity is authorized by Section 605 of the Community Services Act to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operations of programs under the Act.

Records shall be kept of all proceedings and shall be available for public inspection at the offices of the National Advisory Council on Economic Opportunity.

Walter B. Queitsch,
Executive Director.

[FR Doc. 79-30148 Filed 9-27-79; 8:45 am]
BILLING CODE 6820-41-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[79-80]

NASA Advisory Council (NAC); Aeronautics Advisory Committee (AAC); Meeting

The Informal Ad Hoc Advisory Subcommittee on Advanced Materials, Structures, and Structural Dynamics Technology of the NAC AAC will meet October 24-25, 1979, in Room 230, Building 1229, NASA Langley Research Center, Hampton, Virginia. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including the Subcommittee members and participants).

The Subcommittee was established to assess program balance between the materials, structures, and structural dynamics program elements and the adequacy of current and planned R&T activities in terms of future forecast aircraft requirements. The Subcommittee is to recommend program modifications, deletions, or changes in scope or emphasis to support overall NASA future aeronautical vehicle technology objectives. The Chairperson is Dr. Martin Goland. There are currently nine members on the Subcommittee. Following is the approved agenda for the meeting:

Agenda

October 24, 1979

8:30 a.m.—Introductory Remarks
9:00 a.m.—Active Controls Technology
1:15 p.m.—Crash Dynamics Facility, 8-Foot High Temperature Structures Tunnel

2:15 p.m.—Composites
4:45 p.m.—Transonic Dynamics Tunnel

October 25, 1979

8:30 a.m.—Composites (Continued)
11:00 a.m.—Discussion of Strategic Materials
1:00 p.m.—Subcommittee Discussion

For further information please contact Dr. Leonard A. Harris, Executive Secretary of the Subcommittee, Code RTM-6, NASA Headquarters, Washington, DC 20546. Telephone 202-755-2364.

Russell Ritchie,
Deputy Associate Administrator for External Relations.

September 24, 1979.

[FR Doc. 79-30087 Filed 9-27-79; 8:45 am]
BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**Humanities Panel; Advisory Committee; Meeting**

September 24, 1979.

Pursuant to the provision of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at the National Endowment for the Humanities, 806 15th Street, N.W., Washington, D.C. 20506, in Room 807, from 1 p.m. to 4 p.m. on October 15, 1979.

The purpose of the meeting is to review an application for the development of humanities data collection and policy studies submitted to the National Endowment for the Humanities for a project to begin after December 1, 1979.

Because the proposed meeting will consider financial information and disclose information of a personal nature and disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management

Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506, or call area code (202) 734-0369.

Stephen J. McCleary,
Advisory Committee Management Officer.

[FR Doc. 79-30180 Filed 9-27-79; 8:45 am]
BILLING CODE 7530-01-M

NATIONAL SCIENCE FOUNDATION**Advisory Committee for PCM; Subcommittee on Genetic Biology; Meeting**

In accordance with the Federal Advisory Committee Act, as amended, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Genetic Biology of the Advisory Committee for Physiology, Cellular & Molecular Biology.
Date and Time: October 18-20, 1979, 9:00 a.m.
Place: Room 321, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Type of Meeting: Closed.

Contact Person: Dr. Philip D. Harriman, Program Director, Genetic Biology Program, Room 326, National Science Foundation, Washington, D.C. 20550, telephone (202) 9632-5985.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in genetic biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on July 6, 1979.

September 25, 1979.

Joyce F. Laplante,
Acting Committee Management Coordinator.

[FR Doc. 79-30210 Filed 9-27-79; 8:45 am]
BILLING CODE 7555-01-M

Committee Management; DOE/NSF Nuclear Science Advisory Committee; Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, it is hereby determined that the renewal of the DOE/NSF Nuclear Science Advisory Committee is necessary and is in the

public interest in connection with the performance of duties imposed upon the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Committee Management Secretariat Staff, General Services Administration (GSA), pursuant to section 14(a)(1) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

Authority for this advisory committee shall expire on September 23, 1981, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

Richard C. Atkinson,

Director.

September 25, 1979.

[FR Doc. 79-30209 Filed 9-27-79; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee for Geography and Regional Science of the Advisory Committee for Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Geography and Regional Science of the Advisory Committee for Social and Economic Science.
Date/Time: October 15-16, 1979—9:00 a.m. to 5:00 p.m.
Place: Room 321, National Science Foundation, 1800 G Street NW., Washington, D.C.

Type of Meeting: Part Open: October 15 from 9:00 a.m. to 12:00—open, October 15 from 12:00 to 5:00 p.m.—closed, October 16 from 9:00 a.m. to 5:00 p.m.—closed.

Contact Person: Dr. Barry M. Moriarty, Program Director, Geography & Regional Science, Room 312, National Science Foundation, Washington, D.C. 20550; telephone (202) 634-6683.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Geography and Regional Science.

Agenda: Open portion: To discuss 1) program emphases for long range planning and 2) program and subcommittee policies and procedures. Closed portion: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee

Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

September 25, 1979.

Joyce F. Laplante,
Acting Committee Management Coordinator.

[FR Doc. 79-30214 Filed 9-27-79; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee on Political Science of the Advisory Committee for Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Political Science of the Advisory Committee for Social and Economic Science.
Date and Time: October 19-20, 1979, 9:00 a.m. to 5:00 p.m. each day.
Place: Room 642, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.

Type of Meeting: Closed—9:00 a.m. to 5:00 p.m. October 19-20, 1979.

Contact Person: Dr. Gerald C. Wright, Jr., Program Director, Political Science Program, Room 312, National Science Foundation, Washington, D.C. 20550, Telephone (202) 632-4348.

Purpose of Subcommittee: To provide advice and recommendations concerning research in Political Science.

Agenda: Closed: to review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Joyce F. Laplante,
Acting Committee Management Coordinator.

September 25, 1979.
[FR Doc. 79-30211 Filed 9-27-79; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee on Population Biology and Physiological Ecology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science

Foundation announces the following meeting:

Name: Subcommittee on Population Biology and Physiological Ecology of the Advisory Committee for Environmental Biology.
Date and Time: October 18 and 19, 1979; 8:30 a.m. to 5:00 p.m. each day.
Place: Room 643, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Donald W. Kaufman, Associate Program Director, Population Biology and Physiological Ecology Program, Room 336, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-7317.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in population biology and physiological ecology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

September 25, 1979.

Joyce F. Laplante,

Acting Committee Management Coordinator.

[FR Doc. 79-30212 Filed 9-27-79; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Sensory Physiology and Perception; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Behavioral and Neural Sciences Subcommittee for Sensory Physiology and Perception.

Date and time: October 17, 1979, 7:00 p.m. to 10:00 p.m.; October 18 and 19, 1979, 9:00 a.m. to 5:00 p.m. both days.

Place: Room 628, National Science Foundation, 1800 "G" Street, N.W., Washington, D.C. 20550.

Type of meeting: Part Open—Open 10-17—7:00 p.m. to 10:00 p.m. Closed 10-18—9:00 a.m. to 5:00 p.m. Closed 10-19—9:00 a.m. to 5:00 p.m.

Contact person: Dr. Terrence R. Dolan, Program Director, Sensory Physiology and

Perception, Room 310, National Science Foundation, Washington, D.C. 20550
Telephone (202) 634-1624.

Summary minutes: May be obtained from the Contact person, Dr. Terrence R. Dolan, at the above stated address.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in sensory physiology and perception.

Agenda: Open—October 17, 7:00 p.m. to 10:00 p.m. (1) Discussion of problems and perspectives in basic research in the sensory physiology and perception sciences. (2) Methods for improvement of the Sensory Physiology and Perception Program at the National Science Foundation. Closed—October 18 and 19, 9:00 a.m. to 5:00 p.m. To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Joyce F. Laplante,

Acting Committee Management Coordinator.

September 25, 1979.

[FR Doc. 79-30213 Filed 9-27-79; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Ocean Sciences Research of the Advisory Committee for Ocean Sciences; Meeting

In accordance with the Federal Advisory Committee Act, as amended Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Ocean Sciences Research of the Advisory Committee for Ocean Sciences.

Date and Time: October 18 and 19, 1979, 9:00 am to 6:00 pm, each day.

Place: Room 611, National Science Foundation, 1800 G St., NW., Washington, D.C.

Type of Meeting: Closed.

Contact Person: Dr. Robert E. Wall, Head, Oceanography Section, Room 611 National Science Foundation, Washington, D.C. 20550, Telephone (202) 632-4227.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Oceanography.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L., 92-463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

Joyce F. Laplante,

Acting Committee Management Coordinator.

September 25, 1979.

[FR Doc. 79-30215 Filed 9-27-79; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8725]

Gulf Mineral Resources Co., et al.; Availability of Environmental Report and Intent To Prepare a Draft Environmental Impact Statement Concerning Issuance of a Byproduct Material License for the Mount Taylor Project To Be Located in McKinley County, N. Mex.

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. Description of the Proposed Action—Gulf Mineral Resources Co., a division of Gulf Oil Corporation, proposes to construct and operate a tailings disposal system for the Mt. Taylor Uranium Mill Project. This project is located in northwestern New Mexico approximately 60 miles west northwest of Albuquerque, and 30 miles northeast of Grants. The 4,200 ton-per-day capacity mill facility will be located in Lower San Lucas Canyon, Section 1, T13N, R8W, McKinley County, New Mexico, approximately 3.5 miles north of the town of San Mateo. The proposed tailings impoundment would be located in La Polvadera Canyon, Sections 10, 11, 14, and 15, T14N, R8W, McKinley County, New Mexico, approximately 8 miles north of the mill.

The Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978

amended the definition of byproduct material in the Atomic Energy Act to include uranium mill tailings. Therefore, uranium mill tailings, as byproduct material, must be licensed by the NRC (and/or an Agreement State after 3 years from enactment of the UMTRCA of 1978). Title 10 of the Code of Federal Regulations, Part 51, provides for the preparation of a detailed environmental statement pursuant to the National Environmental Policy Act of 1969 (NEPA) prior to the issuance of a byproduct material license if the issuance of that license may result in actions which significantly affect the quality of the human environment.

2. The principal alternatives currently planned to be considered include alternative siting alternatives, alternative waste management methods, alternative energy sources and the alternative of no licensing action.

3. The scoping process will include a meeting to be held in the Community Room of the Grants State Bank, 824 West Santa Fe, Grants, New Mexico, on October 23, 1979, at 10:00 a.m. This meeting will provide for a briefing of interested parties concerning the proposed action and alternatives and opportunity for comment on the scope of the proposed statement. The participation of the public and all interested government agencies is invited. Copies of this notice will be mailed to all affected Federal, State, and local agencies, and other interested persons. Written comments concerning the scope of the proposed statement will be accepted until October 18, 1979.

4. The DEIS is expected to be available to the public for review and comment in January 1980.

5. The applicant's Environmental Report and Appendix and any subsequent documents will be available for inspection and copying at the Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. Copies of the Environmental Report and Appendix are also being provided to the State Planning Office, Division of Natural Resources, Room 403, Executive Legislative Building, Santa Fe, New Mexico 87501.

Questions about the proposed action, DEIS, or scoping meeting and any written comments should be directed to E. A. Trager, U.S. Nuclear Regulatory Commission, Division of Waste Management, 483-SS, Washington, D.C. 20555, Phone (301)427-4103.

Dated at Silver Spring, Maryland, this 21st day of September 1979.

For the Nuclear Regulatory Commission,
Hubert J. Miller,
Section Leader, Uranium Recovery Licensing Branch, Division of Waste Management.

[FR Doc. 79-30184 Filed 9-27-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-1341—Source Material License No. SUA-816]

Tennessee Valley Authority, et al.; Availability of Environmental Report and Intent To Prepare a Draft Environmental Impact Statement Concerning Approval of a Plan To Decommission the Edgemont Uranium Mill Located in Fall River County, S. Dak.

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. Description of the Proposed Action—Tennessee Valley Authority proposes to decommission the Edgemont Uranium Mill located in Edgemont, South Dakota. The proposed plan will involve removal of the mill tailings from the existing location and transfer to a more remote location. A source material license, No. SUA-816, is currently in effect for the Edgemont Uranium Mill. Title 10 of the Code of Federal Regulations, Part 51, provides for the preparation of a detailed environmental statement pursuant to the National Environmental Policy Act of 1969 (NEPA) prior to amending a source material license if the amending of that license may result in actions which significantly affect the quality of the human environment. Amending source material license No. SUA-816 to authorize the decommissioning of the Edgemont Uranium Mill may result in such actions.

2. The principal alternatives currently planned to be considered include alternative tailings impoundment siting alternatives, alternative waste management methods, and the alternative of no licensing action.

3. The scoping process will include a meeting to be held at the St. James Hall, 310 Third Avenue, Edgemont, South Dakota, on October 25, 1979, at 9:00 a.m. This meeting will provide for a briefing of interested parties concerning the proposed action and alternatives and opportunity for comment on the scope of the proposed statement. The participation of the public and all interested government agencies is invited. Copies of this notice will be mailed to all affected federal, state, and local agencies, and other interested persons. Written comments concerning

the scope of the proposed statement will be accepted until October 18, 1979.

4. The DEIS is expected to be available to the public for review and comment in March 1980.

5. The licensee's Environmental Report and Appendix and any subsequent documents will be available for inspection and copying at the Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. Copies of the Environmental Report and Appendix are also being provided to the South Dakota State Clearinghouse, State Planning Bureau, State Capitol, Pierre, South Dakota 57501.

Questions about the proposed action, DEIS, or scoping meeting and any written comments should be directed to E. A. Trager, U.S. Nuclear Regulatory Commission, Division of Waste Management, 483-SS, Washington, D.C. 20555, Phone (301)427-4103.

Dated at Silver Spring, Maryland, this 21st day of September, 1979.

For the Nuclear Regulatory Commission.

Hubert J. Miller,

Section Leader, Uranium Recovery Licensing Branch, Division of Waste Management.

[FR Doc. 79-30186 Filed 9-27-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-325]

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR-71 issued to Carolina Power & Light Company (the licensee) for operation of the Brunswick Steam Electric Plant, Unit No. 1 (the facility), located in Brunswick, North Carolina. The amendment is effective as of the date of issuance.

This amendment revises the minimum critical power ratio (MCPR) for fuel bundle LJO197, which is misoriented by 180°. This revision will ensure conservative operation for Cycle 2 in accordance with the reload analysis.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated September 11, 1979, as supplemented September 18, 1979, (2) Amendment No. 25 to License No. DPR-71, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 21st day of September 1979.

For the Nuclear Regulatory Commission,
Vernon L. Rooney,
Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.
 [FR Doc. 79-30161 Filed 9-27-79; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-409 (SFP License Amendment)]

Dairyland Power Cooperative (La Crosse Boiling Water Reactor); Order

The evidentiary hearing in this spent fuel pool expansion proceeding, previously scheduled to commence on Tuesday, October 2, 1979 (see 44 FR 50105, August 27, 1979) is hereby rescheduled to commence at 9:30 a.m. on Wednesday, October 3, 1979. The hearing will be held in the Hall of the Presidents, Cartwright Center of the University of Wisconsin at La Crosse, La Crosse, Wisconsin 54601.

It is so ordered.

Dated at Bethesda, Maryland, this 21st day of September, 1979.

For the Atomic Safety and Licensing Board,
Charles Bechhoefer,
Chairman.

[FR Doc. 79-30162 Filed 9-27-79; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-366]

Georgia Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. NPF-5, issued to Georgia Power Company, Oglethorpe Electric Membership Corporation, Municipal Electric Association of Georgia and City of Dalton, Georgia, which revised the license for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 2 (the facility) located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment extends certain surveillance intervals for the initial cycle of Hatch 2 operation to allow the testing to be performed during a scheduled reactor shutdown. The tests involved are those valve rate measurements and integrated safeguards testing that would normally be performed during a refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 19, 1979, (2) Amendment No. 12 to License No. NPF-5, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 3153. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 21st day of September 1979.

For the Nuclear Regulatory Commission,
Vernon L. Rooney,
Acting Chief, Operating Reactors Branch #3, Division of Operating Reactors.
 [FR Doc. 79-30163 Filed 9-27-79; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-219]

Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Provisional Operating License No. DPR-16, issued to Jersey Central Power & Light Company (the licensee), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility), located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

The amendment adds a license condition to include the Commission-approved physical security plan as part of the license.

The licensee's filing complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filing dated December 7, 1977, as revised June 16, 1978, February 14, 1979, June 26, 1979, and August 21, 1979, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR § 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment No. 41 to License No. DPR-16 and (2) the Commission's related letter to the licensee dated September 14, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Ocean

County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of September, 1979.

For the Nuclear Regulatory Commission,
Thomas V. Wambach,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.
 [FR Doc. 79-30165 Filed 9-27-79; 8:45 am]
BILLING CODE 7590-01-M

Privacy Act of 1974; New System of Records: Special Inquiry file—NRC-33

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of new system of records.

SUMMARY: The NRC has established a new system of records identified as Special Inquiry File, NRC-33. The purpose of the system is to provide access by individual name or other identifier to records of the special inquiry. This includes Commission correspondence, memoranda, audit reports and data, interviews, questionnaires, legal papers, exhibits, investigative reports and data, and other materials relating to or developed as a result of the inquiry, study, or investigation of an accident or incident.

EFFECTIVE DATE: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: J.M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: 301-492-7211.

SUPPLEMENTARY INFORMATION: The NRC published a notice of a proposed new system of records in the Federal Register on July 27, 1979 (44 FR 44309). The notice invited comments on the proposed new system, identified as Special Inquiry File, NRC-33, by August 30, 1979. No comments were received on the proposed new system of records.

The new system provides access by individual name or other identifier to records of the special inquiry. This includes Commission correspondence, memoranda, audit reports and data, interviews, questionnaires, legal papers, exhibits, investigative reports and data, and other materials relating to or developed as a result of the inquiry, study or investigation of an accident or incident. The text of NRC-33 is identical

with the text of the proposed NRC-33 published on July 27, 1979.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a, 553 of Title 5 of the United States Code, the following notice of NRC System of Records, Special Inquiry File, NRC-33, is published as a document subject to publication in the annual compilation of Privacy Act Documents.

EFFECTIVE DATE: October 29, 1979.

Dated at Bethesda, Maryland this 21st day of September 1979.

For the Nuclear Regulatory Commission,
Lee V. Gossick,
Executive Director for Operations.

NRC-33

SYSTEM NAME:

Special Inquiry File—NRC.

SYSTEM LOCATION:

a. Primary system: Special Inquiry Group, U.S. Nuclear Regulatory Commission, 6935 Arlington Road, Bethesda, Maryland.
 b. Duplicate system—a duplicate system exists, in whole or in part, at the TERA Advanced Services Corporation, 7101 Wisconsin Avenue, Suite 1400, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals possessing information regarding or having knowledge of matters of potential or actual concern to the Commission in connection with the investigation of an accident or incident at a nuclear power plant or other nuclear facility, or an incident involving nuclear materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of an alphabetical index file bearing individual names. The index provides access to associated records which are arranged by subject matter, title, or identifying number(s) and/or letter(s). The system incorporates the records of all Commission correspondence, memoranda, audit reports and data, interviews, questionnaires, legal papers, exhibits, investigative reports and data, and other material relating to or developed as a result of the inquiry, study, or investigation of an accident or incident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. Sections 161(c), (i), and (o) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(c), (i) and (o). b. Section 201 (f), Energy Reorganization Act of 1974, 42 U.S.C. 5841(f).

ROUTINE USES OF RECORDS IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

a. A record in this system of records relating to an item which has been referred to the Commission or Special Inquiry Group for investigation by an agency, group, organization, or individual may be disclosed as a routine use to notify the referring agency, group, organization, or individual of the status of the matter or of any decision or determination that has been made.

b. A record in this system of records may be disclosed as a routine use to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States.

c. A record in this system of records relating to the integrity and efficiency of the Commission's operations and management may be disseminated outside the Commission as part of the Commission's responsibility to inform the Congress and the public about Commission operations.

d. A record in this system of records may be disclosed for any of the routine uses specified in paragraph numbers 1, 2, 4, 5, and 6 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on microfiche, disks, tapes, and paper in file folders. Classified documents are maintained in locked safes; proprietary and sensitive safeguards documents are maintained in secured facilities.

RETRIEVABILITY:

Accessed by name (author or recipient), corporate source, title of document, subject matter, or other identifying document or control number.

SAFEGUARDS:

These records are located in lockable metal filing cabinets or safes in a secured facility and are available only to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Retained and destroyed in accordance with approved records disposal schedules for the various types of records involved.

SYSTEM MANAGER(S) AND ADDRESS:

Records Manager, Special Inquiry Group, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration,
U.S. Nuclear Regulatory Commission,
Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure".
Information classified pursuant to
Executive Order 12065 will not be
disclosed. Information received in
confidence will not be disclosed to the
extent that disclosure would reveal a
confidential source.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedures".

RECORD SOURCE CATEGORIES:

The information in this system of
records is obtained from sources
including, but not limited to, U.S.
Nuclear Regulatory Commission officers
and employees, Federal, State, local,
and foreign agencies, NRC licensees,
nuclear reactor vendors and
architectural engineering firms, other
organizations or persons knowledgeable
about the incident or activity under
investigation, and relevant NRC records.

**SYSTEMS EXEMPTED FROM CERTAIN
PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 552a (k)(1), (k)(2),
and (k)(5), the Commission has
exempted portions of this system of
records from 5 U.S.C. 552a (c)(3), (d),
(e)(1), (e)(4)(G), (H), (I), and (f). The
exemption rule is contained in section
9.95 of the NRC regulations (10 CFR
9.95).

[FR Doc. 79-30172 Filed 9-27-79; 8:45 am]

BILLING CODE 7590-01-M

**Privacy Act of 1974; Notices of
Systems of Records; Amendments of
Routine Uses**

AGENCY: U.S. Nuclear Regulatory
Commission (NRC).

ACTION: Notification of new routine use.

SUMMARY: The NRC has established a
new routine use which provides that a
record from the NRC systems of records
may be disclosed as a routine use to an
NRC contractor on a "need to know"
basis for a purpose within the scope of
the pertinent NRC contract.

EFFECTIVE DATE: October 29, 1979

FOR FURTHER INFORMATION CONTACT:
J. M. Felton, Director, Division of Rules
and Records, Office of Administration,
U.S. Nuclear Regulatory Commission,
Washington, DC 20555, Telephone: 301-
492-7211.

SUPPLEMENTARY INFORMATION: The NRC
published a notice of a proposed new
routine use in the *Federal Register* on
July 27, 1979 (44 FR 44308). The notice

invited comments on the new routine
use by August 30, 1979. No comments
were received.

The new routine use provides that a
record from the NRC systems of records
may be disclosed as a routine use to an
NRC Contractor on a "need to know"
basis for a purpose within the scope of
the pertinent NRC contract. Under this
routine use, an NRC Contractor, for
example, the NRC Contractor making
special inquiry into the Three Mile
Island accident, could obtain access to
records within an NRC system of
records if such access were necessary to
carry out the terms of the contract.
Access to the records will be granted to
an NRC Contractor by a system
manager only after satisfactory
justification has been provided to the
system manager.

The NRC is also amending the Routine
Use section of certain systems of
records to make reference to the new
routine use set out in the Prefatory
Statement of General Routine Uses.

The text of this new routine use is
identical with the text of the proposed
new routine use published on July 27.
Pursuant to the Atomic Energy Act of
1954, as amended, the Energy
Reorganization Act of 1974, as amended,
and sections 552, 552a, and 553 of Title 5
of the United States Code, the following
routine use is adopted.

1. The NRC Systems of Records are
amended by adding the following
General Routine Use to the Prefatory
Statement of General Routine Uses:

**Prefatory Statement of General Routine
Uses**

The following routine uses apply to
each system of records notice set forth
below which specifically reference the
Prefatory Statement.

6. A record from this system of
records may be disclosed, as a routine
use, to an NRC contractor on a "need to
know" basis for a purpose within the
scope of the pertinent NRC contract.
Such access will be granted to an NRC
contractor by a system manager only
after satisfactory justification has been
provided to the system manager.

2. The Routine Use sections of NRC-2,
NRC-18, NRC-19, and NRC-30 are
amended by deleting "number 5 of the
Prefatory Statement" and substituting
therefor "numbers 5 and 6 of the
Prefatory Statement."

3. The Routine Use section of NRC-36
and NRC-38 are revised to read as
follows:

Routine uses of records maintained in
the system, including categories of users
and the purposes of such uses: For the

routine use specified in paragraph
number 6 of the Prefatory Statement.

Dated at Bethesda, Maryland this 21st day
of September 1979.

For the Nuclear Regulatory Commission.

Lee V. Gossick,
Executive Director for Operations.

[FR Doc. 79-30173 Filed 9-27-79; 8:45 am]

BILLING CODE 7590-01-M

**Regulatory Guide; Issuance and
Availability**

The Nuclear Regulatory Commission
has issued a revision to a guide in its
Regulatory Guide Series. This series has
been developed to describe and make
available to the public methods
acceptable to the NRC staff of
implementing specific parts of the
Commission's regulations and, in some
cases, to delineate techniques used by
the staff in evaluating specific problems
or postulated accidents and to provide
guidance to applicants concerning
certain of the information needed by the
staff in its review of applications for
permits and licenses.

Regulatory Guide 3.42, Revision 1,
"Emergency Planning for Fuel Cycle
Facilities and Plants Licensed Under 10
CFR Parts 50 and 70," provides guidance
acceptable to the NRC staff for
complying with the Commission's
regulations for developing emergency
plans for fuel processing, reprocessing,
and enrichment facilities. This guide
was revised as a result of public
comment and additional staff review
prior to the accident at Three Mile
Island (TMI) Nuclear Station Unit 2. Any
additional guidance for developing
emergency plans resulting from the
NRC's ongoing evaluation of the TMI
accident will be included in a
subsequent revision to this guide.

Comments and suggestions in
connection with (1) items for inclusion
in guides currently being developed or
(2) improvements in all published guides
are encouraged at any time. Comments
should be sent to the Secretary of the
Commission, U.S. Nuclear Regulatory
Commission, Washington, D.C. 20555,
Attention: Docketing and Service
Branch.

Regulatory guides are available for
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current GPO prices may be obtained by
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Commission, Washington, D.C. 20555,
Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 19th day
of September 1979.

For the Nuclear Regulatory Commission.

Robert B. Minogue,
Director, Office of Standards Development.

[FR Doc. 79-30187 Filed 9-27-79; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. MC79-4; Order No. 294]

**Domestic Mail Classification
Schedule—Merchandise Return
Service, 1979; Order Granting
Petitions for Intervention, Allowing
Participation, Fixing Date for a
Prehearing Conference, and
Establishing Procedures; Correction**

Issued September 21, 1979.

In FR Doc. 79-29292, appearing at
pages 54798-54799 in the Federal
Register of Friday, September 21, 1979,
the following changes should be made:

1. Page 54798, Column 3, Footnote 2, change
"300.23" to "3001.32"

2. Page 54799, Column 1, under heading
"Prehearing Conference Statements", line 5,
change "September 20, 1979" to "September
25, 1979"

By the Commission.

David F. Harris,

Secretary.

[FR Doc. 79-30088 Filed 9-27-79; 8:45 am]

BILLING CODE 7715-01-M

**SECURITIES AND EXCHANGE
COMMISSION**

[Rel. No. 16214; File No. 4-208]

**American Stock Exchange, Inc., et al.;
Application Pursuant to Section
11A(a)(3)(B) of the Securities
Exchange Act of 1934, Temporary
Order**

September 21, 1979.

Notice is hereby given that the
Securities and Exchange Commission
has issued an order, pursuant to Section
11A(a)(3)(B) of the Securities Exchange
Act of 1934 ("Act"), extending authority
granted to certain self-regulatory
organizations to act jointly, in
accordance with a "Plan for the Purpose
of Creating and Operating an
Intermarket Communications Linkage"
and amendments thereto ("ITS Plan" or
"Plan"),¹ to plan, develop, operate and

¹The Plan and amendments thereto, dated April
25, July 1, and November 30, 1978, are contained in
File No. 4-208.

regulate a national market system
facility consisting of an Intermarket
Trading System ("ITS"). The order
extends authority previously granted to
those self-regulatory organizations (and
any other self-regulatory organization
joining the Plan) until January 31, 1983.

I. Background

On March 9, 1978, the American
("Amex"), Boston ("BSE"), New York
("NYSE"), Pacific ("PSE") and
Philadelphia ("Phlx") Stock Exchanges,
Inc. (collectively, "filing exchanges")
jointly filed the ITS Plan with the
Commission contemplating the
implementing of the ITS, linking
participating market centers and
providing facilities and procedures for
(i) routing of commitments to trade and
administrative messages between and
among the participants, and (ii)
participation, under certain conditions,
by members of all participant markets in
opening transactions in those markets.²

In connection with implementation of
the ITS Plan, the filing exchanges
requested that the Commission approve
the Plan and issue an order, pursuant to
Section 11A(a)(3)(B), evidencing such
approval. On April 14, 1978, the
Commission issued a temporary order,
pursuant to Section 11A(a)(3)(B),
authorizing the filing exchanges and any
other self-regulatory organization which
agreed to become a participant in the
ITS Plan (collectively, "Participants") to
act jointly in planning, developing,
operating and regulating the ITS in
accordance with the terms of the Plan
for 120 days from the date of the order.³

On August 11, 1978 the Commission
issued an order ("ITS Extension Order"),
pursuant to Section 11A(a)(3)(B),
extending its approval of the ITS Plan
for an additional year.⁴ The Commission
noted in the ITS Extension Order that
only a short period of time had elapsed
in which all current Participants had
been actively involved in the ITS and
that, as a result, there was "no data
which would indicate the full impact of
the system, and the extent of its use,
once it had been fully implemented."⁵
Accordingly, the Commission
determined to issue the ITS Extension

²The ITS Plan also contemplates the display of
composite quotation information on the floors of
each of the participating exchanges (at the
designated trading post) so that members of each
participating exchange will be able to determine
readily the best bid and offer for a particular
multiply-traded security available from any
participating exchange. See ITS Plan, *supra* note 1
at § 5(a), ¶ 1, at 6.

³Securities Exchange Act Release No. 14661
(April 14, 1978), 43 FR 17419 ("ITS Order").

⁴Securities Exchange Act Release No. 15058
(August 11, 1978), 43 FR 36732.

⁵*Id.* at 7, 43 FR at 36734.

Order to "afford an opportunity to
collect statistical data relative to the use
and operation or impact of the
system."⁶

Following temporary approval of the
ITS Plan, the Participants began phased
implementation of the ITS in accordance
with the Plan. On April 17, 1978, the
NYSE and Phlx were linked, and
intermarket trading commenced in
eleven multiply-traded issues. The PSE
became a Participant on June 26, 1978,⁷
the BSE on July 10, 1978, the Midwest
Stock Exchange, Inc. ("MSE") on July 24,
1978,⁸ and the Amex on August 7, 1978.
The number of stocks eligible to trade in
the ITS has been periodically increased
throughout the 17 months of its
existence, bringing the total, as of this
date, approximately 600 securities.⁹ The
participants anticipate that about 40
stocks per month will be added to the
system during the remainder of this
year.

II. Implementation of the ITS

The primary function of the ITS is to
link the various market centers by
routing messages between them. The
ITS enables a broker or specialist who is
physically present in one market center
to transmit his own or his customer's
order in an ITS-traded stock,
electronically, to another market center.
This is accomplished by the entry of
"commitments to trade" into a computer
terminal located on the floor of a
participating exchange.

An order, *i.e.*, "commitment to trade,"
initiated by an originating market center
by entry into a computer terminal is
delivered or queued for delivery to the
destination market center output
terminal in a matter of seconds.¹⁰ The
information entered by the originating
market center is used by the central
computer to route orders to the proper

⁶*Id.*

⁷On June 26, 1978, the PSE's Los Angeles trading
floor was linked to the ITS and, on November 16,
1978, the San Francisco floor of the PSE was linked
to the ITS.

⁸The Plan was amended as of April 25, 1978, to
include the MSE, see ITS Plan, *supra* note 1.

⁹Although various ITS participants have
expressed an interest in including Amex listed
securities in the ITS, to date only 37 of these
securities are traded through the system. Although
the Commission does not believe it is necessary to
include every multiply traded security in the ITS,
the Commission expects that when an ITS
participant has expressed an interest in trading a
security through the system, that security should
promptly be included unless technical
considerations dictate otherwise.

¹⁰At the time of the transmission, each
commitment is validated, assigned a unique
commitment identification number (a "CID"), time
stamped, and logged by the ITS. When received at
the destination market center, the commitment is
displayed on a cathode ray tube and printed out on
an ITS printer. See ITS Plan, *supra* note 1 at § 5(a),
¶ 9, at 12.

market center. A "commitment to trade" entered into the system is a firm obligation for a fixed period of time on the part of its originator to buy or sell the specified security.¹¹ If a "commitment to trade" is accepted by a broker or specialist at the receiving market center, a simplified message is entered into the system and the system immediately reports an execution back to the originating market center. If a commitment is not accepted during the designated time-period (*i.e.*, one or two minutes, whichever period the sender chooses), the commitment is automatically cancelled. A "commitment to trade" may also be rejected with the designated time-period if, at the time it is received, it is at a price away from the then current market in the receiving market center.¹²

The Participants have generally expressed satisfaction with the operation of the ITS thus far. With the expansion in the number of issues traded in the system, there has been a substantial increase in ITS volume during the past year. For example, in May 1979 there were 24,786 trades executed through the ITS representing 13.9 million shares compared with 8,018 trades totaling 5.7 million shares in August 1978, the first month in which all six participating market centers were linked. In addition, average response times with respect to ITS commitments to trade received by participating market centers have been reduced. The average response time for all ITS commitments entered into the system was reduced from 50.4 seconds in December 1978 to 46.5 seconds in May 1979. The greatest improvement in this area was in ITS cancellations, where the average response time was reduced by 14.1 seconds, while the average response time with respect to ITS executions was reduced by 3.1 seconds. Cancellation rates have also improved, dropping from 27.5 percent of all commitments in December 1978 to 22.6 percent in May 1979.

Some problems with the ITS, however, continue to be experienced. Specifically, the Commission's monitoring of the ITS has confirmed its understanding that on occasion (particularly during periods of active trading) transactions are being effected on the floor of one ITS

¹¹ The commitment is irrevocable for that time period following acceptance by the system as chosen by the sender of the commitment to trade. The ITS provides two time-period options known as "T-1" (one minute option) and "T-2" (two minute option). Thus, if the two-minute option is chosen, a commitment is automatically cancelled after the two minutes if not accepted by the destination market center. ITS Plan, *supra* note 1 at § 5(a), ¶ 6, at 10-11.

¹² ITS Plan, *supra* note 1 at § 5(a), ¶ 9, at 13.

Participant at prices inferior to the quotations disseminated by other linked exchanges ("trade-throughs"). The Commission believes that this behavior may result from a number of factors including (i) the failure of a number of Participants to provide on their trading floors a display of consolidated quotation information, (ii) the reluctance of some floor brokers and exchange market makers to interrupt their trading activities to use ITS terminals, (iii) the length of time necessary to complete a transaction through the ITS and (iv) the perception on the part of many users of the system that the quotations displayed for certain exchanges and by certain specialists often do not accurately indicate the market for that security on that exchange.

The Commission understands that a number of planned or recently implemented technical enhancements to the ITS may either eliminate or at least alleviate the effect of the first three factors. The Commission is concerned, however, with the apparent failure of the Participants to actively address failures by members of those Participants to honor their displayed quotations.

The perception of many users of the system that certain quotation information is unreliable apparently has resulted, to some extent, from the use by regional exchange specialists of "Autoquote" equipment to generate quotation information. Individual regional exchange specialists generally make markets in a far greater number of securities than do specialists on the Amex or NYSE. Because of the difficulty of updating firm quotations in a large number of securities, many regional specialists employ Autoquote to automatically update their quotations in securities they are not actively trading each time the Amex or NYSE bid or offer quotation for those securities is revised. However, the Commission understands that on certain occasions specialists on regional exchanges, when disseminating quotations for a security in an automated mode, have rejected commitments to trade at their displayed quotation. The effect of this practice has been general unwillingness of some users to send commitments to trade through the ITS to any regional specialist whom they believe is employing Autoquote.

The apparent unreliability of quotation information is not limited to automatically generated quotations. In monitoring the operation of the ITS, the Commission found that significant number of commitments to trade sent to "hit" bids and offers on the "primary"

exchange were cancelled (*i.e.*, rejected) or permitted to expire unexecuted. While some portion of these cancellations may be accounted for by the exceptions to firmness provided in the Commission's quotation rule, Rule 11Ac1-1 under the Act (17 CFR § 240.11Ac1-1),¹³ it may also be that some portion of cancellations and expirations result from violations of that rule.¹⁴

Rule 11Ac1-1 under the Act requires brokers and dealers, subject to certain exceptions, to execute an order presented to them at their displayed quotation price up to the amount of their displayed size, no matter how that quotation was generated. To a significant extent, the effectiveness of any intermarket linkage system is dependent on the quality and reliability of the market information disseminated. Unless market participants are confident that the displayed quotation information is accurate and timely, they may be unwilling to send commitments through the ITS for fear of missing the market on their own exchange.

Accordingly, the Division of Market Regulation has sent to each Participant in the ITS and the NASD a letter expressing concern over the failure of those self-regulatory organizations to enforce compliance with Rule 11Ac1-1. The letter requests that each Participant send a response to the Division by October 15, 1979, explaining the existing and planned surveillance procedures which will be used by that self-regulatory organization to detect violations of Rule 11Ac1-1. The Commission believes that, if compliance with Rule 11Ac1-1 is vigorously enforced, a substantial disincentive to use of the ITS will have been eliminated.

III. Extension of Approval of the Plan

The Commission believes that the increased use of data processing and communications technology is essential in meeting the objectives of a national market system and that it is appropriate, as that system evolves, to encourage and foster pilot and experimental programs designed to explore the efficacy of different types of computer

¹³ Rule 11Ac1-1 provides an exception to the firmness requirements of the rule when a reasonable broker or dealer has communicated a revised quotation to his exchange or association or if, at the time an order is presented for execution, is in the process of executing a transaction and that broker or dealer immediately thereafter revises his quotation. Rule 11Ac1-1(c)(3)(1) (17 CFR § 240.11Ac1-1(c)(3)(1)).

¹⁴ In addition, the Commission is concerned that this problem may be exacerbated by the inclusion of over-the-counter market makers in the ITS. The Commission understands that some "third market" dealers, on occasion, do not update their quotations on a timely basis.

and communications systems. Two such systems are currently in operation on a pilot or experimental basis. One of these, the ITS, is designed primarily to link market centers and permit orders for the purchase and sale of multiply-traded securities to be routed between those centers for execution. The other system, the CSE Multiple Dealer Trading System ("CSE System"), represents primarily an experiment in the use of a fully automated, electronic trading system.¹⁵ As the Commission stated in its recent status report¹⁶ on the development of a national market system:

The Commission believes that these systems evidence considerable progress in the application of automation and computer and communication technology to overcome some of the problems associated with market fragmentation. In the Commission's view, the ITS and the CSE System both offer valuable opportunities for increased competition and for the Commission and the industry to assess the ability of differing types of market linkage systems to integrate trading in physically separate locations and to observe the effects of these market linkage systems on the operation of the markets. Both types of market linkage systems, separately or in some combination, may become permanent features of a national market system, either because it becomes clear that both systems, notwithstanding their differing operational characteristics, are compatible, or because the different trading characteristics of some securities make use of one type of market linkage system more economical and efficient for those securities than the other.¹⁷

The Commission continues to believe that the ITS offers valuable opportunities for increased competition. The ITS appears to be generally functioning effectively and usage of the

¹⁵ The CSE System, through an electronic communications network maintained by the CSE, enables CSE members, without the necessity of maintaining a presence on the floor of the CSE or any other exchange, to participate in a market conducted in accordance with certain auction-type trading principles by entering bids and offers for securities for their own account and as agents for their customers' accounts. In addition, the CSE System rules permit a specialist on any national securities exchange, without becoming a member of the CSE, to enter bids and offers in the System as principal or as agent in any security in which that specialist is registered on another exchange. On April 18, 1978, the Commission, pursuant to Sections 11A and 19(b)(2) of the Act, issued an order approving a proposed rule change of the CSE to establish the CSE System as a nine-month pilot program. Securities Exchange Act Release No. 14674 (April 18, 1978), 43 FR 17894. On December 15, 1978, the Commission approved the extension of the CSE pilot program for an additional period of one year. Securities Exchange Act Release No. 15413 (December 15, 1978), 44 FR 129, and on September 21, 1979, the Commission approved a further extension of the CSE experiment until January 31, 1983. Securities Exchange Act Release No. 16215 (September 21, 1979).

¹⁶ Securities Exchange Act Release No. 15671 (March 22, 1979), 44 FR 20360 ("Status Report").

¹⁷ *Id.* at 10-12, 44 FR at 20381.

system has continued to increase as new issues have been added and market professionals in the various participating market centers have become more familiar with the system. In addition, although the Commission's monitoring of the ITS has identified operational characteristics of the system which have decreased the efficiency of the ITS and to some degree discouraged usage of the system, the Participants appear to be making efforts to eliminate or at least reduce those operational difficulties. Accordingly, the Commission has determined to extend its approval of the ITS Plan until January 31, 1983.

Although the Commission has determined that an extension of the ITS until January 31, 1983, is consistent with the Commission's program to facilitate the development of a national market system in that it furthers the development of comprehensive market linkages, the Commission wishes to make clear that its findings with respect to the ITS are limited to the usefulness of the ITS pilot at this point in time and at this stage in the development of a national market system, and that its approval of the ITS should not be interpreted as an indication that that system will be adequate in its present configuration for the full extension period authorized by this order. The development of a national market system continues to be an evolutionary process, and if the types of systems represented by the ITS and the CSE Systems are to become permanent features of that system as it evolves, they must continue to make improvements, changes and adaptations to meet the needs of persons trading in the various market centers and to accommodate Commission regulatory requirements designed to improve order interaction and price protection between and among markets.¹⁸

In this regard, several aspects of the ITS, at a minimum, require attention by the ITS Participants during the extension period. First, the Commission believes that, in addition to achieving

¹⁸ The Commission, of course, intends to continue consideration of the significant market structure questions, both legal and policy, which result from (i) the ability of firms, in a variety of contexts, to transact business on a principal basis with their own retail customers, or to otherwise combine principal and agency functions for a particular security, and (ii) the need to ensure that order flow in every particular market center is exposed to buying and selling interest represented in other market centers. The Commission believes, however, that these questions should be addressed in a broad and generic context rather than in connection with the temporary approval of a single national market system facility. But these deliberations may well lead to regulatory initiatives which have a significant impact on such systems as the ITS.

full compliance with the Commission's quotation rule in all participating market center, the ITS Participants should continue their efforts to enhance the system to further reduce response times in order to increase the efficiency and usefulness of the system. The commission understands that several technical enhancements to the system designed to improve response times are under way, including (i) the creation of a "Universal Template" for sending or responding to commitments to trade, which will eliminate the need to call up different templates depending upon the type of message to be sent through the system and permitting storage of up to seven "live" commitments to trade on the screen at one time (thus reducing the number of key strokes required to accept a commitment to trade), and (ii) the use of "mark sense" cards on the NYSE to send and respond to commitments to trade. The Participants have indicated that these proposed enhancements may result in a reduction in average response times to between 20 and 30 seconds. Rapid and efficient intermarket executions are, of course, essential to meeting the statutory objectives of a national market system. The Participants, therefore, should implement these enhancements promptly.¹⁹

Second, the Commission believes that the ITS Participants should promptly take whatever steps are necessary to (i) conclude discussions with the NASD with respect to implementing a linkage between the ITS and over-the-counter market makers regulated by the NASD, and (ii) arrive at a satisfactory basis for a linkage between the ITS and the CSE System. Experience with the ITS to date indicates that the system may well be at least one kind of appropriate market linkage system for connecting the floors of traditional exchange type markets. However, in order to achieve the full integration of markets contemplated in a fully operational national market system, it will be necessary to link those exchange floors with both over-the-counter markets and exchanges (such as the CSE) which elect to utilize automated trading systems.²⁰

¹⁹ Whether these enhancements will be adequate to meet the needs of an evolving national market system, however, can be determined only by experience.

²⁰ The Commission is aware that the NYSE is contemplating developing a mechanism whereby its members may make markets in NYSE-listed stocks without having a physical presence on the floor of that exchange and have those markets displayed or represented on the NYSE. The Commission does not believe, however, that implementation of such a mechanism would eliminate the need for both an ITS-over-the-counter and an ITS-CSE System interface.

Moreover, linkages with over-the-counter market makers regulated by the NASD and with the CSE System are essential to achieving nationwide protection for public limit orders. As the Commission indicated in its recent national market system Status Report:

The Commission believes that nationwide price protection—whereby any appropriately displayed public limit order for a qualified security is assured of receiving an execution prior to any execution by a broker or dealer at an inferior price—should be a basic characteristic of a national market system.²¹

In furtherance of this objective, on April 26, 1979, the Commission published for comment a proposed rule requiring mandatory price protection on an intermarket basis.²² The proposed price protection rule, Rule 11Ac1-3 under the Act (17 CFR § 240.11Ac1-3), would require that all public limit orders in securities covered by the rule²³ which are collected in a particular market center²⁴ and disseminated by that market center for display in other market centers ("displayed public limit orders"), receive intermarket price protection against executions at inferior prices. The proposed rule would prohibit any broker or dealer, on and after the effective date of the rule, from executing a transaction in any market center, in any security subject to its provisions, at a transaction price inferior to the price of any displayed public limit order unless that broker or dealer, either simultaneously with or immediately after execution of the transaction, satisfies all such displayed public limit orders which are at superior prices. If proposed Rule 11Ac1-3 is adopted, all displayed public limit orders in securities covered by the rule held on exchanges, in the over-the-counter market and in the CSE System will be required to be protected against any execution at an inferior price, regardless of the market of execution.

All of the ITS Participants have recently indicated their intention to enhance the ITS so that it may serve as a means by which price protection for public limit orders can be afforded on an

intermarket basis.²⁵ However, if the ITS is to play a major role for members of its Participants in achieving intermarket price protection (and thereby be a permanent feature of a national market system once intermarket price protection for public limit orders is mandatory), it will be necessary to (i) significantly improve the order handling capability and response time of the ITS, and (ii) establish computerized interfaces between the ITS and over-the-counter market makers regulated by the NASD and between the ITS and the CSE System (and such other systems as may emerge in the future) permitting two-way communication.

The Commission has determined to extend authority to the Participants to continue implementation and operation of the ITS until January 31, 1983, to afford them an opportunity to proceed with enhancements to the ITS and with the development and implementation of linkages with over-the-counter market makers regulated by the NASD and with the CSE System. The Commission expects that, at a minimum, participation by the NASD in the ITS be concluded during the next year. In addition, if the contemplated ITS-NASD interface is not concluded promptly or if an interface between the ITS and the CSE System is not achieved within a reasonable time, the Commission is prepared to review whether the temporary approval granted in this order should be continued or to take appropriate steps to require the inclusion of those market centers pursuant to the Commission's authority under Sections 11A(a)(3)(B) and 17(d) of the Act.

In addition, in keeping with the experimental nature of the ITS, the Commission intends to continue to monitor closely the operation of the ITS and persons using the system to ensure that the ITS continues to be consistent with the objectives of an evolving national market system. Accordingly, the Commission is also requesting that

the ITS Operating Committee continue to provide the Commission with data and reports essential to the Commission's monitoring effort.²⁶ Further, the Commission is requesting the ITS Participants to file with the Commission, not later than November 30, of each calendar year the ITS is in operation (beginning with 1979), an annual status report describing their experience with the ITS during the preceding 12 months. On the basis of those reports and its ongoing monitoring program, the Commission will make periodic assessments of the ITS and, notwithstanding its approval granted herein, (i) may take regulatory action to modify the ITS or ITS Plan, or (ii) require that changes or modifications be made in the ITS as requested or required by the Commission.

It is hereby ordered, pursuant to Section 11A(a)(3)(B) of the Act, that the self-regulatory organizations named above (and any other self-regulatory organization which agrees to be a Participant in the Plan) are authorized, for the period beginning August 12, 1979, and ending January 31, 1983, to act jointly in planning, developing, operating or regulating the ITS in accordance with the terms of the ITS Plan, as amended. This order is subject to modification or revocation at any time if the Commission determines that such action is necessary or appropriate in light of progress made toward a national market system or otherwise in furtherance of the purposes of the Act.

By the Commission,
George A. Fitzsimmons,
Secretary.

(FR Doc. 79-30179 Filed 9-27-79; 8:45 am)
BILLING CODE 8010-01-M

[Rel. No. 10876; (812-4506)]

Asset Investors Fund, Inc.; Notice of Filing of Application for Order Pursuant to Section 6(c) of the Act Exempting Applicant From the Provisions of Section 10(a) of the Act

September 24, 1979.

NOTICE IS HEREBY GIVEN that Asset Investors Fund, Inc. ("Applicant") 67 Wall Street New York, New York 10005, registered under the Investment Company Act of 1940 ("Act") as a diversified, closed-end, management investment company, filed an application on July 16, 1979, and an amendment thereto on August 17, 1979,

²⁶ See letters to Nicholas A. Giordano, Chairman of the ITS Operating Committee from Andrew M. Klein, Director of the Division of Market Regulation, dated October 4, 1978 and April 24, 1979.

requesting an order pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 10(a) of the Act to enable Applicant, during its liquidation and dissolution, to have a board of directors more than 60 percent of the members of which are "interested persons" of Applicant. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized in January 1969, as a Delaware corporation; that Tweedy, Browne Inc. ("TBI"), is Applicant's investment adviser; and that TBI Partners, Ltd. ("TBK"), a limited partnership organized under the laws of the State of New Jersey, owns all of the outstanding voting securities of TBI. According to the application, TBK also owns 50.3% of Applicant's outstanding voting securities. The application states that Applicant's Board of Directors is currently composed of five members, three of whom are "interested persons" of Applicant within the meaning of Section 2(a)(19) of the Act. Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company to include, *inter alia*, (1) any affiliated person of such company (unless the person is an affiliated person of such company by reason of his being a member of its board of directors), (2) any affiliated person of any investment adviser of such company, and (3) any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act defines the term "affiliated person" of another person to include any officer, director, partner or employee of such other person.

Applicant states that, in the opinion of its counsel, it became a "personal holding company" in 1977, and thus lost its status as a "regulated investment company" for purposes of federal income taxation. Applicant further states that its loss of status as a regulated investment company did not have a material effect on it or its shareholders until available capital loss carryforwards were exhausted in 1978. The application states that, in view of the adverse tax effects of continuing as a personal holding company, Applicant's management determined that substantial changes in applicant's operations would be necessary and considered several possible courses of action, including the sale of additional shares of stock, the merger of Applicant into another company and the

liquidation of Applicant. The application further states that merger negotiations between Applicant and Investors Insurance Holding Corp., the parent of Investors Insurance Company of America, were commenced, but that such negotiations were terminated whereupon Applicant's Board of Directors determined that liquidation and dissolution of applicant would be in the best interest of stockholders.

Applicant states that on June 28, 1979, its Board of Directors approved a Plan for Liquidation and Dissolution ("Plan"), which Plan will be submitted to Applicant's stockholders for approval. In the event the Plan is approved, the stockholders of Applicant will elect directors to oversee the liquidation and dissolution of Applicant and will consider the termination of Applicant's status as a registered investment company. Applicant further states that: (1) TBK has informed Applicant that it intends to vote its shares of Applicant in favor of the Plan and in favor of management's nominees for election as directors, and (2) therefore, stockholder approval of the Plan and election of management's nominees are virtually assured.

The application states that the Plan provides, *inter alia*, for the sale of Applicant's securities holdings and the pro rata distribution of the proceeds therefrom to applicant's stockholders, provided that distributions in kind may be made of securities that are not readily marketable if the Board of Directors so determines and if legally permissible. The application further states that: (1) applicant has net assets of approximately \$6.3 million; (2) pursuant to the Plan, approximately 95 percent of such assets will be distributed on or about January 1, 1980; and (3) it is contemplated that the final distribution of Applicant's assets will be completed within five years after the initial liquidating distribution.

Section 10(a) of the Act provides that no registered investment company shall have a board of directors more than 60 percent of the members of which are persons who are interested persons of such registered investment company. According to the application, one of Applicant's directors (who is not an interested person of Applicant) has informed the Board of Directors that he is gravely ill and will not be a candidate for reelection after the stockholder vote on the Plan. Applicant states that, in view of: (1) the decision of such director not to be a candidate for reelection; (2) the desire of its Board of Directors to maintain continuity of membership during the liquidation; (3) the virtual

certainty that a competent disinterested person would not accept an ongoing role on a "caretaker Board"; and (4) the desire of its Board of Directors to nominate the present members for reelection, the Board must take steps to assure continued compliance with the provisions of Section 10(a) of the act (i.e. if the remaining four directors were elected, 75 percent of the Board of Directors would be composed of persons who are interested persons of Applicant). Accordingly, applicant proposes to take the following steps, consistent with its by-law provision requiring a Board of at least three directors: (1) reduce the number of directors from five to three; (2) request that one of the interested directors not stand for election; and (3) nominate three of the present directors for reelection, two of whom would be interested persons of Applicant within the meaning of Section 2(a)(19) of the Act. Applicant states that such actions would result in its having a Board of Directors 67 percent of the members of which would be interested persons of Applicant. Thus, applicant has requested in order pursuant to Section 6(c) of the Act permitting it to have a Board of Directors consisting of three members, two of whom would be interested persons of Applicant. In regard to the two directors who would be interested persons of Applicant, the application states that: (1) one such director is an interested person because he is president of Applicant, a general partner of TBK, and a director and officer of TBI, and (2) the other such director is an interested person because he is employed by a registered broker-dealer.

Section 6(c) of the Act provides, in part, that the Commission may upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any of the provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that granting the requested exemption would be appropriate because: (1) the stockholders, as well as the current Board of Directors, would have approved the Plan, and (2) the director who would be an interested person of Applicant by reason of his employment with a registered broker-dealer has never had any affiliation, association, or

²¹ Status Report, *supra* note 15, at 18-19, 44 FR at 20362-63.

²² Securities Exchange Act Release No. 15770 (April 26, 1979), 44 FR 26692.

²³ Proposed Rule 11Ac1-3 would cover all reported securities included in a market linkage system implemented or operated in accordance with a plan approved by the Commission under Section 11A(a)(3)(B) of the Act. The proposed rule would therefore cover all securities traded in the ITS.

²⁴ The term "market center" would be defined to mean, with respect to any security covered by the rule, (i) any exchange on which or through whose facilities transactions in that security are executed, and (ii) any third market maker who executes, in that capacity, transactions in that security.

²⁵ See Letter from Robert J. Birnbaum, President, Amex, to George A. Fitzsimmons, Secretary, SEC, dated April 30, 1979; letter from James E. Dowd, President, BSE, to George A. Fitzsimmons, Secretary, SEC, dated April 30, 1979; letter from Richard B. Walbert, President, MSE, to George A. Fitzsimmons, Secretary, SEC, dated April 30, 1979; letter from Gordon S. Macklin, President, NASD, to George A. Fitzsimmons, Secretary, SEC, dated May 14, 1979; letter from James E. Buck, Secretary, NYSE, to George A. Fitzsimmons, Secretary, SEC, dated May 4, 1979; letter from Charles J. Henry, President, PSE, to Harold S. [sic] Williams, Chairman, SEC, dated May 1, 1979; letter from Elkins Wetherill, President, Phlx, to Harold M. Williams, Chairman, SEC, dated May 1, 1979. These letters are contained in File No. 57-735-A. See also Status Report, *supra* note 15, at 23-24, 44 FR at 20363; Securities Exchange Act Release No. 15770 (April 26, 1979), 44 FR 26692.

business relationship with Applicant, TBI, TBK or any affiliated persons thereof. According to the application, such broker-dealer is not and has never been affiliated or associated with Applicant, TBI or TBK, does not engage and has never engaged in brokerage or underwriting activities on behalf of Applicant, and does not provide and has never provided research or investment services for Applicant. Applicant further submits that: (1) under the Plan, the function of the Board of Directors would be primarily ministerial, and (2) in the opinion of Applicant, it does not appear practicable or economical to find another director, not an interested person of Applicant, who would be willing to serve as a director. In this regard, Applicant states that: (1) the most significant responsibility of such a director would be to assure that the Plan is properly carried out; (2) no compensation will be paid to Board members during the liquidation and dissolution period; (3) it would be necessary to familiarize such a director with Applicant's operations; (4) the liquidation is likely to be substantially completed by January 1, 1980; and (5) Applicant is of relatively small size. In further support of the requested exemption applicant represents that no advisory fee will be paid to TBI during the liquidation, no salaries or fees will be paid to Applicant's officers or directors, and the remedies under the Act and other securities laws would continue to be available to the Commission, Applicant and its stockholders.

NOTICE IS FURTHER GIVEN that any interested person may, not later than October 15, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request.

As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order pursuant to Section 6(c) of the Act disposing of the application herein will be issued as of course following said date unless the

Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Investment Management,
George A. Fitzsimmons,
Secretary.

[FR Doc. 79-30196 Filed 9-27-79; 9:45 am]
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[Rel. No. 16215 (SR-CSE-79-3)]

Cincinnati Stock Exchange, Inc.; Order Approving Rule Change

September 21, 1979.

I. Background

On April 8, 1978, the Commission, pursuant to Sections 11A and 19(b)(2) of the Securities Exchange Act (the "Act"), issued an order¹ approving a proposed rule change of the Cincinnati Stock Exchange, Inc. ("CSE"), 205 Dixie Terminal Building, Cincinnati, Ohio 45202 to establish the CSE Multiple Dealer Trading System ("CSE System") as a nine-month pilot program.² On December 15, 1978, the Commission approved the extension of the CSE System pilot program for an additional period of one year.³ The current authorization for the CSE System will expire on January 31, 1980, unless an extension is approved by the Commission.

The CSE System, through an electronic communications network maintained by the CSE, enables CSE members, without the necessity of maintaining a presence on the floor of the CSE or any other exchange, to participate in a market conducted in accordance with certain auction-type trading principles by entering bids and offers for securities for their own account and as agents for their customers' accounts. In addition, the CSE System rules permit a specialist on any national securities exchange, without becoming a member of the CSE, to enter bids and offers in the System as principal or as agent in any security in

which that specialist is registered on another exchange. Orders entered into the CSE System are stored and queued in the CSE's computer facilities and executions occur in the CSE System, pursuant to CSE Rule 11.9, according to certain priorities. Priority is governed first by price (i.e., the highest bid and lowest offer) and, as to orders at the same price, by time of entry. However, "public agency orders," regardless of time of entry, are granted priority over other orders at the same price.⁴

In initially approving, and later extending, the CSE System pilot program, the Commission noted its responsibilities under the Act to ensure the development and maintenance of a "fair field of competition" among brokers and dealers and among securities markets and concluded that the CSE System pilot was the type of "competition enhancing" development that should be permitted in light of the national market system mandate of the Act.⁵

While the CSE System proposal was initially approved by the Commission in April 1978, trading in the System did not commence until June 6, 1978. On that date, the CSE designated for use in the CSE System the computer facilities formerly employed in the Regional Market System ("RMS"), a predecessor system in which the Boston, Midwest and Pacific Stock Exchanges, in addition to the CSE, had participated.⁶ Since the start-up of the CSE System, the number of broker-dealers participating in the System has been limited. On June 13, 1978, Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Merrill Lynch") became a CSE member and an approved dealer in the CSE System and commenced market making in two securities designated for

¹ A "public agency order" is defined under CSE Rule 11.9(a)(8) as "any order for the account of a person other than an approved dealer [in the CSE System], a member, or a person who could become an approved dealer by complying with . . . Rule [11.9] with respect to his use of the System, which order is represented, as agent, by a user."

² "Approved dealers" in the CSE System, in turn, include CSE members who undertake certain market making responsibilities and meet certain minimum capital requirements and specialists on national securities exchanges who enter bids and offers in the CSE System in securities in which they are registered as specialists. See CSE Rule 11.9(a)(1).

³ For a more detailed discussion of the trading priorities in the CSE System and other characteristics of the System, see April Order, *supra* note 1 at 9-10, 44 FR at 17896.

⁴ April Order, *supra* note 1 at 12, 44 FR at 17897; December Order, *supra* note 3 at 5, 44 FR at 130.

⁵ One reason for the delayed start-up of the CSE System is attributable to the time which was required to make certain programming changes in the computer system formerly used in the RMS experiment.

trading in the CSE System.⁷ Weeden & Co. (which in February 1979 merged with Moseley, Hallgarten & Estabrook, Inc. to form Moseley, Hallgarten, Estabrook & Weeden, Inc.) and American Securities Corp. (both CSE members) and certain specialists on the floors of the Boston, Pacific and Midwest Stock Exchanges have also participated as approved dealers in the CSE System. On September 25, 1978, Prescott, Ball & Turben became an approved dealer in the CSE System.

During 1979, several additional broker-dealers have joined the CSE System. On February 14, 1979, Moseley, Hallgarten, Estabrook & Weeden, Inc. commenced trading in the System (succeeding Weeden & Co., which became an operating division of that firm). On February 26, 1979, Paine, Webber, Jackson & Curtis Incorporated joined the System as an approved dealer. On March 23, 1979, the Ohio Company joined the System, and that firm now enters agency orders in the CSE System in several stocks designated for trading in the System. On July 11, 1979, A. G. Becker Incorporated joined the CSE System in an agency capacity, and on July 16, 1979, Wedbush, Noble, Cook, Inc. joined the System both as dealer and as agent. The Commission is also aware that a number of additional firms continue to consider participation in the System.

On February 13, 1979, Control Data Corporation ("CDC") acquired the hardware and software owned by Weeden & Co. and used by the CSE for operation of the CSE System. The Service Bureau Company, a data services division of CDC that markets various other data processing services to the financial community, now operates the CSE System pursuant to an agreement with the CSE. CDC has also agreed to assist the CSE in seeking increased participation and share volume in the CSE System and has begun work on expanding the System in order to permit the participation of additional firms and to increase the number of securities which may be traded through the System.

II. The CSE Proposed Rule Change

On July 2, 1979, the CSE filed with the Commission a proposed rule change, pursuant to Section 19(b) of the Act and

⁷ Those securities were the common stock of American Home Products Corp. and Westinghouse Electric Corp. Since June 1978, Merrill Lynch has become a market maker in the CSE System in eight additional securities. Under CSE Rule 11.9(c), up to 200 securities which are listed on or admitted to unlisted trading privileges on the CSE may be designated for trading in the CSE System. To date, 40 securities have been so designated.

Rule 19b-4 thereunder, to extend the CSE System for three years.⁸ Accordingly, if the proposed rule change were approved, the CSE System pilot program would be continued until January 31, 1983.

The CSE states that its proposed rule change is consistent with the purposes of the Act, in that, among other things, extension of the CSE System would facilitate removal of impediments to and perfection of the mechanism of a free and open market, in accordance with Section 6(b)(5) of the Act. The CSE also states that, in its view, a long-term extension of the CSE System is needed to attract order flow and implement enhancements to the System:

In order for the CSE System to be successful, it must attract order flow and in order to attract order flow, additional organizations must be induced to become users of the System. However, if the CSE System is to be attractive to prospective users, the System must have an appearance of permanence. An appearance of permanence is needed because there is a certain amount of start-up effort (such as choosing and training employees to work with the System, along with the installation of certain equipment) which needs to be made by new users of the System and the [CSE] believes that many prospective users are not willing to make such an "investment" without having some expectation that the CSE System will have a life of more than five or six months.⁹

Finally, the CSE notes that the CSE System has been operating for approximately one year and states that the CSE has not received any significant complaints from users of the System or their customers concerning the System or the quality of the executions obtained through use of the System.

Although the Commission received a number of comments from self-regulatory organizations and from interested brokers and dealers concerning the CSE System, both in response to the Commission's solicitation of views following its approval of CSE's initial rule filing¹⁰ and

⁸ The proposed rule change (SR-CSE-79-3) was noticed in Securities Exchange Act Release No. 15999 (July 6, 1979) and published in the Federal Register, 44 FR 40745. Interested persons were invited to submit data, views and arguments concerning the proposed rule change on or before August 6, 1979.

⁹ File No. SR-CSE-79-3, Form 19b-4A submitted by the CSE, at 2-3, 44 FR at 40745 ("CSE Filing").

¹⁰ The Commission received the following written comments from self-regulatory organizations: Letter from Robert J. Birnbaum, President, American Stock Exchange, Inc. ("Amex"), to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, August 9, 1978; Letter from James E. Buck, Secretary, New York Stock Exchange, Inc. ("NYSE") to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, June 28, 1978; Letter from James E. Dowd, President, Boston Stock Exchange ("BSE") to George A. Fitzsimmons, Secretary, Securities and

in response to the publication of CSE's first request to extend its pilot program,¹¹ no comments were received with respect to the instant rule change contemplating extension of the CSE System experiment until 1983. In those earlier comments, however, all commentators, with the exception of the NYSE, the Amex and the BSE, generally favored Commission approval of the extension of the CSE System experiment. These commentators shared the belief that the CSE System had not yet been given an adequate trial period and that the additional experience with the CSE System would assist in understanding the national market system implication of trading in the System.¹²

Exchange Commission, September 27, 1978; Letter from Charles J. Henry, President, Pacific Stock Exchange, Inc. ("PSE") to Andrew M. Klein, Director, Division of Market Regulation, October 23, 1978; Letter from Gordon S. Macklin, President, National Association of Securities Dealers ("NASD"), to Andrew M. Klein, Director, Division of Market Regulation, November 3, 1978.

The Commission received the following written comments from interested broker-dealers and others: Letter from William M. Bannard, President, American Securities Corp., to Andrew M. Klein, Director, Division of Market Regulation, September 22, 1978; Letter from Bache Halsey Stuart Shields Incorporated *et al.* to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, August 1, 1978; Letter from Robert H. B. Baldwin, Chairman, Edward L. O'Brien, President, and Ralph D. DeNunzio, Chairman, National Market System Committee, Securities Industry Association, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, August 4, 1978; Letter from John F. Curley, Jr., President, Paine Webber Jackson & Curtis, Inc., to Andrew M. Klein, Director, Division of Market Regulation, October 3, 1978; Letter from William A. Schreyer, President, Merrill Lynch, to Andrew M. Klein, Director, Division of Market Regulation, November 8, 1978; and Letter from Donald E. Weeden, President, Weeden & Co., to Andrew M. Klein, Director, Division of Market Regulation, October 20, 1978.

All of these comments are available for public inspection in the Commission's public reference room, 1100 "L" Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-CSE-78-2.

¹¹ Letter from William M. Batten, Chairman, NYSE, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, October 30, 1978; Letter from Robert J. Birnbaum, President, Amex, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, October 27, 1978; Letter from William A. Schreyer, President, Merrill Lynch, to Andrew M. Klein, Director, Division of Market Regulation, October 27, 1978. See File No. SR-CSE-78-2.

¹² The NYSE and the Amex, in their comments on the earlier CSE rule proposals, raised questions concerning the opportunity afforded CSE approved dealers to trade against their own retail order flow without exposing those orders to other buying or selling interest. The two exchanges contended that this "internalization" of order flow would create opportunities for overreaching by CSE System participants, might lead to market fragmentation, and would be otherwise inconsistent with national market system objectives. The BSE also expressed concern with respect to the potential for "internalization" posed by the CSE System. In addition, the NYSE and the Amex, in their

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III. Discussion

In its orders initially approving the CSE System experiment and extending the experiment until January 31, 1980, the Commission emphasized its responsibility to ensure the maintenance of a fair field of competition among brokers and dealers and among markets and to encourage initiatives of the securities industry to conduct experiments designed to further the national market system objectives of the Act. For those reasons, the Commission gave its initial authorization to the CSE System experiment and, for the same reasons, the Commission now approves the CSE's proposal for a three-year extension of its experiment.¹³

The Commission continues to believe that the increased use of data processing and communications technology is essential in meeting the objectives of a national market system and that it is appropriate, as that system evolves, to encourage and foster pilot and experimental programs designed to explore the efficacy of different types of computer and communications systems. Two such systems are currently in operation on a pilot or experimental basis. One of these, the Intermarket Trading System ("ITS"), was developed jointly by several exchanges, and is designed primarily to link market centers and permit orders for the purchase and sale of multiply-traded securities to be routed between those centers for execution.¹⁴ The other system, the CSE System, represents primarily an experiment in the use of a fully automated, electronic trading system linking exchange and "upstairs" market makers in physically dispersed

locations. As the Commission stated in its recent status report¹⁵ on the development of a national market system:

The Commission believes that these systems evidence considerable progress in the application of automation and computer and communications technology to overcome some of the problems associated with market fragmentation. In the Commission's view, the ITS and the CSE System both offer valuable opportunities for increased competition and for the Commission and the industry to assess the ability of differing types of market linkage systems to integrate trading in physically separate locations and to observe the effects of these market linkage systems on the operation of the markets. Both types of market linkage systems, separately or in some combination, may become permanent features of a national market system, either because it becomes clear that both systems, notwithstanding their differing operational characteristics, are compatible, or because the different trading characteristics of some securities make use of one type of market linkage system more economical and efficient for those securities than the other.¹⁶

However, as the Commission also pointed out in its recent Status Report, limited use of the [CSE] System thus far has made it difficult for the Commission to evaluate the effects of trading in an electronic facility of this type. Although CSE terminals are installed on the floors of the BSE, MSE and PSE, specialists have made little or no use of the System and virtually no agency orders have been entered through terminals on those exchanges except through a temporary arrangement between a single retail firm and one regional exchange specialist. In addition, although CSE rules permit retail firms to participate in the CSE System from their upstairs offices by becoming CSE approved dealers, only a few firms have thus far joined the System.¹⁷

In support of its proposed Rule change, the CSE has indicated that an extension of the CSE System for three years should provide a more meaningful opportunity for participation in the experiment and for an appropriate assessment of trading in a computerized system and its relation to other markets. Moreover, the CSE argues that extending the experiment for a significant period of time should allay any concerns on the part of the CSE and its facilities manager, as well as on the part of potential users, regarding a possibly short life span for the pilot. As a result, the CSE argues, determinations with respect to enhancements to, or participation by brokers and dealers in, the System can be made without regard to any concern that the pilot will be terminated before the costs of

enhancements to, or participation in, the System can be recouped.

The Commission recognizes that, at least in part, the ability of the CSE System to develop sufficiently to demonstrate its usefulness as part of the evolving national market system may have been impaired by the limited authorized terms of its existence thus far. As a result, the Commission believes it is consistent with the purposes of the Act, notwithstanding the continuing limited experience of the CSE pilot (which prevents any Commission determination at this time as to whether implementation of the CSE System on other than an experimental basis would be consistent with the Act), to authorize continuation of the CSE pilot for a sufficiently long period of time so that (i) those firms and market makers who might wish to participate in the System, but who may have been discouraged from doing so by the uncertainty of its continued existence, will have the opportunity to consider the CSE System more on its own merits, and (ii) the new operator of the CSE System, CDC, will have the incentives which it has represented it would have if a long-term authorization of the CSE System is approved to make the kinds of investments which would enhance, and permit expansion of, the experiment.

The Commission intends to continue to monitor closely the operations of the CSE System and to analyze trading in the system and the market structure implications, if any, of use of the System by firms which transact business on a principal basis with their own retail customers. In this regard, CDC, the owner of the hardware and software used to operate the CSE System, has already begun creating new software which will enable the system to create reports which will simplify the Commission's task of analyzing data relating to the incidence and impact of such trading through the CSE System. The Commission stands ready to take remedial action should such trading have adverse effects upon the markets or upon investors.

Concerns have been raised in the past concerning the adequacy of surveillance of trading in the CSE System and the ability of that System to permit a reconstruction of the market (i.e., an "audit trail") at any given point in time.¹⁸ Based upon its own monitoring efforts during the approximately 12 months the CSE System has been in operation, the Commission believes that daily computer print-outs by the CSE System (which in the near future will be augmented by new reports simplifying

the task of analyzing CSE System trading) provide sufficient information to enable the construction of an "audit trail" necessary for regulation and surveillance of trading in the CSE System. In addition, although the CSE itself has a very small staff, the CSE, prior to the Commission's initial extension of the CSE experiment, entered into an agreement with the NASD pursuant to which the NASD conducted an examination of CSE members acting as "upstairs" approved dealers in the System to determine compliance with applicable CSE rules. The Commission reviewed that report prior to its approval of the initial extension of the CSE experiment and noted in its approval order that the report "present[ed] no reason to find any significant risks to investor protection posed by an extension of the CSE System."¹⁹ The CSE has undertaken, in connection with the implementation of the proposed three-year extension of the CSE experiment, to enter into an agreement with the NASD pursuant to which the NASD will conduct, on an annual cycle during the extension period, similar examinations of "upstairs" participants having CSE System terminals in their offices. The Commission expects both parties to move expeditiously to formalize this arrangement for on-going surveillance of the CSE System.

Although the Commission has determined that a three-year extension of the CSE experiment is consistent with the requirements of the Act and believes that continuation of the CSE System will better enable the Commission to evaluate alternative data processing and communications systems, the Commission wishes to make clear that its findings with respect to the CSE System are limited to the usefulness of the CSE experiment at this point in time and at this stage in the development of a national market system, and that its approval of the CSE rule change should not be interpreted as an indication that the CSE System will be adequate in its present configuration for the full three-year period authorized by that rule change. The development of a national market system continues to be an evolutionary process, and if the types of systems represented by the CSE System and the ITS are to become permanent features of that system as it evolves, they must continue to make improvements, changes and adaptations to meet the needs of persons trading in the various market centers and to accommodate Commission regulatory

requirements designed to improve order interaction and price protection between and among markets.²⁰

In this regard, several aspects of the CSE System, at a minimum, require attention by the CSE and the System operator during the extension period. First, the Commission believes that the CSE should promptly take whatever steps are required to join the joint industry plan for collecting and disseminating quotations required to be made available pursuant to Rule 11Ac1-1 (17 CFR § 240.11Ac1-1) so that CSE quotations will be included in the consolidated quotation data stream contemplated by that plan.²¹ Although CSE System transactions are included in the consolidated transaction reporting system and CSE System quotations, in addition to their display on CSE terminals located in the offices of CSE approved dealers and on the floors of the BSE, MSE and PSE, are available directly to vendors in accordance with the requirements of Rule 11Ac1-1, some vendors have been reluctant to include CSE System quotations in displays provided to subscribers because of the higher costs to such vendors of processing quotations which are not transmitted to them in a single data stream. As a result, CSE System quotations have not received the type of widespread distribution which is consistent with the Congressional goal

²⁰The Commission, of course, intends to continue consideration of the significant market structure questions, both legal and policy, which result from (i) the ability of firms, in a variety of contexts, to transact business on a principal basis with their own retail customers, or to otherwise combine principal and agency functions for a particular security, and (ii) the need to ensure that order flow in every particular market center is exposed to buying and selling interest represented in other market centers. The Commission believes, however, that these questions should be addressed in a broad and generic context rather than in connection with a proposed rule change filed by a single self-regulatory organization. But these deliberations may well lead to regulatory initiatives which have a significant impact on such systems as the CSE.

²¹Quotations from all market centers (including third market makers) subject to Rule 11Ac1-1, other than the CSE, are being made available in a single consolidated data stream processed by the Securities Industry Automation Corporation pursuant to a "Plan for the Purpose of Implementing Rule 11Ac1-1 under the Securities Exchange Act of 1934" filed by a number of self-regulatory organizations ("CQ Plan"). The CQ Plan was declared effective by the Commission on a temporary basis on July 26, 1978, pursuant to Section 11A(a)(3)(B) of the Act (Securities Exchange Act Release No. 15009 (July 28, 1978), 43 FR 34851), and, on August 1, 1978, pursuant to the CQ Plan, the Amex BSE, MSE, NYSE, PSE and Phlx commenced disseminating quotations to vendors in a single data stream. On January 24, 1979, the Commission extended its temporary approval of the CQ Plan for an additional 12 months (Securities Exchange Act Release No. 15511 (January 24, 1979), 44 FR 6230), and, on February 20, 1979, quotations of third market makers (collected by the NASD) were added to the consolidated quotation data stream.

¹⁹December Order, *supra* note 3, at 7, 44 FR at 131.

of "assur[ing] * * * the availability to brokers, dealers and investors of information with respect to quotations and transactions in securities."²² Inclusion of CSE System quotations in the consolidated data stream contemplated by the CQ Plan would ensure that widespread distribution and contribute to meeting the statutory objective.

In addition, the Commission believes that the CSE and the System operator should move expeditiously to resolve whatever technical problems the CSE has in achieving a linkage between the CSE System and the ITS, and that the CSE should take whatever steps are necessary to arrive at a satisfactory basis for such a linkage. Automated trading systems such as the CSE System have many desirable features—increased speed and efficiency, as well as the ability to generate a complete "audit trail" for surveillance purposes—which may make such systems appropriate as national market system facilities for linking and integrating brokers and dealers trading over-the-counter. However, in order for such systems to be consonant with the objectives of a fully operational national market system, they must be linked to the markets existing on traditional exchange floors so that there is the maximum degree of order interaction between the two different types of markets.

Moreover, a linkage between the CSE System and the ITS is essential to achieving nationwide protection for public limit orders. As the Commission indicated in its recent national market system Status Report:

The Commission believes that nationwide price protection—whereby any appropriately displayed public limit order for a qualified security is assured of receiving an execution prior to any execution by a broker or dealer at an inferior price—should be a basic characteristic of a national market system.²³

In furtherance of this objective, on April 28, 1979, the Commission published for comment a proposed rule requiring mandatory price protection on an intermarket basis.²⁴ The proposed price protection rule, Rule 11Ac1-3 under the Act (17 CFR § 240.11Ac1-3), would require that all public limit orders in securities covered by the rule²⁵ which

²²Section 11A(a)(1)(C)(iii) of the Act.

²³Status Report, *supra* note 15, at 18-19, 44 FR at 20382-83.

²⁴Securities Exchange Act Release No. 15770 (April 28, 1979), 44 FR 28692.

²⁵Proposed Rule 11Ac1-3 would cover all reported securities included in a market linkage system implemented or operated in accordance with a plan approved by the Commission under Section 11A(a)(3)(B) of the Act. The proposed rule would

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comments, questioned the adequacy of surveillance of trading in the CSE System and the ability of that System to permit a reconstruction of the market (i.e., an "audit trail") at any given point in time.

¹³As the Commission noted in its April Order . . . the opportunity to experiment and to add to the body of knowledge and understanding of novel trading mechanisms and market linkages and of the interest of the industry in utilizing such a facility, and to assess the possible contribution of the CSE linkage . . . to the national market system, is worthy of further exploration.

April Order, *supra* note 1, at 3, 43 FR at 17894.

¹⁴On April 14, 1978, the Commission issued a temporary order pursuant to Section 11A(a)(3)(B) of the Act approving the implementation of the ITS for a period of 120 days and, on August 11, 1978, the Commission extended that approval for an additional year. Securities Exchange Act Release Nos. 14661 (April 14, 1978) and 15058 (August 11, 1978), 43 FR 17419 and 36732. On August 21, 1979, the Commission further extended its approval of the ITS until January 31, 1983. Securities Exchange Act Release No. 16214 (September 21, 1979). As of this date, all interested self-regulatory organizations other than the CSE and NASD are participating in the ITS and more than 500 securities are currently traded through the system.

¹⁵Securities Exchange Act Release No. 15671 (March 22, 1979), 44 FR 20360 ("Status Report").

¹⁶*Id.* at 10-12, 44 FR at 20361.

¹⁷*Id.* at 32, 44 FR at 20364-65.

¹⁸See notes 11 and 12 *supra*.

are collected in a particular market center²⁶ and disseminated by that market center for display in other market centers ("displayed public limit orders"), receive intermarket price protection against executions at inferior prices. The proposed rule would prohibit any broker or dealer, on and after the effective date of the rule, from executing a transaction in any market center, in any security subject to its provisions, at a transaction price inferior to the price of any displayed public limit order unless that broker or dealer, either simultaneously with or immediately after execution of the transaction, satisfies all such displayed public limit orders which are at superior prices. If proposed Rule 11Ac1-3 is adopted, all displayed public limit orders in securities covered by the rule held on exchanges, in the over-the-counter market and in the CSE System will be required to be protected against any execution at an inferior price, regardless of the market of execution. As a result, if the CSE System is to become a permanent feature of a national market system, it will be necessary to provide a link between the CSE System and the other market centers (whether exchanges or over-the-counter markets) by achieving a computerized interface with the ITS (and such other market linkage or automated trading systems as may emerge in the future) permitting two-way communication.²⁷

The CSE has indicated that it "is initiating steps to make its markets available on the Consolidated Quotation System and will also explore methods of interfacing with the Intermarket Trading

Footnotes continued from last page therefore cover all securities included in the ITS, although the definition of market linkage system is broad enough to cover the CSE System if it joins with another self-regulatory organization to file a Section 11A(a)(3)(B) plan covering the implementation or operation of the CSE System. As a practical matter, however, all securities which are currently actively traded in the CSE System would be covered by the proposed rule because they are also included in the ITS.

²⁶ The term "market center" would be defined to mean, with respect to any security covered by the rule, (i) any exchange on which or through whose facilities transactions in that security are executed, and (ii) any third market maker who executes, in that capacity, transactions in that security.

²⁷ Although, in connection with the recent publication of the Commission's limit order protection proposal, the Commission indicated that intermarket price protection between market centers linked by the ITS and the CSE System might be achieved by having CSE System terminals available in each such market center, such an alternative would require participants in those market centers to use two different systems to communicate with all of the various markets and simply may not be feasible for handling active market situations.

System."²⁸ The Commission intends to monitor closely developments in this area, and to take further action with respect to the CSE experiment if the Commission determines that such action is necessary or appropriate in light of the progress made towards a national market system or otherwise in furtherance of the purposes of the Act.

IV. Conclusion

The Commission finds that the CSE proposal to extend authorization of the CSE System for an additional three-year period, until January 31, 1983, is consistent with the requirements of the Act, particularly the requirements of Sections 6(b) and 11A. In so approving the extension, the Commission is mindful that a fundamental objective of the Act, as amended by the Securities Acts Amendments of 1975, is "to enhance competition and to allow economic forces, interacting within a fair regulatory field, to arrive at appropriate variations in practices and services."²⁹ The Commission believes that the CSE System experiment represents one positive response to the Act's mandate for the development of a national market system and to the Commission's January 1978 statement³⁰ calling upon the securities industry to pursue particular facilities initiatives in furtherance of the national market system objectives of the Act and that the CSE System offers a unique opportunity to study whether an automated trading facility can link various types of exchange based and upstairs brokerdealers in differing geographic locations.³¹

In addition, by permitting direct access to the CSE System by specialists on other exchanges (both for agency and principal orders) without requiring CSE membership, the "open access" nature of the CSE experiment appears to afford an opportunity for enhanced competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets. Extension of the CSE experiment therefore appears to be the kind of "competition-enhancing" development which the Commission should foster under the Act in carrying

out the Act's national market system mandate.

The Commission notes, however, that, in keeping with the experimental nature of the CSE System, the Commission intends to continue to monitor closely the activities of the CSE, the System operator and persons trading in the CSE System to ensure that the CSE pilot continues to develop in a manner consistent with the requirements of the Act and the objectives of an evolving national market system. Accordingly, the Commission is also requesting that the CSE continue to provide the Commission with data and reports essential to monitoring the CSE System.³² Further, the Commission is requesting the CSE to file with the Commission an annual status report on the pilot, not later than November 30 of each calendar year the CSE System is in operation (beginning with 1979), describing its experience with the system during the preceeding 12 months. On the basis of those reports and its ongoing monitoring program, the Commission will make periodic assessments of the CSE System and, notwithstanding its approval granted herein (i) may take regulatory action to modify the pilot, or (ii) require that changes or modifications be made in the CSE System during the extension period as requested or required by the Commission.

It is hereby ordered, pursuant to the Commission's authority under the Act, and particularly Sections 11A and 19(b)(2) thereof, that the above-referenced rule change be, and it hereby is, approved.

By the Commission,
George A. Fitzsimmons,
Secretary.

[FR Doc. 79-30197 Filed 9-27-79; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 21226; (70-6288)]

Metropolitan Edison Co.; Notice of Proposal To Sell and Lease Electric Transmission Lines and Substations to a Non-Affiliated Utility Company

September 24, 1979.

Notice is hereby given that Metropolitan Edison Company ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605, an electric utility subsidiary of General Public Utilities Corporation, a registered holding company, has filed a

³² See letter to Gerald C. Oaks, Chairman of the Board of the CSE, from Andrew M. Klein, Director of the Division of Market Regulation, dated June 30, 1978.

declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed is the owner of three 69 KV electric transmission lines and two substations, located in Dauphin County, Pennsylvania, which were constructed and are currently used solely to provide electric service to Hershey Electric Company, ("Hershey").

Pennsylvania Power and Light Company ("PP&L") has recently acquired ownership of Hershey and pursuant to an order of the Federal Power Commission Hershey has notified Met-Ed that effective March 1, 1980, or such other date as may be mutually acceptable ("termination date"), Hershey will terminate the obtaining of its electric service requirements from Met-Ed and will instead obtain service from PP&L.

The facilities referred to above will no longer be useful to Met-Ed after the termination date, and subject to the receipt of all required regulatory approvals, Met-Ed has agreed to sell and PP&L has agreed to buy such facilities.

In order to enable PP&L to perform certain required engineering and construction work on the facilities prior to the termination date, Met-Ed has agreed to sell these facilities to PP&L and to lease back the facilities (for the consideration of \$1) until the termination date.

It is expected that Met-Ed's net book cost of these facilities as of September 1, 1979 was approximately \$523,055. The sale price of these facilities determined on the basis of arms-length negotiations between Met-Ed and PP&L is \$737,094.

Met-Ed also proposes to lease to PP&L, for an initial term of eight years, a second circuit (to be constructed by Met-Ed) on the 69KV transmission line which connects Met-Ed's North Hershey and Crawford Substations. The monthly payments by PP&L to Met-Ed are presently estimated at approximately \$1,400.

The fees, commissions and expenses to be incurred by Met-Ed in connection with the proposed transactions are estimated at \$7,500, including legal fees of \$5,000. The proposed transactions have been authorized by the Pennsylvania Public Utilities Commission and the Federal Energy Regulatory Commission. It is stated that no other state or federal commission,

other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 18, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-30196 Filed 9-27-79; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-16212]

List of Foreign Issuers Which Have Submitted Information Required by the Exemption Relating to Certain Foreign Securities

Foreign issuers with total assets in excess of \$1,000,000 and a class of equity securities held of record by 500 or more persons, of which 300 or more shareholders reside in the United States, are subject to the registration, reporting, proxy and insider trading provisions of the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)] (the "Act").¹

¹ Foreign issuers may also be subject to such requirements of the Act by reason of having securities registered and listed on a national securities exchange in the United States or subject to the reporting requirements by reason of having registered securities under the Securities Act of 1933 [15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)].

Rule 12g3-2(b) (17 CFR 240.12g3-2(b)) provides an exemption from registration under Section 12(g) of the Act for a foreign issuer which submits on a current basis material specified in the Rule to the Commission. Such required material includes that information about which investors ought reasonably to be informed with respect to the issuer and its subsidiaries and which the issuer (1) has made public pursuant to the law of the country of its domicile or in which it is incorporated or organized, (2) has filed with a stock exchange on which its securities are traded and which was made public by such exchange and/or (3) has distributed to its security holders.

When it adopted Rule 12g3-2 and other rules relating to foreign securities (see Securities Exchange Act Release No. 8066, April 28, 1967), the Commission indicated that from time to time it would issue lists containing those foreign issuers which have obtained exemptions from the registration provisions of Section 12(g) of the Act by providing the information specified in Rule 12g3-2(b). The purpose of the present release is to call to the attention of brokers, dealers and investors that some form of relatively current information concerning the foreign issuers included on the attached list is available in the public files of the Commission. The attached list includes those foreign issuers which, as of August 31, 1979, appear to be current in furnishing information under Rule 12g3-2(b). There is a total of 161 foreign issuers on the list.

The Commission also wishes to bring to the attention of brokers, dealers, and investors the fact that current information concerning certain foreign issuers may not be available in the United States. The Commission continues to expect that brokers and dealers will consider this fact in connection with their obligations under the federal securities laws to have a reasonable basis for recommending these securities to their customers. The Commission will continue to review activity in the markets for foreign securities to determine whether the present rules are achieving their purposes and whether further rules or rule revisions are necessary in the public interest or for the protection of investors.

Any questions regarding Rule 12g3-2 or the list included herein should be directed to Carl T. Bodolus or Ronald Adeo, Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange

Commission, Washington, D.C. 20549 (202/272-3246 or 272-3250)).

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.
September 21, 1979.

List of Foreign Private Issuers Which Appear To Qualify for the Exemption Provided in Rule 12g3-2(b) as of August 31, 1979.

Registrant File No. and Domicile

Abitibi Paper Company Limited
82-80 Toronto, Ontario, Canada
The Afrikaner Lease Limited
82-245 Johannesburg, South Africa
Agnico-Eagle Mines Limited
82-179 Toronto, Ontario, Canada
Aktiebolaget Svenska Kullagerfabriken
82-139 Gothenberg, Sweden
Algoma Steel Corp. Ltd.
82-99 Sault Ste. Marie, Ontario, Canada
Anglo American Corp. of South Africa Ltd.
82-97 Johannesburg, South Africa
Anglo American Gold Investment Co. Ltd.
(formerly West Rand Investment Trust Ltd.)
82-146 Johannesburg, South Africa
Anglo United Development Corp. Ltd.
82-190 Toronto, Ontario, Canada
B.A.T. Industries Limited
82-33 London, England
Bank of Montreal
82-126 Montreal, Quebec, Canada
Basic Resources International S.A.
82-203 Luxembourg, Luxembourg
Beecham Group Limited
82-22 Middlesex, England
Belmoral Mines Ltd. (N.P.L.)
82-279 Calgary, Alberta, Canada
Bethlehem Copper Corporation
82-248 Vancouver, British Columbia, Canada
Blyvooruitzicht Gold Mining Company, Ltd.
82-69 Johannesburg, South Africa
The Border & Southern Stockholders Trust, Ltd.
82-287 London, England
The Bowater Corporation
82-3 Toronto, Ontario, Canada
Bralorne Resources Ltd.
82-143 Calgary, Alberta, Canada
Bramalea Consolidated Developments Ltd.
82-154 Toronto, Ontario, Canada
Brascan, Ltd.
82-4 Toronto, Ontario, Canada
Brent Exploration Ltd.
82-321 Vancouver, British Columbia, Canada
Brican Resources Ltd.
82-294 Vancouver, British Columbia, Canada
Broken Hill Proprietary Co., Ltd.
82-81 Melbourne, Australia
Burmah Oil Company Limited
82-5 Glasgow, Scotland
Camflo Mines Limited
82-193 Toronto, Ontario, Canada
Canada Tungsten Mining Corporation, Ltd.
82-290 Vancouver, British Columbia, Canada
Canadian Barranca Corp., Ltd.
82-292 Edmonton, Alberta, Canada

Canadian Imperial Bank of Commerce
82-103 Toronto, Ontario, Canada
Charter Consolidated Ltd.
82-233 London, England
Cochenour Willans gold Mining Ltd.
82-63 Toronto, Ontario, Canada
Cominco Ltd.
82-107 Montreal, Quebec, Canada
Conex Australia N.L.
82-319 Perth, Australia
Coniagas Mines Ltd.
82-168 Toronto, Ontario, Canada
Consolidated-Bathurst Limited
82-172 Montreal, Quebec, Canada
Consolidated Cinola Mines, Ltd.
82-310 Vancouver, British Columbia, Canada
Consolidated Durham Mines & Resources Ltd.
82-178 Toronto, Ontario, Canada
Consolidated Gold Fields Limited
82-251 London, England
Consumers Distributing Co., Ltd.
82-297 Toronto, Ontario, Canada
Coseka Resources Ltd.
82-295 Vancouver, British Columbia, Canada
The Dai'ei
82-230 Osaka, Japan
DeBeers Consolidated Mines, Ltd.
82-91 Johannesburg, South Africa
Deelkraal Gold Mining Company Ltd.
82-246 Johannesburg, South Africa
Denison Mines Limited
82-155 Toronto, Ontario, Canada
Dickenson Mines Limited
82-8 Toronto, Ontario, Canada
Dominion Textile Company Limited
82-113 Montreal, Quebec, Canada
Domtar Limited
82-18 Montreal, Quebec, Canada
Doornfontein Gold Mining Co. Ltd.
82-213 Johannesburg, South Africa
Dresdner Bank AG
82-229 Frankfurt a.M., Federal Republic of Germany
Dupont of Canada Limited
82-19 Montreal, Canada
Durban Roodepoort Deep Ltd.
82-156 Johannesburg, South Africa
East Daggafontein Mines Limited
82-42 Johannesburg, South Africa
East Driefontein Gold Mining Co., Inc.
82-124 Johannesburg, South Africa
East Rand Gold and Uranium Company, Ltd.
82-299 Johannesburg, South Africa
East Rand Proprietary Mines, Limited
82-239 Johannesburg, South Africa
Elandsrand Gold Mining Company Ltd.
82-266 Johannesburg, South Africa
Elsburg Gold Mining Company Limited
82-269 Johannesburg, South Africa
Energie & Resources O'Brien Limited
82-262 Toronto, Ontario, Canada
L.M. Ericsson Telephone Co.
82-115 Stockholm, Sweden
Fiat S.P.A.
82-118 Turin, Italy
Fisons Limited
82-202 Suffolk, England
Ford Motor Company of Canada Ltd.
82-20 Oakville, Ontario, Canada
Free State Development & Investment Corp., Ltd.
82-296 Johannesburg, South Africa
Free State Geduld Mines Ltd.
82-40 Johannesburg, South Africa

Free State Sasiplass Gold Mining Co., Ltd.
82-41 Johannesburg, South Africa
Fuji Photo Film Company, Limited
82-78 Tokyo, Japan
General Mining and Finance Corp., Ltd.
82-311 Marshalltown, South Africa
Glaxo Holdings Limited
82-10 London, England
Gold Fields of South Africa, Ltd.
82-204 Johannesburg, South Africa
Gold Fields Property Co. Ltd.
82-214 Johannesburg, South Africa
Granisle Copper Ltd.
82-26 Vancouver, British Columbia, Canada
Great Canadian Oil Sands Limited
82-228 Toronto, Ontario, Canada
Hal Roach Studios Corp.
82-250 Toronto, Ontario, Canada
Harlequin Enterprises Ltd.
82-318 Don Mills, Ontario, Canada
Harmony Gold Mining Ltd.
82-238 Johannesburg, South Africa
IAC Limited
82-120 Toronto, Ontario, Canada
Imasco Limited
82-118 Montreal, Quebec, Canada
Imperial Group Ltd.
82-316 London, England
Indusmin Limited
82-201 Toronto, Ontario, Canada
International Brenmac Development Corporation (N.P.L.)
82-277 Vancouver, British Columbia, Canada
International Distillers & Vintners Ltd.
82-12 London, England
The Investors Group
82-13 Winnipeg, Manitoba, Canada
Karstadt Aktiengesellschaft
82-37 Postfach, West Germany
Kerr Addison Mines Limited
82-14 Toronto, Ontario, Canada
Kirin Brewery Co., Ltd.
82-188 Tokyo, Japan
Kloof Gold Mining Company Ltd.
82-205 Johannesburg, South Africa
Lacana Mining Corporation
82-265 Toronto, Ontario, Canada
Lemans Resources
82-259 British Columbia, Canada
Lennard Oil Co.
82-298 Perth, Australia
Libanon Gold Mining Co. Limited
82-215 Johannesburg, South Africa
Lydenburg Platinum Ltd.
82-312 Marshalltown, South Africa
Magnet Metals, Ltd.
82-299 Perth, Australia
Marievale Consolidated Mines Ltd.
82-224 Johannesburg, South Africa
M.I.M. Holdings Ltd.
82-173 Brisbane, Australia
Minerals and Resources Corporation
82-206 Pembroke, Bermuda
Moore Corporation Ltd.
82-128 Toronto, Ontario, Canada
New Cinch Uranium Ltd. (N.P.L.)
82-283 British Columbia, Canada
New Dimension Resources Ltd.
82-272 Toronto, Ontario, Canada
Noranda Mines Ltd.
82-158 Toronto, Ontario, Canada
Northair Mines Ltd.
82-305 Vancouver, British Columbia, Canada

North West Mining N.L.
82-309 Perth, Australia
Nowaco Well Service Limited
82-261 Calgary, Alberta, Canada
Nu-Energy Development Company
82-286 Vancouver, British Columbia, Canada
Oceanic Iron Ore of Canada, Ltd.
82-159 Toronto, Ontario, Canada
Onaping Mines Limited
82-273 Toronto, Ontario, Canada
Otter Exploration N.L.
82-320 St. Leonards, Australia
Overseas Inns SA
82-166 Luxembourg City, Luxembourg
Pan Arctic Explorations Ltd.
82-317 Vancouver, British Columbia, Canada
Pan Canadian Petroleum Limited
82-265 Calgary, Alberta, Canada
Patino N.V.
82-135 The Hague, The Netherlands
Phillex Mining Corp.
82-136 Manila, Philippines
Pop Shoppes International Inc. (PSI)
82-256 Ontario, Canada
Power Corporation of Canada Limited
82-137 Montreal, Quebec, Canada
President Brand Gold Mining Co., Ltd.
82-39 Johannesburg, South Africa
President Steyn Gold Mining Co., Ltd.
82-44 Johannesburg, South Africa
Quebec Sturgeon River Mines Ltd.
82-186 Toronto, Ontario, Canada
The Randfontein Estates Gold Mining Co. Witwatersrand, Limited
82-267 Johannesburg, South Africa
Rank Organisation Limited
82-17 London, England
Reed Steinhilse Companies Limited
82-254 Toronto, Ontario, Canada
Rothmans International Limited
82-84 Basildon, Essex, England
Rustenburg Platinum Holdings Ltd.
82-241 Johannesburg, South Africa
Sabina Industries Ltd.
82-244 Pembroke, Ontario, Canada
San Miguel Corp.
82-306 Manila, Philippines
Sanyo Electric Co., Ltd.
82-264 Tokyo, Japan
Sentrust Ltd.
82-313 Marshalltown, South Africa
Shell Canada Limited
82-94 Toronto, Ontario, Canada
Sherritt Gordon Mines, Limited
82-29 Toronto, Ontario, Canada
Siemens Aktiengesellschaft
82-73 Munich, Federal Republic of Germany
Simpsons Limited
82-53 Toronto, Ontario, Canada
Source Perrier
82-291 Paris, France
South African Breweries, Ltd.
82-303 Johannesburg, South Africa
South African Land & Exploration Co., Ltd.
82-59 Johannesburg, South Africa
Southvaal Holdings Limited
82-197 Johannesburg, South Africa
Spartan Capital Corp. Ltd.
82-160 Ottawa, Ontario, Canada
Spooner Mines and Oils Limited
82-112 Toronto, Ontario, Canada
Steel Co. of Canada Limited
82-141 Toronto, Ontario, Canada

Taro-Vit Chemical Industries Ltd.
82-210 Haifa, Israel
TDK Electronics Co., Ltd.
82-255 Tokyo, Japan
Toronto Dominion Bank
82-142 Toronto, Ontario, Canada
Toyota Motor Co., Ltd.
82-208 Tokyo, Japan
Trade Development Bank Holding SA
82-276 Luxembourg
Transvaal Consolidated Land & Exploration Co.
82-304 Johannesburg, South Africa
Troy Gold Industries
82-307 Calgary, Alberta, Canada
U.C. Investments Limited
82-235 Johannesburg, South Africa
Union Corporation Limited
82-231 Johannesburg, South Africa
United Hearne Resources Ltd.
82-315 Vancouver, British Columbia, Canada
United Keno Hill Mines Ltd.
82-61 Toronto, Ontario, Canada
Vaal Reefs Exploration and Mining Company Limited
82-58 Johannesburg, South Africa
Velcro Industries N.V.
82-145 Curacao, Netherlands Antilles
Venterspost Gold Mining Company Ltd.
82-216 Johannesburg, South Africa
Vlakfontein Gold Mining Company Ltd.
82-217 Johannesburg, South Africa
Voyager Petroleum Ltd.
82-189 Calgary, Alberta, Canada
Vulcan Industrial Packaging Ltd.
82-300 Toronto, Ontario, Canada
Welkom Gold Mining Company Limited
82-57 Johannesburg, South Africa
West Driefontein Gold Mining Co. Ltd.
82-90 Johannesburg, South Africa
Westport Petroleum Ltd.
82-308 Calgary, Alberta, Canada
West Rand Consolidated Mines, Ltd.
82-314 Marshalltown, South Africa
Western Areas Gold Mining Company Ltd.
82-268 Johannesburg, South Africa
Western Deep Levels Limited
82-58 Johannesburg, South Africa
Western Holdings Limited
82-54 Johannesburg, South Africa
F.W. Woolworth and Co., Limited
82-200 London, England
Wright Hargreaves Mines Ltd.
82-60 Toronto, Ontario, Canada

[FR Doc. 79-30200 Filed 9-27-79; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 16216; File No. 4-208]

Request for Exemption From Market Identification Requirements of Rule 17a-15 Under the Securities Exchange Act of 1934; Order Granting Temporary Exemptions

September 21, 1979.

Notice is hereby given that the Securities and Exchange Commission has extended temporary exemptions, subject to certain conditions, from Rule 17a-15 under the Securities Exchange Act of 1934 ("Act")¹ and any plan

¹ 17 C.F.R. § 240.17a-15 (1978).

declared effective by the Commission pursuant to that Rule) granted to the Consolidated Tape Association ("CTA") and Securities Industry Automation Corporation ("SIAC"), insofar as that Rule or plan requires that last sale reports disseminated by means of moving ticker displays be accompanied by a market identifier indicating the market of execution.

Rule 17a-15 requires that last sale reports of transactions reported pursuant to that Rule be accompanied by an identifier indicating the market of execution. Paragraph (b) of Rule 17a-15 provides that "[e]ach . . . composite tape or interrogation system, in displaying last sale reports, shall identify the marketplace where each transaction was executed."²

In addition, the joint industry plan governing the consolidated transaction reporting system ("consolidated system") filed with and declared effective by the Commission pursuant to Rule 17a-15 ("CTA Plan") contains a similar requirement.³

On March 9, 1978, the New York ("NYSE"), American ("Amex"), Boston ("BSE"), Pacific ("PSE") and Philadelphia ("Phlx") Stock Exchanges (collectively, "filing exchanges"), filed jointly with the Commission a "Plan for the Purpose of Creating and Operating and Intermarket Communications Linkage" ("ITS Plan").⁴ The ITS Plan contemplates the implementation of an Intermarket Trading System ("ITS") linking the participating exchanges (collectively, "Participants") and providing facilities and procedures for (1) rapid and efficient routing of commitments to trade and administrative messages, between and among Participants, and (2) participation, under certain conditions, by members of all participating markets in opening transactions in those markets.⁵

In connection with implementation of the ITS Plan, the filing exchanges requested certain regulatory actions by the Commission. First, the filing exchanges requested that the Commission approve the ITS Plan and

² The Rule defines the term "composite tape" to mean a "moving, real-time last sale reporting system." Rule 17a-15(b).

³ See CTA Plan, "Plan Submitted Pursuant to Rule 17a-15 of Securities Exchange Act of 1934," § V(e), ¶ 1, at 18, contained in File No. S7-433.

⁴ A copy of the ITS Plan, as amended April 25 and July 1, 1978, is contained in File No. 4-208.

⁵ The ITS also contemplates the display of composite quotation information on the floor of each of the participating exchanges (at the designated trading post) so that members of each participating exchange will be able to determine readily the best bid and offer for a particular security available from any participant. See ITS Plan, *supra* note 4 at § 5(a), ¶ 1, at 6.

issue "an order pursuant to Section 11A(a)(3)(B) of the . . . Act evidencing such approval." * Second, the filing exchanges requested that the Commission either amend Rule 17a-15 or issue an exemptive order pursuant to paragraph (h) of that Rule, to permit the deletion of market identifiers from moving ticker displays for all transactions effected in any market center which was scheduled to participate, or was participating, in the ITS (including transactions not effected through, and securities not then traded in, that system).⁷

In response to this request, on April 14, 1978, simultaneously with its temporary approval of the ITS⁸ the Commission issued temporary, conditional exemptions to the CTA and SIAC from the market identifier requirements of Rule 17a-15 insofar as such requirements apply to moving ticker displays.⁹ The temporary exemptions were granted for a period of 120 days or until the Commission took final action with respect to the ITS Plan, whichever occurred first. The Commission at that time also requested interested persons to submit written views, data and arguments with respect to these exemptions.

In granting the temporary exemptions, the Commission noted that, among other matters, removal of market identifiers for less than all market centers reporting transactions in the consolidated system would be discriminatory and anti-competitive as to those market centers whose transactions would continue to be reported with an identifier. Accordingly, although the Commission granted the requested relief, that relief was conditioned on the prompt removal, as soon as technically feasible, of such identifiers on moving ticker displays for all transactions as to which last sale information is reported in the consolidated system, regardless of the market of execution.

On April 17, 1978, the ITS began operations, linking the NYSE and Phlx in eleven multiply-traded issues and permitting display of quotations, without

size, in those securities. Simultaneously, CTA and SIAC deleted market identifiers from all moving ticker displays with respect to transactions effected on all market centers having agreed to participate in the ITS (the BSE, MSE,¹⁰ PSE and Phlx). One week later, on April 24, 1978, the CTA and SIAC removed market identifiers from moving ticker displays with respect to all remaining market centers reporting transactions through the consolidated system (the Cincinnati Stock Exchange, Inc., the National Association of Securities Dealers, Inc. and Institutional Network Corporation).

On August 11, 1978, the Commission reviewed the activities pursuant to the conditional exemptions in the First Exemptive Order and determined to extend the exemptions for one year.¹¹ In extending the conditional exemption, the Commission noted that although the "limited commentary" in response to the First Exemptive Order had "generally opposed the deletion of market identifiers from moving ticker displays,"¹² the Commission concluded that an extension of the conditional exemptions was appropriate "in order to provide other interested persons time to submit their views."¹³ Moreover, the Commission further noted that because it intended to propose a rule under the Act "which would require deletion of market identifiers from moving ticker displays," it was "appropriate to continue the exemptions granted to the CTA and SIAC pending the outcome of [that] rulemaking proceeding."¹⁴

On October 20, 1978, the Commission issued for comment proposed Rule 11Ac1-2 under the Act,¹⁵ which Rule would require that "[n]o moving ticker or consolidated last sale display shall identify the market center in which a particular transaction in a reported security has been executed."¹⁶ The Commission has received substantial commentary discussing proposed Rule 11Ac1-2(b)(2).¹⁷ Because the Commission is actively reviewing this commentary it would appear appropriate to continue the conditional exemptions granted to CTA and SIAC

pending the outcome of the Rule 11Ac1-2 proceeding. Moreover, the concerns identified by the Commission in the First and Second Exemptive Orders still appear applicable to these exemptions.

IT IS HEREBY ORDERED, pursuant to paragraph (h) of Rule 17a-15, that the conditional exemptions from the market identification requirements of the Rule and the CTA Plan granted to CTA and SIAC on April 14, 1978, and extended on August 11, 1978, be extended for the period beginning August 12, 1979 and ending January 31, 1983 or the date the Commission concludes its proceeding regarding proposed Rule 11Ac1-2, whichever is earlier. This exemption is subject to modification or revocation at any time if the Commission determines that such action is necessary or appropriate in light of progress made toward a national market system or otherwise in furtherance of the purposes of the Act.

By the Commission,

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-30199 Filed 9-27-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16213; File No. SR-NSCC-79-11]

National Securities Clearing Corp.; Proposed Rule Changes

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 30, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

Section II. TRADE COMPARISON AND RECORDING SERVICE FEES and SECTION III. CLEARANCE FEES of National Securities Clearing Corporation's (NSCC) SCC Division Fee Schedule are proposed to be amended by the addition to Section II of a new subsection D. and the addition to Section III of a new subsection G. as follows (italicizing indicates material to be added, brackets indicate material to be deleted):

D. An interim surcharge shall be imposed on each side, representing a transaction in a listed security, submitted for comparison or recorded by NSCC, for a participant using a branch facility for listed trade processing. The interim surcharge by branch facility is as follows:

*Atlanta \$.28 per side
Boston .74 per side*

*Chicago .17 per side
Cleveland .19 per side
Dallas .14 per side
Milwaukee .15 per side
Minneapolis .22 per side
St. Louis .15 per side*

G. An interim surcharge shall be imposed on receipts and deliveries of listed securities from or to the CNS system and for each designated valued delivery of listed securities for a participant using a branch facility for listed clearance processing. The interim surcharge by branch facility is as follows:

*Atlanta \$.28 per receipt or delivery
Boston .74 per receipt or delivery
Chicago .17 per receipt or delivery
Cleveland .19 per receipt or delivery
Dallas .14 per receipt or delivery
Milwaukee .15 per receipt or delivery
Minneapolis .22 per receipt or delivery
St. Louis .15 per receipt or delivery*

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change establishes interim surcharges to be charged in connection with NSCC's processing of listed transactions for participants utilizing the NSCC branch facilities. The interim surcharges will be applied to listed trade comparison and recording for a participant using a branch facility for listed trade processing, and receipts and deliveries of listed securities from or to the continuous net settlement system and for each designated valued delivery of listed securities for a participant using a branch facility, for listed clearance processing. The interim surcharges are in direct response to the Commission's directive, appearing in their letters to NSCC of March 15, 1979 and August 1, 1979 and have been characterized by the Commission as a "temporary measure that will remain in effect only until the Commission determines its response to the Bradford remand."

The proposed rule change relates to the equitable allocation of reasonable dues, fees and other charges among its participants. The Commission has indicated that filing of the proposed rule change, pursuant to Rule 19b-4, is appropriate and that filing of the proposed rule change under Section 19(b)(3)(A) will satisfy the requirements of the Securities Exchange Act.

No comments on proposed rule change have been solicited or received.

While NSCC does perceive that the proposed rule change would constitute a burden on competition at the broker-dealer level (i.e. competition between regional broker-dealers and New York broker-dealers), NSCC is complying with the Commission's directive appearing in its letter to NSCC dated

March 15, 1979, as supplemented by its further letter to NSCC dated August 1, 1979.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 for transactions included in the September 1979 billing period and thereafter. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested parties are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 19, 1979.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

September 21, 1979.

[FR Doc. 79-30140 Filed 9-27-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 10871; (812-4527)]

Delaware Cash Reserve, Inc.; Notice of Filing of Application Pursuant to Section 6(c) of the Act for an Order of Exemption From Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 Thereunder

September 20, 1979.

Notice is hereby given that Delaware Cash Reserve, Inc. ("Applicant") Seven Penn Center Plaza, Philadelphia, PA 19103, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on August 20, 1979, for an order pursuant to Section 6(c) of the Act, exempting Applicant from the

provisions of Section 2(a)(41) and Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to calculate its net asset value per share using the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant represents that it is a "money market fund" and that its investment objective is to seek as high a level of current income with preservation of capital and maintenance of liquidity as is consistent with prudent investment management. Applicant further represents that its portfolio may consist of a variety of high quality money market instruments, at least eighty percent of which must mature in one year or less. Applicant states that it is permitted to invest not more than twenty percent of its assets in debt securities having maturities longer than a year.

Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. In Investment Company Act Release No. 9786, issued May 31, 1977, the Commission expressed its view that, among other things, (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis. Section 2(a)(41) of the Act provides, in part, that securities for which market quotations are readily available must be valued at market value.

Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except

* Letter from Robert C. Hall to Andrew M. Klein, Director, Division of Market Regulation, SEC, dated March 8, 1978. See Securities Exchange Act Release No. 14661 (April 14, 1978), 43 FR 17419.

⁷ On April 5, 1978, the CTA filed with the Commission, and on April 25, 1978, the CTA refiled with the Commission an amendment to the CTA Plan which, in part, would have provided for the deletion of market identifiers for ticker display purposes of all ITS participants with respect to transactions occurring in their market centers. See Securities Exchange Act Release No. 15253 (October 20, 1978), 43 FR 50520.

⁸ See ITS Order, *supra* note 6.

⁹ Securities Exchange Act Release No. 14662 (April 14, 1978) ("First Exemptive Order"), 43 FR 17422.

¹⁰ The MSE announced its intention to participate in ITS on April 14, 1978, and the ITS Plan was accordingly amended on April 25, 1978. See ITS Plan *supra* note 1.

¹¹ Securities Exchange Act Release No. 15059 (August 11, 1978) ("Second Exemptive Order"), 43 FR 36736.

¹² *Id.* at 5, 43 FR at 36737. See File No. 4-208.

¹³ *Id.*

¹⁴ *Id.* at 6, 43 FR at 36737.

¹⁵ See Securities Exchange Act Release No. 15251 (October 20, 1978), 43 FR 50615.

¹⁶ Proposed Rule 11Ac1-2(b)(2)(iii), *id.* at 72, 43 FR at 50626. See *id.* at 17-31, 43 FR at 50617-20.

¹⁷ See File No. S7-759.

at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Section 6(c) of the Act provides, in part, that the Commission, upon application, may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an exemption from Section 2(a)(41) and Rules 2a-4 and 22c-1 under the Act to permit its use of the amortized cost method of valuation with respect to portfolio securities maturing within one year of the date of any daily calculation of net asset value. Applicant asserts that such an exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant states that its management believes that it is advantageous to maintain a fixed net asset value per share, and that from its inception it has maintained the public offering price of its stock at \$10.00 per share by investing in securities having average maturities of less than thirty days. Applicant states that its management believes that if Applicant were permitted to use the amortized cost method of valuing all securities maturing within one year of the date of any daily calculation of net asset value, its net asset value per share would remain fixed at \$10.00, provided Applicant maintains a dollar-weighted average portfolio which does not exceed 120 days. Applicant further asserts that the capability of maintaining a constant net asset value while being able to manage its portfolio to deal with fluctuating interest rates will enhance its attractiveness to institutional investors, including corporate investors and bank trust departments, because such investors, as well as individuals for whom a money market fund is an attractive investment, desire stability of principal, a fixed offering and redemption price per share, and a steady flow of investment income. Applicant states that in the case of bank trust departments in particular, the maintenance of a constant net asset value is especially important because such investors often segregate principal

from interest, so that difficult internal accounting problems are created by any fluctuation of principal. Applicant contends that an average portfolio maturity of approximately 120 days combined with a per share price of \$10.00 greatly reduces the possibility of a change in the price per share, while also providing a yield on portfolio instruments commensurate with yields available in the general money market, which may not be available with a portfolio having an average maturity of a shorter duration. Applicant further states that securities in bank short-term common trust funds are valued according to the amortized cost method pursuant to regulations promulgated by the Comptroller of the Currency, among other governmental agencies concerned with banking supervision. Lastly, Applicant states that it would be at a competitive disadvantage if it were not permitted to use the amortized cost method of valuation.

Applicant states that for the aforementioned reasons, the directors of Applicant have determined that the maintenance of a net asset value per share fixed at \$10.00 by utilizing the amortized cost method of valuation would be appropriate and represents fair value, subject to the following conditions to which Applicant would submit if an order granting the relief it requests is issued:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at \$10.00 per share.

2. Included among the procedures to be adopted by the board of directors shall be the following duties and responsibilities, which would be executed by a duly constituted committee of the board acting in accordance with the procedures adopted by the full board pursuant to paragraph 1. above:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's \$10.00 amortized cost price

per share and the maintenance of records of such review.

(b) In the event such deviation from Applicant's \$10.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from Applicant's \$10.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average portfolio maturity of Applicant; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio which exceeds 120 days.

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1. above; and, Applicant will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth in subparagraphs (a), (b) and (c) of condition 2. above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31 (b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those instruments which the board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not so rated, of comparable quality as determined by

the board of directors. Any obligations of foreign issuers acquired by Applicant shall be dollar-denominated obligations.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than October 15, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-30141 Filed 9-27-79; 8:45 am]

BILLING CODE 8010-01-M

[Re. No. 10872; (812-4517)]

Federated Money Market, Inc.; Notice of Filing of Application for Order Pursuant to Section 6(c) of the Act Exempting Applicant From the Provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 Thereunder

September 21, 1979

Notice is hereby given that Federated Money Market, Inc. ("Applicant") 421 Seventh Avenue Pittsburgh, Pennsylvania 15219, Registered under

the Investment Company Act of 1940 ("Act") as an openend, diversified, management investment company, filed an application on August 13, 1979, and an amendment thereto on September 4, 1979, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant's assets to be valued at amortized cost. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund organized as a Maryland Corporation and that Federated Research Corp., a wholly-owned subsidiary of Federated Investors, Inc., serves as its investment adviser. Applicant further states that it is designed as an investment vehicle for investors with cash reserves seeking current income consistent with stability of principal and that its portfolio may be invested in a variety of money market instruments.

According to the application, the net asset value of Applicant's shares, at the present time, fluctuates based upon changes in short-term interest rates because net asset value per share is determined primarily by estimating the market value of portfolio securities. The application further states that shares of Applicant were originally offered at \$1 per share and that as of August 2, 1979, Applicant's net asset value per share was \$.996. Applicant states that it is recommending to its shareholders that they approve: (1) an amendment to Applicant's charter, pursuant to which each of Applicant's outstanding shares would be split so that the net asset value per share would be equal to \$1.00, and (2) changes in Applicant's investment policies to reduce the maximum maturity of portfolio instruments permitted to be purchased by applicant from two years to one year, and to provide that Applicant generally will hold portfolio instruments to maturity.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security

shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant states that experience indicates that two features are necessary in a "money market" fund: (1) certainty of stability of principal and (2) steady flow of predictable and competitive investment income. Applicant asserts that by maintaining a portfolio of high quality, short-term money market instruments valued at amortized cost it can provide these features to investors. Applicant represents that its Board of Directors has properly determined in good faith under the provisions of the Act to value the portfolio of Applicant by use of the amortized cost method and that this method is in the best interest of the shareholders of Applicant. Applicant further represents that: (1) its Board of Directors has determined in good faith, in light of the characteristics of Applicant, that the amortized cost method of valuation of portfolio instruments is appropriate and preferable to the use of a market based valuation method, and (2) its Board of Directors has further determined to continuously monitor valuations indicated by methods other than amortized cost so that any necessary changes in the valuation method may be made to assure that the valuation

method being used is a fair approximation of fair value in view of all pertinent factors. Accordingly, Applicant requests exemptions from Section 2(a)(41) of the Act, and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit its assets to be valued as set forth in the application, and as described above, whether or not market quotations are available.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant submits that the exemptions it requests satisfy these standards in view of its management policies and the conditions hereinafter set forth.

Applicant consents to the imposition of the following conditions in an order granting the relief it requests:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at \$1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors shall be the following:

(a) Review by the Board of Directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's \$1.00 amortized cost price per share, and the maintenance of records of such review.¹

¹ To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the Board of Directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from Applicant's \$1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the Board of Directors will promptly consider what action, if any, should be initiated by the Board of Directors.

(c) Where the Board of Directors believes the extent of any deviation from Applicant's \$1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments of Applicant; withholding dividends; or utilizing a net asset value per share, as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.²

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1. above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments which

² In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

the Board of Directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not so rated, of comparable quality as determined by the Board of Directors.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than October 11, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30143 Filed 9-27-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21219; (70-6349)]

Vermont Yankee Nuclear Power Corp.; Notice of Proposed Short-Term Borrowing Authorization

September 20, 1979

Notice is hereby given that Vermont Yankee Nuclear Power Corporation, ("Vermont Yankee"), 77 Grove Street, Rutland, Vermont 05701, an electric

utility subsidiary of both New England Electric System and Northeast Utilities, registered holding companies, has filed with this Commission a declaration and an amendment thereto pursuant to The Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement concerning the proposed transaction.

Vermont Yankee operates a 540 MW nuclear-powered generating plant in Vernon, Vermont. During the remainder of 1979 and 1980, Vermont Yankee will be receiving shipments of uranium for fabrication into nuclear fuel for its reactor. These shipments will require payments in excess of declarant's present lines of credit, which are in the principal amount of \$4,000,000 each with the First National Bank of Boston and Chase Manhattan Bank (the "Banks").

Vermont Yankee requests a short-term borrowing authorization through June 30, 1981, of up to \$12,000,000 aggregate principal amount outstanding at any one time. The borrowings would be from the Banks pursuant to proposed increased lines of credit (\$8,000,000 with each Bank) and would be evidenced by promissory notes having a maturity of up to three months from date of issuance and bearing interest at the Banks' prime rate. The Banks will require compensating balances equal to 7.5% of the lines and 7.5% of any borrowings thereunder. Assuming full borrowings under the lines and a prime rate of 13% per annum, the effective cost of borrowings would be 15.59%.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may not later than October 19, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at

law, by certificate) should be filed with the request. At any time after said date the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30142 Filed 9-27-79; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0184]

Grocers Capital Corp.; Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Grocers Capital Company (Grocers) 2601 S. Eastern Avenue, Los Angeles, California 90040, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to Section 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004 (1979)) for approval of a conflict of interest transaction.

Grocers proposes to lend \$87,500 to Forrest and Lillian Perry DBA Perry's Farm Market #2 (Perry's), 140 N. San Antonio Avenue, Ontario, California. The proceeds of the loan will be used to purchase a grocery inventory from Certified Grocers of California, Ltd. (Certified), a retailer-owned grocery cooperative. All of Grocer's stock is owned by subsidiaries of Certified. Therefore, Certified is defined as an Associate of Grocer's by Section 107.3 of SBA Rules and Regulations. Since 50 or more percent of the funds are to be used to purchase a grocery inventory from an Associate of Grocers the transaction falls outside the exemption offered by § 107.1001(g) of the SBA Regulations. Grocers loan to Perry's requires prior written approval of SBA.

Notice is hereby given that any person may not later than (15 days from the date of publication of this Notice) submit written comments to the Acting

Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street N.W., Washington, D.C. 20416.

A similar Notice shall be published in a newspaper of general circulation in the Los Angeles and Ontario, California areas.

(Catalog of Federal Assistance Programs No. 95.011, Small Business Investment Companies)

Dated: September 24, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-30224 Filed 9-27-79; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-5217]

MESBIC of San Antonio, Inc.; Issuance of a License To Operate as a Small Business Investment Company

On July 31, 1979, a notice was published in the Federal Register (44 FR 45001), stating that MESBIC of San Antonio, Inc., located at 2300 West Commerce, San Antonio, Texas 78207, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1979), for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business August 15, 1979, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 06/06-5217 to MESBIC of San Antonio, Inc., on September 19, 1979.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 24, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-30226 Filed 9-27-79; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 01/01-5301]

MESBIC Venture Capital of Connecticut, Inc., Application for License To Operate as a Small Business Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by MESBIC Venture Capital of Connecticut, Inc. (applicant), with the Small Business Administration

(SBA), pursuant to 13 C.F.R. 107.102 (1979).

The officers, directors, and principal stockholders are as follows:

Thomas S. Heede, 7 Rock Point Lane, Guilford, Connecticut 06437, President, Treasurer and Director; 75% Stockholder. Lucinda Shearer, 7 Rock Point Lane, Guilford, Connecticut 06437, Vice President, Assistant Secretary, and Director; 25% Stockholder. Mildred M. Heede, 7 Rock Point Lane, Guilford, Connecticut 06437, Secretary, Director.

The applicant will maintain its principal place of business at Hitchcock Corner, Essex, Connecticut 06426. It will begin operations with private capital of \$500,000 derived from the sale of 1,000 shares of common stock to Mr. Heede and Ms. Shearer.

The applicant will concentrate its efforts in the State of Connecticut where the need for business enterprises with an interest in the community is clear.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Essex, Connecticut.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: September 24, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-30225 Filed 9-27-79; 9:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The Small Business Administration Region X Advisory Council, located in the geographical area of Portland, Oregon, will hold a public meeting at 11:00 a.m., Thursday, October 18, 1979, at the First National Bank of Oregon Board Room, 1300 Southwest Fifth, Portland, Oregon, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Peter A. Plumridge, District Counsel, U.S. Small Business Administration, 1220 Southwest Third Avenue, Room 676, Portland, Oregon 97204—(503) 221-3451.

Dated: September 21, 1979.

K. Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-30070 Filed 9-27-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Shipping Coordinating Committee; National Committee for the Prevention of Marine Pollution; Meeting

The National Committee for the Prevention of Marine Pollution will conduct an open meeting at 9:30 a.m. on Tuesday, November 20, 1979 in Room 3201 of the U.S. Coast Guard Headquarters Building, 2100 Second Street, S.W., Washington, D.C.

The purpose of this meeting is to finalize preparations for the 12th Session of the Marine Environment Protection Committee (MEPC) of the Intergovernmental Maritime Consultative Organization (IMCO) which is scheduled for November 26-30, 1979 in London. In particular, the National Committee will discuss development of U.S. positions dealing with, inter alia, the following topics:

Uniform interpretation of and possible amendments to the 1973 MARPOL Convention as modified by the 1978 Protocol. Control procedures under the 1978 MARPOL Protocol. Technical assistance. Report of the Subcommittee on Bulk Chemicals.

Requests for further information should be directed to Captain R. A. Biller, Chief, International Affairs

Division, U.S. Coast Guard (G-AIA/TP21), 2100 Second Street, S.W., Washington, D.C. 20593, telephone (202) 426-2280.

The Chairman will entertain comments from the public as time permits.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

September 21, 1979.

[FR Doc. 79-30075 Filed 9-27-79; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/230]

Shipping Coordinating Committee; Meeting

The Shipping Coordinating Committee will conduct an open meeting at 9:30 a.m. on Tuesday, October 30, 1979 in Room 3201 of the U.S. Coast Guard Headquarters Building, 2100 Second Street, S.W., Washington, D.C. 20593.

The purpose of this meeting is to finalize preparations for the 11th Session of the Assembly and 10th Extraordinary Session of the Council of the Intergovernmental Maritime Consultative Organization (IMCO) which are scheduled for November 2-16, 1979, in London. In particular, the Shipping Coordinating Committee will discuss development of U.S. positions dealing with, inter alia, the following topics:

—Consideration of the Reports of the various Committees and Subsidiary organs;

—Election of Members to the Council;

—Relations with non-Governmental organizations;

Status of Conventions and other multilateral instruments in respect of which IMCO performs depository or other functions.

Requests for further information should be directed to Captain R. A. Biller, Chief, International Affairs Division, U.S. Coast Guard (G-AIA/TP21), 2100 Second Street, S.W., Washington, D.C. 20593, telephone: (202) 426-2280.

The Chairman will entertain comments from the public as time permits.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

September 20, 1979.

[FR Doc. 79-30074 Filed 9-27-79; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Customs Service

[521417]

American Manufacturer's Petition; Receipt of American Manufacturer's Petition Requesting the Reclassification of Certain Machine-Processed Cigarette Leaf Tobacco

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Notice of receipt of American manufacturer's petition.

SUMMARY: Customs has received a petition from an American manufacturer of flue-cured tobacco requesting the reclassification of certain imported, machine-processed cigarette leaf tobacco as stemmed cigarette leaf filler tobacco. The leaf tobacco in question, which has been machine-thrashed to form stemmed leaf fragments under four inches in length for use in the manufacture of cigarettes, is currently classified by Customs as scrap tobacco.

DATES: Interested parties may comment on this petition. Comments (preferably in triplicate) must be received by November 27, 1979.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Research Division, Room 2335, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: John G. Hurley, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5865.

SUPPLEMENTARY INFORMATION:

Background

A petition has been filed under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), by an American manufacturer of flue-cured tobacco requesting that leaf tobacco, which has been machine-thrashed to form stemmed leaf fragments under four inches in length for use in the manufacture of cigarettes, be reclassified as stemmed cigarette leaf filler tobacco under item 170.35, Tariff Schedules of the United States (TSUS). The merchandise in question is currently classified by Customs as scrap tobacco under item 170.60, TSUS.

The processing of cigarette leaf tobacco, resulting in leaf fragments measuring approximately one half inch to two inches in length, but in no case over four inches in length, occurs either prior to importation or by manipulation in warehouse. It is the practice of

Customs to classify such machine-processed merchandise as scrap tobacco upon withdrawal.

The petitioner contends that scrap tobacco should be limited to the unintended by-product of handling, curing, and manufacturing, i.e., floor sweepings.

Comments

Pursuant to § 175.21(a) of the Customs Regulations (19 CFR 175.21(a)), the Customs Service invites written comments on this petition from all interested parties.

The American manufacturer's petition, as well as all comments received in response to this notice, will be available for public inspection in accordance with §§ 103.8(b) and 175.21(b), Customs Regulations (19 CFR 103.8(b), 175.21(b)), during regular business hours at the Regulations and Research Division, Headquarters, U.S. Customs Service, Room 2335, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Authority

This notice is published in accordance with § 175.21(a) of the Customs Regulations (19 CFR 175.21(a)).

Dated: August 23, 1979.

Donald W. Lewis,

Director, Office of Regulations and Rulings.

[FR Doc. 79-30228 Filed 9-27-79; 8:45 am]

BILLING CODE 4810-22-M

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 135]

Assignment of Hearings

September 24, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignment only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 76993 (Sub-28F), Express Freight Lines, Inc., now assigned for hearing on October 9, 1979 at the Milwaukee, WI and will be held in the Court Room 254, Federal

Building & Courthouse, 517 East Wisconsin Avenue.

MC 108119 (Sub-121F), E. L. Murphy Trucking Company, now assigned for hearing on October 9, 1979 at Birmingham, AL and will be held in the Conference Room 430-4th Floor, 1800 5th Avenue North, Federal Building.

MC 114334 (Sub-41F), Builders Transportation Company, now assigned for hearing on October 10, 1979 at Birmingham, AL and will be held in the Conference Room 430-4th Floor, 1800 5th Avenue North, Federal Building.

MC 103928 (Sub-86F), W. Y. Mayfield Sons Trucking, Co., now assigned for hearing on October 15, 1979 at Atlanta, GA and will be held at the Conference Room 556, 275 Peachtree Street.

AB-7 (Sub-69), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company—Abandonment Between Winifred Junction, MT and Winifred, MT, AB-7 (Sub-78F), Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company—Abandonment Between Fairfield, MT, and Agawam, MT, now assigned for hearing on October 9, 1979 (4 days), at St. Maries, ID, and will be held at the Benewah County Court House.

MC 146468, Nankin Auto Parts Transport, Inc., transferred to Modified Procedure.

AB-6 (Sub-60F), Burlington Northern, Inc. Abandonment near St. Joseph, MO, and Humeston, IA, in Buchanan, Andrew, DeKalb, Gentry and Harrison Counties, MO and Decatur and Wayne Counties, IA, now assigned for hearing on October 15, 1979 (1 week), at Bethany, MO will be held at Meeting Room, First National Bank.

MC 26825 (Sub-25F), Andrews Van Lines, Inc., transferred to Modified Procedure.

MC 119657 (Sub-23F), George Transit Line, Inc., transferred to Modified Procedure.

MC 142941 (Sub-29F), Scarborough Truck Lines, Inc., transferred to Modified Procedures.

MC 144897 (Sub-1F), Sun Freightways, Inc., now assigned for hearing on December 3, 1979 (3 weeks), at Santa Fe, Mexico, in a hearing room to be later designated.

MC-F13368, Carolina Western Express, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee In Bankruptcy, MC-F-13369, Old Dominion Freight Line—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee In Bankruptcy, MC-107478 (Sub-30), Old Dominion Freight Line, Inc. MC-F-13375, Russell Transfer, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee In Bankruptcy, Through Assignment From B & P Motor Lines, Inc., MC-68860 (Sub-27), Russell Transfer, Inc., MC-F-13392, B & P Motor Lines, Inc., Charles E. Herbert, Trustee In Bankruptcy, MC-106074 (Sub-47), B & P Motor Lines, Inc., MC-F-13399, Roy Stone Transfer Corp.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee, MC-F01341 Sherman And Boddie, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc. MC-F-13418, Security Storage Co., Inc., Purchase (Portion)—

Glosson Motor Lines, Inc. (Through Assignment of B & P Motor Lines, Inc., MC-F-13420, Colonial Refrigerated Transportation, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert; Trustee In Bankruptcy, MC-115841 (Sub-579), Colonial Refrigerated Transportation, Inc., MC-F-11146 (Sub-1), B & P Motor Lines, Inc. Petition For Declaratory Order, now assigned for Prehearing Conference on October 15, 1979 at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 105120 (Sub-17F), Freightways, Express, Inc., now being assigned for hearing on November 27, 1979 (9 days) at St. Louis, MO, location of hearing room will be designated later.

MC-C10182, Dodds Truck Line, Inc., and Dodds Truck Line, Operator and Lessee of Bennett Truck Line, Inc., now being assigned for hearing on November 27, 1979 (9 days) at St. Louis, MO, location of hearing room will be designated later.

MC 118254 (Sub-230F), Chem-Haulers, Inc., now assigned for hearing on October 16, 1979 at Atlanta, GA and will be held in the Conference Room 558, 275 Peachtree Street.

MC 148293F, Regal Trucking Co., Inc. now assigned for hearing on October 17, 1979 at Atlanta, GA and will be held in the Conference Room 558, 275 Peachtree Street.

MC 145297F, Vern Breazeale Freight Service, Inc., DBA Denver-Lander Riverton Freight Service, now assigned for hearing on October 29, 1979 at Lander, WY and will be held in the Federal Court Room, 2nd Floor, U.S. Post Office Building, 171 North 3rd.

MC 115841 (Sub-653F), Colonial Refrigerated Transportation, Inc. now assigned for continued hearing on October 3, 1979 at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 145426 F, Odell Ritter, Inc., now assigned for hearing on October 31, 1979, at Portland, OR, is canceled and Application dismissed.

MC 138313 (Sub-45F), Builders Transport, Inc., now being assigned for hearing on October 31, 1979 (3 Days), at Portland, OR., in Room No. 103, Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, OR.

MC 20824 (Sub-40F), Commercial Motor Freight, Inc., now being assigned for hearing on December 3, 1979 (1 Week) at Indianapolis, IN, in a hearing room to be designated later.

MC 143701 (Sub-7F), William Oberste, Inc., now being assigned for hearing on November 27, 1979 (1 Day) at New Orleans, LA, in a hearing room to be designated later.

MC 145526 F, CTC Transportation, Inc., now being assigned for hearing on November 28, 1979 (3 Days) at New Orleans, LA, in a hearing room to be designated later.

MC 135895 (Sub-28F), B & R Drayage, Inc., now being assigned for hearing on December 3, 1979 (5 Days) at New Orleans, LA, in a hearing room to be designated later.

MC 119787 (Sub-350F), Beaver Transport Co., A Corporation, now being assigned for hearing on January 8, 1980 (9 Days), at Chicago, IL, in a hearing room to be designated later.

MC 103993 (Sub-950), Morgan Drive-Away, Inc., now being assigned for Prehearing Conference on November 5, 1979 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 119787 (Sub-349F), Beaver Transport Co., now being assigned for hearing October 9, 1979 at Chicago, IL will be held in room No. 349, 230 South Dearborn Street.

MC 51146 (Sub-669F), Schneider Transport, Inc., now being assigned for hearing October 10, 1979 at Chicago, IL will be held in room 349, 230 South Dearborn Street.

MC 133655 (Sub-141F), Trans-National Truck, Inc., now being assigned for hearing October 11, 1979 at Chicago, IL will be held in room No. 349, 230 South Dearborn Street.

MC 69116 (Sub-214F), Spector Industries, Inc., DBA Spector Freight System, now being assigned for hearing October 12, 1979 at Chicago, IL will be held in Room 204A Dirksen Bldg., 219 South Dearborn Street.

MC 107445 (Sub-20F), Underwood Machinery Transport, Inc., now being assigned for hearing October 15, 1979 at Indianapolis, IN will be held in McKinley Room, Hyatt Regency, 155 West Washington St.

MC 59583 (Sub-186F), The Mason and Dixon Lines, Inc., now being assigned for hearing October 29, 1979 at Birmingham, AL will be held at Birmingham Hyatt House, 901 21st Street, North.

Agatha L. Mergenovich,
Secretary.
[FR Doc. 79-30137 Filed 9-27-79; 9:45 am]
BILLING CODE 70350-01-M

[MC 78276 (Sub-9); MC 78276 (Sub-11)]

Mazzeo & Sons Express, Extension—Baltimore, Md., and Atlanta, Ga.; Wearing Apparel (Hackensack, N.J.); Decision

Correction

In FR Doc. 79-28137, published at page 49553, on Thursday, August 23, 1979, on page 49554, in the first column, in the fourth paragraph of the "Appendix" reading "In No. MC-78276 (Sub-No. 11)", in the ninth line "AK" should be corrected to read "AR", and in the tenth line "MI" should be corrected to read "MS".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1300-6]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and

individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of September 17 to September 21, 1979.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from September 28, and will end on November 12, 1979. The 30-day wait period for final EIS's as calculated from September 28, 1979 will end on October 29, 1979.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Kathi Weaver Wilson, Office of Environmental Review (A-104), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 245-3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ Regulations became effective. Pursuant to § 1506.10(a), the 30 day wait period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of September 17 to September 21, 1979, the 30 day wait period will be calculated from September 28, 1979. The wait period will end on October 29, 1979.

Appendix I sets forth a list of EIS's filed with EPA during the week of September 17 to September 21, 1979, the Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number if available. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or a waiver from the

prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the Federal Register and the extended date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agencies.

Appendix V sets forth a list of reports or additional supplemental information on previously filed EIS's which have been made available to EPA by federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: September 26, 1979.

William N. Hedeman, Jr.,
Director, Office of Environmental Review.

Appendix I—EIS's Filed With EPA During the Week of September 17 to 21, 1979

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 412A, Washington, D.C. 20250, (202) 447-3965.

Forest Service

Final

National Forest System Planning, Regulations, Sept. 18: Proposed is the issuance of regulations to guide land and resource management planning in the National Forest System. These rules require an integration of planning for national forests and grasslands, including timber, range, fish and wildlife, water, wilderness, and recreation resources, together with resource protection activities and coordinated with fire management and the use of other resources, such as minerals. The proposed rules will implement provisions of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976. Comments made by: USDA, CEQ, DOC, EPA, DOI, DOT, State and local agencies, groups, individuals and businesses. (EIS order number 90985).

East River Land Mgmt., Gunnison NF, Gunnison County, Colo., Sept. 18: Proposed is a revised land management plan for the East River Unit of the Gunnison National Forest, Gunnison County, Colorado. The plan will affect approximately 234,086 acres of which 179,027 are National Forest lands. The plan provides for: 6,310 AUMs of big game forage, 444,998 visitor days of recreation, 14,395 AUMs of domestic grazing, 1,333 thousand board feet of wood fiber, and 314,200 acre

feet of water. The plan also recommends that two additional roadless areas totaling 20,300 acres be included for wilderness study. The original draft EIS, filed in December of 1975, was replaced by a revised draft, #81400, filed 2-27-78. Comments made by: AHP, DOI, State and local agencies, groups, individuals and businesses. (EIS order number 90986.)

Soil Conservation Service

Draft

Swan Creek Watershed Plan, Saline and Jefferson County, Nebraska, Sept. 18: Proposed is the Swan Creek Watershed Plan located in Saline and Jefferson Counties, Nebraska. The plan will consist of the installation of 16 floodwater retarding, two grade stabilization, and one multipurpose floodwater-recreation structures. Land treatment measures will be installed consisting of conservation cropping systems, contour farming, critical area plantings, grade stabilization structures, conservation tillage, forestation, improved forestry practices, increased fire protection, wildlife habitat planting, and other features. (EIS order No. 90987.)

Upper North Laramie River Watershed, Albany County, Wyoming, Sept. 17: Proposed is a watershed protection plan for the Upper North Laramie River Watershed located in Albany County, Wyoming. The structural measures planned for this project consist of: 1) constructing a multipurpose dam and reservoir for recreation irrigation and flood protection; and 2) basic recreation facilities. Land treatment measures include practices for watershed protection, land improvement, and irrigation water management. (USDA-SCS-EIS-WS-(ADM)-79-1-D-WY.) (EIS order No. 90977.)

U.S. Army Corps of Engineers

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, 202-272-0121.

Draft

Fountain Creek Flood Control, Pueblo County, Colorado, Sept. 17: Proposed is Fountain Creek Flood Control Project located in the City and County of Pueblo, Colorado. The preferred alternative is a combination of a 140-year channel-levee, flood proofing, flood plain regulation and zoning. Ten structural and six nonstructural alternatives were considered. (Albuquerque District.) (EIS order No. 90978.)

Marco Island/Vicinity Wetlands Development, Permit, Collier County, Florida, Sept. 17: Proposed is the issuance of a permit for the filling of approximately 3,984 acres of wetland for the use of residential development on and near Marco Island located in Collier County, Florida. The project involves eight separate permit subareas totaling approximately 5,511 acres of uplands and wetlands for the development of: 1) single and multi-family units, 2) a lake system with navigation access, 3) a golf course, 4) an airport, 5) school facilities, 6) two marinas, and 7) dry and/or wet storage spaces in two subareas. The alternatives consider confining

the development to upland locations and reducing the size of the wetlands developments. (Jacksonville District.) (EIS order No. 90980.)

Draft

Rota Harbor Navigation Improvements, U.S. Territory, Sept. 17: Proposed are navigation improvements for the West Harbor on the Island of Rota of the Northern Mariana Islands. Three alternative plans were developed. Plan 1 consists of an entrance channel 800 feet long, 300 feet wide and 20 feet deep. Plan 2 includes, in addition to the channel in Plan 1, an extension of the harbor basin to provide a protected berthing area. Plan 3 contains all the elements of 1 and 2 with the addition of a causeway to Anjota Island 500 feet in length and an existing revetted fill area seaward of the harbor basin. (EIS order No. 90979.)

Final

Manatee Harbor, Channel Maintenance, Manatee County, Florida, Sept. 17: Proposed is the maintenance of Manatee Harbor and channel, the construction of a widened turning area at the intersection of the channel with the main Tampa Harbor channel, and construction of a turning basin adjacent to the Port Manatee berthing area. Part of an existing 60 acre island will be modified to form about 7 acres at about 2 feet mean low water to mitigate the loss of an equal area of sea-grassed bay bottom consequent to turning basin construction. The project will involve 164 acres for material fill area and is entirely located in Manatee County, Florida (Jacksonville District). Comments made by: USDA, DOI, EPA, DOC, State agencies. (EIS order No. 90982.)

Final Supplement

Seattle Harbor Navigation, Operation & Maintenance, King County, Washington, Sept. 19: This proposal supplements a final EIS filed with CEQ in August, 1975. The action is the continued maintenance dredging of the Seattle Harbor Navigation Project located in King County, Washington. Project plans call for the clamshell dredging of the upstream reaches from station 235+00 to the "head of navigation" on an annual basis. The amount of material dredged upstream will average approximately 135,000 CY per year. Dredging downstream of station 235+00 is anticipated every 4 to 7 years, requiring the removal of 60,000 to 300,000 CY of sediments (Seattle District). Comments made by: DOT, DOI, EPA, AHP, State, and Local agencies. (EIS order No. 90990.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-377-4335.

Nat'l Oceanic and Atmospheric Admin.

Draft

Louisiana Coastal Resources Program, CZM, Louisiana, Sept. 21: Proposed is the Louisiana State Coastal Resources Program. The program provides for: 1) application of a new set of comprehensive state coastal policies, 2) implementation of a new

coordinated permit system, 3) procedures to insure deep water port and governmental activities are consistent with the guidelines, 4) management of unique coastal areas, 5) procedures to assure that Federal government activities are consistent with program policies, 6) consideration of national interests, and 7) other features. (EIS order No. 90995.)

ENVIRONMENTAL PROTECTION AGENCY

Region III

Contact: Mr. Steve Torok, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106 (215) 597-8334.

Draft

Patuxent wastewater treatment facilities, Anne Arundel County, Md., September 20: Proposed is the awarding of a grant for the upgrading of the Patuxent Wastewater Treatment facilities in Anne Arundel County, Maryland. The alternatives considered include: (1) upgrade existing facilities and continue to treat 4.0 MGD (2) close the existing facility and construct a conventional plant or a land treatment facility at another location, (3) upgrade existing plant to handle 4.0 to 6.5 MGD without phasing, and (4) upgrade existing facilities to handle 6.5 MGD by phasing. (EIS Order No. 90992.)

Horsham-Warminster-Warrington WWT Grants, Montgomery and Bucks Counties, Pa., September 21: Proposed is the awarding of grants for the construction of a regional sewage collection and treatment system for the Counties of Montgomery and Bucks, Pennsylvania. The plan involves: (1) the placement of interceptors along Little Neshaminy Creek in Warrington and Park Creek in Horsham, (2) upgrading and expanding of the existing Warminster STP, and (3) termination of two smaller STPs in Warrington. (EIS Order No. 90998.)

Region IV

Contact: Mr. John Hagan, Region IV, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta Georgia 30308 (404) 881-7458.

Final

Lake Apopka restoration project, grant, Lake and Orange Counties, Fla., September 20: Proposed is restoration of Lake Apopka located in Lake and Orange Counties, Florida. The preferred alternative is a drawdown process which simulates a drought, and will involve the installation of coffer dams, access roads, pumping stations, a settling basin, canals, and other necessary facilities. Monitoring of water quality and bottom conditions will be conducted for an undetermined period following refill. A drawdown of Lake Beauclair will follow the drawdown of Lake Apopka to complete the project. (EPA-904/9-79-043) COMMENTS MADE BY: DOI, COE, HEW, USDA, DOT, FERC, State and local agencies, individuals and businesses. (EIS Order No. 90993).

Region V

Contact: Mr. Eugene Wojick, Region V, Environmental Protection Agency, 230 South

Dearborn Street, Chicago, Illinois 60604, (312) 353-2157.

Draft Supplement

O'Hare Water Reclamation Plant, Des Plaines, Cook County, Ill., September 21: This statement Supplements a final EIS, No. 50747, filed 5-23-75 concerning the O'Hare Water Reclamation Plant located in Cook County, Illinois. The Action involved is whether the grant condition should be retained, rescinded, or modified based on recent research and scientific evidence regarding the relationship of wastewater aerosols and human health. The alternatives consider: (1) removing the condition requiring construction of aerosol suppression facilities; (2) allowing operation without suppression facilities and continue ongoing analysis of health risks; and (3) no action, which requires the construction of suppression facilities. (EIS Order No. 90996.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6306.

Draft

Settlers Bay Village, Wasiela, Alaska, September 20: Proposed is the issuance of HUD home mortgage insurance for the Settlers Bay Village near Wasiela, Alaska. The project will consist of approximately 1,700 single-family lots, roads, utilities, and recreation facilities. (HUD-R10-EIS-79-6D) (EIS Order No. 90991.)

Clark County areawide approach EIS, Clark County, Wash., September 21: This statement examines the Clark County area of Washington through the areawide approach to help developers identify areas for development with limited environmental constraints. The choice of such areas will avoid costly delays, decrease the likelihood of litigation, and increase the probability that HUD would approve assistance. Once an area with limited environmental constraints has been identified for development, site specific environmental analysis would be carried out on the local level. (HUD-R10-EIS-79-1D) (EIS Order No. 90994.)

Draft Supplement

Flower Mound New Town, termination, Denton County, Tex., September 21: This statement supplements a final EIS, No. 20664, filed 8-30-71 concerning issuance of HUD home mortgage insurance for the Flower Mound New Town located in Flower Mound, Denton County, Texas. This statement concerns the termination of Title VII Status and assistance and implementation of a plan to dispose of project land to various parties. (EIS Order No. 90997.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

Bureau of Land Management

Final

Three Corners area grazing management, Sweetwater County, Colo., and Uintah and Daggett Counties, Utah, September 19: Proposed is a grazing management program for 190,536 acres of public lands in the Three Corners Planning Unit located in Sweetwater County, Colorado and Uintah and Daggett Counties, Utah. The plan includes the following AUM allocations: 15,788 for cattle, 3,655 for sheep, 9,684 for deer, 4,838 for elk, and 378 for antelope. The plan also proposes to: reserve one allotment for big game use, continue present allotment-wide grazing on 17 allotments, continue improved management on four allotments with existing AMPs, and implement improved management on 17 allotments. Other developments include: 30 miles of fencing, 52 water developments, and 1,620 acres of sage brush control. (FES-79-32.) Comments made by: HEW, AHP, DOI, COE, EPA, USDA, State and local agencies, groups and businesses. (EIS Order No. 90988.)

Grand Junction resource area, grazing management, Mesa, Garfield, and Montrose Counties, Colo., September 21: Proposed is a grazing management program for the Grand Junction Resource Area located in Mesa, Garfield and Montrose Counties, Colorado. Components of the program are: (1) intensive grazing management on 1,105,760 acres; (2) less intensive management on 79,210 acres; (3) elimination of grazing on 15,887 acres; and (4) completion of vegetation manipulation projects and range facilities required to implement intensive management. Six alternatives are considered. (FES-79-19.) Comments made by: DOI, USDA, groups, individuals and businesses. (EIS Order No. 91000.)

Final

Caliente Area Domestic Livestock Grazing Mgmt., Lincoln County, Nev., September 21: Proposed is a domestic livestock grazing management program for the Caliente Area in Lincoln County, Nevada. The plan recommends: (1) intensive grazing management systems on 27 proposed AMP areas consisting of 65 allotments encompassing 3,051,078 acres; (2) 12 non-AMP allotments encompassing 339,725 acres; and (3) no grazing on nine allotments encompassing 105,002 acres. The following would be established by allotment: (1) period-of-use for each class of livestock, (2) grazing capacity, (3) allocation of sufficient forage, (4) grazing treatment, and (5) necessary range improvements. (FES-79-44.) Comments made by: AHP, USDA, COE, DOI, EPA, State and local agencies, groups and businesses. (EIS Order No. 91001.)

Drewsey Grazing Management Program; Harney County, Ore., September 19: Proposed is the continuance of a livestock grazing program for 678,469 acres of public land in the Drewsey study area, Harney County, Oregon. The program features implementing 88 AMPs on 81 allotments covering 836,444 acres of public land. Less intensive management is proposed for 43 allotments covering 18,553 acres; 1,680 acres would continue as a driveway; and 21,792

acres would continue with no livestock grazing. The plan will include: allocation of livestock forage to livestock, wild horses, wildlife, and watershed; establishment of grazing systems; and construction of range improvements. (FES-79-42.) Comments made by: DOI, USDA, EPA, DOE, AHP, State and local agencies, groups, individuals and businesses. (EIS Order No. 90989.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4357.

Federal Highway Administration

Draft Supplement

CA-118, Simi Valley—San Fernando Valley Freeway, Los Angeles County, Calif., September 17: This statement supplements a final EIS, #60479, filed 4-2-76. Proposed is the construction of CA-118, also known as the Simi Valley-San Fernando Valley Freeway located in the City and County of Los Angeles, California. The facility would be a 6-lane freeway, constructed for an ultimate 8 lanes, between DeSoto Avenue and Balboa Boulevard. This supplement concerns

changes in the project regarding the Rinaldi Street Elementary School and the selection of optional disposal sites. In addition, it discusses the proposed metering of on-ramps between Topanga Canyon Boulevard and Woodley Avenue. (FHWA-CA-EIS-74-08-F-DS.) (EIS Order No. 90981.)

Draft

Franklin By-Pass, TN-6 to TN-106, Franklin, Williamson County, Tenn., September 21: Proposed is the construction of the Franklin By-Pass located in Williamson County, Tennessee. The project will begin at TN-6 south of Franklin City to TN-106 north of Franklin. The facility will consist of a four-lane rural-type design on a 250 minimum right-of-way. Access to the By-Pass will be limited to major roads. Six alternatives will be considered. (FHWA-TN-EIS-79-03-D.) (EIS Order No. 90999.)

Final

I-675 Construction, Canton to Nelson; Cherokee and Pickens Counties, Ga., September 17: Proposed is the construction of I-675 located in Cherokee and Pickens Counties, Georgia. The proposed project is a limited access interstate facility,

approximately 10 miles in length, of four lane highway with 400 feet minimum right-of-way. The project will begin on GA-5 just northeast of Canton, within a previously approved portion of I-675 known as the Canton Bypass, and will extend north-easterly to its intersection with the Appalachian Highway located west of Nelson. Several alternatives were considered. (FHWA-GA-EIS-78-06-F.) Comments made by: DOI, EPA, FERC, USDA, HUD, HEW, COE, DOT, State and local agencies. (EIS Order No. 90983.)

I-675 Construction, I-75 to I-285; Henry, Clayton, and DeKalb Counties, Ga., September 17: Proposed is the construction of I-675 a limited access interstate facility which would extend from I-75 near Stockbridge, Henry County, Georgia, northerly through Clayton County to I-285 in DeKalb County, a distance of 9.71 miles. The highway would be a four-lane facility from I-75 to Ellenwood Drive and a six-lane facility from Ellenwood Drive to I-285. The four-lane segment would have an eighty-eight foot median, and the six-lane segment would have a sixty-four foot median. (FHWA-GA-EIS-77-02-F.) Comments made by: DOI, HUD, DOT, State and local agencies, groups. (EIS Order No. 90984.)

Appendix II.—Extension/Waiver of Review Periods on EIS's Filed With EPA

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Waiver/extension	Date review terminates
U.S. DEPARTMENT OF AGRICULTURE					
Mr. Barry Flamm, Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 412A, Washington, D.C. 20250, (202) 447-3965.	Swan Creek Watershed Saline and Jefferson Counties, Nebraska.	Draft 90987	Sept. 28, 1979	Extension	Nov. 26, 1979.
	Wheeling Creek Watershed Project, Pennsylvania and West Virginia.	Draft 90848	Aug. 17, 1979	Extension	Nov. 21, 1979.
U.S. DEPARTMENT OF TRANSPORTATION					
Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4357.	Logan International Airport, Departure Procedures, Runway 22 Right, Massachusetts.	Draft 90911	Sept. 7, 1979	Extension	Jan. 22, 1980.

Appendix III.—EIS's Filed With EPA Which Have Been Officially Withdrawn by the Originating Agency

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Date of withdrawal
None.				

Appendix IV.—Notice of Official Retraction

Federal agency contact	Title of EIS	Status/number	Date notice published in "Federal Register"	Reason for retraction
None.				

Appendix V.—Availability of Reports/Additional Information Relating to EIS's Previously Filed With EPA

Federal agency contact	Title of report	Date made available to EPA	Accession No.
None.			

Appendix VI.—Official Correction

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Correction
None.				
[FR Doc. 79-30339 Filed 9-27-79; 8:45 am]				
BILLING CODE 6560-01-M				

Sunshine Act Meetings

Federal Register
Vol. 44, No. 190
Friday, September 28, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1
FEDERAL COMMUNICATIONS COMMISSION.
PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Tuesday, September 25, 1979.
PLACE: Room 856, 1919 M Street NW., Washington, D.C.
STATUS: Special Open Commission Meeting.

CHANGES IN THE MEETING: The following items have been deleted:

Agenda, Item No., and Subject

Renewal—1—Office of Science and Technology Report entitled "Investigation of New Television Service for New Jersey;" petitions for rule making (RM-3392 and RM-3398) to assign additional UHF channels in New Jersey; and petitions to deny and informal objections filed by the New Jersey Coalition for Fair Broadcasting, Brendan Byrne, Governor of New Jersey, New Jersey Legislature, and Department of the Public Advocate for the State of New Jersey against the renewal applications of the commercial VHF stations licensed to New York and Philadelphia.

Renewal—2—Educational Broadcasting Corporation's application for renewal of license for Station WNET (TV), Newark, New Jersey.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202)632-7260.

Issued: September 24, 1979.
[S-1898-79 Filed 9-26-79; 3:44 pm]
BILLING CODE 6712-01-M

2
FEDERAL COMMUNICATIONS COMMISSION.
PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, September 27, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Commission Open Meeting.

CHANGES IN THE MEETING: The following items have been deleted:

Agenda, Item No., and Subject

General—3—Amendment of the search fee provision of the Freedom of Information Rules. (At the request of Commissioner Lee.)

General—10—Extension of the Charter for the Radio Technical Commission for Marine Services (RTCM). (At the request of Commissioner Brown.)

Private Radio—2—Title: Deregulation of Part 97 of the Rules regarding emissions authorized in the Amateur Radio Service. (Docket No. 20777) SUMMARY: The Commission is asked to decide whether or not radio amateurs should be permitted the use of the American Standard Code for Information Interchange (ASCII) and other types of radioteletypewriter codes; and to determine what, if any, limitations should apply to such operation. Three basic options are under consideration: 1. Continued mandatory use of the Baudot Code only (the status quo). 2. Permitting the use of the American Standard Code for Information Interchange, and 3. Permitting the use of any desired radioteletypewriter code. The Commission's decision here will not result in an immediate change in the rules, but will provide the basis for the development of a Third Report and Order which will amend the rules in accordance with the Commission's decision. (At the request of Commissioner Brown.)

Cable Television—2—Termination of proceeding in Docket 20553 involving cable television carriage of specialty stations. (At the request of the Cable Television Bureau.)

Cable Television—5—United Community Antenna Systems d/b/a Master Cable TV systems (CAC-03722); Community Telecable of Inc. (CAC-03723); Tele-Vue Systems, Inc. (CPCLD-184.) In response to a previous Commission request, the captioned cable television systems have supplemented an earlier request not to be required to provide station KIRO-TV, Seattle, Washington, with nonduplication protection against programming prereleased by Canadian television stations carried by the systems. The systems offer to show that KIRO-TV will suffer an audience loss of less than 2 percent during prime time and a concomitant revenue loss of .5 percent. KIRO-TV has submitted a showing on the amount of program duplication that occurs, but also argues that the opinion of the court in *KIRO, Inc. v. FCC*, 545 F.2d 204 (D.C. Cir. 1976), requires the Commission to find that nonduplication protection must be provided without the necessity for this

showing and regardless of the projected impact on the station if it were not provided. (At the request of the Cable Television Bureau.)

Additional information concerning these items may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 26, 1979.
[S-1899-79 Filed 9-26-79; 3:44 pm]
BILLING CODE 6712-01-M

3
FEDERAL ENERGY REGULATORY COMMISSION.
"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 55269, Sept. 25, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: September 26, 1979, 10:00 a.m.

CHANGE IN MEETING: Addition to the agenda meeting of Sept. 26, 1979.

Item No., Docket No., and Company
CP-6(B). TC79-139, Texas Eastern Transmission Corp.
CP-7. RP71-29, et al., United Gas Pipe Line Co.

Kenneth F. Plumb,
Secretary.
[S-1900-79 Filed 9-26-79; 3:44 pm]
BILLING CODE 6450-01-M

4
September 26, 1979.
FEDERAL ENERGY REGULATORY COMMISSION.
TIME AND DATE: October 3, 1979, 10 a.m.
PLACE: 825 North Capitol Street NE., Washington, D.C. 20426, Room 9306.
STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.
Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Office of Public Information.

Power Agenda—341st Meeting, October 3, 1979, Regular Meeting (10 a.m.)

- CAP-1. Docket No. E-9530, *Pyramid Lake Paiute Tribe of Indians v. Sierra Pacific Power Company*.
 CAP-2. Docket No. ER79-591, Massachusetts Electric Co.
 CAP-3. Docket No. E-8494, Minnesota Power & Light Co.
 CAP-4. Docket No. ER79-183, Iowa Electric Light & Power Co.
 CAP-5. Docket No. ER78-410, Philadelphia Electric Co.

Miscellaneous Agenda—341st Meeting, October 3, 1979, Regular Meeting

- CAM-1. Docket No. RO79-11, Howell Drilling, Inc.

Gas Agenda—341st Meeting, October 3, 1979, Regular Meeting

- CAG-1. Docket No. RP76-64 (PGA 79-2), Mountain Fuel Supply Co.
 CAG-2. Docket No. RP72-115 (PGA 79-2), Oklahoma Natural Gas Gathering Corp.
 CAG-3. Docket No. RP73-48 (PGA 79-2), Northern Natural Gas Co.
 CAG-4. Docket No. RP79-11, Texas Gas Pipe Line Corp.
 CAG-5. Docket No. RP78-78, Natural Gas Pipeline Co. of America.
 CAG-6. Docket No. CI-78-187, Southland Royalty Co.
 CAG-7. Docket No. CI-79-116, Amoco Production Co.
 CAG-8. Docket No. CP79-347, Lone Star Gas Co., a Division of Enserch Corp.
 CAG-9. Docket No. CP79-365, Columbia Gulf Transmission Co.
 CAG-10. Docket No. CP79-348, Cities Service Gas Co.
 CAG-11. Docket No. CP79-279, Panhandle Eastern Pipe Line Co.
 CAG-12. Docket No. CP79-384, Eastern Shore Natural Gas Co.
 CAG-13. Docket No. CP79-154, Texas Eastern Transmission Corp.
 CAG-14. Docket No. CP76-107, Transwestern Pipeline Co.

Power Agenda—341st Meeting, October 3, 1979, Regular Meeting**I. Electric rate matters**

- ER-1. Docket No. ER79-575, Georgia Power Co.
 ER-2. Docket Nos. ER78-19 (Phase I) and ER79-81, Florida Power & Light Co.
 ER-3. Docket Nos. ER76-90 and ER77-558, Boston Edison Co.
 ER-4. Docket No. E-9502, Minnesota Power & Light Co.
 ER-5. Docket No. ER78-509, Northern Indiana Public Service Co.
 ER-6. Docket No. EL79-13, Iowa Power & Light Co.

Miscellaneous Agenda—341st Meeting, October 3, 1979, Regular Meeting

- M-1. Reserved.
 M-2. Reserved.
 M-3. Docket No. RN79- , price discrimination and anti-competitive effect—substantive rule.
 M-4. Price discrimination and anti-competitive effect—procedural rule.
 M-5. Docket No. RM79- , interim rule bona fide offers: right of first refusal.

- M-6. Docket No. RM79- , final rule promulgating subpart I of part 271 concerning \$109 of the Natural Gas Policy Act of 1978.
 M-7. Docket No. RM79- , final rule governing the maximum lawful price for pipeline, distributor or affiliate production.
 M-8. Docket No. RM79-4, proposal by the Federal Energy Regulatory Commission relating to the incorporation of compensation provisions in curtailment plans.
 M-9. Docket No. RM79-15, final regulations for the implementation of section 401 of the Natural Gas Policy Act.
 M-10. Docket No. RM79-22, amendment and clarification of the commission's interim regulations implementing the Natural Gas Policy Act of 1978 and regulations under the Natural Gas Act.
 M-11. Well category determinations.
 M-12. Docket No. GP79-32, State of New Mexico #108 NGPA determinations Phillips Petroleum Company Santa Fe No. 124 well API Well No. 30-025-24128.

Gas Agenda—341st Meeting, October 3, 1979, Regular Meeting**I. Pipeline rate matters**

- RP-1. Docket Nos. RP77-56 and RP76-89, Northern Natural Gas Co.

II. Producer matters

- CI-1. Docket No. CI78-704, Mitchell Energy Corp.

Lois D. Cashell,
 Acting Secretary.

[S-1901-79 Filed 9-26-79; 3:44 pm]

BILLING CODE 6450-01-M

5**FEDERAL MARITIME COMMISSION.**

TIME AND DATE: October 3, 1979, 10 a.m.

PLACE: Room 12126—1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:**Portions Open to the Public**

1. Report of the Secretary on Notation Items disposed of during August, 1979.
2. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during August, 1979.
3. Report of the Secretary on Applications for Admission to Practice approved during August, 1979, pursuant to delegated authority.
4. Assignment of Informal Dockets by the Secretary during August, 1979.
5. Matson Navigation Company, Inc.—8.66 percent bunker surcharge increase in Tariffs FMC-F Nos. 164, 165, 166 and 167.
6. Agreement No. 6400-19: Modification of the Pacific Coast River Plate Brazil Conference Agreement to conform to General Order 7, Revised.
7. Agreement No. 2846-41: Modification of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference (WINAC); Agreement No. 5660-27,

Modification of the Marseilles North Atlantic U.S.A. Freight Conference; Agreement No. 8090-17, Modification of the Mediterranean North Pacific Coast Freight Conference (Med-Pac); Agreement No. 9522-38, Modification of the Italy, South France, South Spain, Portugal/U.S. Gulf and the Island of Puerto Rico Conference to conform to General Order 7, Revised.

8. Agreement No. 161-35, Modification of the Gulf/United Kingdom Conference; Agreement No. 8770-8, Modification of the U.K./U.S.A. Gulf Westbound Rate Agreement; Agreement No. 9988-9; Modification of the Continental/U.S. Gulf Freight Association; Agreement No. 10140-10, Modification of the Agreement between the Gulf/United Kingdom Conference and Seatrain International, S.A. and United States Lines, Inc.; Agreement No. 10182-4, Modification of the Eurogulf Self-Policing Agreement; and Agreement No. 10270-1, Modification of the Gulf-European Freight Association to conform to General Order 7, Revised.

9. Agreement No. 10012-4, Modification of the Australia-Pacific Coast Rate Agreement to conform to General Order 7, Revised.

10. Agreements Nos. 9648-A-13 Inter-American Freight Conference, 9968-2, Inter-American Freight Conference Puerto Rico and U.S. Virgin Islands Area, and 10122-3, Inter-American Freight Conference River Plate/Puerto Rico and U.S. Virgin Island/River Plate—Modifications to conform to General Order 7, Revised.

11. Agreement No. 10304; U.S.A. Algeria Discussion Agreement between Lykes Bros. Steamship Co. Inc., American Export Lines, Prudential Lines, Inc. and CNAN.

12. Special Docket No. 660—Application of Sea-Land Service, Inc. for the Benefit of BDP International, Inc. as Agent for Champion International Export Corp.—Discussion of the Record.

13. Docket No. 78-46—Proposed rules establishing substantive guidelines applicable to NVOCC's operating in the domestic offshore trades.

Portions Closed to the Public

1. Proposed rulemaking to increase the maximum amount of evidence of financial responsibility required to qualify for a Certificate (Performance) as prescribed in Federal Maritime Commission General Order 40.
2. Docket No. 79-73—Conference Authority to Publish Drayage Charges at Port of New York—Discussion of the Record.
3. Docket No. 79-48—Trailer Marine Transport Corp. Proposed General Increase in Rates—Discussion of the Record.

CONTACT PERSON FOR MORE

INFORMATION: Joseph C. Polking,
 Assistant Secretary, (202) 523-5725.

[S-1905-79 Filed 9-26-79; 9:32 am]

BILLING CODE 6730-01-M

6**FEDERAL RESERVE SYSTEM: Board of Governors.**

TIME AND DATE: 10 a.m., Wednesday, October 3, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Requests for a determination under Regulations D (Reserves of Member Banks) and Q (Interest on Deposits) that the issuance of securities backed by pools of conventional mortgages does not involve a deposit.
2. Proposed statement to be presented to the Task Force on Budget Process of the House Budget Committee regarding proposals for controlling federal credit programs.
3. Proposed regulation to implement portions of the Electronic Fund Transfer Act dealing with disclosure of terms and conditions of EFT services, documentation of transfers, error resolution procedures, and procedures for stopping payment of preauthorized transfers. (Proposed earlier for public comment; docket no. R-0221)
4. Proposed change in the name for the Division of Consumer Affairs.
5. Any agenda items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne,
 Assistant to the Board, (202) 452-3204.

Date: September 26, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-1896-79 Filed 9-26-79; 12:32 pm]

BILLING CODE 6210-01-M

7**NUCLEAR REGULATORY COMMISSION.**

TIME AND DATE: Tuesday, September 25, 1979.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Tuesday, September 25, 1979; 5:30 p.m.

Briefing on Incident at North Anna (approximately 30 minutes, public meeting).

CONTACT PERSON FOR MORE

INFORMATION: Roger Tweed, (202) 634-1410.

Roger M. Tweed,

Office of the Secretary.

[S-1897-79 Filed 9-26-79; 1:57 pm]

BILLING CODE 7590-01-M

Reader Aids

Federal Register

Vol. 44, No. 190

Friday, September 28, 1979

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

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- 523-5233 Executive Orders and Proclamations
- 523-5235 Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

- 523-5266 Public Law Numbers and Dates, Slip Laws, U.S.
- 5282 Statutes at Large, and Index
- 275-3030 Slip Law Orders (GPO)

Other Publications and Services:

- 523-5239 TTY for the Deaf
- 523-5230 U.S. Government Manual
- 523-3408 Automation
- 523-4534 Special Projects
- 523-3517 Privacy Act Compilation

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CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
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DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
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DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

*NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today**CIVIL AERONAUTICS BOARD**

50591, 8-29-79 / Amended regulations to allow split cargo
50596, charters (3 documents)
50597

50823 8-30-79 / Direct marketing of charters by air carriers (5 documents)

ENVIRONMENTAL PROTECTION AGENCY

50732 8-29-79 / Best conventional pollutant control technology; Reasonableness of existing effluent limitation guidelines
50766 8-29-79 / Designated hazardous substances under Clean Water Act

List of Public Laws

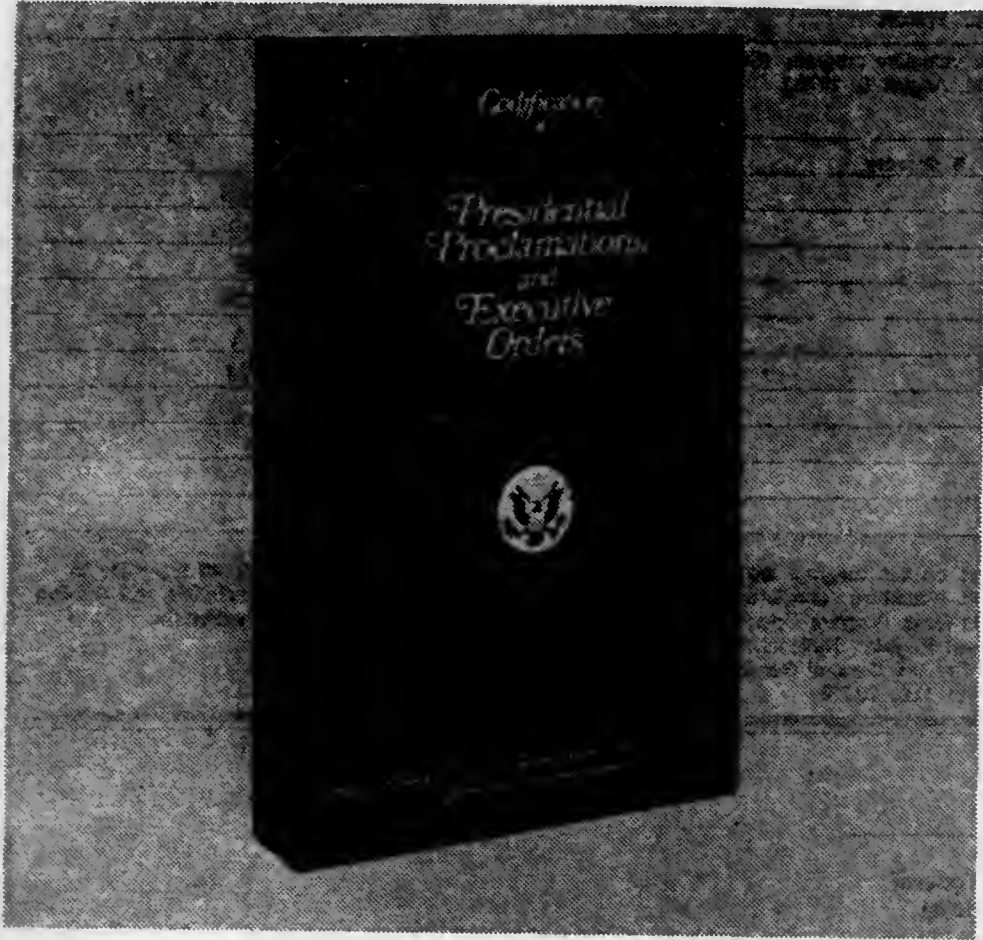
Last Listing September 27, 1979

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.R. 4392 / Pub. L. 96-68 "Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1980". (Sept. 24, 1979; 93 Stat. 416) Price \$.75.

H.R. 4388 / Pub. L. 96-69 "Energy and Water Development Appropriation Act, 1980". (Sept. 25, 1979; 93 Stat. 437) Price \$1.00.

NEW PUBLICATION NOW AVAILABLE



For those of you who must keep informed about Presidential proclamations and Executive orders, there is now a convenient reference source that will make researching certain of these documents much easier.

Arranged by subject matter, this first edition of the *Codification* contains proclamations and Executive orders that were issued or amended during the period January 20, 1961, through January 20, 1977, and which have a continuing effect on the public. For those documents that have been affected by other proclamations or Executive orders, the codified text presents the amended version. Therefore, a reader can use the *Codification* to determine the latest text of a document without having to "reconstruct" it through extensive research.

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56120	Part III—EPA: Product Noise Labeling Requirements
56150	Part IV—Interior/FWS: Migratory Bird Hunting
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federal register

Friday
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Part II

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and
Federally Assisted Construction; General
Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards
Administration, Wage and Hour
DivisionMinimum Wages for Federal and
Federally Assisted Construction;
General Wage Determination
Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedes
Decisions to General Wage
Determination Decisions

Modifications and Supersedes Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedes Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 224-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedes Decisions are effective from their date of publication in the Federal Register

without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage & Hour Division, Office of Government Contract Wage Standards, Division of Construction Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination
Decisions

Oklahoma.—OK79-4087.

Modifications to General Wage
Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Alabama
AL79-1043..... March 9, 1979.
Arizona
AZ79-5100..... February 9, 1979.
West Virginia
WV78-3018..... June 9, 1979.

Supersedes Decisions to General Wage
Determination Decisions

The number of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedes Decision numbers are in parentheses following the numbers of the decisions being superseded.

Guam
GU79-5111 (GU79-5134)..... March 16, 1979.
South Carolina
SC76-1067 (SC79-1130)..... May 28, 1976.
SC76-1100 (SC79-1132)..... September 10, 1976.
SC76-1115 (SC79-1132)..... October 8, 1976.
Texas
TX78-4091 (TX79-4035); (TX79-4092
TX79-4043)..... September 15, 1978
TX79-4008 (TX79-4041)..... January 5, 1979
TX79-4053 (TX79-4078)..... March 16, 1979

Signed at Washington, D.C., This 21st day of September 1979.

Dorothy P. Come,
Wage and Hour Division.

BILLING CODE 4510-27-M

MODIFICATIONS P. 1

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocational	
Decision # AL79-1043-Mod. 2 (44 FR 13213 -March 9, 1979) Jefferson, Shelby, St. Clair and Walker Counties, Alabama	10.75 9.73	.815 .10		.06 .01
Change: Ironworkers Painters: Brush (Commercial) Spray, Structural Steel Paper hangers Sprinkler fitters	10.80 11.30 10.95 11.69	.70 .70 .70 1.05		.08
DECISION #AZ79-5100-Mod. #6 (44 FR 8482 - February 9, 1979) Statewide, Arizona				
Change: Electricians: Cochise, Graham, Pinal County (south part), Santa Cruz, Yuma Counties: Zone D: Electricians Cable Splicers	\$17.06 17.31	.11 .11		1/28 1/28

NEW DECISION

STATE: Oklahoma

COUNTY: Alfalfa, Beaver, Beckham, Blaine, Caddo, Cimarron, Custer, Dewey, Ellis, Garfield, Grant, Harper, Kay, Kindfisher, Logan, Major, Noble, Ponder Mills, Texas, Washita, Woods and Woodward

DECISION NO. OK79-4087
DESCRIPTION OF WORK: Residential construction projects consisting of single family homes and apartments up to and including 4 stories.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocational	
Air conditioning & heating	\$8.00			
Bricklayers	8.00			
Carpenters	6.69			
Cement masons	8.00			
Drywall hangers	8.00			
Electricians	7.00			
Laborers: Laborers	4.00			
Mason tenders	4.50			
Mortar mixers	4.50			
Painters, brush	6.99			
Plumbers	6.50			
Roofers	7.11			

WELDERS -- receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(ii))."

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Elevating grader operator	7.90				
Finegraders including slopers	6.40				
Floor sanding machine operator including floor scraper, and floor finishers	6.40				
Fence erector including ironworker, wirefence erector, wirefence builder	7.00				
Forklift operator	7.00				
Form tamping operator, including machine operator including road form tamping machine	7.00				
Form grader operators	7.90				
Foundation drill operators	7.90				
Glazier	7.90				
Heater planer operators	7.90				
Horizontal earth boring machine operator	7.90				
Laborers, hod carriers and rockboard lathers	5.80				
Line maintainers including high tension line maintainers	7.00				
Mason tender	7.65				
Metal road form setter, metal road form fitter	6.40				
Millwrights, machine erectors	7.00				
Motor grader operator	7.90				
Mucking machine operator	7.90				
Oilers	6.40				
Painters including structural steel and finish painters	7.00				
Pile driver operator	7.90				
Pile driving jettors	7.00				
Pipelayers	7.65				
Pipelaying fitters, spacers	7.00				

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Plasterers	7.00				
Portable pump operator	7.00				
Plumbers, pipefitters, steamfitters and sprinkler installer	7.65				
Power shovel operators	7.90				
Reinforcing ironworker including reinforcing bar setters	7.00				
Reinforcing steel erectors, reinforcing rod tiers	7.00				
Roofers, aluminum, shingle and composition roofers	7.65				
Road mixer Operators	7.90				
Road roller operator	7.90				
Rock drill operator	7.90				
Sheet metal workers	7.65				
Scraper operator	7.90				
Sheet pile hammer operator	7.90				
Shield runner	7.90				
Subgrader operator	7.90				
Sweeper operator	7.90				
Tapers, drywall finisher, wall board and plaster board finisher, tapers and bedders, floaters	7.00				
Truck mechanic	7.00				
Truck drivers including concrete mixing trucks, dump trucks	7.65				
Terrazzo workers	7.65				
Tile setters	7.90				
Tower excavator operator	7.90				
Trenching machine operator	7.90				
Utility tractor operator	7.90				
Water well drillers	7.90				
Well drill operators, cabletool, rotary drill	7.90				

SUPERSEDEAS DECISION

STATE: South Carolina
 DECISION NUMBER: SC79-1130
 Supersedes Decision No.: SC76-1067 dated May 28, 1976 in 41 FR-22024
 DESCRIPTION OF WORK: Residential construction projects consisting of single family homes and apartments up to and including 4 stories.

STATE: South Carolina
 DECISION NUMBER: SC79-1132
 Supersedes Decision No. SC76-1100 dated September 10, 1976 in 41 FR-38739 and Decision No. SC76-1115 dated October 8, 1976 in FR 41 44657.
 DESCRIPTION OF WORK: Residential construction projects consisting of single family homes and apartments up to and including 4 stories.

*Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Hampton, Horry & Jasper

*Anderson, Cherokee, Greenville, Oconee, Pickens, Spartanburg and Union

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Air Conditioning Mechanics	5.25				
Bricklayers	6.48				
Carpenters	5.00				
Carpet layers	5.50				
Cement masons	5.50				
Drywall finishers	6.00				
Drywall hangers	5.77				
Electricians	5.14				
Insulation installers	3.60				
Laborers:					
unskilled	3.32				
Asphalt raker	3.58				
Mason tenders	3.50				
Pipelayers	3.50				
Painters	4.50				
Paperhanger	5.00				
Plumbers	6.00				
Roofers	5.61				
Sheet metal workers	5.25				
Soft floor layers	5.50				
Tile setters	5.25				
Truck drivers	3.37				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.35				
Bulldozers	4.50				
Cranes	5.63				
Front end loader	3.75				
Mechanic	5.25				
Motor grader	4.75				
Roller	3.50				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)

SUPERSEDEAS DECISION

STATE: South Carolina
 COUNTY: See below*
 DECISION NUMBER: SC79-1132
 Supersedes Decision No. SC76-1100 dated September 10, 1976 in 41 FR-38739 and Decision No. SC76-1115 dated October 8, 1976 in FR 41 44657.
 DESCRIPTION OF WORK: Residential construction projects consisting of single family homes and apartments up to and including 4 stories.

*Anderson, Cherokee, Greenville, Oconee, Pickens, Spartanburg and Union

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Air conditioning mechanic	4.68				
Bricklayers	7.00				
Carpenters	5.12				
Cement masons	5.00				
Drywall finishers	5.50				
Drywall hangers	4.75				
Electricians	5.06				
Insulation installer	3.90				
Ironworkers, structural & ornamental	3.75				
Laborers:					
unskilled	3.25				
Asphalt raker	3.93				
Mason tenders	4.00				
Mortar mixers	3.80				
Pipelayers	4.16				
Painters, brush	5.00				
Plumbers & pipefitters	5.25				
Roofers	5.00				
Sheet metal workers	4.00				
Soft floor layers	5.25				
Tile setters	5.50				
Truck drivers	4.50				
Welders - rate for craft					
POWER EQUIPMENT OPERATORS:					
Asphalt pavers	3.88				
Asphalt sweepers	4.00				
Backhoe	4.68				
Bulldozers	4.50				
Front end loaders	4.53				
Mechanics	4.93				
Motor grader	4.70				
Pans - scrapers	4.00				
Rollers	3.75				
Screeds	3.83				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5-5. (a) (1) (ii)

SUPERSEDEAS DECISION

STATE: Texas
 COUNTY: Gregg
 DECISION NO.: TX79-4035
 DATE: Date of Publication
 Supersedes Decision No. TX78-4091, dated September 15, 1978, in 43 FR 41365.
 DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$11.13	.50	.76		.03
BOILERMAKERS	11.05	.80	1.00		.02
BRICKLAYERS	11.30		.45		.05
CARPENTERS:	9.55				.015
Millwrights	11.85				.015
Electricians	10.05				.015
CEMENT MASONS	6.50				
Electricians:	10.60	.60	3%		1/4%
Cable splicers	10.95	.60	3%		1/4%
GLAZIERS	5.80				
IRONWORKERS	8.95	.35	.35		.04
LABORERS:	3.40				
Mason tenders	3.80				
Plasterers' tenders	4.40				
LATHERS	6.875	.20	.10		.01
PAINTERS, BRUSH	6.75				
PLASTERERS	7.68				
PLUMBERS & PIPEFITTERS	7.79	.43	.90		.10
ROOFERS	6.40				
SHEET METAL WORKERS	8.45	.35	.50		.055
TILE SETTERS' FINISHERS	6.90				
TILE SETTERS	3.65				
TRUCK DRIVERS	3.50				
POWER EQUIPMENT OPERATORS:	4.50				
Backhoes	4.50				
Blade graders	4.50				
Bulldozers	4.75				
Cherry pickers	4.50				
Drilling machine operators	3.75				
Loaders	4.50				
Motor graders	5.00				
Rollers	4.87				
Scrapers	4.28				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas
 COUNTY: Taylor
 DECISION NO.: TX79-4041
 DATE: Date of Publication
 Supersedes Decision No. TX79-4008, dated January 5, 1979, in 44 FR 1680.
 DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
AIR CONDITIONING MECHANICS	\$4.00	.50	.76		.03
ASBESTOS WORKERS	11.13	.80	1.00		.02
BOILERMAKERS	11.05				
BRICKLAYERS	7.20	.25	.30		
CARPENTERS	5.41				
CEMENT MASONS	6.00				
ELECTRICIANS:	10.65	.60	3%		1/4%
Electricians	10.90	.60	3%		1/4%
Cable splicers	4.50				
GLAZIERS	6.65	.55	.50		.10
IRONWORKERS	3.20				
LABORERS:	3.80				
Mason tenders	10.65	.60	3%		1/4%
LINE CONSTRUCTION:	10.90	.60	3%		1/4%
Lineman	7.99	.60	3%		1/4%
Cable splicers	8.73	.60	3%		1/4%
Groundman	6.60				
Equipment operator					
Flat bed truck driver					
PAINTERS:	8.35		.35		
Brush, tape & bedding, paperhanger	9.225		.35		
Spray	6.60				
PLASTERERS	10.03	.45	.70		.05
PLUMBERS & PIPEFITTERS					
POWER EQUIPMENT OPERATORS:	4.75				
Backhoes	5.575				
Cranes, derricks, draglines	5.575				
Drilling	4.65				
Oilers	3.94				
ROOFERS	6.26				
SHEET METAL WORKERS	3.75				
SOFT FLOOR LAYERS	4.00				
TILE SETTERS	3.00				
TRUCK DRIVERS					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas
 COUNTY: Smith
 DECISION NO.: TX79-4043
 DATE: Date of Publication
 Supersedes Decision No. TX78-4092, dated September 15, 1978, in 43 FR 41365.
 DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
AIR CONDITIONING MECHANICS	\$4.63				
BRICKLAYERS	7.75				
CARPENTERS	9.00				
CEMENT MASONS	5.92				
ELECTRICIANS:	10.30	.60	3%		1/4%
Electricians	10.70	.60	3%		1/4%
Cable splicers	5.25				
GLAZIERS	8.50	.30	.35		.04
IRONWORKERS	3.00				
LABORERS:	4.00				
Mason tenders	4.10				
Mortar mixers	4.40				
Plasterers' tenders	7.15	.30	.10		.01
LATHERS	4.50			.50	.05
PAINTERS	10.075				
PLASTERERS					
PLUMBERS:	7.59				.03
On projects \$200,000 or more	6.76				.03
On projects less than \$200,000	7.78	.62	.50		.03
ROOFERS	6.00	.40	1%		.08
SHEET METAL WORKERS	12.54	.75	1.05		
SOUND INSTALLERS	2.90				
SPRINKLER FITTERS					
TRUCK DRIVERS					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas
 COUNTY: Statewide
 DECISION NO.: TX79-4078
 DATE: Date of Publication
 Supersedes Decision No. TX79-4053, dated March 16, 1979, in 44 FR 16337.
 DESCRIPTION OF WORK: See "Area Covered by Various Zones"

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	4.40	3.50	3.45	3.75	3.25
Asphalt Heaterman	4.65	4.25	4.00	3.85	3.70
Asphalt Raker	4.90	4.65	4.50	4.00	3.75
Asphalt Shoveler	5.00	4.65	4.50	4.25	4.00
Batching Plant Scaleman	5.50	5.00	4.75	4.50	4.25
Batterboard Setter	4.75	4.75	4.75	4.75	4.75
Carpenter	6.00	5.40	4.80	5.35	4.50
Carpenter Helper	5.00	3.50	3.45	3.50	4.00
Concrete Finisher (Paving)	6.00	5.05	4.85	4.50	4.45
Concrete Finisher Helper	5.50	4.30	4.20	3.80	3.50
Concrete Finisher (Structures)	6.85	8.10	7.50	6.00	3.65
Concrete Finisher Helper	5.50	3.80	3.80	4.35	4.40
Electrician	5.50	5.40	5.05	4.30	4.90
Fireman	4.20	4.00	4.00	4.00	4.25
Form Builder (Structures)	6.00	4.70	4.70	4.70	5.00
Form Builder Helper (Structures)	5.00	4.00	4.00	4.00	4.25
Form Liner (Paving & Curb)	5.00	4.70	4.70	4.70	5.00
Form Setter (Paving & Curb)	3.75	4.00	4.00	3.25	3.75
Form Setter Helper (Paving & Curb)	6.00	5.50	4.75	4.60	4.70
Form Setter (Structures)	5.00	3.50	3.75	3.90	3.60
Form Setter Helper (Structures)	3.75	3.50	3.45	3.25	3.00
Laborer, Common	4.45	4.15	4.10	3.70	3.50
Laborer, Utility Man	4.00	4.00	3.45	3.25	3.00
Manhole Builder, Brick	6.00	5.15	4.85	5.40	5.00
Mechanic	5.00	4.70	3.75	4.50	4.50
Mechanic Helper	4.95	4.70	4.00	3.75	4.05
Oiler	4.60	4.65	4.10	4.25	3.75
Painter (Structures)	5.30	3.95	4.00	4.00	4.35
Painter Helper (Structures)	4.35	3.70	3.50	3.60	3.00
Pipelayer	5.55	5.50	4.50	4.50	4.40
Pipelayer Helper					
Pneumatic Mortarman					
Powderman					

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Powderman Helper	-	-	3.55	3.45	3.50
Reinforcing Steel Setter (Paving)	4.50	-	-	-	4.25
Reinforcing Steel Setter (Structures)	5.20	5.50	4.90	4.40	5.15
Reinforcing Steel Setter Helper	4.25	-	3.85	3.65	3.95
Steel Worker (Structural)	-	-	-	-	4.40
Steel Worker Helper (Structural)	-	-	-	-	3.65
Sign Erector	4.00	-	4.00	3.70	4.10
Sign Erector Helper	3.75	-	3.50	3.25	3.25
Spreader Box Man	5.40	4.35	4.20	3.90	4.25
Swamper	4.20	4.50	4.25	3.70	4.25
Power Equipment Operators:					
Asphalt Distributor	5.60	4.80	4.35	3.90	4.50
Asphalt Paving Machine	5.50	4.75	4.50	4.50	4.65
Broom or Sweeper Operator	4.50	3.50	4.00	3.30	3.50
Bulldozer, 150 HP and Less	5.00	4.40	4.50	4.00	4.50
Bulldozer, over 150 HP	5.55	5.50	4.90	5.15	5.00
Concrete Paving Curing Machine	5.75	-	-	4.70	4.00
Concrete Paving Finishing Machine	6.00	4.35	3.50	4.65	-
Concrete Paving Form Grader	5.50	-	-	-	-
Concrete Paving Gang Vibrator	-	-	-	-	4.60
Concrete Paving Grinder	-	-	-	-	5.50
Concrete Paving Joint	-	-	-	-	-
Machine	-	-	-	-	-
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	-
Concrete Paving Mixer	5.00	-	-	-	4.10
Concrete Paving Saw	4.75	4.00	4.50	4.50	3.85
Concrete Paving Spreader	-	-	-	-	4.35
Paving Sub Grader	-	-	4.25	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	5.50	5.00	4.75	4.80	4.55
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	6.00	5.50	5.45	5.50	5.00

ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
5.25	4.25	4.50	3.80	4.10
5.50	4.00	4.10	4.75	4.20
-	-	-	-	3.25
5.60	5.85	8.00	4.00	7.70
5.85	7.00	7.00	4.40	7.50
4.00	4.50	4.85	-	3.75
5.00	4.40	4.30	4.00	4.00
5.60	5.00	5.10	4.85	4.50
-	-	4.00	3.25	-
4.65	-	-	3.25	-
-	-	-	-	-
6.00	6.00	5.85	5.75	5.75
5.50	5.20	4.95	4.45	4.70
-	-	-	-	-
5.00	4.15	3.95	3.75	3.40
4.35	4.05	3.50	3.50	3.60
4.40	3.95	3.50	3.60	3.25
4.65	4.00	4.25	4.15	4.00
5.30	5.00	4.50	5.10	4.50
-	-	3.50	-	3.00
4.00	3.50	3.50	-	3.25
4.10	4.05	3.70	3.85	3.75
4.90	4.50	4.00	5.25	4.75
4.25	4.00	3.75	3.60	3.75
4.30	4.25	4.10	4.00	4.25
4.75	4.25	4.00	4.15	3.50
4.00	4.25	4.35	4.25	3.75
4.20	-	5.75	4.75	5.00

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Op. (Cont'd)	4.75	4.50	4.20	4.00	4.00
Wagon Drill, Boring Machine or Post Hole Driller Op.	4.35	4.00	3.50	3.55	3.50
Truck Drivers:	4.45	4.00	3.65	3.65	3.70
Single Axle, Light	-	4.05	3.90	3.85	3.50
Tandem Axle, Heavy	5.50	4.00	4.45	4.40	4.35
Lowboy-Float	-	-	4.10	-	-
Transit-Mix	-	-	4.25	-	3.75
Winch	3.75	-	-	3.45	3.00
Vibrator Man (Hand Type)	6.00	6.00	5.00	5.25	5.15
Welder	-	3.50	-	3.50	4.25
Welder Helper	-	-	-	-	-

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	\$ 3.45	3.50	3.00	3.30	3.50
Asphalt Heaterman	4.25	3.85	3.85	4.00	3.50
Asphalt Raker	3.90	4.50	4.10	4.40	5.50
Asphalt Shoveler	4.10	3.40	-	4.25	4.00
Batching Plant Scalesman	4.50	5.00	4.00	5.00	5.00
Batterboard Setter	-	3.80	-	-	-
Carpenter	4.35	5.00	5.50	5.30	5.35
Carpenter Helper	3.45	4.00	4.00	3.75	4.50
Concrete Finisher (Paving)	4.15	4.50	5.20	5.25	5.50
Concrete Finisher Helper	-	-	-	-	-
Concrete Finisher (Structures)	3.45	3.50	4.00	4.00	4.00
Concrete Finisher Helper	4.00	4.65	5.00	5.00	5.40
Concrete Rubber	3.50	3.75	3.75	4.25	4.50
Electrician	3.50	4.00	3.00	3.30	3.50
Electrician Helper	7.50	6.55	7.75	7.00	7.00
Fireman	-	3.15	3.00	4.00	5.50
Form Builder (Structures)	4.90	5.05	4.75	4.50	5.30
Form Builder Helper (Structures)	3.75	4.15	4.50	3.30	4.25
Form Limer (Paving and Curb)	3.70	3.50	4.00	-	5.50
Form Setter (Paving and Curb)	3.85	4.50	4.25	4.65	5.55
Form Setter Helper (Paving and Curb)	3.45	4.05	4.05	3.75	4.35
Form Setter (Structures)	4.25	4.85	5.20	4.50	5.70
Form Setter Helper (Structures)	3.50	3.80	4.00	4.00	4.00
Laborer, Common	3.45	3.00	3.00	3.30	3.50
Laborer, Utility Man	3.85	4.10	3.75	3.65	4.20
Manhole Builder, Brick	3.85	3.75	-	-	-
Mechanic	4.35	6.00	5.75	5.00	5.35
Mechanic Helper	3.75	3.85	4.00	4.10	4.50
Oil	3.80	4.25	4.25	4.00	4.80
Serviceman	4.00	4.50	4.25	3.50	4.50
Painter (Structures)	4.50	5.00	4.90	3.50	-
Painter Helper (Structures)	-	3.50	3.00	-	-
Piledriversmen	4.75	6.40	5.25	4.00	4.50
Pipelayer	4.00	4.00	4.75	4.00	4.70
Pipelayer Helper	3.45	3.50	3.50	3.30	4.15
Pneumatic Mortarman	-	-	-	-	4.00
Powderman	5.00	-	5.00	5.50	5.20

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ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
-	-	3.00	-	-
3.80	-	-	-	5.00
4.25	4.15	4.30	4.90	5.50
3.75	3.50	3.95	3.30	3.75
-	-	4.50	-	4.75
-	-	3.70	-	3.75
3.65	-	4.75	4.65	4.60
3.45	-	4.00	3.30	3.90
4.35	3.95	4.50	4.35	4.85
-	-	4.25	4.25	4.60
4.25	4.50	4.60	4.40	5.00
4.50	5.05	4.65	4.70	5.50
3.65	3.60	3.10	4.05	3.60
4.25	4.35	4.35	4.50	4.60
4.60	4.50	5.10	4.75	5.40
-	-	4.00	5.00	4.75
4.25	-	-	-	5.50
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Job Title	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10
Power Equipment Ops. (Cont'd)					
Crane, Camsheal, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)	5.00	5.50	6.10	5.50	5.75
Crusher or Screening Plant Operator	3.50	3.75	4.75	4.60	5.05
Elevating Grader	4.00	-	3.25	-	5.00
Form Loader	-	-	5.75	-	-
Foundation Drill Operator (Crawler Mounted)	5.50	-	5.50	4.50	7.00
Foundation Drill Operator (Truck Mounted)	3.75	-	4.50	4.25	4.50
Foundation Drill Operator Helper	3.85	4.75	4.00	4.50	4.80
Front End Loader (2 1/2 CY and Less)	4.00	5.15	5.00	5.00	5.80
Front End Loader (Over 2 1/2 CY)	-	-	-	-	-
Hoist (Double Drum and Less)	3.50	4.75	-	-	-
Mixer (Over 16 CF)	-	-	-	-	-
Mixer (16 CF and Less)	5.15	5.90	6.20	6.00	6.00
Motor Grader Operator	4.55	4.95	4.50	4.50	5.60
Motor Grader Operator, Fine Grade	-	-	-	-	-
Pump Grate	3.65	4.15	3.80	4.25	5.25
Roller, Steel Wheel	3.60	3.50	3.85	3.95	4.20
Roller-Mix Pavements)	3.75	3.90	3.50	3.50	4.50
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.50	4.10	4.10	4.00	4.50
Roller, Pneumatic (Self-Propelled)	4.00	4.50	4.75	4.60	5.00
Scrapers (Over 17 CY)	3.45	-	-	-	4.25
Self-Propelled Hammer	-	-	-	-	-
Side Boom	-	-	-	-	-
Tractor (Crawler Type) 150 HP & Less	3.45	4.25	3.25	3.30	4.00
Tractor (Crawler Type) over 150 HP	4.95	4.50	4.00	4.10	5.20
Tractor (Pneumatic) 80 HP & Less	3.75	3.75	3.75	3.50	3.50
Tractor (Pneumatic) over 90 HP	3.85	4.00	4.25	4.00	4.25

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Decision Number	TX79-4078	Page	9								
	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10		ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates		Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. Contd:											
Traveling Mixer	3.75	4.15	-	4.10	4.75	Air Tool Man	3.60	-	3.80	3.45	5.00
Trenching Machine, Light	3.75	3.25	4.30	4.00	4.75	Asphalt Heaterman	4.00	4.00	4.00	-	4.00
Trenching Machine, Heavy	-	-	4.85	4.45	5.00	Asphalt Raker	5.20	4.60	4.50	4.00	5.15
Wagon Drill, Boring Machine						Asphalt Shoveler	3.60	3.50	4.00	-	4.00
Or Post Hole Driller Op.	3.85	4.00	4.45	4.00	4.50	Batching Plant Scaleman	4.60	5.00	3.50	3.45	4.75
Truck Drivers:						Batterboard Setter	3.60	-	-	-	5.00
Single Axle, Light	3.50	3.50	3.50	3.55	3.50	Carpenter	5.60	5.50	5.40	5.45	6.15
Single Axle, Heavy	-	4.00	4.10	-	4.25	Concrete Finisher	4.20	4.65	4.00	4.00	4.50
Tandem Axle or Semitrailer	-	4.00	-	4.25	4.60	Concrete Finisher Helper	5.00	5.50	5.90	5.50	6.50
Lowboy-Flat	4.15	4.00	-	3.95	5.00	Concrete Finisher Helper (Paving)	4.50	4.00	4.00	4.00	5.00
Transit-Mix	-	-	-	-	4.20	Concrete Finisher (Structures)	5.20	5.40	5.40	6.00	5.90
Winch	3.50	4.00	-	-	-	Concrete Finisher Helper (Structures)	4.05	4.50	4.25	4.85	4.00
Vibrator Man (Hand type)	3.45	3.00	3.00	5.00	5.00	Concrete Rubber	3.60	4.60	5.00	-	4.75
Welder	4.35	4.25	5.50	3.60	-	Electrician	7.75	5.75	5.00	7.00	8.50
Welder Helper	3.75	3.75	-	-	-	Electrician Helper	5.70	-	-	5.50	5.00
						Fireman	4.50	3.50	3.70	3.45	-
						Form Builder (Structures)	5.40	5.40	6.00	5.35	5.25
						Form Builder Helper (Structures)	4.50	3.50	4.75	4.10	4.50
						Form Liner (Paving & Curb)	5.15	5.50	5.75	-	5.75
						Form Setter (Paving & Curb)	5.50	5.00	5.00	4.85	5.60
						Form Setter Helper (Paving & Curb)	4.50	4.00	4.00	3.50	4.50
						Form Setter (Structures)	5.10	5.10	5.65	6.00	5.75
						Form Setter Helper (Structures)	4.10	4.10	4.50	4.25	4.00
						Laborer, Common	3.60	3.50	3.50	3.45	4.00
						Laborer, Utility Man	3.95	4.10	3.75	4.20	4.00
						Manhole Builder, Brick	5.50	-	6.50	-	5.50
						Mechanic	5.50	5.30	5.75	5.60	6.60
						Mechanic Helper	4.05	4.50	4.00	4.30	5.05
						Oilier	5.20	3.75	4.95	4.50	5.15
						Serviceman	4.60	4.00	4.80	4.00	5.20
						Painter (Structures)	5.50	5.25	-	-	8.00
						Painter Helper (Structures)	3.75	5.25	-	-	4.40
						Piledriver	4.60	4.00	4.00	3.65	6.90
						Pipelayer	4.00	4.00	4.00	3.65	5.25
						Pipelayer Helper	4.00	3.50	-	3.45	4.00
						Pneumatic Mortarman	5.00	4.25	-	-	-
						Powderman	-	-	-	3.75	-

ZONE 16	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Powderman Helper	4.75			
Reinforcing Steel Setter (Paving)	6.00			
Reinforcing Steel Setter (Structures)	4.10			
Reinforcing Steel Setter Helper	5.50			
Steel Worker (Structural)	4.50			
Steel Worker Helper (Structural)	6.00			
Sign Erector	4.50			
Sign Erector Helper	6.00			
Spreader Box Man	6.00			
Swamp	6.00			
Power Equipment Operators:				
Asphalt Distributor	6.25			
Asphalt Paving Machine	4.10			
Broom or Sweeper Operator	6.00			
Bulldozer, 150 HP and Less	7.05			
Bulldozer, over 150 HP	4.50			
Concrete Paving Curing Machine	6.50			
Concrete Paving Finishing Machine	4.50			
Concrete Paving Form Grader	4.50			
Concrete Paving Gang	4.50			
Vibrator	4.50			
Concrete Paving Grinder	4.50			
Concrete Paving Joint Machine	4.50			
Concrete Paving Joint Sealer	4.50			
Concrete Paving Longitudinal Float	4.50			
Concrete Paving Mixer	4.50			
Concrete Paving Saw	4.75			
Concrete Paving Spreader	4.75			
Paving Sub Grader	6.15			
Crane, Clamshell, Backhoe				
Derrick, Dragline, Shovel (less than 1 1/2 CY)				

ZONE 16	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. Cont'd:				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)	7.50			
Crusher or Screening Plant Operator	-			
Elevating Grader	-			
Form Loader	-			
Foundation Drill Operator (Crawler Mounted)	-			
Foundation Drill Operator (Truck Mounted)	-			
Foundation Drill Operator Helper	-			
Front End Loader (2 1/2 CY and Less)	4.25			
Front End Loader (Over 2 1/2 CY)	6.50			
Hoist (Double Drum and Less)	-			
Mixer (Over 16 CF)	-			
Mixer (16 CF and Less)	-			
Motor Grader Operator, Fine Grade	7.00			
Motor Grader Operator, Pump Crete	6.10			
Roller, Steel Wheel (Plant Mix Pavements)	6.00			
Roller, Steel Wheel (Other)	5.25			
Flat Wheel or Tamping Roller, Pneumatic (Self-Propelled)	6.50			
Scrapers (17 CY and Less)	5.00			
Scrapers (Over 17 CY)	6.00			
Self-Propelled Hammer Side Boom	-			
Tractor (Crawler Type) 150 HP and Less	4.10			
Tractor (Crawler Type) over 150 HP	6.00			
Tractor (Pneumatic) 80 HP and Less	4.10			
Tractor (Pneumatic) over 80 HP	4.50			

AREA COVERED BY VARIOUS ZONES

ZONE 16	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. Cont'd:				
Traveling Mixer	6.00			
Trenching Machine, Light	-			
Trenching Machine, Heavy	-			
Wagon Drill, Boring Machine or Post Hole Driller Op.	4.10			
Truck Drivers:				
Single Axle, Light	4.50			
Single Axle, Heavy	5.00			
Tandem Axle or Semitrailer	7.75			
Lowboy-Float	7.10			
Transit-Mix	-			
Winch	-			
Vibrator Man (Hand Type)	6.50			
Welder	-			
Welder Helper	-			

ZONE 1 - Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area Projects)

ZONE 2 - Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Garza, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum & Young Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area Projects)

ZONE 3 - Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Brath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward & Winkler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area Projects)

ZONE 4 - Brewster, Culberson, El Paso*, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams), Water & Sewer Lines and Highway Projects (does not include building structures in rest area Projects)

*Not to be used for Heavy Projects in El Paso County

ZONE 5 - Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area Projects)

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ZONE 6 - Brooks, Cameton, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy & Zapata Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work.

ZONE 7 - Arkansas, Bee, Calhoun, Dewitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

ZONE 8 - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 9 - Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan & Navarro Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 10 - Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant* & Wise Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams), Water & Sewer Lines and Highway Projects (does not include building structures in rest area projects)

*Not to be used for Heavy Projects in Tarrant County

ZONE 11 - Collin, Dallas, Ellis, Grayson & Rockwall Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Projects (does not include building structures in rest area projects)

ZONE 12 - Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt & Wood Counties

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DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 13 - Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Cos.

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

ZONE 14 - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington Cos.

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 15 - Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller & Wharton Counties

DESCRIPTION OF WORK: Highway Projects (does not include building structures in rest area projects)

ZONE 16 - Chambers, Hardin, Jefferson*, Liberty & Orange* Counties
DESCRIPTION OF WORK: Heavy Projects (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

*Not to be used for Heavy Projects & Incidental Shore Work in Jefferson & Orange Cos.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (19 CFR, 5.5 (a) (1) (ii)).

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federal register

Friday
September 28, 1979

Part III

Environmental Protection Agency

General Provisions for Product Noise
Labeling and Noise Labeling
Requirements for Hearing Protectors;
Approval and Promulgation

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 211**

(FRL 1270-2)

Approval and Promulgation of the General Provisions for Product Noise Labeling**AGENCY:** U.S. Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: By this notice the Environmental Protection Agency establishes the general provisions of a regulatory program for product noise labeling under the authority of Section 8 of the Noise Control Act of 1972, 42 U.S.C. 4907. These general provisions concern the aspects of the program which the Agency intends to apply in every instance of product noise labeling. The practicality of applying the general provisions will be determined for each product to be noise labeled. The Agency will address the labeling requirements for individual products or product classes, which differ with these provisions, in product-specific rulemaking actions. The major purpose of this regulatory program is to provide accurate and understandable information on the noise generating or noise reducing properties of new products, so that the public can make meaningful comparisons concerning those properties when making decisions to use or buy the products.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Timothy McBride, Standards and Regulation Division (ANR-490), U.S. Environmental Protection Agency, Washington, D.C. 20460, (703) 557-2710.

SUPPLEMENTARY INFORMATION:**I. Introduction**

On June 22, 1977, the Environmental Protection Agency (EPA) published a proposed rule (42 FR 31722) to establish a product noise labeling program under the authority of, and as required by, Section 8 of the Noise Control Act of 1972, 42 U.S.C. 4907. The June 22 proposal set forth the general provisions of the noise labeling regulatory program, and established Part 211 of Title 40 of the Code of Federal Regulations. Part

211 will be composed of the general labeling provisions as subpart A, and individual product-specific labeling requirements that would be added as further subparts by separate rulemaking actions. Because of a computerization program undertaken since the promulgation of the proposed rule, it was necessary in the final rule to either replace the second decimal point in each section heading with a zero or delete it entirely. At the time of publication, the EPA solicited written public comment on the proposed General Provisions as well as all other aspects of the proposed product noise labeling program. Public hearings were not initially scheduled. The public comment period for the proposed rule was originally set at 90 days with closing scheduled for September 20, 1977. As the result of receiving a large number of letters shortly after publication in the *Federal Register*, the EPA decided to schedule public hearings on the proposed rule and extended the comment period to October 28, 1977 (42 FR 41139). Hearings were held in Washington, D.C. on September 16, 1977; in Cedar Rapids, Iowa on September 20, 1977; and in San Francisco, California on September 22, 1977.

In all, the Agency received 735 written comments by the close of the comment period, and took oral testimony from 51 individuals, organizations and businesses at the three public hearings. Over 600 of the written comments were from private citizens. A large majority of the comments were in favor of the proposed noise labeling program. Most of the favorable comments came from private citizens, while the majority of industry commenters disagreed with various aspects of the program. The comments dealt with virtually every aspect of the program. While the Agency has modified or clarified some aspects of the proposed noise labeling General Provisions, the final rule incorporates no major changes. A discussion of the major comments follows.

II. Discussion of Major Comments**A. Statutory Authority**

1. *Questions Concerned With Issuing the General Provisions Before Product-Specific Regulations.* Four commenters questioned the appropriateness of promulgating general labeling provisions before product-specific regulations. They argued that this sequence of actions was illogical; that both the

general provisions and product-specific regulations must be considered in tandem; and that, therefore, issuing the general provisions before the product-specific regulations serves no useful purpose. Commenters wanted to be certain that they could comment on the General Provisions and also be able to comment on product-specific regulations, if the Agency proposed product regulations affecting their industry. One commenter indicated that comments on the General Provisions should be considered in future product-specific rulemaking. That same commenter also stated that there were enormous problems in selecting a label format and what sort of relevant information should be included on the label before actually deciding upon the product(s) to be regulated. Another commenter argued that the proposed standards would create confusion and procedural dilemmas when they were applied to a particular product, since they apply neither to a specific product nor to all products in general.

The EPA proposed the noise labeling General Provisions at the same time it proposed a product-specific noise labeling regulation for Hearing Protectors (42 FR 31730). Thus, the General Provisions do not exist alone. The Agency believes that the one-time issuance of the Product Noise Labeling General Provisions is logical and advantageous to the general public, to industry, and to the Federal government, because it eliminates the need to re-propose many of the same regulatory requirements in each product-specific labeling action. The general labeling requirements apply to all noise-producing and noise-reducing products. Where appropriate, product-specific regulations will clearly delineate any exceptions to the General Provisions. Thus, there should be no confusion in using the General Provisions and future product-specific regulations in tandem.

The size of the public docket attests to EPA's success in eliciting comments from concerned parties. These comments have helped the Agency to shape an overall regulatory program that is both effective and reasonable and also to anticipate many of the technical problems that may occur because of product-specific labeling actions.

By issuing the General Provisions, the Agency intends to provide guidance to the general public and to all potentially

affected parties, on the general nature and intent of the product noise labeling program. Also, product manufacturers and suppliers potentially affected would have substantial lead-time to formulate voluntary labeling programs that would satisfy EPA's labeling requirements or to prepare for possible Federal noise labeling regulatory action.

Another reason for issuing General Provisions concerns the need for label uniformity. If product noise labels are relatively similar in format and require approximately the same cognitive skills across different product classes, the consumers will be more likely to notice, recognize, and learn how to use the information effectively. Regulatory requirements that cannot be generalized for all products, such as testing methodologies, have not been specified in the General Provisions and will be addressed in future product-specific subparts.

Other commenters argued that EPA had no authority to issue the General Provisions. They maintained that Section 8 gave the Administrator authority to promulgate labeling regulations only with respect to products which emit "... noise capable of adversely affecting the public health or welfare," or which are "... sold wholly or in part on the basis of [their] effectiveness in reducing noise," and that until such product-specific regulations were promulgated, no authority exists to require labeling.

The General Provisions, as stated above, were proposed concurrently with product-specific labeling provisions for Hearing Protectors. Both of the proposed regulations appeared in the same issue of the *Federal Register*. The General Provisions were proposed as Subpart A to 40 CFR 211, and the product-specific Hearing Protector requirements as Subpart B. The General Provisions were proposed and will exist, therefore, as part of the regulatory requirements for the labeling of hearing protectors. The Agency's authority for proposing and promulgating them clearly exists within the authority granted the EPA in Section 8 (a) and (b) for the labeling of products "... sold wholly or in part on the basis of [their] effectiveness in reducing noise."

At the time that other product-specific proposals are published, the Agency will establish a public comment period and will solicit comment on all aspects of the proposed rulemaking, including the appropriateness and reasonableness of

the General Provisions as they apply to the particular product.

2. *Questions Concerned With Determining if a Product is Capable of Adversely Affecting Public Health or Welfare.* Several commenters expressed concern about the Agency's authority to label noise producing products, as that authority is defined by the language of Section 8 of the Act. That language states that the Administrator of the EPA shall designate and label any product "... which emits noise capable of adversely affecting the public health or welfare." The questions that were raised concerned the process and criteria by which the EPA will make such determinations in general, or with respect to particular products. Commenters offered various interpretations of the statutory language in question. In particular, they questioned the provisions that relate to the adverse health or welfare impact within the focus of Section 8. Some commenters suggested that only actual hearing damage may be considered, and that aspects such as cumulative exposure, or factors such as annoyance, should not be considered.

There are many products which merit potential consideration under Section 8, relative to their possible adverse health effects. Therefore, the EPA has decided that it will not attempt to specify a detailed methodology or formula by which it will determine whether the noise emissions from a particular product are capable of adversely affecting the public health or welfare. Instead, the Agency will approach the question on a product-by-product basis, presenting in detail the rationale underlying its determination for each product. In making these determinations the EPA will use the World Health Organization's definition of health and welfare—"... complete physical, mental and social well being and not merely the absence of disease and infirmity." EPA will also use the health and welfare criteria and findings specified in the EPA's "Criteria"¹ and "Levels"² documents, and any other criteria that may be developed as a result of further research and analysis into the adverse physiological or psychological effects of noise. Those criteria may encompass both the

auditory and non-auditory effects of noise, including stress effects and annoyance, and will take into account the effects of cumulative exposure on individuals. Auditory, non-auditory and stress effects, as well as annoyance are highlighted because they are well established aspects of most studies concerning the possible adverse effects of noise on humans.

B. Product Selection Criteria

The EPA received many comments about the criteria or factors that it should consider in deciding which particular products should be labeled first. Fifteen factors were listed in the Supplementary Information section of the Preamble to the Notice of Proposed Rulemaking 42 FR 31723. Of the nearly sixty comments received that concerned product selection criteria, well over half could be included within those fifteen examples. Some commenters suggested specific products or product classes for labeling action rather than objective criteria. These comments are aggregated and presented in Part III of the Regulatory Analysis³ accompanying this rulemaking.

In implementing the noise labeling program, the EPA must consider many different products for possible regulatory action, and have a means of selecting products for initial study. For this reason the fifteen factors referenced above were developed and presented in the preamble to the June 22, 1977 proposal. It is important to distinguish EPA's use of these factors in selecting various products as initial candidates for labeling action, from the question of EPA's authority to promulgate noise labeling standards for a particular product. The issue of the Agency's authority with respect to products which produce noise (i.e., whether such a product emits noise capable of adversely affecting the public health or welfare) will be addressed in detail for each product that is selected for noise labeling regulatory action.

The EPA has reviewed the comments received concerning the initial product selection criteria, and has revised and expanded its selection factors.

The criteria for selecting a product as an initial candidate for labeling are based on the intent of Congress in

¹ Public Health and Welfare Criteria for Noise, July, 1973; EPA 550/9-73-002.

² Information on Levels of Noise Requisite to Protect Public Health and Welfare with an

Adequate Margin of Safety, March, 1974; EPA 550-9-74-004.

³ Regulatory Analysis Supporting The General Provisions For Product Noise Labeling, August 1979; EPA 550/9-79-255.

writing Section 8 of the Act. That intent was to provide product noise information to a prospective user and/or purchaser so that a more informed decision could be made when using or purchasing products that either emit "noise capable of adversely affecting health or welfare; or [are] sold wholly or in part on the basis of [their] effectiveness in reducing noise." With respect to the noise-producing products, key factors that relate to their capacity to adversely affect public health or welfare include the noise levels that may be experienced by users and their family members, the manner, frequency and duration of use of the product, and the number of people throughout the country exposed to the noise of the product (which in turn is related to the numbers of the product in use). Other important factors relate to the possible usefulness of labeling (for example, the label may show that quieter units as well as noisier units are available), and the number of opportunities a user has to make a purchasing decision (for example, a noise label on a product that a consumer buys every year is more likely to influence a purchase decision than one on a product that the consumer buys once in 10 or 15 years). Certain technical factors, such as suitable noise-measurement techniques, also are pertinent. Similar considerations apply to products that are sold for the purpose of reducing noise.

It is important to note that product noise labeling (Section 8) plays a complementary role to new product noise emission standards (Section 6). Section 6 regulations generally apply to products whose noise affects many more non-users (third parties) than purchasers or users (e.g., trucks and construction equipment). In such cases, the purchaser has little incentive to spend more to buy a quieter product, as he may perceive little or no direct benefit from the noise reduction. Section 8 labeling, on the other hand, generally applies to products whose noise affects mainly the purchaser and/or user and members of an immediate household. In this case, the purchaser and/or user benefits from reduced noise.

The following list represents those factors which the EPA will use in deciding on the products it will consider for possible noise labeling regulatory action.

Criteria for Selecting Products as Initial Candidates for Noise Labeling

(The order in which these factors are listed does not necessarily represent their relative importance in the selection process.)

1. (For noise producing products) Is the product noise level sufficiently high to be potentially capable of producing an adverse health or welfare impact?
- (For noise reducing products) Does the product have a noise reducing capability and is the product sold wholly or in part on the basis of this capability?
2. Is the product used in a location or in a manner that makes an adverse health or welfare impact possible?
3. Is there a potential for the product to be misused? (e.g., aerosol operated horns in a crowd, decorative ceiling tile used as sound absorbing ceiling tile)
4. Does the product noise affect a large number of people?
5. Is the noise from the product likely to impact more non-users (i.e., third parties) than purchasers and/or users?
6. Is the product used by the purchaser or household members, and does the adverse noise impact of the products fall primarily on the purchaser or household members?
7. Are there large numbers of product types in use?
8. Are there large numbers of the product types being manufactured/sold?
9. Is there a significant range in the acoustic performance from model to model?
10. Is there a high frequency of purchase so that purchasers have the opportunity to use the labeled noise information often in making a purchase decision?
11. Do the future trends in the product's population, design, or use suggest noise labeling benefits?
12. Do purchasers desire a quieter noise producing or more effective noise reducing product?
13. Can the acoustic performance of some or all models of the product be improved?
14. Is there currently a lack of acoustic information?
15. Would Federal labeling be a significant improvement on any existing product noise labeling?
16. Would labeled noise information be useful to purchasers and/or users, and Federal, State and local noise ordinance enforcement organizations?
17. Is it desirable for EPA to augment existing or planned noise emission/noise attenuation standards by labeling a product with noise information?
18. Are the acoustic data necessary to the development of product noise emission/attenuation standards currently available?
19. Would the prospect of Federal labeling promote voluntary labeling by manufacturers?
20. Is there a readily available measurement methodology for the product types?

The EPA will conduct pre-regulatory studies to develop data and information concerning these factors for the products or product classes that EPA selects as potential candidates for labeling.

C. Label Content Requirements

A number of commenters expressed concern about the content requirements for the proposed noise label. Requirements concerning the

comparative acoustic information and the noise descriptor elicited the majority of the comments. Other comments concerned identification of both the manufacturer and the product on the label, the warning about removing the label before purchase, and the use of the EPA logo. Commenters also provided suggestions for additional information.

The comments concerning the inclusion of comparative acoustic information are discussed below. Comments dealing with the choice of a noise descriptor, the EPA logo, and identification of the manufacturer on the label are addressed in this preamble in Sections II D, E, and F respectively. Except for a brief statement on the prohibition statement in the label, all remaining comments dealing with label content are discussed in detail in the Regulatory Analysis.⁴

The placement of comparative acoustic information on the label elicited both negative and positive reactions. Many private individuals and government officials expressed support for including data that shows the range of noise produced or reduced by like products; or if not that, then some other kind of information which would permit consumers to know more about the product(s) being considered for purchase and/or use. A number of persons felt that comparative information with some sort of a scale was essential to give meaning to the rating. Specific suggestions as to the exact nature of this component of the label varied widely.

In contrast, most of the industries that submitted comments expressed serious reservations about the use of a range of any other type of comparative information. These concerns centered primarily on questions of EPA's authority to require such information, and various technical problems associated with implementing such a requirement, one of which was: would determining the comparative information that is to be included on a label require research on the part of the manufacturers?

After reviewing all of the comments concerning this issue, the EPA decided to retain the requirement in the General Provisions that some form of comparative acoustic information appear in a designated section of the Federal noise label. This decision is based on the Agency's view that its authority to require that notice be given of a product's noise level, or its effectiveness in reducing noise, is not limited to some technical parameter that expresses a product's acoustic

⁴ Ibid., p. 119 et seq.

performance and nothing more. EPA will address the issue of what comparative information, if any, is appropriate for a particular product at the time that EPA proposes and promulgates a labeling regulation for that product. Should the inclusion of comparative information be required on a label for a specific product, EPA will provide the comparative information to the manufacturers.

The proposed prohibition concerning the removal of the noise label prior to sale applied to products purchased and used by the consumer. The Agency now anticipates that situations may arise where a product may pose an adverse impact upon a user who does not make purchasing or use decisions, as in the case of an employee. Such products may be labeled to provide health and welfare (e.g., hearing loss) information. In such cases the Agency may require that the label be permanent. However, the requirement will be determined on a product-specific basis.

D. The Choice of Acoustic Descriptors

There was very little criticism of the use of a noise emission or reduction descriptor on the label or of its proposed location. Commenters felt that descriptors should be simple, understandable and uniform across product classes. Despite this agreement on characteristics, there were different opinions as to what kind of descriptor would best fulfill these requirements.

Commenters recommended a range of acoustic descriptors, the details of which are presented in the Regulatory Analysis.⁵ The vast majority of commenters supported some type of numerical scale. There was little support for using symbols or word descriptions, nor was there much support for a linear 1-10 rating scale.

The most popular descriptor (to both manufacturers and private citizens) for noise emitting products was the decibel (dB), the basic unit of noise measurement with many persons suggesting the "A"-weighted scale (dB(A)). The commenters' major concern about using decibels as a descriptor was that the public would not understand the logarithmic nature of the unit. In contrast to the few criticisms of decibels, many commenters pointed out the unit's positive characteristics. First, they noted that much of the public already knows about decibels, and therefore any public education campaign would be building on a foundation of knowledge, although a somewhat limited one.

⁵ Ibid., p. 119 et seq.

Second, a single value noise emission descriptor, given in decibels, would provide the uniformity needed to permit consumers to learn from individual purchasing experiences across different product classes. A third advantage was noted by individuals responsible for enforcement at the local or state level. They asserted that the noise emission of a product, printed in decibels on the label, would help enforcement officials who need to know the actual noise level and not the range within which the product's noise is located (as would be provided by a 1-10 scale or by symbols). A similar advantage is that consumers would know the actual noise level of a particular product, albeit under certain fixed conditions. The use of decibels by consumers in their purchasing decisions would also help them in becoming more knowledgeable about noise, and more noise-conscious in general.

The Agency decided that as a matter of policy in implementing the noise labeling program, it will use the "A"-weighted decibel (dB(A)) as the acoustic descriptor for noise emitting products. We believe that its current widely accepted use as a descriptor for sound, coupled with other positive aspects such as uniformity and the ease and accuracy of comparison, outweigh whatever unfamiliarity the public may currently have with this term.

An issue closely related to the acoustic descriptor is the acoustical parameter that the decibel represents; that is, sound pressure or sound power level. Current Federal noise emission standards are in terms of an energy averaged sound pressure level at a designated distance from the noise source. While the A-weighted sound pressure level is an accurate representation of the intensity of noise as it is experienced by the human ear, it is generally unique to the location at which it is measured. The sound power level of a product is the rate at which it releases acoustic energy to the environment and is therefore independent of location. Sound power is calculated from sound pressure measurements at multiple locations around the product.

In keeping with the Agency's intent to provide uniform acoustic descriptors across all product lines, we have adopted sound pressure level at one meter (approximately 3 feet) from the source as the acoustic parameter for noise emitting products. However, we recognize that there will be product-specific situations where a single value noise rating is best obtained under test conditions which favor the determination of sound power and the

subsequent calculation of sound pressure. The Agency will determine, on a product-specific basis, the most appropriate technique for obtaining a single value product Noise Rating in terms of "A"-weighted sound pressure.

The acoustic parameter and descriptor that best characterizes the noise reducing qualities of a product is very much design and application dependent.

Noise reducing products will, in general, be characterized by different acoustic parameters and descriptors than those applicable to noise emitting products. Sound transmission loss and sound absorption are two of the more widely used acoustic parameters. Their respective acoustic descriptors are the decibel and the sabin. However, there are other possible acoustic parameters and descriptors that may be more suitable on a product-specific basis.

The choice of a noise emission or noise reduction descriptor is not specified as a regulatory requirement in the General Provisions for noise labeling. However, there will be a Noise Rating (NR) or Noise Reduction Rating (NRR) for every product designated for noise labeling. The choice of the acoustic parameter and descriptor will be included as a regulatory requirement on a product-specific basis in future subparts to this rule.

One important aspect of the EPA noise label is that the Noise Rating or Noise Reduction Rating is to be determined by a Federally specified and uniform test method. In many cases, the test methods will not be able to simulate the wide variety of actual environments in which the products will be operated, and therefore, the noise levels shown will not necessarily be those which users will actually experience.

The levels will, however, provide an accurate indication of the relative noisiness of similar products when they are tested in a uniform environment that best reflects those important aspects of their acoustic performance.

As noted in the preamble to the proposed rule, EPA will require test methodologies on a product-by-product basis. The emphasis in methodology selection will be to simplify the testing requirements and minimize the need for resources (facilities, people, and equipment), while maintaining a sufficient degree of reliability, repeatability of test results, and accuracy. The EPA wants to work closely with product manufacturers, industry associations, and voluntary consensus standard setting organizations in developing test methods for any of the wide variety of

products that may be candidates for possible Federal noise labeling action.

The program that the Agency intends to use in educating the public to the label, how it is used and what it means, will be, in general, a product-specific public awareness campaign.

E. Logo

Several commenters expressed opposition to the EPA logo appearing on the label because they felt it would prejudice sales of products, was wasteful of label space, or was unauthorized. Other commenters supported its inclusion in the label, but felt some persons might construe this as EPA endorsement or guarantee of the acoustic performance of the product, even though EPA did not itself develop the data to support the label values.

Since the product noise labeling program implements a nondiscretionary statutory requirement that is imposed upon the Administrator of the EPA by the Noise Control Act, the presence of the EPA logo on the label indicates that the program is Federally mandated and administered. Although the Agency does not itself test products and develop the data for labeling products, the Agency does have clear responsibility for enforcing the overall labeling program; consequently the logo must appear on the label so that the potential purchaser/user will know that EPA is ultimately responsible for the label. The logo lends authenticity to the data on the label since consumers generally recognize that EPA has the authority and procedures to compel manufacturers to ensure that their labels are accurate.

In addition, the logo on product noise labels is intended to inform consumers that the information provided on a label for a specific product class is in fact uniformly applied to all products of the same class.

The logo does not imply that EPA prefers certain products, for all labels will state that it is the Agency that requires that a certain product or class of products be labeled.

In response to the concerns about EPA endorsement of the actual levels indicated on the label, the label has been changed to read "Label required by U.S. EPA regulation 40 CFR Part 211, Subpart ———." The Subpart will be specified in the product-specific regulation.

F. Identification of Manufacturer

The Noise Control Act of 1972 defines "Manufacturer" as meaning "any person engaged in the manufacturing or assembling of new products, or the importing of new products for resale, or

who acts for and is controlled by, any such person in connection with the distribution of such products."

For many products, there are diversities that occur in the packaging, or perhaps even final assembly of the product from its point of origin to the point of sale to the ultimate purchaser. For all products that are required to be labeled under the authority of Section 8 of the Act, the party labeling the product or its packaging will be accountable for the accuracy and completeness of information that is required on the label. To the extent that normal commercial practices apply, such as, another party tests the product and provides the test information to packagers of the product, the packagers may protect themselves through legally binding contracts or warranties.

G. Economic Effects

A number of oral and written comments focused on the economic impact of the noise labeling program. Many commenters were concerned about costs to the government in implementing the program. Several commenters questioned the Agency's decision to not consider economic effects which might result from market shifts arising from consumers purchasing products whose labels actually show that they are quieter than others, or that they are more effective at reducing noise. Other commenters were concerned about resulting higher prices for labeled products or the economic impact on product manufacturers.

EPA developed and will implement the noise labeling program in ways that will minimize the economic impact of the Federal requirements. Measurement methodologies will be as simple as possible and will require minimum resources; labeling requirements will be structured to allow as much flexibility as is possible to product manufacturers in their package design and product marketing.

The Agency maintains that costs to the government will be insignificant in light of the extremely small personnel and fiscal requirements necessary to produce the regulation, and the very limited resources that we anticipate will be necessary for enforcement.

There appears to have been confusion about the statement made in the preamble to the proposed rule that the Agency would not include in its economic impact analysis the consideration of potential market shifts due to consumer use of the labeled information.

The EPA maintains the position that the type of market shift which could develop as a result of consumers'

preferences for quieter products should not be included in the economic impact analysis. The reason is that the Federal noise labeling program does not require that there be any product or market changes, but simply requires that manufacturers state their products' noise-producing or noise-reducing characteristics to facilitate more informed choices by product purchasers and users.

The EPA intends to address the economic impact on product manufacturers of any product-specific Section 8 noise labeling requirement with regard to costs resulting from required testing, labeling, and recordkeeping, as well as the economic impact on the public in the form of higher prices that result from these costs.

With regard to market shifts, EPA will study potential shifts resulting from the costs of the programs to product manufacturers and the consuming public. We will include this within the economic analyses performed during the development of labeling requirements for particular products.

H. Voluntary Noise Labeling

In the preamble to the proposed rule, the EPA stated that one of the objectives of the Federal noise labeling program was to promote adequate voluntary noise labeling efforts by product manufacturers. EPA received numerous comments from manufacturers and trade associations about the beneficial aspects of voluntary labeling as opposed to mandatory labeling. Product manufacturers also encouraged the EPA to promote and assist in the developing of such programs.

In response to these comments, the Agency has more fully developed its program for encouraging voluntary noise labeling. However, in view of the Congressional mandate to the EPA in Section 8 of the Act, the Agency must be concerned about the ability of voluntary programs to provide accurate and clearly understandable information to consumers at the time of purchase or use. It is important that voluntary programs be comparable to what the Agency would develop if they are to be used in place of mandatory labeling.

Listed below are the minimal elements that the Agency considers essential to any voluntary noise labeling program. The list is not intended to be a comprehensive outline for the structure of a voluntary program that EPA would definitely accept as a substitute for Federal labeling. Rather, it presents the basic requirements that the Agency believes should be in an effective voluntary noise labeling program if it is

to be considered as an alternative to Federal labeling.

The Agency will consider a voluntary labeling program in lieu of mandatory noise labeling requirements for a particular product on a case by case basis.

Major Elements of Adequate Voluntary Noise Labeling Programs

1. Participation—Uniform participation by all manufacturers or by a high percentage of the total market of a particular product.

2. Measurement Methodology—A uniform methodology which gives accurate and meaningful data.

3. Acoustic Descriptor:

A. Noise Emitting Products—Sound pressure in dBA at 1 meter in 1 dB increments (may be obtained by converting sound power levels or sound level data taken at other distances using a recognized standard method).

B. Noise Reducing Products—Meaningful numerical rating of product's noise attenuating or absorbing capability.

4. Minimum Label Content:

A. The term "Noise Rating" or "Noise Reduction Rating."

B. Acoustic Descriptor.

C. Comparative Information—supplied by the industry, compiled from manufacturers' periodic data reports (depending on the product).

5. Label Format and Graphics:

A. Prominence of acoustic descriptor and the term "Noise Rating" or "Noise Reduction Rating."

B. A label shape dissimilar to the EPA noise label.

C. An industry-wide uniform label shape for a particular product or class of products.

6. Label Placement and Size—Readily visible to consumers at time of sale, taking into consideration various ways in which the product may be marketed.

7. Compliance Program—Incorporating product testing and the review of test reports, labels and associated marketing literature, and provisions for rectifying improper labeling.

8. Reports—Periodic reports (depending on the product) to the EPA which include the status and effectiveness of the program and a compilation of the labeled values for all labeled models.

9. Availability of Data—Availability to the EPA of all data, test reports, and other documentation related to the program.

The EPA encourages product manufacturers or trade associations to communicate with us to discuss any aspects of voluntary noise labeling, and will assist industry in developing such programs.

Inquiries should be addressed to: U.S. Environmental Protection Agency, Office of Noise Abatement and Control (ANR-490), Washington, D.C. 20460, (703) 557-2710.

I. Major Enforcement Comments to the General Labeling Provisions

Several of the commenters stated that EPA lacked the statutory authority for the proposed inspection and monitoring scheme.

The proposed regulations included inspection and monitoring provisions in the General Provisions of the Noise Labeling Standards on June 22, 1977 (40 CFR Part 211). Both the inspection and monitoring provisions were based in part on EPA's legal interpretation that the agency was not required to obtain judicial warrants in instances where regulated manufacturers did not willingly consent to EPA enforcement officers entering the facilities.

On May 23, 1978, the Supreme Court delivered a decision in *Marshall v. Barlow, Inc.*, 436 U.S. 307, (1978). In that decision, the Court held that administrative agencies must ordinarily obtain search warrants to enter private property for regulatory purposes, if the property owner has not consented.

Accordingly, EPA revised the proposed inspection and monitoring procedures. An EPA enforcement officer may enter a facility only with the consent of the manufacturer unless the enforcement officer first obtains a warrant authorizing such entry. Additionally, it is not a violation of the Act or of the regulation if a manufacturer refuses entry to an enforcement officer who does not have a proper warrant. Section 211.1.9 (§ 211.109) of the regulation has been revised.

The regulations retain the provisions which define the scope of the inspector's proper investigation. This will assure the manufacturers that both consensual and judicially warranted searches are reasonably limited.

Another amendment to paragraph (e) of § 211.1.9 (§ 211.109) clarifies the Administrator's right, as contemplated by *Barlow's* to proceed *ex parte* (without the other party's knowledge) to obtain a warrant, whether or not a manufacturer has refused to permit entry.

The provisions in paragraph (c)(3) of § 211.1.9 that applied to foreign manufacturing facilities have been eliminated, since EPA no longer requires domestic manufacturers to consent to entry. It is still necessary for foreign manufacturers to work with EPA to assure that their testing is performed according to the regulatory requirements.

The EPA cannot determine the validity of manufacturers' tests if it cannot monitor them in some manner.

The Agency has deleted paragraph (f) of § 211.1.9, which specified that the Administrator may issue "cease to distribute" orders when EPA Enforcement Officers are refused entry or denied reasonable assistance because it is unnecessary. If a manufacturer denies entry where the EPA enforcement officer has obtained a warrant, the Act and this regulation will be violated, and the Administrator will consider using the option of the enforcement authorities granted him in Section 11 of the Act.

One commenter suggested that EPA limit its access to only those areas of a manufacturer's facilities that are relevant to the investigation, and specifying those areas in writing before the inspection period.

The Director of the Noise Enforcement Division may request that a manufacturer who is subject to this Part admit an EPA Enforcement Officer: to examine records of tests conducted by the manufacturer on label verification products and on products tested under compliance audit testing (CAT); to inspect the locations where testing is conducted, and where regulated products are stored before testing; and to inspect those portions of the assembly line where the regulated products are being assembled. EPA has no interest in entering the manufacturer's development laboratory or areas that are not concerned with a manufacturer's activities under the Noise Control Act of 1972.

One commenter objected to EPA photographing unfinished products, while another commenter objected to the photographing of any product because of the possibility that a competitor might obtain the information through a freedom of information request.

The manufacturer who may be affected by EPA photographing either finished or unfinished products would be able to file a request under § 2.203 of the EPA procedures for Confidentiality of Business Information (40 CFR Part 2 Subparts A and B). The Agency may determine at the time of the request whether the information requires confidential treatment. At that time EPA will give the manufacturer the opportunity to comment on why the material should be treated as business confidential (i.e., proprietary), and the manufacturer has the opportunity to pursue the matter in the courts before any of that material is released.

One commenter suggested that the provision of proposed § 211.1.9(f)(1) which states that the Administrator has the authority to issue "cease to distribute" orders, conflicts with Section

11(d)(1) of the Noise Control Act, since it does not limit the Administrator's authority to issue orders that are necessary to protect public health and welfare.

As previously explained, paragraph (f) of § 211.1.9 has been dropped as unnecessary.

J. Granting Exemptions

Some commenters objected to the exemption that the Agency could grant for promotional, demonstrator or prototype products that are not intended for commerce, because those products could be used improperly in advertising or display settings.

The only products that would require exemptions under this Section are those that are introduced in commerce. These regulations do not require the manufacturer to apply for exemptions for products that are not introduced in commerce (i.e., do not leave the manufacturer's premises), and does not have to fulfill any of the requirements of Subparts A or other Subparts that are promulgated under 40 CFR Part 211.

To qualify for an exemption from this regulation the manufacturer must demonstrate that the requested exemption is consistent with the reasons specified in Section 10(b)(1) of the Act.

Manufacturers who request an exemption under these regulations for promotional, demonstrator, or prototype products which will be introduced in commerce will be required to demonstrate: sufficient necessity for, appropriateness of, and reasonableness of the request; and the existence of adequate control over the product to satisfy EPA's monitoring requirements. EPA may withdraw an exemption at any time if the products included in the exemption request are used improperly. One commenter objected to the requirement that the industry apply for an exemption for prototype products, due to possible delays in the exemption process.

Industry only has to apply for exemptions for prototype products that will be introduced into commerce. If, in the ordinary course of business, a manufacturer introduces prototype products into commerce for a valid exemption such as product development, assessing a production method, or as a market promotion, the manufacturer should expect no delays in receiving the exemptions. Where the program does not involve leases or sales of the product, the manufacturer only has to state the nature of the product's use, the number of products involved, and demonstrate the use of adequate recordkeeping procedures for product control purposes.

One commenter suggested an automatic exemption for all qualified products that are not intended for general commercial use.

At this time, EPA will not grant automatic exemptions for products introduced in commerce. Products and their containers that are intended solely for export must be labeled to show they are for export and are excluded from the restrictions of Section 10 of the Act unless they are distributed in commerce within the United States. The Noise Control Act requires the Administrator to take into account the public health and welfare in setting the terms and conditions of the exemption. Therefore, it will be necessary for the Administrator to take into account the public health and welfare, based on information that the manufacturer supplies to him for the particular product under consideration. However, if during the enforcement of this program the Agency finds that it is advisable to grant an industry-wide exemption for one or more purposes, EPA will set out this exemption and its terms and conditions and supply them to all manufacturers. Only after gaining some experience in administering this program will the Agency consider whether to grant "automatic" exemptions.

K. Testing by the Administrator

Several of the commenters were concerned about the costs of the required testing, and about the Administrator's authority to require products to be shipped to a test facility specified by EPA.

The cost of the required testing under Subpart B (such as label verification or compliance audit testing), or any of the following Subparts, will be borne by the manufacturer. EPA will bear the cost of testing that it conducts under § 211.1.11 (§ 211.111). Testing by the Administrator. However, EPA will not bear costs in the following circumstances: (1) when the EPA requires the manufacturer to ship products to a particular test site for label verification testing, because the manufacturer has not label verified within a reasonable amount of time (the product-specific regulation will define the amount of time considered reasonable); (2) when EPA has reason to believe that products would not pass the Federal test at an EPA designated site even though they pass at a manufacturer's site; (3) when an EPA issued "notice of nonconformance" of the manufacturer's test site is effective up to the time the site has been re-qualified; and (4) whenever EPA requires that products be shipped to a

designated test site because the manufacturer refused to allow EPA Enforcement Officers with a warrant to monitor a test.

EPA will generally not specify a test facility for any required compliance audit testing unless it has reason to believe that products which pass the test at the facility used by the manufacturer would not pass at an EPA designated facility. Under these circumstances, the Administrator will provide the manufacturer a statement of the reasons.

One commenter suggested that the regulations spell out what direct and indirect testing costs EPA would reimburse.

As previously explained, only under § 211.111. Testing by the Administrator, EPA will bear the cost of testing. The cost of testing when it is conducted by EPA under § 211.111, Testing by the Administrator, will be borne by the Agency except:

1. When the EPA requires the manufacturer to ship products to a particular test site for label verification testing, because the manufacturer had not label verified within a reasonable amount of time. The amount of time considered reasonable will be defined in the product specific regulation;
2. When EPA has reason to believe that products would not pass at an EPA designated site even though they pass at a manufacturer's site;
3. When a notice of nonconformance of the manufacturer's test site is effective until the site has been re-qualified; and
4. Whenever EPA requires shipment of products to a designated test site because the manufacturer refused to allow EPA Enforcement Officers with a warrant to monitor a test.

When EPA designates that testing under § 211.111 be conducted at the manufacturer's facility, EPA personnel will conduct that testing, using Agency equipment. The Agency does not expect that the manufacturers will incur any direct testing costs under these circumstances.

One commenter questioned the legal authority of EPA personnel to operate a manufacturer's private test facility under § 211.1.11(a)(2).

This Section has been changed to state that the Administrator, when testing at a manufacturer's test facility, will use Agency equipment.

One commenter suggested a revision to limit the Administrator's discretion to require products to be tested by EPA at the manufacturer's facility.

EPA will be amenable to limiting the Administrator's discretion regarding the number of products tested under this

Section of the regulation. However, the limits placed on the Administrator's discretion will be based on particular industry characteristics, such as the number of manufacturers, the total number of products the manufacturers distribute in commerce, and other characteristics which the Administrator may consider appropriate. Because of their nature, these limits will have to be specified under the individual product Subparts of Part 211. Consequently, we will not change § 211.111 (§ 211.111) of Subpart A at this time, but we may amend this Section in the Subparts specific to other products.

III. Supporting Documentation

A document has been prepared which contains the results of study efforts instituted by the EPA in the development of the noise labeling General Provisions, and the detailed comprehensive discussion of all comments received during the public comment period. Copies of the document, entitled "Regulatory Analysis Supporting The General Provisions For Product Noise Labeling, August 1979", are available at: U.S. Environmental Protection Agency, Public Information Center (PM-215), 401 M Street, S.W., Washington, D.C. 20460, Phone: (202) 755-0717.

IV. Evaluation Plan

EPA intends to review the effectiveness and need for continuation of the provisions contained in this action no more than five years after initial implementation of the final regulation. In particular, EPA will solicit comments from affected parties with regard to cost and other burdens associated with compliance, and will also review data on any labeled products built after promulgation of the regulation to determine how effective this measure has been.

V. Reporting and Recordkeeping Requirements

Under the EPA's new "sunset" policy for reporting requirements in regulations, the reporting requirements in this regulation will automatically expire five years from the date of promulgation, unless the Administrator extends them. To accomplish this, a provision automatically terminating the reporting requirements at that time is included in the text of each product-specific regulation issued as a Subpart to Part 211.

I have reviewed this regulation and determined that it is not a significant regulation that requires the preparation of regulatory analyses as called for in Executive Order 12044. The Agency has,

nonetheless, developed the documentation mentioned above to support this regulation.

This regulation is promulgated under the authority of 42 U.S.C. 4907.

Dated: August 30, 1979.

Douglas M. Costle,
Administrator, Environmental Protection Agency.

PART 211—PRODUCT NOISE LABELING

Part 211 Subpart A is added to 40 CFR and is to read as follows:

Subpart A—General Provisions

Sec.	
211.101	Applicability.
211.102	Definitions.
211.103	Number and gender.
211.104	Label content.
211.105	Label format.
211.106	Graphical requirements.
211.107	Label type and location.
211.108	Sample label.
211.109	Inspection and monitoring.
211.110	Exemptions.
211.110-1	Testing exemption.
211.110-2	National security exemptions.
211.110-3	Export exemptions.
211.110-4	Granting of exemptions.
211.110-5	Submission of exemption request.
211.111	Testing by the Administrator.

Authority: Sec. 8 of the Noise Control Act of 1972, (42 U.S.C. 4907), and other authority as specified.

Subpart A—General Provisions

§ 211.101 Applicability.

The provisions of Subpart A apply to all products for which regulations are published under Part 211 and manufactured after the effective date of this regulation, unless they are made inapplicable by product-specific regulations.

§ 211.102 Definitions.

(a) All terms that are not defined in this subpart will have the meaning given them in the Act.

(b) "Act" means the Noise Control Act of 1972 (Pub. L. 92-574, 86 Stat. 1234).

(c) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(d) "Agency" means the United States Environmental Protection Agency.

(e) "Acoustic descriptor" means the numeric, symbolic, or narrative information describing a product's acoustic properties as they are determined according to the test methodology that the Agency prescribes.

(f) "Export exemption" means an exemption from the prohibitions of Section 10(a)(3) and (4) of the Act; this type of exemption is granted by statute

under Section 10(b)(2) of the Act for the purpose of exporting regulated products.

(g) "National security exemption" means an exemption from the prohibitions of Section 10(a)(3) and (5) of the Act, which may be granted under Section 10(b)(1) of the Act in cases involving national security.

(h) "Product" means any noise-producing or noise-reducing product for which regulations have been promulgated under Part 211; the term includes "test product".

(i) "Regulations published under this Part" means all Subparts to Part 211.

(j) "Testing exemption" means an exemption from the prohibitions of Section 10(a) (1), (2), (3), and (5) of the Act, which may be granted under Section 10(b)(1) of the Act for research, investigations, studies, demonstrations, or training, but not for national security.

(k) "Test product" means any product that must be tested according to regulations published under Part 211.

§ 211.103 Number and gender.

In this Part, words in the singular will be understood to include the plural, and words in the masculine gender will be understood to include the feminine, and vice versa, as the case may require.

§ 211.104 Label content.

The following data and information must be on the label of all products for which regulations have been published under this Part:

(a) The term "Noise Rating" if the product produces noise, or the term "Noise Reduction Rating" if the product reduces noise;

(b) The acoustic rating descriptor that is determined according to procedures specified in the regulations that will be published under this Part;

(c) Comparative acoustic rating information, which EPA will specify in the regulations published under this Part;

(d) A product manufacturer identification consisting of: (1) The Company name, and (2) The City and State of the principal office;

(e) A product model number or type identification;

(f) The phrase "Federal law prohibits removal of this label prior to purchase";

(g) The U.S. Environmental Protection Agency logo, as shown in Figure 1;

(h) The phrase "Label Required by U.S. EPA regulation 40 CFR Part 211, Subpart _____."



Figure - 1

§ 211.105 Label format.

(a) Unless specified otherwise in other regulations published under this Part, the format of the label must be as shown in Figure 2. The label must include all data and information required under § 211.104.

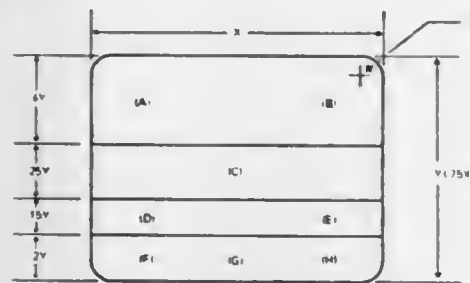


Figure - 2

(b) Unless EPA specifies otherwise in regulations published under this Part, the required data and information specified in § 211.104(a)-(h) must be located in the following areas of the prescribed label (see Figure 2 above):

- (1) Section 211.104 (a)—Area A.
- (2) Section 211.104 (b)—Area B.
- (3) Section 211.104 (c)—Area C.
- (4) Section 211.104 (d)—Area D.
- (5) Section 211.104 (e)—Area E.
- (6) Section 211.104 (f)—Area F.
- (7) Section 211.104 (g)—Area G.
- (8) Section 211.104 (h)—Area H.

§ 211.106 Graphical requirements.

(a) **Color.** Unless EPA requires otherwise, the product manufacturer or supplier must determine the colors used for the label background, borders, and all included letters, numerals, and figures. However, the colors on the label must contrast sufficiently with each other and with any information or material surrounding the label so that the label and the information within it are clearly visible and legible.

(b) **Label Size.** The prescribed label must be sized as specified in regulations published under this Part.

(c) **Character Style.** Except when specified otherwise in this Part, all letters and numerals that appear on the prescribed label must be Helvetica Medium.

(d) **Character Size.** All letters and numerals that appear on the prescribed label must be sized as specified in regulations published under this Part.

§ 211.107 Label type and location.

The prescribed label must be of the type and in the location specified in regulations published under this Part.

§ 211.108 Sample label.

Examples of labels conforming to the requirements of §§ 211.104, 211.105, and 211.106 are presented in Figure 3.

Noise Rating 79 DECIBELS	
(LOWER NOISE RATINGS MEAN QUIETER PRODUCTS) THE APPROXIMATE RANGE IN NOISE RATINGS FOR (PRODUCT) IS FROM 55 TO 85 DECIBELS	
Manufacturer	Model No.
Partial use prohibits removal of this label prior to purchase	
EPA LABEL REQUIRED BY U.S. EPA REGULATION 40 CFR Part 211, Subpart B	

Noise Reduction Rating 23 DECIBELS	
(WHEN USED AS DIRECTED)	
THE RANGE OF NOISE REDUCTION RATINGS FOR EXISTING HEARING PROTECTORS IS APPROXIMATELY 0 TO 30 (HIGH NUMBERS DENOTE GREATER EFFECTIVENESS)	
Manufacturer	Model No.
Partial use prohibits removal of this label prior to purchase	
EPA LABEL REQUIRED BY U.S. EPA REGULATION 40 CFR Part 211, Subpart B	

Figure - 3

§ 211.109 Inspection and monitoring.

(a) Any inspecting or monitoring activities that EPA conducts under this Part with respect to the requirements set out in regulations published under this Part, will be for the purpose of determining:

- (1) Whether records required by the regulations are being properly maintained;
- (2) Whether test products are being selected and prepared for testing in accordance with the provisions of the regulations;
- (3) Whether test product testing is being conducted according to the provisions of those regulations; and
- (4) Whether products that are being produced and distributed into commerce comply with the provisions of those regulations.

(b) The Director of the Noise Enforcement Division may request that a manufacturer who is subject to this Part admit an EPA Enforcement Officer during operating hours to any of the following:

- (1) Any facility or site where any product to be distributed into commerce is manufactured, assembled, or stored;

(2) Any facility or site where the manufacturer performed or performs any tests conducted under this Part or any procedures or activities connected with those tests;

(3) Any facility or site where any test product is located; and

(4) Any facility or site where there are records, reports, other documents or information that the manufacturer must maintain or provide to the Administrator.

(c) (1) Once an EPA Enforcement Officer has been admitted to a facility or site, that officer will not be authorized to do more than the following:

(i) Inspect and monitor the manufacture and assembly, selection, storage, preconditioning, noise testing, and maintenance of test products, and to verify the correlation or calibration of test equipment;

(ii) Inspect products before they are distributed in commerce;

(iii) Inspect and make copies of any records, reports, documents, or information that the manufacturer must maintain or provide to the Administrator under the Act or under any provision of this Part;

(iv) Inspect and photograph any part or aspect of any product and any components used in manufacturing the product that is reasonably related to the purpose of this entry; and

(v) Obtain from those in charge of the facility or site any reasonable assistance that he may request to enable him to carry out any function listed in this Section.

(2) The provisions of this Section apply whether the facility or site is owned or controlled by the manufacturer, or by someone who acts for the manufacturer.

(d) For the purposes of this Section:

(1) An "EPA Enforcement Officer" is an employee of the EPA Office of Enforcement. When he arrives at a facility or site, he must display the credentials that identify him as an employee of the EPA and a letter signed by the Director of the Noise Enforcement Division designating him to make the inspection.

(2) Where test product storage areas or facilities are concerned, "operating hours" means all times during which personnel, other than custodial personnel, are at work in the vicinity of the area or facility and have access to it.

(3) Where other facilities or areas are concerned, "operating hours" means all times during which products are being manufactured or assembled; or all times during which products are being tested or maintained; or records are being compiled; or when any other procedure or activity related to labeling

verification testing, enforcement testing, or product manufacture or assembly is being carried out.

(4) "Reasonable assistance" means providing timely and unobstructed access to test products or to products and records that are required by this Part, and the means for copying those records or the opportunity to test the test products.

(e) The manufacturer must admit an EPA Enforcement Officer who presents a warrant authorizing entry to a facility or site. If the EPA officer does not have the warrant, he may enter a facility or site only if the manufacturer consents.

(1) It is not a violation of this regulation or the Act if anyone refuses to allow an officer without a warrant to enter the site.

(2) The Administrator or his designee may proceed *ex parte* (without the other party's knowledge) to obtain a warrant whether or not the manufacturer has refused entry to an EPA Enforcement Officer.

(Secs. 11 and 13, Pub. L. 92-574, 86 Stat. 1242, 1244 (42 U.S.C. 4910, 4912))

§ 211.110 Exemptions.**§ 211.110-1 Testing exemption.**

(a) Except as provided in paragraph (f) of this section, any person who requests a testing exemption must demonstrate that the proposed test program:

(1) Has a purpose which is an appropriate basis for an exemption in accordance with paragraph (b) of this section;

(2) Shows a need for the granting of an exemption, as set forth in paragraph (c) of this section;

(3) Exhibits a reasonable scope as described in paragraph (d) of this section; and

(4) Exhibits a degree of control of the products that fulfills the purpose of the program and the EPA's monitoring requirements.

(b) An appropriate purpose for an exemption, as stated in Section 10(b)(1) of the Act, is one or more of the following: product research, investigations, studies, demonstrations, or training, but not national security (see § 211.110-2).

(c) Necessity for an exemption arises from an inability to achieve the stated purpose of a product noise labeling regulation in a practical manner without performing a prohibited act under Section 10(a) (3) or (5) of the Act. In appropriate circumstances, time constraints may be a sufficient basis for necessity.

(d) A test program must have a reasonable duration and affect a

reasonable number of products. In this regard, the required items of information include:

(1) An estimate of the program's duration;

(2) The absolute number of products involved;

(3) The duration of the test;

(4) The ownership arrangement with regard to the products involved in the test;

(5) The intended final disposition of the products; and

(6) The means or procedure for recording test results.

(e) Paragraph (a) of this section applies no matter where the product is manufactured.

(f) Any manufacturer who requests an exemption for products that are used in the ordinary course of business for product development, production method assessment or market promotion, and that are not used in any way that involves lease or sale, must state only the general nature of the test or other program and the number of products involved. He must also demonstrate that he will employ adequate recordkeeping procedures for product control purposes. If the manufacturer does not receive a response from the Administrator within 15 working days from the day the Administrator receives the request, the exemption is granted for one year.

(Sec. 10(b)(1), Pub. L. 92-574, 86 Stat. 1242 (42 U.S.C. 4909(b)(1)))

§ 211.110-2 National security exemptions.

A manufacturer may request a national security exemption by submitting an application to the Administrator which states the purpose for which the exemption is required. The request must be endorsed by an agency of the Federal Government that is charged with responsibility for national defense.

(Sec. 10(b) (1), Pub. L. 92-574, 86 Stat. 1242 (42 U.S.C. 4909(b)(1)))

§ 211.110-3 Export exemptions.

(a) A new product intended solely for export, and which has satisfied the requirements of other applicable regulations of this Part, will be exempt from the prohibitions of Section 10(a) (3) and (4) of the Act.

(b) Requests for an export exemption are not required.

(c) For purposes of Section 11(d) of the Noise Control Act, the Administrator may consider any export exemption under Section 10(b)(2) void from the beginning if a new product, intended only for export, is distributed in commerce in the United States.

(d) In deciding whether to institute proceedings against a manufacturer, pursuant to Section 11(d)(1) of the Act, with respect to any product that was originally intended solely for export, but that was distributed in commerce in the United States, the Administrator will consider:

(1) Whether the manufacturer knew that the product would be distributed in commerce in the United States; and

(2) Whether the manufacturer made reasonable efforts to ensure that the product would not be distributed in commerce. Reasonable efforts would include: considering prior dealings between the manufacturer and anyone, which resulted in a product being introduced into commerce that was manufactured for export only; investigating prior instances that the manufacturer knew about, where a product that was manufactured for export only was introduced into commerce; and considering the provisions within a contract which minimize the probability that a product that was manufactured for export only will be introduced into commerce.

(Sec. 10(b)(2), Pub. L. 92-574, 86 Stat. 1242 (42 U.S.C. 4909(b)(2)))

§ 211.110-4 Granting of exemptions.

(a) After EPA completes the reviews of an exemption request, if EPA believes that it is appropriate to grant an exemption, it will prepare a memorandum of exemption and will submit it to the manufacturer who has requested the exemption. The memorandum will set forth the basis for the exemption, its scope, and the terms and conditions that are necessary to protect the public health and welfare. These terms and conditions will generally include the following agreements on the part of the applicant: to conduct the exempt activity in the manner described to EPA; to create and maintain adequate records that are accessible to EPA at reasonable times; to employ labels for the exempt products, setting forth the nature of the exemption; to take appropriate measures to assure that the applicant meets the terms of the exemption; and to inform EPA of the termination of the activity and the ultimate disposition of the products. EPA may limit the scope of any exemption by placing restrictions on time, location and duration.

(b) Any exemption that EPA grants under paragraph (a) of this section covers any product only to the extent that the manufacturer or his agents comply with the specified terms and conditions. A breach of any term or condition causes the exemption to be void from the beginning for purposes of

Section 11(d) of the Act, and may give rise to an order by the Administrator with respect to any product that is subject to the exemption, whether the product was distributed before or after the breach. The Administrator may also, upon notice to the manufacturer and with the opportunity for a hearing, withdraw the exemption at any time, if he determines that the public health or welfare is being endangered.

(Sec. 10(b)(1), Pub. L. 92-574, 86 Stat. 1242 (42 U.S.C. 4909(b)(1)))

§ 211.110-5 Submission of exemption request.

Address any requests for exemptions, or any requests for further information concerning exemption or the exemption request review procedure, to: Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460, (703) 557-7470.

(Sec. 10(b)(1), Pub. L. 92-574, 86 Stat. 1242 (42 U.S.C. 4909(b)(1)))

§ 211.111 Testing by the Administrator.

(a)(1) To determine whether products conform to applicable regulations under this Part, the Administrator may require that any product that is to be tested under applicable regulations in this Part, or any other products that are regulated under this Part, be submitted to him, at a place and time that he designates, to conduct tests on them in accordance with the test procedures described in the regulations.

(2) The Administrator may specify that he will conduct the testing at the facility where the manufacturer conducted required testing. The Administrator will conduct the tests with his own equipment.

(b)(1) If, from the tests conducted by the Administrator, or other relevant information, the Administrator determines that the test facility used by the manufacturer(s) does not meet the requirements of this Part for conducting the test required by this Part, he will notify the manufacturer(s) in writing of his determination and the reasons for it.

(2) After the Administrator has notified the manufacturer, EPA will not accept any data from the subject test facility for the purposes of this Part, and the Administrator may issue an order to the manufacturer(s) to cease to distribute in commerce products that come from the product categories in question. However, any such order shall be issued only after an opportunity for a hearing. Notification of this opportunity may be included in a notification under paragraph (b)(1) of this section. A

manufacturer may request that the Administrator grant a hearing. He must make this request no later than fifteen (15) days (or any other period the Administrator allows) after the Administrator has notified the manufacturer that he intends to issue an order to cease to distribute.

(3) A manufacturer may request in writing that the Administrator reconsider his determination in paragraph (b)(1) of this section, if he can provide data or information which indicates that changes have been made to the test facility, and that those changes have remedied the reason for disqualification.

(4) The Administrator will notify a manufacturer of his decision concerning requalifying the test facility within 10 days of the time the manufacturer requested reconsideration under paragraph (b)(3) of this section.

(c)(1) The Administrator will assume all reasonable costs associated with shipment of products to the place designated pursuant to paragraph (a) of this section, except with respect to:

(i) Any label verification testing performed at a place other than the manufacturer's facility as provided for in the Section titled Label Verification of the product-specific Subpart or as a result of the manufacturer's not owning or having access to a test facility;

(ii) Testing of a reasonable number of products for purposes of compliance audit testing under the Section titled Compliance Audit Testing of the product-specific Subpart, or if the manufacturer has failed to establish that there is a correlation between his test facility and the EPA test facility or the Administrator has reason to believe, and provides the manufacturer with a statement or reasons, that the products to be tested would fail to meet their verification level if tested at the EPA test facility, but would meet the level if tested at the manufacturer's test facility;

(iii) Any testing performed during a period when a notice issued under paragraph (b) of this section, is in effect; and

(iv) Any testing performed at place other than the manufacturer's facility as a result of the manufacturer's failure to permit the Administrator to conduct or monitor testing as required by this Part.

(Secs. 11 and 13, Pub. L. 92-574, 86 Stat. 1243 (42 U.S.C. 4910, 4912))

[FR Doc. 79-30067 Filed 9-27-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 211

[FRL 1270-3]

Approval and Promulgation of Noise Labeling Requirements for Hearing Protectors

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice establishes noise labeling requirements for hearing protectors under the authority of the Noise Control Act of 1972 (42 USC 4901 et seq.). These requirements were proposed in the Federal Register on June 22, 1977 (42 FR 31730) and have been modified to reflect the public comment.

These labeling standards require hearing protector manufacturers to state, on a clearly visible label and in a uniform manner, the noise reducing effectiveness of all hearing protectors which are sold in the United States.

The final rule provides a uniform test methodology for determining the noise reducing effectiveness of, and specifies a uniform rating scheme (Noise Reduction Rating in decibels) for stating the effectiveness of, all types of hearing protectors. It requires that information supporting the notice of effectiveness be supplied with the protector. It also provides the procedures for enforcing the labeling requirements.

The intent of this labeling requirement is to ensure that information on the noise reducing effectiveness of hearing protectors is available to prospective users of these devices, so that they will be capable (using this information) of selecting a device which can adequately protect their hearing in a given noise environment.

EFFECTIVE DATE: September 28, 1979.

ADDRESS: Written data, comments or views may be submitted to the: Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Timothy McBride, Standards and Regulations Division (ANR-490), or phone (703) 557-2710.

SUPPLEMENTARY INFORMATION:

I. Introduction

Effective September 27, 1980, this regulation, Subpart B of 40 CFR Part 211, requires manufacturers of hearing protectors sold in the United States to give notice to prospective users of their products, of the effectiveness of their products in reducing noise. This notice shall be given according to the labeling requirements of Subpart A of 40 CFR Part 211 (General Provisions—Product

Noise Labeling) and those additional requirements of Subpart B.

In order to provide this notice, this regulation requires manufacturers to test all categories of protectors in their product line according to the American National Standards Institute Standard (ANSI STD) S3.19-1974. This procedure measures the level of noise reduction developed by a protector or a category of protectors at specific frequencies.

The regulation specifies the method by which a manufacturer will uniformly convert, into a Noise Reduction Rating (NRR) in decibels, the measured levels of noise reduction for each category of protectors in his product line.

Manufacturers must state the NRR specific to a category of protectors on a label affixed or appended to every protector (or its packaging) that comes from that category. The manner in which the label is affixed to the protector or its packaging depends on how the protector is displayed for sale to the ultimate purchaser or for distribution to the prospective user.

The regulation requires that the manufacturer who packages the protector for ultimate distribution in commerce be identified on the label. That manufacturer is held responsible for the accuracy of the information on, and the visibility of, the label at the point of sale to the ultimate purchaser or distribution to the prospective user.

The label must also present information on the range of NRRs for existing protectors against which the ultimate purchaser or user can assess a specific protector's relative effectiveness in reducing noise. The "comparative range" data was determined by using data from the National Institute for Occupational Safety and Health publication (NIOSH 76-120) in the Noise Reduction Rating computation procedure in § 211.207 of the regulation. It is provided by EPA in this rule, and will be updated by EPA, as necessary, through a technical amendment to the regulation published in the Federal Register.

In order to assure that the NRR for a protector or a category of protectors is correct, the manufacturer is required to test each category of protectors in his product line to initially establish their NRRs. He is further required to maintain records to adequately substantiate these NRRs, and to submit reports of these test results to the Agency. The Agency may require that compliance audit testing be performed on specified protectors to assure that these products comply with their initially established label value. The Administrator may also require a manufacturer to relabel his hearing protectors entered into the

distribution chain after the effective date of the regulation, or to take other reasonable steps necessary to remedy a violation of these requirements.

Supplementary to this rule, the Agency published a Regulatory Analysis¹ which includes a detailed study of hearing protectors, the industry, test procedures, analysis of public comments to the docket, and a list of all commenters.

II. Background

In the Noise Control Act of 1972 (The Act) (42 USC 4901 et seq.), "Congress declares that it is the policy of the United States to promote an environment for all Americans free from noise that jeopardizes their health or welfare." To further this policy, Section 8(a)(2) of the Act requires the Administrator of the Environmental Protection Agency (EPA) to designate by regulation any product " * * * sold wholly or in part on the basis of its effectiveness in reducing noise." It also requires that "for each such product (or class thereof) the Administrator shall by regulation require that notice be given to the prospective user * * * of [the product's] effectiveness in reducing noise, * * *." The regulation must specify "whether such notice shall be affixed to the product or to the outside of its container, or to both, at the time of its sale to the ultimate purchaser or whether such notice shall be given to the prospective user in some other manner." The regulation must also specify " * * * the form of the notice, and * * * the methods and units of measurement to be used."

Hearing protectors are principally sold on the basis of their ability to attenuate the level of sound entering a person's ear. The amount of sound attenuation provided by the broad range of insert and muff type protectors currently on the market varies widely. There are devices designed primarily to prevent water from entering a swimmer's ears that are frequently misused as hearing protectors. There are devices that can be purchased merely to reduce annoying sounds in a person's environment to levels that may permit sleep, study or relaxation. While these devices may afford a measure of sound reduction, their effectiveness in high noise environments may be marginal. Users of devices which give insufficient hearing protection for a particular noise environment can sustain permanent hearing loss because of exposure to levels of noise from which they believe they are protected.

¹ Regulatory Analysis Supporting the Labeling of Hearing Protectors; EPA 550/9-79-258, August, 1979.

In some cases, it is impractical to control noise at the source or along the propagation path sufficiently to protect the hearing of a person exposed to the noise. In these circumstances, the use of hearing protectors may be the only practical means of noise control on a short-term basis.

For a prospective user of hearing protective devices to make an informed choice of a protector for use in a particular noise environment, that person should be able to determine the level of hearing protection offered by a given hearing protector, and its effectiveness relative to other hearing protectors. This information is not now readily available to the prospective user.

The Agency announced its intention to consider the labeling of hearing protectors, under the authority of Section 8(a)(2) of the Act, through the publication of an Advanced Notice of Proposed Rulemaking (ANPRM) on December 5, 1974 (39 FR 42380).

The ANPRM established a public comment period for 60 days which closed on February 1, 1975, and solicited comments from all interested parties prior to the Agency undertaking the development of a regulation.

We received a total of 9 written comments to the ANPRM docket from the hearing protector industry and trade associations; laboratories involved in acoustic testing; and government agencies that use protectors or specify protector effectiveness, construction, composition or packaging requirements. These commenters recommended measurement standards and label placement and content, questioned the validity of single number rating schemes, and submitted examples of various protector characteristics and packaging. The Agency also sent letters to selected manufacturers and distributors of hearing protectors requesting information on manufacturing costs, manufacturing processes, marketing processes, extent of the market, numbers and types of protectors manufactured, and each manufacturer's share of the market. This was done because of the limited amount of this type of information obtained from comments to the ANPRM, and the Agency's desire to get this data so it could adequately assess the effect of various methods of hearing protector labeling.

EPA has worked closely with the National Institute for Occupational Safety and Health (NIOSH), the United States Air Force Aerospace Medical Research Laboratory (AMRL), the Federal Aviation Administration Civil Aeromedical Institute, and the Mine Safety and Health Administration to

develop test procedures and coordinate labeling requirements.

The EPA published a Notice of Proposed Rulemaking (NPRM) for Noise Labeling Requirements for Hearing Protectors on June 22, 1977 (42 FR 31730), and established a public comment period for 90 days which closed on September 20, 1977; public hearings were deferred pending public response. During this period we received 52 written comments. We also received 3 oral and 7 written comments pertaining to hearing protectors which had been directed to the concurrently established public comment period for the proposed General Provisions (Subpart A) for Product Noise Labeling (40 CFR Part 211). Because of a computerization program undertaken since the promulgation of the proposed rule, it was necessary in the final rule of both Subparts A and B to either replace the second decimal point in each section heading with a zero or delete it entirely.

As a result of written comments to the docket the Agency decided that, to fully understand the problems the hearing protector industry expressed in their comments, and to better clarify certain elements of the proposed rule, a public meeting was in the best public interest.

The Agency published a notice of the public meeting in the *Federal Register* on December 2, 1977 (42 FR 61289). The meeting was held on December 13, 1977 at the Agency's Office of Noise Abatement and Control in Arlington, Virginia. Attendees included manufacturers, the industry trade association, several members of the user industry, and Federal representatives. Oral comments were received from 10 speakers. The transcript of this meeting has been available for public review at the EPA Public Information Center, Washington, D.C.

Comments from industry during the NPRM comment period and from the public meeting were critical of various elements of the proposed regulation, but were not generally opposed to the concept of labeling hearing protectors with respect to their effectiveness. Comments from private citizens and user-industries were for the most part supportive of the proposed labeling rule. The range of issues covered in the comments is extensive, encompassing all aspects of the Federal noise labeling program.

The following discussion addresses only the major issues associated with the labeling of hearing protectors. Issues related to general labeling have been addressed in the General Provisions of this rule.

The Agency carefully reviewed and considered all information received from

industry and the public on the potential impact a Federal labeling requirement might engender: on the cost of hearing protectors; on manufacturers' production processes; and on their packaging procedures. We reassessed the designated test methodology, availability of test facilities, enforcement procedures, and labeling responsibilities.

By making minor changes to the proposed requirements, the Agency has concluded that this regulation will result in the dissemination of adequate information to the prospective user of hearing protectors with minimum adverse impact on the industry.

The detailed comments and information presented to the Agency and the Agency's responses to the comments are contained in the Docket Analysis section of the Regulatory analysis.² A complete list of commenters is presented as an appendix within the document.

III. Discussion of Major Issues

General Issues

Several commenters questioned the Agency's statutory authority. They believed that EPA had exceeded its authority in proposing the labeling of hearing protectors, and that the Agency abused its discretionary authority and was "arbitrary and capricious".

The Act specifically states in Section 8(a)(2) that "the Administrator shall by regulation designate any product (or class thereof) which is sold wholly or in part on the basis of its effectiveness in reducing noise." This is a non-discretionary requirement for the Agency. As directed, the Administrator has designated all hearing protective devices as products which are sold wholly or in part on the basis of their effectiveness in reducing noise.

EPA is clearly authorized to require labeling of such designated products. Section 8(b) of the Act states that "for each product (or class thereof) designated under Subsection (a), the Administrator shall by regulation require that notice be given to the prospective user of the level of [the product's] effectiveness in reducing noise".

To effectively carry out the non-discretionary mandate in Section 8 which requires the Administrator to label noise-reducing products, the Agency conducted an investigation into hearing protective devices to identify both the effectiveness rating technique and the information most useful to the consumer. The Agency requested

² *Ibid.*, p. 62 et seq.

detailed data from the protector industry, consulted with other government organizations, analyzed and considered information received in response to the ANPRM on hearing protectors, and assessed the possible economic effects of Federal labeling and compliance requirements on the industry. The Agency has established the basis and background to support this regulatory action.

Several commenters stated that EPA has the authority to require only the effectiveness rating on the label, not such items as the comparative range, the EPA logo and a statement prohibiting removal of the label.

Section 8 of the Act requires that notice be given to a prospective user of the effectiveness of a product in reducing noise. As part of the notice given by the label, the Agency has developed, and will supply to the industry with periodic updating, the comparative range for hearing protectors as a complement to the effectiveness rating on the label. The effectiveness rating, by itself, would not indicate to the prospective user the available range of effectiveness ratings offered by hearing protectors, nor would it show the effectiveness of a specific protector relative to the noise reducing effectiveness available from other protectors. The comparative range information is intended to give support to the use of the NRR as a means of choosing an adequate hearing protector for a given noise environment. We believe that comparative range information on the label is a key element to the total notice of a protector's noise reducing effectiveness that is supplied by the label.

The Agency addressed in detail, within the General Provisions for Product Noise labeling, the requirement for the EPA logo on the label. In brief, the appearance of the logo on the label is intended to notify an ultimate purchaser or the prospective user that the label is Federally mandated across the industry, its contents are uniform and that the ratings are credible.

The inclusion of a statement prohibiting removal of the label before sale to the ultimate purchaser is based on the prohibition of Section 10(a)(4) of the Act. Removal of the label from a protector before it is sold to the ultimate purchaser is a violation of the Act. The person who removes the label is subject to District Court actions to restrain violations as provided by Section 11(C), as well as to a remedial order that the Administrator may issue under Section 11(d) of the Act. This restriction is important for the public to know.

Another general issue raised by several commenters was the possibility of conflict between this labeling requirement and the labeling programs or product packaging requirements of other Federal agencies.

Particular concern was expressed over possible conflict between the Agency's labeling program and the certification program being developed by the National Institute for Occupational Safety and Health (NIOSH).

The Agency worked closely with NIOSH in the development of its requirements for the labeling of hearing protectors to ensure that the two programs would be complementary.

We will continue to coordinate activities with NIOSH to assure that the two programs work together, and produce no conflict or redundancy.

The Agency explored the possibility of conflict with Department of Defense Military Specifications (DOD MIL SPEC.) on product and product package labeling. DOD MIL SPEC. experts assured us that there were no apparent conflicts, and that if conflict should develop, the specifications would be changed to incorporate the Agency's regulatory requirements.

Label Content and Information

Several commenters questioned the limits EPA proposed for the comparative range of effectiveness ratings for hearing protectors. They felt that the values picked (i.e., "0" and "31") implied precision in the range that was not supportable by fact. According to information supplied by the industry and various testing laboratories, the upper end of the range of hearing protectors using the designated measurement standard could potentially be as high as 35 or as low as 25. Several commenters suggested that the range be stated as "approximate." They felt that an approximate range would allow for changes in the limits of the range resulting from deletion of protector models from, or addition of protector models to, the market, or from a breakthrough in hearing protector technology; yet the information that EPA wishes the prospective user to have would still be available. Manufacturers also wished to know how the comparative information would be developed. Would they have to perform their own research?

The Agency agrees that the range of Noise Reduction Ratings for hearing protectors may possibly change with time. Consequently, the rule has been changed so that the range information to be stated on the label will read "the range of Noise Reduction Ratings for existing hearing protectors is

approximately 0 to 30." We determined this range by using data from the National Institute for Occupational Safety and Health publication (NIOSH #76-120) in the Agency's method for computing the NRR.

The Agency will examine the NRR values that manufacturers, as part of their compliance requirements, must report in the Labeling Verification Report as Labeled Values.

If analysis of the reported NRR values indicates that the initially specified comparative range information is not representative of available hearing protectors, the Agency will, within eighteen (18) months from the date of promulgation of this rule, publish in the *Federal Register* a technical amendment to this rule stating the revised range information. Manufacturers will have one year from the date the revised range information is published to change their labels.

The Agency will continue to monitor the reported NRR values annually, will publish further revisions to the comparative range as required, and will consider publishing, for public dissemination, a composite list of the NRRs for all hearing protective devices.

Commenters suggested that the Noise Reduction Rating (NRR)—as the acoustic descriptor for the label—could potentially cause purchasers or users of protectors to emphasize the NRR and neglect information concerning the effective use of a protector when making their selections.

The Agency acknowledges that certain information (for example, importance of protector fit, purchase price, durability of the protector's materials and the protector's noise reducing effectiveness at specific frequencies) would not be contained in a single number rating. It is for this reason that supporting information (for example, the presentation of the protector's noise attenuation values at specific test frequencies, and instructions on how to properly fit the protector to realize its maximum noise attenuation potential) is required to be supplied with the protector at the point of sale to the ultimate purchaser or distribution to the prospective user.

Commenters familiar with acoustics expressed concern over possible misinterpretation of NRR, the abbreviation of Noise Reduction Rating, with the abbreviated name of a popular noise related publication; or the possibility of making the value of the NRR proportional to the upper end of the comparative range in order to obtain the percent of cases in which a protector would be effective (e.g. range = 0 to 30,

NRR = 20, the protector is effective in 20/30 or 66% of all cases).

That it is possible to misinterpret a descriptor abbreviation, or to misuse the numbers associated with a descriptor, is a problem that is common to every type of descriptor. However, the Agency believes that the NRR, the descriptor chosen to depict the noise reducing effectiveness of hearing protectors, has uniformity, objectivity, precision, understandability, and the relative familiarity of the user population with the decibel (dB) base of the descriptor.

There is a very close relationship between the NRR and the amount of "A"-weighted noise reduction to be expected from a protector if used in a noise environment that is not dominated by frequencies below about 500 Hz. For example, if a measured "A"-weighted³ noise level is 92 dB (A), and if a protector with a NRR of 20 decibels is being worn properly in that environment, the level of noise entering the ear would be approximately 72 dB (A). This simple procedure offers a first order estimate of potential exposure when wearing a given protector.

In a noise environment dominated by frequencies below approximately 500 Hz, the NRR should be subtracted from the "C"-weighted⁴ environmental noise level.

Considerable comment centered on the identification of the manufacturer of the protector on the label. In many cases, manufacturers stated, they simply produce the protector and do not package it for distribution into commerce.

Other commenters expressed opposition to the possibility that by being identified on the label, they could be held responsible for label verification of protectors that they make, but which are later incorporated into combination units or changed in other ways.

Considering both of these points, the Agency believes that the statutory definition of "manufacturer" adequately identifies the party responsible for: label verification of the protector; labeling the protector or its packaging; assuring the accuracy of the information on the label; and assuring the visibility of the label at the point of sale to the ultimate purchaser or distribution to the prospective user. We have, therefore, simply required that the "manufacturer", as defined in the Act, be identified on the label. The manufacturer packaging

³ "A"-weighting is intended to match the response of the ear to sound of low-intensity, and discriminates against low frequency sound (used by Occupational Safety and Health Administration when regulating noise in the workplace).

⁴ "C"-weighting is intended to match the response of the ear to sound of high intensity.

the protector for ultimate purchase or use is to be named on the label, is to assure that the information which must accompany the protector as supporting information (and from which the NRR is determined) is provided in the packaging and is to assure the accuracy of the information on the label. The "manufacturer" who packages and/or distributes the product may elect to either use the information provided by the product "manufacturer" who labeled the protector, or to retest the protector.

Label Size, Placement and Packaging

Major concerns of several commenters were directed to EPA's proposed label size and placement, and to the associated possible need for significant changes to the manufacturing of and/or packaging of their product. Several commenters stated that there should be no minimum limits on the size of the label, for many protectors presently have different packaging requirements. They also commented that there should be a dual system of labeling because of the two very different markets served—industry and individual purchasers. Some of the protectors supplied to industrial customers are packaged in bulk with primary panels (defined in § 211.203 of the regulation) much smaller than the proposed minimum label size.

The Agency's original intent was to label every protector, regardless of market and packaging method, as to its effectiveness in reducing noise, and to have the label visible at the point of sale to purchasers or distribution to users.

We have changed the requirements for the labeling of protectors to allow the continuation of present industry marketing practices and packaging methods. Small protectors are often packaged in bulk quantities for reasons of economy when supplying industrial users. To require that bulk-packaged protectors be individually labeled with a visible minimum-sized label would cause an inappropriately large increase in costs to the industrial user. For sales of protectors to individuals, however, economy-of-scale packaging does not appear to be a factor based on statements from manufacturers and distributors.

While there might be extensive packaging changes resulting from the requirement that protectors be labeled with a minimum sized label, labels of a size smaller than 3.8×5.0 centimeters (cm) (approximately $1\frac{1}{2} \times 2$ inches) with correspondingly smaller print are practically non-informative because of their illegibility. Therefore, the Agency

maintains that the label must be no smaller than 3.8×5.0 cm.

However, in requiring that the minimum label size be 3.8×5.0 cm, the Agency has developed the following labeling criteria based on the means used to display them at the point of ultimate purchase or distribution to the prospective user. In the case of bulk packaging and dispensing, the supporting information must be affixed to the container in the same manner as the label and in a readily visible location.

(1) If the protector is individually packaged and so displayed at the point of ultimate purchase or distribution to users, the package must be labeled as follows:

(a) If the "primary panel," as defined in § 211.203 of the regulation, of the package has dimensions greater than 3.8×5.0 cm, the label must be presented on the primary panel.

(b) If the primary panel of the package is equal to or smaller than 3.8×5.0 cm, a label at least 3.8×5.0 cm must be affixed to the package in the form of a tag.

(2) If the protector is displayed at the point of ultimate sale or distribution to users in a permanent or disposable bulk container or dispenser, even if the protector is individually packaged within the dispenser and labeled as above, the container or dispenser itself must be appropriately labeled. The label must be readily visible to the ultimate purchaser or prospective user.

Labeling of the "Dispenser," as defined in § 211.203 of the regulation, requires that the accompanying protectors *not* be separated from the dispenser before ultimate purchase. Separation is tantamount to removal of the label which is prohibited by Section 10(a)(4) of the Act.

There were several comments concerning the placement of labels and clarification of "affixing" labels. Commenters also suggested that there should be some latitude in how labeling can be accomplished. Section 211.2.4-3 of the NPRM, which dealt with "Label Location and Type," was not meant to exclude "hang tags" as a labeling device, as was apparently feared by one manufacturer. The purpose of the label, as stated in the NPRM and in Section 8 of the Act, is to give notice to the prospective users of hearing protectors concerning the noise reducing effectiveness of the product. This is to be accomplished by making the information available before actual sale or use. It is the element of visibility of the label at the point of purchase or use that is of paramount importance. If the label is not visible to the ultimate

purchaser or prospective user prior to purchase or use, then the information on the label will be of limited practical value.

Manufacturers may use any labeling means available as long as the labeling requirements are met.

Test Methodology

The test methodology, as proposed, was an issue that elicited considerable comment. One area of concern was the cost associated with the proposed use of the American National Standards Institute Standard (ANSI Std) S3.19-1974 as the Agency's test methodology. This standard is a subjective test using ten (10) human subjects tested three (3) separate times with different pairs of the same model hearing protector. The test was seen by several commenters as too costly, not repeatable, and not properly accounting for the effects of the fit of a protector on its noise reducing ability. Manufacturers would also have preferred an "objective test" over the proposed test in the interest of test repeatability and reduced cost.

The Agency tries to use measurement standards from voluntary standard setting organizations that have been developed, validated and in use. We determined, however, after consultation with experts, that there are at present no accepted standards for objective tests suitable for testing all types of hearing protectors. Data from various existing objective tests have not, to date, correlated well with results from other proven and accepted test standards. The Agency determined, however, that objective testing could be used by manufacturers as a production process screening method, but not as a method for labeling verification. If a breakthrough should occur, such that a national or international standard is developed for an objective method that permits reliable testing of all hearing protectors to the accuracy of the present subjective test method, the Agency will consider it as a candidate to replace the present method.

The Agency encourages the development of subjective and objective test methodologies. Procedures that have been demonstrated to correlate with the prescribed procedure should be submitted to the Agency for consideration as alternate methodologies or replacements to the procedure in this regulation.

³ A procedure, using microphones inside and outside of an enclosure (e.g. dummy head) to simulate an ear, that measures the differences in a known level of sound (inside and outside of the enclosure) resulting from an obstruction (e.g. hearing protector) in the normal path of the sound to the interior microphone.

The Department of Defense and several major industries that are affected by the Occupational Safety and Health Administration's (OSHA) rules, are already requesting effectiveness data on hearing protectors from manufacturers. Thus, with respect to the costliness of the method, the majority of manufacturers already include in their prices the costs of testing protectors to develop effectiveness ratings. This is addressed in greater detail under the section titled "ECONOMIC EFFECT".

The Agency gave careful consideration to a comment that the test method requires a report of the force that the headband produces, and its effect on the noise reducing effectiveness of protectors that use headbands as their principal means of attachment. The test method does not state how the data is to be derived for hardhat hearing protectors. EPA concluded, after conferring with technical experts, that the "band force", as derived in the standard, was designed to measure only "muff" type protectors that actually employ a band as the means of clamping the protectors to the user's head. Hearing protectors combined with hardhats do not normally depend on a headband for clamping force. However, until another measurement method is devised that adequately measures the clamping procedure used by hardhat hearing protectors and relates this to their Noise Reduction Rating, the mean attenuation levels at the test frequencies and the NRRs for this type of protective device must be derived according to the designated measurement method. When a validated procedure is available, an exception may be requested, and the Agency will review the request.

As labeling was proposed in the NPRM, the NRR reported for "muff" type protectors would have been that of the use position providing the lowest protection. This number alone would neither inform the ultimate purchaser or prospective user which position was labeled, nor would it indicate the NRR values of the other use positions. As a result of comments requesting notice of the NRRs of other use positions, and after conferring with technical experts, the Agency concluded that testing of all possible use positions of "muff" protectors is necessary. The NRR for the worst position will be labeled, and that position noted on the label. The NRRs for other positions will be included in the supporting data.

Commenters stated that there is neither a sufficient availability of laboratories capable of testing hearing protectors in the proposed manner, nor

are the laboratories capable of handling the numbers of tests to be required. We consulted with experts on this subject and were assured that adequate facilities would exist given adequate lead time before the effective date. As a result of this consideration, the effective date has been extended from six months to one (1) year from the date of promulgation, which should assure sufficient availability of laboratory test facilities to accomplish the required testing.

Those laboratories now capable of testing protectors according to the required test method are: the Pennsylvania State University (Environmental Acoustics Laboratory, State College, PA), the Worcester Polytechnic Institute (Worcester, MA), the U.S. Naval Air Station (Pensacola, FL), the U.S. Aviation Center (Ft. Rucker, AL) and the National Institute for Occupational Safety and Health (Morgantown, WV).

Commenters suggested that protector performance variability from test-to-test and between testing laboratories is probable, considering the requirement in the NPRM for "subject fit" of the protector for the test.

The Agency concluded, after conferring with both private and government testing laboratory technical experts, that "experimenter fit", (i.e. the hearing protector is fitted to the test subject by the experimenter) rather than "subject fit" (where the test subjects fit themselves with the protectors), should be required.

While "subject fit" results in a more subjective rating of a protector, it also produces values of noise attenuation that spread much more widely about the "mean" (average) attenuation value for a test frequency. Consequently, enforcement procedures based on a test using "subject fit" would have to allow greater variability in the values derived from the test. This dispersion of values about the "mean" reduces the possibility of reproducing the attenuation values from test-to-test, and thus the test is less strictly enforceable.

"Experimenter fit", however, ensures greater consistency in the "fit" of the protector to all subjects, which tends to reduce the test-to-test variability.

We have examined the potential for variability in the test between facilities, and agree that there may be variations in measured attenuation from facility to facility as a result of slight differences in the physical facilities or in the way the facility implements the test. However, because of the modification of the test procedure to require "experimenter fit", we believe these variations to be small. Furthermore, the procedure of itself will

reduce variations between test facilities because of the 30 tests required during labeling verification to obtain a single NRR for a category of protectors. The consensus of technical experts was that manufacturers will take possible variations between test facilities into account in designating NRRs for their protectors.

Commenters suggested that test result variability between laboratories might possibly cause protectors to be out of compliance merely as a result of Compliance Audit Testing at a laboratory different from that used for testing for labeling verification.

Compliance Audit Testing (CAT) may occur at any laboratory capable of testing according to the Agency's method, but in most cases it will take place at the laboratory used for Labeling Verification (LV). Any variabilities that would exist between two valid laboratories should be readily identifiable and included in the NRR value on the label. Also, the Agency has included a 3 dB(A) variability factor to be used in Compliance Audit Testing. The mean attenuation value at any one of the test frequencies (as measured during Compliance Audit Testing) plus the 3 dB(A) variability factor must be equal to or greater than the mean attenuation value, for the same test frequency, that is reported in the supplementary information which must accompany each protector. We believe that this resolves the potential test variability problem.

Noise Reduction Rating (NRR)

Commenters stated that the computation for the NRR should be understandable to those parties who are required to comply with this regulation; that logarithmic mathematics were not necessary to develop a NRR; and that the computations should be simpler. EPA conferred with technical experts and concluded that, for the sake of simplicity and greater understandability in the calculation of the NRR, we would implement a simplified method. The procedure for NRR calculation is demonstrated in Figure 2 of the regulation.

Special Claims and Exemptions

Several commenters stated that the proposed hearing protector labeling test methodology is not appropriate for non-linear hearing protectors, i.e. hearing protectors that do not begin to attenuate noise until a specific sound pressure level is reached. The low sound pressure levels of the test method are not sufficient to activate the non-linear protector and thus the Noise Reduction Rating determined from this test would

be essentially zero. The commenters claim that this low NRR would be injurious to sales since it would not reflect the claimed unique operating characteristics for these devices. One commenter requested an exception from the regulation for non-linear protectors.

EPA maintains that all hearing protectors must come under the same regulatory requirement, unless an exception is requested and technically supported as required in § 211.205. A request for exception to the prescribed test methodology and NRR must be accompanied by an alternate test procedure and a rating scheme suitable to the purpose of these regulatory requirements. The suggested test methodology, rating scheme, and scientific data conclusively supporting the requested exception must be submitted for consideration and approval to: Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460. If approved, the alternate method and rating scheme would apply to all hearing protectors of like design. Until a requested exception is approved, labeling of the product must adhere to the prescribed requirements.

The Agency will notify the manufacturer within 30 days if the request is approved, or if additional information or time is required for the Agency to properly consider the request.

The recordkeeping and reporting requirements proposed for special claims of acoustic effectiveness have been reduced. The Agency is not requiring manufacturers to obtain Agency approval of their suggested special claims before presenting them to the public; however, manufacturers wishing to make special claims about the noise reducing effectiveness of their devices, other than the Noise Reduction Rating (NRR), must be prepared to demonstrate the validity of those claims. Claims made in advertising are subject to Federal Trade Commission (FTC) regulations.

Several commenters stated that new products (prototypes, unmarketed new designs) should not be required to comply with the regulation for a period of twelve (12) months; otherwise product innovation would be hampered.

The rule applies to new products (the equitable or legal title of which has never been transferred to an ultimate purchaser) manufactured on or after the stated effective date. Exemptions from the requirements can be requested for prototype devices according to § 211.110 of Subpart A. Products that enter commerce before the effective date of this rule are not required to comply with

the labeling requirements of this regulation. The manufacturer may label protectors produced up to 6 months before the effective date of the regulation, as stated in § 211.210-3(f) of the regulation, if the Agency is allowed to monitor the early label verification testing, and the testing is done with production-line protectors.

Label Verification

Several commenters questioned the necessity of yearly testing of every category of protector where no changes have been made which would affect the protector's attenuation characteristics. Based on these comments, the label verification requirement has been revised. It requires that a manufacturer test each category of protector once, and retest only if changes are made to the category which would affect its attenuation. New categories of protectors introduced into commerce must, of course, be tested and labeled according to the regulation.

The Agency decided to drop the annual labeling verification test requirement based, in part, on its plan to conduct tests on protectors selected off-the-shelf to determine whether they are labeled correctly. When the tests show they are not, we would follow up with an enforcement action to remedy the situation.

Some commenters suggested that because of variability inherent in the test procedure, the Agency should not consider a protector mislabeled, and in violation of the labeling requirements, where the results of the compliance audit test show a mean attenuation value at a one-third octave band to be slightly less than its labeled value. We agree with the commenters that small differences may occur.

Responding to these comments, the Agency has included a 3 dB(A) variability factor that it will use to compare the mean attenuation values stated in the supporting information supplied with each protector, with those determined for Compliance Audit Testing (CAT). We will take enforcement action only in those cases where the CAT mean attenuation values are lower than the labeled mean attenuation values by more than 3 dB(A). For example, if at one of the test frequencies the mean attenuation value specified for that frequency in the supporting information is 20 dB(A), we will take action only when the Compliance Audit Testing shows that the attenuation value at that test frequency is less than 17 dB(A), or 20 dB(A) minus the 3 dB(A) variability factor.

Several commenters asked whether the labeled Noise Reduction Rating and one-third octave band attenuation values should be actual test values, average attenuation levels for all protectors of a category, or minimum attenuation levels for that category of protectors.

It is important that the NRR of a category of protectors, derived from data taken under test conditions, equal or exceed the NRR on the label so that prospective users can in fact select a protector which meets their minimum requirements. We are therefore requiring that the one-third octave band mean attenuation levels, made available to the prospective user in the supporting information that accompanies a protector, be no greater than the levels obtained under Compliance Audit Testing plus the 3 dB(A) variability factor. The manufacturer who labels the device must take into account any test and product variability to assure that the NRR of each device determined under Compliance Audit Testing equals or exceeds its labeled NRR value. There is no variability factor for the NRR. The NRR determined from Compliance Audit Testing must equal or exceed the NRR on the label.

Some commenters assumed that any remedial order such as recall, relabel or repurchase, would require traceability to the purchaser or user, and thereby cause major recordkeeping costs. Some manufacturers commented that relabeling of products which have been packaged, or are a part of existing inventory, is unreasonable.

Traceability to the ultimate purchaser or user is not required in this rule. However, the Agency maintains the position that it may be reasonable to require relabeling of protectors in a manufacturer's possession or in the distribution chain, or to take other steps to remedy non-compliance. The reasonableness of a remedy, of course, will depend on the facts of the particular case. The manufacturer subject to a remedial action has the right to a hearing under Section 11(d)(2) of the Act. At the hearing, held according to 5 U.S.C. Section 554, the manufacturer can challenge both the existence of the violation and the appropriateness of the remedy.

Compliance Audit Testing

Several comments were received on the Compliance Audit Testing (CAT) requirements. One was that EPA should not specify the laboratory at which a manufacturer must conduct an audit test, but that EPA should permit a manufacturer to conduct the testing at the same laboratory at which he

conducted the Labeling Verification (LV) test. This suggestion is rooted in a concern for test variability and differences in test results expected between laboratories.

Responding to this comment, we have reduced test variability with the change in the test procedure requiring "experimenter fit" rather than "subject fit" as was proposed. We have also included the 3 dB(A) variability factor to be used when determining the compliance of a protector to its labeled values. These were discussed earlier in the preamble. The Agency is not relinquishing its authority to require testing at any laboratory that meets regulatory requirements.

Several manufacturers stated that EPA should certify laboratories for LV and CAT. The Agency does not intend to become involved in the certification of laboratories across the country and possibly overseas for purposes of testing hearing protectors or other products for noise. It is the responsibility of each manufacturer to conduct testing according to the regulatory requirements.

Several manufacturers felt that EPA should limit orders for a compliance audit to only those cases where the Agency can show probable cause that products are in violation.

The Act does not require that the Agency have probable cause before issuing a test order. This authority will not be limited by regulation. In most cases, the Agency would issue compliance audit test requests where there is reason to believe there is non-compliance, but it reserves the right to issue test requests on a random basis.

Manufacturers took exception to providing EPA with future production schedules for EPA use in selecting categories for testing. There was concern that this information would become public knowledge and put a manufacturer at a competitive disadvantage.

Whenever the EPA requests product information which a manufacturer considers proprietary, the manufacturer may protect that information from a Freedom of Information Act request by following the procedures contained in 40 CFR 2.201 et seq. Those provisions govern the Agency's treatment of confidential business information. In particular, § 2.303 contains special provisions for certain information obtained under the Noise Control Act.

We proposed that the manufacturer date each product to facilitate the identification of mislabeled products in the distribution chain. Several manufacturers objected to placing the date of manufacture on the label. One

manufacturer suggested that a code established by the manufacturer, which identified a lot or batch of protectors, should be sufficient to identify a group of mislabeled products.

We agree with the suggestion that manufacturers be allowed to place their own code in the supporting information which would identify a group of protectors and the time period during which they were produced. We have revised the regulation accordingly.

Manufacturers identified two proposed requirements which in some cases may be conflicting. In selecting protectors for Compliance Audit Testing, manufacturers are required to select the test protectors from the next 30 produced. This could in some cases mean that all those selected would be of the same size. This could conflict with another requirement that the manufacturer test all sizes of protectors in a test audit.

This potential conflict will be taken into account when individual CAT orders are prepared. If it is infeasible for a manufacturer to satisfy both requirements, the EPA will modify the order so that proper selection of test protectors is possible. The test request provision is flexible enough to handle this problem if it ever arises.

One manufacturer asked who warrants or guarantees the hearing protector's performance. The Act does not provide that any manufacturer warrant to a consumer the noise attenuation performance of a protector.

One commenter felt that there was a conflict between the General Provisions for Product Noise Labeling and the Hearing Protector regulation with respect to who will bear the costs of Compliance Audit Testing. The commenter felt that CAT costs should be borne by the Agency.

There is no conflict between the General Provisions and the Hearing Protector regulation with respect to costs for CAT; however, confusion is possible between § 211.111 of the General Provisions (Testing by the Administrator) and § 211.212 of this regulation (Compliance Audit Testing).

Section 211.111, Testing by the Administrator, in Subpart A reserves to the Agency the right to test products as a part of its enforcement strategy, and to order manufacturers to conduct tests and report the results to EPA. When EPA conducts the tests, the manufacturer can be required to submit the test products to EPA. The Administrator may test at any facility or order the manufacturer to test at any facility. When the Agency conducts the test, it will use its own equipment. This will assure the Agency that testing is

being conducted properly. The cost of testing under this section is borne by the Agency. Subject to the exceptions discussed in the preamble to the General Provisions, and in § 211.111(c), EPA will absorb the cost of shipments when EPA conducts tests under § 211.111, Testing by the Administrator. The manufacturer only pays for LV, CAT or other tests that the manufacturer may be ordered to conduct.

Section 211.212, Compliance Audit Testing, details a specific procedure which the Agency will use to assure itself that manufacturers are continuing to produce products complying with their label value that was determined from the label verification test. The manufacturer bears the cost of compliance audit testing. The audit is designed to minimize the number of tests that a manufacturer will have to perform while still providing assurance to EPA that only complying products are being distributed in commerce. The EPA may elect to monitor, with the manufacturer's consent or with a warrant, the actual conducting of the audit tests.

Several manufacturers were concerned about advance approval of labels. There is no requirement for advance approval of compliance labels under this regulation.

Economic Effect

There was considerable comment concerning the costs that the hearing protector industry would incur if the regulation was promulgated as it was proposed. Several commenters stated that the burdens would be impossible for smaller companies to carry, or would make insert devices less competitive with "muff"-type devices because of the disproportionate increase in costs. The bases for these concerns were the anticipated changes in the packaging of some devices to accommodate a label, the costs of labeling individual protectors, and the costs of testing.

The final rule incorporates changes through which the required labeling is compatible with current packaging processes. Therefore, any costs that would have been attributable directly to changes in packaging to accommodate a label have been essentially eliminated.

The hearing protector industry has been less than cooperative in providing the Agency with cost, market size, and market share information. Therefore, the Agency developed the best estimate of the costs of this regulation based, in part, on data received from three manufacturers. These costs are the "worst case" estimates that we believe the industry will experience.

The Agency's estimate for total first year costs to the industry is \$920,000 compared to \$500,000 as stated in the proposed rule. This increase is due primarily to developing cost estimates based on a revised industry size of 70 manufacturers and distributors rather than the previously determined figure of 40, and secondarily because of including label preparation, label verification reporting, and personnel overhead costs in this estimate.

The first year cost estimate includes: testing all models of protectors in each of their use positions (as many as three positions for muff-type protectors)—these costs are not expected to exceed \$350,000 based on 175 tests at \$2,000 per test; and the Agency's best estimate of costs for label development, preparation and label verification reporting for each class of protector—these costs are not expected to exceed a total of \$570,000.

The Agency's "worst case" estimate of annual costs of this regulation to the industry is \$362,000, compared to the estimate of \$300,000 stated in the proposed rule.

The annual cost estimate of this regulation is based on including: costs for Compliance Audit Testing by not more than 15% of the industry in one year; label-verifying new classes of protectors or classes of protectors that in one year have undergone changes which result in decreased noise reducing effectiveness (this is not expected to exceed 10% of the models of protectors in one year); and administrative costs for reporting and recordkeeping.

To develop these estimates the Agency assumed that every manufacturer and wholesale or retail distributor (considered "manufacturers" under the Noise Control Act) identified in the National Institute for Occupational Safety and Health publication #76-120, and through a search of the Thomas Register, would be impacted by the requirements of this regulation equally. However, distributors in this industry are not likely to incur the costs of complying with these requirements to the same extent that manufacturers will. Distributors generally repackage protectors supplied by manufacturers, and put their brand names on the packaging. Therefore, a single device may be marketed under several different private labels.

This regulation states however, that distributors may use a manufacturer's previously developed Noise Reduction Rating and Mean Attenuation data when packaging and labeling protectors. Therefore, in these situations, the only costs incurred for complying with these requirements would be the labeling

costs as a result of repackaging, not the testing, recordkeeping and reporting costs.

It is the practice of this industry to pass 100% of production costs through to the ultimate purchaser. We believe this practice will continue.

While the potential percent price increase per pair of protectors is impossible to determine in the absence of market size information, the Agency estimates, based on limited data, that prices may increase between \$0.03 and \$0.05 per pair of insert devices (if previously bulk-packaged protectors are required to be individually packaged and labeled), and \$0.10 for "muff" devices.

The current prices for typical ear insert devices (plugs) range from approximately ten cents per pair of disposable inserts in bulk industrial quantities to as much as seven dollars per pair for individually packaged plugs typically offered to the consumer. Customized plugs can cost as much as thirty dollars per pair but they are the exception in terms of insert devices. Ear-muff-type protectors range in price from several dollars when purchased in commercial bulk quantities to approximately fifteen dollars per pair when individually packaged for consumers.

The Department of Defense and several major industries that are affected by the Occupational Safety and Health Administration's (OSHA) rules are already requesting effectiveness data on hearing protectors. Therefore, a majority of the manufacturers already include in their prices the costs of testing protectors to develop effectiveness ratings.

While manufacturers have measured the effectiveness of their products, they in general do not convey this information to prospective users. Those few that do, do not relay effectiveness information in a uniform manner for similar categories of protectors; nor is comparative range information available upon which protector selections adequate for a user's needs can be made.

These final hearing protector labeling requirements reflect the Agency's overall sensitivity to the costs that accompany regulation, and our policy, with respect to product labeling, of minimizing the economic impact of a regulation. To this end, the Agency extended the effective date of the regulation by six months, so that it becomes effective one year from date of promulgation. This change is intended to allow manufacturers to minimize the obsolescence of packaging and literature supplies that they may have on-hand

due to the lead-time procurements necessary in this industry. The extension will provide a longer phase-in period for the testing requirements, and also allow extra time for greater availability of testing laboratories thereby reducing a potential supply/demand imbalance that might cause an increase in test cost. We are establishing a method of labeling compatible with current marketing practices, which reduces the probability of packaging changes and associated cost increases.

The Agency has had no indication that this rulemaking would impose appreciable burdens on any manufacturer within the hearing protector industry, nor that the regulation in itself will result in business closure. Also, our economic analysis did not attempt to predict potential market shifts or potential adverse economic effects that might occur as a result of labeling requirements which would identify some protective devices as being low in effectiveness. The Agency believes that any market shifts or other economic effects beyond the direct costs of labeling are solely related to the competitive nature of this industry. We believe that the industry will adjust itself to reflect purchasers' and users' selections made as the result of newly available information from these noise labeling requirements; not as a result of the restrictions of command and control regulations.

This rule will make effectiveness rating and comparative range information available to prospective users in an easily readable, understandable, and uniformly applicable manner.

IV. Revisions to the Proposed Regulation

This final rulemaking incorporates several changes to the regulation as proposed in the Notice of Proposed Rulemaking of June 22, 1977. The significant changes are:

(A) The requirement that a hearing protector manufacturer affix the label to the package has been modified to require that the label be affixed by the manufacturer who packages the protector for ultimate sale or use.

(B) Responsibility for accurate and visible labeling of the protector is also assigned to that manufacturer. To support this change, § 211.2.4-3 (§ 211.204-3) "Label location and type" has been revised to require that labeling be based on the means used to display the protector at the point of sale to the ultimate purchaser or at the point of distribution to the prospective user. This Section also includes a prohibition on separation of the protector from the dispenser (if one is used) prior to sale to

the ultimate purchaser. Separation would be tantamount to removal of the label which is prohibited by Section 10(a)(4) of the Act.

(C) Section 211.2.3 (§ 211.203) "Definitions" now includes entries for "Label", "Manufacturer", "Dispenser," and "Spectral uncertainty."

(D) Section 211.2.4-1(c) (§ 211.204-1(c))—the comparative information on the label now reads "The range of Noise Reduction Ratings for existing hearing protectors is approximately 0 to 30." This eliminates the implied precision of the range as proposed, and also gives the comparative range the flexibility required to accommodate changing protector capabilities and changing protector availability.

(E) Section 211.2.4-1(b) (§ 211.204-1(b))—now states that " * * * in different positions, the worst case NRR must be specified. The top of Area B must state the position(s) associated with that NRR. The other positions and respective NRRs must be included with the supporting information specified in § 211.204-4." This revision takes into account the possible large differences in protection due to the wearing position, and avoids the possible loss of useful information at the point of ultimate sale or use.

(F) Section 211.2.4-4(a) (§ 211.204-4(a))—was changed to include the statement "For 'muff' type protectors with various use positions, the positions providing higher values shall be identified, and their associated NRR values listed in bold type."

(G) Section 211.2.6-1(b)(2) (§ 211.206-1(b)(2))—is replaced with "Section 3.2.1, 3.2.2, 3.3.2 and 3.3.3 shall be accomplished in this order during the same testing session to insure that distortions introduced by a Temporary Threshold Shift (TTS) do not occur. Also, any breaks in testing should not allow the subject to engage in any activities that may cause a TTS."

(H) Section 211.2.6-1(b)(3) (§ 211.206-1(b)(3))—is changed from "subject fit" to "experimenter fit" of the protector to the subject in order to achieve test consistency and repeatability.

(I) Section 211.2.7 (§ 211.207)—computation procedure for the NRR is changed to reflect the new procedure.

(J) Section 211.2.10-7 (§ 211.210-7)—modified to include changes to an existing product.

(K) Section 211.2.10-8—deleted.

(L) The effective date of this regulation is set at one (1) year from promulgation rather than the proposed six months, in order to lessen the cost impact on the industry and to allow for greater availability of testing facilities.

(M) Section 211.2.12 (§ 211.212)—provides a 3 dB(A) variability factor to be used when determining compliance of a protector by comparing the mean attenuation values at one-third octave bands determined from CAT testing with those contained in the supporting information supplied with the protector.

V. Supporting Documentation

Background Document

The Agency has prepared a background document containing a detailed study of hearing protectors, the protector industry, test methodologies, written and oral comments from the Notice of Proposed Rulemaking comment period and the public meeting, the Agency's answers and policy statements on these comments, and a listing of commenters.

The document is sufficiently lengthy that publishing it in the Federal Register is not practical. If a copy of the document, titled "Regulatory Analysis Supporting The Labeling of Hearing Protectors"; EPA 550/9-79-256, is desired, it may be obtained by writing to the following address: Public Information Center, PM-215, U.S. Environmental Protection Agency, Washington, D.C. 20460.

VI. Future Public Comment

It is the intent of EPA to monitor and carefully assess, on a continuing basis, improvements in hearing protectors, the economic and other impacts of the regulation, the effects of testing, and any further public response associated with this rulemaking. If regulatory revision is warranted or required we will act accordingly.

Written data, comments or views may be submitted to the: Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460.

VII. Evaluation Plan

EPA intends to review the effectiveness and the need for continuing the provisions contained in this action no more than five years after initial implementation of the regulation. In particular, EPA will solicit comments from affected parties with regard to cost and other burdens associated with compliance, and will also review data on hearing protectors built after promulgation of the regulation to determine how effective this measure has been.

VIII. Reporting and Recordkeeping Requirements

Under the EPA's new "sunset" policy for reporting requirements in

regulations, the reporting requirements in this regulation will automatically expire five years from the date of promulgation, unless the Administrator takes appropriate steps to extend them. To accomplish this, a provision automatically terminating the reporting requirements is included in the text of the regulation.

IX. Impact Statements

An Environmental Impact Statement and an Economic Impact Statement are not required for this rulemaking according to Agency criteria.

Note.—I have reviewed this regulation and determined that it is not a significant regulation that requires the preparation of regulatory analyses called for in Executive Order 12044. The Agency has, nonetheless, developed documentation, mentioned above, to support this regulation.

This regulation is promulgated under the authority of 42 U.S.C. 4907.

Dated: August 30, 1979.

Douglas M. Costle,
Administrator, Environmental Protection Agency.

PART 211—PRODUCT NOISE LABELING

40 CFR Part 211 is amended by adding a new Subpart B to read as follows:

Subpart B—Hearing Protective Devices

- Sec.
- 211.201 Applicability.
 - 211.202 Effective date.
 - 211.203 Definitions.
 - 211.204 Hearing protector labeling requirements.
 - 211.204-1 Information content of primary label.
 - 211.204-2 Primary label size, print and color.
 - 211.204-3 Label location and type.
 - 211.204-4 Supporting information.
 - 211.205 Special claims and exceptions.
 - 211.206 Methods for measurement of sound attenuation.
 - 211.206-1 Real ear method.
 - 211.206-2—211.206-10 Alternative test methods (Reserved).
 - 211.207 Computation of the noise reduction rating (NRR).
 - 211.208 Export provisions.
 - 211.209 Maintenance of records: submittal of information.
 - 211.210 Labeling verification.
 - 211.210-1 General requirements.
 - 211.210-2 Labeling verification requirements.
 - 211.210-3 Labeling verification report: required data.
 - 211.210-4 Test hearing protector selection.
 - 211.210-5 Test hearing protector preparation.
 - 211.210-6 Testing.
 - 211.210-7 Addition of new categories: modifications.
 - 211.211 Compliance with labeling requirement.

- 211.212 Compliance audit testing.
 211.212-1 Test request.
 211.212-2 Test hearing protector selection.
 211.212-3 Test hearing protector preparation.
 211.212-4 Testing procedures.
 211.212-5 Reporting of test results.
 211.212-6 Determination of compliance.
 211.212-7 Continued compliance testing.
 211.212-8 Relabeling requirements.
 211.213 Remedial orders for violations of these regulations.
 211.214 Removal of label.

Appendix A—Labeling Verification Report
 Appendix B—Compliance Audit Testing Report Data Sheet

Authority: Sec. 8, Pub. L. 92-574, 86 Stat. 1241 (42 U.S.C. 4907), and additional authority as specified.

Subpart B—Hearing Protective Devices

§ 211.201 Applicability.

Unless this regulation states otherwise, the provisions of this subpart apply to all hearing protective devices manufactured after the effective date of this regulation. (See § 211.203(m) for definition of "hearing protective device.")

§ 211.202 Effective date.

Manufacturers of hearing protectors must comply with the requirements set forth in this part for all hearing protective devices manufactured on or after September 27, 1980.

§ 211.203 Definitions.

(a) As used in subpart B, all terms not defined here have the meaning given them in the Act or in Subpart A of Part 211.

(b) *ANSI Z24.22-1957*—A measurement procedure published by the American National Standards Institute (ANSI) for obtaining hearing protector attenuation values at nine of the one-third octave band center frequencies by using pure tone stimuli presented to ten different test subjects under anechoic conditions.

(c) *ANSI S3.19-1974*—A revision of the ANSI Z24.22-1957 measurement procedure using one-third octave band stimuli presented under diffuse (reverberant) acoustic field conditions.

(d) *Carrying Case*—The container used to store reusable hearing protectors.

(e) *Category*—A group of hearing protectors which are identical in all aspects to the parameters listed in § 211.210-2(c).

(f) *Claim*—An assertion made by a manufacturer regarding the effectiveness of his product.

(g) *Custom-molded device*—A hearing protective device that is made to conform to a specific ear canal. This is

usually accomplished by using a moldable compound to obtain an impression of the ear and ear canal. The compound is subsequently permanently hardened to retain this shape.

(h) *Dispenser*—The permanent (intended to be refilled) or disposable (discarded when empty) container designed to hold more than one complete set of hearing protector(s) for the express purpose of display to promote sale or display to promote use or both.

(i) *Disposable Device*—A hearing protective device that is intended to be discarded after one period of use.

(j) *Ear Insert Device*—A hearing protective device that is designed to be inserted into the ear canal, and to be held in place principally by virtue of its fit inside the ear canal.

(k) *Ear Muff Device*—A hearing protective device that consists of two acoustic enclosures which fit over the ears and which are held in place by a spring-like headband to which the enclosures are attached.

(l) *Headband*—The component of hearing protective device which applies force to, and holds in place on the head, the component which is intended to acoustically seal the ear canal.

(m) *Hearing Protective Device*—Any device or material, capable of being worn on the head or in the ear canal, that is sold wholly or in part on the basis of its ability to reduce the level of sound entering the ear. This includes devices of which hearing protection may not be the primary function, but which are nonetheless sold partially as providing hearing protection to the user. This term is used interchangeably with the terms, "hearing protector" and "device."

(n) *Impulsive Noise*—An acoustic event characterized by very short rise time and duration.

(o) *Label*—That item, as described in this regulation, which is inscribed on, affixed to or appended to a product, its packaging, or both for the purpose of giving noise reduction effectiveness information appropriate to the product.

(p) *Manufacturer*—As stated in the Act "means any person engaged in the manufacturing or assembling of new products, or the importing of new products for resale, or who acts for, and is controlled by, any such person in connection with the distribution of such products."

(q) *Noise Reduction Rating (NRR)*—A single number noise reduction factor in decibels, determined by an empirically derived technique which takes into account performance variation of protectors in noise reducing effectiveness due to differing noise

spectra, fit variability and the mean attenuation of test stimuli at the one-third octave band test frequencies.

(r) *Octave Band Attenuation*—The amount of sound reduction determined according to the measurement procedure of § 211.206 for one-third octave bands of noise.

(s) *Over-the-Head Position*—The mode of use of a device with a headband, in which the headband is worn such that it passes over the user's head. This is contrast to the behind-the-head and under-the-chin positions.

(t) *Package*—The container in which a hearing protective device is presented for purchase or use. The package in some cases may be the same as the carrying case.

(u) *Primary Panel*—The surface that is considered to be the front surface or that surface which is intended for initial viewing at the point of ultimate sale or the point of distribution for use.

(v) *Spectral uncertainty*—Possible variation in exposure to the noise spectra in the workplace. (To avoid the underprotection that would result from these variations relative to the assumed "Pink Noise" used to determine the NRR, an extra three decibel reduction is included when computing the NRR.)

(w) *Tag*—Stiff paper, metal or other hard material that is tied or otherwise affixed to the packaging of a protector.

(x) *Test Facility*—For this subpart, a laboratory that has been set up and calibrated to conduct ANSI Std S3.19-1974 tests on hearing protective devices. It must meet the applicable requirements of these regulations.

(y) *Test Hearing Protector*—A hearing protector that has been selected for testing to verify the value to be put on the label, or which has been designated for testing to determine compliance of the protector with the labeled value.

(z) *Test Request*—A request submitted to the manufacturer by the Administrator that will specify the hearing protector category, and test sample size to be tested according to § 211.212-1, and other information regarding the audit.

(aa) *Random Incident Field*—A sound field in which the angle of arrival of sound at a given point in space is random in time.

(bb) *Real-Ear Protection at Threshold*—The mean value in decibels of the occluded threshold of audibility (hearing protector in place) minus the open threshold of audibility (ears open and uncovered) for all listeners on all trials under otherwise identical test conditions.

(cc) *Reverberation Time*—The time that would be required for the mean-square sound pressure level, originally

in a steady state, to fall 60 dB after the source is stopped.

§ 211.204 Hearing protector labeling requirements.

All provisions of Subpart A apply to this subpart except as otherwise noted.

§ 211.204-1 Information content of primary label.

The information to appear on the primary label must be according to § 211.104 of Subpart A except as stated here and shown in Figure 1 of § 211.204-2:

(a) Area A must state "Noise Reduction Rating."

(b) (1) Area B must state the value of the Noise Reduction Rating (NRR) in decibels for that model hearing protector. The value stated on the label must be no greater than the NRR value determined by using the computation method of § 211.207 of this Subpart.

(2) For devices with headbands that are intended for use with the headband in different positions, the worst case NRR must be specified. The top of Area B must state the position(s) associated with that NRR. The other positions and the respective NRRs must be included with the supporting information specified in § 211.204-4.

(c) Area C must contain the statement "The range of Noise Reduction Ratings for existing hearing protectors is approximately 0 to 30 (higher numbers denote greater effectiveness)."

(d) At the bottom of Area A-B, there must be the phrase "(When worn as directed)."

§ 211.204-2 Primary label size, print and color.

The primary label characteristics are the same as those specified in § 211.105 and 211.106 of Subpart A except as stated here.

(a) The label must be no smaller than 3.8 centimeters by 5.0 centimeters (cm) (approximately 1.5 inches by 2.0 inches).

(b) The minimum type face size for each area shall be as follows, based upon a scale of 72 points=1 inch:

(1) Area A—2.8 millimeters (mm) or 8 point.

(2) Area B—7.6 mm or 22 point for the Rating; —1.7 mm or 5 point for "Decibels".

(3) Area A-B—1.5 mm or 4 point.

(4) Area C—1.5 mm or 4 point.

(5) Area D—0.7 mm or 2 point.

(6) Area E—0.7 mm or 2 point.

(7) Area F—0.7 mm or 2 point.

(8) Area H—0.7 mm or 2 point.

These type face sizes apply to the 3.8 cm x 5.0 cm label; type face sizes for larger labels must be in the same approximate proportion to the label as

those specified for the 3.8 cm x 5.0 cm label.

(c) The use of upper and lower case letters and the general appearance of the label must be similar to the example in Figure (1).

(d) The color of the label must be as specified in Subpart A.

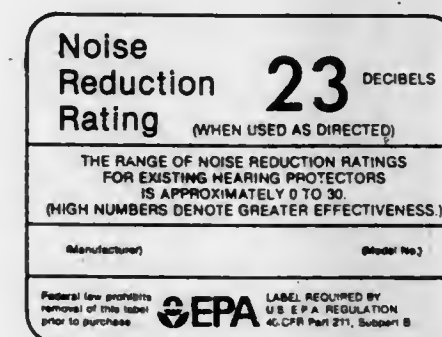


Figure - 1

§ 211.204-3 Label location and type.

(a) The manufacturer labeling the product for ultimate sale or use selects the type of label and must locate it as follows:

(1) Affixed to the device or its carrying case; and

(2) Affixed to primary panel of the product packaging if the label complying with § 211.204-3(a)(1) is not visible at the point of ultimate purchase or the point of distribution to users.

(b) Labeling with a minimum sized label will occur as follows:

(1) If the protector is individually packaged and so displayed at the point of ultimate purchase or distribution to the prospective user, the package must be labeled as follows:

(i) If the primary panel of the package has dimensions greater than 3.8 x 5.0 cm (approximately 1 1/2 x 2 in) the label must be presented on the primary panel.

(ii) If the primary panel of the package is equal to or smaller than 3.8 x 5.0 centimeters, a label at least 3.8 x 5.0 centimeters must be affixed to the package by means of a tag.

(2) If the protector is displayed at the point of ultimate purchase or distribution to prospective users in a permanent or disposable bulk container or dispenser, even if the protector is individually packaged within the dispenser and labeled as above, the container or dispenser itself must be labeled. The label must be readily visible to the ultimate purchaser or prospective user.

§ 211.204-4 Supporting information.

The following minimum supporting information must accompany the device in a manner that insures its availability to the prospective user. In the case of

bulk packaging and dispensing, such supporting information must be affixed to the container in the same manner as the label, and in a readily visible location.

(a) The mean attenuation and standard deviation values obtained for each test frequency according to § 211.206, and the NRR calculated from those values. For "muff" type protectors with various use positions, the positions providing higher NRR values shall be identified, and their associated NRR values listed in bold type.

(b) The following statement, example and cautionary note: "The level of noise entering a person's ear, when hearing protector is worn as directed, is closely approximated by the difference between the A-weighted environmental noise level and the NRR."

Example

1. The environmental noise level as measured at the ear is 92 dBA.

2. The NRR is 17 decibels (dB).

3. The level of noise entering the ear is approximately equal to 75 dBA.

Caution: For noise environments dominated by frequencies below 500 Hz the C-weighted environmental noise level should be used."

(c) The month and year of production, which may be in the form of a serial number or a code in those instances where the records specified in § 211.209(a)(1)(iv) are maintained;

(d) The following statement: "Improper fit of this device will reduce its effectiveness in attenuating noise. Consult the enclosed instructions for proper fit";

(e) Instructions as to the proper insertion or placement of the device; and

(f) The following statement: "Although hearing protectors can be recommended for protection against the harmful effects of impulsive noise, the Noise Reduction Rating (NRR) is based on the attenuation of continuous noise and may not be an accurate indicator of the protection attainable against impulsive noise such as gunfire."

§ 211.205 Special claims and exceptions.

(a) Any manufacturer wishing to make claims regarding the acoustic effectiveness of a device, other than the Noise Reduction Rating, must be prepared to demonstrate the validity of such claims.

(b) If a manufacturer believes that the Noise Reduction Rating is inapplicable to a given device, the manufacturer may submit a request that the Agency consider granting an exception to certain provisions of this subpart for that device. The request must support the manufacturer's contention that an

exception is necessary and offer a suitable alternative effectiveness rating for the device.

(c) Any request concerning an exception must be supported by scientific test data that establishes the exception without doubt, and must be submitted for consideration and approval to: Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460. The Agency will notify the manufacturer within thirty (30) days of receipt of the request if: the special claim or exception is approved, additional information is needed, or the Agency needs additional time to consider the request.

§ 211.206 Methods for measurement of sound attenuation.

§ 211.206-1 Real ear method.

(a) The value of sound attenuation to be used in the calculation of the Noise Reduction Rating must be determined according to the "Method for the Measurement of Real-Ear Protection of Hearing Protectors and Physical Attenuation of Earmuffs." This standard is approved as the American National Standards Institute Standard (ANSI STD) S3.19-1974. The provisions of this standard, with the modifications indicated below, are included by reference in this section. Copies of this standard may be obtained from: American National Standards Institute, Sales Department, 1430 Broadway, New York, New York 10018.

(b) For the purpose of this subpart only, Sections 1, 2, 3 and Appendix A of the standard, as modified below, shall be applicable. These Sections describe the "Real Ear Method." Other portions of the standard are not applicable in this section.

(1) The sound field characteristics described in paragraph 3.1.1.3 are "required."

(2) Sections 3.2.1, 3.2.2, 3.3.2 and 3.3.3 shall be accomplished in this order during the same testing session to insure that distortions introduced by a Temporary Threshold Shift (TTS) do not occur. Any breaks in testing should not allow the subject to engage in any activity that may cause a TTS.

(3) Section 3.3.3.1(1) shall not apply. Only "Experimenter fit" described in Section 3.3.3.1(2) is permitted.

(4) Section 3.3.3.3 applies to all devices except custom-molded devices. When testing custom-molded devices, each test subject must receive his own device molded to fit his ear canal.

§ 211.206-2 through § 211.206-10 Alternative test methods [Reserved].

§ 211.207 Computation of the noise reduction rating (NRR).

Calculate the NRR for hearing protective devices by substituting the average attenuation values and standard deviations for the pertinent protector category for the sample data used in steps #6 and #7 in Figure 2. The values of -.2, 0, 0, 0, -.2, -.8, -3.0 in

Step 2 and -16.1, -8.8, -3.2, 0, +1.2, +1.0, -1.1 in Step 4 of Figure 2 represent the standard "C"- and "A"-weighting relative response corrections applied to any sound levels at the indicated octave band center frequencies. (NOTE: The manufacturer may label the protector at values lower than indicated by the test results and this computation procedure, e.g. lower NRR from lower attenuation values. (Ref. Section 211.211(b)).

FIGURE 2

COMPUTATION OF THE NOISE REDUCTION RATING

Octave Band Center Frequency (Hz).....	125	250	500	1000	2000	3000	4000	6000	8000
1 assumed Pink noise (dB).....	100	100	100	100	100		100		100
2 "C" weighting corrections (dB).....	-.2	0	0	0	-.2		-.8		-3.0
3 unprotected ear "C"-weighted level (dB).....	99.8	100	100	100	99.8		99.2		97.0
(The seven logarithmically added "C"-weighted sound pressure levels of Step #3 = 107.9 dB)									
4 "A"-weighting corrections (dB).....	-16.1	-8.6	-3.2	0	+1.2		+1.0		-1.1
5 unprotected ear "A"-weighted level (step #1-step #4) (dB).....	93.9	91.4	96.8	100	101.2		101		98.9
6 average attenuation in dB at frequency.....	21	22	23	29	41		(43 + 47)/2 = 45		(41 + 36)/2 = 38.5
7 standard deviation in dB at frequency.....	3.7	3.3	3.8	4.7	2.3		(3.3 + 3.4)		(6.1 + 6.5)
	$\times 2$ 7.4	$\times 2$ 6.6	$\times 2$ 7.6	$\times 2$ 9.4	$\times 2$ 4.6		$\times 2$ 6.7		$\times 2$ 12.6
8 step #5-(step #6-step #7) develops the protected ear "A"-weighted level (dB).....	70.3	76.0	81.4	80.4	66.8		62.7		73.0
(The seven logarithmically added "A"-weighted sound pressure levels of Step #8 using this sample data = 85.1 dB)									
9 NRR Step #3 - Step #8 - 3 dB*									
	= 107.9 dB - 85.1 dB - 3 dB = 19.8 dB (or 20) (Round values ending in .5 to next lower whole number)								
	*Spectral uncertainty (as defined in 211.203)								

The value for #3 is constant. Use Logarithmic mathematics to determine the combined value of protected ear levels (Step #8) which is used in Step #9 to exactly derive the NRR; or use the following table as a substitute for logarithmic mathematics to determine the value of Step #8 and thus very closely approximate the NRR.

Difference between any two sound pressure levels being combined (dB)	Add this level to the higher of the two levels (dB)
0 to less than 1.5	3
1.5 to less than 4.5	2
4.5 to 9	1
Greater than 9	0

§ 211.208 Export provisions.

(a) The outside of each package or container containing a hearing protective device intended solely for export must be so labeled or marked. This will include all packages or containers that are used for shipping, transporting, or dispersing the hearing protective device along with any individual packaging.

(b) In addition, the manufacturer of a hearing protective device intended solely for export is subject to the export exemption requirements of § 211.110-3 of Subpart A.

(Sec. 10(b)(2), Pub. L. 92-574, 86 Stat. 1242 (42 U.S.C. 4909(b)(2)))

§ 211.209 Maintenance of records: Submittal of information.

(a) The manufacturer of any new hearing protective device subject to this regulation must establish, maintain and retain the following adequately organized and indexed records:

(1) *General records.* (i) Identification and description by category parameters of all protectors comprising the manufacturer's product line;

(ii) A description of any procedures, other than those contained in this regulation, used to perform noise tests on any test protector, and the results of those tests;

(iii) A record, signed by an authorized representative of the laboratory, of any calibration that was performed during testing by the test laboratory; and

(iv) A record of the date of manufacture of each protector subject to this regulation, keyed to the serial number or other coded identification contained in the supporting information required by § 211.204-4(c).

(2) *Individual records for test protectors.* A complete record, or exact copies of the complete record, of all noise attenuation tests performed (except tests performed by EPA directly), which includes all individual worksheets, and other documentation relating to each test required by the Federal test procedure.

(3) The manufacturer may fulfill this record retention requirement by keeping a copy of the labeling verification report that he has submitted to EPA in the format recommended by the Administrator, and by establishing a record of the information required by § 211.209(a)(1)(iv).

(4) The manufacturer must retain all required records for a period of three (3) years from the labeling verification date. Records may be retained as hard copy or reduced to microfilm, punch cards, or other forms of data storage, depending on the record retention procedures of the manufacturer.

(b) On request by the Administrator, the manufacturer must submit to the Administrator information regarding the number of protectors, by category, produced or scheduled for production during the time period designated in the request.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.210 Labeling verification.

§ 211.210-1 General requirements.

(a) Every new hearing protector manufactured for distribution in commerce in the United States, and which is subject to this regulation:

(1) Must have its noise reducing effectiveness verified according to the Labeling Verification requirements described in § 211.210-2 of this subpart;

(2) Must be represented in a Labeling Verification Report as required by § 211.210-3 of this subpart;

(3) Must be labeled at the point of ultimate purchase or distribution to the prospective user according to the requirements of § 211.204 of this Subpart; and

(4) Must meet or exceed the mean attenuation values determined by the procedure in § 211.206 and explained in § 211.211(b).

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

(b) Manufacturers who distribute protectors in commerce to another manufacturer for packaging for ultimate purchase or use must provide to that manufacturer the mean attenuation values and standard deviations at each of the one-third octave band center frequencies as determined by the test procedure in § 211.206. He must also provide the Noise Reduction Rating calculated according to § 211.207.

§ 211.210-2 Labeling verification requirements.

(a) (1) A manufacturer responsible for label verification must satisfy the label verification requirements of this subpart for a category of hearing protectors before distributing that category of hearing protectors in commerce, except as provided in paragraph (a)(2) of this section.

(2) A manufacturer may apply to the Administrator for an extension of time to comply with the labeling verification requirements for a category of protectors before he distributes any protectors in commerce. The Administrator may grant the manufacturer an extension of up to 20 days from the date of distribution. The manufacturer must provide reasonable assurance that the protectors equal or exceed their mean attenuation values, and that labeling verification requirements will be satisfied before the extension expires. Requests for extension should go to the: Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460. The Administrator must respond to a request within 2 business days. Responses may be either written or oral.

(3) A manufacturer, receiving hearing protectors through the chain of distribution that were label verified by a previous manufacturer, may use that previous manufacturer's data when labeling the protectors for ultimate sale

or use, but is responsible for the accuracy of the information on the label. The manufacturer may elect to retest the protectors.

(b) Labeling verification requirements regarding each hearing protector category in a manufacturer's product line consist of:

(1) Testing hearing protectors according to § 211.206 that were selected according to § 211.210-4.

(2) Submitting a labeling verification report to the Administrator according to § 211.210-3.

(c) Each category of hearing protectors is determined by the combination of at least the following parameters. Manufacturers may use additional parameters as needed to create and identify additional categories of protectors.

(1) *Ear muffs.* (i) Head band tension (spring constant);

(ii) Ear cup volume or shape;

(iii) Mounting of ear cup on head band;

(iv) Ear cushion;

(v) Material composition.

(2) *Ear inserts.* (i) Shape;

(ii) Material composition.

(3) *Ear caps.* (i) Head band tension (spring constant);

(ii) Mounting of plug on head band;

(iii) Shape of plug;

(iv) Material composition.

If an ear insert or ear cap is manufactured in more than one size (small, medium, large, etc.) each size does not constitute a separate category and is not required to be separately label verified. However, each size must be used when conducting the required test to determine the labeled values for the specified category.

(d) When the Director of the Noise Enforcement Division requests, either orally or in writing, what labeling verification testing is scheduled by a manufacturer under this section, the manufacturer must notify the Director so that EPA Enforcement Officers may be present to observe the testing, or to conduct the testing in lieu of the manufacturer.

§ 211.210-3 Labeling verification report: Required data.

(a) All manufacturers must submit the labeling verification report to: Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460. A manufacturer may choose to submit separate labeling verification reports for different categories of protectors. A suggested label verification report form is included as Appendix A.

(b) The report must be signed by an authorized representative of the manufacturer and include the following:

(1) The name and location of the test facility that was used to conduct testing under this Subpart;

(2) A description of all hearing protector categories, determined according to § 211.210-2(c), that the manufacturer intends to distribute in commerce. The manufacturer may satisfy the hearing protector category description by submitting, as part of the labeling verification report, a copy of the sales data literature that describes the product line;

(3) For each test conducted:

(i) A data sheet, as specified, showing the mean attenuation values with standard deviation at each of the one-third octave band center frequencies, along with the Noise Reduction Rating, for all official tests conducted under this Subpart, including each invalid test and the reason it was invalid;

(ii) A copy of the label including the NRR that will be used for the labeling of that specified category; and

(iii) The test results (if any) for any hearing protector replaced, and the reason why it was replaced.

(4) The following statement and endorsement:

This report is submitted under Section 8 and Section 13 of the Noise Control Act of 1972. All testing, for which data are reported here, was conducted in strict conformance, with applicable regulations under 40 CFR Part 211 et seq. All the data reported here are true and accurate representations of this testing. All other information reported here is, to the best of (company name) and (test laboratory name) knowledge, true and accurate. I am aware of the penalties associated with violation of the Noise Control Act of 1972 and the regulations published under it.

(authorized representative).

If the testing is conducted by an outside laboratory the manufacturer must require an authorized representative of the laboratory to cosign the statement and endorsement.

(c) Where a manufacturer elects to submit separate labeling verification reports for portions of his product line, as provided for in paragraph (a) of this Section, information provided in previous reports need not be resubmitted unless it is information that is necessary to update previously submitted information.

(d) Any change concerning any information reported under this section must be reported as soon as it becomes available.

(e) The reporting requirements of this regulation will no longer be effective after five (5) years from the date of

publication; however, the requirements will remain in effect if the Administrator is taking appropriate steps to repromulgate or modify the reporting requirements at that time.

(f) A manufacturer may conduct label verification testing on protectors which were produced up to 6 months before the effective date of this regulation. The manufacturers must test models of protectors scheduled for production during the first year after the effective date of this regulation. For these early label verification reports to be acceptable to the Agency, the manufacturer must:

(1) Use production protectors as the test protectors; and

(2) Permit the Agency to inspect and monitor the early label verification tests.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.210-4 Test hearing protector selection.

A test hearing protector must be a hearing protector selected from the category for which labeling verification testing is required; it must have been assembled by the manufacturer's normal production process; and it must have been intended for distribution in commerce.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.210-5 Test hearing protector preparation.

(a) A test hearing protector selected according to § 211.210-4 must not be tested, modified, or adjusted in any manner before the official test unless the adjustments, modifications and/or tests are part of the manufacturer's prescribed manufacturing and inspection procedures.

(b) Quality control, testing, assembly or selection procedures must not be used on the completed protector or any portion of the protector, including parts, that will not normally be used during the production and assembly of all other protectors of that category to be distributed in commerce.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.210-6 Testing.

(a) The manufacturer must conduct one valid test on the hearing protectors selected from each category for verification testing according to the test procedures as specified.

(b) The test hearing protectors must not be repaired or adjusted once testing has begun. In the event a unit is unable to complete the test, the manufacturer or test laboratory may replace the protector; testing may be continued or

reinitiated. Any replacement hearing protector will be a protector of the same category and will be subject to all the provisions of these regulations. Any replacement must be reported in the labeling verification report, including the reason for the replacement.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.210-7 Addition of new categories: Modifications.

(a) Any modifications to a hearing protector, so that one or more of the category parameters listed in § 211.210-2(c) are modified, constitutes the addition of a new and separate category to the manufacturer's product line.

(b) A new category of products is also introduced whenever a manufacturer makes a design change which decreases the noise attenuation characteristics of the product.

(c) When a manufacturer introduces a new category to his model line he must proceed according to the label verification requirements of § 211.210-2.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.211 Compliance with labeling requirement.

(a) All hearing protective devices manufactured after the effective date of this regulation, and meeting the applicability requirements of § 211.201, must be labeled according to this subpart, and must comply with the Labeled Values of mean attenuation as reported in the Labeling Verification Report.

(b) A manufacturer must take into account both product variability and test-to-test variability when labeling his devices in order to meet the requirements of paragraph (a) of this section. A specific category is considered in compliance with the requirements of § 211.210-1, when the attenuation value at the tested one-third octave band is not greater than the mean attenuation value, reported as Labeled Values in the Labeling Verification Report. The attenuation value must be determined according to the test procedures of § 211.206. The Noise Reduction Rating for the label must be calculated using the Labeled Values of mean attenuation in the Labeling Verification Report that will be included in the supporting information required by § 211.204-4. Actual mean attenuation values at the one-third octave bands may exceed the Labeled Values.

§ 211.212 Compliance audit testing.

§ 211.212-1 Test request.

(a) The Administrator will request all testing under this section by means of a test request addressed to the manufacturer.

(b) The test request will be signed by the Assistant Administrator for Enforcement or his designee. The test request will be delivered by an EPA Enforcement Officer or sent by certified mail to the plant manager or other responsible official as designated by the manufacturer.

(c) In the test request, the Administrator must specify the following:

(1) The hearing protector category selected for testing;

(2) The manufacturer's plant or storage facility from which the protectors must be selected;

(3) The selection procedure the manufacturer will use to select test protectors;

(4) The test facility where the manufacturer is required to have the protectors tested (which could be the facility where they went through labeling verification testing);

(5) The number of test hearing protectors to be tested;

(6) The time period allowed for the manufacturer to initiate testing; and

(7) Any other information that will be necessary to conduct testing under this section.

(d) The test request may provide for situations in which the selected category is unavailable for testing. It may include an alternative category to be selected for testing in the event that protectors of the first specified category are not available because the protectors are not being manufactured at the specified plant, at the specified time, and are not being stored at the specified plant or storage facility.

(e) (1) Any testing conducted by the manufacturer under a test request must commence within the period specified within the test request. The Administrator may extend the time period on request by the manufacturer, if a test facility is not available to conduct the testing.

(2) The manufacturer must complete the required testing within one week following commencement of the testing.

(3) The manufacturer will be allowed 24 hours to send test hearing protectors from the assembly plant to the testing facility. The Administrator may approve more time based upon a request by the manufacturer. The request must be accompanied by a satisfactory justification.

(f) Failure to comply with any of the requirements of this section will not be considered a violation of these regulations if conditions and circumstances outside the control of the manufacturer render it impossible for him to comply. These conditions and circumstances include, but are not limited to, the temporary unavailability of equipment and personnel needed to conduct the required tests. The manufacturer bears the burden of establishing the presence of the conditions and circumstances.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.212-2 Test hearing protector selection.

(a) The test request will specify that thirty (30) protectors be selected, from which up to twenty (20) test protectors will be drawn for testing. The remainder may be used as replacement protectors if replacement is needed. The request will also specify that the 30 protectors be the next 30 produced after receipt of the request, or that the 30 be randomly drawn from the group of up to 100 that are next scheduled for production.

(b) If random selection is specified, it must be achieved by sequentially numbering all the protectors in the group and then using a table of random numbers to select the test hearing protectors. The manufacturer may use an alternative random selection plan when it is approved by the Administrator.

(c) Each test protector of the category selected for testing must have been assembled, by the manufacturer, for distribution in commerce using the manufacturer's normal production process.

(d) At their discretion, EPA Enforcement Officers, rather than the manufacturer, may select the protectors designated in the test request.

(e) The manufacturer must keep on hand the thirty (30) protectors designated for testing under this test request until such time as the category is determined to be in compliance. Hearing protectors actually tested and found to be in conformance with these regulations may be distributed in commerce.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.212-3 Test hearing protector preparation.

The manufacturer must select the test hearing protector according to § 211.212-2 before the official test, and must comply with the test protector preparation requirements of § 211.210-5.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.212-4 Testing procedures.

(a) The manufacturer must conduct one valid test according to the test procedures specified in § 211.206 for each hearing protector selected for testing under § 211.212-2.

(b) The manufacturer must not repair or adjust the test hearing protectors once compliance testing has been initiated. In the event a hearing protector is unable to complete the test, the manufacturer may replace the protector. Any replacement protector will be of the same category as the protector being replaced. It will be selected from the remaining designated test protectors and will be subject to all the provisions of these regulations. Any replacement and the reason for replacement must be reported in the compliance audit test report.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.212-5 Reporting of test results.

(a)(1) The manufacturer must submit to the Administrator a copy of the Compliance Audit Test report for all testing conducted under § 211.212. It must be submitted within 5 days after completion of testing. A suggested compliance audit test report form is included as Appendix B.

(2) The manufacturer must provide the following test information:

(i) Category identification;

(ii) Production date, and model of hearing protector;

(iii) The name and location of the test facility used;

(iv) The completed data sheet in the form specified for all tests including, for each invalid test, the reason for invalidation; and

(v) The reason for the replacement where a replacement protector was necessary.

(3) The manufacturer must provide the following statement and endorsement:

This report is submitted under Section 8 and Section 13 of the Noise Control Act of 1972. All testing, for which data are reported here, was conducted in strict conformance with applicable regulations under 40 CFR 211 et seq. All the data reported are true and accurate representations of this testing. All other information reported here is, to the best of (company name) and (test laboratory name) knowledge, true and accurate. I am aware of the penalties associated with violation of the Noise Control Act of 1972 and the regulations published under it.

(authorized representative)

If the testing is conducted by an outside laboratory the manufacturer must require an authorized representative of

the laboratory to cosign both the statement and the endorsement.

(b) In the case where an EPA Enforcement Officer is present during testing required by this Subpart, the written reports required in paragraph (a) of this section may be given directly to the Enforcement Officer.

(c) The reporting requirements of this regulation will no longer be effective after five (5) years from the date of publication; however, the requirements will remain in effect if the Administrator is taking appropriate steps to repromulgate or modify the reporting requirements at that time.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.212-6 Determination of compliance.

(a) A category will be in compliance with these requirements if the results of the test conducted under the test request, show that:

(1) The mean attenuation value, at each one-third octave band center frequency as determined from the Compliance Audit Test values plus 3 dB(A), is equal to or greater than the mean attenuation value at the same one-third octave band reported in the "Labeled Values" section of the labeling Verification Report; and

(2) The Noise Reduction Rating, when calculated from the mean attenuation values determined by Compliance Audit Testing, equals or exceeds the Noise Reduction Rating as reported in the "Labeled Values" section of the Labeling Verification Report.

(b) If a category is not in compliance, as determined in paragraph (a) of this section, the manufacturer must satisfy the continued testing requirements of § 211.212-7, and the relabeling requirements of § 211.212-8 before further distributing hearing protectors of that category in commerce.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.212-7 Continued compliance testing.

If a category is not in compliance as determined under § 211.212-6, the manufacturer must satisfy the requirements of paragraph (a) or (b) of this section.

(a) The manufacturer must continue to test additional sets of (20) protectors until the mean attenuation values from the last test at each octave band equal or exceed the lowest attenuation values obtained from all previous compliance tests.

(b) Upon approval by the Administrator, the manufacturer may relabel at a lower level in compliance with § 211.212-8 in lieu of testing under

paragraph (a) of this section. The manufacturer must obtain approval by showing that the relabeled values adequately take into account results achieved from the Compliance Audit Testing and product variability. The Administrator is to exercise his discretion in light of factors including the prior compliance record of the manufacturer, the adequacy of the proposed new labeling value, the amount of deviation of test results from the labeled values, and any other relevant information.

(c) When the manufacturer can show that the non-compliance under § 211.212-6 was caused by a quality control failure and that the failure has been remedied, he may, with the Administrator's approval, conduct only two additional tests and relabel at least as low as the mean attenuation values received from the two tests.

(d) The manufacturer may request a hearing on the issue of whether the compliance audit testing was conducted properly and whether the criteria for non-compliance in § 211.212-6 have been met; and the appropriateness or scope of a continued testing order. In the event that a hearing is requested, the hearing shall begin no later than 15 days after the date on which the Administrator received the hearing request. Neither the request for a hearing, nor the fact that a hearing is in progress, shall affect the responsibility of the manufacturer to commence and continue testing required by the Administrator pursuant to paragraph (a) of this section.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912))

§ 211.212-8 Relabeling requirements.

(a) Any manufacturer who is found to not conform with § 211.212-6, and who has met the requirement of § 211.212-7, must relabel all protectors of the specified category already in his possession according to § 211.211 before distributing them in commerce. The manufacturer shall relabel at values no greater than any mean attenuation values received from Compliance Audit Testing. Any manufacturer who proceeds with § 211.212-7(a) or (b) must relabel his product line with the lowest mean attenuation value at each octave band received from testing; or he may take into account product variability under § 211.211(b) and label with a lower mean attenuation value than the worst case values obtained from Compliance Audit Testing.

(Sec. 10(a)(3), Pub. L. 92-574, 86 Stat. 1242 (42 U.S.C. 4909(a)(3)))

§ 211.213 Remedial orders for violations of these regulations.

(a) The Administrator may issue an order under section 11(d)(1) of the Act when any person is in violation of these regulations.

(b) A remedial order will be issued only after the violator has been notified of the violation and given an opportunity for a hearing according to § 554 of Title 5 of the United States Code.

(c) All costs associated with a remedial order shall be borne by the violator.

(Sec. 11(d) Pub. L. 92-574, 86 Stat. 1243 (42 U.S.C. 4910(d)))

§ 211.214 Removal of label.

Section 10(a)(4) of the Act prohibits any person from removing, prior to sale, any label required by this Subpart, by either physical removal or defacing or any other physical act making the label and its contents not accessible to the ultimate purchaser prior to sale.

(Sec. 10(a)(4), Pub. L. 92-574, 86 Stat. 1242 (42 U.S.C. 4909(a)(4)))

Appendix A.—Labeling Verification Report

Data Sheet

Company name: _____
Address: _____
Test laboratory: _____
Address: _____
Model number of hearing protector: _____
Category designation: _____

Test Results—Frequency, Mean Attenuation, and Standard Deviation

125 _____
250 _____
500 _____
1000 _____
2000 _____
3150 _____
4000 _____
6300 _____
8000 _____

Noise Reduction Rating: _____

Labeled Values—Frequency, Mean Attenuation, and Standard Deviation

125 _____
250 _____
500 _____
1000 _____
2000 _____
3150 _____
4000 _____
6300 _____
8000 _____

Noise Reduction Rating: _____

If replacement hearing protector was necessary to conduct test, reason for replacement:

This report is submitted under Section 8 and Section 13 of the Noise Control Act of 1972. All testing, for which data are reported here, was conducted in strict conformance with applicable regulations under 40 CFR 211, et seq. All data reported here are true and accurate representations of this testing. All other information reported here is, to the best of (company name) and (test laboratory

name) knowledge, true and accurate. I am aware of the penalties associated with violation of the Noise Control Act of 1972 and the regulations published under it.

(Authorized representative of company)

(Authorized representative of test laboratory)

Appendix B.—Compliance Audit Testing Report

Data Sheet

Company name: _____
Address: _____
Test laboratory: _____
Address: _____
Model number of hearing protector: _____
Category designation: _____
Production date: _____

Test Results—Frequency, Mean Attenuation, and Standard Deviation

125 _____
250 _____
500 _____
1000 _____
2000 _____
3150 _____
4000 _____
6300 _____
8000 _____

Noise Reduction Rating: _____

If replacement hearing protector was necessary to conduct test, reason for replacement:

This report is submitted under Section 8 and Section 13 of the Noise Control Act of 1972. All testing, for which data are reported here, was conducted in strict conformance with applicable regulations under 40 CFR 211, et seq. All the data reported here are true and accurate representations of this testing. All other information reported here is, to the best of (company name) and (test laboratory name) knowledge, true and accurate. I am aware of the penalties associated with violation of the Noise Control Act of 1972 and the regulations published under it.

(Authorized representative of company)

(Authorized representative of test laboratory)

(FR Doc. 79-30088 Filed 9-27-79; 8:45 am)

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federal register

Friday
September 28, 1979

Part IV

Department of the Interior

Fish and Wildlife Service

Migratory Bird Hunting; Late Seasons,
and Bag and Possession Limits For
Certain Game Birds

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Late Seasons, and Bag and Possession Limits for Certain Migratory Game Birds in the United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes the open seasons, shooting and hawking hours, hunting areas, and daily bag and possession limits for general waterfowl seasons; special seasons for scaup and goldeneyes; extra scaup and teal in regular seasons; most sandhill crane seasons in the Central Flyway; coots, gallinules, and snipe in the Pacific Flyway; and additional falconry seasons. The taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The rules will permit taking of the designated species within specified periods of time beginning as early as September 29 and benefit the public by opening the seasons which are presently closed.

EFFECTIVE DATE: September, 28, 1979.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C., telephone 202-254-3207.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

The annual process for developing migratory game bird hunting regulations is divided into those for "early" seasons and those for "late" seasons. Early seasons include those which open before September 29, while late seasons

open on or after September 29. Regulations are developed independently for early and late seasons. The early season regulations cover mourning doves, white-winged doves, band-tailed pigeons, rails, gallinules, woodcock, common snipe, sea ducks in the Atlantic Flyway, teal in September in the Central and Mississippi Flyways, ducks in late September in Iowa, sandhill cranes in North Dakota and South Dakota, doves in the Virgin Islands and Hawaii, all migratory game birds in Puerto Rico and Alaska, and some special falconry seasons. Late seasons include the general waterfowl seasons; special seasons for scaup and goldeneyes; extra scaup and teal in regular seasons; most sandhill crane seasons in the Central Flyway; coots, gallinules, and snipe in the Pacific Flyway; and additional special falconry seasons.

Certain general procedures are followed in developing regulations for both the early and the late seasons. Initial regulatory proposals are first announced in a *Federal Register* document in mid-February, and opened to public comment. As additional information becomes available, and comments on the initial proposals are received and considered, supplemental proposed rulemakings are published in the *Federal Register*. At the termination of the comment periods and following a public hearing, the Service develops and publishes the proposed frameworks for times of seasons, season lengths, shooting and hawking hours, daily bag and possession limits, and other regulatory restraints or options. Following another public comment period and after consideration of additional comments, the Service publishes in the *Federal Register* the final frameworks. Using these frameworks, State conservation agencies select hunting season dates and offered options. States may select more restrictive seasons and options than those offered in the Service's frameworks. The final regulations, reflected in amendments to Subpart K of 50 CFR 20 then appear in the *Federal Register*, and become effective upon publication.

This year the process was implemented as follows. On February 15, 1979, the Service published for public

comment in the *Federal Register* (44 FR 9928) proposals to amend 50 CFR 20, with a comment period ending May 16, 1979. That document dealt with the establishment of seasons, limits and shooting hours for migratory birds under §§ 20.101 through 20.107 of Subpart K. On June 13, 1979, the Service published for public comment in the *Federal Register* (44 FR 34082) the second document in the series consisting of supplemental proposed rulemaking dealing specifically with a number of supplemental proposals arising from comments received on the initial proposals, or from new information. On June 28, 1979, the Service also published for public comment in the *Federal Register* (44 FR 37857) the third document in the series consisting of supplemental proposed rulemaking dealing specifically with proposed frameworks for early season migratory bird hunting regulations from which, when finalized, States could select season dates and daily bag and possession limits for the 1979-80 season. On June 28, 1979, the Service also published in the *Federal Register* (44 FR 37854) the fourth document in the series consisting of final rulemaking dealing specifically with final frameworks from which wildlife conservation agency officials in Alaska, Puerto Rico, and the Virgin Islands could select season dates for hunting certain migratory birds in their respective jurisdictions during the 1979-80 season. On July 24, 1979, the Service published in the *Federal Register* (44 FR 43420) the fifth document in the series consisting of final rulemaking dealing specifically with final frameworks for early season migratory bird hunting regulations in all States during the 1979-80 seasons from which State wildlife conservation officials selected early season dates and daily bag and possession limits for the 1979-80 season. On August 8, 1979, the Service published in the *Federal Register* (44 FR 48462) the sixth document in the series consisting of final rulemaking dealing specifically with a correction to the Final Regulations Frameworks for 1979-80 Early Hunting Seasons on Certain Migratory Game Birds in the United States, adding text inadvertently omitted from the July 24 publication (44 FR 43420) affecting *Gallinules*, *Sandhill*

Cranes, and *Scoter*, *Eider* and *Oldsquaw Ducks* (Atlantic Flyway). On August 10, 1979, the Service published for comment in the *Federal Register* (44 FR 47246) the seventh document in the series of proposed and final rulemakings dealing specifically with proposed regulations frameworks for 1979-80 late hunting seasons on certain migratory game birds. On August 20, 1979, the Service published in the *Federal Register* (44 FR 48846) the eighth document in the series of proposed and final rulemakings dealing specifically with amending subpart K of 50 CFR 20 to set open hunting seasons, certain closed areas, shooting and hawking hours, and bag and possession limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; September teal seasons; sea ducks in certain defined areas of the Atlantic Flyway; ducks in late September in Iowa; sandhill cranes in designated portions of North Dakota and South Dakota; and migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands. On August 28, 1979, the Service published in the *Federal Register* (44 FR 50544) the ninth document in the series of proposed and final rulemakings dealing specifically with final regulations frameworks for 1979-80 late hunting seasons on certain migratory game birds from which States selected season dates and daily bag and possession limits for the 1979-80 season. This final rulemaking document is the tenth in the series of proposed, supplemental, and final rulemakings for migratory game bird hunting regulations and consists of final rulemaking amending subpart K of 50 CFR 20 to set open hunting seasons, hunting areas, shooting and hawking hours, and bag and possession limits for waterfowl, coots, and gallinules; sandhill cranes in parts of New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; common snipe in the Pacific Flyway; and additional extended falconry seasons.

On June 21, 1979, a public hearing was held in Washington, D.C., to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, and sandhill cranes. The meeting was announced in the *Federal Register* on February 15, 1979 (44 FR 9928) and June 13, 1979 (44 FR 34082). Proposed hunting regulations for these species were discussed plus those for migratory game birds in Alaska, Puerto Rico and the Virgin Islands; mourning doves in Hawaii; September teal seasons in the

Mississippi and Central Flyways; an early duck season in Iowa; special sea duck seasons in the Atlantic Flyway; and falconry seasons. Statements or comments were invited.

On August 2, 1979, a public hearing was held in Washington, D.C., as announced in the *Federal Register* on February 15, 1979 (44 FR 9928) and June 13, 1979 (44 FR 34082) to review information on population status and proposed hunting regulations for waterfowl, coots, and gallinules; sandhill cranes in Colorado, New Mexico, Oklahoma, Texas, Montana and Wyoming; common snipe in the Pacific Flyway; and special falconry regulations. Statements or comments were invited from the public.

Steel Shot Regulations

Non-toxic shot requirements in some areas apply to waterfowl regulations being finalized here. On July 17, 1979, the Service published in the *Federal Register* (44 FR 41461) final regulations regarding zones in all flyways in which shotshells loaded with steel shot will be required for waterfowl hunting in seasons commencing in 1979. Minor corrections to the final regulations appeared in the *Federal Register* dated August 10, 1979 (44 FR 47093). The intended effect of establishing these steel shot regulations is to reduce the number of waterfowl deaths caused by ingesting spent lead pellets.

The regulations appear under 50 CFR, §§ 20.21 and 20.108, and will also be summarized in the Service's regulations leaflets to be published late this summer.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the *Federal Register* on June 13, 1975 (40 FR 24241). A number of environmental assessments have been issued by the Service to supplement the above FES. Shooting hours, dove hunting in September, black ducks, canvasbacks and redheads, Atlantic flyway brant, and greater snow geese are among the subjects of these assessments. The 1975 FES is now out of print but copies of the environmental assessments are available from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Endangered Species Act Consideration

Compliance with the Endangered Species Act, insofar as late season regulations frameworks are concerned, was described in the *Federal Register* dated August 28, 1979 (44 FR 50544). As a result of intra-Service Section 7 consultation, Acting Director Robert S. Cook concluded in a biological opinion dated August 21, 1979, "that the migratory bird late hunting seasons are not likely to jeopardize the continued existence of the above listed species or result in destruction or adverse modification of any designated Critical Habitat."

The Service wishes to reiterate that delays or closures of migratory bird hunting seasons will be considered, and invoked when justified, for the protection of endangered species.

The Service's biological opinions and threshold examination reports resulting from its consultation under section 7 are considered to be public documents and are available for public inspection in the Office of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Copies may be also be obtained by mail upon request.

Authorship

The primary author of this final rule is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

Exception From Executive Order 12044 and 43 CFR Part 14

As discussed in the *Federal Register* dated February 15, 1979 (44 FR 9929), the Assistant Secretary for Fish and Wildlife and Parks has concluded that the ever decreasing time frames in the regulatory process are mandated by the Migratory Bird Treaty Act and the Administrative Procedure Act. The regulatory process simply has no remaining slack in its timetable between the accumulation of critical summer survey data and the publication of the revised sets of proposed and final rulemakings. Compliance with the determination of significance and regulatory analysis criteria established under Executive Order 12044 would simply not be possible if the fall hunting season deadlines are to be achieved.

Consequently, the Assistant Secretary for Fish and Wildlife and Parks has approved the exemption of these regulations from the procedures of Executive Order 12044 and 43 CFR 14 which is provided for in section 6(b)(6) and § 14.3(f), respectively.

Regulations Promulgation

After analysis of the migratory game bird survey data obtained through investigations conducted by the Service, State conservation agencies, and other sources, and consideration of all comments received on the late season proposals (44 FR 9928, February 15, 1979; 44 FR 34082, June 13, 1979; and 44 FR 47248, August 10, 1979) the Service published in the Federal Register on August 28, 1979 (44 FR 50544), final late season frameworks. Copies of the final frameworks were also sent to the officials of the State conservation agencies who were invited to submit selections for hunting seasons and related options which complied with the shooting hours, daily bag and possession limits, season times and lengths, and areas specified in the frameworks.

The taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The amendments will permit taking of the designated species within specified time periods beginning as early as September 29 and benefit the

public by opening the seasons which are presently closed.

The rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed rulemakings were published on February 15, June 13, and August 10, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that at the periods' close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the printing and distribution of Federal and State regulatory announcements and leaflets would be delayed to the extent that hunters would not have regulatory information available prior to the beginning of the hunting seasons. The Service has determined that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3), and these regulations

will, therefore, take effect immediately upon publication.

Accordingly, each State conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State (all dates inclusive) on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, certain sections of Title 50, Chapter 1, Subchapter B, Part 20, Subpart K, are amended to read as follows:

PART 20—MIGRATORY BIRD HUNTING

1. Section 20.104 is revised to read as follows:

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

	Rails (sora and Virginia)	Rails (clapper and king)	Woodcock	Common snipe
Daily bag limits	125	(7)	5	6
Possession limits	125	(7)	10	16

Shooting Hours: One-half hour before sunrise until sunset daily on all species, except as noted otherwise. Check State regulations for additional restrictions, including area descriptions.

SEASONS IN THE ATLANTIC FLYWAY				
Connecticut	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Oct. 20 to Dec. 1	Oct. 20 to Dec. 1
Delaware	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Oct. 16 to Nov. 3 and Nov. 19 to Jan. 5	Oct. 1 to Nov. 3 and Nov. 19 to Jan. 30
Florida	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Dec. 8 to Feb. 10	Nov. 10 to Feb. 24
Georgia	Sept. 8 to Nov. 16	Sept. 8 to Nov. 16	Nov. 20 to Jan. 23	Nov. 20 to Feb. 28
Maine	Sept. 1 to Nov. 9	Closed	Sept. 24 to Nov. 15	Sept. 1 to Dec. 15
Maryland	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Oct. 5 to Nov. 23 and Dec. 22 to Jan. 5	Sept. 14 to Dec. 29
Massachusetts	Sept. 1 to Nov. 9	Closed	Oct. 10 to Nov. 30	Sept. 1 to Dec. 15
New Hampshire	Closed	Closed	Sept. 22 to Nov. 25	Sept. 22 to Nov. 25
New Jersey:				
North Zone	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Oct. 3 to Nov. 26	Oct. 13 to Nov. 13 and Nov. 22 to Jan. 2
South Zone	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Oct. 27 to Dec. 1 and Dec. 15 to Jan. 2	Oct. 13 to Nov. 13 and Nov. 22 to Jan. 2
New York:				
Northern Zone including Lake Champlain	Sept. 1 to Nov. 9	Closed	Sept. 20 to Nov. 23	Sept. 1 to Nov. 23
Southern Zone	Sept. 1 to Nov. 9	Closed	Oct. 1 to Nov. 23	Sept. 1 to Nov. 23
Long Island	Closed	Closed	Oct. 1 to Nov. 23	Closed
North Carolina	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Nov. 17 to Jan. 19	Nov. 14 to Feb. 28
Pennsylvania	Sept. 1 to Nov. 9	Closed	Oct. 13 to Dec. 15	Oct. 13 to Dec. 15
Rhode Island	Sept. 17 to Nov. 25	Sept. 17 to Nov. 25	Oct. 20 to Dec. 7 and Dec. 17 to Jan. 1	Sept. 17 to Dec. 7 and Dec. 17 to Jan. 10
South Carolina	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Nov. 22 to Jan. 25	Nov. 14 to Feb. 28
Vermont	Sept. 29 to Dec. 2	Closed	Sept. 29 to Dec. 2	Sept. 29 to Dec. 2
Virginia	Sept. 8 to Nov. 16	Sept. 8 to Nov. 16	Oct. 22 to Dec. 25	Oct. 17 to Jan. 31
West Virginia	Sept. 10 to Nov. 17	Closed	Oct. 13 to Dec. 15	Sept. 10 to Dec. 25

SEASONS IN THE MISSISSIPPI FLYWAY				
Alabama	Nov. 10 to Jan. 16	Nov. 10 to Jan. 16	Nov. 28 to Jan. 31	Nov. 14 to Feb. 28
Arkansas	Sept. 1 to Nov. 9	Closed	Nov. 15 to Jan. 18	Nov. 15 to Feb. 29
Illinois	Sept. 1 to Nov. 9	Closed	Oct. 15 to Dec. 18	Oct. 15 to Jan. 29
Indiana	Sept. 1 to Nov. 9	Closed	Sept. 22 to Nov. 25	Sept. 1 to Dec. 16
Iowa	Sept. 1 to Nov. 9	Closed	Sept. 22 to Nov. 25	Sept. 1 to Dec. 16
Kentucky	Nov. 12 to Jan. 20	Closed	Oct. 6 to Nov. 30 and Dec. 8 to Dec. 16	Oct. 6 to Nov. 30 and Dec. 8 to Dec. 16
Louisiana	Sept. 22 to Nov. 30	Sept. 22 to Nov. 30	Dec. 8 to Feb. 10	Nov. 3 to Feb. 17
Michigan:				
Zone 1	Sept. 15 to Nov. 14	Closed	Sept. 15 to Nov. 13	Sept. 15 to Nov. 14
Zone 2	Sept. 15 to Nov. 14	Closed	Sept. 15 to Nov. 14	Sept. 15 to Nov. 14
Zone 3	Sept. 15 to Nov. 14	Closed	Oct. 20 to Nov. 14	Sept. 15 to Nov. 14
Minnesota	Sept. 1 to Nov. 4	Closed	Sept. 1 to Nov. 4	Sept. 1 to Nov. 4
Mississippi	Oct. 27 to Jan. 4	Oct. 27 to Jan. 4	Dec. 15 to Feb. 17	Nov. 17 to Feb. 28
Missouri	Sept. 1 to Nov. 9	Closed	Oct. 1 to Dec. 4	Oct. 1 to Dec. 4
Ohio	Sept. 1 to Nov. 9	Closed	Sept. 28 to Dec. 1	Sept. 1 to Dec. 15
Tennessee	Dec. 1 to Jan. 19	Closed	Oct. 20 to Nov. 25 and Feb. 1 to Feb. 28	Nov. 19 to Feb. 28
Wisconsin	Oct. 1 to Oct. 7 and Oct. 13 to Nov. 24	Closed	Sept. 15 to Nov. 18	Oct. 1 to Oct. 7 and Oct. 13 to Nov. 24
SEASONS IN THE CENTRAL FLYWAY				
Colorado:				
Sept. 1 to Nov. 9	Closed	Closed	Sept. 1 to Dec. 2	
Kansas	Sept. 15 to Nov. 23	Closed	Oct. 6 to Dec. 9	Sept. 15 to Dec. 30
Montana:				
Sept. 1 to Nov. 9	Closed	Closed	Sept. 15 to Nov. 18	Sept. 15 to Nov. 18
Nebraska	Sept. 15 to Nov. 23	Closed	Closed	Sept. 15 to Dec. 18
New Mexico:				
Sept. 1 to Nov. 9	Closed	Closed	Nov. 20 to Jan. 23	Sept. 15 to Nov. 11
North Dakota	Closed	Closed	Closed	Oct. 20 to Jan. 31
Oklahoma	Sept. 1 to Nov. 9	Closed	Nov. 17 to Jan. 20	Nov. 3 to Feb. 17
South Dakota	Sept. 1 to Nov. 9	Closed	Closed	Sept. 29 to Jan. 7
Texas	Sept. 29 to Dec. 7	Closed	Closed	
Wyoming:				
Sept. 1 to Nov. 9	Closed	Closed	Closed	
SEASONS IN THE PACIFIC FLYWAY				
Arizona:				
Closed	Closed	Closed	Closed	Oct. 20 to Jan. 20
California:				
Northeastern Zone	Closed	Closed	Closed	Oct. 13 to Jan. 13
Southern Zone	Closed	Closed	Closed	Oct. 20 to Jan. 20
Colorado River Zone	Closed	Closed	Closed	Oct. 20 to Jan. 20
Remainder of State	Closed	Closed	Closed	Oct. 20 to Jan. 20
Colorado:				
Sept. 1 to Nov. 9	Closed	Closed	Closed	Sept. 1 to Dec. 2
Idaho:				
Columbia Basin	Closed	Closed	Closed	Oct. 6 to Jan. 13
Remainder of State	Closed	Closed	Closed	Oct. 6 to Jan. 6
Montana:				
Closed	Closed	Closed	Closed	Sept. 29 to Dec. 30
Nevada:				
Clark County	Closed	Closed	Closed	Oct. 20 to Jan. 20
Remainder of State	Closed	Closed	Closed	Oct. 13 to Jan. 13
New Mexico:				
Sept. 15 to Nov. 23	Closed	Closed	Closed	Sept. 15 to Dec. 16
Oregon:				
Columbia Basin	Closed	Closed	Closed	Oct. 13 to Jan. 20
Remainder of State	Closed	Closed	Closed	Oct. 13 to Jan. 13
Utah:				
Closed	Closed	Closed	Closed	Oct. 6 to Jan. 6
Washington:				
Closed	Closed	Closed	Closed	Oct. 13 to Jan. 13
Wyoming:				
Closed	Closed	Closed	Closed	Sept. 29 to Dec. 30

¹The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these two species.

²In addition to the limits on sora and Virginia rails, in Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, there is a daily bag limit of 10 and possession limit of 20 clapper and king rails, singly or in the aggregate of these two species, except that the season is closed on king rails in New Jersey by State regulation. In Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 clapper and king rails, singly or in the aggregate of these two species.

³For description of zones or management units within a State, see State regulations.

⁴In New York, on the first day the season opens at sunrise for woodcock.

⁵In Michigan, in the counties of Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola and Wayne, and adjacent Great Lakes and connecting waters, the snipe and rail seasons shall open concurrently with the duck season and shall run continuously in all areas through November 14.

⁶In Tennessee, the season dates for the Reelfoot Zone are November 17, 1979, through January 5, 1980. See waterfowl regulations for the description of the Reelfoot Zone.

⁷In Wisconsin, Utah, and Washington, on the first day the season opens at 12 noon.

⁸The Central Flyway portion consists of: Colorado and Wyoming—the area lying east of the Continental Divide; Montana—the area lying east of Hill, Chouteau, Cascade, Meagher, and Park Counties; New Mexico—the area lying east of the Continental Divide but outside the Jicarilla Apache Indian Reservation. The remainder portions of these States are in the Pacific Flyway.

2. Section 20.105 is amended to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Sea Ducks.* (1) An open season for taking scoter, eider, and oldsquaw ducks is prescribed according to the following

table during the period between September 15, 1979, and January 20, 1980, in all coastal waters and all waters or rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the Town of Riverhead to Red Cedar Point in the Town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and, in addition, in any

tidal waters of any bay which are separated by at least one mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia, provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the

respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(2) The daily bag limit is 7 and the possession limit 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set in addition to the limits prescribed for such seasons a daily bag limit of 7 and possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are one-half hour before sunrise until sunset daily.

Check State regulations for additional restrictions, including area descriptions.

Seasons in:	
Connecticut	Oct. 15 to Jan. 12.
Delaware	Sept. 28 to Jan. 12.
Georgia	Nov. 21 to Jan. 20.
Maine	Oct. 1 to Jan. 15.
Maryland	Oct. 5 to Jan. 19.
Massachusetts	Oct. 5 to Jan. 19.
New Hampshire	Sept. 15 to Dec. 30.
New Jersey	Oct. 5 to Jan. 19.
New York (Long Island only)	Sept. 21 to Jan. 5.
North Carolina	Oct. 5 to Jan. 19.
Rhode Island	Oct. 5 to Jan. 20.
South Carolina	Oct. 5 to Jan. 19.
Virginia	Oct. 5 to Jan. 19.

(4) Notwithstanding the provisions of this Part 20, the shooting of *crippled* waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

(b) *Teal*. September season:

(c) *Gallinules*.
Limits in the Atlantic, Mississippi, and Central Flyways:

Daily bag limit	15
Possession limit	30

Limits in the Pacific Flyway: The daily bag and possession limits are 25 gallinules and coots singly or in the aggregate of these two species.

Shooting hours: One-half hour before sunrise to sunset.

Check State regulations for additional restrictions, including area descriptions.

Seasons in the Atlantic Flyway:	
Connecticut	Sept. 1 to Nov. 9.
Delaware	Sept. 1 to Nov. 9.
Florida	Sept. 1 to Nov. 9.
Georgia	Nov. 21 to Jan. 20.
Maine	Sept. 1 to Nov. 9.
Maryland	Sept. 1 to Nov. 9.
Massachusetts	Sept. 1 to Nov. 9.
New Hampshire	Closed
New Jersey	Sept. 1 to Nov. 9.
New York	Closed
Long Island	Closed
Remainder of State	Sept. 1 to Nov. 9.

North Carolina	Sept. 1 to Nov. 9.
Pennsylvania	Sept. 1 to Nov. 9.
Rhode Island	Sept. 1 to Nov. 25.
South Carolina	Sept. 1 to Nov. 9.
Vermont	Sept. 29 to Dec. 2.
Virginia	Oct. 3 to Oct. 6.
	Nov. 20 to Dec. 1.
	Dec. 17 to Jan. 19.
West Virginia	Oct. 3 to Oct. 20.
	Dec. 12 to Jan. 12.

Seasons in the Mississippi Flyway:	
Alabama	Nov. 10 to Jan. 18.
Arkansas	Nov. 7 to Jan. 15.
Illinois	Closed.
Indiana	Sept. 1 to Nov. 9.
Iowa	Closed.
Kentucky	Nov. 12 to Jan. 20.
Louisiana	Sept. 22 to Nov. 30.
Michigan	
Zone 1	Sept. 29 to Nov. 17.
Zones 2 and 3	Oct. 4 to Nov. 22.
Minnesota	Sept. 29 to Nov. 17.
Mississippi	Sept. 22 to Sept. 30.
	Oct. 27 to Dec. 26.
Missouri	Sept. 1 to Nov. 9.
Ohio	Sept. 1 to Nov. 8.
Tennessee	Dec. 1 to Jan. 19.
Wisconsin	Oct. 1 ² to Oct. 7.
	Oct. 13 to Nov. 24.

Seasons in the Central Flyway:	
Colorado	Closed.
Kansas	Closed.
Montana	Closed.
Nebraska	Closed.
New Mexico	Oct. 30 to Jan. 6.
North Dakota	Closed.
Oklahoma	Sept. 1 to Nov. 9.
South Dakota	Closed.
Texas	Sept. 1 to Nov. 9.
Wyoming	Closed.
Seasons in the Pacific Flyway:	
Arizona	Oct. 20 to Jan. 20.
California	
Northeastern Zone	Oct. 13 to Jan. 13.
Southern Zone	Oct. 20 to Jan. 20.
Colorado River Zone	Oct. 20 to Jan. 20.
Remainder of State	Oct. 20 to Jan. 20.
Nevada	
Clark County	Oct. 20 to Jan. 20.
Remainder of State	Oct. 13 to Jan. 13.
New Mexico	Oct. 6 to Dec. 14.

¹ The gallinule season in Florida applies to the common or Florida gallinule only. No open season on purple gallinules in Florida.

² In Tennessee, the season dates for the Reelfoot Zone are November 17, 1979, through January 5, 1980. See footnote under waterfowl regulations for description of the Reelfoot Zone.

³ On the first day the season opens at 12 noon.

⁴ Seasons apply to Central Flyway portion of State only.

⁵ Seasons apply to Pacific Flyway portion of State only.

(d) *Waterfowl and coots in Atlantic, Mississippi, Central and Pacific Flyways.*

Flywaywide Restrictions

Shooting (including hawking) hours:
One-half hour before sunrise to sunset

	Season dates	Limits	
		Bag	Possession
Connecticut:			
Ducks		4	8
North zone ¹	Oct. 20 to Nov. 3 and Nov. 22 to Dec. 28		
South zone ¹	Oct. 20 to Oct. 27 and Dec. 1 to Jan. 11		
Including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 20 to Nov. 3 and Nov. 19 to Jan. 12	3	6
Snow (including blue)	Oct. 20 to Nov. 3 and Nov. 19 to Jan. 12	4	8

daily except as otherwise restricted.

In all States in the Atlantic Flyway:

Wood ducks—No more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be possessed.

Exceptions: during duck seasons prior to October 15, 1979, in North Carolina, under conventional regulations, no special restrictions within the regular daily bag and possession limits shall apply to wood ducks. In Virginia, under the point system, the point value of wood ducks shall be 25; and in Pennsylvania, the possession limit is 2 wood ducks.

Hooded mergansers—In States selecting conventional regulations, no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be possessed.

Canvasbacks and redheads—Except in close areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession under conventional regulations. Under the point system canvasbacks count 100 points each, except in closed areas, and redheads count 70 points each, except in closed areas. The areas closed to canvasback and redhead hunting are:

New York—Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls. All waters of Lake Cayuga.

New Jersey—Those portions of Monmouth County and Ocean County lying east of the Garden State Parkway.

North Carolina—Those portions of the State lying east of U.S. Highway 1.

Maryland and Virginia—The entire State.

Brant—The season is closed on brant.

Check State regulations for additional restrictions and delineations of geographical areas. Special restrictions may apply on Federal and State public hunting areas.

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits	
		Bag	Possession
Delaware:			
Ducks	Oct. 1 to Oct. 6, Nov. 7 to Nov. 24, and Dec. 18 to Jan. 12.	5	10
Including no more than: Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Nov. 7 to Jan. 31	4	8
Snow (including blue)	Nov. 7 to Dec. 1 and Dec. 18 to Jan. 31	4	8
Florida:			
Ducks	Nov. 21 to Dec. 2 and Dec. 14 to Jan. 20	Point system.	
Coots		15	30
Geese	Closed		
Georgia:			
Ducks	Nov. 21 to Nov. 25 and Dec. 7 to Jan. 20	5	10
Including no more than: Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese	Closed		
Maine:			
Ducks		4	8
North zone (wildlife management units 1-3)	Oct. 1 to Nov. 19		
South zone (wildlife management units 4-8)	Oct. 1 ² to Oct. 20 and Nov. 16 to Dec. 15		
Including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
North zone (wildlife management units 1-3)	Oct. 1 to Dec. 8		
South zone (wildlife management units 4-8)	Oct. 1 ² to Dec. 8		
Including no more than:			
Canada		3	6
Snow (including blue)		4	8
Maryland:			
Ducks (except canvasbacks and redheads)	Oct. 26 to Oct. 27, Nov. 9 to Nov. 23, and Dec. 11 to Jan. 12.	Point system.	
Canvasbacks and redheads		Season closed.	
Coots		15	30
Geese:			
Canada			
In Delmarva Peninsula ³	Oct. 26 to Nov. 23 and Dec. 3 to Jan. 31	3	6
In remainder of State	Nov. 2 to Nov. 23 and Dec. 3 to Jan. 19	3	6
Snow (including blue)	Nov. 14 to Nov. 23 and Dec. 3 to Jan. 31	4	8
Massachusetts:			
Ducks	Oct. 10 to Oct. 20, Nov. 2 to Nov. 24, and Dec. 28 to Jan. 12.	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Oct. 10 to Oct. 27, Nov. 2 to Nov. 30, and Dec. 28 to Jan. 19.		
Canada		3	6
Snow (including blue)		4	8
New Hampshire:			
Ducks	Oct. 3 to Oct. 28 and Nov. 23 to Dec. 18	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Oct. 3 to Oct. 28 and Nov. 17 to Dec. 30		
Canada		3	6
Snow (including blue)		4	8
New Jersey:			
Ducks	Oct. 13 to Oct. 20 and Nov. 22 to Jan. 2	Point system. ⁴	
Coots		15	30
Geese:			
Canada	Oct. 1 to Oct. 31 and Nov. 22 to Jan. 19	4	8
Snow (including blue)	Oct. 13 to Nov. 13 and Nov. 22 to Dec. 29	4	8
New York:			
Long Island area:			
Ducks	Nov. 14 to Jan. 2	4	8
Including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Nov. 14 to Jan. 20		
Canada		3	6
Snow (including blue)		4	8
Lake Champlain area:			
Ducks	Oct. 3 ⁵ to Oct. 14 and Oct. 27 to Dec. 3	4	8
Including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Oct. 3 ⁵ to Dec. 11		
Canada		3	6
Snow (including blue)		4	8

	Season dates	Limits	
		Bag	Possession
North zone: ⁷			
Ducks.....	Oct. 3 to Oct. 28 and Nov. 9 to Dec. 2.....	5	10
Including no more than:			
Black ducks.....		1	2
Mergansers.....		5	10
Coots.....		15	30
Geese.....	Oct. 3 to Dec. 11.....		
Canada.....		3	6
Snow (including blue).....		4	8
South zone: ⁷			
Ducks.....	Oct. 10 to Oct. 21 and Nov. 2 to Dec. 9.....	5	10
Including no more than:			
Black ducks.....		1	2
Mergansers.....		5	10
Coots.....		15	30
Geese.....	Oct. 3 to Dec. 11.....		
Canada.....		3	6
Snow (including blue).....		4	8
West zone: ⁷			
Ducks.....	Oct. 10 to Nov. 15 and Dec. 21 to Jan. 2.....	5	10
Including no more than:			
Black ducks.....		1	2
Mergansers.....		5	10
Coots.....		15	30
Geese.....	Oct. 3 to Dec. 11.....		
Canada.....		3	6
Snow (including blue).....		4	8
North Carolina:			
Ducks.....		5	10
East zone: ⁸	Nov. 21 to Nov. 24 and Dec. 5 to Jan. 19.....		
West zone: ⁸	Oct. 3 to Oct. 6 and Dec. 5 to Jan. 19.....		
Including no more than:			
Black ducks.....		1	2
Mergansers.....		5	10
Coots.....		15	30
Geese:			
Canada.....	Nov. 21 to Nov. 24 and Dec. 5 to Jan. 19.....	2	4
Snow (including blue).....	Nov. 23 to Jan. 31.....	4	8
Pennsylvania:			
Ducks.....		4	8
Including no more than:			
Black ducks.....		2	4
Wood ducks.....		2	2
North zone: ¹⁰	Oct. 27 to Dec. 15.....		
South zone: ¹⁰	Oct. 10 ¹¹ to Oct. 20 and Oct. 31 to Dec. 6.....		
Mergansers.....		5	10
Coots.....		15	30
Geese:			
Canada:			
In Southeastern zone: ¹²	Oct. 10 ¹¹ to Dec. 16 and Dec. 26 to Jan. 14.....	4	8
In remainder of the State: ¹²	Oct. 10 ¹¹ to Dec. 16.....	3	6
Snow (including blue).....	Oct. 10 ¹¹ to Dec. 16.....	4	8
Rhode Island:			
Ducks.....	Oct. 11 to Oct. 14 and Nov. 21 to Jan. 5.....	Point system.	
Coots.....		15	30
Geese.....	Nov. 12 to Jan. 20.....		
Canada.....		3	6
Snow (including blue).....		4	8
South Carolina:			
Ducks.....	Nov. 21 to Nov. 24 and Dec. 5 to Jan. 19.....	5	10
Including no more than: Black duck and mottled duck, singly or in the aggregate.....		1	2
Mergansers.....		5	10
Coots.....		15	30
Geese:			
Anderson, Beaufort, Colleton, Fairfield, McCormick, Newberry, and Oconee Counties.....	Season closed.....		
Remainder of State.....	Nov. 21 to Nov. 24 and Dec. 5 to Jan. 19.....		
Canada.....		1	2
Snow (including blue).....		4	8
Vermont:			
Ducks.....	Oct. 3 ⁹ to Oct. 14 and Oct. 27 to Dec. 3.....	4	8
Including no more than: Black ducks.....		2	4
Mergansers.....		5	10
Coots.....		15	30
Geese: ¹⁴	Oct. 3 ⁹ to Dec. 11.....		
Canada.....		3	6
Snow (including blue).....		4	8

	Season dates	Limits	
		Bag	Possession
Virginia:			
Ducks ¹⁶ (except canvasbacks and redheads).....	Oct. 3 to Oct. 6, Nov. 20 to Dec. 1, and Dec. 17 to Jan. 19.....	Point system.	
Canvasbacks and redheads.....	Season closed.....		
Coots.....		15	30
Geese:			
Canada:			
In Back Bay area: ¹⁸	Oct. 3 to Oct. 6, Nov. 20 to Dec. 1, and Dec. 17 to Jan. 19.....	2	4
In Delmarva Peninsula area.....	Nov. 3 to Jan. 31.....	4	8
In remainder of State.....	Nov. 12 to Jan. 19.....	3	6
Snow (including blue):			
In Back Bay area: ¹⁷	Nov. 23 to Dec. 1 and Dec. 17 to Jan. 19.....	4	8
In remainder of State.....	Nov. 23 to Jan. 31.....	4	8
West Virginia:			
Ducks.....	Oct. 3 to Oct. 20 and Dec. 12 to Jan. 12.....	4	8
Including no more than: Black ducks.....		2	4
Mergansers.....		5	10
Coots.....		15	30
Geese.....	Oct. 3 to Oct. 20 and Dec. 12 to Jan. 12.....		
Canada.....		3	6
Snow (including blue).....		4	8

⁷In Connecticut, the North Zone is that portion of the State north of Interstate 95. The South Zone is that portion of the State south of Interstate 95.

⁸In Maine, in the South Zone, on the first day the season opens at 12 noon.

⁹In Maryland, the Delmarva Peninsula includes the counties of Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester.

¹⁰Season closed on wood ducks in Nantucket County.

¹¹In New Jersey, the green-winged teal is assigned 25 points.

¹²In the Lake Champlain area of New York and Vermont, on the first day the season opens at 8 a.m.

¹³In New York, the West Zone is that portion of Upstate New York lying west of a line commencing at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border. The North and South Zones are bordered on the west by the boundary of the West Zone and are separated from each other as follows: starting at the intersection of Interstate Highway 81 and New York Route 49 and extending easterly along Route 49 to its junction with Route 8 in Utica, then southerly along Route 8 to its intersection with U.S. Highway 20 in Bridgewater, then easterly along U.S. Highway 20 to the Massachusetts border.

¹⁴In North Carolina, the East Zone is that portion of the State east of U.S. Highway 1. The West Zone is that portion of the State west of U.S. Highway 1.

¹⁵No special daily bag and possession limit restrictions apply to wood ducks during the October 3-6 season.

¹⁶In Pennsylvania, the North Zone is comprised of the Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle peninsula, the South Zone is the remainder of Pennsylvania.

¹⁷In Pennsylvania, on the first day the season opens at 12 noon.

¹⁸In Pennsylvania, the Southeastern Zone is that portion of the State lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, then east on U.S. Highway 22 to the New Jersey border.

¹⁹In Pennsylvania, in Butler, Crawford, Erie, and Mercer Counties, and in the controlled shooting section of the Middle Creek Wildlife Management Area, the Canada goose daily bag limit is 1 and the possession limit is 2.

²⁰See State regulations for further limit restrictions for Dead Creek Area, Addison County, Vermont.

²¹In Virginia, the wood duck is assigned 25 points during the October 3-October 6 season.

²²In Virginia, the Back Bay Area is defined for Canada geese as those portions of the cities of Virginia Beach and Chesapeake lying east of U.S. Highway 17 and Interstate 64.

²³In Virginia, the Back Bay Area is defined for snow (including blue) geese as the waters of Back Bay and its tributaries and the marshes adjacent thereto, and on the land and marshes between Back Bay and the Atlantic Ocean from Sandbridge to the North Carolina line, and on and along the shore of North Landing River and the marshes adjacent thereto, and on and along the shores of Lake Tecomseh and Red Wing Lake and the marshes adjacent thereto.

Mississippi Flyway

Shooting hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

Check State regulations for additional restrictions and delineations of geographical areas. Special restrictions may apply on Federal and State public hunting areas.

The season dates for mergansers and coots are the same as those for ducks in the following tables.

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	Season Dates	Limits	
		Bag	Possession
Alabama:			
Ducks ¹		Point system.	
North Zone ²	Dec. 1 to Jan. 19.		
South Zone ²	Nov. 18 to Jan. 4.		
Coots		15	30
Geese		5	5
In Barbour, Henry, and Russell Counties.	Closed season.		
On Pickwick, Wilson, and Wheeler Reservoirs west of U.S. Highway 31.	Dec. 1 to Jan. 19.		
In remainder of State.	Nov. 12 to Jan. 20 ²		
Including no more than:			
Canada		2	4
White-fronted		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue)		5	5
Arkansas: ³			
Ducks	Nov. 17 to Jan. 5.	Point system.	
Coots		15	30
Geese:			
Canada	Closed season.		
Other geese	Nov. 12 to Jan. 20.	5	5
Including no more than:			
White-fronted		2	2
Snow (including blue)	Nov. 12 to Jan. 20.	5	5
Illinois:			
Ducks ¹		Point system.	
North Zone ⁴	Oct. 17 to Dec. 5.		
South Zone ⁴	Oct. 31 to Dec. 19.		
Coots		15	30
Geese:			
In Alexander, Jackson, Union, and Williamson Counties: ⁵			
Canada	Nov. 9 to Jan. 17.		
White-fronted and snow	Oct. 31 to Dec. 31.		
In remainder of the State:			
North Zone ⁴	Oct. 17 to Dec. 25.		
South Zone, ⁴ except Alexander, Jackson, Union, and Williamson Counties.	Oct. 31 to Dec. 31.		
For the entire State, including no more than:			
Canada ⁶		2	4
White-fronted		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue)		5	5
Indiana:			
Ducks		Point system.	
North Zone ⁷	Oct. 20 to Dec. 8.		
South Zone ⁷	Nov. 10 to Dec. 29.		
Coots		15	30
Geese	Oct. 20 to Nov. 21 and Dec. 15 to Jan. 20.	5	5
Including no more than:			
Canada		2	2
White-fronted		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue)		5	5
Iowa:			
Ducks ¹	Sept. 22 to Sept. 28 and Oct. 20 to Dec. 3.	Point system.	
Coots		15	30
Geese	Sept. 29 to Dec. 7.	5	5
Including no more than:			
Canada		2	4
White-fronted		2	2
Canada and white-fronted geese combined		4	4
Snow (including blue)		5	5
Kentucky:			
Ducks	Nov. 21 to Nov. 25 and Dec. 7 to Jan. 20.	Point system.	
Coots		15	30
Geese	Nov. 12 to Jan. 20.		
Including no more than:			
Canada ⁸		2	4
White-fronted		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue)		5	5
Louisiana:			
Ducks ¹		Point system.	
East Zone ⁹	Nov. 17 to Dec. 6 and Dec. 22 to Jan. 20.		
West Zone ⁹	Nov. 3 to Nov. 27 and Dec. 15 to Jan. 13.		
Coots		15	30
Geese:			
Canada	Closed season.		
Other geese		5	5
East Zone ⁹	Nov. 17 to Jan. 25.		
West Zone	Nov. 3 to Nov. 27 and Dec. 15 to Jan. 26.		
Including no more than:			
White-fronted		2	2
Snow (including blue)		5	5

	Season Dates	Limits	
		Bag	Possession
Michigan:			
Ducks ¹		Point system.	
North Zone (Zone 1) ¹⁰	Sept. 29 to Nov. 17.		
South Zone (Zones 2 and 3) ¹⁰	Oct. 4 to Nov. 22.		
Coots		15	30
Geese		5	5
North Zone (Zone 1) ¹⁰	Sept. 29 to Nov. 17.		
South Zone:			
(Zone 2) ¹⁰	Oct. 1 to Nov. 30.		
(Zone 3) ^{10, 11}	Oct. 4 to Nov. 30.		
Including no more than:			
Canada ^{11, 12}		1	1
White-fronted		2	2
Canada and White-fronted geese combined		2	3
Snow (including blue)		5	5
Minnesota:			
Ducks ¹	Sept. 29 to Nov. 17 ¹³	5	10
Including no more than:			
Mallards (no more than 2 female mallards daily or 4 in possession)		3	8
Black ducks		1	2
Wood ducks		2	4
Canvasbacks or redheads (except in closed areas)		1	1
Mergansers		5	10
Including no more than:			
Hooded mergansers		1	2
Coots		15	30
Geese		5	5
In Lac Qui Parle Quota Zone ^{4, 14}	Sept. 29 to Nov. 17.		
Including no more than:			
Canada or white-fronted (including no more than 2 white-fronted geese in possession)		1	4
Snow (including blue)		5	5
In Southeastern Zone ¹⁵	Sept. 29 to Dec. 7.		
Including no more than:			
Canada		2	4
White-fronted		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue)		5	5
In remainder of State	Sept. 29 to Nov. 17.		
Including no more than:			
Canada		2	4
White-fronted		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue)		5	5
Mississippi:			
Ducks	Dec. 8 to Dec. 9 and Dec. 15 to Jan. 31.	Point system.	
Coots		15	30
Geese:			
Canada geese	Closed.		
Other geese	Oct. 13 to Nov. 3 and Dec. 15 to Jan. 31.	5	5
Including no more than:			
White-fronted		2	2
Snow (including blue)		5	5
Missouri: ³			
Ducks ¹		Point system.	
North Zone ¹⁶	Oct. 24 to Dec. 12.		
South Zone ¹⁶	Nov. 14 to Jan. 2.		
Coots		15	30
Geese		5	5
Including no more than:			
Canada:			
Southern Area east of U.S. Highway 67 and south of Crystal City.	Dec. 7 to Jan. 20.	2	4
In Swan Lake Zone ^{4, 8}	Oct. 24 to Jan. 1.	(¹⁷)	(¹⁷)
In remainder of State	Oct. 24 to Dec. 7.	2	4
White-fronted	Oct. 24 to Jan. 1.	2	2
Canada and white-fronted geese combined		2	4
Snow (including blue)	Oct. 24 to Jan. 1.	5	5
Ohio:			
In Pymatuning Area: ⁸			
Ducks	Oct. 10 ¹⁸ to Oct. 20 and Oct. 31 to Dec. 8.	4	8
Including no more than:			
Black ducks		2	4
Wood ducks		2	2
Canvasback or redhead		1	1
Coots		15	30
Mergansers (except hooded)		5	10
Hooded mergansers		1	2
Geese	Oct. 10 ¹⁸ to Dec. 18.		
Including no more than:			
Canada		3	5
Snow (including blue)		4	8

	Season Dates	Limits	
		Bag	Possession
Ohio:			
In the remainder of State:			
Ducks ¹		Point system.	
North Zone ¹⁹	Oct. 12 to Nov. 24 and Dec. 24 to Dec. 29		
South Zone ¹⁹	Oct. 19 to Oct. 27 and Nov. 19 to Dec. 29		
Coots		15	30
Geese	Oct. 12 to Dec. 14 and Dec. 24 to Dec. 29	5	5
Including no more than:			
Canada:			
In Ashtabula, Auglaize, Erie, Lucas, Marion, Mercer, Ottawa, Sandusky, Trumbull, and Wyandot Counties.		1	2
In remainder of State		2	2
White-fronted		2	2
Canada and white-fronted geese combined		2	4
Snow (including blue)		5	5
Tennessee:			
Ducks ¹		Point system.	
Reelfoot Zone ²⁰	Nov. 17 to Jan. 5		
Remainder of State	Dec. to Jan. 19		
Coots		15	30
Geese	Nov. 12 to Jan. 20		
Including no more than:			
Canada: ²¹			
West of State Highway 13		2	2
In remainder of State		1	2
White-fronted		2	2
Canada and white-fronted geese combined			
West of State Highway 13		4	4
In remainder of State		3	4
Snow (including blue)		5	5
Wisconsin:			
Ducks ¹	Oct. 1 ¹⁸ to Oct. 7 and Oct. 13 to Nov. 24	Point system ²²	
Coots		15	30
Geese ⁴		5	5
In Horizon Zone ²³			
Including no more than:			
Canada:			
Oct. 1 ¹⁸ to Oct. 31		1	1
Nov. 1 to Dec. 9		2	2
White-fronted		2	2
Canada and white-fronted geese combined		2	2
Snow (including blue)		5	5
In Central Zone ²³			
Including no more than:			
Canada:			
Oct. 1 ¹⁸ to Oct. 7 and Oct. 13 to Dec. 9		2	2
White-fronted		2	2
Canada and white-fronted geese combined		2	2
Snow (including blue)		5	5
In Rock Prairie Zone ²³			
Including no more than:			
Canada:			
Oct. 1 ¹⁸ to Oct. 7 and Oct. 13 to Nov. 25		1	2
Oct. 1 ¹⁸ to Oct. 7 and Oct. 13 to Dec. 9		2	2
White-fronted		2	2
Canada and white-fronted geese combined		2	2
Snow (including blue)		5	5
In remainder of the State			
Including no more than:			
Canada:			
Oct. 1 ¹⁸ to Oct. 7 and Oct. 13 to Dec. 9		1	2
White-fronted		2	2
Canada and white-fronted geese combined		2	2
Snow (including blue)		5	5

¹The areas closed to canvasback and redhead hunting are:

Mississippi River—Entire river, both sides, from Alton Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.

Alabama—Baldwin and Mobile Counties.
Louisiana—Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.

Michigan—Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties, and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 8, T18N, R7E (Arenac County) to Sand Point in Sec. 11, T17N, R9E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under the jurisdiction of the State of Michigan.

Minnesota—Douglas, Mahanomen, Polk, Pope and Sibley Counties. Where the county line of any of the above counties crosses any portion of a lake, that entire lake is closed. In addition, all land in Sec. 13, T130N, R31W (i.e., land between Lake Christina and Pelican Lake) is closed.

Ohio—Land and water areas comprising Erie, Ottawa and Sandusky Counties.

Tennessee—Kentucky Lake lying north of Interstate Highway 40.

Wisconsin—in the Mississippi River Zone, all that portion of Wisconsin west of the Burlington-Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin and Pierce Counties. Also, the following lakes and waters, including a strip of land 100 yards wide adjacent to the shorelines thereof: Lake Poygan in Winnebago and Waushara Counties and Lakes Winneconne and Butte des Morts, including the connecting waters thereof, in Winnebago County.

²In Alabama, the South Zone consists of Mobile and Baldwin Counties. The North Zone consists of the remainder of Alabama.

³In the lower St. Francis River area of Arkansas and Missouri, the Missouri regulations apply. The lower St. Francis River area is defined as that part of the St. Francis River south of U.S. Highway 62 that is the boundary between Arkansas and Missouri and all sloughs and chutes (but not tributaries) connected to it.

⁴In Illinois, the North Zone is that portion of the State north of U.S. Highway 50. The South Zone is the remainder of Illinois.

⁵Shooting hours for geese are sunrise until 3 p.m. local time.

⁶In Illinois and Wisconsin, the kill of Canada geese will be limited to 35,000 in each State. In the Ballard County Zone of Kentucky, the kill will be limited to 15,000 birds. In the Swan Lake Zone of Missouri the kill of Canada geese will be limited to 25,000 birds. In the Lac Qui Parle Zone of Minnesota, the kill of Canada geese will be limited to 7,000 birds. When it is determined by the Director, U.S. Fish and Wildlife Service, that the quota of Canada geese allotted to the Southern Illinois Zone, the Swan Lake Zone of Missouri, or the Ballard County Zone of Kentucky will have been filled, the season for taking Canada geese in the respective area will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing.

⁷In Indiana, the North Zone consists of that portion of the State north of State Highway 16. The South Zone consists of the remainder of Indiana.

⁸See State regulations for area descriptions.

⁹In Louisiana the West Zone is described as follows: that portion of Louisiana west of a boundary beginning at the Arkansas-Louisiana border on Louisiana Highway 3; then south along Louisiana Highway 3 to Shreveport; then east along Interstate 20 to Minden; then south along Louisiana Highway 7 to Ringgold; then east along Louisiana Highway 4 to Jonesboro; then south along U.S. Highway 167 to Lafayette; then southeast along U.S. Highway 90 to Houma; then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass. The East Zone consists of the remainder of Louisiana.

¹⁰The North Zone is the Upper Peninsula. The South Zone comprises the lower Peninsula. See State regulations for descriptions of Zones 2 and 3.

¹¹In Michigan, in Baraga, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee and Ontonagon Counties, the daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each and the possession limit is 2 Canada and 2 white-fronted geese.

¹²In Michigan, in the Southeastern Canada Goose Management Area—as described in State regulations—from October 4 through November 14, the daily bag limit is 1 Canada goose or 2 white-fronted geese or 1 of each, and the possession limit is 1 Canada and 2 white-fronted geese; from November 15 through December 9, the daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each, and the possession limit is 2 Canada and 2 white-fronted geese. See State regulations for additional restrictions in Genesee, Lapeer, and Saginaw Counties.

¹³In Minnesota, the shooting hours for ducks vary as follows: Sept. 29—12 noon to 4 p.m.; Sept. 30 through Oct. 19—½ hour before sunrise to 4 p.m.; and Oct. 20 through Nov. 17—½ hour before sunrise through sunset.

¹⁴In Minnesota, the Lac Qui Parle Zone is described in State regulations.

¹⁵In Minnesota, the Southeastern Zone is described in State regulations.

¹⁶In Missouri the North Zone consists of that portion of the State north of a line running easterly from the Kansas-Missouri border along U.S. Highway 160 to the junction of U.S. Highway 60 in Springfield, along U.S. Highway 60 to the junction of State Highway 21, along State Highway 21 to the junction of State Highway 34, and along State Highway 34 to the Illinois-Missouri border along the Mississippi River at Cape Girardeau. The South Zone consists of the remainder of Missouri.

¹⁷In the Swan Lake zone of Missouri, through November 25, the daily bag limit is 1 Canada goose or 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese. After November 25, the daily bag limit is 2 Canada geese, or 2 white-fronted geese, or 1 of each; the possession limit is 4 Canada and white-fronted geese in the aggregate, of which no more than 2 may be white-fronted geese.

¹⁸On the first day the season opens at 12 noon.

¹⁹In Ohio the North Zone consists of the counties of Darke, Miami, Clark, Champaign, Union, Delaware, Licking, Muskingum, Guernsey, Harrison and Jefferson and all counties north thereof. In addition, the North Zone also includes that portion of the Buckeye Lake area in Fairfield and Perry Counties bounded on the west by State Highway 37, on the south by State Highway 204, and on the east by State Highway 13. The South Zone consists of the remainder of the Ohio.

²⁰In Tennessee, the Reelfoot Zone is defined as all of the Reelfoot Wildlife Management Area plus that area lying between the eastern boundaries of the Reelfoot Wildlife Management Area and Reelfoot National Wildlife Refuge and State Highways 157 and 22, from the Kentucky State line southward to the spillway outlet of Reelfoot Lake.

²¹In Tennessee the season on Canada geese is closed in the Canada Goose Restoration Areas (see State regulations). The season on Canada geese is also closed in that portion of southwestern Tennessee bounded on the north by State Highways 20 and 104, and on the east by U.S. Highways 45W and 45.

²²In Wisconsin the point-system season is split, with different point values assigned during each split season by State regulation. See Wisconsin regulations for point values assigned by the State for various species during each season.

²³In Wisconsin, the Horizon Zone is defined as those portions of the counties of Fond du Lac, Green Lake, Washington and Dodge enclosed by a line beginning at the intersection of State Highway 175 and State Highway 23 in Fond du Lac County, then southerly on State Highway 175 to its intersection with State Highway 33, then westerly on State Highway 33 to the city of Beaver Dam, then northerly on State Highway 33 to its intersection with County Highway A, then northerly on County Highway A to its intersection with County Highway S, then easterly on County Highway S and continuing easterly on County Highway AS to its intersection with County Highway E, then northerly on County Highway E to its intersection with State Highway 23, then easterly on State Highway 23 to the point of beginning. The Central Zone is defined as those portions of Fond du Lac, Winnebago, Green Lake, Marquette, Columbia and Dodge Counties enclosed by a line beginning in Winnebago County at the intersection of State Highway 21 and U.S. Highway 45, then southerly on U.S. Highway 45 to its intersection with State Highway 175, then southerly on State Highway 175 to its intersection with State Highway 23, then westerly on State Highway 23 to its intersection with County Highway E, then southerly on County Highway E to its intersection with County Highway AS, then westerly on County Highway AS and continuing westerly on County Highway S to its intersection with County Highway A, then southerly on County Highway A to its intersection with State Highway 33, then southeasterly on State Highway 33 to its intersection with U.S. Highway 151, then southwesterly on U.S. Highway 151 to its intersection with State Highway 73, then northerly on State Highway 73 to its intersection with State Highway 33, then westerly on State Highway 33 to its intersection with State Highway 22, then northerly on State Highway 22 to its intersection with State Highway 23, then northeasterly on State Highway 23 to its intersection with State Highway 49, then northerly on State Highway 49 to its intersection with State Highway 116, then easterly on State Highway 116 to State Highway 21, then easterly on State Highway 21 to the point of beginning. The Rock Prairie Zone is defined as that portion of the State encompassed by the boundaries described as follows: starting at the Illinois State line with its intersection with Interstate Highway 90 in Rock County, proceeding north to County Trunk Highway A, east on County Trunk Highway A to its intersection with U.S. Highway 12 in Walworth County, southeast on U.S. Highway 12 to State Highway 50, west on State Highway 50 to State Highway 120, south on State Highway 120 to its intersection with the Illinois State line.

Central Flyway

The Central Flyway consists of Colorado (east of the Continental Divide), Kansas, Montana (east of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nebraska, New Mexico (east of the Continental Divide and outside the Jicarilla Apache Indian Reservation),

North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Dark geese include Canada geese and white-fronted geese.

Light geese include snow (and blue) geese and Ross' geese.

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Flywaywide Restrictions

Shooting (including hawking) hours:
One-half hour before sunrise to sunset
daily except as otherwise noted.

Mergansers—All mergansers are to be
included within the daily bag and
possession limits under conventional
and point system regulations.

Check State regulations for additional
restrictions and delineations of
geographical areas within States.
Special restrictions may apply on
Federal and State public hunting areas.

The season dates for mergansers and
coots are the same at those for ducks in
the following tables:

	Season dates	Limits	
		Bag	Possession
Colorado:			
Ducks.....	Sept. 29 to Oct. 12 and Nov. 10 to Jan. 17 ...	Point system.	
Coots.....	.....	15	30
Geese.....	Nov. 10 to Jan. 20.....	2	4
Kansas ¹ :			
Ducks.....	.....	Point system.	
In High Plains area.....	Oct. 6 to Oct. 21 and Oct. 27 to Jan. 1		
In remainder of State.....	Oct. 13 to Oct. 14 and Oct. 27 to Dec. 23		
Coots.....	.....	15	30
Geese.....	.....	5	5
Dark geese.....	.....	2	2
Including no more than:			
Canada.....	Oct. 13 to Dec. 23.....	1	2
White-fronted.....	.....	1	2
Light geese.....	Oct. 20 to Jan. 13.....		
Snow (including blue).....	.....	5	5
Montana:			
Ducks.....	Sept. 29 to Nov. 27 and Dec. 10 to Jan. 1	Point system.	
Coots.....	.....	15	30
Geese.....	Sept. 29 to Dec. 30.....	2	4
Nebraska:			
Ducks:			
In High Plains area.....	Oct. 13 to Jan. 3.....	Point system.	
In remainder of State.....	Oct. 6 to Oct. 7 and Oct. 13 to Dec. 9.....		
Coots.....	.....	15	30
Geese.....	.....	5	5
East of U.S. Highway 183:			
Dark geese.....	Oct. 6 to Dec. 18.....	2	2
Including no more than:			
Canada.....	.....	1	2
White-fronted.....	.....	1	2
Light geese.....	Sept. 29 to Dec. 23.....		
Snow (including blue and Ross').	.....	5	5
West of U.S. Highway 183:			
Dark geese.....	Oct. 8 to Dec. 16.....		
Including no more than:			
Canada.....	Oct. 8 to Nov. 18.....	2	4
White-fronted.....	Nov. 19 to Dec. 16.....	1	2
Canada and white-fronted geese combined.	.....	1	2
Light geese.....	Oct. 6 to Nov. 18.....	2	4
Snow (including blue and Ross')	Nov. 19 to Dec. 16.....	2	2
Sept. 29 to Dec. 23.....	.....	
5.....	.....	5	5
New Mexico:			
Ducks.....	Oct. 30 to Jan. 20.....	Point system.	
Coots.....	.....	15	30
Geese.....	.....	5	5
In Bernalillo, Sandoval, Sierra, Valencia and Socorro Counties ¹ :	Dec. 15 to Dec. 30.....		
Including no more than:			
Canada.....	.....	1	1
White-fronted.....	.....	1	1
Canada and white-fronted geese combined.....	.....	1	1
Snow (including blue).....	Oct. 20 to Jan. 20.....	5	5
In remainder of State.....	Oct. 20 to Jan. 20.....		
Including no more than:			
Canada.....	.....	2	4
White-fronted.....	.....	2	4
Canada and white-fronted geese combined.....	.....	2	4
Snow (including blue).....	.....	5	5
North Dakota:			
Ducks ¹	Sept. 29 to Nov. 25 and Dec. 1 to Dec. 2	5	10
Including no more than:			
Female mallards.....	.....	1	2
Canvasback (except in closed area) or redhead.....	.....	1	1
Wood ducks.....	.....	2	4
Hooded mergansers.....	.....	1	2

	Season dates	Limits	
		Bag	Possession
North Dakota:			
Coots.....		15	30
Geese.....		5	5
Dark geese.....	Sept. 29 to Nov. 18.....	2	2
Including no more than:			
Canada.....		1	2
White-fronted.....		2	2
Light geese (including snow, blue, and Ross').....	Sept. 29 to Dec. 9.....	5	5
Oklahoma:			
Ducks.....		Point system.	
In High Plains area.....	Oct. 13 to Jan. 3.....		
In remainder of State.....	Oct. 27 to Nov. 25 and Dec. 15 to Jan. 13.....		
Coots.....		15	30
Geese.....		5	5
In Alfalfa, Bryan, Johnston, and Marshall Counties:			
Dark geese.....	Nov. 1 to Nov. 25 and Dec. 17 to Jan. 13.....	2	2
Including no more than:			
Canada.....		2	2
White-fronted.....		1	2
Light geese (including snow, blue, and Ross').....	Oct. 6 to Nov. 25 and Dec. 17 to Jan. 20.....	5	5
In the remainder of State.....		5	5
Dark geese.....	Oct. 13 to Nov. 25 and Dec. 17 to Jan. 13.....	2	2
Including no more than:			
Canada.....		2	2
White-fronted.....		1	2
Light geese (including snow, blue, and Ross').....	Oct. 6 to Nov. 25 and Dec. 17 to Jan. 20.....	5	5
South Dakota:			
Ducks.....		Point system.	
In High Plains area.....	Oct. 6 to Dec. 4 and Dec. 15 to Jan. 6.....		
In remainder of State.....	Oct. 6 to Nov. 25 and Dec. 1 to Dec. 9.....		
Coots.....		15	30
Geese.....		5	5
In Buffalo, Brule, Hughes, Hyde, Lyman, Potter, Stanley, and Sully Counties:			
Dark geese.....	Sept. 29 to Nov. 25.....	2	2
Including no more than:			
Canada.....		1	2
White-fronted.....		1	2
Light geese (including snow, blue, and Ross').....	Sept. 29 to Dec. 23.....	5	5
In remainder of State:			
Dark geese.....	Sept. 29 to Dec. 9.....	2	2
Including no more than:			
Canada.....		1	2
White-fronted geese.....		1	2
Light geese (including snow, blue, and Ross').....	Sept. 29 to Dec. 23.....	5	5
Texas:			
Ducks (except black-bellied tree duck and masked duck).....		Point system.	
In High Plains area.....	Oct. 30 to Jan. 20.....		
In remainder of State.....	Nov. 10 to Nov. 25 and Dec. 8 to Jan. 20.....		
Black-bellied tree duck and masked duck.....	Closed season.....		
Coots.....		15	30
Geese.....		5	5
East of U.S. Highway 81:			
Dark geese.....	Oct. 29 to Nov. 25 and Dec. 8 to Jan. 20.....	1	2
Including no more than:			
Canada.....		1	2
White-fronted.....		1	2
Light geese.....	Oct. 29 to Jan. 20.....	5	5
Snow (including blue).....		5	5
West of U.S. Highway 81:			
Geese.....	Oct. 30 to Jan. 20.....	5	5
Including no more than:			
Dark geese.....		2	4
Canada.....		2	4
White-fronted.....		2	4
Snow (including blue).....		5	5
Wyoming:			
Ducks and coots.....	Sept. 29 to Oct. 28 and Nov. 16 to Jan. 7.....	Point system ³	
Geese.....	Oct. 7 to Jan. 7.....	2	4

¹In Kansas, shooting hours are one-half hour before sunrise to sunset except in the northeast Kansas counties of Atchison, Brown, Doniphan, Douglas, Jefferson, and Leavenworth where the goose shooting hours are one-half hour before sunrise till 1 p.m.

²See State and other Federal regulations for special restrictions on Bosque del Apache National Wildlife Refuge.

³The areas closed to canvasback hunting are: North Dakota—That portion lying east of State Highway 3, including all or portions of 27 counties. South Dakota—All of Marshall County; that portion of Day County east of State Highway 25; that portion of Codington County south of State Highway 20 and west of U.S. Highway 81; that portion of Hamlin County west of U.S. Highway 81; and that portion of Kingsbury County east of State Highway 25 and north of U.S. Highway 14.

⁴See State regulations for special seasons and limits on Canada geese in local areas.

⁵In Wyoming, coots are assigned 10 points.

Pacific Flyway

The Pacific Flyway consists of Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the Jicarilla Apache Indian Reservation; and in Montana, the counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof.

Flywaywide Restrictions

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily.

In all States in the Pacific Flyway: Aleutian Canada geese—the season is closed on Aleutian Canada geese throughout the Flyway.

Canvasbacks/Redheads—No more than 2 canvasbacks or 2 redheads or 1 of each may be taken daily nor more than 4 singly or in the aggregate may be possessed.

Mergansers—5 daily and 10 in possession of which not more than 1 daily and 2 in possession may be hooded mergansers. These limits are in addition to the regular waterfowl limits.

Coots and gallinules (singly or in the aggregate)—25 daily and in possession. These limits are in addition to the regular waterfowl limits.

Dark geese—No more than 3 dark (Canada and white-fronted) geese may be taken daily nor more than 6 may be possessed.

White geese—No more than 3 white (snow, including blue, and Ross') geese may be taken daily nor more than 6 may be possessed. Unless otherwise noted, limits for dark geese are for Canada and white-fronted geese, either singly or in the aggregate; and limits for white geese are for snow, including blue, and Ross' geese, either singly or in the aggregate.

Check State regulations for additional restrictions and delineations of geographical areas within States. Special restrictions may apply on Federal and State public hunting areas.

The season dates for mergansers and coots are the same as those for ducks in the following tables.

	Season Dates	Limits	
		Bag	Possession
Arizona:			
Ducks:	Oct. 20 to Jan. 20	7	14
Geese:		6	6
Mohave and Yuma Counties	Nov. 10 to Jan. 6		
Including no more than:			
Dark (no more than 2 Canada geese or 3 white-fronted geese):		3	3
White (including no more than 1 Ross' goose):		3	3
Remainder of State:	Nov. 10 to Jan. 20		
Including no more than:			
Dark (no more than 2 Canada geese or 3 white-fronted geese):		3	3
White (including no more than 1 Ross' goose):		3	3
California:			
Northeastern Zone:			
Ducks:	Oct. 13 to Jan. 13	7	14
Geese (including no more than 2 dark and 2 white geese in the daily bag):	Oct. 27 to Jan. 13	4	4
Brant:	Jan. 12 to Feb. 20	4	8
Southern Zone:			
Ducks:	Oct. 20 to Jan. 20	7	14
Geese:	Oct. 20 to Jan. 20	6	6
Including no more than:			
Dark (except the open season on Canada geese shall be from Nov. 10, 1979, through Jan. 20, 1980, and Canada geese may not exceed 2 in the daily bag and possession limits; but in that portion of District 22 in the Southern Zone, the season for Canada geese shall be Oct. 27, 1979, through January 6, 1980, and Canada geese may not exceed 1 in the daily bag or 2 in possession):		3	3
White:		3	3
Brant:	Jan. 12 to Feb. 20	4	8
Colorado River Zone:			
Ducks:	Oct. 20 to Jan. 20	7	14
Geese:	Nov. 10 to Jan. 6	6	6
Including no more than:			
Dark (no more than 2 Canada geese):		3	3
White:		3	3
Brant:	Jan. 12 to Feb. 20	4	8
Balance-of-the-State Zone:			
Ducks:	Oct. 20 to Jan. 20	7	14
Geese:		2	2
Including no more than:			
Dark:			
Counties of Del Norte and Humboldt:	Closed season		
Sacramento Valley Area:	Dec. 15 to Jan. 20	1	2
San Joaquin Valley Area:	Oct. 20 to Nov. 23	1	2
Remaining areas:	Oct. 20 to Jan. 20	1	2
White:	Oct. 20 to Jan. 20	1	2
Brant:	Jan. 12 to Feb. 20	4	8
Colorado:			
Ducks:	Sept. 29 to Oct. 12 and Nov. 3 to Jan. 20	7	14
Geese:			
Delores, Gunnison, and Montezuma Counties:	Closed		
Browns Park Area:	Nov. 3 to Dec. 9	1	1
West Central Permit Area:			
Delta and Montrose Counties:	Nov. 3 to Dec. 23	1 per season	
Mesa County:	Nov. 17 to Dec. 23	2 per season	
Garfield County:	Sept. 29 to Oct. 12 and Nov. 17 to Dec. 23	4 per season	
In remainder of State:	Oct. 27 to Dec. 23	2	2

	Season Dates	Limits	
		Bag	Possession
Idaho:			
Ducks:			
Counties of Adams, Bear Lake, Boise, Bonneville, Butte, Caribou, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Lemhi, Madison, Oneida, Teton, Valley, and that portion of Blackfoot Reservoir drainage lying within Bingham County:	Oct. 6 to Jan. 6	7	14
In remainder of State:	Oct. 6 to Jan. 13	7	14
Geese:			
Northern 10 counties (Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone):	Oct. 6 to Jan. 6	3	6
Including no more than:			
Ross:		1	1
Fremont County within the North Fork of the Snake River drainage above the new Wendell Bridge near Ashton. Including no more than:	Oct. 13 to Nov. 25	3	6
Canada:		2	2
White:	Closed		
Remainder of Fremont County, Clark, Madison, and Teton Counties. Including no more than:	Oct. 13 to Dec. 23	3	6
Canada:		2	2
White:	Closed		
Blaine County lying south and west of U.S. Highway 93, and the counties of Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls. Including no more than:	Oct. 27 to Dec. 23	3	6
Canada:		2	2
Ross:		1	1
In remainder of State:	Oct. 13 to Dec. 23	3	6
Including no more than:			
Canada:		2	2
Ross:		1	1
Montana:			
Ducks:	Sept. 29 to Dec. 30	7	14
Geese:	Sept. 29 to Dec. 30	5	5
Including no more than:			
Dark:		2	2
White:		3	3
Nevada:			
Ducks:			
Clark County:	Oct. 20 to Jan. 20	7	14
In remainder of State:	Oct. 13 to Jan. 13	7	14
Geese:			
Clark County:	Dec. 1 to Jan. 20	5	5
Including no more than:			
Dark:		2	2
White:		3	3
Elko County and Ruby Lake National Wildlife Refuge in White Pine County:	Oct. 13 to Jan. 13	5	5
Including no more than:			
Dark:		2	2
White:		3	3
White River Valley in Nye County:	Dec. 12 to Dec. 23		
Dark:		1	1
White:		3	3
In remainder of State:		5	5
Including no more than:			
Dark:	Nov. 17 to Jan. 20	2	2
White:	Oct. 20 to Jan. 20	3	3
New Mexico:			
Ducks:	Oct. 6 to Jan. 6	7	14
Geese:			
North of I-40/U.S. 66:	Season closed		
South of I-40/U.S. 66:	Oct. 6 to Dec. 16	6	6
Including no more than:			
Dark (no more than 2 Canada geese):		3	3
White:		3	3
Oregon:			
Ducks:			
Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wasco Counties:	Oct. 13 to Jan. 20	7	14
In remainder of State:	Oct. 13 to Jan. 13	7	14

	Season Dates	Limits	
		Bag	Possession
Geese:			
Western Oregon ¹	Oct. 13 to Jan. 13.....	2	2
Crook, Deschutes, Grant, Harney, Hood River, Jefferson, Union, Wallowa and Wheeler Counties	Oct. 13 to Jan. 13.....	6	6
Including no more than			
Dark.....		3	6
White.....		3	6
Baker and Malheur Counties	Oct. 13 to Dec. 23.....	2	2
Gilliam, Morrow, Sherman, Umatilla, and Wasco Counties	Oct. 13 to Jan. 20.....	6	6
Including no more than			
Dark.....		3	6
White.....		3	6
Klamath and Lake Counties			
Geese (no more than 1 dark and 1 white geese in the daily bag)	Oct. 13 to Oct. 26.....	2	2
Geese (no more than 3 dark and 1 white geese in the daily bag)	Oct. 27 to Jan. 13.....	6	6
Brant—Statewide.....	Nov. 17 to Feb. 17.....	4	6
Utah:			
Ducks ²	Oct. 6 to Jan. 6.....	7	14
Geese.....		5	5
Daggett County.....	Nov. 3 to Dec. 9.....		
Including no more than			
Canada goose.....		1	1
White geese.....		3	3
Washington County.....	Nov. 10 to Jan. 20.....		
Including no more than			
Dark.....		2	2
White.....		3	3
In remainder of State.....	Oct. 13 to Dec. 23.....		
Including no more than:			
Dark.....		2	2
White.....		3	3
Washington: ³			
Ducks:			
Eastern Washington.....	Oct. 13 to Jan. 20.....	7	14
Western Washington.....	Oct. 13 to Jan. 13.....	7	14
Geese: ⁴			
Adams, Benton, Douglas, Franklin, Grant, Kittitas, Klickitat, Lincoln, Walla, and Yakima Counties	Oct. 13 to Jan. 20.....	3	6
Island, Skagit, Snohomish, and Whatcom Counties.	Oct. 13 to Dec. 31.....	2	4
In remainder of State.....	Oct. 13 to Jan. 13.....	3	6
Brant ⁵ —Statewide.....	Nov. 17 to Feb. 17.....	3	6
Wyoming:			
Ducks (including mergansers and coots), singly or in the aggregate.	Sept. 29 to Dec. 30.....	7	14
Geese:			
In all of the drainage of the Green River, in Carbon, Lincoln, Sublette, Sweetwater, Teton, and Uinta Counties.	Sept. 29 to Dec. 10.....	2	2
Those portions of the above named counties not in the drainage of the Green River.	Sept. 29 to Dec. 30.....	2	2

¹The Imperial, Cibola and Havasu National Wildlife Refuges, Arizona, are open to waterfowl hunting except for posted portions. Ashurst Lake in State Game Management Unit 5B is closed to all waterfowl hunting during the 1979-80 waterfowl season. Unit 1, Unit 27, and that portion of Unit 25B lying east of Highway 273 are closed to the taking of Canada geese and its subspecies for the entire season. All of Units 3A and 3B lying east of Highways 77 and 260 are closed to the taking of Canada geese and its subspecies through December 1, 1979.

²In California the Sacramento Valley Area is encompassed as follows: beginning at Willows in Glenn County proceeding south on Interstate Highway 5 to the junction with Hahn Road north of Arbuckle in Colusa County; then easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes on the Sacramento River; then south on the Sacramento River to the Tisdale By-pass; then easterly on the Tisdale By-pass to where it meets O'Banion Road; then easterly on O'Banion Road to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Road; then northerly on the River Road to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45-162 to Glen; then westerly on State Highway 162 to the point of beginning in Willows.

³In California the San Joaquin Valley is the area described as follows: beginning at Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate 5; then southerly on Interstate 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State Highway 59; then northerly on State Highway 59 to the junction of State Highway 99 at Merced; then northerly and westerly to the point of beginning in Modesto.

⁴In Colorado, that portion of Moffat County west of County Road from Greystone to Rock Springs, Wyoming, and north of Cottonwood Creek, Green River, and Pot Creek.

⁵In Idaho, in Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties, no more than 1 wood duck may be taken daily nor more than 1 may be possessed.

⁶In Nevada, the season is closed on all geese in the Pahrangat Valley of Lincoln County; the season is closed on snow and Ross' geese in the Ruby Valley of Elko County and White Pine County.

⁷Western Oregon consists of all counties west of the summit of the Cascades excluding Klamath and Hood River Counties.

⁸Shooting hours are from noon through sunset on the first day of the season.

⁹Geese may be hunted only on Saturdays, Sundays, and Wednesdays, and on November 22 and 23, and December 25, 1979, in Adams, Benton, Douglas, Franklin, Grant, Lincoln, Okanogan, Spokane, and Walla Walla Counties; and east of Selk Pass (U.S. Highway 97) in Klickitat County during regular season in these counties.

¹⁰Brant may be hunted only on Saturdays, Sundays, and Wednesdays, and on November 22 and 23, and December 25, 1979, and January 1 and February 11 through 15, 1980.

(e) *Point system—Ducks, mergansers, and coots.* The States selecting the point system bag limits on designated species are listed in the table under § 20.105(d). (1) The point values assigned to the species and sexes are as follows:

Atlantic Flyway

100 points	70 points	10 points	25 points
Canvasback (except in closed areas)	Female mallard	Pintail	Male mallard and all other species of ducks
Florida only: Fulvous tree duck	Black duck	Blue-winged teal	
	Mottled duck	Green-winged teal ¹	
	Wood duck ¹	Shoveler	
	Redhead (except in closed areas)	Gadwall	
	Hooded merganser	Wigeon	
		Scaup	
		Sea ducks ²	
		Mergansers (except hooded)	

¹In Virginia during October 3 through October 6, the wood duck counts 25 points.

²In New Jersey the point value for green-winged teal is 25 by State regulation.

³Sea ducks count 10 points each during the point-system season, but during any part of the regular sea duck season falling outside the point-system season, sea duck daily bag and possession limits of 7 and 14, respectively, apply.

Mississippi Flyway

100 points	70 points	10 points	25 points
Canvasback (except where closed)	Female mallard	Pintail	Male mallard and all other species of ducks
	Black duck	Blue-winged teal	
	Wood duck	Green-winged teal	
	Redhead (except where closed) ¹	Cinnamon teal	
	Hooded merganser	Wigeon	
		Shoveler	
		Gadwall	
		Scaup	
		Mergansers (except hooded)	

¹In Wisconsin the pointed-system season is split, with different, more restrictive point values assigned during each split season by State regulation. See Wisconsin regulations for point values assigned by the State for various species during each season.

²In Illinois the redhead is assigned 100 points by State regulation.

Central Flyway

100 points	70 points	10 points ¹	20 points
Canvasback (except where closed)	Female mallard	Pintail	Male mallard and all other species of ducks
	Mexican-like duck	Blue-winged teal	
	Wood duck	Green-winged teal	
	Redhead	Cinnamon teal	
	Hooded merganser	Shoveler	
		Gadwall	
		Wigeon	
		Scaup	
		Mergansers (except hooded)	
	Texas only:		Texas only:
	Mottled duck		Fulvous tree duck

¹In Wyoming the coot is assigned 10 points.

Pacific Flyway: There is no point system in the Pacific Flyway.

Coots have no point value (except in Wyoming) but conventional bag limits of 15 daily and 30 in possession apply.

(2) The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have legally been taken in 2 days. The shooting (including hawking) hours are one-half hour before sunrise until sunset daily unless otherwise indicated.

(f) *Scaup only season.* A special hunting season for scaup only is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the respective States.

Daily bag limit	5
Possession limit	10

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily.

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Atlantic Flyway:	
Connecticut	Jan. 16 to Jan. 31.
Florida	Jan. 21 to Jan. 31.
Maryland	Nov. 24 to Dec. 8.
Massachusetts	Nov. 30 to Dec. 15.
New Jersey	Jan. 4 to Jan. 19.
New York: Long Island zone only	Jan. 5 to Jan. 20.
Rhode Island	Jan. 12 to Jan. 27.
Virginia	Jan. 21 to Jan. 31.

Seasons in the Mississippi Flyway:	
Indiana	Dec. 9 to Dec. 24.
Louisiana	Jan. 21 to Jan. 31.
Michigan	Nov. 23 to Dec. 8.
Ohio (North Zone Only)	Dec. 3 to Dec. 18.
Wisconsin	Nov. 25 to Dec. 10.

(g) *Extra teal during regular season.* Hunting seasons for blue-winged and green-winged teal ducks in the Atlantic Flyway, and blue-winged teal only in the Central Flyway, are prescribed according to the following table. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

Daily bag limit	2
Possession limit	4

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Atlantic Flyway:	
Connecticut	Oct. 20 to Oct. 27.
Delaware	Oct. 1 to Oct. 6.
	Nov. 7 to Nov. 9.
Georgia	Nov. 21 to Nov. 25.
Maine	

North zone	Oct. 1 to Oct. 9
South zone	Oct. 1 ¹ to Oct. 9
Massachusetts	Oct. 10 to Oct. 18
New Hampshire	Oct. 9 to Oct. 11
New York	
North zone	Oct. 3 to Oct. 11
South zone	Oct. 10 to Oct. 18
West zone	Oct. 10 to Oct. 18
Lake Champlain	Oct. 3 ² to Oct. 11
Long Island	Nov. 14 to Nov. 22
North Carolina:	
East zone	Nov. 21 to Nov. 24
	Dec. 5 to Dec. 9
West zone	Oct. 3 to Oct. 8
	Dec. 5 to Dec. 9
Pennsylvania	Oct. 10 ¹ to Oct. 18
South Carolina	Jan. 11 to Jan. 19
Vermont	Oct. 3 ² to Oct. 11
West Virginia	Oct. 5 to Oct. 13

Seasons in the Mississippi Flyway:	
None	
Seasons in the Central Flyway:	
North Dakota	Sept. 29 to Oct. 7.
Seasons in the Pacific Flyway:	
None	

¹ Shooting hours on first day begin at 12 noon.
² Shooting hours on first day begin at 8 a.m.

(h) *Extra scaup during regular season.*

The following States may take an extra bag limit on scaup of two daily and four in possession during the regular duck hunting season. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Atlantic Flyway:	
Delaware	Oct. 1 to Oct. 5.
	Nov. 7 to Nov. 24.
	Dec. 18 to Jan. 12.
Georgia	Nov. 21 to Nov. 25.
	Dec. 7 to Jan. 20.
Maine (South zone only)	Oct. 1 ¹ to Oct. 20.
	Nov. 16 to Dec. 15.
New Hampshire	Oct. 3 to Oct. 28.
	Nov. 23 to Dec. 16.
New York:	
North zone	Oct. 3 to Oct. 28.
	Nov. 9 to Dec. 2.
South zone	Oct. 10 to Oct. 21.
	Nov. 2 to Dec. 9.
West zone	Oct. 10 to Nov. 15.
	Dec. 21 to Jan. 2.
North Carolina (Eastern zone)	Nov. 21 to Nov. 24.
	Dec. 5 to Jan. 19.
Pennsylvania (on waters of Lake Erie and Presque Isle Bay only)	Oct. 27 to Dec. 15.
South Carolina	Nov. 21 to Nov. 24.
	Dec. 5 to Jan. 19.
West Virginia	Oct. 3 to Oct. 20.
	Dec. 12 to Jan. 12.

¹ Shooting hours on first day begin at 12 noon.

(i) *Special scaup and goldeneye season.* A special hunting season for scaup and goldeneye is prescribed according to the following table in the Lake Champlain areas which are described, delineated, and designated in the hunting regulations of the respective States.

Daily bag limit is 3 scaups or 3 goldeneyes or 3 in the aggregate. The possession limit is 6 scaup or 6 goldeneyes or 6 in the aggregate.

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily.

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Lake Champlain area only:	
New York	Dec. 4 to Dec. 18.
Vermont	Dec. 4 to Dec. 18.

3. Section 20.106 is amended as follows:

§ 20.106 Seasons, limits, and shooting hours for sandhill cranes.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking sandhill cranes with a daily bag limit of three and a possession limit of six, and with shooting (including hawking) hours from one-half hour before sunrise until sunset, in the following areas for the dates indicated:

(a) In the Central Flyway portion of Colorado except the San Luis Valley area, seasons dates are October 13 through November 18, 1979.

(b) In the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of Texas west of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 (and including all of Howard and Lynn Counties) to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio, season dates in the New Mexico portion are October 27, 1979, through January 27, 1980, and in the Texas portion, October 30, 1979, through January 30, 1980.

(c) In that portion of Oklahoma lying west of U.S. Highway 81, and in that portion of Texas east of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border, season dates in the Oklahoma portion are November 24, 1979, through January 20, 1980, and in the Texas portion, December 4, 1979, through January 30, 1980.

(d) In the North Dakota counties of Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh, and in the South Dakota counties of Campbell, Walworth, Potter, Dewey, and Corson, the season dates are September 7 through September 11, 1979.

(e) In all of the Central Flyway portion of Montana except Sheridan County and that area south and west of Interstate Highway 90 and the Big Horn River, the season dates are September 29 through November 4, 1979.

(f) In Crook, Goshen, Laramie, Niobrara, Platte and Weston Counties, Wyoming, the season dates are October 13 through November 18, 1979.

(g) Every hunter participating in the sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to an authorized law enforcement official upon request.

4. Section 20.107 is amended as follows.

§ 20.107 Seasons, limits, and shooting hours for whistling swans.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking a limited number of whistling swans in Montana, Nevada, and Utah, subject to the following conditions:

(a) The season must run concurrently with the season for ducks.

(b) In Montana, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in Teton County. The season dates are September 29, 1979, through December 30, 1979.

(c) In Nevada, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in Churchill County. The season dates are November 3, 1979, through January 13, 1980.

(d) In Utah, no more than 2,500 permits may be issued authorizing each permittee to take one whistling swan. The season dates are October 6, 1979, through January 6, 1980.

(e) Permits and correspondingly numbered metal locking seals must be issued by the appropriate State conservation agency on an equitable basis without charge.

5. Section 20.109 is amended as follows.

§ 20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of this part, the areas open to hunting, the respective open seasons (dates inclusive), the hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

Hawking hours: One-half hour before sunrise until sunset daily.

Daily bag limit	3 singly or in the aggregate.
Possession limit	6 singly or in the aggregate.

Falconry, as a method of hunting, is permitted during the regular season. In States selecting extended seasons, special bag and possession limits for falconers apply to both the extended and regular seasons. In States not selecting extended seasons, regular bag and possession limits apply.

Check State regulations for additional restrictions, including exceptions to hawking hours and daily bag and possession limits; area descriptions; and area closures.

Atlantic Flyway	
Florida:	
Mourning doves	Oct. 1 to Jan. 15.
Rails	Sept. 1 to Dec. 16.
Woodcock	Nov. 1 to Feb. 15.
Snipe	Nov. 10 to Feb. 24.
All ducks, (except scaup), mergansers, and coots	Oct. 6 to Jan. 20.
Scaup	Oct. 17 to Jan. 31. ¹
Maryland:	
Mourning doves	Sept. 1 to Oct. 13.
	Nov. 12 to Jan. 14.
Rails and gallinules	Sept. 1 to Dec. 15.
Woodcock	Oct. 5 to Nov. 23.
	Dec. 4 to Jan. 29.
Common snipe	Sept. 14 to Dec. 29.
Ducks, mergansers and coots	Oct. 5 to Jan. 19.
Canada geese:	
East Zone	Oct. 17 to Jan. 31.
West Zone	Oct. 5 to Jan. 19.
Snow geese	Oct. 17 to Jan. 31.
Massachusetts:	
Ducks, geese, and coot	Oct. 11 to Jan. 19.
Pennsylvania:	
Mourning doves	Sept. 1 to Dec. 15.
Ducks and geese	Oct. 10 to Jan. 12.
Virginia:	
Mourning doves, rails, and woodcock	Sept. 16 to Dec. 10.
All ducks, (except scaup), coots, mergansers, and gallinules	Dec. 22 to Jan. 2.
	Oct. 9 to Jan. 19.

Mississippi Flyway	
Illinois:	
Mourning doves and sora and Virginia rails	Dec. 10 to Dec. 31.
Waterfowl	Nov. 10 to Jan. 31.
Indiana: Woodcock only	Sept. 1 to Sept. 21.
Michigan:	
Rails, woodcock, snipe, and gallinules	Sept. 1 to Dec. 18.
Ducks, geese, mergansers, and coots	Sept. 29 to Dec. 16.
Minnesota:	
Rails, woodcock, and snipe	Sept. 1 to Dec. 16.
Ducks, geese, mergansers, coots, and gallinules	Sept. 29 to Jan. 13. ¹
Missouri:	
Mourning doves only	Sept. 1 to Dec. 16.
Ducks, geese, mergansers, and coots	Oct. 24 to Jan. 20.

Central Flyway	
Colorado: Ducks, geese, coots, cranes, and band-tailed pigeons	Oct. 13 to Oct. 26.
Montana: Ducks, geese, coots, snipe, and cranes	Sept. 29 to Jan. 13.
New Mexico:	
Daily bag and possession limits in New Mexico are 2 and 4, respectively, singly or in the aggregate of migratory species named below and resident game species.	
Mourning doves, white-winged doves, and band-tailed pigeons	Sept. 1 to Nov. 16.
	Nov. 24 to Dec. 22.
Sandhill cranes only in Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties	Oct. 15 to Jan. 20.

Ducks, geese, mergansers, coots, and gallinules	Oct. 15 to Jan. 20.
Oklahoma: Ducks, coots, geese, and cranes	Oct. 13 to Jan. 18.
Wyoming:	
Doves	Sept. 1 to Dec. 16.
Ducks, geese, and snipe	Sept. 29 to Jan. 6.
Pacific Flyway	
Colorado: Ducks, geese, coots, and band-tailed pigeons	Oct. 13 to Oct. 26.
Idaho:	
Mourning doves only	Sept. 1 to Oct. 20.
Ducks, coots, mergansers and snipe	Oct. 6 to Jan. 20.
Montana: Ducks, geese, coots, snipe, and swans	Sept. 29 to Jan. 13.
New Mexico:	
Daily bag and possession limits in New Mexico are 2 and 4, respectively, singly or in the aggregate of migratory species named below and resident game species.	
Mourning doves, white-winged doves, and band-tailed pigeons	Sept. 1 to Nov. 16.
	Nov. 24 to Dec. 22.
Ducks, geese, mergansers, coots, and gallinules	Oct. 15 to Jan. 20.

Oregon:	
Daily bag and possession limits of 3 and 3, respectively, singly or in the aggregate of migratory species named below	
Ducks, coots, and snipe	Oct. 6 to Jan. 20.
Utah:	
Mourning doves and band-tailed pigeons	Sept. 1 to Sept. 30.
Ducks, geese, mergansers, coots, and snipe only	Oct. 6 to Jan. 20.
Washington:	
Ducks, geese, mergansers, and coots	
Eastern Washington	Oct. 6 to Oct. 12.
Western Washington	Oct. 6 to Oct. 12.
	Jan. 14 to Jan. 20.
Wyoming:	
Doves	Sept. 1 to Dec. 16.
Ducks, geese, and snipe only	Sept. 29 to Jan. 6.

¹ In Florida, Statewide October 17, 1979, through January 20, 1980; designated area(s) January 21 through January 31, 1980. See State regulations.
² In Minnesota, the hawking hours are the same as for hunting in general. See State regulations.

Dated: September 7, 1979.

Lynn A. Greenwalt,
Director, U.S. Fish and Wildlife Service.

[FR Doc. 79-30071 Filed 9-27-79; 8:45 am]

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Part V

Federal Emergency Management Agency

Transfer, Redesignation, and Deletion of
Regulations

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****45 CFR Chapter XX****44 CFR Chapter I****[Docket No. FEMA-1A]****Transfer and Redesignation of U.S.
Fire Administration Regulations and
Deletion of Regulation****AGENCY:** United States Fire
Administration, Federal Emergency
Management Agency.**ACTION:** Final rule.

SUMMARY: Reorganization Plan No. 3 of 1978 established the Federal Emergency Management Agency (FEMA). The plan was activated effective April 1, 1979, by Executive Order 12127 of March 31, 1979, "Federal Emergency Management Agency." The plan transfers to FEMA the functions of the United States Fire Administration which was a part of the U.S. Department of Commerce. This rule transfers and redesignates existing regulations of the United States Fire Administration to Title 44, Chapter I, Subchapter C of the Code of Federal Regulations; vacates Chapter XX of Title 45, and deletes a USFA regulation duplicated by a FEMA regulation.

EFFECTIVE DATE: September 28, 1979.**ADDRESS:** Federal Emergency
Management Agency, Washington, DC
20472.

FOR FURTHER INFORMATION CONTACT:
William L. Harding, Office of the
General Counsel, Federal Emergency
Management Agency. (202) 254-6435.

SUPPLEMENTARY INFORMATION:
Establishment of Title 44, Chapter I,
Subchapter C for the redesignated
FEMA regulations, was published on
Wednesday, May 2, 1979 (44 FR 25797).

The United States Fire Administration
regulations were previously published
under Title 45, Chapter XX of the Code
of Federal Regulations.

One of the regulations issued by
USFA is Part 12044, and the subject matter will be
covered by a FEMA regulation, 44 CFR
Part 1, "Rulemaking; policy and
procedures," on the subject. Therefore
the regulation should be deleted.

Because this rule simply redesignates
existing regulations, vacates a chapter
not used, and deletes a duplicative
regulation, it has been determined that a
period of notice and public comment is
unnecessary.

**Redesignation of Regulations and
Vacation of Chapter**

Accordingly, existing regulations of
the United States Fire Administration
are transferred to Title 44, Chapter I,
Subchapter C as follows:

Old Part 45 CFR	Title of regulation	New Part 44 CFR
	Subchapter C—Fire Prevention and Control	
2000	Public safety awards to public safety officers	150
2010	Reimbursement for costs of fire fighting on Federal property	151

Chapter XX of Title 45 is vacated.

Nomenclature Changes: Wherever
appearing in the headings and
regulations listed above, the
nomenclature listed below is changed as
follows:

Old nomenclature	New nomenclature
Secretary of Commerce.	U.S. Fire Administrator.
Secretary Department of Commerce.	Administrator. U.S. Fire Administration

The agency name "United States Fire
Administration" and the title "United
States Fire Administrator" or
"Administrator" remain the same.

The address of the United States Fire
Administration is Washington, DC
20472.

Deletion of Regulation: 45 CFR Part
2012 "Issuing and Review of USFA
Regulation" is deleted from the Code of
Federal Regulations.

(Reorganization Plan No. 3 of 1978 (43 FR
41943) and Executive Order 12127, dated
March 31, 1979 (44 FR 19367) and delegation
of authority to United States Fire
Administrator)

Issued at Washington, DC on September
24, 1979.

John W. Macy, Jr.,
Director.

[FR Doc. 79-30089 Filed 9-27-79; 8:45 am]
BILLING CODE 4210-23-M

24 CFR Chapter XIII**44 CFR Chapter I****[Docket No. FEMA-1B]****Transfer and Redesignation of Federal
Disaster Assistance Administration
Regulations****AGENCY:** Office of Disaster Response
and Recovery, Federal Emergency
Management Agency.**ACTION:** Final rule.**SUMMARY:** Reorganization Plan No. 3 of
1978 established the Federal Emergency

Management Agency (FEMA). The plan
was activated effective April 1, 1979, by
Executive Order 12127 of March 31,
1979, "Federal Emergency Management
Agency." Executive Order 12148,
"Federal Emergency Management",
effective July 15, 1979, transferred to
FEMA the functions of the Federal
Disaster Assistance Administration,
which was a part of the U.S. Department
of Housing and Urban Development.
Therefore, this rule transfers and
redesignates the existing regulations of
the Federal Disaster Assistance
Administration from Title 24, Chapter
XIII of the Code of Federal Regulations
to Title 44, Chapter I, Subchapter D of
the Code of Federal Regulations.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT:
William L. Harding, Office of the
General Counsel. Telephone: (202) 254-
6485.

SUPPLEMENTARY INFORMATION:

Establishment of Title 44, Chapter I,
Subchapter D, for the redesignated
regulations was published on May 2,
1979, (44 FR 25797). The Federal Disaster
Assistance Administration regulations
were previously published under Title
24, Chapter XIII of the Code of Federal
Regulations.

Because this rule is simply a
redesignation of existing regulations, it
has been determined that a period for
notice and comment is not necessary.

Redesignation of Regulations:
Accordingly, existing regulations of the
Federal Disaster Assistance
Administration set forth at 24 CFR,
Chapter XIII, are redesignated and
transferred to Title 44, Chapter I,
Subchapter D of the Code of Federal
Regulations as follows:

Old Part 24 CFR	Title of regulation	New Part 44 CFR
2200	Federal Disaster Assistance (Public Law 91-606)	200
2201	Reimbursement of other Federal agencies under Public Law 91- 606	201
2205	Federal Disaster Assistance (Public Law 93-288)	205

Nomenclature Changes: Wherever
appearing in the headings and
regulations listed above, the
nomenclature listed below is changed as
follows:

Secretary of Housing and Urban Development.	Director of Federal Emergency Management Agency.
Secretary Department of Housing and Urban Development.	Director, Federal Emergency Management Agency.
Federal Disaster Assistance Administration.	Office of Disaster Response and Recovery.

(Reorganization Plan No. 3 of 1978 (43 FR
41943); Executive Order 12127, dated March
31, 1979 (44 FR 19367); Executive Order 12148,
dated July 20, 1979)

Issued at Washington, D.C. on September
24, 1979.

John W. Macy, Jr.,
Director.

[FR Doc. 79-30090 Filed 9-27-79; 8:45 am]
BILLING CODE 4210-23-M

32 CFR Chap. XVIII**44 CFR Chap. I****[Docket No. FEMA 1C]****Transfer and Redesignation of
Defense Civil Preparedness Agency
(DCPA) Regulations and Deletion of
Regulations****AGENCY:** Office of Plans and
Preparedness, Federal Emergency
Management Agency.**ACTION:** Final rule.

SUMMARY: Reorganization Plan No. 3 of
1978 established the Federal Emergency
Management Agency (FEMA). The plan
was activated effective April 1, 1979, by
Executive Order 12127 of March 31,
1979, "Federal Emergency Management
Agency." Executive Order 12148,
effective July 15, 1979, "Federal
Emergency Management" transferred to
the Director, FEMA, all the functions of
the Defense Civil Preparedness Agency
which was part of the Department of
Defense. This rule transfers and
redesignates existing regulations of the
Defense Civil Preparedness Agency to
Title 44, Chapter I, Subchapter E of the
Code of Federal Regulations, vacates
Chapter XVIII of Title 32, and deletes
regulations of DCPA duplicated by
FEMA regulations.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT:
William L. Harding, Office of the
General Counsel. Telephone: (202) 254-
6485.

SUPPLEMENTARY INFORMATION:

Establishment of Title 44, Chapter I,
Subchapter E, for the redesignated
regulations, was published on
Wednesday, May 2, 1979 (44 FR 25794).

The Defense Civil Preparedness
Agency regulations were previously
published under Title 32, Chapter XVIII
of the Code of Federal Regulations.

Regulations issued by the Defense
Civil Preparedness Agency concerning
the Freedom of Information Act and
Privacy Act are duplicated by
regulations issued by FEMA. These
should be deleted as duplication. Also,
most of 32 CFR Part 1800 dealing with

organization and functions is
inapplicable because of the transfer of
functions and this should be deleted.

Because this rule is simply a
redesignation of existing regulations,
vacation of a chapter, and a deletion of
duplicative regulations, it has been
determined that a period for notice and
comment is not necessary.

Redesignation of Regulations:

Accordingly, existing regulations of the
Defense Civil Preparedness Agency are
transferred to Title 44 CFR Chapter I
Subchapter E of the Code of Federal
Regulations, as follows:

Old Part 32 CFR	Title of regulation	New Part 44 CFR
	Reserved	300
1801	Contributions for Civil Defense Equipment	301
1807	Contributions for Civil Defense personnel and administrative expenses	302
1803	Procedure for withholding payments for financial contributions under the Federal Civil Defense Act	303
1804	Consolidated grants to insular areas	304
1809	Reimbursement toward expenses of students attending OCO schools	305
1806	Official Civil Defense insignia	306
1811	Nondiscrimination of federally assisted programs of the Defense Civil Preparedness Agency	307
1808	Labor standards for federally assisted contracts	308
1812	Federally assisted construction	309
1800	Organization, activities, and general statements of policy	310

Chapter XVIII of Title 32 is vacated.

Nomenclature Changes: Wherever
appearing in the regulations and in the
headings thereof listed above, the
nomenclature listed below is changed as
follows:

Old nomenclature	New nomenclature
DCPA	FEMA
Defense Civil Preparedness Agency	FEMA Federal Emergency Management Agency
Director	Director, FEMA
Secretary of Defense	Director, Federal Emergency Management Agency
Department of Defense	Management Agency
DOD	Federal Emergency Management Agency

Deletion of Regulations: 32 CFR Part
1800 "Organization Activities, and
General Statement of Policy" is revoked
except for §§ 1800.6(c), 6(d), and
§ 1800.20 which remain in effect and are
renumbered in accordance with the
renumbering herein.

32 CFR Part 1813 "Availability to the
public of Defense Civil Preparedness
Agency information and Part 1814
"Personal privacy and Rights of
Individuals Regarding Their Personal
Records" are revoked.

(Reorganization Plan No. 3 of 1978 (43 FR
41943) and Executive Order 12148 (44 FR
43239))

Issued at Washington, D.C. on September
24, 1979.

John W. Macy, Jr.,
Director.

[FR Doc. 79-30091 Filed 9-27-79; 8:45 am]
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Part VI

Department of the
Interior

Bureau of Land Management

Oil and Gas Leasing

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3100]

Oil and Gas Leasing

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking sets forth changes in the simultaneous oil and gas leasing system. These changes are intended to resolve problems with the present system by reducing speculation, limiting the influence of filing services, and promoting development and exploration.

DATE: Comment by November 27, 1979.

ADDRESS: Send comments to: Director (650), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240. Comments will be available for examination in Room 5555 of the above address during regular business hours (7:45 a.m.—4:15 p.m.).

FOR FURTHER INFORMATION CONTACT: Charles Weller, Division of Onshore Energy Minerals, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, 202-343-7753.

SUPPLEMENTARY INFORMATION: On June 4, 1979, the Secretary of the Interior announced that he would pursue regulatory changes to prevent abuses of the simultaneous oil and gas leasing system and to promote efficient exploration and development. This proposed rulemaking encompasses proposals announced by the Secretary, as well as others developed within the Bureau of Land Management.

The Wyoming State Office of the Bureau of Land Management currently uses a computer to conduct simultaneous oil and gas drawings. The expansion of this system and the automation of other State Offices is under consideration. This proposed rulemaking would permit an expansion of the existing automated system without regulatory change.

Filing Service Abuses

Within the framework of present regulations, most applicants employ agents, commonly known as filing services, which promise to provide assistance in participating in the simultaneous oil and gas leasing system.

Most filing services file their client's drawing entry cards directly with the Bureau of Land Management and use the service's address on the cards instead of the applicant's personal

address. Typically, filing services rubberstamp the client's signature on the card or have the client send the cards to the filing service pre-signed.

The drawing entry card is the applicant's offer to lease. Leases are issued in the name of the drawing winner upon submittal of the first year's rental within 15 days after notification. The applicant is not required to sign the lease form.

The existing system has been abused by some filing services. Lease offers have been filed in the names of deceased persons. Drawing winners have been victimized by filing services which fail to pass on drawing results. Some services have advanced the first year's rental and obtained leases which have then been assigned without their client's knowledge. In these cases, it is believed, the assignment is often in accordance with a pre-existing contract between the filing service and an oil company or middleman.

The following proposed regulatory changes address these abuses:

(1) Only handwritten signatures would be proper on drawing entry cards. If a card is signed by anyone other than the applicant, the signature must reveal the name of both applicant and the signer, and the relationship between them.

Rubber stamped and mechanically affixed signatures have been accepted on drawing entry cards by the Bureau of Land Management since the Interior Board of Land Appeals' decision in *Mary I Arata* (4 IBLA 201 (1971)), and on statements of the qualifications of agents since the decision in *W. H. Gilmore* (41 IBLA 25 (1979)). Under the interpretation of present regulations found in these opinions it is possible for an offer to be filed, the qualifications of the offeror and his agent to be examined and a lease to be issued without an original signature on any document submitted to the Bureau of Land Management. The Interior Board of Land Appeals recognized that its holding in *Gilmore* "exposes the Department to another method by which the reasonable efforts of the Department to ensure fair play and compliance with the law can be made more difficult." However, the Board felt obliged to so hold under existing regulations while deploring "the proclivity of some leasing services to exploit every conceivable loophole in the letter of the regulations without any discernible regard for their spirit and intent."

This proposed regulation would specifically prohibit the use of rubber stamped and mechanically affixed signature. While the proposed requirement may work a hardship on

filing services involved with mass filings, it is unlikely that a serious developer will apply for so many parcels as to make it inconvenient to sign a corresponding number of drawing entry cards.

(2) Only two types of filing would be proper, those signed and fully completed by the applicant and those signed and fully completed by an agent on the applicant's behalf. All cards must be signed within the filing period. These requirements would prevent agents from receiving pre-signed cards from their clients. Pre-signing reduces the value of the statements of qualifications contained on the card and fosters illegality. In one recent case, a pre-signed card was filed after the purported offeror had died, *Estate of Charles D. Ashley*, 37 IBLA 367 (1978).

(3) The return address used on the drawing entry card would be required to be the applicant's personal or business address. A filing service's address could not be used.

(4) Agents would be required to submit copies of all agreements which they maintain with their clients related to Federal leasing or leases.

(5) The lease form would replace the drawing entry card as the lease offer. The applicant would be required to personally sign the lease form.

(6) Payment of the first year's rental by anyone other than the applicant would be unacceptable.

(7) An agent would be held to have an undisclosed interest in any filing if it maintains an agreement with any party by which the agent will seek to induce an assignment of a lease which might result from the filing to such party. This proposed change in the regulation would outlaw "kick back" arrangements whereby an agent may have a prior agreement with a middleman to sell the lease (if won) to the middleman who in turn resells for a bigger profit to an oil company and the agent is "kicked back" a percentage of the profits.

(8) No lease could be assigned before it is issued. Nor could any agreement to assign a lease be made before the lease is issued, or before 60 days from the time the applicant is notified that his filing has priority, whichever is sooner. This proposed amendment to the regulation recognizes that some filing services exercise undue influence over their clients and may induce a transfer which is not in the client's best interests. It is a companion to the proposed provisions which would prohibit agents from having assignment agreements with oil companies or middlemen. The proposed rulemaking would allow all parties interested in obtaining the lease an equal opportunity to approach the

lessee within a specific timeframe. It would also recognize that no property right in a lease exists before it is issued and would remove from the Bureau of Land Management the administrative burden of accepting assignments where a lease does not issue to the proposed assignor.

(9) A bona fide purchaser would be on notice as to the contents of existing regulations and the contents of the case file of any lease which he acquires.

Promote Exploration and Development

In order to promote oil and gas exploration and development, the proposed rulemaking would allow for increased size and eliminate unnecessary consolidation steps.

The average lease size on Federal land is 850 acres. Tracts of this size do not generally justify efficient exploration since it is unlikely that the lease will overlie a complete reservoir. Nor do such tracts encourage efficient development. The migratory nature of oil and gas permits developers to drain the resources underlying other existing leases on the same reservoir. Such competing ownership interests promote inefficient drilling programs with excess wells, cramped spacing, and the resulting premature lowering of reservoir pressure and reduction of total production.

Larger tract size is desirable for efficient exploration and development. Currently 45 percent of Federal acreage is consolidated into exploration units (average 20,000 acres) and production units (average 10,000 acres). While the assembly of such units is necessary to the oil industry, it is often difficult, time-consuming and expensive due to the multitude of lessees which a developer may encounter. Suitable tracts are also assembled through assignment of leases but this method involves similar difficulties.

The proposed rulemaking would increase the maximum size of non-competitive leases from 2,560 acres to 10,240 acres. The Secretary would retain the discretion to issue leases for less than the maximum acreage. All of the acreage would be required to be within a 4 mile square as opposed to the present 6 mile square. Thus, future leases could be larger and at the same time, more compact. The rule of approximation, whereby odd size sections may be included in a lease in excess of the 2,560 acre limitation would be eliminated because it is cumbersome and unnecessary if there is a substantial increase in acreage.

Currently, simultaneous oil and gas drawings are held monthly. Under the proposed procedure, they would be held

quarterly. Our research indicates that in some States as many as 70 percent of existing parcels could be combined with other parcels which become available within a three-month time period as opposed to about 20 percent on a monthly basis.

Together, these measures should attract people more interested in development than in speculation. It is expected, however, that the average lease size shall not change dramatically. Leases as small as 40 acres shall continue to be offered.

Miscellaneous

(1) Filing fees must be paid in U.S. currency, Post Office or bank money order, bank cashier's check, or bank certified check. A "Review of Simultaneous Oil and Gas Leasing Procedures" released by the Department of the Interior's Office of Audit and Investigation in June 1977, recommended that filing fees be paid by guaranteed remittances. The Bureau of Land Management disagreed at that time because the volume of dishonored checks was rather small. The situation has changed since the Bureau made its comments to that report. Now, at any given time, the Bureau has over \$100,000.00 in dishonored checks from filing fees.

(2) The time periods allowed for the filing of entry cards and the submittal of the first year's rental would be expanded from 5 to 15 days and from 15 to 30 days respectively. These changes are designed to overcome the difficulties which applicants experience in meeting existing time periods. The extension of the filing period would be made possible by the shift to quarterly drawings.

(3) Only one person could be listed as the applicant on a drawing entry card. This revision is designed to aid the Bureau of Land Management administratively in alphabetizing drawing entry cards and in locating specific cards on microfilmed records. All persons who would have entered their names as joint applicants under present procedures will be treated as other-parties-in-interest.

(4) Revocable trusts would be prohibited from participation in simultaneous oil and gas leasing. By law, the Bureau of Land Management must approve all transfers of lease interests and assure that the transferee is qualified to hold a lease. A power of revocation allows a lease to be transferred by operation of law without consideration by the Bureau. Existing revocable trusts would be granted two years in which to dispose of currently held leases.

(5) Corporate filers would be required to submit a list of corporate officers so that the Bureau of Land Management can verify that no officer is illegally filing in his own name or on behalf of the corporation.

Decisions of the Interior Board of Land Appeals have identified illegal multiple filings in situations where a corporation has filed for a parcel in its own name and a corporate officer has filed for that same parcel. This proposed rulemaking would make clear that an illegal interest exists when two or more corporate officers file as part of any relationship by which the corporation will benefit from any lease, if issued, regardless of whether the corporation files in its own name.

(6) The Mineral Leasing Act of 1920 provides that associations of citizens of the United States may hold interests in Federal leases. The proposed rulemaking would require that associations and partnerships provide complete lists of their members or partners to assure compliance with other provisions of this Act.

(7) The practice of allowing statements of qualifications to be placed on file with the Bureau of Land Management in lieu of submitting such statements with each drawing entry card would be expanded to include the qualifications of corporations, associations, partnerships, trusts, guardianships, and agents.

(8) Any parcel for which ten or fewer drawing entry cards are received or which is posted three times, and for which no lease issues, would be dropped from the lists of lands available for simultaneous leasing and would become available for lease by regular offer under 43 CFR 3111. By this means, the Bureau of Land Management would remove parcels for which little or no serious interest is shown rather than carry them on the simultaneous lists indefinitely.

It is determined that publication of the proposed rulemaking does not require a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and that the proposal does not constitute a significant rule requiring preparation of a regulatory analysis under 43 CFR Part 14 and Executive Order 12044.

The principal author of this document is Charles Weller, Division of Onshore Energy Resources, Bureau of Land Management.

PART 3100—OIL AND GAS LEASING

Under the authority of the Mineral Leasing Act of 1920, as amended, (30 U.S.C. 181 et seq.), and related laws, it is

proposed to amend Part 3100, Group 3100, Subchapter C, Chapter II, Title 43 of the Code of Federal Regulations, as follows:

§ 3100.0-5 [Amended]

1. Section 3100.0-5(d) is deleted.
2. Section 3100.5-3 is amended to read as follows:

§ 3100.5-3 Period of option.

Except as provided in § 3112.4-4 of this title, and option taken on a lease application or offer may be for a period of time until issuance of the lease and 3 years thereafter. Where options are sought for longer periods, an application shall be filed with the authorized officer of the Bureau of Land Management, accompanied by a complete showing as to the special or unusual circumstances which are believed to justify approval of the application.

3. Section 3101.1-1 is amended to read as follows:

§ 3101.1-1 Availability of lands.

All lands subject to disposition under the Act which are known or believed to contain oil or gas may be leased by the Secretary of the Interior. When lands are located within the known geologic structure of a producing oil or gas field prior to the actual issuance of a lease, they shall be leased only by competitive bidding and in units of not more than 640 acres to the highest responsible qualified bidder at a royalty of not less than 12½ percent. Leases for not to exceed 10,240 acres entirely within an area of four miles square or within an area not exceeding four surveyed sections in length or width measured in cardinal directions, may be issued for all other land subject to the Act to the first qualified applicant at a royalty of 12½ percent. Lands not subject to leasing under these regulations:

- (a) National parks and monuments.
- (b) Indian reservations.
- (c) Incorporated cities, towns, and villages.
- (d) Naval petroleum and oil shale reserves.

(e) Lands acquired under the Act of March 1, 1911 (36 Stat. 961; 16 U.S.C. 513-519) known as the Appalachian Forest Reserve Act, or other acquired lands.

(f) Lands within 1 mile of naval petroleum or helium reserves shall not be leased unless the land is being drained of its oil or gas deposits or helium content by wells on privately owned land or unless it is determined by the authorized officer, after consultation with agency exercising jurisdiction over the reserve, that operations under such a lease will not adversely affect the

reserve through drainage from known productive horizons.

4. Section 3102.1 is revised to read as follows:

§ 3102.1 Who may hold interests.

(a)(1) Mineral leases may be acquired and held only by citizens of the United States; associations (including partnerships) of such citizens, corporations organized under the laws of the United States or of any State or territory thereof, or municipalities.

(2) Aliens may acquire and hold interests in leases only through stock ownership, stock holding and stock control; and only if the laws, customs or regulations of their country do not deny similar or like privileges to citizens or corporations of the United States.

(3) A mineral lease shall not be acquired or held by one considered a minor under the laws of the State in which the lands are located, but oil and gas leases may be issued to legal guardians or trustees of minors in their behalf.

(b)(1) A lease or interest therein shall not be cancelled if such action adversely affects the title or interest of a bona fide purchaser even though such lease or interest, when held by a predecessor in title, may have been subject to cancellation. In any action by the Government, the purchaser has the burden of proving his bona fides. All purchasers are on notice as to all pertinent regulations and all information contained in a lease's case file.

(2) Prompt action shall be taken to dismiss as a party to any proceedings with respect to a violation of any provision of the Act of September 21, 1959 (73 Stat. 571), as amended by the Act of September 2, 1960 (74 Stat. 781), a person who shows the holding of an interest as a bona fide purchaser without having violated any provisions of the Act. No hearing shall be necessary upon such showing unless prima facie evidence is presented to indicate a possible violation on the part of the alleged bona fide purchaser.

(3) *Suspension.* If during any such proceeding a party thereto files a waiver of his rights under his lease to drill or to assign his interest thereto, or if such rights are suspended by order of the Secretary pending a decision, payment of rentals and the running of time against the term of the lease of leases involved shall be suspended as of the first day of the month following the filing of the waiver or the Secretary's suspension until the first day of the month following the final decision in the proceeding or the revocation of the waiver for suspension.

5. Section 3102.2 and § 3102.2-1—3102.2-7 are revised to read as follows:

§ 3102.2 Statements of qualifications.

§ 3102.2-1 Individuals.

A statement as to citizenship and compliance with the acreage limitations set forth in § 3101.1-5 of this title shall be manually signed in ink by the offeror or applicant or its agent and shall be submitted to the proper Bureau of Land Management office with each offer, or with each drawing entry card if leasing is in accordance with subpart 3112 of this title.

§ 3102.2-2 Trustees and guardians.

(a) Revocable trusts may not participate in Federal oil and gas leasing. Revocable trusts which hold Federal oil and gas leases shall dispose of such holdings within 2 years of the effective date of this regulation.

(b) If the offeror or applicant is a guardian or trustee filing on behalf of a ward or beneficiary, the offer or drawing entry card shall be accompanied by a certified copy of the court order, or other document, establishing the relationship and authorizing the guardian or trustee to fulfill all obligations of the lease or arising thereunder. A statement as to the citizenship or beneficiary of the offeror or applicant and each ward and as to compliance with the acreage limitations set forth in § 3101.1-5 of this title shall be manually signed in ink by the offeror or applicant and shall accompany each offer, or each drawing entry card if leasing is pursuant to subpart 3112 of this title.

§ 3102.2-3 Associations including partnerships.

An association which seeks to lease shall submit with its offer or drawing entry card, if leasing is in accordance with subpart 3112 of this title, a certified copy of its articles of association or partnership, together with a statement showing: (a) that it is authorized to hold oil and gas leases; (b) that the member or partner executing the lease is authorized to act on behalf of the association in such matters; and (c) a complete list of all its partners or members together with a statement as to their citizenship. A separate statement from each person owning or controlling more than 10 percent of the association, setting forth citizenship and compliance with the acreage limitations of § 3101.1-5 of this title, shall also be furnished.

§ 3102.2-4 Corporations.

A corporation which seeks to lease shall submit with its offer, or drawing entry card, if leasing is in accordance

with subpart 3112 of this title, a statement showing: (a) The State in which it is incorporated; (b) that it is authorized to hold oil and gas leases and that the officer executing the offer or drawing entry card is authorized to act on behalf of the corporation in such matters; (c) a complete list of corporate officers; (d) the percentage of voting stock and of all the stock owned by aliens; and (e) the names and addresses of the stockholders holding more than 10 percent of the stock of the corporation. A separate statement from each stockholder owning or controlling more than 10 percent of the stock of the corporation setting forth the stockholder's citizenship and compliance with the acreage limitations of § 3101.1-5 of this title shall also be furnished.

§ 3102.2-5 Agents.

(a) General. Any person, association or corporation which is in the business of providing assistance to participants in a Federal oil and gas leasing program shall, not later than 15 days from the filing by a participant receiving such assistance of an offer, or drawing entry card if leasing is pursuant to subpart 3112 of this title, furnish the proper Bureau of Land Management office with a certified statement as to any understanding, and a certified copy of any written agreement or contract under which any services related to Federal leasing or leases are authorized to be performed on behalf of such participant. Such agreement or understanding might include, but is not limited to: a power of attorney; a service agreement setting forth duties and obligations; a brokerage agreement; or authority to sign offers or drawing entry cards. Where a uniform agreement is entered into with several offerors or applicants, a single copy of the agreement or the statement of understanding may be filed with the proper office together with a list setting forth the name and address of each such offeror or applicant.

(b) *Attorney-in-fact.* If the power of attorney specifically limits the authority of the attorney-in-fact to file offers to lease or drawing entry cards for the sole and exclusive benefit of the principal and not on behalf of any other person in whole or in part, and grants specific authority to the attorney-in-fact to execute all statements of interest and of holdings in behalf of the principal and to execute all other statements required, or which may be required by the Act and the regulations, and the principal agrees therein to be bound by such representations of the attorney-in-fact and waives any and all defenses which may be available to the principal to

contest, negate or disaffirm the actions of the attorney-in-fact under the power of attorney, then the requirement that statements shall be executed by the offeror or applicant shall be dispensed with and such statements executed by the attorney-in-fact shall be acceptable as compliance with the provisions of the regulations.

§ 3102.2-6 Sole party in interest.

(a) A statement, manually signed in ink by the offeror or applicant and stating whether the offeror or applicant is the sole party in interest in the offer or drawing entry card, shall accompany each such offer or drawing entry card. The names of all other parties in interest shall be set forth in such statement.

(b) A statement, manually signed in ink by both the offeror or applicant and the other parties in interest, setting forth the nature of any oral understanding between them, and a copy of any written agreement shall be filed with the proper Bureau of Land Management office not later than 15 days after the filing of the offer or drawing entry card. Such statement or agreement shall be accompanied by statements, manually signed in ink by the other parties in interest, setting forth their citizenship and their compliance with the acreage limitations of § 3101.1-5 of this title.

§ 3102.2-7 General.

Where statements of the qualifications of corporations, associations, trusts, guardianships or agents have been placed on file with the Bureau of Land Management, a reference to the serial number assigned to such statements may be made on subsequent offers and drawing entry cards in lieu of resubmittal. This section is applicable to grants of authority only if the duration of the grant is specifically set forth. Amendments to statements of qualifications shall be filed promptly, and in no event shall an offer or drawing entry card be filed if such statements are not current.

6. Section 3102.3 is amended to read as follows:

§ 3102.3 Other showings of qualifications.

The applicant or agent may be required to submit additional information to the Bureau of Land Management to show compliance with the regulations of this part and the Mineral Leasing Acts.

§§ 3102.4-3102.7 [Removed]

7. Sections 3102.4 through 3102.7, inclusive, are deleted in their entirety.

§ 3102.8 [Amended]

8. Section 3102.8 is amended by changing the section number to § 3102.2-

8 and inserting the words "or applicant" after the word "offeror" wherever it occurs, and by inserting the words "or drawing entry card" after the word "offer" wherever it occurs.

§ 3102.9 [Amended]

9. Section 3102.9 is amended by changing the section number to § 3102.2-9.

10. Section 3103.1-1 is amended to read as follows:

§ 3103.1-1 Form of remittance.

Cash, money order, check, certified check, bank draft or bank cashier's check, except as provided in § 3112.2-2 of this title.

11. Section 3110.1-3 is amended to read as follows:

§ 3110.1-3 Acreage limitation.

An offer may not include more than 10,240 acres. The lands in the offer shall be entirely within an area of 4 miles square or within an area not exceeding four surveyed sections in length or width. No offer may be made for less than 640 acres of public domain land except where the offer is accompanied by a showing that the lands are in an approved unit or cooperative plan of operation or such a plan has been approved as to form by the Director of the Geological Survey or where the land is surrounded by lands not available for leasing under the Act.

§ 3111.1-1 [Amended]

12. Section 3111.1-1(e)(2) is deleted. Paragraphs (e)(3)-(5) are renumbered (e)(2)-(e)(4).
13. Subpart 3112 is revised as follows:

Subpart 3112—Simultaneous Filings

Sec.

- 3112.1 Parcels.
- 3112.1-1 Availability of lands.
- 3112.1-2 Posting of notice.
- 3112.2 How to file.
- 3112.2-1 Simultaneous oil and gas drawing entry card.
- 3112.2-2 Filing fees.
- 3112.2-3 Qualifications.
- 3112.3 Drawing procedures.
- 3112.3-1 Drawing results.
- 3112.4 Lease issuance.
- 3112.4-1 Lease form.
- 3112.4-2 Execution of leases and payment of first year's rental.
- 3112.4-3 Acceptance of lease offer.
- 3112.4-4 Restriction on transfer.
- 3112.5 Unacceptable filings.
- 3112.6 Adjudication.
- 3112.6-1 Rejection.
- 3112.6-2 Cancellation of leases.
- 3112.7 Availability of lands not leased through drawing.

§ 3112.1 Parcels.**§ 3112.1-1 Availability of lands.**

All lands which are not within a known geological structure of a producing oil or gas field and are covered by canceled or relinquished leases, leases which automatically terminate for non-payment of rental pursuant to 30 U.S.C. 188, or leases which expire by operation of law at the end of their primary or extended terms are subject to leasing only in accordance with this subpart.

§ 3112.1-2 Posting of notice.

At 10 a.m. on the third Monday of January, April, July, and October, or the first working day thereafter if the office is not officially open on the third Monday, a list of the lands for which drawing entry cards shall be accepted shall be posted in the proper Bureau of Land Management State Office. The list shall include a notice stating that such lands are subject to the filing of drawing entry cards from the time of such posting, until 10 a.m. on the fifteenth working day thereafter. The available lands shall be described in leasing units identified by parcel numbers. The lands shall also be described in accordance with § 3101.1-4 of this title, by subdivision, section, township and range if the lands are surveyed or officially protracted; or if unsurveyed, by metes and bounds. The list shall include a statement as to, and a copy of, any standard or special stipulation applicable to each parcel. Copies of the posted notice may be purchased by mail or over the counter from the proper office.

§ 3112.2 How to file.**§ 3112.2-1 Simultaneous oil and gas drawing entry card.**

(a) In order to participate in a drawing each applicant shall file a Simultaneous Oil and Gas Drawing Entry Card approved by the Director in the Bureau of Land Management office specified in the posted notice.

(b) The drawing entry card shall be manually signed in ink and fully completed by the applicant or manually signed in ink and fully completed by an agent on behalf of the applicant. Cards signed by an agent shall be rendered in a manner to reveal the name of the principal, the name of the agent and their relationship. (Example: Smith, agent for Jones; or Jones, principal, by Smith, agent.) Machine or rubber stamped signatures shall not be used.

(c) Only one person's name may appear as applicant on any drawing entry card. The card shall be dated at the time of signing. The date shall reflect

that the card was signed within the filing period.

(d) The drawing entry card shall include the applicant's personal or business address. All communications relating to leasing shall be sent to that address and it shall constitute the applicant's address of record for the purpose provided in § 3112.4-2 of this title. The applicant shall not use the address of any other person, association, corporation or other entity which is in the business of providing assistance to those participating in the simultaneous oil and gas leasing system.

(e) The parcel applied for shall be identified by the proper parcel number, including the State prefix as shown on the posted notice.

(f) An applicant shall file only once for each parcel in the posted list.

§ 3112.2-2 Filing fees.

Each filing shall be accompanied by a \$10 filing fee. The filing fee shall be paid in U.S. currency, Post Office or bank money order, bank cashier's check or bank certified check, made payable to the Bureau of Land Management. Checks drawn on foreign banks shall not be accepted. A single remittance is acceptable for a group of filings. Failure to submit sufficient fees to cover all filings shall render unacceptable the entire group of filings submitted with that remittance. Such filings shall be returned to the applicant in accordance with § 3112.5-1 of this title. An uncollectible remittance covering the filing fee(s) shall result in disqualification of all filings covered by it. In such a case, the amount of the remittance shall be a debt due to the United States which shall be paid before the applicant is permitted to participate in any future drawing.

§ 3112.2-3 Qualifications.

Drawing entry cards shall be accompanied by the evidence of qualifications to hold Federal oil and gas leases set forth in Subpart 3102 of this title.

§ 3112.3 Drawing procedures.**§ 3112.3-1 Drawing results.**

(a) Three drawing entry cards shall be drawn or otherwise selected for each numbered parcel. The order in which they are drawn shall fix the order in which the successful applicant shall be determined. Where only 2 cards are filed for a particular parcel, both shall be drawn to determine their priority. A single filing shall automatically be considered the successful card.

(b) The result of the drawing shall be posted in the Bureau of Land

Management office where the drawing was held.

(c) All unsuccessful applicants shall be notified by the return of their filings or in writing.

(d) Drawing winners shall be notified in accordance with § 3112.4-2 of this title.

§ 3112.4 Lease issuance**§ 3112.4-1 Lease form.**

A lease for any parcel on the posted list shall be issued on a form approved by the Director subject to the stipulations specified in such list.

§ 3112.4-2 Execution of leases and payment of first year's rental.

A lease may be issued to the first applicant qualified to receive a lease. The lease agreement shall be forwarded to the prospective lessee for signing, together with a request for payment of the first year's rental. Only the personal hand-written signature of the prospective lessees in ink shall be accepted. The first year's rental shall be paid by the applicant. Payment by anyone other than the applicant is unacceptable. The executed lease form and the applicant's rental payment shall be received in the proper Bureau of Land Management office within 30 days from the date of receipt of notice or the applicant's filing shall be rejected. Timely receipt of the executed lease and rental constitutes the applicant's offer to lease.

§ 3112.4-3 Acceptance of lease offer.

The signature of the authorized officer on the lease shall constitute the acceptance of the lease offer and the issuance of the lease by the United States. A lease cannot issue if, prior to the time the lease is signed by the authorized officer, any of the lands are determined to be within a known geological structure of a producing oil or gas field (30 U.S.C. 226(b)).

§ 3112.4-4 Restriction on transfer.

No lease or interest therein may be transferred or assigned prior to issuance of the lease as evidenced by the signing of the lease by the authorized officer on behalf of the United States as provided in § 3112.4-3 of this title. No agreement or option to transfer or assign such lease or interest therein shall be made or given prior to lease issuance or 60 days from the applicant's receipt of priority, whichever comes first. The existence of such an agreement or option shall result in rejection of a filing or cancellation of the lease.

§ 3112.5 Unacceptable filings.

(a) Drawing entry cards shall be examined prior to the drawing and the card or written notice shall be returned to the filer together with the filing fee if the card is:

(1) Received prior to the beginning of the simultaneous filing period;

(2) Received after the closing of the filing period;

(3) Accompanied by an unacceptable remittance or insufficient filing fees;

(4) Filed in the wrong office; or

(5) If the parcel number is omitted from the card, not included on the current list, or deleted by the Bureau of Land Management.

(b) Failure to identify a filing as unacceptable prior to the drawing does not bar rejection after the drawing for the reasons listed in this section or for any reason set forth in § 3112.6 of this title.

§ 3112.6 Adjudication.**§ 3112.6-1 Rejection.**

Rejection is an adjudicatory process which follows the drawing. Filing fees for rejected filings are the property of the United States and shall not be returned.

(a) *Improper filing.* Any entry card which is not filed in accordance with § 3112.2 of this title shall be rejected.

(b) *Unqualified applicants.* The drawing entry card of any applicant who is unqualified or has not filed or caused to be filed all evidence of qualification required by Subpart 3102 of this title shall be rejected.

(c) the authorized officer shall reject any drawing entry card filed in accordance with:

(1) Any agreement, scheme or plan which gives any party or parties more than a single opportunity of successfully obtaining a lease or interest therein;

(2) Any agreement entered into prior to the drawing between any individual, association or corporation and the applicant obligating the applicant to transfer any interest in any lease which may issue as a result of such filings to such party. Such agreements include but are not limited to, committing the applicant to use the services of such party when assigning or transferring the lease or any interest therein, with or without a fee, or entitling such party to any interest or benefit from the assignment or transfer of the lease or any interest therein whether or not such party is instrumental in securing the assignment or transfer;

(3) Any agreement, plan or scheme between any individual, association or corporation which provides to another any assistance in participating in the

simultaneous oil and gas leasing system and any potential assignee whereby such individual, association or corporation will seek to induce an assignment of any lease to such potential assignee;

(4) Filings by members of an association (including a partnership) or officers of a corporation, under any arrangement, agreement, scheme, or plan whereby the association or corporation has an interest in more than a single filing; or

(5) Separate filings by a trustee or guardian in its own behalf and on behalf of one or more beneficiaries on the same parcel or, separate filings by a trustee or guardian on behalf of two or more beneficiaries on the same parcel.

(d) *Illegal interests.* The authorized officer shall reject all filings which are made in accordance with any illegal agreement, plan, scheme or arrangement and shall take other appropriate actions including investigations for prosecution under 18 U.S.C. 1001.

§ 3112.6-2 Cancellation of leases.

In the event a lease has been issued on the basis of a filing which properly should have been rejected, action shall be taken to cancel the interests in that lease unless the rights of a bona fide purchaser, as provided for in § 3102.1(b) of this title, intervene. The Government may take action to cancel regardless of whether information showing the filing was rejectable is obtained or was available before or after the lease was issued.

§ 3112.7 Availability of lands not leased through drawing.

(a) Where, during the filing period, 10 or fewer cards are received for any parcel and no lease issues as a result of such filings, the lands in such parcels shall become available for lease in accordance with subpart 3111 of this title.

(b) Where more than 10 drawing entry cards are received for a particular parcel and all successful applicants for that parcel are rejected for any reason, the lands in such parcel shall be reposted for lease under the simultaneous drawing procedure.

(c) If a parcel is made available 3 times on the posted list and no lease issues as a result of such posting, the lands in such parcels shall become available for lease in accordance with subpart 3111 of this title.

September 19, 1979.

Guy R. Martin,
Assistant Secretary of the Interior.

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Part VII

Department of Labor

Employment and Training Administration

Comprehensive Employment and Training
Act (CETA); Wage Adjustment Index

DEPARTMENT OF LABOR
Employment and Training
Administration

Comprehensive Employment and Training Act (CETA); Wage Adjustment Index

AGENCY: Employment and Training Administration, Labor.
ACTION: Notice.

SUMMARY: This notice promulgates the final CETA wage adjustment index for Fiscal Year 1980 as required under Section 122(i)(3) of the Comprehensive Employment and Training Act.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Anderson, Administrator, Office of Comprehensive Employment Development, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213, Telephone (202) 376-6254.

U.S. Department of Labor,
Employment and Training
Administration, Washington, D.C. 20213.

DIRECTIVE: Field Memorandum No. 460-79.

TO: All Regional Administrators.

FROM: Don A. Balcer, Acting Administrator, Field Operations.

SUBJECT: Maximum CETA PSE Wages and Average Wages for Fiscal Year (FY) 1980.

1. *Purpose.* To Transmit the annual CETA wage adjustment index for FY 1980.

2. *References.* FM 75-79, Change 1; FM 272-79.

3. *Background.* Section 122(i)(3) of the Act states that "the Secretary shall issue and publish annually an area wage adjustment index based upon the ratio which annual average wages in regular public and private employment in various areas served by recipients bear to the average of all such wages nationally, on the basis of the most satisfactory data the Secretary determines to be available." This wage adjustment index serves two purposes: a) to determine the maximum wage payable to any public service employee from funds under the Act; and b) to determine the average annual federally supported wage rate which must be maintained in each prime sponsor area.

FM 75-79, Change 1, transmitted the CETA wage adjustment index for FY 1979. FM 272-79 transmitted the index which was to be used for planning purposes for FY 1980.

4. *Computation and Format of the Index.* The CETA wage adjustment

index is based on unemployment insurance data as reported on the ES 202 reports for the period January 1978 through December 1978. The index was computed as the ratio of the average annual wage in each area to the national average annual wage. An index value has been computed for each prime sponsor, each Standard Metropolitan Statistical Area (SMSA), and for each county eligible to be a program agent (at least 50,000 population) in a Balance of State (BOS), consortium, or rural concentrated employment program (CEP).

The maximum and average wages presented in the attached table are based on the highest of the prime sponsor index, the SMSA index, or the individual county index. In BOS, consortia, and rural CEP prime sponsors, the county index and maximum and average wages are shown only for counties eligible to be program agents (at least 50,000 population).

All untitled entries in the table, for example, the entry directly below "Balance of Alabama," refers to the areas within a prime sponsor jurisdiction with populations of less than 50,000 for which separate indexes have not been computed. All areas within a prime sponsor's jurisdiction that do not appear on the attached table must adhere to the average wage for the prime sponsor as a whole.

4. *Application of the Index.*

(a) Prime sponsors may use the SMSA index, if higher than the prime sponsor index, for the portion of their jurisdiction that is in an SMSA. In addition, prime sponsors may elect to use the county index(es) where higher than the prime sponsor index for the particular county or counties within their jurisdiction that have at least 50,000 population for which that index applies.

5. *Action Required.* RA's are requested to immediately transmit the attached CETA wage adjustment index for FY 1980 to all prime sponsors. This index is effective October 1, 1979.

6. *Inquiries.* Questions should be directed to Hugh Davies on 8-376-7006.

7. *Attachment.* (RA's only)

CETA Wage Adjustment Index for FY 1980.

Signed this 25th day of September 1979 at Washington, D.C.

Ernest G. Green,

Assistant Secretary for Employment and Training.

BILLING CODE 4510-30-M

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
ALABAMA					
BIRMINGHAM CONSORTIUM	101.8	101.8	100.6	10,180	7,791
(JEFFERSON COUNTY)					
JEFFERSON	101.5	101.5	96.0	10,150	7,768
HUNTSVILLE CONSORTIUM	88.3	68.8	89.3	10,000	7,093
(MADISON COUNTY)	88.3	92.1	89.3	10,000	7,093
MADISON	85.8		85.8	10,000	7,093
MOBILE CONSORTIUM	85.8	87.5	85.8	10,000	7,093
BALDWIN	88.7	88.7	88.7	10,000	7,093
MOBILE	82.6	85.4	85.4	10,000	7,093
MONTGOMERY CONSORTIUM	82.6	120.6	99.5	10,000	7,093
AUTauga	82.6	74.7		10,000	7,093
ELMORE	82.6	70.8		10,000	7,093
MONTGOMERY	82.6	99.8	99.8	10,000	7,093
TUSCALOOSA COUNTY	82.6	82.8	99.5	10,000	7,093
TUSCALOOSA	82.6	72.7	96.0	10,000	7,093
BALANCE OF ALABAMA	82.6	82.7	96.0	10,000	7,093
CALHOUN	82.6	85.4	85.4	10,000	7,093
COLBERT	82.6	120.6	99.5	10,000	7,093
CULLMAN	82.6	74.7		10,000	7,093
DALLAS	82.6	70.8		10,000	7,093
ETOWAH	82.6	99.8	99.8	10,000	7,093
HOUSTON	82.6	82.8	99.5	10,000	7,093
LAUDERDALE	82.6	72.7	96.0	10,000	7,093
LEE	82.6	82.7	96.0	10,000	7,093
LIMESTONE	82.6	74.7	93.5	10,000	7,093
MARSHALL	82.6	90.9	100.6	10,000	7,093
MORGAN	82.6	83.2	100.6	10,000	7,093
RUSSELL	82.6		100.6	10,000	7,093
ST. CLAIR	82.6		100.6	10,000	7,093
SHELBY	82.6		100.6	10,000	7,093
TALLADEGA	82.6		100.6	10,000	7,093
WALKER	82.6		100.6	10,000	7,093
ALASKA					
ANCHORAGE MUNICIPALITY	167.7	167.7	167.7	16,770	12,834
DIVISION	169.6			16,960	12,979
ANCHORAGE DIVISION	169.6	178.7		17,870	13,676
ANCHORAGE DIVISION					
BALANCE OF ALASKA					
FAIRBANKS DIVISION					

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
ARIZONA					
BALANCE OF ARIZONA	90.9	94.6		10,000	7,093
COCHISE	90.9	80.6		10,000	7,240
COCONINO	90.9	99.3		10,000	7,093
NAVAJO	90.9	99.1		10,000	7,599
PINAL	90.9	83.8		10,000	7,584
YAVAPAI	90.9	80.9		10,000	7,093
YUMA	90.9			10,000	7,093
BAL OF MARICOPA CO LESS					
PHOENIX	96.2	96.2	96.2	10,000	7,362
MARICOPA	96.2	96.2	96.2	10,000	7,362
PHOENIX CITY					
MARICOPA	89.8	89.8	89.8	10,000	7,093
TUCSON CITY					
PIMA	89.8	89.8	89.8	10,000	7,093
BAL OF PIMA COUNTY, CO LESS					
CITY OF TUCSON					
PIMA	90.1	91.3	91.7	10,000	7,093
ARKANSAS	90.1		91.7	10,000	7,093
CENTRAL ARKANSAS CONSORTIUM					
PULASKI	76.3	77.4	76.4	10,000	7,093
SALINE	76.3	77.1	82.7	10,000	7,093
BALANCE OF ARKANSAS	76.3	74.3	93.3	10,000	7,093
BENTON	76.3	75.5	88.3	10,000	7,140
CRAIGHEAD	76.3	88.3	82.7	10,000	7,093
CRAWFORD	76.3	86.0	76.4	10,000	7,093
CRITTENDEN	76.3	75.7		10,000	7,093
GARLAND	76.3			10,000	7,093
JEFFERSON	76.3			10,000	7,093
MISSISSIPPI	76.3			10,000	7,093
SEBASTIAN	76.3			10,000	7,093
WASHINGTON	76.3			10,000	7,093
CALIFORNIA					
BAL OF ALAMEDA CO LESS					
OAKLAND AND BERKELEY	115.3	115.3	116.4	11,640	8,908
ALAMEDA	115.3	115.3	116.4	11,640	8,908
BERKELEY CITY					
ALAMEDA					

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
CALIFORNIA					
BUTTE COUNTY	82.6	82.6		10,000	7,093
BAL OF CONTRA COSTA COUNTY					
CO. LESS CITY OF RICHMOND	106.6	106.6	116.4	11,640	8,908
CONTRA COSTA	83.6	83.6	83.6	10,000	7,093
FRESNO CSRT. (FRESNO CN.)	112.0	112.0	112.0	11,200	8,571
FRESNO	97.1	97.1		10,000	7,431
GLENDAL CITY					
LOS ANGELES	80.3	80.3		10,000	7,093
HUMBOLDT COUNTY	92.6	87.3	92.6	10,000	7,093
IMPERIAL COUNTY	92.6	96.9	97.1	10,000	7,416
INLAND MANP. ASSOC.	97.1	97.1		10,000	7,431
RIVERSIDE	112.0	112.0	112.0	11,200	8,571
SAN BERNARDINO	112.0	112.0	112.0	11,200	8,571
KERN COUNTY	96.0	96.0	116.4	11,640	8,908
KERN					
LONG BEACH CITY	112.0	112.0	112.0	11,200	8,571
LOS ANGELES	112.0	112.0	112.0	11,200	8,571
LOS ANGELES CITY					
LOS ANGELES	96.0	96.0	116.4	11,640	8,908
MARIN COUNTY					
MARIN					
BAL LOS ANGELES CO LESS					
GLENDAL CITY	112.0	112.0	112.0	11,200	8,571
BCH, PASADENA, LA, & TORRANCE	77.9	77.9		10,000	7,093
LOS ANGELES	90.5	90.5	90.5	10,000	7,093
MERCED COUNTY	115.3	115.3	116.4	11,640	8,908
MERCED					
MONTEREY COUNTY					
MONTEREY	102.9	102.9	102.9	10,290	7,875
OAKLAND CITY	112.0	112.0	112.0	11,200	8,571
ALAMEDA	106.6	106.6	116.4	11,640	8,908
ORANGE COUNTY MANP. CSRT.					
(ORANGE CN.)					
ORANGE					
PASADENA CITY					
LOS ANGELES					
RICHMOND CITY					
CONTRA COSTA					

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1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
CALIFORNIA					
SAN DIEGO RETC (SAN DIEGO CN.)	98.0	98.0	98.0	10,000	7,500
SAN FRANCISCO CITY/COUNTY	121.7	121.7	116.4	12,000	9,314
SAN FRANCISCO	89.4	89.4		10,000	7,093
SAN LUIS OBISPO COUNTY	120.2	120.2	116.4	12,000	9,199
SAN MATEO COUNTY	90.0	90.0	90.0	10,000	7,093
SANTA BARBARA COUNTY	115.8	115.8	115.8	11,580	8,862
SANTA CLARA VALLEY	81.1	81.1	81.1	10,000	7,093
SANTA CRUZ COUNTY	112.9	112.9	106.7	11,290	8,640
SANTA CRUZ	92.7	92.7	92.7	10,000	7,094
SOLANO COUNTY	88.0	88.0	88.0	10,000	7,093
SONOMA	96.3	96.3	96.3	10,000	7,370
STANISLAUS COUNTY	115.8	115.8	115.8	11,580	8,862
STOCKTON/SAN JOAQUIN MANP. CSRT. (SAN JOAQUIN CN.)	112.0	112.0	112.0	11,200	8,571
SUNNYVALE CITY	75.2	75.2		10,000	7,093
SANTA CLARA	97.0	97.0	97.0	10,000	7,423
TORRANCE CITY	85.8	83.7		10,000	7,093
LOS ANGELES	85.8	82.4		10,000	7,093
TULARE COUNTY	85.8	73.5		10,000	7,093
TULARE	85.8	86.8		10,000	7,093
VENTURA COUNTY	111.8	93.3	106.7	10,670	8,166
VENTURA		111.8	106.9	11,180	8,556
BALANCE OF CALIFORNIA					
EL DORADO	85.8	83.7		10,000	7,093
KINGS	85.8	82.4		10,000	7,093
MADERA	85.8	73.5		10,000	7,093
MENDOCINO	85.8	86.8		10,000	7,093
NAPA	85.8	93.3		10,670	8,166
SACRAMENTO CONSORTIUM					
SACRAMENTO	111.8	111.8	106.9	11,180	8,556

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
CALIFORNIA					
YOLO COUNTY	88.0	88.0	106.9	10,690	8,181
SHASTA COUNTY	98.8	98.8		10,000	7,561
PLACER COUNTY	87.1	87.1	106.9	10,690	8,181
COLORADO					
ADAMS COUNTY	98.4	98.4	104.3	10,430	7,982
ARAPAHOE COUNTY	97.6	97.6	104.3	10,430	7,982
ARAPAHOE	92.0	92.0	104.3	10,430	7,982
BOLDER	85.1	85.1	84.8	10,000	7,093
COLORADO SPRINGS CONSORTIUM (EL PASO COUNTY)	110.1	110.1	104.3	11,010	8,426
DENVER CITY/COUNTY	102.9	102.9	104.3	10,430	7,982
DENVER	87.3	87.3	87.3	10,000	7,093
JEFFERSON COUNTY CONSORTIUM	100.1	100.1	100.1	10,010	7,661
JEFFERSON	87.9	87.9	87.9	10,000	7,093
LARIMER	81.3	81.3	104.3	10,000	7,093
PUEBLO COUNTY	81.3	81.3	104.3	10,430	7,982
PUEBLO	81.3	81.3	104.3	10,430	7,982
WELD COUNTY	113.9	113.9	113.9	11,390	8,717
WELD	113.9	96.4	96.4	11,390	8,717
BALANCE OF COLORADO					
DOUGLAS	103.8	103.8	102.7	10,500	8,036
GILPIN	103.8	80.5	102.7	10,380	7,944
MESA	96.4	96.4	96.4	10,000	7,377
CONNECTICUT					
BRIDGEPORT CONSORTIUM					
FAIRFIELD					
NEW HAVEN					
HARTFORD CONSORTIUM					
HARTFORD					
TOLLAND					
NEW HAVEN CONSORTIUM					
NEW HAVEN					

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
CONNECTICUT					
STAMFORD CONSORTIUM	113.9	113.9	113.9	11,390	8,717
FAIRFIELD.....					
WATERBURY CITY	96.4	96.4	96.4	10,000	7,377
NEW HAVEN.....					
BALANCE OF CONNECTICUT					
FAIRFIELD.....	102.9	113.9	113.9	10,290	7,875
HARTFORD.....	102.9	105.0	102.7	11,390	8,717
LITCHFIELD.....	102.9	89.9	102.7	10,500	8,036
MIDDLESEX.....	102.9	92.5	102.7	10,290	7,875
NEW HAVEN.....	102.9	96.4	96.4	10,290	7,875
NEW LONDON.....	102.9	98.6	98.6	10,290	7,875
TOLLAND.....	102.9	80.5	102.7	10,290	7,875
WINDHAM.....	102.9	84.3	102.7	10,290	7,875
DELAWARE					
WILMINGTON CITY	114.7	114.7	115.0	11,500	8,801
NEW CASTLE.....					
DELAWARE MANP. CONSORTIUM	106.6	87.0		10,660	8,158
KENT.....	106.6	114.7	115.0	11,500	8,801
NEW CASTLE.....	106.6	80.9		10,660	8,158
SUSSEX.....					
DISTRICT OF COLUMBIA					
DISTRICT OF COLUMBIA	132.9	132.9	117.4	12,000	10,171
FLORIDA					
ALACHUA COUNTY	79.8	79.8	79.8	10,000	7,093
BREVARD COUNTY	97.0	97.0	97.0	10,000	7,423
BROWARD CONSORTIUM (BROWARD COUNTY)	87.8	87.8	87.8	10,000	7,093
BROWARD.....	89.1	89.1	88.4	10,000	7,093
ESCAMBIA COUNTY					
ESCAMBIA.....	82.6	86.2	86.2	10,000	7,093
HEARTLAND MANPOWER CONSORTIUM	82.6			10,000	7,093
POLK.....	79.6	79.6	79.6	10,000	7,093
LEE COUNTY					
LEE.....					

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
FLORIDA					
LEON/GADSDEN CONSORTIUM	82.2	83.8	83.5	10,000	7,093
LEON.....	82.2			10,000	7,093
MANATEE COUNTY	77.2	77.2	77.2	10,000	7,093
MANATEE.....	95.5			10,000	7,309
MIAMI/DADE CONSORTIUM	95.5	96.2	96.2	10,000	7,362
DADE.....					
N.E. FLORIDA MANPOWER CONSORTIUM	93.4		91.3	10,000	7,148
BAKER.....	93.4	93.3	91.3	10,000	7,148
DUVAL.....	93.4		91.3	10,000	7,148
NASSAU.....					
OKALOOSA COUNTY	78.5	78.5		10,000	7,093
OKALOOSA.....					
ORANGE COUNTY/ORLANDO CONSORTIUM (ORANGE COUNTY)	87.0	87.0	84.9	10,000	7,093
ORANGE.....	89.1	89.1	89.1	10,000	7,093
PALM BEACH COUNTY	71.0	71.0	84.4	10,000	7,093
PALM BEACH.....	79.3	79.3	79.3	10,000	7,093
PASCO COUNTY	77.3	77.3	84.9	10,000	7,093
PASCO.....	88.0	88.0	84.4	10,000	7,093
SARASOTA COUNTY	88.0	88.0	84.4	10,000	7,093
SARASOTA.....					
SEMINOLE COUNTY	81.7	81.7	84.4	10,000	7,093
SEMINOLE.....	74.3	74.3		10,000	7,093
TAMPA CITY	73.1	73.1	73.1	10,000	7,093
TAMPA.....	74.3	77.2	77.2	10,000	7,093
HILLSBOROUGH.....	74.3	73.0	91.3	10,000	7,093
BAL OF HILLSBOROUGH, CO.					
LESS TAMPA CITY					
HILLSBOROUGH.....					
PINELLAS COUNTY CONSORTIUM (PINELLAS COUNTY)	81.7	81.7	84.4	10,000	7,093
PINELLAS.....	74.3	74.3		10,000	7,093
MARION COUNTY	73.1	73.1	73.1	10,000	7,093
MARION.....	74.3	77.2	77.2	10,000	7,093
VOLUSIA COUNTY					
VOLUSIA.....					
BALANCE OF FLORIDA					
BAY.....					
CLAY.....					

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
FLORIDA					
BALANCE OF FLORIDA	74.3	72.7		10,000	7,093
COLLIER.....	74.3	69.1	84.9	10,000	7,093
LAKE.....	74.3		91.3	10,000	7,093
OSCEOLA.....	74.3			10,000	7,093
ST. JOHNS.....	74.3	74.0		10,000	7,093
ST. LUCIE.....	74.3		88.4	10,000	7,093
SANTA ROSA.....	74.3		83.5	10,000	7,093
WAKULLA.....	74.3				
GEORGIA					
ATLANTA CITY	108.6	97.7	101.5	10,860	8,311
DEKALB.....	108.6	108.6	101.5	10,860	8,311
FULTON.....					
CLAYTON COUNTY	97.7	97.7	101.5	10,150	7,768
COBB.....	91.3	91.3	101.5	10,150	7,768
COLUMBUS AREA CONSORTIUM					
(GEORGIA PART, COLUMBUS					
SMSA)					
CHATTAHOOCHEE.....	80.1	77.6	79.4	10,000	7,093
COLUMBUS.....	80.1		79.4	10,000	7,093
CSRA CONSORTIUM					
COLUMBIA.....	81.0		89.9	10,000	7,093
RICHMOND.....	81.0	88.2	89.9	10,000	7,093
BAL OF DEKALB COUNTY, CO.					
(PART)					
LESS CITY OF ATLANTA					
DEKALB.....	97.7	97.7	101.5	10,150	7,768
BAL OF FULTON COUNTY LESS					
CITY OF ATLANTA (PART)					
FULTON.....	108.6	108.6	101.5	10,860	8,311
GWINNETT CO	93.7	93.7	101.5	10,150	7,768
MID GEORGIA CONSORTIUM					
BIBB.....	87.4	82.0	90.6	10,000	7,093
HOUSTON.....	87.4	107.3	90.6	10,730	8,212
JONES.....	87.4	70.1	90.6	10,000	7,093
TWIGGS.....	87.4		90.6	10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
GEORGIA					
SAVANNAH/CHATHAM CONSORTIUM	89.7	89.7	88.9	10,000	7,093
(CHATHAM COUNTY)					
BALANCE OF GEORGIA					
BRYAN.....	75.5		88.9	10,000	7,093
BUTTS.....	75.5		101.5	10,150	7,768
CARROLL.....	75.5	77.7		10,000	7,093
CATDOOSA.....	75.5		93.9	10,000	7,186
CHEROKEE.....	75.5		101.5	10,150	7,768
CLARKE.....	75.5	83.4		10,000	7,093
DADE.....	75.5		93.9	10,000	7,186
DOUGHERTY.....	75.5	89.5		10,000	7,093
DOUGLAS.....	75.5		101.5	10,150	7,768
EFFINGHAM.....	75.5		88.9	10,000	7,093
FAYETTE.....	75.5		101.5	10,150	7,768
FLOYD.....	75.5	86.5		10,000	7,093
FORSYTH.....	75.5		101.5	10,150	7,768
HALL.....	75.5	76.5		10,000	7,093
HENRY.....	75.5		101.5	10,150	7,768
LEE.....	75.5		88.8	10,000	7,093
LOWNDES.....	75.5	76.0		10,000	7,093
NEWTON.....	75.5		101.5	10,150	7,768
PAULDING.....	75.5		101.5	10,150	7,768
ROCKDALE.....	75.5		93.9	10,000	7,186
WALKER.....	75.5	75.2		10,150	7,768
WALTON.....	75.5		101.5	10,150	7,768
WHITFIELD.....	75.5	82.9		10,000	7,093
HAWAII					
HONOLULU CITY/COUNTY	92.5	92.5	92.5	10,000	7,093
HONOLULU.....					
HAWAII BAL OF STATE					
HAWAII.....	87.1	88.0		10,000	7,093
MAUI + KALAWAO.....	87.1	87.9		10,000	7,093
IDAHO					
IDAHO STATEWIDE CONSORTIUM					
ADA.....	88.0	95.8	95.8	10,000	7,093
BANNOCK.....	88.0	84.2		10,000	7,332
BONNEVILLE.....	88.0	89.9		10,000	7,093
CANYON.....	88.0	77.2		10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
ILLINOIS					
CHAMPAIGN CONSORTIUM					
CHAMPAIGN.....	84.5	86.4	86.4	10,000	7,093
CHICAGO CITY.....	84.5			10,000	7,093
COOK.....	119.4	119.4	117.1	11,940	9,138
BAL OF COOK COUNTY, CO. LESS					
CHICAGO CITY.....					
COOK.....	119.4	119.4	117.1	11,940	9,138
DUPAGE COUNTY.....	110.1	110.1	117.1	11,710	8,962
DU PAGE.....					
KANE COUNTY.....	99.7	99.7	117.1	11,710	8,962
LAKE COUNTY.....	108.7	108.7	117.1	11,710	8,962
LAKE.....					
LA SALLE COUNTY.....	98.2	98.2		10,000	7,515
LA SALLE.....					
MACON COUNTY.....	115.0	115.0	115.0	11,500	8,801
MADISON COUNTY CONSORTIUM					
MADISON.....	113.9	115.6	106.4	11,560	8,847
MCHENRY COUNTY.....	95.8	95.8	117.1	11,710	8,962
MCHENRY.....					
MCLEAN COUNTY.....	93.5	93.5	93.5	10,000	7,156
MCLEAN.....					
PEORIA COUNTY CONSORTIUM					
PEORIA.....	115.4	115.4	124.7	12,000	9,543
ROCKFORD CONSORTIUM					
BOONE.....	112.3	110.2	112.3	11,230	8,594
WINNEBAGO.....	112.3	112.3	112.3	11,230	8,594
ROCK ISLAND COUNTY.....	122.0	122.0	112.4	12,000	9,337
ROCK ISLAND.....					
SANGAMON COUNTY CONSORTIUM					
SANGAMON.....	97.4	97.0	96.9	10,000	7,454
SHAWNEE CONSORTIUM					
SHAWNEE.....	81.2			10,000	7,093
ST. CLAIR CONSORTIUM					
ST. CLAIR.....	97.7	97.0	106.4	10,000	7,477
TAZEWELL COUNTY.....	97.7			10,640	8,143
TAZEWELL.....	146.7	146.7	124.7	12,000	11,227

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
ILLINOIS					
WILL COUNTY CONSORTIUM					
WILL.....	113.3	113.4	117.1	11,710	8,962
BALANCE OF ILLINOIS					
ADAMS.....	92.8	91.8		10,000	7,102
CLINTON.....	92.8			10,000	7,102
DE KALB.....	92.8	88.6	106.4	10,640	8,143
HENRY.....	92.8	86.6		10,000	7,102
JACKSON.....	92.8	75.1	112.4	11,240	8,602
KANKAKEE.....	92.8	95.1		10,000	7,102
KNOX.....	92.8	97.5	95.1	10,000	7,278
MCARD.....	92.8			10,000	7,462
MONROE.....	92.8	105.5	96.9	10,640	8,143
VERMILION.....	92.8	116.2	106.4	10,550	8,074
WHITESIDE.....	92.8	96.9		11,620	8,893
WILLIAMSON.....	92.8			10,000	7,416
INDIANA					
DELAWARE CONSORTIUM					
DELAWARE.....	100.0			10,000	7,653
ELKHART COUNTY.....	100.0	101.4	101.4	10,140	7,760
ELKHART.....	97.1	97.1	97.1	10,000	7,431
FT. WAYNE CONSORTIUM					
ADAMS.....	100.0			10,000	7,653
ALLEN.....	100.0	104.8	102.2	10,220	7,821
DEKALB.....	100.0		102.2	10,480	8,020
GARY CITY.....	127.0	127.0	125.6	10,220	7,821
LAKE.....					
HAMMOND CITY.....	127.0	127.0	125.6	12,000	9,719
LAKE.....					
INDIANAPOLIS CITY / MARION					
INDIANAPOLIS.....	108.9	108.9	104.4	12,000	9,719
CO.....				10,890	8,334
MARION.....					
BAL OF LAKE COUNTY, CO. LESS					
CITIES OF GARY AND					
HAMMOND.....	127.0	127.0	125.6	12,000	9,719
LAKE.....					
LA PORTE COUNTY.....	93.5	93.5		10,000	7,156
LAPORTE.....					

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
INDIANA					
MADISON COUNTY	117.6	117.6	117.6	11,760	9,000
SOUTH BEND CITY	96.9	96.9	95.1	10,000	7,416
ST. JOSEPH	97.8		98.7	10,000	7,485
SOUTHWESTERN CONSORTIUM	97.8	94.9	98.7	10,000	7,554
GIBSON	97.8		98.7	10,000	7,554
POSEY	97.8		98.7	10,000	7,554
VANDERBURGH	97.8		98.7	10,000	7,554
WARRICK	97.8		98.7	10,000	7,554
BAL OF ST. JOSEPH COUNTY,					
CO. LESS SOUTH BEND CITY	96.9	96.9	95.1	10,000	7,416
ST. JOSEPH	96.1	96.1	96.1	10,000	7,355
TIPPECANOE COUNTY	92.7	92.7	92.6	10,000	7,094
VIGO COUNTY	91.9	119.8	104.4	10,000	7,093
BALANCE OF INDIANA	91.9	84.2	100.7	10,000	7,168
BARTHOLOMEW	91.9		104.4	10,000	7,990
BOONE	91.9		104.4	10,000	7,990
CLARK	91.9		104.4	10,000	7,990
CLAY	91.9		104.4	10,000	7,990
DEARBORN	91.9		104.4	10,000	7,990
FLOYD	91.9		104.4	10,000	7,990
GRANT	91.9		104.4	10,000	7,990
HAMILTON	91.9		104.4	10,000	7,990
HANCOCK	91.9		104.4	10,000	7,990
HENDRICKS	91.9		104.4	10,000	7,990
HENRY	91.9		104.4	10,000	7,990
HOWARD	91.9		104.4	10,000	7,990
JOHNSON	91.9		104.4	10,000	7,990
KOSCIUSKO	91.9		104.4	10,000	7,990
MARSHALL	91.9		104.4	10,000	7,990
MORRIS	91.9		104.4	10,000	7,990
MORGAN	91.9		104.4	10,000	7,990
PORTER	91.9		104.4	10,000	7,990
SHELBY	91.9		104.4	10,000	7,990
SULLIVAN	91.9		104.4	10,000	7,990
TIPTON	91.9		104.4	10,000	7,990
VERMILION	91.9		104.4	10,000	7,990
WAYNE	91.9		104.4	10,000	7,990
WELLS	91.9		104.4	10,000	7,990

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
IOWA					
BLACK HAWK COUNTY	108.4	108.4	108.4	10,840	8,296
BLACK HAWK REGIONAL ASSN.					
CENTRAL IOWA GOVERNMENTS					
POLK	94.9	99.1	98.3	10,000	7,263
STORY	94.9	87.3	98.3	10,000	7,584
WARREN	94.9		98.3	10,000	7,263
SCOTT COUNTY	107.0	107.0	112.4	11,240	7,523
SCOTT COUNTY MANPOWER					
CONSORTIUM	104.4	104.4	104.4	10,440	8,602
LEWIS COUNTY	90.9	90.9	91.2	10,000	7,990
WOODBURY	83.4	91.8	108.4	10,000	7,093
BALANCE OF IOWA	83.4	108.4	94.5	10,840	8,266
CLINTON	83.4	84.0	94.5	10,000	7,232
DUBUQUE	83.4				
POTTAWATTAMIE	83.4				
KANSAS					
JOHNSON/LEAVENWORTH					
CONSORTIUM	95.7	96.9	103.5	10,350	7,921
LEAVENWORTH	95.7	86.9	103.5	10,000	7,324
KANSAS CITY CONSORTIUM					
(WYANDOTTE COUNTY)	107.9	107.9	103.5	10,790	8,258
WYANDOTTE	93.2	93.2	91.7	10,000	7,133
TOPEKA CONSORTIUM (SHAWNEE	98.5	98.5	97.6	10,000	7,538
COUNTY)					
SHAWNEE	84.6	87.0	87.0	10,000	7,093
WICHITA CITY	84.6	87.0	91.7	10,000	7,093
SEDGWICK	84.6	87.0	91.7	10,000	7,093
BALANCE OF KANSAS	84.6	87.0	91.7	10,000	7,093
DOUGLAS	84.6	87.0	91.7	10,000	7,093
JEFFERSON	84.6	87.0	91.7	10,000	7,093
OSAGE	84.6	87.0	91.7	10,000	7,093
RENO	84.6	87.0	91.7	10,000	7,093
RILEY	84.6	87.0	91.7	10,000	7,093
SEDGWICK	84.6	87.0	91.7	10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES					
	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
KENTUCKY BLUE GRASS MANPOWER CONSORTIUM					
BOURBON	89.9		91.1	10,000	7,093
CLARK	89.9	93.3	91.1	10,000	7,093
FAYETTE	89.9		91.1	10,000	7,093
SCOTT	89.9		91.1	10,000	7,093
WOODFORD	89.9		91.1	10,000	7,093
EASTERN KENTUCKY RURAL CEP					
PIKE	107.0	111.7		10,700	8,189
KENTON COUNTY	107.0			11,170	8,548
KENTON	84.2	84.2	106.5	10,650	8,450
LOUISVILLE/JEFFERSON CONSORTIUM (JEFFERSON COUNTY)					
JEFFERSON	103.9	103.9	100.7	10,390	7,951
BALANCE OF KENTUCKY					
BOONE	86.3		106.5	10,000	7,093
BOYD	86.3	110.5	103.8	10,650	8,150
BULLITT	86.3		100.7	11,050	8,457
CAMPBELL	86.3	89.6	106.5	10,070	7,707
CHRISTIAN	86.3	79.6	106.5	10,650	8,150
DAVIESS	86.3	90.9	78.6	10,000	7,093
GREENUP	86.3	90.9	90.9	10,000	7,093
HARDIN	86.3	85.1	103.8	10,580	7,944
HENDERSON	86.3		98.7	10,000	7,093
JESSAMINE	86.3		91.1	10,000	7,554
MCCRACKEN	86.3	93.1	91.1	10,000	7,093
OLDHAM	86.3		100.7	10,000	7,125
WARREN	86.3	80.8		10,070	7,707
LOUISIANA					
BATON ROUGE CITY/EAST BATON ROUGE PARISH					
EAST BATON ROUGE	101.0	101.0	101.0	10,100	7,730
CALCASIEU/JEFF CONSORTIUM					
CALCASIEU	101.4	104.2	104.2	10,140	7,760
JEFFERSON PARISH	101.4			10,420	7,974
JEFFERSON	94.7	94.7	97.7	10,000	7,477

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES					
	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
LOUISIANA					
LAFAYETTE PARISH					
LAFAYETTE	101.8	101.8	101.8	10,180	7,791
NEW ORLEANS CITY/ORLEANS PARISH					
ORLEANS	99.9	99.9	97.7	10,000	7,645
OUACHITA PARISH	92.8	92.8	92.8	10,000	7,102
QUACHITA					
RAPIDES PARISH	79.3	79.3	78.7	10,000	7,093
SHREVEPORT CITY					
CADDO	92.4	92.4	90.4	10,000	7,093
BALANCE OF LOUISIANA					
ACADIA	92.2	71.3		10,000	7,093
ASCENSION	92.2	79.7	101.0	10,000	7,093
BOSSIER	92.2	92.4	90.4	10,100	7,730
CADDO	92.2	92.4	90.4	10,000	7,093
GRANT	92.2	93.7	78.7	10,000	7,093
IBERIA	92.2	91.0		10,000	7,171
LAFOURCHE	92.2	91.0		10,000	7,093
LIVINGSTON	92.2	105.9	101.0	10,000	7,730
ST. BERNARD	92.2	75.8	97.7	10,590	6,105
ST. LANDRY	92.2	109.5		10,000	7,093
ST. MARY	92.2	77.1		10,000	8,380
ST. TAMMANY	92.2	67.4	97.7	10,950	7,477
TANGIPAHOLA	92.2	111.3		10,000	7,093
TERREBONNE	92.2		90.4	11,130	8,518
WEBSTER	92.2		101.0	10,000	7,093
WEST BATON ROUGE	92.2			10,100	7,730
MAINE					
CUMBERLAND COUNTY					
CUMBERLAND	84.3	84.3	85.0	10,000	7,093
KENNEBEC COUNTY					
KENNEBEC	84.8	84.8		10,000	7,093
PENOBSCOT CONSORTIUM					
PENOBSCOT	80.5	82.6		10,000	7,093
YORK COUNTY	80.5			10,000	7,093
YORK	70.8	70.8		10,000	7,093
CETA BALANCE OF MAINE					
ANDROSCOGGIN	76.3	73.5	73.5	10,000	7,093
AROSTOOK	76.3	77.1		10,000	7,093
SAGadahoc	76.3		85.0	10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MARYLAND					
BALTIMORE CONSORTIUM	101.3	94.9	102.1	10,210	7,814
ANNE ARUNDEL.....	101.3	85.5	102.1	10,210	7,814
CARROLL.....	101.3	88.9	102.1	10,210	7,814
HARFORD.....	101.3	105.7	102.1	10,570	8,089
BALTIMORE - INDEPENDENT CITY.....	101.3	104.3	102.1	10,430	7,982
MONTGOMERY COUNTY	106.8	106.8	117.4	11,740	8,985
PRINCE GEORGES COUNTY	97.4	97.4	117.4	11,740	8,985
WESTERN MARYLAND CONSORTIUM	93.9	92.2		10,000	7,186
ALLEGANY.....	93.9	99.0		10,000	7,186
WASHINGTON.....	93.9			10,000	7,576
BALANCE OF MARYLAND	80.6			10,000	7,093
CECIL.....	80.6	84.6	115.0	11,500	8,801
CHARLES.....	80.6	91.6	117.4	11,740	8,985
ST. MARYS.....	80.6	108.6		10,860	8,311
WICOMICO.....	80.6	79.3		10,000	7,093
BALTIMORE COUNTY	104.0	104.0	102.1	10,400	7,959
FREDERICK COUNTY	85.3	85.3		10,000	7,093
MASSACHUSETTS					
BOSTON CITY	109.1	109.1	100.4	10,910	8,369
SUFFOLK.....	82.6	80.7	80.7	10,000	7,093
BROCKTON CONSORTIUM	82.6	96.0	100.4	10,040	7,684
BRISTOL.....	82.6	82.6	100.4	10,040	7,684
NORFOLK.....	102.7	102.7	100.4	10,270	7,860
PLYMOUTH.....					
CAMBRIDGE CONSORTIUM					
MIDDLESEX.....					
HAMPDEN COUNTY (SPRINGFIELD) CONSORTIUM	90.6	90.6	89.0	10,000	7,093
BERKSHIRE COUNTY CONSORTIUM (PITTSFIELD)	92.2	92.2	92.2	10,000	7,093
BERKSHIRE.....					

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MASSACHUSETTS					
LOWELL CONSORTIUM	102.7	102.7	100.4	10,270	7,860
MIDDLESEX.....	80.7	80.7	80.7	10,000	7,093
NEW BEDFORD CONSORTIUM	80.7	82.6	100.4	10,040	7,684
BRISTOL.....	90.2	90.2	90.2	10,000	7,093
PLYMOUTH.....	80.7	80.7	80.7	10,000	7,093
WORCESTER CONSORTIUM					
Worcester.....					
FALL RIVER CONSORTIUM					
BRISTOL.....	93.1	74.6		10,000	7,125
CETA BALANCE OF MASSACHUSETTS	93.1	80.7	80.7	10,000	7,125
BARNSTABLE.....	93.1	90.4	100.4	10,040	7,684
BRISTOL.....	93.1	83.0	89.0	10,000	7,125
ESSEX.....	93.1	102.7	100.4	10,270	7,860
FRANKLIN.....	93.1	96.0	100.4	10,040	7,684
HAMPSHIRE.....	93.1	82.6	100.4	10,040	7,684
MIDDLESEX.....	93.1	109.1	100.4	10,910	8,349
NORFOLK.....	93.1	90.2	90.2	10,000	7,125
PLYMOUTH.....	93.1				
SUFFOLK.....	93.1				
WORCESTER.....	93.1				
MICHIGAN					
ANN ARBOR CITY	122.0	122.0	122.0	12,000	9,337
WASHTENAW.....					
BAL OF WASHTENAW CO. LESS ANN ARBOR CITY	122.0	122.0	122.0	12,000	9,337
WASHTENAW.....	110.4	110.4	110.4	11,040	8,449
BAY COUNTY	100.5	100.5		10,050	7,691
BERRIEN COUNTY	137.2	137.2	131.5	12,000	10,500
DEARBORN CITY	137.2	137.2	131.5	12,000	10,500
WAYNE.....	135.9	143.3	139.3	12,000	10,967
FLINT/GENESEE CONSORTIUM	135.9	89.5	131.5	12,000	10,400
GENESEE.....	135.9	92.0	139.3	12,000	10,661
LAPPEER.....					
SHIAMASSEE.....					

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MICHIGAN JACKSON CONSORTIUM	106.9	112.5	112.5	10,590	8,181
JACKSON	106.9	101.7		11,250	8,610
LENAWEE	106.9			10,590	8,181
KALAMAZOO COUNTY					
GRAND RAPIDS CONSORTIUM	107.9	107.9	105.0	10,790	8,258
ALLEGAN	100.4			10,040	7,684
IONIA	100.4	89.2	113.2	10,940	7,684
KENT	100.4	103.1	101.3	11,320	8,663
LANSING CONSORTIUM				10,310	7,890
CLINTON	114.8	90.9	113.2	11,580	8,786
EATON	114.8	90.0	113.2	11,580	8,786
INGHAM	114.8	118.0	113.2	11,800	9,031
LIVONIA CITY					
WAYNE	137.2	137.2	131.5	12,000	10,500
BAL OF MACOMB COUNTY, CO.					
LESS CITY OF WARREN	132.8	132.8	131.5	12,000	10,163
MACOMB					
MID COUNTIES CONSORTIUM	112.3		112.3	11,230	8,594
BARRY	112.3	114.1	112.3	11,410	8,732
CALHOUN					
MONROE COUNTY	114.3	114.3	111.0	11,430	8,747
MONROE					
MUSKEGON CONSORTIUM	104.4	106.6	104.4	10,660	8,158
MUSKEGON	104.4		104.4	10,440	7,990
OCEANA					
NORTHEAST MICHIGAN CONSORTIUM	89.1			10,000	7,093
OAKLAND COUNTY					
OAKLAND	121.6	121.6	131.5	12,000	10,064
OTTAWA COUNTY					
OTTAWA	94.7	94.7	101.3	10,130	7,752
SAGINAW COUNTY					
SAGINAW	129.4	129.4	129.4	12,000	9,903
ST. CLAIR COUNTY					
ST. CLAIR	103.6	103.6	131.5	12,000	10,064
WARREN CITY					
MACOMB	132.8	132.8	131.5	12,000	10,163

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MICHIGAN BAL OF WAYNE CO LESS DETROIT, DEARBORN AND LIVONIA	137.2	137.2	131.5	12,000	10,500
WAYNE					
BALANCE OF MICHIGAN					
ISABELLA	92.5	89.0		10,000	7,093
LIVINGSTON	92.5	89.0	131.5	10,000	7,093
MARQUETTE	92.5	101.0		12,000	10,064
MIDLAND	92.5	139.4		10,100	7,730
ST. JOSEPH	92.5	93.7		12,000	10,668
TUSCOLA	92.5	91.2		10,000	7,171
VAN BUREN	92.5	86.3	105.0	10,000	7,093
MINNESOTA					
DAKOTA COUNTY					
DAKOTA	91.6	91.6	104.8	10,480	8,020
DULUTH CITY					
ST. LOUIS	99.9	99.9	98.0	10,000	7,645
BAL OF HENNEPIN CO LESS CITY OF MINNEAPOLIS					
HENNEPIN	107.1	107.1	104.8	10,710	8,196
MINNEAPOLIS CITY					
HENNEPIN	107.1	107.1	104.8	10,710	8,196
BAL OF RAMSEY COUNTY, CO. LESS ST. PAUL CITY					
RAMSEY	108.9	108.9	104.8	10,890	8,334
REGION III CONSORTIUM					
ST. LOUIS	98.7	99.9	98.0	10,000	7,554
RURAL MINNESOTA CEP					
CLAY	75.1	75.1	90.4	10,000	7,093
ST. PAUL CITY					
RAMSEY	108.9	108.9	104.8	10,890	8,334
QUAD COUNTIES CONSORTIUM					
ANKA	96.4	98.0	104.8	10,480	8,020
CARVER	96.4		104.8	10,480	8,020
SCOTT	96.4		104.8	10,480	8,020
WASHINGTON	96.4	97.2	104.8	10,480	8,020
BALANCE OF MINNESOTA					
BLUE EARTH	80.8	84.9	104.8	10,000	7,093
CHISAGO	80.8			10,480	8,020

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MINNESOTA					
BALANCE OF MINNESOTA	80.8	100.7	100.7	10,070	7,707
OLMSTED.....	80.8		82.0	10,000	7,093
POLK.....	80.8		83.6	10,000	7,093
SHERBURNE.....	80.8	83.4	83.6	10,000	7,093
STEARNS.....	80.8	73.0	104.8	10,480	8,020
WRIGHT.....	80.8				
MISSISSIPPI					
JACKSON CONSORTIUM	87.2	88.0	87.2	10,000	7,093
HINDS.....	87.2	81.0	87.2	10,000	7,093
RANKIN.....	79.6	75.5	79.6	10,000	7,093
HARRISON COUNTY CONSORTIUM	79.6		79.6	10,000	7,093
HANCOCK.....	79.6		79.6	10,000	7,093
HARRISON.....	79.6		79.6	10,000	7,093
STONE.....	79.6		79.6	10,000	7,093
BALANCE OF MISSISSIPPI	75.8				
DE SOTO.....	75.8	76.8	93.3	10,000	7,093
FORREST.....	75.8	77.7		10,000	7,140
JACKSON.....	75.8	100.5	100.5	10,000	7,093
JONES.....	75.8	82.3		10,050	7,691
LAUDERDALE.....	75.8	80.5		10,000	7,093
LEE.....	75.8	76.6		10,000	7,093
LOWNDES.....	75.8	76.6		10,000	7,093
WASHINGTON.....	75.8	77.3		10,000	7,093
MISSOURI					
INDEPENDENCE CITY	104.3	104.3	103.5	10,430	7,982
JACKSON.....					
BAL OF JACKSON CO LESS					
CITIES OF INDEPENDENCE &					
KANSAS(PART)					
JACKSON.....	104.3	104.3	103.5	10,430	7,982
JEFFERSON/FRANKLIN					
CONSORTIUM					
FRANKLIN.....	81.3	80.8	106.4	10,640	8,143
JEFFERSON.....	81.3	81.8	106.4	10,640	8,143
KANSAS CITY CONSORTIUM					
CASS.....	104.2	103.4	103.5	10,420	7,974
CLAY.....	104.2	104.3	103.5	10,420	7,974
JACKSON.....	104.2		103.5	10,430	7,982
PLATTE.....	104.2		103.5	10,420	7,974
RAY.....	104.2		103.5	10,420	7,974

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
MISSOURI					
SPRINGFIELD CITY	86.8	86.8	86.1	10,000	7,093
GREENE.....					
ST. CHARLES COUNTY	89.8	89.8	106.4	10,640	8,143
ST. CHARLES.....					
ST. LOUIS CITY	111.8	111.8	106.4	11,180	8,556
ST. LOUIS IND. CITY.....					
ST. LOUIS COUNTY	105.3	105.3	106.4	10,640	8,143
ST. LOUIS.....					
BALANCE OF MISSOURI	76.0				
ANDREW.....	76.0	86.3	86.6	10,000	7,093
BOONE.....	76.0	87.7	86.6	10,000	7,093
BUCHANAN.....	76.0	85.6	86.1	10,000	7,093
CAPE GIRARDEAU.....	76.0	81.4	86.1	10,000	7,093
CHRISTIAN.....	76.0	85.8	86.1	10,000	7,093
COLE.....	76.0	82.7		10,000	7,093
GREENE.....	76.0				
JASPER.....	76.0				
MONTANA					
BUTTE RURAL CEP	94.0			10,000	7,194
BALANCE OF MONTANA					
CASCADE.....	84.2	89.1	89.1	10,000	7,093
MISSOULA.....	84.2	89.9	89.1	10,000	7,093
YELLOWSTONE.....	84.2	90.8	90.8	10,000	7,093
NEBRASKA					
LINCOLN CITY	84.5	84.5	84.5	10,000	7,093
LANCASTER.....					
OMAHA CONSORTIUM (NEBRASKA					
PART, OMAHA SMSA)	95.7	96.8	94.5	10,000	7,408
DOUGLAS.....	95.7	77.8	94.5	10,000	7,324
SARPY.....	76.6				
BALANCE OF NEBRASKA	76.6	84.5	91.2	10,000	7,093
DAKOTA.....	76.6		84.5	10,000	7,093
LANCASTER.....	76.6				
NEVADA					
LAS VEGAS CSRT. (CLARK CN.)	100.9	100.9	100.9	10,090	7,722
CLARK.....					

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
NEW MEXICO					
BALANCE OF NEW MEXICO	87.7	81.1		10,000	7,093
SANTA FE.....	87.7	90.5		10,000	7,093
VALENCIA.....					
NEW YORK					
ALBANY CITY	99.6	99.6	98.6	10,000	7,622
ALBANY.....					
BALANCE OF ALBANY COUNTY	99.6	99.6	98.6	10,000	7,622
COUNTY LESS ALBANY CITY					
ALBANY.....					
BROOME COUNTY	96.0	96.0	97.2	10,000	7,439
BROOME.....					
BUFFALO CITY	102.2	102.2	102.7	10,270	7,860
BUFFALO.....					
CHAUTAUGUA CONSORTIUM					
CHAUTAUGUA.....	85.6	87.2		10,000	7,093
ALLEGANY.....	85.6	82.5		10,000	7,093
CATTARAUGUS.....	85.6	86.9		10,000	7,093
CHAUTAUGUA.....					
CHEMUNG COUNTY	91.3	91.3	91.3	10,000	7,093
CHEMUNG.....					
DUTCHESS COUNTY	107.7	107.7	107.7	10,770	8,242
DUTCHESS.....					
ERIE CONSORTIUM	102.2	102.2	102.7	10,270	7,860
ERIE.....					
ROCHESTER CITY	115.7	115.7	109.8	11,570	8,855
ROCHESTER.....					
BAL OF MONROE CO., CO. LESS					
ROCHESTER CITY	115.7	115.7	109.8	11,570	8,855
MONROE.....					
NASSAU CONSORTIUM	101.5	101.5	99.9	10,150	7,768
NASSAU.....					
HEMPSTEAD TOWN - LONG BEACH					
CITY CONSORTIUM	101.5	101.5	99.9	10,150	7,768
NASSAU.....					
NEW YORK CITY	122.4			12,000	9,367
NEW YORK.....					
NIAGARA COUNTY	105.2	105.2	102.7	10,520	8,051
NIAGARA.....					
ONEIDA COUNTY	89.7	89.7	88.7	10,000	7,093
ONEIDA.....					
BAL OF ONONDAGA COUNTY, CO.					
LESS SYRACUSE CITY	100.7	100.7	99.5	10,070	7,707
ONONDAGA.....					

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES

	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
NEW YORK					
ORANGE COUNTY	87.2	87.2		10,000	7,093
ORANGE.....					
OSWEGO COUNTY	101.7	101.7	99.5	10,170	7,783
OSWEGO.....					
RENSSELAER COUNTY	86.3	86.3	98.6	10,000	7,546
RENSSELAER.....					
ROCKLAND COUNTY	93.1	93.1	119.5	11,950	9,145
ROCKLAND.....					
SARATOGA COUNTY	89.8	89.8	98.6	10,000	7,546
SARATOGA.....					
SCHENECTADY COUNTY	113.3	113.3	98.6	11,330	8,671
SCHENECTADY.....					
ST. LAWRENCE COUNTY	106.3	106.3		10,630	8,135
ST. LAWRENCE.....					
SUFFOLK CONSORTIUM (SUFFOLK	94.3	94.3		10,000	7,217
COUNTY)					
SUFFOLK.....					
SYRACUSE CITY	97.6	97.6	99.9	10,000	7,645
SYRACUSE.....					
ONONDAGA.....	100.7	100.7	99.5	10,070	7,707
ULSTER COUNTY	92.4	92.4		10,000	7,093
ULSTER.....					
WESTCHESTER CONSORTIUM	109.3	85.2	119.5	11,950	9,145
PUTNAM.....	109.3	110.2	119.5	11,950	9,145
WESTCHESTER.....					
YONKERS CITY	110.2	110.2	119.5	11,950	9,145
YONKERS.....					
BALANCE OF NEW YORK					
CAYUGA.....	83.4			10,000	7,093
CLINTON.....	83.4	86.7		10,000	7,093
COLUMBIA.....	83.4	85.6		10,000	7,093
FULTON.....	83.4	76.6		10,000	7,093
GENESEE.....	83.4	74.1		10,000	7,093
HERKIMER.....	83.4	91.0	88.7	10,000	7,093
JEFFERSON.....	83.4	84.1		10,000	7,093
LIVINGSTON.....	83.4	85.9		10,000	7,093
MADISON.....	83.4	85.0	109.8	10,980	8,403
MONTGOMERY.....	83.4	75.6	99.5	10,000	7,615
ONTARIO.....	83.4	74.4	98.6	10,000	7,546
ORLEANS.....	83.4	82.3	109.8	10,980	8,403
OTSEGO.....	83.4	77.2	109.8	10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES					
	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
NEW YORK					
BALANCE OF NEW YORK					
SULLIVAN.....	83.4	69.9	97.2	10,000	7,093
TIOGA.....	83.4	86.0		10,000	7,839
TOMPKINS.....	83.4	83.3		10,000	7,093
WARREN.....	83.4	96.0		10,000	7,093
WASHINGTON.....	83.4	86.0	109.8	10,980	7,347
WAYNE.....	83.4				8,503
NORTH CAROLINA					
ALAMANCE COUNTY					
ALAMANCE.....	76.8	76.8	76.8	10,000	7,093
BUNCOMBE COUNTY					
BUNCOMBE.....	82.8	82.8	81.9	10,000	7,093
CHARLOTTE CITY					
MECKLENBURG.....	97.7	97.7	92.9	10,000	7,477
CUMBERLAND COUNTY					
CUMBERLAND.....	81.3	81.3	81.3	10,000	7,093
DAVIDSON COUNTY					
DAVIDSON.....	78.0	78.0	91.5	10,000	7,093
DURHAM CITY					
DURHAM.....	97.3	97.3	91.8	10,000	7,446
GASTON COUNTY					
GASTON.....	81.9	81.9	92.9	10,000	7,110
GREENSBORO CONSORTIUM					
(GUILFORD COUNTY)					
GUILFORD.....	92.3	92.3	91.5	10,000	7,093
RALEIGH CITY					
WAKE.....	89.6	89.6	91.8	10,000	7,093
BAL OF WAKE COUNTY, CO. LESS					
CITY OF RALEIGH					
WAKE.....	89.6	89.6	91.8	10,000	7,093
WINSTON SALEM CONSORTIUM					
(FORSYTH COUNTY)					
FORSYTH.....	101.1	101.1	91.5	10,110	7,737
ROBESON COUNTY					
ROBESON.....	68.5	68.5		10,000	7,093
BALANCE OF NORTH CAROLINA					
BRUNSWICK.....	80.5			10,000	7,093
BURKE.....	80.5			10,000	7,093
CABARRUS.....	80.5	78.5	86.0	10,000	7,093
CALDWELL.....	80.5	74.4		10,000	7,093
CATAWBA.....	80.5	75.8		10,000	7,093
CLEVELAND.....	80.5	79.3		10,000	7,093
CLEVELAND.....	80.5	81.9		10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES					
	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
NORTH CAROLINA					
BALANCE OF NORTH CAROLINA					
COLUMBUS.....	80.5	76.1		10,000	7,093
CRAVEN.....	80.5	89.4		10,000	7,093
CURRITUCK.....	80.5		87.5	10,000	7,093
DURHAM.....	80.5	79.3	91.8	10,000	7,446
EDGEcombe.....	80.5	73.1		10,000	7,093
HALIFAX.....	80.5	68.3		10,000	7,093
HARNETT.....	80.5	79.8		10,000	7,093
HENDERSON.....	80.5	75.4		10,000	7,093
TREDELL.....	80.5	68.6		10,000	7,093
JOHNSTON.....	80.5	80.4		10,000	7,093
LENOIR.....	80.5		81.9	10,000	7,093
MADISON.....	80.5		92.9	10,000	7,477
MECKLENBURG.....	80.5			10,000	7,093
NASH.....	80.5	97.7		10,000	7,093
NEW HANOVER.....	80.5	75.4		10,000	7,093
ONSLow.....	80.5	84.6	86.0	10,000	7,093
ORANGE.....	80.5	71.5		10,000	7,093
PITT.....	80.5	88.2	91.8	10,000	7,093
RANDOLPH.....	80.5	76.6		10,000	7,093
ROCKINGHAM.....	80.5	75.6	91.5	10,000	7,093
ROMAN.....	80.5	83.4		10,000	7,093
RUTHERFORD.....	80.5	80.2		10,000	7,093
STOKES.....	80.5	74.9		10,000	7,093
SURRY.....	80.5		91.5	10,000	7,093
UNION.....	80.5	70.4		10,000	7,093
WAYNE.....	80.5	76.6	92.9	10,000	7,110
WILKES.....	80.5	74.1		10,000	7,093
WILSON.....	80.5	76.6		10,000	7,093
YADKIN.....	80.5	81.8	91.5	10,000	7,093
NORTH DAKOTA					
CONSORTIUM					
BURLEIGH.....	84.9			10,000	7,093
CASS.....	84.9	91.1	88.7	10,000	7,093
GRAND FORKS.....	84.9	93.1	90.4	10,000	7,125
MORTON.....	84.9	85.4	82.0	10,000	7,093
WARD.....	84.9	82.7	88.7	10,000	7,093
OHIO					
AKRON CONSORTIUM					
MEDINA.....	109.1	87.3	114.5	11,450	8,763
SUMMIT.....	109.1	111.8	109.3	11,180	8,554

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES					
	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
OHIO					
ALLEN COUNTY	108.2	108.2	101.3	10,820	8,281
ALLEN					
ASHTABULA COUNTY	95.2	95.2		10,000	7,286
ASHTABULA					
BUTLER COUNTY	115.6	115.6	115.6	11,560	8,847
BUTLER					
CANTON CONSORTIUM	104.4	106.1	105.4	10,610	8,120
CANTON					
STARK	104.4	97.2		10,440	7,990
WAYNE					
CINCINNATI CITY	110.9	110.9	106.5	11,090	8,487
HAMILTON					
CLARK COUNTY	98.9	98.9	96.4	10,000	7,569
CLARK					
CLERMONT/WARREN CONSORTIUM	86.4	93.3	106.5	10,650	8,150
CLERMONT	86.4	79.5	106.5	10,650	8,150
WARREN					
CLEVELAND CITY	117.1	117.1	114.5	11,710	8,962
CUYAHOGA					
COLUMBIANA COUNTY	89.3	89.3		10,000	7,093
COLUMBIANA					
COLUMBUS CONSORTIUM					
(FRANKLIN CO.)					
FRANKLIN	101.8	101.8	100.4	10,180	7,791
CUYAHOGA CONSORTIUM	116.5	117.1	114.5	11,710	8,962
CUYAHOGA	116.5	92.5	114.5	11,650	8,916
GEAUGA					
DAYTON CITY	114.4	114.4	110.0	11,440	8,755
MONTGOMERY					
GREENE COUNTY	92.5	92.5	110.0	11,000	8,418
GREENE					
BAL OF HAMILTON, CO LESS					
CINCINNATI CITY	110.9	110.9	106.5	11,090	8,487
HAMILTON					
LAKE COUNTY	102.3	102.3	114.5	11,450	8,763
LAKE					
CENTRAL OHIO RURAL					
CONSORTIUM					
DELAWARE	94.2	89.7	100.4	10,000	7,209
LICKING	94.2	100.1		10,040	7,684
MUSKINGUM	94.2	89.0		10,010	7,661
				10,000	7,209

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES					
	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
OHIO					
LORAIN COUNTY	116.8	116.8	116.8	11,680	8,939
LORAIN					
MONTGOMERY-PREBLE CONSORTIUM	113.6	114.4	110.0	11,440	8,755
MONTGOMERY	113.6		110.0	11,360	8,694
PREBLE					
PORTAGE COUNTY	92.8	92.8	109.3	10,930	8,365
PORTAGE					
RICHLAND/MORROW CSRT					
RICHLAND	103.1	104.7	104.7	10,310	7,890
RICHLAND	103.1			10,470	8,013
SCIOTO COUNTY	89.8	89.8		10,000	7,093
SCIOTO					
TOLEDO CONSORTIUM	112.6	113.8	111.0	11,380	8,709
LUCAS	112.6	104.9	111.0	11,260	8,617
WOOD					
TRUMBULL COUNTY	125.8	125.8	113.9	12,000	9,627
TRUMBULL					
BAL OF MAHONING COUNTY, CO.					
LESS YOUNGSTOWN CITY	103.1	103.1	113.9	11,390	8,717
MAHONING					
YOUNGSTOWN CITY	103.1	103.1	113.9	11,390	8,717
MAHONING					
BALANCE OF OHIO					
ATHENS	95.6			10,000	7,316
AUGLAIZE	95.6	84.5	101.3	10,000	7,316
BEAUMONT	95.6		98.4	10,130	7,752
BELMONT	95.6	96.9	105.4	10,000	7,531
CARROLL	95.6		98.4	10,540	8,066
CHAMPAIGN	95.6			10,000	7,377
DARKE	95.6	83.0		10,000	7,316
ERIE	95.6	105.7	100.4	10,570	8,089
FAIRFIELD	95.6	90.1	111.0	10,040	7,684
FULTON	95.6			11,100	8,495
HANCOCK	95.6	102.6		10,260	7,852
HURON	95.6	92.1		10,000	7,316
JEFFERSON	95.6	111.3	124.0	12,000	9,490
LAWRENCE	95.6	93.2	103.8	10,380	7,944
MADISON	95.6		100.4	10,040	7,684
MARION	95.6	101.4		10,140	7,760
MIAMI	95.6	91.9	110.0	11,000	8,418
OTTAWA	95.6		111.0	11,100	8,495
PICKAWAY	95.6		100.4	10,040	7,684
PUTNAM	95.6		101.3	10,130	7,752

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
OHIO					
BALANCE OF OHIO	95.6	101.2		10,120	7,745
ROSS.....	95.6	100.0		10,000	7,653
SANDUSKY.....	95.6	105.0		10,500	8,036
SENECA.....	95.6	93.7	101.3	10,000	7,316
TUSCARAWAS.....	95.6	94.8	94.6	10,130	7,752
VAN WERT.....	95.6			10,000	7,316
WASHINGTON.....	95.6				
OKLAHOMA					
BAL. OF CLEVELAND CO. LESS	74.6	74.6	94.7	10,000	7,247
OKLAHOMA CITY (PART)					
CLEVELAND.....	79.9	79.9	79.9	10,000	7,093
COMANCHE.....					
OKLAHOMA CITY CONSORTIUM	97.3			10,000	7,446
CANADIAN.....	97.3	74.6	94.7	10,000	7,446
CLEVELAND.....	97.3		94.7	10,000	7,446
MC CLAIN.....	97.3	98.2	94.7	10,000	7,446
OKLAHOMA.....	97.3		94.7	10,000	7,515
OKLAHOMA COUNTY, CO. LESS					
CITY OF OKLAHOMA (PART)	98.2	98.2	94.7	10,000	7,515
OKLAHOMA.....					
TULSA CONSORTIUM	103.8	83.5	102.4	10,380	7,944
CREEK.....	103.8		102.4	10,380	7,944
OSAGE.....	103.8	105.3	102.4	10,530	8,059
TULSA.....					
BALANCE OF OKLAHOMA	82.4			10,000	7,093
GARFIELD.....	82.4	90.5		10,000	7,093
KAY.....	82.4	95.5		10,000	7,509
LE FLORE.....	82.4		82.7	10,000	7,093
MC CLAIN.....	82.4		94.7	10,000	7,247
MAYES.....	82.4		102.4	10,240	7,837
MUSKOGEE.....	82.4	88.2		10,000	7,093
PAYNE.....	82.4	69.2		10,000	7,093
POTTAWATOMIE.....	82.4	75.4	94.7	10,000	7,267
ROGERS.....	82.4		102.4	10,240	7,837
SEQUOYAH.....	82.4		82.7	10,000	7,093
WAGONER.....	82.4		102.4	10,240	7,837
OREGON					
BAL OF CLACKAMAS CO. LESS	99.9	99.9	106.1	10,610	8,120
PORTLAND CITY (PART)					
CLACKAMAS.....					

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
OREGON					
JACKSON/JOSEPHINE CSRT.	93.6				7,163
JACKSON.....	93.6	94.1		10,000	7,201
LANE COUNTY					
LANE.....	98.3	98.3	98.3	10,000	7,523
MID WILLAMETTE VALLEY					
CONSORTIUM					
MARION.....	92.3				7,093
POLK.....	92.3	92.5	92.4	10,000	7,093
MULTNOMAH/WASHINGTON	92.3			10,000	7,093
CONSORTIUM					
MULTNOMAH.....	107.0	109.0	106.1	10,900	8,342
WASHINGTON.....	107.0	99.0	106.1	10,700	8,189
PORTLAND CITY					
CLACKAMAS.....	109.0	99.9	106.1	10,900	8,342
MULTNOMAH.....	109.0	109.0	106.1	10,900	8,342
BALANCE OF OREGON					
BENTON.....	95.3			10,000	7,293
COOS.....	95.3	96.2		10,000	7,362
DOUGLAS.....	95.3	104.5		10,450	7,997
JOSEPHINE.....	95.3	104.8		10,480	8,020
KLAMATH.....	95.3	88.6		10,000	7,293
LINN.....	95.3	97.8		10,000	7,485
UMATILLA.....	95.3	107.1		10,710	8,196
PENNSYLVANIA					
BAL OF ALLEGHENY COUNTY, CO.					
LESS PITTSBURGH CITY	111.9	111.9	110.9	11,190	8,564
ALLEGHENY.....					
BEAVER COUNTY					
BEAVER.....	124.0	124.0	110.9	12,000	9,490
BERKS COUNTY					
BERKS.....	93.5	93.5	93.5	10,000	7,156
BUCKS COUNTY					
BUCKS.....	98.7	98.7	104.9	10,490	8,028
CENTRE COUNTY					
CENTRE.....	88.0	88.0		10,000	7,093
CHESTER.....	101.8	101.8	104.9	10,490	8,028

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
PENNSYLVANIA					
DELAWARE COUNTY	100.3	100.3	104.9	10,490	8,028
ERIE CITY	96.7	96.7	96.7	10,000	7,400
BAL OF ERIE COUNTY, CO. LESS ERIE CITY	96.7	96.7	96.7	10,000	7,400
FAYETTE COUNTY	87.1	87.1		10,000	7,093
FRANKLIN COUNTY	91.0	91.0		10,000	7,093
BAL OF LACKAWANNA COUNTY, CO. LESS SCRANTON CITY	82.3	82.3	84.1	10,000	7,093
LAWRENCE COUNTY	93.3	93.3		10,000	7,140
LEHIGH VALLEY CONSORTIUM	101.2	99.6	99.5	10,120	7,745
NORTHAMPTON	101.2	103.5	99.5	10,350	7,921
LUZERNE COUNTY	85.0	85.0	84.1	10,000	7,093
LYCOMING CONSORTIUM	89.6			10,000	7,093
LYCOMING	89.6	89.1	89.1	10,000	7,093
MERCER CONSORTIUM	97.7			10,000	7,477
CRAWFORD	97.7	85.8		10,000	7,477
MERCER	97.7	103.9		10,390	7,951
VENANGO	97.7	101.9		10,190	7,798
MONTGOMERY COUNTY	106.2	106.2	104.9	10,620	8,127
NORTHUMBERLAND COUNTY	85.3	85.3		10,000	7,093
PHILADELPHIA CITY/COUNTY	109.8	109.8	104.9	10,980	8,403
PITTSBURGH CITY	111.9	111.9	110.9	11,190	8,564
ALLEGHENY	75.2	74.5	99.5	10,000	7,615
SCHUYLKILL CONSORTIUM	75.2	75.5		10,000	7,093
CARBON					
SCHUYLKILL					

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
PENNSYLVANIA					
SCRANTON CITY	82.3	82.3	84.1	10,000	7,093
LACKAWANNA	91.2			10,000	7,093
SOUTHERN ALLEGANY CONSORTIUM	91.2	84.1		10,000	7,093
BLAIR	91.2	101.9	98.5	10,190	7,798
CAMBRIA	91.2	88.6		10,000	7,538
SOMERSET	97.0	92.8	97.0	10,000	7,423
SUSQUEHANNA CONSORTIUM	97.0	100.6	97.0	10,060	7,699
CUMBERLAND	97.0			10,000	7,423
DAUPHIN	97.0				
PERRY	97.0				
TRI-COUNTY CONSORTIUM	101.6	95.4		10,160	7,775
(BUTLER CONSORTIUM)	101.6	104.9		10,490	8,028
BUTLER	101.6	100.6		10,160	7,775
INDIANA	105.7	105.7	110.9	11,090	8,487
WASHINGTON COUNTY	99.9	99.9	110.9	11,090	8,487
WASHINGTON	99.9				
WESTMORELAND COUNTY	96.0	96.0	92.8	10,000	7,347
WESTMORELAND	85.4			10,000	7,093
YORK COUNTY	85.4	71.9	92.8	10,000	7,093
BALANCE OF PENNSYLVANIA	85.4	87.9		10,000	7,093
ADAMS	85.4	90.5		10,000	7,093
BRADFORD	85.4	80.4		10,000	7,093
CLEARFIELD	85.4	87.2		10,000	7,093
COLUMBIA	85.4	85.7		10,000	7,093
MCLEAN	85.4			10,000	7,093
MONROE	85.4			10,000	7,093
MONTGOMERY	85.4			10,000	7,093
SUSQUEHANNA	90.0	90.0	90.0	10,000	7,439
LANCASTER COUNTY	89.0	89.0	90.0	10,000	7,093
LANCASTER	86.2	86.2	85.3	10,000	7,093
LEBANON COUNTY	85.0			10,000	7,093
LEBANON	85.0			10,000	7,093
RHODE ISLAND	85.0			10,000	7,093
PROVIDENCE CITY	85.0			10,000	7,093
PROVIDENCE	85.0			10,000	7,093
BALANCE OF RHODE ISLAND	85.0			10,000	7,093
BRISTOL					
KENT					
NEWPORT					

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES					
PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES	
RHODE ISLAND					
85.0	86.2	85.3	10,000	7,093	BALANCE OF RHODE ISLAND
85.0	84.2	85.3	10,000	7,093	PROVIDENCE.....
					WASHINGTON.....
SOUTH CAROLINA					
SOUTH CAROLINA STATEWIDE CONSORTIUM					
82.7	95.8	89.9	10,000	7,093	AIKEN.....
82.7	81.4		10,000	7,332	ANDERSON.....
82.7	70.8		10,000	7,093	BEAUFORT.....
82.7	90.0	85.7	10,000	7,093	BERKELEY.....
82.7	86.1	85.7	10,000	7,093	CHARLESTON.....
82.7	88.2		10,000	7,093	DARLINGTON.....
82.7	81.1	85.7	10,000	7,093	DORCHESTER.....
82.7	88.8		10,000	7,093	FLORENCE.....
82.7	80.7	87.1	10,000	7,093	GREENVILLE.....
82.7	62.6		10,000	7,093	HORRY.....
82.7	79.3		10,000	7,093	LAURENS.....
82.7	83.0	85.1	10,000	7,093	LEXINGTON.....
82.7	73.8		10,000	7,093	ORANGEBURG.....
82.7	77.8	87.1	10,000	7,093	PICKENS.....
82.7	85.7	85.1	10,000	7,093	RICHLAND.....
82.7	87.3	87.1	10,000	7,093	SPARTANBURG.....
82.7	71.9		10,000	7,093	SUNTER.....
82.7	86.1		10,000	7,093	YORK.....
SOUTH DAKOTA					
91.1	91.1	91.1	10,000	7,093	MINNEHAHA COUNTY
					MINNEHAHA.....
MINNEHAHA COUNTY					
72.9	81.4		10,000	7,093	BALANCE OF SOUTH DAKOTA
72.9			10,000	7,093	PENNINGTON.....
TENNESSEE					
97.6	97.6	93.9	10,000	7,469	CHATTANOOGA CITY
					HAMILTON.....
97.6	97.6	93.9	10,000	7,469	BAL OF HAMILTON COUNTY, CO.
					LESS CHATTANOOGA CITY
					HAMILTON.....
					KNOXVILLE CONSORTIUM (KNOX COUNTY)
86.5	86.5	94.1	10,000	7,201	KNOX.....

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES					
PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES	
TENNESSEE					
MEMPHIS CONSORTIUM (SHELBY COUNTY)					
95.0	95.0	93.3	10,000	7,270	
SHELBY.....					
NASHVILLE/DAVIDSON COUNTY (DAVIDSON COUNTY)					
94.9	94.9	91.0	10,000	7,263	
DAVIDSON.....					
100.5	100.5	89.2	10,050	7,691	
SULLIVAN COUNTY					
BALANCE OF TENNESSEE					
78.8	118.9	94.1	10,000	7,093	
78.8	99.7	94.1	11,250	9,099	
78.8	74.2		10,000	7,630	
78.8			10,000	7,093	
78.8		89.2	10,000	7,093	
78.8		91.0	10,000	7,093	
78.8		91.0	10,000	7,093	
78.8	71.6		10,000	7,093	
78.8		89.2	10,000	7,093	
78.8	84.5		10,000	7,093	
78.8		93.9	10,000	7,186	
78.8	77.6		10,000	7,093	
78.8		91.0	10,000	7,093	
78.8	82.3		10,000	7,093	
78.8		93.9	10,000	7,186	
78.8	82.9		10,000	7,093	
78.8		91.0	10,000	7,140	
78.8		93.3	10,000	7,093	
78.8		89.2	10,000	7,093	
78.8	77.4		10,000	7,201	
78.8		89.2	10,000	7,093	
78.8		91.0	10,000	7,093	
78.8		91.0	10,000	7,093	
TEXAS					
ALAMO CONSORTIUM					
85.4	85.4		10,000	7,093	
85.4	87.6	86.6	10,000	7,093	
85.4		86.6	10,000	7,093	
85.4		86.6	10,000	7,093	
GUADALUPE.....					
GULF COAST AREA MANPOWER CONSORTIUM					
102.8	120.6	116.0	10,280	7,867	
102.8	110.4	116.0	12,000	9,230	
102.8		116.0	11,600	8,877	
			11,600	8,877	

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES						
	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES	
TEXAS						
GULF COAST AREA MANPOWER CONSORTIUM	102.8	87.5	116.0	11,600	8,877	
MONTGOMERY	102.8		116.0	11,600	8,877	
WALLER						
CAMERON COUNTY	72.5	72.5	72.5	10,000	7,093	
CAPITAL AREA MANPOWER CONSORTIUM						
MAYS	84.5					
TRAVIS	84.5		86.6	10,000	7,093	
WILLIAMSON	84.5	87.8	86.6	10,000	7,093	
CENTRAL TEXAS MANPOWER CONSORTIUM		72.9		10,000	7,093	
BELL	79.4					
CORYELL	79.4	79.5	78.0	10,000	7,093	
COASTAL BEND MANPOWER CSRT			78.0	10,000	7,093	
NUECES	92.2					
SAN PATRICK	92.2	96.0	95.6	10,000	7,093	
DALLAS CITY	92.2	91.9	95.6	10,000	7,316	
DALLAS	106.9	106.9	101.8	10,690	8,181	
DALLAS COUNTY CONSORTIUM						
DALLAS	106.9	106.9	101.8	10,690	8,181	
EL PASO CONSORTIUM (EL PASO COUNTY)						
EL PASO	80.8	80.8	80.8	10,000	7,093	
FT. WORTH CONSORTIUM						
TARRANT	97.0	97.0	101.8	10,180	7,791	
GALVESTON COUNTY						
GALVESTON	107.7	107.7	107.7	10,770	8,242	
BALANCE OF HARRIS CO LESS PASADENA CSRT AND HOUSTON CITY						
HARRIS	116.8	116.8	116.0	11,680	8,939	
HIDALGO COUNTY CONSORTIUM						
HIDALGO	68.0			10,000	7,093	
NIDALGO	68.0	68.2	68.2	10,000	7,093	
HOUSTON CITY						
HARRIS	116.8	116.8	116.0	11,680	8,939	

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES						
	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES	
TEXAS						
GREATER PASADENA CONSORTIUM	116.8	116.8	116.0	11,680	8,939	
HARRIS	116.8			11,680	8,939	
NORTH TEXAS STATE PLANNING REGIONAL CONSORTIUM						
CLAY	82.0		85.2	10,000	7,093	
WICHITA	82.0	85.6	85.2	10,000	7,093	
PERMIAN BASIN CONSORTIUM						
ECTOR	103.3					
MIDLAND	103.3	105.2	105.2	10,330	7,906	
REGION XI CONSORTIUM	103.3	113.6	113.6	10,520	8,051	
MC LENNAN	80.7			11,360	8,694	
S.E. TEXAS COMPREHENSIVE MANPOWER CONSORTIUM	80.7	83.4	83.4	10,000	7,093	
HARDIN	113.6					
JEFFERSON	113.6	114.1	113.6	11,360	8,694	
ORANGE	113.6	119.2	113.6	11,410	8,732	
BAL OF TARRANT CO LESS FT PRAIRIE(PART)				11,920	9,122	
TARRANT						
SOUTH PLAINS ASSOCIATION OF GOVERNMENTS	97.0	97.0	101.8	10,180	7,791	
TEXARKANA CONSORTIUM (ARKANSAS-TEXAS)	79.8			10,000	7,093	
LITTLE RIVER						
MILLER	87.0		87.0	10,000	7,093	
BOWIE	87.0		87.0	10,000	7,093	
TEXAS PANHANDLE EMPLOYMENT AND TRAINING ALLIANCE CONSORTIUM		89.1	87.0	10,000	7,093	
WEBB COUNTY	100.2			10,020	7,668	
WEBB	69.9	69.9	69.9	10,000	7,093	
WEST CENTRAL TEXAS CSRT						
CALLAHAN	80.3			10,000	7,093	
JONES	80.3		83.4	10,000	7,093	
TAYLOR	80.3	84.6	83.4	10,000	7,093	

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
TEXAS EAST TEXAS MANPOWER CONSORTIUM					
GREGG.....	87.8	92.1	94.1	10,000	7,093
HARRISON.....	87.8		94.1	10,000	7,201
SMITH.....	87.8	91.9	91.9	10,000	7,201
BALANCE OF TEXAS					7,093
ANGELINA.....	83.1			10,000	7,093
BRADYS.....	83.1	90.4		10,000	7,093
COLLIN.....	83.1	74.9	74.9	10,000	7,093
DENTON.....	83.1	82.3	101.8	10,180	7,791
ELLIS.....	83.1	75.9	101.8	10,180	7,791
GRAYSON.....	83.1	83.6	101.8	10,180	7,791
HOOD.....	83.1	86.5	101.8	10,000	7,093
JOHNSON.....	83.1	72.7	101.8	10,180	7,791
KAUFMAN.....	83.1		101.8	10,180	7,791
LUBBOCK.....	83.1	81.4	101.8	10,180	7,791
PARKER.....	83.1		101.8	10,180	7,093
POTTER.....	83.1	92.9	90.9	10,180	7,791
RANDALL.....	83.1	80.4	90.9	10,000	7,110
ROCKWALL.....	83.1		90.9	10,000	7,093
TOM GREEN.....	83.1	79.1	101.8	10,180	7,791
VICTORIA.....	83.1	92.7	79.1	10,000	7,093
WISE.....	83.1		101.8	10,000	7,094
UTAH					7,791
UTAH STATEWIDE CONSORTIUM					
DAVIS.....	92.6			10,000	7,093
SALT LAKE.....	92.6	104.5	94.9	10,450	7,997
TDOELE.....	92.6		94.9	10,000	7,263
UTAH.....	92.6		94.9	10,000	7,263
WEBER.....	92.6	89.9	89.9	10,000	7,093
VERMONT					7,263
VERMONT STATEWIDE CONSORTIUM					
CHITTENDEN.....	83.3			10,000	7,093
RUTLAND.....	83.3	96.2		10,000	7,362
VIRGINIA					7,093
ALEXANDRIA CITY					
ALEXANDRIA.....	101.5	101.5	117.4	11,740	8,985

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
VIRGINIA					
ARLINGTON COUNTY					
FAIRFAX-LOUDDOWN CONSORTIUM	135.4	135.4	117.4	12,000	10,362
FAIRFAX.....	102.4	104.7	117.4	11,740	8,985
LOUDDOWN.....	102.4	91.1	117.4	11,740	8,985
FAIRFAX CITY.....	102.4		117.4	11,740	8,985
FALLS CHURCH.....	102.4				8,985
HENRICO COUNTY CONSORTIUM					
CHESTERFIELD.....	92.4	101.0	94.9	10,100	7,730
HANOVER.....	92.4	83.0	94.9	10,000	7,263
HENRICO.....	92.4	89.6	94.9	10,000	7,263
PENNSINSULA CONSORTIUM					
JAMES CITY.....	92.0			10,000	7,093
YORK.....	92.0			10,000	7,093
HAMPTON.....	92.0		91.5	10,000	7,093
NEWPORT NEWS.....	92.0	93.9	91.5	10,000	7,186
WILLIAMSBURG.....	92.0	94.3	91.5	10,000	7,217
PRINCE WILLIAM COUNTY CONSORTIUM					7,093
PRINCE WILLIAM.....	92.7			11,740	8,985
MANASSAS CITY.....	92.7	84.9	117.4	11,740	8,985
MANASSAS PARK CITY.....	92.7		117.4		
RAMPS CONSORTIUM					
CHARLES CITY.....	96.2		94.9	10,000	7,362
GOOCHLAND.....	96.2		94.9	10,000	7,362
NEW KENT.....	96.2		94.9	10,000	7,362
POWHTAN.....	96.2		94.9	10,000	7,416
RICHMOND.....	96.2	96.9	94.9	10,000	7,093
ROANOKE CONSORTIUM					
BOTETOURT.....	85.3			10,000	7,093
CRAIG.....	85.3		87.2	10,000	7,093
ROANOKE.....	85.3	87.2	87.2	10,000	7,093
STAMA CONSORTIUM	85.3	84.1	87.2	10,000	7,093
CHESAPEAKE.....	87.8			10,000	7,093
NORFOLK.....	87.8	84.4	87.5	10,000	7,093
PORTSMOUTH.....	87.8	92.1	87.5	10,000	7,093
SUFFOLK.....	87.8	96.8	87.5	10,000	7,408
VIRGINIA BEACH.....	87.8	73.1	87.5	10,000	7,093

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES					
	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
VIRGINIA					
BALANCE OF VIRGINIA					
ALBERMARLE	82.4	90.7	87.9	10,000	7,093
AMHERST	82.4		87.9	10,000	7,093
APPOMATTOX	82.4	92.4	87.9	10,000	7,093
AUGUSTA	82.4		87.9	10,000	7,093
CAMPBELL	82.4		90.3	10,000	7,093
DINWIDDIE	82.4		91.5	10,000	7,093
GLoucester	82.4			10,000	7,093
HENRY	82.4	88.4		10,000	7,093
MONTGOMERY	82.4	83.3		10,000	7,093
PITTSYLVANIA	82.4	87.1		10,000	7,093
PRINCE GEORGE	82.4	102.9	90.3	10,290	7,875
ROCKINGHAM	82.4	76.6		10,000	7,093
SCOTT	82.4		89.2	10,000	7,093
WASHINGTON	82.4		89.2	10,000	7,093
BRISTOL	82.4		89.2	10,000	7,093
COLONIAL HEIGHTS	82.4		90.3	10,000	7,093
HOPWELL	82.4		90.3	10,000	7,093
LYNCHBURG	82.4	89.1	87.9	10,000	7,093
PETERSBURG	82.4		90.3	10,000	7,093
SALEM	82.4		87.2	10,000	7,093
WASHINGTON					
CLARK COUNTY	105.5	105.5	106.1	10,610	8,120
KING/SHOMOMISH CONSORTIUM					
KING	115.8	116.7	115.8	11,670	8,931
SHOMOMISH	115.8	105.5	115.8	11,580	8,862
KITSAP COUNTY					
BAL OF PIERCE COUNTY, CO.	114.6	114.6		11,460	8,770
LESS TACOMA CITY					
PIERCE	104.0	104.0	104.0	10,400	7,959
SPOKANE CSRT. (SPOKANE CN.)					
SPOKANE	98.4	98.4	98.4	10,000	7,531
TACOMA CITY					
PIERCE	104.0	104.0	104.0	10,400	7,959
YAKIMA COUNTY					
YAKIMA	85.0	85.0	85.0	10,000	7,093
THURSTON COUNTY					
THURSTON	105.9	105.9		10,590	8,105

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES					
	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
WASHINGTON					
BALANCE OF WASHINGTON					
BENTON	102.4	129.3	121.3	10,240	7,837
COMLITZ	102.4	119.8		12,000	9,895
FRANKLIN	102.4		121.3	11,980	9,168
GRAY'S HARBOR	102.4	110.6		12,000	9,283
LEWIS	102.4	102.7		11,060	8,464
SKAGIT	102.4	92.0		10,270	7,880
WHATCOM	102.4	99.1		10,240	7,837
WEST VIRGINIA					
WEST VIRGINIA STATEWIDE CONSORTIUM					
BROCKE	100.2			10,020	7,668
CABELL	100.2		124.0	12,000	9,490
FAYETTE	100.2	98.5	103.8	10,380	7,944
HANCOCK	100.2	98.1		10,020	7,668
HARRISON	100.2		124.0	12,000	9,490
KANAWHA	100.2	93.9		10,020	7,668
MC DOWELL	100.2	98.4	99.0	10,020	7,668
MARION	100.2	121.3		12,000	9,283
MARSHALL	100.2	100.0		10,020	7,668
MERCER	100.2		98.4	10,020	7,668
MONONGALIA	100.2	90.1		10,020	7,668
OHIO	100.2	109.8		10,980	8,403
PUTNAM	100.2	87.5		10,020	7,668
RALEIGH	100.2		99.0	10,020	7,668
WAYNE	100.2	100.7	103.8	10,070	7,707
WIRT	100.2		94.6	10,380	7,944
WOOD	100.2		94.6	10,020	7,668
WISCONSIN					
MADISON/DANE CONSORTIUM (DANE CO.)					
DANE	97.4	97.4	97.4	10,000	7,454
MARATHON COUNTY					
MARATHON	94.9	94.9		10,000	7,263
MILWAUKEE COUNTY					
MILWAUKEE	108.8	108.8	107.0	10,880	8,326
NORTHWEST WISCONSIN CEP					
DOUGLAS	75.2			10,000	7,093
	75.2		98.0	10,000	7,500

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES					
	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
WISCONSIN					
OUTAGAMIE COUNTY	97.5	97.5	99.2	10,000	7,592
OUTAGAMIE.....					
ROCK COUNTY	104.3	104.3		10,630	7,982
ROCK.....					
TRICO CETAC	102.7	108.1	108.1	10,810	8,273
KENOSHA.....	102.7	107.8	107.8	10,780	8,250
RACINE.....	102.7	78.8		10,270	7,860
WALWORTH.....					
WINNEFOND CONSORTIUM	96.9	88.3	99.2	10,000	7,416
FOND DU LAC.....	96.9	101.9		10,190	7,798
WINNEBAGO.....					
WOW CONSORTIUM	101.0	96.4	107.0	10,700	8,189
OZAUKEE.....	101.0	89.7	107.0	10,700	8,189
WASHINGTON.....	101.0	105.0			
WAUKESHA.....					
BALANCE OF WISCONSIN	84.3	98.6		10,000	7,093
BROWN.....	84.3		98.6	10,000	7,546
CALUMET.....	84.3		99.2	10,000	7,592
CHIPPWA.....	84.3		87.7	10,000	7,093
DODGE.....	84.3	91.0		10,000	7,093
EAU CLAIRE.....	84.3	90.7	87.7	10,000	7,093
GRANT.....	84.3	69.6		10,000	7,093
JEFFERSON.....	84.3	88.2		10,000	7,093
LA CROSSE.....	84.3	86.8	86.8	10,000	7,093
MANITOWOC.....	84.3	86.9		10,000	7,093
PORTAGE.....	84.3	86.7		10,000	7,093
ST. CROIX.....	84.3			10,480	8,020
SHEBOYGAN.....	84.3	94.8	104.8	10,000	7,835
WOOD.....	84.3	100.5		10,000	7,091
WYOMING					
WYOMING STATEWIDE CONSORTIUM	102.4			10,240	7,837
LARAMIE.....	102.4	93.7		10,240	7,837
NATRONA.....	102.4	115.0		11,500	8,801

1978 PRIME SPONSOR, COUNTY, AND SMSA WAGE INDEXES (NATIONAL AVERAGE ANNUAL WAGES OF \$12,144 = 100.0), MAXIMUM AND AVERAGE WAGES					
	PRIME SPONSOR INDEX	COUNTY INDEX	SMSA INDEX	MAXIMUM WAGES	AVERAGE WAGES
PUERTO RICO					
BAYAMON MUNICIPIO.....	60.7			10,000	7,093
CAGUAS MUNICIPIO.....	60.7			10,000	7,093
CAROLINA MUNICIPIO.....	60.7			10,000	7,093
MAYAGUEZ MUNICIPIO.....	60.7			10,000	7,093
PONCE MUNICIPIO.....	60.7			10,000	7,093
SAN JUAN MUNICIPIO.....	60.7			10,000	7,093
BALANCE OF PUERTO RICO.....	60.7			10,000	7,093
VIRGIN ISLANDS.....	74.1			10,000	7,093
GUAM.....					
SAMOA.....					
TRUST TERRITORIES OF THE					
PACIFIC ISLANDS.....					
NORTHERN MARIANAS.....					

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Friday
September 28, 1979

Part VIII

Department of Commerce

Office of the Secretary

Laboratories That Test Thermal Insulation
Materials, Freshly Mixed Field Concrete,
or Carpet; Proposed Accrediting Criteria;
Proposed Fees

DEPARTMENT OF COMMERCE

Office of the Secretary

National Voluntary Laboratory Accreditation Program; Proposed Criteria for Accrediting Testing Laboratories That Test Thermal Insulation Materials, Freshly Mixed Field Concrete, or Carpet

AGENCY: Assistant Secretary of Commerce for Science and Technology.

ACTION: Request for comments on proposed criteria to be used by the Department of Commerce (DOC) for accrediting testing laboratories that test thermal insulation materials, freshly mixed field concrete, or carpet.

SUMMARY: Under the procedures of the National Voluntary Laboratory Accreditation Program (NVLAP) (15 CFR Part 7), this notice requests comments on the proposed general and specific criteria to be used by the Secretary of Commerce (Secretary) in accrediting testing laboratories that voluntarily request accreditation. The Secretary is offering three laboratory accreditation programs (LAPs) covering test methods for thermal insulation materials (NVLAP-01 or the insulation LAP), freshly mixed field concrete (NVLAP-02 or the concrete LAP), and carpet (NVLAP-03 or the carpet LAP). These proposed criteria to be used for all three LAPs are based on the recommendations of the National Laboratory Accreditation Criteria Committee for Thermal Insulation Material (NLACC-1 or the insulation LAP committee), the National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete (NLACC-2 or the concrete LAP committee), and the Department of Housing and Urban Development (HUD), which requested the carpet LAP, as well as DOC staff experience with the first round of evaluations of laboratories under the insulation LAP. These proposed criteria, as may be amended upon consideration of the public comments, will form the basis for examination of each applicant testing laboratory. The final criteria are planned for publication during January 1980.

DATES: Written comments are due on or before November 27, 1979. A request for an informal public hearing may be made before October 15, 1979.

ADDRESS: Comments should be mailed to Dr. Jordan J. Baruch, Assistant Secretary for Science and Technology, Room 3864, U.S. Department of Commerce, Washington, D.C. 20230; or

delivered to Room 3864, Main Commerce Building, 14th Street between Constitution and Pennsylvania Avenues, N.W., between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377-3221.

SUPPLEMENTARY INFORMATION:**Background**

The National Voluntary Laboratory Accreditation Program (NVLAP) was established by notice in the *Federal Register* on February 25, 1976 (41 FR 8163-8168, 15 CFR Part 7 which has been recently redesignated 15 CFR Part 7a). This notice, amended by alternative procedures for use by Federal agencies published in the *Federal Register* on March 9, 1979, describes the procedures which are to be used for developing laboratory accreditation programs (LAPs). Three LAPs currently are being implemented as follows:

(1) *Insulation LAP.* The first LAP (NVLAP-01 or the insulation LAP) is for accrediting laboratories that test thermal insulation materials. A final finding of need for this LAP was published on October 12, 1977 (42 FR 55020-55024). Subsequently, a National Laboratory Accreditation Criteria Committee (NLACC-01 or the insulation LAP committee) was formed and met on several occasions to develop and recommend general and specific criteria to the Secretary of Commerce (Secretary). These recommendations were submitted to the Secretary on August 3, 1978 and formed the basis for proposed general and specific criteria published on September 29, 1978 (43 FR 45290-45298). Comments received from the public were reviewed by the insulation LAP committee which made recommendations on how to incorporate certain of the comments into the criteria. Final general and specific criteria to be used in evaluating the capability of laboratories to test thermal insulation materials were published on January 18, 1979 (44 FR 3886-3906). DOC is now in the process of evaluating 30 laboratories which subsequently applied for accreditation. As a result of experience gained in applying the criteria in the evaluation of these laboratories and because of different recommendations being developed by a second criteria committee (described in the succeeding paragraph), the insulation LAP committee was asked to meet again to consider recommending revised criteria to the Secretary. A report entitled, "Recommendations for Revision One of the Criteria for Accrediting Laboratories

Which Test Thermal Insulation Materials" was prepared and submitted to the Secretary on August 9, 1979. The report provides a basis for the development of the proposed criteria herein.

If the criteria proposed herein are adopted, they would replace the criteria issued in the *Federal Register* on January 18, 1979 for accreditation of laboratories that test thermal insulation materials. However, laboratories which have applied by February 28, 1979 for accreditation under the January 18, 1979 criteria would be governed by those criteria until a decision on accreditation has been made. Any accreditation so issued will be effective under the January 18, 1979 criteria for one year from the date the accreditation is issued.

(2) *Concrete LAP.* Parallel to the foregoing effort on insulation, a second LAP (NVLAP-02 or the concrete LAP) for accrediting laboratories which test freshly mixed field concrete was established with a final finding of need published on December 13, 1978 (43 FR 27224-27228). A second criteria committee, the National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete (NLACC-02 or the concrete LAP committee), was formed and met on four occasions to develop and recommend criteria to the Secretary. These recommendations were submitted to the Secretary on August 2, 1979 and provide a second basis for the development of these proposed criteria.

(3) *Carpet LAP.* Recently, the Department of Housing and Urban Development (HUD) requested that the Secretary establish a LAP to accredit laboratories that test carpet to meet the requirements set forth in the *HUD Use of Materials Bulletin (UM-44c)*. This request was made on the basis that the LAP be developed using optional NVLAP procedures for use by Federal agencies (15 CFR Part 7b) published in the *Federal Register* on March 9, 1979 (44 FR 12982-12990). In accordance with these optional procedures, HUD has determined the need for such a LAP and, on August 15, 1979, forwarded recommended criteria to DOC to be used to accredit laboratories that test carpet.

Basis of Proposed Criteria

NVLAP was developed on the basis that it would provide national recognition of the capability of laboratories qualified to perform tests in product areas where such recognition is needed. DOC believes that the methodology used in according this national recognition should be identical or as consistent as possible among various product areas for which

accreditation is granted so that users of NVLAP accredited laboratories can more readily anticipate the nature and extent of the evaluation regardless of product area. Similarly, laboratories which seek NVLAP accreditation should expect to find identical or consistent criteria among the relevant product areas wherever this is possible, since many laboratories will seek accreditation in more than one product area. From an operational point of view, consistent criteria by which laboratories are to be evaluated regardless of the number of LAPs or test methods for which they seek accreditation are desirable in order to minimize the cost of the program to the laboratories and the likelihood of confusion in administering the program. Although the criteria pertain specifically to the LAPs for insulation, concrete, and carpet, these criteria are also expected, wherever possible, to be applicable to future LAPs in other product areas developed under NVLAP procedures.

There are considerable differences in a number of the recommendations of the two criteria committees, the insulation LAP committee and the concrete LAP committee. Many of these differences are in matters of form, but there are a few substantive differences. In an attempt to obtain uniformity and consistency among the LAPs, DOC has elected to propose a single set of general criteria and a single set of specific criteria to be used for these three LAPs. The DOC approach to resolving substantive differences is described below. The approach to resolving the issues of form is also described.

Before discussing these substantive issues, several points should be clarified. General criteria relate to the general characteristics of a laboratory independent of the tests performed. Specific criteria relate to the characteristics of the laboratory as related to its performance of specific tests covered in the accreditation program. The specific criteria are stated in such a manner that they do not have to be changed each time a test method is revised.

It should be understood that some sections of the specific criteria will not necessarily be applicable to all test methods. For example, in some relatively simple test methods, including many of the methods referred to as "recommended practices" or "standard methods," there is no need to calibrate equipment or to prepare a test report. In such cases, some of the specific criteria will not apply for these methods. This is why the term "as applicable" is used several places in the specific criteria.

The applicability of the specific criteria to each identified test method will be clearly defined in "supplemental information" for each test method as shown in examples presented in the appendices of this notice. The examples are provided to give the public a clearer understanding as to how the specific criteria should be implemented for each test method. The appendices are part of the operating process of the program and not part of the criteria. The "supplemental information" is also part of the operating process and not part of the criteria. Each laboratory which applies for accreditation will be sent a copy of this "supplemental information" for the test methods for which it applies before any on-site visits are made or fees collected. This will enable the laboratory to ascertain precisely what is expected of it in order for it to be accredited.

Substantive Issues

The recommendations of the insulation LAP committee, the concrete LAP committee, and HUD raised a number of substantive issues and contained a number of differences among the three sets of recommendations. DOC consideration of the issues and the resolution of these differences follow. The substantive issues relating to each major section of the proposed criteria are discussed under the appropriate section heading. There are six major headings (i.e., Organizational Structure; Policy Statements; Quality Control System; Technical Staff; Equipment, Facilities, and Procedures; and Records) which correspond to the six major sections (i.e., G1, G2, G3, S1, S2, and S3) of the proposed criteria.

(1) *Organizational Structure (G1).* Every laboratory accreditation program needs some general information about each applicant laboratory's organization. Both NVLAP criteria committees and HUD in their recommendations agreed that information such as the name and address, ownership and management structure, organizational chart, reporting relationships, and the position description of the person who has technical responsibility for the laboratory should be provided. The original criteria (for laboratories that test thermal insulation materials as published in the *Federal Register* on January 18, 1979; 44 FR 3886-3906) contained these provisions. The original criteria also required a laboratory to provide a general description of the laboratory including its equipment and facilities, a list of technical services performed, estimates of the number of

times each test is run, and the names and résumés or personnel requirements of all positions identified on its organizational chart.

The concrete LAP committee in its deliberations stressed that the criteria should require only information which is absolutely essential for accreditation in order to minimize the paperwork involved. It recommended the deletion of the suggested provisions for a general description, the list of services, the estimates of the number of times tests are run, and the names and résumés or personnel requirements of all positions on the organization chart.

The insulation LAP committee reviewed these recommendations and endorsed all of them except the deletion of a general description of the laboratory. It believed that this information would be useful in identifying the laboratory, administering the LAP, and scheduling on-site examinations. Also, it believed that the provisions for a listing of technical services performed and estimates of the number of times tests are run would be useful for the same reasons. However, the insulation LAP committee agreed that these two provisions might be requested in the application form rather than be included as part of the criteria. Under this approach information obtained from these two provisions would not be used as a basis for making the accreditation decisions since they would not be part of the criteria. DOC was convinced that the position of the insulation LAP committee and HUD should be accepted. For the carpet LAP, HUD agreed with the insulation LAP committee's position.

Relative to the "general description" issue, DOC proposes to clarify the intent of this section (G1.1.6) by deleting the words "its equipment" and revising the language to read, "A general description of the laboratory, including its facilities and scope of operation."

Editorial changes to the original criteria are made herein to G1.1 and its subsections in accordance with the recommendations from the concrete LAP committee and HUD.

The concrete LAP committee recommended the deletion of criterion G4 of the original criteria. This criterion requires reporting to the National Bureau of Standards (NBS) of substantive changes in the laboratory regarding the general and specific criteria. The concrete LAP committee suggested that the only changes that need to be reported to NBS are fundamental changes related to the provisions of G1.1 (e.g., change of name, address, ownership, management, general description, or scope of

operation). It concluded that it is unreasonable to expect laboratories to report changes in equipment, technical staff, and the like which is implied in the original criteria because these changes are so frequent that the cost of paperwork involved would not be offset by any expected benefits. Therefore, it recommended a new G1.2 requiring the laboratory to submit a statement of any fundamental changes related to the provisions of G1.1 within 30 days of such changes. The insulation LAP committee and HUD agreed with the addition of this new G1.2 and the deletion of G4 of the original criteria and DOC also agrees.

(2) *Policy Statements (G2).* The NVLAP procedures (15 CFR Part 7a.7 and Part 7b.7) specifically suggest that criteria committees consider "professional and ethical business practices" pertaining to testing laboratories in recommending the general criteria. Both committees and HUD have such provisions in their recommendations.

In the original criteria the provisions addressing "professional and ethical business practices" required a laboratory to have a policy statement and documented evidence that it is operated in accordance with generally accepted professional and ethical business practices. The concrete LAP committee, in stressing the need for reducing paperwork and clarifying how a laboratory would be judged, recommended that the "ethical practices" provisions be restated as a series of policy statements and simply request the laboratory's written agreement to be governed by such statements. Compliance would be assessed at such time that a complaint or other evidence, which is received by DOC, impugns the accredited laboratory's compliance with any of the policy statements. The insulation LAP committee and HUD agree with this recommendation as does DOC.

In addition, the concrete LAP committee recommended two provisions not addressed by the original criteria and one provision addressed under criterion G4 of the original criteria. The first two provisions are that the laboratory shall agree in writing to—(a) perform the tests for which accreditation is sought in accordance with the test methods, and to report any deviations from those test methods in its test reports; and (b) return its certificate of accreditation should it become unable to conform to any of the criteria for accreditation. The concrete LAP committee indicated that it was important to encourage the laboratory to

conform strictly to each test method, and that if the laboratory deviates from the test methods it should be required to report that fact to its client(s). Similarly with respect to the second provision, the concrete LAP committee indicated that an accredited laboratory has a duty, as a matter of ethical practice, to return its certificate of accreditation if it becomes unable to conform to the NVLAP criteria and chooses to remain in non-conformance. The insulation LAP committee and HUD agreed with these two recommendations as does DOC.

The third provision recommended by the concrete LAP committee with which both the insulation LAP committee and HUD agreed, is that an accredited laboratory be required to conduct each test method in accordance with the latest version of the method within one year after publication. The original criteria required reporting and implementation of all changes necessitated by a revision in the test method within 45 days unless another time limit is established by NBS. The concrete LAP committee rejected this criterion because it believed that—(a) the 45-day deadline is too short; (b) copies of published test methods are not always readily available; (c) the ASTM book of standards covering concrete test methods published once a year will not include the revisions made during the year the book is in effect; and (d) the reporting and documenting of every change necessitated by revisions to the test methods is unnecessary paperwork. The insulation LAP committee and HUD agreed with the provision recommended by the concrete LAP committee. DOC agrees that this will be adequate for most situations but believes that in some unusual situations an earlier or later time limit may be appropriate. Hence, the proposed provision (G2.1.6) provides that another time limit may be specified by DOC. If such a situation occurs, the accredited laboratories will be directly notified and the new time limit will be published in the Federal Register.

The original criteria require that test data, records, and reports be treated as proprietary information which cannot be released to other individuals without a written agreement from the laboratory's client(s). The concrete LAP committee recommended deletion of this provision on the grounds that test results on concrete should be made readily available to all interested parties and that in some jurisdictions the results may be statutorily required to be in the public domain. The insulation LAP committee disagreed with this recommended deletion because it

believed that keeping a client's information in confidence is particularly important in areas such as thermal insulation where technology is very close to the state-of-the-art. HUD agreed with the insulation LAP committee as does DOC. DOC believes that clients normally expect laboratories to treat their data as proprietary. Also, such a provision is stated in two sections of the International Standards Organization document, ISO Guide 25-1978(E), "Guidelines for Assessing the Technical Competence of Testing Laboratories." DOC proposes that this provision (G2.1.4) read, "Treat test data, records, and reports as proprietary information unless the client agrees in writing to the release of such information." However, it should be noted that section 7a.7 and 7b.7 of the NVLAP procedures do not relieve laboratories from compliance with any existing Federal, State, or local statutes, ordinances, and regulations that may pertain to this subject.

(3) *Quality Control System (G3).* Laboratory accreditation should relate to the quality of performance of the laboratory being accredited. The NVLAP procedures (15 CFR Part 7a and Part 7b.7) specifically indicate that criteria committees, in recommending the general criteria, should address factors such as "operational processes," "control procedures," and "quality assurance" pertaining to testing laboratories. Both criteria committees and HUD in their recommendations agreed to the overall concept that a laboratory must maintain some sort of quality control system related to laboratory performance in order to be accredited and DOC concurs.

The original criteria contain a requirement that to be accredited a laboratory must have a quality control system. Under those criteria, the system is to be documented in a quality control manual which either would contain information required by certain sections of the criteria or would show the location in the laboratory of information required by other sections of the criteria. The laboratory is required to describe, generally, its system for auditing and monitoring its test work, assuring maintenance of equipment and facilities, controlling the flow of work, and maintaining records. In addition, for each test method the laboratory is required to describe its equipment, facilities, equipment calibration, and verification procedures. During the implementation of the insulation LAP, as laboratories attempted to prepare their manuals, a number of questions were raised relative to the apparent overlap

in data requirements of the general and specific criteria. In the manuals that were received, the procedures used to assure that accurate data were obtained using specific test methods were not always clear.

The concrete LAP committee in its deliberations stressed three important considerations: (a) Precisely what does a laboratory have to do to be accredited for each specific test method; (b) How will judgments be made of the acceptability of each laboratory's response to each criterion; and (c) Can the criteria be simplified? Although the concrete LAP committee agreed on the need for some kind of quality control system, it recommended that the criteria be simplified so that all the detailed requirements for equipment description, calibration, test plans, and record keeping could be placed in the specific criteria and be combined with the elements of the original specific criteria. Rather than a quality control manual, it called for an operations control manual which would provide for both employees and NVLAP examiners, a step-by-step description of how the laboratory operates in the performance of each test.

The insulation LAP committee reviewed these suggestions and recommended against accepting them. Instead, the insulation LAP committee recommended a laboratory quality control manual that describes how the laboratory assures the quality of its test results (e.g., how it calibrates its equipment or how it prepares its reports, including information specific to individual test methods as needed). That committee also suggested that the quality control manual concept should be retained at least until the first round of accreditation was completed and an analysis could be made of the advantages and disadvantages of providing such a manual.

For the carpet LAP, HUD agreed with the desirability of a quality control system, and stated that such a system was compatible with its existing program and that HUD was flexible about the exact provisions of the criteria. HUD agreed with and recommended the position which is taken by DOC on this issue.

In an attempt to provide uniform criteria, DOC makes the following proposal:

(a) A quality control system must be in existence and must include either a quality control manual or a laboratory operations control manual.

(b) The manual does not have to be routinely submitted to NVLAP but must be available for review by NVLAP on-site examiners.

(c) The manual must contain information in response to the applicable requirements of the specific criteria or indicate where in the laboratory such information is located for each test method or group of test methods. (A quality control manual developed to meet the requirements of the original criteria, if deemed adequate by NBS to meet those original requirements, and if up-to-date, will suffice to meet this requirement.)

(d) The determination as to whether the manual is adequate will be based upon judgment by an evaluator that a qualified testing technician can use the information to conduct the test properly. To resolve any doubts about the adequacy of the manual, NBS may ask that copies of portions of the manual be sent to NBS for further evaluation. One of the main uses of a quality control manual or operations control manual is to enable a qualified technician to go to one reference source in the laboratory for guidance in adequately performing the specific tests for which the laboratory is accredited.

(e) Other detailed requirements specified in the original general criteria are proposed to be shifted to the specific criteria. Emphasis is placed on laboratory procedures which help assure that each test for which accreditation is granted will be conducted properly.

DOC is persuaded by the arguments and recommendations of the concrete LAP committee that the requirements of the original criteria were often not clear. Although sympathetic to the insulation LAP committee's plea not to change the criteria too hastily before performance in response to the original criteria could be thoroughly assessed, DOC favors the changes contained in this proposal because it is convinced that they do not set out new requirements but rather reorder the original requirements and redirect emphasis. Program implementation time schedules are such that the decision must be made now rather than later, so that the accreditation of laboratories in these three product areas can proceed at the desired orderly rate during the next calendar year.

(4) *Technical Staff (S1).* One element of accurate testing performance is the competence of the technical staff of the laboratory. The original criteria require that the laboratory be staffed with trained and experienced personnel and that a list of, or requirements of, the responsible technical personnel be available. The concrete LAP committee reviewed this requirement and suggested that a more definitive requirement was needed to evaluate the

competence of the technical staff. A qualifying program, including an examination of personnel, was deemed appropriate by that committee because of the importance of personnel competence to good testing. Instead of requiring NVLAP to certify each staff member (a complex administrative process), and instead of requiring such certification from some other certifying agency, the concrete LAP committee suggested that management of the laboratory be required to evaluate each staff member periodically, using a test method performance check sheet provided by NVLAP in a closed-book examination of the technician (i.e., technician(s) must know the test method from memory) or by observation of each technician's performance.

The insulation LAP committee reviewed this suggestion and rejected it on two bases: (a) many of the insulation tests are very complicated so that a technician should not perform these tests without reference to the text of the test method; and (b) for the larger laboratories with many technicians performing many different tests, this would result in a severe administrative burden. Further, the insulation LAP committee argued that the technicians testing thermal insulation were under relatively constant supervision so that such an administrative burden was not warranted.

DOC is persuaded that some more formal recognition of a technician's ability should be included in the criteria. Hence, the proposed criteria require laboratory management each year to make a formal determination qualifying each technician who performs the tests and to record this determination in each individual's personnel file. DOC is not convinced that closed-book examinations are appropriate, except in special cases described below. Many of the tests for which accreditation will be sought are very complex and the technician should be encouraged to follow written instructions precisely under close supervision of laboratory management. There is, however, the following special case where the formal examination of each technician appears to be appropriate. When a technician leaves the environment of the laboratory and performs simple tests at a field site (as occurs frequently in concrete testing), or when supervision is not present, the technician should be expected to know the test methods from memory. In those cases, a closed-book examination is appropriate.

With this reasoning in mind, the following criterion is proposed: "S1.1 The laboratory shall assure the

competency of its staff through observation and/or examination of each relevant staff member. For those test methods normally conducted in the field an examination will be required and an examination form will be supplied by NVLAP. Each test method judged by DOC to be normally conducted in the field will be identified in the "supplemental information" for that test method. This examination form will also be used by NVLAP on-site examiners during their visits to the laboratory to spot check the performance of technicians. Evaluation of personnel for all other test methods not requiring an examination will be based upon observation by on-site examiners.

It is also proposed that in lieu of the observation or examination requirement, a laboratory may have a current certificate or license from a suitable outside certifying agency which asserts that its technicians can perform the test methods for which the laboratory seeks accreditation. This provision is proposed to allow laboratories the option of outside certification where it is available or required by other test monitoring jurisdictions.

The concrete LAP committee also recommended that the personnel files of the technicians record the date of observation and designation of competency of each technician, including dates and results of any examination, records of any outside certification, and a listing of training courses completed. This would enable the on-site examiner to verify that each qualified technician is trained and deemed qualified. The original criteria have a provision related to personnel records but they are not as detailed as the concrete LAP committee recommendation.

HUD generally endorsed the recommendation of the concrete LAP committee on the revised provisions proposed for criterion S1. DOC also supports the recommendation of the concrete LAP committee on this issue.

(5) *Equipment, Facilities, and Procedures (S2).* The detailed requirements identified under criterion G2 of the original criteria relative to the quality control system, have been, for the most part, merged into the specific criteria in this proposal. In its review of the original criteria, the concrete LAP committee attempted to condense and simplify the requirements. The insulation LAP committee preferred not to change these detailed provisions until a thorough analysis of the criteria could be made based on completion of the first round of laboratory evaluations.

However, because of the time required to develop final criteria and because of the desire to promulgate the availability of the three LAPs simultaneously, DOC proposes to adopt most of the recommendations of the concrete LAP committee.

In considering this criterion, it must be recognized that many of the requirements are not applicable to some of the simple test methods. For example, the American Society for Testing and Materials Standard Method for Making and Curing Concrete Test Specimens in the Field (ASTM C31) has no requirement for a test report. The "supplemental information" will clearly specify how the requirements apply to each test method.

The simplifications proposed are as follows:

(a) Combine S2 and S3 of the original criteria into one statement, "S2. The laboratory's facilities, equipment, and procedures are appropriate for accreditation."

(b) Condense S2.1, S2.2, and S2.3 of the original criteria into S2.1a, b, and c dealing with the listing and describing of equipment and facilities.

(c) Condense S3.1, S3.2, S3.3, and S3.4 of the original criteria into S2.2.1a, b, c, and d dealing with the calibration, verification, and maintenance of test equipment and facilities.

(d) Transfer G2.2.2 of the original criteria to S2.2.2 dealing with calibration and verification records.

(e) Convert S4, S4.1, and S4.2 of the original criteria dealing with in-house operating protocols into S2.3a, b, c, d, and e which address the same issues, in what is called a test plan.

(f) Combine S2.4, S4.3, and S4.4 of the original criteria into one statement, "S2.4. The laboratory shall maintain, as applicable, documented evidence that no degradation of performance results from the use of equipment, facilities, or procedures which are not in strict conformance with each test method..."

In criterion S2.3 there is a provision related to subcontractors followed by a note of explanation. The original intent of this provision was to allow unaccredited subcontractors to perform common repetitive tasks (such as making slides or taking pictures) which are required by certain test methods, but to accredit a laboratory only if it develops final test data for a test method. The criteria committees and DOC agree with this provision.

In its criteria recommendations HUD strongly objected to the inclusion of any provision allowing part or all of the testing to be performed by a subcontractor on the theory that to do so would defeat the purpose of NVLAP.

DOC is not persuaded by HUD's position as it would pertain to subcontractors performing common repetitive parts of a test method. However, in using subcontractors in this way, DOC proposes that the accredited laboratory would have to show how the use of that subcontractor provides no degradation in test results.

During meetings of the insulation LAP committee a related question was raised as to what would happen if a laboratory experienced a temporary breakdown in a piece of equipment which produced final test values. The committee recommended that an accredited laboratory be allowed to obtain final test data from an unaccredited laboratory on a temporary basis, provided it informed its clients that it was using an unaccredited laboratory. There has been considerable discussion among the members of the criteria committees and HUD about this issue. HUD in particular has recommended against allowing accredited laboratories to use unaccredited laboratories on a temporary basis. A number of key questions have been raised. If a laboratory cannot complete a test for which it is accredited, must it decline to provide test data until its test capacity is restored or should it be allowed to provide data from an unaccredited laboratory on a temporary basis with notice to the client? In considering this question, note that the laboratory could not be accredited for a test method in the first place unless it performs the test properly, so it is not a question of whether the laboratory ever possessed the capability, but only what happens in a "temporary" emergency. Also note that it is presumed that an accredited laboratory may always subcontract with another accredited laboratory without additional evidence or verification. Another question is: How does one define "temporary"? This relates to an even broader question: Can NVLAP be expected to control day-to-day operational problems of laboratories or is it limited to recognizing only the capability of a laboratory? Comments from the public on this issue are of particular importance in establishing the final criteria.

DOC is persuaded at this writing that an accredited laboratory should not be allowed to present final test data to a client as data from an accredited laboratory unless the final test data were obtained from an accredited laboratory.

The concrete LAP committee objected to the provisions of the original criteria which allowed non-critical modifications to procedures, test

equipment or facilities, or modifications due to unusual environmental conditions (e.g., deviation from strict conformance to the test methods). It is that committee's position that laboratories should always be in strict conformance with the standard test methods. The insulation LAP committee believed that such deviations are needed under certain circumstances for some of the test methods covered by their LAP and, thus, this provision is needed. DOC believes that both positions can be accommodated with the use of the phrase, "as applicable," in S2.4. The "supplemental information" will clearly indicate when deviation from strict conformance may be allowed for each test method. In the case of the concrete test methods, because of the nature of those methods, no deviations will be allowed.

(6) *Records (S3).* One prerequisite for good management of a laboratory is adequate record keeping. With this in mind, the concrete LAP committee recommended a separate criterion dealing with the maintenance of records. Using many of the record keeping provisions (see G2.5) of the original criteria HUD generally endorsed this recommendation as does DOC. A comparison between the original criteria and the proposed criteria follows:

(a) S4.5 and G2.5.1 of the original criteria correspond to S3.1.1 dealing with the contents of a test report. (An applicant laboratory shall submit for NVLAP review a completed test report with the name of the client and the source of the product deleted.)

(b) G2.5.2 of the original criteria corresponds to S3.1.2 dealing with data generated during testing.

(c) G2.5.3 of the original criteria corresponds to S3.1.3 dealing with specimen control. (The requirement was expanded by the concrete LAP committee to require either forms or a written description of the procedures and separate records that are maintained to provide specimen control.)

(d) S2.4 and G2.5.4 of the original criteria correspond to S3.2 dealing with copies of applicable standards and other documents referred to or used in performing each test method.

(e) G2.1 of the original criteria corresponds to S3.3 dealing with quality control checks and audits including records of audit sampling and detected errors and discrepancies (DOC expanded the concrete LAP committee's recommendation on this section by including the language of the original criteria dealing with audit sampling because it is believed that good quality

assurance of a laboratory includes audit sampling and records maintenance).

(f) G2.5.6 of the original criteria corresponds to S3.4 dealing with maintaining a file of written complaints and disposition thereof.

Note that in several provisions of the criteria, and in particular in this criterion, there is a requirement to maintain records and no specific period of time is given for retaining these records. Since it is not the intent of the criteria to require maintenance of records indefinitely, comments on whether there should be an explicit minimum period for retaining records and how long any such period should be are particularly requested. What basis should be used for determining a reasonable time period? Should any such time period be specified in the criteria or "supplemental information"? The recommendations of each committee and HUD do not address these questions. However, the concrete LAP committee believed that state law or other legal requirements take care of the issue, and thus, a time period need not be specified.

Request for Comments

Interested persons desiring to comment on the proposed criteria are invited to submit written comments, in four copies, on or before November 27, 1979, to the Assistant Secretary for Science and Technology, Room 3864, U.S. Department of Commerce, Washington, D.C. 20230.

Any person desiring to express his or her views in an informal hearing relative to the proposed criteria may do so by a written request for a hearing addressed to the Assistant Secretary for Science and Technology on or before (please insert the date which is 15 days from the date this notice is published). Upon receipt of such a request, informal public hearings will be held to give all interested persons an opportunity to orally present data, views, or arguments, in addition to the opportunity to make written submissions. If deemed appropriate, hearings may be held at two locations, one of which will be east of the Mississippi River and the other west thereof. Notice of the hearings will be published in the *Federal Register* at least 20 days in advance thereof. A transcript will be made of any oral presentations.

Comments are invited on any aspect of the proposed general and specific criteria and the additional provisions pertinent to each LAP. DOC is not requesting comments on the provisions of the NVLAP procedures (i.e., the basic conditions for accreditation). The notes and appendices are provided to give the

public a clearer understanding of how the criteria will be implemented. Although the notes and appendices are considered part of the operating process of NVLAP and not part of the criteria, comments on the notes and appendices are welcome.

Detailed section-by-section comparisons of the proposed criteria with the original criteria and with each set of recommendations from the insulation LAP committee, concrete LAP committee, and HUD are available for inspection and copying in the DoC's Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between E Street and Constitution Avenue, NW, Washington, D.C. 20230.

All written and oral comments and testimony that are furnished in response to this invitation will be made part of the public record and will also be available for inspection and copying in the DoC's Central Reference and Records Inspection Facility.

Procedure Following Receipt of Comments

Upon receipt of all written and oral comments, the insulation LAP committee, the concrete LAP committee, and HUD will each be requested to conduct an evaluation and make recommendations to the Assistant Secretary for Science and Technology with respect to such public comments. After considering the three sets of recommendations, the Assistant Secretary will prepare his evaluation and publish a notice in the *Federal Register*:

(1) Announcing the final general and specific criteria that laboratories testing insulation, concrete, or carpet must meet in order to be accredited and the date when such final criteria will go into effect, which will not be less than thirty (30) days after the date of publication of the notice; or

(2) Stating that the proposed general and specific criteria will be further developed before final publication; or

(3) Withdrawing the proposed general and specific criteria from further consideration.

Dated: September 25, 1979.

Jordan J. Baruch,
Assistant Secretary for Science and Technology.

Proposed Criteria

The proposed general and specific criteria to be used to accredit laboratories that test thermal insulation materials, freshly mixed field concrete, and/or carpet under the National Voluntary Laboratory Accreditation

Program (NVLAP) of the U.S. Department of Commerce (DOC) are set forth below. These criteria have been developed in compliance with the NVLAP procedures (15 CFR Part 7a and Part 7b) and form the basis for accrediting testing laboratories that voluntarily request this accreditation. These criteria are believed to be appropriate for use in accrediting laboratories which test many other kinds of products should NVLAP be requested in the future to provide such accreditation.

Requesting Accreditation

Application forms for testing laboratories requesting NVLAP accreditation under any of the three LAPs (insulation LAP, concrete LAP, and carpet LAP) will be published with the final criteria in the *Federal Register* and will be available from DOC once published. The application form will include instructions describing the steps to follow for becoming accredited, identification of test methods (individually or in groups) for which accreditation can be sought, and questions relative to the criteria that must be answered as part of a completed application. When a requesting laboratory returns a completed application form, it becomes an official applicant in the program. This is the first of three aspects of the accreditation process. Upon receipt by the National Bureau of Standards (NBS) of a completed application, NBS will send each applicant "supplemental information" relevant to each test method or group of test methods for which it seeks accreditation. This "supplemental information" will indicate how each section of the specific criteria is to be interpreted and implemented for each test method for which accreditation is requested. The required fees will also be designated. All fees must be paid before an on-site examination of the laboratory is scheduled. The second and third parts of the accreditation process—the on-site examination and proficiency testing, respectively—will be arranged for by NBS for each applicant.

An evaluation by NBS of the written information on the application form, the on-site examiners' assessment, and any proficiency testing data will form the basis for DOC's decision to accredit an applicant laboratory.

Basic Conditions for Accreditation

In order for a laboratory to be accredited under the NVLAP procedures, it shall agree in writing to the following basic conditions:

- (1) Be examined and audited, initially and on a continuing basis;
- (2) Pay accreditation fees and charges;
- (3) Maintain compliance with applicable general and specific criteria; and
- (4) Avoid reference by itself and forbid others utilizing its services from referencing its accredited status in consumer media and in product advertising or on product labels, containers, and packaging or the contents therein.

In addition, each applicant laboratory should be aware that compliance with the general and specific criteria and accreditation by the Secretary of Commerce will in no way relieve the laboratory from the necessity of observing and being in compliance with existing Federal, State, and local statutes, ordinances, and regulations, including consumer protection and antitrust laws, which may be applicable to the operation of the laboratory.

General Criteria

General criteria include characteristics that should be found in reputable testing laboratories. They include general information about a laboratory (e.g., name, address, ownership, management structure); conditions that must be met for accreditation (e.g., agreement to adopt certain policies); and the maintenance of a quality control or a laboratory operations control manual (e.g., written procedures and information addressing the control of staff, physical plant, operational processes, testing control procedures, and quality assurance) for use by laboratory staff in the laboratory.

The minimum information to be included in the above-referenced manual is identified in the specific criteria. In responding to the provisions of the specific criteria, an applicant laboratory develops the minimum written procedures and information necessary for its manual.

For initial and continued accreditation, each applicant shall provide, in writing, information in response to the following provisions:

Criterion G1. The laboratory has a legally identifiable organizational structure that enables it to develop and maintain a testing capability to perform satisfactorily the functions for which accreditation is sought.

G1.1 The laboratory shall submit a description of its organization including—

G1.1.1 The name and full address of the laboratory which is seeking accreditation;

G1.1.2 If the laboratory is part of a larger organization, the complete legal

name and address of that larger organization;

G1.1.3 Ownership and management structure of the laboratory, including the names and positions of its principal officers and board of directors;

G1.1.4 An outline or organizational chart identifying all key management and supervisory positions in each relevant operating, support, and service unit in the laboratory's functional organization, and defining at least those reporting relationships that are relevant to this accreditation request;

G1.1.5 Position description, including the required qualifications, of the person who has technical responsibility for the laboratory in the testing area(s) for which accreditation is sought; and

G1.1.6 A general description of the laboratory, including its facilities and scope of operation.

G1.2 The laboratory shall submit a statement of any fundamental changes related to the provisions of G1.1 within 30 calendar days of such changes.

Criterion G2. The laboratory is operated in accordance with generally accepted professional and ethical business practices.

G2.1 The laboratory shall agree in writing that as a minimum it will be its policy to—

G2.1.1 Perform the tests for which accreditation is sought in accordance with the designated test methods, and to report and explain deviations from those test methods in its test reports;

G2.1.2 Assure that reported values accurately reflect measured data;

G2.1.3 Limit test work to that for which competence and capacity are available;

G2.1.4 Treat test data, records, and reports as proprietary information unless the client agrees in writing to the release of such information;

G2.1.5 Respond to and attempt to resolve complaints contesting test results;

G2.1.6 Be capable of performing each test for which it is accredited according to the latest version of each test method within one year after publication or within another time limit specified by the Department of Commerce (DOC);

G2.1.7 Maintain an independent decisional relationship between its clients, affiliates, or other organizations, so that the laboratory's capacity to render test reports objectively and without bias is not adversely affected; and

G2.1.8 Return to DOC its certificate of accreditation should it become unable to conform to any of these general and specific criteria for accreditation.

Note.—Compliance with criterion G2 will be assessed at such time that a complaint or

other evidence, which is received by DOC, impugns the accredited laboratory's compliance with this criterion.

Criterion G3. The laboratory maintains a quality control system to help assure the technical integrity of its work.

G3.1 The laboratory's quality control system must include a quality control manual or a laboratory operations control manual containing written procedures and information in response to the applicable requirements of the specific criteria. The procedures and information may be explicitly contained in the manual or may be referenced so that their location in the laboratory is clearly identified. The written procedures and information must be adequate to guide a testing technician (who is deemed qualified by the National Bureau of Standards (NBS) or by an NBS contractor) in conducting the tests in accordance with the test methods for which accreditation is sought.

G3.2 The laboratory shall make a current copy of its quality control manual or laboratory operations control manual available in the laboratory for use by laboratory personnel and shall make the manual available for NVLAP review and audit.

Note.—A quality control manual consists of general guidelines for the quality control of the laboratory's method of operation. Specific information is provided for portions of individual test methods whenever specifics are needed to comply with the criteria or otherwise support the laboratory's operations. A laboratory operations control manual consists of specific procedures and information for each test method responding to the applicable requirements of the specific criteria.

Specific Criteria

Specific criteria are those requirements for accreditation which relate specifically to individual test methods. They are stated in such a manner that they do not have to be changed each time a test method is revised. As required by G3.1, each applicant laboratory shall have a manual containing written procedures and information or identifying the location of such procedures and information in the laboratory which respond to all applicable requirements of the specific criteria. For the test methods for which accreditation is sought, "supplemental information" will be sent to each applicant laboratory showing how each applicable section of the specific criteria relates to the test methods to be implemented. It also describes how evaluators will assess a laboratory's compliance with these

criteria. An example for each LAP of the kind of detail which will be contained in the "supplemental information" is shown in appendices 1, 2, and 3 to this notice. The "supplemental information" will also identify those sections of the specific criteria that are not applicable or not necessary for certain test methods. This is the reason that the phrase, "as applicable," is included in many such sections. Thus, the "supplemental information" tailors the specific criteria to the particular characteristics of individual test methods. Naturally, the "supplemental information" will have to be updated with each revision of the test methods. The provisions of the specific criteria are the following:

Criterion S1. The laboratory is staffed by personnel who are competent to perform the tests for which accreditation is sought.

S1.1 The laboratory shall assure the competency of its staff through the observation and/or examination of each relevant staff member in the performance of each test method. Staff members who perform relatively simple tests at field locations with limited on-site supervision must annually pass an examination supplied by NBS. The observations at the laboratory must be conducted at intervals not exceeding one year by one or more individuals judged qualified by the person who has technical responsibility for the laboratory. In lieu of an annual observation or examination, current certification of staff members by recognized outside agencies in areas of competence encompassing these test methods is acceptable.

S1.2 The laboratory shall make available the description of its training program for assuring that new or untrained staff will be able to perform tests properly and uniformly to the requisite degree of precision and accuracy.

S1.3 The laboratory shall maintain in its personnel files—

(a) A record, including dates and results, of the observation or examination of performance for each test method for which each individual in the laboratory is qualified;

(b) Certification of competence, if any, from recognized outside agencies; and

(c) A listing of training courses completed.

Criterion S2. The laboratory's facilities, equipment, and procedures are appropriate for accreditation.

S2.1 The laboratory shall maintain a list of its facilities and equipment required for each test method for which accreditation is sought, and, as

applicable, a description of those facilities and equipment including—

(a) Sufficient identification of test instruments to allow correlation with calibration records;

(b) Schematics, drawings, diagrams or photographs of equipment and facilities for demonstrating conformance with the requirements of the test method; and

(c) A description of environmental or sample conditioning equipment and facilities showing how compliance with the requirements of the test method is measured and maintained.

S2.2 The laboratory shall provide evidence of the calibration, verification, and maintenance of the facilities and equipment specified for each test method for which accreditation is sought, through the following:

S2.2.1 A description of the procedures used in calibrating, verifying, and maintaining the test equipment and facilities, including, as applicable—

(a) Calibration and verification equipment or services used;

(b) Reference standards and materials used;

(c) Measurement assurance, collaborative reference, or other programs in which the laboratory participates;

(d) Routine maintenance; and

S2.2.2 Calibration and verification records including, as applicable—

(a) Equipment description or name;

(b) Name of manufacturer;

(c) Model, style, and serial number, or other identification;

(d) Equipment variables subject to calibration and verification;

(e) Range of operation and range of calibration and verification;

(f) Resolution of the instrument and allowable error tolerances on readings;

(g) Calibration or verification schedule (intervals);

(h) Date and result of last calibration or verification and date of the next calibration or verification;

(i) Name of laboratory person or outside service providing the above calibration or verification; and

(j) Traceability to NBS or other authority.

S2.3 The laboratory shall maintain a test plan supplementing each test method for which accreditation is sought which includes, as applicable, instructions for—

(a) Equipment maintenance and verification checks;

(b) Specimen selection, handling, and disposal;

(c) Data collection, analysis, and reporting;

(d) Quality control checks and audits; and

(e) Any subcontractors performing part of the test and a description of how the laboratory assures the required precision and accuracy.

Note.—The intent of this provision, S2.3(e), is to allow subcontractors to perform common repetitive tasks (such as making slides or taking pictures) which are required by certain test methods. However, only laboratories having the measuring equipment by which final test data are obtained can be accredited. If data obtained using one test method in this accreditation program are used as input data for a second test method, or if the test procedures for one test method affects the results obtained in a second test method, a laboratory seeking accreditation for the second method must be accredited for the first method also. An accredited laboratory may not present final test data to a client as data from an accredited laboratory unless the final test data were obtained from an accredited laboratory.

S2.4 The laboratory shall maintain, as applicable, documented evidence that no degradation of performance results from the use of equipment, facilities, or procedures which are not in strict conformance with each test method for which accreditation is sought.

Criterion S3. The laboratory maintains records of its operations.

S3.1 The laboratory shall maintain records of those testing activities associated with each test method for which accreditation is sought, including the following:

S3.1.1 Test reports containing, as applicable—

- (a) Name and address of the laboratory;
- (b) Pertinent dates and identifying numbers;
- (c) Name of client;
- (d) Description and identification of the specimen (including, as necessary, location of the batch, lot, or project of the sampled material from which the specimen was taken);
- (e) An appropriate title;
- (f) Identification of the test method, procedure, or specification;
- (g) Known deviations, additions to, or exclusions from the test method;
- (h) Measurements, examinations, derived results, and identification of test anomalies;
- (i) If necessary, a statement as to whether or not the test results comply with the requirements of product or project specifications;
- (j) Signature of person having technical responsibility for the test report; and
- (k) All items required by the test method;

Note.—The laboratory shall make available to NVLAP, upon request, a typical completed test report with the name of the client and source of any product deleted.

S3.1.2 Data generated during testing if not included in the test report, such as raw data, calculations, tables, graphs, sketches, and photographs; and

S3.1.3 Specimen control forms which document the receipt, handling, storage, shipping, and testing of specimens or a written description of the procedures and separate records that are maintained to control these operations.

S3.2 The laboratory shall have copies of applicable standards and other documents referred to or used in performing each test method for which accreditation is sought.

S3.3 The laboratory shall maintain records of its quality control checks and audits for monitoring its test work including—

(a) Records of audit sampling of the test results; and

(b) Records of detected errors and discrepancies and actions taken subsequent to such detection.

S3.4 The laboratory shall maintain a file of written complaints and disposition thereof.

Proficiency Testing

Proficiency testing is an integral part of the NVLAP accreditation process. Of utmost importance to the user of laboratory services is whether or not a testing laboratory consistently obtains reliable results. The existence of facilities, equipment, and personnel, verified by a laboratory's ability to meet the preceding criteria, establishes the capability for obtaining such results. An analysis of actual test results is necessary to determine if these ingredients do in fact produce the desired results. Each LAP has specified proficiency testing requirements. The following paragraphs are not intended to be part of the criteria but rather are part of the program operations.

Implementation of these requirements may depend on the number of laboratories applying for each testing area covered, since a sufficient number of participants are necessary to reach statistically valid conclusions about test results submitted by each participant.

Insulation LAP. To be useful as a tool for evaluating laboratories, a statistically significant number of different laboratories must be included in the sample of laboratories participating in the program. Although the laboratories applying for accreditation must expect to participate in proficiency tests where such tests are designated in Appendix 1, it may be that less than a statistically significant number of laboratories request accreditation for one or more of these particular test methods. In such a case, the requirement to participate in a

proficiency test for that test method will ordinarily be waived, and the accreditation will be based only on the information submitted by the laboratory and the on-site examiner's assessment.

Values for the desired precision and accuracy for the test methods under the insulation LAP are shown in Appendix 1. For test methods requiring proficiency testing, the precision and accuracy figures represent the values required for demonstrating "good" laboratory performance and the desired degree of proficiency. Approximately 95 percent of the laboratories should be able to achieve this. Limits approximately 50 percent greater are used to define "acceptable" performance for accreditation purposes. The frequency of proficiency testing is also shown in Appendix 1. For test methods not requiring proficiency testing, the precision and accuracy values suggest other guides for attaining desired testing capability.

Concrete LAP. The concrete LAP committee carefully considered distribution of a proficiency sample. However, because of the complexity of preparing the sample and the uncertainty about reaching statistically valid conclusions about the test results, such distribution was not recommended. A somewhat different approach to proficiency testing is being proposed for the concrete LAP.

The proficiency testing requirement consists of two programs: (1) a within laboratory program; and (2) a between laboratory program. Implementation of the between laboratory program will not be required for the first year of accreditation under this LAP. However, all laboratories applying for initial or renewed accreditation under this LAP after the first year of accreditation will be required to establish a between laboratory program.

These two programs are intended to give a laboratory a relatively simple means of checking the uniformity and, to a certain extent, the accuracy of its test results. The procedures for conducting a within laboratory program and a between laboratory program described in Appendix 2 are minimum guidelines (i.e., any laboratory may use a more sophisticated program or statistically rigorous analysis).

The minimum scope of these two proposed programs required for laboratories requesting accreditation under the concrete LAP is as follows:

A Laboratory applying for accreditation for the field test methods only shall—

- (1) Monitor the within-test variation of compressive strength test results on cylinder specimens made from the same

sample of concrete by its personnel using compressive strength test data produced by the compression testing facilities which normally break these specimens for the applicant laboratory (the within-laboratory program); and

- (2) Compare with at least one other laboratory on a periodic basis compressive strength test results for cylinder specimens made by each laboratory from the same sample of concrete (the between-laboratory program). (Note that after initial curing, a pair of cylinder specimens made by each cooperating laboratory will be transported to a single compression testing facility for completion of curing, capping, and testing.)

A laboratory applying for accreditation for both field and laboratory test methods shall—

- (1) Monitor the within-test variation of compressive strength test results on cylinder specimens made and tested by its personnel from the same sample of concrete (the within-laboratory program); and
- (2) Compare with at least one other laboratory on a periodic basis compressive strength test results for cylinder specimens made and tested by each laboratory from the same sample of concrete (the between-laboratory program).

Carpet LAP. Proficiency tests are proposed for the test methods shown in Appendix 3. Although it is intended that proficiency must be demonstrated for all of these test methods, that may not be feasible if an insufficient number of laboratories request accreditation for a given test method. In such a case, the accreditation would be based only on the information submitted by the laboratory and the on-site examiner's assessment.

Values for the desired precision and accuracy for the test methods under the carpet LAP are shown in Appendix 3. For test methods requiring proficiency testing, the precision and accuracy figures represent the values required for demonstrating "good" laboratory performance and the desired degree of proficiency. Approximately 95 percent of the laboratories should be able to achieve this. Limits approximately 50 percent greater are used to define "acceptable" performance for accreditation purposes. The frequency of proficiency testing is also shown in Appendix 3. For test methods not requiring proficiency testing, the precision and accuracy values suggest guides for attaining desired capability.

Examination and Audit Procedures

Once an applicant laboratory has satisfactorily completed the written

information requested through the application forms, NBS will arrange a visit of the on-site examiner(s) to the laboratory. Before the visit, each applicant will be sent "supplemental information" explaining how each section of the specific criteria is interpreted and implemented for each test method. The visit may last from one to three days or even longer depending on the number and complexity of the test methods for which accreditation is sought. The on-site examiner(s) will conduct an exit interview with the laboratory management at the conclusion of the examination.

Laboratories will be granted accreditation for one year. The yearly accreditation fee must be paid each year before accreditation can be renewed. The proposed fees and charges for all three LAPs are described in a separate notice published in this issue of the **Federal Register**.

A scheduled on-site examination and a complete reassessment of a laboratory's capability will be accomplished for each LAP as follows:

- (1) Insulation LAP—each year for the first two years and every two years thereafter.
- (2) Concrete LAP—every three years.
- (3) Carpet LAP—every two years.

In addition, unannounced visits may occur at any time. These visits may be initiated by the use of a random selection scheme or in response to a specific need because in the opinion of DOC the laboratory appears to have testing problems. A complete review of the laboratory is not contemplated for the unannounced visits. In the case of randomly selected visits, key items in the laboratory will be checked. In the case of visits due to an apparent problem, items relating to the problem will be checked. However, in both cases additional inspection may take place at the discretion of the on-site examiner. Failure to cooperate will be grounds for revocation of accreditation.

Examiner Qualifications

NBS will be responsible for the professional and technical performance of all examiners. The description that follows is not intended to be part of the criteria, but rather is an explanation of part of the program's operations. It is provided in order to give a potential applicant laboratory an indication of the background and capabilities of personnel who will be employed to evaluate the laboratories. These provisions are subject to change as the program evolves.

On-site examiners will be carefully trained to conduct the initial and periodic on-site examinations, so that all

aspects of these examinations will be reasonably consistent from test method to test method and from laboratory to laboratory.

NBS evaluators will review the submitted information, the on-site examination report, and the results of any proficiency testing, and make an evaluation of the laboratory for the purpose of recommending the approval, denial, or revocation of accreditation. Evaluators may also participate in some on-site examinations. Each evaluator will be a technical expert in those fields of testing covered by one or more LAPs. There will be at least one evaluator for each LAP experienced in performing the specific test methods included in each LAP and in performing day-to-day laboratory operations.

These examiners and evaluators will be government employees or NBS contract employees. One of the key considerations in selecting personnel to work on each LAP will be to minimize potential conflicts of interest.

Appendix 1.—Insulation LAP (NVLAP-01) Operational Information

Section 1A—List of Methods, Performance Guidelines and Proficiency Testing Requirements.

The test methods and performance guidelines for this LAP for thermal insulation materials are shown in Exhibit 1A. The tests are the latest versions applicable and are identified by a NVLAP Code Number, a recognized test method number, and a short title. The performance guidelines are given in the column titled, "Desired Precision and Accuracy." The capability of a laboratory to perform within the guidelines will be assessed from the written information it submits and from the findings of an on-site inspection.

The ability of a laboratory to apply this capability is determined from the results of proficiency testing.

Test methods which require proficiency testing are identified in the column titled, "Test Frequency (Times Per Year)." Samples for these tests will be distributed at the frequency shown. The distribution of samples and analysis of resulting data will be handled through a currently designated Collaborative Reference Program for Thermal Insulation Materials cosponsored by Collaborative Testing Services, Inc., and the National Bureau of Standards.

The performance guideline precision statement is expressed in terms of repeatability (R), which is a measure of the ability of a laboratory to repeat its own test result on the same or essentially identical samples. Accuracy (A), is a measure of the ability of a

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laboratory to obtain a test result in agreement with the "true" or target test result. The limits specified in Exhibit 1A for precision and accuracy are for "good" performance. Approximately 95% of the laboratories should be able to achieve this. Limits approximately 50% wider are used to define "acceptable" performance for accreditation purposes. The limits presented in this exhibit are for laboratory accreditation purposes only and should *not* be interpreted as setting specification limits on products. Specific comments which pertain to individual test methods relative to proficiency testing are shown in the last column of Exhibit 1A.

Values for precision and accuracy are listed in Exhibit 1A for some test methods even though a proficiency test is not required for those tests. This information is given as a guide to the laboratory for assessing its own testing capability in lieu of a proficiency sample. This also represents the level of capability expected by NVLAP of the laboratories performing those tests.

The column labeled "Complexity" showing the letter B followed by the subscript 1, 2 or 3 indicates the complexity of the test method for examination purposes. These are used to determine examination costs and are explained in a separate Federal Register Notice describing accreditation fees.

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Exhibit 1A

NVLAP Code Test Method No.	Complexity	Short title (property) Subtitle (if applicable)	Desired Precision and Accuracy	Test Frequency (Times per Year)	Comments
01/C01 ASTM C739 (para. 7.7 in 77 version)	B ₂	Corrosiveness; Cellulosic fiber (loose-fill)	Non-quantitative Test		
01/C02 HH-I-515 (para. 4.8.5 in D version)	B ₂	Corrosiveness; Cellulosic fiber (loose-fill)	Non-quantitative Test		
01/D01 ASTM C136	B ₁	Sieve or screen analysis	R=4 percent aggregate A=4.4 percent aggregate		
01/D02 ASTM C167	B ₁	Thickness and density Blanket and batt	Thickness: A=1/16 in. (1.0 mm) Density: A=2%		
01/D03 ASTM C209 (para. 6 in 72 version)	B ₁	Thickness Board (cellulosic fiber)	A=0.1 mm		
01/D04 ASTM C209 (para. 13 in 72 version)	B ₁	Water absorption, 2 hour Board (cellulosic fiber)	A=25% of percent water absorption	2	accreditation for one or more of D04, D05, D07 requires demonstrated proficiency in only one of these tests
01/D05 ASTM C209 (para. 13 in 72 version) by D1037 (para. 100-106 in 72 version)	B ₁	Water absorption, 24 hour Board (cellulosic fiber)	A=25% of percent water absorption	2	accreditation for one or more of D04, D05, D07 requires demonstrated proficiency in only one of these tests

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NVLAP Code Test Method No.	Complexity	Short title (property) Subtitle (if applicable)	Desired Precision and Accuracy	Test Frequency (Times per Year)	Comments
01/D06 ASTM C209 (para. 13 in 72 version) by D1037 (para. 107-110 in 72 version)	B ₂	Linear expansion Board (cellulosic fiber)	A=0.1 percent expansion		
01/D07 ASTM C272	B ₁	Water absorption Core materials	A=25% of percent water absorption	2	accreditation for one or more of D04, D05, D07 requires demonstrated proficiency in only one of these tests
01/D08 ASTM C302	B ₁	Density Preformed pipe insulation	Thickness: A = 1 mm Density: A = 2%		
01/D09 ASTM C303	B ₁	Density Preformed block insulation	A = 2%		
01/D10 ASTM C355	B ₂	Water vapor transmission Thick materials Desiccant method	A = 25%	2	
01/D11 ASTM C356	B ₁	Linear shrinkage Soaking heat Preformed high temperature insulation	R = 0.5 percent linear shrinkage A = 0.5 percent linear shrinkage		
01/D12 ASTM C411	B ₁	Hot-surface performance High temperature insulation	Warpage: A = 1 mm		
01/D13 ASTM C519	B ₂	Density Loose-fill (fibrous)	A = 2%		
01/D14 ASTM C520	B ₂	Density Granular loose-fill	A = 2%		
01/D15 ASTM D756	B ₂	Weight and shape changes Accelerate service (Proc. A) Plastics	A = 0.5 percent weight change A = 0.5 percent linear dimension change A = 1.5 percent volume change		

NVLAP Code Test Method No.	Complexity	Short title (property) Subtitle (if applicable)	Desired Precision and Accuracy	Test Frequency (Times per Year)	Comments
01/D16 ASTM D756	B ₂	Weight and shape changes Accelerated service (Proc. B) Plastics	Same as for 01/D15		
01/D17 ASTM D756	B ₂	Weight and shape changes Accelerated service (Proc. E) Plastics	Same as for 01/D15		
01/D18 ASTM D1622	B ₂	Apparent density Rigid cellular plastics	A = 4%		
01/D19 ASTM D2126	B ₂	Response to thermal and humid Aging (Procedure B) Rigid cellular plastics	A = 0.5 percent weight change A = 0.5 percent linear dimension change		
01/D20 ASTM D2126	B ₂	Response to thermal and humid Aging (Procedure D) Rigid cellular plastics	Same as 01/D19		
01/D21 ASTM D2126	B ₂	Response to thermal and humid Aging (Procedure E) Rigid cellular plastics	Same as 01/D19		
01/D22 ASTM D2126	B ₂	Response to thermal and humid Aging (Procedure F) Rigid cellular plastics	Same as 01/D19		
01/D23 ASTM D2842	B ₂	Water absorption Rigid cellular plastics	A = 1.0 percent absorption (by volume)	2	
01/D24 ASTM C739 (para. 7.5 in 77 version)	B ₂	Moisture absorption Cellulosic fiber (loose-fill)	A = 25% percent water absorption	2	a single proficiency test is needed for either D24 or D25
01/D25 HH-I-515 (para. 4.8.3 in D version)	B ₂	Moisture absorption Cellulosic fiber (loose-fill)	A = 25% percent water absorption	2	a single proficiency test is needed for either D24 or D25

NVLAP Code Test Method No.	Complexity	Short title (property) Subtitle (if applicable)	Desired Precision and Accuracy	Test Frequency (Times per Year)	Comments
01/D26 HH-I-515 (para. 4.8.1 in D version)	B ₂	Settled density Cellulosic fiber (loose-fill)	A = 3%	2	
01/F01 ASTM D777 as modified by Federal Specification H-H-8-1008	B ₁	Flammability Paper and paperboard	Char length: R = 3.6% A = 9.0% Fire Resistance permanence: R = 6 percent increase in char length A = 10 percent increase in char length		
01/F02 ASTM E84	B ₃	Surface burning characteristics Building materials	Flame spread classification: A = 20% Smoke classification: A = 40%	2	
01/F05 ASTM E136	B ₁	Noncombustibility Elementary materials	Primarily a non-quantitative test		
01/F06 ASTM C739 (para. 10.4 in 77 version)	B ₃	Flame resistance permanency cellulosic fiber (loose-fill)	A = 20% flame spread	2	
01/F07 HH-I-515 (para. 4.8.7 in D version)	B ₃	Critical radiant flux Radiant Panel (cellulosic fiber, loose-fill)	A = 14% R = 20%	2	
01/F08 HH-I-515 (para. 4.8.8 in D version)	B ₂	Smoldering combustion cellulosic fiber (loose-fill)	A = 20% R = 20%	2	
01/S01 ASTM C165	B ₂	Compressive properties Thermal Insulation Procedure A	A = 4%	2	
01/S02 ASTM C203	B ₂	Breaking load/flexural strength Preformed block insulation	Breaking load: A = 2% Flexural strength: A = 10%	2	

NVLAP Code Test Method No.	Complexity	Short title (property) Subtitle (if applicable)	Desired Precision and Accuracy	Test Frequency (Times per Year)	Comments
01/S03 ASTM C209 (para. 9 in 72 version)	B ₂	Transverse strength Board (cellulosic fiber)	A = 4%		Both S01 and S02 proficiency tests are required for accreditation of any one or all S03, S04, S05, S06, S07 S08
01/S04 ASTM C209 (para. 10 in 72 version)	B ₂	Deflection at specified load Board (cellulosic fiber)	A = 0.2 mm		Eligible for accreditation only if accredited for 01/S03
01/S05 ASTM C209 (para. 11 in 72 version)	B ₂	Tensile strength Parallel to surface Board (cellulosic fiber)	A = 15%		
01/S06 ASTM C209 (para. 12 in 72 version)	B ₂	Tensile strength Perpendicular to surface	A = 4%		
01/S07 ASTM C273	B ₂	Shear test Sandwich construction	A = 25%		
01/S08 ASTM C446	B ₂	Breaking load/modulus of rupture Preformed pipe insulation	Breaking load: A = 2% Modulus of rupture: A = 5%		
01/S09 ASTM D781	B ₂	Puncture test Paperboard and fiberboard	R = 7.3% A = 8.0%		
01/S10 ASTM D828	B ₂	Tensile breaking strength Paper and paperboard	R = 5% A = 11%	6	
01/S11 ASTM D1621	B ₂	Compressive properties Rigid cellular plastics Procedure A - Crosshead	A = 6%		Both S01 and S02 proficiency tests are required for accreditation of S11
01/T01 ASTM C177	B ₃	Thermal transmission properties Low-temperature guarded hot plate	R = 1% A = 4%	2	Not required if in T06
01/T04 ASTM C236	B ₃	Thermal conductance Guarded hot box	A = 4%	1	

NVLAP Code Test Method No.	Complexity	Short title (property) Subtitle (if applicable)	Desired Precision and Accuracy	Test Frequency (Times per Year)	Comments
01/T05 ASTM C335	B ₃	Thermal conductivity Pipe insulation	A = 4%	2	
01/T06 ASTM C518	B ₃	Thermal transmission properties Heat flow meter	R = 1% A = 4%	2	Not required if in T01
01/T09 ASTM C653	B ₂	Thermal resistance (Rec. Practice) Blanket (mineral fiber)	See 01/T01 and 01/T06		Eligible for accreditation only if laboratory is accredited for C177, C236 or C518
01/T10 ASTM C687	B ₂	Thermal resistance (Rec. Practice) Loose-fill (fibrous)	See 01/T01, 01/T04 and 01/T06		Eligible for accreditation only if laboratory is accredited for C177, C236 or C518
01/V02 ASTM D591	B ₁	Starch in paper Qualitative test	Non-quantitative Test		
01/V03 ASTM D2020	B ₁	Mildew (fungus) resistance Paper and paperboard	Non-quantitative Test		
01/V04 ASTM E96	B ₂	Water vapor transmission Thin sheets Procedure A	R = 19% A = 25%		
01/V05 HH-I-515 (para. 4.8.6 in D version)	B ₁	Fungus, Cellulosic fiber (loose-fill)	Non-quantitative Test		
01/V06 HH-I-515 (para. 4.8.9 in D version)	B ₁	Starch, Cellulosic fiber (loose-fill)	Non-quantitative Test		

Section 18 - Example of "supplemental information" for one test method.

For each test method included in the NVLAP program, a document entitled "Supplemental Information for the Requirements of the Specific Criteria for Test Method: _____" has been prepared. This document relates the requirements of the criteria to each of the test methods, specifically stating how the criteria will apply. It also describes how evaluators will assess compliance to the criteria for the test method to which it applies.

A copy of the "supplemental information" for each test method for which accreditation is sought will be sent to the laboratory upon receipt of its application. The supplemental information will address each section of the specific criteria. Personnel check sheets and other documents will be provided if appropriate for the test method. Any requirements of the criteria which do not apply to the test method will be stated. The "supplemental information" will not extend the criteria into new areas but will qualify and define the criteria for the particular test method.

Exhibit 18 presents an example of the "supplemental information" for ASTM Test Method E84-77a. The "supplemental information" will be updated to comply with revisions in the test methods and the final criteria when published.

Exhibit 18

SUPPLEMENTAL INFORMATION FOR THE
REQUIREMENTS OF THE SPECIFIC CRITERIA FOR TEST METHOD:

ASTM E84-77a

"Surface Burning Characteristics of Building Materials"

Introduction

This "supplemental information" for test method ASTM E84-77a is intended to indicate how each section of the specific criteria is to be interpreted and implemented.

Specific
Criteria
Section

Supplemental Information
Corresponding to the Appropriate
Sections of the Specific Criteria

S1.1 The laboratory's qualifying program must have provisions for observing the performance of each staff member authorized to conduct ASTM E84. (See Personnel Check Sheet, Attachment 1.) An on-site examiner shall verify that the laboratory has such provisions.

S1.2

The laboratory shall have, as a minimum, a documented on-the-job training program for new or untrained persons responsible for this test method.

The on-the-job training program shall include:

1. A thorough understanding of the requirements of the test method and the design of the tunnel.
2. A thorough understanding of all tunnel operations required by ASTM E84, pertaining to testing thermal insulation materials, including calibration procedures.
3. The supervisor and operator must have basic understanding of the requirements of any other standard methods which form a part of or are needed to perform the test.

The laboratory shall maintain a file containing all items (a-c) required by section S1.3.

S1.3

The laboratory shall have a list and, as appropriate, a description of its facilities and equipment. In addition, the laboratory shall verify that the following equipment complies with the provisions of ASTM E84.

1. Conditioning facilities
2. Rods and screening for mounting batt and loose-fill materials, respectively
3. Steiner tunnel which complies with the material and dimensional requirements of ASTM E84.

S2.1

The laboratory shall have written procedures for calibrating or verifying the equipment listed in Table 1 and have adequate written procedures for maintaining its equipment and facilities.

S2.2.1

The laboratory shall maintain calibration and verification records including data addressing those items designated by an "X" in Table 1.

S2.2.2

Table 1
ASTM E84-77a Equipment requiring written calibration
or verification procedures and records

(a) Equipment description or name	Steiner Tunnel	Manometer	Thermocouples and Instrumentation	Photoelectric Cells and Instrumentation	Smoke Meter	
(b) Name of manufacturer	X	X	X	X	X	
(c) Model, style, and serial number, or other identification	X	X	X	X	X	
(d) Equipment variables subject to calibration and verification	X	X	X	X	X	
(e) Range of operation and range of calibration and verification	X	X	X	X	X	
(f) Resolution of the instrument and allowable error tolerances on readings		X	X	X	X	
(g) Calibration or verification schedule (intervals)	Monthly	Annual visual inspection	12 months	12 months	12 months	
(h) Date and results of last calibration or verification and date of the next calibration or verification	X	X	X	X	X	
(i) Name of laboratory person or outside service providing the above calibration or verification	X	X	X	X	X	
(j) Traceability to NBS or other authority						

S2.3 The laboratory shall have a written test plan containing items a - d and, if a subcontractor performs part of this test, item e of Section S2.3.

S2.4 The laboratory shall show that no degradation of test results occurs due to equipment, facilities, or procedures not in strict conformance with ASTM E84.

S3.1.1 The laboratory retains copies of its ASTM E84 test reports containing items a - k of S3.1.1.

S3.1.2 The laboratory retains copies of the data generated during testing which is not included in its ASTM E84 test reports (i.e., raw data sheet for recording test results).

S3.1.3 The laboratory has control records documenting the receipt, handling storage, shipping and testing of ASTM E84 test specimens.

S3.2 An on-site examiner shall verify that the laboratory maintains an inventory of the latest published versions of the following standards:
ASTM E84 - Surface Burning Characteristics of Building Materials
ASTM D2016 - Tests for Moisture Content of Wood
ASTM C665 - Mineral Fiber Blanket Insulation
ASTM C739 - Specification for Cellulose Fiber loose-fill
HH-I-5588 - Federal Specification for Thermal Insulation - board, block and pipe covering
HH-I-1008 - Federal Specification for Vapor Barrier Materials
HH-I-521E (1) - Federal Specification for Thermal Insulation Blankets
HH-I-545B (1) - Federal Specification for Acoustical Insulation

S3.3 An on-site examiner shall verify that the laboratory has records of any detected testing errors or discrepancies and subsequent actions taken.

S3.4 An on-site examiner shall verify that the laboratory maintains a file of written complaints and disposition thereof.

Exhibit 18
Attachment 1

Personnel Check Sheet - ASTM E84

Laboratory Staff Member

In fulfillment of Section S1.1, the supervisor or his/her designee shall observe the performance of each staff member being qualified to perform this test method or portions thereof and shall record that performance by checking off, as a minimum, those items which follow. The performance check is recorded on this check sheet and filed in the employee personnel file in fulfillment of Section S1.3(a).

Satisfactorily
Completed

1. Proper calibration procedure.
2. Correct placement of free-standing bricks in tunnel.
3. Record data in strict conformance with ASTM E84.

Supervisor _____ Date _____

Appendix 2 Concrete LAP (NVLAP-02)

Operational Information

Section 2A - Test Method Grouping.

The test methods included in this LAP for freshly mixed field concrete are shown in Exhibit 2A. The tests are the latest versions applicable and are identified by a NVLAP Code Number, a recognized test method number, and a short title. Because the tests are inherently interrelated, accreditation will be granted in two groups rather than per individual test method. The two groups are identified in Exhibit 2A and are respectively the Field Group and the Field and Laboratory Group.

The field and laboratory group includes all of the test methods covered by the LAP. The field group includes only those test methods covered by the LAP which are performed outside the laboratory at a project or field site. A laboratory may apply for accreditation for either group. Each applicant laboratory must have the capability to perform all test methods within the group to be accredited with the exception that 02/A02, ASTM C173 is optional.

Exhibit 2A

Section 2B - Proficiency Testing Requirements.

NLAP Code Test Method No.	Short Title	Test Method Group	
		Field	Field and Laboratory
02/M01 ASTM C31	Making and Curing Concrete Test Specimens in the Field	X	X
02/M02 ASTM C192	Making and Curing Concrete Test Specimens in the Laboratory	--	X
02/M03 ASTM C172	Sampling Fresh Concrete	X	X
02/S01 ASTM C39	Compressive Strength of Cylindrical Concrete Specimens	--	X
02/P01 ASTM C143	Slump of Portland Cement Concrete	X	X
02/M01 ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete	X	X
02/M01 ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method	X	X
02/M02 ASTM C173	Air Content of Freshly Mixed Concrete by the Pressure Method	X (optional)	X (optional)

The proficiency testing requirement for the concrete LAP is composed of a within-laboratory program and a between-laboratory program.

WITHIN-LABORATORY PROGRAM

Purpose. A within-laboratory program is designed to allow a laboratory to monitor the uniformity of its test results produced as a normal part of its operations. More specifically, the program provides a means for measuring the ability of a laboratory to repeat its own test result on cylinder specimens made from a sample of concrete taken from a single batch. This "repeatability" characteristic is commonly referred to in the concrete standards literature as within-test variation (see American Concrete Institute Standard Recommended Practice for Evaluation of Strength Test Results of Concrete, ACI 214-77). A statistical measure of within-test variation is the coefficient of variation. The method outlined under the paragraph, entitled "Data Analysis Method," provides a step-by-step procedure for calculating the coefficient of variation and guidelines for interpreting the significance of such calculated values.

General Procedures. The procedures for carrying out a within-laboratory program are slightly different depending on whether a laboratory applies for accreditation for the field test method group or for the field and laboratory test method group. For the field group, each applicant laboratory shall monitor the within-test variation of compressive strength test results on cylinder specimens made from the same sample of concrete by its personnel using compressive strength test data produced by the compression testing facilities which normally break these specimens for the applicant laboratory. For the field and laboratory group, each applicant laboratory shall monitor the within-test variation of compressive strength test results on cylinder specimens made and tested by its personnel from the same sample of concrete.

Data Analysis Method. The following method for monitoring within-test variation applies for both test method groups:

- (1) Randomly select at least ten tests per week and calculate the range, R for each test. If less than 10 tests were made in a given week use as many tests as were conducted. A test, as defined by ACI 214, is the average strength of all specimens--usually two or three of the same age fabricated from a sample taken from a single batch of concrete.
- (2) Calculate the coefficient of variation (V) for each test using the following formula:

$$V = \frac{R}{\bar{X}} \times 100$$

where: R = difference between the lowest and highest values for the companion cylinder specimens

1/d2 = conversion factor:
for two companion cylinder specimens,
1/d2 = 0.886
for three companion cylinder specimens,
1/d2 = 0.591

\bar{X} = average strength for the companion cylinder specimens for each test.

- (3) Identify all V's that exceed 10%. The 10% figure is comparable to the 25% limit. Values for the coefficient of variation over 10% should occur no greater than one in twenty tests. If the frequency is greater than one in twenty, the laboratory should check its operations for possible procedural aberrations.

- (4) Calculate the average of the coefficient of variation (\bar{V}) for all the tests randomly selected each week, using the formula:

$$\bar{V} = \frac{\sum V}{n}$$

where: n = number of tests randomly selected for sampling for the week.

- (5) Calculate a five week moving average (\bar{V}) of the weekly averages of the coefficient of variation (\bar{V}) or the five most recent weeks, using the formula:

$$\bar{V} = \frac{\sum \bar{V}}{5}$$

where: x = number of weeks that have elapsed since the beginning of the within-laboratory program.

- (6) Rate each moving average coefficient of variation (\bar{V}) as follows:

Rating
Satisfactory (SAT)
Unsatisfactory (UNSAT)

\bar{V} (%)
below 5.0
above 5.0

- (1) The laboratory shall agree to have its within-laboratory program implemented before the on-site examination is performed or within 90 days after the date of application for accreditation.

- (7) Prepare a table showing at least the following information:

Week Ending	Approximate Number of Tests for Week	No. of Tests Sampled for Week	No. of \bar{V} 's Exceeding 10%	\bar{V} (%)	\bar{V} (%)	Rating
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This table provides a check on the uniformity of the laboratory's testing operations. Values for the five week moving average coefficient of variation should not be greater than 5 percent. If they are greater than 5 percent, the laboratory must investigate its operations to find the possible causes for this wide variation and tighten its quality control accordingly. Actions taken to remove the causes of variation identified must be recorded and filled. Raw data used to compile the table for at least the five most recent weeks must be available for NLAP audit. (Note: It is recognized that responsibility for within-test variations is shared when others test cylinder specimens.)

An example of a within-test variation table follows:

Week Ending	Approximate Number of Tests for Week	No. of Tests Sampled for Week	No. of \bar{V} 's Exceeding 10%	\bar{V} (%)	\bar{V} (%)	Rating
3/3	85	10	0	4.0		
3/10	110	10	1	6.0		
3/17	100	10	0	3.0		
3/24	125	10	1	5.0		
3/31	115	10	0	3.0	4.2	SAT
4/7	90	10	1	7.0	4.8	SAT
4/14	140	10	3	11.0	5.8	UNSAT
4/21	130	10	1	8.0	6.8	UNSAT
4/28	145	10	1	5.0	6.8	UNSAT
5/5	120	10	0	3.0	6.8	UNSAT
5/12	140	10	0	2.0	5.8	UNSAT
5/19	160	10	0	4.0	4.4	SAT
5/26	180	10	0	2.0	3.2	SAT
6/2	170	10	0	2.0	2.6	SAT

Requirements. The following are the proposed operational requirements for the within-laboratory program:

- (2) The NVLAP on-site examiners shall verify that the within-laboratory program is documented and operational. Copies of pertinent documents may be requested.
- (3) The laboratory shall document the procedures used to respond to problem areas of testing identified by unsatisfactory ratings under the within-laboratory program. Copies of pertinent documents may be requested.

(4) The on-site examiner shall randomly select from the laboratory's test results an amount equal to the number used by the laboratory to derive its values. The on-site examiner's calculated values shall fall within the 95% range of the value calculated by the laboratory. If not, a second set of random data shall be selected by the on-site examiner. If this set of data is outside of the 95% range, then the on-site examiner shall use the same laboratory's data to calculate the required values. In addition, the on-site examiner shall review the laboratory's random sampling process and may request copies of pertinent documents for NBS review.

(5) The laboratory shall submit to NBS a copy of the within-test variation table of figures for at least three consecutive weeks within a three month operating period. The laboratory shall make two such submissions during its operating season with the minimum time between submissions being at least six weeks.

BETWEEN-LABORATORY PROGRAM

Purpose. A between-laboratory program is designed to produce, for each cooperating laboratory, information related to the reliability of its test results. By periodically comparing the compressive strength test results obtained by each cooperating laboratory using the same sample of concrete tested at the same age, differences in the test results can be calculated. If such differences are too large (i.e., statistically significant), the cooperating laboratories may reasonably conclude that aberrations are present in the testing procedures of one or the other laboratory, or possibly both laboratories. In such a case, a close review of each cooperating laboratory's testing procedures is warranted so that any aberrations may be identified and corrected. The method outlined under the paragraph, entitled "Data Analysis Method," provides a step-by-step procedure for calculating the differences and for interpreting the significance of such calculated values.

General Procedures. The procedures for carrying out a between-laboratory program are slightly different depending on whether a laboratory applies for accreditation for the field test method group or for the field and laboratory test method group (see Exhibit 2A). For the field group, each applicant laboratory shall compare with at least one other laboratory on a periodic basis compressive strength test results for cylinder specimens made by each laboratory from the same sample of concrete. After initial curing, a pair of cylinder specimens made by each cooperating laboratory will be transported to a single compression testing facility for final moist curing, capping, and testing. For the field and laboratory group, each applicant laboratory shall

compare with at least one other laboratory on a periodic basis compressive strength test results for cylinder specimens made and tested by each laboratory from the same sample of concrete.

Each applicant laboratory shall arrange with another laboratory(ies) a periodic schedule for comparing compressive strength test results. For each comparison, the cooperating laboratories shall select a mutually convenient time and project site for obtaining concrete samples. Each sample selected must be large enough for each cooperating laboratory to make two companion cylinder specimens. The sample must be part of either laboratory's routine work. It is suggested that the laboratories alternate visits to each other's project sites so that the expense of extra trips can be equally shared. For each sample, each cooperating laboratory shall independently mold, cure, transport, ship, store, cap, and test at seven days age its pair of cylinder specimens. The concrete should have a specified nominal compressive strength between 3,000 and 5,000 psi and a slump exceeding two inches.

Data Analysis Method. The following method for two cooperating laboratories making the comparison applies for both test method groups:

- (1) Test the two cylinder specimens in accordance with ASTM C 39.
- (2) Calculate the average strength (\bar{X}).
- (3) Calculate the difference, D , between each laboratory's results:

$$D = (\bar{X}_A - \bar{X}_B)$$

where: D = the difference between each laboratory's average strength

\bar{X}_A = average strength of laboratory A's cylinder specimens

\bar{X}_B = average strength of laboratory B's cylinder specimens

(Note: Always keep the laboratory identification the same since "D" may be either plus or minus.)

- (4) Calculate the average difference of the current and previous 5 comparisons, or the total number of comparisons if fewer than six but more than three as follows:

$$\bar{D} = \frac{\sum D}{n}$$

where: \bar{D} = average difference

$\sum D$ = algebraic sum of differences using the sign of each difference

n = number of differences.

- (5) Calculate the standard deviation of "n" differences as follows:

$$S = \sqrt{\frac{(\sum D^2) - (\sum D/n)^2}{(n-1)}} \cdot \frac{1}{2}$$

where: $\sum D^2$ = algebraic sum of squared differences.

(Note that these calculations are easily made on inexpensive hand-held calculators.)

- (6) Calculate the significant difference, SD, as follows:

$$SD = (tS) \div (n) \cdot \frac{1}{2}$$

where: t = student "t" statistic from Table 1 below.

Table 1. Values of Student "t" at $\alpha = .01$

$\frac{n}{3}$	t
4	9.92
5	5.84
6	4.60
	4.03

- (7) Compare the average difference \bar{D} and the significant difference SD. Conclude that: the cooperating laboratories are probably obtaining significantly different results if \bar{D} exceed plus or minus SD. (Note that \bar{D} and S are recomputed each time a comparison is made and the consecutive values of \bar{D} and S are not statistically independent or random. Therefore, significant differences will be indicated more often than once in 100 ($\alpha = .01$) when no real difference exists. Also, since the values are not statistically independent, there will be a tendency for \bar{D} to exceed SD on consecutive comparisons.)

- (8) Examine the sign of consecutive individual differences D and conclude: (a) that it is likely that the cooperating laboratories are obtaining different results if five consecutive differences have the same sign, and (b) that it is certain that the laboratories are obtaining different results if seven consecutive differences have the same sign.

- (9) Examine each individual difference and conclude: that a gross error has likely taken place if the difference, either plus or minus, exceeds 3S where S is computed from at least 5 values of D .

- (10) Tabulate the results as follows:

Item Date

1. Sample Description
2. Class Concrete
3. Lab A, \bar{X}_A
4. Lab B, \bar{X}_B
5. D
6. \bar{D}
7. S
8. n
9. SD
10. 3S
11. Action required?

- (11) When any excessive differences are detected using the methods in paragraphs 7 (D exceeding SD), 8 (5 to 7 values of D are the same sign), and 9 (D exceeding 3S), a careful review of each cooperating laboratory's testing procedures must be done to identify any aberrations that may be present. Generally, an additional between-laboratory comparison should be scheduled to verify that aberrations have been eliminated. However, no mandatory rules can be established since either or both laboratories may contribute to the difficulty and the cooperating laboratory may not be accredited. In some instances the cause for an errant result may become clearly apparent such as an error in report transcription or an error in labeling a specimen.

"Other" Cooperating Laboratory Qualifications. Each applicant laboratory shall select its "other" cooperating laboratory(ies) which must meet at least one of the following qualifications:

- (1) Be a NVLAP accredited laboratory.
- (2) Be a nonaccredited commercial testing laboratory.
- (3) Be a laboratory administered by a state, municipality, or other governmental agency.
- (4) Be a laboratory operated by a representative of a contractor, engineer, architect, concrete producer, or other agency on a job.
- (5) Consist of two different laboratories (one of which does the field tests and the other of which does the laboratory tests). The field tests consist of making the cylinder specimens, providing initial curing, and transporting the specimens to the laboratory. The laboratory tests consist of curing, capping, and testing the cylinder specimens.

In unusual circumstances under which no other qualified laboratory is available, different groups of employees of the same laboratory can perform as the "other" laboratory provided:

Section 2C - Example of "supplemental information" for one test method.

For each test method included in the NVLAP program, a document entitled "Supplemental Information for the Requirements of the Specific Criteria for Test Method: _____" has been prepared. This document relates the requirements of the criteria to each of the test methods, specifically stating how the criteria will apply. It also describes how evaluators will assess compliance to the criteria for the test method to which it applies.

A copy of the "supplemental information" for each test method for which accreditation is sought will be sent to the laboratory upon receipt of its application. The "supplemental information" will address each section of the specific criteria. Personnel check sheets and other documents will be provided if appropriate for the test method. Any requirements of the criteria which do not apply to the test method will be stated. The "supplemental information" will not extend the criteria into new areas but will qualify and define the criteria for the particular test method. Exhibit 2C presents an example of "Supplemental Information for ASTM Test Method C39-72." The "supplemental information" will be updated to comply with revisions in the test methods and the final criteria when published.

- (a) The two groups are employed by different divisions of the same laboratory and report to persons other than those responsible for the supervision and operation of the laboratory seeking accreditation.
- (b) The testing operations are carried out completely separately with initial curing, transporting, stripping, final curing, capping and testing being done by different personnel using facilities and equipment physically remote and clearly distinct from one another.

In circumstances where there is no laboratory with acceptable curing, capping, and testing facilities in a convenient geographical area, it may be necessary for the cooperating laboratories to carefully pack and ship or transport the specimens by truck, bus, or other means to a laboratory with appropriate facilities. Preliminary contacts with individual state highway and transportation departments have indicated that they may be receptive to requests for their participation as an agency to receive, cure, cap, and test cylinder specimens.

There is no mandatory requirement for the period of time the "other" cooperating laboratory should remain with the accredited laboratory. However, a minimum period of one year is recommended.

Requirements. The following are the proposed operational requirements for the between-laboratory program:

- (1) Each applicant laboratory shall implement the between-laboratory program before July 1, 1981.
- (2) Each applicant laboratory shall be responsible for obtaining the "other" cooperating laboratory.
- (3) Each applicant laboratory shall arrange a comparison test an average of every six weeks of the laboratory's annual operating season with the maximum period between comparison tests of ten weeks.
- (4) Each applicant laboratory shall submit to NVLAP a copy of the comparison test results table at least once every six months during its operating season. A minimum of two submissions per operating season with the minimum time between submissions of at least six weeks is required.
- (5) The NVLAP on-site examiner shall verify that the between-laboratory program is documented and operational. Copies of pertinent documents may be requested.
- (6) The on-site examiner shall look for documented evidence, in a file, of timely action taken to identify and correct causes of aberrations. Copies of pertinent documents may be requested.

Exhibit 2C

SUPPLEMENTAL INFORMATION FOR THE
REQUIREMENTS OF THE SPECIFIC CRITERIA FOR TEST METHOD:

ASTM C39-72

"Compressive Strength of Cylindrical Concrete Specimens"

Specific
Criteria
Section

Supplemental Information
Corresponding to the Appropriate
Sections of the Specific Criteria

- S1.1 The laboratory's qualifying program must have provisions for observing the performance of, and administering a written or oral closed book examination to, each staff member authorized to conduct ASTM C39, see Personnel Check Sheet (Attachment 1) and Example Closed Book Examination (Attachment 2). The on-site examiner shall verify that the laboratory has such provisions. In addition, the on-site examiner shall observe the performance of the testing staff selected by the laboratory to conduct the parts of the test for which they are qualified. If any of the selected staff member(s) performance is judged unsatisfactory by the on-site examiner, then the personnel responsible for administering and conducting the laboratory's training and qualifying programs will be asked by the on-site examiner to demonstrate their competence in conducting that portion of ASTM C39.

S1.2

- The laboratory shall have, as a minimum, a documented on-the-job training program for new or untrained staff to compressive strength testing. The training program may be subject to further assessment should the on-site examiner find deficiencies when observing the performance of the testing staff authorized to perform this test.

The documented program shall cover:

1. A general understanding of the requirements of ASTM C39.
2. Basic understanding of the general design of the testing machine.
3. Thorough understanding of all operations of the testing machine as required by ASTM C39 including:
 - (a) use and maintenance of the lower and upper bearing blocks,
 - (b) alignment of test cylinder prior to testing,
 - (c) rates of loading.

4. Basic understanding of the requirements of standard methods which form a part of or are needed to perform the test, i.e., ASTM E3, G617, C31.

S1.3 The on-site examiner shall verify that the laboratory maintains a file containing all items (a-c) required by section S1.3.

S2.1 The on-site examiner shall verify that the laboratory has a list and, as appropriate, a description of its facilities and equipment. In addition, the on-site examiner shall verify that the following equipment complies with the provisions of ASTM C39.

1. Compression Testing Machine (capacity, type or loading, and indicating system).
2. Steel Bearing Blocks
 - Upper - Spherically Seated Block
 - Lower - Solid Block
3. Capping apparatus (i.e., capping material, capping plates, alignment devices, melting pots if sulfur mortar is used).

S2.2.1 The on-site examiner shall verify that the laboratory has written procedures for calibrating or verifying the equipment listed in Table 1, and has adequate written procedures for maintaining its equipment and facilities.

S2.2.2 The on-site examiner shall verify that the laboratory maintains calibration and verification records including data addressing those items designated by an "X" in Table 1.

Table 1

ASTM C39 Equipment requiring written calibration or verification procedures and records

(a) Equipment description or name	Compressive Testing Machine	Bearing Blocks	Capping Apparatus	Melting Pots	Two-Inch Cube Mold	Cover Plates
(b) Name of Manufacturer	X					
(c) Model, style, and serial number, or other identification	X	X	X			
(d) Equipment variables subject to calibration and verification	X	X	X			
(e) Range of operation and range of calibration and verification	X					
(f) Resolution of the instrument and allowable error to tolerances on reading	X					
(g) Calibration or verification schedule (intervals)	12 months	6 months	6 months	annual visual inspection	annual visual inspection	annual visual inspection
(h) Date and results of last calibration or verification and date of the next calibration or verification	X	X	X	X	X	X
(i) Name of laboratory person or outside service providing the above calibration or verification	X	X	X	X	X	X
(j) Traceability to NBS or other authority	X					

- S2.3 The on-site examiner shall verify that the laboratory has a written test plan containing items a - d and, if a subcontractor performs part of this test, item e of Section S2.3.
- S2.4 Not applicable. The laboratory shall maintain strict conformance with the provision of ASTM C39.
- S3.1.1 The on-site examiner shall verify that a laboratory retains copies of its test reports containing items a - k except item i of S3.1.1.
- S3.1.2 The on-site examiner shall verify that the laboratory retains copies of the data generated during testing which is not included in its test reports (i.e., raw data sheet for recording compression test results).
- S3.1.3 The on-site examiner shall verify that the laboratory has specimen control records for samples taken in the field that indicate that these samples are properly handled, stored, shipped, and disposed.
- S3.2 The on-site examiner shall verify that the laboratory maintains an inventory of the latest published versions of the following standards:
 ASTM C39 - Compressive Strength of Cylindrical Concrete Specimens
 ASTM E4-72 - Verification of Testing Machine
 ASTM C31 - Making and Curing Concrete Test Specimens in the Field
 ASTM C192 - Making and Curing Concrete Test Specimens in the Laboratory
 ASTM C617 - Capping Cylindrical Concrete Specimens
- S3.3 The on-site examiner shall verify that the laboratory has records of any detected testing errors or discrepancies and subsequent actions taken.
- S3.4 The on-site examiner shall verify that the laboratory maintains a file of written complaints and disposition thereof.

Exhibit 2C
Attachment 1

Personnel Check Sheet - ASTM C39-72

Laboratory Staff Member

In fulfillment of Section S1.2.1, the supervisor or his/her designee shall observe the performance of each staff member being qualified to perform this test method and shall record that performance by checking off, as a minimum, those items which follow. The performance check is recorded on this check sheet and filed in the employee personnel file in fulfillment of Section S1.2.2.

	Satisfactorily Completed
1. Ensuring that the test is performed as soon as practicable after removal of the test specimen from moist storage.	
2. Ensuring that the ends of the specimens that are not plane within 0.002 in (0.050 mm) be capped in accordance with ASTM C617.	
3. Ensuring that the upper and lower bearing surfaces are cleaned.	
4. Ensuring that the axis of the cylinder is aligned with the center of the spherical block.	
5. Ensuring that the spherical block is rotated as it contacts the cylinder.	
6. Ensuring that the load is applied continuously and without shock at the specified rate* (Mechanical 1.3 mm/min. (0.05 in/min.), Hydraulic 0.14 to 0.34 MPa/s (20 to 50 psi))	
7. Recording the maximum load carried by the specimen during the test.	
8. Calculating the compressive strength of the specimen.	

* During the application of the first half of the anticipated load a higher rate of loading will be permitted. Make no adjustments in the controls of the testing machine while a specimen is yielding rapidly immediately before failure.

Supervisor _____ Date _____

Exhibit 2C
Attachment 2

Example Closed Book Examination

A closed book test similar to this example or an acceptable equivalent must be given to each staff member being qualified. Answers are to be recorded on this check sheet and placed in the employee's personnel file in fulfillment of S1.2.2.

	These are typical questions these would be expected	Satisfactorily Completed
1. In what conditions should the cylinders be tested?	ANS. _____	
2. What is the maximum allowance that the ends of the samples may depart from the perpendicular axis?	ANS. _____	
3. What is the maximum amount that the bearing faces may depart from a plane surface? ANS. _____		
4. How many measurements of the cylinder diameter are required to obtain an average? ANS. _____		
5. To what tolerance should the diameter be measured? ANS. _____		
6. What is the required loading rate? ANS. _____		

Supervisor _____ Date _____

Operational Information

Section 3A - List of methods, performance guidelines and proficiency testing requirements.

The test methods for carpets are shown in Exhibit 3A. The tests are the latest versions applicable and identified by a NVLAP Code Number, a recognized test method number, and a short title. The performance guidelines are given in the column titled, "Desired Precision." The capability of a laboratory to perform within the guidelines will be assessed from the written information it submits and from the findings of an on-site inspection. The ability of a laboratory to apply this capability is determined from the results of a proficiency testing.

Test methods which require proficiency testing are identified in the column titled, "Test Frequency (Times per Year)." Samples for these tests will be distributed at the frequency shown. It is anticipated that the distribution of samples and analysis of resulting data will be handled through a Collaborative Reference Program for Carpets cosponsored by Collaborative Testing Services, Inc. and the National Bureau of Standards.

The performance guidelines precision statement is expressed in terms of repeatability (R), which is a measure of the ability of a laboratory to repeat its own test result on the same or essentially identical samples. The limits specified in Exhibit 3A for precision are for "good" performance. Approximately 95% of the laboratories should be able to achieve this. Limits approximately 50% wider are used to define "acceptable" performance for accreditation purposes. The limits presented in this exhibit are for laboratory accreditation purposes only and should not be interpreted as setting specification limits on products. Values for precision are listed in Exhibit 3A for some test methods even though a proficiency test is not required for those tests. This information is given as a guide to the laboratory for assessing its own testing capability in lieu of a proficiency sample. This also represents the level of capability expected by NVLAP of the laboratories performing those tests.

The column labeled "Complexity" showing the letter B followed by the subscript 1, 2 or 3 indicates the complexity of the test method for examination purposes. These are used to determine examination costs and are explained in a separate Federal Register Notice describing accreditation fees.

Exhibit 3A
CARPET LAP TEST METHODS
AND PROFICIENCY TESTING REQUIREMENTS

NVLAP Code Test Method No.	Complexity	Short Title	Desired Precision	Test Frequency (Times per Year)
03/D01 ASTM D418-79 as modified by UM 44C	B1	Methods of testing woven and tufted pile floor covering	R = +7%	2
03/S01 ASTM D1335-76	B1	Tuft bind of pile floor coverings	R = +7%	2
03/S02 Federal Test Method Std. 191 5100	B1	Textile test method-Breaking Strength	R = +7%	
03/S03 Federal Test Method 5950	B1	Textile test method - Delamination	R = +7%	2
03/S04 DD-C-95-72 Sect. 4.5.1.4	B1	Carpets and rugs, wool, nylon, acrylic, modacrylic, polyester, polypropylene - Shrinkage	R = +1-2% of test requirement	
03/S05 AATCC 18E-78	B3	Colorfastness to light	R = 1/2 step	2
03/F01 ASTM E84-78	B3	Surface flammability of carpets and rugs	Flame spread Classification: R = +20%	
03/F02 UL 992-76	B3	Surface flammability of Carpets and Rugs	R = +7%	

Section 3B - Example of "supplemental information" for one test method.

For each test method included in the NVLAP program, a document entitled "Supplemental Information for the Requirements of the Specific Criteria for Test Method: " has been prepared. This document relates the requirements of the criteria to each of the test methods, specifically stating how the criteria will apply. It also describes how evaluators will assess compliance to the criteria for the test method to which it applies.

A copy of the "supplemental information" for each test method for which accreditation is sought will be sent to the laboratory upon receipt of its application. The "supplemental information" will address each section of the specific criteria. Personnel check sheets and other documents will be provided if appropriate for the test method. Any requirements of the criteria which do not apply to the test method will be stated. The "supplemental information" will not extend the criteria into new areas but will qualify and define the criteria for the particular test method.

Exhibit 3B presents an example of the "supplemental information" for ASTM Test Method D1335-67 (Reapproved 1972). The "supplemental information" will be updated to comply with revision in test methods and the final criteria when published.

Exhibit 3B

SUPPLEMENTAL INFORMATION FOR THE
REQUIREMENTS OF THE SPECIFIC CRITERIA FOR TEST METHOD:

ANSI/ASTM D1335-67 (Reapproved 1972)

"Standard Test Method for Tuft Bind of Pile Floor Coverings"

Introduction

This supplement for test method ASTM D1335 is intended to indicate how each applicable section of the specific criteria is to be interpreted and implemented.

Specific
Criteria
Section

Supplemental Information
Corresponding to the Appropriate
Sections of the Specific Criteria

S1.1 The laboratory's qualifying program must have provisions for observing the performance of each staff member authorized to conduct ASTM D1335. (See Personnel Check Sheet, Attachment 1.) An on-site examiner shall verify that the laboratory has such provisions.

S1.2

The laboratory shall have, as a minimum, a documented on-the-job training program for new or untrained persons responsible for this test method.

The program shall be designed to insure that the assigned personnel understand:

1. The task to which they are assigned.
2. The operation of the equipment required to perform their assigned function, including:
 - a. Adjustment of tensile testing machine
 - b. Mounting of specimen
 - c. Application of clamp or hook
 - d. Judging when the tuft or loop has failed to hold
3. The supervisor shall have an understanding of the requirements of any other standard methods which form a part of or are needed to perform the test.

S1.3

The on-site examiner shall verify that the laboratory maintains a file containing all items (a-c) required by section S1.3.

S2.1

The on-site examiner shall verify that the laboratory has a list and, as appropriate, a description of its facilities and equipment. In addition, the on-site examiner shall verify that the following equipment complies with the provisions of D1335.

1. Tensile Testing Machine (capacity, type or loading, and indicating system).
2. Cut Away Specimen Holder
3. Tuft Clamp
4. Loop Hook
5. Scale or Balance
6. Requisite chemicals of grade and concentration as specified in D1335

Specific
Criteria
Section

Supplemental Information
Corresponding to the Appropriate
Sections of the Specific Criteria

S1.1 The laboratory's qualifying program must have provisions for observing the performance of each staff member authorized to conduct ASTM D1335. (See Personnel Check Sheet, Attachment 1.) An on-site examiner shall verify that the laboratory has such provisions.

S2.2.2 The on-site examiner shall verify that the laboratory maintains calibration and verification records including data addressing those items designated by an "x" in Table 1.

Table 1

ASTM D1335-67 (Reapproved 1972) Equipment requiring written calibration or verification procedures and records

(a) Equipment description or name	Tensile Testing Machine	Scale or Balance
(b) Name of manufacturer	X	X
(c) Model, style, and serial number, or other identification	X	X
(d) Equipment variables subject to calibration and verification	X	X
(e) Range of operation and range of calibration and verification	X	X
(f) Resolution of the instrument and allowable error tolerances on reading	X	X
(g) Calibration and verification schedule (intervals)	12 months	12 months
(h) Date and result of last calibration or verification and date of the next calibration or verification	X	X
(i) Name of laboratory person or outside service providing the above calibration or verification	X	X
(j) Traceability to NBS or other authority	X	X

- S2.3 The on-site examiner shall verify that the laboratory has a written test plan containing items a - d of Section S2.3. Subcontracting any part of this test is permitted to NVLAP accredited laboratories only.
- S2.4 The on-site examiner shall verify that no degradation of test results occurs due to equipment, facilities, or procedures not in strict conformance with ASTM D1335.
- S3.1.1 The on-site examiner shall verify that the laboratory retains copies of its ASTM D1335 test reports containing items a - k of S3.1.1.
- S3.1.2 The on-site examiner shall verify that the laboratory retains copies of the data generated during testing which is not included in its ASTM D1335 test reports (i.e., raw data sheet for recording test results).
- S3.1.3 The on-site examiner shall verify that the laboratory has control records documenting the receipt, handling, storage, shipping and testing of ASTM D1335 test specimens.
- S3.2 The on-site examiner shall verify that the laboratory maintains an inventory of the latest published versions of the following standards: ASTM D1335 - Standard Test Method for Tuft Bind of Pile Floor Coverings
ASTM D1776 - Recommended Practice for Conditioning Textiles and Textile Products for Testing
ASTM D76 - Specification for Tensile Testing Machines for Textiles
ASTM D418 - Testing Woven and Tufted Pile Floor Coverings
ASTM D123 - Definitions of Terms Relating to Textiles
- S3.3 The on-site examiner shall verify that the laboratory has records of any detected testing errors or discrepancies and subsequent actions taken.
- S3.4 The on-site examiner shall verify that the laboratory maintains a file of written complaints and disposition thereof.

Exhibit 38
Attachment 1

Personnel Check Sheet - ASTM D1335

Laboratory Staff Member

In fulfillment of Section S1.1, the supervisor or his/her designee shall observe the performance of each staff member being qualified to perform this test method or portions thereof and shall record that performance by checking off, as a minimum, those items which follow. The performance check is recorded on this check sheet and filed in the employee personnel file in fulfillment of Section S1.3(a)

Satisfactorily
Completed

1. Proper specimen conditioning and testing in standard atmosphere for testing textiles.
2. Correct adjustment of tensile testing machine operation rate.
3. Mounting test specimen on holder so specimen tufts are at right angle to long axis of holder and with tufts to be tested in approximate center of cut-away portion of holder.
4. Selection of only one tuft in any row for testing with care taken not to pinch or otherwise deform carpet (cut pile floor covering).
5. Selection of three adjacent loops formed by same end (looped pile floor covering).

Supervisor _____ Date _____

BILLING CODE 3510-13-C

National Voluntary Laboratory Accreditation Program; Proposed Fees To Accredite Laboratories That Test Thermal Insulation Materials, Freshly Mixed Field Concrete, and Carpet

In a separate notice appearing in this issue of the *Federal Register*, the Department of Commerce (Department) announced the issuance of proposed criteria for accrediting testing laboratories which test thermal insulation materials, freshly mixed field concrete, and carpet. Under paragraph (a) of § 7.10 of the Procedures for a National Voluntary Laboratory Accreditation Program (NVLAP) (15 CFR Parts 7(a) and 7(b)), notice is hereby given of the estimated fees which the Secretary of Commerce (Secretary) proposes to establish for the three laboratory accreditation programs (LAPs) (i.e., insulation LAP, concrete LAP, and carpet LAP). The proposed schedule of estimated fees is furnished for information and guidance purposes so the public may evaluate the proposed criteria in light of expected fees and charges.

Basis for Fees. The fees proposed are based on the premise that all of the operational costs incurred by the National Bureau of Standards (NBS) in evaluating laboratories seeking accreditation must be recovered from fees to the laboratories. This includes the work-hours, travel, and per diem costs of examiners and evaluators used in the evaluation process. Administrative costs associated with preparing LAPs, establishing criteria, and developing examination procedures are not recovered from laboratory fees at this time but are paid from an appropriated NVLAP budget. The proposed fees are based upon the best estimates which can be made at this time.

A principal goal of NVLAP is to attain a level of efficiency, consistent with high standards of examination required for meaningful laboratory accreditation, so that fees will be as low as reasonably possible. This will be particularly significant in the case of laboratories which apply for accreditation in more than one LAP. In those situations NVLAP expects to reduce the costs of each succeeding LAP by eliminating the need for repetitive examinations for compliance with certain criteria that are common to each LAP. Other costs savings are expected to be made by organizing personnel needed to adequately examine each applicant laboratory so as to minimize their time and travel requirements for each on-site

visit. At the same time the visits will be scheduled so that the examiners can proceed to the next laboratory to be examined without loss of productive time.

The fees will vary, depending on the complexity of the test methods and the frequency with which the examiners must visit the laboratories in each of the LAPs. In the insulation LAP for example, laboratory visits occur once a year for the first two years, while for the concrete LAP visits occur only once every two and one-half years. The laboratory visit schedule for the concrete LAP is appropriate because the concrete test methods are likely to change relatively little. The proposed fees also include a contingency factor to cover the costs associated with conducting unannounced visits for up to one-third of the participating laboratories. The purposes of these unannounced visits are to verify the efficiency of the LAPs by randomly selecting laboratories for reexamination and to reexamine those laboratories about which complaints have been received.

Fees for Evaluating a Laboratory. The NVLAP fee model is composed of several components shown in the following equation:

$$F = A + B_1(N_1) + B_2(N_2) + B_3(N_3) + \dots + C + P$$

Some of these components do not apply for all LAPs. For identification of those components that apply for each LAP, see Table 1, "Applicability of Cost Components by LAP."

Component A. Component A is a fixed charge that covers NVLAP administrative (e.g., travel expenses of on-site examiners) and preliminary technical review and person-hours costs associated with the program operation. The value of the fixed charge A is dependent upon the particular LAP in which the laboratory is involved. For laboratories wishing accreditation for more than one LAP, see the section entitled, "Multiple LAP Enrollment." The values are:

- A₁ = \$750 per year (insulation LAP)
- A₂ = \$500 per year (concrete LAP)
- A₃ = \$350 per year (carpet LAP)

Component B. Component B is a variable charge which covers NVLAP examination and evaluation costs related to each test method for the complete technical review of written information submitted by the laboratory, on-site examination, and the integration of proficiency testing performance results for that test method.

Subscripts 1, 2, and 3 for Component B represent the three levels of complexity into which the test methods fall when considered for examination purposes.

The fee per method for the simpler test methods is represented as B₁. N₁ is the number of such test methods. B₂ is the fee per method for test methods of intermediate complexity and N₂ is the number of such test methods. The most complex test methods and the number of each are represented by B₃ and N₃, respectively. The values are:

- B₁ = \$50
- B₂ = \$100
- B₃ = \$150

The level of complexity for each test method in the insulation and carpet LAPs are shown in Exhibit 1A and 3A in the appendices to the *Federal Register* notice referenced in the first sentence of this notice.

Component C. Component C represents the charges associated with laboratory examination performed by examining organizations selected by NBS for that purpose. Usually, this cost will be payable directly to the examining organization by the laboratories being examined. At the present time, the component C charge would be applicable to the concrete LAP only.

The Cement and Concrete Reference Laboratory (CCRL) which is sponsored by the American Society for Testing and Materials (ASTM) is an example of such an examining organization that may be used by NBS. The CCRL has provided a testing laboratory inspection service since 1929. CCRL reports its findings directly to the laboratories requesting such inspections. NBS plans to use CCRL services for performing the on-site examination function for the concrete LAP. The CCRL inspection charge will ultimately be determined by ASTM. However, it is estimated that the cost will be \$850 per inspection for the "field test method group" and \$1,000 per inspection for the "field and laboratory test method group." NVLAP on-site examinations of applicant concrete laboratories will be scheduled as part of the CCRL existing inspection tour. At the present time, the CCRL inspection tour covers all participating laboratories in about two and one-half years. Accordingly, applicant laboratories under the concrete LAP will be examined about every two and one-half years.

Each applicant laboratory which has had a CCRL inspection since March 1, 1978 does not have to be reexamined in order to be accredited under the first round of accreditations for the concrete LAP provided that it:

(1) Submits the latest CCRL inspection report and certifies that any deficiencies noted in the report have been corrected;

(2) Completes an acceptable NVLAP application form and questionnaire;

(3) Submits documentation that it has implemented a within-laboratory program to comply with the proficiency testing requirements described in Appendix 2 of the *Federal Register* notice cited in the first sentence of this notice;

(4) Has an acceptable quality control or laboratory operations control manual available for use by its personnel; and

(5) Pays the component a charge of \$500 for the concrete LAP.

Component P. Component P represents the charges associated with proficiency testing. These charges cover the cost of samples and their distribution, the analysis of test data supplied by the laboratory, and the reporting of results. Component P charges are applicable only to the insulation and carpet LAP.

When proficiency testing services are provided by an organization selected by NBS to carry out such tests for NVLAP, this cost is payable directly to that organization by the laboratory. The NBS/CTS Collaborative Reference Program is an example of such an organization. Collaborative Testing Services, Inc., (CTS), a non-profit organization that offers proficiency testing services, is responsible for the proficiency testing program for the insulation LAP. The cost for this service is nominally \$100 per year for each test method requiring proficiency testing. It is anticipated that CTS will provide proficiency testing services for the carpet LAP; however, the details for these services for the carpet LAP have not been established. Exhibits 1A and 3A in the Appendices of the *Federal Register* notice cited in the first sentence of this notice identify those test methods for which proficiency testing is required.

Multiple LAP Enrollment. When a laboratory wishes accreditation for more than one LAP, the fixed charge component, component A, will be prorated since many of the administrative costs cover the same operation. The total fixed charge will be determined by selecting the largest component A value from the relevant LAPs and adding 20 percent of the remaining component A values for the other LAPs involved.

If a laboratory requests accreditation for a test method which is essentially the same in two different LAPs (e.g., ASTM E 84 in the insulation LAP and carpet LAP) there will be no additional cost for the laboratory to be accredited for the test in the second LAP once it is accredited for that test in the first LAP. The variable charge component, component B, will be applied only once.

However, the laboratory must indicate at the time of its application that it wants accreditation for the test method in both LAPs and must be prepared to demonstrate for an on-site examiner the performance of the test for either product. Also, a separate test report for each product must be available (see Criterion S3.1.1 in the *Federal Register* notice cited in the first sentence of this notice). In addition, the laboratory must be prepared to participate in separate proficiency tests if such tests are specified.

Fee Summary. The fee structure distribution is demonstrated by Table 1 for the insulation, concrete, and carpet LAPs. The applicable cost components are shown by the letter X.

Table 1—Applicability of Cost Components

	Components			
	A	B	C	P
Insulation LAP	X	X		X
Concrete LAP	X		X	
Carpet LAP	X	X		X

Example Calculations. In order to illustrate the annual fees for accreditation, the following examples are provided:

Example 1: If a laboratory chooses to be accredited under the insulation LAP only for 5 simple test methods (B₁), 7 intermediate test methods (B₂), and 2 complex test methods (B₃), and if proficiency tests are required for 6 of these 14 test methods at a cost of \$100 each per year, the annual fee (F) would be:

$$F = A_1 + B_1(N_1) + B_2(N_2) + B_3(N_3) + P$$

$$F = \$750 + \$50(5) + \$100(7) +$$

$$\$150(2) + \$100(6) = \$2,600$$

Example 2: If a laboratory chooses to be accredited under the concrete LAP for the field and laboratory groups, the annual fee (F) would be:

$$F = A_2 + C$$

where C is the pro-rata share of the CCRL inspection costs (\$1,000 ÷ 2.5 = \$400).

$$F = \$500 + \$400 = \$900$$

Example 3: If a laboratory chooses to be accredited under the carpet LAP for 8 test methods (5 simple test methods and 3 complex test methods for carpet), and if proficiency tests are required for 4 of the 8 test methods, at a cost of \$100 each per year, the annual fee (F) would be:

$$F = A_3 + B_1(N_1) + B_3(N_3) + P$$

$$F = \$350 + \$50(5) + \$150(3) + \$400 = \$1,450$$

Example 4: If a laboratory chooses to be accredited under the insulation and carpet LAPs for 14 test methods (5

simple carpet test methods, 7 intermediate insulation test methods, one complex insulation test method, and one complex carpet test method), and if proficiency tests were required for 6 of the 14 test methods at a cost of \$100 each per year, the annual fee (F) would be:

$$F = A_1 + A_3(20) + B_1(N_1) + B_2(N_2) + B_3(N_3) + P$$

$$F = \$750 + \$350(20) + \$50(5) +$$

$$\$100(7) + \$150(2) + \$600 = \$2,670$$

Example 5: If a laboratory chooses to be accredited under all three LAPs (insulation, concrete, and carpet) for 22 test methods (4 simple insulation test methods, 5 simple carpet test methods, 7 intermediate insulation test methods, 2 complex test methods, and all 8 concrete test methods, and if proficiency tests are required for 6 of the 22 test methods at a cost of \$100 each per year, the annual fee (F) would be:

$$F = A_1 + A_2(20) + A_3(20) + B_1(N_1) + B_2(N_2) + B_3$$

$$(N_3) + C + P$$

$$F = \$750 + \$500(20) + \$350(20) +$$

$$\$50(9) + \$100(7) + \$150(2) + \$400 + \$600 = \$3,370$$

Inquiries. Any inquiries may be addressed to Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards, Room 3676, U.S. Department of Commerce, Washington, DC 20230, 202-377-3221.

Dated: September 25, 1979.

Jordan J. Baruch,
Assistant Secretary for Science and Technology.

[FR Doc. 79-30177 Filed 9-27-79; 8:45 am]

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Friday
September 28, 1979

Part IX

Department of Labor

Employment and Training Administration

Veterans Preference Indicators of
Compliance; Fiscal Year 1980 Levels

DEPARTMENT OF LABOR

Employment and Training
Administration

[20 CFR Part 653]

Fiscal Year 1980 Levels for Veterans
Preference Indicators of ComplianceAGENCY: Employment and Training
Administration, Labor.

ACTION: Proposed rule.

SUMMARY: The Employment and Training Administration of the Department of Labor is proposing to update the levels for the veterans preference indicators of compliance for fiscal year 1980 as it is required to do on an annual basis under 20 CFR 653.230(c),(e), and (j). The veterans preference indicators of compliance are used by the Department to monitor State employment service agencies to insure that veteran applicants receive priority service as required by 38 U.S.C., Chapters 41 and 42 and by 20 CFR 653, Subpart C. In addition to comments on the proposed changes for fiscal year 1980 contained in this rulemaking, the Department is requesting comments on the overall structure of the veterans indicators of compliance system to provide the basis for a major restructuring of the current veterans indicator system for fiscal year 1981, if appropriate.

DATES: Comments addressing the proposed changes to the veteran indicators of compliance for fiscal year 1980 are due on or before October 29, 1979. Comments directed to the basic structure of the veterans indicator system as a basis for making major changes for fiscal year 1981 are due on or before December 27, 1979.

ADDRESSES: Comments on the proposed rule should be sent to: William B. Lewis, Administrator, U.S. Employment Service, Room 8000, 601 D Street, N.W., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT: Peter Rell, Director, Office of Program Review, U.S. Employment Service, Room 8324, 601 D Street, N.W., Washington, D.C. 20213, 202-376-6914.

SUPPLEMENTARY INFORMATION:

Background

Chapters 41 and 42 of Title 38 U.S. Code, provide for job counseling, training and placement services for veterans. The Secretary issued regulations to implement 38 U.S.C. Chapters 41 and 42 on November 3, 1976 at 41 FR 48250. The Department published proposed regulations for the

fiscal year 1978 veterans indicators of compliance levels on August 26, 1977, at 42 FR 43201. Comments from interested persons were received, reviewed and incorporated, as appropriate, into the final fiscal year 1978 indicator values, which were published on March 3, 1978, at 43 FR 9092. Proposed regulations for the fiscal year 1979 veterans indicator of compliance levels were published on October 27, 1978, at 43 FR 50379. Comments from interested persons were received, reviewed and incorporated, as appropriate, into the final fiscal year 1979 indicator values, which were published on March 27, 1979, at 44 FR 18435. The regulations are found at 20 CFR Part 653, Subpart C. Sections 653.221-226 and 653.230 of that subpart set forth standards of preference governing State agency services to veterans and veterans preference indicators of compliance, respectively. 20 CFR 653.230(a) states:

To help in determining whether the standards of performance set forth in sections 653.221-226 are being met, the ETA shall use the floor levels and the veterans preference indicators of compliance set forth in this section to compare the level of services provided to veterans and eligible persons with the level of services provided to nonveterans.

20 CFR 653.230(c) states in pertinent part:

Each year ETA shall consider each State agency's past year's accomplishments as a major factor in establishing the floor level of accomplishment for the next fiscal year. Computation of the floor levels shall also be based on external and other appropriate factors.

20 CFR 653.230(e) states:

ETA shall establish numerical values for the veteran preference indicators of compliance for each Federal fiscal year for: (1) Veterans versus nonveterans, (2) veterans of the Vietnam era versus nonveterans, and (3) disabled veterans versus nonveterans.

20 CFR 653.230(j) states:

Following analysis of the past fiscal year's accomplishments, the numerical value for each of the veterans preference compliance indicators for the next fiscal year will be published in the *Federal Register* as amendments to paragraphs (f) through (i) of this section.

Indicators of Compliance

In accordance with 20 CFR 653.230 (a), (c)(e), and (j), the performance of each State agency and factors outside of each agency's control were considered in developing the proposed fiscal year 1980 veterans preference indicators and appropriate numerical values for each indicator. Historical performance data examined covered six months of fiscal year 1979 as well as fiscal year 1978 and 1977. In addition to historical data and

external factors, the proposed fiscal year 1980 compliance indicators reflect the opinions and comments received from interested persons during last year's rulemaking process that were not incorporated into the fiscal year 1979 final rule but on which the Department made a commitment to reconsider its position for fiscal year 1980.

As a result of the above review process, changes to the fiscal year 1979 compliance indicators for fiscal year 1980 are limited to computational methods for selected floor and preference level indicators as described below. Significantly, the Department proposes no change in the specific service indicators and related numerical values used in fiscal year 1979 unless warranted by a change in computational method. While alternatives incorporating significant revisions to the particular indicators and numerical standards were considered, such changes to the present set of indicators and required levels were judged not to be appropriate at this time for reasons described below.

A review of recent job service performance shows that substantial progress in service provision to all applicants was made during the fiscal year 1977-78 period. Significant preference was provided to veterans in all service areas during this period. On a nationwide basis, this period was characterized by expanding employment opportunities in the regular unsubsidized job market and a sharp increase in the number of subsidized jobs available to unemployed job seekers under the President's Economic Stimulus Program. State agencies took full advantage of these opportunities by expanding their contacts with the business community and providing strong support to the Economic Stimulus Program. As reflected by State agency performance on the veterans indicators during these years, these efforts were particularly beneficial to veterans as their numbers served rose in absolute terms and in proportion to the total number of applicants served.

A number of factors indicate that the expanding employment opportunities that characterized the fiscal year 1977-1978 period have leveled off during recent months with further adjustments possible for fiscal year 1980. State agency performance data through the first half of fiscal year 1979 show that the rate of increase in service provision to applicants experienced during the past two years has been sharply reduced with some States having moderate declines in service levels, particularly in the area of placements.

The completion of the PSE buildup phase under the Economic Stimulus Program in fiscal year 1978, with the emphasis in fiscal year 1979 on replacement needs rather than filling new jobs, has contributed significantly to the leveling off of State agency performance. Further, under the CETA Reauthorization, P.L. 95-524, the emphasis has shifted to serving the economically disadvantaged. Typically, economically disadvantaged persons account for only 25 percent of ES applicants including proportionately fewer veteran applicants meeting the economically disadvantaged criteria. The effect of these two factors is a sharp reduction in subsidized job opportunities available to ES applicants, including veterans. The regular unsubsidized job market has shown only moderate improvements in recent months in terms of increased employment opportunities, and reduced unemployment. In contrast, marked improvement in these conditions was experienced during the previous two fiscal years. Finally, State agencies will be operating with budget levels similar to those of previous years with no reasonable expectation for additional resources.

The Department feels that the above considerations represent "other appropriate factors" under 20 CFR 653.230(c) for use in computing State agency floor levels. Therefore, based on recent State agency performance, reduced availability of subsidized job opportunities for ES applicants, uncertain economic conditions for fiscal year 1980 and no increase in State agency resources, the Department has determined with few exceptions (described below) to propose in fiscal year 1980 the same floor level and preference level service indicators and corresponding numerical values established in fiscal year 1979.

Based on the above considerations, ETA proposes to limit changes to the veterans indicators of compliance to the following:

1. Revise the current method for computing the floor level for veterans inactivated with some reportable service to measure the number of veterans and other eligibles inactivated with some reportable service as a percent of the total number of veterans and other eligibles who were inactivated. Current practice is to measure the number of veterans inactivated with some reportable service as a percent of all new and renewal veteran applicants (i.e., all active veteran applicants except applicants registered during the prior

year). The proposed change provides a more technically accurate measure of service rates for veterans inactivated with some reportable service and is responsive to suggestions made during prior years from various sources.

2. Revise the current method for computing the preference level indicators for veterans, Vietnam-era veterans and disabled veterans inactivated with some reportable service by substituting the number of individuals inactivated in the denominator of each computation rather than the number of new and renewal applicants. This proposed change is consistent with the proposed floor level computation for this service.

3. Revise current references to Mandatory Job Listing (MJL) to Federal Contractor Job Listing (FCJL). This proposed change is a technically more accurate reflection of the title of this program.

4. Revise the current FCJL veterans indicators of compliance to measure placement preference on all veterans rather than only recently separated Vietnam-era veterans and special disabled veterans. This change is proposed in response to the definitional limitation of a recently separated Vietnam-era veteran contained under 38 U.S.C. 2011(2). The number of recently separated Vietnam-era veterans is minimal since May 1979 because of the definitional limitation to veterans submitting job applications within four years of their discharge from the military. The proposed change in coverage to all veterans on the FCJL placement indicator recognizes the definitional limitation of "recently separated Vietnam-era veteran" and its impact on operations, continues the emphasis on the FCJL program for veterans and is consistent with the order of referral priority at 20 CFR 653.221(a)(7) which does require referral of recently separated Vietnam-era and special disabled veterans to FCJL jobs ahead of other qualified applicants. In addition, based on past State agency performance the numerical value proposed for the FCJL indicator is 17 percent; that is, the number of veterans placed in FCJL jobs shall be 17 percent of all individuals placed in these jobs.

Comments on the Structure of the
Indicators of Compliance System

The basic Veterans Indicators of Compliance System will have been in operation for three fiscal years by the end of fiscal year 1980. ETA feels this is an opportune time to invite substantive comment from Federal, State and local government units, veterans organizations and other interested

persons on ways to improve the veterans indicator system to make it more effective, manageable and usable in promoting services to veterans. All aspects of the veterans indicator system can be addressed. Comments received on the structure of the system will be carefully considered and analyzed and, if appropriate, provide the basis for a major restructuring of the current veterans indicators for fiscal year 1981. Receiving comments at this time for restructuring the system will provide the necessary lead-time to properly compile, categorize and evaluate all comments including development of appropriate testing models reflecting such comments if necessary.

Comments to the structure of the system should be submitted on or before December 27, 1979. However, commentors may submit system related comments in conjunction with comments to the proposed indicator changes for fiscal year 1980 on or before October 29, 1979.

The proposed regulation is neither a "significant" nor a "major" regulation under the criteria set forth in the Department of Labor's guidelines under Executive Order 12044 which were published on January 26, 1979 at 44 FR 5570. Consequently, neither an action plan, which is required for significant regulations, nor a regulatory analysis, which is required for major regulations, has been prepared. Accordingly, 20 CFR 653.230 is proposed to be revised to read as follows:

**§ 653.230 Veterans preference indicators
of compliance.**

(a) To help in determining whether the standards of performance set forth in §§ 653.221-226 are being met, the ETA shall use the floor levels and the veterans preference indicators of compliance set forth in this section to compare the level of services provided to veterans and eligible persons with the level of services provided to nonveterans.

(b) The term "applicants" as used in this section shall mean individuals who filed or renewed job applications during the fiscal year. To improve statistical comparability, the term "nonveteran" as used in this section shall not include women and persons 19 years of age or younger. The term "veteran" as used in this section, shall include eligible persons. The term "disabled veteran", as used in this section, shall include "special disabled veteran".

(c) To prevent State agencies, which are actually performing at low levels of accomplishment, from mathematically appearing, according to the veterans preference indicators of compliance, to

be doing well, the ETA shall establish a floor (minimum) level of expected accomplishment for each State for each reportable service for each Federal fiscal year. Each year ETA shall consider each State agency's past year's accomplishments as a major factor in establishing the floor level of accomplishment for the next Federal fiscal year. Computation of the floor levels shall also be based on external and other appropriate factors.

(1) The floor levels (except as provided in paragraph (c)(1)(iv) of this section) shall be stated as the ratio of veteran individuals served to the number of veterans applying for service, rather than the number of veterans served, to avoid the difficulties associated with establishing absolute numbers under varying conditions, time periods, and locations. The floor level for veterans inactivated with some reportable service shall be stated as the ratio of veteran individuals inactivated with some reportable service to the number of veterans inactivated. The floor levels of accomplishment for FY 1979 shall be as follows:

(i) A minimum of 6 percent of those veterans applying for service shall be counseled.

Veterans Counseled/Veteran Applicants—6 percent.

(ii) A minimum of 7.5 percent of all veteran applicants shall be provided job development.

Veteran Job Development Contacts/Veteran Applicants—7.5 percent.

(iii) A minimum of (individual State values listed below) percent of all veteran applicants shall be placed in jobs.

Veterans Applicants Placed/Veteran Applicants—(see list below for State values).

	(ii) Placed
Percent	
Region I (Boston):	
Connecticut	14
Maine	24
Massachusetts	19
New Hampshire	24
Rhode Island	24
Vermont	24
Region II (New York):	
New Jersey	22
New York	22
Puerto Rico	22
Virgin Islands	
Region III (Philadelphia):	
Delaware	14
District of Columbia	24
Maryland	20
Pennsylvania	19
Virginia	22
West Virginia	23
Region IV (Atlanta):	
Alabama	24
Florida	24
Georgia	24
Kentucky	23
Mississippi	24

	(ii) Placed
Percent	
North Carolina	23
South Carolina	22
Tennessee	23
Region V (Chicago):	
Illinois	18
Indiana	19
Michigan	18
Minnesota	24
Ohio	18
Wisconsin	24
Region VI (Dallas):	
Arkansas	24
Louisiana	24
New Mexico	24
Oklahoma	24
Texas	24
Region VII (Kansas City):	
Iowa	24
Kansas	24
Missouri	24
Nebraska	24
Region VIII (Denver):	
Colorado	24
Montana	24
North Dakota	24
South Dakota	24
Utah	24
Wyoming	24
Region IX (San Francisco):	
Arizona	24
California	23
Guam	24
Hawaii	24
Nevada	23
Region X (Seattle):	
Alaska	24
Idaho	24
Oregon	24
Washington	24

(iv) A minimum of 60 percent of all veteran applicants inactivated shall be inactivated with some reportable service.

Veteran Applicants Inactivated With Some Service/Veteran Applicants Inactivated—60 percent.

(2) Only after a State agency meets three of its four expected levels of accomplishment—one of which must be the floor level for placement—shall the veterans' indicators be applied.

(d) The ETA shall compare the level of State agency services for veterans versus that for nonveterans by examining rates of service rather than the numbers of persons served to compensate for the differing sizes of comparison groups and to avoid the difficulties associated with establishing absolute numbers under varying conditions, time periods and locations. In addition, the two groups, veterans and nonveterans, shall be compared after adjustments for demographic and other appropriate characteristics to make them as comparable as possible within the limitations of available data systems.

(e) ETA shall establish numerical values for the veterans preference indicators of compliance for each Federal fiscal year for:

(1) Veterans versus nonveterans;
(2) Veterans of the Vietnam era versus nonveterans; and

(3) Disabled veterans versus nonveterans.

(f) Veterans preference indicators of compliance for service to all veterans shall be stated as follows:

(1) The ratio of veterans applicants counseled to the total number of veteran applicants shall exceed the ratio of nonveteran applicants counseled to the total number of nonveteran applicants by at least 25 percent.

Veteran's counseled/Veteran applicants + Nonveterans counseled/Nonveteran applicants—1.00=25 percent.

(2) The ratio of job development contacts made for veterans to the total number of veteran applicants shall exceed the ratio of job development contacts made for nonveterans to the total number of nonveteran applicants by at least 50 percent.

Job development contacts for veterans/Veteran applicants + Job development contacts for nonveterans/Nonveteran applicants—1.00=50 percent.

(3) The ratio of veteran applicants placed in jobs to the total number of veteran applicants shall exceed the ratio of nonveteran applicants placed in jobs to the total number of nonveteran applicants by at least 10 percent.

Veterans placed/Veteran applicants + Nonveterans placed/Nonveteran applicant—1.00=10 percent.

(4) The ratio of veteran applicants inactivated with some reportable service to the total number of veteran applicants inactivated shall be more than the ratio on nonveteran applicants inactivated with some reportable service to the total number of nonveteran applicants inactivated by at least 15 percent.

Veterans inactivated with some reportable service/Veteran applicants inactivated + Nonveterans inactivated with some reportable service/Nonveteran applicants inactivated + 1.00=15 percent.

(g) Veterans preference indicators of compliance for service to veterans of the Vietnam era are as follows:

(1) The ratio of Vietnam-era veteran applicants counseled to the total number of Vietnam-era applicants shall exceed the ratio of nonveteran applicants counseled to the total number of nonveteran applicants by at least 35 percent.

Vietnam-era veterans counseled/Vietnam-era veteran applicants + Nonveterans counseled/Nonveteran applicants—1.00=35 percent.

(2) The ratio of job development contacts made for Vietnam-era veterans to the total number of Vietnam-era veteran applicants shall exceed the ratio of job development contacts made for nonveterans to the total number of nonveteran applicants by at least 60 percent.

Job development contacts for Vietnam-era veterans/Vietnam-era veteran applicants + Job development contacts for nonveterans/Nonveteran applicants—1.00=60 percent.

(3) The ratio of Vietnam-era veteran applicants placed in jobs to the total number of Vietnam-era veteran applicants shall exceed the ratio of nonveteran applicants placed in jobs to the total number of nonveteran applicants by at least 15 percent.

Vietnam-era veterans placed/Vietnam-era veteran applicants + Nonveterans placed/Nonveteran applicants—1.00=15 percent.

(4) The ratio of Vietnam-era veteran applicants inactivated with some reportable service to the total number of Vietnam-era veteran applicants inactivated shall be more than the ratio of nonveteran applicants inactivated with some reportable service to the total number of nonveteran applicants inactivated by at least 20 percent.

Vietnam-era veterans inactivated with some reportable service/Vietnam-era veteran applicants inactivated + Nonveterans inactivated with some reportable service/Nonveteran applicants inactivated—1.00=20 percent.

(h) Veterans preference indicators of compliance for service to disabled veterans are as follows:

(1) The ratio of disabled veteran applicants counseled to the total number of disabled veteran applicants shall exceed the ratio of nonveteran applicants counseled to the total number of nonveteran applicants by at least 100 percent.

Disabled veterans counseled/Disabled veteran applicants + Nonveterans counseled/Nonveteran applicants—1.00=100 percent.

(2) The ratio of job development contacts made for disabled veterans to the total number of disabled veteran applicants shall exceed the ratio of job development contacts made for nonveterans to the total number of nonveteran applicants by at least 75 percent.

Job development contacts for disabled veterans/Disabled veteran applicants + Job development

Nonveterans/Nonveteran applicants—1.00=75 percent.

(3) The ratio of disabled veteran applicants placed in jobs to the total number of disabled veteran applicants shall exceed the ratio of nonveteran applicants placed in jobs to the total number of nonveteran applicants by at least 20 percent.

Disabled veterans placed/Disabled veteran applicants + Nonveterans placed/Nonveteran applicants—1.00=20 percent.

(4) The ratio of disabled veteran applicants inactivated with some reportable service to the total number of disabled veteran applicant inactivated shall exceed the ratio of nonveterans inactivated with some reportable service to the total number of nonveteran applicants inactivated by at least 25 percent.

Disabled veterans inactivated with some reportable service/Disabled veteran applicants inactivated + Nonveterans inactivated with some reportable service/Nonveteran applicants inactivated—1.00=25 percent.

(i) The veterans preference indicator of compliance for State agency action under the Federal Contractor Job Listing requirements of 38 U.S.C. 2012 shall be: The ratio of the total number of veterans placed in Federal Contractor Job Listing openings to total number of individuals placed in Federal Contractor Job Listing openings shall exceed 17 percent.

(j) Following analysis of the past fiscal year's accomplishments, the numerical value for each of the veterans preference compliance indicators for the next fiscal year will be published in the Federal Register as amendments to paragraphs (f) through (i) of this section.

(k)(1) State agency performance under this part subpart shall be reviewed on a quarterly basis by the ETA regional offices during the conduct of regular Operational Planning and Review System (OPRS) reviews. In addition, State agency performance under this subpart shall be formally reviewed by the ETA national office on an annual basis using the floor levels of accomplishment and the veterans preference indicators of compliance. The full results of these reviews shall be incorporated into the Secretary's annual report to the Congress. In order to meet the indicators of compliance, a State agency must:

(i) Meet the placement and any two of the remaining three floor levels of accomplishment at paragraph (c) of this section; and

(ii) Meet 9 of the 16 veterans preference indicators of compliance at

paragraphs (f) through (i) of this section, giving each of the three placement indicators double weight.

(2) ETA shall consider failure to meet either of these conditions as evidence that the State agency is not complying with the performance standards at § 653.221–226. Such State agencies shall be required to provide documentary evidence to the ETA that their failure is based on good cause. If good cause is not shown, the ETA, pursuant to Subpart H of Part 658 of this chapter, shall formally designate the State agency as out of compliance, shall require it to submit a corrective action plan for the following Federal fiscal year, and may take other action against the State agency pursuant to Subpart H of Part 658 of this chapter.

(l) Even though a State agency veterans' services statistics, including the floor levels of accomplishment and the veterans preference indicators of compliance, indicate adequate services to veterans, the ETA may take corrective action against a State agency pursuant to Subpart H of Part 658 of this chapter if other information comes to the attention of the ETA which indicates that a State agency is not complying with the requirements of this subpart.

(29 U.S.C. 49 *et seq.* 39 U.S.C. 2012.)

Signed at Washington, D.C., this 24th day of September, 1979.

Ray Marshall,
Secretary of Labor.

[FR Doc. 79-30268 Filed 9-27-79; 8:45 am]
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**Friday
September 28, 1979**

Part X

**Department of the
Interior**

**Office of Surface Mining Reclamation and
Enforcement**

**Surface Coal Mining and Reclamation
Operations Permanent Regulatory
Program; Operator Compliance With
Standards on Federal Lands**

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[30 CFR Parts 701 and 741]

Surface Coal Mining and Reclamation Operations Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, Washington, D.C. 20240.

ACTION: Proposed OSM amendment to 30 CFR 701.11 and 741.11, concerning schedule for operator compliance with permanent program performance standards on Federal lands.

SUMMARY: OSM seeks public comment on certain proposed amendments to regulation found in 30 CFR 701.11 and 741.11 which would establish the schedule for operator compliance with permanent program performance standards on Federal lands. The proposed amendment would postpone the effective date for operator compliance with the permanent program performance standards on existing operations until after approval of a State program or implementation of a Federal program for a State.

DATES: Comments must be received by October 29, 1979, at the address below by no later than 5 p.m. A public hearing will be held October 18 at 9:00 a.m. Representatives of the Office will be available to meet with interested persons, groups, or organizations, upon request, between September 28, 1979 and October 29, 1979.

ADDRESSES: Written comments must be mailed or hand delivered to: Office of Surface Mining, U.S. Department of the Interior, Room 135, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. Summaries of public meetings and the transcript of the public hearing will be prepared and made available for public review in Room 135 of the Interior South Building. Public hearing location: Room 269, Old Post Office Building, Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: Carl Close, Assistant Director, State and Federal Programs, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20240 (202) 343-4225.

SUPPLEMENTAL INFORMATION: On March 13, 1979, OSM published permanent Federal lands program regulations. 30 CFR 701.11 and 741.11(a) of these regulations provide that on and after six months (October 12, 1979) from the effective date of the regulations, each

operator having an approved mining plan, or having submitted an approvable new or revised mine plan prior to the effective date of the regulations must comply with the permanent program performance standards in 30 CFR Subchapter K. Subparagraph (a)(1) of Section 741.11 provides the regulatory authority with discretionary authority to extend the compliance period up to 6 additional months when the regulatory authority determines that an existing mine plan requires modification to assure compliance with one or more performance standards. Subparagraph (a)(2) of this section excepts from the six-month compliance date new mine plans or modifications to existing mine plans involving increases in the acreage to be mined. In such cases, the application for approval of the mining plan must comply with the permanent regulations in 30 CFR 741.13 (Permit Applications), 30 CFR 742 (Bonds and Liability Insurance on Federal Lands), and 30 CFR 744 (Performance Standards for Federal Lands).

As expressed in the Preamble to the final rules (44 FR 14976, March 13, 1979), OSM's intent in adopting the provisions of 30 CFR 741.11(a)(1) and (a)(2) was to provide the flexibility to determine the timing of enforcement of specific performance standards for existing mines on a case-by-case basis while maintaining the rapid implementation schedule for new mines as intended by Congress. Section 523(a) of the Act provides that "no later than one year after the date of enactment of this Act, the Secretary shall promulgate and implement a Federal lands program which shall be applicable to all surface coal mining and reclamation operations taking place pursuant to any Federal law on any Federal lands."

Since publication of the final rules, OSM has received several comments, including two identical petitions, alleging that the requirements of 30 CFR 741.11(a) are in conflict with Section 523(c) of the Act. This Section provides that, "Any State with an approved State program may elect to enter into a cooperative agreement with the Secretary . . . in accordance with the provisions of this Act. States with cooperative agreements existing on the date of enactment of this Act, may elect to continue regulation on Federal lands within the State, prior to approval by the Secretary of their State program . . . provided that such existing cooperative agreement is modified to fully comply with the initial regulatory procedures set forth in Section 502 of this Act" (Emphasis added).

The petitioners suggest that OSM's interpretation of Section 523(c) of the Act, requiring implementation of the Federal lands program by October 12, 1979, is incorrect for two reasons: (1) it ignores the exemption quoted above for States with cooperative agreements; and (2) assuming Congress meant the Federal lands program to apply in States with cooperative agreements as of August 3, 1978, OSM missed that date by 14 months. The petitioners further contend that Section 523(a) of the Act provides that on Federal lands in a State with an approved permanent program, the Federal lands program, shall, at a minimum, include the requirements of the approved State program. This indicates, according to the petitioners, that Congress anticipated that the States would have the opportunity to submit and have a State program approved prior to implementation of a Federal lands program, and this opportunity has not been afforded to the States. Based on this rationale, the petitioners proposed that 30 CFR 741.11 be amended "to provide that in States where surface mining operations on Federal lands are being regulated by a state regulatory authority under an interim regulatory program approved pursuant to 30 U.S.C. 1252 and a cooperative agreement pursuant to 30 U.S.C. 1273(c) and where the State has submitted a permanent program pursuant to 30 CFR Subchapter C, surface coal mining operations must comply with 30 CFR Subchapter K within 8 months of the Secretary's approval of the permanent state program, or within 2 months of the Secretary's final disapproval of the state's permanent program under 30 U.S.C. 1253".

After a thorough review of Section 523 of the Act and the arguments offered by the petitioners on the final rule adopted March 13, 1979, the OSM has concluded that the petitions have sufficient merit to justify proceeding with proposed rulemaking. In granting the petitions, however, the OSM is requesting public comments on a proposed rule which is slightly different from that proposed by the petitioners. The OSM proposed rule would postpone for existing mines required operator compliance with the permanent program performance standards until after approval of a State program or implementation of a Federal program for a State. The new schedule would apply in all States and only to operations having mining plans approved or approvable in accordance with 30 CFR Part 211 prior to April 12, 1979, the effective date of the regulations. If this schedule is adopted

all mine plans for new coal mining operations and major extensions of existing mines submitted to the regulatory authority and not approvable pursuant to 30 CFR 211 by April 12, 1979, would be required to comply with the requirements of 30 CFR 741.13, 30 CFR Part 742 and 30 CFR Part 744. Excepted from processing under the permanent regulations would be those mine plans that have been pending in the Department since before March 13, 1979 and that are sufficiently close to decision that to return them to the applicant for revision in accordance with Subchapter D would be inequitable and administratively wasteful.

The OSM believes that postponing the effective date for compliance with the permanent performance standards for existing operations in all States would be desirable, because it would provide evenhanded treatment for operators of existing mines; there would be no comparative economic advantage resulting from the regulations. The proposed amendments also would establish a single timetable which would be easier to administer and it provides less opportunity for confusion. It further assures application of the same standards and procedures for existing mine operations on commingled lands.

OSM does not propose to amend the schedule for new mine plans and major extensions of existing coal mines now pending before the Department, with the exceptions noted above. Under the March 13, 1979, regulations such operations have been required to comply with the permanent program requirements, and the Office believes that changing the schedule for these operations would be unfair to those operators who have properly submitted mine plans under the permanent program requirements. The Office believes that it would be in the best interest of the operators submitting new mine plans to assure that such plans comply with the permanent program requirements, particularly those submitted for review and approval near the effective date of an approved State program or implementation of a Federal program. Otherwise the regulatory authority would, within a relatively short timespan, require the operator to resubmit the mine plan to assure compliance with the permanent Federal lands program requirements. Modification and resubmission of a mine plan could be costly and time-consuming for the operator and the regulatory authority and would delay development of needed coal mines.

OSM further believes that the existing schedule for compliance with the

permanent program performance standards for new or expanded mining operations will assure the early protection for Federal lands intended by Congress, and will be consistent with the traditional concept that the Secretary of the Interior, as trustee of the public lands, is responsible for taking all necessary actions to assure that authorized activities taking place on Federal lands are conducted in a manner which will prevent unwarranted injury or destruction of the natural resources and be in the public interest. Finally, the early compliance requirement for these operations also sets an example for the States in developing and subsequent administration and enforcement of State programs.

OSM recognizes that early implementation of compliance with the permanent performance standards on existing operations would also provide early protection of the Federal lands. However, as discussed previously it is felt that other constraints require that the proposed change be made with respect to existing operations.

OSM's proposed amendment affects Sections 701.11 and 741.11 as follows:

1. 30 CFR 701.11 *Applicability*, is a general statement of applicability of the performance standards, and mirrors the existing requirements of § 741.11. This Section would therefore, be revised to reflect accurately the proposed amendment to the latter Section which would postpone operator compliance for existing mines, with the permanent program performance standards. Conforming amendments are proposed for paragraphs (b), (c), (d) and (e).

2. CFR 741.11 has been restructured and rewritten. As amended, proposed Paragraph 741.11(a) would incorporate the provisions of existing § 741.11(a)(2) and 741.11(c). The effect of this change is to eliminate the requirement that operators having an approved mining plan under 30 CFR 211 comply with the permanent performance standards in Subchapter K on and after October 12, 1979. Such operators will continue to be required to comply with the initial performance standards in 30 CFR 211. Paragraph 741.11(b) of the existing rules would remain unchanged. Paragraph 741.11(d) would be renumbered (c), and the reference to "Paragraph (c)" would be revised to read (a). Finally, existing Paragraph (e) would be redesignated.

Public Comment Period

The comment period on the proposed amended rule will extend until October 29, 1979. All written comments must be received at the address given above by 5 p.m., on October 29, 1979. Comments

received after that hour will not be considered or included in the administrative record for this proposed rulemaking. The OSM cannot insure that written comments received or delivered during the comment period to any other locations than specified above will be considered and included in the administrative record for this proposed rulemaking.

Public Meetings

Representatives of the Office will be available to meet between September 28, 1979, and October 29, 1979, at the request of members of the public, State representatives, industry officials, environmental groups or other organizations to receive their advice and recommendations concerning the proposed amendment. Persons, groups or organizations wishing to meet with OSM representatives during this time period may request to meet with OSM officials at the Washington offices and at the Kansas City and the Denver regional offices of OSM. Advance notice of such meetings will be posted and the meetings will be open to the public. OSM officials will be available for such meetings between 9 a.m., and noon, and 1 p.m. and 4 p.m., local time, Monday through Friday. Persons to contact to schedule meetings are as follows:

Washington—(202) 343-4225, Carl Close
Kansas City—(816) 374-5162, Raymond Lowrie
Denver—(303) 837-5421, Donald Crane

Addresses of the regional offices are as follows:

OSM Region IV, 616 Grand Avenue, Scarritt Building, Kansas City, MO 64106
OSM Region V, Post Office Building, 1832 Stout Street, Denver, CO 80205

Summaries of public meetings will be prepared and made available for public review at the office at which the meetings were held and in Room 135 of the Interior South Building, as previously noted.

Public Hearing

A public hearing will be held October 18, 1979, at 9:00 a.m., Room 269 of the Old Post Office, Denver, Colorado. Persons wishing to testify at the hearing should contact David Walker at the Office of Surface Mining, Region V, Post Office Building, Room 270, 1823 Stout Street, Denver, Colorado 80202 (Phone (303) 837-5966) prior to the hearing date.

Individual testimony at this hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and facilitate the job of the hearing reporter. Submission of written statements to the

persons identified above for this hearing, in advance of the hearing date whenever possible, would greatly assist Office officials who will attend the hearing. Advance submissions will give these officials an opportunity to consider appropriate questions which could be asked to clarify or elicit more specific information from the person testifying. The record will remain open for the receipt of additional written comments until October 29, 1979. The public hearing will continue on the day identified above until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard at the end of scheduled speakers. The hearing will end after all people scheduled to testify and persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

A transcript of the hearing will be prepared and made available for public review in Room 135 of the Interior South Building and at the Kansas City and Denver regional offices of OSM, as previously noted.

Public Comments

Written comments should be as specific as possible. The OSM will appreciate any and all comments, but those most useful and likely to influence decisions on these proposed rules will be those which include references to source material including legislative history and other material which provides a basis for any given recommendation. An explanation of the rationale for each recommendation should also be given. The preamble to the final rule will discuss consideration of comments received on the proposed rule.

OTHER INFORMATION: Pursuant to 43 CFR Part 14, the Department of the Interior has determined that amending 30 CFR 701.11 and 741.11 to postpone the schedule for operator compliance with the permanent program performance standards for existing operations until after approval of a State program or implementation of a Federal program for a State is not a significant action and will not require a regulatory analysis. The proposed rule will not have a major and national or regionwide impact on State or local governments. The initial regulatory program performance standards and existing State laws will remain in effect and will provide a level

of protection for the public health and safety and the environment comparable to that on non-Federal lands.

Additionally, the amended rule will not impose major new recordkeeping or reporting requirements on individuals, businesses, organizations, or State or local governments. New information will not be required.

The proposed amendment does not constitute a major Federal action for which an environmental impact statement is required by Section 102(2)(C) of the National Environmental Policy Act of 1969. The proposed rules are a part of the implementation of the Federal lands program. A special exemption is provided by Section 702(d) of the Act which specifies that "... and implementation of the Federal lands programs * * * shall not constitute a major action within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332)."

Finally, the proposed amended rules would not have a major impact on other programs of the Department, other Federal agencies or the allocation of Federal funds nor would they have a substantial effect on the entire economy or on an individual region, industry, or level of government. Postponing the compliance date will not affect the Department's coal management program leasing schedule nor will it involve a reallocation of agency funding. The proposed new schedule will not increase the cost of administration. Coal operators may benefit from reduced mining costs until after implementation of the permanent regulatory program. Such benefits, however, are thought to be of minor consequence and will be temporary in nature.

Dated: September 24, 1979.

Joan M. Davenport,
Assistant Secretary, Energy and Minerals.

1. Accordingly, it is proposed to amend 30 CFR 701.11(b)-(e) to read as follows:

§ 701.11 Applicability.

(b) Any person conducting surface coal mining and reclamation operations on Federal lands approved pursuant to 30 CFR Part 211 must apply for a new permit pursuant to 30 CFR Subchapter D within two months and obtain approval on or before eight months from the date of approval of a State program or implementation of a Federal program. However, under conditions specified in 30 CFR 741.11(c), a person may continue such operations after eight months from the date of approval of a State program or implementation of a Federal program.

(c) On and after April 12, 1979, no person may start surface coal mining and reclamation operations on Federal lands or initiate a major extension of a previously approved surface coal mining and reclamation operation without having obtained a permit pursuant to 30 CFR Subchapter D, except that mine plans approvable on April 12, 1979 under 30 CFR Part 211 may be approved pursuant to those regulations.

(d) The requirements of Subchapter K of this Chapter shall be effective and shall apply to each surface coal mining and reclamation operation which is required to obtain a permit under the Act, on the earliest date upon which the Act and this Chapter require a permit to be obtained, except as provided in Paragraph (e) of this Section.

(e)(1) Each structure used in connection with or to facilitate a coal exploration or surface coal mining and reclamation operation shall comply with the performance standards and the design requirements of Subchapter K of this Chapter, except that—

(i) An existing structure which meets the performance standards of Subchapter K of this Chapter but does not meet the design requirements of Subchapter K of this Chapter may be exempted from meeting those design requirements by the regulatory authority. The regulatory authority may grant this exemption only as part of the permit application process after obtaining the information required by 30 CFR 780.12 or 784.12 and after making the findings required in 30 CFR 786.21;

(ii) If the performance standard of Subchapter B of this Chapter is at least as stringent as the comparable performance standard of Subchapter K of this Chapter, an existing structure which meets the performance standards of Subchapter B of this Chapter may be exempted by the regulatory authority from meeting the design requirements of Subchapter K of this Chapter. The regulatory authority may grant this exemption only as part of the permit application process after obtaining the information required by 30 CFR 780.12 or 784.12 and after making the findings required in 30 CFR 786.21;

(iii) An existing structure which meets a performance standard of Subchapter B of this Chapter which is less stringent than the comparable performance standards of Subchapter K of this Chapter or which does not meet a performance standard of Subchapter K of this Chapter for which there was no equivalent performance standard in Subchapter B of this Chapter shall be modified or reconstructed to meet the design standard of Subchapter K of this Chapter pursuant to a compliance plan

approved by the regulatory authority only as part of the permit application as required in 30 CFR 780.12 or 784.12 and according to the findings required by 30 CFR 786.21;

(iv) An existing structure which does not meet the performance standards of Subchapter B of this Chapter and which the applicant proposes to use in connection with or to facilitate the coal exploration or surface coal mining and reclamation operation shall be modified or reconstructed to meet the design standards of Subchapter K prior to issuance of the permit.

(2) The exemptions provided in Paragraph (e)(1)(i) and (e)(1)(ii) shall not apply to:

(i) The requirements for existing and new waste piles used either temporarily or permanently as dams or embankments; and

(ii) The requirements to restore the approximate original contour of the land.

2. It is proposed to amend 30 CFR 741.11 (a), (c) and (d) to read as follows:

§ 741.11 General obligations.

(a)(1) On and after April 12, 1979, no person may start surface coal mining and reclamation operations on Federal lands or initiate a major extension of a previously approved surface coal mining and reclamation operation, without having obtained a permit pursuant to this Subchapter, except that mine plans approvable on April 12, 1979, under 30 CFR Part 211 may be approved pursuant to those regulations;

(2) Not later than two months after the effective date of a State program or a Federal program for a State and regardless of litigation contesting the promulgation of this Subchapter, each person who expects to continue conducting surface coal mining and reclamation operations on Federal lands after the expiration of eight months from such effective date, which operations had been approved previously pursuant to 30 CFR Part 211, shall file a complete application for a permit for such operations as required in this Subchapter; and

(3) Except as provided in Paragraph (c) of this section, on or after eight months from the effective date of a State program or a Federal program for a State, no person shall continue to conduct a surface coal mining and reclamation operation on Federal lands previously approved under 30 CFR Part 211, unless that person has first obtained a valid permit issued by the

Director under the Act and this Subchapter.

(c) A person who conducts surface coal mining and reclamation operations, under a mining plan approved by the Secretary in accordance with the Act and 30 CFR 211, may conduct those operations beyond the period prescribed in paragraph (a)(3) of this section, if all of the following conditions are present:

(1) Timely and complete application for a permit to conduct those operations under this Part has been made to the Regional Director, in accordance with the provisions of the Act and this Part;

(2) The Director has not yet rendered a final decision with respect to the permit application pursuant to 30 CFR 741.21(a)(4) or (5); and

(3) Those operations are conducted in compliance with all terms and conditions of the approved mining plan and the requirements of the Act, 30 CFR 211, and Subchapter K, State laws and regulations applicable through an approved cooperative agreement, and the requirements of the applicable lease or license.

(d) After the issuance of a new permit under this Section, the permittee shall conduct surface coal mining and reclamation operations in accordance with all requirements of the permit, in addition to all requirements of the lease, license, and all applicable State and Federal regulations.

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Friday
September 28, 1979

Part XI

**Department of
Health, Education,
and Welfare**

Office of Education

**Student Assistance Programs; General
Provisions**

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE****Office of Education****45 CFR Part 168****General Provisions Relating to Student
Assistance Programs****AGENCY:** Office of Education, HEW.**ACTION:** Final regulations.

SUMMARY: These regulations establish, in subpart B, minimum standards regarding audits, financial responsibility, and administrative capability that an otherwise eligible postsecondary institution or school must meet to participate in the student financial assistance programs authorized under Title IV of the Higher Education Act of 1965.

Subpart C contains regulations dealing with an institution's misrepresentation of the nature of its educational program, its financial charges, or the employment of its graduates. The Commissioner of Education believes that institutional adherence to the requirements of these regulations will result in improved management of title IV student financial assistance funds.

DATES: Effective Date: These regulations are expected to take effect 45 days after they are transmitted to the Congress. Regulations are usually transmitted to the Congress several days before they are published in the *Federal Register*. The effective date is changed by statute if the Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these regulations, call or write the Office of Education contact person.

COMMENTS: Comments may be submitted at the commenter's convenience; no closing date is specified.

FOR FURTHER INFORMATION CONTACT: Mr. William Moran (202) 472-4300.

SUPPLEMENTARY INFORMATION:**General Background**

Through the Education Amendments of 1976, (Pub. L. 94-482), the Congress added Section 497A to the Higher Education Act of 1965. Section 497A authorizes the Commissioner to issue regulations providing for—

(a) A fiscal audit of an eligible institution with regard to any funds obtained by it under title IV programs or obtained from a student who has a loan guaranteed or insured under title IV; and

(b) The establishment of reasonable standards of financial responsibility and appropriate institutional capability for the proper administration by an eligible institution of title IV student financial aid programs.

The statute also provides that the Commissioner may suspend, limit, or terminate an institution's participation in title IV programs upon a determination that the institution has engaged in substantial misrepresentation of the nature of its educational program, its financial charges, or the employability of its graduates.

The magnitude of the title IV student assistance programs administered by the Office of Education—namely the Basic Educational Opportunity Grant, Supplemental Educational Opportunity Grant, College Work-Study, Guaranteed Student Loan, and National Direct Student Loan programs—is such that approximately 6.66 million students will be aided by one or more programs during the 1979-80 award period based on expenditures of over \$7 billion.

During the 1979-80 award period, the loans made or insured under the Guaranteed Student Loan Program will amount to \$2.5 billion, the grants to be awarded under the Basic Grant Program will amount to over \$3.0 billion, and approximately \$1.5 billion will be disbursed under the campus-based programs. For the 1980-81 award period, financial assistance under these programs will, it is anticipated, amount to over \$7.5 billion.

The notice of proposed rulemaking from which these regulations result was issued on August 10, 1978. The comments received on the NPRM were each given very serious consideration in the development of these regulations.

These regulations are accompanied by another public comment period—because during the intervening period since publication of the NPRM, a number of areas which are directly related to the NPRM regulatory provisions have come to the Commissioner's attention as requiring immediate clarification by regulation. Therefore these final regulations include:

- (a) An expansion of the financial aid transcript requirement,
- (b) The conditions which must be met when a change of school ownership occurs for the Commissioner to consider the school to be the same school after the ownership change,
- (c) Standards for contracting of education programs or a portion of a program with another institution, and
- (d) Requirements when a school closes or ceases to offer training.

The Commissioner is issuing interim final regulations establishing minimum institutional standards because of—

- (a) The sheer size of this financial assistance,
- (b) The growing concern over the misuse and abuse of the Federal student financial aid programs by institutions and schools,
- (c) The rise in the default rate for the Guaranteed and National Direct Student Loan programs, and
- (d) Recent program experience which indicates the urgent need for these standards.

These institutional standards are intended—

- (a) To curb and eliminate fraud and abuse in the title IV student assistance programs by institutions, schools, and students; and
- (b) To increase the level of accountability for student assistance funds administered by institutions of higher education and vocational schools.

Comments on these regulations are being solicited and should be sent to the address below. It would be extremely helpful if the comments refer to specific sections and are made sequentially. Written comments should be sent to: Mr. William Moran, Chief, Policy Section, Basic Grant Branch, Division of Policy and Program Development, Bureau of Student Financial Assistance, Room 4318, ROB-3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

The notice of proposed rulemaking was published in the *Federal Register* on August 10, 1978, and public comment was solicited. Copies of the NPRM were mailed by the Office of Education to financial aid administrators, fiscal and business officers, and chief executives or presidents of more than 6,000 eligible postsecondary institutions, as well as to a number of student groups, education associations, and other interested parties. Public meetings were conducted in six cities: Atlanta, Georgia, and Boston, Massachusetts, on September 11; Dallas, Texas, and Chicago, Illinois, on September 12; San Francisco, California, on September 14; and Washington, D.C., on September 15, 1978. A total of 45 people representing various institutions and educational organizations presented their views on the proposed regulations at these meetings.

Additionally, during the 45-day period for public comment, 200 letters and telegrams were received containing comments, criticisms, recommendations, and questions on nearly every section of the proposed regulations. Although the majority of comments were received from financial aid and fiscal officers,

virtually every sector of the post-secondary educational community responded to the NPRM. These comments were each given very serious consideration in the development of the final regulations.

A summary of the comments and the Office of Education's responses to them is included as appendix A to these regulations. The comments and responses appear in the sequence of the regulations and are identified with the section number and title of the regulations to which they refer.

Summary of Major Issues

Among the issues on which comments were received, three areas of major concern were predominant. The first of these concerned the requirement in the proposed regulations that institutions establish and maintain a separate bank account for title IV funds—received under the National Direct Student Loan, College Work-Study, Supplemental Educational Opportunity Grant, and Basic Educational Opportunity Grant programs—that are to be disbursed to students. This was intended to supercede the current program regulations, which provide that physical separation of cash depositories for Federal student assistance funds is not required.

An overwhelming majority of comments received objected to the proposed requirement. Several State comptroller's offices pointed out that, under their respective State laws, State university systems must keep all their funds in their State treasuries. A number of State university officials requested exemptions from the proposed requirement for centralized Statewide disbursing systems. Several other comments stated that the proposed requirement was in direct contradiction with a recent circular (A-110) published in the *Federal Register* by the Office of Management and Budget, which forbade separate bank accounts for different Federal programs.

Another large group of comments objected to the proposed requirement because of increased administrative burdens on institutions. Comments from persons involved in the various programs that require institutional matching funds, criticized the proposed requirement as doubling the paperwork and accounting functions involved in the aid process. Other comments argued that the proposed requirement was in violation of statutes applicable in several States and would require amendment of State laws, which, until accomplished, would place institutions in a position of non-compliance with regulations.

The majority of comments suggested that it would be sufficient for the Commissioner to require that Federal funds be kept completely separate from all other activities through a detailed accounting system that allowed for adequate auditing trails.

Based on the suggestions of the majority of comments, and after consultation with the Office of Management and Budget, the Commissioner has decided to delete from these regulations the proposed requirement of a separate bank account for funds received under title IV programs. The Commissioner believes that the current fiscal requirements of the individual title IV program regulations are sufficient to ensure proper and prudent program administration.

The second major area of concern on which comment was received related to the proposed requirement that each institution's disbursing officials be bonded. The proposed regulations would have required institutions to bond each individual disbursing title IV funds in an amount equal to 10 percent of funds disbursed by the institution each award period. This bonding requirement was proposed in response to several incidents in which student assistance funds were embezzled by employees of institutions.

The proposed regulations were intended to provide protection to institutions, as well as to the Federal Government, since institutions are accountable to the Federal Government for any loss as a result of these funds being stolen, improperly used, or embezzled by institution employees.

Many commenters objected to this proposed requirement as being prohibitively costly and as an excessive and unnecessary expense for an institution. While questioning the need for a separate bonding requirement for disbursing officials, a majority of commenters reiterated the fact that the institution is ultimately responsible for misappropriation of Federal funds. Several commenters suggested that the Office of Education reimburse each institution for the added cost of the bonding requirement.

Other commenters suggested that the proposed requirement be deleted on the basis that most institutions already maintained blanket bonds on their fiscal officials, thus making the proposed requirement superfluous. Some commenters noted that State university officials, as employees of a public institution, are considered State employees and, as such, are automatically bonded under State authority.

After consultation with the Office of Management and Budget, the Commissioner has decided to delete from these regulations the proposed requirement of institutional bonding of disbursing officials. These regulations, however, require each institution to obtain and keep adequate fidelity bond coverage to protect the interests of the Federal Government. This requirement will not cause the vast majority of postsecondary institutions to incur additional surety expenditures because most institutions currently maintain that coverage for their fiscal officers.

The third major area of concern was the distribution formula for institutional refunds and the repayment of cash disbursements when a student leaves the institution before the end of the period for which the aid was disbursed. The NPRM contained two distribution formulae and the Commissioner asked for comment on both. Each formula took a pro-rata approach to the institutionally determined refund amount. The difference between the two distribution formulae centered on the treatment of the expected family contribution: One formula assumed that the financial aid and the expected family contribution are expended at the same rate. The other formula assumed that the expected family contribution is expended in its entirety before any financial aid is expended. Thus, the first formula took the expected family contribution into account in determining whether the student was to receive a portion of an institutional refund while the other formula completely excluded the expected family contribution.

An overwhelming majority of the commenters expressed a preference for excluding the expected family contribution from any distribution formula on the basis that the primary responsibility of meeting the cost of education rests with the family and that any refund amount should not be returned to the student or his or her family, but to the title IV programs which enabled the student to pursue postsecondary education.

While agreeing that the expected family contribution should be excluded from any distribution of refund formula, these commenters expressed nearly unanimous opposition to both distribution formulae proposed in the NPRM. It was argued that if a distribution policy was to be adopted at all, the Commissioner should publish only a uniform set of guidelines and not a series of inflexible formulae. There was general agreement that a procedure be adopted that is as simple as possible to administer.

The NPRM formulae were described as too complicated to administer creating an undue administrative burden for the relatively small amounts of money which would be returned to each title IV program involved.

In deference to the overwhelming commenter opinion, the Commissioner is not adopting either of the pro-rata formulae proposed in the NPRM. These interim final regulations contain a simple fraction to be used in determining the Federal portion of the refund amount. In an effort to keep the regulatory provision as simple and as flexible as possible, there is no formula prescribing the amount of the Federal portion which should be returned to each grant and loan program from which the student received aid. Rather, each institution shall develop written policies to determine which title IV program(s) will receive the Federal portion of the refund amount. These institutionally developed policies must be published and applied on a consistent basis to all students receiving title IV funds.

The Commissioner believes that this combination of a simple fraction, combined with institutionally developed policies to determine the title IV program(s) which will receive the Federal portion of the refund amount, is a balanced and appropriate method of preserving the Federal interest without imposing an undue administrative burden upon institutions.

Several additional important changes were made in these regulations. One of these changes is the elucidation of what constitutes a financial aid transcript.

The NPRM contained a provision in § 168.12(c) which required the institution to maintain a financial aid transcript for each student receiving title IV aid.

The financial aid transcript provides the institutional financial aid administrator with the information necessary to formulate the student's aid package. Since several title IV programs have statutory limits regarding the amount of aid a student may receive during an award period or an undergraduate and graduate career, the knowledge of prior disbursements of aid to a student is directly relevant to the packaging of a transfer student's current award.

Numerous commenters requested that the Commissioner clarify the financial aid transcript requirement to indicate what information should appear on the transcript. In response to these requests, the Commissioner has incorporated a new section, § 168.13, *Financial aid transcript*, into these regulations. The provisions stipulate the minimum required informational items which must be included on the transcript. In

addition to student data identifiers such as name and address, specific items about amounts received from title IV programs are required. The financial aid administrator must also indicate whether the student is in default on any title IV loan received for attendance at that institution as well as whether the student owes a repayment on any title IV grant received for attendance at that institution.

The financial aid transcript is, in the Commissioner's view, a document which is used primarily for students who leave one institution to attend another and who have received title IV assistance in either their undergraduate or graduate careers. The Commissioner does not believe that the financial aid transcript is necessarily an exhaustive accounting of all financial assistance received by the student while in attendance at an institution unless it is institutional policy to account for non-title IV sources of assistance on a financial aid transcript.

An institution cannot make a disbursement of any title IV funds—including Guaranteed Student Loan checks—to the student until the institution has received and evaluated a financial aid transcript from that student's prior institution. In order to be considered valid, a financial aid transcript must be certified by the institution.

An institution must forward a certified financial aid transcript to another institution if the student involved is neither in default on a title IV loan received for attendance at that institution nor owes a repayment on a title IV grant received while in attendance at that institution. If the student is in default or repayment status at that institution, the institution has the option of declining to forward a certified financial aid transcript to another institution.

Another change in these regulations concerns the institutional fiscal responsibility factors. In the NPRM, § 168.18, *Additional factors*, contained several criteria regarding the financial responsibility and capability of institutions. These criteria—subparagraph 168.18(a) (4), (5), (6), and (7)—have been rewritten for increased clarity and moved from their original section to § 168.15, *Factors of financial responsibility*.

The change also includes a requirement that the institution submit to the Commissioner additional documents to demonstrate its financial responsibility if it has a deficit net worth or history of sustained material losses. The Commissioner has added this requirement to allow those institutions who do not meet the determining factors

of fiscal responsibility to demonstrate that the institution has the ability to be fiscally responsible in administering title IV programs.

A number of commenters objected to the proposed regulations limiting the number of Guaranteed Student Loan recipients at an institution to not more than 50 percent of the student body at the beginning of an academic year. It was argued that since an institution has no right to withhold certification on a Guaranteed Student Loan application if the student is enrolled on at least a half-time basis and will be using the loan to meet educational costs, it would be unrealistic to expect the institution to control the number of students who receive assistance under this program.

Because of the passage of the Middle Income Student Assistance Act in November 1978, every student has the opportunity of receiving a subsidized Guaranteed Student Loan without regard to family income level—therefore the proposed requirement became irrelevant. Thus, the Commissioner has deleted this requirement from the final regulations.

The following three sections have been added to final regulations. These sections are not new requirements but codify present policies and procedures. The Commissioner has included them in these regulations because of the urgent need to—

(a) Specify the conditions under which an institution that changes ownership that results in a change of control remains an eligible institution for the title IV programs;

(b) Establish minimum criteria for outside contracting by institutions for education programs or courses; and

(c) Provide closing institutions with directions as to fulfilling its obligations under the title IV programs.

Although these regulations have the force of law, the Commissioner is soliciting public comment on these provisions so that they may be amended, if necessary, in the future.

The three provisions are as follows:

§ 168.18, *Change of ownership or control*. The definition of a proprietary institution of higher education and of a vocational school require that the institution or school be in existence for two years before it can qualify as an eligible institution. If an institution changes ownership that results in a change of control, the Commissioner will not view that institution as the same institution if the new owner refuses to be liable for any Federal funds improperly expended by any prior owner.

In the past, there have been numerous incidents in which the new owners of an

institution have claimed that the institution is the same institution and, therefore, is eligible to participate in title IV programs. At the same time, the new owners have claimed that they are not liable for any funds owed by the institution under any prior owner. This provision will eliminate this contention.

The Commissioner recognizes an institution that has changed ownership that results in a change in control as being the same institution if, in addition to other requirements, (a) the new owner accepts and agrees to be liable for Federal funds improperly expended by the institution before the effective date of the change, or (b) the old and new owners agree to be jointly and severally liable for such funds.

§ 168.19, *Contracting for educational programs or courses*. This section concerns a contract between an eligible institution and another institution or organization to have the other institution or organization conduct a part of the eligible institution's educational program. The Commissioner needs this provision to assure that the eligible institution's educational programs based on such contractual relationships meet certain minimal standards.

§ 168.20, *Institutions stop providing educational instruction—loss of eligibility*. This section codifies present policies and procedures that are followed by the Office of Education in dealing with a closing institution. The section combines the various title IV programs' regulatory requirements concerning closing institutions in one place for ready reference by the institutional financial aid administrator.

The Commissioner believes this provision is necessary to alert a closing institution of its legal responsibilities to the Federal Government. Moreover this section will allow a closing institution to ascertain its obligation to the Commissioner under the various title IV programs and to proceed in an orderly manner to carry out its responsibilities.

The public comments and Office of Education responses related to these and other areas of concern are set forth in detail in appendix A. The "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions," published by the General Accounting Office, are reprinted as appendices B and C.

Dated: August 2, 1979.

Mary F. Berry,
Acting U.S. Commissioner of Education.

Dated: September 24, 1979.

Patricia Roberts Harris,
Secretary of Health, Education, and Welfare.

Chapter I of Title 45 of the Code of Federal Regulations is amended by reserving subpart A and adding subparts B and C of part 168 to read as follows:

PART 168—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

Subpart A—General [Reserved]

- Sec.
168.1 Scope and purpose. [Reserved]
168.2 Definitions. [Reserved]

Subpart B—Standards Relating to Audits, Records, Financial Responsibility, Administrative Capability and Institutional Refunds

- 168.11 Scope and purpose.
168.12 Audits, records, and examination.
168.13 Audit exceptions and repayments.
168.14 Financial aid transcript.
168.15 Factors of financial responsibility.
168.16 Standards of administrative capability.
168.17 Additional factors for evaluating administrative capability and financial responsibility.
168.18 Change in ownership and control.
168.19 Contracting for educational programs or courses.
168.20 Institutions stop providing educational instruction—loss of eligibility.
168.21 Distribution formula for institutional refunds and repayments of cash distributions made directly to the student.

Subpart C—Misrepresentation

- 168.31 Scope and purpose.
168.32 Special definitions.
168.33 Nature of educational program.
168.34 Nature of financial charges.
168.35 Employability of graduates.
168.36 Endorsements and testimonials.
168.37 Procedures.

Appendix B—Government Accounting Office Standards for Audit of Governmental Organizations, Programs, Activities, and Functions, Part III, Chapter 3—Independence.

Appendix C—Government Accounting Office Standards for Audit of Governmental Organizations, Programs, Activities, and Functions, Appendix I, Qualifications of independent auditors engaged by governmental organizations.

Authority: Sec. 497A, Higher Education Act of 1965, as added by sec. 133 of Pub. L. 94-482, 90 Stat. 2150-2151 (20 U.S.C. 1088f-1.), unless otherwise noted.

Subpart A—General [Reserved]

§ 168.1 Scope and purpose. [Reserved]

§ 168.2 Definitions. [Reserved]

Subpart B—Standards Relating to Audits, Records, Financial Responsibility, Administrative Capability, and Institutional Refunds

§ 168.11 Scope and purpose.

(a) This subpart applies to an otherwise eligible institution, that is—
(1) An institution of higher education satisfying the statutory definitions set forth in Sections 435(b), 491(b), or 1201(a) of the Higher Education Act (HEA); or

(2) A vocational school satisfying the definition in Section 435(c) of the HEA.

(b) This subpart describes standards that an otherwise eligible institution referred to in (a) must meet in order to participate in the student financial assistance programs authorized under title IV of the HEA. These standards concern the conduct of audits, the maintenance of records, financial responsibility, administrative capability, and the distribution of institutional refunds.

(c) Noncompliance with these provisions may subject an otherwise eligible institution to proceedings under subpart H. These procedures may lead to a limitation, suspension, or termination of the institution's eligibility to participate in title IV programs.

(20 U.S.C. 1088f-1.)

§ 168.12 Audits, records, and examination.

(a) If an institution participates in the Supplemental Educational Opportunity Grant (45 CFR Part 176), College Work-Study (45 CFR Part 175), National Direct Student Loan (45 CFR Part 144), Basic Educational Opportunity Grant (45 CFR Part 190), or Guaranteed Student Loan (45 CFR Part 177) Programs, it shall comply with the regulations for those programs concerning (1) audits of institutional transactions, (2) fiscal and accounting systems, and (3) program and fiscal recordkeeping.

(b)(1) Any individual who conducts an audit must be sufficiently independent of those authorizing the expenditure of Federal funds to produce unbiased opinions, conclusions, or judgments. The independence of this individual shall be judged by the criteria set forth in part III, chapter 3 of the U.S. General Accounting Office publication *Standards for Audit of Governmental Organizations, Programs, Activities, and Functions*. Additionally, auditors other than employees of a State or local government shall meet the qualifications criteria set forth in appendix I of the

GAO document. (These documents are included as appendices B and C of this part.)

(2) The institution must provide that any individual or firm conducting an audit described in this section shall give the Director of the HEW Audit Agency or the Commissioner access to records or other documents necessary to review the results of the audit.

(c)(1) With respect to each student recipient of title IV financial aid, an otherwise eligible institution shall establish and maintain on a current basis records regarding—

(i) The student's admission to, and enrollment status at, the institution;

(ii) The program and courses in which the student is enrolled;

(iii) Whether—according to the written standards and practices of the institution—the student is making satisfactory progress toward completion of his or her course of study;

(iv) Any refunds due or paid the student;

(v) The student's placement by the institution in a job if the institution provides a placement service and the student uses that service; and

(vi) The student's receipt of financial aid (see § 168.14).

(2)(i) An otherwise eligible institution shall establish and maintain records regarding the educational qualifications of each regular student, whether or not the student receives title IV aid, which are relevant to the admissions requirements of the institution.

(ii) An institution where only certain programs have been determined eligible shall establish and maintain records regarding the admissions requirements and educational qualifications of each regular student enrolled in the eligible program(s) whether or not the student received title IV aid.

(3) Records shall be—

(i) Systematically organized; and

(ii) Readily available for review by the Commissioner at the geographical location where the students will receive their degrees or certificates of program or course completion.

(20 U.S.C. 1088f-1.)

§ 168.13 Audit exceptions and repayments.

(a)(1) If—as a result of its own audit or an audit performed at the direction of the institution—the HEW Audit Agency questions an expenditure or the institution's compliance with an applicable requirements, the Agency notifies the Commissioner and the institution of the questioned expenditure or procedure.

(2) If the institution believes that the questioned expenditure or procedure

was proper, it shall notify the Commissioner in writing of its position and the reasons for its position.

(3) The institution's response must be received by the Commissioner within 35 days of the date of the audit agency's notification to the institution.

(b)(1) Based on the audit finding and the institution's response, the Commissioner determines the amount of funds improperly spent, if any, and instructs the institution as to the manner of repayment.

(2) The institution shall repay those funds within 60 days of the date of the Commissioner's notification, unless the Commissioner permits a longer repayment period.

(20 U.S.C. 1088f-1.)

§ 168.14 Financial aid transcript.

(a) An otherwise eligible institution must establish and maintain a financial aid transcript for each student receiving assistance under any title IV program.

(b) The financial aid transcript shall include, but is not limited to—

(1) The student's name, address, and Social Security number;

(2) Whether the student is a dependent or independent student;

(3) With respect to grants awarded to a student—

(i) The name and source of the grant,

(ii) The amount disbursed for each award period under each grant program, and

(iii) The Scheduled Basic Grant;

(4) With respect to loans received by a student—

(i) The name and source of the loan,

(ii) The amount advanced for each payment period under each loan program, and

(iii) The name and address of the lender if the institution was not the lender;

(5) Whether the student is in default on a—

(i) National Direct (Defense) Student Loan made by the institution, or

(ii) Guaranteed Student Loan the student received for attendance at the institution;

(6) Whether the student owes a refund on a Basic Grant, Supplemental Grant, or State Student Incentive Grant received for attendance at the institution.

(c) If a student indicates that he or she attended another institution, the institution the student is currently attending shall, before disbursing any title IV funds (including Guaranteed Student Loan checks) to that student, obtain a certified financial aid transcript from the institution or institutions the student previously attended.

(d) An institution must provide a certified financial aid transcript on request of another institution or the student. An institution may withhold a certified financial aid transcript if—

(1) The student is in default on any title IV loan made or received for attendance at that institution; or

(2) The student owes a repayment on any title IV grant received for attendance at that institution.

(20 U.S.C. 1088f-1.)

§ 168.15 Factors of financial responsibility.

(a) An otherwise eligible institution is financially responsible if it is able to—

(1) Provide the educational services stated in its official publications and statements;

(2) Provide the administrative resources necessary to comply with the requirements of this subpart; and

(3) Meet all its financial obligations including refunds.

(b) The Commissioner considers that an institution is not financially responsible if—

(1) Under a cash or accrual system of accounting, it—

(i) Has a history of operating losses, or

(ii) Had, for its latest fiscal year, a deficit net worth. A deficit net worth occurs when the institution's liabilities exceed its assets; or

(2) Under an accrual system of accounting, it had at the end of its latest fiscal year, a ratio of current assets to current liabilities of less than 1:1; or

(3) Under a fund accounting system its unrestricted current or operating fund reflects a history of sustained material deficits.

(c) The Commissioner determines that an institution is financially responsible under paragraphs (a) and (b) by evaluating documents submitted by the institution. Upon request of the Commissioner, the institution must submit for its latest complete fiscal year—

(1) A statement of profit and loss and a balance sheet, or for fund accounting, a fund statement; or

(2) An audit prepared by a State or local audit agency for a public institution; or

(3) A certified audit prepared by a certified or licensed public accountant for a non-public institution.

(d) The Commissioner may determine that an institution is financially responsible even though it does not appear so under paragraphs (a), (b) and (c). To enable the Commissioner to make this determination, the Commissioner may request the

institution to submit for its current fiscal year—

(1)(i) A statement of profit and loss and a balance sheet, or for fund accounting, a fund statement, or

(ii) An audit prepared by a State or local audit agency for a public institution; or

(iii) A certified audit prepared by a certified or licensed public accountant for a non-public institution; and

(2) Other appropriate documents that will demonstrate to the Commissioner that it has sufficient financial responsibility and capability to continue to participate in the title IV programs in spite of its inability to meet the requirements of paragraphs (a), (b) and (c).

(e)(1) The Commissioner may require that the statement of profit and loss, balance sheet and fund statement referred to in subparagraphs (c)(1) and (d)(1) be audited and certified by a certified public accountant.

(2) If the Commissioner requires an institution to submit under paragraphs (c) and (d), a statement of profit and loss, a balance sheet, a fund statement or an audit, the Commissioner may also require the institution to submit the accountant's notes for that work which must be audited and certified by a certified public accountant.

(f)(1) An otherwise eligible institution shall obtain and keep current adequate fidelity bond coverage in order to protect the Government's interest in the title IV funds it receives as a trustee.

(2) A fidelity bond indemnifies the holder against losses resulting from fraud or lack of integrity, honesty or fidelity of one or more of its employees or officers.

(3) Any bond required under this paragraph shall be obtained from companies holding certificates of authority as acceptable sureties (31 CFR 223). A list of these companies is published annually by the Department of the Treasury in its Circular 570.

(20 U.S.C. 1088f-1.)

§ 168.16 Standards of administrative capability.

To participate in a title IV student financial aid program, an otherwise eligible institution must be able to adequately administer those programs. The Commissioner considers an institution to have that capability if it establishes and maintains required student and financial records and if it—

(a) Designates a capable individual to be responsible for—

(1) Administering all the title IV programs in which it participates, and

(2) Coordinating the title IV programs with the institution's other Federal and

non-Federal programs of student financial assistance;

(b) Communicates to the individual designated to be responsible for administering title IV programs, all the information received by any institutional office that bears on a student's title IV eligibility.

(c) Uses an adequate number of qualified persons to administer those programs. In determining whether an institution uses an adequate number of qualified persons, the Commissioner considers the number of students aided, the number and types of programs in which the institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the institution;

(d) (1) Administers title IV programs with adequate checks and balances in its system of internal controls, and

(2) Divides the functions of authorizing payments and disbursing funds so that no office has responsibility for both functions with respect to any particular student aided under the programs;

(e) Has established and published (as required by 45 CFR 178.4(b)(2)), and applies, reasonable standards for measuring whether a student receiving aid under any title IV program is maintaining satisfactory progress in his or her course of study;

(f) Develops an adequate system to verify the consistency of the information it receives from different sources with respect to a student's application for financial aid under title IV programs. In determining whether the institution has an adequate verification system, the Commissioner considers whether the institution reviews—

(1) All student aid applications, need analysis documents, affidavits of educational purpose, and eligibility notification documents presented by or on behalf of each applicant,

(2) Any documents, including any copies of State and Federal income tax returns, that are normally collected by the institution to validate information received from other sources, and

(3) Any other information normally available to the institution regarding a student's citizenship, previous educational experience or other factors relating to the student's eligibility for title IV funds; and

(g) Provides adequate financial aid counseling to eligible students who apply for title IV aid. In determining whether an institution provides adequate counseling, the Commissioner considers whether its counseling includes information regarding—

(1) The source and amount of each type of aid offered,

(2) The method by which aid is determined and disbursed or applied to a student's account, and

(3) The rights and responsibilities of the student with respect to enrollment at the institution and receipt of financial aid. This information includes the institution's refund policy, its standards of satisfactory progress, and other conditions that may alter the student's aid package.

(20 U.S.C. 1088f-1.)

§ 168.17 Additional factors for evaluating administrative capability and financial responsibility.

(a) The Commissioner considers that loan default and withdrawal rates may impair an institution's capability of properly administering student financial aid programs authorized under title IV if—

(1) The default rate on Guaranteed Student Loans or National Direct Student Loans made to students for attendance at that institution exceeds 20 percent of the principal of all those loans that have reached the repayment period; or

(2) For an institution that has a common academic year for a majority of its students, more than 33 percent of the regular students who are enrolled at the beginning of an academic year withdraw from enrollment at that institution during that academic year; or

(3) For an institution which does not have a common academic year for a majority of its students, more than 33 percent of the regular students enrolled at the beginning of any 8-month period withdraw during that period.

(b)(1) If the default or withdrawal rates for an institution are as high as or higher than the rates set forth in paragraph (a), and the Commissioner believes that these rates impair the institution's administrative capability, the Commissioner may require the institution to submit for its latest complete fiscal year a profit and loss statement, balance sheet or audit.

(2) An audit must be—

(i) Prepared by a State or local audit agency for a public institution, or

(ii) Prepared by a certified public accountant or licensed public accountant for a nonpublic institution;

(3) The date of the statement's preparation shall be within 12 months of the date of the Commissioner's request.

(c) The Commissioner may require that the profit and loss statement and balance sheet referred to in subparagraph (b)(1) be audited and certified by a certified public accountant.

(d)(1) If the Commissioner determines that the loan default or withdrawal rates for an institution impairs its capability to administer any financial aid program authorized under title IV, the Commissioner requires the institution to take reasonable and appropriate measures to alleviate those conditions as a requirement for its continued participation in those programs.

(2) Before initiating that action, the Commissioner informs the institution of the findings and provides it at least 35 days to respond.

(3) The institution may respond by—
(i) Demonstrating that the conditions do not have an adverse effect on the administration of the programs, or
(ii) Submitting a plan of the action it will take to alleviate those conditions.
(20 U.S.C. 1088f-1.)

§ 168.18 Change in ownership or control.

(a) The Commissioner does not consider an otherwise eligible institution that changes ownership resulting in a change in control to be the same institution unless—

(1) The new owner agrees to be liable or the old and new owners agree to be jointly and severally liable, for all improperly spent title IV funds provided to the institution before the effective date of the change;

(2) The new owner agrees—

(i) To abide by the refund policy in effect before the effective date of change for students who were enrolled before the effective date, and

(ii) To honor all student enrollment contracts that were signed by the institution before the effective date of change; and

(3) The institution submits individual statements for both new and former owners listing their assets, liabilities, and net worth, and either—

(i) A profit and loss statement and balance sheet for the institution's latest complete fiscal year, or

(ii) An audit for the institution's latest complete fiscal year prepared by a certified or licensed public accountant; and

(4) The institution submits additional financial documents if requested by the Commissioner because the financial information provided in subparagraph (3) is insufficient.

(b) The Commissioner may require that the statements provided in subparagraphs (a)(3)(i) and (a)(3)(ii) be audited and certified by a certified public accountant.

(c) For purposes of this subpart, "change in ownership that results in a change in control," means any action by which a person or corporation obtains authority to control the actions of an

institution. These actions may include, but are not limited to—

(1) The transfer of the controlling interest of stock of an institution to its parent corporation;

(2) The merger of two or more institutions;

(3) The division of one institution into two or more institutions;

(4) The transfer of the assets of an institution to its parent corporation; or

(5) The transfer of the liabilities of an institution to its parent corporation.

(20 U.S.C. 1088f-1.)

§ 168.19 Contracting for educational programs or courses.

(a) An otherwise eligible institution may, without losing its eligibility to participate in title IV programs, enter into a contract to have a portion of its educational programs provided by another institution, school, or organization if the contractual arrangement satisfies the requirements of paragraphs (b) and (c) of this section.

(b) The otherwise eligible institution gives credit to students in the contracted portion of the program on the same basis as if it provided the portion of the program itself.

(c) The otherwise eligible institution enters into a contract with—

(1) Another eligible institution; or
(2) An ineligible institution, school or organization if:

(i) The contracted portion of the program does not exceed 25 percent of the student's total program of study; or

(ii) The otherwise eligible institution's accrediting agency, or State agency for the approval of public postsecondary vocational education, determines that its contractual arrangement meets the agency's standards for contracting for educational services.

(20 U.S.C. 1088f-1.)

§ 168.20 Institutions stop providing educational instruction—loss of eligibility.

(a) When an institution stops providing educational instruction or loses eligibility it shall—

(1) Notify the Commissioner of that fact;

(2) Refund to the Federal government, or otherwise dispose of by instructions from the Commissioner, any unobligated title IV funds it has received, except—

(i) Those funds it has committed but not yet paid to students in that payment period, and

(ii) Its administrative allowance, if applicable;

(3) Submit to the Commissioner within 45 days after the effective date of closing or loss of eligibility—

(i) All financial, performance, and other reports required by each

appropriate title IV program regulation, and

(ii) An audit of all title IV funds it received;

(4) Inform the Commissioner of the arrangements it has made for the proper retention and storage of all records concerning the administration of title IV programs. These records must be retained for a minimum of five years;

(5) Inform the Commissioner of how it will provide for the collection of any outstanding title IV student loans; and

(6) Make refunds of unearned tuition and fees according to § 168.21 of this subpart.

(20 U.S.C. 1088f-1.)

§ 168.21 Distribution formula for institutional refunds and repayments of cash disbursements made directly to the student.

(a) *Institutional Refunds to title IV programs.*

(1) If a refund is due to a student under the institution's refund policy and the student received financial aid under any title IV student financial aid program, other than the College Work-Study program, a portion of the refund shall be returned to the title IV program(s).

(2) The institution shall multiply the institutional refund by the following fraction to determine the portion of the refund to be returned to the title IV program(s):

$$\frac{\text{total amount of title IV aid (minus work earnings) awarded for the payment period}}{\text{total amount of aid (minus work earnings) awarded for the payment period}}$$

(b) *Distribution among the title IV programs.*

(1) The institution shall develop written policies allocating the title IV portion of the refund to the various title IV program(s) from which the student received aid. These policies shall be applied on a consistent basis to all students receiving title IV funds.

(2) However,

(i) The institution may not allocate any part of the refund to a title IV program if the student did not receive aid under that program, and

(ii) The amount allocated to a program may not exceed the amount the student received from that program.

(c) *Distribution of repayments of cash disbursements made directly to the student.*

(1) If a student officially or unofficially withdraws from or is expelled by an institution before the first day of classes of a payment period, any cash disbursement made by the institution to that student for non-institutional costs under any title IV

program (except the College Work-Study program) for that period is an overpayment.

(2) If a student officially or unofficially withdraws from or is expelled by an institution on or after the first day of classes of a payment period, and the student received a cash disbursement for non-instructional costs under any title IV program (except the College Work-Study program) for that period, the institution shall determine whether a portion of that cash disbursement is an overpayment.

(3) In cases of unofficial withdrawal—

(i) The institution shall use the last recorded day of class attendance by the student as the end of the student's enrollment;

(ii) If the institution is unable to document the student's last day of attendance, any cash disbursement made to that student for non-institutional costs for that payment period is an overpayment.

(4)(i) In determining whether a student received an overpayment in subparagraph (2) of this paragraph, the institution shall subtract from the cash disbursement received by the student the educational costs incurred by him or her for non-institutional charges for that payment period up to the date of withdrawal or expulsion.

(ii) Non-institutional costs may include but are not limited to room and board, books and supplies, transportation and miscellaneous expenses.

(5) The institution shall multiply the overpayment by the following fraction to determine the portion of the overpayment to be returned to the title IV program(s):

$$\frac{\text{total amount of title IV aid (minus work earnings) awarded for the payment period}}{\text{total amount of aid (minus work earnings) awarded for the payment period}}$$

(6) The institution shall develop written policies allocating the title IV portion of the overpayment owed by the student to the various title IV program(s) from which the student received aid. These policies shall be applied on a consistent basis to all students receiving title IV aid.

(7) However,

(i) The institution may not allocate any part of the refund to a title IV program if the student did not receive aid under that program, and

(ii) The amount allocated to a program may not exceed the amount the student received from that program.

(20 U.S.C. 1088f-1.)

Subpart C—Misrepresentation

§ 168.31 Scope and purpose.

(a) This subpart applies to an institution listed in § 168.11(a) of these regulations.

(b) This subpart establishes the standards and rules by which the Commissioner may initiate limitation, suspension or termination proceedings against an otherwise eligible institution for any substantial misrepresentation made by that institution regarding the nature of its educational program, its financial charges, or the employability of its graduates.

(20 U.S.C. 1088f-1(c).)

§ 168.32 Special definitions.

"Misrepresentation" means any false, erroneous, or misleading statement an otherwise eligible institution makes to a student enrolled at the institution, to any prospective student, to the family of an enrolled or prospective student, or to the Commissioner.

"Prospective student" means any individual who has contacted an otherwise eligible institution for the purpose of requesting information about enrolling at the institution or who has been contacted directly by the institution—or indirectly through general advertising—about enrolling at the institution.

"Substantial misrepresentation" means any misrepresentation on which the person to whom it was made could reasonably be expected to rely, or has reasonably relied, to that person's detriment.

(20 U.S.C. 1088f-1(c).)

§ 168.33 Nature of educational program.

Misrepresentation by an institution of the nature of its educational program includes, but is not limited to, false, erroneous, or misleading statements concerning—

(a) The particular type(s), specific source(s), nature, and extent of its accreditation;

(b) Whether a student may transfer course credits earned at the institution to any other institution;

(c) Whether successful completion of a course of instruction qualifies a student for—

(1) Acceptance into a labor union or similar organization, or

(2) Receipt of a local, State, or Federal license or nongovernmental certification required as a precondition for employment or to perform certain functions;

(d) Whether its courses are recommended—

(1) By vocational counselors, high schools, or employment agencies, or

(2) By government for government employment;

(e) Its size, location, facilities, or equipment;

(f) The availability, frequency, and appropriateness of its courses and programs to the employment objectives that it states its programs are designed to meet;

(g) The nature, age, and availability of its training devices or equipment and their appropriateness to the employment objectives that it states its programs and courses are designed to meet;

(h) The number, availability, and qualifications, including the training and experience, of its faculty and other personnel;

(i) The availability of part-time employment or other forms of financial assistance;

(j) The nature and availability of any tutorial or specialized instruction, guidance, and counseling, or other supplementary assistance it will provide its students before, during, or after the completion of a course; or

(k) The nature or extent of any prerequisites established for enrollment in any course.

(20 U.S.C. 1088f-1(c).)

§ 168.34 Nature of financial charges.

Misrepresentation by an institution of the nature of its financial charges includes, but is not limited to, false, erroneous, or misleading statements concerning—

(a) Offers of scholarships to pay all or part of a course charge, unless a scholarship is actually used to reduce tuition charges made known to the student in advance. The charges made known to the student in advance are the charges applied to all students not receiving a scholarship; or

(b) Whether a particular charge is the customary charge at the institution for a course.

(20 U.S.C. 1088f-1(c).)

§ 168.35 Employability of graduates.

Misrepresentation by an institution regarding the employability of its graduates includes, but is not limited to, false, erroneous, or misleading statements—

(a) That the institution is connected with any organization or is an employment agency or other agency providing authorized training leading directly to employment;

(b) That the institution maintains a placement service for graduates or will otherwise secure or assist its graduates to obtain employment, unless it provides the student with a clear and accurate description of the extent and nature of this service or assistance; or

(c) Concerning Government job market statistics in relation to the potential placement of its graduates. (20 U.S.C. 1088f-1(c).)

§ 168.36 Endorsements and testimonials.

The Commissioner views as misrepresentation endorsements and testimonials that are not given voluntarily or do not describe current practices and conditions of an institution.

(20 U.S.C. 1088f-1(c).)

§ 168.37 Procedures.

(a) On receipt of a written allegation or complaint from a student, prospective student, the family of a student or prospective student, or a governmental official, the designated OE official, as defined in Subpart H, reviews the allegation or complaint to determine its factual base and seriousness.

(b) If the misrepresentation is minor and can be readily corrected, the designated OE official informs the institution and endeavors to obtain an informal, voluntary correction.

(c) If the designated OE official finds that the complaint or allegation is a substantial misrepresentation as to the nature of the educational programs, the financial charges of the institution, or the employability of its graduates, the official—

(i) Initiates action to limit, suspend, or terminate the institution's eligibility according to the procedure set forth in subpart H, or

(2) Takes other appropriate action.

(20 U.S.C. 1088f-1(c).)

Appendix A—Summary of Comments and Responses

Set forth below is a summary of the public comments received on the proposed General Provisions regulations, Subparts B and C, and the Office of Education responses to those comments. Generally the comments and responses appear in the numerical sequence of the regulations and are identified with the section number and title of the section to which they refer.

Subpart B—Standards Relating to Audits, Records, Financial Responsibility, Administrative Capability, and Institutional Refunds

§ 168.11 Scope and purpose.

Comment: One commenter suggested that since "institutions of higher education" are generally considered to include only community colleges and four-year institutions whose curriculum leads to a baccalaureate degree, the adjective "postsecondary" should be substituted for the term "higher."

Response: The suggestion has not been adopted. The phrase "institution of higher education" is defined in the statute and includes institutions other than community colleges and four-year baccalaureate-granting institutions.

§ 168.12 Audits, records, and examination.

Comment: Two commenters recommended that institutions that participate only in the Basic Grant Program under the alternate disbursement system be exempted from the audit requirements. One suggested that (a)(1) be amended to read "accountability for federal funds received under these programs," as incorporating this exemption.

Response: The recommended amendment has not been adopted. The Commissioner is not requiring those institutions that participate only in the Basic Grant Program under the alternate disbursement system (ADS) to undergo a non-Federal audit to comply with these regulations. The institution under the alternate disbursement system, although not disbursing Federal funds, must still certify the eligibility of its students to receive Federal funds. The institution is required to have readily available, for Federal personnel conducting program reviews, records regarding the enrollment status of those students. However, the Basic Grant Program regulations for institutions participating under ADS (45 CFR, Part 190, Subpart H) do not require the institution to have an audit.

Comment: Five commenters apparently misinterpreted the audit requirement as dictating a separate audit of the title IV programs at that institution in addition to the biennial audits currently required under the Title IV programs' regulations. One commenter recommended that, instead of requiring an additional audit, the *Accounting and Recordkeeping Manual* published jointly by the National Association of College and University Business Officers and the National Association of Student Financial Aid Administrators be given greater emphasis so that the biennial general audit would suffice.

Response: The audit requirement of § 168.12 is not an additional title IV program audit. The regulations for each program require a biennial audit and § 168.12 reiterates this requirement. The Office of Education is conducting a series of training workshops for financial and fiscal officers using the NSFAA/NACUBO *Accounting and Recordkeeping Manual* and the HEW *Audit Guide* as texts.

Comment: Several commenters questioned the phrase "sufficiently independent" in § 168.12(b)(1). One asked whether internal auditors on the staff of a State university system were sufficiently independent, while another questioned whether the college could use the same auditors or auditing firm that does the annual general audit for the institution. One commenter asked if State comptrollers, Board of Trustees' staff auditors, or auditors from other postsecondary institutions in a State wide system were sufficiently independent. Two commenters felt that internal audit departments and State agency auditors are sufficiently independent and should be allowed to conduct audits.

Response: The Federal guidelines regulating what constitutes "sufficiently independent" auditors are published by the General Accounting Office as the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions. These standards are published as an appendix to these regulations.

Comment: One commenter in response to § 168.12(b)(2); questioned whether the institution or the accounting firm was to supply to the Commissioner the records necessary for a review of the results of the audit.

Response: The institution and the accounting firm must supply the appropriate records to the Commissioner for a review of the results of an audit.

Comment: Six commenters objected to the entire paragraph of § 168.12(c) as being an unreasonable and unwarranted intrusion by the Office of Education into the internal administration of an institution. Two commenters suggested that the Commissioner was usurping the authority and historical powers of State, national and regional accrediting agencies, which already require the maintenance of certain kinds of records.

Response: This is not a new requirement for participating institutions. These records are necessary to insure that Federal student aid funds are properly administered.

Comment: Many commenters objected to the admissions and enrollment status requirement. One commenter stated that the requirement would force many institutions to depend "upon questionable objective tests" that can discriminate against certain types of students. Another objected on the basis that "documenting admissions through pre-screening and diagnostic devices" for all non-high school graduates would substantially increase the costs of administration. A third commenter said that the documenting of a student's

ability to benefit is costly and cumbersome.

One commenter stated that the gathering of admissions and enrollment status records will hinder a student from entering promptly upon an academic career. Furthermore, this commenter continued, in a public community college, satisfactory progress is extremely difficult to measure because of the prevailing "drop-in/drop-out" attitude of students. These recordkeeping requirements are burdensome for institutions that participate in only one or two student assistance programs, one commenter asserted. Another commenter recommended that because the collection of certain admissions and enrollment data is required by the accrediting agency, which the Commissioner has recognized, the Commissioner should make no additional data collection requirements.

Response: The Education Amendments of 1976 and the Middle Income Student Assistance Act of 1978, allow an institution of higher education, to admit as regular students those persons who do not have a high school diploma or the recognized equivalent. Those persons must, however, be beyond the age of compulsory school attendance in the State in which the institution is located and have the ability to benefit from the training offered by the institution.

The Commissioner believes that admissions and enrollment status data requirements are necessary for determining a student's eligibility for aid. Since institutions must have some means of determining whether a student "has the ability to benefit" from the training to be offered, the regulations stipulate that the institution is expected to maintain admissions and enrollment status documentation. That documentation may include information as to why a student was admitted, what that student's standing is in comparison to the average preparedness of students entering that eligible program, and what remedial courses are necessary for that student to successfully complete the regular program of training offered.

An institution of higher education voluntarily chooses to admit this category of student. Therefore the institution must be able to document how it ascertained that these students "have the ability to benefit" from the training offered.

The maintenance of admissions and enrollment status documents on a student will not necessarily prevent that student from promptly entering post-secondary education. The regulations refer to documentation for those

students who are admitted by an institution into an eligible program of study as regular students. It is this category of student who is eligible for title IV student financial assistance.

Until a student is accepted into an eligible program as a regular student, the student may not receive any title IV student assistance. Therefore, the regulations do not interfere with the so-called "open-door" policy of community colleges because the students admitted under this policy are generally not regular degree or certificate students enrolled in an eligible program.

The Education Amendments of 1976 provided that to receive assistance from any title IV student financial aid program, a student must be "maintaining satisfactory progress in the course of study he is pursuing, according to the standards and practices of the institution at which the student is in attendance."

However, the Commissioner expects, that the institution, in setting its standards, is attempting to evaluate a student's efforts to achieve an educational goal within a given period of time. To do so, the institution must know the student's course of study and the normal time frame for its completion and must have some means—such as grades or work projects completed—that can be measured against a norm.

The Commissioner believes that the admissions and enrollment status requirements in the regulations, being minimum requirements, are not burdensome for institutions. Institutions are required by their accrediting agencies and commissions to maintain much the same documentation. The Commissioner is placing emphasis on the collection and maintenance of these documents to ensure proper administration of the title IV student assistance programs.

Comment: One commenter stated that the inspection of student admissions and enrollment records by the Commissioner is a violation of the Privacy Act. Another commenter questioned whether the institution would have to obtain the permission of each student involved to allow the inspection of student records by auditors and the Commissioner.

Response: There appears to be some confusion between the Privacy Act of 1974 (5 U.S.C. 552a) and the Family Educational Rights and Privacy Act, the so-called Buckley Amendment (20 U.S.C. 1232g). Except for matters dealing with the disclosure of social security numbers, the Privacy Act applies only to the Federal government and its contractor. The Family Educational Rights and Privacy Act applies to

institutions. Neither Act prohibits the Commissioner from inspecting admissions, financial aid and enrollment records. Under the Family Educational Rights and Privacy Act (the so-called Buckley Amendment) and its implementing regulations, 45 CFR Part 99, the Commissioner has access to these records in connection with audits and evaluations of educational programs, or for purposes of enforcement of or compliance with Federal legal requirements that relate to these programs (45 CFR 99.35). In addition, an educational agency or institution may disclose these records without the prior consent of the student if the disclosure is in connection with the receipt of or application for financial aid, including determining eligibility, the amount of financial aid, the conditions of financial aid, or enforcement of the terms of financial aid (45 CFR 99.31(a)(4)). However, the Family Educational Rights and Privacy Act does protect parent and student records from improper disclosure by the institution.

Comment: Two commenters objected to the recordkeeping requirement as discriminatory by not requiring an institution to maintain records on all its students. One suggested that the phrase "each student enrolled" be substituted for "each title IV financial aid recipient" to rectify the supposed omission.

Response: The Commissioner does not believe that the recordkeeping requirement is discriminatory. Since these regulations concern the proper administration of title IV programs, these regulations generally relate to students who receive title IV aid. However, the Commissioner would not object if an institution maintains these records for each student it enrolls.

Comment: One commenter suggested that the regulations be changed from requiring that records be "readily" available to "reasonably" available.

Response: The suggestion has not been adopted. The Commissioner believes that the term "readily" is both appropriate and applicable to the availability of institutional records.

Comment: Three commenters questioned the length of time records need to be retained. One of these suggested the five-year requirement currently applicable to the Basic Grant and campus-based programs.

Response: The suggestion for the adoption of the five-year limitation has been adopted. The five-year stipulation was inadvertently dropped from the notice of proposed rulemaking.

Comment: Two commenters questioned whether the financial aid office is required under § 168.12 paragraph (c) to duplicate and maintain

all these records in the financial aid office.

Response: The records required by the regulations do not have to be duplicated and maintained in the financial aid office. The regulations stipulate that the records must be readily available for review at the geographical location of the institution.

Comment: One commenter recommended that the regulations be amended to allow for the centralized recordkeeping practices of multi-campus institutions, and that § 168.12 subparagraph (c)(3) be amended to read "records must be readily available for review by the Commissioner and, upon request with reasonable notice, be made available at the geographical location where the student receives instruction."

Response: The suggestion to amend the regulations has not been adopted. The regulations are sufficiently broad to accommodate multi-campus institutional systems. However, accommodation is not meant to be construed to encompass the central office of consultants who handle several school program accounts, but only bona fide multi-unit higher education systems.

Comment: One commenter asked for a definition of what constitutes a "systematically organized" recordkeeping system.

Response: A systematically organized recordkeeping system is one that is consistent with the examples cited in the NASFAA/NACUBO *Accounting and Recordkeeping Manual*.

Comment: One commenter requested that the Commissioner also require an institution to collect the Social Security numbers of parents and guardians for Federal tax return information and validation purposes.

Response: The Privacy Act of 1974 (5 U.S.C 552a) restricts any Federal agency in its solicitation, use, or disclosure of the Social Security number. Therefore, the Commissioner will not require that Social Security numbers be collected. However, while conducting validation procedures, an institution, under § 190.77 of the Basic Grant Program regulations, may require Social Security numbers or any additional data that the institution deems relevant to successfully conclude a validation procedure.

Comment: Ten commenters disagreed with § 168.12(c)(v), which requires an institution to maintain placement records if that institution has a placement service.

Three recommended that this section be deleted entirely on the basis that the data would not be an accurate reflection of the number of students actually achieving a position. One stated that in

most cases the institution has no knowledge that the student achieved a position because the student may not have used the placement service. Another argued that since the institution cannot guarantee a student a job, it is unfair to hold the placement service responsible. A third objected to the implication of the regulations that if the institution has a placement service, the student will necessarily obtain a job.

Two commenters called for the regulations to be amended to convey the meaning that "only if the institution maintains a placement service and that service is utilized by the student" should records be maintained.

One commenter asked if (c)(1)(v) also applied to a student's part-time employment.

Two commenters asked whether, if an institution does not have a placement service, the regulations mean to require an institution to create one and maintain records of placement efforts. If not, one of the commenters said, many institutions will tend to eliminate placement services completely because the regulations are overly restrictive.

Response: The regulations do not require an institution to create and maintain a placement service. The regulations clearly stipulate that if an institution has a placement service and the student uses that service, the institution must keep records of the number of students placed in employment through that service. The Commissioner does not agree that the regulations imply that if an institution operates a placement service, the student is guaranteed a position after completing his or her course of study. Rather the Commissioner believes that an institution that does offer placement activities for its students should be able to document the numbers of students actually placed by the service in positions for which they were trained. The Student Consumer Information Services Regulations (45 CFR Part 178) further stipulate that this information be readily available to students and prospective students.

Comment: One commenter requested that § 168.12(c) be amended to allow for the simultaneous of enrollment superior students in both high school and college.

Response: The recommendation has not been adopted. An otherwise eligible student who is enrolled in an eligible program of postsecondary education as a regular student on at least a half-time basis is eligible for title IV assistance. If such a student is simultaneously enrolled in high school, that fact would be irrelevant to the student's eligibility for title IV assistance at the institution of higher education at which the student

is enrolled at least as a half-time student.

Comment: An overwhelming majority of commenters objected to the requirement of a separate bank account for all title IV funds (168.12(d)). Many commenters representing the public postsecondary sector objected to the requirement on several grounds. Several State comptrollers' offices pointed out that, according to state law, State university systems are required to keep all funds in their respective State treasuries. County governments in many instances require their county community colleges to maintain all their funds in one county government bank account. A number of State university officials requested an exemption from this requirement for centralized state wide disbursing systems.

Five commenters stated that the separate bank account requirement appeared to be in direct contradiction to a recent circular (A-110) published by the Office of Management and Budget, which forbade separate bank accounts for different Federal programs as part of OMB's effort to reduce paperwork.

Another large group of commenters objected to the requirement because of increased administrative burdens upon institutions. One commenter pointed to the fact that under the various programs requiring institutional matching funds, two sets of checks would have to be issued to a student, thereby doubling the amount of paperwork and accounting functions involved. Another asked why the Commissioner wanted this requirement when the Departmental Federal Assistance Financing System (DEAFS) did not require a separate bank account.

Several commenters questioned the requirement as unnecessary and superfluous in light of the current DEAFS requirements and fund accounting procedures set forth by the National Association of College and University Business Officers. These commenters suggested that the requirement be amended to (1) indicate that title IV funds should be in an account that provides clear differentiation from non-Federal funds, and (2) require only those institutions that have a history of program non-compliance or severe institutional financial problems to maintain a separate bank account.

Other commenters questioned the viability of the requirement and objected to it on the grounds of increased administrative costs in paper, man-hours, computer programming, and accounting functions—all with no increase in the integrity of Federal funds. It was suggested that it would be

sufficient for the Commissioner to require that Federal funds be kept completely separate from all other activity through a detailed fund accounting system.

Four commenters disagreed with the requirement, stating that it will do nothing to improve the integrity of funds. They pointed out that fund accounting provides sufficient audit trails to account for funds within existing accounting systems in a manner consistent with standard accounting practices.

Three commenters requested that institutions operating under the letter-of-credit system be exempted from the separate bank account requirement.

Six commenters stated that the separate bank account requirement is in violation of statutes applicable in their States, and would require the amendment of State laws. In the words of one commenter, the amending process is time-consuming and lengthy and, until accomplished, would place an institution in a position of non-compliance with the regulations.

Response: The Commissioner has adopted the commenters' suggestion. The section requiring a separate bank account has been deleted from the final regulations.

Comment: Four commenters asked about the disposition of records when a school ceases operation or changes ownership.

Response: The final regulations have been amended. Section 168.19 provides guidelines for the proper disposition of student records.

§ 168.13 Financial Aid Transcript.

The requirement that an institution maintain a financial aid transcript was included in the NPRM under § 168.12(c). Because of commenter response, the financial aid transcript requirement has been clarified and this section of the regulations details the minimum data elements required on a student financial aid transcript.

Comment: Nine commenters objected to the requirement that an institution obtain a financial aid transcript for a student who previously attended another postsecondary institution. The commenters believed that financial aid transcripts are a confidential matter between the financial aid administrator and the student and that the sharing of this information with another institution would be a violation of the Family Education Rights and Privacy Act.

Several commenters recommended that the financial aid transcript be required only if the student has indicated that he or she had previously attended another institution on the

financial aid application. Another commenter suggested deleting the requirement because the financial aid transcript "has no bearing on the student's circumstances as they relate to attendance at the current educational institution."

One commenter suggested amending the requirement to allow a financial aid transcript to be required of a student "when the institution has notice" of prior postsecondary attendance. This commenter believed that an institution should not be held liable if it has been deliberately misinformed by a student.

Response: As previously noted, the Family Education Rights and Privacy Act and its implementing regulations provide that a school may disclose information without the prior consent of the student if this is done in connection with the application for or receipt of student financial assistance (45 CFR 99.31(a)(4)).

Before a commitment of any title IV funds can be made to a transfer student, an institution must obtain a financial aid transcript of the student. The financial aid transcript provides the institutional financial aid administrator with the information necessary to formulate the student's aid package. Since several title IV programs have statutory limits regarding the amount of aid a student may receive during an award period or an undergraduate career, the knowledge of prior disbursements to a student is directly relevant to the packaging of a transfer student's current award. Furthermore, under the Basic Grant Program regulations § 190.66, *Transfer student: attendance at more than one institution during an award period*, a financial aid administrator is required to adjust a transfer student's Basic Grant award to ensure that the student's Scheduled Award amount for that award period is not exceeded.

The institution "will have notice" that the student attended a prior postsecondary institution, since the admissions applications of virtually all postsecondary institutions question whether a student has had prior postsecondary education experience. Many financial aid applications also request information about prior aid awarded. If there is inconsistency of information between the two application forms, the financial aid administrator must resolve the inconsistency. If the student deliberately misleads the institution as to prior educational experience and financial aid awarded, the institution is not liable for any overaward of funds the student may receive.

Comment: Several commenters suggested that the final regulations be

amended to include the information items that would be required on a financial aid transcript. Three commenters stated that a list of required items would clarify the requirement and help to standardize the contents of a financial aid transcript.

Response: The recommendation has been adopted and incorporated in the final regulations. The required information items are listed in the regulations to help financial aid administrators in developing their transcript forms. In addition to student data identifiers such as name and address, specific title IV program requirements are included. The financial aid administrator must also indicate whether the student is in default on any title IV loan received for attendance at the institution as well as whether the student owes a repayment of any title IV grant received for attendance at the institution.

Other Federal and State benefits or assistance received by a student may also be indicated on the transcript at the option of the institutional financial aid administrator. In addition, if it is the policy of the institution, private grants and scholarship assistance may also be included on the financial aid transcript.

The financial aid transcript is, in the Commissioner's view, a document which is used primarily for transfer students who have received title IV assistance. The Commissioner does not believe that the financial aid transcript is necessarily an exhaustive accounting of all financial assistance received by the student while in attendance at the institution unless it is institutional policy to account for these non-title IV sources of assistance on the financial aid transcript.

Comment: One commenter questioned whether a financial aid transcript must be received by the institution to which the student is transferring prior to any disbursement of title IV student assistance funds. Another commenter asked if the financial aid transcript has to be certified by an institution to be considered valid.

Response: Until the receipt and evaluation of a financial aid transcript, an institution cannot make a commitment or a disbursement of any title IV funds to that student.

The Commissioner believes that a financial aid transcript, in order to be valid, must be certified by the institution through the use of the institution's seal or some other means as indicated by the standards and practices of that institution.

Comment: Six commenters questioned if an institution could withhold a student's financial aid transcript for liabilities owed the institution. Three

commenters suggested that the Commissioner amend the regulations to state that an institution could decline to forward a student's financial aid transcript if the student was in default on a title IV loan or owed a repayment on a title IV grant at that institution.

Response: The recommendation of the three commenters has been adopted and incorporated in the final regulations. The Commissioner believes that an institution may decline to forward a student's financial aid transcript if the student is in default on a title IV loan received for attendance at that institution or owes a repayment of any title IV grant received while in attendance at that institution.

The institution must forward a financial aid transcript if the student is neither in default nor owes a repayment.

However, if an institution does not wish to withhold a financial aid transcript even though the student is in default or owes a repayment, the student's default status or repayment status must be indicated on the financial aid transcript. The Commissioner considers that an institutional financial aid administrator who receives a financial aid transcript which indicates that the student is in default on a title IV loan at a prior institution must seriously evaluate—according to 45 CFR 144.9(d)—the student's willingness to repay a National Direct Student Loan prior to the commitment of loan funds to that student.

§ 168.14 Audit exceptions and repayments.

Comment: Three commenters objected to the 35-day deadline for audit responses and the 60 day deadline for repayment of funds as providing no flexibility. The commenters requested the use of substitute language such as "on a timely basis." One of the commenters said that if an institution were to be required to adhere to the 35- and 60-day deadlines, the regulations should be amended to require the Office of Education to notify the institution of its decision within the same time period.

Response: The Commissioner believes that the 35- and 60-day requirements are adequate and represent a liberalization of the current Office of Education practice of requiring full payment within 30 days of notice. The final regulations also permit the Commissioner to allow a more extended repayment period when an institutional repayment of a large sum may be a serious hardship to an institution.

Comment: Two commenters objected to the lack of "due process" under § 168.14(b) before an institution is required by the Commissioner to

reimburse the Government for funds determined by the Office of Education to have been improperly spent. One commenter suggested that the process be similar to that regarding the limitation of institutional eligibility (168 Subpart H: Limitation, Suspension and Termination Regulations).

Response: The recommendations have not been adopted. The Commissioner does not think it necessary to establish another formal appeals procedure. Under the current Office of Education practice, there is considerable informal communication and negotiation between Office of Education officials and representatives of an institution. Every attempt is made to achieve a mutually beneficial solution to any alleged improper use of title IV funds.

The Commissioner believes that this informal procedure constitutes a more effective and timely method of "due process," which is less costly to an institution than a formal appeals process. It should be noted, however, that if agreement cannot be reached through this informal process, an institution may ultimately appeal to the Commissioner to resolve the question.

§ 168.15 Factors of financial responsibility.

Comment: Twenty-five commenters objected to the bonding requirement as prohibitively costly and an excessive and unnecessary expense for institutions. Five commenters asked whether the blanket bond currently posted by their institutions would be a sufficient substitute to the bond required by the proposed regulations. Six commenters questioned the need for the bonding requirement since under § 168.14(b) an institution is already obligated to reimburse the Office of Education for funds improperly spent. One of these commenters suggested that the requirement was an example of overkill.

Seven commenters from the public postsecondary sector requested exemption from the bonding requirement because employees of public institutions are considered State employees and, as such, are automatically bonded under State authority. Two of these commenters recommended that, if their institutions were not exempted, the Office of Education reimburse the institution for the bonding requirement expenses.

Three commenters agreed with the concept of bonding for title IV fund purposes but suggested different approaches than that set forth in the proposed regulations. One commenter requested that the amount of the bond be established on a reducing scale in

inverse ratio to the total Federal funds disbursed. Another suggested that each individual disbursing funds be bonded for 10 percent of the title IV funds he or she disbursed. A third recommended that the 10 percent amount was too high and that a \$25,000 bond would be sufficient to ensure program integrity.

One commenter suggested that the regulations be amended to state specifically that an institution must post a surety bond and a performance bond.

Four commenters stated that the bonding requirement should only be required of institutions that have a history of program deficiencies or those institutions that the Commissioner has judged to warrant this extra assurance of performance.

Six commenters objected to the costs involved in posting a bond for special programs such as the title IV programs, in addition to the general or blanket bond in force at their institutions. Two commenters suggested that the administrative allowances for the campus-based programs be increased to five or six percent and that the \$10 reimbursement for the Basic Grant and Guaranteed Student Loan programs be disbursed to cover the costs of additional bonding requirements.

Four commenters argued that the Commissioner has no authority to require an institution to post a surety bond. One commenter wrote that although an institution is totally responsible for the proper administration of title IV funds, how that institution chooses to be responsible if a reimbursement is necessary is an institutional prerogative and that further regulations on the matter are unnecessary.

Another commenter argued for deletion of the section requiring that the disbursement of title IV funds is to be accomplished only by bonded individuals. The commenters thought that this was a gross interference with institutional operating procedures. Indicating that the Commissioner has no authority to require bonding, one commenter stated that even if the Commissioner did have that authority, the proposed bonding requirement is an example of excessive coverage for an indeterminate number of institutional individuals and adds unnecessarily to an institution's administrative costs. This, the commenter continued, would undoubtedly result in tuition increases.

Two commenters requested that, if a bonding requirement is to be enacted by regulations, an allowance or deductible for small losses should be included in the regulations to prevent excessive insurance rates for bonding. Another commenter requested that the

Commissioner take into account the amount of the general bond an institution posts as part of the total 10% required for the title IV funds. One commenter asked for clarification as to which fiscal year or award period would be used to determine the 10% bonding amount.

Four commenters suggested that the costs of bonding especially for title IV funds would be prohibitive for small institutions and would draw institutional funds away from instructional areas. Each of these commenters suggested that their institutions were more than adequately covered at the present time through their general insurance bonds.

Fifty-one commenters recommended that the term "disbursing official" be defined in the regulations. Several cited the use of the term as vague, and all-encompassing. As one commenter suggested, in many institutions "disbursing official" might include hundreds of individuals.

Many commenters asked whether every person involved in the financial aid process—from financial aid counselor through the accounting clerk in the business office through the financial aid clerk typist who disburses the checks to the student—was to be considered a "disbursing official."

Two commenters recommended that only the person whose name appears on the students' checks should be considered the "disbursing official." Another commenter suggested that the financial aid administrator and the business officer be the sole persons considered "disbursing officials" because these individuals hold primary responsibility for the proper administration of title IV funds.

Response: The recommendations of the commenters that the 10 percent bonding requirement of disbursing officials be deleted has been adopted. Upon further study, the Commissioner is of the opinion that the fidelity bond under which most institutions operate is sufficient to protect the Federal interest. Therefore, the Commissioner will not require an institution to obtain any additional bond other than the fidelity bond the institution currently maintains.

However, to protect the Federal interest in those institutions that are not bonded, the final regulations have been amended to require those institutions to obtain adequate fidelity bond coverage. That coverage can be obtained only from companies holding certificates of authority as acceptable sureties (31 CFR 233).

Because the 10 percent bonding requirement of an institution's disbursing official has been deleted, the

Commissioner does not believe that a discussion of who constitutes a disbursing official is necessary or relevant to be institutional fidelity bond requirement.

Comment: One commenter suggested that § 168.15(d) be amended to allow the submission of a disclosure statement of financial standing in place of the audited financial statement that this section of the regulations would require. This disclosure statement would serve the same purpose as a financial statement with a balance sheet but, at the same time, preserve the confidential details of a private institution's operating expenses.

Response: The recommendation was not adopted. A disclosure statement is not sufficient, and the balance sheets provide necessary verification of information. The Commissioner believes that since the solvency of the institution has been questioned, the suggested amendment would not be adequate and would leave areas for abuse.

Comment: One commenter suggested that § 168.15(d) be amended to provide an exemption for unincorporated proprietary schools since, according to the commenter, it is impossible to have an audit certified by a Certified Public Accountant.

Response: The suggestion was not adopted. The Commissioner does not believe that an exemption in this instance is in the best interests of proper administration of title IV student assistance programs. Furthermore, an unincorporated proprietary school can obtain an audit certified by a Certified Public Accountant although the Commissioner believes that the cost factor may have prompted the commenter's suggestion.

Comment: Two commenters recommended that when a change of ownership occurs, a financial statement should be required of both the new owner as well as of the old owner(s) of a school. One commenter suggested that the new financial statement is the most meaningful evidence of the school's future financial stability.

Response: The recommendation has been adopted and incorporated in the final regulations.

Comment: One commenter misread the requirement of § 168.15(d) as meaning an audited financial statement rather than a latest financial statement or an audit. Citing the requirement as an "unreasonable amount of expense," the commenter suggested the paragraph be amended to include only the submission of the latest statement.

Response: The suggestion has not been adopted. The Commissioner requires a latest financial statement or

an audit prepared by a State or local audit agency.

In the August 10, 1978, Notice of Proposed Rulemaking, § 168.18 contained several criteria regarding the financial responsibility and capability of institutions. These criteria—subparagraphs 168.18(a) (4), (5), (6), and (7)—have been moved from § 168.18 and inserted into § 168.15, Factors of Financial Responsibility. The following comments and responses will refer to these criteria by using the paragraph and subparagraph notations from the NPRM to allow the reader ready reference to the NPRM.

Comment: Three commenters recommended the deletion of § 168.18(a)(4)-(7). One commenter stated that institutions that are funded by the passing of bond issues for building purposes would have liabilities far exceeding their assets and thus not qualify under the one-to-one ratio. This commenter asked either for the deletion of the subparagraphs entirely or for an exemption for these institutions. A second commenter argued that the one-to-one ratio is arbitrary and suggested an evaluation of the institution as a whole rather than relying on the institution's ratio of current assets to current liabilities.

A third commenter objected to the one-to-one ratio because it could force many institutions to restructure their financial affairs and these incur unnecessary costs without gaining additional administrative capability or responsibility.

Response: The minimum of a one-to-one ratio of current liabilities to current assets has been retained in the final regulation. This ratio is essential to the fiscal responsibility of an institution. The Commissioner believes that the commenter misread the paragraph because not all outstanding bonds are maintained in a current category. Only that portion of the bonds which are due and payable during the current year would be listed as a liability. The Commissioner is not forcing institutions to restructure their financial affairs under § 168.18(a)(4)(i) because the regulation treats the three major fields of accounting techniques—accrual, fund and cash—and an institution of higher education would invariably practice one of these accounting techniques.

Comment: Several commenters disagreed with the use of deficit net worth as a criterion indicating improper administration of title IV funds. One commenter recommended its deletion because it discriminates against new schools that may wish to participate in title IV programs. Generally, these schools take several years before they

no longer sustain a deficit. Therefore, this commenter argued, under the proposed regulations, a new school would not be able to participate in student assistance programs and would probably be forced to close its doors.

Another commenter stated that a deficit net worth may not reflect an institution's current operations. This, she suggested, was very true of new and developing institutions. Two commenters objected to the section on the basis that an institution's sustaining a deficit year under fund accounting procedures, does not necessarily impair the proper administration of title IV funds and can give a very misleading picture of the fiscal condition of the institution.

One commenter argued that there are three alternatives open to a fund manager of a non-profit institution in closing the annual books:

(1) The operating fund can finish the year with a positive balance. But if such balances are substantial or sustained, the non-profit organization risks loss of its non-profit status.

(2) The organization can finish the year with a balanced fund, in which income and expenditures are exactly equal. While this second standard reflects an ideal, in practice it is almost impossible to achieve.

(3) The third alternative would be a deficit status in which expenditures exceed income. Deficits in non-profit organizations are not extraordinary. In fact, this commenter continued, almost every independent college and university has experienced one to two years of deficit fund balances during the last decade.

The amendment this commenter would insert is as follows: For an institution utilizing fund accounting, if the unrestricted current or operating fund reflects "sustained material deficits over several years" at the conclusion of its most recent fiscal year. . . .

Three commenters recommended that many factors must be taken into consideration to determine whether an institution sustaining a deficit net worth has the ability to be financially responsible or capable of administering the title IV programs.

Response: The Commissioner realizes that new institutions of higher education may be in a deficit status for several years. However, the Commissioner believes that it is fiscally irresponsible for an institution to have a history of deficit net worths, and therefore will retain the definition and standards of deficit net worth as a criterion of financial responsibility. Although the commenter's amendment was not adopted as written, its intent was

incorporated into the final regulation which requires an institution to submit to the Commissioner additional documents to demonstrate its financial responsibility in spite of a deficit net worth or a history of sustained material deficits. The Commissioner agrees with the commenter that many factors must be taken into consideration to determine whether an institution sustaining a deficit net worth has the ability to be financially responsible in administering title IV programs.

Comment: Three commenters requested the final regulation define what "a history of operating losses" were in calendar terms. One commenter asked if "a history of operating losses" would be interpreted as two years, or five years.

Response: The commenters' request for a definition of "history of operating losses" has not been adopted. The Commissioner believes that to define the phrase in terms of a specific number of years would engender an inflexible interpretation that is not in the best interest of proper program administration. The phrase's meaning therefore will vary depending upon the type of institution and the situations which caused operating losses and the Commissioner will take into account these variations in determining an institution's financial responsibility.

Comment: One commenter stated that church-related schools would be unjustly discriminated against by § 168.18(a). The section would cast in an unfavorable light the financial responsibility of many well-established, stable, private and denominational schools with a broad-based public constituency. The operational deficits and substantial institutional student aid programs of these schools are financed by broad and special fund raising efforts and general campaigns that, this commenter stated, are the serious responsibility of their trustees and the particular constituency or faith community that these schools serve. Therefore, this commenter recommended that the following be added to § 168.18(a)(7): An accredited institution, with a broad constituency providing continued public support, which has been in existence for five years or longer, and whose financial condition has remained stable over these years, shall be deemed financially responsible and administratively sound, notwithstanding subsections (a)(4), (5) and (6) above and any other provision of this section.

Response: The request for a specific exemption for church-related schools has not been adopted. The Commissioner does not believe that

these schools are unduly different from other institutions which utilize broad-based fund raising methods to balance earnings and expenditures. However, the final regulations do allow an institution to demonstrate through additional documents that it is indeed financially responsible.

Comment: Two commenters suggested that the final sentence of the section be clarified to mean that the date of the financial statement's preparation must be within 12 months of the date of the application.

Response: The recommendation has been adopted. The final regulations have been amended to clarify the requirement.

§ 168.16 Standards of administrative capability.

Comment: One commenter recommended the first paragraph of § 168.16 be amended to read as follows: "Prior to certification of an institution" to participate in a title IV student assistance program, an otherwise eligible institution must "demonstrate" the capability to adequately administer those programs.

Response: The suggested re-wording of the first paragraph has not been adopted. The Commissioner believes that the present wording is adequate.

Comment: Several commenters objected to the term "capable" as being vague. Three requested that the final regulations carry a definition or a set of guidelines as to what is considered by the Commissioner to be a "capable" individual. One commenter argued that the determination of "capable" on a national basis was a very complex issue. Another thought that determining "capability" should be the prerogative of an institution and not that of the Commissioner. Three persons saw the term to mean that the Commissioner or his delegates would be able to interfere at will within the internal administrative procedures and personnel of an institution.

Seven commenters thought that the determination of what is a "capable" individual should be in the hands of professional organizations such as the National Association of Student Financial Aid Administrators and the National Association of College and University Business Officers. One commenter thought that each of these organizations should certify college personnel to administer the title IV programs.

Eight commenters called for the deletion of the term unless the Commissioner issued criteria that allowed "capability" to be evaluated in "measurable terms." Two commenters

agreed that it is the Commissioner's responsibility to define "capability" and requested that a definition be included in the final regulations. One of these commenters suggested that the Commissioner, in establishing a definition, give consideration to an individual's ability to handle normal administrative procedures such as timely processing of student applications, submission of the various title IV program reports, and participation in professional organization activities.

Two commenters suggested that a program review would indicate whether the institution was serviced by "capable" individuals and that the judgment should rest on that basis.

Response: The Commissioner does not feel it is necessary to define the terms "capable" and "capability" in the regulations. The generally accepted definition of the term "capable"—having the ability, capacity, or power to accomplish something—is sufficient for the Commissioner's purposes in these regulations. To attempt a definition with specific, concrete criteria would, in the Commissioner's view, be an example of overregulation.

In general, the capability or incapability of an individual will be demonstrated by the manner in which that person administers these programs. The "capability" of an institution of higher education is demonstrated to the Commissioner through program reviews and the timeliness of institutional actions, in submission of reports, the accuracy of such reports, and the results of program audits. In particular instances of measuring the capability of an institution of higher education to administer title IV programs properly, the ultimate determination must rest with the Commissioner. While the Commissioner believes that the establishment of professional standards or credentials for student financial aid administrators is an excellent idea, the Commissioner does not have the authority to impose such standards in general or to require that such standards be adopted. The Commissioner believes that every institution of higher education wishes to be capable and have capable personnel working for it. With regard to title IV student assistance funds, however, the institution's prerogative to define what is capable is subsumed under the Commissioner's authority to protect Federal funds by ensuring proper and prudent administration of those funds.

Comment: One commenter suggested that the Commissioner amend § 168.16(a) as follows: "Such an individual must have had prior

successful experience in the administration of title IV programs. Lacking that experience, the individual must have attended a comprehensive financial aid training workshop; have successfully passed a written test to measure knowledge of Federal program regulations, good business practice, and organizational and administrative skills; and have received a certificate as a financial aid administrator from an organization or association qualified and approved by the Commissioner to conduct those training workshops."

Response: The Commissioner does not wish to define a capable individual in this manner; therefore the commenter's proposed amendment has not been adopted. Although the Commissioner strongly endorses training workshops and seminars offered by relevant professional organizations as one of the better approaches to the development of capable and professional individuals, the Commissioner will not delegate to these organizations the authority to certify an individual capable to administer title IV financial assistance programs.

Comment: Ten commenters questioned the meaning of the term "adequate" and suggested various methods of determining what an "adequate" number should be. One thought it was impossible for the Commissioner to determine because of the diversity of institutions participating in the title IV programs and that the determination should be left to each institution. Another argued that no uniform standard formula should be developed and that the institution should be given latitude in the matter, with no specific numbers stipulated.

Several commenters thought there should be a ratio between the dollar amounts an institution disburses and the number of staff persons in the financial aid office. However, these commenters suggested that rather than have the Commissioner issue an "arbitrary ratio" in the final regulations, a set of flexible guidelines should be included in the regulations.

Three commenters thought that an evaluation of what "adequate" personnel entails should be determined by program review and audit staff on an institution-by-institution basis. On the other hand, two commenters argued that program review and audits staffs can reach arbitrary and unjustified conclusions as to the adequacy of financial aid staff. These commenters recommended that the Commissioner accept the minimum staffing criteria of professional organizations involved with the training of financial aid and business office personnel.

Five commenters suggested that the best basis for determining whether an adequate staff exists depends on institutional factors such as past program performance, use of computer systems, and the adequacy of the business office accounting system.

Eight commenters suggested that the Commissioner establish a joint committee of the Office of Education, the College Scholarship Service, the National Association of Student Financial Aid Administrators, and the National Association of College and University Business Officers to develop acceptable minimum criteria. Only then, these commenters believed, would the criteria be fair, objective, and applicable on a nationwide basis.

Four commenters asked for a definition of "adequacy of staffing." On the other hand, three commenters argued that it is an institution's responsibility to develop adequate staffing and that the Commissioner should not attempt to further define the term.

Several other commenters called for the complete deletion of the paragraph as arbitrary, beyond the authority of the Commissioner to regulate, and inherently unworkable and unenforceable.

Response: The Commissioner will not specify criteria for what constitutes an "adequate number of qualified persons." What may be viewed as an adequate number of qualified persons at one institution may be completely insufficient at another. The Commissioner is fully cognizant of the variations among institutions. The use of automated data processing equipment or a centralized award and disbursement system will vary the number of individuals required at an institution to ensure proper and prudent administration of the student assistance programs.

Therefore, the Commissioner will not issue guidelines indicating a set ratio between the amounts of money disbursed and the number of persons to be involved. However, the Commissioner endorses the efforts at establishing minimum criteria for proper program administration taken by various professional and educational organizations.

The term adequate—meaning suitable or fully sufficient for a specific requirement—does not, in the Commissioner's view, need further definition. The Commissioner believes that the term's meaning is self-evident as it relates to proper and prudent program administration at an institution. Although the institution may operate its programs on its determination of what

constitutes an "adequate number of qualified persons," the Commissioner will retain—for title IV programs—the ultimate determination of what constitutes an "adequate number of qualified persons" for individual institutions based on program reviews and audits.

Comment: Seven commenters asked for clarification of the division of functions of awarding and disbursing title IV funds. Two commenters questioned whether the regulations call for a physical separation of functions or for at least two separate individuals to be involved. One commenter suggested that the Commissioner indicate in the final regulations a minimum number of persons to ensure a separation of financial aid and business office functions. This commenter also called for an exemption for small schools that may not be able to afford the cost of two individuals on a full-time basis to comply with the regulations. Three commenters perceived the division of functions requirement as burdensome because they thought it requires an institution to hire two individuals on a full-time basis.

Response: This section is not a new requirement but has been in the campus-based program regulations for several years. The purpose of the separation is to ensure an adequate system of internal checks and balances in the program administration of title IV funds.

The Commissioner does not believe it necessary to indicate a minimum number of persons that an institution must employ in order to meet the separation of functions requirement. The functions are separate so long as the person(s) authorizing payment of title IV funds is different from the person(s) disbursing those funds, provided that this is done in a way consistent with the provisions of an adequate system of internal controls.

The Commissioner will not exempt small schools from the requirement of having an adequate system checks and balances in its internal controls which requires a division of the functions of awarding and disbursing title IV funds.

Contrary to the commenters' perception, the Commissioner is not requiring that an institution have two individuals employed on a full-time basis to award and disburse title IV funds. Many smaller institutions' need for efficiency and fiscal stringency require an individual to perform several functions, and this fact is recognized by the Commissioner. Therefore, the awarding and disbursing of title IV funds need not be the sole duties of these individuals.

Comment: Four commenters recommended that the Commissioner set forth minimum guidelines for satisfactory progress. One commenter suggested that the paragraph be amended to make reference to both quantitative and qualitative standards of student performance. Another commenter requested that the Commissioner define the term "reasonable" in the context of satisfactory progress or leave the authority completely in the hands of each institution. A third commenter requested that the Commissioner issue guidelines in the regulations regarding satisfactory progress so that they could be of benefit to the entire college community.

Response: The recommendation that the Commissioner set forth minimum guidelines for satisfactory progress has not been adopted. The Commissioner does not believe that a delineation of specific criteria for a definition of satisfactory progress is warranted at this time. Each institution should establish a definition of satisfactory progress that reflects its immediate and unique characteristics and concerns. The Commissioner will not make any reference to qualitative or quantitative aspects of a satisfactory progress definition.

Under Section 168.12, Audits, Records, and Examination above, the Commissioner, in response to a related question, has discussed what the Commissioner believes is a reasonable method for developing standards of satisfactory progress. The Commissioner believes that the discussion of satisfactory progress in reference to that previous section would, if given wide campus dissemination, respond to the commenter's request for guidelines that could be of benefit to the entire college community.

Comment: One commenter stated that if a community college disburses Basic Grants to students on the day school opens, it is virtually impossible to decide on that student's satisfactory progress. The commenter requested that the financial aid administrator not be "burdened" with an additional requirement.

Response: The Commissioner does not agree with the commenter's statement that a determination about a student's satisfactory academic progress is "burdensome" and a "new requirement." Furthermore, with regard to the disbursement of Basic Grant awards, if any payment is made to a continuing student at the beginning of a payment period, the institution, through the financial aid administrator, must look to the prior enrollment period for

evidence of satisfactory academic progress before any funds are disbursed. New students are, of course, presumed to be making satisfactory academic progress until there is evidence to the contrary.

Comment: Five commenters argued that the Commissioner should not increase the administrative burden on the financial aid office by requiring verification of student information. One commenter stated that it is not appropriate to require that an institutional official validate students by tax returns for all title IV programs. Another complained about the amount of time involved and stated that the practice would be tedious, and costly and would put the financial aid administrator in the position of counselor and investigator.

Three commenters stated that it is the responsibility of the Office of Education and the Internal Revenue Service to validate all student aid recipients and that the financial aid administrator's credibility with students is undermined if the verification of student information is attended to at the institution. On the other hand, four commenters agreed that verification of student information should be attended to on campus and requested that the final regulations be specific in requiring financial aid administrators to verify all student-provided information.

Response: The Commissioner considers verification a necessary and useful tool in helping to ensure that determinations of eligibility for title IV student assistance are made in an equitable and consistent manner. While an institution will incur additional responsibilities due to this requirement, the Commissioner does not believe that it would be advisable to either postpone what is almost universally considered to be a very necessary aspect of need-based student aid, or to require verification activities from only a limited number of institutions. Further, to allow each institution to use its own method of verifying information, either for part or for all of its verification cases, is inconsistent with the fundamental precepts of the title IV student assistance programs.

While the Commissioner agrees that it would be simpler for the institutions if all necessary documentation were to be provided prior to a student being declared eligible for assistance, the offsetting delays involved with the Office of Education centrally verifying all student applicants would cause a severe hardship for students. The Commissioner believes that the impact in time lost to the student will be

minimal if verification is accomplished by each institution.

The specific suggestion of requiring an official tax form with each student application is impractical because some recipients for title IV funds come from families who have not filed Federal income tax returns in the base year. Thus alternative verification measures would have to be adopted in any case for that portion of the applicant population. The Commissioner believes that while verification is necessary, the student should be inconvenienced as little as possible. The financial aid administrator, with his or her first-hand knowledge, experience, and direct communication with the student, is in the best position to expedite the verification process.

The Commissioner does not believe that a financial aid administrator's "credibility" with students is undermined if the verification of student information is attended to at the institution. In fact, the Commissioner is of the opinion that a financial aid administrator's credibility would be enhanced because he or she would be perceived by students as being concerned and committed to an equitable and consistent method of distributing title IV funds. The roles of the financial aid administrator as a student counselor, verifier of information, and an efficient manager of title IV funds is the objective that the Commissioner is endorsing. The Commissioner believes that this objective will produce a financial aid administrator who is both compassionate with students and prudent as a program administrator.

Comment: One commenter asked what types of documents are needed to prove citizenship. Another asked if the financial aid administrator can refuse assistance to a student on the grounds of insufficient documentations of citizenship status.

Response: Each title IV program's regulations set forth the requirements regarding evidence of citizenship for students to be eligible for funds. The specific documents that may be required of a student by the financial aid administrator are discussed in the *Student Financial Aid handbook* published by the Bureau of Student Financial Assistance and distributed annually to financial aid administrators at eligible institutions of higher education. In answer to the other commenter's query, unless a student can satisfy the citizenship or residency requirement to the satisfaction of the financial aid administrator, the student is ineligible to receive any title IV assistance.

Comment: One commenter requested that the final regulations detail the procedures that should be used if inconsistencies are found in a student's data file.

Response: If inconsistencies are found in a student's data file, it is the institution's responsibility to make the necessary adjustments in the student's title IV award package. For the Basic Grant Program specifically, the *Validation Handbook* indicates the procedures, although the financial aid administrator may wish to use the identical procedures for the other title IV programs to provide consistent treatment for all students.

Comment: Two commenters requested clarification of adequate financial aid counseling. One asked whether audio-visual aids could be used to meet the requirements of § 168.16(f). Another commenter recommended that the Commissioner confine his review to printed materials disseminated by the college to students because it would be impossible to review one-on-one counseling sessions.

Response: The recommendation has not been adopted. The Commissioner will not prescribe a format for adequate financial aid counseling. The use of audio-visual materials can be effective in yielding greater manpower efficiency in a financial aid office. However, audio-visual equipment cannot be used in place of one-to-one counseling between the student and the financial aid administrator in cases in which that counseling is necessary. The Commissioner does not believe it is possible for an institution to discharge its duty to provide adequate financial aid counseling to eligible students on the basis of audio-visual materials alone.

Comment: One commenter strongly recommended that the final regulations be revised to explicitly require cooperation of all parties for the proper administration of financial aid. Failure to do so, the commenter stated, should result in timely action under the Limitation, Suspension or Termination Regulations (168 Subpart H).

Response: The recommendation has been adopted and incorporated in the final regulation. The Commissioner strongly agrees that all offices within an institution of higher education should cooperate to ensure the proper and prudent administration of title IV funds. This is not a new requirement, for it also appears under § 144.43 of the National Direct Student Loan Program regulations.

It should be noted that the president or the chief executive officer of an eligible institution, in signing the agreement to participate in title IV

programs, has officially notified the Commissioner that the entire institution's personnel—from the chief executive officer through the various departments involved in the financial aid admissions and record keeping process—are aware of the regulations and will fully cooperate with each other to ensure proper program administration.

Comment: Two commenters recommended that the final regulations include several other criteria that would be used to evaluate an institution's administrative capability. One would be a systematic evaluation on the basis of clarity and accuracy of the financial aid materials published by the institution. Another criterion suggested was whether an institution established a financial aid committee consisting of administrators, faculty members, and students.

Response: Although the Commissioner appreciates the intent of the commenters' recommendations, the suggested amendments have not been adopted. A list of the specific item of financial aid materials that is to be published by the institution is already required by the Student Consumer Information Services Regulations (45 CFR 178). The accuracy of the information is required under § 168.33(i) of Subpart C, *Misrepresentation*. The Commissioner does not believe further regulations are needed.

The creation and use of an institutional financial aid committee composed of faculty, administrators, and students can be of great value at many institutions. However, because of the wide diversity of types of institutions, the Commissioner believes that specifying that an institution have that kind of committee would be an example of over-regulation.

§ 168.17 Additional factors for evaluating administrative capability and financial responsibility.

Comment: Three commenters questioned the relevancy of this entire section for determining program integrity. One commenter stated that default rates are not a valid indicator of an institution's administrative capability but a result of Congressional intent to provide loans to high-risk students.

Another commenter recommended the deletion of this entire "reg flag" or "bench mark" section contending that it bore no direct connection with proper program administration. This commenter further wrote that program misadministration can occur because of incompetent individuals regardless of the solidity of the institution. A third commenter argued that all of these

factors (in § 168.17) may occur and not signify program mismanagement or lead to mismanagement.

Response: The Commissioner believes that § 168.17 is relevant in determining title IV program integrity at institutions of higher education. The factors enumerated in § 168.17 are indications of potential administrative incapability. These factors are the result of program experience.

Although these standards have been developed on the basis of program experience primarily with problem schools, the Commissioner feels that any institution of higher education that finds itself approaching any one of these "red flags" will wish to reconsider its course of action and attempt to ameliorate the situation.

The Commissioner does not agree with the commenters that default rates at institutions are not an indicator of program incompetence. However, simply because an institution fits into one of these categories does not automatically indicate that adverse action will be taken against the institution. The default rates are seen as an indication that there may be an impairment to proper administration.

Although the Commissioner realizes that the majority of students obtaining student loans are inexperienced in installment repayment, institutions should also realize that the majority of institutions with efficient and timely billing and collection services do not have high default rates.

Comment: Several commenters objected to the inclusion of the Guaranteed Student Loan Program under the 20 percent default rate benchmark as a criterion determining proper administration of title IV programs. Six argued that since the institution has no control over the Guaranteed Student Loan Program, it should not be used as a criterion for administrative capability.

Four commenters suggested that the paragraph (a)(1) be amended as follows: If the principal amount of defaulted loans made to students at an institution which is a lender under the Guaranteed Student Loan or the National Direct Student Loan Program. . . .

Two of these commenters thought that this amendment would accomplish the original intent of the proposed regulations by using a default rate as a benchmark, while at the same time not holding institutions that are not lenders under the Guaranteed Student Loan Program responsible for default rates under that program.

Response: The commenter's suggested amendment to § 168.17(a)(1) has not been adopted. The Commissioner

believes that the 20 percent default rate of students at an institution under the Guaranteed Student Loan Program is a useful indicator of the quality of program administration. Even though a default rate of 20 percent may not necessarily be related to improper program administration by the institution, there is a good deal of evidence that reveals a high correlation between default rates and the educational institution students attend. The existence of a high default rate for students attending a particular institution may well be symptomatic that there are at that institution other problems that adversely affect the title IV programs.

Comment: There was considerable disagreement over the default rate figures proposed in the regulations. Several commenters argued that the use of a benchmark figure will obviate the intent of Congress in creating the loan program for needy (i.e., high-risk) students by forcing institutions to look more carefully at the student who wishes to contract for a National Direct Student Loan. Another commenter suggested that if the benchmark figure of 20 percent were retained, some institutions would undoubtedly begin asking for credit checks on prospective borrowers.

Three commenters thought the benchmark figure proposal was too high and should be lower so as to minimize the improper administration and collection of loan funds. Several commenters asked for a justification for the use of the 20 percent benchmark figure, while five other commenters thought the figure was arbitrary and too low. Two of these commenters wrote that they expected a high default rate at open-door institutions that served urban metropolitan areas.

Four commenters recommended that whatever figure is adopted in the final regulations, the Commissioner should take into account an institution's analysis as to the reason for the high default rate. One commenter suggested the last sentence of the paragraph (a)(1) be amended to read: "... payment period; however in evaluating administrative capability, full consideration shall be given when an institution has achieved a reduction in the number and or percent of borrowers in default over a period of time."

Response: The Commissioner believes that an adequate benchmark figure must be uniformly established for the National Direct Student Loan Program and the Guaranteed Student Loan Program. Therefore, the Commissioner has decided to remain with the 20 percent figure for default rates. This rate

has been applicable to the Guaranteed Student Loan Program since 1975, and these final regulations set forth a parallel benchmark figure for the National Direct Student Loan Program.

The Commissioner feels that the benchmark figure for default rates is one of the indicators of possible inadequate instruction, improper administrative practices, or other actions on the part of an institution. The Commissioner will, of course, allow an institution every possibility to describe and justify the reasons for its high loan default rate.

The Commissioner believes that it is inappropriate to introduce credit checks on potential borrowers. Many factors, the Commissioner feels, keep a default rate low, and these factors have little relationship to the credit worthiness of a student. Rather, these factors are directly related to an institution's practices of due diligence in billing and collections. Furthermore, in determining a student's eligibility to receive a National Direct Student Loan, the institutional financial aid officer is obligated to consider the student's willingness to repay the loan prior to awarding assistance.

Comment: A majority of commenters disagreed with the withdrawal figures proposed in the regulations. Several commenters stated that the withdrawal rate has absolutely no relevance to the proper administration of title IV funds. Citing the fact that students withdraw for a myriad of reasons, 10 commenters asked for the deletion of these sections. Twelve commenters from public and other non-profit community colleges argued that if a withdrawal figure were to be retained in the final regulations, an exemption should be included for the community college sector because of the high student turn-over rate.

One commenter stated that over the course of an academic year, the student body at her institution changed by more than 65 percent, and she argued that, given the purpose of a community college, this was an acceptable figure. Another commenter, quoting a withdrawal rate at his institution of 50 percent, stated that this section placed an unfair and arbitrary condition on community colleges. He recommended that the section should be amended to indicate that a withdrawal rate of 33 percent of those "students in receipt of title IV funds" during an academic year is a more applicable and relevant standard.

Three commenters requested that, if a withdrawal rate were retained, various institutional factors should be taken into consideration by the Commissioner. Four commenters, however, argued that the 33 percent withdrawal figure was

much too high and that a limitation, suspension, or termination action should begin at a lower rate. One of these commenters suggested a rate of 20 percent.

Response: The Commissioner feels that the benchmark withdrawal rate figure is one of the indicators of possible inadequate instruction, improper administrative practices, or other actions on the part of an institution. The Commissioner will, of course, allow an institution every possibility to describe and justify the reasons for its high withdrawal rate. Since there is disagreement over what the exact withdrawal rate figure should be, and since the Commissioner believes that an adequate benchmark figure must be established, the 33 percent withdrawal rate is not changed in the final regulations.

An exemption for any type of institution would not, in the Commissioner's view, be equitable or consistent with proper administration of the title IV programs. It should be noted that the 33 percent withdrawal rate figure is more lenient than the 20 percent withdrawal rate benchmark in the current Guaranteed Student Loan Program regulations.

The Commissioner does not believe that the 33 percent withdrawal rate benchmark should be confined to those students who receive title IV funds. To do so would discriminate against institutions that enroll high percentages of aid recipients, as well as against publicly supported schools, that by law, have open admission policies.

As is the case with the default rate, the Commissioner feels that a high withdrawal rate may be symptomatic of other problems in the administration of the title IV programs by an institution.

Comment: One commenter asked for a definition of "common academic year" as used in § 168.17.

Response: The Commissioner does not believe that a definition of "common academic year" is necessary in these regulations. An academic year is defined in the various title IV program regulations as the equivalent of "two semesters, two trimesters, or three quarter terms."

Comment: Twenty-seven commenters disagreed with the proposed regulations limiting the number of Guaranteed Student Loan recipients at an institution to no more than 50 percent of the student body at the beginning of an academic year. Fifteen commenters asked how the institution was to have knowledge of a student's receipt of a Guaranteed Student Loan prior to the beginning of an academic year. Six commenters argued that if the student is

enrolled on at least a half-time basis and will be using the money to meet educational costs, the institution has no right to withhold certification on a Guaranteed Student Loan application, therefore it is unrealistic to expect the institution to control the number of students who receive assistance under this program.

Four commenters believed that it would be unreasonable to ask those Guaranteed Student Loan recipients over the 50 percent figure to withdraw from school merely on that basis. Ten commenters from medical and graduate professional institutions strongly argued that the rule does not have relevance to the administrative capacity of an institution. Three of these commenters cited the fact that at their institutions almost 90 percent of the students obtain a Guaranteed Student Loan each year to help meet the educational costs of becoming a doctor. One of these commenters asked if these regulations would also apply to Health Education Assistance Loan Program recipients. Another commenter asked what procedure the Commissioner would recommend for the institution to use in excluding the student who falls in the post 50 percent category. A third commenter questioned the legality of denying a student admittance simply on the basis that the institution has filled its quota of Guaranteed Student Loan recipients and wondered if this denial of admittance would lead to civil rights suits.

Response: With the passage of the Middle Income Student Assistance Act giving every student the opportunity of receiving a subsidized Guaranteed Student Loan, the Commissioner has decided to drop the provision.

§ 168.21 Distribution formula for refunds and repayments of cash disbursements made directly to the student.

Comment: Twenty-eight commenters objected to this section and urged its deletion from the final regulations. Twenty of these commenters cited the Education Amendments of 1976 as prohibiting the Commissioner from regulating institutional policies on fees and refunds. Ten commenters stated that the Congress decided that the Commissioner could not regulate in the area of refunds because this would be an intrusion into internal policies of institutions. Five commenters referred to Section 432 of the General Education Provisions of the Higher Education Act of 1965 as amended which prohibits any Federal official from exercising "any direction, supervision, or control over the curriculum, program of instruction,

administration, or personnel of any educational institution."

Seven commenters expressed objection on the basis that "this is the first step" for the Commissioner to define "a fair and equitable refund policy" which, these commenters asserted, "was clearly beyond the intent of the Congress." Eight commenters objected to the section because they believed that in the future the Commissioner will determine when a student is due a refund through a definition of "fair and equitable refund policy."

Response: The recommendations of the commenters were not adopted. This section does not deal with the issue of a fair and equitable refund policy. It does deal with a situation where an institution, under its own refund policy, has decided to refund money to a student and a part of the student's educational costs were met with title IV funds. This section provides a simple formula for allotting a portion of that refund to the title IV programs.

A distribution formula for refunds is not a new requirement. The Basic Grant and Guaranteed Student Loan Programs regulations have included a distribution formula for several years. Although the distribution fraction incorporated in these final regulations is different from the formulas in these programs, the Commissioner believes that the distribution fraction in the final regulations is not only simpler to administer but also encompasses all title IV funds; thus the administrative burden is lessened.

Comment: Fourteen commenters objected to the distribution formulas because of the lack of flexibility. Three commenters suggested that common sense and prudent judgment on the part of the financial aid administrator is the best guide in the distribution process. Four commenters requested that the institution be allowed flexibility in the refund distribution process to accommodate the individual circumstances of a student and not merely make the student subject to the inflexible formulas of refund distribution proposed by the Office of Education.

Eight commenters stated if a distribution policy was to be adopted at all, it must be a uniform set of guidelines and not a series of formulas and must be as simple as possible to administer.

One commenter suggested the following amendment be used in place of the formulas because it would preserve the Commissioner's authority while at the same time allowing sufficient flexibility to institutions: "The institution shall establish and publicize its refund policy and shall establish a

reasonable policy for effecting repayments of grant and loan funds disbursed directly to the student. The application of this policy shall take into consideration the length of time a student was enrolled, the cost of attendance incurred to the date of withdrawal, and the reason(s) for withdrawal."

Ten commenters suggested that the distribution formulas be revised to mandate that any refunds should go first to reduce any loans the student may have obtained. Three commenters indicated that this priority would help keep default rates at a lower level because, they stated, the student who drops out is the most likely to default on a loan. Another commenter stated that under no circumstances should a student receive any cash refunds until loan and grant funds disbursed for that student's cost of attendance were fully repaid.

Response: The objections of the commenters about the complex distribution formulas have been taken into consideration by the Commissioner in the final regulations. The distribution fraction incorporated in the final regulations is clear, simple and concise.

Under this fraction, the total amount of title IV assistance (minus work earnings) is divided by the total amount of aid (minus work earnings). This fraction is applied to an institutional refund and the resulting amount is to be returned to the title IV program(s).

This total amount would not, however, be distributed proportionately among the various aid programs. Rather, the institution must develop and apply on a consistent basis, written policies to determine which title IV program(s) will receive the Federal portion of the refund amount.

The Commissioner believes that the professional judgment of the financial aid administrator should be used in the development of these written policies. The financial aid administrator may take into account the factors concerning the institution's student body, the types of aid available to the students or other reasonable factors in determining the policy guidelines which are to be used in determining which title IV programs will receive the Federal portion of the refund amount.

For example, a financial aid administrator may wish to establish a policy under which the Federal portion of the refund amount will be returned first to the title IV program which was the largest component of title IV aid to that student. It should be noted, however, that the amount returned to any one program may not exceed the amount the student received from that

program. If the amount to be returned exceeded the amount awarded from that program, the remainder of the Federal portion of the refund would then be returned to a second title IV program from which the student had received aid, and if necessary to a third.

The Commissioner believes that this formula has a simplicity and clarity that can be easily understood and administered by institutions.

The commenters' suggested amendment which would completely delegate the Commissioner's authority, has not been adopted. The Commissioner will not delegate the authority to establish a distribution fraction for refunds of title IV aid funds.

The commenters' suggestion that the Commissioner amend the regulations to mandate that any refund amounts should go first to reduce any loan amounts has not been adopted. The Commissioner believes that, given the distribution formula adopted in the final regulations, the commenters' recommendation would result in an inflexible requirement on institutions in the development of their policy to determine which title IV aid fund would receive the Federal portion of the refund.

The Commissioner agrees with the commenter's statement that a student should not receive any cash refunds until the title IV program amounts which were disbursed for that student's cost of education were fully repaid.

Comment: Twenty-eight commenters stated that any distribution formula should not take into account a student's family contribution which these commenters thought should be used first in meeting the cost of education. Twelve commenters pointed to the underlying basis of all title IV assistance which assumes that the primary responsibility for meeting the cost of education is to be borne by the student and the student's family. Therefore, these commenters argued, the use of the family contribution first in computing a student's refund, would allow the return and distribution of title IV program funds to other needy students.

Response: The recommendation of the commenters has been adopted and incorporated in the final regulations. The distribution formula adopted by the Commissioner excludes from consideration the student's expected family contribution.

Comment: Two commenters requested that before any cash refund is made to the student or to the family, the institution be allowed to reimburse any State or institutional funds the student may have received in addition to title IV programs.

Response: The distribution formula establishes only the portion of the refund to be returned to the title IV grant and/or loan programs. The institution may distribute the remainder of the refund among other sources from which the student received aid in whatever manner it considers appropriate. The Commissioner is only regulating the distribution of refunds due to title IV program(s) not aid from the State or institutional sources.

Comment: Three commenters requested that the regulations be amended to include a requirement that the registrar's office notify the financial aid office of student withdrawals. One commenter further suggested the regulations be amended to require that, prior to the disbursement of any refunds to a student, the business office notify the financial aid officer that a student was due a cash refund.

Response: The recommendations have not been adopted. The Commissioner believes that to regulate in the manner requested by the commenters would be an interference in the internal affairs of an institution.

The institution as a whole is responsible under the agreement to participate in title IV programs for the integration and cooperation of its internal components.

Comment: One commenter asked for a clarification of § 168.21(a)(2), specifically questioning whether "minus work earnings" was to include any part-time employment in addition to college work-study.

Response: The term "minus work earnings" is intended to include not only college work-study but also any part-time employment the student may have engaged in while in attendance at the institution.

Comment: Twenty commenters objected to the inclusion of the Guaranteed Student Loan in the distribution formula. Three commenters recommended the deletion of any reference to the Guaranteed Student Loan because the "school is a passive partner in the relationship between the student and the lender." Four commenters asked how the institution can force a student to return excess Guaranteed Loan funds when "the school has never seen, nor may not have any knowledge of the fact that the student obtained a Guaranteed Student Loan." Six commenters requested that the Guaranteed Loan be deleted from the distribution formula on the basis that banks do not notify institutions promptly when a student obtains a loan, and therefore the student may have already withdrawn and obtained a

refund by the time the notification from the bank has been received.

Ten commenters favored the inclusion of a Guaranteed Student Loan in the distribution formula for only those institutions which are lenders. Two of these commenters suggested that non-lender institutions be required merely to notify the lender (if the institution is aware the student obtained a Guaranteed Student Loan) when a student withdraws.

Response: The Commissioner considers it essential to include the Guaranteed Student Loan Program in the refund distribution formula because it is a major title IV student assistance program which has guaranteed \$2.25 billion in loan assistance in 1978-79.

In providing this loan assistance, the institution is not a "passive partner" because it plays a critical role not only in determining student eligibility, but also when meeting its statutory responsibility of notifying the lender of the student's enrollment status and address.

Regulations are being published which will establish a method by which lenders will provide institutions with necessary information in order that the institutions can meet this statutory requirement. Furthermore, experience shows that default and program abuse is most likely to occur in the case of an unscheduled interruption of a student's educational program, which is combined with a substantial loan indebtedness.

To the extent that the refund reduces the principal amount of the loan, it contributes to the probability that the student will not default and will remain eligible for future title IV assistance.

Comment: Five commenters requested that the final regulations include, as a guideline, a listing of the components of the cost of education for the purposes of calculating whether a student owes a refund. Two of these commenters stated that the discussion should involve both direct and indirect educational cost components.

Response: The recommendations have not been adopted. The Commissioner does not believe that the regulations should include an all inclusive list of educational cost components. Reasonableness and common sense should indicate the components of the cost of education for each institution. The professional judgment of the financial aid administrator enters into the development of a student's cost of education.

Comment: One commenter suggested that the Commissioner amend the regulations to include a mid-semester cut-off date for mandatory refund distribution computations.

Response: The recommendation was not adopted. The Commissioner cannot mandate a cut-off regarding an institution's refund period. The period in which refunds are made to students is determined by each individual institution. The use of the distribution formula is determined by the institution's decision that a student who is withdrawing is due a refund on institutional charges.

Where cash disbursements have been made, the institution must still decide if the disbursements are more or less than the educational costs incurred by the student at the time of withdrawal. The Commissioner does not have the authority to establish a date beyond which an institution will not be forced to calculate a refund: the period of time a refund policy is in effect is a matter of institutional determination.

Comment: One commenter stated that in the event the student is past the refund period and the institution determines that the part of the funds disbursed for non-institutional costs constituted an overaward, the institution's only recourse is to bill the student and attempt to collect. This commenter believed that holding the institution responsible for these funds in the event the student cannot or will not pay is an excessive burden to place on the institution. While another commenter believed that a ban placed on the student's re-enrollment and a hold on release of official transcripts of students who are unwilling to repay the billed amounts, should release the institution from further liability.

Response: When cash disbursements are made for non-institutional costs, the institution has the responsibility of determining if any portion of the disbursement exceeds the educationally related non-institutional costs the student has incurred. If an institution calculates that a student has been overawarded through cash disbursement due to withdrawal, the institution is not liable beyond notifying and billing the student for the amount of the overaward.

If the student does not reimburse the title IV programs for the amount overawarded, that student would be ineligible to receive additional title IV assistance at that institution. The student would be eligible for further title IV assistance only after the student has repaid the amount of the overaward.

The Commissioner believes, as discussed § 168.13 Financial Aid Transcript, that an institution may withhold a financial aid transcript if the student owes a repayment on a title IV grant, or is in default on a title IV loan. If the institution also wishes to withhold

academic transcripts on that student, the Commissioner believes that it is an institution's prerogative to do so.

Comment: One commenter asked for an exemption from the distribution formula for those institutions operating within States which have refund policies mandated by State regulation. This commenter stated that unless the Commissioner allows an exemption, the distribution formula would place the institution in the position of defiance of State law. This commenter suggested an amendment to § 168.17(a)(1) which would "... unless State law provides for a different refund policy."

Response: The recommendation has not been adopted. The Commissioner is not regulating a refund policy for an institution, but a distribution formula for title IV student aid funds. The distribution formula involves the return of Federal funds only, and if a particular State maintains a refund policy, the institution may have to use two different formulas if both Federal and State funds are involved in financing a student's cost of education.

The Commissioner does not agree with the commenter that the title IV distribution formula will place an institution in defiance of State regulation because Federal law supercedes State law where Federal funds are concerned.

Comment: One commenter asked that the Commissioner exempt institutions which participate in the Basic Grant Program under the Alternate Disbursement System from the attribution formula. Under that system of disbursement, this commenter stated, the institution has no alternative but to make any needed refunds to the student, and not to the Commissioner.

Response: The recommendation has not been adopted. The Commissioner realizes that the institution would, in the instance of a refund, return the Basic Grant funds to the student. Under the Basic Grant regulations § 190.95, an Alternate Disbursement System institution must promptly notify the Commissioner if a student withdraws before completing half of a payment period. The Office of Education would then consider the Basic Grant funds returned to the student as constituting an overaward and contact the student for repayment of the overaward amount.

Comment: Three commenters wished the final regulation to include a \$100 deductible clause under which no refund collections or attributions would have to be made. The suggested wording of one commenter was: "Any recovery of \$100 or less be left to the discretion of the financial aid officer." The cost of paperwork, one commenter stated, in

order to distribute proportionately among the programs so small an amount would be prohibitive.

Response: The recommendation has not been adopted. With the simplified distribution formula and the institutional flexibility to determine which title IV program(s) will receive the Federal refund amount, the Commissioner believes that no amount of "deductible" is necessary or administratively defensible.

Subpart C—Misrepresentation

§ 168.31 Scope and purpose.

Comment: Six commenters objected to the entire subpart as endowing the Commissioner with authority beyond the intent of the Congress. One commenter suggested that the Commissioner should direct the Office of Education's efforts to combat misrepresentation through the regulatory bodies that accredit institutions rather than through the issuing of regulations. Another commenter stated that the Commissioner is entering areas that until now have been reserved for accrediting and state approving agencies. This commenter suggested that the Commissioner should help strengthen the accrediting bodies. That, the commenter said, would affect the entire postsecondary community and not just eligible institutions of higher education and would improve the quality of service to all students. A third commenter suggested that the entire section be deleted because the subpart does not contain an "intent" element. Without this "burden of proof" or "intent" element, the commenter stated, the definition of misrepresentation does not comply with the common law definition of misrepresentation. Two commenters criticized the subpart as overlapping the Federal Trade Commission's recent regulations dealing with proprietary schools. One of these commenters suggested that action by the Commissioner should be taken only as a result of an action by the Federal Trade Commission.

Response: Since the Commissioner is responsible under the provisions of the Higher Education Act of 1965 for insuring that Federal student aid funds are properly administered, the Commissioner cannot delegate this authority to accrediting or State approving agencies. Although the Commissioner is in agreement with the efforts made by national and regional accrediting commissions to enhance administrative and educational capability in institutions of higher education, the ultimate responsibility to

enforce proper and prudent administrative procedures for institutions participating in title IV programs belongs to the Commissioner. Subpart C of this part is intended to give effect to this responsibility and is consistent with the authority given the Commissioner under the Higher Education Act of 1965, as amended.

The Commissioner has not adopted the commenter's recommendation that the Commissioner initiate action only after an action is taken by the Federal Trade Commission. It is the Commissioner who has been assigned the responsibility by statute for ensuring proper administration of title IV programs. Furthermore, subpart C of this part is applicable to all institutions of higher education that participate in title IV programs, while the proposed regulations of the Federal Trade Commission are intended to address the proprietary sector of higher education.

Subpart C is not meant to contain a "burden of proof" or "intent" element. This section purposely sets forth a procedure to handle a situation that does not involve a crime. Common law provisions and criminal statutes already exist as remedies to deal with criminal fraud or civil fraud. The remedy under subpart C is that, if the facts of misrepresentation or substantial misrepresentation are born out, a school may be limited, suspended or terminated from the title IV student aid programs.

A limitation, suspension or termination action is not a criminal provision; it is the Commissioner's method of dealing with those schools that are not properly administering title IV student assistance programs.

§ 168.32 Special definitions.

Comment: Fourteen commenters asked for clarifying amendments to the definitions of "misrepresentation" and "substantial misrepresentation" because these commenters believed that the proposed definitions were too broad. Several commenters suggested that both definitions be limited to "any published, intentionally erroneous or misleading statement."

While five commenters agreed that an institution should be held responsible for any intentional misrepresentation appearing in its printed material, these commenters believe that an institution should not, under any circumstances, be held responsible for a misstatement made "by clerical staff or other personnel who do not have necessary information to properly represent the institution in all situations."

Two commenters suggested that, in addition to published materials,

correspondence between a student and the institution should also be included in the definition. Three commenters stated that the Commissioner should determine misrepresentation to be intentional or manifestly careless before initiating sanctions against an institution.

One commenter asked if an out-dated catalogue would constitute misrepresentation on the part of an institution.

Two commenters recommended that the definitions be changed to include the concept of fraud: The making of a statement with knowledge of its falsity and with intent to deceive. The problem with the definitions, one commenter stated, was that much of this area relating to misrepresentation is a matter of interpretation; therefore, the commenter requested that only deliberately erroneous statements be defined as misrepresentation.

Response: The Commissioner has not adopted the recommendation of the commenters that "misrepresentation" and "substantial misrepresentation" be limited to published materials. Any communications between an institution and a student or a prospective student—including various forms of advertisements—is subject to the provisions of this section. *In response to one commenter's statement that on institution should not be held responsible for misstatements made by personnel who do not have the necessary information, the Commissioner believes that it is an institution's obligation to make certain that only qualified personnel respond to a student's inquiries about aspects of the institution.*

The purpose of the regulations is to set standards of conduct to ensure an exchange of the most accurate information possible between a student or a prospective student and an institution regarding the institution and the rights and responsibilities of the student.

The Commissioner does not believe that an out-dated catalogue necessarily constitutes misrepresentation. On the one hand if an institution makes a good faith effort to issue timely and updated catalogues, the inadvertent use of an out-dated catalogue would not constitute misrepresentation. On the other hand, the continued use of out-dated catalogues that contain no longer-current information about educational offerings, accreditation, financial charges, physical facilities, or faculty would convey to the student inaccurate, erroneous, and misleading statements and thus constitute misrepresentation.

The commenters' recommendation that the definitions include the concept of fraud has not been adopted. The definitions set forth in subpart C are unique to the Commissioner's oversight responsibilities for the title IV programs.

The request that "misrepresentation" be confined to deliberately erroneous statements has not been adopted. Because an institution has the primary responsibility of conveying information that is as accurate as possible, the Commissioner believes that a definition limited to deliberately erroneous statements would not be consistent with the Commissioner's oversight responsibilities.

Comment: Two commenters requested that the definitions "misrepresentation" and "substantial misrepresentation" be modified to allow for computer or human error that can be proven to be unintentional or accidental.

Response: The suggested modifications to the definitions has not been adopted. The Commissioner will take into consideration alleged misrepresentation that an institution can show was unintentional or accidental.

Comment: One commenter stated that an allegation or misrepresentation is a statement that requires proof, but that in § 168.32 there is no requirement for proof. Rather, an institution is considered guilty before being able to defend itself against the charges. If the definitions are not amended, this commenter continued, an institution will have to initiate taping of telephone calls to have a record against allegations of misrepresentation.

Response: The Commissioner does not consider an institution guilty before it responds to charges of alleged misrepresentation. Under § 168.37 the institution is allowed an opportunity to respond to complaints before any determination as to guilt or innocence or further action is taken on the part of the Office of Education.

Comment: One commenter asked how the Commissioner would determine whether a "misleading" statement has been made and whether an action has resulted to a person's detriment.

Response: The procedures under which the Commissioner would determine whether a "misleading statement" has been made and the effect that statement has had are discussed in response to comment on § 168.37(a).

Comment: One commenter stated that the Commissioner should specify in the regulations that each institution must have a grievance procedure for students to follow if there is a question of misrepresentation.

Response: The recommendation has not been adopted. The Commissioner believes that requiring each institution to establish a grievance procedure would constitute an interference in the internal affairs of the institution. That specification would not take into account the diverse organizational structures among participating institutions. However, the Commissioner is not adverse to an institution's establishing that type of procedure if it feels that the procedure is appropriate.

§ 168.33 Nature of educational program.

Comment: Two commenters recommended amending the first paragraph under this section. In place of the words "false or misleading statements," these commenters wish to substitute "published deliberately or intentionally misleading statements."

Response: The recommendation has not been adopted. The phrase "published deliberately or intentionally misleading" is merely one aspect of the phrase "false and misleading" used in the regulations. The Commissioner believes that there may be other reasons that lead to "false and misleading statements," such as inadequate administration, inadequate training of recruiters or other personnel and related factors.

Comment: One commenter recommended the deletion of the entire section because he felt that it was a "blatant attempt" by the Commissioner to establish "a national (Federal) accreditation process."

Response: The recommendation was not adopted. The Commissioner is not attempting to establish a national accreditation process, but to set minimum standards any institution participating in title IV student aid programs should be expected to maintain.

Comment: Two commenters recommended different phrasing for this subsection. One commenter suggested amending the sentence with the words "the accreditation reports are available for review by the Commissioner." Another commenter recommended the substitution of (a) with the following: "The particular types and specific sources of the institution's accreditations." This wording, the commenter wrote, "would fulfill the Commissioner's student consumer information objective and also ascertain misrepresentation by a school when it has claimed to have accreditation of a particular type from a specific source when, in actuality, it does not have it."

Response: The recommendation of the first commenter has not been adopted.

The accreditation reports of an institution are already available for inspection by the Commissioner. The second commenter's proposed amendment of § 168.33(a) has been adopted and incorporated into the final regulations.

Comment: Three commenters objected to § 168.33(b) on the basis of there being no national standards on which an institution can insist that its credits are transferable to another institution. Another commenter, asking how it will be possible for an institution to indicate what courses are transferable to another institution, stated that each institution has internal rules governing the transferability of credit.

One commenter suggested the deletion of the paragraph and the substitution of the following: "Whether such course credits earned at the institution are, in fact, applicable to a particular vocational or academic objective or credential at any other institution offering an indicated course of study."

One commenter stated that § 168.33(c) should be deleted on the basis that an institution cannot guarantee its students entry into unions or State licensure.

Response: The Commissioner is not requiring institutions to make statements about the transferability of their credits. However, the Commissioner feels that if an institution does make statements about credit transferability, the institution must have a basis on which to verify such statements.

The commenter's suggested amendment has not been adopted. The Commissioner believes the present wording of the subsection is adequate and clear. As with the subject of the transferability of credits, the Commissioner believes that if an institution makes statements about unions or State licensures being the end product of its educational program, the institution must have indisputable facts to verify its claim.

§ 168.34 Nature of financial charges.

Comment: Three commenters suggested that § 168.34 (a) and (b) be deleted and the first paragraph be strengthened to read: "Misrepresentation by an institution of higher education of the nature of its financial charges includes, but is not limited to, published, intentionally misleading statements."

Response: The commenters' recommendation has not been adopted. However, the language of § 168.34, § 168.35 and § 168.32 has been rewritten in parallel form in the final regulations.

Comment: One commenter recommended adding a section after (b) as follows: "the areas of most common financial or academic misunderstanding between the student or prospective student and the institution and of which the student and prospective student should be made specifically aware of in advance."

Response: The recommended amendment has not been adopted. The commenter's concern is addressed by the Student Consumer Information Services Regulations (45 CFR 178).

§ 168.35 Employability of its graduates.

Comment: One commenter stated that § 168.35 was too vague and suggested that the Commissioner indicate examples or guidelines as to what constituted improper use of Federal or State Government statistics with regard to potential placement of graduates. Another commenter recommended deletion of this section because he felt it was too inflexible by not taking into account those students who may have the technical skills to get a job but have not been trained for the interview process and therefore don't obtain a job.

Response: The proper use of Government statistics—or any other statistics on job placement, for that matter—should be governed by prudence, relevance, and timeliness. It would be improper to use statistics that are irrelevant or give a misleading representation of job opportunities available after a student completes a certain educational program. Another improper use of statistics would be an institution's use of national statistics in cases in which State or regional statistics give a more accurate picture of employment possibilities for students attending that institution.

§ 168.36 Endorsement and testimonials.

Comment: Two commenters asked how the Commissioner intends to enforce these regulations with regard to verbal testimonials or endorsements. The commenter suggested that the section be amended to limit misrepresentation to published materials.

Response: The recommendation has not been adopted. This section is meant to include verbal testimonials or endorsement made through television advertising and other audio-visual educational information sources.

§ 168.37 Procedures.

Comment: Eight commenters objected to this entire section. Citing the fact that there is no due process involved, these commenters asked for its deletion. Two

commenters recommended that, prior to the initiation of procedures under the Limitation, Suspension, or Termination regulations the institution be provided copies of the complaints and the Commissioner allow the institution an opportunity to respond and comment on the complaints.

One commenter objected to the section because it presumes total wrongdoing on the part of the institution. Another commenter asked how the Commissioner would determine the factual basis of a verbal statement made in the privacy of a counseling situation.

Three commenters wrote that § 168.37(c) "appears to be worded so as to empower an Office of Education official to terminate an institution's eligibility based upon a complaint or allegation." One commenter questioned whether this paragraph gave the "designated Office of Education official" the power to initiate "limitation, suspension, or termination action without asking for institutional response." These commenters requested that the final regulations be amended to allow for due process and institutional response "to the Commissioner, and not to some Office of Education official."

Response: The Commissioner believes that the procedures set forth in § 168.37 provide adequate due process to institutions whose actions are questioned and that resort to court action is unnecessary, as well as impracticable. The Commissioner will, as a general matter, investigate each complaint received about an institution before initiating any action under § 168.37.

In determining whether action should be taken on the basis of a complaint, the Commissioner will consider its source with regard to the reliability of the allegations made. However, the Commissioner does not believe that it is necessary for the institution to know in all cases the source of the complaint when responding to the allegations made in it.

The recommendation has not been adopted. The Commissioner does not believe it is necessary or desirable to limit the Commissioner's flexibility in selecting appropriate designated Office of Educational officials. However, the Commissioner is mindful of the great responsibility that these individuals will have, as well as the need for these persons to be well versed in the operation of the student financial aid programs.

It is not the intention of the Commissioner to engage in a series of unwarranted actions against institutions. An institution will be given

the opportunity to respond to complaints and rectify the situation through informal compliance procedures. However if there is evidence that the complaints are valid or the situation has not been rectified, the Commissioner intends to take action in accordance with the provisions of the Limitation, Suspension, or Termination Regulations (45 CFR 168 Subpart H).

Appendix B—Standards for Audit of Governmental Organizations, Programs, Activities, and Functions (GAO)

Part III Chapter 3—Independence

(a) The third general standard for governmental auditing is: In matters relating to the audit work, the audit organization and the individual auditors shall maintain an independent attitude.

(b) This standard places upon the auditor and the audit organization the responsibility for maintaining sufficient independence so that their opinions, conclusions, judgments, and recommendations will be impartial. If the auditor is not sufficiently independent to produce unbiased opinions, conclusions, and judgments, he should state in a prominent place in the audit report his relationship with the organization or officials being audited.¹

(c) The auditor should consider not only whether his or her own attitude and beliefs permit him or her to be independent but also whether there is anything about his or her situation which would lead others to question his or her independence. Both situations deserve consideration since it is important not only that the auditor be, in fact, independent and impartial but also that other persons will consider him or her so.

(d) There are three general classes of impairments that the auditor needs to consider; these are personal, external, and organizational impairments. If one or more of these are of such significance as to affect the auditor's ability to perform his or her work and report its results impartially, he or she should decline to perform the audit or indicate in the report that he or she was not fully independent.

Personal Impairments

There are some circumstances in which an auditor cannot be impartial because of his or her views or his or her personal situation. These circumstances might include:

¹ If the auditor is not fully independent because he or she is an employee of the audited entity, it will be adequate disclosure to so indicate. If the auditor is a practicing certified public accountant, his or her conduct should be governed by the AICPA "Statements on Auditing Procedure."

1. Relationships of an official, professional, and/or personal nature that might cause the auditor to limit the extent or character of the inquiry, to limit disclosure, or to weaken his or her findings in any way.

2. Preconceived ideas about the objectives or quality of a particular operation or personal likes or dislikes of individuals, groups, or objectives of a particular program.

3. Previous involvement in a decisionmaking or management capacity in the operations of the governmental entity or program being audited.

4. Biases and prejudices, including those induced by political or social convictions, which result from employment in or loyalty to a particular group, entity, or level of government.

5. Actual or potential restrictive influence when the auditor performs preaudit work and subsequently performs a post audit.

6. Financial interest, direct or indirect, in an organization or facility which is benefiting from the audited programs.

External Impairments

External factors can restrict the audit or impinge on the auditor's ability to form independent and objective opinions and conclusions. For example, under the following conditions either the audit itself could be adversely affected or the auditor would not have complete freedom to make an independent judgment.²

1. Interference or other influence that improperly or imprudently eliminates, restricts, or modifies the scope or character of the audit.

2. Interference with the selection or application of audit procedures of the selection of activities to be examined.

3. Denial of access to such sources of information as books, records, and supporting documents or denial or opportunity to obtain explanations by officials and employees of the governmental organization, program, or activity under audit.

4. Interference in the assignment of personnel to the audit task.

5. Retaliatory restrictions placed on funds or other resources dedicated to the audit operation.

6. Activity to overrule or significantly influence the auditors judgment as to the appropriate content of the audit report.

7. Influences that place the auditor's continued employment in jeopardy for reasons other than competency or the need for audit services.

² Some of these situations may constitute justifiable limitations on the scope of the work. In such cases the limitation should be identified in the auditor's report.

8. Unreasonable restriction on the time allowed to competently complete an audit assignment.

Organizational Impairments

(a) The auditor's independence can be affected by his or her place within the organizational structure of governments. Auditors employed by Federal, State, or local government units may be subject to policy direction from superiors who are involved either directly or indirectly in the government management process. To achieve maximum independence such auditors and the audit organization itself not only should report to the highest practicable echelon within their government but should be organizationally located outside the line-management function of the entity under audit.

(b) These auditors should also be sufficiently removed from political pressures to ensure that they can conduct their auditing objectively and can report their conclusions completely without fear of censure. Whenever feasible they should be under a system which will place decisions on compensation, training, job tenure, and advancement on a merit basis.

(c) When independent public accountants or other independent professionals are engaged to perform work that includes inquiries into compliance with applicable laws and regulations, efficiency and economy of operations, or achievement of program results, they should be engaged by someone other than the officials responsible for the direction of the effort being audited. This practice removes the pressure that may result if the auditor must criticize the performance of those by whom he or she was engaged. To remove this obstacle to independence, governments should arrange to have auditors engaged by officials not directly involved in operations to be audited.

Appendix C—Appendix I, Standards for Audit of Governmental Organizations, Programs, Activities, and Functions (GAO)

Qualifications of Independent Auditors Engaged by Governmental Organizations

(a) When outside auditors are engaged for assignments requiring the expression of an opinion on financial reports of governmental organizations, only fully qualified public accountants should be employed. The type of qualifications, as stated by the Comptroller General, deemed necessary for financial audits of governmental

organizations and programs is quoted below:

"Such audits shall be conducted . . . by independent certified public accountants or by independent licensed public accountants, licensed on or before December 31, 1970, who are certified or licensed by a regulatory authority of a State or other political subdivision of the United States: Except that independent public accountants licensed to practice by such regulatory authority after December 31, 1970, and persons who although not so certified or licensed, meet, in the opinion of the Secretary, standards of education and experience representative of the highest prescribed by the licensing authorities of the several States which provide for the continuing licensing of public accountants and which are prescribed by the Secretary in appropriate regulations may perform such audits until December 31, 1975; Provided, That if the Secretary deems it necessary in the public interest, he may prescribe by regulation higher standards than those required for the practice of public accountancy by the regulatory authorities of the States."¹

(b) The standards for examination and evaluation require consideration of applicable laws and regulations in the auditor's examination. The standards for reporting require a statement in the auditor's report regarding any significant instances of noncompliance disclosed by his or her examination and evaluation work. What is to be included in this statement requires judgment. Significant instances of noncompliance, even those not resulting in legal liability to the audited entity, should be included. Minor procedural noncompliance need not be disclosed.

(c) Although the reporting standard is generally on an exception basis—that only noncompliance need be reported—it should be recognized that governmental entities often want positive statements regarding whether or not the auditor's tests disclosed instances of noncompliance. This is particularly true in grant programs where authorizing agencies frequently want assurance in the auditor's report that this matter has been considered. For such audits, auditors should obtain an understanding with the authorizing agency as to the extent to which such positive comments on compliance are desired. When coordinated audits are

¹ Letter (B-148144, September 15, 1970) from the Comptroller General to the heads of Federal departments and agencies. The reference to "Secretary" means the head of the department or agency.

involved, the audit program should specify the extent of comments that the auditor is to make regarding compliance.

(d) When noncompliance is reported, the auditor should place the findings in proper perspective. The extent of instances of noncompliance should be related to the number of cases examined to provide the reader with a basis for judging the prevalence of noncompliance.

(The pamphlet "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions" is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Stock number 2000-01000. Price: 85 cents.)

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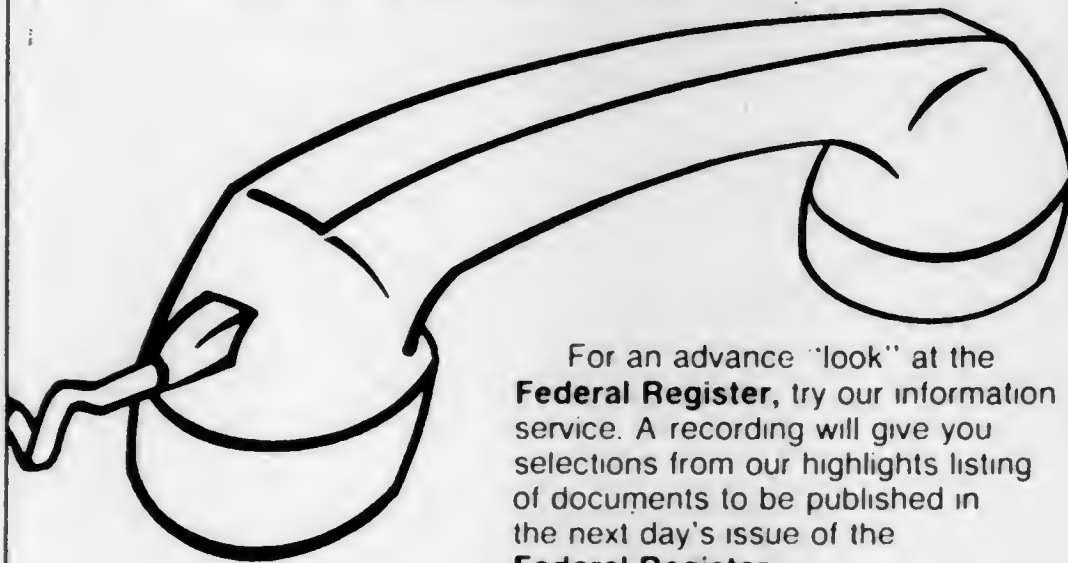
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Index

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SUGGESTIONS concerning this and other publications of the Office will be welcomed by Ernest J. Galdi, Acting Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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***No amendments to this volume were promulgated in the FEDERAL REGISTER in the 1977-1978 revision period. The CFR volume issued in 1977 should be retained.

***No amendment to this volume were promulgated in the FEDERAL REGISTER during the 1975-1979 revision periods. The CFR volume issued in 1974 should be retained.

*****No amendments to Chapter I of this volume were promulgated in the FEDERAL REGISTER in the 1977-1978 revision period. Chapter II was vacated as of June 30, 1978. The CFR volume issued in 1977 should be retained.

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210.6 (a) and (b) revised; (a-1) added; (c) through (j) amended	10049
210.7 (c) and (d) added	37897
210.9a Added	48156
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210.13 (b) amended	61561
210.14 (f) added	48157
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215.2 (e-2), (k), (k-1), and (x) authority citation added	10700
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215.6 Existing text designated as (a); (b) and (c) added	37898
215.7 (d) (1) and (2) authority citation added	10700
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215.8 (b) and (c) authority citation added	10700
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215.13a (a) through (e) authority citation added	10700
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220.6 Heading revised; existing text designated as (a); (b) and (c) added	37899
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230.4 Revised; interim	61565
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230.12 (i) added; interim	61566
230.13 (b) revise; interim	61567
230.16 (a), (b) (3) heading and (iii) introductory text, and (c) revised; (b) (2) and (3) introductory text amended; (b) (3) (i) and (4) removed; (b) (5) redesignated as (b) (4); interim	61567
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1.13 Revised	37202
1.37 Existing text designated as (a); (b) added	25434
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10.3 (d) added	61327
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15.03 (b) table corrected	32209
17.00 (c) added	25434
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18.00 (h) added	33846
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240.12g—4 Revised	46448
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240.13e—4 Added	49410
240.13e—100 Added	46743
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240.15b9—2 (b) revised	57388
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(d) amended	46451	4.14 Revised	61949
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1.42 Added; interim	48173	4.42 Removed	61336
1.43 Added; interim	48174	4.50 Amended	61336
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2.10 (b) removed; (a) designation and heading removed	61948	4.71 Exhibits A, B, C, D, J, K, and V amended	61336
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(f) (1) (iv) revised	30329	(e) (5) amended	46454
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		141.300 Removed	61949
		154.38 (d) (5) (iv) amended	26068
		(d) (4) (iv) (c) amended	53503
		(d) (1) and (4) (iv) (a) revised	57744
		(d) (1) and (4) (iv) (a) interpretations	60084
		154.67 Revised	53503
		154.94 (h) (1), (2) (iii), (8), Appendix A and Exhibit A amended; (h) (2) (i) revised; (h) (4) (iii) added	19389
		(h) (8) and (i) (3) amended	26855
		(h) (7), (8), and (i) petitions denied	30681
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(j) (4) (iii) added	60084	vised	26069
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231.5 (a) (1), (3) and (4), (b) (1) introductory text and (v), (2) introductory text and (3) introductory text revised	56329
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360.8 (x) added	47932

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513	Revised	55857
542	Revised	51219
562	Revised	51221
579	Removed	61178
633 (Subchapter I and Part)	Added	44156

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701.123	(e) revised	46272
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715	Removed	42190
733	Added	42190
734	Added	42193

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810	Removed	45623
813a	Removed	45624
853	Added	60090
879	Removed	47540
901	Revised	56930
903	Revised	47929
940	Removed	45624
988	Added	54479

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1214.305-2	Amended	52199
1214.307	Added	52199
1216.850	Revised	52199
1230.805-1	(b) and (c) redesignated as (c) and (d); new (b) added	52199
1289	Added	38461
1290	Added	55859

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1801	Redesignated as 44 CFR Part 301	56173
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1804	Redesignated as 44 CFR Part 304	56173
1806	Redesignated as 44 CFR Part 306	56173
1807	Redesignated as 44 CFR Part 302	56173
1808	Redesignated as 44 CFR Part 308	56173
1809	Redesignated as 44 CFR Part 305	56173
1810	Removed	39390
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1813	Removed	56173
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2500 Added	50039

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65	50616
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109.01 (b) revised-----	51585
109.05 (a) and (b) revised-----	51585
109.10 Revised -----	51585
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110.127 (e) (2) removed	60091
110.208 (a) (2), (b) (1), and (2) removed	50040
110.245 (a) (1) revised	50040
117.220 (q) added	54481
117.225 (f) (1-d) and (1-e) added	59234
117.245 (i) (6-b) added	54481
117.355 (a) (1) revised	45925
117.560 (f) (21) and (22) added	47932
117.810 (f) (7) revised	47335
127.369 Added (temporary)	57092
127.370 Added (temporary)	57927
127.708 Added (temporary)	44491
147.05-11.01-147.05-11.02 (Subpart 147.05) Added	49453
147.05-11.01 Revised	57928
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161.402 (b) (1), (2), and (3) (i) revised	47933
161.501-161.511 Undesignated center heading added	45383
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161.503 Added	45383
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161.504 Added	45383
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161.505 Added	45383
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161.506 Added	45383
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161.507 Added	45383
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161.509 Added	45383
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161.511 Added	45384
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161.520-161.532 Undesignated center heading added	45384
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161.522 Added	45384
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161.524 Added	45384
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161.526 Added	45384
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161.570 Added	45385
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165.206 Added (temporary)	44492
165.304 Added (temporary)	38470
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165.520 Added (temporary)	38470
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165.949 Added (temporary)	51586
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174.14 Added	42195
174.19 (a) (15) removed; (e) added	42195
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10.9 (a) through (d) revised	55866
133.1 (a), (b), and (c) revised	56918
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922 Added; interim	51587

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1228.30-1228.48 (Subpart C) Added; interim	47022
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35.925-15 Effective date corrected	39340
35.925-18 (b) effective date corrected to 10-1-79	39340
35.928-1 (f) designation reserved effective date corrected	39340
35.430-1 (a) (1) effective date corrected to 10-1-79	39340
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52.420 (c) (11) added	44497
52.570 (c) (17) added	54050
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52.620 (c) (11) added	46274
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52.1120 (c) (24) added	41180
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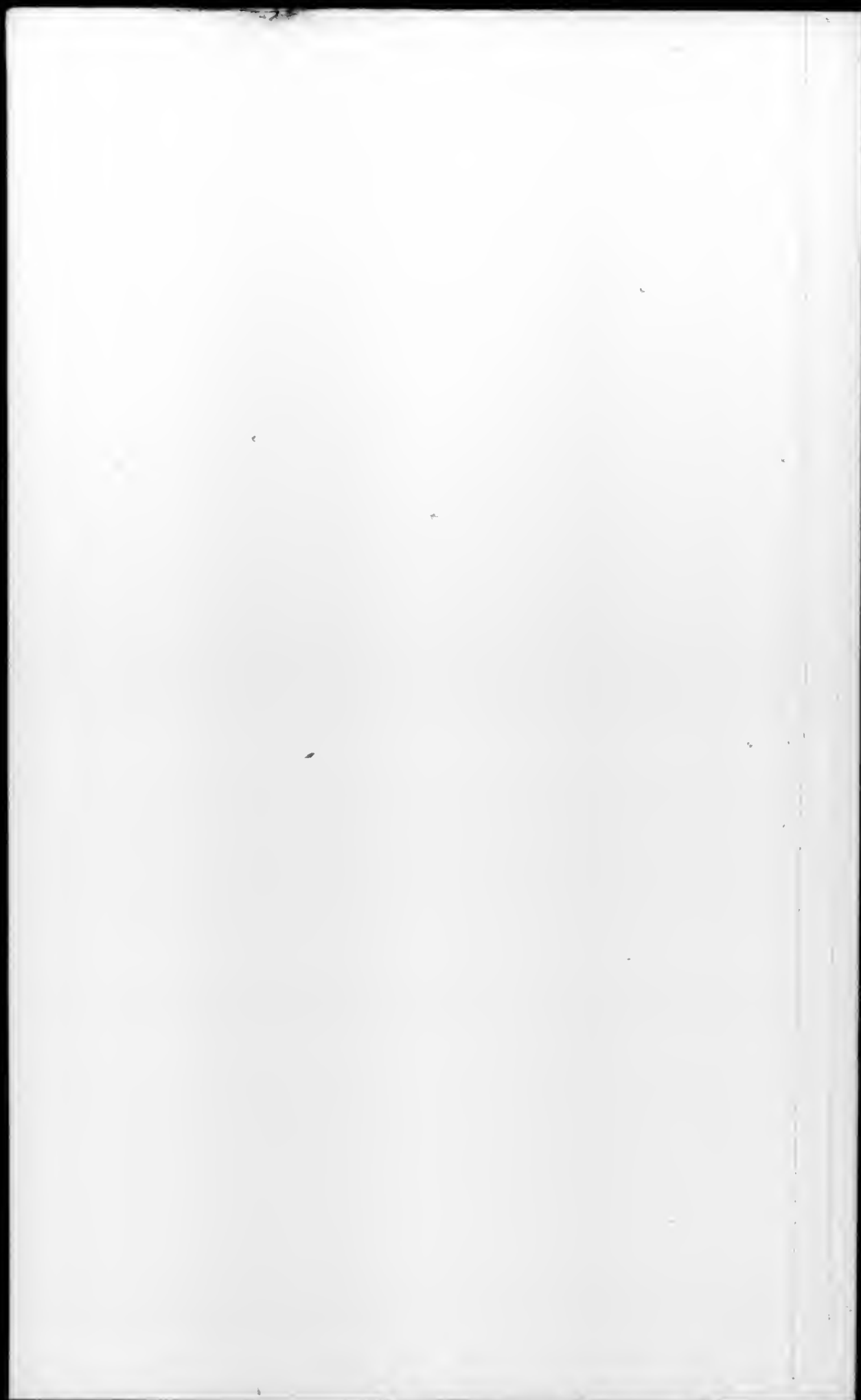
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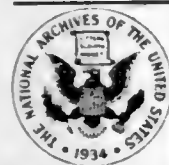
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Highlights

Briefings on How to Use the Federal Register—For details on briefings in Washington, D.C., and Long Island, New York, see announcement in the Reader Aids Section at the end of this issue.

- 56520 Improving Government Regulations** Agencies announce schedule of publication dates for semiannual agendas (Part III of this issue)
- 56377 NASA** publishes semiannual agenda
- 56389 NFAH** publishes semiannual agenda
- 56387 NSF** publishes semiannual agenda
- 56504 Treasury/IRS** publishes semiannual agenda (Part II of this issue)
- 56590 Privacy Act** NLRB issues annual publication of systems of records; comments by 10-30-79 (Part VI of this issue)
- 56369 Oil** DOE/ERA extends comments period on proposal on-distribution of strategic petroleum reserve crude oil from 10-10-79 to 10-20-79
- 56608 Housing** HUD/FHC issues rules on management and disposition of HUD-owned multifamily housing projects; effective 11-8-79, comments by 11-30-79 (Part VIII of this issue)

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- 56434 China** Treasury gives notice of postponement of unblocking of assets blocked by virtue of interests of the People's Republic of China or its nationals
- 56306 Rural Housing** USDA/FHA rules on recapture of Section 502 subsidy; effective 10-1-79
- 56324 Real Property** HUD issues rules on relocation assistance and property acquisition; effective 11-8-79
- 56325 Community Development Block Grants** HUD issues rules on real property acquisition by state agencies; effective 11-8-79
- 56329 Loan Guaranty** VA increases maximum permissible interest rate on new, guaranteed, insured and direct loans; effective 9-26-79
- 56402 Policy Research on Work and the Aged** HEW announces grant awards
- 56333 Medical Assistance Program** HEW/HCFR issues rules on penalties for failure to make a satisfactory showing of an effective institutional utilization control program; effective 12-31-79
- 56628 Water** EPA announces availability of quality criteria (Part XI of this issue)
- 56328 Human/Race Relations** DOD/Sec'y issues rules on education and training for military personnel; effective 8-2-79
- 56660 Public Telecommunications and Information Administration** NTIA gives notice of closing date for applications (January 9, 1980) and of proposed modification of priorities (Part XII of this issue)
- 56389 Tires** DOT/NHTSA proposes to amend traction and temperature resistance test procedures of quality grading standards; comments by 11-28-79

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Rules and Regulations

Federal Register

Vol. 44, No. 191

Monday, October 1, 1979

56305

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

7 CFR Part 1421

[CCC Grain Price Support Regs., 1979 Crop
Flaxseed Supplement]Grains and Similarly Handled
Commodities; 1979-Crop Flaxseed
Purchase ProgramAGENCY: Commodity Credit Corporation,
USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth the availability date the final purchase rates and discounts under which Commodity Credit Corporation (CCC) will extend price support on 1979-crop flaxseed. This rule is needed in order to provide a price support program for flaxseed. This rule will enable eligible flaxseed producers to enter into purchase agreements on their eligible 1979-crop flaxseed.

EFFECTIVE DATE: October 1, 1979.**ADDRESS:** Price Support and Loan Division, ASCS, USDA, 3741 South Building, P.O. Box 2415, Washington, D.C. 20013.**FOR FURTHER INFORMATION CONTACT:** Merle Strawderman, ASCS, (202) 447-7973.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the Federal Register on January 4, 1979, 44 FR 1116 stating that the Department of Agriculture proposed to make determinations and issue regulations relative to a price support program for the 1979 crop of flaxseed. Such determinations included determining the level of support and other related program provisions. Producers were given until March 5 to respond. Three responses were received concerning a purchase program for flaxseed. Two responses suggested the purchase rate be raised, and one response suggested the purchase rate

remain as it is. Upon consideration of the comments, it has been determined that a purchase program will be conducted for 1979-crop flaxseed and that the national average purchase rate for 1979-crop flaxseed will be \$4.50 per bushel. The basic purchase rates established by CCC as stated herein are determined on the basis of statutory requirements.

Final Rule

The General Regulations Governing Price Support for 1978 and Subsequent Crops, and any amendments thereto, and the 1978 and Subsequent Crops Flaxseed Loan and Purchase Regulations, and any amendments thereto, in this Part 1421, are further revised as provided below effective as to the 1979 crop of flaxseed.

The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1979 Crop Flaxseed Purchase Program

Sec.

1421.175 Purpose.

1421.176 Availability.

1421.177 Purchase rates and discounts.

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 301, 401, 63 Stat. 1054, as amended (7 U.S.C. 1447, 1421).

Subpart—1979 Crop Flaxseed Purchase Program

§ 1421.175 Purpose.

This subpart contains program provisions which together with the 1978 and Subsequent Crops Flaxseed Loan and Purchase Program regulations and the General Regulations Governing Price Support for 1978 and Subsequent Crops, and any amendments to such regulations, set forth the requirements with respect to purchases of 1979-crop flaxseed.

§ 1421.176 Availability.

Producers desiring to offer eligible flaxseed for purchase by CCC must complete a purchase agreement (Form CCC-614) before May 31, 1980, on flaxseed in the States of Minnesota, Montana, North Dakota, South Dakota, and Wisconsin, and on or before April 30, 1980, on flaxseed in all other States. Purchases will be made by CCC from producers with completed purchase agreements after the above dates.

§ 1421.177 Purchase rates and discounts.

(a) Basic purchase rates (counties).

Basic purchase rates per bushel are established for flaxseed grading No. 1 containing 9.1 to 9.5 percent moisture and are as follows:

County	Rate per bushel
Minnesota	
Becker	\$4.58
Beltrami	4.65
Big Stone	4.62
Blue Earth	4.68
Brown	4.66
Carlton	4.72
Carver	4.70
Chippewa	4.68
Clay	4.58
Clearwater	4.62
Cottonwood	4.64
Dakota	4.70
Dodge	4.70
Douglas	4.64
Faribault	4.67
Filmore	4.67
Freeborn	4.68
Goodhue	4.70
Grant	4.62
Hennepin	4.72
Hubbard	4.63
Itasca	4.70
Jackson	4.63
Kandiyohi	4.68
Kittson	4.53
Koochiching	4.63
Lac Qui Parle	4.64
Lake of the Woods	4.55
Le Sueur	4.70
Lincoln	4.60
Lyon	4.63
McLeod	4.70
Mahnomen	4.58
Marshall	4.57
Martin	4.65
Meeker	4.70
Mower	4.68
Murray	4.61
Nicollet	4.68
Nobles	4.60
Norman	4.58
Olmsted	4.69
Otter Tail	4.61
Pennington	4.57
Pipestone	4.59
Polk	4.58
Pope	4.66
Ramsey	4.70
Red Lake	4.57
Redwood	4.66
Renville	4.68
Rice	4.70
Rock	4.57
Roseau	4.54
St. Louis	4.72
Scott	4.70
Sibley	4.70
Stearns	4.68
Steele	4.70
Stevens	4.64
Swift	4.66
Todd	4.66
Traverse	4.60
Webasha	4.70
Waseca	4.70
Washington	4.70
Watsonwan	4.66
Wilkin	4.59
Winona	4.68
Wright	4.70
Yellow Medicine	4.66
State Wght. Avg.	4.58

County	Rate per bushel	County	Rate per bushel
Montana			
Carter	4.30	Faulk	4.50
Custer	4.26	Grant	4.59
Daniels	4.27	Gregory	4.45
Dawson	4.31	Haakon	4.41
Fallon	4.31	Hamlin	4.57
McCone	4.29	Hand	4.50
Powder River	4.24	Hanson	4.49
Prairie	4.28	Harding	4.33
Richland	4.31	Hughes	4.47
Roosevelt	4.30	Hutchinson	4.48
Shenando	4.29	Hyde	4.40
Valley	4.25	Jackson	4.49
Wibaux	4.32	Jerauld	4.44
All other counties	4.19	Jones	4.54
State Wght. Avg.	4.28	Kingsbury	4.54
		Lake	4.54
North Dakota			
Adams	4.34	Lawrence	4.31
Barnes	4.53	Lincoln	4.51
Benson	4.43	Lyman	4.45
Billings	4.35	McCook	4.50
Bottineau	4.36	McPherson	4.47
Bowman	4.33	Marshall	4.54
Burke	4.32	Meade	4.35
Burleigh	4.44	Mellette	4.43
Cass	4.55	Miner	4.52
Cavalier	4.46	Minnehaha	4.53
Dickey	4.51	Moody	4.57
Divide	4.31	Pennington	4.38
Dunn	4.37	Perkins	4.35
Eddy	4.46	Potter	4.47
Emmons	4.44	Roberts	4.57
Foster	4.49	Sanborn	4.50
Golden Valley	4.32	Shannon	4.37
Grand Forks	4.53	Spink	4.53
Grant	4.40	Stanley	4.47
Griggs	4.51	Sully	4.47
Hettinger	4.37	Todd	4.41
Kidder	4.47	Tripp	4.43
LaMoure	4.51	Turner	4.49
Logan	4.47	Union	4.51
McHenry	4.37	Walworth	4.45
McIntosh	4.47	Yankton	4.51
McKenzie	4.31	Ziebach	4.36
McLean	4.37	State Wght. Avg.	4.55
Mercer	4.39		
Morton	4.41	Texas	
Mountrail	4.32	(Special purchase program only counties)	
Nelson	4.49	Atascosa	4.31
Oliver	4.39	Bee	4.40
Pembina	4.50	Bell	4.24
Pierce	4.39	Bexar	4.30
Ramsey	4.47	Caldwell	4.28
Ransom	4.56	Calhoun	4.33
Renville	4.34	Comal	4.28
Richland	4.57	DeWitt	4.32
Rockett	4.39	Dimmit	4.20
Sargent	4.55	Duval	4.34
Shenando	4.39	Frio	4.27
Sioux	4.42	Goliad	4.38
Slope	4.37	Gonzales	4.30
Stark	4.37	Guadalupe	4.29
Steele	4.53	Hidalgo	4.27
Stutsman	4.50	Jackson	4.31
Towner	4.41	Jim Wells	4.39
Trail	4.54	Karnes	4.37
Walsh	4.52	Kleberg	4.39
Ward	4.34	Lamar	4.14
Wells	4.43	Live Oak	4.38
Williams	4.31	McMullen	4.33
State Wght. Avg.	4.45	Matagorda	4.32
		Nueces	4.42
South Dakota			
Aurora	4.48	Refugio	4.41
Beadle	4.52	San Antonio	4.42
Bennett	4.38	Victoria	4.35
Bon Homme	4.49	Wharton	4.34
Brookings	4.57	Wilson	4.34
Brown	4.52	State Wght. Avg.	4.37
Brule	4.47		
Butte	4.48		
Campbell	4.31		
Charles Mix	4.43		
Clark	4.45		
Clay	4.55		
Codington	4.57		
Corson	4.39		
Custer	4.35		
Davison	4.49		
Day	4.55		
Deuel	4.60		
Dewey	4.38		
Douglas	4.46		
Edmunds	4.49		
Fall River	4.35		

percent, and 3 cents for each 1/2 of one percent over 11 percent.

(4) *Weed control law (where required by § 1421.25).* Fifteen cents per bushel.

(5) *Other factors.* Flaxseed that is (i) weevily, (ii) musty, (iii) or sour, shall not be eligible for purchase. In the event quantities of flaxseed exceeding the limits shown in paragraph (b) of this section are inadvertently accepted by CCC, such quantities will be discounted on the basis of the schedule of discounts as provided by the Kansas City Commodity Office for settlement purposes. Such discount will be established not later than the time of delivery of the flaxseed to CCC and will be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the expiration of their purchase agreement.

Note.—This final rule has been determined not significant under the USDA criteria implementing Executive Order 12044. This regulation contains necessary operating provisions needed to implement the national average flaxseed loan rate, which was determined to be significant, announced on June 20, 1978, for which an approved impact statement is available from Harry Sullivan, ASCS, (202) 447-7951.

Signed at Washington, D.C., on September 24, 1979.

John W. Goodwin,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 79-30377 Filed 9-28-79; 8:45 am]

BILLING CODE 3410-05-M

Farmers Home Administration

7 CFR Part 1951

Recapture of Section 502 Rural Housing Subsidy

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is adding regulations regarding the recapture of subsidies granted on section 502 Rural Housing (RH) loans pursuant to section 502 of the Housing Act of 1949 (the "Act"), 42 U.S.C. 1472, approved on or after October 1, 1979. The intended effect of this action is to reduce program costs and enable FmHA to serve additional families. This action is required by the Housing and Community Development Amendments of 1978, Pub. L. 95-557, Section 506.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Mathias (Matt) J. Felber, 202-447-4295.

SUPPLEMENTARY INFORMATION: On February 12, 1979, FmHA published a proposed rule at 44 FR 8898 through 8900, to add a new Subpart I to Part 1951, Chapter XVIII, Title 7 Code of Federal Regulations. The proposed rule detailed regulations pertaining to the method of recapture and release of liens upon sale or non-occupancy of FmHA borrowers' dwellings which were financed with RH loans.

Interested persons were invited to submit comments concerning the proposed rule by April 13, 1979. In addition to changes we made in response to comments received we made some other nonsubstantive changes. These changes were to make the rules clearer and easier to read. The 19 comments received addressed 11 items concerning the regulation.

1. The first comment questioned compliance with the provision of the law that mandates an adequate incentive be provided for the borrower to assure that the property is adequately maintained.

Recapture of subsidy will reduce the profit a subsidized borrower may receive from the sale of the dwelling. However, with recapture the amount the borrower received in subsidy and net proceeds from the sale after recapture will always be equal to or greater than the amount received from a sale by a nonsubsidized borrower. This provides a maintenance incentive to the subsidized borrowers. In addition, the amount of subsidy to be recaptured is reduced when a loan is outstanding for more than 5 years. As an example for a loan with an average interest rate of 1%, 78 percent of the value appreciation would be recaptured if the property were sold during the first five years; but only 65 percent or less would be recaptured after 15 years.

2. The second comment recommended that the regulation be revised so that the borrowers who reside in the dwelling and continue the loan for 33 years not be required to pay back any subsidy received on the loan.

This suggestion was not adopted because we do not believe it is consistent with the intent of recapture and would discourage graduation. However, if the borrowers still occupy the property when the loan is paid in full at the end of 33 years, recapture of the subsidy amount will be deferred until the borrowers sell or fail to occupy the home.

3. The third comment received stated that an incentive should be given to

borrowers who continue to occupy the dwelling for longer periods of time.

The current regulations provide for a reduction of up to 40 percent in the amount to be recaptured from that borrower who remains on the program for the full 33 years. The reductions are graduated from a 3 percent reduction after 5 years to a 40 percent reduction at 33 years. Incentives of this magnitude should be adequate to encourage the borrower to continue with the loan.

4. A fourth comment received was that recapture should be based on a new lender's appraisal, when available.

This comment was not adopted because recapture will be based on the reported selling price in most cases. An appraisal will be needed only when the reported sale price does not appear to be realistic. In such cases, an FmHA appraisal would be appropriate.

5. A fifth comment recommended that any appreciation resulting from borrower contribution at or before loan closing be paid to the borrower.

This suggestion was adopted. The regulation will give the borrower gains that are the result of the borrower's initial equity. To accomplish this, the amount to be repaid the Government will be reduced by the percent the borrower's initial equity represents of the total value of the property.

6. The sixth comment received stated that the subsidy repayment agreement should be in plain English and in the first person rather than the third person.

This suggestion was adopted.

7. The seventh comment received stated that the formula for recapture is difficult to comprehend.

We have rewritten the subsidy repayment agreement and formula. Recapture is now computed by multiplying the "value appreciation" by a percentage factor. The factor represents the average Government cost of providing the subsidy less a maintenance incentive to the borrower. The calculations may be easily made with little chance for error. The change from a formula to a percent did not change the amount to be recaptured.

8. The eighth comment stated that in many cases the securing of the subsidy prohibited the making of subsequent loans.

We agree and have changed the regulations so that subsequent loans will be possible even when the amount of subsidy granted plus existing debt exceeds the value of the real estate provided the subsequent loan is for an authorized 502 RH purpose.

9. A ninth comment stated that recapture will proportionately recover more from borrowers with subsequent

502 RH loans than from other borrowers with all loans subject to recapture.

We do not agree with this comment because only the subsidy granted on the subsequent loan is considered in the recapture process. We did, however, rewrite that paragraph for clarity.

10. A tenth comment stated that the allowance for selling expenses was unclear.

We agree with this comment and have rewritten the seller's expense part of the agreement.

11. An eleventh comment stated that recapture should be effective when the final rule is published, not October 31, 1978.

This comment is adopted and recapture will only apply to loans approved on or after October 1, 1979.

As a result of these comments the following changes were made:

(1) Section 1951.401 has been revised to change the date after which subsidy is to be recaptured from October 30, 1978, to October 1, 1979.

(2) Section 1951.402 has been revised to clarify that borrower(s) with loans subject to recapture may receive the amount of their original equity and appreciation on that equity.

(3) Section 1951.407(b)(4)(i) has been revised to clarify that if the appraised value is to be used rather than the selling price, the borrower will be informed of the appraised value before the date of payoff.

(4) Section 1951.407(b) has been revised to deal separately with sale and transfer.

(5) Section 1951.407(c) has been added to deal with refinancing, graduation, and offers to pay in full. This subsection provides that a borrower who has paid the principal and interest on the RH loan in full may defer repayment of the subsidy until the dwelling is sold or is no longer occupied by the borrower. Subordination of FmHA mortgages in certain cases and graduation is covered.

(6) Section 1951.408 has been added to provide for making a subsequent loan(s) or subordination(s) when the outstanding amount of loans and subsidy granted exceeds the market value of the security. The intended effect is to permit the consideration of a subsequent FmHA loan or subordination in accordance with § 1822.17 of Subpart A of Part 1822 or § 1872.3 of Subpart A of Part 1872. Neither will be approved when the amount of the subsequent FmHA loan or the amount of the loan to which the FmHA loan(s) would be subordinate, plus all other liens against the security, would be in excess of the value of the security as recommended by the appraiser. However, if the loan for which subordination is being

requested is for a 502 RH purpose, the amount of other liens will not include the subsidies granted on the RH loans, unless there is a lien of record which is junior to an RH loan which is subject to recapture. In cases of a junior lien, the full subsidy will be considered a lien.

(7) Section 1951.409 has been revised to require the Finance Office to furnish annually to the borrower a statement of the cumulative amount of subsidy granted on the loan that is subject to recapture.

(8) Sections 1951.411 and 1951.412 have been added to provide a mechanism for dealing with situations where loans made prior to October 1, 1979, are assumed by eligible 502 borrowers on or after such date.

(9) Exhibit A has been revised to refer to the borrower in the first person rather than the third person.

(10) Exhibit A, paragraph 3, has been revised so that the borrower clearly understands that the only security for the subsidy granted is the real estate secured by the mortgage.

(11) Exhibit A, paragraph 4, has been added to allow the borrower to pay off the principal and interest owed and delay repaying the subsidy amount until title to the property is conveyed or the dwelling is no longer occupied by the borrower.

(12) Exhibit A, paragraph 6(c), has been clarified so that the borrower paid from sale proceeds.

(13) Exhibit A, paragraph 6(f), has been clarified and expanded to allow the payment to the borrower of appreciation on initial equity. This amount and its percentage of the market value of the security is part of the agreement.

(14) Exhibit A, paragraph 6(g), has been clarified and now provides factors to be used in determining the amount to be recaptured. As changed, recapture will be based on the average interest rate paid by the borrower over the life of the loan, and this paragraph provides factors for combinations of interest rate and the period of time the loan was outstanding. This change was made to simplify the computation of the amount of subsidy to be recaptured.

(15) Exhibit C has been added to provide an orderly manner for determining the amount necessary to pay off the FmHA loan(s) and the amount of subsidy to be recaptured.

Accordingly, Subpart I of Part 1951 is added and reads as follows:

PART 1951—SERVICING AND COLLECTIONS

Subpart I—Recapture of Section 502 Rural Housing Subsidy

Sec.
1951.401 Purpose.
1951.402 Policy.
1951.403–1951.405 [Reserved]
1951.406 Recapture of subsidy.
1951.407 Determining amount of subsidy to be recaptured.

1951.408 FmHA loans, subordinations, or junior liens on property securing a loan subject to recapture.

1951.409 Finance Office responsibility.
1951.410 Assumptions of loans with subsidy subject to recapture.

1951.411 Modification of security instruments for loans being transferred.

1951.412 Servicing of loans approved after October 30, 1978 and before October 1, 1979.

1951.413 Subsidy Repayment Fact Sheet.

1951.414–1951.450 [Reserved]
Exhibit A—Subsidy Repayment Agreement.
Exhibit B—Subsidy Repayment Fact Sheet.
Exhibit C—Determining 502 Payoff and amount of subsidy to be recaptured.

Authority.—42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Subpart I—Recapture of Section 502 Rural Housing Subsidy

§ 1951.401 Purpose.

This Subpart outlines the policies and procedures for the recapture of interest credits or Homeownership Assistance Program (HOAP) subsidy granted on initial and subsequent section 502 Rural Housing (RH) loans, transfers, and credit sales approved on or after October 1, 1979.

§ 1951.402 Policy.

The policy of the Farmers Home Administration (FmHA) is to recapture all or a portion of the Interest Credit and HOAP Assistance (hereafter known as "subsidy") granted, while providing incentive for the borrower to occupy and maintain the property in marketable condition. The real estate that secures the RH loan is the only security for the subsidy granted the borrower.

§§ 1951.403–1951.405 [Reserved]

§ 1951.406 Recapture of subsidy.

Subsidy granted on section 502 RH initial and subsequent loans and credit sales made or assumed on same or new terms is subject to recapture if the loan, assumption, or credit sale is approved on or after October 1, 1979. The subsidy is to be repaid when:

(a) The borrower sells, transfers, or without the Government's consent does

not occupy the property or requests a release of the Government's lien on the property, or

(b) The security is liquidated by foreclosure, or the property is voluntarily conveyed to the Government.

§ 1951.407 Determining amount of subsidy to be recaptured.

The amount of subsidy to be repaid to the Government will be based on the amount of subsidy granted on the loan, the appreciation in property value between the closing date of the loan and the date the account is satisfied, the method by which the loan is satisfied, the period of time the loan is outstanding, and the amount of equity the borrower has in the property when the loan being made or assumed is closed.

(a) *Voluntary conveyance or foreclosure.* The unpaid balance of loans being liquidated by voluntary conveyance or foreclosure is the sum of unpaid principal, interest, and total subsidy granted on the loan. In cases of foreclosure or voluntary conveyance no deficiency judgment will be sought to recover any subsidy.

(b) *Sale or transfer.* The unpaid balance of loans being liquidated by sale or transfer is the sum of unpaid principal, interest, and a share of the subsidy. The amount of subsidy to be repaid by the borrower will be determined based on provisions of the "Subsidy Repayment Agreement" (Exhibit A incorporated as a part hereof), executed by the borrower whose loans(s) are subject to this Subpart at the same time the first Interest Credit Agreement is signed on or after October 1, 1979. The County Supervisor will compile the following information and complete Exhibit C when the loan is to be repaid.

(1) The original borrower equity in the security property when the first loan subject to recapture was approved. (See item 6(f) Exhibit A).

(2) The unpaid balance of any prior lien.

(3) The selling expense to be paid by the borrower.

(4) The market value of the property on the date the loan is to be paid in full determined by:

(i) The reported selling price, unless the County Supervisor believes the amount is substantially below the property value. In such cases, an appraisal of the security property will be made. If the appraised value is 5 percent or more above the reported selling price, recapture will be based on the appraised value rather than the reported selling price. (If the appraised value is to

be used rather than the selling price, the borrower will be informed of the appraised value), or

(ii) An appraisal in the case of a transfer, voluntary conveyance, or foreclosure.

(5) The number of months the first loan subject to recapture of subsidy was outstanding. See "Date of Note" on the Subsidy Repayment Agreement (Exhibit A).

(6) The amount of subsidy granted, unpaid principal and interest owed, and the average interest rate paid by the borrower will be obtained from the Finance Office.

(c) *Refinancing, graduation or offer to pay in full.* Borrowers who continue to occupy the dwelling as a permanent residence may pay the principal and interest owed on the loan in full and delay repaying the amount of subsidy owed until the dwelling is sold or no longer occupied by the borrower. In such cases, the amount of subsidy to be repaid will be determined when the principal and interest balance is paid. The mortgage securing the FmHA RH loan(s) will not be released of record until the total amount owed the Government is repaid. The FmHA mortgage securing the subsidy owed may be subordinated to permit graduation or refinancing in accordance with the conditions in § 1951.408(c).

§ 1951.408 FmHA loans, subordinations, or junior liens on property securing a loan subject to recapture.

A subordination or subsequent FmHA loan will not be approved if the total indebtedness exceeds the value of the security as recommended by the appraiser. The indebtedness on a property securing an RH loan subject to recapture will be:

(a) In the case of a request for a subsequent RH loan or a subordination for an authorized 502 RH purpose (and there are no non RH liens junior to the initial RH loan), the sum of prior lien(s) and the 502 RH unpaid principal and interest owed, not including any subsidy, or

(b) In the case of a request for a subsequent RH loan or a subordination for an authorized 502 RH purpose and there is a non RH lien junior to the initial RH lien, it will be the sum of prior lien(s), the 502 RH unpaid principal and interest owed and the total subsidy granted, or

(c) In the case of a request for a subordination for other than an authorized 502 RH purpose, it will be the sum of prior lien(s), the 502 RH unpaid principal and interest owed, and the amount of subsidy which will remain as a lien on the property. For the purpose of

this instruction, "other than a 502 RH purpose" includes but is not limited to:

(1) Refinancing of prior lien(s) and/or the 502 RH loan(s).

(2) Improvements or additions to the security for which 502 RH loan funds could not be authorized.

§ 1951.409 Finance Office responsibility.

The Finance Office shall keep a cumulative record of interest credits and HOAP assistance granted on each loan approved or assumed after October 1, 1979. When requested by the County Office, the Finance Office will determine the average interest rate paid by the borrower over the life of the loan(s). Annually, the Finance Office will notify the borrower and County Office of the cumulative amount of subsidy granted that is subject to recapture.

§ 1951.410 Assumptions of loans with subsidy subject to recapture.

An RH loan, with subsidy subject to recapture, may be assumed in the same manner as any other loan. In such cases the amount of subsidy to be repaid by the borrower as determined by Exhibit C may be assumed and amortized with principal and interest in lieu of making a subsequent loan to repay the subsidy.

§ 1951.411 Modification of security instruments for loans being transferred.

(a) When a section 502 RH loan is secured by a lien which does not contain the covenant securing recapture of subsidy, and such loan is assumed by an eligible low or moderate income applicant, a new or supplemental mortgage will be recorded which explicitly secures the recapture of any subsidy which may be granted on the loan being assumed. Recapture, however, will not apply on loans approved on or before October 1, 1979, and a new or supplemental mortgage will not be taken to secure recapture when the loan is assumed by or on behalf of a deceased borrower's spouse, or family who were members of the household and directly dependent on the borrower for their support at the time of the borrower's death.

(b) Also a new mortgage will be taken if a subsequent loan is being made in conjunction with the transfer or if required by State Supplement. In all other cases, a supplemental mortgage approved by OGC will be executed and recorded.

§ 1951.412 Servicing of loans approved after October 30, 1978, and before October 1, 1979.

RH loans approved after October 30, 1978, and before October 1, 1979, have a new mortgage, modified mortgage or a supplemental mortgage that secures the

right to recapture the subsidy granted. These borrowers also signed a statement acknowledging that they understood that the subsidy is subject to recapture. Since recapture will not apply to these borrowers, the County Supervisor will take the following servicing action:

(a) Return the signed statements, which acknowledge the right to recapture, with a letter explaining that the subsidy granted or to be granted will not be subject to recapture. This servicing action should be done as soon as possible, however, in no case should it be later than the time interest credits are renewed.

(b) Release as a valueless lien, any supplemental mortgage that was taken only to secure the right to recapture.

(c) Mortgages taken to secure the loan being made as well as the right to recapture will not be releases of record unless the account is paid in full. Payment in full of such account will not include any subsidy granted.

§ 1952.413 Subsidy Repayment Fact Sheet.

For all RH loans that will be secured by a mortgage, the applicant will be given a copy or mailed a copy of Exhibit B of this regulation, "Subsidy Repayment Fact Sheet" within three (3) business days after receipt of the application in the County Office.

§§ 1951.414–1951.450 [Reserved]

Exhibit A

U.S. Department of Agriculture, Farmers Home Administration

Subsidy Repayment Agreement

Date of Note _____ Amount of Note _____
_____ Date of mortgage _____ Date of Note _____ Amount of Note _____
_____ Date of mortgage _____

Type of assistance:
1. Interest credit ☐
2. Homeownership Assistance Program ☐
Address of Property: _____

Borrower:
Co-Borrower:

1. This agreement entered into pursuant to 7 CFR 1951-1, between the United States of America, acting through the Farmers Home Administration (FmHA) (herein called "the Government") pursuant to section 521 of Title V of the Housing Act of 1949 and the borrower(s) whose name(s) and address(es) appears above (herein sometimes referred to as "borrower"), supplements the note(s) from borrower to the Government as described above, and any promissory note(s) for loans made to borrower in the future by the Government. Such future notes, when executed, will be listed below the signature line of this Subsidy Repayment Agreement.

2. I (we) agree to the condition set forth in this agreement for the repayment of the subsidy granted me (us) in the form of

interest credits or Homeownership Assistance Program (HOAP) subsidy (hereinafter called "subsidy").

3. I (we) agree that the real property described in the mortgage(s) listed above is pledged as security for repayment of the subsidy received or to be received. I (we) agree that the subsidy is due and payable upon the transfer of title or non-occupancy of the property by me (us). I (we) understand that the real estate securing the loan(s) is the only security for the subsidy received. I (we) further understand that I (we) will not be required to repay any of the subsidy from other than the value (as determined by the Government) of the real estate, mortgaged by myself (ourselves) in order to obtain a Section 502 Rural Housing (RH) loan.

4. I (we) understand that so long as I (we) continue to own the property and occupy the dwelling as my (our) residence, I (we) may repay the principal and interest owed on the loan and defer repaying the subsidy amount until title to the property is conveyed or the dwelling is no longer occupied by me (us). If such a request is made, the amount of subsidy to be repaid will be determined when the principal and interest balance is paid. The mortgage securing the FmHA RH loan(s) will not be released of record until the total amount owed the Government has been repaid.

5. I (we) agree that Paragraph 6 of this agreement is null and void should the property described in the mortgage(s) be voluntarily conveyed to the Government or liquidated by foreclosure.

6. When the debt is satisfied by other than voluntary conveyance of the property to the Government or by foreclosure, I (we) agree that sale proceeds will be divided between the Government and me (us) in the following order:

(a) Unpaid balance of loans secured by a prior mortgage as well as real estate taxes and assessments levied against the property which are due will be paid.

(b) Unpaid principal and interest owed on FmHA RH loans for the property and advances made by FmHA which were not subsidy and are still due and payable will be paid to the Government.

(c) I (we) will receive from the sale proceeds actual expenses incurred by me (us) necessary to sell the property. These may include sales commissions or advertising cost, appraisal fees, legal and related costs such as deed preparation and transfer taxes. Expenses incurred by me (us) in preparing the property for sale are not allowed unless authorized by the Government prior to incurring such expenses. Such expenses will be authorized only when FmHA determines such expenses are necessary to sell the property, or will likely result in a return greater than the expense being incurred.

(d) I (we) will receive the amount of principal paid off on the loan calculated at the promissory note interest rate.

(e) Any principal reduction attributed to subsidized interest calculations will be paid to the Government.

(f) I (we) will receive my original equity which is the difference between the market value of the security, as determined by the FmHA appraisal at the time the first loan

subject to recapture of subsidy was made, and the amount of the FmHA loan(s) and any prior lien. This amount is _____ and represents _____ percent of the market value of the security. (The percent is determined by dividing my (our) original equity by the market value of the security when the loan was closed.) The dollar amounts and percent will be entered at the time this agreement is signed by me (us) and

will be part of this agreement.

(g) The remaining balance, after the payments described in (a) thru (f) above have been paid is called *value appreciation*. The amount of value appreciation to be paid to the Government, in repayment of the subsidy granted, is the lesser of (1) the full amount of the subsidy or (2) an amount determined by multiplying the value appreciation by the appropriate factor in the following table.

Average Interest Rate Paid by Me (Us)

Number of months the loan was outstanding	1 pct or less	1.1 to 2 pct	2.1 to 3 pct	3.1 to 4 pct	4.1 to 5 pct	5.1 to 6 pct	6.1 to 7 pct	7.1 pct or greater
0 to 59	0.78	0.68	0.60	0.51	0.44	0.32	0.22	0.11
60 to 119	.75	.66	.58	.49	.42	.31	.21	.11
120 to 179	.73	.63	.56	.48	.40	.30	.20	.10
180 to 239	.65	.56	.49	.42	.36	.26	.18	.09
240 to 299	.59	.51	.46	.38	.33	.24	.17	.09
300 to 359	.53	.45	.40	.34	.29	.21	.14	.09
360 to 399	.47	.40	.36	.31	.26	.19	.13	.09

Title _____
Date _____

Exhibit B—Subsidy Repayment Fact Sheet

Subsidy granted by the Farmers Home Administration (FmHA) to section 502 Rural Housing borrowers on loans approved after October 1, 1979, is subject to recapture. This means that when a borrower's home is sold, transferred, or is no longer occupied as the borrower's residence, all or part of the interest credit or home ownership assistance subsidy granted on the loan must be repaid to the Government. The amount to be repaid will be determined on the basis of a formula that permits the borrower to retain a portion of the value appreciation available when the home is sold or the mortgage otherwise paid-off.

The purpose of granting a housing subsidy is to assist a borrower to obtain decent, safe, and sanitary housing. Housing subsidy costs have risen dramatically in recent years. Through the use of a subsidy repayment agreement, the borrower and the Government share this cost. The borrower's contribution to subsidy cost will be from equity acquired through appreciation of the mortgaged property. Therefore, the longer the borrower lives in and maintains the property the greater the portion of the subsidy the borrower may retain.

How will it work?

1. The Mortgages or Deeds of Trust, signed by those receiving interest credit or home ownership assistance subsidy, contain a provision making the amount of subsidy a lien against the property.

2. When a house is sold, transferred or no longer occupied as the borrower's residence, the amount of subsidy to be repaid will be due and payable.

3. When a borrower pays off the loan, but continues to live in the dwelling, the amount of subsidy to be repaid will be calculated. The borrower may elect to defer the repayment of subsidy, however, until the

property is sold or no longer used as the borrower's residence. This protects borrowers from being forced to sell their home because of subsidy recapture.

4. A chart printed on the subsidy repayment agreement which is available from any FmHA county office will be used to calculate borrower and FmHA shares of any value appreciation.

Exhibit C—Determining 502 Payoff and Amount of Subsidy to be Recaptured

Name of Borrower _____ Account No. _____ Amount of Loan(s) _____
Note Installment(s) \$ _____ Total Subsidy granted _____ (Determined by Finance Office) Average Interest rate paid by Borrower _____ % (Determined by Finance Office) No. of months first loan subject to recapture was outstanding: _____

	Government-Borrower	Total
1. Selling Price	_____	_____
2. Prior liens	_____	_____
3. Unpaid Balance of FmHA RH Loan(s)	_____	_____
4. Selling Expenses	_____	_____
5. Principal paid at the Note Rate	_____	_____
6. Principal attributed to subsidy	_____	_____
7. Original Borrower Equity	_____	_____
8. Value appreciation	_____	_____
9. Subsidy Recaptured	_____	_____
10. Difference (8-9)	_____	_____
11. Total	_____	_____

1. Selling Price is the value of the property determined by the sale price or an appraisal.

2. Prior liens refers to the amount of liens owed as of the sale date that are prior to the Government liens and includes, but may not be limited to prior mortgages, real estate taxes and assessments levied against the property.

3. Unpaid balance of FmHA RH loan(s). The amount of the unpaid principal and interest due as of the sale date plus any advances made by the government which were not subsidy.

4. Selling Expenses: Authorized expenses incurred by the borrower in order to sell the property. (If none enter "0").

5. Principal paid at the note rate. This is the difference between the initial loan amount and the balance owed on principal as of the selling date, figured with payments applied at the note rate.

6. Principal attributed to subsidy. This is the difference between (3) "unpaid principal balance" and the principal balance figured at the note rate. Enter "0" if there is no difference.

7. Original Borrower Equity, enter amount from (6f) of the Subsidy Repayment Agreement.

8. Value appreciation. Item 1 less the total of items 2, 3, 4, 5, 6, and 7.

9. Subsidy Recaptured: Enter the amount determined by multiplying value appreciation by the appropriate factor in paragraph 6(g) of the Subsidy Repayment Agreement and subtract from that result any amount provided for in 6(h) of the Subsidy Repayment Agreement or the total amount of subsidy granted whichever is the smaller.

10. Difference: The difference between (8) "value appreciation" and (9) "Subsidy Recaptured."

11. As a check on the calculations total of Government plus Borrower columns will equal total of items 2 through 7 plus items 9

and 10 in the total column. This figure will also be the same as the selling price.

This document has been reviewed in accordance with FmHA Instruction 1901-G "Environmental Impact Statement". It is the determination of FmHA that the proposed action does not constitute a major federal action that significantly affects the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, P.L. 91-190, an Environmental Impact Statement is not required.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulation." A determination has been made that this action is significant under those criteria. An approved Final Impact Analysis has been prepared and is available from the Office of the Chief, Directives Management Branch, Room 6346, South Building, Washington, DC 20250.

Dated: September 24, 1979.

Gordon Cavanaugh,
Administrator, Farmers Home Administration.

[FR Doc. 79-30282 Filed 9-28-79; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

Updating of Service Suboffice and Border Patrol Station Listing

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rulemaking order amends the regulations of the Immigration and Naturalization Service which specify our office locations to reflect jurisdictional realignments of several border patrol stations, the closing of two others, the closing of an interior location suboffice and the re-naming of a port of entry. The office realignments and closings were made necessary by changes in Service workloads. These amendments are intended to update the Code of Federal Regulations and provide current information to the public.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, Washington, DC 20536. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: The following summary of the amendments to 8 CFR 100.4 (c) and (d) made in this order is provided.

1. 8 CFR 100.4(c)(1) is amended by deleting "Syracuse, N.Y." because that office is no longer in operation.

2. 8 CFR 100.4(c)(2) is amended by redesignating the Haines, Alaska, port of entry, as "Dalton's Cache, Alaska." This change is being made because the Service has recently occupied new inspection facilities to serve the general area of Haines, Alaska, but which are located north of there in an area historically known as Dalton's Cache. This redesignation is being made to distinguish our office from the office of the Customs Service, still located in Haines, Alaska.

3. Several amendments are made to 8 CFR 100.4(d) relative to the jurisdictional lines of certain border patrol stations. These lines have been redrawn because of changes in border patrol workloads. For the same reason, two new substations have been designated and two border patrol stations have been closed.

(a) In Sector No. 1, Lincoln, Maine, will be deleted, and in Sector No. 2, Whitehall, New York, will be deleted since these border patrol stations have been closed.

(b) In Sector No. 11, the border patrol stations at Oxnard, Calif., and San Luis Obispo, Calif., will be deleted, and those two stations will be added to the listing of stations shown under Sector No. 10, to reflect their jurisdictional realignment.

(c) In Sector No. 14, the listing will be amended to reflect the establishment of border patrol substations of Naco, Arizona, and Ajo, Arizona.

In the light of the foregoing, the following amendments are hereby prescribed to Chapter I of Title 8 of the Code of Federal Regulations.

PART 100—STATEMENT OF ORGANIZATION

§ 100.4(c) [Amended]

1. In § 100.4(c), *Suboffices*, in subparagraph (1), *Interior locations*, delete "Syracuse, N.Y."

2. In § 100.4(c), *Suboffices*, in subparagraph (2), *Ports of entry for aliens arriving by vessel or by land transportation*, in District No. 32, in the list of Class A ports, delete "'Haines, Alaska", and insert "'Dalton's Cache, Alaska," in alphabetical sequence.

3. In § 100.4(d), *Border Patrol Sectors*, (a) In Sector No. 1, delete Lincoln, Maine.

(b) In Sector No. 2, delete Whitehall, N.Y.

(c) In Sector No. 10, add Oxnard, Calif., and San Luis Obispo, Calif., to the listing of stations, in alphabetical sequence.

(d) In Sector No. 11, delete Oxnard, Calif., and San Luis Obispo, Calif.
(e) In Sector No. 14, amend "Douglas, Ariz." to read "Douglas, Ariz. (Naco, Ariz.)" and amend "Gila Bend, Ariz." to read "Gila Bend, Ariz. (Ajo, Ariz.)"

(Sec. 103; 8 U.S.C. 1103)

These amendments are published pursuant to 5 U.S.C. 552 as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act. (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 353 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendments contained in this order relate to Service organization and management.

Effective date: The amendments contained in this order will become effective on October 1, 1979.

Dated: September 25, 1979.

Leonel J. Castillo,
Commissioner of Immigration and Naturalization.

FR Doc. 79-30304 Filed 9-28-79; 8:45 am]
BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

Licensing and Regulatory Policy and Procedures for Environmental Protection; Uranium Fuel Cycle Impacts From Spent Fuel Reprocessing and Radioactive Waste Management; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Correction of errors appearing in the published final rule.

SUMMARY: The Nuclear Regulatory Commission is correcting certain errors and omissions in the final fuel cycle rule as published in FR Doc. 79-23868.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: E. Leo Slaggie, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC, 20555. 202-634-3244.

In FR Doc. 79-23868, appearing at page 45362 in the issue for Thursday, August 2, 1979, make the following corrections, in Table S-3 on pages 45372 and 45373:

1. The entry for "Fission products and transuranics" under Effluents—Radiological (Curies) should be:

.203
instead of
.203

2. The note opposite the entry for Ra-226 under Effluents—Radiological (Curies) should read:

From UF₆ production
instead of
From UF₆ production

3. To the note opposite "Solids (buried on site)" under Effluents—Radiological (curies) should be added the following:

Approximately 60 Ci comes from conversion and spent fuel storage. No significant effluent to the environment.

Dated at Washington, DC, this 25th day of September 1979.

For the Commission,
Samuel J. Chalk,
Secretary of the Commission.

FR Doc. 79-30304 Filed 9-28-79; 8:45 am]
BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; FC-0161]

Truth in Lending; Final Official Staff Interpretation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final Official Staff Interpretation.

SUMMARY: The Board is publishing in final form official staff interpretation FC-0161 of Regulation Z, Truth in Lending, regarding proper disclosures for a credit sale transaction in which the downpayment is separately financed. The agency is taking this action after reviewing the comments received upon republication of the interpretation.

DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Maureen P. English, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452-3867.

SUPPLEMENTARY INFORMATION: (1) FC-0161 concerned a credit sale in which a customer without sufficient cash for the downpayment is referred by the seller to another party for the downpayment financing. The staff expressed the view that the money received from the downpayment transaction and paid to the seller may be shown as a "cash downpayment" on the credit sale disclosures given in connection with the primary financing.

(2) FC-0161 was published on March 14, 1979, with an effective date of April 14, 1979. In response to a request for public comment submitted in accordance with § 226.1(d), the effective date was suspended and the interpretation was republished for public comment on April 23, 1979. Sixteen comments were received.

(3) Some of the commenters opposed the interpretation because it would permit giving two disclosure statements concerning a single purchase of goods. They asserted that this would be confusing to customers, would defeat the credit-shopping purpose of the act, and might encourage the practice of "loan splitting." Commenters supporting the interpretation stressed that since both credit transactions arising from the sale are fully disclosed, consumers would get complete information regarding the financing and that separate disclosures more accurately mirror the economic reality of two separate obligations. Several commenters asserted that giving a combined set of disclosures would defeat rather than promote credit shopping since it would prevent a customer from comparing either part of the financing arrangements with other credit sources.

(4) After fully considering the arguments contained in the request for republication and the comments received, the staff continues to believe that FC-0161 correctly interprets Regulation Z. The staff believes that, in the situation discussed in the interpretation, separate disclosures should be given and that it is appropriate for the money received from the downpayment transaction to be disclosed as a cash downpayment on the credit sale disclosures provided in connection with the primary financing. Full disclosure of all aspects of the financing arrangements is thus provided to the customer and the information is presented in a way that reflects the two distinct credit obligations undertaken. The letter has been revised to stress that its applicability is limited to the facts and issues as set forth therein, and that it therefore does not countenance giving two sets of disclosures for what is in fact a single credit obligation.

(5) Official Staff Interpretation FC-0161, as revised, which follows, is effective immediately.

(6) Authority: 15 U.S.C. 1640(f).

§ 226.8(c) Where the downpayment is separately financed, it may be disclosed as a "cash downpayment" on the credit sale disclosures for the underlying credit transaction.

This will reply to your letter of " ", and is in substitution of our letter to you dated February 5, 1979. Your inquiry concerns the proper disclosures under Regulation Z for a credit sale transaction in which the downpayment is separately financed. You posit the following situation: a dealer sells an item to a customer pursuant to an installment sale contract providing for an immediate downpayment and installment payments over a period of several months. Since the customer does not have sufficient cash to make the full downpayment he or she is referred by the dealer to a finance company. The customer obtains financing of the downpayment and receives a set of Truth in Lending disclosures for that transaction (hereafter referred to as the "downpayment transaction"), then gives the downpayment to the dealer in cash, receives a set of Truth in Lending disclosures for the underlying credit sale transaction (hereafter referred to as the "primary transaction"), and signs the retail installment contract. The dealer then assigns the installment sale contract to another financial institution.

You ask whether, in the disclosures for the primary transaction, the separately-financed downpayment may be disclosed as a "cash downpayment" pursuant to § 226.8(c)(2). That section requires disclosure of:

The amount of the downpayment itemized, as applicable, as downpayment in money, using the term "cash downpayment," downpayment in property, using the term "trade-in," and the sum, using the term "total downpayment."

It is the staff's opinion that since the dealer receives the downpayment in money it is appropriate for that amount to be included in the "cash downpayment" on the disclosures for the primary transaction.

Although there is a single sale of goods in the situation you pose, there are two credit transactions involved in this sale, and two sets of Truth in Lending disclosures are being given. The fact that the dealer may be a creditor with regard to both of these credit transactions (for example, as either the extender or arranger for the extension of credit with regard to the primary transaction, and as an arranger with regard to the downpayment transaction) does not affect the designation of the amount of the downpayment as a cash downpayment on the disclosures provided in connection with the primary transaction. The downpayment transaction is a separate credit transaction, for which full Truth in Lending disclosures have been given; the fact that the downpayment amount is itself the subject of a credit transaction does not affect its status as a cash downpayment as to the primary transaction. It is still a downpayment that the creditor receives in money (as opposed to property) even though payment of that money by the customer is deferred.

We would stress that the conclusion reached in this letter is strictly limited in its applicability to the facts and issues discussed above; it does not apply to a situation where a single extension of credit is artificially divided and disclosed as if it were two transactions. This is an official staff interpretation of Regulation Z issued after republication for comment in accordance

with § 226.1(d)(2) of the regulation. It will become effective upon publication in the Federal Register.

Very truly yours,
Nathaniel E. Butler,
Associate Director.

Board of Governors of the Federal Reserve System, September 25, 1979.
Griffith L. Garwood,
Deputy Secretary of the Board.

FR Doc. 79-30340 Filed 9-28-79; 8:45 am]
BILLING CODE 6210-01-M

12 CFR Part 265

Rules Regarding Delegation of Authority

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: In order to expedite and facilitate performance of certain of its functions, the Board of Governors has amended its Rules Regarding Delegation of Authority. The amendments are intended to expand the scope of authority previously delegated for bank holding company formations, bank share acquisitions by existing bank holding companies, mergers of bank holding companies, acquisitions and retentions of companies engaged in nonbanking activities by bank holding companies, bank holding companies engaging *de novo* in activities determined by the Board to be permissible for bank holding companies and bank mergers.

EFFECTIVE DATE: September 21, 1979.

FOR FURTHER INFORMATION CONTACT: Michael E. Bleier, Senior Counsel (202-452-3721), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Bank Holding Company Act (12 U.S.C. 1841 *et seq.*) generally prohibits, except with prior approval of the Board, any action to be taken that causes any company to become a bank holding company; any bank holding company to acquire direct or indirect ownership or control of any voting shares of a bank if, after the acquisition, the company would directly or indirectly own or control more than 5 per cent of the voting shares of the bank; any bank holding company to merge or consolidate with any other bank holding company; any bank holding company to acquire or retain companies engaged in nonbanking activities, or engage *de novo* in nonbanking activities the Board has previously determined to be permissible for bank holding companies. Section 18(c) of the Federal Deposit Insurance

Act (12 U.S.C. 1828(c)) generally prohibits, except with prior approval of the Board, the merger, consolidation, acquisition of assets, or assumption of liabilities of insured banks where the resulting bank would be a State-chartered bank that is a member of the Federal Reserve System.

The Reserve Banks presently have delegated authority to approve, under certain conditions, formations of bank holding companies, mergers and consolidations of bank holding companies, acquisitions by existing bank holding companies of banks and bank shares, acquisitions by bank holding companies of certain existing finance companies, industrial banks, and insurance companies, applications to engage *de novo* in certain nonbanking activities the Board has previously determined to be permissible for bank holding companies, and bank mergers where the resulting bank would be a member of the Federal Reserve System.

After evaluating the manner in which such delegated authority has been exercised and the Board's experience in considering applications filed under sections 3(a) and 4(c)(8) of the Bank Holding Company Act and section 18(c) of the Federal Deposit Insurance Act, the Board has, by the instant amendments, expanded the scope of that delegated authority so that Reserve Banks may approve all applications, including retention applications and applications to engage *de novo* in permissible nonbanking activities, filed under sections 3(a) and 4(c)(8) of the Bank Holding Company Act and section 18(c) of the Federal Deposit Insurance Act, and under the provisions of section 18(c)(4) of the Federal Deposit Insurance Act, to furnish to the Comptroller of the Currency and the Federal Deposit Insurance Corporation reports on competitive factors involved in a bank merger required to be approved by one of those agencies, unless one or more of the following criteria is present:

(1) A member of the Board of Governors has indicated an objection prior to the Reserve Bank's action; or
(2) The Board has indicated that the delegated authority shall not be exercised in whole or in part; or
(3) A written substantive objection to the application has been properly made; or

(4) The application raises a significant policy issue or legal question; or
In formations, bank acquisitions or mergers.

(5) The transaction involves two or more banking organizations:

(i) That rank among a State's ten largest banking organizations; or

(ii) Each banking organization has over \$100 million in market deposits and after consummation the acquiring organization would control over 5 per cent of market deposits; or

In nonbank acquisitions.

(6) The nonbanking activities involved do not clearly fall within activities the Board has previously determined to be permissible; or

(7) The bank holding company has total domestic banking assets of over \$1 billion and seeks to acquire a nonbanking organization that appears to have a significant presence in a permissible nonbanking activity.

The Reserve Banks' delegated authority also includes authority to approve applications filed under section 3(a) of the Bank Holding Company Act and section 18(c) of the Federal Deposit Insurance Act where it is found that an emergency exists requiring expeditious action or immediate action is required to prevent the probable failure of a bank or bank holding company. The authority to approve bank share acquisitions includes authority to approve acquisition by a bank holding company of bank shares acquired through the exercise of *pro rata* stock rights, retention of bank shares acquired in a fiduciary capacity, and acquisition of additional shares of a bank in which the bank holding company already owns 25 per cent or more of any class of voting securities.

The Board continues to be of the view that, as a matter of general policy, it is not appropriate for a Reserve Bank to act on applications when a director or senior officer of (1) the holding company, (2) any subsidiary bank of the holding company, (3) the merging banks, or (4) the nonbanking company to be acquired or retained, is a director of a Federal Reserve Bank or branch. In such a situation, the Secretary of the Board will have the authority to approve such applications if all of the other regulatory criteria for approval under delegated authority have been met.

Applications falling outside the standards for delegated authority will be submitted to the Board for further consideration.

The provisions of section 553 of Title 5, United States Code, relating to notice, public participation, and deferred effective date are not followed in connection with the adoption of these amendments because the changes involved are procedural in nature and do not constitute a substantive rule subject to the requirements of such section. The amendments are effective September 21, 1979.

1. In order to accomplish this delegation, § 265.2(a) is amended by deleting subparagraphs (3), (4), (5), (6), and (7), renumbering subparagraphs (8), (9), (10), (11), (12), (13), (14), (15), (16), (17) and (18) as subparagraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (12) and (13), respectively, and amending subparagraph (2) to read as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

(a) The Secretary of the Board (or, in the Secretary's absence, the Acting Secretary) is authorized:

(2) Under the provisions of sections 18(c) and 18(c)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c) and 1828(c)(4)), §§ 3(a) and 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1842(a) and 1843(c)(8)) and §§ 225.3(b) and (c), and §§ 225.4(a) and (b) of Regulation Y (12 CFR 225.3(b) and (c), and 225.4(a) and (b)), to furnish reports on competitive factors involved in a bank merger to the Comptroller of the Currency and the Federal Deposit Insurance Corporation and to approve applications the Reserve Bank could approve under subparagraph (20) of paragraph (f) of this section, except for the fact that condition (ii) of that subparagraph has not been met because a director or senior officer of any holding company, bank, or company to be acquired or retained, involved in the transaction, is a director of a Federal Reserve Bank or branch.

2. In order to accomplish this delegation, § 265.2(c) is amended by deleting subparagraph 16 and renumbering subparagraphs (17), (18), (19), (20), (21), (22), (23), (24), and (25) as subparagraphs (16), (17), (18), (19), (20), (21), (22), (23), and (24). Section 265.2(f) is amended by deleting subparagraphs (22), (23), (24), (28), (29), (30), (31), (32), (33), and (52), and footnotes (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12), and renumbering subparagraphs (25), (26), (27), (34), (35), (36), (37), (38), (39), (40), (41), (42), (43), (44), (45), (46), (47), (48), (49), (50), (51), (53), (54), (55), and (56) as subparagraphs (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), (36), (37), (38), (39), (40), (41), (42), (43), (44), (45), (46), (47), (48) and (49), respectively, and amending subparagraph (20) to read as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks

(f) Each Federal Reserve Bank is authorized as to member banks or other

indicated organizations headquartered in its district:

(20) Under the provisions of section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), 3(a) and 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1842(a) and 1843(c)(8)) and §§ 225.3(b) and (c), and §§ 225.4(a) and (b) of Regulation Y (12 CFR 225.3(b) and (c), and 225.4(a) and (b)), to approve applications requiring prior approval of the Board, and under the provisions of section 18(c)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(4)), to furnish to the Comptroller of the Currency and the Federal Deposit Insurance Corporation reports on competitive factors involved in a bank merger required to be approved by one of those agencies, unless one or more of the following conditions is present:

(i) A member of the Board has indicated an objection prior to the Reserve Bank's action; or

(ii) The Board has indicated that such delegated authority shall not be exercised by the Reserve Bank in whole or in part; or

(iii) A written substantive objection to the application has been properly made; or

(iv) The application raises a significant policy issue or legal question on which the Board has not established its position; or

In formations, bank acquisitions or mergers:

(v) The proposed transaction involves two or more banking organizations:

(a) That rank among a State's ten largest banking organizations in terms of total domestic banking assets; or

(b) Each of which has more than \$100 million of total deposits in banking offices in the same local banking market that, after consummation of the proposal, would control over 5 per cent of total deposits in banking offices in that local market; or

In nonbank acquisitions:

(vi) The nonbanking activities involved do not clearly fall within activities that the Board has designated as permissible for bank holding companies under § 225.4(a) of Regulation Y; or

(vii) The proposal would involve the acquisition by a banking organization that has total domestic banking assets of \$1 billion or more of a nonbanking organization that appears to have a

significant presence in a permissible nonbanking activity² (12 U.S.C. 248k)

Effective date: This amendment is effective on all applications pending on September 21 and on all future applications.

By order of the Board of Governors, September 21, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30335 Filed 9-28-79; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-CE-16-AD; Amdt 39-3580]

Airworthiness Directives; Great Lakes Models 2T-1A-1 and 2T-1A-2 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to the Great Lakes Models 2T-1A-1 and 2T-1A-2 airplanes having a Lycoming IO-360-B1F6 or AIO-360-B1G6 engine installed. It requires an inspection of the induction system drain at the location of the fitting weld to the induction elbow to ascertain whether this drain is open and repetitive inspections of the alternate air door for distortion, heat damage or cracks. Correction of any unsatisfactory condition disclosed by these inspections is required prior to further flight of the airplane.

This AD is necessary because the cited conditions may result in failure of the alternate air doors, pieces of which may be carried into the engine induction system and cause engine power loss and subsequent forced landings or landing accidents.

EFFECTIVE DATE: October 8, 1979.

COMPLIANCE: As prescribed in the body of the Airworthiness Directive.

ADDRESSES: Copies of the Airworthiness Directive and supporting documentation for this action may be obtained from the Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

² While other situations may involve the issue of significant presence, the Board regards, as a general guideline, any company that ranks among the 20 largest independent firms in any industry as having a significant presence.

FOR FURTHER INFORMATION CONTACT: Paul O. Pendleton, Aerospace Engineer, Engineering and Manufacturing District Office, Federal Aviation Administration, Central Region, Room 238, Terminal Building, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 942-7927.

SUPPLEMENTARY INFORMATION: Several failures of alternate air doors have occurred on these airplanes. Pieces of these failed doors are carried to the engine induction system by the induction air flow and obstruct the engine induction system. Partial or total engine power loss usually follows. One forced landing and one accident have resulted from these circumstances. In addition, the induction system drain on some airplanes may be ineffective because the drain fitting was not cleared after it was welded to the induction elbow. This permits excess priming fuel to collect in the induction system and provides fuel for an induction system fire should a backfire occur during engine starting. Blockage in this location can be removed by drilling through the fitting with a drill having the same diameter as the inside of the fitting.

Since the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, the FAA is issuing an AD requiring a one-time visual inspection of the aircraft induction system for blocked or restricted drains and repetitive inspections of the alternate air doors for cracks, distortion, or heat damage. It also requires correction of any of these conditions found. The manufacturer is not producing airplanes and cannot furnish replacement parts. Accordingly, sufficient information to permit field fabrication of replacement parts is included in this AD.

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of its publication in the *Federal Register*.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR Section 39.13) is amended by adding the following new Airworthiness Directive.

Great Lakes: Applies to Models 2T-1A-1 and 2T-1A-2 airplanes having a Lycoming IO-360-B1F6 or AIO-360-B1G6 engine installed.

Compliance: Required as indicated unless already accomplished.

To preclude engine induction system blockage by pieces of failed alternate air doors and resulting power loss, accomplish the following:

(A) Within the next 25 hours time-in-service after the effective date of this AD:

1. Visually inspect the aircraft induction system drain-fitting located in the induction elbow below the fuel injector for blockage or restriction. If the hole is restricted in the weld area or not drilled through the elbow, before further flight open up the restricted hole or drill a hole in the elbow at the fitting location using a No. 10 [.193] drill.

(B) Within 25 hours time-in-service after the effective date of this AD and each 100 hours time-in-service thereafter:

1. Visually inspect the alternate air door for distortion, heat damage and cracks. If any of these conditions are noted, before further flight repair the existing door or fabricate and install a new door in accordance with Figure 1 of this AD.

2. Visually inspect the induction system including the filter for cleanliness, security and damage from backfire or induction system fires. Before further flight, repair or replace any damaged components necessary to restore the system to an airworthy condition.

(C) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective on October 8, 1979.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89).)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Donald L. Page, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-3446.

Issued in Kansas City, Missouri on September 21, 1979.

John E. Shaw,

Acting Director, Central Region.

BILLING CODE 4910-13-M

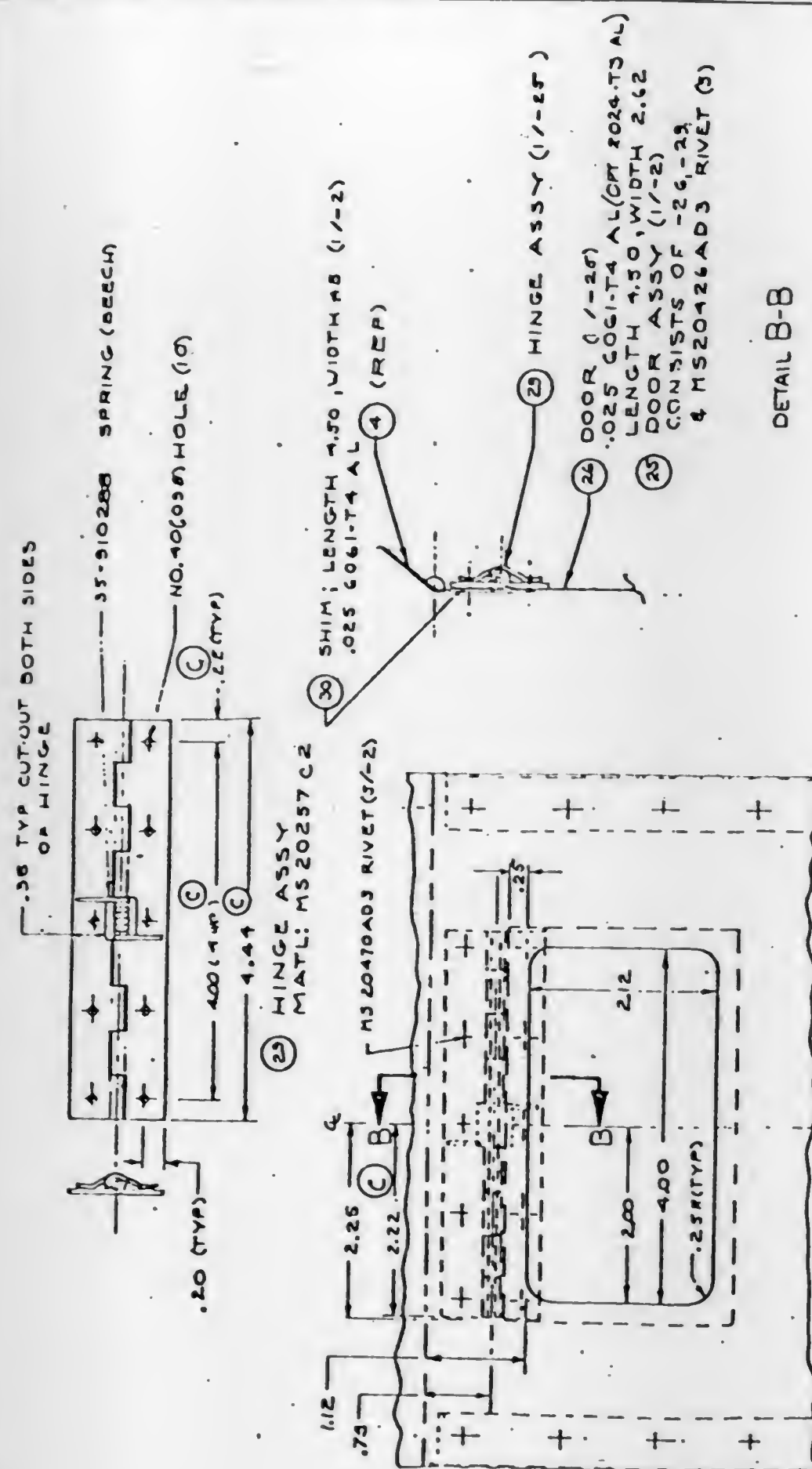


FIGURE 1

FR Doc. 79-30291 Filed 9-28-79; 8:45 am)
BILLING CODE 4910-13-C

14 CFR Part 39

[Docket No. 18197; Amdt. 39-3584]

Societe Nationale Industrielle Aerospatiale Model SA 330F Puma Helicopters: Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires repetitive inspections of the tail boom and pylon for cracks and loose rivets and, if necessary, modifications on Societe Nationale Industrielle Aerospatiale (SNIAS) Model SA 330F helicopters. The AD is prompted by reports of cracking in service which could result in excessive tail deflection, possible tail rotor failure, and a loss of helicopter control.

DATES: Effective November 1, 1979.
Compliance schedule—as prescribed in
body of AD.

ADDRESSES: The applicable service bulletins may be obtained from: Societe Nationale Industrielle Aerospatiale, Division Helicopters, Service Technique Apres-Vente, Boite Postale 13, 13722 Marignane, France.

Copies of the service bulletins are contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Region, Federal Aviation Administration, Brussels, Belgium, Telephone: 513.38.30, or C. Christie, Chief, Technical Analysis Branch, AWS-110, FAA, 800 Independence Ave., S.W., Washington, D.C. 20591, Telephone 202-426-8374.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring repetitive inspection of the tail boom and pylon for cracks and loose rivets and, if necessary, modifications on Societe Nationale Industrielle Aerospatiale (SNIA) Model SA 330F helicopters was published in the **Federal Register** at 43 FR 34787.

The proposal was prompted by reports of cracks and loose rivets on the tail boom and pylon of SNIAS Model SA 330F Puma helicopters. Such cracking could result in excessive tail deflection and possible tail rotor failure.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received. Accordingly, the

proposal is adopted without substantive change. Clarifying language has been added concerning the FAA-approved equivalent to the manufacturer's service bulletin and paragraph (b) has been restructured to clearly reflect the intent of the service bulletin referenced in that paragraph.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale (SNIAS): Applies to Model SA 330F Puma helicopters, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

(a) To detect tail boom cracks and prevent excessive tail deflection, accomplish the following on helicopters that do not incorporate SNIAS Modification AMS 07.11.464 or SA 330 Service Bulletin No. 53.09:

(1) Within the next 50 hours time in service after the effective date of this AD and, thereafter, at intervals not to exceed 50 hours time in service since the previous inspection, inspect the tail boom structure at frame 12349 beneath the intermediate gear box forward attachment and at location of anchor nuts for cracks in accordance with Puma SA 330 Service Bulletin No. 05.30, dated March 8, 1973, or an FAA-approved equivalent.

(2) If during an inspection required by paragraph (a)(1) of this AD, only one crack that does not break through the doubler is found, continue to inspect in accordance with paragraph (a)(1) of this AD at intervals not to exceed 25 hours time in service since the previous inspection until incorporation of SA 330 Service Bulletin No. 53.09, dated March 8, 1973, or an FAA-approved equivalent.

(3) If during an inspection required by paragraph (a)(1) or (a)(2) of this AD, any crack is found extending to the end of the doubler, P/N 330F.24.2019.21, or into its flange, or more than one crack is found, immediately replace the doubler, P/N 330A.24.2019.21 in accordance with Puma SA 330 Service Bulletin No. 53.09, dated March 8, 1973, or an FAA-approved equivalent.

(b) To detect tail pylon cracks and prevent excessive tail deflection, accomplish the following on helicopters that incorporate SNIAS Modification 07.11.141/S256 or that are fitted with a tail skid without a reinforcement plate under the tail skid attachment fitting:

(1) Within the next 50 hours time in service after the effective date of this

AD and, thereafter, at intervals not to exceed 50 hours time in service since the previous inspection, inspect the tail pylon structure for cracks and loose rivets in accordance with Puma SA 330 Service Bulletin 05.33, dated August 1, 1973, or an FAA-approved equivalent.

(2) If during any inspection required by paragraph (b)(1) of this AD, a defect described in subparagraphs (1) or (2) of paragraph 1.D. of Puma SA 330 Service Bulletin 05.33, dated August 1, 1973, or an FAA-approved equivalent, is found, and that defect does not exceed the limits noted in the subparagraphs (1) or (2), repeat the inspections required in paragraph (b)(1) of this AD at intervals not to exceed 25 hours time in service since the last inspection.

(3) If during any inspection required by paragraph (b)(1) or (b)(2) of this AD, a defect is found to equal or exceed the limits noted in subparagraphs (1) or (2) of paragraph 1.D. of Puma SA 330 Service Bulletin No. 05.33, dated August 1, 1973, or an FAA-approved equivalent, within the next 25 hours time in service, reinforce the tail structure in accordance with Puma SA 330 Service Bulletin No. 53.12, dated October 24, 1973, or an FAA-approved equivalent.

(4) If during an inspection required by paragraph (b)(1) or (b)(2), a defect is found that is not specified in subparagraphs (1) and (2) of paragraph 1.D of Puma SA 330 Service Bulletin No. 05.33, dated August 1, 1973, or an FAA-approved equivalent, within the next 25 hours time in service after finding the defect, repair the defect in accordance with the Puma Structural Repair Manual, or an FAA-approved equivalent.

(c) For purposes of this AD, an FAA-approved equivalent must be approved by Chief, Aircraft Certification Staff, AEU-100, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, Brussels, Belgium. Telephone: 513.38.30.

This amendment becomes effective November 1, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action will be placed in the regulatory docket. A copy of it may be obtained by writing to C. Christie, Chief, Technical Analysis Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Issued in Washington, D.C. on September 19, 1979.
M. C. Beard,
Director, Office of Airworthiness.
 [FR Doc. 79-30273 Filed 9-28-79; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-NW-32-AD; Amdt. 39-3577]

Boeing Model 727 Series Airplane; Airworthiness Directive

AGENCY: Federal Aviation Administration (FAA). DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD) 79-04-01 which requires inspections and/or replacement of main landing gear lock system components on Boeing Model 727 series airplanes whose failure have resulted or could result in a gear-up landing. This amendment contains several changes due to recent findings or service experience.

DATES: Effective date October 9, 1979.

ADDRESSES: Boeing Service Bulletins specified in this directive may be obtained upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. Those documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION, CONTACT: Mr. Gerald R. Mack, Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

SUPPLEMENTARY INFORMATION: Amendment 39-3410 (44 FR 9735), AD 79-04-01, requires inspection and/or replacement of certain main landing gear lock system components. Nineteen known failures have occurred in the lock system which caused out-of-sequence and subsequent jamming of the gear and wheel well door and, in nine incidents resulted in gear-up landings. Other failures have occurred in the alternate extension system which prevented extension of the main landing gear by manual means. Subsequent to issuance of Amendment 39-3410, data or information have been supplied to the FAA which warrants changes to the AD. These changes are described below.

Paragraph A

1. Based on revised technical data, the replacement and initial inspection threshold of the uplock upper shaft may

be increased from 35,000 landings to 46,000 landings.

2. An additional uplock universal block part number is added.

3. Recent discovery of a crack in a downlock crank indicates that it should be included in the AD.

4. A recent failure of a downlock rod resulted in an out-of-sequence condition and a subsequent gear-up landing. Metallurgical examination indicated that the failure was caused by fatigue induced damage initiating at the rod's drain holes. The rod had been inspected approximately 700 landings prior to the failure, less than half of the required 1500 landing interval. Therefore, the interval is reduced to 500 landings.

Paragraph B

1. An eddy current inspection method has been included as an alternate to replacement of the main landing gear manual extension horizontal support.

2. Reference is made to an approved installation of the improved horizontal support which does not require replacement of the gearbox housing.

Paragraph C

As a result of an investigation of a recent gear-up landing caused by an out-of-sequence condition and jamming, the uplock hook assembly rotational force test procedures have been revised and clarified and it has been determined that the interval should be reduced from 6000 landings to 1500 landings. The out-of-sequence was attributed to binding of the uplock hook from corrosion build-up between the hook bushings. In addition, the terminating action and effectivity have been expanded. The additional terminating action modification consists of installing a grease fitting on the uplock hook to provide additional corrosion protection.

Since a situation exists that requires immediate adoption, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13), is amended by amending Airworthiness Directive 79-4-01, (Amdt. 39-3410, 44 FR 9735), as follows:

1. By amending Paragraph A to read:
 "A. Unless already accomplished, within the next 1,500 landings from the effective date of this AD, or prior to the accumulation of the threshold listed in the table below, whichever occurs later, replace the components listed in the

table in accordance with Boeing Service Bulletin Nos. 727-32-211, Revision 4, or 727-32-237, Revision 2, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. As an alternate to replacement, the applicable components may be inspected for cracks in accordance with inspection methods specified in Boeing Service Bulletin No. 727-32-211, Revision 4, or later FAA approved revisions, or other methods approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, at the intervals specified in the table. Cracked parts must be replaced prior to further flight.

BILLING CODE 4910-13-M

Component	Part No.	Replacement or Initial Inspection Threshold (landings)	Repeat Inspection Interval not to exceed (landings)
Uplock Lower Crank Bolt	NAS 1105-28	7,000	To be replaced
	BACP18T5-()	7,000	
	MS20392-5C() (oversize option)	12,000	
	MS20392-6C() (oversize option)	50,000	
Downlock Rod Bolt (Inboard)	NAS 1105-13DW	20,000	To be replaced
	Optional Bolts: BACB30LJ5U13 BACB30GE5-14 NAS 1105-14		
	BACB30NE5-15	20,000	To be replaced
	Optional Bolts: BACB30LJ5U15 BACB30GE5-16		
Downlock Rod Bolt (Outboard)	NAS 1105-13DW	20,000	To be replaced
	BACB30LM5DU12	20,000	To be replaced
	Optional Bolts: BACB30NE5D12 BACB30GE5D12 NAS 1305-12D		

Component	Part No.	Replacement or Initial Inspection Threshold (landings)	Repeat Inspection Interval not to exceed (landings)
Downlock Torque Shaft	65-78698-1, -2, -5, -6, -7, -8	35,000	3,000
Downlock Rod Assy.	69-20527-2 69-33654-1 69-33654-2 69-33654-3 69-33654-4	12,000	*
	69-33654-5	35,000	3,000
Downlock Torque Tube Assy,	65-26921-17 65-26921-18	37,000	3,000
Uplock Universal Block	65-24488-1	10,000 flt hrs or 4 years, which ever occurs first.	1,500
	-4	48,000 landings	3,000
Uplock Universal Bolt	NAS 1106-44 69-47743-1	11,000	to be replaced
Uplock Upper Shaft Assy.	65-25851-1 65-25851-2 65-25851-5 65-25851-6	46,000	3,000
Uplock Lower Crank	65-49325-1, -2, 65-49325-5, -6, 65-49325-7, -8	3,000	1,500
Downlock Crank	69-20528-1 -2 -3 -4	68,000	1,500

* Within 1500 landings from the last inspection or within 500 landings from the effective date of this amendment, which ever occurs first, thereafter not to exceed 500 landings.

2. By amending Paragraph B to read:
"B. Unless already accomplished, within the next 3,000 landings from the effective date of this AD, replace (1) the left and right hand main gear manual extension gearbox horizontal supports, P/N 65-24575-1, with P/N 65-69156-1 and (2) the left and right hand main gear manual extension support yokes, P/N 65-26300-1/2 or 65-26300-7/8, 65-81412-1/2, with P/N 65-26300-21/-22 or 65-26300-23/-24 in accordance with the applicable procedures of Boeing Service Bulletin Numbers 32-164, Revision 2, and 727-32-204, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Replacement of the gearbox housing is not required if the bushing/fastener configuration described in Boeing Service Bulletin No. 727-32-164, Revision 2, or later FAA approved revisions, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, is installed in each horizontal support attach hole for the gearbox housing. As an alternate to replacement of items (1) and (2) above, within the next 3,000 landings from the effective date of this AD, and thereafter at intervals of 3,000 landings, eddy current inspect the horizontal supports and penetrant or eddy current inspect the support yokes in accordance with Boeing Service Bulletin No. 727-32-164, Revision 2, and Boeing Service Bulletin No. 727-32-204, Revision 1, or later FAA approved revisions, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Cracked parts must be replaced prior to further flight."

3. By amending Paragraph C to read:
"C.1. Within the next 600 landings from the effective date of this amendment" unless accomplished within the last 900 landings in accordance with the original issue of this AD, and thereafter at intervals not to exceed 1500 landings, accomplish the rotational force tests on the main landing gear uplock hook assemblies (2 per airplane) in accordance with the procedures specified in Paragraph III of Boeing Service Bulletin No. 727-32-212, Revision 2, or later FAA approved revisions, for assembly P/Ns 65-24485-3, -4, and -6, and Boeing Service Bulletin No. 727-32-245, Revision 4, for assembly P/Ns 65-24485-7, or later FAA approved revisions, or alternate procedures approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Rework and/or replace uplock hook assembly components as required

to obtain the acceptable hook rotational forces specified in the service bulletins.

2. Terminating action to the requirements of Paragraph C.1 above consists of accomplishment of the main landing gear uplock assembly modification per Boeing Service Bulletin No. 727-32-245, Revision 4, or later FAA approved revisions, or an alternate approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region."

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective October 9, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.89)).

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the provisions of Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on September 19, 1979.

C. B. Walk, Jr.,

Director, Northwest Region.

(The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.)

[FR Doc. 79-30292 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-W

14 CFR Part 39

[Docket No. 79-NW-33-AD; Amend. 39-35811]

Boeing Model 727 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) to require a one-time inspection of the main landing gear side strut assembly for proper installation. The manufacturer, during quality control acceptance procedures, discovered that

the side strut lower segments had been installed on the wrong side of three airplanes in production. In addition, one operator reported improper installation of a side strut universal fitting. Such an improper installation could prevent clean breakaway of the gear as intended in the event of an abnormal landing.

DATES: Effective date October 11, 1979. Compliance required within 60 days from the effective date.

ADDRESSES: The Boeing Service Bulletin specified in this directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108. Telephone (206) 767-2516.

FOR FURTHER INFORMATION, CONTACT: Mr. Gerald R. Mack, Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108. Telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: The Boeing Commercial Airplane Company discovered in production that the main landing gear side strut lower segments had been improperly installed on three Model 727 series airplanes. The left hand segment had been installed on the right hand landing gear side strut and the right hand segment had been installed on the left hand landing gear side street. Also, an operator discovered improper installation of the side strut universal fitting. Reversal of the side strut lower segments and/or the universal fittings may negate the clean breakaway feature of the side strut design in the event of a severe overload condition.

Since this condition is likely to exist in other Boeing Model 727 series airplanes, action is taken herein to require a one-time inspection for proper installation of the main landing gear side strut assembly and corrective action as necessary.

Since a situation exists that requires immediate adoption of this regulation it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 727 series airplanes, certificated in all categories, line numbers 1 through 1361 inclusive. Compliance required within 60 days from the effective date of this AD, unless already accomplished.

To protect the aircraft structure in the event of an excessively hard landing by providing the desired separation characteristics of the main landing side strut, accomplish the inspection of the side strut assemblies (2 per airplane) for correct installation in accordance with Boeing Service Bulletin No. 727-32-268, Revision 1, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. If incorrect parts are found installed, remove the affected part and install a correct part prior to further flight.

Report finding of incorrect installation to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. (Reporting approved by the Bureau of Budget under BOB No. 04-R0174).

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective October 11, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, September 21, 1979.

C. B. Walk, Jr.,

Director, Northwest Region.

(The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.)

[FR Doc. 79-30290 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-EA-37; Amdt. 39-3579]

Piper Aircraft; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes AD 74-10-03 and issues a new airworthiness directive applicable to Piper PA-24, PA-30 and PA-39 type airplanes and requires a repetitive inspection of the two aileron bulkheads for cracks and replacement where necessary. It appears that in spite of compliance with AD 74-10-03, cracks have still occurred in the inspected areas. These cracks, if failure occurs, could be the source of an accident.

EFFECTIVE DATE: October 4, 1979.

Compliance is required as set forth in the AD.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: C. Kallis, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION:

Airworthiness Directive 74-10-03 calls for replacement of cracked Nose-Ribs and for Aileron Spar Reinforcement Plate with Kit 757 162 or equivalent for the Nose-Ribs and new Piper parts or equivalent parts for any of the other parts found cracked upon inspection. In spite of the installment of reinforcement Kit (757 162) and the replacement parts, reports of cracked parts continue to be received. As a result, Piper Aircraft developed an improved reinforcement for the structure involved. It has issued Service Letter No. 850 dated April 18, 1979, reflecting a new Kit 763 893. In view of the air safety problem, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

Adoption of the amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by revoking AD 74-10-03 and issuing a new airworthiness directive, as follows:

Piper: Applies to the following Piper Model airplanes:

PA-24—Serial Nos. 24-1 and up
PA-24-250—Serial Nos. 24-1 and up
PA-24-260—Serial Nos. 24-3642, 24-4000 and up

PA-24-400—Serial Nos. 28-1 and up
PA-30—Serial Nos. 30-1 and up
PA-39—Serial Nos. 39-1 and up, certificated in all categories except airplanes incorporating Piper Kit Part No. 763 893:

(a) Within the next 50 hours in service, after the effective date of this AD, unless already accomplished within the past 50

hours in service and at intervals not to exceed 100 hours in service thereafter, inspect in accordance with paragraph "Instructions" in Service Letter No. 850 dated April 18, 1979, Parts 1, 2, 3, 4a, b and c or equivalent inspection.

(b) Upon incorporation of Piper Kit No. 763 893 or equivalent, compliance with this AD may be terminated.

(c) Equivalent parts and inspections and alterations must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(d) Upon submittal of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the inspection intervals specified in this AD.

Effective Date: This amendment is effective October 4, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); and 14 CFR 11.89).

Issued in Jamaica, New York, on September 19, 1979.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 79-30275 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-AL-19]

Revocation of Skwentna, Alaska, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will revoke the Skwentna, Alaska, transition area. The Skwentna instrument approach procedure has been canceled. Therefore, need for a transition area no longer exists. The Skwentna transition area underlies the 1200 foot portion of the Anchorage transition area. Therefore, revocation of the Skwentna transition area will cause only that airspace between 700 feet and 1200 feet above the surface to revert to uncontrolled airspace.

EFFECTIVE DATE: 0901 G.m.t., January 24, 1980.

FOR FURTHER INFORMATION CONTACT: Jerry M. Wylie, Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513, telephone (907) 271-5903.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revoke the Skwentna, Alaska, transition area.

The Skwentna, Alaska, transition area was last described in § 71.181 of the Federal Aviation Regulations (44 FR 442) on January 2, 1979. The Skwentna transition area was designated to protect an instrument approach procedure on the Skwentna NDB. The Skwentna instrument approach procedure has been canceled. There is no anticipated need for an IFR procedure to Skwentna, Alaska, in the foreseeable future. Since this amendment will result only in a minor change in controlled airspace, and would reduce the constraints and impact on the public, I find that notice and public procedure thereon are unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) is amended by revoking the Skwentna, Alaska, transition area.

(Sec. 307(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a)]; sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.89.)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 1134, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, and anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Anchorage, Alaska, on September 24, 1979.

Robert L. Faith,

Director, Alaskan Region.

[FR Doc. 79-30274 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-ASW-46]

Revocation of Transition Area: Yoakum, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to revoke the transition area at Yoakum, Tex. The intended effect of the action is to release unnecessary controlled airspace designated for aircraft executing an instrument approach procedure to the Yoakum Municipal Airport. The circumstance which created the need for

the action is the notification to the FAA that the proposed nondirectional radio beacon (NDB) will not be installed as planned. Coincident with this action the airport is changed from Instrument Flight Rules (IFR) to Visual Flight Rules (VFR).

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

In Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) as republished (44 FR 442) the Yoakum, Tex., transition area is designated for the protection of aircraft executing instrument approach procedures to the Yoakum Municipal Airport. Since the proposed NDB will not be installed and no instrument approach procedure will be established, the revocation of the transition area is appropriate. This action will release the constraints and, in effect, the impact on the user imposed by the transition area. Therefore, public circularization of this action was not considered necessary.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) revokes the Yoakum, Tex., transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Regulations (14 CFR Part 71) as republished (44 FR 442) is amended, effective 0901 GMT, November 29, 1979, as follows:

In Subpart G, 71.181 (44 FR 442), the following transition area is revoked:

Yoakum, Tex.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Yoakum Municipal Airport (latitude 29°18'50"N., longitude 97°08'18"W.) and within 3.5 miles either side of the 143° radial extending from the 5-mile radius to a point 8 miles southeast of the NDB (latitude 29°18'50"N., longitude 97°08'18"W.).

(Sec. 307(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a)]; and Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)].)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44

FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Tex., on September 18, 1979.

Henry N. Stewart,

Acting Director, Southwest Region.

[FR Doc. 79-30279 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-2987]

Korvette's, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a New York City department store chain, among other things, to cease failing to provide its stores with statutorily required warranty material; and to make the terms of written warranties on consumer products available to prospective purchasers prior to sale. The firm is further required to develop and implement a program to instruct its sales personnel about the availability and location of warranty information; and maintain adequate business records for a period of two years.

DATES: Complaint and order issued August 16, 1979.¹

FOR FURTHER INFORMATION CONTACT: Leroy Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243-EB Federal Bldg., 26 Federal Plaza, New York, N.Y. 10007. (212) 264-1207.

SUPPLEMENTARY INFORMATION: On Friday, June 8, 1979, there was published in the Federal Register, 44 FR 33097, a proposed consent agreement with analysis in the Matter of Korvette's, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions

¹ Copies of the Complaint and Decision and Order filed with the original document.

or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures: 13.533-25 Displays, in-house; 13.533-37 Formal regulatory and/or statutory requirements; 13.533-45 Maintain records; 13.533-75 Warranties. Subpart-Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-55 Magnuson-Moss Warranty Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46; interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 110(b), 68 Stat. 2190; 15 U.S.C. 2310)

Carol M. Thomas,
Secretary.

[FR Doc. 79-30334 Filed 9-28-79; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1316

Delegation of Authority Between Criminal Division and Drug Enforcement Administration To Remit or Mitigate Civil Forfeitures

AGENCY: Department of Justice, Drug Enforcement Administration.

ACTION: Final order.

SUMMARY: Effective August 10, 1979, the Attorney General authorized the Administrator of the Drug Enforcement Administration to remit or mitigate civil forfeitures of property valued at \$10,000 or less, which arise under the Comprehensive Drug Abuse Prevention and Control Act of 1970 [Department of Justice Order Number 845-79, 44 Fed. Reg. 48675, Monday, August 20, 1979]. This final order amends the regulations of the Drug Enforcement Administration to reflect this change in authority.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: William M. Lenck, Chief Counsel, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537 (202-633-1276).

§§ 1316.75, 1316.77 and 1316.78 [Amended].

By virtue of the authority vested in me by 21 U.S.C. 881(d), 19 U.S.C. 1818, 28 CFR 0.100(b) and Department of Justice Order Number 845-79, §§ 1316.75, 1316.77 and 1316.78 of Part 1316 of Title 21, Code of Federal Regulations are amended by striking out "\$2,500" each place it appears and inserting "\$10,000" in its place.

Date: September 25, 1979.

Peter B. Bensinger,
Administrator, Drug Enforcement
Administration.

[FR Doc. 79-30379 Filed 9-28-79; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 42

[Docket No. R-79-518]

Uniform Relocation Assistance and Real Property Acquisition, Community Development Block Grant Program

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: HUD is issuing a final rule explaining when the acquisition of real property by a State agency and resulting displacement are considered to be for an activity assisted under the community development block grant program and to be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and HUD implementing rules at 24 CFR Part 42.

EFFECTIVE DATE: November 8, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold J. Huecker, Director, Relocation and Real Estate Division, HUD/Community Planning and Development, 451 Seventh Street, SW., Washington, D.C. 20410, 202-755-6336.

SUPPLEMENTARY INFORMATION: On March 31, 1978 (43 FR 13836), a proposed comprehensive revision of 24 CFR Part 42 was published in the *Federal Register* for public comment. Among other things, it proposed a rule declaring that the Uniform Act and HUD implementing regulations at 24 CFR Part 42 apply to certain acquisitions and displacements taking place within a three-year period prior to submission of an application for related assistance to be provided with a community development block grant under Title I of the Housing and

Community Development Act of 1974, as amended (42 U.S.C. 5301). The proposal was designed to prevent a State agency from circumventing the Uniform Act by acquiring real property and displacing the occupants prior to submitting a request to HUD for block grant funding for related construction, rehabilitation and demolition assistance.

On April 17, 1979, the Supreme Court of the United States issued decisions, No. 77-874, *Alexander et al. v. United States Department of Housing and Urban Development et al.*, and No. 77-1463, *Harris, Secretary of Housing and Urban Development, et al., v. Cole et al.*

In the opinion discussing these two cases, the Court stated "... that persons directed to vacate property for a federal program cannot obtain relocation assistance unless the agency also intended at the time of acquisition to use the property for such a program or project."

On May 29, 1979 (44 FR 30946), HUD issued a final rule containing revisions of 24 CFR Part 42 that were based on the proposed rule issued March 31, 1978. In the preamble to that final rule HUD indicated that in the light of the Supreme Court's decision in the *Alexander* and *Cole* cases, the Department was examining how its rules for determining applicability of the Uniform Act to real property acquisitions and resulting displacements could best encompass a test of intent which is in keeping with the Court's view of the requisites of the Uniform Act. The Department further indicated that, until it has reached this determination and issued a revised rule, it would retain its existing rule governing the applicability of the Uniform Act to community development block grant program activities.

The Department has now completed its review. Based on that review, including consideration of comments received in response to the March 31, 1978 proposed rule, the Department is adopting at § 42.79(c) a revised rule outlining the applicability of the Uniform Act to the community development block grant program.

The Department believes that the rule is in keeping with the Supreme Court's opinion that the Uniform Act applies to an acquisition and resulting displacement only when the State agency intends at the time of the acquisition to use the property for the program or project for which it is ultimately used.

The revised rule continues an assumption implicit in the existing rule. It states that any acquisition of real property by a State agency and any displacement resulting from the acquisition of real property by a State

agency shall be considered to be for an activity assisted under the community development block grant program and to be subject to the regulations in this part if the acquisition or displacement occurs on or after the date of the submission of the application requesting Federal financial assistance which is granted for an activity for which the acquisition has been or will be undertaken.

In order to comply with the Supreme Court decision, however, the Department has provided a procedure (see § 42.79(c)(1)) under which the State agency may request HUD Area Office concurrence in a determination that an acquisition after submission of an application for community development block grant assistance did not in fact take place for a block grant assisted activity and does not come within the purview of the Uniform Act of HUD rules at 24 CFR Part 42.

At § 42.79(c)(2), the revised rule specifies that a State agency or HUD may determine that an acquisition prior to the submission of an application for related assistance and any resulting displacement are, in fact, carried out for an assisted activity and are subject to the Uniform Act and the rules at 24 CFR Part 42.

To assure fair treatment of affected property owners and occupants who believe that the State agency has erred in determining that a particular acquisition or resulting displacement did not take place for an assisted activity and is therefore not subject to HUD Uniform Act regulations, § 42.79(c)(3) specifies their right of appeal. Under the Department's rules governing appeals under the Uniform Act, if the State agency denies the appeal, the affected person may appeal to HUD.

Under these paragraphs (c)(2) and (c)(3) of § 42.79, a State agency's initial determination that these regulations do not apply to a particular real property acquisition or displacement may be reversed. To minimize this possibility and accompanying uncertainty, § 42.79(c)(2) also provides that the State agency may at any time seek a HUD determination as to whether the Uniform Act and the regulations at 24 CFR Part 42 apply to a particular acquisition that was carried out prior to the submission of the CDBG application.

These latter two provisions of the revised rule are in keeping with the intent of the proposed rule—to provide for coverage of State agency acquisitions and resulting displacements that take place prior to the submission of an application for related financial assistance.

A Finding of Inapplicability with regard to the Environmental Impact of these rules has been prepared in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality. A copy of the Finding is available for inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

(Sec. 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

For the reasons described above, § 42.79(c) has been revised to read as follows:

§ 42.79 Project.

(c) *Community development block grant program.* (1) Any acquisition of real property by a State agency and any displacement resulting from the acquisition of real property by a State agency shall be considered to be for an activity assisted under the community development block grant program (see § 42.61(a)) and to be subject to the regulations in this part if the acquisition or displacement occurs on or after the date of the submission of the application requesting Federal financial assistance which is granted for an activity for which the acquisition has been or will be undertaken. However, if the State agency determines that an acquisition or displacement was not carried out for an assisted activity, and the HUD Area Office serving the locality concurs in that determination, such acquisition or displacement shall not be subject to these regulations. The State agency's request for HUD concurrence shall include its certification that at the time of the acquisition it did not intend to use the property for an assisted activity and appropriate documentation to establish that fact.

(2) The State agency or HUD may determine that an acquisition prior to submission of an application for financial assistance and any resulting displacement were carried out for an assisted activity and are subject to these regulations. In the absence of such a determination by the State agency or HUD, any such acquisition or displacement occurring prior to submission of an application shall not be subject to these regulations. The State agency may at any time request a HUD determination as to whether or not

such an acquisition and any resulting displacement are considered to be for an assisted activity and to be subject to these regulations. The request shall be submitted to the HUD Area Office and shall include appropriate background documentation.

(3) If the owner or occupant of a property disagrees with the State agency's determination that the Uniform Act and the regulations in this part do not apply to the acquisition of the property by the State agency or to a displacement resulting from the acquisition, he/she may file an appeal under Subpart J (Appeals), whether or not the acquisition or displacement occurs before or after submission of the application for financial assistance. The specific payments and other assistance for which an appeal may be filed are set forth in § 42.703(a).

Issued at Washington, D.C., September 24, 1979.

Robert C. Embry, Jr.,
Acting Secretary, Housing and Urban
Development.

[FR Doc. 79-30362 Filed 9-28-79; 8:45 am]
BILLING CODE 4210-01-M

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-79-519]

Community Development Block Grant; Uniform Relocation Assistance and Real Property Acquisition

AGENCY: Office of Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: HUD is issuing a final rule explaining when the acquisition of real property by a State agency (all block grant recipients are State agencies) and resulting displacement are considered to be for an activity assisted under the community development block grant program and to be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and HUD implementing rules at 24 CFR Part 42.

EFFECTIVE DATE: November 8, 1979.

FOR FURTHER INFORMATION CONTACT: Harold J. Huecker, Director, Relocation and Real Estate Division, HUD/

Community Planning and Development, 451 Seventh Street, S.W., Washington, D.C. 20410, 202-755-6336.

SUPPLEMENTARY INFORMATION: On March 31, 1978 (43 FR 13858), HUD proposed revision of 24 CFR 570.602 to explain when the Uniform Act and HUD implementing regulations at 24 CFR Part 42 apply to the acquisition of real property for a community development block grant program and resulting displacements. For the reasons explained in the preamble to 24 CFR 42.79(c) published as a final rule elsewhere in the Federal Register on this same date, the Department is issuing the following final rule conforming 24 CFR 570.602 to the revised 24 CFR 42.79(c).

A Finding of Inapplicability with regard to the Environmental Impact of these rules has been prepared in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality. A copy of that finding is available for inspection in the Office of the Rules Docket Clerk at the address indicated above.

(Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); sec. 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 570.602 [Amended]

1. Section 570.602 (a) and (b) are replaced by the following § 570.602(a):

(a) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and HUD implementing regulations at 24 CFR Part 42 apply to any acquisition of real property by a State agency (defined at 24 CFR 42.85) that is carried out for an activity assisted under this Part and to the displacement of any family, individual, business, nonprofit organization or farm that results from such acquisition.

(1) Any acquisition of real property by a "State agency" and any displacement resulting from such acquisition of real property shall be considered to be for an activity assisted under the community development block grant program and to be subject to the regulations at 24 CFR Part 42 if the acquisition or displacement occurs on or after the date of the submission of the application requesting Federal financial assistance which is granted for an activity for which the acquisition has been or will be undertaken. However, if the recipient determines that an acquisition or displacement was not carried out for an

assisted activity, and the HUD Area Office serving the locality concurs in that determination, such acquisition or displacement shall not be subject to these regulations. The recipient's request for HUD concurrence shall include its certification that at the time of the acquisition it did not intend to use the property for an assisted activity and appropriate documentation to establish that fact.

(2) The recipient or HUD, which shall monitor compliance with the Uniform Act, may determine that an acquisition prior to submission of an application for financial assistance and any resulting displacement were carried out for an assisted activity and are subject to these regulations. In the absence of such a determination by the recipient or HUD, any such acquisition or displacement occurring prior to submission of an application shall not be subject to these regulations. The recipient may at any time request a HUD determination as to whether or not such an acquisition and any resulting displacement are considered to be for an assisted activity and to be subject to these regulations. The request shall be submitted to the HUD Area Office and shall include appropriate background documentation.

(3) If the owner or occupant of a property disagrees with the recipient's determination that the Uniform Act and the regulations at 24 CFR Part 42 do not apply to the acquisition of the property or to a displacement resulting from the acquisition, he/she may file an appeal under 24 CFR Part 42 Subpart J (Appeals), whether or not the acquisition or displacement occurs before or after submission of the application for financial assistance. The specific payments and other assistance for which an appeal may be filed are set forth in 24 CFR 42.703(a).

§ 570.602(c) [Redesignated as § 570.602(b)]

2. Section 570.602(c) is redesignated as § 570.602(b).

§ 570.602(d) [Redesignated as § 570.602(c)]

3. Section 570.602(d) is redesignated as § 570.602(c).

Issued at Washington, D.C., September 24, 1979.

Robert C. Embry, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc. 79-30361 Filed 9-29-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

27 CFR Part 201

[T.D. ATF-61]

Distilled Spirits Plant Losses After Tax Determination

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Final rule, Treasury decision.

SUMMARY: This rule implements regulations that prescribe an increase in the amount of allowable losses occurring during bottling operations at distilled spirits plants. Present regulatory allowances are not providing adequate coverage for losses incurred by distilled spirits plants, as was intended by the law. These regulatory changes are intended to more nearly cover actual losses without jeopardizing the revenue.

DATES: These regulations are effective for the computation year beginning July 1, 1978.

FOR FURTHER INFORMATION CONTACT: Norman P. Blake, Research and Regulations Branch, 202-566-7626.

SUPPLEMENTARY INFORMATION: This Treasury decision is the result of a notice of proposed rulemaking published in the Federal Register on July 2, 1979, 44 FR 38573 (Notice No. 323). The notice proposed to amend 27 CFR § 201.485a by increasing the allowable operational losses at distilled spirits plants to the maximum statutory limit of 2 percent of the total completions. It was also proposed that a physical inventory would be required to support a claim, either, tentative or final.

Discussion of Comments

Comments were received from four interested parties. All of the commentors fully supported the proposal to increase the allowable losses to 2 percent. One commentor took exception, but did not object, to the proposed requirement for a physical inventory to support tentative loss claims.

Background

Effective July 1, 1959, 26 U.S.C. Section 5008(c)(3)(A) provided a maximum allowable loss schedule for bottling losses based upon completions. A schedule was formulated under 27 CFR 201.485a to insure that proprietors of distilled spirits plants would provide for minimum losses by running a closely supervised bottling operation and thereby provide adequate protection for the revenue.

The schedule established after enactment of law is, however, flexible. Authorization is provided the Secretary or his delegate to reduce or increase the amount of the maximum allowable losses in the schedule when he finds that such an adjustment is necessary to more nearly provide for the actual losses without jeopardy to the revenue. The only other stipulation in the law is that in no event shall allowable losses exceed 2 percent of total completions.

Treasury Decision ATF-31, effective July 1, 1976, addressed the problem of losses for cordials, liqueurs, cocktails, and other distilled spirits specialties. This decision afforded industry the opportunity to use a separate schedule (under 27 CFR 201.485a(b)(2)) for determining allowable losses resulting from the bottling of these products.

Since issuance of T.D. ATF-31, the Bureau has received several petitions from the distilled spirits industry requesting an overall increase in the maximum allowable loss schedule. In response to these petitions, ATF initiated a study to determine whether the current schedule is adequately fulfilling the intent of the law.

The Bureau's study shows that many plants are not being compensated for their losses up to the statutory limit of 2 percent. Since 1958 many changes in distilling and bottling procedures (changes in filters and chill proofing), modernization of equipment (faster line speeds), and consumer preferences (demand for lower proof products and the trend to larger sizes) have made the original premises on which the current loss schedule is based obsolete. Also, apart from the tax, the value of the spirits lost has also drastically increased over the years. This is an additional incentive to industry for closer supervision and attentiveness to bottling operations and losses which in turn results in greater protection of the revenue.

Legislative intent made provisions in the law for increases in the schedule, up to a 2 percent maximum, when the original schedule was found not to be consistent with protection of the revenue or the increase was justifiable on the basis of actual losses. Therefore, in order to more fully comply with the intent of the law without increasing administrative costs in enforcing the statutory provisions, the Bureau is issuing the following changes to the regulations.

Regulatory Changes

Generally, the following amendments will eliminate a maximum loss schedule and impose a standard of loss allowance to be at the maximum

statutory limit of 2 percent of total completions. In effect this will also eliminate the need for an optional schedule and the necessity for a separate computation for cordials, liqueurs, cocktails, mixed drinks, and specialties added to the regulations in 1976 by T.D. ATF-31. These changes will also effect some minor, simplifying changes to ATF F 5110.13, Pages 1 and 2 (Statement of Losses at Bottling Premises).

In order to supplement these changes, amendments are also made to the regulations incorporating prior legal rulings regarding inventories taken to support claims filed under this section. To increase protection of the revenue, physical inventories taken under this section will be required to support either tentative or final claims.

These changes will more closely align the regulations with the intent of the law and remove the inadequacies of the original schedule due to numerous changes in plant operations, new products, new trends, and the higher cost of the product. It will not add any new administrative burden on the government or require the adoption of any new costly investigative techniques. It will eliminate extra forms and filing procedures for the alcoholic beverage industry and will not jeopardize the revenue.

Drafting Information

The principal author of this document is Norman P. Blake of the Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

Authority and Issuance

Accordingly, under the authority contained in 26 U.S.C. 7805 (68A Stat. 917), 27 CFR Part 201 is amended as follows:

§ 201.45 [Amended]

Paragraph 1. Section 201.45(d)(3), is amended by deleting, in the last sentence, Form 2611 and inserting ATF Form 5110.13.

Par. 2. Section 201.485a is completely amended to read as follows:

§ 201.485a Maximum allowable losses.

The proprietor will compute and claim operating losses collectively for all spirits. Loss allowances will be for actual losses incurred not to exceed 2 percent of total completions. The maximum allowable loss not to exceed 2 percent of all completions during the

computation year in proof gallons applies to all products.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008))

§ 201.486 [Amended]

Par. 3. Section 201.486 is amended to completely delete paragraph (c) and redesignate paragraph (d) to read (c).

§ 201.488 [Amended]

Par. 4. Section 201.488 is amended to completely delete paragraph (b) and to redesignate the following paragraphs (c), (d), and (e), as (b), (c), and (d).

Par. 5. Section 201.491 is amended to remove references to Page 2 of Form 2611 under § 201.485a (b)(1) and (b)(2). As amended, § 201.491 reads as follows:

§ 201.491 Claims and supporting data.

(a) Any person filing a claim under § 201.45(d) shall file with the claim, as supporting data, ATF F 5110.13, Page 1, to show computation of the losses described in §§ 201.485 and 201.487, as applicable. Proprietors shall also prepare ATF F 5110.13, Page 2, to support claims which include losses of Puerto Rican and/or Virgin Islands spirits.

(b) Any person filing a final claim for operational loss under §§ 201.485 and 201.487 shall file the final claim within 6 months of the close of the computation year.

(c) Any person filing a claim under § 201.45(c) to cover losses by accident or disaster as described in § 201.484 shall file the claim within 6 months from the date of the loss.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323 as amended, (26 U.S.C. 5008))

Par. 6. Section 201.492 is amended to read as follows:

§ 201.492 Inventories.

Any proprietor intending to file claim under § 201.45(d) shall before beginning business on the first business day of the first period for which he intends to file claim (either tentative or final) and at the close of the last business day of each period for which any such claim (either tentative or final) is to be filed, take a physical inventory of all alcoholic ingredients that have been dumped for use in the production of spirits products and which are in process (i.e., those which are not "completions" as defined in § 201.11). The proprietor shall show, in the record of such inventory, the contents of each container in proof gallons, and as to each container, whether the contents are (a) spirits withdrawn by him from bond directly to his bottling premises for rectification or bottling, as provided in this part, or which are otherwise eligible for loss

allowance by reason of the provisions of section 5008(c)(5), I.R.C., (b) other spirits, (c) wines which have been dumped for use in the manufacture of distilled spirits products, or (d) a mixture of such spirits or wines with each other, or with alcoholic flavoring or blending ingredients. The record of any inventory taken, under this section, for the first business day of the first period for which a proprietor intends to file a claim shall show as to paragraphs (c) and (d) of this section the proof gallons of each component comprising the contents of each container. Physical inventories required under the provisions of this section shall be taken under such supervision, or verified in such manner as the regional regulatory administrator may require. The proprietor shall record in similar detail the quantities of alcoholic ingredients on-hand which are not in process. The proprietor shall, at least 3 days in advance, advise the assigned officer, or the area supervisor, of the date and time he will take any physical inventory under this section.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

§ 201.563 [Amended]

Par. 7. Section 201.563 is amended, in the next to the last sentence, by deleting Form 2611 and inserting ATF Form 5110.13.

Signed: September 7, 1979.

G. R. Dickerson,
Director.

Approved: September 19, 1979.

Richard J. Davis,
Assistant Secretary (Enforcement and Operations).

[FR Doc. 79-30448 Filed 9-28-79; 8:45 am]
BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 51

[DoD Directive 1322.11]¹

Education and Training in Human/Race Relations for Military Personnel

AGENCY: Office of the Secretary of Defense.

ACTION: Revision of final rule.

SUMMARY: This revision changes the title of the "Defense Race Relations Institute" to "Defense Equal Opportunity Management Institute." The

¹ Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120. Attention: Code 301.

policies and responsibilities remain the same. This program was established to eliminate human/racial tensions, unrest, and violence.

EFFECTIVE DATE: August 2, 1979.

FOR FURTHER INFORMATION CONTACT: Colonel Clarence A. Miller, Office of the Deputy Assistant Secretary of Defense (Equal Opportunity), Room 3E328, The Pentagon, Washington, D.C. 20301, Telephone: 202-695-0107.

SUPPLEMENTARY INFORMATION: In FR Doc. 78-34535 appearing in the Federal Register on December 12, 1978 (43 FR 58083) the Office of the Secretary of Defense published Part 51, "Education and Training in Human/Race Relations for Military Personnel," effective September 12, 1978. This amendment revises §§ 51.1 (a) and (b); 51.4(b), (1), (iii) and (v); 61.5(a), (1); and 51.6 (a) and (b), reading as follows:

§ 51.1 Purpose.

This part: (a) Is reissued to expand its coverage to Human/Race Relations and Equal Opportunity; extend Race Relations Education Board membership to the Coast Guard; defines the mission of Defense Equal Opportunity Management Institute; establish an annual curriculum review requirement; and provide for nomination and approval of faculty and staff.

(b) Incorporates those provisions in 32 CFR Part 191 relating to the Defense Equal Opportunity Management Institute and the Race Relations Education Board.

§ 51.4 Organization and functions.

(b) The Defense Equal Opportunity Management Institute (EOMI) is established as a DoD field activity, operating under the supervision and direction of the Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) and subject to policy guidance by the RREB. Located as a tenant on an established military installation, the EOMI will be supported administratively and logistically by the Military Department responsible for the host installation.

(1) The mission of the EOMI is to:

(iii) Subject to its primary responsibility of training EOMI students, act as a resource and provide consultant services to DoD activities requesting assistance in equal opportunity/equal employment opportunity.

(v) Evaluate EOMI's program effectiveness.

§ 51.5 Responsibilities.

(a) The Assistant Secretary of Defense (MRA&L) shall identify, accept, and approve nominations for key staff billets and all faculty billets at the EOMI.

(b) The Secretaries of the Military Departments shall:

(1) Select and assign full-time human/race relations and equal opportunity instructors and staff personnel who will be trained by the EOMI.

§ 51.6 Programing, budgeting, and financing.

The Military Department assigned responsibility for administrative and logistical support will be responsible for programing, budgeting, and financing all operational expenses of the EOMI, except as indicated below, and will identify separately all such expenses in its Operation and Maintenance budget and financial plan submitted to the Office of the Secretary of Defense.

(a) The pay, allowances (including subsistence), and travel reimbursements of DoD personnel permanently or temporarily assigned to assist in the management or operation of the EOMI, including instructors, will be borne by the parent Military Service of assignment. The salaries and expenses, including travel, of civilian personnel temporarily assigned will be borne by the DoD Component of assignment.

(b) Pay, allowances, and travel costs (not integral to courses of instruction) of military and civilian personnel assigned as students at the EOMI will be borne by their sponsoring DoD Components.

(Pub. L. 92-261, sec. 301, 80 Stat. 379 (5 U.S.C. 301, 10 U.S.C. 133))
September 25, 1979.

H. E. Lofdahl,
Director, Correspondence and Directives,
Washington Headquarters Services,
Department of Defense.

[FR Doc. 79-30323 Filed 9-28-79; 8:45 am]
BILLING CODE 3810-70-M

32 CFR Part 231

[DoD Directive 1000.11]¹

Banking Offices on DoD Installations

AGENCY: Office of the Secretary of Defense.

ACTION: Amendment of final rule.

¹ Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

SUMMARY: This revision clarifies certain aspects and definitions regarding DoD support of banking facilities, and leasing agreements of land, improvements and construction of Government-owned buildings by banks serving on military installations worldwide.

EFFECTIVE DATE: June 21, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Burton B. Moyer, Office of the Deputy Assistant Secretary of Defense (Management Systems), OASD (Comptroller), The Pentagon, Washington, D.C. 20301, Telephone: 202-697-8281.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-33742 appearing in the Federal Register on November 23, 1977 (43 FR 59972) the Office of the Secretary of Defense published DoD policies regarding banks on DoD installations. This amendment revises §§ 231.5(a) (1), (3), and (4); 231.5(b)(1), (b)(1)(v), (b)(2) and (b)(3), reading as follows:

§ 231.5 Logistical support and services.

(a) *Nonself-Sustaining Banking Facilities.*

(1) Generally, space in Government buildings and logistical support will be furnished in support of banking facilities on a nonreimbursable permit for a period of 5 years, subject to renewal for an additional 5 years by mutual agreement.

(3) In the event of a notice by the Treasury Department that a domestic banking facility has become a self-sustaining organization, the nonreimbursable permit under which it occupies DoD space shall be terminated and a lease will be negotiated in accordance with § 231.5(b)(1).

(4) In those exceptional instances where a nonself-sustaining banking facility is authorized to construct its own building on Government-owned land, no ground rent will be charged until the facility is determined to be self-sustaining or until expiration of the term of lease, whichever occurs sooner. When either of these events occur, a fair market rental, as determined by appraisal in accordance with § 231.5(b)(1) will be charged. Conditions of construction under § 231.5(b)(3) apply.

(b) *Self-Sustaining Banking Offices—(1) Lease of Land.* A lease of land for construction of a building to house a self-sustaining banking office shall be at appraised fair market rental value as defined in § 231.7(j). The term of the lease will not exceed 25 years. Once determined, the charges will be

applicable for the entire term of the lease.

(v) If title to improvements passes to the United States, arrangements may be made for continued occupancy by the banking office, provided that a mutually acceptable lease is negotiated which includes provisions for fair market rental value on the land and improvements, and payment of utilities and other support service costs by the lessee.

(2) *Lease of Government-owned building.* A lease of an existing Government structure to house a self-sustaining banking office shall be at appraised fair market rental value and shall take into consideration those factors enumerated in § 231.7(j).

(3) *Construction of building.* A banking institution authorized to operate a banking office on a military installation may construct a building to house its activities, subject to the following provisions.

(10 U.S.C. Sec. 136)
September 26, 1979.

H. E. Lofdahl,
Director, Correspondence and Directives,
Washington Headquarters Services,
Department of Defense.

[FR Doc. 79-30324 Filed 9-28-79; 8:45 am]
BILLING CODE 3810-70-M

VETERANS ADMINISTRATION

38 CFR Part 36

Increase in Maximum Permissible Interest Rate on New, Guaranteed, Insured and Direct Loans

AGENCY: Veterans Administration.
ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum interest rate on guaranteed, insured and direct loans for new homes and condominiums. The interest rate is also increased on loans for the purchase of a mobile home lot or for site preparation over \$2,500 on a lot previously acquired by a veteran. The maximum interest rate is increased because the former interest rate was not sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. The increase in the interest rate will assure a continuing supply of funds for home mortgages; thereby allowing veterans to purchase a home with the assistance of a no downpayment VA loan.

EFFECTIVE DATE: September 26, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., NW, Washington, D.C. 20420 (202-389-3042).

SUPPLEMENTARY INFORMATION: The Administrator is required to establish a maximum interest rate for loans guaranteed, insured or made by the Veterans Administration as he finds the mortgage money market demands. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans, the general increase in interest rates charged by lenders on conventional loans, and the results of the bi-weekly Federal National Mortgage Association auctions—have shown that the mortgage money market has become more restrictive. The maximum rate in effect for VA guaranteed loans has not been sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program it has been determined that an increase in the maximum permissible rate is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

No change is being made in the maximum interest rate applicable to the mobile home loan program at this time except as to loans to purchase mobile home lots.

A loan to purchase a mobile home lot is similar to other real estate loans and for the purpose of assuring a continuing supply of funds and consistency with other real estate programs, the rate on these loans is also being increased.

The increase in the maximum interest rate is accomplished by amending §§ 36.4212(a) (2) and (3), 36.4311(a), and 36.4503(a), Title 38 Code of Federal Regulations. Compliance with the procedure for publication of proposed regulations prior to final adoption is waived because compliance would create an acute shortage of mortgage funds pending the final date which would necessarily be more than 30 days after publication in proposed form.

Approved: September 25, 1979.

Max Cleland,
Administrator.

1. In § 36.4212, paragraph (a) (2) and (3) is revised to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to September 26, 1979. (38 U.S.C. 1819(f).)

(2) 10½ percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 10½ percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 12 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed \$2,500.

2. In § 36.4311, paragraph (a) is revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 10½ per centum per annum, effective September 26, 1979, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 10½ per centum per annum on the unpaid principal balance. (38 U.S.C.1803(c)(1).)

3. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1978, shall not exceed an amount which bears the same ratio to \$33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to \$25,000. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 10½ percent per annum. (38 U.S.C. 1811(d) (1) and (2)(A).)

[FR Doc. 79-30351 Filed 9-28-79; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 413**

[FRL 1331-2]

Effluent Guidelines and Standards, Electroplating Point Source Category, Pretreatment Standards for Existing Sources

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: The following corrections are to be made in the Agency's Electroplating pretreatment final regulation that appeared in the Federal Register on Friday, September 7, 1979 (FR Doc. 79-27905). The corrections represent editing, typing and composing errors.

DATES: These corrections are effective October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Ernst P. Hall, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 426-2576.

Date: September 26, 1979.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

1. Section 413.03(b) is revised to read as follows:

§ 413.03 (b) [Amended].

(b) For the purpose of enforcement of pretreatment standards, consecutive samples taken and analyzed shall be considered as being taken on consecutive days even though one or more non-sampling days intervene. In applying the pretreatment standards where more than one but less than 30 samples have been taken and analyzed during any month, the following formula shall be used to establish the standard for each pollutant which the average of the samples shall not exceed:

$$L_x = L_{30} + F_x (L_1 - L_{30})$$

Where:

L_x = Standard not to be exceeded by the average of x consecutive samples.

L_1 = Maximum for any one day.

L_{30} = Standard not to be exceeded by the average of 30 consecutive days.

F_x = Multiplier for number of samples analyzed (from table below).

Values of F_x

Number samples	F_x
1	1.00
2	0.597
3	0.430
4	0.335

Values of F_x —Continued

Number samples	F_x
5	0.266
6	0.223
7	0.186
8	0.167
9	0.141
10	0.127
11	0.114
12	0.102
13	0.089
14	0.077
15	0.064
16	0.058
17	0.052
18	0.045
19	0.039
20	0.033
21	0.030
22	0.026
23	0.023
24	0.020
25	0.016
26	0.013
27	0.010
28	0.007
29	0.003
30	0.000

2. Section 413.14(d) is revised to read as follows:

§ 413.14(d) [Amended].

(d) Alternatively, the following mass-based standards are equivalent to and may be applied in place of those limitations specified under paragraph (c) of this section upon prior agreement between a source subject to these standards and the publicly owned treatment works receiving such regulated wastes:

Pollutant or pollutant property	Pretreatment standard (mg/sq m-operation)	
	Maximum for any 1 day	Average of daily values for 30 consecutive monitoring days shall not exceed—
CN, T	29	9
Cu	178	70
Ni	160	70
Cr	273	98
Zn	164	70
Pb	23	12
Cd	47	20
Total metals	410	195

3. Section 413.20 is revised to read as follows:

§ 413.20 Applicability: Description of the electroplating of precious metals subcategory.

The provisions of this subpart apply to discharges of process wastewaters resulting from the process in which a ferrous or nonferrous basis material is plated with gold, silver, iridium, palladium, platinum, rhodium, ruthenium, or any combination of these.

4. Paragraphs 413.22 (a) through (d) are revised to read as follows, with paragraphs (e) and (f) deleted:

§ 413.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Silver.....	16	
Gold.....	16	
CN, A.....	16	
CN, Total.....	160	8
Cr, Total.....	160	8
CrVI.....	16	
Iridium.....	16	
Osmium.....	16	
Palladium.....	16	
Platinum.....	16	
Rhodium.....	16	
Ruthenium.....	16	
Phosphorus.....	320	16
TSS.....	6400	320
pH.....	Within the range 6.0 to 9.5	
(English units) pounds per million square feet per operation		
Silver.....	3.3	1.6
Gold.....	3.3	1.6
CN, A.....	3.3	1.6
CN, Total.....	32.7	16
Cr, Total.....	32.7	16
CrVI.....	3.3	1.6
Iridium.....	3.3	1.6
Osmium.....	3.3	1.6
Palladium.....	3.3	1.6
Platinum.....	3.3	1.6
Rhodium.....	3.3	1.6
Ruthenium.....	3.3	1.6
Phosphorus.....	65.4	32
TSS.....	1306	654
pH.....	Within the range 6.0 to 9.5	

(b) Stripping, where followed by a rinse and conducted in conjunction with electroplating for the purpose of salvaging improperly plated parts, may be included under the term "operation" for the purpose of calculating effluent discharges.

(c) Electroless plating on non-metallic materials for the purpose of providing a conductive surface on the basis material, preceeding the actual electroplating step and forming an integral step in the plating line and followed by a rinse may be included under the term "operation" for the purpose of calculating effluent discharges.

(d) Pursuant to section 308 of the Act, point sources subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a). For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

Note.—At 41 FR 53019, December 3, 1976, § 413.22 was suspended indefinitely.

5. Section 413.24(e) is revised to read as follows:

§ 413.24(e) [Amended].

(e) For wastewater sources regulated under paragraph (c) of this section, the following optional control program may be elected by the source introducing treated process wastewater into a publicly owned treatment works with the concurrence of the control authority. These optional pollutant parameters are not eligible for allowance for removal achieved by the publicly owned treatment works under 40 CFR 403.7. In the absence of strong chelating agents, after reduction of hexavalent chromium wastes and after neutralization using calcium oxide (or hydroxide) the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard (mg/l)	
	Maximum for any 1 day	Average of daily values for 30 consecutive monitoring days shall not exceed—
CN, T	0.8	0.23
Pb	0.6	0.3
Cd	1.2	0.5
TSS	20.0	10.0
pH	Within the range 7.5 to 10.0	

6. Paragraphs 413.42 (a) through (d) are revised to read as follows, with paragraphs (e) and (f) deleted:

§ 413.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
(Metric units) milligrams per square meter per operation		
Copper.....	90	45
Nickel.....	90	45
Cr, Total.....	90	45
CrVI.....	9	4.5
Zinc.....	90	45
CN, Total.....	90	45
CN, A.....	9	4.5
Fluoride.....	3600	1800
Cadmium.....	54	27
Iron.....	180	90
Tin.....	180	90
Phosphorus.....	180	90
TSS.....	3600	1800
pH.....	Within the range 6.0 to 9.5	
(English units) pounds per million square feet per operation		
Copper.....	18.4	9.2
Nickel.....	18.4	9.2
Cr, Total.....	18.4	9.2
CrVI.....	1.8	0.92
Zinc.....	18.4	9.2
CN, Total.....	18.4	9.2
CN, A.....	1.8	0.92
Fluoride.....	736	369
Cadmium.....	6.8	4.4
Iron.....	36.6	16.4
Tin.....	36.6	16.4
Phosphorus.....	36.8	16.4
TSS.....	738	369
pH.....	Within the range 6.0 to 9.5	

(b) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of wastewater generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

Effluent Characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
(Metric units) milligrams per square meters per operation		
CN,A.....	9	4.5
CN,Total.....	90	45
Flow.....	Equalize	
pH.....	Within the range 6.0 to 9.0	
(English units) pounds per million square feet per operation		
CN,A.....	1.8	.92
CN,Total.....	18.4	9.2
Flow.....	Equalize	
pH.....	Within the range 6.0 to 9.0	

(c) Pursuant to section 308 of the Act, point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a). For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

Note.—At 41 FR 53019, Dec. 3, 1976, § 413.42 was suspended indefinitely.

7. Paragraphs 413.52 (a) through (d) are revised to read as follows, with paragraphs (e) and (f) deleted:

§ 413.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
(Metric units) milligrams per square meter per operation		
Copper.....	80	40
Nickel.....	80	40
Cr, Total.....	80	40
CrVI.....	8	4
Zinc.....	80	40
CN, Total.....	80	40
CN, A.....	8	4
Fluoride.....	3600	1800
Cadmium.....	48	24
Iron.....	160	80
Tin.....	160	80
Phosphorus.....	160	80
TSS.....	3600	1800
pH.....	Within the range 6.0 to 9.5	
(English units) pounds per million square feet per operation		
Copper.....	16.4	8.2
Nickel.....	16.4	8.2
Cr, Total.....	16.4	8.2
CrVI.....	1.8	.82
Zinc.....	16.4	8.2
CN, Total.....	16.4	8.2
CN, A.....	1.8	.82
Fluoride.....	646	323
Cadmium.....	9.6	4.9
Iron.....	32.8	16.4
Tin.....	32.8	16.4
Phosphorus.....	32.8	16.4
TSS.....	646	323
pH.....	Within the range 6.0 to 9.5	

(b) For any point source subject to such effluent limitations with a total employment of less than 11 persons,

with a discharge from the establishment of wastewater generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
(Metric units) milligrams per square meter per operation		
CN,A.....	8	
CN,Total.....	80	4
Flow.....	Equalize	
pH.....	Within the range 6.0 to 9.0	
(English units) pounds per million square feet per operation		
CN,A.....	1.6	.8
CN,Total.....	16.4	8.2
Flow.....	Equalize	
pH.....	Within the range 6.0 to 9.0	

(c) Pursuant to section 308 of the Act, point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a). For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

Note.—At 41 FR 53019, Dec. 3, 1976, § 413.52 was suspended indefinitely.

8. Section 413.54(d) is revised to read as follows:

§ 413.54(d) [Revised].

(d) Alternatively, the following mass-based standards are equivalent to and may apply in place of those limitations specified under paragraph (c) of this section upon prior agreement between a source subject to these standards and the publicly owned treatment works receiving such regulated wastes:

Pollutant or pollutant property	Pretreatment Standard (mg/sq m-operation)	
	Maximum for any 1 day	Average of daily values for 30 consecutive monitoring days shall not exceed
CN, T.....	29	9
Cu.....	176	70
Ni.....	160	70
Cr.....	273	98
Zn.....	164	70
Pb.....	23	12
Cd.....	47	20
Total metals.....	410	195

9. Paragraphs 413.62 (a) through (d) are revised to read as follows, with paragraphs (e) and (f) deleted:

§ 413.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations establish quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
(Metric units) milligrams per square meters per operations		
Copper.....	120	60
Nickel.....	120	60
Cr, Total.....	120	60
CrVI.....	12	6
Zinc.....	120	60
Cn, Total.....	120	60
CNA.....	18	9
Fluoride.....	4800	2400
Cadmium.....	72	36
Iron.....	240	120
Tin.....	240	120
Phosphorus.....	240	2400
TSS.....	4800	2400
pH.....	Within the range 6.0 to 9.5 (English units) pounds per million square feet per operation	
(English units) pounds per million square feet per operation		
Copper.....	24.8	12.3
Nickel.....	24.6	12.3
Cr, Total.....	24.6	12.3
CrVI.....	2.4	1.2
Zinc.....	24.6	12.3
CN, Total.....	24.6	12.3
CNA.....	3.6	1.9
Fluoride.....	964	492
Cadmium.....	14.6	7.4
Iron.....	49.2	24.6
Tin.....	49.2	24.6
Phosphorus.....	49.2	24.6
TSS.....	964	492
pH.....	Within the range 6.0 to 9.5	

(b) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment

of wastewater generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
(Metric units) milligrams per square meters per operation		
CN, A	9	4.5
CN, Total	90	45
Flow	Equalize	
pH	Within the range 6.0 to 9.0	
(English units) pounds per million square feet per operation		
CN, A	1.8	.92
CN, Total	18.4	9.2
Flow	Equalize	
pH	Within the range 6.0 to 9.0	

(c) Pursuant to section 308 of the Act, point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a). For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

Note.—At 41 FR 53019, Dec. 3, 1976, § 413.62 was suspended indefinitely.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

42 CFR Part 456

Medical Assistance Program; Penalty for Failure To Make a Satisfactory Showing of an Effective Institutional Utilization Control Program

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final regulation.

SUMMARY: This regulation provides for reduction of the Federal share of Medicaid payments to a State if its Medicaid agency does not demonstrate,

to the satisfaction of the Administrator of HCFA, that it has an effective program of control over the utilization of inpatient institutional services. The regulation specifies (1) the requirements agencies must meet to avoid a reduction in Federal matching; (2) the content and format of quarterly reports that agencies must make to show that they have met these requirements; (3) a formula for reduction in Federal matching payments that is based on the number of patients in those facilities in which the requirements were not met; and (4) the procedures for making required reductions.

This regulation implements section 20 of the Medicare-Medicaid Anti-Fraud and Abuse Amendments of 1977 (Pub. L. 95-142), and incorporates existing policies established by HCFA to implement Section 1903(g) of the Social Security Act. The purpose is to moderate the severity of the previous penalty formula, to authorize the Administrator to grant limited exceptions to States that do not meet the on-site patient review requirements and to codify more effective management procedures for the program.

EFFECTIVE DATE: December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Carlton Stockton, (301) 597-1350

SUPPLEMENTARY INFORMATION:

Background

Section 1903 (g) of the Social Security Act requires a reduction in Federal matching payments for the costs of inpatient institutional services under Medicaid in every quarter for which a State fails to make a satisfactory showing that it has an effective program of control over the utilization of those services.

Section 1903 (g) specifies the four basic requirements of a utilization control (UC) program. With respect to each patient:

1. The need for inpatient services must be certified, and periodically recertified, by a physician;
2. A plan of care must be established and periodically reviewed by a physician;
3. The State must have a continuous program of utilization review under which the admission of each recipient is either reviewed or screened; and
4. The State must have an effective program of medical and independent professional review. Before the 1977 amendments made by Pub. L. 95-142, the statute required that the Federal medical assistance percentage, with respect to amounts paid for long stay services, be reduced by one-third for each quarter

and each category of institution for which UC requirements were not met. Although we announced reductions under these provisions amounting to millions of dollars during 1977, these reductions were postponed by the Congress. (See Pub. L. 95-59; Pub. L. 95-142.)

Pub. L. 95-142 made a number of changes to section 1903(g). The legislative history of these changes indicates that they were designed to lessen the severity of the required reductions, to establish a reasonable timetable for the submission of showings to HEW and the subsequent HEW review and validation, and to give adequate notice to the States of any resulting reductions. Specifically, these changes address the (1) timing of annual medical review (MR) and independent professional review (IPR); (2) staffing requirements for MR teams in skilled nursing facilities; (3) exceptions to the requirement that the State perform 100 percent of the required reviews; (4) timing for submission of a State's showing; (5) performance of validation surveys; (6) change in the reduction formula; and (7) timing of the final notice to a State of any reductions.

Notice of Proposed Rulemaking

On November 1, 1978, HCFA published a notice of proposed rule making (NPRM) (43 FR 50922) that specified the basic requirements of an effective utilization control (UC) program with respect to inpatient institutional services, and HCFA's methods and procedures for reducing the Federal share of Medicaid payments if States fail to demonstrate that they have such a program. Twenty-three comments were received from State agencies and others. In general, the commenters supported the approach taken in the NPRM. The following discussion of those comments follows the outline of the issues presented in the NPRM preamble.

Elimination of UC Requirement for Discharge Planning

Section 1903(g) specifies four UC requirements: physician certification and recertification of the need for care; physician plan of care; utilization review; and annual medical and independent professional review of care. Section 456.652 of the proposed rule limited the requirements which the States must meet to avoid reductions in FFP to the four specified in the statute. The former penalty regulation contained an additional requirement for discharge planning in skilled nursing facilities. One commenter assumed that the requirement for discharge planning was

being eliminated altogether and objected to its deletion. The regulations still require discharge planning in skilled nursing facilities (42 CFR §§ 456.346-456.348). However, the requirement will no longer be subject to the quarterly showing and penalty provisions of this regulation. It remains a State plan requirement, enforced through plan compliance procedures under section 1904 of the Act.

Utilization Review (UR) Requirement

Section 1903(g) specifies that a State must have "in effect a continuous program of review of utilization pursuant to section 1902(a)(30) whereby each admission is reviewed or screened. . . ." As amended by the Social Security Amendments of 1975 (Pub. L. 94-182), section 1903(g)(1)(C) no longer explicitly requires continued stay review (periodic review of the care of patients who are in the facility a specified length of time). Section 1902(a)(30) requires that State plans provide such methods and procedures "relating to the utilization of . . . care and services available under the plan (including but not limited to utilization review plans as provided for in section 1903(i)(4) . . . as may be necessary to safeguard against unnecessary utilization of such care and services" Section 1903(i)(4) requires that all hospitals and skilled nursing facilities participating in Medicaid have in effect a utilization review (UR) plan that meets the requirements of section 1861(k) of the Act. Section 1861(k)(3) explicitly requires continued stay review. Under this authority, HCFA plans to propose UR regulations for continued stay review. We believe that continued stay review is of major importance as a means of improving the quality of patient care and, therefore, that it should be a procedure subject to the UC penalty.

Section 456.652(a)(3) of the proposed regulation published November 1, provided that a State must make a satisfactory showing that it met the requirement for "a continuous program of utilization review under which the admission of each recipient is reviewed or screened in accordance with section 1903(g)(1)(C) of the Act". That section is being promulgated in final form without change. However, since section 1903(g)(1)(C) incorporates UR requirements under section 1902(a)(30), and section 1902(a)(30) incorporates the UR requirement for continued stay, we intend to propose amending the penalty regulation, after we have published a final UR regulation, to include continued stay review.

Recipients in Out-of-State Facilities

The NPRM did not include a proposed rule on this issue, but did specifically solicit comments on the problems facing the States and the best method of administering UC requirements for services provided to recipients of one State who are cared for in facilities in another State.

Statutory Provisions

Section 1903(g)(1) refers to "services furnished under the State plan". It seems to require that a State ensure that all UC requirements are met for all recipients receiving inpatient services under its plan, regardless of whether the recipients are in facilities located within the State or in another State. However, section 1903(g)(1) also specifies that a State must make a satisfactory showing that there is an effective UC program "in operation in the State". This seems to limit this penalty provision to recipients cared for in facilities in the State.

Sections 1903(g)(1)(A) and (B) specify that physician certification and plan of care requirements be met for each recipient receiving services under the plan.

Section 1903(g)(1)(C) requires a continuous program of utilization review under section 1902(a)(30), which refers to care and services available under the plan.

Section 1903(g)(1)(D) incorporates the requirements for medical review (MR) and SNFs and independent professional review (IPR) in ICFs set forth in sections 1902(a) (26) and (31) of the Act respectively. Sections 1902(a) (26)(A) and (31)(A) refer to care provided under the State plan, but sections 1902(a) (26)(B) and (31)(B), which contain the on-site review requirement, explicitly limit this requirement to facilities located "within the State".

Although the statute requires that a State meet the requirements for physician certification and recertification, plan of care and utilization review for all recipients for which it claims FFP under its plan, the on-site review requirement for MR and IPR is specifically limited to facilities located within the State.

Comments and Final Regulation

Most comments on this issue related to the on-site review requirement, which would cause States the most administrative expense and possible duplication of effort. Twelve States and one private organization commented on ways to meet the on-site review requirement. They suggested three alternative solutions: 1) require MR and IPR teams to review all Medicaid

recipients in a facility including those paid for by another State; 2) mandate that States have reciprocal agreements with each other for reviewing each other's recipients; 3) allow States flexibility to work out arrangements between themselves or with PSROs for performing MR and IPR. Almost all commenters pointed out the strain that would be placed on interstate relations if HCFA required that MR or IPR teams cross State borders to review the care of State recipients in out-of-State facilities.

We have concluded that we do not have the statutory authority to penalize a State for failure to conduct on-site medical and independent professional reviews for recipients for whom they do not claim FFP—i.e., recipients from other States who are in facilities within the State. In addition, we think there is no practical way to require a State to do, or be responsible for, on-site reviews for its recipients who are in facilities in other States. Consequently we will continue the current practice of not requiring States to review patients in out-of-State facilities. States remain free, of course, to make reciprocal arrangements to monitor the care given their recipients out-of-State. However, this review will not be subject to the UC penalty, except where a State owns and operates a long-term care institution located in another State. In this case, the State owning the institution will be required to report the institution or facility on its quarterly showing and to provide for appropriate on-site review.

One commenter suggested (by enclosing a copy of the State's invoice statement for long-term care facilities) that each out-of-State facility be required to sign a statement for each recipient certifying that the requirements for physician certification, recertification, plan of care and facility-based utilization review had been met. On the sample invoice, the certification was confined to physician certification and recertification and was printed on the back of the invoice statement. We have not evaluated this certification system, but mention it here for Medicaid agency consideration.

Recipients in Facilities Without Valid Provider Agreements

We proposed in the NPRM to hold States accountable for assuring that the UC requirements are met for facilities without valid provider agreements if the State claims or intends to claim FFP for payments to those facilities. This situation usually occurs when a facility continues to provide services while appealing a denial or termination of its agreement. All commenters on this issue agreed with HCFA's position. We have

retained the provision as proposed, with minor clarifications.

Inpatient Psychiatric Services for Recipients Under 21

We also proposed in the NPRM to apply the UC requirements to inpatient psychiatric services furnished to recipients under 21 in non-hospital facilities. Section 1905(h)(1)(A) of the Act defines inpatient psychiatric services for individuals under 21 as those services provided in an institution accredited "as a psychiatric hospital" by the Joint Commission on Accreditation of Hospitals (JCAH). JCAH does not accredit psychiatric hospitals as such, but rather accredits "psychiatric facilities" which may include non-hospital institutions or programs. The proposed regulation broadened the definition of the term "mental hospital" to include these psychiatric facilities or programs accredited by JCAH. Thus, the statutory UC requirements applicable to mental hospitals were also made applicable to these psychiatric facilities or programs.

Four States and one private organization commented on the proposed definition of "mental hospital".

One commenter opposed the requirement for Medicaid acceptance of JCAH accreditation of mental hospitals in general. Section 1905(h)(1)(A) of the Act requires this result, and no regulatory change can be made.

One commenter foresaw confusion between the terms "mental hospital" and "institution for mental disease". We defined the term "mental hospital" in the NPRM in order to make inpatient psychiatric services subject to the UC requirements. We have eliminated the definition and, instead, specify in § 456.652 of the final regulation that, to make a satisfactory showing to the Administrator, the agency must meet the requirements specified in §§ 456.461 and 456.482, dealing with inpatient psychiatric services for individuals under age 21. We have eliminated the term "institution for mental diseases" in the final regulation, and use instead the language in Part 456, Subpart I (dealing with annual inspections of care) which refers to facilities that primarily care for mental patients. We have also amended the definition of "psychiatric facility" in Subpart I to make clear that the term includes all facilities or programs that provide inpatient psychiatric services to individuals under 21, for which FFP is provided under Part 441, Subpart D.

Two commenters saw potential confusion over the fact that JCAH also accredits acute care hospitals and that these facilities may, in turn, have

psychiatric units. Medicaid patients in psychiatric units of general or acute care hospitals are subject to the UC requirements for physician certification, recertification, plan of care and utilization review because those requirements apply to all hospitals under section 1903(g), but they are not subject to medical review since the annual medical review requirement of section 1903(g)(1)(D) does not apply to acute care hospitals. We have amended the definition of "psychiatric facility" in Subpart I to clarify this point.

Onsite Facility Review Requirement

We proposed in the NPRM that annual reviews would be considered timely if they are performed by the end of the calendar quarter corresponding to the quarter in which a facility entered the program or the quarter in which the facility had been inspected the previous year. Under this interpretation, States would not be required to track the length of time each individual recipient was in a facility, and the review date would not relate to the length of stay of any individual recipient in that facility.

We also proposed not to alter the anniversary due date of a facility if a level of care were added to or deleted from the facility's provider agreement.

All comments received supported these two provisions. However, several States took exception to our proposal that where, on the day of the scheduled review, no Medicaid patients are found in the facility, the due date for an on-site inspection would be moved to the next quarter. The States commented that this provision was overly restrictive and that the review date should be moved forward one year, since this would still mean no patient would be in the facility for more than one year without being reviewed. However, this would be inconsistent with the regulatory scheme in which the timing of reviews is based on facilities and not on the length of time individuals were in those facilities. Additionally, we do not believe that to require the State to contact the facility in each subsequent quarter to determine if there are Medicaid patients in the facility is unduly burdensome. In most cases, the State will merely telephone the facility to determine whether to schedule another review. We have clarified the regulation to specify that a review team visit is not required until the State finds that Medicaid patients are in the facility.

Review Team Composition Requirements

The NPRM proposed to delete the requirement in the existing regulation that a physician be a member of the on-

site review team in skilled nursing facilities. This change implements an amendment made by Pub. L. 95-142, which allows States to have either a physician or registered nurse on the team. One commenter opposed the change, citing the benefits of physician evaluations. Since our proposed change was required to implement the statute, we are retaining it. However, neither the statute nor the regulation prevents a State from adding a physician to its review team if it wishes to do so.

The Exception Clauses

Section 20 of Pub. L. 95-142 amended section 1903(g) to require the Secretary to find a showing satisfactory with respect to the requirement for medical review (MR) or independent professional review (IPR)—

"if the showing demonstrates that the State has conducted such an onsite inspection during the 12-month period ending on the last date of the calendar quarter—

"(i) in each of not less than 98 per centum of the number of such hospitals and facilities requiring such inspection, and

"(ii) in every such hospital or facility which has 200 or more beds,

and that, with respect to such hospitals and facilities not inspected within such period, the State has exercised good faith and due diligence in attempting to conduct such inspection, or if the State demonstrates to the satisfaction of the Secretary that it would have made such a showing but for failings of a technical nature only."

The proposed regulations provided that FFP would not be reduced for a State's failure to conduct all required on-site inspections if the 98 percent and 200 bed adherence level was achieved by the close of the showing quarter, and the failure to achieve 100 percent compliance was clearly beyond the agency's control and could not have been reasonably anticipated. Additionally, we proposed to excuse, under the "technical failings" exceptions failures to achieve 100 percent compliance by the close of the showing quarter if the failure was due to circumstances within the State agency's control and the reviews were completed within 30 days after the close of the showing quarter. We proposed not to excuse, under either provision, a State's failure to complete reviews in any facility with 200 or more beds certified for Title XIX use or in more than 2 percent of the combined total of all facilities requiring inspections.

Commenters on the proposed rule believed that it too narrowly construed the statutory exception clauses and did not reflect the intent of Congress. Specifically, commenters argued that the statute does not limit the "good faith

and due diligence" exception to circumstances beyond the State agency's control, and that the legislative intent behind "failings of a technical nature" was to excuse States from having to meet the 98 percent, 200-bed standard. They also objected that allowing only 30 days for completion of reviews under the "technical failings" exception was too rigid. Other commenters requested that HCFA specify what circumstance we would consider to be beyond a State agency's control so that the State would qualify for the "good faith and due diligence" exception. Finally, commenters found drafting inconsistencies between our intended purpose, as expressed in the preamble to the proposed rule, and the rule itself (§ 456.653). After reviewing the legislative history of this provision and considering the comments, we have revised § 456.653. The following summary of the legislative history may be helpful in understanding our conclusions.

The concept of allowing States some tolerance level for the on-site review requirements originated in the House Interstate and Foreign Commerce Committee Report on H.R. 3 (H. Rep. No. 95-393, Pt. II, 95th Cong., 1st Sess. (1977)). The Committee provided that if a State had made a good faith attempt to perform the on-site review requirements in all facilities scheduled for review in a quarter, and succeeded in reviewing all large institutions (those with 200 or more beds) and at least 98 percent of all institutions, it would be found in compliance with section 1903(g).

The Senate Finance Committee version of H.R. 3 also included the concept of a tolerance level, but instead of using the 98 percent formula included in the House-passed bill, the Senate version provided for a more general waiver authority if a State's non-compliance were "of a technical nature only, or . . . due to circumstances beyond the control of the State". (S. Rep. No. 95-453, 95th Cong., 1st Sess., pp. 41, 86-87 (1977).)

The House-Senate Conference report accepted the more narrowly defined tolerance level of the House but combined it with language from the Senate.

As expressed in the Conference Report, if a State attempts in good faith to perform reviews in all institutions, and "actually reviews all large institutions and 98 percent of all other institutions (or fails to meet this standard only for technical reasons), it will be considered in full compliance with the requirements of the law". (H. Rep. No. 95-673, 95th Cong., 1st Sess., p. 48 (1977).) As enacted, section

1903(g)(4)(B) provides that a State's showing with reference to the on-site review requirements will be found satisfactory if it meets the 98 percent and 200-bed standard and the State has exercised good faith and due diligence in attempting to review those facilities not inspected, or if the State demonstrates that it would have met the standard except for failings of a technical nature.

We have retained the good faith and due diligence exception as published in the NPRM. However, we have revised the final regulation to allow States, under the technical failing exception, to reach the 98 percent, 200-bed standard (rather than a standard of 100%) within 30 days of the close of the quarter if there were circumstances (within their control) during the showing quarter which prevented the reviews from taking place. We believe that this change accurately reflects Congressional intent.

Good Faith and Due Diligence Exception

Under this exception we will find a State's showing satisfactory, with respect to the on-site review requirements, if by the close of the showing quarter, the State has reviewed 98 percent of all facilities and all facilities with 200 or more certified Title XIX beds, and if the State attempted, in good faith and with due diligence, to review all other facilities but failed because of circumstances beyond the State agency's control which could not have been anticipated. We believe that the inherent meaning of the phrase "good faith and due diligence" is that the State agency made attempts to perform reviews but was prevented from doing so by circumstances over which it had no control. These circumstances could arise at the facility (as, for example, a review team is prevented from entering a facility due to quarantine or court order), or could arise from severe and unpredictable weather disturbances, preventing the team from getting to the facility.

Technical Failings Exception

Under this exception, we will find a State's showing satisfactory, if, despite the fact that a State fails to meet 100 percent compliance by the end of the showing quarter, the State is, nevertheless, able to meet the 98 percent, 200-bed standard by the date of submittal of the state's showing to HCFA (30 days past the close of the showing quarter). The only guidance as to what would constitute a "failing of a technical nature" is from the Senate Report. That report indicates the two

factors to be considered: (1) that a State has performed reviews in most, but not all facilities by the close of the showing quarter, and (2) that the unreviewed facilities were reviewed within "several weeks" of the close of the quarter. We believe that requiring the 98 percent, 200-bed standard to be met by the end of the 30-day period allowed by statute for submission of showings is consistent with the legislative guidance.

Data Requirements for Quarterly Showing

PSRO Assumption of Review

Several States objected to the proposed State plan requirement (§ 456.7) that the States submit quarterly the names, addresses and provider numbers of those facilities that are under binding PSRO review. The intention of this requirement was to ensure that both HCFA and the State know in which facilities the State must still meet UC requirements. One State agency suggested, as an alternative, that we add a column to the quarterly showing format that would be used by each State to report the date on which it was relieved of review responsibility for each particular facility. We believe that this procedure will accomplish our original objective with little or no additional burden on State agencies. We have, therefore, deleted the requirement as a separate State plan requirement, and included this information as an item in the quarterly showing (§ 456.654).

Submittal of Provider Agreements

Commenters indicated confusion over the requirement that copies of provider agreements be submitted to document beginning and ending provider agreement dates (§ 456.654). Some commenters interpreted this provision as requiring that provider agreements must be submitted every quarter for every facility participating in a State's program. This is not the case. The State must report beginning and ending provider agreement dates on the quarterly showing only for facilities that entered or left the program during the year covered by the showing, and must submit provider agreements only for those facilities. The regulation has been changed to clarify this requirement.

Quarterly Showing Format

In commenting on requirements for quarterly showing content and submittal (§ 456.654), several States made specific suggestions for revising the report. These recommendations, for the most part, concerned consolidation, simplification, and, as already mentioned, alternative methods for

reporting facilities under PSRO review. HCFA has revised the quarterly showing format, taking into consideration all of these suggestions.

One commenter suggested that we require that a State show the number of Medicaid beds for each facility on the quarterly showing so that we may determine more easily if a facility with more than 200 Medicaid beds was not reviewed. The number of Medicaid beds in a facility often fluctuates and, thus, States would have to update these data quarterly. We have decided that we will not impose this burden on all States by requiring this information as an additional item on the quarterly showing.

Dual-Certified Facilities

Several commenters objected to our proposal to count twice facilities that are certified for both SNF and ICF care in determining the total number of facilities requiring inspection and the total number of unreviewed facilities. We count reviews completed at each level of care in a facility separately because the statute requires that recipients in SNFs receive one type of annual review (medical review) which recipients in ICFs receive another type (independent professional review). Regulatory requirements differ in some respects (see Part 456, Subpart I). Moreover, section 1903 (g)(5) requires that disallowances be made for each level of care for which UC requirements are not met. We therefore must require that States report each dual-certified facility both as a SNF and as an ICF and report the date each required annual review was completed.

As long as the team composition and the review process used for each level of care meet Federal requirements, States are free to schedule simultaneous medical and independent professional review in a facility certified for both types of care. However, whether a single review team or two review teams are used, both the SNF portion and the ICF portion of a dual-certified facility must be reviewed, and each recipient in the facility at the time of the review must be reviewed. (See § 456.608 of this part.) The review must take place some time during the twelve-month period ending on the last day of the showing quarter, as long as there are Medicaid recipients at each level of care in the facility.

One commenter suggested that, in determining whether a facility has more than 200 beds, only beds that are occupied by Medicaid patients should be counted. The statute requires that States perform review in all facilities with "200 or more beds" (section 1903(g)(4)(B)). As proposed in the NPRM,

we will count only beds that are certified for Medicaid use (where these data are available), because we believe that this is the only feasible way to administer the requirement.

Another commenter suggested that, if only one level of care is reviewed in a dual-certified facility, only the Medicaid patients in the unreviewed portion of the facility be counted in the penalty calculation. The regulations provide that, in the case of a dual-certified facility with one level of care unreviewed, only those beds certified for Medicaid use at the level of care that is not reviewed will be counted in the penalty calculation.

Timing of Fiscal Reductions

Several commenters requested clarification of § 456.656 with respect to when reductions will be taken and suggested that no actual reductions should be taken until after administrative review by the Departmental Grant Appeals Board and judicial review, if the review is sought by the State.

States must submit their quarterly showing to the HCFA Regional Office within 30 days after the close of the calendar quarter. Within 60 days of the close of the calendar quarter, HCFA makes a final determination as to whether the showing is satisfactory on its face. This determination is made *before* a grant award is issued to the State based on the Quarterly Statement of Expenditures for the showing quarter. If the showing is unsatisfactory, the reduction must be made in that grant award. HCFA has no statutory authority to delay making the required reduction if it has knowledge of a State's unsatisfactory showing before an award is made.

Under existing procedure, however, showings are not validated by HCFA, and disallowances resulting from validation surveys are not determined, until several months after the grant award has been issued to the State based on the Quarterly Statement of Expenditures for the quarter being validated. In this case, since the award has already been issued, no reduction will be made until after the administrative reconsideration process.

It should be noted, however, that HCFA has proposed to change the latter procedure so that funds will be recovered when the disallowance is made, and then restored to the State if an appeal is successful. See the Notice of Proposed Rule Making revising 45 CFR Part 201, Grants to States for Medical Assistance (43 FR 38345, August 25, 1978).

42 CFR Part 456 is amended as set forth below:

1. Section 456.601 is revised to read as follows:

§ 456.601 Definitions.

For purposes of this subpart—
"Facility means a skilled nursing facility, an institution for mental diseases, or an intermediate care facility.

"Intermediate care facility" includes institutions for the mentally retarded or persons with related conditions but excludes Christian Science sanatoria operated, or listed and certified, by the First Church of Christ Scientist, Boston, Mass.

"Institution for mental diseases" includes a mental hospital, a psychiatric facility, and a skilled nursing or intermediate care facility that primarily cares for mental patients.

"Psychiatric facility" includes a facility or program that provides inpatient psychiatric services for individuals under 21, as specified in § 441.151 of this chapter, but does not include psychiatric wards in acute care hospitals.

2. Section 456.611 is amended by adding a new paragraph (c) to read as follows:

§ 456.611 Reports on Inspections.

(c) The report must include the dates of the inspection and the names and qualifications of the members of the team.

3. The table of contents is amended by adding a new Subpart J to Part 456 to read as follows:

Subpart J—Penalty for Failure To Make a Satisfactory Showing of An Effective Institutional Utilization Control Program

Sec.

456.650 Basis, purpose, and scope.

456.651 Definitions.

456.652 Requirements for an effective utilization control program.

456.653 Acceptable reasons for not meeting requirements for annual on-site review.

456.654 Requirements for content of showings and procedures for submittal.

456.655 Validation of showings.

456.656 Reductions in FFP.

456.657 Computation of reductions in FFP.

Authority: Secs. 1102 and 1903(g) of the Social Security Act (42 U.S.C. 1302 and 1396 b(g)).

4. A new Subpart J is added to read as follows:

Subpart J—Penalty for Failure To Make a Satisfactory Showing of an Effective Institutional Utilization Control Program

§ 456.650 Basis, purpose and scope.

(a) *Basis.* Section 1903(g) of the Act requires that FFP for long-stay inpatient services at a level of care be reduced, by a specified formula, for any quarter in which a State fails to make a satisfactory showing that it has an effective program of utilization control for that level of care.

(b) *Purpose.* This subpart specifies—

(1) What States must do to make a satisfactory showing;

(2) How the Administrator will determine whether reductions will be imposed; and

(3) How the required reductions will be implemented.

(c) *Scope.* The reductions required by this subpart do not apply to services provided—

(1) Under a contract with a health maintenance organization; or

(2) In facilities for which a Professional Standards Review Organization (PSRO) has assumed binding review responsibility. (See § 463.27 of this chapter.)

§ 456.651 Definitions.

For purposes of this subpart—

"Facility", with respect to inpatient psychiatric services for individuals under 21, includes a psychiatric program as specified in § 441.151 of this chapter.

"Level of care" means one of the following types of inpatient services: hospital, mental hospital, skilled nursing facility, intermediate care facility, or psychiatric services for individuals under 21.

"Long-stay services" means services provided to a recipient after a total of 60 days of inpatient stay (90 in the case of mental hospital services) during a 12-month period beginning July 1, not counting days of stay paid for wholly or in part by Medicare.

§ 456.652 Requirements for an effective utilization control program.

(a) *General requirements.* In order to avoid a reduction in FFP, the Medicaid agency must make a satisfactory showing to the Administrator, in each quarter, that it has met the following requirements for each recipient:

(1) Physician certification and recertification of the need for inpatient care, as specified in §§ 456.60, 456.160, 456.260, 456.360 and 456.481.

(2) A plan of care established and periodically reviewed and evaluated by

a physician, as specified in §§ 456.80, 456.180, 456.280, 456.380 and 456.481.

(3) A continuous program of utilization review under which the admission of each recipient is reviewed or screened in accordance with section 1903(g)(1)(C) of the Act; and

(4) A regular program of reviews, including medical evaluations, and annual on-site reviews of the care of each recipient, as specified in §§ 456.170, 456.270, 456.370, 456.482 and subpart I of this part.

(b) *Annual on-site review requirements.* (1) An agency meets the quarterly on-site review requirements of paragraph (a)(4) of this section for a quarter if it completes on-site reviews of each recipient in every facility in the State, and in every State-owned facility regardless of location, by the end of the quarter in which a review is required under paragraph (b)(2) of this section.

(2) An on-site review is required in a facility by the end of a quarter if the facility entered the Medicaid program during the same calendar quarter 1 year earlier or has not been reviewed since the same calendar quarter 1 year earlier. If there is no Medicaid recipient in the facility on the day a review is scheduled, the review is not required until the next quarter in which there is a Medicaid recipient in the facility.

(3) If a facility is not reviewed in the quarter in which it is required to be reviewed under paragraph (b)(2) of this section, it will continue to require a review in each subsequent quarter until the review is performed.

(4) The requirement for an on-site review in a given quarter is not affected by the addition or deletion of a level of care in a facility's provider agreement.

(c) *Facilities without valid provider agreements.* The requirements of paragraphs (a) and (b) of this section apply with respect to recipients for whose care the agency intends to claim FFP even if the recipients receive care in a facility whose provider agreement has expired or been terminated.

§ 456.653 Acceptable reasons for not meeting requirements for annual review.

The Administrator will find an agency's showing satisfactory, even if it failed to meet the annual review requirements of § 456.652(a)(4), if—

(a) The agency demonstrates that—(1) It completed reviews by the end of the quarter in at least 98 percent of all facilities requiring review by the end of the quarter;

(2) It completed reviews by the end of the quarter in all facilities with 200 or more certified Medicaid beds requiring

review by the end of the quarter; and

(3) With respect to all unreviewed facilities, the agency exercised good faith and due diligence by attempting to review those facilities and would have succeeded but for events beyond its control which it could not have reasonably anticipated; or

(b) The agency demonstrates that it failed to meet the standard in paragraph (a) (1) and (2) of this section by the close of the quarter for technical reasons, but met the standard within 30 days after the close of the quarter. Technical reasons are circumstances within the agency's control.

(c) Facilities that are reviewed under paragraph (b) of this section, after the quarter in which they were due for review, retain their original anniversary quarter due date for purposes of subsequent reviews.

§ 456.654 Requirements for content of showings and procedures for submittal.

(a) An agency's showing for a quarter must—

(1) Include a certification by the agency that the requirements of § 456.652(a) (1) through (4) were met during the quarter for each level of care or, if applicable, a certification of the reasons the annual on-site review requirements of § 456.652(a)(4) were not met in any facilities;

(2) For all mental hospitals, skilled nursing facilities, intermediate care facilities, and facilities providing inpatient psychiatric services for individuals under 21, participating in Medicaid any time during the 12-month period ending on the last day of the quarter, list each facility by level of care, name, address and provider number;

(3) For each facility entering or leaving the program during the 12-month period ending on the last day of the quarter, list the beginning or ending dates of the provider agreement and supply a copy of the provider agreement;

(4) If binding review authority has been assumed by a PSRO for a facility for which a showing would otherwise have had to be made, list the date the PSRO assumed review responsibility;

(5) List all dates of on-site reviews completed by review teams anytime during the 12-month period ending on the last day of the quarter;

(6) For all facilities in which an on-site review was required but not conducted, list the facility by name, address and provider number;

(7) For each on-site review in a mental hospital, skilled nursing or intermediate care facility that primarily cares for

mental patients, or inpatient psychiatric facility, list the name and qualifications of one team member who is a physician; and

(8) For each on-site review in an intermediate care facility or skilled nursing facility that does not primarily care for mental patients, list the name and qualifications of one team member who is either a physician or registered nurse.

(b) The quarterly showing must be in the form prescribed by the Administrator.

(c) The quarterly showing must be postmarked or received within 30 days after the close of the quarter for which it is made, unless the agency demonstrates good cause for later submittal and the showing is postmarked or received within 45 days after the close of the quarter. Good cause means unanticipated circumstances beyond the agency's control.

§ 456.655 Validation of showings.

(a) The Administrator will periodically validate showings submitted under § 456.654. Validation procedures will include on-site sample surveys of institutions and surveys at the Medicaid agencies.

(b) The Administrator will not find an agency's showing satisfactory if the information obtained through his validation procedures demonstrates, that any of the requirements of § 456.652(a) (1) through (4) were not met during the quarter for which the showing was made.

§ 456.656 Reductions in FFP.

(a) If the Administrator determines an agency's showing does not meet each of the requirements of this sub-part, he will give the agency 30 days notice before making the required reduction.

(b) If the Administrator determines that a showing for any quarter is unsatisfactory on its face, he will make the required reduction in the grant award based on the Quarterly Statement of Expenditures for that quarter. (See 45 CFR 201.5(a)(3).)

(c) If the Administrator finds a showing satisfactory on its face, but after validation determines the showing to be unsatisfactory, he will notify the agency of any required reduction in FFP no later than the first day of the fourth calendar quarter following the calendar quarter for which the showing was made. Any required reduction will be made by amending or adjusting the agency's grant award.

(d) The agency may request reconsideration of a reduction in accordance with the procedures specified in 45 CFR Part 16.

§ 456.657 Computation of reductions in FFP.

(a) For each level of care specified in a provider agreement, and for each quarter for which a satisfactory showing is not made, the amount of the reduction in FFP is computed as follows:

(1) For each level of care, the number of recipients who received services in facilities that did not meet the requirements of this subpart is divided by the total number of recipients who received services in facilities for which a showing was required under this subpart. If any of the requirements specified in § 456.652(a)(1) through (4) were not met for any recipient in a facility, the reduction will be computed on the total number of recipients in that facility at the level of care in question.

(2) The fraction obtained in paragraph (a)(1) of this section is multiplied by one-third.

(3) The product obtained in paragraph (a)(2) of this section is multiplied by the Federal Medical Assistance Percentage (FMAP).

(4) The product obtained in paragraph (a)(3) of this section is multiplied by the agency payments for longstay services furnished during the quarter at that level of care.

(b) If any of the data required to compute the amount of the reduction in FFP are unavailable, the Administrator will substitute an estimate. If the agency determines the exact data to the satisfaction of the Administrator, the estimate may later be adjusted. If the number of recipients in individual facilities is not available, the fraction specified in paragraph (a)(1) of this section will be estimated, for each level of care, by dividing the number of facilities in which the requirements were not met by the total number of facilities for which a showing is required under this subpart.

(Secs. 1102 and 1903(g) of the Social Security Act; (42 U.S.C. 1302 and 1396 b(g)))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: August 28, 1979.

Earl M. Collier, Jr.,

Acting Administrator, Health Care Financing Administration.

Approved: September 24, 1979.

Patricia Roberts Harris,
Secretary.

[FR Doc. 79-30346 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-35-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 221, 3400, 3410, 3420, 3422, 3430, 3440, 3450, 3460, 3470, 3500, 3501, 3502, 3503, 3504, 3507, 3511, 3520, 3521, 3524, 3525, 3526, 3550, 3564, 3565, 3566, and 3568

Coal Management; Federally Owned Coal; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction notice.

SUMMARY: The final rulemaking published in the Thursday, July 19, 1979 Federal Register (44 FR 42584), on Circular No. 2449, contained some errors. This notice is being published to correct those errors.

DATE: Effective on October 1, 1979.

ADDRESS: Any suggestions or inquiries on this notice should be sent to: Director (141), Bureau of Land Management, Department of the Interior, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Don R. Mitchell, (202) 343-4537; or Robert C. Bruce (202) 343-8735.

The corrections are as follows:

PART 3400—COAL MANAGEMENT—GENERAL

1. The last sentence of § 3400.4(a), page 42609, is corrected as follows:

§ 3400.4 Responsibilities.

(a) * * * If the region is a multi-state region under the jurisdiction of more than one Bureau of Land Management State Office, each State Director shall designate a Bureau of Land Management representative for each state.

PART 3420—COMPETITIVE LEASING

§ 3420.2-3 [Amended]

2. Section 3420.2-3(e)(3)(i)(B), page 42618, is corrected as follows:

(e) * * *

(3) * * *

(i) * * * or (B) the ownership of the surface estate of qualified surface owners who expressed such a preference is transferred to surface owners who are not qualified surface owners or to qualified surface owners who subsequently provide consent to such mining; and * * *

3. The first sentence of § 3420.3-2(k), page 46620, is corrected as follows:

(k) Two years after the adoption of each new regional lease sale schedule, the Secretary shall review the final regional leasing target which applies to that schedule through the process set out in paragraphs (b) through (j) of this section and, if necessary, revise the final regional leasing target for the final 2 years of the sale schedule. * * *

4. Section 3420.4-2(d), page 42621, is corrected as follows:

§ 3420.4-2 Expressions of leasing interest.

(d) Entities qualifying for public body leasing opportunities as defined in section 3420.1-4(b)(1) of this title shall make their intentions known through submission of expressions of leasing interest when called for by the Secretary.

PART 3430—NONCOMPETITIVE LEASING

5. Section 3430.3-2(c), page 42630, is corrected as follows:

§ 3430.3-2 Environmental analysis.

(c) The environmental assessment or environmental impact statement shall be prepared containing recommendations on lease terms and special stipulations regarding:

6. Section 3432.1(b), page 42632, is corrected as follows:

§ 3432.1 Application.

(b) The lessee shall file the application for modification in the Bureau of Land Management State Office having jurisdiction over the lands involved (43 CFR Subpart 1821), describing the additional lands desired, the lessee's needs or reasons for such modification, and the reasons why the modification would be to the advantage of the United States.

7. Section 3437.1-1(b)(2), page 42634, is corrected as follows:

§ 3437.1-1 Qualified exchange proponents.

(b) * * *

(2) Who have had or whose lessees have had the regulatory authority not issue a surface mining permit because the holding is in an alluvial valley floor, and who otherwise meet the criteria of the provisions in section 510(b)(5) of the Surface Mining Control and Reclamation Act. Any such person may propose an exchange under this subpart.

PART 3470—COAL MANAGEMENT PROVISIONS AND LIMITATIONS

8. The table of contents of Subpart 3472, page 42643, is corrected as follows:

Subpart 3472—Lease Qualification Requirements

Sec.

3472.1 Qualifications.

3472.1-1 Qualified applicants and bidders.

3472.1-2 Special leasing qualifications.

3472.1-3 Acreage limitations.

3472.2 Filing of qualification statements.

3472.2-1 Sole party in interest statement.

3472.2-2 Contents of qualification statement.

3472.2-3 Signature of applicant.

3472.2-4 Special qualifications heirs, and devisees (estates).

3472.2-5 Special qualifications, public bodies.

9. The titles to §§ 3472.1, 3472.1-1,

3472.1-2 and 3472.1-3, page 42644, are

corrected as follows:

3472.1-2 and 3472.1-3, page 42644, are

corrected as follows:

§ 3472.1 Qualifications.

§ 3472.1-1 Qualified applicants and bidders.

§ 3472.1-2 Special leasing qualifications.

§ 3472.1-3 Acreage limitations.

10. Section 3474.2, page 42649, is corrected as follows:

§ 3474.2 Type of bond required.

(a) A lease bond for each lease, conditioned upon compliance with all terms and conditions of the lease, except reclamation within a permit area, shall be furnished in the amount determined by the authorized officer. The amount of the bond may be changed if the authorized officer considers such a change to be proper and necessary.

(b) For exploration licenses, a bond shall be furnished in accordance with § 3410.3-5 of this title.

11. In the amendment portion of the rulemaking, page 42650, the phrase "PART 3041 (Deleted)" is corrected to read "Subpart 3041 (Deleted)".

PART 3500—LEASING OF MINERALS OTHER THAN OIL AND GAS; GENERAL

12. In the amendment portion of the rulemaking, page 42650, § 3501.2-3 is corrected as follows:

§ 3501.2-3 [Amended]

10. 43 CFR 3501.2-3(a) is amended by the deletion of the word "coal" so that the subsection begins "Phosphate * * *

13. In the amendment portion of the rulemaking, page 42650, § 3502.1-1 is corrected as follows:

§ 3502.1-1 [Amended]

12. 43 CFR 3502.1-1 is amended by the deletion of paragraph (c).

13. 43 CFR Part 3502 is amended by deleting §§ 3502.2-1 and 3502.2-2 and revising § 3502.2 to read as follows:

§ 3502.2 Individuals—Statement of citizenship.

If the applicant is an individual, he/she shall submit with each application for permit or lease a statement over his/her own signature setting forth the applicant's citizenship.

14. In the amendment portion of the rulemaking, page 42650, § 3502.9 is corrected as follows:

§ 3502.9 and 3502.9-1 [Deleted]

14. 43 CFR 3502.9 and 3502.9-1 are deleted in their entirety.

15. In the amendment portion of the rulemaking, page 42650, § 3504.5-1 is corrected as follows:

§ 3504.5-1, 3504.6-1, 3504.7-1 [Amended]

22. 43 CFR 3504.5-1, .6-1 and .7-1 are amended by the deletion of the word 'coal'.

PART 3560—SPECIAL LEASING ACTS

16. In the amendment portion of the rulemaking, page 42651, § 3564.6 is corrected as follows:

§ 3564.6 [Amended]

59. 43 CFR 3564.6 is amended by the deletion of the word 'coal' in Part 211 and to:

60. The third sentence of 43 CFR 3564.6 is amended to read, 'Leases for minerals subject to this subpart not listed in the preceding sentence shall be governed by the operating regulations in 30 CFR Part 231.'

17. In the amendment portion of the rulemaking, page 42652, § 3566.2 is corrected as follows:

§ 3566.2 [Amended]

62. In 43 CFR 3566.2, '30 CFR Part 211' is amended to read '30 CFR Part 231'.

James Curlin,

Acting Assistant Secretary of the Interior.

September 26, 1979.

[FR Doc. 79-30347 Filed 9-28-79; 8:45]

BILLING CODE 4310-84-M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 801

Public Availability of Information, Appendix—Fee Schedule

AGENCY: National Transportation Safety Board.

ACTION: Final rule.

SUMMARY: This revision sets forth price and other changes for obtaining copies

of factual investigative records and other documents available from the National Transportation Safety Board (Board) under the Freedom of Information Act. Certain changes in the fee schedule are now required to reflect the price terms of a new contract with the commercial reproducer.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Fritz L. Puls, General Counsel, National Transportation Safety Board, Washington, D.C. 20594 (202-472-6033).

SUPPLEMENTARY INFORMATION: Pursuant to subsection (a)(4)(A) of the Freedom of Information Act (Pub. L. 93-502,

November 21, 1974, amending 5 U.S.C. 552), fee schedules for document search and duplication must be published in the Federal Register. In 1975, after notice, the Board issued its regulations implementing this subsection. In an amended Appendix to 49 CFR Part 801, which was published at 43 FR 44534, September 28, 1978, a price list for documents published by or available from the Board was established, based on the provisions of the then current contract between the Board and the commercial reproducer. That contract terminates on September 30, 1979, and the Board has entered into a new contract which necessitates price changes for photocopy and photographic print services. The remaining changes are minor and either update or clarify the fee schedule.

Pursuant to 5 U.S.C. 553, the Board believes that notice of proposed rulemaking is unnecessary and impracticable since the changes in reproduction fees were subject to and are the result of a formally advertised procurement.

Accordingly, 49 CFR Part 801 is hereby amended by revising the Appendix—Fee Schedule as set forth below.

Appendix—Fee Schedule

1. Special services fees (pursuant to 31 U.S.C. 483a). Upon request, services relating to public documents are available at the following fees:

(a) Subscriptions (Calendar year):

(1) Initial decisions of the administrative law judges—\$40.00 for one subscription, \$30.00 for each additional subscription.

(2) Board safety enforcement opinions and orders—\$20.00 for one subscription, \$15.00 for each additional subscription.

(3) Board aircraft accident (probable cause) reports, brief format—\$40.00 (U.S.) and \$80.00 (foreign).

(4) Aircraft accident reports, narrative—\$40.00 (U.S.) and \$80.00 (foreign).

(5) Board safety recommendations—\$60.00.

Note.—Send subscription orders for (a×1), (a×2), and (a×2), and (a×5) above to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Subscription orders for (a×3) and (4), above, should be forwarded to the National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22161.

(b) Document certification under the Board's seal—\$4.

(c) Computer tapes and services for aviation accidents. Duplication of computer tapes (or a fraction thereof)—\$40.

Note.—Computer tape requests should be addressed to the Chief, Information Systems Division, Bureau of Technology, National Transportation Safety Board, Washington, D.C. 20594.

(d) The basic fees set forth provide for ordinary first-class postage prepaid. If registered, certified, air, or special delivery mail is used, postal fees therefor will be added to the basic fee. Also, if special handling or packaging is required, such costs will be added to the basic fee.

(e) Subscription fees for (a) above, reproduction fees, and search fees are waived for qualifying foreign countries, international organizations, nonprofit public safety entities, State and Federal transportation agencies, and colleges and universities, after approval by the Director, Bureau of Administration. In addition, such fees may be waived or reduced for other recipients not in any of the foregoing categories, when determined by the Director, Bureau of Administration, to be appropriate in the interest of and contributing to the Board's program.

2. Reproduction fees. All documents in the Board's public files may be examined, without charge, in the Board's public reference room, located in the Public Inquiries Section. A self-service duplicator in the reference room is available to the public for reproduction at a nominal cost.

Accident dockets. Reproduction of accident dockets (statements, photographs, hearing transcripts, and other material contained in the board's accident investigation files) is accomplished by commercial contract. Requests must be forwarded to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. The contractor may bill and/or collect full payment before duplicating the requested documents. Fees are subject to change depending upon the Board's annual contract award.

Current fees are:

(a) Photocopy:

Size (in inches):
8 1/2 by 11 \$0.07
8 1/2 by 1407
10 by 1401

(b) Photographic prints:

Size (in inches):
8 by 10 black/white \$1.00
3 1/2 by 5 color 1.00
5 by 7 color 1.50
8 by 10 color 1.50
2 by 2 color slide 2.00

(c) Hearing transcripts, \$0.25 per page.

(d) Regular service—Usually, three weeks' time is required to service a request for reproduction. General aviation accident files dated prior to January 1, 1965, and air carrier accident files dated prior to January 1, 1964, are no longer available. Accident files for all transportation modes, dating from January 1, 1964, through December 31, 1975, are stored at the Federal Records Center; in filling any request for reproduction of these files, approximately two additional weeks will be needed for retrieval.

(e) Expedited service—A 2-percent surcharge will be made for accelerated service which will be provided within 2 working days commencing when the contractor has received advance payment or when telephone arrangements have been made with the contractor. Accelerated delivery service will be handled as follows:

Step 1. Customer places telephone or written request to the Board's Public Inquiries Section for desired accident file.

Step 2. The Board forwards order form and file to contractor.

Step 3. Contractor sends advance billing invoice, which shows total cost, to customer.

Step 4. Customer calls contractor direct and verifies that he is wiring payment to contractor, as specified by contractor, or customer returns a copy of the contractor's invoice with full payment enclosed.

Step 5. Contractor copies documents and mails them to the customer.

3. Document search fee—The Board has determined that it is in the public interest to eliminate fees for the first hour of search time. For all time expended beyond the initial hour in locating documents, the fee is \$5 per hour.

4. Responses to safety recommendations. Single copies of responses to safety recommendations are available without charge.

5. Documents available without commercial reproduction cost until limited supplies are exhausted.

(1) Press releases.

(2) Aircraft accident reports, narrative, and brief format probable

cause reports (on request for specific accidents).

- (3) Surface accident reports.
- (4) Special studies.
- (5) Safety Board regulations (chapter VIII of title 49, Code of Federal Regulations).

(6) Indexes to initial decisions, Board orders, opinions and orders, and staff manuals and instructions.

(7) Statistical data published by the Board.

(8) Safety recommendations.

6. Documents for sale by the Government Printing Office:

- (1) Board's annual report.
- (2) Volume I, National Transportation Safety Board Decisions (1967-1972).
- (3) Volume II, National Transportation Safety Board Decisions (1973-1976).

(5 U.S.C. 552, 31 U.S.C. 483a, and 49 U.S.C. 1901 et seq.)

Signed at Washington, D.C. on this 26th day of September 1979.

James B. King,
Chairman.

[FR Doc. 79-30376 Filed 9-28-79; 8:45 am]
BILLING CODE 4910-58-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 213

[Docket No. RST-3, Notice No. 2]

Track Safety Standards; Responsibility of Directed Carrier

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule

SUMMARY: This amendment to the Track Safety Standards clarifies those regulations by fixing responsibility for compliance in the event a carrier is directed by the Interstate Commerce Commission to provide service over the track of another carrier. The amendment is issued on an emergency basis and made effective immediately because of the recent issuance of a directed service order.

EFFECTIVE DATE: The amendment to Part 213 set forth in this document is effective on October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Principal Drafter: Grady Cothen, Jr., Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590. Phone: 202-426-8220.

SUPPLEMENTARY INFORMATION: Section 213.5 of the Track Safety Standards imposes the responsibility for compliance with the standards on the

"track owner". That term is not defined in the regulation.

The Interstate Commerce Commission (ICC) has issued the first major order directing a carrier to provide service over the track of another carrier pursuant to 49 U.S.C. 11125. That action has given rise to an immediate need to clarify the responsibility of directed carriers for compliance with minimum track safety standards. To a large extent, this is an issue anticipated by the provision of law which authorizes the ICC to order directed service, since the ICC is prohibited from "taking action that would . . . cause a directed carrier to operate in violation of section 421 of Title 45" [The Federal Railroad Safety Act] (49 U.S.C. 11125(b)(2)(A)). That is, the Congress anticipated that any directed carrier would be subject to minimum safety standards.

The clarification and revision of § 213.5 was an issue addressed in the notice of proposed rulemaking on the general revision of the Track Safety Standards published in the Federal Register of September 6, 1979 (44 FR 52104, 52106-52107). However, the comment period on the proposed rules does not close until November 30, 1979.

FRA has previously provided opportunity for oral and written comment on the general proposal that each operating carrier be made responsible for compliance with the track standards for all track over which it operates. See questions 8 and 9, Notice of Public Hearing, FRA General Safety Inquiry on the Track Safety Standards (43 FR 43339; September 25, 1978) (FRA Docket No. RSSI-78-5, Notice No. 4). A public hearing on the general revision of the standards was held on November 15 and 16, 1978.

Comments in the general inquiry proceeding, which laid the foundation for the notice of proposed rulemaking issued on September 6, 1979, have been reviewed once again for the purpose of considering the comments as they apply to this rulemaking. Most of the comments by railroad representatives opposed the extension of responsibility to entities other than track owners on the ground that a railroad conducting operations under joint use or similar arrangements might not have practical control over maintenance of a track segment, which would be assigned by agreement. Requiring multiple carriers to conduct inspections and bear responsibility for track conditions would dilute the capacity of those railroads to maintain their own properties. The National Railroad Passenger Corporation (Amtrak) noted that it could not be responsible for compliance with respect to operations over other

railroads. Amtrak conducts most of its operations outside the Northeast Corridor through contracting railroads that provide train crews and establish operating restrictions.

It may be noted that these objections to assigning the responsibility for compliance to the operating carrier are not relevant to directed service. In the case of directed service by one railroad over the property of a second railroad that lacks resources to maintain its properties and conduct rail operations at an acceptable level, maintenance responsibility is clearly assigned to the directed carrier. To the extent revenues fail to provide adequate resources to maintain the railroad in keeping with the Track Safety Standards, the directed carrier may apply to the ICC for Federal funding. Most significantly, no entity other than the directed carrier has the practical ability to facilitate compliance with the standards.

Clearly, it is in the interest of the public and affected railroad employees to establish responsibility for compliance with minimum safety standards. Federal requirements other than the Track Safety Standards already have clear application to a carrier providing directed service. See, e.g., 49 CFR 215.7.

It would be neither practical nor fair to impose responsibility for the safety of current operations on the estate of a railroad which is unable to operate because of insufficient cash. Such a railroad would be legally disabled from "halting operations" over substandard track and practically disabled from making needed repairs. See 49 CFR 213.5(a). The directed carrier, on the other hand, is assured of resources adequate to maintain service at the level specified by the ICC (49 U.S.C. 11125(b)(5)).

Accordingly, § 213.5 of Part 213, Title 49, Code of Federal Regulations, is amended by adding the following new paragraph (d) to read as follows:

§ 213.5 Responsibility of track owners.

(d) A common carrier by railroad which is directed by the Interstate Commerce Commission to provide service over the track of another railroad under 49 U.S.C. 11125 is considered the owner of that track for purposes of the application of this part during the period the directed service order remains in effect.

This amendment is issued under the authority of section 202 of the Federal Railroad Safety Act of 1970 (84 Stat. 971; 45 U.S.C. 431) and § 1.49(n) of the Regulations of the Office of the

Secretary of Transportation (49 CFR 1.49(n)).

The FRA has determined that further notice and public procedure on this amendment to existing safety regulations are impracticable and contrary to the public interest in view of the immediate need to clarify responsibility for compliance with the Track Safety Standards and, thereby, facilitate their enforcement. For the same reason, this amendment is made effective immediately on publication in the Federal Register.

FRA has determined that this document does not contain a significant regulation. Therefore, a Regulatory Analysis under Executive Order 12044 is not required (E.O. 12044, 43 FR 12661; March 24, 1978).

The FRA has determined that this emergency rulemaking does not involve the issuance of a significant regulation within the meaning of the Department of Transportation's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), since the rulemaking merely clarifies responsibility for compliance with existing, substantive safety standards. For the same reason, this rulemaking does not constitute a major Federal action requiring an environmental assessment (44 FR 16062; March 16, 1979).

Issued in Washington, D.C. on September 26, 1979.

John M. Sullivan,
Administrator.

[FR Doc. 79-30412 Filed 9-27-79; 11:59 am]
BILLING CODE 4910-06-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Kansas City Terminal Railway Co.—Directed To Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Service Order No. 1398 (Directed Service).¹

SUMMARY: Pursuant to 49 U.S.C. 11125, the Commission is directing the Kansas City Terminal Railway Company ("KCT") to provide service for traffic originating or terminating on the lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("RI").

¹This order embraces the Peoria Terminal Company (PTC), a wholly-owned subsidiary of RI. All future references to RI shall include PTC.

This directed-service order is necessitated by the RI's inability to transport the traffic offered to it due to a cash position which makes its continuing operations impossible, within the meaning of 49 U.S.C. 11125(a)(1).

DATES: This directed-service order will be effective at midnight (central time [CT]) of the date it is served. Unless otherwise extended by the Commission, the order shall expire at midnight (CT) of the 60th day after its service date.

FOR FURTHER INFORMATION CONTACT: Richard Schiefelbein (202-275-0826).

Background

The Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("RI") is currently suffering from a lack of cash which makes its continuing operations impossible in the face of national transportation requirements. Accordingly, we are exercising our authority under 49 U.S.C. § 11125 to direct another rail carrier to provide the service formerly provided by RI.

Directed Service Overview

Need for Directed Service—Under 49 U.S.C. 11125 (formerly section 1(16)(b) of the Interstate Commerce Act), the Commission is empowered to ensure the continuation of essential rail service for a period of 60 days—and, in extraordinary circumstances, for an additional 180 days—where a rail carrier:

"cannot transport the traffic offered to it because—

- (1) Its cash position makes its continuing operation impossible;
- (2) Transportation has been discontinued under court order; or
- (3) It has discontinued transportation without a required certificate under section 10903 of this title." [See 49 U.S.C. § 11125(a)(1-3)]

On the basis of the facts before us, we find that RI suffers from the type of "cashlessness" described in 49 U.S.C. 11125(a)(1). That is, RI is unable to transport the traffic offered to it because its cash position is so poor that it makes continuing operation by RI impossible.

We are aware that certain RI employees are presently on strike. If RI's presently inadequate service were attributable to that strike, we would not feel free to direct service. However, we believe the cash situation of the RI, independent of the strike situation, requires us to act now to direct service. As indicated below, RI's cash position renders the Trustee incapable of normal operations if the employees were to return. It also renders him incapable of continuing the limited operations which he would otherwise be able to continue

in the face of the strike. (We have, of course, crafted our order in such a manner as to avoid interference with the collective bargaining process to the maximum extent possible.)

Our specific finding that RI's cash position makes its continuing operations impossible is based on the following:

No one contends—not even the Trustee—that he has available or can obtain sufficient funds to recommence immediately operations over the entire system absent funding under the Emergency Rail Services Act, which we have been advised by the U.S. Department of Transportation (DOT) will not be forthcoming.

The Trustee has stated publicly that to commence full operation immediately would require \$30 million. This does not include approximately \$4 million in wages owed to employees for services performed prior to their going out on strike. Nor does it include payment of any substantial portion of \$22.4 million in invoices payable, \$11 million of which are over 60 days and impose constraints upon the railroad's ability to conduct normal operations. Finally, DOT has indicated that it will no longer extend track safety exemptions to RI in the absence of a program providing for rehabilitation of RI's lines to comply with minimum Federal Safety Standards. DOT estimates the cost of such rehabilitation to amount to \$35 million. (See Appendix A.)

From the foregoing, it is clear that the RI Trustee lacks sufficient cash to commence full operations in time to meet the immediate needs of RI shippers. In view of the fact that the President has ordered RI workers back to work effective September 20, more complete service would be possible today but for the Trustee's lack of cash. We believe it is appropriate to find that RI lacks sufficient cash to provide the service required of it in the public interest.

We are aware that last Friday, September 21, 1979, before its reorganization court the RI Trustee projected ability to continue operating on a cash basis until October 10 under current operating conditions. However, in our view, this projection is based on unrealistically optimistic revenue projections, and in addition fails to take into account amounts which a railroad must expend to continue operating.

Our analysis of the cash flow available to the RI Trustee for operations through October 1, 1979, utilizing his own revenue projections, indicates the following:

Rock Island Cash Flow Through October 1, 1979

(Dollar Amounts in Millions)

SOURCE OF CASH*Treasurer's Cash (Check-book balance)*

As of 9/21/79—\$6.0

Less: Restricted funds—\$3.4

Total Treasurer's cash available to railroad—

**\$2.6

Agent's Receipts—\$6.7

Other Receipts—\$0.8

Total cash available to Rock Island by

October 1, 1979—\$10.1

*Note.—Amounts are derived from information obtained from the Trustee, the Department of Transportation or developed by our Commission's Bureau of Accounts.

**Note.—\$2.0 of the \$2.6 in Treasurer's cash is a drawdown of the escrowed land sale account which was made on September 17, 1979. The reorganization court has ordered the return of these funds to the escrowed land sale account as soon as feasible. In addition to the \$2.0, the escrowed land sale account has an additional \$6.3. As a practical matter, further court authorized use of these funds is unlikely. However, if the use of these funds was permitted by October 1, 1979, the Rock Island would have available to it \$16.4 in cash, to meet October 1, 1979, obligations of between \$22.7 to \$34.1.

USES OF CASH*Invoices Payable (Withheld Vouchers)*

As of 9/20/79—\$22.4

(\$11 are bills older than 60 days and can be advanced as claims against immediate cash)—\$11.0

Lease Payments—\$3.2

Accrued Payroll Liabilities—\$4.0

Current Payroll Obligations—\$3.6

Current Railroad Retirement and

Withholding—\$0.7

Total Rock Island obligations that are due by October 1, 1979, which can be advanced as claims against the immediate cash resources and that can adversely affect the availability of future trade credit—\$22.7

Note.—If the \$11.4 portion of Invoices Payable which is not more than 60 days old is considered as a current obligation due by October 1, 1979, total Rock Island obligations would increase to \$34.1

We agree with DOT, whose analysis of the situation is attached hereto as Appendix A, that we are not obliged to sit by and refrain from entering an order under section 11125(a) simply because, by resorting to impermissible methods of cash management, a railroad may be able to continue some patently insufficient quantity of service.

In view of the critical need for immediate transportation of RI traffic—particularly the transportation of grain—we believe that continuation of RI service by another carrier is required by the public interest and is essential to the smooth flow of interstate commerce. Accordingly, we shall exercise our authority under 49 U.S.C. 11125 and

direct service by another rail carrier (the "directed rail-carrier" (DRC)) over RI lines, at least for an initial period of 60 days, unless subsequently modified by us.

Ancillary Rerouting under 49 U.S.C. 11124—As a necessary concomitant to our directed-service order, we shall also authorize the designated DRC to route RI traffic over its own or other lines (in the manner specified in the ordering paragraphs below), when such rerouting is the only feasible way in which RI traffic can be transported by the DRC. See 49 U.S.C. 11124 (formerly section 116)(a) of the Interstate Commerce Act). However, RI traffic shall be routed over RI lines wherever possible.

Public Notice and Hearings—The emergency nature of the situation compels us to conclude that advance public notice and hearings would be impractical and contrary to the public interest. Accordingly, we exercise our authority under 49 U.S.C. 11125(a) and 11124(B)(1) to waive advance public notice and hearings in the present circumstances.

However, in determining whether and to what extent we should direct service over RI, we have consulted with various public and private entities, such as DOT, the involved rail carriers, labor organizations, and State transportation planning agencies, among others. These consultations lead us to find that RI's present inability to handle its traffic necessitates immediate action in the form of this directed-service order, which we are making effective on the service date of this decision.

Further, as discussed below (see "Initial 60-day Period" *infra*), we intend to schedule a series of public hearings in regions affected by the directed-service order. In this way, we shall assess the transportation needs of the localities served by—and the economic potential for—the RI lines over which directed-service has initially been ordered. This assessment will, in turn, assist us in planning for the period following the expiration of this 60-day directed-service order.

Purpose of Directed Service—The provision of directed rail service under 49 U.S.C. 11125 is an interim measure, and will not provide a permanent solution to the problems of RI, its users, or its employees. Rather, section 11125 applies only to those situation requiring immediate action to prevent severe transportation and economic dislocations. Although an expensive alternative appropriate only upon exhaustion of less cumbersome protective measures, directed service—used in conjunction with ancillary rerouting under 49 U.S.C. 11124—will

permit continued rail operations over an impaired carrier's lines, while attention is focused on long-range restructuring alternatives.

Initial 60-Day Period—Section 11125 permits us to direct service for an initial period of not more than 60 days, with an option to extend the directed-service period for an additional 180 days if cause exists. As previously indicated, we believe directed service to be necessary here at least for an initial 60-day period. The character of the service we are directing during this initial 60-day period is briefly described below.

In selecting lines for directed service, the key factor is "essentially" of service. As section 11125's legislative history makes clear, we should direct operations only where service is essential. See S. Rep. No. 93-302, 93d Cong., 1st Sess., at 2 (1973). In the brief time available, however, we could not precisely identify what service is most essential. Therefore, in recognition of another purpose of section 11125 (i.e., prevention of economic disruption) and in view of the fact that significant amounts of traffic exist on practically all RI lines, we have initially required the continuation of rail service to virtually all present RI shippers.

In order better to determine what RI service is most essential, we intend to schedule—during the initial 60-day period—a series of public hearings in areas affected by the directed-service order. We shall again carefully analyze the transportation needs of present RI shippers, as well as the economic potential for existing RI lines. Our primary concern will be twofold: (1) identification of "essential" RI services; and (2) at least temporary continuation of service to those critical shipping points which do not receive adequate service from other railroads or other transportation modes.

Prior to hearings, however, we shall initially direct service over virtually all RI lines, so as to permit shippers, consignees, employees, local communities and States time to adjust to possible dislocations resulting from the loss of rail service. See "Operating Plan for Directed Service" *infra*. Following hearings, we may direct service to fewer areas. We cannot ignore Congress earnest entreaty to economize where possible, as reflected in the legislation adopting the directed-service provisions now codified in 49 U.S.C. 11125. See Regional Rail Organization Act of 1973 (3R Act), Pub. L. No. 93-236, section 101(b)(6), 87 Stat. 986 (1974) [45 U.S.C. 701(b)(6)]. Thus, where the costs of directed service significantly exceed the benefits, we may subsequently remove

lines from the direction, or we may permit the DRC to raise existing rates.

We caution affected persons to recognize the fiscal and time constraints on directed service, and to prepare for a winding-down of many operations now conducted over RI lines. Patrons and others must realize that directed service can provide no more than a brief respite, and that our decisions to continue particular operations and preserve RI transit rates and prepaid charges may change following the initial 60-day period.

Selection of RI Lines for Directed Service—In deciding which RI lines require protection, we have considered, to the maximum extent possible under the limited time frame available, the following factors among others:

- (1) The transportation requirements of RI patrons;
- (2) The economic impact of a discontinuance of RI's service on RI patrons and on local communities;
- (3) The amount of originating and terminating traffic on individual RI lines;
- (4) The transportation requirements of connecting carriers;
- (5) The condition of RI track; and
- (6) Alternative carriers and transportation modes.

Further, we have attempted to maximize continuation of rail service and employment of RI employees, while minimizing the cost to the federal government.

In light of the foregoing factors—particularly the fact that significant volumes of traffic exist on virtually all RI lines, and that RI is the only rail carrier serving many grain elevators and localities—we have decided to direct service, at least initially, over the entire RI system except as follows. Pursuant to 49 U.S.C. 11125(b)(2)(A), we are not directing the DRC to provide service over any RI track not meeting minimum track safety standards as established by DOT's Federal Railroad Administration (FRA), although the DRC may seek to rehabilitate such track in accordance with the procedures outlined in this decision (see "Track Safety," *infra*), and may seek temporary waivers of the track safety standards from FRA.

Selection of DRC—In selecting a rail carrier or carriers to perform directed-service operations over RI's system, we have considered a number of approaches. The primary alternatives included the following: (1) Whether to select only one carrier or several; and (2) Whether to select a "neutral" carrier (i.e., one located outside RI's service region) or a carrier familiar with RI and its service region.

A major difficulty with the "neutral carrier" approach was that such carriers

tend to be unfamiliar with RI's territory and operations. The problem with designating only one carrier DRC was that this might substantially drain the managerial resources of the DRC and adversely affect its ability to operate its own system in violation of 49 U.S.C. 11125(b)(2)(B). Conversely, however, the problem with designating several carriers to be DRC's was that this might substantially complicate the administrative and accounting functions of directed-service operations.

We therefore settled upon designating as DRC a single railroad entity comprised of several member roads. In this way, the administrative and accounting functions of directed service could be handled relatively simply by a unified management team. Further, no single rail carrier would be required to commit so many managerial personnel to directed service as to affect adversely its own operational viability.

We have selected as DRC the Kansas City Terminal Railway Company (KCT).² The KCT is expected to establish a management team to manage the directed service operation. This team will consist of individuals from the KCT's owning railroads, supplemented by individuals from Southern Pacific Lines (SP), Western Pacific Railroad Company (WP), and Denver & Rio Grande Western Railroad Company (D&RG), at those railroads' options.

We direct KCT to negotiate any requisite agreements with carriers which desire to participate on the RI directed-service management team. Such agreements shall be subject to our approval (see "Approval for Actions," *infra*.)

In addition, since 49 U.S.C. 11125 does not permit the impaired carrier (RI) to serve as its own DRC, we shall require that RI, although an owner of KCT, not be a member of the RI directed-service management team.

²KCT's twelve owning member roads are:

- (1) Burlington Northern (BN);
- (2) St. Louis-San Francisco Railway Co. (Frisco);
- (3) Kansas City Southern Lines (KCS);
- (4) Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (RI);
- (5) Illinois Central Gulf (ICG);
- (6) Missouri-Kansas-Texas Railroad Company (MKT);
- (7) Chicago, Milwaukee, St. Paul & Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee) (MILW);
- (8) Missouri Pacific Railroad Company (Mopac);
- (9) Atchison, Topeka & Santa Fe Railway Company (Santa Fe);
- (10) Union Pacific Railroad (UP);
- (11) Norfolk & Western Railway Company (N&W); and
- (12) Chicago & North Western Transportation Company (CNW).

Our selection of KCT (as modified for directed-service purposes) was mandated by its ability to conduct RI operations most efficiently, its familiarity with those operations, its proximity to RI lines, and the competitive balance existing in the affected regions, among other considerations. We conclude that KCT (as so modified) is capable of sustaining the financial and other requirements encountered in assuming its duties as DRC.

We also believe that the single-DRC approach affords several significant benefits to the DRC, the public, and the government. A unified management team is more easily administered—particularly with respect to recordkeeping functions—which, in turn, should enhance its quality of service and keep down the costs of directed service (which are reimbursable by the federal government). Simultaneously, no single railroad will be required to commit so many managerial personnel to directed service as to affect adversely the road's own operations. Moreover, the availability of initial and interim funding, as described below, should significantly ease the financial burdens associated with directed-service.

We therefore find that performance of the directed service will not substantially impair the ability of KCT or its member roads (as supplemented) adequately to serve their own patrons or fulfill their own outstanding common carrier obligations. See 49 U.S.C. 11125(b)(2)(B). Further, by virtue of our ancillary rerouting order under section 11124 and our provisions for track rehabilitation, the DRC will not be required to operate over RI track which does not comport the minimum FRA track safety standards. See 49 U.S.C. 11125(b)(2)(A).

Reimbursement Procedures—To ease the fiscal burdens involved in commencing service under the directed-service order, the DRC may elect to use the optional three-stage funding procedure established in our directed-service regulations. See *Submission of Cost Data to Justify Reimbursement for Directed Service*, 49 CFR 1126.3 (1978). This flexible procedure was recently established by us to provide for initial, interim, and final funding to assist a DRC in meeting the start-up and subsequent cash requirements involved in directed-service.

In an effort to facilitate further the DRC's ability to meet start-up costs here, we shall partially relax the reporting requirements associated with initial funding requests under § 1126.3(b). At present, initial funding requests must be documented by three

items: (i) a brief description of the DRC's initial operating plan for the directed service; (ii) a statement of its immediate cash requirements; and (iii) a statement of forecasted costs and revenues. See 49 CFR 1126.3(b)(i-iii). To streamline the initial funding process, we shall permit the DRC to omit from its "initial operating plan" certain data which we would ordinarily require.

Section 1126.3(b)(i) requires the DRC's initial operating plan to outline the following information: (1) The frequency and schedule of service planned; (2) The personnel and equipment to be utilized; (3) The crew change and interchange points to be observed; (4) Any immediate maintenance and repair work required; and (5) Its fuel and supply needs. However, start-up funds may well be needed by the DRC here before it can determine this information, which may take longer than usual in light of the recent RI strike. Therefore, we will permit KCT to apply for initial funding under 49 CFR 1126.3(b) without filing an initial operating plan containing all the information requested by § 1126.3(b)(i). Rather, KCT's initial operating plan need only contain that information which it has available to it at the time of its application for initial funding. KCT shall, however, submit an updated operating plan as soon as one is developed.

The accounting and administrative details of reimbursement requests are more fully discussed below (see "Accounting and Administrative Matters" *infra*).

The issuance of this directed-service order does not preclude interested rail carriers (including the DRC) from filing petitions with the Commission to operate all or part of the RI system on a non-compensated basis under 49 U.S.C. 11123 (formerly section 1(15) of the Interstate Commerce Act) or similar provisions. In addition, we urge the DRC to consider waiving its right to government reimbursement under 49 U.S.C. 11125(b)(5) where such reimbursement is not essential to the provision of directed-service operations.

Track Safety

Pursuant to 49 U.S.C. 11125(b)(2)(A), we are not directing KCT to operate over any RI lines certified by the FRA as below Class I track safety standards. See 49 CFR Part 213 (1978).

Prior to commencing service over a specified RI line, KCT shall inspect the line and related facilities over which it is to operate. If KCT determines that a particular segment does not meet FRA Class I safety standards, it shall immediately notify FRA and the Commission to permit a verification of

track condition. Pending completion of the inspection—and any repairs authorized by us—KCT shall be relieved of any obligation to provide service over track which it has determined does not meet minimum FRA track safety standards.

If a track segment is verified by FRA and us as falling below FRA Class 1 standards, KCT shall have three options open to it: (1) It may rehabilitate the line in accordance with the procedures outlined in this decision (see "Maintenance and Rehabilitation of RI Lines and Equipment" *infra*); (2) It may petition FRA and the Commission for a waiver authorizing limited rail operations over sub-Class 1 track; or (3) It may invoke the ancillary rerouting authority we have granted it under section 11124 and reroute the traffic over its own or other lines in the manner specified in the ordering paragraphs below.

We have identified a number of the directed service lines as potentially requiring rehabilitation before KCT may safely conduct directed-service operations. Further, we note that other lines may also be subject to safety-related service interruptions. We cannot emphasize too strongly that our directed-service order is expressly contingent upon the track meeting minimum safety standards. Patrons of directed-service lines must realize that we cannot direct a carrier to operate over unsafe track. See 49 U.S.C. 11125(b)(2)(A).

Nothing in this order shall be construed as requiring the DRC to operate in violation of applicable safety laws. We find that the performance of directed service as provided by this decision should not violate the provisions of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431-441).

Operating Plan for Directed Service

Pursuant to 49 U.S.C. 11125, we shall direct KCT (as modified above) to enter upon and operate—at the pre-strike level of RI operations—all RI properties, subject to the exception described above, namely, track safety. In addition, to assure complete effectuation of our directions, we shall authorize the ancillary rerouting of RI traffic pursuant to 49 U.S.C. 11124 where such rerouting is necessary to complete shipment on traffic destined to or from RI stations. See the ordering paragraphs below.

As previously indicated, we are establishing one exception to this otherwise system-wide directed service order (see "Selection of RI Lines for Directed Service" *supra*). We are not requiring the DRC to operate over sub-Class I track, but rather are permitting it

to rehabilitate such track, seek an appropriate waiver, or reroute traffic.

KCT shall operate all RI facilities necessary to the performance of service directed by this decision. We impose no responsibility on KCT regarding RI facilities not necessary to the performance of the directed service. Where signal control equipment or other essential operating systems lie outside the directed-service facilities, however, KCT shall be responsible for their operation.

While entry to the directed-service properties should occur immediately upon the effectiveness of this order, we acknowledge that KCT cannot initiate operations instantly. Therefore, we shall permit KCT to begin providing directed service over RI lines within 7 days of this decision's effectiveness. KCT should give priority to commencing commuter services and moving grain shipments to convenient interchange points. If KCT cannot commence directed service within that time, it shall immediately explain to this Commission the reasons for the delay.

In performing directed service, we wish to give the DRC the maximum amount of flexibility and managerial discretion consistent with its obligation to provide service to RI shippers. In this way we hope to facilitate efficiency of service while keeping down the cost of directed service to the DRC and, ultimately, to the taxpayer. Whenever the DRC believes that alterations in its pattern of service would promote efficiencies and would not cause an undue hardship on RI shippers, it may petition us to remove a line or line segment from the directed-service order, or otherwise revise the order.

Car Equipment Supply and Distribution

All RI freight cars currently operating in the national rail car fleet shall be subject to the mandatory car service rules codified at 49 CFR Part 1033 (1978). For distribution purposes, RI cars shall be considered at home on all operating RI lines. The RI Trustee shall hold in place all assignments of RI cars to specific shippers or locations.

Hiring of RI Employees

General—49 U.S.C. 11125(b)(4) provides: "A directed carrier shall hire the employees of the other carrier [RI], to the extent that they previously provided that transportation for the other carrier, and assume the existing employment obligations and practices of the other carrier for those employees including agreements governing rate of pay, rules and working conditions, and employee protective conditions for the period during which the action of the Commission is effective." [Emphasis added]

The statute reflects the general Congressional intent that those RI employees who formerly performed a particular rail service should, to the extent necessary to conduct directed service, continue to perform that service when a DRC steps in. See *Regional Rail Reorg. Act—Submission of Cost Data*, 348 I.C.C. 251, 267 (1975) (*Submission of Cost Data I*).

Therefore, in accordance with the procedures outlined below, the DRC shall—in conducting the directed-service operations required by this decision—hire the employees of RI to the extent necessary to conduct the directed service and assume RI's existing employment obligations and practices. Should it become evident to the DRC that RI employees who are members of the Brotherhood of Railway and Airline Clerks (BRAC) will not return to work at the pay level which existed before the strike, we authorize the DRC to pay such employees at the rate of pay generally prevailing in the railroad industry.³ Although section 11125(b)(4) only requires the DRC to assume the impaired carrier's "existing employment obligations," we note that our action authorizing the DRC to pay the prevailing wage may be the only way in which we can comply with section 11125(b)(4)'s other mandate that the DRC "shall hire" the impaired carrier's employees. We shall accordingly consider this expense an appropriate cost of directed service.

Employee Selection—The legislative history of the directed-service provision reveals that "any controversy concerning the apportionment of employees would be resolved by the Commission in its directions." See S. Rep. No. 93-302, at 4. To assist us in carrying out that responsibility, the DRC shall—within two weeks of commencing directed service—submit a list of the RI employees hired for directed-service work, together with a statement of the principles followed in making the selections. The DRC shall serve a copy of its statement on representatives of all RI employees affected by its selection procedure. Representatives of any RI employees dissatisfied with the selection principles may petition us to resolve controversies over the principles.

Status of RI Employees—RI employees engaged in directed-service operations will neither lose their status as RI employees nor acquire an employment relationship with the DRC.

³ We note that this authorization does not constitute an undue interference in the RI's collective bargaining prerogatives, since the RI Trustee had already reached informal agreement with BRAC to pay the prevailing rate of pay.

Regarding those RI employees hired for directed-service operations, the DRC assumes existing RI employment obligations and policies only for events commencing with and for the duration of the directed service.

The mere hiring of RI employees for directed-service work will not terminate or otherwise change seniority and other rights which a RI employee may have accrued under RI employment agreements. Those RI employees hired for directed-service work and those not so hired will retain their respective employment standings.

Following release from directed-service employment or termination of directed operations, RI employees hired by the DRC shall revert to their status as RI employees.

RI Supervisory Personnel—The requirement to "hire RI employees" reaches beyond employees covered by collective bargaining agreements and includes all supervisory personnel who would have performed necessary functions on the directed-service properties.⁴ See *Submission of Cost Data I, supra*, 348 I.C.C. at 281.

To avoid potential pension plan problems (e.g., the possible need for the DRC to establish a special pension fund for RI supervisory personnel hired for directed-service purposes), we strongly suggest adoption of the following arrangement. Once the DRC has determined which RI supervisory personnel are necessary for directed-service purposes, the DRC shall hire those supervisory personnel for directed-service purposes on the following terms: (1) Salaries for these supervisory personnel should be paid directly to them by the DRC; but (2) Pension plan contributions and similar benefits owing to these supervisory personnel—as well as associated administrative costs—should be paid by the DRC to the RI Trustee, in care of a special escrow agent designated by the RI bankruptcy court to administer these funds as appropriate.

Rosters—The DRC must exhaust RI employment rosters before using other avenues to fill directed-service positions. We recognize that certain crafts or seniority districts may not have an adequate number of employees

⁴ We defined the terms "employees" and "supervisory personnel" in *Submission of Cost Data I, supra*, 348 I.C.C. at 281. (We there defined the term *employees* as it was defined in the Railway Labor Act [45 U.S.C. 151]. We also defined the term *supervisory personnel or officials* as including all those persons in a carrier's service who perform supervisory or management functions and who are not included in the term "employees" as previously defined.) However, as used in this decision, the term "employee" includes "supervisory personnel" unless otherwise stated.

available for directed-service work. In such event, qualified RI employees in other seniority districts and crafts shall receive an opportunity for work.

If there is an insufficient number of RI employees qualified, willing or able to fill particular positions, the DRC may contract for the performance of those tasks, or may provide personnel from its own labor force as if under contract with the directed operation. The DRC may not add personnel to the RI rosters.

Extent of DRC's Obligation—The DRC shall be responsible for all wages, salaries or benefits owed to RI personnel for services rendered during directed operations. Amounts attributable to events occurring prior to commencement of directed service—or attributable to terminations resulting from the RI Trustee's reductions of service—remain obligations of the Trustee. See *Submission of Cost Data I, supra*, 348, I.C.C. at 287.

To the extent that RI employees earn vacation benefits during the directed-service period which will fall due after directed service has ceased, the DRC shall provide appropriate compensation. However, wages, salaries and vacation benefits earned prior to the commencement of directed service—even those which fall due during the directed-service period—constitute existing debts of RI for which we cannot make the DRC responsible. See *Regional Rail Reorg. Act—Submission of Cost Data*, 348 I.C.C. 320, 325 (1975) (*Submission of Cost Data II*); accord 49 U.S.C. 11125(b)(3).

Rate-Related Matters

Applicable Rates—During the initial 60-day period of directed service, any change specifically authorized by the Commission may be made in the level of existing rates or charges. Such changes in rules and regulations affecting rates or charges may be sought in accordance with 49 U.S.C. 10762(d)(1).

The DRC is authorized to act on behalf of RI in all matters pertaining to the establishment of rates, routes, and divisions applicable to the directed service.

However, to prevent severe transportation and economic dislocations, we have decided to preserve RI transit rates and prepaid charges which were in effect immediately prior to this directed-service order, by requiring the DRC to adopt applicable RI tariffs for at least 60 days.

Maintenance and Rehabilitation of RI Lines and Equipment—(A) Lines and Related Facilities

Minor Rehabilitation—The DRC shall be responsible for performing, without prior Commission authorization, "minor" rehabilitation to RI lines, rights-of-way, roadway structures, and related facilities, and shall keep us informed of such rehabilitation.

For purposes of this decision, "minor" rehabilitation of lines and related facilities shall consist of rehabilitation which: (1) would cost less than \$5,000 per mile; (2) can be initiated within 30 days of the effective date of this decision; and (3) can be completed within 15 days. All other rehabilitation to lines and related facilities must receive prior Commission approval in the manner specified elsewhere in this decision.

Notwithstanding the above, the DRC may perform no rehabilitation to lines and related facilities which would bring total amount spent on rehabilitation to date over \$5 million, unless specifically authorized by this Commission.

The DRC shall not contract-out any rehabilitation work to employees other than RI employees.

Substantial Rehabilitation—Any rehabilitation work to lines and related facilities which does not meet the foregoing standards shall be deemed "substantial" rehabilitation requiring prior Commission approval.

The DRC shall submit to us a statement on any proposed substantial rehabilitation, which shall contain: (1) A complete description of the track or related facility; (2) The States and counties in which it is located; (3) The mileposts delineating the extremities of the segment or structure; (4) An estimate of the total cost; (5) The type and quantity of materials required; (6) The anticipated starting and completion dates; and (7) Any resulting operating or cost benefits.

Based on the information set forth in the statement and our analysis of the line or facility, we will decide whether the need for continued operation justifies the proposed expenditure.

(B) Equipment

Minor Rehabilitation—The DRC shall be responsible for performing, without prior Commission authorization, "minor" rehabilitation (including routine maintenance) to RI freight cars, locomotives, and other equipment assigned to directed service, and shall keep us informed of all such rehabilitation.

For purposes of this decision, "minor" rehabilitation of equipment shall consist

of rehabilitation and routine maintenance which: (1) Would not exceed \$250 per unit, for car and other equipment other than locomotives; or (2) Would not exceed \$3,000 per unit, for locomotives. All other rehabilitation of equipment must receive prior Commission approval.

Substantial Rehabilitation—Any rehabilitation to equipment which does not meet the foregoing standards shall be deemed "substantial" rehabilitation requiring prior Commission approval.

The DRC shall submit to us a statement on any proposed substantial rehabilitation of equipment, which shall contain: (1) A description of the equipment (including initial and number); (2) The type of work proposed; (3) The anticipated starting and completion times; (4) The facility where the work would be performed; (5) The owner of such facility; and (6) The estimated cost of rehabilitation. No substantial rehabilitation of equipment may be undertaken by the DRC without our prior approval.

Casualty Loss Reserves and Insurance

Liabilities and Expenses—We shall treat as compensable costs of directed service all liabilities and expenses arising out of wrecks or derailments, personal injury claims and actions, and damage to or destruction of property on directed-service lines.

Such liabilities and expenses may be handled either by establishing a reasonable "casualty loss reserve," or by obtaining necessary insurance in an amount reasonably estimated to cover major liabilities and expenses of this kind. All liabilities arising out of directed service, but not finally determined as of expiration of the direction, should be covered by the DRC's reserves.

Both reserves and the cost of appropriate insurance may be claimed as reimbursable costs of directed service. For outstanding claims covered by insurance, deductible amounts may be included in the reserve accounts. We note that certain underwriters may be willing to insure the entire directed-service operation. We encourage the DRC to participate in such a plan, which could result in substantial savings while providing maximum protection for both the DRC and the public.

Reserve accounts may be included in the directed-service cost form only if contingent liabilities not covered by (or in excess of) insurance have been incurred during directed service but not finalized in amount. Those amounts shall be dispensed to the DRC as the respective liabilities are finalized and certified by the Commission for

payment. See *Submission of Cost Data I, supra* 348 I.C.C. at 278.

Prior to the acquisition of insurance or the establishment of a casualty loss reserve, any losses incurred in connection with directed-service will be treated as reimbursable costs.

Accounting and Administrative Matters

Initial and Interim Funding—As previously explained (see "Directed Service Overview" *supra*), the DRC may obtain "initial" funding to cover startup costs and "interim" funding to finance continued directed-service operations by filing the reports specified in 49 CFR 1128.3(b) and 1128.3(c), as modified by us earlier in this decision. At the end of the directed-service period, a final accounting will be performed to determine the complete costs of the directed service and to justify appropriate reimbursement.

We encourage the DRC to submit initial and interim funding requests, and we shall expedite certification to the Treasury Department for immediate payment. We emphasize that the DRC should file interim reports whenever it experiences cash flow difficulties.

In preparing the statement of immediate cash requirements (in initial funding requests) and the explanation of requests for additional cash (in interim funding requests), the DRC may base its data on estimating methods generally acceptable to DOT, or upon any other fully expository procedures. Since these are merely preliminary reports and can be supplemented at the final accounting stage, they need not be detailed or complex; simple explanations and reasonable estimates will do.

Compensation for RI Fuel, Materials and Supplies—The RI Trustee shall make available to the DRC fuel, fuel allocations, materials and supplies for the maintenance and operation of tracks, signals, and cars and locomotives. The DRC shall compensate the Trustee for all RI fuel, materials and supplies used in the performance of directed service. The Trustee shall receive compensation at the current replacement cost for fuel, materials and supplies actually used.

Inspection of RI Cars and Equipment—At the earliest possible date after this decision is served, the DRC shall inspect all RI freight cars, locomotives and other equipment to be used in directed service. The DRC shall perform those minor repairs necessary to return the equipment to service.

However, if necessary maintenance would entail placing the equipment in a major repair facility for a substantial period of time, the DRC may reject such equipment.

At its discretion, the DRC may elect to make necessary "substantial" equipment repairs (subject to our approval as described above; see "Maintenance and Rehabilitation of RI Lines and Equipment"). However, no compensation shall accrue to the RI Trustee during the period of any equipment's unserviceability.

After the initial assignment, all freight cars accepted through interchange for service in directed operations shall be subject to normal interchange inspection procedures.

Compensation for RI Cars—The DRC shall make payments to the RI Trustee in accordance with a lease agreement which must be approved by the Commission.

To the extent the DRC operates freight cars leased by RI and dedicated to a particular service, the DRC shall pay the Trustee an amount equal to the lease payments.

Compensation for RI Locomotives and Other Equipment—The RI Trustee shall supply to the DRC all necessary locomotives, cars and other equipment, pursuant to 49 U.S.C. 11123.

The RI Trustee shall be compensated for the use of locomotives and other equipment supplied to the DRC based upon the current rail industry lease rates, adjusted for the horsepower of the locomotives and the length of the lease.

If the Trustee believes that current rates do not provide an equitable rental, the DRC may negotiate a different basis (subject to our approval).

Compensation for RI Lines and Facilities—In the usual situation—where the DRC's costs of providing directed service exceed revenues therefrom—no compensation or rental for the use of RI lines and facilities is required. See *Lehigh & New England Ry. Co. v. ICC*, 540 F. 2d 71 (3d Cir. 1978), cert. denied 429 U.S. 1061 (1977); and *Submission of Cost Data I, supra*, 348 I.C.C. at 265. By ordering directed service, we confer substantial benefits on RI which, in most instances, are sufficient to discharge any obligation to pay rent for the use of its lines and facilities during directed service. For one thing, RI will avoid incurring any additional operating losses which might impair the interests of its creditors or further erode invested capital. In addition, for the directed-service period, the DRC will maintain—or possibly upgrade—RI lines and facilities, and will assume employee obligations for those RI employees hired to perform directed service. See *Submission of Cost Data I, supra*, 348 I.C.C. at 265.

However, where a directed-service operation is profitable, the DRC should pay rent to the RI Trustee for the use of

RI lines and facilities. Such compensation shall be measured by the lessening of the rail property's operational capability (not to exceed normalized depreciation). The total rent shall be reduced by those amounts expended during the period of directed service that benefitted RI. *Id.* at 266.

Cost and Revenues of Directed Service—The directed-service revenue shall equal the RI rate earned by the DRC for handling the directed-service traffic. The directed-service cost shall consist of the cost of operating the RI during the directed-service period. See *Submission of Cost Data to Justify Reimbursement for Directed Service*, 49 CFR Part 1128 (1978); accord 49 U.S.C. 11125(b)(5).

Compensation for DRC-supplied Equipment, Materials and Supplies—The RI shall be considered lines foreign to the DRC for car accounting purposes. An amount equal to the total of the car-hire payments which would be due to any other railroad shall be payable to the DRC for the use of its own cars on lines which it operates under directed service.

Compensation for locomotives and other equipment supplied by the DRC shall be calculated using the current rail industry lease rates, adjusted for the horsepower of the locomotives and the length of the lease. If the DRC believes that current rates do not provide an equitable rental, it may request us to establish a different basis.

When not available from RI inventories and needed for use in directed service, the DRC may draw materials and supplies from its own or its owners' inventories. Reimbursement for such draws shall be current replacement cost, plus handling expenses.

Repairs to Cars, Locomotives and Other Equipment Used in Directed Service—Repairs to all freight cars used in directed service (including those of the RI) shall be charged in accordance with applicable AAR interchange rules. The cost of all repairs which are designated as car-user responsibility under the AAR rules—and which are performed on a directed-service segment—shall be reimbursable.

All car repairs billable to the car-owner in accordance with the AAR interchange rules shall be so billed. Those repairs which are car-owner responsibility but not billable under AAR rules shall be handled in accordance with AAR procedures for obtaining car-owner authorization or return of the car.

Car-hire reclaims accruing to the DRC in accordance with applicable AAR

rules shall reduce reimbursable directed-service costs.

Except for those repairs which are normally the responsibility of the lessor, we shall treat as compensable costs of directed service repairs to RI locomotives and other equipment used in the directed service, and repairs to DRC locomotives and other equipment used in directed service.

Thus, in general, the owner of the equipment shall be responsible for heavy repairs caused by ordinary wear and tear, and the DRC shall be responsible for running repairs and repairs resulting from casualties.

Agreements between DRC and RI Trustee—We note that the DRC may find it useful, in performing its directed-service operations, to reach agreements with the RI Trustees in several areas including the following: use and rental of equipment; use of existing inventories of fuel, materials and supplies; reassignment of fuel allocation; and the like.

Accordingly, we shall authorize the DRC and the Trustee to negotiate agreements on any necessary matters regarding directed-service operations. All such agreements shall be subject to Commission approval, and we reserve the right to establish just and reasonable terms in the event of the parties' failure to agree.

Continuation of RI Arrangements—The temporary continuation of the contractual, lease or other arrangements of the RI Trustee may be necessary for the efficient operation of the directed lines. Therefore, we shall authorize the DRC to continue temporarily RI arrangements essential to directed-service operations (subject to our approval).

Approval for Actions

We are requiring the DRC to obtain Commission approval in a number of areas related to the conduct of directed-service operations. These areas include: (1) Changes in rate levels; (2) "Substantial" rehabilitation of RI lines, facilities and equipment; (3) Agreements between the DRC and RI Trustee; (4) Agreements by KCT regarding the directed-service management team; and (5) Limited continuation by the DRC of RI arrangements necessary to the efficient performance of directed-service operations.

Approval for Rate-related Matters—Changes in rate levels and adoption or filing of tariffs governing directed-service operations shall be handled by our existing filing and decisional procedures. We see no need to accord different treatment to directed-service rate and tariff matters.

Approval for "Substantial" Rehabilitation, Agreements with RI Trustee, KCT's Management Team Agreements, and Continuation of RI Arrangements—While we see no need for special approval mechanisms for the rate-related aspects of directed service, we believe such mechanisms are needed in the other four areas: (a) "Substantial" rehabilitation of RI lines, facilities and equipment; (b) Agreements between the DRC and RI Trustee; (c) KCT's agreements regarding the directed-service management team; and (d) Continuation by the DRC of certain vital RI arrangements. Unlike the rates area, these four areas are unique to directed service and may directly affect the expenditures of sizable governmental funds.

With respect to the latter three areas, all such proposed agreements and continuations of arrangements must be submitted to the Commission as soon as possible after execution and must be contingent upon Commission approval. However, with respect to proposed rehabilitation of RI lines, facilities and equipment, we shall require advance Commission approval only for rehabilitation projects which are "substantial" within the meaning of that term set forth above (see "Maintenance and Rehabilitation of RI lines and Equipment" *supra*). No advance Commission approval will be required for mere "minor" rehabilitation (as defined above), provided we are kept informed of the latter.

We believe the Railroad Service Board could expeditiously perform most of the review and approval functions respecting these areas of directed service. The Board has both the technical expertise and administrative mechanisms essential to the efficient determination of these matters. Accordingly, pursuant to 49 U.S.C. 10304-05 and 49 CFR 1011.8(d)(3) (1978), we shall assign to the Railroad Service Board the four areas of directed service described above. However, we shall require the Board to certify to the entire Commission (with a recommendation for action) all matters which the Board anticipates will: (1) Involve the expenditures of more than \$150,000 in directed-service funds; (2) Require more than 45 days for completion; (3) Extend beyond the directed-service period; or (4) Necessitate modification or waiver of this decision's provisions. In addition the Board may certify to us any other matter, with a recommendation for action.

Financial and Statistical Reports

We require regulated rail carriers to file a number of financial and statistical

reports detailing the results of transportation operations. In order that we may fully assess the character of the directed-service operations, we are directing the DRC to file with us all the financial and statistical reports which would otherwise have been filed by RI during the directed-service period.

The costs of compliance with these reporting requirements are reimbursable expenses of providing directed service.

We find: 1. RI cannot transport the traffic offered to it because its cash position makes its continuing operation impossible, within the meaning of 49 U.S.C. 11125(a)(1).

2. In order to prevent severe transportation and economic dislocations, it is necessary for the Commission to exercise its authority under 49 U.S.C. 11125 to direct another rail carrier to handle RI traffic. It is equally necessary for the Commission to authorize ancillary rerouting under 49 U.S.C. 11124 in the manner provided by this decision.

3. Our action in this decision will not cause the DRC to operate in violation of 45 U.S.C. 421. See 49 U.S.C. 11125(b)(2)(A).

4. Our action in this decision will not impair substantially the ability of the DRC to serve its own patrons adequately, or to meet its outstanding common carrier obligations. See 49 U.S.C. 11125(b)(2)(B).

5. This action will not significantly affect either the quality of the human environment or conservation of energy resources. See 49 CFR Parts 1106, 1108 (1978).

6. Any findings made elsewhere in this decision but not specifically enumerated here are hereby expressly adopted.

§ 1033.1398 Kansas City Terminal Railway Co.—Directed To Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee).

Service Directed Under 49 U.S.C. 11125

1. *Entry*—KCT (comprised of the roads designated above) is directed to enter upon the properties presently operated by RI and to operate those railroad facilities (except as to unsafe track) for the purpose of handling, routing and moving RI's traffic in accordance with the Commission's rules and regulations, and subject to the rates and charges prescribed in tariffs lawfully published and filed for freight and passengers transported over RI lines.

^a All references to RI shall embrace Peoria Terminal Company (PTC), its wholly-owned subsidiary.

(a) The entry shall occur on this order's effective date (see below) and shall continue until this order's expiration date (see below), unless modified or extended by the Commission.

2. *Collection and Distribution of Revenues*—The DRC (KCT) shall collect all revenues attributable to the directed service over RI lines after commencement of directed operations. The DRC shall distribute those revenues in accordance with applicable divisional agreements, paying to RI those revenues derived from services performed and events occurring prior to this decision's effective date and retaining for itself, on a segregated basis, all those revenues derived from the directed service and from events occurring on or after this decision's effective date.

3. *Payments to the DRC*—All carriers are directed to pay to the DRC those sums which would otherwise be payable to the RI Trustee, including interline freight revenues and all other interline accounts due during and after the period this order is in effect, for services performed in and events occurring during directed service.

4. *Payments by the DRC*—The DRC shall pay to all other carriers amounts received by the former but due to the latter for the latter's service, for per diem, and for events occurring during the period this order is in effect, in accordance with established procedures for the settlement of interline transactions and accounts.

5. *Applicable Rates*—The DRC is authorized to act in all matters pertaining to the establishment of rates pertaining to the directed service, except that RI transit rates and prepaid charges shall be preserved for the initial 60-day directed-service period.

6. *Hiring of RI Employees*—In carrying out operations directed under 49 U.S.C. 11125, the DRC shall hire RI employees to the extent those employees had previously performed the directed service. Respecting those employees, the DRC shall assume all existing employment obligations and practices—including agreements governing pay rates, rules, working conditions, and current protective conditions—for the duration of the directed service.

7. *Hiring List and Statement*—The DRC shall, within 14 days of commencing directed operations, submit to the Commission a list of all RI employees hired for directed-service work and a statement of the principles followed in making the selections. The DRC shall also serve a copy of its statement on representatives of all RI employees affected by its selection

procedure. Representatives of any RI employees dissatisfied with the principles of selection shall petition the Commission to resolve controversies over the principles.

8. *Agreements between DRC and RI Trustee*—The DRC and RI Trustee shall, if possible, negotiate agreements on all necessary matters regarding directed-service operations (including use and rental of equipment; reassignment of fuel allocations; and use of existing inventories of fuel, materials, and supplies).

(a) The Commission shall be notified of all discussions between the parties and may be represented at all of their discussions. All agreements between the parties shall be subject to Commission approval.

(b) If the parties fail to agree on terms, the directed service shall continue pending our determination of just and reasonable terms.

9. *Maintenance Equipment; Fuel; and Materials and Supplies*—The RI Trustee shall make available to the DRC track work and inspection equipment, fuel, and materials and supplies for maintenance and operation of tracks, signals, cars, and locomotives.

10. *Continuation of RI Arrangements*—The DRC is authorized to continue temporarily those RI contractual, lease, or other arrangements essential to directed-service operations. However, all continuations shall be subject to Commission approval.

11. *Initial and Interim Funding*—All correspondence to the Commission containing requests for initial and interim funding shall be addressed to:

James B. Thomas, Jr., Director, Bureau of Accounts, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423

Envelopes containing such requests shall have the notation "Rock Island-DS" typed on the lower left corner.

12. *Costs and Revenues*—The DRC shall record the costs and revenues attributable to directed service in the manner prescribed in this decision and in 49 CFR Part 1126, 44 FR 8156, 8879 (1979).

13. *Approval for Actions*—Except as to rate-related matters and those reserved to the entire Commission, the Railroad Service Board is assigned jurisdiction to decide all matters regarding the accomplishment of directed operations. An original and 10 copies of all directed-service matters requiring Commission approval in accordance with this decision shall be addressed to:

Railroad Service Board, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC 20423.

A copy of each filing shall also be addressed to:

Section of Rail Services Planning, Office of Policy and Analysis, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC 20423 and

Section of Finance (Rm. 5417), Office of Proceedings, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC 20423.

Envelopes containing such submissions shall have the notation "Rock Island-DS" typed on the lower left corner.

Rerouting Under 49 U.S.C. 11124

14. *Ancillary Rerouting*—Where the DRC is unable to route RI traffic over RI lines due to track or related defects in those lines, the DRC may reroute that traffic over its own or other lines in the manner specified below.

(a) No other changes in routing shall be made unless authorized by the shipper or this Commission, or—if the shipment was originally unrouted—unless authorized by the origin carrier.

(b) The billing covering all such rerouted cars shall carry a reference to this decision as authority for the rerouting.

15. *Concurrence of Receiving Roads*—The DRC rerouting cars in accordance with this decision shall receive the concurrence of the other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered. Any difficulties regarding this matter shall be resolved by the Railroad Service Board or, at Commission discretion, by the entire Commission.

16. *Notification to Shippers*—In the event cars are rerouted by the DRC in accordance with this decision, the DRC shall notify the shipper at the time a car is rerouted or diverted, and shall furnish the shipper the new routing, making reference to this decision as authority for the rerouting.

17. *Applicable Rates*—The rates applicable to traffic diverted or rerouted as authorized by this decision shall be the rates applicable at the time the bill of lading was receipted.

General Provisions

18. The provisions of this decision shall apply to intrastate, interstate, and foreign traffic.

19. All requirements specified in this decision but not specifically enumerated in the ordering paragraphs shall be followed as though specifically enumerated.

20. The Commission retains jurisdiction to modify, supplement or reconsider this order at any time.

21. This decision shall be served upon: (a) DOT; (b) The Governors of all States in which the Rock Island operates; (c) The Public Service Commission and designated state rail agency in each of those states; (d) AAR (Car Service Division), as agent of all railroads subscribing to the car-service and car-hire agreement; (e) The American Short Line Railroad Association; (f) RI; (g) KCT; (h) SP; (i) WP; (j) D&RG; (k) United Transportation Union; and (l) Brotherhood of Railway and Airline Clerks.

22. Notice of this decision shall be given to the general public by: (a) Depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, DC; and (b) Filing a copy with the Director, Office of the Federal Register.

23. *Effective Date*—This decision and order shall be effective on midnight (CT) of the date on which it is served, and directed operations shall commence no later than 7 days later.

24. *Expiration Date*—Unless modified or extended by the Commission, this decision and order shall expire at midnight (CT) of the 60th day after its effective date.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis. Commissioner Trantum concurring. Commissioner Gresham dissenting.

Decided: September 26, 1979.

Agatha L. Mergenovich,
Secretary.

Commissioner Trantum, Concurring

I believe that we now have sufficient evidence to find that the Rock Island "cannot transport the traffic offered to it because its cash position makes its continuing operations impossible." However, we may ultimately find that the timely issuance of a show cause order to the Trustee would have expedited directed service. Although the information developed through such an order is not likely to have changed the Commission's finding about the railroad's cash position, it would have been a deterrent to the filing of frivolous and time-consuming motions which could delay the resumption of service to the affected shippers.

Commissioner Gresham, Dissenting

I am not unsympathetic to the transportation problems of the midwestern shippers, particularly those faced with large inventories of perishable grains. However, in the absence of a complete record I cannot vote for this decision.

Fundamental due process has not been afforded the Rock Island. At the least, it seems to me, this agency should order Rock Island to show cause why it should not be

found cashless within the meaning of Section 11125. When faced with this issue in a bankruptcy context just last Friday, Judge McGarr was unable to find cashlessness. That decision was based on the representations of all parties. This decision is not.

Directed service rests in law upon this Commission's finding that Rock Island "cannot transport the traffic offered to it because its cash position makes its continuing operation impossible." Impossibility suggests to me that Congress intended a rather stringent showing of inability to serve. The facts as we know them offer no such showing. Aside from the due process impediment, I find it very difficult to conclude that the Rock Island is financially unable to provide service when the primary reason it is not now operating at capacity results from an unsettled labor situation. In the absence of further evidence, we cannot really know that the Rock will be financially unable to serve the public until its employees return and it attempts to reinstitute service. In short, this decision is based upon speculation, and speculation based upon a less than complete record at that.

Appendix A

The Secretary of Transportation,
Washington, D.C. 20590.

Mr. A. Daniel O'Neal,
Chairman, Interstate Commerce
Commission, 12th and Constitution
Avenue NW., Washington, D.C. 20423.

Dear Mr. Chairman: I urge the Commission to recognize the immediate need to order directed service over the lines of the Rock Island. The public needs this action to receive the services it is entitled to by law.

Frankly, I am shocked at the actions of the trustee, who has failed to pay wages when due, jeopardized the safety of the public and railroad employees, and driven service to shippers steadily downward. The Rock Island has maintained its corporate identity by running its physical plant and services into the ground and more recently by failing to pay its bills.

The Rock Island cannot provide the service for which it is needed. In my view there are sufficient grounds to issue a directed service order today. There is no point to a meaningless and time-consuming exercise of forcing employees back to work to conclude what is obvious now—that the Rock Island does not have the money to pay its employees and to resume operations.

Even as it is operating today, the Rock Island cannot continue. It is not necessary to wait until the last coin has dropped, the last locomotive has stopped running, and the last line of track has been made impassable to conclude that directed service is in order.

The Commission is aware that the Federal Railroad Administration has recently made an extensive survey of the Rock Island's physical plant. Over 50 percent of the main line track was inspected and one-quarter of that track was found to be below Class I standards, which by law cannot be operated. Equipment maintenance was found to be dismal. This inspection was conducted in July before the strike. Conditions have since further deteriorated and the trustee has made no provision to stop the decline.

The FRA will not grant waivers of its track standards to the Rock Island since there is no prospect of the lines being brought up to minimum standards. The estimated cost to achieve this for the entire system is about \$35 million. Under a directed service order, however, the FRA will consider granting waivers of its track standards where there is a program and financial resources for later repairs.

I had hoped that by now the trustee would have recognized his responsibilities and adopted a course of action beneficial to both the public and the estate. Since he has not, it is up to the Commission to take the appropriate action. The Department supports such action and will cooperate with you fully. Enclosed is a paper which provides information as to the cash position of the Rock Island.

Sincerely,
Neil Goldschmidt.
Enclosure.

Authority of the Interstate Commerce
Commission To Issue a Directed Service
Order Affecting the Chicago, Rock Island &
Pacific Railroad Co.

I. Legal Basis

A. Description of Statutory Finding

The Interstate Commerce Commission may issue a directed service order under 49 U.S.C. 11125(a) when a railroad subject to its jurisdiction "... cannot transport the traffic offered to it because (1) its cash position makes its continuing operation impossible. . . ." Whenever the current and short-term projected cash position of a railroad is inadequate to cover the costs of providing service, the statutory prerequisite for a directed service order exists.

B. Standards To Be Used by the Commission To Find an Inadequate Cash Position

The authority granted to the Commission to direct service is a discretionary one. No hearing, notice, investigation or other procedural steps are required. The overriding objective of the statute is to protect the public from a disruption of service, and the Commission is empowered to act quickly and in any manner it chooses.

It is up to the Commission to determine whether service cannot be provided because of the cash position of a railroad. Its determination should be sustained unless it is found by a court to be arbitrary.

The Commission should look at a variety of circumstances in making its determination, including current cash balances and cash payments due, unpaid bills which will make continued service difficult, unpaid bills or practices which violate Federal or state law, actions toward shippers (such as prepayment requirements) which demonstrate a failure to provide adequate service, the condition of track and equipment, and prospects of the carrier to reverse a loss trend.

The Commission may direct service even though the carrier has sufficient resources to provide limited service. An absolute absence of funds, or a complete cessation of service, is not a prerequisite by any means.

In a situation where service is not being provided for more than one reason, the

Commission may direct service if the carrier has inadequate funds regardless of the other circumstances, and if a directed carrier can provide the service.

C. Application of Finding to the Rock Island

For the purpose of determining whether the requirements of 49 U.S.C. 11125(a)(1) are met, the Commission should review the cash position of the Rock Island for its sufficiency to support a resumption of full service levels. If the reasonably forecasted cash position of the railroad is inadequate to cover start-up expenses, then the Commission should recognize that the Rock Island's cash position precludes it from meeting its common carrier obligation to transport the traffic that is offered to it. This approach, rather than one that assumes a continuation of strike conditions, is appropriate for several reasons.

The President's Executive Order establishing an Emergency Board under section 10 of the Railway Labor Act suspended the strike. The railroad and its labor forces are consequently obligated, respectively, to provide service and to return to work. Compliance with, or enforcement of, a legal order should be presumed. It should not be necessary to wait until the employees return to work before concluding that the carrier has insufficient funds to resume operations.

Second, the statutory finding requires the Commission to address whether the railroad's cash position permits *continuing operation* at a level sufficient to transport the traffic offered to it. Since continuing operation necessarily implies a prospective view, the Commission should forecast cash requirements from a baseline of present operations by incorporating into its projections reasonably anticipated conditions affecting the Rock Island's cash position through the period being forecasted. These conditions include operating expenses for labor and fuel to resume normal operations.

Third, the Commission should recognize that the cash position of a business is a predominant consideration taken into account by suppliers, employees and customers in deciding whether to deal with the enterprise. Without liquidity, an operating business cannot provide assurances that invoices will be paid, payrolls will be met and services will be furnished in accordance with contractual commitments. Accordingly, where the cash position of a railroad such as the Rock Island is extremely tenuous, its consequences upon the behavior of suppliers, union employees and shippers should not be underestimated. In the absence of compelling facts to the contrary, it would be accurate to presume that the level of offered traffic and the willingness of employees to return to work is influenced significantly by the cash position of the Rock Island.

D. Court Status

At a hearing in Chicago on September 20, the reorganization court received a report from the Rock Island trustee projecting a flow of funds through the end of November. Using a set of assumptions considered unrealistically optimistic by FRA, the trustee's report showed that the Rock Island's cash position would not worsen by the end of

November and, thus, that the estate would not be further eroded. Judge McGarr informed counsel for the Rock Island trustee that the railroad should not project the availability for operating expenses of any portion of the dedicated funds in which the FRA has an interest, inasmuch as both the court and the trustee had been advised that the FRA would not consent to their use for operating expenses.

Another hearing on the cash position of the railroad was scheduled for September 28 at 2:00 p.m. On October 10, the court intends to hear evidence and render a decision on the creditors' petition to begin winding down rail operations and require the filing of a liquidating plan of reorganization.

II. Findings

A. The Rock Island is currently cashless under any reasonable test to be applied. The railroad is managing to hold a marginal bank reserve only by deferring bills of a critical nature, including lease payments for operating equipment, current wages overdue and interline payments to other railroads. These three items would total \$8.0 million versus available cash of \$2.2 million. Including vouchers of more than 60 days maturity would raise immediately due payments to approximately \$19 million.

B. The Rock Island has no prospects in the short run (through November) for restoring its liquidity under any operating scenario.

1. If the railroad attempts to resume full service as contemplated in the President's Emergency Board order, the \$25-\$30 million start-up costs, including current bills, would exceed available cash resources by a considerable amount.

2. If the railroad attempts to phase-in service by applying a selective embargo on an economic basis, the start-up costs would only be stretched out, not avoided, and receipts would be insufficient to meet the costs.

3. If the strike situation were to continue, the railroad would continue to lose cash and could not reduce the backlog of bills.

C. The Rock Island has no prospects beyond the short run for restoring its liquidity without an infusion of funds from some external source. Any such aid would likely have to be tied to a reorganization plan that would require the partial liquidation of the railroad. Funds under the Emergency Rail Services Act would be foreclosed due to difficulties in the legal findings for self-sustainability and security for the United States.

1. The railroad had been losing cash steadily through the pre-strike period, and was cashless by normal business standards before the strike began. The cash drain occurred during a season when demand for services was high and operational conditions were favorable.

2. The onset of winter, which normally deals harshly with the Rock Island over much of its operating territory, would begin affecting operations at the end of the short run forecast period. Normally, the Rock Island builds its cash reserves in the summer and fall to tide the railroad over the winter period and into early April. Last year at this time the Rock Island had \$22 million in cash, and managed to avoid exhausting its

resources by the end of winter by only a narrow margin.

III. Financial Condition

A. Current Cash

As of the close of business on September 21, 1979, Rock Island had a treasurer's cash balance (or checkbook balance) of \$6.0 million. However, \$3.8 million were funds in special accounts restricted in their use. Actual usable cash balance was therefore \$2.2 million.

The \$6.0 million in treasurer's cash held by the Rock Island includes \$3.8 million in funds restricted for dedicated purposes. The breakdown is:

	Million
FRA's 511 Program—Car Repairs	\$1.6
FRA's 505 Program—Track rehabilitation	1.1
Shipper Car Repair Programs	0.5
Southern Pacific Advance for Tucuman Maintenance	0.6
	3.8

The funds in all cases are restricted to specified projects. To the extent that work must be carried out in the future, the funds would not be available to the Rock Island on a current basis to be included as a working capital resource. Most of the funds fall in that category. To the extent that the work has already been accomplished, funds would be available on a reimbursable basis. The Rock Island has indicated that in its view the railroad is eligible to draw \$400,000 from the 505 account and \$35,000 from the Southern Pacific account, leaving \$3.4 million in restricted funds.

In addition, the Rock Island has approximately \$6.3 million in escrow funds principally from property sales. The court could arguably make this money available to the railroad, but there are no indications that such an event is likely. The creditors would undoubtedly resist strenuously; the funds represent the only liquid resources available to the estate to cover ongoing legal expenses and costs in the event of liquidation. The court has previously authorized the borrowing of \$2 million from the escrow account on a short-term basis, and has now ordered the trustee to return the draw as soon as feasible. There were also \$6 million in current receivables due the railroad but no schedule was available to reflect when and whether the receivables would be paid as cash.

B. Current Expenses

- Invoices payable but uncleared as of September 19, 1979 amounted to \$22.4 million. Of that amount, more than half or \$11 million are bills older than 60 days that can be advanced as claims against the immediate cash resources and that can adversely affect the availability of future trade credit. In addition, other charges due and payable in September are:
- \$4 million in payroll expenses for the pre-strike period August 16 to 27 due 9/15/79.
- \$1.7 million in equipment lease payments.
- \$800,000 for officer's payroll and related costs.
- Interline payments to other railroads of approximately \$1.5 million on a net basis.

C. Pre-strike Financial Trends

- For the first six months ending June 1979, the Rock Island lost a total of \$45 million on an ICC accounting basis compared to a loss of \$12.2 million during the same period of 1978.
- Operating revenues for the first six months were \$188 million versus \$185 million during the same period of 1978. Revenues remained virtually the same largely as the result of rate increases since traffic for the first six months of this year was off by 9.7 percent compared to last year.
- Operating expenses for the first six months of 1979 were \$225.6 million versus \$196.3 during the comparable period of 1978.
- Current liabilities increased by \$27 million to \$123.6 million during the year ended June 30, 1979 due to the increase in payables. Current assets declined by \$8.1 million during this same period to \$71.4 million, resulting in a book working capital deficit of \$52.2 million.
- The expenses incurred did not reflect the continued deterioration of the Rock Island plant, both track and equipment. The railroad has continued to operate only by cannibalizing its assets. The Rock Island freight car maintenance in the heavy repair category over the past year has been undertaken with external funds (FRA and shipper programs) and not with internal funds. Track maintenance has been averted to the point where the Rock Island is in substantial violation of minimum safety standards. Rehabilitating the track to Class I (10 mph) standards would cost an estimated \$35 million.

IV. Cash Impact of Operations Under Back-to-Work Order

A return to service after the strike will increase the immediate cash requirements of the Rock Island. Expenses associated with start-up and a revenue/expense operating gap will be added on to the current critical expenses already due and unpaid.

The trustee has estimated that \$30 million would be necessary for start-up and working capital to operate the system during the grain harvest period. FRA's estimate of the cash requirement to pay the immediate critical items, to pay half the unpaid vouchers necessary to reestablish commercial relationships, to cover the physical restoration of the plant for operations, and to cover the revenue/expense gap for a two-to-three week period would be in excess of \$25 million.

Beyond that start-up period, the Rock Island would still be in a negative cash flow position, considering the requirements for maintenance work to correct track and equipment defects necessary for safe operations. The traffic flow, except for the backlogs in grain, would remain well below pre-strike levels through the end of the 60-day cooling off period.

Although the Rock Island would set out to match the return of operating employees to the buildup in traffic, this would not be possible in all cases. In a back-to-work situation, the Rock Island would have to carry the payroll costs of many non-operating employees who would have the right to at least five days furlough notice.

Finally, a partial restart of operations would stretch out the start-up costs but also hold down the buildup in revenue generation. Without the increased flow of revenue, the railroad would be unable to meet fixed costs coming due. Modified operations for a lengthy period would constitute a self-imposed embargo without regulatory authority.

V. Analysis of Rock Island Projections

For its September 21 court appearance the Rock Island developed a cash forecast through November which purported to show that funds generated would cover expenses paid without adding to outstanding payables. The exhibit (see attached) was labeled: "Can Rock Island Cover Its Cost and Make a Profit Under Strike Conditions." The tabulations added up to the affirmative. There were no projections offered to cover a back-to-work alternative.

FRA has evaluated the exhibit and has concluded that the projected results are (1) unrealistic; (2) unresponsive to the company's service obligations; and (3) ignore the cash obligations of the company. FRA's evaluation examines a number of key Rock Island assumptions, as follows:

A. Carloadings for September, October and November would total 14,000, 22,000 and 30,000, respectively. Through September 21, the Rock Island had handled 5,665 cars or 265 per day on a reduced run basis, so that handling an average of 926 cars per day would be required for the remainder of the month to achieve the goal. The buildup to the 30,000 cars per month level would return the railroad to about half its pre-strike carloadings. The estimated receipts would also be about half the pre-strike total. The Rock Island, however, would be operating less than half the railroad's trackage and serving less than one-third of its market area, and turning over grain at the Kansas City interchange instead of delivering it to the Gulf. The projected payroll would indicate this activity would be carried out with 1,400 operating employees to be hired in addition to the present 700 supervisory personnel. The 2,100 total would compare with the 8,600 employed before the strike. Achievement of the revenue generation with the projected level of operations would be doubtful.

B. According to Rock Island's projections, the railroad would generate an additional \$12 million in revenues in November over October while incurring only an additional \$6 million in expenses. That estimate is out of line with any standard revenue/cost comparison, and obviously does not allow for maintenance of either equipment or track during the period. Track deterioration and cannibalization of equipment would continue, and steps to cure existing defects to meet minimum safety standards would not be taken.

C. Approximately 55 percent of Rock Island's traffic before the strike was handled on a prepaid basis. During the strike the Rock Island has requested all shippers to prepay shipments. Thus, the Rock Island would limit its market, an assumption inconsistent with its high traffic projections. Prepayments provide a one-time cash benefit. At the same time, the liability to carry out future service remains. The prepayment obligation, which is

a claim on future cash, is believed to be substantial by FRA but is unquantifiable at this time.

D. Interline payments would not be made, nor would the railroad draw upon its interline receipts. The Rock Island, under rules established by the Association of American Railroads, could obtain basically a day-for-day deferral of interline payments and receipts for as long as it is being struck. During this grace period, it may not draw upon those interline payments due it. However, Rock Island is a net payer of interlines to the extent of about \$1.5 to \$2 million, which will have to be paid in October.

E. Commuter operations would not be resumed.

F. The railroad would not pay the entire overdue current wages due employees for the August 16-27 period. The Rock Island plan would allow payment of \$2 million or one-half the total due and convert the remaining one-half into an intermediate term liability to be paid in October. However, the \$2 million wage payment as well as \$1.7 million in equipment leases are dependent upon projected receipts of \$5.8 million in the last five days of September, which is \$2.3 million higher than actual receipts for the preceding five days.

G. The amount of vouchers has grown by \$3.2 million to \$22.4 million over the past month. The railroad's cash flow projection does not allow for reducing the amount over the forecast period.

H. According to the trustee's projections, the Rock Island on October 1 would be in a deficit cash position by \$400,000.

Can Rock Island Cover Its Cost and Make a Profit Under Strike Conditions

Assumptions

1. Pure strike cash flow.
2. October 1979 price levels.
3. Adequate operating staff costs (opposed to emergency staff).
4. Maximum effort in grain harvest areas.

	14,000 cars per month	30,000 cars per month
RECEIPTS		
Agent field collections.....	\$13,734,000	\$24,634,000
From other railroads—freight revenue.....	1,090,000	2,180,000
From other railroads—other receipts.....	4,800,000	4,800,000
Other receipts.....	2,100,000	2,100,000
Total.....	21,724,000	33,714,000
PAYMENTS		
Payroll Costs:		
Officers.....	\$1,800,000	\$1,800,000
Pensions.....	100,000	100,000
Additional operating people.....	300,000	2,390,000
Leases.....	4,500,000	4,500,000
To other railroads—Freight revenue.....	4,360,000	5,450,000
To other railroads—other payments.....	4,000,000	4,000,000
Other expenses.....	5,800,000	8,610,000
Total.....	20,860,000	26,850,000
Net cash.....	864,000	6,864,000

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5699]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance
Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line 800-424-8872, Room 5150, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one had been published, is indicated in the sixth column of the

table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or

construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and

public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Florida	Palm Beach County	Atlantis, City of	120193	740623 Emerg., 781101 Reg.	741206
Florida	Palm Beach County	Lake Clarke Shores, Town of	120211	750519 Emerg., 781101 Reg.	740109
Florida	Orange County	Ocoee, City of	120185	750402 Emerg., 781101 Reg.	740802
Kansas	Pratt County	Pratt, City of	200278	750404 Emerg., 781101 Reg.	740405
Maryland	Prince Georges County	Laurel, City of	240053	710910 Emerg., 781101 Reg.	740809
Minnesota	Winona County	Elba, City of	270527	740730 Emerg., 781101 Reg.	740809
Minnesota	Rice County	Fanbault, City of	270404	740419 Emerg., 781101 Reg.	770121
Minnesota	Itasca County	Itasca County	270200	730618 Emerg., 781101 Reg.	0
Minnesota	Kanabec County	Kanabec County	270214	730725 Emerg., 781101 Reg.	0
Minnesota	Scott County	New Pargue, City of	270249	740430 Emerg., 781101 Reg.	740510
Minnesota	Carver County	Watertown, City of	270056	750314 Emerg., 781101 Reg.	761105
New York	Bronx County	Bolivar, Village of	360026	770912 Emerg., 781101 Reg.	770107
New York	Orleans County	Carlton, Town of	360542	730405 Emerg., 781101 Reg.	740802
New York	Livingston County	Dansville, Village of	360383	730417 Emerg., 781101 Reg.	761022
New York	Suffolk County	Huntington, Town of	360796	731101 Emerg., 781101 Reg.	740802
New York	Cattaraugus County	Olean, City of	360088	730126 Emerg., 781101 Reg.	730525
New York	Monroe County	Rochester, City of	360431	730409 Emerg., 781101 Reg.	740628
North Carolina	Wake County	Fuquay-Vanna, Town of	370239	750127 Emerg., 781101 Reg.	750411
North Carolina	Wake County	Morrisville, Town of	370242	771208 Emerg., 781101 Reg.	761029
Ohio	Mahoning County	Canfield, City of	390369	750625 Emerg., 781101 Reg.	740517
Ohio	Pulnam County	Pandora, Village of	390474	740905 Emerg., 781101 Reg.	740208
Oregon	Douglas County	Canyonville, City of	410060	740603 Emerg., 781101 Reg.	740607
Pennsylvania	Lackawanna County	Dallan, Borough of	420998	730606 Emerg., 781101 Reg.	740628
Texas	Bandera County	Bandera County	480020	740121 Emerg., 781101 Reg.	760618
Kentucky	Logan County	Auburn, City of	210148	780519 Emerg., 781103 Reg.	740517
New Jersey	Atlantic County	Estell Manor, City of	340573	750314 Emerg., 781103 Reg.	741213
New Jersey	Camden County	Oaklyn, Borough of	340141	750916 Emerg., 781103 Reg.	740222
Pennsylvania	Lebanon County	Upper Leacock, Township of	421785	750619 Emerg., 781103 Reg.	740524
Maine	Penobscot County	Holden, Town of	230390	750723 Emerg., 781107 Reg.	750207
Indiana	Cass County	Galveston, Town of	180356	760412 Emerg., 781108 Reg.	750221
Indiana	Cass County	Walton, Town of	180024	750731 Emerg., 781108 Reg.	740517
Maine	Oxford County	Stow, Town of	230186	760220 Emerg., 781114 Reg.	750124
Arizona	Mancopa County	Youngtown, Town of	040057	750605 Emerg., 781115 Reg.	731228
Colorado	Clear Creek County	Idaho Springs, City of	080036	731204 Emerg., 781115 Reg.	740614
Georgia	Coweta County	Newnan, City of	130062	750512 Emerg., 781115 Reg.	740531
Illinois	Cook County	Hanover Park, Village of	170099	730419 Emerg., 781115 Reg.	740412
Illinois	Cook County	La Grange Park, Village of	170115	730119 Emerg., 781115 Reg.	740628
Kansas	Johnson County	Olathe, City of	200173	730119 Emerg., 781115 Reg.	740301
Kansas	Johnson County	Shawnee, City of	200177	750224 Emerg., 781115 Reg.	740628
Massachusetts	Hampden County	Hampden, Town of	250140	740906 Emerg., 781115 Reg.	740621
Michigan	Ottawa County	Holland, City of	260006	730621 Emerg., 781115 Reg.	740412
Minnesota	Yellow Medicine County	Yellow Medicine County	270544	730112 Emerg., 781115 Reg.	770819
Missouri	Clay County	Prathersville, Village of	290101	780606 Emerg., 781115 Reg.	770218
New Jersey	Middlesex County	Carteret, Borough of	340257	730404 Emerg., 781115 Reg.	740109
New York	Cattaraugus County	Allegany, Town of	360061	730330 Emerg., 781115 Reg.	740726
New York	Monroe County	Irondequoit, Town of	360422	730316 Emerg., 781115 Reg.	740628
New York	Dutchess County	Poughkeepsie, Town of	361142	741021 Emerg., 781115 Reg.	741129
North Carolina	Wake County	Wake County	370368	750026 Emerg., 781115 Reg.	0
Ohio	Franklin County	Bexley, City of	390168	731121 Emerg., 781115 Reg.	740517
Ohio	Hocking County	Murray City, Village of	390275	740426 Emerg., 781115 Reg.	741115
Oregon	Union County	Elgin, City of	410218	740612 Emerg., 781115 Reg.	731130
Pennsylvania	Schuylkill County	Gordon, Borough of	420773	740906 Emerg., 781115 Reg.	740906
Vermont	Chittenden County	Burlington, City of	500032	730405 Emerg., 781115 Reg.	740719
Virginia	Scott County	Weber City, Town of	510146	740315 Emerg., 781115 Reg.	740510
Arizona	Marcopa County	Peona, City of	040050	750618 Emerg., 781117 Reg.	740308
Ohio	Brown County	Hamersville, Village of	390676	760322 Emerg., 781117 Reg.	750214
Pennsylvania	Crawford County	Blooming Valley, Borough of	421559	751003 Emerg., 781117 Reg.	750131
Pennsylvania	Lawrence County	Elipport, Borough of	422462	760309 Emerg., 781117 Reg.	750124
Pennsylvania	Mercer County	Fredonia, Borough of	422477	750509 Emerg., 781117 Reg.	750103
Pennsylvania	Westmoreland County	North Irwin, Borough of	422641	760209 Emerg., 781117 Reg.	761210
Maine	Piscataquis County	Wellington, Town of	230416	760217 Emerg., 781121 Reg.	750110
Texas	Coryell County	Copperas Cove, City of	480155	750703 Emerg., 781121 Reg.	740405
Texas	Morris County	Naples, City of	480494	750513 Emerg., 781121 Reg.	740412
Texas	Bowie County	New Boston, City of	480059	750410 Emerg., 781121 Reg.	731217
Texas	Montague County	Nocona, City of	480482	750722 Emerg., 781121 Reg.	740510
Utah	Davis County	Sunsel, City of	490050	750311 Emerg., 781121 Reg.	740628
Alabama	Colbert County	Littleville, Town of	010330	771025 Emerg., 781124 Reg.	760618

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hasard area identified
Alabama	Madison County	New Hope, Town of	010154	750807 Emerg., 781124 Reg.	770603
Alabama	Macon County	Notasulga, Town of	010149	750702 Emerg., 781124 Reg.	741025
Alabama	Morgan County	Trinity, Town of	010309	770707 Emerg., 781124 Reg.	760625
New Jersey	Camden County	Magnolia, Borough of	340138	740618 Emerg., 781124 Reg.	770225
Pennsylvania	Cambria County	Susquehanna, Township of	421447	760428 Emerg., 781124 Reg.	741115
South Carolina	Spartanburg County	Campobello, Town of	450218	750707 Emerg., 781124 Reg.	741115
South Carolina	Spartanburg County	Inman, Town of	450217	760514 Emerg., 781124 Reg.	750131
South Carolina	Spartanburg County	Pacolet Mills, Town of	450180	751003 Emerg., 781124 Reg.	740628
South Carolina	Florence County	Quinby, Town of	450082	750514 Emerg., 781124 Reg.	740517
South Carolina	Spartanburg County	Woodruff, Town of	450214	751212 Emerg., 781124 Reg.	741108
California	Monterey County	Soledad, City of	060204	750117 Emerg., 781130 Reg.	0
Michigan	Oakland County	Hazel Park, City of	260289	740417 Emerg., 781130 Reg.	0
Michigan	Oakland County	Pleasant Ridge, City of	260606	750424 Emerg., 781130 Reg.	0
Pennsylvania	Berks County	Laureldale, Borough of	422648	761208 Emerg., 781130 Reg.	0
Pennsylvania	Lebanon County	Mount Gretna, Borough of	421851	740607 Emerg., 781130 Reg.	0
Pennsylvania	Butler County	Slippery Rock, Borough of	421414	760615 Emerg., 781130 Reg.	0
Arizona	Maricopa County	El Mirage, Town of	040041	750808 Emerg., 781201 Reg.	740215
California	Sacramento County	Isleton, City of	060265	730928 Emerg., 781201 Reg.	740116
California	Alameda County	Newark, City of	060009	740422 Emerg., 781201 Reg.	740222
California	Alameda County	Union City, City of	060014	720318 Emerg., 781201 Reg.	750711
California	Yolo County	Winters, City of	060425	750411 Emerg., 781201 Reg.	740123
Colorado	Arapahoe County	Littleton, City of	080017	710903 Emerg., 781201 Reg.	740201
Colorado	Archuleta County	Pagosa Springs, Town of	080019	750530 Emerg., 781201 Reg.	740607
Florida	Orange County	Eatonville, Town of	120182	750331 Emerg., 781201 Reg.	740713
Florida	Palm Beach County	Juno Beach, Town of	120208	750206 Emerg., 781201 Reg.	740116
Florida	Palm Beach County	Lake Worth, City of	120213	741106 Emerg., 781201 Reg.	740802
Georgia	Rockdale County	Conyers, City of	130213	750523 Emerg., 781201 Reg.	740628
Georgia	Troup County	La Grange, City of	130177	740205 Emerg., 781201 Reg.	760402
Georgia	Houston County	Warner Robins, City of	130111	740115 Emerg., 781201 Reg.	740614
Louisiana	Orleans Parish	West Monroe, City of	220138	730406 Emerg., 781201 Reg.	731116
Massachusetts	Norfolk County	Dedham, Town of	250237	740906 Emerg., 781201 Reg.	740906
Michigan	St. Clair County	Port Huron, City of	260204	730112 Emerg., 781201 Reg.	740531
Mississippi	Grenada County	Grenada County	280060	740128 Emerg., 781201 Reg.	740913
Nebraska	Saunders County	Saunders County	310195	730406 Emerg., 781201 Reg.	0
Nebraska	Hall County	Wood River, City of	310104	740906 Emerg., 781201 Reg.	740531
New Jersey	Somerset County	Bridgewater, Township of	340432	711126 Emerg., 781201 Reg.	740628
New York	Nassau County	East Rockaway, Village of	360463	730216 Emerg., 781201 Reg.	740726
New York	Suffolk County	Smithtown, Town of	360810	730209 Emerg., 781201 Reg.	741018
Oklahoma	Comanche County	Lawton, City of	400049	731115 Emerg., 781201 Reg.	740809
Pennsylvania	Clearfield County	Dubois, City of	420303	731219 Emerg., 781201 Reg.	740412
Pennsylvania	Delaware County	Nether Providence, Township of	420424	711112 Emerg., 781201 Reg.	730220
Texas	Cameron County	Brownsville, City of	480103	710115 Emerg., 781201 Reg.	740524
Texas	Medina County	Hondo, City of	480474	750710 Emerg., 781201 Reg.	740913
Vermont	Rutland County	Proctor, Town of	500265	740417 Emerg., 781201 Reg.	740531
Virginia	Independent City	Stanton City of	510155	741224 Emerg., 781201 Reg.	740614
Washington	King County	Bellevue, City of	530074	740312 Emerg., 781201 Reg.	740802
West Virginia	Roane County	Reedy, Town of	540184	740911 Emerg., 781201 Reg.	740809
Wisconsin	Milwaukee County	Wauwatosa, City of	550284	740212 Emerg., 781201 Reg.	731221
Minnesota	Hennepin County	Osseo, City of	270658	781221 Emerg., 781207 Reg.	750110
Arkansas	Lonoke County	Carlisle, City of	050312	750418 Emerg., 781212 Reg.	750110
Missouri	Miller County	Eldon, Town of	290227	750117 Emerg., 781212 Reg.	0
Oklahoma	Kiowa County	Mountain View, Town of	400087	751030 Emerg., 781212 Reg.	741101
Texas	Hays County	Kyle, City of	481108	750415 Emerg., 781212 Reg.	750502
Alabama	Bowie County	Maud, City of	480057	750602 Emerg., 781212 Reg.	740412
Alabama	Madison County	Madison, City of	010308	750723 Emerg., 781215 Reg.	761001
Arizona	Maricopa County	Surprise, Town of	040053	760326 Emerg., 781215 Reg.	740628
California	Santa Barbara County	Santa Barbara, City of	060335	720225 Emerg., 781215 Reg.	740614
Georgia	Clarke County	Clarke County	130243	740305 Emerg., 781215 Reg.	750321
Louisiana	St. Mary Parish	Baldwin, Town of	220193	730423 Emerg., 781215 Reg.	730907
Maryland	Dorchester County	Eldorado, Town of	240105	751111 Emerg., 781215 Reg.	741206
Maryland	Frederick County	Myersville, Town of	240118	750417 Emerg., 781215 Reg.	741206
Maryland	Dorchester County	Vienna, Town of	240127	751212 Emerg., 781215 Reg.	741108
Michigan	Frederick County	Woodsboro, Town of	240033	750226 Emerg., 781215 Reg.	0
New Jersey	St. Clair County	Fort Gratiot, Township of	260198	730323 Emerg., 781215 Reg.	740531
New York	Cumberland County	Hopewell, Township of	340170	750630 Emerg., 781215 Reg.	740809
New York	Livingston County	Groveland, Town of	360385	730425 Emerg., 781215 Reg.	740301
New York	Orange County	New Windsor, Town of	360628	740301 Emerg., 781215 Reg.	740405
Ohio	Hamilton County	Mount Healthy, City of	390229	751128 Emerg., 781215 Reg.	740607
Ohio	Lake County	Perry, Village of	390320	750611 Emerg., 781215 Reg.	740322
Oregon	Douglas County	Douglas County	410059	711203 Emerg., 781215 Reg.	0
Oregon	Union County	Union, City of	410223	750407 Emerg., 781215 Reg.	760305
Pennsylvania	Lehigh County	Alburtis, Borough of	420584	750807 Emerg., 781215 Reg.	740116
Pennsylvania	Allegheny County	Avalon, Borough of	420006	750707 Emerg., 781215 Reg.	740201
Pennsylvania	Allegheny County	Bellevue, Borough of	420009	770217 Emerg., 781215 Reg.	731228
Pennsylvania	Mifflin County	Bratton, Township of	421153	740415 Emerg., 781215 Reg.	741129
Pennsylvania	Allegheny County	Churchill, Borough of	420023	740702 Emerg., 781215 Reg.	761210
Pennsylvania	Lancaster County	Millersville, Borough of	420559	741111 Emerg., 781215 Reg.	740802
Pennsylvania	Northumberland County	Washington, Township of	421945	751107 Emerg., 781215 Reg.	741101
Tennessee	Roane County	Kingston, City of	470274	750818 Emerg., 781215 Reg.	740308
Vermont	Windsor County	Woodstock, Town of	500160	740430 Emerg., 781215 Reg.	740809
Wisconsin	Milwaukee County	Cudahy, City of	550272	750530 Emerg., 781215 Reg.	740607
Wyoming	Uinta County	Uinta County	560053	760102 Emerg., 781215 Reg.	741227
Idaho	Bannock County	McCammon City	160178	781221 Emerg., 781221 Reg.	760423

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hasard area identified
Minnesota	Dakota County	Miesville, City of	270111	781221 Emerg., 781221 Reg	740719
Missouri	Andrew County	Savannah, City of	290664	781221 Emerg., 781221 Reg	781105
New York	Cattaraugus County	Cold Springs, Town of	360064	0 Emerg., 781221 Reg	740621
North Carolina	Rowan County	China Grove, Town of	370210	781221 Emerg., 781221 Reg	740109
Minnesota	Sherburne County	Big Lake, City of	270663	760217 Emerg., 781226 Reg	750117
Minnesota	Hennepin County	Deephaven, City of	270158	740904 Emerg., 781226 Reg	740607
Minnesota	Washington County	Delwood, City of	270694	780118 Emerg., 781226 Reg	770715
Minnesota	Hennepin County	Greenwood, City of	270164	750725 Emerg., 781226 Reg	740531
Minnesota	Ramsey County	Lauderdale, City of	270378	750613 Emerg., 781226 Reg	740510
Minnesota	Washington County	Oakdale, City of	270511	750418 Emerg., 781226 Reg	740524
Minnesota	Hennepin County	St. Bonifacius, City of	270183	760422 Emerg., 781226 Reg	740607
Minnesota	Carver County	Young America, City of	270656	751203 Emerg., 781226 Reg	750131
Pennsylvania	Schuylkill County	Coaldeale, Borough of	420768	750417 Emerg., 781266 Reg	740503
Virginia	Geenee County	Standardsville, Town of	510251	740619 Emerg., 781226 Reg	770211
Virginia	Shenandoah County	Strasburg, Town of	510149	731009 Emerg., 781226 Reg	731228
West Virginia	Monongalia County	Blacksville, City of	540140	751028 Emerg., 781226 Reg	741025
West Virginia	Taylor County	Flemington, Town of	540189	750418 Emerg., 781226 Reg	740809
Michigan	Wayne County	Garden City, City of	260225	780510 Emerg., 781229 Reg	0
Arkansas	Jackson County	Swifton, City of	050104	750501 Emerg., 790102 Reg	740412
Texas	Lamar County	Roxton, City of	480428	750806 Emerg., 790102 Reg	740503
Alabama	Morgan County	Falkville, Town of	010177	740507 Emerg., 790103 Reg	740524
Arizona	Cochise County	Bisbee, City of	040014	740121 Emerg., 790103 Reg	740830
California	Merced County	Merced County*	060188	740823 Emerg., 790103 Reg	740823
California	Marin County	Mill Valley, City of	060177	720121 Emerg., 790103 Reg	740607
California	Santa Clara County	Monte Sereno, City of	060345	750807 Emerg., 790103 Reg	740524
California	San Bernardino County	Redlands, City of	060279	740412 Emerg., 790103 Reg	740517
California	San Joaquin County	Stockton, City of	060302	730419 Emerg., 790103 Reg	740222
Colorado	Archuleta County	Archuleta County*	080273	750723 Emerg., 790103 Reg	770705
Connecticut	New London County	Lyme, Town of	090127	730816 Emerg., 790103 Reg	740614
Connecticut	Hartford County	Windsor Locks, Town of	090042	750626 Emerg., 790103 Reg	740628
Florida	Palm Beach County	Boynton Beach, City of	120196	731108 Emerg., 790103 Reg	740308
Florida	Palm Beach County	Palm Beach Gardens, City of	120221	740903 Emerg., 790103 Reg	740123
Georgia	Cobb County	Cobb County*	130052	730612 Emerg., 790103 Reg	751003
Indiana	Noble County	Noble County*	180183	730202 Emerg., 790103 Reg	0
Kansas	Wyandotte County	Bonner Springs, City of	200361	750606 Emerg., 790103 Reg	731228
Kansas	Neosho County	Chanute, City of	200241	750513 Emerg., 790103 Reg	731207
Kansas	Reno County	Nickerson, City of	200284	750118 Emerg., 790103 Reg	740308
Kentucky	Boyd County	Callettsburg, City of	210018	750821 Emerg., 790103 Reg	740503
Michigan	Wayne County	Grosse Pointe Park, City of	260230	721208 Emerg., 790103 Reg	740412
Michigan	Wayne County	Grosse Pointe Shores, Village of	260250	721222 Emerg., 790103 Reg	740412
Mississippi	Sunflower County	Indianola, City of	280164	730502 Emerg., 790103 Reg	740524
Missouri	Madison County	Fredericktown, City of	290221	730917 Emerg., 790103 Reg	740614
Missouri	Jackson County	Greenwood, City of	290711	771011 Emerg., 790103 Reg	760604
Missouri	Jackson County	Sugar Creek, City of	290178	770125 Emerg., 790103 Reg	781217
New Hampshire	Hillsborough County	Hudson, Town of	330092	771117 Emerg., 790103 Reg	740308
New York	Tompkins County	Dryden, Village of	360847	730330 Emerg., 790103 Reg	740607
New York	Westchester County	Pelham Manor, Village of	360926	741111 Emerg., 790103 Reg	740510
New York	Onondaga County	Pompey, Town of	360590	730420 Emerg., 790103 Reg	740531
Ohio	Cuyahoga County	Strongsville, City of	390132	741213 Emerg., 790103 Reg	740621
Pennsylvania	Montgomery County	Bridgeport, Borough of	420948	731004 Emerg., 790103 Reg	740118
Pennsylvania	Berks County	Cumru, Township of	420130	721124 Emerg., 790103 Reg	0
Pennsylvania	Beaver County	Harmony, Township of	421038	780206 Emerg., 790103 Reg	740322
Pennsylvania	Allegheny County	McKeesport, City of	420051	730606 Emerg., 790103 Reg	731228
Pennsylvania	Lehigh County	Salisbury, Township of	420591	730316 Emerg., 790103 Reg	731228
Pennsylvania	Bucks County	Springfield, Township of	420204	730614 Emerg., 790103 Reg	731228
Pennsylvania	Montgomery County	Upper Dublin, Township of	420708	720818 Emerg., 790103 Reg	730427
Vermont	Lamoille County	Morrisville, Town of	500064	740820 Emerg., 790103 Reg	740531
Virginia	Independent City	Covington, City of	510040	740313 Emerg., 790103 Reg	740517
Virginia	Prince William County	Manassas, City of	510122	740719 Emerg., 790103 Reg	740531
Virginia	Rockbridge County	Rockbridge County*	510205	740415 Emerg., 790103 Reg	750228
West Virginia	Wayne County	Fort Gay, Town of	540202	750429 Emerg., 790103 Reg	740913
West Virginia	Roane County	Spencer, City of	540185	741125 Emerg., 790103 Reg	740628
Wisconsin	Fond Du Lac County	Fond Du Lac, City of	550136	740308 Emerg., 790103 Reg	700208
Indiana	Whitley County	Columbia City, City of	180300	750729 Emerg., 790105 Reg	731217
Michigan	Van Buren County	Paw Paw, Village of	260598	770421 Emerg., 790105 Reg	751010
Ohio	Guernsey County	Pleasant City, Village of	390203	760407 Emerg., 790105 Reg	740823
Ohio	Jefferson County	Wintersville, Village of	390305	750902 Emerg., 790105 Reg	740531
Pennsylvania	Adams County	Fairfield, Borough of	422285	751118 Emerg., 790105 Reg	750221
Pennsylvania	Lycoming County	Salladasburg, Borough of	420657	750912 Emerg., 790105 Reg	740809
Pennsylvania	Cumberland County	Shiremanstown, Borough of	420389	730302 Emerg., 790105 Reg	0
Wisconsin	Iowa County	Cobb, Village of	550176	750825 Emerg., 790105 Reg	740830
Wisconsin	Iowa County	Linden, Village of	550179	750415 Emerg., 790105 Reg	740830
Wisconsin	Iowa County	Ridgeway, Village of	550181	751024 Emerg., 790105 Reg	740920
Arkansas	Jackson County	Campbell Station, City of	050099	750902 Emerg., 790109 Reg	740818
Texas	Caldwell County	Luling, City of	480096	750505 Emerg., 790116 Reg	740524
Texas	Bastrop County	Smithville, City of	480024	741106 Emerg., 790116 Reg	740405
Texas	Henderson County	Trinidad, City of	480333	750923 Emerg., 790116 Reg	741018
California	Santa Clara County	Los Gatos, Town of	060343	750612 Emerg., 790117 Reg	760227
California	Santa Clara County	Saratoga, City of	060351	740702 Emerg., 790117 Reg	740322
California	Sonoma County	Sonoma, City of	060383	750522 Emerg., 790117 Reg	740222
Colorado	La Plata County	Durango, City of	080099	740430 Emerg., 790117 Reg	731130
Colorado	Lanimer County	Estes Park, Town of	080193	750522 Emerg., 790117 Reg	750919
Connecticut	New Haven County	West Haven, City of	090092	721006 Emerg., 790117 Reg	740531
Delaware	Kent County	Little Creek, Town of	100015	750730 Emerg., 790117 Reg	740809

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Illinois	Du Page County	Glen Ellyn, Village of	170207	740628 Emerg., 790117 Reg.	740503
Illinois	Cook County	Northbrook, Village of	170132	731212 Emerg., 790117 Reg.	740222
Kentucky	Harlan County	Harlan, City of	210102	711029 Emerg., 790117 Reg.	730316
Michigan	Kent County	Grand Rapids, City of	260106	730413 Emerg., 790117 Reg.	731109
New York	Cattaraugus County	Hinsdale, Town of	360077	750722 Emerg., 790117 Reg.	781015
North Carolina	Durham County	Durham, City of	370088	730713 Emerg., 790117 Reg.	740201
Ohio	Sandusky County	Sandusky County*	390486	741113 Emerg., 790117 Reg.	780113
South Dakota	Minnehaha County	Sioux Falls, City of	460060	740412 Emerg., 790117 Reg.	740628
Texas	McLennan County	Robinson, City of	480460	781226 Emerg., 790117 Reg.	761210
Virginia	Dinwiddie County	Dinwiddie County*	510187	740118 Emerg., 790117 Reg.	741115
Virginia	Dickerson County	Hays, Town of	510046	740621 Emerg., 790117 Reg.	740531
Wisconsin	Iowa County	Iowa County*	550522	740130 Emerg., 790117 Reg.	750214
Arkansas	Jackson County	Beebeville, City of	050098	750505 Emerg., 790123 Reg.	740816
Arkansas	Jackson County	Tupelo, City of	050106	750604 Emerg., 790123 Reg.	740818
Massachusetts	Worcester County	Petersham, Town of	250327	751117 Emerg., 790123 Reg.	740913
Texas	Panola County	Carthage, City of	480519	750513 Emerg., 790123 Reg.	740614
Texas	Eastland County	Cisco, City of	480203	750725 Emerg., 790123 Reg.	740503
Texas	Henderson County	Malakoff, City of	480329	760330 Emerg., 790123 Reg.	741025
Texas	Smith County	Troup, City of	480570	750815 Emerg., 790123 Reg.	740412
Texas	Hidalgo County	Alamo, City of	480335	780119 Emerg., 790130 Reg.	740123
Arizona	Pima County	South Tucson, Town of	040075	741111 Emerg., 790131 Reg.	0
Illinois	Cook County	Park Ridge, City of	170148	750630 Emerg., 790131 Reg.	0
Michigan	Eaton County	Carmel, Township of	260682	760611 Emerg., 790131 Reg.	0
Alabama	Tuscaloosa County	Tuscaloosa, City of	010203	730405 Emerg., 790201 Reg.	751024
California	Orange County	Buena Park, City of	060215	741108 Emerg., 790201 Reg.	741101
Colorado	Adams County	Adams County*	080001	720114 Emerg., 790201 Reg.	790201
Colorado	Boulder County	Boulder County	080023	710514 Emerg., 790201 Reg.	790201
Colorado	Weld County	Nunn, Town of	080188	750807 Emerg., 790201 Reg.	740830
Delaware	Sussex County	Seaford, City of	100048	741002 Emerg., 790201 Reg.	740621
Florida	Palm Beach County	Palm Beach County*	120192	700619 Emerg., 790201 Reg.	700617
Illinois	Douglas County	Villa Grove, City of	170196	750227 Emerg., 790201 Reg.	740517
Michigan	Bay County	Kawawin, Township of	260658	790129 Emerg., 790201 Reg.	771216
Missouri	Jackson County	Independence, City of	290172	711015 Emerg., 790201 Reg.	740412
Nebraska	Dodge County	Fremont, City of	310069	730911 Emerg., 790201 Reg.	740607
New Jersey	Camden County	Somerdale, Borough of	340145	711217 Emerg., 790201 Reg.	730914
New York	Monroe County	Chili, Town of	360412	730316 Emerg., 790201 Reg.	790201
New York	Broome County	Deposits, Village of	360043	750530 Emerg., 790201 Reg.	740614
New York	Cattaraugus County	Ellicottville, Village of	360070	750402 Emerg., 790201 Reg.	740524
New York	Cattaraugus County	Olean, Town of	360089	730503 Emerg., 790201 Reg.	731005
Ohio	Belmont County	Bridgeport, Village of	390026	741102 Emerg., 790201 Reg.	740208
Pennsylvania	Bucks County	Tinicum, Township of	420205	711112 Emerg., 790201 Reg.	730309
South Dakota	Davison County	Mitchell, City of	460021	741223 Emerg., 790201 Reg.	740322
Texas	McLennan County	McGregor, City of	480459	750407 Emerg., 790201 Reg.	740222
Utah	Utah County	Provo, City of	490159	750116 Emerg., 790201 Reg.	740215
Vermont	Lamoille County	Johnson, Town of	500063	750513 Emerg., 790201 Reg.	740621
Vermont	Lamoille County	Johnson, Village of	500232	750610 Emerg., 790201 Reg.	740405
Virginia	Pittsylvania County	Chatham, Town of	510114	750610 Emerg., 790201 Reg.	740531
Washington	Pacific County	Iwaco, town of	530127	740402 Emerg., 790201 Reg.	740524
Washington	King County	Redmond, City of	530087	741015 Emerg., 790201 Reg.	740322
Wisconsin	Marathon County	Marathon County*	550245	710409 Emerg., 790201 Reg.	790201
Wyoming	Fremont County	Fremont County*	560080	750708 Emerg., 790201 Reg.	790201
California	Orange County	Cypress, City of	060217	750226 Emerg., 790209 Reg.	740607
Illinois	Cook County	Burbank, City of	170069	730419 Emerg., 790209 Reg.	740412
Missouri	Lafayette County	Concordia, City of	290745	751217 Emerg., 790209 Reg.	750207
California	Los Angeles County	Inwisdale, City of	060129	750912 Emerg., 790212 Reg.	740628
California	San Bernardino County	Rialto, City of	060280	731217 Emerg., 790212 Reg.	740607
Louisiana	Webster Parish	Cullen, town of	220235	750430 Emerg., 790212 Reg.	740412
Minnesota	Anoka County	Lexington, City of	270014	740603 Emerg., 790212 Reg.	740329
Oklahoma	Choctaw County	Hugo, City of	400040	740826 Emerg., 790212 Reg.	740123
Texas	Smith County	Whitehouse, City of	480572	750625 Emerg., 790213 Reg.	740517
Illinois	Cook County	Skokie, Village of	171000	790214 Emerg., 790214 Reg.	0
California	San Diego County	National City, City of	060293	720128 Emerg., 790215 Reg.	740322
California	Riverside County	Norco, City of	060258	750404 Emerg., 790215 Reg.	740517
Colorado	Larimer County	Wellington, Town of	080104	750117 Emerg., 790215 Reg.	740322
Colorado	Morgan County	Wiggins, City of	080204	750716 Emerg., 790215 Reg.	760416
Georgia	Rockdale County	Rockdale County*	130384	750306 Emerg., 790215 Reg.	770128
Illinois	Cook County	Schaumburg, Village of	170158	720113 Emerg., 790215 Reg.	741206
Illinois	Du Page County	Winfield, Village of	170223	750519 Emerg., 790215 Reg.	740510
Kansas	Dickinson County	Chapman, City of	200075	750411 Emerg., 790215 Reg.	740109
Louisiana	West Feliciana Parish	West Feliciana Parish*	220245	730430 Emerg., 790215 Reg.	741220
Maryland	Worcester County	Worcester County*	240083	710129 Emerg., 790215 Reg.	741213
Mississippi	Washington County	Leland, City of	280181	730502 Emerg., 790215 Reg.	740531
Nebraska	Scotts Bluff County	Gering, City of	310371	740918 Emerg., 790215 Reg.	741227
New Jersey	Monmouth County	Asbury Park, City of	340285	741106 Emerg., 790215 Reg.	740713
New York	Westchester County	Pleasantville, Village of	60927	740404 Emerg., 790215 Reg.	740412
New York	Westchester County	Tuckahoe, Village of	360934	750702 Emerg., 790215 Reg.	740510
North Carolina	Durham County	Durham County*	370085	730316 Emerg., 790215 Reg.	750131
Ohio	Allen County	Lima, City of	390006	740128 Emerg., 790215 Reg.	740118
Ohio	Mahoning County	Mahoning County*	390367	730725 Emerg., 790215 Reg.	731123
Ohio	Huron County	Norwalk, City of	390286	740906 Emerg., 790215 Reg.	740607
Ohio	Putnam County	Ottawa, Village of	390472	741227 Emerg., 790215 Reg.	740215
Oklahoma	Pittsburg County	McAlester, City of	400170	740315 Emerg., 790215 Reg.	740118
Oregon	Grant County	Grant County*	410074	720218 Emerg., 790215 Reg.	0

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Pennsylvania	Delaware County	Middletown, Township of	420422	721201 Emerg., 790215 Reg.	740412
Pennsylvania	Jefferson County	Punxsutawney, Borough of	420512	731024 Emerg., 790215 Reg.	740726
Pennsylvania	Northumberland County	Ralpho, Township of	421027	731119 Emerg., 790215 Reg.	740628
South Carolina	Lexington County	West Columbia, City of	450140	731206 Emerg., 790215 Reg.	740628
Vermont	Windor County	Woodstock, Village of	500161	740327 Emerg., 790215 Reg.	740913
Virginia	Cumberland County	Cumberland County*	510043	740312 Emerg., 790215 Reg.	741018
Illinois	Cook County	Calumet Park, Village of	170073	750707 Emerg., 790216 Reg.	740329
Maryland	Carroll County	New Windsor, Town of	240149	750805 Emerg., 790216 Reg.	741122
Ohio	Stark County	East Canton, Village of	390513	760716 Emerg., 790216 Reg.	750718
Ohio	Butler County	Oxford, City of	390731	750620 Emerg., 790216 Reg.	740510
Pennsylvania	Allegheny County	North Braddock, Borough of	420058	750130 Emerg., 790216 Reg.	740412
California	Los Angeles County	Norwalk, City of	060652	780219 Emerg., 790219 Reg.	0
California	Los Angeles County	Cerritos, City of	060108	750718 Emerg., 790220 Reg.	0
California	Los Angeles County	Inglewood, City of	065036	710115 Emerg., 790220 Reg.	0
Pennsylvania	Somerset County	New Centerville, Borough of	422653	780116 Emerg., 790220 Reg.	0
Utah	Davis County	Clearfield, City of	490041	741107 Emerg., 790220 Reg.	740802
California	Ventura County	Oxnard, City of	060417	730502 Emerg., 790301 Reg.	740809
California	Contra Costa County	Richmond, City of	060035	720303 Emerg., 790301 Reg.	740503
Connecticut	New Haven County	Beacon Falls, Town of	090072	750627 Emerg., 790301 Reg.	740628
Florida	Clay County	Green Cove Springs, City of	120065	741011 Emerg., 790301 Reg.	740412
Florida	Palm Beach County	West Palm Beach, City of	120229	740618 Emerg., 790301 Reg.	740412
Illinois	Du Page County	Naperville, City of	170213	730430 Emerg., 790301 Reg.	740412
Indiana	Hendricks County	Plainfield, Town of	180089	760418 Emerg., 790301 Reg.	740201
Kansas	Dickinson County	Solomon, City of	200077	750303 Emerg., 790301 Reg.	740109
Massachusetts	Plymouth County	Brockton, City of	250261	740121 Emerg., 790301 Reg.	740628
Massachusetts	Hampden County	Wilbraham, Town of	250154	750821 Emerg., 790301 Reg.	740517
Minnesota	Dakota County	Faribault, City of	270104	750722 Emerg., 790301 Reg.	740524
Minnesota	Stearns County	Stearns County*	270546	730323 Emerg., 790301 Reg.	790301
Mississippi	Grenada County	Grenada, City of	280061	730607 Emerg., 790301 Reg.	731128
Missouri	Clay County	Birmingham, Village of	295272	770826 Emerg., 790301 Reg.	780425
Missouri	Dunklin County	Cardwell, City of	290125	740523 Emerg., 790301 Reg.	740503
New Jersey	Bergen County	Walidwick, Borough of	340078	720331 Emerg., 790301 Reg.	740109
New York	Westchester County	Bronxville, Village of	360905	730316 Emerg., 790301 Reg.	730713
New York	Onondaga County	Dewitt, Town of	360973	731108 Emerg., 790301 Reg.	740322
Ohio	Trumbull County	Lordstown, Village of	390812	780331 Emerg., 790301 Reg.	760113
Oregon	Marion County	Aumsville, City of	410155	750808 Emerg., 790301 Reg.	740510
Oregon	Linn County	Idanha, City of	410162	750325 Emerg., 790301 Reg.	740830
Oregon	Marion County	Jefferson, City of	410163	750325 Emerg., 790301 Reg.	740201
Oregon	Marion County	Mill City, City of	410143	750520 Emerg., 790301 Reg.	731217
Oregon	Marion County	Scotts Mills, City of	410168	751217 Emerg., 790301 Reg.	741220
Oregon	Lincoln County	Siletz, City of	410132	750530 Emerg., 790301 Reg.	731207
Oregon	Marion County	Silverton, City of	410169	750513 Emerg., 790301 Reg.	740510
Oregon	Stanton County	Stanton, City of	410170	750520 Emerg., 790301 Reg.	740123
Oregon	Lincoln County	Toledo, City of	410133	730419 Emerg., 790301 Reg.	730914
Oregon	Marion County	Woodburn, City of	410172	740812 Emerg., 790301 Reg.	740524
Oregon	Lincoln County	Yachats, City of	410135	750718 Emerg., 790301 Reg.	741101
Pennsylvania	Erie County	Erie, City of	420449	730426 Emerg., 790301 Reg.	740621
Pennsylvania	Northampton County	West Easton, Borough of	420733	730709 Emerg., 790301 Reg.	731228
Texas	Guadalupe County	Guadalupe County*	480266	720922 Emerg., 790301 Reg.	750124
Texas	Travis County	Sunset Valley, City of	481127	751124 Emerg., 790301 Reg.	761105
Texas	Bowie County	Texarkana, City of	480060	720218 Emerg., 790301 Reg.	740607
Utah	Carbon County	Helper, City of	490034	750610 Emerg., 790301 Reg.	740109
Utah	Emery County	Orangeville, City of	490064	750930 Emerg., 790301 Reg.	740607
Utah	Carbon County	Price, City of	490036	740426 Emerg., 790301 Reg.	740118
Virginia	Goochland County	Goochland County*	510072	730419 Emerg., 790301 Reg.	750221
Indiana	Porter County	Valparaiso, City of	180204	750324 Emerg., 790302 Reg.	740109
Michigan	Wayne County	Inkster, City of	260232	730223 Emerg., 790302 Reg.	740412
Ohio	Cuyahoga County	Broadview Heights, City of	390099	751121 Emerg., 790302 Reg.	740621
Ohio	Butler County	MiddleTown, City of	390040	750613 Emerg., 790302 Reg.	740621
Ohio	Cuyahoga County	Oakwood, Village of	390122	750703 Emerg., 790302 Reg.	740517
Ohio	Summit County	Peninsula, Village of	390530	750625 Emerg., 790302 Reg.	740322
Ohio	Hamilton County	Wyoming, City of	390240	750519 Emerg., 790302 Reg.	740201
Pennsylvania	Lycoming County	Mill Creek, Township of	421845	751014 Emerg., 790302 Reg.	750411
Pennsylvania	York County	New Freedom, Borough of	420932	731024 Emerg., 790302 Reg.	750131
New Hampshire	Merrimack County	Henniker, Town of	330114	790314 Emerg., 790314 Reg.	740315
California	Sacramento County	Sacramento County*	060262	720331 Emerg., 790315 Reg.	750110
California	Santa Barbara County	Santa Barbara County*	060331	711223 Emerg., 790315 Reg.	741220
Florida	Broward County	Sunrise, City of	120328	740503 Emerg., 790315 Reg.	740222
Illinois	Du Page County	Addison, Village of	170198	730723 Emerg., 790315 Reg.	731026
Kansas	Douglas County	Lecompton, City of	200091	750702 Emerg., 790315 Reg.	740123
New Jersey	Monmouth County	Allenhurst, Borough of	340283	750410 Emerg., 790315 Reg.	730824
New Jersey	Monmouth County	Avon-by-the-sea, Borough of	340287	740329 Emerg., 790315 Reg.	740201
New Jersey	Monmouth County	Loch Arbour, Village of	340306	730627 Emerg., 790315 Reg.	731130
New York	Westchester County	Irvington, Village of	360914	740628 Emerg., 790315 Reg.	740628
Ohio	Butler County	Fairfield, City of	390038	741021 Emerg., 790315 Reg.	740301
Ohio	Warren County	Lebanon, City of	390557	741223 Emerg., 790315 Reg.	740510
Ohio	Mason County	Mason, City of	390559	750415 Emerg., 790315 Reg.	740614
Oklahoma	Garfield County	Enid, city of	400062	731102 Emerg., 790315 Reg.	740222
Oregon	Lincoln County	Waldport, City of	410134	741101 Emerg., 790315 Reg.	740322
Pennsylvania	Bucks County	Buckingham, Township of	420985	740115 Emerg., 790315 Reg.	740628
Pennsylvania	Cumberland County	Shippensburg, Borough of	420368	740123 Emerg., 790315 Reg.	761022
Pennsylvania	Fayette County	Upper Tyrone, Township of	420467	730606 Emerg., 790315 Reg.	731130

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Virginia	Giles County	Glen Lyn, Town of	510289	760416 Emerg., 790315 Reg.	760723
Washington	Okanoan County	Okanoan County *	530117	740430 Emerg., 790315 Reg.	0
California	Orange County	Los Alamitos, City of	060226	750331 Emerg., 790316 Reg.	0
California	Orange County	Stanton, City of	060234	741015 Emerg., 790316 Reg.	0
Washington	King County	Medina, City of	530315	750616 Emerg., 790316 Reg.	0
Louisiana	St. Helena Parish	Montpelier, Village of	220300	760308 Emerg., 790320 Reg.	761112
California	Los Angeles County	Artesia, City of	060097	750505 Emerg., 790330 Reg.	0
California	Los Angeles County	Compton, City of	060111	750711 Emerg., 790330 Reg.	740628
California	Los Angeles County	Signal Hill, City of	060161	750807 Emerg., 790330 Reg.	0
Kansas	Jackson County	Hoyt, City of	200142	760302 Emerg., 790330 Reg.	741220
Minnesota	Lac Qui Parle County	Bellingham, City of	270679	750905 Emerg., 790330 Reg.	740823
Oklahoma	Woods County	Alva, City of	400341	750703 Emerg., 790330 Reg.	750711
Pennsylvania	Allegheny County	Castle Shannon, Borough of	420020	751231 Emerg., 790330 Reg.	740628
Pennsylvania	Allegheny County	Dormont, Borough of	422630	750820 Emerg., 790330 Reg.	0
Pennsylvania	Allegheny County	Ingram, Borough of	420045	770217 Emerg., 790330 Reg.	761105
Texas	Fort Bend County	Fl. Bend Co. Water Cont. & Improv. Dist. 4	481299	770309 Emerg., 790330 Reg.	0
Texas	Jim Wells County	Orange Grove, City of	480395	750718 Emerg., 790330 Reg.	740503
Virginia	Southampton County	Branchville, Town of	510296	750721 Emerg., 790330 Reg.	741115
Alaska	Cordova-McCarthy District	Cordova, City of	020037	750731 Emerg., 790402 Reg.	770524
California	Riverside County	Desert Hot Springs, City of	060251	750630 Emerg., 790402 Reg.	740524
Colorado	Weld County	Evans, City of	080182	740725 Emerg., 790402 Reg.	740405
Colorado	Larimer County	Fort Lupton, City of	080183	740723 Emerg., 790402 Reg.	740531
Florida	Broward County	Lanier County *	080101	740702 Emerg., 790402 Reg.	741227
Florida	Broward County	Coconut Creek, City of	120031	740417 Emerg., 790402 Reg.	740215
Florida	Broward County	North Lauderdale, City of	120049	740705 Emerg., 790402 Reg.	740222
Georgia	Paulding County	Parkland, City of	120051	760113 Emerg., 790402 Reg.	740830
Iowa	Dubuque County	Cascade, City of	130147	740123 Emerg., 790402 Reg.	760319
Iowa	Jones County	Monticello, City of	180117	751120 Emerg., 790402 Reg.	731217
Louisiana	Calcasieu Parish	De Quincy, City of	190175	741127 Emerg., 790402 Reg.	740607
Michigan	Macomb County	Fraser, City of	220038	730829 Emerg., 790402 Reg.	740116
New Hampshire	Merriam County	Allenstown, Town of	260122	730216 Emerg., 790402 Reg.	740524
New Hampshire	Sullivan County	Hooksett, Town of	330103	750903 Emerg., 790402 Reg.	740405
New Hampshire	Merriam County	Pembroke, Town of	330115	751110 Emerg., 790402 Reg.	750221
New Jersey	Monmouth County	Brielle, Borough of	330119	750724 Emerg., 790402 Reg.	740503
New York	Allegany County	Andover, Village of	340290	720728 Emerg., 790402 Reg.	730831
New York	Westchester County	Hastings-on-Hudson, Village of	360022	740118 Emerg., 790402 Reg.	740614
New York	Westchester County	Pelham, Village of	360913	750123 Emerg., 790402 Reg.	741108
Ohio	Sandusky County	Clyde, City of	360925	750908 Emerg., 790402 Reg.	740517
Oregon	Marion County	Turner, City of	390489	740814 Emerg., 790402 Reg.	740215
Pennsylvania	Bucks County	New Britain, Borough of	410171	750801 Emerg., 790402 Reg.	740116
Pennsylvania	Perry County	New Buffalo, Borough of	420986	731206 Emerg., 790402 Reg.	740726
Pennsylvania	Lehigh County	Upper Macungie, Township of	420753	750205 Emerg., 790402 Reg.	740816
Virginia	Pittsylvania County	Hurt, Town of	421044	740212 Emerg., 790402 Reg.	761126
Wisconsin	Washington County	Spooner, City of	510219	750620 Emerg., 790402 Reg.	741101
Missouri	Lafayette County	Odesa, City of	550470	731121 Emerg., 790402 Reg.	731221
Arkansas	Craighead County	Black Oak, City of	290669	760429 Emerg., 790411 Reg.	750502
Arkansas	Pontotoc County	Trumann, City of	050389	750507 Emerg., 790415 Reg.	750221
California	Contra Costa County	Brantwood, City of	050176	740905 Emerg., 790415 Reg.	731116
California	Los Angeles County	Commerce, City of	060439	760412 Emerg., 790415 Reg.	750207
California	Los Angeles County	Lakewood, City of	060110	780912 Emerg., 790415 Reg.	740628
California	Los Angeles County	Pico Rivera, City of	060130	750711 Emerg., 790415 Reg.	740719
California	Los Angeles County	Rosemead, City of	060148	750604 Emerg., 790415 Reg.	740628
California	Los Angeles County	South Gate, City of	060153	750820 Emerg., 790415 Reg.	740628
Iowa	Lee County	West Point, City of	060163	750702 Emerg., 790415 Reg.	740628
Kansas	Harper County	Atoka, City of	190683	780828 Emerg., 790415 Reg.	760730
Louisiana	Livingston Parish	Livingston, Town of	200127	750610 Emerg., 790415 Reg.	740628
Minnesota	Dodge County	St. Lawrence, Village of	220118	780621 Emerg., 790415 Reg.	750919
Missouri	Stone County	Dodge County *	270548	740222 Emerg., 790415 Reg.	770311
Arizona	Maricopa County	Kimberling, City of	290432	750623 Emerg., 790415 Reg.	740621
California	Riverside County	Glendale, City of	040045	750320 Emerg., 790416 Reg.	740726
California	San Luis Obispo County	Perris, City of	060258	750321 Emerg., 790416 Reg.	740906
Florida	Lee County	San Luis Obispo, City of	060310	730803 Emerg., 790416 Reg.	731026
Florida	Lee County	Fort Myers, City of	125106	701030 Emerg., 790416 Reg.	710409
Indiana	Elkhart County	Sanibel, City of	120402	750505 Emerg., 790416 Reg.	760723
Kentucky	Jefferson County	Bristol, Town of	180060	750711 Emerg., 790416 Reg.	771119
Massachusetts	Middlesex County	Jefferson County *	210120	710820 Emerg., 790416 Reg.	750131
New Hampshire	Hillsborough County	Lowell, City of	250201	720114 Emerg., 790416 Reg.	740531
New Hampshire	Merriam County	Bedford, Town of	330083	750926 Emerg., 790416 Reg.	740329
New Hampshire	Carroll County	Bow, Town of	330107	750618 Emerg., 790416 Reg.	740503
New Hampshire	Hillsborough County	Conway, Town of	330011	741202 Emerg., 790416 Reg.	740913
New Jersey	Morris County	Holts, Town of	330091	750228 Emerg., 790416 Reg.	740301
New Jersey	Essex County	East Hanover, Township of	340341	720818 Emerg., 790416 Reg.	730831
New York	Erie County	West Caldwell Borough of	340196	720908 Emerg., 790416 Reg.	730615
New York	Cayuga County	Aurora, Town of	360227	741129 Emerg., 790416 Reg.	740412
New York	Westchester County	Brutus, Town of	360104	740906 Emerg., 790416 Reg.	740906
New York	Nassau County	Dobbs Ferry, Village of	360908	760810 Emerg., 790416 Reg.	740517
New York	Monroe County	Hempstead, Town of	360467	710910 Emerg., 790416 Reg.	750425
Pennsylvania	Erie County	Ogden, Town of	360424	730504 Emerg., 790416 Reg.	731228
South Carolina	Aiken County	Millcreek, Township of	420452	730416 Emerg., 790416 Reg.	740920
Tennessee	Coffee County	Aiken, City of	450003	731217 Emerg., 790416 Reg.	740628
Wyoming	Big Horn County	Tullahoma, City of	470036	730803 Emerg., 790416 Reg.	740524
Wyoming	Platte County	Manderson, Town of	560006	760429 Emerg., 790416 Reg.	740913
Wyoming	Platte County	Wheatland, Town of	560043	750702 Emerg., 790416 Reg.	740412

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Louisiana	Tangipahoa Parish	Ponchartroula, City of	220211	750605 Emerg., 790417 Reg.	740412
Missouri	Missouri County	Homestead, City of	290278	750513 Emerg., 790417 Reg.	741220
Missouri	St. Louis County	Riverview, Village of	290387	770103 Emerg., 790417 Reg.	740628
Oklahoma	LeFlore County	Bokoshe, Town of	400350	760817 Emerg., 790717 Reg.	750919
Texas	Harris County	Bunker Hill Village, City of	480290	740114 Emerg., 790417 Reg.	740503
Maine	Penobscot County	Veazie, Town of	230403	790419 Emerg., 790419 Reg.	750103
Illinois	Iroquois County	Ashkun, Village of	170287	750616 Emerg., 790420 Reg.	740607
Maryland	Somerset County	Princess Anne, Town of	240063	740128 Emerg., 790420 Reg.	740628
Michigan	Wayne County	Dearborn, City of	260220	730309 Emerg., 790420 Reg.	740503
Michigan	Cass County	Edwardsburg, Village of	260364	770316 Emerg., 790420 Reg.	750711
Ohio	Cuyahoga County	Beachwood, City of	390094	751126 Emerg., 790420 Reg.	750711
Pennsylvania	Adams County	Bendersville, Borough of	422293	750218 Emerg., 790420 Reg.	741129
Pennsylvania	Cumberland County	Dickinson, Township of	421580	751120 Emerg., 790420 Reg.	750103
Pennsylvania	Blair County	Martinsburg, Borough of	421384	760209 Emerg., 790420 Reg.	741220
Pennsylvania	Westmoreland County	Youngstown, Borough of	420807	750707 Emerg., 790420 Reg.	740809
Wisconsin	La Crosse County	Holmen, Village of	550219	750627 Emerg., 790420 Reg.	740517
Illinois	Cook County	Lincolnwood, Village of	171001	790424 Emerg., 790424 Reg.	0
Louisiana	St. James Parish	Lutcher, Town of	220248	740214 Emerg., 790424 Reg.	740503
Oklahoma	Latimer County	Wilburton, City of	400250	761104 Emerg., 790424 Reg.	750409
Texas	Cherokee County	Bullard, City of	480568	750611 Emerg., 790424 Reg.	761112
Texas	Denton County	Sanger, Town of	480786	771219 Emerg., 790424 Reg.	761008
California	Los Angeles County	Bellflower, City of	060102	740118 Emerg., 790430 Reg.	0
California	Los Angeles County	San Marino, City of	065057	710326 Emerg., 790430 Reg.	0
Florida	Broward County	Pembroke Park, Town of	120052	750724 Emerg., 790501 Reg.	740531
Illinois	Madison County	Hartford, Village of	170444	740327 Emerg., 790501 Reg.	731130
Illinois	Madison County	Roxana, Village of	170448	740528 Emerg., 790501 Reg.	0
Illinois	Marion County	Salem, City of	170454	740909 Emerg., 790501 Reg.	740503
Illinois	Madison County	Wood River, City of	170451	740304 Emerg., 790501 Reg.	740215
Iowa	Franklin County	Hampton, City of	190131	740816 Emerg., 790501 Reg.	740621
Kansas	Crawford County	Pittsburg, City of	200072	741114 Emerg., 790501 Reg.	740215
Michigan	Macomb County	Warren, City of	260129	730406 Emerg., 790501 Reg.	740517
Dakota	Lake County	Lakeville, City of	270107	740212 Emerg., 790501 Reg.	740607
Minnesota	Hennepin County	Spring Park, City of	270186	750716 Emerg., 790501 Reg.	740607
Minnesota	Hennepin County	Tonka Bay, City of	270187	750117 Emerg., 790501 Reg.	740607
Mississippi	Humphreys County	Louise, Town of	280208	740312 Emerg., 790501 Reg.	741129
Missouri	St. Charles County	St. Peters, City of	290319	720630 Emerg., 790501 Reg.	731207
New Hampshire	Carroll County	Bartlett, Town of	330010	760421 Emerg., 790501 Reg.	740628
New Hampshire	Belknap County	Tilton, Town of	330009	750725 Emerg., 790501 Reg.	740322
New Jersey	Ocean County	Beachwood, Borough of	340368	741023 Emerg., 790501 Reg.	740628
New York	Erie County	Lambert, Town of	360245	750723 Emerg., 790501 Reg.	740614
Ohio	Clermont County	New Richmond, Village of	390071	741231 Emerg., 790501 Reg.	740301
Texas	Medina County	Castroville, City of	480932	751222 Emerg., 790501 Reg.	780813
Texas	Kerr County	Kerr County*	480419	750121 Emerg., 790501 Reg.	771213
Texas	McClennan County	Woodway, City of	480462	750128 Emerg., 790501 Reg.	740123
Nebraska	Burt County	Oakland, City of	310023	750522 Emerg., 790507 Reg.	740109
Texas	Hardin County	Lumberton, City of	481111	790508 Emerg., 790508 Reg.	761122
Florida	Polk County	Auburndale, City of	120262	740926 Emerg., 790511 Reg.	740201
New Jersey	Burlington County	New Hanover, Township of	340108	750729 Emerg., 790511 Reg.	740809
New Jersey	Gloucester County	Wenonah, Borough of	340503	731219 Emerg., 790511 Reg.	740329
New Jersey	Gloucester County	Woodbury, City of	340216	750806 Emerg., 790511 Reg.	760716
New Jersey	Salem County	Woodstown, Borough of	340426	750625 Emerg., 790511 Reg.	761022
New Jersey	Burlington County	Wrightstown, Borough of	340120	751216 Emerg., 790511 Reg.	740628
New York	Columbia County	Germanatown, Town of	361317	750829 Emerg., 790511 Reg.	741115
New York	Oswego County	Lacons, Village of	361350	771125 Emerg., 790511 Reg.	741122
New York	Cayuga County	Livingston, Town of	360175	760507 Emerg., 790511 Reg.	740524
New York	Cayuga County	Mendon, Village of	361520	751212 Emerg., 790511 Reg.	741206
New York	Oswego County	Sandy Creek, Village of	361358	770531 Emerg., 790511 Reg.	741115
New York	St. Lawrence County	Waddington, Village of	361468	751105 Emerg., 790511 Reg.	741115
South Carolina	Charleston County	Meggett, Town of	450040	750702 Emerg., 790511 Reg.	741025
Georgia	Colquitt County	Moultrie, City of	130199	731112 Emerg., 790515 Reg.	741122
New Hampshire	Merriam County	Canterbury, Town of	330108	750610 Emerg., 790515 Reg.	740405
Texas	Denton County	Corinth, Town of	481143	750305 Emerg., 790515 Reg.	780730
New Jersey	Cape May County	Woodbine, Borough of	340164	741024 Emerg., 790518 Reg.	740308
New Jersey	Gloucester County	Woodbury Heights, Borough of	340550	760121 Emerg., 790518 Reg.	750221
New York	Erie County	Angola, Village of	360982	750414 Emerg., 790518 Reg.	741206
New York	Washington County	Argyle, Village of	361559	760622 Emerg., 790518 Reg.	750718
New York	Steuben County	Canisteo, Village of	360770	750623 Emerg., 790518 Reg.	741220
Ohio	Henry County	Holgate, Village of	390265	750910 Emerg., 790529 Reg.	740503
Ohio	Champaign County	St. Paris, Village of	390059	770224 Emerg., 790529 Reg.	740607
Oklahoma	Greer County	Mangum, City of	400067	750804 Emerg., 790529 Reg.	740517
Pennsylvania	Westmoreland County	East Vandergrift, Borough of	420875	750910 Emerg., 790529 Reg.	740405
Washington	Grant County	Warden, Town of	530304	780513 Emerg., 790529 Reg.	750502
Indiana	Howard County	Russaville, Town of	180427	750915 Emerg., 790601 Reg.	780310
Massachusetts	Bristol County	Norton, Town of	250060	740320 Emerg., 790601 Reg.	740628
Michigan	Cass County	Cassopolis, Village of	260363	760630 Emerg., 790601 Reg.	750711
Ohio	Cuyahoga County	Berea, City of	390037	750421 Emerg., 790601 Reg.	740201
Ohio	Cuyahoga County	Brook Park, City of	390102	750421 Emerg., 790601 Reg.	740607
Ohio	Cuyahoga County	Brooklyn, City of	390100	750703 Emerg., 790601 Reg.	740322
Ohio	Cuyahoga County	Highland Heights, City of	390110	761110 Emerg., 790601 Reg.	750725
Ohio	Cuyahoga County	Moreland Hills, Village of	390118	750630 Emerg., 790601 Reg.	740208
Ohio	Cuyahoga County	Newburgh Heights, Village of	390119	760521 Emerg., 790601 Reg.	740315
Ohio	Cuyahoga County	Olmsted Falls, City of	390672	750729 Emerg., 790601 Reg.	740614
Ohio	Cuyahoga County	Seven Hills, City of	390128	750730 Emerg., 790601 Reg.	740322

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hasard area identified
Pennsylvania	Blair County	Bellwood, Borough of	420160	760518 Emerg., 790601 Reg.	790601
Pennsylvania	Luzerne County	Courtdale, Borough of	420601	730501 Emerg., 790601 Reg.	731228
Pennsylvania	York County	Cross Roads, Borough of	422209	760712 Emerg., 790601 Reg.	741213
Pennsylvania	Luzerne County	Fairview, Township of	420993	740123 Emerg., 790601 Reg.	740614
Pennsylvania	Fayette County	Jefferson, Township of	421629	770228 Emerg., 790601 Reg.	750103
Pennsylvania	Adams County	Latimore, Township of	421162	740426 Emerg., 790601 Reg.	741220
Pennsylvania	Adams County	York Springs, Borough of	421239	740530 Emerg., 790601 Reg.	741115
North Carolina	Rutherford County	Spindale, Town of	370356	790316 Emerg., 790604 Reg.	750627
New York	Genesee County	Bergen, Village of	361497	751124 Emerg., 790608 Reg.	750214
Ohio	Logan County	Zanesfield, Village of	390345	790611 Emerg., 790611 Reg.	741018
Arizona	Maricopa County	Avondale, City of	040038	750825 Emerg., 790615 Reg.	740215
Connecticut	Fairfield County	Brookfield, Town of	090003	750625 Emerg., 790615 Reg.	740726
Connecticut	New Haven County	Hamden, Town of	090078	730503 Emerg., 790615 Reg.	740118
Connecticut	Fairfield County	Newtown, Town of	090011	750828 Emerg., 790615 Reg.	741018
Illinois	Kane County	Aurora, City of	170320	730409 Emerg., 790615 Reg.	740614
Illinois	Lake County	Bannockburn, Village of	170359	750307 Emerg., 790615 Reg.	740201
Illinois	Cook County	Elk Grove Village, Village of	170088	721103 Emerg., 790615 Reg.	731102
Illinois	Cook County	Glenview, Village of	170098	730126 Emerg., 790615 Reg.	740628
Illinois	Morgan County	Jacksonville, City of	170518	730904 Emerg., 790615 Reg.	740719
Illinois	Cook County	Morton Grove, Village of	170128	740912 Emerg., 790615 Reg.	740301
Illinois	Cook County	Niles, Village of	170130	750224 Emerg., 790615 Reg.	740329
Illinois	St. Clair County	Washington Park, Village of	170638	740312 Emerg., 790615 Reg.	781008
Illinois	Iroquois County	Watseka, City of	170297	741210 Emerg., 790615 Reg.	740308
Illinois	Du Page County	Wheaton, City of	170221	740805 Emerg., 790615 Reg.	740405
Illinois	Du Page County	Woodridge, Village of	170737	730807 Emerg., 790615 Reg.	740405
Illinois	McHenry County	Woodstock, City of	170488	740612 Emerg., 790615 Reg.	740322
Indiana	Delaware County	Albany, Town of	180314	750613 Emerg., 790615 Reg.	731123
Iowa	Polk County	Urbandale, City of	190230	750604 Emerg., 790615 Reg.	740524
Iowa	Polk County	Windsor Heights, City of	190687	771007 Emerg., 790615 Reg.	761022
Kansas	Montgomery County	Independence, City of	200233	750226 Emerg., 790615 Reg.	731217
Kentucky	Kenton County	Covington, City of	210129	740319 Emerg., 790615 Reg.	740315
Massachusetts	Middlesex County	Concord, Town of	250189	720609 Emerg., 790615 Reg.	740906
Massachusetts	Norfolk County	Millis, Town of	250244	760302 Emerg., 790615 Reg.	740719
Massachusetts	Essex County	West Newbury, Town of	250108	740816 Emerg., 790615 Reg.	740816
Michigan	Genesee County	Atlas, Township of	260393	760902 Emerg., 790615 Reg.	781126
Michigan	Oakland County	Beverly Hills, Village of	260258	731102 Emerg., 790615 Reg.	740222
Michigan	Genesee County	Davison, City of	260074	740730 Emerg., 790615 Reg.	740517
Michigan	Genesee County	Davison, Township of	260664	790306 Emerg., 790615 Reg.	771021
Michigan	Genesee County	Flushing, City of	260077	740606 Emerg., 790615 Reg.	740517
Michigan	Wayne County	Gibraltar, City of	260226	730209 Emerg., 790615 Reg.	740628
Michigan	Lapeer County	Lapeer, City of	260112	741125 Emerg., 790615 Reg.	740517
Michigan	Wayne County	Rockwood, City of	260241	730424 Emerg., 790615 Reg.	731102
Michigan	Saginaw County	Spaulding, Township of	260303	740806 Emerg., 790615 Reg.	750124
Minnesota	Norman County	Halstad, City of	270324	750205 Emerg., 790615 Reg.	740524
Minnesota	Norman County	Perley, City of	270326	740426 Emerg., 790615 Reg.	741025
Missouri	Platte County	Dearborn, City of	290504	740809 Emerg., 790615 Reg.	750919
Missouri	St. Louis County	Des Peres, City of	290347	731226 Emerg., 790615 Reg.	770513
Missouri	Jackson County	Grandview, City of	290171	730316 Emerg., 790615 Reg.	740719
Missouri	St. Louis County	Jennings, City of	290360	731219 Emerg., 790615 Reg.	740201
Missouri	New Madrid County	New Madrid, City of	290256	731211 Emerg., 790615 Reg.	740531
Missouri	Platte County	Tracy, City of	290297	740725 Emerg., 790615 Reg.	741122
Missouri	Platte County	Weston, City of	290298	750519 Emerg., 790615 Reg.	740322
Nebraska	Scotts Bluff County	Scottsbluff, City of	310206	740408 Emerg., 790615 Reg.	740405
New Hampshire	Hillsborough County	Goffstown, Town of	330087	751028 Emerg., 790615 Reg.	740920
New Hampshire	Hillsborough County	Hillsborough, Town of	330090	740813 Emerg., 790615 Reg.	740510
New Hampshire	Hillsborough County	Nashua, City of	330097	750206 Emerg., 790615 Reg.	740823
New Hampshire	Merrimack County	Northfield, Town of	330118	751014 Emerg., 790615 Reg.	740322
New Hampshire	Rockingham County	Salem, Town of	330142	770415 Emerg., 790615 Reg.	770429
New Hampshire	Belknap County	Sanborn, Town of	330008	751110 Emerg., 790615 Reg.	741018
New Jersey	Salem County	Alloway, Township of	340413	750307 Emerg., 790615 Reg.	740628
New Jersey	Ocean County	Island Heights, Borough of	340374	740906 Emerg., 790615 Reg.	740719
New Jersey	Ocean County	Point Pleasant Beach, Borough of	340388	720714 Emerg., 790615 Reg.	731123
New Jersey	Burlington County	Shamong, Township of	340534	750328 Emerg., 790615 Reg.	741220
New Jersey	Cumberland County	Stow Creek, Township of	340174	750701 Emerg., 790615 Reg.	740726
New Mexico	Luna County	Deming, City of	350038	750602 Emerg., 790615 Reg.	740329
New York	Westchester County	Elmsford, Village of	360910	750627 Emerg., 790615 Reg.	740412
New York	Nassau County	Hewlett Harbor, Village of	360469	731102 Emerg., 790615 Reg.	740308
New York	Westchester County	Mamaroneck, Town of	360917	720512 Emerg., 790615 Reg.	0
New York	Dutchess County	Wappinger, Town of	361387	750212 Emerg., 790615 Reg.	741129
Ohio	Franklin County	Minerva Park, Village of	390791	750321 Emerg., 790615 Reg.	0
Ohio	Pickaway County	South Bloomfield, Village of	390449	740807 Emerg., 790615 Reg.	740628
Ohio	Miami County	Troy, City of	390402	750312 Emerg., 790615 Reg.	740215
Ohio	Franklin County	Valleyview, Village of	390669	740417 Emerg., 790615 Reg.	750711
Ohio	Miami County	West Milton, Village of	390403	750624 Emerg., 790615 Reg.	740607
Oregon	Clackamas County	Molalla, City of	410020	750620 Emerg., 790615 Reg.	0
Oregon	Manon County	Salem, City of	410167	711203 Emerg., 790615 Reg.	740809
Pennsylvania	Allegheny County	Corapolis, Borough of	420025	730709 Emerg., 790615 Reg.	740308
Pennsylvania	Allegheny County	Dravosburg, Borough of	420027	750207 Emerg., 790615 Reg.	731228
Pennsylvania	Allegheny County	Glassport, Borough of	420038	750130 Emerg., 790615 Reg.	731207
Pennsylvania	Philadelphia County	Philadelphia, City of	420757	720114 Emerg., 790615 Reg.	741206
Pennsylvania	McKean County	Port Allegany, Borough of	420671	730601 Emerg., 790615 Reg.	740628
Pennsylvania	Berks County	Shoemakersville, Borough of	420149	740326 Emerg., 790615 Reg.	740322
South Carolina	Horry County	Brackley Acres, Town of	450232	771125 Emerg., 790615 Reg.	0

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hasard area identified
Texas	Cameron County	Cameron County*	480101	700814 Emerg., 790615 Reg	0
Texas	Val Verde County	Del Rio, City of	480631	731031 Emerg., 790615 Reg	740524
Texas	Gonzales County	Gonzales, City of	480254	750808 Emerg., 790615 Reg	740524
Virginia	Independent City	Charlottesville, City of	510033	750710 Emerg., 790615 Reg	750524
Virginia	Independent City	Richmond, City of	510129	730829 Emerg., 790615 Reg	741206
Washington	Grant County	Coulee City, Town of	530050	750623 Emerg., 790615 Reg	740524
Washington	Grays Harbor County	Houquiam, City of	530061	740327 Emerg., 790615 Reg	740628
Washington	Spokane County	Millwood, Town of	530180	750303 Emerg., 790615 Reg	0
West Virginia	Jefferson County	Ranson, City of	540068	750402 Emerg., 790615 Reg	740503
Wisconsin	Kewaunee County	Algoma, City of	550213	730829 Emerg., 790615 Reg	740109
Wisconsin	Milwaukee County	Hales Corners, Village of	550524	731113 Emerg., 790615 Reg	740503
New Jersey	Atlantic County	Buena Vista, Township of	340525	760302 Emerg., 790622 Reg	741220
New York	Cayuga County	Cato, Town of	360105	750321 Emerg., 790622 Reg	740802
New York	Cayuga County	Sennett, Town of	360124	770523 Emerg., 790622 Reg	740614
New Mexico	Quay County	Logan, Village of	350105	750303 Emerg., 790626 Reg	760917
Kansas	Harvey County	North Newton, City of	200542	790628 Emerg., 790628 Reg	761105
Tennessee	Hamilton County	Signal Mountain, Town of	470078	770923 Emerg., 790628 Reg	740614
Texas	Harris County	Hillshire Village, City of	480295	751213 Emerg., 790628 Reg	740628
Wisconsin	Price County	Catawba, Village of	550527	751126 Emerg., 790628 Reg	741108
Wisconsin	Price County	Kennan, Village of	550531	751030 Emerg., 790628 Reg	741108
Florida	Brevard County	Melbourne, City of	120025	740630 Emerg., 790701 Reg	740830
Anzona	Maricopa County	Maricopa County*	040037	701231 Emerg., 790702 Reg	0
Connecticut	Hartford County	East Hartford, Town of	090026	721229 Emerg., 790702 Reg	731228
Idaho	Shoshone County	Kellogg, City of	160131	740626 Emerg., 790702 Reg	740109
Idaho	Shoshone County	Pinehurst, City of	160200	740927 Emerg., 790702 Reg	750131
Idaho	Shoshone County	Wallace, City of	160118	740515 Emerg., 790702 Reg	740607
Illinois	Kankakee County	Kankakee County*	170336	720428 Emerg., 790702 Reg	0
Kentucky	Hartlan County	Lynch, City of	210104	750114 Emerg., 790702 Reg	740510
Louisiana	East Baton Rouge Parish	East Baton Rouge Parish	220058	700612 Emerg., 790702 Reg	741122
Maine	Piscataquis County	Dover-Foxcroft, Town of	230116	740821 Emerg., 790702 Reg	761217
Maryland	Montgomery County	Montgomery County*	240049	721013 Emerg., 790702 Reg	750718
Massachusetts	Worcester County	Milbury, Town of	250318	730504 Emerg., 790702 Reg	740222
Massachusetts	Hampshire County	Westhampton, Town of	250173	750312 Emerg., 790702 Reg	740628
Michigan	Bay County	Bangor, Township of	260019	730330 Emerg., 790702 Reg	740524
Michigan	Saginaw County	Saginaw, Township of	260190	730713 Emerg., 790702 Reg	740913
Michigan	Saginaw County	Shiwaukee, Township of	260286	740121 Emerg., 790702 Reg	740719
Minnesota	Washington County	Lake Elmo, City of	270505	720818 Emerg., 790702 Reg	740517
Mississippi	Hinds County	Hinds County*	280070	731219 Emerg., 790702 Reg	741018
Mississippi	Attala County	Kosciusko, City of	280007	741115 Emerg., 790702 Reg	740123
Montana	Lincoln County	Eureka, Town of	300112	750912 Emerg., 790702 Reg	750822
Montana	Lincoln County	Libby, City of	300042	750702 Emerg., 790702 Reg	740531
New Hampshire	Hillsborough County	Amherst, Town of	330081	740528 Emerg., 790702 Reg	740322
New Hampshire	Carroll County	Jackson, Town of	330014	750821 Emerg., 790702 Reg	740830
New Jersey	Bergen County	Allendale, Borough of	340019	720602 Emerg., 790702 Reg	730316
New Jersey	Monmouth County	Keyport, Borough of	340304	740123 Emerg., 790702 Reg	740123
New Jersey	Burlington County	Riverside, Township of	340113	730209 Emerg., 790702 Reg	770211
New Jersey	Burlington County	Willingsboro, Township of	340119	720915 Emerg., 790702 Reg	731130
New York	Erie County	Colden, Town of	360233	750527 Emerg., 790702 Reg	740531
New York	Erie County	Lancaster, Village of	360248	750519 Emerg., 790702 Reg	740412
New York	Niagara County	Royalton, Town of	360511	741129 Emerg., 790702 Reg	740503
Pennsylvania	Montgomery County	Lower Providence, Township of	420703	730330 Emerg., 790702 Reg	731228
Rhode Island	Providence County	Burrillville, Town of	440013	750611 Emerg., 790702 Reg	740913
Texas	Tarrant County	Benbrook, City of	480586	731102 Emerg., 790702 Reg	740503
Texas	Mason County	Mason, City of	480467	760305 Emerg., 790702 Reg	740510
Vermont	Windsor County	Hartford, Town of	500148	720211 Emerg., 790702 Reg	741122
Virginia	Independent City	Fredericksburg, City of	510065	731105 Emerg., 790702 Reg	740621
Washington	Whitman County	Colton, Town of	530244	760618 Emerg., 790702 Reg	750502
Washington	Kitsap County	Poulsbo, City of	530241	740619 Emerg., 790702 Reg	741206
Washington	Whitman County	Pullman, City of	530212	720317 Emerg., 790702 Reg	740208
Texas	Collins County	Lucas, City of	481545	790703 Emerg., 790703 Reg	0
Connecticut	Middlesex County	Fenwick, Borough of	090187	790710 Emerg., 790710 Reg	0
Missouri	New Madrid County	Howardville, City of	290251	750414 Emerg., 790710 Reg	740517
South Dakota	Minnehaha County	Brandon, City of	460296	770209 Emerg., 790710 Reg	761119
Arizona	Maricopa County	Goodyear, Town of	040046	750808 Emerg., 790716 Reg	740315
Arkansas	Phillips County	Helena, City of	050168	740215 Emerg., 790716 Reg	740628
California	Merced County	Merced, City of	060191	750425 Emerg., 790716 Reg	740719
California	San Bernardino County	Needles, City of	060277	750305 Emerg., 790716 Reg	740614
California	San Bernardino County	San Bernardino, City of	060281	701231 Emerg., 790716 Reg	740628
California	Stanislaus County	Waterford, City of	060393	750617 Emerg., 790716 Reg	740524
Colorado	Weld County	Dacona, Town of	080236	760706 Emerg., 790716 Reg	750905
Colorado	Larimer County	Fort Collins, City of	080102	740814 Emerg., 790716 Reg	740628
Colorado	Weld County	Frederick, Town of	080244	761018 Emerg., 790716 Reg	750926
Colorado	Garfield County	Glenwood Springs, City of	080071	741023 Emerg., 790716 Reg	740301
Georgia	Coffee County	Douglas, City of	130216	740305 Emerg., 790716 Reg	741206
Idaho	Benewah County	Benewah County*	160014	740503 Emerg., 790716 Reg	750110
Illinois	Will County	Crest Hill, City of	170699	740805 Emerg., 790716 Reg	740329
Illinois	Cook County	Willow Springs, Village of	170174	750224 Emerg., 790716 Reg	740412
Kansas	Labette County	Parsons, City of	200184	741003 Emerg., 790716 Reg	740201
Kansas	Republic County	Scandia, City of	200289	740424 Emerg., 790716 Reg	740510
Maine	Piscataquis County	Gulfport, Town of	230117	750717 Emerg., 790716 Reg	740906
Maryland	Allegany County	Luke, Town of	240114	770322 Emerg., 790716 Reg	750718
Maryland	Garrett County	Oakland, Town of	240039	750418 Emerg., 790716 Reg	740614

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Maryland	Allegany County	Westport, City of	240007	750219 Emerg., 790716 Reg.	740201
Massachusetts	Norfolk County	Medfield, Town of	250242	740906 Emerg., 790718 Reg.	740906
Michigan	Oakland County	Pontiac, Township of	260283	730807 Emerg., 790718 Reg.	740628
Minnesota	Houston County	Houston City of	270193	741113 Emerg., 790716 Reg.	740524
Minnesota	Mower County	Mower County	270307	721222 Emerg., 790718 Reg.	750321
Minnesota	Stearns County	Rockville, City of	270454	750408 Emerg., 790716 Reg.	740802
Missouri	Mower County	Rose Creek, City of	270598	780418 Emerg., 790718 Reg.	770610
Missouri	St. Louis County	Bella Villa, City of	290329	750818 Emerg., 790716 Reg.	760227
Missouri	Jasper County	Sarcoxie, City of	290186	740529 Emerg., 790716 Reg.	740517
Missouri	St. Louis County	St. Ann, City of	290383	740719 Emerg., 790716 Reg.	740201
Montana	Independent City	St. Louis, City of	290385	740115 Emerg., 790716 Reg.	750221
New Hampshire	Flathead County	Whitefish, City of	300026	750806 Emerg., 790718 Reg.	740531
New Hampshire	Merrimack County	Boscawen, Town of	330105	781014 Emerg., 790716 Reg.	740315
New Hampshire	Hillsborough County	Litchfield, Town of	330093	750731 Emerg., 790716 Reg.	740315
New Hampshire	Hillsborough County	Merrimack, Town of	330095	741111 Emerg., 790718 Reg.	740412
New Jersey	Burlington County	Hainesport, Township of	340099	750620 Emerg., 790718 Reg.	760730
New Jersey	Morris County	Madison, Borough of	340347	711203 Emerg., 790718 Reg.	0
New Jersey	Suffolk County	Seaside Heights, Borough of	340389	750728 Emerg., 790718 Reg.	740322
New York	Pierce County	Babylon, Town of	380790	720825 Emerg., 790718 Reg.	740726
North Dakota	Mercer County	Rugby, City of	380088	760924 Emerg., 790718 Reg.	740322
Ohio	Lake County	Zap, City of	380068	750407 Emerg., 790718 Reg.	741227
Ohio	Lake County	Grand River, Village of	390315	750925 Emerg., 790716 Reg.	740208
Oregon	Multnomah County	North Perry, Village of	390742	760319 Emerg., 790718 Reg.	750418
Pennsylvania	Lycoming County	Gresham, City of	410181	740121 Emerg., 790718 Reg.	711207
Pennsylvania	Cameron County	Brady, Township of	421189	740430 Emerg., 790716 Reg.	741122
Pennsylvania	Allegheny County	Driftwood, Borough of	420245	740415 Emerg., 790718 Reg.	740809
Texas	Dallas County	Milvale, Borough of	420053	730521 Emerg., 790718 Reg.	731228
Texas	Hidalgo County	Highland Park, Town of	480178	741030 Emerg., 790718 Reg.	740503
Texas	Hidalgo County	La Joya, City of	480341	750628 Emerg., 790716 Reg.	740123
Texas	Hidalgo County	Mercedes, City of	480344	740422 Emerg., 790716 Reg.	740201
Utah	Utah County	Pharr, City of	480347	740903 Emerg., 790718 Reg.	740531
Vermont	Windham County	Salem, City of	490160	750120 Emerg., 790718 Reg.	740628
Virginia	Scott County	Bellevue Falls, Village of	500125	750623 Emerg., 790718 Reg.	740618
Washington	Benton County	Dungeness, Town of	510144	751007 Emerg., 790718 Reg.	740322
Washington	Whatcom County	Benton City, Town of	530010	750627 Emerg., 790716 Reg.	740109
Washington	Pacific County	Blaine, City of	530273	750610 Emerg., 790718 Reg.	750711
Washington	Grays Harbor County	Raymond, City of	530129	740402 Emerg., 790718 Reg.	740531
Wyoming	Albany County	Westport, City of	530087	740808 Emerg., 790718 Reg.	740621
Wyoming	Sweetwater County	Laramie, City of	560002	760528 Emerg., 790718 Reg.	740405
New York	Essex County	Rock Springs, City of	560051	720901 Emerg., 790718 Reg.	740531
Utah	Garfield County	North Elba, Town of	361158	750307 Emerg., 790720 Reg.	750117
Utah	Sevier County	Hatch, Town of	490068	750805 Emerg., 790724 Reg.	750207
New York	Westchester County	Monroe City, City of	490129	750706 Emerg., 790724 Reg.	740628
New York	Orange County	Buchanan, Village of	361534	770628 Emerg., 790727 Reg.	781028
California	San Mateo County	Minisink, Town of	360820	750702 Emerg., 790727 Reg.	740412
Iowa	Warren County	Daly City, City of	060317	750804 Emerg., 790731 Reg.	0
Ohio	Cuyahoga County	Indianola, City of	190275	770601 Emerg., 790731 Reg.	0
Oklahoma	Oklahoma County	University Heights, City of	390133	770304 Emerg., 790731 Reg.	0
Pennsylvania	York County	Bethany, City of	400254	750117 Emerg., 790731 Reg.	0
South Carolina	Oconee County	West York, Borough of	420941	781024 Emerg., 790731 Reg.	0
Alabama	Franklin County	Westminster, Town of	450223	750623 Emerg., 790731 Reg.	0
California	Stanislaus County	Russellville, City of	010216	740404 Emerg., 790801 Reg.	760625
Colorado	Weld County	Patterson, City of	060390	740116 Emerg., 790801 Reg.	750503
Colorado	Boulder County	Miliken, Town of	080187	750723 Emerg., 790801 Reg.	740517
Illinois	Macon County	Nederland, Town of	080255	770502 Emerg., 790801 Reg.	750822
Illinois	McHenry County	Decatur, City of	170429	740729 Emerg., 790801 Reg.	740524
Illinois	Cook County	Marengo, City of	170482	730627 Emerg., 790801 Reg.	760730
Illinois	Will County	Midlothian, village of	170127	730730 Emerg., 790801 Reg.	740322
Illinois	Cook County	Mokena, village of	170705	740612 Emerg., 790801 Reg.	740405
Indiana	Elkhart County	Prospect Heights, City of	170919	770405 Emerg., 790801 Reg.	760512
Indiana	Elkhart County	Elkhart, City of	180057	730209 Emerg., 790801 Reg.	740628
Indiana	Clark County	Goshen, City of	180058	730330 Emerg., 790801 Reg.	731126
Iowa	Jefferson County	Jeffersonville, City of	180027	740620 Emerg., 790801 Reg.	740614
Kansas	Johnson County	Sioux City, City of	190298	710514 Emerg., 790801 Reg.	740802
Kansas	Desoto, City of	Desoto, City of	200181	750518 Emerg., 790801 Reg.	740118
Kansas	Edgerton, City of	Edgerton, City of	200182	780112 Emerg., 790801 Reg.	740306
Massachusetts	Middlesex County	Linwood, City of	200181	750501 Emerg., 790801 Reg.	740906
Michigan	Macomb County	Stow, Town of	250216	751001 Emerg., 790801 Reg.	741018
Michigan	St. Clair County	Clinton, Township of	260121	730209 Emerg., 790801 Reg.	731012
Michigan	Macomb County	Marine City City of	260200	730126 Emerg., 790801 Reg.	740531
Minnesota	Fillmore County	St. Clair Shores, City of	260127	721201 Emerg., 790801 Reg.	740628
Minnesota	Hennepin County	Preston, City of	270129	750110 Emerg., 790801 Reg.	740510
Mississippi	Washington County	Woodland, City of	270189	750611 Emerg., 790801 Reg.	740531
Mississippi	Pike County	Greenville, City of	280179	730410 Emerg., 790801 Reg.	731118
Missouri	St. Louis County	McComb, City of	280132	750718 Emerg., 790801 Reg.	750411
Missouri	Dent County	Berkeley, City of	290335	731115 Emerg., 790801 Reg.	781224
Nebraska	Burt County	Salem, City of	290120	740809 Emerg., 790801 Reg.	740301
New Hampshire	Hillsborough County	Tekamah, City of	310024	741023 Emerg., 790801 Reg.	740315
New Jersey	Monmouth County	Deering, Town of	330085	750701 Emerg., 790801 Reg.	740315
New Jersey	Essex County	Bradley Beach, Borough of	340289	750625 Emerg., 790801 Reg.	731226
New Jersey	Burlington County	Milburn, Township of	340187	710723 Emerg., 790801 Reg.	730427
New Jersey	Burlington County	Mount Holly, Township of	340108	720317 Emerg., 790801 Reg.	730420

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New Jersey	Monmouth County	Shrewsbury, Borough of	340326	750703 Emerg., 790801 Reg.	740607
New York	Erie County	Tonawanda, City of	360259	740821 Emerg., 790801 Reg.	0
Ohio	Franklin County	Hilliard, City of	390175	740410 Emerg., 790801 Reg.	740607
Ohio	Ashtabula County	Jefferson, Village of	390014	760723 Emerg., 790801 Reg.	750808
Ohio	Lake County	Mentor-on-the-Lake, City of	390318	751128 Emerg., 790801 Reg.	750711
Ohio	Lake County	Waite Hill, Village of	390649	781221 Emerg., 790801 Reg.	731217
Oklahoma	Stephens County	Duncan, City of	400202	740116 Emerg., 790801 Reg.	740524
Oregon	Douglas County	Drain, City of	410061	750801 Emerg., 790801 Reg.	740405
Oregon	Douglas County	Riddle, City of	410066	750722 Emerg., 790801 Reg.	740607
Pennsylvania	Dalaware County	Chester, City of	420404	711210 Emerg., 790801 Reg.	730302
Pennsylvania	Columbia County	Cleveland, Township of	421000	731105 Emerg., 790801 Reg.	741018
Pennsylvania	Fayette County	Everson, Borough of	420462	750702 Emerg., 790801 Reg.	740726
Pennsylvania	Columbia County	Franklin, Township of	420343	730529 Emerg., 790801 Reg.	740109
Pennsylvania	Columbia County	Hemlock Township of	420344	730606 Emerg., 790801 Reg.	740913
Pennsylvania	Northumberland County	Herndon, Borough of	420735	731206 Emerg., 790801 Reg.	740123
Pennsylvania	Columbia County	Locust, Township of	421001	731217 Emerg., 790801 Reg.	740607
Pennsylvania	Northumberland County	Lower Augusta, Township of	421017	740128 Emerg., 790801 Reg.	740515
Pennsylvania	Allegheny County	Monroeville, Borough of	420054	730523 Emerg., 790801 Reg.	740726
Pennsylvania	Columbia County	Montour, Township of	421002	731102 Emerg., 790801 Reg.	740405
Pennsylvania	Columbia County	Orangeville, Borough of	420345	740611 Emerg., 790801 Reg.	750124
Pennsylvania	Allegheny County	South Versailles, Township of	421231	750807 Emerg., 790801 Reg.	740802
Pennsylvania	Union County	Union, Township of	420834	730705 Emerg., 790801 Reg.	731228
Pennsylvania	Allegheny County	Wilmerding, Borough of	420091	731116 Emerg., 790801 Reg.	740503
Tennessee	Hamilton County	Hamilton County	470071	720303 Emerg., 790801 Reg.	0
Texas	Denton County	Denton, City of	480194	720218 Emerg., 790801 Reg.	741101
Vermont	Addison County	Shoreham, Town of	500171	750505 Emerg., 790801 Reg.	750207
Virginia	Fairfax County	Herndon, Town of	510052	730521 Emerg., 790801 Reg.	740614
Virginia	Independent City	Norfolk, City of	510104	730815 Emerg., 790801 Reg.	741018
Virginia	Fauquier County	Warrenton, Town of	510057	750318 Emerg., 790801 Reg.	740531
Washington	Clallam County	Forks, Town of	530022	760121 Emerg., 790801 Reg.	761112
Washington	Franklin County	Kahlotus, Town of	530045	751231 Emerg., 790801 Reg.	741213
Washington	Pacific County	Long Beach Town of	530128	740927 Emerg., 790801 Reg.	740524
Washington	Whitman County	Tekoa, City of	530215	750807 Emerg., 790801 Reg.	740830
West Virginia	Barbour County	Bellington, Town of	540002	741111 Emerg., 790801 Reg.	740531
West Virginia	Summers County	Hinton, City of	540187	750310 Emerg., 790801 Reg.	740531
West Virginia	Monongalia County	Morgantown, City of	540141	750123 Emerg., 790801 Reg.	740802
West Virginia	Wyoming County	Mullens, City of	540218	741101 Emerg., 790801 Reg.	740628
West Virginia	Monroe County	Peterstown, Town of	540143	741127 Emerg., 790801 Reg.	740628
West Virginia	Preston County	Rowlesburg, Town of	540163	741108 Emerg., 790801 Reg.	740201
Wisconsin	Sauk County	Baraboo, City of	550382	730601 Emerg., 790801 Reg.	731217
Connecticut	Hartford County	Canton, Town of	090135	740302 Emerg., 790802 Reg.	740802
Georgia	Jeff Davis County	Hazlehurst, City of	130114	740114 Emerg., 790802 Reg.	741227
Georgia	Baldwin County	Milledgeville, City of	130006	731115 Emerg., 790802 Reg.	740531
Idaho	Bannock County	Lava Hot Springs, City of	160011	750520 Emerg., 790802 Reg.	740116
Idaho	Shoshone County	Mullan, City of	160115	750513 Emerg., 790802 Res.	731228
Pennsylvania	Columbia County	Orange, Township of	421003	730926 Emerg., 790802 Reg.	740215
Nebraska	Cass County	Avoca, Village of	310247	790803 Emerg., 790803 Reg.	750711
New Jersey	Burlington County	North Hanover, Township of	340109	750731 Emerg., 790803 Reg.	740719
New York	Cayuga County	Throop, Town of	360128	750821 Emerg., 790803 Reg.	740412
California	San Mateo County	Hill Moon Bay, City of	060319	750717 Emerg., 790808 Reg.	740301
Indiana	Daviess County	Washington, City of	180037	750422 Emerg., 790808 Reg.	740628
Louisiana	LaSalle Parish	Olla, Village of	220343	790808 Emerg., 790808 Reg.	761112
Ohio	Trumbull County	McDonald, Village of	390538	750707 Emerg., 790808 Reg.	740517
Texas	McLennan County	Mart, City of	480929	790809 Emerg., 790809 Reg.	760813
Illinois	Cook County	Barrington Hills, Village of	170058	750403 Emerg., 790810 Reg.	740405
Illinois	La Salle County	Sheridan, Village of	170802	751128 Emerg., 790810 Reg.	740412
Illinois	St. Clair County	Summerfield, Village of	170636	760811 Emerg., 790810 Reg.	740503
Maryland	Montgomery County	Barnesville, Town of	240094	780626 Emerg., 790810 Reg.	770121
Michigan	Alger County	Chatham, Village of	260343	760507 Emerg., 790810 Reg.	750425
Michigan	Newaygo County	Fremont, City of	260167	750422 Emerg., 790810 Reg.	740531
Michigan	Ingham County	Leslie, City of	260091	750725 Emerg., 790810 Reg.	740614
Michigan	Ingham County	Locke, Township of	260671	760414 Emerg., 790810 Reg.	780217
Michigan	Ingham County	Webberville, Village of	260416	760624 Emerg., 790810 Reg.	751017
Minnesota	Clay County	Felton, City of	270081	750812 Emerg., 790810 Reg.	750725
New Jersey	Atlantic County	Weymouth, Township of	340536	750813 Emerg., 790810 Reg.	741220
New York	Dutchess County	Milan, Town of	361339	751106 Emerg., 790810 Reg.	741018
Ohio	Licking County	Hartford, Village of	390331	761229 Emerg., 790810 Reg.	740913
Pennsylvania	Armstrong County	Apollo, Borough of	420092	750103 Emerg., 790810 Reg.	740531
Pennsylvania	Delaware County	Bethel, Township of	421608	780509 Emerg., 790810 Reg.	750124
Pennsylvania	Westmoreland County	Bolivar, Borough of	420873	760813 Emerg., 790810 Reg.	740614
Pennsylvania	Allegheny County	Braddock Hills, Borough of	420016	750124 Emerg., 790810 Reg.	740510
Pennsylvania	Butler County	Chicora, Borough of	420214	750702 Emerg., 790810 Reg.	740614
Pennsylvania	Crawford County	Conneaut Lake, Borough of	422386	750610 Emerg., 790810 Reg.	750117
Pennsylvania	Lackawanna County	North Abington, Township of	422460	760203 Emerg., 790810 Reg.	741227
Pennsylvania	Centre County	Snow Shoe, Borough of	421459	760218 Emerg., 790810 Reg.	0
Pennsylvania	Lackawanna County	Springbrook, Township of	421759	760203 Emerg., 790810 Reg.	741227
Pennsylvania	Montour County	Washingtonville, Borough of	420715	751124 Emerg., 790810 Reg.	0
West Virginia	Grant County	Bayard, Town of	540240	751003 Emerg., 790810 Reg.	741122
West Virginia	Fayette County	Mount Hope, City of	540280	741030 Emerg., 790810 Reg.	740913
West Virginia	Fayette County	Pax, Town of	540032	750708 Emerg., 790810 Reg.	741220
Wisconsin	Taylor County	Stetsonville, Village of	550437	750618 Emerg., 790810 Reg.	740517
California	Los Angeles County	Hawthorne, City of	060123	790813 Emerg., 790813 Reg.	780509
Utah	Sevier County	Elsinore, Town of	490125	750926 Emerg., 790814 Reg.	750110

State	County	Location	Community No	Effective date of authorization of sale of flood insurance for area	Hasard area identified
Connecticut	New Haven County	Naugatuck, Borough of	090137	750626 Emerg., 790815 Reg.	740628
Connecticut	Hartford County	Suffield, Town of	090038	780628 Emerg., 790815 Reg.	771018
Idaho	Bingham County	Aberdeen, City of	160158	760625 Emerg., 790815 Reg.	750627
Illinois	Kane County	Montgomery, Village of	170328	730419 Emerg., 790815 Reg.	731026
Iowa	Audubon County	Audubon, City of	190011	740904 Emerg., 790815 Reg.	740503
Massachusetts	Hampden County	Holyoke, City of	250142	740520 Emerg., 790815 Reg.	740412
Massachusetts	Franklin County	Montague, Town of	250122	750613 Emerg., 790815 Reg.	740322
Massachusetts	Hampshire County	South Hadley, Town of	250170	731127 Emerg., 790815 Reg.	740322
Michigan	Oakland County	Pontiac, City of	260177	730807 Emerg., 790815 Reg.	740201
Minnesota	Mower County	Adams, City of	270308	740212 Emerg., 790815 Reg.	760730
Missouri	Clay County	Missouri City, City of	290097	760113 Emerg., 790815 Reg.	740816
Nebraska	Merick County	Central City, City of	310148	750520 Emerg., 790815 Reg.	740510
Nebraska	Douglas County	Elkhorn, City of	310075	750331 Emerg., 790815 Reg.	740322
Nebraska	Dakota County	South Sioux City, City of	310054	741224 Emerg., 790815 Reg.	731207
New York	Essex County	Wales, Town of	360261	750723 Emerg., 790815 Reg.	740510
Oregon	Marion County	Marion, City of	410154	711210 Emerg., 790815 Reg.	750124
Pennsylvania	Columbia County	Snar Creek, Borough of	420340	730831 Emerg., 790815 Reg.	740123
Pennsylvania	Potter County	Coudersport, Borough of	420781	730713 Emerg., 790815 Reg.	740719
Pennsylvania	Lebanon County	East Hanover, Township of	421012	730410 Emerg., 790815 Reg.	730831
Pennsylvania	Perry County	Howe, Township of	421145	740404 Emerg., 790815 Reg.	740726
Pennsylvania	Northumberland County	Jackson, Township of	421938	740924 Emerg., 790815 Reg.	740920
Pennsylvania	Perry County	Liverpool, Borough of	420750	740320 Emerg., 790815 Reg.	740510
Pennsylvania	Lancaster County	Manheim, Township of	420556	730705 Emerg., 790815 Reg.	731228
Pennsylvania	Dauphin County	Middle Paxton, Township of	420387	730302 Emerg., 790815 Reg.	731128
Pennsylvania	Columbia County	Mifflin, Township of	421167	740426 Emerg., 790815 Reg.	741101
Pennsylvania	Allegheny County	Moore, Township of	421082	741210 Emerg., 790815 Reg.	740906
Pennsylvania	Perry County	Newport, Borough of	420754	730302 Emerg., 790815 Reg.	730601
Pennsylvania	Perry County	Oliver, Township of	421022	731112 Emerg., 790815 Reg.	740222
Pennsylvania	Perry County	Rye, Township of	421028	731005 Emerg., 790815 Reg.	740628
Pennsylvania	Delaware County	Sharon Hill, Borough of	420433	740719 Emerg., 790815 Reg.	731228
Pennsylvania	Northumberland County	Turbot, Township of	420744	730316 Emerg., 790815 Reg.	730615
Pennsylvania	Perry County	Watts, Township of	420756	730524 Emerg., 790815 Reg.	731026
Rhode Island	Providence County	Glocester, Town of	440034	751229 Emerg., 790815 Reg.	741018
Texas	Hidalgo County	Mission, City of	480345	740321 Emerg., 790815 Reg.	740215
Texas	Collin County	Parker, City of	480139	770526 Emerg., 790815 Reg.	761001
Vermont	Addison County	Bridport, Town of	500164	750707 Emerg., 790815 Reg.	741122
Washington	Kitsap County	Bremerton, City of	530093	750527 Emerg., 790815 Reg.	741108
Washington	Benton County	Kennewick, City of	530011	740802 Emerg., 790815 Reg.	740607
West Virginia	Tucker County	Parsons, Town of	540194	750417 Emerg., 790815 Reg.	740208
Wisconsin	Lafayette County	Argyle, Village of	550224	750624 Emerg., 790815 Reg.	731130
Wisconsin	Lafayette County	Blanchardville, Village of	550227	750618 Emerg., 790815 Reg.	761203
Wisconsin	Kewaunee County	Casco, Village of	550214	750522 Emerg., 790815 Reg.	741115
New York	Rensselaer County	Berlin, Town of	360672	751125 Emerg., 790817 Reg.	740830
New York	Dutchess County	Washington, Town of	361147	751211 Emerg., 790817 Reg.	741101
Texas	Harrison County	Uncertain, Town of	481559	790821 Emerg., 790821 Reg.	0
New York	Washington County	Argyle, Town of	361222	751108 Emerg., 790824 Reg.	741018
New York	Essex County	Eden, Town of	360238	751002 Emerg., 790824 Reg.	740920
Utah	Sevier County	Joseph, Town of	490127	760323 Emerg., 790824 Reg.	750110
Utah	Garfield County	Escalante, Town of	490067	750422 Emerg., 790828 Reg.	740809
Utah	Garfield County	Panguitch, City of	490070	741004 Emerg., 790828 Reg.	740628
New York	Seneca County	Tyre, Town of	361206	751226 Emerg., 790831 Reg.	741018

[National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (3 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.]

Issued: September 17, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-30114 Filed 9-28-79; 8:45 am]
BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or

show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii Call Toll Free (800) 424-9080), Room 5148, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives

notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.4 (a)). An opportunity for the community or

individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations				
State	City/town/county	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
South Carolina	Unincorporated areas of Aiken County (F1-4932).	Bridge Creek	Just downstream of confluence with Bridge Creek Tributary 1	*260
			Just upstream of Vancluse to Aiken Highway	*277
		Bridge Creek Tributary 1	Just downstream of Asphalt Road	*309
		Bridge Creek Tributary 2	Just downstream of Aiken Road	*313
		Bridge Creek Tributary 3	Just upstream of Mayfield Road	*363
		Fox Creek	Approximately 5,000 feet upstream of confluence with Savannah River	*163
		Pole Branch	Just upstream of Willowick Drive	*189
			Just upstream of I-20	*230
			Just upstream of Wellington Street	*251
		Pole Branch Tributary 1	Approximately 800 feet upstream of confluence with Pole Branch	*220
		Pole Branch Tributary 2	Approximately 400 feet upstream of confluence with Pole Branch	*250
			Just downstream of Knobcone Avenue	*283
		Pole Branch Tributary 3	Just upstream of I-20 Westbound	*277
		Pole Branch Tributary 4	Approximately 400 feet upstream of confluence with Pole Branch	*269
		Hollow Creek	Just upstream of Silver Bluff Road	*123
			Just upstream of SC Highway 125	*151
			Just upstream of Old U.S. Highway 278	*187
		Horse Creek	Just upstream of Highway 67	*152
			Just upstream of Marshall Street	*202
			Just upstream of SC 33	*207
		Little Horse Creek	Just upstream of U.S. 1 and 78	*153
			Just upstream of SC 254	*197
			Just upstream of SC 779	*268
			Just upstream of I-20	*290
		Long Branch	Just upstream of Silver Bluff Road	*214
			Just upstream of Pine Long Road	*267
		No Name Creek to Dead River	Just upstream of Seaboard Coast Line Railroad Spur	*149
			Just downstream of SC Highway 5	*193
		No Name Creek to Dead River Tributary 1	Just upstream of Old Langley Road	*179
		No Name Creek to Savannah River	Just upstream of SC Highway 28	*189
			Just upstream of Hazelgrove Baptist Church Road (Highway 278)	*194
			Just upstream of confluence of No Name Creek to Savannah River Tributary 1	*246
		No Name Creek to Savannah River Tributary 1	Approximately 600 feet upstream of confluence with No Name Creek to Savannah River	*265
		Sage Mill Branch	Approximately 900 feet upstream of confluence with Horse Creek	*245
		Sand River	Just upstream of U.S. Highway 191	*193
			Just upstream of Highway 421	*230
			Just upstream of Dibble Road	*251
		Sand River Tributary 1	Approximately 150 feet downstream of dirt trail	*295
		Sand River Tributary 2	Just upstream of Hitchcock Parkway	*365
		Sand River Tributary 3	Approximately 1,100 feet upstream of confluence with Sand River Tributary 2	*305
		Savannah River	Just upstream of 13th Street Bridge	*147
			Just upstream of I-20	*160
		Town Creek	Just upstream of Silver Bluff Road	*172
			Just upstream of U.S. Highway 278	*199
			Just downstream of SC Highway 145	*227
			Just upstream of Herndon Pond Dam	*281
		Town Creek Tributary 1	Approximately 1,200 feet upstream of confluence with Town Creek	*211
		Town Creek Tributary 2	Approximately 1,500 feet upstream of confluence with Town Creek	*220
		Town Creek Tributary 3	Just downstream of SC 145	*231
		Town Creek Tributary 4	Just upstream of SC 145	*237
			Just downstream of dirt road	*287
		Town Creek Tributary 5	Approximately 650 feet upstream of confluence with Town Creek	*300
		Town Creek Tributary 6	Approximately 1,000 feet upstream of confluence with Town Creek	*321
		Town Creek Tributary 7	Approximately 775 feet upstream of confluence with Town Creek	*314
		Town Creek Tributary 8	Just downstream of Richardson Lake Road	*330
		Town Creek Tributary 9	Approximately 1,400 feet upstream of confluence with Town Creek Tributary 8	*385
Maps available at: the Aiken County Council Clerk's Office, Aiken, South Carolina 29801.				

[National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.]

Issued: September 14, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-30115 Filed 9-28-79; 8:45 am]
BILLING CODE 6718-03-M

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Proposed Revisions to Service Fee Schedule

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This Notice of Proposed Rule Making sets forth proposed amendments to the fee schedule of the Immigration and Naturalization Service. The proposal increases ten fees, reduces five; consolidates three fee descriptions into one and deletes the accompanying footnote, and adds one new fee.

These amendments to the fee schedule are necessary because recent studies of the processing costs of Service applications have increased in certain areas, and decreased in others. The Service is required by law to have its fee structure reflect, to the extent possible, the actual cost of providing the service, and the proposed increases and reductions in the involved fees are intended to comply with that requirement.

DATES: Representations must be received on or before December 3, 1979.

ADDRESSES: Please submit written representations, in duplicate, to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street, NW., Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT: James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, Washington, DC 20536. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: In May of 1979, the Service undertook a review of its fee schedules as required under 31 U.S.C. 483a and OMB Circular A-25. Under that law, and the implementing OMB Circular, it is required that a benefit or service provided to or for any person by a Federal Agency be fair and

equitable and be self-sustaining to the fullest extent possible.

The fee review study indicated that certain fees should be increased and others reduced. It was also decided to propose a new fee for requesting telecommunication service and to consolidate three fee descriptions into one. The proposed fee changes, and the basis for them are summarized below.

(a) In order to simplify our regulations, we propose to consolidate fee descriptions 6, 7 and 8 relating to applications for passport and visa waivers into one fee description. The fee itself will not be changed. The footnote regarding communications costs is proposed to be deleted.

(b) Form I-290B for filing appeal in a case over which the Board of Immigration Appeals does not have jurisdiction is proposed to be increased from \$35 to \$50, based on an actual Service processing cost of \$59.58. This fee is being administratively limited so it does not exceed the fee for filing an appeal in the U.S. Court of Appeals. (Fee Description (F.D.) 9).

(c) Form I-129B, Petition to classify nonimmigrant as temporary worker or trainee is increased from \$10 to \$15, based on an actual Service cost of \$14.69. (It is Service policy to round to the nearest \$5 increment) (F.D. 10).

(d) Form I-129F for filing a petition to classify nonimmigrant as fiancée or fiancé under section 214(d) of the Act is increased from \$10 to \$15, based on an actual Service processing cost of \$15.61. (F.D. 11).

(e) Form I-140 for filing petition to classify alien as third or sixth preference immigrant is increased from \$20 to \$25, based on actual Service processing cost of \$23.14 (F.D. 16).

(f) Form I-17, Application for approval of schools for attendance by nonimmigrant student is reduced from \$30 to \$20, based on actual Service processing cost of \$20.69. (F.D. 18).

(g) Form I-191, Application for discretionary relief under section 212(c) of the Act is reduced from \$50 to \$35 based on actual Service processing cost of \$34.28. (F.D. 19).

(h) Form I-192, Application for discretionary relief under section 212(d)(3) of the Act is increased from \$10 to \$15, based on actual Service processing costs of \$13.47. (F.D. 20).

(i) Form I-612, Application for waiver of the foreign residence requirement

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pursuant to sec. 212(e) of the Act is reduced from \$50 to \$35, based on actual Service processing costs of \$36.75. (F.D. 21).

(j) Form I-601 for filing application for waiver of ground of excludability under section 212(h) or (i) of the Act is reduced from \$40 to \$35, based on actual Service processing costs of \$34.64 (F.D. 22).

(k) Fee for filing a motion to reopen or reconsider any decision under the immigration laws is increased from \$25 to \$50 based on Service processing cost of \$57.43. This fee is being administratively limited so it does not exceed the fee for filing a notice of appeal in the U.S. Court of Appeals (F.D. 29).

(l) Form I-246 for filing an application for stay of deportation under 8 CFR 243.4 is increased from \$25 to \$70, based on a Service processing cost of \$71.89. (F.D. 30).

(m) For filing request for temporary withholding of deportation under sec. 243(h) of the Act, the fee is increased from \$25 to \$50. The actual Service processing cost is \$259.19; however, it has been determined that the lower proposed amount is more fair and equitable than a fee based on full recovery of costs. (F.D. 31).

(n) Form I-256A, Application for suspension of deportation under sec. 244 of the Act is increased from \$65 to \$75. The actual Service processing cost is \$187.31; however, it has been determined that lower proposed amount is more fair and equitable than a fee based on full recovery of costs. (F.D. 32).

(o) The fee for the certification of true copies is increased from \$1 to \$2, based on a Service processing costs of \$1.91. (F.D. 43).

(p) The fee for attestation under seal is reduced from \$3 to \$2, based on Service processing cost of \$1.96. (F.D. 44).

(q) It is proposed to add a new fee for the providing of telegraphic communication service, generally for the purpose of providing expeditious notification of approved petitions to interested parties. There is no fee for this service now specified in the regulations. However, it costs the Service \$11.55 to process such a request. Therefore, the proposed fee will be \$10.

In the light of the foregoing, the following amendments are proposed to be made to Chapter I of Title 8 of the Code of Federal Regulations.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

In § 103.7(b)(1) it is proposed to delete the existing 6th, 7th, and 8th fee descriptions, replacing them with a new single description. It is further proposed to revise the existing 9th, 10th, 11th, 16th, 18th, 19th, 20th, 21st, 22nd, 29th, 30th, 31st, 32nd, 43rd and 44th fee descriptions and to add a new 45th fee description. The new and revised fee descriptions read as follows:

§ 103.7 Fees.

(b) *Amounts of fees*—(1) The following fees and charges are prescribed:

* * * * *	
For filing application for waiver of passport and/or visa.....	\$5.00
For filing appeal from any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals does not have appellate jurisdiction. (The fee of \$50 shall be charged whenever an appeal is filed by or on behalf of two or more aliens and all such aliens are covered by one decision).....	50.00
For filing petition to classify nonimmigrant as temporary worker or trainee under section 214(c) of the Act.....	15.00
For filing petition to classify nonimmigrant as fiancée or fiancé under section 214(d) of the Act.....	15.00
* * * * *	
For filing petition to classify preference status of an alien on basis of profession or occupation under section 204(a) of the Act.....	25.00
* * * * *	
For filing application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a state or political subdivision thereof.....	20.00
For filing application for discretionary relief under section 212(c) of the Act.....	35.00
For filing application for discretionary relief under section 212(d)(3) of the Act, except in an emergency case, or where the approval of the application is in the interest of the United States Government.....	15.00
For filing application for waiver of the foreign-residence requirement under section 212(e) of the Act.....	35.00
For filing application for waiver of ground of excludability under section 212(h) or (i) of the Act. (Only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those sections.).....	35.00
* * * * *	
For filing a motion to reopen or reconsider any decision under the immigration laws (except on applications filed by students on Form I-538, exchange visitors on Form IAP-66, Cuban refugees on Form I-485A filed under the Act of November 2, 1966 or A-1, A-2 or G-4 nonimmigrants on Form I-566 for which no fee is chargeable). When the motion to reopen or reconsider is made concurrently with any application under the immigration laws, such application will be considered an integral part of the motion and only the fee for filing the motion or the fee for filing the application, whichever is greater, is payable. (The fee of \$50 shall be charged whenever a motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.).....	50.00
For filing application for stay of deportation under Part 243 of this chapter.....	70.00
For filing application for temporary withholding of deportation under section 243(h) of the Act.....	50.00
For filing application for suspension of deportation under section 244 of the Act.....	75.00
* * * * *	
For certification of true copies, each.....	2.00
For attestation under seal.....	2.00
For filing request for telegraphic communication service.....	10.00
* * * * *	

(Sec. 103; 8 U.S.C. 1103; 31 U.S.C. 483a; OMB Circular No. A-25)

Public Comments Invited

In accordance with 5 U.S.C. 553 the Service invites representations of interested parties on these proposed rules. All relevant data, views, or arguments submitted on or before December 3, 1979, will be considered. Representations should be submitted in writing, in duplicate, to the Commissioner of Immigration and Naturalization at the address shown at the beginning of this notice.

Dated: September 25, 1979.

Leonel J. Castillo,
Commissioner of Immigration and Naturalization.

[FR Doc. 79-30370 Filed 9-28-79; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 211 and 220

[Docket No. ERA-R-79-38]

Distribution of Strategic Petroleum Reserve Crude Oil

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Extension of Comment Period.

SUMMARY: On August 13, 1979, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued a notice of proposed rulemaking concerning the distribution of Strategic Petroleum Reserve Crude Oil (44 FR 48696, August 20, 1979). A public hearing on the proposal was held in Washington, D.C. on September 18, 1979.

DATES: ERA is extending the deadline for written comments in this rulemaking from October 10, 1979 until October 20, 1979.

ADDRESS: All comments should be sent to: Public Hearing Management, Docket No. ERA-R-79-38, Department of Energy, Room 2313, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Josette L. Maxwell (Office of Regulations and Emergency Planning), Department of Energy, Room 8202L, 2000 M Street, NW., Washington, D.C. 20461 (202) 632-5133).

Samuel M. Bradley (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-6754.

Issued in Washington, D.C., on September 25, 1979.

F. Scott Bush,
Assistant Administrator, Regulations and Emergency Planning, Economic Regulatory Administration.

[FR Doc. 79-30370 Filed 9-28-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

Proposed Kahului, Hawaii, Terminal Control Area; Informal Airspace Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of informal airspace meeting, proposed Kahului, Hawaii, terminal control area.

SUBJECT: The Federal Aviation Administration (FAA) will hold Informal Airspace Meeting No. 26, for the purpose of discussing a plan by the FAA to establish a Group II Terminal Control Area (TCA) at Kahului, Hawaii.

DATES AND LOCATIONS: The meeting will be held at two locations.

1. Thursday, November 29, 1979, 7 p.m., in the Conference Room of the Kahului Public Library, Kahului, Hawaii.
2. Friday, November 30, 1979, 1 p.m., in the Ewa Conference Room, International Terminal Building, Honolulu International Airport, Honolulu, Hawaii.

FOR FURTHER INFORMATION, CONTACT: Mr. Kenneth Foreman, Chief, Airport Traffic Control Tower, Kahului Airport, Kahului, Hawaii 96732, Telephone (808) 877-0725; or Mr. Robert Bishop, APC-532, Air Traffic Division, FAA Pacific-Asia Region, Room 7119, 300 Ala Moana Blvd., P.O. Box 50109, Honolulu, Hawaii 96850, Telephone (808) 546-8346.

SUPPLEMENTARY INFORMATION: The purpose of these Informal Airspace Meetings is to offer all persons likely to be affected by the proposed TCA the opportunity to present their views, and to assist the FAA in the preparation of an airspace action that will accomplish the improved safety objectives with the least impact on the airspace users.

No formal minutes or transcripts will be taken, however, anyone may submit written comments before or during the meeting which will be made a matter of record if they so desire. This action will not prevent interested persons from submitting comments later in response to a Notice of Proposed Rulemaking

(NPRM) in the event the item is formally proposed.

A detailed written description of the draft TCA configuration is available by contacting the persons listed under "FOR FURTHER INFORMATION CONTACT . . ."

Issued in Honolulu, Hawaii on September 18, 1979.

Paul L. A. Duvauchelle,
Acting Chief, Air Traffic Division Pacific-Asia Region.

[FR Doc. 79-30285 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 11, 21, and 37

[Docket No. 19589, Notice No. 79-15]

Technical Standard Orders (TSO'S) Revision Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice announces the Technical Standard Orders Revision Program. The objective of the Program is to adopt a new public procedure to expedite the issuance of standards for specified materials, parts, and appliances used on civil aircraft. In accordance with Executive Order 12044, these new procedures will result in less burdensome requirements which will expedite TSO issuance, and will result in the substantial reduction of regulatory material. The proposed changes are necessary to stay current with the continuing growth and technological advances in the aeronautical state-of-the-art.

DATES: Comments must be received on or before December 3, 1979.

ADDRESS: Send all comments on the proposal in duplicate to: Federal Aviation Administration, Attn: Rules Docket (AGC-24) Docket No. 19589, 800 Independence Ave., SW., Washington, D.C. 20591

FOR FURTHER INFORMATION CONTACT: Mr. Adolfo O. Astoraga, Systems Branch (AWS-130), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone (202) 426-8395.

SUPPLEMENTARY INFORMATION: Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to any significant environmental or

economic impact that might result because of the adoption of these proposals may also be submitted. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of these proposals will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made, "Comments to Docket Number 19589." The postcard will be date/time stamped and returned to the commenter.

Additional Copies of Notice

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to: Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Ave., SW., Washington, D.C. 20591 Telephone: (202) 426-8058

Each communication must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Background

Whenever a material, part, process, or appliance is to be used on an aircraft, it must be approved under the Federal Aviation Regulations before it can be utilized. Such approval can be obtained in any one of the following ways:

- (1) Under a Parts Manufacturer Approval issued under 14 CFR 21.303;
- (2) In conjunction with type certification procedures for a product;
- (3) Under a Technical Standard Order (TSO) issued under 14 CFR Part 37 or;
- (4) In any other manner approved by the Administrator.

One of the several methods of obtaining approval is under a TSO which contains minimum performance and quality control standards for specified materials, parts, or appliances (articles). The standards for each TSO

are those the Administrator finds necessary to ensure that the articles concerned will operate satisfactorily. If a part to be used on a civil aircraft has been manufactured under a TSO authorization, the part is an approved part for the purpose of meeting the Federal Aviation Regulations. Since compliance with a TSO authorization is only one of the suggested methods of obtaining approvals, the standards contained therein are not mandatory but are only an optional way of obtaining approval for a particular part. For example, a manufacturer can obtain approval to deviate from a particular TSO if it shows that the design features provide an equivalent level of safety. Therefore, the standards in any given TSO are not necessarily the only ones that must be followed in order to obtain FAA approval for use of the part.

As set forth above, TSO's are not statements of general or particular applicability designed to implement or prescribe law or policy; therefore, they do not fall within the definition of "rule" contained in the Administrative Procedure Act. As a result, there is no requirement that TSO's be published as notices of proposed rulemaking in the Federal Register. As explained later in this proposal, however, the FAA will provide notice in the Federal Register and through Advisory Circulars of all proposed and final changes to all TSO's. Currently, the FAA handles TSO's through the normal rulemaking process. However, an increase in the volume and complexity of the FAA rulemaking activities no longer makes it practical for the FAA to utilize the rulemaking process to establish voluntary TSO's.

The FAA has determined that it is appropriate, in the interest of safety, to initiate a program to adopt new public procedures to facilitate the issuance of standards for specified materials, parts, and appliances on civil aircraft.

The Technical Standard Orders Revision Program will be carried out with full opportunity for the participation of industry, other Government agencies, foreign governments, and the public.

An essential part of the revision of the Technical Standard Orders Program is an effort to simplify and standardize the requirements and rules for FAA approval for such materials, parts, and appliances for which standards have been issued. Therefore, the Administrator has decided that as a part of this effort, an NPRM will be shortly issued which will propose changes to the Parts Manufacturer Approval procedures contained in Part 21 of the Federal Aviation Regulations.

The New Public Procedure

The FAA will continue to develop draft standards. These standards will be circulated for public comment through the use of mailing lists and an Advisory Circular which will list all current TSO's and those which it is anticipated will be amended within the succeeding 12 months. A copy of the Advisory Circular will be published in the Federal Register every 6 months. In addition, notice of proposed changes and final changes to TSO's will be contained in the summaries of petitions for exemption and rulemaking published in the Federal Register in accordance with Part 11 of this Chapter. Any individual or organization wishing to obtain copies of specific draft standards or all such standards proposed by the FAA may, upon request, be placed on a mailing list. They will then receive copies of those draft standards requested and will be given 90 days to submit comments. Although the FAA does not propose to publish these draft standards in the Federal Register the FAA would like specific comments concerning the proposed distribution system.

The FAA will then review the comments submitted and issue a final standard. Copies of the final standard will be mailed to all persons on the mailing list. Copies of all draft and final standards will also be available at FAA headquarters and at all regional offices.

As a result of these proposed changes, there will be substantial cost savings to industry and the FAA resulting from a reduction in the time-consuming paperwork and steps currently required to amend and issue TSO's. The proposed changes will also ensure that these standards reflect technological advances in the aeronautical state-of-the-art resulting in equipment with higher level of performance and reliability.

This proposal is consistent with the agency's responsibility to review the continuing need for our regulations and the need to eliminate unnecessary regulations. As such, this is in furtherance of Executive Order 12044, issued by President Carter on March 23, 1978.

Discussion of the Proposed Rule

Revoking the portions of Part 37 of the Federal Aviation Regulations, which requires that TSO's to be published as part of the regulations, removes the standards from the rulemaking process. The changes proposed herein also relocate to Part 21 of the Federal Aviation Regulations the requirements for the issue of and the general rules governing holders of TSO authorizations

currently in Part 37, Subpart A. The FAA believes that republishing these requirements in Part 21 is the best method for maintaining regulatory consistency. The FAA would like comments on the placement in Part 21 of these requirements. Changes included in this proposal include:

1. Present § 11.49(b)(2) delegates authority to the Director, Flight Standards, to issue, amend, and repeal TSO's under Part 37. Since Part 37 is being revoked, the delegation is no longer needed and it is proposed to delete § 11.49(b)(2).

2. Present § 21.305(b) allows materials, parts, processes, and appliances required by the Federal Aviation Regulations to be approved under a TSO issued under Part 37. Since Part 37 is being revoked, it is proposed to revise § 21.305(b) to list the Advisory Circular which will list all current TSO's and those which it is anticipated will be amended within the succeeding 12 months, and the address where copies of the Advisory Circular may be obtained.

3. Subpart A of Part 37 contains the requirements for the issue of and the general rules governing holders of TSO authorizations. It is proposed to retain the substance of these requirements and rules and to relocate them to Part 21.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Parts 11, 21, and 37 of the Federal Aviation Regulations (14 CFR Parts 11, 21, and 37) as follows:

PART 11—GENERAL RULE-MAKING PROCEDURES

1. By adding the word "and" following the semicolon in § 11.49(b)(1); and by revising § 11.49(b)(2) to read as follows:

§ 11.49 Adoption of final rules.

- * * * * *
- (b) * * *
- (2) [Reserved]
- * * * * *

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

2. By revising § 21.305(b) to read as follows:

§ 21.305 Approval of materials, parts, processes, and appliances.

- * * * * *
- (a) * * *
- (b) Under a Technical Standard Order issued by the Administrator, Advisory Circular AC No. XX contains a list of Technical Standard Orders that may be used to obtain approval (copies of the advisory circular may be obtained from

U.S. Department of Transportation, Publications Section M443.1, Washington, D.C. 20590);

* * * * *

3. By adopting a new Subpart O to read as follows:

Subpart O—Technical Standard Order Authorizations

- Sec.
- 21.601 Applicability.
- 21.603 TSO marking and privileges.
- 21.605 Application and issue.
- 21.607 General rules governing holders of TSO authorizations.
- 21.609 Approval for deviation.
- 21.611 Design changes.
- 21.613 Recordkeeping requirements.
- 21.615 FAA inspection.
- 21.617 Reporting of failures, malfunctions and defects.
- 21.619 Noncompliance.
- 21.621 Transferability and duration.
- Authority: Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.45)).

§ 21.601 Applicability.

(a) This subpart prescribes—

(1) Procedural requirements for the issue of Technical Standard Order Authorizations; and

(2) Rules governing the holders of Technical Standard Order Authorizations.

(b) For the purpose of the subpart—

(1) Technical Standard Orders (hereafter referred to in this part as "TSO's") are those issued by the Administrator containing performance standards and quality control standards for specified materials, parts, or appliances (hereafter referred to in this part as "article") used on civil aircraft.

(2) An article manufactured under a TSO authorization, or an FAA letter of acceptance as described in § 21.603(b), is an approved article for the purpose of meeting the regulations of this chapter that require the article to be approved.

(3) For the purpose of this part, a manufacturer is a person who controls the design and quality of an article produced under the TSO system (or to be produced, in the case of an application) including the parts thereof and any processes or services related thereto that are procured from an outside source.

§ 21.603 TSO marking and privileges.

(a) Except as provided in paragraph (b) of this section, no person may identify an article with a TSO marking unless that person holds a TSO authorization and the article meets applicable TSO standards.

(b) The holder of an FAA letter of acceptance of a statement of

conformance issued for an article before July 1, 1962, may continue to manufacture that article without obtaining a TSO authorization, but shall comply with the requirements of §§ 21.607 through 21.621.

(c) Notwithstanding paragraphs (a) and (b) of this section, after August 6, 1976 no person may identify or mark an article with any of the following TSO numbers:

- (1) TSO-C16, -C18a, -C18b, or -C18c.
- (2) TSO-C24.
- (3) TSO-C33.
- (4) TSO-C61 or -C61a.

§ 21.605 Application and issue.

(a) The manufacturer (or an authorized agent) must submit an application for a TSO authorization, together with the following documents, to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the manufacturer is located (or, in the case of the Western Region, the Chief, Aircraft Engineering Division):

(1) A statement of conformance certifying that the applicant has met the requirements of this subpart and that the article concerned meets the applicable performance standards issued by the Administrator.

(2) Copies of the technical data required in the applicable performance standards issued by the Administrator, unless a lesser number of copies is authorized by the Chief, Engineering and Manufacturing Branch, in the region in which the manufacturer is located or in the case of the Western Region, the Chief, Aircraft Engineering Division.

(3) A description of his quality control system in the detail specified in § 21.143 of this chapter. In complying with this paragraph, the manufacturer may refer to current quality control data filed with the FAA as a part of a previous application. When a series of minor changes in accordance with § 21.611 is anticipated, the manufacturer may set forth in its application the basic model number of the article with open brackets after it to denote that suffix change letters will be added from time to time.

(b) After receiving the application and other documents required by paragraph (a) of this section to substantiate the manufacturer's compliance with this part, and after a determination has been made of its ability to produce duplicate articles under this part, the Administrator issues a TSO authorization to the manufacturer to identify the article with the applicable TSO marking.

(c) If the application is deficient, the applicant must, when requested by the Administrator, submit any additional

information necessary to show compliance with this part. If the applicant fails to submit the additional information within 30 days after the Administrator's request, the application is denied and the applicant is so notified.

(d) The Administrator issues or denies the application within 30 days after its receipt or, if additional information has been requested, within 30 days after receiving that information.

§ 21.607 General rules governing holders of TSO authorizations.

Each manufacturer of an article for which a TSO authorization has been issued under this part must—

(a) Manufacture the article in accordance with this part and the applicable requirements issued by the Administrator;

(b) Conduct all required tests and inspections, and establish and maintain a quality control system adequate to ensure that the article meets the requirements of paragraph (a) of this section and is in condition for safe operation;

(c) Prepare and maintain, for each model of each article for which a TSO authorization has been issued, a current file of complete technical data and records in accordance with § 21.613; and

(d) Permanently and legibly mark each article to which this section applies with the following information:

(1) The name and address of the manufacturer.

(2) The name, type, or model designation of the article.

(3) The nominal weight of the article, which must be within ± 0.2 pound of the actual weight or ± 3 percent of the actual weight, whichever is greater, except that the differences between the weight marked on the article and the actual weight of the article may not exceed ± 10 pounds.

(4) The serial number or the date of manufacture of the article, or both.

(5) The applicable TSO number.

§ 21.609 Approval for deviation.

(a) Each manufacturer who requests approval to deviate from any performance standard issued by the Administrator must show that the standards from which a deviation is requested are compensated for by factors or design features providing an equivalent level of safety.

(b) The request for approval to deviate, together with all pertinent data, must be submitted to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the manufacturer is located (or,

in the case of the Western Region, the Chief Aircraft Engineering Division).

§ 21.611 Design changes.

(a) *Minor changes by the manufacturer holding the authorization.*

The manufacturer of an article under an authorization issued under this part may make minor changes (any change other than a major change) without further approval by the Administrator. In this case, the changed article keeps the original model number and the manufacturer shall forward to the appropriate Chief, Engineering and Manufacturing Branch (in the case of the Western Region, the Chief, Aircraft Engineering Division), any revised data that is necessary for compliance with § 2.605(a).

(b) *Major changes by manufacturer holding the authorization.* Any design change by the manufacturer that is extensive enough to require a substantially complete investigation to determine compliance with performance standards issued by the Administrator is a major change. Before making such a change, the manufacturer must assign a new type or model designation to the article and apply for an authorization under § 21.605.

(c) Changes by person other than manufacturer. No design change by any person (other than the manufacturer who submitted the statement of conformance for the article) is eligible for approval under this part, unless the person seeking the approval is a manufacturer and applies under § 21.605(a). Persons other than a manufacturer may obtain approval for design changes under Part 43 or under the applicable airworthiness regulations.

§ 21.613 Recordkeeping requirements.

(a) *Keeping the records.* Each manufacturer holding a TSO authorization under this part shall, for each article manufactured under that authorization, keep the following records at its factory:

(1) A complete and current technical data file for each type or model article, including design drawings and specifications.

(2) Complete and current inspection records showing that all inspections and tests required to assure compliance with this part have been properly done and documented.

(b) *Retention of records.* The manufacturer shall retain the records described in paragraph (a)(1) of this section until it no longer manufactures the article concerned under this part. At that time, copies of these records shall be sent to the Administrator. The manufacturer shall retain the records

described in paragraph (a)(2) of this section for a period of at least 2 years.

§ 21.615 FAA inspection.

Upon the request of the Administrator, each manufacturer of an article under a TSO authorization shall allow the Administrator to inspect—

(a) Any article manufactured under that authorization;

(b) The manufacturer's quality control inspections and tests;

(c) The manufacturing facilities; and

(d) The technical data files on that article.

§ 21.617 Reporting of failures, malfunctions, and defects.

(a) After January 3, 1971, except as provided in paragraph (d) of this section, each manufacturer holding a TSO authorization under this part shall report any failure, malfunction, or defect in any article manufactured by it that it determines has resulted in any of the occurrences listed in paragraph (c) of this section.

(b) After January 3, 1971, each manufacturer holding a TSO authorization under this part shall report any defect in any article manufactured by it that has left its quality control system and that it determines could result in any of the occurrences listed in paragraph (c) of this section.

(c) The following occurrences must be reported as provided in paragraphs (a) and (b) of this section:

(1) Fire caused by a system or equipment failure, malfunction, or defect.

(2) An engine exhaust system failure, malfunction, or defect which causes damage to the engine, adjacent aircraft structure, equipment, or components.

(3) The accumulation or circulation of toxic or noxious gases in the crew compartment or passenger cabin.

(4) A malfunction, failure, or defect of a propeller control system.

(5) A propeller or rotocraft hub or blade structural failure.

(6) Flammable fluid leakage in areas where an ignition source normally exists.

(7) A brake system failure caused by structural or material failure during operation.

(8) A significant aircraft primary structural defect or failure caused by any autogenous condition (fatigue, understrength, corrosion, etc.).

(9) Any abnormal vibration or buffeting caused by a structural or system malfunction, defect, or failure.

(10) An engine failure.

(11) Any structural or flight control system malfunction, defect, or failure which causes interference with normal

control of the aircraft or which derogates the flying qualities.

(12) A complete loss of more than one electrical power generating system or hydraulic power system during a given operation of the aircraft.

(13) A failure or malfunction of more than one attitude, airspeed, or altitude instrument during a given operation of the aircraft.

(d) The requirements of paragraph (a) of this section do not apply to—

(1) Failures, malfunctions, and defects that the holder of a TSO authorization—

(i) Determines were caused by improper maintenance or improper usage;

(ii) Knows were reported to the FAA by another person under the Federal Aviation Regulations; or

(iii) Has already reported under the accident reporting provisions of Part 430 of the regulations of the National Transportation Safety Board.

(2) Failures, malfunctions, or defects in articles manufactured by a foreign manufacturer and exported to the United States under § 21.502 of this chapter.

(e) Each report required by this section—

(1) Shall be made to the FAA Regional Office in which the holder is located within 24 hours after the holder has determined that the failure, malfunction, or defect required to be reported has occurred, except that a report due on a Saturday or a Sunday may be delivered on the following Monday and one that is due on a holiday may be delivered on the next workday;

(2) Shall be transmitted in a manner and form acceptable to the Administrator by the most expeditious method available; and

(3) Shall include as much of the following information on the article as is available and applicable:

(i) Aircraft serial number.

(ii) Article serial number.

(iii) Article model designation.

(iv) Identification of the part,

component, or system involved. The identification must include the part number.

(v) Nature of the failure, malfunction, or defect.

(f) Whenever the investigation of an accident or service difficulty report shows that an article manufactured under a TSO authorization is unsafe because of a manufacturing or design defect, the manufacturer shall, upon the request of the Administrator, report to the Administrator the results of its investigation and any action taken or proposed by the manufacturer to correct that defect. If action is required to correct the defect in existing articles, the

manufacturer shall submit to the Chief, Engineering and Manufacturing Branch (in the case of the Western Region, the Chief, Aircraft Engineering Division), FAA Regional Office in the region in which it is located, the data necessary for the issue of an appropriate airworthiness directive.

§ 21.619 Noncompliance.

The Administrator may, upon notice, withdraw the TSO authorization of any manufacturer who identifies with a TSO marking an article not meeting the applicable performance standards of this part.

§ 21.621 Transferability and duration.

An authorization issued under this part is not transferable and is effective until surrendered, withdrawn, or otherwise terminated by the Administrator.

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

3. By revoking Part 37 and marking it to read as follows:

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS [Reserved]

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.45)).

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on September 21, 1979.

M. C. Beard,
Director, Office of Airworthiness.

[FR Doc. 79-30293 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-ASW-41]

Proposed Designation of Transition Area: Eastland, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Eastland, Tex. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Eastland Municipal Airport. The circumstance which created the need for the action is the proposed establishment of a nondirectional radio beacon (NDB) 3500 feet south of Runway 35. Coincident with this action the airport is changed from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR).

DATES: Comments must be received by November 1, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of a transition area at Eastland, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received within 30 days after publication of this notice in the *Federal Register* will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments

presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Eastland, Tex. The FAA believes this action will enhance IFR operations at the Eastland Municipal Airport by providing controlled airspace for aircraft executing proposed instrument approach procedures using the proposed NDB located 3500 feet south of Runway 35. Subpart G of Part 71 was republished in the *Federal Register* on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) by adding the Eastland, Tex., transition area as follows:

Eastland, Tex.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Eastland Municipal Airport (latitude 32°25'00" N., longitude 98°48'45" W.) and within 3.5 miles each side of the 180° bearing from the NDB (latitude 32°23'55" N., longitude 98°48'35.18" W.) extending from the 6.5-mile radius area to a point 6.5 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26,

1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on September 18, 1979.

Henry N. Stewart,
Acting Director, Southwest Region.

[FR Doc. 79-30277 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-ASW-40]

Proposed Designation of Transition Area: Danbury, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Danbury, Tex. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new special instrument approach procedure to the Garrett Ranch Airport. The circumstance which created the need for the action is the proposed special instrument approach procedure to the Garrett Ranch Airport using the Scholes VORTAC. Coincident with this action the airport is changed from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR). This is a new airport as circularized under Study No. 79-ASW-26-NRA dated February 27, 1979.

DATES: Comments must be received by November 1, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region,

Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of a transition area at Danbury, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the *Federal Register* will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Danbury, Tex. The FAA believes this action will enhance IFR operations at the Garrett Ranch Airport by providing controlled airspace for aircraft

executing a proposed instrument approach procedure using the Scholes VORTAC. Subpart G of Part 71 was republished in the *Federal Register* on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) by adding the Danbury, Tex., transition area as follows:

Danbury, Tex.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Garrett Ranch Airport, Danbury, Tex., (latitude 29°17'13" N., longitude 95°21'34" W.)

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Tex. on September 18, 1979.

Henry N. Stewart,
Acting Director, Southwest Region.

[FR Doc. 79-30278 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-ASW-43]

Transition Area; Proposed Designation; Belen, N. Mex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Belen, NM. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Alexander Municipal Airport. The circumstance which created the need for the action is

the proposed establishment of a new instrument approach procedure to Runway 03 at Alexander Municipal Airport using the Socorro VORTAC. Alexander Municipal Airport is a newly established airport and this action coincidentally changes the airport from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR).

DATES: Comments must be received by November 1, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Manual R. Hugonnet, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of a transition area at Belen, NM, will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received within 30 days after publication of this notice in the *Federal Register* will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the

light of comments received. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 824-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Belen, NM. The FAA believes this action will enhance IFR operations at the Alexander Municipal Airport by providing controlled airspace for aircraft executing the proposed instrument approach procedure for Runway 03. Subpart G of Part 71 was republished in the Federal Register on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) by adding the following:

Belen, NM

That Airspace extending upward from 700 feet above the surface within a 6-mile radius of the Alexander Municipal Airport (latitude 34°38'51"N., longitude 106°49'57"W.). (Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on September 18, 1979.

Henry N. Stewart,

Acting Director, Southwest Region.

[FR Doc. 79-30278 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-RM-12]

Alteration of Transition Area; Withdrawal of Proposal

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Notice of Proposed Rulemaking.

SUMMARY: On April 26, 1979, the Federal Aviation Administration published for comment a proposal to alter the 1,200' transition area at Gillette, Wyoming (44 FR 24575). User comment and a proposal to install a localizer and nondirectional beacon to serve runway 33 at the Gillette-Campbell County Airport required major modifications to the proposal. For this reason, the proposal to alter the 1,200' transition area at Gillette, Wyoming is withdrawn. A new notice of proposed rulemaking will be forthcoming.

DATE: Effective October 1, 1979.

FOR FURTHER INFORMATION CONTACT: David M. Laschinger, Airspace and Procedures Specialist, Operations, Procedures and Airspace Branch (ARM-539), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

Drafting Information

The principal authors of this document are David M. Laschinger, Air Traffic Division, and Daniel J. Peterson, office of the Regional Counsel, Rocky Mountain Region.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a

regulatory evaluation, and a comment period of less than 45 days is appropriate.

Issued in Aurora, Colo., on September 21, 1979.

M. M. Martin,

Director, Rocky Mountain Region.

[FR Doc. 79-30281 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 93

[Docket No. 19592; Notice No. 79-16]

Proposed Discontinuance of Special Visual Flight Rules (SVFR) Within the Kansas City International Airport Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The notice proposes to amend 14 CFR 93.113 to include Kansas City International Airport control zone on the list of control zones within which special VFR weather minimums are not authorized. This action would enhance safety by helping to insure the safe and orderly flow of IFR traffic at this busy airport.

DATES: Comments must be received on or before: November 30, 1979.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 19592, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. Gene Falsetti, Airspace and Air Traffic Rules Division (AAT-200), Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 426-3128.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, view, or arguments, as they may desire. Comments relating to any significant environmental or economic impact that might result because of the adoption of these proposals may also be submitted. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591.

All communications received on or before November 30, 1979, will be

considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

A report summarizing each public contact with FAA personnel concerned with the substances of this rule making will be filed in the public regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Discussion of the Proposed Rule

Prior to November 1973, Special VFR operations were prohibited at Kansas City Municipal Airport. FAR Amendment 93-28, however, which was adopted November 1973, reinstated Special VFR at Kansas City Municipal Airport. The basis for reinstatement was the move of all air carrier operations to Kansas City International Airport, thus reducing the "VFR/IFR air traffic mix." It was suggested in this amendment that "FAA take simultaneous action to establish a Special VFR prohibition at Kansas City International Airport." It was further stated in the amendment that elimination of Special VFR at Kansas City International Airport "is under consideration in a separate study." In 1975, Kansas City International became a Group II Terminal Control area. Since that time, Kansas City International Airport has operated with a TCA and provisions for Special VFR.

FAA Order 7400.3 (issued on April 23, 1968), entitled "Elimination of Special VFR in Certain Control Zones" establishes the following elimination criteria:

a. Special VFR operations may be eliminated within a control zone if all a combination of any two of the following conditions are in effect at the primary airport, the airport upon which the control zone is centered.

(1) A total of 70,000 annual instrument operations.

(2) A total of 60,000 annual air carrier operations.

(3) A total of 7,000 annual air carrier approaches.

(b) The above criteria may be met and special VFR operations continued provided that such operations do not interrupt the orderly movement of IFR operations. However, if it is determined that special VFR operations do impede IFR operations, even though none of the criteria are met, the special VFR operations may be eliminated from the affected control zone.

From January 1978 through January 1979 Kansas City International Airport recorded 187,749 instrument operations which is almost three times the recommended criteria for elimination of SVFR as established in Order 7400.3. Of this total, 127,758 were air carrier instrument operations, double the criteria figure. During this same period 9727 instrument approaches were recorded, again exceeding the criteria. Projection of traffic figures indicate Kansas City International traffic will continue to increase in all of the above categories. As an example, airport traffic, mainly air carrier, for October 1978, shows a 24% increase over October 1977. The accumulated total shows an increase of 11% for 1978 over the 1977 airport traffic count.

There are two suitable VFR airports within fifteen miles of Kansas City International: Kansas City Downtown and Fairfax Municipal. Several fixed base operators are located at each of these airports, whereas, there is no fixed base operation for general aviation aircraft at Kansas City International, nor are there any general aviation aircraft based there.

The only aircraft that use Kansas City International Airport on a continuing basis, which could be adversely affected by elimination of Special VFR, would be the air taxi operators which compose 90% of the total special VFR. Fixed wing special IFR procedures, however, which provide that arrival and departure routes be assigned, are available to these operators in lieu of Special VFR. These procedures provide the positive control necessary for operation within the TCA. Letters of Agreement with the air taxi operators could, if these procedures are selected, be initiated to accommodate this user segment under the provisions of Fixed Wing Special IFR.

The FAA, therefore, believes that to ensure the safe and orderly flow of IFR traffic and to maintain the high degree of efficiency in accommodating the ever increasing volume of IFR operations at

Kansas City International Airport it is necessary to eliminate special VFR operations within this control zone.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 93.113 of Part 93 of the Federal Aviation Regulations (14 CFR Part 93) by deleting the word "Reserved" from number 15 and inserting for it the words "Kansas City (Kansas City International Airport)."

(Secs. 307, 312, 313, 601, Federal Aviation Act of 1958, as amended (49 U.S.C. 1347, 1353, 1354, 1619); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Note. The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979). A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on September 21, 1979.

Richard L. Failor,

Director, Air Traffic Service.

[FR Doc. 79-30280 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Chapter V

Improving Government Regulations; Semiannual Agenda of Significant Regulations

AGENCY: National Aeronautics and Space Administration.

ACTION: Semiannual agenda of significant regulations.

SUMMARY: This semiannual agenda describes the significant regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

EFFECTIVE DATE: October 1, 1979.

ADDRESS: Director, Information Systems Division (Code NSM-12), Office of Management Operations, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, 202-755-3140.

SUPPLEMENTARY INFORMATION: Executive Order 12044, "Improving Government Regulations," and NASA

Management Instruction 1410.10B,
"Federal Register: Delegation of
Authority and Requirements for
Publication of NASA Documents,"

require that a semiannual agenda of
significant regulations under
development and review be published in
the Federal Register on the first Monday

in April and the first Monday in
October.
September 24, 1979.
Robert A. Frosch,
Administrator.

National Aeronautics and Space Administration Semiannual Agenda of Significant Regulations

Title	Description	Legal citation	Status	Contact	Regulatory analysis required
*STS Services for Users of Small Self-Contained Payloads.	Describes the policy for services provided by NASA to users of small self-contained payloads and the implementation of the policy.	42 U.S.C. 2473	Proposed Rule	Donna J. Miller, Manager, Small Self-Contained Payloads Program, Office of Space Transportation Systems, NASA Headquarters, Washington, D.C. 20546, 202/755-2427.	No

*This was the only item listed in NASA's Semiannual Agenda which appeared in the FEDERAL REGISTER, Vol. 44, No. 64—Monday, April 2, 1979. This regulation is undergoing final review and it is anticipated that it will be published within the next six months.

[FR Doc. 79-30133 Filed 9-28-79; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF STATE

Agency for International Development

22 CFR Part 216

Pesticide and Other Environmental Procedures; Proposed Amendment of Regulations

AGENCY: Agency for International Development.

ACTION: Proposed Amendment of Regulations.

SUMMARY: These proposed amendments are intended to make A.I.D.'s environmental procedures more effective and efficient and to reduce unnecessary paperwork and delay.

DATES: Comments must be received by November 1, 1979.

ADDRESSES: Comments should be addressed to Albert Printz, A.I.D. Environmental Coordinator, Agency for International Development, Department of State, Washington, D.C. 20523.

FOR FURTHER INFORMATION CONTACT: Albert Printz, A.I.D. Environmental Coordinator (address same as above), 202-632-1036.

SUPPLEMENTARY INFORMATION:

1. *Summary of Major Changes—A. Definitions* (Section 216.1(c))—A definition of the term significant effect is being added. The definition is the same as in Executive Order 12114 entitled "Environmental Effects Abroad of Major Federal Actions" issued on January 4, 1979 (the Executive Order). This proposed addition will eliminate unnecessary paperwork by making it clear that an Environmental Assessment is required only when it is reasonably foreseeable that a proposed action will cause significant harm to the natural

and physical environment. It also will make the procedural requirements more understandable and acceptable to foreign countries by not requiring an in-depth study of the environment unless the action, which generally is proposed by and developed in collaboration with the recipient government, appears to have adverse environmental consequences. Such a realistic position will assist A.I.D. in developing a positive environmental awareness in recipient countries and in other donor agencies. This definition is not applicable to the extent a proposed action has an effect on the environment of the United States. In that case, the National Environmental Policy Act of 1970 (NEPA) and regulations issued by the President's Council on Environmental Quality (CEQ) are applicable.

B. *Applicability of Procedures* (Section 216.2)—This section is being substantially revised to add the concepts of exemptions, categorical exclusions and classes of actions normally requiring an Environmental Assessment or Environmental Impact Statement. A.I.D.'s financing of the procurement or use of pesticides is not included in these exemptions or exclusions. The procedures regarding pesticides, including exemptions, are separately treated in § 216.3(b); only a minor editorial change to these procedures is proposed.

(i) *Exemptions*—The types of exemptions proposed are drawn from the Executive Order. The first, international disaster assistance, applies to activities of limited scope in response to natural or manmade disasters. Such activities are for relief

and rehabilitation and are unlikely to cause significant harm to the environment. Moreover, cases of disaster or emergency generally require prompt action to avoid the loss of life and to prevent human suffering for which there is not time for formal review.

All such disaster activities are exempt from the procedures. The other grounds for exemption, noted in § 216.2(b) (other emergency circumstances and cases of foreign policy sensitivity), require a case-by-case justification and decision by the appropriate Assistant Administrator after consultation with CEQ regarding the environmental consequences of the action proposed for exemption.

(ii) *Categorical Exclusions*—A new subsection is being added to the procedures to provide for categorical exclusions, classes of actions that normally will not require the preparation of an Initial Environmental Examination, or other environmental documents. The use of these exclusions should assist in eliminating unnecessary paperwork. The actions for which exclusion is appropriate fall within one of the following three general categories:

(a) Actions that do not have any effect on the natural or physical environment.

(b) Assistance activities for which achieving A.I.D.'s assistance objectives does not require knowledge of or control over the specific activities that are implemented. For example, A.I.D. conducts a matching grant program with private voluntary organizations (PVOs) under which grants are made to assist in financing the PVO's own programs in developing countries in an amount equal to that provided by the PVOs. A.I.D.'s

assistance purpose is to support the programs of such voluntary organizations which deal with identifiable development problems and to encourage an expanded use of private contributions to support development activities thereby increasing the total flow of resources to developing countries. Prior to approval of a matching grant, AID reviews the ability of the PVO to provide its share of the match and to carry out the development program presented by the PVO. There is a general programmatic review of the functional areas in which the PVO will work, for example, community development; the countries in which the program will be conducted; the anticipated beneficiaries and a broad outline of the budget. Decisionmaking generally is based upon the record of effectiveness of these organizations without knowledge of the specific activities that will be conducted, where, and without technical, economic or environmental analysis. To support the independence of these PVOs in conducting their own programs, A.I.D. does not reserve the right to review and approve or control specific activities. A.I.D.'s broad objectives in the financing are achieved by providing support for the movement of voluntarism overseas, increasing the flow of development resources, and measurable achievement of development objectives.

On the other hand, A.I.D. also makes operational program grants to PVOs to support specific development activities designed by the PVOs and presented to A.I.D. for financing. The details of the design are reviewed by A.I.D. as part of the decisionmaking process to determine whether to make such a grant, including the technical, economic and social merits of the specific activity. These activities are subject to the environmental procedures unless another categorical exclusion is available based upon the specific type of activity presented (i.e., not having an effect on the environment).

(c) Research or field evaluation activities of limited scope which are carefully controlled and monitored.

In the event an action has a number of components, some of which fit within the exclusion and some that do not (such as construction), an Initial Environmental Examination will be completed with respect to the components that are not within the exclusion.

In addition, A.I.D. intends to develop design standards or criteria which, when applied in the design of projects, will avoid the possibility of significant harm to the environment. Such projects will be excluded from the requirement of an

Initial Environmental Examination as the design standards or criteria are developed for them.

(iii) *Actions Normally Having a Significant Effect*—Experience has shown that the classes of actions enumerated in § 216.2(d) normally have significant effects on the environment justifying the preparation of an Environmental Assessment or Environmental Impact Statement. Completing an Initial Environmental Examination for these classes generally is an unnecessary step in the review process. None will be required, and an Environmental Assessment or Environmental Impact Statement may be started as early as possible in the program cycle when it appears that a proposed action is entering the design phase.

(iv) *Extraordinary Circumstances*—This section also provides for extraordinary instances in which an action that is normally excluded may be determined to have a significant effect on the environment. There is generally adequate information to identify such an effect in the description of the activity as it is designed or as it is in the project approval process. If it appears that a normally excluded activity may have a significant effect on the environment, it will be subjected to the usual procedures of § 216.3, described below, which commence with an Initial Environmental Examination and may lead to an Environmental Assessment or Environmental Impact Statement. Likewise, if the originator of a project within the classes of actions normally requiring an Environmental Assessment believes that the project will not have such a significant effect, the originator of the project may subject it to the procedures of Section 216.3 which require an Initial Environmental Examination and Threshold Decision. A similar decision may be made, when appropriate, in the course of the scoping process discussed below in paragraph (C)(ii).

C. *Procedures* (§ 216.3)—The objective of these procedures is to integrate environmental considerations fully and early into the decisionmaking process involved in the design, approval and implementation of programs, projects, and activities financed or approved by A.I.D. This applies to the timing of environmental review and the level at which it occurs. Toward this end, the times decisions typically occur in the programming cycle are identified and the environmental review appropriate for various stages of program development indicated. See § 216.3(a)(1)–(5). The major changes

proposed in this section are the level at which Threshold Decisions are made; the introduction of scoping to narrow and focus the issues to be considered in an Environmental Assessment, or Environmental Impact Statement; and the deferral of environmental review, under certain circumstances, until after an action is authorized but in a manner consistent with A.I.D.'s decisionmaking practice with respect to other aspects of the action.

(i) *Threshold Decisions*. The Initial Environmental Examination and Threshold Decision regarding whether an action will have a significant effect on the environment should be made at the earliest practicable time in the selection or design of an activity. Generally, this will be done in connection with the Project Identification Document (PID). Since the Initial Environmental Examination and Threshold Decision are generally expected as part of the PID, responsibility for making the Threshold Decision will be placed upon the officer who signs the PID.

It is proposed that the Initial Environmental Examination and Threshold Decision be reviewed in Washington by the Bureau Environmental Officer at the same time that the PID is reviewed at the Bureau level in Washington. The Bureau Environmental Officer may concur in the Threshold Decision or request reconsideration by the officer who made the Decision providing reasons for nonconcurrence. Disagreements that cannot be resolved between these two officers will be submitted to the Assistant Administrator having program responsibility for the action.

(ii) *Scoping*. In an effort to focus analytical attention on the significant issues to be addressed in an Environmental Assessment or Environmental Impact Statement and thereby eliminate unnecessary detail, a new step is being added to the procedures. It has been adapted from the CEQ Regulations. The scoping process will be commenced by the originator of a project as soon as practicable after a Positive Threshold Decision is made requiring an Environmental Assessment or Impact Statement. Persons having expertise relevant to the environmental aspects of the action will participate in the scoping process. They may represent host government institutions or citizens, public and private institutions, contractors or A.I.D. staff. The scoping process will result in a written statement which will be subject to review and approval by the Bureau

Environmental Officer who may circulate the scoping statement to selected federal agencies for comment when the Bureau Environmental Officer believes that such comments may be useful in the preparation of an Environmental Assessment.

If during the scoping process it appears that the proposed action will not have a significant effect, the originator of the project may request the person who made the Positive Threshold Decision to change it to a Negative Determination. Concurrence of the Bureau Environmental Officer is required. The scoping process may continue in the event there are environmental interests remaining, notwithstanding the absence of a significant effect, to provide guidance for addressing such issues in the detailed design of the project.

(iii) *Deferral of Environmental Review*. Generally environmental review, including any required Environmental Assessment or Environmental Impact Statement, will be completed prior to the time an action is authorized for financing by approval of a Project Paper as described in § 216.3(a) (1)-(5). Foreign assistance is furnished, however, in a variety of situations and forms. Not every project, program or activity will fit into the format described in §§ 216.3(a) (1)-(5).

There are instances in which final decisionmaking regarding the content of a project, program or activity is not completed prior to the time it is approved for financing. For example, there may be projects involving subprojects that cannot be identified and planned before financing is authorized; there may be projects in which the sites where activities will be conducted (such as roads, wells or schools built) cannot be identified before financing is authorized. In such cases, environmental review may be made after financing is authorized, but as part of decisionmaking in the implementation planning of the project. In the examples cited above, the environmental review would occur as part of the process of identifying subprojects and sites.

The standard to be applied in such cases is that environmental review should occur at the earliest time in design or implementation at which a meaningful review may be undertaken, that is as subprojects are identified and planned or sites are selected, and A.I.D. should not make an irreversible commitment of resources to an aspect of the project until environmental review is completed for that aspect. A.I.D. must retain authority to conduct Initial Environmental Examinations (and Environmental Assessments or Environmental Impact Statements where

appropriate) and take such environmental review and alternatives into consideration in implementation planning before the selection of options is foreclosed. The procedure to be followed in these extraordinary actions is outlined in § 216.3(a)(6). Consultation with the Office of General Counsel is required to ensure that project agreements retain adequate authority to make environmental review meaningful in the implementation of such actions.

(iv) *Pesticide Procedures*. The only change proposed in the pesticide procedures is to delete the reference to registration for general use with the Environmental Protection Agency in section 216.3(b)(1)(iii)(a) and to substitute the words "registered for the same or similar uses by USEPA without restriction". This revision is proposed to conform with the language of section 216(b)(1)(i). There are no other proposed changes to the pesticide procedures.

D. *Private Applicants* (§ 216.4). This section is new. In the past, the environmental procedures set forth in § 216.3 have been applied to A.I.D. actions involving private applicants. Preliminary proposals from such applicants have been treated as PIDs for the purpose of timing of Initial Environmental Examinations and final proposals treated as Project Papers for the purpose of Environmental Assessments or Impact Statements. The practice has not always worked well, and Initial Environmental Examinations in some cases have been completed late in the approval cycle. New § 216.4 should clarify the requirements with respect to actions involving private applicants and eliminate reviews late in the approval process.

E. *Endangered Species* (Proposed § 216.5). This section is intended to ensure that impacts on endangered or threatened species, and their critical habitat, resulting from A.I.D. actions are identified and carefully assessed. A.I.D. will endeavor to obtain from the Fish and Wildlife Service of the Department of Interior (FWS) detailed information regarding such species and their critical habitat in each country in which A.I.D. programs are conducted. The information will be provided to the A.I.D. post in the country. In addition, the A.I.D. post will request the foreign country to provide a list of species that the country considers endangered or threatened and their critical habitat. This information will be used in preparing Initial Environmental Examinations. Whenever it appears that a proposed action will jeopardize the species or adversely modify its habitat, a positive Threshold Determination requiring an Environmental Assessment will be required. The Environmental

Assessment will discuss alternatives or modifications to avoid adverse impact on the species and its habitat.

F. *Environmental Assessments* (Proposed § 216.6). This section proposes to delete the content and format heretofore used for Environmental Assessments and to substitute in its place an adaptation of the format developed in the CEQ Regulations for Environmental Impact Statements. A.I.D. believes that use of this format will contribute to improved assessments and will eliminate material that is not necessary or useful in decisionmaking.

G. *Environmental Impact Statements* (Proposed § 216.7). This section has been revised to make clear that major A.I.D. actions having a significant effect on the environment of the United States are subject to NEPA and the CEQ Regulations. The definitions and requirements of the CEQ Regulations are applicable to such actions. Environmental Impact Statements prepared with respect to the environment of the United States must satisfy the requirements of the CEQ Regulations.

Environmental Impact Statements prepared with respect to significant effects on the global commons, or other aspects of the environment at the discretion of the A.I.D. Administrator, will generally follow the CEQ Regulations but will take into account the special developmental and foreign policy considerations and concerns of A.I.D. as is the case under the present procedures.

H. *Records and Reports* (Section 216.9). This section has been revised to eliminate the preparation, on a quarterly basis, of lists of Negative Determinations, Environmental Assessments and Environmental Impact Statements that have been prepared and the transmittal of such lists to CEQ. The lists will be kept current under the proposed revision; copies of such documents will be made available to Federal agencies and to the public upon request.

Accordingly, A.I.D. proposes to amend 22 CFR Part 216 as follows:

1. By revising §§ 216.1, 216.2 and 216.3(a) to read:

§ 216.1 *Introducing.*

(a) *Purpose*. In accordance with Sections 118(b) and 621 of the Foreign Assistance Act of 1961, as amended, (the FAA) the following general procedures shall be used by A.I.D. to ensure environmental factors and values are integrated into the A.I.D. decision-making process and to assign responsibility within the Agency for assessing the environmental effects of

A.I.D.'s actions. These procedures are consistent with Executive Order 12114 issued January 4, 1979 and further the purposes of the National Environmental Policy Act of 1970, as amended (42 U.S.C. § 4371 et seq.) (NEPA).

(b) *Environmental Policy*. In the conduct of its mandate to help upgrade the quality of life of the poor in developing countries, A.I.D. conducts a broad range of activities addressing such basic problems as hunger and malnutrition, overpopulation, disease, disaster, deterioration of the environment and natural resource base, illiteracy and lack of adequate housing and transportation. As authorized by the FAA, A.I.D. finances or directly furnishes both bilateral and multilateral development assistance through loan and grant programs of technical advisory services, research, training, construction and commodity support. In addition, AID conducts programs under the Agricultural Trade Development and Assistance Act of 1954 (PL-480) of furnishing agricultural commodities to developing countries. Assistance programs are carried out under the foreign policy guidance of the Secretary of State and in the context of the realities of the differing priorities of the developing countries. Within this framework, it is A.I.D. policy:

(1) To ensure that the environmental consequences of proposed A.I.D.-financed activities are identified and considered by A.I.D. and the host country prior to a final decision to proceed, and that appropriate environmental safeguards are adopted;

(2) Assist in strengthening the indigenous capabilities of developing countries to appreciate and effectively evaluate the potential environmental effects of proposed development strategies and projects, and to select, implement and manage effective environmental programs;

(3) To identify impacts resulting from A.I.D.'s actions upon the environment including those elements of the world biosphere which are the common natural and cultural heritage of mankind; and

(4) To define environmental constraints to development and to identify and carry out activities that assist in restoring the renewable resource base on which sustained development depends.

(c) *Definitions*—(1) *CEQ Regulations*. Regulations promulgated by the President's Council on Environmental Quality (CEQ) (Federal Register, Volume 43, Number 230, November 29, 1978) under the authority of NEPA and Executive Order 11514, entitled Protection and Enhancement of Environmental Quality (March 5, 1970)

as amended by Executive Order 11991 (May 24, 1977).

(2) *Initial Environmental Examination*. An Initial Environmental Examination is the initial examination of the reasonably foreseeable effects of a proposed action on the environment. Its function is to provide a brief statement of the factual basis for a Threshold Decision as to whether an Environmental Assessment or an Environmental Impact Statement will be required. Without weighing or comparing beneficial and adverse effects, if it appears that a proposed action will have a significant effect (significant harm to the physical or natural environment), the Threshold Decision will be positive (an Environmental Assessment or Environmental Impact Statement is required) even though on balance the proposed action is believed to be beneficial to the environment.

(3) *Threshold Decision*. A formal Agency decision which determines, based on an Initial Environmental Examination, whether a proposed Agency action is or is not a major action significantly affecting the environment. If it is such an action, a determination is made whether to do an Environmental Assessment or an Environmental Impact Statement based on the criteria set forth in section 216.7.

(4) *Environmental Assessment*. The Environmental Assessment is a concise evaluation of the reasonably foreseeable significant effects, both beneficial and adverse, of a proposed action on the environment of a foreign country or countries. It is intended to inform decision makers, in a full and fair way, of such significant effects and reasonable alternatives which would minimize such effects or enhance the quality of the environment. The Environmental Assessment is further described in § 216.6 of these procedures.

(5) *Environmental Impact Statement*. The Environmental Impact Statement is a detailed study of the reasonably foreseeable environmental impacts, both positive and negative, of a proposed A.I.D. action and its reasonable alternatives on the United States, the global environment or areas outside the jurisdiction of any nation as described in § 216.7 of these procedures. It is a specific document having a definite format and content, as provided in NEPA and the CEQ Regulations. The required form and content of an Environmental Impact Statement is further described in § 216.7 of these procedures.

(6) *Project Identification Document* (PID). An internal A.I.D. document which initially identifies and describes a proposed project. It is a short paper

presenting enough information on the project to demonstrate its relevance to Agency priorities and its practical potential.

(7) *Program Assistance Initial Proposal* (PAIP). An internal A.I.D. document used to initiate and identify proposed non-project commodity import programs. It is analogous to the Project Identification Document.

(8) *Project Paper* (PP). An internal A.I.D. document which provides a definitive description and appraisal of the project and particularly the plan of implementation. Project Papers form the basis for a final decision on whether or not to offer A.I.D. funding for a project.

(9) *Program Assistance Approval Document* (PAAD). An internal A.I.D. document approving non-project commodity import program assistance. It is analogous to the Project Paper.

(10) *Environment*. The term environment as used in these procedures with respect to effects occurring outside the United States includes the natural and physical environment.

(11) *Significant Effect*. With respect to effects on the environment outside the United States, a proposed action has a significant effect on the environment if it does significant harm to the environment even though on balance the action is believed to result in beneficial effect on the environment.

(12) *Minor Donor*. For purposes of these procedures, A.I.D. is a minor donor to a multidonor project when A.I.D. does not control the planning or design of the multidonor project and either (i) A.I.D.'s total contribution to the project is both less than \$1,000,000 and less than 25 percent of the estimated project cost, or (ii) A.I.D.'s total contribution is more than \$1,000,000 but less than 25 percent of the estimated project cost and the environmental procedures of the donor in control of the planning of design of the project are followed.

§ 216.2 *Applicability of Procedures.*

(a) *Scope*—Except as provided in § 216.2(b), these procedures apply to all new projects, programs or activities authorized or approved by A.I.D. and to amendments or extensions of ongoing projects, programs, or activities that substantially modify their scope.

(b) *Exemptions*—(1) *Actions*. Projects, programs or activities involving the following are exempt from these procedures:

- (i) International disaster assistance;
- (ii) Other emergency circumstances;
- (iii) Circumstances involving exceptional foreign policy sensitivities.

(2) *Procedures*—A formal written determination, including a statement of the justification therefor, is required for

each project, program or activity for which an exemption is made under paragraphs (b) (ii) and (iii). The determination shall be made by the Assistant Administrator having responsibility for the program, project or activity, or the determination shall be made by the Administrator for projects, programs or activities with regard to which authority to approve financing has been reserved by the Administrator. The determination shall be made after consultation with CEQ regarding the environmental consequences of the proposed program, project or activity.

(c) *Categorical Exclusions*—(1) *Criteria.* The following criteria have been applied in determining the classes of actions included in § 216.2(c)(2) for which an Initial Environmental Examination, Environmental Assessment and Environmental Impact Statement generally are not required:

(i) The action does not have an effect on the natural or physical environment;

(ii) The objective of A.I.D. in furnishing assistance does not require, either prior to approval of financing or prior to implementation of specific activities, knowledge of or control over the specific activities that have an effect on the physical and natural environment for which financing is provided by A.I.D.

(iii) Research activities which may have an effect on the physical and natural environment but will not have a significant effect as a result of limited scope, carefully controlled nature and effective monitoring.

(2) *Classes of Actions.* The following classes of actions generally are not subject to the procedures set forth in § 216.3 (i.e., and Initial Environmental Examination and Environmental Assessment or Environmental Impact Statement generally are not required):

(i) Education, technical assistance, or training programs except to the extent such programs include activities directly affecting the environment (such as construction of facilities, etc.);

(ii) Controlled experimentation exclusively for the purpose of research and field evaluation which are confined to small areas and carefully monitored;

(iii) Analyses, studies, academic or research workshops and meetings;

(iv) Projects in which A.I.D. is a minor donor to a multidonor project and there are no potential significant effects upon the environment of the United States, areas outside any nation's jurisdiction or endangered or threatened species or their critical habitat;

(v) Document and information transfers;

(vi) Contributions to international, regional or national organizations by the United States which are not for the purpose of carrying out a specifically identifiable project or projects;

(vii) U.S. institution building grants to research and educational institutions such as those provided for under Section 122(d) and Title XII of the FAA;

(viii) Programs involving nutrition, health care or population and family planning services except to the extent designed to include activities directly affecting the environment (such as construction of facilities, water supply systems, waste water treatment, etc.);

(ix) Assistance provided under a Commodity Import Program when the objective in furnishing such assistance requires neither knowledge of at the time the assistance is authorized, nor control during implementation over, the commodities or their use in the host country;

(x) Support for intermediate credit institutions when the objective is to assist in the capitalization of the institution or part thereof and does not involve reservation of the right to review and approve individual loans made by the institution;

(xi) Programs of maternal or child feeding conducted under Title II of P.L. 480;

(xii) Food for development programs conducted by the food recipient countries under Title III of P.L. 480 when achieving A.I.D.'s objectives in such programs does not require knowledge of or control over the details of the specific activities conducted by the foreign country under such program;

(xiii) Matching, general support and institutional support grants provided to private voluntary organizations (PVOs) to assist in financing programs with respect to which the objective of A.I.D. in providing such financing does not require knowledge of, or control over, the specific activities conducted by the PVO;

(xiv) Planning studies, projects or programs, including natural resource identification by remote sensing or otherwise, and projects intended to develop the capability of recipient countries to engage in such planning except to the extent designed to result in activities directly affecting the environment (such as construction of facilities, etc.); and

(xv) Classes of action for which criteria or standards are developed and approved by A.I.D. for the design of activities which shall be applied in the design of such activities and will avoid a significant effect on the environment.

(3) *Procedure; extraordinary circumstances.* The originator of a project, program or activity shall determine the extent to which the project, program or activity is within the classes of actions described in subparagraph (c)(2) of this section. This determination shall be made in writing prior to, in, or with submission of the

PID, PAIP or comparable document and shall be reviewed by the Bureau Environmental Officer in the same manner as a Threshold Decision under section 216.3(a)(2) of these procedures. Notwithstanding subparagraph (c)(2) of this section, the procedures set forth in § 216.3 shall apply to any project, program or activity included in the classes of actions listed in subparagraph (c)(2), or any aspect or component thereof, if at any time in the design, review or approval of the activity it appears that the project, program activity, or aspect or component thereof, is subject to the control of A.I.D. and may have a significant effect on the environment.

(d) *Classes of Actions Normally Having a Significant Effect on the Environment.* The following classes of actions have been determined generally to have a significant effect on the environment and an Environmental Assessment or Environmental Impact Statement, as appropriate, normally will be required:

(i) Programs of river basin development;

(ii) Irrigation or water management projects, including dams and impoundments;

(iii) Agricultural land leveling;

(iv) Drainage projects;

(v) Large scale agricultural mechanization;

(vi) New lands development;

(vii) Resettlement projects;

(viii) Penetration road building or improvement projects;

(ix) Power plants;

(x) Industrial plants;

(xi) Potable water and sewerage projects other than those that are small-scale.

(3) *Extraordinary Circumstances.* An Initial Environmental Examination normally will not be required for activities within the classes described in Section 216.2(d). If, however, the originator of the project believes that the project will not have a significant effect on the environment, the activity may be subjected to the procedures set forth in Section 216.3.

(e) *Pesticides.* The exemptions of section 216.2(b)(1) and the categorical exclusions of section 216.2(c)(2) are not applicable to assistance for the procurement or use of pesticides.

§ 216.3 Procedures.

(a) *General Procedures*—(1) *Preparation of the Initial Environmental Examination.* Except as provided therein, an Initial Environmental Examination is not required for activities and actions identified in § 216.2(b)(1), (c)(2), and (d). For all other actions, an Initial Environmental Examination will be prepared by the

originator of an action at the earliest possible time. Except as indicated in this section, it should be prepared no later than concurrently with the PID or PAIP. For projects including the procurement or use, or both, of pesticides, the procedures set forth in § 216.3(b) will be followed in addition to the procedures in this paragraph (a). If some of the activities to be conducted under the action are not identified in sufficient detail to permit the completion of an Initial Environmental Examination at the PID or PAIP stage, the PID or PAIP will include (i) an explanation indicating why the Initial Environmental Examination cannot be completed; (ii) an estimate of the amount of time required to complete the Initial Environmental Examination; and (iii) a recommendation that a Threshold Decision be deferred until the Initial Environmental Examination is completed. The responsible Assistant Administrator will act on the request for deferral concurrently with action on the PID or PAIP and will designate a time for completion of the Initial Environmental Examination. In all instances, except as provided in § 216.3(a)(7), this completion date will be in sufficient time to allow for the completion of an Environmental Assessment or Environmental Impact Statement, if required, before a final decision is made to provide A.I.D. funding for the action.

(2) *Threshold Decision.* The Initial Environmental Examination will be accompanied by a Threshold Decision made by the officer who signs the PID or PAIP on behalf of the originating office. If the Initial Environmental Examination is completed prior to or at the same time as the PID or PAIP, the Threshold Decision will be reviewed by the Bureau Environmental Officer concurrently with approval of the PID or PAIP. The Bureau Environmental Officer may concur in the Threshold Decision or request reconsideration by the officer who made the Threshold Decision, stating the reasons for the request. Differences of opinion between these officers shall be submitted for resolution to the Assistant Administrator having responsibility for the action when the PID is submitted to the Assistant Administrator for approval. When an Initial Environmental Examination is completed subsequent to approval of the PID or PAIP pursuant to § 216.3(a)(1) above, the Initial Environmental Examination and Threshold Decision will be immediately forwarded to the Bureau Environmental Officer for action as described above. A Negative Threshold Decision shall be made if it is determined based on an Initial Environmental Examination that the

proposed action is not a major action that will have a significant effect on the environment and therefore an Environmental Assessment or an Environmental Impact Statement will not be required. The cognizant Bureau or Office will record this decision, and such record will constitute a Negative Determination. A Positive Threshold Decision shall be made if it is determined based on an Initial Environmental Examination that the proposed action is a major action that will have a significant effect on the environment in which case an Environmental Impact Statement shall be prepared if required pursuant to Section 216.7 or an Environmental Assessment will be prepared in accordance with Section 216.6.

(3) *Negative Declaration.* Notwithstanding the foregoing, the Assistant Administrator having responsibility for the proposed action, or the Administrator in actions for which the approval of the Administrator is required for the authorization of financing, may make a Negative Declaration that the Agency will not develop an Environmental Assessment or an Environmental Impact Statement for an action which the Agency has identified as normally requiring an Environmental Assessment or Environmental Impact Statement. Such a Negative Declaration must be in writing and may be based upon (i) the fact that a substantial number of Environmental Assessments or Environmental Impact Statements relating to similar activities have been prepared in the past, (ii) the fact that the Agency has previously prepared a programmatic Statement or Assessment covering the activity in question which has been considered in the development of such activity, or (iii) the Agency has developed design criteria for such an action which, if applied in the design of the action, will avoid a significant effect on the environment.

(4) *Scoping. (a) Procedure and Content.* As soon as practicable after a Positive Threshold Decision has been made, or a determination is made under the pesticide procedures set forth in Section 216.3(b) that an Environmental Assessment or Environmental Impact Statement is required, the originator of the action shall commence the process of identifying the significant issues relating to the proposed action and of determining the scope of the issues to be addressed in the Environmental Assessment, Environmental Impact Statement or otherwise the design of a proposed activity. The originator of an action within the classes of actions described in Section 216.2(d) shall

commence this scoping process as soon as practicable. Persons having expertise relevant to the environmental aspects of the proposed action shall also participate in this scoping process. (Participants may include but are not limited to representatives of host governments, public and private institutions, the A.I.D. Mission staff and contractors.) This process shall result in a written statement which shall include the following matters and be reviewed and approved by the Bureau Environmental Officer:

(i) A determination of the scope and significance of issues to be analyzed in depth, including direct and indirect effects;

(ii) Identification and elimination from detailed study of the issues that are not significant or have been covered by earlier environmental review, narrowing the discussion of these issues to a brief presentation of why they will not have a significant effect on the environment;

(iii) A description of the timing of the preparation of environmental analysis and the tentative planning and decision-making schedule for the action; and

(iv) A description of the means by which the analysis will be conducted and the disciplines that will participate in the analysis.

(b) *Circulation of Scoping Statement.* The Bureau Environmental Officer may circulate copies of the written scoping statement, together with a request for written comments within thirty days, to selected federal agencies when, in the judgment of that Officer, comments by such federal agencies will be useful in the preparation of an Environmental Assessment. Comments received on environmental aspects from reviewing federal agencies will be forwarded to the originating project office for consideration in the preparation of the Environmental Assessment and in the formulation of the design and implementation of the project, and will, together with the scoping statement, form part of the project file when the project comes forward in the Project Paper stage for final approval.

(c) *Change in Threshold Decision.* If, in the course of the scoping process, it becomes evident that the action, will not have a significant effect on the environment (i.e., will not cause significant harm to the environment), the originator may request the officer who made the Positive Threshold Decision to change the decision to a Negative Determination, provided that the concurrence of the Bureau Environmental Officer is obtained. In the case of an action included in § 216.2(d)(2), the request shall be made to the Bureau Environmental Officer. The scoping process may be continued if

necessary in order to provide guidance regarding the manner in which any remaining environmental issues (that are not significant) will be addressed in the detailed design of the action.

(5) *Preparation of Environmental Assessments and Environmental Impact Statements.* If the PID or PAIP is approved, and the Threshold Decision is positive, or the action is included in § 216.2(d), the originator of the action will prepare, based on the results of the scoping process and prior to or concurrently with the Project Paper or Program Assistance Approval Document, an Environmental Assessment or draft Environmental Impact Statement as required. Draft Environmental Impact Statements will be circulated for review and comment as part of the review of Project Papers and as outlined further in § 216.7 of these procedures. Except as provided for in § 216.3(a)(7), final approval of the Project Paper or Program Assistance Approval Document and the method of implementation will include consideration of the Environmental Assessment or final Environmental Impact Statement, as well as other required (non-environmental) analyses.

(6) *Processing and Review Within A.I.D.* Initial Environmental Examinations, Environmental Assessments and final Environmental Impact Statements will be processed within A.I.D. in accordance with the normal A.I.D. procedures for other documents. These procedures generally call for participation in the review process by technical, legal and country specialists. Except as provided in § 216.3(a)(7), Environmental Assessments and final Environmental Impact Statements will be reviewed as an integral part of the Project Paper or equivalent. In addition to these normal procedures, Environmental Assessments will be reviewed by the appointed Bureau Environmental Officer and, periodically, by the Environmental Coordinator who will monitor the Environmental Assessment process. With respect to actions for which approval authority is delegated to field posts, Environmental Assessments prepared in connection with such actions shall be reviewed by the Bureau Environmental Officer prior to the approval of such actions. Draft and final Environmental Impact Statements will be reviewed by the Environmental Coordinator and the Office of the General Counsel.

(7) *Environmental Review After Authorization of Financing.* There are instances in which final decisionmaking regarding the content of a project, program or activity is not completed

prior to the time it is approved for financing. For example, there are projects involving subprojects that cannot be identified and planned before the project is authorized; there are other projects in which the sites where activities will be conducted (such as roads, wells or schools built) cannot be identified before the implementation stage of the project. Environmental review of unidentified subprojects, or of aspects of projects that are unidentified, is not entirely effective. In such cases environmental review may be made after financing is authorized.

The standard to be applied in these projects, programs or activities is that environmental review should occur at the earliest time in design or implementation at which a meaningful review can be undertaken (not later than when previously unidentified subprojects are identified and planned or sites selected) and A.I.D. should not make an irreversible commitment of resources to an aspect of a project, program or activity until environmental review is completed for that aspect. An irreversible commitment of resources can be avoided in a variety of ways depending on the kind of project, the manner in which it will be financed, the parties participating, and the approval rights reserved by A.I.D. The obligation of funds can be made incrementally as subprojects or aspects of projects are identified and planned including environmental review; conditions precedent to disbursement for subprojects or aspects of projects or other appropriate covenants in project agreements also may be utilized.

Since there are a number of effective alternatives that may be used to avoid an irreversible commitment of funds before environmental review is completed and environmental review is only one feature of many to be considered in selecting an alternative, no effort is made here to require use of any particular method other than to state the following order of preference: Whenever adequate information is available, environmental review will be completed for an entire action before financing is authorized by the approval of a Project Paper in the manner described in § 216.3(a)(1)-(6). If, at that time, there are unidentified subprojects or aspects of projects, environmental review will be completed prior to project authorization to the extent adequate information is available and environmental review will be deferred only with respect to subprojects or significant aspects of the project that are unidentified at the time of authorization. An effort will be made to obtain adequate information to undertake environmental review of the deferred

aspects of the action before funds are obligated for such aspects of the action. (Funds may be obligated for the other aspects for which environmental review has been completed.) If it is not possible to obtain adequate information regarding aspects of projects for which environmental review has been deferred, before funds are obligated for such aspects of the project, the project agreement or other agreement through which such funds are obligated should contain conditions precedent to disbursement for such aspects of the project. The conditions precedent should require environmental review to be completed and taken into account in planning the implementation of previously unidentified aspects prior to the time funds may be disbursed for such aspects by A.I.D. under the agreement. If it is not possible to obtain adequate information regarding the aspects of projects for which environmental review has been deferred prior to the time funds must be disbursed for such aspects of the project (because for example, of long lead times for the delivery of goods or services), the project agreement or other agreement obligating funds must contain a covenant or covenants requiring environmental review, including an Environmental Assessment or Environmental Impact Statement when appropriate, to be completed and taken into account prior to the time such aspects of the project are implemented ensuring that implementation plans may be modified in accordance with the environmental review.

In such cases the Initial Environmental Examination and Threshold Decision required under § 216.3(a) (1) and (2) will identify those aspects of the action for which environmental review will be completed prior to the time financing is authorized by approval of the Project Paper and those aspects for which environmental review will be deferred; the reasons for deferral; the time when environmental review (an Initial Environmental Examination and an Environmental Assessment or Environmental Impact Statement if appropriate) will be completed; the manner in which an irreversible commitment of funds will be avoided to ensure that environmental review, including a study of alternatives and mitigating factors when necessary, will be completed at a time when modification effectively may be made in the implementation of the action; and the AID officer who will be responsible for making environmental decisions for the action (the same officer who has decisionmaking authority for the other aspects of implementation of the action). This deferral shall be reviewed and

approved by the officer making the Threshold Decision and shall be reviewed and approved by the officer who authorizes funding of the action by approval of the Project Paper after consultation with the Office of General Counsel for the purpose of establishing the manner in which conditions precedent to disbursement or covenants in project and other agreements will avoid an irreversible commitment of resources before environmental review is completed.

(8) *Monitoring.* To the extent feasible and relevant, projects and programs for which Environmental Impact Statements or Environmental Assessments have been prepared should be designed to include measurement of any changes in environmental quality, positive or negative, during their implementation. This will require recording of baseline data at the start. To the extent that available data permit, originating offices of A.I.D. will formulate systems in collaboration with recipient nations, to monitor such impacts during the life of A.I.D.'s involvement.

(9) *Revisions.* If, after a Threshold Decision is made resulting in a Negative Determination, a project is revised or new information becomes available which indicates that a proposed action might be "major" and its effects "significant", the Negative Determination will be reviewed and revised by the cognizant Bureau and an Environmental Assessment or Environmental Impact Statement will be prepared, if appropriate. Environmental Assessments and Environmental Impact Statements will be amended and processed appropriately if there are major changes in the project or program, or when significant new information becomes available. When on-going programs are revised to incorporate a change in scope or nature, a determination will be made as to whether such change may have an environmental impact not previously assessed. If so, the procedures outlined above will be followed.

(10) *Other Approval Documents.* These procedures identify certain A.I.D. documents such as PIDS, PAIPs, Project Papers and Program Assistance Approval Documents as the AID internal instruments for approval of projects, programs or activities. From time to time, certain special procedures, such as those in section 216.4, may not require the use of the aforementioned documents. In these situations, these procedures shall apply to those special approval procedures, unless otherwise exempt, at approval times and levels comparable to projects, programs and activities in which the aforementioned documents are used.

2. By revising § 216.3(b)(1)(iii)(a) to read:

- (b) . . .
- (1) . . .
- (iii) . . .

(a) Any pesticide other than one registered for the same or similar uses by USEPA without restriction or for restricted use on the basis of user hazard; or

3. By deleting §§ 216.4, 216.5 and 216.6, renumbering § 216.7 as § 216.8 and adding new §§ 216.4, 216.5, 216.6 and 216.7 which read:

§ 216.4 Private applicants.

Programs, projects or activities for which financing from A.I.D. is sought by private applicants, such as PVOs and educational and research institutions, are subject to these procedures. Except as provided in Sections 216.2 (b), (c) or (d), preliminary proposals for financing submitted by private applicants shall be accompanied by an Initial Environmental Examination or adequate information to permit preparation of an Initial Environmental Examination. The Threshold Decision shall be made by the Mission Director for the country to which the proposal relates, if the preliminary proposal is submitted to the A.I.D. Mission, or shall be made by the other officer in A.I.D. who approves the preliminary proposal. In either case, the concurrence of the Bureau Environmental Officer is required in the same manner as in Section 216.3(a)(2), except for PVO projects with total life of project cost less than \$500,000 for which A.I.D. Mission Directors have project approval authority. Thereafter, the same procedures set forth in Section 216.3, including as appropriate scoping and Environmental Assessments or Environmental Impact Statements, shall be applicable to programs, projects or activities submitted by private applicants. The final proposal submitted for financing shall be treated, for purposes of these procedures, as a Project Paper. The Bureau Environmental Officer shall advise private applicants of studies or other information foreseeably required for action by A.I.D.

§ 216.5 Endangered species.

(a) *Policy.*—It is A.I.D. policy to conduct its assistance program in a manner that is sensitive to the protection of endangered or threatened species and their critical habitat. Toward this end, A.I.D. will endeavor to obtain from the Fish and Wildlife Service of the Department of the Interior (FWS) detailed information regarding endangered or threatened species, and their critical habitat, for each foreign country in which A.I.D. conducts a

foreign assistance program. This information will be provided to the A.I.D. post in the country. In addition, A.I.D. will request each country in which A.I.D. programs are conducted to furnish a list of species the country considers to be endangered or threatened and their critical habitat.

(b) *Procedure.*—The Initial Environmental Examination for each project, program or activity having an effect on the environment shall specifically determine whether the project, program or activity will have an effect on an endangered or threatened species, or critical habitat, as indicated by the information provided by FWS for the country and the list provided by the recipient country. If the proposed project, program or activity will have the effect of jeopardizing the endangered or threatened species or of adversely modifying its critical habitat, the Threshold Decision shall be a Positive Determination and an Environmental Assessment or Environmental Impact Statement completed as appropriate, which shall discuss alternatives or modifications to avoid such impact on the species or its habitat.

§ 216.6 Environmental assessments.

(a) *General Purpose.*—The purpose of the Environmental Assessment is to provide Agency and host country decisionmakers with a full and fair discussion of significant environmental effects of a proposed action and of the reasonable alternatives which would avoid or minimize adverse effects or enhance the quality of the environment so that the expected benefits of development objectives can be weighed against any adverse short- or long-term impacts upon the human environment or any irreversible or irretrievable commitment of resources.

(b) *Collaboration with Affected Nation on Preparation.*—Collaboration in obtaining data, conducting analyses and considering alternatives will help build an awareness of development-associated environmental problems in less developed countries as well as assist in building an indigenous institutional capability to deal nationally with such problems. Missions, Bureaus and Offices will collaborate with affected countries to the maximum extent possible, in the development of any Environmental Assessments required and obtain agreement of the affected countries to participate in the preparation of any required Environmental Assessment and to consider environmental consequences as set forth therein.

(c) *Content and Form.*—The Environmental Assessment shall be prepared in accordance with the scope

decided upon in the scoping process. It shall be analytic, rather than encyclopedic, and shall be concise, clear and to the point. Impacts shall be discussed in proportion to their significance. Environmental Assessments shall be written in plain language and may use appropriate graphics so that decisionmakers can readily understand them. The depth of information and data gathered for Environmental Assessments should be similar to that for economic, technical and other analyses required by A.I.D. Material may be incorporated by reference when the effect will be to reduce bulk without impeding review. The Environmental Assessment shall be based upon the scoping statement and generally will include the following format, unless the Environmental Assessment is included in the text of a Project Paper in which case paragraphs (1) and (2) may be omitted:

(1) *Summary.* A summary will be made which adequately and accurately summarizes the Environmental Assessment. The summary shall stress the major conclusions, areas of controversy, if any, and the issues to be resolved.

(2) *Purpose and Need.* The Environmental Assessment shall briefly specify the underlying purpose and need to which the Agency is responding in proposing the alternatives including the proposed action.

(3) *Alternatives Including the Proposed Action.* This section should present the environmental impacts of the proposal and its alternatives in comparative form thereby sharpening the issues and providing a clear basis for choice among options by the decisionmaker. This section should rigorously explore and objectively evaluate all reasonable alternatives and briefly discuss the reasons for eliminating those alternatives which were not included in the detailed study; devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits; include the alternative of no action; identify the Agency's preferred alternative or alternatives, if one or more exists; include appropriate mitigation measures not already included in the proposed action or alternatives.

(4) *Affected Environment.* The Environmental Assessment shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The descriptions shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in the Environmental Assessment shall be commensurate with the significance of

the impact with less important material summarized, consolidated or simply referenced. Useless bulk in Environmental Assessments should be avoided, and effort should be concentrated on important issues.

(5) *Environmental Consequences.* This section forms the analytic basis for the comparisons under (3) above. It will include the environmental impacts of the alternatives including the proposed action; any adverse effects that cannot be avoided should the proposed action be implemented; the relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity; and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. It should not duplicate discussions in paragraph (3) above. This section of the Environmental assessment should include discussions of direct effects and their significance; indirect effects and their significance; possible conflicts between the proposed action and land use plans, policies and controls for the areas concerned; energy requirements and conservation potential of various alternatives and mitigation measures; natural or depletable resource requirements and conservation potential of various requirements and mitigation measures; urban quality; historic and cultural resources and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures; and means to mitigate adverse environmental impacts.

(6) *List of Preparers.* The Environmental Assessment shall list the names and qualifications (expertise, experience, professional discipline) of the persons primarily responsible for preparing the Environmental Assessment or significant background papers including the basic components of the Environmental Assessment. Where possible the persons who are responsible for a particular analysis shall be identified.

(7) *Appendix.* An Appendix may be prepared, and may include material prepared in connection with an Environmental Assessment (as distinct from material which is not so prepared and which is incorporated by reference); material substantiating any analysis fundamental to the Environmental Assessment; and material that is analytic and relevant to the decision to be made.

(d) *Program Assessments.* Broad program Assessments may be required in order to assess the environmental effects of a number of individual actions and their cumulative environmental impact in a given country or geographic area, or the environmental impacts that

are generic or common to a class of agency actions, or other activities which are not country-specific. In these cases, a single, programmatic Assessment will be prepared in A.I.D./Washington and circulated to appropriate overseas Missions, host governments, and to interested parties within the United States. To the extent practicable, the form and content of the programmatic Environmental Assessment will be the same as for project Assessments. Subsequent Environmental Assessments on major individual actions will be necessary where such follow-on or subsequent activities may have significant environmental impacts on specific countries where such impacts have not been adequately evaluated in the programmatic Environmental Assessment.

In addition, the Environmental Coordinator may recommend that the Agency conduct other programmatic evaluations of classes of actions in an effort to establish additional categorical exclusions or design standards or criteria for such classes that will eliminate or minimize adverse effects of such actions, enhance the environmental effect of such action or reduce the amount of paperwork or time involved in these procedures. The format for such evaluations will depend upon the circumstances and purpose of each such evaluation.

(e) *Effect in Other Countries.* In a situation where an analysis indicates that potential effects may extend beyond the national boundaries of a recipient country and adjacent foreign nations may be affected, A.I.D. will urge the recipient country to consult with its neighbor(s) in advance of project approval and to negotiate mutually acceptable accommodations.

(f) *Classified Material.* Environmental Assessments will not normally include material classified or administratively controlled. However, there may be situations where environmental aspects cannot be adequately discussed without the inclusion of such material. The handling and disclosure of classified or administratively controlled material shall be governed by 22 CFR Part 9. Those portions of an Environmental Assessment which are not classified or administratively controlled will be made available to persons outside the Agency as provided for in 22 CFR Part 212.

§ 216.7 Environmental impact statements.

(a) *Applicability.*—Environmental Impact Statements will be prepared when major agency actions significantly affect:

(1) The global environment or areas outside the jurisdiction of any nation (e.g., the oceans);

(2) The environment of the United States; or

(3) As a matter of policy, other aspects of the environment at the discretion of the Administrator.

(b) *Effects on the United States: Content and Form.*—An Environmental Impact Statement relating to subparagraph (a)(2) shall comply with the CEQ Regulations. With respect to effects on the United States, the terms environment and significant effect wherever used in these procedures have the same meaning as in the CEQ Regulations rather than as defined in Section 216.1(c)(12) and (13) of these procedures.

(c) *Other Effects: Content and Form.*—An Environmental Impact Statement relating to subparagraphs (a)(1) and (a)(3) will generally follow the CEQ Regulations, but will take into account the special considerations and concerns of A.I.D. Circulation of such an Environmental Impact Statement in draft form will precede approval of a Project Paper or equivalent and comments from such circulation will be considered before final project authorization as outlined in § 216.3 of these procedures. The draft Environmental Impact Statement will also be circulated by the Missions to affected foreign governments for information and comment. Draft Environmental Impact Statements generally will be made available for comment to Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved, and to public and private organizations and individuals for not less than forty-five (45) days. Notice of the draft Environmental Impact Statements availability will be published in the Federal Register. Cognizant Bureaus and Offices will submit these drafts for circulation through the Environmental Coordinator who will have the responsibility for coordinating all such communications with persons outside A.I.D. Any comments received by the Environmental Coordinator will be forwarded to the originating Bureau or Office for consideration in final policy decisions and the preparation of a final Environmental Impact Statement. All such comments will be attached to the final Statement, and those responsible comments not adequately discussed in the draft Environmental Impact Statement will be appropriately dealt with in the final Environmental Impact Statement. Copies of the final Environmental Impact Statement, with

comments attached, will be sent by the Environmental Coordinator to CEQ and to all other Federal, state, and local agencies and private organizations that made substantive comments on the draft, including affected foreign governments. Where emergency circumstances or considerations of foreign policy make it necessary to take an action without observing the provisions of Section 1506.10 of the CEQ Regulations, or when there are overriding considerations of expense to the United States or foreign governments, the originating Office will advise the Environmental Coordinator who will consult with Department of State and CEQ concerning appropriate modification of review procedures.

3. By deleting § 216.8 and adding new § 216.9 and 216.10 which read:

§ 216.9 Bilateral and multilateral studies and concise reviews of environmental issues.

Notwithstanding anything to the contrary in these procedures, the Administrator may approve the use of either of the following documents as a substitute for an Environmental Assessment (but not a substitute for an Environmental Impact Statement) required under these procedures:

(a) bilateral or multilateral environmental studies, relevant or related to the proposed action, prepared by the United States and one or more foreign countries or by an international body or organization in which the United States is a member or participant; or

(b) concise reviews of the environmental issues involved including summary environmental analyses or other appropriate documents.

§ 216.10 Records and reports.

Each Agency Bureau will maintain a current list of activities for which Environmental Assessments and Environmental Impact Statements are being prepared and for which Negative Determinations and Declarations have been made. Copies of final Initial Environmental Examinations, Assessments and Impact Statements will be available to interested Federal agencies upon request. The cognizant Bureau will maintain a permanent file (which may be part of its normal project files) of Environmental Impact Statements, Environmental Assessments, Determinations and Declarations which will be available to the public under the Freedom of Information Act. Interested persons can obtain information or status reports regarding Environmental Assessment and Environmental Impact Statements

through the A.I.D. Environmental Coordinator.

Dated September 20, 1979.

Robert H. Nooter,
Acting Administrator.

(FR Doc. 79-30294 Filed 9-28-79; 8:45 am)

BILLING CODE 4710-02-M

NATIONAL SCIENCE FOUNDATION

41 CFR Ch. 25

45 CFR Ch. VI

Improving Government Regulations; Semiannual Regulations Agenda

AGENCY: National Science Foundation.

ACTION: Publication of semiannual regulations agenda.

SUMMARY: The National Science Foundation publishes its semiannual agenda of significant regulations under development or review as required by Executive Order 12044, Improving Government Regulations (43 FR 12661, March 24, 1978).

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Arthur J. Kusinski, Office of the General Counsel, National Science Foundation, Washington, D.C. 20550, (202) 632-4396.

A. Status of Regulations Previously Listed

1. Grants Policy Manual (NSF 77-47)

This document sets forth the basic policies and procedures in the award and administration of all Foundation grants. The manual is revised periodically as policies and procedures change. As such, the manual is undergoing continuous review. An updated edition of the manual is expected to be issued this fall. No significant changes in the manual have been made since the last agenda was published.

Legal basis for issuances: Section 11 of the National Science Foundation Act of 1950, as amended, (42 U.S.C. 1870) [hereinafter referred to as the NSF Act].

Name of agency official: Francis G. Naughten, Division of Grants & Contracts, (202) 632-4148.

Regulatory analysis: None required.

2. Conflict-of-Interest Regulations (45 CFR Part 600)

These regulations govern the conduct of NSF employees and officers and

special Government employees. Although these regulations have been carefully reviewed since publication of the last agenda, no amendments have yet been formulated. Proposed amendments may be published within the next six months.

Legal basis for issuance: Section 11 of the NSF Act; Executive Order 11225; 5 CFR Part 735.

Name of agency official: Harriet E. Tucker, Esq., Office of the General Counsel, (202) 634-4257.

Regulatory analysis: None required.

3. Amendment to 45 CFR Part 600. "Exemption of Certain Financial Interests"

On November 29, 1978, the Foundation published for comment proposed amendments to regulations which would exempt certain financial interests of National Science Board Members from the prohibitions of 18 U.S.C. 208(a). No comments were received during (or after) the 60-day comment period. The proposed amendments were published in final form on April 3, 1979.

Legal basis for issuance: Section 11 of the NSF Act; 18 U.S.C. 208(b).

Name of agency official: Harriet E. Tucker, Esq., Office of the General Counsel, (202) 634-4257.

Regulatory analysis: None required.

4. Age Discrimination Regulations (45 CFR Proposed Part 605)

These regulations, which will prohibit discrimination on the basis of age in all Foundation-assisted programs, are being developed in coordination with the Department of Health, Education, and Welfare. HEW regulations were published on June 12, 1979; the NSF regulations are expected to be published in early October 1979.

Legal basis for issuance: Section 11 of the NSF Act; The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

Name of agency official: Jesse E. Lasken, Esq., Office of the General Counsel, (202) 632-4393.

Regulatory analysis: None required.

5. Handicapped Regulations (45 CFR Proposed Part 615)

These regulations, which will prohibit discrimination on the basis of physical handicap in all Foundation-assisted programs, were published for comment in the April 19, 1978 Federal Register. Draft final regulations were sent to HEW for review, as required by EO 11914. Efforts are now being made to construct a final regulation that will satisfy both HEW and NSF. Final publication is expected within the next six months.

Legal basis for issuance: Section 11 of the NSF Act; Section 504 of the

Rehabilitation Act of 1973 (29 U.S.C. 794).

Name of agency official: Jesse E. Lasken, Esq., Office of the General Counsel, (202) 632-4393.

Regulatory analysis: None required.

6. Availability of Records and Information (45 CFR Part 612)

These regulations are issued pursuant to the Freedom of Information Act. The Foundation will be consolidating these regulations with various implementing memoranda and NSF bulletins issued since publication of the regulations. This consolidation is expected within the next six months, but no proposed regulations are yet ready for public comment.

Name of agency official: Arthur J. Kusinski, Esq., Office of the General Counsel, (202) 632-4396.

Regulatory analysis: None required.

7. Fellowship Regulations (45 CFR Parts 610 and 630)

These regulations were published in 1964 and have never been used. They established procedures and criteria for resolving questions involving moral character or loyalty of applicants for and holders of NSF fellowships. The Foundation has considered whether they are necessary. Because they do contain important procedural rights for individuals, it has been decided to retain the regulations although it is anticipated they will rarely be used.

Name of agency official: Arthur J. Kusinski, Esq., Office of the General Counsel, (202) 632-4396.

Regulatory analysis: None required.

B. Significant Existing Regulations Under Review

National Environmental Policy Act Regulations (45 CFR Part 640)

These regulations established the policies and procedures of the Foundation in implementing the National Environment Policy Act of 1969. Because these regulations are somewhat outdated and because the Council on Environmental Quality has recently published new implementing regulations applying to all Federal agencies (40 CFR Parts 1500-1508), the Foundation has proposed regulations to replace the current NSF regulations. The proposed regulations were published for comment on August 9, 1979 (44 FR 46901). Comments were requested on or before October 9, 1979.

Name of agency official: Adair F. Montgomery, AD/AAEO, (202) 632-7360.

Regulatory analysis: None required.

C. Significant New Regulations Under Development

1. Conservation of Antarctic Animals and Plants (45 CFR Part 670)

Since the publication of the last agenda, the Antarctic Conservation Act of 1979 (Pub. L. 95-541) authorized and directed the Foundation to issue regulations to conserve and to protect animals and plants native to Antarctica. On March 6, 1979, proposed regulations to implement the Act were published in the Federal Register. Following a 60-day public comment period, final regulations were published on June 7, 1979. Because passage of the law could not be anticipated, the proposed and final regulations were not listed in the last agenda.

2. Regulations Designating Pollutants Harmful to Antarctica Environment

NSF intends to publish regulations to designate as a pollutant any substance which the Director finds liable, if the substance is introduced into Antarctica, to create hazards to human health, to harm living resources or marine life, to damage amenities, or to interfere with other legitimate uses of Antarctica. No schedule for publication is available at the present time.

Legal basis for issuance: Section 11 of the NSF Act; the Antarctic Conservation Act of 1978 (Pub. L. 95-951).

3. Regulations To Require Actions To Prevent or Control the Discharge of Pollutants From Any Source Within Antarctica

NSF also intends to publish regulations to specify those actions which must, and those which must not, be taken to prevent or control the discharge or other disposal of pollutants from any source within Antarctica. No schedule for publication of this regulation is available at the present time.

Legal basis for issuance: Section 11 of the NSF Act; Antarctica Conservation Act of 1978 (Pub. L. 95-951).

Name of agency official: Edward P. Todd, Office of Polar Programs, (202) 632-4024.

4. Office of Small and Disadvantaged Business Utilization Regulations

The Foundation is contemplating issuing regulations pertaining to the establishment of an office to meet the requirements of section 15 of the Small Business Act as amended by section 221 of Pub. L. 95-507. Section 15 as amended requires each agency to establish an office to be known as the "Office of Small and Disadvantaged Business Utilization." No final decision on issuance of any regulations has yet to be made, however.

Legal basis for issuance: Section 11 of NSF Act.

Name of agency contact: For information only—Mr. Theodore W. Wirths, Office of Small Business Research and Development, (202) 634-4017.

Regulatory analysis: None required.

D. Significant Existing Regulations Scheduled for Review Within the Next Six Months

1. Grants Policy Manual

See item A.1.

2. Conflict-of-Interest Regulations (45 CFR Part 600)

See item A.2.

3. Availability of Records and Information (45 CFR Part 612)

See item A.6.

4. Procurement Regulations (41 CFR Part 25)

The Foundation's procurement regulations will be reviewed within the next six months for the purpose of implementing the new Federal Acquisition Regulations which replace the existing Federal procurement regulations.

Legal basis for issuance: Section 11 of the NSF Act.

Name of agency official: William S. Kirby, Division of Grants and Contracts, (202) 632-4148.

Regulatory analysis: None required.

September 21, 1979.

George C. Pimentel,

Acting Director.

[FR Doc. 79-29943 Filed 9-28-79; 8:45 am]

BILLING CODE 7555-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

45 CFR Part 234 and 236

Financial Assistance Programs; Financial Assistance Payment Process Under Title IV-A of the Social Security Act; Decision to Develop Regulations

AGENCY: Social Security Administration, HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The Department of Health, Education, and Welfare will propose to develop rules States must meet in their financial assistance payment process in order to receive Federal matching funds in the aid to Families with Dependent Children Program (AFDC). Material currently in Part IV-5000 of the Handbook of Public Assistance

Administration, as well as regulations in 45 CFR 234.120, will be revised and transferred to the new regulations. These proposed regulations will add a new Part 236.

The proposed regulation will define "financial assistance payments" and list the types of assistance payments for which Federal matching funds are available. They will provide requirements that States must meet in the payment process, e.g., for making sure that the correct person is named as payee, for determining the correct payment, and for determining the method for making the payment. The regulations will also provide other requirements having to do with making payments, such as how to handle incorrect payments that are excluded from the AFDC quality control system.

The Department has classified the proposed regulations as policy significant.

FOR FURTHER INFORMATION CONTACT: Mr. C. George LeBoff, 330 C Street, S.W., Washington, D.C. 20201, Telephone (202) 245-0500.

Dated: September 4, 1979.

Stanford G. Ross,

Commissioner of Social Security.

[FR Doc. 79-30346 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-07-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Ch. XI

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: National Foundation on the Arts and the Humanities.

ACTION: Publication of the Semiannual Agenda of Regulations (Improving Government Regulations).

SUMMARY: The President's Executive Order on Improving Government Regulations, Executive Order 12044, requires each Federal agency to publish at least twice a year a list of significant regulations under development. The Foundation plans to publish its semiannual agenda on the first Monday in October and the first Monday in April.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Wade, General Counsel, National Endowment for the Arts, 2401 E Street, NW, Washington, DC 20506, 202-634-6588 or Mr. Joseph Schurman, General Counsel, National Endowment for the Humanities, 806 15th Street, NW, Washington, DC 20506, 202-724-0367.

SEMIANNUAL AGENDA OF REGULATIONS: At the present time there are no significant regulations under development or review in the Foundation itself or in its components, the Federal Council on the Arts and the Humanities, the National Endowment for the Arts, or the National Endowment for the Humanities.

Joseph D. Duffey, Chairman, National Endowment for the Humanities and Chairman, Federal Council on the Arts and the Humanities.

Livingston L. Biddle,

Chairman, National Endowment for the Arts.

[FR Doc. 79-30518 Filed 9-28-79; 8:45 am]

BILLING CODE 7536-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 25; Notice 34]

Consumer Information Regulations; Uniform Tire Quality Grading

AGENCY: National Highway Traffic Safety Administration.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to amend the traction and temperature resistance test procedures of the Uniform Tire Quality Grading Standards to accommodate testing of tires with inflation pressures measured in kilopascals. The increasing use of "metric" tires necessitates clarification of the test procedures, which presently refer only to tire pressures measured in pounds per square inch. The notice also proposes modification of the traction test procedures to increase the number of candidate tire test runs which can be made per each standard tire test sequence. This change should reduce the cost of traction testing by allowing more efficient use of the test facilities.

DATES: Comments must be received on or before November 26, 1979. Proposed effective date: Date of publication of the final rule in the Federal Register.

ADDRESSES: Comments should refer to the docket number and be submitted to Room 5108, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Dr. F. Cecil Brenner, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-1740.

SUPPLEMENTARY INFORMATION: The Uniform Tire Quality Grading (UTQG)

Standards (49 CFR 575.104) establish procedures for evaluating the performance of passenger car tires in the categories of treadwear, traction and temperature resistance. The regulation specifies traction test procedures in which a tire's ability to stop on wet pavement is measured in a series of locked wheel stops on test surfaces of asphalt and concrete (49 CFR 575.104(f)(2)). Temperature resistance is evaluated by running a tire on a specified laboratory test wheel at successively higher revolutions per minute (49 CFR 575.104(g)).

Testing of Metric Tires

The traction and temperature resistance test procedures of the UTQG Standards set forth inflation and loading requirements with inflation pressures specified in terms of pounds per square inch. Under the terms of the regulation, a tire being tested for temperature resistance is pressed against the test wheel at the load specified in Appendix A of Federal motor vehicle safety standard (FMVSS) No. 109 (49 CFR 571.109) for the tire's size designation and the inflation pressure that is 8 pounds per square inch less than the tire's maximum permissible inflation pressure (49 CFR 575.104(g)(6)). However, Appendix A of FMVSS No. 109 does not list inflation pressures which correspond precisely to 8 psi less than maximum permissible inflation pressure for the newly developed "metric" tires, tires with inflation pressures measured in kilopascals.

In the case of traction testing, a candidate tire is inflated to 24 psi (49 CFR 575.104(f)(2)(i)(B) and (D)), and is loaded to 85 percent of the load specified in Appendix A of FMVSS No. 109, for the tire's size designation, at a cold inflation pressure of 24 psi (49 CFR 575.104(f)(2)(viii)). Similarly, Appendix A lists no inflation pressure for metric tires which corresponds precisely to 24 psi. While the National Highway Traffic Safety Administration (NHTSA) has issued an interpretation that metric tires may be tested at the listed inflation pressure most closely approximating 24 psi, i.e., 180 kPa, the agency believes that, given the increasing use of metric tire designations, possible confusion should be avoided by amending the UTQG test procedures to explicitly deal with metric tires.

To facilitate testing of metric tires, NHTSA proposes to amend the traction grading procedures to specify in paragraphs (f)(2)(i)(B) and (D) that tires with inflation pressures measured in kilopascals are tested at an inflation pressure of 180 kPa. Other tires would continue to be tested at 24 psi.

Paragraph (f)(2)(viii) would also be amended to provide that metric tires are loaded to 85 percent of the load specified at 180 kPa, for the tire's size designation in Appendix A of FMVSS No. 109.

The agency further proposes that paragraph (g)(6) of the temperature resistance grading procedures be amended to specify that, in the case of tires with inflation pressures measured in kilopascals, tires are pressed against the test wheel at the load specified in Appendix A of FMVSS No. 109 for the tires' size designation at the inflation pressure which is 60 kilopascals less than the tires' maximum permissible inflation pressure. In this way, the procedure would utilize the load associated with the inflation pressure listed in Appendix A which most closely approximates 8 psi less than the tires' maximum permissible inflation pressure.

Traction Test Requirements

The UTQG traction grading procedures provide that candidate tire traction coefficients for concrete and asphalt are determined by averaging measurements taken during a sequence of ten runs on each surface with a standard test trailer (49 CFR 575.104(f)(2)). The candidate tire traction coefficients thus determined are adjusted by means of standard tire traction coefficients for the respective surfaces, determined through a sequence of 20 ASTM standard tire runs on each surface. The adjustment accounts for possible variations in the test surfaces due to environmental or other factors.

As presently written, the regulation specifies that the standard tire test sequence, consisting of 20 test trailer runs on each surface, is completed prior to the candidate tire test sequence for which it provides adjustment. The standard tire test sequence must then be repeated for each subsequent candidate tire test sequence. Clearly, testing efficiency could be improved and testing costs reduced if a single standard tire test sequence could be used to provide an adjustment for more than one candidate tire test sequence.

NHTSA believes there is no reason that standard tire test sequences must in all cases precede candidate tire test sequences. Further, upon examination of test results compiled for validation of the UTQG test procedure (reported in Wet Braking Traction Validation, by A. H. Neill, Jr.; Docket 25, General Reference No. 95), it appears that test pavement conditions remain sufficiently constant over the course of any two hour period to permit adjustment of candidate tire test results with standard

tire results obtained within the same two hour period.

As a result, testing efficiency can be significantly improved by the use of a single standard tire test sequence, as an adjustment for two or more candidate tire sequences, regardless of the order in which the sequences are run. For example, a manufacturer could test one candidate tire, conduct a standard tire test sequence, and then test a different candidate tire, using the standard tire test results to adjust both sets of candidate tire data. Similarly, two candidate tire test sequences could be conducted prior to or following a standard tire sequence, and the results of both candidate tire test sequences could be adjusted using the same standard tire data, provided all testing took place within the same two hour period. In addition to reducing testing costs, a reduction in the number of standard tire test sequences would avoid unnecessary wear on the test pavement.

In order to take advantage of these potential improvements in testing efficiency, NHTSA proposes to amend the traction test procedures to specify that candidate tire traction coefficients may be adjusted using standard tire coefficients derived from data collected wholly within the same two hour period as the data used to compute the candidate tire traction coefficients. The candidate tire testing could be conducted either before or after the standard tire test sequence used as an adjustment.

Since this notice proposes only a minor modification of the UTQG test procedures and is intended to facilitate testing and, to a limited degree, reduce testing costs, the proposal is not considered significant and a full evaluation of the economic consequences of the proposal is not warranted under Department of Transportation policy on internal review of proposals. NHTSA has determined that the proposed amendments will have no measurable adverse effect on the environment. In view of the present need to test metric tires and the potential cost savings offered by the modifications, an immediate effective date is proposed.

In consideration of the foregoing, it is proposed that 49 CFR 575.104, Uniform Tire Quality Grading, be amended as follows:

§ 575.104 [Amended].

1. Section 575.104(f)(2)(i)(B) and (D) would be amended by addition of the words ", or, in the case of a tire with inflation pressure measured in

kilopascals, to 180 kPa" following the words "to 24 psi".

2. Section 575.104(f)(2)(vii) would be amended by addition of the sentence, "The standard tire traction coefficients so determined may be used in the computation of adjusted traction coefficients for more than one candidate tire." at the end thereof.

3. Section 575.104(f)(2)(viii) would be amended by addition of the words ", or, in the case of a tire with inflation pressure measured in kilopascals, the load specified at 180 kPa," following the words "at 24 psi", and by addition of the sentences, "Candidate tire measurements may be taken either before or after the standard tire measurements used to compute the standard tire traction coefficients. Take all standard tire and candidate tire measurements used in computation of a candidate tire's adjusted traction coefficient within a single two hour period." following the first sentence thereof.

4. Section 575.104(g)(6) would be amended by addition of the words ", or, in the case of a tire with inflation pressure measured in kilopascals, 60 kilopascals" following the words "8 pounds per square inch".

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

Those persons desiring to be notified upon receipt of their comments in the rulemaking docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the complete comments should be submitted to the Office of Chief Counsel at the above address, with an indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed

after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available to the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

The principal authors of this proposal are Dr. F. Cecil Brenner of the Office of Automotive Ratings and Richard J. Hipolit of the Office of Chief Counsel.

(Sec. 103, 112, 119, 201, 203; Pub. L. 89-563, 80 Stat. 718 [15 U.S.C. 1392, 1401, 1407, 1421, 1423]; delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on: September 26, 1979.

Michael M. Finkelstein,
Associate Administrator for Rulemaking.

(FR Doc. 79-30387 Filed 9-28-79; 8:45 am)

BILLING CODE 4910-59-M

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Proposed Land and Resource Management Plan, Eastern Region; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement on the proposed Land and Resource Management Plan for the Eastern Region which includes 14 National Forests and encompasses the States of Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin.

The Land and Resource Management Plan is being prepared in accordance with requirements of the Secretary's regulations developed pursuant to the National Forest Management Act of 1976. Based on an assessment of the Region's supply capacity and demand for its resource outputs, the plan will be used to determine resource goals and objectives for the 14 Eastern Region National Forests in coordination with the states involved.

The planning process will integrate all resource planning—timber, range, fish and wildlife, water, wilderness, and recreation—together with resource protection activities, coordinated with fire management and other resource uses such as minerals. The process will be issue-oriented, i.e., public issues, management concerns, and development opportunities will be analyzed continually throughout the process.

Issues, concerns and opportunities will be identified through various methods in order to ensure that the public and other agencies are involved

and have input to the maximum extent practicable.

R. Max Peterson, Forest Service Chief, is the responsible official for the environmental impact statement, and Gene L. Kuhns (414-291-3661) is the team leader for the environmental impact statement/land and resource management plan.

The draft environmental impact statement will be available in January 1981, and the final environmental impact statement is scheduled for completion in June 1981.

Comments on this notice of intent or on the proposal should be sent to the Regional Forester, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

Dated: September 25, 1979.

Philip L. Thornton,
Deputy Chief, Forest Service.

[FR Doc. 79-30325 Filed 9-28-79; 8:45 am]
BILLING CODE 3410-11-M

Soil Conservation Service

Nutwood Watershed, Illinois; Intent Not To File an Environmental Impact Statement for Deauthorization of Federal Funding of the Nutwood Watershed

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 850); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Nutwood Watershed, Greene and Jersey Counties, Illinois.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Warren J. Fitzgerald, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The notice of intent not to file an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data during the environmental assessment are on file and may be reviewed by

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contacting Mr. Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, 200 West Church Street, Champaign, Illinois 61820, telephone number 217-356-3785. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until November 30, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, (16 U.S.C. 1001-1008))

Dated: September 21, 1979.

Joseph W. Haas,
Assistant Administrator for Water Resources,
Soil Conservation Service.

[FR Doc. 79-30333 Filed 9-28-79; 8:45 am]
BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Western Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), will meet to: (1) Review management options for the Billfish Fishery Management Plan (FMP); (2) review a final draft of the Lobster FMP; (3) review status of Bottomfish and Seamount Groundfish FMP's; (4) review Advisory Panel (AP) Membership; (5) review Statement of Council Practices and Procedures; and (6) other Council business.

DATES: The meeting will convene on Monday, October 15, 1979, at 9 a.m. and will adjourn on Tuesday, October 16, 1979, at 4:30 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Conference Center, Rainmaker Hotel, Pago Pago, American Samoa.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, Room 1608, 1164 Bishop Street,

Honolulu, Hawaii, 96813, Telephone: (808) 523-1368.

Date: September 26, 1979.

Winfred H. Meibohm,
Executive Director, National Marine
Fisheries Service.

[FR Doc. 79-30378 Filed 9-28-79; 8:45 am]
BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

Correction

In FR Doc. 79-29624, appearing on page 55222, in the issue for Tuesday, September 25, 1979, make the following correction:

In the sixth line of the second paragraph, change "Section 552(c)" to "Section 552b(c)".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Howell Corp., Quintana Refining Co., and Quintana-Howell Joint Venture; Action Taken on Consent Order

Pursuant to 10 CFR 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) as successor to the Federal Energy Administration (FEA) hereby gives notice of final action taken on a Consent Order. Under the terms of 10 CFR 205.197(c), no Consent Order involving sums in excess of \$500,000 shall become effective until ERA publishes notice of its execution and solicits and considers public comments with respect to its terms.

On June 6, 1979, ERA published a notice of a Proposed Consent Order which was executed between Howell Corporation (Howell), Quintana Refining Company (Quintana) and the Quintana-Howell Joint Venture (QHJV) and the ERA (44 F.R. 32435, June 6, 1979). With that notice, and in accordance with 10 CFR 205.199J ERA invited interested persons to comment on the proposed Consent Order. Also, in that notice, and in accordance with 10 CFR 205.283, interested parties who believe that they have a claim to all or a portion of the refund were instructed to provide written notification to ERA.

Several parties submitted written notification of claims, however, no comments on the terms, conditions or procedural aspects of the Consent Order

were received. Therefore, ERA has concluded that the Consent Order as executed between ERA and Howell, Quintana, and the QHJV is an appropriate resolution of the compliance proceedings described in the notice published June 6, 1979 and hereby gives notice that the Consent Order shall become effective as proposed, without modification, on September 25, 1979.

Wayne I. Tucker,
District Manager, Southwest District
Enforcement, Economic Regulatory
Administration.

[FR Doc. 79-30270 Filed 9-28-79; 8:45 am]
BILLING CODE 6450-01-M

JOC Oil, Inc., Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to JOC Oil, Inc., 645 Fifth Avenue, New York, New York 10022. This proposed Remedial Order charges JOC Oil Inc., with pricing violations in the amount of \$941,517.00, connected with the sale of No. 2 heating oil and No. 6 fuel oil during the time period November 1, 1973 through June 30, 1974.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Herbert M. Heitzer, District Manager of Enforcement, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

On or before October 16, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania, on the 7th day of September 1979.

Herbert M. Heitzer,
District Manager of Enforcement, Northeast
District.

[FR Doc. 79-30271 Filed 9-28-79; 8:45 am]
BILLING CODE 6450-01-M

Ernest E. Allerkamp; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Ernest E. Allerkamp, 900 N.E. Loop 410, San Antonio, Texas. This Proposed Remedial Order charges Ernest E. Allerkamp with pricing violations in the amount of \$230,563.78, connected with the sale of crude oil and condensate at prices in excess of those permitted by 10

CFR 212, Subpart D during 1972, 1973, 1974 and 1975 in the state of Texas.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager, Southwest District Enforcement, Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7745. On or before October 16, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 C.F.R. § 205.193.

Issued in Dallas, Texas, on the 21st day of Sept., 1979.

Herbert F. Buchanan,
Deputy District Manager, Southwest District
Enforcement.

[FR Doc. 79-30369 Filed 9-28-79; 8:45 am]
BILLING CODE 6450-01-M

Intergovernmental and Institutional Relations; Consumer Affairs Advisory Committee and Subcommittees; Cancellation of Meeting

The Consumer Affairs Advisory Committee meeting and subcommittee meetings announced for October 9-10, 1979 (44 FR 54768, September 21, 1979) has been cancelled and will be rescheduled for a later date. Notice of the new date will be published in the Federal Register.

Dated: September 26, 1979.

Georgia Hildreth,
Director, Advisory Committee Management.

[FR Doc. 79-30373 Filed 9-28-79; 8:45 am]
BILLING CODE 6450-01-M

Office of Hearings and Appeals

Notices of Objection to Proposed Remedial Orders Filed Week of July 23 Through July 27, 1979

Notice is hereby given that during the week of July 23 through July 27, 1979, the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before October 22, 1979, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). On or before October 31, 1979, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this

proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown. All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Issued in Washington, D.C.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
September 25, 1979.

Atlantic Highlands Shell, et al., Atlantic Highlands, N.J., DRO-0294; DRO-0295; DRO-0296, motor gasoline

On July 23, 1979, Atlantic Highlands Shell, et al., 195 First Avenue, Atlantic Highlands, New Jersey 07716, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the New Jersey Department of Energy issued to the firm on July 5, 1979. In the IROIC the New Jersey Department of Energy found that on July 13, 1979 the firm was unable to justify the lawfulness of some or all of the prices being charged on June 2, 1979.

Harvey J. Bean, Erie, Pa., DRO-0301, motor gasoline

On July 24, 1979, Harvey J. Bean, 471 West Arlington, Erie, Pennsylvania, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance (IROIC) which the DOE Northeast Enforcement District issued to him on July 17, 1979. In the IROIC the Enforcement District found that the prices currently charged by Bean on his retail sales of motor gasoline were in excess of the maximum lawful selling prices allowed by 10 CFR, Part 212. The IROIC therefore ordered Bean to reduce his selling prices immediately.

Anthony Fava dba Tony Fava Sports Center, Vineland, New Jersey, DRO-0307, motor gasoline

On July 20, 1979, Anthony Fava dba Tony Fava Sports Center filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the New Jersey Department of Energy issued to him on July 5, 1979. In the Interim Remedial Order for Immediate Compliance, the New Jersey DOE found that Fava was selling motor gasoline at prices which exceeded the maximum selling prices permitted under DOE regulations. Accordingly, the New Jersey DOE ordered Fava to reduce immediately his prices for motor gasoline to the maximum permissible prices.

N. C. Ginther, Houston, Texas; DRO-0302, crude oil

On July 25, 1979, N. C. Ginther, 1400 Bank of the Southwest Building, Houston, Texas 77002 filed a Notice of Objection to a Proposed Remedial Order which the Southwest Enforcement District of the Economic Regulatory Administration of the Department of Energy issued to the firm on June 26, 1979. In the Proposed Remedial Order, the Enforcement District found that during the period September 1, 1973 through

December 31, 1977, Ginther committed pricing violations in sales of crude oil and condensate produced from the Carrie Wood lease #3977 and O. W. Killiam "C" Lease in Goliad and Webb Counties, Texas. According to the Proposed Remedial Order, N. C. Ginther's violations of the provisions of 10 CFR Part 212 resulted in overcharges to its customers of \$66,062.99.

Jerry's Chevron, Queens, New York; DRO-0298, Motor Gasoline

On July 24, 1979, Jerry's Chevron, Rockaway Boulevard, Queens, New York, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the New York Audit Group of the Northeast District of Enforcement issued on the firm on July 13, 1979. In the IROIC the New York Audit Group found that on July 5, 1979 Jerry's Chevron was overcharging 12.8 cents per gallon on sales of regular, leaded gasoline and 12.5 cents per gallon on sales of unleaded gasoline. Accordingly, Jerry's Chevron was directed to pay civil penalties and to immediately reduce its prices for motor gasoline to the maximum permissible prices.

Jordan Gas Company, Centre, Alabama; DRO-0299, propane

On July 25, 1979, Jack Jordan, Post Office Box 127, Centre, Alabama 35960, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southeast Enforcement District issued on June 15, 1979. In the Proposed Remedial Order, the Enforcement District found that during the period November 1, 1973 through March 31, 1974, Jordan Gas Company committed pricing violations in its sales of propane. According to the Proposed Remedial order, the Jordan Gas Company's violations resulted in overcharges to its customers of approximately \$130,285.

Anthony Massahos, Derry, New Hampshire; DRO-0292, motor gasoline

On July 23, 1979, Anthony Massahos, Route 28 By-Pass Circle, Derry, New Hampshire 03038, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the Northeast Enforcement District of the Economic Regulatory Administration of the Department of Energy issued to the firm on July 6, 1979. In the Interim Remedial Order, the Enforcement District found that (i) there is a strong probability that a violation of the DOE price regulations has occurred and is continuing to occur; (ii) the consuming public is likely to incur irreparable harm unless the violation is remedied immediately; (iii) the public interest requires the avoidance of this irreparable harm through the issuance of an Interim Remedial Order for Immediate Compliance. Consequently, Anthony Massahos was ordered to (a) reduce prices to established lawful levels; (b) properly post maximum lawful selling prices; and (c) properly maintain required records.

George Riley, Overland Park, Kansas; DRO-0303, motor gasoline

On July 25, 1979, George Riley, 10640 Metcalf, Overland Park, Kansas 66212, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which

Region VII of the DOE Economic Regulatory Administration issued to George Riley on July 9, 1979. In the Interim Remedial Order for Immediate Compliance, Region VII ordered George Riley to cease and desist from employing any form of discriminatory practices as set forth in Section 210.62(b) and conform his business practices to those followed during the base period.

Robal Company, Inc., Westfield, New Jersey; DRO-03-00, motor gasoline

On July 25, 1979, Robal Company, Inc., South & Central Avenues, Westfield, New Jersey 07090, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance (IROIC) which the New Jersey Department of Energy issued to the firm on July 5, 1979. In the IROIC, the New Jersey DOE found that on June 3, 1979, Robal Company, Inc. violated 10 CFR 212.93 by charging prices for certain grades of motor gasoline which exceeded its maximum lawful selling prices on that date and that Robal Company, Inc. had violated 10 CFR 210.92 and 212.93 by failing to maintain records to support the lawfulness of its selling prices for sales of gasoline on that date. In the IROIC, the New Jersey DOE ordered Robal Company, Inc. to reduce its prices to the established lawful level and to maintain required records or to justify within five days the lawfulness of its June 3, 1979 selling prices.

Robert A. Williams d/b/a Freeway Texaco, Minneapolis, Minnesota; DRO-0293, motor gasoline

On July 23, 1979, Robert A. Williams d/b/a Freeway Texaco, 7733 Portland Avenue South, Minneapolis, Minnesota 55423, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the DOE Central Enforcement District issued on July 9, 1979. In the Interim Remedial Order for Immediate Compliance, the Enforcement District ordered Williams to (1) reduce prices to lawful levels; (2) properly post the maximum lawful selling prices; and (3) properly maintain required records, or to come forth within five days with support for the lawfulness of the maximum lawful selling price if otherwise contents is appropriate.

[FR Doc. 79-30371 Filed 9-28-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders July 16 Through July 20, 1979

Notice is hereby given that during the period July 16 through July 20, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which have been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten

days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except federal holidays.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
September 25, 1979.

Earth Resources Company of Alaska, Fairbanks, Alaska, DEE-2237, Crude Oil.

Earth Resources Company of Alaska filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would result in the issuance of \$341,741 in additional entitlements with respect to the firm's reported crude oil receipts and runs to stills for the period September 1977 through September 1978. On July 16, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Champlin Petroleum Company, Fort Worth, Texas, DXE-5822, Crude Oil.

Champlin Petroleum Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Sutton Lease for the benefit of the working interest owners at upper tier ceiling prices. On July 19, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's Sutton Lease.

City and County of Honolulu, Honolulu, Hawaii, DEE-7067, Motor Gasoline.

The City and County of Honolulu filed an Application for Exception in which it

requested that distributors of motor gasoline in the County be permitted to raise their prices to reflect an increased license tax implemented by the County. On July 17, 1979, the Department of Energy issued a Proposed Decision and Order in which it determined that the exception request should be granted.

Grace Petroleum Corporation, Oklahoma City, Oklahoma, DEE-4752, Crude Oil.

Grace Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell the crude oil produced for the benefit of the working interest owners from the C. I. Lovett Lease located in San Patricio County, Texas, at upper tier ceiling prices. On July 17, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted, in part, with respect to the applicant's C. I. Lovett Lease.

McAlester Fuel Company, Magnolia, Arkansas, DEE-4345, Crude Oil.

McAlester Fuel Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the L. L. Tidwell "C" Lease located in Ouachita County, Arkansas, at upper tier ceiling prices. On July 16, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be denied with respect to the applicant's Tidwell "C" Lease.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline Week of July 16 Through July 20, 1979

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline.

The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Location, and Case No.

Onyx Corporation, Creve Coeur, MO, DEE-3280
Francis Union 76, Nashville, TN, DEE-5210
Kenilworth Car Wash, Hyattsville, MD, DEE-4707
Ozark City Gas Co., Branson, MO, DEE-2513
Calotex Delaware, Inc., Middleton, DE, DEE-5222
Daigh Automotive Engineering Corp., Wilmington, CA, DEE-6038
Spoon's Gulf Station, Mena, AR, DEE-4095

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline, Week of July 16 Through July 20, 1979

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline.

The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company Name, Location, and Case No.

Exum Collins Oil Co., New Smyrna Bch., FL, DEE-3933
Giggey's Exxon, Patten, ME, DEE-6439
Airline Shell, Bossier City, LA, DEE-4663
Elzie Carlton, Fayetteville, AR, DEE-3741
Harron's Amoco, Hagerstown, MD, DEE-5233
R. J. Murray Texaco, Raymond, NH, DEE-5681
Ray Miller, Pt. Pleasant Bch., NJ, DEE-5977
Village Garage, Marston Mills, MS, DEE-5648
Hamilton Test Systems California, Inc., Washington, D.C., DEE-5555
Import Dealers Service, Arlington, VA, DEE-4484
Continental Fuel Co., Pocatello, ID, DEE-3362
Shell Oil Co., Phoenix, AZ, DEE-4640
Doug's Distributing Co., Gilbertsville, KY, DEE-3512
Glenn Walker, Cranston, RI, DEE-3962
[FR Doc. 79-30372 Filed 9-28-79; 8:45 am]
BILLING CODE 6450-01-M

Office of Special Counsel for Compliance

Adoption of Consent Order With Standard Oil Co. of California as a Final Order

AGENCY: Department of Energy.

ACTION: Adoption of Proposed Consent Order as Final Order.

SUMMARY: On July 17, 1979, the Office of Special Counsel for Compliance (OSC) of the Department of Energy entered into a Consent Order with Standard Oil Company of California through its subsidiary Chevron U.S.A., Inc. Under the Consent Order, which addresses Chevron's compliance with the crude oil transfer pricing regulations, 10 CFR § 212.83 and § 212.84, for the months October 1973 through May 1975, Chevron agrees to reduce its costs claimed for interaffiliate transactions in imported oil in that period by \$4.1 million.

Pursuant to 10 CFR § 205.199], on July 25, 1979, OSC published notice in the Federal Register summarizing the terms of the Consent Order and noting the opportunity for the public to comment on the Order. (44 FR 43505) The notice set August 31, 1979, more than 30 days following publication of the notice, as the deadline for the submission of comments. Having received no comments the OSC hereby makes the Consent Order final as proposed, effective on publication of this notice.

FURTHER INFORMATION: Questions concerning the Consent Order should be addressed to: Leslie Wm. Adams, Associate Solicitor to the Special Counsel, Department of Energy, 1200

Pennsylvania Avenue N.W., Room 2140, Washington, D.C. 20461.

Copies of the Consent Order may be obtained by written request to the same address. Copies are also available at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W. Room GA-152.

Issued in Washington, D.C., September 18, 1979.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 79-30374 Filed 9-28-79; 9:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 79-CERT-093]

Air Products and Chemicals, Inc.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Take notice that on September 18, 1979, Air Products and Chemicals, Inc. (Air Products), P.O. Box 538, Allentown, Pennsylvania 18105, filed an application for certification of an eligible use of natural gas to displace fuel oil at its complex of chemical plants in New Orleans, Louisiana, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979), all as more fully set forth in the application on file with the Economic Regulatory Administration (ERA) and open to public inspection at the ERA, Docket Room 4126-A, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m.—4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Air Products states that the volume of natural gas for which it requests certification is up to 7,500 Mcf per day. The eligible seller is Tenneco Oil Company, P.O. Box 2511, Houston Texas 77001. This natural gas will displace the use of up to 68,400 gallons of No. 2 fuel oil (0.3% sulfur) per day at the New Orleans complex. The gas will be transported by Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77001, Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001, Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325, and Michigan-Wisconsin Pipe Line Company, 1 Woodward Avenue, Detroit, Michigan 48226.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 4126-A, 2000 M Street, N.W., Washington, D.C. 20461.

Attention: Mr. Finn K. Neilsen, on or before October 11, 1979.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines an oral presentation is required, further notice will be given to Air Products and any persons filing comments, and published in the Federal Register.

Issued in Washington, D.C. on September 26, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-30536 Filed 9-28-79; 10:43 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-094]

CF Industries, Inc.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Take notice that on September 19, 1979, CF Industries, Inc. (CFI), Long Grove, Illinois 60047, filed an application for certification of an eligible use of natural gas to displace fuel oil at its North Carolina Nitrogen Complex in Tunis, North Carolina, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979), all as more fully set forth in the application on file with the Economic Regulatory Administration (ERA) and open to public inspection at the ERA, Docket Room 4126-A, 2000 M Street, N.W., Washington, D.C. 20461 from 8:30 a.m.—4:30 p.m., Monday through Friday, except Federal holidays.

In its application, CFI states that the volume of natural gas for which it requests certification is up to 2,500 Mcf per day. The eligible sellers are Louisiana Resources Company, One Williams Center, P.O. Box 3102, Tulsa, Oklahoma 74101, and McRae Exploration, Inc., Suite 800, Dresser Tower, 601 Jefferson, Houston, Texas 77002. This natural gas is estimated to displace the use of 18,000 gallons of No. 2 fuel oil (0.3% sulfur) per year at the North Carolina Nitrogen Complex. The gas will be transported by the Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 4126-A, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, on or before October 11, 1979.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines an oral presentation is required, further notice will be given to CFI and any persons filing comments, and published in the Federal Register.

Issued in Washington, D.C., on September 26, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-30535 Filed 9-28-79; 10:43 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 79-238, File No. BPH-10,652 and BC Docket No. 79-239; File No. BPH-10,889]

McDougal Broadcasting, Inc., and Demaree Enterprises of Texas, Inc.; Applications for Construction Permits

In re applications of McDougal Broadcasting, Inc. (BC Docket No. 79-238; File No. BPH-10,652), Victoria, Texas; Req: 107.9 MHz, Channel No. 300, 57.85 kW (H & V), 359.5 feet; and Demaree Enterprises of Texas, Inc. (BC Docket No. 79-239; File No. BPH-10,889), Victoria, Texas; Req: 107.9 MHz, Channel No. 300, 100 kW (H & V), 443 feet; For: Construction Permit. Memorandum opinion and order designating applications for consolidated hearing on stated issues.

Adopted: September 11, 1979.

Released: September 24, 1979.

1. The Commission by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above captioned

mutually exclusive applications for a new FM broadcast station at Victoria, Texas, petitions to specify issues filed by each of the applicants, oppositions thereto and various petitions for leave to amend with accompanying amendments.

Issues Against McDougal Broadcasting, Inc.

2. *Financial Issues.* By amendment to its application, McDougal has resolved questions concerning the collateral for its bank loan and the schedule of the loan's repayment. An inquiry into these matters is thus unwarranted.

3. *Ascertainment Issues.* Similarly, McDougal has now clarified two aspects of its ascertainment showing, the methodology employed in its survey of the general public and the broadcast time and format of programs directed to ascertained community needs.

4. *Misrepresentation Issue.* Under Section 73.3584 of our Rules, pleadings to specify issues must contain specific allegations of fact supported by affidavits of a person or persons with personal knowledge thereof. Demaree's contention that McDougal did not interview all community leaders listed in its ascertainment showing does not comply with this standard. Thus, while petitioner cites seven people as not having been contacted, only one person has submitted an affidavit to this effect. In the other six cases, Demaree has offered hearsay affidavits only, i.e. reports by Demaree principals of conversations with the people in question. McDougal, in contrast, has provided an affidavit from each of these six community leaders acknowledging participation in the McDougal survey. As between the two sets of statements, the personal affidavits alone are entitled to consideration.¹ We are left then with one community leader interview in doubt, a number too small to justify a misrepresentation issue. See e.g. *J. Sherwood, Inc.*, 63 FCC 2d 151, 39 RR 2d 597 (Rev. Bd. 1976).

5. *Staffing Issue.* McDougal's proposed staff of four full-time and two part-time employees is not unreasonable on its face and no specific evidence has been presented warranting a different conclusion. Demaree's request for a staffing issue will therefore be denied. *Peoples Broadcasting Corporation*, 68 FCC 2d 1570, 43 RR 2d 1265 (1978).

¹The affidavits before us suggest as one possible reason for the conflicting statements the fact that Dudley McDougal, who conducted the interviews, used the air name of Doug McKay while employed by a local radio station.

6. *Section 73.3514 Issue.*² The McDougal application was incomplete when submitted in that the business interests of Dudley McDougal, the applicant's president and sole shareholder, were not reported fully. It is clear from the applicant's subsequent disclosure however that the omitted information was not of potential decisional significance³ and that no motive to conceal or misrepresent was present. Hence, we do not believe that the omission could influence the outcome of this proceeding. *Rose Broadcasting Company*, 68 FCC 2d 1242, 43 RR 2d 1317 (1978).

7. *Amendment.* Good cause exists for the acceptance of McDougal's March 6, 1979, amendment which was filed in response to Demaree's petition to specify issues. *Rose Broadcasting Co., supra.*

Issues Against Demaree Enterprises of Texas, Inc.

8. *Financial Issue.* By amendment of March 6, 1979, corrected by amendment of March 21, 1979,⁴ Demaree reported to the Commission the agreement of Levo Patrick Demaree, Demaree's president, director and 70% owner, to manage Station WMBH, Joplin, Missouri. McDougal claims that this agreement is inconsistent with Mr. Demaree's commitment to establish the operation of Demaree's proposed station, calling into question the applicant's reliance on his services in estimating its costs of operation.⁵ We see no inherent conflict between the two obligations, however, and Station WMBH's owners have acknowledged by affidavit their awareness of the Victoria commitment and their confidence that it will not interfere with Mr. Demaree's responsibilities to their station. We find no basis for further inquiry under these circumstances.

9. *Character Issue.* Levo Patrick Demaree was president, director and 45% owner of an applicant found unqualified to be a Commission licensee in an Initial Decision, *Horne Industries, Inc.*, 41 FCC 2d 359 (1973). Specifically, the presiding Administrative Law Judge found that Mr. Demaree had intentionally failed to report relevant and significant financial liabilities to the Commission in violation of Section

²Section 73.3514 of our Rules requires applicants to include all information required by the application form.

³The omitted interest was an advertising/sales position with an automobile dealer.

⁴This erratum renders moot McDougal's motion for order to compel amendment of application, which is in any event an unauthorized pleading.

⁵We will permit McDougal to supplement its petition to specify issues to question material submitted after the original petitions were filed.

73.3514 and/or 1.65 of our Rules.

McDougal requests a character issue premised on this finding, a request which we will deny. In connection with the renewal applications of two stations in which he had management and financial interests, Mr. Demaree submitted to us a letter citing inadequate advice of counsel and personal misunderstanding and confusion as underlying causes of the events cited in *Horne*. While acknowledging responsibility for his conduct, Mr. Demaree assured the Commission that his experiences had made him a more sensitive licensee and that he had taken specific steps to prevent similar instances in the future. We were persuaded by this letter to grant the renewal applications and later to permit Mr. Demaree to acquire a controlling interest in one of the licensees as well. Since we have thus already determined that the disqualification of the *Horne* decision is applicable only to that proceeding and that Mr. Demaree is not unqualified to hold other broadcast interests because of these actions, there is no question left for resolution at this time.⁶

10. *Amendment.* Demaree's amendments of March 6, and March 21, 1979 report changed circumstances and will be accepted for this reason.

11. *Other Matters.* Data submitted by the applicants indicate that there would be a significant difference in the size of the areas which would receive service from the proposals. Consequently, for the purpose of comparison, the areas which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, to determine whether a comparative preference should accrue to either of the applicants.

12. As indicated above, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

13. Accordingly, IT IS ORDERED. That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent Order, upon the following issues:

⁶We are satisfied that Demaree adequately reported the *Horne* decision on its application form, making a Section 73.3514 issue unwarranted.

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

14. IT IS FURTHER ORDERED, That the petitions to specify issues filed in this proceeding ARE DENIED.

15. IT IS FURTHER ORDERED, That the supplemental petition to specify issues filed by McDougal Broadcasting, Inc. IS ACCEPTED, and that the motion for order to compel amendment of application filed by McDougal Broadcasting, Inc. is dismissed as moot.

16. It is further ordered, That the petitions for leave to amend filed in this proceeding are granted and the related amendments are accepted.

17. IT IS FURTHER ORDERED, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

18. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,
Chief, Broadcast Bureau.

[FR Doc. 79-30363 Filed 9-28-79; 8:45 am]
BILLING CODE 8712-01-M

FEDERAL COUNCIL ON THE AGING

Long Term Care Committee; Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress, on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. 1, sec. 10, 1976) that the Committee will hold a meeting on Wednesday, October 24 from 9:30 a.m.

to 4:30 p.m., Room 529A-503A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

The agenda will consist of discussions of the Committee's proposed long term care policy recommendations with representatives of Federal agencies concerned with long term care from 9:30 a.m. to 12:30 p.m. and with Congressional Committee staff concerned with long term care from 1:30 p.m. to 4:30 p.m.

Further information on the Council may be obtained from the Federal Council on the Aging, Washington, D.C. 20201, telephone (202) 245-0441. FCA meetings are open for public observation.

Dated: September 18, 1979.

Nelson H. Cruikshank,

Chairman, Federal Council on the Aging.

[FR Doc. 79-30322 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-52-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of August 14, 1979

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on August 14, 1979.¹

The information reviewed at this meeting suggests that real output of goods and services is continuing to decline in the current quarter, while prices on the average are continuing to rise rapidly. In July the dollar value of retail sales edged up; in real terms, sales were still substantially below those of last December. Growth in nonfarm payroll employment slowed considerably further, but the unemployment rate, at 5.7 percent, remained within the narrow range prevailing since the beginning of the year. Industrial production declined in June, and it apparently slackened further in July to about the level of last December. So far this year, broad measures of prices have increased at a much faster pace than during 1978, although producer prices of foods have declined since March. The rise in the index of average hourly earnings, which had slowed in May and June, picked up in July.

The trade-weighted value of the dollar against major foreign currencies declined somewhat further in the second half of July, and although it subsequently recovered, it remained below its level of early June. The U.S. trade deficit in the second quarter was larger than in the previous quarter, reflecting largely the significant rise in the price and value of oil imports.

¹ The Record of Policy Actions of the Committee for the meeting of August 14, 1979, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Growth of M-1, M-2, and M-3 remained rapid in July. Inflows of interest-bearing deposits included in M-2 were slightly stronger than in June. At nonbank thrift institutions, inflows of deposits declined somewhat. Short-term market interest rates have risen over recent weeks, while long-term rates have changed little on balance. An increase in Federal Reserve discount rates from 9½ to 10 percent was announced on July 20.

Taking account of past and prospective developments in employment, unemployment, production, investment, real income, productivity, international trade and payments, and prices, the Federal Open Market Committee seeks to foster monetary and financial conditions that will resist inflationary pressures while encouraging moderate economic expansion and contributing to a sustainable pattern of international transactions. At its meeting on July 11, 1979, the Committee agreed that these objectives would be furthered by growth of M-1, M-2, and M-3 from the fourth quarter of 1978 to the fourth quarter of 1979 within ranges of 1½ to 4½ percent, 5 to 8 percent, and 6 to 9 percent respectively, the same ranges that had been established in February. Having established the range for M-1 in February on the assumption that expansion of ATS and NOW accounts would dampen growth by about 3 percentage points over the year, the Committee also agreed that actual growth in M-1 might vary in relation to its range to the extent of any deviation from that estimate. The associated range for bank credit is 7½ to 10½ percent. The Committee anticipates that for the period from the fourth quarter of 1979 to the fourth quarter of 1980, growth may be within the same ranges, depending upon emerging economic conditions and appropriate adjustments that may be required by legislation or judicial developments affecting interest-bearing transactions accounts. These ranges will be reconsidered at any time as conditions warrant.

In the short run, the Committee seeks to achieve bank reserve and money market conditions that are broadly consistent with the longer-run ranges for monetary aggregates cited above, while giving due regard to developing conditions in foreign exchange and domestic financial markets. Early in the period before the next regular meeting, System open market operations are to be directed at attaining a weekly average federal funds rate slightly above the current level. Subsequently, operations shall be directed at maintaining the weekly average federal funds rate within the range of 10½ to 11¼ percent. In deciding on the specific

objective for the federal funds rate the Manager for Domestic Operations shall be guided mainly by the relationship between the latest estimates of annual rates of growth in the August-September period of M-1 and M-2 and the following ranges of tolerance: 4 to 8 percent for M-1 and 7 to 11 percent for M-2. If rates of growth of M-1 and M-2, given approximately equal weight, appear to be close to or beyond the upper or lower limits of the indicated ranges, the objective for the funds rate is to be raised or lowered in an orderly fashion within its range.

If the rates of growth in the aggregates appear to be beyond the upper or lower limits of the indicated ranges at a time when the objective for the funds rate has already been moved to the corresponding limit of its range, the Manager shall promptly notify the Chairman, who will then decide whether the situation calls for supplementary instructions from the Committee.

Note.—On August 30, 1979, the Committee modified the domestic policy directive adopted at its meeting on August 14 by raising the upper limit of the intermeeting range for the federal funds rate to 11½ percent and by instructing the Manager for Domestic Operations not to raise the objective for the weekly average funds rate to the new upper limit immediately but to be guided by the subsequent behavior of the monetary aggregates and by developments in foreign exchange markets.

By order of the Federal Open Market Committee, September 21, 1979.

Murray Altmann,
Secretary.

[FR Doc. 79-30312 Filed 9-28-79; 8:45 am]

BILLING CODE 6210-01-M

Kelly Field Bancshares Corp.; Acquisition of Bank

Kelly Field Bancshares Corporation, San Antonio, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Exchange National Bank, San Antonio, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 24, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing

the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30311 Filed 9-28-79; 8:45 am]

BILLING CODE 6210-01-M

National Ann Arbor Corp.; Acquisition of Bank

National Ann Arbor Corporation, Ann Arbor, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by consolidation to Monroe County Bank, Dundee, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 24, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30310 Filed 9-28-79; 8:45 am]

BILLING CODE 6210-01-M

Western Kentucky Bancshares, Inc.; Formation of Bank Holding Company

Western Kentucky Bancshares, Inc., Livermore, Kentucky, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 88.05 percent of the voting shares of Farmers and Merchants Bank, Livermore, Kentucky. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 22, 1979.

Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 20, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30308 Filed 9-28-79; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Hoesch AG and N.V. Administratiekantoor voor Aandelen Koninklijke Nederlandsche Hoogovens en Staalfabrieken, N.V. are granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Gibraltar Metals Corporation by Newco-Estel, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted on behalf of Newco-Estel, Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 19, 1979.

FOR FURTHER INFORMATION CONTACT:

Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol N. Thomas,

Secretary.

[FR Doc. 79-30341 Filed 9-28-79; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Hoesch AG and N.V. Administratiekantoor voor Aandelen Koninklijke Nederlandsche Hoogovens en Staalfabrieken, N.V. are granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Capitol Metals Enterprises, Inc. by Newco-Estel, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted on behalf of Newco-Estel, Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 19, 1979.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-30342 Filed 9-28-79; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Hoesch AG and N.V. Administratiekantoor voor Aandelen Koninklijke Nederlandsche Hoogovens en Staalfabrieken, N.V. are granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Capitol Metals Company of Southern California by Newco-Estel, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted on behalf of Newco-Estel, Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 19, 1979.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-30343 Filed 9-28-79; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Dalgety Limited is granted early termination of the 30-day waiting

period provided by law and the premerger notification rules with respect to its proposed acquisition of Spillers Limited. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Dalgety Limited. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 21, 1979.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by section 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-30344 Filed 9-28-79; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Thrifty Corporation is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of certain voting securities of The Akron. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Thrifty Corporation. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 19, 1979.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-30345 Filed 9-28-79; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[E-79-14]

Delegation of Authority to the Secretary of Agriculture

1. *Purpose.* This delegation authorizes the Secretary of Agriculture to manage and approve Federal standardization documents in Federal Supply Group 89—Food. Under this delegation, the Secretary of Agriculture is responsible for performing those functions prescribed in FPMR 101-29 for Federal standardization documents for food items, except for printing, indexing, and distribution.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of Agriculture to manage and approve Federal standardization documents for food items and to develop required procedures for use in performing these functions.

b. The Secretary of Agriculture may redelegate this authority to the appropriate officers or employees of the Department of Agriculture.

c. This delegation may be rescinded by the General Services Administration upon 60 days prior notice to the Secretary of Agriculture.

Dated: September 25, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-30410 Filed 9-28-79; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

Immunization Practices Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Center for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Dates: October 25-26, 1979.

Place: Room 207, Building 1, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact Person: J. Donald Millar, M.D., Executive Secretary of Committee, Building 1, Room 2047, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333 Phone: AC 404/329-3772 FTS:236-3772.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda: The Committee will finalize revisions to the existing statement on poliomyelitis prevention; review recent activity and possibly begin revision of existing recommendations concerning rabies, pneumococcal polysaccharide vaccines, diphtheria and tetanus toxoids and pertussis vaccine; and review recent activity, including surveillance, in connection with rubella, measles, influenza, and hepatitis.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: September 25, 1979.

William H. Foege,

Director, Center for Disease Control.

[FR Doc. 79-30390 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-86-M

National Institutes of Health

National Diabetes Advisory Board; Meeting

Pursuant to Public Law 92-463, notice is hereby given of meetings of the National Diabetes Advisory Board on

November 6, 7, and 8, 1979.

Subcommittee meetings will be held on November 6 and 7, 1979. The Board meeting will be held on November 8, 1979. The time and location of the meetings may be obtained by contacting Mr. Raymond M. Kuehne, Executive Director of the Board, P.O. Box 30174, Bethesda, Maryland 20014, (301) 496-6045.

The meetings, which will be open to the public, are being held to continue review of the status and implementation of national diabetes programs. Attendance by the public will be limited to space available.

Mr. Raymond M. Kuehne (address above) will provide summaries of the meeting and a roster of the committee members.

Dated: September 21, 1979.

Suzanne L. Freneau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-30302 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-08-M

National Institute of Dental Research; National Institute of Dental Research Programs Advisory Committee, Subcommittee on Dental Caries

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Subcommittee on Dental Caries, National Institute of Dental Research Programs Advisory Committee, on November 27-28, 1979, in Conference Room 9, Building 31-C, National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public from 1:00 p.m. to 5:00 p.m. on November 27, and from 9:00 a.m. to adjournment on November 28, to discuss research progress and ongoing plans and programs of the National Caries Program. Attendance by the public will be limited to space available.

Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, MD 20205, (phone 301 496-7239) will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.840, National Institutes of Health.)

Dated: September 20, 1979.

Suzanne L. Fremreau,
Committee Management Officer, National
Institutes of Health.

[FR Doc. 79-30301 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-08-M

Office of the Secretary

Policy Research on Work and the Aged; Announcement of Grant Awards

September 21, 1979.

The Assistant Secretary for Planning and Evaluation has today issued grant awards for the program for Policy Research on Work and the Aged. These awards were made to applicants responding to a solicitation dated June 12, 1979, and published in the *Federal Register* on June 18, 1979. The titles, principle investigators, institutions, and amounts of awards are as follows:

1. "A New Measure of the Economic Status of the Aged." Sheldon Danziger and Eugene Smolensky, University of Wisconsin at Madison \$41,664.
2. "Labor Supply of the Elderly in a Family Context." Robert Clark, North Carolina State University, \$37,503.
3. "The Effect of Social Security and Private Pensions on Retirement: An Empirical and Policy Analysis." Anthony J. Pellechio, National Bureau of Economic Research and University of Rochester, \$50,212.
4. "How Long is the Savings Horizon?" Laurence J. Kotlikoff and Lawrence H. Summers, National Bureau of Economic Research, University of California at Los Angeles, and Harvard University, \$42,049.
5. "Disincentives for Continued Work among Older Americans." Gary Hendricks, The Urban Institute, \$27,994.

Dated: September 21, 1979.

Benjamin W. Heineman, Jr.,
Assistant Secretary for Planning and
Evaluation.

[FR Doc. 79-30267 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Floodplain Management and Wetlands Protection Procedures; BIA Procedures for the Consideration of Floodplains and Wetlands in Decisionmaking

September 24, 1979.

AGENCY: Bureau of Indian Affairs,
Department of the Interior.

ACTION: Notice.

SUMMARY: This Notice announces that BIA is publishing internal procedures to be followed in implementing Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands.

DATE: Comments must be received on or before October 31, 1979.

ADDRESS: All comments should be sent to the Director, Office of Trust Responsibilities, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20245, Attn: Code 210.

FOR FURTHER INFORMATION CONTACT: George C. Quist, Environmental Quality Specialist, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20245, telephone 202-343-8248.

SUPPLEMENTARY INFORMATION: These procedures implement Executive Orders 11988 and 11990 and will be codified in a supplement to 30 BIA Environmental Quality. These procedures are based on the Department of the Interior guidelines (520 DM 1) and incorporate the guidelines of the Water Resources Council. They are intended to stand alone and provide guidance to all Bureau employees in assuring that their actions further the intent and purpose of both Executive Orders without the necessity of referring to the WRC or Departmental guidelines.

The primary author of these procedures is Jonathan P. Deason, Civil Engineer, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20245.

These procedures will be incorporated into Bureau programs and activities through the Bureau's procedures for implementing the National Environmental Policy Act (NEPA). See 516 DM 1-8; and 30 BIA Environmental Quality, and 30 BIA Supp. 1, NEPA Handbook. (This BIA Manual material is currently in preparation.)

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

1.1 Purpose.

This manual sets forth the instructions to be followed in implementing Executive Order No. 11988 (Floodplain Management), Executive Order No. 11990 (Protection of Wetlands) and Department of the Interior Guidelines on Floodplain Management and Wetland Protection Procedures.

1.2 Policy.

It is the policy of the Bureau of Indian Affairs to exercise leadership and take action to:

A. Avoid to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of wetlands and floodplains.

B. Avoid the direct or indirect support of wetland or floodplain development whenever there is a practicable alternative.

C. Reduce the risk of flood loss.

D. Minimize the impact of floods on human health, safety and welfare.

E. Restore and preserve the natural and beneficial values served by floodplains.

F. Develop an integrated process to involve Indian tribal governments and the public in the floodplain management decision making process.

G. Incorporate the Unified National Program for Floodplain Management.

1.3 Applicability.

The procedural requirements contained in this manual apply to any Bureau actions involving floodplains and wetlands, including, but not limited to:

A. Planning and design of new Federal facilities or facilities on trust lands.

B. Modifying existing Federal facilities or facilities on trust lands or constructing new ones. They do not apply to normal maintenance. However, the rehabilitation of inoperative structures and rehabilitation projects incorporating significant enlargement that will result in changes to presently existing natural values associated with the wetland or floodplain area require full consideration.

C. Acquiring, managing, and disposing of Federal or trust lands and facilities.

D. Carrying out and influencing programs involving land uses and water planning and development, including regulating and licensing activities.

E. Administering construction, improvement and land acquisition programs supported or assisted by Federal grants, loans or other forms of financial assistance.

F. These procedures do not apply to agricultural development in floodplain areas which will not result in changes to presently existing natural values associated with the wetland or floodplain areas.

1.4 Definitions.

A. *Action.* Any Federal activity including: (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing federally undertaken,

financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating and licensing activities.

B. *Base Flood.* That flood which has a one percent chance of occurrence in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

C. *Base Floodplain.* Those areas which have a one percent chance of flooding in any given year (also called 100-year floodplain). Also see definition of floodplain.

D. *Critical Action.* Any activity for which even a slight chance of flooding would be too great. For example, activities involving storage of volatile, toxic, or water-reactive materials; hospitals and schools which may not be sufficiently mobile to avoid loss of life and injury; and utilities and emergency services which would be inoperative if flooded.

E. *Critical Action floodplain.* Those areas which have a 0.2 percent chance of flooding in any given year (also called a 500-year floodplain).

F. *Flood or Flooding.* A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

G. *Floodplain.* The lowland and relatively flat areas adjoining inland and coastal waters including at a minimum that area subject to a one percent or greater chance of flooding in any given year.

H. *Practicable.* Capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors, such as environment, cost or technology.

I. *Wetlands.* Those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats and natural ponds.

1.5 Procedures.

Area Directors, Agency Superintendents and Project Engineers

are responsible for ensuring that the following procedural steps will be undertaken whenever their respective offices propose an action involving the activities discussed in section 1.3. All requests for new authorizations or appropriations for actions to be located in floodplains or wetlands must contain a statement that the proposal is in accord with this manual. For those actions requiring an Environmental Assessment or Environmental Impact Statement under NEPA, the procedural steps shall be incorporated into the procedures outlined in 30 BIA Supplement 1, NEPA Handbook.

A. Determine Whether or Not the Proposed Action Is in the Floodplain or Wetland or Whether it has the Potential of Affecting Them

Normally, the floodplain of concern is the 100-year or base floodplain. However, if the proposal is deemed to be a "critical action" (see definition), then the floodplain of concern is the 500-year or critical action floodplain. The determination of whether or not the proposed action is in the floodplain may be accomplished by inspecting floodplain maps from the Federal Insurance Administration (FIA) of the Department of Housing and Urban Development (HUD), if available. Detailed maps showing the elevations of the base floodplains and the critical action floodplains are known as "Flood Insurance Rate Maps" (FIRM). Many of the communities that have a FIRM also have a Flood Insurance Study Report (FIS) containing detailed flood information. If these are not available, the FIA may be able to provide "Flood Hazard Boundary Maps" (FHBM) which show the approximate areas of the base floodplain. If these maps are not available or if the maps do not delineate the flood hazard boundaries in the vicinity of the proposed site, assistance should be sought from the agencies listed in Appendix A.

A determination regarding wetlands should be made by inspecting the property and by applying the definition in section 1.4. However, if a determination cannot be made on the basis of the definitions and inspections, assistance should be solicited from the Fish and Wildlife Service, the Corps of Engineers, the Environmental Protection Agency, or from tribal, city, or county planning and zoning agencies.

B. Initially Notify the Public of the Intent To Locate in the Floodplain or Wetland

The objective of public involvement is to provide sufficient information early enough in the process of making decisions affecting floodplains and

wetlands so that the public can have an impact on the decision outcome.

If there is a reasonable likelihood that a plan or proposed action or its alternatives will impact on a floodplain, then it should be announced to the audience of potential impact as early as that is known, and not delayed until much more detailed information is developed. Public notice must precede major site identification and analysis so the public can have an input early in the decision making process of preliminary site screening and selection. Public notice shall include formal notice to the tribal governing body.

C. Identify and Evaluate the Practicable Alternatives

Having determined that a proposed action is located in the base floodplain, the responsible official is required to identify and evaluate practicable alternatives to locating in the base floodplain. Alternatives to be evaluated include the following:

(1) *Alternative Sites.* Alternative sites for carrying out the proposed action outside the floodplain must be identified and the practicability of such sites evaluated. If a practicable site exists outside the base floodplain, the proposed action must not be located in the base floodplain. Whenever a floodplain site is the only practicable alternative, the analysis leading to this conclusion should be fully documented. In determining the practicability of a non-floodplain site, the general concepts of site feasibility apply. As a minimum, site practicability shall be addressed in the light of the following:

- (a) Natural (topography, habitat, hazards, etc.)
- (b) Social (aesthetics, historic and cultural values, land use patterns, etc.)
- (c) Economic (cost of space, construction, services, relocation, etc.)
- (d) Legal (deeds, leases, etc.)

(2) *Alternative Actions.* Alternative actions must be considered before a decision is made to carry out an action in the floodplain. These are actions that substitute for the proposed action in that they comprise new solutions or approaches which serve the same function or purpose as that proposal.

(3) *No Action.* No action is also an alternative, and assessment of this course is required. The alternative of no action probably cannot be fully evaluated until a determination has been made in step D of the harm to or within the floodplain resulting from the proposed action.

D. Determine Impacts of the Proposed Alternative on the Floodplain or Wetland Including Any Indirect Support to Other Floodplain or Wetland Development

(1) *General.* If it is determined that the only practicable alternative is to be located in the floodplain, the impacts of the proposed action must be identified. Similarly, where actions proposed to be located out of the floodplain will affect the floodplain, impacts resulting from these actions must be identified. In addition, some actions may support actions having impacts of their own and these subsequent impacts should be determined and evaluated, if possible. These actions may involve the direct support of floodplain development (for example, the construction of an office building in a floodplain which leads to other development such as parking lots, food service facilities, etc.) or the indirect support (for example, the construction of a road outside of the floodplain that may encourage development within the floodplain).

The concepts of impact assessment applicable to the National Environmental Policy Act (NEPA) and the NEPA Handbook (30 BIA M Supplement 1) are identical to those applicable to this directive. Basically, the impacts which must be addressed fall into three types:

(a) Positive and negative impacts. Example: Draining wetlands establishes an environment which is suitable for certain uses, but at the expense of the beneficial values of the wetland.

(b) Concentrated and dispersed impacts. A concentrated impact of constructing a building in a wooded area is the loss of vegetation at the site. A dispersed impact of the same action could be sedimentation downstream caused by erosion at the site.

(c) Short- and long-term impacts. Example: A short-term impact could be sedimentation at or below a construction site. A long-term impact could be the loss of valley floodwater storage resulting from the cumulative effects of floodplain management.

(2) *Areas of Impact.* The following describes the two areas of concern that are impacted by the occupancy and modification of floodplains.

(a) *Lives and property.* After determining that a proposed action is in the floodplain, the risk to lives and property involved in using that site must be determined. The evaluator should be especially aware of high hazard or frequently flooded areas where there is the potential for great loss. Frequently, these are the areas of floodplains within which many of the most critical

floodplain values are concentrated. In many cases, man's occupancy of these areas can increase flood heights and consequently the area subject to flooding. This manual must be vigorously applied to avoid these areas.

(b) *Floodplain values.* Floodplains in their natural or relatively undisturbed state have water resource values (natural moderation of floods, water quality maintenance and groundwater recharge), living resource values (fish, wildlife and plant resources), cultural resource values (open space, natural beauty, scientific study, outdoor education and recreation), and cultivated resource values (agriculture, aquaculture and forestry).

E. Determine Ways To Minimize the Impacts and Restore and Preserve Floodplain or Wetland Values

"Minimize" is a demanding standard and establishes a far more rigorous standard than other terms that are often used in similar contexts, such as alleviate (to lessen), mitigate (to moderate the severity of) and ameliorate (to improve). From the standpoint of lives and property, potential harm must be reduced to the smallest possible amount. The goal is to avoid increasing the flood loss potential associated with the level of the flood prior to the proposed action. Similarly, from the standpoint of floodplain values, minimization requires that harm to such values be reduced to the smallest possible amount.

"Restore" means to reestablish a setting or environment in which the natural and beneficial floodplain values can again operate. Where floodplain values have been degraded by past actions, measures must be identified, evaluated and implemented to restore the values diminished or lost.

"Preserve" means to prevent modification of the natural floodplain environment, or to maintain it as closely as possible to its natural state. This term applies foremost to floodplains showing little or no disruption by man. If an action will result in harm to or within the floodplain, the action must be designed or modified to assure that it will be carried out in a manner which preserves as much of the natural and beneficial floodplain values as possible.

Although the preferred manner for meeting the intent of this manual is the avoidance of the floodplain, the following methods to minimize the impacts and restore and preserve floodplain or wetland values are provided:

(1) *Natural Moderation of Floods.* (a) Minimize floodplain fills and actions

that require fills such as construction of dwellings, factories, highways, etc.

(b) Require that structures and facilities on wetlands provide for adequate flow circulation.

(c) Use minimum grading requirements and save as much of the site from compaction as possible.

(d) Relocate nonconforming structures and facilities out of the floodplain.

(e) Return site to natural contours.

(f) Preserve free natural drainage when designing and constructing bridges, roads, fills, and large built-up centers.

(g) Prevent intrusion on and destruction of beach and estuarine ecosystems and restore damaged dunes and vegetation.

(2) *Water Quality.* (a) Maintain wetland and floodplain vegetation buffers to reduce sedimentation and delivery of chemical pollutants to the water body.

(b) Control agricultural activities to minimize nutrient inflow.

(c) Control urban runoff, other storm water, and point and nonpoint discharges.

(d) Control methods used for grading, filling, soil removal and replacement, etc., to minimize erosion and sedimentation during construction.

(e) Prohibit the location of potential pathogenic and toxic sources on the floodplain, such as sanitary land fills and septic tanks, etc.

(3) *Groundwater Recharge.* (a) Require the use of pervious surfaces where practicable.

(b) Design construction projects for runoff detention.

(c) Dispose of spoils and waste materials so as not to contaminate ground or surface water or change land contours.

(4) *Living Resources.* (a) Identify and protect wildlife habitat and other vital ecologically sensitive areas from disruption.

(b) Require topsoil protection programs during construction.

(c) Control wetland drainage, channelizations, and water withdrawal.

(d) Reestablish damaged floodplain ecosystems.

(e) Minimize tree cutting and other vegetation removal.

(f) Design floodgates and seawalls to allow natural tidal activity and estuarine flow.

(5) *Cultural Resources.* (a) Provide public access to and along the waterfront for recreation, scientific study, educational instruction, etc.

(b) Locate and preserve from harm historical cultural resources; consult with appropriate governmental agencies or private groups. (Bureau procedures

for the protection and enhancement of cultural resources are presently being reviewed and will be published in the **Federal Register** for comment in the near future.)

(6) *Agricultural Resources.* (a) Minimize soil erosion on cropped areas within the floodplain.

(b) Control use of pesticides, herbicides, and fertilizer.

(c) Limit the size of fields, promote fence rows, shelter belts and stripcropping.

(d) Strengthen water bank and soil bank type programs to be consistent with alternate demands for the use of agricultural land.

(e) Minimize irrigation return flows and excessive applications of water.

(7) *Aquacultural Resources.* (a) Construct impoundments to minimize any alteration in natural drainage and flood flow. Existing natural impoundments such as oxbow lakes and sloughs could be utilized under proper management.

(b) Limit the use of exotic species, both plant and animal, to those organisms already common to the area or those known not to compete unfavorably with existing natural populations.

(c) Discourage mechanized operations. Machinery such as dredges, weeders, and large-scale harvesting equipment may lead to environmental problems such as sediment loading to adjacent watercourses.

(8) *Forestry Resources.* (a) Control the practice of clear-cutting, depending upon the species harvested, topography, and location.

(b) Complement tribal laws and any applicable state laws governing other aspects of harvest operations; proximity to watercourses, limits on road building, equipment intrusions, etc.

(c) Include fire management in any overall management plans. Selective fire use may reduce the probability of major destructive fires.

(d) Require erosion control plans on all timber allotments, roads, and skidways.

F. Reevaluate the Proposed Alternatives

For proposed actions in the floodplain, the reevaluation should consider if the action is still feasible and can satisfy the following four requirements at the proposed site:

(1) Avoid direct or indirect support of floodplain development wherever there is a practicable alternative.

(2) Reduce the risk of flood loss.

(3) Minimize the impact of floods on human safety, health and welfare.

(4) Restore and preserve the natural and beneficial floodplain values.

If the action is not feasible or cannot satisfy the above four requirements, consideration should be given to limiting the action to make non-floodplain sites practicable. If neither is acceptable, the alternative is no action. If the proposed action is outside the floodplain but has impacts which cannot be minimized, consider whether the action can be modified or relocated to eliminate or reduce the identified impacts, or if the no action alternative should be chosen. The reevaluation should also compare relative adverse impacts associated with proposed actions located out of the floodplain. The comparison should emphasize floodplain values. However, a site out of the floodplain should not be chosen if the overall harm is significantly greater than that associated with the floodplain site.

G. Decision and Public Notice

If reevaluation results in the determination that there is no practicable alternative to locating in or impacting the floodplain, a statement of findings and public explanation must be provided for the proposed action. This explanation should clarify how any tradeoff analysis was conducted in arriving at the findings. Existing public notice procedures, such as NEPA procedures, may satisfy this requirement. The written statement of findings and public explanation must include the following:

(1) A description of why the proposed action must be located in the floodplain.

(2) A description of all significant facts considered in making the determination including alternative sites and actions.

(3) A statement indicating whether the actions conform to applicable tribal, State, or local floodplain protection standards.

In addition, the following items should be included in the statement of findings and public explanation.

(4) A statement indicating why the National Flood Insurance Program criteria are demonstrably inappropriate for the proposed action (Example: Marinas, piers and docks must be at the water level.)

(5) A provision for publication in the **Federal Register** and a newspaper of general circulation in the project area.

(6) A provision for a brief comment period prior to agency action (15 to 30 days).

(7) A description of how the activity will be designed or modified to minimize harm to or within the floodplain.

(8) A statement indicating how the action affects natural or beneficial floodplain values.

(9) A statement listing other involved agencies and individuals.

H. Implementation

With the conclusion of the decision making process described in steps A-G, the proposed action can be implemented. However, there is a continuing responsibility for ensuring that the action is carried out in compliance with this directive. This is especially important for projects with long-term operation, maintenance and repair programs, such as reservoirs and irrigation systems.

1.6 Floodplain posting.

The conspicuous delineation of past and probable flood heights is required on property which has been or could be subjected to flooding and is used by the general public. This responsibility to post warnings applies to all types of property. This requirement will be most effective in areas experiencing rapid rates of new construction. Probable flood heights refer to the 100-year flood level and, when critical actions are involved, the 500-year flood level.

1.7 Review procedures.

All legislation with the potential to impact on floodplain and wetlands will be reviewed by Environmental Quality Services (Code 214) to uncover new opportunities for protection and restoration within Bureau programs. In addition, all Central Office codes will conduct at least annually a review of existing rules, regulations and procedures to incorporate protection and restoration of values.

1.8 Documentation.

Area, Agency and Project offices will maintain records of specific actions under this directive for reporting purposes under Executive Order No. 11988.

Appendix A—Floodplain Services Available From Listed Agencies

Department of Agriculture

Soil Conservation Service

As part of the SCS's Floodplain Management Assistance Program each State Conservationist carries out cooperative Flood Hazard Analyses upon request of local governments, in accordance with a Joint Coordination Agreement with the responsible State agency. SCS flood hazard reports contain floodplain delineations on aerial photomaps, flood profiles, and discharge and floodway data. In addition, SCS provides continuing technical assistance to local governments, after completion of a flood hazard or insurance study, to

help them implement their local floodplain management program. Each SCS State Office has additional flood elevation and related floodplain data on file from Watershed Project and Resource and Conservation Development Project investigations, River Basin Surveys and detailed soil surveys. If the State or field office address is not known contact: Chief, Floodplain Management and Special Project Branch, River Basins Division, SCS, P.O. Box 2890, Washington, D.C. 20013. Telephone 202-447-7697.

Department of the Army

Corps of Engineers

The Corps separately funded Floodplain Management Services Program has units in 47 District and Division offices located throughout the country which provide information and assistance in flood-related matters. They maintain a file of floodplain hydrographs. Each office provides interpretations as to flood depths, velocities and durations from existing data, develops new data through field and hydrologic studies and provides guidance on adjustments to minimize the adverse effects of floods and floodplain development. If the nearest District office address is not known, contact Chief, Floodplain Management Services (FMPS), U.S. Army Corps of Engineers, HQDA (DAEN-CWP-F), Washington, D.C. 20314, telephone 202-693-1691, or the nearest Division Office.

North Atlantic Division, New York, NY, 212 264-7483

South Atlantic Division, Atlanta, GA, 404 221-6702

Southwestern Division, Dallas, TX, 214 767-2310

South Pacific Division, San Francisco, CA, 415 556-5660

Lower Mississippi Valley Division, Vicksburg, MS, 601 636-1311 Ext. 385

Missouri River Division, Omaha, NE, 402-221-7270

Ohio River Division, Cincinnati, OH 513 684-3012

North Pacific Division Portland, OR, 503 221-3823

New England Division, Waltham, MA, 617 894-2400 Ext. 545

Pacific Ocean Division, APO San Francisco, CA 808 438-2883

North Central Division, Chicago, IL, 312 353-6531

Department of Commerce

NOAA-National Weather Service

Floodplain information and interpretative assistance for specific points on large rivers of the United States can be obtained from the National Weather Service. Information available consists of the flood stage for selected communities (the stage above

which flood damage occurs), and historical flood information for that location. An annual publication entitled "River Forecasts Provided by the National Weather Service" lists the points for which data are compiled and includes the flood stage at each point and the current year's maximum stage as well as the maximum stage of record. This publication is for sale by the National Climatic Center of NOAA, Asheville, North Carolina 28801. The National Weather Service provides flood forecasts and warnings on larger rivers and provides flash flood warnings on smaller streams.

For information and assistance contact the following National Weather Service Regional Offices:

Eastern Region, Garden City, NY, 212 995-8639

Southern Region, Ft. Worth, TX, 817 334-2674

Central Region, Kansas City, MO, 816 374-3229

Western Region, Salt Lake City, UT, 801 524-5137

Alaskan Region, Anchorage, AK, 907 265-4716

Pacific Region, Honolulu, HI, 808 546-5680

Department of Housing and Urban Development

Federal Housing Administration

The civil engineer at the 78 local or regional offices has specific knowledge of flood elevations for many urban locations and can provide knowledge of material available to assist in making a determination of floodplain location. The location of the nearest office may be obtained from one of HUD's 10 regional offices or by contacting: Federal Housing Administration, 451 7th Street, S.W., Washington, D.C. 20410. Telephone 202 755-5111.

Federal Insurance Administration

Requests for insurance maps or studies should be addressed as follows:

1. *FIA Mailing List.* Copies of new or reviews FHBMs, FIRMS, and FIS reports are distributed upon publication to organizations on the FIA mailing list. In requesting to be added to the mailing lists, the agency should specify the number and distribution of maps required (for example, two copies of each map for Maine and New Hampshire communities to Boston regional office). Mailing list inquiries should be sent to: Engineering Division, Federal Insurance Administration, Room 5150 HUD Building, 451 7th Street, S.W., Washington, D.C. 20514. Telephone: 202 755-7510.

2. *Requests for a Single Map.*

Request(s) for a previously published FFBM or FIRM may be made by calling FIA's toll free number 800 424-8872 from

outside of the Washington, D.C. area, or 755-9096 from within the Washington, D.C. area.

3. *Flood Insurance Study Reports.* These detailed engineering reports are distributed to those on the mailing list when a FIRM is initially published. However, because there has not been a recurring demand for this information, FIA does not have a system for supplying copies to interested organizations at a later date. Copies are available at: (1) FIA's Engineering Division (address above); (2) FIA Regional Offices (see list below) and (3) Chief Executive Officer of the local community within which the action is proposed to be carried out.

Region I—Boston, 817 223-2616
Region II—New York City 212 264-4734
Region III—Philadelphia, 215 597-9581
Region IV—Atlanta, 404 257-2391
Region V—Chicago, 312 353-0757
Region VI—Dallas, 214 749-7412
Region VII—Kansas City, 816 374-2161
Region VIII—Denver, 303 837-5041
Region IX—San Francisco, 415 556-3543
Region X—Seattle, 206 442-1028

Requests for floodplain management services, and a list of experienced consulting engineers may be obtained from the Director, Floodplain Management Division, Federal Insurance Administration, 415 7th Street, S.W., Washington, D.C. 20410. Telephone: 202 426-1891.

Department of the Interior

Geological Survey

User Assistance Centers at 48 locations can provide (a) factual information on flood peaks and discharges, flood depths and velocities, profiles of the water surface during major floods, areas inundated during major floods, time-of-travel of flood wave, and sediment transport data; (b) interpretive information regarding flood-frequency relations, estimates of 10, 50, 100, and 500 years flood discharges, computed water surface profiles, and flood-prone areas delineated on topographic maps, in most communities in the United States with known flood problems; and (c) assistance in minimizing flood losses by quickly identifying areas of potential flood hazards. If the User Assistance Center address is not known contact: Chief, Surface Water Branch, Water Resources Division, U.S. Geological Survey, National Center, Reston, VA 22092. Telephone: 703 860-6837

Bureau of Land Management

The Bureau of Land Management (BLM) has District Offices located in the Western States and Alaska involved in land use planning for public lands.

Floodplain protection and flood prevention is a significant element in the BLM planning system, and each District Office maintains a file of existing floodplain maps which are available for public inspection. If the location of the District Office is not known, contact: Bureau of Land Management, U.S. Department of the Interior, 18th & C Street, N.W., Washington, D.C. 20240. Telephone: 202 343-5717.

Bureau of Reclamation

The flood hydrologist at the seven regional offices has knowledge of flooding and flood elevation for related locations associated with Bureau projects and can provide interpretive assistance for existing data. For information contact one of the seven regional or nearby project offices or the Flood Hydrology Section, U.S. Bureau of Reclamation, P.O. Box 25007, Denver Federal Center, Denver, CO 80225. Telephone: 303 234-2035.

Fish and Wildlife Service

The Fish and Wildlife Service provides expertise on questions relating to fish, wildlife, and habitat resource, preservation, and maintenance. It functions through six regional, area and field offices. For information contact any of these offices, or the Fish and Wildlife Service, U.S. Department of the Interior, 18th & C Street, N.W., Washington, D.C. 20240. Telephone: 202 343-5715.

States

Many (but not all) States have active floodplain management programs. They have on file or access to most floodplain information generated by Federal and State agencies, regional organizations, special districts and private consultants. State agencies are usually staffed and funded to: (1) coordinate floodplain management activities; (2) develop minimum standards for floodplain regulations; (3) assist local units of government (counties, cities, etc.) in developing floodplain management programs; and (4) interpret available floodplain information. For most States, the appropriate contact is the Department of Natural Resources or the Water Resources Division. At the substate level, regional agencies such as conservancy districts and multi-county planning agencies may be a source of floodplain data and interpretation.

Tribal Agencies

Tribal agencies, especially planning agencies, may have acquired information on floodplains and wetlands in connection with assistance provided by other Federal agencies. These are matters which are within the scope of

tribal governmental authority, and tribes are encouraged to take appropriate action regarding floodplain management and wetlands protection.

[FR Doc. 79-30303 Filed 9-28-79; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Alabama; Announcement of Federal Regional Coal Team Briefing

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Announcement of Southern Appalachian Federal Regional Coal Team Briefing.

DATE 8:00 a.m. October 16, 1979.

ADDRESS: Briefing will be held in the Stafford Inn, 2209 Ninth Street, Tuscaloosa, Alabama.

FOR FURTHER INFORMATION CONTACT: Robert H. Moore, Regional Coal Team Chairman (202) 343-4636.

SUMMARY: The Bureau of Land Management is announcing a briefing of the Southern Appalachian Federal Regional Coal Team to conduct business pursuant to Departmental rules 43 CFR 3400.4, 44 FR 42612, July 19, 1979.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

September 25, 1979.

[FR Doc. 79-30327 Filed 9-28-79; 8:45 am]

BILLING CODE 4310-84-M

Office of the Secretary

[INT FEIS 79-47]

Proposed Grazing Management for the Vermilion Resource Area, Arizona Strip District, Arizona; Notice of Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement concerning a proposed intensive grazing management program for the Vermilion Resource Area in northern Mohave and Coconino Counties, Arizona. The proposal involves the analysis of 55 allotment plans and eleven less intensive management plans on a 1,580,504 acre area which is 89 percent Federal land.

Comments on the draft environmental impact statement were solicited from public agencies and interested individuals and entities. The comments were incorporated in the final environmental impact statement.

A limited number of copies of the final environmental impact statement are available upon request at the following offices:

Arizona State Office (911), Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, Telephone (602) 261-4127.

Arizona Strip District Office, Bureau of Land Management, 196 E. Tabernacle, St. George, Utah 84770, Telephone (801) 673-3545.

Copies of the final environmental impact statement will be available for public reading and review at the following locations:

Office of Information, Bureau of Land Management, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240, Telephone (202) 343-5717.

Arizona State Office (911), Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, Telephone (602) 261-4127.

Arizona Strip District, Bureau of Land Management, 196 E. Tabernacle, St. George, Utah 84770, Telephone (801) 673-3545.

Dated: September 17, 1979.

James W. Curlin,

Deputy Assistant Secretary of the Interior.

[FR Doc. 79-30336 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-84-M

DEPARTMENT OF LABOR

Office of Surface Mining

Advisory Committee on Mining and Mineral Resources; Change of Meeting Location

The location of the meeting of the Advisory Committee on Mining and Mineral Resources Research which will meet on October 10, 1979, from 9:00 a.m. to 5:00 p.m., in Room 1042, Columbia Plaza, 2401 E Street, N.W., Washington, D.C., has been changed to Conference Room 5160, Department of the Interior, 18th and 19th between C and E Streets, N.W., Washington, D.C. 20240. The meeting had been announced in the *Federal Register*, Vol. 44, No. 185, Page 54785, dated September 21, 1979.

Walter N. Heine,

Director.

[FR Doc. 79-30380 Filed 9-28-79; 6:45 am]

BILLING CODE 4310-05-M

Library of Congress American Folklife Center Board of Trustees; Meeting

In accordance with Pub. L. 92-463, the Board of Trustees of the American Folklife Center announces its meeting to be held on October 23-24, 1979 at 1:30 p.m., in the Green Room, Schoenberg Hall, University of California at Los

Angeles. The meeting will be open to the public up to the seating capacity of the room. It is suggested that persons planning to attend this meeting as observers contact Eleanor Sreb, American Folklife Center (202)287-6590.

The American Folklife Center was created by the U.S. Congress with passage of Pub. L. 94-201, the American Folklife Preservation Act, in 1976. The Center is directed to "preserve and present American folklife" through programs of research, documentation, archival preservation, live presentation, exhibition, publication, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members from Federal agencies and private life widely recognized for their interest in American folk traditions and arts.

The Center is structured with a small core group of versatile professional who both carry out programs themselves and oversee projects done on contract by others. In the brief period of the Center's operation it has begun energetically to carry out its mandate with programs that provide coordination, assistance, and model projects for the field of American folklife.

Raymond L. Dockstader,
Deputy Director, American Folklife Center.

(FR Doc. 79-30337 Filed 9-28-79; 8:45 am)

BILLING CODE 1410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

September 26, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506, in room 1134 from 9 a.m. to 5:30 p.m. on October 16, 1979.

The purpose of the meeting is to review applications to the Research Materials Program for translations projects in Indic languages beginning April 1, 1980.

Because the proposed meeting will consider financial information and discuss information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within

exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street N.W., Washington, D.C. 20506 or call area code 202-724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

(FR Doc. 79-30367 Filed 9-28-79; 8:45 am)

BILLING CODE 7536-01-M

Humanities Panel; Meeting

September 26, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506, in room 1134 from 9 a.m. to 5:30 p.m. on October 19, 1979.

The purpose of the meeting is to review applications to the Research Materials Program for translations projects in Near Eastern languages beginning 1 April 1980.

Because the proposed meeting will consider financial information and discuss information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506 or call area code 202-724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

(FR Doc. 79-30368 Filed 9-28-79; 8:45 am)

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Procedures for Meetings

Background

Procedures to be followed with respect to meetings conducted by the Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards, which were published October 4, 1978 (43 FR 45926), are renewed by this notice. These procedures are set forth in order that they may be incorporated by reference in future individual meeting notices.

The Advisory Committee on Reactor Safeguards (ACRS) is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements from members of the public to be considered as a part of the Committee's information gathering procedure, they are not adjudicatory hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety and Licensing Board as part of the Commission's licensing process. ACRS reviews do not normally encompass matters pertaining to environmental impacts other than those pertaining to radiological safety. ACRS full Committee, Subcommittee, and Working Group meetings are conducted in accordance with sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.).

General Rules Regarding ACRS Meetings

An agenda is published in the Federal Register for each meeting. Practical considerations may dictate some alterations in the agenda. The Chairman of the Committee, Subcommittee or Working Group which is meeting is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete session from one day to the next.

With respect to public participation in ACRS meetings, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy at the beginning of the meeting. When meetings are held at

locations other than Washington, D.C., reproduction facilities are usually not available. Accordingly, 15 additional copies should be provided for use at such meetings. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy addressed to the Designated Federal Employee specified in the Federal Register notice for the individual meeting in care of the ACRS, NRC, Washington, D.C. 20555. Comments postmarked no later than one calendar week prior to a meeting will normally be received in time for reproduction, distribution and consideration at the meeting.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the beginning of the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee, Subcommittee or Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether a meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call, on the working day prior to the meeting, to the Office of the Executive Director of the Committee (telephone 202-634-3265, ATTN: the Designated Federal Employee specified in the Federal Register Notice for the meeting) between 8:15 a.m. and 5:00 p.m., Washington, D.C. time.

(d) Questions may be asked only by ACRS Members, Consultants and Staff.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will be allowed while the meeting is in session at the discretion of the Chairman to a degree that is not disruptive to the meeting. When use of such equipment is permitted, appropriate measures will be taken to protect proprietary or privileged information which may be in documents, folders, etc., being used during the meeting. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) A copy of the transcript of the open portions of the meeting where factual information is presented will be

available at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, for inspection within one week following the meeting. A copy of the minutes of the meeting will be available at the same location on or before three months following the meeting. Copies may be obtained upon payment of appropriate charges.

Copies of the above-mentioned minutes and transcript will also be placed in the NRC Local Public Document Room, when appropriate, on the same time schedule. The location of the Public Document Room will be indicated in these cases in the individual Federal Register notice for the meeting.

Special Provisions When Proprietary Sessions Are To Be Held

If it is necessary to hold closed sessions for the purpose of discussing matters involving proprietary information, persons with agreements permitting access to such information may attend those portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that it can be confirmed and a determination made regarding the applicability of the agreement to the material that will be discussed during the meeting. The minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Designated Federal Employee prior to the beginning of the meeting.

Dated: September 25, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

(FR Doc. 79-30352 Filed 9-28-79; 8:45 am)

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Radiobiological Effects and Site Evaluation; Meeting

The ACRS Subcommittee on Radiobiological Effects and Site Evaluation will hold an open meeting on October 16-17, 1979 in Room 1046, 1717 H St., N.W., Washington, DC 20555 to discuss those portions of the ACRS

Annual Report to Congress on the NRC Reactor Safety Research Program that relate to research dealing with radiobiological effects and siting considerations. The Subcommittee will also discuss policy and proposed changes for nuclear facility siting. Notice of this meeting was published September 20 (44 FR 54559).

In accordance with the procedures outlined in the Federal Register on October 4, 1978 (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: Tuesday and Wednesday, October 16 and 17, 1979, 8:30 a.m. until conclusion of business each day.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions pertinent to this review with representatives of the NRC Staff and their consultants.

The subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the subject matter is ready for review by the full Committee.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Ragnwald Muller, (telephone 202-634-1413) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: September 25, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

(FR Doc. 79-30353 Filed 9-28-79; 8:45 am)

BILLING CODE 7590-01-M

[Docket No. 50-368]

Arkansas Power & Light Co.; Granting of Relief From ASME Section XI Inservice Testing Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the Arkansas Power and Light Company (the licensee). The relief relates to the inservice testing program for the Arkansas Nuclear One, Unit No. 2, located in Pope County, Arkansas. The ASME code requirements are incorporated by reference into the Commission's regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief is granted, on an interim basis, pending completion of our detailed review, from those inservice testing requirements of the ASME Code that the licensee has determined to be impractical within the limitations of design, geometry, and materials of construction of components, because compliance would result in hardships and unusual difficulties without a compensating increase in the level of quality or safety.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the licensee's requests for relief contained in the submittal to the Commission dated June 15, 1978, and (2) the Commission's letter to the licensee dated September 21, 1979.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A copy of item (2) may be obtained upon request addressed to

the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 21st day of September 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4,
Division of Operating Reactors.

[FR Doc. 79-30335 Filed 9-28-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Facility Operating License No. DPR-23, issued to Carolina Power and Light Company, which revised Technical Specifications for operation of the H. B. Robinson Unit No. 2 (the facility) located in Darlington County, South Carolina. The amendment is effective as of its date of issuance.

The amendment consists of additions to the Technical Specifications which incorporate the proposed low temperature overpressure protection system into the limiting Conditions for Operations and Surveillance Requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 22, 1977, (2) Amendment No. 42 to License No. DPR-23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library,

Home and Fifth Avenues, Hartsville, South Carolina 29550. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of September, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1,
Division of Operating Reactors.

[FR Doc. 79-30366 Filed 9-28-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Facility Operating License No. DPR-39, and Amendment No. 48 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Environmental Technical Specifications (ETS) contained in Appendix B to the licenses to delete the 8° F per hour rate of temperature change under normal startup and shutdown and its associated monitoring. This action is consistent with the U.S. Environmental Protection Agency's 316(a) determination and subsequent removal of all temperature limits from the NPDES permit for Zion Station. In addition, these amendments delete Table B.4 "Estimated Chemical Usage" and usage requirements and adds a requirement for submittal of a chemical release for the station with the annual report.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has prepared an Environmental Impact Appraisal for the revised Technical Specifications and

has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see (1) the applications for amendments dated September 26, 1977 (as revised August 13, 1979) and October 13, 1978, (2) Amendment Nos. 51 and 48 to License Nos. DPR-38 and DPT-49, and (3) the Commission's related Environmental Impact Appraisal. All of these items available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 17th day of September, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch Number 1,
Division of Operating Reactors.

[FR Doc. 79-30357 Filed 9-28-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-245]

Connecticut Light & Power Co.; Issuance of Amendment to Provisional Operating License and Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Provisional Operating License No. DPR-21, issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company (the Licensees), which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 1 (the facility) located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to replace the current inservice inspection and testing Technical Specifications with an inservice inspection and testing program that meets the requirements of 10 CFR 50.55a.

By letter dated September 19, 1979, as supported by the related safety evaluation, the Commission has also granted relief from certain requirements of the ASME Code, Section XI, "Rules

for Inservice Inspection of Nuclear Power Plant Components" to the licensee. The relief relates to the inservice inspection (testing) program for the facility. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The application for the amendment and request for relief comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment, and letter and safety evaluation granting relief. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment and the granting of the relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these actions.

For further details with respect to these actions, see (1) the application transmitted by letter dated May 27, 1977, and the information submitted by letter dated February 28, 1979, (2) Amendment No. 64 to License No. DPR-21, (3) the Commission's related Safety Evaluation, and (4) the Commission's letter to the licensee dated September 19, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of September, 1979.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch No. 2,
Division of Operating Reactors.

[FR Doc. 79-30358 Filed 9-28-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-3 and 50-247]

Consolidated Edison Co. of New York, Inc.; Issuance of Amendment to Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Provisional Operating License No. DPR-5, and Amendment No. 59 to Facility Operating License No. DPR-26 issued to the Consolidated Edison Company of New York (the licensee), which revised Technical Specifications for operation of the Indian Point Station Unit No. 1 and Indian Point Nuclear Generating Unit No. 2 (the facilities) located in Buchanan, Westchester County, New York. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications concerning the operating organization for Unit Nos. 1 and 2, the reporting requirements for Unit No. 1; the qualifications of the Chemistry and Radiation Safety Director for Unit Nos. 1 and 2, and number of fire detectors for Unit No. 2.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 26, 1979, (2) Amendment Nos. 27 and 59 to License Nos. DPR-5 and DPR-26, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 18th day of September, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1,
Division of Operating Reactors.

[FR Doc. 79-30359 Filed 9-28-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-338]

Virginia Electric & Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating license No. NPF-4, issued to Virginia Electric and Power Company, which amends the one time basis extension granted as License Condition 2.D.(3)p in Amendment No. 13, for the surveillance frequency response time testing of systems, safety injection and containment depressurization actuation testing as specified in the Technical Specification to Appendix A of the North Anna Power Station, Unit No. 1 (the facility). The effect of this amendment is to permit continued facility operations for an additional twenty (20) days, to October 5, 1979, the date by which the facility must know be shutdown to perform these tests. October 5 is also the date by which the facility will begin its first refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the amendment does not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact. Having made this determination, it has further been concluded that the amendment involves an action which is insignificant from the standpoint of environmental impact and, pursuant to 10 CFR Section 51.5(d)(4), that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) Virginia Electric and

Power Company letter, dated September 11, 1979, (2) Amendment No. 15 to License No. NPF-4, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia, 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 14th day of September.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors, Branch No. 1,
Division of Operating Reactors.

FR Doc. 79-30360 Filed 9-28-79; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

September 26, 1979.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out; Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk(*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

New Forms

Agricultural Marketing Service

Food Facility Survey

MRD-1, MRD-2

Single time

Food wholesalers, distributors, & processors, 250 responses; 150 hours
Charles A. Ellett, 395-5080

Revisions

Food and Nutrition Service

*Regs: School Breakfast Program on occasion

State agencies & school food authorities, 9,956 responses; 2,531 hours
Charles A. Ellett, 395-5080

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—252-5214

New Forms

Pennsylvania Anthracite Distribution

Survey

EIA-196B

Annually

Anthracite prep plant operators & wholesalers, 140 responses; 210 hours
Jefferson B. Hill, 395-5867

Pennsylvania Anthracite Production

Survey

EIA-196A

Annually

Anthracite mine and/or prep plant operators, 650 responses; 975 hours
Jefferson B. Hill, 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter Gness—245-7488

New Forms

Food and Drug Administration

Dental Text Book Use

Single time

Dental schools, 59 responses; 10 hours
Richard Eisinger, 395-3214

Health Resources Administration
National Reporting System for Family Planning Services Study

Single time

Family Planning Service Sites, 800 responses; 544 hours

Off. of Federal Statistical Policy & Standard, 673-7974

Health Resources Administration
1979 Resurvey of primary care physicians

Single time

Receptionists of primary care physicians, 8,500 responses; 1,275 hours

Richard Eisinger, 395-3214

Health Resources Administration
Nursing Talent Search Survey

Single time

Nurses, 1,200 responses; 209 hours
Richard Eisinger, 395-3214

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755-5184

New Forms

Community Planning and Development
Urban Development Action Grant (UDAG) Program

Quarterly progress report

Quarterly

Severely distressed cities & urban counties, 4,000 responses; 16,000 hours
Arnold Strasser, 395-5080

Community Planning and Development
Application for Urban Development Action Grants

Quarterly

Units of general local govts. eligible for UDAG grants, 950 responses; 38,000 hours

Arnold Strasser, 395-5080

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523-6341

Revisions

Employment and Training

Administration

*Employer Services Activity Report
ETA 520 (formerly MA 5-20)

Monthly

State employment security agencies, 624 responses; 169 hours
Arnold Strasser, 395-5080

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Reports Management.

FR Doc. 79-30384 Filed 9-28-79; 8:45 am]

BILLING CODE 3110-01-M

PRESIDENTIAL COMMISSION ON WORLD HUNGER

Meeting to Discuss Draft Portions of Commission's Report

The ninth meeting of the Presidential Commission on World Hunger will be held on Monday, October 15, 1979. The location of the meeting has not yet been determined. The meeting will begin at 9:30 a.m. and conclude at approximately 4:30 p.m.

The agenda for the meeting will include discussion of draft portions of the Commission's Report.

The meeting will be open to observation by the public to the extent space is available. Reservations are required and requests should be addressed to Presidential Commission on World Hunger, 734 Jackson Place, N.W. Washington, D.C. 20006. Reservations will be honored on the basis of the earliest postmarks of requests.

Donald B. Harper,

Administrative Officer, Presidential Commission on World Hunger.

[FR Doc. 79-30384 Filed 9-28-79; 8:45 am]

BILLING CODE 8820-97-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 16217; SR-CBOE-79-8]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

September 21, 1979.

On August 6, 1979, the Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78 (s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which defines combination orders and accords to combination orders the same limited exception to book priority which is presently accorded to spread and straddle orders.¹

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-16114, August 16, 1979) and by publication in the Federal Register (44 FR 49538, August 23, 1979). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rules change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-30288 Filed 9-28-79; 8:45 am]

BILLING CODE 8010-01-M

¹The CBOE staff has informed the Commission staff that the CBOE will require executing members to identify combination orders by checking the box on the floor order ticket labelled "straddle". In addition, the order ticket will designate the put and call series which are the subject of the combination order.

[Release No. 16202; SR-CBOE-79-7]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

September 21, 1979.

On August 8, 1979, the Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which broadens the permissible uses of hand signals to an executing floor broker so that hand signals may be used to initiate an order or to increase its size.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-16115, August 16, 1979) and by publication in the Federal Register (44 FR 49539, August 23, 1979). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552), were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-30287 Filed 9-28-79; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 16208; File No. 600-18]

Fixed Income Clearing Corp., Inc.; Filing of an Application for Registration of a Clearing Agency

September 18, 1979.

The Fixed Income Clearing Corporation, Inc. has filed an

application to become a registered clearing agency under Sections 17A and 19(a) of the Securities Exchange Act of 1934 (the "Act") and pursuant to subparagraph (c)(1) of Rule 17Ab2-1 under the Act (17 CFR 240.17Ab2-1(c)(1)). The Fixed Income Clearing Corporation intends to engage in the business of holding, receiving and delivering fixed income securities.

On or before December 31, 1979, or within such longer period as to which the applicant consents, the Commission will, in accordance with Section 19(a) of the Act:

(A) By order grant such registration, or

(B) Institute proceedings to determine whether registration should be denied.

Pursuant to subparagraph (c)(1) of Rule 17Ab2-1 under the Act, if requested by an applicant, the Commission may grant the applicant registration as a clearing agency in accordance with Sections 17A(b) and 19(a)(1) of the Act, but exempt the applicant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)-(I) of Section 17A(b)(3) of the Act. Registration pursuant to subparagraph (c)(1) of Rule 17Ab2-1 shall not be effective for more than eighteen (18) months from the date on which the registration is made effective by the Commission.

Subparagraph (c)(2) of Rule 17Ab2-1 requires that, in the case of any clearing agency registered in accordance with subparagraph (c)(1) of rule 17Ab2-1, the Commission, not later than nine months from the date such registration is made effective, will either grant registration without exempting the registrant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)-(I) of Section 17A(b)(3) of the Act or will institute proceedings to determine whether registration should be denied at the expiration of 18 months.

Interested persons are invited to submit written data, views and arguments concerning the foregoing application within six weeks from the date of publication of this notice in the Federal Register. Such written data, views and arguments will be considered by the Commission in granting registration or instituting proceedings to determine whether registration should be denied in accordance with Section 19(a) of the Act and subparagraph (c)(2) of Rule 17Ab2-1. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange

Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File Number 600-18.

Copies of the application and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. 20006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-30284 Filed 9-28-79; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 10873; 812-4338]

Federated Fiduciary Trust; Filing of Application for Order Exempting Applicant

September 21, 1979.

Notice is hereby given that Federated Fiduciary Trust ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on July 28, 1978, and amendments thereto on August 7, 1979, and September 4, 1979, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant's assets to be valued at amortized cost. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund organized as a Massachusetts Business Trust, and that Fiduciary Research Corp., a wholly-owned subsidiary of Federated Investors, Inc., serves as its investment adviser. Applicant further states that it is designed as an investment vehicle for temporary cash reserves and that its shares are currently offered only to institutional investors, although Applicant reserves the right to offer its shares to individual investors in the future. According to the application, Applicant's investment objective is to provide stability of principal and current income consistent with stability of principal. Applicant states that it invests in a variety of money market instruments.

As here pertinent Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the

market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant states that its experience indicates that two features are necessary in a "money market" fund: (1) Certainty of stability of principal and (2) steady flow of predictable and competitive investment income. Applicant asserts that by maintaining a portfolio of high quality, short-term money market instruments valued at amortized cost it can provide these features. Applicant represents that its trustees have properly determined in good faith under the provisions of the Act to value the portfolio of Applicant by use of the amortized cost method and that this method is in the best interests of the shareholders of Applicant. Applicant further represents that: (1) Its trustees have determined in good faith, in light of the characteristics of Applicant, that the amortized cost method of valuation of portfolio instruments is appropriate and

preferable to the use of a market based valuation method, and (2) its trustees have further determined to continuously monitor valuations indicated by methods other than amortized cost so that any necessary changes in the valuation method may be made to assure that the valuation method being used is a fair approximation of fair value in view of all pertinent factors. Accordingly, Applicant requests exemptions from Section 2(a)(41) of the Act, and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit its assets to be valued as set forth in the application, and as described above, whether or not market quotations are available.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant submits that the exemptions it requests satisfy these standards in view of its management policies and the conditions hereinafter set forth.

Applicant consents to the imposition of the following conditions in an order granting the relief it requests:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the trustees undertake—as a particular responsibility within the overall duty of care owed to shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's new asset value per share, as computed for the purpose of distribution, redemption and repurchase, at \$1.00 per share.

2. Included within the procedures to be adopted by the trustees shall be the following:

(a) Review by the trustees, as they deem appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's \$1.00 amortized cost price

per share, and the maintenance of records of such review.¹

(b) In the event such deviation from Applicant's \$1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the trustees will promptly consider what action, if any, should be initiated by the trustees.

(c) Where the trustees believe the extent of any deviation from Applicant's \$1.00 amortized cost price per share may result in a material dilution or other unfair results to investors or existing shareholders, they shall take such action as they deem appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments of Applicant; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.²

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1. above, and Applicant will record, maintain and preserve for a period or not less than six years (the first two years in an easily accessible place) a written record of the trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the

¹ To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the trustees in the exercise of their discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

² In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominate instruments which the trustees determine present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not so rated, of comparable quality as determined by the trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than October 11, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-30285 Filed 9-28-79; 9:46 am]

BILLING CODE 8010-01-M

[Release No. 21221; 70-6354]

**Jersey Central Power & Light Co.;
Proposed Issuance and Sale of First
Mortgage Bonds by Subsidiary;
Request for Exemption From
Competitive Bidding**

September 21, 1979.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, an electric utility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed with this Commission an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rules 45 and 50(a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell up to \$47,500,000 aggregate principal amount first mortgage bonds ("Bonds"), to be issued under its indenture dated as of March 1, 1946, as heretofore supplemented and amended and as to be further supplemented and amended by a supplemental indenture. The Bonds will contain a provision prohibiting their call for a period not exceeding 10 years from their date of issue. Other terms of the Bonds will be supplied by amendment.

The net proceeds from the sale of the Bonds will be applied to the anticipated payment at or before maturity of \$25,000,000 principal amount of 12-3/4% First Mortgage Bonds, due November 1, 1979 and to pay at or before maturity up to \$22,500,000 of short-term loans outstanding at the date of sale. At August 27, 1979, Jersey Central had short-term bank loans outstanding of approximately \$69,000,000.

Jersey Central requests an exemption from the competitive bidding requirements of Rule 50 pursuant to Rule 50(a)(5). It refers to the March 28, 1979, nuclear accident at Unit No. 2 of the Three Mile Island nuclear generating station ("TMI-2"), in which unit Jersey Central owns an undivided 25% interest, the remainder being owned by Pennsylvania Electric Company (25%) and Metropolitan Edison Company (50%), associate companies of Jersey Central. Expenditures related to TMI-2 and the purchase of replacement energy will subject to the GPU system, including Jersey Central, to a serious cash drain for an indeterminable period.

In view of these uncertain and exceptional conditions, Jersey Central believes that competitive bidding for the Bonds is not now feasible.

Jersey Central believes it may be possible to effect a sale of the Bonds through private placement. Jersey Central proposes to explore with a group of prospective underwriters the prospects for such private offering and negotiate the terms thereof. It is hereby authorized to do so.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that the Board of Public Utilities of the State of New Jersey has jurisdiction over the proposed issuance and sale of the Bonds and that no other state commission and no federal commission, other than this commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 17, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-30285 Filed 9-28-79; 9:46 am]

BILLING CODE 8010-01-M

[Release No. 10874; 812-4531]

**Lutheran Brotherhood Money Market
Fund, Inc.; Filing of Application for
Order Exempting Applicant**

September 21, 1979.

Notice is hereby given that Lutheran Brotherhood Money Market Fund, Inc. ("Applicant"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on February 28, 1979, and amendments thereto on August 7, 1979, and September 4, 1979, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant's assets to be valued at amortized cost. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund organized as a Maryland Corporation and that Lutheran Brotherhood Resources Corp., a wholly-owned subsidiary of Lutheran Brotherhood (a fraternal benefit insurance society), and Federated Research Corp., a wholly-owned subsidiary of Federated Investors, Inc., serve as investment advisers to Applicant. Applicant further states that it is designed as an investment vehicle for investors with temporary cash reserves and that its shares may be purchased only by (1) members of Lutheran Brotherhood and those eligible for such membership, and (2) Lutheran Church organizations, trusts or employee benefit plans. The application states that a one-time sales charge of \$100 is imposed on the purchase of Applicant's shares and that such sales charge amounts to 4% of the public offering price of Applicant's shares when calculated as a percentage of Applicant's required minimum initial investment of \$2500. According to the application, Applicant is designed to provide current income consistent with stability of principal. Applicant states that as a matter of fundamental investment policy it invests in a variety of money market instruments with maturities of one year or less.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2)

with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments with remaining maturities in excess of 60 days on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977) ("Release No. 9786").

Applicant states that experience indicates that two features are necessary in a "money market" fund: (1) Stability of principal and (2) steady flow of investment income. Applicant further states that by maintaining a portfolio of high quality, short-term money market instruments valued at amortized cost it can provide these features to investors. Applicant notes that, since its inception, it has limited its investments to money market instruments with maturities of 60 days or less and that it values these investments at amortized cost in accordance with the views expressed by the Commission in Release No. 9786. According to the application, the Board of Directors of Applicant has determined that an average portfolio maturity of 120 days would obviate the possibility of significant volatility in the values of portfolio instruments, while at

the same time provide a yield not available with a portfolio of shorter average maturity. Applicant represents that its Board of Directors has properly determined in good faith under the provisions of the Act to value the portfolio of Applicant by use of the amortized cost method and that this method is in the best interests of the shareholders of Applicant. Applicant further represents that: (1) Its Board of Directors has determined in good faith, in light of the characteristics of Applicant, that the amortized cost method of valuation of portfolio instruments is appropriate and preferable to the use of a market base valuation method, and (2) its Board of Directors has further determined to continuously monitor valuations indicated by methods other than amortized cost so that any necessary changes in the valuation method may be made to assure that the valuation method being used is a fair approximation of fair value in view of all pertinent factors. Accordingly, Applicant requests exemptions from Section 2(a)(41) of the Act, and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit its assets to be valued as set forth in the application, and as described above, whether or not market quotations are available.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant submits that the exemptions it requests satisfy these standards in view of its management policies and the conditions hereinafter set forth.

Applicant consents to the imposition of the following conditions in an order granting the relief it requests:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose

of distribution, redemption and repurchase, at \$1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors shall be the following:

(a) Review by the Board of Directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's \$1.00 amortized cost price per share, and the maintenance of records of such review.¹

(b) In the event such deviation from Applicant's \$1.00 amortized cost price per share exceeds ½ pf 1 percent, a requirement that the Board of Directors will promptly consider what action, if any, should be initiated by the Board of Directors.

(c) Where the Board of Directors believes the extent of any deviation from Applicant's \$1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: Redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments of Applicant; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share: *Provided, however,* That Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.²

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the

procedures (and any modifications thereto) described in paragraph 1. above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments which the Board of Directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not so rated, of comparable quality as determined by the Board of Directors.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than October 11, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advise as to whether a hearing is

ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-30288 Filed 9-28-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21225; 70-6351]

Southern Co.; Proposal by Holding Company to Become Bonded as Surety of Public Utility Subsidiary Company

September 24, 1979.

Notice is hereby given that The Southern Company ("Southern"), Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 12(b) and 12(f) of the Act as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Southern proposes to act as one of two sureties on a bond of its subsidiary, Alabama Power Company ("Alabama"), in connection with Alabama's appeal of a rate proceeding. On July 19, 1979, the Alabama Public Service Commission entered an order which denied the rates requested by Alabama, made permanent a 9½ percent emergency rate increase granted in March 1979, added on a 5 percent increase to go into effect on July 19, 1979 and scheduled an additional 8 percent increase to go into effect in January of 1980. On August 20, 1979, Alabama filed notice of appeal to the Supreme Court of Alabama and plans to petition that court for authority to place into effect subject to refund under supersedeas bond, that portion of the rate increase denied. The maximum amount of the bond would be \$120,536,000, twice the estimated revenues from the refundable rates for the first six months supersedeas period. Southern proposes to act as surety during the initial six months from the date of delivery of the bond and to execute as surety such further bonds, renewals or extensions, as may be required to keep the proposed rates in effect pending a determination on the appeal. Alabama has been advised that such a bond can be obtained from a commercial surety only with difficulty

and at substantial premium costs. To avoid such costs, Southern proposes to act as surety for no premium, fee or other compensation. The President of Alabama will act as the second surety.

The fees and expenses incurred or to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested persons may, not later than October 15, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed, or as it may be amended, may be granted as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-30289 Filed 9-28-79; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0372]

Preferential Capital Corp.; Issuance of a License To Operate as a Small Business Investment Company

On May 31, 1979, a Notice was published in the Federal Register (44 FR 31339) stating that Preferential Capital Corp., 16 Court Street, Brooklyn, New York 11241, had filed an application, with the Small Business Administration pursuant to Section 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CR 107.102 (1979)), for a license to operate

as a small business investment company.

Interested parties were given until the close of business June 15, 1979, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA, on September 12, 1979, issued License No. 02/02-0372 to Preferential Capital Corp., pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: September 4, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-30381 Filed 9-28-79; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council Meeting; Public Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Madison, Wisconsin, will hold a public meeting at 10:00 a.m. on Tuesday, October 16, 1979, in the Madison District Office Conference Room, The Federal Center, 212 East Washington Avenue, Room 213, Madison, Wisconsin, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Lisa W. Perrin, Acting District Director, U.S. Small Business Administration, The Federal Center, 212 East Washington Avenue, Madison, Wisconsin 53703—(608) 364-5267.

Dated: September 26, 1979.

K. Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-30382 Filed 9-28-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Procedures Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedure Advisory Committee to be held October 30—November 2, 1979, from 9 a.m. E.D.T. to 4 p.m. daily, in

conference rooms 7A and B at FAA Headquarters, 800 Independence Ave., S.W., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. Frank L. Cunningham, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Ave., S.W., Washington, D.C. 20591, telephone (202) 426-3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on September 20, 1979.

F. L. Cunningham,

Executive Director, ATPAC.

[FR Doc. 79-30386 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

Maui Combined Station Tower at Kahului, Hawaii; Notice of Decommissioning

Notice is hereby given that the Maui Combined Station Tower, Kahului Airport, Kahului, Hawaii, was decommissioned on September 21, 1979. Flight Service Station services formerly provided by this facility to the aviation public of Maui, Hawaii, are now provided by the Honolulu Flight Service Station in Honolulu, Hawaii.

Issued in Honolulu, Hawaii, on September 21, 1979.

Joseph B. Nestor,

Acting Director, Pacific-Asia Region.

[FR Doc. 79-30264 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

Fiat 124 Models for Model Years 1970-1974 Imported by Fiat Motors of North America, Inc.; Public Proceeding Rescheduled

A public proceeding previously scheduled for 10:00 A.M. on September 26, 1979 with respect to undercarriage corrosion in the 124 models of the Fiat

¹To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the Board of Directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

²In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

automobile for model years 1970 through 1974 has been rescheduled for 10:00 A.M., October 3, 1979, Room 2230, Department of Transportation Headquarters, 400 Seventh Street, S.W., Washington, D.C. 20590. The issues to be considered at the proceeding are whether or not a defect relating to motor vehicle safety exists in the frame and underbody of these vehicles due to excessive corrosion, and whether Fiat, in repurchasing some of these models from owners who have complained of rust, has violated the agency's statutory requirements of notification and remedy.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Joan Murianka, Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590, telephone 202-426-2850, before the close of business on October 2, 1979.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on September 27, 1979.

Lynn L. Bradford,
Associate Administrator for Enforcement.
[FR Doc. 79-30446 Filed 9-27-79; 1:27 pm]
BILLING CODE 4910-99-M

Fiat 850 Spyder for Model Year 1971 Imported by Fiat Motors of North America, Inc.; Public Proceeding Rescheduled

A public proceeding previously scheduled for 10:00 A.M. on September 26, 1979 to review the adequacy of the manufacturer's notification and remedy campaign on rust and corrosion for 1971 Fiat model 850 Spyders has been rescheduled for 10:00 A.M., October 3, 1979 in Room 2230, Department of Transportation Headquarters, 400 Seventh Street, S.W., Washington, D.C. 20590.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Joan Murianka, Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590, telephone 202-426-2850, before the close of business on October 2, 1979.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on September 27, 1979.

Lynn L. Bradford,
Associate Administrator for Enforcement.
[FR Doc. 79-30445 Filed 9-27-79; 1:27 pm]
BILLING CODE 4910-99-M

Office of the Secretary

Procedures for Considering Environmental Impacts; Policies and Procedures

AGENCY: Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This final Order revises the Department's procedures for considering environmental impacts to conform with the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of the National Environmental Policy Act. Those regulations were issued by CEQ on November 29, 1978.

EFFECTIVE DATE: September 18, 1979.

FOR FURTHER INFORMATION CONTACT: Camille Cleveland, Office of Environment and Safety, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-4396.

SUPPLEMENTARY INFORMATION:

1. Background

On November 29, 1978, the Council on Environmental Quality (CEQ) published regulations governing the implementation of the National Environmental Policy Act (NEPA) (43 FR 55978). The regulations direct Federal agencies to adopt procedures to implement the regulations (40 CFR section 1507.3). This Order establishes policies and procedures that supplement the CEQ regulations and apply them to Department of Transportation (DOT) programs.

The Order, designated as DOT Order 5610.1C, is an internal directive and applies to all elements of DOT. In addition to this directive, most operating administrations of the Department will issue their own implementing instructions or regulations consistent with this Order and the CEQ regulations which will provide more specific guidance on applying NEPA to their programs. Unit such time as each administration adopts its own individual instructions, this Order prescribes the format and guidelines for the consideration of environmental impacts by that administration.

2. Response to Comments

The proposed Order and request for public comment was published on May 31, 1979. Comments were received from 19 state departments of transportation, four metropolitan planning organizations, one city government, two professional organizations, two private non-profit environmental organizations, and three federal agencies. At the same time, the proposed Order was the subject of an internal review pursuant to DOT procedures. The issues raised in the Departmental review process were addressed internally, and are therefore not a subject of discussion here.

3. Principal Comments

Paragraph 7(g)—Tiering

Paragraph 7(g)'s provision for encouraging the development of environmental impact statements (EISs) on a regional/systems level proved the most controversial section of the draft Order. Comments ranged from strongly positive (6) to adamantly opposed (8). Those who argued against the inclusion of 7(g) in the final Order most frequently raised the following points: (i) It was argued that 7(g) would represent a costly burden upon metropolitan planning organizations (MPOs), which are neither financially nor administratively capable of undertaking the increased responsibilities which 7(g) would delegate to them. (ii) Opponents further contended that 7(g) would represent a superfluous formality in that environmental factors are already taken into account in the regional planning process. Hence, 7(g)'s effect would be merely to require a documentation of the role of environmental factors in that process; there would not be any actual change in current practices. (iii) It was further argued that an EIS prepared at the regional/systems level would be a meaningless document, because the data needed to prepare a meaningful EIS is not available on a regional basis or so far in advance of site-specific project development. (iv) It was also felt that a regional/systems EIS would represent an extremely tentative analysis, since many proposed transportation actions at the level will never be developed, or will not use Federal funding support. (v) The final argument of opponents of 7(g) was that that section would lead to unnecessarily added Federal red tape, which would only lengthen and make more difficult an already long and difficult process.

Four commenters felt that that concept of 7(g) was desirable, but expressed reservations as to the wisdom of including such a provision in the final Order at this time. The primary concern

among this group of commenters was the possible legal ramifications of 7(g). It was feared that opponents of transportation projects might be able to use 7(g) as a point of attack in the courts, which might conceivably interpret the section as requiring that which the regulation was intended only to encourage. One commenter among this group suggested that it would be premature to adopt the 7(g) concept in the regulation before testing that concept in a demonstration project.

Two commenters felt that the Order should be more flexible, stressing that 7(g) procedures only be used in certain limited circumstances, or, more generally, that they be used when they would simplify or improve environmental processing. Another commenter suggested that a broad "environmental analysis" would be the appropriate vehicle to assess systems-level environmental impacts, rather than the EIS.

At the other end of the spectrum, five commenters endorsed 7(g) to the point of recommending that its procedures be made mandatory. This group of commenters maintained that a mandatory tiering process was essential, otherwise MPOs would opt not to perform this additional task. It was also argued that the systems-level approach to the consideration of environmental factors was required if those factors were to play a truly meaningful role in the decision-making process, since most "big" decisions are made long before the implementation of site-specific projects. Moreover, this group of commenters contended that national policy goals other than transportation considerations *per se* (such as urban economic revitalization, equitable access, etc.) could not be adequately evaluated in examining the need for development of transportation systems at the site-specific level, where, in their opinion, the EIS functions more as a device for insuring mitigation than as a means for introducing environmental considerations into the decision-making process.

The language of 7(g) in the final Order reflects a compromise between these two viewpoints. Although references to "regional plans" have been deleted in the revised version, the final Order has retained its emphasis upon encouraging the preparation of broad scale EISs. Environmental studies are encouraged at the systems planning level, and information from these studies should be used in the preparation of EISs.

We believe the language of the final Order is consistent with the concept of tiering as described in the CEQ regulations. Where appropriate, EISs

will progress from the analysis of broader scale actions to subsequent narrower actions. Conducting environmental studies at the systems planning level will assure that environmental factors are considered at the earliest stages of planning for proposed transportation actions.

Paragraph 11(d)—Internal Processing

Three commenters criticized 11(d) as being too inflexible in its approach to concurrence requirements. It was suggested that the categories which would require the concurrence of the Assistant Secretary for Policy and International Affairs (P-1) were overly rigid, and that P-1's concurrence be limited to those projects which were "controversial"; that the desirability of P-1's concurrence be determined on a per project basis; or, at minimum, that 11(d) be modified so as to exclude minor readjustments to centerlines of existing highways, an action which is technically a "new alignment".

Paragraph 11(d) as written is unchanged from the existing DOT Order 5610.1B, except for the addition of a mechanism for lending flexibility in 11(d)(6), which provides that, upon review of a draft EIS for a proposed action normally requiring P-1 concurrence, P-1 may decide that the final EIS may be processed without prior concurrence. We believe that this provision will achieve a good balance in the processing of final EISs, allowing a majority to be processed within the operating administrations, while at the same time maintaining oversight by the Office of the Secretary (OST) of those larger projects likely to be controversial, to involve the most significant environmental impacts, or to require the personal attention of the Secretary. No substantial objection to 11(d) has been raised within the Department. Therefore, we have retained this provision in 5610.1C.

Paragraph 11(f)—Availability Pending Approval

Four commenters recommended that 11(f) be changed so as not to require circulation and distribution of EISs to the public and governmental agencies until after final approval. It was felt that this would minimize the chance of error and consequent confusion of the reader.

Paragraph 11(f) does not require circulation of EISs prior to final approval. Rather, it provides that EISs be made available for public inspection prior to approval. This provision reflects the practice that has been followed in many DOT offices, but not in others. This experience over the past several years has indicated a need for guidance

to provide fair and uniform procedures. We believe that paragraph 11(f) will accomplish this goal, while affording interested parties a reasonable opportunity to become familiar with proposed final EISs. At the same time, paragraph 11(f) does not create any additional burden in terms of added paperwork, circulation, etc.

Paragraph 11(k)—Supplemental Statements

Three commenters focused on paragraph 11(k). One emphasized the need for clarity and elaboration in the regulations as to what circumstances, under paragraph 11(k), would require that a final EIS be supplemented. Another commenter suggested that supplemental EISs under paragraph 11(k) follow those guidelines under which the original draft EIS was developed. One other commenter recommended that paragraph 11(k) mandate supplemental study only of "significantly different" project alternatives, not all "reasonable" project alternatives (as the proposed Order had indicated).

Upon review and reconsideration, we have accepted the viewpoints of these latter two commenters. Paragraph 11(k) of the final Order reflects these revisions.

As regards the former comment concerning the clarity of the provisions of paragraph 11(k), we believe that paragraph 11(k) is sufficiently clear for use by DOT administrations. No concern in this regard was raised within the Department.

Paragraph 19—Time in Effect of Statements

Paragraph 19 elicited a strong adverse reaction from commenters. Seven commenters felt that the provisions of paragraph 19 should be eliminated altogether. Their general position was that if any significant changes have occurred, the EIS could be supplemented rather than presumed invalid.

Other commenters underscored the need for a more flexible approach to the paragraph 19 problem. They suggested a range of alternatives: That the time frames proposed in paragraphs 19 (a) and (b) should be extended (one commenter recommending an extension of from three to five years); That in lieu of the time frames of paragraph 19, each operating administration should be required to make a determination that the time lapse is reasonable (in view of the nature of the project), that the environment is unchanged and that the action is essentially the same before adopting any final EIS filed three years after the circulation of the draft EIS; that

a "finding of validity" be required on all statements or assessments over one year old, with no limitations as to maximum age; and That, under paragraph 19(b), the criteria for preparation of a supplemental EIS after a delay of three years should be the same as the *general* criteria for preparation of supplemental statements (set forth in paragraph 11(k)).

Upon reconsideration, we agree with the commenters as to the need for greater flexibility in our approach to the problem to which paragraph 19 is addressed. Accordingly, we have revised this provision in the final Order to require, in paragraph 19(c), a *reevaluation* of final EISs if major steps toward the implementation of the proposed action have not occurred within five years of approval of the final EIS, or within the time frame set forth in the final EIS. This reevaluation would be subject to internal review and concurrence. That provision of paragraph 19 in the proposed Order which stipulated presumed invalidity for final EISs beyond a given time frame has been deleted in the final Order.

Attachment 2—Format and Content of EIS's

We had requested comments on Attachment 2, which prescribes the format and content of EISs. Only five commenters addressed themselves to the Attachment. Their comments ranged from an "OK as is" assessment, to a general approval with some specific recommendations for appending the Attachment, to strong criticism of the Attachment as overly inflexible, with detailed suggestions for modifying it.

The Attachment as published in Notice 79-9 was identical in every respect to Attachment 2 as originally promulgated, in 1974. The Attachment as it appears here reflects certain minor changes which have been made in order to insure conformity with CEQ regulations. In addition, paragraph 15 of the original Attachment has been deleted, due to the fact that existing procedures of FAA adequately address the considerations which originally prompted paragraph 15.

We currently plan a major revision of Attachment 2 which will insure its currency insofar as basic national policy objections (e.g. urban revitalization, energy conservation, etc.) and recently promulgated environmental requirements (such as those dealing with endangered species) are concerned. Further comments in regard to this revision of Attachment 2 will be solicited at the appropriate time.

4. Other Comments

The Department of the Interior requested that we add language providing for notification and consultation with Federal land management entities and other states, pursuant to section 102(2)(d) of NEPA. We have added such language in the final Order.

Both the Department of the Interior and the Environmental Protection Agency expressed reservations in regard to paragraph 6(e). Their concern was that comments from agencies which had declined to participate as cooperating agencies in the EIS process might not be afforded the degree of consideration which those comments merited. In our view, paragraph 6(e) was not intended to produce any such effect; nor does the language of the provision imply that any such effect will accompany an agency's refusal to cooperate in the EIS process. Moreover, we believe that paragraph 6(e) as it stands makes an important contribution to the Department's policy of one-stop environmental processing. Therefore, this provision has been retained in the final Order.

At the request of the Department of State, we have added a reference in the authority section to EO 12114, Environmental Effects Abroad of Major Federal Actions. The final Order also provides that communications with foreign governments concerning environmental studies be coordinated with the State Department, in accordance with EO 12114.

Charles Swinburn,

Acting Assistant Secretary for Policy and International Affairs.

September 22, 1979.

BILLING CODE 4910-62-M

[Order No. DOT 5610.1c]

Subject: Procedures for considering environmental impacts.

Dated: September 18, 1979.

Introduction

1. *Purpose.* This Order establishes procedures for consideration of environmental impacts in decision making on proposed Department of Transportation (DOT) actions. The Order provides that information on environmental impacts of proposed actions will be made available to public officials and citizens through environmental impact statements, environmental assessments or findings of no significant impact. These documents serve as the single vehicle

for environmental findings and coordination.

2. *Cancellation.* DOT 5610.1B, PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS, dated September 30, 1974.

3. *Authority.* This Order provides instructions for implementing Section 102(2) of the National Environmental Policy Act of 1969, as amended, (42 USC 4321-4347, hereinafter "NEPA") and the Regulations for Implementing NEPA issued by the Council on Environmental Quality, 11-29-78 (40 CFR 1500-1508); Sections 2(b) and 4(f) of the Department of Transportation Act of 1966 (49 USC 1653, hereinafter "the DOT Act"); Sections 309 and 176 of the Clean Air Act, as amended (42 USC 7401 et seq.); Section 106 of the National Historic Preservation Act of 1966 (16 USC 470, hereinafter "the Historic Preservation Act"); Sections 303 and 307 of the Coastal Zone Management Act of 1972 (43 USC 1241); Section 2 of the Fish and Wildlife Coordination Act (16 USC 661 et seq.); Section 7 of the Endangered Species Act, as amended (16 USC 1533); the Federal Water Pollution Control Act, as amended (33 USC 1314 et seq.); Executive Order 12114, Environmental Effects Abroad of Major Federal Actions; and various Executive Orders relating to environmental impacts. In addition, the Order provides instructions for implementing, where environmental statements are required, Sections 138 and 109 of Federal-aid highway legislation (Title 23, USC, hereinafter "the Highway Act"); Sections 16 and 18(a) of the Airport and Airway Development Act of 1970 (49 USC 1716, 1718, hereinafter "the Airport Act"); and Section 14 of the Urban Mass Transportation Act of 1964 (49 USC Section 1601 et seq., hereinafter "the Urban Mass Transportation Act").

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Attachment 1.—State and Localities with EIS Requirements

Attachment 2.—Form and Content of Environmental Impact Statements

1. Background

The National Environmental Policy Act (NEPA) establishes a broad national policy to promote efforts to improve the relationship between man and his environment. NEPA sets out certain policies and goals concerning the environment and requires that to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with those policies and goals.

Section 102 of NEPA is designed to insure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government. Section 102(2)(C) requires that all agencies of the Federal Government shall

include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Section 102(2)(A) requires all agencies of the Federal Government to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment."

The Council on Environmental Quality (CEQ) issued regulations for implementation of the procedural

provisions of NEPA (40 CFR Parts 1500-1508) on 11-29-78. The CEQ regulations apply uniformly to and are binding upon all Federal agencies, and direct each agency to adopt implementing procedures which relate the CEQ regulations to the specific needs of that agency's programs and operating procedures.

This Order implements the mandate of NEPA, as defined and elaborated upon by CEQ's regulations, within the programs of the Department of Transportation. The Order is not a substitute for the regulations promulgated by CEQ, nor does it repeat or paraphrase the language of those regulations. Rather, the Order *supplements* the CEQ regulations by applying them to DOT programs. Therefore, all operating administrations and Secretarial Offices shall comply with both the CEQ regulations and the provisions of this Order.

This Order provides instructions for implementation of relevant environmental laws and executive orders in addition to NEPA. The environmental process established by this Order is intended to implement the Department's policy objective of one-stop environmental processing. To the maximum extent possible, a single process shall be used to meet requirements for environmental studies, consultations and reviews.

2. Policy and Intent

a. It is the policy of the Department of Transportation to integrate national environmental objectives into the missions and programs of the Department and to:

- (1) Avoid or minimize adverse effects wherever possible;
- (2) Restore or enhance environmental quality to the fullest extent practicable;
- (3) Preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites;
- (4) Preserve, restore and improve wetlands;
- (5) Improve the urban physical, social and economic environment;
- (6) Increase access to opportunities for disadvantaged persons; and
- (7) Utilize a systematic, interdisciplinary approach in planning and decision making which may have an impact on the environment.

b. The purpose of the environmental procedures in this Order is to provide Department officials, other decision makers, and the public, as part of the decision making process, with an understanding of the potential effects of proposed actions significantly affecting the quality of the human environment.

The environmental review process is to be used to explore and document alternative actions that will avoid or minimize adverse impacts.

c. The environmental impact statement (EIS), finding of no significant impact (FONSI, formerly "negative declaration") and determination that a proposed action is categorically excluded serve as the record of compliance with the policy and procedures of NEPA and the policy and procedures of other environmental statutes and executive orders. To the maximum extent possible, all environmental studies, reviews and consultations shall be coordinated into a single process, and compliance with all applicable environmental requirements shall be reflected in the EIS or FONSI.

3. Planning and Early Coordination

a. The identification and evaluation of the social, economic and environmental effects of a proposed action and the identification of all reasonable measures to mitigate adverse impacts shall be initiated in the early planning stages of the action, and shall be considered along with technical and economic studies. Assessment of environmental impacts should be a part of regional transportation system planning and broad transportation program development.

General criteria for identification of social, economic, and environmental impacts in DOT planning programs are set forth in subparagraph 10.e., DOT 1130.4, Intermodal Planning Groups and Unified Planning Work Programs, of 2-12-79. Other guidance may be identified in the implementing procedures of the administrations.

b. Where the DOT action is initiated by a State or local agency or a private applicant, the responsible operating administration shall assure that the applicant is advised of environmental assessment and review requirements and that consultation with appropriate agencies and interested parties is initiated at the earliest possible time. (See paragraph 20.b. below.)

c. Existing administration procedures for early consultation and citizen participation shall be modified to incorporate the scoping process (CEQ 1501.7). Implementing procedures shall assure that significant issues are identified and that all interested parties have an opportunity to participate in the scoping and early consultation process.

d. Where the proposed action is initiated by a State and may have significant impacts on a Federal land management entity or any other State, the responsible Federal official shall

provide early notice to and solicit the views of the Federal land management entity or other State.

4. Environmental Processing Choice

a. *Actions covered.* Except as provided in subparagraph c. below, the requirements of this Order apply to, but are not limited to, the following: all grants, loans, loan guarantees, construction, research activities, rulemaking and regulatory actions, certifications, licenses, permits, approval of policies and plans (including those submitted to the Department by State or local agencies), adoption or implementation of programs, legislation proposed by DOT, and any renewals or reapprovals of the foregoing. (CEQ 1508.18(b).)

b. *Environmental Impact Statements.* An EIS shall be prepared for any proposed major Federal action significantly affecting the environment. (See also: CEQ 1508.27, and paragraphs 7 and 20 of this Order.)

c. *Categorical Exclusions.* the following actions are not Federal actions with a significant impact on the environment, and do not require either an environmental assessment or an environmental impact statement:

- (1) Administrative procurements (e.g. general supplies) and contracts for personal services;
- (2) Personnel actions (e.g. promotions, hirings);
- (3) Project amendments (e.g. increases in costs) which do not significantly alter the environmental impact of the action;
- (4) Operating or maintenance subsidies when the subsidy will not result in a change in the effect on the environment; and
- (5) Other actions identified by the Administrations as categorical exclusions pursuant to paragraph 20.

d. *Environmental Assessment.* An environmental assessment is a document concisely describing the environmental impacts of a proposed action and its alternatives. If a decision has not been made to prepare an EIS and a proposed action has not been classified as a categorical exclusion, an environmental assessment shall be prepared. The results of an environmental assessment shall be used to determine whether an EIS or FONSI shall be prepared. (See CEQ 1508.9 and 1506.5(b).)

e. *Finding of No significant Impact (FONSI).* If it is determined following preparation of the environmental assessment that the proposed action will not have a significant impact on the environment, a FONSI shall be prepared. (See paragraph 5.)

5. Finding of No Significant Impact

a. The FONSI may be attached to an environmental assessment or the environmental assessment and FONSI may be combined into a single document.

b. Except as provided in subparagraph c. below, a FONSI or environmental assessment need not be coordinated outside the originating office, but must be made available to the public upon request. Notice of availability shall be provided (see suggestions for public notice in CEQ 1506.8(b)). In all cases, notice shall be provided to State and areawide clearinghouses.

c. In the circumstances defined in CEQ 1501.4(e)(2), a copy of the proposed finding of no significant impact and the environmental assessment shall be provided to the Assistant Secretary for Policy and International Affairs (P-1), and the documents should be made available to the public for a period of not less than 30 days before the finding of no significant impact is made and the action is implemented. Consultation with other Federal agencies concerning section 4(f) of the DOT Act, the Historic Preservation Act, section 404 permits, and other Federal requirements should be accomplished prior to or during this period.

6. Lead Agencies and Cooperating Agencies

a. The appropriate operating administration or Secretarial Office shall serve as the lead agency or joint lead agency for preparing and processing environmental documents when that element has the primary Federal responsibility for the action.

b. An applicant should to the fullest extent possible serve as a joint lead agency if the applicant is a State agency with state-wide jurisdiction, or is a State or local agency, and the proposed action is subject to State requirements comparable to NEPA. (See CEQ 1506.2.)

c. The Office of Environment and Safety (P-20) should be notified if it is necessary to request CEQ resolution of lead agency designation pursuant to CEQ 1501.5(e).

d. Coordination with cooperating agencies shall be initiated early in project planning and shall be continued through all stages of development of the appropriate environmental document.

e. If an agency requested to be a cooperating agency replies pursuant to CEQ 1501.6(c), that it will not participate, the responsible DOT official shall provide a copy of this reply to P-1. The agency shall be provided a copy of the draft EIS. If the agency makes adverse comments on the draft EIS

(including the adequacy of the EIS or consideration of alternatives or of mitigating measures), or if the agency indicates that it may delay or withhold action on some aspect of the proposal, the matter shall be referred to P-1 for discussion with CEQ.

f. Where a DOT element is requested to be a cooperating agency, it shall make every effort to participate.

7. Preparation and Processing of Draft Environmental Statements

a. *Scope of Statement.* The action covered by the statement should have independent significance, and must be broad enough in scope to avoid segmentation of projects and to insure meaningful consideration of alternatives. The scope of the statement should be decided upon during the scoping process. (See also CEQ 1502.20 and paragraph 7.g. below.) A general class of actions may be covered in a single EIS when the environmental impacts of all the actions are similar.

b. *Timing of Preparation of Draft Statements.* Draft statements shall be prepared at the earliest practical time prior to the first significant point of decision in the program or project development process. They should be prepared early enough in the process so that the analysis of the environmental effects and the exploration of alternatives are meaningful inputs to the decision making process. The implementing guidance (see paragraph 19) shall specify the point at which draft statements should be prepared for each type of action.

c. *Interdisciplinary Approach and Responsibilities for EIS Preparation.* An interdisciplinary approach should be used throughout planning and preparation of environmental documents to help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences. At a minimum, operating administrations should have staff capabilities adequate to evaluate environmental assessments and environmental documents so that DOT can take responsibility for their content. Secretarial Offices may request assistance from P-20. If the necessary disciplines are not represented on the staff of the Administration, the responsible official should obtain professional services from other Federal, State or local agencies, universities, or consulting firms.

d. *Preparation of Draft.* Draft EISs shall be prepared concurrently with and integrated with environmental analyses required by other environmental review laws and executive orders. To the

maximum extent possible, the EIS process shall be used to coordinate all studies, reviews and consultations. (See CEQ 1502.25.) The draft EIS should reflect the result of the scoping/early consultation process. Further guidance on compliance with the various environmental statutes is included in Attachment 2.

e. *Format and Content.* Further guidance on the format and content of EISs is provided in Attachment 2.

f. Circulation of the Draft Environmental Impact Statement.

(1) The originating operating administration or Secretarial Office shall circulate the draft environmental statement or summary to the parties indicated in paragraph 8 below. Copies of the draft EIS should be filed with the Environmental Protection Agency (EPA). (See also CEQ 1506.9 and 1506.10.)

(2) If a State agency with statewide jurisdiction is functioning as a joint lead agency and has prepared the draft EIS, the draft statement may be circulated by the State agency after the operating administration has approved it.

g. *Tiering.* Tiering of EISs as discussed in CEQ 1502.20 is encouraged when it will improve or simplify the environmental processing of proposed DOT actions. Preparation of tiered EISs should be considered for complex transportation proposals (e.g. major urban transportation investments, airport master plans, aid to navigation systems, etc.) or for a number of discrete but closely related Federal actions. The first tier EIS should focus on broad issues such as mode choice, general location and areawide air quality and land use implications of the alternative transportation improvements. System planning activities should encompass environmental studies, as noted in subparagraph 3.a., and the first tier EISs should use information from these system planning studies and appropriate corridor planning and other planning studies. A second tier, site specific EIS should focus on more detailed project impacts and detailed mitigation measures (e.g. addressing detailed location, transit station locations, highway interchange configurations, etc.).

8. Inviting Comments on the Draft EIS

The draft EIS shall be circulated with an invitation to comment to: (1) all agencies having jurisdiction by law or special expertise with respect to the environmental impact involved; (2) interested parties; (3) EPA Office of Federal Activities; (4) The Assistant Secretary for Policy and International Affairs (P-1); and (5) Other elements of DOT, where appropriate. A reasonable

number of copies shall be provided to permit agencies and interested parties to comment expeditiously.

a. State and Local Reviews.

(1) Review of the proposed action by State and local agencies, when appropriate, shall be obtained as follows:

(a) Where review of draft Federal development projects, and of projects assisted under programs listed in Attachment D to revised OMB Circular A-95 (as implemented by DOT 4600.4C, Evaluation, Review and Coordination of DOT Assistance Programs and Projects, of 4-12-79), takes place prior to preparation of a draft environmental statement, comments of the reviewing agencies on the environmental effects of the proposed project shall be attached to the environmental statement. Copies of the draft and final environmental statements shall be sent to clearinghouses and to the applicant whose project is the subject of the statement.

(b) Project applicants or administrations shall obtain comments directly from appropriate State and local agencies, except where review is secured by agreement through A-95 clearinghouses. Comments shall be solicited from all affected local governments.

(2) At the time a draft or final environmental statement is filed with EPA, the availability of the statement should be announced through advertisements in local newspapers and other effective methods. Copies of EISs shall be provided to the public upon request and made available at appropriate public places.

b. *Review of EISs Prepared Pursuant to Section 102(2)(D) of NEPA.* If the draft EIS is prepared by a State agency with statewide jurisdiction, and the proposed action will affect another State or Federal land management entity, the draft EIS shall be circulated to the affected State or Federal land management entity.

9. Review of Environmental Statements Prepared by Other Agencies

The purpose of DOT review and comment on environmental statements drafted by other agencies is to provide a competent and cooperative advisory and consultative service.

a. Comments should be limited to the impacts on areas within the Department's functional responsibility, jurisdiction by law or expertise.

b. DOT projects that are environmentally or functionally related to the action proposed in the EIS should be identified so that interrelationships can be discussed in the final statement.

In such cases, the DOT agency should consider serving as a joint lead agency or cooperating agency.

c. Other agencies will generally be requested to forward their draft environmental statements directly to the appropriate regional offices to the Department. There are several types of proposals, however, that should be referred by regional offices of Departmental headquarters for comment. These generally include the following:

(1) Actions with national policy implications;

(2) Legislation, regulations having national impacts, or national program proposals.

Draft EISs in these categories are to be referred to P-1 for preparation of DOT comments and, where appropriate, to the headquarters of the operating administrations. In referring these matters to headquarters, the regional office is encouraged to prepare a proposed Departmental response.

d. Draft EISs for actions which have impact on only one region or which do not fall within subparagraph c. above should be reviewed by regional offices of DOT administrations. Comments should be forwarded directly to the office designated by the originating agency. If the receiving office believes that another DOT office is in a better position to respond, it should send the statement to that office. If more than one administration is commenting at the regional level, the comments shall be coordinated by the Regional Representative or a designee.

e. When appropriate, the commenting office should coordinate a response with other Departmental offices having special expertise in the subject matter. For example, comments on projects affecting the transportation of hazardous materials or natural gas and liquid-products pipelines should be coordinated with the Research and Special Programs Administration, Materials Transportation Bureau, and water resources projects should be coordinated with the U.S. Coast Guard, Ports and Waterways Planning Staff (C-WS/73).

f. Copies of comments on another agency's EIS shall be provided to the requesting agency, to P-1 and to the Regional Representative if the comment is prepared by a regional office.

10. Predecision Referrals to the Council on Environmental Quality

The following specific procedures apply to referrals involving DOT elements:

a. *DOT Lead Agency Proposals.*

(1) An operating administration or Secretarial Office receiving a notice of intended referral from another agency with respect to a proposed DOT action shall provide P-20 with a copy of the notice. The final EIS involved shall be submitted to P-1 for concurrence, unless, prior to processing the final EIS, the referring agency notifies the lead agency in writing that its objections are resolved. Every effort should be made to resolve the issues raised by the referring agency prior to processing the final EIS. These efforts should be documented in the EIS. P-1 will be available to assist in any such resolution, and should be notified of the results.

(2) In the event of an actual referral, the lead agency shall obtain P-1's concurrence in the response to CEQ.

b. DOT Referrals to CEQ on other Agencies' Proposals.

(1) If upon reviewing a draft from another Federal agency, an operating administration or Secretarial Office believes a referral will be necessary, it should so advise P-20. If P-20 agrees, it will advise the lead agency that DOT intends to refer the proposal to CEQ unless the proposal is changed. P-20 will coordinate DOT comments on the draft EIS, including the notice of intended referral.

(2) Environmental referrals should be avoided, where possible, through efforts to resolve the issues, after providing notice of intent to refer and prior to the lead agency's filing the final EIS.

(3) In the event that the issues have not been resolved prior to filing of the final EIS with EPA, P-1 will deliver a referral to CEQ not later than 25 calendar days after the final EIS is made available to EPA, commenting agencies, and the public.

(a) Operating administrations and Secretarial Offices should submit proposed referrals to P-1 at least 5 days prior to the 25-day deadline. The proposed referral should include the information specified in section 1504.3(c) of the CEQ regulations.

(b) P-1 will inform the lead agency of the referral and the reasons for it, including a copy of the detailed statement developed pursuant to section 1504.3(c).

11. Final Environmental Impact Statements

a. Preparation. The final EIS shall identify the preferred alternative, including measures to mitigate adverse impacts. In identifying the preferred alternative, the DOT element should consider the policies stated in paragraph 2 above. Every effort should be made to resolve significant issues raised through circulation of the draft EIS, the

community involvement process and consultation with cooperating agencies before the EIS is put into final form for approval by the responsible official. The final statement shall reflect such issues, consultation and efforts to resolve the issues, including an explanation of why any remaining issues have not been resolved.

b. Compliance with other Requirements. The final EIS should reflect that there has been compliance with the requirements of all applicable environmental laws and orders, e.g., section 4(f) of the DOT Act, section 106 of the Historic Preservation Act, section 404 of the Clean Water Act, section 7 of the Endangered Species Act, the DOT Floodplain Management Order (5650.2) and the DOT Wetlands Order (5660.1A). If such compliance is not possible by the time of final EIS preparation, the EIS should reflect consultation with the appropriate agencies and provide reasonable assurance that the requirements can be met.

c. Legal Review. All final environmental statements shall be reviewed for legal sufficiency by the Chief Counsel of the operating administration concerned, or by a designee. Final environmental statements prepared within the Office of the Secretary (OST) shall be reviewed for legal sufficiency by the General Counsel (C-1). Statements which require concurrence at the OST level pursuant to paragraph 11.d. below and which also involve section 4(f) shall be reviewed for legal sufficiency by counsel at the headquarters of the operating administration.

d. Internal Processing. Final environmental impact statements will be processed pursuant to this subparagraph.

(1) Grants for Highway Construction Projects. Final environmental impact statements for all grants for highway construction projects may be approved by the Federal Highway Administrator or a designee. For projects in the following categories, that approval may be given only after concurrence of P-1:

(a) Any highway project located on a new alignment in a standard metropolitan statistical area of over 100,000 population;

(b) Any new controlled access freeway;

(c) Any project to which a Federal, State, or local government agency has expressed opposition on environmental grounds;

(d) Any project for which P-1 requests an opportunity to review and concur in the final statement.

(2) Grants for Airport Development Projects. Final environmental impact

statements for all airport development grants may be approved by the Federal Aviation Administrator or a designee. For projects in the following categories, that approval may be given only after concurrence of P-1:

(a) Any new airport serving a metropolitan area;

(b) Any new runway or runway extension for an airport located in whole or in part within a metropolitan area and either certificated under Section 612 of the Federal Aviation Act of 1958, as amended, or used by large aircraft (except helicopters) of commercial operators;

(c) Any project to which a Federal, State, or local governmental agency has expressed opposition on environmental grounds;

(d) Any project for which P-1 requests an opportunity to review and concur in the final statement.

(3) Bridge Permits. Final environmental impact statements for all bridge permits issued under Section 9 of the Act of March 3, 1899, 33 USC 401; the Bridge Act of 1906, as amended, 33 USC 491 et seq.; or the General Bridge Act of 1946, as amended, 33 USC 525 et seq.; may be approved by the Commandant of the Coast Guard or a designee. For bridge permits in the following categories, that approval may be given only after concurrence of P-1:

(a) Any bridge that would be part of a road located on a new alignment in a metropolitan area.

(b) Any bridge that would be part of a new controlled access freeway;

(c) Any bridge to which a Federal, State, or local governmental agency has expressed opposition on environmental grounds;

(d) Any bridge for which P-1 requests an opportunity to review and concur in the final statement.

(4) Other Final Environmental Impact Statements. Final environmental impact statements on actions not dealt with in subparagraphs (1) through (3) above may be approved by the Administrator or Secretarial Officer (or a designee) originating the action, but only after concurrence of P-1.

(5) For final EISs which require P-1 concurrence pursuant to subparagraphs (1)-(4) above and which also involve a section 4(f) determination, concurrence in the section 4(f) determination is required by both P-1 and the General Counsel (C-1).

(6) After review of a draft EIS for a proposed action normally requiring P-1's concurrence, as described in subparagraphs (1) through (4) above, P-1 may decide that the final EIS may be processed without prior concurrence.

This decision will include consideration of the following:

(a) Adequacy of early coordination with other Federal, State, and local government agencies, and

(b) Adequacy of the draft EIS in identifying the environmental impacts of and the reasonable alternatives to the proposed action.

Any decision made under this subparagraph is subject to review and withdrawal at any time prior to the date the final EIS is approved.

e. Final Processing. Where P-1's concurrence is required, the administrations shall submit to P-1 two copies of the final environmental statement, together with all comments received on the draft from the responsible Federal, State, and local agencies and private organizations. The final statement may be deemed to be concurred in by P-1 unless, within two weeks after its receipt, P-1 notifies the administration to the contrary or requests an extension of the review period; or unless it is a statement including a section 4(f) determination. In the case of section 4(f) involvement, the final statement may be deemed to be concurred in by P-1 and C-1 after 30 days, unless P-1 or C-1 notifies the administration to the contrary or requests an extension of the review period. Where warranted, P-1 may request formal concurrence from other Secretarial Officers. For such statements, P-1 shall transmit the coordinated decisions of the Secretarial Officers to the originating administration or office. A final statement requiring P-1 concurrence may not be formally transmitted to EPA until that concurrence has been secured. When P-1 does not concur, the final statement shall be returned to the originating administration or office with a statement of the reasons for nonconcurrence.

f. Availability Pending Approval. Following the initial level of approval by the administration (for example, by the FHWA Division Administrator), proposed final statements should normally be made available for inspection during usual business hours by the public and Federal, State or local agencies. Such statements should carry a notation that the statement is not approved and filed.

g. Decisions Reserved to the Secretary. If an action requires the personal approval of the Secretary or Deputy Secretary pursuant to a request by them or by P-1, C-1, or the administration or Secretarial Office originating the action, the final environmental statement shall be accompanied by a brief cover

memorandum requesting the Secretary's or Deputy Secretary's approval of the action.

P-1, in conjunction with the Director, Executive Secretariat, is responsible for informing the Assistant Secretary for Governmental Affairs of the Secretary's decisions so that they, in coordination with the operating administration or other Secretarial Offices involved, may take appropriate notification actions.

h. Availability of Statements to EPA and the Public. After approval, the originating office shall transmit copies of each final statement to EPA in accordance with instructions from EPA. The originating office shall send copies of the final statement to the applicant, all Federal, State, and local agencies and private organizations which commented substantively on the draft statement or requested copies of the final statement, and to individuals who requested copies.

i. Record of Decision. The office preparing the final EIS shall prepare a draft record of decision which shall accompany the proposed final statement during the internal review prior to EIS approval. The draft record of decision should include a description of the proposed action and the environmental information specified in CEQ 1502.2. It would not necessarily include information relating to funding or other matters not directly related to the environmental impacts of the proposed action. The draft record of decision shall include proposed findings pursuant to section 4(f), as appropriate. The EIS and other relevant environmental documents shall be made available to the decision maker. If the decision maker wishes to take an action which was not identified as the preferred action in the final EIS or proposes to make substantial changes to the mitigation measures or findings discussed in the draft record of decision, the revised record of decision shall be processed internally in the same manner as EIS approval, pursuant to subparagraph 11.d.

j. Implementation of Representations in Environmental Statements. The administrations shall assure, through funding agreements and project review procedures, that applicants carry out any actions to minimize adverse environmental effects set forth in the approved statement. Any significant deviation from prescribed action that may reduce protection to the environment must be submitted to P-1 for concurrence, if the approved statement was concurred in by P-1.

k. Supplemental Statements. The responsible official shall supplement a draft EIS when either: (1) it is determined that a reasonable

alternative which is significantly different from alternatives considered in the draft EIS exists and will be considered, or (2) when environmental conditions or data change significantly from those presented in the statement. A final EIS shall be supplemented when substantial changes are made in the proposed action, when conditions or data change significantly from that presented in the statement, or if the responsible official determines that a supplement is necessary for some other reason. (The development of additional data as a proposal moves through the implementation process would not require a supplement if the data does not materially conflict with the data in the EIS.) A supplemental EIS may be prepared to address detailed information which was not available at the time an EIS was prepared and approved, for example, site or project specific impacts which have been discussed only in general terms in a corridor or program EIS. (See also CEQ 1502.20 and paragraph 7.g.) A supplemental statement should be prepared, circulated and approved in accordance with the provisions of the CEQ regulations and paragraphs 7, 8, and 11 of this Order, unless the responsible official believes there are compelling reasons to do otherwise. In such cases, the operating administration or Secretarial Office should consult with CEQ through P-1 on alternative procedures.

12. Determinations Under Section 4(f) of the DOT Act

a. Any action having more than a minimal effect on lands protected under section 4(f) of the DOT Act will normally require the preparation of an environmental statement. In these cases, the environmental statement shall include the material required by paragraph 4 of Attachment 2. If in the preparation of the final EIS, it is concluded that there is no feasible and prudent alternative to the use of section 4(f) lands, the final EIS shall support a specific determination to that effect, including evidence that there has been all possible planning to minimize harm to the protected lands. For actions which require concurrence by P-1 in the final EIS, the concurrence of P-1 and C-1, or a designee, is required in the section 4(f) determination. For other actions, the section 4(f) determination shall be approved as provided in administration implementing instructions.

b. If an environmental statement is not required, the material called for in paragraph 4 of Attachment 2 shall be set forth in a separate document,

accompanied by a FONSI or a determination that the section 4(f) involvement is minimal and that the action is categorically excluded. The section 4(f) determination shall be reviewed for legal sufficiency by the Chief Counsel of the operating administration involved, or by a designee. The document must reflect consultation with the Department of the Interior, and where appropriate, the Departments of Agriculture or Housing and Urban Development.

13. Responsibility

Where an operating administration or Secretarial Office serves as lead agency or joint lead agency, it shall be responsible for the scope, objectivity, accuracy and content of EISs and environmental assessments. The EIS or environmental assessment shall be prepared by the operating administration or secretarial office, by a contractor selected by DOT, or by the applicant, pursuant to the provisions of CEQ 1506.2 and 1506.5. In developing implementing instructions, administrations shall note the distinctions made in the CEQ regulations between State agencies with statewide jurisdiction, State and local agencies which must comply with State or local requirements comparable to NEPA, and other applicants. State and local governments with requirements comparable to NEPA are listed in Attachment 1.

14. Citizen Involvement Procedures

a. Citizen involvement in the environmental assessment of Departmental actions is encouraged at each appropriate stage of development of the proposed action and should be sought as early as possible. Citizen involvement in the environmental process should be integrated with other citizen involvement procedures to the maximum extent possible. Attempts should be made to solicit the views of the public through hearings, personal contact, press releases, advertisements or notices in newspapers, including minority or foreign language papers, if appropriate, and other methods. A summary of citizen involvement and any environmental issues raised should be documented in the EIS.

b. The administrations' implementing instructions shall provide (1) that interested parties and Federal, State, and local agencies receive early notification of the decision to prepare an environmental impact statement, including publication of a notice of intent in the Federal Register, and (2) that their comments on the environmental effects of the proposed

Federal action are solicited at an early stage in the preparation of the draft impact statement.

c. Administrations are encouraged to develop lists of interested parties at the national, State and local levels. These would include individuals and community, environmental, conservation, public service, education, labor, or business organizations, who are affected by or known to have an interest in the project, or who can speak knowledgeably on the environmental impact of the proposed action.

d. Under OMB Circular A-95, (Revised) Evaluation, Review, and Coordination of Federal Assistance Programs and Projects, and DOT 4800.4C, Evaluation, Review and Coordination of DOT Assistance Programs and Projects, of 4-12-78, a grant applicant must notify the clearinghouse of its intention to apply for Federal program assistance. The administrations' implementing instructions should provide for the solicitation of comments from the clearinghouse on the environmental consequences of the proposed action.

e. Hearings.

(1) In several instances, a public hearing is required by statute as a condition to Federal approval of a proposed action. Even where not required by statute, an informational hearing or meeting may serve as a useful forum for public involvement.

(2) If a public hearing is to be held, the draft EIS or environmental assessment (or environmental analysis where the hearing is held by an applicant which is not a joint lead agency) should be made available to the public at least 30 days prior to the hearing.

f. Interested persons can get information on the DOT environmental process and on the status of EISs issued by the Office of the Secretary from: Director, Office of Environment and Safety (P-20), Department of Transportation, Washington, D.C. 20590, telephone 202-426-4357.

Each administration shall indicate in its implementing instructions where interested persons can get information or status reports on EISs and other elements of the NEPA process.

15. Proposals for Legislation

a. Preparation. An EIS shall be prepared and circulated for any legislative proposal, or for any favorable report on proposed legislation, for which DOT is primarily responsible and which involves significant environmental impacts. The administration or Secretarial Office originating the legislation or developing the

Departmental position on the report shall prepare the EIS.

b. Processing. The draft EIS shall be cleared with P-1 and submitted by the Assistant General Counsel for Legislation (C-40) to the Office of Management and Budget for circulation in the normal legislative clearance process. The EIS shall be transmitted to Congress no later than 30 days after transmittal of the legislative proposal, and must be available in time for Congressional hearings. Any comments received on the EIS shall be transmitted to Congress. Except as provided by CEQ 1506.8(b)(2), there need not be a final EIS.

16. International Actions

a. Pursuant to Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, the requirements of this Order apply to:

(1) Major Federal actions significantly affecting the environment of the global commons outside the jurisdiction of any nation (e.g. the oceans and Antarctica).

(2) Major Federal actions significantly affecting the environment of a foreign nation not participating in the action or otherwise involved in the action.

(3) Major Federal actions significantly affecting the environment of a foreign nation which provide a product or a project producing a toxic emission or effluent, which is prohibited or strictly regulated in the U.S. by Federal law.

(4) Major Federal actions outside the U.S., its territories and possessions which significantly affect natural resources of global importance designated for protection by the President or by international agreement.

b. If communication with a foreign government concerning environmental studies or documentation is anticipated, the responsible Federal official shall coordinate such communication with the State Department, through P-1.

17. Timing of Agency Action

A decision on the proposed action may not be made sooner than the times specified in CEQ 1506.10(b).

a. Requests for reasonable extensions of the review period for the draft EISs shall be granted whenever possible, and particularly when warranted by the magnitude and complexity of the statement or the extent of citizen interest.

b. If an administration or Secretarial Office believes it is necessary to reduce the prescribed time periods for EIS processing, the request to EPA should be made through P-1.

c. Where emergency circumstances make it necessary to take an action with significant environmental impacts

without observing the provisions of this Order and the CEQ regulations, the administration or Secretarial Office should consult with CEQ through P-1.

18. Effective Date

a. This Order and attachments apply to all draft statements filed by DOT with EPA after 7-30-79, except as provided in paragraph 1506.12 of the CEQ regulations.

b. For final statements whose drafts are filed by 7-30-79, paragraph 11 of this Order applies after 7-30-81, except that subparagraph 11.i. (the record of decision requirement) does not apply. In the interim, final EISs shall be processed in accordance with the provisions of DOT 5610.1B.

19. Time in Effect of Statements

a. The draft EIS may be assumed valid for a period of three years. If the proposed final EIS is not submitted to the approving official within three years from the date of the draft EIS circulation, a written reevaluation of the draft shall be prepared by the responsible Federal official to determine whether the consideration of alternatives, impacts, existing environment and mitigation measures set forth in the draft EIS remain applicable, accurate and valid. If there have been changes in these factors which would be significant in the consideration of the proposed action, a supplement to the draft EIS or a new draft statement shall be prepared and circulated.

b. If major steps toward implementation of the proposed action (such as the start of construction or substantial acquisition and relocation activities) have not commenced within three years from the date of approval of the final EIS, a written reevaluation of the adequacy, accuracy and validity of the EIS shall be prepared by the responsible Federal official unless tiering of EISs (as discussed in subparagraph 7.g.) is being used. If there have been significant changes in the proposed action, the affected environment, anticipated impacts, or proposed mitigation measures, a new or supplemental EIS shall be prepared and circulated.

c. If major steps toward implementation of the proposed action have not occurred within five years from the date of approval of the final EIS, the responsible Federal official shall prepare a written reevaluation of the adequacy, accuracy, and validity of the EIS. This reevaluation shall be processed in accordance with subparagraph 11.d.

d. If the proposed action is to be implemented in phases or requires successive Federal approvals, a written reevaluation of the continued adequacy, accuracy and validity of the EIS shall be made prior to Federal approval of each major stage which occurs more than three years after approval of the final EIS, and a new or supplemental EIS prepared, if necessary.

20. Implementing Instructions

a. Operating administrations shall issue instructions implementing this Order using one of the following options:

(1) An operating administration may issue detailed instructions or regulations which incorporate the points of this Order and the CEQ regulations and provide guidance on applying the environmental process to the administration's programs; or

(2) An operating administration may rely on this Order as its implementing procedures, provided it issues supplementary guidance which at a minimum applies the environmental process to the administration's programs, as described in the following subparagraph.

b. Implementing instructions shall include the following information:

(1) A list of actions which normally require preparation of an EIS.

(2) A list of actions which are not normally major Federal actions significantly affecting the environment and as such do not normally require an environmental assessment or an environmental impact statement (i.e. categorical exclusions). These actions may include, but are not limited to, funding or authorizing: maintenance and modernization of existing facilities; minor safety improvements; equipment purchases; operating expenses; and planning grants which do not imply a project commitment. Instructions should provide for preparation of environmental assessments or EISs, as appropriate, for actions which would otherwise be classified as categorically excluded, but which are likely to involve: (1) significant impacts on the environment; (2) substantial controversy; (3) impacts which are more than minimal on properties protected by section 4(f) and section 106 of the Historic Preservation Act; or (4) inconsistencies with any Federal, State, or local law or administrative determination relating to the environment.

(3) Identification of the decision making process, including timing for preparation of a draft and final environmental statement or a FONSI and designation of officials responsible for providing information on the

administration's preparation, review and approval of environmental documents.

(4) A description of the public participation process or reference to other administration guidance on the public participation process. (See paragraph 14, public participation.)

(5) A description of the processes to be used to insure early involvement of DOT, other agencies and the public in the environmental review of actions proposed by nonfederal applicants (CEQ 1501.2(d)).

(6) A description of the procedures for assuring implementation of mitigation measures identified in the EIS and the record of decision.

c. Proposed implementing instructions and any substantial amendments thereto shall be submitted to P-1 for review and concurrence. Consultation with CEQ will be assisted by P-1. Proposed and final implementing instructions shall be published in the Federal Register.

For the Secretary of Transportation,
Robert L. Fairman,
Deputy Assistant Secretary for
Administration.

States and Localities With EIS Requirements

1. States with Comprehensive Statutory Requirements: California, Connecticut, Hawaii, Indiana, Maryland, Massachusetts, Minnesota, Montana, New York, New Jersey, North Carolina, South Dakota, Virginia, Washington, Wisconsin, Puerto Rico.

2. States with Comprehensive Executive or Administrative Orders: Michigan, New Jersey, Texas, Utah.

3. Local EIS requirements: Bowie, Maryland; New York, New York.

Source: Memorandum for NEPA Liaisons from the Council on Environmental Quality, on agency implementing procedures under CEQ's NEPA regulations, dated January 19, 1979. (Appendix D)

Format and Content of Environmental Impact Statements

1. Format. a. The format recommended in CEQ 1502.10 should be used for DOT EISs:

- Cover Sheet,
- Summary,
- Table of Contents,
- Purpose and Need for the Action,
- Alternatives Including the Proposed Action,
- Affected Environment,
- Environmental Consequences,
- List of Preparers,
- List of Agencies, Organizations, and Persons to Whom Copies of the Statement Are Sent,

(j) Index.

(k) Appendices (if any).

b. The cover sheet for each environmental impact statement will include the information identified in CEQ 1502.11 and will be headed as follows:

Department of Transportation

(operating administration)

(Draft/Final) Environmental Impact Statement Pursuant to Section 102(2)(C), P.L. 91-190.

As appropriate, the heading will indicate that the EIS also covers the requirements of section 4(f) of the DOT Act, section 14 of the Mass Transportation Act, and/or sections 16 and 18(a)(4) of the Airport Act.

2. Guidance as to Content of Statements.

a. Environmental impact statements shall include the information specified in CEQ 1502.11 through 1502.16. The following paragraphs of Attachment 2 are intended to be considered, where relevant, as guidance regarding the content of environmental statements.

b. Additional information contained in research reports, guidance on methodology, and other materials relating to consideration of environmental factors should be employed as appropriate in the preparation of EISs and environmental assessments. Examples of such materials include:

U.S. Department of Transportation, *Environmental Assessment Notebook Series: Highways*, 1975, Report No. DOT P 5600.4, available from the U.S. Government Printing Office, Washington, D.C. 20402, Stock Number 050-000-000109-1;

U.S. DOT, *Environmental Assessment Notebook Series: Airports*, 1978, Report Number DOT P 5600.5, available from the U.S. Government Printing Office, Washington, D.C. 20402, Stock Number 050-000-00138-5;

U.S. DOT, FAA, *Environmental Assessment of Airport Development Actions*, 1977, available from the National Technical Information Service, 5284 Port Royal Road, Springfield, Virginia 22161, NTIS Catalog Number ADA-039274; and

U.S. DOT, *Guidelines for Assessing the Environmental Impact of Public Mass Transportation Projects*, 1979, Report Number DOT P 79 001, available from the National Technical Information Service, Springfield, Virginia 22161.

3. General Content. The following points are to be covered.

a. A description of the proposed Federal action (e.g., "The proposed Federal action is approval of location of

highway . . ." or "The proposed Federal action is approval of a grant application to construct . . ."), and a statement of its purpose.

b. *Alternatives, including the proposed action*, and including, where relevant, those alternatives not within the existing authority of the responsible preparing office. Section 102(2)(E) of NEPA requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and an objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, are essential. Sufficient analysis of such alternatives and their environmental benefits, costs, and risks should accompany the proposed action through the review process in order not to foreclose prematurely options which might enhance environmental quality or have less detrimental effects. Examples of such alternatives include: the alternative of not taking any action or of postponing action pending further study; alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts, e.g., low capital intensive improvements, mass transit alternatives to highway construction; alternatives related to different locations or designs or details of the proposed action which would present different environmental impacts. In each case, the analysis should be sufficiently detailed to reveal comparative evaluation of the environmental benefits, costs, and risks of each reasonable alternative, including the proposed action. Where an existing impact statement already contains such analysis, its treatment of alternatives may be incorporated, provided such treatment is current and relevant to the precise purpose of the proposed action.

c. *Affected environment*. (1) The statement should succinctly describe the environment of the area affected as it exists prior to a proposed action, including other related Federal activities in the area, their interrelationships, and cumulative environmental impact. The amount of detail provided in such descriptions should be commensurate with the extent and expected impact of the action, and with the amount of information required at the particular level of decision making (planning, feasibility, design, etc.).

(2) The statement should identify, as appropriate, population and growth characteristics of the affected area and any population and growth assumptions used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives (see paragraph 3e(2)). In discussing these population aspects, the statement should give consideration to using the rates of growth in the region of the project contained in the projections compiled for the Water Resources Council by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture (the OBERs projection).

d. *The relationship of the proposed action and how it may conform to or conflict with adopted or proposed land use plans, policies, controls, and goals and objectives as have been promulgated by affected communities*. Where a conflict or inconsistency exists, the statement should describe the extent of reconciliation and the reasons for proceeding notwithstanding the absence of full reconciliation.

e. *The probable impact of the proposed action on the environment*. (1) This requires assessment of the positive and negative effects of the proposed action as it affects both national and international human environment. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Primary attention should be given in the statement to discussing those factors most evidently impacted by the proposed action.

2. Secondary and other foreseeable effects, as well as primary consequences for the environment, should be included in the analysis. Secondary effects, such as impacts on existing community facilities and activities inducing new facilities and activities, may often be even more substantial than the primary effects of the original action itself. For example, the effects of the proposed action on population and growth may be among the more significant secondary effects. Such population growth impacts should be estimated and an assessment made on their effects upon the resource base, including land use, water, and public services, of the area in question.

f. *Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, noise, undesirable land use patterns, or impacts on public parks and recreation areas, wildlife and waterfowl refuges, or on historic sites, damage to life systems, traffic congestion, threats to health, or*

other consequences adverse to the environmental goals set out in section 101(b) of NEPA). This should be a brief summary of those effects discussed in paragraph 3c that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a clear statement of how all adverse effects will be mitigated.

g. *The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity*. This discussion should cover the extent to which the proposed action involves tradeoffs between short-term environmental gains at the expense of long-term losses, or vice versa, and a discussion of the extent to which the proposed action forecloses future options.

h. *Any irreversible and irretrievable commitments of resources* that would be involved in the proposed action should be implemented. This requires identification of unavoidable impacts and the extent to which the action irreversibly curtails the range of potential uses of the environment. "Resources" means not only the labor and materials devoted to an action but also the natural and cultural resources lost or destroyed.

i. *An indication of what other interests and considerations of Federal policy* are thought to offset the adverse environmental effects of the proposed action identified pursuant to subparagraphs (e) and (f) of this paragraph. The statement should also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action (as identified in subparagraph (b) of this paragraph) that would avoid some or all of the adverse environmental effects. In this connection, cost-benefit analyses of proposed actions, if prepared, should be attached, or summaries thereof, to the environmental impact statement, and should clearly indicate the extent to which environmental costs have not been reflected in such analyses.

j. *A discussion of problems and objections raised by other Federal agencies, State and local entities, and citizens in the review process*, and the disposition of the issues involved and the reasons therefor. (This section may be added to the final environmental statement at the end of the review process.)

(1) The draft and final statements should document issues raised through consultations with Federal, State, and local agencies with jurisdiction or special expertise and with citizens, of actions taken in response to comments,

public hearings, and other citizen involvement proceedings.

(2) Any unresolved environmental issues and efforts to resolve them, through further consultations or otherwise, should be identified in the final statement. For instance, where an agency comments that the statement has inadequate analysis or that the agency has reservations concerning the impacts, or believes that the impacts are too adverse for approval, either the issue should be resolved or the final statement should reflect efforts to resolve the issue and set forth any action that will result.

(3) The statement should reflect that every effort was made to discover and discuss all major points of view on the environmental effects of the proposed action and alternatives in the draft statement. However, where opposing professional views and responsible opinion have been overlooked in the draft statement and are raised through the commenting process, the environmental effects of the action should be reviewed in light of those views. A meaningful reference should be made in the final statement to the existence of any responsible opposing view not adequately discussed in the draft statement indicating responses to the issues raised.

(4) All substantive comments received on the draft (or summaries of responses from the public which have been exceptionally voluminous) should be attached to the final statement, whether or not each such comment is thought to merit individual discussion in the text of the statement.

k. *Draft statements should indicate at appropriate points in the text any underlying studies, reports, and other information obtained and considered in preparing the statement*, including any cost benefit analyses prepared. In the case of documents not likely to be easily accessible (such as internal studies or reports), the statement should indicate how such information may be obtained. If such information is attached to the statement, care should be taken to insure that the statement remains an essentially self-contained instrument, capable of being understood by the reader without the need for undue cross reference.

Publicly Owned Parklands, Recreational Areas, Wildlife and Waterfowl Refuges and Historic Sites. The following points are to be covered:

a. Description of "any publicly owned land from a public park, recreational area or wildlife and waterfowl refuge" or "any land from an historic site" affected or taken by the project. This includes its size, available activities,

use, patronage, unique or irreplaceable qualities, relationship to other similarly used lands in the vicinity of the project, maps, plans, slides, photographs, and drawings showing in sufficient scale and detail the project. This also includes its impact on park, recreation, wildlife, or historic areas, and changes in vehicular or pedestrian access.

b. Statement of the "national, State or local significance" of the entire park, recreation area, refuge, or historic site "as determined by the Federal, State or local officials having jurisdiction thereof."

(1) In the absence of such a statement, lands will be presumed to be significant. Any statement of "insignificance" by the official having jurisdiction is subject to review by the Department as to whether such statement is capricious.

(2) Where Federal lands are administered for multiple uses, the Federal official having jurisdiction over the lands shall determine whether the subject lands are in fact being used for park, recreation, wildlife, waterfowl, or historic purposes.

c. Similar data, as appropriate, for alternative designs and locations, including detailed cost estimates (with figures showing percentage differences in total project costs) and technical feasibility, and appropriate analysis of the alternatives, including any unique problems present and evidence that the cost or community disruptions resulting from alternative routes reach extraordinary magnitudes. This portion of the statement should demonstrate compliance with the Supreme Court's statement in the *Overton Park* case, as follows:

"The very existence of the statute indicates that the protection of parklands was to be given paramount importance. The few green havens that are public parks were not to be lost unless there were truly unusual factors present in a particular case or the cost or community disruption resulting from alternative routes reached extraordinary magnitudes. If the statutes are to have any meaning, the Secretary cannot approve the destruction of parkland unless he finds that the alternative routes present unique problems."

d. If there is no feasible and prudent alternative, description of all planning undertaken to minimize harm to the protected area and statement of actions taken or to be taken to implement this planning, including measures to maintain or enhance the natural beauty of the lands traversed.

(1) Measures to minimize harm may include replacement of land and facilities, providing land or facilities, or

provision for functional replacement of the facility (see 49 CFR 25.267).

(2) Design measures to minimize harm: e.g. tunneling, cut and cover, cut and fill, treatment of embankments, planting, screening, maintenance of pedestrian or bicycle paths and noise mitigation measures, all reflecting utilization of appropriate interdisciplinary design personnel.

e. Evidence of concurrence or description of efforts to obtain concurrence of Federal, State or local officials having jurisdiction over the section 4(f) property regarding the action proposed and the measures planned to minimize harm.

f. If Federally-owned properties are involved in highway projects, the final statement shall include the action taken or an indication of the expected action after filing a map of the proposed use of the land or other appropriate documentation with the Secretary of the Department supervising the land (23 U.S.C. 317).

g. If land acquired with Federal grant money (Department of Housing and Urban Development open space or Heritage Conservation and Recreation Service land and water conservation funds) is involved, the final statement shall include appropriate communications with the grantor agency.

h. The General Counsel will determine application of section 4(f) to public interests in lands, such as easements, reversions, etc.

i. A specific statement that there is no feasible and prudent alternative and that the proposal includes all possible planning to minimize harm to the "section 4(f) area" involved.

5. *Properties and Sites of Historic and Cultural Significance.* The statement should document actions taken to preserve and enhance districts, sites, buildings, structures, and objects of historical, architectural, archaeological, or cultural significance affected by the action.

a. Draft environmental statement should include identification, through consulting the State Historic Preservation Officer and the National Register and applying the National Register Criteria (36 CFR Part 800), of properties that are included in or eligible for inclusion in the National Register of Historic Places that may be affected by the project. The Secretary of the Interior will advise whether properties not listed are eligible for the National Register (36 CFR Part 63).

b. If application of the Advisory Council on Historic Preservation's (ACHP) Criteria of Effect (36 CFR Part 800) indicates that the project will have

an effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the draft environmental statement should document the effect. Evaluation of the effect should be made in consultation with the State Historic Preservation Officer (SHPO) and in accordance with the ACHP's Criteria of Adverse Effect (36 CFR Part 800).

c. Determinations of no adverse effect should be documented in the draft statement with evidence of the application of the ACHP's Criteria of Adverse Effect, the views of the appropriate State Historic Preservation Officer, and submission of the determination to the ACHP for review.

d. If the project will have an adverse effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the final environmental statement should include either an executed Memorandum of Agreement or comments from the Council after consideration of the project at a meeting of the ACHP and an account of actions to be taken in response to the comments of the ACHP. Procedures for obtaining a Memorandum of Agreement and the comments of the Council are found in 36 CFR Part 800.

To determine whether the project will have an effect on properties of State or local historical, architectural, archaeological, or cultural significance not included in or eligible for inclusion in the National Register, the responsible official should consult with the State Historic Preservation Officer, with the local official having jurisdiction of the property, and, where appropriate, with historical societies, museums, or academic institutions having expertise with regard to the property. Use of land from historic properties of Federal, State and local significance as determined by the official having jurisdiction thereof involves section 4(f) of the DOT Act and documentation should include information necessary to consider a section 4(f) determination (see paragraph 4).

6. *Impacts of the Proposed Action on the Human Environment Involving Community Disruption and Relocation.*

a. The statement should include a description of probable impact sufficient to enable an understanding of the extent of the environmental and social impact of the project alternatives and to consider whether relocation problems can be properly handled. This would include the following information obtainable by visual inspection of the proposed affected area and from secondary sources and community sources when available.

(1) An estimate of the households to be displaced including the family characteristics (e.g. minorities, and income levels, tenure, the elderly, large families).

(2) Impact on the human environment of an action which divides or disrupts an established community, including where pertinent, the effect of displacement on types of families and individuals affected, effect of streets cut off, separation of residences from community facilities, separation of residential areas.

(3) Impact on the neighborhood and housing to which relocation is likely to take place (e.g. lack of sufficient housing for large families, doublings up).

(4) An estimate of the businesses to be displaced, and the general effect of business dislocation on the economy of the community.

(5) A discussion of relocation housing in the area and the ability to provide adequate relocation housing for the types of families to be displaced. If the resources are insufficient to meet the estimated displacement needs, a description of the actions proposed to remedy this situation including, if necessary, use of housing of last resort.

(6) Results of consultation with local officials and community groups regarding the impacts to the community affected. Relocation agencies and staff and other social agencies can help to describe probable social impacts of this proposed action.

(7) Where necessary, special relocation advisory services to be provided the elderly, handicapped and illiterate regarding interpretations of benefits, assistance in selecting replacement housing, and consultation with respect to acquiring, leasing, and occupying replacement housing.

b. this data should provide the preliminary basis for assurance of the availability of relocation housing as required by DOT 5620.1, Replacement Housing Policy, dated 6-24-70, and 49 CFR 25.57.

7. *Considerations Relating to Pedestrians and bicyclists.* Where appropriate, the statement should discuss impacts on and consideration to be given in the development of the project to pedestrian and bicycle access, movement and safety within the affected area, particularly in medium and high density commercial and residential areas.

8. *Other Social Impacts.* The general social groups specially benefitted or harmed by the proposed action should be identified in the statement, including the following:

a. Particular effects of a proposal on the elderly, handicapped, non-drivers,

transit dependent, or minorities should be described to the extent reasonably predicable.

b. How the proposal will facilitate or inhibit their access to jobs, educational facilities, religious institutions, health and welfare services, recreational facilities, social and cultural facilities, pedestrian movement facilities, and public transit services.

9. *Standards as to Noise, Air, and Water Pollution.* The statement shall reflect sufficient analysis of the effects of the proposed action on attainment and maintenance of any environmental standards established by law or administrative determination (e.g. noise, ambient air quality, water quality), including the following documentation:

a. With respect to water quality, there should be consultation with the agency responsible for the State water pollution control program as to conformity with standards and regulations regarding storm sewer discharge, sedimentation control, and other non-point source discharges.

b. The comments or determinations of the offices charged with administration of the State's implementation plan for air quality as to the consistency of the project with State plans for the implementation of ambient air quality standards.

c. Conformity to adopted noise standards, compatible, if appropriate, with different land uses.

10. *Energy Supply and Natural Resources Development.* Where applicable, the statement should reflect consideration of whether the project or program will have any effect on either the production or consumption of energy and other natural resources, and discuss such effects if they are significant.

11. *Floodplain Management Evaluation.* When an alternative under consideration encroaches on a base (100-year) floodplain, the statement should describe the anticipated impacts on natural and beneficial floodplain values, any risk to or resulting from the transportation action, and the degree to which the action facilitates additional development in the base floodplain. The necessary measures to address floodplain impacts, including an evaluation of alternatives to avoid the encroachment in appropriate cases, should be described in compliance with Executive Order 11988, "Floodplain Management," and DOT Order 5650.2, "Floodplain Management and Protection."

12. *Considerations Relating to Wetlands or Coastal Zones.* Where wetlands or coastal zones are involved, the statement should reflect compliance with Executive Order 11990, Protection

of Wetlands, and DOT 5660.1A and should include:

a. Information on location, types, and extent of wetlands areas which might be affected by the proposed action.

b. An assessment of the impacts resulting from both construction and operation of the project on the wetlands and associated wildlife, and measures to minimize adverse impacts.

c. A statement by the local representative of the Department of the Interior, and any other responsible officials with special expertise, setting forth his views on the impacts of the project on the wetlands, the worth of the particular wetlands areas involved to the community and to the Nation, and recommendations as to whether the proposed action should proceed, and, if applicable, along what alternative route.

d. Where applicable, a discussion of how the proposed project relates to the State coastal zone management program for the particular State in which the project is to take place.

13. *Construction Impacts.* In general, adverse impacts during construction will be of less importance than long-term impacts of a proposal. Nonetheless, statements should appropriately address such matters as the following, identifying any special problem areas:

a. Noise impacts from construction and any specifications setting maximum noise levels.

b. Disposal of spoil and effect on borrow areas and disposal sites (include specifications where special problems are involved).

c. Measures to minimize effects on traffic and pedestrians.

14. *Land Use and Urban Growth.* The statement should include, to the extent relevant and predictable:

a. The effect of the project on land use, development patterns, and urban growth.

b. Where significant land use and development impacts are anticipated, identify public facilities needed to serve the new development and any problems or issues which would arise in connection with these facilities, and the comments of agencies that would provide these facilities.

15. (Deleted)

16. *Projects under Section 14 of the Mass Transportation Act: Mass Transit Projects with a Significant Impact on the Quality of the Human Environment.* The statement should include:

a. Evidence of the opportunity that was afforded for the presentation of views by all parties with a significant economic, social or environmental interest.

b. Evidence that fair consideration has been given to the preservation and enhancement of the environment and to the interests of the community in which the project is located.

c. If there is an adverse environmental effect and there is no feasible and prudent alternative, description of all planning undertaken to minimize such adverse environmental effect and statement of actions taken or to be taken to implement the planning; or a specific statement that there is no adverse environmental effect.

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BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Fiscal Service

(Dept. Circ. 570, 1979 Rev., Supp. No. 6)

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable reinsurer on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of \$2,842,000 has been established for the company.

Name of Company, Business Address, and State In Which Incorporated

The Tokio Marine and Fire Insurance Company, Limited (U.S. Branch), 55 Water Street, New York, New York 10041, Japan

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

D. A. Pagliai,
Commissioner, Bureau of Government Financial Operations.

September 24, 1979.

[FR Doc. 79-30326 Filed 9-28-79; 8:45 am]
BILLING CODE 4810-35-M

Office of Foreign Assets Control

Agreement Between the Government of the United States of America and the Government of the People's Republic of China Concerning the Settlement of Claims; Postponement of Unblocking of Assets Blocked by Virtue of Interests of the People's Republic of China or its Nationals

Notice is hereby given that the date for unblocking of assets blocked by virtue of an interest of the People's Republic of China or any national thereof originally scheduled for October 1, 1979 is now being postponed until January 31, 1980. The unblocking will be pursuant to the Agreement Concerning the Settlement of Claims between the United States and the People's Republic of China signed on May 11, 1979, which was amended by agreement between the United States and the PRC to provide for the postponement. The unblocking will be accomplished by publishing amendments to the Foreign Assets Control Regulations at the appropriate time. All other provisions of the Agreement, such as the obligation of the People's Republic of China to make an initial payment of \$30 million on October 1, 1979, remain in effect.

Dated: September 27, 1979.

Stanley L. Sommerfield,
Director.

Approved: Richard J. Davis,
Assistant Secretary.

[FR Doc. 79-30527 Filed 9-28-79; 9:01 am]

BILLING CODE 4810-25-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-No. 66F)]

**Burlington Northern, Inc.
Abandonment Near Clear Lake and Sedro Woolley in Skagit County, Wash.; Notice of Findings**

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided September 13, 1979, a finding, which is administratively final, was made by the Commission. Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in AB-36 (Sub-No. 2), *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), and further that applicant shall keep intact all of the right-of-way underlying the track, including all of the bridges and culverts for a period of 120 days from the effective date of the

certificate and decisions to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way; and provided further (a) that during this 120 days period, applicant shall take measures to prevent significant alteration or deterioration of the BN #50 bridge, (b) that, in event the bridge is eventually demolished, applicant will ensure that appropriate measures are taken to adequately record the structure according to standards prescribed by the Historic American Building Survey, and (c) that, if the bridge is sold to another party, the applicant shall insert in the contract of sale a provision ensuring the appropriate recordation of the structure as provided in (b) immediately above, the present and future public convenience and necessity permit the abandonment by the Burlington Northern Inc. of a line of railroad known as the Clear Lake to Sedro Woolley Line extending from railroad milepost 83.05 near Clear Lake, WA, to railroad milepost 85.79 at the end of the line near Sedro Woolley, WA, a distance of 2.74 miles, in Skagit County, WA. A certificate of public convenience and necessity permitting abandonment was issued to the Burlington Northern Inc. Since no investigation was instituted, the requirement of Section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-30331 Filed 9-28-79; 8:45 am]

BILLING CODE 7035-01-M

[Docket AB-1 (Sub-82F)]

Chicago & North Western Transportation Co., Abandonment Near Coulter and Clarion in Franklin and Wright Counties, Iowa; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. § 10903 that by a Certificate and Decision decided September 5, 1979, a finding, which is administratively final, was made by the Commission. Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in AB-36 (Sub-No. 2), *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), and further North Western shall keep intact all of the right-of-way underlying the track, including all of the bridges and culverts for a period of 120 days from the effective date of the certificate and decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of a line of railroad known as the Coulter-Clarion line extending from railroad milepost 326.5 near Coulter to milepost 344.4 near Clarion, a distance of 17.9 miles, in Franklin and Wright Counties, IA. A certificate of public convenience and necessity permitting abandonment was issued to the Chicago and North Western Transportation Company. Since no investigation was instituted, the requirement of Section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment

shall become effective 45 days from the date of this publication.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-30329 Filed 9-28-79; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Vol. No. 162]

Greater Pensacola Movers, Inc., et al.; Decision-Notice

Decided: August 30, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute in application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We find: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification

of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission. Review Board Number 3, Members Parker, Fortier, and Hill.
Agatha Mergenovich,
Secretary.

MC 133912 (Sub-2F), filed January 12, 1979. Applicant: GREATER PENSACOLA MOVERS, INC., 35 East Fairfield Drive, Pensacola, FL 32501. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, and commodities in bulk) between points in Escambia County, FL, on the one hand, and, on the other, points in Bay, Escambia, Okaloosa, Santa Rosa, and Walton County, FL, and Escambia County, AL, restricted to the transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Pensacola, FL, or Montgomery, AL.)

MC 145582 (Sub-2F), filed February 13, 1979. Applicant: DENMARK TRUCKING, INC., P.O. Box 373, Greenville, MS 38701. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal wire products and hinges*, (2) *molded rubber and metal products*, (3) *kitchen cabinets and laminated products*, and (4) *materials, supplies and component parts of kitchen cabinets and vanity cabinets*, (a) between the facilities of Hager Hinge & Sons Co., Inc., at or near Anniston, AL, St. Louis, MO, and Greenville, MS, on the one hand, and, on the other, Feasterville, PA, Los Angeles, CA, St. Louis, MO, Denver, CO, Tacoma, WA, Dallas, TX, Greenville, MS, Anniston, AL, and Atlanta, GA, (b) between the facilities of Moeller Manufacturing Co., Inc., at or near Greenville, MS, on the one hand, and, on the other, Camdenton, MO, Soddy, TN, and Dyersburg, TN, (c) between the facilities of Ampco Division of Chromalloy America Corporation, at or near Rosedale, MS, and points in MO

and IL, under continuing contract(s) with Hager Hinge & Sons Co., Inc., and Moeller Manufacturing Co., Inc., of Greenville, MS, and Ampco Division of Chromalloy of Rosedale, MS. (Hearing site: Greenville, MS or St. Louis, MO.)

MC 146492F, filed February 23, 1979. Applicant: AIRPORT LIVERY SERVICE, INC., 257 Stuart Avenue, Aurora, IL 60505. Representative: Joseph E. Ludden, 324 Exchange Building, P.O. Box 1567, La Crosse, WI 54601. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment), between Aurora and Joliet, IL, on the one hand, and, on the other, points in WI on and south of U.S. Hwy 10, those points in IA on and east of U.S. Hwy 63, points in IL on and north of U.S. Hwy 36, those points in IN on and north and west of a line beginning at the IL-IN State line, and extending along U.S. Hwy 36 to junction U.S. Hwy 27, then north over U.S. Hwy 27 to IN-MI State line, and those points in MI on west and south of a line beginning at the IN-MI State line, and extending along U.S. Hwy 127 to junction U.S. Hwy 10, then west over U.S. Hwy 10 to Lake Michigan. (Hearing site: Chicago, IL or Springfield, IL.)

[FR Doc. 79-29967 Filed 9-28-79; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-7 (Sub-56F); and Docket No. AB-7 (Sub-57-F)]

Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul & Pacific Railroad Co., Debtor, Abandonment Near Farmington to Benning, In Dakota, Scott, Rice, Le Sueur and Blue Earth Counties, Minn.; and Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul & Pacific Railroad Co., Debtor, Abandonment Near Farmington to Shakopee, In Dakota and Scott Counties, Minn.; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided April 13, 1979, and the decision of the Commission, Division 2, served August 22, 1979, as modified, adopted the decision of the Commission, Review Board Number 5, which is administratively final, stating that, in AB-7 (Sub-No. 56), the present and future public convenience and necessity permit the abandonment by Stanley E. G. Hillman, Trustee of the Property of the Chicago, Milwaukee, St. Paul and

Pacific Railroad Company, Debtor, of its line of railroad extending from railroad milepost 1.2 near Farmington, MN, to railroad milepost 56.1 near Benning, MN, a distance of 54.9 miles, in Dakota, Scott, Rice, Le Sueur, and Blue Earth Counties, MN, and in AB-7 (Sub-No. 57), the present and future public convenience and necessity permit the abandonment by Milwaukee of its line of railroad extending from railroad milepost 0.5 near Farmington, MN, to railroad milepost 24.0 near Shakopee, MN, a distance of 23.5 miles in Dakota and Scott Counties, MN, subject to the conditions for the protection of employees as adopted in the decision of the Commission in AB-36 (Sub-No. 2), *Oregon Short Line R. Co. Abandonment Goshen*, 360 I.C.C. 91 (1979), provided, however, that Stanley E. G. Hillman, Trustee of the Property of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, shall not sell, lease or otherwise dispose of the right-of-way underlying the tracks between mileposts 1.2 and 56.1 and between milepost 0.5 and 24.0, including all bridges and culverts, for a period of 180 days following issuance of certificates to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. Certificates of abandonment will be issued to Stanley E. G. Hillman, Trustee of the Property of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, based on the above-described findings of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, issuance of certificates of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the

continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the *Federal Register* on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-30330 Filed 9-28-79; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the *Federal Register* publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the *Federal Register*. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. 167

MC 4963 (Sub-72TA), filed June 7, 1979, and published in the FR issue of August 1, 1979 and republished as corrected this issue. Applicant: JONES MOTOR CO., INC., Bridge St. & Schuylkill Road, Spring City, PA 19455. Representative: William H. Peiffer (same address as applicant). *Iron or steel articles, metals, metal products, paper and paper products, lumber, commodities the transportation of which, because of size or weight, require the use of special equipment, between points in NC, AL, GA, KY, MO, TN, and SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 29 shippers which may be examined at the field office listed below and Headquarters. Send protests to: ICC, Federal Res. Bank Bldg., 101 N. 7th St., Philadelphia, PA 19106. Applicant intends to tack with his presently held authority. The purpose of this republication is to include the tacking information which was previously omitted.*

MC 110683 (Sub-146TA), filed May 23, 1979, and published in the *Federal Register* issue of August 1, 1979, and republished as corrected this issue. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerney, 1000 Sixteenth St., NW., Washington, DC 20036. *General commodities, except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Birmingham, AL, and points within 15 miles thereof on the one hand, and, Tusculumbia and Sheffield, AL, on the other hand, for 180 days. Applicant intends to tack this authority with existing regular routes. Supporting shipper(s): There are 20 statements of support to this application which may be examined at the ICC, Washington, DC, or the field office named below. Send protest to: Charles F. Myers, DS, ICC, Rm 10-502 Federal Bldg., 400 North 8th St., Richmond, VA 23240. The purpose of this republication is to show that the applicant intends to tack this authority.*

MC 115523 (Sub-181TA), filed April 24, 1979, and published in the *Federal Register* issue of July 2, 1979 and republished as corrected this issue. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same as above). *Sugar, products of corn, and blends thereof, in bulk, from Ogden, UT to Caldwell and Boise, ID and from Nampa, ID to Billings, Butte, Great Falls and Missoula, MT, La Grande, OR and Spokane and Walla Walla, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Amalgated Sugar Company, P.O. Box 1520, Ogden, UT 84402. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138. The purpose of this republication is to add Boise, ID as a destination which was previously omitted.*

MC 119493 (Sub-311TA), filed July 11, 1979, and published in the *Federal Register* issue of August 22, 1979, and corrected this issue. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same as above). *Clay and clay products (except in bulk) and materials and supplies used in the manufacture and distribution thereof (except in bulk), between Middleton, TN, on the one hand, and, on the other, AR, FL, GA, IL, IN, KY, LA, MI, NC, OH, TX and VA, for 180 days. Supporting shipper(s): Maltan, Inc., Highway 125 South, Middleton, TN 38502. Send protests to: John V. Barry, DS, ICC, Rm 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106. The purpose of this republication is to include "KY" as a destination state which was previously omitted.*

MC 141402 (Sub-35TA), filed March 22, 1979, and published in the *Federal Register* issue of June 21, 1979 and republished as corrected this issue. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Contract carrier: irregular routes: (1) *Canned fruit flavored beverages, non-carbonated and (2) dry beverage preparations and (3) canned single strength juice, from the facilities of Penny Products, Inc. at or near Trafalgar, IN to points in OH, IL, KY, WV, VA, TN, MN, WI, MI and MO and (4) materials equipment and supplies, (except commodities in bulk), used in the manufacture, sale and production of the commodities named in (1), (2), and (3) above in the reverse direction, under a contract or continuing contracts with Penny Products, Inc., for 180 days. An*

underlying ETA seeks 90 days authority. Supporting shipper(s): Penny Products, Inc., Red Gold Drive, Trafalgar, IN 46181. Send protests to: Beverly J. Williams, TA, ICC, 46 E. Ohio St. Rm 429, Indianapolis, IN 46204. The purpose of this republication is show the complete origin and destination which was previously omitted.

MC 143713 (Sub-4TA), filed April 16, 1979, and published in the *Federal Register* issue of August 22, 1979, and republished as corrected this issue. Applicant: AGRICULTURAL TRANSPORTATION ASSOCIATION OF ILLINOIS, RFD 8, Forest Ridge, Springfield, IL 62707. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. (1) *animal and poultry feed ingredients, from Rhinelander, WI to points in IL, IN, KY, MI, OH, and PA; (2) feed and feed ingredients, bags, and equipment and supplies used in the manufacture of feed and feed ingredients, from Fairbury, IL to points in MI, TX, MN, IN, and KY; from KY, NM, TX, MN, IN, to Fairbury, IL; (3) feed and feed ingredients (except in bulk in tank vehicles), from the facilities of Kand Molass Labs at Mt. Pulaski, IL to points in MN, MO, TN, MI and NE; (4) feed and feed ingredients (except in bulk in tank vehicles), from the facilities of Wells at Monmouth, IL to points in KY and SD; (5) liquid fertilizer, from points in IA to Aledo, IL; (6) feed ingredients, animal and poultry health products, and equipment, materials and supplies used in the manufacture and distribution thereof, between the facilities of Diamond Shamrock Corporation located at Van Buren, AR; Fresno, CA; Cherry Hills and Harrison, NJ; Louisville, KY and Franklin Park, IL, on the one hand, and on the other, all points in the United States (except AK and HI); (7) chemical fertilizer, from Ashkum, IL to West Des Moines, IA; (8) animal, poultry and fish feed in bags, from Peoria, IL to MI, IN, OH, PA, KY, TN, MS, AL, GA, FL, WI, MN, SD, IA, NE, MO, KS, OK, TX, NM, CO, UT, AZ, NV, CA, OR, WA and equipment and supplies used in the manufacture of animal, poultry and fish feed and feed ingredients from the above-named destination states to Peoria, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are approximately 8 supporting shippers which can be examined at Headquarters or at the field office named below. Send protests to: Lois Stahl, TA, ICC, Everett McKinley Dirksen Bldg., Rm. 1386, 219 South Dearborn St., Chicago, IL 60604. The purpose of this republication is to include portion 8 of the application*

which was previously omitted; to correctly show the supporting shipper statement and to show the correct field office for protests.

MC 1628 (Sub-2TA), filed July 30, 1979. Applicant: STEVEN C. REUTER d.b.a. CARL REUTER FREIGHT LINE, 712 West 3rd Street, Sumner, IA 50674. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50309. *General commodities (except those of unusual value, high explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Alpha, Artesian, Denver, Festina, Ft. Atkinson, Fredricksburg, Fredricka, Hawkeye, Jackson Junction, Lawler, Protivin, St. Lucas, Spillville, Sumner, Tripoli, Waterloo, and Waucoma, IA, for 180 days. Applicant intends to interline with other carriers at Waterloo, IA. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are 15 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Herbert W. Allen D/S, ICC, 518 Federal Bldg., Des Moines, IA 50309.*

MC 25798 (Sub-387TA), filed August 8, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, (Same address as applicant). *Bananas from Port Hueneme, CA to CO, IA, KS, MN, MO, NE, NM, ND, OK, and SD for 180 days. Supporting Shipper(s): Del Monte Banana Co., 1201 Brickell Ave., Miami, FL 33101. Send protests to: Donna M. Jones, T/A, ICC—BOP, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.*

MC 28478 (Sub-48TA), filed August 7, 1979. Applicant: GREAT LAKES EXPRESS COMPANY, 114 Fifth Avenue, New York, N.Y. 10011. Representative: G. C. Heller, President (same address as applicant). *General commodities having a prior or subsequent movement by air, between Willow Run and Detroit Metropolitan Airports, MI, on the one hand, and, on the other, points in Washtenaw, Lenawee, Macomb and St. Clair Counties, MI; for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): 1. Armada Rubber Manufacturing Co., 28068 Ridge Rd., Armada, MI 48005. 2. Marketing Faraday Inc., 805 South Maumee, Tecumseh, MI 49826. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza New York, N.Y. 10007.*

MC 35358 (Sub-46TA), filed August 7, 1979. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive, Northeast, Minneapolis, MN 55421.

Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. *Records and tapes from Hauppauge, Rye and Ronkonkoma, NY to Indianapolis, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shippers(s): K-Tel International Incorporated, 11311 K-Tel Drive, Minnetonka, MN 55343. Send protests to: Judith L. Olson, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.*

MC 35628 (Sub-417TA), filed July 25, 1979. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, P.O. Box 175, 110 Ionia Avenue, NS, Grand Rapids, MI 49501. Representative: Michael P. Zell, P.O. Box 175, 110 Ionia Ave., NS, Grand Rapids, MI 49501. *Junk or spent batteries; serving Frankfort, IN as an off-route point in connection with applicant's presently authorized regular route service. For 180 days. Supporting Shipper(s): General Battery Corporation, P.O. Box 1262, Reading, PA 19603. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.*

MC 73688 (Sub-130TA), filed August 7, 1979. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Ave. P.O. Box 7195, Memphis, TN 38107. Representative: Diane Price, Route 6, Box 15, North Little Rock, AR 72118. *Hog and cattle feeders metal/ or wood, NOI, from Yazoo City, MS to points in AL, AR, GA, FL, IN, IA, IL, KS, MN, NE, OK, TX, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Marting Mfg. Co. Inc., P.O. Box 629, Yazoo City, MS 39194. Send protests to: Floyd A. Johnson, 100 North Main Suite 2006, Memphis, TN 38103.*

MC 78228 (Sub-135TA), filed July 30, 1979. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Rd., Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. *Aluminum dross, in bulk, in dump vehicles, from the facilities of Republic Foil, Div. of National Aluminum Corp. at Salisbury, NC to South River, NJ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Republic Foil, Div. of National, Aluminum Corp., 2800 Grant Bldg., Pittsburgh, PA 15219. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 85718 (Sub-16TA), filed August 2, 1979. Applicant: SEWARD MOTOR FREIGHT, INC., P. O. Box 126, Seward, NE 68434. Representative: Michael J. Ogborn, P. O. Box 82028, Lincoln, NE 68501. *(1) Automotive parts and accessories, automotive hand, electric, and pneumatic tools and shock absorbers, and materials, supplies and*

equipment used in the manufacture, sale and distribution of the commodities previously described from the facilities of Walker Manufacturing Company at Seward, NE to points in IA, MN, ND, SD and WA and (2) Materials, supplies and equipment used in the manufacture, sale and distribution of the commodities described in (1) above from points in IA, MN, ND, SD and WA to the facilities of Walker Manufacturing Company at Seward, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Walker Manufacturing Company, Highway 15, Seward, NE 68434. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 106398 (Sub-948TA), filed August 21, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, (same address as applicant). *Buildings, knocked down or in sections, including all component parts, from the facilities of Delta Steel Building, at Dallas, TX, to all points in AZ, CA, CO, NE, NM, MO, OR, UT, WA, & WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Delta Steel Building Company, P. O. Box 20977, Dallas, TX 75220. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 106398 (Sub-949TA), filed August 9, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Irvin Tull, (Same address as applicant). *Concrete products, cattle guard grills and wing braces, from the facilities of Utility Vault Comp. Inc., at Chandler, AZ, to all points in the United States, (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Utility Vault Company, Inc., 411 E. Frye Rd., Chandler, AZ 85224. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 106398 (Sub-950TA), filed August 10, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, (Same address as applicant). *Plastic, plastic articles and plastic pipe tubing, from the facilities of Robintech Incorporated at Grinnell, IA, to all points in the United States, (ex. AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Robintech, Inc., P. O. Box 649, Grinnell, IA 50112. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 106398 (Sub-951TA), filed August 10, 1979. Applicant: NATIONAL

TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, (Same address as applicant). *Machine rolls, iron and steel with rubber covers, between the facilities of the Stowe-Woodward Company of Ruston, LA, on the one hand, and, on the other, all points in the United States (ex. AK and HI), for 180 days. Supporting shipper(s): Stowe-Woodward Co. Ruston, LA 71270. Send protests to: Connie Stanley, ICC, Rm 240, 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 106398 (Sub-952TA), filed August 10, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, (Same address as applicant). *Aluminum extrusions, lineal shapes—pipe tubing, conduit, from the facility of Arizona Aluminum Co., Pheonix, AZ, to all points in the United States; for 180 days. Supporting shipper(s): Arizona Aluminum Company, 249 S. 51st Ave., Phoenix, AZ 85043. Send protests to: Connie Stanley, ICC, Rm 240, 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 106398 (Sub-953TA), filed August 10, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, (Same address as applicant). *Lumber, plywood, and laminated beams, from the facilities of Anthony Forest Products Co., at Atlanta, TX, El Dorado, AR, Mansfield, LA, Plain Dealing, LA, Urbana, AR, to all points in the United States (ex. AK and HI), for 180 days. Supporting shipper(s): Anthony Forest Products Co., Box 1877, El Dorado, AR 71730. Send protests to: Connie Stanley, ICC, Rm 240, 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 106398 (Sub-954TA), filed August 13, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, (Same address as applicant). *Refractories, refractory products and material, equipment and supplies used in the manufacture and installation of refractories, (1) from the facilities of Harbison Walker Refractories, Division of Dresser Industries, Inc., located in Baltimore and Leslie, MD, to points in AZ, CO, NM, & TX; and (2) from the facilities of Harbison Walker Refractories, Division of Dresser Industries, Inc., located in Vandalia and Fulton, MO, to points in AZ, CO, & NM; and return shipments of material, equipment, and supplies used in the manufacture and installation of refractories including wooden shipping pallets from the destination states listed in parts (1) and (2) above, to the*

facilities of Harbison Walker Refractories, Division of Dresser Industries, Inc., listed in parts (1) and (2) above, for 180 days. Supporting shipper(s): Harbison Walker Refractories, Division of Dresser Industries, Inc., Two Gateway Center, Pittsburgh, PA 15222. Send protests to: Connie Stanley, ICC, Rm 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 106398 (Sub-955TA), filed August 13, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, (Same address as applicant). *Aluminum billets, ingots and scrap, from the facilities of Pimalco, a.k.a. Induction Billet Corp., at Chandler, AZ, to all points in the United States, (ex. AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pimalco a.k.a., Induction Billet Corp., P.O. Box 5050, Chandler, AZ 85224. Send protests to: Connie Stanley, ICC, Rm 240, 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 109478 (Sub-150TA), filed August 2, 1979. Applicant: WORSTER MOTOR LINES, INC., P.O. Box 110, Gay Road, North East, PA 16428. Representative: Robert D. Gunderman, Esquire, 710 Statler Building, Buffalo, NY 14202. *Hospital and laboratory chemicals in vehicles equipped with mechanical temperature control equipment, from Indianapolis, IN to ports of entry on the International Boundary line between the United States and Canada located in the State of NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Monitor Corporation, 5425 West 84th Street, Indianapolis, IN 46268. Send protests to: J. J. England, D/S, I.C.C., 2111 Federal Building, Pittsburgh, PA 15222.*

MC 109818 (Sub-63TA), filed July 26, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. *(1) Irrigation systems, (2) parts for irrigation systems, (3) solar energy systems, fuel burning heating appliances, parts and accessories used in the installation, operation and maintenance of such systems or appliance, (4) pipe, tubing, poles and such materials, equipment and supplies as are used in the installation and maintenance thereof, (5) iron and steel articles, (6) accessories, equipment, materials and supplies used in the manufacture or assembly of the commodities described in (1) through (5) above, and (7) used irrigation systems and parts thereof, between the facilities of Valmont Industries, Inc. at or near Valley, NE, on the one hand, and, on the*

other, points in and east of ND, SD, NE, KS, OK, and TX, including all international border crossing points, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Valmont Industries, Inc., Valley, NE 68064. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 109818 (Sub-64TA), filed July 30, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. *Stone and stone aggregates, from the facilities of Basins Engineering Co., Inc. at or near Wheatland, WY, to points in IA, IL, NE, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Basins Engineering Co., Inc., P.O. Box 845, Wheatland, WY 82201. Send protests to: Herbert W. Allen D/S, ICC, 518 Federal Bldg., Des Moines, IA 50309.*

MC 110288 (Sub-5TA), filed June 26, 1979. Applicant: HARRY HENERY, INC., 3517 W. Washington St., Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Plastic pipe; equipment, materials and supplies used in the manufacturing and distribution of plastic pipe between the facilities of Robintech, Inc. at Danville, IL, on the one hand, and points in IL, MO, IA, WI, MI, IN, OH, KY, TN, KS, NY, NJ, CT, MD, MA and AZ, FL, NC, SC, GA, TX on the other for 180 days. Supporting shipper: Robintech, Inc., RR No. 5, Danville, IL 61832. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.*

MC 110988 (Sub-397TA), filed June 27, 1979. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: John Patterson, 2480 E. Commercial Blvd., Ft. Lauderdale, FL 33308. *Lubricating oil from St. Paul, MN to facilities of Schneider Transport, Inc. at Green Bay, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Schneider Transport, P.O. Box 2298, Green Bay, WI 54306. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.*

MC 110988 (Sub-398TA), filed August 8, 1979. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Neil Dujardin, P.O. Box 2298, Green Bay, WI 54306. *(1) Latex from Midland, MI to Niagara, Kimberly, Appleton, Neenah, Rothschild, Brokaw, Stevens Point, Biron, Wisconsin Rapids, Menasha,*

Nekoosa, North Hudson, WI and Cloquet, Chemolite, and Brainerd, MN and (2) *Vinyl toluene* from Midland, MI to Carpentersville, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dow Chemical Co., 690 Building, P.O. Box 1711, Midland, MI 48640. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 113158 (Sub-39TA), filed July 27, 1979. Applicant: TODD TRANSPORT CO., INC., Box 158, Secretary, MD 21664. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Phila., PA 19107. *Empty containers*, from facilities of Connelly Containers, Inc., at Philadelphia, PA to the facilities of Jenkins Foods Corp., in Sussex County, DE and Queen Annes County, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jenkins Foods Corp., P.O. Box 263, Milford, DE 19963. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 113678 (Sub-830TA), filed August 2, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner, (same address as above). *Empty beverage containers*, (1) from Denver, CO to Los Angeles, CA, and (2) from Indianapolis, IN, to Denver, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Western Pop Shoppes, Inc., Wheatridge, CO 80033. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 113828 (Sub-272TA), filed July 12, 1979. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20006. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. *Jet fuel*, in bulk, in tank vehicles, from Canton, OH and Ashland, KY to Gravelly Pt., VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Western Air Lines, Inc., 6060 Avion Dr., Los Angeles, CA 90045. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 113828 (Sub-273TA), filed July 30, 1979. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. *Liquid chemicals*, in bulk, in tank vehicles, between Baltimore, MD, on the one hand, and, on the other, points in CT, DE, ME, MA, NJ, NY, PA, RI, VA, WV, for 180 days. Supporting shipper(s): SCM Corp., 900 Union Commerce Bldg., Cleveland, OH 44115. PQ Corp., Valley Forge Executive Mall, P.O. Box 840, Valley Forge, PA

19482, Agrico Chemical Co., One Williams Center, Tulsa, OK 74103. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 115648 (Sub-34TA), filed August 2, 1979. Applicant: LOCK TRUCKING, Inc., P.O. Box 278, Wheatland, WY 82201. Representative: Ward A. White, Attorney, P.O. Box 568, Cheyenne, WY 82001. *Volcanic rock, in bulk*, from Des Moines, NM to Casper and Torrington, WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Torrington Cement Products, Inc., d.b.a., Wyoming Block, P.O. Box 862, Casper, WY 82602. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm 105 Federal Bldg & Cri House, 111 South Wolcott, Casper, WY 82601.

MC 119988 (Sub-207TA), filed August 1, 1979. Applicant: GREAT WESTERN TRUCKING CO., Inc., P.O. Box 1384, Lufkin, TX 75901. Representative: Mike Cox, (same as applicant). (1) *Plastic articles, and such equipment, materials and supplies* as are used in manufacture and distribution of the commodities named in (1) above (except commodities in bulk and those which because of size or weight require the use of special equipment) between the facilities of Fort Howard Paper Co. at or near Muskogee, OK on the one hand, and on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, KS, KY, LA, MS, MO, MT, NE, NV, NM, NC, OK, OR, SC, TN, TX, UT, VA, WA, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fort Howard Paper Company, P.O. Box 130, Green Bay, WI 54305. Send protests to: John F. Mensing, DS, ICC, 515 Rusk Ave. No. 8610, Houston, TX 77002.

MC 119988 (Sub-208TA), filed August 10, 1979. Applicant: GREAT WESTERN TRUCKING CO., Inc., P.O. Box 1384, Lufkin, TX 75901. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. *Plastic articles* (except in bulk) and *materials, equipment and supplies* used in the manufacture of plastic articles (except in bulk) between the facilities of Rheem Manufacturing Company at or near Bryan, TX, on the one hand, and, on the other, points in and west of AL, TN, KY, IN and MI (except AK, HI and TX), for 180 days. Supporting shipper(s): RHEEM MANUFACTURING COMPANY, 7600 South Kedzie, Chicago, IL 60652. Send protests to: John F. Mensing, DS, ICC, 515 Rusk Ave. No. 8610, Houston, TX 77002.

MC 119988 (Sub-209TA), filed August 15, 1979. Applicant: GREAT WESTERN TRUCKING CO., Inc., P.O. Box 1384,

Lufkin, TX 75901. Representative: Mike Cox, (same as applicant). Magnesium metal ingots from Snyder, TX to TN, KT, IN, OH, PA, NY, NJ, WV, IL, IA and NB for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Magnesium Company, Snyder, TX 79549. Send protests to: John F. Mensing, DS, ICC, 515 Rusk Ave. No. 8610, Houston, TX 77002.

MC 121658 (Sub-22TA), filed August 6, 1979. Applicant: STEVE D. THOMPSON TRUCKING, INC., P.O. Drawer 149, Winnsboro, LA 71295. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. (a) Household appliances and (b) parts and accessories for household appliances, from the facilities of General Electric Company at Little Rock, AR to points in LA, and Jackson, Natchez and Vicksburg, MS, for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): General Electric Company, 6901 Lindsey Road, Little Rock, AR 72206. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 121658 (Sub-23TA), filed August 1, 1979. Applicant: STEVE D. THOMPSON TRUCKING, INC., P.O. Drawer 149, Winnsboro, LA 71295. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Common carrier over regular routes. General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) Between Little Rock, AR and Junction City, LA over U.S. Hwy. 167, serving no intermediate points; (2) Between Little Rock, AR and Mer Rouge, LA: From Little Rock over U.S. Hwy. 65 to junction of U.S. Hwy. 165 at or near Dermott, AR, then over U.S. Hwy. 165 to Mer Rouge, LA and return over the same routes, serving no intermediate points; and (3) Between the junction of U.S. Hwy. 65 and U.S. Hwy. 165 at or near Dermott, AR and Lake Providence, LA, from the junction of U.S. Hwy. 65 and U.S. Hwy. 165 over U.S. Hwy. 65 to Lake Providence, LA, and return over the same route, serving no intermediate points in the State of Arkansas, restricted in (1), (2) and (3) against service between Shreveport, LA and Little Rock, AR, and further restricted against service between Little Rock, AR and Memphis, TN, for 180 days. NOTE: Applicant intends to tack the authority sought herein with authority in MC 121658 (Subs 2, 4 and 7) at all common points of joinder. Applicant intends to interline with other carriers at all common points, including Little Rock, AR; Monroe, LA and

Jackson, MS. Applicant seeks to serve the commercial zones of all cities and towns lying on the above described routes. Supporting shipper(s): Approximately 55 shippers. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 124078 (Sub-990TA), filed August 2, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard Prevette, (same address as applicant). *Vegetable oil and vegetable oil shortenings*, in bulk, in tank trucks, from facilities of Durkee Foods, Louisville, KY to San Antonio, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Durkee Foods, P.O. Box 33608, Louisville, KY 40232. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-991TA), filed August 10, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard Prevette, (same address as applicant). *Liquid citric acid*, in bulk, in tank vehicles, from Elkhart, IN to New Johnsonville, TN, for 180 days. Supporting shipper(s): Miles Laboratories, Inc., 1127 Myrtle St., Elkhart, IN 46515. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-992TA), filed August 13, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28th St., Milwaukee, WI 53215. Representative: Richard H. Prevette, (same as applicant). *Liquid petroleum wax, in bulk, in tank vehicles*, from Doraville, GA to Mesquite, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Multi-Chem, Inc., 200 Piedmont Ct., Doraville, GA 30340. Send protests to: John E. Ryden, DS, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 125368 (Sub-85TA), filed August 1, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: (same as applicant). *Meats, meat products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Description in Motor Carrier Certificate, 61 MCC 209 and 766 (except hides and skins and commodities in bulk)*, from the facilities used by John Morrell & Co. at or near Arkansas City and Wichita, KS; El Paso, TX; and Sheverport, LA to points in AL, CT, DE, FL, GA, IL, LA, MA, MD, MI, MO, MS, NJ, NY, NC, OH,

PA, RI, SC, TN, VA, WV, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 126118 (Sub-176TA), filed July 25, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). *Such commodities as are used by and dealt in by manufacturers of medical, surgical, and hospital supplies and materials (except in bulk) between the plantsite of Becton, Dickinson & Co. located on the Santee Indian Reservation near Niobrara, NE; and points in the commercial zones of Broken Bow, Columbus, and Holdrege, NE; North Canaan, CT; Sumter, SC; Chicago, IL; Atlanta, GA; New York, NY; Parsippany, NJ; and Jersey City, NJ; on the one hand, and on the other, points in the U.S. (except HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Becton, Dickinson & Co., Rutherford, NJ 07070. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.*

MC 126118 (Sub-177TA), filed July 27, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Howard C. Peterson, (same as applicant). (1) *Plastic articles, and such equipment, materials and supplies as are used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk and those which because of size and weight require the use of special equipment)* between the facilities of Fort Howard Paper Company located at or near Muskogee, OK, on the one hand, and on the other, points in AL, AR, CO, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fort Howard Paper Company, P.O. Box 130, 1919 S. Broadway, Green Bay, WI 54305. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-178TA), filed July 30, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, (same address as applicant). *Non-frozen foodstuffs* from points in CA to points in the U.S. (except AK, CA and HI) for 180 days. An underlying ETA seeks 90 days authority.

Restricted to traffic originating at the facilities of United Institutional Distributors Corporation and destined to the facilities of the member affiliates of United Institutional Distributors Corporation. Supporting shipper(s): United Institutional Distributors Corp., 100 Bush St., San Francisco, CA 94104. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-179TA), filed August 7, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Howard C. Petersen, (same as applicant). (1) *Carob mix, carob coated almonds, ambrosia mix, processed seeds and banana chips* and (2) *Agricultural commodities exempt from economic regulations under Section 203(b)(6) of the Interstate Commerce Act when transported in mixed loads with (1) above* from points in CA to points in the United States in and east of KS, NE, ND, OK, SD and TX and points in CO, OR and WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Teneco West, P.O. Box 9380, Bakersfield, CA. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 128878 (Sub-44TA), filed August 6, 1979. Applicant: SERVICE TRUCK LINE, INC., P.O. Box 3904, Shreveport, LA 71103. Representative: C. Wade Shemwell, (same address as applicant). *Synthetic resins, in bulk, in tank vehicles*, from the plant site or storage facilities of Chembond Corp. in Winn Parish to points in NM, for 180 days. Applicant has filed and underlying ETA for 90 days. Supporting shipper(s): Chembond Corp., P.O. Box 648, Winnfield, LA 71483. Send protests to: Robert J. Kirspe, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 135078 (Sub-60TA), filed July 27, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, Nebraska 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Carpet padding and materials and supplies used in the installation thereof (except commodities in bulk)* from the facilities of E. R. Carpenter Co. at Russellville, KY to points in CO and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): William Volker & Company, 945 California Drive, Bulingame, CA 94010. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 136008 (Sub-116TA), filed August 2, 1979. Applicant: JOE BROWN

COMPANY, INC., 20 Third Street N.E., Ardmore, OK 73401. Representative: John Tipsword, 2900 N. Shields, Moore, OK 73153. *Sand*, in dump vehicles, from Coweta, OK, to points in MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coweta Sand, Inc., Box 237, Coweta, OK 74429. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 136818 (Sub-87TA), filed August 6, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. (1) *Insulation materials* from Willows and Corona, CA to points in UT and ID (2) *Asbestos cement pipe and plastic pipe* from Stockton and Long Beach, CA to points in UT, ID, WY and CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Johns-Manville Sales Corp., 2600 Campus Dr., San Mateo, CA 94403. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136818 (Sub-88TA), filed August 7, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Iron and steel articles*, (1) from points in CA to points in AZ, (2) between points in CO, UT, AZ, WY, ID and NM, (3) from points in KS, NM, CO, UT, AZ and CA, (4) from Kansas City, KS and Kansas City, MO to points in CO, UT, NM and AZ, for 180 days. Supporting shipper(s): Brown-Strauss, Div. of Azcon Corp., 6900 E. Camelback, St. 700, Scottsdale, AZ 85251. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136818 (Sub-89TA), filed August 10, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Scrap paper products*, from Phoenix and Tucson, AZ to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Consolidated Fibers, 425 S. 15th Ave., Phoenix, AZ 85007. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136818 (Sub-90TA), filed August 10, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Iron and*

steel articles, from Port of Entry at Blaine, WA to points in UT, AZ, and CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tree Island Steel Inc., 281 E. University, Phoenix, AZ 85004. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136818 (Sub-91TA), filed August 13, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Lime*, from Dolomite, UT to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Flintkote Lime Co., 4700 Ramona Blvd., Monterey Park, CA 91754. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 138228 (Sub-9TA), filed August 15, 1979. Applicant: OGALLALA TRANSFER, INC., 165 Denargo St., P.O. Box 16412, Denver, CO 80216. Representative: Marshall Bernstein, (same address as above). *Feed Ingredients, Inedible*, over irregular routes: (1) from the facilities of Consolidated Pet Foods, Denver, CO and points in its commercial zone to all points in OR and CA; (2) from the facilities of Landers & Sowers at Denver, Greeley, Sterling and Ft. Morgan, CO and points in their commercial zones to points in OR and CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Consolidated Pet Foods, 1450 Cottonwood, Denver, CO 80204, and Landers & Sowers, Inc., P.O. Box 21134, Denver, CO 80221. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 138308 (Sub-86TA), filed July 31, 1979. Applicant: KLM, INC., Old Highway 49 South, P.O. Box 6098, Jackson, MS 39208. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. *Foodstuffs* (except in bulk) from the facilities of The Kroger Company at or near Albany, GA to points in AR, CA, KY, IN, MI, MO, OH, TN, TX, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Kroger Company, 1014 Vine St., Cincinnati, OH 45201. Send protests to: Alan Tarrant, D/S, ICC, Federal Building, Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 138438 (Sub-63TA), filed June 18, 1979. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 1329 Pennsylvania Ave., Hagerstown, MD 21740. *Brick(s)*, from points in VA to points in NJ for 180 days.

An underlying ETA seeks 90 days authority. Supporting shipper(s): Woodstown Brick & Supply Co., Inc., P.O. Box 94, Alloway, NJ. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 138438 (Sub-64TA), filed July 23, 1979. Applicant: D.M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 1329 Pennsylvania Ave., Hagerstown, MD 21740. *Gypsum and gypsum products and materials and supplies used in the installation thereof*, (1) from Wilmington, DE and Milford, VA, and their respective commercial zones, to points in CT, GA, KY, ME, MA, NH, NJ, NY, NC, OH, RI, SC, TN, and VT, and (2) from Akron and Buchanan, NY, and their respective commercial zones, to points in CT, DE, ME, MD, MA, NY, NJ, OH, PA, RI, VT, VA, WV, and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia Pacific Corp., Gypsum Div., 1062 Lancaster Ave., Rosemont, PA 19010. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 139958 (Sub-8TA), filed Aug. 2, 1979. Applicant: R. T. TRUCK SERVICE, INC., 4319 Campground Road, Louisville, KY 40216. Representative: Rudy Yessin, 314 Wilkinson St., Frankfort, KY 40601. *Paper, paper products, scrap paper and materials, supplies, machinery and equipment* used in the manufacture of paper and paper products, between the facilities of Wescor Paper Co., a division of Western Kraft Paper Co., in Hancock County, KY, on the one hand, and, on the other, points in AR, LA, MS, AL, SC, VA, PA, WI, TX, IA and FL, for 180 days. Supporting shipper(s): K. O. Petrie, Jr., Williamette Industries, Western Kraft Paper Group, Hawesville, KY 42348. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 139958 (Sub-9TA), filed Aug. 2, 1979. Applicant: R. T. TRUCK SERVICE, INC., 4319 Campground Road, Louisville, KY 40216. Representative: Rudy Yessin, Atty., 314 Wilkinson St., Frankfort, KY 40601. *Adhesive NOI, Class 85-60, Caulking Compound, Class 23, Rubber Compound unvulcanized, chemical NOI*, from Dow Corning facilities at Elizabethtown, KY, to Portsmouth, VA, for 180 days. Supporting shipper(s): Jerry H. Moe, Dow Corning Corp., Midland, MI 48640. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 141108 (Sub-9TA), filed August 7, 1979. Applicant: D & C EXPRESS, INC., Wilton, IA 52778. Representative: Kenneth F. Dudley, P.O. Box 279,

Ottumwa, IA 52501. *Iron and steel articles* from the Chicago commercial zone and Glenwood, IL; Detroit, MI; and Kokomo, IN, to points in IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Raco Steel Co., 19421 S. Forest Ave., Glenwood, IL 60425. Great Western Steel Co., 2310 West 58th St., Chicago, IL 60636. Pittsburgh Des Moines Steel Co., 155 50th Ave., S.W., Cedar Rapids, IA 52404. Intertrade Steel Corporation, P.O. Box 1129, Cedar Rapids, IA 52406. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 143988 (Sub-8TA), filed August 13, 1979. Applicant: JAMES W. TATE, d/b/a [AMAR TRUCKING, P.O. Box 18970, Memphis, TN 38118. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *General Commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles which require special handling because of size or weight) from the facilities of the Memphis Defense Depot, at Memphis, TN to Ft. McCoy, WI; Camp Ripley, WI; Grand Forks AFB, ND; Minot AFB, ND; Ellsworth AFB, SD; Offutt AFB, NE; Fort Leavenworth, KS; and McConnell AFB, KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chief, Regulatory Law Office, U.S. Army Legal Services Agency, Room 442, Nassif Building, 5611 Columbia Pike, Falls Church, VA 22041. Send protests to: Floyd A. Johnson, District Supervisor, 100 North Main St., Suite 2006, Memphis, TN 38103.

MC 144568 (Sub-2TA), filed August 15, 1979. Applicant: S. W. TRANSPORT, INC., 61 Lake Street, Rouses Point, NY 12979. Representative: Donald E. Cross, 918-16th Street NW., Washington, D.C. 20006. Contract carrier, irregular routes: *Nails* from Houlton, ME to points in AL, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MO, MN, MS, MI, NV, NE, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, VA, WV and WI, under continuing contract with Ivaco, Ltd of Marieville, Quebec, Canada, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sivaco Maritimes-Division of Ivaco, Ltd., 35 Akerley Boulevard, Dartmouth, Nova Scotia, Canada B3B 1J7. Send protests to: Carol A. Perry, T.A. ICC, P.O. Box 548, Montpelier, VT 05602.

MC 145468 (Sub-19TA), filed August 13, 1979. Applicant: K.S.S. TRANSPORTATION CORP. P.O. Box 3052, North Brunswick, NJ 08902. Representative: Elaine M. Conway, Sullivan & Associates, Ltd., 10 S. LaSalle

Street, Suite 1600, Chicago, IL 60603. (1) Foodstuffs and frozen foodstuffs, (except commodities in bulk), and (2) commodities used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), *Between Des Moines and Perry, IA, on the one hand, and, on the other, Ft. Wayne, IN; Minneapolis, St. Paul and Maple Lake, MN; and points in IL. *The following points which appeared in the corresponding ETA's were deleted because authority thereto was granted August 6, 1979 in MC-145468 (Sub No. 10TA): Kansas City, Mexico, St. Joseph and Sedalia, MD; and Kansas City, KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Beatrice Foods Co., 1719 Grand Avenue, Des Moines, IA 50309. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 144468 (Sub-20TA), filed July 23, 1979. Applicant: K.S.S. TRANSPORTATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Meats and packinghouse products from Tama, IA to points in NY, NJ, and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tama Meat Packing Corp., P.O. Box 209, Tama, IA 52339. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 145468 (Sub-21TA), filed August 8, 1979. Applicant: K.S.S. TRANSPORTATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Meats and packing house products from Tama, IA to points in KY, MD, MA, NC, TN and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tama Meat Packing Corp., P.O. Box 209, Tama, IA 52339. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 145768 (Sub-4TA), filed JULY 20, 1979. Applicant: KREILKAMP TRUCKING, Inc., R.R. 1, Allenton, WI 53002. Representative: Nancy Johnson, 103 E. Washington St., Crandon, WI 54520. *Bituminous conduit and pipe and accessories thereto*, from facilities of Bermico Co. at or near West Bend, WI to points in IL, MI, MN, MO, IA, IN, OH, KY, AR, KS, OK, TX, CO & NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bermico Co., 2100 Northwestern Ave.

West Bend, WI 53095. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 819, Milwaukee, WI 53202.

MC 145978 (Sub-3TA), filed July 24, 1979. Applicant: R & S TRUCKING, INC., RR 1, Box 123, Garretson, SC 57030. Representative: A. J. Swanson, P.O. Box 1103-300 S. Thompson Ave., Sioux Falls, SD 57101. (1) *Refuse containers* from Sioux Falls, SD to points in KS, IA, IL, LA, MI, MO, MN, ND, NY, OK, OH, PA, TX, TAN, UT, WI and WY and (2) *Iron and steel articles and casters* from Sioux City, IA; Chicago, IL; Gary, IN; Minneapolis, MN; Kansas City, MO; Toledo, OH; Sioux Falls, SD and Hustiford, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Teem Enterprises, Inc., 3509 Teem Dr. (P.O. Box 1381), Sioux Falls, SC 57101. Send protests to: J. L. Hammond, DS, ICC Room 455, Federal Bldg., Pierre, SD 57504.

MC 146078 (Sub-10TA), filed July 23, 1979. Applicant: CAL-ARK, INC., 854 Moline St., P.O. Box 394, Malvern, AR 72104. Representative: Thomas W. Bartholomew, Same as applicant. *Beverages, alcoholic, NOS*, from the facilities of American Distilling Co., Inc., Union City, CA, to points in the United States for 180 days. Supporting shipper(s): American Distilling Co., Inc., 1000 Whipple Road, Union City, CA 94587. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 146128 (Sub-6TA), filed July 16, 1979. Applicant: MERITT FOODS COMPANY, d.b.a. MERRITT REFRIGERATED SERVICES, 2840 Guinotte, Kansas City, MO 64120. Representative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. *Confectionery in mechanically refrigerated equipment*, from the facilities of M&M Mars, Division of Mars, Inc., at Waco, TX to Kansas City, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): M & M Mars, Division of Mars, Inc., High St., Hackettstown, NJ 07840. Send protests to: Vernon V. Coble, D/S, ICC, Room 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 146148 (Sub-6TA), filed June 20, 1979. Applicant: B-RIGHT TRUCKING CO., 492 Old State Rt. 7, Pottery Addition, Steubenville, OH 43952. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. *Iron and steel and iron and steel articles*, from the facilities of Wheeling-Pittsburgh Steel Corporation at Steubenville, Mingo Junction, Yorkville, Canfield, and Martins Ferry, OH to points in IL, IN,

MI, NY, OH, PA, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wheeling-Pittsburgh Steel Corp., P.O. Box 118, Pittsburgh, PA 15230. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 146378 (Sub-1TA), filed June 1, 1979. Applicant: PAUL H. HARPOLE TRUCK SERVICE, INC., 22 Wilshire Ct., Belleville, IL 62223. Representative: William L. Gagen, 118 S. Charles St., Belleville, IL 62221. *Tires, machinery, and supplies used in the manufacture of tires; household appliances, equipment, materials and supplies used in the manufacture and distribution thereof, except commodities in bulk; automobile parts and accessories related racks and containers related iron and steel articles; candy and confectionery N.O.I.*, from the plant site of the General Tire and Rubber Company and all points in the states of CA, IL, IN, KY, MI, MO, OH, PA and WI; from the facilities of the General Electric Company at Appliance Park, Louisville, KY, to all points in the states of WI, IL, MO, IN, MI, OH and PA; between all points in CA, IL, OH, IN, KY, MI, MO, NJ, NY, PA, WI and Louisville, KY, between Louisville, KY and the Detroit, MI Commercial Zone, from MI to Ford Plants at Claycomo and St. Louis, MO, Pico Rivera and Milpitas, CA; from the facilities of Hollywood Brands, Inc., Centralia, IL to the States of KY, MD, MI, NJ, NY, OH, PA, WI and WV in vehicles equipped with mechanical refrigeration for 180 days. An E.T.A. has been granted for 90 days. Supporting shipper(s): 4—Supporting Shippers. Send protests to: Dave Hunt, T/A, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 146438 (Sub-5TA), filed July 18, 1979. Applicant: ETV, Inc., P.O. Box 393, Comstock Park, MI 49321. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. (1) *Frozen bakery goods* from the facilities of Mrs. Smith's Pie Company at or near Zeeland, MI to OR, WA, IO, CA, NV, UT and AZ; and (2) *Materials and supplies* used in the manufacture of frozen bakery goods from points in the lower peninsula of MI to the facilities of Mrs. Smith's Pie Company at or near Pottstown and Lake Winola, PA; McMinnville, Portland and Salem, OR; and (3) *Frozen bakery goods* from the facilities of Mrs. Smith's Pie Company at or near Pottstown, Lake Winola, Fogelsville and Philadelphia, PA to MI, IN, IL, OH, SC, NC, GA, FL, TX, CA, and OR; and (4) *Frozen bakery goods* from the facilities of Mrs. Smith's Pie Company at or near McMinnville

and Portland, or to CA, AZ and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Mrs. Smith's Pie Company, P.O. Box 298, Pottstown, PA 19464. Send protest to: C. R. Flemming, I.C.C., 225 Federal Building, 325 W. Allegan St., Lansing, MI 48933.

MC 146568 (Sub-6TA), filed June 22, 1979. Applicant: PHOENIX BIRD, INC., Suite 118, 1 Neshaminy Plaza, Street Rd. & Bristol Pike, Cornwells Heights, PA 19020. Representative: Ronald N. Cobert, 1730 M St., N.W., Suite 501, Washington, DC 20036. *Contract carrier: Irregular routes: Foodstuffs (except in bulk)*. From the facilities of Grocery Store Products, a division of The Clorox Co., located at or near Kennett Square and West Chester, PA to pts. within the commercial zones of Los Angeles and Oakland, CA, Denver, CO, Kansas City, MO and Houston, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Clorox Co., 1221 Broadway, Oakland, CA 94612. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 146638 (Sub-2TA), filed March 23, 1979. Applicant: CLYDE F. HOSTUTLER t/a, CLYDE'S TRANSFER, 604 Aquarius Drive, Mechanicsville, VA 23111. Representative: Calvin F. Major—Attorney at Law, 200 West Grace Street, Richmond, VA 23220. *Contract—irregular, Steel (coil and flat structural)*, from PA, DE, NC, SC, GA, WV, NJ, MD and OH, to VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gordon Metal Company, 211 South 14th Street, Richmond, VA 23219. Send protests to: Paul D. Collins, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th St., Richmond, VA 23240.

MC 147088 (Sub-2TA), filed July 18, 1979. Applicant: Derby City Express, Inc., 728 Upsliner Road, Louisville, KY 40229. Representative: Wm. P. Whitney, Jr., Atty., 708 McClure Bldg., Frankfort, KY 40601. *Meat products and meat by-products and dairy products*, in vehicles equipped with mechanical refrigeration, from the facilities of Armour Processed Meats Company at Louisville, KY, to points in AR, GA, and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jack M. Ingram, Armour Processed Meats Co., 1200 Story Ave., Louisville, KY 40206. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 147108 (Sub-1TA), filed June 27, 1979. Applicant: CARRIER TRANSPORT SERVICE, 479 So. Airport Blvd., So. San Francisco, CA 94080. Representative: R.

C. Chauvel, 100 Pine St.—Suite 2550, San Francisco, CA 94111. *Household goods as defined by the Commission in 17 M.C.C. 467*, in containers, empty containers, and uncontainerized automobiles in mixed shipments with household goods, between all points in the U.S., excluding AK and HI, moving on bills of lading of freight forwarders and restricted to shipments having an immediate prior or subsequent movement by water, for 180 days. Supporting shipper(s): There are 19 statements in support attached to this application which may be examined at the I.C.C. in Washington, D.C. or copies of which may be examined in the field office named below. Send protests to: D/S N.C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 147198 (Sub-3TA), filed July 10, 1979. Applicant: P. & E. I. TRUCK LINES, INC., P.O. Box 158, Hoopeston, IL 60942. Representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, IL 60601. *Canned goods, except frozen and in bulk*, from the facilities of Joan of Arc Co. Inc., at Hoopeston and Princeville, IL to points in the States of GA, KY, LA, MI, MN, MO, OH, TN, WI, and at Mayville, WI to points in the states of IL, IA, IN, KY, MI, MO, OH, TN and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Joan of Arc Co., 2231 W. Altorfer Dr., Peoria, IL 61615. Send protests to: Annie Booker, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 147198 (Sub-4TA), filed July 5, 1979. Applicant: P. & E. I. TRUCK LINES, INC., P.O. Box 158, Hoopeston, IL 60942. Representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, IL 60601. *Toilet and cosmetic preparations and insecticides in aerosol containers, empty aerosol containers, valves and materials and supplies used in the refinishing and manufacture of aerosol containers (except in bulk)*, between the facilities of Productions Services, Inc., at Rossville, IL on the one hand, and on the other, points in WI, OH, IA, IN, and MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Production Services, Inc., Rossville, IL 60963. Send protests to: David Hunt, TA, 1386 Everett McKinley Dirksen Bldg., 219 S. Dearborn, Chicago, IL 60604.

MC 147228 (Sub-1TA), filed August 10, 1979. Applicant: ROBERT D. BOWHAY, Summerfield, KS 66541. Representative: Bruce C. Harrington, Suite 1101L, 1010 Tyler, Topeka, KS 66612. (1) *Mechanical Tubing*; (2) *Iron and steel articles and seamless steel tubing* from facilities of Maverick Tube Corp., near Union, MO to all points in IA, NE, OK and KS. From facilities of Bull Moose Tube Co. at or

near Gerald, MO to all points in IA, NE, OK and KS, for 180 days. *Common, irregular*; Supporting shipper: Maverick Tube Co., Union, MO 63084; Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202. An underlying ETA seeks 90 days authority.

MC 147258 (Sub-2TA), filed June 25, 1979. Applicant: F. T. SILFIES, INC., R.D. 2, Box 236, Bath, PA 18014. Representative: Forrest T. Silfies (same address as applicant). *Crushed stone aggregate, in dump vehicles*, from Bath, PA to Staten Island, Richmond County, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Keystone Portland Cement Co., Bath, PA 18014. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 147258 (Sub-3TA), filed June 13, 1979. Applicant: F. T. SILFIES, INC., R.D. 2, Box 236, Bath, PA 18014. Representative: Forrest T. Silfies (same address as applicant). (1) *Crushed stone aggregate, in dump vehicles*, from Bath, PA to Bayway, NJ and New Rochelle, NY, and (2) *Crude Rock (Gypsum), in dump vehicles*, from Stoney Point, NY to Bath, PA, for 180 days. An underlying ETA seeks 30 days authority. Supporting shipper(s): Keystone Portland Cement Co., Bath, PA 18014. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 147348 (Sub-3TA), filed July 31, 1979. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, Arkansas 72114. Representative: James M. Duckett, 927 Pyramid Life Building, Little Rock, AR 72201. General commodities (with the usual exceptions) between Little Rock, AR and Fayetteville, AR; Springfield, Jefferson City, Sikeston and Cape Girardeau, MO; Temple, Longview, Texarkana and San Angelo, TX; Monroe, LA; Lawton, OK; restricted to traffic having a prior or subsequent movement by rail in piggyback service, and destined to facilities of Osco Drug, Inc., for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Osco Drug, Inc., 1818 Swift Dr., Oak Brook, IL 60521. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 147378 (Sub-2TA), filed July 2, 1979. Applicant: BAMA TRANSPORTATION COMPANY, INC., 5247 East Pine, Tulsa, OK 74115. Representative: Jack R. Anderson, 525 South Main, 15th Floor, Tulsa, OK 74103. *Packaged oil, from Congo, WV and Santonio, TX, to the facilities of AAA Oil Company, in Tulsa, OK, for 180 days*. Supporting Shipper(s): AAA Oil

Company, P.O. Box 9563, Tulsa, OK 74107. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 14708 (Sub-1TA), filed June 25, 1979. Applicant: ISADOR HALL, d.b.a. I. HALL CHARTER SERVICE, 7360 Furance Branch Rd., Glen Burnie, MD 21061. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. *Passengers and their baggage in the same vehicle with passengers, in charter operations*, beginning and ending at points in the Baltimore, MD Commercial Zone and in Anne Arundel County, MD and extending to points in AL, CT, DC, DE, FL, GA, IL, MA, NC, NJ, NY, OH, PA, SC, TN, VA, WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 17 statements in support attached to this application which may be examined at the ICC in Washington, DC or copies of which may be examined in the field office named below. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 14718TA, filed May 18, 1979. Applicant: JUVENTINO A. RIVERA, d.b.a., J. A. RIVERA TRUCKING, 8232 Polk Circle, Huntington Beach, CA 92646. Representative: Juventino A. Rivera, (Same Address As Applicant). *Contract: regular: resin compound, in containers*, from the facilities of Cargill, Incorporated, at or near Lynwood, CA to Tempe, AZ (I-10); Portland, OR (I-5); Seattle, WA (I-5); Spokane, WA (I-5-180-97-190); and Boise, ID (395-95-72), for 180 days. Supporting shipper(s): Cargill, Incorporated, 2801 Lynwood Road, Lynwood, CA 90262. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 147458TA, filed May 14, 1979. Applicant: NELSON BROS. TRUCKING CO., 600 Mathew St., Santa Clara, CA 95050. Representative: D. W. Baker, 100 Pine St., Suite 2550, San Francisco, CA 94111. *Canned and preserved foods*, between the facilities of Pacific Coast Producers at San Jose, CA and Lodi, CA, restricted to the transportation of traffic having a subsequent movement by rail. SUPPORTING SHIPPER: Pacific Coast Producers, P.O. Box 218, 1601 Civic Center Dr., Santa Clara, CA 95054. Send protests to: N. C. Foster, DS, 211 Main Suite 500, San Francisco, CA 94105, for 180 days.

MC 147478TA, filed May 22, 1979. Applicant: STANLEY R. SOWERS, d.b.a. TEESUN TRUCK LINE, P.O. Box 183, Hayti, SD 57241. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. *Dry fertilizer* from Minneapolis and St. Paul, MN; Sioux City, IA; Omaha, NE and

points in their commercial zones to points in SD and those in ND south of U.S. Hwy 10 for 180 days. Supporting shipper(s): South Dakota Wheat Growers, Bath, SD 57427, N-ReN Corporation, P.O. Box 418, S. St. Paul, MN 55075, Peavey Company, 730 2nd Ave., S. Minneapolis, MN 55402. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 147518 (Sub-1TA), filed July 5, 1979. Applicant: L & R OILFIELD SERVICES, INC., 1313 Arapahoe St., Thermopolis, WY 82443. Representative: Brian L. Richardson, (same address as applicant). *Coal*, between points in Hot Springs, Big Horn and Washakie Counties, WY. Restricted to traffic moving in interstate commerce, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): B.E.C.O.R. (Ranchester Resources) Box 643, Thermopolis, WY 82443 Northwest Resources, Inc., 316 Broadway, Thermopolis, WY 82443. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm. 105 Federal Bldg & Crt House, 111 South Wolcott, Casper, WY 82601.

MC 147528 (Sub-1TA), filed June 9, 1979. Applicant: TAS TRUCKING, 2652 Springwood Drive, Meridian, ID 83642. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Masonry articles and supplies, except commodities which by reason of their size or weight require the use of special equipment, commodities in bulk, and those commodities described in Mercer Extension-Oil Field Commodities, 74 MCC 459*, (1) from points in CO and UT to points in ID, those points in OR and WA on or east of US Hwy 97, those points in NV on or north of US Hwy 50 and points in Uinta, Lincoln, Sweetwater, Sublette, Teton and Park Counties, WY; and (2) from points in CO to points in UT on or north of US Hwy 6; restricted to traffic for the account of the Masonry Center, Inc., for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): The Masonry Center, Inc., P.O. Box 7825, Boise, ID 83706. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 147528 (Sub-2TA), filed June 21, 1979. Applicant: T.A.S. TRUCKING, 2652 Springwood Drive, Meridian, ID 83642. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Lumber*, from points in ID, OR, MT and WA to points in CA, CO, MN, MO, ND, NE, SD, UT and WI, (Restricted to traffic for the account of Idaho Timber Corporation) for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s):

Idaho Timber Corporation, P.O. Box 8146, Boise, ID 83707. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 147548 (Sub-2TA), filed June 11, 1979. Applicant: ATLANTIC COAST BUS LINES, INC., P.O. Box 184, Lanham, MD 20801. Representative: Gary E. Thompson, 4303 East West Hwy., Washington, DC 20014. *Passengers and their baggage*, in special operations between points in Washington, DC, and its commercial zone, on the one hand, and, on the other, Anne Arundel and Baltimore Counties, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bingo Las Vegas, 900 E. Church St., Baltimore, MD 21225. Forty West Bldg., 5407 Baltimore National Pike, Baltimore, MD 21229. Josephine M. Love, 137 33rd St. N.E., Washington, DC 20019. Viola Palmer, 1312 I St. N.E., Washington, DC 20002. Delores S. Williams, 1616 Isherwood St. N.E., Washington, DC 20002. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147608 (Sub-1TA), filed July 2, 1979. Applicant: POPE PAVING COMPANY, INC., P.O. Box 269, Bristol, VA 24201. Representative: J. RAYMOND CLARK, Suite 1150, 600 New Hampshire Ave. N.W., Washington, D.C. 20037. Contract—Irregular. *SALT, in bulk, in dump vehicles*, from the distribution facility of International Salt Company at Bristol, VA to points in KY, NC, TN and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Salt Company, Clarks Summit, PA 18411. Send protests to: Charles F. Myers, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 147638 (Sub-1TA), filed July 10, 1979. Applicant: JAMES BASIN TRUCK COMPANY, 1323 W. 3rd Ave., Mitchell, SD 57301. Representative: Mark Menard, 5301 N. Cliff—P.O. Box 480, Sioux Falls, SD 57101. (1) *Cement and flyash in bulk in pneumatic vehicles and in bags* from terminal locations in Aberdeen, Chamberlain, Mitchell, Rapid City, Sioux Falls, and Watertown, SD and from rail sidings at or near portable concrete batch plants in CO, IA, MN, MT, NE, ND, SD and WY (restricted to traffic having a subsequent movement by rail) to points in CO, IA, MN, MT, NE, ND, SD and WY; (2) *Precast concrete products* from Huron and Mitchell, SD to CO, IA, MN, MT, NE, ND and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Concrete Products Co., Huron, SD 57350. Dakota Redi-Mix, 1323 West 3rd, Mitchell, SD 57301. Send

protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 147648 (Sub-1TA), filed July 20, 1979. Applicant: ROBERT L. PERKINS, d.b.a. PERKINS TRANSPORT SERVICE, 4913 Maple Street, Omaha, NE 68127. Representative: J. F. Crosby, P.O. Box 37205, I-80 & Hwy. 50, Omaha, NE 68137. *Recreational vehicles, fifth wheels and equipment, materials, accessories, parts, and supplies for recreational vehicles transported at the same time, and with the vehicles of which they are a part, and on which they are to be installed, in truckaway, initial or secondary service* from the facilities of Prowler Industries of Nebraska, Inc. at Omaha, NE to points in CO, IA, IN, KS, MN, MO, MT, ND, SD, WI, TX and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fleetwood Enterprises, Inc., 3125 Myers St., Riverside, CA 92523. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 147658 (Sub-2TA), filed July 25, 1979. Applicant: R & W TRANSPORTATION, INC., Route 1, Repton, AL 36475. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. Contract, Irregular: *Lumber and lumber products and by-products*, from the facilities of T. R. Miller Mill Company at or near Brewton, AL to points in the states of AR, AL, GA, FL, MS, LA, and TX, under a continuing contract with T. R. Miller Mill Company, for 180 days. Supporting shipper(s): T. R. Miller Mill Company, P.O. Box 708, Brewton, AL 36426. Send protests to: Mabel E. Holston, T/A, ICC, Suite 1616—2121 Building, Birmingham, AL 35203.

MC 147668 (Sub-1TA), filed July 26, 1979. Applicant: NATIONAL PRESTO INDUSTRIES, INC., 3925 North Hastings Way, Eau Claire, WI 54701. Representative: Harold D. Miller Jr., 17th Floor, Deposit Guarantee Plaza, P.O. Box 22567, Jackson, MS 39205. *Alcoholic beverages, and such commodities as are dealt in by wholesale or retail department, variety, hardware or drug stores (except commodities in bulk and those requiring special equipment)* from the facilities of REX Consolidations, Inc. at Jersey City, NJ to the facilities of Memphis Handling Corp. at Memphis, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southeast Shippers Association, Inc., 595 West Alcy Road, Memphis, TN 38109. Memphis Handling Corp., 595 West Alcy Road, Memphis, TN 38109. Send protests to: Judith L. Olson, TA, ICC, 414 Federal

Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC-147678 (Sub-2TA), filed July 16, 1979. Applicant: NELSON TRUCKING OF BOYCEVILLE, INC., Route 1, Downing, WI 54734. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. *Sawdust, shavings, and bark* from facilities of Boyceville Lumber Co., Inc. in the Town of Hay River, Dunn County, WI to the Minnesota State Prison at or near Stillwater, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Boyceville Lumber Co., Inc., Rt. 1, Box 307, Boyceville, WI 54725. Send protests to: Judy Olson, TA, ICC, 414 Federal Bldg & US Courthouse, 110 S. 4th St., Minneapolis, MN 55401.

MC-147698 (Sub-2TA), filed July 18, 1979. Applicant: J.L.M.S., Inc., 115 Moonachie Avenue, Moonachie, NJ 07074. Representative: Michael R. Werner, PO Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Copying and duplicating machines, and accessories, materials, supplies and equipment used in the manufacture, installation, repair, maintenance, lease sale and distribution of copying and duplicating machines (except commodities in bulk)* Between Secaucus, NJ on the one hand, and, on the other, Reading, MA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Xerox Corp., 80 Seaview Drive, Secaucus, NJ 07094. Send protests to: Joel Morrrows, D/S, ICC, 744 Broad St., Rm. 522, Newark, NJ 07102.

MC-147708 (Sub-1TA), filed July 16, 1979. Applicant: AIWF TRANSPORTATION CORPORATION, Route 30, Exton, PA 19341. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Contract carrier: Irregular routes: (1) *Plastic products, (except in bulk)*, From Exton, PA to pts. in the US (except AK and HI). (2) *Materials, supplies and equipment (except in bulk)*, used in the manufacture and distribution of the commodities in (1) above, from pts in the US (except AK and HI) to Exton, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Alan IW Frank Corp., Route 30, Exton, PA 19341. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC-147838 (Sub-1TA), filed August 13, 1979. Applicant: RON LEWIS, Route 2, Box 6 P, Corning, CA 96021. Representative: Wallace Aiken, 1215 Norton Building, Seattle, WA 98104. PH (206) 624-2650. Contract carrier, irregular routes: *Alcoholic beverages (excluding bulk)* between points in

Seattle, WA and Portland, OR commercial zones and points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Sid Eland Distributing, Inc., 1212 6th Ave. So., Seattle, WA 98134. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC-147888TA filed July 12, 1979. Applicant: SALEM CONTRACT CARRIER, INC., PO Box 26945, Charlotte, NC 28213. Representative: Francis W. McInerny, Esq., 1000 16th St. NW, Washington, DC 20036. Contract carrier-irregular route: *Such merchandise as is dealt in by wholesale and retail chain department and food stores and equipment, material, and supplies used in the conduct of such businesses*: (a) between Charlotte, NC on the one hand, and on the other, points in CT, DE, GA, IL, IN, IA, KS, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, TN, VT, VA, WV, and WI; and (b) from points in the 24 States named in Section (a), except GA, to points in GA, NC, and SC, under a continuing contract or contracts with Kmart Corp. and restricted to shipments moving from, to, or between facilities used by Kmart Corporation, for 180 days. Supporting Shipper(s): Kmart Corporation, 3100 West Big Beaver, Troy, MI 48064. Send protests to: Terrell Price, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 147898TA filed July 26, 1979. Applicant: TRI-AD PICKUP AND DELIVERY SERVICE, INC., Rt. 9, Box 448, Greensboro, NC 27402. Representative: John F. Comer, 119 N. Greene St., Greensboro, NC 27402. General commodities (Except in bulk) having prior or subsequent movement by air between airports at Raleigh-Durham, Charlotte and Greensboro-Winston Salem-High Point, NC, for 180 days. Supporting Shipper(s): Emery Air Freight Corp., Old Danbury Rd., Wilton, CT 06897. Send Protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 147948 (Sub-1TA), filed August 9, 1979. Applicant: A. J. ROSS ENTERPRISES, INC., 225 Smith Street, Keasbey, NJ 08832. Representative: Morton E. Kiel, Suite 1832-2 World Trade Center, New York, NY 10048. Structural steel. Between Keasbey, NJ on the one hand; and, on the other, Baltimore, MD, Providence, RI; Washington, DC and Chicago, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Drachman Structural, Inc., 2116 Merrick Avenue, Merrick, NY 11566. Send

Protests to: Irwin Rosen, T/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 148058TA filed July 30, 1979. Applicant: JAT EXPRESS, Rt. 1, Box 405, Muncie, IN 47302. Representative: Jack W. Tapy, (same address as Applicant). Meats, meat products and meat by products and articles distributed by meat packinghouses from the plant site and storage facilities utilized by Farmland Foods at or near Garden City, KA from the facilities of Farmland Foods, Inc. at or near Garden City, KA to points in the 48 states for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Farmland Foods, Inc., P.O. Box 957, Garden City, KS 67846. Send protest(s) to: Beverly Williams, I.C.C. 429 Federal Building & U.S. Court House, 46 East Ohio Street, Indianapolis, IN 46204.

MC 148078TA filed August 6, 1979. Applicant: BEAU PARRISH EXPRESS CO., INC., P.O. Box 14733, Baton Rouge, LA 70808. Representative: Rick Chambers, (same address as applicant). *Machinery and equipment, machinery and equipment parts and accessories, and materials (other than in bulk), used in connection with the operation, maintenance, and repair of: (1) Paper and pulp mills, (2) Electrical power and power transmission plants, also transmission lines, (3) Barge, towing companies, shipyards and related facilities, (4) Refineries and cracking plants, (5) Chemical and petro-chemical plants and (6) Pipeline compressor stations*; between points located within Louisiana Parishes of Iberville, Ascension, East Baton Rouge, West Baton Rouge, East Feliciana and West Feliciana on the one hand, and on the other hand, points located in the United States east of, and on, Interstate Highway No. 35, including the entire States of OK and TX, with transportation limited to shipments moving between facilities of the named businesses and/or facilities of repair ships or stations, for 180 days. Supporting Shipper(s): Baton Rouge Marine Electrical Service, Inc., P.O. Box 3476, Baton Rouge, LA 70821. Ingersoll-Rand Service Division, 4152 Rhoda Dr., Baton Rouge, LA 70816 General Electric Co.—Apparatus Service Div. Baton Rouge Service Shop, 10955 No. Dual St., Baton Rouge, LA 70814. SFI, Inc., P.O. Box 455, Zachary, LA 70791. Send Protests to: Robert J. Kirspeel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 147358 Sub-1TA), filed June 5, 1979. Applicant: BEND BUILDING SUPPLY, INC., P.O. Box 206, Bend, Oregon 97701. Representative: Thomas Y. Higashi, 2075 S.W. First Ave., Suite

2N. *Common, irregular Lumber*, lumber mill products and wood products, from Bend, Lakeview, Burns and Prineville, Oregon to Los Angeles, Colton, Anaheim, Hayward, Sacramento, Fair Oaks, Santa Fe Springs, Redding, Ontario, La Mesa and San Francisco, California for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Brooks Scanlon, Inc., P.O. Box 1111, Bend, OR 97701. Deschutes Pine Sales, Inc., P.O. Box 1243, Bend, OR 97701. Send Protests to: Robert Dubay, TS, 114 Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, OR 97204.

MC 24583 (Sub-25TA), filed August 15, 1979. Applicant: FRED STEWART COMPANY, P.O. Box 665, Magnolia, AR 71753. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. *Sodium Hydrosulfide and Waste Petroleum Refinery sulfide*, in bulk, in tank vehicles, from Union County, AR to points in LA, TX, OK, MS, TN, MO, AL, KS, NC, FL, KY and AZ, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): T & T Chemicals, Inc., P.O. Box 782, El Dorado, AR 71730. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 52793 (Sub-30TA), filed June 13, 1979. Applicant: BEKINS VAN LINES CO., 3090 Via Mondo, Compton, CA 90221. Representative: David P. Christianson, 707 Wilshire Boulevard, Los Angeles, CA 90017. *Furniture, furnishings, and household, office and institutional fixtures and equipment, crated*, from Los Angeles County, CA to all points in the United States (except Alaska and Hawaii), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): SCS Industries, Inc., 12836 Arroyo, Sylmar, CA 91342. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 52793 (Sub-31TA), filed August 20, 1979. Applicant: BEKINS VAN LINES CO., P.O. Box 109, La Grange, IL 60525. Representative: Patricia Schnegg, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Furniture, furnishings and household, office and institutional fixtures and equipment, crated*, from Harrison and Fort Smith, AR to AZ, CA, CO, ID, MT, NE, NV, NM, OR, TX, UT, WA, and WY for 180 days. Supporting shipper(s): Harrison Furniture Manufacturing, Inc., P.O. Box 340, Harrison, AR 72601, The Covey Company, 900 N. 2nd St., Ft. Smith, AR 72901. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 52793 (Sub-32TA), filed August 24, 1979. Applicant: BEKINS VAN LINES

CO., 333 S. Center St., Hillside, IL 60162. Representative: Lawrence E. Lindeman, 425 13th St., NW, Suite 1032, Washington, D.C. 20004. (1) *Office furniture, and parts, equipment, and supplies used in the manufacture of office furniture*, between Grand Rapids, MI and points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, and MD; (2) *new furniture*, from Red Lion, Mifflinburg, and Stewartstown, PA to points in OH, IN, MI, IL, WI, MN, and IA; and (3) *new furniture*, from points in Worcester County, MA to points in IL, IN, and MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are seven supporting shippers. Their statements may be examined at the office listed below. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 103993 (Sub-989TA), filed August 13, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. Hwy 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani, (same as applicant). *Foam insulation board*, from the facilities of United Foam Corporation at or near Bremen, IN, to points in the U.S. in and east of the States of ND, SD, NE, KS, OK and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United Foam Corporation, 1111 W. Dewes St., Bremen, IN 46506. Send protests to: Beverly J. Williams, TA, ICC, 46 E Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 103993 (Sub-990TA), filed August 7, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same as above). *Trucks*, in secondary movements, from the plantsite of Haig Manufacturing, Inc., in Elkhart, IN, to points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Haig Manufacturing, Inc., 29391 Hwy 33 West, Elkhart, IN 46514. Send protests to: Beverly J. Williams, TA, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 107403 (Sub-1251TA), filed August 8, 1979. Applicant: MATLACK, INC., Ten W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same address as above). *Synthetic resins, in bulk, in tank vehicles* from San Diego, CA to Albuquerque, NM for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Calgon Corp., Box 1346, Pittsburgh, PA 15230. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm 620, Phila., PA 19106.

MC 107403 (Sub-1252TA), filed July 16, 1979. Applicant: MATLACK, INC., Ten W. Baltimore Ave., Lansdowne, PA

19050. Representative: Martin C. Hynes, Jr., (same as applicant). *Liquid plastic materials, in bulk, in tank vehicles*, from the facilities of Celanese Polymers Specialties Co., Inc., at Louisville, KY to all points in and east of MT, WY, CO, and NM, and raw materials used in the manufacture of liquid plastic materials, in bulk, in tank vehicles, from all points in and east of MT, WY, CO, and NM to the facilities of Celanese Polymers Specialties Co., Inc. at Louisville, KY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Celanese Polymers Specialties Co., One Riverfront Plaza, Louisville, KY 40202. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 107403 (Sub-1253TA), filed August 13, 1979. Applicant: MATLACK, INC., Ten W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same as applicant). *Liquid chemicals, in bulk, in tank vehicles* from Doe Run, KY to all points in the U.S. (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Olin Corp., 120 Long Ridge Rd., Stamford, CT 06904. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 107403 (Sub-1254TA), filed August 13, 1979. Applicant: MATLACK, INC., Ten W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same as applicant). *Aluminum sulfate, in bulk, in tank vehicles*, from Baltimore, MD to Washington, DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Olin Corp., 120 Long Ridge Rd., Stamford, CT 06904. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 107403 (Sub-1255TA), filed August 15, 1979. Applicant: MATLACK, INC., Ten W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same as applicant). *Diesel fuel, in bulk, in tank vehicle*, from Carrollton, KY to Jackson, TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Consolidated Aluminum Corp., 11960 Westline Industrial, St. Louis, MO 63141. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 107403 (Sub-1256TA), filed August 17, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes (same as applicant). *Liquid caustic soda, in bulk, in tank vehicles*, from Shreveport, LA, to all points in TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s):

Thompson-Hayward Chemical Company, 1011 Jack Wells Blvd., P.O. Box 7884, Shreveport, LA 71107. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St. Rm. 620, Phila., PA 19106.

MC 107993 (Sub-83TA), filed August 8, 1979. Applicant: J. J. WILLIS TRUCKING COMPANY, P.O. Box 226186, Dallas, TX 75266. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, First Continental Bank Bldg., Suite 301, Dallas, TX 75237. (A) (1) *Machinery, equipment, materials, and supplies used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, equipment, materials, and supplies used in connection with the construction, operations, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; (2) Commodities, which because of size or weight, require the use of special equipment; and (3) Self-propelled articles, each weighing 15,000 pounds or more, restricted to commodities which are transported on trailers, between points in California, Arizona, and New Mexico; and (B)(1) Pipe and fittings used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and by-products, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (2) Commodities, which because of size or weight, require the use of special equipment*, between California on the one hand, and, on the other, points in CO for 180 days. Underlying ETA filed. Supporting shippers(s): There are twenty shippers which can be examined at the ICC field office listed below or headquarters. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

Note.—Operations are already being conducted by tacking regular and irregular route authority. The purpose of this application is to eliminate Blythe and Winterhaven CA as gateway points and thereby conserving fuel and expenses.

MC 112123 (Sub-18TA), filed August 14, 1979. Applicant: BEST-WAY TRANSPORTATION, 5150 N. 16th St., Phoenix, AZ 85016. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Phoenix, AZ 85008. Common, Regular Route, *General commodities, (except those of unusual value, Classes*

A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment). (1) between Phoenix and Williams, AZ, serving all intermediate points, from Phoenix over I-Hwy 17 to Flagstaff, AZ, then over I-Hwy 40 to Williams, and return over the same route; (2) between Cordes Junction and Flagstaff, AZ serving all intermediate points, from Cordes Junction over AZ Hwy 69 to Prescott, AZ, then over U.S. Hwy 89 to junction of U.S. Hwy 89A, then over U.S. Hwy 89A to Flagstaff, and return over the same route; (3) between the junction of I-Hwy 17 and State Route 279 and Cottonwood, AZ, serving all intermediate points, from the junction of I-Hwy 17 and State Route 279 over State Route 279 to Cottonwood, and return over the same route; (4) between the junction of I-Hwy 17 and State Route 179 and Sedona, AZ, serving all intermediate points, from the junction of I-Hwy 17 and State Route 179 over State Route 179 to Sedona, and return over the same route; (5) in connection with routes 1 through 4 serving the commercial zones of the termini and intermediate points, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 14 supporting shippers. Their statements may be reviewed at the below address or at headquarters. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 113843 (Sub-270TA), filed August 16, 1979. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Representative: Lawrence T. Sheils, (same address as applicant). *Plastic film, from Aurora, OH to points in CT, DE, FL, GA, IL, IN, KY, MA, ME, MD, MI, MO, MN, NC, NH, NJ, NY, PA, RI, SC, TN, VA, VT, WV, WI*. For 180 days. Supporting shipper(s): R. J. R. Archer, Inc., 1450 So. Chillicothe Rd., Aurora, OH. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 114273 (Sub-643TA), filed July 27, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, (address same as applicant). (1) *Canned and preserved foodstuffs*, from the facilities of Heinz USA at or near Holland, MI to the facilities of Heinz USA at or near Iowa City, IA; Pittsburgh, PA; Mechanicsburg, PA; and Harrison, NJ, and (2) *Empty foodstuffs containers*, from the facilities of Heinz USA at or near Holland, MI to the

facilities of Heinz USA at or near Muscatine and Iowa City, IA, for 180 days. An underlying ETA seeks 90 days authority. Restricted in (1) and (2) to traffic originating at the named facilities and destined to the named facilities. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Herbert W. Allen D/S, ICC, 518 Federal Bldg., Des Moines, IA 50309. MC 114273 (Sub-644TA), filed July 31, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, (same address as applicant). *Drugs and feed supplements (except in bulk)* from Belvidere, NJ, to Chicago, IL, and Ames, IA, for 180 days. The purpose of this application is to substitute single-line service for existing joint-line service. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hoffman-LaRoche, Inc., 340 Kingsland Rd., Nutley, NJ 07110. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 115523 (Sub-191TA), filed July 16, 1979. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin Jm Whitear, (same address as applicant). *Magnesium compounds, liquid, in bulk* from Little Mountain, UT to points and places in AZ, CA, CO, ID, IS, MT, NM, NV, OR, TX, UT, WA, and WY, for 180 days. Supporting shipper(s): Great Salt Lake Minerals & Chemical Corp., P.O. Box 1190, Ogden, UT 84402. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 116073 (Sub-379TA), filed August 9, 1979. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, NM 56560. Representative: John C. Barrett, (same address as above). *Buildings, complete or in sections*, mounted on their own or removable undercarriage, from at or near Moses Lake, WA, to points in ID, MT, NV, OR, UT and WA, for 180 days. Supporting shipper(s): Lancer Homes Incorporated, 1128 E. 6th St., Corona, CA 91720. Send protests to: H. E. Farsdale, DS, ICC, Room 268 Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 116273 (Sub-243TA), filed August 20, 1979. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Ave., Cicero, IL 60650. Representative: William R. Lavery, (same address as applicant). *Petroleum grease, in bulk, in tank vehicles*, from Whiting, IN to points in SC and VA for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Amoco Oil Company, 200 E.

Randolph Drive, Chicago, IL 60601. Send protests to: Dave Hunt, T/A, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 116763 (Sub-582TA), filed July 30, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira, (same address as applicant). *Foodstuffs (except commodities in bulk, in tank vehicles)*, from the facilities of Doric Foods Corp. located at or near Findlay, OH to points in CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, PA, RI, VT, VA, WV and WI, for 180 days. Supporting shipper(s): DORIC FOODS CORP., P.O. B. 986, MT. Dora, FL 32757. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 116763 (Sub-583TA), filed August 6, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira, (same as applicant). *Foodstuffs (except commodities in bulk, in tank vehicles)* from the facilities of Vlastic Foods, Inc. located at or near Millsboro, DE, to points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, MD, WV, VA, NC, SC and DC for 180 days. Restricted to traffic originating at the named origin and destined to the indicated destinations. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vlastic Foods, Inc., 33200 W. Fourteen Mile Rd., West Bloomfield, MI 48033. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 116763 (Sub-584TA), filed August 6, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira, (same as applicant). *Foodstuffs (except commodities in bulk, in tank vehicles)* from the facilities of Vlastic Foods, Inc. located at or near Greenville, MS, to points in IL, TN, GA, AL, AR, LA, MO, OK and TX for 180 days. Restricted to traffic originating at the named origin and destined to the indicated destinations. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vlastic Foods, Inc., 33200 W. Fourteen Mile Rd., West Bloomfield, MI 48033. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 116763 (Sub-585TA), filed August 10, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira, (same as applicant). *Such commodities as are manufactured, processed or dealt in by rubber products manufacturers (except commodities in*

bulk, in tank vehicles), from points in the U.S. in and east of MN, IA, MO, OK, TX, to the facilities of Central Delta, Inc., located at or near Chicago, IL for 180 days. Supporting shipper(s): Central Delta, Inc., 1725 So. Indiana, Chicago, IL 60616. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 116763 (Sub-586TA), filed August 15, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira, (same as applicant). *Foodstuffs* (except frozen and commodities in bulk, in tank vehicles), from the facilities of Allen Canning Co., located at or near Moorhead, MS to points in AL, GA, NC, SC, TN, VA, MD, DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allen Canning Co., P.O.B. 250, Siloam Springs, AK 72761. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Phila., PA 19106.

MC 116763 (Sub-587TA), filed August 20, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira, (same as applicant). *Foodstuffs* (except commodities in bulk, in tank vehicles) from the facilities utilized by Presto Food Products, Inc., located at or near Kansas City, MO, to points in the U.S. in and east of MN, IA, MO, AR, and LA. Restricted to traffic originating at the named origins and destined to the indicated destinations for 180 days. Supporting shipper(s): Presto Food Products, Inc., 1101 E. 16th St., Kansas City, MO 64108. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Phila., PA 19106.

MC 121783 (Sub-6TA), filed August 7, 1979. Applicant: WEST-PAK, INC., 3987 San Pablo Avenue, Emeryville, CA 94662. Representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Common carrier, regular routes: Cleaning compounds, food supplements, candy, vitamins, cosmetics, plastic articles and printed materials*; From facilities of Shaklee Corporation at Hayward, CA to following points: (1) Between Hayward, CA and Oakland, CA over CA Hwy 17; (2) Between Oakland, CA and Elko, NV over I Hwy 80; (3) Between Stateline, NV and Carson City, NV, over U.S. Hwy 50; (4) Between Carson City, NV and Reno, NV over I Hwy 395; (5) Between CA-NV State line, near Crystal Bay, NV and junction of NV Hwy 28 and U.S. Hwy 50, over NV Hwy 28; Serving all intermediate points on above-described routes (3) and (5) and all intermediate points between Verdi, NV and Elko, NV on route (2); Traffic will be interlined

with Wycoff Company, Incorporated (MC-89684) at Reno, Winnemucca and/or Elko, NV; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shaklee Corporation, 1900 Powell Street, Emeryville, CA 94608. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 123993 (Sub-52TA), filed June 28, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70528. Representative: Byron Fogleman, (same address as applicant). *Malt beverages, non-alcoholic beverages, materials and supplies used in the manufacture and distribution thereof, (except commodities in bulk)* from Houston, TX to points in LA, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Champagne Beverage Co., Inc., P.O. Box 818, Covington, LA 70433. Schilling Dist. Co., Inc., P.O. Box 2279, Lafayette, LA 70502, Buquet Distributing Co., Inc., 1200 St. Charles St., Houma, LA 70360. Send protests to: Robert J. Kirspe, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 123993 (Sub-53TA), filed July 12, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70528. Representative: Byron Fogleman, (same address as applicant). *Poultry and animal feed and mineral or vitamin mixtures for poultry and animal feeding except in bulk* from Mountaire Feeds at North Little Rock, AR to points in FL, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Mountaire Feeds Inc., 124 E. 5th, North Little Rock, AR. Send protests to: Robert J. Kirspe, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 124813 (Sub-212TA), filed August 23, 1979. Applicant: UMHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Railroad crossties* from Cambria, IL to Boone, IA for 180 days. Supporting shipper(s): D.A. Wilson Company, 2017 East Lincolnway, Ames, IA 50010. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 124813 (Sub-213TA), filed August 23, 1979. Applicant: UMHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Concrete products and forms*, between the facilities of Wilson Concrete Products Company, at Omaha, NE, on one hand, and, on the other, points in IA for 180

days. Supporting shipper(s): Wilson Concrete Company, P.O. Box 7208, South Omaha Station, Omaha, NE 68107. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 125433 (Sub-305TA), filed August 23, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson, (same address as applicant). (1) *Printing presses*, and (2) *equipment, materials, parts and supplies therefor*, except commodities in bulk, between the facilities of MGD Graphic Systems, Inc., located at or near Cicero and Rockford, IL; Cedar Rapids, IA and Wyomissing, PA, on the one hand, and, on the other, points in the United States (except AK and HI), for 180 days. Supporting shipper(s): MGD Graphic Systems, Inc., 5601 West 31st Street, Chicago, IL 60650. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 125433 (Sub-306TA), filed August 21, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson, (same address as applicant). *Lead scrap* (loose) from the facilities of Philipp Brothers, Division of Engelhard Minerals & Chemicals Corporation located at or near Ontario, CA to East Helena, MT and San Antonio, TX, for 180 days. An underlying ETA requests 90 days authority. Supporting shipper(s): Philipp Brothers, Division of Engelhard Minerals & Chemicals Corporation, 1221 Ave. of Americas, New York, NY 10020. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 129613 (Sub-27TA), filed July 27, 1979. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Plastic articles, materials and supplies* (except in bulk), used in the manufacture thereof, between Winchester, VA, and its commercial zone, on the one hand, and, on the other, points in NC, SC and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rubbermaid Commercial Products, Inc., 3124 Valley Ave., Winchester, VA 22601. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 135743 (Sub-2TA), filed August 21, 1979. Applicant: WILLIAM MOVING CO., Harold Williams, d.b.a. P.O. Box 518, Dexter, MO 63841. Representative: Ernest A. Brooks, II, 1301 Ambassador

Bldg. St. Louis, MO 63841. Household goods, as defined by the Commission, between points in MO on and south of Interstate 70, points in IL on and south of Interstate 70, points in KY on and west of Interstate 24, points in TN on and west of Interstate 24, and points in AR on and north of US Hwy 64 on the one hand, and, on the other, points in FL, CA, LA, and MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Arvin Automotive, 1207 Arvin Rd., Dexter, MO 63841, Monarch Feed Mills, Inc., Dexter, MO 63841, Stites Concrete, Dexter, MO 63841, IXL Manufacturing Company, Inc., Bernie, MO 63822. Send protests to: P. E. Binder, TS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 136343 (Sub-177TA), filed August 14, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Plastic bags, plastic film, and plastic sheeting and racks (except commodities in bulk)* from the facilities of the St. Regis Paper Co., West Hazelton, PA to Washington Court House, Chillicothe, Toledo, Lima, Cincinnati, Columbus, Akron, Cleveland, and Youngstown, OH, Morristown, South Bend, Indianapolis, and Lafayette, IN, Macedon, NY, Jackson, MI, and points in NC and SC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Regis Paper Co., 150 E. 42nd St., New York, NY. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm 620 Phila., PA 19106.

MC 136343 (Sub-178TA), filed June 28, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Paper, paper products, and plastic articles, and materials, equipment, and supplies used in the manufacture and distribution of paper, paper products, and plastic articles (except commodities in bulk in tank vehicles)*, between points in the US east of and including MN, IA, MO, KS, OK, and TX on the one hand, and, on the other, the facilities of Scott Paper Co. located in PA, NY, NJ, WI, AL, AR, OH, ME, MA, MI, IN, FL, VA, IL, DE, and TN for 180 days. Supporting shipper(s): Scott Paper Co., Scott Plaza, Philadelphia, PA 19113. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 136553 (Sub-81TA), filed August 17, 1979. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial

Center, Des Moines, IA 50309. *Urea, in bags*, from Platteville, WI to points in IL, IA, and MN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): N-Ren Corporation, P.O. Drawer D, East Dubuque, IL 61025. Send protests to: Herbert W. Allen D/S, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 136553 (Sub-82TA), filed August 17, 1979. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Malt Beverages*, from Dubuque, IA to points in MI and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Joseph S. Pickett & Sons, Inc., East Fourth Street Extension, Dubuque, IA 52001. Send protests to: Herbert W. Allen DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 138283 (Sub-9TA), filed August 8, 1979. Applicant: DANA TRUCKING CORPORATION, P.O. Box 6, Round Lake, MN 56167. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Contract Carrier: irregular routes: Alcoholic beverages, wine, and non-alcoholic beverages in mixed loads with alcoholic beverages and wine (except commodities in bulk)* from points in IL, IN, KY and OH to Sioux Falls, SD, under continuing contract(s) with Midland Distributors, Inc. of Sioux Falls, SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Midland Distributors, Inc., 110 West 5th Sioux Falls, SD 57102. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 141443 (Sub-33TA), filed August 2, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 Denton Street, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Canned goods*, from Siloam Springs, Alma, Van Buren and Springdale, AR, to points in CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allen Canning Company, 305 E. Main, P.O. Box 250, Siloam Springs, AR 72761. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 141443 (sub-34TA), filed August 2, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Glass containers and closures therefor*, from Okmulgee, OK, to points in CO, for

180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ball Corporation, 345 South High Street, Muncie, IN 47302. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 141443 (Sub-35TA), filed August 27, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 Denton Street, Sapulpa, OK 74066. Representative: Dean Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Alcoholic beverages*, from Oklahoma City, OK, to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Central Liquor Company, 4001 N.W. 3rd Street, Oklahoma City, OK 73107. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 141913 (Sub-5TA), filed August 21, 1979. Applicant: V. N. TRANSPORTATION CO., INC., No. 7 Ensign Girardot Pl., Cape Girardeau, MO 63701. Representative: Richard D. Kinder, P.O. Box 643, Cape Girardeau, MO 63701. All products used in the operation and maintenance of a hospital from Memphis, TN commercial zone to St. Louis, MO commercial zone, together with return of shipments by consignees, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Travenol Laboratories, Inc., Deerfield, IL 60015, Mid-America Shared Services, Inc., No. 5 Ensign Girardot Place, Cape Girardeau, MO 63701. Send protests to: P. E. Binder, TS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 143693 (Sub-5TA), filed August 10, 1979. Applicant: DFC TRUCKING COMPANY, 17872 Cartwright Road, Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Avenue, Suite 705, Fullerton, CA 92631. *Contract: Irregular: (1) Frozen and chilled foodstuffs*, from Eugene, OR; Othello, Tacoma, Pyallup and Moses Lake, WA; Nampa and Pocatello, ID; Denver, CO; and West Liberty, IA, to customers of Chef Francisco, and also warehouse and distribution centers of Dely Food Co. and Proficient Food Co., Inc., at Irvine and Hayward, CA; Arlington, TX; Franklin Park, IL; Orlando, FL; and Bridgeport (Logan Township, Gloucester County), NJ. (2) *Dry and packaged foodstuffs*, from Houston, TX; Independence, MO; Winterhaven, FL and Denver, CO, to warehouse and distribution centers of Dely Food Co. and Proficient Food Co., Inc., at Irvine and Hayward, CA; Arlington, TX; Franklin Park, IL; Orlando, FL; and Bridgeport (Logan Township, Gloucester County), NJ. (3) *Paper products*, from Savannah, GA and Little Rock, AR, to

warehouse and distribution centers of Delly Food Co. and Proficient Food Co., Inc., at Irvine and Hayward, CA; Arlington, TX; Franklin Park, IL; Orlando, FL; and Bridgeport (Logan Township, Gloucester County), NJ. (4) *Fresh and frozen meats*, between Mansfield, TX, on the one hand, and customers of Portion Trol located in Los Angeles and San Jose, CA; Renton and Spokane, WA; Boise and Pocatello, ID; Salt Lake City, UT; and Denver, CO. (5) *Cookies, sugar, flour, flavorings, shortening, cooking oils and other components and materials, including catalysts used in the process of manufacturing donut mix; canned and processed fruit, coffee, dairy products, paper products, furniture, fixtures and supplies used in the establishment and operation of a donut shop*, from WA, OR, ID, UT, CO, SD, ND, NE, CA, KS, TX, MN, IA, AR, WI, and IL to distribution and shipping centers of Winchell's Donut Houses located in La Mirada, CA; Union City, CA; Portland, OR; Denver, CO; Arlington, TX; Kansas City, MO; Bonner Spring, KS; Chicago, IL; Itasca, IL; Bloomington, MN; Minneapolis, MN; and Cleveland, OH. (6) *Frozen turkeys*, from Turlock, CA to distribution and warehouse centers of Delly Food Co. and Proficient Food Co. at Irvine and Hayward, CA; Arlington, TX; Franklin Park, IL; Orlando, FL; and Bridgeport (Logan Township, Gloucester County), NJ, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): There are approximately 5 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 144293 (Sub-12TA), filed August 17, 1979. Applicant: GEO. McFARLAND, SR., operated by Duane McFarland, P.O. Box 1006, Austin, MN 55912. Representative: Duane McFarland, (same address as applicant). *Foodstuffs (except commodities in bulk)* from Beloit, WI to Austin, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 144293 (Sub-13TA), filed August 28, 1979. Applicant: Duane McFarland, Operator of GEORGE McFARLAND, SR., P.O. Box 1006, Austin, MN 55912. Representative: Duane McFarland, (same address as applicant). *Meats, meat products, meat by-products, and articles distributed by meat*

packinghouses as described in Sections A, C and D of Appendix I to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) between the facilities of Lauridsen Foods, Inc. at or near Britt, IA and the facilities of Armour and Co. at or near Mason City, IA, on the one hand, and, on the other, points in MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour and Co., Greyhound Tower, Phoneix, AZ 85077. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 144713 (Sub-6TA), filed August 16, 1979. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon St., Baltimore, MD 21205. Representative: Glenn M. Heagerty, (same as applicant). Contract; irregular; *such merchandise as is dealt in by a manufacturer of foodstuffs (except in bulk)* (1) between Memphis, Imlay City and Bridgeport, MI, on the one hand, and, on the other, Millsboro, DE (2) from Millsboro, DE to CT, MD, MA and RI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vlasic Foods, Inc., 33200 W. 14th, Mile Rd., West Bloomfield, MI 48033. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 146293 (Sub-29TA), filed July 9, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park Circle, NE, Lawrenceville, GA 30245. Representative: Alan E. Serby, 3390 Peachtree Road, NE, 5th Floor, Lenox Towers South, Atlanta, GA 30326. *Fluorescent lighting fixtures, parts and accessories for fluorescent lighting fixtures, equipment, materials and supplies used in the manufacture, sale, and distribution of the above commodity stated between the facilities of Lithonia Lighting, Div. of National Service Industries, Inc. at or near Cochran and Conyers, GA, on the one hand, and, on the other, points in and east of VA, WV, PA and NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lithonia Lighting, Div. of National Service Industries, Inc., P.O. Box H, 1400 Lester Rd., Conyers, GA 30207. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.*

MC 146893 (Sub-4TA), filed August 20, 1979. Applicant: BROWN TRANSPORT, INC., Box 327A; R.R. No. 3, West Alexandria, OH 45381. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215. (1) *haydite*; (2) *slag (except scrap metal)*, in bulk, in

dump vehicles from (1) Brooklyn, IN to Hamilton, Middletown, and Seven Mile, OH; and (2) from Lawrenceburg, IN to Franklin, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia-Pacific Corp., Gypsum Div., 1062 Lancaster Ave., Rosemont, PA 19010. Fin-Pan, Inc., P.O. Box 411, Hamilton, OH 45012. Riv-Co., Inc. dba Riverside Concrete Co., P.O. Box 149, Middletown, OH 45042. Miami Cement Products, Inc., 416 Ritter St., Seven Mile, OH 45062. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147003 (Sub-2TA), filed August 7, 1979. Applicant: RAWHIDE CARRIERS, INC., 716 South Elm Street, Grand Island, NE 68801. Representative: Darryl Pauly, P.O. Box 1171, Grand Island, NE 68801. *Grain bins, grain drying and handling equipment, and parts and accessories therefor* from the facilities of Grain Systems, Inc. at or near Assumption, IL to points in NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Grain Systems, Inc., Rt. 51, Assumption, IL 62510. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 147003 (Sub-3TA), filed August 20, 1979. Applicant: RAWHIDE CARRIERS, INC., 716 South Elm Street, Grand Island, NE 68801. Representative: Darryl Pauly, P.O. Box 1171, Grand Island, NE 68801. (1) *Refuse containers (2) parts, materials and supplies used in the manufacture and distribution of refuse containers* (1) from the facilities of Ram Kan Manufacturing located at or near Lincoln, NE to points in IA, KS, MO and OK (2) from Chicago, IL and Kansas City, KS and their commercial zones to the facilities of Ram Kan Manufacturing located at or near Lincoln, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ram Kan Manufacturing, 6310 No. 56th St., Lincoln, NE 68505. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 147183 (Sub-1TA), filed June 27, 1979. Applicant: FOUR STAR TRUCK BROKERAGE, INC., 14392 So. Mendocino, Kingsburg, CA 93631. Representative: A. L. Campbell, (same address as above). *Petroleum products* manufactured by Schaeffer Manufacturing Company (excluding commodities in bulk and in tank vehicles) between points in the United States, for 180 days. Supporting shipper(s): Schaeffer Manufacturing Company, 102 Barton St., St. Louis, MO 63104. Send protests to: D/S N. C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 147273 (Sub-2TA), filed August 2, 1979. Applicant: KENNETH SHAFER, d.b.a. K & T HOT SHOT SERVICE, P.O. Box 558, Proctorville, OH 45669. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Mine machines, machinery and mine machine parts requiring expedited service* between Huntington, WV and points in the Huntington, WV Terminal Area, on the one hand, and, on the other, points in CO, AZ, UT, NM, WY, MT, NE, and CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. H. Fletcher & Co., 707 W. 7th St., Huntington, WV. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620 Phila., PA 19106.

MC 147793 (Sub-1TA), filed July 26, 1979. Applicant: C. L. HALL, Route 2, Cumby, Texas 75433. Representative: Lawrence A. Winkle, Winkle, Wells & Stafford, P.O. Box 45538, Dallas, TX 75245. *Steel Plates*, from Houston and Lone Star, TX to points in KS for 180 days. Underlying ETA for 90 days sought. Supporting shipper(s): Friedman Industries, Lone Star, TX. Send protests to: Opal M. Jones, Trans. Consumer Specialist, Interstate Commerce Commission, 9A27 Federal Building, 819 Taylor St., Fort Worth, TX 76102.

MC 147823 (Sub-1TA), filed August 8, 1979. Applicant: DG SHELTER PRODUCTS COMPANY, 401 Watt Avenue, Sacramento, CA 95825. Representative: Gary A. Campbell (same address as applicant). *Selective torque Cling Peach pitting machinery; Weigh-O-Matic Carrot and Potato bagging machinery; including accessories and parts for installation and repair, between facilities of Filper Corporation, Reno, NV and CA, for 180 days. An Underlying ETA seeks 90 days authority. Supporting shipper(s): Filper Corporation, 475 Edison Way, Reno, NV 89510. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.*

MC 147993 (Sub-1TA), filed August 17, 1979. Applicant: C. H. MASLAND & SONS, Box 40, 50 Spring Rd., Carlisle, PA 17013. Representative: J. Roger Gratz, (same as applicant). Contract; irregular; *automobile parts, supplies, accessories, and related articles* from points in MI, OH to Mahway, Edison and Metuchen, NJ, Norfolk, VA & Atlanta (Hapeville), GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ford Motor Co., One Parklane Bldg., Parklane Towers East, Suite 200, Dearborn, MI 48126. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 148153TA, filed August 20, 1979. Applicant: WALBON & COMPANY, 3242 Old Highway 8, Minneapolis, MN 55418. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Boulevard, Minneapolis, MN 55416. *Contract carrier: irregular routes: (1) Corner bead and steel studs; and (2) Materials, supplies and accessories used in the manufacture and installation of the commodities named in (1) above, (except commodities in bulk)*, between the facilities of Clinch-On-Corners, Inc. at or near New Brighton, MN, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, OH, PA and WI, under a continuing contract(s) with Clinch-On-Corners, Inc., for 180 days. Supporting shipper(s): Clinch-On-Corners, Inc., 50 Southwest Cleveland Avenue, New Brighton, MN 55112. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U. S. Court House, 110 South 4th Street, Minneapolis MN 55401.

MC 116273 (Sub-No. 228TA), filed May 10, 1979, and previously published in the Federal Register on June 22, 1979, and republished this issue. By decision entered September 26, 1979, the Motor Carrier Board granted D & L Transport, Inc., of Cicero, IL, 180-day temporary authority to engage in the transportation of *liquid chemicals*, in bulk, in tank vehicles, over irregular routes, from the facilities of Union Carbide Corporation, at Texas City, TX, and at or near Seadrift, TX, to points in Alabama, Illinois, Indiana, Kansas, Minnesota, Missouri, Oklahoma, and Wisconsin. William R. Lavery, 3800 South Laramie Avenue, Cicero, IL, 60650, for applicant. Any interested person may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto.

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MC 3062 (Sub-44TA), filed August 20, 1979. Applicant: INMAN FREIGHT SYSTEM, INC., 321 N. Spring Ave., Cape Girardeau, MO 63701. Representative: Joel H. Steiner, 39 S. LaSalle St., Chicago, IL 60603. *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)*, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 19 supporting shippers. Send protests to: P. E. Binder, Transportation Specialist, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 11722 (Sub-63TA), filed August 15, 1979. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Philip G. Skofstad, 1525 N. E. Weidler Street, Portland, OR 97232. (1) *Business, office and school supply papers and Polyethylene bags; between Seattle, WA and Portland, OR and from Salem, OR to Seattle, WA. (2) Carpets, carpeting, mats, matting or rugs and carpet or rug cushions, cushioning, lining, pads or padding and carpet supplies; between Tukwila, WA and Portland, OR for 180 days. A corresponding permanent will be filed in the immediate future. Supporting shipper(s): Carpet Services of Oregon, Inc., 3202 N. W. Guam, Portland, OR 97210. Carpet Services, Inc., P.O. Box 88156, Tukwila, WA 98188. Western Paper Co., 7011 S. 188th, Kenj, WA 98031. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.*

MC 11722 (Sub-64TA), filed July 31, 1979. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Philip G. Skofstad, 1525 N. E. Weidler Street, Portland, OR 97232. Toilet paper, napkins and towels from the plantsite of American Can Co. at or near Halsey, OR to Tacoma, Kent, Seattle, Bellevue and Spokane, WA for 180 days. ETA R-56 granted 7/17/79, expires 10/14/79. A permanent will be filed. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Can Co., 333 Gellert Blvd., Daly City, CA 94015. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 14252 (Sub-76TA), filed August 15, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT INC., 3400 Refugee Rd., Columbus, OH 43227. Representative: William C. Buckman, (same as applicant). (1) *Alcoholic liquors in glass and/or in bulk in barrels*; (2) *Material and supplies used in the manufacturing or sales of beverage products, between the plantsites of Hiram Walker & Sons, Inc., at Peoria, IL and Delavan, IL, on the one hand and the plantsites of the same Co. located at Bardstown, Clermont, Coss Creek, Frankfort and Louisville, KY on the other hand, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hiram Walker & Sons, Inc., P.O. Box 479, Peoria, IL 61651. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 14252 (Sub-77TA), filed August 14, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT INC., 3400 Refugee Rd., Columbus, OH 43227. Representative: William C. Buckman, (same as applicant). Common carrier; regular routes: Auto parts and related articles, between the plantsite of Luber-Finer, Inc., located at or near Albion, IL, as an off-route pt and the carrier's presently authorized regular route operations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Luber-Finer, Inc., P.O. Box 8, Albion, IL. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 14252 (Sub-78TA), filed August 14, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Rd., Columbus, OH 43227. Representative: William C. Buckham, (same address as applicant). Common carrier, regular routes, *automotive parts, tool and accessories*, between the plant site of Champion Laboratories, Inc. at or near Albion, IL as an off-route point and the carrier's presently authorized regular route operations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Champion Laboratories, Inc., 4th & Walnut, Albion, IL 62806. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

Note.—Applicant proposes to tack the authority sought here with its existing operating authority. An underlying ETA seeks 90 days authority.

MC 14552 (Sub-67TA), filed July 25, 1979. Applicant: McNICHOLAS TRANSPORTATION CO., 555 W. Federal St., Youngstown, OH 44501. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Iron, steel and aluminum, iron, steel and aluminum articles; building and construction materials; and equipment, materials and supplies used in the manufacture thereof*; between all pts. in WI, IL, MI, IN, KY, OH, WV, PA, MD, DE, VA, NY, NJ, CT, RI, MA, VT, NH, ME, DC, and St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 16 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 60012 (Sub-101TA), filed July 24, 1979. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52nd Ave., Denver, CO 80221. Representative: John S. Walker, Jr., Esq., P.O. Box 5482, Denver, CO 80217. Common carrier; regular route: *General Commodities*,

except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment between Farmington, NM and Albuquerque, NM; from Farmington, NM over NM Hwy 17 to Jct. NM Hwy 44 near Bloomfield, NM, then over NM Hwy 44 to Jct. Interstate Hwy 25, then over Interstate Hwy 25 to Albuquerque, NM, and return over the same route, serving no intermediate points, for 180 days. Applicant will tack and interline. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): 21 statement of support. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 70502 (Sub-2TA), filed August 15, 1979. Applicant: WARNER STORAGE, INC., 3208 Broadview Rd., Cleveland, OH 44109. Representative: Thomas A. Keefe (same address as applicant). *Household goods* as defined by the Commission, (1) between points and places in Cuyahoga County, OH, on the one hand, and, on the other, points in VT, NH, ME, MA, CT, RI, NJ, DE, MD, VA, DC, NC, SC, GA, TN, KY, IN, IL, MO, MN, WI and (2) between points in the Counties of Lorain, Medina, Summit, Portage, Geauga, and Lake, OH, on the one hand, and, on the other, points in OH, PA, NY, VT, NH, ME, MA, CT, RI, NJ, DE, MD, VA, NC, SC, GA, TN, KY, IN, IL, MO, IA, MN, WI, MI, for 180 days. Supporting shipper(s): Danco Metal Products, 24018 Detroit Rd., Westlake, OH 44145. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

Note.—Applicant proposes to tack the authority sought here with its existing operating authority.

MC 71652 (Sub-33TA), filed July 27, 1979. Applicant: BYRNE TRUCKING, INC., 4669 Crater Lake Highway (P.O. Box 280), Medford, OR 97501. Representative: Mr. William D. Taylor—Handler, Baker, Greene & Taylor, P. C., 100 Pine Street, Suite 2550, San Francisco, CA 94111 (415-986-1414). IRON AND STEEL ARTICLES, AS DESCRIBED, IN APPENDIX V IN EX PARTE MC-45 61 MCC 209 from points in the State of California to the facilities of Metra Steel at or near Portland, Oregon for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Metra Steel, Michael S. Pierce, Transportation Manager-V.P., 5851 N. Lagoon—Swan Island, Portland, Oregon 97208. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, 555 S. W. Yamhill Street, Portland, OR 97204.

MC 97962 (Sub-3TA), filed August 14, 1979. Applicant: JOHN C. NEKITOPOULOS d.b.a. A-C MOTOR EXPRESS, 429 Memorial Avenue, West Springfield, Massachusetts 01089. Representative: John C. Nekitopoulos (same address). *Meat, meat products, fresh fish, perishables and frozen foods requiring refrigerated service*, between Massachusetts and Connecticut, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are twenty-five supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 107002 (Sub-559TA), filed July 27, 1979. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth (same address as applicant). *Jet fuel*, in bulk, in tank vehicles from Naval Air Station at or near Pensacola, FL, to Belle Chase, LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): U.S. Army Legal Services Agency, Department of the Army (JALS-RL), Room 422, Nassif Bldg., 5611 Columbia Pike, Falls Church, VA 22041. Send protests to: Alan Tarrant, D/S, ICC, Federal Building, Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 107012 (Sub-412TA), filed June 25, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Ft. Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). (1) *Artificial Christmas trees*, from the facilities of Marathon Carey-McFall Company, at or near Atlanta, GA, to points in AL, AR, DC, FL, KY, LA, MS, NC, SC, TN, TX and VA. (2) *Artificial Christmas trees*, from the facilities of Marathon Carey-McFall Co., at or near Longview, TX to Atlanta, GA. (3) *Commodities used in the manufacture of artificial Christmas trees*, between Atlanta, GA, Montgomery and Montoursville, PA and Longview, TX for 180 days. Supporting shipper(s): Marathon Carey-McFall Company, P.O. box 988, Montoursville, PA 17754. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 107012 (Sub-413TA), filed May 4, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Ft. Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Recreational equipment and parts and accessories for recreational equipment* from the facilities of Coleman Company,

Inc. located at or near New Braunfels, TX to points in the United States (except AK, HI, and TX) for 180 days. Supporting shipper(s): Coleman Company, Inc., 250 N. St. Francis, Wichita, KS 67201. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 107012 (Sub-414TA), filed April 9, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Ft. Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). (1) *Lawn mowers, rotary tillers, snow throwers, lawn and garden equipment, tools, work benches, vises, vacuum cleaners, flashlights, air compressors and (2) parts and accessories for the commodities named in (1) above*, from the facilities of Black & Decker (U.S.), Inc. at or near Easton and Hampstead, MD; Fayetteville and Tarboro, NC; and Lancaster, PA, to points in the U.S. (except AK and HI), for 180 days. Restricted to traffic originating at the named origin points. Supporting shipper(s): Black & Decker (U.S.) Inc., 701 East Joppa Road, Towson, MD 21204. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 107162 (Sub-56TA), filed July 23, 1979. Applicant: NOBLE GRAHAM TRANSPORT, INC., R.R. No. 1, Brimley, MI 49715. Representative: John Duncan Varda, 121 South Pinckney Street, Madison, WI 53703. *Roofing, building and insulating materials* (except Iron and Steel Articles and Commodities in bulk) from the facilities of CertainTeed Corporation in Scott County, MN to WI and the Upper Peninsula of MI. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): CertainTeed Corporation, P.O. Box 86, Valley Forge, PA 19482. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 107912 (Sub-25TA), filed July 26, 1979. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood, Memphis, TN 38118. Representative: James N. Clay, III, 2700 Sterick Building, Memphis, TN 38103. *Common: Regular Routes: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, between Memphis, TN and West Helena, AR and including the termini: From Memphis over U.S. Highway 61 to junction with U.S. Highway 49, then over U.S. Highway 49 to West Helena and return over the

same route. Between Batesville, MS and West Helena, AR serving Helena, AR and with the right of joinder at Clarksdale, MS: From Batesville over Mississippi Highway 6 to Clarksdale, then north over U.S. Highway 61 to junction with U.S. Highway 49, then west over U.S. Highway 49 to West Helena and return over the same route. Request is for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 21 supporting shippers to the application. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building—Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 107912 (Sub-26TA), filed August 8, 1979. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Drive, Memphis, TN 38118. Representative: James N. Clay, III, 2700 Sterick Building, Memphis, TN 38103. *Agricultural chemical products, except in bulk*, from West Helena, AR to Tunica, Grenada, Belzoni, Cleveland, Indianola, Yazoo City, Clarksdale and Vicksburg, MS for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Helena Chemical Company, 5100 Poplar Avenue—Suite 3200, Memphis, TN 38137. Send protests to: Floyd A. Johnson, 100 North Main Street—Suite 2006, Memphis, TN 38103.

MC 109632 (Sub-29TA), filed August 14, 1979. Applicant: LOPEZ TRUCKING, INC., 141 Linden Street, Waltham, MA 02154. Representative: Kenneth B. Williams or Joseph M. Klements, 84 State Street, Boston, MA 02109. (1) *Coated crushed rock granules, in bulk in tank vehicles*, from Belle Mead and Bound Brook, NJ to the facilities of Owens-Corning Fiberglass, Inc., in Waltham, MA; (2) *Slog granules, in bulk in tank vehicles*, from Bow, NH to the facilities of Owens-Corning Fiberglass, Inc., in Waltham, MA. For 180 days. Supporting shipper(s): Owens-Corning Fiberglass, Inc., Clematis St., Waltham, MA. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 110012 (Sub-60TA), filed August 20, 1979. Applicant: ROY WIDENER MOTOR LINES, INC., 707 N. Liberty Hill Rd., Morristown, TN 37814. Representative: John R. Sims, Jr. or Robert B. Walker, 915 Pennsylvania Bldg., 425 13th Street NW, Washington, DC 20004. (1) *New furniture and furniture parts and (2) materials and supplies used in the manufacture of*

furniture (1) from Hancock County, TN, to points in the U.S. (except AK and HI) and (2) from points in the U.S. (except AK and HI) to Hancock County, TN, for 180 days. Supporting shipper(s): R & R Wood Products, P.O. Box 1236, Morristown, TN 37814. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 111302 (Sub-156TA), filed July 23, 1979. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, 1500 Amherst Rd., Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). *Liquid caustic soda, in bulk, in tank vehicles*, from the Chattanooga River Terminals in Chattanooga, TN to points in AL and GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): BASF Wyandotte Corporation, 100 Cherry Hill Rd., Parsippany, NJ 07054. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 111302 (Sub-157TA), filed July 23, 1979. Applicant: HIGHWAY TRANSPORT INC., P.O. Box 10108, 1500 Amherst Road, Knoxville, TN 37919. Representative: David A. Petersen, (same address as applicant). *Liquid chemicals, in bulk in tank vehicles*, from the facilities of Dow Chemical Co. at or near Dalton, GA to points in AL, CT, DE, DC, FL, GA, IL, IN, KY, LA, ME, MA, MD, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dow Chemical U.S.A., 14955 Sprague Rd., P.O. Box 36000, Strongsville, OH 44136. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 111812 (Sub-673TA), filed July 27, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma, (same address as applicant's). *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment)*, between the facilities of Raven Industries, Inc. at or near Sioux Falls, Beresford, Freeman and Parkston, SD on the one hand, and, on the other, points in AZ, CA, CT, ID, MD, MA, MT, NV, NJ, NY, OR, PA, RI, UT, VT, VA, WV, and WA. Restricted to the transportation of traffic originating at or destined to the facilities of Raven Industries, Inc., for 180 days. Supporting shipper(s): Raven Industries, Inc., 205 E. 6th Street, P.O. Box 1007, Sioux Falls, SD

57102. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 111812 (Sub-674TA), filed July 24, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma, (same address as applicant's). *Confectionery, NOI* from the facilities of Switzer Candy Co., Division of Beatrice Foods, Inc., located at or near St. Louis, MO to points in AZ, CA, CO, ID, MT, NV, OR, UT, and WA for 180 days. Supporting shipper(s): Switzer Candy Co., Division of Beatrice Foods, Inc., 1600 N. Broadway, St. Louis, MO 63102. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 111812 (Sub-675TA), filed July 17, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma, (same address as applicant's). *Petroleum products (except in bulk)* from the facilities of Mooney Chemical Co. located at or near Franklin, PA to points in FL and GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mooney Chemical Co., 2301 Scranton Road, Cleveland, OH 44113. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 111812 (Sub-676TA), filed July 17, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma, (same address as applicant's). *Meats, meat products, meat by-products, dairy products and articles distributed by meat packing houses and commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, as described in Sections A, B, C, and D of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk) from the facilities of Armour & Co. located at or near Pittsburgh, PA to points in CT, MA, ME, MD, NH, NJ, NY, VT, DC, VA, WV, OH, and KY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour & Co., Greyhound Tower, Phoenix, AZ 85077. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 111812 (Sub-677TA), filed July 17, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant's). *Foodstuffs* from the facilities of Creamette Co. located at or

near Minneapolis, MN to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Creamette Co., 428 1st Street, North, Minneapolis, MN 55401. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 111812 (Sub-678TA), filed July 17, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant's). *Frozen concentrate* from the facilities of the H. P. Hood Co. located at or near Dunedin, FL to St. Paul, MN for 180 days. Restricted to traffic originating at and destined to the named origin and destination. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Perlman-Rocque Company, 711 Vandalia, St. Paul, MN 55114. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 112822 (Sub-473TA), filed August 23, 1979. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). *Return empty drums used in the transportation of petroleum products*, from AR, AL, CA, CO, GA, ID, IL, IA, KS, LA, MI, MN, MS, MO, MT, NE, NM, NC, NV, ND, OK, OR, SC, SD, TN, UT, WA, WI, and WY, to Houston, TX and the facilities of Evans Drum Company, at or near Dayton, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Texaco, Inc., P.O. Box 52332, Houston, TX 77052. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 114273 (Sub-639TA), filed August 15, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). *Foodstuffs (except commodities in bulk)* from the facilities of General Foods Corporation at Dover, DE, to Chicago, IL; Kansas City, MO; and St. Paul, MN, for 180 days. Restricted to traffic originating at the facilities of General Foods Corporation at Dover, DE. The purpose of this application is to substitute single-line service for existing joint-line service. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Foods Corporation, 250 North St., White Plains, NY 10625. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 115162 (Sub-498TA), filed August 8, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL

36401. Representative: Robert E. Tate (same address as above). *Such commodities as are dealt in or used by agricultural and industrial equipment manufacturers and dealers (except commodities in bulk)* (1) From the facilities of Massey Ferguson, Inc. at Detroit and Taylor, MI to AL, FL, GA, TN, NC, SC, VA and MS; and (2) from ports of entry on the International Boundary Line between the U.S. and Canada, at Detroit, MI and Buffalo, NY to points in the States of AL, FL, GA, TN, NC, SC, VA, and MS, for 180 days. Supporting shipper(s): Massey Ferguson, Inc., 1901 Bell Avenue, Des Moines, IA 50315. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 115322 (Sub-198TA), filed August 13, 1979. Applicant: REDWING REFRIGERATED, INC., 9831 South Orange Avenue, P.O. Box 10177, Taft, FL 32809. Representative: Warren P. Kurtz, 9831 South Orange Avenue, P.O. Box 10177, Taft, FL 32809. *General commodities, over irregular routes, (except unusual value Class A-B explosives, household goods as defined by the Commission and commodities in bulk and commodities which because of size or weight require special handling or use of special equipment)*, restricted to traffic originating at the facilities of The Charter Oak Shippers Co-operative Association, Inc., located at or near Berlin, CT, to points in the states of FL, GA, AL, LA, MS, TN, NC, SC, and VA, for 180 days. Supporting shipper(s): The Charter Oak Shippers Co-operative Association, Inc., 1 Parkland Drive, Darien, CT 06820. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 115322 (Sub-199TA), filed August 20, 1979. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, 425 13th Street, N.W., Washington, DC 20004. *General commodities (except Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)*, between (1) points in ME, NH, VT, MA, RI, CT, NY, PA, NJ, DE, and MD, on the one hand, and, on the other, Alexandria, VA; and (2) between Miami, Tampa, Orlando, and Jacksonville FL, on the one hand, and, on the other, points in FL, restricted to traffic having a prior or subsequent movement by rail, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Piggy Back Shippers Association of Florida, Inc., P.O. Box 1390, Hialeah, FL 33011. Send protests to: G. H. Fauss, Jr., DS,

ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 116632 (Sub-25TA), filed August 17, 1979. Applicant: H. O. BOUCHARD, INC., MRC Box 141A, Bangor, ME 04401. Representative: John R. McKernan, Jr., P.O. Box 586, Two Canal Plaza, Portland, ME 04112. *Coal* from Schuylkill County, PA to points in ME, for 180 days. Underlying ETA seeking 90 days authority. Supporting shipper(s): Coal Energy of Maine, Inc., 193 Broad St., Bangor, ME 04401. Send protests to: Donald G. Weiler, District Supervisor, ICC, 76 Pearl St., Rm. 303, Portland, ME 04101.

MC 117972 (Sub-7TA), filed August 9, 1979. Applicant: GROWERS COLD STORAGE CO., INC., Route 279, Waterport, NY 14571. Representative: William J. Hirsch, Esq., 43 Court Street, Suite 1125, Buffalo, NY 14202. *Frozen foods*, from Syracuse, NY to points in OH on and east of U.S. Hwy 75, and to all points in PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Foods Corporation, 250 North Street, White Plains, NY 10625. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo, NY 14202.

MC 118922 (Sub-20TA), filed August 1, 1979. Applicant: CARTER TRUCKING CO., INC., P.O. Box 38, Locust Grove, GA 30248. Representative: W. Randall Tye, John C. Bach, 1400 Candler Bldg., Atlanta, GA 30303. *Contract carrier: irregular routes: such commodities as are dealt in or used by, agricultural equipment, industrial equipment, and lawn and leisure product dealers*, from the facilities to John Deere Co., located in Rock Island County at or near Milan, IL, to points in AL, FL, GA, NC, SC, TN, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Deere Company, 2001 Deere Dr., Conyers, GA 30208. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 119912 (Sub-5TA), filed July 25, 1979. Applicant: SUNRISE TRANSPORTATION, INC., 9850 East Highway 120, Manteca, CA 95336. Representative: Thomas M. Loughran, Loughran & Hegarty, 100 Bush Street, 21st Floor, San Francisco, CA 94104. *Lime, in bulk, in tank or hopper type vehicles*, from Arrowlime, NV and Nelson, AZ to points in CA south of San Luis Obispo, Kern and Inyo counties, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Flintkote Lime Company, 4700 Ramona Blvd., Monterey Park, CA 91754. Send protests to: A. J. Rodriguez, 211 Main

Street, Suite 500, San Francisco, CA 94105.

MC 123902 (Sub-5TA), filed August 18, 1979. Applicant: NORTH JERSEY TRANSFER, INC., P.O. Box 292, Sparta, NJ 07871. Representative: Fred M. Finkle, P.O. Box 292, Sparta, NJ 07871. *Contract irregular. Insulating and weatherproofing materials and materials, equipment and supplies used in the manufacture and sale of insulating and weatherproofing materials; between Stanhope, NJ and Netcong, NJ on the one hand and on the other points in AL, CT, DE, GA, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV and the District of Columbia under a continuing contract with United States Mineral Products Co., Stanhope, NJ, for 180 days. Supporting shipper(s): U.S. Mineral Products Co., Stanhope, NJ 07874. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.*

MC 124212 (Sub-104TA), filed August 6, 1979. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Rd., P.O. Box 30248, Cleveland, OH 44130. Representative: J. A. Kundtz, 1110 National City Bank Bldg., Cleveland, OH 44114. *Cement*, in bulk, from Hartford, CT to points in CT, restricted to traffic originating at the facilities of Lehigh Portland Cement Co., and restricted to shipments having an immediately prior movement by rail, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lehigh Portland Cement Co., 718 Hamilton Mall, Allentown, PA 18105. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 124403 (Sub-10TA), filed July 26, 1979. Applicant: FLEET LINE, INCORPORATED, 100 East 29th Street, Chattanooga, TN 37410. Representative: William A. Roberts (same address as above). *Packing House Products (Meats, cooked and cured)*, between the facilities of V. W. Joyer, Inc. (Division of Swift & Co.) at or near Smithfield, VA on the one hand, and on the other, points in the states of MS, NC, SC, GA, FL, AL, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Company, 115 West Jackson Blvd., Chicago, IL 60604. Send protests to: Glenda Kuss, TA, ICC, Suite A-122 U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 124692 (Sub-303TA), filed July 26, 1979. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: James B. Hovland, P.O. Box 1680, Fargo, ND. (1) *Machinery and tractor cabs and parts and accessories therefor; bale trailers; two-wheel travel trailers; bean roosters,*

wood splitters; tractor fenders; cab mates; and (2) equipment, materials and supplies used in fur farming and fur ranching operations; from points in Meeker County, MN to points in the U.S. in and west of ND, SD, NE, KS, OK, TX, and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lester Mills Fur Farm Supply Company, Eden Valley, MN, Fabridyne, Inc., P.O. Box 1040, Litchfield, MN 55355, Custom Products of Litchfield, Inc., Box 718, Litchfield, MN 55355. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 125952 (Sub-43TA), filed May 18, 1979. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango St. S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. *Contract carrier: irregular routes: Toppings, flavoring, extract, pie filling, syrups, fruit juice concentrates, jams and jellies in packages, drums, dispensers and equipment used for its dispensing when moving therewith, from the facilities of Lyons Magnus at Clovis, CA to points in ID, OR, NV, UT, and WA, under contract with Lyons Magnus, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lyons Magnus, 3789 E. Alluvial, P.O. Box 646, Clovis, CA 93612. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.*

MC 127042 (Sub-275TA), filed July 31, 1979. Applicant: HAGEN, INC., 3232 Highway 75 North, Sioux City, IA 51108. Representative: Joseph B. Davis, (same address as applicant). *Carcase beef* from Coffeyville, KS to New London, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coffeyville Pack Co., Inc., P.O. Box 334, 14th & Read St., Coffeyville, KS 67337. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 127042 (Sub-276TA), filed August 23, 1979. Applicant: HAGEN, INC., 3232 Highway 75 North, Sioux City, IA 51108. Representative: Joseph B. Davis, (same address as applicant). *Cleaning, scouring, washing compounds; soap and soap products; toilet preparations; mouthwash, syrup NOIBN Not Med., margarine, vegetable oil shortening; vegetable oil compound aerated from the facilities of Lever Brothers Company at or near Chicago, IL and Hammond, IN to Minneapolis, MN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lever Brothers Company, 390 Park Avenue, New York, NY 10022. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.*

MC 129282 (Sub-50TA), filed August 17, 1979. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, TX 75601. Representative: Fred S. Berry, President, (same as above). *Sugar, in containers, materials and supplies used in the manufacture thereof, (except in bulk) between the facilities of the Imperial Sugar Company at Sugar Land, TX on the one hand and points in AR, LA, and OK, on the other for 180 days.* Underlying ETA seeks 90 days filed. Supporting shipper(s): Imperial Sugar Company, P.O. Box 9, Sugar Land, TX 77478. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 129702 (Sub-8TA), filed July 12, 1979. Applicant: CARPET TRANSPORT, INC., Route 5, Lovers Lane Road, Calhoun, GA 30701. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Carpets, carpeting and rugs between points in Hamilton, County, TN, GA and SC, on the one hand, and, on the other, points in FL for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 80 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

MC 133082 (Sub-6TA), filed June 15, 1979. Applicant: MOORE'S HAULING, INC., Broad & Sunnyside Pike, Lansdale, PA 19446. Representative: Peter A. Greene, 900 17th St., N.W., Washington, DC 20006. *Automotive parts and accessories and materials and supplies used in the manufacture and distribution of automotive parts and accessories, between the facilities of Delbar Products, Inc. at Telford, PA, on the one hand, and, on the other, Louisville, KY, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Delbar Products, Inc., 7th & Spruce Sts., Perkasie, PA 18944. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 135082 (Sub-91TA), filed August 13, 1979. Applicant: ROADRUNNER TRUCKING, INC., 4100 Edith Blvd. NE, P.O. Box 26748, Albuquerque, NM 87125. Representative: Randall R. Sain (same address as applicant). *Construction materials, except roofing and roofing products, lumber, lumber products, articles which because of size or weight that require the use of special equipment, commodities described in Mercer 74 MCC 495, and commodities in bulk in tank vehicles, (1) from AZ, CO, CA, & UT to OK, NM, & TX. (2) from OK*

& TX to AZ, CO, NM, CA, UT, NV, & WY. (3) from CO, NM, & UT to AZ, CA, TX, & OK. (4) From CO to NM. (5) from NM to CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 8 shippers. Their statements may be examined at the office listed below or at Headquarters. Send protests to: DS/ICC 1106 Federal Office Building, 517 Gold Avenue SW, Albuquerque, NM 87101.

MC 138052 (Sub-3TA), filed July 25, 1979. Applicant: MOORE TRANSPORTATION, INC., 10360 N. Vancouver Way, Portland, OR 97211. Representative: Philip G. Skofstad, 1525 N. E. Weidler St., Portland, OR 97232. *Furniture, KD or KDF, in boxes, from the facilities of Sageland Manufacturing, Inc. in Bend, OR, to Los Angeles, San Diego, Bakersfield, Fresno, San Jose, Compton, Van Nuys, San Francisco, and Sacramento, CA, for 180 days.* A corresponding ETA has been filed and a permanent will be in the near future. Supporting shipper(s): Sageland Manufacturing, Inc., 83270 Lyman Place, Bend, OR 97701. Send protest to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

MC 138762 (Sub-46TA), filed July 30, 1979. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500, Calgary, AB, Canada T2P 2P9. Representative: D. S. Vincent (same address as applicant). (1) *Tall oil and synthetic alcohol, in bulk, from Panama City, FL and Springhill, LA to ports of entry on the U.S.-Canada International Boundary line located in MI and NY, and (2) acrylic copolymer, in bulk, in tank vehicles, from ports of entry on the U.S.-Canada International Boundary line located in MI and NY to Rockmart, GA, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Bate Chemical Co., Ltd., 160 Lesmill Rd., Don Mills, ON, Canada M3B 2T7. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 138762 (Sub-47TA), filed July 26, 1979. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500, Calgary, AB, Canada T2P 2P9. Representative: D. S. Vincent (same address as applicant). *Lime and lime products, in bulk, in tank vehicles, from ports of entry on the U.S.-Canada International Boundary line located in MI and NY to Cleveland, OH, and Aliquippa and Pittsburgh, PA, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Jones & Laughlin Steel Corporation, 1600 West Carson St., Pittsburgh, PA 15263. Send protests to: Paul J. Labane, DS,

ICC, 2602 First Avenue North, Billings, MT 59101.

MC 139482 (Sub-143TA), filed August 15, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. *Copper Wire from Pauline, KS, to Minneapolis, MN, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Essex Group, Inc., Corporate Traffic Manager, P.O. Box 1216, Fort Wayne, IN 46801. Send protest to: Judith L. Olson, TA, Interstate Commerce Commission, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 139852 (Sub-2TA), filed June 11, 1979. Applicant: E. C. BLACK, d.b.a. BLACK TRUCKING COMPANY, Route 1, York, SC 29745. Representative: Joseph M. Epting, 1338 Main Street, P.O. Box 11414, Columbia, SC 29211. *Contract carrier: irregular routes, galvanized and vinyl coated chain link fence, fencing, accessories, wire, pipes, tubing, gates and reinforcing concrete wire mesh, from Rock Hill, SC to points and places in NC, GA, and points and places in TN, on and East Interstate Hwy. 65, for 180 days.* Supporting shipper(s): National Fence Manufacturing Co., Inc., 181 North Lee Street, Rock Hill, SC 29730. Send protests to: E. E. Stroetheld, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 140902 (Sub-7TA), filed August 3, 1979. Applicant: DPD, INC., 3600 N.W. 82nd Ave., Miami, FL 33166. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Contract Carrier—Irregular route: Prefabricated buildings and component parts thereof, materials, equipment and supplies used in the construction of prefabricated buildings between the facilities of National Homes Corporation, at or near Lafayette, IN, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, IO, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WV, WI and WY for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): National Homes Corporation, Earl Ave. and Wallace, Lafayette, IN 47903. Send protests to: Donna M. Jones, T/A, ICC-BOP, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 140962 (Sub-2TA), filed August 14, 1979. Applicant: PHILIP ANTONUCCI d/b/a, ANTY TRUCKING, 150 Linwood Avenue, Paterson, NJ 07502. Representative: George A. Olsen, P.O.

Box 357, Gladstone, NJ 07934. *CONTRACT. IRREGULAR. (1) Mine, quarry and drilling equipment; (2) Compressors and loaders; (3) Bars, tools, and parts used in connection with the commodities in (1) and (2) above, and (4) materials, equipment and supplies used in the manufacture and sale of the commodities in (1), (2) and (3) above, (except commodities in bulk), between the facilities of Atlas Copco, Inc. located at Wayne, NJ on the one hand, and, on the other, points in the State of AK. Under a continuing contract or contracts with Atlas Copco, Inc., Wayne, NJ for 180 days.* Supporting shipper(s): Atlas Copco, Inc., 70 Demarest Drive, Wayne, NJ. Send protests to: Joel Morrrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 142062 (Sub-33TA), filed May 4, 1979. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., Post Office Drawer P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22201. *Contract carrier: Irregular routes: (1) Varnish and synthetic resin plastic liquids (except in bulk), from the facilities of Celanese Polymer Specialties Company, Inc., at or near Los Angeles, CA to points in OR, WA, CO, AZ and, (2) Materials, equipment and supplies used in the manufacture of commodities named in part (1) above (except in bulk), from points in OR, WA, CO, and AZ to the facilities of Celanese Polymer Specialties Company, at or near Los Angeles, CA for 180 days.* RESTRICTION: Restricted to transportation under a continuing contract or contracts with Celanese Polymer Specialties Company, Inc. Supporting shipper(s): Celanese Polymer Specialties Company, Inc., P.O. Box 32190, Louisville, KY 40232. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 142672 (Sub-76TA), filed July 19, 1979. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don A. Smith, P.O. Box 43, Ft. Smith, AR 72902. (1) *New furniture, crated and uncrated, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), (1) from Ft. Smith, AR to points in the U.S. (except AK and HI) and (2) from points in the U.S. (except AK and HI) to Ft. Smith, AR, for 180 days.* Underlying ETA sought corresponding authority for 90 days.

Supporting shipper(s): Riverside Furniture Corporation, P.O. Box 1427, Ft. Smith, AR 72902. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 143512 (Sub-4TA), filed July 26, 1979. Applicant: A.L. CORPS, 838 Hutchison Street, Vista, CA 92083. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *Contract: irregular: Frozen bread and display racks, from the facilities of King's International Bakery located at Torrance, CA, to Beaverton, Klamath Falls and Portland, OR, and Auburn, Kent, Seattle and Spokane, WA, under a continuing contract with King's International Bakery of Torrance, CA, for 180 days.* An underlying ETA seeks up to 90 days operating authority. Supporting Shipper(s): King's International Bakery, 18655 South Western Avenue, Torrance, CA 90504. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 143812 (Sub-15TA), filed July 20, 1979. Applicant: MARTIN E. VAN DIEST d/b/a, M. Van Diest Company, 8087 Victoria Avenue, Riverside, CA 92504. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Denatured alcohol, in bulk, from Bellingham, WA, to Montebello and Watsonville, CA, for 180 days.* Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): Speas Company, Division of the Pillsbury Company, 2400 Nicholson Avenue, Kansas City, MO 64120. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 144082 (Sub-12TA), filed July 26, 1979. Applicant: DIST/TRANS MULTI-SERVICES, INC., DBA TAHWHEELALEN EXPRESS, INC., P.O. Box 7191, Charlotte, NC 28217. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. *Contract carrier, irregular routes; Such commodities as are dealt in, distributed or used by retail department stores and mail order merchandisers from Statesville, NC, to Indianapolis, IN, and Kansas City, MO, for 180 days.* RESTRICTION: Restricted to service performed under a continuing contract or contracts with J. C. Penney Company, Inc., of New York, NY. Supporting Shipper(s): J. C. Penney Company, Inc., 1301 Ave. of the Americas, New York, NY 10019. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 144082 (Sub-13TA), filed July 26, 1979. Applicant: DIST/TRANS MULTI-SERVICES, INC., DBA

TAHWHEELALEN EXPRESS, INC., P.O. Box 7191, Charlotte, NC 28217. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. *Contract carrier, irregular routes; Such commodities as are dealt in, distributed or used by retail department stores and mail order merchandisers between Charlotte, NC, on the one hand, and on the other, Forest Park, GA, for 180 days.* RESTRICTION: Restricted to service performed under a continuing contract or contracts with J. C. Penney Company, Inc., of New York, NY. Supporting Shipper(s): J. C. Penney Company, Inc., 1301 Ave. of the Americas, New York, NY 10019. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 144452 (Sub-14TA), filed July 26, 1979. Applicant: ARLEN LINDQUIST, d/b/a/ Arlen E. Linquist Trucking, 3242 Old Highway 8, Minneapolis, MN 55418. Representative: William J. Gambucci, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. *Storage tanks from the facilities of Roll Tank Co., Inc., located at or near Eden Prairie and Maple Plain, MN, to points in IL and WI for 180 days.* An underlying ETA seeks 90 days authority. Supporting Shipper(s): Roll Tank Co., Inc., 7901 Fuller Road, Eden Prairie, MN 55343. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 144622 (Sub-89TA), filed July 18, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Meat, meat products, meat by-products and articles distributed by meat packing houses (except hides and commodities in bulk) from St. Joseph, MO to OH, PA, NJ, NY, and MA and from Hereford, TX, to AL and from Amarillo, TX to GA, for 180 days.* Supporting shipper(s): Armour Fresh Meat Company, 111 W. Clarendon, Greyhound Tower, Phoenix, AZ 85077. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 144622 (Sub-90TA), filed July 18, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72201. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Meat and meat products, from Louisville, KY to FL, MD, MI, NC, OH, PA, and VA, for 180 days.* Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Armour Fresh Meat Company, Greyhound Tower, 111 W. Clarendon, Phoenix, AZ 85077. Send

protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 145102 (Sub-39TA), filed August 2, 1979. Applicant: FREYMILLER TRUCKING INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Michael Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Meat, meat products, meat byproducts, and articles distributed by meat packing houses as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 & 766 (except hides and commodities in bulk)* from Ft. Dodge, IA & Schuyler, NE to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Geo. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145152 (Sub-101TA), filed July 24, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Kent L. Tharel, P.O. Box 334, Fayetteville, AR 72701. *Candy and confectionery items and nuts in packages and containers from facilities of or used by California Peanut Company, at or near Richmond and Los Angeles, CA to points in the U.S. except AK, HI and CA; candy, confectionery items and nuts in containers from points in the U.S. except AK, HI and CA to facilities of or used by California Peanut Company at or near Richmond, and Los Angeles, CA, for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): California Peanut Company, 500 West Ohio Ave., Richmond, CA 94804. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.*

MC 145842 (Sub-5TA), filed August 6, 1979. Applicant: SUNDERMAN TRANSFER INC., Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Meat, meat products and meat byproducts from Worthington, MN to points in IL, IA and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour Fresh Meat Company, 111 West Clarendon, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.*

MC 145842 (Sub-6TA), filed July 31, 1979. Applicant: SUNDERMAN TRANSFER INC., Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001.

Fresh meat, in boxes, from the facilities of Kenosha Beef International at or near Kenosha, WI to points in MI, OH and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kenosha Beef International, P.O. Box 639, Kenosha, WI 53140. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 145872 (Sub-5TA), filed July 11, 1979. Applicant: TREVIS BERRY TRANSPORTATION, P.O. Box 1802, Gilroy, CA 95020. Representative: T. L. Berry, 655 Luchessa, P.O. Box 1802, Gilroy, CA 95020. *Contract carrier; irregular routes: (1) Fibreboard, Paper or Pulpboard Products, including materials and supplies used in the manufacture and distribution of Fibreboard, Paper or Pulpboard Products, (2) Waste Paper and Waste Paper Products, between the facilities of Crown Zellerbach Corp., at or near Antioch and Gilroy, CA on the one hand, and on the other, points in Carson City, Humboldt and Washoe Counties, NV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Crown Zellerbach Corp., 6400 Jamieson Way, Gilroy, CA 95020. Send protests to: D/S Neil C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.*

MC 146432 (Sub-4TA), filed July 13, 1979. Applicant: THE HIRT TRUCKING COMPANY, 771 Walnut St., Fremont, OH 43420. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Foodstuffs, and materials, equipment and supplies used in the manufacturing and packaging of foodstuffs, except commodities in bulk, Between the facilities of Heinz USA at or near Holland, MI, Fremont and Toledo, OH on the one hand, and on the other, points in IN, MI, and OH, for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic originating at or destined to the named facilities. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 147152 (Sub-8TA), filed August 6, 1979. Applicant: GENERAL CARRIERS CORPORATION, 12425 East Florence Avenue, Santa Fe Springs, CA 90670. Representative: Miles L. Kavalier, Mandel & Kavalier, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. *General commodities (except those of unusual value, commodities in bulk, Classes A & B explosives, household goods as defined by the Commission and those requiring handling or equipment), on the bills of lading of*

Major Shippers Association, Inc., from points in IL, MI, NJ, OH, PA, and VA to points in Alameda, Contra Costa, Los Angeles, Marin, Orange and San Francisco Counties, CA, for 180 days. Supporting shipper(s): Major Shippers Association, Inc., P.O. Box 3045, Santa Fe Springs, CA 90670. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 147232 (Sub-3TA), filed July 6, 1979. Applicant: A. L. SMITH TRUCKING, INC., 8984 Murphy Rd., Versailles, OH 45380. Representative: James Duvall, 220 W. Bridge St., Dublin, OH 43017. *Fertilizer and fertilizer products, in bulk, between points in IN and OH for 180 days. Supporting shipper(s): Vistron Corp., 314 Midland Bldg., Cleveland, OH 44115. Send protests to: I.C.C., 101 N. 7th St., Rm. 620, Fed Res Bank Bldg., Phila, PA 19106.*

MC 147262 (Sub-1TA), filed June 1, 1979. Applicant: Detroit Air Cargo, Inc., 28450 Highland Road, Romulus, MI 48174. Representative: James P. Kirkhope, 3012 South Calhoun, Fort Wayne, Indiana 46807. *General commodities with the exception of commodities in bulk, classes A & B explosives, passengers and livestock—further restricted to shipments having an immediately prior or subsequent movement by air; between Detroit Metropolitan Airport, at or near Romulus, MI on the one hand, and O'Hare International Airport, Chicago, IL on the other hand. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Airlines, Metropolitan Airport, Detroit, MI 48242; Flying Tiger Line, Metropolitan Airport, Detroit, MI 48242. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.*

MC 147502 (Sub-1TA), filed June 11, 1979. Applicant: DALLAS ALLEN TRUCKING, INC., R.R. #1, Box 362, Carlyle, IL 62231. Representative: Robert Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract carrier; irregular routes: Wood laminated fiberglass panels, from Centralia, IL to points in the United States (except Hawaii), for the account of American Solartron Corp. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Solartron Corp., Rt. 5, P.O. Box 170, Centralia, IL 62801. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.*

MC 147552 (Sub-2TA), filed July 27, 1979. Applicant: CAJUN CARTAGE AND WAREHOUSING CORP., 1205 St. Louis Street, New Orleans, LA 70150. Representative: Thomas N. Willess, 1000 Sixteenth St. NW., Washington, DC

20036. *Pulpboard, fiberboard, paper bags, plastic bags and wrapping paper, from Hodge, LA to Lake Charles, LA, for 180 days. Restricted to movements having a subsequent movement by water carrier. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Continental Forest Insuatries (a member of The Continental Group, Inc.), Greenwich Office Park II, Greenwich, CT 06830. Send protests to: Robert J. Kirspe, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.*

MC 147602 (Sub-1TA), filed August 7, 1979. Applicant: DARRELL STAUFFENBERG, d.b.a. STAUFFENBERG TRUCKING, Route 3, Box 222, Kankakee, IL 60901. Representative: Albert Andrin, 180 North LaSalle Street, Chicago, IL 60601. *General commodities having a prior or subsequent movement by rail or water from Dwight to Kankakee and Chicago Commercial zone; and empty containers having a prior or subsequent movement by rail or water from Kankakee and Chicago, IL to Dwight, IL for 180 days. Supporting shipper(s): R. R. Donnelley & Sons Company, Route 66 and Highway 47, Dwight, IL 60420. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.*

MC 147632 (Sub-1TA), filed July 6, 1979. Applicant: M & M FARM LINES, INC., Bertrand, MO 63823. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. *Food products from Wapakoneta, OH, on the one hand, and, on the other, points in TX, OK, KS, NE, WY, MT, WA, OR, ID, NV, CA, UT, CO, AZ and NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fisher Cheese Company, 409 Krien Ave., Wapakoneta, OH 45895. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.*

MC 147642 (Sub-1TA), filed July 10, 1979. Applicant: TRANSPORT LEASING, INC., P.O. Box 1904, Fort Smith, AR 72902. Representative: G. Alan Wooten, P.O. Box 1626, Ft. Smith, AR 72902. *Contract carrier, irregular routes, New furniture, crated, in cartons, or uncrated or not in cartons, materials used in the manufacture or packing of new furniture and returned or rejected shipments of new furniture described above, from (1) Fort Smith, AR to all points in AL, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, NC, ND, OH, OK, PA, SC, SD, TN, TX, UT, VA, WV, WI; and (2) from all the above points to Ft. Smith, AR under contract with Riverside Furniture Corporation for 180 days. Underlying ETA sought corresponding authority for 90 days.*

Supporting shipper(s): Riverside Furniture Corporation, 301 South E Street, Ft. Smith, AR 72901. Send protests to: William H. Land, DS 3108 Federal Bldg., Little Rock, AR 72201.

MC 147682 (Sub-2TA), filed July 26, 1979. Applicant: POPE TRUCKING, INC., Route No. 1, Axson, GA. Representative: Berrien L. Sutton, P.O. Box 636, Pearson, GA 31642. *Contract carrier, irregular routes, lumber from the mill site at Pearson Wood Products, Pearson, GA to all points in FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pearson Wood Products, P.O. Drawer 799, Pearson, GA 31642. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.*

MC 144682 (Sub-24TA), filed July 5, 1979. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, Winkle and Wells, P.O. Box 45538, Dallas, TX 75245. *Foodstuffs, except in bulk from the facilities of American Home Foods, a Division of American Home Products Corporation located at or near Vacaville, CA to points and places in the states of CO, OK, and TX for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): American Home Foods, Division of American Home Products Corporation, 685 Third Avenue, New York, NY 10017. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 9A27 Federal Building, 819 Taylor Street, Ft. Worth, TX 76102.*

MC 147812 TA, filed July 26, 1979. Applicant: ANTHONY W. DAUITO, d.b.a. DAUITO'S EXPRESS, 3526 Northwest Boulevard, Vineland, NJ 08360. Representative: Wilmer B. Hill, Attorney-at-Law, Suite 805, 666 Eleventh Street, NW., Washington, DC 20001. *General commodities (except motor vehicles, commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those commodities which because of size or weight require the use of special equipment), for 180 days. An underlying ETA seeks 90 days authority. (1) From New York, NY and Philadelphia, PA to Alexandria, VA, restricted to the transportation of traffic having an immediately subsequent movement by rail in trailer-on-flatcar service, and (2) From Alexandria, VA to New York, NY and Philadelphia, PA, restricted to the transportation of traffic having an immediately prior movement by rail in trailer-on-flatcar service. Supporting shipper(s): Florida-Texas Freight, Inc., PO Box 1173, Secaucus, NJ 07094. Send*

protests to: Irwin Rosen, T/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 148082 TA, filed August 2, 1979. Applicant: KEITH ASMUSSEN, d.b.a. ASMUSSEN RACING STABLES, Box 1861, Laredo, TX 78041. Representative: Keith Asmusen (same as above). *Race and show horses, stable equipment and supplies and personal effects of attendants in the same vehicle with horses between points in the following states: TX, OK, NM, AZ, CA, KY, KS, CO, LA, SD and WY for 180 days. Supporting shipper(s): There are fifteen (15) supporting shippers. Send protests to: Opal M. Jones, TCS, Interstate Commerce Commission, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.*

By the Commission
Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-30332 Filed 9-28-79; 8:45 am]
BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register

Vol. 44, No. 191

Monday, October 1, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Friday, October 5, 1979.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1902-79 Filed 9-27-79; 9:19 am]

BILLING CODE 6351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, September 27, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Commission Open Meeting.

CHANGES IN THE MEETING: The following item has been deleted:

Agenda, Item No., and Subject

Common carrier—3—Title: Final Decision and Order in Western Union Telegraph Company, Docket No. 20847. Summary: In 1976, Western Union increased its rates for its Series 1000 tariffs. These tariffs offer the public full-time, dedicated, low speed private line telegraph service. AT&T and the Department of Defense challenged these revisions and an investigation was held on their lawfulness. The Administrative Law Judge (ALJ) issued an Initial Decision released July 18, 1978, concluding that the rates were not unlawful. Exceptions were filed to the ALJ's decision. The general issues to be

considered here are whether Western Union met its initial burden of proof showing its revisions to be just and reasonable and whether the cost studies submitted by Western Union were so deficient as to require reversal of the ALJ's findings.

Additional information concerning this item may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 27, 1979.

[S-1908-79 Filed 9-27-79; 2:13 pm]

BILLING CODE 6712-01-M

3

FEDERAL ELECTION COMMISSION.

FEDERAL REGISTER NO. 1888.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, October 4, 1979, 10 a.m.

CHANGE IN MEETING:

The Meeting will begin at 10:30 a.m. The following items have been added to the agenda:

1. Supplemental Outreach Program.
2. Future Referrals to the Office of the General Counsel from the Reports Analysis Division.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Eiland, Public Information Officer, Telephone: 202/523-4065.

Majorie W. Emmons,

Secretary to the Commission.

[S-1909-79 Filed 9-27-79; 3:12 pm]

BILLING CODE 6715-01-M

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., October 4, 1979.

PLACE: 1700 G Street, NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin O. Bolling, (202-377-6677).

MATTERS TO BE CONSIDERED:

Application for Authority to Incur Debt—General Ohio Savings and Loan Association, Findlay, Ohio

Applications for Bank Membership and Insurance of Accounts—St. Peter Savings and Loan Association, St. Peter, Minnesota

Application for Request for a Commitment to Insure Accounts—Range Savings and Loan Association, Hurley, Wisconsin

Applications for Concurrent Consideration of Limited Facility—First Federal Savings and Loan Association of Lincoln, Lincoln,

Nebraska and Commercial Federal Savings and Loan Association, Omaha, Nebraska
Application for Limited Facility Branch Office—Home Federal Savings and Loan Association, San Francisco, California
Application for Branch Office—First Federal Savings and Loan Association of Eau Claire, Eau Claire, Wisconsin
Application for Branch Office—Rocky Mountain Federal Savings and Loan Association, Cheyenne, Wyoming
Discount Note Pass-Throughs to the Federal Home Loan Mortgage Corporation
No. 272, September 27, 1979.

[S-1906-79 Filed 9-27-79; 11:14 am]

BILLING CODE 6720-01-M

5

FEDERAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR 44, September 27, 1979, Page No. 55733.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Friday, October 5, 1979.

CHANGES IN THE AGENDA: The Federal Trade Commission has changed the time of its previously announced oral argument of Friday, October 5, 1979, 2 p.m., to 3 p.m.

[S-1910-79 Filed 9-27-79; 3:40 p.m.]

BILLING CODE 6750-01-M

6

[FCSC Meeting Notice No. 9-79]

FOREIGN CLAIMS SETTLEMENT COMMISSION.

Announcement in Regard to Commission Meetings and Hearings.

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notices in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Wed., Sept. 19, 1979, at 10:30 a.m., and Wed., Sept. 26, 1979, at 10:30 a.m.—Previous announcement of subject matter is amended to also include consideration of the entry of orders in first China Claims Program and proposed decisions in second China Claims Program.

Wed., Oct. 3, 1979, at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German

Democratic Republic and the People's Republic of China.

Wed., Oct. 9, 1979, at 10:30 a.m.—Oral hearing on objection to decision issued under the German Democratic Republic Claims Program: G-1940-Bogumilla Wdzieczna.

Wed., Oct. 10, 1979, at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic and the People's Republic of China and consideration of an amendment to the Commission's regulations.

Wed., Oct. 17, 1979, at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic and the People's Republic of China.

Wed., Oct. 24, 1979, at 10:30 a.m.—Canceled.

Wed., Oct. 31, 1979, at 10:30 a.m.—Canceled.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111-20th Street, N.W.; Washington, D.C. Request for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111-20th Street, N.W., Washington, D.C. 20579. Telephone: (202) 653-6155.

Dated at Washington, D.C. on September 25, 1979.

Francis T. Masterson,
Executive Director.

[S-1904-79 Filed 9-27-79; 10:01 am]

BILLING CODE 6770-01-M

7

[USITC SE-79-35A and 36A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (44 FR 55487) Thursday, September 26, 1979.

PREVIOUSLY ANNOUNCED TIMES AND

DATES OF THE MEETINGS: 10 a.m.,

Tuesday, October 2, 1979, and 2 p.m., Thursday, October 4, 1979.

CHANGES IN THE MEETINGS' DATES AND

TIMES: The meeting scheduled for 10 a.m., Tuesday, October 2, 1979 deferred to 10 a.m., Wednesday, October 3, 1979, and the meeting scheduled for 2 p.m., Thursday, October 4, 1979 deferred to 10 a.m., Friday, October 5, 1979.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-1903-79 Filed 9-27-79; 10:01 am]

BILLING CODE 7020-02-M

8

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, October 9, 1979.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
 - a. Certain turning machines and components therefor (Docket No. 595).
 5. Consideration of the FY 1981 budget.
 6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-1907-79 Filed 9-27-79; 12:40 pm]

BILLING CODE 7020-02-M

9

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: [44 FR 55105 September 24, 1979].

STATUS: Open meeting; Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATES PREVIOUSLY ANNOUNCED: Wednesday September 19, 1979.

CHANGES IN THE MEETING: Additional items.

The following additional item will be considered at an open meeting scheduled for Thursday, September 27, 1979, at 10 a.m.:

Consideration of whether to send a letter to the Municipal Securities Rulemaking Board ("MSRB") approving the election of James V. Young, as a public representative, to the MSRB. Mr. Young is scheduled to take office October 1, 1979. For further information, please contact Marcia L. MacHarg at (202) 272-2405.

The following additional items will be considered at a closed meeting scheduled for Thursday, September 27, 1979, following the 10 a.m. open meeting:

- Formal order of investigation.
- Litigation matter.
- Consideration of amicus participation.
- Regulatory matter regarding financial institution.

The following additional item will be considered at a closed meeting scheduled for Tuesday, October 2, 1979 at 9:30 a.m.:

Regulatory matter regarding financial institution.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Ketels at (202) 272-2462. September 28, 1979.

[S-1905-79 Filed 9-27-79; 11:14 am]

BILLING CODE 8010-01-M

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Federal Register

Monday
October 1, 1979

Part II

**Department of the
Treasury**

Internal Revenue Service

Improving Government Regulations;
Semiannual Agenda of Regulations

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations;
Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service (IRS).

ACTION: Semiannual agenda of regulations, significant and nonsignificant, under development or review.

SUMMARY: This semiannual agenda lists the regulations determined as of September 1, 1979, that the Internal Revenue Service will be developing from September 1, 1979, through March 31, 1979. The purpose of this semiannual agenda is to give the public adequate notice of Internal Revenue Service regulatory activities.

FOR FURTHER INFORMATION CONTACT: George H. Bradley, Chief, Technical Section, Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224. Attention: CC:LR:T. 202-566-3486, not a toll-free call.

SUPPLEMENTARY INFORMATION:

General

Executive Order 12044, "Improving Government Regulations," and Treasury Directive 50-04.F, "Criteria and procedures for the Preparation, Review, and Approval of Regulations," require that a semiannual agenda of regulations under development and review be published in the *Federal Register*. In the *Federal Register* of Wednesday, November 1, 1978, it was announced that the Internal Revenue Service will publish its semiannual agenda on March 31 and September 30 of each calendar year. The next semiannual agenda of the Internal Revenue Service will be published in the *Federal Register* of Monday, March 31, 1980.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service as of August 31, 1979, for the development of regulations to appear in the Code of Federal Regulations. This agenda is

divided into three parts. Part I lists existing regulations under development by the Legislation and Regulations Division, Office of the Chief Counsel. Part II lists existing regulations under development by the Employee Plans and Exempt Organizations Division, Office of the Chief of the Chief Counsel. Part III lists separately projects also appearing in Part I or Part II under which existing regulations are to be reviewed pursuant to paragraph 12 of the Treasury Directive. Part IV lists the various regulation projects closed since February 28, 1979, which was the closing date with respect to which the first semiannual agenda of the Internal Revenue Service was prepared. All other projects appearing on the first semiannual agenda are reported in Parts I, II, or III, as the case may be, of this semiannual agenda. A table defining abbreviations used throughout this agenda and a second table listing attorneys (and their telephone numbers) within the Legislation and Regulations Division and the Employee Plans and Exempt Organizations Division follow Part IV. Regulations are issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805) in order to provide necessary guidance to Internal Revenue Service personnel who administer the law and to the public who must comply with the law. Additionally, in some instances the specific sections of the Internal Revenue Code of 1954 and the sections of the act of Congress given in this agenda with respect to projects may specifically require or authorize regulations. Each of the regulation projects within each part of this agenda is listed in order by reference to the first section of the Internal Revenue Code of 1954 to which the project is in important measure addressed. The following information is disclosed in columnar form with respect to each regulation project.

1. 1954 Code Section and File Number

The first column lists sections of the Internal Revenue Code of 1954 (Code) with which the subject project is directly concerned and the file number of the Internal Revenue Service under which the project is maintained.

2. Subject, Drafter, and Reviewer

The second column names the part of Title 26 of the Code of Federal Regulations to be amended, describes briefly the subject of the regulation, names each section of each act of Congress (if any) which gives rise to the project, and names the drafting and reviewing attorneys (in that order) within the Legislation and Regulations Division or Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, who are responsible for drafting the regulation. As appropriate, the reviewing attorney within the Office of Tax Legislative Counsel or Office of International Tax Counsel, Department of the Treasury, is also named. Where a section of an act of Congress is specified in connection with a project, that project is necessary to provide regulations under the amendments to the Code made by that section of the act. In all other cases, regulations are needed under the Code sections named to provide corrective or clarifying changes in existing regulations relating to the subject matter.

3. Office in Which Pending and Status

The third column names the office or offices within the Internal Revenue Service and/or the Department of the Treasury in which the project is presently under consideration and describes the status of the project.

4. Priority and Regulatory Analysis

The fourth column discloses the relative degree of importance and necessity for publication assigned to the regulation. A priority of #1 shows that the project is of substantial importance; a priority of #2 shows that the project is of medium importance; and a priority of #3 shows that the project is of lesser importance. If a regulatory analysis is required for a project, a note to this effect and whether the regulatory analysis has been prepared appears in this column.

By direction of the Secretary of the Treasury.

Dated: September 14, 1979.

Jerome Kurtz,
Commissioner of Internal Revenue.

Part I.—Regulations Under Development in the Legislation and Regulations Division

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 3, 4, 144 LR-249-78	Inc. Tax—Part 1—Tax tables for individuals (§§ 206, 301(b), (c), Rev. Act 1971, § 501, TRA 1976) (Coughlin/Saverude—TLC).	LR—In LR for prep of notice	2
§ 11, 21 LR-33-76	Inc. Tax—Part 1—Corporate tax rates and surtax exemptions (Rev. Act 1975, § 4) (TRA 1976, § 901(a), (e)(2)) (Murphy/Saverude).	LR—In LR for prep of notice	2
§ 37 LR-250-76	Inc. Tax—Part 1—Credit for the elderly (TRA 1976, § 503, 1901(c)(1)) (Francis/Bromell—TLC-Flynn).	Commr. 8/17/79 Notice to Commr. for formal approval	2

Part I.—Regulations Under Development in the Legislation and Regulations Division—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 43 LR-201-78	Inc. Tax—Part 1—Earned income credit (RA 1978, §§ 103, 104, 105(a) (Coughlin/Saverude—TLC-Roche).	LR—7/8/79 Notice pub.	2
§ 44C LR-206-78	Inc. Tax—Part 1—Residential energy credit (Energy Tax Act 1978, § 101) (Woo/Bromell—TLC-Schuldinger/Drapkin).	LR—5/23/79 Notice pub. 9/12/79 Hrg. to be held	1
§ 46, 47 LR-92-73	Inc. Tax—Part 1—Tax Treatment of mass assets for investment credit purposes (Mull/Blumkin—TLC-Cohen).	LR—3/12/79 Ret'd. to LR for reconsideration	2
§ 46, 47, 48 LR-73-75	Inc. Tax—Part 1—Changes in investment credit (§§ 301, 302, 604, TRA 1975, P.L. 94-12) (Mull/Wheedbee—TLC-Cohen).	LR—1/30/79 Notice pub. 8/27/79 Hrg. held in LR for prep of T.D.	1
§ 48 LR-139-78	Inc. Tax—Part 1—To conform to changes made by sec. 802, TRA 1978, and sec. 301(a), Energy Tax Act 1978 (Mull/Blumkin).	LR—In LR for prep of notice	2
§ 46(f), (l) LR-241-74	Inc. Tax—Part 1—Rate-making treatment of certain public utility property (Lanning/Rock—TLC-Drapkin).	LR—In LR for prep of notice	2
§ 46(g) LR-248-76	Inc. Tax—Part 1—Investment credit in the case of certain ships (TRA 1978, § 805) (Rood/Fisher—TLC-Cohen).	LR—In LR for prep of notice	3
§ 46, 47 LR-4-78	Inc. Tax—Part 1—Investment credit for cooperatives (RA 1978, § 318) (P.L. 95-600) (Kissel/Blumkin—TLC-Shakow).	LR—In LR for prep of notice	2
§ 48(f) LR-165-77	Inc. Tax—Part 1—Definition of energy property for the business investment credit (Energy Tax Act 1978, § 301) (Mull/Blumkin—TLC-Schuldinger/Drapkin).	TLC—2/13/79 Draft of notice to TLC	1
§ 50A, 50B LR-200-78	Inc. Tax—Part 1—Relating to WIN credit (RA 1978, § 322) (Coughlin/Bromell—TLC-Flynn).	T.C.—6/29/79 Draft of notice to TLC & T.C. 8/3/79 Comments from TLC	2
§ 51 LR-199-78	Inc. Tax—Part 1—Amounts of jobs credit (RA 1978, § 321) (Charnes/Woo—TLC-Flynn).	T.C.—8/31/79 Final draft of notice to T.C.	1
§ 56, 57, 58 LR-151-78	Inc. Tax—Part 1—Minimum tax (TRA 1976, § 301; TRA 1978, § 301) (Coplan/Smith—TLC-Goodman).	LR—In LR for prep of notice	1
§ 81 LR-87-78	Inc. Tax—Part 1—Gross income—Taxation of fringe benefits (Katcher/Fisher—TLC-Krupsky).	TLC & T.C.—6/13/79 Draft of notice to TLC & T.C.	2
§ 61 LR-194-77	Inc. Tax—Part 1—Nonqualified salary reduction agreements (Mantle/Dickinson—TLC-Sorensen).	LR—2/3/78 Notice pub. 5/4/78 Hrg. held 6/11/78 New Release issued soliciting further comments.	3
§ 61, 162, 174, 263, 471 LR-253-78	Inc. Tax—Part 1—Prepublication expenditures of publishers (Katcher/Fisher—TLC-Koppelman).	TLC—4/9/79 Draft of notice to TLC & T.C. 4/18/79 Comments from T.C.	2
§ 79 LR-42-78	Inc. Tax—Part 1—Group term life insurance—Evidence of insurability (Parcell/Rood—TLC-O'Laughlin).	LR—In LR for prep of notice	2
§ 83 LR-95-77	Inc. Tax—Part 1—Reporting requirements for non-qualified stock options (TRA 1969, § 321) (Lanning/Fischer—TLC-Sorensen).	TLC—9/20/77 Notice pub. 3/20/78 Hrg. held 7/30/78 Draft of withdrawal notice to TLC & T.C. 8/15/79 Comments from T.C.	1
§ 84, 276, 501(a), 2501(a), 6012(a) LR-24-75	Inc. Tax—Part 1—Gift Tax—Part 25—Transfers of appreciated property to political orgs. & returns of such orgs. (P.L. 93-625, § 10(b)-(g), (13) (Thompson/Coulter—TLC-Schuldinger).	LR—7/30/79 Notice pub.	3
§ 85 LR-184-78	Inc. Tax—Part 1—Unemployment compensation (RA 1978, § 112) (Schmalz/Fischer—TLC-Goodman).	LR—4/25/79 Draft of notice to TLC & T.C. 5/24/79 Comments from T.C. 8/17/78 Comments from TLC	3
§ 103, 61, 162, 183, 165, 171, 249, 1232 LR-70-77	Inc. Tax—Part 1—To provide for the tax consequences of refunding industrial development bonds to the issuer, bondholder & industrial user (Thompson/Mantle—TLC-Krupsky).	TLC & T.C.—12/6/77 Notice pub. 3/15/78 Hrg. held 2/6/79 2nd Notice pub. 4/13/79 Draft of T.D. to TLC & T.C.	1
§ 103(b) LR-233-78	Inc. Tax—Part 1—To clarify the definition of an airport (MacMaster/Coulter—TLC-Drapkin).	LR—1/5/79 Notice pub. 5/1/79 Hrg. held 8/27/79 Draft of T.O. ret'd. to LR for rev.	1
§ 103(a) LR-8-73	Inc. Tax—Part 1—To revise the definition of "on behalf of" (MacMaster/Coulter—TLC-Drapkin).	Treas.—2/2/76 Notice pub. 4/26/76 Hrg. held 8/16/78 T.D. to Treas. for formal approval.	1
§ 103(b) LR-11-76	Inc. Tax—Part 1—To determine rules relating to acquisition of exempt facilities by a regional authority (MacMaster/Coulter—TLC-Drapkin).	TLC—6/28/77 Draft of notice to TLC, T.C., T.C. 10/15/77 Comments from T.C. 1/23/78 Comments from T.C.	2
§ 103(b) LR-100-75	Inc. Tax—Part 1—To clarify the definition of property that is a solid waste disposal facility (MacMaster/Coulter—TLC-Roche).	TLC—1/18/79 Draft of notice to TLC & T.C. 3/14/78 Comments from T.C.	1
§ 103(b) LR-59-74	Inc. Tax—Part 1—To define the term "principal user of a facility" (Toll/Coulter—TLC-Drapkin).	TLC & T.C.—7/31/79 Draft of notice to TLC & T.C.	2
§ 103(c) LR-9-75	Inc. Tax—Part 1—To clarify the definition of property which is a pollution control facility (MacMaster/Coulter—TLC-Roche).	TLC—8/20/75 Notice pub. 11/21/75 Hrg. held 3/9/79 Draft of T.D. to TLC & T.C. for comments. 6/19/79 Comments from T.C.	2
§ 104 (a) & (b), 105(d) LR-159-76	Inc. Tax—Part 1—Changes in exclusion for sick pay & certain military etc., disability pensions; Certain disability income (TRA 1976, § 505; TRA 1978, § 301) (Parcell/Fischer—TLC-Flynn).	TLC & T.C.—5/15/79 Draft of notice to TLC, T.C., & E 8/19/79 Comments from E	2
§ 118(b) LR-136-78	Inc. Tax—Part 1—Contributions in aid of construction for certain utilities (TRA 1976, § 2120; TRA 1978, § 364) (Levine/Blumkin—TLC-Brown).	LR—5/30/78 Notice pub. 9/27/78 Hrg. held	1
§ 124 LR-193-78	Inc. Tax—Part 1—Exclusion from gross income of value of qualified transportation provided by employer (Energy Act of 1978, § 242) (Katcher/Fischer).	TLC & T.C.—1/8/30/79 Draft of notice to TLC & T.C.	3
§ 126, 1255 LR-222-78	Inc. Tax—Part 1—Exclusion from income of certain cost-sharing payments under governmental programs (RA 1978, § 543) (Rood/Fischer—TLC-Brown).	TLC—7/31/79 Draft of notice to TLC & T.C. 8/30/79 Comments from T.C.	1
§ 152, 62, 262, 3121, 3306, 3401 LR-173-77	Inc. Tax—Part 1—Empl. Tax—Part 31—Deductibility of certain transportation expenses (Cubeta/Saverude—TLC-Roche).	CC—3/29/78 Rev. draft of notice to CC for informal approval	1
§ 163(d), 703(b), LR-1638	Inc. Tax—Part 1—Limitation on interest deduction (TRA 1969, § 221; RA 1971, § 304; TRA 1976, § 208, 901 (b)(21)(F)) (Jacobson/Rock—TLC-Flynn).	LR—11/28/77 Notice ret'd. to LR for revision	1

Part I.—Regulations Under Development in the Legislation and Regulations Division—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 166(f). LR-255-76	Inc. Tax—Part 1—Deduction for guarantees of business bad debts to guarantors not involved in business (TRA 1978, § 605) (Charnas/Saverude—TLC-O'Laughlin).	TLC & T.I.—9/15/78 Notice pub. 8/14/79 T.D. fwd. for formal approval.	3
§ 166(f). LR-1173	Inc. Tax—Part 1—Deductions for additions to a reserve for certain guaranteed debt obligations (P.L. 89-722) (Rood/Fischer—TLC-O'Laughlin).	TLC—11/29/78 Draft of notice to TLC & T.C. 1/25/79 Comments from T.C.	3
§ 167(a). LR-107-78	Inc. Tax—Part 1—Relating to conventions for vintage accounts (Kissel/Blumkin—TLC-Cohen).	Commr.—7/19/79 Notice to Commr. for formal approval.	2
§ 167(q). LR-189-78	Inc. Tax—Part 1—Depreciation allowance in case of retirement of certain oil & gas boilers (Energy Tax Act 1978, § 301 (e)) (Dean/Mantle—TLC-Schuldinger/Drupkin).	TLC & T.C.—8/30/79 Rev. draft of notice to TLC & T.C.	2
§ 169(d)(1), (4)	Inc. Tax—Part 1—Amortization of certain pollution control facilities (TRA 1978, § 2112 (b), (c)) (MacMaster/Coulter).	LR—In LR for prep of notice.	2
§ 170 LR-272-78	Inc. Tax—Part 1—Charitable contributions of inventory (TRA 1978, §§ 2035, 205 (c)(1), 1052 (c)(2), 1307 (c), (d)(1), 1313 (b) (1), (c), 1901 (a)(26), (b)(8), 2124 (e)(1)) (Murphy/Saverude—TLC-Sims).	TLC & T.I.—8/7/79 Notice fwd. for formal approval.	2
§§ 170(f)(3), 2055(e)(2), 2522 (c)(2). LR-200-78	Inc. Tax—Part 1—Est. Tax—Part 20—Gift Tax—Part 25—Transfers of partial interests in property for conservation purposes (TRA 1978, § 2124 (e); TRA 1978, § 309) (Small/Smith—TLC-Sims).	LR—In LR for prep of notice.	3
§ 175. LR-1947	Inc. Tax—Part 1—Soil and water conservation expenditures—Estate of Howard L. Straughn, 55 T.C. 21 (1971) (Francis/Bromell—TLC-Melton).	TLC—3/26/79 Draft of notice to TLC & T.I. 4/27/78 Comments from T.I.	2
§ 179(D)(8). LR-256-78	Inc. Tax—Part 1—Dollar limitation with respect to additional first-year depreciation allowance for small business in case of partnerships (Parcell/Fischer—TLC-Drupkin).	TLC & T.C.—7/13/79 Draft of notice to TLC & T.C.	2
§ 183(e). LR-61-74	Inc. Tax—Part 1—Election to postpone application of sec. 183 (d) presumption (§ 311, RA 1971; TRA 1976, § 214) (Rood/Fischer—TLC-Flynn).	LR—9/18/75 Notice approved by Tech—New provisions to be added.	3
§ 189 LR-145-76	Inc. Tax—Part 1—Amortization of real property construction period interest & taxes (TRA 1976, § 201) (Katcher/Fischer—TLC-Koppelman).	TLC—3/20/79 Draft of notice to TLC & T.I. 4/16/79 Comments from T.I.	2
§§ 191, 1245, 642 (f), (a)(2)(B), 1250, 57 LR-199-78	Inc. Tax—Part 1—Amortization and depreciation of certain rehabilitation expenditures for, and disallowance of deduction for amounts expended in demolishing, certain historic structures (TRA 1978, § 2124 (a)-(d); RA 1978, § 701 (f)) (Hartley/Saverude—TLC-Schuldinger).	Treas.—8/30/78 Notice Pub. 3/15/79 Hrg. held 7/9/79 T.D. to Treas. for formal approval.	2
§ 192 LR-82-78	Inc. Tax—Part 1—Contributions to Black Lung Benefit (Black Lung Benefit Trust Rev. Act 1977, § 4 (b)) (Charnas/Woo—TLC-Copeland).	LR—In LR for prep of notice.	2
§ 283(c). LR-202-78	Inc. Tax—Part 1—Intangible drilling costs (Energy Tax Act 1978, § 402(a)) (Cubeta/Woo—TLC-Schuldinger).	T.C.—7/31/79 Draft of notice to TLC & T.C. 8/6/79 Comments from TLC.	2
§ 274(h). LR-260-76	Inc. Tax—Part 1—Deductions for attending foreign conventions (TRA 1976, § 602) (Cubeta/Coulter—TLC-Levinson).	LR—5/10/79 Notice ret'd. to LR for revision.	1
§ 277 LR-1721	Inc. Tax—Part 1—Taxation of nonexempt membership organizations (§ 121(b)(3), TRA 1976) (Jacobson/Fischer—TLC-Schuldinger).	Commr.—5/6/72 Notice pub. 8/8/72 Hrg. held 5/8/78 Rev. notice to Commr. for formal approval.	2
§ 290 LR-220-78	Inc. Tax—Part 1—Amortization of production cost of motion pictures, books, records, and other similar property (TRA 1976, § 210 (a), (b)) (Jacobson/Fischer—TLC-Koppelman).	TLC—7/1/77 Rev. draft of notice to TLC & T.I. 2/14/78 Comments from T.I.	3
§ 280A LR-261-76	Inc. Tax—Part 1—Deductions for expenses attributable to business use of homes, rental of vacation homes (TRA 1976, § 601) (Francis/Coulter—TLC-Flynn).	LR—5/11/79 Notice ret'd. to LR for revision.	2
§ 303 LR-124-76	Inc. Tax—Part 1—Distributions in redemption of stock to pay death taxes (TRA 1976, § 2004(e)) (Kissel/Blumkin—TLC-Levinson).	TLC—3/3/77 Draft of notice to TLC & T.C. 5/17/77 Approved by T.C.	2
§ 305 LR-91-74	Inc. Tax—Part 1—To clarify meaning of term "reasonable redemption premium" (Kissel/Blumkin—TLC-Cohen).	LR—5/22/78 Notice ret'd. to LR for revision.	2
§ 337 LR-227-78	Inc. Tax—Part 1—60-day extension of 12-month period if there is an involuntary conversion (P.L. 95-628) (Axelrod/Blumkin—TLC-Krinsky).	LR—8/8/79 Final draft of notice ret'd. to LR.	1
§ 337 LR-130-76	Inc. Tax—Part 1—Simultaneous liquidation of a parent and subsidiary (TRA 1976, §§ 2118, 1901 (a)) (Axelrod/Blumkin—TLC-Krinsky).	LR—In LR for prep of notice.	2
341 (a), (f), (3), 312(c), 453(d)(4). LR-764	Inc. Tax—Part 1—Limitation on application of sec. 341 in case of certain sales of stock; certain tech. amendments (P.L. 88-484, §§ 1, 2) (Axelrod/Blumkin—TLC-Sims).	TLC & T.FP—7/8/77 Notice pub. 7/31/79 T.D. fwd. for formal approval.	2
§ 351 LR-754	Inc. Tax—Part 1—Transfer by a cash basis taxpayer of unrealized accounts receivable, etc., to a corp. controlled by the transferee (Yecies/Blumkin—TLC-Cohen).	LR—12/7/77 Draft of notice ret'd. to LR for revision.	2
§§ 351, 369 LR-1993	Inc. Tax—Part 1—Basis in stock of a corp. acquiring property in exchange for stock of corp. in control of acquiring corp. (Levine/Blumkin—TLC-Cohen).	LR—4/13/79 Notice ret'd. to LR for revision.	1
§ 355 LR-936	Inc. Tax—Part 1—Distribution of stock and securities of a controlled corp. (Yecies/Blumkin—TLC-Cohen).	LR—1/13/77 Notice pub. 1/21/77 Notice repub. In LR for prep of T.D.	2
§ 367 LR-2-78	Inc. Tax—Part 1—Changes in ruling requirements under sec. 367 (other than subsec. (a)(2) (TRA 1976, § 1042 (a)) (Horowitz/Felton—ITC-Holberton).	Commr.—12/30/77 Notice pub. under LR-230-76 Hrg. to be held 8/7/79 T.D. to Commr. for formal approval.	1

Part I.—Regulations Under Development in the Legislation and Regulations Division—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 367(a)(2). LR-231-76	Inc. Tax—Part 1—Exception for transfers of property from the U.S. designated by the Secretary (TRA 1976, § 1042 (a)) (Horowitz/Felton—ITC-Hannes).	LR—In LR for prep of notice.	1
§§ 368(a)(2)(F), 721, 722, 723, 683 LR-135-76	Inc. Tax—Part 1—Exchange funds (TRA 1976, § 2131) (Mull/Blumkin—TLC-Rabinowitz).	LR—8/17/79 Draft of notice ret'd. to LR for rev.	1
§ 368(a)(2)(E), (b)(2) LR-1994	Inc. Tax—Part 1—Acquisition of a corp. by merger of a corp. controlled by the acquiring corp. (Levine/Blumkin—TLC-Cohen).	LR—4/13/78 Notice ret'd. to LR for revision.	2
§ 392 LR-57-79	Inc. Tax—Part 1—Regs. under sec. 368(b) of RA 1978 (P.L. 95-600) relating to election of 1976 Act changes to Code sec. 382 (Yecies/Whedbee—TLC-Cohen).	Commr.—8/28/79 T.D. to Commr. for formal approval.	1
§§ 382, 383, 368(c) LR-138-76	Inc. Tax—Part 1—Limitations on certain carryovers (TRA 1976, §§ 806 (e), (f), 1031(b)) (Yecies/Blumkin—TLC-Cohen).	LR—In LR awaiting Cong. consideration of additional revision of § 382.	3
§ 385 LR-1661	Inc. Tax—Part 1—Treatment of certain corporate interests as stock or indebtedness (§ 415, TRA 1969) (Levine/Blumkin—TLC-Cohen).	TLC & T.—8/27/79 Notice fwd. for formal approval.	1
§ 414 (b), (c). LR-209-74	Inc. Tax—Part 1—Definitions and special rules (P.L. 93-406, § 1015) (Yecies/Blumkin—TLC-Sorensen).	TLC & EP—11/5/75 Notice pub. 1/13/76 Draft of T.D. to TLC & EP.	3
§ 414(e) LR-193-74	Inc. Tax—Part 1—Definition of church plans (P.L. 93-406, § 1015) (Jacobson/Rood—TLC-Melton).	TLC—4/8/77 Notice pub. 10/6/77 Hrg. held 7/20/79 T.D. fwd. for formal approval 8/27/79 T.D. approved by EP.	2
§§ 422, 424. LR-157-76	Inc. Tax—Part 1—Change in treatment of qualified stock options (Alexander/Fischer—TLC-Sorensen).	Treas.—12/18/78 Notice pub. 7/6/79 T.D. to Treas. for formal approval.	3
§ 423 LR-1111	Inc. Tax—Part 1—Stock option regulations (Alexander/Fischer—TLC-Sorensen).	Treas.—2/20/79 Notice pub. 7/26/79 T.D. to Treas. for formal approval.	3
§ 447 LR-143-76	Inc. Tax—Part 1—Method of accounting for corps. engaged in farming (TRA 1976, § 207(c)) (Katcher/Rood—TLC-Melton).	TLC—5/18/78 Draft of notice to TLC & T.C. 6/26/78 Comments from T.C.	2
§ 453 LR-32-75	Inc. Tax—Part 1—Adoption of installment method of reporting by dealers of personal property (Rood/Fischer—TLC-Brown).	LR—In LR for prep. of notice.	3
§ 453 LR-635	Inc. Tax—Part 1—Election to adopt installment method of reporting income from sale of real property or casual sale of personal property (Rood/Fischer—TLC-Brown).	LR—3/21/78 Notice ret'd. to LR for revision.	3
§ 461 LR-190-76	Inc. Tax—Part 1—Treatment of prepaid interest (TRA 1976, §§ 208, 1901 (a)(69)) (Parcell/Fischer—TLC-Brown).	LR—2/28/78 Draft of notice ret'd. to LR for rev.	1
§§ 463, 81. LR-6-75	Inc. Tax—Part 1—Accrual of vacation pay (P.L. 93-625) (Katcher/Fischer—TLC-Brown).	TLC—3/28/78 Rev. draft of notice to TLC and T.C. 4/19/78 Comments from T.C.	1
§§ 464, 279(b). LR-144-76	Inc. Tax—Part 1—Limitation on deductions in case of farming syndicates (TRA 1976, § 207(a), (b)) (Cubeta/Rood—TLC-Melton).	TLC—11/7/78 Rev. draft of notice to TLC and T.I. 11/22/78 Comments from T.I.	2
§ 465 LR-168-76	Inc. Tax—Part 1—Determination of amounts at risk with respect to certain activities (TRA 1976, § 204) (Jacobson/Fischer—TLC-Levinson).	LR—6/5/79 Notice pub. 9/27/79 Hrg. to be held.	1
§ 466(d) LR-216-78	Inc. Tax—Part 5—Temp. Regs.—Exclusion from gross income with respect to qualified discount coupon redeemed after close of taxable year (RA 1978, § 373 (a)) (Schmalz/Fischer—TLC-Brown).	Commr.—8/13/79 T.D. to Commr. for formal approval.	1
§ 471. LR-2158	Inc. Tax—Part 1—Inventories at cost or market, whichever is lower (Lanning/Fischer—TLC-Brown).	TLC—6/1/77 Final draft of notice to TLC.	2
§ 472 LR-84-77	Inc. Tax—Part 1—Conformity requirement incident to use of LIFO inventory method; Use of market value (Lanning/Fischer—TLC-Brown).	LR—7/20/79 Notice pub.	2
§ 482 LR-307-76	Inc. Tax—Part 1—Allocation of income and deductions among T/P's to revise percentage applied in determining rental charge for use of tangible property to reflect amdt. of regs. to provide for a "safe haven" imputed interest rate of 6-8 percent (Horowitz/Felton—ITC-Kau).	LR—1/19/79 Notice ret'd. to LR by CC/LS for rev.	2
§§ 482, 483. LR-171-79	Inc. Tax—Part 6—Temp. Regs.—Imputed interest rates (Rood/Fischer—ITC-Dolan).	LR—In LR for prep of T.D.	2
§§ 482, 483. LR-221-78	Inc. Tax—Part 1—Imputed interest rates (Rood/Fischer—ITC-Dolan).	ITC & T.C.—7/31/79 Draft of notice to TLC & T.C.	2
§§ 512(e)(3), 501(c)(7), (9) LR-1744	Inc. Tax—Part 1—Social clubs—Unrelated business income (TRA 1969, § 121(b)(1)) (Jacobson/Fischer—TLC-Sims).	EO—5/13/71 Notice pub. 8/31/71 Hrg. held 6/20/79 T.D. fwd. for formal approval.	2
§ 527 LR-16-75	Inc. Tax—Part 1—Political organizations (P.L. 93-825) (Katcher/Felton—TLC-Schuldinger).	LR—11/24/76 Notice pub. 2/24/77 Hrg. held 7/18/79 T.D. ret'd. to LR for revision.	1
§§ 528, 6012 LR-165-78	Inc. Tax—Part 1—Treatment of Homeowners Associations (TRA 1976, § 2101) (Jacobson/Fischer—TLC-Sims).	LR—1/9/79 Notice pub. 4/9/79 Draft of T.D. to TLC, T.C. & EO 4/20/79 Comments from TLC.	3
§ 532 LR-125-78	Inc. Tax—Part 1—To apply accumulated earnings tax to corps. accumulating E&P to avoid income tax on certain foreign corp. shareholders (Klein/Felton—TLC-Sims/Kau).	Tech—8/29/79 Notice fwd. for formal approval.	3
§§ 541-45, 551-55 LR-680	Inc. Tax—Part 1—Various sections of the Code affecting personal holding cos. (§ 225, in part, RA 1964; also P.L.'s 89-809, § 104(h), 206; 91-172, § 101(j)(16); TRA 1976, §§ 211, 2106) (Thompson/Saverude—TLC-Sims).	TLC—9/5/68 Notice pub. 11/3/78 Draft of rev. notice to TLC & T.C. 11/30/78 Comments from T.C.	2
§§ 584(a)(1), (c)(1)(A) & (B), (c)(2), (e), 6032 LR-133-76	Inc. Tax—Part 1—Tax treatment of common trust funds (P.L.'s 94-414, § 1; 94-455; TRA 1976, §§ 2138(a), 1402(b), 1901(b), 2131(d)) (Schreiner/Coulter—TLC-Sims).	TLC—6/25/79 Notice fwd. for formal approval 7/30/79 Approved by T.I. Awaiting approval by TLC.	2
§ 593(b) (3), (4), (5) LR-152-73	Inc. Tax—Part 1—Reserves for losses on loans of mutual savings banks, etc. (TRA 1969, § 432(a)) (Dean/Coulter—TLC-Koppelman).	LR—In LR for prep of notice.	3

Part I.—Regulations Under Development in the Legislation and Regulations Division—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 612, 613 LR-1148	Inc. Tax—Part 1—Restoration of depletion deductions on bonus and advanced royalties in certain cases (Woo/Bromell—TLC-Koppelman).	TLC—12/16/74 Draft of notice to TLC & T.C. 4/76 Comments from T.C.	2
§ 613 LR-2073	Inc. Tax—Part 1—Percentage depletion deduction—To clarify rules relating to determination of gross income from the property in the case of oil and gas wells (Woo/Bromell—TLC-Koppelman).	TLC—5/3/73 Partial draft of notice to TLC & T.C. Comments from T.C.	2
§ 613(b) LR-2072	Inc. Tax—Part 1—Percentage depletion rates (TRA 1960, § 501); Also P.L. 93-809, §§ 207, 208, 209 (Woo/Bromell—TLC-Schuldinger).	TLC & T.C.—12/12/78 Rev. draft of notice to TLC & T.C.	2
§§ 613(a), 703(a), 705(a) LR-105-75	Inc. Tax—Part 1—Supplementary rules on limitations on percentage depletion for oil & gas (TRA 1975, § 501; TRA 1976, §§ 1901(a)(86), 2115) (Woo/Bromell—TLC-Schuldinger).	TLC—5/13/77 Notice pub. 8/31/77 Hrg. held 8/2/78 Draft of T.D. to TLC & T.C. 9/78 Comments from T.C.	1
§ 642(g) LR-183-76	Inc. Tax—Part 1—Certain expenses of estates (TRA 1976, § 2009(d)) (Waltuch/Smith—TLC-Sorensen).	LR—5/24/78 Notice ret'd to LR for revision.	3
§ 642(i) LR-287-76	Inc. Tax—Part 1—Cemetery perpetual care funds (P.L. 94-528) (Coplan/Smith—TLC-Shakow).	LR—8/2/78 Notice pub. 11/29/78 Hrg. held 8/21/79 T.D. to CC/DED.	2
§§ 644, 641(b) LR-188-76	Inc. Tax—Part 1—Special rule for property transferred at less than fair market value (TRA 1976, § 701(e)) (RA 1978, § 701(p)) (Kusma/Smith—TLC-Sorensen).	LR—In LR for prep of notice.	2
§§ 664, 170A, 25.2522 LR-42-73	Inc. Tax—Part 1—To provide rules for application of charitable remainder trust provisions to certain living trusts (Coughlin/Woo—TLC-Sims).	LR—In LR for prep of notice.	3
§§ 667, 666(e), 668, 665 (b), (e)-(g), 669, 1302 (a)(2)(B), (b)(2)(B), 6401(b) LR-184-76	Inc. Tax—Part 1—Proc. & Admin.—Part 301—Accumulation trusts (TRA 1976, §§ 701 (a)-(d), (f), 1014) (Hartley/Smith—TLC/Sorensen).	LR—In LR for prep of notice.	2
§§ 679, 678(b), 643 (a)(c)(C), (D), (d), 6048, 6677 LR-187-76	Inc. Tax—Part 1—Proc. & Admin.—Part 301—Foreign trusts having U.S. beneficiaries (TRA 1976, § 1013) (Kusma/Smith—ITC-Langbein).	ITC & T.C.—8/28/79 Draft of notice to ITC & T.C.	2
§ 704(b) LR-262-76	Inc. Tax—Part 1—Determination of partner's distributive share (TRA 1976, § 213(d)) (Cubeta/Bromell—TLC-Levinson/Koppelman).	TLC & T.C.—11/30/78 Draft of notice to TLC & T.C.	2
§§ 706(c)(2)(B), 704 LR-265-76	Inc. Tax—Part 1—Items allocated to portion of year partner held interest (TRA 1976, § 213(c)) (Francis/Bromell—TLC-Levinson/Koppelman).	TLC—3/27/79 Draft of notice to TLC.	2
§ 707(c) LR-2127	Inc. Tax—Part 1—To conform the income tax regs. relating to guaranteed payments to partners to sec. 213(b)(3) of TRA 1976 and to the Miller & Carey decisions (Francis/Bromell—TLC-Levinson/Koppelman).	TLC—3/12/76 Draft of notice to TLC & T.C. 4/22/76 Comments from T.C.	2
§ 709 LR-266-76	Inc. Tax—Part 1—Clarification of treatment of partnership syndication fees, etc. (TRA 1976, § 213(b)) (Coughlin/Bromell—TLC-Levinson/Koppelman).	LR—8/24/79 Notice approved by Tech Fwd. to CC/DED.	2
§§ 852, 857 LR-23-79	Inc. Tax—Part 5—Temp. Regs.—To provide additional rules re treatment of capital gains of regulated investment cos. & real estate investment trusts (Schreiner/Mantle—TLC-Brown).	TLC—3/1/79 Draft of T.D. to TLC, T.C. & T.C. for comments 3/29/79 Comments from T.C.	1
§§ 856-860, 172(b), (d), 316(b), 361(c)(25), 443(e)(5), 4981, 6161(b), 6211-6213(a), 6214, 6344(a), 6422, 6503(i), 6512, 6515, 6601(c), 6697, 7422 LR-218-76	Inc. Tax—Part 1—Real Estate Investment trusts (TRA 1976, §§ 1601-1608, 1901(a), (b), 1906(a), (f)) (P.L. 93-625, § 6) (Whedbee/Blumkin—TLC-Levinson).	TLC—7/7/78 Notice pub. 12/20/78 Hrg. held 5/14/79 Draft of T.D. to TLC & TFP < 6/25/79 Comments from T.C.	2
§ 856(e)(3) LR-149-79	Inc. Tax—Part 10—Temp. Regs.—Extensions of grace period for foreclosure property by a real estate investment trust (RA 1978, § 363(c)) (Whedbee/Blumkin—TLC-Levinson).	Commr.—8/23/79 T.D. to Commr. for formal approval.	1
§ 860 LR-183-78	Inc. Tax—Part 1—Real estate investment trusts & regulated investment companies (RA 1978, § 362) (Whedbee/Blumkin—TLC-Levinson).	TLC & T.C.—8/31/79 Draft of notice to TLC & T.C.	2
§ 861(a)(1)(B) LR-173-75	Inc. Tax—Part 1—To determine source of interest on court judgments, source of commitment fees & acceptance fees, & application of § 861 to interest paid by certain domestic corps.—Amdmt. of § 1.861-4 to determine application of payroll cost method (Renfro/Felton—ITC-Langbein).	LR—6/2/78 Notice ret'd to LR for revision.	2
§ 861(a)(1)(H) LR-41-75	Inc. Tax—Part 1—Subch. N—As added by sec. 9(a) of P.L. 93-625, with respect to source of interest of certain debt obligations (Renfro/Felton—ITC-Langbein).	LR—In LR for prep of notice.	3
§ 861(a)(7) LR-71-77	Inc. Tax—Part 1—Source of income of underwriting income (TRA 1976, § 1036) (Renfro/Felton—ITC-Kau).	LR—In LR for prep of notice.	2
§ 861(a) LR-215-78	Inc. Tax—Part 1—Computation of taxable income from sources within and without the U.S. (Duffy/Saverude).	LR—In LR for prep of notice.	1
§§ 871, 881, 1441, 1442 LR-2043	Inc. Tax—Part 1—Original issue discount (RA 1971, § 313) (Klein/Felton—ITC-Langbein).	LR—7/12/76 Notice pub. 11/18/76 Hrg. held 4/20/79 T.D. ret'd to LR with comments.	1
§§ 892, 893, 895, 47 4392 LR-106-75	Inc. Tax—Part 1—Exemption of income of foreign gov'ts., employees of foreign gov'ts., & foreign central banks of issue, and exemption from tax on issuance of certificates of indebtedness issued by any foreign government (Duffy/Felton—ITC-Hannes).	ITC & Tech—8/15/78 Notice pub. 1/23/79 Hrg. held 8/28/79 T.D. fwd. for formal approval.	1
§§ 901, 903 LR-100-78	Inc. Tax—Part 1—To provide rules setting forth requirements for creditable foreign taxes (Horowitz/Felton—ITC-Kau).	LR—6/20/79 Notice pub. 10/11/79 Hrg. to be held.	1

Regulatory analysis required, not prepared as yet

Part I.—Regulations Under Development in the Legislation and Regulations Division—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 901(f) LR-65-75	Inc. Tax—Part 1—Certain payments for oil or gas not to be considered as taxes (§§ 275 (a), 901, 601 (b), TRA 1975, P.L. 94-12) (Duffy/Blumkin—ITC-Hannes).	LR—In LR for prep of notice.	1
§§ 902, 78, 960, 535(b)(1)545(b)(1) LR-229-76	Inc. Tax—Part 1—Dividends from less developed country corps. to be grossed up for purposes of foreign tax credit (TRA 1976, § 1033) (Renfro/Felton—ITC-Dolan).	ITC & Tech—12/29/78 Notice pub. 6/28/79 T.D. fwd. for formal approval.	3
§ 902 LR-196-75	Inc. Tax—Part 1—To clarify rules for determining earnings & profits of a foreign corp. & amount of creditable foreign taxes (Horowitz/Felton—ITC-Hannes).	ITC—4/7/78 Draft of notice to ITC & T.C.	2
§ 904(b) (2) & (3) LR-228-76	Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, §§ 1031, 1034; RA 1978, §§ 403 (c)(4), 701 (u)(2) & (3)) (Feldman/Felton—ITC-Kau).	LR—In LR for prep of notice.	2
§ 904(e) LR-11-77	Inc. Tax—Part 1—Transitional rules for carrybacks & carryovers of foreign tax credits as a result of repeal of per-country limitation by sec. 1031 (a), TRA 1976 (Renfro/Felton—ITC-Kau).	LR—In LR for prep of notice.	2
§ 904(f) LR-3-77	Inc. Tax—Part 1—Recapture of foreign losses (TRA 1976, § 1032) (Renfro/Felton—ITC-Hannes/Kau).	LR—In LR for prep of notice.	2
§ 907 LR-70-75	Inc. Tax—Part 1—Limitation dealing with foreign tax credit for taxes paid in connection with foreign oil & gas income (§ 601, TRA 1975; § 1035, TRA 1976) (Duffy/Blumkin—ITC-Hannes).	Treas.—5/8/79 Notice to Treas. for formal approval.	1
§§ 911, 913 LR-2-79	Inc. Tax—Part 1—Treatment of foreign earned income derived by U.S. citizens & residents (Foreign Earned Income Act 1978, §§ 4, 202, 203) < /Felton—ITC-Dolan).	LR—5/9/79 Notice pub. 8/28/79 Hrg. held.	1
§ 936(e) LR-139-78	Inc. Tax—Part 1—Time for making an election (TRA 1976, § 1051(b)) (Horowitz/Felton—ITC-Langbein).	TLC & T.C.—5/9/79 Notice pub. 8/23/79 T.D. fwd. for formal approval.	2
§§ 936, 33, 931, 901 (d), (g), 904(b), 243(b)(1), 246, 1504(b)(4), 48(a)(2)(B), 116(b)(2), 861(a)(2)(A), 6091(b)(2) LR-247-76	Inc. Tax—Part 1—Tax treatment of corps. conducting a trade or business in Puerto Rico & possession of the U.S. (TRA 1978, § 1051) (Bouknight/Felton—ITC-Langbein).	LR—In LR for prep of notice.	2
§ 936(d)(2) LR-106-77	Inc. Tax—Part 1—Definition of qualified possession source investment income for purposes of Puerto Rican & possession tax credit (TRA 1969, § 1051) (Horowitz/Felton—ITC-Langbein).	ITC—2/27/79 Comments from T.C. on notice.	2
§§ 951, 954, 955 LR-68-75	Inc. Tax—Part 1—Current taxation of shipping profits of controlled foreign corps. except to extent such profits are reinvested in shipping operations (§ 602(d), TRA 1975, TRA 1976, § 1024) (Klein/Saverude—ITC-Hannes).	ITC—8/9/76 Notice pub. 6/22/77 Temp. Regs. T.D. 7503 published 5/18/79 Draft of T.D. to ITC & T.C. 7/19/79 Comments from T.C.	1
§§ 951(a), 954(b)(1), (f), 955 LR-67-75	Inc. Tax—Part 1—Conforming regs. to certain amendments to subpart F (§ 602(a)(3)(B) & (c) (other than (c)(6)), TRA 1975, P.L. 94-12) (Klein/Saverude—ITC-Hannes).	LR—2/9/78 Notice pub.	2
§§ 952, 995, 964 LR-234-76	Inc. Tax—Part 1—Denial of certain tax benefits in connection with the payment of certain bribes (TRA 1976, §§ 1065, 1066(b)) (Bouknight/Felton).	LR—In LR for prep of notice.	3
§ 954(c)(3)(C) LR-226-76	Inc. Tax—Part 1—Exclusion from subpart F of certain earnings of insurance companies (TRA 1976, § 1023) (Duffy/Saverude—ITC-Kau).	TLC & T.C.—4/23/79 Notice pub. 8/24/79 Draft of T.D. to TLC & T.C.	2
§§ 956(d)(2), 958(b) LR-227-76	Inc. Tax—Part 1—Investment in U.S. property by controlled foreign corporation; clarification of term "pledge or guarantee" (TRA 1976, § 1021) (Feldman/Felton—ITC-Kau).	LR—4/23/79 Notice pub. 10/30/79 Hrg. to be held.	2
§ 960(a)(1) LR-237-76	Inc. Tax—Part 1—Third tier foreign tax credit when sec. 951 applies (TRA 1978, § 1037) (Renfro/Felton—ITC-Dolan).	ITC & T.C.—7/12/79 Draft of notice to ITC & T.C.	3
§§ 993 (c)(2), (d), 995(c), 751(c), 996(a)(2) LR-245-76	Inc. Tax—Part 1—Misc. DISC amtds. (TRA 1976, § 1101 (c), (e), & (g)(1)-(4)) (Klein/Felton—ITC-Langbein).	LR—In LR for prep of notice.	2
§ 993 LR-92-77	Inc. Tax—Part 1—DISC—Definition of trade receivable (Act of 1971, § 501) (Feldman/Felton—ITC-Langbein).	ITC & Tech—8/2/79 Notice fwd. for formal approval.	2
§ 995 LR-246-76	Inc. Tax—Part 1—Amdts. affecting DISC pertaining to military sales and incremental export gross receipts (TRA 1976, § 1101 (a), (g) (1) & (5)) (Feldman/Felton—ITC-Langbein).	ITC & T.C.—7/27/79 Rev. draft of notice to ITC & T.C.	2
§§ 999, 908, 952(a), 995(b)(1) LR-235-76	Inc. Tax—Part 1—Denial of certain tax benefits for cooperation with or participation in international boycotts (TRA 1976, §§ 1061-1064, 1066(a), 1067) (Felton—ITC-Holberton).	LR—In LR for prep of notice.	3
§ 1001 LR-52-79	Inc. Tax—Part 1—Discharge of liabilities on the sale or other disposition of property (Jacobson/Fischer—TLC-Cohen).	T.C.—8/1/79 Draft of notice to TLC & T.C. 8/24/79 Comments from TLC.	2
§§ 1014(d), 1023, 1016(a)(23), 691(c)(2) (A), (C), 1246 LR-196-76	Inc. Tax—Part 1—Carryover basis (TRA 1976, § 2005(a)) (Small/Smith—TLC-Sorensen).	TLC—5/3/78 Draft of notice to TLC & T.C. 6/19/78 Comments from T.C.	1
§ 1033(g)(3) LR-268-76	Inc. Tax—Part 1—Election to treat outdoor advertising displays as real property (TRA 1976, § 2127) (Charnas/Bromell—TLC-Flynn).	LR—8/23/79 Notice pending in LR.	2
§§ 1040, 1015(d)(6) LR-214-76	Inc. Tax—Part 1—Various rules relating to carryover basis (TRA 1976, § 2005 (b), (c)) (Kusma/Smith—TLC-Sorensen).	LR—In LR for prep of notice.	2

Part I.—Regulations Under Development in the Legislation and Regulations Division—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 1056, 1245 LR-222-76	Inc. Tax—Part 1—Basis limitation & recapture of depreciation on player contracts (TRA 1976, §§ 212 (a), (b), 1901(b)(1)(D), 1951(c)(2)(C), 2122(b)(3), 2124(a)(2)) (Schmaltz/Fischer—TLC-Flynn)	LR—Notice ret'd. to LR for revision	3
§§ 1101, 1102, 1103, 311, 6151, 6158, 6503, 6601 LR-266-76	Inc. Tax—Part 1—Divestitures of assets by bank holding companies (P.L. 94-453) (Levine/Blumkin—TLC-Koppelman)	TLC—12/27/78 Draft of notice to TLC & T 3/27/79 Comments from T	3
§ 1212(a)(1) LR-270-76	Inc. Tax—Part 1—Allowance of 8-year capital loss carryover in case of regulated investment companies (TRA 1976, §§ 1403, 1901(b)(3)(O)) (Schreiner/Coulter—TLC-Levinson)	LR—7/8/79 Notice pub.	2
§ 1222 LR-273-76	Inc. Tax—Part 1—Increase in holding period required for capital gain or loss to be long term (TRA 1976, §§ 1402, 1901(a)(136)) (Schreiner/Mantle—TLC-Flynn)	TLC & T—7/24/79 Draft of notice to TLC & T	2
§ 1232(a)(3) LR-43-76	Inc. Tax—Part 1—Treatment of original issued discount on certain short-term obligations (Tollens/Mantle—TLC-Sims/Brown)	TLC & T—7/5/79 Notice pub. 8/14/79 Hrg. held 8/28/79 Draft of rev. notice to TLC & T	2
§ 1234 LR-274-76	Inc. Tax—Part 1—Tax treatment of the grantor of options of stock, securities & commodities (TRA 1976, §§ 1236, 1402(b)(1)(U)) (Marcinko/Coulter—TLC-Rabinowitz)	Commr.—4/19/79 Notice pub. 8/23/79 T.D. to Commr. for formal approval	2
§ 1244 LR-186-78	Inc. Tax—Part 1—Liberalization of rules relating to losses on small business stock (Rev. Act of 1978, § 345) (Thompson/Coulter—TLC-Cohen)	Treas.—8/22/79 Notice to Treas. for formal approval	1
§§ 1248, 751 LR-232-76	Inc. Tax—Part 1—Gain from sale or exchange of stock in foreign corps. (TRA 196, §§ 1022, 1042 (b), (c)) (Horowitz/Felton—ITC-Hannes)	LR—7/26/79 Draft of notice ret'd. to LR for rev.	2
§ 1250 LR-131-76	Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, §§ 202, 1901(b), 1951(e), 2122(b), 2124(a)) (Marcinko/Rock)	LR—In LR for prep of notice	3
§ 1253 LR-1644	Inc. Tax—Part 1—Transfer of franchises, trademarks and trade names (TRA 1969, § 516(c)) (Tollens/Rood—TLC-Koppelman)	TLC—7/15/71 Notice pub. 4/10/79 Draft of rev. notice to TLC & T.C. 5/11/79 Comments from T.C.	2
§ 1254, 751(c) LR-276-76	Inc. Tax—Part 1—Gain from disposition of interest in oil or gas property (TRA 1978, §§ 205, 1901(a)(93)) (Mantle/Saverude—TLC-Schuldinger)	TLC—10/5/78 Draft of notice to TLC & T.C. 1/79 Comments from T.C.	2
§ 1348 LR-156-76	Inc. Tax—Part 1—Maximum tax on personal service income (TRA 1976, § 302) (Lanning/Dickinson—TLC-O'Laughlin)	LR—5/10/77 Notice ret'd. to LR for revision	2
§ 1371 LR-4-73	Inc. Tax—Part 1—Treatment of obligations which purport to represent debt as a second class of stock (Woo/Saverude—TLC-Cohen)	LR—11/11/76 Rev. draft of notice to TLC & T: 12/14/76 Comments from T: 11/29/78 Comments from TLC.	2
§§ 1371, 1372 LR-277-76	Inc. Tax—Part 1—Certain rules relating to shareholders of subchapter S corporations (TRA 1976, §§ 902 (a) & (c); 1901(a)(149)) (Murphy/Saverude—TLC-Cohen)	LR—5/23/79 Draft of notice ret'd. to LR for rev.	2
§§ 1385, 1388 LR-1175	Inc. Tax—Part 1—Relating to tax treatment of per unit retain allocations (P.L. 89-809, § 211) (Parcell/Fischer—TLC-Schuldinger)	TLC—4/11/74 Draft of notice to TLC & T.C. 1/26/76 Comments from T.C.	3
§ 1441 LR-165-78	Inc. Tax—Part 1—Personal services income of nonresident individuals (Klein/Felton)	LR—In LR for prep of notice	2
§ 1441 LR-2139	Inc. Tax—Part 1—Withholding of income tax on payments to Virgin Island inhabitants (Bouknight/Felton—ITC-Langbein)	LR—7/31/79 Notice ret'd. to LR	3
§§ 1491, 1057 LR-236-76	Inc. Tax—Part 1—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, § 1015) (Klein/Felton—ITC-Langbein)	ITC—9/9/77 Rev. draft of notice to ITC & T.C. 7/25/78 Comments from T.C.	1
§ 1502 LR-75-79	Inc. Tax—Part 1—At risk limitations of sec. 465 (Axelrod/Blumkin—TLC-Cohen)	LR—In LR for prep of notice	1
§ 1502 LR-1086	Inc. Tax—Part 1—Revision of regs. under sec. 1502 re personal holding companies (Whedbee/Blumkin—TLC-Brown/Cohen)	LR—7/5/79 Notice ret'd. to LR for revision	2
§ 1502 LR-140-73	Inc. Tax—Part 1—Misc. & Tech. amdmnts to consolidated return regs. (Axelrod/Blumkin—TLC-Brown/Cohen)	LR—3/21/78 Notice ret'd. to LR for revision	1
§ 1502 LR-97-79	Inc. Tax—Part 1—Credit & deductions, etc. for consolidated returns (Axelrod/Blumkin)	LR—In LR for prep of notice	1
§ 1502 LR-45-76	Inc. Tax—Part 1—To provide rules for consolidated application of § 613A of the Code re limitations on percentage depletion in the case of oil & gas wells (TRA 1975, § 501) (Axelrod/Blumkin—TLC-Cohen/Brown)	LR—12/29/77 Notice ret'd. to LR for revision	2
§ 1502 LR-94-74	Inc. Tax—Part 1—To provide consolidated return rules relating to life insurance companies subject to tax under Subch. L. (Duffy/Blumkin—TLC-Sims/Brown/Cohen)	LR—In LR for prep of notice	1
§ 1502 LR-1386	Inc. Tax—Part 1—Consolidated return regs.—Revision of regs. under sec. 1502 re accumulated earnings tax (Whedbee/Blumkin—TLC-Cohen/Brown)	LR—7/9/68 Notice pub. 9/12/68 Hrg. held 8/25/71 Notice withdrawn 5/14/79 Rev. notice pub. 10/3/79 Hrg. to be held	3
§ 1502 LR-113-77	Inc. Tax—Part 1—Consolidated return regulations—Investment adjustments (Axelrod/Blumkin—TLC-Cohen/Brown)	LR—In LR for prep of notice	1
§ 1502 LR-29-76	Inc. Tax—Part 1—Reflect amendments of consolidated return regs. to reflect Merchant Marine Act of 1970 concerning Merchant Marine & Fisheries Capital Construction Funds (Axelrod/Blumkin—TLC-Cohen)	LR—In LR for prep of notice	2
§ 1504(d) LR-189-77	Inc. Tax—Part 1—Includibility in an affiliated group of subsidiaries formed to comply with foreign laws (Axelrod/Blumkin—ITC-Langbein)	LR—1/17/79 Notice ret'd. to LR for revision	3

Part I.—Regulations Under Development in the Legislation and Regulations Division—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 2001, 2010, 2012 (a), (e), 2052, 2035, 2502, 2505, 2521, 2011, 2013 (b), (e)(1), 2101, 2102, 2106(a)(3), 2014(b)(2), 2206, 2207, 6018, 2036(a), 2104, 2004, 2504 LR-212-76	Est. & Gift Taxes—Parts 20 & 25—Unified rate schedule for estate and gift taxes and unified credit in lieu of exemptions (TRA 1978, § 2001) (Grundeman/Smith—TLC-O'Laughlin)	LR—In LR for prep of notice	2
§§ 2032A, 6166 (d), (e), (f), (h), 6324A (a), (c), 6601(j), 2013(f), LR-203-76	Est. Tax—Part 20—Various estate tax elections and valuation of certain farm etc., real property (TRA 1976, §§ 2003 (a), (c), 2004(a), (b), (d)) (RA 1978, § 702(d)) (Hartley/Smith—TLC-Melton)	Treas.—7/13/78 Notice pub. [Part I] 7/19/78 Notice pub. [Part II] 12/21/78 Notice pub. [Part III] 4/3/79 Hrg. held 6/28/79 Draft of T.D. to TLC and T: 8/21/79 New notice (Part II) to Treas.	1
§ 2036 (a) LR-181-76	Est. and Gift Taxes—Parts 20 and 25—Inclusion of stock in estate where decedent retained voting rights (TRA 1978; RA 1978, § 702(i)) (Jacobson/Smith—TLC-O'Laughlin)	LR—In LR for prep of notice	3
§ 2040 LR-180-78	Est. Tax—Part 20—Fractional interest of spouse (TRA 1976, § 2002 (c), (d)(3)) (Small/Grundeman—TLC-O'Laughlin)	LR—In LR for prep of notice	2
§ 2040(d) LR-16-79	Est. Tax—Part 23—Temp. Regs.—Election to treat certain jointly held property as qualified joint interest (RA 1978, § 702 (k)) (Small/Grundeman—TLC-O'Laughlin)	LR—7/12/79 T.D. ret'd. to LR for rev.	1
§ 2055(e) LR-259-74	Est. Tax—Part 20—Disallowance of charitable deduction—Extension of time within which to amend governing instruments in order to qualify as a charitable remainder annuity trust, unitrust, or pooled income fund (P.L. 93-483, § 3) (Grundeman/Rock—TLC-O'Laughlin)	LR—12/19/75 Notice pub. 3/30/76 Hrg. held in LR for prep of T.D.	2
§§ 2056(c)(1), 2523(a) LR-211-76	Est. and Gift Taxes—Parts 20 and 25—Increase in limitations on marital deductions (TRA 1976, § 2002 (a), (b), (d)(1), (2)) (Small/Grundeman—TLC-O'Laughlin)	LR—In LR for prep of notice	3
§ 2057 LR-182-78	Est. Tax—Part 20—Deduction for bequests to certain minor children (TRA 1976, § 2007) (Alexander/Smith—TLC-O'Laughlin)	LR—In LR for prep of notice	2
§§ 2518, 2045, 2041(a)(2), 2055(a), 2056, 2504(b) LR-213-78	Est. & Gift Taxes—Parts 20 & 25—Disclaimers (TRA 1976, § 2009(b)) (RA 1978, § 702(m)) (Kusma/Smith—TLC-Rabinowitz)	TLC—7/31/79 Rev. draft of notice to TLC & T: 8/8/79 Comments from T: 1	2
§ 2601 LR-2-77	Inc. Tax—Tax on certain generation-skipping transfers—Part 26—Effective date (TRA 1976, § 2006(c)) (Grundeman/Smith—TLC-Gutman)	TLC & T: 12/22/78 Notice pub. 4/10/79 Hrg. held 8/3/79 Draft of T.D. to TLC & T: 1	1
§§ 2601-2603 LR-178-76	Tax on certain generation-skipping transfers—Part 26—Imposition & amount of, and liability for, tax (TRA 1976, § 2006(a)) (Waltuch/Smith—TLC-O'Laughlin)	LR—In LR for prep notice	3
§§ 2611-2614 LR-205-76	Inc. Tax—Part 26—Tax on certain generation-skipping transfers—Definitions and special rules (TRA 1976, § 2006(a)) (Waltuch/Smith—TLC-O'Laughlin)	LR—8/16/79 Draft of notice ret'd. to LR for rev.	3
§§ 2621, 2622, 2013(g), 691(c), 303(d) LR-202-76	Inc. Tax—Est. Tax—Tax on certain generation-skipping transfers—Parts 1, 20 & 26—Misc. provisions relating to generation-skipping transfers (TRA 1976, § 2006 (a), (b)) (Waltuch/Smith—TLC-O'Laughlin)	TLC & T: 5/8/78 Draft of notice to TLC & T: 1	3
§§ 2621(c)(1), 2611 LR-197-76	Proc. & Admin.—Part 404—Temp. Regs.—Generation-skipping transfer tax return requirements, etc. (TRA 1976, § 2006(a)) (Waltuch/Smith—TLC-O'Laughlin)	LR—5/8/78 Draft of T.D. to TLC & T: 9/19/78 Comments from T: 2/28/79 Comments from TLC.	1
§§ 3121(b)(20), 1402(c)(2)(F), 3401(a)(17), 6050A LR-279-76	Empl. Tax—Part 31—Proc. & Admin.—Part 301—Withholding of Federal taxes on certain individuals engaged in fishing (TRA 1976, § 1207(e)) (Schreiner/Coulter)	LR—In LR for prep of notice	2
§ 3121(k) LR-59-77	Empl. Tax—Part 31—Waiver of exemption from soc. sec. tax by tax exempt organizations (Marcinko/Bromell—TLC-Koppelman)	TLC & T: 5/12/77 Notice pub. 4/12/79 Rev. notice pub. 8/23/79 T.D. fwd. for formal approval	1
§ 3121(s) LR-36-78	Empl. Tax—Part 31—Employees of members of related groups of corps. (Soc. Sec. Amdmts. of 1977, § 314) (Murphy/Bromell—TLC-Shakow)	TLC & T: 12/13/78 Notice pub. 4/5/79 Hrg. held 5/31/79 Draft of T.D. to TLC & T: 1	2
§ 3121(i) LR-35-78	Empl. Tax—Part 31—Soc. sec. tax on employers of individuals who receive income from tips (§ 315, Soc. Sec. Amdmts. of 1977) (Murphy/Bromell—TLC-Goodman)	LR—7/25/79 Notice ret'd. to LR for revision	2
§ 3401(a)(18) LR-212-78	Empl. Tax—Part 31—Remuneration with respect to which a deduction may be allowable for certain expenses of living abroad (Foreign Earned Income Act of 1978, §§ 207(a), 209(b)) (Dean/Saverude—TLC-Roché)	LR—1/4/79 Notice pub. 8/28/79 Hrg. held	2
§ 3401 (a)-1, (b) LR-74-77	Empl. Tax—Part 31—To modify requirements with respect to sick pay (TRA 1976, § 505) (Marcinko/Coulter—TLC-Koppelman)	TLC & T: 6/26/79 Notice fwd. for formal approval	2
§ 3402 LR-81-78	Empl. Tax—Part 31—Submission of withholding exemption certificates (Mantle/Saverude—TLC-Koppelman)	TLC & T: 8/22/79 Notice FWD. for formal approval	2
§ 3402 (a) LR-35-76	Empl. Tax—Part 31—Extension of temp. reduction of withholding of income tax at source (§ 5, P.L. 94-164; (a)(1), P.L. 94-331; § 2(a)(1), P.L. 94-396; § 3(a)(1), P.L. 94-414; § 401 (d)(1), (e), P.L. 94-455) (Thompson/Coulter—TLC-Koppelman)	TLC & T: 6/5/79 Notice pub. 8/27/79 Draft of T.D. to TLC & T: 1	2
§ 3402 (a) LR-264-78	Empl. Tax—Part 31—Withholding on certain gambling winnings (TRA 1978, § 1207(d)) (MacMaster/Coulter—TLC-Koppelman)	TLC & T: 8/31/79 Rev. draft of notice to TLC & T: 1	2
§ 3506 LR-37-78	Empl. Tax—Part 31—Companion sitting placement services (§ 10, Act of Nov. 12, 1977, P.L. 95-171) (Cubeta/Bromell—TLC-Roché)	LR—5/30/79 Notice pub.	2

Part I.—Regulations Under Development in the Legislation and Regulations Division—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 3507 LR-188-78	Empl. Tax—Part 31—Advance payments of earned income credit (RA 1978, § 105(b)) (Murphy/Saverude—TLC—Goodman).	LR—5/9/79 Notice pub.	2
§§ 4041(k), 4081(c), LR-120-79	Exc. Tax—Part 48—Exemption from motor fuels exc. tax for certain alcohol fuels (Energy Tax Act 1978, § 221) (Waltuch/Smith—TLC—Copeland).	LR—6/19/79 Notice pub.	1
§§ 4041, 4042, 4054, 4058, LR-2118	Exc. Tax—Applicable to articles sold on or after 7/1/65 (P.L. 89-44) (Hartley/Saverude—TLC—Copeland).	LR—Notice ret'd. to LR for revision.	3
§§ 4081-4063, LR-2119	Exc. Tax—Applicable to motor vehicles sold on or after 7/1/65 (P.L. 89-44) (Small/Saverude—TLC—Copeland).	LR—Notice ret'd. to LR for revision.	3
§ 4084 LR-205-78	Exc. Tax—Part 48—Gas guzzler tax (Energy Tax Act 1978, § 201) (Murphy/Woo—TLC—Copeland).	TLC—8/10/79 Final draft of notice to TLC & T.I. 8/20/79 Approved by T.I.	1
§§ 4071-4073 LR-2114	Exc. Tax—Applicable to tires, etc. sold on or after 7/1/65 (P.L. 89-44) (Tollens/Saverude—TLC—Copeland).	LR—Notice ret'd. to LR for revision.	3
§§ 4081-4084, 4091-4092, 4101, 4102, LR-2117	Exc. Tax—Applicable to gasoline & lubricating oil sold on or after 7/1/65 (P.L. 89-44) (Hartley/Saverude—TLC—Copeland).	LR—Notice ret'd. to LR for revision.	3
§§ 4219(a), 4121, 4221(a), 4293, 6416 LR-61-78	Mfgrs. & Retirs. Exc. Tax—Part 48—Excise tax on coal (Black Lung Benefits Rev. Act of 1978, § 2) (Waltuch/Smith—TLC—Copeland).	LR—8/27/79 Notice pub.	2
§ 4942(e)(2) LR-289-76	Foundation Exc. Tax—Part 53—Blockage and similar factors in valuation of foundation assets (TRA 1976, § 1303) (Dickinson—TLC—Gutman).	LR—In LR for prep of notice	2
§§ 6001-6427, 4161, 4181 LR-2115	Exc. Tax—Part 52—Sporting goods & firearms & admin. provs. of special application to Mfgrs. & Retirs. Exc. Tax (Exc. Tax Reduction Act 1965 & other subsequent legislation through Rev. Act 1971) (Kusma/Saverude—TLC—Copeland).	TLC—5/2/75 Rev. draft of notice to TLC & T.I. 7/15/78 Comments from T.I.	3
§§ 6013 (g), (h), 6401(b), 879, 6073(a) LR-244-76	Inc. Tax—Part I—Income tax treatment of nonresident alien individuals who are married to citizens or residents of the U.S. (TRA 1976, § 1012; RA 1978, 701(u) (15) & (16)) (Klein/Felton—ITC—Dolan).	Tech—7/14/78 Notice pub. 6/26/79 T.D. fwd. for formal approval.	2
§§ 6039A, 5694 LR-195-78	Inc. Tax—Part I—Proc. & Admin.—Part 301—Information regarding carryover property acquired from a decedent (TRA 1976, § 2005 (d)) (Waltuch/Smith—TLC—Sorensen).	LR—In LR for prep of notice	2
§ 6051 LR-72-79	Empl. Tax—Part 31—To permit employer to defer furnishing Forms W-2 on former employees until Jan. 31 of the year after the year employment terminated (Cubeta/Dickinson—TLC—Roche).	LR—7/2/79 Notice pub.	1
§ 6103(p)(7) LR-9-79	Proc. & Admin.—Part 301—Procedures for administrative review of determination that a State or agency thereof has failed to safeguard Federal tax returns or return information (TRA 1976, § 1202(a)(1)) (Tollens/Coulter).	Tech—8/31/79 Notice fwd. for formal approval.	2
§ 6103 (a), (c), (i)(1), (k)(6), (l)(2) & (m) LR-140-77	Proc. & Admin.—Part 301—Disclosure of return information by IRS officers & employees for investigative purposes (TRA 1976, § 1202(a)) (Dickinson—TLC—Krupsky).	LR—8/13/79 Notice ret'd. to LR for suggested revisions.	3
§§ 6154, 5655 LR-140-78	Inc. Tax—Part I—Payment of estimated tax by corporations (Schreiner/Mantle—TLC—Flynn).	TLC & T.C.—3/29/79 Draft of notice to TLC & T.C. for comment.	2
§§ 6166, 6166A LR-210-78	Exc. Tax—Part 20—Proc. & Admin.—Part 301—Deferral and installment payment of estate tax (TRA 1976, § 2004(a) (RA 1978, § 512) (Charnas/Bromell—TLC—Flynn).	LR—In LR for prep of notice	2
§ 6302 LR-10-79	Empl. Tax—Part 31—To change the deposit requirement for withheld income & FICA taxes (Tollens/Coulter—TLC—Koppelman).	TLC—2/14/79 Draft of notice to TLC & T.I. 3/5/79 Comments from T.I.	1
§§ 6324A, 2204(c) LR-209-78	Est. Tax—Proc. & Admin.—Parts 20 & 301—Special lien for estate tax deferred under sec. 6166 or 6166A (TRA 1976, § 2004(d)) (Murphy/Bromell—TLC—O'Laughlin).	LR—In LR for prep of notice	2
§ 6324(B) LR-201-78	Est. Tax—Proc. & Admin.—Parts 20 & 301—Special lien for additional estate tax attributable to farm, etc. valuation (TRA 1976, § 2003(b)) (Murphy/Bromell—TLC—O'Laughlin).	LR—In LR for prep of notice	2
§§ 6332, 7401 LR-1891	Proc. & Admin.—Part 301—Enforcement of liens & levies upon a taxpayer's property held by a foreign office of a financial institution engaged in business in the U.S. or a possession of the U.S. (Alexander/Smith—ITC—Kau).	LR—6/27/79 Notice ret'd. to LR for revision.	3
§ 6411(d) LR-46-79	Inc. Tax—Part 5—Temp. Regs.—Application for tentative refund of tax under claim of right (RA 1978, § 504) (Mull/Whedbee—TLC—Levenson).	TLC—7/31/79 Draft of notice to TLC & Tech 8/24/79 Comments from T.I.	3
§§ 6420, 6427 LR-15-79	Exc. Tax—Part 140—Temp. Regs.—Refunds to be made to serial applicants in certain cases (P.L. 95-458, § 3) (Hartley/Smith—TLC—Copeland).	TLC & T.I.—8/29/79 T.D. fwd. for formal approval.	1
§§ 6801(i), 6161 (a), (b), 6163(b), 6503(d), 7403(a), 2011 (c)(2), 2204 (a), (b) LR-198-78	Est. Tax—Proc. & Admin.—Parts 20 & 301—Misc. Procedural amendments relating to estate tax (TRA 1976, § 2004 (b), (c), (f); RA 1978, § 702(p)) (Coughlin/Bromell).	LR—In LR for prep of notice	3
§ 7216 LR-121-74	Inc. Tax—Part I—To provide that the penalty under sec. 7216 (a) shall not apply in the case of certain conflicts of interest (Saverude—TLC—Flynn).	LR—12/12/74 Notice pub.	2
§ 7502 LR-1406	Proc. & Admin.—Part 301—Amdmt. of regs. relating to the timely mailing of deposits (P.L. 90-364, § 106) (Lanning/Fischer—TLC—Levenson).	TLC & T.I.—8/30/79 Rev. final draft of notice to TLC & T.I.	3

Part I.—Regulations Under Development in the Legislation and Regulations Division—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 7517, 2031(c), 2616(c), 6075(b), LR-215-78	Est. Tax—Gift Tax—Proc. & Admin.—Parts 20, 25, 301—Furnishing on request of statement explaining estate or gift valuation and filing of gift tax returns (TRA 1976, § 2008 (a), (b)) (Waltuch/Smith—TLC—O'Laughlin).	TLC & T.I.—8/22/79 Notice fwd. for formal approval.	3
§§ 7609, 7610, LR-164-76	Proc. & Admin.—Part 301—Administrative summons (TRA 1976, § 1205) (Rood/Fischer—TLC—Levenson).	TLC—7/12/79 Notice fwd. for formal approval 7/30/79 Approved by Tech.	3
§ 7701-2, LR-232-78	Proc. & Admin.—Part 301—Classification of entities organized under Uniform Limited Partnership Act, Rev. Act 1976 (Francis/Bromell—TLC—Levenson/Koppelman).	T.I.—8/27/79 Rev. draft of notice to T.I.	2
LR-149-75	Inc. Tax—Part 3—Maritime Capital Construction Fund (P.L. 91-469, § 601, Merchant Marine Act, 1936) (Rood/Fischer—TLC—Krupsky).	LR—1/29/78 Notice pub. 7/7/78 Hrg. held in LR for prep of T.D.	2
LR-285-74	Treatment of taxation of currency, gains and losses (Horowitz/Felton—ITC—Langbein).	LR—In LR for prep of notice	2
LR-71-78	Exc. Tax—Parts 16 & 17—(1939 Code) Vinson Act—Amdmt. of T.D. 4906 & T.D. 4909—Recovery of excessive profits on Government contracts (Hartley/Smith—TLC—Brown).	Commr.—8/16/79 Notice to Commr. for formal approval.	2
LR-12-79	Proc. & Admin.—Part 301—Establishment of Off-shore Oil Pollution Compensation Fund (P.L. 95-372, § 302 (Sept. 18, 1978)) (Kusma/Smith—TLC—Copeland/Shakow).	LR—7/20/79 Notice pub.	2

Part II.—Regulations Under Development by the Employee Plans and Exempt Organizations Division

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 46, EE-1-78	Inc. Tax—Part 1—Employee stock ownership plan requirements for obtaining up to additional 1/2% investment credit (TRA 1976, § 803(d) (Horowitz/Margel—TLC—Melton).	EE—8/17/78 Notice pub.	1
§§ 46, 401(a), EE-4-78	Inc. Tax—Part 1—Misc. provisions relating to employee stock ownership plans (TRA 1976, § 803(b) (2), (3), (c) & (d)) (Horowitz/Thrasher—TLC—Melton).	EE—1/19/79 Notice pub. 6/28/79 Hearing held.	1
§ 105(h), EE-167-78	Inc. Tax—Part 1—Medical expense reimbursement plans (P.L. 95-600, § 366) (Cobb/Wickersham—TLC—Melton & Sorensen).	EE—In EE for prep. of notice	2
§§ 120, 501(c)(20), EE-5-78	Inc. Tax—Part 1—Prepaid legal expenses (TRA 1976, § 2134) (Johnson/McGovern—TLC—Krupsky).	EE—6/22/78 Draft of notice to TLC & EO 7/24/78 Comments rec'd from EO 7/26/79 Comments rec'd from TLC.	2
§ 120(c)(4), EE-34-76	Inc. Tax—Part 1—Notification to Secretary that a plan is applying for recognition as a qualified group term life insurance plan (TRA 1976, § 2134) (Johnson/McGovern—TLC—Krupsky).	EE—7/14/78 Notice pub. 10/13/78 Prelim. draft of prop. T.D. fwd. for informal approval to TLC & EO 10/13/78 Comments fm EO 6/7/79 Comments fm TLC.	1
§ 125, EE-16-79	Inc. Tax—Part 1—Tax Treatment of Cafeteria Plans (Rev. Act of '78 § 134) (Beker/Thrasher—TLC—Sorensen).	EE—In EE for prep of notice	3
§§ 127, 3121(a)(18), 3401(a)(18), 3306(b)(13), EE-178-78	Inc. Tax—Part 1—Educational Assistance Programs (Rev. Act of '78 § 164) (Kerby/McGovern—TLC—Roche).	EE—In EE for prep. of notice	2
§§ 219, 220, 408, 409, 4973, 4974, EE-7-78	Inc. Tax—Part 1—Retirement Income Plan Excise Taxes—Part 54, Retirement accounts for certain married individuals and individual Retirement Account Technical Changes (TRA 1976, §§ 1501, 1503, Rev. Act of '78, §§ 156, 157) (Gibbs/Wickersham—TLC—Melton).	EE—In EE for prep of notice	2
§§ 263, 404, etc. EE-56-78	Inc. Tax—Part 1—Capitalization of pension costs and other indirect costs attributable to self-constructed assets (Comm. v. Idaho Power Co. 418 U.S. 1 (1974)) (Horowitz/Margel—TLC—Krupsky).	TLC—5/10/79 Prelim. draft of notice to TLC, T.C. & E 5/24/79 Comments rec'd fm T.C. & E.	1
§§ 401(a), 501(a), EE-39-78	Inc. Tax—Part 1—Treatment of Puerto Rican income retirement plans (P.L. 93-406, § 1022(i)) (Sumter/Thrasher—ITC—Langbein).	ITC & E—8/31/79 rev. prelim. draft of notice to ITC & E.	1
§ 401(a)(5), EE-8-78	Inc. Tax—Part 1—Comparability of plans for vesting (ERISA, § 1012(b)) (Hennessy/Wickersham—TLC—Melton).	EE—In EE for revision of prelim. draft of notice	3
§ 401(a)(18), (i) EE-29-78	Inc. Tax—Part 1—Defined benefit plans for H.R. 10 & Subch. S corps. (P.L. 93-406, § 2001(d)) (Hennessy/Wickersham—TLC—Sorensen).	TLC & E—5/26/78 Notice pub. 10/4/78 Hearing held 6/28/78 Prelim. draft of T.D. to TLC & E.	1
§ 401-4(c), EE-11-78	Inc. Tax—Part 1—To conform the "High 25 employee rule" to sec. 4022 of ERISA, "guaranteed benefits" (Schlinkert/Wickersham—TLC—Sorensen).	TLC—7/13/79 Prelim. draft of notice to TLC & E 8/16/79 Comments fm E.	1
§§ 401(k), 402(a)(8), EE-169-78	Inc. Tax—Part 1—Certain cash or deferred arrangements (Rev. Act of '78, § 135) (Schlinkert/Wickersham—TLC—Melton & Sorensen).	EE—In EE for prep of notice	2
§§ 402(a)(2), 402(e), 403(a)(2)(A)(iii), EE-14-78	Inc. Tax—Part 1—Treatment of certain lump sum distributions (P.L. 93-406, § 2005) (Johnson/Wickersham—TLC—Melton).	EE—4/30/75 Notice pub. 8/12/75 Hrg. held 11/23/77 Rev. draft of T.D. to TLC & E 6/8/79 Comments rec'd fm TLC & E.	2
§§ 402(a)(5), (6), (7), 401(e)(20), 403(a)(4), (a)(5), (b)(1), (b)(8), 404(a)(2), 805(d)(1)(c), EE-15-78	Inc. Tax—Part 1, Tax-free rollovers of lump sum distributions and plan termination payments. (P.L. 94-267; P.L. 95-458, § 4; Rev. Act '78, §§ 156 (a), (b), 157 (f), (g), (h), (i)) (Johnson/Wickersham—TLC—Melton).	TLC & E—7/17/79 Rev'd prelim. draft of notice to TLC & E.	2
§ 402(e)(4)(L), EE-16-78	Inc. Tax—Part 1—Lump sum distributions from qualified pension, etc. plans (TRA 1976, § 1512) (Johnson/Wickersham—TLC—Melton).	EE—5/31/79 Notice pub.	3

Part II.—Regulations Under Development by the Employee Plans and Exempt Organizations Division—Continued

1954 code section and file No.	Subject and drafter and reviewer	Office in which pending and status	Priority
§ 403(b)(7) EE-17-78	Inc. Tax—Part 1—Taxability of beneficiary under annuity purchased by sec. 501 (c) organization or public school (P.L. 93-406, § 1022 (e); TRA 1978, § 1504) (Hartley/Thrasher—TLC-Melton).	TLC—2/10/78 Notice pub. 2/13/79 Prelim. draft of partial rev. notice to TLC & EO 5/16/79 Comments fm EP.	2
§§ 404(a)(1), (3)(A), (8), (7)(g), 413(b)(7), (c)(6) EE-33-78	Inc. Tax—Part 1—Deduction limitation (P.L. 93-406, §§ 1014, 1013 (c)(1), (2), (3), 204(b), 4081(a)); TRA 1975 (P.L. 94-12) § 402 amending 1964 Code § 404(a)(6)) (Rogan/Marget—TLC-Sorensen).	TLC & E—5/19/78 Notice pub. 4/2/79 Prelim. draft of T.D. to TLC & E	2
§§ 408, 409, 219, 4973, 4974, 62 EE-18-78	Inc. Tax—Part 1—Individual retirement accounts, annuities, & retirement bonds (P.L. 93-406, § 2002) (Gibbs/Wickersham—TLC-Sorensen).	EE, TLC—2/21/75 Notice pub. 11/19/75 Supplemental notice pub. 3/23/79 Partial rev. notice pub. 7/10/79 2nd prelim. draft of T.D. (not act. part.) to TLC & E 7/19/79 Hrg held on partial rev. notice 8/26/79 comments fm E.	2
§§ 406(j)(i)(I), 219(b)(7), 404(h) EE-168-78	Inc. Tax—Part 1—Simplified employee pensions (Rev. Act of '78, § 152) (Gibbs/Wickersham—TLC-Melton).	EE—In EE for prep of notice	1
§ 410 EE-20-78	Inc. Tax—Part 1—Coverage & eligibility rules for minimum participation standards (ERISA, § 1011) (Cobb/Wickersham—TLC-Sorensen).	EE—4/20/79 Notice pub. In EE for prep. of T.O.	1
§ 411, 410 EE-4-79	Inc. Tax—Part 1—Elapsed time rules for minimum vesting and participation requirements (ERISA, § 1012(a), 1011) (Maldonado/Wickersham—TLC-Melton).	TLC & E—12/28/78 Notice Pub. by Dept. of Labor 7/26/79 Prelim. draft of T.D. to TLC & E.	2
§ 411(d)(1) EE-164-78	Inc. Tax—Part 1—Coordination of vesting and non-discrimination requirements for qualified plans (ERISA § 1012(a)) (Maldonado/Wickersham—TLC-Melton).	EE—7/10/79 Prelim. draft of notice to TLC & E 8/16/79 Comments fm TLC & E	2
§ 412 EE-32-78	Inc. Tax—Part 1—Alternative amortization method of funding (P.L. 93-406, § 1013(d)) (Greenblatt/Marget—TLC-Sorensen).	Commr.—8/23/79 Notice to Commr. for signature	1
§ 412(b)(3) EE-101-78	Inc. Tax—Part 1—Credits to funding standard account (ERISA, § 1013(a)) (Rogan/Marget—TLC-Sorensen).	EE—12/29/78 Notice pub. Hearing will be scheduled to coincide with Hearing on EE-150-78.	1
§§ 412, 413(b), (5), (c)(4) EE-99-78	Inc. Tax—Part 1—Funding for qualified plans (ERISA, §§ 1013(a), (1014)) (Rogan/Marget—TLC-Sorensen).	EE—In EE for prep of notice	1
§ 412(c)(1) EE-100-78	Inc. Tax—Part 1—Determinations to be made under funding method (ERISA, § 1013(a)) (Rogan/Marget—TLC-Sorensen).	TLC & E—8/4/77 Notice pub. 5/14/79 Prelim. draft of T.D. to TLC & E	1
§ 412(c)(2) EE-102-78	Inc. Tax—Part 1—General rules for valuation of assets (ERISA, § 1013(a)) (Rogan/Marget—TLC-Sorensen).	TLC & E—8/25/78 Notice pub. 1/11/79 Hearing held 7/27/79 Prelim. draft of T.D. to TLC & E.	1
§ 412(c)(3) EE-150-78	Inc. Tax—Part 1—Reasonable actuarial methods (ERISA, § 1013(a), 3(31)) (Rogan/Marget—TLC-Sorensen).	Treas.—4/10/79 Notice signed by Commr.	2
§ 412(i) EE-21-78	Inc. Tax—Part 1—Treatment of certain individual & group insurance contract plans under minimum funding standards (P.L. 93-406, § 1013(a)) (Wickersham—TLC-Sorensen).	E—2/6/75 Notice pub. 5/1/75 Draft of T.D. to TLC & E 5/4/78 Comments fm TLC	2
§ 413 (a), (b), (b)(2), (b)(3), (b)(6), (c), & (c)(2) EE-30-78	Inc. Tax—Part 1—Discrimination & employees of labor unions, collectively bargained plans, exclusive benefit, & plans maintained by more than one employer (P.L. 93-406, § 1014) (Cobb/Wickersham—TLC-Melton).	Commr.—8/29/78 Notice pub. 1/18/79 Hrg. held 7/17/79 T.D. to Commr. for sig.	2
§ 414(a) EE-22-78	Inc. Tax—Part 1—Definitions and special rules: Service for predecessor (P.L. 93-406, § 1015) (Misher/Wickersham).	EE—In EE for prep of notice	2
§ 414(k)(2) EE-23-78	Inc. Tax—Part 1—Rules relating to certain plans (P.L. 93-406, § 1015) (Glass/Thrasher).	EE—In EE for prep of notice	2
§ 415 EE-24-78	Inc. Tax—Part 1—Limitation on contribution and benefits (P.L. 93-406, § 2004) (Misher/Wickersham—TLC-Melton).	TLC & E—8/21/79 Rev. draft of notice to TLC & E	1
§ 457 EE-176-78	Inc. Tax—Part 1—Deferred compensation plans of State and Local Governments (Rev. Act. '78, § 131) (Kamikawa/McGovern—TLC-Melton).	TLC & E—6/18/79 Prelim. draft of notice to TLC & E	2
§ 501(c)(3) EE-42-78	Inc. Tax—Part 1—Exemption from tax of certain charitable, etc., orgs. (Sumner/Thrasher—TLC-Sims).	CC	3
§§ 501(c)(3), 170(c)(2)(B), 2055(a), 2522(a) EE-53-79	Inc. Tax—Part 1, Estate Tax—Part 20, Gift Tax—Part 25, Exemption of certain amateur athletic organizations from tax (Tax Reform Act of '76, § 1313) (Glass/Thrasher—TLC-Sims).	EE—5/10/79 Notice pub. under LR-172-76 10/9/79 Hrg to be held	3
§ 501(c)(7) & (g) EE-43-78	Inc. Tax—Part 1—Tax treatment of certain social clubs & prohibition of discrimination by certain social clubs (P.L. 94-568) (Sumner/Thrasher).	TLC & E—8/30/79 Prelim. draft of notice to TLC & E	2
§ 501(c)(9) EE-153-78	Inc. Tax—Part 1—Voluntary employees beneficiary associations (as amended by sec. 121(b)(5)(a) TRA 1969) (Greenblatt/Thrasher—TLC-Sims).	TLC—1/23/69 Notice pub. 4/1/69 Hrg. held 10/26/77 Draft of rev. notice to TLC & EO 11/77 Comments fm EO.	1
§ 501(c)(12) EE-145-78	Inc. Tax—Part 1—Taxation of Mutual or Cooperative Telephone Companies (P.L. 95-345, § 1) (Kamikawa/McGovern—TLC-Sims).	E—8/22/79 T.D. fwd for formal approval	3
§ 501(c)(13), (c)(2) EE-171-78	Inc. Tax—Part 1—Exempt cemetery corporations and exempt cremations—Exempt title holding corporations (P.L. 91-618) (Baker/Thrasher—TLC-Sims).	EE—7/8/75 Notice pub. 11/29/78 Rev. notice pub. 3/29/79 Hrg. held 5/3/79 Prelim. draft of T.D. to TLC & E 7/13/79 Comments fm E 8/20/79 Comments fm TLC	3
§ 501(c)(21), 4951, 4952 EE-170-79	Inc. Tax—Part 1—Excise Tax—Part 53—Black Lung benefits trusts (§ 4 (a), (c), Black Lung Benefits Revenue Act of 1977) (Baker/Marget—TLC-Copeland).	Treas.—11/29/78 Notice pub. 7/19/79 T.D. signed by Commr.	1
§ 501(e) EE-44-78	Inc. Tax—Part 1—Amdmt. of reg's. to reflect the grant of tax exempt status to certain Hospital Service Orgs. (P.L. 9-364, § 109) (Baker/Thrasher—TLC-Sims).	TLC—8/31/78 Prelim. draft of notice to TLC & EPEO 10/6/78 Comments rec'd from EPEO.	3
§ 501(h), 504, 4911, 170(f) EE-154-78	Inc. Tax—Part 1—Lobbying by public charities (TRA 1976, § 1307(a), (b) (Baker/McGovern—TLC-Sims).	E—6/21/79 Prelim. draft of notice to TLC & E 7/24/79 Comments fm TLC	1

Part II.—Regulations Under Development by the Employee Plans and Exempt Organizations Division—Continued

1954 code section and file No.	Subject and drafter and reviewer	Office in which pending and status	Priority
§ 509(a)(2) EE-45-78	Inc. Tax—Part 1—Definition of a private foundation (P.L. 94-81, § 3) (Sumner/Thrasher—TLC-O'Laughlin).	EE-7/24/79 Notice pub.	3
§§ 512, 514, 851, 4940 EE-146-78	Inc. Tax—Part 1—Excise Tax—Part 53, Treatment of income from payments with respect to securities loans (P.L. 95-345, § 2) (Kerby/McGovern).	EE—In EE for prep of notice	3
§ 513(d) EE-155-78	Inc. Tax—Part 1—Activities of trade shows and state fairs (TRA 1976 § 1305) (Horowitz/Thrasher—TLC-Sims).	E—7/26/79 2nd prelim. draft of notice to TLC & E 8/10/79 Comments fm TLC	1
§ 513(e) EE-46-78	Inc. Tax—Part 1—Hospital services not to constitute an unrelated trade or business (TRA 1976, § 1311) (Kerby/McGovern—TLC-Sims).	TLC—3/27/79 Prelim. draft of notice to TLC & EO 4/9/79 Comments fm EO	2
§ 513(f), 527(c)(3)(d) EE-180-78	Inc. Tax—Part 1—Proceeds from bingo games (P.L. 95-502, § 301) (Kerby/McGovern—TLC-Sims).	EE—8/28/79 Notice pub.	3
§§ 1379, 82, EE-35-78	Inc. Tax—Part 1—Qualified pension, etc. plans of small business corps. (§ 531, TRA 1969) (Stein/McGovern—TLC-Sorensen).	TLC—5/6/72 Notice pub. 7/24/72 Conference held 4/25/78 Prelim. draft of T.D. to TLC & E, 6/13/79 Comments fm E.	3
§§ 2039(c), (e), 2517, EE-25-78	Est. & Gift Tax—Parts 20 & 25—Exclusion of certain retirement benefits from gross estate (TRA 1976, § 2009 (c), Rev. Act 1978, § 142) (Johnson/Wickersham—TLC-Sorensen).	EE—3/2/79 Notice pub. In EE for prep. of T.D.	3
§ 4941, EE-163-78	Foundation Excise Tax—Part 53—Disposition of private property under transitions rules of TRA 1969, Extension of self-dealing transition rules for private foundations (TRA of 1976, § 1301, 1309) (Glass/Thrasher—TLC-O'Laughlin).	EE—8/31/78 Notice pub.	3
§ 4942(g)(2) EE-156-78	Foundation Excise Tax—Part 53—Private foundation set-asides (TRA 1976 § 1302) (Kerby/McGovern—TLC-O'Laughlin).	TLC & E—7/10/79 Rev. draft of notice to TLC & E	3
§ 4942(j)(6) EE-2-78	Foundation Excise Tax—Part 53—Certain elderly care facilities (Rev. Act of '78 § 522) (Dubar/McGovern—TLC-O'Laughlin).	TLC & E—7/12/79 Prelim. draft of notice to TLC & E	3
§ 4943, EE-162-78	Foundation Excise Tax—Part 53, Taxes on excess business holdings of private foundations—Effect of reorganizations and corporate distributions (Hennessy/Wickersham—TLC-Levinson).	EE—5/22/79 Notice pub. 8/16/78 Partial rev. notice pub. 9/6/79 Hrg to be held	1
§§ 4971, 275(a)(6), 413(b)(6), (c)(5) EE-36-78	Inc. Tax—Part 1—Exc. Tax—Part 54—Funding: Collectively bargained plans; excise tax & related conforming amdmts. (P.L. 93-406, §§ 1013(b), 1014, 1016(a)(1)) (Rogan/Marget—TLC-Melton & Sorensen).	TLC & E—6/18/79 Prelim. draft of notice to TLC & E	1
§§ 4972, 401(a)(10)(A)(ii), 401(c)(2), (d)(3), (d)(4), 1379(b), EE-37-78	Inc. Tax—Part 1—Exc. Tax—Part 54—H.R. 10 plans, excess contributions and premature distributions (P.L. 93-406, §§ 1022(b), 2001 (b), (e), (f), (h)(1)) (Maldonado/Wickersham—TLC-Sorensen).	TLC & E—3/29/79 Notice pub. 8/16/79 Prelim. draft of T.D. to TLC & E	2
§§ 6059, 6692, EE-27-78	Proc. & Admin.—Part 301—Periodic report of actuaries; and failure to file actuarial report (P.L. 93-406, § 1033) (Johnson/McGovern—TLC-Sorensen).	TLC & E—12/6/78 Draft of notice to TLC & E	3
§ 6104, EE-160-78	Proc. & Admin.—Part 301—Procedures used for making returns filed by exempt organizations available for public inspection (Hennessy/Wickersham—TLC-Sims).	EE—In EE for prep of T.D.	3
§ 6104(a) EE-26-78	Proc. & Admin.—Part 301—Inspection of certain information with respect to pensions, profit-sharing, & stock bonus plans (P.L. 93-406, § 1022(g)) (Johnson/McGovern—TLC-Sorensen).	E—8/22/77 Rev. draft of notice to TLC & E 8/31/77 Comments from E—3/31/79 Two issues awaiting resolution with E.	2
§ 6211, EE-159-78	Proc. & Admin.—Part 301—Deficiency procedures, etc. relating to excise taxes imposed by Chapters 42 and 43 (Schlinkert/Wickersham—TLC-O'Laughlin).	EO—7/18/79 Prelim. draft of notice to EO	3
§ 6693, etc. EE-19-78	Inc. Tax—Part 1—Reporting requirements, penalties & conforming amdmts. re individual retirement accounts (ERISA, §§ 2002 (f), (g) (exc. (g)(5)) (Maldonado/Wickersham—TLC-Melton).	EE—8/20/79 Notice pub.	3

Part III.—Regulation Projects Under Which Existing Regulations Are To Be Reviewed Pursuant to Paragraph 12 of Treasury Directive 50-04.F

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 3, 4, 144, LR-249-76	Inc. Tax—Part 1—Tax tables for individuals (§§ 206, 301 (b), (c), Rev. Act 1971; § 501, TRA 1976) (Coughlin/Saverude—TLC).	LR—In LR for prep of notice	2
§§ 11, 21, LR-33-76	Inc. Tax—Part 1—Corporate tax rates & surtax exemptions (Rev. Adj. Act 1975, § 4) (TRA 1976, § 901 (a), (e)(2)) (Murphy/Saverude).	LR—In LR for prep of notice	2
§ 37, LR-250-76	Inc. Tax—Part 1—Credit for the elderly (TRA 1976, §§ 503, 1901(c)(1)) (Francis/Bromell—TLC-Flynn).	Commr.—8/17/79 Notice to Commr. for formal approval	2
§§ 104 (a) & (b), 105(d), LR-159-76	Inc. Tax—Part 1—Changes in exclusion for sick pay & certain military etc., disability pensions; Certain disability income (TRA 1976, § 505; TRISA, § 301) (Parcell/Fischer—TLC-Flynn).	TLC & T.I.—5/15/79 Draft of notice to TLC, T.I., & E—8/19/79 Comments from E	2
§ 303 LR-124-76	Inc. Tax—Part 1—Distributions in redemption of stock to pay death taxes (TRA 1976, § 2004(e)) (Kissel/Blumkin—TLC-Levinson).	TLC—3/3/77 Draft of notice to TLC & T.C 5/17/77 Approved by T.G.	2
§§ 368(a)(2)(F), 721, 722, 723, 683, LR-135-76	Inc. Tax—Part 1—Exchange funds (TRA 1976, § 2131) (Mull/Blumkin—TLC-Rabinowitz).	LR—8/17/79 Draft of notice ret'd. to LR for rev.	1
§§ 512(a)(3), 501(c) (7), (9), LR-1744	Inc. Tax—Part 1—Social clubs—Unrelated business income (TRA 1969, § 121(b)(1)) (Jacobson/Fischer—TLC-Sims).	EO—5/13/71 Notice pub. 8/31/71 Hrg. held 6/20/79 T.D. fwd. for formal approval	2

Part III—Regulation Projects Under Which Existing Regulations Are To Be Reviewed Pursuant to Paragraph 12 of Treasury Directive 50-04.F—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 584 (a)(1), (c)(1) (A) & (B), (c)(2), (e), 6032 LR-133-78.	Inc. Tax—Part 1—Tax treatment of common trust funds (P.L.'s 94-414, § 1; 94-455; TRA 1976, §§ 2138(a), 1402(b), 1901(b), 2131(d)) (Schreiner/Coulter—TLC-Sims).	TLC—6/25/79 Notice fwd. for formal approval 7/30/79 Approved by T.I. Awaiting approval by TLC.	2
§§ 856-860, 172 (b), (d), 316(b), 381(c)(25), 443(e)(5), 4981, 6161(b), 6211-6213(a), 6214, 6344(a), 6422, 6503(i), 6512, 6515, 6601(c), 6697, 7422 LR-218-76.	Inc. Tax—Part 1—Real Estate Investment trusts (TRA 1976, §§ 1601-1608, 1901 (a), (b), 1906 (a), (f)) (P.L. 93-625, § 6) (Whedbee/Blumkin—TLC-Levinson).	TLC—7/7/78 Notice pub. 12/20/78 Hrg. held 5/14/79 Draft of T.D. to TLC & T.F.P. 6/25/79 Comments from T.	2
§§ 902, 78, 960, 535(b)(1), 545(b)(1) LR-229-76.	Inc. Tax—Part 1—Dividends from less developed country corps. to be grossed up for purposes of foreign tax credit (TRA 1976, § 1033) (Renfro/Felton—ITC-Dolan).	ITC & Tech—12/29/78 Notice pub. 6/28/79 T.D. fwd. for formal approval.	3
§ 904(b) (2) & (3) LR-228-76.	Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, §§ 1031, 1034; RA 1978, §§ 403(c)(4), 701(u) (2) & (3)) (Feldman/Felton—ITC-Kau).	LR—In LR for prep of notice.	2
§ 904(e) LR-11-77.	Inc. Tax—Part 1—Transitional rules for carrybacks & carryovers of foreign tax credits as a result of repeal of per-country limitation by sec. 1031(a), TRA 1976 (Renfro/Felton—ITC-Kau).	LR—In LR for prep of notice.	2
§ 995 LR-246-78.	Inc. Tax—Part 1—Amdmts. affecting DISC pertaining to military sales & incremental export gross receipts (TRA 1976, § 1101 (a), (g) (1) & (5)) (Feldman/Felton—ITC-Langbein).	ITC & T.C.—7/27/79 Rev. draft of notice to ITC & T.C.	2
§ 1234 LR-274-76.	Inc. Tax—Part 1—Tax treatment of the grantor of options of stock, securities & commodities (TRA 1976, §§ 1236, 1402(b)(1)(U)) (Marcinko/Coulter—TLC-Rabinovitz).	Commr.—4/19/79 Notice pub. 8/23/79 T.D. to Commr. for formal approval.	2
§ 1250 LR-131-78.	Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, §§ 202, 1901(b), 1951(e), 2122(b), 2124(a)) (Marcinko/Rock).	LR—In LR for prep of notice.	3
§ 1348 LR-156-76.	Inc. Tax—Part 1—Maximum tax on personal service income (TRA 1976, § 302) (Lanning/Dickinson—TLC-O'Laughlin).	LR—5/10/77 Notice ret'd. to LR for revision.	2
§§ 1491 1057 LR-236-76.	Inc. Tax—Part 1—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, § 1015) (Klein/Felton—ITC-Langbein).	ITC—9/9/77 Rev. draft of notice to ITC & T.C. 7/25/78 Comments from T.C.	1
§§ 4041 4042, 4054, 4058 LR-218.	Exc. Tax—Applicable to articles sold on or after 7/1/65 (P.L. 89-44) (Hartley/Saverude—TLC-Copeland).	LR—Notice ret'd. to LR for revision.	3
§§ 4061-4063 LR-2119.	Exc. Tax—Applicable to motor vehicles sold on or after 7/1/65 (P.L. 89-44) (Small/Saverude—TLC-Copeland).	LR—Notice ret'd. to LR for revision.	3
§§ 4071-4073 LR-2114.	Exc. Tax—Applicable to tires, etc. sold on or after 7/1/65 (P.L. 89-44) (Tollens/Saverude—TLC-Copeland).	LR—Notice ret'd. to LR for revision.	3
§§ 4081-4084, 4091-4092, 4101, 4102 LR-2117.	Exc. Tax—Applicable to gasoline & lubricating oil sold on or after 7/1/65 (P.L. 89-44) (Hartley/Saverude—TLC-Copeland).	LR—Notice ret'd. to LR for revision.	3
§ 7502 LR-1406.	Proc. & Admin.—Part 301—Amdmt. of regs. relating to the timely mailing of deposits (P.L. 90-364, § 106) (Lanning/Fischer—TLC-Levinson).	TLC & T.I.—8/30/79 Rev. final draft of notice to TLC & T.I.	3

Part IV.—Regulations Projects Closed Since February 28, 1979

1954 code section and file No.	Subject and draftsman and reviewer	Disposition
§§ 41, 218 LR-2045.	Inc. Tax—Part 1—Incentives for contributions to candidates for public office (RA 1971, §§ 701, 702, P.L. 93-625, §§ 11, 12) (Katcher/Rood—TLC-Cohen).	T.D. published in FR on 3/27/79
§§ 44A, 214 LR-251-76.	Inc. Tax—Part 1—Credit for child care expenses (TRA 1976, § 504) (Woo/Saverude—TLC-Schuldinger).	T.D. published in FR on 8/28/79
§§ 44B 51 LR-11-79.	Inc. Tax—Part 5—Temp. Regs.—Election to claim the targeted jobs credit (RA 1978, § 321) (Charnas/Woo—TLC-Flynn).	T.D. published in FR on 4/2/79
§ 40(f) LP-1992.	Inc. Tax—Part 1—Investment credit; Public utility property (RA 1971, § 105) (Lanning/Dickinson—TLC-Drapkin).	T.D. published in FR on 3/23/79
§ 48(k) LR-154-78.	Inc. Tax—Part 1—Investment credit for movie & TV films (§ 834, TRA 1976) (Axelrod/Blumkin—TLC-Cohen).	T.D. published in FR on 4/5/79
§ 79 LR-1-77.	Inc. Tax—Part 1—Group term life insurance (Parcell/Rood—TLC-O'Laughlin).	T.D. published in FR on 5/17/69
§ 103 LR-14-76.	Inc. Tax—Part 1—Exclusion from income of interest on obligations issued to provide certain irrigation facilities (Rev. Adj. Act 1975, § 7) (Tollens/Coulter—TLC/Drapkin).	Project closed without regulations on 3/20/79
§ 103(d) LR-1671.	Inc. Tax—Part 1—Arbitrage bonds (TRA 1969, § 601) (Marcinko/Coulter—TLC-Cohen).	T.D. published in FR on 6/7/79
§ 121 (b), (c), (d) LR-17-79.	Inc. Tax—Part 1—Exclusion of \$100,000 gain from sale of personal residence (RA 1978, § 404) (Small/Smith—TLC-Flynn).	T.D. published in FR on 4/27/79
§ 152 LR-224-76.	Inc. Tax—Part 1—Support test for dependent children of divorced, etc. parents (TRA 1976, §§ 1901, 2139) (Alexander/Fischer—TLC-O'Laughlin).	T.D. published in FR on 8/20/79
§ 167(k) LR-141-76.	Inc. Tax—Part 1—Depreciation of expenditures to rehabilitate low-income rental housing (TRA 1976, § 203) (Whedbee/Blumkin—TLC-Cohen).	T.D. published in FR on 8/23/79
§ 188 LR-2004.	Inc. Tax—Part 1—Amortization of certain expenditures for on-the-job training and child care facilities (RA 1971, § 303 TRA 1977, § 402) (Coplan/Smith—TLC-Galm).	T.D. published in FR on 3/13/79
§ 190 LR-257-76.	Inc. Tax—Part 1—Deduction for eliminating certain barriers for the handicapped (TRA 1976, § 2122) (Counter/Bromell—TLC-Schuldinger).	T.D. published in FR on 7/24/79
§ 217 (b) (3), (c) (1) LR-258-76.	Inc. Tax—Part 1—Increases in dollar amounts and decrease in mileage test for deductions for moving expenses (TRA 1976, § 506 (a), (b)) (Coughlin/Coulter—TLC-Galm).	T.D. published in FR on 3/30/79
§ 265 LR-152-76.	Inc. Tax—Part 1—Disallowance of deductions relating to exempt-interest dividends of regulated investment companies (TRA 1976, §§ 2137(e), 1901(a)) (Kissel/Blumkin—TLC-Galm).	T.D. published in FR on 3/16/79

Part IV.—Regulations Projects Closed Since February 28, 1979—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Disposition
§§ 351, 354, 358, 358, 374 LR-66-76.	Inc. Tax—Part 1—Tax treatment of exchanges under the Final System Plan for Con Rail (P.L. 94-253) (Levine/Blumkin—TLC-Cohen).	T.D. published in FR on 5/3/79.
§§ 381(c)(17), 547 LR-225-78.	Inc. Tax—Part 1—Deficiency dividends (Mull/Whedbee—TLC-Sims).	T.D. published in FR on 3/29/79.
§§ 401(a)(12), 414(f), EE-9-78.	Inc. Tax—Part 1—Special rules with respect to mergers & consolidations (ERISA, § 1021(b), 1015 (in Part)) (Misher/Margel—TLC-Sorensen).	T.D. published in FR on 8/17/79.
§§ 401(a)(17), (d)(5), (d)(8), 46(a)(3), 50A(e)(3), 72(m), 401(e), 404(a)(8), (a)(10), 901(a), EE-10-78.	Inc. Tax—Part 1—H.R. 10 plan limitations & premature distributions (P.L. 93-406, § 1022(b), 2001 (a), (b), (c)) (Maldonado/Wickersham—TLC-Melton).	T.D. published in FR on 8/9/79.
§ 401(d), EE-12-78.	Inc. Tax—Part 1—Trusts benefiting owner-employee (P.L. 93-406, § 1022 (c), (f)) (Baker/McGovern—TLC-Sorensen).	T.D. published in FR on 4/20/79.
§ 404(c), EE-31-78.	Inc. Tax—Part 1—Rules for certain negotiated plans (P.L. 93-406, § 2007) (Sumter/Thrasher).	Project closed without regulations on 3/12/79.
§ 414(g), EE-41-78.	Inc. Tax—Part 1—Definitions and special rules relating to plan administrators (ERISA, § 1015) (Johnson/McGovern—TLC-Sorensen).	T.D. published in FR on 5/11/79.
§ 458 LR-214-78.	Inc. Tax—Part 1—Election to exclude income with respect to magazines, paperbacks & records, ret'd. after close of taxable year (RA 1978, § 372) (Kaicher/Fischer—TLC-Brown).	T.D. published in FR on 6/11/79.
§ 472 LR-147-75.	Inc. Tax—Part 1—Conformity requirements for LIFO taxpayers; use of market value (Lanning/Fischer—TLC-Brown).	Project closed without regulations on 5/31/79.
§ 512(b)(5), EE-172-78.	Inc. Tax—Part 1—Tax Treatment of certain option income of exempt organizations (P.L. 94-396, § 1) (Glass/Thrasher—TLC-Sims).	T.D. published in FR on 7/20/79.
§ 593-6A(b)(5)(v), LR-207-78.	Inc. Tax—Part 1—Computation of taxable income for purposes of percentage-of-taxable-income bad debt deduction for thrift institutions (Axelrod/Blumkin—TLC-Roche).	T.D. published in FR on 5/31/79.
§ 663 LR-1350.	Inc. Tax—Part 1—To limit application of separate share rule in the case of certain successive interests (Grundeman/Smith—TLC-Gutman).	T.D. published in FR on 7/20/79.
§ 861(e), LR-2006.	Inc. Tax—Part 1—Election to treat income from certain aircraft and vessels as income from sources within the U.S. (RA 1971, § 314) (Duffy/Felton—ITC-Dolan).	T.D. published in FR on 8/8/79.
§ 911, 913 LR-1-79.	Inc. Tax—Part 5b—Temp. Regs.—Treatment of foreign earned income derived by U.S. citizens & residents. (Foreign Earned Income Act 1978, §§ 4, 202, 203) (Dolan/Felton—ITC-Holberton).	T.D. published in FR on 5/4/79.
§ 1033 LR-267-78.	Inc. Tax—Part 1—Involuntary conversion of real property (TRA 1976, §§ 2140, 1901(a)(128)) (Cubeta/Saverude—TLC-Flynn).	T.D. published in FR on 5/30/79.
§ 1211(b), LR-269-76.	Inc. Tax—Part 1—Increase in amount of ordinary income against which capital loss may be offset (TRA 1978, § 1401) (Cubeta/Coulter—TLC-Flynn).	T.D. published in FR on 3/7/79.
§ 1377(d), LR-278-76.	Inc. Tax—Part 1—Distributions by subchapter S corporations (TRA 1976, §§ 902(b), 1901(b)(32)(iv)) (Woo/Saverude—TLC-Cohen).	T.D. published in FR on 8/23/79.
§ 1502 LR-2086.	Inc. Tax—Part 1—Revision of regs. under sec. 1502 re personal holding companies (Whedbee/Blumkin—TLC-Cohen).	T.D. published in FR on 8/9/79.
§ 1502.596 LR-18-78.	Inc. Tax—Part 1—Dividends received deduction for thrift institutions consolidated returns (Axelrod/Blumkin—TLC-Cohen).	T.D. published in FR on 7/13/79.
§ 2053-3(c)(3), LR-164-74.	Est. Tax—Part 20—Deductibility of certain attorney's fees (Coplan/Smith—TLC-Gutman).	T.D. published in FR on 4/20/79.
§ 3231(e), LR-16-77.	Empl. Tax—Part 31—Exclusion of sick pay from compensation subject to railroad retirement taxes (P.L. 94-547) (Marcinko/Coulter—TLC-Goodman).	T.D. published in FR on 3/14/79.
§ 3402 LR-24-79.	Empl. Tax—Part 31—Federal collection and administration of qualified State individual income taxes; Income tax collected at source (Mantle/Dickinson).	T.D. published in FR on 3/13/79.
§ 3507 LR-31-79.	Empl. Tax—Part 38—Temp. Regs.—Advance payments of earned income credit (RA 1978, § 105(b)) (Murphy/Saverude—TLC-Goodman).	T.D. published in FR on 5/4/79.
§§ 4041, 4081 LR-105-79.	Exc. Tax—Part 138—Temp. Regs.—Exemption from motor fuels excise tax for certain alcohol fuels (Energy Tax Act 1978, § 221) (Waltuch/Smith).	T.D. published in FR on 6/19/79.
§§ 4218, 4219, 4221-4227 LR-2113.	Exc. Tax—As amended by Exc. Tax Reduction Act of 1965 & other legislation subsequent thereto—thru Rev. Act of 1971—Applicable to articles sold on or after 7/1/65 (Coplan/Saverude—TLC-Copeland).	Project closed without regulations on 3/29/79.
§ 4216(b), LR-14-78.	Mtgs. & Rlts. Exc. Tax—Constructive sale price as amended by Exc. Tax Tech. Changes Act of 1958 & other legislation (Small/Smith—TLC-Copeland).	T.D. published in FR on 4/23/79.
§ 4940 EE-177-78.	Foundation Excise Tax—Part 53—Reduction of administration tax on private foundations (Rev. Act of 1978, § 520) (Stein/McGovern).	T.D. published in FR on 3/30/79.
§ 4942(f)(2), EE-47-78.	Foundation Exc. Tax—Part 53—Treatment of imputed interest on contracts made in taxable years beginning before 1/1/70 (TRA 1976, § 1310) (Kerby/McGovern—TLC-Galm).	T.D. published in FR on 4/11/79.
§ 6012(a)(2), LR-24-76.	Inc. Tax—Part 1—Requirement of filing certain documents in connection with income & estate tax returns (Waltuch/Smith—TLC-Gutman).	T.D. published in FR on 4/4/79.
§ 6049 LR-97-77.	Inc. Tax—Part 1—Time for filing information returns (Alexander/Fischer—TLC-Drapkin).	T.D. published in FR on 5/30/79.
§ 6060, 6095(e), LR-131-79.	Inc. Tax—Part 1—Reporting duties and penalties imposed on income tax return preparers (Yecies/Saverude).	T.D. published in FR on 8/23/79.
§ 6091 LR-121-78.	Inc. Tax—Part 1—Filing of wagering tax returns (Alexander/Fischer—TLC-Schuldinger).	T.D. published in FR on 7/11/79.
§ 6213(b), LR-146-76.	Proc. & Admin.—Part 301—Assessments in case of mathematical or clerical error (TRA 1969, § 1206) (Alexander/Fischer).	Project closed without regulations on 7/31/79.
§§ 6334 (a), (b), (c), (d), 6331 (b), (c), 6332(c), LR-189-78.	Proc. & Admin.—Part 301—Minimum exemption from levy for wages, etc., & Continuing levy on salary and wages (TRA 1976, § 1209) (Kusma/Smith—TLC-Galm).	T.D. published in FR on 5/14/79.
§ 6696 LR-198-77.	Inc. Tax—Part 1—Filing of claims for refund for penalties assessed against income tax return preparers (TRA 1976, § 1203) (Yecies/Saverude—TLC-Flynn).	T.D. published in FR on 5/14/79.
§ 7701(a) (19), (32) LR-1653.	Proc. & Admin.—Part 301—Definition of domestic building & loan assoc. (TRA 1969, § 432) (Dean/Coulter—TLC-Roche).	T.D. published in FR on 5/16/79.
LR-18-79.	Exc. Tax—Part 138—Temp. Regs.—Limitation on eligibility for credits or refunds by manufacturers, producers, or importers for floor stock refunds and consumer purchases (Energy Tax Act 1978, § 231(b)(2) and (c)(2)(A)) (Waltuch/Smith—TLC-Copeland).	T.D. published in FR on 4/30/79.

Table of Abbreviations	
Abbreviations:	Meaning
ACTS or TX	Office of Assistant Commissioner (Taxpayer Service and Returns Processing)
adj.	adjustment
admin.	administration
amdm.	amendment
appvd.	approved
C or Comm'r. or Comm.	Office of Commissioner
CC	Office of Chief Counsel
CC:1	Office of Chief Counsel Interpretive Division
co.	company
corp.	corporation
E or EPEO	Office of Assistant Commissioner (Employee Plans and Exempt Organizations)
EE	Office of Chief Counsel, Employee Plans and Exempt Organizations Divisions
EO	Exempt Organizations Division
EP	Employee Plans Division
ERISA	Employee Retirement Income Security Act
est.	estate
exc.	excise
F.R.	FEDERAL REGISTER
fwd.	forwarded
govt.	government
hrg.	hearing
inc.	income
ITC	Office of International Tax Counsel (Treasury)
LR	Office of Chief Counsel, Legislation and Regulation Division
mfg.	manufacturer
misc.	miscellaneous
org.	organization
perm.	permanent
P.L. or Pub. L.	Public Law
P & R	Office of Assistant Commissioner (Planning and Research)
prelim.	preliminary
prep.	preparation
proc.	procedure
prop.	proposed
prov.	provision
pub.	published
RA	Revenue Act
rec'd	Received
reg.	regulation
repub.	republished
ret'd	returned
rtfr.	retailer
rev.	revenue, revised, or review (depending on context)
sec. or §	section
soc. sec.	social security
subch.	subchapter
T or Tech.	Office of Assistant Commissioner (Technical)
T.C.	Corporation Tax Division
T.D.	Treasury decision
temp.	temporary
T.I.	Individual Tax Division
T.F.P.	Tax Forms and Publications Division
TLC	Office of Tax Legislative Counsel (Treasury)
T/P	taxpayer
TRA	Tax Reform Act
Treas.	Department of the Treasury
TR & SA	Tax Reduction and Simplification Act

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Grundeman, Frederic E.	566-3287
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Klein, Kenneth	566-3289
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[FR Doc. 79-29003 Filed 9-28-79; 8:45 am]
BILLING CODE 4830-01-M

Monday
October 1, 1979

Part III

Improving
Government
Regulations

Schedule of Publication Dates for
Agency Semiannual Agendas

Test Report

IMPROVING GOVERNMENT REGULATIONS
SCHEDULE OF SEMIANNUAL AGENDAS OF REGULATIONS

Executive order 12044, Improving Government Regulations (43 FR 12661, March 24, 1978), requires agencies to publish a schedule in the Federal Register on the first Monday in October showing the times during the coming fiscal year when the agencies' semiannual agendas will be published.

The agencies have chosen the following dates to publish their agendas. The Office of the Federal Register compiled this schedule as a public service.

ACTION	Jan. 7, 1980; July 7, 1980.
Administrative Committee of the Federal Register	Mar. 10, 1980; Sept. 8, 1980.
Agency for International Development	January and July 1980.
Agriculture Department	Nov. 15, 1979; May 15, 1980.
American Battle Monument Commission	Nov. 5, 1979; May 5, 1980.
Commerce Department	May 15, 1980; Nov. 17, 1980.
Committee for Purchase from the Blind and Other Severely Handicapped	Dec. 3, 1979; June 2, 1980.
Community Services Administration	Nov. 1, 1979; May 1, 1980.
Council on Environmental Quality	Jan. 7, 1980; July 7, 1980.
Council on Wage and Price Stability	Oct. 31, 1979; Apr. 30, 1980.
Defense Department	Nov. 30, 1979; May 30, 1980.
Energy Department	Oct. 26, 1979; Apr. 25, 1980.
Environmental Protection Agency	December 1979; June 1980.
Equal Employment Opportunity Commission	Jan. 31, 1980; July 31, 1980.
Farm Credit Administration	Oct. 31, 1979; Mar. 31, 1980.
Federal Communications Commission	Oct. 29, 1979; Apr. 21, 1980.
Federal Mediation and Conciliation Service	Apr. 1, 1980; Oct. 1, 1980.
Federal Reserve System, Board of Governors	First day of business after Feb. 1 and Aug. 1, 1980.
General Services Administration	Nov. 30, 1979; May 30, 1980.
Health, Education, and Welfare Department	Dec. 14, 1979; June 13, 1980.
Housing and Urban Development Department	Feb. 1, 1980; Aug. 1, 1980.
Interior Department	Jan. 31, 1980; July 31, 1980.
Justice Department	Jan. 31, 1980; July 31, 1980.
Labor Department	First week in October 1979; first week in April 1980.
National Aeronautics and Space Administration	Oct. 1, 1979; Apr. 7, 1980.
National Credit Union Administration	Dec. 17, 1979; June 30, 1980.
National Foundation on the Arts and the Humanities	First Monday in October 1979; first Monday in April 1980.
National Science Foundation	Oct. 1, 1979; Apr. 1, 1980.
Office of Management and Budget	Dec. 3, 1979; June 2, 1980.
Office of Personnel Management	Dec. 4, 1979; June 3, 1980.
Pension Benefit Guaranty Corporation	Dec. 20, 1979; June 20, 1980.
Railroad Retirement Board	Jan. 31, 1980; July 31, 1980.
Small Business Administration	Jan. 31, 1980; July 31, 1980.
State Department	Oct. 30, 1979; Mar. 31, 1980.
Tennessee Valley Authority	Nov. 6, 1979; Apr. 2, 1980.
Transportation Department	Feb. 25, 1980; Aug. 25, 1980.
Treasury Department:	
Government Financial Operations Bureau	Mar. 31, 1980; Sept. 30, 1980.
Internal Revenue Service	Mar. 31, 1980; Sept. 30, 1980.
Public Debt Bureau	Apr. 15, 1980; Oct. 15, 1980.
All other offices and bureaus	Feb. 1, 1980; Aug. 1, 1980.
Veterans Administration	Dec. 18, 1979; June 18, 1980.
Water Resources Council	Jan. 18, 1980; July 18, 1980.

DEPARTMENT OF COMMERCE

Improving Government Regulations,
Executive Order No. 12044;
Established Dates for Publication of
Semi-Annual Regulatory Agenda

Dated: September 19, 1979.

Carolyn Chin,
Executive Secretary to the Department.

[FR Doc. 79-30316 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-12-M

The Department of Commerce proposes to change the dates for publication of its "Semi-Annual Agenda of Regulations" in the Federal Register to the same dates that the President's Regulatory Council will publish its "Calendar of Federal Regulations". The dates that have been established are May 15 and November 17, 1980.

Any comments on the proposed dates should be directed to the following individual:

Mr. Robert T. Miki,
Director, Office of Regulatory Economics and Policy,

Room 7614,

U.S. Department of Commerce,

Main Commerce Building,

Washington, D.C. 20230.

Telephone Number: (202) 377-2482.

Lucy Falcone,

Acting Assistant Secretary for Policy.

[FR Doc. 79-30315 Filed 9-28-79; 8:45 am]

BILLING CODE 3510-17-M

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Office of the Secretary

Improving Government Regulations;
Semiannual Agenda of Regulations

AGENCY: Department of Health,
Education, and Welfare.

ACTION: Schedule for the semiannual
agendas of regulations (Improving
Government Regulations).

SUMMARY: As required by the President's Executive Order 12044, Improving Government Regulations, the Department of Health, Education, and Welfare is notifying the public that it will publish its two semiannual agendas of regulations under development during fiscal year 1980 on December 14, 1979 and June 13, 1980. If for some reason the agendas will not be published on these dates, the Department will publish a Notice of Postponement on December 3, 1979 or June 2, 1980 indicating a new date for publication.

FOR FURTHER INFORMATION CONTACT:
Glenn Kamber, Director, Regulations
Management Unit, Department of
Health, Education, and Welfare, 200
Independence Avenue, SW.,
Washington, D.C. 20201, (202) 245-3161.

Monday
October 1, 1979

Part IV

**Environmental
Protection Agency**

Truck-Mounted Solid Waste Compactors:
Noise Emission Standards

test report
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test report
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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 205**

(FRL 1265-7)

Truck-Mounted Solid Waste Compactors: Noise Emission Standards**AGENCY:** Environmental Protection Agency.**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency amends its regulations by establishing noise emission standards for newly-manufactured truck-mounted solid waste compactors (commonly referred to as refuse collection vehicles or garbage trucks).

The regulation also incorporates an enforcement program which includes production verification, selective enforcement audit, maintenance, compliance labeling and anti-tampering provisions. The Administrator has determined that the standards are feasible and represent those noise limits requisite to protect the public health and welfare.

This action is taken under authority of the Noise Control Act of 1972, 42 U.S.C. 4901 et seq. (the "Act"), as amended.

The regulation incorporates a number of clarifying changes to the regulation as proposed in response to testimony received at two public hearings and from written submittals during a 90 day public comment period. The major issues raised by these public comments and the subsequent regulation changes are summarized under "Supplementary Information" below and discussed in detail in EPA Document No. 550/9-79-257, entitled "Regulatory Analysis of the Noise Emission Regulations for Truck-Mounted Solid Waste Compactors."

EFFECTIVE DATES: Effective on October 1, 1980, such vehicles manufactured after this date shall not emit a noise level (A-weighted) in excess of 79 decibels (dB) when measured in the manner prescribed in the regulation; the not-to-exceed noise level is reduced to 76 decibels for vehicles manufactured after July 1, 1982.

ADDRESS: A copy of the regulatory analysis can be obtained from: Mr. Charles Mooney, U.S. Environmental Protection Agency, EPA Public Information Center (PM-215), Room 2194 D—Waterside Mall, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Mintz, Program Manager, Office of Noise Abatement, and Control (ANR-490), U.S. Environmental

Protection Agency, Washington, D.C. 20460; or phone (703) 557-2710.

SUPPLEMENTARY INFORMATION:**1.0 Introduction**

On August 26, 1977, notice was published in the Federal Register (42 FR 43226) that the Environmental Protection Agency (EPA) was proposing Noise Emission Standards for New Truck-Mounted Solid Waste Compactors distributed in commerce. The purpose of the present notice is to establish final noise emission standards for this product by adding a new Subpart F to amend Part 205 of Title 40 of the Code of Federal Regulations.

The legal basis and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the Proposed Rule. In addition, the Agency solicited public participation and established a comment period extending from August 26, 1977 through November 26, 1977. During this time public issues related to the proposed regulation were addressed in public hearings held in New York, New York on October 18, 1977 and in Salt Lake City, Utah on October 20, 1977.

All public comments submitted with respect to the proposed regulation have been given careful review and consideration, and, as a result, a number of changes have been made to the regulation as proposed, mainly to clarify EPA's intent. These changes are identified in § 3.0 below.

The questions, comments, and issues raised in the public testimony and in written submittals to the docket are addressed in detail in the regulatory analysis EPA Document No. 550/9-79-257, entitled "Regulatory Analysis of the Noise Emission Regulations for Truck-Mounted Solid Waste Compactors."

The principal issues that emerged are discussed in § 4.0 below, together with the EPA's response.

All technical information in support of this rulemaking, as well as the written comments received during the comment period and transcripts of the public hearings, are available to the public at the EPA Headquarters Public Information Center, 401 M Street, S.W., Washington, D.C. 20460. Transcripts of the public hearing are also available for inspection at each of EPA's 10 regional offices.

2.0 Summary of the Regulation

The regulation establishes standards for noise emissions resulting from the operation of newly manufactured truck-mounted solid waste compactors. The standard specifies the logarithmic (energy) average of the noise levels measured at four locations around the

vehicle at a distance of 7 meters (approximately 23 feet) from the vehicle surface, with the vehicle stationary and operating through its loading and compacting cycle at the maximum engine speed allowable for that operation. The quantity measured at each location is the maximum A-weighted sound level (in decibels) with the instrument set to "slow" meter response. The measurement procedure used to obtain the data upon which the standards are based is presented in § 205.204 of the regulation. A detailed technical discussion is contained in the Regulatory Analysis.

Effective on the dates listed, truck-mounted solid waste compactors must not produce noise levels in excess of those shown in Table 2-1, when operated and evaluated according to the methodology provided in § 205.204 of subpart F.

Table 2-1—Regulatory Noise Emission Standards

Effective date	Not-to-exceed noise level
October 1, 1980	79 decibels
July 1, 1982	76 decibels

The second step of this regulation is in effect six months after the effective date for the second step of the noise regulation for medium and heavy trucks (41 FR 15538, April 13, 1976) to permit pre-production testing by body manufacturers. The reduced noise level limit for new truck chassis in 1982 should permit attainment of the reduced limit applicable to refuse collection vehicles during the compaction cycle, with no additional application of noise control technology and consequently minimal or no additional cost.

To ensure lasting benefits from this regulation, the Agency requires that manufacturers design and build each product so that, when properly maintained and used, its noise level will not degrade (increase) above the applicable levels in Table 2-1 for a specified period of time or use, from the date of the product's sale to the ultimate purchaser. This period is called the Acoustical Assurance Period (AAP). In the case of truck-mounted solid waste compactors, the Acoustical Assurance Period is 2 years or 5000 operating hours, whichever occurs first.

Under § 205.208-4 of Subpart F, a manufacturer must establish the amount of the anticipated increase in the noise level of his products during the AAP. He must take into account this anticipated increase in noise level, termed the Noise Level Degradation Factor (NLDF), when making test measurements to show compliance with the applicable

standard, and must demonstrate that his product's noise level does not exceed a level defined by the applicable standard indicated in Table 2-1 less the NLDF value.

The Administrator has determined, based upon studies of the noise control technology and alternative technologies for compactors, that the standards are feasible and represent those noise limits requisite to protect the public health and welfare, taking into account the magnitude and conditions of use of noise reduction achievable through the application of the best available technology, and the cost of compliance as required by section 6(c)(1) of the Noise Control Act.

Under the authority of Section 15 of the Act, a subsection of this regulation specifies a Low Noise Emission Product (LNEP) level of 71 dB, effective October 1, 1979. That is, for a product to be qualified as LNEP, its noise level must not exceed 71 dB.

The regulation also incorporates an enforcement program which includes production verification, selective enforcement audit, maintenance, compliance labeling and anti-tampering provisions. To avoid placing an excessive testing burden on distributors who assemble a compactor vehicle by mounting a compactor body on a truck chassis, such distributors (who are "manufacturers" under the Noise Control Act and therefore are otherwise subject to all provision of the regulation) are permitted to rely on the production verification tests of the compactor body manufacturer if the distributor faithfully follows assembly instructions provided by the compactor body manufacturer.

3.0 Summary of Changes to the Proposed Regulation**Section 205.200 Applicability**

The definition of a "new compactor" was revised to apply only to vehicles comprised of a compactor body and truck chassis both manufactured after the effective date of the applicable compactor standard. The regulation does not apply to presently in-use garbage trucks, to new compactor bodies mounted on used (pre-regulatory) chassis or used (pre-regulatory) compactor bodies mounted on new chassis.

Section 205.201 Definitions

A definition was added for "Acoustical Assurance Period." A new definition, "Maximum Noise Level," was added to clarify EPA's intent relative to noise level readings.

The term "Noise Level Degradation Factor" replaces "Sound Level

Degradation Factor" for consistency in terminology.

Several definitions were modified for purposes of improving clarity, and a number of unessential definitions were eliminated.

Section 205.202 Noise Emission Standards

Reflecting a change in test procedure, from use of "fast" response of the sound level meter to "slow" response, as explained below, under § 205.204, the noise level standard was designated as "Maximum Noise Level" (§ 205.202(a)(8)), rather than "Maximum Steady Sound Level", and the requirement for meeting a separate maximum impact noise level limit was deleted. In keeping with this change, the not-to-exceed noise levels were increased one decibel to 79 and 76 dB. It should be noted that the difference in reported noise level reflects the difference in test procedure only. It does not change the degree of noise control required. Similarly, the LNEP level was changed to 71 dB from 70.

Under *In-Use Standard*, the Acoustical Assurance Period, originally proposed as 3 years or 7500 operating hours, was changed to 2 years or 5000 hours based on public comment. This change was made to reflect the fact, as noted from various manufacturers and users, that refuse collection vehicles, particularly those that deliver their contents to a landfill for dumping, are subjected to more severe operating conditions than other trucks. Such conditions could cause greater dynamic loads and consequent damage to key noise control related components, than the non-refuse collection truck would experience. Further, information that the city of Memphis, Tennessee was given two-year warranties on newly purchased refuse collection vehicles suggested that a two-year AAP is reasonable. This was supported by at least one compactor manufacturer's marketing ad stating that components proving to be defective within the first two years of operation would be replaced. Consideration of this information received during the public comment period has led to the Agency's decision to shorten the AAP.

Section 205.203 Maintenance of Records: Submittal of Information

Subparagraph (a)(1)(v) was added to require a record of the distributor to whom a compactor body is delivered for assembly.

Subparagraph (a)(2)(ii) regarding maintenance of records was revised with the intent of limiting recordkeeping to those instances where the kind of

repair, maintenance, or service might affect the results of a noise test.

A new subsection (d) was added, allowing distributors (subsequent manufacturers) to rely on the production verification testing of the body manufacturer to satisfy the requirements of subsections (a) and (b), if certain requirements are met.

A new subsection (f) was added, providing a sunset provision for reporting requirements, such that those requirements will no longer be effective after five years from the publication of the regulation unless the Administrator is, at that time, taking appropriate steps to repromulgate or modify those requirements.

Section 205.204 Test Procedures

Subparagraph (c)(5) was expanded to permit use of the vehicle instrument panel tachometer, and subparagraph (e)(4) was revised to clarify EPA's intent that the reflecting plane be free of material that might absorb sound.

Several subparagraphs of § 205.204(f) were revised to clarify test procedures, including the use of "slow" meter response in place of "fast" response and a change that allows the container-handling mechanism to be operated without the container during the noise measurement test.

These changes were made as a result of comments submitted, which pointed out difficulties with the test procedure as proposed. It became apparent that confusion existed in interpreting the "maximum steady sound level" and maximum impulse sound level using the "fast" response setting of the meter. These difficulties were obviated by using a single maximum reading with the "slow" setting of the meter. Further details are given in the discussion of issues, under Section 4.0 of this preamble.

Section 205.205 Production Verification

Section 205.205-1(d) was added. It provides that, for purposes of compliance with production verification requirements, distributors may rely upon body manufacturers' installation instructions and assurances that the vehicle will conform to the standard if properly assembled.

Section 205.205-2(a)(2) was rewritten to increase the time period for which a manufacturer may delay production verification (PV) while distributing products in commerce. As proposed, the regulation allowed up to a 45-day delay if weather prevented testing and a further delay for additional weather problems and problems beyond the manufacturer's control. The revision

makes weather and conditions beyond the manufacturer's control valid reasons for delays of up to 90 days.

Records of the conditions preventing testing must be maintained, and if testing cannot begin by the 45th day, the manufacturer must so notify the Administrator by the 50th day. If the Administrator so requests after such notification, the manufacturer must ship products to an EPA test facility for the required PV testing (§ 205.205-2(a)(3)).

In subparagraph 205.205-2(c)(1)(i), items (D) and (E) were deleted as parameters for grouping configurations of compactor vehicles into categories.

Section 205.205-3 was revised to reduce the number of parameters required to define a "configuration". The intent of this change was to minimize the amount of testing by the manufacturer without diminishing the Agency's ability to enforce the regulation effectively.

Section 205.205-4(b)(3) was revised so that information concerning some of the parameters eliminated from the actual category and configuration lists will remain available for enforcement purposes.

Section 205.205-4(b)(4)(ii) was modified to restrict the reporting requirement to those events which could affect the noise emissions of the product. Specifically, the normal early production quality control procedures of a manufacturer need not be reported unless they could affect the noise emission of the compactor.

Section 205.205-4(b)(6) was modified so that the authorized representative of the company certifies that all testing and data reported are accurate and in compliance with the applicable regulations to the best of the company's knowledge, rather than to his personal knowledge.

Section 205.205-4 (e) and (f) were added to define certain limited reporting requirements for distributors who mount compactor bodies on truck chassis.

Section 205.205-6 was revised specifically to include early production quality control as part of a manufacturer's prescribed manufacturing and inspection procedures. This is done in light of the fact that manufacturers typically employ increased quality control over early production products. EPA intends to monitor the selection of test compactors subject to such quality control so that the quality control program will not bias the resulting noise tests.

Section 205.205-9 was revised to clarify the intent of this provision, so that the production verification requirements for a particular configuration need not be satisfied prior

to the start of the model year so long as they are satisfied prior to the start of distribution in commerce.

The first clause of § 205.205-11(b) was revised to clarify the Administrator's intent that compactors manufactured solely for use outside the United States be clearly labeled "For Export Only", but need not contain the other information specified in § 205.205-11(a)(4).

Section 205.206 Testing by the Administrator

Section 205.206(a)(3) was added to clarify that manufacturers are allowed to observe tests conducted by the Administrator under § 205.206.

Section 205.206(b)(1) requires that site disqualification be based on the test site requirements specified in § 205.204-1 (a) and (b) rather than on a general judgment of inappropriateness. Also, the manufacturers may now request, within 15 days of the Administrator's notice of intent to disqualify, a formal hearing on the possible disqualification of their site. Disqualification will take effect 15 days after receipt of the Administrator's notice or at the conclusion of a hearing if one has been requested and an adverse decision given (§ 205.206(b)(2)).

Section 205.206(c) was added detailing when the Administrator will pay the reasonable costs associated with shipment of compactors for testing.

Section 205.207 Selective Enforcement Auditing Requirements

This section was revised, incorporating a simplified sequential sampling plan, better suited to a low production-volume industry.

Section 205.208 In-Use Requirements

Section 205.208-1 (Warranty) has been reserved pending reproposal under the recent decision in *Chrysler Corporation v. EPA*.

Section 205.208-2(f) was added to define the limited responsibilities with respect to tampering lists of the distributor who assembles compactors.

Section 205.208-3(e) was added to define the limited responsibilities, with respect to maintenance instructions and log books, of manufacturers who only assemble compactors.

Section 205.208-4(f) was added to clarify the limited responsibilities relative to Noise Level Degradation Factor, of manufacturers who only assemble compactors.

Section 205.208-4(g) was added to specify the period of time for which records shall be maintained.

4.0 Discussion of Major Issues

The following is a summary of the principal issues raised in the public hearings and in the written submittals to the docket. See Appendix A of the Regulatory Analysis for detailed discussion.

4.1 Issue

Should the compactor body manufacturer be held responsible for the noise of the complete compactor vehicle?

Comments

Comments indicated strong opposition to holding the compactor body manufacturer responsible for the noise produced by the chassis-cab unit in addition to the noise produced by the compactor. Some commenters suggested that the compactor body manufacturer be held responsible only for the noise of the compactor body machinery. Under this approach, the noise level of the truck chassis would be assumed to conform to the level predicted by EPA for the engine speed used, and the noise level of the complete refuse collection vehicle would be calculated by logarithmic addition of the various component noise levels.

The Decision

EPA believes that the noise problem must be viewed in the context of the total compactor vehicle system, including the compactor body, hydraulic power systems, engine power take-off unit accessories, and chassis-cab unit.

Through its study of the noise control technology for garbage trucks, EPA has learned that the most effective way of reducing overall compaction cycle noise is to design the compactor vehicle system to operate at low engine speed during the waste-handling and compaction cycle.

Even if it were practical to measure the noise emissions of each component separately, we would have no assurance that this calculated noise level, based on summation of the component noise levels, would be correct. Unexpected interactions among the components, such as could be caused by resonant vibration of a panel at operating speeds, could lead to noise emissions of the total vehicle higher than the level calculated from the noise levels of the individual components.

The compactor body manufacturer has control over the total system design. He can design the system to operate effectively at low engine speed, and, by development testing, take into account the possible interaction of components. Therefore, EPA has decided that the

responsibility for meeting this noise requirement resides with the compactor body manufacturer.

4.2 Issue

Should distributors who mount compactor bodies on truck chassis be considered subsequent manufacturers and therefore held responsible for compliance?

Comments

A number of comments by distributors who mount compactor bodies on truck chassis indicated objection to being held responsible for compliance of the total vehicle. They maintained that they would be unable to assume the costs of testing, and suggested that responsibility for compliance should rest with the body manufacturer.

Decision

Recognizing that there are possible inequities when the distributor is considered to be the "manufacturer," EPA has carefully reviewed this issue. Under Section 3(6) of the Noise Control Act, a "manufacturer" is "any person engaged in the manufacturing or assembling of new products, or the importing of new products for resale, or who acts for, and is controlled by, any such person in connection with the distribution of such products." EPA believes that this definition encompasses a distributor who mounts a compactor body and attendant power take-off (PTO) equipment on a chassis and is the last person to have control of the completed vehicle before it enters the stream of commerce.

At the same time EPA recognizes the potential economic impact of placing total responsibility for compliance upon the distributor. EPA also is aware of the close relationship between the manufacturer and distributor and the implications it may have in relieving the distributor's burden. Distributors have stated that, in assembling a vehicle, they follow the manufacturer's detailed installation instructions. If an unusual configuration is encountered, the distributor generally consults with the body and/or chassis manufacturer. In view of this close relationship, § 205.205-1(d) has been revised to relieve distributors and any other manufacturers who only mount compactor bodies on chassis, of the requirement to perform production verification testing if 1) they rely in good faith upon the compactor body manufacturer's installation instructions, and 2) the instructions are accompanied by statements which assure that the total vehicle will conform to the

standard if assembled in accordance with the given instructions.

It should be noted, however, that the Act requires every manufacturer to warrant to the ultimate purchaser that the product meets the applicable EPA standard. It was held in *Chrysler Corp v. EPA*, (D.C. Cir. No. 76-1569, decided April 9, 1979) that EPA does not have the authority to exempt any manufacturer from this requirement, regardless of its role in the manufacturing chain. The warranty section has been reserved pending reproposal due to the court decision.

If the distributor fails to follow the instructions given to him, then the responsibility for compliance with the requirements for production verification testing is shifted back to him.

4.3 Issue

Does the proposed measurement procedure for "Maximum Steady Sound Level" provide a noise level reading that is susceptible to subjective interpretation which might lead to inconsistent results?

Comments

Three compactor manufacturers expressed concern that different observers would read the meter differently. One commenter suggested using "equivalent sound level" (L_{eq}), which he maintained, would yield more consistent readings. Another commenter opposed the use of L_{eq} as being unworkable in certain cases.

Decision

EPA recognizes that the concept of "maximum steady sound level" is subject to misinterpretation. As a result, the measurement procedure has been modified, and the reading to be taken is "maximum noise level," which is now defined in § 205.201(a)(8) of the regulation.

To explain further, if the noise fluctuates irregularly by several decibels during the measurement, it may be difficult to determine the "maximum steady" level, either by observing the swings of a meter needle (or number on a digital display) or by viewing the trace on a graphic record. The intent was to record the "steady," or continuous, noise level associated with the noisiest segment characteristic of the compactor's operating cycle.

Through further testing and analysis of previously recorded data, it became evident that variation could be minimized by reading the maximum value of the noise level using the "slow" meter response setting, as the "slow" response averages out the rapid fluctuations and tends to reduce the

response of the meter needle to impact noises.

EPA reviewed in detail the data for 33 vehicles on which both "slow" and "fast" sound levels had been obtained. It was observed that all vehicles which had been found to comply with the original regulatory limits of 78 dB "maximum steady sound level" and 83 dB impulse (impact) sounds also were found to exhibit a maximum noise level of 79 dB or less in "slow" meter setting. Furthermore, all vehicles that failed to comply with the "maximum steady" (fast) level of 78 dB failed to comply with maximum slow level of 79 dB. Two of the vehicles which had impulse levels slightly above the proposed limit of 83 dB exhibited "slow" readings of 76 dB, thus passing. In view of the uncertainty in reading maximum impulse noise, the outcome appeared reasonable. From the foregoing results, EPA concluded that the use of a single measure, namely, the maximum noise level of 79 dB using "slow" meter setting, provided the same degree of noise control and consequently the same health and welfare benefits, as that intended in the proposed procedure (which required conformance to two limits, a "maximum steady" level of 78 dB and an "impulse" noise level of 83 dB), and at the same time provided a simpler test with more consistent results.

Consideration was also given to alternative methods of reducing the uncertainty of the meter readings, such as use of an integrating/averaging sound level meter, known as an " L_{eq} meter." Although this method has potential merit, it is not acceptable at present because there is no national or international standard for such meters. The Agency believes that to ensure consistency and accuracy of the primary measurement which establishes conformity to a regulatory limit, the instrument used must be governed by an acceptable consensus standard.

4.4 Issue

Does EPA have the legal authority to require an Acoustical Assurance Period (AAP) and the use of the Noise Level Degradation Factor (NLDF)?

Comment

Several commenters argued that the Noise Control Act does not give EPA authority to promulgate an Acoustical Assurance Period (AAP) or Noise Level Degradation Factor (NLDF).

Decision

The Agency believes that it does have such authority under the Noise Control Act. Section 6(c) of the Act requires EPA to promulgate a regulation, including a

noise emission standard, that is requisite to protect the public health and welfare (taking various factors into account). Nowhere does the Act restrict the standards to the time of sale. The projected health and welfare benefits from the compactor regulation would be negated if the noise attenuating elements of compactors were to degrade shortly after the product's distribution in commerce. If this can be prevented by planning and design on the part of the manufacturer, such effort is an integral part of conforming to the standards and should be required by EPA to implement § 6.

The AAP does not represent a requirement that manufacturers build products with noise-attenuating elements that last for the product's useful life, as was suggested in several comments. The AAP for compactors is a considerably shorter period of time than the useful life of this product.

In effect, the AAP sets the standard at a period two years or 5000 operating hours in the future, and requires the manufacturer to take whatever steps are necessary to assure that his product, if well maintained and properly used, will still meet the standard at that time. It projects forward a period of time for which a manufacturer can reasonably be expected to predict the noise performance of his product if properly used and maintained. It does not require him to make his noise control durable beyond good manufacturing practice. He can also hedge against degradation by building in a margin below the standard which in his judgment will assure that at the end of the AAP his product will meet the standard.

The comment also was made that it is not appropriate to place an AAP requirement upon a garbage truck, when no such requirement has been placed on the truck chassis itself. EPA intends to issue a proposed regulation which, when finalized, will impose an AAP requirement on the truck chassis manufacturer. However, even in the absence of an AAP for truck chassis, data obtained by the EPA show essentially no degradation in the noise control features of truck chassis, when properly maintained, for over 100,000 miles, which is considerably greater mileage than the typical garbage truck will accumulate over the AAP of two years.

4.5 Issue

Is the noise data base adequate?

Comment

It has been asserted that the data base is not large enough to be representative, that too many quieted

compactors have been included, and that the compactors have not all been tested under identical conditions.

Decision

EPA made measurements of what are believed to be representative vehicles. The noise data base contains examples of front, rear, and side loaders that can meet the proposed regulation, and includes both gasoline and diesel-fueled trucks. EPA undertook measurements of additional garbage trucks after receipt of these comments. The data obtained substantiate the original conclusions concerning product noise levels and are presented in the Regulatory Analysis.

EPA recognizes that data were collected under varying conditions. However, the measurements were made by trained acoustical personnel with high precision instruments. Through extrapolation and conversion factors, measurements taken under variable conditions were corrected to allow for comparison. In setting forth the regulation, test conditions are prescribed precisely because there is no assurance that the persons conducting the test have the experience and skills necessary to convert the data to correct for different testing conditions.

4.6 Issue

Is the regulatory level too stringent or not stringent enough?

Comment

Several commenters indicated concern that the noise levels selected for the standard were too high (not sufficiently stringent). This was based on the belief that at least one local ordinance (New York City) appeared to be more stringent than the proposed standard. One commenter objected that the proposed standard was too stringent.

Decision

The regulatory levels are directly related to the previously promulgated noise standards for medium and heavy trucks, and are attainable by applying currently available technology; consequently, we believe that they are not overly stringent from a cost or technology perspective.

Quieting of the refuse truck fleet by eventual replacement with new units conforming to the standard should result in substantial reduction of noise impact. Further reduction in regulatory levels would yield only marginal gains at substantially increased costs, largely because of other noises associated with trash collection, but not susceptible to Federal control. Therefore, EPA believes that the regulatory levels should not be

made more stringent. Communities desiring quieter garbage collection activities have the option of enacting complementary controls, such as curfews on collection, or, where the compactor vehicles are purchased by the community, specifying more stringent noise levels.

4.7 Issue

Should "newly manufactured product" include compactor bodies mounted on used or pre-regulation truck chassis or vice versa?

Comment

Two commenters argued that the regulation needed clarification regarding its applicability to newly manufactured compactor bodies which are mounted on used chassis, or on new chassis that are one or two years old and do not meet the Medium and Heavy Truck noise Standard for 1978. Another commenter urged that the regulation include refurbished truck-mounted solid waste compactors.

Decision

EPA agrees that clarification was needed, and the "applicability" paragraph of the regulation (§ 205.200) has been revised accordingly. The law intends that Federal regulatory action under section 6 be directed at "newly" manufactured products, as defined by the Act. EPA believes that, as the noise level of the garbage truck is determined by the noise from both the truck chassis components and compactor components, the regulation should apply only to a vehicle that is totally new, that is, having both a compactor body and chassis-cab manufactured after the effective date of this regulation. We are aware of the industry's occasional practice of placing new compactors on used truck chassis, and vice versa. We do not intend that this practice be changed.

4.8 Issue

Should there be a different standard for different types of compactors?

Comment

Two comments were submitted suggesting that it did not seem appropriate to group all types of compactors under one standard in view of different in-use applications.

Decision

Although each type of refuse collection vehicle may be intended primarily for a specific type of application, all three major types of compactors are used in areas where

their noise has an adverse impact on public health and welfare.

The standard is set at a level intended to protect the public health and welfare, taking into consideration the available technology and the cost of compliance. Our data and analysis show that the noisiest refuse collection vehicles—the front loaders—can be designed and built to meet the standard. EPA's analysis also has shown that the benefits of the standard in reducing environmental noise impact are limited by the noise (including vehicle noise) other than that due to compaction which occurs during the collection cycle. In the present situation, reducing the standard below the level now specified in the regulation would provide little additional benefit. (It should be noted, however, that if the noise standards for medium and heavy trucks are made more stringent, the collection cycle noise would be reduced, and it might be appropriate to reduce the requirement for the noise level during compaction below the present standard.)

Therefore, we believe that a single standard is appropriate for all types of refuse collection vehicles.

4.9 Issue

Should the noise of refuse containers be regulated?

Comment

Comments were received from several sources concerning the noise caused in handling containers during trash collection operations. Four persons commented that some regulation of the noise due to containers was important to the overall effectiveness of the regulation. On the other hand, three compactor body manufacturers, a trade association, and a chassis manufacturer objected to including containers which are mechanically hoisted, on the basis that body manufacturers had no control over containers used and the wide variety of container designs and materials made testing impractical. Furthermore, the potentially higher noise levels emitted when containers are used were not given full consideration in the EPA noise tests and hence were absent from the data base supporting the proposed standards.

Decision

This regulation does not apply to containers. In some cases, container noise contributes to refuse collection noise. However, its presence does not diminish the benefits of controlling the noise of the vehicle and the compaction process. EPA believes that container noise problems can best be alleviated by local regulations rather than a

national standard, since container noise arises primarily from the handling by collection personnel. Encouraging such practices as the use of plastic trash containers may result in significant noise reduction.

The comments that follow are intended to provide background information for the guidance of local officials in planning possible action to abate container noise.

Two general classes of containers are used. One is a relatively small capacity container such as a garbage can, used by individual households. The other is substantially larger in capacity, frequently used by multiple-family residential buildings and commercial and industrial firms.

The first type, traditionally of galvanized steel construction, usually is dumped by hand into the hopper of the refuse collection vehicle. In recent years use of plastic cans and bags has increased.

The large commercial refuse container, which ranges in capacity up to eight cubic yards, must be manipulated by container-handling machinery built into the compactor vehicle. This equipment engages the container, lifts, rotates and dumps it, then returns it to the ground.

Impact noises occur due to contact of the container with the handling mechanism, truck hopper surfaces, and the ground. For the large containers with lids, banging of the metal lid against the hopper surfaces and the container body is one of the most prevalent causes of noise in container handling.

Although plastic is practical for individual household containers, large commercial containers must be made of durable material; fiber-reinforced plastics may be practical for such units. However, the application of suitable mechanical damping materials or the use of damped sandwich panels, especially for lids, can substantially reduce the noise from container lids impacting on container bodies, or against vehicle hopper surfaces. Reductions of 15 dB or greater are achievable by suitable application of damping materials to steel panels.

EPA strongly recommends that compactor manufacturers apply elastomeric materials, such as rubber or polyurethane pads, to those portions of the hopper where impacts with refuse containers and container lids are apt to occur, and that municipalities require the use of such materials in their communities where noise from this source continues to be a problem.

4.10 Issue

Was the economic impact estimated correctly and do the benefits of the regulation justify the costs?

Comment

Thirteen comments were received opposing the regulation on the basis that the cost of regulation was believed to be too high or because the regulation was not believed to be cost-effective. Five expressed doubt that the economic impact had been estimated properly, because certain costs were omitted, including:

- Cost of quieting containers;
- Cost related to the presumed requirements for distributors to conduct noise tests;
- Costs due to presumed decreased productivity of quieted refuse collection vehicle;
- Costs of not regulating compactors (these are presumed costs such as medical bills that would be accrued if there were no regulation).

Decision

The Agency believes that its economic analysis, presented in detail in the Regulatory Analysis (and summarized in Section 5.0 of this preamble) provides a valid estimate of the regulation's potential economic impact which we believe to be reasonable in light of the benefits to public health and welfare that the regulation is expected to achieve.

With respect to the specific cost elements, which some commenters asserted were omitted from the Agency's analysis, the following is provided.

This regulation does not specifically require the quieting of containers.

As regards the costs that would result from the presumed need for distributors to conduct production verification testing there will be no such costs incurred. The regulation as published specifically relieves distributors of this responsibility when the distributor satisfies certain limited requirements.

The cost item related to decreased productivity of equipment appears to be based on the presumption that slowing down the truck engine to reduce compactor noise will cause an increase in compaction cycling time. Technology information obtained by EPA shows that manufacturers can compensate for reduced engine speed by providing increased capacity hydraulic pumps. Consequently, noise control can be achieved without increasing compaction cycling time.

With regard to the costs of not regulating compactors, the Agency has

given careful thought and analysis to the question of estimating the dollar cost of noise impact on the public health and welfare. The Agency view is that noise pollution costs the American taxpayer many millions of dollars in hidden costs associated with decreased productivity, higher medical costs, and property value depreciation. One of the effects of a standard-setting noise regulation is, by reducing the noise pollution, to reduce the hidden costs and simultaneously to impose visible costs on those responsible for the pollution. EPA's statutory mandate is to protect the public health and welfare, and so long as costs are not unreasonable, they are not an overriding concern. We expect the costs to be passed through to the ultimate consumer of refuse collection services, at a level not exceeding 50 cents per household annually. This level of cost does not appear unreasonable.

4.11 Issue

Is a curfew on refuse collection an acceptable alternative to a noise emission standard for refuse collection vehicles?

Comment

Testimony from the City of Chicago contended that their starting-time limitation (curfew) or refuse collection operations was effective, and, being cost-free, was a preferable alternative to a national noise emission standard for RCV's.

Decision

Although curfew transfers some of the noise impact from nighttime hours to daytime hours, thus reducing sleep disturbance, for example, it is not a substitute for a noise emission standard in reducing total noise exposure. In any event, curfew is a practice that can be implemented only at the local level.

In addition, although represented as being cost-free, curfew can be costly by impairing the operating efficiency of trash collection activity. For example, a refuse collectors' trade association in Chicago estimates increased costs of operation due to inefficiencies caused by the curfew at \$50.00 per refuse collection vehicle per day. For the estimated 2000 RCV's in Chicago this represents a cost of \$100,000 per day or about \$30 million annually. Even allowing for some exaggeration of the cost factors, this clearly indicates that a curfew is not cost-free.

In addition, it is likely that in heavily concentrated metropolitan areas (where much of the noise impact of refuse collection occurs) it is not feasible to invoke curfew because of traffic

problems. New York is the prime example.

4.12 Issue

Will the number of category and configuration parameters necessitate excessive testing?

Comment

Five comments were received concerning the category and configuration parameters. Comments suggested that the proposed parameters would require extensive testing to comply with the Production Verification (PV) requirement.

Decision

It was not the intent of EPA to require extensive testing, and the list of parameters for determining categories and configurations under § 205.205-3 has been revised to reflect this. These changes should greatly reduce the amount of testing needed to comply with the regulation without diminishing the enforcement ability of EPA. The costs of PV testing are thus significantly reduced.

4.13 Issue

Can the 45-day delay for production verification testing be extended?

Comment

Comments were received that the 45-day delay for production verification testing was insufficient for some areas of the country due to weather conditions. In addition, one commenter believed that the extended periods of inclement weather, especially during the winter months, would result in work layoffs because of the amount of production verification testing required.

Decision

Two changes have been made in the regulation to alleviate these potential problems. The revised category and configuration lists should ease the concern for work lay-offs due to extensive testing. § 205.205-2 has been revised to allow for a 90-day delay in production verification due to weather or other conditions beyond the control of the manufacturer, providing the manufacturer complies with certain conditions. Testing must begin on the first available day. The manufacturer must document the conditions preventing testing. If testing has not been performed at the end of 45 days, the manufacturer has 5 days to notify the Administrator and, if the Administrator so requests, the manufacturer must ship the test products to the EPA facility for testing.

As proposed, the regulation allowed up to a 45-day delay if weather prevented testing and a further delay for weather or other reasons beyond the manufacturer's control. The revision makes conditions beyond the manufacturer's control a valid reason for delay during the entire 90-day period.

4.14 Issue

Is a manufacturer required to report all possible configurations?

Comments

One group suggested that § 205.205-4 required the manufacturer to report all possible configurations which could be produced and stated that this was unreasonably burdensome.

Decision

Reporting all possible configurations is not required; rather § 205.205-4 requires that the manufacturer maintain a list of all configurations that are actually produced. Product sales literature may be sufficient. In cases where it is not, the sales literature must be supplemented.

4.15 Issue

Are the statistical methods of Selective Enforcement Audit (SEA) valid for this industry?

Comment

One group stated that EPA should conduct a new study to validate the statistical methods of Selective Enforcement Audit (SEA) and their applicability to the compactor industry. They maintain that the SEA procedure is totally inappropriate for this industry.

Decision

As a result of comments to the proposed regulation and internal Agency consideration, § 205.207 has been revised. The Agency has developed a single (one at a time) sequential sampling plan to fit better the enforcement needs in auditing a low production volume industry. The new sampling plan has been incorporated in the revised § 205.207.

The single sequential sampling has the same statistical capability to determine noncompliance as plan B of the fixed batch sampling plan containing in the proposed compactor regulation. The acceptable quality level (AQL) remains at 10% in the new plan.

While the fixed batch sampling plan originally proposed would be valid when applied to the compactor industry, the new plan should provide determinations of compliance or noncompliance with less testing.

4.16 Issue

Should the compliance label include the not-to-exceed level?

Comment

The compactor trade association suggested that the compliance labeling should not include the not-to-exceed level because of the confusion it would cause to State and local governments if they endeavor to enforce that level with inadequate test environment controls and understanding of the standard.

Decision

The compliance label does not require that the regulatory noise level limit be shown. However, the applicable effective date must appear.

4.17 Issue

Do the tampering provisions affect the ability of the compactor manufacturer to make necessary alterations in the truck chassis?

One manufacturer was concerned that it would be necessary to alter the chassis to achieve noise control and that this would constitute tampering under the medium and heavy truck regulation.

Decision

Only those modifications which would result in an increase in noise emissions to a level above the standard are considered tampering. The truck chassis manufacturer develops, and the Administrator approves, tampering lists. If a subsequent owner or manufacturer modifies any item which is on the list, that modification would create a rebuttable presumption of tampering.

If a subsequent owner or manufacturer makes a modification to an item on the tampering list, the modification is presumed to be tampering until rebutted by test results. The modified chassis is to be tested in accordance with the Medium and Heavy Truck Regulation.

If a subsequent owner or manufacturer modifies an item not on the tampering list, in such a way as to cause the noise level of the truck to rise to a level above the standard, that modification also is tampering. The modification is not presumed to be tampering because no change was made to an item on the tampering list. Modifications to items not on the tampering list must be proved to be tampering by a showing of non-compliance in the Federal truck noise test.

4.18 Issue

Do the investigative and other provisions of the regulations violate statutory or constitutional authority?

Comment

The opinion was expressed by one group that the search provisions are violative of statutory and constitutional authority.

Decision

Since the EPA Production Verification system leaves the manufacturer in control of many aspects of the compliance program, it is essential that EPA Enforcement Officers have access to manufacturers' plants and records in order to determine whether the requirements of the regulation are being met and whether vehicles being distributed in commerce conform to the standard. Thus, EPA has promulgated inspection and monitoring regulations (40 CFR § 205.4) to allow duly designated EPA Enforcement Officers access to a manufacturer's facility.

The EPA inspection and monitoring regulation is narrowly structured. The EPA Enforcement Officer is limited to inspecting only facilities where: (1) products to be distributed in commerce are manufactured, assembled or stored; (2) Noise tests are performed; (3) Test products are present; or (4) records, reports, or documentary information required to be maintained or provided to the Administrator are located.

Examination of the limited inspection authority in the EPA regulation, its reasonableness, and the reasons for the requirements, make clear that the regulation is fully authorized by section 13(a) of the Noise Control Act. Section 13(a) specifically authorizes EPA to require such tests as are necessary to assure compliance with the promulgated standard and to have access to the results of such tests and other records that the manufacturers are required to maintain under § 205.203 of the regulation.

The recent U.S. Supreme Court decision in the case of *Marshall v. Barlow's Inc.*, U.S. 46 USLW 4483, has prompted EPA to promulgate changes to § 205.4 of Subpart A, General Provisions, of 40 CFR Part 205, Noise Emission Standards for Surface Transportation Equipment. Published in the Federal Register on June 28, 1978, these changes incorporate the spirit of the *Barlow's* decision and provide that EPA Enforcement Officers may not inspect a manufacturer's property unless (1) the manufacturer consents or (2) the officers have obtained a warrant. For the text of the revised § 205.4, interested parties are referred to 43 FR 27988.

4.19 Issue

Does the EPA have the authority to recall products and issue cease-to-distribute orders?

Comment

A trade association and a chassis manufacturer submitted comments objecting to the authority claimed by the EPA to recall products and issue cease-to-distribute orders, on the basis that these provisions appear to exceed the authority granted in the Noise Control Act.

Decision

The Administrator is given the authority to issue remedial orders under section 11(d) of the Noise Control Act. These orders supplement the criminal and civil penalties of section 11(a) and will be issued only after notice and opportunity for a hearing.

Recall and cease-to-distribute orders are examples of orders the Administrator could find appropriate in certain circumstances. Different circumstances may warrant remedial orders other than those described in the regulation. The Administrator is given the authority to fashion remedial orders in such situations to protect the public health and welfare.

4.20 Issue

Is there a simplified test procedure that a local community may use in monitoring for enforcement purposes?

Comment

Two commenters were concerned that local communities would be unable to enforce the regulation due to the proposed test procedure.

Decision

EPA recognizes that the prescribed test procedure may be too complex for regular use by local communities for monitoring or enforcement purposes. Nevertheless, EPA deems this procedure as necessary to characterize accurately the noise emissions of the compactor. For purposes of local enforcement monitoring EPA suggests that a sound level reading (with the meter in "slow" setting) be taken during the compaction cycle with a microphone 7 meters from the truck surface on the side farthest from nearby reflecting surfaces. Preferably, the microphone is to be in line with the junction area between the cab and the compactor body.

If, under these conditions the maximum noise level observed does not exceed the standard, it may be inferred that the vehicle meets the Federal noise product standard. If the noise level exceeds the standard, this does not

necessarily mean that the vehicle is in violation of the standard. At this point, the vehicle should be taken to some suitable location such as an empty shopping center parking lot, and measurements made in conformity with the procedure described in the regulation. The result of this measurement should establish whether or not the vehicle is in compliance with the standard. Thus, local enforcement may utilize a single point measurement for screening purposes only; if the screening test indicates doubt as to compliance, then the complete test procedure should be run at a suitable location. If it is impractical to unload the compactor before testing, the test may be run with contents in the body. In such a situation, any sudden noises due to crushing of objects such as bottles may be ignored.

5.0 Estimated Effects of the Regulation

5.1 Health and Welfare

The EPA estimates that approximately 19.7 million persons currently are exposed to residential neighborhood noise levels above a day-night sound level (L_{dn}) of 55 dB due substantially to operation of truck-mounted solid waste compactors. It is estimated that compliance with the proposed standards will result in a reduction in the number of persons so exposed to about 6 million persons by 1991, representing about a 70 percent decrease. It should be noted that these 6 million persons also receive benefits in the form of reduced noise levels.

The reduction in extensiveness and severity of impact can be evaluated in terms of effects due to individual noise events, such as sleep and activity interference, as well as effects due to generalized adverse response (annoyance) which can be assessed by reductions in day-night sound levels (L_{dn}). Detailed information on these impacts is provided in the Regulatory Analysis. From fractional impact analysis of general annoyance, EPA estimates that the "level-weighted population" (a measure that takes into account partial impact on people at different levels of noise exposure) will decrease from about 2,100,000 in the base year, 1978, to about 540,000 in 1991, a reduction in impact of about 74 percent. Part of the estimated reduction in impact is due to the effect of recently promulgated noise standards for medium and heavy trucks; in 1991, the reduced truck noise alone will account for an estimated reduction of 630,000 in "level-weighted population" impacted by refuse collection noise. The balance of the estimated reduction, 940,000 in

level-weighted population, is due entirely to the compactor noise regulation.

Recognition of the intrusive nature of the noise impact of refuse collection vehicles led the Agency to a single-event noise exposure analysis for assessing the health and welfare benefits of the noise control of these vehicles. The benefits of the compactor noise regulation in terms of reduction of single-event impacts, relate to potential effects on sleep awakening, sleep disturbance, and speech interference. This analysis confirms that the reduction in noise impact is more than 70 percent. Thus, in conjunction with the benefits brought about by the medium and heavy truck noise regulation, the TMSWC noise regulations will provide health and welfare benefits of major proportions.

5.2 Cost and Economic Effects

The cost impact of quieting compactors to meet the regulatory standard may be expressed in terms of increased list price. The Agency's studies indicate that average list price increases for the refuse collection vehicle will range from 6.4 to 12.8 percent, depending on vehicle type and size, resulting in an overall average list price increase of about 10.3 percent for all regulated vehicles. These estimates are based on the premise that the products are designed and built to comply with the standard during the Acoustical Assurance Period. There are indications that a few small firms in the industry, by virtue of their small market share and related financial and operation factors, would incur higher manufacturing costs resulting in slightly higher list price increases. The price elasticity of demand for this equipment is estimated to be -0.2 which could possibly result in a decrease in demand of about 2 percent.

Price increases should leave manufacturers' total revenues essentially unchanged. Some pre-buying is expected to occur prior to the effective date(s) of the regulation. However, the Agency believes this activity will be limited by the available excess production capacity of about 4,000 units, almost entirely rear loaders.

In terms of societal resources, annualized cost for national compliance with the standard is estimated at \$21.5 million, taking into account fuel savings estimated at about \$100 annually per vehicle. Costs are expected to pass through to the end user of waste collection services and ultimately to the consumer. Because capital costs for vehicles represent a small portion of the total costs of solid waste collection; the

consequent cost increase for service is expected to be small, an estimated 0.5 percent or less (e.g., 50 cents or less annually per household).

Other aspects of potential economic impact due to promulgation of this regulation are detailed below.

1. Impacts on manufacturers and employment. Employment is not expected to change significantly. Persons who might be affected by reduction of production amount to less than two percent of the employed population of about 2900 persons within the industry and produce less than three percent of the total units estimated. An offsetting increase in employment is expected to occur due to testing and compliance activity and to procurement of noise control components and materials resulting from the regulation.

2. Impacts on exports and imports. As the noise control treatment generally represents add-on materials or substitute components, or both, machines for export generally can be produced without noise control treatment, if desired. Units produced solely for export need not comply with U.S. noise standards; consequently, impact on exports should be minimal. All imported compactors will be subject to the regulation. Consequently, domestic and foreign manufacturers will be affected equally and no adverse competitive impact will result. Therefore, the regulation should have no appreciable impact on the U.S. balance of trade.

3. Impact on energy use and costs. The changes in compactor operating conditions associated with the noise control treatment are expected to result in fuel savings due to the slower speed of the engine. The estimated annual savings are about 2 million gallons of gasoline and 1.2 million gallons of diesel fuel for a fully converted fleet of refuse collection vehicles. This should be reflected in a net savings in operating costs, taking into account possible increases in maintenance costs.

5.3 Summary

The Agency has concluded that at this time the regulatory levels and schedule selected represent optimal noise reduction standards for truck-mounted solid waste compactors. Implementation of the regulations is expected to result in a substantial reduction in the number of people impacted by compactor noise.

Technology to achieve the selected levels has been demonstrated.

The effective dates for the noise level limits are coordinated with those for the truck noise standards. The Agency believes that the time schedule for application of the noise standards,

corresponding with reduced noise limits for trucks, should allow the manufacturers the lead time requisite to incorporate the necessary design and component changes without disruption to production or the market.

The cost of compliance and possible economic effects have been considered and are believed to be reasonable.

6.0 Enforcement

The EPA enforcement strategy assigns to the manufacturers a major share of the responsibility for pre-sale testing to determine the compliance of truck-mounted solid waste compactors with this regulation and its noise emission standards. This approach leaves the manufacturer in control of many aspects of the compliance program and imposes a minimal burden on the industry. The effectiveness of this strategy is contingent on EPA monitoring the tests conducted and actions taken by the manufacturers in compliance with this regulation.

The enforcement strategy in this regulation consists of three parts: (1) Production Verification; (2) Selective Enforcement Auditing; and (3) In-Use Compliance. For a more detailed description and explanation, please see Section 8, Enforcement, of the regulatory analysis as well as the rule text.

7.0 Future Intent

The Agency is pursuing a strategy through which major contributors to overall residential neighborhood noise will be identified and subsequently controlled. This coordinated approach is necessary because a number of different noise sources may be operating in residential neighborhoods at the same time, and the quieting of only one such source may not in itself be sufficient to reduce the environmental noise to a level the Agency believes is requisite to protect the public health and welfare.

As indicated in the first EPA Report on Identification of Major Sources of Noise (39 FR 22297-99, June 21, 1974), the principal candidates for potential future regulatory efforts are known.

The Agency has underway or plans further regulatory action on other noise sources. These include wheel and crawler tractors, buses, motorcycles, pavement breakers and rock drills, and lawnmowers. The levels designated for the time-phased standards in this rulemaking, while believed to be optimal at present, may be lowered in the future, to be consistent with the overall objective to quiet all major noise sources in order to reduce noise in residential areas.

The Agency believes that the standards are necessary to protect the

public health and welfare and are achievable through use of best available technology, taking into account the cost of compliance. However, as technological advances occur, lower levels may be achievable. The Agency will consider all new information and data which become available or are presented to it, and may subsequently revise this regulation published herein.

8.0 Reporting and Recordkeeping Requirements

The reporting and recordkeeping requirements of this regulation are detailed in § 205.203.

Under the EPA's new "sunset" policy for reporting requirements in regulations, the reporting requirements in this regulation will automatically expire five years after implementation unless the Administrator extends them. This provision is prescribed in § 205.203(f).

9.0 Evaluation Plan

We intend to review the effectiveness and need for continuation of the provisions contained in this action no more than five years after the effective date of the second step standard of this regulation. In particular, we will solicit comments from affected parties with regard to actual costs incurred and other burdens associated with compliance and will also review noise data to evaluate the effectiveness of the regulation after it has gone into effect.

10.0 Supporting Documentation

I have determined that promulgation of this regulation constitutes a significant action. Accordingly, the Agency has prepared the regulatory analysis required by Executive Order 12044. This analysis is entitled "Regulatory Analysis of the Noise Emission Regulation for Truck-Mounted Solid Waste Compactors", EPA 550/9-79-257. The Agency has also prepared an Environmental and Economic Impact Statement, EPA 550/9-79-258, which presents the effect of the regulation. These documents may be obtained from Mr. Charles Mooney, U.S. Environmental Protection Agency, EPA Public Information Center, (PM-215), Room 2194 D—Waterside Mall, Washington, D.C. 20460.

Dated: September 14, 1979.

Douglas M. Costle,
Administrator.

In consideration of the foregoing, 40 CFR Part 205 is amended by adding Subpart F as follows:

PART 205—TRANSPORTATION EQUIPMENT NOISE EMISSION CONTROLS

Subpart F—Truck-Mounted Solid Waste Compactors.

Sec.	
205.200	Applicability.
205.201	Definitions.
205.202	Noise Emission Standards.
205.203	Maintenance of records: submittal of information.
205.204	Test procedures.
205.205	Production verification.
205.205-1	General requirements.
205.205-2	Production verification: compliance with standards.
205.205-3	Configuration identification.
205.205-4	Production verification report: required data.
205.205-5	Test sample selection.
205.205-6	Test preparation.
205.205-7	Testing.
205.205-8	Addition of, changes to, and deviation from a compactor configuration during the year.
205.205-9	Production verification based on data from previous years.
205.205-10	Cessation of distribution.
205.205-11	Labeling-compliance.
205.206	Testing by the Administrator.
205.207	Selective enforcement auditing requirements.
205.207-1	Test request.
205.207-2	Test sample selection.
205.207-3	Test sample preparation.
205.207-4	Testing procedures.
205.207-5	Reporting of the test results.
205.207-6	Passing or failing under SEA.
205.207-7	Continued testing.
205.207-8	Prohibition of distribution in commerce; manufacturer's remedy.
205.208	In-use requirements.
205.208-1	[Reserved].
205.208-2	Tampering.
205.208-3	Instructions for maintenance, use and repair.
205.208-4	Noise Level Degradation Factor (NLDF) and retention of durability data.
205.209	Recall of non-complying compactors.

Appendix I—Sample Tables.

Authority: Sec. 6 of the Noise Control Act (42 U.S.C. 4905) (except where otherwise specified).

Subpart F—Truck-Mounted Solid Waste Compactors.

§ 205.200 Applicability.

(a) This regulation sets noise emission standards for new truck-mounted solid waste compactors. Except as otherwise provided for herein, the provisions of this subpart apply to the manufacturer of any truck-mounted solid waste compactor (hereinafter compactor) which meets the definition of the term "new product" in the Noise Control Act (the "Act") and, where appropriate, to the compactor itself. For purposes of this regulation, a new compactor is one which comprises an engine-powered

truck cab and chassis or trailer manufactured after the effective date of the standard, equipped with a compactor body (with associated machinery) manufactured after the effective date of the standard.

(b) The provisions of the subpart do not apply to:

- (1) Non-compacting vehicles that pick up solid waste containers
- (2) Non-compacting collection vehicles
- (3) Stationary trash compactors
- (4) Solid waste containers.

§ 205.201 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act or in other subparts of this part.

(1) "Acceptable Quality Level" (AQL) means the maximum allowable average percentage of compactors that fail sampling inspection.

(2) "Acoustical Assurance Period" (AAP) means a specified initial period of time or use during which a product must continue in compliance with the Federal standard provided it is properly used and maintained according to the manufacturer's recommendations.

(3) "Category" means a group of compactor configurations which are identical in all material aspects with respect to the parameters listed in § 205.205-2.

(4) "Compactor" means a truck-mounted solid waste compactor, which comprises an engine powered truck cab and chassis or trailer, equipped with a compactor body and associated machinery for receiving, compacting, transporting and unloading solid waste.

(5) "Configuration" means the basic classification unit of a manufacturer's product line and is comprised of all compactor designs, models or series which are identical in all material aspects with respect to the parameters listed in § 205.205-3.

(6) "Exhaust system" means the system comprised of a combination of components that provide for the enclosed flow of exhaust gas from the engine exhaust port(s) to the atmosphere.

(7) "Low noise emission product" (LNEP) means a product which emits noise in amounts significantly below the levels specified in the noise emission standards under the applicable regulation.

(8) "Maximum noise level" means the maximum reading in decibels (dB) obtained with a sound level meter, with the meter set for A-weighting and "slow" meter setting, using the test and measurement procedure set forth in § 205.204.

(9) "Model year" means the manufacturer's annual production period which includes January 1 of such calendar year; or, if the manufacturer has no annual production period, the term "model year" means the calendar year.

(10) "Noise Level Degradation Factor" (NLDF) means the increase in A-weighted sound level which the product configuration is projected to undergo during the Acoustical Assurance Period when the product is properly maintained and used.

(11) "Noise control system" means all parts, components or systems the primary purpose of which is to control or cause the reduction of noise emitted from a compactor.

(12) "Noise emission test" means a test conducted pursuant to the measurement methodology specified in this subpart.

(13) "Production verification compactor" means any compactor selected for testing, tested or verified pursuant to the production verification requirements of this subpart.

(14) "Shift" means the regular production work period for one group of workers.

(15) "Tampering" means those acts prohibited by Section 10(a)(2) of the Act, as follows:

"(A) The removal or rendering inoperative by any person, other than for purposes of maintenance, repair, or replacement, of any device or element of design incorporated into any product in compliance with regulations under section 6, prior to its sale or delivery to the ultimate purchaser or while it is in use or,

(B) the use of a product after such device or element of design has been removed or rendered inoperative by any person."

(16) "Test compactor" means a compactor in a test sample or a production verification compactor.

(17) "Warranty" means the warranty required by Section 6(d)(1) of the Act, as follows:

"(d)(1) On and after the effective date of any regulation prescribed under subsection (a) or (b) of this section, the manufacturer of each new product to which such regulation applies shall warrant to the ultimate purchaser and each subsequent purchaser that such product is designed, built, and equipped so as to conform at the time of sale with such regulation."

§ 205.202 Noise Emission Standards.

(a) *Time-of-Sale Standard.* Truck-mounted solid waste compactors which are manufactured after the dates listed below shall be designed, built, and equipped so that at the time of sale they will not produce noise emissions in excess of the limits specified as follows, when measured in accordance with the procedures prescribed in § 205.204.

Effective date	Maximum noise level ¹ limit
October 1, 1980	79 decibels
July 1, 1982	76 decibels

¹ See § 205.201(a)(8).

(b) *In-Use Standard.* Following the effective date of the applicable standard, truck-mounted solid waste compactors must continue to meet the standard for an Acoustical Assurance Period of 2 years or 5000 operating hours after sale to the ultimate purchaser, provided that the product is properly maintained and used in accordance with the manufacturer's recommendations and there has been no tampering with noise control components. At the time of product verification (PV) testing prescribed in § 205.205 and selective enforcement auditing (SEA) testing prescribed in § 205.207, new truck-mounted solid waste compactors must comply with the standards set forth in paragraph (a) of this section minus the noise level degradation factor (NLDF) developed in accordance with § 205.208-4.

(c) *Low Noise Emission Product.* For the purpose of Low Noise Emission Product (LNEP) Certification under 40 CFR Part 203, truck-mounted solid waste compactors subject to this subpart F which are procured after October 1, 1979, must not produce a maximum noise level in excess of 71 decibels as determined using the procedures prescribed in § 205.204. LNEP products must meet all requirements contained in paragraph (b) of this section.

(Sec. 10, 15 of the Noise Control Act (42 U.S.C. 4909, 4914)).

§ 205.203 Maintenance of records: submittal of information.

(a) Except as otherwise provided for in the regulation, the manufacturer of any new compactor subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records:

(1) General records: (i) Identification and description by category and configuration parameters of all compactors in the manufacturer's product line for which testing is required under this subpart, and the identification and description of all devices incorporated into the compactor for the purpose of noise control and attenuation;

(ii) A description of any procedures other than those contained in this regulation used to perform noise tests on any test compactor;

(iii) A record of the calibration of the acoustical instrumentation as required by § 205.204;

(iv) A record of the date of manufacture of each compactor subject to this subpart, keyed to the serial number or other coded identification appearing on the label affixed to each compactor pursuant to § 205.205-11; and,

(v) For those compactor bodies delivered to a distributor for assembly, a record of the name and address of the distributor to whom such compactor body was delivered, keyed to the serial number or other coded identification of that compactor body.

(2) Individual records for test compactors:

(i) A complete record of all noise emission tests performed for PV and SEA (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each test, or exact copies thereof; and,

(ii) A record and description of all repairs, maintenance and other servicing which were performed before successful testing of the compactor pursuant to these regulations and which could affect the noise emission of the product, giving the date and time of the maintenance or service, the reason for it, the name of the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service.

(3) A properly filed production verification report following the format prescribed by the Administrator in § 205.205-4 fulfills the requirements of paragraphs (a)(1) (i), (ii), and (iii), and (a)(2) (i) and (ii) of this section.

(b) The manufacturer shall keep for a period of three (3) years from the production verification date, all records required under this part. Records may be retained as hard copy or alternatively reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer. However, when an alternative method is used, all information contained in the hard copy must be contained in the copy made by the alternate method.

(c) The manufacturer shall, pursuant to a request made by the Administrator, submit to the Administrator the following information with regard to new compactor production:

(1) Number of compactors, by category or configuration, scheduled for production for the time period designated in the request; and,

(2) Number of compactors, by category or configuration, produced during the time period designated in the request.

(d) A manufacturer who only assembles a compactor as defined in § 205.201(a)(11) in accordance with the

assembly instructions supplied by the compactor body manufacturer shall maintain the following records:

(1) A statement from the compactor body manufacturer that the completed compactor complies with the applicable standard when such compactor body is mounted on a specific truck chassis using specific operating components (e.g., hydraulic pump) according to detailed assembly instructions supplied by the compactor body manufacturer; and,

(2) The following information on each compactor vehicle assembled by the manufacturer:

(i) Cab and chassis serial number;

(ii) Compactor body serial number, type and date of manufacture;

(iii) Manufacturer and serial number of the components of the compactor power system including the PTO or auxiliary engine, and hydraulic pump; and,

(iv) A description of any variations from the body manufacturer's detailed assembly procedures that occur during assembly of the compactor vehicle, and the name of the person authorizing any variation.

(e) Any manufacturer under paragraph (d) of this section shall keep the required records for a minimum of three (3) years from the date that the compactor is assembled.

(f) The reporting requirements of this regulation will no longer be effective after five (5) years from the date of publication; however, the requirements will remain in effect if the Administrator is taking appropriate steps to repromulgate or modify the reporting requirements at this time.

(Section 13 of the Noise Control Act (42 U.S.C. 4912))

§ 205.204 Test procedures.

Conformity of compactors with the standards specified in § 205.202 must be determined according to the test procedures specified in this section.

(a) *General.* This section prescribes the conditions under which noise emission standard compliance testing must be conducted and the measurement procedures that must be used to determine the maximum noise level of truck-mounted solid waste compactors.

(b) *Test site description.* The test site shall consist of an open area above a hard reflecting plane. The reflecting plane shall consist of a surface of sealed Portland cement or bituminous concrete flat to within ± 0.05 meters, and shall extend 1.0 meter beyond each microphone location. The microphone shall be located at least 15 meters from any reflecting surface, such as a

building, signboard, hillside, etc. The test site may be graded to permit drainage, provided the elevation difference does not exceed one-half ($\frac{1}{2}$) of the microphone elevation tolerance of 0.15 meter.

(c) *Measurement equipment.* The measurement equipment to be used during noise standard compliance testing shall consist of the following or its equivalent.

(1) A sound level meter and microphone system conforming to the requirements of American National Standards Institute (ANSI) S1.4-1971, "American National Specification for Sound Level Meters".

(2) As an alternative to making direct measurements using a sound level meter, a microphone or sound level meter may be used with a magnetic tape recorder and/or a graphic level recorder or indicating meter, providing the system meets the requirements of SAE Recommended Practice J184, Qualifying a Sound Data Acquisition System.

(3) A windscreen, to be used with the microphone during all measurements of compactor noise. The windscreen must not affect sound level readings in excess of 0.5 decibel.

(4) A sound level calibrator accurate to within ± 0.5 dB, which shall be used for checking the entire acoustical instrumentation system including the microphone and cable, before and after each test series. A laboratory calibration of the instrumentation shall be performed at least annually using methodology of sufficient precision and accuracy to determine compliance with ANSI S1.4-1971. This calibration shall consist, at a minimum, of an overall frequency response calibration and attenuator (gain control) calibration plus a measurement of dynamic range and instrument noise floor.

(5) An anemometer or other device accurate to within ± 10 percent of full scale which shall be used to measure wind velocity.

(6) An indicator accurate to within ± 5 percent of full scale, to measure speed in RPM of the engine used as a prime mover for the compactor operation. If the vehicle is equipped with an engine tachometer on the instrument panel, that tachometer may be used.

(7) A barometer accurate to within ± 5 percent of full scale, for measuring atmospheric pressure.

(8) A stopwatch having an accuracy of better than 1 percent of the time interval reading, to measure time intervals.

(9) A thermometer accurate to within ± 1 degree Celsius, to measure ambient temperature.

(d) *Microphone locations.* The microphone shall be located 1.2 ± 0.15

meters ($4 \pm \frac{1}{2}$ feet) above the reflecting plane and 7 ± 0.3 meters (23 ± 1 feet) from the mid-point of the surface of the compactor. The microphone shall be oriented such that the surface of the diaphragm is perpendicular to the axis from the midpoint of the surface of the compactor to the microphone, unless the instructions for use of the sound level

meter prescribe some other orientation. In the latter case, the microphone shall be oriented as prescribed in the sound level meter instructions. Measurements shall be made at four microphone positions corresponding to the front, rear, and sides of the vehicle. (See Figure 1 for layout of microphones at test site.)

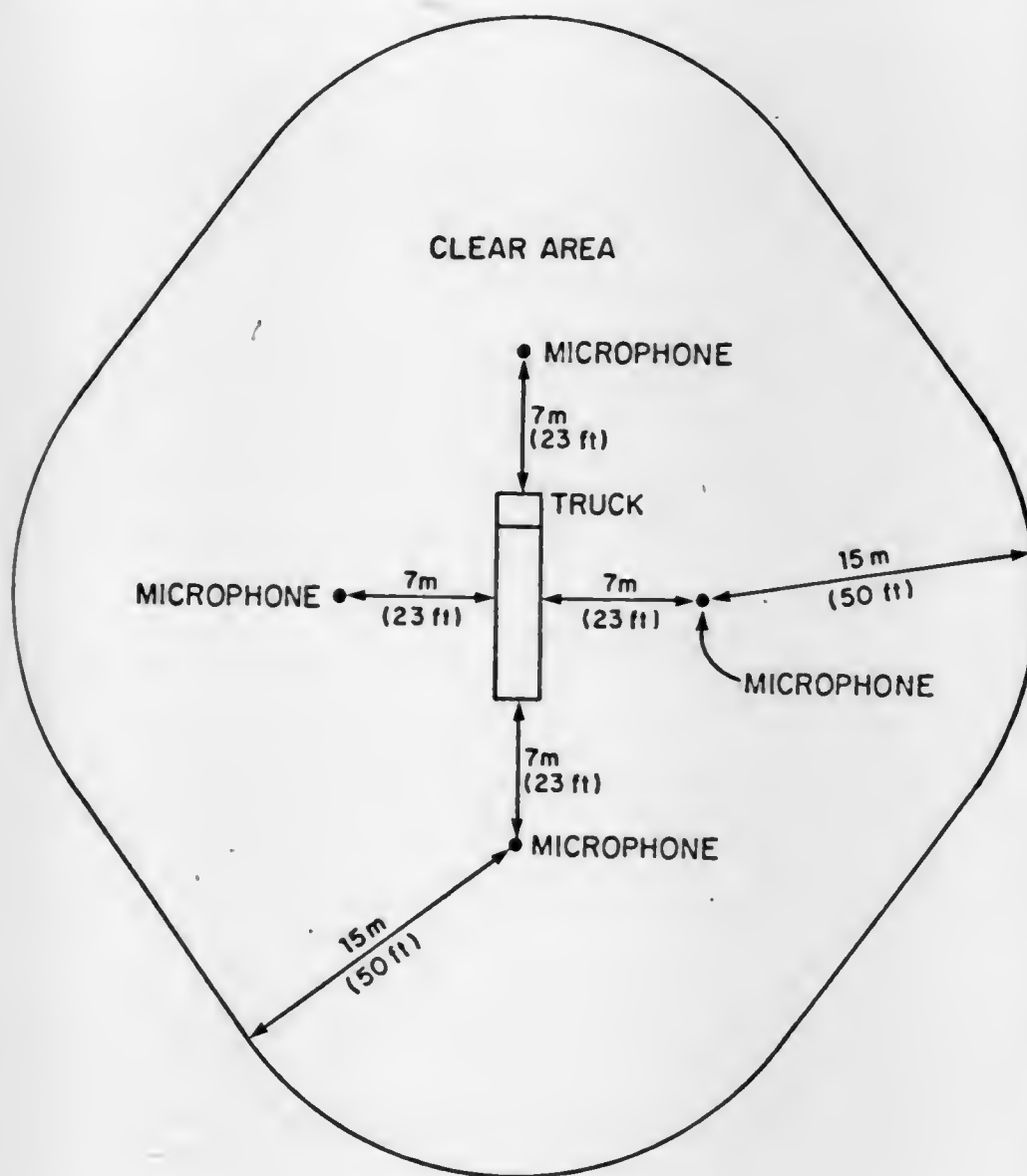


Figure 1
Noise Measurement Site

(e) *Test conditions.* Noise-standard compliance testing must be carried out only when:

- (1) There is no rain or other precipitation.
- (2) The wind speed is less than 19 km/hr. (approximately 12 miles/hr.).
- (3) There is no observer or obstruction located within 2 meters (approximately

$6\frac{1}{2}$ feet) in any direction of any microphone location, nor between the compactor and microphone(s).

(4) The reflecting plane, described in paragraph (b) of this section, is free of snow or other porous or absorptive covering and any extraneous materials such as gravel.

(5) The test site background noise level at each microphone location is at least 10 decibels below the noise levels produced by the test compactor.

(f) *Test procedure.* (1) The compactor must be operated with the vehicle stationary.

(2) The compactor engine must be started and allowed to reach its recommended operating temperature and conditions. If the ambient temperature is below 16°C (about 60°F), the container handling and compaction equipment shall be operated through enough cycles to ensure that hydraulic oil and components have reached a stable temperature and operating condition.

(3) The compactor must be operated empty.

(4) The compaction equipment and container handling mechanism (where appropriate) must be operated in accordance with their normal operating procedures except that no container shall be used. The vehicle engine must be operated at a speed in rpm corresponding to the maximum allowable speed of the hydraulic pump (or other power device, as appropriate) which powers the compactor mechanism. If the compactor includes an engine speed control or governor which is operational during the container handling and compaction cycle, the test must be run at governed speed, provided that the governor cannot be overridden by an operator during normal in-use operation.

(5) The sound level meter must be set for "slow" response and on the "A" weighting network.

(6) The container handling and compaction equipment must be operated through two complete cycles for each noise measurement taken. If the test results (4-position energy-average) differ by more than 2 dB, further tests must be run until the two results agree within 2 dB and the average of the two will be reported.

(7) Noise level measurements must be taken at each of the four microphone positions around the compactor, and the following data will be reported, using a data sheet similar to that shown in Table I of Appendix I:

(i) Maximum noise level¹ during a complete cycle of container handling and compaction at each microphone position:

¹ See § 205.201(a)(8).

(ii) The four-position energy average noise level, computed according to the equation:

$$\bar{L} = 10 \log \sum_{i=1}^4 [\text{ant}(L_i/10)] - 6 \text{ dB}$$

where:

\bar{L} = Energy average noise level, in decibels;
 L_i is the A-weighted noise level corresponding to the i^{th} microphone location;
and $\text{ant}(x)$ means antilogarithm(x), which equals 10^x .

(iii) The time from the beginning to the end of each operational cycle.

(8) The entire acoustical instrumentation system including the microphone and cable must be field-checked before and after each test series.

(g) The Administrator may approve applications from manufacturers for the use of test procedures which differ from those contained in the subpart so long as the alternate procedures have been demonstrated to correlate with the prescribed procedure. Acceptable alternate testing procedures must identify all those test units which would not comply with the noise emission limit prescribed in § 205.202 when tested in accordance with the procedures contained in § 205.204(a). Tests conducted by manufacturers under approved alternate procedures may be accepted by the Administrator for all purposes, including, but not limited to, production verification testing and selective enforcement audit testing.

§ 205.205 Production verification.

§ 205.205-1 General requirements.

(a) Each manufacturer of new compactors manufactured for distribution in commerce in the United States which are subject to the standards prescribed in this subpart and not exempted in accordance with § 205.5:

(1) Shall verify each compactor configuration in accordance with the production verification procedures described in this subpart;

(2) Shall submit a production verification report for each compactor configuration, as required by § 205.205-4 of this subpart;

(3) Shall label each compactor in accordance with the requirements of § 205.205-11 of this subpart; and

(4) Shall ensure that each compactor conforms to the applicable noise emission standards established in § 205.202 of this regulation.

(b) The manufacturer of a new product shall comply with the requirements of paragraph (a) of this section from the time the product first

fits the definition of truck-mounted solid waste compactor in this regulation.

(c) A subsequent manufacturer of a truck-mounted solid waste compactor need not fulfill the requirements of paragraph (a)(1), (2) or (3) of this section if the compactor, when received by the manufacturer, fits the definition of a new truck-mounted solid waste compactor in the regulation, and the prior manufacturer had already complied with these requirements.

(d) Manufacturers who only assemble compactors need not fulfill the requirements of paragraph (a)(1) or (2) of this section if they follow the detailed assembly instructions of the compactor body manufacturer, and do not use any parts not authorized by the compactor body manufacturer. Any such manufacturer who uses unauthorized parts or who deviates from the body manufacturer's assembly instructions is responsible for fulfilling the requirements of paragraph (a)(1) and (2) of this section.

(Secs. 6, 10 and 13 of the Noise Control Act (42 U.S.C. 4905, 4909, 4912))

§ 205.205-2 Production verification: compliance with standards.

(a)(1) Prior to distribution in commerce of a compactor of a specific configuration, the first manufacturer of the compactor shall verify the configuration in accordance with this subpart.

(2) Notwithstanding paragraph (a)(1) of this section, the manufacturer may distribute in commerce products of that configuration for up to 90 days if weather or other conditions beyond the control of the manufacturer make production verification impossible, if the following conditions are met:

(i) The manufacturer shall perform the tests required under paragraphs (b) or (c) of this section on such configuration as soon as conditions permit;

(ii) The manufacturer shall maintain records of the conditions which make production verification impossible; and,

(iii) If, on the 45th day following distribution in commerce of products of that configuration, the manufacturer has not performed the tests required by paragraphs (b) or (c) of this section, the manufacturer shall within 5 days notify the Administrator in writing that such products have been distributed in commerce and shall provide to the Administrator documentation of the conditions which have made production verification impossible.

(3) At any time following receipt of notice under paragraph (a)(2)(iii) of this section with respect to a configuration, the Administrator may require that the manufacturer ship test products to an

EPA test facility in order for the Administrator to perform the tests required for production verification.

(b) The production verification requirements with regard to each compactor configuration consist of:

(1) Testing in accordance with § 205.204 of a compactor selected in accordance with § 205.205-5;

(2) Compliance of the test compactor with a noise level such that the arithmetic sum of the Noise Level Degradation Factor (NLDF, determined in accordance with § 205.208-4 of this Subpart) and that noise level does not exceed the applicable standards, when tested in accordance with § 205.204; and,

(3) Submission of a production verification report pursuant to § 205.205-4.

(c)(1) In lieu of testing products of every configuration as described in paragraph (b) of this section, the manufacturer may elect to verify the configuration based on representative testing, the requirements of which consist of:

- (i) Grouping configurations into a category where each category will be determined by a separate combination of at least the following parameters (a manufacturer may use more parameters):
 - (A) Truck Engine Type
 - (1) Gasoline;
 - (2) Diesel; or,
 - (3) Other.
 - (B) Compactor Type
 - (1) Front Loader;
 - (2) Side Loader; or,
 - (3) Rear Loader.
 - (C) Compactor Power System
 - (1) Direct Drive;
 - (2) Auxiliary Engine; or,
 - (3) Power Take Off.

(ii) (A) Identifying the configuration within each category which emits the highest noise level (in dB) at the end of the defined Acoustical Assurance Period, based on best technical judgment, emission test data, or both;

(B) If two or more configurations emit the same noise level described in paragraph (c)(1)(ii)(A) of this section, then identifying the configuration that emits the highest noise level when distributed into commerce;

(iii) Testing in accordance with § 205.204 of a compactor, selected in accordance with § 205.205-5, of the configuration identified pursuant to paragraph (c)(1)(ii) of this section as having the highest noise level (estimated or actual) within the category;

(iv) Demonstrating compliance by showing that the arithmetic sum of the NLDF and the measured noise level does not exceed the applicable standard;

(v) Submission of a production verification report pursuant to § 205.205-4.

(2) If there has been compliance with the requirements of paragraph (c)(1) of this section, all those configurations within a category are considered to be represented by the tested compactor, and are therefore considered to be production verified.

(3) If there has been compliance with all other requirements of paragraph (c)(1) of this section, except that the manufacturer tests a configuration which does not have the highest noise level in a category (as identified in (c)(1)(ii)), all those configurations in the category which have noise levels no greater than that of the tested compactor are considered to be production verified. However, a manufacturer must production verify according to the requirements of (b)(1) or (c)(1) of this section any configurations in the category which have a higher noise level than that of the compactor configuration tested.

(d) A manufacturer may elect to production-verify all or part of his product line using representative testing pursuant to paragraph (c) of this section.

(e) The manufacturer has the following alternatives with respect to any compactor determined not to be in compliance with applicable standards:

(1) Deletion of that configuration from the production verification report. Configurations so deleted may be included in a later report under § 205.205-4. However, in the case of representative testing, a new test compactor from another configuration must be selected and production verified according to the requirements of paragraph (c) of this section, in order to production-verify the category represented by the compactor that does not comply; or

(2) Modification of the test compactor and demonstration by testing that it meets applicable standards. All modifications and test results must be reported in the production verification report. The manufacturer shall modify all production compactors of the same configuration in the same manner as the test compactor before distribution into commerce.

(f) Upon request by the Director of the Noise Enforcement Division, the manufacturer shall notify said Director of any production verification testing scheduled by the manufacturer pursuant to this section, so that EPA Enforcement Officers may be present to observe and monitor the testing or conduct the testing in lieu of the manufacturer.

(Secs. 6 and 13 of the Noise Control Act. (42 U.S.C. 4905, 4912))

§ 205.205-3 Configuration identification.

(a) A separate product configuration shall be determined by each combination of the following parameters:

- (1) Category parameters listed in § 205.205-2; and
- (2) Power take-off:
 - (i) Transmission mounted;
 - (ii) Flywheel mounted; or,
 - (iii) Crankshaft mounted; and,
- (3) Truck Exhaust System:
 - (i) Horizontal; or,
 - (ii) Vertical.

(Secs. 6 and 13 of the Noise Control Act (42 U.S.C. 4905, 4912))

§ 205.205-4 Production verification report: required data.

(a) Prior to distribution in commerce of any product to which these regulations apply, the manufacturer shall submit a production verification report to the Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460, unless production verification is waived in accordance with § 205.205-2(a)(2). A manufacturer may submit separate production verification reports for different parts of his product line.

(b) The report must be signed by an authorized representative of the manufacturer and must include the following:

(1) The name, location and description of the manufacturer's noise emission test facilities used to conduct testing pursuant to this subpart, except that if a test facility has been described in a previous submission under this subpart it need not be described again, but must be identified as such;

(2) A description of normal predelivery maintenance procedure;

(3) A description of all compactor configurations, as determined in accordance with § 205.205-3, to be distributed in commerce by the manufacturer, including for each configuration, the Noise Level Degradation Factor (see § 205-208-4) and a list of the following:

(i) Identification or definition of any device or element of design (including its location and method of operation) incorporated into the compactors for the purpose of noise control and attenuation;

(ii) Hydraulic Power System:

- (A) Pump manufacturer; and,
- (B) Manufacturer's model designation;
- (iii) Compactor Capacity; and,
- (iv) Any device that affects noise emission from the compactor and does

not operate during the normal operating modes of the compactor.

The manufacturer may satisfy the compactor configuration description requirements of this paragraph (b)(3) by submitting as part of the production verification report a copy of his technical sales literature that describes his product line including options, provided that this literature is supplemented with any additional information necessary to fulfill the requirements of this section. If a manufacturer elects to production-verify pursuant to § 205.205-2(c), the configuration within each category which is estimated to have the highest A-weighted noise level at the end of its Acoustical Assurance Period must be identified. The manufacturer may estimate the average sound level based on his best technical judgment or data. The criteria used to estimate each noise level must be stated with the estimates;

(4) The following information for each noise emission test conducted:

(i) The completed data sheet reporting the data required by § 205.204 for all official tests conducted in accordance with § 205.205-7, including for each invalid test the reason for invalidation;

(ii) A complete description of any preparation, maintenance or testing which could affect the noise emissions of the product, and which was performed on the test compactor and which will not be performed on all other production compactors; and,

(iii) The reason for replacement where a replacement compactor was necessary, and test results, if any, for replaced compactors;

(5) A complete description of the sound data acquisition system if other than those specified in § 205.204;

(6) The following statement and endorsement:

This report is submitted pursuant to section 6 and section 13 of the Noise Control Act of 1972. To the best of (company name)

knowledge, all testing for which data are reported here was conducted in strict conformance with applicable regulations under 40 CFR 205.1 et seq., all the data reported here are a true and accurate representation of such testing, and all other information reported here is true and accurate. I am aware of the penalties associated with violations of the Noise Control Act of 1972 and the regulations thereunder.

(Authorized representative) _____

(c) Where a manufacturer elects to submit separate production verification reports for portions of his product line as provided for in paragraph (a) of this section, information provided in previous reports need not be resubmitted. Information necessary to

update or make current previously submitted information must be submitted.

(d) Any change with respect to information reported under this subpart must be reported as soon as the information becomes available.

(e) Manufacturers who only assemble compactors shall, upon request by the Administrator, submit the following data to the Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460:

(1) The number of compactors assembled by the manufacturer during the time period specified in the request; and,

(2) A copy of the records that the manufacturer is required to maintain under § 205.203(c) of this subpart.

(f) Manufacturers who only assemble compactors need not fulfill the requirements of paragraph (a) of this section unless they are required to fulfill the requirements of § 205.205-1 (a) (1) and (2) of this subpart. (Sec. 13 of the Noise Control Act (42 U.S.C. 4912)).

§ 205.205-5 Test sample selection.

Test compactors of a configuration for which production verification testing is required by § 205.205-2 must be assembled using the manufacturer's normal production processes and intended for sale in commerce.

(Secs. 6 and 13 of the Noise Control Act (42 U.S.C. 4905, 4912))

§ 205.205-6 Test preparation.

(a) Before the official test, the test compactor selected in accordance with § 205.205-5 must not be prepared, tested, modified, adjusted, or maintained in any manner unless such adjustments, preparation, modification or tests are part of the manufacturer's prescribed manufacturing and inspection procedures, and are documented in the manufacturer's internal compactor assembly and inspection procedures, or unless such adjustments or tests are required or permitted under this subpart or are approved in advance by the Administrator. For purposes of this section and § 205.205-5, prescribed manufacturing and inspection procedures include quality control testing and assembly procedures normally performed by the manufacturer on like products during early production, if the resulting testing is not biased by this procedure. In the case of imported products, the manufacturer may perform adjustments, preparations, modifications or tests normally performed at the port of entry by the manufacturer, to prepare the compactor for delivery to a dealer or customer.

(b) Equipment or fixtures necessary to conduct the test may be installed on the compactor, if such equipment or fixtures have no effect on the noise emissions of the compactor, as determined by the measurement methodology.

(c) In the event of a compactor malfunction (e.g., failure to start) the manufacturer may perform the maintenance that is necessary to enable the compactor to operate in a normal manner. This maintenance must be documented and reported in the final report prepared and submitted in accordance with this subpart.

(d) No quality control, quality assurance testing, assembly or selection procedures may be used on the test compactor or any portion thereof, including parts and subassemblies, that will not normally be used during the production and assembly of all other compactors of the category which will be distributed in commerce, unless such procedures are required or permitted under this subpart, or are approved in advance by the Administrator.

(Secs. 6 and 13 of the Noise Control Act (42 U.S.C. 4905, 4912))

205.205-7 Testing

(a) The manufacturer shall conduct one valid test in accordance with the test procedures specified in § 205.204 for each compactor selected for verification testing.

(b) The manufacturer shall not perform maintenance of the test compactors, except as provided for by § 205.205-6.

(c) If a compactor is unable to complete the noise test, the manufacturer may replace the compactor. Any replacement compactor must be a production compactor of the same configuration as the replaced compactor and will be subject to all the provisions of these regulations. Any replacement must be reported in the production verification report along with the reason for the replacement.

(d) If a compactor fails to comply with the standards of this subpart when tested in accordance with the procedures specified in paragraph (a) of this section, the manufacturer may proceed in accordance with § 205.205-2(e) of this subpart.

(Secs. 6 and 13 of the Noise Control Act (42 U.S.C. 4905, 4912))

§ 205.205-8 Addition of, changes to, and deviation from a compactor configuration during the year.

(a) Any change to a configuration with respect to any of the parameters stated in § 205.205-3 constitutes the addition of a new and separate configuration or

category to the manufacturer's product line.

(b) (1) When a manufacturer introduces a new category or configuration to his product line, he shall proceed in accordance with § 205.205-2.

(b) If the configuration to be added can be grouped within a verified category, and the new configuration is estimated to have a lower A-weighted noise level than a previously verified configuration within the same category, and if the manufacturer submits a report pursuant to § 205.205-4 with respect to the new configuration, the configuration is to be considered verified.

(Secs. 6 and 13 of the Noise Control Act. (42 U.S.C. 4905, 4912))

§ 205.205-9 Production verification based on data from previous years.

(a) Production verification of each configuration will be required when production of that configuration commences each year, except that in certain instances, the Administrator, upon request by the manufacturer, may permit the use of production verification data for specific configurations from previous production verification reports. Considerations relevant to his decision may include, but are not limited to:

(1) The level of the standard in effect for the year in question;

(2) Performance based on production verification data for previous years;

(3) Performance based on data obtained from selective enforcement testing during previous years; and

(4) The number and type of changes in the design of noise control features incorporated in the new models that affect the noise emission level.

(Secs. 6 and 13 of the Noise Control Act (42 U.S.C. 4905, 4912))

§ 205.205-10 Cessation of distribution.

(a) If a category or configuration is found not to conform to this subpart because it has not been verified properly pursuant to § 205.205-2, the Administrator may issue an order to the manufacturer to cease to distribute in commerce compactors of that category or configuration. This order will not be issued if the manufacturer has made a good faith attempt to properly production verify the category or configuration, and can prove good faith.

(b) Any such order shall be issued after notice and opportunity for a hearing held in accordance with Title 5 of the U.S. Code, section 554.

(Sec. 11 of the Noise Control Act (42 U.S.C. 4910))

§ 205.205-11 Labeling—compliance.

(a)(1) The manufacturer of any compactor subject to the standards prescribed in § 205.202 shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described in paragraphs (a) (2), (3) and (4) of this section, to all such compactors to be distributed in commerce.

(2) A plastic or metal label shall be welded, riveted, or otherwise permanently attached in a readily visible position, on the forward driver's side of the compactor unit body.

(3) The compactor manufacturer, who has verified the compactor pursuant to § 205.205-2, shall affix the label in such a manner that it cannot be removed without destroying or defacing the label. He shall not affix the label to any piece of equipment that is easily detached from the compactor.

(4) Labels must contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(i) The label heading "Product Noise Emission Control Information;"

(ii) Full corporate name and trademark of manufacturer;

(iii) Identification number;

(iv) Date of manufacture, which may consist of a serial number or code in those instances where records specified in § 205.203(a)(1)(iv) are maintained; and

(v) The statement:

This compactor when new, is warranted not to exceed the noise level of the applicable standard effective on (month/year) when measured in accordance with the Federal test procedure of 40 CFR 205.204 prescribed by U.S. EPA. Tampering with any product noise control device or element of design (see owner's manual), or use of this product after such tampering, is prohibited by Federal Law.

(b) Compactors manufactured solely for use outside the United States and not conforming to the noise emission standards for this regulation need not be labeled as prescribed in paragraph (a) of this section, but must be clearly labeled "For Export Only."

(Sec. 13 of the Noise Control Act, (42 U.S.C. 4912))

§ 205.206 Testing by the Administrator.

(a)(1) The Administrator may require that any products to be tested pursuant to the Act be submitted to him, at such place and time as he may reasonably designate, and in such quantity and for such time as he may reasonably require, for the purpose of conducting tests in accordance with test procedures described in § 205.204, to allow the Administrator to determine whether

such products or a manufacturer's test facility conform to applicable regulations. The manner in which the Administrator conducts such tests, the EPA test facility itself, and the test procedures the Administrator employs will be based upon good engineering practice and will meet or exceed the requirements of § 205.204 of the regulation.

(2) If the Administrator specifies that he will conduct such testing at the manufacturer's facility, the manufacturer shall make available instrumentation and equipment of the type required for test operations by this regulation. The Administrator may conduct such tests with Agency equipment, having specifications equal to or exceeding the performance specifications of the instrumentation and equipment required in this regulation.

(3) The manufacturer may observe tests conducted by the Administrator pursuant to this section on products produced by the manufacturer and may copy the data accumulated from such tests. The manufacturer may inspect any of the products before and after testing by the Administrator.

(b)(1) If, based on tests conducted by the Administrator, or other relevant information, the Administrator determines that the test facility does not meet the requirements of § 205.204-1(a) and (b), he will notify the manufacturer in writing of his determination and the reasons therefor.

(2) The manufacturer may at any time within 15 days after receipt of a notice issued under paragraph (b)(1) of this section request a hearing conducted in accordance with 5 U.S.C. 554 on the issue of whether his test facility met the requirements. Such notice will not take effect until 15 days after receipt by the manufacturer, or if a hearing is requested under this paragraph, until adjudication by the hearing examiner.

(3) After any notification issued under paragraph (b)(1) of this section has taken effect, no data thereafter derived from that test facility will be acceptable for purposes of this Part.

(4) The manufacturer may request in writing that the Administrator reconsider his determination in paragraph (b)(1) of this section based on data or information which indicates that changes have been made to the test facility, and that those changes have resolved the reasons for disqualification.

(5) The Administrator will notify the manufacturer of his determination and an explanation of the reasons underlying it with regard to the requalification of the test facility within 10 working days after receipt of the

manufacturer's request for reconsideration pursuant to paragraph (b)(4) of this section.

(c)(1) The Administrator will assume all reasonable costs associated with shipment of products to the place designated pursuant to paragraph (a) of this section, except with respect to:

(i) Any production verification testing performed at a place other than the manufacturer's facility as provided for in § 205.205-2(a)(3), or as a result of the manufacturer's not owning or having access to a test facility;

(ii) Testing of a reasonable number of compactors, for purposes of selective enforcement auditing under § 205.207, or if the manufacturer has failed to establish that there is a correlation between its test facility and the EPA test facility or the Administrator has reason to believe, and provides the manufacturer with a statement of reasons, that the products to be tested would fail to meet the standard prescribed in this subpart if tested at the EPA test facility, but would meet the standard if tested at the manufacturer's test facility;

(iii) Any testing performed during a period when a notice issued under paragraph (b) of this section, is in effect;

(iv) Any testing performed at a place other than the manufacturer's facility as a result of the manufacturer's failure to permit the Administrator to conduct or monitor testing as required by this Part; and

(v) Testing of up to 50 percent of the manufacturer's production verification test products to be tested during a year, if the Administrator determines it is necessary to test these vehicles at the EPA test site to assure that a manufacturer has acted or is acting in compliance with the Act.

(Secs. 6, 11 and 13 of the Noise Control Act (42 U.S.C. 4905, 4910, 4912))

§ 205.207 Selective enforcement auditing requirements.**§ 205.207-1 Test request.**

(a) The Administrator will request all testing under § 205.207 by means of a test request addressed to the manufacturer.

(b) The test request will be signed by the Assistant Administrator for Enforcement or his designee. The test request will be delivered by an EPA Enforcement Officer to the plant manager or other responsible official as designated by the manufacturer.

(c) The test request will specify the compactor category, configuration or subgroup selected for testing, the manufacturer's plant or storage facility from which the compactors shall be

selected, and the time at which a compactor shall be selected. The test request will also provide for situations in which the selected configuration, category or subgroup is unavailable for testing. The test request may include an alternative category, configuration or subgroup selected for testing in the event that compactors of the first specified category, configuration or subgroup are not available for testing because the units are not being manufactured at the specified plant, are not being manufactured during the specified time, or are not being stored at the specified plant or storage facility.

(d) Any manufacturer shall, upon receipt of the test request;

(1) (If the manufacturer projects a yearly production of less than 50 compactors of the specified category, configuration or subgroup to be tested) notify the Administrator within five (5) days of receipt of the request. The Administrator will then provide a test request specifying a testing plan to determine compliance or noncompliance in the SEA which imposes no greater risk of failure (5%) at the acceptable quality level (10%) than the plan in Appendix I;

(2) (If the manufacturer produces 50 or more of the specified category, configuration or subgroup per year) select and test a sample of compactors from the category, configuration or subgroup specified in the test request in accordance with these regulations and the conditions specified in the test request.

(e)(1) Any testing conducted by the manufacturer under a test request shall be initiated within the time period specified in the test request; except that initiation may be delayed for increments of 24 hours or one business day where ambient test site weather conditions, or other conditions beyond the control of the manufacturer, in any 24-hour period do not permit testing. The manufacturer must insure that the conditions for this period are recorded.

(2) The manufacturer shall complete noise emission testing on a minimum of five compactors per day unless otherwise provided for by the Administrator or unless ambient test site conditions permit only the testing of a lesser number. In the event a lesser number are tested, the ambient test site weather conditions for that period must be recorded.

(3) The manufacturer shall be allowed 24 hours to ship compactors from a sample from the assembly plant to the testing facility if the facility is not located at the plant or in close proximity to the plant. Except, that the Administrator may approve more time

based upon a request by the manufacturer accompanied by a satisfactory justification.

(f) The Administrator may issue an order to the manufacturer to cease to distribute in commerce compactors of a specified category, configuration or subgroup being manufactured at a particular facility if:

(1) The manufacturer refuses to comply with the provisions of a test request issued by the Administrator under this section; or

(2) The manufacturer refuses to comply with any of the requirements of this section.

(g) A cease-to-distribute order shall not be issued under paragraph (f) of this section if the refusal is caused by conditions and circumstances outside the control of the manufacturer which render it impossible to comply with the provisions of a test request or any other requirements of this section. These conditions and circumstances shall include, but are not limited to, any uncontrollable factors which result in the temporary unavailability of equipment and personnel needed to conduct the required tests, such as equipment breakdown or failure, or illness of personnel, but shall not include failure of the manufacturer to adequately plan for and provide the equipment and personnel needed to conduct the tests. The manufacturer will bear the burden of establishing the presence of the conditions and circumstances required by this paragraph.

(h) Any order to cease to distribute shall be issued only after a notice and opportunity for a hearing held in accordance with 5 U.S.C. § 554.

(Secs. 11, 13 of the Noise Control Act (42 U.S.C. 4910, 4912))

§ 205.207-2 Test sample selection.

(a) Compactors comprising the sample which are required to be tested under a test request in accordance with this subpart will be selected consecutively as they are produced. The provisions of §§ 205.205-7(b) and (c) shall also pertain to this section.

(b) The Acceptable Quality Level is 10 percent. The appropriate sampling plans associated with the designated AQL are contained in Tables II-V of Appendix I.

(c) The compactors of the category, configuration or subgroup selected for testing shall have been assembled by the manufacturer for distribution in commerce using the manufacturer's normal production process in accordance with § 205.205-5(a).

(d) Unless otherwise indicated in the test request, the manufacturer will initiate testing with the compactor next

scheduled for production after receipt of the test request, of the category, configuration or subgroup specified in the test request.

(e) The manufacturer will keep on hand all products in the test sample until the sample is accepted or rejected in accordance with § 205.207-6; except that compactors actually tested and found to be in conformance with this regulation need not be kept.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912))

§ 205.207-3 Test sample preparation.

Prior to the official test, the test compactor selected under § 205.207-2 will be prepared under § 205.205-6.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912))

§ 205.207-4 Testing procedures.

(a) The manufacturer shall conduct one valid test in accordance with the test procedures specified in § 205.204 of this subpart for each compactor selected for testing under this subpart.

(b) No maintenance will be performed on test compactors except as provided for by § 205.207-3. In the event a compactor is unable to complete the emission test, the manufacturer may replace the compactor. Any replacement product shall be a production compactor of the same configuration or subgroup as the replaced compactor, selected in the same manner as the replaced compactor, and shall be subject to all the provisions of these regulations.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912))

§ 205.207-5 Reporting of the test results.

(a) Within 5 days after completion of testing of a sample, the manufacturer shall submit to the Administrator a final report which will include the information required by the test request in the format stipulated in the test request in addition to the following:

(1) The name, location, and description of the manufacturer's noise emission test facilities which meet the specifications of § 205.204 and were utilized to conduct testing reported under this section, except that a test facility that has been described in a previous submission under this subpart need not again be described, but must be identified as that facility;

(2) The following information for each noise emission test conducted:

(i) The completed data sheet required by § 205.204 for all noise emission tests including, for each invalid test, the reason for invalidation;

(ii) A complete description of any modification, repair, preparation, maintenance, or testing which could

affect the noise emissions of the product and which was performed on the test compactor but will not be performed on all other production compactors; and,

(iii) The test results for any replaced compactor and the reason for replacement of the compactor;

(3) A complete description of the sound data acquisition system if other than those specified in § 205.204;

(4) The following statement and endorsement:

This report is submitted pursuant to section 6 and section 13 of the Noise Control Act of 1972. To the best of (company name)

knowledge, all testing for which data is reported here was conducted in strict conformance with applicable regulations under 40 CFR 205.200 *et seq.*, all the data reported here are a true and accurate representation of such testing, and all other information reported here is true and accurate. I am aware of the penalties associated with violations of the Noise Control Act of 1972 and the regulations thereunder.

(Authorized representative)

(b) Information required to be submitted to the Administrator under this section shall be forwarded to the following address:

Director, Noise Enforcement Division, (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912))

§ 205.207-6 Passing or failing under SEA.

(a) A failing compactor is one whose measured noise level is in excess of the noise level equal to the applicable noise emission standard set forth in § 205.202 minus the noise level degradation factor as determined in § 205.208-4 for the category or configuration being tested.

(b) The sample will pass or fail based upon the number of failing compactors in the sample. A sufficient number of compactors will be tested until the cumulative number of failing compactors is greater than or equal to the rejection number, or less than or equal to the acceptance number appropriate for the cumulative number of compactors tested. The acceptance and rejection numbers listed in Appendix I will be used in determining whether a pass or failure of the SEA has occurred.

(c) Pass or failure of an SEA takes place when a decision that a compactor is a passing or failing unit is made on the last compactor required to make a decision under paragraph (b) of this section.

(d) If the sample passes, the manufacturer will not be required to perform any additional testing on

subsequent products under the initiating test request.

(e) The Administrator may terminate testing earlier than required in paragraph (b) of this section based on a request by the manufacturer, accompanied by voluntary cessation of distribution in commerce of compactors from the category, configuration or subgroup in question, manufactured at the plant which produced the products under test, provided, that before reinitiating distribution in commerce of products from that plant of that product category, configuration or subgroup, the manufacturer must take the action described in § 205.207-9(a)(1) and (a)(2).

§ 205.207-7 Continued testing.

(a) If an SEA failure occurs according to paragraph (b) of § 205.207-6, the Administrator may require that any or all products of that category, configuration or subgroup produced at that plant be tested before distribution in commerce.

(b) The Administrator will notify the manufacturer in writing of his intent to require continued testing of compactors under paragraph (a) of this section.

(c) The manufacturer may request a hearing on the issues of whether the selective enforcement audit was conducted properly; whether the criteria for sample rejection in § 205.207-6 have been met; and, the appropriateness or scope of a continued testing order. In the event that a hearing is requested, the hearing shall begin no later than 15 days after the date on which the Administrator received the hearing request. Neither the request for a hearing nor the fact that a hearing is in progress shall affect the responsibility of the manufacturer to commence and continue testing required by the Administrator pursuant to paragraph (a) of this section.

(d) Any tested compactor which demonstrates conformance with the applicable standard may be distributed into commerce.

(e) Any knowing distribution into commerce of a compactor which does not comply with the applicable standard is a prohibited act.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912))

§ 205.207-8 Prohibition of distribution in commerce; manufacturer's remedy.

(a) The Administrator will permit the cessation of continued testing under § 205.207-7 once the manufacturer has taken the following actions:

(1) Submits a written report to the Administrator which identifies the reason for the non-compliance of the compactors, describes the problem and

describes the proposed quality control or quality assurance remedies to be taken by the manufacturer to correct the problem or follows the requirements for an engineering change pursuant to § 205.205-8; and

(2) Demonstrates that the specified compactor category, configuration or subgroup has passed a retest conducted in accordance with § 205.207, and the conditions specified in the initial test request.

(3) The manufacturer may begin testing under paragraph (a)(2) of this section upon submitting the report, and may cease continued testing upon making the demonstration required by paragraph (a)(2) of this section, provided that the Administrator may require resumption of continued testing if he determines that the manufacturer has not satisfied the requirements of paragraphs (a)(1) and (2) of this section.

(b) Any compactor failing the prescribed noise emission tests conducted under this subpart may not be distributed into commerce until necessary adjustments or repairs have been made and the compactor passes a retest.

(Secs. 10, 11, 13 of the Noise Control Act (42 U.S.C. 4909, 4910, 4912))

§ 205.208 In-use requirements.

§ 205.208-1 [Reserved]

§ 205.208-2 Tampering.

(a) For each model year and for each configuration of compactor covered by this part, the manufacturer shall submit to the Administrator a list of those acts which, in the manufacturer's estimation, might be done to the compactor in use on more than an occasional basis; and result in an increase in noise emission levels above the standards prescribed in § 205.202. The manufacturer shall state his estimate, wherever possible, of the amount of this increase in noise level.

(b) The above information shall be submitted to the Administrator within adequate time prior to the introduction into commerce of each configuration to allow for the development and printing of tampering lists, as provided in paragraphs (c) and (d) of this section.

(c) On the basis of the above information, the Administrator will develop a list of acts which, in his judgment, constitute the removal or rendering totally or partially inoperative, other than for purposes of maintenance, repair, or replacement, of noise control devices or features of the compactor. This list will be provided to the manufacturer by the Administrator within 30 days of the date on which the information required in paragraph (a) of

this section is submitted by the manufacturer. The list must be included in the statement to the ultimate purchaser as required by paragraph (d)(2) of this section. If the list is not provided by the Administrator within 30 days of the date on which the information required in paragraph (a) of this section is submitted, the manufacturer shall include only the statement in paragraph (d)(1) of this section until such time as the list has been provided and the owner's manual is reprinted for other purposes.

(d) The manufacturer shall include in the owner's manual the following information:

(1) The statement:

Tampering With Noise Control System Prohibited

Federal law prohibits the following acts or the causing thereof: (1) The removal or rendering inoperative by any person other than for purposes of maintenance, repair, or replacement, of any device or element of design incorporated into any new compactor for the purpose of noise control prior to its sale or delivery to the ultimate purchaser or while it is in use, or (2) The use of the compactor after such device or element of design has been removed or rendered inoperative by any person.

(2) The statement:

Among those acts presumed to constitute tampering are the acts listed below.

Immediately following this statement, the manufacturer shall include the list developed by the Administrator under paragraph (c) of this section.

(e) Any act included in the list prepared pursuant to paragraph (c) of this section is presumed to constitute tampering; however, in any case in which a prohibited act has been committed and it can be shown that such act resulted in no increase in the noise level of the unit, or that the unit still meets the noise emission standard of § 205.202, the act will not constitute tampering.

(f) Manufacturers who only assemble compactors need not fulfill the requirements of paragraphs (a), (b), (c), and (d) of this section. Such manufacturers shall provide ultimate purchasers of their compactors with the tampering list that the Administrator has forwarded to the compactor body manufacturer under paragraph (c) of this section for that particular compactor body and truck chassis combination.

When such manufacturers of compactors are required to comply with § 204.205-4(a)(1) and (2) of this subpart, they shall fulfill the requirements of paragraph (a), (b), (c), and (d) of this section.

(g) The provisions of this section are not intended to preclude any State or local jurisdiction from adopting and enforcing its own prohibitions against the removal or rendering inoperative of noise control systems on compactors subject to this part.

(h) All information required by this section to be furnished to the Administrator must be sent to the following address:

Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460.

(Secs. 10, 13 of the Noise Control Act (42 U.S.C. 4909, 4912))

§ 205.208-3 Instructions for maintenance, use and repair

(a)(1) The manufacturer shall provide to the ultimate purchaser of each compactor covered by this subpart written instructions for the proper maintenance, use and repair of the compactor in order to provide reasonable assurance of the elimination or minimization of noise emission degradation throughout the life of the compactor.

(2) The purpose of the instructions is to inform purchasers and mechanics of those acts necessary to reasonably assure that degradation of noise emission level is eliminated or minimized during the life of the compactor. Manufacturers shall prepare the instructions with this purpose in mind. The instructions shall be clear and, to the extent practicable, written in nontechnical language.

(3) The instructions shall not be used to secure an unfair competitive advantage. They shall not restrict replacement equipment to original manufacturer equipment, or service to dealer service, unless such manufacturer makes public the performance specifications on such equipment.

(b) For the purpose of encouraging proper maintenance, the manufacturer shall provide a record or log book containing a schedule for the performance of all required noise emission control maintenance. Space shall be provided in this record book so that the purchaser can note what maintenance was done, by whom, where, and when.

(c) Not later than the date of submission of the production verification report required by § 205.205-4, the manufacturer shall submit to the Administrator two (2) copies of the maintenance instructions (including the record book) required by paragraphs (a) and (b) of this section.

(d) The Administrator will require modifications to the instructions if they are not sufficient to fulfill the

requirements of paragraph (a) of this section.

(e) Manufacturers who only assemble compactors are not required to fulfill the requirements of paragraphs (a), (b), and (c) of this section. Such manufacturers shall provide the maintenance instructions and log book developed by the compactor body manufacturer for that particular compactor body and chassis combination. When such manufacturers are required to comply with § 204.205-4(a)(1) and (2) of this subpart, they shall fulfill the requirements of paragraphs (a), (b), and (c) of this section.

(f) Information required to be submitted to the Administrator pursuant to this section shall be sent to the following address:

Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460.

(Secs. 6 and 13 of the Noise Control Act (42 U.S.C. 4905, 4912))

§ 205.208-4 Noise Level Degradation Factor (NLDF) and retention of durability data.

(a) Each manufacturer responsible for compliance with the standards specified in § 205.202 shall develop a Noise Level Degradation Factor (NLDF) for each of his compactor configurations, using the records compiled under paragraph (b) of this section.

(b)(1) The manufacturer shall establish and maintain records that demonstrate the increase in noise level which will occur for each product configuration during the specified Acoustical Assurance Period.

(2) The records may include, but need not be limited to, the following:

(i) Durability data and actual noise testing on critical noise producing or attenuating components;

(ii) Noise level deterioration curves on the entire product; and

(iii) Data from products in actual use.

(c) The NLDF is to be used in all Production Verification testing and Selective Enforcement Audit testing to determine compliance.

(d) If the manufacturer determines that the product's noise level will not increase during the Acoustical Assurance Period when properly used and maintained, the NLDF is zero.

(e) If the manufacturer determines that a product's noise level does not increase, but rather decreases with use, yielding a negative NLDF, he shall use zero as the NLDF in all testing under these regulations, but shall determine and record the actual NLDF.

(f) Manufacturers who only assemble compactors are not required to fulfill the requirements of this section. Such

manufacturers, when they are required to fulfill the requirement of § 204.205-4(a) (1) and (2), shall use the NLDF as determined by the compactor body manufacturer for that particular compactor body.

(g) All records required under this section shall be maintained for three years.

(Secs. 6 and 13 of the Noise Control Act (42 U.S.C. 4905, 4912))

§ 205.209 Recall of non-complying compactors.

(a) Pursuant to Section 11(d)(1) of the Act, the Administrator may issue an order to the manufacturer to recall and repair or modify any compactor distributed into commerce which is not in compliance with this subpart.

(b) A recall order issued under this section shall be based upon a determination by the Administrator that compactors of a specified category or configuration have been distributed in commerce. This determination may be based on:

(1) A technical analysis of the noise emission characteristics of the category or configuration in question; or

(2) Any other relevant information, including test data.

(c) For the purposes of this section, noise emissions may be measured by the test prescribed in § 205.204 for testing prior to distribution in commerce, or any other test which has been demonstrated to correlate with the prescribed test procedure in accordance with § 205.204(g).

(d) Any order to recall shall be issued only after notification and an opportunity for a hearing.

(e) All costs, including labor and parts, associated with the recall and repair or modification of non-complying compactors under this section must be borne by the manufacturer.

(f) This section does not limit the discretion of the Administrator to take any other actions which are authorized by the Act.

(Sec. 11 of the Noise Control Act (42 U.S.C. 4910))

BILLING CODE 6560-01-M

TABLE I

NOISE EMISSION TEST DATA SHEET FOR TRUCK-MOUNTED SOLID WASTE COMPACTORS

Test No. _____

I. Machine Characteristics

Body Manufacturer: _____ Model No. _____ Serial No. _____
Truck Manufacturer: _____ Model No. _____ Serial No. _____
Rate H.P. _____ at: _____ RPM; Maximum Engine Speed During Compaction _____ RPM

II. Test Conditions

Manufacturer's Test Site Identification and Location: _____
Measurement Surface Composition: _____
Ambient Sound Levels (a) Beginning of Test; _____ dBA
(b) End of Test; _____ dBA

III. Instrumentation

Microphone Manufacturer: _____ Model No. _____ Serial No. _____
Sound Level Meter Manufacturer: _____ Model No. _____ Serial No. _____
Acoustical Calibrator Manufacturer: _____ Model No. _____ Serial No. _____
Other: _____ Model No. _____ Serial No. _____

IV. Noise Level Data

Noise Levels (dBA)

Machine Reference Surface				Calculated Average Level	NLDF	Calculated Resultant Noise Level
Front	L.H. Side	Rear	R.H. Side			

V. Atmospheric Data

Temperature _____ °C _____ (°F)
Wind Speed _____ km/hr.
Barometric pressure _____ mm Hg

VI. Test Personnel and Witnesses

Tested by: _____ Date: _____
Reported by: _____ Date: _____
Checked by: _____ Date: _____

BILLING CODE 6560-01-C

Table II.—Population 50–99

Stage	Acceptance No.	Rejection No.
1	.....	.....
2	.....	.....
3	.....	3
4	.....	3
5	.....	3
6	.....	3
7	0	3
8	0	4
9	0	4
10	0	4
11	1	4
12	1	4
13	1	5
14	1	5
15	2	5
16	2	5
17	2	5
18	2	5
19	2	5
20	4	5

Table V.—Population 400 and Greater

Stage	Acceptance No.	Rejection No.
1	.....	.....
2	.....	.....
3	.....	3
4	.....	3
5	.....	3
6	.....	4
7	0	4
8	0	4
9	0	4
10	0	4
11	0	5
12	1	5
13	1	5
14	1	5
15	1	5
16	2	5
17	2	5
18	2	5
19	2	5
20	4	5

Table III.—Population 100–199

Stage	Acceptance No.	Rejection No.
1	.....	.....
2	.....	.....
3	.....	3
4	.....	3
5	.....	3
6	.....	3
7	0	4
8	0	4
9	0	4
10	0	4
11	1	4
12	1	5
13	1	5
14	1	5
15	1	5
16	2	5
17	2	5
18	2	5
19	2	5
20	4	5

[FR Doc. 79-3950 Filed 9-24-79; 8:45 am]
BILLING CODE 5530-01-M

Table IV.—Population 200–399

Stage	Acceptance No.	Rejection No.
1	.....	.....
2	.....	.....
3	.....	3
4	.....	3
5	.....	3
6	.....	3
7	0	4
8	0	4
9	0	4
10	0	4
11	0	5
12	1	5
13	1	5
14	1	5
15	1	5
16	2	5
17	2	5
18	2	5
19	2	5
20	4	5

Monday
October 1, 1979

Part V

Community Services Administration

Republication of Rules, Regulations, and
Guidelines

republican register

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COMMUNITY SERVICES ADMINISTRATION

45 CFR Parts 1010, 1012, 1050, 1060, 1061, 1062, 1063, 1064, 1067, 1068, 1069, 1070, 1075, 1076

Republication of CSA Instructions as Regulations in the Code of Federal Regulations

AGENCY: Community Services Administration.

ACTION: Republication of CSA Instructions as regulations in the Code of Federal Regulations.

SUMMARY: In order to make readily available to grantees and the public, the rules, regulations and guidelines published by the Community Services Administration (CSA) the agency is codifying thirty-four rules. These rules were published and effective prior to 1972 as Office of Economic Opportunity (OEO) Instructions but never published in the Federal Register. By publishing these thirty-four rules CSA will have codified all of its current regulations with the exception of one.

EFFECTIVE DATE: October 1, 1979, unless otherwise noted on the regulatory text.

FOR FURTHER INFORMATION CONTACT:

Rita C. Kane, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506, Phone (202) 254-5047.

SUPPLEMENTARY INFORMATION: Prior to 1972 the Community Services Administration (CSA), formerly the Office of Economic Opportunity, was not required by statute to codify and publish its regulations. Between 1964 and 1968 CSA issued its regulations in booklets known as Community Action Guides Volumes I and II and through Community Action Memos. Beginning in 1968 all directives were issued in the form of OEO/CSA Instructions.

In 1972 Section 623 (redesignated Section 622, November 2, 1978) of the Economic Opportunity Act of 1964 required that all new rules, regulations, guidelines, instructions and application forms be published in the Federal Register. Since 1972 CSA has utilized a duplicate issuance system for all rules, publication of its rules in the Federal Register and distribution of these same rules as CSA Instructions to its grantees. CSA now is moving towards use of the Federal Register as the sole source of publication of its rules. Upon publication of the 1979 issue of the Code of Federal Regulations, Title 45, in the Spring of

1980, CSA will discontinue printing CSA Instructions and will require grantees to purchase copies of the CFR (Title 45 only).

The Instructions codified herein are not changed in substance. They are revised to update references to the Economic Opportunity Act of 1964 as amended, names of organizations, to reflect forms currently approved by the Office of Management and Budget and required by CSA, to replace sex-specific language with sex-neutral terms, and to include the term "sex" in the non-discrimination provisions of § 1061.4 and § 1068.41 as requested by the Department of Justice.

Lists of addresses, resources and maps contained as appendices of Instructions and now outdated are deleted.

Instructions not codified in this document are: 6170-1—"Guidelines for Planning and Programming for the Elderly Poor", which will be issued as a Guidance by CSA, 6168-1b—"Youth Development Program Policies" (deleted from Part 1061 of Chapter X) which will be issued as a Guidance by CSA.

6710-1—"Applying for a CAP Grant". This Instruction is being extensively revised and will be published as a proposed rule in the near future.

6802-01—"Contribution to Non-Federal Share of a Community Action Program by Local Housing Authorities". This rule is deleted since the general provision of policy is stated in Subpart 1050.53 Paragraph (5).

6802-02—"College Work Study Program." The policy statement in this rule is incorporated into Subpart 1050.57, paragraph (d).

Changes in the Part headings of Chapter X of the CFR are: Part 1062 is revised as: Community Action Agencies; Eligibility and Establishment.

Parts added are: 1063—Community Action Agencies; Mission and Functions; and 1064 Limited Purpose Agencies; Eligibility, Organization and Functions.

Parts deleted from Chapter X are: 1012, as this Part is obsolete; Part 1078 as this Part is superseded by Subpart 1067.4 (CSA Instruction 7850-1a) but inadvertently not deleted from CFR.

The Part heading to Parts 1010, 1026, 1050, 1060, 1061, 1067, 1068, 1069, and 1070 are revised by designating each subpart with a number and an OEO/CSA Instruction number.

The subparts deleted from Chapter X are: In Part 1060 Subpart 1060.5—Successor Authority to the Office of Economic Opportunity (CSA Instruction 6000-3) is deleted. This Subpart, published as a CSA Notice, expired January 15, 1976 and was inadvertently not removed from the CFR.

In Part 1061 the following are deleted as CSA no longer funds these programs. Subpart—Consultation with the Bar on Legal Services Program (CSA Instruction 6140-1); Subpart—Eligibility Standards of Comprehensive Health Services (CSA Instruction 6128-1);

Subpart—CSA Policy Re Grants Funded Under Title X of the Public Works and Economic Development Act of 1965 (CSA Instruction 6102-1).

In addition the following subparts in Part 1061 are deleted as these programs expired:

Subpart—Funding Requirements for Emergency Energy Assistance (CSA Instruction 6134-6) expired December 31, 1978;

Subpart—Policies and Allocation for Fiscal Year 1978 Fundings (CSA Notice 6143-6) expired September 30, 1978;

Subpart—Citizen Participation Grant, Program Fiscal Year 1978 (CSA Instruction 6005-2) expired December 31, 1978.

In Part 1067, Subpart—Control Over Cash in the Hands of Grantees (CSA Notice 6710-5) is obsolete.

In Part 1068, Subpart—Non-Federal Share Contribution; Eligibility for Waivers of Increase (CSA Instruction 6802-5a) and Subpart—Non-Federal Share Contribution, Eligibility for Waiver of Increase for Fiscal Year 1978 Grants (CSA Instruction 6802-5a, CFI) are deleted since CSA is no longer making grants with FY '78 funds.

These revisions do not affect the content of any current or future regulations.

CSA Instructions 7570-1, 7570-2, 7570-3, 7570-4, and 6710-4 have been combined and codified into one subpart. This subpart updates CSA's project notification and review process to note the long-standing requirement to use the S.F. 424 and the O.M.B. Circular Clearinghouse procedure required by A-95 which replaced CSA's own checkpoint procedure. This new subpart is issued by CSA as Instruction 7570-1a.

An index of CSA's current rules can be found in Part 1067.50—"Index and Applicability of CSA Regulations (Instructions)" (CSA Instruction 6000-2d).

William W. Allison,
Deputy Director

45 CFR Chapter X is amended as follows:

1. The Part headings in Chapter X are revised as follows:

PART 1061—CHARACTER AND SCOPE OF SPECIFIC PROGRAMS**PART 1062—COMMUNITY ACTION AGENCIES; ELIGIBILITY AND ESTABLISHMENT**

2. The Parts deleted in Chapter X are:

PART 1012—GENERAL ADMINISTRATIVE AND MANAGEMENT COMMITTEES [DELETED]**PART 1078—EVALUATION [DELETED]****PART 1010—CIVIL RIGHTS REGULATIONS**

3. The subpart heading in 45 CFR Part 1010 is revised as follows:

Subpart 1010.1—Nondiscrimination in Federally-assisted Programs in the Community Services Administration—Effectuation of Title VI of the Civil Rights Act of 1964. (CSA Instruction 6004-01a and 6004-01a CHI)

PART 1026—CONTRACTS AND ADMINISTRATION

4. The subpart heading in 45 CFR Part 1026 is revised as follows:

Subpart 1026.1—Reporting and Review Procedures for Preventing Conflicts of Interest in Contracts and Grants

PART 1050—UNIFORM FEDERAL STANDARDS

5. The subpart heading in 45 CFR Part 1050 is revised as follows:

Subpart I—Monitoring and Reporting Performance. (CSA Instruction 6800-9)

6. Section 1050.57 is amended by adding paragraph (d) as follows:
* 1050.57 CSA implementing policies and procedures.

(d) Financial assistance of Title II of the Economic Opportunity Act of 1964, as amended, may be used to provide the required 10% matching share of the wages of students employed under the College Work Study Program (CWSP) who work in Community Action Programs.

PART 1060—GENERAL CHARACTERISTICS OF CSA-FUNDED PROGRAMS

7. The subpart headings of 45 CFR Part 1060 are revised as follows:

Subpart 1060.1—Participation of the Poor in the Planning, Conduct, and Evaluation of Community Action Programs (CSA Instruction 6005-1)

Subpart 1060.2—CSA Income Poverty Guidelines (CSA Instruction 6004-1K)

Subpart 1060.3—Limitation on Benefits to those Voluntarily Poor (CSA Instruction 6004-2)

Subpart 1060.4—Resolving Complaints of Discrimination in Employment, Program Participation and Benefits Against CSA Grantees (CSA Instruction 6004-4)

8. The following subpart in 45 CFR Part 1060 is deleted:

Subpart 1060.5—Successor Authority to the Community Services Administration (CSA Notice 6000-3) which includes §§ 1060.5-1—1060.5-3. [Deleted]

9. The subpart headings of 45 CFR Part 1061 are revised as follows:

Subpart 1061.12—Use of EFM Funds for Food Stamp Activities (CSA Instruction 6132-1)

Subpart 1061.20—Summer Youth Recreation Program (CSA Instruction 6168-2b)

Subpart 1061.30—Emergency Energy Conservation Program (CSA Instruction 6143-1a)

Subpart 1061.31—Emergency Energy Conservation Program (CSA Instruction 6143-2)

Subpart 1061.50—Community Food and Nutrition Programs (CSA Instruction 6132-2a)

Subpart 1061.52—Emergency Energy Conservation; Fiscal Year 1979 Crisis Intervention (CSA Instruction 6143-7)

PART 1061—CHARACTER AND SCOPE OF SPECIFIC PROGRAMS

10. The following subpart in 45 CFR Part 1061 are deleted:

Subpart—Youth Development Program Policies (CSA Instruction 6168-1a) which includes §§ 1061.1-1—1061.1-12 [Deleted]

Subpart—Consultation With the Bar on Legal Services Programs (CSA Instruction 6140-1) which includes §§ 1061.2-1—1061.2-5 [Deleted]

Subpart—Eligibility Standards of Comprehensive Health Services (CSA Instruction 6128-1) which includes §§ 1061.3-1—1061.3-3 [Deleted]

Subpart—CSA Policy Re-grants Funded Under Title X of the Public Works and Economic Development Act of 1965 (CSA Instruction 6102-1) which includes §§ 1061.40-1—1061.40-9 [Deleted]

Subpart—Funding Requirements for Emergency Energy Assistance Program (CSA Instruction 6143-7) which includes §§ 1061.51-1—1061.51-15 [Deleted]

Subpart—Policies and Allocation for Fiscal Year 1978 Fundings (CSA Notice 6143-6) which includes §§ 1061.52-1—1061.52-9 [Deleted]

Subpart—Citizen Participation Grant Program Fiscal Year 1978 (CSA Instruction 6005-2) which includes §§ 1061.60-1—1061.60-11 [Deleted]

11. 45 CFR Part 1061 is amended by adding the following subpart:

Subpart 1061.4—New Statement of CSA Policy on Family Planning (CSA Instruction 6130-01 and 6130-1)

Sec.

1061.4-1 Applicability.
1061.4-2 Effective date.
1061.4-3 Purpose.
1061.4-4 Role of family planning in community action.
1061.4-5 Policy on family planning applications.
1061.4-6 Requirements.
1061.4-7 Required assurance.
1061.4-8 Revised grant condition.
1061.4-9 Effect on previously approved grants.
Appendix A to Subpart 1061.4—New Statement of CSA Policy on Family Planning, Exhibits I, II, III.
Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Subpart 1061.4—New Statement of CSA Policy on Family Planning (CSA Instruction 6130-01 and 6130-1)

§ 1061.4-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such

assistance is administered by the Community Services Administration.

§ 1061.4-2 Effective date.

February 3, 1967 (CSA Instruction 6130-01); May 18, 1971 (CSA Instruction 6130-1)

§ 1061.4-3 Purpose.

A 1966 amendment to the Economic Opportunity Act establishes new standards and requirements with regard to family planning services financed by CSA under Title II. It contains a new statement of policy on applications for CSA funds to provide family planning services and a revised set of "Special Conditions Applicable to the Use of CSA Grant Funds for Family Planning Activities".

§ 1061.4-4 Role of family planning in community action.

(a) Family planning information and assistance has been found by many communities to be a highly effective element in their community action programs. Through family planning projects conducted by CAA(s) and delegate agencies, low-income families have been provided with opportunities to gain information and assistance of direct interest and use to them.

(b) A general statement on family planning as an important element of community action can be found in an CSA Program Pamphlet entitled "Family Planning" copies of which can be obtained from any CSA Regional Office or by writing to Community Action Program, CSA, Washington, D.C. 20506. The pamphlet describes different ways in which family planning activities can be conducted in conjunction with community action programs.

§ 1061.4-5 Policy on family planning applications.

Family planning services, including contraceptive devices and drugs, may be made available to those individuals who meet eligibility criteria as set by the applicant agency, subject only to the limitations set forth in § 1061.4-6. Certain other limitations on costs to be paid for with Federal grants funds or local matching contributions remain in effect and are spelled out in the revised special conditions applicable to all CSA-assisted family planning activities. (Appendix A, Exhibit III, of this subpart). These include prohibitions on the use of project funds for promotion of those activities through mass media and a limitation of \$20 per patient per year on the expenditure of project funds for contraceptive devices or drugs.

§ 1061.4-6 Requirements.

(a) The requirements set forth below must be met by any applicant for CSA assistance to family planning services financed under Section 222(a).

(b) Criteria for Eligibility of a low-income individual for any family planning service shall be established by the applicant agency. If the program is operated by a delegate agency, rather than directly by the applicant, the delegate agency must also indicate its concurrence with the criteria. Any low-income person who meets these criteria shall be considered eligible for such assistance.

(c) Eligibility criteria established in accordance with the paragraph (b) of this section shall in all cases comply with the following limitations:

(1) *Income criteria.* All persons receiving CSA assisted family planning services must meet the test of need by reason of circumstances of poverty. Where a family planning program serves an area or neighborhood in which poverty is concentrated, all residents of the "target area" will normally be considered to meet this test. In other cases, the current CSA Income Poverty Guidelines will apply (See Subpart 1060.2 of this chapter).

(2) *Other eligibility criteria.* Local agencies operating family planning programs may not discriminate against any potential beneficiary on the grounds of race, sex, color, national origin, or religion. They may, however, establish other criteria for eligibility for information, medical assistance, and supplies. Applicants must provide, at the time of application, information on the eligibility criteria they will use. Appendix A, Exhibit I to this subpart is a sample format for use in providing this information.

§ 1061.4-7 Required assurance.

(a) Any applicant for funds to conduct a family planning project, or a project that includes family planning services, must provide assurance to CSA that it will establish and follow procedures designed to insure that:

(1) No individual will be provided with any information, medical supervision, or supplies which such individual states to be inconsistent with his or her moral, philosophical, or religious beliefs;

(2) No individual will be provided with any medical supervision or supplies unless such individual has voluntarily requested such medical supervision or supplies; and

(3) The use of family planning services financed by a CSA grant shall not be a prerequisite to the receipt of services from or participation in any other

program financed under the Economic Opportunity Act.

(b) To provide these assurances the local agency requesting funds for such a project shall submit to CSA, at the time of application, a "Statement of Assurance on Family Planning Activities" signed by the grantee and any delegate agency that will actually carry out the project. (See Appendix A to this subpart, Exhibit II for a copy of the Assurance Form.)

§ 1061.4-8 Revised grant condition.

As a result of the amendment to Section 222(a), CSA has revised the "Special Conditions Applicable to the Use of CSA Grant Funds for Family Planning Activities." The new special conditions are included as Exhibit III of Appendix A to this subpart. They supersede all earlier special conditions on family planning activities and will apply to all projects to be approved in the future.

§ 1061.4-9 Effect on previously approved grants.

(a) The policies established in this subpart, in response to the amendment to Section 222(a), also apply to previously approved grants for family planning programs, or family planning elements of health programs.

(b) *Action to be taken.* Each grantee now operating a family planning component, or a component involving family planning information or services, must submit the following material to the appropriate CSA Regional Office no later than February 28, 1967. Failure to submit the required material by that date may result in suspension or termination of any CSA-assisted family planning activities.

(1) A statement describing the criteria to be used in determining eligibility of low-income individuals for family planning services. The statement must be signed by the chair of the governing body, or other appropriate official, of both the grantee and any delegate agency actually conducting the project involving family planning. A sample format for such a statement is included as Appendix A, Exhibit I to this subpart.

(2) A "Statement of Assurance" (See Appendix A, Exhibit II to this subpart) signed by the chair of the governing body, or other appropriate official, of both the grantee and any delegate agency actually conducting the project involving family planning.

(c) *Revised grant conditions apply.* The latest version of the "Special Conditions" now applies to such projects. (See Appendix A, Exhibit III to this subpart.)

Appendix A to Subpart 1061.4—New Statement on CSA Policy on Family Planning, Exhibit I

Exhibit I—Sample Format for Information on Eligibility Criteria for Family Planning Services

(To be executed by both the applicant or grantee and any delegate agency)

1. Income Eligibility Criteria

a. *Programs serving area or neighborhoods where poverty is concentrated.*

Will any income criteria be used other than residence in such area?

If so, specify.

b. *Programs serving other areas.* Will any income criteria other than the CSA "poverty line index" be used?

If so, specify.

2. Other Eligibility Criteria

Will any other eligibility criteria be used? If so, specify.

3. Signature of Appropriate Officials

The undersigned hereby declare that this is a true and complete statement of eligibility criteria to be used in the following family planning program or other program involving family planning activities.

a. *Identification of Component and Name of Applicant (or Grantee)*

b. *Signature of Chair of Grantee (or Applicant) Governing Body*

Name of Applicant (or Grantee) Agency:
Name of Official:
Title:
Signature:
Date:

c. *Signature of Chair of Delegate Agency Governing Body*

This must be completed only if a delegate agency will conduct the family planning activities; if more than one delegate agency will participate, all must be listed.

Name of Delegate Agency:
Name of Official:
Title:
Signature:
Date:

Appendix A to Subpart 1061.4—New Statement on CSA Policy in Family Planning, Exhibit II

Exhibit II—Sample Format for Assurance of Compliance With Section 244(4) of the Economic Opportunity Act in Family Planning Projects

(To be executed by both the applicant or grantee and any delegate agency)

_____ (hereinafter called the Applicant).

(Name of Applicant or Delegate Agency)
AGREES THAT it will establish and follow the procedures listed below in order to comply with the requirements of Section 224(4) of the Economic Opportunity Act of 1964, as amended.

1. The Applicant will insure that a copy of the statement set out below is posted conspicuously in a place where prospective clients will have an opportunity to see and read it. The statement will be printed in large type and will also be printed in languages other than English if a considerable number

of prospective clients are fluent in only those languages.

Prior to the initial provision of any course of instruction, medical supervision, or supplies relating to family planning to any individual, a program staff member will bring the printed statement to the individual's attention and, if the individual is unable to understand its meaning, will accurately convey the substance of the statement to such individual.

"Statement on Family Planning Activities Assisted by the Community Services Administration".

"A. Anyone who takes part in this family planning program must do so of his/her own free will.

"B. You may not receive any medical assistance or supplies for family planning purposes unless you ask for them of your own free will.

"C. If you object to any particular form or method of family planning for any reason at all, including religious reasons, please say so. If you say so, you will not get information, assistance, or supplies that relate to that form or method of family planning.

"D. No one is allowed to force you in any way to participate in a family planning program. No one can tell you 'Unless you take part in the family planning program, you won't be allowed to receive welfare, or get job training, or put your child in the Head Start class.'

"E. If you have any questions about what this statement means please ask the officials or doctors who are operating the program. They will be pleased to explain.

"F. If you believe that any of the rules given above have been violated, please tell the officials or doctors who are operating the program at once. Or you may write or call the Community Services Administration, Washington, D.C. 20506 or the nearest CSA Regional Office."

2. THE APPLICANT further agrees to comply with the "Special Conditions Applicable to the Use of CSA Grant Funds for Family Planning Activities (November, 1966)".

3. THIS ASSURANCE is given in consideration of and for the purpose of obtaining either directly or indirectly any and all Federal grants, loans, contracts, property, or discounts, or other Federal financial assistance extended after the date hereof to the Applicant by the Community Services Administration, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek administrative or other remedies in the event of non-compliance with this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignee, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Date _____
(Name of Applicant or Delegate Agency)
By _____

(President, Chair of Board or comparable authorized official)

(Mailing Address)

Appendix A to Subpart 1061.4—New Statement on CSA Policy on Family Planning, Exhibit III.

Exhibit III—Special Conditions Applicable to the Use of CSA Grant Funds for Family Planning Activities (Nov. 1966)

1. Participation in the family planning component of this program must be entirely voluntary. No coercion or compulsion shall be employed to induce persons to use the family planning services funded by this CSA grant. No individual shall be provided with any medical supervision or supplies unless he or she has voluntarily requested such medical supervision or supplies.

2. Subject to the limitations set forth in these conditions, the project must provide and make known to each participant the availability of advice and assistance on a variety of family planning methods and techniques sufficient to insure that any person may obtain benefits from the program which are consistent with his or her personal beliefs and needs. No individual shall be provided with any information, medical supervision, or supplies which such individual states to be inconsistent with his or her moral, philosophical, or religious beliefs.

3. Use of the family planning services cannot be a prerequisite to receipt of services from or participation in any other program or activity whether or not funded by this grant.

4. The program must be under medical supervision sufficient to ensure that all practices conform to accepted medical standards.

5. Materials used in connection with this project shall not contain propaganda promoting a particular philosophy, technique or method of family planning, nor shall the administrators of this project declare any such preference in their relations with the participant in the program.

6. Project funds shall not be used to announce or promote through mass media the availability of the family planning program funded by this grant action.

7. No project funds shall be expended for any surgical procedures intended to cause abortions.

8. No project funds shall be spent for contraceptives, contraceptive devices, or drugs in an amount greater than twenty dollars (\$20) per patient per year.

9. Project funds shall be exclusively for providing assistance to low-income persons, or to residents of the area served by the community action program. If the project is being carried out in connection with similar programs for other income groups, records shall be maintained which are adequate to demonstrate that this requirement has been satisfied.

10. The project must not be in conflict with state and local law.

PART 1063—COMMUNITY ACTION AGENCIES; MISSION AND FUNCTIONS

12. Part 1063—Community Action Agencies; Mission and Functions is added to Chapter X as follows:

Subpart 1063.129—CAA Relationships to Pilot Programs (CSA Instruction 6335-1)

Sec.

- 1063.129-1 Applicability.
- 1063.129-2 Effective date.
- 1063.129-3 Definition.
- 1063.129-4 Policy.
- 1063.129-5 Responsibility for review of affected pilot programs.
- 1063.129-6 Official action by review.
- 1063.129-7 Effect of review.

Subpart 1063.130—The Mission of the Community Action Agency (CSA Instruction 6320-1)

- 1063.130-1 Applicability.
- 1063.130-2 Effective date.
- 1063.130-3 Basic purpose.
- 1063.130-4 Resources.
- 1063.130-5 Developing a strategy.
- 1063.130-6 Programs as a bridge to the community.
- 1063.130-7 Local needs and national priorities.
- 1063.130-8 Articulating the needs of the poor.

Subpart 1063.131—Means of Carrying Out a Community Action Program (CSA Instruction 6001-01)

- 1063.131-1 Applicability.
- 1063.131-2 Effective date.
- 1063.131-3 Means of carrying out a community action program.

Subpart 1063.132—Characteristics of the Eligible Activities (CSA Instruction 6001-03)

- 1063.132-1 Applicability.
- 1063.132-2 Effective date.
- 1063.132-3 Characteristics of eligible activities.

Subpart 1063.133—Eligible Activities (CSA Instruction 6001-1)

- 1063.133-1 Applicability.
- 1063.133-2 Effective date.
- 1063.133-3 Policy.
- 1063.133-4 Background.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1063.129—CAA Relationships to Pilot Programs (CSA Instruction 6335-1)**§ 1063.129-1 Applicability.**

This subpart applies to all grantees financially assisted under Sections 221 and 232 of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1063.129-2 Effective date.

September 11, 1968 (CSA Instruction 6335-1).

§ 1063.129-3 Definition.

"Pilot project" means an experimental working model or a program that delivers benefits to the pilot project participants, and, if successful, might be funded under Title II of the Economic Opportunity Act or other appropriate authority, as an ongoing program or activity to assist the poor. In contrast to pure or applied research, the primary result of a pilot project will not be to acquire information about behavior or conditions, but to test or demonstrate the assumptions of a proposed program or method of providing benefits in actual operation before committing resources to that type of program or activity on a large scale.

§ 1063.129-4 Policy.

Community Action Agencies and local public officials, as set forth in this subpart, will have the opportunity to review, pursuant to section 232(d), new pilot projects proposed to be carried out within their jurisdiction. This applies to all pilot projects funded either by grant or contract after December 23, 1967. Expenditures for administrative cost of pilot projects, such as merely maintaining a headquarters office, are not subject to the requirement of section 232(d), nor are pilot projects to be administered by a CAA within the CAA's own geographic area. Such expenditures or projects are not covered by this subpart.

§ 1063.129-5 Responsibility for review of affected pilot projects.

(a) Where there is a Community Action Agency (CAA), currently recognized by CSA, the CAA shall have the opportunity to review those elements of the pilot project that are to be conducted within the CAA's geographic area.

(b) *Where there is no CAA.* Any municipality, whether a city, town, village, or other similar political jurisdiction, which has a population of 25,000 or more, (according to the latest available census data) shall have the opportunity to review all elements of the pilot project that are to be conducted within its borders.

(1) For all areas for which there is no such municipality, the largest political jurisdiction below the state government level (whether county, township, or metropolitan government) that exercises general governmental powers over the area served by the pilot project, regardless of population, shall have the opportunity to review the project.

(c) *Multiple review.* Where a pilot project is to be conducted in more than one of the types of areas described in paragraphs (a) and (b) of this section the

appropriate CAA(s) and local government(s) described in those paragraphs shall have the opportunity to review for their respective areas.

§ 1063.129-6 Official action by reviewer.

(a) *Community action agency.* Normally the community action agency's governing body must exercise the reviewing power. However, if the governing body lawfully delegates this power to a committee or individual(s), a decision by such a delegate will be taken as that of the agency if such a delegation is made known to CSA prior to or concurrent with the receipt of the delegate's decision.

(b) *Municipality or county.* Action of a political subdivision reviewing a pilot project must be taken by the governing officials, that is, normally by those top elected or duly appointed officials who collectively possess the power to adopt and carry out local laws or ordinances for that subdivision. However, if the chief legal officer of the subdivision certifies in writing that the mayor (or other chief executive) or a specific group of officials currently possess the power to review the proposed project on behalf of the subdivision and commit the subdivision to a position on operation of the project, then that official or group of officials shall exercise the right to review.

(c) *Review period.* The reviewing CAA or public officials may indicate approval or disapproval of the project any time within 30 days of its receipt. The papers describing the project will be transmitted to the reviewer(s) by certified mail.

(d) *Action taken.* Should the reviewing body disapprove of the project, a written statement clearly specifying disapproval must be sent promptly to CSA; failure to notify CSA within 30 days of receipt will be taken as assent to the project. A copy of any disapproval statement should also be sent to the State Economic Opportunity Office. The recipient must approve or disapprove of the project in its entirety, insofar as it applies to its geographic area; any conditional or partial approval or disapproval of the proposed project will be treated as an assent. If the project is disapproved, it would be helpful if reasons for the disapproval were given to assist the Director of CSA in his/her reconsideration of the proposed project.

§ 1063.129-7 Effect of review.

(a) *Reconsideration by CSA Director.* Following a disapproval of a project by a CAA or local public official, the Director of CSA will reconsider it. If, on reconsideration, he/she finds the project to be "fully consistent with the

provisions and in furtherance of the purpose of" Title II of the Economic Opportunity Act (Community Action Program), he/she may authorize the grantee to commence the project. If the Director favorably reconsiders a project disapproved by a CAA or community, it will be informed of his/her reasons for doing so.

(b) *Commencement date.* The project may not commence in any jurisdiction until:

(1) The CAA or community has assented or has allowed 30 day review period to lapse.

(2) The Governor has assented or has allowed the period to lapse during which he/she may disapprove the project. If the project is disapproved, but favorably reconsidered by the CSA Director, it may commence on or after the date of such reconsideration. In either case, the exact date will be specified by CSA in the grant or contract, and CSA will inform the pilot project grantee of that date.

Subpart 1063.130—The Mission of the Community Action Agency (CSA Instruction 6320-1)**§ 1063.130-1 Applicability.**

This Subpart applies to Community Action Agencies assisted under Section 221 of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1063.130-2 Effective date.

November 16, 1970 (CSA Instruction 6320-1).

§ 1063.130-3 Basic purpose.

(a) Title II of the Economic Opportunity Act provides for the establishment and funding of community action agencies and programs. The basic purpose of Title II, as stated in Section 201(a) of the Act, is "to stimulate a better focusing of all available local, State, private, and Federal resources upon the goal of enabling low-income families and low-income individuals of all ages, in rural and urban areas, to attain the skills, knowledge, and motivations and secure the opportunities needed for them to become self-sufficient."

(b) The key phrase in this statement is "to stimulate a better focusing of all available * * * resources." The Act thus gives the CAA a primarily catalytic mission: To make the entire community more responsive to the needs and interests of the poor by mobilizing resources and bringing about greater institutional sensitivity. A CAA(s) effectiveness, therefore, is measured not

only by the services which it directly provides but, more importantly, by the improvements and changes it achieves in the community's attitudes and practices toward the poor and in the allocation and focusing of public and private resources for antipoverty purposes.

§ 1063.130-4 Resources.

(a) To carry out this mission effectively the CAA must work with three significant groups in the community: The poor, the public sector, and the private sector.

(1) *The Poor.* The Act provides that all CAA plans and programs must be developed and implemented "with the maximum feasible participation of the residents of the areas and members of the groups served." Such participation is essential not only to enable the poor to become self-sufficient, but also to insure that the community changes and improvements which the CAA promotes are, in fact, responsive and relevant to the low-income citizens to whom they are addressed. It is therefore central to the CAA's mission to strengthen the self-help capability of the poor and to provide them the opportunity and support to participate effectively, through both the CAA and their own neighborhood and target area organizations, in CAA and non-CAA programs which affect their interests.

(2) *The public sector.* Regardless of whether a CAA is a public or private non-profit agency, its effectiveness depends heavily on its ability to work closely with, and enlist the support of, State and local public officials and agencies. No community can ever be fully responsive to the needs of the poor without the active participation and cooperation of its duly elected or appointed officials. In this regard it is also essential that the CAA develop a close working partnership with the State Economic Opportunity Office.

(3) *The private sector.* The poor and the public official cannot succeed alone without the vast, and largely untapped, resources of the non-poor private sector. The CAA must therefore enlist the support and participation of business and labor, religious and civil rights groups, private social service agencies and health and welfare councils, civic and service organizations, foundations and universities, and the individual private citizen.

§ 1063.130-5 Developing a strategy.

(a) To carry out this mission, the CAA must develop both a long-range strategy and specific, short-range plans for using potential resources, including CSA grant funds and other public (Federal, State

and local) and private resources of all kinds, including facilities, services, and personnel as well as funds. These strategies and plans should be developed as part of the CAA's regular grant application process. Any changes in CAA strategies or plans made in response to this subpart shall be made only in accordance with regular application procedures in CSA Instruction 6710-1, "Applying for a CAP Grant."

(b) In developing its strategy and plans, the CAA shall take into account the area of greatest community need, the availability of resources, and its own strengths and limitations. It should establish realistic, attainable objectives, consistent with the basic mission established in this subpart, and expressed in concrete terms which permit the measurement of results. Given the size of the poverty problem and its own limited resources, the CAA should concentrate its efforts on one or two major objectives where it can have the greatest impact.

(c) The CAA must coordinate its plans with those of other agencies and institutions responsible for poverty-related programs. To the extent feasible, it should assist such agencies and institutions in developing their own plans and carrying out their own missions. However, the complexity of poverty problems and the wide range of poverty-related programs make it ordinarily impossible for the CAA to become the master planner and coordinator of all social programs in the community. The degree to which the CAA can influence planning and coordination will depend, by and large, on its ability to work with the three groups mentioned in § 1063.130-4.

§ 1063.130-6 Programs as a bridge to the community.

(a) The operation of programs meeting high-priority needs is an effective vehicle through which the CAA can stimulate increased community responsiveness to the needs of the poor. Programs produce immediate, tangible benefits to the poor in terms understandable to the poor and non-poor alike. By operating programs and delivering services, either directly or through delegate agencies, the CAA establishes a base from which it can inform the community of the needs and aspirations of the poor, gain practical experience in dealing with poverty problems, and strengthen its stature as a community resource.

(b) While the operation of programs is the CAA's principal activity, it is not the CAA's primary objective. CAA programs must serve the larger purpose

of mobilizing resources and bringing about greater institutional sensitivity. This critical link between service delivery and improved community response distinguishes the CAA from other agencies. Using its programs as a base, the CAA can become the focal point for increased community concern and greater community commitment. Community organization and resource mobilization activities of the CAA will normally be an integral part of its program operations, even though these activities might be funded under separate program accounts.

§ 1063.130-7 Local needs and national priorities.

(a) The Congress has identified certain priorities for the expenditure of Federal funds appropriate under the Economic Opportunity Act. In some instances it has designated "national emphasis programs," often specifically earmarking funds for these purposes. While developing a local strategy to meet local needs is at the heart of successful community action, the CAA must take into account the existence of these national emphasis programs in planning for the use of CSA funds.

(b) In addition to the national emphasis programs, the following program areas are particularly well-suited to the CAA mission of stimulating increased community responsiveness to the needs of the poor: manpower and employment, day care, health, housing, education, and career development. A CAA may find, however, that unique local conditions warrant the identification of other program areas as priorities for its particular community. Moreover, there are significant activities other than specific programs which are essential to the operation of the CAA and its mission. Among these, for example, are CAA planning, central CAA administration, training and technical assistance, and neighborhood service systems.

(c) The CAA has the responsibility to select and propose for funding those programs which, in its judgment, will produce the maximum impact on its community. Where unearmarked funds are used, the CAA may develop and propose its own program models or adopt or modify models which CSA may develop. Where funds earmarked for national emphasis programs are used, the CAA must follow the program models established by CSA.

§ 1063.130-8 Articulating the needs of the poor.

(a) The CAA's mission involves a balance between strengthening communication and cooperation on the

one hand and coming to grips with serious problems and deeply felt differences on the other. The CAA must address critical issues and deal with unpleasant realities, but in performing its role as an advocate of the poor the CAA must carefully choose the issues on which it takes stands and the tactics which it employs so as to maximize the chances of success.

(b) The CAA's overall image in the community should be that of a positive voice for the poor. In all its activities, the CAA should strive constantly to reduce the isolation of the poor and to improve communications between the poor and the community at large. Its ultimate objective should not be to speak for the poor but to enable the poor to speak for themselves.

Subpart 1063.131—Means of carrying out a Community Action Program (CSA Instruction 6001-01)

§ 1063.131-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV, and VII, of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1063.131-2 Effective date.

May 10, 1971 (CSA Instruction 6001-01).

§ 1063.131-3 Means of carrying out a community action program.

(a) Among the means that may be used to develop, conduct, and administer a community action program are:

(1) Direct performance of activities by staff of the community action agency.

(2) Delegation of portions or all of a component project to another public or private non-profit agency by means of a contract or agreement. If any activity is to be delegated to a church or church-related organization, CSA requires that delegation to such an organization rather than to a public or non-sectarian agency be justified by evidence that use of the church-related organization will meet a need which cannot be satisfied economically or efficiently by available alternatives. In addition, the activity itself must be wholly non-sectarian in content and purpose. To ensure that this is so, CSA requires that certain special conditions be included in any contract between a community action agency and a church or church-related organization. Compliance with these conditions is the responsibility of both the community action agency and the delegate agency. See Subpart 1067.9 of this chapter for these special conditions.

(3) Retaining the services of qualified consultants or other organizations, whether non-profit or profit-making, to conduct specialized activities or to provide advice under contract. In general, consultants or other organizations should only be used when it is not feasible to operate a program by using the staff of the community action agency or other local public or non-profit agencies. See Subpart 1068.41 of this chapter for a copy of the standard CSA contract form which may be used in retaining the services of consultants and other organizations.

(b) When one of the standard CSA contract forms is used, the contract need not be submitted to CSA for review prior to execution. However, a copy of the executed contract shall be submitted to CSA for information purposes immediately after execution.

(c) In the following circumstances, however, all proposed contracts shall be submitted to CSA for review and approval prior to execution:

(1) Any contract, whether using the standard form or not, that involves the delegation of activities to or the purchase of services from a church or church-related organization.

(2) Any contract for which the standard CSA contract form is not used. Applicants are urged to request permission to modify parts of the standard form; if necessary, rather than to submit entirely new documents.

(3) Any contract involving a delegation of a component project not contemplated in the approved application.

Subpart 1063.132—Characteristics of Eligible Activities (CSA Instruction 6001-03)

§ 1063.132-1 Applicability.

This subpart applies to all grantees financially assisted under Sections 221 and 222(a) of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1063.132-2 Effective date.

May 10, 1971 (CSA Instruction 6001-03).

§ 1063.132-3 Characteristics of eligible activities.

(a) A wide variety of activities can be included in a community action program. Each community action program shall, however, display all of the characteristics listed in this subpart.

(b) *Benefit to the poor.* A community action program must focus on the needs of low-income families and individuals. Where the nature of the activity requires administration by areas or groups,

services and assistance shall be made available only in areas and for groups which have a high incidence of poverty. Means tests are not required to screen out individuals or families above specific income levels. However, the applicant will be required to provide adequate evidence that any proposed activity will indeed be concentrated on the needs of the poor. Where the applicant agency selects a "target" area or population group that does not include the poorest residents of the community, adequate reasons for such selection must be provided. In determining the incidence and location of poverty in the community, the number and proportion of low income families, particularly those with children, shall be given significant weight. Among other factors that shall be considered are the following:

(1) The extent of persistent unemployment and underemployment.

(2) The number and proportion of persons receiving cash or other assistance on a needs basis from public agencies or private organizations.

(3) The number of migrant or transient low-income families.

(4) School dropout rates.

(5) Military service rejection rates.

(6) Other evidence of low educational attainment.

(7) The incidence of disease, disability, and infant mortality.

(8) Housing conditions.

(9) Adequacy of community facilities and services.

(10) The incidence of crime and juvenile delinquency.

(c) The applicant may identify additional factors which indicate evidence of poverty, particularly as they relate to specific needs to be served by proposed programs.

(d) *Progress toward eliminating poverty.* The program must give promise of progress toward eliminating poverty in the community, or toward eliminating one of the underlying causes of poverty. A community action program may do this through developing employment opportunities, improving human performance, motivation, and productivity, or bettering the conditions under which people live, learn and work. The aim of community action is not merely improvement in the standards of life of the poor but the provision of opportunities to enable poor people to move into the mainstream of American life.

(e) *Utilization of other programs.* A community action program must provide for the re-direction, extension, expansion, or improved utilization of existing programs and activities. It should also make maximum use of

resources available under other Federal programs, including other titles of the Economic Opportunity Act as well as of previously unused community resources, public or private. Generally, assistance under sections 221 and 222(a) will not be made available where it is feasible to utilize another Federal aid program. Nor will aid be made available where there is evidence that existing, available community resources are not being fully utilized to meet the need in question.

(f) *Sufficient scope and size.* A community action program must provide for an adequate range of activities, and for the necessary linkages among such activities, to ensure a reasonable prospect of success. Where the full scope of services and activities cannot be provided immediately, plans should be made for their inclusion at the earliest practicable opportunity.

(g) Programs shall be of sufficient size to deal efficiently and expeditiously with the problems toward which they are directed. This need not prevent concentration on a particular "target" neighborhood or area where problems are especially severe; it does mean that programs that are too small and too limited in scope will not be assisted.

Subpart 1063.133—Eligible Activities (CSA Instruction 6001-1)

§ 1063.133-1 Applicability.

This subpart applies to all grantees financially assisted under Section 221 of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1063.133-2 Effective date.

June 5, 1972 (CSA Instruction 6001-1).

§ 1063.133-3 Policy.

It is CSA policy to encourage CAA(s) to apply for and accept grants for programs which may not be aimed solely at low-income people but may be aimed at particular groups, for example: children, the aged, the handicapped, and other similar programs which have a potential for reaching a substantial portion of low-income persons in the target area. CAA(s) will administer such programs in accordance with the guidelines and conditions specified by the granting agency. CAA(s) are reminded, however, that the elimination of poverty remains as the central goal of community action programs under section 221. CAA(s) are also cautioned not to utilize section 221 funds or divert staff to support such other grants in any way that would violate the terms and conditions of their CSA grants.

§ 1063.133-4 Background.

(a) Section 1063.132 describes the kinds of activities which can be included in a community action program funded under section 221 of the Economic Opportunity Act. It specifically states that "A community action program must focus on the needs of low-income families and individuals Where the applicant agency

selects a target area or population group that does not include the poorest residents of the community, adequate reasons for such selection must be provided." These characteristics remain an essential part of programs funded under section 221 of the Economic Opportunity Act.

(b) Section 1063.132 also notes that a community action program should also make maximum use of resources available under other Federal programs, including other titles of the Economic Opportunity Act, as well as of previously unused community resources, public or private." In mobilizing other resources, however, CSA is aware that some Federal and state programs which could impact on the needs of the poor are required by law to serve specified groups without reference to the income level of the beneficiaries.

PART 1064—LIMITED PURPOSE AGENCIES; ELIGIBILITY, ORGANIZATION AND FUNCTIONS

13. Part 1064—Limited Purpose Agencies; Eligibility, Organization and Functions is added to Chapter X as follows:

Subpart 1064.1—Appeal To CSA By An Organization That Would Like To Serve As A Delegate Agency. (CSA Instruction 6441-1)

Sec.

1064.1-1 Applicability.

1064.1-2 Effective date.

1064.1-3 Legislation.

1064.1-4 Policy.

1064.1-5 Requirement that CAA notify prospective delegate agency.

1064.1-6 Appeal procedure for rejected applicant.

1064.1-7 Criteria for resolving appeal.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1064.1—Appeal To CSA By An Organization That Would Like To Serve As A Delegate Agency (CSA Instruction 6441-1)

§ 1064.1-1 Applicability.

This subpart applies to all programs which are financially assisted under Title II of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1064.1-2 Effective date.

March 14, 1972 (CSA Instruction 6441-1 § 1064.1-3 Legislation.

Section 604(1) of the Economic Opportunity Act of 1964, as amended, provides in part:

"The Director shall prescribe procedures to assure that . . . (1) special notice of and an opportunity for a timely and expeditious appeal to the Director is provided for an agency or organization which would like to serve as a delegate agency under Title II and whose application to the community action agency has been wholly or substantially rejected or has not been acted upon within a period of time deemed reasonable by the Director."

§ 1064.1-4 Policy.

This subpart implements section 604(1) by providing procedures to ensure a timely and expeditious appeal for organizations which submit initial or renewal applications to a Community Action Agency (CAA) to serve as delegate agencies and by establishing standards for resolving appeals in a manner which preserves for a CAA the primary responsibility for the planning, administration and evaluation of community action programs in the community which it serves.

§ 1064.1-5 Requirement that CAA notify prospective delegate agency.

When an organization informs the CAA that it desires to apply for, or renew delegate agency status, the CAA shall promptly inform such organization of the approximate date by which an application must be submitted in order to be considered for the next funding period. Such applications should be submitted no later than 180 days before the end of the CAA's funding period in order to be considered during the CAA's planning cycle for the coming funding period. In addition, the CAA shall promptly inform each agency which submits an application to become or to continue to be a delegate agency of the provisions of this subpart and the date it expects to receive funding guidance. Applications which are submitted after the planning cycle begins will normally not be considered. (Further instructions and procedures are set forth in CSA Instruction 6710-1).

§ 1064.1-6 Appeal procedure for rejected applicant.

(a) If a CAA either rejects, wholly or substantially, such an application or fails to act upon the application by the time it receives funding guidance from CSA, the agency submitting the

application may appeal the rejection or failure to act to the CSA official responsible for approving the grant awarding financial assistance to the CAA. Ordinarily, this official will be the CSA Regional Director for the appropriate Region. If the CAA rejects the application in response to an exercise by CSA of authority under the grant, the agency may also appeal the decision through these procedures.

(b) The agency making such an appeal shall submit to the responsible CSA official a copy of all material it submitted to the CAA in its application as well as a statement setting forth how the application would:

(1) Involve activities which can be closely coordinated with community action programs.

(2) Involve significant new combinations of resources or new or innovative approaches to the problems of the poor. Or;

(3) Be structured in a manner which will, within the limits of the activities contemplated, most fully and effectively promote the purposes of the Act.

(c) In addition, if it is seeking to replace an existing delegate agency or to operate a program currently operated by the CAA, the rejected applicant should explain why it believes it could operate the program more effectively than the CAA or existing delegate agency. If it is seeking to operate a new program not currently operated either by the CAA or an existing delegate agency, the applicant should explain why its proposed program would be superior to those currently operated by or through the CAA. The statement submitted by the rejected applicant shall also contain a description of its efforts to combine the proposed activities with those of the CAA and the CAA's response to such efforts. The rejected applicant shall send a copy of the statement to the CAA at the same time the statement is submitted to the responsible CSA official.

(d) The CAA may, within 10 days of receiving a copy of the appeal, submit to the responsible CSA official material in reply to the appeal. The CAA shall also send a copy of such material to the applicant making the appeal.

§ 1064.1-7 Criteria for resolving appeal.

(a) The responsible CSA official shall, whenever possible, decide the appeal before the CAA submits its formal funding request. To maintain the principle of local initiative in community action programs, the responsible CSA official will sustain the action of the CAA unless he/she finds that:

(1) The CAA did not give fair and adequate consideration to the rejected applicant's application,

(2) Or the decision of the CAA will have a decidedly adverse effect on the quality of the overall community action program in the local community or would preclude achievement of the objectives of a Special Emphasis program as described in Section 222(a) of the Act.

(b) If the responsible CSA official concludes that the CAA did not provide fair and adequate consideration of the application, he/she shall return it to the CAA with the requirement that it reconsider the application and inform the responsible CSA official in writing of the steps taken to reconsider the application and of the decision reached.

(c) If the applicant has received a fair and adequate consideration, the responsible CSA official may nonetheless review the case to ascertain whether criterion in paragraph (a)(2) of this section has been met. In reviewing the case, the CSA official shall bear in mind the amount of funds available to both the CAA and/or the prospective applicant. Options open to the reviewing official include, but are not limited to:

(1) Sustaining the rejection of the applicant;

(2) Direct funding of the rejected applicant in those instances where CSA is so authorized by the Act (ordinarily limited to Special Emphasis program described in Section 222(a) of the Act);

(3) Requiring that the CAA reconsider the rejected application; and

(4) Taking such other steps as may be deemed appropriate under the circumstances, including not providing funds to the CAA to administer the program which the rejected applicant wanted to carry out.

(d) The responsible CSA official shall promptly inform the applicant and the CAA in writing of his/her decision.

PART 1067—FUNDING OF CSA GRANTEES

14. The subpart headings in 45 CFR Part 1067 are revised as follows:

Subpart 1067.2—Denial of Application for Refunding (CSA Instruction 6730-1a)**Subpart 1067.5—General Conditions Governing Certain (CSA Grants Funded (CSA Instruction 7050-1))****Subpart 1067.6—Federal Register; Access to Daily Publication (CSA Instruction 7000-1)****Subpart 1067.7—Due Process Rights for Applicants Denied Benefits Under CSA Funded Programs (CSA Instruction 6004-5)****Subpart 1067.10—CSA Procedures for the Federal Project Notification and Review System (PNRS) (CSA Instructions 6710-3a and 6710-3a CH 2)****Subpart 1067.30—Preparation of CSA Form 314 Statement of CSA Grant (CSA Instruction 6710-CH10)****Subpart 1067.40—Applying for a Grant Under Title II, Sections 221, 222(a) and 231 of the EOA (CSA Instruction 6710-1 CH 11)****Subpart 1067.41—Program Account Structure (CSA Instruction 6100-1b and 6100-1b CH 1)****Subpart 1067.50—Index and Applicability of CSA Regulations (CSA Instruction 6000-2c)****Subpart 1067.60—Final Approval of CSA Grant Contract Actions****Subpart 1067.61—Criteria for Determining the Delegation of Grant and Contract Making Authority to Regional Director**

15. The following subpart in 45 CFR Part 1067 is deleted:

Subpart 1067.3—Control Over Cash in the Hands of Grantees (CSA Notice 6710-5) Which Includes §§ 1067.3-1 to 1067.3-3 (Deleted)

16. 45 CFR Part 1067 is amended by adding the following subparts:

Subpart 1067.9—Special Conditions When a Community Action Component Is Delegated to a Church or Church Related Organization (CSA Instruction 6441-01)

Sec.

- 1067.9-1 Applicability.
- 1067.9-2 Effective date.
- 1067.9-3 Purpose.
- 1067.9-4 Policy.
- 1067.9-5 Conditions applicable to the use of grant funds in church-related schools or school systems.
- 1067.9-6 Conditions applicable to the use of grant funds for activities to be conducted by a church or church-related organization.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1067.9—Special Conditions When a Community Action Component Is Delegated to a Church or Church Related Organization (CSA Instruction 6441-01)**§ 1067.9-1 Applicability.**

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1067.9-2 Effective date.

May 10, 1971 (CSA Instruction 6441-01).

§ 1067.9-3 Purpose.

To ensure that any component of a community action program which is conducted by a church-related institution is entirely non-sectarian in content and purpose the following special conditions will be applied to any grant under which such an arrangement is intended. The first set of conditions will apply to components involving church-related schools or school systems; the second will apply in the case of all other activities.

§ 1067.9-4 Policy.

These conditions must be incorporated in any contract between a community action agency and a church or church-related organization. In addition, all such contracts must be submitted to CSA for review and approval prior to execution.

§ 1067.9-5 Conditions applicable to the use of grant funds in church-related schools or school systems.

(a) The grantee shall ensure, and shall provide in any contract or other arrangement with the church-related school, schools or school system, that:

(1) None of the grant funds shall be used for the teaching of religion, religious proselytization, or religious worship.

(2) There shall be no religious instruction, proselytization or worship in connection with any program supported in whole or in part by this grant and conducted outside of normal school hours (such as after school programs, summer-school programs) or conducted for persons who are not participating in the regular curriculum (such as pre-school, adult-education, or a program for dropouts).

(3) In any of the programs described in paragraph (a)(2) of this section admission shall not be based directly or indirectly on religious affiliation or on attendance at a church-related school or other church-related institution. Affirmative steps shall be taken to make

known the general availability of such programs in the areas served.

(4) Participation in programs supported in whole or in part by this grant shall not be used as a means of inducing participation in sectarian or religious activities or of recruitment for sectarian or religious institutions.

(5) The text books and other materials used in programs supported in whole or in part by this grant shall be devoid of sectarian or religious content.

(6) Facilities renovated or rented for programs financed in whole or in part by this grant shall be devoid of sectarian or religious symbols, decoration, or other sectarian identification. Other facilities used primarily for such programs shall, to the maximum feasible extent, be devoid of sectarian or religious symbols, decoration, or other sectarian identification.

(7) Grant funds shall not be used in any manner to release funds regularly expended by the school, schools, or school system. For example, grant funds shall not be used to pay in any part costs which would otherwise be incurred by the school, schools or school system in their regular operation.

(b) The grantee will, before executing a contract with any church-related school, schools, or school system, submit the proposed contract to CSA for approval.

§ 1067.9-6 Conditions applicable to the use of grant funds for activities to be conducted by a church or church-related organization.

(a) The grantee shall ensure, and shall provide by contract with any church or church-related institution or organization which is to be delegated the performance of all or part of any component of the approved community action program that:

(1) None of the grant funds shall be used for the teaching of religion, for religious proselytization, or religious worship.

(2) There shall be no religious instruction, proselytization or worship in connection with any program supported in whole or in part by this grant.

(3) Admission to any of the programs supported by this grant shall not be based directly or indirectly on religious affiliation or on attendance at a church, church-related school or other church-related institution or organization. Affirmative steps shall be taken to make known the general availability of such programs in the area served.

(4) Participation in programs supported in whole or in part by this grant shall not be used as a means of inducing participation in sectarian or

religious activities or of recruitment for sectarian or religious institutions.

(5) All materials, such as reading materials, used in programs supported in whole or in part by this grant shall be devoid of sectarian or religious content.

(6) Facilities renovated or rented for programs financed in whole or in part by this grant shall be devoid of sectarian or religious symbols, decoration, or other sectarian identification. Other facilities used primarily for such programs shall, to the maximum feasible extent, be devoid of sectarian or religious symbols, decoration, or other sectarian identification.

(7) Grant funds shall not be used in any manner to release funds regularly expended by the church or church-related institution or organization. For example, grant funds shall not be used to pay in any part costs which would otherwise be incurred by the church or church-related institution or organization in its regular operation.

(b) The grantee will, before executing a contract with any church or church-related institution or organization, submit the proposed contract to CSA for approval.

Subpart 1067.42—Establishing and Maintaining Program Accounts (CSA Instruction 6806.01)

Sec.
1067.42-1 Applicability.
1067.42-2 Effective date.
1067.42-3 Establishing and maintaining program accounts.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1067.42—Establishing and Maintaining Program Accounts (CSA Instruction 6806-01)

§ 1067.42-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by Community Services Administration.

§ 1067.42-2 Effective date.

May 10, 1971 (CSA Instruction 6806-01)

§ 1067.42-3 Establishing and maintaining program accounts.

(a) Each grantee shall maintain separate accounting records for each grant. The grantee shall establish a separate bank account for community action program funds, but need not establish a separate bank account for each grant, provided all transactions are clearly identified by grant in the accounting records.

(b) The accounting records shall include all receipts that occur during the grant period, including Federal grants, non-Federal contributions in cash and in-kind, interest earned, and any income from fees charged to program beneficiaries. The financial records shall also include all expenditures from program funds; however, it is not necessary, and in many cases it may not be feasible, to distribute expenditures between Federal and non-Federal contributions.

(c) CSA recognizes that the accounting system utilized in grantee organizations will vary from a pure cash receipt and expenditure system to a very extensive accrual system. CSA will not dictate the type and format of the system to be used, since the interest of the Federal Government is satisfied if a system is established which is adequate to account for program funds, which provides accurate and current information relating to program progress, and which may be audited without undo difficulty.

(d) Such a system must meet the following criteria:

(1) The accounting records shall provide the information needed to identify adequately the receipt and expenditure of all program funds separately for each grant. Expenditures shall be recorded by the component project and budget cost categories shown in the approved budget (CSA Form 325).

(2) Each entry in the accounting records shall refer to the documentation which supports the entry and the documentation shall be filed in such a way that it can be readily located.

(3) The accounting records shall provide accurate and current financial reporting information.

(4) The accounting system shall possess an adequate means of internal control to safeguard the assets, check the accuracy and reliability of accounting data, promote operational efficiency, and encourage adherence to prescribed management policies.

(e) It is permissible for the grantee to maintain the record of non-Federal contributions in its regular accounts, provided a complete series of reference memoranda or a summary list of non-Federal contributions is incorporated into the accounts quarterly.

Subpart 1067.43—Accounting for Delegated or Contracted Activities (CSA Instruction 6806-04)

Sec.
1067.43-1 Applicability.
1067.43-2 Effective date.
1067.43-3 Accounting for delegated or contracted activities.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1067.43—Accounting for Delegated or Contracted Activities (CSA Instruction 6806-04)

§ 1067.43-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV, VII, of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1067.43-2 Effective date.

May 10, 1971 (CSA Instruction 6806-04).

§ 1067.43-3 Accounting for delegated or contracted activities.

(a) In every case where the conduct of all or part of the component is delegated to another agency by the grantee, the grantee is held responsible for performance of the program, including proper accounting for expenditure of funds. The intention to make such a delegation must be set forth in the approved application for the grant or be subsequently approved by CSA, prior to the actual delegation.

(b) The grantee organization shall require that fiscal records be kept by the delegate agencies with which it contracts in accordance with the following guidelines:

(1) If the delegate agency is a public body, the grantee shall stipulate that program funds be disbursed through the chief financial officer of the public body, make certain that these financial instructions are known to the chief financial officer, and ensure that an appropriate reporting system is established so that the grantee can meet its obligation to CSA. Inclusion of the program expenditures of the delegate agency in the regular audit program of any public body which becomes a delegate agency should also be assured.

(2) Where the delegate agency is a private organization, the grantee may pursue one of the following courses in order to assure proper fiscal accountability:

(i) Require appropriate certification that the accounting system of the delegate agency is adequate to meet the requirements of the contract.

(ii) Finance, as part of the contract, adequate accounting assistance commensurate with the size and complexity of the contract. OR

(iii) Provide on the grantee's staff, on a full, part-time, or consultant basis as required, qualified persons to consult with the delegate agencies, keep essential accounts, perform such audits as are deemed necessary, and

consolidate and prepare appropriate reports to CSA. Grantees dealing with small private organizations as delegate agencies may find it more economical and desirable to use this approach than to attempt to require the delegate agency to hire professional help and establish its own accounting system.

(3) In the case of a contract or agreement with an individual, the service to be performed is the accountable item. No financial records are required on the part of the person performing the service unless it is performed on a cost reimbursable basis, in which case the grantee shall require appropriate vouchers to be submitted.

Subpart 1067.51—Independent Funding of "Versatile CAP" Programs. Section 221(b). (CSA Instruction 6140-01).

Sec.
1067.51-1 Applicability.
1067.51-2 Effective date.
1067.51-3 Legislative requirement.
1067.51-4 Instructions.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1067.51—Independent Funding of "Versatile CAP" Programs. Section 221(b). (CSA Instruction 6140-01).

§ 1067.51-1 Applicability.

This subpart applies to all grantees financially assisted under Section 221 of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1067.51-2 Effective date.

January 15, 1968 (CSA Instruction 6140-01).

§ 1067.51-3 Legislative requirement.

Section 221(b) of the Economic Opportunity Act of 1964, as amended, provides: "If the Director determines that a limited purpose project or program involving activities otherwise eligible under this section is needed to serve needs of low-income families and individuals in a community and no community action agency has been designated for that community pursuant to section 210, or where a community action agency gives its approval for such a program to be funded directly through a public or private non-profit agency or organization, the Director may extend financial assistance for that project or program to a public or private non-profit agency which the Director finds is capable of carrying out the project in an efficient and effective manner consistent with the purpose of this title."

§ 1067.51-4 Instructions.

(a) Every single-purpose or limited-purpose grant for a "Versatile CAP" program conducted in a community which is served by a community action agency must henceforth have the approval of that agency before it can be refunded for future program periods.

(b) The same is true for every application for a new grant to conduct a "Versatile CAP" program in such a community. In all such cases, prior to application to CSA for assistance (or as a supplement to any application previously filed and now pending), the applicant must submit written evidence that its application has been approved by the governing board of the local community action agency.

(c) This subpart does not apply to the following types of programs:

- (i) Special emphasis:
- (ii) Head Start.
- (iii) Head Start Follow Through.
- (iv) Legal Services.
- (v) Comprehensive Health Services.
- (vi) Upward Bound.
- (vii) Emergency Food and Medical Services.

- (viii) Family Planning.
- (ix) Programs for the Elderly.
- (x) Manpower and work training programs including Opportunity Industrialization Centers (OICs).
- (xi) Training and technical assistance.
- (xii) Research and pilot or demonstration projects.¹
- (xiii) Migrant and seasonal worker programs under Title IV.

(d) The relationships of the foregoing programs to the community action agencies will not change in general, but will be spelled out more precisely on a program by program basis in separate guidelines.

Subpart 1067.80—Applying for a Research, Demonstration and Pilot Project Grant Under Title II, Sections 232 and 222(a) of the Economic Opportunity Act of 1964 as amended (CSA Instructions 7570-1, 7570-2, 7570-3, 7570-4, 6710-4)

Sec.
1067.80-1 Applicability.
1067.80-2 Effective date.
1067.80-3 Policy.

¹ Pilot and demonstration projects are subject to a related requirement under Section 232 which provides that no such projects: " . . . shall be commenced in any city, county, or other major political subdivision unless a plan setting forth such proposed pilot or demonstration project has been submitted to the appropriate community action agency, or, if there is no such agency, to the local governing officials of the political subdivision, and such plan has not been disapproved by the community action agency or governing body, as the case may be, within thirty days of such submission, or, if so disapproved, has been reconsidered by the Director and found by the Director to be fully consistent with the provision and in furtherance of the purposes of this title."

- 1067.80-4 Overview of application process.
- 1067.80-5 Application procedures.
- 1067.80-6 Preparing a budget.
- 1067.80-7 Administration of grants, contracts or other agreements with educational institutions.
- 1067.80-8 Amendment procedures.
- 1067.80-9 Post grant requirements.
- 1067.80-10 Where to apply.
- 1067.80-11 Supply of forms.

Appendix A to Subpart 1067.80—Applying for a Research, Demonstration and Pilot Project Grant Under Title II, Sections 232, and 222(a) of the Economic Opportunity Act of 1964 as amended.

Appendix B to Subpart 1067.80—Applying for a Research, Demonstration and Pilot Project Grant Under Title II, Sections 232, and 222(a) of the Economic Opportunity Act of 1964 as amended.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1067.80—Applying for a Research, Demonstration and Pilot Project Grant Under Title II, Sections 232 and 222(a) of the Economic Opportunity Act of 1964 as amended (CSA Instructions 7570-1, 7570-2, 7570-3, 7570-4, 6710-4)

§ 1067.80-1 Applicability.

This subpart applies to all applications for research, demonstration and pilot projects funded under Title II, Sections 232 and 222(a) of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1067.80-2 Effective date.

November 19, 1971 (CSA Instruction 7570-3)
August 4, 1971 (CSA Instruction 6710-4)
January 7, 1972 (CSA Instruction 7570-1)

November 19, 1971 (CSA Instruction 7570-2)

November 19, 1971 (CSA Instruction 7570-4)

§ 1067.80-3 Policy.

(a) The Community Services Administration continues to support research, demonstration and pilot projects to develop and test techniques and approaches to overcome the problems of poverty and to provide decision-makers with the information they need to develop programs that aid the poor to become self-sufficient. Research and demonstration projects are supported primarily to advance the state of knowledge about poverty problems and potential solutions so as to have maximum impact on poverty nationwide. Pilot projects are experimental working models of a program that delivers benefits to the pilot project participants, and, if

successful, might be funded under Title II or other appropriate authority, as an ongoing program or activity to assist the poor.

(b) To a large extent, CSA's research, demonstration or pilot project grants are a result of CSA's initiative. CSA solicits applications for grants aimed at solving particular problems in CSA's priority program areas. Unsolicited applications are accepted for support of projects which offer the hope of producing significant new knowledge about problems of poverty and/or their solution.

§ 1067.80-4 Overview of application process.

(a) This section provides a summary of application procedures.

(1) Initial inquiry. (This procedure is for unsolicited proposals only).

(2) Submission of preliminary project proposal and eligibility documents to administering office.

(3) CSA reviews preliminary project proposal and determines eligibility of applicant.

(4) CSA notifies applicant of interest in project.

(5) CSA conducts field pre-review (optional).

(6) Applicant initiates clearinghouse review where appropriate.

(7) Applicant submits formal application to administering office.

(8) CSA reviews formal application and makes decision to fund or reject.

(9) If accepted, administering office prepares official grant package and submits to CSA funding official.

(10) Congressional release is prepared to announce the grant.

(11) Grant package submitted to Governor and to CAA or local governing official if there is no CAA.

(12) Governor and CAA respond or 30 days waiting period elapses.

(b) *The CSA project manager.* During the application process, applicants will be told which staff member in the CSA program office will serve as the CSA project manager responsible for review of their project proposal or grant application, and also for monitoring of the grant after the award of funds. This project manager will be the source of contact on matters pertaining to the grant.

(c) *Funding periods.* A new grant application should describe program activities for the entire period during which CSA funds will be needed.

(d) *On-site assessment.* To facilitate the review of a preliminary project proposal, or formal grant application, the CSA project manager may find it necessary to conduct an on-site assessment of the applicant's planning,

coordination, and staff capabilities. When appropriate, representatives of the CSA Regional Office, State Economic Opportunity Office (SEOO), and the local community action agency (CAA), will be invited to participate in order to ensure necessary coordination. For continuation grants, on-site visits should be made 60 days prior to the end of the grantees program year.

(e) *Submission of Planned Grants to Governors and CAA's.* All research, demonstration or pilot grant will be submitted to the State Governor pursuant to the disapproval authority set forth in Section 242 of the Economic Opportunity Act, unless the applicant is an institution of higher education which was in existence prior to August 20, 1964. Section 232(d) of the Act gives the appropriate CAA or local government the right of disapproval before a pilot or demonstration project (including an institution of higher education which was in existence prior to August 20, 1964) funded under Section 232 of the EOA may be commenced in any city, county, or other major political subdivision. The CAA right of disapproval does not apply to research grants. Both the Governor and the CAA (or the governing body) are given 30 days from the date of submission of the planned grant in which to disapprove the grant. CSA has the right to make a grant notwithstanding a disapproval if, upon reconsideration, the grant is found to be fully consistent with the provisions and in furtherance of the purposes of Title II of the EOA. Funds will not be released until either the 30-day review period has expired without the Governor or CAA taking action, appropriate approvals have been received, or disapprovals have been overridden by CSA.

(f) *Checkpoint coordination procedures.* New research, demonstration or pilot grants must be coordinated with the appropriate SEOO(s), CAA(s) and local or state agencies and officials concerned with anti-poverty activities. In the case of grants administered by the Office of Planning, Policy and Evaluation, this coordination will be performed entirely by the CSA program office. In the case of grants administered by the Office of Community Action, the applicant must follow checkpoint procedures prior to submission of a formal grant application. Checkpoint coordination is required for initial fundings only where there is a significant change in the program. The checkpoint procedure is not a requirement for prior concurrence in or approval of a grant application by all potentially concerned officials,

agencies or institutions. However, it provides for prior consultation with these agencies and affords them an opportunity to express their concerns and thereby simplify the grant clearance process discussed in paragraph (a) of § 1067.80-4. In no event will financial assistance be provided to a public or private nonprofit agency other than a community action agency in an area in which a community action agency exists without prior notification of such financial assistance to the board of such a community action agency and to any State Economic Opportunity Office in the State in which financial assistance is provided. A copy of SF 424, along with a copy of the proposal should be forwarded to the appropriate CAA, SEOO and local or state officials for this purpose.

(g) *A-95 Clearinghouse Review.* A-95 clearinghouse review is not required for research, demonstration and pilot projects funded under Section 232. However, it is required for grants funded under Section 222(a). Refer to subpart 1067.10 (CSA Instruction 6710-3a) of this chapter for A-95 checkpoint procedures.

(h) *Non-Federal Share.* There is no general requirement that Federal funds provided under a Section 232 research or demonstration grant be matched with funds from non-Federal sources. However, CSA may require a non-federal contribution for certain groups of research and demonstration grants. Non-federal share is required for grants funded under Section 222(a). Applicants should refer to Part 1050, Subpart F (CSA Instruction 6800-6) and Subpart 1068.20 (CSA Instruction 6802-3a) of this chapter.

§ 1067.80-5 Application procedures.

(a) *Initial inquiry.* Applicants¹ for unsolicited grants should make an initial inquiry to CSA prior to submitting a written application. Such inquiry is essential to determine the appropriate program authority under which applications should be made, the availability of funds, funding timetable and deadlines, special requirements for particular programs, specific instructions, and procedures for determining eligibility and for submitting a preliminary proposal or formal application. All inquiries should be directed to the:

Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506.

¹ Applicants for unsolicited grants are: individuals, political parties, and for-profit organizations, partnerships and corporations are ineligible for grant assistance under these sections of the EOA.

(b) *Preliminary Project Proposal.* A preliminary proposal should provide a succinct summary of the key features of the project including, at a minimum a discussion of the: (1) Problem, (2) objectives, (3) project design, (4) project staffing, (5) participation of other agencies (coordination), (6) project budget, (7) basic information of the applicant agency. The preliminary proposal is basically an abbreviated version of a formal proposal. Any questions concerning the preliminary proposal should be directed to the appropriate CSA project manager.

(c) *Grant application documents and procedures.* Before preparing a formal application, applicants should consult with the CSA project manager assigned to their proposal concerning the length of the funding period that should be covered by the application and the level of support. However, applicants should be aware that CSA project managers are not authorized to commit CSA to approval of a Grant.

(1) *Required documents for formal applications.* The following documents are required when submitting a formal application:

(i) *SF 424, Federal Assistance.* This form is a multi-purpose form. It is required as a coversheet for preliminary and formal applications and is used for clearinghouse review in accordance with OMB Circular A-95, grants-in-aid notification to States. This form is also used for checkpoint coordination with appropriate local agencies and officials, SEOO(s), and CAA(s) as described in paragraph (f), § 1067.80-3. Refer to Subpart 1067.10 (CSA Instruction 6710-3a) of this chapter when completing this form.

(ii) *CSA Form 301, Summary of Grant Application.* This form is self-explanatory.

(iii) *CSA Form 325, Budget Summary.* See § 1067.80-6 of this subpart.

(iv) *CSA Form 325a, Budget Support Sheet, Parts I and II.* See § 1067.80-6 on preparation of a budget.

(v) *CSA Form 393, Certificate of Applicant's Attorney.* This form is required for new grant applications. However, in instances where any attorney has previously certified the eligibility of the applicant to conduct CSA programs of a similar nature, CSA may waive the requirement for this form. CSA will notify the applicant if a new Attorney's certification is required for grant amendments or continuations. When necessary to prevent undue delays, this form may be filed separately. However, it should be filed not later than three weeks after submission of other grant application documents.

(vi) *CSA Form 380, Accounting System Certificate.* This form is self-explanatory. The certification may be furnished by an independent certified public accountant, an independent State licensed public accountant, or, in the case of a public agency, the appropriate public financial officer who accepts responsibility for providing required financial services to the grantee. This form is usually only required for the initial funding. However, there may be instances when CSA will require a new certification from an going grantee. See Subpart 1068.42 (CSA Instruction 6801-1, CH1 and Subpart 1068.43 (CSA Instruction 6801-1-CH2) of this Chapter for details.

(vii) *Bonding Statement.* If the grantee is a nongovernmental organization, CSA may require adequate bond coverage where the absence of coverage of any grant-supported activities jeopardizes the Federal Government's interest. See Part 1050, Subpart C—Bonding and Insurances (CSA Instruction 6800-3) of this Chapter, regarding bonding requirements.

(viii) *Narrative Project Description.* The applicant should submit a clear, concise description of the project. Paragraph (d) in this section outlines the requirements for a narrative project description.

(ix) *Articles of Incorporation.* For initial funding only.

(x) *By-Laws of Governing Body.* For initial funding only.

(xi) *Biographical Data on Principle Personnel.* Submit a brief biographical summary for the principle personnel directly responsible for the conduct of the project when such personnel have been identified. This information is required for initial funding only if there has been a change.

(xii) *List of Property Inventory.* This is required for continuation grants only. Refer to Part 1071 (CSA Instruction 7001-01a) of this chapter for procedures on how to prepare a property inventory list and other policy governing property.

(d) *Preparation of a narrative project description.* Narrative project descriptions for both initial and continuation grants must cover the entire period of project operations with CSA funds and should follow the outline in this paragraph. When a previously approved program for a continuation grant will not be substantially changed, applicants are encouraged to submit concise narratives, and to avoid repetition of material presented in applications for prior funding period. However, if the application represents a substantial departure from the prior program, as when an effort is moving from a planning phase to a pilot project

phase, the narrative portion of the application should contain a thorough discussion of the issues involved.

(1) *Problem.* State the problem to which the project is directed. The problem should describe the unmet need; attempts to meet the need, if any, and a statement of existing barriers to solving the problem. Indicate how progress toward solving the poverty problem would generally be advanced through research and demonstration efforts.

(2) *Objectives During Funding Period.* State the specific objectives of the project through the end of the current funding period. Describe the approaches and techniques to be employed to overcome the problem. State how the project will advance the state of knowledge concerning the problem, what knowledge about programmatic solutions will be gained and how such knowledge will be utilized for example, through replication. For research projects, state what questions will be studied or what hypotheses will be tested. The discussion should contain an indication of why these objectives are believed to be attainable.

(3) *Project Design.* Describe the design and nature of the project. The design should, at a minimum, contain a testable hypothesis. Include the number of participants and beneficiaries, the duration of the project and a schedule of activities to be performed. Describe the agency, institution or organization that will conduct the project; research techniques and dissemination or utilization or results. For initial grants, include any relevant statistical data, maps, charts or graphs. Provide any other information which would provide additional clarification or justification for the project.

(4) *Progress to Date.* For continuation grants, provide a brief and factual discussion of the progress made during the current funding period, up to the date of submission of the application. This progress statement should compare accomplishments with goals that had been set and should treat any significant problems. To the extent possible, the discussion should include data that may bear on the conclusions to be drawn from the project, and should provide information on numbers of people assisted and the kind of assistance given.

(5) *Target Dates.* Indicate in chronological order the dates by which the major events in support of the objectives are expected to take place. CSA Form 419 may be used for this purpose.

(6) *Personnel.* Describe the number and kind of staff required and the

qualifications of all professional staff in the proposed project. Also indicate the availability of personnel for all professional positions.

(i) Submit brief biographical summaries for principal personnel who will be directly involved in carrying out the project, where such personnel have been identified. Summaries should be provided for the Project Director, Deputy Project Director (if any), and other key personnel responsible for the conduct of the project. This is required for initial grants only unless changes occur.

(7) *Participation of Other Agencies (Coordination).* Describe and document the endorsement, cooperation, and participation of all other organizations and groups, including State and local agencies, where applicable.

(8) *Facilities.* When facilities are not already available for the project, state what facilities will be required including the availability thereof. If a facility has been identified, describe any renovations that will be required.

(9) *Delegation of Program and Other Contracts.* Indicate whether or not any portion of the proposed project will be delegated or sub-contracted. If so, identify the delegate agency or sub-contractor and the nature and extent of the activities to be delegated or sub-contracted. Outline the relationship between the delegate agency or sub-contractor and the applicant's organization and management structure.

(10) *Submission of the Continuation Application.* Grantees should submit the continuation application at least 120 days before the end of the current funding period, unless otherwise instructed in writing by the project manager for the grant.

(e) Where it is anticipated that the project will need to continue beyond the period for which CSA financing is requested (for example, after its research or demonstration objectives have been met), indicate plans for insuring such continuation. Identify the sources of support which will supplant CSA funding.

§ 1067.80-6 Preparing a budget.

(a) The following provides an overview on preparation of a budget.

(1) CSA Budget Form 325, Budget Summary Sheet, summarizes the total requested budget for a project by cost category as itemized on CSA Form 325(a) Budget Support Sheet, Parts I and II. This summary should be entered in Column E of Form 325. The amount requested for the new funding period should represent the total amount estimated to be necessary to operate for the entire funding period. This amount should not be reduced by any estimated

unexpended balance from prior funding period. For continuation grant application, fill in Columns C and E of Form 325. Column C calls for the approved budget for the most recent period for which the program was funded. The amounts in Column C should be based on; Column F of the most recent CSA Form 325 as adjusted by any grantee changes not requiring CSA approval; any subsequent budget amendments approved by CSA; and any budget changes made by the grantee within the budget flexibility allowed by § 1067.80-8. If significant changes in funding levels are proposed as against the prior year, these should be explained. Any requests for additional investment capital should also be justified. Itemize all non-CSA sources of financial support for the project (or upon which the project depends).

(2) Itemize on CSA Form 325a, Parts I and II, expenses under each cost category. Part I is for personnel salaries and volunteers. The remaining cost categories are itemized on Part II. If space allows, more than one cost category may be shown on the same page. The following is a list of the cost categories. A detailed explanation is contained in Appendix A of this subpart.

(i) Salaries and Wages.....	1.1
(ii) Fringe Benefits.....	1.2
(iii) Consultants and Professional Services.....	1.3
(iv) Travel.....	2.1
(v) Space Costs and Rentals.....	2.2
(vi) Consumable Supplies.....	2.3
(vii) Lease and Purchase of Equipment.....	2.4
(viii) Investment Capital.....	2.5
(ix) Other Direct Costs.....	2.6
(x) Indirect Costs.....	3.0

(3) If the prior funding included investment capital funds in the "Other Direct Costs" category, such as capital for a business investment or a revolving fund, remove those funds from the "Other Direct Costs" category, and show them separately on the "Investment Capital" line in Column C. In estimating the unexpended Federal funds in item 3D, Form 325, do not include unexpended funds from the "Investment Capital" category.

(4) The Budget Support Sheets and Budget Summary should include space for an applicant to show the proposed non-Federal share. In cases in which non-Federal share is not required, the total block of the "non-Federal Share" columns on the Budget Support Sheet and Budget Summary should be complete with zero entries. The Budget sheets should reflect the expenses paid from non-Federal sources itemized by cost category. Applicants should refer to

Part 1050—Subpart F—Cost Sharing and Matching (CSA Instruction 6800-6) of this Chapter.

(5) If the applicant intends to delegate to another organization the responsibility for conducting part of the project, the anticipated expenditures of that organization should be included on the Budget Support Sheets. Within each of the budget categories, the costs of the grantee and of any delegate agency should be shown separately.

§ 1067.80-7 Administration of grants, contracts or other agreements with educational institutions.

(a) This section implements policies and procedures requires by OMB Circular A-101 for establishing greater consistency among Federal agencies in the administration of grants, contracts or other agreements with educational institutions in the United States. This applies to all grants, contracts, or other agreements for research projects with U.S. educational institutions under Title II of the Economic Opportunity Act of 1964, as amended, if administered by CSA. It does not apply to agreements with educational institutions for the operation of Government owned laboratories.

(b) *Types of Research Projects.* Most CSA research projects are Type II and will be treated as such unless the educational institution specifically requests a Type I classification and the CSA Program Office agrees.

(1) *Type I.* Research projects for which only the principal objectives of the research are stated, not the work methods or the checkpoints. The educational institution will bear the primary responsibility for the conduct of this research project.

(2) *Type II.* Research projects for which CSA exercises close control over the direction, specifications, methods or schedules of the research.

(c) Standard policies and practices are as follows:

(1) *Policy on Review and Direction of the Research Effort.* The following provisions are applicable to Type I research projects although they should be followed for Type II projects also. For Type II projects, CSA will clearly specify in the research agreement any acceptable deviations in the review or direction requirements as stated in paragraphs (c)(1) (i), (ii) and (iii) of this section. Section 1067.80-8 outlines procedures for grantee budget or program changes permissible without prior CSA approval.

(i) The principal investigator may change the methods and procedures employed in performing the research without making a special report of this

to CSA or obtaining prior CSA approval. However, such changes shall be reported to CSA in periodic or final technical reports. However, if the methodology or experiment is a specific goal of the project as stated in the narrative statement of the project, the stated objectives of the research project shall not be changed without prior approval by CSA.

(ii) The phenomenon or phenomena under study, that is, the broad category of research, shall not be changed without prior approval by CSA.

(iii) The degree of CSA review or direction exercised may vary from project to project under these approval requirements, depending upon the amount of detail used in stating the objectives of the research effort.

(2) *Policy on Vesting Title to Equipment.* Provisions on vesting title to equipment presented in paragraphs (c)(2) (i), (ii), and (iii) of this section must be followed for both Type I and Type II projects, unless the deviation procedures in paragraph (d) of this section are applied. CSA determines when title to equipment should be vested in the educational institution according to the following policies:

(i) Title to equipment purchased or fabricated under any type of research agreement shall be vested in the institution, without further obligation to CSA except as provided for under paragraph (c)(2)(ii) of this section unless it is determined that such vesting is not in the furtherance of CSA's goals. Such title shall be vested in the institution upon acquisition of the equipment or as soon as feasible thereafter.

(ii) CSA reserves the right to require the educational institution to transfer title to items of equipment to the government or to a third party named by CSA. This right may be exercised at any time, but no later than 12 months after CSA has received the final audit report from the educational institution after completion or termination of the particular project. Such right to require transfer of title does not apply to any items of equipment with an acquisition cost of less than \$1,000, unless specified in a special condition of the grant.

(iii) CSA's research agreement with the educational institution shall:

(A) Clearly indicate where title to equipment is to be vested, and

(B) Clearly specify which items are to be Government property, if any.

(d) *Procedures for Deviations.* Requests for deviations from the standardized provisions of this subpart may be directed to the Headquarters program office responsible for the individual grant. CSA must approve any

deviations prior to award or extension of the grant.

§ 1067.80-8 Amendment procedures.

(a) *Changes Requiring Amendment Request and Prior CSA Approval.* These procedures do not apply to applications for complete funding periods or to extensions of more than four months requiring additional funds. Such applications are covered under § 1067.80-5. If grantees are in doubt as to which procedure to use, they should consult the CSA project manager for their grant. Applications for amendments must be submitted to CSA and approved prior to making any of the following changes in a grant:

(1) Basic changes in the objectives, strategy, implementation plan or activities of the project as approved by CSA except as permitted for educational institutions (see §§ 1067.80-5 and 1067.80-7 of this subpart).

(2) Significant changes in the number or type of participants or beneficiaries.

(3) Changes in the areas served under the grant.

(4) Changes in delegate agencies, if any.

(5) Changes in or waiver of grant conditions.

(6) Changes in the duration of the approved funding period or in length of time the project will operate.

(7) Budget or program changes which would increase the CSA supported program costs during the current funding period or any subsequent funding period. These include changes which:

(i) Require increased, that is supplemental, funding during the current funding period, or

(ii) Increase program costs during the current funding period but do not require increased funding due to the availability of larger than anticipated unexpended balances from previous funding periods, or

(iii) Do not increase costs in the current funding period but result in increased costs in subsequent funding periods beyond increases contemplated in the grant application as approved.

(8) Other changes in the approved budget beyond those in paragraph (a) of § 1067.80-8 which grantees are authorized to make without CSA permission.

(b) *Changes Allowable Without CSA Approval.* Unless specifically prohibited by special grant award conditions or specifically disallowed by CSA in the grant approval process, grantees may make other changes without obtaining prior CSA approval subject to the following limitations:

(1) *Changes in salary and positions.* A grantee may change salaries or the

number of personnel positions, or create new positions provided that such changes:

(i) Do not exceed wage comparability standards;

(ii) Are in accordance with CSA and grantee personnel policies;

(iii) Do not result in program changes for which CSA approval is required, as outlined in paragraph (a) § 1067.80-8, and

(iv) CSA has not previously notified the grantee in writing that a particular personnel position may not be established.

(2) *Changes between budget categories.* Provided that total program costs are not changed, grantees may increase or decrease individual budget categories except as follows:

(i) Grantees may not increase expenditures for Travel, Budget Category 2.1, by more than 25 percent of the approved budget level for that category.

(ii) Grantees may not change the approved level for Investment Capital, Budget Category 2.5.

(iii) Grantees may not increase the approved level of Indirect Costs, Budget Category 3.0.

(3) *Equipment Purchases.* Grantees may make changes in purchases of equipment except as follows:

(i) Grantees may not make purchases of equipment under Budget Category 2.4 in excess of \$500 unit cost (or \$1,000 in the case of permanent research equipment for educational institutions) without prior CSA approval.

(ii) Grantees may not increase purchases of permanent research equipment by more than 25 percent of the itemized budget within Budget Category 2.4, Lease and Purchase of Equipment.

(c) *Summary of Procedures.* In most cases, if CSA approves the proposed amendment, the grantee may act on the basis of that approval. In some cases, however, further steps may be required. If so, the grantee will be notified of these by CSA at the time of approval. Some of the more common cases are:

(1) If the amendment involves the award of additional funds, and if the grantee is not an institution of higher education which was in existence on August 30, 1964, the amendment will be subject to the Governor's right of disapproval in the same manner as a new grant.

(2) If the amendment expands the area served by the grantee it may be subject to the right of disapproval of the Community Action Agency or local government in the proposed new area. If the proposed new area includes additional states, the amendment will be

subject to the right of disapproval of the appropriate Governors.

(3) If the amendment involves a substantial change in the approved program, it will be subject to one or both of the above rights of disapproval.

(d) *Required Forms.* The forms needed to apply for an amendment are as follows:

(1) *CSA Form 325b, Request for Amendment to Grant.* This form is self-explanatory.

(2) *CSA Form 325, Budget Summary.*

Required only if the requested amendment involves changes in the approved budget beyond those permitted in paragraph (b) of this section. Grantees should omit item 3D with respect to unexpended Federal funds, unless they are requesting additional Federal funds, an increase in total costs to be covered by unexpended funds, or an extension of the funding period. Column C calls for the approved budget for the most recent period for which the program was funded. The amounts in Column C should be based on Column F of the most recent CSA Form 325, as adjusted by any grantee changes not requiring CSA approval. In either case the approved Budget amounts should reflect any subsequent budget amendments approved by CSA and any budget changes made by the grantee within budget flexibility allowed. As indicated in paragraph (b) of this section, grantees are permitted to make some departures from the approved budget without requesting prior CSA approval. If CSA approval is required for any proposed change in the approved amount for any budget category, the requested change should include any changes already made by the grantee without prior CSA approval as authorized under paragraph (b) of this section. That is, the requested change should be the actual total amount the grantee will need, and not simply the additional amount beyond its budget flexibility for which prior CSA approval is requested.

Grantees should omit Section 11 of Form 325 unless the requested amendments will change the estimate of the future of the program.

(3) *CSA Form 325a, Budget Support Sheet.* Optional. If the requested amendment involves changes in the approved budget which require detailed backup information, this form (or a comparable local form) should be used to provide the detail for the budget categories involved. Otherwise, budget changes can be explained on the Form 325b, Request for Amendment to Grant.

§ 1067.80-9 Post grant requirements.

(a) *CSA Approval and Grantee Acceptance.* Upon CSA approval of a grant application, CSA will send a grant package to the grantee and, as appropriate, to the Governor's office and the local CAA. The grant package will contain the following documents:

(1) Statement of CSA Grant (CSA Form 314).

(2) General conditions (Subpart 1067.5 of this chapter).

(3) Budget Summary (CSA Form 325).

(4) Special Conditions (CSA Form 29).

(5) Explanation of Budget and Work Program Changes (Where applicable) (CSA 325a).

(i) *CSA Form 314, Statement of CSA Grant.* This is the basic action document signed by CSA, indicating the approval of the grant. Prior to release of funds by CSA, the grantee must sign and return the CSA Form 314, indicating its acceptance of the grant action with all attached conditions.

(ii) *General grant conditions* with which grantees receiving research or demonstration funds under the Economic Opportunity Act must comply are listed in Subpart 1067.5 General Conditions (CSA Instruction 7050-1) of this Chapter.

(iii) *CSA Form 29, Special Conditions.* This form is used as an attachment to the CSA Form 314, to indicate those special conditions, if any, which apply to the grant in addition to the General Conditions governing grants under the Economic Opportunity Act of 1964, as amended.

(iv) *CSA Form 325c, Explanation of Budget and Work Program Changes.* This form is used as an attachment to the CSA Form 314 to indicate any changes made by CSA to the budget or program requested by the applicant. If the CSA Form 325c indicates that a specific cost or function is reduced or eliminated, the grantee may not use the budget flexibility granted by § 1067.80-8 to expend funds for that purpose, without prior written approval by CSA.

(v) *CSA Form 325, Budget Summary.* Column F, completed by CSA, reflects the total approved funding level for the budget period by cost category. The approved funding for each cost category provides back up for the total approved CSA grant funds. Grantees may only incur expenditures against the grant according to the approved amounts on the CSA Form 325, and the budget flexibility guidelines contained in § 1067.80-8 of this subpart.

(b) *Accounting System Certification.* See § 1067.80-5.

(c) *Bonding.* See § 1067.80-5.

(d) *Evidence of Compliance with Special Conditions.* The Special

Conditions often require the grantee to submit documents evidencing compliance by a prescribed date. Such documents are to be returned either with the signed CSA Form 314 or by a later date prescribed by CSA. CSA may delay release of funds until receipt of satisfactory evidence of compliance with Special Conditions.

(e) *Authorized Signature Cards.* For Payment Vouchers on Letter of Credit (Standard Form 1194). This form is required prior to release of funds for grants exceeding \$120,000. After CSA signature of an approved grant three (3) copies of the Standard Form 1194 and accompanying instructions will be forwarded to the grantee for completion. These cards must be signed by those officials (at least two) whom the grantee has authorized to withdraw funds from the Federal Reserve System for deposit in the commercial bank. Two of these cards must be returned to CSA both bearing original signatures. The third card is to be retained for the grantee's files. New signature cards will be required whenever:

(1) There is a need to change the name of persons authorized to sign payment vouchers.

(2) There is a need to change the grantee name, address or commercial bank and.

(3) A new Letter of Credit is to be issued.

(f) The post-grant funding documents required should be mailed to:

Financial Management Division, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506.

(g) *Other Financial Requirements.* In addition to the accounting system certification the grantee is required by Section 243 of the Economic Opportunity Act to provide for:

(1) A preliminary audit survey is required within three months after the effective date of the grant.

(2) Annual audits are required to cover first funding period of a grant and each year thereafter, in accordance with Subpart 1068.42 (CSA Instruction 6801-1, CH1) and Subpart 1068.43 (CSA Instruction 6801-1, CH2) of this chapter.

(h) *Financial Reports.* The grantee must submit the quarterly financial reports required in Part 1050 Subpart-H Financial Reporting Requirements, (CSA Instruction 6800-8) of this chapter.

(i) *Property Management.* See § 1067.80-5 and Part 1071 of this Chapter.

(j) *Monitoring and Reporting Program Performance.* Grantees shall monitor their performance and submit performance reports (CSA Form 440) in accordance with Part 1050 Subpart 1—

Monitoring and Reporting Program Performance (CSA Instruction 6800-9) of this chapter. The project manager will notify the grantee on frequency of submission. Additional supplemental data may be requested by CSA.

(k) *Delegation of Programs.* CSA Form 280, Agreement for Delegation of Activities, shall be used in all cases in which the grantee delegates the performance of all or part of the functions of a project for which funding is approved. Such agreement may be entered into only if—

(1) The intention to make such a delegation to the particular agency has been set forth in the funding request to CSA or has otherwise been approved by CSA and

(2) The contract contains all of the provisions found in CSA Form 280. CSA Form 280 includes the minimum CSA requirements with respect to the degree of supervision, control, and evaluation to be maintained by the grantee over CSA funds. Additional conditions may be added which restrict the power of the delegate agency, but any contract which gives greater power to the delegate agency must be approved by CSA prior to signature. The grantee will, in any event, be held responsible for the successful execution of the program, and must exercise the degree of supervision and control commensurate with that responsibility and applicable CSA policies and instructions. The grantee shall attach to any delegation contract a copy of all Grant Conditions appended to its grant from CSA.

(e) *Governing Body.* If the grantee of a pilot or demonstration project has a board but the board's structure is not in conformance with Subpart 1062.200—Boards and Committees (CSA Instruction 6400-01a), a policy advisory council should be formed in accordance with CSA requirements in Subpart 1062.200 (CSA 6400-01a) of this chapter to oversee the activities of the project. Any other exception will be subject to CSA approval.

§ 1067.80-10 Where to apply.

Send two copies of applications to: Office of Community Action, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506.

§ 1067.80-11 Supply of forms.

When CSA solicits a formal grant application or tentatively approves an unsolicited preliminary proposal, the CSA project manager will supply the applicant with a set of application forms, and all other CSA regulations required to submit a grant application. Additional copies of these forms and instructions may be ordered from:

Publication and Distribution Center, 49 L Street SE., Washington, D.C. 20003.

Appendix A to Subpart 1067.80 Applying for a Research, Demonstration and Pilot Project Grant Under Title II, Sections 232, and 222(a) of the Equal Opportunity Act of 1964 as amended

Explanation of Budget Categories

The explanation of budget categories refers to Forms 325 and Forms 325a as described in this subpart.

Budget Categories

1. Category 1.1. Salaries and Wages.

(a) *Paid Personnel.* This category does not include stipends paid to program beneficiaries which are not compensation for work performed.

(b) *The Economic Opportunity Act* provides that no compensation may be paid at rates which are less than the Federal minimum wage. Subject to that exception, the general rule contained in the Act is that compensation may not exceed the average rate paid for substantially comparable services in the area where the program is carried out.

Regulations implementing this requirement and other rules concerning personnel compensation will be found in Subpart 1069.20 (CSA Instruction 6900-01) of this Chapter. Before budgeting for personnel costs, applicants should refer to Subpart 1069.9 (CSA Instruction 6903-1a) and Subpart 1069.20 (CSA Instruction 6900-01) of this chapter.

(c) On the Budget Support Sheet, part-time employees should be shown separately. Do not list two employees each working half a year as one employee working a full year. The number of man-months shown for a part-time position should in all cases be based on full-time employment. For example, a half-time employee working for an entire year is considered to work six man-months.

(d) *Volunteers.* If volunteer workers are going to participate in the program their time may be valued for the purpose of calculating non-Federal share. Valuation methods are prescribed by Subpart F—Cost Sharing and Matching (CSA Instruction 6800-6) in Part 1050 of this Chapter. A person should be treated as a volunteer only if he/she receives no compensation from anyone for his/her work in the program. When an employer other than the grantee furnishes the services of an employee, he/she should be listed under Column E of CSA Form 325a and the employee's services valued at his/her regular rate of pay, provided these services are in the same skill for which the employee is normally paid.

2. Category 1.2. Fringe Benefits.

(a) This category includes not only such items as health insurance, life insurance, and retirement contributions, but also workmen's compensation, unemployment taxes, and social security taxes. If fringe benefits are shown as a percentage of total compensation, the applicant should identify each benefit and its share of the overall percentage figure, for example, employers' contribution for social security at the current rate.

3. Category 1.3. Consultants and Professional Services.

(a) This category includes legal fees, accountants' fees, and consultants' fees and the like.

(b) See Subpart 1068.42 (CSA Instruction 6801-1, CH1) and Subpart 1068.43 (CSA Instruction 6801, CH2) of this chapter for CSA requirements with respect to audits. The auditing costs should be included in this budget category.

(c) Legal and accounting services should be budgeted on an "as performed" basis and will be eligible program costs only when supported by evidence of services performed.

(d) If the budget includes consultants' fees, the Budget Support Sheets should indicate the specific types of consultant services for which a need is anticipated. In addition, specific justification must be provided for any consultant fees in excess of \$100 per day.

4. Category 2.1. Travel.

See Subpart 1069.3 (CSA Instruction 6910-1b) and Subpart 1069.4 (CSA Instruction 6910-2d) of this chapter for regulations governing travel, and allowable per diem rates.

5. Category 2.2. Space, Cost, and Rentals.

This category includes, in addition to rent payments, the costs of any minor renovations which may be necessary to make space suitable for the purposes of the program. Only in extraordinary cases will CSA support the construction or purchase of facilities. The description should include the square footage of any space to be rented.

6. Category 2.3. Consumable Supplies.

(a) This category includes office machines, furniture and fixtures, and other equipment.

(b) Where equipment is available on a lease basis, it should be acquired on that basis unless purchase is clearly more economical over the projected life of the research or demonstration program.

(c) Proposed purchases of equipment with a unit cost of more than \$500 (or \$1,000 in the cost of permanent research equipment for educational instructions) will be specifically approved by CSA. Such purchases should be specifically justified.

(d) Equipment purchases as part of economic development ventures (as opposed to equipment needed for project administration) should be budgeted under Budget Category 2.5. Proposed purchases of such equipment with unit costs above \$500 need not be separately justified.

7. Category 2.5. Investment Capital.

(a) This category includes funds for new investments in economic development projects, as well as additions to revolving funds in projects whose programs include making of loans.

(b) Applicants should show on the Budget Support Sheets, (Form 325a) and carry to the Budget Summary, (Form 325) only the new investment capital funds which are being requested in the application. Do not include any funds which were previously granted, even though they will be spent in the coming budget period. Note that this treatment differs from the treatment for all other budget categories.

(c) Full justification for each item in the "investment capital" category should be included in the narrative portion of the application.

8. Category 2.6. Other Direct Costs.

(a) This category includes such items as transportation of things, repairs, utilities, telephone.

(b) The category also includes stipends which may be paid to program beneficiaries to support them during their participation in a program.

(c) See Subpart 1068.30 (CSA instruction 6803-8) of this chapter for circumstances under which CSA funds may be used to pay membership dues in professional organizations.

9. Category 3.0, Indirect Costs.

The indirect costs of a project are those costs incurred by an organization for the joint

benefit of the approved CSA program activity and other objectives, but not readily identifiable with the CSA program itself, was in the operation and maintenance of buildings or in the payment of utilities costs or administrative salaries.

10. Delegation Arrangement.

If the applicant intends to delegate to another organization the responsibility for conducting part of the project, the anticipated expenditures of that organization should be included on the Budget Support Sheets. Within each of the budget categories, the costs of the grantee and of any delegate agency should be shown separately.

Appendix B to Subpart 1067.80.—Applying for a Research, Demonstration and Pilot Project Grant Under Title II, Section 232, and 222(a) of the Equal Opportunity Act of 1964, as Amended
(Applicability of Required Forms and Documents)

	424	Narrative	419	301	393	394	325	325a	325b	280	11
Type of action:											
Preliminary proposal	X	X	OPT			OPT	X	X		X	X
Formal application	X	X	OPT	X	X	OPT	X	X		X	X
Continuation application	X	X	OPT	X	X	OPT	X	X		X	X
Amendment							X		X		

¹ Brief summary of program.

² Or substitute form.

³ Not required for work program changes only.

PART 1068—GRANTEE FINANCIAL MANAGEMENT

17. The subpart headings in 45 CFR Part 1068 are revised as follows:

Subpart 1068.3—Limitation on CAA Administrative Costs (CSA Instruction 6807-1)

Subpart 1068.4—Allowability of Cost Incurred to Borrow Funds (CSA Instruction 6803-2)

Subpart 1068.5—Allowance and Reimbursement for Members of Policy-Making Bodies (CSA Instruction 6803-1b)

Subpart 1068.6—Grantee Compliance with IRS Requirement for Withheld Federal Incomes and Social Security Taxes (CSA Instruction 6810-1)

Subpart 1068.8—Use of Federal Funds for Union Activities (CSA Instruction 6803-5)

Subpart 1068.20—Non-Federal Share Requirement for Title II Sections 221, 222(a) and 231 Programs (CSA Instruction 6802-3a)

Subpart 1068.30—Membership Dues and Related Expenses Paid to Professional Organizations (CSA Instruction 6803-6)

18. The following subparts in Part 1068 are deleted:

Subpart—Non-Federal Share Contribution; Eligibility for Waiver of Increase (CSA Instruction 6802-5a) which includes §§ 1068.21-1 to 1068.21-3 [Deleted]

Subpart—Non-Federal Share Contribution; Eligibility for Waiver of Increase for Fiscal Year 1978 Grants (CSA Instruction 6802-5a CHI) which is § 1068.22-6 [Deleted]

19. 45 CFR Part 1068 is amended by adding the following subparts:

Subpart 1068.40—Funding of Third Party Contractors (CSA Instruction 7000-01)

Sec.

1068.40-1 Applicability.

1068.40-2 Effective date.

1068.40-3 Funding of third-party contractors.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942

Subpart 1068.40—Funding of Third Party Contractors (CSA Instruction 7000-01)

§ 1068.40-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II and IV of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1068.40-2 Effective date.

May 10, 1971 (CSA Instruction 7000-01).

§ 1068.40-3 Funding of third-party contractors.

(a) Grantees should work closely with delegate agencies in determining their periodic need for funds. As a general guideline, those delegate agencies with contracts for more than \$200,000 should be funded monthly. Grantees may advance funds to delegate agencies, as an alternative to reimbursing them for expenditures incurred, and may advance funds for a succeeding operation period prior to receipt of expenditure documentation from the preceding period. Generally, funds may not be advanced for more than two successive operating periods without receipt of adequate reports from a delegate agency. Appropriate adjustments should be made if delegate agencies appear to be maintaining cash on hand which is surplus to their operating requirements. Periodic reviews should be made to assure that this policy is adhered to by delegate agencies.

(b) If a delegate agency, such as a school system, is expected to purchase materials on competitive bid, payment may be made to the delegate agency shortly before the actual award of the contract for the materials, if local law or regulations require that this be done.

Subpart 1068.41—Standard Form for Professional or Technical Services to a Community Action Program (CSA Instruction 7410-01)

Sec.

1068.41-1 Applicability.

1068.41-2 Effective date.

1068.41-3 Policy.

Appendix A to Subpart 1068.41—Standard Form for Professional or Technical Services to a Community Action Program.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942

Subpart 1068.41—Standard Form for Professional or Technical Services to a Community Action Program (CSA Instruction 7410-01)

§ 1068.41-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV, and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1068.41-2 Effective date.

May 10, 1971 (CSA Instruction 7410-01).

§ 1068.41-3 Policy.

(a) This contract form shall be used in all cases in which the grantee or a delegate agency is contracting for professional or technical services. This includes such activities as the retention of consultants, arrangements for the provision of computer programming services, and the hiring of an agency to conduct program evaluation.

(b) This contract form expresses the minimum CSA requirements with respect to the degree of supervision and control to be maintained by the grantee or delegate agency. Additional material may be added which restricts the power of the contractor, but any contract which gives greater power to the contractor must be approved by CSA prior to signature. The organization which is the grantee of CSA funds will, in any event, be held primarily responsible for the successful execution of the program, and must exercise a degree of supervision and control which is commensurate with that responsibility.

Appendix A to Subpart 1068.41—Standard Form for Professional or Technical Services to a Community Action Program

Contract Form

Part 1 (of 2 parts)

This agreement, entered into as of this _____ day of _____, 19____, by and between (name of CAP grantee or delegate agency) _____, of the City/County of _____, State of _____, hereinafter referred to as the "Agency", and _____ (name of contracting party) _____, of the City/County of _____, State of _____, hereinafter referred to as the "Contractor".

Witnesseth That: The Agency and the Contractor do mutually agree as follows:

1. The Contractor shall, in a satisfactory and proper manner as determined by the Agency, perform the following: (The character and extent of the professional services to be performed by the Contractor must be specified with clarity and with sufficient detail to preclude questions as to the scope of the services covered by the Contract. The Contract should state the

extent and character of any surveys, tests, explorations, studies, investigations, experiments, canvasses, and analyses to be made and, where appropriate, the method to be employed in the collection of the data and the sources of information to be used. It should identify and specify any estimates, tabulations, reports, recommendations or other documents to be submitted. It should clearly indicate whether and to what extent the services include the review, inspection, coordination, or supervision of work performed by others, and whether consultations, conferences, and other services are included and the nature thereof.)

The Agency shall furnish the following services, data and information to the Contractor: (Specify any services or data to be furnished, and when and in what manner it will be provided.)

2. The Contractor shall commence performance of this Contract on the _____ day of _____, 19____, and shall complete performance to the satisfaction of the Agency no later than the _____ day of _____, 19____. (The completion date shown shall be no later than the date of expiration of the grant.)

3. The Contractor shall maintain such records and accounts, including property, personnel, financial records, as are deemed necessary by the Agency or the Director of CSA to assure a proper accounting for all project funds, both Federal and non-Federal share. These records will be made available for audit purposes to the Agency, the CSA or the Comptroller General of the United States or any authorized representative, and will be retained for three years after the expiration of this Contract unless permission to destroy them is granted by both the Agency and the Director of CSA.

4. Compensation. (The Contract should clearly state the consideration to be paid for the professional services. Any contract for a compensation of an individual consultant at more than \$100 per diem must be approved by CSA before execution. If the compensation is to be upon a lump sum basis, the amount thereof should be set forth and it should be clearly stated that such amount constitutes complete compensation for all the services to be rendered. If special reimbursement for travel or other expenses is to be made, the Contract should specify the limits and conditions for such reimbursement. It should, for example, fix a maximum amount that will be reimbursed for travel and for administrative expenses; it should provide for the maintenance of proper records of cost which shall be open to inspection by the Agency; it should prescribe a maximum allowance per mile of travel by automobile and a maximum for subsistence expenses; it should clearly identify the types of expenses that are reimbursable; and it should require authorization from the Agency for travel which is to be reimbursed. In setting limits on travel expenses, note the "Travel Expenses" of Part II of this form.)

5. Method of Payment. (The Contract should clearly indicate when and in what amounts the compensation is to be paid. The Contract should provide that a certain portion of the compensation, specifying such portion, will be retained by the Agency until

the services have been satisfactorily completed as determined by the Agency. However, such retention is not essential when the services to be rendered are of an advisory or consultative type, payable on a per diem basis, and the Contractor is not required to submit detailed written reports, studies, plans, or other documents.)

6. It is expressly understood and agreed that in no event will the total amount to be paid by the Agency to the Contractor under this Agreement exceed \$_____ for full and complete satisfactory performance. (The amount here should not exceed the amount for this service which was included in the grantee's budget as approved by CSA.)

7. This Agreement is subject to and incorporates the attached Part II, "Terms and Conditions Governing Contracts Between Community Action Program Agency and Contractor for Professional or Technical Services to a Community Action Program."

8. The Contractor agrees to assist the Agency in complying with all of the "Conditions Governing Grants under Titles II, IV, and VII of the Economic Opportunity Act of 1964" as amended.

9. In witness whereof, the Agency and the Contractor have executed this Agreement as of the date first above written.

Contractor _____
By: _____
Position: _____
Attest: _____
Agency _____
By: _____
Position: _____

Part II (of 2 parts)

Terms and conditions Governing Contracts for Professional or Technical Services to a Community Action Program. In addition to any conditions specified in Part I, this Contract is subject to all of the conditions listed below. Waiver of any of these conditions must be upon the express written approval of an authorized representative of the Community Services Administration, and such waiver shall be made a part of this Contract.

1. *Termination of Contract.* If, through any cause, the Contractor shall fail to fulfill in timely and proper manner his/her obligation under this Contract, or if the Contractor shall violate any of the covenants, agreements, or stipulations of this Contract, or if the grant from CSA under which this Contract is made is terminated by CSA, or, if the Agency herein is the delegate agency of a CSA grantee, and the contract by which such delegation is made is terminated, the Agency shall thereupon have the right to terminate this Contract by giving written notice to the Contractor of such termination and specifying the effective date thereof. If the Contractor is unable or unwilling to comply with such additional conditions as may be lawfully imposed by CSA on the grant or contract under which the agency is performing the program to which these professional services are being rendered, the Contractor shall have the right to terminate the Contract by giving written notice to the agency, signifying the effective date thereof. In the event of termination all property and finished or unfinished documents, data, studies, and reports purchased or prepared by the

Contractor under this Contract shall, at the option of the Agency, become its property and the Contractor shall be entitled to compensation for any unreimbursed expenses necessarily incurred in satisfactory performance of the Contract.

Notwithstanding the above, the Contractor shall not be relieved of liability to the Agency for damages sustained by the Agency by virtue of any breach of the Contract by the Contractor, and the Agency may withhold any reimbursement to the Contractor for the purpose of set-off until such time as the exact amount of damages due the Agency from the Contractor is agreed upon or otherwise determined.

2. *Changes.* The Agency may, from time to time, request changes in the scope of the services of the Contractor to be performed hereunder. Such changes, including any increase or decrease in the amount of the Contractor's compensation, which are mutually agreed upon by and between the Agency and the Contractor, must be incorporated in written amendments to this Contract.

3. *Travel Expenses.* If the Contractor is to be reimbursed for travel expenses, and (1) if the Contractor is a public agency, expenses charged for travel shall not exceed those allowable under the customary practice in the government of which the agency is a part; or (2) if the Contractor is a private agency, expenses charged for travel shall not exceed those which would be allowed under the rules of the United States Government governing official travel by its employees.

4. *Publication and Publicity.* The Contractor may publish results of its function and participation in the approved community action program without prior review by the Agency. *Provided,* That such publication acknowledge that the program is supported by funds granted by CSA pursuant to the provisions of the Economic Opportunity Act of 1964, as amended, and that five copies of each such publication are furnished to CSA plus such copies to the Agency as the Agency may reasonably require.

5. *Copyrights.* If the Contract results in a book or other copyrightable material, the author is free to copyright the work, but the Community Services Administration reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrighted material and all material which can be copyrighted resulting from the Contract.

6. *Patents.* Any discovery or invention arising out of or developed in the course of work aided by this Contract shall be promptly and fully reported to the Agency and to the Director of CSA for determination as to whether patent protection on such invention or discovery shall be sought and how the rights in the invention or discovery, including rights under any patent issued thereon, shall be disposed of and administered, in order to protect the public interest.

7. *Labor Standards.* All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating of projects, buildings and works which are

federally assisted under this Contract shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act as amended (40 U.S.C. 276a-5).

8. *Covenant Against Contingent Fees.* The Contractor warrants that no person or selling agency or other organization has been employed or retained to solicit or secure this Contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warrant, the Agency shall have the right to annul this Contract without liability or, in its discretion, to deduct from the compensation, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

9. *Discrimination in Employment Prohibited.* The Contractor will not discriminate against any employee employed in the performance of this contract, or against any applicant for employment in the performance of this contract because of race, sex, creed, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, sex, creed, color, or national origin. This requirement shall apply to, but not be limited to, the following:

Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In the event that the Contractor signs any contract which would be covered by Executive Order 10925 (March 6, 1961) or Executive Order 11114 (June 22, 1963), the Contractor shall include the equal employment opportunity clause specified in Section 301 of Executive Order 10925, as amended.

10. *Discrimination Prohibited.* No person in the United States shall, on the ground of race, sex, creed, color or national origin, be excluded from participation in, be denied the proceeds of, or be subject to discrimination in the performance of this Contract. The Contractor will comply with the regulations promulgated by the Director of CSA with the approval of the President, pursuant to the Civil Rights Act of 1964 (45 CFR Part 1010.)

11. *Political Activity Prohibited.* None of the funds, materials, property or services contributed by the Agency or the Contractor under this Contract shall be used in the performance of this Contract for any partisan political activity, or to further the election or defeat of any candidate for public office.

12. *Religious Activity Prohibited.* There shall be no religious worship, instruction or proselytization as part of or in connection with the performance of this Contract.

13. *Compliance with Local Laws.* The Contractor shall comply with all applicable laws, ordinances, and codes of the State and local governments.

14. *Reports and Inspections.* The Contractor shall make financial, program progress, and other reports as requested by the Agency or the Director of CSA and will arrange for on-site inspections by Agency or CSA representatives at the request of either.

Subpart 1068.42—Grantee Fiscal Responsibility and Auditing (CSA Instruction 6801-1 and 6801-1 Ch 1)

- Sec.
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Appendix C to Subpart 1068.42—Grantee Fiscal Responsibility and Auditing.
Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1068.42—Grantee Fiscal Responsibility and Auditing (CSA Instruction 6801-1 and 6801-1 Ch 1)

§ 1068.42-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV, and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration. This subpart is not applicable to contractors under CSA procurement contracts.

§ 1068.42-2 Effective date.

August 5, 1970 (CSA Instruction 6801-1) May 11, 1971 (CSA Instruction 6801-1, Change 1).

§ 1068.42-3 Definitions.

"Delegate agency" means an agency to which a grantee delegates the performance of an entire program account of a grant or a substantial part of a single program account. As used in this subpart the term also refers to "subcontractors" who contract with the grantee to perform any major portion of a CSA funded program.

"Grant-grantee" as used in this subpart, also refers to contracts of assistance and contractors under such contracts respectively.

"Responsible CSA official" means the CSA official in the Headquarters Office, or the Regional Office of CSA, who has authority to award and administer the CSA grant in question.

§ 1068.42-4 Policy.

(a) Before funds will be released to a grantee receiving an initial Community Services Administration (CSA) grant, the grantee, must submit a statement to CSA certifying that its accounting

system and that of its delegated agencies meet the standards set forth in Section 243(a) of the EOA. See Appendix A of this subpart. Within three (3) months after the effective date of an initial grant, a grantee must have its accounting system surveyed and evaluated by an auditor. On the basis of the auditor's findings and conclusions, the CSA Director or the Director's designee will determine whether the accounting system meets CSA standards and, if not, whether to suspend the grant.

(b) An audit of each grant must be made annually. On the basis of resultant findings and conclusions, the Director or the Director's designee will determine whether any of the costs or expenditures incurred shall be disallowed as charges against grant funds. In the event of disallowance, the Director may seek recovery of sums by appropriate means. The Director may also impose additional requirements to assure that the conditions that gave rise to the disallowance have been corrected and will not recur.

(c) Grantees must require of delegate agencies substantially the same audit responsibilities that CSA requires of grantees. However, grantees remain responsible to CSA for the proper expenditure of and accounting for all grant funds, whether or not delegated to other agencies.

§ 1068.42-5 Accounting system certification.

(a) *General.* The accounting system certification states that the grantee and its delegate agencies (or subcontractors for performance of any major portion of the assisted program) have established an adequate accounting system with appropriate internal controls to safeguard assets, check the accuracy and reliability of their accounting data, promote operating efficiency and encourage compliance with prescribed management policies and any additional fiscal responsibilities and accounting requirements established by CSA.

(1) The certification may be furnished by an independent certified public accountant, an independent-State-licensed public accountant, or, in the case of a public agency, the appropriate public financial officer who accepts responsibility for providing required financial services to the grantee. The statements in Appendices B and C of this subpart will satisfy CSA's requirements for an accounting system certification.

(b) *New grantees.* A grantee applying for its initial CSA grant shall submit this certification to the granting office as part of the funding request. If an

applicant is unable to obtain the certification, it should forward a statement of explanation to the granting office. The granting office may process the application without the statement where it can reasonably be expected that the statement will be furnished at or before the commencement of the grant period (that is when a new organization's accounting system is still in the process of development at the time of application). In no event, however, will any CSA funds be released to the grantee until the proper statement has been submitted.

(c) *On-going grantees.* Although accounting system certifications are usually required only for the initial CSA grant to the grantee, there may be instances when CSA will require a new certification from an on-going grantee. For example, when there has been a significant increase in the amount of funds provided by CSA. An on-going grantee will be notified by CSA if a new certification must be submitted.

(d) *Delegate agencies.* A grantee may not release or commit any grant funds to a new delegate agency unless it has received from that agency an accounting system certification appropriately modeled after those shown in Appendices B and C of this subpart. If an existing delegate agency is to receive a substantial increase in funds from the grantee, a new certification must also be submitted to the grantee. These certifications are to be obtained by the grantee from its delegate agencies for retention among the grantee's records and need not be transmitted to CSA unless CSA requests them. CSA may disallow as a charge against the grant any funds released in violation of the requirement stated in this paragraph.

§ 1068.42-6 Auditor selection and responsibilities.

(a) *Selection of auditor.* If the grantee is a private agency, the services of an independent certified public accountant, or independent licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, shall be secured. If the grantee is a local government or public agency, or if its accounting records are maintained by a local government or public agency, the auditing official or official governmental auditing agency which customarily conducts the agency's audits may be substituted for an independent auditor provided that the provisions of paragraph (d) of § 1068.42.9 are complied with.

(1) A grantee receiving an initial CSA grant shall, within thirty (30) days of the receipt of the CSA Form 314, Statement

of CAP Grant, supply the responsible CSA official and the Regional Auditor with the name of the auditor or auditing organization which it has selected. CSA will notify the grantee if its selection is not acceptable. If no notice is received from CSA within fifteen (15) calendar days of the nomination, the grantee may engage the auditor. The Regional Auditor will provide the auditor with copies of the Audit Guide.

(2) The auditor approved to conduct the preliminary audit survey may also conduct the annual audit. Once an auditor has been selected and approved, it is not necessary to renominate the auditor in subsequent years as long as he/she complies with the provisions of the Audit Guide and CSA directives. However, when a grantee changes its auditor or when CSA notifies the grantee that its present auditor is unacceptable, renomination must take place and approval must again be obtained from CSA.

(3) When Federal audits are performed in accordance with the Audit Guide, they may be acceptable in lieu of an audit by a certified or licensed public accountant. See paragraph (c) § 1068.42-9. The responsible CSA official will determine whether the scheduled completion date of such an audit will satisfy CSA's time requirement.

(4) The grantee shall furnish the auditor with copies of the approved grant proposal, official grant documents, and all applicable CSA directives, including this subpart.

(b) *Auditor's responsibilities.* The auditor selected by the grantee is responsible for conducting a preliminary audit survey and/or annual audit in accordance with provisions of the Audit Guide. The audit survey will be directed toward an evaluation of the adequacy of the grantee's accounting system and internal controls. The survey should determine whether sufficient internal controls have been established to safeguard assets; check the accuracy and reliability of accounting data, promote operating efficiency and encourage compliance with prescribed management policies and any additional fiscal responsibilities and accounting requirements established by CSA.

(1) The annual audit will be for the purpose of determining whether the grantee and its delegate agencies have adequately discharged their financial responsibilities and to evaluate compliance with grant conditions and with CSA directives.

(2) It is therefore essential that the independent auditors be familiar with CSA grant conditions as well as with other Federal requirements, official memoranda and publications of CSA

and, particularly, the contents of this subpart. These materials will be furnished by the grantee.

(3) Independent auditors should clearly understand their responsibilities in this area. They must be aware that they are responsible for pointing out, in their report, any matters of audit importance both to the grantee and to CSA. The report should include an evaluation of the accounting system and internal controls and make recommendations for improvements.

(4) The auditor should submit five (5) copies of all reports to the Regional Auditor concurrent with his/her submission to the grantee.

§ 1068.42-7 Required preliminary audit survey.

(a) *Grantee.* Immediately after receipt of CSA Form 314, Statement of CAP Grant, for an initial CSA grant, the grantee shall arrange for an independent auditor to conduct, with three (3) months after the effective date of the grant, a preliminary audit survey to evaluate the adequacy of the grantee's accounting system and internal controls and ability to meet the standards set forth in Section 243(a) of the EOA as detailed in the Audit Guide.

(1) The auditor should submit, within three (3) months after the effective date of the grant, five (5) copies of the survey report to the Regional Auditor concurrent with his/her submission to the grantee.

(2) A preliminary audit survey may also be required when a grantee's refunding grant action includes a significant increase in its funding level. When these situations occur, the grantee will be notified by CSA that a survey is required.

(3) If a survey report itself is unacceptable to CSA (that is, the report does not conform to the requirement in the Audit Guide), the grantee will receive notice of this fact from CSA. In such instances, the cost of the survey may be disallowed as a charge against grant funds.

(4) If the preliminary audit survey conducted by the grantee's auditor does not cover the accounting systems of all delegate agencies, the grantee must comply with paragraph (b) of this section.

(d) *Delegate agencies.* Whenever a grantee is required to secure an accounting system certification from a delegate agency, it shall also require that within three (3) months of the effective date of the delegate agency agreement, a preliminary audit survey of the delegate agency's accounting system be conducted by an independent auditor. This requirement shall be

included in the delegate agency agreement. The grantee is responsible for determining, on the basis of the survey report, whether the delegate agency's accounting system and internal controls meet the standards of Section 243(a) of the EOA. The grantee shall consult with the responsible CSA official to determine the appropriate action to be taken in those cases where the accounting system of a delegate agency is not adequate. However, the responsibility for ensuring that delegate agencies establish and maintain adequate accounting systems rests with the grantee. CSA may disallow any charges to grant funds resulting from expenditures by a delegate agency after the grantee has received notice of the inadequacy of the delegate agency's accounting system, or after the grantee has failed to require the timely submission by the delegate agency of a preliminary accounting system survey.

(c) *Response to Preliminary Audit Survey Findings.* On the basis of findings and conclusions resulting from the survey, the Director, or the Director's designee, will determine whether the grantee's accounting system and internal controls have been shown to meet the standards of section 243(a) of the EOA and, if not, whether to suspend the grant. The grantee will be advised in writing what further action is needed to satisfy CSA's requirements. If major deficiencies are disclosed, the Director, or the Director's designee, may suspend the grant or advise the grantee in writing that corrective action must be taken within thirty (30) calendar days.

(1) In the event of suspension, the grantee will be given a specified amount of time, which will not exceed six (6) months, within which to establish the necessary systems and controls. In the event of failure to do so within the time allowed, the grant will be terminated pursuant to CSA's published regulations.

§ 1068.42-8 Required annual audit.

(a) *Grantee.* Each grantee shall arrange for an annual audit to ensure that the financial statements present fairly the financial position of the grantee, that the grantee is complying with applicable CSA directives and with general and special grant conditions, and that appropriate financial and administrative procedures and controls have been installed and are operating effectively. In the case of community action agencies and other grantees on a program year basis, the audit shall cover the grantee's prior program year in total unless CSA has approved in writing a different audit period. In the case of grantees not on a program year basis, the audit shall cover the first full year of

the grant period (or the entire grant period if less than a year) and audits conducted thereafter shall cover each succeeding year, and the final fraction of a year, if any, of the grant period. Five (5) copies of the report shall be submitted by the auditor to the Regional Auditor concurrent with his submission to the grantee within six (6) months after the end of the program year or grant period audited. CSA grant funds may not be used for more than one audit annually, except where CSA requests in writing additional audits.

(1) If an audit report itself is unacceptable to CSA (that is, the report does not conform to the requirements in the Audit Guide), the grantee will receive notice as to what further action, if any, is necessary to meet CSA's requirements. In such instances, the cost of the audit may be disallowed as a charge against grant funds.

(b) *Delegate agencies.* The grantee is responsible for either including delegate agencies' administration of grant programs within its own annual audit or of ensuring that separate independent audits are conducted for delegate agencies. Whether or not the delegation of a portion of the grant program has been approved by CSA, the grantee remains responsible for proper accounting for expenditures of grant funds. The Audit Guide contains detailed directions on the inclusion of delegate agency information in the grantee's audit report.

(c) *Response to annual audit findings.* Grantee shall respond in writing to observations and recommendations in annual audit reports when requested to do so by CSA. Unless an extension of time is expressly granted, the response shall be submitted to the responsible CSA official in five (5) copies, within thirty (30) calendar days from the date CSA notifies the grantee of findings and recommendations.

(1) In the response, the grantee may take exception to particular findings and recommendations. The rationale for such exceptions should be clearly set out in the response. The response should point out corrections already made and state what action is proposed and the estimated completion date of such action. Although the grantee need not send the granting office all documentation supporting corrections unless requested to do so, documentation of actions taken is very important and must be available for review during later audits.

(2) CSA will consider the grantee's response and any additional requested information in determining whether specific expenditures of project funds or contributions to the non-Federal share

would be disallowed. If any are disallowed, the responsible CSA official will send the grantee written notice of the determination to disallow expenditures. Unless the grantee appeals the determination within thirty (30) calendar days after the date of the notice, the determination will become final.

(d) *Grantee appeals of audit disallowances.* An appeal shall be in writing and shall contain a clear statement of the issue or issues which the grantee wishes to have considered in the appeal. The grantee may include with the appeal statements any supporting facts or arguments which the grantee feels should be considered. Appeals from determinations made by Headquarters officials should be addressed to the Deputy Director, Community Services Administration, Washington, D.C. 20506.

(1) Appeals from determinations made concerning regionally funded grants will be addressed to the Regional Director or the Regional Director's designee. Copies of all responses previously submitted by the grantee to the responsible CSA official and other pertinent information must accompany the appeal.

(2) The official reviewing the appeal, or the official's designee, shall consider the appeal, together with any comments submitted by cognizant offices of CSA (a copy of which shall be simultaneously sent to the grantee). In his/her discretion, the reviewing official may offer the grantee an informal hearing at which relevant CSA officials may also be heard. The decision on the appeal shall be final.

(e) *Satisfaction of final audit disallowances.* Unless the grantee receives written notice from CSA granting an extension, all final disallowances shall be satisfied within ninety (90) days of the date on which the disallowance becomes final. Grantees shall satisfy final disallowance through cash payments to CSA unless they have received written notice allowing an alternative means of satisfaction. In some instances, grantees under Title II of the EOA may be permitted to satisfy disallowances through increases in the required non-Federal share in subsequent grants or contracts.

(1) Failure by the grantee to satisfy a final disallowance or take corrective action to remedy deficiencies in its accounting system and internal controls determined by CSA after audit may result in suspension, termination, or other remedial action. The United States reserves the right to bring suit or take other appropriate legal action to recover the amounts in question.

§ 1068.42-9 Federal, State and local audits.

(a) *General.* Audits and examinations of grantee's operations may be conducted by CSA auditors, auditors from the staffs of other Federal agencies, State and local auditors, and the U.S. General Accounting Office. Grantees and delegate agencies must cooperate fully with General Accounting Office (GAO) and CSA auditors when they conduct audits and examinations of grant programs.

(b) *Audits and surveys by CSA.* CSA audits and surveys are designed to provide CSA management with information as to the effectiveness of administrative procedures and controls and to assist the grantee in improving program operations. As such, CSA audits usually supplement, but do not substitute for or duplicate, the work of the grantee's independent auditor.

(c) *Audits and surveys by other Federal agencies.* Grantees that have grants from or contracts with other Federal agencies such as the Department of Defense or Department of Health, Education, and Welfare may be subject to surveys and audits by those agencies. In these instances, the CSA Audit Division, if informed in advance, will try to arrange with the cognizant audit agency to have them audit CSA programs concurrently with their audits of the grantees' other programs. Where such audits meet the requirement of this subpart and are performed in accordance with the Audit Guide, CSA will approve them as acceptable in lieu of an audit by the grantee's auditor.

(d) *Audits and surveys by state and local auditors.* Public grantees may be audited by State and local auditors. Audits performed by these auditors will be acceptable to CSA provided that the auditor has been approved by CSA pursuant to § 1068.42-6: Provided, That the auditor maintains the same standards, utilizes similar auditing procedures and qualified personnel, and renders a similar opinion and report as provided for in the Audit Guide. If for any reason the public agency is unable to apply auditing standards equal to those set out in the Audit Guide, an audit by an independent certified public accountant or an independent licensed public accountant will be required.

§ 1068.42-10 Maintenance of records.

Grantees and delegate agencies must maintain appropriate records and accounts to assure a proper accounting for all project funds, both Federal and non-Federal. All financial records, including books of original entry, source documents supporting accounting transactions, the general ledger,

subsidiary ledgers, personnel and payroll records, cancelled checks, and other related documents must be retained for the time period and in the manner prescribed by CSA's policy retention and custodial requirements for records.

Appendix A to Subpart 1068.42—Grantee Fiscal Responsibility and Auditing

Section 243 of the Economic Opportunity Act (EOA) of 1964, as amended, states that:

Section 243. "(a) No funds shall be released to any agency receiving financial assistance under this title until it has submitted to the Director a statement certifying that the assisted agency and its delegate agencies (or subcontractors for performance of any major portion of the assisted program) have established an accounting system with internal controls adequate to safeguard their assets, check the accuracy and reliability of the accounting data, promote operating efficiency and encourage compliance with prescribed management policies and such additional fiscal responsibility and accounting requirements as the Director may establish. The statement may be furnished by a certified public accountant, a duly licensed public accountant or, in the case of a public agency, the appropriate public financial officer who accepts responsibility for providing required financial services to that agency."

Section 243 "(b) Within three months after the effective date of a grant to or contract of assistance with an organization or agency, the Director shall make or cause to be made a preliminary audit survey to review and evaluate the adequacy of the accounting system and internal controls established thereunder to meet the standards set forth in the statement referred to in subsection (a). Promptly after the completion of the survey, the Director shall determine on the basis of findings and conclusions resulting from the survey whether the accounting system and internal controls meet those standards and, if not, whether to suspend the grant or contract. In the event of suspension, the assisted agency shall be given not more than six months within which to establish the necessary systems and controls, and, in the event of failure to do so within such time period, the assistance shall be terminated by the Director."

Section 243 "(c) At least once annually the Director shall make or cause to be made an audit of each grant or contract of assistance under this title. Promptly after the completion of such audit, the Director shall determine on the basis of resulting findings and conclusions whether any of the costs of expenditures incurred shall be disallowed. In the event of disallowance, the Director may seek recovery of the sums involved by appropriate means, including court action or a commensurate increase in the required non-Federal share of the cost of any grant or contract with the same agency or organization which is then in effect or which is entered into within twelve months after the date of disallowance."

Section 243 "(d) The Director shall establish such other requirements and take such actions as the Director may deem necessary and appropriate to carry out the provisions of this section and to insure fiscal responsibility and accountability, and the effective and efficient handling of funds in connection with programs assisted under this title. These requirements and actions shall include (1) necessary action to assure that the rate of expenditure of any agency receiving financial assistance does not exceed the rate contemplated under its approved program; and (2) appropriate requirements to promote the continuity and coordination of all projects or components of programs receiving financial assistance under this title, including provision for the periodic reprogramming and supplementation of assistance previously provided."

Appendix B to Subpart 1068.42—Grantee Fiscal Responsibility And Auditing.

Statement to be submitted by the appropriate public financial officer when the applicant is a public agency or when the accounting system of a private-nonprofit agency will be maintained by public agency.

(Address of Regional or Program Office of the Community Services Administration, as appropriate.)

Dear Sirs:

I am the chief financial officer of (name of public body) and, in this capacity, I will be responsible for providing financial services adequate to insure the establishment and maintenance of an accounting system for the (name of applicant), which is a public (or non-profit) agency charged with carrying out a CSA program in (name of community). The accounting system will have internal controls adequate to safeguard the assets of such agency(ies), check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency(ies).

Signature of financial officer

Name of financial officer

Title

Name of public body

Appendix C to Subpart 1068.42—Grantee Fiscal Responsibility And Auditing.

Statement to be submitted when applicant is a private-nonprofit agency (or a public agency) whose accounting system will not be maintained by a public agency.

(Address of Regional or program office of the Community Services Administration, as appropriate.)

Dear Sirs:

I am a certified or duly licensed public accountant and have been engaged to examine and report on the financial accounts of the (name of applicant), which is a private-nonprofit organization (or public agency) carrying out a CSA program in (name of

community). I have reviewed the accounting system that this agency has established and, in my opinion, it includes internal controls adequate to safeguard the assets of the agency, check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency.

Signature of accountant

Name of accountant

Name of firm

Subpart 1068.43—Grantee Fiscal Responsibility and Auditing (CSA Instruction 6801-1 Change 2)

Sec.

1068.43-1 Applicability.

1068.43-2 Effective date.

1068.43-3 Purpose.

1068.43-4 Definition.

1068.43-5 Policy.

1068.43-6 Grantees with a predetermined fiscal year.

1068.43-7 Change to CSA guidance.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Subpart 1068-43—Grantee Fiscal Responsibility and Auditing (CSA Instruction 6801-1 Change 2)

§ 1068.43-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV, and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1068.43-2 Effective date.

August 31, 1971 (CSA Instruction 6801-1, Change 2).

§ 1068.43-3 Purpose.

CSA Instruction 6801-1, now Subpart 1068.42 of this chapter, provides that grantees must have one annual audit which must cover all CSA-funded programs. This subpart clarifies the period of time to be covered by the annual audit in those cases where grantees have received funds from more than one funding office within CSA and the authorized period for expending the funds is not consistent with the grantee's program year.

§ 1068.43-4 Definition.

"A Program Year" means a grantee's 12-month accounting period. For community action agencies this is the funding period for the principal grant that provides funds for most of the grantee's administrative costs. For other agencies funded by CSA this is their usual 12-month accounting period which

may or may not correspond with the funding period of their grant(s) from CSA. It should be noted that CSA no longer identifies grantee program years by an alphabetic designator, that is: Program Year A, Program Year B, but is instead awarding funds and identifies grantee expenditures by use of an individual grantee number.

§ 1068.43-5 Policy.

(a) The period of audit coverage will be the grantee's 12-month program year. In cases where CSA program offices award funds for periods that do not coincide with the grantee's program year, the audit will also cover the portion of these funds that were expended during the grantee's program year. Subsequent annual audits will cover the balance of these funds.

(b) An example of the funding actions to be included in the scope of a grantee's annual audit is:

(1) Grantee A had a program year that ended on December 31, 1972, and has funds from three CSA offices, as follows:

(i) Grant #50100, action 01, funded by the Regional Office for the program year January 1, 1972 to December 31, 1972.

(ii) Grant #50100, action 02, funded by the Regional Office for the period from March 1, 1972 to June 30, 1972.

(iii) Grant #50100, action 01, funded by the Office of Program Development for the grant period May 1, 1972 to October 31, 1973.

(2) Grant #50100 funded by the Regional Office for the grantee's program year is the principal grant under which the grantee operates. The program year of this grant determines the period of audit coverage for the annual audit. The grantee contracts with its Certified Public Accountants (CPA's) to perform an annual audit and provide one report covering the following funding actions:

(i) Grant #50100, action 01 (Regional) would be reported for the program year January 1, 1972 to December 31, 1972.

(ii) Grant #50100, action 01 (Regional) would cover transactions during the period March 1, 1972 to December 12, 1972.

(iii) Grant #50100, action 01 (Headquarters) would cover transactions during May 1, 1972 to December 31, 1972.

(3) The following year's annual audit would provide coverage as follows:

(i) Grant #50100, action 01 (Regional) would be reported for the program year January 1, 1973 to December 31, 1973.

(ii) Grant #50100, action 02 (Regional) would cover transactions during the period January 1, 1973 to June 30, 1973. If this program were refunded, the report would also cover transactions during the period July 1, 1973 to December 31, 1973.

(iii) Grant #50100, action 01 (Headquarters) would cover transactions during the period January 1, 1973 to October 31, 1973. If this program is extended or refunded, the period of audit coverage would cover the period through December 31, 1973.

(c) CSA programs that were not included in the scope of the grantee's last audit of its principal grant before January 1, 1972 because of different funding periods should be audited at the end of the funding period even though this occurs after January 1, 1972 but on a one time basis only. Thereafter, these programs should be included in the first complete audit after January 1, 1972, based on the grantee's program year.

§ 1068.43-6 Grantees with predetermined fiscal year.

(a) Exceptions to the above criteria for determining the period of coverage of the annual audit will be made for those grantees who, prior to receiving funds from CSA, had a fiscal year or 12-month operating period which does not correspond to the program year or funding period under which CSA grants have been awarded and which elect to use such predetermined fiscal year for this purpose.

(b) Since it is CSA's intention to reduce problems associated with the scheduling of annual audits covering programs with varying refunding or termination dates, grantees who wish to exercise this exception should write or contact the CSA Regional Auditor servicing the geographic area in which they are located.

(c) The Regional Auditor will coordinate the grantee's request to change the annual audit report to the organization's fiscal year with the CSA program offices funding the grantee.

(d) Grantees may change the period of audit coverage only after they have received the written approval of the CSA Regional Auditor. The Regional Auditor will also indicate to the grantee what audit coverage is to be provided during the conversion process.

§ 1068.43-7 Changes to CSA guidance.

Amendments to CSA Manual 2410-1 (the Audit Guide) will be forthcoming to reflect the changes to financial statements to be included in annual audit reports as a result of this subpart.

PART 1069—GRANTEE PERSONNEL MANAGEMENT

20. The subpart headings in 45 CFR Part 1069 are revised as follows:

Subpart 1069.1—Employee Participation in Direct Action (CSA Instruction 6907-3)

Subpart 1069.2—Limitation with Respect to Unlawful Demonstrations, Rioting and Civil Disturbances (CSA Instruction 6907-2)

Subpart 1069.3—Travel Regulations for CSA Grantees and Delegate Agencies (CSA Instruction 6910-1b)

Subpart 1069.4—Per Diem Rates for CSA Grantee and Delegate Agencies (CSA Instruction 6910-2d)

Subpart 1069.6—Policy Guidelines on Lobbying Activities (CSA Instruction 6907-01)

Subpart 1069.8—Restrictions on Political Activity (CSA Instruction 6907-1a)

Subpart 1069.9—Policy and Procedures on \$18,000 Per Year Salary Limitation (CSA Instruction 6903-1a)

Subpart 1069.7—Training Requirements for Special Impact Program Grantees (CSA Instruction 7648-1)

21. 45 CFR Part 1069 is amended by adding the following subparts:

Subpart 1069.20—Personnel Policies and Procedures Under Title II, Sections 221, 222(a), 230 and Titles IV and VII (CSA Instructions 6900-01 and 6903-3)

Sec.

1069.20-1 Applicability.

1069.20-2 Effective date.

1069.20-3 Purpose.

1069.20-4 Nature of the revisions.

1069.20-5 Standards governing the selection of personnel for employment in CSA assisted programs.

1069.20-6 Policies governing compensation.

1069.20-7 Employee benefits.

1069.20-8 Waiver of policies governing compensation and employee benefits.

1069.20-9 Conditions governing employment.

1069.20-10 Required documents and records.

1069.20-11 Submission of biography of principal personnel of grantees.

1069.20-12 Submission of biography for existing employees.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942

Subpart 1069.20—Personnel Policies and Procedures Under Title II, Sections 221, 222(a), 230 and Titles IV and VII (CSA Instructions 6900-01 and 6903-3)

§ 1069.20-1 Applicability.

This subpart applies to all grantees financially assisted under Title II, Sections 221, 222(a) 230 and Titles IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.20-2 Effective date.

August 26, 1966 (CSA Instruction 6900-01). February 8, 1972 (CSA Instruction 6903-3).

§ 1069.20-3 Purpose.

(a) This subpart provides basic instructions to be followed with respect to personnel employed by grantee and delegate agencies in programs assisted by CSA under Title II, Sections 221 and 222(a) and 230 and Titles IV and VII of the Economic Opportunity Act.

(b) This subpart applies only to persons employed by grantee and delegate agencies as staff to develop and carry out community action programs. It does not apply to enrollees, trainees, or other beneficiaries of manpower development and training or similar programs.

§ 1069.20-4 Nature of the revisions.

(a) The revisions contained in this subpart are based in part on comments received by CSA from grantee and delegate agencies and from other interested persons. In particular, revisions have been made in the sections of the personnel policies and procedures dealing with standards for selection of personnel, persons ineligible for employment, and salary increases. A major thrust of these revisions is to remove requirements that might be interpreted as discouraging employment of the residents of the areas and members of the groups served by a community action program by grantee and delegate agencies. Other revisions provide greater opportunity for grantee and delegate agencies to request approval to substitute local civil service or other merit system requirements for policies and procedures set forth in this subpart.

(b) The general organization of this subpart has been revised to clarify which personnel policies and procedures apply to each grantee and delegate agency, and the form of the required personnel plan has been modified. The provision calling for submission to CSA of biographies of

grantee staff directors and their deputies has been amended to include other grantee personnel.

§ 1069.20-5 Standards governing the selection of personnel for employment in CSA assisted programs.

(a) Every consideration should be given to providing employment opportunities to poor persons who have been denied the benefit of formal education and who are willing to learn to perform new functions. Each grantee and delegate agency shall make certain that its recruiting procedures afford adequate opportunity for the hiring and advancement of people to be served by the community action program. The attainment of a high level of education may be important to performance in certain positions. However, formal educational qualifications, unless required by State or local law, shall not be made a requirement for employment or advancement in either professional or non-professional capacities if a candidate has the ability to perform the duties of the position.

(b) Each grantee and delegate agency is expected to employ only persons who can perform their duties with competence and integrity. In the case of professional, fiscal, and managerial personnel, recent conviction of a serious crime shall be considered strong evidence of lack of fitness for the job. Before a grantee or delegate agency employs in any such capacity, a person who has been convicted of a serious crime, its governing body shall conduct an investigation in accordance with fair standards and procedures and, if it finds that the prior conviction does not disqualify the person for the proposed position, shall promptly provide a written statement of its reasons to the appropriate CSA Regional Office.

(c) In the case of other positions, including clerical and non-professional jobs, criminal records by themselves shall not constitute a basis for disqualification for employment, but local agencies shall require full disclosure of any such record by an applicant, and shall exercise prudent judgment in relation to the positions to be filled. The local agency must be prepared, where appropriate, to offer (or to ensure that other qualified agencies offer) supporting services to help in the rehabilitation of an employee having a prior conviction record.

(d) Membership in the Communist Party or in any other organization whose objectives include the overthrow of the Government of the United States by force and violence is inconsistent with employment in a community action program.

§ 1069.20-6 Policies governing compensation.

(a) *Salaries and wages.* Employees shall be paid at a rate no lower than the Federal minimum wage, except, in Puerto Rico and in those territories and possessions of the United States that have been exempted from this requirement. Subject to this minimum, the salary for each position supported by CSA funds or provided as contribution to the non-Federal share shall accord with prevailing local practice for comparable positions in local public and/or private non-profit agencies.

(b) *Periodic salary increases.* A grantee or delegate agency may provide for periodic (step) increases that accord with prevailing practice in comparable local public and/or private non-profit agencies.

(c) *For new employees.* Any starting salary over \$5000 which involves an increase of more than 20 percent or \$2500, whichever is smaller, over an individual's previous salary must be approved by the CSA Regional Office. Sympathetic consideration will be given to requests for such approval that are based on discriminatory wage and other employment practices affecting an employee's work history.

(d) *Promotions or job change.* A promotion of an employee or a change in his/her title or position which involves a salary increase of more than 20 percent or \$2500, whichever is smaller, within a single twelve-month period must be approved by the CSA Regional Office, unless the employee's new annual salary, after the promotion or change, is \$5000 or less.

§ 1069.20-7 Employee benefits.

(a) *Vacations.* Vacation policies shall be established in accord with prevailing practice in comparable public and/or private non-profit agencies. Employees shall not be allowed to take vacation time earned as a result of previous employment with an organization other than the grantee or delegate agency.

(b) *Sick leave.* Sick leave shall be established in accord with prevailing practice in comparable local public and/or private non-profit agencies.

(c) *Overtime.* Grantee and delegate agency personnel except Executive Directors and other employees receiving an annual salary of \$10,000 or more may be paid for overtime work, if such payment is consistent with:

(1) Wage comparability standards set forth in Subpart 1069.22 of this chapter.

(2) And other applicable Federal, State and local laws.

(d) *Compensatory time.* Grantee and delegate agency personnel, including

Executive Directors and other employees receiving an annual salary of \$10,000 or more, may be granted leave in the form of compensatory time equal to the amount of overtime work performed. However, no person may carry a balance of more than 80 hours of unused compensatory time, no person may be granted compensatory time and be paid for the same hours of overtime work, and at no time may a cash payment be made for unused compensatory time.

(e) *Approvals.* Authorizations for compensatory time and payments for overtime work must be approved by the specifically designated grantee and delegate agency officials and must be appropriately recorded.

(f) *Employee benefit plans.* A grantee or delegate agency may participate in existing benefit plans or establish new plans which accord with prevailing practice in comparable local and/or private nonprofit agencies.

(g) *Interview expenses.* A grantee (but not a delegate agency) may pay travel and per diem expenses to a candidate for the position of Staff Director or Deputy Staff Director. Such payments must accord with the policies set forth in Subparts 1069.3 and 1069.4 of this chapter.

(h) *Moving cost.* A grantee (but not a delegate agency) may apply to the CSA Regional Office for permission to pay the actual costs of moving household goods, up to a maximum of \$1000, for a person who is hired to be Staff Director or Deputy Staff Director and who resides outside the community.

§ 1069.20-8 Waiver of policies governing compensation and employee benefits.

(a) A grantee or delegate agency that applies the full provisions of a local civil service or other merit system to CSA supported employees may request from the CSA Regional Office a waiver of the requirements in §§ 1069.20-6 and 1069.20-7 and permission to apply the local civil service or merit system policies.

(b) A college or university that will apply its customary personnel policies and procedures to all personnel employed in connection with a CSA grant may request from the CSA Regional Office a waiver of the requirements.

(c) Each request for waiver shall indicate the comparable local policies and procedures that will be followed in lieu of CSA requirements.

§ 1069.20-9 Conditions governing employment.

(a) *Discrimination prohibited.* No grantee or delegate agency shall discriminate in its hiring and personnel

procedures against any applicant for employment or any employee because of race, creed, color, national origin, sex or age. A related prohibition against discrimination in employment is also stated as a general condition of all grants under Titles II, IV, and VII of the Economic Opportunity Act.

(b) *Prohibition against partisan political activity.* Employment in a community action program may not be offered as a consideration or reward for the support or defeat of any political party or candidate for public office, nor may any person, as an employee, engage in partisan political activity.

(c) *Prohibition against acceptance of gifts and gratuities.* Employees of grantee and delegate agencies are prohibited from accepting gifts, money, and gratuities from persons receiving benefits or services under the community action program or performing services under contract or otherwise in a position to benefit from an employee action.

(d) *Rules governing conflict of interest and nepotism.* The following rules shall be observed with respect to persons whose employment is supported by CSA funds or by contribution to the non-Federal share:

(1) No person shall hold a job while he/she or a member of his/her immediate family serves on a board or committee of a grantee or delegate agency if that board or committee has authority to order personnel actions affecting his/her job.

(2) No person shall hold a job over which a member of his/her immediate family exercises supervisory authority.

(3) No person shall hold a job while either he/she or a member of his/her immediate family serves on a board or committee which, either by rule or by practice, regularly nominates, recommends, or screens candidates for the agency or program by which he/she is employed. For purposes of this section a member of an immediate family shall include any of the following persons:

Husband	Wife
Father	Father-in-law
Mother	Mother-in-law
Brother	Brother-in-law
Sister	Sister-in-law
Son	Son-in-law
Daughter	Daughter-in-law

(e) Grantee and delegate agencies not in compliance with these rules on August 26, 1966 may apply to the appropriate CSA Regional Office for a temporary waiver of the rule and permission to phase compliance over a period of time. Such a request shall include a plan for accomplishing the required compliance and a deadline for its completion.

(f) *Employee grievances.* Employee grievances shall be given prompt and fair consideration. Grantee and delegate agencies shall make provision for review of personnel actions by the governing body or a committee appointed by the governing body in any case in which there is a claim of unfair treatment or of dismissal without cause.

§ 1069.20-10 Required documents and records.

(a) *Publication of personnel policies.* To provide for the consistent and equitable treatment of employees supported by CSA funds or by contributions to the non-Federal share and to insure that all such employees fully understand the terms and conditions of their employment, each grantee and delegate agency shall make available to its staff and to applicants for employment the following items of information. A copy of the information shall also be submitted to the appropriate CSA Regional Office.

(b) A listing of each position or group of positions within the agency included as part of the total program cost (that is, supported by CSA funds or provided as contribution to the non-Federal share). In those cases where the responsibilities of a particular position are not clear from its title a general description shall be included. The listing shall also describe any special skills which may be required for a position (for example, a certain minimum typing speed or familiarity with another language).

(c) A salary schedule listing the salary or salary range for each position or group of positions.

(d) Agency rules governing vacations, sick leave, periodic increases, and other conditions of employment.

(e) A description of any benefit plans which cover employees supported by CSA funds or by contributions to the non-Federal share, with details on agency and employee contributions to those plans.

(f) Agency rules governing promotion, separation, resolution of grievances, and regulation of employee conduct. This requirement applies to all grantee and delegate agencies including those for whom § 1069.20-6 and § 1069.20-7 has been waived.

(g) *Timetable.* New grantee and delegate agencies shall publish this information and submit a copy to the CSA Regional Office no later than November 31, 1966. Existing grantees shall publish this information and submit a copy to the CSA Regional Office no later than November 31, 1966. The agency is responsible for keeping the information current. It shall publish revisions and additions whenever

necessary and furnish a copy of such changes to the CSA Regional Office. Where a grantee or a delegate agency has already submitted the information required in this Section to the CSA Regional Office in connection with the requirement for a personnel plan, it need not be resubmitted. The agency must, however, comply with the publication requirements of this section.

(h) *Maintenance of personnel records.* Grantee and delegate agencies shall keep the following records for all employees supported by CSA funds or by contributions to the non-Federal share:

(1) *Personnel action.* Appropriate records on all personnel actions including hiring, and discharge, promotion, and discipline.

(2) *Salaries.* Records on the salary received by each full-time employee in the position held immediately prior to employment with the grantee or delegate agency.

(3) *Time and attendance.* Appropriate attendance records for all full-time and part-time employees.

§ 1069.20-11 Submission of biography of principal personnel of grantees.

(a) Each grantee shall submit to CSA biographical information for any individual selected or promoted to fill any of the following positions: Staff Director; Deputy Staff Director; Principal Fiscal Officer; and Principal Personnel Officer.

(b) The following biographical information shall be included:

(1) Name, title, address, place and date of birth and citizenship.

(2) *Professional experience.* Briefly describe the principal positions held, with title, name of employee, and salaries received.

(3) *Education experience.* List all post-secondary educational institutions attended, and all degrees and honors received.

(4) *Affiliations.* List all organizations (except religious organizations) of which the person has been a member during the previous 10 years, including a statement of any offices held in such organizations.

(5) State whether or not the person has ever been charged by any law enforcement authority with the commission of a crime and, if so, the nature of the charge and its disposition.

(c) *Timetable.* The biographical information shall be submitted to CSA within 7 days after appointment of a candidate to fill any of the positions described in paragraph (a) of this section. Where the person is already employed by the grantee at the time of application to CSA for financial

assistance, the biographical information shall be submitted with the application.

§ 1069.20-12 Submission of biography for existing employees.

(a) Biographical information, as described in § 1069.20-11 shall be submitted to the appropriate CSA Regional Office by each grantee for all personnel currently employed in the position designated in § 1069.20-11.

(b) *Timetable.* Biographical information for existing employees shall be submitted to CSA within 45 days of August 26, 1969. Where such information has previously been submitted to the Regional Office, it need not be resubmitted.

Subpart 1069.21—Personnel Policies and Procedures Under Title II, Section 231 (CSA Instruction 6900-03)

- Sec.
1069.21-1 Applicability.
1069.21-2 Effective date.
1069.21-3 Purpose.
1069.21-4 Standards governing the selection of personnel for employment in CSA assisted programs.
1069.21-5 Policies governing compensation.
1069.21-6 Employee benefits.
1069.21-7 Waiver of policies governing employment and employee benefits.
1069.21-8 Conditions governing employment.
1069.21-9 Required documents and records.
1069.21-10 Submission of biographical information on principal personnel.
1069.21-11 Submission of biography for existing employees.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942

Subpart 1069.21—Personnel Policies and Procedures Under Title II, Section 231 (CSA Instruction 6900-03)

§ 1069.21-1 Applicability.

This subpart applies to all grantees financially assisted under Section 231 of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.21-2 Effective date.

October 31, 1966 (CSA Instruction 6900-03)

§ 1069.21-3 Purpose.

(a) This subpart provides basic instructions to be followed with respect to personnel employed by grantee agencies in programs assisted by CSA Section 231 of Title II of the Economic Opportunity Act.

(b) This subpart applies only to persons employed by grantee agencies as staff to develop and carry out technical assistance programs. It does not apply to enrollees, trainees, or other

beneficiaries of technical assistance programs.

§ 1069.21-4 Standards governing the selection of personnel for employment in CSA assisted programs.

(a) Each grantee is expected to employ only persons who can perform their duties with competence and integrity. In the case of professional, fiscal, and managerial personnel, recent conviction of a serious crime shall be considered strong evidence of lack of fitness of the job. Before a grantee employs in any such capacity, a person who has been convicted of a serious crime, its governing body shall conduct an investigation in accordance with fair standards and procedures and, if it finds that the prior conviction does not disqualify the person for the proposed position, shall promptly provide a written statement of its reasons to the appropriate CSA Regional Office.

(b) Where the term "Governing body" is used in this subpart it shall be understood to refer to the body or executive having supervisory and policy-making authority with regard to the State Economic Opportunity Office.

(b) In the case of other positions, including clerical and non-professional jobs, criminal records by themselves shall not constitute a basis for disqualification for employment, but agencies shall require full disclosure of any such record by an applicant, and shall exercise prudent judgment in relation to the positions to be filled. The agency must be prepared, where appropriate, to offer (or to ensure that other qualified agencies offer) supporting services to help in the rehabilitation of an employee having a prior conviction record.

(c) Membership in the Communist Party or in any other organization whose objectives include the overthrow of the Government of the United States by force and violence is inconsistent with employment in an CSA-assisted program.

§ 1069.21-5 Policies governing compensation.

(a) *Salaries and wages.* Employees shall be paid at a rate no lower than the Federal minimum wage. Subject to this minimum, the salary for each position supported by CSA funds or provided as contribution to the non-Federal share shall accord with prevailing practice for comparable positions in the State government.

(b) *Salary increase.* A grantee may provide for periodic (step) increases that accord with prevailing practice in the State government.

(1) *For new employees.* Any starting salary over \$5000 which involves an increase of more than 20 percent or \$2500, whichever is smaller, over an individual's previous salary must be approved by the CSA Regional Office. Sympathetic consideration will be given to requests for such approval that are based on discriminatory wage and other employment practices affecting an employee's work history.

(2) *Promotions or job change.* A promotion of an employee or a change in his title or position which involves a salary increase of more than 20 percent or \$2500, whichever is smaller, within a single twelve-month period must be approved by the CSA Regional Office, unless the employee's new annual salary, after the promotion or change, is \$5000 or less.

§ 1069.21-6 Employee benefits.

(a) *Vacations.* Vacation policies shall be established in accord with prevailing practice in the State government. Employees shall not be allowed to take vacation time earned as a result of previous employment with an organization other than the State.

(b) *Sick leave.* Sick leave shall be established in accord with prevailing practice in the State government.

(c) *Overtime.* Employees receiving an annual salary of \$7,000 or more shall not be paid for overtime work, but may be granted compensatory time off at the option of the grantee. All other employees may be compensated for overtime work in excess of eight hours per day in accord with prevailing practice in the State government. All overtime and compensatory time must be approved by appropriate officials of the grantee and recorded in the accounting records.

(d) *Employee benefit plans.* A grantee agency may participate in existing benefit plans or establish new plans which accord with prevailing practice in the State government.

(e) *Interview expenses.* A grantee may pay travel and per diem expenses to a candidate for the position of staff director or deputy staff director. Such payments must accord with the policies set forth in subparts 1069.3 (CSA Instruction 6910-1b) and 1069.4 (CSA Instruction 6910-2d) of this chapter.

(f) *Moving costs.* A grantee may apply to the CSA Regional Office for permission to pay the actual costs of moving household goods, up to a maximum of \$1000, for a person who is hired to be the staff director or deputy staff director and who resides outside the community where he/she is to work.

§ 1069.21-7 Waiver of policies governing employment and employee benefits.

(a) A grantee agency that applies the full provisions of a State civil service or other merit system to CSA-supported employees may request from the CSA Regional Office a waiver of the requirements in §§ 1069.21-5 and 1069.21-6.

(b) A college or university that will apply its customary personnel policies and procedures to all personnel employed in connection with an CSA grant may request from the CSA Regional Office a waiver of the requirement in §§ 1069.21-5 and 1069.21-6.

(c) Each request for waiver shall indicate the comparable State policies and procedures that will be followed in lieu of CSA requirements.

§ 1069.21-8 Conditions governing employment.

(a) *Discrimination prohibited.* No grantee shall discriminate in its hiring and personnel procedures against any applicant for employment or any employee because of race, creed, color, national origin, sex, or age. A related prohibition against discrimination in employment is also stated as a general condition of all grants under Section 231 of the Economic Opportunity Act.

(b) *Prohibition against partisan political activity.* Employment in a state technical assistance program may not be offered as a consideration or reward for the support or defeat of any political, party or candidate for public office, nor may any person, as an employee engage in partisan political activity.

(c) *Prohibition against acceptance of gifts and gratuities.* Employees of grantee agencies are prohibited from accepting gifts, money, and gratuities from persons receiving benefits or services under the program or performing services under contract or otherwise in a position to benefit from an employee action.

(d) *Rules governing conflict of interest and nepotism.* The following rule shall be observed with respect to persons whose employment is supported by CSA funds or by contribution to the non-Federal share: No person shall hold a job over which a member of his/her immediate family exercises supervisory authority. For purposes of this section, a member of an immediate family shall include any of the following persons:

Husband	Wife
Father	Father-in-law
Mother	Mother-in-law
Brother	Brother-in-law
Sister	Sister-in-law
Son	Son-in-law
Daughter	Daughter-in-law

(e) Grantees agencies not in compliance with these rules on the effective date of this subpart may apply to the appropriate CSA Regional Office for a temporary waiver of the rule and permission to phase compliance over a period of time. Such a request shall include a plan for accomplishing the required compliance and a deadline for its completion.

(f) *Employee grievance.* Employee grievances shall be given prompt and fair consideration. Grantee agencies shall make provision for review of personnel actions by appropriate officials of the agency in any case in which there is a claim of unfair treatment or of dismissal without cause. Agencies may apply procedures for handling employee grievances prescribed under the State civil service or other merit system.

§ 1069.21-9 Required documents and records.

(a) *Publication of personnel policies.*

To provide for the consistent and equitable treatment of employees supported by CSA funds or by contributions to the non-Federal share and to insure that all such employees fully understand the terms and conditions of their employment, each grantee agency shall make available to its staff and to applicants for employment the following items of information. A copy of the information shall also be submitted to the appropriate CSA Regional Office.

(b) A listing of each position or group of positions within the agency included as part of the total program cost (that is, supported by CSA funds or provided as contribution to the non-Federal share). In those cases where the responsibilities of a particular position are not clear from its title a general description shall be included. The listing shall also describe any special skills which may be required for a position (for example, a certain minimum typing speed or familiarity with another language).

(1) A salary schedule listing the salary or salary range for each position or group of positions.

(2) Agency rules governing vacations, sick leave, periodic increase, and other conditions of employment.

(3) A description of any benefit plans which cover employees supported by CSA funds or by contributions to the non-Federal share, with details on agency and employees contributions to those plans.

(4) Agency rules governing promotion, separation, resolution of grievances, and regulation of employee conduct.

(c) The requirement in paragraphs (a) and (b) of this section applies to all

grantee and delegate agencies including those for whom §§ 1069.21-5 and 1069.21-6 has been waived.

(d) *Timetable.* New grantee agencies shall publish this information and submit a copy to the CSA Regional Office within 120 days of the date of initial grant approval. Existing grantees shall publish this information and submit a copy to the CSA Regional Office no later than December 31, 1966. The agency is responsible for keeping the information current. It shall publish revisions and additions whenever necessary, furnishing a copy of such changes to the CSA Regional Office.

(e) *Maintenance of personnel records.* Grantee agencies shall keep the following records for all employees supported by CSA funds or by contributions to the non-Federal share:

(1) *Personnel actions.* Appropriate records on all personnel actions including hiring, discharge, promotion, and discipline.

(2) *Salaries.* Records on the salary received by each full-time employee in the position held immediately prior to employment with the grantee agency.

(3) *Time and attendance.* Appropriate attendance records for all full-time and part-time employees.

§ 1069.21-10 Submission of biographical information on principal personnel.

(a) *Submission of biography of principal personnel of grantees.* Each grantee shall submit to CSA biographical information for any individual selected or promoted to fill any of the following positions: Staff Director and Deputy Staff Director.

(b) The following biographical information shall be included:

(1) Name, title, address, place and date of birth, and citizenship.

(2) *Professional experience:* briefly describe the principal positions held, with title, name of employer, and salaries received.

(3) *Educational experience:* list all post-secondary educational institutions attended, and all degrees and honors received.

(4) *Affiliations:* list all organizations (except religious organizations) of which the person has been a member during the previous 10 years, including a statement of any office held in such organizations.

(5) State whether or not the person has ever been charged by any law enforcement authority with the commission of a crime and, if so, the nature of the charge and its disposition.

(c) *Timetable.* The biographical information shall be submitted to CSA within 7 days after appointment of a candidate to fill any of the positions

described above. Where the person is already employed by the grantee at the time of application to CSA for financial assistance, the biographical information shall be submitted with the application.

§ 1069.21-11 Submission of biography for existing employees.

(a) Biographical information, as described in paragraph (b) of § 1069.21-10 shall be submitted to the appropriate CSA Regional Office by each grantee for all personnel currently employed in the position designated in paragraph (a) of § 1069.21-10.

(b) Timetable. Biographical information for existing employees shall be submitted to CSA within 30 days of October 31, 1966. Where such information has previously been submitted to the Regional Office, it need not be resubmitted.

Subpart 1069.22—Personnel Policies and Procedures Applicable Under Sections 221, 222(a), 230, 232 and Titles IV and VII (CSA Instruction 6900-02).

Sec.	
1069.22-1	Applicability.
1069.22-2	Effective date.
1069.22-3	Wage comparability.
1069.22-4	Coverage for CSA supported positions.
1069.22-5	Responsibilities.
1069.22-6	Established civil service/merit systems.
1069.22-7	Comparability determination procedures.
1069.22-8	Comparability implementation procedures.
1069.22-9	Increase in compensation for new employees.
Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.	

Subpart 1069.22—Personnel Policies and Procedures Applicable Under Sections 221, 222(a), 230, 232 and Titles IV and VII (CSA Instruction 6900-02).

§ 1069.22-1 Applicability.

This subpart applies to all grantees financially assisted under Sections 221, 222(a), 230, 232, Titles IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.22-2 Effective date.

March 28, 1967 (CSA Instruction 6900-02).

§ 1069.22-3 Wage comparability.

(a) *Legislation.* Section 610-(a) of the Economic Opportunity Act of 1964, as amended, provides that: The Director shall take such action as may be necessary to assure that persons employed in carrying out programs financed under Title II (except a person

compensated as provided in section 602) shall not receive compensation at a rate which is (1) in excess of the average rate of compensation paid in the area where the program is carried out to a substantial number of the persons providing substantially comparable services, or in excess of the average rate of compensation paid to a substantial number of the persons providing substantially comparable services in the area of the person's immediately preceding employment, whichever is higher or (2) less than the minimum wage rate prescribed in section 6(a)(1) of the Fair Labor Standards Act of 1938.

(b) *General purpose.* The chief purpose of this provision is to assure that grantee salaries and wages are in all cases, equitably established and comparable to the local community wage structure and economic circumstances.

(c) *Minimum wage requirement.* All CSA grantees and delegate agencies are required to pay employees at least the minimum wage regardless of local wage conditions. Puerto Rico and U.S. Territories are excepted from this requirement because of significantly lower wage and economic conditions.

(d) *Comparability exceptions.* In some instances an employee may be paid a salary which is higher than the local comparable wage. Certain employees may be paid at the average rate of compensation for persons providing substantially comparable services in the area of the employee's immediately preceding employment. This applies to employees who have been previously employed in higher wage area than that of the grantee. The purpose of this provision is to make it possible for grantees in low wage areas to employ competent employees from higher wage areas. Grantees should exercise caution in using this standard as a basis for establishing salary comparability. If the employee involved leaves the employ of the grantee or delegate agency, the salary for that position or class of positions will have to be determined anew. Also, excessive use of this basis for determining comparability can result in serious inequities in the overall salary structure.

§ 1069.22-4 Coverage for CSA supported positions.

(a) Section 610(a) of the Economic Opportunity Act applies to all employees whose salaries are supported by CSA funds or whose salaries are counted as contribution to the non-Federal share under Title II. That portion of an individual's salary which is not paid from grant funds or contributed as local share is not

governed by the standard for wage comparability. Part-time employees are also covered by the comparability requirement.

(b) *Exceptions.* Experts and consultants who are independent contractors or who work for independent firms and who perform services on an intermittent or occasional basis are not covered by the comparability requirement.

§ 1069.22-5 Responsibilities.

(a) *Grantees.* Determine wage and salary comparability in accordance with the requirements of this subpart.

(1) Prepare and sign comparability certifications for inclusion in applications for funding or refunding.

(2) Maintain documentation of methods used to determine wage and salary comparability.

(3) Assure that delegate agencies establish wage comparability systems and standards according to the guidelines in this subpart.

(b) *State economic opportunity offices.* Provide general assistance to grantees on wage comparability determinations as requested. Assist grantees in obtaining State data relevant to determining salary and wage comparability.

(c) *CSA regional offices.* Provide assistance as needed to grantees in carrying out the provision of this subpart.

§ 1069.22-6 Established civil service/merit systems.

(a) Some grantees or delegate agencies are part of long-established public or private agencies which apply a civil service or other merit system to CSA supported employees. In these instances, all positions covered under such civil service or merit systems will be deemed comparable and no extensive organizational reviews, position analyses, or comparability determinations will be necessary: *Provided*, That these employees are filling positions or types of positions in existence before the agency or institution received an CSA grant and that the salary scale has not been changed as a result of the CSA grant.

(b) *Example.* The Board of Education of Community "A" is a delegate agency for a remedial reading and tutorial program conducted in community school centers. The Board pays its remedial reading instructors in the public schools \$5,500 per year. That rate will be accepted for remedial reading instructors in its community action program.

§ 1069.22-7 Comparability determination procedures.

(a) The following are suggested means for undertaking wage comparability determinations. Methods for establishing wage comparability will vary among grantee and delegate agencies although every grantee and delegate agency should already be utilizing a rational system for determining appropriate salaries and wages.

(b) *Organizational review.* Review organization plan and job descriptions to insure currency and direct relationship to mission and functions. Position descriptions should accurately portray the nature of jobs and the various positions should be clearly related to each other in a rational pattern. In other words, a review of the total personnel structure is a necessary first step in conducting wage surveys or position analyses. Larger agencies may already be utilizing a well-established job classification system.

(c) *"Bench-Mark" job identifications.* Identify "bench mark" job at several levels in the organization for which local comparability can be determined and in relationship to which compensation for other jobs may be set. Obviously, the salary of the Director will generally be a bench mark position in setting salary scales for lower level positions.

Grantees are cautioned, however, not to use the Director's position or any other position as a bench mark if the incumbent's salary is not related to local wages, but rather to the area of his immediately preceding employment. At the low end, employees to be compensated at the minimum wage rate will also be bench mark positions.

(d) *Local source data.* In most communities, several local sources are available for consultation in determining comparability.

(1) *Published wage surveys.* A list of suggested sources of information on wage rates, including wage survey reports published by the Bureau of Labor Statistics (BLS). The BLS survey reports will be particularly valuable in establishing wages for office, maintenance and custodial jobs and should be a prime source for information on these jobs in the 85 major metropolitan areas for which such material is available. The Bureau of Labor Statistics has agreed to furnish wage survey reports to CSA Regional Offices and State Economic Opportunity Offices (SEOO) on a continuing basis. Grantees should contact the appropriate SEOO for assistance in obtaining information on wage survey reports prepared by the Bureau of Labor Statistics and other organizations. When

published sources of salary data are used, the grantee should remember that the precise salary figure may not be an exact guide to the salary which should be paid, since adjustment may be needed because of the experience and expertise of the particular employee. A salary survey generally presents an average rate or range for a number of employees occupying a position; thus the entry rate for that position should generally be set lower, and the rate for an employee with long experience and considerable expertise may be higher.

(e) *Local state employment offices.* Local offices of the State Employment Service may have unpublished information on local wage scales.

(f) *Local government.* Local city or county governments will have data on local public pay scales and may know of local wage surveys not obtainable elsewhere. In most instances, local public pay scales should be used as the standard for rates for teachers.

(g) *Other local agencies.* Other local agencies may employ persons in substantially comparable jobs. The grantee may wish to make an informal check with a few agencies which employ persons in positions comparable to those of the grantee. The grantee or delegate agency should not use these sources, however, with respect to jobs on which information from the sources noted in this section is available or with respect to job categories in which persons are employed by many agencies.

(h) *State government data.* If local data for some positions is not available from any of these sources or if the only comparable jobs are in the State government, the grantee should look to Statewide sources. Some State Employment offices will have wages analysts, and State governments (through their personnel departments) will usually be able to provide the salary schedules for State employees. Grantees are advised to ask their State Economic Opportunity Office for help in obtaining Statewide information.

(i) *National data.* If the grantee can discover neither local nor State data on a certain position or group of positions after exhausting these sources, or if persons are required with such unusual skills that the labor area for the skill is nationwide, the grantee may then check national data to verify that the salary planned for that position is reasonable. However, any rate based on national comparability should be adjusted to relate to a bench mark position for which local comparability has been established and this may require an adjustment in accordance with the local cost of living.

(j) *Fringe benefit consideration.* Adjustments may be indicated if employees in comparable positions are paid fringe benefits which significantly exceed the benefits payable to grantee employees, or if the reverse is true. CSA recognizes, however, that information about fringe benefits paid to employees in comparable jobs may not be readily available and in such cases will not require that a detailed comparison be made. If the information is obtainable it should be considered when establishing comparability.

§ 1069.22-8 Comparability implementation procedures.

(a) *Effective date.* Grantee should start taking steps to achieve compliance with this subpart as soon as it is received. After April 30, 1967, all applications for funding or refunding must include, in addition to the specific information required on the director's salary, a wage comparability certification.

(b) *Comparability certifications.* Grantees are to briefly certify that:

(1) The grantee followed the procedures outlined in this subpart to review its salary structure and establish comparability for all its positions.

(2) Documentation of the methods by which the grantee established comparability is available in the grantees files for review by audit and inspection personnel and personnel of the General Accounting Office.

(c) *Submission requirements.* A comparability certification must be submitted with every application involving new funds for salaries and wages. This certification should be attached to CAP Form 23 for each component. Grantees whose program year ends at such a time that the grantee will not be applying for refunding before June 30, 1967, must review its salary schedule and submit a comparability certification on or before July 1, 1967, stating that comparability was verified for each component.

(d) *Salary adjustments.* Any grantee which discovers a position for which the salary being paid is higher than the comparable rate must either pay the excess out of funds not obtained from the grant and not contributed as local share, or reduce the rate of salary paid at the time of next refunding or by August 1967, whichever is sooner.

(e) *Grantee documentation.* Grantee files should contain the following documentation:

(1) The procedure used to review the organization plan and position descriptions.

(2) An explanation of how "bench mark" positions were identified.

(3) An explanation of any procedures used to obtain State, local, or National data on non-bench mark positions and the way in which such positions are related to the bench mark positions.

(4) Copies of any certification or back-up information, that is, a statement by a local survey facility that certain positions are comparable to positions in the area.

§ 1069.22-9 Increases in compensation for new employees.

(a) *Legislation.* Section 610(b) provides: "(b) No person whose compensation exceeds \$8,000 per annum and is paid pursuant to any grant, contract, or agreement authorized under part A of title II (except a person compensated as provided in section 602) shall be employed at a rate of compensation which exceeds by more than 20 percent the salary which such person was receiving in the immediately preceding employment of such person, but the Director may grant exceptions for specific cases. In determining salary in preceding employment for one regularly employed for a period of less than 12 months per year, the salary shall be adjusted to an annual basis."

(b) *Policy.* The language of this provision is very similar to that in Subpart 1069.20 of this chapter. Although the statute specifies CSA approval with respect to employees compensated at \$8,000 or more, CSA is continuing to require CSA approval for employees compensated at \$5,000 or more, as stated in subpart 1069.20 of this chapter. Specifically, CSA Regional Office approval is required when a starting salary is \$5,000 or more and it involves an increase of more than 20 percent or \$2,500, whichever is smaller, over an individual's immediately preceding salary. Approval will be granted only if there is substantial evidence that the increase would not make the employee's compensation exceed the appropriate wage determined in accordance with the comparability standard.

(c) *Procedure.* In order to facilitate enforcement of this provision, the record required, by subpart 1069.20 of this Chapter of the salary received by each full-time employee in the position he/she held immediately prior to employment with the grantee or delegate agency should henceforth include a notation to show how and by whom the information was verified, and the amount of the employee's salary when first hired by the grantee or delegate agency. Such a record must be kept for all full-time employees hired after March 31, 1967, and supported by CSA funds or by contributions to the

non-federal share. The record should be available for audit and inspection and should accompany the employee's application or personnel folder.

Subpart 1069.24—Employment of Persons with Criminal Records (CSA Instruction 6901-1)

Sec.	
1069.24-1	Applicability.
1069.24-2	Effective date.
1069.24-3	Definitions.
1069.24-4	Person to whom this rule applies.
1069.24-5	Policy.
1069.24-6	Criminal records.
1069.24-7	Pending charges.
1069.24-8	Criminal conviction of employees.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942

Subpart 1069.24—Employment of Persons With Criminal Records (CSA Instruction 6901-1)

§ 1069.24-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.24-2 Effective date.

January 4, 1971 (CSA Instruction 6901-1)

§ 1069.24-3 Definitions.

"Principal representative board" means in the case of a community action agency, is that body which is designed to meet the composition requirements of Section 211(b) of the Economic Opportunity Act. In the case of all other agencies, the principal representative board is the agency's "governing body" or "advisory board or committee" which meets the requirements, in subpart 1060.1, "Participation of the Poor in the Planning, Conduct, and Evaluation of Community Action Programs" (CSA Instruction 6005-1) of this chapter.

"Recent conviction" means a conviction resulting in a term of imprisonment which ended within one year of the date on which application for employment is made, or a parole or probation period which began within one year of that date.

"Sensitive position" means any position, whether professional or nonprofessional, which requires an especially high degree of trust and integrity. The following positions shall be designated as sensitive: The Executive Director of a Community Action Agency, the Deputy Director, the Project Director, or Deputy Project Director of any delegated program; any position involving payroll, budget, accounting, bookkeeping, time and attendance, verification of personnel

references, or authorization or verification of personnel actions; any other position which the agency so designates because of the sensitive nature of the incumbent's dealing with the general public.

"Serious Crime" means any crime or crimes for which the court has imposed a term of imprisonment or consecutive terms of imprisonment, with a maximum duration exceeding one year, and there has been some period of actual confinement under the sentence.

§ 1069.24-4 Person to whom this rule applies.

(a) This policy applies only to persons applying for employment, or employed as full-time paid staff.

(b) For purposes of this subpart, volunteers, enrollees, or trainees in manpower development and training, or similar programs shall not be considered employees, unless they are engaged in on-the-job training for a position as an employee of a grantee or delegate agency.

(c) This policy does not apply to any project which has as one of its primary objectives the employment of persons with criminal records.

§ 1069.24-5 Policy.

(a) The provisions for the hiring of persons with criminal records are an important part of the number of personnel policies and procedures established by the Community Services Administration for assisted agencies to follow in the administration of their programs. These policies, which are being issued separately from other personnel policies, found in subpart 1069.20 of this chapter, are necessary to provide uniformity in administrative practices, to establish a minimum acceptable level of personnel performance, and to eliminate arbitrary decisions on personnel questions. However, national policy for the employment in grantee and delegate agencies of persons with criminal records must allow considerable local agency discretion. Each case of application for employment by a former offender is different, and there are circumstances in every community and in every agency for which it would be impossible to provide. It is also recognized that blanket national policies for such situations could lead to abuses in both strict and loose interpretation of guidelines.

(b) The Community Services Administration policy places major responsibility with regard to the employment of persons with criminal records upon the principal

representative board of a grantee or delegate agency.

(c) The grantee or delegate agency's principal representative board has the primary duty and responsibility for assuring that its programs are administered in accordance with standards of good management. A major part of a board's responsibility in this area is to assure that its agency's employees perform their duties with competence and integrity.

(d) On the other hand, principal representative boards, as policy-making bodies for agencies funded under the Economic Opportunity Act, also have a responsibility to expand employment opportunities for the poor and to work to eliminate arbitrary bars to employment of the disadvantaged. In line with this dual set of responsibilities, the principal representative board has a serious obligation to carefully weigh, on an individual basis, the criminal records of all employees and applicants for employment. Out of deference to an individual's right to privacy, the principal representative board may delegate the initial review of an employee's or an applicant's criminal records to a committee of the board. However, final decisions regarding employment of persons with criminal records shall be made by the principal representative board.

(e) Prudent judgment should be exercised by the board in considering the criminal records of employees or applicants for employment in relation to the position held or filled. However, the exercise of prudent judgment should be coupled with an assessment of an employee's or an applicant's potential for rehabilitation. In recognition of the fact that employment opportunities are essential to the rehabilitative process, every opportunity should be provided to employ persons with criminal records after the principal representative board or its designee has conducted a review of the applicant's case, and to offer (or to insure that other agencies offer) supportive services to help in the rehabilitation of such employees.

§ 1069.24-6 Criminal records.

(a) *Disclosure requirement.* Every grantee and delegate agency shall require that all employees and applicants for employment fully disclose any criminal convictions. Applicants for employment shall not, however, be required to disclose records of any arrest which did not result in conviction, unless such an arrest has resulted in formal criminal charges which are still pending at the time of application. An applicant or employee must disclose to the agency any conviction resulting from

such pending charges as described in this paragraph.

(b) *Review of fitness.* In all cases of application for employment by a person with a criminal record, the principal representative board, or its designee, shall decide the fitness of each applicant on his/her merits. The board, or its designee, should take into account in its review:

- (1) The nature and seriousness of the offense.
- (2) The circumstances under which it occurred.
- (3) How long ago it occurred.
- (4) Whether the offense was an isolated or repeated violation.
- (5) The age of the person when he/she committed the offense.
- (6) Social conditions which may have contributed to the offense.
- (7) Any evidence of rehabilitation.
- (8) The kind of position for which the applicant is applying.

(c) *Sensitive position.* In the case of an applicant for employment in a sensitive position who has had a recent conviction of a serious crime, the principal representative board shall take into account the considerations outlined in paragraph (b) of this section. In addition, the principal representative board or its designee should obtain, where possible, recommendations and background information from the wardens of the appropriate correctional institution, if the applicant has recently served a term in prison; or from the appropriate probation or parole officer if the applicant has been on probation or parole. If the principal representative board finds that recent conviction of a serious crime does not disqualify an applicant for a sensitive position, the board shall provide that a written statement recounting the rationale for the decision shall be entered in the individual's personnel records. A copy of this statement shall be submitted to the appropriate CSA Regional Office.

§ 1069.24-7 Pending charges.

(a) *Applicants for employment.* The grantee or delegate agency shall carefully consider any criminal charges which are pending at the time an individual applies for employment, or which are brought during the period in which his/her application is being considered. Although, in the eyes of the law, an individual is considered innocent until proven guilty, the hiring of a person with criminal charges pending against him/her involves considerable risks which the agency is under no obligation to take. Should the eventual conviction of the applicant result in a prison sentence, the program would be disrupted. Moreover, the hiring of a

person with pending criminal charges might have serious effects on a program's success, both from the point of view of impact on program operations or participants and from the perspective of the performance of the individual in question.

(b) *Employees.* If an employee of a grantee or delegate agency is arrested or charged with committing a crime, the agency should consider the gravity of the pending criminal charge in relation to the employee's position. It should be kept in mind that a criminal charge in itself does not indicate guilt. Also, a person charged with a crime often requires the support of employers or persons who can give witness to his/her character, job performance, and previous work history. A grantee or delegate agency should take very seriously its obligations to provide supportive action to an employee who is charged with committing a crime.

(c) After assessments of the impact of such charges on program operations and on an individual's ability to perform his/her duties, it may be necessary for the agency to take some action prior to a decision in the case in order to protect the program as well as other employees. Such action may include either reassignment of the employee to other duties, or where reassignment is not possible, suspension.

(d) Subject to the direction of the agency's board, and consistent with its own personnel policies, such suspension may be with full pay for a period up to twelve months, but not to exceed 50 percent of the time the individual has been employed by the agency. Payment up to twelve months is also contingent upon renewal of the position at re-funding. However, if an employee who is suspended without pay (for all or part of the suspension period) is acquitted of all charges resulting from the matter for which he/she was arrested, the grantee or delegate agency may pay the employee such back pay as he/she was denied by virtue of the suspension. Such payment shall be limited to a period of up to twelve months from date of suspension but shall not exceed 50 percent of the time an individual had been employed. Such payment is also contingent upon the availability of funds or renewal of the position at re-funding. If the employee obtained other employment during the suspension period, earnings from such substitute employment shall be deducted from the amount of back pay for that period. Any action taken which adversely affects the employment status of the individual must be subject to the grievance

procedures of the agency's published personnel policies.

§ 1069.24-8 Criminal conviction of employees.

(a) In cases in which an employee of a grantee or delegate agency is convicted of a crime, the agency shall review the employee's criminal conviction in the same manner as that of an applicant with a criminal record, taking into account the individual factors in the case, including the nature of the offense, the position held, and its relation to the crime.

(b) Serious consideration should be given to any risks to successful program operations, or to the individual's performance that his/her continued employment would create.

(c) As in the case of employees with pending criminal charges, any adverse effect on the employment status of the individual, brought about by an agency decision, must be subject to the grievance procedures of the agency's published personnel policies.

Subpart 1069.25—Assistance to Vietnam-Era Veterans (CSA Instruction 6901-2)

Sec.

- 1069.25-1 Applicability.
- 1069.25-2 Effective date.
- 1069.25-3 Reference.
- 1069.25-4 Purpose.
- 1069.25-5 Definitions.
- 1069.25-6 The six point jobs for veterans program.
- 1069.25-7 Grantee responsibilities.
- 1069.25-8 Procedures for registration.
- 1069.25-9 Reports.

Appendix A to subpart 1069.25—Assistance to Vietnam-Era Veterans.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Subpart 1069.25—Assistance to Vietnam-Era Veterans (CSA Instruction 6901-2)

§ 1069.25-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.25-2 Effective date.

August 1, 1972 (CSA Instruction 6901-2).

§ 1069.25-3 Reference.

- (a) Executive Order 11598, June 16, 1971;
- (b) 41 CFR 1-12.11.

§ 1069.25-4 Purpose.

To outline the President's Six-Point Jobs for Veterans Program for 1973 and establish grantee requirements for

listing vacant positions and goals for hiring Vietnam-era veterans.

§ 1069.25-5 Definitions.

"All employment openings" includes all openings which are compensated on a salary basis of less than \$18,000 per year. This term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment.

"Appropriate office of the State employment service system" means the local office of the Federal-State nation system of public employment offices with assigned responsibility for serving the area of the establishment where the employment opening is to be filled, including the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

"Man-day of employment" means any day during which an employee performs more than 1 hour of work.

"Opening which the grantee proposes to fill from within his own organization" means openings for which no consideration will be given to persons outside the grantee's organization (including any affiliates, delegate agencies or subsidiaries, and parent organizations).

§ 1069.25-6 The six-point jobs for veterans program.

(a) The President of the United States has previously recognized the intolerably high unemployment rate for Vietnam-era veterans and has established a Six-Point Jobs for Veterans Program. He has directed that this program be continued for FY 1973 by the Federal departments and agencies and has indicated that this effort is of the highest priority and, that government agencies should draw fully on available resources and authority to accomplish this program. Specifically, the six points in the President's program include:

(1) Continued enlistment of resources in the business sector through the National Alliance of Business Men and expansion of the Job Opportunities in the Business Sector (JOBS) Program.

(2) Provision of job training necessary for servicemen who lack civilian skills in occupations available in the labor market. This is to be accomplished by providing separating servicemen with employment briefings and counseling overseas and providing those with educational and job deficiencies with civilian job training and related services (up to 60 days). Such training will be provided at skill centers at military installations by the Department of Defense with full support from the

Department of Labor, HEW, and the Veterans Administration.

(3) Continued augmentation of job training and educational opportunities, with appropriate emphasis on college, technical and high school education. Classroom type manpower training programs of Labor are to be increased, veterans participation on G.I. Bill training augment benefits stressed, and modifications in Manpower Development and Training Agency (MDTA) and HEW education programs made on a priority basis to assure adequate enrollment of returning veterans. These actions lend themselves well to both State and local participation and to plans for coalition among VA, Labor, CSA, HEW, HUD and other public and private agencies and institutions. It has been stressed that participation in G.I. Bill programs be increased through specific outreach into urban and rural area, fully informing veterans of available educational and other benefits.

(4) Listing of job openings with the U.S. Employment Service by all agencies and contractors funded by the Federal government, based on the provisions of Executive Order 11598, June 16, 1971.

(5) Increasing the number of appropriate job openings for Vietnam-era veterans and their placement of these jobs, including those in public employment programs.

(6) Provision of special Labor/VA services for those veterans who have been drawing unemployment compensation for three or more months.

(b) It is expected that the Jobs for Veterans—National Committee (JFV) will continue to publicize this program through extensive use of mass media and that advice and assistance will be rendered to the many Veterans Task Forces organized by communities, mayors and governors.

§ 1069.26-7 Grantee responsibilities.

(a) In implementing the Six-point Jobs for Veterans Program, CSA requires that grantee register with the State employment service and submit listings of their internal staff openings (with certain exceptions) to the appropriate local office of the employment service. (See Appendix A of this subpart regarding special conditions). This is to assure that knowledge of the many grantee employment openings may allow the employment service to refer qualified Vietnam-era veterans for such employment.

(b) The Community Services Administration endorses the recommendation offered by the Office of Management and Budget (OMB) that grantees should attempt to set specific

goals with respect to hiring Vietnam-era veterans. The recommendation of OMB is that Federal grantees attempt to see that at least 35 percent of their new hires are Vietnam-era veterans.

§ 1069.25-8 Procedures for registration.

(a) *Grantees currently funded.* Those grantees currently funded by CSA should register within 15 days of August 1, 1972, with the employment service system in the State (or States) in which the grantee is located, advising them of the name and location of each hiring facility or establishment which the grantee has within the State.

(b) *New grantees.* New grantees should register within 15 days of the effective date of the new grant action with the employment service system in the State (or States); in which the grantee is located advising them of the name and location of each hiring facility or establishment the grantee has within the State. (See Appendix A of this subpart).

(c) *Refunding actions.* Once registered with the appropriate State employment service system(s), grantees are not required to re-register unless there is a change in their hiring facilities. Periodic reports, however, are required.

(d) *Listing of openings.* All grantees will offer for listing at the appropriate local office of the State employment service system employment openings as they occur.

§ 1069.25-9 Reports.

(a) Grantees are required to provide periodic reports to the appropriate local office of the State employment service system regarding employment openings and hires as may be required. Such reports shall be filed at least quarterly (on a calendar basis) and shall indicate the number of individuals hired during the reporting period for each hiring facility and the number of hires who were veterans who served in the Armed Forces on or after August 5, 1964, and who received other than a dishonorable discharge.

(b) Grantees shall retain copies of such reports for one year after the end of the funding period of the grant. These shall be made available upon request to any authorized representative of the Director of the Community Services Administration or of the Secretary of Labor.

(c) The effectiveness of this program will be monitored by CSA through consolidated reports which the Department of Labor will furnish.

Appendix A to Subpart 1069.25—Assistance to Vietnam Era Veterans

Special Conditions Listing of Employment Openings

(This Special Condition is applicable if this grant is for \$10,000 or more and will generate 400 or more man-days of employment)

(a) The grantee agrees that all employment openings of the grantee which exist at the time of this grant award and those which occur during the duration of the grant, including those not generated by this grant and including those of delegate agencies and those occurring at an establishment of the grantee other than the one wherein the grant is being performed, shall, to the maximum extent feasible, be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide periodic reports to such local office regarding employment openings and hires as may be required.

(b) Listing of employment openings with the employment service system pursuant to this Special Condition shall be made at least concurrently with the use of any other recruitment source or effort and shall involve only the normal obligations which attach to the placing of a bona fide job order but does not require the hiring of any job applicant referred by the employment service system.

(c) The periodic reports required by paragraph (a) of this Special Condition, shall be filed at least quarterly (calendar basis) with the appropriate local office or, where the grantee has hiring facilities in more than one local State employment service. Such reports shall indicate for each hiring facility the number of individuals who were hired during the reporting period and the number of hires who served in the Armed Forces on or after August 5, 1964, and who received other than a dishonorable discharge. The grantee shall maintain copies of the reports submitted until one year after the funding period of the grant, during which time they shall be made available, upon request, for examination by any authorized representatives of the Director, Community Services Administration or of the Secretary of Labor.

(d) Within 15 days of the effective date of a grant, the grantee shall advise the employment service system in each State wherein it has establishments, of the name and location of each such establishment in the State. As long as the grantee is subject to these provisions and has so advised the State employment service system, there is no need to advise the State system of subsequent grant funding actions.

(e) This Special Condition does not apply to the listing of employment openings which

occur outside of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, and to grants to State and local governments.

(f) This Special Condition does not apply to openings which the grantee proposes to fill from within its own organization. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of the employer's own organization.

(g) The grantee agrees to place this Special Condition (excluding this paragraph (g)) in any delegation agreement or subcontract directly under this grant.

Subpart 1069.26—Social Security Coverage for Employees Under CAP Grants (CSA Instruction 6906-01)

Sec.

- 1069.26-1 Applicability.
- 1069.26-2 Effective date.
- 1069.26-3 Purpose.
- 1069.26-4 Identification of employer for social security purposes.
- 1069.26-5 Where the employer is a private nonprofit organization.
- 1069.26-6 State or local governmental agency as employer.
- 1069.26-7 Indian Tribal Council or similar Tribal organization as employer.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942

Subpart 1069.26—Social Security Coverage for Employees Under CAP Grants (CSA Instruction 6906-01)

§ 1069.26-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.26-2 Effective date.

September 13, 1968 (CSA Instruction 6906-01)

§ 1069.26-3 Purpose.

CSA recognizes the important benefits which accrue to employees from social security coverage, and strongly recommends that those grantee and delegate agencies which are not already obligated by law to report wages for social security purposes seek to obtain coverage for their employees whenever feasible. It is CSA policy to include in its grants the funds necessary to pay the employer's share of social security contributions. These contributions are a legitimate budgetary expense under fringe benefits in the personnel category of the budget. This subpart is designed to familiarize grantee and delegate agencies with the possibilities of coverage under the Social Security Act and the requirements of reporting their employees' wages.

§ 1069.26-4 Identification of employer for social security purposes.

It is important to determine who is the employer for purposes of the social security laws. The employer, for social security purposes, is the agency which has the authority to direct how, when and where the employee's services will be performed, and which has the right to hire and fire. Most frequently the employer is the organization which directly administers the component program, that is, the grantee in a non-delegated program or the delegate agency in a delegated program. If you have difficulty in determining who is the employer for social security purposes, you should contact your local Social Security Administration or Internal Revenue Service office.

§ 1069.26-5 Where the employer is a private nonprofit organization.

(a) Every private nonprofit agency is required by CSA to furnish evidence that it has obtained, or is applying for, an Internal Revenue Service income tax-exemption ruling. Grantees and delegate agencies that qualify will be granted this exemption, in most cases, as religious, educational, or charitable organizations under Section 501(c)(3) of the Internal Revenue Code. These agencies are also exempt for FICA tax (social security) unless they elect to provide social security coverage for their employees. An agency which wishes to provide coverage for its employees must waive its FICA tax exemption by filing a completed Form SS-15 with the District Director of Internal Revenue. Persons employed during the calendar quarter in which the waiver form is filed may choose whether they want social security coverage. All employees who choose to be covered indicate their choice by signing the Form SS-15(a) which is filed with the Form SS-15. Employees hired after the calendar quarter in which the waiver certificate is filed are mandatorily covered, and the agency must deduct the employees' share of the contribution from their wages.

(b) If the employer does not qualify as a 501(c) Organization (religious, educational, charitable), social security coverage is mandatory for its employees.

(c) Both private non-profit organizations whose employees are mandatorily covered and those 501(c)(3) organizations which waive their exemption from FICA tax must report the wages of all employees who earn \$50 or more for a calendar quarter to the appropriate District Director of Internal Revenue. Information concerning the withholding and payment of social

security contributions can be obtained from the Internal Revenue Service.

§ 1069.26-6 State and local government agency as employer.

Whether an employee of a State or local governmental (i.e., public) agency is covered by social security depends upon the terms of the voluntary agreement between the State and Federal Government. Coverage may already have been provided for employees of the entity under the State's agreement, or if not, it may be possible to provide coverage. Each such agency should contact the appropriate State Social Security Administrator for information concerning coverage of its employees, and the withholding and payment of social security contributions. Where employees of such public agencies are covered, their wages are reported on forms provided by, and filed with, the State Social Security Administrator.

§ 1069.26-7 Indian Tribal Council or similar tribal organization as employer.

Although such organizations are considered public agencies under Title II of the Economic Opportunity Act, they normally are classified as private agencies under the Social Security Act and the Internal Revenue Code. Employment in all such organizations is mandatorily covered by the Social Security Act and the organization is subject to FICA tax. Wages of all employees must be reported to the appropriate District Director of Internal Revenue.

Subpart 1069.27—Outside Employment of Grantee and Delegate Agency Personnel (CSA Instruction 6907-4)

Sec.

- 1069.27-1 Applicability.
- 1069.27-2 Effective date.
- 1069.27-3 Definition.
- 1069.27-4 Policy.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1069.27—Outside Employment of Grantee and Delegate Agency Personnel (CSA Instruction 6907-4)**§ 1069.27-1 Applicability.**

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.27-2 Effective date.**§ 1069.27-3 Definition.**

"Outside Employment" means any paid employment performed by an employee in addition to his/her job with the grantee or delegate agency.

§ 1069.27-4 Policy.

(a) Grantees and delegate agencies shall include the following provisions in their published personnel policies relating to outside employment of their employees.

(1) Such employment shall not interfere with the efficient performance of the employee's duties in the CSA assisted program;

(2) Such employment shall not involve a conflict of interest or conflict with the employee's duties in the CSA assisted program;

(3) Such employment shall not involve the performance of duties which the employee shall perform as part of his/her employment in the CSA assisted program; and

(4) Such employment shall not occur during the employee's regular or assigned working hours in the CSA assisted program, unless the employee during the entire day on which such employment occurs is on either annual leave, compensatory leave, or leave-without pay.

(b) Grantees and delegate agencies shall also establish effective procedures to enforce the policy stated in paragraph (a) of this section. In adopting procedures to implement the policy stated in paragraph (a) of this section, grantees and delegate agencies must provide specific procedures regarding the outside employment of full-time personnel whose duties are not readily confined to a standard work-day or work-week. For example, grantees and delegate agencies must adopt rules restricting or prohibiting the outside employment of executive directors, neighborhood workers, or other employees whose responsibilities include being available for duty during evenings or on weekends. Each grantee and delegate agency must carefully assess its own needs and adopt personnel policies that meet those needs.

Subpart 1069.28—Prohibition Against Acceptance of Gifts and Gratuities (CSA Instruction 6909-1)

Sec.

- 1069.28-1 Applicability.
- 1069.28-2 Effective date.
- 1069.28-3 Definition.
- 1069.28-4 Policy.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Subpart 1069.28—Prohibition Against Acceptance of Gifts and Gratuities (CSA Instruction 6909-1)**§ 1069.28-1 Applicability.**

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.28-2 Effective date.**§ 1069.28-3 Definition.**

Members of employees immediate family shall include any of the following persons:

Husband	Brother
Father	Son
Mother	Daughter
Sister	Wife
Father-in-law	Son-in-law
Mother-in-law	Daughter-in-law
Sister-in-law	Brother-in-law

§ 1069.28-4 Policy.

(a) Employees of all grantees, delegate agencies, members of employee's immediate family, and members of any board or policy-making body of such agencies, are prohibited from accepting gifts, money and gratuities:

(1) From persons receiving benefits or services under any program financially assisted by the Community Services Administration.

(2) From any person or agency performing services under contract.

(3) From persons who are otherwise in a position to benefit from the actions of any employee or board member.

(b) Grantees and delegate agencies shall include the above prohibition in their published personnel policies or publish written instructions to supplement their personnel policies, and establish effective procedures to enforce the prohibition.

Subpart 1069.29—Conflicts of Interest in Community Action Program Contracts (CSA Instruction 6909-01)

Sec.

- 1069.29-1 Applicability.
- 1069.29-2 Effective date.
- 1069.29-3 Purpose.
- 1069.29-4 General limitations on purchase and rentals.
- 1069.29-5 Exceptions.
- 1069.29-6 Approval of specific transactions.
- 1069.29-7 Unnecessary and unreasonable purchases forbidden.
- 1069.29-8 Consequence of non-compliance.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Subpart 1069.29—Conflicts of Interest in Community Action Program Contracts (CSA Instruction 6909-01)**§ 1069.29-1 Applicability.**

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.29-2 Effective date.

November 21, 1967 (CSA Instruction 6909-01).

§ 1069.29-3 Purpose.*

The purpose of this subpart is to impose certain limitations in order to prevent conflicts of interest in connection with the purchase and rental of goods, space, and services for use in programs assisted under Titles II, IV and VII of the Economic Opportunity Act.

§ 1069.29-4 General limitations on purchases and rentals.

(a) Except as provided in §§ 1069.29-5 and 1069.29-6 a grantee or delegate agency under Titles II, IV and VII of the Act shall not obligate or expend any project funds (Federal or non-Federal share) for a purchase or rental of goods, space, or services if any of the following persons has a substantial interest (as defined in paragraph (b) of this section) in the purchase or rental.

(1) A member of a board or committee of the purchasing or renting grantee or delegate agency.

(2) An executive officer of the purchasing or renting grantee or delegate agency.

(3) Any other employee of the purchasing or renting grantee or delegate agency whose responsibilities include procurement of goods, space, or services.

(4) Anyone who is a member of the immediate family of a board member or employee referred to in paragraphs (a) (1) (2) and (3) of this section. The following shall be considered members of an "immediate family:"

Husband	Wife
Father	Father-in-law
Mother	Mother-in-law
Brother	Brother-in-law
Sister	Sister-in-law
Son	Son-in-law
Daughter	Daughter-in-law

(b) The term "substantial interest" used in paragraph (a) of this section includes the following:

(1) Any direct or indirect financial interest in the specific sale or rental transaction, including a commission or fee, a share of the proceeds, the prospect of promotion, a profit, or any other form of financial reward.

(2) Any of the following interests in the business which is supplying the goods, space, or services to the purchasing or renting grantee or delegate agency: ownership; partnership interest or other beneficial interest of 5% or more; ownership of 5% or more of the stock; employment as an executive officer or membership on the board of directors or other governing board.

(c) Grantee and delegate agencies should note that all kinds of goods and services relating to their programs are affected by the limitations set forth in this subpart. Both personal and institutional services are covered. These include banking and other financial services, medical, legal, and other professional services, and management and consultant services, as well as other kinds of skilled and unskilled labor.

§ 1069.29-5 Exceptions.

(a) The limitations in § 1069.29-4 shall not apply to:

(1) Purchases or rentals of goods, space and services from the same supplier at a total cost of less than \$200 within any 12-month period.

(2) Purchases or rentals of goods or services if there is no other supplier within the community served by the program or within a radius of 50 miles, whichever is the larger area.

(3) Purchases or rentals of goods, space, or services from the lowest bidder in accordance with rules for advertised competitive bidding under seal.

(4) Purchase of rentals of standardized goods at the lowest price offered after all local suppliers in the community have been contacted for quotations.

(b) Purchases of services or rentals of goods or space from public or private non-profit organizations at cost or at general rates previously established by those organizations.

(c) Purchases or rentals of goods, space, or services under contracts which were entered into prior to the effective date of this subpart. Grantees are expected to remedy situations that involve conflict of interest as soon as possible. However, all purchases or rentals excepted under this section must nonetheless meet the standards set forth in § 1069.29-6.

§ 1069.29-6 Approval of specific transactions.

The appropriate CSA Regional Office or Project Office for those grants not signed in the Region may approve any other proposed purchase or rental which meets the standards set forth in § 1069.29-7 on the basis of a written request fully disclosing the potential

conflict of interest and the specific reasons for requesting such approval.

§ 1069.29-7 Unnecessary and unreasonable purchases forbidden.

All purchases or rentals of goods, space, and services, including those excepted under § 1069.29-5 or approved under § 1069.29-6, must be necessary and appropriate to the proper conduct and administration of the program in question, must be purchased at a reasonable cost and on reasonable terms, and must be in accordance with all applicable CSA guidelines, standards, and procedures.

§ 1069.29-8 Consequences of non-compliance.

Each grantee and delegate agency is responsible for enforcing the rules set forth in this subpart and must take corrective action for any violations. Each grantee and delegate agency should be aware of its responsibilities to insure that board members and employees conduct their affairs that affect the local community action program in a manner consistent with the letter and spirit of this subpart. Non-compliance with the rules set forth in this subpart may result in disallowance by CSA of the cost of goods, spaces, or services in question, or in aggravated cases in suspension or termination of the grant.

Subpart 1069.30—Personnel Policies and Procedures; Application to Personnel of State Economic Opportunity Offices Under Title II, Section 231 (CSA Instruction 6900-04)

Sec.
1069.30-1 Applicability.
1069.30-2 Effective date.
1069.30-3 Application of personnel policies to personnel of state economic opportunity offices.
1069.30-4 The role of state economic opportunity offices in advising community action grantees.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1069.30—Personnel Policies and Procedures; Application to Personnel of State Economic Opportunity Offices

§ 1069.30-1 Applicability.

This subpart applies to all grantees financially assisted under Section 231 of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.30-2 Effective date.

April 3, 1967. (CSA Instruction 6900-04).

§ 1069.30-3 Application of personnel policies to personnel of State Economic Opportunity Offices.

(a) The provisions of personnel policies in Subpart 1069.22 of this chapter must also be applied to State Economic Opportunity Offices. In reading Subpart 1069.22 merely substitute "State Economic Opportunity Office" (SEOO) for "Community Action Agency" and then follow the same procedures. Three other adjustments should be made:

(1) State Economic Opportunity Offices (SEOO)(s) should first attempt to establish comparability with State government positions before consulting other local or Statewide data. For positions without counterparts in the State government, the State Economic Opportunity Offices (SEOOs) should establish comparability with similar positions in the city in which the (SEOO) is located, or else with positions elsewhere in the State if the labor market for those positions is Statewide.

(2) Comparability will be assumed to exist for CSA supported positions which are covered by an existing civil service system of the State government.

(3) The salary level of State Economic Opportunity Office directors will continue to be related to State level positions.

§ 1069.30-4 The role of State Economic Opportunity Offices in advising Community Action grantees.

(a) As the primary source of advice to CAA's on the implementation of Section 610-1, of the Economic Opportunity Act of 1964, as amended, the State Economic Opportunity Office has the following responsibilities:

(1) Become familiar with the sources of wage survey information which will soon be sent to each SEOO from the appropriate Regional Office of the Bureau of Labor Statistics (BLS) and which are to be available in the SEOO to aid in advising community action grantees. Additional sources and revisions will be provided automatically by the Regional BLS Office as they become available.

(2) Maintain liaisons with the personnel department of the State government, the State Employment Service, and other State sources of wage information in order to insure that these offices cooperate in providing information to grantees which request salary schedules and survey data.

(3) Work directly with grantees which request assistance in finding local State source of salary data, in identifying jobs in the area which are comparable to positions of the grantee, or in establishing a salary structure after

salary data has been obtained. In some cases the SEOO will be able to offer sufficient assistance; in other cases it will want to refer the grantee to a wage analyst or consultant in the State government or other public agency.

PART 1070—GRANTEE PUBLIC AFFAIRS

22. The subpart headings in 45 CFR Part 1070 are revised as follows:

Subpart 1070.1—Public Access to Grantees Information (CSA Instruction 7041-1)

Subpart 1070.2—Grantee Public Meetings and Hearing (CSA Instruction 7042-1)

Subpart 1070.4—Grantee Involvement in the News Media (CSA Instruction 7044-1a)

PART 1075—STATE ECONOMIC OPPORTUNITY OFFICES

23. The Subpart heading in 45 CFR Part 1075 is revised as follows:

1075.1—Role of State Economic Opportunity Offices (CSA Instruction 7501-1)

PART 1076—ECONOMIC DEVELOPMENT PROGRAMS

24. The subpart heading in 45 CFR Part 1076 are revised as follows:

Subpart 1076.5—Special Impact Program Policies and Priorities (CSA Instruction 6158-1)

Subpart 1076.10—Composition and Selection of CDC Boards of Directors (CSA Instruction 6402-2)

Subpart 1076.20—Small Business Programs Funded by CDC's (CSA Instruction 6158-2)

Subpart 1076.30—Training, Public Service Employment, and Social Service Programs Funded by CDC's (CSA Instruction 6158-3)

Subpart 1076.40—Location of CDC Ventures (CSA Instruction 6158-4)

25. 45 CFR Part 1076 is amended by adding the following subparts:

Subpart 1076.41—Waiver of Non-Federal Share of Program Costs for Certain Title VII Programs (CSA Instruction 7641-1)

Sec.
1076.41-1 Applicability.
1076.41-2 Effective date.
1076.41-3 Purpose.
1076.41-4 Background.

1076.41-5 Policy.
1076.41-6 Valuation of non-Federal share.
Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1076.41—Waiver of Non-Federal Share of Program Costs for Certain Title VII Programs (CSA Instruction 7641-1)

§ 1076.41-1 Applicability.

This subpart applies to all grantees financially assisted under Title VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1076.41-2 Effective date.

October 16, 1972 (CSA Instruction 7641-1).

§ 1076.41-3 Purpose.

The purpose of this subpart is to set forth the criteria for waiving the requirement of non-Federal share of program costs for programs carried out with financial assistance pursuant to Title VII of the Economic Opportunity Act of 1964, as amended (EOA).

§ 1076.41-4 Background.

(a) Section 714 of the EOA prescribes two types of non-Federal share requirements. The first requirement relates to the cost of the program including costs of administration. Section 714 permits the Director of CSA to issue regulations establishing objective criteria under which more than 90 per cent of the cost of Title VII program may be supported by Federal Assistance. This subpart sets forth those criteria and is limited to the program costs non-Federal share requirements.

(b) The second non-Federal share requirement in Section 714 states that where capital investment is required under a contract with a private organization (other than a non-profit organization) the Federal share of such capital investment shall not exceed 90 per cent. That requirement is not affected by this subpart.

§ 1076.41-5 Policy.

(a) *General.* Each recipient of financial assistance under Title VII is ordinarily required to provide from non-Federal sources 10% of the cost of operating its program. However, under certain circumstances this requirement may be waived. A request for waiver shall be submitted by the applicant or recipient's Chairperson of the Board or comparable official to the Associate Director of Economic Development or other officer having authority to make the grant or otherwise furnish the financial assistance in question

(hereinafter referred to as the responsible officer) and a determination shall be made by such officer.

(b) *Operating program.* (1) The requirement for a non-Federal share of program costs shall be waived in whole or in part where it is shown to the satisfaction of the responsible officer that:

(i) The applicant for financial assistance or recipient of financial assistance has made a vigorous effort to raise the non-Federal share but has not been and will not be able to do so in whole or in part.

(ii) The per capita income in the community served by the program is less than one-half the per capita income in the U.S. as a whole. (On the basis of the 1970 Census, one-half the per capita income was \$1570 and in February 1972, one-half the estimated per capita income in the U.S. as a whole was approximately \$1800). For programs operating in Alaska, the figure representing the per capita income for the United States as a whole shall be adjusted upward by 25% and in Hawaii by 15% to allow for the substantially higher cost of living in those States.

(iii) If the per capita income figures submitted in support of the request for waiver are other than direct U.S. Census data, Census data shall be shown. The Officer determining the request for a waiver may request a full description of the procedures used in developing such data.

(c) *Support Programs.* The requirement of non-Federal share program costs shall also be waived in whole or in part for programs funded to conduct evaluations or research or to furnish support services to other Title VII programs or to CSA, the Department of Commerce, the Department of Labor or the Department of Agriculture, provided that the applicant for financial assistance has made a vigorous effort to raise the non-Federal share but has not been and will not be able to do so in whole or in part.

(d) *Procurement Contracts.* No non-Federal share is required for procurement contracts. Accordingly no waiver is needed.

§ 1076.41-6 Valuation of non-Federal share.

Non-Federal contributions may be in cash or in-kind, fairly evaluated, including but not limited to plant, equipment and services. See Part 1050 of this chapter, Subpart F—Cost Sharing and Matching (CSA Instruction 6800-6).

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Federal Register

Monday
October 1, 1979

Part VI

**National Labor
Relations Board**

Privacy Act of 1974; Systems of Records;
Annual Publication

NATIONAL LABOR RELATIONS BOARD

Privacy Act of 1974

Proposed Revision of Systems and Annual Publication

AGENCY: National Labor Relations Board
ACTION: Proposed revision of systems of records and annual publication of notices

SUMMARY: The National Labor Relations Board published (42 FR 47786, September 21, 1977, and 43 FR 38646, August 29, 1978) seventeen Notices of Systems of Records identified as NLRB-1 through NLRB-17. Sixteen of these notices were for record systems containing personal information pertaining almost exclusively to present and former Agency employees and applicants for employment with the Agency. The purpose of this publication is two-fold, i.e., compliance with the requirement for annual publication contained in 5 USC 552 a(e)(4) and notification of administrative and language changes proposed by the Agency as described under the heading, "Supplemental information", below. Certain of these proposed changes are such as to require, pursuant to OMB guidelines, the submission of a report on new systems. Accordingly, a Report on New Systems has been submitted, concurrent with this publication, to Congress and the Office of Management and Budget. The National Labor Relations Board has not requested a waiver of OMB's 60 day advance notice requirement and will adopt these notices only after consideration of comments received and completion of the 60 day advance notice period. All persons are advised that in the absence of submitted comments, views or arguments considered by the Agency as warranting modification of the notices as herewith published, it is the Agency's intention that these notices as herewith published shall become effective upon expiration of the comment period without further action by the Agency. Pending adoption of the proposed changes described in this publication, the Agency's records will be covered by its previous notices (42 FR 47786, September 21, 1977, and 43 FR 38646, August 29, 1978).

SUBMISSION OF COMMENTS: All persons who desire to submit written comments, views, or arguments for consideration by the Agency in connection with the proposed changes should submit same not later than November 30, 1979, to the Executive Secretary, National Labor Relations Board, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570. Copies of such communications will be available for examination by interested persons during normal business hours (8:30 a.m. to 5:00 p.m., Monday through Friday, excluding holidays), in the Office of the Executive Secretary, Room 701, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

FOR FURTHER INFORMATION: Contact Mario A. Lauro, Jr., Associate Executive Secretary, telephone (202) 254-9430.

SUPPLEMENTARY INFORMATION: Based on experience gained since the Agency's system notices were originally published, a number of clarifying language changes have been made in all notices. For example, under the heading, "Categories of records in the system", the word "may" has been inserted immediately before the word "include" so as to acknowledge variations in the amount of personnel data maintained on individuals within each system. In the case of NLRB-2, "Applicant Files for Attorney and Field Examiner Positions, General Counsel's Staff", the words "General Counsel's Staff" have been deleted so as to reflect a proposed expansion of this system to cover all such applicant files for Attorney and Field Examiner positions with the Agency. Other changes, e.g., combining of systems, changes in system locations, categories of records and individuals covered, systems managers, record sources, updating of references, etc., are proposed in conjunction with the Agency's efforts to reorganize and further improve its records management practices.

The Agency proposes to combine NLRB-5, "Employment and Performance Appraisals, Attorneys and Field Examiners, General Counsel's Staff", and NLRB-13, "Performance Appraisals—Attorneys on Board Members' Staffs and in the Office of the Solicitor", into a new Agency-wide system, NLRB-5, "Employment and Performance Records, Attorneys and Field Examiners". Similarly, the Agency proposes to combine NLRB-6, "Evaluations and Promotion Appraisals, Field Clericals", and NLRB-15, "Promotion Appraisals Washington—Clericals and Non-legal Professionals", into a new NLRB-6, "Employment and Performance Records, Nonprofessionals and Nonlegal Professionals". NLRB-11, "Payroll-Data Processing File" is to be combined with NLRB-12, "Payroll-Finance Records" to create a new NLRB-11, "Payroll-Finance Records".

A listing of all NLRB system notices and their complete texts appear below:

Dated, Washington, D.C. September 21, 1979

By direction of the Board:

George A. Leet,
Associate Executive Secretary.

- NLRB-1 Accounting Records—Financial
- NLRB-2 Applicant Files for Attorney and Field Examiner Positions
- NLRB-3 Biographical Data File—Presidential Appointees
- NLRB-4 Claim Records
- NLRB-5 Employment and Performance Records, Attorneys and Field Examiners
- NLRB-6 Employment and Performance Records, Nonprofessionals and Nonlegal Professionals
- NLRB-7 Grievances, Appeals, and Complaints Records
- NLRB-8 Health Maintenance Program Records
- NLRB-9 Occupational Injury and Illness Records
- NLRB-10 Pay Records—Retirement
- NLRB-11 Payroll—Finance Records
- NLRB-12 Prefiling Communications
- NLRB-13 Time and Attendance Records, NLRB
- NLRB-14 Equal Employment Opportunity Program Management System Appendix

NLRB-1

System name: Accounting Records—Financial

System location: Current records are maintained in:

Financial Management Branch

NLRB, 1717 Pennsylvania Avenue, N.W.

Washington, D. C. 20570

Each Washington and Field Office is authorized to maintain copies of records relating to reimbursements to employees of that office and other individuals covered within system. See the attached appendix for addresses of these offices. Inactive records are stored at the appropriate Federal records center in accordance with Federal Property Management Regulations of the U.S. General Services Administration (FPMR 101-11.4).

Categories of individuals covered by the system: Individuals reimbursed for expenses in connection with the official functions of the NLRB: i.e., travel of official business, witness fees, and transportation expenses, and miscellaneous expenses.

Categories of records in the system: Records may include name; home or office address; organizational unit number; purpose, duration, and cost for travel assignments of Agency employees; purpose, duration, points of travel, and cost for witnesses used by the Agency; purpose, category, and cost of miscellaneous expenses incurred by Agency employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:
 - a. In the processing of claims for reimbursements.
 - b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To individuals who need the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
4. To the U.S. General Accounting Office for audit purposes or determination of validity of claims.
5. To the U.S. Department of the Treasury for issuance of checks.
6. To the appropriate agency, whether Federal, State, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.
7. To another agency, whether Federal, State, or local, or private organization where reimbursable arrangements exist between this Agency and such other agency or private organization.

8. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

9. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on original source documents except travel summary cards which are maintained on microfilm.

Retrievability: Chronologically by year, and within each year alphabetically by name.

Safeguards: Original source documents are maintained in file cabinets within the Finance Section office. Microfilm is maintained in a locked fireproof cabinet within the Services and Systems office. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel who have a need for access in order to perform their official functions.

Retention and disposal: Maintained and disposed of in accordance with U.S. General Services Administration retention regulations.

System manager(s) and address:

Finance Officer

NLRB, 1717 Pennsylvania Avenue, N. W.

Washington, D. C. 20570

See the attached appendix for the titles and addresses of officials at other locations responsible for this system at their locations.

Notification procedure: 1. Current NLRB employees inquiring whether this system contains records on them should direct such inquiries to their supervisors.

2. An individual other than a current NLRB employee inquiring whether this system contains a record on such individual should direct such inquiry to the "System Manager" specified above, or to the responsible official designated under "System Manager" as responsible for the system in the geographic area where the expense was incurred.

3. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name and the year about which inquiry is being made.

Record access procedures: An individual seeking to gain access to records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure". In granting access to records in this system, the following information is required: the inquirer's name and the year about which inquiry is being made.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

Record source categories: Travel vouchers, witness vouchers, and lodging and miscellaneous receipts submitted by the individual; travel orders submitted by Agency officials; subpoenas; claims for reimbursements, and miscellaneous correspondence and information related thereto.

NLRB-2

System name: Applicant Files for Attorney and Field Examiner Positions

System location: Office of Executive Assistant to the Associate General Counsel; Board Members' Offices; Office of the Solicitor, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

Washington and Field Offices are authorized to maintain the records or copies of the records in connection with processing of applications for employment in the Agency. See the attached appendix for addresses of the Washington and Field Offices.

Categories of individuals covered by the system: Applicants for Attorney or Field Examiner positions in offices under the general supervision of the General Counsel; applicants for Attorney positions on Board Members' staffs and in the Office of the Solicitor.

Categories of records in the system: Records may include copies of employment applications, educational transcripts, resumes, employment interview reports, and other information relative to employment.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:
 - a. To process applications and evaluate applicants.
 - b. As a data source for management information for production of summary statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To individuals who need the information in connection with the processing of a grievance, appeal, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
4. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
5. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on paper including forms, letters, and memoranda.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets. During duty hours cabinets are under surveillance of personnel charged with custody of the records and after duty hours are behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained for an indefinite period of time.

System manager(s) and address: 1. To those applicants for positions under supervision of the General Counsel—Executive Assistant to the Associate General Counsel, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

2. To those applicants for positions under supervision of a Board Member—Chief Counsel to that Board Member, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

3. To those applicants for positions under supervision of the Solicitor—Solicitor, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the appropriate System Manager specified above.

Record access procedures: An individual seeking to gain access to records in this system pertaining to such individual should contact the appropriate System Manager specified above.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the appropriate System Manager specified above.

Record source categories: Applicants, educational institutions, interviewers, evaluators, personnel specialists, references, previous employers.

NLRB-3

System name: Biographical Data File—Presidential Appointees

System location:

Division of Information

NLRB, 1717 Pennsylvania Avenue, N.W.

Washington, D.C. 20570

Categories of individuals covered by the system: Present and former Presidential appointees to NLRB positions.

Categories of records in the system: Records may include biographical sketches: news releases; news articles on speeches and other newsmaking activities; photographs, and material incidental thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information in the performance of their duties.
2. To the public upon demonstrated interest.

3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on original sources or related papers in file folders.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets within the Division of Information offices. During duty hours, cabinets are under the surveillance of office personnel charged with custody of the records, and after duty hours are behind locked doors.

Retention and disposal: Permanently retained.

System manager(s) and address: Director, Division of Information NLRB, 1717 Pennsylvania Avenue, N.W. Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

Record access procedures: An individual seeking to gain access to records in this system pertaining to such individual should contact the appropriate System Manager specified above.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the appropriate System Manager specified above.

Record source categories: Information in this system is submitted by the individual, written by Agency staff and approved by the individual, and obtained from general news sources.

NLRB-4

System name: Claim Records

System location:

Security and Safety Branch

NLRB, 1717 Pennsylvania Avenue, N.W.

Washington, D.C. 20570

Categories of individuals covered by the system: Individuals filing claims under the Federal Tort Claims Act of 1946, the Military Personnel and Civilian Employees' Claims Act of 1964 and claims filed under subpart 101-39.8 of the Federal Property Management Regulations

Categories of records in the system: Records may include reports of accidents or other events causing damage or loss; statements of witnesses; claims for damage or loss; investigations of claims, including doctors' reports, if any; records on disposition of claims; and information relative to the above.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. In processing claims against this Agency.

b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the U.S. Department of Justice for purpose of processing or adjudicating claims against the Agency.

4. To a court of competent jurisdiction for adjudicating claims.

5. To investigators utilized by the Agency to obtain information relevant to a claim against the Agency.

6. To the appropriate agency, whether Federal, State, or local where there is an indication of violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

7. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

8. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

9. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information

shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on forms, documents, and other papers.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file safe within the office of the Security and Safety Branch. File safe remains locked except during access to records. During duty hours, file safe is under the surveillance of personnel charged with the custody of the records, and after duty hours is behind locked doors. Combination is known only to designated members of Security and Safety staff. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Chief, Security and Safety Branch NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains records on such individual should direct such inquiries to the System Manager specified above.

Record access procedures: An individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager specified above.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Claimants, investigators, and witnesses.

NLRB-5

System name: Employment and Performance Records, Attorneys and Field Examiners

System location: Office of Executive Assistant to Associate General Counsel; Board Members' Offices; Office of the Solicitor NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570

Washington and Field Offices are authorized to maintain the records or copies of the records for current and former NLRB employees of that office. See the attached appendix for addresses of the Washington and Field Offices.

Categories of individuals covered by the system: Current and former Attorneys and Field Examiners in offices under the general supervision of the General Counsel; current and former Attorneys employed on Board Members' Staffs and in the Office of the Solicitor.

Categories of records in the system: Records may include copies of employment applications, copies of personnel records, educational transcripts, resumes, employment interview reports, evaluation reports, career development appraisals, recommendations concerning promotion, copies of the official personnel file, correspondence, memoranda, and other information relevant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information.

2. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on paper including forms, letters, and memoranda.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets. During duty hours cabinets are under the surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained for an indefinite period of time.

System manager(s) and address: 1. to those applicants for positions under supervision of the General Counsel—Executive Assistant to the Associate General Counsel NLRB, 1717 Pennsylvania Avenue, N.W. Washington, D.C. 20570

2. To those applicants for positions under supervision of a Board Member—Chief Counsel to that Board Member NLRB, 1717 Pennsylvania Avenue, N.W. Washington, D.C. 20570

3. To those applicants for positions under supervision of the Solicitor—Solicitor NLRB, 1717 Pennsylvania Avenue, N.W. Washington, D.C. 20570

See the attached appendix for titles and addresses of officials at other locations responsible for this system at their locations.

Notification procedure: 1. Current NLRB employees inquiring whether this system contains records on such individuals should direct such inquiries to their supervisors.

2. An individual other than a current NLRB employee inquiring whether this system contains a record on such individual should direct such inquiry to the appropriate System Manager specified above, or to the official designated under "System Manager" as responsible for the system in the office where the individual was formerly employed.

Record access procedures: An individual seeking access to records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

Record source categories: The individual, the Personnel Branch, educational institutions, interviewers, evaluators, references, previous employers, and supervisors.

NLRB-6

System name: Employment and Performance Records, Nonprofessionals and Nonlegal Professionals

System location: Records are authorized to be maintained for current and former NLRB employees in all Agency offices. See the attached appendix for the addresses of these offices.

Categories of individuals covered by the system: Current and former nonprofessional employees and nonlegal professional employees of the Agency.

Categories of records in the system: Records may include copies of employment applications, educational transcripts, resumes, employment interview reports, evaluation reports, career development appraisals, recommendations concerning promotion, copies of personnel records, correspondence, memoranda, and other information relevant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information to evaluate job performance, developmental needs, potential within the Agency, and readiness for promotion.

2. To individuals who have a need for the information in connection with the processing of a grievance, appeal, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on paper including forms, letters, and memoranda.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets. During duty hours cabinets are under the surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained for an indefinite period of time.

System manager(s) and address: See the attached appendix for the titles and addresses of officials responsible for this system at their locations.

Notification procedure:

1. Current NLRB employees inquiring whether this system contains records on such individuals should direct such inquiries to their supervisors.

2. An individual other than a current NLRB employee inquiring whether this system contains a record on such individual should direct such inquiry to the official designated under "System Manager" as responsible for the system in the office where the individual was formerly employed.

Record access procedures: An individual seeking access to records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

Record source categories: The individual, the Personnel Branch, professional employees, educational institutions, interviewers, evaluators, references and previous employers.

NLRB-7

System name: Grievances, Appeals, and Complaints Records

System location: Records are authorized to be maintained for current and former NLRB employees in all Agency offices. See the attached appendix for the addresses of these offices.

Categories of individuals covered by the system: Current and former employees of the Agency.

Categories of records in the system: Records may include formal or informal grievances, appeals, and complaints, together with information and documents related thereto; letters or notices to the individual; records of hearings when conducted; materials placed in the file to support or contradict the decision or determination on such grievance, appeal, or complaint; affidavits or statements; testimonies of witnesses; investigative reports; and related correspondence and recommendations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

4. To respond to a subpoena and/or refer to an arbitrator or court of competent jurisdiction.

5. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

6. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

7. To individuals who have a need for the information in connection with the processing of a grievance, appeal, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on forms, documents, letters, memoranda, and other similar papers.

Retrievability: Alphabetically by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access until the records are required to be made public in support of an Agency action or position. These records are maintained in file cabinets which during duty hours are under the surveillance of personnel charged with custody of the records and after duty hours are behind locked doors.

Retention and disposal: Maintained for an indefinite period of time.

System manager(s) and address:

1. To those employees under supervision of the General Counsel—
Deputy General Counsel
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

2. To those employees under supervision of the Board—
Deputy Executive Secretary
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure:

1. Inquiries from current NLRB employees on whether this system contains records on such individuals should be directed to their supervisors.

2. Inquiries from individuals other than current NLRB employees as to whether this system contains records on such individuals should be directed to the appropriate System Manager specified above.

Record access procedures: A current NLRB employee seeking to gain access to records in this system pertaining to such employee should contact his or her supervisor.

An individual other than a current NLRB employee seeking to gain access to records in this system pertaining to such individual should contact the appropriate System Manager specified above.

Contesting record procedures: A current NLRB employee seeking to contest records in this system pertaining to such employee should contact his or her supervisor.

An individual other than a current NLRB employee seeking to contest records in this system pertaining to such individual should contact the appropriate System Manager specified above.

Record source categories: Information in this system is obtained from the individual to whom the record pertains; Agency officials; affidavits, statements, and record testimony of individuals; and other documents and memoranda relating to the grievance, appeal, or complaint.

NLRB-8

System name: Health Maintenance Program Records

System location:

Security and Safety Branch
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of individuals covered by the system: Current and former NLRB employees participating in Agency sponsored health maintenance programs, such as blood donor program, diabetes tests, glaucoma tests, and similar programs.

Categories of records in the system: Records may include individuals' names and dates of participation in health maintenance programs, and the name of program in which participated. Also, for blood donor program, contains social security number, sex, donor identification number, home address and telephone, date of last donation, medications being taken, blood type, whether accepted or rejected as donor, and information relevant to the above.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. In the administration of voluntary health maintenance programs.
b. As a data source for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained (without personal identification of individuals).

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the International Red Cross insofar as the records or information pertain to the blood donor program.

4. To the U.S. Department of Health, Education, and Welfare in the administration of public health service programs.

5. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on logs, forms, and other papers.

Retrievability: By program name and within each program alphabetically by name.

Safeguards: Maintained in file safe within the office of the Security and Safety Branch. File safe remains locked except during access to

records. During duty hours, file safe is under the surveillance of personnel charged with the custody of the records, and after duty hours is behind locked doors. Combination is known only to designated members of Security and Safety staff. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Chief, Security and Safety Branch
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure:

1. An individual inquiring whether this system contains records on such individual should direct such inquiries to the System Manager specified above.

2. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name and the particular health maintenance program about which inquiry is being made.

Record access procedures: An individual seeking to gain access to records in this system should contact the System Manager specified above.

In granting access to records in this system, the following information is required: the inquirer's name and the particular health maintenance program about which inquiry is being made.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Information submitted by individual; officials of the servicing Health Units; International Red Cross.

NLRB-9

System name: Occupational Injury and Illness Records

System location:

Security and Safety Branch
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Each Washington and Field Office is authorized to maintain copies of records in this system. See the attached appendix for addresses of the Washington and Field Offices.

Categories of individuals covered by the system: Current and former NLRB employees who have reported a work-related injury or illness.

Categories of records in the system: Records may include information pertaining to the complete history of the employee's occupational injury or illness, including any doctors' or investigative reports submitted, and the disposition of claims for compensation filed under the Federal Employees Compensation Act and information Act and information relative thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. In processing reports of occupational injury or illness and claims for compensation under the Federal Employees Compensation Act.
b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the U.S. Department of Labor for purposes of adjudicating claims for compensations under the Federal Employees Compensation Act.

4. To the U.S. Department of Health, Education, and Welfare in the administration of public health service programs.

5. To a court of competent jurisdiction for adjudicating claims arising under the Federal Employees Compensation Act.

6. To an investigator utilized by the Agency to obtain information relevant to a claim arising under the Federal Employees Compensation Act.

7. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or

enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

8. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

9. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

10. To individuals who need the information in connection with the processing of an appeal, grievance or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on forms and related correspondence.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file safe within the Security and Safety Office. File safe remains locked except during access. During duty hours file safe is under the surveillance of personnel charged with the custody of the records, and after duty hours is behind locked doors. Combination is known only to designated members of Security and Safety staff. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Chief, Security and Safety Branch
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

See the attached appendix for the titles and addresses of officials at other locations responsible for this system at their locations.

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

Record access procedures: An individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager specified above.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Forms completed by the employee; witnesses; investigators; employee's supervisor; claims examiners of the U.S. Department of Labor; and doctors' statements, if any.

NLRB-10

System name: Pay Records—Retirement

System location:

Financial Management Branch
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of individuals covered by the system: Current NLRB employees under the Civil Service Retirement System.

Categories of records in the system: Records may include name, previous name if any; social security number; sex; birth date; entrance-on-duty date; employment history, including prolonged leave without pay; and monetary contributions to retirement fund made during employment, and information relevant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. To administer the Civil Service Retirement System within the Agency.

b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the Office of Personnel Management for administering the Civil Service Retirement System.

4. To the U.S. General Accounting Office for audit purposes.

5. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of

law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

6. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

7. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

8. To individuals who need the information in connection with the processing of an appeal, grievance or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on employment history cards and source documents.

Retrievability: By organizational unit and within each unit alphabetically by name.

Safeguards: Maintained in file cabinets within the Payroll and Reports Section office. During duty hours file cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal: Maintained only on current employees. Transferred to the Office of Personnel Management upon termination of service with the Agency.

System manager(s) and address:

Finance Officer
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure: 1. An individual inquiring whether this system contains a record on such individual to the System Manager designated above.

2. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name and the organizational unit in which currently employed.

Record access procedures:

1. An individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager specified above.

2. In granting access to records in this system, the following information is required: the inquirer's name and the year about which inquiry is being made.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Personnel Branch, timekeepers, and supervisors.

NLRB-11

System name: Payroll—Finance Records

System location: Current records are maintained in:

Financial Management Branch
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Inactive records are stored at the appropriate Federal records center in accordance with Federal Property Management Regulations of the U.S. General Services Administration (FPMR 101-11.4).

Categories of individuals covered by the system: Current and former employees of the Agency.

Categories of records in the system: Records may include each employee's name, home address, payroll identification number, organizational unit number, block number pay plan, grade and step, employee code, social security number, state identification code and name, leave earned and used, composite designator code and account number, and for the current pay period, quarterly and year-to-date hours worked, base pay, overtime pay, premium pay, miscellaneous pay, gross earnings, net earnings, and all withholdings from pay including retirement, taxes (Federal, state, and local), FICA, exemptions (Federal, state, and local), life, group, and optional insurance, bonds (authorization number and date of issuance), and miscellaneous allotments and deductions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information.
 - a. To compile payroll records.
 - b. To maintain Agency salary and expense accounts.
 - c. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.
 - d. To transfer information from the records to the individual to whom the record pertains.
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To individuals who need the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
4. To the U.S. Department of the Treasury for payroll purposes.
5. To the Office of Personnel Management concerning pay, benefits, retirement deductions and other information necessary for the Office to carry out its Government-wide personnel management functions.
6. To state and local authorities for the purposes of verifying tax collections, unemployment compensation claims, and administering public assistance programs.
7. To the U.S. Department of Health, Education, and Welfare for the administration of the social security program.
8. To the U.S. Department of Labor for processing or adjudicating claims under the Federal Employees Compensation Act.
9. To the U.S. General Accounting Office for audit purposes.
10. To the appropriate agency, whether Federal, state, or local where there is an indication of violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.
11. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
12. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on original source documents, computer printouts, and on a computer disk file with two magnetic tape backups.

Retrievability: Employee payroll file maintained chronologically by year, and within each year by organizational unit, and within each unit alphabetically by name.

Safeguards: All doors to the computer room are installed with combination locks and during duty hours the computer and magnetic tape backup are under surveillance of office personnel charged with custody of the records. After duty hours all doors remain locked. Access is limited to authorized personnel only. Use of the machines for information printouts is restricted to designated personnel and access is password protected. Original source documents are maintained in file cabinets. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Payroll records retained and disposed of in accordance with the applicable General Accounting Office and General Services Administration retention schedules. Microfilm and magnetic strip ledgers are maintained for 56 years after the last entry of data.

System manager(s) and address:

Finance Officer
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Chief, Data Systems Branch
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure: 1. An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager first specified above.

2. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name; the year about which inquiry is being made; and, for records other than the payroll file, the organizational unit or units in which employed during that year.

Record access procedures: An individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager first specified above.

In granting access to records in this system the following information is required: the inquirer's name; the year about which inquiry is being made; and, for records other than the payroll file, the organizational unit or units in which employed during that year.

Contesting record procedures: An individual seeking to contest records in this system should contact the System Manager first specified above.

Record source categories: The individual, the Personnel Branch, timekeepers, and supervisors; U.S. Civil Service Commission and Office of Personnel Management bulletins; taxing authority notices; and withholding authorizations.

NLRB-12

System name: Profiling Communications

System location: Records are authorized to be maintained in all Field Offices of the Agency, at the addresses listed in the attached appendix, and

Office of the General Counsel

NLRB, 1717 Pennsylvania Avenue, N.W.

Washington, D.C. 20570

Categories of individuals covered by the system: Persons who have sought assistance regarding possible institution of an unfair labor practice, representation, or other civil action or proceeding before the National Labor Relations Board.

Categories of records in the system: Records may include file memoranda detailing the substance of oral communications, letters of inquiry, and responses thereto, may contain information relating to an individual's employment history, job performance, earnings, home address, telephone number, union activity, or other information relevant to a potential action or proceeding before the National Labor Relations Board.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1. These records, or information therefrom, are disclosed to Agency officials and employees who have a need for the records or information in the processing of cases before the Agency.

2. These records, or information therefrom, may be referred, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

3. Disclosures may also be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in paper form in file folders.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets in the nonpublic area of the office under the immediate control of the System Manager. During duty hours cabinets are under surveillance of personnel charged with custody of the records and after duty hours are behind locked doors.

Retention and disposal: In the event a civil action or proceeding is instituted prior to the record being destroyed, the record is placed in the case file which is not indexed by the name of the individual. In the event no action or proceeding is instituted, the records are destroyed after varying periods of time; however, not longer than 2 years.

System manager(s) and address:

General Counsel

NLRB, 1717 Pennsylvania Avenue, N.W.

Washington, D.C. 20570

See the attached appendix for titles and addresses of officials responsible for this system at their locations.

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the General Counsel or to the appropriate Regional Director, Officer-in-Charge, or Resident Officer of the Agency office where the individual sought or was referred to for assistance, at the address of that office specified in the attached appendix.

Record access procedures: An individual seeking to gain access to records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

Record source categories: Individual who seeks assistance.

NLRB-13

System name: Time and Attendance Records, NLRB

System location: Current records are maintained in

Financial Management Branch

NLRB, 1717 Pennsylvania Avenue, N.W.

Washington, D.C. 20570

Each Washington and Field Office maintains a copy of time and attendance records for current employees in that office, and is authorized to retain such records on former employees of that office. See the attached appendix for addresses of these offices.

Inactive records are stored at the appropriate Federal records center in accordance with Federal Property Management Regulations of the U.S. General Services Administration (FPMR 101-11.4).

Categories of individuals covered by the system: Current and former employees of the Agency.

Categories of records in the system: Records may include name; home address; organizational unit number; payroll identification number; entrance-on-duty date; time worked, including regular hours, overtime, compensatory time, and premium pay status; leave earned and used; absences without leave; and doctors' certificates, when required.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information.
 - a. In the compilation of biweekly payrolls.
 - b. To maintain leave accounts.
 - c. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To another Federal Government agency in connection with the transfer of an NLRB employee to that agency.
4. To the Office of Personnel Management for administering the Civil Service Retirement System.
5. To the U.S. General Accounting Office for audit purposes.
6. To another Government agency or private organization in connection with an agreement under the Intergovernmental Personnel Act.
7. To the U.S. Department of Labor for processing or adjudicating claims under the Federal Employees Compensation Act.
8. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing, or implementing the statute, rule, regulation, or order issued pursuant thereto.
9. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
10. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
11. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on Standard Form 1130 and related forms and papers, and on microfilm.

Retrievability: Chronologically by year, and within each year by organizational unit, and within each unit alphabetically by name.

Safeguards: Original source documents or copies thereof are maintained in file cabinets. Microfilm is maintained in locked fireproof metal cabinets. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained and disposed of in accordance with General Accounting Office and General Services Administration retention schedules. Original source documents are retained within the Agency for 3 years and then transferred to the appropriate Federal record center for the balance of the retention period. Microfilm records are maintained within the Agency for the full period specified in the appropriate retention schedule.

System manager(s) and address: Finance Officer

NLRB, 1717 Pennsylvania Avenue, N.W.

Washington, D.C. 20570

See the attached appendix for the titles and addresses of officials at other locations responsible for this system at their locations.

Notification procedure: 1. Current NLRB employees inquiring whether this system contains records on such individuals should direct such inquiries to their supervisors.

2. An individual other than a current NLRB employee inquiring whether this system contains a record on such individual should direct such inquiry to the "System Manager" specified above, or official designated under "System Manager" as responsible for this system in the office where the individual was previously employed.

3. In determining whether this system contains records on the inquirer, the following information is required: year about which inquiry is being made, and inquirer's name and organizational unit or units in which employed during that year.

Record access procedures: 1. An individual seeking to gain access to records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

2. In granting access to records in this system, the following information is required: the year about which inquiry is being made, and the inquirer's name and organizational unit or units in which employed during that year.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

Record source categories: Individual to whom the record pertains, timekeeper or supervisor, doctors' statements.

NLRB-14

System name: Equal Employment Opportunity Program Management System

System location:

Data System Branch

NLRB, 1717 Pennsylvania Avenue, N.W.

Washington, D.C. 20570

Categories of individuals covered by the system: Current and former NLRB employees.

Categories of records in the system: Records may include information such as employee name, social security number, Minority Group Designator (MGD), Code, employment status, sex, date of birth, payroll block and unit number, pay plan, grade and step, entrance-on-duty date, date of last promotion, date of last quality step increase, employment class and date of separation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the record or information.
 - a. In monitoring and evaluating the status and progress of minority/female employment.
 - b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the Agency's EEO Program (without personal identification of individuals).

c. In connection with the investigation, processing, adjudication and/or settlement of an EEO complaint or civil action.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the Office of Personnel Management, Equal Employment Opportunity Commission, or other Federal agencies responsible for oversight and/or enforcement of Federal EEO regulations.

4. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation, or potential violation of law, whether civil, criminal or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

6. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

7. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on computer disk file and magnetic tape backup.

Retrievability: By social security account number or alphabetically by name.

Safeguards: All doors to the computer room have combination locks and during duty hours the computer and magnetic tape backup are under surveillance of Agency personnel charged with custody of the records. After duty hours the computer disk file and magnetic tape backup are stored in a fireproof safe behind locked doors. Access is limited to authorized personnel only. All format programs are password protected and use of the machines for information printouts restricted to designated personnel.

Retention and disposal: The information in these records is updated as necessary as changes in the data elements occur. Information on former employees is retained for three years following their separation from the Agency.

System manager(s) and address:

Director, Equal Employment Opportunity
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

Record access procedures: An individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager specified above.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Information in this system is obtained from the individual to whom the record pertains. Agency officials and from personnel records.

APPENDIX

Names and Addresses of NLRB Offices referenced in Notice of Record Systems shown above:

NLRB HEADQUARTERS OFFICES

Offices of the Board
Members of the Board
Executive Secretary, Office of the Executive Secretary
Solicitor
Director, Division of Information
Offices of the General Counsel
General Counsel
Associate General Counsel, Division of Operations Management
Associate General Counsel, Division of Advice
Associate General Counsel, Division of Enforcement Litigation
Director, Office of Appeals

Director, Division of Administration
Director, Equal Employment Opportunity

Address: 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Chief Administrative Law Judge, Division of Administrative Law Judges

Address: Room 1121, Hamilton Building
1375 K Street, N.W.
Washington, D.C. 20005

West Coast Presiding Judge (San Francisco Office), Division of Administrative Law Judges

Address: Suite 12054, Federal Building
450 Golden Gate Avenue, Box 36006
San Francisco, CA 94102

NLRB FIELD OFFICES

Regional Director
National Labor Relations Board
Region 1

12th Floor, Keystone Building
99 High Street
Boston, Massachusetts 02110

Regional Director
National Labor Relations Board
Region 2
3614 Federal Building
26 Federal Plaza
New York, New York 10007

Regional Director
National Labor Relations Board Region 3
Federal Building, Room 901
111 West Huron Street
Buffalo, New York 14202

Regional Director
National Labor Relations Board Region 4
William J. Green Jr., Federal Building
600 Arch Street, Room 4400
Philadelphia, Pennsylvania 19106

Regional Director
National Labor Relations Board Region 5
Edward A. Garmatz Federal Building
101 West Lombard Street
Baltimore, Maryland 21201

Regional Director
National Labor Relations Board Region 6
Porter Building, 10th Floor
601 Grant Street
Pittsburgh, Pennsylvania 15219

Regional Director
National Labor Relations Board Region 7
Patrick V. McNamara Federal Building
Room 300
477 Michigan Avenue
Detroit, Michigan 48226

Regional Director
National Labor Relations Board
Region 8
Anthony J. Celebrezze Federal Building
1240 E. 9th Street, Room 1695
Cleveland, Ohio 44199

Regional Director
National Labor Relations Board
Region 9

3003 Federal Office Building
550 Main Street
Cincinnati, Ohio 45202

Regional Director
National Labor Relations Board
Region 10
101 Marietta Tower—Suite 2400
101 Marietta Street, N.W.
Atlanta, Georgia 30303

Regional Director
National Labor Relations Board
Region 11
US Courthouse, Federal Building
251 North Main Street, Room 447
Winston-Salem, North Carolina 27010

Regional Director
National Labor Relations Board
Region 12
Federal Office Building, Room 706
500 Zack Street
Tampa, Florida 33602

Regional Director
National Labor Relations Board
Region 13
Everett McKinley Dirksen Building
219 South Dearborn Street
Chicago, Illinois 60604

Regional Director
National Labor Relations Board
Region 14
Room 448
210 North 12th Boulevard
St. Louis, Missouri 63101

Regional Director
National Labor Relations Board
Region 15
2700 Plaza Tower
1001 Howard Avenue
New Orleans, Louisiana 70113

Regional Director
National Labor Relations Board
Region 16
8A24 Federal Office Building
819 Taylor Street
Fort Worth, Texas 76102

Regional Director
National Labor Relations Board
Region 17
616 Two Gateway Center
Fourth at State
Kansas City, Kansas 66101

Regional Director
National Labor Relations Board
Region 18
316 Federal Building
110 South Fourth Street
Minneapolis, Minnesota 55401

Regional Director
National Labor Relations Board
Region 19

Federal Building, Room 2948
915 Second Avenue
Seattle, Washington, 98174

Regional Director
National Labor Relations Board
Region 20
13018 Federal Building
450 Golden Gate Avenue
San Francisco, California 94102

Regional Director
National Labor Relations Board
Region 21
City National Bank Building—24th Floor
606 South Olive Street
Los Angeles, California 90014

Regional Director
National Labor Relations Board
Region 22
1600 Federal Building
970 Broad Street
Newark, New Jersey 07102

Regional Director
National Labor Relations Board
Region 23
One Allen Center, Room 920
500 Dallas Avenue
Houston, Texas 77002

Regional Director
National Labor Relations Board
Region 24
Federal Building
U.S. Courthouse, 5th Floor
Carlos E. Chardon Avenue
Hato Rey, Puerto Rico 00918

Regional Director
National Labor Relations Board
Region 25
232 Federal Office Building
575 North Pennsylvania Street
Indianapolis, Indiana 46204

Regional Director
National Labor Relations Board
Region 26
Mid-Memphis Tower—8th Floor
1407 Union Avenue
Memphis, Tennessee 38104

Regional Director
National Labor Relations Board
Region 27
U.S. Custom House, Room 260
721 19th Street
Denver, Colorado 80202

Regional Director
National Labor Relations Board
Region 28
3030 North Central Avenue, 2nd Floor
P.O. Box 33069
Phoenix, Arizona 85067

Regional Director
National Labor Relations Board
Region 29
Fourth Floor
16 Court Street
Brooklyn, New York 11241

Regional Director
National Labor Relations Board
Region 30
230 Commerce Building
744 North Fourth Street
Milwaukee, Wisconsin 53203

Regional Director
National Labor Relations Board
Region 31
12100 Federal Building
11000 Wilshire Boulevard
Los Angeles, California 90024

Regional Director
National Labor Relations Board
Region 32
P.O. Box 2410
7901 Oakport Street
Oakland, California 94621

Regional Director
National Labor Relations Board
Region 33
Savings Center Tower, 10th Floor
411 Hamilton Avenue
Peoria, Illinois 61602

Officer-in-Charge
National Labor Relations Board
Subregion 36
310 Six Ten Broadway Building
610 S.W. Broadway
Portland, Oregon 97205

Officer-in-Charge
National Labor Relations Board
Subregion 37
300 Ala Moana Boulevard, Room 7318
P.O. Box 50208
Honolulu, Hawaii 96850

Resident Officer
National Labor Relations Board
Resident Office—Region 3
New Federal Building
Clinton Avenue at North Pearl Street
Albany, New York 12207

Resident Officer
National Labor Relations Board
Resident Office—Region 5
Gelman Building, Suite 100
2120 L Street, N.W.
Washington, D.C. 20570

Resident Officer
National Labor Relations Board
Resident Office—Region 10
City Federal Building, Room 2102
2026 Second Avenue North
Birmingham, Alabama 35203

Resident Officer
National Labor Relations Board

Resident Office—Region 12
Suite 410, 1570 Madruga Avenue
Coral Gables, Florida 33146

Resident Officer
National Labor Relations Board
Resident Office—Region 12
278 Federal Building
400 West Bay Street, Box 35091
Jacksonville, Florida 32202

Resident Officer
National Labor Relations Board
Resident Office—Region 16
Skyline East Building, 1st Fl. So. Tower
6128 East 38th Street
Tulsa, Oklahoma 74135

Resident Officer
National Labor Relations Board
Resident Office—Region 19
Hill Building, Room 409
632 West Sixth Avenue
Anchorage, Alaska 99501

Resident Officer
National Labor Relations Board
Resident Office—Region 21
U.S. Courthouse, Room 2-N-20
940 Front Street
San Diego, California 92189

Resident Officer
National Labor Relations Board
Resident Office—Region 23
Federal Building, Room 509A
727 E. Durango Boulevard
San Antonio, Texas 78205

Resident Officer
National Labor Relations Board
Resident Office—Region 26
1 Union National Plaza, Suite 1120
Little Rock, Arizona 72201

Resident Officer
National Labor Relations Board
Resident Office—Region 26
Federal Building, Room A-702
U.S. Courthouse
Nashville, Tennessee 37203

Resident Officer
National Labor Relations Board
Resident Office—Region 28
307 Pershing Building
4100 Rio Bravo Street
El Paso, Texas 79902

Resident Officer
National Labor Relations Board
Resident Office—Region 28
Patio Plaza Building, Upper Level
5000 Marble Avenue, N.E.
Albuquerque, New Mexico 87110

Resident Officer
National Labor Relations Board
Resident Office—Region 31
Room 3402
300 Las Vegas Boulevard South
Las Vegas, Nevada 89101

Monday
October 1, 1979

Part VII

Department of Energy

Economic Regulatory Administration

Gas and Electric Utilities Covered in
1980

federal register

DEPARTMENT OF ENERGY

Economic Regulatory Administration

(Docket No. ERA-R-79-43)

Gas and Electric Utilities Covered in 1980 by Titles I and III of the Public Utility Regulatory Policies Act of 1978 and Title II of the National Energy Conservation Policy Act of 1978 and Requirement for State Regulatory Authorities to Notify the Department of Energy

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice.

SUMMARY: Sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA) and section 211(b) of the National Energy Conservation Policy Act (NECPA) require the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each gas utility and electric utility to which Titles I and III of PURPA and Part 1 of Title II of NECPA apply during such calendar year. This Notice contains the list for 1980. Each State regulatory authority is required, pursuant to sections 102(c) and 301(d) of PURPA and section 211(b) of NECPA, to notify the Secretary of Energy of each gas utility and electric utility on the list for which such State regulatory authority has ratemaking authority. Written comments are requested on the accuracy of the list of gas utilities and electric utilities.

DATES: Notifications by State regulatory authorities and written comments must be received by November 15, 1979.

ADDRESS: Notifications and written comments should be forwarded to: Department of Energy, Office of Public Hearings Management, 2000 M Street, NW. (Room 2313), Docket No. ERA-R-79-43, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Stephen S. Skjei, Office of utility Systems, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., (Room 4016), Washington, D.C. 20461, (202) 254-8209.

SUPPLEMENTARY INFORMATION:**I. Background**

Pursuant to sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*), and section 211(b) of the National Energy Conservation Policy Act (NECPA), Pub. L. 95-619, 92 Stat. 3206 *et seq.*, hereinafter referred to as the "Acts," the Department of Energy (DOE)

is required to publish a list of utilities to which Titles I and III of PURPA and Part 1 of title II of NECPA apply in 1980. State regulatory authorities are required by the above cited sections of the Acts to notify the Secretary of Energy as to their ratemaking authority over the listed utilities. The inclusion or exclusion of any utility on or from the list does not affect the legal obligations of such utility or the responsible State regulatory authority under the Acts.

The term "State regulatory authority" means any State, including the District of Columbia and Puerto Rico, political subdivision thereof, and any agency or instrumentality of either which has authority to fix, modify, approve, or disapprove rates with respect to the sale of electric energy or natural gas by any utility (other than such State agency), and in the case of a utility for which the Tennessee Valley Authority (TVA) has ratemaking authority, the term "State regulatory authority" means the TVA.

Title I of PURPA sets forth ratemaking and regulatory policy standards with respect to electric utilities. Section 102(c) requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each electric utility to which title I applies during such calendar year. An electric utility is defined as any person, State agency or Federal agency, which sells electric energy. An electric utility is covered by Title I for any calendar year if the electric utility had total sales of electric energy for purposes other than resale in excess of 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. An electric utility is covered in 1980 if it exceeded the threshold in 1976, 1977 or 1978.

Title III of PURPA addresses ratemaking and other regulatory policy standards with respect to natural gas utilities. Section 301(d) of Title III requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each gas utility to which Title III applies during such calendar year. A gas utility is defined as any person, State agency or Federal agency, engaged in the local distribution of natural gas, and the sale of natural gas to any ultimate consumer of natural gas. A gas utility is covered by Title III for any calendar year if the gas utility had total sales of natural gas for purposes other than resale in excess of 10 billion cubic feet during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. A gas utility is covered in

1980 if it exceeded the threshold in 1976, 1977 or 1978.

Title II, Part 1, of NECPA addresses residential conservation programs. Section 211(b) contains a requirement, similar to that of PURPA, that the Secretary of Energy publish a list of electric and gas utilities to which Part 1 applies. The NECPA requirements for coverage of gas utilities and electric utilities differ from the PURPA requirements in only three respects:

(1) The threshold for electric utilities is 750 million kilowatt-hours for purposes other than resale;

(2) A utility is covered for any calendar year if it exceeded the threshold during the second preceding calendar year. A utility is covered in 1980 if it exceeded the threshold in 1978; and

(3) Only utilities which have residential sales are covered.

II. Notification and Comment Procedures

No later than November 15, 1979, each State regulatory authority must notify the Department of Energy in writing of each utility on the list over which it has ratemaking authority. Fifteen copies of such notification should be submitted to the address indicated in the "ADDRESSES" section of this Notice and should be identified on the outside of the envelope and on the document with the designation "Docket No. ERA-R-43." Such notification should include (1) a complete list of electric utilities and gas utilities over which the State regulatory authority has ratemaking authority, (2) legal citations pertaining to the ratemaking authority of the State regulatory authority, and (3) for any listed utility known to be subject to other ratemaking authorities within the State for portions of its service area, a precise description of the portion to which such notification applies.

All interested persons including State regulatory authorities, are invited to comment in writing on any errors or omissions with respect to the list. Five copies of such comments should be sent to the address indicated in the "ADDRESSES" section of this Notice and should be identified on the outside of the envelope and on the document with the designation "Docket No. ERA-R-43." Written comments should include the commenter's name, address and telephone number.

All notifications and comments received by DOE will be available for public inspection in the DOE Reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, between

the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

III. List of Electric Utilities and Gas Utilities

The following list of utilities complies with both PURPA and NECPA coverage requirements, with exceptions noted for listed utilities not covered by NECPA. The utilities are listed alphabetically, subdivided into electric utilities and gas utilities, and further subdivided by type of ownership: privately-owned, publicly-owned, and rural cooperative.

All electric utilities, except those marked (*), are covered by both the regulatory policy provisions of PURPA Title I and the residential conservation provisions of NECPA. Those electric utilities marked (*) are *not* covered by NECPA.

Electric Utilities

All utilities listed below had electric energy sales, for purposes other than resale, in excess of 500 million kilowatt-hours in 1976, 1977 or 1978. All, except those marked (*), are covered by PURPA Title I and NECPA Title II. Utilities marked (*) either do not exceed the NECPA threshold of 750 million kilowatt-hours in 1978 or do not have residential sales and, therefore, are not covered by NECPA Title II. The utilities listed more than once have sales in more than one State and those States are indicated by abbreviations in parentheses.

Investor-Owned

Alabama Power Company
Appalachian Power Company (VA)
Appalachian Power Company (WV)
Arizona Public Service Company
Arkansas-Missouri Power Company (AR)
Arkansas-Missouri Power Company (MO)
Arkansas Power & Light Company (AR)
Arkansas Power & Light Company (TN)
Atlantic City Electric Company
Baltimore Gas & Electric Company
Bangor Hydro-Electric Company
Black Hills Power & Light Company (MT)
Black Hills Power & Light Company (SD)
Black Hills Power & Light Company (WY)
Blackstone Valley Electric Company
Boston Edison Company
Brockton Edison Company
Cambridge Electric Light Company
Carolina Power & Light Company (NC)
Carolina Power & Light Company (SC)
Central Hudson Gas & Electric Corporation
Central Illinois Light Company
Central Illinois Public Service Company
Central Louisiana Electric Company
Central Maine Power Company
Central Power & Light Company
Central Telephone & Utilities Corporation (CO)
Central Telephone & Utilities Corporation (KS)
Central Vermont Public Service Corporation
Cincinnati Gas & Electric Company
Cleveland Electric Illuminating Company
Columbus and Southern Ohio Electric Company
Commonwealth Edison Company

Community Public Service Company (NM)
Community Public Service Company (TX)
Connecticut Light & Power Company
Consolidated Edison Company of New York
Consumers Power Company
CP National Corporation (AZ)
CP National Corporation (CA)
CP National Corporation (NV)
CP National Corporation (OR)
CP National Corporation (UT)
Dallas Power & Light Company
Dayton Power & Light Company
Delmarva Power & Light Company (DE)
Delmarva Power & Light Company of Maryland
Delmarva Power & Light Company of Virginia
Detroit Edison Company
Duke Power Company (NC)
Duke Power Company (SC)
Duquesne Light Company
El Paso Electric Company (NM)
El Paso Electric Company (TX)
Empire District Electric Company (AK)
Empire District Electric Company (KS)
Empire District Electric Company (MO)
Empire District Electric Company (OK)
Fall River Electric Light Company
Florida Power Corporation
Florida Power & Light Company
Georgia Power Company
Green Mountain Power Corporation
Gulf Power Company
Gulf States Utilities Company (LA)
Gulf States Utilities Company (TX)
Hartford Electric Light Company
Hawaiian Electric Company, Inc.
Houston Lighting & Power Company
Idaho Power Company (ID)
Idaho Power Company (NV)
Idaho Power Company (OR)
Illinois Power Company
Indiana & Michigan Electric Company (IN)
Indiana & Michigan Electric Company (MI)
Indianapolis Power & Light Company
Interstate Power Company (IA)
Interstate Power Company (IL)
Interstate Power Company (MN)
Iowa Electric Light & Power Company
Iowa-Illinois Gas & Electric Company (IA)
Iowa-Illinois Gas & Electric Company (IL)
Iowa Power & Light Company
Iowa Public Service Company (IA)
Iowa Public Service Company (SD)
Iowa Southern Utilities Company
Jersey Central Power & Light Company
Kansas City Power & Light Company (KS)
Kansas City Power & Light Company (MO)
Kansas Gas & Electric Company
Kansas Power & Light Company
Kentucky Power Company
Kentucky Utilities Company (KY)
Kentucky Utilities Company (TN)
Kingsport Power Company
Lake Superior District Power Company (MI)
Lake Superior District Power Company (WI)
Long Island Lighting Company
Louisiana Power & Light Company
Louisville Gas & Electric Company
Madison Gas & Electric Company
Massachusetts Electric Company
Metropolitan Edison Company
Minnesota Power & Light Company
Mississippi Power Company
Mississippi Power & Light Company
Missouri Edison Company
Missouri

Missouri Public Service Company
Missouri Utilities Company
Monongahela Power Company (OH)
Monongahela Power Company (WV)
Montana-Dakota Utilities Company (MT)
Montana-Dakota Utilities Company (ND)
Montana-Dakota Utilities Company (SD)
Montana-Dakota Utilities Company (WY)
Montana Power Company
Narragansett Electric Company
Nevada Power Company
New Bedford Gas & Edison Light Company
New Mexico Electric Service Company
New Orleans Public Service, Inc.
New York State Electric & Gas Corporation
Niagara Mohawk Power Corporation
Northern Indiana Public Service Company
Northern States Power Company (MN)
Northern States Power Company (ND)
Northern States Power Company (SD)
Northern States Power Company (WI)
Northwestern Public Service Company
Ohio Edison Company
Ohio Power Company
Oklahoma Gas & Electric Company (AR)
Oklahoma Gas & Electric Company (OK)
Old Dominion Power Company
Orange & Rockland Utilities
Otter Tail Power Company (MN)
Otter Tail Power Company (ND)
Otter Tail Power Company (SD)
Pacific Gas & Electric Company
Pacific Power & Light Company (CA)
Pacific Power & Light Company (ID)
Pacific Power & Light Company (MT)
Pacific Power & Light Company (OR)
Pacific Power & Light Company (WA)
Pacific Power & Light Company (WY)
Pennsylvania Electric Company (NY)
Pennsylvania Electric Company (PA)
Pennsylvania Power & Light Company
Philadelphia Electric Company
Portland General Electric Company
Potomac Edison Company (MD)
Potomac Edison Company (VA)
Potomac Edison Company (WV)
Potomac Electric Power Company (DC)
Potomac Electric Power Company (MD)
Potomac Electric Power Company (VA)
Public Service Company of Colorado
Public Service Company of Indiana
Public Service Company of New Hampshire (NH)
Public Service Company of New Hampshire (VT)
Public Service Company of New Mexico
Public Service Company of Oklahoma
Public Service Electric and Gas Company
Puget Sound Power & Light Company
Rochester Gas & Electric Corporation
Rockland Electric Company
St. Joseph Light & Power Company
San Diego Gas & Electric Power Company
Savannah Electric & Power Company
Sierra Pacific Power Company (CA)
Sierra Pacific Power Company (NV)
South Carolina Electric & Gas Company
Southern California Edison Company
Southern Indiana Gas & Electric Company
Southwestern Electric Power Company (AR)
Southwestern Electric Power Company (LA)
Southwestern Electric Power Company (TX)
Southwestern Electric Service Company
Southwestern Public Service Company (KS)
Southwestern Public Service Company (NM)
Southwestern Public Service Company (OK)

Southwestern Public Service Company (TX)
Tampa Electric Company
Texas Electric Service Company
Texas Power & Light Company
Toledo Edison Company
Tucson Gas & Electric Company
*UGI Corporation
Union Electric Company (IA)
Union Electric Company (IL)
Union Electric Company (MO)
Union Light, Heat & Power Company
United Illuminating Company
*Upper Peninsula Power Company
Utah Power & Light Company (ID)
Utah Power & Light Company (UT)
Utah Power & Light Company (WY)
Virginia Electric & Power Company (NC)
Virginia Electric & Power Company (VA)
Virginia Electric & Power Company (WV)
Washington Water Power Company (ID)
Washington Water Power Company (WA)
West Penn Power Company
West Texas Utilities Company
Western Massachusetts Electric Company
Wheeling Electric Company
Wisconsin Electric Power Company (MI)
Wisconsin Electric Power Company (WI)
Wisconsin Power & Light Company
Wisconsin Public Service Corporation (MI)
Wisconsin Public Service Corporation (WI)

Publicly-Owned

*Albany Water, Gas & Light Commission (GA)
Anaheim—Electrical Division (CA)
Austin Electric Department (TX)
*Bristol Electric System (TN)
*Burbank Public Service Department (CA)
Central Lincoln People's Utility District (OR)
Chattanooga Electric Power Board (TN)
*Clarksville Department of Electricity (TN)
*Clatskanie People's Utility District (OR)
*Cleveland Division of Light & Power (OH)
*Cleveland Utilities (TN)
Colorado Springs Department of Public Utilities (CO)
Decatur Electric Department (AL)
Eugene Water & Electric Board (OR)
Fayetteville Public Works Commission (NC)
*Florence Electricity Department (AL)
*Gainesville-Alachua County Regional Electric, Water, and Sewer Utilities Board (FL)
Garland Electric Department (TX)
*Glendale Public Service Department (CA)
*Greenville Light & Power System (TN)
Greenville Utilities Commission (NC)
Huntsville Utilities (AL)
Imperial Irrigation District (CA)
*Independence Power & Light Department (MO)
Jackson Utility Division—Electric Department (TN)
Jacksonville Electric Authority (FL)
Johnson City Power Board (TN)
Kansas City Board of Public Utilities (KS)
Knoxville Utility Board (TN)
*Lafayette Utility System (LA)
Lakeland Department of Electricity and Water (FL)
Lansing Board of Water & Light (MI)
Lincoln Electric System (NE)
Los Angeles Department of Water and Power
Lower Colorado River Authority
*Lubbock Power & Light (TX)
Memphis Light, Gas & Water Division (TN)

Modesto Irrigation District (CA)
*Muscatine Power & Water (IA)
Nashville Electric Service (TN)
Nebraska Public Power District (NE)
Nebraska Public Power District (SD)
Omaha Public Power District (IA)
Omaha Public Power District (NE)
Orlando Utilities Commission (FL)
*Palo Alto Electric Utility (CA)
*Pasadena Water & Power Department (CA)
*Power Authority of New York (NY)
Port Angeles Light & Water Department (WA)
Public Utility District No. 1 of Benton County (WA)
Public Utility District No. 1 of Chelan County (WA)
Public Utility District No. 1 of Clark County (WA)
Public Utility District No. 1 of Cowlitz County (WA)
Public Utility District of Franklin County (WA)
Public Utility District of Grant County (WA)
Public Utility District No. 1 of Grays Harbor County (WA)
Public Utility District No. 1 of Lewis County (WA)
Public Utility District No. 1 of Snohomish County (WA)
Puerto Rico Water Resources Authority (PR)
*Richmond Power & Light (IN)
Riverside Public Utilities (CA)
*Rocky Mount Public Utilities (NC)
Sacramento Municipal Utility District (CA)
Salt River Project Agricultural Improvement and Power District (AZ)
San Antonio Public Service Board (TX)
Santa Clara Electric Department (CA)
Seattle City Light Department (WA)
South Carolina Public Service Authority
Springfield City Utilities (MO)
*Springfield Utilities Board (OR)
Springfield Water, Light & Power Department (IL)
Tacoma Public Utilities—Light Division (WA)
Tallahassee, City of (FL)
*Turlock Irrigation District (CA)
Vernon Municipal Light Department (CA)
*Wilson Utilities Department (NC)

Rural Electric Cooperatives
*Anoka Electric Cooperative (MI)
*Appalachian Electric Cooperative (TN)
Chugach Electric Association (AK)
*Clay Electric Cooperative (FL)
Cumberland Electric Membership Corporation (TN)
*Duck River Electric Membership Corporation (TN)
*First Electric Cooperative Corporation (AR)
*Flint Electrical Membership Corporation (GA)
*Four County Electric Power Association (NC)
*Gibson County Electric Membership Corporation (TN)
Green River Electric Corporation (KY)
Henderson-Union Rural Electric Cooperative Corporation (KY)
*Jackson Electric Membership Corporation (GA)
*Lee County Electric Cooperative (FL)
*Meriwether Lewis Electric Cooperative (TN)
Middle Tennessee Electric Membership Corporation (TN)
*Moon Lake Electric Association (UT)

North Georgia Electric Membership Corporation (GA)
*Pedernales Electric Cooperative (TX)
*Pennyriale Rural Electric Cooperative Corporation (KY)
*Prince William Electric Cooperative (VA)
*Singing River Electric Power Association (MS)
*South Central Power Company (NE)
Southern Maryland Electric Cooperative, Inc. (MD)
*Southern Pine Electric Power Association (MS)
Southwest Louisiana Electric Membership Corporation (LA)
*Southwest Tennessee Electric Membership Corporation (TN)
*Tri-County Electric Membership Corporation (TN)
*Umatilla Electric Cooperative Association (OR)
*Upper Cumberland Electric Membership Corporation (TN)
Volunteer Electric Cooperative (TN)
*Warren Rural Electric Cooperative (KY)
*West Kentucky Rural Electric Cooperative Corporation (KY)
*Withlacoochee River Electric Cooperative, Inc. (FL)

Federal Agencies

*Bonneville Power Administration (OR)
*Tennessee Valley Authority (TN)
*Western Area Power Administration (CO)

GAS UTILITIES

All utilities listed below had natural gas sales, for purposes other than resale, in excess of 10 billion cubic feet in 1976, 1977 or 1978 and are covered by PURPA Title III and NECPA Title II. The utilities listed more than once have sales in more than one State and those States are indicated by abbreviations in parentheses.

Investor-Owned

Alabama Gas Corporation
Alaska Gas & Service Company
Anadarko Production Company
Arizona Public Service Company
Arkansas-Louisiana Gas Company (AR)
Arkansas-Louisiana Gas Company (KS)
Arkansas-Louisiana Gas Company (LA)
Arkansas-Louisiana Gas Company (OK)
Arkansas-Louisiana Gas Company (TX)
Arkansas-Oklahoma Gas Corporation (AR)
Arkansas-Oklahoma Gas Corporation (OK)
Arkansas Western Gas Company
Atlanta Gas Light Company
Baltimore Gas & Electric Company
Bay State Gas Company
Boston Gas Company
Brooklyn Union Gas Company
Cabot Corporation Utility Division
Carnegie Natural Gas Company
Carolina Pipeline Company
Cascade Natural Gas Corporation (OR)
Cascade Natural Gas Corporation (WA)
Central Illinois Light Company
Central Illinois Public Service Company
Chattanooga Gas Company (CA)
Chattanooga Gas Company (TN)
Cheyenne Light, Fuel and Power Company
Cincinnati Gas and Electric Company
Cities Service Gas Company (covered by NECPA only)
City Gas Company of Florida
Columbia Gas of Kentucky, Inc.
Columbia Gas of New York, Inc.
Columbia Gas of Ohio, Inc.
Columbia Gas of Pennsylvania, Inc.
Columbia Gas of Virginia, Inc.
Columbia Gas of West Virginia, Inc.
Connecticut Light & Power Company
Connecticut Natural Gas Corporation
Consolidated Edison Company of New York, Inc.
Consolidated Gas Supply Corporation
Consumers Power Company
CP National Corporation (CA)
CP National Corporation (NV)
CP National Corporation (OR)
Dayton Power & Light Company
DeMarva Power & Light Company (DE)
East Ohio Gas Company
Elizabethtown Gas Company
Enlex Inc. (LA)
Enlex Inc. (MS)
Enlex Inc. (TX)
Equitable Gas Company (KY)
Equitable Gas Company (PA)
Equitable Gas Company (WV)
Florida Gas Company
Gas Company of New Mexico
Gas Light Company of Columbus
Gas Service Company (KS)
Gas Service Company (MO)
Gas Service Company (NE)
Gas Service Company (OK)
Greeley Gas Company (KS)
Greeley Gas Company (MN)
Illinois Power Company
Indiana Gas Company
Inland Gas Company
Inter City Gas Limited
Intermountain Gas Company
Interstate Power Company (IA)
Interstate Power Company (IL)
Interstate Power Company (MN)
Iowa Electric Light & Power Company (CO)
Iowa Electric Light & Power Company (IA)
Iowa Electric Light & Power Company (MN)
Iowa Electric Light & Power Company (NE)
Iowa-Illinois Gas & Electric Company (IA)
Iowa-Illinois Gas & Electric Company (IL)
Iowa Power & Light Company
Iowa Public Service Company (IA)
Iowa Public Service Company (NE)
Iowa Public Service Company (SD)
Iowa Southern Utilities Company
Kansas-Nebraska Natural Gas Company (CO)
Kansas-Nebraska Natural Gas Company (KS)
Kansas-Nebraska Natural Gas Company (NE)
Kansas-Nebraska Natural Gas Company (WY)
Kansas Power & Light Company
Kokomo Gas & Fuel Company
Laclede Gas Company Consolidated
Lone Star Gas Company
Long Island Lighting Company
Louisiana Gas Service Company
Louisville Gas & Electric Company
Lowell Gas Company
Madison Gas & Electric Company
Michigan Consolidated Gas Company
Michigan Gas Utilities Company
Michigan Power Company
Minnesota Gas Company (IA)
Minnesota Gas Company (MN)
Minnesota Gas Company (NE)
Minnesota Gas Company (SD)
Mississippi Valley Gas Company

Missouri Public Service Company
Mobile Gas Service Corporation
Montana-Dakota Utilities Company (MN)
Montana-Dakota Utilities Company (MT)
Montana-Dakota Utilities Company (ND)
Montana-Dakota Utilities Company (SD)
Montana-Dakota Utilities Company (WY)
Montana Power Company
Mountain Fuel Supply Company (UT)
Mountain Fuel Supply Company (WY)
Nashville Gas Company
National Fuel Gas Distribution Corporation (NY)
National Fuel Gas Distribution Corporation (PA)
National Gas and Oil Corporation
New Jersey Natural Gas Company
New Orleans Public Service, Inc.
New York State Electric & Gas Corporation
Niagara Mohawk Power Corporation
North Carolina Natural Gas Corporation
North Central Public Service Company (IA)
North Central Public Service Company (MN)
North Shore Gas Company
Northern Illinois Gas Company
Northern Indiana Public Service Company
Northern Natural Gas Company
Northern States Power Company (MN)
Northern States Power Company (ND)
Northern States Power Company (WI)
North Penn Gas Company
Northwest Natural Gas Company (OR)
Northwest Natural Gas Company (WA)
Northwestern Public Service Company (NE)
Northwestern Public Service Company (SD)
Oklahoma Natural Gas Company
Orange & Rockland Utilities
Pacific Gas & Electric Company
Panhandle Eastern Pipeline Company (IL)
Panhandle Eastern Pipeline Company (IN)
Panhandle Eastern Pipeline Company (KY)
Panhandle Eastern Pipeline Company (KS)
Panhandle Eastern Pipeline Company (LA)
Panhandle Eastern Pipeline Company (MI)
Panhandle Eastern Pipeline Company (MO)
Panhandle Eastern Pipeline Company (OH)
Panhandle Eastern Pipeline Company (OK)
Panhandle Eastern Pipeline Company (TN)
Pennsylvania Gas & Water Company
Peoples Gas, Light and Coke Company
Peoples Gas System
Peoples Natural Gas Company
Peoples Natural Gas Division of Northern Natural Gas Company (CO)
Peoples Natural Gas Division of Northern Natural Gas Company (IA)
Peoples Natural Gas Division of Northern Natural Gas Company (KS)
Peoples Natural Gas Division of Northern Natural Gas Company (MI)
Peoples Natural Gas Division of Northern Natural Gas Company (MN)
Peoples Natural Gas Division of Northern Natural Gas Company (MO)
Peoples Natural Gas Division of Northern Natural Gas Company (NE)
Peoples Natural Gas Division of Northern Natural Gas Company (TX)
Penn Fuel Gas, Inc.
Philadelphia Electric Company
Piedmont Natural Gas Company (NC)
Piedmont Natural Gas Company (SC)
Pioneer Natural Gas Company
Providence Gas Company
Public Service Company of Colorado
Public Service Company, Inc. of North Carolina

Public Service Electric and Gas Company
Rochester Gas & Electric Corporation
San Diego Gas & Electric Company
South Carolina Electric & Gas Company
South Jersey Gas Company
Southeastern Michigan Gas Company
Southern California Gas Company
Southern Connecticut Gas Company
Southern Indiana Gas & Electric Company
Southern Union Gas Company (AR)
Southern Union Gas Company (OK)
Southern Union Gas Company (TX)
Southwest Gas Corporation (AZ)
Southwest Gas Corporation (CA)
Southwest Gas Corporation (NV)
Terre Haute Gas Corporation
Tucson Gas & Electric Company
T. W. Phillips Gas and Oil Company
UGI Corporation
Union Gas System, Inc.
Union Light, Heat & Power Company (KY)
Union Light, Heat & Power Company (OH)
United Cities Gas Company (GA)
United Cities Gas Company (IL)
United Cities Gas Company (NC)
United Cities Gas Company (SC)
United Cities Gas Company (TN)
Virginia Electric & Power Company
Washington Gas Light Company (DC)
Washington Gas Light Company (MD)
Washington Gas Light Company (VA)
Washington Natural Gas Company
Washington Water Power Company (ID)
Washington Power Company (WA)
West Ohio Gas Company
Western Kentucky Gas Company
Wisconsin Fuel & Light Company
Wisconsin Gas Company
Wisconsin Natural Gas Company
Wisconsin Power & Light Company
Wisconsin Public Service Corporation (MI)
Wisconsin Public Service Corporation (WI)

Publicly-Owned

Citizens Gas & Coke Utility (IN)
City of Richmond, Virginia, Department of Public Utilities (VA)
City Public Service Board (San Antonio) (TX)
Colorado Springs Department of Public Utilities (CO)
Long Beach Gas Department (CA)
Memphis Light, Gas & Water Division (TN)
Metropolitan Utilities District of Omaha (NE)
Philadelphia Gas Works (PA)
Springfield City Utilities (MO)
(Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617, 92 Stat. 3117 et seq.; 16 U.S.C. 2601 et seq.; National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3206 et seq.)
Issued in Washington, D.C. on September 24, 1979.

Jerry L. Pfeffer,

Assistant Administrator for Utility Systems,
Economic Regulatory Administration.

[FR Doc. 79-30272 Filed 9-28-79; 8:45 am]

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Monday
October 1, 1979

Part VIII

**Department of
Housing and Urban
Development**

Office of Assistant Secretary for
Housing—Federal Housing Commissioner

Management and Disposition of HUD-
Owned Multifamily Housing Projects

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 290

[Docket No. R-79-707]

Management and Disposition of HUD-Owned Multifamily Housing Projects

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Amendment to interim rule.

SUMMARY: This rule amends the present interim rule on the disposition program published January 27, 1977. The new interim rule represents significant changes in policy and procedure in the management and disposition of HUD-owned multifamily housing projects. The rule reflects HUD's commitment to maintain the stock of decent, safe and sanitary housing affordable by lower income tenants. The rule also reflects HUD's desire to administer the disposition program efficiently and to protect the financial integrity of the insurance funds.

EFFECTIVE DATE: October 30, 1979.

COMMENTS DUE: November 30, 1979.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. Marvin Hilman, Office of Financing and Preservation, Room 6155, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-7220. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 27, 1977, the Department of Housing and Urban Development published an interim rule governing disposition of HUD-owned multifamily housing projects. Interested persons were given until February 28, 1977, to comment on the interim rule. A technical amendment to the interim rule concerning waivers, Section 290.11, was published October 28, 1977. No final rule has been published.

The Department received extensive comments on the interim rule. Those comments have helped shape changes in the administration of the property disposition program and have been considered in the drafting of the new interim rule. In addition, the Housing and Community Development

Amendments of 1978, in Section 203, added statutory requirements governing the management and disposition of HUD-owned multifamily projects. Based on the above, significant changes have been made in the interim rule on which comments were solicited previously and further public comment is desired. Therefore, Part 290 is not being published as a final rule. However, it is effective November 8, 1979 as an amended interim rule because its timely implementation will be beneficial to tenants of multifamily housing projects and to program administration. A final rule will be published after the comments on this interim rule have been received. A summary of comments received on the existing interim rule and responses to them is not included here because the rule is not a final rule and new comments are being solicited.

Three categories of projects are established for the disposition program. Formerly subsidized projects are all those acquired projects built or operated under subsidy programs designed to provide housing affordable by lower income tenants. Formerly unsubsidized projects presently serving as lower income housing resources are all those acquired projects not built or operated with a subsidy but which, by virtue of their tenancy or potential tenancy, are serving as housing for low and moderate income persons. These projects will be disposed of with a sufficient subsidy to prevent displacement of their lower income tenants and to assure the financial feasibility of such projects after sale. The third category is all other unsubsidized acquired projects and these projects will be sold with eligible tenants receiving a subsidy in the form of a Section 8 Certificate of Family Participation to avoid displacement.

Disposition processing will involve an initial notice of acquisition to tenants and government agencies, solicitation of comments, preparation of a disposition analysis and a disposition recommendation by the local Field Office Director.

General Provisions

This rule is intended to apply to all multifamily housing projects in the Department's Inventory as soon as it becomes effective. While this should not prove burdensome, because the rule reflects current administrative policy, § 290.3 specifically provides that no existing management contracts are required to be re-let or pending solicitations required to be readvertised to conform to the rule. Property disposition recommendations already submitted to the Property Disposition Committee will be processed under

previous instructions. Eligible tenants, those who will receive the benefit of subsidized disposition, are defined as those who qualify for Section 8 assistance because that is the subsidy which is intended to be used in the disposition of the Department's inventory. Other tenants will not receive the same benefits and protections as eligible tenants.

Management Provisions

The new management section addresses overall objectives, project management, occupancy issues, and rents. The management objectives support the Department's policies of serving lower income tenants, maintaining the housing stock, avoiding unnecessary displacement and encouraging tenant involvement in disposition decisions. To assure project management capable of meeting the Department's concerns, detailed standards for selecting competent qualified management are mandated. Only those management entities fully capable of providing successful project operation whose bids reflect services required for successful operation can be awarded management contracts.

Rents are set so that eligible tenants in formerly subsidized projects will pay only what they would be paying under the Section 8 program. All other rents are tied to the lower of the standard FHA determination of gross potential rent or market rates but flexibility in adjusting rents is provided so that financial hardship and undesirable turnover can be avoided.

Disposition Provisions

The disposition sections address the policies and procedures for determining when projects will be sold with a subsidy and how projects are to be processed for disposition. The criteria for demolishing projects reflects the Department's view that demolition should be a last resort in disposition but may still be proper. A detailed analysis of the consequences of demolition is required whenever such a recommendation is made.

Every disposition will require approval of a Final Disposition Program by the appropriate Property Disposition Committee based on the Field Office Director's recommendation and a supporting disposition analysis. A method of disposition will also be approved which will either be by traditional competitive bid, solicitation of purchase proposals followed by bids, or, in certain cases involving formerly subsidized projects, by negotiation. (A purchase proposal is a plan to purchase and operate a project presented without

regard to price or where the price is fixed in advance by the Department.) Every purchaser must meet basic requirements set by the Department for each particular sale and only bidders who meet these requirements will be selected. In addition, in selecting purchasers of formerly subsidized projects, the Department must consider criteria related to the owner's capacity to operate the project successfully for lower income tenants.

In any sale, the Department may require that repairs be made to the project as a condition of sale and that the repairs be completed in a timely manner. The Department will enforce this condition by retaining the right to rescind the sale for noncompliance.

In cases where eligible tenants are displaced by disposition of a project, they will be eligible for displacement benefits including assistance in locating replacement housing, priority for other Federal housing assistance and payment of reasonable moving costs. Eligible tenants displaced by repairs undertaken by the Department will also receive assistance, including the right to return to a unit in the same project and payment of moving costs out of and back into a unit. Tenants who are not eligible for Section 8 assistance will not be eligible to receive displacement benefits.

Interested persons are invited to submit written comments, suggestions and data regarding the amendment to the interim rule to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. All communications should make reference to the above docket number and title. Submissions received on or before 30 days after publication will be considered before adoption of a final rule. A copy of each submission will be available for public inspection during business hours at the above address.

A finding of inapplicability with respect to environmental impact has been prepared in accordance with Procedures for Protection and Enhancement of Environmental Quality. Copies of the findings are available for inspection and copying in the Office of the Rules Docket Clerk.

Accordingly, the Department amends Chapter II, 24 CFR 290, to read as follows:

PART 290—MANAGEMENT AND DISPOSITION OF HUD-OWNED MULTIFAMILY HOUSING PROJECTS

Sec.

Subpart A—General Provisions

- 290.1 Purpose and scope
- 290.3 Applicability
- 290.5 Definitions
- 290.7 Waivers

Subpart B—Management Provisions

- 290.10 Management objectives
- 290.13 Project management
- 290.15 Occupancy
- 290.17 Rental rates

Subpart C—Disposition Provisions

- 290.20 Disposition objectives
- 290.23 Initial determination
- 290.25 Determination of need for low and moderate income housing
- 290.27 General determination of subsidy to be provided
- 290.30 Disposition of vacant land
- 290.33 Initial notice
- 290.35 Disposition analysis
- 290.37 Director's disposition recommendation
- 290.40 Notice of disposition recommendation
- 290.41 Forwarding of disposition recommendation
- 290.43 Demolition
- 290.45 Notice of displacement
- 290.47 Displacement benefits
- 290.50 Disposition program
- 290.53 Methods of disposition
- 290.55 Property disposition committee

Authority: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart A—General Provisions

§ 290.1 Purpose and scope.

The purpose of this Part is to prescribe the basic policies which govern the management and disposition of HUD-owned multifamily housing projects by the Department of Housing and Urban Development. The intent of these regulations is to provide a disposition program which involves all interested parties and properly balances the interests of the tenants, the neighborhood, the local government, the FHA insurance funds, and furthers the policies of the National Housing Act.

§ 290.3 Applicability.

These regulations shall apply to the disposition and management of all HUD-owned multifamily housing projects, both those presently owned and those acquired in the future, except that (a) no existing management contracts or solicitations for management contracts past the point of advertisement shall be required to be reopened in order to bring them into compliance with these regulations; (b) property disposition

recommendations already submitted to the Property Disposition Committee shall be processed under applicable instructions in effect at the time of submission; and (c) the time period for sending initial notices pursuant to § 290.33 for projects which are owned by HUD as of the effective date of these regulations shall commence 30 days after that effective date.

§ 290.5 Definitions.

(a) *Director*—The HUD field office Director, who is either an Area Office Manager in a HUD Area Office, or a Supervisor in a HUD Service Office who is delegated authority to process the disposition of multifamily projects.

(b) *Disposition*—The sale or conveyance by HUD of a HUD-owned multifamily housing project, or any part of a project, including the demolition of structures.

(c) *Disposition analysis*—The data and analysis prepared by the Director or his or her staff as a basis for making a disposition recommendation.

(d) *Disposition recommendation*—The Director's recommended disposition program for a project, including supporting information and the disposition analysis.

(e) *Eligible tenant*—A person or family legally occupying a rental unit in a HUD-owned multifamily housing project who qualifies for housing assistance payments pursuant to section 8 of the U.S. Housing Act of 1937, as amended.

(f) *Final disposition program*—The disposition program authorized by the appropriate Property Disposition Committee.

(g) *Formerly subsidized project*—A multifamily housing project in which the tenants received the benefits of any of the following subsidy programs immediately prior to HUD's acquisition of title to the project:

(1) Below market interest rate mortgages insured under section 221(d)(3) of the National Housing Act; or

(2) Interest reduction payments made in connection with mortgages insured under section 236 of the National Housing Act; or

(3) Rent supplement payments under section 101 of the Housing and Urban Development Act of 1965; or

(4) Direct loans at below market interest rates, pursuant to section 202 of the Housing Act of 1959, sections 401 and 404(b)(3) of the Housing Act of 1950, or section 312 of the Housing Act of 1964; or

(5) Housing assistance payments pursuant to section 23 of the United States Housing Act of 1937 in effect prior to January 1, 1975, or section 8 of

the United States Housing act of 1937, except section 8 existing housing payments.

(h) *Formerly unsubsidized project*—A multifamily housing project which was not subsidized prior to HUD's acquisition under any of the programs listed in the definition of formerly subsidized project in paragraph (g) above.

(i) *HUD*—The Department of Housing and Urban Development.

(j) *Multifamily housing project(s) or Project(s)*—Any property, or combination of properties, consisting of 5 or more living units, acquired by the Secretary as the result of a default under a regulatory agreement or under a mortgage insured or held by the Secretary pursuant to the National Housing Act or under a program involving a loan guarantee or a direct loan by the Secretary.

(k) *Nonprofit consumer cooperative corporation*—A legally chartered organization entirely owned by its voting membership which exists primarily to furnish goods and services to benefit its membership and which is not organized for the purposes of making profit or gain as determined by HUD.

(l) *Property Disposition Committee*—The designated group of HUD officials to whom is delegated the authority to approve final disposition programs for multifamily housing projects.

(m) *Secretary*—The Secretary of HUD or his or her designee.

(n) *Section 8*—An assistance program which provides housing assistance payments pursuant to section 8 of the U.S. Housing Act of 1937, as amended.

(o) *Subsidy*—An assistance program which provides housing assistance payments pursuant to section 8 or any other housing assistance program of the U.S. Housing Act of 1937, as amended, or any successor program.

(p) *Tenant*—A lawful occupant of a multifamily housing project.

(q) *Vacant land*—Property on which there are no structural improvements present.

§ 290.7 Waivers.

Upon completion of a determination and finding of good cause by the Assistant Secretary for Housing—Federal Housing Commissioner or his or her designee, HUD may waive any provision of this Part in any particular case subject only to statutory limitations. Each waiver shall be in writing supported by documentation of the facts and reasons which formed the basis for the waiver.

Subpart B—Management Provisions

§ 290.10 Management objectives.

The management of HUD-owned multifamily housing projects shall be carried out in accordance with the objectives listed below:

(a) To provide a level of services necessary to maintain occupied housing in decent, safe and sanitary condition in the most cost efficient manner;

(b) To keep the present tenants in place to the greatest extent possible consistent with sound management practices;

(c) To maintain all vacant buildings and land in a way that eliminates health and safety hazards to the public and assures the proper security of the project;

(d) To provide and to occupy fully as many decent, safe, and sanitary dwelling units as possible, consistent with the need for the type and size of the units;

(e) To facilitate tenant involvement in decisions about the future disposition of the project.

§ 290.13 Project management.

Good management of HUD-owned projects is essential to the success of the multifamily housing preservation effort. Therefore, stringent qualification standards must be used in procuring management services for all projects.

(a) In contracting for services to manage its multifamily housing projects, HUD shall find a management proposal to be acceptable only if it meets the level and quality of services required under the qualification standards stated below.

(1) Satisfactory performance with respect to: (i) managing properties similar in type and complexity; (ii) handling tenant and tenant group concerns; (iii) property upgrading, maintenance and preservation; (iv) maintaining expected levels of occupancy and rental collections; (v) tenant selection; (vi) effectiveness in developing and enforcing project policies; (vii) exercising sound business and administrative judgment; (viii) financial stability and responsibility; (ix) compliance with State and local property management licensing requirements; and (x) any other management qualification specified by HUD which may be important to successful management of a specific project.

(2) Efficiency in providing management and services which adequately meet all project operating needs.

(3) The proposed management plan must meet HUD's prescribed

requirements and address fully the needs of the residents and of the project and shall include a proposed management budget which addresses the quality and quantity of services required by the residents and the project:

(4) Any other criteria HUD determines are relevant to a specific project:

(b) Where it is infeasible or impracticable to secure adequate management for formerly subsidized projects through conventional bidding procedures, HUD may negotiate with qualified management where (1) such management meets all the criteria necessary for successful operation of the project, and (2) satisfactory terms, including reasonable cost of services, can be achieved through such negotiation.

(c) Project managers shall be required to manage projects in accordance with HUD's management objectives contained in § 290.10 and any other directives HUD may issue.

§ 290.15 Occupancy.

(a) Priorities. Occupancy in HUD-owned projects shall be available to persons or families who meet HUD's written tenancy standards made pursuant to paragraph (b) of this Section, on a first-come, first-served basis, except that a priority will be given to eligible tenants displaced from other HUD/owned projects after receiving a Notice of Displacement. (See § 290.45)

(b) Standards. HUD shall establish written standards for selecting qualified tenants based on the management objectives in § 290.10 and prudent management policies. The standards for formerly subsidized projects shall include an income eligibility criteria to assure that the lower income character of the projects is maintained.

(c) Evictions. Evictions from HUD-owned properties shall be governed by the regulations at 24 CFR 450, Subpart B.

(d) Dangerous conditions. Whenever HUD determines that there is an immediate threat to the health and safety of the tenants because of the condition of the project and emergency repairs cannot alleviate the problem with the tenants in occupancy, HUD may require the tenants to vacate the premises in accordance with paragraph (c) of this Section. When this happens, HUD shall provide displacement benefits to displaced tenants as provided in § 290.47. Tenants displaced under this paragraph shall have a right to return to repaired units in the project from which they were displaced.

§ 290.17 Rental rates.

(a) Development of rental rates. Within 30 days after the Secretary's acquisition of title to a project, the Director shall develop a market rental rate for each unit in the project. In addition, a rent schedule based on the FHA determination of gross potential rent, including the full debt service payments required under the previous mortgage note, will be developed. The approved rent schedule will be the lower of these two. Rents shall be reviewed and updated at least annually.

(b) Rents to be charged. All tenants in formerly subsidized projects shall be charged the lesser of 25 percent of income as determined pursuant to section 8 of the U.S. Housing Act of 1937, as amended, or the rent established for the unit in (a) above; provided that families who qualify to pay a lesser percentage of income pursuant to section 8 shall not be required to pay more than that percentage. All tenants in formerly unsubsidized projects shall be charged the rent as determined pursuant to paragraph (a) above, provided that HUD may set lower rents for these tenants where that action, if determined by the Director, is necessary or desirable to maintain the existing economic mix in the project or to prevent undesirable turnover.

(c) Utility allowance. The rent payable in formerly subsidized projects shall be reduced by an amount equal to the reasonable cost of utilities for the unit, or a per unit or per square foot basis, where utilities are paid directly by the tenant.

(d) Rent changes. Whenever a change in rents is proposed, HUD shall provide tenants 30 days notice of the proposed changes and an opportunity to review and comment on the new rents and supporting documentation. An additional 30 days notice shall be provided before the new rents become effective.

(e) Certification of income. Tenants may be required to provide appropriate information concerning income for the purpose of income certification in a manner prescribed by HUD so that HUD can establish rents and an appropriate disposition program.

(f) Where a tenant does not certify income in accordance with this subpart, the tenant shall pay the unit rent as determined pursuant to paragraph (a) above.

Subpart C—Disposition Provisions

§ 290.20 Disposition objectives.

The disposition of HUD-owned multifamily housing projects shall be

carried out in accordance with the objectives listed below.

(a) Reduce the inventory of HUD-owned projects in a timely manner consistent with the goals of:

(1) Preserving or increasing the number of housing units available to and affordable by lower income tenants;

(2) Maintaining the existing housing stock in decent, safe and sanitary condition; and

(3) Preserving and revitalizing urban residential neighborhoods.

(b) Consistent with meeting the above goals, to obtain a sale price based on the project's present market value and anticipated future use or condition sufficient to protect the financial interests of the government and to produce a satisfactory return to the mortgage insurance funds.

(c) To dispose of projects in a manner which is consistent with HUD approved housing and community development needs, plans and actions of local governments to the extent feasible.

(d) To dispose of all projects in a manner which minimizes the displacement of tenants.

(e) To demolish projects only as a last resort.

(f) These are national objectives and, while local circumstances may make it impossible to meet all the objectives, they should be met to the greatest extent feasible. In some cases the objectives may represent conflicting public policy goals and decisions will have to be made to balance and choose among various objectives. In these cases, discretion and judgment will have to be exercised in designing a program which best meets the national goals of providing affordable housing and preserving and revitalizing neighborhoods.

§ 290.23 Initial determination.

(a) Within 45 days after HUD acquires title to a project, the Director shall make an initial determination as to whether or not the project will be recommended for sale with subsidy.

(b) If the project is formerly subsidized, the initial determination will be to recommend sale with subsidy attached to the units.

(c) If the project is formerly unsubsidized, the initial determination will be to recommend sale either:

(1) without subsidy, or
(2) with subsidy for any eligible tenant.

§ 290.25 Determination of need for low and moderate income housing.

(a) There is a need for low and moderate income housing in the market area served by the project which is

under review unless the Director finds: (1) there is sufficient decent, safe and sanitary housing available in the market area at rents the present eligible tenants can afford without exceeding 25 percent of income, and (2) such housing is not needed for other persons residing in or expected to reside in the community.

(b) Formerly subsidized projects and formerly unsubsidized projects serving as a lower income housing resource, as determined pursuant to § 290.27(c), may not be sold without a subsidy if there is a need for low and moderate income housing in the community.

§ 290.27 General determination of subsidy to be provided.

(a) A formerly subsidized project shall be allocated subsidy for the longest possible term of the subsidy contract, pursuant to 24 CFR 888, Subparts B or C.

(b) A formerly subsidized project shall be allocated subsidy pursuant to 24 CFR 888, Subparts B or C, sufficient to assist 100% of the units. Provided, however, that the Director may recommend disposition for less than 100% of the units if the Director makes a written finding that such a sale will promote a racially mixed or mixed income tenancy and the amount of subsidy provided is at least sufficient to assist all eligible tenants residing in the project.

(c) A formerly unsubsidized project shall be allocated subsidy under the following conditions:

(1) In a project which has become a lower income housing resource, evidenced either by the income levels of the present tenancy generally being at or below the eligibility criteria for subsidy, or its inability to attract higher income tenants to fill vacancies, subsidy pursuant to 24 CFR 888, Subparts B or C, shall be allocated to a sufficient number of units to prevent displacement of eligible tenants and to assure the financial feasibility of the project after sale.

(2) In a project which does not meet the criteria of (c)(1) above, subsidy in the form of Certificates of Family Participation pursuant to 24 CFR 882 shall be provided to any eligible tenant to permit him or her to remain in the unit in order to prevent displacement. Limitations on subsidy rent levels will be waived on a case-by-case basis when necessary to permit an eligible tenant to remain in the project. Tenants may use the subsidy as permitted under the Section 8 Existing Housing program requirements to move to other housing.

(3) The Director may recommend the sale of a formerly unsubsidized project with subsidy (i) to promote a mixed income tenancy or a racially mixed tenancy outside of central cities or (ii) to

preserve that housing stock for occupancy by lower income tenants.

§ 290.30 Disposition of vacant land.

The following procedure will be followed in disposing of all vacant land:

(a) After acquiring title to vacant land, the Director shall complete an appraisal of the fair market value of the land.

(b) After the appraisal is completed, the Director shall send a notice to Federal, State and local government agencies, including housing and renewal agencies, which may have an interest in acquiring the land. The notice shall include information on the availability of the land for purchase and request a written reply within 30 days as to whether or not the agency has any interest in acquiring the land.

(c) If none of the Federal, State or local government agencies notified above express interest in acquiring the vacant land, the Director shall advertise the land for sale by competitive bid.

§ 290.33 Initial notice and solicitation of comments.

(a) Within 60 days after HUD acquires title to a project, the Director shall issue the following notices:

(1) A notice to each tenant in the project served in accordance with § 290.33(c) which shall include:

(i) A statement that HUD has acquired title to the project, that HUD intends to sell it, and, where applicable, that it may be sold with Section 8 assistance for all eligible tenants;

(ii) An explanation of the disposition process, including a statement that tenants will receive notice of the Director's recommendation, will have access to it and will have an opportunity to submit comments to be reviewed by the Director;

(iii) Where applicable, a statement that sale of the project with Section 8 assistance will not affect the right of any tenant to continue in occupancy;

(iv) An invitation to submit proposals, comments and facts to the Director within a certain time period, not less than 30 days, to be considered by the Director in making a disposition recommendation, particularly expressions of interest in converting the project to a cooperative or other form of resident controlled ownership; and

(v) An explanation of the displacement benefits which will be available if eligible tenants are displaced by the disposition of the project.

(2) A notice to Federal, State and local government agencies, including housing and renewal agencies, which may have an interest in acquiring the project. The notice shall include information on the

availability of the project for purchase and request a written reply within 30 days as to whether or not the agency has any interest in acquiring the project.

(b) All comments received from tenants, agencies and the public shall be reviewed by the Director and taken into consideration in the disposition recommendation.

(c) All notices to project tenants shall be either personally delivered or sent by first class mail. In addition, general notices to all tenants shall be posted in the project office and in appropriate conspicuous locations around the project.

§ 290.35 Preparation of disposition analysis.

(a) As soon as possible after the notice in § 290.33 has been sent, the director shall prepare a disposition analysis to serve as the basis for the Director's disposition recommendation.

(b) The disposition analysis shall include:

(1) A financial analysis of the project, including an analysis of operating expenses and an appraisal of the fair market value of the property.

(2) A physical analysis of the project, including the condition of the structure and the grounds, the need for rehabilitation or repairs and the estimated costs of such work.

(3) An analysis of the probable causes of failure of the project and the type of management and ownership expertise which may be needed to operate the project successfully.

(4) An analysis of the feasibility of conversion to resident controlled ownership including cooperative ownership. This analysis should include consideration of the financial feasibility of conversion including the ability of the present tenants to afford it, the interest and support among the present tenants for conversion, and the impact of conversion on neighborhood preservation and revitalization.

(5) A summary of comments received from the tenants, the public, the local Public Housing Agency and any other governmental agencies regarding the disposition of the project.

(6) An assessment in accordance with HUD requirements implementing the National Environmental Policy Act of 1969, as amended, the National Historic Preservation Act (Pub. L. 89-665), the Archeological and Historic Preservation Act of 1974 (Pub. L. 93-291), and Executive Order 11593 on Protection and Enhancement of the Cultural

Environment, including the procedures prescribed by the Advisory Council on Historic Preservation in 36 CFR 800, and

such other statutes that may have an impact on the disposition of the project.

(7) As it affects disposition considerations for the project, an analysis of local housing needs and conditions and actions being taken to address these needs.

(8) Information on site suitability and accessibility to needed services and employment.

(9) Appropriate demographic data on income ranges and distribution of the minority population by census tract, neighborhood, jurisdiction and SMSA in which the project is located, the Section 8 Fair Market Rents for the area, the income levels of present tenants, and consideration of the impact of disposition on the racial composition of the neighborhood as well as the neighborhoods into which tenants might move after displacement.

(10) An analysis of the need for and the feasibility of combining units to create units suitable for large families.

§ 290.37 Director's disposition recommendation.

The Director shall review the disposition analysis and any other relevant information and make a disposition recommendation for the project which is consistent with the objectives set out in § 290.20.

(a) On the basis of the disposition analysis, tenant and other comments and any other relevant information, the Director shall make written recommendations on the following issues:

(1) The proposed disposition program;

(2) The appropriateness of conversion to resident controlled ownership;

(3) The appropriateness of creating units suitable for large families;

(4) The type of management and ownership expertise required to operate the project successfully in light of the causes of its failure;

(5) The proposed method of financing the recommended disposition program, including the financing of any repairs necessary to the successful operation of the project;

(b) Every disposition recommendation must include a determination of the number of tenants who will be displaced as a result of the recommended disposition and a description of the relocation assistance to be provided, including a description of how such assistance will be provided.

§ 290.40 Notice of disposition recommendation.

(a) No later than 15 days before the Director submits the disposition recommendation to the Property Disposition Committee, the Director

shall deliver a notice in accordance with § 290.33(c) to tenants in the project.

(b) The notice shall state briefly the Director's proposed disposition recommendation summarizing the major facts supporting the recommendation and shall include:

(1) An invitation for written comments to be sent to the Director for 15 days from the date of the notice;

(2) A statement that the full disposition recommendation and analysis and other supporting information will be available for inspection and copying at the HUD field office and for inspection at the project office;

(3) A statement that the Property Disposition Committee will be reviewing the Director's recommendation and any comments submitted and will then make a decision to accept, modify or return the Director's recommendation;

(4) A statement that no action on disposition will take place until the Committee approves a final disposition program;

(5) A statement of the eligibility requirements for displacement benefits for any tenants who might be displaced and a summary of the expenses which are reimbursable, the assistance which HUD will provide in seeking replacement housing, and the names, addresses and phone numbers of HUD-approved counseling agencies; and

(c) A separate notice of anticipated displacement shall be sent to each tenant who would be displaced if the Disposition Recommendation were approved as submitted.

(d) Reasonable requests from tenants for a waiver of the fees charged for copying under the provisions of 24 CFR 15.14 will be honored.

§ 290.41 Forwarding of disposition recommendation.

After the comment period, described above in § 290.40, the Director shall forward the disposition recommendation to the appropriate Property Disposition Committee with tenant comments, a summary of those comments and any additional information the Director considers relevant to the disposition recommendation.

§ 290.43 Demolition.

HUD may permit the demolition of units or projects as part of the disposition or management of a project, but demolition shall be recommended only as a last resort.

(a) In making a disposition recommendation, the Director may recommend a plan to demolish a project or part of a project on the basis of one or more of the following criteria:

(1) The current and projected need for the housing is not sufficient to obtain the level of occupancy required for feasible project operation.

(2) There is major structural damage or serious physical deterioration and it is not feasible to repair the project because of engineering or design problems or because of excessive cost. Repairs which cost more than 85% of replacement cost ordinarily will not be considered financially feasible.

(3) Conditions in the neighborhood surrounding the project adversely affect the quality of the project environment to the point where life, health or safety of project residents is threatened. Inaccessibility to facilities or services will not be a decisive factor, unless it can be demonstrated that such inaccessibility was the principal cause of the failure of the project.

(b) In every case, demolition may not proceed until suitable displacement arrangements pursuant to § 290.47 have been made.

(c) Whenever demolition is recommended as part of disposition, the disposition recommendation must include a specific analysis of:

(1) The extent to which the current use and the projected use of the land after demolition are consistent with local, regional and state land use and housing plans;

(2) Where there is a need in the community for low income housing as defined pursuant to § 290.25, what is being done to replace the units which are to be demolished;

(3) The probable short-term and long-term impacts of demolition on the neighborhood and the community;

(4) The availability of suitable replacement housing for the present tenants; and

(5) The estimated cost of displacement benefits as outlined in § 290.47, excluding the cost of subsidy programs for which the tenants may be eligible.

(d) Whenever demolition is recommended during HUD's ownership of the project, the Director shall prepare written documentation pursuant to paragraph (c) above of the facts and reasons which formed the basis for the decision to recommend demolition. The recommendation and supporting documentation shall be forwarded to the appropriate Property Disposition Committee for approval.

(e) Every demolition recommendation shall include the findings of an Environmental Assessment, and an Environmental Impact Statement (EIS) where the Environmental Assessment concludes that an EIS is necessary.

§ 290.45 Notice of displacement.

(a) Within 30 days after the final disposition program is approved under § 290.50, HUD (or a Public Housing Authority, where it is acquiring the project) shall provide each eligible tenant who will be displaced with a notice of displacement.

(b) Where HUD determines that the final disposition program will displace an eligible tenant because the project is being demolished or converted to other than residential use, that eligible tenant shall receive a notice advising the tenant that if he or she moves from the project between the effective date of the notice and a later date set by HUD (not sooner than 30 days before the anticipated date of sale or conveyance) the tenant will be entitled to displacement benefits as outlined in § 290.47. The notice should describe the reimbursement process and provide the name, address and phone number of the HUD official(s) who will provide assistance in locating replacement housing.

§ 290.47 Displacement benefits.

(a) Tenants who are not eligible tenants pursuant to this part will not receive displacement benefits unless otherwise provided by law. Where disposition is to a state agency which will acquire a project with Federal financial assistance, as defined in 24 CFR 42.20, displacement benefits will be provided in accordance with the provisions of 24 CFR 42.

(b) Whenever eligible tenants are displaced as a result of the disposition or repair of a project, they shall be entitled to the benefits set forth in this section. Where appropriate, these benefits may be offered by HUD in the alternative. Eligible tenants who move prior to approval of the final disposition program shall be eligible for displacement benefits if they receive a notice of anticipated displacement pursuant to § 290.40(c) and they would have been displaced by the disposition program as approved. Eligible tenants shall:

(1) Receive priority to occupy units in HUD-owned formerly subsidized projects at rental rates not to exceed 25 percent of income. Where more than one suitable unit is available for occupancy, the Director may select the unit to be offered to the tenant;

(2) Be afforded the opportunity to return to repaired units in the same project whenever possible and be reimbursed for moving expenses pursuant to paragraph (b); or

(3) Receive a priority for other Federal housing assistance under the United States Housing Act of 1937, as amended.

(c) Eligible tenants shall be given assistance in locating replacement housing and shall be reimbursed for moving expenses not to exceed an amount determined by HUD to be reasonable for the household size and circumstances of the move.

(d) If an eligible tenant declines the assistance offered pursuant to paragraph (b) of this Section, such tenant shall still be eligible to receive assistance afforded under paragraph (c), and the provision of such assistance shall discharge HUD's obligation to provide displacement benefits pursuant to this Part.

§ 290.50 Disposition program.

(a) The Property Disposition Committee will review the Director's recommendation, the disposition analysis and any other information submitted by the Director as well as all other comments received and any other information it may require, all of which shall become part of the administrative record. After its review the Committee may approve the recommendation as submitted, modify it and return it for further work and resubmission.

(b) If the Committee approves the recommendation as submitted or as modified, it shall become the final disposition program and the notice procedure in § 290.45 shall be implemented by the Director upon written notification of the Committee action.

(c) No final disposition program which provides for repairs to be performed by the purchaser or other conditions of sale may be approved unless it provides for rescission of the sale or reconveyance of the project to HUD if the repairs, which are a requirement of the sale, are not carried out in a timely manner, or if the project is not operated in accordance with any other conditions of the sale. This remedy is in addition to any escrow of repair funds which may be required as a condition of sale or any other remedy available to HUD.

§ 290.53 Methods of disposition.

Disposition shall be through a publicly advertised competitive offering or a negotiated sale.

(a) Competitive offerings shall be by purchase proposals or by competitive bid, as recommended by the Director.

(1) A purchase proposal is a solicited submission of a plan to purchase and operate a project either without reference to price or where the price of a project is fixed by HUD in advance.

(2) When the competitive offering is by purchase proposals HUD shall review the proposals considering,

among other factors which the Director deems appropriate: the acceptability of the management and ownership plan; the probability of adequate performance under the proposal; and the feasibility of the proposal in relation to the particular needs of the project and the tenants.

(3) HUD shall notify each person and entity submitting an acceptable proposal that its proposal is acceptable and request submission of an executed Contract of Sale and Purchase to HUD at a specific time and place. That Contract shall include a proposed purchase price for the project and any other information requested by HUD. HUD shall then proceed to evaluate and award the contract in the same manner as for competitive offerings by bid, provided that in the case of a clearly superior proposal such proposal may be selected if the Director makes a written determination supporting such selection.

(4) All other competitive offerings shall be by competitive bid.

(b) In selecting qualified purchasers for formerly subsidized projects by competitive bid, purchase proposal or negotiation, HUD shall establish requirements and criteria which HUD must consider in determining whether or not a proposed purchaser is qualified to own and operate the project in a manner acceptable to HUD. HUD may establish review panels to select qualified purchasers. Regardless of which disposition method is used, in selecting a purchaser HUD shall be satisfied that sufficient levels of competency have been met with respect to:

- (1) ability to provide sound financial management;
- (2) ability to provide sound physical management;
- (3) ability to respond to the economic and social needs of the tenants and to work with resident organizations;
- (4) responsiveness of the proposed ownership plan to the needs of the tenants and the project;
- (5) adequacy of the purchaser's organizational, staff and financial resources to implement the proposed ownership approach;
- (6) ability to satisfy all the conditions of the disposition;
- (7) any other criteria HUD determines are relevant if advance notice of such criteria is given to prospective purchasers.

(c) Negotiated Sales. (1) HUD may negotiate the sale of any project to an agency of the Federal, State or local government.

(2) HUD may negotiate the sale of a formerly subsidized multifamily housing project when HUD determines that such a sale would best meet the objectives of

this Part. Such negotiated sales may be recommended when:

(i) The purchaser is a nonprofit cooperative corporation formed by the present or prospective tenants for the purpose of holding title to the project;

(ii) The purchaser is a nonprofit or limited dividend entity and it is determined by HUD to be the best source of ownership in the locality capable of the successful long-term operation of the project in a way which is responsive to all the HUD requirements for operation of the project;

(iii) The project is to be converted to homeownership and individual condominium or homeownership units are to be sold; or

(iv) The purchaser is a nonprofit consumer cooperative corporation with successful experience in the operation of nonprofit housing.

(3) When an offer to purchase is received as part of a negotiated sale, it shall be evaluated to assure that it complies with all HUD requirements for the sale of the project. Particular attention shall be paid to the financial feasibility of the proposed ownership plan.

(4) When a sale is negotiated to a nonprofit cooperative corporation or a nonprofit consumer cooperative corporation, the sales price shall be computed by determining the value of the project in one of the following ways:

(i) if the project is sold to lower income tenants without a subsidy, the value shall be the amount which can be supported by debt service payments equal to the rental income to the project operated as a nonprofit cooperative with the tenants paying 25% of income for rent or the market rental rate, whichever is lower, minus payments for all operating expenses, taxes and required reserves;

(ii) if the project is sold with Section 8 subsidies the value shall be determined as in (i) except that the project rents set pursuant to Section 8 shall be used to determine rental income. Where appropriate (as in a partially subsidized project), a combination of the above methods may be used to determine price;

(iii) in all other cases, the value shall be the fair market value as determined by HUD.

(iv) The prepaid expenses incurred in converting to cooperative ownership may be recovered by deferring payment on the mortgage and placing project rents into an escrow for the purpose of paying those expenses or HUD may make such other provision for payment as HUD determines are reasonable and appropriate.

(d) Previous Participation Review. All purchasers of HUD-owned projects must be approved under the Previous Participation Review and Clearance procedures in 24 CFR 200.210 *et seq.*, except Federal, State or local government agencies.

§ 290.55 Property disposition committee.

(a) There shall be a Property Disposition Committee (PDC) with authority to approve all dispositions of HUD-owned multifamily housing projects.

(b) The PDC shall consist of the following officials or their designees:

(1) The Chairperson shall be the Assistant Secretary for Housing-Federal Housing Commissioner.

(2) The Deputy Assistant Secretary for Multifamily Housing Programs.

(3) The Director of the Office of Multifamily Housing Management and Occupancy.

(4) The Director of the Office of Multifamily Housing Development.

(5) The General Counsel.

(6) The Deputy Assistant Secretary for Public Housing and Indian Programs.

(c) The PDC may delegate its authority to approve property dispositions to PDC's convened at the Regional or Area Office level on such terms and conditions as the PDC may prescribe.

(d) The Director of the Office of Multifamily Financing and Preservation shall serve as a non-voting member of the Property Disposition Committee and shall be responsible for presenting disposition recommendations to the Committee for its decision.

Issued at: Washington, D.C., August 28, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing-Federal Housing Commission.

[FR Doc. 79-30306 Filed 9-28-79; 8:45 am]

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federal register

Monday
October 1, 1979

Part IX

**Department of the
Interior**

Fish and Wildlife Service

**Black Rhinoceros; Proposed Endangered
Status**

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Black Rhinoceros

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes that the African black rhinoceros (*Diceros bicornis*) be listed as an endangered species. A notice of review on this species, published in the *Federal Register* on August 11, 1977, has elicited information showing that the species has declined rapidly throughout most of its range and may be in danger of extinction. If the black rhinoceros is listed as endangered the protections afforded by the Endangered Species Act would benefit the species and aid in the prevention of its demise.

DATES: Comments from the public must be received by November 30, 1979.

ADDRESSES: Submit comments to Director, (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and other materials relating to this rulemaking are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: Mr. Harold J. O'Connor, Acting Associate Director, Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202/343-4646).

SUPPLEMENTARY INFORMATION:

Background

On August 11, 1977, the Service published a notice of review in the *Federal Register* (42 FR 40716-17) announcing that it was conducting a review of the status of the black rhinoceros (*Diceros bicornis*) and requesting comments from interested parties. The Service has carefully reviewed the public comments and available evidence and now believes that sufficient data are available to propose this species for endangered status. The basis for the opinion is summarized below:

The Endangered Species Act of 1973, 16 U.S.C. 1531 *et seq.* (Act) defines an endangered species as

any species which is in danger of extinction throughout all or a significant portion of its range. . . . (16 U.S.C. 1532 (6))

and a threatened species as

any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. (16 U.S.C. 1532 (20))

The Act also provides that the Secretary shall by regulation determine a species to be endangered or threatened because of any of the following factors:

- (1) The present or threatened destruction, modification or curtailment of its habitat or range;
- (2) Overutilization for commercial, sporting, scientific or educational purposes;
- (3) Disease or predation;
- (4) The inadequacy of existing regulatory mechanisms; or
- (5) Other natural or man-made factors affecting its continued existence.

This authority has been delegated to the Director.

Summary of Factors Affecting the Species

There are currently five species of rhinoceroses occurring in Africa and southeast Asia. All five have long suffered from the effect of human demands. As a result, the Javan and Sumatran rhinos, which 50 years ago were widespread, have been reduced to tiny relict populations: less than 55 Javan rhinos (*Rhinoceros sondaicus*) remain in western Java plus a few other unconfirmed reports of their existence on mainland Asia, and there are less than 300 Sumatran rhinos (*Dicerorhinus sumatrensis*) in the World. The Indian or greater one-horned rhinoceros (*Rhinoceros unicornis*) has had its once extensive range reduced to a few populations totalling less than 1200 individuals in small reserves in northeast India and Nepal. All of the above species are officially listed as endangered under the Endangered Species Act of 1973.

The scientific evidence suggests that the African rhinos are now under severe threat. The southern white rhinoceros (*Ceratotherium simum simum*) was saved from total extinction by drastic measures of translocation in protected reserves. Its density has now recovered to such an extent that individuals can be translocated elsewhere, though the total world population is probably less than 3,000. The northern white rhinoceros (*C. simum cottoni*) has been whittled away for the last 80 years by legal and illegal hunting and its range reduced to relict populations in the southern Central African Empire, Zaire, Uganda and

Sudan. The northern white rhinoceros is listed as an endangered species.

The black rhinoceros (*Diceros bicornis*), although still the most numerous of the world's rhinos, now appears dangerously threatened. As long ago as 1963 the Chief Game Warden of Kenya wrote that the black rhinoceros was "one of the species in most danger of extinction". The best biological and commercial evidence suggests that the black rhino has significantly declined since that time.

Although figures as to the exact numbers of black rhinos in the wild are difficult to obtain, comparison of figures obtained over time by similar methods in the same areas give an indication of recent population trends. Extrapolation of these statistics show probable losses in Kenya of up to 95% of the black rhino population in Tsavo National Park, 85% in Amboseli and over 90% in Meru National Park over the last five to eight years. In Amboseli the once famous long-horned population of rhinos has been reduced from an estimate of around 52 in 1970 to 7 resident in 1979. Even in 1970 fears were being expressed that the population had been declining at 12% per year for the previous four years (Western and Sindiyo, 1972). The trend escalated until last year. Only two years ago Meru National Park could have been regarded as the last stronghold of the rhino in northern Kenya but now contains less than twenty specimens (Patrick Hamilton, Pers. comm.).

The Service believes that there are presently fewer than 1,500 black rhinos in Kenya, less than 10% of the numbers only ten years ago. This compares with an estimate of 6,000 to 9,000 specimens in Kenya's Tsavo ecological unit alone in 1969.

The trend is also evident in other African nations. In Tanzania probable black rhino declines of 70% in Ngorongoro, 70-80% in Ruaha, 80% in Tarangire and 80-85% in Manyara over the last ten years are suggested by the data. Twenty-five rhinos were killed in Manyara last year alone and probably less than 12 are left alive now, of which perhaps three or four are females capable of reproduction.

Based on the available data, the Service believes that there are perhaps fewer than 15,000 black rhinos remaining in Africa.

A number of factors have contributed to the severe decline in rhino populations in general and black rhino numbers in particular. Perhaps the major reason the species has declined is trade in its parts and products. East African statistics on the legal export of rhino horn from 1950 to 1971 show that 1.56

tons were exported annually. From 1972 to 1976, the statistics show that 4.2 tons of rhino horn were exported legally from East Africa, a tremendous increase when compared with the figures from the earlier period. During the two year period from 1976 to 1977, official North Yemen statistics showed that traders imported an average of 7.6 tons per year of rhino horn. Since the average weight of rhino horn is approximately 3.5 kilos about 7.7 pounds per animal, over this two year period at least 4,000 rhinos were killed to provide for North Yemen imports alone. These statistics indicate the great number of rhinos that were taken to satisfy world demand for their parts or products.

In 1976, the black rhinoceros was listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention). The Convention limits international trade in parts or products of species listed on Appendix I for nations party to the agreement, and the 1976 listing probably reduced pressure on the black rhinoceros from this source to some extent. However, the evidence indicates that the black rhinoceros has not significantly increased in numbers since the trade restrictions of the Convention went into effect.

The black rhinoceros is also subject to illegal poaching. The price of rhino horn increased from \$23 per kilo in 1969 to \$112 in 1976, and reportedly has increased substantially since the species was listed on the Convention. The increased value in rhinoceros parts or products has stimulated illegal poaching, which has reportedly become both more widespread and sophisticated. In the past, spears, traps and poisoned arrows were the poachers main weapons. Today the rhinos are generally shot. In some quoted examples the horns are then removed crudely with axes. They are transported by the poachers and sold to middlemen. At present, there is inadequate information on the transport routes out of East Africa, but some leave by dhows or by aircraft.

The biology of the black rhinoceros also may be contributing to its demise. For a species that exists largely as solitary individuals at a naturally low density, the severe declines cause further problems by reducing the densities of individuals to such an

extent that the probabilities of reproduction may also be greatly reduced. In addition, they are easy animals to stalk and those that are left are showing evidence of extreme disturbance in response to the harassment. The potential reproductive rate of the decimated populations may therefore also be lowered and some populations face total extinction without strong measures being taken.

In proposing the black rhinoceros as an endangered species, the Service also relies on the fact that the species was added to Appendix I of the Convention. Recognition of the precarious status of the black rhinoceros by the party nations constitutes evidence that the species is endangered or threatened under the Endangered Species Act.

Effects of the Rulemaking

As noted above, the black rhinoceros is on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Therefore, legal trade in the species is already regulated among nations that adhere to this Convention. Listing of the black rhinoceros as endangered under the Endangered Species Act of 1973 will not only provide an additional prohibition against importation of the species and its parts and products such as hunting trophies into the United States, but will also restrict transportation or sale in interstate or foreign commerce. (16 U.S.C. 1533(d), 1538(a)(1)(G); 50 CFR 17.31(a)). The other prohibitions of Section 7 of the Act will also be applicable.

Under both the Convention and the Act, permits are available in certain instances for scientific and other specified purposes. However, given the present precarious status of the black rhino, the Service believes that the issuance of permits for the importation of any sport hunting trophies, including hardship permits for this purpose, is inconsistent with the conservation of the species and therefore proposes to deny all such applications.

Listing of the black rhinoceros as endangered would also allow the United States to attempt to: (1) make the countries in which the black rhino is resident more aware of the importance of providing strong and immediate protection for the species; (2) make available to scientists of other countries

the results of rhino research undertaken under U.S. sponsorship in such forms as to be helpful to them in developing their own research plans; (3) encourage other countries to undertake comprehensive surveys of the status and distribution of this species; (4) encourage African countries to establish additional reserves; (5) encourage reintroductions into areas where black rhinos were once distributed; (6) prohibit U.S. Federal agencies from undertaking any actions which might jeopardize the survival of the species; (7) provide, if requested, U.S. technical expertise for establishing management and recovery programs; and (8) provide funds to assist in the management and recovery of the species.

Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and effective as possible in conserving the black rhinoceros. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning this proposed rulemaking are solicited. Comments particularly are sought concerning:

- (1) Abundance and distribution of the species; and
- (2) Population trends.

Final promulgation of regulations to conserve the black rhino will take into consideration comments and any additional information received by the Director and such communications may lead him to adopt final regulations which differ from this proposal.

Environmental Document

An environmental assessment has been prepared in conjunction with this proposal in compliance with Executive Order 12114. The document is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia 22212, and may be examined during regular business hours or can be obtained by mail.

The primary author of this proposed rulemaking is John L. Paradiso, Office of Endangered Species (703-235-2760).

Accordingly, the Service proposes to amend 50 CFR Part 17 by adding the following to the list in § 17.11(i), alphabetically under "Mammals."

Species		Range			Status	When listed	Special rules
Common name	Scientific name	Population	Known distribution	Portion endangered			
Rhinoceros, Black	<i>Diceros bicornis</i>	NA	Sub-Saharan Africa	Entire	E		None

The Department has determined that this is not a significant rule and does not require the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR 14.

Dated: September 20, 1979.

Robert B. Cook,
Deputy Director, Fish and Wildlife Service.

[FR Doc. 79-30018 Filed 9-28-79; 8:45 am]
BILLING CODE 4310-55-M

Monday,
October 1, 1979

Part X

Department of the
Interior

Bureau of Land Management

Advisory Committees Cooperative
Relations; Proposed Rulemaking

federal register

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1780

Cooperative Relations; Advisory Committees

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking implements the advisory committee provisions of the Federal Land Policy and Management Act of 1976, and of the Public Rangelands Improvement Act of 1978. In addition, consonant with the requirements of section 8 of the Federal Advisory Committee Act, it establishes guidelines and controls for creation, operation, and termination of committees to advise the Secretary of the Interior and the Bureau of Land Management regarding plans and programs for the management of lands and resources under Bureau jurisdiction; and it updates, consolidates and simplifies existing advisory committee regulations.

DATES: Comments by October 31, 1979.

ADDRESSES: Send comments to: Director (650), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular working hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Lee M. Laitala, Office of Cooperative Relations (660), Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240. Telephone: 202-343-8947.

SUPPLEMENTARY INFORMATION: In 1974, the Bureau of Land Management had 58 advisory committees in a tri-level system of national, state, and district boards. All the committees terminated on January 5, 1975, under the terms of section 14 of the Federal Advisory Committee Act (5 U.S.C. Appendix 1) and the language of their respective charters. None were renewed pending a Government-wide review of advisory committees requested by the President and Office of Management and Budget. The objective of this review was to reduce the number of Federal advisory committees to essential minimums. All agencies also were asked to seek more balanced committee memberships. The proposed regulations reflect these directives, and also incorporate the provisions of the Federal Land Policy and Management Act of 1976 and the Public Rangelands Improvement Act of 1978

pertaining to advisory committees, councils, and boards.

The proposed rules also revise Subpart 1784 of Part 1780, Title 43, of the Code of Federal Regulations to eliminate portions that have become obsolete. Operating rules have been shortened and clarified. Member qualifications are more precisely defined, and the question of conflicts of interest addressed with regard to member selection except for grazing advisory board members. The exception is made for grazing advisory boards because, by the terms of section 403 of the Federal Land Policy and Management Act of 1976, possession of a lease or permit to graze livestock on Bureau-administered land is required for service on such boards.

Membership limits have been established for all committees. Within these limits, and except for grazing advisory boards, no standard composition has been prescribed. Subject to the requirements of the Federal Advisory Committee Act and these regulations, the interests or disciplines to be represented on other than grazing boards will be determined on an individual basis in the development of each committee charter. This will permit structuring to best reflect the extent, intensity and interaction of various programs within a committee's area of responsibility, as well as the kinds of advice required by the Bureau manager to carry out multiple-use responsibilities. Balance will be achieved by limiting per-interest representation on other than grazing boards. Member election or selection will be accomplished only after public calls for nominations.

These proposed regulations would—
(1) Reaffirm and strengthen the commitment of the Secretary of the Interior to representative citizen involvement at the different levels of public land and resource decisionmaking;

(2) Assure that all meetings of advisors are announced in advance and open to public attendance and participation;

(3) Require public involvement in the member nomination process;

(4) Provide for creation of a 10- to 17-member National Advisory Council in lieu of reestablishment of the 36-member National Advisory Board;

(5) Provide for establishment of 10- to 15-member, multi-interest District advisory councils to replace the terminated Bureau of Land Management District multiple use advisory boards;

(6) Formally set forth operating rules for the California Desert Conservation Area Advisory Committee and for grazing advisory boards created under

sections 601(g) and 403, respectively, of the Federal Land Policy and Management Act of 1976; and

(7) Not reestablish the terminated State multiple use advisory boards and O. and C. Multiple Use Advisory Board (Oregon).

It is hereby determined that this amendment is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The principal author of this proposed rulemaking is Lee M. Laitala, Office of Cooperative Relations, Bureau of Land Management, assisted by the Office of Legislation and Regulatory Management.

Under the authority of the Federal Advisory Committee Act (5 U.S.C. Appendix 1), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) as amended by the Public Rangelands Improvement Act of 1978, 43 U.S.C. 1201 and section 2, Reorganization Plan 3 of 1950 (62 Stat. 1262), it is proposed to revise Subpart 1784, Part 1780, Group 1700, Subchapter A, Chapter II, Title 43 of the Code of Federal Regulations as follows:

Subpart 1784—Advisory Committees

Sec.

- 1784.0-1 Purpose.
- 1784.0-2 Objectives.
- 1784.0-3 Authority.
- 1784.0-5 Definitions.
- 1784.0-6 Policy.
- 1784.1 Establishment, duration, termination, and renewal.
- 1784.1-1 Establishment.
- 1784.1-2 Duration, termination, renewal.
- 1784.2 Composition, avoidance of conflict of interest.
- 1784.2-1 Composition.
- 1784.2-2 Avoidance of conflict of interest.
- 1784.3 Member service.
- 1784.4 Public participation.
- 1784.4-1 Public nominations.
- 1784.4-2 Public notice of meetings.
- 1784.4-3 Open meetings.
- 1784.5 Operating procedures.
- 1784.5-1 Functions.
- 1784.5-2 Meetings.
- 1784.5-3 Records.
- 1784.6 Committees.
- 1784.6-1 National public lands advisory council.
- 1784.6-2 [Reserved]
- 1784.6-3 California Desert Conservation Area advisory committee.
- 1784.6-4 District advisory councils.
- 1784.6-5 Grazing advisory boards.

Authority: 5 U.S.C. Appendix 1, 43 U.S.C. 1701 et seq.

Subpart 1784—Advisory Committees

§ 1784.0-1 Purpose.

This purpose contains standards and procedures for the creation, operation and termination of citizen committees to advise the Secretary of the Interior and Bureau of Land Management on matters relating to public lands and resources under the administrative jurisdiction of the Bureau of Land Management.

§ 1784.0-2 Objectives.

The objective of advisory committees established under these regulations is to make available to the Department of the Interior and Bureau of Land Management the expert counsel of concerned and knowledgeable citizens regarding both the formulation of operating guidelines and the preparation and execution of plans and programs for the use and management of public lands, their natural and cultural resources, and the environment.

§ 1784.0-3 Authority.

(a) The Federal Advisory Committee Act (5 U.S.C. Appendix 1) requires establishment of a system governing advisory committees in the Executive Branch of the Federal Government and specifies policies, procedures, and responsibilities for committee creation, management and termination.

(b) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) as amended by the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.) requires—

(1) Establishment of advisory councils representative of major citizen interests concerned with resource management planning or the management of public lands;

(2) Creation of a California Desert Conservation Area Advisory Committee; and

(3) Under certain conditions, establishment of at least one grazing advisory board for each Bureau of Land Management administrative district in the 16 contiguous Western States.

§ 1784.0-5. Definitions.

As used in this subpart, the term: (a) "Advisory committee" means any committee, council, or board established or utilized for purposes of obtaining advice or recommendations.

(b) "Secretary" means Secretary of the Interior.

(c) "Director" means the Director of the Bureau of Land Management.

(d) "Authorized representative" means the Federal officer or employee designated by an advisory committee

charter who approves meeting agendas and attends all meetings of the committee and its subcommittees, if any.

(e) "Public lands" means any lands and interest in lands owned by the United States administered by the Secretary of the Interior through the Bureau of Land Management, except:

(1) Lands located on the Outer Continental Shelf; and

(2) Lands held for the benefit of Indians, Aleuts, and Eskimos.

§ 1784.0-6 Policy.

As part of the Department's program for public participation, it is the policy of the Secretary of the Interior to establish and employ committees representative of major citizens' interests or where required by law, of special citizen interests, to advise the Secretary and Director, Bureau of Land Management, regarding policy formulation, program planning, decisionmaking, attainment of program objectives, and achievement of improved program coordination and economies in the management of public lands and resources; to regularly ensure that such committees are being optimally employed; and to limit the number of advisory committees to that essential to the conduct of the public's business.

§ 1784.1 Establishment, duration, termination, and renewal.

§ 1784.1-1 Establishment.

(a) An advisory committee required by statute is established or renewed upon the filing of a charter, signed by the Secretary, with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

(b) An advisory committee not specifically required by statute shall be established only when the Secretary has—

(1) Determined as a matter of formal record, after consultation with the General Services Administration, that establishment of the committee is in the public interest in connection with duties required of the Department of the Interior by law;

(2) Signed and filed the committee charter; and

(3) Published in the Federal Register a notice of his determination and of the establishment of the committee.

(c) An advisory committee shall not meet or take any action until the Committee's charter has been signed by the Secretary and copies filed with the appropriate committees of the Senate and House of Representatives and the Library of Congress.

§ 1784.1-2 Duration, termination, and renewal.

(a) An advisory committee not mandated by statute, i.e., established at the discretion of the Secretary, shall terminate not later than 2 years after its establishment unless, prior to that time, it is rechartered by the Secretary and copies of the new charter are filed with the appropriate committees of the Senate and House of Representatives. Any committee so renewed shall continue for not more than 2 additional years unless, prior to expiration of such period, it is again rechartered.

(b) Any advisory committee mandated by statute shall terminate not later than 2 years after the date of its establishment unless its duration is otherwise provided by law. Upon the expiration of each successive two-year period following date of establishment, a new charter shall be prepared and, after Secretarial approval, filed with the appropriate committees of the Senate and House of Representatives for any statutory advisory committee being continued.

§ 1784.2 Composition, avoidance of conflict of interest.

§ 1784.2-1 Composition.

(a) Each advisory committee shall be structured to provide fair membership balance, both geographic and interest-specific, in terms of the functions to be performed and points of view to be represented, as prescribed by its charter. Each shall be formed with the objective of providing representative citizen counsel and advice about public land and resource planning, retention, management and disposal. No person is to be denied an opportunity to serve because of race, age, sex, religion or national origin.

(b) Only an individual who holds a lease or permit to graze livestock upon public lands under the jurisdiction of a Bureau of Land Management District Office shall be eligible to serve as a member of a grazing advisory board.

(c) Individuals shall qualify to serve on an advisory committee other than a grazing advisory board because their education, training, or experience enables them to give informed and objective advice regarding an industry, discipline, or interest specified in the charter.

§ 1784.2-2 Avoidance of conflict of interest.

(a) Persons who hold leases, licenses, permits, contracts or claims which involve lands or resources administered by the Bureau of Land Management shall not serve on advisory committees except—

(1) Holders of grazing licenses and leases may serve on grazing advisory boards;

(2) That the lack of candidates make them the only available candidates; or

(3) When they have special knowledge or experience which is needed to accomplish the committee functions to be performed.

(b) No advisory committee or board member, including a grazing advisory board member, shall participate in deliberations or vote on any matter in which the advisor has a direct interest.

§ 1784.3 Member service.

(a) Elections or appointments to an advisory committee shall be for two-year terms unless a shorter period is specified in the charter, the election procedures, or the appointing document. Terms of service normally shall coincide with duration of the committee charter. Individuals can be reelected to additional two-year terms of service on grazing boards without limit. Members of other advisory committees may be reappointed to additional terms at the discretion of the authorized appointing official.

(b) Committee members advise and report only to the official(s) specified in the charter. Service as an advisor, however, does not limit the rights of a member acting as a private citizen or as a member or official of another organization.

(c) The Secretary or his authorized representative may, after written notice, terminate the service of an advisor if, in the judgment of the Secretary or his authorized representative, such removal is in the public interest, or if the advisor—

(1) No longer meets the requirements under which elected or appointed;

(2) Fails or is unable to participate regularly in committee work; or

(3) Has violated Federal law or the regulations of the Secretary.

(d) For purposes of compensation, members of advisory committees, except for grazing advisory board members, shall be reimbursed for travel and per diem expenses when on advisory committee business, as authorized by 5 U.S.C. 5703.

§ 1784.4 Public participation.

§ 1784.4-1 Calls for nominations.

Candidates for appointment to advisory committees are sought through calls for public nominations. Such calls are made through media releases and systematic contacts with individuals and organizations interested in the use and management of public lands and resources.

§ 1784.4-2 Notice of meetings.

(a) Meetings of advisory committees and any subcommittees that may be formed shall be held only after publication of at least 30 days advance notice in the *Federal Register*. In addition, there shall be media releases.

(b) Notices shall set forth meeting locations, topics or issues to be discussed, and times and places for the public to be heard.

§ 1784.4-3 Open meetings.

(a) All advisory committee and subcommittee meetings and associated field examinations shall be open to the public and news media.

(b) Anyone may appear before or file a statement with a committee or subcommittee regarding matters on a meeting agenda.

(c) The scheduling of meetings and the preparation of agendas shall be done in a manner that will encourage and facilitate public attendance and participation. The amount of time scheduled for public presentations and meeting times may be extended when the authorized representative considers it necessary to accommodate all who seek to be heard regarding matters on the agenda.

§ 1784.5 Operating procedures.

§ 1784.5-1 Functions.

The function of an advisory committee is solely advisory, and recommendations shall be made only to the authorized representative specified in its charter. Determinations of actions to be taken on the reports and recommendations of a committee shall be made only by the Secretary or his authorized representative.

§ 1784.5-2 Meetings.

(a) Advisory committees shall meet only at the call of the Secretary or his authorized representative.

(b) No meeting shall be held in the absence of the Secretary or his authorized representative.

(c) Each meeting shall be conducted with close adherence to an agenda which has been approved in advance by the authorized representative.

(d) The authorized representative may adjourn an advisory committee meeting at any time when—

(1) Continuance would be inconsistent with either the purpose for which the meeting was called or the established rules for its conduct; or

(2) Adjournment is determined to be in the public interest.

§ 1784.5-3 Records.

(a) Detailed records shall be kept of each meeting of an advisory committee

and any subcommittees that may be formed. These records shall include as a minimum—

(1) The time and place of the meeting;

(2) Copies of the *Federal Register* and other public notices announcing the meeting;

(3) A list of advisors and Department or Bureau employees present;

(4) A list of members of the public present and who each represented;

(5) The meeting agenda;

(6) A complete and accurate summary description of matters discussed and conclusions reached;

(7) A list of recommendations made by the advisory committee;

(8) Copies of all reports received, issued, or approved by the Committee or subcommittee; and

(9) A description of the nature of public participation. The Chairperson of the advisory committee shall certify to the accuracy of meeting records.

(b) All records, reports, transcripts, minutes, recommendations, studies, working papers, and other documents prepared by or submitted to an advisory committee shall be available for public inspection and copying in the Bureau of Land Management office responsible for support of that committee. Upon request, copies shall be provided at the cost of duplication as established by the regulations in 43 CFR Part 2 (Appendix A).

§ 1784.6 Membership and functions of committees.

§ 1784.6-1 National Public Lands Advisory Council.

(a) Biennially, the Director shall submit to the Secretary a list of member nominations obtained from recommendations made by individuals, organizations and associations concerned with public land and resource management. From this list and from other sources, the Secretary shall appoint not less than 10 nor more than 17 members to represent the interests, services or disciplines specified in the Council charter. At least one member shall be an elected official of general purpose government. The Council shall elect its own officers.

(b) The National Public Lands Advisory Council shall advise the Secretary, through the Director, as to regulations, policies, plans and programs of national scope relative to public lands and resources under the jurisdiction of the Bureau of Land Management.

(c) The Council shall meet at the call of the Director. The Director or the Director's designee shall be the authorized representative at all meetings

of the Council and committees that may be formed.

(d) Administrative support for the Council shall be the responsibility of the Director.

§ 1784.6-2 (Reserved)

§ 1784.6-3 California Desert Conservation Area Advisory Committee.

(a) The Director shall submit biennially to the Secretary a list of nominations for membership received following public calls for nominations. From this list and from other sources, the Secretary shall appoint 15 members to represent the interests, services, and disciplines specified by the Committee charter. One member shall be an elected official of general purpose government serving within the California Desert Conservation Area.

(b) The California Desert Conservation Area Advisory Committee advises the Secretary, through the Bureau of Land Management, regarding the preparation and implementation of a comprehensive, long-range plan for the management, use, development, and protection of the public lands within the California Desert Conservation Area of Southern California.

(c) The Committee and any subcommittee(s) formed shall meet at the call of the California State Director, Bureau of Land Management, and elect their own officers. The California State Director, or a designee, shall be the authorized representative at all meetings of the Committee and its subcommittees.

(d) Administrative support shall be provided by the office of the California State Director.

(e) The Committee shall terminate no later than December 31, 1981.

§ 1784.6-4 District advisory councils.

(a) An advisory council shall be established for each Bureau of Land Management District.

(b) Biennially, following public calls for nominations, the Secretary or his designee shall appoint not less than 10 nor more than 15 individuals to serve on the council. One of the appointees shall be an elected official of general purpose government serving within the District. Membership shall be balanced to reflect the various elements in the plans and programs for the District.

(c) A district advisory council advises the Bureau of Land Management District Manager to whom it reports regarding multiple use plans and programs for public lands and resources under the jurisdiction of that District.

(d) A District advisory council and its subcommittee(s) shall meet at the call of the District Manager and elect their own

officers. The District Manager or a designee shall be the authorized representative at all meetings of the council and its subcommittees.

(e) Administrative support for a District advisory council and its subcommittees shall be provided by the office of the District Manager to whom it reports.

§ 1784.6-5 Grazing advisory boards.

(a) At least one grazing advisory board shall be established in each District office of the 16 contiguous Western States—

(1) Having jurisdiction over more than 500,000 acres of land subject to commercial livestock grazing; and

(2) Upon petition of a simple majority of public land livestock lessees and permittees under the jurisdiction of the District Office.

(b) The District Manager to whom the board reports shall call biennially for nominations from grazing lessees and permittees under the jurisdiction of the District office. From such nominations, the lessees and permittees shall, in turn, elect no less than 5 nor more than 8 individuals to serve on the board. Member service shall be without cost to the Government.

(c) The advice and recommendations to the District Manager by a grazing advisory board shall be limited to matters regarding—

(1) The development of allotment management plans; and

(2) The utilization of range-betterment funds with respect to livestock grazing.

(d) A grazing advisory board shall meet at least once a year at the call of the District Manager to whom it reports, and shall elect its own chairperson. The District Manager or a designee shall be the authorized representative at all meetings.

(e) Administrative support for a grazing advisory board shall be provided by the office of the District Manager to whom the board reports.

(f) All grazing advisory boards established under these regulations shall terminate December 31, 1985.

Dated: September 19, 1979.

Guy R. Martin,

Assistant Secretary of the Interior.

[FR Doc. 79-30328 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

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federal register

Monday
October 1, 1979

Part XI

**Environmental
Protection Agency**

Water Quality Criteria; Availability

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1300-4]

Water Quality Criteria; Availability

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA is announcing the availability for public comment of water quality criteria for the last 12 of the 65 pollutants listed as toxic under the Clean Water Act (CWA). When published in final after public comment, these water quality criteria may form the basis for enforceable standards. The criteria were developed pursuant to section 304 of the CWA and in compliance with a court order. Summaries of both aquatic-based and health-based criteria and the criteria formulation sections of the documents are published below.

DATES: Written comments should be submitted to the person listed below by December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, telephone 202/755-0100.

SUPPLEMENTAL INFORMATION: EPA published 27 water quality criteria for public comment on March 15, 1979 (44 FR 15926). At that time EPA published a preamble for the criteria, a methodology for deriving aquatic life criteria, a methodology for deriving human health criteria, a summary of specific issues for commentators to address and summaries of the individual criteria documents. The information contained in the March 15 publication applies to the criteria published in this notice. EPA published an additional 26 water quality criteria for public comment on July 25, 1979 (44 FR 43660).

AVAILABILITY OF DOCUMENTS: Copies of the complete documents will be sent to all persons who requested copies of the initial criteria prior to the time they were published and to those who commented on the first 27 criteria. Other persons wishing to review the full documents may obtain copies from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia (703) 557-4650. A list of the NTIS publication order numbers for all 65 criteria documents is published as an appendix to this notice. The documents also are available for public inspection and copying during normal business

hours at: Public Information Reference Unit, U.S. Environmental Protection Agency, Room 2404 (rear), 401 M Street, SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Copies of these documents will also be available for review in the EPA Regional Office libraries.

Dated: September 13, 1979.

Douglas M. Costle,
Administrator.

Appendix

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3. Acrylonitrile 297 915
4. Aldrin/Dieldrin 297 916
5. Antimony 296 789
6. Arsenic 292 420
7. Asbestos 297 917
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14. Chlorinated benzenes 297 919
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50. Nitrosamines 292 438
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54. Polychlorinated biphenyls (PCBs) 296 803
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57. Silver 292 441
58. 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) 292 442

59. Tetrachloroethylene 292 443
60. Thallium 292 444
61. Toluene 296 805
62. Toxaphene 296 806
63. Trichloroethylene 292 445
64. Vinyl chloride 292 446
65. Zinc 296 807

Acrylonitrile

Criteria Summary

Freshwater Aquatic Life. For acrylonitrile the criterion to protect freshwater aquatic life as derived using the Guidelines is 130 µg/l as a 24-hour average and the concentration should not exceed 300 µg/l at any time.

Saltwater Aquatic Life. For acrylonitrile the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 130 µg/l as a 24-hour average and the concentration should not exceed 290 µg/l at any time.

Human Health. For the maximum protection of human health from the potential carcinogenic effects of exposure to acrylonitrile through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of acrylonitrile estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10⁻⁵, 10⁻⁶, or 10⁻⁷ with corresponding criteria of 0.08 µg/l, 0.008 µg/l, and 0.0008 µg/l, respectively. If water alone is consumed, the water concentration should be less than 0.16 µg/l to keep the lifetime cancer risk below 10⁻⁵.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of acrylonitrile is the Final Acute Value of 300 µg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For acrylonitrile the criterion to protect freshwater aquatic life as derived using the Guidelines is 130 µg/l as a 24-hour average and the concentration should not exceed 300 µg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=2,500 µg/l
Final Invertebrate Acute Value=300 µg/l
Final Acute Value=300 µg/l
Final Fish Chronic Value=not available

Final Invertebrate Chronic Value=greater than 710 µg/l
Final Plant Value=not available
Residue Limited Toxicant
Concentration=not available
Final Chronic Value=greater than 710 µg/l
0.44×Final Acute Value=130 µg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for acrylonitrile using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

However, results obtained with acrylonitrile and freshwater organisms indicate how a criterion may be derived.

For acrylonitrile and freshwater organisms, 0.44 times the Final Acute Value is less than the Final Chronic Value that is derived from results of a life cycle test with *Daphnia magna*. Therefore, it seems reasonable to estimate a criterion for acrylonitrile and saltwater organisms using 0.44 times the Final Acute Value. Both a Final Fish Acute Value and a Final Invertebrate Acute Value are available for acrylonitrile and freshwater organisms, and the Final Acute Value is based on the invertebrate value since it is the lower of the two. For saltwater organisms, only a Final Fish Acute Value is available. For freshwater organisms, the Final Invertebrate Acute Value divided by the Final Fish Acute Value is 300÷2,500 µg/l=0.12. Multiplying this value times the saltwater Final Fish Acute Value for acrylonitrile results in an estimated saltwater Final Invertebrate Acute Value of 0.12×2,400 µg/l=290 µg/l. Thus the estimated Final Acute Value for acrylonitrile is 290 µg/l. Multiplying the final Acute Value of 290 µg/l by 0.44 gives 130 µg/l.

The maximum concentration of acrylonitrile is the Final Acute Value of 290 µg/l, and the 24-hour average concentration is 0.44 times the final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For acrylonitrile the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 130 µg/l as a 24-hour average and the concentration should not exceed 290 µg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=2,400 µg/l

Final Invertebrate Acute Value=not available
Final Acute Value=2,400 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=not available
Residue Limited Toxicant
Concentration=not available
Final Chronic Value=not available
0.44×Final Acute value=1100 µg/l

Human Health. The animal carcinogenicity studies of Norris (1977), Quast, et al. (1977), and Maltoni, et al. (1977) and the epidemiological studies of O'Berg (1977) and Monson (1977) were considered to be the most pertinent data for the determination of a water quality criterion for the protection of human health. Although the epidemiological studies showed excesses of various cancers in man, neither study had quantitative exposure data of the workers to acrylonitrile and hence could not be utilized for calculation of a safe level. The criterion was therefore developed from the animal carcinogenicity data by utilizing the linear non-threshold model.

The rat carcinogenicity studies, in general, showed a tumorigenic response to acrylonitrile whether exposure was by ingestion or inhalation. These data support the findings of the epidemiological studies.

To select data for the evaluation of an acceptable risk concentration, studies having the following attributes were chosen:

1. There was an increase in frequency of tumors in treated rats over control rats.
2. There was a low frequency of tumors in control rats.
3. Several dosage levels were tested so dose-response relationships could be interpreted.

Reference	Route	Location of tumor	Sex	Dose (mg/kg)	Acceptable risk concentration in water (mg/l)
Norris, 1977	Water ingestion	Proliferation lesions in brain.	Female	12.45	1.2 × 10 ⁻⁴
		Mammary gland.....	Female	4.7	1.6 × 10 ⁻⁴
		Ear canal masses.....	Female	12.45	9.8 × 10 ⁻⁵
Quast, et al.	Water ingestion	Stomach.....	Male	23.8	8.8 × 10 ⁻⁵
		Stomach.....	Female	27.45	1.5 × 10 ⁻⁴
		Central nervous system.	Male	23.8	8.8 × 10 ⁻⁵
Maltoni, et al. 1977	Inhalation	Stomach.....	Female	11.4	8.3 × 10 ⁻⁵
		Stomach.....	Male	9.6	1.9 × 10 ⁻⁴
		Zymbal gland.....	Female	11.4	1.9 × 10 ⁻⁴
		Gliomas.....	Male	*4.1	18.1 × 10 ⁻⁴
		Mammary gland.....	Female	*1.0	0.6 × 10 ⁻⁴
			Male	*4.1	5.6 × 10 ⁻⁴

*Calculated ingestion dose converted from inhalation.

In spite of the differences between the data sets, the application of linear non-threshold model results in relatively

To use the linear dose-response non-threshold model in calculating a water concentration that results in a risk of a carcinogenicity incidence of 1/100,000, the following assumptions were made for all calculations:

1. A maximum bioaccumulation factor of 110 for acrylonitrile, as determined for the bluegill sunfish (EPA report, Duluth, Mn.).
2. Consumption of water per person per day is 2l over a period of 70 years.
3. Average consumption of fish per person per day is 18.7 grams.
4. Average life span for test rats is 730 days.

Specialized assumptions for converting inhalation dose to an equivalent ingestion dose were made with the Maltoni, et al. (1977) study as follows:

1. The average rat respiration rate is 0.61 l/min. kg (Guyton, 1947; Crosfill and Widdicombe, 1961).
2. The average weight for male rats is 500 g and female rats 300 g.
3. The absorption efficiency is 90 percent (Young, et al. 1977).

4. Since the duration of the experiment was 1001 days, the average life span of the rat was assumed to be 1001 days due to constraints of the equations in the linear model.

5. The data of Young, et al. (1977) (see Pharmacokinetics) suggests that extrapolation from one dosage route to another may not be valid. Further verification of this data is needed, however, and the data of Maltoni's inhalation study was included for comparison with the water ingestion studies.

The results of the application of the linear non-threshold model to the selected data are summarized below:

similar calculated acceptable risk concentrations for water in each case.

Due to the numerous assumptions necessary for the Maltoni study as well as the potential inability to convert between dosage routes, the data from this study were not weighed as heavily as the others. Therefore, the value of 0.8×10^{-4} mg/l was selected as the recommended criterion for acrylonitrile in water. It must be emphasized that this level is based on data from a 12-month interim report and is, therefore, preliminary in nature.

Under the Consent Decree in NRDC vs. Train, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Acrylonitrile is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of acrylonitrile in water

for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of acrylonitrile corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the Federal Register notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5} , 10^{-6} or 10^{-7} as shown in the table below.

Exposure Assumptions	Risk Levels and Corresponding Criteria ⁽¹⁾			
	0	10^{-7}	10^{-6}	10^{-5}
2 liters of drinking water and consumption of 18.7 grams of fish and shellfish (2)		0.008 x 10^{-4} ng/l	0.08 x 10^{-4} ng/l	0.8 x 10^{-4} ng/l
Consumption of fish and shellfish only.		0.016 x 10^{-4} ng/l	0.16 x 10^{-4} ng/l	1.6 x 10^{-4} ng/l

(1) Calculated by applying a modified "one hit" extrapolation model described in the Methodology Document to the animal bioassay data presented in Appendix III. Since the extrapolation model is linear to low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

(2) Fifty one percent of the acrylonitrile exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 110-fold. The remaining 49 percent of the acrylonitrile exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of acrylonitrile (1) occurring from the consumption of both drinking water and aquatic life grown in water containing the corresponding acrylonitrile concentrations and, (2)

occurring solely from the consumption of aquatic life grown in the waters containing the corresponding acrylonitrile concentrations. Because data indicating other sources of exposure and the contribution to total body burden are inadequate for quantitative use, the criterion reflects the increment to risks associated with ambient water exposure only.

Summary of Pertinent Data

The water quality criterion for acrylonitrile is derived from the tumorigenic effect observed in the central nervous system of female Sprague-Dawley rats given 100 ppm acrylonitrile in drinking water. The time weighted average dose of 11.4 mg/kg/day was given for 52 weeks, and ten animals of each group were then sacrificed (interim). The incidence of brain tumors was 0/9 and 4/10 in the control and the treated groups, respectively. Assuming a fish bioconcentration of 110, the criterion is calculated from the following parameters:

$$n_1 = 4 \\ N_1 = 10$$

$$n_2 = 0 \\ N_2 = 9 \\ le = 368 \text{ days} \\ Le = 368 \text{ days} \\ d = 11.4 \text{ mg/kg/day} \\ R = 110 \\ L = 730 \text{ days} \\ w = 0.350 \text{ kg} \\ F = 0.0187 \text{ kg/day}$$

Based on these parameters, the one-hit slope B_H is $2.0455 \text{ (mg/kg/day)}^{-1}$. The resulting water concentration of acrylonitrile calculated to keep the individual risk below 10^{-5} is $0.084 \mu\text{g/l}$. It must be emphasized that this concentration level is based on data from a 12-month interim report and is, therefore, likely to be modified when the final report becomes available.

Aldrin/Dieldrin

Criteria Summary

Freshwater Aquatic Life. For aldrin/dieldrin the criterion to protect freshwater aquatic life as derived using the Guidelines is $0.0019 \mu\text{g/l}$ as a 24-hour average and the concentration should not exceed $1.2 \mu\text{g/l}$ at any time.

Saltwater Aquatic Life. For aldrin/dieldrin the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is $0.0069 \mu\text{g/l}$ as a 24-hour average and the concentration should not exceed $0.16 \mu\text{g/l}$ at any time.

Human Health. For the maximum protection of human health from the potential carcinogenic effects of exposure to aldrin through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of aldrin estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5} , 10^{-6} , or 10^{-7} with corresponding criteria of 4.6×10^{-2} ng/l, 4.6×10^{-3} ng/l, and 4.6×10^{-4} ng/l, respectively.

For the maximum protection of human health from the potential carcinogenic effects of exposure to dieldrin through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of dieldrin estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5} , 10^{-6} , or 10^{-7} with corresponding criteria of 4.4×10^{-2} ng/l, 4.4×10^{-3} ng/l, and 4.4×10^{-4} ng/l, respectively.

Basis for the Criteria

Freshwater Aquatic Life. 1The maximum concentration of dieldrin is the Final Acute Value of $1.2 \mu\text{g/l}$ which is based on the more acutely sensitive invertebrate organisms. Since 0.44 times the Final Acute Value ($0.44 \times 1.2 \mu\text{g/l} = 0.53 \mu\text{g/l}$) is not lower than the Final Chronic Value ($0.0019 \mu\text{g/l}$), the latter is the recommended 24-hour average concentration. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

Summary of Available Data.

The concentrations below have been rounded to two significant figures.

Final Fish Acute value = $1.6 \mu\text{g/l}$
Final Invertebrate Acute Value = $1.2 \mu\text{g/l}$
Final Acute Value = $1.2 \mu\text{g/l}$
Final Fish Chronic Value = $0.031 \mu\text{g/l}$
Final Invertebrate Chronic Value = not available
Final Plant Value = $100 \mu\text{g/l}$
Residue Limited Toxicant Concentration = $0.0019 \mu\text{g/l}$
Final Chronic Value = $0.0019 \mu\text{g/l}$
 $0.44 \times$ Final Acute Value = $0.53 \mu\text{g/l}$

Saltwater Aquatic Life. No saltwater criterion can be derived for dieldrin using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

However, results obtained with dieldrin and freshwater organisms indicate how a criterion may be estimated. For freshwater organisms the Final Fish Chronic Value divided by the Final Fish Acute Value is $0.031/1.6 = 0.019$. When this value is multiplied times the saltwater Final Fish Acute Value, an estimated Final Fish Chronic Value of $0.85 \times 0.019 = 0.016 \mu\text{g/l}$ is obtained. Therefore, the Final Chronic Value of $0.0069 \mu\text{g/l}$, based on the RLTC, should not cause adverse chronic effects on fish or invertebrate species.

To estimate a criterion for dieldrin, the maximum concentration is the Final Acute Value of $0.16 \mu\text{g/l}$ and the 24-hour average concentration is the Final Chronic Value of $0.0069 \mu\text{g/l}$. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = $0.85 \mu\text{g/l}$
Final Invertebrate Acute Value = $0.16 \mu\text{g/l}$
Final Acute Value = $0.16 \mu\text{g/l}$
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = $950 \mu\text{g/l}$

Residue Limited Toxicant Concentration = $0.0069 \mu\text{g/l}$
Final Chronic Value = $0.0069 \mu\text{g/l}$
 $0.44 \times$ Final Acute Value = $0.070 \mu\text{g/l}$

Human Health. The aldrin and dieldrin carcinogenicity data of Walker, et al. (1972) and the National Cancer Institute (1976) were analyzed using a linear dose-response model to calculate that concentration of dieldrin in water which is estimated to result in an excess lifetime risk of 10^{-5} in man.

It should be noted that Walker, et al. study used 99 percent pure dieldrin while the NCI study used technical grade dieldrin.

Under the Consent Decree in NRDC vs. Train, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Both aldrin and dieldrin are suspected of being human carcinogens. Because there is no recognized safe concentration for a human carcinogen, the recommended

concentration of aldrin/dieldrin in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of aldrin and dieldrin corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the Federal Register notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5} , 10^{-6} or 10^{-7} as shown in the table below.

Exposure Assumptions	Risk Levels and Corresponding Criteria ⁽¹⁾			
	0	10^{-7}	10^{-6}	10^{-5}
2 liters of drinking water and consumption of 18.7 grams of fish and shellfish (2)				
Aldrin	0	4.6×10^{-4} ng/l	4.6×10^{-3} ng/l	4.6×10^{-2} ng/l
Dieldrin	0	4.4×10^{-4} ng/l	4.4×10^{-3} ng/l	4.4×10^{-2} ng/l
Consumption of fish and shellfish only.				
Aldrin	0	4.6×10^{-4} ng/l	4.6×10^{-3} ng/l	4.6×10^{-2} ng/l
Dieldrin	0	4.5×10^{-4} ng/l	4.5×10^{-3} ng/l	4.5×10^{-2} ng/l

(1) Calculated by applying a modified "one hit" extrapolation model described in the 44 FR 15926, 1979. Appropriate bioassay data used in the calculation of the model are presented in the summary of pertinent data. Since the extrapolation model is linear to low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

(2) 99.9 percent of aldrin exposure

results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 4500 fold. The remaining 0.1 percent of aldrin exposure results from drinking water.

Ninety-eight percent of dieldrin exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 4500 fold. The remaining 2 percent of dieldrin exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of aldrin/dieldrin, (1) occurring from the consumption of both drinking water and aquatic life grown in water

containing the corresponding aldrin/dieldrin concentrations and, (2) occurring solely from the consumption of aquatic life grown in the waters containing the corresponding aldrin/dieldrin concentrations.

Although total exposure information for aldrin and dieldrin is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into the ambient water quality criteria formulation because of the tenuous estimates. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Summary of Pertinent Data for Aldrin. The water quality criterion for aldrin is derived from the hepatocellular carcinoma response of the B6C3F1 male mice given the low dose of aldrin in the NCI bioassay test, and on the response in the 0.1 ppm group of female CF-1 mice in the Walker, et al. (1972) experiment. In the NCI study, a time-weighted average dose of 4 ppm was given in the feed for 80 weeks and the animals were observed for an additional 10 weeks before terminal sacrifice. The incidence of hepatocellular carcinoma was 3/20 and 1/40 in the control and treated groups, respectively. The slope of the one-hit dose-response curve for aldrin is calculated from the following parameters:

$n_1 = 16$
 $N_1 = 49$
 $n_2 = 23$
 $N_2 = 20$
 $L = 90$ weeks
 $l = 80$ weeks
 $d = 4$ ppm $\times 0.13 = 0.52$ mg/kg/day
 $L = 90$ weeks
 $w = 0.035$ kg

With these parameters the slope of the one-hit dose-response curve for aldrin is 6.349 (mg/kg/day) $^{-1}$.

The conversion of aldrin to dieldrin in fish results in the accumulation of dieldrin residues in fish exposed to aldrin. This makes it necessary to consider the risk resulting from intake of dieldrin stored in fish due to the presence of aldrin in water. Thus, the criterion for aldrin also depends upon the one-hit dose-response curve for dieldrin, which has a slope of 183.6 (mg/kg/day) $^{-1}$ as calculated previously from the Walker, et al. (1972) study.

The equation describing the risk due to aldrin in water is derived from the general relationship

$P = B_H D$ and $D = I/70$ kg, thus
 $P = B_H I/70$ kg and
 $P(70 \text{ kg}) = B_H I$

Where:

P = individual lifetime risk (set at 10^{-5} for criterion calculation)

I = average daily human intake of the substance in question
 B_H = average weight of humans

Since aldrin in water leads to the accumulation of dieldrin residues in fish, the equation describing the risk due to aldrin is

$P_a (70 \text{ kg}) = B_H C_a (2.0 \text{ l/day}) + B_H C_a R_{ad} (0.0187 \text{ kg/day}) + B_H C_a R_{ad} (0.0187 \text{ kg/day})$

Where:

P_a = risk due to aldrin (set at 10^{-5} for criterion calculation)

$B_H C_a = 6.349$ (mg/kg/day) $^{-1}$, the aldrin dose-response slope

$B_H C_d = 183.6$ (mg/kg/day) $^{-1}$, the dieldrin dose-response slope

C_a = criterion concentration for aldrin (to be calculated)

$R_a = 32$ l/kg, the fish bioconcentration of aldrin from aldrin

$R_{ad} = 4468$ l/kg, the fish bioconcentration of dieldrin from aldrin

2.0 l/day = average daily intake of water for humans

0.0187 kg/day = average daily intake of fish for humans.

The term containing R_{ad} represents intake of dieldrin resulting from the presence of aldrin in the water, and is thus multiplied by the dieldrin dose-response slope. R_{ad} is estimated by assuming that in the absence of conversion to dieldrin, aldrin would bioconcentrate 4500 times (as dieldrin does), and that since aldrin only accumulates 32 times, the remainder of the expected aldrin residues are being stored as dieldrin.

The result is that the water concentration of aldrin should be less than 4.6×10^{-2} ng/l in order to keep the individual lifetime risk below 10^{-5} .

Summary of Pertinent Data for Dieldrin. The water quality criterion for dieldrin is based on the hepatocellular carcinoma response of the female CF-1 mice given 0.1 ppm of dieldrin continuously in the diet in the experiment of Walker, et al. (1972). In that group the incidence of type a and type b liver tumors in the 0.1 ppm group of females was 24 out of 90 animals, whereas in the controls it was 39 out of 297 animals. Assuming a fish bioconcentration factor of 4500, the parameters of the dose-response model are:

$n_1 = 24$
 $N_1 = 90$
 $n_2 = 39$
 $N_2 = 297$
 $L = 132$ weeks
 $l = 132$ weeks
 $d = 0.1$ ppm $\times 0.13 = 0.013$ mg/kg/day
 $L = 132$ weeks
 $w = 0.025$ kg
 $R = 4500$
 $F = 0.0187$ kg/day

With these parameters the slope of the one-hit dose-response curve for dieldrin is 183.6 (mg/kg/day) $^{-1}$.

The result is that the water concentration should be less than 4.4×10^{-2} ng/l in order to keep the individual lifetime risk below 10^{-5} .

Asbestos

Criteria Summary

Freshwater Aquatic Life. For freshwater aquatic life, no criterion for asbestos can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for asbestos can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health. For the maximum protection of human health from the potential carcinogenic effects of exposure to asbestos through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of asbestos estimated to result in additional lifetime cancer risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5} , 10^{-6} , 10^{-7} with corresponding criteria of 300,000 fibers/l, 30,000 fibers/l, and 3,000 fibers/l, respectively.

Basis for the Criteria

Aquatic Life. No appropriate data on the effects of asbestos on aquatic organisms are available at this time. Therefore, no freshwater or saltwater criterion can be derived for asbestos using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Human Health. A substantial body of data exists which shows increased incidence of cancer of the esophagus, stomach, colon, and rectum or peritoneal mesothelioma in humans exposed to asbestos occupationally. For several of these groups, data exist on the approximate air-borne fiber concentrations to which individuals were exposed. These human data will serve as the primary basis for a standard of asbestos in water. Experimental data indicate that a major fraction of the asbestos deposited in the lungs is subsequently swallowed. In this section the dose to the gastrointestinal tract of four occupational groups will be calculated from knowledge of the air

concentrations to which the workers were exposed and follow the assumption that all the asbestos inhaled subsequently passed through the gastrointestinal tract and provided the exposure that led to the observed increase in abdominal cancer. The assumption that all inhaled asbestos ingested is an overestimate but not significantly. No account has been taken of the material that a worker may swallow directly, and this quantity could be significant. However, for the purposes of a criterion, our inability to

quantitate direct ingestion in the work place and to properly account for it by a the present approach provides some margin of safety in the estimate of dose-response relations.

Table 1 lists the percentage of death from excess gastrointestinal cancer and peritoneal mesothelioma in four groups of asbestos workers. Calculations of this percentage were made using expected numbers of death, rather than the observed, because the latter was inflated by including other asbestos-related deaths.

Table 1.—Percentage of Excess Gastrointestinal Cancers and Peritoneal Mesotheliomas in Four Groups of Asbestos Workers

Exposed group	Number of excess deaths (from table 26)		Expected number of deaths in cohort	Excess deaths as a percentage of expected deaths in cohort		
	G.I. cancer	Peritoneal mesothelioma		G.I.	Peritoneal mesothelioma	Total
Insulation workers* (chrysotile and amosite).....	39.9 (ICD 150-154)*	109	1660.96	2.4	6.6	9.0
Insulation workers* (chrysotile and amosite).....	29.4 (ICD 150-154)	22	305.20	9.6	7.2	16.8
Factory employment* (amosite).....	10.5 (ICD 150-154)	8	368.62	2.9	2.2	5.1
Factory employment* (chrysotile, crocidolite and amosite).....	15.8 (ICD 150-154 ex meso)	35	556.0	2.8	8.3	9.1

* Selikoff, et al. (1979).

* Selikoff, et al. (1979).

* Seidman, et al. (1979).

* Newhouse and Berry (1979).

* Public Health Service (1967-69).

Table 2 lists the fiber concentration estimates and an exposure index for each cohort (years of exposure \times fiber concentration). This index will be used to calculate the number and mass of asbestos fibers ingested during a working lifetime. As the observed mortality is, to a large extent, after 20 years from first exposure, the intermixing of time and exposure does not present significant problems.

The average length of exposure for the insulation workers in the first group was calculated from data on employment time at entry into the cohort in 1967. Forty years was used as the working lifetime for the smaller group of New York and New Jersey insulators, virtually all of whom are deceased or retired. The estimate of the person-weighted exposure index for the amosite factory is simply the average.

employment time multiplied by 40 f/ml. Data from Table 3 were used to estimate a person-weighted exposure index for the Newhouse and Berry group.

TABLE 2.—Exposure Indices for Asbestos Worker Groups

Exposed group	Air fiber concentration (f/ml)	Person-weighted exposure average time (yrs.)	Exposure index (years \times f/ml)
U.S. Insulators Selikoff, et al. (1979).....	15	34	510
NY/NJ insulators Selikoff, et al. (1976)	15	40	600
Amosite factory workers Seidman, et al. (1979).....	40	1.9	76
British factory workers Newhouse and Berry (1979).....	10-30	(*)	180

* See table 3c

(Person-weighted exposure index = (No. at risk \times exposure \times time) = 180)

Table 3.—Exposure Estimates for Workers in a British Factory*

Exposure group	No. at risk	Exposure (f/ml)	Time of exposure (years)
Severe.....			
2 years.....	711	30	20
2 years.....	1,333	30	2
Low to moderate.....			
2 years.....	503	10	20
2 years.....	933	10	2

* Newhouse and Berry (1979).

A detailed calculation of the daily intake of asbestos to produce a lifetime risk of 10^{-5} is given in Appendix I. Data of the occupational risk of both gastrointestinal cancer and peritoneal mesothelioma were used (Table 1). Account was taken of the fact that occupational exposures took place over a 5-day work week and that the ingestion exposure may encompass a lifespan of 70 years. It was assumed that a worker breathes at the rate of $1 \text{ m}^3/\text{hr}$ during work exposure for the purpose of calculating total asbestos intake per day. Using a linear dose-response relationship, and a specified risk of 10^{-5} , the calculated 70-year daily intake resulting from these calculations are given in Table 4. The data from Seidman, et al. were not used because it was exclusively from amosite exposures. Assuming that two liters of water are ingested per day, this would correspond to a concentration of 300,000 fibers of all sizes/liter of water.

Table 4.—Calculated Intake for 10^{-5} Lifetime Risk of Death From Gastrointestinal Cancer and Peritoneal Mesothelioma

Exposure group	Estimate of intake/day for 10^{-5} risk (fibers of all lengths/day)
Selikoff, et al. (1979).....	900,000
Selikoff, et al. (1976).....	600,000
Newhouse and Berry, (1979).....	400,000
Average.....	600,000

A criterion for a mass concentration of asbestos can also be calculated using the conversion value of $30 \mu\text{g}/\text{m}^3/\text{f}/\text{ml}$ as derived from the data for predominantly chrysotile exposures. A value of $150 \mu\text{g}/\text{m}^3/\text{f}/\text{ml}$ for amosite appears more appropriate, based on the finding that amosite has approximately a three time greater conversion factor than chrysotile. A detailed calculation is given in the criteria document and the results are summarized in Table 5. Assuming that two liters of water are ingested per day, a risk of 10^{-5} would be produced from ingesting water

containing 0.05µg/liter. As mentioned in the criteria document, the variability in the data used to convert optical fiber counts to mass leads to a large uncertainty in the above estimate.

Table 5.—Calculated Intake for 10⁻⁶ Lifetime Risk of Death From Gastrointestinal Cancer and Peritoneal Mesothelioma

Exposure group	Estimate of intake/day for 10 ⁻⁶ risk (µg/l day)
Selikoff, et al. (1979)	0.14
Selikoff, et al. (1976)	0.09
Seidman, et al. (1979)	0.11
Newhouse and Berry, (1979)	0.05
Average	0.1

Considering chrysotile and depending on the source of the asbestos in water, 0.05 µg/l corresponds to from 10⁶ to 20×10⁶ fibers of all lengths per day. Such estimates are considerably higher than those derived previously and are most likely a reflection of the differences in the sizes of the fibers found in water, as compared to those found in air. Because of these uncertainties, high priority should be given to obtaining accurate size and mass distribution of typical fibers found in different circumstances (air and water) which would allow appropriate conversions to be made between fiber concentrations in air and water.

The majority of samples analyzed for the EPA to date were characterized by a concentration of all microscopic visible fibers per liter of water.

Further, techniques for the determination of fiber concentrations (as opposed to mass concentrations) have been published as interim EPA procedures. Thus, a criterion for the concentration of fibers of all sizes in water corresponding to a 10⁻⁶ risk will be calculated directly from the concentrations of fibers greater than 5 µm measured in the occupational circumstances that produced disease. Unfortunately, the data currently available relating concentrations of fibers longer than 5µm, counted by optical microscopy, determined by electron microscopy, are extremely limited. These include those by Wallingford (1978), 15:1, Millette (personal communication), 400:1; and Winer and Cossett (1978), 1000:1 and are only for chrysotile asbestos. Using the geometric mean of 200 for this factor from all available data, a total fiber concentration corresponding to a 10⁻⁶ risk can be calculated from the data of Tables 1 and 2.

In making the calculation, one tacitly assumes the same fiber size distribution in water as in occupational air samples. Some data show that water fiber size

distributions vary, and occupational air distributions have been shown to be so variable that the fraction of fibers longer than 5 microns can range over a factor of 10 depending on sampling circumstances. Although sizing of airborne and waterborne fibers have not been done using the same methods, qualitatively, water appears to have fiber distributions with more smaller fibers than in occupational air samples. Thus, an estimate assuming the same fiber size distribution in water as in air will yield a conservative criterion (from the point of view of health).

Although positive animal experiments had various experimental limitations, such data as existed were treated in the model of EPA. The data are presented in Table 6.

Table 6^a

Effect	Estimated 10 ⁻⁶ dosage (µg/l)
4/42 Kidney carcinomas 0/49 control	3.2
12/42 Malignancies 2/49 control	1.1

^a Gibel, et al. (1976).

Considering the large number of experimental uncertainties, these values provide reasonable support for the concentration derived from human exposure data.

This document was concerned with the estimation of that concentration of asbestos in water which will produce a lifetime risk of 1 in 100,000 in a population exposed continuously. The risk estimate was made using a linear extrapolation from existing human data and would appear to constitute a conservative extrapolation. However, in the case of asbestos the risk factor of 1/100,000 is not conservative. If we were concerned with intermittent or localized contamination incidents of some carcinogen that, once identified, could

Exposure Assumption	Risk Levels and Corresponding Criteria			
	0	10 ⁻⁷	10 ⁻⁶	10 ⁻⁵
2 liters of drinking water		3,000 f/l*	30,000 f/l	300,000 f/l
Consumption of fish and shellfish only.		No Criterion		

*f = fibers

(1) Calculated by applying a modified "one-hit" extrapolation model described in the Methodology Document to the human epidemiological data presented in criterion document. Since the extrapolation model is linear to low

be abated, such a value would have utility. With asbestos, however, we are concerned with an ubiquitous contaminant in the environment to which large populations are continuously exposed for decades. Further, the estimated value has a high degree of uncertainty associated with it, based upon the data from which it was derived.

Under the Consent Decree in *NRDC v. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Asbestos is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of asbestos in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of asbestos corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10⁻⁵ for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10⁻⁶ indicates one additional case of cancer for every million people exposed, and so forth.

In the Federal Register notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10⁻⁵, 10⁻⁶, or 10⁻⁷ as shown in the table below.

doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations

shown in the table by factors such as 10, 100, 1,000, and so forth.

Concentration levels were derived assuming a lifetime exposure to various amounts of asbestos occurring from the consumption of drinking water only.

Although total exposure information for asbestos is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into ambient water quality criteria formulation until additional analysis can be made. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Benzidine

Criteria Summary

Freshwater Aquatic Life. For freshwater aquatic life, no criterion for benzidine can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for benzidine can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health. For the maximum protection of human health from the potential carcinogenic effects of exposure to benzidine through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of benzidine estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10⁻⁵, 10⁻⁶, or 10⁻⁷, with corresponding criteria of 1.67×10⁻³ µg/l, 1.67×10⁻⁴ µg/l, and 1.67×10⁻⁵ µg/l, respectively.

Basis for the Criteria

Freshwater and Saltwater Aquatic Life. No freshwater or saltwater criterion can be derived for benzidine using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Human Health. The available data concerning the carcinogenicity of benzidine in experimental animals are severely limited. It is extremely difficult to extrapolate the experimental results to man because, with the possible exception of the dog and the rabbit, the target organs are different. Moreover, the metabolites produced by the various

species, in general, differ significantly from those produced by man (Haley, 1975), although 3-hydroxybenzidine and its conjugation products are common to both man and animals.

Despite the limitations of the available data, a suggested criterion for benzidine was calculated using the linear non-threshold model described in 44 FR 15926 March 15, 1979. The calculation assumes a risk of 1 in 100,000 of developing cancer as a result of daily consumption of 2 liters of benzidine contaminated water and the daily consumption of 18.7 g of benzidine contaminated aquatic organisms. Based on the data of Zavon, et al. (1973)¹, a benzidine criterion of 1.67×10⁻³ µg/l is suggested to be adequate to protect the population consuming the water and the contaminated aquatic organisms.

Epidemiological data indicate that exposure to benzidine is associated with an increase in bladder cancer in man. The possibility that benzidine may be found in wastewater may also pose a problem. In order to determine the extent of the potential problem, measurements must be made of wastewater not only for benzidine but also for its congeners. Moreover, further evaluation must be made on these chemicals and their azo dye derivatives to determine their stability to microbiological degradation. It is essential that studies of their carcinogenicity in experimental animals be made at doses which produce a bare minimum of liver pathology. A detailed pharmacokinetic study should be undertaken to establish routes of absorption, body transport, storage and excretion of benzidine, its congeners,

¹ Zavon, M.R., et al. 1973. Benzidine exposure as a cause of bladder tumors. Arch. Environ. Health 27:1.

Exposure Assumptions	Risk Levels and Corresponding Criteria ⁽¹⁾			
	0	10 ⁻⁷	10 ⁻⁶	10 ⁻⁵
2 liters of drinking water and consumption of 13.7 grams of fish and shellfish (2)	0	1.67 x 10 ⁻⁵ µg/l	1.67 x 10 ⁻⁴ µg/l	1.67 x 10 ⁻³ µg/l
Consumption of fish and shellfish only.	0	5.24 x 10 ⁻⁵ µg/l	5.24 x 10 ⁻⁴ µg/l	5.24 x 10 ⁻³ µg/l

(1) Calculated by applying a modified "one hit" extrapolation model described in 44 FR 15926 March 15, 1979. Appropriate epidemiological data used in the calculation of the model are presented in Summary of Pertinent Data.

and the azo dyes synthesized from them. Programs covering both industrial hygienic and epidemiologic aspects of exposure to benzidine and its congeners to establish the degree of dermal and pulmonary absorption are a necessity if we are to prevent this chemically induced cancer from occurring.

Under the Consent Decree in *NRDC v. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Benzidine is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of benzidine in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of benzidine corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10⁻⁵ for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10⁻⁶ indicates one additional case of cancer for every million people exposed, and so forth.

In the Federal Register notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10⁻⁵, 10⁻⁶ or 10⁻⁷ as shown in the table below.

Since the extrapolation model is linear to low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other

risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

(2) Thirty-two percent of benzidine exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 50-fold. The remaining 68 percent of benzidine exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of benzidine, (1) occurring from the consumption of both drinking water and aquatic life grown in water containing the corresponding benzidine concentrations and, (2) occurring solely from the consumption of aquatic life grown in the waters containing the corresponding benzidine concentrations.

Although total exposure information for benzidine is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into the ambient water quality criteria formulation because of the tenuous estimates. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Summary of Pertinent Data

The data from the human epidemiology study of Zavon, et al. 1973¹ were used to estimate the concentration of benzidine in water

calculated to keep the lifetime cancer risk below 10^{-5} . In this study 25 workers in a benzidine manufacturing plant were observed for the appearance of bladder tumors after a mean exposure period of 13.61 years, their average age at the end of exposure was 44 years and at the end of a 13-year observation was 57 years. The men not showing evidence of cancer had a mean exposure period of 8.91 years, their average age at the end of exposure was 43 years and at the end of observation 56 years. The estimated total accumulated dose of 200 mg/kg was estimated from average urinary levels of benzidine in these workers at the end of a workshift (see Zavon, et al. 1973).¹ The criterion was calculated from the following parameters:

Average weight of man = 70 kg
Observed incidence of bladder cancer = 13/25 (52 percent)
Accumulated dose = 200 mg/kg
Bioconcentration factor of benzidine = 50
X = average daily exposure producing lifetime risk of 10^{-5}
B* = potency factor, which is an estimate of the linear dependency of cancer rates on lifetime average dose
C = concentration of benzidine in water, calculated to produce a lifetime risk of 10^{-5} , assuming a daily ingestion of 2 liters of water and 0.0187 kg fish.

Workers were assumed to have received 200 mg/kg of benzidine in a lifetime. At the end of a 13-year observation period, the average age of the workers was 57 years. Therefore, benzidine exposure on a mg/day basis amounts to:

$$\frac{200 \times 70}{365 \times 57} = .673 \text{ mg/day}$$

This gives a response at 57 years of 524 so that:

$$.52 = 1 - e^{-B(.673)}$$

$$B = \frac{.734}{.673} = 1.091$$

$$B^* = \left(\frac{t_f}{t_f} \right)^3 = 1.091 \left(\frac{70}{57} \right)^3 = 2.021$$

$$(2.021)(X) = 10^{-5}$$

$$X = 4.9 \times 10^{-6} \text{ mg/day to obtain a rate of } 10^{-5} \text{ or } 4.9 \times 10^{-3} \text{ } \mu\text{g/day}$$

Therefore:

$$C(2 + 50 \times .0187) = 4.9 \times 10^{-3}$$

$$C = 1.67 \times 10^{-3} \text{ } \mu\text{g/l}$$

From this data the concentration of benzidine in water calculated to keep

lifetime cancer risk below 10^{-5} is $1.67 \times 10^{-3} \text{ } \mu\text{g/l}$.

Chloroalkyl Ethers

Criteria Summary

Freshwater Aquatic Life. For freshwater aquatic life, no criterion for any chloroalkyl ether can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for any chloroalkyl ether can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health. For the protection of human health from the toxic properties of bis(2-chloroisopropyl) ether ingested through water and through contaminated aquatic organisms, the ambient water criterion is determined to be $175.8 \text{ } \mu\text{g/l}$. For the maximum protection of human health from the potential carcinogenic effects of exposure to bis(2-chloroisopropyl) ether through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of bis(2-chloroisopropyl) ether estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5} , 10^{-6} , or 10^{-7} , with corresponding criteria of $11.5 \text{ } \mu\text{g/l}$, $1.15 \text{ } \mu\text{g/l}$, and $0.115 \text{ } \mu\text{g/l}$, respectively.

For the maximum protection of human health from the potential carcinogenic effects of exposure to bis(2-chloroethyl) ether through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of bis(2-chloroethyl) ether estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5} , 10^{-6} , or 10^{-7} , with corresponding criteria of $0.42 \text{ } \mu\text{g/l}$, $0.042 \text{ } \mu\text{g/l}$, and $0.0042 \text{ } \mu\text{g/l}$, respectively. For the maximum protection of human health from the potential carcinogenic effects of exposure to bis(chloromethyl) ether through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of bis(chloromethyl) ether estimated to result in additional lifetime cancer risks ranging from no

additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5} , 10^{-6} , or 10^{-7} , with corresponding criteria of 0.02 ng/l , 0.002 ng/l , and 0.0002 ng/l , respectively.

Basis for the Criteria

Freshwater Aquatic Life. No freshwater criterion can be derived for any chloroalkyl ether using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

2-chloroethyl vinyl ether

Final Fish Acute Value = $50,000 \text{ } \mu\text{g/l}$
Final Invertebrate Acute Value = not available
Final Acute Value = $50,000 \text{ } \mu\text{g/l}$
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = not available
Residue Limited Toxicant
Concentration = not available
Final Chronic Value = not available
 $0.44 \times \text{Final Acute Value} = 22,000 \text{ } \mu\text{g/l}$

bis(2-chloroethyl) ether

Final Fish Acute Value = not available
Final Invertebrate Acute Value = $9,600 \text{ } \mu\text{g/l}$
Final Acute Value = $9,600 \text{ } \mu\text{g/l}$
Final Fish Chronic Value = greater than $1,400 \text{ } \mu\text{g/l}$
Final Invertebrate Chronic Value = not available
Final Plant Value = not available
Residue Limited Toxicant
Concentration = not available
Final Chronic Value = greater than $1,400 \text{ } \mu\text{g/l}$
 $0.44 \times \text{Final Acute Value} = 4,200 \text{ } \mu\text{g/l}$

Saltwater Aquatic Life. No saltwater criterion can be derived for any chloroalkyl ether using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Human Health. There is no empirical evidence that BCIE is carcinogenic; however, some chronic toxic effects of the compound have been noted. One approach to estimating a safe level of BCIE in drinking water utilizes the following general equation:

$$\text{NOAEL} \times \text{SF} \times \text{BW} = \text{W} \times \text{Z} + \text{R} \times \text{F} \times \text{Z} + \text{AD} - (\text{R} \times \text{F} \times \text{Z})$$

where NOAEL = no apparent adverse effect level in mammals
SF = safety factor

BW = body weight of average human (assume 70 kg)
W = daily consumption of water (assume 2 liters)
Z = safe level for water
R = bioconcentration factor (in l/kg)
F = daily consumption of fish (assume 0.0187 kg)
A = daily amount absorbed from air
D = daily amount from total diet (including fish)

Since valid estimates on current exposure from air and total diet cannot be made, the equation can be simplified to $\text{NOAEL} \times \text{SF} \times \text{BW} = (\text{W} + \text{R} \times \text{F}) \times \text{Z}$. The lowest dose tested which caused minimum adverse effects was 10 mg/kg/day for the mice. However, even at this dose, there was an increased incidence of centrilobular necrosis of the liver which was not seen in the high-dose group. To be conservative, a safety factor of $1/1,000$ will be applied. Assuming an average human body weight of 70 kg, acceptable daily intake calculated is $700 \text{ } \mu\text{g/day}$. Using the estimated bioconcentration factor of 106 for BCIE and assuming daily consumption of 0.0187 kg fish and 2 liters of water, the safe level calculated from these data is $175.8 \text{ } \mu\text{g/l}$. Since this safe level is calculated on the basis of several assumptions that cannot be defended, it should be regarded as a very crude estimate.

Another approach to deriving a criterion has been suggested by the Carcinogens Assessment Group, EPA.

As previously stated, BCIE has not been empirically proven to be a carcinogen; nevertheless, it is mutagenic and is in a class of compounds that are known as carcinogens. Based on these facts, credence can be lent to deriving a suggested criterion based upon NCI preliminary data (1978) as applied to the linear, non-threshold model.

Therefore, a lower bound water concentration of $11.5 \text{ } \mu\text{g/l}$ has been calculated such that there is a 95 percent confidence that this level is lower than the actual level which would produce a 10^{-5} lifetime cancer risk due to exposure to BCIE.

Although both approaches to calculating a criterion are somewhat tenuous, the weight of evidence for the carcinogenic potential of BCIE is sufficient to be "qualitatively suggestive" and must not be ignored from a public health point of view. Until further conclusive data become available, the Agency feels it is prudent to consider BCIE as a potential carcinogen.

The estimated safe level of BCIE in drinking water may be calculated using the same linear, non-threshold model as applied to BCIE. The data on the

carcinogenicity of this compound by oral administration to male mice are used in the calculation. The bio-accumulation factor used is 25. Based on this approach, the calculated water quality criterion for BCIE is $.42 \text{ } \mu\text{g/l}$. Compliance to this level should limit human lifetime risk of carcinogenesis from BCIE in drinking water to not more than 10^{-5} (one case in 100,000 persons at risk), assuming water to be the only source of exposure. It should also very adequately protect against noncarcinogenic toxicity since the daily-dose of contaminant that would be absorbed from water containing the criterion limit is many times less than the minimal daily oral dose required to produce a detectable toxic response in animals.

The setting of drinking water standards for BCME and CMME is of academic interest only, since these α -chloroalkyl ethers may not, under ordinary conditions, exist in water for periods of time longer than a few hours. Carcinogenicity data generated by oral administration of these compounds are not available.

In the case of CMME, no criterion was calculated due to its extremely short half-life in aqueous solution. The hydrolysis rate of CMME in aqueous isopropanol has been measured. Extrapolation of the data to pure water yielded a $t_{1/2}$ of less than 1 second. BCME has a slightly longer half-life. Therefore, as a guideline, the safe level of BCME in drinking water may be calculated using the tumor incidence data from chronic rat inhalation studies (Kuschner, et al. 1975). In this study, Sprague-Dawley rats were exposed to 0.1 ppm BCME 6 hours per day, 5 days per week throughout their lifetime. Additional groups of rats were given 10, 20, 40, 80, and 100 exposures to 0.1 ppm BCME. The validity of the incidence rates for humans was established by evaluating the cancer incidence in workers after accounting for their exposure.

Therefore, using the linear, non-threshold model and a bioconcentration factor of 31, the recommended maximum permissible concentration of BCME for the ingested water is $.02 \text{ ng/l}$. Compliance to this level should limit human lifetime risk of carcinogenesis from BCME in drinking water to not more than 10^{-5} , assuming water to be the only source of exposure.

Under the Consent Decree in *NRDC vs. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities."

BCIE, BCEE, and BCME are suspected of being human carcinogens. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of these chloroalkyl ethers in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of BCIE, BCEE, and BCME corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer

risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the Federal Register notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5} , 10^{-6} , or 10^{-7} as shown in the following table.

Exposure assumptions	Risk levels and corresponding criteria ¹			
	0	10^{-7} ($\mu\text{g/l}$)	10^{-6} ($\mu\text{g/l}$)	10^{-5} ($\mu\text{g/l}$)
2 liters of drinking water and consumption of 18.7 grams of fish and shellfish ²				
Bis(2-chloroisopropyl)ether	0	0.115	1.15	11.5
Bis(2-chloroethyl)ether	0	0.0042	0.042	0.42
Bis(chloromethyl)ether	0	0.02×10^{-3}	0.02×10^{-1}	0.02×10^{-3}
Consumption of fish and shellfish only:				
Bis(2-chloroisopropyl)ether	0	0.231	2.31	23.1
Bis(2-chloroethyl)ether	0	0.0219	0.219	2.19
Bis(chloromethyl)ether	0	0.09×10^{-3}	0.09×10^{-1}	0.09×10^{-3}

¹ Calculated by applying a modified "one hit" extrapolation model described in the 44 FR 15926. Appropriate bioassay data used in the calculation of the model are presented in the summary of pertinent data. Since the extrapolation model is linear to low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

² Fifty percent of BCIE exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 106-fold. The remaining 50 percent of BCIE exposure results from drinking water.

Nineteen percent of BCEE exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 25-fold. The remaining 81 percent of BCEE exposure results from drinking water.

Twenty-two percent of BCME exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 31-fold. The remaining 78 percent of BCME exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of BCIE, BCEE, and BCME, (1) occurring from the consumption of both drinking water and aquatic life grown in water containing the corresponding chloroalkyl ether concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding chloroalkyl ether concentrations.

Although total exposure information for these chloroalkyl ethers is discussed and an estimate of the contributions from other sources of exposure can be made, these data will not be factored into the ambient water quality criteria formulation because of the tenuous estimates. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Summary of Pertinent Data

Bis (2-Chloroisopropyl) Ether. A 95

percent lower bound estimate of the water concentration of BCIE producing 10^{-5} cancer risk is calculated from the preliminary data of the NCI study in Osborne-Mendel rats. Since there is no statistically significant tumor incidence in any treated group compared with controls, the incidence of total malignant tumors in the male rats of the low dose group is compared with that of the respective vehicle control male group. The low dose group was given 100 mg/kg/day of BCIE by intubation 5 days per week for 2 years, so that the average lifetime exposure was 71.4 mg/kg/day. The lower bound water concentration is calculated from the values and the equation shown below. To obtain an upper 95 percent confidence bound on the slope, the following estimate was used

$$B_{au} = \ln \left[\frac{1 - P_c(1)}{1 - P_t(u)} \right]$$

where $P_c(1)$ is the lower 2.5 percent confidence limit on the control malignant tumor rate and $P_t(u)$ is the upper 97.5 percent confidence bound on the malignant tumor rate in the treated group.

$n_t = 17$
 $N_t = 50$
 $n_c = 22$
 $N_c = 50$
 $Le = 104$ wk
 $le = 104$ wk
 $L = 104$ wk
 $d = 71.4$ mg/kg/day
 $w = .550$ kg
 $F = .0187$ kg
 $R = 106$

Based on these parameters, the upper 95 percent confidence limit on the one-hit slope (B_{Hu}) is 1.53×10^{-2} (mg/kg/day)⁻¹. Therefore, the 95 percent lower bound estimate of the water concentration of BCIE producing 10^{-5} lifetime cancer risk is 11.5 micrograms per liter.

Bis (2-Chloroethyl) ether. The water quality criterion for BCEE is based on the induction of hepatomas in male mice (strain C57BL/6 \times C3H/AnF₁) given a daily oral dose of 300 ppm for 80 weeks (Innes, et al. 1969). The tumor incidence was 14/16 in the treated group compared with 8/79 in the control group. The criterion was calculated from the following parameters.

$n_t = 14$
 $N_t = 16$
 $n_c = 8$
 $N_c = 79$
 $Le = 80$ wk
 $le = 80$ wk
 $L = 80$ wk
 $d = 300$ ppm $\times 0.13 = 39$ mg/kg/day
 $w = .030$ kg
 $F = .0187$ kg
 $R = 25$

Based on these parameters, the one-hit slope (B_{Hu}) is 6.8510×10^{-1} (mg/kg/day)⁻¹. The resulting water concentration of BCEE calculated to keep the individual lifetime cancer risk below 10^{-5} is 0.42 micrograms per liter.

Bis (Chloromethyl) Ether. The water quality criterion for BCME is based on the induction of malignant respiratory tract tumors in male Sprague-Dawley rats given 100 exposures of 0.1 ppm by inhalation 6 hours per day, 5 days per week (Kuschner, et al. 1975). The average lifetime exposure was calculated to be 3.510×10^{-4} mg/kg/day. The tumor incidence was 12/20 in the treated group and 0/240 in the control rats. The criterion was calculated from the following parameters.

$n_t = 12$
 $N_t = 20$
 $n_c = 0$
 $N_c = 240$
 $Le = 104$ wk
 $le = 104$ wk
 $L = 104$ wk
 $d = 3.510 \times 10^{-4}$ mg/kg/day
 $w = .500$ kg
 $F = .0187$ kg
 $R = 31$

Based on these parameters, the one-hit slope (B_{Hu}) is 1.3603×10^4 (mg/kg/day)⁻¹. The resulting water concentration of BCME calculated to maintain the individual lifetime cancer risk below 10^{-5} is 0.02 nanograms per liter.

Chlorinated Benzenes

Criteria Summary

Freshwater Aquatic Life

Chlorobenzene. For chlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 1,500 $\mu\text{g/l}$ as a 24-hour average and the concentration should not exceed 3,500 $\mu\text{g/l}$ at any time.

1,2,4-trichlorobenzene. For 1,2,4-trichlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 210 $\mu\text{g/l}$ as a 24-hour average and the concentration should not exceed 470 $\mu\text{g/l}$ at any time.

1,2,3,5-tetrachlorobenzene. For 1,2,3,5-tetrachlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 170 $\mu\text{g/l}$ as a 24-hour average and the concentration should not exceed 390 $\mu\text{g/l}$ at any time.

1,2,4,5-tetrachlorobenzene. For 1,2,4,5-tetrachlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 97 $\mu\text{g/l}$ as a 24-hour average and the concentration should not exceed 220 $\mu\text{g/l}$ at any time.

Pentachlorobenzene. For pentachlorobenzene the criterion to protect fresh-water aquatic life as derived using procedures other than the Guidelines is 16 $\mu\text{g/l}$ as a 24-hour average and the concentration should not exceed 36 $\mu\text{g/l}$ at any time.

Saltwater Aquatic Life

Chlorobenzene. For chlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 120 $\mu\text{g/l}$ as a 24-hour average and the concentration should not exceed 280 $\mu\text{g/l}$ at any time.

1,2,4-trichlorobenzene. For 1,2,4-trichlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 3.4 $\mu\text{g/l}$ as a 24-hour average and the concentration should not exceed 7.8 $\mu\text{g/l}$ at any time.

1,2,3,5-tetrachlorobenzene. For 1,2,3,5-tetrachlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 2.6 $\mu\text{g/l}$ as a 24-hour average and the concentration should not exceed 5.9 $\mu\text{g/l}$ at any time.

1,2,4,5-tetrachlorobenzene. For 1,2,4,5-tetrachlorobenzene the criterion to protect saltwater aquatic life as derived using the Guidelines is 9.6 $\mu\text{g/l}$ as a 24-hour average and the concentration should not exceed 26 $\mu\text{g/l}$ at any time.

Pentachlorobenzene. For pentachlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 1.3 $\mu\text{g/l}$ as a 24-hour average and the concentration should not exceed 2.9 $\mu\text{g/l}$ at any time.

Human Health

For the prevention of adverse organoleptic or toxicological effects, the recommended criteria for chlorinated benzenes are as follows:

Substance	Criterion $\mu\text{g/l}$	Basis for criterion
Monochlorobenzene ¹	20	Organoleptic effects.
Trichlorobenzene	13	Organoleptic effects.
Tetrachlorobenzene	17	Toxicity studies.
Pentachlorobenzene	.5	Toxicity study.

¹ A toxicological evaluation of monochlorobenzene resulted in a level of 450 $\mu\text{g/l}$; however, organoleptic effects have been reported at 20 $\mu\text{g/l}$.

For the maximum protection of human health from the potential carcinogenic effects of exposure to hexachlorobenzene (HCB) through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of HCB estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5} , 10^{-6} , or 10^{-7} with corresponding criteria of 1.25 ng/l, 0.125 ng/l, and 0.0125 ng/l, respectively.

Basis for the Criteria

Freshwater Aquatic Life. No freshwater criterion can be derived for any chlorinated benzene using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

However, data for 1,2,4,5-tetrachlorobenzene and saltwater organisms and 1,2-dichlorobenzene and freshwater organisms can be used as the basis for estimating criteria.

For 1,2,4,5-tetrachlorobenzene and saltwater organisms 0.44 times the Final Acute Value is 11 $\mu\text{g/l}$. This concentration is closed to the Final Chronic Value of 9.6 $\mu\text{g/l}$ derived from an embryo-larval test with the sheepshead minnow. Also, for 1,2-dichlorobenzene and freshwater organisms 0.44 times the Final Acute Value is less than the Final Chronic Value based on an embryo-larval test with the fathead minnow. Therefore, a reasonable estimate of criteria for chlorinated benzenes and freshwater

organisms would be 0.44 times the Final Acute Value.

Chlorobenzene. The maximum concentration of chlorobenzene is the Final Acute Value of 3,500 $\mu\text{g/l}$ and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For chlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 1,500 $\mu\text{g/l}$ as a 24-hour average and the concentration should not exceed 3,500 $\mu\text{g/l}$ at any time.

1,2,4-trichlorobenzene. The maximum concentration of 1,2,4-trichlorobenzene is the Final Acute Value of 470 $\mu\text{g/l}$ and the estimated 24-hour average

concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2,4-trichlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 210 $\mu\text{g/l}$ as a 24-hour average and the concentration should not exceed 470 $\mu\text{g/l}$ at any time.

1,2,3,5-tetrachlorobenzene. The maximum concentration of 1,2,3,5-tetrachlorobenzene is the Final Acute Value of 390 $\mu\text{g/l}$ and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2,3,5-tetrachlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 170 $\mu\text{g/l}$ as a 24-hour average and the concentration should not exceed 390 $\mu\text{g/l}$ at any time.

1,2,4,5-tetrachlorobenzene. The maximum concentration of 1,2,4,5-tetrachlorobenzene is the Final Acute Value of 220 $\mu\text{g/l}$ and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2,4,5-tetrachlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 97 $\mu\text{g/l}$ as a 24-hour average and the concentration should not exceed 220 $\mu\text{g/l}$ at any time.

Pentachlorobenzene. The maximum concentration of pentachlorobenzene is the Final Acute Value of 36 $\mu\text{g/l}$ and the estimated 24-hour average concentration

is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For pentachlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 16 µg/l as a 24-hour average and the concentration should not exceed 36 µg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Chlorobenzene

Final Fish Acute Value=4,900 µg/l
Final Invertebrate Acute Value=3,500 µg/l
Final Acute Value=3,500 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available

Final Plant Value=220,000 µg/l
Residue Limited Toxicant

Concentration=not available
Final Chronic Value=220,000 µg/l
0.44 × Final Acute Value=1,500 µg/l

1,2,4-trichlorobenzene

Final Fish Acute Value=470 µg/l
Final Invertebrate Acute Value=2,000 µg/l
Final Acute Value=470 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available

Final Plant Value=35,000 µg/l
Residue Limited Toxicant

Concentration=not available
Final Chronic Value=35,000 µg/l
0.44 × Final Acute Value=210 µg/l

1,2,3,5-tetrachlorobenzene

Final Fish Acute Value=900 µg/l
Final Invertebrate Acute Value=390 µg/l
Final Acute Value=390 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available

Final Plant Value=17,000 µg/l
Residue Limited Toxicant

Concentration=not available
Final Chronic Value=17,000 µg/l
0.44 × Final Acute Value=170 µg/l

1,2,4,5-tetrachlorobenzene

Final Fish Acute Value=220 µg/l
Final Invertebrate Acute Value=not available
Final Acute Value=220 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available

Final Plant Value=47,000 µg/l
Residue Limited Toxicant

Concentration=not available
Final Chronic Value=47,000 µg/l
0.44 × Final Acute Value=97 µg/l

Pentachlorobenzene

Final Fish Acute Value=36 µg/l
Final Invertebrate Acute Value=210 µg/l
Final Acute Value=36 µg/l
Final Fish Chronic Value=not available

Final Invertebrate Chronic Value=not available

Final Plant Value=6,600 µg/l
Residue Limited Toxicant

Concentration=not available
Final Chronic Value=6,600 µg/l
0.44 × Final Acute Value=16 µg/l

Saltwater Aquatic Life

1,2,4,5-tetrachlorobenzene. The maximum concentration of 1,2,4,5-tetrachlorobenzene is the Final Acute Value of 26 µg/l and the 24-hour average concentration is the Final Chronic Value of 9.6 µg/l. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2,4,5-tetrachlorobenzene the criterion to protect saltwater aquatic life as derived using the Guidelines is 9.6 µg/l as a 24-hour average and the concentration should not exceed 26 µg/l at any time.

No saltwater criterion can be derived for any other chlorinated benzene using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

However, data for 1,2,4,5-tetrachlorobenzene and saltwater organisms and 1,2-dichlorobenzene and freshwater organisms can be used as the basis for estimating criteria.

For 1,2,4,5-tetrachlorobenzene and saltwater organisms 0.44 times the Final Acute Value is 11 µg/l and this concentration is close to the Final Chronic Value of 9.6 µg/l derived from an embryo-larval test with the sheepshead minnow. Also, for 1,2-dichlorobenzene and freshwater organisms 0.44 times the Final Acute Value is less than the Final Chronic Value based on an embryo-larval test with the fathead minnow. Therefore, a reasonable estimate for other chlorinated benzenes and saltwater organisms would be 0.44 times the Final Acute Value.

Chlorobenzene. The maximum concentration of chlorobenzene is the Final Acute Value of 280 µg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For chlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 120 µg/l as a 24-hour average and the concentration should not exceed 280 µg/l at any time.

1,2,4-trichlorobenzene. The maximum concentration of 1,2,4-trichlorobenzene

is the Final Acute Value of 7.8 µg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2,4-trichlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 3.4 µg/l as a 24-hour average and the concentration should not exceed 7.8 µg/l at any time.

1,2,3,5-tetrachlorobenzene. The maximum concentration of 1,2,3,5-tetrachlorobenzene is the Final Acute Value of 5.9 µg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2,3,5-tetrachlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 2.6 µg/l as a 24-hour average and the concentration should not exceed 5.9 µg/l at any time.

Pentachlorobenzene. The maximum concentration of pentachlorobenzene is the Final Acute Value of 2.9 µg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For pentachlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 1.3 µg/l as a 24-hour average and the concentration should not exceed 2.9 µg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Chlorobenzene

Final Fish Acute Value=1,600 µg/l
Final Invertebrate Acute Value=280 µg/l
Final Acute Value=280 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available

Final Plant Value=340,000 µg/l
Residue Limited Toxicant

Concentration=not available
Final Chronic Value=340,000 µg/l
0.44 × Final Acute Value=120 µg/l

1,2,4-trichlorobenzene

Final Fish Acute Value=3,200 µg/l
Final Invertebrate Acute Value=7.8 µg/l
Final Acute Value=7.8 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available

Final Plant Value=8,800 µg/l

Residue Limited Toxicant

Concentration=not available
Final Chronic Value=8,800 µg/l
0.44 × Final Acute Value=3.4 µg/l

1,2,3,5-tetrachlorobenzene

Final Fish Acute Value=540 µg/l
Final Invertebrate Acute Value=5.9 µg/l
Final Acute Value=5.9 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available

Final Plant Value=700 µg/l
Residue Limited Toxicant

Concentration=not available
Final Chronic Value=700 µg/l
0.44 × Final Acute Value=2.6 µg/l

1,2,4,5-tetrachlorobenzene

Final Fish Acute Value=120 µg/l
Final Invertebrate Acute Value=26 µg/l
Final Acute Value=26 µg/l
Final Fish Chronic Value=9.6 µg/l
Final Invertebrate Chronic Value=not available

Final Plant Value=7,100 µg/l
Residue Limited Toxicant

Concentration=not available
Final Chronic Value=9.6 µg/l
0.44 × Final Acute Value=11 µg/l

Pentachlorobenzene

Final fish Acute Value=120 µg/l
Final Invertebrate Acute Value=2.9 µg/l
Final Acute Value=2.9 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available

Final Plant Value=2,000 µg/l
Residue Limited Toxicant

Concentration=not available
Final Chronic Value=2,000 µg/l
0.44 × Final Acute Value=1.3 µg/l

Human Health

Monochlorobenzene. There is no information in the literature which indicates that monochlorobenzene is, or is not, carcinogenic. There is enough evidence to suggest that MCB does cause dose related target organ toxicity, though the data still want for an acceptable chronic toxicity study. There is little, if any, usable human exposure data primarily because the exposure was not only to MCB but to other compounds of known toxicity.

The no observable adverse effect level (NOAEL) for derivation of the water quality criterion is derived from the information in the studies by Knapp, et al. (1971) and Irish (1963). These are 27.25 mg/kg/day for the dog (the next highest dose was 54.5 mg/kg and showed an effect), 12.5 mg/kg/rat from the Knapp study (the next highest dose was 50 mg/kg and showed an effect), and 14.4 mg/kg/rat from the Irish study (the next highest dose was 144 mg/kg and showed an effect). When toxic effects were observed at higher doses, the dog was judged to be somewhat more sensitive than rats. The Irish study

ran over a period of six months which was twice as long as the Knapp study of both species. Since the Knapp and Irish studies appear to give similar results and since there are no chronic toxicities to rely on, it was decided to take the NOAEL level from the longest term study; that is, 14.4 mg/kg for six months.

Considering that there are relatively little human exposure data, that there is no long-term animal data, and that some theoretical questions, at least, can be raised on the possible effects of chlorobenzene on blood-forming tissue, it was decided to use an uncertainty factor of 1,000. From this the acceptable daily intake (ADI) can be calculated as follows:

$$ADI = \frac{70 \text{ kg} \times 14.4 \text{ mg/kg}}{1,000} = 1.008 \text{ mg/day}$$

The average daily consumption of water was taken to be two liters and the consumption of fish to be 0.0187 kg daily. A bioconcentration factor of 13 was utilized. This is the value reported by the Duluth EPA Laboratories. The following calculation results in an acceptable criterion based on the available toxicologic data:

$$\frac{1.008}{2 + (13 \times 0.0187)} = 450 \text{ µg/l}$$

Varshavskaya (1968), the only report available, has reported the threshold concentration for odor and taste of MCB in reservoir water as being 20 µg/l. This value is about 4.5 percent of the possible standard calculated above. It is, however, approximately 17 times greater than the highest concentration of MCB measured in survey sites.

Since water of disagreeable taste and odor is of significant influence on the quality of life, and thus, related to health, it would appear that the organoleptic level of 20 µg/l should be the recommended criterion.

Trichlorobenzene. While the committee recognizes a need for toxicological information in order to establish a criterion, there are no reliable published toxicological data on TCB. The studies by Smith, et al. (1978), and Coate, et al. (1977) do not give sufficient basis for establishing a toxicological criterion. Therefore, in lieu of a criterion based on toxicological information, an organoleptic level of 13 µg/l (Varshavskaya, 1968) is recommended. It should be emphasized that this is a criterion based on aesthetic rather than on health effects. Data on human health effects need to be developed as a more substantial basis for setting a criterion for the protection of human health.

Tetrachlorobenzene. The dose of 5 mg/kg/day reported for beagles (Braun,

1978) was utilized as the NOAEL for criterion derivation. An acceptable daily intake (ADI) can be calculated from the NOAEL by using a safety factor of 1,000 based on a 70 kg/man:

$$ADI = \frac{70 \text{ kg} \times 5 \text{ mg/kg}}{1,000} = 0.35 \text{ mg/day}$$

For the sake of establishing a water quality criterion, it is assumed that on the average, a person ingests 2 liters of water and 18.7 gram of fish. Since fish may biomagnify this compound, a biomagnification factor (F) is used in the calculation.

The equation for calculating an acceptable amount of TeCB in water is:

$$Criterion = \frac{350 \text{ µg/day}}{21 + (1,000 \times 0.0187)} = 16.9 \text{ µg/l or } 17 \text{ µg/l}$$

Where:

2 l = 2 liters of drinking water consumed
0.0187 kg = amount of fish consumed daily
1,000 = biomagnification factor
ADI = Acceptable Daily Intake (mg/day for a 70 kg person)

Thus, the recommended criterion for TeCB in water is 17 µg/l.

Pentachlorobenzene. A survey of the QCB literature revealed no acute, subchronic or chronic toxicity data with the exception of the studies by Khara and Villeneuve (1975). These authors found an adverse effect on the fetal development of embryos exposed *in utero* to pentachlorobenzene. The adverse effect has not been labeled teratogenic because the abnormality was an increased incidence of extra ribs and sternal defects. The lowest level of exposure to the pregnant rat was 5 mg/kg. The criterion rationale is based on this exposure level. Since there was no no-observable-adverse effect level (NOAEL) an uncertainty factor of 5000 is used. The use of this factor has precedent in the pesticide literature.

From this, the acceptable daily intake (ADI) can be calculated as follows:

$$ADI = \frac{70 \text{ kg} \times 5 \text{ mg/kg}}{5,000} = 0.07 \text{ mg}$$

The average daily consumption of water was taken to be 2 liters and the consumption of fish to be 0.0187 kg daily. The bioconcentration factor for QCB is 7,800.

Therefore:

$$Recommended Criterion = \frac{0.07}{2 + (7,800 \times 0.0187)} = 4.7 \text{ µg/l (or } 0.5 \text{ µg/l)}$$

The recommended water quality criterion for pentachlorobenzene is 0.5 µg/l.

Hexachlorobenzene. Among the studies reviewed by this document, only two appear suitable for use in the risk assessment: the mouse study of Cabral, et al. (1978) and the hamster study of Cabral, et al. (1977). These two studies are described in detail in Appendix I.

Under the Consent Decree in *NRDC v. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." HCB is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of HCB in water for maximum protection of human health is zero.

Exposure assumption (per day)	Risk levels and corresponding criteria ¹			
	0	10 ⁻⁷ (ng/l)	10 ⁻⁶ (ng/l)	10 ⁻⁵ (ng/l)
2 liters of drinking water and consumption of 18.7 grams fish and shellfish ²	0	0.0125	0.125	1.25
Consumption of fish and shellfish only	0	0.0126	0.126	1.26

¹Calculated by applying a modified "one-hit" extrapolation model described in the FEDERAL REGISTER, 44 FR 15926, March 15, 1979. Appropriate bioassay data used in the calculation of the model is presented in Summary of Pertinent Data. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

²Ninety-nine percent of the HCB exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 12,000-fold. The remaining one percent of HCB exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of HCB, (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding HCB concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding HCB concentrations. Because data indicating other sources of HCB exposure and their contributions to total body burden are inadequate for quantitative use, the figures reflect the incremental risks associated with the indicated routes only.

Summary of Recommended Criterion for Chlorinated Benzenes

Substance	Criterion	Basis for criterion
Monochlorobenzene ¹	20 µg/l	Organoleptic effects
Trichlorobenzene	13 µg/l	Organoleptic effects
Tetrachlorobenzene	17 µg/l	Toxicity studies
Pentachlorobenzene	5 µg/l	Toxicity study
Hexachlorobenzene ²	1.25 ng/Carcinogenicity	

¹A toxicological evaluation of monochlorobenzene resulted in a level of 450 µg/l; however, organoleptic effects have been reported at 20 µg/l.

²The value 1.25 ng/l is at a risk level of 1 in 100,000.

Because attaining a zero concentration level may be unfeasible in some cases, and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of HCB corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10⁻⁵ for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10⁻⁶ indicates one additional case of cancer for every million people exposed, and so forth.

In the Federal Register notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10⁻⁵, 10⁻⁶, or 10⁻⁷ as shown in the table below:

Summary of Pertinent Data

The water quality criterion for HCB is based on the induction of hepatomas and hemangioendotheliomas in male Syrian Golden hamsters given a daily oral dose of 100 ppm for 80 weeks (Cabral, et al. 1977). The hepatoma incidence was 26/30 in the treated group compared with 0/40 in the control group, and the hemangioendothelioma incidence was 6/30 in the treated group compared with 0/40 in the control group. The criterion was calculated from the following parameters.

n¹ hepatoma = 26

N¹ hepatoma = 30

n² hepatoma = 0

N² hepatoma = 40

n¹ hemangioendothelioma = 6

N¹ hemangioendothelioma = 30

n² hemangioendothelioma = 0

N² hemangioendothelioma = 40

Le = 80 wk

le = 80 wk

L = 80 wk

d = 100 ppm × 0.8 = 8 mg/kg/day

W = 100 kg

F = 0.0187 kg

R = 12,000

Based on these parameters, the one-hit slope (B₁) is 2.2363 (mg/kg/day)⁻¹ for hepatomas and 0.2477 (mg/kg/day)⁻¹ for hemangioendotheliomas. The resulting water concentration of HCB calculated to keep the individual lifetime cancer risk below 10⁻⁵ is 1.25 nanograms per liter.

Chlorinated Ethanes

Criteria Summary

Freshwater Aquatic Life. The data base for freshwater aquatic life is insufficient to allow use of the Guidelines. The following recommendation is inferred from toxicity data on pentachloroethane and saltwater organisms.

For 1,2-dichloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 3,900 µg/l as a 24-hour average and the concentration should not exceed 8,800 µg/l at any time.

For 1,1,1-trichloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 5,300 µg/l as a 24-hour average and the concentration should not exceed 12,000 µg/l at any time.

For 1,1,2-trichloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 310 µg/l as a 24-hour average and the concentration should not exceed 710 µg/l at any time.

For 1,1,1,2-tetrachloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 420 µg/l as a 24-hour average and the concentration should not exceed 960 µg/l at any time.

For 1,1,2,2-tetrachloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 170 µg/l as a 24-hour average and the concentration should not exceed 380 µg/l at any time.

For pentachloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 440 µg/l as a 24-hour average and the concentration should not exceed 1,000 µg/l at any time.

For hexachloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 82 µg/l as a 24-hour average and the concentration should not exceed 140 µg/l at any time.

For hexachloroethane the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 7.0 µg/l as a 24-hour average and the concentration should not exceed 16 µg/l at any time.

Saltwater Aquatic Life. The data base for saltwater aquatic life is insufficient to allow use of the Guidelines. The following recommendation is inferred from toxicity data on pentachloroethane and saltwater organisms.

For 1,2-dichloroethane the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 880 µg/l as a 24-hour average and the concentration should not exceed 2,000 µg/l at any time.

For 1,1,1-trichloroethane the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 240 µg/l as a 24-hour average and the concentration should not exceed 540 µg/l at any time.

For saltwater aquatic life, no criterion for 1,1,2-trichloroethane can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

For saltwater aquatic life, no criterion for 1,1,1,2-tetrachloroethane can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

For 1,1,2,2-tetrachloroethane the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 70 µg/l as a 24-hour average and the concentration should not exceed 160 µg/l at any time.

For pentachloroethane the criterion to protect saltwater aquatic life as derived using the Guidelines is 38 µg/l as a 24-hour average and the concentration should not exceed 87 µg/l at any time.

Human Health. For the maximum protection of human health from the potential carcinogenic effects of exposure to 1,2-dichloroethane, 1,1,2-trichloroethane, 1,1,2,2-tetrachloroethane and hexachloroethane through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of these chlorinated ethanes estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10⁻⁵, 10⁻⁶, or 10⁻⁷ with corresponding criteria as follows:

Compound	Risk levels and corresponding criteria		
	10 ⁻⁵ µg/l	10 ⁻⁶ µg/l	10 ⁻⁷ µg/l
1,2-dichloroethane	7.0	70	.07
1,1,2-trichloroethane	2.7	.27	.027
1,1,2,2-tetrachloroethane	1.8	.18	.018
hexachloroethane	5.9	.59	.059

For the protection of human health from the toxic properties of 1,1,1-trichloroethane ingested through the consumption of water and fish, the criterion is 15.7 mg/l.

At the present, there are insufficient data to derive criteria for monochloroethane, 1,1-dichloroethane, 1,1,1,2-tetrachloroethane and pentachloroethane.

Basis for the Criteria

Freshwater Aquatic Life. No freshwater criterion can be derived for any chlorinated ethane using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

However, data for pentachloroethane and saltwater organisms can be used as the basis for estimating criteria.

For pentachloroethane and saltwater organisms, 0.44 times the Final Acute Value is less than the Final Chronic Value derived from a life cycle test with the mysid shrimp. Therefore, a reasonable estimate of criteria for other chlorinated ethanes and freshwater organisms would be 0.44 times the Final Acute Value.

1,2-dichloroethane. The maximum concentration of 1,2-dichloroethane is the Final Acute Value of 8,800 µg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2-dichloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 3,900 µg/l as a 24-hour average and the concentration should not exceed 8,800 µg/l at any time.

1,1,1-trichloroethane. The maximum concentration of 1,1,1-trichloroethane is the Final Acute Value of 12,000 µg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,1,1-trichloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 5,300 µg/l as a 24-hour average and the concentration should not exceed 12,000 µg/l at any time.

1,1,2-trichloroethane. The maximum concentration of 1,1,2-trichloroethane is the Final Acute Value of 710 µg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse

effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,1,2-trichloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 310 µg/l as a 24-hour average and the concentration should not exceed 710 µg/l at any time.

1,1,1,2-tetrachloroethane. The maximum concentration of 1,1,1,2-tetrachloroethane is the Final Acute Value of 960 µg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,1,1,2-tetrachloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 420 µg/l as a 24-hour average and the concentration should not exceed 960 µg/l at any time.

1,1,2,2-tetrachloroethane. The maximum concentration of 1,1,2,2-tetrachloroethane is the Final Acute Value of 380 µg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,1,2,2-tetrachloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 170 µg/l as a 24-hour average and the concentration should not exceed 380 µg/l at any time.

Pentachloroethane. The maximum concentration of pentachloroethane is the Final Acute Value of 1,000 µg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For pentachloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 440 µg/l as a 24-hour average and the concentration should not exceed 1,000 µg/l at any time.

Hexachloroethane. The maximum concentration of hexachloroethane is the Final Acute Value of 140 µg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For hexachloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 62 µg/l as a 24-hour average and the concentration should not exceed 140 µg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

1,2-dichloroethane

Final Fish Acute Value=88,000 µg/l
Final Invertebrate Acute Value=8,800 µg/l
Final Acute Value=8,800 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=not available
Residue Limited Toxicant
Concentration=not available
Final Chronic Value=not available
0.44 × Final Acute Value=3,900 µg/l

1,1,1-trichloroethane

Final Fish Acute Value=12,000 µg/l
Final Invertebrate Acute Value=not available
Final Acute Value=12,000 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=not available
Residue Limited Toxicant
Concentration=not available
Final Chronic Value=not available
0.44 × Final Acute Value=5,300 µg/l

1,1,2-trichloroethane

Final Fish Acute Value=5,700 µg/l
Final Invertebrate Acute Value=710 µg/l
Final Acute Value=710 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=not available
Residue Limited Toxicant
Concentration=not available
Final Chronic Value=not available
0.44 × Final Acute Value=310 µg/l

1,1,1,2-tetrachloroethane

Final Fish Acute Value=2,700 µg/l
Final Invertebrate Acute Value=960 µg/l
Final Acute Value=960 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=not available
Residue Limited Toxicant
Concentration=not available
Final Chronic Value=not available
0.44 × Final Acute Value=420 µg/l

1,1,2,2-tetrachloroethane

Final Fish Acute Value=3,000 µg/l
Final Invertebrate Acute Value=380 µg/l
Final Acute Value=380 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=140,000 µg/l
Residue Limited Toxicant
Concentration=not available
Final Chronic Value=140,000 µg/l
0.44 × Final Acute Value=170 µg/l

Pentachloroethane

Final Fish Acute Value=1,000 µg/l
Final Invertebrate Acute Value=2,500 µg/l
Final Acute Value=1,000 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=120,000 µg/l
Residue Limited Toxicant
Concentration=not available
Final Chronic Value=120,000 µg/l
0.44 × Final Acute Value=440 µg/l

Hexachloroethane

Final Fish Acute Value=140 µg/l
Final Invertebrate Acute Value=330 µg/l
Final Acute Value=140 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=87,000 µg/l
Residue Limited Toxicant
Concentration=not available
Final Chronic Value=87,000 µg/l
0.44 × Final Acute Value=62 µg/l

Saltwater Aquatic Life

Pentachloroethane. The maximum concentration of pentachloroethane is the Final Acute Value of 87 µg/l and the 24-hour average concentration is the Final Chronic Value of 38 µg/l. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For pentachloroethane the criterion to protect saltwater aquatic life as derived using the Guidelines is 38 µg/l as a 24-hour average and the concentration should not exceed 87 µg/l at any time.

No saltwater criteria can be derived for other chlorinated ethanes using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

However, data for pentachloroethane and saltwater organisms can be used as the basis for estimating criteria.

For pentachloroethane and saltwater organisms, 0.44 times the Final Acute Value is less than the Final Chronic Value derived from a life cycle test with the mysid shrimp. Therefore, a reasonable estimate of criteria for other chlorinated ethanes and saltwater organisms would be 0.44 times the Final Acute Value.

1,2-dichloroethane. The maximum concentration of 1,2-dichloroethane is the Final Acute Value of 2,000 µg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2-dichloroethane the criterion to protect saltwater aquatic life as derived

using procedures other than the Guidelines is 880 µg/l as a 24-hour average and the concentration should not exceed 2,000 µg/l at any time.

1,1,1-trichloroethane. The maximum concentration of 1,1,1-trichloroethane is the Final Acute Value of 540 µg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,1,1-trichloroethane the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 240 µg/l as a 24-hour average and the concentration should not exceed 540 µg/l at any time.

1,1,2,2-tetrachloroethane. The maximum concentration of 1,1,2,2-tetrachloroethane is the Final Acute Value of 160 µg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,1,2,2-tetrachloroethane the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 70 µg/l as a 24-hour average and the concentration should not exceed 160 µg/l at any time.

Hexachloroethane. The maximum concentration of hexachloroethane is the Final Acute Value of 16 µg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For hexachloroethane the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 7.0 µg/l as a 24-hour average and the concentration should not exceed 16 µg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

1,2-dichloroethane

Final Fish Acute Value=not available
Final Invertebrate Acute Value=2,000 µg/l
Final Acute Value=2,000 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=greater than 433,000 µg/l
Residue Limited Toxicant
Concentration=not available
Final Chronic Value=greater than 433,000 µg/l
0.44 × Final Acute Value=880 µg/l

1,1,1-trichloroethane

Final Fish Acute Value=10,000 µg/l
Final Invertebrate Acute Value=540 µg/l
Final Acute Value=540 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=greater than 669,000 µg/l
Residue Limited Toxicant
Concentration=not available
Final Chronic Value=greater than 669,000 µg/l
0.44 × Final Acute Value=240 µg/l

1,1,2,2-tetrachloroethane

Final Fish Acute Value=1,800 µg/l
Final Invertebrate Acute Value=160 µg/l
Final Acute Value=160 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=6,200 µg/l
Residue Limited Toxicant
Concentration=not available
Final Chronic Value=6,200 µg/l
0.44 × Final Acute Value=70 µg/l

Pentachloroethane

Final Fish Acute Value=17,000 µg/l
Final Invertebrate Acute Value=87 µg/l
Final Acute Value=87 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=110 µg/l
Final Plant Value=58,000 µg/l
Residue Limited Toxicant
Concentration=not available
Final Chronic Value=110 µg/l
0.44 × Final Acute Value=38 µg/l

Hexachloroethane

Final Fish Acute Value=350 µg/l
Final Invertebrate Acute Value=16 µg/l
Final Acute Value=16 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=7,800 µg/l
Residue Limited Toxicant
Concentration=not available
Final Chronic Value=7,800 µg/l
0.44 × Final Acute Value=7.0 µg/l

Human Health

Table 1.—Criteria for Chloroethanes

Compound	Criterion	Reference
Monochloroethane	None	
1,1-Dichloroethane	None	
1,1,1-Trichloroethane	7.0 µg/l—Carcinogenicity data	NCI, 1978a
1,1,2-Trichloroethane	15.7 mg/l—Mammalian toxicity data	NCI, 1977
1,1,2,2-Tetrachloroethane	2.7 µg/l—Carcinogenicity data	NCI, 1978b
1,1,1,2-Pentachloroethane	None	
1,1,2,2-Tetrachloroethane	1.8 µg/l—Carcinogenicity data	NCI, 1978c
Pentachloroethane	None	
Hexachloroethane	5.9 µg/l—Carcinogenicity data	NCI, 1978d

At the present time, there is insufficient mammalian toxicological information to establish a water criterion for human health for the following chloroethanes: monochloroethane, 1,1-dichloroethane, 1,1,1,2-tetrachloroethane and pentachloroethane. Available evidence indicates that the general population is exposed to only trace levels of 1,1-dichloroethane, 1,1,1,2-tetrachloroethane and pentachloroethane. Although inhalation exposure to monochloroethane is more widespread, it is considered one of the least toxic of the chloroethanes. Should significant levels of exposure be documented in the future, it will be necessary to conduct more extensive toxicologic studies with these chloroethanes.

The criterion for 1,1,1-trichloroethane is based on the National Cancer Institute bioassay for possible carcinogenicity (1977). Results of the study showed that the survival of both Osborne-Mendel rats and B6C3F1 mice was significantly decreased in groups receiving oral doses of 1,1,1-trichloroethane. Chronic murine

pneumonia may have been responsible for the high incidence of natural deaths. A variety of neoplasms was observed in both species, however, the incidence of specific malignancies was not significantly different from those observed in control animals. Survival time was significantly decreased in rats receiving the high dose; therefore, the criterion for 1,1,1-trichloroethane is based on the low dose in rats (750 mg/kg body weight, 5 days/week for 78 weeks) which produced toxic effects in a number of systems. It should be recognized that the actual no-observable-adverse-effect level (NOAEL) will be lower. However, use of the lowest-minimal-effect dose as an estimate of an "acceptable daily intake" has been practiced by the National Academy of Sciences (1977). Thus, assuming a 70 kg body weight and using a safety factor of 1,000 (Nat. Acad. Sci., 1977) the following calculation can be derived:

$$\frac{750 \text{ mg/kg} \times 70 \text{ kg} \times 5/7 \text{ day}}{1000} = 37.5 \text{ mg/day}$$

Therefore, consumption of 2 liters of water daily and 18.7 grams of contaminated fish having a bioconcentration factor of 21, would result in, assuming 100 percent gastrointestinal absorption of 1,1,1-trichloroethane, a maximum permissible concentration of 15.7 mg/l for ingested water:

$$\frac{37.5 \text{ mg/day}}{2 \text{ liters} \times (21 \times 0.0187) \times 1.0} = 15.7 \text{ mg/l}$$

Based on available literature, 1,1,2-tri-, 1,1,2,2-tetra-, and hexachloroethane are considered to be carcinogenic in at least one rodent species (Nat. Cancer Inst., 1978b,c,d). In the case of these three chloroethanes, a statistical evaluation of the incidences of hepatocellular carcinomas revealed a significant positive association between the administration of the respective chloroethanes and tumor incidence. It can be concluded that under the conditions of the NCI bioassay, 1,1,2-tri-, 1,1,2,2-tetra-, and hexachloroethane are carcinogenic in B6C3F1 mice, inducing (in all cases) hepatocellular carcinomas in either male or female mice.

Estimated risk levels for these chloroethanes in water can be calculated using a linear, non-threshold model with the results from the NCI bioassays (see Summary of Pertinent Data). The model assumes a risk of 1 in 100,000 of developing cancer as a result of drinking 2 liters of water per day containing chloroethane at the concentrations used in the bioassays. Allowances are also made for consuming fish from chloroethane contaminated waters. Based upon these assumptions, the following criteria can be calculated:

Chloroethane	Dose* (mg/kg)	Criteria (µg/l)
1,1,2-trichloroethane	279	2.7
1,1,2,2-tetrachloroethane	203	1.8
hexachloroethane	842	4.4

*Five days per week for 78 weeks.

Under the conditions of an NCI bioassay (1978a) 1,2-dichloroethane is carcinogenic, inducing a statistically significant number of squamous cell carcinomas of the forestomach and hemangiosarcomas of the circulatory system in male rats, mammary adenocarcinomas in female rats and mice, and endometrial tumors in female mice. The criterion for 1,2-dichloroethane is based on the high dose (107 mg/kg/body weight, 5 days/week for 78 weeks) which induced mammary

adenocarcinomas in female rats. Using a linear, non-threshold model and including the consumption of fish from chloroethane contaminated waters the criterion for 1,2-dichloroethane is 7.0 µg/l.

It must be recognized that the NCI studies were designed to provide a "yes/no" answer to the carcinogenicity of a chemical in rats and mice. In some cases, it is difficult to justify extrapolation of data from NCI studies in order to assess the risk to man of chronic exposure to low concentrations of a chemical. Those who assess risk should be aware of the following: Impurities in technical grade chloroethanes were not identified; chloroethanes were administered in oil which may affect absorption and metabolism; high concentrations were used; a time-weighted average dose was reported; however, doses causing toxic responses were often administered cyclically (one week, no treatment, followed by four weeks of treatment, five days/week); during some experiments dose levels were lowered or raised; for criteria calculations, doses administered five days/week were adjusted to an average daily dose as if administered seven days/week.

Under the Consent Decree in NRDC vs. Train, criteria are to state "recommended maximum permissible concentrations (including where

appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." 1,2-Dichloroethane, 1,1,2-trichloroethane, 1,1,2,2-tetrachloroethane and hexachloroethane are suspected of being human carcinogens. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of these chlorinated ethanes in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of these chlorinated ethanes corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the Federal Register notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5} , 10^{-6} or 10^{-7} as shown in the table below.

Exposure assumptions	Risk levels and corresponding criteria ¹			
	0	10^{-5} µg/l	10^{-6} µg/l	10^{-7} µg/l
2 liters of drinking water and consumption of 18.7 grams of fish and shellfish: ²				
1,2-dichloroethane.....	0	0.07	0.07	7.0
1,1,2-trichloroethane.....	0	0.027	0.27	2.7
1,1,2,2-tetrachloroethane.....	0	0.018	0.18	1.8
hexachloroethane.....	0	0.059	0.59	5.9
Consumption of fish and shellfish only:				
1,2-dichloroethane.....	0	1.708	17.08	170.8
1,1,2-trichloroethane.....	0	0.483	4.83	48.3
1,1,2,2-tetrachloroethane.....	0	0.127	1.27	12.7
hexachloroethane.....	0	0.079	0.79	7.9

¹ Calculated by applying a modified "one hit" extrapolation model described in the 44 FR 15928, March 15, 1979. Appropriate bioassay data used in the calculation of the model are presented in the summary of pertinent data. Since the extrapolation model is linear to low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

² Four percent of 1,2-dichloroethane exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 4.8 fold. The remaining 96 percent of 1,2-dichloroethane exposure results from drinking water.

Six percent of 1,1,2-trichloroethane exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 6.3 fold. The remaining 94 percent of 1,1,2-trichloroethane exposure results from drinking water.

Fourteen percent of 1,1,2,2-tetrachloroethane exposure results from the consumption of aquatic organisms

which exhibit an average bioconcentration potential of 18 fold. The remaining 86 percent of 1,1,2,2-tetrachloroethane exposure results from drinking water.

Seventy-five percent of hexachloroethane exposure results from the consumption of aquatic organisms which exhibit an average

bioconcentration potential of 320 fold. The remaining 25 percent of hexachloroethane exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of these chlorinated ethanes (1) occurring from the consumption of both drinking water and aquatic life grown in water containing the corresponding chlorinated ethane concentrations and, (2) occurring solely from the consumption of aquatic life grown in the waters containing the corresponding chlorinated ethane concentrations.

Although total exposure information for the above chlorinated ethanes is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into the ambient water quality criteria formulation because of the tenuous estimates. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Summary of Pertinent Data for 1,2-Dichloroethane

The water quality criterion for 1,2-dichloroethane is based on the induction of mammary adenocarcinomas in female Osborne-Mendel rats, given an average oral dose of 107 mg/kg/day 1,2-dichloroethane over a period of 78 weeks (NCI, 1978a). The incidences of mammary adenocarcinomas were 18/50 and 0/20 in the treated and control groups, respectively. The criterion was calculated from the following parameters:

$n_t = 18$
 $N_t = 50$
 $n_c = 0$
 $N_c = 20$
 $Le = 110$ wks.
 $lc = 69$ wks.
 $L = 110$ wks.
 $d = 76.4$ mg/kg/day (107 mg/kg/day $\times 5/7$)
 $f = 0.0187$ kg/day
 $R = 4.6$
 $w = 0.319$ kg

Based on these parameters, the one-hit slope (B_H) is 0.04765 (mg/kg/day)⁻¹. The concentration of 1,2-dichloroethane in water, calculated to keep the lifetime cancer risk below 10^{-5} is 7.0 µg/l.

Summary of Pertinent Data for 1,1,2-trichloroethane

The water quality criterion for 1,1,2-trichloroethane is based on the induction of hepatocellular carcinomas in female B6C3F1 mice, given an average oral dose of 390 mg/kg/day over a 78

week period (NCI, 1978b). The incidences of hepatocellular were 40/45 and 0/20 in the treated and control groups, respectively. The criterion was calculated from the following parameters:

$n_t = 40$
 $N_t = 45$
 $n_c = 0$
 $N_c = 20$
 $Le = 91$ wks.
 $lc = 78$ wks.
 $L = 91$ wks.
 $d = 279$ mg/kg/day (390 mg/kg/day $\times 5/7$)
 $f = 0.0187$ kg/day
 $R = 6.3$
 $w = 0.029$ kg

Based on these parameters, the one-hit slope (B_H) is 0.123 (mg/kg/day)⁻¹. The concentration of 1,1,2-trichloroethane in water, calculated to keep the lifetime cancer risk below 10^{-5} is 2.7 µg/l.

Summary of Pertinent Data for 1,1,2,2-Tetrachloroethane

The water quality criterion for 1,1,2,2-tetrachloroethane is based on the induction of hepatocellular carcinomas in male B6C3F1 mice, receiving average oral doses of 284 mg/kg/day over a 78-week period (NCI, 1978c). The incidences of hepatocellular carcinomas were 4/49 and 1/5 in the treated and control groups, respectively. The criterion was calculated from the following parameters:

$n_t = 44$
 $N_t = 49$
 $n_c = 1$
 $N_c = 18$
 $Le = 91$ wks.
 $lc = 78$ wks.
 $L = 91$ wks.
 $d = 203$ mg/kg/day (284 mg/kg/day $\times 5/7$)
 $f = 0.0187$ kg/day
 $R = 18$
 $w = 0.035$ kg

Based on these parameters, the one-hit slope (B_H) is 0.1638 (mg/kg/day)⁻¹. The concentration of 1,1,2,2-tetrachloroethane in water, calculated to keep the lifetime cancer risk below 10^{-5} , is 1.8 µg/l.

Summary of Pertinent Data for Hexachloroethane

The water quality criterion for hexachloroethane is based on the induction of hepatocellular carcinomas in male B6C3F1 mice, given an average oral dose of 1,179 mg/kg/day over a 78-week period (NCI, 1978d). The incidences of hepatocellular carcinomas were 3/49 and 2/5 in the treated and control groups, respectively. The criterion was calculated from the following parameters:

$n_t = 31$

$N_t = 49$
 $n_c = 3$
 $N_c = 20$
 $Le = 91$ wks.
 $lc = 78$ wks.
 $L = 91$ wks.
 $d = 842$ mg/kg/day (1179 mg/kg/day $\times 5/7$)
 $f = 0.0187$ kg/day
 $R = 320$
 $w = 0.032$ kg

Based on these parameters, the one-hit slope (B_H) is 0.0149 (mg/kg/day)⁻¹. The concentration of hexachloroethane in water, calculated to keep the lifetime cancer risk below 10^{-5} , is 5.9 µg/l.

Chromium

Criteria Summary

Freshwater Aquatic Life. For trivalent chromium the criterion to protect freshwater aquatic life as derived using the Guidelines is "e(0.83·ln(hardness) + 2.94)" as a 24-hour average and the concentration should not exceed "e(0.83·ln(hardness) + 3.72)" at any time.

For hexavalent chromium the criterion to protect freshwater aquatic life as derived using the Guidelines is 10 µg/l as a 24-hour average concentration and the concentration should not exceed 110 µg/l at any time.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for trivalent chromium can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

For hexavalent chromium the criterion to protect saltwater aquatic life as derived using the Guidelines is 25 µg/l as a 24-hour average and the concentration should not exceed 230 µg/l at any time.

Human Health. For the protection of human health from the toxic properties of chromium (except hexavalent chromium) ingested through water and contaminated aquatic organisms, the recommended water quality criterion is 50 µg/l.

For the maximum protection of human health from the potential carcinogenic effects of exposure to hexavalent chromium through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of hexavalent chromium estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5} , 10^{-6} , or 10^{-7} with corresponding criteria of 8 ng/l, 0.8 ng/l, and .08 ng/l, respectively.

Basis for the Criteria

Freshwater Aquatic Life

Hexavalent chromium. The maximum concentration of hexavalent chromium is the Final Acute Value of 110 µg/l and the 24-hour average concentration is the final Chronic Value of less than 10 µg/l. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For hexavalent chromium the criterion to protect freshwater aquatic life as derived using the Guidelines is 10 µg/l as a 24-hour average and the concentration should not exceed 110 µg/l at any time.

Trivalent chromium. The maximum concentration of trivalent chromium is the Final Acute Value of e(0.83·ln(hardness) + 3.72) and the 24-hour average concentration is the Final Chronic Value of e(0.83·ln(hardness) + 2.94). No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For trivalent chromium the criterion to protect freshwater aquatic life as derived using the Guidelines is "e(0.83·ln(hardness) + 2.94)" as a 24-hour average and the concentration should not exceed "e(0.83·ln(hardness) + 3.72)" at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures. All concentrations herein are expressed in terms of chromium.

Hexavalent chromium

Final Fish Acute Value = 13,079 µg/l
 Final Invertebrate Acute Value = 110 µg/l
 Final Acute Value = 110 µg/l
 Final Fish Chronic Value = 26 µg/l
 Final Invertebrate Chronic Value = less than 10 µg/l
 Final Plant Value = 10 µg/l
 Residue Limited Toxicant
 Concentration = not available
 Final Chronic Value = less than 10 µg/l
 0.44 × Final Acute Value = 48 µg/l

Trivalent chromium

Final Fish Acute Value = e(0.83·ln(hardness) + 4.45)
 Final Invertebrate Acute Value = e(0.83·ln(hardness) + 3.72)
 Final Acute Value = e(0.83·ln(hardness) + 3.72)
 Final Fish Chronic Value = not available
 Final Invertebrate Chronic Value = e(0.83·ln(hardness) + 2.94)
 Final Chronic Value = e(0.83·ln(hardness) + 2.94)
 Final Plant Value = not available
 Residue Limited Toxicant
 Concentration = not available

Saltwater Aquatic Life. The maximum concentration of hexavalent chromium is the Final Acute Value of 260 µg/l and the 24-hour average concentration is the Final Chronic Value of 25 µg/l. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For hexavalent chromium the criterion to protect saltwater aquatic life as derived using the Guidelines is 25 µg/l as a 24-hour average and the concentration should not exceed 230 µg/l at any time.

For saltwater aquatic life, no criterion for trivalent chromium can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data

The concentrations below have been rounded to two significant figures. All concentrations herein are expressed in terms of chromium.

Hexavalent chromium

Final Fish Acute Value=7,800 µg/l
Final Invertebrate Acute Value=230 µg/l
Final Acute Value=230 µg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=25 µg/l
Final Plant Value=1,000 µg/l
Residue Limited Toxicant

Concentration=not available
Final Chronic Value=25 µg/l
0.44×Final Acute Value=100 µg/l

Human Health. There is evidence which suggests that hexavalent chromium (Cr VI) is a carcinogen. Based on exposure of chromium workers to Cr VI (Mancuso and Hueper, 1951; Taylor, 1966, the U.S. EPA Carcinogen Assessment Group has developed a water quality criterion for Cr VI to keep the lifetime risk level below one in 100,000 (see Appendix I).

Under the Consent Decree in NRDC vs. Train, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Chromium VI is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of Chromium VI in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of Chromium VI corresponding to several incremental lifetime cancer risk levels

have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the Federal Register notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5} , 10^{-6} or 10^{-7} as shown in the table below.

Exposure assumptions	Risk levels and Corresponding Criteria ¹			
	0	10^{-7} (ng/l)	10^{-6} (ng/l)	10^{-5} (ng/l)
2 liters of drinking water and consumption of 18.7 grams of fish and shellfish ²		0.09	0.8	8
Consumption of fish and shellfish only		8.63	86.3	863

¹ Calculated by applying a modified "one hit" extrapolation model described in the FR 15926, 1979 to the animal bioassay data presented in the summary of pertinent data. Since the extrapolation model is linear to low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

² Approximately one percent of the Chromium VI exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 1.0 fold. The remaining 99 percent of Chromium VI exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of Chromium VI (1) occurring from the consumption of both drinking water and aquatic life grown in water containing the corresponding Chromium VI concentrations and, (2) occurring solely from the consumption of aquatic life grown in the waters containing the corresponding Chromium VI concentrations. Although total exposure information for Chromium VI is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into the ambient water quality criteria. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Therefore, the criterion for hexavalent chromium should be at a level of no greater than 8 ng/l to keep the lifetime risk of cancer below 1 in 100,000.

A water quality criterion can be set for other Cr species on the basis of reasonable safety margins applied to the lowest exposure observed to produce effects.

The level of 0.05 mg/l of chromium quoted in Table 2 appears to be an acceptable risk level. This level is 500

times lower than a concentration which remained without overt toxicological effects in rats over a period of one year, and over 200 times lower than a level reported not to affect dogs over four years. With the exception of hexavalent chromium, there is no reason to believe that the level of 0.05 mg/l (50 µg/l) permitted for ambient water poses a significant threat to human health. As a standard, this level was set in 1962 and has in the meantime been confirmed by several reviewing groups. Therefore, the recommended water quality criterion for chromium, except hexavalent chromium, is 50 µg/l. For practical purposes, it should be noted that it is difficult to analytically distinguish between trivalent and hexavalent chromium.

Because of the low bioconcentration of chromium, consideration of the consumption of fish and shellfish does not change the recommended criterion.

If two liters of drinking water are ingested per day, then a level of 50 µg/l would correspond to an intake of 100 µg from water. To apportion this daily intake to both drinking water and fish and shellfish consumed, the following calculation can be used:

$$2X + (0.0187)(F)(X) = 100 \mu\text{g}$$

Where:

2 = amount of water ingested in liter/day
X = chromium concentration in water, mg/l
0.0187 = amount of fish consumed per day, kg/day

F = bioconcentration factor, mg chromium/kg fish per mg chromium in water. (F = 11 for chromium)

$$2X + 2X = 100 \mu\text{g}$$

$$2.2X = 100 \mu\text{g}$$

$$X = 45 \mu\text{g/l (or } \sim 50 \mu\text{g/l)}$$

Summary of Pertinent Data

In order to calculate a water quality criterion for Cr VI, it was necessary to assume that the population's exposure to Cr VI in the Mancuso and Hueper study was the same as the exposure in Taylor's paper. Taylor's is the only study in which the cohort is large enough (1212 people were studied) to see the effects of Cr exposure in areas other than the lungs, which are directly affected by inhaled Cr. The lung cancer risk was very high in this study. The risk of digestive cancer from Cr exposure is statistically significant in Taylor's cohort (as shown in 1974 by Enterline); however, the amount of Cr to which the workers were exposed is not available for Taylor's study. Mancuso and Hueper closely studied 97 chromium workers in which they saw a high incidence of lung cancer (however, less than Taylor's study). The data on exposure in the Mancuso and Hueper study is very detailed, giving information on first exposure date, years of exposure, latent

period, amount of Cr exposure in mg Cr/m³ for Cr III and Cr VI separately, and date of death.

In order to calculate a water quality criterion for Cr, it is necessary to know the exposure levels producing the digestive cancer response in Taylor's study, as the direct lung effects may not be relevant to water exposure.

The following is an account of the calculations used in estimating the water concentration of Cr VI which would result in a lifetime risk of dying from digestive cancer of 10^{-5} .

Assuming that the average exposure in Mancuso and Hueper's study is 0.1 mg Cr/m³ (this is the mean exposure to water soluble chromium which is Cr VI), then the concentration in Taylor's study is also assumed to be 0.15 mg Cr/m³. The total exposure in 4.146 years (the mean exposure time in Taylor's study) is 0.15 mg Cr/m³ × 10 m³/working day × 240 working days/yr × 4.146 years = 1492.56 mg. If 50 percent of this is swallowed from the respiratory tract, then 2.018 liter/day × 365 days/year × 70 years × C mg/l = 1492.56 × 0.5 (The bioconcentration factor in fish is 1.0)
C = 14.40 µg/l of Cr VI.

C is the estimated concentration in water necessary to produce the observed digestive cancer incidence in the Taylor study. The relative risk in the Taylor study is 1.533 which is statistically significant. The excessive risk corresponding to a concentration of C = 14.40 µg/l is .533 p, where p is the expected population risk of digestive tract cancer. The slope of the excessive risk curve is

$$B_H = \frac{0.533p}{0.014} = 37.01p \text{ (mg/l)}^{-1}$$

The water quality criterion corresponding to a risk of 10^{-5} is given by

$$X = \frac{10^{-5}}{37.01p} \text{ mg/l}$$

$$= \frac{10^{-5}}{37.01p} \mu\text{l}$$

Based on the HEW Vital Statistics of the United States (1973), the lifetime risk of dying from digestive cancer (p) is estimated by an actuarial method to be 3.5 percent.* Therefore, the water concentration of Cr VI should be less than 8.0 ng/l in order to keep the lifetime risk below 10^{-5} .

Using the water concentration of 8 mg/l for Cr VI, the one-hit slope (B_H) may be calculated as follows:

* (Thus, from this data, p = .035).

$$B_H = \frac{70 \times 10^{-5}}{C(2.4R \times F)}$$

$$R = 1.0$$

$$F = 0.0187 \text{ kg/day}$$

$$C = 8 \times 10^{-6} \text{ mg/l}$$

$$B_H = 43.345 \text{ (mg/l)}^{-1}$$

DDT

Criteria Summary

Freshwater Aquatic Life. For DDT and metabolites the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.00023 µg/l as a 24-hour average and the concentration should not exceed 0.41 µg/l at any time.

Saltwater Aquatic Life. The data base for saltwater aquatic life is insufficient to allow use of the Guidelines. The following recommendation is inferred from toxicity data for freshwater organisms.

For DDT and metabolites the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 0.0067 µg/l as a 24-hour average and the concentration should not exceed 0.021 µg/l at any time.

Human Health. For the maximum protection of human health from the potential carcinogenic effects of exposure to DDT through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of DDT estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5} , 10^{-6} , or 10^{-7} with corresponding criteria of 0.98 ng/l, 0.098 ng/l, and .0098 ng/l, respectively. If water alone is consumed, the water concentration should be less than 0.36 µg/l to keep the lifetime cancer risk below 10^{-5} .

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of DDT and metabolites is the Final Acute Value of 0.41 µg/l and the 24-hour average concentration is the Final Chronic Value of 0.00023 µg/l. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=1.3 µg/l
Final Invertebrate Acute Value=0.41 µg/l
Final Acute Value=0.41 µg/l
Final Fish Chronic Value=0.11 µg/l
Final Invertebrate Chronic Value=not available
Final Plant Value=0.30 µg/l

Residue Limited Toxicant
Concentration=0.00023 µg/l
Final Chronic Value=0.00023 µg/l
0.44×Final Acute Value=0.18 µg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for DDT and metabolites using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

Results obtained with DDT and metabolites and freshwater organisms indicate how a criterion may be estimated for DDT and metabolites and saltwater organisms.

For DDT and metabolites and freshwater organisms the Residue Limited Toxicant Concentration is lower than the Final Fish Chronic Value which is derived from results of a life cycle test with the fathead minnow. Therefore, it seems reasonable to estimate a criterion for DDT and metabolites and saltwater organisms using the Residue Limited Toxicant Concentration as the Final Chronic Value.

The maximum concentration of DDT and metabolites is the Final Acute Value of 0.021 µg/l and the estimated 24-hour average concentration is the Final Chronic Value of 0.0067 µg/l. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=0.38 µg/l
Final Invertebrate Acute Value=0.021 µg/l
Final Acute Value=0.021 µg/l
Final Fish Chronic Value=not available µg/l
Final Invertebrate Chronic Value=not available

Final Plant Value=10 µg/l
Residue Limited Toxicant
Concentration=0.0067 µg/l
Final Chronic Value=0.0067 µg/l
0.44×Final Acute Value=0.0092 µg/l

Human Health. Since no epidemiological evidence for the carcinogenicity of DDT in man has been reported, the results of animal carcinogenicity studies conducted by feeding DDT or its metabolites over the lifespan of the animal are regarded as the most pertinent data. Although a number of studies have been reported for various species, the major evidence for the tumorigenicity of DDT is its ability to induce liver tumors in mice.

Under the Consent Decree in NRDC vs. Train, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." DDT

is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of DDT in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of DDT corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the Federal Register notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5} , 10^{-6} or 10^{-7} as shown in the table below.

Exposure assumptions (per day)	Risk levels and corresponding criteria ^a			
	0	10^{-7}	10^{-6}	10^{-5}
	(ng/l)	(ng/l)	(ng/l)	(ng/l)
2 liters of drinking water and consumption of 18.7 grams of fish and shellfish ^b	0.0098	0.098	0.98	
Consumption of fish and shellfish only	0.0098	0.098	0.98	

^aCalculated by applying a modified "one hit" extrapolation model described in the FR 15926, 1979, to the animal bioassay data presented in the summary of pertinent data. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

^bGreater than 99 percent of the DDT exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 39,000 fold. The remaining less than one percent of DDT exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of DDT (1) occurring from the consumption of both drinking water and aquatic life grown in water containing the corresponding DDT concentrations and, (2) occurring solely from the consumption of aquatic life grown in the waters containing the corresponding DDT concentrations. Although total exposure information for DDT is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into the ambient water quality criteria formulation because of

the tenuous estimates. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

The case of DDT and its possible role as a human carcinogen is complicated by several factors. Despite widespread use and exposure over thirty years, no positive associations with human cancer have been found to date, although the number of individuals studied is not statistically large. It is a chemical with high efficacy and has been extremely effective all over the world for public health measures. However, its slow biodegradability and propensity to accumulate in nontarget species have made it particularly hazardous for many fish and bird species. For mammals, however, it has a low acute toxicity as compared to other alternate pesticides.

DDT has not been shown to produce point mutations or teratogenic effects in a wide battery of tests. Some evidence for its clastogenic properties, however, make it suspect. The primary evidence for the carcinogenicity of DDT and metabolites to date has been the induction of liver tumors in mice. Studies in other species have consistently shown little or no effect and in the mice only liver tumors have shown an increase. The evidence for the carcinogenicity of DDT would be much more convincing if other species or sites of tumorigenic action could be conclusively demonstrated. This is in light of the fact that DDT has been probably the most extensively studied compound in modern science.

Current levels of exposure would seem to pose extremely small risk to persons in the U.S. DDT and DDE are preferentially stored in fatty compartments that are not actively dividing and subject to carcinogenic changes.

The use of DDT has been restricted in several countries because of its impact on the environment and its tumorigenic effect in mice. This is a reasonable proposition based on numerous reports. Therefore, the levels proposed in this document should ensure the health of wildlife and the co-existing human population.

Summary of Pertinent Data. The water quality criterion for DDT can be derived on the basis of two independent sets of data, neither of which is completely satisfactory. The first method is based on the most sensitive animal chronic bioassay available, which is the six-generation study by Turusov, et al. (Jour. Nat. Cancer Inst., 1973) in CF-1 mice. The second method is based on a comparison of the lifetime incidence of nervous system cancer cases between residents of New York

State (except New York City) and residents of Israel who were born in Europe or America.

The first method results in water quality concentrations so low that over 95 percent of surface water in the U.S. would fail to meet the criteria. This method also implies that the lifetime risk from current ambient concentrations is approximately three percent, which seems unrealistically high for DDT exposure alone in view of the absence of reported carcinogenic effects in heavily exposed populations. The second method is based on extremely tenuous assumptions, but it does use human data to put an upper limit on the carcinogenic effectiveness of DDT.

Method 1. In the Turusov mouse study, the six generations of the lowest dose group (2 ppm) of males had 179 animals with hepatomas out of 354 animals analyzed, whereas in controls 97 out of 328 animals had hepatomas. The data used for the criterion are:

$n_1 = 179$
 $N_1 = 354$
 $n_2 = 97$
 $N_2 = 328$
 $L = 104$ weeks.
 $l = 104$ weeks.
 $d = 2 \times 0.13 = 0.26$ mg/kg/day
 $w = 0.030$ kg
 $L = 104$ weeks.
 $R = 39,000$
 $F = 0.0187$ kg/day

With these values the slope parameter is $B_H = 18.055$ (mg/kg/day)⁻¹. The result of the calculation is that if fish and water are consumed the water concentration should be less than 0.053 ng/l in order to keep the individual lifetime risk below 10^{-5} . If only water were consumed ($F=0$) the corresponding concentration is 20 ng/l.

Method 2. There is strong evidence that method 1 overstates the DDT risk, either because the animal experiments overstate the human risk or because most people do not eat fish contaminated to the extent assumed in the model. The basis for stating this is that countries like Israel where the levels of DDT exposure have been high and widespread have experienced no excess cancer incidence as compared to the United States. As an upper limit estimate of cancer risk from DDT exposure, we can make the unsupported assumption that DDT does cause human cancer with some probability which is proportional to the lifetime exposure and we can make the *reductio ad absurdum* argument that cancer incidence in the organ site where the largest excess in incidence occurs in Israel is due solely to DDT, which of course is not true. Taking the nervous

system as a reasonable candidate site for the action of DDT, we can make the following estimate which is intended only to put upper bounds on the carcinogenic effectiveness of DDT.

The high exposure in Israel is reflected in the higher fat levels measured by Wasserman, et al. According to their data the average level in Israel is 18.33 ppm (based on three studies), whereas in the United States it is 9.04 ppm (based on ten studies). Using the following relationship, developed by Hayes, et al. and Durham, et al. between the daily dose I (mg/day), and the concentration, C (ppm) in body fat:

$$\log I = (1/0.7) (\log C - 1.3),$$

the difference in the average daily doses between in Israel and the United States was calculated to be $0.751 - 0.323 = 0.428$ mg/day. The lifetime incidence of cancer for Israel and New York State is tabulated below from Table 8.3.

Population (males)	Lifetime incidence (percent)	
	Nervous System	All sites
New York State	0.5	28.8
Israel:		
All Jews	1.1	24.9
Born Israel	1.3	21.4
Born Europe or America	1.1	24.1
Born Africa or Asia	0.7	18.6
Non-Jews	0.5	15.3

Relative to New York, the excess lifetime risk of nervous system cancer in migrants to Israel from Europe and America is $1.1 - 0.5 = 0.6$ percent. This is caused by an excess intake of 0.428 mg/day. Therefore, the intake I resulting in 10^{-5} risk is

$$I = (10^{-5} / 0.006) \times 0.428 = 7.13 \times 10^{-4} \text{ mg/day}$$

If this intake comes from fish and water, the concentration of water would be:

$$C = 7.13 \times 10^{-4} / (2 + 39,000 \times 0.0187) = 0.98 \text{ ng/l}$$

If the intake comes from water alone, the concentration would be:

$$C = \frac{7.13 \times 10^{-4}}{2} = 0.357 \text{ } \mu\text{g/l}$$

Therefore, according to method 2, if fish and water are consumed, the water concentration should be less than 0.98 ng/l in order to keep the individual lifetime risk below 10^{-5} . If only water is consumed, the corresponding concentration is 0.36 $\mu\text{g/l}$. The equivalent slope factor for method 2 is:

$$B_H = \frac{70 \times 10^{-6}}{2 \times 3.57 \times 10^{-4}} = 0.98 \text{ (mg/kg/day)}^{-1}$$

Method 2 is recommended because it gives some basis for avoiding the unrealistically low concentrations imposed by considering only the animal data.

Hexachlorocyclohexane

Criteria Summary

Freshwater Aquatic Life. For lindane the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.21 $\mu\text{g/l}$ as a 24-hour average and the concentration should not exceed 2.9 $\mu\text{g/l}$ at any time.

For freshwater aquatic life, no criterion for a mixture of isomers of BHC can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for lindane can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

For saltwater aquatic life, no criterion for a mixture of isomers of BHC can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health. For the maximum protection of human health from the potential carcinogenic effects of exposure to α -HCH, β -HCH, and λ -HCH through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of α -HCH, β -HCH, and λ -HCH estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range 10^{-5} , 10^{-6} , or 10^{-7} , with corresponding criteria as follows:

Isomer	Criteria (ng/l) at the following risk levels		
	10^{-5}	10^{-6}	10^{-7}
α -HCH	18	1.8	0.16
β -HCH	28	2.8	0.28
γ -HCH	54	5.4	0.54
λ -HCH	21	2.1	0.21

There is insufficient data to establish criteria for the δ and ϵ isomers of HCH.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of lindane is the Final Acute Value of 2.9 $\mu\text{g/l}$ and the 24-hour average concentration is the Final Chronic Value of 0.21 $\mu\text{g/l}$. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

No freshwater criterion can be derived for a mixture of isomers of BHC using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Lindane

Final Fish Acute Value = 6.9 $\mu\text{g/l}$
 Final Invertebrate Acute Value = 2.9 $\mu\text{g/l}$
 Final Acute Value = 2.9 $\mu\text{g/l}$
 Final Fish Chronic Value = 2.2 $\mu\text{g/l}$
 Final Invertebrate Chronic Value = 1.3 $\mu\text{g/l}$
 Final Plant Value = 1,000 $\mu\text{g/l}$
 Residue Limited Toxicant
 Concentration = 0.21 $\mu\text{g/l}$
 Final Chronic Value = 0.21 $\mu\text{g/l}$
 $0.44 \times$ Final Acute Value = 1.3 $\mu\text{g/l}$

BHC

Final Fish Acute Value = 740 $\mu\text{g/l}$
 Final Invertebrate Acute Value = not available
 Final Acute Value = 740 $\mu\text{g/l}$
 Final Fish Chronic Value = not available
 Final Invertebrate Chronic Value = not available
 Final Plant Value = 1,000 $\mu\text{g/l}$
 Residue Limited Toxicant
 Concentration = not available
 Final Chronic Value = 1,000 $\mu\text{g/l}$
 $0.44 \times$ Final Acute Value = 330 $\mu\text{g/l}$

Saltwater Aquatic Life. No saltwater criterion can be derived for lindane using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

No saltwater criterion can be derived for a mixture of isomers of BHC using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data

Lindane

Final Fish Acute Value = 6.2 $\mu\text{g/l}$
 Final Invertebrate Acute Value = 0.076 $\mu\text{g/l}$
 Final Acute Value = 0.076 $\mu\text{g/l}$
 Final Fish Chronic Value = not available
 Final Invertebrate Chronic Value = not available
 Final Plant Value = 1,000 $\mu\text{g/l}$
 Residue Limited Toxicant
 Concentration = not available
 Final Chronic Value = 1,000 $\mu\text{g/l}$
 $0.44 \times$ Final Acute Value = 0.033 $\mu\text{g/l}$

BHC

Final Fish Acute Value = 23 $\mu\text{g/l}$
 Final Invertebrate Acute Value = 0.34 $\mu\text{g/l}$
 Final Acute Value = 0.34 $\mu\text{g/l}$
 Final Fish Chronic Value = not available

Final Invertebrate Chronic Value = not available
 Final Plant Value = not available
 Residue Limited Toxicant
 Concentration = 0.27 µg/l
 Final Chronic Value = 0.27 µg/l
 0.44 × Final Acute Value = 0.015 µg/l

Human Health. The animal carcinogenicity data from Ito, et al. 1976, Goto, et al. 1972, Thorpe and Walker, 1973, and Nagasaki, et al. 1972a have been used to develop water quality criteria for α , β , λ , and technical HCH, respectively. These criteria have been developed by the Carcinogen Assessment Group of EPA. The assessment is given in the criterion document.

Under the Consent Decree in NRDC vs. Train, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." α -HCH, β -HCH, γ -HCH and t-HCH are suspected of being human carcinogens. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of α -HCH, β -HCH and t-HCH in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of α -HCH, β -HCH, γ -HCH and t-HCH corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the Federal Register notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5} , 10^{-6} , or 10^{-7} as shown in the tables below.

Exposure assumptions (per day)	Risk levels and Corresponding criteria ¹			
	0	10^{-5} (ng/l)	10^{-6} (ng/l)	10^{-7} (ng/l)
α-HCH				
2 liters of drinking water and consumption of 18.7 grams fish and shellfish ²	0	0.18	1.8	18
Consumption of fish and shellfish only	0	0.18	1.8	18
β-HCH				
2 liters of drinking water and consumption of 18.7 grams fish and shellfish ²	0	0.28	2.8	28
Consumption of fish and shellfish only	0	0.32	3.2	32
γ-HCH				
2 liters of drinking water and consumption of 18.7 grams fish and shellfish ²	0	0.54	5.4	54
Consumption of fish and shellfish only	0	0.61	6.1	61
t-HCH				
2 liters of drinking water and consumption of 18.7 grams fish and shellfish ²	0	0.21	2.1	21
Consumption of fish and shellfish only	0	0.24	2.4	24

¹Calculated by applying a modified "one-hit" extrapolation model described in the FR 15926, 1979. Appropriate bioassay data used in the calculation of the model are presented in the summary of pertinent data. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1000, and so forth.

²Approximately 88 percent of the α -HCH, β -HCH, γ -HCH and t-HCH exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 780 fold. The remaining 12 percent of α -HCH, β -HCH, γ -HCH and t-HCH exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of HCH (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding HCH concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding HCH concentrations. Although total exposure information for HCH is discussed and an estimate of the contributions from other sources of exposure can be made, these data will not be factored into ambient water quality criteria formulation until additional analyses can be made. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Water quality criteria for the δ and ϵ isomers of HCH have not been established because of insufficient data. These isomers have not been detected in

the environment, however, and would not appear to be a health risk. In summary, the recommended water quality criteria for hexachlorocyclohexane is as follows:

Form and Criteria

α isomer 18 ng/l^{*}
 β isomer 28 ng/l^{*}
 λ isomer 54 ng/l^{*}
 δ isomer not established—insufficient data
 ϵ isomer not established—insufficient data
 technical 21 ng/l

Summary of Pertinent Data. The water quality criterion of alpha-hexachlorocyclohexane is derived from the oncogenic effects observed in the liver of male DDY mice fed 500 ppm alpha-HCH in the diet (Ito, et al. 1976). The time-weighted average dose of 65 mg/kg/day was given in the feed for 24 weeks. The liver tumor incidence was 0/18 and 20/20 in the control and treated groups, respectively. Assuming a fish bioconcentration factor of 780, the criterion is calculated from the following parameters:

$n_t = 20$ (used 19.5 for calculation)
 $N_t = 20$
 $n_c = 0$
 $N_c = 18$
 $le = 24$ weeks
 $Le = 90$ weeks
 $d = 500 \text{ ppm} \times 0.13 = 65 \text{ mg/kg/day}$
 $R = 780$
 $L = 90$ weeks
 $w = 0.0357 \text{ kg}$
 $F = 0.0187 \text{ kg/day}$

Based on these parameters, the one-hit slope, B_H , is 2.6637. The resulting water concentration of alpha-hexachlorocyclohexane calculated to keep the individual lifetime cancer risk below 10^{-5} is 16 nanograms per liter.

The water quality criterion for beta-hexachlorocyclohexane is derived from the oncogenic effects observed in the liver of male ICR-JCL mice fed 600 ppm beta-HCH in the diet (Goto, et al. 1972). The time weighted average dose of 78 mg/kg/day was given in the feed for 26 weeks. The liver tumor incidence was 0/10 and 10/10 in the control and treated groups, respectively. Assuming a fish bioconcentration factor 780, the criterion is calculated from the following parameters:

$n_t = 10$ (used 9.5 for calculation)
 $N_t = 10$
 $n_c = 0$
 $N_c = 10$
 $le = 26$ weeks
 $Le = 90$ weeks
 $d = 600 \text{ ppm} \times 0.13 = 78 \text{ mg/kg/day}$
 $R = 780$
 $L = 90$ weeks
 $w = 0.0475 \text{ kg}$
 $F = 0.0187 \text{ kg/day}$

^{*}At a risk level of one in 100,000.

Based on these parameters, the one-hit slope, B_H , is 1.5129. The resulting water concentration of beta-hexachlorocyclohexane calculated to keep the individual lifetime cancer risk below 10^{-5} is 28 nanograms per liter.

The water quality criterion for gamma-hexachlorocyclohexane is derived from the oncogenic effects observed in the liver of male CF1 mice fed 400 ppm gamma-HCH in the diet (Thorpe and Walker, 1973). The time-weighted average dose of 52 mg/kg/day was given in the feed for 110 weeks. The liver tumor incidence was 11/45 and 27/28 in the control and treated groups, respectively. Assuming a fish bioconcentration factor of 780, the criterion is calculated from the following parameters:

$n_t = 27$
 $N_t = 28$
 $n_c = 11$
 $N_c = 45$
 $le = 110$ weeks
 $Le = 110$ weeks
 $d = 400 \text{ ppm} \times 0.13 = 52 \text{ mg/kg/day}$
 $R = 780$
 $L = 110$ weeks
 $w = 0.030 \text{ kg}$
 $F = 0.0187 \text{ kg/day}$

Based on these parameters, the one-hit slope, B_H , is 7.7844×10^{-4} . The resulting concentration of gamma-hexachlorocyclohexane calculated to keep the individual lifetime cancer risk below 10^{-5} is 54 nanograms per liter.

The water quality criterion for technical hexachlorocyclohexane is derived from the oncogenic effects observed in the liver of male dd mice fed 660 ppm technical HCH in the diet (Nagasaki, et al. 1972a). The time-weighted average dose of 85.8 mg/kg/day was given in the feed for 24 weeks. The liver tumor incidence was 0/14 and 20/20 in the control and treated groups, respectively. Assuming a fish bioconcentration factor of 780, the criterion is calculated from the following parameters:

$n_t = 20$ (used 19.5 for calculation)
 $N_t = 20$
 $n_c = 0$
 $N_c = 14$
 $le = 24$ weeks
 $Le = 90$ weeks
 $d = 660 \text{ ppm} \times 0.13 = 85.8 \text{ mg/kg/day}$
 $R = 780$
 $L = 90$ weeks
 $w = 0.0364 \text{ kg}$
 $F = 0.0187 \text{ kg/day}$

Based on these parameters, the one-hit slope, B_H , is 2.0050. The resulting water concentration of technical hexachlorocyclohexane calculated to keep the individual lifetime cancer risk below 10^{-5} is 21 nanograms per liter.

Mercury

Criteria Summary

Freshwater Aquatic Life. The data base for freshwater aquatic life and inorganic mercury is insufficient to allow use of the Guidelines. The following recommendation is inferred from toxicity data for saltwater organisms.

For inorganic mercury the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 0.064 µg/l as a 24-hour average and the concentration should not exceed 3.2 µg/l as any time.

For methylmercury the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.016 µg/l as a 24-hour average and the concentration should not exceed 8.8 µg/l at any time.

Saltwater Aquatic Life. For inorganic mercury the criterion to protect saltwater aquatic life as derived using the Guidelines is 0.19 µg/l as a 24-hour average and the concentration should not exceed 1.0 µg/l at any time.

The data base for saltwater aquatic life and methylmercury is insufficient to allow use of the Guidelines. The following recommendation is inferred from toxicity data for freshwater organisms.

For methylmercury the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 0.025 µg/l as a 24-hour average and the concentration should not exceed 2.6 µg/l at any time.

Human Health. For the protection of human health from the toxic properties of mercury ingested through water and through contaminated aquatic organisms the ambient water criterion is determined to be 0.2 µg/l.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of inorganic mercury is the Final Acute Value of 3.2 µg/l which is based on the more acutely sensitive invertebrate organisms. The 24-hour average concentration is 0.064 µg/l and is based on an estimated Residue Limited Toxicant Concentration. No important adverse effects on freshwater organisms of inorganic mercury have been reported to be caused by concentrations lower than the 24-hour average concentration.

The maximum concentration of methylmercury is the Final Acute Value of 8.8 µg/l and the 24-hour average concentration is the Residue Limited Toxicant Concentration of 0.016 µg/l. No important adverse effects on freshwater aquatic life have been reported to be

caused by concentrations lower than the 24-hour average concentration.

Summary of Available Data. The concentrations herein are expressed as mercury. The concentrations below have been rounded to two significant figures.

Inorganic Mercury

Final Fish Acute Value = 38 µg/l
 Final Invertebrate Acute Value = 3.2 µg/l
 Final Acute Value = 3.2 µg/l
 Final Fish Chronic Value = not available
 Final Invertebrate Chronic Value = 0.44 µg/l
 Final Plant Value = 60 µg/l
 Residue Limited Toxicant
 Concentration = 0.064 µg/l
 Final Chronic Value = 0.064 µg/l
 0.44 × Final Acute Value = 1.4 µg/l

Methylmercury

Final Fish Acute Value = 8.8 µg/l
 Final Invertebrate Acute Value = not available
 Final Acute Value = 8.8 µg/l
 Final Fish Chronic Value = 0.076 µg/l
 Final Invertebrate Chronic Value = 0.20 µg/l
 Final Plant Value = greater than 2.4 µg/l, less than 4.8 µg/l
 Residue Limited Toxicant
 Concentration = 0.016 µg/l
 Final Chronic Value = 0.016 µg/l
 0.44 × Final Acute Value = 3.9 µg/l

Saltwater Aquatic Life. The maximum concentration of inorganic mercury is the Final Acute Value of 1.0 µg/l which is based on the more acutely sensitive invertebrate species. The 24-hour average concentration is the Residue Limited Toxicant Concentration of 0.19 µg/l. No important adverse effects have been reported to be caused by concentrations lower than the 24-hour average concentration.

No saltwater criterion can be derived or methylmercury using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available. However, results obtained with methylmercury and freshwater organisms indicate how a criterion may be estimated.

For methylmercury and freshwater organisms the Residue Limited Toxicant Concentration is lower than either the Final Fish or Final Invertebrate Chronic Value. Therefore, it seems reasonable to estimate a criterion for methylmercury and saltwater organisms using the Residue Limited Toxicant Concentration.

The maximum concentration of methylmercury is the Final Acute Value of 2.6 µg/l and the 24-hour average concentration is the Residue Limited Toxicant Concentration of 0.025 µg/l.

Summary of Available Data. The concentration herein are expressed as mercury. The concentrations below have been rounded to two significant figures.

Inorganic Mercury

Final Fish Acute Value=190 µg/l
 Final Invertebrate Acute Value=1.0 µg/l
 Final Acute Value=1.0 µg/l
 Final Fish Chronic Value=not available
 Final Invertebrate Chronic Value=1.2 µg/l
 Final Plant Value=1.0 µg/l
 Residue Limited Toxicant
 Concentration=0.19 µg/l
 Final Chronic Value=0.19 µg/l
 0.44 × Final Acute Value=0.44 µg/l

Methylmercury

Final Fish Acute Value=not available
 Final Invertebrate Acute Value=2.6 µg/l
 Final Acute Value=2.6 µg/l
 Final Fish Chronic Value=not available
 Final Invertebrate Chronic Value=not available
 Final Plant Value=100 µg/l
 Residue Limited Toxicant
 Concentration=0.025 µg/l
 Final Chronic Value=0.025 µg/l
 0.44 × Final Acute Value=1.1 µg/l

Human Health. From a health effects perspective and recognition of exposure potential the organo mercury compounds are the most important especially methyl mercury. However, inorganic compounds of mercury should also be recognized because of their toxicity potential but perhaps more importantly because with alkylation from environmentally present biological systems the inorganic mercury can be converted to methyl and dimethyl mercury.

The approach that has been adopted by this criterion document involves the following steps: (1) Identify those organs or tissues most sensitive to damage by the different chemical and physical forms of mercury, damage being defined as an effect that adversely changes normal function or diminishes an individual's reserve capacity to deal with harmful agents or diseases; (2) determine the lowest body burden known to be associated with functional damage in man and, if possible, determine the highest body burden tolerated by man; (3) estimate the potential human intake from ingesting water and eating contaminated fish products; and (4) estimate the effect on body burden of mercury by establishing a criterion for mercury in ambient water based on human health effects.

Table 1, taken from the review by the World Health Organization expert group (1976), indicates long-term daily intakes of methyl mercury which relates to the earliest effect on the central nervous system. This system is more sensitive to damage from methyl mercury than other functional systems in the human body. The conclusions represented in Table 1 were recently endorsed by the National Academy of Sciences (1978).

Evidence reviewed in the criterion document is essentially the same as the

evidence reviewed by the WHO group with regard to adult exposures to methyl mercury.

Table 1.—The Concentrations of Total Mercury in Indicator Media and the Equivalent Long-Term Daily Intake of Mercury as Methyl Mercury Associated With the Earliest Effects in the Most Sensitive Group in the Adult Population^{a, b, c}

Concentrations in indicator media		Equivalent long-term daily intake (µg/kg body weight)
Blood (µg/100 ml)	Hair (µg/g)	
20-50	50-125	3-7

^a The risk of the earliest effects can be expected to be between 3 to 8%.

^b The table should not be considered independently of the text.

^c This table is adapted from Table 6 in WHO, 1976.

Effects on the adult nervous system have been estimated to occur at blood concentrations in the range of 200 to 500 ng Hg/ml, corresponding to a long-term daily intake of methyl mercury in the diet of 3 to 7 µg/kg body weight. The risk of effects at this intake level is probably less than eight percent (1 in 12 chances).

Since the WHO (1976) criteria document was written, new evidence has been documented. As reported in the criterion document, females who had experienced maximum hair concentrations during pregnancy in the range of 99 to 384 µg Hg/g had a high probability of having children liable to retarded development. Unfortunately, the population size was too small to establish a lower limit to effects of prenatal exposure. A hair concentration of 99 µg/g is equivalent to a blood concentration of about 400 ng Hg/ml.

The most recent information on effect of mercury on human health has come from the study of the Iraq outbreak of 1971-1972. The follow-up of the cases of prenatal exposure is still in progress. As noted by the National Academy of Sciences (1978), "continued careful evaluation of this very important cohort of pre-natally exposed individuals will provide the most sensitive assessment of human methylmercury toxicity."

Thus, at this stage of knowledge of the dose-effect relationship of mercury in man, it appears that the earliest detected effects in man are at blood concentrations between 200 and 500 ng Hg/ml, for both pre- and post-natal exposures. Blood concentrations of methyl mercury correspond to body burdens in the range of 30 to 50 mg Hg/70 kg body weight, and to long-term daily intakes in the range of 200 to 500 µg Hg/70 kg.

Mercury intake from drinking water, according to data reviewed in the document, is less than 1 µg Hg/day, and

is considerably less than the diet portion (Table 2). Assuming that the concentration of methyl mercury in all samples of drinking water is at the current U.S. EPA standard of 2 µg Hg/l, the maximum daily intake would only be 4 µg Hg, assuming 2 liters of drinking water are consumed per person each day. This maximum intake would amount to only about one to two percent of the minimum toxic intake given in Table 2. Thus, from the toxicological standpoint, exposure to mercury via drinking water only would be negligible.

The ingestion of water has been assumed to be the main pathway of direct intake of mercury from water. The transport of mercury through skin is another possible route of intake. Indirect transfer of mercury from water to man is much more important than transfer from direct routes. This conclusion is based on the assumption that fish bioaccumulate a significant amount of methyl mercury from water. In theory, it should be possible to calculate the maximum concentration of methyl mercury in water which would assure that concentrations in edible tissues of fish do not exceed the Food and Drug Administration Guidelines of 1.0 µgHg/g fresh tissue. Thus, if the bioaccumulation factor is known for each species of edible fish, it is arithmetically simple to estimate the maximum concentration of methyl mercury in water. For example, the U.S. EPA (1978) calculated bioconcentration factors (concentration in fish/concentration in water) for methyl mercury compounds based on literature reports. These factors are for edible fish species: 4,525 to 8,376 for rainbow trout *Salmo gairdneri*, 20,000 for brook trout *Salvelinus fontinalis*, and 900 to 1,640 for clams *Anodonta grandis*, *Lampsilis radiata*, *Lasmigona complanta*. Thus, if the maximum bioaccumulation factor of 20,000 is adopted, the maximum concentration of methyl mercury in freshwater that would prevent fish from exceeding the current FDA guideline would be 0.05 µg/l.

Table 2.—Estimate of Average and Maximum Daily Intakes of Mercury by the "70 kg Standard Adult" in the U.S. Population^a

Media	Mercury intake µg/day/70 kg		Predominate form
	Average	Maximum ^b	
Air.....	0.3	0.8 Hg ^c	
Water.....	0.1	0.4 Hg ^c	
Food.....	3.0	5.0 CH ₃ Hg ^c	

^a For details on the calculation of these numbers, see the Exposure section of this document.

^b These are approximate figures indicating that 95 percent of the population have intakes less than these figures. Occupational exposures are not included.

Unfortunately, both practical and theoretical difficulties thwart any accurate calculation. First, quantitative information is inadequate with regard to the role of direct uptake from water versus accumulation from food chains as contributors to the total amount of methyl mercury in fish. Differences may be expected between fish at lower and upper ends of the food chain. Second, the accumulation factors for methyl mercury uptake by fish are only known for few species. Third, the concentration of methyl mercury in water is probably a variable fraction of total mercury in water. The proportion of methyl to total mercury will probably vary in different bodies of water, being influenced by such factors as water pH, degree of oxygenation, the amount of biota and the sedimentary concentrations of mercury. Fourth, in most cases, the concentration of methyl mercury in water will be so low as to defy accurate measurement even by the most modern technology.

When more information is available on the behavior of mercury in aquatic environments, it might be possible to calculate a reliable criterion based on acceptable concentrations of mercury in fish. In the meantime, a more pragmatic approach will have to be used. The discharge of mercury into bodies of water must be carefully controlled. Those bodies of freshwater supporting edible fish with mercury concentrations above the acceptable levels will have to be identified, and anthropogenic discharge of mercury curtailed. It is also possible that non-anthropogenic sources are predominant (for example, in ocean waters) so that control is not possible. This empirical approach, although the only one available, is unsatisfactory as it allows mainly after-the-fact corrections. Development of procedures for estimating maximum safe concentrations of mercury in ambient water that will prevent unacceptable bioaccumulation of methyl mercury by fish is clearly desirable.

Methyl Mercury. Two approaches could be used to derive a criterion for methyl mercury. One approach is to use the existing U.S. drinking water standard of 2 µg/l and the typical water quality exposure assumptions (2 l water/day, 0.0187 kg fish products/day) along with an estimated fish/shellfish bioconcentration factor of 6,200 to calculate a potential uptake. This can then be compared to the Lowest Observable Effect Level (LOEL) to determine the range of safety. A second approach is to use the LOEL as a basis for establishing an acceptable daily intake (ADI) and calculate a criterion level using the typical water quality assumptions.

Given: fish/shellfish consumption=0.0187 kg fish/person/day
 bioconcentration factor for methyl mercury=6,200

mg Hg/kg fish
 mg Hg/l water
 Water consumption= 2 l/person/day
 (1) Assume
 criterion= 2 µg/l
 Human exposure= 2 l/day × (6,200 × 0.0187)
 = 2 (2 + 115.9)
 = 235.8 µg/day

Recognizing that the LOEL range is 200 to 500 µg Hg/day, we could hypothesize that there is little or no margin of safety at the 2 µg/l criterion level especially where realizing that dietary sources other than fish products may be contributing to the body burden.

(2) Derive ADI using typical water quality exposure and LOEL
 LOEL range= 200-500 µg Hg/day
 Use 200 µg Hg/day to assure marginal safety
 ADI= 200 µg/day
 = C 2 l/day + (6,200 × 0.0187)
 = C (2 + 115.9)
 200/117.9= C
 1.7 µg/l= C

According to the National Academy of Science (1977) an uncertainty factor of ten can be applied to the ADI as the 200 to 500 data results from studies on prolonged ingestion by man, with no indication of carcinogenicity.

200/10= C (2 + 115.9)
 0.17 µg/l= C
 0.2 µg/l= C

Whereas, approach No. 1 has an estimated narrow margin of safety if any and given that LOEL's do exist it is reasonable to focus on the ADI based criterion with an uncertainty factor as the preferred basis for establishing a criterion.

Polynuclear Aromatic Hydrocarbons**Criteria Summary**

Freshwater Aquatic Life. For freshwater aquatic life, no criterion for any polynuclear aromatic hydrocarbon can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for any polynuclear aromatic hydrocarbon can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health. For the maximum protection of human health from the potential carcinogenic effects of exposure to polynuclear aromatic hydrocarbons (PAH) through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of PAH estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk

level in the range of 10⁻⁵, 10⁻⁶, or 10⁻⁷ with corresponding criteria of 9.7 ng/l, 0.97 ng/l and 0.097 ng/l, respectively.

Basis for the Criteria

Freshwater Aquatic Life. No freshwater criterion can be derived for any polynuclear aromatic hydrocarbon using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life. No saltwater criterion can be derived for any polynuclear aromatic hydrocarbon using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Human Health. The presently available data base is inadequate to support the derivation of individual criteria for each of the PAH as specified under the Consent Decree. This problem arises primarily from the diversity of test systems and bioassay conditions employed for determining carcinogenic potential of individual PAH in experimental animals. Furthermore, it is not possible to estimate the intake via water of individual PAH except for those compounds which have been selected by the World Health Organization for environmental monitoring. Therefore, an approach to criterion development is adopted in this report with the objective of deriving a single criterion to encompass the entire PAH class. This approach is attractive in that it recognizes the fact that environmental exposure to PAH invariably occur by contact with complex, undefined, PAH mixtures.

The attempt to develop a drinking water criterion for PAH as a class is hindered by several gaps in the scientific data base:

(1) The PAH class is composed of numerous compounds having diverse biological effects and varying carcinogenic potential. A "representative" PAH mixture, has not been defined.

(2) The common practice of using data derived from studies with BaP to make generalizations concerning the effects of environmental PAH may not be scientifically sound.

(3) No chronic animal toxicity studies exist involving oral exposure to PAH mixtures.

(4) No direct human data exist concerning the effects of exposure to defined PAH mixtures.

However, assuming that the development of a criterion must proceed despite these obstacles, certain approaches may be taken to circumvent deficiencies in the data base. The choice of an appropriate animal bioassay from which to derive data for application to the linear non-threshold model for human cancer risk assessment should be guided by several considerations. Primary emphasis must be placed on appropriate animal studies which: (1) include sufficient numbers of animals for statistically reliable results; (2) involve long-term low-level exposures to PAH; (3) include a proper control group; and (4) achieve positive dose-related carcinogenic response.

Because there are no studies available regarding chronic oral exposure to PAH mixtures, it is necessary to derive a criterion based upon data involving exposure to a single compound. Even when considering single chemicals, almost no studies are available which involved oral exposure at more than one dose level to a reasonable number of animals. Two studies have been selected, one involving BaP ingestion (Rigdon and Neal, 1967) and one involving DBA ingestion (Snell and Stewart, 1962). Both compounds are recognized as animal carcinogens, and both are known to be environmental contaminants to which humans are exposed.

In the strictest sense it can be argued that a criterion for a chemical class derived from experiments involving a single component of that class is invalid. On the other hand, selection of those components (e.g., BaP and DBA) which are among the more potent carcinogens in the PAH class should lead to a conservative criterion approach. It must be assumed that interactions among the various PAH components resulting in either an enhancement or inhibition of biological effect will cancel each other out in the environment. Presently, there is no way to quantitate the potential human health risks incurred by the interaction of PAH, either among themselves or with other agents (e.g., tumor initiators, promoters, inhibitors) in the environment. In addition, it is known that PAH commonly produce tumors at the site of contact (i.e., forestomach tumors by oral exposure to BaP; lung tumors by intratracheal administration; skin tumors by dermal application). Thus, consideration of the extent of absorption may not always be necessary in the case of carcinogenic PAH, and will in fact result in underestimation of actual risk if only distant target sites are considered. Calculations of water quality criteria for

PAH based upon bioassay data for BaP and DBA are presented in the summary of pertinent data.

The water quality criteria for BaP and DBA derived using the linear non-threshold model as described in the Appendix are 27.5 ng/l and 43 ng/l, respectively. For the sake of comparison, a water quality criterion for DBA was calculated using the procedure developed by Mantel and Bryan (1961). As opposed to the linear non-threshold model, which is logistic and defines acceptable risk as 1/100,000, the Mantel and Bryan (1961) model is probabilistic and defines acceptable risk as 1/100,000,000. Furthermore, the Mantel and Bryan (1961) is concerned with the maximum tumor incidence in treated animals at the 99 percent assurance level. Using the Mantel and Bryan (1961) approach with DBA, the resultant water quality criterion is 13.3 ng/l.

Under the Consent Decree in NRDC v. Train, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." BaP and DBA are known animal carcinogens. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of BaP and DBA corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

PAH are widely distributed in the environment as evidenced by their detection in sediments, soils, air, surface waters, and plant and animal tissues. The ecological impact of these chemicals, however, is uncertain. Numerous studies show that despite their high lipid solubility, PAHs show little tendency for bioaccumulation in the fatty tissues of animals or man. This observation is not unexpected, in light of convincing evidence to show that PAH are rapidly and extensively metabolized.

Lu, et al. (1977) have published the only available study regarding the bioconcentration and biomagnification of a PAH in model ecosystem environments. They reported that the bioconcentration of BaP, expressed as concentration in mosquitofish/concentration in water was zero. This was apparently due to the fact that the fish metabolized the BaP about as rapidly as it was absorbed. On the other hand, in a 33 day terrestrial-aquatic model ecosystem study, BaP showed a small degree of biomagnification which probably resulted from food chain transfer. In this case the biomagnification factor for mosquitofish was 30. Based on the results of Lu, et al. (1977) a bioconcentration (BCF) factor of 30 was employed for the purpose of calculating a water quality criterion. In contrast, as can be noted in the criterion document, the Cancer Assessment Group applied the BCF of 6800, a value derived from octanol-water partition coefficients, in its calculation of the water quality criterion for PAH.

In the Federal Register notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria for BaP and DBA at an interim target risk level of 10^{-5} , 10^{-6} or 10^{-7} as shown in the table below.

Exposure assumptions (per day)	Risk levels and corresponding criteria ¹			
	0	10^{-5} (ng/l)	10^{-6} (ng/l)	10^{-7} (ng/l)
BaP				
2 liters of drinking water and consumption of 18.7 grams fish and shellfish ²		0.097	0.97	9.7
Consumption of fish and shellfish only		0.44	4.45	44.46
DBA				
2 liters of drinking water and consumption of 18.7 grams fish and shellfish ²	0	0.043	0.43	4.30
Consumption of fish and shellfish only		0.196	1.96	19.63

Summary of Pertinent Data. The water quality criterion for PAH is based on the experiment reported by Neal and Rigdon (1967) in which benzo(a)-pyrene at doses ranging between 1 and 250 ppm in the diet was fed to strain CFW mice for approximately 110 days. Stomach tumors, which were mostly squamous cell papillomas but some carcinomas, appeared with an incidence statistically higher than controls at doses of 45 ppm and above. At 45 ppm the incidence in controls and treated groups was 0/289

and 4/40, respectively. The one-hit model has the following parameters:

$n_1 = 4$
 $N_1 = 40$
 $n_2 = 0$
 $N_2 = 289$
 $Le = 110$ days
 $le = 110$ days
 $d = 45$ ppm $\times 0.13 = 5.85$ mg/kg/day
 $w = 0.034$ kg
 $L = 78$ weeks $\times 7$ days/wk = 546 days
 $R = 30$
 $F = .0187$ kg/day

With these values, the one-hit slope parameter is $B_H = 28.020$ (mg/kg/day) $^{-1}$.

The result is that the water concentration of BaP should be less than 9.7 nanograms per liter in order to keep the individual lifetime risk below 10^{-5} . On the conservative assumptions that all carcinogenic PAH compounds are as potent as BaP, that the effect of a mixture of carcinogenic PAH compounds depends on the sum of their concentrations, and that the non-carcinogenic PAH compounds have no effect on the response of the carcinogenic PAH, it follows that the sum of the concentration of all carcinogenic PAH compounds should be less than 9.7 nanograms per liter in order to keep the lifetime risk less than 10^{-5} .

(FR Doc. 79-29085 Filed 9-28-79; 8:45 am)

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federal register

Monday
October 1, 1979

Part XII

**National
Telecommunications
and Information
Administration**

Public Telecommunications Facilities
Program; Notice of Closing Date for
Applications and Proposed Modification
of Priorities

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Public Telecommunications Facilities Program; Notice of Closing Date for Applications and of Proposed Modification of Priorities

Applications for planning and construction grants for public telecommunications facilities are invited under the Public Telecommunications Facilities Program of the National Telecommunications and Information Administration.

Authority for this Program is contained in the Public Telecommunications Financing Act of 1978 (Pub. L. 95-567, 92 Stat. 2405).

The purpose of this program, as stated in Section 390 of the Act, is * * * to assist, through matching grants, in the planning and construction of public telecommunications facilities in order to achieve the following objectives: (1) extend delivery of public telecommunications services to as many citizens of the United States as possible by the most efficient and economical means, including the use of broadcast and nonbroadcast technologies; (2) increase public telecommunications services and facilities available to, operated by, and owned by minorities and women; and (3) strengthen the capability of existing public television and radio stations to provide public telecommunications services to the public.

Closing date for filing of applications: January 9, 1980.

Applications delivered by mail: Applications delivered by mail must be postmarked no later than midnight, January 9, 1980, and be addressed to: Public Telecommunications Facilities Division, NTIA/DOC, 1325 G Street NW., Room 296, Washington, D.C. 20005.

As proof of mailing, the National Telecommunications and Information Administration prefers a legible U.S. Postal Service dated postmark or a legible mail receipt with the date of the mailing stamped by the U.S. Postal Service.

Note.—Not all U.S. Postal Service offices uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.

Applicants are encouraged to use registered or at least first class mail.

Applicants whose applications are postmarked after midnight, January 9, 1980, will be notified that their applications will not be considered in the current competition.

Applications delivered by hand: Applications may be delivered by hand

to the above address between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays and Federal holidays, through January 9, 1980.

Applications that are hand delivered will not be accepted after 4:30 p.m. on January 9, 1980.

Application forms and regulations: Application forms, copies of the Public Telecommunications Financing Act of 1978, and the Program's regulations may be obtained by contacting: John Cameron, Director, Public Telecommunications Facilities Division, NTIA/DOC, 1325 G Street, NW., Washington, D.C. 20005, (202) 724-3307.

Special consideration: Applicants are advised that under section 392(f) of the Public Telecommunications Financing Act of 1978, NTIA is required to give special consideration to applications which foster the role of minorities and women in public telecommunications. A policy statement on section 392(f) was published in the *Federal Register* on June 7, 1979, 44 FR 33032. Copies may be obtained by contacting the Public Telecommunications Facilities Division.

Proposed Program Priorities: In the Report and Order adopting the Program's rules and priorities, 44 FR 30898 (published May 29, 1979), we pledged to give the public an opportunity to comment on future modifications of the priorities. Our experience in processing the first group of applications under the Act indicates two areas where we believe modification is needed. We also said that the priorities which would govern the processing of applications would be published with the Notice of Closing Date, 44 FR at 30904. In light of these commitments, we are publishing the priorities that we propose to have govern applications filed by January 9, 1980. Except for the two modifications discussed below the priorities are identical to the ones adopted on May 29, 1979.

The first proposed modification would delete Priority IC. Priorities IB and IC presently read as follows:

B. Projects to extend existing telecommunications delivery systems. This category includes projects such as increase in tower height and/or power of existing stations; and construction of translators, cable networks and repeater transmitters. No local origination capacity is required.

C. Projects to establish telecommunications delivery systems without local origination capacity. This category includes the activation of new facilities without local origination, but which can provide services originating elsewhere.

It is our view that the facilities activations outlined in Priority IC are identical to the "translators, cable networks and repeater transmitters" listed in Priority IB. Therefore, Priority IC is redundant and should be deleted.

The other modification is proposed to the priority entitled "Other Cases." That priority presently provides that:

If in any one fiscal year, all approvable applications have been funded and appropriated funds remain, NTIA possesses the discretionary authority to award grants to eligible applicants where proposals do not clearly fall within any of the listed priorities but whose applications, nevertheless, would further the overall objectives of the Act.

We propose to delete the phrase * * * all approvable applications have been funded and appropriated funds remain * * *. In analyzing the first round of applications submitted under the Act, it became apparent that because of the broadened eligibility of the Act compared to its predecessor, a number of applications did not clearly fit within any of the four priorities. Some of these proposals were innovative, were consistent with the intent of the Act, and would have represented efficient and economical uses of Program funds. That experience has led us to the conclusion that the "Other Cases" priority should be modified in such a way as to increase NTIA flexibility to fund promising applications which cut across the four Program priorities.

The following is the full text of the priorities which we propose to employ in the upcoming round of grant applications:

Priority I—Provision of Telecommunications Facilities for First Service to a Geographic Area

Within this category, we establish two subcategories:

A. Projects to establish telecommunications facilities which include local origination capacity.

This category includes the activation of new facilities which can provide a full range of radio and/or television programs including material that is locally produced. Eligible projects include new radio or television broadcast stations, new cable systems, or first public telecommunications service to existing cable systems, provided that such projects include local origination capacity.

B. Projects to extend existing telecommunications delivery systems.

This category includes projects such as increase in tower height and/or power of existing stations; and construction of

translators, cable networks and repeater transmitters. No local origination capacity is required.

Priority II—Activation or Expansion of Telecommunications Facilities for Significantly Different Additional Service

This priority includes the planning and construction of facilities to provide additional complementary program services for which a clear and substantial community need can be demonstrated. Eligible projects include service to identifiable ethnic or linguistic minority audiences; service to the blind or deaf; instructional service; electronic text; or significantly different alternative service to a general audience.

Priority III—Improvement of Existing Broadcast Station Facilities

Two subcategories are listed under this priority:

A. Projects to provide first local origination capacity for existing broadcast stations.

This category includes projects to bring basic local program service to repeater transmitters and other licensed broadcast facilities now bringing in distant signals. Origination equipment may be fixed or mobile, but must be locally based.

B. Projects to upgrade existing origination or delivery capacity to current industry performance standards.

This category includes conversions to color, stereo, etc.; improvements in signal quality; and significant improvements in equipment flexibility or reliability.

Priority IV—Augmentation of Existing Broadcast Station Facilities

Projects under this priority would equip an existing station beyond a basic capacity to broadcast programming from distant sources and to originate local programming.

A. Projects to equip auxiliary studios at remote locations, or to provide mobile origination facilities.

An applicant must demonstrate that significant expansion in public participation in programming will result. This category includes neighborhood production studios or facilities in other locations within a station's service area which would make participation in local programming accessible to additional segments of the population.

B. Projects to augment production capacity beyond basic level in order to provide programming or related materials for other than local distribution.

This category would provide equipment for the production of

programming for regional or national use. Need beyond existing capacity must be justified.

Other Cases: In any fiscal year, NTIA possesses the discretionary authority to award grants to eligible applicants where proposals do not clearly fall within any of the listed priorities but whose applications, nevertheless, would further the overall objectives of the Act.

Comments: Interested parties are encouraged to comment on the proposed modification of the priorities by November 30, 1979. An original and two copies of comments should be sent to: Kenneth D. Salomon, Deputy Chief Counsel, NTIA/DOC, 1800 G Street, NW., Room 703, Washington, D.C. 20504 (202) 377-1866.

Copies of all comments received will be available for public review at the above address between the hours of 9:00 a.m. and 5:30 p.m. (Washington, D.C. time). The final priorities will be published in the *Federal Register*.

Further Information: NTIA anticipates that grant awards will be announced by the end of June 1980. For further information, contact John Cameron, Director, Public Telecommunications Facilities Division, NTIA/DOC, at (202) 724-3307.

Catalog Number: Catalog of Federal Domestic Assistance Number 11-550.

September 25, 1979.

William Lucas,

Associate Administrator for Applications.

[FR Doc. 79-30366 Filed 9-28-79, 8:45 am]

BILLING CODE 3510-60-M

Reader Aids

Federal Register
Vol. 44, No. 191
Monday, October 1, 1979

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

- 202-783-3238 Subscription orders (GPO)
- 202-275-3054 Subscription problems (GPO)
- "Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
 - 202-523-5022 Washington, D.C.
 - 312-663-0884 Chicago, Ill.
 - 213-688-6694 Los Angeles, Calif.
- 202-523-3187 Scheduling of documents for publication
- 523-5240 Photo copies of documents appearing in the Federal Register
- 523-5237 Corrections
- 523-5215 Public Inspection Desk
- 523-5227 Finding Aids
- 523-5235 Public Briefings: "How To Use the Federal Register."

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- 523-3419
- 523-3517
- 523-5227 Finding Aids

Presidential Documents:

- 523-5233 Executive Orders and Proclamations
- 523-5235 Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

- 523-5266 Public Law Numbers and Dates, Slip Laws, U.S.
- 5282 Statutes at Large, and Index
- 275-3030 Slip Law Orders (GPO)

Other Publications and Services:

- 523-5239 TTY for the Deaf
- 523-5230 U.S. Government Manual
- 523-3408 Automation
- 523-4534 Special Projects
- 523-3517 Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, OCTOBER

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

*NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—OCTOBER 1979

This table is for use in computing dates certain in connection with documents which are published in the Federal Register subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating

time requirements for submissions must allow sufficient extra time for Federal Register scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain

falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published in the first issue of each month. All January dates are in 1980.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
October 1	October 16	October 31	November 15	November 30	December 31
October 2	October 17	November 1	November 16	December 3	December 31
October 3	October 18	November 2	November 19	December 3	January 2
October 4	October 19	November 5	November 19	December 3	January 2
October 5	October 22	November 5	November 19	December 4	January 3
October 9	October 24	November 8	November 23	December 10	January 7
October 10	October 25	November 9	November 26	December 10	January 8
October 11	October 26	November 13	November 26	December 10	January 9
October 12	October 29	November 13	November 26	December 11	January 10
October 15	October 30	November 14	November 29	December 14	January 14
October 16	October 31	November 15	November 30	December 17	January 14
October 17	November 1	November 16	December 3	December 17	January 15
October 18	November 2	November 19	December 3	December 17	January 16
October 19	November 5	November 19	December 3	December 18	January 17
October 22	November 6	November 21	December 6	December 21	January 21
October 23	November 7	November 23	December 7	December 24	January 21
October 24	November 8	November 23	December 10	December 24	January 22
October 25	November 9	November 26	December 10	December 24	January 23
October 26	November 13	November 26	December 10	December 26	January 24
October 29	November 13	November 28	December 13	December 28	January 28
October 30	November 14	November 29	December 14	December 31	January 28
October 31	November 15	November 30	December 17	December 31	January 29

CFR CHECKLIST; 1978/1979 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1978/1979. New units issued during the month are announced on the back cover of the daily Federal Register as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is \$450 domestic, \$115 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1979):

Title	Price
1.....	\$3.00
2 [Reserved]	
3.....	6.00
4.....	4.50

7 Parts:

0-52.....	6.75
53-209.....	5.00
700-899.....	6.00
900-944.....	5.25
945-980.....	3.75
981-999.....	3.75
1000-1059.....	6.00
1060-1119.....	6.50
1120-1199.....	4.50
1200-1499.....	6.25
1500-2799.....	10.00
2852.....	6.00
2853-end.....	4.50

8.....

4.00

9.....

8.00

10 Parts:

0-199.....	6.50
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12 Parts:

1-199.....	6.00
200-299.....	8.00
300-end.....	8.50

13.....

5.00

14 Parts:

1-59.....	7.50
60-199.....	7.25
200-1199.....	7.00
1200-end.....	3.50

15.....

7.50

16 Parts:

0-149.....	4.50
150-999.....	4.25
1000-end.....	5.00

CFR Unit (Rev. as of Apr. 1, 1979):

17.....	12.00
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18 Parts:

0-149.....	6.50
150-end.....	7.00

19.....

7.50

20 Parts:

1-399.....	5.50
400-499.....	7.00
500-end.....	6.50

21 Parts:

1-99.....	5.50
100-199.....	7.50
200-299.....	4.00
300-499.....	7.00
500-599.....	7.00
600-1299.....	6.00
1300-end.....	4.25
22.....	7.00
23.....	6.50

24 Parts:

0-499.....	8.00
500-1699.....	7.50
1700-end.....	6.00

25.....

7.00

26 Parts:

1 (§§ 1.0-1.169).....	8.00
1 (§§ 1.170-1.300).....	6.50
1 (§§ 1.301-1.400).....	5.50
1 (§§ 1.401-1.500).....	6.00
1 (§§ 1.501-1.640).....	6.00
1 (§§ 1.641-1.850).....	6.50
1 (§§ 1.851-1.1200).....	7.50
1 (§§ 1.1201-end).....	8.50
2-29.....	6.00
30-39.....	6.00
40-299.....	7.00
300-499.....	6.00
600-end.....	4.25
27.....	11.00

CFR Unit (Rev. as of July 1, 1979):

41 Chapters:

7.....	4.00
CFR Index.....	8.50

CFR Unit (Rev. as of Oct. 1, 1978):

42 Parts:

1-399.....	6.00
400-end.....	5.50

43 Parts:

1-999.....	4.25
1000-end.....	6.50

44 [Reserved]

45 Parts:

1-99.....	4.75
100-149.....	5.75
150-199.....	5.25
200-499.....	3.50
500-end.....	8.25

46 Parts:

1-29.....	3.25
30-40.....	3.25

41-69.....	4.50
70-89.....	3.75
90-109.....	3.25
110-139.....	3.25
140-155.....	3.50
156-165.....	4.25
166-199.....	3.00
200-end.....	6.50

47 Parts:

0-19.....	5.00
20-69.....	5.75
70-79.....	5.25
80-end.....	7.00

48 [Reserved]

49 Parts:

1-99.....	3.25
100-199.....	9.25
200-999.....	12.00
1000-1199.....	5.00
1200-1299.....	6.50
1300-end.....	4.50
50.....	5.75

AGENCY ABBREVIATIONS

Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
 APHIS Animal and Plant Health Inspection Service
 ASCS Agricultural Stabilization and Conservation Service
 CCC Commodity Credit Corporation
 CEA Commodity Exchange Authority
 EMS Export Marketing Service
 EOA Energy Office, Department of Agriculture
 ESCS Economics, Statistics, and Cooperatives Service
 FmHA Farmers Home Administration
 FAS Foreign Agricultural Service
 FCIC Federal Crop Insurance Corporation
 FNS Food and Nutrition Service
 FS Forest Service
 FSQS Food Safety and Quality Service
 RDS Rural Development Service
 REA Rural Electrification Administration
 RTB Rural Telephone Bank
 SCS Soil Conservation Service
 SEA Science and Education Administration
 TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
 Census Census Bureau
 EDA Economic Development Administration
 FTZB Foreign-Trade Zones Board
 ITA Industry and Trade Administration
 MA Maritime Administration
 MBEO Minority Business Enterprise Office
 NBS National Bureau of Standards
 NOAA National Oceanic and Atmospheric Administration
 NSA National Shipping Authority
 NTIA National Telecommunications and Information Administration
 NTIS National Technical Information Service
 PTO Patent and Trademark Office
 USTS United States Travel Service

DOD Defense Department

AF Air Force Department
 Army Army Department
 DCAA Defense Contract Audit Agency
 DCPA Defense Civil Preparedness Agency
 DIA Defense Intelligence Agency
 DIS Defense Investigative Service
 DLA Defense Logistics Agency
 DMA Defense Mapping Agency
 DNA Defense Nuclear Agency
 EC Engineers Corps
 Navy Navy Department

DOE Energy Department

APA Alaska Power Administration
 BPA Bonneville Power Administration
 EIA Energy Information Administration
 ERA Economic Regulatory Administration
 ERO Energy Research Office
 ETO Energy Technology Office
 FERC Federal Energy Regulatory Commission
 OHADOE Hearings and Appeals Office, Energy Department
 SEPA Southeastern Power Administration
 SWPA Southwestern Power Administration
 WAPA Western Area Power Administration

HEW Health, Education, and Welfare Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
 CDC Center for Disease Control
 ESNC Educational Statistics National Center
 FDA Food and Drug Administration
 HCFA Health Care Financing Administration
 HDOS Human Development Services Office
 HRA Health Resources Administration
 HSA Health Services Administration
 MSI Museum Services Institute
 NIH National Institutes of Health
 NIOSH National Institute of Occupational Safety and Health
 OE Office of Education
 PHS Public Health Service
 RSA Rehabilitation Services Administration
 SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
 CPD Community Planning and Development, Office of Assistant Secretary
 FDAF Federal Disaster Assistance Administration
 FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
 FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
 GNMA Government National Mortgage Association
 ILSRO Interstate Land Sales Registration Office
 NCA New Communities Administration
 NCDC New Community Development Corporation
 NVACP Neighborhoods Voluntary Associations and Consumer Protection, Office of Assistant Secretary

INTERIOR Interior Department

BIA Bureau of Indian Affairs
 BLM Bureau of Land Management
 FWS Fish and Wildlife Service
 GS Geological Survey
 HCRS Heritage Conservation and Recreation Service
 Mines Mines Bureau
 NPS National Park Service
 OHA Office of Hearings and Appeals, Interior Department
 RB Reclamation Bureau
 SMO Surface Mining Office

JUSTICE Justice Department

DEA Drug Enforcement Administration
 INS Immigration and Naturalization Service
 LEAA Law Enforcement Assistance Administration
 NIC National Institute of Corrections

LABOR Labor Department

BLS Bureau of Labor Statistics
 BRB Benefits Review Board
 ESA Employment Standards Administration
 ETA Employment and Training Administration
 FCCPO Federal Contract Compliance Programs Office
 LMSEO Labor Management Standards Enforcement Office
 MSHA Mine Safety and Health Administration
 OSHA Occupational Safety and Health Administration
 P&WBP Pension and Welfare Benefit Programs
 W&H Wage and Hour Division

STATE State Department

AID Agency for International Development
 FSGB Foreign Service Grievance Board
 DOT Transportation Department
 CG Coast Guard
 FAA Federal Aviation Administration

FHWA Federal Highway Administration
 FRA Federal Railroad Administration
 MTB Materials Transportation Bureau
 NHTSA National Highway Traffic Safety Administration
 OHMR Office of Hazardous Materials Regulations
 OPRR Office of Pipeline Safety Regulations
 RSPA Research and Special Programs Administration
 SLSDC Saint Lawrence Seaway Development Corporation
 UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
 Customs Customs Service
 Comptroller Comptroller of the Currency
 ESO Economic Stabilization Office (temporary)
 FS Fiscal Service
 IRS Internal Revenue Service
 Mint Mint Bureau
 PDB Public Debt Bureau
 RSO Revenue Sharing Office
 SS Secret Service

Independent Agencies

AC Aging, Federal Council
 ATCB Architectural and Transportation Barriers Compliance Board
 CAB Civil Aeronautics Board
 CASB Cost Accounting Standards Board
 CEQ Council on Environmental Quality
 CFTC Commodity Futures Trading Commission
 CITA Textile Agreements Implementation Committee
 CPSC Consumer Product Safety Commission
 CRC Civil Rights Commission
 CSA Community Services Administration
 CWPS Wage and Price Stability Council
 EEOC Equal Employment Opportunity Commission
 EPA Environmental Protection Agency
 ESC Endangered Species Committee
 ESSA Endangered Species Scientific Authority
 EXIMBANK Export-Import Bank of the U.S.
 FCA Farm Credit Administration
 FCC Federal Communications Commission
 FCSC Foreign Claims Settlement Commission
 FDIC Federal Deposit Insurance Corporation
 FEC Federal Election Commission
 FEMA Federal Emergency Management Agency
 FEMA/USFA United States Fire Administration
 FHLBB Federal Home Loan Bank Board
 FHLMC Federal Home Loan Mortgage Corporation
 FLRA Federal Labor Relations Authority
 FMC Federal Maritime Commission
 FRS Federal Reserve System
 FTC Federal Trade Commission
 GPO Government Printing Office
 GSA General Services Administration
 GSA/ADTS Automated Data and Telecommunications Service
 GSA/FPA Federal Preparedness Agency
 GSA/FPRS Federal Property Resources Service
 GSA/FSS Federal Supply Service
 GSA/NARS National Archives and Records Services
 GSA/OFR Office of the Federal Register
 GSA/PBS Public Buildings Service
 ICA International Communication Agency
 ICC Interstate Commerce Commission
 ICP Interim Compliance Panel (Coal Mine Health and Safety)
 ITC International Trade Commission
 IRLG Interagency Regulatory Liaison Group
 LSC Legal Services Corporation
 MB Metric Board
 MSPB Merit System Protection Board

MWSC Minimum Wage Study Commission
 NACEO National Advisory Council on Economic Opportunity
 NASA National Aeronautics and Space Administration
 NCUA National Credit Union Administration
 NFAH National Foundation for the Arts and the Humanities
 NLRB National Labor Relations Board
 NRC Nuclear Regulatory Commission
 NSF National Science Foundation
 NTSB National Transportation Safety Board
 OMB Office of Management and Budget
 OMB/FPPO Federal Procurement Policy Office
 OPIC Overseas Private Investment Corporation
 OPM Office of Personnel Management
 OPM/FRAC Federal Prevailing Rate Advisory Committee
 OSTP Office of Science and Technology Policy
 PADC Pennsylvania Avenue Development Corporation
 PBGC Pension Benefit Guaranty Corporation
 PRC Postal Rate Commission
 PS Postal Service
 ROAP Reorganization Office of Assistant to President
 RRB Railroad Retirement Board
 SBA Small Business Administration
 SEC Securities and Exchange Commission
 TVA Tennessee Valley Authority
 USIA United States Information Agency
 VA Veterans Administration
 WRC Water Resources Council

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect September 29, 1979

FEDERAL COMMUNICATIONS COMMISSION

- 50345 8-28-79 / TV broadcast station in Allen, S. Dak.; changes in table of assignments

Rules Going Into Effect September 30, 1979

FEDERAL HOME LOAN BANK BOARD

- 49241 8-22-79 / Combination by means of merger or consolidation

SECURITIES AND EXCHANGE COMMISSION

- 42126 7-18-79 / Requirements governing payments of cash referral fees by investment advisers
48938 8-20-79 / Shareholder communications, shareholder participation in corporate electoral process and corporate governance generally

TREASURY DEPARTMENT

Internal Revenue Service—

- 33399 6-11-79 / Election to account for qualified sales of magazines, paperbacks or records

Rules Going Into Effect Today

AGRICULTURE DEPARTMENT

Food and Nutrition Service—

- 44422 7-27-79 / Special Supplemental Food Program for Women, Infants, and Children; recordkeeping and sanction process
Food Safety and Quality Service—

- 51187 8-31-79 / Poultry products inspection; definitions and identity standards

Operations and Finance Office—

- 49643 8-24-79 / Availability of Information to the public

CIVIL SERVICE COMMISSION

- 52460 11-13-78 / Federal Employees Health Benefits Program; elimination of second review cycle and mini open season

ENERGY DEPARTMENT

Economic Regulatory Administration—

- 50325 8-28-79 / Mandatory petroleum allocation regulations; motor gasoline allocation base period and adjustments
[Originally published at 44 FR 42549, 7-19-79, and corrected at 44 FR 43458, 7-25-79]

- 51148 8-30-79 / Higher prices for tertiary incentive crude oil
Federal Energy Regulatory Commission—

- 53493 9-14-79 / Natural gas policy and procedures

- 52179 9-7-79 / Sales and transportation of natural gas
[Corrected at 44 FR 54294, 9-19-79]

ENVIRONMENTAL PROTECTION AGENCY

- 53081 9-12-79 / Attainment status for National Ambient Air Quality Standards; areas of Arizona, California, and Hawaii

- 37594 6-27-79 / Grants for construction of treatment works, amendments Nos. 4, 6, 8, 9, and 10

- 53408 9-13-79 / Revised motor vehicle exhaust emission standards for carbon monoxide (CO) for 1981 and 1982 model year light-duty vehicles

FEDERAL COMMUNICATIONS COMMISSION

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Last Listing September 28, 1979

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10-2-79
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federal register

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Area Code 202-523-5240

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- 56700 **Atlantic Herring** Commerce/NOAA finalizes emergency regulations that implement the fishery management plan; effective 9-28-79
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Title 3—

The President

Executive Order 12161 of September 28, 1979

Second Year of Anti-Inflation Program

By the authority vested in me as President and as Commander in Chief of the Armed Forces by the Constitution and statutes of the United States of America, including the Council on Wage and Price Stability Act, as amended (12 U.S.C. 1904 note), and the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and in order to supplement the anti-inflation program established on November 3, 1978, Section 1-102 of Executive Order No. 12092 is hereby amended to read as follows:

"1-102. Anti-inflationary wage and price behavior shall be measured by the following standards:

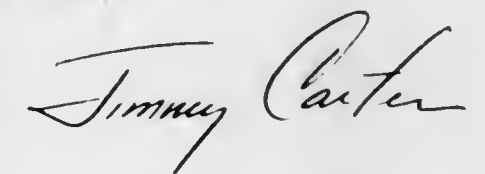
(a) For prices, anti-inflationary price behavior of a company is a current rate of average price increase no greater than its historical rate of price increase during 1976-1977, except where the company experiences uncontrollable increases in the prices of the goods and services it buys, and subject to the provisions of paragraphs (c) and (d).

(b) For pay, anti-inflationary pay behavior is the holding of pay increases to not more than 7 percent annually above their recent historical levels, subject to the provisions of paragraphs (c) and (d).

(c) These standards, which shall be further defined or modified by the Chairman of the Council on Wage and Price Stability, shall be subject to limitations and exceptions as determined by the Chairman and shall be administered so as to take into account any inequities that may have been created by the standards during the past year.

(d) The Council is directed to reconstitute in accordance with the Federal Advisory Committee Act, as amended, a Pay Advisory Committee and a Price Advisory Committee in order to provide greater participation by the public in the anti-inflation program. The Pay Advisory Committee and the Price Advisory Committee will advise the Council on developing policies that encourage anti-inflationary pay and price behavior by private industry, employers, and labor, that decelerate the rate of inflation and that provide for a fair and equitable distribution of the burden of restraint. To the extent permitted by law, the Council is directed to provide the Pay and Price Advisory Committees with all information required to perform their duties."

THE WHITE HOUSE,
September 28, 1979.



[FR Doc. 79-30594

Filed 9-28-79; 4:40 pm]

Billing code 3195-01-M

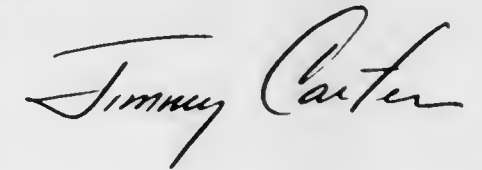
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Executive Order 12162 of September 28, 1979

Amendment to Executive Order 12140

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*), Executive Order No. 12140 is hereby amended by deleting the first sentence in Sec. 1-105.

THE WHITE HOUSE,
September 28, 1979.



[FR Doc. 79-30633
Filed 9-28-79; 4:50 pm]
Billing code 3195-01-M

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Presidential Determination No. 79-17 of September 28, 1979

Determination and Authorization under Section 614(a) of the Foreign Assistance Act of 1961, as Amended, for Procurement in Nicaragua of Rice, Sorghum, Beans and Corn

Memorandum for the Administrator, Agency for International Development

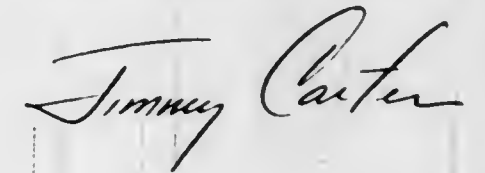
Pursuant to the authority vested in me by section 614(a) of the Foreign Assistance Act of 1961, as amended (the Act), I hereby

A. Determine that the use of approximately \$5.0 million in funds available in FY 1979 for the procurement in Nicaragua of rice, sorghum, beans and corn, without regard to the requirements of section 604(e) of the Act, is important to the security of the United States; and

B. Authorize such use of approximately \$5.0 million in funds for the procurement in Nicaragua of rice, sorghum, beans and corn.

This determination shall be published in the **Federal Register**, as required by law.

THE WHITE HOUSE,
Washington, September 28, 1979.



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Filed 9-28-79; 4:51 pm]
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Presidential Documents

Proclamation 4693 of September 28, 1979

Thanksgiving Day, 1979

By the President of the United States of America

A Proclamation

Thanksgiving Day was first celebrated in this land not in a moment of unbridled triumph, but in times of great adversity. The colonies of Massachusetts and Virginia had few material possessions to help them face the dangers of the wilderness. They had no certainty that the harvests for which they gave thanks would be sufficient to carry them through a long winter. Yet they gave thanks to God for what they had and for the hope of this new land.

In the darkest hour of the American Revolution, when the young Republic faced defeat by the strongest military power on Earth, our forefathers also saw fit to give thanks for their blessings. In the midst of a devastating Civil War, President Lincoln proclaimed a day to express gratitude for our "singular deliverances and blessings."

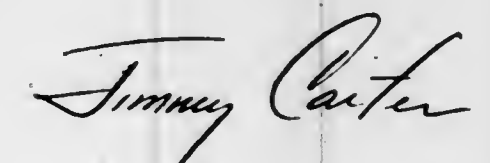
The ensuing years have multiplied our nation's blessings. We have been delivered from repeated perils, and we have been blessed with abundance beyond the imaginings of those who offered thanks in the chill of approaching winter more than three-and-one-half centuries ago.

Succeeding generations have broadened the freedom they cherished and the opportunity they sought, and built a mighty nation on the strong foundations they laid. In this two hundred and fourth year of our independence, we have good reasons for gratitude: for liberty in a world where repression is common, for peace in a world of threats and terror and war, for a bounteous harvest in a world where hunger and despair still stalk much of mankind.

Like those who came before us, we come to give thanks for our singular deliverances and blessings, in a time of both danger and great promise. May we be thankful in proportion to that which we have received, trusting not in our wealth and comforts, but in the strength of our purpose, that all nations might be similarly blessed with liberty and abundance and live in peace.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do proclaim Thursday, the 22nd of November, 1979 as Thanksgiving Day. I ask all Americans to give thanks on that day for the blessings Almighty God has bestowed upon us, and seek to be good stewards of what we have received.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.



Presidential Documents

Proclamation 4694 of September 29, 1979

Staged Reduction of Rates of Duty on Certain Products to Carry Out a Trade Agreement With Argentina

By the President of the United States of America

A Proclamation

1. I have determined, pursuant to section 101(a) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2111(a)), that certain existing duties of the United States are unduly burdening and restricting the foreign trade of the United States and that one or more of the purposes of the Trade Act would be promoted by entering into the trade agreement with Argentina identified in the third recital of this proclamation.

2. Sections 131(a), 132, and 133 of the Trade Act (19 U.S.C. 2151(a), 2153, and 2154) and section 4(c) of Executive Order No. 11846 of March 27, 1975, have been complied with.

3. Pursuant to Title I of the Trade Act (19 U.S.C. 2111 *et seq.*), I have, through my duly empowered representative, on August 10, 1979, entered into a trade agreement with Argentina, effective October 1, 1979, pursuant to which United States rates of duty on certain products would be modified as hereinafter proclaimed and as provided for in the annexes to this proclamation, in exchange for certain measures which will benefit United States interests.

4. In order to implement the trade agreement referred to in the third recital of this proclamation it is necessary to modify the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) as provided for in the annexes to this proclamation, attached hereto and made a part hereof.

5. Pursuant to the Trade Act, I determine that the modifications or continuance of existing duties hereinafter proclaimed are required or appropriate to carry out the trade agreement identified in the third recital of this proclamation.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including sections 101, 105, 109, and 604 of the Trade Act (19 U.S.C. 2111, 2115, 2119, and 2483), do proclaim that—

(1) Part 2B and part 5A of schedule 1 of the TSUS are modified as provided in Annexes I and II to this proclamation.

(2) Each of the modifications to the TSUS made by this proclamation shall be effective as to articles entered, or withdrawn from warehouse, for consumption on or after October 1, 1979.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of September, in the year of our Lord, nineteen hundred and seventy-nine and of the Independence of the United States of America the two hundred and fourth.

ANNEX I

Notes:

1. A rate of duty specifically set forth in this annex which does not reflect a concession granted in the trade agreement with Argentina is enclosed in brackets. Additional bracket matter is included to assist in the understanding of proclaimed modifications.

2. The items and superior descriptions in this annex are set forth in columnar form, and material in such columns is inserted in the columns designated, "Item", "Articles", "Rates of Duty 1", and "Rates of Duty 2", respectively, in the TSUS.

Subject to the above notes and to the insertion, as indicated herein, of the appropriate rates of duty set forth in Annex II to this proclamation, the TSUS are modified as follows:

Part 5A of schedule 1 of the TSUS is modified by redesignating item 121.60 as "121.64" and by deleting item 121.59 and substituting the following new items in lieu thereof:

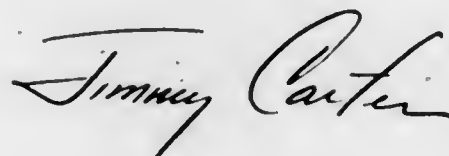
(Leather...:)
(Other:)
(Other:)
(Not...:)
"Other:
121.61 Bovine....(See Annex II)(25% ad val.)
121.63 Other.....(5% ad val.) (25% ad val.)"

ANNEX II

Staged-rate Modifications of the
Tariff Schedules of the United States

Each rate in the following table, for an item in the Tariff Schedules of the United States (TSUS) identified therein, is inserted in column numbered 1 in such item, effective for articles provided for therein which are entered, or withdrawn from warehouse, for consumption on and after the date at the head of the column in which such rate is set forth and, except for rates in the final column, such rate shall be superseded by the rate for that item in the immediately following column, effective for articles which are entered, or withdrawn from warehouse, for consumption on and after the date at the head of such latter column:

Item in TSUS as modified by Annex I	Rates of duty, effective on and after October 1, --		
	1979	1980	1981
107.48	4.5% ad val.	3% ad val.	3% ad val.
121.61	2% ad val.	1% ad val.	Free



Presidential Documents

Executive Order 12163 of September 29, 1979

Administration of Foreign Assistance and Related Functions

By virtue of the authority vested in me by the Foreign Assistance Act of 1961, Reorganization Plan No. 2 of 1979, the International Development Cooperation Act of 1979, and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

1-1. UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

1-101. *Establishment of the United States International Development Cooperation Agency.* Sections 1, 5, 6, and 8 of Reorganization Plan No. 2 of 1979 are declared effective and the United States International Development Cooperation Agency (hereinafter referred to as "IDCA") is hereby established.

1-102. *Delegation of Functions.* (a) Exclusive of the functions otherwise delegated, or reserved to the President, by this order, and subject to the provisions of this order, there are hereby delegated to the Director of IDCA (hereinafter referred to as the "Director") all functions conferred upon the President by:

(1) the Foreign Assistance Act of 1961 (22 U.S.C. 2151 *et seq.*); (hereinafter referred to as the "Act");

(2) the Latin American Development Act (22 U.S.C. 1942 *et seq.*);

(3) section 402 of the Mutual Security Act of 1954 (22 U.S.C. 1922);

(4) section 413(b) of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2431); and

(5) title IV of the International Development Cooperation Act of 1979 (22 U.S.C. 3501 *et seq.*) (hereinafter referred to as the "IDC Act of 1979").

(b) The functions under sections 116(e), 491(b), 491(c), 607, 627, 628, 630(3), and 666 of the Act, and section 403(e) of the IDC Act of 1979, delegated to the Director shall be exercised in consultation with the Secretary of State.

(c) The functions under section 125(b) of the Act delegated to the Director shall be exercised in consultation with the Secretary of the Treasury and, with regard to the United Nations Development Program, in consultation with the Secretary of State.

(d) The Director shall exercise the functions of the President under sections 301(a), 301(e)(1), 301(e)(3), and 305 of the Act only insofar as they pertain to the United Nations Development Program, UNICEF, the Organization of American States Technical Assistance Funds, the United Nations Capital Development Fund, the United Nations Educational and Training Program for Southern Africa, the United Nations/Food and Agriculture Organization World Food Program, the Food and Agriculture Organization Post-Harvest Losses Fund, the United Nations Disaster Relief Organization, and any other international programs whose purpose is primarily developmental.

(e) In carrying out the functions under section 653 of the Act that are delegated to the Director, the Director shall consult with the Director of the Office of Management and Budget.

(f) To the extent practicable, the Director will exercise functions relating to Foreign Service personnel in a manner that will assure maximum compatibil-

ity among agencies authorized by law to utilize the Foreign Service personnel system. To this end he shall consult regularly with the Secretary of State.

(g) In exercising functions under the Act arising from later-enacted amendments to any law specified in subsection (a) of this section that relate directly to matters of foreign policy, the Director shall consult with the Secretary of State to determine whether such function should more appropriately be exercised by the Secretary or reserved to the President.

1-103. Agency for International Development.

(a) The Director shall continue within IDCA the Agency for International Development, heretofore established in the Department of State.

(b) The Agency for International Development shall be headed by an Administrator appointed pursuant to section 624(a) of the Act.

(c) The officers provided for in section 624(a) of the Act shall serve in the Agency for International Development.

1-104. *Office of Small Business.* The Office of Small Business provided for in section 602(b) of the Act shall be in the Agency for International Development.

1-2. DEPARTMENT OF STATE

1-201. *Delegation of Functions.* (a) Subject to the provisions of this order, there are hereby delegated to the Secretary of State (hereafter in this Part referred to as the "Secretary") all functions conferred upon the President by:

(1) sections 239(g), 301(a), 301(b), 301(c), 301(e)(1), 301(e)(3), 302(a)(1) as it relates to the Presidential certification concerning the United Nations Relief and Works Agency, 302(a)(3), 305, 481, and 502B of the Act;

(2) section 495F of the Act, insofar as they relate to policy decisions pertaining to refugee programs under such section;

(3) sections 504(a), 505(a) relating to other provisions required by the President, and 505 (d), (e), and (g) of the Act;

(4) sections 505(a) (1) and (4) of the Act relating to consent;

(5) section 505(b) of the Act to the extent that it pertains to countries that agree to the conditions set forth therein;

(6) chapter 4 of Part II of the Act, insofar as they relate to policy decisions and justifications for economic support programs under such chapter, including determinations of whether there will be an economic support program for a country and the amount of the program for each country. Such functions shall be exercised in cooperation with the Director.

(7) section 533(b) of the Act;

(8) chapter 6 of part II of the Act;

(9) section 601(b)(3), (4), and (6) of the Act;

(10) section 614(b) of the Act, except that the function of determining which provisions of law should be disregarded to achieve the purpose of the provision is reserved to the President;

(11) section 620(b), (c), (e), (f), (g), (i), (j), (q), and (s) of the Act;

(12) section 620C(d) of the Act;

(13) section 625(d) of the Act, insofar as it relates to personnel in the Department of State;

(14) section 625(k)(1) of the Act;

(15) section 634B of the Act, insofar as it relates to functions delegated to the Secretary under this order;

(16) section 617 and 653 of the Act, insofar as they relate to chapter 8 of part I and part II of the Act (other than chapter 4 thereof);

(17) section 657 and 668 of the Act;

(18) other provisions of the Act that relate directly and necessarily to the conduct of programs and activities vested in or delegated to the Secretary;

(19) the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 *et seq.*);

(20) section 8(d) of the Act of January 12, 1971 (22 U.S.C. 2321b (d)); and

(21) section 607 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2394a).

(b) The functions under sections 239(g), 620(e), 620(g), 620(i), 620(j), 620(q), 620(s), and 625(k)(1) of the Act delegated to the Secretary shall be exercised in consultation with the Director.

(c) The functions under section 653 of the Act delegated to the Secretary shall be exercised in consultation with the Secretary of Defense, insofar as they relate to functions under the Act administered by the Department of Defense, and the Director of the Office of Management and Budget.

(d) The Secretary may redelegate to the Director or to any other officer or agency of the Executive branch functions delegated to the Secretary by this order.

1-3. DEPARTMENT OF DEFENSE

1-301. *Delegation of Functions.* Subject to the provisions of this order, there are hereby delegated to the Secretary of Defense:

(a) The functions conferred upon the president by Part II (except chapters 4 and 6 thereof) of the Act not otherwise delegated or reserved to the President.

(b) To the extent that they relate to other functions under the Act administered by the Department of Defense, the functions conferred upon the President by sections 602(a), 605(a), 625(a), 625(d)(1), 625(h), 627, 628, 630(3), 631(a), 634B, 635(b) (except with respect to negotiation, conclusion, and termination of international agreements), 635(d), and 635(g) of the Act.

(c) Those functions under section 634A of the Act, to the extent they relate to notifications to the Congress concerning changes in programs under part II of the Act (except chapters 4 and 6 thereof), subject to prior consultation with the Secretary of State.

(d) The functions under sections 627, 628, and 630(3) of the Act delegated to the Secretary of Defense shall be exercised in consultation with the Secretary of State.

1-302. *Reports and Information.* In carrying out the functions under section 514 of the Act delegated to him by section 301 of this order, the Secretary of Defense shall consult with the Secretary of State.

1-4. INSTITUTE FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION

1-401. *Establishment of Institute for Scientific and Technological Cooperation.* There is established within IDCA the Institute for Scientific and Technological Cooperation (hereinafter referred to as the Institute).

1-402. *Establishment of the Council on International Scientific and Technological Cooperation.* There is established the Council on International Scientific and Technological Cooperation pursuant to section 407(a) of the IDC Act of 1979.

1-403. There are hereby established two additional positions in the Institute pursuant to section 406(c) of the IDC Act of 1979. The officers appointed to these positions shall perform such duties and exercise such powers as the Director of the Institute may prescribe.

1-5. OTHER AGENCIES

1-501. *Department of the Treasury.* (a) There are delegated to the Secretary of the Treasury the functions conferred upon the President by:

(1) section 301(e)(3) of the Act as it relates to organizations referred to in section 301(e)(2) of the Act;

(2) section 305, insofar as it relates to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the African Development Fund, and the International Monetary Fund;

(3) the second sentence of section 612(a) of the Act; and

(4) section 502 of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(b) The Secretary of the Treasury shall continue to administer any open special foreign country accounts established pursuant to former section 514 of the Act as enacted by section 201(f) of Public Law 92-226 (86 Stat. 25) and repealed by Section 12(b)(5) of Public Law 93-189 (87 Stat. 722).

(c) The functions under section 305 of the Act delegated to the Secretary of the Treasury shall be exercised in consultation with the Director, as provided in Executive Order No. 11269 of February 14, 1966, as amended.

1-502. *Department of Commerce.* There is hereby delegated to the Secretary of Commerce so much of the functions conferred upon the President by section 601(b)(1) of the Act as consists of drawing the attention of private enterprise to opportunities for investment and development in less developed friendly countries and areas.

1-503. *Office of Personnel Management.* There is hereby delegated to the Director of the Office of Personnel Management the function of prescribing regulations conferred upon the President by the proviso contained in section 625(b) of the Act.

1-504. *International Communication Agency.* The International Communication Agency shall perform all public information functions abroad with respect to the foreign assistance, aid, and development programs of the United States Government.

1-505. *Development Loan Committee.* There is hereby established a Development Loan Committee in accordance with section 122(e) of the Act which shall consist of the Director of IDCA, who shall be Chair, the Administrator of the Agency for International Development, the Chairman of the Board of Directors of the Export-Import Bank of the United States, the Assistant Secretary of State for Economic Affairs, the Assistant Secretary of the Treasury dealing with international finance, the Assistant Secretary of Commerce for Industry and Trade, and the officer of the Agency for International Development dealing with development financing.

1-506. *Development Coordination Committee.* (a) In accordance with section 640B of the Act, there is hereby established a Development Coordination Committee (hereinafter referred to as the Committee). The Committee shall consist of the Director of IDCA, who shall be Chair; the Administrator of the Agency for International Development, the Director of the Institute for Scientific and Technological Cooperation; the Under Secretary of State for Economic Affairs; the Under Secretary of the Treasury for Monetary Affairs; the Under Secretary of Commerce; the Under Secretary of Agriculture; the Under Secretary of Labor; the Under Secretary of Energy; a Deputy Special Representative for Trade Negotiations; an Associate Director of the Office of Management and Budget; a representative of the Assistant to the President for National Security Affairs; the President of the Export-Import Bank of the United States; and the President of the Overseas Private Investment Corporation.

(b) Whenever matters within the jurisdiction of the Committee may be of interest to Federal agencies not represented on the Committee under subsection (a) of this section, the Chair of the Committee may consult with such agencies and may invite them to designate representatives to participate in meetings and deliberations of the Committee.

(c) The Chair of the Committee may establish subcommittees of the Committee and designate the chairs thereof.

(d) Subject to the foreign policy guidance of the Secretary of State, the Committee shall advise the President with respect to coordination of United States policy and programs affecting the development of developing countries, including programs of bilateral and multilateral development assistance.

(e) All agencies and officers of the Government shall keep the Committee informed in necessary detail as to the policies, programs and activities referred to in subsection (d) of this section.

(f) Nothing herein shall be deemed to derogate from the responsibilities of the Secretary of State or the Secretary of the Treasury, or from responsibilities vested elsewhere by law or other Executive orders.

1-6. ADDITIONAL DELEGATIONS AND LIMITATIONS OF AUTHORITY; CONSULTATION

1-601. *General Delegation of Functions.* There are hereby delegated to the heads of agencies having responsibilities for carrying out the provisions of the Act all functions conferred upon the President by:

(a) section 654 (except as reserved to the President); and

(b) those provisions of acts appropriating funds under the authority of the Act that relate to the Act, or other acts authorizing such funds, insofar as they relate to the functions delegated by this order.

1-602. *Personnel.* (a) In carrying out the functions conferred upon the President by the provisions of section 625(d)(1) of the Act, and by this order delegated to the Director of IDCA, the Director shall authorize such of the agencies that administer programs under the Act as he may deem appropriate to perform any of the functions under section 625(d)(1) of the Act to the extent that the said functions relate to the programs administered by the respective agencies.

(b) Persons appointed, employed, or assigned after May 19, 1959, under section 527(c) of the Mutual Security Act of 1954 or section 625(d) of the Act for the purpose of performing functions under such Acts outside the United States shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by section 528 of the Foreign Service Act of 1946 in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

1-603. *Special Missions and Staffs Abroad.* The maintenance of special missions or staffs abroad, the fixing of the ranks of the chiefs thereof after the chiefs of the United States diplomatic missions, and the authorization of the same compensation and allowances as the chief of mission, class 3 and class 4, within the meaning of the Foreign Service Act of 1946 (22 U.S.C. 801 *et seq.*), all under section 631 of the Act, shall be subject to the approval of the Secretary of State.

1-604. *International Agreements.* The negotiation, conclusion, and termination of international agreements pursuant to the Act, title IV of the IDC Act of 1979, or section 402 of the Mutual Security Act of 1954 shall be subject to the requirements of 1 U.S.C. 112b and to applicable regulations and procedures.

1-605. *Interagency Consultation.* Each officer to whom functions are delegated by this order, shall, in carrying out such functions, consult with the heads of other departments and agencies, including the Director of the Office of Management and Budget, on matters pertaining to the responsibilities of departments and agencies other than his or her own.

1-7. RESERVED FUNCTIONS

1-701. *Reservation of Functions to the President.* There are hereby excluded from the functions delegated by the foregoing provisions of this order:

(a) The functions conferred upon the President by sections 122(e), 298(a), 451, 504(b), 613(a), 614(a), 620(a), 620(d), 620(x), 620A, 620C(c), 621(a), 622(b), 622(c), 633(a), 633(b), 640B, 662(a), and 663(b) of the Act.

(b) The functions conferred upon the President by sections 402, 405(a), 406 and 407 of the IDC Act of 1979.

(c) The functions conferred upon the President by the Act and section 408(b) of the Mutual Security Act of 1954 with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate and with respect to the appointment of officers pursuant to sections 233(b) and 624(c) of the Act.

(d) The functions conferred upon the President with respect to determinations, certifications, directives, or transfers of funds, as the case may be, by sections 303, 481(a), 505(d)(2)(A), 505(d)(3), 506(a), 515(f), 604(a), 610, 614(c), 632(b), 633A, 659, 663(a), 669(b)(1) and 670(b)(1) of the Act.

(e) The following-described functions conferred upon the President:

(1) Those under section 503(a) that relate to findings: *Provided*, that the Secretary of State, in the implementation of the functions delegated to him under section 505(a)(1), (a)(4), and (e) of the Act, is authorized to find, in the case of a proposed transfer of a defense article or related training or a related defense service by a foreign country or international organization to a foreign country or international organization not otherwise eligible under section 503(a) of the Act, whether the proposed transfer will strengthen the security of the United States and promote world peace.

(2) Those under section 505(b) in respect of countries that do not agree to the conditions set forth therein.

(3) That under section 614(b) with respect to determining any provisions of law to be disregarded to achieve the purpose of that section.

(4) That under the second sentence of section 654(c) with respect to the publication in the Federal Register of any findings or determination reserved to the President: *Provided*, that any officer to whom there is delegated the function of making any finding or determination within the purview of section 654(a) is also authorized to reach the conclusion specified in performance of the function delegated to him.

(f) Those with respect to determinations under sections 103(b) (first proviso), 104, and 203 of the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611b(b), 1611c, and 1612b).

(g) That under section 523(d) of the Mutual Security Act of 1954 (22 U.S.C. 1783(d)).

(h) Those under section 607 of the Foreign Assistance and Related Programs Appropriations Act, 1979 (92 Stat. 1591, 1601), with respect to findings.

1-702. *Subsequent Amendments.* Functions conferred upon the President by subsequent amendments to the Act are delegated to the Director only insofar as they do not relate directly and necessarily to the conduct of programs and activities that either the President or an agency other than IDCA is authorized to administer pursuant to express reservation or delegation of authorities in a statute or in this or another Executive order.

1-8. FUNDS

1-801. *Allocation of Funds.* Funds appropriated or otherwise made available to the President for carrying out the Act shall be deemed to be allocated without any further action of the President, as follows:

(a) There are allocated to the Director (1) all funds made available for carrying out the Act except those made available for carrying out Part II of the Act (other than chapter 4 thereof), section 481 of the Act, and section 637(b) of the Act, and (2) all funds made available for carrying out title IV of the IDC Act of 1979.

(b) There are allocated to the Secretary of Defense funds made available for carrying out Part II of the Act (except chapters 4 and 6 thereof).

(c) There are allocated to the Secretary of State funds made available for carrying out sections 481 and 637(b) and chapter 6 of Part II of the Act.

1-802. *Reallocation of Funds.* The Director of IDCA, the Secretary of Defense, and the Secretary of State may allocate or transfer as appropriate any funds received under subsections (a), (b), and (c), respectively of section 1-801 of this order, to any agency or part thereof for obligation or expenditure thereby consistent with applicable law.

1-9. GENERAL PROVISIONS

1-901. *Definition.* As used in this order, the word "function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

1-902. *References to Orders and Acts.* Except as may for any reason be inappropriate:

(a) References in this order or in any other Executive order to (1) the Foreign Assistance Act of 1961 (including references herein to "the Act"), (2) un-repealed provisions of the Mutual Security Act of 1954, or (3) any other act that relates to the subject of this order shall be deemed to include references to any subsequent amendments thereto.

(b) References in any prior Executive order to the Mutual Security Act of 1954 or any provisions thereof shall be deemed to be references to the Act or the corresponding provision, if any, thereof.

(c) References in this order to provisions of any appropriation Act, and references in any other Executive order to provisions of any appropriation Act related to the subject of this order shall be deemed to include references to any hereafter-enacted provisions of law that are the same or substantially the same as such appropriation Act provisions, respectively.

(d) References in this order or in any other Executive order to this order or to any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(e) References in any prior Executive order not superseded by this order to any provisions of any Executive order so superseded shall hereafter be deemed to be references to the corresponding provisions, if any, of this order.

1-903. *Prior Executive Orders.* (a) The following are revoked:

(1) Executive Order No. 10973 of November 3, 1961, as amended;

(2) section 2(a) of Executive Order No. 11579 of January 19, 1971; and

(3) Executive Order No. 10893 of November 8, 1960.

(b) The following are amended:

(1) section 3(a) of Executive Order No. 11846 of March 27, 1975, as amended, by adding the following new paragraph (12) after paragraph (11):

"(12) The Director of the United States International Development Cooperation Agency";

(2) section 1-202 of Executive Order 12065 of June 28, 1978, by striking out "The Administrator, Agency for International Development" and inserting in lieu thereof "The Director of the United States International Development Cooperation Agency";

(3) section 2(a) of Executive Order No. 11958 of January 18, 1977, by striking out "the Administrator of the Agency for International Development" and inserting in lieu thereof "the Director of the United States International Development Cooperation Agency";

(4) section 3 of Executive Order 10900 of January 5, 1961, by adding thereto the following new subsection:

"(d) The Secretary of State may redelegate to the Director of the United States International Development Cooperation Agency, or to any other officer or agency of the Executive branch, functions delegated to such Secretary by this order.";

(5) section 4 of Executive Order 11223 of May 12, 1965, by inserting immediately following "the Secretary of State" the words "or the Director of the United States International Development Cooperation Agency (with respect to functions vested in or delegated to the Director)"; and

(6) the President's memorandum of October 18, 1961, entitled "Determination Under Section 604(a) of the Foreign Assistance Act of 1961" (26 FR 10543) is amended by inserting after "the Secretary of State" each time it appears in such memorandum the words "or the Director of the United States International Development Cooperation Agency (with respect to non-military programs administered by such Agency)".

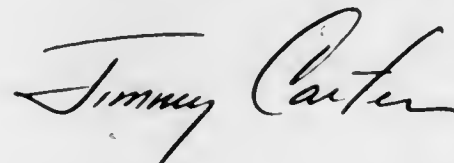
(c) Any reference in any other Executive order to the Agency for International Development or the Administrator thereof shall be deemed to refer also to the International Development Cooperation Agency or the Director thereof, respectively.

(d) As authorized by section 403(c) of the IDC Act of 1979, the reference in Executive Order No. 11223 of May 12, 1965 to "the performance of functions authorized by this Act" shall be deemed to include the performance of functions authorized by section 403 of the IDC Act of 1979.

1-904. *Saving Provisions.* Except to the extent inconsistent with this order, all delegations of authority, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1-905. *Effective Date.* The provisions of this order shall become effective as of October 1, 1979.

THE WHITE HOUSE,
September 29, 1979.



[FR Doc. 79-30716
Filed 10-1-79; 11:34 am]
Billing code 3195-01-M

Presidential Documents

Executive Order 12164 of September 29, 1979

Multilateral Development Institutions

By the authority vested in me as President of the United States of America by the Bretton Woods Agreements Act, the International Finance Corporation Act, the Inter-American Development Bank Act, the International Development Association Act, the Asian Development Bank Act, Public Law 95-118, Reorganization Plan No. 2 of 1979, and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

1-101. Executive Order No. 11269, as amended, is further amended in Section 1(b) by adding "the Director of the International Development Cooperation Agency," after "the Chairman of the Board of Governors of the Federal Reserve System,".

1-102. Executive Order No. 11269, as amended, is further amended as follows:

(a) In Section 3(a)(1) insert ", subject to the provisions of Section 7 of this Order," after "Authority".

(b) Add at the end of Section 3(a)(2) the following new sentence: "Such authority, insofar as it relates to the development aspects of the policies, programs, or projects of the International Bank for Reconstruction and Development shall be exercised subject to the provisions of Section 7 of this Order."

(c) In Section 3(e), add ", subject to the provisions of Section 7 of this Order" before the period.

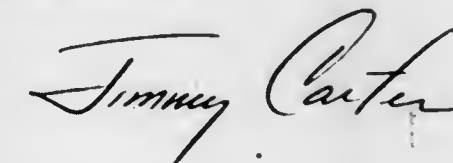
1-103. Executive Order No. 11269, as amended, is further amended in Section 4(a)(2) by adding: ", the Director of the International Development Cooperation Agency," after "the Council" each time it appears.

1-104. Executive Order No. 11269, as amended, is further amended by adding the following new Section 7:

"Section 7. Functions of the Director of the International Development Cooperation Agency. As the principal international development advisor to the President, the Director of the International Development Cooperation Agency shall advise both the Secretary of the Treasury and the appropriate United States representatives to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund on the development aspects of matters relating to those institutions and their activities."

1-105. This Order shall be effective as of October 1, 1979.

THE WHITE HOUSE,
September 29, 1979.



[FR Doc. 79-30717
Filed 10-1-79; 11:35 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register

Vol. 44, No. 192

Tuesday, October 2, 1979

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 353

Restoration To Duty

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: This amendment to the Office of Personnel Management's regulations governing the restoration to duty of compensably injured employees deletes the 1-year requirement during which agencies are required to "make every effort" to restore partially recovered employees. Henceforth, agencies will be required to consider partially recovered employees or former employees, without time limit just as they are now required to consider without time limit those who fully recover from a job-related injury. This document is in furtherance of the President's budget message to Congress on the restoration to duty of injured employees and the intent of Congress in its enactment of the Rehabilitation Act of 1973, and the Injury Compensation Amendments of 1974.

EFFECTIVE DATE: October 2, 1979.

FOR FURTHER INFORMATION CONTACT: Raleigh M. Neville, Office of Policy Analysis and Development, Office of Personnel Management, Room 6526, 1900 E Street, NW., Washington, D.C. 20415, (202) 632-6817.

SUPPLEMENTARY INFORMATION: On June 19, 1979, the Office of Personnel Management published this proposed amendment to § 353.306 of its regulations and invited comments from the public (44 FR 35230). Written comments were received from six agencies, unions, and individuals. Most were very supportive of the proposal. Only one agency questioned whether partially recovered employees should be

considered for reemployment without time limit. However, since the concept of reemployment for job-incurred disabilities is in furtherance of administration and congressional policy, a requirement to consider without time limit partially recovered individuals seems appropriate and should not be particularly burdensome to agencies. Guidance on providing such consideration will be published in the Federal Personnel Manual to supplement the regulation.

The Director of OPM finds that good cause exists for suspending the 30-day delay of effectiveness of final regulations required by 5 U.S.C. 553(d).

Office of Personnel Management.

Beverly M. Jones.

Issuance System Manager.

Accordingly, § 353.306 of Part 353, Title 5, Code of Federal Regulations, is amended to read as follows:

§ 353.306. Partially recovered injured employees.

Agencies must make every effort to restore, according to the circumstances in each case, an employee or former employee who has partially recovered from a compensable injury and who is able to return to limited duty.

(38 U.S.C. 2021, et seq., and 5 U.S.C. 8151.)

[FR Doc. 79-30459 Filed 10-1-79; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 929

Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York: Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1979-80 fiscal period, to be collected from handlers to support activities of the Cranberry Marketing Committee which locally administers the Federal marketing order covering cranberries.

DATES: Effective September 1, 1979, through August 31, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, (202) 447-5975.

SUPPLEMENTARY INFORMATION: *Findings.* This document is issued under Marketing Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in certain specified States. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendations and information submitted by the Cranberry Marketing Committee, and upon other information. It is hereby found that the expenses and rate of assessment, as hereafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), as the order requires that the rate of assessment for a particular fiscal year shall apply to all assessable cranberries handled from the beginning of such year which began September 1, 1979. To enable the committee to meet fiscal obligations which are now accruing, approval of the expenses and assessment rate is necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of the committee. It is necessary to effectuate the declared purpose of the act to make these provisions effective as specified.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, 202-447-5975.

§ 929.220 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Cranberry Marketing Committee during the period September 1, 1979, through August 31, 1980, will amount to \$87,640.

(b) The rate of assessment for said period payable by each handler in accordance with § 929.41 is fixed at \$0.03 per barrel or equivalent quantity of cranberries.

(c) Unexpended funds in excess of expenses incurred during the fiscal period ended August 31, 1979, shall be carried over as a reserve in accordance with the applicable provisions of § 929.42.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 26, 1979.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[FR Doc. 79-30428 Filed 10-1-79; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 979

Melons Grown in South Texas; Change in Fiscal Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule changes the South Texas Melon Committee's fiscal period to October 1 through September 30 of the following year. This will improve the committee's operations by providing sufficient time after shipments are completed to update their records and have an audit performed.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Peter G. Chapogas (202) 447-5432.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 156 and Order No. 979 (44 FR 22038) regulate the handling of melons grown in 19 designated counties in South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The South Texas Melon Committee, established under the order, is responsible for its local administration. Although April 1 was originally set as the beginning date for the committee's fiscal period, the initial fiscal period did not begin until May 17 due to insufficient lead time in which to promulgate this marketing order program, appoint the committee and process rules and regulations. However, after further consideration, the South Texas Melon Committee recommended at a public meeting on July 12 that the fiscal period be changed. Section 979.43 of the order requires that an audit of the committee's finances be conducted at the end of the fiscal period by a competent accountant. The committee anticipates problems in

obtaining the services of an accounting firm to perform an audit of the committee's books during April and May, the peak period for income tax preparation. This potential problem should be alleviated by changing the fiscal period to end on September 30.

The current fiscal period would be the period of May 17, 1979, through September 30, 1979, and the initial audit of the committee's finances would be required at the end of that period.

Notice of rulemaking was published in the August 8, 1979, *Federal Register* (44 FR 46474). The notice afforded interested persons through September 14, 1979, to file written data, views or arguments pertaining to that proposal.

After consideration of all relevant matters, including the proposal set forth in the notice it is hereby found that this change will tend to effectuate the declared purpose of the act. It is further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the *Federal Register* (5 U.S.C. 553) in that (1), there is insufficient time if the rule is to become effective on October 1, (2) information regarding its provisions has been made available to producers and handlers in the production area, (3) the change will have no direct effect on growers or handlers but only on committee administrative procedures, and (4) compliance with this regulation will not require any special preparation which cannot be completed by the effective date.

§ 979.110 is amended to read as follows:

§ 979.110 Fiscal period.

The fiscal period which began on May 17, 1979 (44 FR 28780) shall end September 30, 1979. Thereafter, each fiscal period shall begin on October 1 of each year and end on September 30 of the following year.

Note.—This final rule has been reviewed under USDA criteria for implementing Executive Order 12044. A determination has been made that this action should not be classified "significant." An Impact Analysis is available from Peter G. Chapogas (202) 447-5432.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Dated: September 27, 1979, to become effective October 1, 1979.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[FR Doc. 79-30455 Filed 10-1-79; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1942

Development Grants for Community Domestic Water and Waste Disposal Systems

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations regarding development grants for community domestic water and waste disposal systems. The purpose of this action is to clarify that grant applications are to be filed in District Offices, the multiple advances method will be used to disperse all grant funds, the announcement procedure is not applicable to regional commission grants, and the FmHA supervision will include the assurance that funds are expended for approved purposes. This action is taken as a result of an administrative decision.

EFFECTIVE DATE: October 2, 1979.

FOR FURTHER INFORMATION CONTACT: Byron E. Ross, telephone (202) 447-5717.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration amends various sections of Subpart H of Part 1942, Subpart H, Chapter XVIII, Title 7 in the Code of Federal Regulations. This action involves the following editorial revisions:

1. Section 1942.351(b) has been revised by deleting the words "and applications" from the first sentence and adding the words "applications will be filed and" in the second sentence after "However,".

2. Section 1942.362(b) has been revised by the deletion of "When FmHA is not making a loan," from the beginning of the paragraph.

3. Section 1942.368(c) has been revised by creating a second sentence starting with "Regional commissions grants will * * *" and adding, "except that the announcement procedure referred to in § 1942.5(d)(8) is not applicable" to the end of the first sentence.

4. Section 1942.369 has been revised by adding the word "and" so that the paragraph reads "and to assure that funds are expended for approved purposes."

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comments notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the purpose of the change is to make

editorial corrections of errors and omissions. Therefore, publication for proposed rulemaking is unnecessary. This determination was made by James E. Thornton, Associate Administrator.

Accordingly, §§ 1942.351 (b) and (c), 1942.362(b), § 1942.368(c), and § 1942.369 of Subpart H of Part 1942 are amended as follows:

§ 1942.351 General.

(b) It is the policy that the County Office will normally be the entry point for preapplications and serve as the local contact point. However, applications will be filed and grants will be processed to the maximum extent possible by the District Office staff. The State Office staff will monitor grant making and servicing and will provide assistance to District Office personnel to the extent necessary to assure that the activities are being accomplished in an orderly manner consistent with FmHA regulations. The District Director will supply information on grant activity within the County Office service area to the County Supervisor at key points throughout the grant making process.

(c) It is the policy of FmHA to extend its financial program without regard to race, color, religion, sex, national origin, marital status, age, or physical/mental handicap (possess capacity to enter into legal contract.)

§ 1942.362 Grant closing and delivery of funds.

(b) FmHA grant funds will be disbursed by using multiple advances in accordance with § 1942.17(p)(2) of Subpart A of Part 1942.

§ 1942.368 Regional Commission Grants.

(c) Regional commission grants should be obligated as soon as possible in accordance with § 1942.5(d) of Subpart A of Part 1942, except that the announcement procedure referred to in § 1942.5(d)(8) is not applicable. Regional commission grants will be obtained from the Finance Office in the same manner as FmHA funds are obtained.

§ 1942.369 Management assistance.

Grant recipients will be supervised to the extent necessary to assure that facilities are constructed in accordance with approved plans and specifications and to assure that funds are expended for approved purposes.

This document has been reviewed in accordance with FmHA Instruction 1901-G, "Environmental Impact

Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190 an Environmental Impact Statement is not required.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250.

(7 U.S.C. 1989; delegation of authority by the Section of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: September 12, 1979.

Gordon Cavanaugh,
Administrator, Farmers Home
Administration.

[FR Doc. 79-30429 Filed 10-1-79; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL RESERVE SYSTEM

12 CFR Part 263

Rules of Practice for Hearings

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System has amended its formerly entitled "Rules of Practice for Formal Hearings," 12 CFR Part 263, to incorporate certain changes in the Board's hearing procedures. These amendments were necessary because of the expansion in the Board's supervisory and enforcement authority made by Titles I, VI, and VIII of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 ("FIRA"). (Pub. L. 95-630).

The amendments establish procedures to implement the Board's new authority to assess and collect civil money penalties for violations of certain provisions of law or the terms of a final cease-and-desist order issued under the Financial Institutions Supervisory Act of 1966, as amended, 12 U.S.C. 1818(b). The amendments also establish procedures governing informal hearings ordered by the Board in connection with the

suspension or removal, under 12 U.S.C. 1818(g), of bank officials charged with or convicted of a felony. The amendments include in the Board's formal hearing procedures the rules of 5 U.S.C. 556(d) and 557 regarding *ex parte* communications and make certain minor and technical corrections to the Board's procedures for formal hearings.

EFFECTIVE DATE: September 24, 1979.

FOR FURTHER INFORMATION CONTACT: James V. Mattingly, Jr., Assistant General Counsel, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452-3430).

SUPPLEMENTARY INFORMATION: The Board's "Rules of Practice for Hearings," formerly entitled "Rules of Practice for Formal Hearings," is divided into Subparts A through C. Subpart A prescribes the general rules of practice applicable to all formal administrative hearings ordered by the Board. The Board has eliminated from its Rules of Practice the text of former Subparts B and C, which merely repeated the text of 12 U.S.C. 1818(b), (c), and (e) regarding cease and desist and removal proceedings. Subparts B and C of the new Rules of Practice establish procedures that relate, respectively, to proceedings for the assessment and collection of civil money penalties and proceedings for the suspension or removal from office of a bank official charged with the commission or convicted of a felony.

Section 263.1 of Subpart A has been amended to incorporate reference to the formal hearings required by Titles I, VI, and VIII of FIRA to be held in connection with: (1) The administrative assessment of a civil money penalty for violation of certain provisions of law, (2) The issuance of a divestiture order against a bank holding company under 12 U.S.C. 1844(e), or (3) The disapproval of a change in control of a State member bank or a bank holding company under 12 U.S.C. 1817(j). The rules of practice set forth in Subpart A shall govern all these formal proceedings.

The Board has also incorporated into § 263.6 of Subpart A the rules of section 4 of the Government in the Sunshine Act (Pub. L. 94-409), codified at 5 U.S.C. 551, 556(d), and 557(d), regarding *ex parte* communications in formal proceedings. The Board has revised § 263.3(b) of Subpart A to require that persons participating in hearings ordered by the Board conduct themselves in an orderly fashion and to authorize the presiding officer to exclude a person from a hearing for improper conduct. The Board has also amended § 263.7(c) of Subpart A to provide that, except as otherwise required by law, service of a subpoena

may be accomplished by registered mail (as authorized in several provisions of FIRA) as well as by personal service. Section 263.8(c) of Subpart A has been amended to clarify that evidence objected to during the course of a deposition shall be taken subject to the objection.

Subpart B of the Rules of Practice for Hearings implements the Board's authority under sections 101, 102, 106, 107, and 801 of FIRA to assess civil money penalties. Under this authority, the Board may assess a civil money penalty against a State member bank and/or the officers, directors, employees, or agents of the bank or other persons participating in the conduct of its affairs for a violation of the provisions of sections 19, 22, or 23A of the Federal Reserve Act, as amended, or the provisions of Title VIII of FIRA relating to preferential lending to executive officers, directors, or principal shareholders of banks based upon a correspondent account relationship (12 U.S.C. 1972(2)). The Board may assess a civil penalty for violation of a final cease and desist order issued under 12 U.S.C. 1818(b) or (c) against a bank holding company, any subsidiary thereof (except a bank), the other institutions specified in 12 U.S.C. 1818(b)(3) and (4) over which the Board exercises supervisory authority, and/or the officers, directors, employees, agents of the institution or other persons participating in its affairs. The Board is also authorized to assess a civil penalty against a company that violates, or an individual who participates in a violation, of any provision of the Bank Holding Company Act, or any regulation or order issued thereunder.

The procedures of Subpart A and B do not apply to the assessment of a civil money penalty for a violation of the Change in Bank Control Act, 12 U.S.C. 1817(j). A civil money penalty for a violation of that statute is assessed in accordance with the procedures set forth in 12 U.S.C. 1817(j)(15). Under those procedures, the person assessed is not entitled to a formal hearing before the Board with respect to the assessment. The person assessed does, however, have the right to submit data, views and argument to the Board regarding the assessment and to a trial *de novo* on the assessment in an appropriate United States district court.

The procedures spelled out in Subpart B require the Board to provide the person being assessed with a notice of

assessment of civil penalty. The notice is required to state the amount of the penalty, the legal authority under which the civil penalty is being assessed, the legal and factual grounds for the assessment, and the period within which the penalty is payable. The notice will also inform the person being assessed of the right to request a formal hearing on the assessment and the time limits for filing such a request.

A request for hearing on a notice of assessment must be made within ten days after issuance of the notice. If the person being assessed does not request a hearing within this ten day period, the notice of assessment becomes a final and unappealable order. If a hearing is requested within the ten day period, the Board's Secretary will promptly issue an order directing a formal administrative hearing to commence within 30 days of the date of the order. If the grounds for having assessed the penalty are established on the record of that hearing, the Board will issue an order of assessment of civil penalty. The order shall specify the amount of the penalty that has been assessed and the date the penalty is payable. An assessment order may also be issued with the consent of the person being assessed in much the same manner as a cease and desist order issued upon consent under 12 U.S.C. 1818(b). A consent assessment order may be issued whether or not a notice of assessment has been issued.

Subpart B also specifies the relevant considerations that the Board will take into account in determining the amount of the penalty. These considerations include the gravity of the violation, any history of previous violations, the financial resources and good faith of the person or persons charged, the economic benefit derived by the person or persons from the violation, and such other matters as justice may require. The economic benefit derived from the violation is not a consideration that is specified in the civil penalty statutes. The Board, however, believes that the economic benefit derived from the violation should as a matter of justice be considered in assessing a civil money penalty, and, for this reason, has identified this factor in the regulation.

In § 263.24 of Subpart B, the Board has authorized its General Counsel, in appropriate cases, to advise the person concerned that the assessment of a civil penalty is being considered and to provide the person with an opportunity to present written materials or to request a conference with members of the Board's staff to show why the penalty should not be assessed or, if assessed, should be reduced in amount.

This informal procedure will precede the issuance of a formal notice of assessment and will afford the person concerned an opportunity to contest the assessment without the necessity (and ensuing time and expense) of a formal hearing. The Board has incorporated this procedure into its Rules in the belief that the procedure, in many cases, may provide a simple, efficient and fair procedure to resolve controversies regarding the appropriateness or amount of a proposed civil penalty.

Subpart C of the Rules of Practice for Hearings governs informal hearings ordered by the Board upon the request of an officer, director or other person participating in the conduct of the affairs of a State member bank, whom the Board has suspended or removed from office, or prohibited from further participation in any manner in the conduct of the bank's affairs, pursuant to 12 U.S.C. 1818(g). The Board may suspend a person from office or prohibit a person from further participation in any manner in the conduct of the affairs of a State member bank where the person is charged with the commission of a crime involving dishonesty or breach of trust that is punishable by imprisonment for a term exceeding one year. If the person is convicted of such an offense and the conviction is not subject to further appellate review, the Board may remove the person from office or prohibit the person from further participation in any manner in the conduct of the bank's affairs. The Board may issue a notice of suspension or order of removal only upon a finding that the individual's continued service to the bank or participation in its affairs may pose a threat to the interests of the bank's depositors or may threaten to impair public confidence in the bank.

Under Subpart C, the Board must serve the notice of suspension or order of removal upon the officer, director or other person, and upon the bank concerned, whereupon the officer, director or other person shall immediately cease service to the bank or further participation in the bank's affairs. An individual against whom a notice of suspension or order of removal has been issued has 30 days from service of the notice or order to request an informal hearing on the suspension or removal. Upon receipt of a timely request for hearing, the Board's Secretary will order an informal hearing to be held, normally before representatives of the Board's staff and of the appropriate Federal Reserve Bank. The hearing must be scheduled to commence not more than 30 days from receipt of the hearing request. The

purpose of the hearing is to afford the person concerned an opportunity to show that continued service to, or participation in the affairs of, the bank does not, and is not likely to, pose a threat to the interests of the bank's depositors or threaten to impair public confidence in the bank.

The director, officer, or other person concerned may be represented by counsel and may introduce relevant written materials and present oral argument at the hearing. The presentation of oral testimony and witnesses will be allowed only if expressly authorized by the Board or the Board's Secretary. A request to present witnesses at the hearing must be included with the request for a hearing and should specify the names of the witnesses and the general nature of their anticipated testimony. The presiding officers at the hearing are required to submit a recommendation to the Board, normally within 15 calendar days of the close of the record on the hearing. Within 60 days of the close of the record on the hearing, the Board shall notify the person concerned as to whether the suspension, removal, or prohibition will be continued, terminated, or otherwise modified. The notification must contain a statement of the basis for the Board's decision, if adverse to the officer, director, or other person concerned.

The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and deferred effective date are not followed in connection with this amendment because the changes involved therein are procedural in nature and do not constitute a substantive rule subject to the requirements of that section. Effective September 24, 1979: (1) The title of the Board's Rules of Practice for Formal Hearings (12 CFR Part 263) is revised to read "Part 263—Rules of Practice for Hearings", and (2) Part 263 is amended as follows:

1. The title of Subpart A is revised.
2. Sections 263.1, 263.2 and 263.3(b) are revised.
3. Section 263.6(a) is revised and a new paragraph (h) is added.
4. Section 263.7 (c) and (d) and § 263.8(c) are revised.
5. Subparts B and C are revised.

PART 263—RULES OF PRACTICE FOR HEARINGS

Subpart A—Rules of Practice for Formal Hearings

Sec.
263.1 Authority, purpose and scope.

Subpart B—Rules and Procedures for Assessment and Collection of Civil Penalties

- 263.22 Purpose and scope.
- 263.23 Notice of assessment of civil penalty.
- 263.24 Opportunity for informal proceeding.
- 263.25 Relevant considerations for assessment of civil penalty.
- 263.26 Request for formal hearing on assessment.
- 263.27 Hearing order on assessment.
- 263.28 Assessment order.
- 263.29 Payment of civil penalty.

Subpart C—Rules and Procedures Applicable to Suspension or Removal of a Bank Official Where a Felony Is Charged or Proven

- 263.30 Purpose and scope.
- 263.31 Notice or order of suspension, removal or prohibition.
- 263.32 Request for informal hearing.
- 263.33 Order for informal hearing.
- 263.34 Decision of the Board.

Subpart A—Rules of Practice for Formal Hearings

§ 263.1 Authority, purpose, and scope.

(a) *Authority.* This Part is issued under sections 11(i), 19, and 29 of the Federal Reserve Act, as amended (12 U.S.C. 248(j), 504, and 505); sections 5(b) and 8(b) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1844(b) and 1847(b)); section 106(b)(2)(F) of the Bank Holding Company Act Amendments of 1970, as amended (12 U.S.C. 1972(2)(F)); sections 7(j) and 8 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(j) and 1818); section 13 of the International Banking Act of 1978 (12 U.S.C. 3108); and section 15B(c)(5) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78o-4).

(b) *Purpose and scope.* This subpart prescribes rules of practice and procedure governing adjudications as to which a formal hearing is required by law or is for other reason ordered by the Board. These adjudications include:

- (1) Suspension of a member bank from the use of credit facilities of the Federal Reserve System under section 4 of the Federal Reserve Act (12 U.S.C. 301);
- (2) Termination of a bank's membership in the Federal Reserve System under section 9 of the Federal Reserve Act (12 U.S.C. 327);
- (3) Issuance of a cease-and-desist order under section 11 of the Clayton Act (15 U.S.C. 21);
- (4) Issuance of a cease-and-desist order or a removal or suspension order under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818);
- (5) Adjudications under sections 2, 3 or 4 of the Bank Holding Company Act (12 U.S.C. 1841, 1842, or 1843);
- (6) Issuance of a divestiture order against a bank holding company under

section 5(e) of the Bank Holding Company Act (12 U.S.C. 1844(e));

(7) Disapproval of a proposed acquisition of control of a State member bank or a bank holding company under section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j));

(8) Imposition of sanctions upon any municipal securities dealer for which the Board is the appropriate regulatory agency, or upon any person associated or seeking to become associated with such a municipal securities dealer, under section 15B(c)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4);

(9) Formal adjudications on bank merger applications under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)); and

(10) Assessment of a civil money penalty for a violation of any provision of: the Bank Holding Company Act of 1956, as amended, or any order or regulation issued thereunder (12 U.S.C. 1847(b)); sections 19, 22, or 23A of the Federal Reserve Act, or any order or regulation issued thereunder (12 U.S.C. 504, 505); the terms of a final cease-and-desist order issued under the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(2)); or the provisions of 106(b)(2) of the Bank Holding Company Act Amendments of 1970, as amended (12 U.S.C. 1972(2)(F)).

§ 263.2 Definitions.

As used in this Part:

(a) "Member bank" means any bank that is a member of the Federal Reserve System.

(b) "Party" means a person or agency named or admitted as a party, or any person or agency who has filed a written request and is entitled as of right to be admitted as a party. A person or agency may be admitted for a limited purpose without being regarded as a party.

(c) "Secretary" means the Secretary of the Board of Governors of the Federal Reserve System.

§ 263.3 Appearance and practice before the Board.

(b) *Conduct during hearings.* All participants in a hearing, or a conference held in connection therewith, shall conduct themselves with dignity and in an orderly and ethical manner. The attorney or other representative of a party shall make every effort to restrain a client from improper conduct in connection with a proceeding. Improper language or conduct, refusal to comply with directions, continued use of dilatory tactics, or refusal to adhere to reasonable standards of orderly and ethical conduct constitute grounds for immediate exclusion from the

¹ The Board is authorized to assess a civil penalty for a violation of section 19 of the Federal Reserve Act against all member banks, national banks as well as State member banks. (12 U.S.C. 505).

proceeding at the direction of the presiding officer.

§ 263.6 Conduct of hearings.

(a) Designation of presiding officer.

(1) When evidence is to be taken in a hearing, the Board or, when duly designated by the Board for that purpose, one or more of its members, an administrative law judge, or other hearing officer(s) lawfully appointed by the Board may preside at the hearing. Unless otherwise provided in the notice of hearing, all hearings for the taking of evidence shall be conducted as hereinafter provided.

(2) Except as authorized by law, the presiding officer shall not be responsible to, or subject to the supervision or direction of, any officer, employee, or agent of the Board engaged in the performance of investigative or prosecuting functions.

(3) A designated presiding officer who deems himself disqualified may at any time withdraw. Upon receipt of a timely and sufficient affidavit of personal bias or disqualification of such presiding officer, the Board will rule on the matter as a part of the record and decision in the case.

(h) *Ex parte communications.* For the purposes of this section, "ex parte communication" means an oral or written communication that is not on the public record and for which reasonable prior notice to all parties has not been given, but does not include requests for status reports. The following prohibitions against any ex parte communication apply from the time of issuance of a notice for a formal hearing in the proceeding or from the time the person responsible for the communication has knowledge that a notice for a hearing will be issued.

(1) No member of the Board nor the presiding officer nor any other person who is, or may reasonably be expected to be, involved in the decisional process in a proceeding conducted under this subpart shall make, or knowingly cause to be made, an ex parte communication relevant to the merits of the proceeding to any interested person outside the Federal Reserve System. Any member of the Board, the presiding officer, or other person who receives, makes, or knowingly causes to be made any ex parte communication prohibited by this paragraph shall place on the public record of the proceeding:

- (i) All such written communications;
- (ii) Memoranda stating the substance of all such oral communications; and
- (iii) All written responses, and memoranda stating the substance of all oral responses, to the materials

described in paragraph (h)(1) (i) and (ii) of this section.

(2) No interested person outside the Federal Reserve System shall make, or knowingly cause to be made, an ex parte communication relevant to the merits of a proceeding conducted under this subpart to any member of the Board, to the presiding officer or to anyone who is, or may reasonably be expected to be, involved in the decisional process in the proceeding. Upon receipt of a communication in violation of this paragraph, the Board or the presiding officer may require the party responsible for the ex parte communication to show cause why that party's claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of the violation. To the extent consistent with the interests of justice and the policy of the statute under which the hearing is being held, a knowing violation of this paragraph may constitute sufficient grounds for a decision adverse to the responsible party.

(3) Except as authorized by law, the presiding officer shall not consult any person or party on any fact in issue unless notice and opportunity is given for all parties to participate.

§ 263.7 Subpenas.

(c) Service of subpoena.

(1) Service of a subpoena may be made by personal service or, except as otherwise required by law, by registered mail addressed to the last known address of the person named in the subpoena and by tendering the fees for one day's attendance and mileage as specified in paragraph (d) of this section. In making personal service of a subpoena, the original shall be exhibited to, and a copy thereof left with, the person named in the subpoena. Service of the subpoena and tender of fees to a natural person may also be made by leaving a copy of the subpoena and fees at the person's dwelling place or usual place of abode with someone of suitable age or discretion. When the person to be served is not a natural person, delivery of a copy of the subpoena and tender of the fees may be effected by handing them to a registered agent for service or to an officer, director, or agent in charge of any office of the person, or by mailing them by registered mail to such representative at that person's last known address.

(2) Service made by a United States marshal or his deputy shall be evidenced by that person's return on the original subpoena. If made by any other person, that person shall make affidavit

thereto, describing the manner in which service was made, and return the affidavit on or with the original subpoena. In case of failure to make service, the reasons for the failure shall be stated on the original subpoena. The original subpoena, bearing or accompanied by the required return, affidavit, or statement, shall be returned without delay to the Secretary or, if so directed on the subpoena, to the presiding officer before whom the person named in the subpoena is required to appear.

(d) Attendance of witnesses.

(1) The attendance of witnesses and the production of documents pursuant to a subpoena issued in connection with a hearing under this subpart may be required from any State or territory or any other place subject to the jurisdiction of the United States at any designated place where the hearing is being conducted. Any person who is compelled to appear and testify, or who appears and testifies by request or permission, may be accompanied, represented, or advised by counsel.

(2) Subpoenaed witnesses shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. When a subpoena is issued upon the Board's own motion or at the request of Board counsel, fees and mileage need not be tendered at the time of service of the subpoena. Fees required by this paragraph shall be paid by the person upon whose application the subpoena is issued.

§ 263.8 Depositions.

(c) Procedure on deposition: objections.

(1) Each witness testifying upon oral deposition shall be duly sworn or shall affirm, and Board counsel and any adverse party shall have the right to cross-examine the witness. Objections to questions or documents shall be in short form, stating the grounds of objection relied upon. The person recording the deposition shall not have any authority to rule upon questions of competency, materiality, or relevancy of evidence. Evidence objected to shall be taken subject to the objection. Failure to object to questions or evidence shall not be deemed a waiver unless the ground of the objection is one which might have been obviated or removed if presented at the time of the question or submission of evidence.

(2) All questions, answers, and objections (but not including argument or debate) shall be recorded by, or under the direction of, the officer before whom the deposition is taken. The deposition shall be subscribed to by the witness, unless the parties by stipulation

waive the signing or unless the witness is physically unable to sign, cannot be found, or refuses to sign. The person recording the deposition shall certify the transcript of the deposition as true and complete. If the deposition is not subscribed to by the witness, the person recording the testimony shall state this fact and the reason therefor on the record.

(3) The officer before whom the deposition is taken shall promptly deliver, or send by registered mail, the original of the deposition, together with the original of all exhibits, to the Secretary of the Board unless otherwise directed in the order authorizing the taking of the deposition or in the notice of its issuance. Interested parties shall make their own arrangements with the person recording the testimony for copies of the deposition and exhibits.

Subpart B—Rules and Procedures for Assessment and Collection of Civil Penalties

§ 263.22 Purpose and scope.

The rules and procedures specified in this subpart and in Subpart A are applicable to proceedings by the Board to assess and collect civil money penalties for a violation of: (a) The terms of a final cease-and-desist order issued under the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(2)); (b) The provisions of sections 19, 22, or 23A of the Federal Reserve Act, or any regulation or order issued thereunder, (12 U.S.C. 504 and 505); (c) Any provision of the Bank Holding Company Act of 1956, as amended, or any regulation or order issued thereunder, (12 U.S.C. 1847(b); or (d) The provisions of section 106(b)(2) of the Bank Holding Company Act Amendments of 1970, as amended (12 U.S.C. 1972(2)(F)). The rules and procedures of this subpart do not apply to the assessment of a civil penalty for a violation of the Change in Bank Control Act, 12 U.S.C. 1817(j). A civil money penalty for a violation of that statute may be assessed in accordance with the procedures set forth in 12 U.S.C. 1817(j)(15).

§ 263.23 Notice of assessment of civil penalty.

Civil penalty proceedings commence with the issuance by the Board of a notice of assessment of civil penalty. The notice of assessment shall state: (a) The legal authority for the assessment; (b) The amount of the civil penalty being assessed; (c) The date by which the civil penalty shall be paid; (d) The matters of fact or law constituting the grounds for assessment of the civil penalty; (e) The

right of the person being assessed to a formal hearing to challenge the assessment; and (f) The time limit to request such a formal hearing. The notice of assessment may be served upon the person being assessed by personal service, by registered or certified mail to the person's last known address, or by other appropriate means. Such service constitutes issuance of the notice.

§ 263.24 Opportunity for informal proceeding.

In the sole discretion of the Board's General Counsel, the General Counsel may, prior to the issuance by the Board of a notice of assessment of civil penalty, advise the affected person that the issuance of a notice of assessment of civil penalty is being considered and the reasons and authority for the proposed assessment. The General Counsel may provide the person an opportunity to present written materials or request a conference with members of the Board's staff to show that the penalty should not be assessed or, if assessed, should be reduced in amount.

§ 263.25 Relevant considerations for assessment of civil penalty.

In determining the amount of the penalty to be assessed, the Board will take into account the appropriateness of the penalty with respect to the financial resources and good faith of the person charged, the gravity of the violation, the history of previous violations, the economic benefit derived by the person from the violation, and such other matters as justice may require.

§ 263.26 Request for formal hearing on assessment.

A person being assessed may request a formal hearing to challenge the assessment of a civil penalty. The request must be made within ten business days after issuance of the notice of assessment, and any such request must be filed in writing with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. If a request for a formal hearing is not filed within this ten-day period, the person being assessed shall be deemed to have waived the right to a formal hearing, and the notice of assessment shall constitute a final and unappealable assessment order.

§ 263.27 Hearing order on assessment.

After the receipt of a timely request for a hearing with respect to the assessment of a civil penalty, the Secretary will promptly issue an order directing a hearing to commence within 30 days from the date of the hearing order at such place as the Secretary may

designate with due regard for the interests of all parties. The hearing order may require the person requesting the hearing to file an answer as prescribed in section 283.5 of Subpart A. The procedures of the Administrative Procedure Act (5 U.S.C. 554-557) and Subpart A of these Rules shall apply to the hearing.

§ 263.28 Assessment order.

(a) In the event of consent of the parties concerned to an assessment, or if, upon the record made at a hearing ordered under this subpart, the Board finds that the grounds for having assessed the penalty have been established, the Board may issue an order of assessment of civil penalty. In its order, the Board may reduce the amount of the penalty specified in the notice of assessment. Any party afforded a hearing under this subpart who does not appear at the hearing (personally or by a duly authorized representative) shall be considered to have waived the right to a formal hearing and to have consented to the assessment of the civil penalty specified in the notice of assessment.

(b) An assessment order is effective immediately upon issuance, or upon such other date as may be specified therein, and shall remain effective and enforceable until it is stayed, modified, terminated, or set aside by action of the Board or a reviewing court.

(c) An assessment order may be served by personal service, by registered or certified mail to the last known address of the person being assessed, or by other appropriate means.

§ 263.29 Payment of civil penalty.

(a) The date designated in the notice of assessment for payment of the civil penalty will normally be 60 days from the issuance of the notice. If, however, the Board finds, in a specific case, that the purposes of the authorizing statute would be better served if the 60 day period is changed, the Board may shorten or lengthen the period or make the civil penalty payable immediately upon receipt of the notice of assessment. If a timely request for a formal hearing to challenge an assessment of civil penalty is filed, payment of the penalty shall not be required unless and until the board issues a final order of assessment following the hearing. If an assessment order is issued, it will specify the date by which the civil penalty should be paid or collected.

(b) Checks in payment of civil penalties should be made payable to the "Board of Governors of the Federal Reserve System." Upon collection, the

board shall forward the amount of the penalty to the Treasury of the United States.

Subpart C—Rules and Procedures Applicable to Suspension or Removal of a Bank Official Where a Felony Is Charged or Proven

§ 263.30 Purpose and scope.

The rules and procedures set forth in this subpart apply to informal hearings afforded to any officer, director, or other person participating in the conduct of the affairs of a State member bank ("bank official"), who has been suspended or removed from office or prohibited from further participation in any manner in the conduct of the bank's affairs by a notice or order issued by the Board upon the grounds set forth in section 8(g) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)).

§ 263.31 Notice or order of suspension, removal, or prohibition.

(a) *Grounds.* The Board may suspend a bank official from office or prohibit a bank official from further participation in any manner in the conduct of a bank's affairs when the person is charged in any information, indictment, or complaint authorized by a United States attorney with the commission of, or participation in, a crime involving dishonesty or breach of trust that is punishable by imprisonment for a term exceeding one year under State or Federal law. The Board may remove a bank official from office or prohibit a bank official from further participation in any manner in the conduct of a bank's affairs when the person is convicted of such an offense and the conviction is not subject to further direct appellate review. The Board may suspend or remove a bank official or prohibit a bank official from participation in a bank's affairs in these circumstances if the Board finds that continued service to the bank or participation in its affairs by the bank official may pose a threat to the interests of the bank's depositors or may threaten to impair public confidence in the bank.

(b) *Contents.* The Board commences a suspension, removal, or prohibition action with the issuance, and service upon a bank official, of a notice of suspension from office, or order of removal from office, or notice or order of prohibition from participation in the bank's affairs. Such a notice or order shall indicate the basis for the suspension, removal, or prohibition and shall inform the bank official of the right to request in writing, within 30 days of service of the notice or order, an opportunity to show at an informal

hearing that continued service to, or participation in the conduct of the affairs of, the bank does not and is not likely to pose a threat to the interests of the bank's depositors or threaten to impair public confidence in the bank. A notice of suspension or prohibition shall remain in effect until the criminal charge upon which the notice is based is finally disposed of or until the notice is terminated by the Board.

(c) *Service.* The notice or order shall be served upon the bank concerned, whereupon the bank official shall immediately cease service to the bank or further participation in any manner in the conduct of the affairs of the bank. A notice or order of suspension, removal, or prohibition may be served by personal service, by registered or certified mail to the last known address of the person being served, or by other appropriate means.

§ 263.32 Request for informal hearing.

A bank official who is suspended or removed from office or prohibited from participation in the bank's affairs may request an informal hearing. The request shall be filed in writing with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The request shall state with particularity the relief desired and the grounds therefor and shall include, when available, supporting evidence. If the bank official desires to present oral testimony or witnesses at the hearing, the bank official must include a request to do so with the request for informal hearing. The request to present oral testimony or witnesses should specify the names of the witnesses and the general nature of their expected testimony.

§ 263.33 Order for informal hearing.

(a) *Issuance of hearing order.* Upon receipt of a timely request for an informal hearing, the Secretary will promptly issue an order directing an informal hearing to commence within 30 days of the receipt of the request. At the request of the bank official, the Secretary may order the hearing to commence at a time more than 30 days after the receipt of the request for hearing. The hearing shall be held in Washington, D.C., or at such other place as may be designated by the Secretary, before presiding officers designated by the Secretary to conduct the hearing. The presiding officers normally will include representatives from the Board's Legal Division and Banking Supervision and Regulation Division and from the appropriate Federal Reserve Bank.

(b) *Waiver of oral hearing.* A bank official may waive in writing the

official's right to an oral hearing and instead elect to have the matter determined by the Board solely on the basis of written submissions.

(c) *Hearing procedures.*

(1) The bank official may appear at the hearing personally, through counsel, or personally with counsel. The bank official shall have the right to introduce relevant written materials and to present an oral argument. The bank official may introduce oral testimony and present witnesses only if expressly authorized by the Board or the Secretary. Neither the formal rules of evidence nor the adjudicative procedures of the Administrative Procedure Act (5 U.S.C. 554-557) or Subpart A of these Rules shall apply to the informal hearing ordered under this subpart unless the Board orders that they apply.

(2) The proceedings shall be recorded and a transcript shall be furnished to the bank official upon request and after the payment of the cost thereof. Witnesses need not be sworn, unless specifically requested by a party or the presiding officers. The presiding officers may ask questions of any witness.

(3) The presiding officers may order the record to be kept open for a reasonable period following the hearing (normally 5 business days), during which time additional submissions to the record may be made. Thereafter, the record shall be closed.

(d) *Authority of presiding officers.* In the course of or in connection with any proceeding under this subpart, the Board or the presiding officers are authorized to administer oaths and affirmations, to take or cause to be taken depositions, to issue, revoke, quash, or modify subpoenas and subpoenas duces tecum, and, for the enforcement thereof, to apply to an appropriate United States district court. All action relating to depositions and subpoenas shall be in accordance with the rules provided in §§ 263.7 and 263.8 of Subpart A of these Rules.

(e) *Recommendation of presiding officers.* The presiding officers shall make a recommendation to the Board concerning the notice or order of suspension, removal, or prohibition within 20 calendar days following the close of the record on the hearing.

§ 263.34 Decision of the Board.

(a) Within 60 calendar days following the close of the record on the hearing, or receipt of written submissions where a hearing has been waived, the Board shall notify the bank official whether the notice of suspension or prohibition will be continued, terminated, or otherwise modified, or whether the order of

removal or prohibition will be rescinded or otherwise modified. The notification shall contain a statement of the basis for any adverse decision by the Board. In the case of a decision favorable to the bank official, the Board shall take prompt action to rescind or otherwise modify the order of suspension, removal or prohibition.

(b) In deciding the question of suspension, removal, or prohibition under this subpart, the Board will not rule on the question of the guilt or innocence of the individual with respect to the crime with which the individual has been charged.

By order of the Board of Governors,
September 24, 1979.

Theodore E. Allison,
Secretary of the Board.

[FR Doc. 79-30339 Filed 10-1-79; 8:45 am]
BILLING CODE 6210-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Chapter VII

Interpretive Ruling—Donations/Contributions

AGENCY: National Credit Union Administration.

ACTION: Interpretation of General Applicability.

SUMMARY: This statement sets forth the National Credit Union Administration's interpretation of the incidental power a Federal credit union possesses to make donations. The Administration interprets the incidental powers clause of the Federal Credit Union Act (§ 107(15)) to permit a Federal credit union to make reasonable donations to tax exempt organizations under Section 501(c)(3) of the Internal Revenue Code. This interpretation should result in an increase in community funds that are used for diverse charitable and educational needs of the public.

EFFECTIVE DATE: October 2, 1979.

ADDRESS: National Credit Union Administration, 2025 M Street, N.W., Washington, D.C., 20458.

FOR FURTHER INFORMATION CONTACT: Edward J. Dobranski, Senior Attorney, Office of General Counsel, National Credit Union Administration, at the above address. Phone (202) 632-4870.

SUPPLEMENTARY INFORMATION: The Administration is frequently asked whether Federal credit unions (FCU's) may make contributions or donate funds to various organizations. In the past, the Administration held that an FCU may donate its funds only if the FCU would

derive a direct benefit from such donation or contribution.

The Administration, in accord with an increasing number of jurisdictions, realizes that a cooperative (e.g., a FCU), like a corporation for profit, has an obligation to contribute its fair share toward community funds that are used for diverse charitable, recreational, and educational needs of the public. The Administration views donations meeting this obligation as an activity incidental to a FCU's business within the scope of powers set forth in Section 107(15) of the Federal Credit Union Act. Consequently, FCU's may make contributions to community organizations that are exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code.

Finally, FCU's should be aware of the following: that contributions, either direct or indirect, to candidates for a trade association or credit union league office do not fall within the scope of this interpretation; that FCU contributions and expenditures in connection with any election to any political office are prohibited by the Federal Election Campaign Act (2 U.S.C. 441b); that Article XIX, Section 4 of the Federal Credit Union Bylaws, concerning conflicts of interest by officials and employees of an FCU, is applicable to the activities covered by this interpretation; and that, pursuant to Article VIII, Section 8 of the Federal Credit Union Bylaws, the minutes of the board of directors meeting at which any donation is authorized shall reflect both the amount and the recipient of such donation.

Interpretation

[IRPS No. 79-6]

A Federal credit union (FCU) may make contributions or donate funds to:

(1) An organization that is a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code, if such organization is located or conducts its activities in the community in which the FCU has a principal place of business;

(2) An organization that is a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code, if such organization operates primarily to promote and develop credit unions (including FCU's).

Any such contribution or donation must be approved by the FCU's board of directors, in such sum as the board deems to be in the best interest of the

FCU, provided that such sum is sound given the financial condition of the FCU.

Lawrence Connell,
Chairman.

September 21, 1979.

[FR Doc. 79-30401 Filed 10-1-79; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Part 404

Old-Age, Disability, Dependents' and Survivors' Insurance Benefits; Period of Disability

Correction

In FR Doc. 79-18763, published at page 34479, on Friday, June 15, 1979, the following corrections are made:

1. On page 34483, in the third column, under § 404.330, in the first paragraph, in the fourth line, "If" should be corrected to read "if";

2. On page 34486, in the second column, in the eighth line, "... you entitlement" should be corrected to read "... your entitlement";

3. On page 34486, in the second column, under § 404.348, in paragraph (c), in the fourth line "... important decision" should be corrected to read "... important decisions";

4. On page 34486, in the third column, in the second line "services are service such as dressing," should be corrected to read "services are services such as dressing,";

5. On page 34486, in the third column, in the third line "feeding and managing" should be corrected to read "feeding, and managing";

6. On page 34487, in the second column, in the second line "entitlements will ..." should be corrected to read "entitlement will ...";

7. On page 34487, in the second column, under § 404.353, in paragraph (b), in the seventeenth line "can receive on the highest of the" should be corrected to read "can receive only the highest of the";

8. On page 34488, in the third column, in paragraph "(2)", in the second line "... If you legally adopted" should be corrected to read "... If you are legally adopted";

9. On page 34490, in the first column, in paragraph "(c)", in the fifteenth line "However you are ..." should be corrected to read "However, you are ...";

10. On page 34492, in the second column, in paragraph "(d)", in the first line "If any part of the lum-sum death"

should be corrected to read "If any part of the lump-sum death";

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

27 CFR Part 9

[T.D. ATF-60]

American Viticultural Areas

AGENCY: The Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Final rule; Treasury decision.

SUMMARY: A new Part 9 is added to Title 27, listing the approved American viticultural areas to be used as American appellations of origin. After an American viticultural area has been listed in Part 9, the name of the American viticultural area may then be used to label an American wine under the requirements of 27 CFR Part 4.

EFFECTIVE DATE: November 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Teri K. Haupt or Armida N. Stickney, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 12th and Pennsylvania Avenue, NW., Washington, DC 20226. (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

This final rule is based on Treasury Decision ATF-53 (43 FR 37672), which amended the regulations on labeling and advertising of wine to include a system for appellation of origin labeling.

Specifically, § 4.25a(e)(2) states that petitions for the establishment of American viticultural areas may be made to the Director; and § 4.25a(e)(3) provides, in part, that a viticultural area must have been approved under 27 CFR Part 9 before an American wine can be labeled with a viticultural area appellation. As a result, 27 CFR Part 9, American Viticultural Areas, is assigned for all future designations of American viticultural areas.

Part 9 is divided into three subparts. Subpart A contains general provisions; Subpart B is reserved in anticipation of new material; and Subpart C will list all approved American viticultural areas.

Drafting Information

The principal author of this final rule is Armida N. Stickney of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. Officials from ATF and from the Department of the Treasury, however,

participated in developing this final rule, both on matters of substance and style.

Authority and Issuance

Because this final rule is administrative in nature and merely establishes a part, it is unnecessary and impractical to issue it with notice and public procedure under 5 U.S.C. 553.

This final rule is issued under the authority contained in 27 U.S.C. 205 (49 Stat. 981, as amended).

Accordingly, Part 9, American Viticultural Areas, is added to Subchapter A of 27 CFR Chapter I and reads as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Subpart A—General Provisions

Sec.

9.1 Scope.

9.2 Territorial extent.

9.3 Relation to Parts 4 and 71 of this chapter.

9.4-9.10 [Reserved]

9.11 Meaning of terms.

Subpart B—[Reserved]

Subpart C—Approved American Viticultural Areas

9.21 General.

Authority: August 29, 1935, ch. 814, sec. 5, 49 Stat. 981, as amended (27 U.S.C. 205), unless otherwise noted.

Subpart A—General Provisions

§ 9.1 Scope.

The regulations in this part relate to American viticultural areas.

§ 9.2 Territorial extent.

This part applies to the several States of the United States, the District of Columbia, and Puerto Rico.

§ 9.3 Relation to Parts 4 and 71 of this chapter.

(a) *Procedure.* In accordance with §§ 4.25a(e)(2) and 71.41(c) of this chapter, the Director shall receive petitions to establish American viticultural areas and shall use the informal rulemaking process, under 5 U.S.C. 553, in establishing viticultural areas in this part.

(b) *Information to establish an American viticultural area.* A petition, made in writing, shall contain the following information:

- (1) Evidence that the name of the viticultural area is locally and/or nationally known as referring to the area specified in the application;
- (2) Historical or current evidence that the boundaries of the viticultural area are as specified in the application;
- (3) Evidence relating to the geographical features (climate, soil,

elevation, physical features, and the like) which distinguish the viticultural features of the proposed area from surrounding areas;

(4) The specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(5) A copy of the appropriate U.S.C.S. map with the boundaries prominently marked.

§ 9.4-9.10 [Reserved]

§ 9.11 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in this section.

American. Of or relating to the several States, the District of Columbia, and Puerto Rico; "State" includes the District of Columbia and Puerto Rico.

Approved map. The map used to define the boundaries of an approved viticultural area.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

Use of other terms. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the same meaning assigned to it by the Act.

U.S.G.S. The United States Geological Survey.

Viticultural area. A delimited, grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in Subpart C of this part.

Subpart B [Reserved]

Subpart C—Approved American Viticultural Areas

§ 9.21 General.

The viticultural areas listed in this subpart are approved for use as appellations of origin in accordance with Part 4 of this chapter.

Signed: July 30, 1979.

J. R. Dickerson.

Director.

Approved: September 11, 1979.

Richard J. Davis.

Assistant Secretary (Enforcement and Operations).

[FR Doc. 79-30471 Filed 10-1-79; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Department of the Army

35 CFR Part 253

Regulations of the Secretary of the Army; Compensation and Allowances

AGENCY: Secretary of the Army.

ACTION: Final rule.

SUMMARY: The Panama Canal Treaty of 1977 enters into force on October 1, 1979. In connection with the implementation of the treaty, three provisions of Chapter 253 of title 35, Code of Federal Regulations, are amended. These amendments will (1) authorize the Canal Zone Civilian Personnel Policy Coordinating Board to establish a system of preference in hiring for Panamanian nationals (2) eliminate the tax allowance for employees of Federal agencies subject to the Secretary of the Army's regulations who are hired after September 30, 1979, and (3) permit the establishment of a wage system for employees hired after September 30, 1979, wherein the rates of pay differ from those in effect for current employees.

EFFECTIVE DATE: September 30, 1979.

ADDRESS: Department of the Army, Washington, DC 20310.

FOR FURTHER INFORMATION CONTACT: Colonel Michael Rhode, Jr. Office of the Assistant Secretary of the Army (CW), Washington, DC 20310; telephone (202) 695-1370.

SUPPLEMENTARY INFORMATION:

Paragraph 2(a) of Article X of the Panama Canal Treaty of 1977 and paragraph 2 of Article VII of the Agreement in Implementation of Article IV of the Treaty require that when hiring civilian employees for the Panama Canal Commission and the United States Forces in the Republic of Panama, the United States establish a system of preference for Panamanian applicants possessing the requisite skills and qualifications. The Panama Canal Act of 1979, which implements the Treaty, provides for the establishment of the Panama Canal Employment System that conforms with the Treaty, related agreements, and other applicable laws. The Act further provides, however, that pending establishment of the Employment System, the provisions of subchapter III of chapter 7 of title 2, Canal Zone Code, and the regulations promulgated thereunder and in effect on September 30, 1979, shall continue in effect.

The provisions of subchapter III and the implementing regulations presently

preclude treating prospective applicants differently on the basis of citizenship. More specifically, 2 C.Z.C. section 149(b) provides that the existing Canal Zone Merit System shall be based solely upon merit, irrespective of whether the employees or applicants are citizens of Panama or the United States. Similarly, 2 C.Z.C. section 142(a)(1) incorporates by reference Item 1 of the Memorandum of Understandings Reached Ancillary to the 1955 Treaty of Mutual Understandings and Cooperation with Panama, which requires that the United States afford Panamanian and United States citizens equal employment opportunity.

Pursuant to 2 C.Z.C. section 142(b)(1) and section 2(a)(1) of Executive Order 11171, 35 C.F.R. 251.1(a)(1), however, the Secretary of the Army can exclude any employee or position from any provision of subchapter III. This amendment excludes all positions subject to subchapter III from the citizenship nondiscrimination provisions to the extent necessary to implement the required system of preference in hiring for Panamanians. The amendment also authorizes the Canal Zone Civilian Personnel Policy Coordinating Board to establish such a system of preference.

The second amendment eliminates the tax allowance established pursuant to 2 C.Z.C. section 146 for persons hired after September 30, 1979. The tax allowance will continue for present employees. The Board is authorized to promulgate regulations to implement this amendment.

The third amendment permits the establishment of a pay system for employees hired after September 30, 1979 with rates of pay that are different from the rates paid to employees in similar positions who were hired on or before that date. The new pay system will be established by the Board in accordance with the Treaty and the Panama Canal Act of 1979.

ADOPTION OF AMENDMENTS:

Accordingly, effective September 30, 1979, the following amendments to Title 35, Code of Federal Regulations, are adopted:

1. Section 253.8(a) is amended by striking the phrase "and (g)" and substituting therefor the phrase "(g), and (h)". Section 253.8 is further amended by adding a new paragraph (h) to read as follows:

§ 253.8 Exclusions.

(h) To the extent necessary to implement a system of preference in hiring for Panamanian nationals, in accordance with Article X, paragraph 2(a) of the Panama Canal Treaty of 1977

and Article VII, paragraph (2) of the Agreement in Implementation of Article IV of the said Treaty, all positions are excluded from the provisions of Sections 142(a)(1) and 149(b) of Title 2, Canal Zone Code, which provide for equality of opportunity in employment for Panamanian and United States citizens. The Board is authorized to establish a system of hiring preference for Panamanian nationals in accordance with the Panama Canal Treaty of 1977 and its implementing agreements. Except as provided in this section and the Board's implementing regulations, the provisions of sections 142(a)(1) and 149(b) of Title 2, Canal Zone Code, shall continue to apply to all employees.

2. Section 253.134 is amended by redesignating the existing section as subsection (a) and adding a new subsection (b) to read as follows:

§ 253.134 Tax allowance.

(b) An employee appointed to a position after September 30, 1979 is not entitled to the tax allowance authorized by subsection (a) of this section. The Board may adopt additional regulations as may be necessary to carry out the provisions of this subsection and may establish different base rates (i) for employees who occupy a position on September 30, 1979 and continuously occupy a position after that date and (ii) employees appointed to a position after September 30, 1979.

3. Section 253.131(b) is amended by adding a new sentence at the end thereof, to read as follows:

§ 253.131 Derivation of base rates of pay.

(b) * * * Notwithstanding Section 253.102, different rates may be established (i) for employees who occupy a position on September 30, 1979 and continuously occupy a position after that date, or who are separated by reason of a reduction in force on September 30, 1979 and are appointed to a position in the Panama Canal Commission before April 1, 1980, and (ii) for other employees.

(2 C.Z.C. Section 142(b) (1), 155(a), 35 CFR 251.2(a) (1), (3))

Clifford L. Alexander, Jr.,

Secretary of the Army.

[FR Doc. 79-30480 Filed 10-1-79; 8:45 am]

BILLING CODE 3710-06-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL1324-8]

Approval and Promulgation of Implementation Plans; Massachusetts Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On May 21, 1979 (44 FR 29453), EPA approved four revisions to the Massachusetts State Implementation Plan (SIP) permanently extending Massachusetts Regulation 310 CMR 7.05(1), "Sulfur Content of Fuels and Control Thereof" for four Air Pollution Control Districts (APCDs). In addition on July 16, 1979 (44 FR 41178), EPA published a SIP revision permanently extending the Regulation in a fifth APCD.

These SIP revisions allow certain sources in the five APCDs to burn higher sulfur content fuels permanently. In this notice, EPA is approving a number of additional sources in four of the APCDs to burn the higher sulfur content fuel, disapproving other sources with potential to exceed the National Ambient Air Quality Standards (NAAQS), and withholding action on certain sources pending further investigation.

EFFECTIVE DATE: October 2, 1979.

FOR FURTHER INFORMATION CONTACT:

Linda Murphy, Chief, Stationary Source Section, Air Branch, EPA, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203, 617/223-5609.

SUPPLEMENTARY INFORMATION:

The original Massachusetts SIP was approved by EPA on May 31, 1972 (37 FR 10842). This SIP established specific limits for the sulfur content of fuels. Pursuant to the enactment of Chapter 494 of the Acts of 1974, the Massachusetts Department of Environmental Quality Engineering (the Department) was required to periodically review the control strategies and to relax any regulation which was more stringent than necessary to attain the NAAQS. The Department reviewed the sulfur-in-fuel regulations for each of its Air Pollution Control Districts (APCDs) and as a result the Department submitted initial revisions to its SIP to permit certain sources to burn higher sulfur content fuels. With exceptions, the SIP revisions were temporarily approved.

On May 21, 1979 (44 FR 29453), the Administrator approved four revisions to the Massachusetts SIP permanently

extending Massachusetts Regulation 310 CMR 7.05(1) "Sulfur Content of Fuels and Control Thereof" for the Pioneer Valley APCD, (the Massachusetts portion of the Hartford-New Haven-Springfield Interstate Air Quality Control Region (AQCR), the Metropolitan Boston APCD (the same geographical boundaries as the Metropolitan Boston Intrastate AQCR), the Southeastern Massachusetts APCD (the Massachusetts portion of the Metropolitan Providence Interstate AQCR), and the Merrimack Valley APCD (the Massachusetts portion of the Merrimack Valley-Southern New Hampshire Interstate AQCR). On July 16, 1979 (44 FR 41178), EPA also approved a SIP revision permanently extending the Regulation for the Central Massachusetts APCD (the same geographic boundaries as the Central Massachusetts Intrastate AQCR). The revisions allow certain fossil fuel burning facilities in the APCDs to burn fuel with a maximum sulfur content of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2 percent sulfur content residual oil by weight) permanently.

On June 27, 1979 the Regional Administrator published a Federal Register notice (44 FR 37513) proposing approval for a number of additional sources in four of the APCDs to burn higher sulfur content fuels and disapproval of various other sources with potential to exceed the NAAQS. The APCDs affected were: Metropolitan Boston, Southeastern Massachusetts, Pioneer Valley, and Central Massachusetts. Today, EPA is taking final action on these sources.

The entire State of Massachusetts is designated attainment for sulfur dioxide (SO₂) standards (43 FR 8962). The Department has analyzed the impact of use of higher sulfur fuels to ensure that NAAQS will not be violated and has submitted dispersion modeling in support of the revisions. EPA reviewed the modeling and found it consistent with EPA procedures and guidelines for modeling. With one exception (discussed below), no violations were predicted for the approved sources. In addition, EPA has reviewed the SO₂ levels recorded by State and private monitoring networks. No violations or exceedances of the SO₂ NAAQS were observed.

Several Massachusetts cities and towns have been designated as nonattainment for total suspended particulates (TSP) NAAQS. In accordance with the requirements of the Clean Air Act, the Department, on March 30, 1979, submitted a SIP revision

for the attainment of primary TSP NAAQS by December 31, 1982. In addition, an 18-month extension was requested to submit a SIP revision to attain the secondary TSP NAAQS in Massachusetts. The secondary standard attainment plan will address the TSP impact of higher sulfur fuels from the approved sources. EPA is presently evaluating the proposed SIP revision and extension requests.

Upon approval of this revision, eligible sources would apply to the Department and must be granted approval prior to burning higher sulfur fuel. The Department analyzes the request to ensure that the source can burn higher sulfur fuel without violating other State regulations including the particulate matter emission limitations and the opacity requirement. The Department may also require stack testing. Some sources may be further required by the Department to establish and operate an ambient air quality monitoring network in their vicinity. The data from these networks are submitted to the Department regularly and are used to evaluate the effects of burning higher sulfur fuels.

Since the approved revisions are permanent, the Department has established a procedure to review and reanalyze the burning of higher sulfur content fuels by the sources not later than July 1, 1982, and at least every three years thereafter.

The additional sources that EPA is approving to burn fossil fuel with a maximum sulfur content of 1.21 pounds per million Btu heat release potential are:

Metropolitan Boston APCD

General Motors, Framingham
Polaroid Corporation, Norwood
Bird and Son, East Walpole
Massachusetts Correctional Institute, South Walpole
Bridgewater State College, Bridgewater
Hanscom Field, Bedford
Wellesley College, Wellesley
National Tanning and Trading, Peabody
General Tire, Reading
General Food Corporation, Atlantic Gelatin, Woburn
Massachusetts Correctional Institute, Bridgewater
W.R. Grace, Acton
Massachusetts Correctional Institute, Concord
Danvers State Hospital, Danvers

Pioneer Valley APCD

Belchertown State School, Belchertown
James River Graphics (formerly Scott Graphics), South Hadley—(conditioned upon operation of the boilers on only one of the two stacks at any given time, and operation being so restricted in the source's operating permit granted by the

Massachusetts Department of Environmental Quality Engineering.)
Massachusetts Mutual Life Insurance Company, Springfield
Northampton State Hospital, Northampton
Springfield Technical Community College, Springfield
Stanley Home Products, Easthampton
Stevens Elastomeric Industries, Easthampton
Ware Industries, Ware
Westfield State College, Westfield
Westover Air Force Base (Building 1411), Chicopee
University of Massachusetts, Amherst
Mount Tom Generating Station, Holyoke
Southeastern Massachusetts APCD

L&O Realty Trust, Taunton
New Bedford Gas and Electric, New Bedford
Texas Instruments, Attleboro
Arkwright Finishing Incorporated, Fall River
Foster Forbes Glass Company, Milford
Owens Illinois Inc., Mansfield
Harodite Finishing Corporation, Dighton—(conditioned upon prior removal of rain-caps from stack, and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.)
Polaroid Corporation, New Bedford

Central Massachusetts APCD

Borden, Inc.; Chemical Division, Leominster—(conditioned upon first completing construction of new stack, and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.)
Gardner State Hospital, Gardner
Grafton State Hospital, Grafton
Haywood-Shuster Woolen, E. Douglas
Cranston Prints Works, Webster
Baldwinville Products, Templeton—(conditioned upon first completing construction of new stack and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.)

EPA reviewed extensive air quality data submitted by Northeast Utilities Service Company (NUSCO) and the Department in support of Mount Tom Generating Station, Holyoke (Pioneer Valley APCD) burning the higher sulfur content fuel. The monitored data was collected as a result of EPA's disapproval of the source to burn higher sulfur fuel in the February 1, 1977 Federal Register (42 FR 5975) based on Valley Model violations. Nonetheless, EPA was willing to review real data supporting the claim that the Valley Model was overly conservative in a specific instance. The source implemented an EPA approved monitoring program and EPA has concluded that during the monitored period of one year, the only high SO₂ levels recorded were the result of high background concentrations caused by unfavorable meteorological conditions. Despite the high background levels, the plant's impact was sufficiently low to

meet the NAAQS. Therefore, EPA is approving Mount Tom Generating Station to burn fossil fuel with a maximum sulfur content of 1.21 pounds per million Btu heat release potential.

Several sources listed above are approved subject to satisfactory compliance with specified conditions. One (1) source, Baldwinville Products in Templeton, located in the Central Massachusetts APCD, is presently replacing two short stacks, with a single one that conforms with EPA's Good Engineering Practice Guidelines. The height of the stack is being increased to eliminate fumigation problems caused by the surrounding buildings that occurred with the short stacks. A second source, Harodite Finishing Corporation in Dighton, located in the Southeastern Massachusetts APCD, is being required to remove existing rain caps from the stack to avoid downwash problems. EPA is approving the two sources to burn higher sulfur fuel conditioned upon prior completion of these corrective measures to the satisfaction of the Department, and certification of completion to EPA by the Department. In addition, in the Federal Register proposal, EPA listed Cranston Prints Works, Webster (Central Massachusetts APCD) for approval conditioned on correction of a localized sootfall emissions problem. Since the necessary modifications have now been completed, the source is being unconditionally approved to burn higher sulfur fuel.

Of the twenty-two (22) sources for which disapproval was proposed in the June 27, 1979 Federal Register, EPA is now approving two sources, under certain conditions. Additional dispersion modeling submitted by the Department showed that one source, James River Graphics in South Hadley, would not cause NAAQS violations provided that the source operates the boilers on only one of its two stacks at any given time. Based on these results, EPA is approving the source to burn higher sulfur fuel permanently, conditioned on its operation being so restricted in the source's operating permit granted by the Department. The second source, Borden, Inc., has proposed boiler stack modifications to the existing boiler plant, reflecting the use of "good engineering practice". The stack design proposed is necessary to replace a damaged stack and to achieve adequate boiler draft with reasonable fan capacities and pressure drop to accommodate installation of boiler economizers. Evaluation by the Massachusetts Department to date indicates that with the proposed

modifications the source could burn 2.2 percent sulfur fuel oil without causing violation of the NAAQS. Therefore, EPA is approving Borden, Inc. to burn the 2.2 percent sulfur oil contingent upon satisfactory completion of the proposed modifications and certification of completion to EPA by the Department.

EPA is disapproving the following sources based on measured violations of the NAAQS attributable to the source, or potential for violations based on modeling results. These sources remain subject to the existing sulfur-in-fuel regulation of .55 pounds per million Btu heat release potential.

Metropolitan Boston APCD

Eastman Gelatin, Peabody
Plymouth Rubber Company, Canton

Pioneer Valley APCD

Westover Air Force Base (Building 7102), Chicopee
University of Massachusetts (Tilson Farm), Amherst
Riverside Generating Station, Holyoke Water Power, Holyoke
Strathmore Paper Company, Westfield
Holyoke Gas and Electric Company, Holyoke

Southeastern Massachusetts APCD

Duro Finishing Company, Fall River
Stevens Realty Company, Fall River
Polaroid Corporation (formerly Olin Chemicals), Freetown
Taunton Municipal Light Company, West Water Station, Taunton
Goodyear Tire and Rubber Company, New Bedford

Central Massachusetts APCD

The Felters Company, Millbury
Fitchburg Gas and Electric Company, Fitchburg
General Electric Company, Fitchburg
Whitten Machine Works, Whitinville
North American Rockwell, Hopedale,

Five (5) letters of comment were received. In two letters, new information was presented in support of the conditioned approval to burn higher sulfur fuel by two (2) sources which were previously proposed for disapproval. EPA concurs with the Massachusetts Department that these sources, James River Graphics and Borden, Inc., may be approved under certain conditions as discussed earlier, and has taken action accordingly.

In the three other letters, the Department and two affected sources challenged the general use of the Valley Model as a basis for disapproval of certain sources to burn the higher sulfur fuel, and submitted monitoring and other data in support of their position. Based on data collected at four (4) other facilities, the Department maintains that the model tends to overpredict and this is not effective in providing a true test of a facility's potential for causing 24-hour

SO₂ standard violations. The Department requested that three facilities listed as disapproved in the Federal Register proposal, that have initiated or are about to initiate monitoring programs based on the Valley Model's results, be allowed to burn higher sulfur content fuel oil during their monitoring programs. Although the Valley Model is the EPA approved screening model for complex terrain and EPA believes the data presented are not sufficient to rebut the model in a general way, nevertheless EPA is withholding final action on the three facilities in question, pending resolution of the specific issues raised. The sources are:

Pioneer Valley APCD

Erving Paper Mills, Erving
Kendall Company, Colrain
Westfield River Paper Company, Russell

The present revision is not subject to the requirements of 40 CFR 51.24 concerning Prevention of Significant Deterioration (PSD) of Air Quality. All the sources were included in the Department's original revisions increasing the allowable sulfur content in fuel that were submitted before August 7, 1977, and those revisions or extensions of those revisions were pending action before the Administrator on August 7, 1977 as part of a continuing evaluation process for final action. Therefore, the allowable emissions from the approved sources are included in the baseline concentration and do not represent increased air quality deterioration over this baseline.

The Agency finds that good cause exists for making this action effective immediately so as to allow the burning of higher sulfur fuel by the approved sources and to effectuate the purposes of Chapter 494 as soon as possible.

After evaluation of the Department's submittals, the Administrator has determined that these revisions meet the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, these revisions are approved as revisions to the Massachusetts State Implementation Plan.

(Section 110(a)(2)(A)-K and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601)).

Dated: September 25, 1979.

Douglas M. Costle,
Administrator.

Part 52 of Chapter 1, Title 40, Code of Federal Regulations, is amended as follows:

**Subpart W—Massachusetts
§ 52.1126 (Amended)**

In § 52.1126, paragraphs (b), (c), (d), and (f) are amended by adding the following approved sources:

(b) . . .

Pioneer Valley APCD

Belchertown State School, Belchertown
James River Graphics (formerly Scott Graphics), South Hadley (conditioned upon operation of the boilers on only one of the two stacks at any given time, and operation being so restricted in the source's operating permit granted by the Massachusetts Department of Environmental Quality Engineering.)

Massachusetts Mutual Life Insurance Company, Springfield

Northampton State Hospital, Northampton
Springfield Technical Community College, Springfield

Stanley Home Products, Easthampton
Stevens Elastomeric Industries, Easthampton
Ware Industries, Ware
Westfield State College, Westfield
Westover Air Force Base (Building 1411), Chicopee

University of Massachusetts, Amherst
Mount Tom Generating Station, Holyoke

(c) . . .

Central Massachusetts APCD

Borden, Inc., Chemical Division, Leominster (conditioned upon first completing construction of new stack and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.)

Gardner State Hospital, Gardner
Grafton State Hospital, Grafton
Haywood-Shuster Woolen, E. Douglas
Cranston Prints Works, Webster
Baldwinville products, Templeton— (conditioned upon first completing construction of new stack, and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.)

(d) . . .

Southeastern Massachusetts APCD

L&O Realty Trust, Taunton
New Bedford Gas and Electric, New Bedford
Texas Instruments, Attleboro
Arkwright Finishing Incorporated, Fall River
Foster Forbes Glass Company, Milford
Owens Illinois Inc., Mansfield
Haroldite Finishing Corporation, Dighton— (conditioned upon prior removal of rain-caps from stack, and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.)
Polaroid Corporation, New Bedford

(f) . . .

Metropolitan Boston APCD

General Motors, Framingham
Polaroid Corporation, Norwood
Bird and Son, East Walpole
Massachusetts Correctional Institute, South Walpole
Bridgewater State College, Bridgewater
Hanscom Field, Bedford

Wellesley College, Wellesley
National Tanning and Trading, Peabody
General Tire, Reading
General Food Corporation, Atlantic Gelatin, Woburn
Massachusetts Correctional Institute, Bridgewater
W. R. Grace, Acton
Massachusetts Correctional Institute, Concord
Danvers State Hospital, Danvers

[FR Doc. 79-30391 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 65

[FRL 1319-8]

Disapproval of a Delayed Compliance Order Issued by the Pennsylvania Department of Environmental Resources to the Bethlehem Steel Corp.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA disapproves a Delayed Compliance Order (the "Order") issued by the Pennsylvania Department of Environmental Resources to Bethlehem Steel Corporation ("Bethlehem") with respect to four blast furnaces at its Bethlehem, Pennsylvania plant. The Administrator has determined that the Order, which requires Bethlehem to install control equipment on such blast furnaces by July 1, 1980, fails to satisfy the following requirements of sections 113(d)(1) and 113(d)(4) of the Clean Air Act (the "Act"), 42 U.S.C. 7413(d)(1) and 7413(d)(4): (1) the provisions of Section 113(d)(1)(C), requiring interim requirements for source operation during the pendency of the Order; (2) the provisions of sections 113(d)(1)(D) and 113(d)(4), requiring final compliance with the State Implementation Plan (the "SIP") not later than five years after the date on which the source would otherwise be required to be in full compliance therewith; (3) the provisions of section 113(d)(4)(A), requiring the use of a "new means" of emission limitation; and (4) the provisions of Section 113(d)(4)(C), requiring achievement of an equivalent continuous emission reduction at lower cost or a greater continuous emission reduction at the same cost.

DATE: This rule is effective as of September 4, 1979.

ADDRESS: A copy of the Delayed Compliance Order, supporting material, and comments received in response to a prior Federal Register notice proposing disapproval of the Order are available

for public inspection and copying during normal business hours at: U.S. E.P.A., Region III, Air Enforcement Branch, Curtis Building, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106.

FOR FURTHER INFORMATION CONTACT: Richard Watman, U.S. E.P.A.—Region III, Curtis Building, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106, 215/597-0913.

SUPPLEMENTARY INFORMATION: On Monday, July 30, 1979, the Regional Administrator of EPA's Region III Office published in the Federal Register, Volume 44, No. 147, page 44572, a notice proposing disapproval of a Delayed Compliance Order issued by the Pennsylvania Department of Environmental Resources to Bethlehem Steel Corporation. The notice asked for public comments by August 29, 1979, with respect to EPA's proposed disapproval of the Order. The only comments received were submitted by Bethlehem Steel Corporation. Substantial new issues raised in Bethlehem's comments are discussed below.

1. Interim Emissions Reductions and Standards

Bethlehem asserts that the Order need not require installation of a system of emission reduction for the period the Order is in effect, or, in the event that the State has determined that no such system is practicable, a finding to that effect.

Section 113(D)(1)(C) of the Act provides that:

A State . . . may issue [an order under Section 113(d)] if—

(C) the order requires compliance with applicable interim requirements as provided in . . . paragraphs (6) and (7) [relating to all sources receiving such orders] . . .

Section 113 (d)(7) provides that:

A source to which an order is issued [under section 113(d)(4)] shall use the best practicable system or systems of emission reduction [as determined by the Administrator taking into account the requirement with which the source must ultimately comply] for the period during which such order is in effect . . .

Section 113(d)(1)(C) mandates that a State order issued under section 113(d)(4) require compliance with the interim requirements set forth, *inter alia*, in section 113(d)(7) of the Act. Section 113(d)(7) requires the use of the best practicable system of interim emission reduction during the period the section 113(d) order is in effect. Therefore, although the Administrator is empowered under section 113(d)(7) to make the final determination as to

whether or not an order issued by the State contemplates use of the best practicable system of emission reduction, the State order must, in the first instance, require use of such a system for the order to be approvable under section 113(d). In the event that the State determines that, as a factual matter, no practicable system of interim emission reduction exists, such a finding as part of the record for issuance of the State order would be necessary to satisfy the requirement of section 113(d)(1)(C). However, in the instant matter, where the State order is silent on the issue of interim emission reduction and the State has not made a finding as to the practicality of interim controls, the State order is not approvable by the Administrator, since the mandate of section 113(d)(1)(C) requires the State to make the initial determination on that issue. The language of section 113(d)(7) does not affect the requirement that the State must make a determination on the issue of interim emission reduction, but merely provides that such determination is subject to review by the Administrator.

2. Final Compliance with the Applicable SIP

Bethlehem asserts that the Order requires final compliance with the SIP by July 31, 1980, although there is no express language to that effect in the Order.

Section 113(d)(4) of the Act, when read together with section 113(d)(1), imposes an absolute requirement that an order issued under section 113(d)(4) of the Act provide for "final compliance with the requirement in the applicable implementation plan as expeditiously as practicable, but in no event later than five years after the date on which the source would otherwise be required to be in full compliance with the requirement."

Bethlehem concedes at page 3 of its comments of August 29 that the Order provides for the following:

(1) installation of certain control equipment by July 31, 1980, to capture and clean particulate emissions from the blast furnace casting operations.

(2) a one year community ambient air quality study to determine whether any residual fugitive emissions are interfering with attainment or maintenance of ambient air quality standards, and

(3) submission of a plan approval application for installation of additional controls after issuance of a violation notice by DER unless Bethlehem submits an application pursuant to 25 Pa. Code § 123.1(b) for a determination under 25 Pa. Code 123.1(a)(9) that all or any part of any residual fugitive particulate emissions from blast furnace casting operations are of minor

significance, and such application is approved by DER. [emphasis added]

The determination that the Order does not require final compliance with the applicable provisions of the SIP, as required by sections 113(d)(1) and 113(d)(4), is fully supported by the reasoning in the "EPA DCO Proposed Denial, Pennsylvania—Bethlehem Steel Corporation Rationale Document" (the "Rationale Document"), which was provided to Bethlehem pursuant to the Company's request. No substantial new issues are raised in Bethlehem's comments of August 29, and, for that reason, the determination that the Order does not meet the requirements of sections 113(d)(1) and 113(d)(4) is based primarily on the rationale set forth in the Rationale Document. However, as Bethlehem's comments concede, not only does the Order not require compliance with the SIP, but it also recognizes expressly the possibility that the residual blast furnace emissions will continue to violate the applicable portion of the SIP (see (3) above). Thus, it is clear that the Order, which makes express provision for failure to achieve compliance with the SIP cannot be deemed to require compliance with the SIP.

Bethlehem's argument that blast furnace residual fugitive emissions will be of minor significance is without merit, since no minor significance determination is required to be made by the State until, at the earliest, July of 1981.

Bethlehem's argument with respect to interpretation of 25 Pa. Code § 123.41 as a measure of minor significance is without merit, since, as discussed above, no determination of minor significance is required to be made by the State until July of 1981.

3. "New Means" Issue

Bethlehem asserts that EPA has no basis for rejecting DER's determination that the technology required to be installed pursuant to the Order "can be construed by the Administrator . . . as representative of a new means of emission limitation . . ." Clearly, this State pronouncement is not determinative of this issue, since the framework of sections 113(d)(1) and (4) contemplates approval by the Administrator of a section 113(d)(4) order issued to a major stationary source before the order becomes effective. Accordingly, although a State finding that technology represents a "new means" is obviously relevant to the Administrator's determination, it is not determinative. Even if such a State finding were determinative, it would be

difficult to reconcile the above finding with that in paragraph H of the Order, which states that the technology in question represents "reasonably available control technology."

Bethlehem claims to have demonstrated that (1) the proposed blast furnace technology is the first of its type to be installed on an existing basic blast furnace in the United States, and that (2) there are no demonstrated systems for retrofit to existing basic blast furnaces. EPA concedes point 1, but finds point 2 to be erroneous. As discussed in the Rationale Document, Dominion Foundries and Steel Company ("DOFASCO"), in Hamilton, Ontario, Canada, has in fact retrofitted full cast house evacuation to three of its basic blast furnaces. Retrofitted full cast house evacuation, as installed at DOFASCO, has demonstrated the ability to achieve complete capture of blast furnace cast house emissions with no residual fugitive emissions. Bethlehem's claim that no other systems are capable of being retrofitted to existing basic blast furnaces is therefore erroneous.

Bethlehem asserts that its proposed technology has been recommended for development and demonstration in an EPA Report, "Blast Furnace Cast House Emission Technology Assessment," EPA-600/2-77-231, November 1977 (the "Report"). Bethlehem fails to mention that this Report, the conclusions of which were based primarily on the economics of blast furnace cast house control rather than available technology, specifically recognized the existence of full cast house controls at DOFASCO, and of a system similar in concept to the system to be utilized by Bethlehem herein which was in use, at the time the report was published (November 1977), on new basic blast furnaces in Japan.

4. Equivalent Emission Reduction

Bethlehem asserts that (1) full building evacuation is not existing technology, and (2) even assuming that full building evacuation constitutes existing technology, the proposed technology meets the requirements of Section 113(d)(4).

Argument (1) is discussed fully in the Rationale Document and paragraph 3 above, and need not be discussed further herein.

Bethlehem argues that for the purpose of construing the requirements of section 113(d)(4)(C), "the standard against which equivalency must be measured is the applicable SIP regulation, not the ultimate efficiency of the control device." In this case, however, the argument is not relevant. Based on either standard, the proposed new

means does not meet the requirement for equivalency. Since a determination of minor significance has not been made by the State and approved by EPA, the SIP prohibits any fugitive emissions. The proposed new means, however, comprises only partial hooding and therefore allows a portion of the fugitives to escape. Using the SIP as the standard, therefore, the proposed new means is not equivalent. Moreover, if the ultimate efficiency of the control device (full building evacuation) is the standard, the proposed new means (partial hooding) also fails to provide equivalent control.

EPA believes that the standard for equivalency should be the control level that may reasonably be expected if the alternative means of control is used. In many cases, the alternative means will have a continuous range of efficiencies, and it will be reasonable to assume that the alternative means will be designed simply to ensure continuous compliance with the SIP; in such cases, the SIP will determine the standard of equivalency. However, if it is clear that the alternative means the source owner would probably employ achieves a level of control which will exceed that required by the SIP, that level of control, although beyond what is minimally required by the SIP, will be the standard of equivalency. This might occur, for instance, where the alternative means is a process change or a control device that does not have a continuous range of design efficiencies which, if used, will necessarily result in a step improvement over the control level required by the SIP.

According to the documents Bethlehem submitted to Pennsylvania, the most probable alternative means in this case is a full building evacuation system. The standard of equivalency in this case, therefore, corresponds to the fugitive control level achieved by full building evacuation. But the proposed new means (partial roof monitor enclosure) does not capture all fugitive emissions, and therefore does not provide equivalent emission control within the meaning of section

113(d)(4)(C). For the above reasons, the Administrator has determined that the technology required by the Order does not satisfy the requirements of section 113(d)(4)(C).

Therefore, EPA having considered the Order and Bethlehem's "Justification for Determination of Facility as a New Means of Emission Limitation for Blast Furnace Cast House Emissions," and the comments on the proposed disapproval of the Order submitted by Bethlehem on August 29, 1979, the Order issued to Bethlehem Steel Corporation is disapproved by the Administrator of EPA pursuant to the authority contained in section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Administrator disapproves the Order because it does not satisfy the requirements of the provisions of (1) section 113(d)(1)(C) of the Act, requiring interim requirements for source operation during the pendency of the Order; (2) sections 113(d)(1)(D) and 113(d)(4), requiring final compliance with the SIP not later than five years after the date on which the source would otherwise be required to be in full compliance therewith; (3) section 113(d)(4)(A), requiring the use of a "new means" of emission limitation; and (4) the provisions of section 113(d)(4)(C), requiring achievement of a greater continuous emission reduction at the same cost or an equivalent emission reduction at lower cost. Because of the Administrator's disapproval of the Order, in accordance with section 113(d)(2) of the Act, the Order is not effective as an Order issued pursuant to Section 113(d) of the Act.

(42 U.S.C. 7413(d), 7601)

Dated: September 21, 1979.

Douglas M. Costle,
Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding the following entry to the table in § 65.632:

§ 65.632 EPA disapproval of State delayed compliance orders.

Source	Location	Order No.	SIP regulation(s) involved	Date of FR proposal	Final compliance date
Bethlehem Steel Corp.— Bethlehem Plant	Bethlehem, Pennsylvania	None	25 Pa. Code §§ 123.1, 123.41.	July 30, 1979	None

[FR Doc. 79-30389 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

41 CFR Chapter 101

[FPMR Temporary Regulation B-5]

Stationery Standards

AGENCY: National Archives and Records Service (NARS), General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation authorizes agencies to use both 8- by 10.5-inch and 8.5- by 11-inch stationery; directs agencies to use certain procedures in converting to 8.5- by 11-inch stationery; and prohibits agencies from printing or procuring the printing of any 8- by 10.5-inch stationery after December 31, 1979.

DATES: Effective date: October 2, 1979. Expiration date: July 15, 1980.

FOR FURTHER INFORMATION CONTACT: Richard P. Stephenson, Chief, Correspondence Management Branch (202-376-8907).

SUPPLEMENTARY INFORMATION: In December 1978, the Congressional Joint Committee on Printing authorized the 8.5- by 11-inch size as the Government stationery standard. That action directly affects all office stationery stocks, including letterhead, bond second sheets, manifold tissue sets, and carbon paper. Although the new size requirement applies to stationery only, the size of forms, directives and similar publications, electrostatically copied reports, and copy machine or duplicator stocks may be affected also.

The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

(Sec. 205(c), 63 stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter B to read as follows:

General Services Administration,
Washington, D.C. 20405

Federal Property Management Regulations—
Temporary Regulation B-5

To: Heads of Federal agencies.

Subject: Conversion of Federal Government stationery from 8 by 10.5 inches to 8.5 by 11 inches.

1. **Purpose.** This temporary regulation authorizes agencies to use both 8- by 10.5-inch and 8.5- by 11-inch stationery; directs

agencies to use certain procedures in converting to 8.5- by 11-inch stationery; and prohibits agencies from printing or procuring the printing of any 8- by 10.5-inch stationery after December 31, 1979.

2. **Effective date.** This regulation is effective upon publication in the Federal Register.

3. **Expiration date.** This regulation expires on July 15, 1980.

4. **Background.** In December 1978, the Congressional Joint Committee on Printing authorized the 8.5- by 11-inch size as the Government stationery standard. That action directly affects all office stationery stocks, including letterhead, bond second sheets, manifold tissue sets, and carbon paper. In addition, the National Archives and Records Service (NARS) has developed conversion procedures for correspondence, mail, directives, forms, copy, and word processing management practices. (See attachment A.)

5. **Conversion phase.** Until January 1, 1980, all Federal agencies are granted a waiver from the 8- by 10.5-inch, 8- by 7-inch, and 8- by 5.25-inch size requirements prescribed in the existing § 101-11.603.2, provided that: (a) All reasonable, orderly, and economical means are used to deplete existing Federal stocks of 8-inch wide stationery and related paper items, and (b) only 8.5- by 11-inch, 8.5- by 7.33-inch, or 8.5- by 5.5-inch stationery stocks are used to replace depleted stocks. The Federal Supply Service may substitute the old size for agency orders of stationery and related paper items until inventories are depleted.

6. **Waiver requests.** After December 31, 1979, agencies are prohibited from printing or procuring the printing of 8- by 10.5-inch stationery or its multiple sizes, unless approved in writing by NARS. Agencies' waiver requests shall be addressed to: General Services Administration (NR), Washington, DC 20408.

7. **Effect on other issuances.** This regulation modifies § 101-11.603-2 (stationery) and 101-11.209-4(a)(1) (directives) by allowing the use of both stationery sizes until 8-inch wide stationery stocks are depleted.

8. **Conversion procedures.** Attachment A prescribes conversion procedures that agencies must follow to ensure a reasonable, orderly, and economic transition. An agency, however, may take additional actions to achieve an economic and orderly conversion.

Dated: September 21, 1979

R. G. Freeman III,
Administrator of General Services.
Conversion Procedures

1. **Correspondence management practices.** a. Use all existing stocks of 8- by 10.5-inch stationery including letterhead, plain bond papers, manifold carbon tissue sets, and carbon paper.

b. Do not redistribute 8-inch-wide stationery stock if redistribution costs exceed the purchase-and-distribution costs for new 8.5-inch-wide stock.

c. In preparing correspondence, intermix stationery sizes if that is the only method that

will deplete 8- by 10.5-inch stock. However, when using 8.5- by 11-inch bond papers with 8- by 10.5-inch carbon sets, use at least .75-inch side margins.

d. When printing or procuring 8.5- by 7.33-inch stationery, the 7.33-inch length should not vary more than .05 inches.

2. **Mail management practices.** Ensure that the size of self-addressed, return envelopes can accommodate the size of the document(s) to be returned.

3. **Directives management practices.** When issuing a page change for a directives system using lettersize paper, consider the following: a. If the revisions involve changing 50 percent or more pages, issue the entire directive in an 8.5- by 11-inch format;

b. If there is less than 50 percent revision, allow a single directive to stay intermixed; and

c. If a directive of four or fewer sheets is revised, reprint the entire directive on 8.5- by 11-inch paper.

4. **Forms management practices.** a. Consider using 8.5- by 11-inch paper for new or revised forms that are commonly interfiled with correspondence. However, use existing stocks of 8- by 10.5-inch forms before converting.

b. All other form sizes should be determined according to the use of the individual form.

5. **Copy management practices.**

a. Consider using 8.5- by 11-inch copy stock instead of 8- by 10.5-inch stock.

b. When copying an entire document containing both 8- by 10.5-inch and 8.5- by 11-inch paper, use the 8.5- by 11-inch size.

6. **Word processing practices.** For 8-inch-wide paper, some word processors have a preset margin that limits line length to 6 inches. Readjust the preset margin to extend line length to 6.5 inches for use with 8.5- by 11-inch paper.

[FR Doc. 79-30414 Filed 10-1-79; 8:45 am]

BILLING CODE 6820-26-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 18

[Docket No. 20718]

Industrial, Scientific, and Medical Equipment; Overall Revision; Correction

AGENCY: Federal Communications Commission.

ACTION: Erratum in First Report & Order in Docket 20718.

SUMMARY: Corrects text of Paragraph 14 of the First Report and Order adopted August 1, 1979, (44 FR 48178) to correct a statement attributed to one of the parties commenting in this proceeding.

EFFECTIVE DATE: February 1, 1980.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.
FOR FURTHER INFORMATION CONTACT: Herman Garlan, Office of Science and Technology, 202-632-7095.

Released: September 21, 1979.

In the matter of overall revision of Part 18 governing Industrial, Scientific and Medical Equipment, Docket 20718.

1. A first Report and Order in this proceeding promulgating regulations for induction cooking ranges was adopted on August 1, 1979 and released August 9, 1979 (44 FR 48178, FCC 79-471).

2. Paragraph 14 of this report (44 FR 48180) is corrected to read as follows:

"Paragraph 14. All the comments point out that a filter to meet the Commission's 100µV/m limit would not only be relatively expensive but may present a safety problem because of the UL limit of 0.5 mA for chassis leakage for equipment connected to the power line. This essentially requires a redesign of the range."

3. Move the footnote 7 to the end of Paragraph 15.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-30517 Filed 10-1-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 653.

Atlantic Herring

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/Commerce.

ACTION: Final regulations.

SUMMARY: These regulations make final the emergency regulations that implement the fishery management plan for Atlantic herring which appeared in their entirety in the *Federal Register* of July 2, 1979 (44 FR 38529). These regulations meet the conservation needs of the resource.

EFFECTIVE DATE: These final regulations become effective on September 28, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Allen E. Peterson, Jr., Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; tel. (617) 281-3600.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Herring Fishery of the Northwest Atlantic (FMP) was prepared

by the New England Fishery Management Council and approved in December 1978 by the Assistant Administrator for Fisheries, NOAA. The FMP was implemented through emergency regulations, which became final on March 19, 1979 (44 FR 17186, March 21, 1979). Subsequently, the FMP was amended to encourage fishermen to concentrate their efforts on the Georges Bank herring stock (44 FR 18508, March 28, 1979). The regulation implementing this amendment became final on June 26, 1979 (44 FR 37616, June 28, 1979).

One of the primary objectives of the FMP is to prevent an excess harvest of herring from the depressed Gulf of Maine stock. Using the best scientific information available, a domestic quota of 8,000 metric tons (mt) was set for the Gulf of Maine management area for fishing year 1978/1979 (July 1, 1978-June 30, 1979). This quota was divided into a 4,000 mt allocation for the winter/spring period (December 1-June 30) and 4,000 mt for the summer/fall period (July 1-November 30). The domestic harvest from the Georges Bank and South management area was established at 10,000 mt. The winter/spring allocation for this area was 2,500 mt and the summer/fall quota was 7,500 mt. The optimum yields for both management areas were equal to the annual domestic quotas.

The FMP and its implementing regulations would have expired at the end of the 1978/1979 fishing year. However, in April 1979, the New England Council prepared an amendment to the FMP to extend the optimum yields and seasonal allocations for both management areas through fishing year 1979/1980. This action was taken to prevent damage to the stocks which could result from unregulated fishing in the fishery conservation zone. In the interim, the Council was presented with new scientific data on the condition of the Atlantic herring stocks; it has prepared other revisions to the FMP which would refine the management scheme and alter the optimum yields and domestic quotas during fishing year 1979/1980.

Failure to continue the herring management scheme through fishing year 1979/1980 would have resulted in unregulated harvest in the fishery conservation zone which could have damaged the stocks of Atlantic herring and caused economic and social disruption to the fishing industry. Therefore, the amendment extending the FMP was implemented for 45 days through emergency regulations on July 1, 1979, and for an additional 45 days on August 15, 1979 (44 FR 48226). Public

comment on the proposed regulations was invited (44 FR 38529). No comments were received.

Because the amendment to the FMP maintains the status quo by extending 1978-79 OY's and seasonal allocations into the 1979-1980 fishing year, the Assistant Administrator made a preliminary determination that the regulations implementing that amendment are not significant within the meaning of EO 12044. The Assistant Administrator finds that there is good cause to make these regulations effective sooner than 30 days after their publication, because of the conservation needs of the fishery resource.

The final Environmental Impact Statement on the FMP was filed with the Environmental Protection Agency on September 18, 1978.

Signed at Washington, D.C. this 25th day of September, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

(16 U.S.C. 1801 et seq.)

50 CFR 653.21 is amended by revising paragraph (a)(1) and (2) and paragraph (b)(1) and (2) as follows:

§ 653.21 Seasonal catch quotas.

(a) Gulf of Maine * * *

(1) For the period from July 1, 1979, through November 30, 1979 (five months), 4,000 metric tons; and

(2) For the period from December 1, 1979, through June 30, 1980 (seven months), 4,000 metric tons.

(b) Georges Bank and South * * *

(1) For the period from July 1, 1979, through November 30, 1979 (five months), 7,500 metric tons; and

(2) For the period from December 1, 1979, through June 30, 1980 (seven months), 2,500 metric tons.

[FR Doc. 79-30257 Filed 9-28-79; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 653

Atlantic Herring; Closing Fishery in the Gulf of Maine

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Notice closing fishery for Atlantic herring in the Gulf of Maine.

SUMMARY: This field order (notice) closes the fishery for Atlantic herring in the Gulf of Maine, effective October 1, 1979. Allowable incidental catches of Atlantic herring for fishermen fishing for other species are set forth in the supplementary information.

DATE: This action is effective October 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone (617) 281-3600.

SUPPLEMENTARY INFORMATION: Final regulations for the Atlantic herring fishery were made effective September 28, 1979. Those regulations implement the fishery management plan for Atlantic herring prepared by the New England Fishery Management Council pursuant to the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq. (Act). The regulations establish seasonal catch quotas by area. They also provide for the issuance of field orders closing the fishery when the quota is taken.

Although it was noted in the July 2, 1979, proposed regulations (44 FR 38529) that new scientific information concerning herring abundance in the Gulf of Maine was available, the changes in abundance and availability which had occurred were not then understood. The projection required by sec. 653.22(a) made on July 31 showed a catch rate of 41 metric tons per day. That projection estimated that 66 days remained before the summer/fall quota of 4,000 metric tons was taken.

Between July 31 and August 31, the date of the next projection, the daily catch rate had increased to 355 metric tons. The total catch by that time was 9,992 metric tons.

Two factors combined contributed to this situation; the unexpectedly large (and to some extent still unmeasured) stock abundance and the unusual amount of fishing effort which that

abundance attracted. However, pursuant to 50 CFR 653.22(a), the Gulf of Maine area is closed to fishing for age 3 and older Atlantic herring by the Assistant Administrator effective October 1, 1979.

Under provision of 50 CFR 653.22(c)(2) vessels fishing for mackerel in the Gulf of Maine may have an incidental catch of herring which does not exceed 20 percent of the total catch on board. The catch on board for vessels fishing for mackerel must contain not less than 75 percent by weight of mackerel of all fish on board.

50 CFR 653.22(c)(1) allows vessels fishing in the Gulf of Maine for other species to have an incidental catch of herring which is not greater than 5 percent of the total fish on board.

(16 U.S.C. 1801 et seq.).

Signed at Washington D.C. this 27th day of September, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-30500 Filed 10-1-79; 8:45 am]

BILLING CODE 3510-22-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (#NGVD)
Arkansas	City of El Dorado, Union County (FI-5160).	Boggy Creek	Approximately 900 feet upstream of southwest corporate limits	*191
		A Creek	150 feet upstream of Highway 82	*190
			Mary Lane extended; approximately 400 feet upstream of corporate limits	*187
		B Creek	200 feet upstream of Sunset Road extended	*189
			Seventeenth Street extended	*175
			100 feet downstream of Nineteenth Street	*171
		B Creek Tributary BA	Fifteenth Street extended	*177
		Louise Creek	Approximately 50 feet upstream of West Street	*190
		Louise Creek Tributary 2	Approximately 100 feet upstream of Interstate 15	*206
		F Creek	Brookwood Road extended	*168
Maps available at: The Director of Public Works Office, City Hall, 204 Northwest Avenue, El Dorado, Arkansas 71730.				
Arkansas	City of Eudora, Chicot County (FI-4603).	Macon Bayou	Southern corporate limits	*108
			Just downstream of Macon Bayou Bridge	*109
Maps available at: City Hall, 239 South Main Street, Eudora, Arkansas 71640.				
Arkansas	City of Little Rock, Pulaski County (FI-5237).	Arkansas River	Just upstream of Chicago Rock Island and Pacific Railroad	252
			Just upstream of Interstate Highway 430	265

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program (202) 426-1460 or Toll Free Line (800) 424-8672 (In Alaska and Hawaii, call Toll Free Line (800) 424-9080), Room 5150, 451 Seventh Street, SW, Washington, D. C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevation for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		State Capitol Drain	Just upstream of W 3rd Street	265
			Just downstream of W 8th Street	286
		Lamar Street		311
		Fourche Creek	Highway 365 (Confederate Boulevard)	256
			Just downstream of New Benton Highway	259
		Young Creek	Maplevalle Pike	267
			Interstate Highway 30	271
		Brodie Creek	Just downstream of Colonel Glenn Road	291
			Just upstream of Colonel Glenn Road	293
		Rock Creek	36th Street	278
			John Barrow Road	332
		Grassy Flat Creek	Just upstream of Markham Street	395
			Just upstream of Reservoir Road	370
			Rainwood Road	425
		Coleman Creek	Pleasant Valley Drive	455
			Asher Avenue	262
			Spillway Bridge	355
			University Avenue	413
		Little Fourche Creek	Confluence of Field Creek	263
			Confluence of Smith Creek	264
		Field Creek	Approximately 530 feet upstream of confluence with Little Fourche Creek	263
		Smith Creek	Just upstream of Chicot Road	290
		Ison Creek (Backwater effects from Little Maumelle River)	Confluence with Little Maumelle River	272
Maps available at: The City Clerk's Office, City Hall, Room 200, Little Rock, Arkansas 72201.				
California	Etna (City), Siskiyou County (Docket No. FI-5009)	Johnson Creek	Downstream corporate limit	*2,847
			Upstream corporate limit	*2,888
		Etna Creek	500 feet Southeast of the intersection of Butcher Street and State Highway 3, at both sides of State Highway 3 road grade.	*2,867
			600 feet Northwest of the intersection of Callahan Street and Pleasant Park Road	#2
			700 feet Southeast of the intersection of New Callahan Street and Old Callahan Street	#2
			New Callahan Street	#1
Maps available at: City Clerk's Office, City Hall, 442 Main Street, Etna, California.				
California	Pleasanton (City), Alameda County (Docket No. FI-5089)	Alamo Canal	Interstate Highway 580—at centerline	*328
		Arroyo De La Laguna	Intersection of Hansen Drive and Calle Reynoso	*321
		Arroyo Del Valle	Santa Rita Road—centerline	*340
		Arroyo Las Positas	At confluence with Arroyo Mocho	*348
		Arroyo Mocho	Hopyard Road—75 feet upstream from centerline	*323
			Santa Rita Road—10 feet upstream from centerline	*336
		Chabot Canal	At confluence with Arroyo Mocho	*323
		Pleasanton Canal	Hopyard Road—10 feet upstream from centerline	*322
		Tasejara Creek	Southern Pacific Railroad—20 feet upstream from centerline	*337
		Line B-2-1	At confluence with Arroyo De La Laguna	*304
		Hewlett Canal	At confluence with Arroyo Mocho	*324
		Line G-3	Fairlands Drive—at centerline	*345
		Shallow Flooding	Intersection of Mulwood Drive and Tulipwood Circle	#2
Maps available at: City Hall, 200 Bernal Road, Pleasanton, California.				
Connecticut	Kent (Town), Litchfield County (Docket No. FI-5260)	Housatonic River	Kent Corporate Limits—at centerline	*268
			Bulls Bridge Road—85 feet upstream from centerline	*328
			Bulls Bridge Dam—100 feet downstream from centerline	*342
			Bulls Bridge Dam—100 feet upstream from centerline	*362
			State Route 34 Bridge—100 feet upstream from centerline	*372
			Corporate Limits (Second Crossing)—at centerline	*402
		Housatonic River (West Branch)	Bulls Bridge Road—75 feet downstream from centerline	*334
			Bulls Bridge Road—50 feet upstream from centerline	*347
			Spooners Dam—105 feet downstream from centerline	*350
			Spooners Dam—50 feet upstream from centerline	*362
		West Aspetuck River	Tangway Flats Road—65 feet downstream from centerline	*582
			Tangway Flats Road—75 feet upstream from centerline	*587
			Kent Hollow Road West No. 1—35 feet upstream from centerline	*595
			Kent Hollow Road West No. 2—75 feet upstream from centerline	*600
Maps available at: Town Hall, Main Street, Kent, Connecticut.				
Connecticut	New Milford (Town), Litchfield County (Docket No. FI-5261)	Housatonic River	Confluence with Town Farm Brook—200 feet upstream from centerline	*196
			Pumpkin Hill Road—at centerline	*204
			Confluence with Still River	*217
			Bleachery Dam—at centerline	*219
			Bridge Street—at centerline	*219
			Confluence with Rocky River	*220
			Boardman Bridge—50 feet upstream from centerline	*223
			Confluence with Bullymuck Brook—150 feet upstream from centerline	*224
		Town Farm Brook	River Road—50 feet downstream from centerline	*195
			River Road—150 feet upstream from centerline	*200
			Town Farm Road—20 feet upstream from centerline	*248
			Cascade Road—120 feet upstream from centerline	*449

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Still River	U.S. Highway 67—at centerline	*470
			Conrail—at centerline	*217
			Harry Brook Park Bridge—at centerline	*217
		Great Brook	Cross Road—50 feet upstream from centerline	*230
			West Street—at centerline	*219
			Mill Street—at centerline	*219
			Prospect Hill Road (State Highway 67)—at centerline	*226
			Brookside Avenue—at centerline	*241
			Elm Street—30 feet upstream from centerline	*247
			Confluence with Cross Brook	*291
			Park Lane East—50 feet upstream from centerline	*318
			State Highway 109 (downstream crossing)—at centerline	*344
			State Highway 109 (most upstream crossing)—30 feet downstream from centerline	*418
			State Highway 109 (most upstream crossing)—at centerline	*423
			Old Parkwood Road—at centerline	*441
			Essex Road Culvert (upstream end)	*812
		East Aspetuck River	Housatonic Avenue—at centerline	*220
			Wells Road—at centerline	*220
			Westville Road—at centerline	*231
			Van Car Road—at centerline	*264
			U.S. Highway 202—at centerline	*348
			Upland Road—20 feet upstream from centerline	*383
			Sand Pit Road—at centerline	*398
			Old Mill Road—at centerline	*410
			Wheaton Road—at centerline	*457
			Spruce Lane—150 feet downstream from centerline	*480
			Spruce Lane—80 feet upstream from centerline	*486
		West Aspetuck River	Aspetuck Road (downstream crossing)—at centerline	*220
			Aspetuck Road (upstream crossing)—100 feet upstream from centerline	*236
			Long Mountain Road—25 feet upstream from centerline	*264
			Merrill Road (downstream crossing)—50 feet downstream from centerline	*313
			Merrill Road—(downstream crossing)—10 feet upstream from centerline	*319
			Merrill Road (upstream crossing)—50 feet upstream from centerline	*355
			Confluence with Denman Brook	*392
			Chapel Hill Road—50 feet upstream from centerline	*415
			Clove Farm Road—50 feet upstream from centerline	*436
Maps available at: Town Hall, 10 Main Street, New Milford, Connecticut.				
Georgia	City of Lilburn, Gwinnett County (FI-5168)	Camp Creek	Approximately 450 feet downstream of Killian Hill Road	*869
			Approximately 100 feet upstream of Killian Hill Road	*873
			Approximately 170 feet downstream of Lilburn Corinth Church Road	*882
			Just upstream of Rockbridge Road	*903
		Jackson Creek	Just upstream of Seaboard Coast Line Railroad	*865
			Approximately 440 feet downstream of U.S. Highway 29 (Lawrenceville Hwy.)	*871
			Approximately 200 feet downstream of Herbin Road	*887
Maps available at: The City Clerk's Office, Lilburn City Hall, 76 Main Street, Lilburn, Georgia.				
Georgia	Richmond (County) Unincorporated Areas (Docket No. FI-5204)	Savannah River	Confluence with McBean Creek (Richmond County Limits)—at centerline	*108
			Confluence with High Bank Creek—at centerline	*116
			Confluence with Hollow Creek—at centerline	*119
			Confluence with Spirit Creek—at centerline	*125
			Seaboard Coast Line Railroad Bridge—94 feet downstream from centerline	*136
			Seaboard Coast Line Railroad Bridge—13 feet upstream from centerline	*138
		Spirit Creek	Confluence with Savannah River—at centerline	*125
			Dirt Road (approximately 7,600 feet upstream from confluence with Savannah River)—100 feet upstream from centerline	*125
			Southern Railway—25 feet upstream from centerline	*126
			State Highway 56—50 feet upstream from centerline	*128
			Goshen Road—20 feet upstream from centerline	*146
			Old Waynesboro Road—50 feet upstream from centerline	*155
			Confluence with Spirit Creek Tributary 1—125 feet upstream from centerline	*158
			Dirt Road (approximately 6,700 feet upstream from confluence with Spirit Creek Tributary 1)—75 feet upstream from centerline	*166
			Georgia Highway 21—50 feet upstream from centerline	*183
			Southern Railway—50 feet upstream from centerline	*195
			Windsor Spring Road—50 feet upstream from centerline	*199
			Willis Foreman Road—50 feet upstream from centerline	*205
			Confluence with Spirit Creek Horsepen Branch—50 feet upstream from centerline	*218
			Confluence with South Prong Creek—at centerline	*228
			Birdwell Drive—50 feet downstream from centerline	*240
			Birdwell Drive—50 feet upstream from centerline	*245
			McDade Farm Road—40 feet upstream from centerline	*160
		Spirit Creek Tributary 1	Confluence with Spirit Creek—at centerline	*218
		Spirit Creek Horsepen Branch	Willis Foreman Road—20 feet downstream from centerline	*237
			Willis Foreman Road—20 feet upstream from centerline	*243

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Butler Creek	Augusta Levee—50 feet downstream from centerline	*127
			Augusta Levee—50 feet upstream from centerline	*119
			Dirt Road (1st crossing upstream from Augusta Levee)—50 feet upstream from centerline	*119
			Dirt Road (2nd crossing upstream from Augusta Levee)—25 feet upstream from centerline	*120
			New Savannah Road Loop 56—50 feet upstream from centerline	*125
			Southern Railway—50 feet upstream from centerline	*135
			Old Savannah Road and State Highway 56—50 feet upstream from centerline	*153
			Southern Railway—50 feet upstream from centerline	*181
			U.S. Highway 25—50 feet upstream from centerline	*163
			Unnamed Road—25 feet upstream from centerline	*183
		Butler Creek Tributary 1	Windsor Spring Road—50 feet upstream from centerline	*189
			Confluence with Butler Creek Tributary 1—50 feet upstream from centerline	*199
			U.S. Highway 1—50 feet upstream from centerline	*209
			Old U.S. Highway 1—30 feet upstream from centerline	*210
			Old McDuffie Road—50 feet upstream from centerline	*223
			Dam (upstream from Old McDuffie Road)—50 feet downstream from centerline	*231
			Dam (upstream from Old McDuffie Road)—50 feet upstream from centerline	*256
			McKenna Gate Fort Gordon—50 feet upstream from centerline	*266
			Dirt Road (upstream from McKenna Gate Fort Gordon)—50 feet upstream from centerline	*271
			Abandoned Railroad—50 feet upstream from centerline	*271
		Butler Creek Tributary 2	Fort Gordon Highway (U.S. Highways 78 and 278)—at centerline	*275
			Confluence with Butler Creek—20 feet upstream from centerline	*199
			Morgan Road—40 feet upstream from centerline	*232
			Fort Gordon Highway (U.S. Highways 78 and 278)—90 feet downstream from centerline	*273
			Fort Gordon Highway (U.S. Highways 78 and 278)—90 feet upstream from centerline	*282
			Georgia Railroad—50 feet upstream from centerline	*294
			Dam (upstream from Georgia Railroad)—10 feet downstream from centerline	*310
			Dam (upstream from Georgia Railroad)—10 feet upstream from centerline	*325
			Confluence with Rocky Creek Tributary 1—at centerline	*122
			New Savannah Road—50 feet upstream from centerline	*128
		Rocky Creek	Southern Railway (1st crossing)—50 feet upstream from centerline	*129
			Southern Railway (2nd crossing)—50 feet upstream from centerline	*133
			Old Savannah Road—50 feet downstream from centerline	*134
			Old Savannah Road—30 feet upstream from centerline	*139
			State Highway 21 and U.S. Highway 25—50 feet upstream from centerline	*149
			Lake Lombard Dam—200 feet upstream from centerline	*149
			Deans Bridge Road (U.S. Highway 1)—50 feet downstream from centerline	*155
			Deans Bridge Road (U.S. Highway 1)—50 feet upstream from centerline	*162
			Dirt Road (Old Dam)—50 feet upstream from centerline	*170
			Wheelless Road—50 feet upstream from centerline	*177
		Rocky Creek Tributary 1	Milledgeville Road—50 feet upstream from centerline	*186
			Old McDuffie Road—50 feet downstream from centerline	*204
			Old McDuffie Road—50 feet upstream from centerline	*213
			Rosedale Dam—50 feet upstream from centerline	*240
			Bobby Jones Expressway—100 feet upstream from centerline	*250
			Fort Gordon Highway—100 feet downstream from centerline	*288
			Fort Gordon Highway—100 feet upstream from centerline	*295
			Barton Chapel Road—50 feet downstream from centerline	*303
			Barton Chapel Road—50 feet upstream from centerline	*312
			Georgia Railroad—at centerline	*318
		Rocky Creek Tributary 2	New Savannah Road—50 feet upstream from centerline	*126
			Southern Railway—50 feet upstream from centerline	*128
			Nixon Road—at centerline	*130
			Southern Railway—20 feet upstream from centerline	*128
			Old Savannah Road—20 feet upstream from centerline	*131
			Lumpkin Road—20 feet upstream from centerline	*138
			Kings Grant Drive—20 feet upstream from centerline	*144
			Durham Court—20 feet upstream from centerline	*150
			Windsor Spring Road—at centerline	*151
			Virginia Avenue—10 feet upstream from centerline	*152
		Rocky Creek Tributary 3	Coleman Avenue—20 feet upstream from centerline	*139
			Peach Orchard Road—20 feet upstream from centerline	*141
			Milledgeville Road—20 feet upstream from centerline	*148
			Easy Street—20 feet upstream from centerline	*180
			Fort Gordon Highway—20 feet upstream from centerline	*184
			Unnamed Road—20 feet upstream from centerline	*190
			Fort Gordon Highway—20 feet downstream from centerline	*194
			Fort Gordon Highway—20 feet upstream from centerline	*200
			North Leg Road—20 feet upstream from centerline	*206
			Georgia Railroad—20 feet downstream from centerline	*248
		Rocky Creek Tributary 4	Georgia Railroad—20 feet upstream from centerline	*270
			Georgia Railroad—20 feet upstream from centerline	*285
			Georgia Railroad—20 feet upstream from centerline	*285
			Georgia Railroad—20 feet upstream from centerline	*285
			Georgia Railroad—20 feet upstream from centerline	*285
			Georgia Railroad—20 feet upstream from centerline	*285
			Georgia Railroad—20 feet upstream from centerline	*285
			Georgia Railroad—20 feet upstream from centerline	*285
			Georgia Railroad—20 feet upstream from centerline	*285
			Georgia Railroad—20 feet upstream from centerline	*285
			Georgia Railroad—20 feet upstream from centerline	*285

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Rocky Creek Tributary 8	Wylds Road—20 feet upstream from centerline	*299
			Bobby Jones Expressway—140 feet downstream from centerline	*318
			Bobby Jones Expressway—20 feet upstream from centerline	*332
			Sharon Road—at centerline	*332
			Fort Gordon Highway—40 feet upstream from centerline	*229
			Bobby Jones Expressway—70 feet downstream from centerline	*259
			Bobby Jones Expressway—30 feet upstream from centerline	*266
			Georgia Railroad—20 feet downstream from centerline	*287
			Georgia Railroad—20 feet upstream from centerline	*297
			Barton Chapel Road—20 feet downstream from centerline	*305
		Rocky Creek Tributary 9	Barton Chapel Road—20 feet upstream from centerline	*311
			Confluence with Rocky Creek Tributary 9—at centerline	*335
			Confluence with Rocky Creek Tributary 9—at centerline	*335
			Confluence with Rocky Creek Tributary 9—at centerline	*335
			Confluence with Rocky Creek Tributary 9—at centerline	*335
			Confluence with Rocky Creek Tributary 9—at centerline	*335
			Confluence with Rocky Creek Tributary 9—at centerline	*335
			Confluence with Rocky Creek Tributary 9—at centerline	*335
			Confluence with Rocky Creek Tributary 9—at centerline	*335
			Confluence with Rocky Creek Tributary 9—at centerline	*335
		Rocky Creek Tributary 10	Fort Gordon Highway—20 feet upstream from centerline	*126
			New Savannah Road—50 feet upstream from centerline	*128
			Southern Railway—50 feet upstream from centerline	*136
			Old Savannah Road—50 feet upstream from centerline	*141
			Athens Street—50 feet upstream from centerline	*142
			Grand Boulevard—50 feet upstream from centerline	*142
			Dyer Street—25 feet upstream from centerline	*142
			15th Street—25 feet upstream from centerline	*143
			Milledgeville Road—50 feet upstream from centerline	*147
			Oliver Road—at centerline	*147
		Oates Creek	White Road—10 feet upstream from centerline	*154
			Oliver Road—at centerline	*154
			Augusta Canal Head Gates—75 feet upstream from centerline	*159
			Washington Street—at centerline	*160
			Georgia Highway 28 (Old Broad Street Bridge)—50 feet upstream from centerline	*160
			Unnamed Road—25 feet upstream from centerline	*165
			Berkman Road—50 feet upstream from centerline	*181
			Boy Scout Road—50 feet downstream from centerline	*201
			Boy Scout Road—50 feet upstream from centerline	*206
			Ramsgate Road—50 feet upstream from centerline	*221
		Oates Creek Tributary 1	Scott Way—50 feet upstream from centerline	*228
			Wheeler Road—50 feet upstream from centerline	*242
			Lake Amund Dam—50 feet downstream from centerline	*254
			Lake Amund Dam—50 feet upstream from centerline	*260
			West Lake Forest Drive—at centerline	*264
			Jackson Road—50 feet downstream from centerline	*283
			Jackson Road—50 feet upstream from centerline	*288
			Marks Church Road—75 feet upstream from centerline	*305
			Bobby Jones Expressway—50 feet upstream from centerline	*310
			Wrightsboro Road (1st crossing)—50 feet upstream from centerline	*337
		Raes Creek	Wrightsboro Road (2nd crossing)—50 feet upstream from centerline	*341
			Maddox Road—at centerline	*376
			Ingleside Drive—20 feet upstream from centerline	*188
			Henderson Drive—10 feet upstream from centerline	*190
			Ashland Drive—20 feet downstream from centerline	*198
			Ashland Drive—20 feet upstream from centerline	*208
			Boy Scout Road—20 feet upstream from centerline	*208
			Wheeler Road—10 feet upstream from centerline	*229
			Oberline Road—at centerline	*250
			Confluence with Raes Creek—at centerline	*220
		Crane Creek	Skinner Mill Road—20 feet downstream from centerline	*244
			Interstate Highway 20 Eastbound—20 feet upstream from centerline	*251
			Interstate Highway 20 Westbound—20 feet upstream from centerline	*254
			Warren Road—20 feet upstream from centerline	*255
			Pleasant Home Road—20 feet downstream from centerline	*285
			Pleasant Home Road—20 feet upstream from centerline	*292
			Bobby Jones Expressway—10 feet upstream from centerline	*293
			Frontage Road—10 feet upstream from centerline	*293
			Scott Nixon Road—20 feet upstream from centerline	*307
			Wrightsboro Road—10 feet upstream from centerline	*341
		Raes Creek Tributary 1	Confluence with Raes Creek—at centerline	*337
			Confluence with Raes Creek—at centerline	*337
			Confluence with Raes Creek—at centerline	*337
			Confluence with Raes Creek—at centerline	*337
			Confluence with Raes Creek—at centerline	*337
			Confluence with Raes Creek—at centerline	*337
			Confluence with Raes Creek—at centerline	*337
			Confluence with Raes Creek—at centerline	*337
			Confluence with Raes Creek—at centerline	*337
			Confluence with Raes Creek—at centerline	*337
		Raes Creek Tributary 2	Maddox Road—20 feet upstream from centerline	*406
			Dirt Road (11,400 feet upstream from the confluence with Butler Creek)—100 feet upstream from centerline	*120
			Dirt Road (16,650 feet upstream from the confluence with Butler Creek)—100 feet upstream from centerline	*121
			Central Georgia Railroad Spur—100 feet upstream from centerline	*124
			Interplant Road—100 feet upstream from centerline	*124
			Interplant Road—100 feet upstream from centerline	*124
			Interplant Road—100 feet upstream from centerline	*124
			Interplant Road—100 feet upstream from centerline	*124
			Interplant Road—100 feet upstream from centerline	*124
			Interplant Road—100 feet upstream from centerline	*124
			Interplant Road—100 feet upstream from centerline	*124

Maps available at: City-County Building, Room 605, Augusta, Georgia.

Idaho	Eagle (City) Ada County (Docket No. FI-5331).	Boise River	Confluence with Dry Creek—at centerline	*2,547
			Eagle Bridges (most upstream)—25 feet upstream from centerline	*2,557
			Limit of Flooding within the City of Eagle—at centerline	*2,568
			State Highway 44 Bridge—25 feet upstream from centerline	*2,559
			Corporate Limits—at centerline	*2,587

Maps available at: City Hall, Eagle, Idaho.

Idaho	Juliaetta (City) Latah County (Docket No. FI-5205).	Potlatch River	Downstream corporate limits—50 feet upstream from centerline	*1,028
			Third Street Bridge—at centerline	*1,071

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Maps available at: City Hall, Juliaetta, Idaho.				
		Middle Fork Potlatch Creek	Main Street—at centerline	*1,095
Idaho				
	Orofino (City) Clearwater County (Docket No. FI-5093).	Clearwater River	State Highway 7—100 feet upstream from centerline	*1,013
		Orofino Creek	Johnson Avenue—20 feet upstream from centerline	*1,017
			Forest Street—100 feet upstream from centerline	*1,084
			At upstream corporate limits	*1,174
Maps available at: City Hall, Orofino, Idaho.				
Illinois				
	City of Centerville St. Clair County (Docket No. FI-5449).	East Side Levee and Sanitary District Canal	About 800 feet southwest of Lake Boulevard	*411
		Harding Ditch	About 340 feet southeast of the terminus of Pershing Boulevard	*411
			About 400 feet northeast of Church Road	*410
			About 2,000 feet northeast of Southern Railway	*410
			About 3,900 feet north of Southern Railway crossing over Harding Ditch	*410
		Shallow Flooding (Ponding from Rainfall)	Area northwest of intersection of 72nd Street and Doris Street	*411
			Intersection of Dolly Lane and Anne Street	*416
			200 feet northwest of intersection of Anne Street and Church Road	*418
			Intersection of Church Road and 58th Street	*413
			Intersection of 56th Street and Gay Avenue	*413
			Intersection of 54th Street and Church Road	*413
			Intersection of Gay Avenue and Mousette Lane	*413
			Intersection of Cotton Belt Avenue and Freedom Street	*413
			Intersection of 1st Street and 48th Street	*413
			About 1,000 feet northwest of intersection of State Route 157 and Pocket Road	*410
		Ponding from Rainfall (deeper than 3 feet)	Area bounded by Lake Boulevard 55th Street, 51st Street, and northern corporate limits	*411
Maps available at: City Hall, 5800 Bond Avenue, Centerville, Illinois 62207.				
Illinois				
	Village of Fox River Valley Gardens McHenry County (Docket No. FI-5367).	Fox River	Within Fox River Valley Gardens	*738
Maps available at: Village Hall, Village Clerk's Office, Route 4, 300 Center Street, Fox River Valley Gardens, Illinois 60010.				
Iowa				
	City of Guttenberg Clayton County (Docket No. FI-5492).	Mississippi River	Northern corporate limits	*622
			Just upstream from Lock and Dam No. 10	*622
			Just downstream from Lock and Dam No. 10	*621
			Southern corporate limits	*621
		Precipitation/Interior Drainage	North of Kosciusko Street	*616
			East of U.S. Highway 52, between Pryam Street and Kosciusko Street	*614
			West of U.S. Highway 52, between Schiller Street and Hayden Street	*613
			Between Koerner Street and Schiller Street	*612
			Between DeKalb Street and Koerner Street	*611
Maps available at: City Hall, P.O. Box D, Guttenberg, Iowa 52052.				
Kentucky				
	Bellevue (City) Campbell County (Docket No. FI-5267).	Ohio River	Upstream corporate limit	*499
		Woodlawn Creek	Confluence with Woodlawn Tributary No. 1	*501
			Wilson Road—at centerline	*517
			Upstream corporate limit	*519
		Woodlawn Tributary No. 1	Berry Avenue—80 feet upstream from centerline	*502
			Taylor Avenue—10 feet downstream from centerline	*506
			Taylor Avenue—25 feet upstream from centerline	*514
			Confluence with Chadwick Branch	*515
Maps available at: City Hall, 5130 Fallon, Bellevue, Kentucky.				
Kentucky				
	Mentor (City), Campbell County (Docket No. FI-5269).	Ohio River	Upstream Corporate Limit	*506
Maps available at the home of the Mayor Ronald Strasinger, Route 2, California, Kentucky.				
Massachusetts				
	Town of Freetown Bristol County (Docket No. FI-5454).	Assonet River	Just downstream of State Route 24	*15
			700 feet upstream of Dam No. 1	*15
			Just downstream of Locust Street	*21
			Just upstream of Dam No. 2	*33
			Just downstream of Forge Road	*33
			Just upstream of Dam No. 3	*42
			Just downstream of Myricks Street	*45
			Northern corporate limit	*48
		Fall Brook	Mouth at Long Pond	*55
			Just downstream of Dam No. 1	*60
			100 feet downstream of County Road	*68
			Just upstream of County Road	*73
			Just upstream of State Route 140	*75
			Just upstream of Gurney Road	*83
			Just upstream of Conrail	*86
			Just downstream of Dam No. 3	*89
		Rattlesnake Brook	Just downstream of Narrows Road	*15
			350 feet downstream of South Main Street	*20
			Just upstream of South Main Street	*26
			350 feet upstream of State Route 24	*39
Maps available at: Town Hall, North Main Street, Assonet, Massachusetts 02702.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Michigan				
	Township of Ann Arbor Washtenaw County (Docket No. FI-5464).	Huron River	East corporate limit	*739
			Just downstream of Dixboro Road	*741
			Just upstream of Dixboro Road	*748
			Just downstream of Geddes Avenue	*750
			Upstream side of Geddes Avenue	*752
			Approximately 4,800 feet upstream of Geddes Avenue	*754
			Upstream side of Fuller Road	*762
			Just downstream of State Route 14	*775
			Just downstream of Conrail located 400 feet upstream of State Route 14	*777
			Just downstream of Barton Dam	*779
			Just upstream of Barton Dam	*798
			West corporate limit	*799
Maps available at: Township Hall, 3792 Pontiac Trail, Ann Arbor, Michigan 48105				
Michigan				
	Ira (Township) St. Clair County (Docket No. FI-5212).	Marsac Creek	Bethuy Road—25 feet upstream from centerline	*586
			*Arnold Road—50 feet upstream from centerline	*597
			Marine City Highway—at centerline	*605
		West Branch Meldrum Creek	Meldrum Road—10 feet upstream from centerline	*586
		Meldrum Creek	Short Cut Road—100 feet upstream from centerline	*586
			Marine City Highway—at centerline	*610
		Swan Creek	Short Cut Road—100 feet upstream from centerline	*586
			Marine City Highway—at centerline	*603
		Lake St. Clair	Intersection of Water Drive and Shorkey Drive	*579
Maps available at: Township Hall, 8811 Vernier Road, Fairhaven, Michigan.				
Michigan				
	City of South Haven Van Buren County (Docket No. FI-5415).	Lake Michigan	Entire reach within City of South Haven	*584
		Black River	At the mouth with Lake Michigan	*584
			At upstream corporate limits	*584
Maps available at: City Hall, 539 Phoenix Street, South Haven, Michigan 49090.				
Mississippi				
	City of Clarksdale, Coahoma County (FI-5420).	Big Sunflower River	Interstate Highway 61	*154
			Cheyenne Street extended	*155
		Little Sunflower River	Maywood Place extended	*156
Maps available at: City Clerk's Office, City Hall, Clarksdale, Mississippi 38614.				
Mississippi				
	Picayune (City) Pearl River County (Docket No. FI-5218).	East Hobolochita Creek	State Highway 43—10 feet upstream from centerline	*49
			State Highway 11—100 feet upstream from centerline	*53
			At confluence with Holley Creek	*58
		Thigpen Creek	Stemwood Drive—100 feet upstream from centerline	*63
		Bay Branch	Canal Street—at centerline	*56
		Holley Creek	At upstream corporate limits	*65
		Mill Creek	Jackson Landing Road—10 feet upstream from centerline	*51
			Pearl River Valley Railroad—20 feet upstream from centerline	*56
Maps available at: City Hall, 203 Goodyear Boulevard, Picayune, Mississippi.				
Missouri				
	Holt (Town) Clay County & Clinton County (Docket No. FI-5463).	Holt Creek	950 feet downstream of County Road Bridge	*853
			300 feet upstream of County Road Bridge	*856
			1,100 feet downstream of Elm Street Bridge	*860
			10 feet downstream of Elm Street Bridge at northern corporate limits	*865
Maps available at: City Hall, Holt, Missouri 64048.				
Nebraska				
	Village of Louisville, Cass County (Docket No. FI-5460).	Platte River	0.19 mile downstream from State Highway 50	*1,020
			1.8 miles upstream from State Highway 50	*1,028
		Mill Creek	At mouth with Platte River	*1,025
			0.04 mile downstream of Second Street	*1,036
			0.27 mile upstream of Sixth Street	*1,045
			0.72 mile upstream of Sixth Street	*1,053
			0.92 mile upstream of Sixth Street	*1,058
			1.09 miles upstream of Sixth Street	*1,066
			1.38 miles upstream of Sixth Street	*1,069
		Tributary to Mill Creek	At confluence with Mill Creek	*1,042
			Just downstream of Missouri Pacific Railroad	*1,042
			Just upstream of Missouri Pacific Railroad	*1,048
			At Maple Street	*1,049
			At Oak Street	*1,056
			At Elm Street	*1,061
			0.087 mile upstream from Elm Street	*1,070
			0.114 mile upstream from Elm Street	*1,076
			0.305 mile upstream from Elm Street	*1,083
			0.425 mile upstream from Elm Street	*1,093
			0.019 mile downstream of State Highway 66	*1,097
			Just upstream of State Highway 66	*1,113
			0.085 mile upstream of State Highway 66	*1,113
Maps available at: Village Hall, Louisville, Nebraska 68037.				
New Hampshire				
	City of Concord, Merrimack County (FI-5553).	Merrimack River	Northeastern Corporate Limits (confluence with Soucook River)	*204
			Just upstream of Manchester Street	*233
			Just upstream of Bridge Street	*235
			Just upstream of Seawall Falls Road	*252

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
New Hampshire	Pelham (Town), Hillsborough Co. (Docket No. FI-5274).	Contoocook River	Just upstream of South Main Street	*310
			Just downstream of Contoocook Park Dam	*340
			Just upstream of Contoocook Park Dam	*353
		Soucook River	Just upstream of Horse Hill Road	*356
			Just upstream of Pembroke Street	*230
			Approximately 250 feet upstream of Sheep Davis Road	*260
			Just downstream of Pittsfield Road	*304
		The Outlet	Approximately 100 feet upstream of Old Washington Street Bridge	*320
			Just downstream of New Washington Street Bridge	*338
			Just downstream of Island Road	*348
New Hampshire	Pelham (Town), Hillsborough Co. (Docket No. FI-5274).		Approximately 25 feet upstream of Island Road	*350
		Beaver Brook	Southern corporate limit	*124
			Upstream side of Willow Street	*128
			Upstream side of Old Bridge Street	*131
			Upstream side of Gage Hill Road	*134
			Upstream side of Mill Dam	*137
			Downstream side of Tallant Road	*147
			Upstream side of Tallant Road	*150
			Just upstream of Mill Dam Remains	*157
		Golden Brook	Upstream side of Mammoth Road	*167
New Hampshire	Pelham (Town), Hillsborough Co. (Docket No. FI-5274).		Confluence with Beaver Brook	*134
			Downstream side of Hobbs Road	*134
			Upstream side of Hobbs Road	*134
			Just downstream of Moeckel Road	*137
			Upstream side of Moeckel Road	*140
			Confluence with Lowell Brook	*151
		Gumpas Road Brook	Confluence with Beaver Brook	*128
			Downstream side of Marsh Road	*132
			Upstream side of Marsh Road	*137
		New Meadow Brook	Confluence with Beaver Brook	*125
New Hampshire	Pelham (Town), Hillsborough Co. (Docket No. FI-5274).		0.44 miles upstream of confluence with Beaver Brook	*126
			Downstream side of Pulpit Rock Road	*129
			Upstream side of Pulpit Rock Road	*132
			Downstream side of Bridge Street	*133
			Upstream side of Bridge Street	*139
		Island Pond Brook	0.61 miles upstream of Bridge Street	*139
			Mouth at Golden Brook	*134
			Just downstream of State Route 38	*136
			Upstream side of State Route 38	*145
			Upstream side of Private Road, 0.94 miles upstream of State Route 38	*145
New Hampshire	Pelham (Town), Hillsborough Co. (Docket No. FI-5274).	Simpson Mill Brook	At confluence with Golden Brook	*137
			Downstream side of Simpson Mill Road	*137
			Upstream side of Simpson Mill Road	*139
			Northern corporate limit	*140
		Gumpas Pond Brook	Southern corporate limit	*124
			Downstream side of Earth and Stone Dam 530 feet downstream of Mammoth Road	*129
			Downstream side of Mammoth Road	*136
			Upstream side of Mammoth Road	*137
			Upstream side of Private Road, 2,220 feet upstream of Mammoth Road	*146
			Upstream side of Old Country Road	*152
New Hampshire	Pelham (Town), Hillsborough Co. (Docket No. FI-5274).		Just downstream of Gumpas Hill Road	*158
			Upstream side of Gumpas Hill Road	*163
			Downstream side of Stone and Earth Dam	*178
			Upstream side of Stone and Earth Dam, 0.11 miles downstream of Gumpas Pond Dam	*186
			Just downstream of Gumpas Pond Dam	*194
			Upstream side of Gumpas Pond Dam	*204
New Jersey	Pemberton (Township) Burlington County (Docket No. FI-5220).	Jefferson Lake	100 feet West of the dam crossing	*63
		Little Pine Lake	Mouth of Ong Run	*63
		Mirror Lake	200 feet North of the intersection of Lake Shore Drive South and Lakehurst Road	*62
		North Branch Rancocas Creek	U.S. Route 206—at centerline	*26
			Birmingham Road—at centerline	*31
			Coleman's Bridge Road—50 feet upstream from centerline	*41
			New Lisbon Road—150 feet downstream from centerline	*43
			New Lisbon Road—50 feet upstream from centerline	*48
			Lakehurst Road—at centerline	*53
		Mount Misery Creek	Route 646 (New Lisbon Road)—110 feet upstream from centerline	*44
New Jersey	Pemberton (Township) Burlington County (Docket No. FI-5220).		Greenwood Bridge Road—100 feet upstream from centerline	*49
		Budds Run	Confluence with North Branch Rancocas Creek	*35
			Hanover Street—25 feet upstream from centerline	*40
		Ong Run	West Lakeshore Drive—25 feet upstream from centerline	*66
		Cranberry Branch	Choctaw Drive—75 feet upstream from centerline	*74
			Lakehurst Road—at centerline	*84
		Pole Bridge Branch	Choctaw Drive—75 feet upstream from centerline	*77
			Whites Bogs Road—at centerline	*86
		Tributary to Pole Bridge Branch	Confluence with Pole Bridge Branch	*78
			Lakehurst Road—at centerline	*85
New Jersey	Pemberton (Township) Burlington County (Docket No. FI-5220).	Baffin Brook	Confluence with Pole Bridge Branch	*78
			Upton Station—Whites Bogs Road—at centerline	*91

Maps available at: The Planning Board Office, Pelham, New Hampshire 03076.

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
New Jersey	Southampton (Township) Burlington County (Docket No. FI-5222).	Tributary to Country Lake	Confluence with Pole Bridge Branch	*78
			Haddon and Allen Roads—100 feet upstream from centerline	*84
				*92
		Upton Station—Whites Bogs Road—at centerline		
		Maps available at: Pemberton Township Municipal Building, Brownsmill Road, New Lisbon, New Jersey		
		South Branch Rancocas Creek	Lumberton-Vincetown Road—100 feet upstream from centerline	*20
			Race Street—at centerline	*25
			U.S. Route 206—at centerline	*27
			Bed Bug Hill Road—at centerline	*33
			U.S. Route 206—150 feet upstream from centerline	*27
New Jersey	Southampton (Township) Burlington County (Docket No. FI-5222).	North Branch Rancocas Creek	Church Road—100 feet upstream from centerline	*24
			Chairville Road—90 feet upstream from centerline	*28
			New Jersey Route 70—150 feet upstream from centerline	*33
		Jade Run	Main Street—at centerline	*23
			U.S. Route 206—100 feet upstream from centerline	*25
			Brace Road—100 feet upstream from centerline	*36
			Ridge Road—100 feet upstream from centerline	*42
		Beaverdam Creek	Confluence with South Branch Rancocas Creek	*26
			U.S. Route 206—at centerline	*39
		Friendship Creek	Confluence with South Branch Rancocas Creek	*33
New Jersey	Southampton (Township) Burlington County (Docket No. FI-5222).		Huntington Drive and Dam—100 feet upstream from centerline	*41
			New Jersey Route 70—at centerline	*46
		Maps available at: Municipal Building, Vincetown, New Jersey		
New York	Almond (Town) Allegany County (Docket No. FI-5314).	Canisteo River	Downing Road—150 feet downstream from centerline	*1,318
			Downing Road—100 feet upstream from centerline	*1,324
			North Almond Valley Road—50 feet upstream from centerline	*1,344
			Bailey Hill Road—10 feet upstream from centerline	*1,375
			Thomas Hill Road—150 feet downstream from centerline	*1,409
			Thomas Hill Road—100 feet upstream from centerline	*1,414
			Bush Road—10 feet upstream from centerline	*1,564
			Perry Road—10 feet upstream from centerline	*1,605
			Bishopville Road—10 feet upstream from centerline	*1,389
		Tributary No. 18 to Canisteo River		
New York	Almond (Town) Allegany County (Docket No. FI-5314).	Canacadea Creek	Road Bridge (approximately 2,000 feet upstream of Village of Almond corporate limits)—	
			60 feet downstream from centerline	*1,372
			80 feet upstream from centerline	*1,378
			Safety Hill Road—20 feet upstream from centerline	*1,455
			At upstream corporate limits	*1,485
			At downstream corporate limits	*1,341
		Karr Valley Creek		
		Maps available at: Municipal Building, No. 1 Marvin Lane, Almond, New York		
New York	Arkport (Village) Steuben County (Docket No. FI-5359).	Canisteo River	1st corporate limits—at centerline	*1,183
			County Route 67—85 feet upstream from centerline	*1,194
			7th corporate limits—at centerline	*1,199
		Marsh Ditch	Huribut Street—80 feet upstream from centerline	*1,185
			West Avenue—70 feet upstream from centerline	*1,186
			Corporate limits—at centerline	*1,187
		Lime Kiln Creek	State Route 36—50 feet upstream from centerline	*1,191
			Dam—50 feet upstream from centerline	*1,191
			Meadowbrook Road—30 feet upstream from centerline	*1,221
			Farm Road—20 feet upstream from centerline	*1,230
New York	Arkport (Village) Steuben County (Docket No. FI-5359).		East Avenue—15 feet upstream from centerline	*1,238
			Corporate limits—at centerline	*1,259
		Maps available at: Village Hall, 1 East Avenue, Arkport, New York		
New York	Hornell (City) Steuben County (Docket No. FI-5317).	Canisteo River	Cedar Street—50 feet upstream from centerline	*1,140
			Footbridge—25 feet upstream from centerline	*1,144
			River Street—50 feet upstream from centerline	*1,147
			Main Street—50 feet upstream from centerline	*1,147
			Bennett Street—25 feet upstream from centerline	*1,151
			Seneca Street (State Route 36)—75 feet upstream from centerline	*1,155
			State Route 326—50 feet upstream from centerline	*1,156
		Crosby Creek	Dam, approximately 1,265 feet downstream from East Van Scotter Street—100 feet upstream from centerline	*1,140
			East Van Scotter Street—15 feet upstream from centerline	*1,153
			State Route 36—60 feet upstream from centerline	*1,159
New York	Hornell (City) Steuben County (Docket No. FI-5317).		Canisteo Street—40 feet upstream from centerline	*1,163
			South Division Street—20 feet upstream from centerline	*1,168
			Grand Street—45 feet upstream from centerline	*1,174
			Dam, approximately 560 feet upstream from Grand Street—	
			10 feet downstream from centerline	*1,179
			10 feet upstream from centerline	*1,187
			Corporate Limits—at centerline	*1,205
		Chauncey Run	East Main Street—25 feet upstream from centerline	*1,154
			Catherine Street—55 feet upstream from centerline	*1,174
			Corporate limits—at centerline	*1,198
New York	Hornell (City) Steuben County (Docket No. FI-5317).	Canacadea Creek	Church Street—15 feet upstream from centerline	*1,156
			Seneca Street—45 feet upstream from centerline	*1,163
			State Route 326—15 feet upstream from centerline	*1,165
			Thatcher Street—20 feet upstream from centerline	*1,167

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
West Main Street—25 feet upstream from centerline.....				*1,167
Conrail—20 feet upstream from centerline.....				*1,168
Corporate limits—at centerline.....				*1,171
Maps available at City Hall, 108 Broadway, Hornell, New York.				
North Carolina	Concord (City) Cabernus County (Docket No. FI-5248).	Chambers Branch	Interstate 85—20 feet upstream from centerline.....	*626
		Cold Water Creek	North Carolina State Route 49—at centerline.....	*549
			At confluence with Common Ford Branch.....	*575
			At confluence with Chambers Branch.....	*598
			Interstate 85 (Southbound Lane)—at centerline.....	*609
		Inish Buffalo Creek	North Carolina State Route 49—50 feet upstream from centerline.....	*567
			Southern Railway—100 feet downstream from centerline.....	*584
			Southern Railway—100 feet upstream from centerline.....	*590
		Little Cold Water Creek	Old Airport Road—50 feet upstream from centerline.....	*552
		Threemile Branch	Crestside Road—50 feet upstream from centerline.....	*564
			Mimmar Street—10 feet upstream from centerline.....	*614
			Interstate 85—10 feet upstream from centerline.....	*658
Maps available at City Hall, Concord, North Carolina.				
North Carolina	Cramerton (Town) Gaston County (Docket No. FI-5181).	South Fork Catawba River	Old Armstrong Ford Road—10 feet downstream from centerline.....	*570
			Old Armstrong Ford Road—10 feet upstream from centerline.....	*577
			Southern Railroad—at centerline.....	*579
			U.S. Highway 29 and 74—at centerline.....	*583
		Duharts Creek	Eighth Street—at centerline.....	*577
			At most upstream corporate limits.....	*601
		Halls Rocky Branch	Lakewood Road—at centerline.....	*580
		Eppler Branch	Eleventh Street—10 feet upstream from centerline.....	*583
Maps available at City Hall, 155 North Main Street, Cramerton, North Carolina.				
North Carolina	Town of Jamestown, Guilford County (FI-5424).	Deep River	Approximately 100 feet downstream of Ragsdale Road Bridge.....	*732
			Just upstream of U.S. 29A and 70A Bridge.....	*737
			High Point Lake.....	*761
		Bull Run	Just upstream of Southern Railway Bridge.....	*741
Maps available at City Manager's Office, City Hall, 301 North Main Street, Jamestown, North Carolina 27261.				
Oklahoma	City of Henryetta, Okmulgee County (FI-5183).	Coal Creek	Just upstream of Trudgeon Street.....	*668
			Just downstream of Lake Drive.....	*674
			Approximately 120 feet downstream of Fourth Street.....	*681
		Dutch Creek	Southern Corporate Limits.....	*691
			Just downstream of Main Street.....	*701
		Unnamed Creek	Just upstream of Gentry Street.....	*710
			Approximately 900 feet upstream of U.S. Highway 82 and 75.....	*665
			Just downstream of First Street.....	*668
Maps available at The City Clerk's Office, Civic Center, Henryetta, Oklahoma 74437.				
South Carolina	Honea Path (Town) Anderson County (Docket No. FI-5293).	Comer Creek	Samuel Road—60 feet upstream from centerline.....	*716
		Tributary C of Broad Mouth Creek	Downstream corporate limits.....	*680
			Chiquola Street—15 feet downstream from centerline.....	*706
			Chiquola Street—25 feet upstream from centerline.....	*711
			Walkway—80 feet downstream from centerline.....	*716
			Walkway—30 feet upstream from centerline.....	*729
Maps available at Town Hall, 30 North Main Street, Honea Path, South Carolina.				
South Carolina	Williamston (Town) Anderson County (Docket No. FI-5294).	Big Creek	Gatewood Entrance Road—90 feet upstream from centerline.....	*762
			Williams Street—20 feet upstream from centerline.....	*769
			Southern Railway—40 feet upstream from centerline.....	*780
			Main Street—100 feet upstream from centerline.....	*785
			Ida Tucker Road—20 feet upstream from centerline.....	*791
		Big Creek Tributary I	Confluence with Big Creek—at centerline.....	*755
			Southern Railroad—100 feet downstream from centerline.....	*796
			Southern Railroad—100 feet upstream from centerline.....	*800
		Camp Creek	Confluence with Big Creek—at centerline.....	*789
			Cherokee Road—40 feet upstream from centerline.....	*796
			Upstream corporate limit—at centerline.....	*801
Maps available at Town Hall, 43 East Main Street, Williamston, South Carolina.				
South Dakota	Keystone (Town) Pennington County (Docket No. FI-5295).	Battle Creek	Keystone Hayward Road (downstream crossing)—30 feet upstream from centerline.....	*4,286
			First Street—50 feet upstream from centerline.....	*4,325
			Third Street—35 feet upstream from centerline.....	*4,344
			Burlington Northern Railroad Bridge (downstream crossing)—35 feet upstream from centerline.....	*4,373
			Burlington Northern Railroad Bridge (upstream crossing)—35 feet upstream from centerline.....	*4,458

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Grizzley Bear Creek				At Upstream Corporate Limits.....
			Swanzy Street—30 feet upstream from centerline.....	*4,493
			Cemetery Road (downstream crossing)—40 feet upstream from centerline.....	*4,353
			At Upstream Corporate Limits.....	*4,394
Maps available at Town Hall, Keystone, South Dakota.				
Tennessee	City of Cleveland, Bradley County (FI-5408).	South Mouse Creek	Just downstream of Mohawk Road.....	*774
			Just downstream of Mouse Creek Road.....	*780
			Just upstream of Sunset Avenue.....	*794
			Just upstream of 25th Street.....	*805
			Just upstream of 20th Street.....	*814
			Just downstream of 17th Street.....	*815
			Just upstream of U.S. Highway 11 and 64.....	*833
			Just upstream of Smith Drive.....	*841
			Just upstream of Blue Springs Road.....	*871
		Fillauer Branch	Just upstream of Ocoee Street.....	*789
			Just downstream of Westview Drive.....	*790
			Just downstream of Weeks Drive.....	*797
			Just upstream of McIntire Street.....	*806
			Just upstream of 25th Street.....	*814
		Woolen Mill Branch	Just downstream of Inman Street.....	*826
			Just downstream of Oak Street.....	*829
			Just upstream of Broad Street.....	*836
			Just downstream of Euclid Avenue.....	*844
			Just downstream of Cincinnati Avenue.....	*859
			Just downstream of 14th Street.....	*893
			Just upstream of King Edward Avenue.....	*868
			Just upstream of Blythe Avenue.....	*870
			Just upstream of Aurora Street.....	*880
			Just upstream of 18th Street.....	*887
Maps available at City Planner's Office, 70 Second Street, N.E., Cleveland, Tennessee 37311.				
Tennessee	City of Cowan, Franklin County (FI-5409).	Miller Creek	Approximately 850 feet downstream of Oak Street.....	945
			Just downstream of Oak Street.....	955
		Boiling Fork Creek	Just downstream of Goshen Road.....	943
			Just downstream of Louisville and Nashville Railroad.....	949
Maps available at City Hall, Cowan, Tennessee 37318.				
Tennessee	City of Decherd, Franklin County (FI-5410).	Wagner Creek	Just upstream of Sharp Spring Road.....	*890
			U.S. Highway 41A Bridge (upstream).....	*909
			Just upstream of Old Decherd Road.....	*914
		Sink Hole	Entire Shoreline.....	*948
Maps available at City Hall, Decherd, Tennessee 37324.				
Texas	City of Weslaco, Hidalgo County (FI-5411).	Ponding Area No. 1	Northwest Texas Boulevard at U.S. Expressway 83.....	74
		Ponding Area No. 2	Intersection of San Benito Street and Calle de la Republica.....	74
		Ponding Area No. 3	Intersection of Texas Boulevard and Mesquite Street.....	74
		Ponding Area No. 4	Intersection of Bridge Avenue and Llano Grande Street.....	74
		Ponding Area No. 5	South of Weslaco Cemetery Intersection of Queen Palm and Palm Boulevard.....	72
Maps available at Planning Office, City Hall, 500 South Kansas Avenue, Weslaco, Texas 78596.				
Vermont	Town of Chester, Windsor County (Docket No. FI-5412).	Williams River	Downstream corporate limit.....	*512
			Just downstream of the Green Mountain Railroad first crossing located approximately 500 feet downstream of the Green Mountain Turnpike.....	*521
			Just upstream of the Green Mountain Turnpike.....	*530
			Approximately 6,150 feet upstream of the Green Mountain Turnpike.....	*545
			200 feet upstream of the Green Mountain Railroad second crossing located 1.45 miles upstream of the Green Mountain Turnpike.....	*554
			Approximately 850 feet downstream of the confluence of Kingdom Valley Brook.....	*565
			Just upstream of Pleasant Street.....	*571
			Just downstream of First Avenue.....	*588
			Just upstream of Depot Street.....	*592
			Approximately 3,250 feet upstream of Church Street.....	*610
			Just downstream of Colburn Road.....	*623
			Just downstream of Baileys Mills Road.....	*638
			Just upstream of Baileys Mills Road.....	*644
			Approximately 100 feet downstream of Thompson Road.....	*654
			Approximately 60 feet downstream of Jewett Road.....	*664
			60 feet upstream of Jewett Road.....	*668
			Approximately 80 feet downstream of the private road located approximately 1,430 feet upstream of Jewett Road.....	*670
			Just upstream of the private road located approximately 1,430 feet upstream of Jewett Road.....	*674

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Just downstream of the Green Mountain Railroad third crossing located approximately 3,425 feet upstream of Jewett Road.		*886
		Approximately 100 feet upstream of the Green Mountain Railroad third crossing located approximately 3,425 feet upstream of Jewett Road.		*891
		Approximately 100 feet upstream of the Green Mountain Railroad fourth crossing located approximately 5,600 feet upstream of Jewett Road.		*707
		Approximately 140 feet downstream of the Green Mountain Railroad fifth crossing located approximately 7,630 feet upstream of Jewett Road.		*721
		100 feet upstream of the Green Mountain Railroad fifth crossing located 7,630 feet upstream of Jewett Road.		*730
		100 feet downstream of the sixth Green Mountain Railroad crossing located approximately 1,175 feet downstream of the first crossing of State Highway 103.		*746
		Approximately 180 feet downstream of the State Route 103 first crossing.		*755
		Just downstream of the Green Mountain Railroad seventh crossing located approximately 330 feet downstream of Duttonville Gulf Road.		*781
		Just downstream of Duttonville Gulf Road.		*766
		Just upstream of Duttonville Gulf Road.		*769
		Approximately 2,500 feet upstream of Duttonville Gulf Road.		*795
		Approximately 840 feet downstream of the second crossing of State Route 103.		*814
		Just upstream of the second crossing of State Route 103.		*823
		Approximately 540 feet upstream of the second crossing of State Route 103.		*830
		Approximately 1,510 feet downstream of Smokeshire Road.		*882
		Just downstream of Smokeshire Road.		*921
		Approximately 560 feet upstream of Smokeshire Road.		*932
		Approximately 1,500 feet upstream of Smokeshire Road.		*948
		930 feet downstream of the confluence of Chase Brook.		*1,005
		420 feet downstream of the confluence of Chase Brook.		*1,011
		200 feet downstream of the confluence of Chase Brook.		*1,018
		780 feet upstream of the confluence of Chase Brook.		*1,036
	Middle Branch Williams River	At confluence with Williams River.		*566
		Just upstream of Green Mountain Railroad.		*571
		Just downstream of South Main Street.		*581
		100 feet downstream of Grafton Street.		*602
		Just upstream of School Street footbridge.		*611
		2,370 feet upstream of the School Street footbridge.		*635
		610 feet downstream of the first crossing of Joe Sweet Road.		*655
		Just downstream of the first crossing of Joe Sweet Road.		*662
		1,400 feet upstream of the first crossing of Joe Sweet Road.		*680
		Approximately 3,000 feet downstream of the second crossing of Joe Sweet Road.		*702
		30 feet downstream of the second crossing of Joe Sweet Road.		*739
		Just upstream of the second crossing of Joe Sweet Road.		*743
		1,230 feet upstream of the second crossing of Joe Sweet Road.		*760
		1,200 feet downstream of the State Route 11 crossing located approximately 3,900 feet downstream of the Andover Branch confluence.		*780
		Just upstream of the State Route 11 first crossing located approximately 3,900 feet downstream of the Andover Branch confluence.		*799
		260 feet downstream of the State Route 11 second crossing located approximately 2,200 feet downstream of the Andover Branch confluence.		*615
		1,200 feet downstream of the Andover Branch confluence.		*830
		Confluence of Andover Branch.		*847
		Just upstream of Kingsbury Road.		*851
		2,000 feet upstream of Kingsbury Road.		*875
		3,500 feet upstream of Kingsbury Road.		*891
		300 feet downstream of the third crossing of State Route 11.		*930
		920 feet downstream of the upstream corporate limits.		*945
		Upstream corporate limits.		*958
	South Branch Williams River	Confluence with Middle Branch Williams River.		*572
		Approximately 490 feet upstream of State Route 103.		*580
		Approximately 1,130 feet upstream of State Route 103.		*590
		Approximately 400 feet downstream of State Route 35.		*665
		Approximately 120 feet upstream of State Route 35.		*682
		Approximately 1,230 feet upstream of State Route 35.		*708
		4,000 feet downstream of the Popple Dungeon Road crossing approximately 2.6 miles downstream of Ethan Allen Road.		*876

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		2,340 feet downstream of the Popple Dungeon Road crossing approximately 2.6 miles downstream of Ethan Allen Road.		*1895
		Approximately 1,260 feet downstream of the Popple Dungeon Road crossing approximately 2.6 miles downstream of Ethan Allen Road.		*910
		380 feet downstream of the Popple Dungeon Road crossing approximately 2.6 miles downstream of Ethan Allen Road.		*925
		Just upstream of the Popple Dungeon Road crossing approximately 2.6 miles downstream of Ethan Allen Road.		*940
		Approximately 1,650 feet upstream of the Popple Dungeon Road crossing approximately 2.6 miles downstream of Ethan Allen Road.		*960
		3,560 feet upstream of the Popple Dungeon Road crossing approximately 2.6 miles downstream of Ethan Allen Road.		*990
		880 feet downstream of the private driveway located 1.6 miles downstream of Ethan Allen Road.		*1,020
		Just downstream of the private driveway located 1.6 miles downstream of Ethan Allen Road.		*1,050
		1,225 feet upstream of the private driveway located 1.6 miles downstream of Ethan Allen Road.		*1,090
		660 feet downstream of the wooden footbridge located 1.0 mile downstream of Ethan Allen Road.		*1,120
		Just downstream of the wooden footbridge located 1.0 mile downstream of Ethan Allen Road.		*1,140
		380 feet upstream of the wooden footbridge located 1.0 mile downstream of Ethan Allen Road.		*1,160
		1,300 feet upstream of the wooden footbridge located 1.0 miles downstream of Ethan Allen Road.		*1,190
		650 feet downstream of the Popple Dungeon Road crossing located 2,825 feet downstream of Ethan Allen Road.		*1,220
		250 feet downstream of the Popple Dungeon Road crossing located 2,825 feet downstream of Ethan Allen Road.		*1,240
		Just upstream of the Popple Dungeon Road crossing located 2,825 feet downstream of Ethan Allen Road.		*1,258
		1,050 feet upstream of the Popple Dungeon Road crossing located 2,825 feet downstream of Ethan Allen Road.		*1,285
		890 feet downstream of Ethan Allen Road.		*1,315
		150 feet downstream of Ethan Allen Road.		*1,340
		775 feet upstream of Ethan Allen Road.		*1,370
		125 feet downstream of the Popple Dungeon Road crossing located 1,525 feet upstream of Ethan Allen Road.		*1,390
		430 feet upstream of the Popple Dungeon Road crossing located 1,525 feet upstream of Ethan Allen Road.		*1,410
		1,550 feet upstream of the Popple Dungeon Road crossing located 1,525 feet upstream of Ethan Allen Road.		*1,440
		40 feet upstream of the private driveway located 4,200 feet upstream of Ethan Allen Road.		*1,472
	Lovers Lane Brook	Mouth at Middle Branch Williams River.		*581
		Just upstream of State Route 11.		*585
		1,690 feet upstream of State Route 11.		*595
		80 feet downstream of Maple Street.		*599
		Just upstream of Maple Street.		*603
		Just upstream of Depot Street.		*605
		1,000 feet upstream of Depot Street.		*610
		500 feet downstream of Church Street.		*620
		Just downstream of Church Street.		*625
		Just upstream of Church Street.		*628
		2,200 feet upstream of Church Street.		*641
	Andover Branch	At confluence with Middle Branch Williams River.		*847
		Just downstream of State Route 11.		*854
		Just upstream of State Route 11.		*857
		720 feet upstream of State Route 11.		*865
		1,950 feet upstream of State Route 11.		*885
		3,250 feet upstream of State Route 11.		*905
		Confluence of Potash Brook.		*932
		80 feet downstream of Potash Brook Road.		*941
		60 feet upstream of Potash Brook Road.		*949
		1,140 feet upstream of Potash Brook Road.		*965
		1,870 feet upstream of Potash Brook Road.		*980
		2,580 feet upstream of Potash Brook Road.		*995
	Potash Brook	At confluence with Andover Branch.		*932
		465 feet upstream of confluence with Andover Branch.		*950
		1,060 feet upstream of confluence with Andover Branch.		*970
		1,730 feet upstream of confluence with Andover Branch.		*990
		2,320 feet upstream of confluence with Andover Branch.		*1,010

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Vermont	Kingdom Valley Brook		2,865 feet upstream of confluence with Andover Branch	*1,030
			3,170 feet upstream of confluence with Andover Branch	*1,041
			Mouth at Williams River	*570
			50 feet downstream of the Green Mountain Turnpike	*571
			Just upstream of Green Mountain Turnpike	*583
			480 feet upstream of Green Mountain Turnpike	*608
			890 feet upstream of Green Mountain Turnpike	*622
			1,370 feet upstream of Green Mountain Turnpike	*629
			2,220 feet upstream of Green Mountain Turnpike	*640
			2,900 feet upstream of Green Mountain Turnpike	*650
	Great Brook		3,320 feet upstream of Green Mountain Turnpike	*662
			4,250 feet upstream of Green Mountain Turnpike	*678
			At downstream corporate limits	*585
			Just downstream of Gould Road	*594
			Just upstream of Gould Road	*600
			Just downstream of Chandler District Road	*608
			Just upstream of Chandler District Road	*612
			950 feet downstream of Mineral Springs Road	*619
			1,400 feet upstream of Mineral Springs Road	*628
			Just downstream of the private drive located 1,925 feet downstream of Baltimore Road.	*637
			Just upstream of the private drive located 1,925 feet downstream of Baltimore Road.	*643
			50 feet downstream of Baltimore Road	*645
			Just upstream of Baltimore Road	*650
			60 feet downstream of Great Brook Road	*737
			Just downstream of Duttonville Gulf Road	*745
			Just upstream of Duttonville Gulf Road	*747
			Upstream corporate limits	*748
Maps available at: Town Office, Chester, Vermont 05144.				
Washington	Carnation (Town), King County (Docket No. FI-5192).	Snoqualmie River	Most downstream corporate	*87
			Most upstream corporate limit	*71
Maps available at: Town Hall, 4641 Tolt Avenue, Carnation, Washington.				
Washington	Pe Ell (Town), Lewis County (Docket No. FI-5025).	Chehalis River	Highway 6 Bridge—30 feet upstream from centerline	*366
		Stowe Creek	Third Street Bridge—40 feet upstream from centerline	*401
			Burlington Northern Railroad Bridge—30 feet upstream from centerline.	*408
			Kelso Street Bridge—40 feet upstream from centerline	*415
Maps available at: Town Hall, Pe Ell, Washington.				

(National Flood Insurance Act of 1968 [Title XIII of Housing and Urban Development Act of 1968], effective January 28, 1969 [33 FR 17804, November 28, 1968], as amended [42 U.S.C. 4001-4128]; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: September 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-30116 Filed 10-1-79; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register

Vol. 44, No. 192

Tuesday, October 2, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 177

[651120]

Watches and Watch Movements; Tariff Classification Under General Headnote 3(a), Tariff Schedules of the United States: Change of Practice Considered

Correction

In FR Doc. 79-28746 appearing at page 53759 in the issue for Monday, September 17, 1979; on page 53760, second column, third line of the first paragraph under Comments, the word "is" should read "if".

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 615

Extended Benefits; Revision of Regulations: Final Action Delayed

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of delay in issuance of final rules.

SUMMARY: The Employment and Training Administration published on page 34512 in the June 15, 1979, issue of the Federal Register, 44 FR 34512, a notice of proposed rulemaking announcing its intention to revise the method of calculating insured unemployment rates which determine when Extended Benefit Periods trigger on and off in the States and nationally. The proposed effective date was to be October 1, 1979. In view of the extensive public comments received late in the comment period, the matter is still under consideration. When a decision is made, there will be a further announcement published in the Federal Register.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Hickey, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, Room 7310, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, telephone (202) 376-7123.

Signed at Washington, D.C., on September 27, 1979.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 79-30620 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[LR-9-79]

Income Tax; Administrative Review Procedure for Determination of a State Tax Agency's Failure To Safeguard Federal Tax Information

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations concerning procedures for administrative review of a Service determination that a State tax agency has failed to safeguard Federal tax return information received from the Service. Changes to the applicable tax law were made by the Tax Reform Act of 1976. The regulations would provide State agencies with guidance needed to comply with that Act.

DATES: Written comments and requests for a public hearing must be delivered or mailed by December 3, 1979. The regulations are proposed to be effective upon publication as a Treasury decision.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, 1111 Constitution Avenue, NW., Washington, D.C. 20024 (Attention: CC:LR:T (LR-9-79)).

FOR FURTHER INFORMATION CONTACT: John A. Tolleris of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-6631).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under section 6103 (p) (7) of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to certain provisions under section 1202 (a) (1) of the Tax Reform Act of 1976 (90 Stat. 1667) and are to be issued under the authority contained in sections 6103 (p) (7) and 7805 of the Code (90 Stat. 1685, 26 U.S.C. 6103 (p) (7) and 68A Stat. 917, 26 U.S.C. 7805).

Explanation of Provisions

The proposed regulations provide procedures for administrative review by the Commissioner of a determination by the Internal Revenue Service that a State tax agency has failed to safeguard Federal tax returns or return information in accordance with the requirements of section 6103 (P) (4). Notwithstanding section 6103 (d), such a determination may result in the Service's terminating the disclosure of Federal tax returns or return information to the State tax agency concerned.

The proposed regulations establish procedures under which a State tax agency can appeal the above-described adverse determination directly to the Commissioner within 30 days after receiving notice thereof. These amendments also would provide that, within 45 days after receiving such an appeal, the Commissioner or Deputy Commissioner will personally hold a conference with representatives of the State tax agency.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Drafting Information

The principal author of these proposed regulations is John A. Tolleris

of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 301 are as follows:

A new § 301.6103(p)(7)-1 is added immediately after § 301.6103 (h)(2)-1 to read as follows:

§ 301.6103(p)(7)-1 Procedures for administrative review of a determination that a State tax agency has failed to safeguard Federal tax returns or return information.

(a) *Notice of Service's intention to terminate disclosure to a State tax agency.* Notwithstanding subsection (d) of section 6103, the Internal Revenue Service may terminate disclosure of Federal returns and return information to a State agency, body, or commission described in section 6103(d) (hereinafter in this section referred to as a State tax agency) if the service makes a determination that:

(1) A State tax agency has made unauthorized disclosure of Federal returns or return information received from the Service and that the State tax agency has not taken adequate corrective action to prevent repetition of the unauthorized disclosure, or

(2) A State tax agency does not satisfactorily maintain the safeguards described in subsection (p)(4) of section 6103, and has made no adequate plan to improve its system to maintain those safeguards satisfactorily. Prior to terminating disclosure, the Service will notify the State tax agency in writing of the Service's preliminary determination and of the Service's intention to discontinue disclosure of Federal returns and return information to the State tax agency. Upon so notifying the State tax agency, the Service, if it determines that Federal tax administration would otherwise be seriously impaired, may suspend further disclosure of Federal returns and return information to the State tax agency pending a final determination by the Commissioner or Deputy Commissioner described in subparagraph (2) of paragraph (c) of this section.

(b) *State tax agency's right to appeal.* A State tax agency shall have 30 days from the date of receipt of a notice described in paragraph (a) of this section to appeal the preliminary determination described in paragraph

(a) of this section. The appeal shall be made directly to the Commissioner.

(c) *Procedures for administrative review.* (1) To appeal a preliminary determination described in paragraph (a) of this section, the State agency shall send a written request for a conference to: Commissioner of Internal Revenue (Attention: C), 1111 Constitution Avenue, NW., Washington, D.C. 20224. The request must include a complete description of the State tax agency's present system of safeguarding Federal returns or return information received from the Service. The request must then state the reason or reasons that the State agency believes that such system, including improvements, if any, to such system expected to be made in the near future, is or will be adequate to safeguard Federal returns or return information received from the Service.

(2) Within 45 days of the receipt of a request made in accordance with the provisions of subparagraph (1) of this paragraph, the Commissioner or Deputy Commissioner will personally hold a conference with representatives of the State tax agency, after which the Commissioner or Deputy Commissioner will make a final determination with respect to the appeal.

Jerome Kurtz,
Commissioner of Internal Revenue.

[FR Doc. 79-30464 Filed 10-1-79; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1330-8]

Implementation Plan Revisions for the Lake Tahoe Nonattainment Area in the States of California and Nevada; Receipt/Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Receipt and Availability.

SUMMARY: The purpose of this notice is to announce receipt of revisions to the California and Nevada State Implementation Plans (SIP) and to invite public comment. Nonattainment Area Plans for the Lake Tahoe Air Basin have been received from the California Air Resources Board and the State of Nevada. These revisions were submitted to EPA in accordance with the requirements of Part D of the Clean Air Act, as amended in 1977, "Plan Requirements for Nonattainment Areas," and are available for public inspection at the addresses below. A

notice of proposed rulemaking discussing these revisions will be published in the **Federal Register** at a later date. The period for submittal of public comments will end not less than 60 days from this date and not less than 30 days from the published date of EPA's notice of proposed rulemaking. **ADDRESSES:** Copies of the SIP revisions are available during normal business hours at the following locations:

Library, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Public Information Reference Unit, Environmental Protection Agency, 401 "M" Street, SW., Room 2922, Washington, D.C. 20460.

California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95814.

Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, 201 South Fall Street, Carson City, NV 89710.

Tahoe Regional Planning Association, P.O. Box 8896, 2155 South Avenue, South Lake Tahoe, CA 95731.

INQUIRIES AND COMMENTS SHOULD BE

ADDRESSED TO: Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, (415)556-2938.

SUPPLEMENTARY INFORMATION: New provisions of the Clean Air Act, enacted in August, 1977, Pub. L. No. 95-95, require states to revise their SIP's for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The amendments required each state to submit to the Administrator a list of the NAAQS attainment status for all areas within the state. The Administrator promulgated these lists, with certain modifications, on March 3, 1978 (43 FR 8982). State and local governments were required by January 1, 1979 to develop, adopt, and submit to EPA revisions to their SIP's which provide for attainment of the NAAQS as expeditiously as practicable.

The Lake Tahoe Air Basin (which includes portions of the States of California and Nevada) is a designated nonattainment area for carbon monoxide and ozone.

The Governor's designee for California submitted to EPA the California portion of the plan on August 21, 1979, and the Governor of Nevada submitted the Nevada portion of the plan on July 24, 1979.

EPA is reviewing these revisions for conformance with the requirements of Part D of the Clean Air Act, as amended. Following review of the revisions, a notice of proposed rulemaking will be published in the **Federal Register** that

will provide a description of the proposed SIP revisions, summarize the Part D requirements, identify the major issues in the proposed revisions, and suggest corrections. An additional 30 days will be provided for public comments at that time.

The intent of this notice is to notify the public that these revisions have been formally submitted to EPA for approval, that they are available for public inspection, and that interested persons are encouraged to submit written comments.

(Secs. 110, 129, 171 to 178, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)).

Dated: September 21, 1979.

Sheila M. Prindiville,
Acting Regional Administrator.

[FR Doc. 79-30385 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1331-3]

Tennessee; Proposed 1979 Plan Revisions

AGENCY: Environmental Protection Agency, Region IV.

ACTION: Proposed Rule.

SUMMARY: EPA today proposes action on specific State Implementation Plan (SIP) revisions which the Tennessee Air Pollution Control Division recently submitted pursuant to requirements of Part D of the Clean Air Act Amendments (CAAA) of 1977 with regard to nonattainment areas. EPA has found all portions of the submitted revisions to be approvable except for certain portions of the transportation control plan which are needed to attain the air quality standards for carbon monoxide (CO) and ozone in Nashville. It is proposed to approve conditionally the CO and ozone control strategy for Nashville on condition that the noted deficiencies be corrected by March 1, 1980. It is also proposed to approve conditionally the statewide ozone control strategy, on condition that noted deficiencies in the stationary source regulations be corrected by March 1, 1980. EPA proposes to approve conditionally the total suspended particulate (TSP) plans for Nashville and Columbia provided the noted deficiencies be corrected by January 1, 1980, and March 1, 1980, respectively. The public is invited to submit written comments on these proposed actions.

DATES: To be considered, comments must be submitted on or before November 1, 1979. A thirty-day comment

period is being used to enable publication of final action on the SIP revisions as soon as possible after July 1, 1979, because a Notice of Availability was published in the **Federal Register** more than 30 days ago and because the SIP submission and the issues involved are not so complex as to warrant a longer comment period.

ADDRESSES: Written comments should be addressed to Archie Lee of EPA Region IV's Air Programs Branch (See EPA Region IV address below). Copies of the materials submitted by Tennessee may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30308.

Tennessee Air Pollution Control Division, 256 Capitol Hill Building, Nashville, Tennessee 37219.

Air Pollution Section, Metropolitan Health Department, 1600 Hayes Street, Nashville, Tennessee 37203.

FOR FURTHER INFORMATION CONTACT: Archie Lee of EPA Region IV's Air Programs Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30308. Telephone 404/881-2864 (FTS-257-2864).

SUPPLEMENTAL INFORMATION:

Background

In the March 3, 1978, **Federal Register** (43 FR 8962 at 9035) and the September 11, 1978 **Federal Register** (43 FR 40412 at 40432) a number of areas within the State of Tennessee were designated as not attaining certain national ambient air quality standards. The areas designated nonattainment for the primary and secondary standards for total suspended particulate matter (TSP) are:

A. That portion of Anderson and Knox Counties surrounding TVA's Bull Run Plant. (Secondary only).

B. Those portions of Campbell County within downtown LaFollette and the area surrounding the Carborundum Company's plant at Jacksboro.

C. That portion of Davidson County within the 1964 Urban Services area of Nashville.

D. That portion of Hamilton County within, approximately, the city limits of Chattanooga.

E. That portion of Maury County within the northern section of Columbia.

F. That portion of Roane County within a downtown section of Rockwood.

G. Those portions of Shelby County within two sections of downtown Memphis.

H. Those portions of Sullivan County within a section of Bristol and a section of Kingsport.

I. That portion of Sumner County surrounding TVA's Gallatin plant. (Secondary only)

The areas designated nonattainment for the primary and secondary standards for sulfur dioxide (SO₂) are:

A. That portion of Polk County surrounding the Cities Service plant at Copperhill.

B. That portion of Benton and Humphreys Counties surrounding TVA's Johnsonville plant.

The areas designated nonattainment for (the same standard serves as both the primary and secondary standard) carbon monoxide (CO) are:

A. That portion of Davidson County located in downtown Nashville.

B. That portion of Knox County located in metropolitan Knoxville.

C. That portion of Shelby County located in metropolitan Memphis.

The areas designated nonattainment (the same standard serves as both the primary and secondary standard) for photochemical oxidants (ozone) are:

A. Nashville area—Davidson, Sumner, Rutherford, Wilson and Williamson Counties.

B. Shelby County.

C. Maury County.

D. Hamilton County.

E. Knox County.

F. Sullivan County.

G. Bradley County.

H. Roane County.

Implementation plan revisions under Part D of the CAAA were previously developed and submitted by the State for the following areas:

TSP—Sullivan County (Bristol), Campbell County, Sumner County, Anderson/Knox Counties.

SO—Polk County, Benton/Humphreys Counties.

CO—Shelby County, Knox County.

A notice of proposed rulemaking was published in the **Federal Register** on July 24, 1979, for the above areas. Implementation plan revisions under Part D of the CAAA developed by the State and the subject of today's proposal notice include the following areas:

Ozone—Statewide.

CO—Davidson County.

TSP—Columbia, Nashville.

The implementation plan revisions for the remaining nonattainment areas will be proposed later as the SIP revisions are submitted. These revisions were submitted for EPA's approval on June 28, and July 2, 1979. The Tennessee revisions have been reviewed by EPA in light of the CAAA of 1977, EPA regulations, and additional guidance materials. The criteria utilized in this review were detailed in the **Federal Register** on April 4, and July 2, Aug. 28 and Sept. 17, 1979, (44 FR 20372, 44 FR

38583, and 44 FR 50371, and 44 FR 53761) need not be repeated in detail here.

General Discussion

Section 172(b) of the CAAA contains the requirements for nonattainment State Implementation Plans. The following is a listing of these requirements accompanied by a discussion of the contents and adequacies of the Tennessee submittals.

172(b)(1) [SIP provisions shall] be adopted by the State (or promulgated by the Administrator under section 110(c)) after reasonable notice and public hearing:

Public hearings were held in the State on the adopted material following 30 days public notice. Public hearings were conducted October 16, 1978, February 14, April 19, May 8 and 9, and June 5, 6, 14, and 19, 1979. These SIP provisions were adopted by the State and/or local agency on March 14, April 11, and June 20 and 28, 1979.

172(b)(2) [SIP provisions shall] provide for the implementation of all reasonably available control measures as expeditiously as practicable;

For discussion of reasonably available control measures including Reasonably Available Control Technology (RACT) see discussion after 172(b)(3) below.

172(b)(3) [SIP provisions shall] require, in the interim, reasonable further progress (as defined in section 171(1)) including such reduction in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology;

Reasonable further progress (RFP) graphs and calculations accompany each explanation of progress toward attainment for each nonattainment area. The SIP calls for meeting the National Ambient Air Quality Standards in all areas by the end of 1982 except for carbon monoxide and ozone in Nashville. The State has requested an extension to the end of 1987 for meeting the carbon monoxide and ozone standards in this area. EPA is proposing to approve this extension request. Therefore, a mandatory inspection/maintenance program for motor vehicles, transportation control measures, and a new source review program consistent with Section 172(b)(11) must be implemented. As a requirement for the extension to 1987, with regard to an adequate inspection and maintenance program, the SIP must include:

(1) Certification of adequate legal authority for a mandatory inspection and maintenance (I/M) program;

(2) Commitments from the proper agency(s) to the implementation and enforcement of the I/M program;

(3) An adequate Implementation Schedule as defined in the July 17, 1978, policy memorandum from Assistant Administrator Hawkins; and

(4) Commitments from the proper agency(s) to obtaining at least a 25% emissions reduction from light-duty vehicles for hydrocarbons and/or carbon monoxide by December 31, 1987, as also stated in the July 17th Hawkins memorandum. The requirement for the 25% reduction would apply only to the pollutant(s) for which the extension is requested.

Each geographic area is discussed below.

Nashville (TSP)—The Nashville Metropolitan Health Department has reviewed all the sources in or impacting on the nonattainment area and found that the ambient violations were not due to a specific source or activity, but were the result of a combination of factors such as process fugitive emissions, nontraditional source emissions and traditional source emissions. During the review, RACT emission limitations were developed for all sources. These RACT emission limits were adopted as revised permit conditions which require compliance with specific mass emissions, visible emissions and in some cases limitations on hours of operation. When modelling all of the sources at their 1982 RACT allowable emission limits, attainment of the annual primary standard was not demonstrated, nor was attainment of the secondary standard demonstrated. One of the factors in the failure to demonstrate attainment of the primary standard was the impact of nontraditional sources. In order to evaluate and develop the necessary nontraditional source control measures to attain the primary standards, Nashville Metropolitan Health Department has submitted a schedule to develop these regulations. EPA is proposing to approve conditionally the plan for attainment of the primary standards on condition that a more detailed listing of measures to be investigated be submitted by January 1, 1980. In addition, Nashville has asked for an 18-month extension in order to develop the attainment plan for secondary standards. EPA is today proposing to approve Nashville's request for an 18-month extension to submit the plan for attainment of the secondary standard.

Columbia (TSP)—The nonattainment designation of this area was due to a combination of factors. Fugitive emissions from roadways, haul roads, materials handling systems and stack emissions all contribute to violations of the ambient standards. The State of Tennessee has made a RACT evaluation of all sources in or impacting on the

nonattainment area and adopted, as categorical emission requirements, regulations for the area. These regulations include limitations on stack emissions, more stringent controls on fugitive sources and in some cases a restriction on hours of operation. When the State modelled the area at the 1982 RACT emission level, attainment of the primary standards was not demonstrated. This was due largely to the impact of emissions from nontraditional sources. The State has submitted a schedule for developing, adopting, and submitting regulations for control of nontraditional sources. EPA is today proposing to approve this schedule.

The State Plan includes a regulation allowing certain categories of sources, under specific conditions, to apply for a higher emission limit in lieu of the otherwise applicable emission limit. This option must either be deleted or revised to provide that every time a source applies, the approval of the higher emission limit must be in the form of a SIP revision. If the deficiency is not corrected, EPA proposes to disapprove the option provision. Whether or not the provision is approved, EPA proposes to approve the overall nonattainment SIP for primary standards as satisfying Part D requirements. EPA is also proposing to approve the State's request for an 18-month extension to submit the plan for attainment of the secondary standard.

Nashville (CO)—The State has calculated that a 40% reduction in CO emissions is necessary to achieve the 10 mg/m³ 8-hour ambient standard. Since approximately 99% of the CO emissions are attributed to motor vehicles, all emission reduction measures are directed toward this source category through use of the Federal Motor Vehicle Control Program (FMVCP). Nashville will be unable to meet the CO ambient standard by the end of 1982 and has requested an extension to 1987 to meet the ambient standard. EPA is proposing to approve this extension request. EPA's review of the Nashville CO control strategy relative to the Transportation Control measures has revealed some deficiencies. These deficiencies include:

1. The current 1979 Annual element of the Transportation Improvement Program (TIP/AE) must be reviewed for projects that have a positive air quality impact. Measures that are found to have benefits and are feasible must be submitted with implementation dates. The implementation dates should correspond to the dates shown in the TIP/AE. Those measures selected from the 1979 TIP/AE for incorporating into the State Implementation Plan must also include a commitment to the implementation and

enforcement of such measures by the responsible agencies.

2. Under Section 174, the Memorandum of Understanding (MOU) between the proper local and State officials includes a commitment to the implementation of stationary source controls but not mobile source controls. The I/M schedule should be revised to identify the date by which the enforcement mechanism(s) will be decided. The I/M schedule should also identify when procedures and guidelines for testing and quality control will be adopted.

EPA has received an opinion from the Tennessee Attorney General's office concluding that there is sufficient statutory authority for an inspection and maintenance program to be implemented by certain cities in the State. Further, EPA has received a letter from the Mayor of Nashville committing to seek legislation and the necessary financial and manpower resources to implement a mandatory motor vehicle emission inspection and maintenance (I/M) program for light duty vehicles. Recently, the necessary ordinance was passed by the Council of the Metropolitan Governments of Nashville. This ordinance allows the Board to adopt by rule or regulation, promulgate, require and enforce programs for vehicles propelled by internal combustion engines and to prescribe reasonable fees. Also, the Mayor's letter and ordinance indicate that the final implementing regulations must be approved by the Council of Metropolitan Governments of Nashville. Because approval by the Council of Governments is the device used routinely for adoption of regulatory requirements, EPA believes the existing legal authority is adequate. However, EPA recognizes that the Mayor cannot commit the Council of Governments to any future action, and it should be understood that a failure by the City to institute a mandatory I/M program according to the schedule submitted in the SIP will make the area liable to the imposition of sanctions under the Clean Air Act.

The Mayor's letter endorses the I/M schedule submitted in the SIP. This schedule indicates that a centralized operated I/M program will be instituted, and calls for the mandatory I/M program to begin in September, 1981, with the institution of mandatory repairs being implemented in December 1981.

The enforcement mechanism is currently undecided between several options. The ordinance passed by the Council grants the authority for enforcement and establishment of fees to the Board of Health. One option is the Board of Health would use its personnel and resources to implementing an enforcement program. Another option is to add the I/M enforcement to the

current city sticker system. Failure to enact an adequate enforcement mechanism would also make Nashville liable to sanctions under the Clean Air Act.

The SIP also indicates that a 25% reduction in CO emissions from light duty vehicles will be achieved and is reflected in the reasonable further progress (RFP) curve.

Based upon the commitments, legal authority and schedules to implement and enforce the I/M program, EPA is proposing to conditionally approve the CO control strategy for Nashville provided that the deficiencies noted above in the transportation control plan are corrected and submitted to EPA by March 1, 1980. Due to the legal procedures for adopting revisions, this length of time is necessary to comply with both the State and EPA requirements.

Nashville (Ozone)—The State has calculated that a 35% reduction in hydrocarbon emissions is needed to meet the ozone standard. Reductions of 34% will be obtained through the FVMCP and regulations for volatile organic compounds (VOCs) emitted by specific categories of sources by 1982. Since the area will not be able to demonstrate attainment of the ozone standard by December, 1982, they have requested an extension to 1987 to attain the ozone standard. This requires that a transportation control plan including a mandatory inspection and maintenance program be implemented in Nashville/Davidson County. EPA proposes to approve this extension request. For the discussion on Nashville/Davidson County's transportation control plan, please refer to the discussion on the Nashville CO control strategy. The Nashville Metropolitan Health Department has adopted regulations pertaining to those emission limitations and process and equipment specifications necessary to meet the requirement that RACT be applied to these sources. Categorical compliance schedules are included. These regulations are for sources in nine source categories.

Categories of sources controlled by presently adopted regulations include:

(1) surface coating including (a) coil coating (b) paper coating (c) fabric and vinyl coating; (2) metal furniture coating; (3) large appliance surface coating; (4) petroleum liquid storage; (5) bulk gasoline plants; (6) bulk gasoline terminals; (7) gasoline dispensing facility Stage I; (8) solvent metal cleaning; and (9) cutback asphalt.

In addition, the local agency has committed to adopt VOC regulations for additional RACT categories annually as

they are developed by EPA. The Control Techniques Guidelines (CTGs) provide information on available air pollution control techniques and contain recommendations of what EPA calls the "presumptive norm" for RACT. Based on the information in the CTGs, EPA believes that the submitted regulations represent RACT, except as noted below. On the points noted below, the regulations are not supported by the information in the CTGs or the information submitted so far by the State, and the Nashville agency must provide an adequate demonstration that its regulations represent RACT, or amend the regulations to be consistent with the information in the CTGs. The noted points are as follows:

(1) The adopted definition of VOC is 1.5 psia instead of the recommended 0.1 mm Hg.

(2) The Stage I requirements for gasoline service stations allow an exemption for stations with throughput of less than 260,000 gallons per year rather than specifying the tank size cutoff as recommended.

Nashville's VOC Regulation includes a provision which exempts Methyl chloroform (1,1,1 trichloroethane). Methyl chloroform (MCF) has been identified as being mutagenic, and is suspected of being carcinogenic, and having a deleterious effect on stratospheric ozone. At a recent conference on the atmospheric chemistry of methyl chloroform and other halocarbon pollutants, researchers reported tropospheric lifetimes for MCF ranging from three to twelve years, sufficient time to allow for significant migration of the chemical to the stratosphere. It was further estimated that, at the current growth projections in the production and use of this chemical, MCF could account for 10-20 percent of the total ozone depletion attributable to chlorofluorocarbons over the next ten years. Significant depletion of stratospheric ozone impairs the ability of this atmospheric layer to filter out harmful ultraviolet radiation. Increases in the amount of this type of radiation reaching the Earth may lead to reduced crop yields as well as increases in human skin cancer. Prior to the above findings, EPA had issued guidance to the States allowing them to exempt this compound. Therefore, EPA will not presently disapprove the SIP if the State chooses to maintain this exemption. The Nashville agency has indicated that they will remove the exemption for this compound whenever EPA identifies it as being harmful or requires its control.

EPA proposes to approve conditionally the ozone control plan submitted for Nashville/Davidson

County provided that the above noted deficiencies in the transportation control plan and the stationary source regulations be corrected by the appropriate officials and submitted to EPA by March 1, 1980.

Memphis (Ozone)—The State has calculated that a 13% reduction in hydrocarbon emissions is needed to meet the ozone standard. Reductions will be obtained through the FMVCP and statewide regulations for volatile organic compounds (VOC) emitted by large sources—those with potential emissions equal to or in excess of 100 tons per year. The State projects that a 30% reduction will occur by 1982. Therefore, the area should become attainment by early 1981. It is proposed to approve the Memphis ozone plan conditioned upon the State correcting the deficiencies in the VOC regulations noted under the discussion on "Rural Areas", below.

Chattanooga (Ozone)—The State has calculated that a 7% reduction in hydrocarbon emissions is needed to meet the ozone standard. Reductions will be obtained through the FMVCP and statewide regulations for VOCs emitted by large sources. The State projects that a 27% reduction will occur by 1982. Therefore, the area should become attainment by early 1981. It is proposed to approve the Chattanooga ozone plan conditioned upon the State correcting the deficiencies in the VOC regulations noted under the discussion on "Rural Areas", below.

Rural Areas (Ozone)—Several counties in Tennessee were designated as nonattainment for ozone. As discussed under the section of Ozone Control Strategy in 44 FR 41255 April 4, 1979, the criteria utilized in the review of the part D SIP revisions, EPA's Policy is that only the RACT requirements for VOC sources covered by Control Techniques Guidelines (CTGs) need to be adopted for rural areas. The State of Tennessee has responded and has adopted all the CTGs (applicable Statewide) which EPA had issued by January, 1978 and committed to adopt additional RACT categories as they are developed by EPA. The CTG's provide information on available air pollution control techniques and contain recommendations of what EPA calls the "presumptive norm" for RACT. Based on the information in the CTG EPA believes that the submitted regulations represent RACT, except as noted below. On the points noted below, the State regulations are not supported by the information in the CTG or submitted so far by the State, and the State must provide an adequate demonstration that

its regulations represent RACT, or amend the regulations to be consistent with the information in the CTG. The noted points are as follows:

(1) 42,000 gallon tanks are exempted in the petroleum liquid storage requirements instead of the 40,000 gallon (or less) tanks as recommended.

The Stage I requirements for gasoline service stations allow a throughput exemption of 260,000 gallons per year rather than specifying a tank size cutoff as recommended.

The State's VOC Regulation includes a provision which exempts MCF. This exemption is presently acceptable (see discussion on MCF in the Nashville ozone strategy). The State of Tennessee has indicated they will remove the exemption for this compound whenever EPA identifies it as being harmful or requires its control.

EPA proposes to approve conditionally the ozone control plan submitted for the rural nonattainment areas, provided the noted deficiencies in the VOC regulations be corrected and submitted to EPA by March 1, 1980.

172(b)(4) [SIP provisions shall] include a comprehensive, accurate, current inventory of actual emissions from all sources (as provided by rule of the administrator) of each such pollutant for each such area which is revised and resubmitted as frequently as may be necessary to assure that the requirements of paragraph (3) are met and to assess the need for additional reductions to assure attainment of each standard by the date required under subsection (a);

Appropriate emissions inventories for TSP, ozone (the inventory is for hydrocarbons which react with sunlight to form ozone), and CO have been submitted. Future reporting requirements for updating inventories annually are included. EPA proposes to approve this aspect of the SIP.

172(b)(5) [SIP provisions shall] expressly identify and quantify the emissions, if any, of any such pollutant which will be allowed to result from the construction and operation of major new or modified stationary sources for each such area;

There is no identification and quantification of emissions from major new or modified sources. Therefore, offsets under Section 173 of the CAAA will be required for these new sources. The State expects to be able to satisfy the offset requirement also through emissions reductions on other sources, in excess of the reductions needed to provide for reasonable further progress. The mechanism for tracking these reductions and allowing growth in nonattainment areas is provided in Chapter 1200-3-9 of the Tennessee Air

Pollution Control Regulations and Section 3-2 of Regulation No. 3 of the Nashville Metropolitan Health Department Air Pollution Control. EPA proposes to approve these portions of the plan.

172(b)(6) [SIP provisions shall] require permits for the construction and operation of new or modified stationary sources in accordance with Section 173 (relating to permit requirements);

The State and Nashville local agency require permits for the construction and operation of new or modified major stationary sources in accordance with Section 173 (1200-3-9-.01(5), Regulation 3-Section 3-2). EPA proposes to approve this portion of the SIP.

172(b)(7) [SIP provisions shall] identify and commit the financial and manpower resources necessary to carry out the plan provisions required by this subsection;

The State has identified and committed adequate financial and manpower resources necessary to carry out the provisions of this SIP revision. In Section 2.11 (tables 1 and 2), the State has project the amount of manpower and funding which will be expanded through FY 1983 to carry out the requirements of the SIP. EPA proposes to approve this portion of the SIP.

172(b)(8) [SIP provisions shall] contain emission limitations, schedules of compliance and other such measures as may be necessary to meet the requirements of this section;

This revision package contains the necessary emission limitations and schedules of compliance for stationary sources of TSP, VOC and CO sources where appropriate. These provisions have been incorporated into newly adopted Chapters 18 and 19 for the State and Regulation No. 7 for Nashville. Therefore, EPA proposes to approve this portion of the SIP.

172(b)(9) [SIP provisions shall] contain evidence of public, local government, and State legislative involvement and consultation in accordance with Section 174 (relating to planning procedures) and include (A) an identification and analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions required by this subsection and of the alternatives considered by the State, and (B) a summary of the public comment on such analysis;

Section 174 consultation and involvement with the public and local governments and State legislative involvement is evidenced by a listing of correspondence in the SIP. The State's and Nashville's analysis of the air quality, health, welfare, economic, energy, and social effects of the required

plan provisions and alternatives considered conclude that the impact of the SIP will be beneficial, and EPA proposes to approve this portion of the SIP.

172(b)(10) [SIP provisions shall] include written evidence that the State, the general purpose local government or governments, or a regional agency designated by general purpose local governments for such purpose, have adopted by statute, regulation, ordinance, or other legally enforceable documents, the necessary requirements and schedules and timetables for compliance, and are committed to implement and enforce the appropriate elements of the plan;

In the State of Tennessee, the Air Pollution Control Division of the Department of Public Health has full statutory authority for enforcing the SIP revisions submitted. Within Davidson County, the Metropolitan Health Department has the statutory authority for enforcing the SIP revisions submitted. The Tennessee Board of Air Pollution Control on June 28 and the Metropolitan Board of Health, Nashville and Davidson County on March 14, April 11, and June 20, 1979, adopted the necessary regulatory portion of the SIP submitted. Timetables for compliance are addressed in 172(b)(8). EPA proposes to approve conditionally this portion of the SIP (refer to 172(b)(3)).

172(b)(11) [SIP provisions shall] in the case of plans which make a demonstration pursuant to paragraph (2) of subsection (a),

- (A) establish a program which requires, prior to issuance of any permit for construction or modification of a major emitting facility, an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification;
- (B) establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program; and
- (C) identify other measures necessary to provide for attainment of the applicable National Ambient Air Quality standard not later than December 31, 1987.

Paragraph 11 of Subsection 172(b) applies to the Nashville nonattainment area for carbon monoxide and ozone. The alternatives analysis for new sources required by subparagraph (A) above has been submitted in the SIP as a revision to the State's permitting regulation (Tennessee Rule 1200-3-9.01(5)). Requirements of paragraphs B and C are also met (see earlier discussion on Nashville CO and ozone).

EPA proposes to approve conditionally this portion of the SIP (refer to 172(b)(3)).

In addition to the implementation plan for the nonattainment areas under Part D of the CAAA, the SIP revisions contain changes applicable to other portions of the CAAA. These topics will be dealt with in a separate Federal Register.

Proposed Action

Based on the foregoing, EPA is proposing to approve conditionally the SIP under Part D of the CAAA, as it relates to the attainment of TSP standards in Columbia and Nashville; carbon monoxide in Nashville; and ozone throughout the State.

(Section 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: September 6, 1979.

John C. White,
Regional Administrator.

[FR Doc. 79-30388 Filed 10-1-79; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1331-5]

Approval and Promulgation of Implementation Plans: Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: On July 31, 1979, the U.S. Environmental Protection Agency proposed approval/disapproval of various revisions to the Oklahoma State Implementation Plan (SIP). The revisions were submitted by the Governor to fulfill the requirements of the Clean Air Act, as amended in August 1977 (the Act), for attainment and maintenance of National Ambient Air Quality Standards. In response to requests from the Oklahoma Congressional Delegation for an extension of time for the filing of comments, the comment period is extended to October 15, 1979.

DATE: Comments must be received on or before October 15, 1979.

ADDRESS: Comments should be submitted to the address below: Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270, Attn: Jerry Stubberfield.

FOR FURTHER INFORMATION CONTACT: Jerry Stubberfield, Chief, Implementation Plan Section, Environmental Protection Agency, Region 6, Air and Hazardous Materials

Division, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2742.

Dated: September 27, 1979.

Adlene Harrison,
Regional Administrator.

[FR Doc. 79-30532 Filed 10-01-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 55

[FRL 1330-7]

Proposed Delayed Compliance Order for Virginia Electric & Power Co.'s Portsmouth Generating Station

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency proposes to issue an administrative order to Virginia Electric and Power Company's Portsmouth Generating Station requiring its Boiler Number 4 at Portsmouth, Virginia to achieve compliance with air pollution requirements under the Virginia State Implementation Plan by June 30, 1982.

DATE: Written comments and requests for a public hearing (and reasons therefore) must be received no later than November 1, 1979.

ADDRESS: All comments and requests for a public hearing should be submitted to: U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106. ATTN: Director, Air & Hazardous Materials Division.

FOR FURTHER INFORMATION CONTACT: Mr. Bernard E. Turlinski, Regional Energy Coordinator, Environmental Protection Agency, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106 (215-597-9944).

SUPPLEMENTARY INFORMATION: EPA has developed an administrative order it proposes to issue under section 113(d)(5) of the Clean Air Act ("the Act") 42 U.S.C. 7401 et seq., to the Virginia Electric and Power Company's Portsmouth Generating Station requiring its Boiler Number 4 at Portsmouth, Virginia to achieve compliance with Virginia State Air Pollution Control Board, Section IV, Rules 2 and 3 of the Virginia State Implementation Plan by June 30, 1982. The order would require the Virginia Electric and Power Company's Portsmouth Generating Station to install control equipment according to the schedule set forth below and also contains interim emission reduction requirements, specifies emission limitations, coal pollutant characteristics, and requires

monitoring and reporting of air quality and air pollutant emissions data. If the order is issued, source compliance with its terms will preclude any further EPA enforcement action under section 113 of the Act and any citizens' suits under section 304 of the Act against the source for violations of the Virginia Implementation Plan provisions covered by the order. The purpose of this notice is to invite public comments on whether or not EPA should issue this order under section 113(d)(5) and to offer an opportunity for public hearing, if significant public interest exists, to discuss this issue.

The actual terms of the order, as set forth below, may be modified prior to final EPA issuance. Background information applicable to the Virginia Electric and Power Company's Portsmouth Generating Station may be viewed during normal business hours at the address provided above.

All interested persons are invited to submit written comments on the proposed order. Comments, submitted in person or by mail on or before November 1, 1979, will be considered in determining whether EPA should issue the order. Any person may request a public hearing on the subject order by submitting a request in writing and reasons therefore to the above Regional Office on or before November 1, 1979. If there is significant public interest in holding such a hearing, it will be conducted by the Region III office following 30 days prior notice of the time and place of the hearing.

The Clean Air Act Amendments ("the Amendments") of 1977 have changed the authority of the Administrator to issue extensions of compliance dates to sources which receive orders from the Department of Energy prohibiting the use of oil or gas as a primary energy source under section 2(a) of the Energy Supply and Environmental Coordination Act (ESECA). Such extensions were issued under section 119 of the Clean Air Act ("the Act") as in effect prior to the amendments, and regulations implementing section 119 were codified under 40 CFR Part 55. Section 112 of the Amendments repealed section 119 and added a new Section 113(d) which provides for the issuance of extensions to all sources generally and to prohibited sources specifically [113(d)(5)]. Regulations promulgated in 40 CFR Part 55 under the authority of section 119 are being revised to reflect this statutory change, and any extensions granted under the new authority of 113(d)(5) will be promulgated in Part 55.

The Clean Air Act Amendments of 1977 have changed the ESECA program

in four major respects. These changes are:

(1) Sources able to comply with the applicable State Implementation Plan by December 31, 1985 may be eligible for an extension as opposed to the previous date of January 1, 1979;

(2) Extensions are to be provided for via section 113(d)(5). Delayed Compliance Orders, rather than section 119, Compliance Date Extensions;

(3) The regional limitation of old section 119(c)(2)(D) has been made a rebuttable presumption by the new section 113(d)(5)(D); and

(4) Written consent of the Governor of the appropriate State must be obtained on any date EPA proposes to certify to the Department of Energy as the earliest date a prohibited source can convert to coal in compliance with applicable air pollution requirements.

Therefore, if the subject order is issued by EPA, 40 CFR Part 55 would be amended based upon the actual term of Order No. R-III-CC-004 appearing below:

[Order No. R-III-CC-004]

In the matter of the Virginia Electric and Power Company.

This order is issued pursuant to Subsection 113(d)(5) of the Clean Air Act, as amended, 42 U.S.C. 7413(d) ("the Act"). This order contains a schedule for compliance, interim requirements, monitoring and reporting requirements, and other requirements of this subsection of the Act. Public notice has been provided pursuant to subsection 113(d)(1) of the Act, and a copy of this order has been provided to the Governor of the Commonwealth of Virginia to seek his concurrence.

Findings

On June 30, 1975, Virginia electric and Power Company ("Company") received a Prohibition Order from the Federal Energy Administration ("FEA") pursuant to section 2 of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. 792 (Supp. V, 1975), as implemented by 10 CFR Parts 303 and 305 (1976), as amended, 42 FR 23132 (1977). Said order prohibited, upon receipt of a Notice of Effectiveness, any further burning of natural gas or petroleum products as the primary energy source for the Company's Number 4 Boiler.

The Company's Number 4 Boiler was burning petroleum products at the time the FEA Prohibition Order was issued, and if converted to coal, would no longer be in compliance with every applicable air pollution requirement under the Virginia State Implementation Plan ("SIP"). A violation of the annual primary ambient air quality standard for particulate matter in Chesapeake, Virginia resulted in a finding by the United States Environmental Protection Agency ("EPA") that, for purposes of this Order, the Hampton Roads Intrastate Air Quality Control Region is a nonattainment region with respect to particulate matter and that regional limitation was applicable.

The Company, on February 27, 1979, successfully rebutted the statutory limitation on the effectiveness of an order, pursuant to section 113(d)(5)(D), by demonstrating that, upon converting Number 4 Boiler to coal, the source's emissions would have an insignificant effect on the air quality concentrations in that portion of the region where particulate matter is being exceeded. They further demonstrated that conversion to coal would not contribute to the exceedance of the national primary ambient air quality standard for particulate matter in Chesapeake, Virginia. The Company, therefore, formally requested from EPA an order to allow the burning of coal as the primary energy source. After a thorough investigation of the information obtained from all sources, including public comment, the Administrator of EPA has determined that the emission limitations, coal pollution characteristics, and other enforceable measures contained in the order below, satisfy the requirements of subsection 113(d)(5)(B) of the Act. Further, pursuant to subsection 113(d)(5)(B), the Administrator has determined that compliance with the requirements of this order will assure that, during the period of the order before final compliance is achieved, the burning of coal by the source will not result in emissions which will cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant.

Pursuant to subsection 113(d)(6) of the Act, the Administrator has determined that the schedule for compliance set forth below is as expeditious as practicable.

Finally, pursuant to subsection 113(d)(7) of the Act, the Administrator has determined that the order provides that the source shall use the best practicable system or systems of continuous emission reduction, taking into account the requirement with which the source must ultimately comply, during the period of said order. The source shall also be required to comply with interim requirements, set forth in said order, and determined to be necessary to comply with the requirements of the Virginia State Implementation Plan ("SIP") insofar as the Administrator had determined that the source is able to do so.

Pursuant to subsection 113(d)(5) of the Act, the Administrator has determined that the Company's Number 4 Boiler cannot achieve final compliance with the requirements set forth in this order prior to December 31, 1980. The Administrator, therefore, may issue an additional order to provide time to come into compliance with the applicable air pollution requirements which is determined to be as expeditious as practicable, but in no event later than December 31, 1985.

Order

Therefore, it is hereby ordered:

I. That the Number 4 Boiler of the Portsmouth Generating Station will comply with the requirements of the Virginia SIP, as specified in Section IV, Rule 2 (Effective date: March 17, 1972) and Rule 3 (Effective date: March 17, 1972; amended August 11, 1972) of the federally approved Regulations for the Control and Abatement of Air Pollution in the

Commonwealth of Virginia, as expeditiously as practicable, but in no event later than the dates specified in the following schedule:

A. Not later than April 1, 1980: Enter into contracts for particulate emission controls and other equipment necessary for final compliance.

B. Not later than May 1, 1980: Submit for approval to the EPA Region III, Air and Hazardous Materials Division Director, contracts for continuous particulate emission reduction systems and other equipment necessary for final compliance.

C. Not later than April 1, 1981: Initiate on-site construction or installation of continuous particulate control systems.

D. Not later than April 1, 1982: Complete on-site construction or installation of continuous particulate control systems.

E. Not later than June 30, 1982: Perform emission tests in accordance with 40 CFR Part 60 and submit reports demonstrating final compliance with the Regulations of the Commonwealth of Virginia State Air Pollution Control Board, Section IV, Rules 2 and 3 as approved by EPA.

II. With respect to the schedule increments set out in subparagraphs (A) through (E) of Paragraph I hereinabove, the Company shall notify the Division Director, Air and Hazardous Materials Division, EPA Region III, within ten (10) days after each incremental requirement has been satisfied, or within ten (10) days after the final date set for achieving each such requirement, is such requirement has not been achieved.

III. That the Company's Portsmouth Generating Station ("the source") shall comply with the following interim requirements which are determined to be the best reasonable and practicable interim system of continuous emission reduction (taking into account the requirements or Paragraph I, above), and which are necessary to assure compliance with the federally approved Rules 2 and 3 of Section IV of the Virginia Regulations for the Control and Abatement of Air Pollution, insofar as the source referred to above is able during the period this order is in effect:

A. During the period of the order's effectiveness, prior to the date set for final compliance or the date on which final compliance is achieved (whichever is earlier), the Number 4 Boiler shall not burn coal with an ash content exceeding twelve percent (12%) and a high heating value of less than 12,000 British Thermal Units (BTU's) per pound.

B. During the same period specified in subparagraph A hereinabove, the Number 4 Boiler shall not emit in excess of 2263 pounds of particulate matter per hour at maximum load from Boiler Number 4; and

C. During the same period specified in subparagraph A hereinabove, the Company shall not emit in excess of 492 pounds of particulate matter per hour at maximum load from Boiler Numbers 1, 2 and 3 combined.

The above conditions have been determined by the Administrator to be the best practicable interim system or systems of emission reduction for the period during which this order will be in effect. The conditions of this paragraph are also ordered to meet the requirements of Subsection

113(d)(5)(B) of the Act, and are therefore subject to modification from time to time pursuant to said provision. Any modifications, if made, shall be accompanied by a determination of the Administrator that such modifications continue to meet the best practicable interim system of emission reduction, and other interim requirements of Subsection 113(d)(7) of the Act, or shall include requirements to comply with said subsection.

IV. That the Virginia Electric and Power Company is not relieved by this order from compliance with any requirements imposed by the applicable State Implementation Plan, EPA, and/or the courts pursuant to Section 303 of the Act during any period of imminent and substantial endangerment to the health of persons.

V. That the period of effectiveness of this order shall not include any interval in which a national primary ambient air quality standard for particulate matter is being exceeded, which Virginia Electric and Power is causing or contributing to, in the Hampton Roads Air Quality Control Region. During such intervals, if any, full compliance with standards and limitations of the Virginia Electric and Power Company of said SIP shall be subject to enforcement under any or all authorities of Section 113 of the Act.

VI. That the Virginia Electric and Power Company shall comply with the following emissions monitoring and reporting requirements on or before the dates specified below:

A. Emission Monitoring

1. Within thirty (30) days of the effectiveness of this order, the Virginia Electric and Power Company shall submit to the Director, Air and Hazardous Materials Division, EPA Region III, a proposal for a complete air quality monitoring network to be set up by the Company in the vicinity of the Source. Said network shall include monitors capable of measuring 24-hour average particulate concentrations. EPA Region III may, on its own initiative, direct that continuous sulfur dioxide monitors be located with particulate samplers and operated by the Company.

2. Within ninety (90) days after receiving EPA approval of the network proposed under subparagraph A.1 of this paragraph, said approval including any modifications made in the network by the Director, Air and Hazardous Materials Division, EPA Region III, the Company shall complete installation and begin operation of the EPA-approved network.

3. Within ninety (90) days of the effectiveness of this order, the Company shall submit in writing for his approval to the Director, Air and Hazardous Materials Division, EPA Region III, the methods, procedures and devices the Company intends to use to obtain the information required by subparagraph B of this paragraph.

4. Within thirty (30) days of approval by EPA of the monitoring and information-gathering system proposed under subparagraph A.3 of this paragraph, the Company shall implement such system as may be modified by the Director, Air and Hazardous Materials Division, EPA Region III, in his approval.

5. Within sixty (60) days of commencing the use of coal in the Company's Boiler Number 4, the Company shall perform source testing for particulate emissions using EPA method five (5) as specified in Appendix A of Part 60, Title 40 of the Code of Federal Regulations, as amended. The Company shall perform such tests in a manner approved in writing by EPA Region III and shall provide to the EPA Region III Regional Energy Coordinator a minimum of fifteen (15) days written notice prior to conducting such tests. The Company shall provide to said Regional Energy Coordinator a complete report containing all information pertinent to the performance and results of said stack tests within thirty (30) days of completing such tests.

6. Within thirty (30) days of the effectiveness of this order, the Company shall install and operate a continuous opacity monitor required under subparagraph B.1 of this paragraph.

7. Within sixty (60) days of installation of the continuous opacity monitor required under subparagraph B.1 of this paragraph, the Company shall conduct a Performance Specification Test (PST) in accordance with Performance Specification 1, Appendix B of Part 60, Title 40 of the Code of Federal Regulations. The Company shall notify the Regional Energy Coordinator, EPA, Region III, of the date on which the PST will be conducted at least thirty (30) days prior to such date.

8. Within forty-five (45) days of the PST required under subparagraph A.8 of this paragraph, the Company shall submit a complete report containing all information pertinent to the PST to the Regional Energy Coordinator, EPA Region III.

B. Recordkeeping

1. The Company shall keep monthly records both of air quality monitoring data and of air pollutant emissions, of which records the Company shall submit copies to the EPA Region III Regional Energy Coordinator, within fifteen (15) days of the end of each calendar month. Said air pollutant emission records shall detail daily emission for all fuel-burning units of the Company at its Portsmouth Generating Station as determined by application of EPA emission factors and shall at a minimum include:

a. For each fuel-burning unit, a breakdown of the fuel consumed each day of the preceding month;

b. For each fuel-burning unit, an analysis of the fuel consumed each week to include sulfur content, ash content and high heating value; and

c. For the stack-serving Boiler Number four (4) only, a record of the hourly measurement of opacity, acquired by means of a continuous opacity monitoring device. Such a device shall be installed, calibrated, and maintained in accordance with Performance Specification 1 of Appendix B, Part 60, Title 40 of the Code of Federal Regulations.

2. If, for any reason, the Company does not comply or will be unable to comply with the requirements of this Order, the Company shall provide in writing to the Director, Air and Hazardous Materials Division, EPA

Region III, within five (5) days of becoming aware of such situation:

a. A description of the noncompliance and its cause; and

b. The period during which noncompliance has occurred and/or is expected to occur, and the steps taken to reduce, eliminate and prevent recurrence of the noncompliance.

3. If the air quality monitoring data collected by the Company pursuant to Section A of this paragraph indicates that the National Primary Ambient Air Quality Standards for particulates are being exceeded in the area, the Company shall notify the Director, Air and Hazardous Materials Division, EPA Region III, of such occurrence by telephone or letter or other means, within seventy-two (72) hours of the collection of such data.

4. The requirement of subparagraph 3 hereinabove shall apply with respect to monitoring data and the National Ambient Air Quality Standards for Sulfur Dioxide, if such monitoring requirements are imposed pursuant to Section A, of this paragraph.

VII. Nothing herein shall affect the responsibility of Virginia Electric and Power Company to comply with State, local or other federal regulations.

VIII. Virginia Electric and Power Company is hereby notified that its failure to achieve final compliance at its Boiler Number 4 with the applicable particulate emission regulations of the Virginia SIP by June 30, 1982, or such other date as may be specified in a second order pursuant to subsection 113(d) of the Act, if issued, may result in a requirement to pay a noncompliance penalty under Section 120 of the Act. Such requirement may be imposed at an earlier date, as provided by Subsection 113(d) and section 120 of the Act, either in the event that this order is terminated as provided in Paragraph IX, below, or in the event that any requirement of this order is violated as provided in paragraph X, below. In any event, the Company will be formally notified, pursuant to Subsection 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

IX. This order shall be terminated in accordance with Subsection 113(d)(8) of the Act if the Administrator or his delegatee determines, on the record, after notice and hearing, that an inability of the Company to comply with Rules 2 and 3, Section IV of the Virginia Regulations for the Control and Abatement of Air Pollution, as approved by EPA, no longer exists with respect to its Boiler Number 4. In addition, if the Company is able to demonstrate compliance with Rules 2 and 3 prior to June 30, 1982, then this order may be terminated at that earlier date by mutual agreement of the Administrator and the Company.

X. Violation of any requirement of this order shall result in one or more of the following actions:

A. Enforcement of such requirement pursuant to subsection 113(a), (b), or (c) of the Act, including possible judicial action for an injunction and/or penalties and in appropriate cases, criminal prosecution.

B. Revocation of this order, after notice and opportunity for a public hearing, and subsequent enforcement of the Virginia SIP in accordance with the preceding paragraph.

C. If a violation occurs, notice of noncompliance and subsequent action pursuant to section 120 of the Act.

XI. This order is effective upon promulgation in the Federal Register and after having received concurrence from the Governor of the Commonwealth of Virginia.

Authority: 42 U.S.C. 7413(d).

Dated: September 12, 1979.

Jack Schramm,
Regional Administrator.

[FR Doc. 79-30386 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 250

[FRL 1329-8]

Hazardous Waste and Hazardous Waste Management; Availability of Information

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of information and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is today making available to the public two final reports, one interim report and one informal report on hazardous waste and hazardous waste management which were completed and published after the close of the comment period on EPA's proposed regulations implementing Sections 3001-3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (43 FR 18506-18512, April 28, 1978, and 43 FR 58946-59022, December 18, 1978). In addition, EPA is also making available to the public several additional responses to the EPA requests for information on hazardous waste which were noticed for public comment on August 22, 1979 (44 FR 49278) and extending the comment period on the two reports (Comparison of Three Waste Leaching Tests: Executive Summary and Background Study on the Development of a Standard Leaching Test) which were also noticed on that same date (44 FR 49277).

DATES: Comments on these reports and letters are due no later than November 13, 1979.

ADDRESSES: Comments should be addressed to John P. Lehman, Director, Hazardous and Industrial Waste Division, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Communications should identify the regulatory docket or notice number, which is section 3001.

Copies of the reports and letters described in this notice are available for reading at the EPA Public Information

Reference Unit (Room 2404) and the Subtitle C Docket Room (Room 2439K), both located at 401 M Street, SW., Washington, D.C., and at all EPA Regional Office libraries during the hours of 9:00 a.m. to 4:30 p.m., Monday through Friday. Copies of the two final reports may also be ordered from Ed Cox, Solid Waste Information, U.S. Environmental Protection Agency, 26 West St. Clair Street, Cincinnati, Ohio 45268, (513) 684-8491. Copies of the other two reports and letters are available from the EPA Docket Clerk at the address indicated below. EPA plans to provide the four reports noticed today free of charge to all who request copies. However, the Agency may charge \$0.20 per page for photocopying if the available copies run out.

FOR FURTHER INFORMATION CONTACT: Ken Stacey, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-9173.

SUPPLEMENTARY INFORMATION: During the development of its proposed Section 3001-3004 regulations, EPA initiated several studies on hazardous waste to obtain additional information on and/or analyze major issues raised by those regulations. In a number of cases, reports of those studies have only recently been finalized or are not scheduled to be finalized until some time between now and the end of the year. The purpose of this notice is to announce the availability of four of those reports for public comments and EPA's intent to make available several additional reports on hazardous waste before December 31, 1979.

Announcements regarding the release of other reports will be made in subsequent Federal Register notices.

The four reports which EPA is making available to the public today are:

Compilation and Evaluation of Leaching Test Methods (EPA-600/2-78-095)

This recently published final report evaluates the factors to be considered in developing a standardized leaching test, discusses leachate generation, describes and evaluates existing leaching tests, and recommends several tests for further study and evaluation.

Comparison of Three Waste Leaching Tests (EPA-600/2-79-071)

In the study discussed in this final report, EPA ran three leaching tests on 14 different industrial wastes to determine the potential of each test for use as a standard leaching test. A summary of this report and the background study for the report ("Background Study on the Development

of a Standard Leaching Test") were previously noticed for public comment on August 22, 1979 (44 FR 49277).

Toxicity of Leachate: Interim Report

This interim report discusses a study which evaluates the utility of a series of test procedures which were proposed on December 18, 1978 for use in the Section 3001 Regulations. (43 FR 58949, 58956-58957). This study was conducted by the Oak Ridge National Laboratories (ORNL) and the work performed during the period April 1, 1978, through January 1, 1979. In the course of this study, Oak Ridge ran EPA's proposed extraction procedure on several wastes; chemically analyzed the extracts obtained; subjected the extracts to mutagenicity, phytotoxicity and aquatic toxicity bioassays; and evaluated the extraction procedure from an operational standpoint.

C. C. Sun and J. J. McAdams, Assessment of RCRA/EP Test Results on FBC Residue: Part II—Proposed Procedure in Federal Register, December 18, 1978 (May 4, 1979)

This study was prepared by the Westinghouse Research and Development Center, Pittsburgh, Pennsylvania for the Industrial Environmental Research Laboratory (Research Triangle Park), U.S. Environmental Protection Agency, as part of an overall program to evaluate the hazardousness of FBC (fluidized bed combustion) residues. It presents the results of their testing program and some recommendations on EPA's proposed extraction procedure.

In addition to these four reports, EPA is today making available for public comment a number of letters which EPA received in response to the EPA written requests for information on hazardous wastes noticed in the Federal Register on August 22, 1979 (44 FR 49278). These responses were received after publication on that notice. Finally, EPA is extending the comment period on the two reports (Comparison of Three Waste Leaching Tests: Executive Summary and Background Study on the Development of a Standard Leaching Test) which were noticed for public comment on August 22, 1979 (44 FR 49277). These reports, due to distribution problems, have not been readily available to the public; therefore, the comment period for these two reports are being extended to allow the public adequate time to review and comment on them.

Comments on these reports and letters should be submitted to EPA no later than forty (40) days after the date of publication of this notice. Because EPA

is currently under a court order to promulgate final Section 3001-3004 regulations by December 31, 1979 (*State of Illinois vs. Costle*, 12 ERC 1597 (D.D.C. 1979)), a shorter comment period (probably thirty (30) days) may be provided on reports released later this year in order to give EPA adequate time to evaluate and respond to public comments on the reports before those regulations are finalized.

The purpose of making this information available to the public is to comment on the accuracy of the data contained in the reports and letters and the conclusions reached, not to reopen the comment period on EPA's proposed Section 3001-3004 regulations. Commenters should limit the scope of their written submissions accordingly.

Dated: September 21, 1979.

Sweep T. Davis, Jr.,
Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 79-30495 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Part 1152

National Endowment for the Arts; Nondiscrimination on the Basis of Age

AGENCY: National Endowment for the Arts.

ACTION: Proposed Regulations.

SUMMARY: The National Endowment for the Arts is proposing regulations to carry out its responsibilities under the Age Discrimination Act of 1975, 42 U.S.C. 6101 *et seq.* The proposed regulations are consistent with and reflect standards and procedures included in general government-wide regulations issued by the Department of Health, Education, and Welfare and published in the Federal Register June 12, 1979, 44 FR 33768 (1979). The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs and activities receiving Federal financial assistance. The Act contains exceptions which permit age distinctions and factors other than age to continue in use under certain circumstances. The Act excludes from its coverage most employment practices except for programs funded under the public service employment titles of the Comprehensive Employment and Training Act (CETA). The Age Discrimination in Employment Act (ADEA), administered by the Equal Employment Opportunity Commission continues to be the Federal statute that

prohibits employment discrimination for persons between the ages of 40 and 70.

DATE: Comments are invited from other federal agencies and the public. They must be received on or before November 15, 1979.

ADDRESS: Comments should be submitted in writing to Susan Liberman, Assistant to the General Counsel, National Endowment for the Arts, 2401 E Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Garrett M. Johnson, Office of the General Counsel, National Endowment for the Arts, 2401 E Street, NW., Washington, D.C. 20506, 202-634-6588.

SUPPLEMENTARY INFORMATION:

Background

The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act contains exceptions which limit the general prohibition against age discrimination. The Act permits the use of age distinctions which are necessary to the normal operation of a program or to the achievement of a statutory objective. It also permits actions based on reasonable factors other than age. In accordance with section 304(a)(1) of the Act, the Secretary of the Department of Health, Education, and Welfare (HEW) was required to issue government-wide regulations to guide the development of agency specific regulations by each Federal agency that administers programs of Federal financial assistance. Final government-wide regulations were published in the Federal Register June 12, 1979, 44 FR 33768 (1979). It should be noted that under the Age Discrimination Act the prohibition of age discrimination was to become effective upon the issuance of agency regulations. According to HEW, the effective date of the Act will be July 1, 1979, the effective date of HEW government-wide regulations.

Section 90.31(b) of the HEW government-wide regulations required Federal agencies with statutory authority to extend Federal financial assistance to issue proposed agency regulations applicable to the specific programs and activities administered by that agency.

In addition to publishing specific regulations consistent with HEW government-wide regulations, the following actions are required to be taken by the Endowment in connection with implementation of the Act.

1. An appendix is required to be included in Endowment regulations listing all age distinctions which appear in Federal statutes and regulations and

affect the agency's programs of financial assistance. A review of the National Foundation on the Arts and the Humanities Act of 1965, as amended, 20 U.S.C. 951 *et seq.*, and Endowment regulations reveals no statutory age distinctions used by the Endowment in the administration of agency programs.

2. As a second step in the public information process, the Endowment must review any age distinctions it imposes on its recipients by regulation or by administrative action in order to determine whether these distinctions are permissible under the Act. This review must be completed within 12 months after publication of agency final regulations and must be published for public comment in the Federal Register.

3. The Act requires the Endowment to report annually to the Congress through HEW on its compliance and enforcement activities.

4. The Endowment is required to provide written notices to each recipient of the recipient's obligations under the Act, to provide technical assistance to recipients where necessary, and to make available educational materials explaining the rights and obligations of beneficiaries and recipients.

5. The Endowment is required to establish a procedure for processing complaints of age discrimination. The complaint handling procedure must include an initial screening by the Endowment and notice to complainants and recipients of their rights and obligations in the complaint process. All complaints which fall within the coverage of the Act will be referred to a mediation process managed by the Federal Mediation and Conciliation Service (FMCS).

6. The Endowment must review the effectiveness of its regulations 30 months after their effective date. The review is to be published in the Federal Register with an opportunity for public comment.

Summary of Proposed Regulation

The Endowment's proposed regulations are divided into four subparts: Subpart A—General; Subpart B—Standards for Determining Age Discrimination; Subpart C—Responsibilities of Endowment Recipients; Subpart D—Investigation, Conciliation, and Enforcement Procedures.

Subpart A of the proposed regulations explains the purpose of the Endowment's age discrimination regulations and sets forth general definitions. Section 1152.3(h) defines the term "recipient." As indicated, recipient includes any state or its political subdivision, any instrumentality of a

state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient including any successor, assignee, or transferee of a recipient. It should be noted that the ultimate beneficiary of the assistance is excluded from the definition of recipient. This language points out the inapplicability of these regulations to assistance programs administered directly by the Federal government to beneficiaries, e.g., individual fellowship award programs. However, with respect to direct assistance programs, the regulations may apply whenever direct aid is provided to an individual on condition that the aid be spent in providing services or benefits to others.

The general and specific prohibitions against discrimination on the basis of age (§ 1152.7) as well as the exceptions to those prohibitions are set forth in Subpart B (§ 1152.8). As a general rule, under the regulations, no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Endowment financial assistance.

The Act contains several exceptions which limit the general prohibition against age discrimination. Section 304(b)(1) of the Act permits the use of age distinctions which are based on reasonable factors other than age. The regulations provide definitions for two terms which are essential to an understanding of those exceptions: "Normal operation" and "statutory objective" (§ 1152.8). "Normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its objectives. "Statutory objective" is defined to mean any purpose which is explicitly stated in a Federal statute, State statute or local statute or ordinance.

The regulations establish a four part test, all parts of which must be met for an explicit age distinction to satisfy one of the statutory exceptions and to continue in use in a Federally assisted program. This four part test will be used to scrutinize age distinctions which are imposed in the administration of Endowment assisted programs, but which are not explicitly authorized by a Federal, State or local statute.

Recipients of Endowment funds also are permitted to take an action otherwise prohibited by the Act, if the action is based on "reasonable factors other than age." In that event, the action may be taken even though it has a

disproportionate effect on persons of different ages. However, according to the regulations (§ 1152.8(c)), the factor other than age must bear a direct and substantial relationship to the program's normal operation or to the achievement of a statutory objective.

General illustrative application of these basic principles to Endowment supported programs and activities are set forth in § 1152.10 of the proposed regulations.

Subpart C sets forth the duties of Endowment recipients. Endowment recipients are responsible for ensuring that their programs and activities are in compliance with the Act and Endowment regulations.

Where an Endowment recipient passes on financial assistance to subrecipients, the recipient must notify subrecipients of their obligations under the regulations (Section 1152.12). Each recipient and each subrecipient would be required to complete a one-time written self-evaluation of its compliance with the proposed regulations. The self-evaluation must be kept on file for three years from the effective date of the regulations and made available to the public upon request.

Subpart D of the proposed regulations establishes the procedures for investigation, conciliation, and enforcement of the Act. This Subpart closely reflects the procedural requirements included in HEW's government-wide regulations.

Section 1152.17 introduces mediation into the complaint process for age discrimination. The Endowment will refer all complaints of discrimination under the Act to the Federal Mediation and Conciliation Services (FMCS), which was designated by the Secretary of HEW to manage the mediation process.

Complainants and recipients are required to participate in the effort to reach a mutually satisfactory mediated settlement of the complaint. Mediation may last no more than 60 days from the date the Endowment first receives the complaint. No further action will be taken by the Endowment in connection with a successfully mediated complaint. The Endowment will, however, investigate complaints that are unresolved after mediation or are reopened because the mediation agreement is violated.

Finally, the regulations permit the Endowment to disburse withheld funds to an appropriate alternate recipient. The alternate recipient must be in compliance with the regulations and must demonstrate the ability to achieve the goals of the Endowment's enabling

legislation and applicable program guidelines.

In consideration of the foregoing, it is hereby proposed to add Part 1152 to Title 45 of the Code of Federal Regulations to read as set forth below.

Dated: September 25, 1979.

Livingston L. Biddle, Jr.,
Chairman, National Endowment for the Arts.

PART 1152—NONDISCRIMINATION ON THE BASIS OF AGE

Subpart A—General

Sec.

- 1152.1 Purpose.
- 1152.2 Application.
- 1152.3 Definitions.
- 1152.4–1152.6 [Reserved].

Subpart B—Standards for Determining Discriminatory Practices

- 1152.7 Rules against age discrimination.
- 1152.8 Exceptions to the rules against age discrimination.
- 1152.9 Burden of proof.
- 1152.10 Illustrative examples.

Subpart C—Responsibilities of Endowment Recipients

- 1152.11 General responsibilities.
- 1152.12 Notice to subrecipients.
- 1152.13 Self-evaluation.
- 1152.14 Information requirements.

Subpart D—Investigation, Conciliation, and Enforcement Procedures

- 1152.15 Compliance reviews.
- 1152.16 Complaints.
- 1152.17 Mediation.
- 1152.18 Investigation.
- 1152.19 Prohibition against intimidation or retaliation.
- 1152.20 Compliance procedure.
- 1152.21 Remedial and affirmative action by recipients.
- 1152.22 Alternate funds disbursement procedure.
- 1152.23 Exhaustion of administrative remedies.

Authority: Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.*; 45 CFR Part 90.

Subpart A—General

§ 1152.1 Purpose.

The purpose of this part is to implement the Age Discrimination Act of 1975, as amended. The Age Discrimination Act of 1975, as amended, is designed to prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act also permits federally assisted programs and activities, and recipients of Federal funds to continue to use certain age distinctions and factors other than age which meet the requirements of the Act and these regulations.

§ 1152.2 Application.

(a) This part applies to each recipient of financial assistance from the National Endowment for the Arts and to each program or activity that receives or benefits from such assistance.

(b) These regulations do not apply to:

- (1) An age distinction contained in that part of a Federal, State, or local statute or ordinance adopted by an elected, general purpose legislative body which:

- (i) Provides any benefits or assistance to persons based on age; or
- (ii) Establishes criteria for participation in age-related terms; or
- (iii) Describes intended beneficiaries or target groups in age-related terms.

(2) Any employment practice of any employer, employment agency, labor organization, or any labor-management joint apprenticeship training program, except for any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act of 1975 (CETA), (29 U.S.C. 801 *et seq.*).

§ 1152.3 Definitions.

As used in these regulations, the term:

- (a) "Act" means the Age Discrimination Act of 1975, as amended, (Title III of Pub. L. 94-135).

(b) "Action" means any act, activity, policy role, standard, or method of administration; or the use of any policy, role, standard, or method of administration.

(c) "Age" means how old a person is, or the number of years from the date of a person's birth.

(d) "Age distinction" means any action using age or any age-related term.

(e) "Age-related term" means a word or words which necessarily imply a particular age or range of ages (for example, "children," "adult," "older persons," but not "student").

(f) "Federal financial assistance" means any grant, entitlement, loan, cooperative agreement, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the agency provides or otherwise makes available assistance in the form of:

- (1) Funds;
- (2) Services of Federal personnel; or
- (3) Real and personal property or any interest in or use of property including:

(i) Transfers or leases of property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of property if the Federal share of its fair market value is not returned to the Federal government.

(g) "Recipient" means any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended, directly or through another recipient. Recipient includes any successor, assignee, or transferee, but excludes the ultimate beneficiary of the assistance.

(h) "Sub-recipient" means any of the entities in the definition of "recipient" to which a recipient extends or passes on Federal financial assistance. A sub-recipient is generally regarded as a recipient of Federal financial assistance and has all the duties of a recipient in these regulations.

(i) "Endowment" means the National Endowment for the Arts.

(j) "Chairman" means the Chairman of the National Endowment for the Arts.

(k) "FMCS" means the Federal Mediation and Conciliation Service.

§§ 1152.4–1152.6 [Reserved].

Subpart B—Standards for Determining Discriminatory Practices

§ 1152.7 Rules against age discrimination.

The rules stated in this section are limited by the exceptions contained in § 1152.8.

(a) General rule. No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(b) Specific rules. A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements use age distinctions or take any other actions which have the effect, on the basis of age, of:

(1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under a program or activity receiving Federal financial assistance; or

(2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

(c) The specific forms of age discrimination listed in paragraph (b) of this section do not necessarily constitute a complete list.

§ 1152.8 Exceptions to the rules against age discrimination.

(a) *Definitions.* For purposes of this section, the terms "normal operation" and "statutory objective" shall have the following meaning:

(1) "Normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its objectives.

(2) "Statutory objective" means any purpose of a program or activity expressly stated in any Federal statute, State statute, or local statute or ordinance adopted by any elected, general purpose legislative body.

(b) *Normal operation or statutory objective of any program or activity.* A recipient is permitted to take an action otherwise prohibited by § 1152.7, if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

(1) Age is used as a measure or approximation of one or more other characteristics; and

(2) The other characteristic(s) must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity; and

(3) The other characteristic(s) can be reasonably measured or approximated by the use of age; and

(4) The other characteristic(s) are impractical to measure directly on an individual basis.

(c) *Reasonable factors other than age.* A recipient is permitted to take an action otherwise prohibited by § 1152.7 which is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective.

§ 1152.9 Burden of proof.

The burden of proving that an age distinction or other action falls within the exceptions outlined in § 1152.8(b) and (c) is on the recipient of Federal financial assistance.

§ 1152.10 Illustrative examples.

The following examples will illustrate the application of the foregoing provisions to some of the activities funded by the National Endowment for the Arts:

(a) The Endowment's Artists-in-Schools Program places professional artists in elementary and secondary schools to work and demonstrate their artistic disciplines. The primary purpose

of the program is to enhance among children the powers of perception and self-expression, and to help them communicate creatively with tools and skills they otherwise might not develop. Primary responsibility for administering the Artists-in-Schools Program belongs to State Arts Agencies and designated cooperating organizations in coordination with State Education Agencies. Participation in the Program is limited to children attending elementary and secondary schools. Although this factor might have a disproportionate effect on persons of different ages, under § 1152.8(c) of the regulations State Arts Agencies may impose this limitation since the factor bears a direct and substantial relationship to the normal operation of the program, i.e., the operation of the program without significant changes that would impair its ability to meet its objectives.

(b) The Endowment's Theatre Program provides support for professional theatre groups engaged primarily in the production of dramatic material for audiences ages five through 15. This Program category was established in response to the needs of the many existing children's theatres. It was believed that support for children's theatre would broaden the audience served by recipients of the Theatre Program and would assist in the development of quality works for children. The age criterion included in Theatre Program guidelines relates to the subject matter of the theatrical works to be produced rather than to eligibility requirements for participation in the Program. This Program is designed to include not exclude larger audiences and therefore would not contravene the general specific prohibitions against age discrimination included in § 1152.7 of the regulations.

(c) The Museum Program's Formal Training Programs provide matching grants to organizations for graduate level programs in curatorial training, museum administration or museum education conducted jointly by museums and universities. The graduate level eligibility criterion would not necessarily have the effect of disproportionately limiting participation in the program on the basis of age. Consequently, graduate level eligibility would not appear to be an age related factor requiring justification under the regulations.

Subpart C—Responsibilities of Endowment Recipients

§ 1152.11 General responsibilities.

Each Endowment recipient has primary responsibility for ensuring that

its Endowment supported programs and activities are conducted in a manner consistent with the Age Discrimination Act and Endowment regulations.

§ 1152.12 Notices to subrecipients.

Where a recipient passes on Federal financial assistance from the Endowment to subrecipients, the recipient shall provide the subrecipients with written notice regarding the subrecipients obligations under these regulations.

§ 1152.13 Self-evaluation.

(a) Each recipient shall complete a one-time written self-evaluation of its compliance under the Act within 18 months of the effective date of this section. The self-evaluation shall identify and justify each age distinction imposed by the recipient.

(b) Each recipient shall take corrective and remedial action whenever a self-evaluation indicates a violation of these regulations.

(c) Each recipient shall make the self-evaluation available on request to the Endowment and to the public for a period of three years following its completion.

§ 1152.14 Information requirements.

Each recipient shall:

(a) Make available upon request to the Endowment information necessary to determine whether the recipient is complying with these regulations.

(b) Permit reasonable access by the Endowment to the books, accounts, and other recipient facilities and sources of information to the extent necessary to determine whether the recipient is in compliance with these regulations.

Subpart D—Investigation, Conciliation, and Enforcement Procedures

§ 1152.15 Compliance reviews.

The Endowment may conduct compliance reviews and pre-award reviews of recipients in order to investigate and correct violations of these regulations. In the event a compliance review or pre-award review indicates a violation of these regulations, the Endowment will attempt to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, enforcement efforts will proceed as described in § 1152.20 of these regulations.

§ 1152.16 Complaints.

(a) Any person, individually or as a member of a class or on behalf of others, may file a complaint with the Endowment, alleging discrimination prohibited by these regulations based on an action occurring on or after July 1,

1979. A complainant shall file a complaint within 180 days from the date the complainant first had knowledge of the alleged act of discrimination. However, for good cause, the Endowment may extend this time limit.

(b) The Endowment will attempt to facilitate the filing of complaints wherever possible, including taking the following measures:

(1) Widely disseminating information regarding the obligations of recipients under the Act and these regulations.

(2) Notifying the complainant and the recipient of their rights under the complaint procedure, including the right to have a representative at all stages of the complaint procedure.

(3) Notifying the complainant and the recipient (or their representatives) of their right to contact the Endowment for information and assistance regarding the complaint resolution process.

§ 1152.17 Mediation.

(a) Referral of complaints for mediation. The Endowment will refer to the Federal Mediation Service all complaints that:

(1) Fall within the jurisdiction of these regulations; and

(2) Contain all information necessary for further processing.

(b) Both the complainant and the recipient shall participate in the mediation process to the extent necessary to reach an agreement or make an informed judgment that an agreement is not possible. There must be at least one meeting with the mediator before the Endowment will accept a judgment that an agreement is not possible. However, the recipient and the complainant need not meet with the mediator at the same time.

(c) If the complainant and the recipient reach an agreement, the mediator shall prepare a written statement of the agreement and have the complainant and recipient sign it. The mediator shall send a copy of the agreement to the Endowment. The Endowment will take no further action on the complaint unless the complainant or the recipient fails to comply with the agreement.

(d) The mediator shall protect the confidentiality of all information obtained in the course of the mediation process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of the mediation process without prior approval of the head of the mediation agency.

(e) The Endowment will use the mediation process for a maximum of 60

days after receiving a complaint. Mediation ends if:

(1) 60 days elapse from the time the Endowment receives the complaint; or

(2) Prior to the end of that 60 day period, an agreement is reached; or

(3) Prior to the end of that 60 day period, the mediator determines that an agreement cannot be reached.

(f) The mediator shall return unresolved complaints to the Endowment.

§ 1152.18 Investigation.

(a) *Informal investigation.* (1) The Endowment will investigate complaints that are unresolved after mediation or are reopened because of a violation of a mediation agreement.

(2) As part of the initial investigation, the Endowment will use informal fact finding methods, including joint or separate discussions with the complainant and recipient to establish the facts, and, if possible, settle the complaint on terms that are mutually agreeable to the parties. The Endowment may seek the assistance of any involved State program agency.

(3) The Endowment will put any agreement in writing and have it signed by the parties and an authorized official at the Endowment.

(4) The settlement shall not affect the operation of any other enforcement effort of the Endowment, including compliance reviews and investigation of other complaints which may involve the recipient.

(5) The settlement is not a finding of discrimination against a recipient.

(b) *Formal investigation.* If the Endowment cannot resolve the complaint through informal investigation, it will begin to develop formal findings through further investigation of the complaint. If the investigation indicates a violation of these regulations, the Endowment will attempt to obtain voluntary compliance. If the Endowment cannot obtain voluntary compliance, it will begin enforcement as described in § 1152.20.

§ 1152.19 Prohibition against intimidation or retaliation.

A recipient may not engage in acts of intimidation or retaliation against any person who:

(a) Attempts to assert a right protected by these regulations; or

(b) Cooperates in any mediation, investigation, hearing, or other part of the Endowment's investigation, conciliation and enforcement process.

§ 1152.20 Compliance procedure.

(a) The Endowment may enforce the Act and these regulations through:

(1) Termination of a recipient's Federal financial assistance from the Endowment under the program or activity involved where the recipient has violated the Act and these regulations. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an administrative law judge. Therefore, cases which are settled in mediation, or prior to a hearing, will not involve termination of a recipient's Federal financial assistance from the Endowment.

(2) Any other means authorized by law including, but not limited to:

(i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations of the recipient created by the Act or these regulations.

(ii) Use of any requirement of or referral to any Federal, State, or local government agency that will have the effect of correcting a violation of the Act or these regulations.

(b) The Endowment will limit any termination under § 1152.20(a)(1) to the particular recipient and particular program or activity the Endowment finds in violation of these regulations. The Endowment will not base any part of a termination on a finding with respect to any program or activity of the recipient which does not receive Federal financial assistance from the Endowment.

(c) The Endowment will take no action under paragraph (a) of this section until:

(1) The Chairman has advised the recipient of its failure to comply with the Act and these regulations and has determined that voluntary compliance cannot be obtained.

(2) Thirty days have elapsed after the Chairman has sent a written report of the circumstances and grounds of the action to the committees of the Congress having legislative jurisdiction over the Federal program or activity involved. The Chairman will file a report whenever any action is taken under paragraph (a) of this section.

(d) The Chairman also may defer granting new Federal financial assistance from the Endowment to a recipient when a hearing under § 1152.20(a)(1) is initiated.

(1) New Federal financial assistance from the endowment includes all assistance for which the Endowment requires an application or approval, including renewal or continuation of existing activities, or authorization of new activities, during the deferral period. New Federal financial assistance from the Endowment does not include

increases in funding as a result of changed computation of formula awards or assistance approved prior to the beginning of a hearing under § 1152.20(a)(1).

(2) The Endowment will not begin a deferral until the recipient has received a notice of an opportunity for a hearing under § 1152.20(a)(1). The Endowment will not continue a deferral for more than 60 days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual consent of the recipient and the Chairman. The Endowment will not continue a deferral for more than 30 days after the close of the hearing, unless the hearing results in a finding against the recipient.

§ 1152.21 Remedial and affirmative action by recipients.

(a) Where the Chairman finds a recipient has discriminated on the basis of age, the recipient shall take any remedial action that the Chairman may require to overcome the effects of the discrimination. If another recipient exercises control over the recipient that has discriminated, the Chairman may require both recipients to take remedial action.

(b) Even in the absence of a finding of discrimination, a recipient may take affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age.

(c) If a recipient operating a program which serves the elderly or children in addition to persons of other ages, provides special benefits to the elderly or to children the provision of those benefits shall be presumed to be voluntary affirmative action provided that it does not have the effect of excluding otherwise eligible persons from participation in the program.

§ 1152.22 Alternate funds disbursement procedure.

(a) When the Endowment withholds funds from a recipient under these regulations, the Chairman may disburse the withheld funds directly to an alternate recipient.

(b) The Chairman will require any alternate recipient to demonstrate:

(1) The ability to comply with these regulations; and

(2) The ability to achieve the goals of the Endowment's enabling legislation and applicable program guidelines.

§ 1152.23 Exhaustion of administrative remedies.

(a) A complainant may file a civil action following the exhaustion of administrative remedies under the Act.

Administrative remedies are exhausted if:

(1) 180 days have elapsed since the complainant filed the complaint and the endowment has made no finding with regard to the complaint; or

(2) The Endowment issues any finding in favor of the recipient.

(b) If the Endowment fails to make a finding within 180 days or issues a finding in favor of the recipient, the endowment will:

(1) Promptly advise the complainant of this fact; and

(2) Advise the complainant of his or her right to bring a civil action for injunctive relief; and

(3) Inform the complainant:

(i) That the complainant may bring a civil action only in a United States district court for the district in which the recipient is located or transacts business;

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the complainant must demand these costs in the complaint;

(iii) That before commencing the action the complainant shall give 30 days notice by registered mail to the Secretary, the Attorney General of the United States, and the recipient;

(iv) That the notice must state: the alleged violation of the Act; the relief requested; the court in which the complainant is bringing the action; and, whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That the complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

[FR Doc. 79-30528 Filed 10-01-79; 8:45 am]

BILLING CODE 7537-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[FRL 1332-2]

National Ambient Air Quality Standards; Review of Criteria and Standards for Particulate Matter and Sulfur Oxides

AGENCY: Environmental Protection Agency.

ACTION: Notice of Decisions Regarding Revision of Criteria and Review of Standards for Particulate Matter and Sulfur Oxides.

SUMMARY: This notice announces EPA's decision to revise the criteria documents for particulate matter and sulfur oxides underlying the national ambient air quality standards for those pollutants, and to complete such revisions and any appropriate revision of the ambient standards themselves by December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph Padgett, Director, Strategies and Air Standards Division (MD-12), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5204; or Dr. Lester D. Grant, Director, Environmental Criteria and Assessment Office (MD-52), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2266.

SUPPLEMENTARY INFORMATION: On April 30, 1971, the Environmental Protection Agency published in the *Federal Register* (42 FR 8186) National Ambient Air Quality Standards for particulate matter (40 CFR 50.6 and 50.7) and for sulfur oxides (40 CFR 50.4 and 50.5). The scientific, technical, and medical basis for these standards is contained in air quality criteria documents published by the U.S. Department of Health, Education and Welfare in January, 1969 (particulate matter, AP-49; sulfur oxides, AP-50).

In 1976, as a result of internal agency review of criteria for these pollutants and the recommendations of a committee of EPA's Science Advisory Board, the decision was made to revise the criteria documents for particulate matter and sulfur oxides. The review of health and welfare effects criteria and the resulting decision to revise were made pursuant to Section 108(c) of the Clean Air Act (42 U.S.C. 7408(c)), which provides in part that "The Administrator shall from time to time review, and, as appropriate, modify, and reissue any criteria . . . issued pursuant to this section." The review of criteria consisted of analyzing the results of research undertaken by EPA, and evaluating scientific literature and health effects data which had accumulated since publication of the original criteria documents. The process of criteria revision was scheduled to occur during 1979-1980, because of the competing priorities of other criteria documents which also required revision, and the need to complete additional research on particulates and sulfur oxides. At that time the Clean Air Act specified no dates for the completion of criteria review or revision. Accordingly, the schedules for revision of the various criteria documents were established on

the basis of the best judgment of the Administrator.

In 1977, amendments to the Clean Air Act provided that a thorough review of criteria and standards, and such revisions as may be appropriate, shall be completed by December 31, 1980. (Clean Air Act Section 109(d)(1); 42 U.S.C. 7409(d)(1)). In response to this specific requirement, the Agency established May, 1980, as a target date for completion of revised criteria documents for particulate matter and sulfur oxides.

On June 13, 1979, I formally approved Development Plans for particulate matter and sulfur oxides. The Development Plans provide a summary of Agency schedules and actions regarding the review and revision of the criteria for these pollutants. Also set forth are schedules and actions for the review of the corresponding ambient air quality standards, and if appropriate the proposal and promulgation of revised standards. Copies of the Development Plans can be obtained on request from Joseph Padgett, Director of the Strategies and Air Standards Division, at the address referenced above for further information.

Work on a revised combined criteria document for particulate matter and sulfur oxides is now in progress and has been among the highest priorities of the Agency's Environmental Criteria and Assessment Office since mid-1978. Such revision necessarily entails the thorough additional review of criteria as contemplated in Section 109(d)(1) of the Clean Air Act. EPA anticipates that an external review draft of the combined criteria document for particulate matter and sulfur oxides will be made available for public comment later this year, and a notice of its availability will be published in the *Federal Register* at that time. A draft of the document will also be reviewed by an independent scientific advisory committee of the Agency's Science Advisory Board in a public meeting, the time and place of which will be announced in the *Federal Register*.

If any revised standards are to be proposed, they would be based on, and announced concurrently with, the final revised criteria document. The Development Plans specify December of 1980 for the final promulgation of any revised standards. Regardless of whether the Agency proposes to revise or to retain the existing standards for particulate matter and sulfur oxides, I have decided to follow the rulemaking procedures specified in Section 307(d) of the Clean Air Act (42 U.S.C. 7607(d)) in the review of these particular standards.

The Section 307(d) procedures provide for extensive public participation in the decisionmaking process.

The purpose of this Notice is to announce the decision to revise, and the schedules for revision of, the criteria documents for particulate matter and sulfur oxides. Revision will occur in the context of the criteria and standard review process as set forth in the Development Plans discussed above. I have decided that it would not be advisable or feasible to accelerate issuance of the combined criteria document or the review and possible revision of standards. In so deciding, I have considered alternative schedules for completing the combined revised criteria document, the availability of resources needed to complete the document, and legal requirements that the document be reviewed by the public and by the independent scientific advisory committee mentioned above. I am also mindful of the importance of producing the best possible document to be used as a basis for reviewing and possibly revising standards which are of critical importance to the health and economy of the nation. For these reasons, I have decided to complete the revision of the criteria for particulate matter and sulfur oxides, and review and possible revision of the corresponding standards, by December 31, 1980.

Because EPA's national ambient air quality standards are the basis for all state implementation plans under section 110 of the Clean Air Act (42 U.S.C. 7410) and are of nationwide applicability and significance, I consider my decisions announced today with regard to review and revision of the criteria and standards for particulate matter and sulfur oxides, and the schedules for completing such review and revision, to be nationally applicable final actions for purposes of Section 307(b)(1) of the Clean Air Act (42 U.S.C. 7607(b)(1)).

Dated September 27, 1979.

Douglas M. Costle,
Administrator.

[FR Doc. 79-30685 Filed 10-1-79; 11:02 am]

BILLING CODE 8560-01-M

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Rulemaking and Public Information; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10:00 a.m., on Monday, October 22, 1979, in the library of the Administrative Conference, Suite 500, 2120 L Street NW., Washington, D.C.

The Committee will meet to further consider proposed recommendations on the subject of the Federal Trade Commission's administration of its expense reimbursement program. These recommendations were published at 44 FR 55219 (September 25, 1979).

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance of the meeting. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information, contact Stephen Babcock (202-254-7020). Minutes of the meeting will be available on request.

Richard K. Berg,
Executive Secretary.

September 26, 1979.

[FR Doc. 79-30511 Filed 10-1-79; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

Recalls of Meat and Poultry Products, Notice of Staff Reorganization; Notice of Availability of FSQS Directive

On June 12, 1975, a memorandum of understanding between the Federal Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA) was published in the Federal Register (40 FR 25079) concerning recalls by FDA of food products for human consumption. The memorandum sets forth the working arrangements to be followed in carrying out respective responsibilities when such a recall is initiated.

Due to USDA reorganization, the following staffs are now responsible for maintaining liaison with FDA: The Evaluation and Enforcement Division, Compliance Program, Food Safety and Quality Service (FSQS) ((202) 447-3317), is the primary liaison for operational matters concerning recalls between both agencies. Secondary liaison for technical matters will be maintained by the Epidemiology Branch, Pathology and Epidemiology Division, Science Program, FSQS ((301) 344-2003).

In certain cases not contemplated by the memorandum of understanding, meat and meat food products or poultry and poultry products may be voluntarily recalled. For instance, when a manufacturer or distributor believes that products which have been distributed are adulterated or misbranded, it may voluntarily recall the products from commerce. In addition, when FSQS believes that adulterated or misbranded products are in commerce, the Deputy Administrator, Compliance Program, FSQS, may request a firm to make a voluntary recall.

To maintain the objectives similar to those specified in the memorandum of understanding, FSQS has issued internal instructions (FSQS Directive 8080.1) designating actions and delegating responsibilities for monitoring voluntary recalls.

FSQS Directive 8080.1 is available for public inspection and copying. Interested persons should contact the Coordinator, Freedom of Information Act, Room 3805, South Agriculture Building, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250.

Federal Register

Vol. 44, No. 192

Tuesday, October 2, 1979

Done at Washington, DC, on: September 26, 1979.

Donald L. Houston,
Administrator, Food Safety and Quality Service.

[FR Doc. 79-30456 Filed 10-1-79; 8:45 am]

BILLING CODE 3410-DM-M

COMMISSION ON CIVIL RIGHTS

Appointments of Individuals To Serve as Members of the Performance Review Board—Senior Executive Service

The Civil Service Reform Act of 1978, 5 U.S.C. 4314(c)(4) requires that the appointments of individuals to serve as members of performance review boards be published in the Federal Register. Therefore, in compliance with this requirement, notice is hereby given that the individuals whose names and position titles appear below have been appointed to serve as members of the performance review board for the U.S. Commission on Civil Rights for the rating year beginning October 1, 1979, and ending September 30, 1980.

Name and title
John Hope III—Deputy Staff Director, USCCR

Harriett Jenkins—Director of Equal Employment Programs, NASA
Alfredo Matthew—Director, Office of Government Employment, EEOC
Bert Silver—Assistant Staff Director for Administration, USCCR
Eileen Stein—General Counsel, USCCR
Louis Nunez,

Staff Director.

September 26, 1979.

[FR Doc. 79-30411 Filed 10-1-79; 8:45 am]

BILLING CODE 6335-01-M

Delaware Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Delaware Advisory Committee (SAC) of the Commission will convene at 12:00p and will end at 4:30p, on October 16, 1979, the State Administration Building, Route 113, South Conference Room, Dover, Delaware.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic

Regional Office of the Commission, 2120 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to followup advisory committee business on state government affirmative action, New Castle County school suspensions, and expulsions, plan Omega's hospital relocation, and housing and employment issues.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 27, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-30525 Filed 10-01-79; 8:45 am]

BILLING CODE 6335-01-M

Virginia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Virginia Advisory Committee (SAC) of the Commission will convene at 8:30p and will end at 9:30p, on October 23, 1979, at the Ramada Inn, 1900 North Fort Myer Drive, Board Room—1st Floor, Arlington, Virginia.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss planning for fiscal year 1979-80 activities.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 27, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-30524 Filed 10-1-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

Advisory Committee on East-West Trade; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Advisory Committee on East-West Trade will be held on Wednesday, October 10, 1979 at 9:30 a.m., in Room 4830, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C., 20230.

The Committee was established on February 11, 1974 to advise the Department, through the Deputy Assistant Secretary for East-West Trade, on ways to further its mission to promote and encourage the orderly expansion of commercial and economic relations between the United States and the communist countries. The Committee currently has 19 members.

The Committee meeting agenda has two parts:

General Session, Room 4830

Morning 9:30 a.m.—12:30 p.m.

(1) Welcome and Opening Remarks by Chairman Ottmar.

(2) Remarks on U.S.-PRC Maritime Agreement.

(3) Review of Developments in East-West Trade.

(4) Update on U.S.-PRC Commercial Relations.

(5) Committee Views on Implications of PRC Investment Law for U.S.-PRC Trade.

(6) Committee Views on Sensitive Imports from Communist Countries.

(7) Committee Views on Third Country Cooperation with the Communist Countries.

Executive Session, Room 4830

Afternoon 2:00 p.m.—3:00 p.m.

(8) Committee Recommendations on Policies for U.S. Commercial Relations with the U.S.S.R. and the PRC in 1980's.

The General Session of the meeting will be open to public observation. Approximately 50 seats will be available (including 5 seats reserved for media representatives) on a first-come first-served basis.

A period will be set aside for oral comments on questions by the public which do not exceed ten minutes each. More extensive questions or comments may be submitted in writing at any time before or after the meeting.

With respect to agenda item (8), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 26, 1979 pursuant to Section 10 (d) of the Federal Advisory Committee Act, as amended by Section 5 (c) of the Government in the Sunshine Act Pub. L. 94-409, that the matters to be discussed under agenda item (8) should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because it will be concerned with matters listed in 5 U.S.C. 552b (c)(9)(B), i.e., premature disclosure would be likely to significantly frustrate implementation of a proposed agency action.

Copies of minutes of the open portion of the meeting will be available 30 days after the meeting upon written request

addressed to the Industry and Trade Administration, Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Ms. JeNelle Matheson, Committee Control Officer, Office of East-West Policy and Planning, Bureau of East-West Trade, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C., 20230, telephone (202) 377-2498.

The complete Notice of Determination to close the aforementioned portion of the October 10 meeting of the Advisory Committee on East-West Trade is hereby published.

This meeting is being called on short notice because rapidly evolving U.S. relations with the PRC and the U.S.S.R. have necessitated making last minute changes in the program.

Dated: September 28, 1979.

Kempton B. Jenkins,

Deputy Assistant Secretary for East-West Trade.

DEPARTMENT OF COMMERCE

Office of the Assistant Secretary for Administration

Advisory Committee on East-West Trade; Notice of Determination

The Secretary of Commerce, having determined that it is in the public interest in connection with the duties imposed on the Department by law, initially established the Advisory Committee on East-West Trade ("the Committee") on February 11, 1974, pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. (1976). In December 1978, with the concurrence of the General Services Administration, the Committee's charter was renewed until December 5, 1980. Authorized membership of the Committee is approximately 20, with a current membership of 19.

The Committee provides advice on ways to promote, facilitate and coordinate the expansion of two-way trade with the Soviet Union, Poland, Hungary, Czechoslovakia, Romania, Bulgaria, the People's Republic of China, and certain other areas of the world, with similar economic/political structures, so as to contribute materially to a more positive balance of trade and payments situation.

The Committee may identify and make recommendations concerning current and proposed government policies and programs relating to the promotion and expansion of such trade; advise on the development of future government plans and actions directed at promoting and increasing such trade and improving trading relations; advise on ways U.S. firms could enter this trade on expand existing trade programs and activities; advise on problems encountered by U.S. business in pursuing such trade and recommend solutions; and provide a forum for business, the academic community and government to discuss problems and issues in the field of East-West trade.

The Committee's activities are conducted pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the President, or the head of the agency to which the advisory committee reports, determines that such meetings or portions thereof may be closed to the public in accordance with 5 U.S.C. 552(c).

5 U.S.C. 552b (c)(9)(B) provides that agency meetings or portions thereof may be closed to the public where the premature disclosure of information discussed at such meetings is likely to significantly frustrate implementation of a proposed agency action.

Portions of the September 28, 1977, September 27, 1978, December 13, 1978, April 18, 1979 and June 27, 1979 meetings have previously been closed to the public in accordance with 5 U.S.C. 552b (c)(9)(B) to discuss U.S. Government negotiating positions on (1) the CSCE Review of Basket II negotiating provisions of the Helsinki Final Act, (2) future U.S.-Soviet trade in light of validated licensing controls imposed on exports of oil and gas-related equipment to the U.S.S.R., (3) U.S.-P.R.C. Trade and Economic Agreements, and (4) U.S.-Soviet commercial relations.

The U.S. Government is currently continuing to develop its negotiating positions on several issues in its commercial relations with the U.S.S.R. and the P.R.C. Although the United States has discussed these issues with both countries, negotiations are continuing. In order to provide advice to the Department under the terms of its charter, on October 10, 1979 from 2:00 p.m. to 3:00 p.m. the advisory Committee on East-West Trade will make recommendations on key issues in U.S. commercial relations with China and the Soviet Union to be resolved in future negotiations. Advice and information received from the Committee at this meeting will subsequently be used by the department in formulating and implementing U.S. negotiating positions. Premature public disclosure of this information and advice would be likely to significantly frustrate implementation of effective U.S. Government negotiations on these commercial matters.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the portion of the Committee meeting scheduled from 2:00 p.m.-3:00 p.m. on October 10, 1979 which will address matters discussed in the preceding paragraph, shall be exempt from the provisions of Section 10(a) (1) and (a)(3) relating to open meetings and public participation therein, because the aforementioned Committee discussions will be concerned with information listed in 5 U.S.C. 552b (c)(9)(B) in that the premature disclosure of this information would be likely to significantly frustrate implementation of effective U.S. negotiations. U.S. negotiating

positions have not been and are not required to be disclosed to the public prior to negotiations.

Remaining portions of the meeting will be open to the public.

Dated: September 26, 1979.

Guy W. Chamberlin, Jr.

Assistant Secretary for Administration.

Dated: September 26, 1979.

Alfred Meisner,

Assistant General Counsel for Administration.

[FR Doc. 79-30530 Filed 10-1-79; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of August. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Price Regulations and the General Allocation and Price Regulations, and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;
2. Post the maximum lawful selling price, or a certification that the current selling price is equal to or less than the maximum allowed, for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height, or in a prominent place elsewhere at the retail outlet in numbers or letters not less than four inches high;
3. Properly maintain records required under the aforementioned regulations; and
4. Cease and desist from employing any discriminatory and/or unlawful business practices prohibited by the aforementioned regulations.

For further information regarding these Consent Orders, please contact Leon Snead, Program Manager for Product Retailers, Department of Energy, Economic Regulatory Administration, Enforcement Program Operations, 2000 M Street, NW, Washington, DC 20461, telephone number 202-254-6990.

Firm name	Firm address	Audit date
Abney Amoco.....	6300 Georgia Ave., NW., Washington, DC 20011.	8/15/79
Drazin Amoco.....	2600 14th St., NW., Washington, DC 20009.	7/26/79
Harris Amoco Service.....	33rd St. & South Dakota Ave., Washington, DC 20018.	8/1/79
Martin Shell.....	1001 Bladensburg Ave., NE., Washington, DC 20002.	8/8/79
Taylor Sunoco.....	4439 Wheeler Road, Oxon Hill, MD 20021.	8/8/79
New Carrollton Shell.....	8309 Annapolis Road, New Carrollton, MD 20784.	8/13/79
Kaywood Exxon.....	4501 Eastern Ave., Mt. Rainier, MD 20822.	8/13/79
Palmer's Texaco.....	6101 George Palmer Highway, Seat Pleasant, MD 20027.	8/8/79
Ahn Texaco.....	4934 Marlboro Pike, Coral Hills, MD 20027.	8/9/79
Cost Plus Amoco.....	9501 Lanham-Severn Rd., Seabrook, MD 20801.	8/13/79
Orleans Exxon.....	1921 Orleans Street, Baltimore, MD 21231.	8/6/79
Slade American.....	Reisterstown Rd. & Slade Ave., Pikesville, MD 21208.	8/6/79
Paul's Gulf Service.....	2410 Lee Highway, Arlington, VA 22231.	8/6/79
Seal Pleasant Amoco.....	5818 George Palmer Highway, Seal Pleasant, MD 20027.	8/1/79
Fort Dupont Shell.....	4107 Alabama Ave., SE., Washington, DC 20019.	8/6/79
Georgetown European.....	3601 M Street, NW., Washington, DC 20007.	8/7/79
Patrick Amoco.....	306 Rhode Island Ave., NW., Washington, DC 20001.	8/7/79
Hillcrest Shell Service.....	2721 Naylor Road, Washington, DC 20020.	8/8/79
Anacostia Exxon.....	2255 Martin Luther King Ave., SE., Washington, DC 20020.	8/6/79
Johnson's Texaco.....	13th & Good Hope Rd., SE., Washington, DC 20020.	8/6/79
Branch Ave. Exxon.....	3201 Pennsylvania Ave., SE., Washington, DC 20020.	8/6/79
Pennsylvania Avenue Sunoco.....	2305 Pennsylvania Ave., SE., Washington, DC 20020.	8/6/79
Wilson Exxon.....	900 11th Street, SE., Washington, DC 20003.	8/6/79
Georgia Avenue Shell.....	4140 Georgia Ave., Washington, DC 20011.	8/7/79
Shell Service.....	2100 S. Dakota Ave., NE., Washington, DC 20018.	8/7/79
Memorial Exxon.....	1414 King St., Alexandria, VA 22314.	8/15/79
Lee-Hi Shell.....	5030 Lee Highway, Arlington, VA 22207.	8/22/79
Blvd. Gulf Service.....	4885 MacArthur Blvd., NW., Washington, DC 20016.	8/9/79
Stadium Amoco.....	500 E. 33rd St., Baltimore, MD 21218.	8/4/79
Tenley Sunoco.....	4530 Wisconsin Ave., NW., Washington, DC 20016.	8/29/79
Georgia Ave. Sunoco.....	5410 Georgia Ave., NW., Washington, DC 20011.	8/23/79

Issued in Washington, DC on the second day of September, 1979.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

[FR Doc. 79-30405 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

Delegation of Functions by the Secretary of Energy to the Administrator of the Economic Regulatory Administration and to the Federal Energy Regulatory Commission

AGENCY: Department of Energy.

ACTION: Notice of delegations.

SUMMARY: Notice is hereby given of amended delegations by the Secretary of Energy to the Administrator of the Economic Regulatory Administration (ERA) and to the Federal Energy Regulatory Commission (FERC). The delegations transfer to the FERC the Secretary's authority under the Department of Energy Organization Act in the *Pac Indonesia* liquefied natural gas (LNG) import case to approve or disapprove applications to build and operate LNG receiving facilities at Point Conception, California. ERA retains full authority to approve the importation of Indonesian LNG into the United States and to approve the building of facilities at another site, Oxnard, California.

EFFECTIVE DATE: October 2, 1979.

FOR FURTHER INFORMATION CONTACT:

Martin S. Kaufman, Office of General Counsel, 12th and Pennsylvania Ave., N.W., Room 5116, Washington, D.C. 20461 (202) 633-9380.

Barry M. Smoler, Federal Energy Regulatory Commission, Office of General Counsel, 825 North Capitol Street, N.E., Room 8100, Washington, D.C. 20426 (202) 357-8433.

SUPPLEMENTARY INFORMATION: The delegations relate to applications for approval to import or export natural gas under section 3 of the Natural Gas Act (NGA) and applications to build and operate border facilities for the import or export of natural gas pursuant to Executive Order No. 10485. The Secretary of Energy (the Secretary) has the authority to approve or disapprove these applications under the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 42 U.S.C. 7101, *et seq.* (1977).

The Secretary's authority to regulate imports and exports was divided between the ERA and the FERC by DOE Delegation Orders Nos. 0204-25 (to ERA) and 0204-26 (to FERC) (43 FR 47769, October 17, 1978). They provided a mechanism whereby the Secretary, through his delegate, the Administrator, maintains authority over imports and exports of natural gas to the extent that they broadly concern energy policies on an international, national and interregional scale. The approval of the construction and operation of facilities to receive and process natural gas rests within the FERC's jurisdiction.

The mechanism established in Delegation Orders Nos. 0204-05 and 0204-26 expressly did not apply to ERA Docket No. 77-001-LNG, *Pacific Indonesia LNG Co., et al., (Pac Indonesia)*. In that case, the Administrator was to exercise complete section 3 jurisdiction, including the approval of receiving terminal facilities at the two sites requested by the applicants, Oxnard and Point Conception, California. Point Conception is also being considered by the FERC in relation to an application to use the same facilities to receive LNG from Alaska (*Pacific Alaska LNG Co., FERC Docket No. CP 75-140, et al.*).

The Administrator approved both the import of Indonesian LNG into the United States and the construction of facilities at Oxnard in DOE/ERA Opinion and Order No. One, December 30, 1977. Petitions for rehearing of Opinion No. One were duly filed, and rehearing for the purpose of further consideration was granted. DOE/ERA Opinions No. Two and Six (September 29, 1978 and April 24, 1979 respectively) were later issued resolving some of the issues on rehearing.

A final order on rehearing, DOE/ERA Opinion No. Eight dated September 26, 1979, reaffirmed approval of the import itself and the price at the point of importation into either Oxnard or Point Conception. In addition, the construction and operation of facilities at Oxnard were approved and the terminaling costs at that site were found to be reasonable. ERA made no determinations as to the appropriateness of Point Conception as a site for the LNG receiving facilities or the costs of those facilities.

Under the new delegations, signed September 24, 1979, the Secretary transferred to the FERC his authority to approve the use of Point Conception, or any other site other than Oxnard, as the point of entry for the Indonesian LNG and to authorize the construction and operation of facilities at those sites.

ERA retains the responsibility to determine whether the import itself is not inconsistent with the public interest based on the security of supply, the effect of the import on U.S. balance of payments, the import price, consistency with DOE regulations and statements of policy, national need for the gas, and other considerations inherent in section 3 of the NGA, such as regional need for the gas and eligibility of purchasers and participants and their respective shares. In addition, ERA retains the full extent of the Secretary's authority over the construction and operation of facilities at, and the distribution of the imported LNG through, Oxnard.

These delegations are procedural only, and the requirement in section 7(c)(1) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, that proposals "affecting the quality of the environment" be reviewed by the Environmental Protection Agency prior to issuance is therefore not applicable.

The delegation orders are effective October 2, 1979.

(Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 F.R. 46267.)

Issued in Washington, D.C. on September 27, 1979.

William S. Heffelfinger,

Director of Administration.

DEPARTMENT OF ENERGY

Delegation Order No. 0204-54 to the Administrator of the Economic Regulatory Administration

Pursuant to the authority vested in me as the Secretary of Energy ("Secretary") by the Department of Energy Organization Act ("DOE Act")—

(a) There is hereby delegated to the Administrator of the Economic Regulatory Administration ("Administrator") the authority under Section 3 of the Natural Gas Act and Executive Order 10485, as transferred to the Secretary by Sections 301 and 402(f) of the DOE Act, to determine whether importation or exportation of natural gas is not inconsistent with the public interest, insofar as such determination is based on the following considerations:

(1) In the case of imported natural gas, the security of supply and effect on U.S. balance of payments;

(2) The price proposed to be charged at the point of importation or exportation;

(3) Consistency with duly promulgated and published regulations or statements of policy of the Department of Energy specifically applicable to imports or exports of natural gas;

(4) National need for the natural gas to be imported or exported; and

(5) Such other matters within the scope of Section 3 of the Natural Gas Act as the Administrator shall find in the circumstances of a particular case to be appropriate for his determination, including but not limited to:

(A) Regional needs for the natural gas to be imported or exported;

(B) In the case of imported natural gas, the eligibility of purchasers and participants and their respective shares.

(b) In exercising the functions delegated in paragraph (a)(1) through (5) above, the Administrator may attach such terms and conditions as he shall determine to be necessary to make the import or export not inconsistent with the public interest, which terms and conditions the FERC shall include in any order it may issue which authorizes the import or export pursuant to Delegation Order No. 0204-55.

(c) Notwithstanding paragraph (a)(5) above, the Administrator shall not exercise any authority under Section 3 of the Natural Gas Act to approve or disapprove an import

or export based upon the construction and operation of facilities, the site at which they shall be located, or the place of entry for imported natural gas, except that the Administrator shall have the authority to disapprove the construction and operation of facilities, the site at which they shall be located, or the place of entry for imported natural gas on the basis of the considerations contained in paragraphs (a)(1) and (a)(3) above.

(d)(i) With respect to ERA Docket No. 77-001-LNG, in addition to the functions enumerated in paragraphs (a) and (b) above (and notwithstanding paragraph (c) above), the Administrator is hereby delegated all functions within the jurisdiction of the Secretary under Sections 301 and 402(f) of the DOE Act, with respect to those matters relating to the importation and distribution of natural gas through, and construction and operation of, facilities at Oxnard, California.

(d)(ii) Nothing in this delegation shall be construed to amend or supersede 10 CFR § 1000.1(d) (42 FR 55534, October 17, 1977) or DOE Delegation Orders No. 0204-1, No. 0204-8, and No. 0204-14.

(e) The authority delegated to the Administrator may be further delegated (except to the FERC) in whole or in part, as may be appropriate.

(f) Paragraph 6 of the Delegation Order No. 0204-4, is amended to read as follows:

"6. The functions delegated to the Administrator of ERA by Delegation Order No. 0204-55."

(g) This delegation amends and supersedes Delegation Order No. 0204-25.

(h) All actions pursuant to any authority delegated prior to the Order, and all actions encompassed within the scope of the authority delegated by this Order but taken prior to and in effect on the date of this Order, are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

(i) Nothing in this delegation by the Secretary shall preclude the Secretary from exercising any of the authority so delegated whenever in his judgment his exercise of such authority is necessary or appropriate to administer the functions vested in him.

This Order is effective October 2, 1979.

Charles W. Duncan, Jr.,

Secretary of Energy.

DEPARTMENT OF ENERGY

Delegation Order No. 0204-55 to the Federal Energy Regulatory Commission

Pursuant to the authority vested in me as the Secretary of Energy ("Secretary") by Sections 402(e) and 642 of the Department of Energy Organization Act ("DOE Act"), there is hereby delegated and assigned to the Federal Energy Regulatory Commission ("FERC") such authority under the Natural Gas Act, Executive Order 10485, and Sections 301 and 402(f) of the DOE Act, as is vested in the Secretary to carry out the following functions with respect to the regulation of exports and imports of natural gas:

(1) Except insofar as such functions have been delegated to the Administrator of the Economic Regulatory Administration

("Administrator"), all functions under Section 3 of the Natural Gas Act to approve or disapprove the construction and operation of particular facilities and the site at which they would be located, and with respect to imports of natural gas, the place of entry.

(2) All other functions under Section 3 of the Natural Gas Act, which are not delegated to the Administrator under paragraphs (a)(1) through (4) or (d)(1) of Delegation Order No. 0204-54, and which have not been previously exercised by the Administrator under paragraph (a)(5) of Delegation Order No. 0204-54.

(3) All functions under Sections 4, 5, and 7 of the Natural Gas Act; and

(4) All functions with respect to issuance of such orders, authorizations and certificates which the FERC determines to be necessary or appropriate to implement the respective determinations made by the Administrator under Delegation Order No. 0204-54 (to the extent that he determines such import or export is not inconsistent with the public interest) and by the FERC under this Order.

(5) This Order amends and supersedes Delegation Order No. 0204-28.

This Order does not delegate to the FERC authority to authorize an import or export under Section 3 of the Natural Gas Act unless such authorization adopts such terms and conditions as shall have been previously attached by the Administrator pursuant to the authority delegated to him by Delegation Order No. 0204-54. However, nothing in this paragraph shall require the FERC to authorize an import or export under any section of the Natural Gas Act if it determines that the application, as conditioned by the Administrator pursuant to the authority delegated by Delegation Order No. 0204-54, is inconsistent with provisions of the Natural Gas Act which the FERC has been delegated authority to administer by this Order or which are otherwise vested in the FERC.

The authority delegated and assigned to the FERC may be further delegated within the FERC, in whole or in part, as may be appropriate.

All actions pursuant to any authority delegated prior to this Order, and all actions encompassed within the scope of the authority delegated by this Order but taken prior to and in effect on the date of this Order, are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

This Order is effective October 2, 1979.

Charles W. Duncan, Jr.,

Secretary of Energy.

[FR Doc. 79-30565 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1300-5]

Intent To Prepare a Draft Environmental Impact Statement

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of Intent to prepare a draft environmental impact statement (EIS).

PURPOSE: To fulfill the requirements of Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an EIS and therefore issues this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Ms. Alexandria B. Smith, Environmental Evaluation Branch, U.S. Environmental Protection Agency, Region X, 1200 Sixth Avenue, M/S 443, Seattle, Washington 98101. Telephone: (Commercial) 201/442-1285, (FTS) 399-1285.

SUMMARY: 1. *Description of proposed action.* The Environmental Protection Agency will be preparing an EIS for the potential expansion or upgrade of the Municipality of Metropolitan Seattle's (Metro) Renton sewage treatment facility. The preparation and issuance of the EIS will proceed jointly with Metro's Facility Plan. The Renton plant, which is located at 1200 Monster Road S.W., Renton, Washington, currently serves the areas of north Lake Sammamish, south Lake Sammamish, east Lake Washington, south Lake Washington, Green River and a portion of the White River Watershed.

The EIS will consider in detail the environmental impacts of implementing alternative wastewater treatment strategies developed through the planning process. The major issues to be evaluated include the potential changes in land use patterns, the impacts on agricultural lands, open spaces, flood plains and wetlands, the effects of increased discharge of effluent on receiving waters, and secondary impacts associated with the alternatives.

2. *Public and Private Participation in the EIS Process.* Full participation by interested Federal, State and local agencies as well as other interested private organizations and parties is invited. The public will be involved to the maximum extent possible and is encouraged to participate in the planning process.

3. *Scoping.* EPA and Metro conducted an initial EIS scoping meeting in September 26, 1979 to familiarize the public with the proposed action and to identify the significant issues to be addressed in the EIS.

4. *Timing.* EPA estimates the draft EIS will be available for public review and comment around June 1981.

5. *Requests for Copies of Draft EIS.* All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on

the distribution list of the draft EIS and related public notices.

Dated: September 26, 1979.

Joseph M. McCabe,

Acting Director, Office of Environmental Review (A-104).

[FR Doc. 79-30396 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1330-3; OPP-50443]

Issuance of an Experimental Use Permit

The Environmental Protection Agency (EPA) has issued an experimental use permit to the following applicant. Such a permit is in accordance with, and subject to, the provisions of 40 CFR Part 172 which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 2139-EUP-24. Nor-Am Agricultural Products Inc., Woodstock, IL 60098. This experimental use permit allows the use of 512 pounds of the fungicide propyl [3-(dimethylamino propyl) carbamate monohydrochloride] on turf grass to evaluate control of Pythium blight. A total of 32 acres is involved; the program is authorized only in the States of Alabama, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Maryland, Missouri, New Jersey, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and Wisconsin. The experimental use permit is effective from August 21, 1979 to August 21, 1980. (PM-21, Henry Jacoby, Room: E-305, Telephone: 202/755-2562.)

Interested parties wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460. The descriptive paragraph for the permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)

Dated: September 20, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-30393 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1330-2; PF-151]

Pesticide Programs; Filing of Pesticide/Food/Feed Additive Petitions

Pursuant to sections 408(d)(1) and 490(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency (EPA) gives notice that the following petitions have been submitted to the Agency for consideration.

PP9F2252. Mobay Chemical Corp., PO Box 4913, Kansas City, MO 64120. Proposes that 40 CFR 180.349 be amended by establishing tolerances for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio)phenyl-(1-methylethyl)phosphoramidate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities apples, cherries, and peaches at 0.02 part per million (ppm); meat, fat and meat byproducts of cattle, goats, hogs, horses and sheep at 0.05 ppm; and milk at 0.002 ppm. The proposed analytical method for determining residues is by gas chromatography using a thermionic flame ionization detector.

FAP 9H5236. Mobay Chemical Corp. Proposes that 21 CFR 193 be amended by permitting residues of the above nematocide on apples and peaches with a tolerance limitation of 0.2 ppm resulting in dried apples and dried peaches.

FAP 9H5236. Mobay Chemical Corp. Proposes that 21 CFR 561.232 be amended by permitting residues of the above nematocide on apples with a tolerance limitation of 0.2 ppm resulting in apple pomace.

Interested persons are invited to submit written comments on these petitions. Comments may be submitted, and inquiries directed, to Product Manager (PM) 21, Room E-305, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, DC 20460, telephone number 202/755-2562. Written comments should bear a notation indicating the petition number to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the Product Manager's Office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

Dated: September 20, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-30392 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1330-1 and PFT-37]

Pesticide Programs; Filing of Food/Feed Additive Petition

Dow Chemical Co., P.O. Box 1706, Midland, MI 48640, has submitted a petition (FAP 9H5233) to the Environmental Protection Agency (EPA) which proposes that 21 CFR 193 and 561 be amended by permitting residues of the herbicide alkanolamine salts (of the ethanol and isopropanol series) of 3,6-dichloro-2-pyridine-carboxylic acid in connection with a proposed experimental program involving the application of the herbicide in the growing of wheat with a tolerance limitation of 5 parts per million (ppm) in milled fractions (except flour) of wheat. Notice of this submission is given pursuant to the provisions of section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition. Comments may be submitted, and inquiries directed, to Product Manager (PM) 23, Room E-351, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, DC 20460, telephone number 202/755-1397. Written comments should bear a notation indicating the petition number "FAP 9H5233". Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the Product Manager's Office from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

Dated: September 20, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-30394 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1331-1]

Task Force on Environmental Cancer and Heart and Lung Disease; Project Group on Education of the Public and of Health Professionals; Workshop

AGENCY: Task Force on Environmental Cancer and Heart and Lung Disease represented by the Environmental Protection Agency (Chairman); the National Cancer Institute; the National Heart, Lung and Blood Institute; the National Institute for Occupational Safety and Health; the National Institute of Environmental Health Sciences; the National Center for Health Statistics; the Center for Disease Control; and the Food and Drug Administration.

ACTION: Notice of Workshop.

SUMMARY: A workshop on "Environmental Education Needs of Health Professionals" will be held on October 15 and 16, 1979 at the Ramada Inn, 1251 West Montgomery Avenue, Rockville, MD; sessions will convene at 8 a.m. on October 15 and at 9 a.m. on October 16. *Attendance is limited; requests must be made by October 5, 1979.*

The workshop will focus on the health professionals' environmental education needs and on possible actions to increase their capabilities in effective prevention of environmentally related diseases. The three major objectives of the workshop are: (1) To identify and rank the needs, (2) to develop scientific and organizational approaches to meet the needs, and (3) to develop recommendations for addressing the needs and to suggest mechanisms for their implementation. The Project Group has invited representatives from 100 professional organizations and Federal agencies that are concerned with environmental education of health professionals. Initially, participants will be divided into three working group sessions: health scientists, nurses, and physicians. These groups will reassemble at the end of each day for a summary of group activities. The proceedings will be recorded and will be made available to the public, upon request, at a later date.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Gilley or Ms. Genie Riordan, GEOMET, Incorporated, 15 Firstfield Road, Gaithersburg, MD, 20760. Telephone 301/948-0755. GEOMET, Incorporated provides support to the Task Force under EPA Contract Number 68-01-5773.

SUPPLEMENTAL INFORMATION: The Task Force was established in 1977 through Public Law 95-95 (Section 402) to provide a focus for a concerted attack upon the national problem of environmentally related cancer and heart and lung diseases. Congress directed the Task Force to recommend comprehensive programs for quantifying the relationships between environmental pollution and associated diseases and strategies for reducing the risk and incidence of such diseases. It was also directed to coordinate relevant research, stimulate cooperation among Federal agencies, and report to Congress annually on its progress and difficulties in reaching these objectives.

During its first year, the Task Force defined the problem of environmentally related cancer and heart and lung diseases and developed objectives and

an organizational capability to address the problem. It also identified Federal resources available and began the exchange of information among its members. During the second year, Project Groups were formed to deal with three areas of special concern which warranted early action; one of these is environmental health education for the public and for health professionals.

The development of an informed citizenry may be the most useful, long-term strategy for reducing both the costs and risks associated with environmental cancer and heart and lung diseases. The lack of awareness and understanding of environmental factors among health professionals has long been identified as a serious deficiency in the prevention of environmental disease. Recognizing these two factors, an interagency Project Group on the Education of the Public and of Health Professionals was formed. This Project Group has concentrated on identifying and assessing available educational programs on environmentally related disease.

Dated: September 25, 1979.

Douglas Costle,

Chairman, Task Force on Environmental Cancer and Heart and Lung Disease, Administrator, Environmental Protection Agency.

[FR Doc. 79-30396 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1331-4]

Water Quality Standards; Navigable Waters of the State of Delaware

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of State Water Quality Standards Approval.

SUMMARY: The Environmental Protection Agency has approved a water quality standards revision as adopted by the State of Delaware. This revision becomes part of the State's water quality standards contained in the document, "Water Quality Standards for Streams."

FOR FURTHER INFORMATION CONTACT: Gerald Pollis, EPA, Region III, 6th and Walnut Streets, Curtis Building, Philadelphia, Pennsylvania 19106, telephone 215-597-3425.

SUPPLEMENTAL INFORMATION: On July 27, 1979, the EPA, Region III approved a water quality standard revision amending the limit on total nitrogen in public water supply sources as adopted by the State on March 25, 1979. This action was taken in accordance with section 303(c) of the Clean Water Act (33 U.S.C. 1313(c)). These revisions are

consistent with the Clean Water Act as interpreted in the Agency's water quality standards regulations at 40 CFR 35.1550.

AVAILABILITY: Copies of the Delaware water quality standards may be obtained from the Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, P.O. Box 1401, Dover, Delaware 19901.

(Section 303(c) of the Clean Water Act, as amended (33 U.S.C. 1313(c)).

Dated: September 25, 1979.

James N. Smith,

Assistant Administrator, Office of Water and Waste Management.

[FR Doc. 79-30397 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-50442A; FRL 1331-8]

Issuance of Experimental Use Permit; Correction

On Monday, September 17, 1979 (44 FR 53786), information appeared, pertaining to the issuance of an experimental use permit, No. 1021-EUP-26, to McLaughlin Gormley King Co. In the 4th line "permethrin" should have read "3-phenoxybenzyl d-cis and trans 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate." (PM-17, Franklin Gee, Room: E-373, Telephone: 202/426-9417)

Dated: September 26, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-30521 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-00106A; FRL 1331-6]

Federal Insecticide, Fungicide and Rodenticide Act Scientific Advisory Panel; Open Meeting; Correction Notice

In FR Doc. 79-29390 appearing at page 54769 in the issue of September 21, 1979, the following correction should be made. In the **SUMMARY** paragraph, lines five and six, the days of the October 9 and 10, 1979 meeting should be " . . . Tuesday and Wednesday. . . ."

Dated: September 26, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-30523 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-C31029A; FRL 1331-7]

Pesticide Programs; Approval of Application to Conditionally Register a Pesticide Product Entailing a Changed Use Pattern

On June 7, 1979, notice was given (44 FR 32738) that Zoecon Corp., 975 California Ave., Palo Alto CA 94304, had filed an application (EPA File Symbol No. 20954-RL) with the Environmental Protection Agency (EPA) to conditionally register the pesticide product Kabat Tobacco Protector containing 5.0% of the active ingredient methoprene [isopropyl (E,E)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate]. As stated in the June 7, 1979 notice, the applicant proposed that the use pattern of this pesticide be changed to include the use on stored tobacco to control the cigarette beetle. This pesticide product is presently used as a mosquito larvicide and as a control for horn flies in cow manure.

This application was conditionally approved June 4, 1979 and the product has been assigned EPA Registration No. 20954-15. Kabat Tobacco Protector is classified for general use.

By administrative error, the initial notice of receipt of a changed use pattern application was not forwarded for publication until the reviews of this application were almost complete. Rather than delay registration until 30 days after the **Federal Register** publication, since this is an innovative pesticide and a delay would create hardship for the registrant, the product was registered. No comments were received during the 30-day comment period.

A copy of the approved label and list of data references used to support registration are available for public inspection in the Product Manager's (PM-17) office, Room E-341, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW, Washington, DC 20460, telephone number 202/426-9417. The data and other scientific information used to support registration, except for the material specifically protected by Section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136), are available for public inspection in accordance with section 3(c)(2) of

FIFRA. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, at the above address. Such requests should: (1) Identify the product by name and registration number and (2) Specify the data or information desired.

Dated: September 25, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-30522 Filed 10-1-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Executive Committee Meeting.
Notice of October Meeting.
Thursday, October 18, 1979—9:30 a.m.
Conference Room 8440.
Nassif (D.O.T.) Building.
400 Seventh Street, S.W., at D Street.
Washington, D.C.

Agenda

1. Administrative Matters.
2. Discussion of U.S. Coast Guard Maritime Safety Requirements.
3. Report on FCC Public Coast Station N.O.I.
4. Appointment of Auditor for FY-1979.
5. Approval of Special Committee No. 73.
6. Acceptance of FY-1979 Fourth Quarter Financial Statement.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1974. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632-6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-30454 Filed 10-1-79; 8:45 am]

BILLING CODE 6712-01-M

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****[FEMA-598-DR; Docket No. NFD-745]****Alabama; Major Disaster and Related
Determinations****AGENCY:** Federal Emergency
Management Agency.**ACTION:** Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Alabama (FEMA-598-DR), dated September 13, 1979, and related determinations.

DATED: September 13, 1979.**FOR FURTHER INFORMATION CONTACT:**

Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 634-7825.

Notice

Pursuant to the authority vested in the Director of Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of September 13, 1979, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Alabama resulting from Hurricane Frederic, beginning on or about September 12, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Alabama.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Arthur T. Doyle of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Alabama to have

been affected adversely by this declared major disaster.

The following Counties for Individual Assistance and Public Assistance:

Baldwin	Geneva
Choctaw	Marengo
Clarke	Mobile
Conecuh	Monroe
Covington	Washington
Escambia	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Thomas R. Casey,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-30420 Filed 10-1-79; 8:45 am]

BILLING CODE 4210-22-M**[FEMA-600-DR; Docket No. NFD-746]****Florida; Major Disaster and Related
Determinations****AGENCY:** Federal Emergency
Management Agency.**ACTION:** Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Florida (FEMA-600-DR), dated September 13, 1979, and related determinations.

DATED: September 13, 1979.**FOR FURTHER INFORMATION CONTACT:**

Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7825.

Notice

Pursuant to the authority vested in the Director of Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of September 13, 1979, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Florida resulting from Hurricane Frederic, beginning on or about September 12, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288.

I therefore declare that such a major disaster exists in the State of Florida.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Paul Hall of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Florida to have been affected adversely by this declared major disaster.

The following Counties for Individual Assistance and Public Assistance:

Bay	Santa Rosa
Escambia	Walton
Okaloosa	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Thomas R. Casey,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-30421 Filed 10-1-79; 8:45 am]

BILLING CODE 4210-22-M**[FEMA-599-DR; Docket No. NFD-747]****Mississippi; Major Disaster and
Related Determinations****AGENCY:** Federal Emergency
Management Agency.**ACTION:** Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA-599-DR), dated September 13, 1979, and related determinations.

DATED: September 13, 1979.**FOR FURTHER INFORMATION CONTACT:**

Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7825.

NOTICE: Pursuant to the authority vested in the Director of Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of

May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143), notice is hereby given that, in a letter of September 13, 1979, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Mississippi resulting from Hurricane Frederic, beginning on or about September 12, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Mississippi.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. William H. Mayer of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Mississippi to have been affected adversely by this declared major disaster.

The following Counties for Individual Assistance and Public Assistance: Clarke, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lauderdale, Pearl River, Perry, Stone, Wayne.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Thomas R. Casey,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-30422 Filed 10-1-79; 8:45 am]

BILLING CODE 4210-22-M**[FEMA-602-DR; Docket No. NFD-748]****Virgin Islands of the United States;
Major Disaster and Related
Determinations****AGENCY:** Federal Emergency
Management Agency.**ACTION:** Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the Virgin Islands of the United States (FEMA-602-DR), dated September 16, 1979, and related determinations.

DATED: September 16, 1979.**FOR FURTHER INFORMATION CONTACT:**

Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7825.

NOTICE: Pursuant to the authority vested in the Director of Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of September 16, 1979, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Virgin Islands of the United States resulting from Hurricane David and Tropical Storm Frederic during the period of August 29 through September 7, 1979, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the Virgin Islands of the United States.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Norman Steirnlaufer of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the Virgin Islands of the United States to have been affected adversely by this declared major disaster.

The following Islands for Individual Assistance and public Assistance: St. Croix, St. John, St. Thomas.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Thomas R. Casey,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-30423 Filed 10-1-79; 8:45 am]

BILLING CODE 4210-22-M**FEDERAL MARITIME COMMISSION****Notice of Agreements Filed**

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423 or may inspect the

agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 22, 1979. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-3861.

Filing Party: William E. Daily, Assistant Attorney General, State of Indiana, 219 State House, Indianapolis, Indiana 46204.

Summary: Agreement No. T-3861, between the Indiana Port Commission (Port) and Reiss Viking Corporation (RVC), provides for the Port's 10-year (with renewal options) lease to RVC of certain property at Southwind Maritime Centre, Mt. Vernon, Indiana, to be used as a magnetite processing facility. As compensation RVC shall pay Port \$9,178 per annum plus all applicable Port tariff charges subject to a \$3,000 yearly minimum.

By Order of the Federal Maritime Commission.

Dated: September 27, 1979.

Joseph C. Polking,*Assistant Secretary.*

[FR Doc. 79-30417 Filed 10-1-79; 8:45 am]

BILLING CODE 6730-01-M**Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for review an approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be

submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 12, 1979. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violations or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreements Nos. T-2903-3 and T-2903-B. Filing Party: Russell T. Weil, Kirlin, Campbell & Keating, 1150 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

Summary: Agreement No. T-2903-3, between United States Lines, Inc. (USL) and Farrell Lines Incorporated (Farrell), modifies the parties' basic agreement by reflecting a change in ownership of Howland Hook Marine Terminal Corporation, which was formerly owned jointly by USL and Farrell and which, under the terms of the present amendment, will become solely owned by Farrell. Agreement No. T-2903-B is a terminal operating contract, setting forth the terms under which Howland Hook Marine Terminal will provide marine terminal operating services for USL.

By Order of the Federal Maritime Commission.

Dated: September 27, 1979.

Joseph C. Polking,
Assistant Secretary.

[FR Doc. 79-30418 Filed 10-1-79; 8:45 am]
BILLING CODE 6730-01-M

[Docket No. 79-89]

Hanover Brands, Inc. v. Sea-Land Service, Inc.; Filing of Complaint

Notice is given that a complaint filed by Hanover Brands, Inc. against Sea-Land Service, Inc. was served September 25, 1979. Complainant alleges that respondent has applied a rate to a shipment of frozen vegetables which is so unreasonably high as to be detrimental to commerce in violation of 46 U.S.C. 817(b)(5) (section 18(b)(5) of the Shipping Act, 1916).

Hearing in this matter, if any is held, shall commence on or before March 25, 1980. This hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are

genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,
Assistant Secretary.

[FR Doc. 79-30418 Filed 10-1-79; 8:45 am]
BILLING CODE 6730-01-M

[Docket No. 79-90]

Ernest L. Levine d.b.a. Gerald Export & Import Co. v. Hapag-Lloyd, A.G.; Filing of Complaint

Notice is given that a complaint filed by Ernest L. Levine d.b.a. Gerald Export & Import Company against Hapag-Lloyd, A.G. was served September 25, 1979. Complainant alleges that respondent has violated sections 14(b), 16 and 18 of the Shipping Act, 1916 in regard to establishment and assessment of ocean freight rates in the trade encompassed by the North Atlantic United Kingdom Freight Conference.

Hearing in this matter, if any is held, shall commence on or before March 25, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,
Assistant Secretary.

[FR Doc. 79-30415 Filed 10-1-79; 8:45 am]
BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

[F-79-1]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Tennessee Public Service Commission involving intrastate telecommunication service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal

Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Tennessee Public Service Commission involving the application of the South Central Bell Telephone Company for increases in its rates for private line communications services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 21, 1979.

R. G. Freeman III,
Administrator of General Services.

[FR Doc. 79-30402 Filed 10-1-79; 8:45 am]
BILLING CODE 6820-38-M

[E-79-13]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Illinois Commerce Commission involving revised water tariffs.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Illinois Commerce Commission involving the application of the Illinois American Water Company for an increase in its annual water costs.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 21, 1979.

R. G. Freeman III,
Administrator of General Services.

[FR Doc. 79-30473 Filed 10-1-79; 8:45 am]
BILLING CODE 6820-AM-M

[F-79-2]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Mexico State Corporation Commission involving interstate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the New Mexico State Corporation Commission involving the application of the Mountain States Telephone & Telegraph Company for increases in rates for intrastate telecommunication services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 21, 1979.

R. G. Freeman III,
Administrator of General Services.

[FR Doc. 79-30474 Filed 10-1-79; 8:45 am]
BILLING CODE 6820-AM-M

[E-79-12]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a proceeding before the Virginia State Corporation Commission involving an application of the Potomac Electric Power Company for an increase in its electric rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Virginia State Corporation Commission involving the application of the Potomac Electric Power Company for an increase in its electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 21, 1979.

R. G. Freeman III,
Administrator of General Services.

[FR Doc. 79-30475 Filed 10-1-79; 8:45 am]
BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

Basic Behavioral Processes Research Review Committee; Meeting Changes

In FR Doc. 79-28816, appearing on pages 54121-24 in the issue of Tuesday, September 18, 1979, the date of the meeting of the Basic Behavioral Processes Research Review Committee has been changed from October 24-26 to October 25-26. As a result, the meeting will be open to the public from 9:00 to 9:30 a.m., October 25, instead of October 24 as previously announced. All other arrangements for the meeting remain as announced September 18.

Dated September 26, 1979.

Elizabeth A. Connolly,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 79-30463 Filed 10-1-79; 8:45 am]
BILLING CODE 4110-88-M

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Adam Trujillo, District Director, Orlando District Office, Orlando, FL.

DATE: The meeting will be held from 9 a.m. to 11:30 a.m., Thursday, November 8, 1979.

ADDRESS: The meeting will be held at the University of Miami, Whitten Memorial Student Union, Rm. 237, Coral Gables, FL.

FOR FURTHER INFORMATION CONTACT:

Lynn C. Trauba, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, P.O. Box 118, Orlando, FL 32802, 305-855-0900.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Orlando District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: September 25, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-30295 Filed 10-1-79; 8:45 am]
BILLING CODE 4110-03-M

[Docket No. 79F-0332]

Borg-Warner Chemicals; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: Borg-Warner Chemicals has filed a petition proposing that the food additive regulations be amended to provide for the safe use of cyclic neopentetetrayl bis(octadecyl phosphite) containing triisopropanolamine as an antioxidant and stabilizer for polymers in contact with food.

FOR FURTHER INFORMATION CONTACT:

Gerard L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B3319) has been filed by Borg-Warner Chemicals, Technical Centre, Washington, WV 26181, proposing that § 178.2010 *Antioxidants*

and/or stabilizers for polymers (21 CFR 178.2010) be amended to provide for the safe use of cyclic neopentetetrayl bis(octadecyl phosphite) containing triisopropanolamine as an antioxidant and/or stabilizer for polymers in contact with food.

The potential environmental impact of this action is being reviewed. If this petition results in a regulation, and the agency concludes that an environmental impact statement is not required, the notice of availability of the environmental impact analysis report, statement of exemption, and environmental assessment report, as applicable, will be published in the Federal Register regulation, as provided by 21 CFR 25.25(b).

Dated: September 21, 1979.

Sanford A. Miller,
Director, Bureau of Foods.

[FR Doc. 79-30408 Filed 10-1-79; 8:45 am]
BILLING CODE 4110-03-M

[Docket No. 79F-0331]

H&C Industries, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: H&C Industries, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of rice bran wax as a release agent in the processing of plastic packaging materials intended for food-contact use.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B3430) has been filed by H&C Industries, Inc., Del Amo Executive Plaza, 3438 Carson St., Torrance, CA 90503, proposing that Part 178—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers (21 CFR Part 178) be amended to provide for the safe use of rice bran wax as a release agent in the manufacture of plastic packaging materials intended to contact dry foods only.

The agency has determined that the proposed action falls under § 25.1(f)(1)(v) (21 CFR 25.1(f)(1)(v)) and is exempt from the requirements of an environmental impact analysis report and that no environmental impact statement is necessary.

Dated: September 21, 1979.

Sanford A. Miller,
Director, Bureau of Foods.

[FR Doc. 79-30409 Filed 10-1-79; 8:45 am]
BILLING CODE 4110-03-M

[Docket No. 79F-0333]

Monsanto Co.; Withdrawal of Petition for Food Additives

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: This document announces the withdrawal without prejudice of the petition (FAP 3B2828) proposing the safe use of phenol-formaldehyde resins chemically modified with cyanoguanidine and urea in the manufacture of resin-bonded glass fiber filters intended for filtering food.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 384(b))), the following notice is issued:

In accordance with § 171.7 *Withdrawal of petition without prejudice* of the procedural food additive regulations (21 CFR 171.7), Monsanto Co., 1101 17th St. NW., Washington, DC 20036, has withdrawn its petition (FAP 3B2828), notice of which was published in the Federal Register of October 11, 1972 (37 FR 21452) proposing that § 121.2536 (recodified § 177.2260) *Filters, resin-bonded* (21 CFR 177.2260) be amended to provide for the safe use of phenol-formaldehyde resins chemically modified with cyanoguanidine and urea in the manufacture of resin-bonded glass fiber filters intended for filtering food.

Dated: September 21, 1979.

Sanford A. Miller,
Director, Bureau of Foods.

[FR Doc. 79-30407 Filed 10-1-79; 8:45 am]
BILLING CODE 4110-03-M

[Docket No. 79F-0308]

Tenneco Chemicals; Notice of Filing of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Tenneco Chemicals has filed a petition proposing that the food additive regulations be amended to provide for the safe use of a certain

preservative in materials used in the fabrication of food containers.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B3420) has been filed by Tenneco Chemicals, P.O. Box 365, Piscataway, NJ 08854, proposing that § 176.180 *Components of paper and paperboard in contact with dry food* and § 175.105 *Adhesives* be amended to provide for the safe use of an aqueous solution containing 5-hydroxymethoxymethyl-1-aza-3,7-dioxabicyclo (3.3.0) octane, 5-hydroxymethyl-1-aza-3,7-dioxabicyclo (3.3.0) octane and 5-hydroxypropyl[methylethoxy]methyl-1-aza-3,7-dioxabicyclo (3.3.0) octane as a preservative in the manufacture of articles used in packaging, transporting or holding foods.

The agency has determined that the proposed action falls under § 25.1(f)(1)(v) (21 CFR 25.1(f)(1)(v)) and is exempt from the need of an environmental impact analysis report, and that no environmental impact statement is necessary.

Dated: September 21, 1979.

Sanford A. Miller,
Director, Bureau of Foods.

[FR Doc. 79-30406 Filed 10-1-79; 8:45 am]
BILLING CODE 4110-03-M

Warner-Lambert/Parke-Davis & Co.; Benlylin; Final Decision

Correction

In FR Doc. 79-27010, appearing in the issue of Friday, August 31, 1979, at page 51512, make the following corrections:

(1) On page 51428, in the last column, under item number "6 *Subjective Evaluation Generally*", in the third paragraph, the fourteenth line down, delete the "a" which appears between the ";" and the "G-68".

(2) On page 51537, in the middle column under the heading of "VIII *References*", in the paragraph designated as "3", the second line, delete the "7" which appears between the "Rx" and "OIC"

BILLING CODE 1505-01-M

National Institutes of Health

Report on Bioassay of 4,4'-Methylenebis(N,N-Dimethyl)Benzenamine for Possible Carcinogenicity; Availability

4,4'-Methylenebis(N,N-dimethyl)benzenamine (CAS 101-61-1) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay for the possible carcinogenicity of 4,4'-methylenebis(N,N-dimethyl)benzenamine was conducted using Fischer 344 rats and B6C3F1 mice. Applications of the chemical include use as an intermediate in the manufacture of dyes. 4,4'-Methylenebis(N,N-dimethyl)benzenamine was administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species.

Under the conditions of this bioassay, 4,4'-methylenebis(N,N-dimethyl)benzenamine was carcinogenic in Fischer 344 rats, inducing thyroid follicular-cell carcinomas in both males and females. Administration of the compound was carcinogenic in female B6C3F1 mice, inducing liver neoplasms. There was no conclusive evidence that 4,4'-methylenebis(N,N-dimethyl)benzenamine was carcinogenic in male B6C3F1 mice.

Single copies of the report, Bioassay of 4,4'-Methylenebis(N,N-dimethyl)benzenamine for Possible Carcinogenicity (T.R. 186), are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20205.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Dated: September 25, 1979.

Donald S. Fredrickson,
Director, National Institutes of Health.

[FR Doc. 79-30297 Filed 10-1-79; 8:45 am]
BILLING CODE 4110-08-M

Report on Bioassay of Malathion for Possible Carcinogenicity; Availability

Malathion (CAS 121-75-5) has been tested for cancer-causing activity with rats in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay for malathion for possible carcinogenicity was conducted by administering the test

chemical in feed to F344 rats.

Applications of the chemical include use as an insecticide.

It was concluded that under the conditions of this bioassay, malathion was not carcinogenic in male or female rats, but the females may not have received a maximum tolerated dose.

Single copies of the report, Bioassay of Malathion for Possible Carcinogenicity (T.R. 192), are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20205.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Dated: September 25, 1979.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 79-30298 Filed 10-1-79; 8:45 am]
BILLING CODE 4110-08-M

Report on Bioassay of Bis(2-Chloro-1-Methylethyl) Ether for Possible Carcinogenicity

Bis(2-chloro-1-methylethyl) ether (CAS 108-60-1) has been tested for cancer-causing activity with rats in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of technical-grade bis(2-chloro-1-methylethyl) ether for possible carcinogenicity was conducted by administering the test chemical by gavage to F344 rats. The chemical is a byproduct of the manufacture of certain other chemicals.

It is concluded that under the conditions of this bioassay, the technical-grade test material, bis(2-chloro-1-methylethyl) ether, was not carcinogenic for F344 rats for either sex.

Single copies of the report, Bioassay of Bis(2-Chloro-1-Methylethyl) Ether for Possible Carcinogenicity (T.R. 191), are available from the Office of Cancer Communications, National Cancer Institute, Bethesda, Maryland 20205.

Dated: September 25, 1979.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 79-30299 Filed 10-1-79; 8:45 am]
BILLING CODE 4110-08-M

Office of Education

National Advisory Council on Adult Education.

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463, Sec. 10(a)(2)).

DATE: October 24, 1979, 7:00 p.m. to 10:00 p.m., Executive Committee Meeting; October 25, 1979, 9:00 a.m. to 4:30 p.m.; October 26, 1979, 9:00 a.m. to 3:30 p.m.

ADDRESS: October 24, 1979, Council Offices, 425 13th St., N.W., Suite 323, Washington, D.C.; October 25-26, 1979, The Hotel Washington, 15th at Pennsylvania Ave., N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th St., N.W., Washington, D.C. 20004 (202/376-8892).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 313 of the Adult Education Act (20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public.

The proposed agenda includes:

Census and Adult Education Demography Evaluation Project
Rules and Regulations
National Report on Illiteracy
Legislation/Appropriations
Committee Structures
White House Conference on the Family.

Records shall be kept of all Council proceedings, and shall be available for public inspection at the Office of the National Advisory Council on Adult Education, 425 13th St., N.W., Suite 323, Washington, D.C. 20004.

Signed at Washington, D.C. on September 24, 1979.

Gary A. Eyre,
Executive Director, National Advisory
Council on Adult Education.

[FR Doc. 79-36400 Filed 10-1-79; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-14015]

Alaska Native Claims Selection

Correction

In FR Doc. 79-28209 appearing on page 52890 in the issue for Tuesday, September 11, 1979, third column, first line, insert "9-Scott," before "10".

BILLING CODE 1505-01-M

District Grazing Advisory Board, Susanville, Calif.; Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Susanville District Grazing Advisory Board will be held on November 7, 1979.

The meeting will begin at 10:00 a.m. in the Conference Room of the Bureau of Land Management Office at 705 Hall Street, Susanville, California.

The agenda for the meeting will include: (1) Surprise/Warner Stewardship Program; (2) Tuledad/Home Camp AMP Implementation; (3) Cowhead/Massacre ES as it relates to AMP's; (4) Cal-Neva Inventory as it relates to AMP's; (5) Wild Horse Program as it relates to AMP's; (6) Wilderness as it relates to AMP's; (7) Policy for maintenance of range improvement projects; (8) Predator Control in AMP's; (9) Advisory Board funds; (10) Scheduling next meeting and agenda topics.

The meeting is open to the public. Interested persons may make oral statements to the board between 3:30 and 4:30 p.m., or file a written statement for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1090, Susanville, California, 96130, by November 1, 1979. Depending on the number of persons wishing to make oral statements, a per person list limit may be established.

Summary minutes of the board meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Sincerely,
C. Rex Clearly,
District Manager.

[FR Doc. 79-30403 Filed 10-1-79; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 24276 G]

Colorado; Right-of-Way Application for Pipeline

September 22, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Co., P.O. Box 840, Denver, CO 80201, has applied for a right-of-way for a 4½ o.d. natural gas pipeline for the East Douglas Gathering System approximately 0.30 miles on the following public land:

Sixth Principal Meridian, Rio Blanco County,
Colorado

T. 2 S., R. 101 W.,
Section 35: SW¼SW¼
T. 3 S., R. 101 W.,
Section 2: NW¼NW¼

The expansion of the above-named gathering system will enable the applicant to collect and deliver natural gas.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) to give all interested parties the opportunity to comment on the application. (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Western Slope Gas Company.

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver.

Colorado 80202, as promptly as possible after publication of this service.

Andrew W. Heard, Jr.,
Leader, Craig Team, Branch of Adjudication.

[FR Doc. 79-30476 Filed 10-1-79; 8:45 am]

BILLING CODE 4310-84-M

Lakeview District Office Oregon; Restriction of Use of Motorized Vehicles on Public Lands

Notice is hereby given that certain public lands in the Fossil Lake area are closed to all motorized vehicles in accordance with the provisions of 43 CFR Part 8340. These restrictions do not apply to military, fire, emergency or law enforcement vehicles or to Federal or other Government vehicles while being used for official or emergency purposes, or vehicles authorized by permit or contract.

The areas affected by this designation are located approximately eleven miles northeast of Christmas Valley, Oregon. The legal description of the closed lands is:

Township 26 South, Range 19 East,
Willamette Meridian

Section 7, NE¼SE¼, S½SE¼
Section 8, S½N½, S½
Section 9, S½, S½NW¼, S½NE¼,
NE¼NE¼
Section 10, All
Section 11, All
Section 14, All
Section 15, All
Section 17, All
Section 18, E½
Section 21, All
Section 22, All
Section 23, All
Total Acres 6550

The use of these public lands by vehicles in the past has destroyed vertebrate fossils that have significant scientific value. After consultation with various universities, museums and individuals throughout the United States, a motorized vehicle closure was determined to be necessary to protect the paleontological values (fossils) from further destruction and disturbance. The need for the original vehicle closure was discussed at formal public meetings for the Christmas Lake Planning Unit and informally with various off-road vehicle clubs using the area for recreation. New inventory work completed in the area during the period of restriction and further informal consultation with universities, museums and individuals, has shown the need of the restriction to protect paleontological value (fossils). In addition, significant cultural values (archeological) were identified which also are in need of protection from further disturbance and destruction.

The restriction is effective immediately. Maps showing the areas

described above are available at the Bureau of Land Management, Lakeview District Office, 1000 South 9th Street, (P.O. Box 151), Lakeview, Oregon 97630.

Dated: September 24, 1979.

Richard A. Gerity,
District Manager.

[FR Doc. 79-30477 Filed 10-1-79; 8:45 am]

BILLING CODE 4310-84-M

Medford District Office, Oregon; Designation of Public Lands for Off- Road Vehicle Use

The following closed, limited, and open designation of public lands for off-road vehicle use are the result of decisions made in the Josephine Sustained Yield Unit Management Framework Plan and received full public review during a formal comment period.

ORV Use Designations

Notice is hereby given that use off-road motorized vehicles (ORV's) on certain public lands in Josephine, Jackson, Coos, and Curry counties, Oregon is permanently allowed, prohibited or limited as listed below. These designations are in accordance with 43 CFR Part 8340. These designations do not apply to nonamphibious registered motorboats; any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; vehicles in official national defense emergencies.

The areas permanently closed to ORV use include:

1. Brewer Spruce Research Natural Area, located approximately ten (10) air miles northeast of Cave Junction, Oregon. The legal description of the closed lands is:

Willamette Meridian

T. 39 S., R. 6 W.,
Section 5, N½NW¼SW¼,
SW¼NW¼SW¼
Section 6, SE¼NE¼SW¼, SE¼SW¼,
NE¼SE¼, SW¼SE¼, S½NW¼SE¼,
S½ Lot 7 and
T. 39 S., R. 7 W.,
Section 1, Lots 5 and 6; Total Acres 426.

This area is closed to ORV use to prevent damage to an area having significant research values.

2. Woodcock Bog Research Natural Area, located approximately three (3) air miles southwest of Cave Junction, Oregon. The legal description of the closed lands is:

Willamette Meridian

T. 39 S., R. 8 W.,

Section 31, NE¼, N½SE¼, SW¼SW¼;
Total Acres 262.26.

This area is closed to ORV use to prevent damage to an area having significant research values and candidate threatened and proposed endangered species of plants.

3. Upper Table Rock Research Natural Area, located approximately nine (9) air miles north of Medford, Oregon. The legal description of the closed lands is:

Willamette Meridian

T. 35 S., R. 2 W.,
Section 34, SE¼
Section 35, S½NE¼, NW¼, SW¼, SE¼,
and
T. 36 S., R. 2 W.,
Section 1, S½NW¼, SW¼, NW¼SE¼;
Total Acres 840.

This area is closed to ORV use to prevent damage to an area having significant research values and candidate threatened and proposed endangered species of plants.

4. Lower Table Rock, located approximately eight (8) air miles north of Medford, Oregon. The legal description of the closed lands is:

Willamette Meridian

T. 36 S., R. 2 W.,
Section 9, S½NW¼, SW¼; Total Acres 240.

This area is closed to ORV use to prevent damage to an area having candidate threatened and proposed endangered species of plants.

5. Wild Rogue Wilderness Area, located approximately twenty-three (23) air miles west of Glendale, Oregon. The legal description of the closed lands is referenced in the Endangered American Wilderness Act of 1978, Section 6 and shown on a map available at the Medford District, Bureau of Land Management Office; it includes portions of the Mule Creek Drainage tributary to the Rogue River near Marial, Oregon; Total Acres 8,971.29

The closure of these lands is mandated by the Wilderness Act of 1964.

6. The Kerby Peak Trail, located approximately ten (10) air miles northeast of Cave Junction, Oregon. The trail is located in portions of the following sections as shown on a map available at the Medford District, Bureau of Land Management office:

Willamette Meridian

T. 38 S., R. 7 W.,
Section 25
Section 36, and
T. 38 S., R. 6 W.,
Section 30
Section 31, and
T. 39 S., R. 7 W.,
Section 1; approximately four (4) miles.

This trail is closed to ORV use as a safety measure to non-motorized users of the trail and to prevent damage to the trail environment.

7. Certain Public lands bearing granitic soils and located in the area extending westward from Grants Pass, Oregon, to the Rogue River and northward to the town of Hugo, Oregon. The legal description of the closed lands is:

Willamette Meridian

T. 34 S., R. 6 W.,
Section 33, E½SW¼, SW¼SW¼; and
T. 33 S., R. 6 W.,
Section 5, W½NE¼, SE¼SW¼, SE¼
Section 11, E½NE¼, SW¼NE¼, NE¼SE¼
Section 19, NE¼ N½NW¼
Section 29, NW¼NW¼; and
T. 36 S., R. 6 W.,
Section 3, SW¼, S½SE¼
Section 17, N½NW¼; Total Acres 1,239.84.

These lands are closed to ORV use to prevent damage to the vegetation, watersheds, and the extremely fragile soils in the area.

8. An area of Public lands bearing granitic soils, located approximately two (2) air miles south of Grants Pass, Oregon. The legal description of the closed lands is:

Willamette Meridian

T. 36 S., R. 5 W.,
Section 31, NE¼, SE¼NW¼,
E½SW¼NW¼, E½SE¼, NW¼SE¼;
Total Acres 340.

This area is currently being damaged by ORV activity and this closure is to prevent further damage to the vegetation, watersheds, and the extremely fragile soils in the area.

9. All public lands within the Wild Section and Recreation Section of the Rogue National Wild and Scenic River Corridor except for the four (4) areas listed under "Limited Areas". The legal descriptions of the Rogue National Wild and Scenic River corridor can be found in the Federal Register, Vol. 37, No. 131, Friday, July 7, 1972, pages 13415 and 13416; total approximate acres 12,768.

These lands are closed to ORV use to prevent damage to vegetation, soils, and wildlife in the area, to alleviate conflicting recreational uses, and to comply with the intent of the Wild and Scenic Rivers Act of 1976.

Limited Areas

The areas where ORV use is subject to special restrictions lie within the recreation section of the Rogue National Wild and Scenic River corridor. These areas are closed to ORV use from Memorial Day to Labor Day, inclusive.

The limited areas are:

1. Rand Recreation Area, located approximately two (2) air miles north of

Galice, Oregon, the legal description of the restricted lands is:

Willamette Meridian

T. 34 S., R. 7 W.,
Section 19, Lot 4; Total Acres 40.29.

2. Rocky Riffle Recreation Area, located approximately one-half (½) mile north of Galice, Oregon. The legal description of the restricted lands is:

Willamette Meridian

T. 34 S., R. 8 W.,
Section 36, Lot 2; Total Acres 12.38.

3. Griffin Park Proposed Group Recreation Area, located approximately eight (8) air miles west of Grants Pass, Oregon. The legal description of the restricted lands is:

Willamette Meridian

T. 36 S., R. 7 W.,
Section 11, E½E½ Lot 6, E½E½ Lot 7,
E½E½ Lot 8; Approximate Total Acres 43.

4. Applegate Landing, located approximately five (5) air miles west of Grants Pass, Oregon at the confluence of the Rogue and Applegate Rivers. The legal description of the restricted lands is:

Willamette Meridian

T. 36 S., R. 8 W.,
Section 19, Lot 1, Lot 3
Section 20, Lot 4; Total Acres 121.55.

The above limitations to ORV use are done to prevent conflicting recreation uses and to comply with the intent of the Wild and Scenic Rivers Act of 1976.

The Public lands in the Glendale, Galice, and Grants Pass Resource Areas that are not listed in the permanent closures or limited areas are designated as open to ORV use. The approximate total acres designated as open are 401,783.90.

All lands designated as closed, open, and limited are depicted on the ORV designation map which is available from the Medford District Office, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97501.

All designations are effective immediately and will remain in effect until revised, revoked, or amended by the authorized officer pursuant to 43 CFR Part 8340.

Dated: September 26, 1979.

George C. Francis,
District Manager.

[FR Doc. 79-30478 Filed 10-1-79; 8:45 am]

BILLING CODE 4310-84-M

[C-16101]

Colorado; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

Correction

In FR Doc. 79-29118 appearing at page 54552 in the issue for Thursday, September 20, 1979, in the second column, under the heading of "New Mexico Principal Meridian", under the subheading "South Branch Lake Recreation Area", on the second line, "Sec. 36, W½NW¼NW¼," should be "Sec. 36, W½NW¼NE¼."

BILLING CODE 1505-01

Heritage Conservation and Recreation Service

National Register of Historic Places; Additions, Deletions, and Corrections

By notice in the Federal Register of February 6, 1979, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

Charles A. Herrington,

Acting Keeper of the National Register.

The following list of properties has been added to the National Register of Historic Places since notice was last given in the February 6, 1979, Federal Register. National Historic Landmarks are designated by NHL; properties recorded by the Historic American Buildings Survey are designated by HABS; properties recorded by the Historic American Engineering Record are designated by HAER; properties receiving grants-in-aid for historic preservation are designated by G.

Alabama

Dallas County

Selma vicinity, *Riverdale*, NE of Selma on River Rd. (9-10-79).

Marshall County

Guntersville, *Henry-Jordan House*, 301 Blount Ave. (9-4-79).

Montgomery County

Montgomery, *Stay House*, 631 S. Hull St. (9-10-79).

ALASKA

Fairbanks Division

Delta Junction vicinity, *Sullivan Roadhouse*, W of Delta Junction (8-10-79).

ARIZONA

Pinal County

Sacaton vicinity, *Ha-ak Site* (9-6-79).

Yuma County

Yuma, *Ocean to Ocean Highway Bridge*, Penitentiary Ave. (9-11-79).

CALIFORNIA

Alameda County

Oakland, *Oakland Hotel*, 260 13th St. (9-4-79).

Colaveras County

Altaville, *Altaville Grammar School*, 125 N. Main St. (8-24-79).

Los Angeles County

Chatsworth, *Palmer, Minnie Hill, House (Homestead Acre)* Chatsworth Park South (9-4-79).

Hollywood, *Guaranty Building*, 6331 Hollywood Blvd. (9-4-79).

Los Angeles, *Bernord, Susana Machoda, House and Barn*, 845 S. Lake St. (9-4-79).

Pasadena, *House at 530 S. Marengo Ave.* (9-13-79).

Merced County

Los Banos, *Bank of Los Banos Building*, 836, 840, 842 and 848 6th St. (8-24-79).

Napa County

St. Helena vicinity, *Nichelini Winery*, E of St. Helena at 2950 Sage Canyon Rd. (8-24-79).

Orange County

San Juan Capistrano, *Harrison House*, 27832 Ortega Hwy. (8-21-79).

Santa Ana, *Spurgeon Block*, 206 W. 4th St. (8-31-79).

Placer County

Tahoe City, *Watson Log Cabin*, 560 N. Lake Blvd. (8-24-79).

Riverside County

Rubidoux, *Jensen, Cornelius, Ranch*, 4350 Riverview Dr. (9-6-79).

San Diego County

San Diego, *Grant, U.S. Hotel*, 326 Broadway St. (8-27-79).

San Diego, *Medico-Dental Building*, 233 A St. (9-4-79).

San Diego, *San Diego Rowing Club*, 525 E. Harbor Dr. (8-30-79).

Stanislaus County

La Grange, *La Grange Multiple Resource Area (Partial Inventory)*. This area includes various properties at various locations.

Details available upon request.

Solano County

Benicia, *Corr House*, 165 E. D St. (9-13-79) HABS.

Yolo County

Davis, *Tufts, Joshua B., House*, 434 J St. (9-6-79).

COLORADO

Chaffee County

Buena Vista, *Chaffee County Courthouse and Jail Buildings*, 501 E. Main St. (9-10-79).

Denver County

Denver, *Guerrieri-DeCunto House*, 1650 Pennsylvania St. (9-10-79).

El Paso County

Colorado Springs, *Atchison, Topeka and Santa Fe Passenger Depot*, 555 E. Pikes Peak Ave. (9-10-79).

Colorado Springs, *Bemis, Judson Moss, House*, 506 N. Cascade Ave. (9-14-79).

Colorado Springs, *Y.W.C.A.*, 130 E. Kiowa St. (9-10-79).

Fremont County

Canon City, *McClure House, The (Strathmore Hotel)* 323-331 Main St. (9-14-79).

CONNECTICUT

Fairfield County

Greenwich, *Putnam Hill Historic District*, U.S. 1 (8-24-79).

Stamford, *Starr, C. J., Barn and Carriage House*, 200 Strawberry Hill Ave. (9-14-79).

Hartford County

Hartford, *Barbour, Lucius, House*, 130 Washington St. (8-21-79).

Suffield vicinity, *Hastings Hill Historic District*, 987-1308 Hill St., 1242 Spruce St. and 1085-1162 Russell Ave. (9-14-79).

Litchfield County

Roxbury, *Roxbury Iron Mine and Furnace Complex*, Hodge and Mine Hill Rds. (8-24-79).

New Haven County

Millford, *St. Peter's Episcopal Church*, 61, 71, 81 River St. (8-21-79).

Millford, *Taylor Memorial Library*, 5 Broad St. (8-21-79).

North Haven, *Rising Sun Tavern*, Old Tavern Lane (8-21-79).

New London County

East Lyme, *Avery, Thomas, House, Society Rd.* (8-22-79).

Mystic, *Mystic Bridge Historic District*, U.S. 1 and CT 27 (8-31-79).

West Mystic, *Mystic River Historic District*, U.S. 1 and CT 215 (8-24-79).

Windham County

Waugrean, *Waugrean Historic District*, CT 2-5.

DELAWARE

New Castle County

Newport vicinity, *Wooddale Historic District*, NW of Newport on Wooddale Rd. (8-24-79).

Wilmington, *Quaker Hill Historic District*, Roughly bounded by Tatnall, Jefferson, 2nd and 7th Sts. (9-6-79).

FLORIDA

Dade County

Miami, *Freedom Tower*, 600 Biscayne Blvd. (9-10-79).

Monroe County

Florida Keys, *Overseas Highway and Railway Bridges, (Long Key Bridge, Knight Key Bridge, Old Bahia Honda Bridge)* bridges on U.S. 1 between Long and Conch Key, Knight and Little Duck Key, and Bahia Honda and Spanish Key. (8-13-79).

GEORGIA

Fulton County

Atlanta, *Van Winkle, E., Gin and Machine Works*, Foster St. (9-10-79).

Hall County

Gainesville vicinity, *Tanner's Mill*, S of Gainesville on SR 3 (9-10-79) HAER.

Henry County

Hampton, *Hampton Depot*, E. Main St. (9-10-79).

GUAM

Agat vicinity, *Cable Station Ruins*, 6 mi. N of Agat (9-6-79).

HAWAII

Hawaii County

Hilo, *District Courthouse and Police Station*, 141 Kalahaua St. (9-4-79).

Kapaau, *Kahala District Courthouse*, Government Rd. (8-31-79).

Honolulu County

Honolulu, *Alexander and Baldwin Building*, 822 Bishop St. (9-7-79).

Honolulu, *Dillingham Transportation Building*, 735 Bishop St. (9-7-79).

Kauai County

Hanalei, *Hanalei Pier*, Hanalei Bay (9-13-79).

Kapaa, *Seto Building*, Kuhio Hwy. (9-4-79).

Mauai County

Kalae, *Meyer, R. W., Sugar Mill*, HI 47 (9-4-79).

IDAHO

Ada County

Boise, *Hopffgarten House*, 1115 W. Boise Ave. (8-30-79).

Boise, *McCorty, Judge Charles P., House*, 1415 Fort St. (8-30-79).

Boise, *O'Farrell, John A., House*, 420 W. Franklin St. (9-4-79).

Bannock County

Lava Hot Springs, *Riverside Inn*, 112 Portneuf Ave. (8-29-79).

Bingham County

Blackfoot, *North Shilling Historic District*, N. Shilling Ave. (8-29-79).

Blackfoot, *Standrod Bank (Brown-Hart Store Building)*, 59 and 75 NW. Main St. (8-30-79).

Bonneville County

Ririe vicinity, *Shelton L.D.S. Ward Chapel*, SW of Ririe on Shelton Rd. (8-30-79).

Canyon County

Caldwell, *North Caldwell Historic District*, 9th, Albany and Belmont Sts. (9-5-79).

Oneida County

Malad City, *Evans, D. L., Sr., Bungolow*, 203 N. Main St. (8-30-79).

Twin Falls County

Twin Falls, *Stricker Store and Farm*, N of Rock Creek (8-30-79).

ILLINOIS

Cook County

Chicago, *Municipal Pier*, 200 Streeter Dr. (9-13-79).

Chicago, *Quinn Chapel of the A.M.E. Church*, 2401 S. Wabash Ave. (9-4-79).

Chicago, *Unity Building*, 127 N. Dearborn St. (9-6-79) HABS.

Chicago, *Villa Historic District*, Roughly bounded by Avondale, W. Addison, N. 40th and N. Hamlin Aves. (9-11-79).

Kane County

Geneva, *Central Geneva Historic District*, Roughly bounded by Fox River, South, 6th and W. State Sts. (9-10-79).

Lake County

Libertyville vicinity, *Church of the St. Sava Serbian Orthodox Monastery*, N of Libertyville on N. Milwaukee Ave. (9-6-79).

Marion County

Kinmundy, *Rohrbough, Calendar, House (Grissom House)*, 3rd and Madison Sts. (9-6-79).

Peoria County

Peoria, *Proctor, John C., Recreation Center*, 300 S. Allen St. (9-6-79).

Putnam County

Hennepin, *Pulsifer, Edward, House*, IL 71 (9-4-79).

Sangamon County

Springfield, *Lewis, John L., House*, 1132 W. Lawrence Ave. (9-10-79).

Winnebago County

Rockford, *Coronado*, 312-324 N. Main St. (9-6-79).

INDIANA

DeKalb County

Garrett, *Mountz House*, 507 E. Houston St. (9-11-79).

Marion County

Indianapolis, *Johnson-Denny House*, 4456 N. Park Ave. (8-24-79).

Tipton County

Lafayette, *Perrin Historic District*, roughly bounded by Murdock Park, Sheridan Rd., Columbia, Main and Unions Sts. (9-10-79).

West Lafayette, *West Lafayette Baptist Church*, 123 N. Chauncey St. (9-6-79).

Vanderburgh County

Evansville, Louisville and Nashville Railroad Station, 300 Fulton Ave. (8-24-79).

Vigo County

North Terre Haute, Markle House and Mill Site, 4900 Mill Dam Rd. (9-10-79).

KENTUCKY

Fayette County

Lexington, Central Christian Church, 207 E. Short St. (9-11-79).

Lexington, Northside Historic Residential District, roughly bounded by RR tracks, N. Limestone, W. Short and Newtown Sts. (8-28-79).

Green County

Greensburg, Greensburg Bank Building, E. Court St. (8-21-79).

Jefferson County

Louisville, Crescent Hill Reservoir, Reservoir Ave. (9-10-79).

Louisville, Meek-Miller House, 3123 N. Western Pkwy. (9-10-79).

Laurel County

London, Bennett, Sue, Memorial School Building, College St. (9-11-79).

Scott County

Georgetown vicinity, Oxford Historic District, NE of Georgetown at U.S. 62 and KY 922 (9-11-79).

Midway vicinity, Payne's Depot Multiple Resource Area (Partial Inventory). This area includes various properties at various locations. Details available upon request. (8-28-79).

Lafourche Parish

Thibodaux, Lafourche Parish Courthouse, 200 Green St. (8-21-79).

Natchitoches Parish

Natchez vicinity, Prud'homme, Jean Pierre Emmanuel, Plantation, SE of Natchez on LA 19 (8-29-79).

St. Tammany Parish

Covington vicinity, Sunnybrook, N of Covington on LA 21 (8-29-79).

Tangipahoa Parish

Tangipahoa vicinity, Camp Moore, Off LA 440 (8-21-79).

West Feliciana Parish

Hardwood, Oaks, The, U.S. 61 (8-20-79).

MAINE

Piscataquis County

Millinocket Lake vicinity, Munsungan-Chase Lake Thoroughfare Archeological District (9-6-79).

York County

North Berwick, Hurd, Mary R., House, Elm St. (9-11-79).

MARYLAND

Charles County

Faulkner vicinity, Timber Neck Farm, SE of Faulkner (9-6-79).

Frederick County

Brunswick, Brunswick Historic District, Roughly bounded by Potomac River, Central, Park and 10th Aves., and C St. (8-29-79).

Federick vicinity, Edgewood, N of Frederick off Poole Jan. Rd. (9-6-79).

Harford County

Jappatowne vicinity, Old Joppa Site, Off U.S. 40 (8-24-79) HABS.

Kent County

Chestertown, Middle, East and West Halls, Washington Ave. (9-6-79).

MASSACHUSETTS

Dukes County

Oak Bluffs, Flying Horses, 33 Oak Bluffs Ave. (8-27-79).

Essex County

Lynn, Lynn Armory, 36 S. Common St. (9-7-79).

Lynn, Lynn Masonic Hall, 64-68 Market St. (8-21-79).

Lynn, Lynn Public Library, 5 N. Common St. (8-21-79).

Lynn, St. Stephen's Memorial Church, 74 S. Common St. (9-7-79).

Plymouth County

Hanover, Stetson House, Hanover St. (9-7-79).

Suffolk County

Boston, Bedford Building, 89-103 Bedford St. (8-21-79).

Boston, International Trust Company Building, 39-47 Milk St. (9-10-79).

Worcester County

Lancaster, Atherton Bridge, Bolton Rd. (9-10-79).

Lancaster vicinity, Ponakin Bridge, N of Lancaster on Ponakin Rd. (9-10-79).

Southbridge, Centre Village Historic District, Along Main St. (9-7-79).

MICHIGAN

Calhoun County

Homer, Cortright-Van Patten Mill, 109 Byron St. (8-31-79).

Genesee County

Flint, Civic Park Historic District, Roughly bounded by Welch and Brownell Blvds., Trumbull Ave., Dupont and Dartmouth Sts. (9-7-79).

Kalamazoo County

Kalamazoo, South Street Historic District, South St. between Oakland Dr. and Westnedge Ave. (8-28-79).

Leelanau County

Glen Haven, Sleeping Bear Inn, MI 209 (9-6-79).

MINNESOTA

Rice County

Lonsdale, Lonsdale Public School, 3rd Ave., SW. (8-30-79).

St. Louis County

Virginia, Valon Tuote Raittiusseura (Reward of Light Temperance Society) 125 3rd St. North (8-24-79).

MISSOURI

St. Louis County

Florissant, ST. FERDINAND CITY MULTIPLE RESOURCE AREA (Partial Inventory). This area includes various properties at various locations. Details available upon request. (9-12-79).

NEBRASKA

Douglas County

Boys Town, Father Flanagan's House, Off U.S. 6 (9-6-79).

Omaha, Standard Oil Company Building, 500 S. 18th St. (8-24-79).

Saline County

Crete, Trinity Memorial Episcopal Church, 14th and Juniper Sts. (9-14-79).

NEW HAMPSHIRE

Rockingham County

Portsmouth, New Hampshire Bank Building, 22-26 Market Sq. (9-10-79).

Portsmouth, South Parish, 292 State St. (8-21-79).

NEW JERSEY

Atlantic County

Mays Landing, Richards, Samuel, Hotel, 106 E. Main St. (8-31-79).

Bergen County

Bergenfield, South Church Manse, 138 W. Church St. (8-24-79).

Burlington County

Chatsworth, Shamong Hotel (Whitehorse Inn) Main St. (9-13-79).

Wrightstown vicinity, Upper Springfield Meetinghouse, W of Wrightstown (8-24-79).

Essex County

Newark, Newark Female Charitable Society, 305 Halsey St., 41-43 Hill St. (9-12-79).

Mercer County

Lawrenceville vicinity, Baker-Breareley House, E of Lawrenceville on Meadow Rd. (8-31-79).

Trenton, Kuser, Rudolph V., Estate, 315 W. State St. (8-24-79).

Middlesex County

Jamesburg, Ensley-Mount-Buckalew House, Buckalew Ave. (9-12-79).

Jamesburg vicinity, Holmes-Tallman House, NW of Jamesburg at Cranbury and Brown's Corner Rds. (9-12-79).

Sayreville, Sayre and Fisher Reading Room (Sayreville Hall) Main St. and River Rd. (9-12-79).

Monmouth County

Asbury Park, Winsor Building, 400-420 Main St. and 715-131 Bangs Ave. (9-13-79).

Union County

Springfield, Sayre Homestead, Sayre Homestead Lane (8-24-79).

Warren County

Alpha vicinity, Hunt, George, House, SW of Alpha at 135 Warren Glen Rd. (9-12-79).

NEW MEXICO

Bernadillo County

Albuquerque, San Ignacio Church, 1300 Walter St., NE. (8-21-79).

NEW YORK

Bronx County

Bronx, Hall of Fame Complex, Bronx Community College campus (9-7-79).

Columbia County

Valatie, First Presbyterian Church, Church St. (9-7-79).

Genesee County

LeRoy, Keeney House, 13 W. Main St. (9-11-79).

Greene County

Windham, Centre Presbyterian Church, Main and Church Sts. (9-7-79).

Kings County

Brooklyn, Flatlands Dutch Reformed Church, Kings Hwy. and E. 40th St. (8-30-79).

Oranodaga County

Delphi Falls, Delphi Baptist Church, Oran-Delphi Rd. (8-24-79).

Orleans County

Albion, Orleans County Courthouse Historic District, Courthouse Sq. and environs (8-31-79).

Rensselaer County

Mathews, David, House. Reference—see Bennington County, VT. (9-10-79).

Troy, St. Paul's Episcopal Church Complex, 58 3rd St. (9-7-79).

Troy, Willard, Emma, School, Pawling and Elm Grove Aves. (8-30-79).

Saratoga County

Saratoga Springs, Broadway Historic District, Broadway, Washington and Rock Sts. (9-12-79).

Schoharie County

Gallupville, Gallupville House, Main St. (9-7-79).

Ulster County

Kingston, Rondout-West Strand Historic District, U.S. 9w (8-24-79).

Westchester County

New Rochelle, First Presbyterian Church and Pintard, Lewis, House, Pintard Ave. (9-7-79).

White Plains, Purdy, Jacob, House, 60 Park Ave. (8-31-79).

NORTH DAKOTA

Cass County

Fargo, Grand Lodge of North Dakota, Ancient Order of United Workmen, 112-114 N. Roberts St. (8-24-79).

OHIO

Cross-Tipped Churches of Ohio Thematic Resources. Maria Stein and its environs,

Within a 22-mile radius of the convent at Maria Stein. Also in Mercer, Auglaize, Dark, and Shelby Counties. For detailed information contact National Register officer (7-26-79).

Columbiana County

Lisbon, Lisbon Historic District, U.S. 30 and OH 45 (8-24-79).

Cuyahoga County

Bratenahl, Pickands, Jay M., House, 9619 Lake Shore Blvd. (8-24-79).

Cleveland, Wheatley, Phillis, Association, 4450 Cedar Ave. (8-24-79).

Lakewood, Nicholson, James, House, 13335 Detroit Ave. (8-24-79) HABS.

Erie County

Vermilion, Francis, Joseph, Iran Surf Boat, 480 Main St. (9-13-79).

Franklin County

Columbus, Higgins, H. A., Building (Flatiron Building) 129 E. Naghten St. (8-27-79).

Geauga County

Burton, Domestic Arts Hall and Flower Hall, N. Cheshire St. (8-24-79).

Greene County

Xenia, East Second Street District, 184-271 E. 2nd St. (9-10-79).

Guernsey County

Guernsey vicinity, Booth Homestead, N of Guernsey at 8433 Wheeling Twntshp. Rd. (9-6-79).

Hamilton County

Cincinnati, Columbia-Tusculum Multiple Resource Area (Partial Inventory). This area includes various properties at various locations. Details available upon request. (8-24-79).

Lake County

Wickliffe, Coulby, Harry, Mansion, 28730 Ridge Rd. (8-24-79).

Logan County

Bellafontaine, Lawrence, William, House, 325 N. Main St. (8-24-79).

Montgomery County

Dayton, Pretzinger, Rudolph, House, 908 S. Main St. (8-24-79).

Morrow County

Chesterville, Chesterville Multiple Resource Area. This area includes various properties at various locations. Details available upon request. (8-21-79).

Muskingum County

Frazeyburg vicinity, Baughman Memorial Park, W of Frazeyburg on OH 586 (8-27-79).

Zanesville, McIntire Terrace Historic District, Roughly bounded by Peter Alley, McIntire, Moorehead, Findley, Blue, and Adair Aves. (9-6-79).

Zanesville, Tannehill, Capt. James Boggs, House, 367 Taylor St. (8-27-79).

Perry County

Thornville vicinity, Whitmer, Solaman, House, N of Thornville at 13917 Zion Twntshp. Rd., NW. (9-5-79).

Scioto County

Portsmouth, St. Mary's Roman Catholic Church, 5th and Markets Sts. (8-24-79).

OKLAHOMA

Oklahoma City, Stockyards City Historic District. An irregular pattern along Agnew and Exchange Aves. (8-24-79).

Payne County

Stillwater, Magruder Plots, Oklahoma State University (8-29-79).

Tulsa County

Tulsa, Convention Hall, 105 W. Brady St. (8-29-79).

Tulsa, Philtower, 427 S. Boston Ave. (8-29-79).

OREGON

Linn County

Shedd vicinity, Boston Flour Mill (Thompson's Flour Mill) E of Shedd on Boston Mill Rd. (8-21-79).

Multnomah County

Portland, Bates-Seller House, 2381 NW. Flanders St. (8-29-79).

Portland, Fenton, William D., House, 626 SE. 16th Ave. (8-29-79).

Portland, Kendall, Joseph, House, 3908 SE. Taggart St. (8-29-79).

Portland, Kerr, Albertina, Nursery, 424 NE. 22nd Ave. (8-29-79).

PENNSYLVANIA

COVERED BRIDGES OF NORTHUMBERLAND COUNTY THEMATIC RESOURCES. Reference—see individual listings under Northumberland County.

Alleghany County

McKeesport vicinity, Bowman Homestead, N of McKeesport at 3500 The Lane (9-7-79).

Pittsburgh, Henderson-Metz House, 1516 Warren St. (8-22-79).

Pittsburgh, Sellers House, 400 Shady Ave. (9-7-79).

Pittsburgh, West End-North Side Bridge, Western Ave. and Carson St. (8-24-79).

Berks County

Reading, Bethel A.M.E. Church, 119 N. 10th St. (9-7-79).

Wernersville, Lerch Tavern, 182-184 W. Penn Ave. (9-12-79).

Chester County

Dawningtown, General Washington Inn, Uwchlan and E. Lancaster Aves. (8-22-79).

Elverson vicinity, Lahr Farm, E of Elverson on PA 23 (9-7-79).

Dauphin County

Dauphin vicinity, Ayres, John, House, NW of Dauphin on PA 325 (9-7-79).

Harrisburg, Keystone Building, 18-22 S. 3rd St. (9-7-79).

Franklin County

Greencastle vicinity, *Stover-Winger Farm*, Lettersburg Rd. (8-24-79).

Lancaster County

Marietta, *Bucher, Joseph, House*, 104 E. Front St. (9-7-79).

Luzerne County

Wyoming, *Luzerne Presbyterian Institute (Wyoming Institute) Institute St.* (9-7-79) HABS.

Monroe County

Bushkill vicinity, *Schoonover Mountain House*, S of Bushkill (8-21-79).

Monroe vicinity, *Cold Spring Farm Springhouse*, NE of Monroe (8-24-79). HABS.

Northumberland County

Elysburg vicinity, *Kreighbaum Covered Bridge (Covered Bridges of Northumberland County Thematic Resources)* E of Elysburg (8-8-79).

Elysburg vicinity, *Richards Covered Bridge (Covered Bridges of Northumberland County Thematic Resources)* E of Elysburg (8-8-79).

Knoebel's Grove, *Knoebel, Lawrence L., Covered Bridge (Covered Bridges of Northumberland County Thematic Resources)* (8-8-79).

Montandon vicinity, *Rishel Covered Bridge (Covered Bridges of Northumberland County Thematic Resources)* E of Montandon (8-8-79).

Potts Grove vicinity, *Brown, Gottlieb, Covered Bridge (Covered Bridges of Northumberland County Thematic Resources)* E of Potts Grove (8-8-79).

Rebuck vicinity, *Himmel's Church Covered Bridge (Covered Bridges of Northumberland County Thematic Resources)* NE of Rebuck (8-8-79).

Sunbury vicinity, *Keefer Station Covered Bridge (Covered Bridges of Northumberland County Thematic Resources)* E of Sunbury (8-8-79).

Turbotville vicinity, *Hower-Slate House*, W of Turbotville (8-22-79).

Pike County

Bushkill, *Peters House*, U.S. 209 (8-24-79).

York County

York, *York Historic District*, Roughly bounded by RR tracks, Hartley St., Lilac Lane and Codorus Creek (8-29-79).

RHODE ISLAND**Newport County**

Tiverton, *Hicks, Joseph, House*, 494 Main Rd. (9-10-79).

Providence County

North Scituate, *Smithville-North Scituate*, U.S. 6 and RI 116 (8-29-79).

Beaufort County

Beaufort vicinity, *Fort Lyttelton Site*, S of Beaufort on Spanish Point Dr. (9-13-79).

Richland County

Columbia, *Columbia Multiple Resource Area (Partial Inventory)* (additions) This area

includes various properties at various locations. Details available upon request. (8-28-79).

SOUTH DAKOTA**Bon Homme County**

Scotland, *Methodist Episcopal Church*, 811 6th St. (9-12-79).

Day County

Andover, *Waldorf Hotel*, Main St. (9-13-79).

Spink County

Turton, *First Congregational Church*, Oak and 2nd Sts. (9-14-79).

TENNESSEE**Maury County**

Spring Hill vicinity, *Thompson, Absalom, House (Oaklawn)* S of Spring Hill on Denning Rd. (9-11-79).

Shelby County

Memphis, *Second Presbyterian Church (Clayhorn Temple)* 280 Hernando St. (9-4-79).

TEXAS**Bowie County**

Texarkana, *Hotel McCartney*, State Line Ave. (9-6-79).

Brown County

Brownwood, *St. John's Episcopal Church*, 700 Main Ave. (9-4-79).

Fayette County

Schulenburg, *Schulenburg Cotton Compress*, James and Main Sts. (9-13-79).

Galveston County

Galveston, *Trinity Protestant Episcopal Church*, 22nd St. and Ave. G (9-4-79).

Hidalgo County

Linn vicinity, *El Sal del Rey Archeological District*, E of Linn off TX 186 (8-27-79).

Jackson County

Edna, *Texana Presbyterian Church*, Apollo Dr. and Country Club Lane (9-12-79).

Nueces County

Port Aransas, *Tarpon Inn*, 200 E. Cotter St. (9-14-79).

Violet, *Old St. Anthony's Catholic Church*, S. Violet Rd. and TX 44 (9-7-79).

Walker County

Riverside vicinity, *Riverside Swinging Bridge*, NE of Riverside (9-12-79).

VERMONT**Bennington County**

Bennington vicinity, *Mathews, David, House*, VT 67 (9-10-79) (also in Rensselaer County, NY).

Stamford, *Tudor House*, VT 8 (9-10-79).

Orange County

Barre vicinity, *Whitcomb, Harlie, Farm*, NE of Barre off U.S. 302 (9-11-79).

Washington County

Barre, *Barre Downtown Historic District*, VT 302 (9-4-79).

Waterbury vicinity, *Colby Mansion*, N of Waterbury on VT 100 (9-10-79).

Windham County

Rockingham, *Rockingham Meetinghouse*, Off VT 103 (9-10-79).

VIRGINIA**Danville (independent city)**

Penn-Wyatt House, 862 Main St. (9-7-79).

Gloucester County

Wicomico vicinity, *Timberneck*, E of Wicomico off VA 635 (9-10-79).

Pittsylvania County

Chatham vicinity, *Mountain View*, 2 mi. S of Chatham on VA 703 (9-10-79).

Prince Edward County

Worsham, *Old Prince Edward County Clerk's Office*, U.S. 15 (9-10-79).

Richmond (independent city)

Fourth Baptist Church, 2800 P St. (9-7-79).

Shenandoah County

Edinburg, *Edinburg Mill*, U.S. 11 (9-7-79).

Winchester (independent city)

Glen Burnie, 801 Amherst St. (9-10-79)

HABS.**WEST VIRGINIA****Braxton County**

Sutton, *Old Sutton High School*, N. Hill Rd. (8-29-79).

Fayette County

Fayetteville, *Altamont Hotel*, 110 Fayette Ave. (8-29-79).

Hardy County

Moorefield, *Muslin, Thomas, House (Gamble, Mortimer, House)* 131 Main St. (8-29-79).

Jackson County

Ravenswood, *Old Ravenswood School*, Henry St. (8-29-79).

Jefferson County

Summit Point vicinity, *White House Farm*, E of Summit Point of SR 13 (8-29-79) HABS.

Marion County

Fairmont, *Fleming, Thomas W., House*, 300 1st St. (8-29-79).

Mason County

Point Pleasant, *Lewis-Capehart-Roseberry House*, 1 Roseberry Lane (8-29-79).

McDowell County

Welch, *McDowell County Courthouse*, Wyoming St. (8-29-79).

Ohio County

Wheeling, *Oglebay Mansion Museum*, Oglebay Park (8-29-79).

Pocahontas County

Marlinton, *Marlinton Chesapeake and Ohio Railroad Station*, 8th St. and 4th Ave. (8-29-79).

Randolph County

Elkins, *Albert and Liberal Arts Halls*, Davis and Elkins College campus (8-29-79).

Tucker County

Thomas, *Cottrill Opera House (Sutton's Opera House)* East Ave. (8-29-79).

Wood County

Parkersburg, *Wood County Courthouse*, Court Sq. (8-29-79).

WISCONSIN**Barron County**

Rice Lake, *Rice Lake Mounds* (47 Bn-90) (9-7-79).

Columbia County

Columbus, *Columbus City Hall*, 105 N. Dickason St. (9-4-79).

Crawford County

Prairie du Chien, *Powers, Strange, House*, 338 N. Main St. (8-27-79).

Dodge County

Waupun, *Waupun Public Library*, 22 S. Madison St. (9-4-79).

Fond du Lac County

Ripon, *First Congregational Church*, 220 Ransom St. (9-4-79).

Iron County

Hurley vicinity, *Annala Round Barn*, S of Hurley (8-27-79).

Milwaukee County

Glendale, *Spring Grove Site* (9-10-79).

Milwaukee, *North Point South Historic District*, Roughly bounded by North Ave., Summit, Terrace, and Lafayette Sts. (9-4-79).

Winnebago County

Oshkosh, *Oviatt House*, 842 Algoma Blvd. (8-27-79).

Winneconne vicinity, *Lasley's Point Site* (9-6-79).

The following is a list of corrections to properties previously listed in the Federal Register. Additional corrections may appear in subsequent updates.

ARIZONA

Pinal County

Oracle vicinity, *American Flag Post Office and Ranch Headquarters*, 5 mi. SE of Oracle (6-20-79) (previously listed as American Flag Post Office and Ranch).

NEW YORK**Chenango County**

Greene, *Clinton-Rosekrans Law Building*, 62 Genesee St. (7-27-79) (previously listed as Rosekrans Building).

The following properties have been demolished and/or removed from the National Register of Historic Places. This action does not modify the applicability, if any, of provisions of section 2124 of the Tax Reform Act.

CALIFORNIA**San Francisco County**

San Francisco, *Phelps, Abner, House*, 1111 Oak St. (removed).

KANSAS**Leavenworth County**

Easton vicinity, *Biehler Barn*, 2.5 mi. N of Easton (demolished).

KENTUCKY**Boone County**

Burlington vicinity, *Piatt's Landing*, S of Burlington off KY 338 (demolished).

MONTANA**Deer Lodge County**

Anaconda, *Marcus Daly Hotel*, Park Ave. and S. Main St. (removed).

NEBRASKA**York County**

York, *York County Courthouse*, 5th St. and Lincoln Ave. (demolished).

NEW JERSEY**Atlantic County**

Atlantic City, *Blenheim Hotel*, Boardwalk and Ohio Aves. (demolished).

Brigantine City vicinity, *U.S. Coastguard Station*, About 3 mi. NNE of Brigantine City (demolished).

NEW YORK**Rockland County**

West Haverstraw, *Garner, Henry, Mansion*, 18 Railroad Ave. (demolished).

PENNSYLVANIA**Luzerne County**

Hazleton, *Keller House*, 217 W. Broad St. (demolished).

Wayne County

Starrucca, *Stone Arch Bridge*, *Starucca Creek*, SR 57054 (demolished).

RHODE ISLAND**Washington County**

North Kingstown, *Shaw, Dr. William G., House*, 41 Brown St. (removed).

SOUTH CAROLINA**McCormick County**

Troy vicinity, *Bradley's Covered Bridge*, 3 mi. W of Troy on SC 36 (demolished).

TENNESSEE**Franklin County**

Belvidere vicinity, *Circular Barn at Cloverdale Farm*, S of Belvidere off U.S. 64 (demolished).

TEXAS**Brazoria County**

Brazoria vicinity, *Ellerslie Plantation*, SE of Brazoria off TX 36 (removed).

Houston, *Covington, Dr. B. J., House*, 2219 Dowling St. (demolished).

Determinations of eligibility are made in accordance with the provisions of 36 CFR 63, procedures for request

determinations of eligibility, under the authorities in section 2(b) and 1(3) of Executive Order 11593 and section 106 of the National Historic Preservation Act of 1966, as amended, as implemented by the Advisory Council on Historic Preservation's procedures. 36 CFR Part 800. Properties determined to be eligible under § 63.3 of the procedures for request determinations of eligibility are designated by (63.3).

Properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before any agency of the Federal Government may undertake any project which may have an effect on an eligible property, the Advisory Council on Historic Preservation, shall be given an opportunity to comment on the proposal.

The following list of additions, deletions, and corrections to the list of properties determined eligible for inclusion in the National Register is intended to supplement the cumulative version of that list published in February of each year.

ARIZONA

Salt-Gila *Aqueduct Archeological Sites* (40 sites, Queen Creek Archeological District and Florence Archeological District).

Navajo County

Black Mesa, *Archeological Sites along Navajo 41* (40 sites) (63.3).

Joseph City vicinity, *Archeological Sites AZ P:3:11 and AZ P:3:12*, Off AZ 40 (63.3).

ARKANSAS**Lawrence County**

Portia, *Archeological Site 3 LW 501*.

Pulaski County

Little Rock, *Little Rock City Hall*, Markham and Broadway Sts. (63.4c).

Little Rock, *Little Rock Fire Department Building*, Markham and Arch Sts. (63.4c).

Little Rock, *Marion Hotel*, Markham St. (63.4c).

Little Rock, *New Pulaski County Courthouse*, 2nd, Spring, Markham and Broadway Sts. (63.4c).

Little Rock, *Old Pulaski County Courthouse*, 2nd, Spring, Markham and Broadway Sts. (63.4c).

Little Rock, *Robinson Memorial Auditorium*, Markham and Broadway Sts. (63.4c).

CALIFORNIA*Humboldt County*

Bayside vicinity, *McGuire Barn*, S of Bayside on Myrtle Ave. (63.3).

Indianola vicinity, *Pinkerton, George, Montgomery-Williamson House and Barn*, N of Indianola on Myrtle Ave. (63.3).

Marin County

Olema vicinity, *Randall, Sarah Seaver, House*, Olema-Bolinas Rd.

Orange County

Fullerton, *Pacific Electric Depot*, 128 E. Commonwealth Ave.

Fullerton, *Santa Fe Depot*, E. Santa Fe Ave.

Plumas County

La Porte vicinity, *Harrison Diggins Site C-A-PLU-380*, Plumas National Forest (63.3).

COLORADO*Douglas County*

Roxborough State Park Archeological District, Roxborough State Park (63.3).

El Paso County

Colorado Springs, *Old Colorado City Historic District-Alternate B*.

Mesa County

Gran Junction vicinity, *Colorado National Monument Multiple Resource Area (Partial Inventory)* This area includes: Confort Station; Devil's Kitchen Picnic Shelter; Headquarters Historic District; Maintenance Yard Historic District; Trail of the Serpent (63.3).

Weld County

Greeley, *Plumb, Charles, House*, 4001 W. 10th St. (63.3).

CONNECTICUT*Fairfield County*

Greenwich, *St. Mary's Church and Rectory* (63.3).

New Castle County

Wilmington, *Wilmington Yards and Shops*, Off 12th St.

New London County

Norwich, *City Hall*, Union and Broadway Sts.

DISTRICT OF COLUMBIA*Washington*

American Mosaic Building (63.4c).
Elements of the L'Enfant Plan (63.4c).
Mount Vernon Apartments (63.4c).
Mount Vernon Theatre (63.4c).
Pepco Power Substation (63.4c).
Washington Lodge No. 15 B.P.O. Elks (63.4c).

GEORGIA*Liberty County*

Hinesville, *Quarterman-Kozma House*, U.S. 82 (63.3).

ILLINOIS*Cook County*

Chicago, *House at 3639 South Michigan Avenue* (63.3).

Chicago, *House 3657 South Michigan Avenue* (63.3).

INDIANA*Clark County*

Jeffersonville, *East Riverside Drive Historic District*.

Jeffersonville, *Spring Street Historic District*.
Jeffersonville, *West Riverside Drive Historic District*.

IOWA*Jackson County*

Maquoketa vicinity, *Nickerson, Tertullus, House*, IA 64 (63.3).

Scott County

Davenport, *Chicago, Milwaukee, St. Paul and Pacific Railroad Trestle*.

MARYLAND*Baltimore County*

Fort Howard (63.3).

MASSACHUSETTS*Berkshire County*

Glendale, *Glendale Powerhouse Station*, Hoatic River.

Essex County

Lynn, *Broad Street Historic District*.
Salem, *Elevator Works*, 76-80 Lafayette St.

MICHIGAN*Bay County*

Bay City, *Archeological Sites 20BY76, 20BY77, 20BY78 and 20BY79* (63.3).

Wayne County

Detroit, *Detroit Public Library Downtown Branch*, Bounded by Library, Farmer and State Sts. (63.3).

Detroit, *Detroit Street Plan* (63.3).
Detroit, *Hudson, J. L., Company Building*, Bounded by Woods Rd., Grand River, Farmer and State Sts. (63.3).

Detroit, *Randolph Street Commercial Buildings*, 1208-1244 Randolph St. (63.3).
Detroit, *Siegel, B., Company Building*, State and Woodward Sts. (63.3).

MISSISSIPPI*Tallahatchie County*

Archeological Site 22-TL-520 (63.3).

MISSOURI*Marion County*

Hannibal, *Marion County Courthouse*.
Palmyra, *Marion County Jail*.

Monroe County

Paris, *Monroe County Courthouse*.

MONTANA*Deer Lodge County*

Anaconda, *Anaconda Historic Lighting* (63.3).

Glacier County

Glacier National Park, *Cut Bank Ranger Station*, Cut Bank Creek Rd. (63.3).

NEVADA*Clark County*

Pueblo Grande de Nevada, Lake Mead National Recreation area (63.3).

NEW HAMPSHIRE*Rockingham County*

Newmarket, *Newmarket Central School*, Church St. (63.3).

NEW JERSEY*Morris County*

East Hanover, *Definis Site (28-MR-161)* Off Rte. 280 (63.3).

East Hanover, *Steppel Site* (63.3).
Madison, *Sayre, Ephraim, House*, 31 Ridgedale Ave.

Albany County

Lock 5, *Erie Canal*

Albany, *Clinton Avenue-North Pearl Street Historic District* (63.3).

Kings County

New York, *Floyd Bennett Field Historic District*, Flatbush Ave. (63.3).
New York, *Loew's Kings Theater*, 1027 Flatbush Ave. (63.3).

Warren County

Glen Falls and Hudson Falls, *Glen Falls Feeder Canal* (also in Washington County) (63.3).

Washington County

Glen Falls Feeder Canal, Reference—see Warren County.

NORTH CAROLINA

Yancey No. 194 Metal Truss Bridge (63.3).

Alleghany County

Alleghany No. 107 Metal Truss Bridge, SR 1308 over King's Creek.

Ashe County

Ashe No. 455 Metal Truss Bridge, SR 1573.

Bladen County

Bladen No. 701-42-20N Metal Truss Bridge, U.S. 701.

Buncombe County

Buncombe No. 213 Metal Truss Bridge, SR 1408.

Burke County

Burke No. 2 Metal Truss Bridge, SR 1501
Burke No. 126-85-10 Metal Truss Bridge, NC 126.

Caldwell County

Caldwell No. 272 Metal Truss Bridge, SR 1328.

Carteret County

Carteret No. 101-16-10 Metal Truss Bridge, NC 101.

Catawba County

Catawba No. 1 Metal Truss Bridge, SR 1006.
Catawba No. 58 Metal Truss Bridge, SR 1116.

Chatham County

Chatham No. 147 Metal Truss Bridge, SR 1963.

Chatham No. 155 Metal Truss Bridge, SR 2153.

Davidson County

Davidson No. 249 Metal Truss Division, SR 2294.

Durham County

Durham No. 28 Metal Truss Bridge, SR 1004.

Guilford County

Guilford No. 53 Metal Truss Bridge, SR 1334.
Guilford No. 158 Metal Truss Bridge, SR 2784.

Haywood County

Haywood No. 79 Metal Truss Bridge, SR 1112.

Haywood No. 291 Metal Truss Bridge, SR 1625.

Henderson County

Henderson No. 63 Metal Truss Bridge, SR 1882.

Jackson County

Jackson No. 63 Metal Truss Bridge, SR 1392.

Lincoln County

Lincoln No. 22 Metal Truss Bridge, SR 1414.

McDowell County

McDowell No. 126-87-10 Metal Truss Bridge, NC 126.

Mitchell County

Mitchell No. 229 Metal Truss Bridge, SR 1336.

Montgomery County

Montgomery No. 60 Metal Truss Bridge, SR 1567.

Nash County

Nash No. 271 Metal Truss Bridge, SR 1331.

Pasquotank County

Newland vicinity, 31 PK 5 (17-1) Brick Road, SE of Newland on U.S. 17.

Person County

Person No. 35 Metal Truss Bridge, SR 1120.

Pitt County

Pitt No. 411 Metal Truss Bridge, SR 1531.

Randolph County

Randolph No. 19 Metal Truss Bridge, SR 1170.

Robeson County

Robeson No. 430 Metal Truss Bridge, SR 1539.

Rockingham County

Rockingham No. 98 Metal Truss Bridge.

Rowan County

Rowan No. 27 Metal Truss Bridge, SR 1003.

Rutherford County

Rutherford No. 270 Metal Truss Bridge, SR 1155.

Stokes County

Stokes No. 75 Metal Truss Bridge, SR 1417.
Stokes No. 197 Metal Truss Bridge, SR 1665.

OHIO*Hamilton County*

Cincinnati, *Properties in Lane Seminary Recreation Site* (17 sites).

OREGON*Lane County*

Eugene, *Eakin-Snodgrass House*, 437 Lawrence St.
Eugene, *Elliott House*, 938 Jefferson St.
Eugene, *Ham House*, 347 1/2 High St.
Eugene, *McMurray House*, 930 E. 21st. Ave.
Eugene, *Saults-Westfall Duplex*, 1412 Pearl St.

Walla Walla County

Enterprize vicinity, *Elk Mountain Site*, Elk Mountain.

SOUTH CAROLINA*Berkeley County*

Haney Hill Site (38BK134) Francis Marion National Forest.

TENNESSEE*Polk County*

Ocoee, *Ocoee Hydroelectric Plant No. 2*, U.S. 64 (63.3).

Washington County

Johnson City, *Mountain Home Medical Center*.

TEXAS*Brazoria County*

Brazoria vicinity, *Ellerslie Plantation* (63.4(b)).

WISCONSIN*Milwaukee County*

Milwaukee, *Giebisch, H., Building*, 2569-2573 N. 3rd St. (63.3).
Milwaukee, *Middough, B. A., House*, 1612 E. Kane Pl. (63.3).
Milwaukee, *Teutonia Avenue State Bank*, 2803 N. Teutonia Ave. (63.3).

Oconto County

Oconto, *Main Post Office*, 141 Congress St. (63.3).

[FR Doc. 79-30095 Filed 10-1-79; 8:45 am]
BILLING CODE 4310-03-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before September 21, 1979. Pursuant to § 60.13 of 36 CFR Part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments or a request for additional

time to prepare comments should be submitted by October 12, 1979.

Charles A. Herrington,
Acting Keeper of the National Register.

CALIFORNIA*Los Angeles County*

Pasadena, *Holly Street Livery Stable*, 110 E. Holly St.

Merced County

Merced, *Leggett House*, 352 W. 22nd St.

Napa County

St. Helena vicinity, *Larkmead Winery*, NW of St. Helena at 1091 Larkmead Lane.

Orange County

Yorba Linda, *Pacific Electric Railway Company Depot*, 18132 Imperial Hwy.

Santa Clara County

San Jose, *Leib Carriage House*, 60 N. Keeble Ave.

COLORADO*Denver County*

Denver, *Neef, Frederick W., House*, 2143 Grove St.

Denver, *U.S. Customhouse*, 721 19th St.

La Plata County

Durango, *Newman Block*, 801-813 Main Ave.

Larimer County

Fort Collins, *Anderson, Peter, House*, 300 S. Howes St.

CONNECTICUT*Fairfield County*

Bridgeport, *Stratfield Historic District*, CT 59 and U.S. 1.

IDAHO*Adams County*

New Meadows, *Meadows Schoolhouse*, ID 55.

Canyon County

Parma, *Stewart, A. H., House (Hotel Parma)*, 3rd St. and Bates Ave.

Washington County

Weiser, *Intermountain Institute*, Paddock Ave.

LOUISIANA*Bienville County*

Gibbsland vicinity, *Antebellum Creek Revival Buildings of Mount Lebanon Thematic Resources*. Reference—See individual listings under Bienville Parish.

Bienville Parish

Gibbsland vicinity, *Colbert House (Antebellum Creek Revival Buildings of Mount Lebanon Thematic Resources)* LA 517.

Gibbsland vicinity, *Dog Trot (Antebellum Creek Revival Buildings of Mount Lebanon Thematic Resources)* LA 517.

Gibbsland vicinity, *Down House (Antebellum Creek Revival Buildings of Mount Lebanon Thematic Resources)* LA 154.

Gibbsland vicinity, *Jones House (Antebellum Creek Revival Buildings of Mount Lebanon Thematic Resources)* LA 154.

Gibbsland vicinity, *Mount Lebanon Baptist Church (Antebellum Creek Revival Buildings of Mount Lebanon Thematic Resources)* LA 154.

Gibbsland vicinity, *Stage Coach Inn (Antebellum Creek Revival Buildings of Mount Lebanon Thematic Resources)* LA 517.

Gibbsland vicinity, *Thurmond House (Antebellum Creek Revival Buildings of Mount Lebanon Thematic Resources)* LA 154.

Gibbsland vicinity, *Wayside Inn (Antebellum Creek Revival Buildings of Mount Lebanon Thematic Resources)* LA 154.

Iberville Parish

Bayou Coula, *Tolly-Ho Plantation House*, River Rd.

St. Tammany Parish

Covington, *Christ Episcopal Church*, 120 N. New Hampshire St.

MAINE

Cumberland County

Westbrook, *Westbrook High School*, 765 Main St.

Oxford County

Rumford, *Rumford Commercial Multiple Resource Area (Partial Inventory)*. This area includes: *Mechanic Institute*, 44-56 Congress St.; *Miniciple Building*, Congress St.; *Rumford Falls Power Company Building*, 59 Congress St.; *Strathglass Building*, 33 Hartford St.

York County

Highpine, *Emergy House (Wells Township Cape Cod Houses Thematic Resources)* Sanford Rd.

N. Berwick vicinity, *Eaton House (Wells Township Cape Cod Houses Thematic Resources)* Sanford Rd.

N. Berwick vicinity, *Hatch House (Wells Township Cape Cod Houses Thematic Resources)* Sanford Rd.

N. Berwick vicinity, *Littlefield-Chase Farmstead (Wells Township Cape Cod Houses Thematic Resources)* Rte. 9 N. Berwick Rd.

N. Berwick vicinity, *Littlefield-Dustin Farm (Wells Township Cape Cod Houses Thematic Resources)* Dodge Rd.

N. Berwick vicinity, *Littlefield-Keeping House (Wells Township Cape Cod Houses Thematic Resources)* Rte. 9B Charles Chase L. Rd.

N. Berwick vicinity, *Littlefield Tavern (Wells Township Cape Cod Houses Thematic Resources)* 9B Charles Chase L. Rd.

Wells, *Early Post Office (Wells Township Cape Cod Houses Thematic Resources)* Bragdon's Crossing.

Wells, *Lord Farm (Wells Township Cape Cod Houses Thematic Resources)* Laudholm Rd.

Wells, *Wells Homestead (Wells Township Cape Cod Houses Thematic Resources)* Sanford Rd.

Wells vicinity, *Auston-Hennessey House (Wells Township Cape Cod Houses Thematic Resources)* Burnt Mill Rd.

Wells vicinity, *Dorfield, Farm (Wells Township Cape Cod Houses Thematic Resources)* Harrisecket Rd.

Wells vicinity, *Littlefield Homestead (Wells Township Cape Cod Houses Thematic Resources)* Chick's Crossing Rd.

Wells vicinity, *Wells Baptist Church Porsonage (Wells Township Cape Cod Houses Thematic Resources)* ME 9A.

Wells vicinity and environs, *5Wells Township Cape Cod Houses Thematic Resources*. Reference—see individual listings under York County.

Ogunquit, *Capt. Winn House (Wells Township Cape Cod Houses Thematic Resources)* King's Hwy.

Ogunquit, *Goodale-Bourne Farm (Wells Township Cape Cod Houses Thematic Resources)* N. Village Rd.

Ogunquit, *Goodale-Stevens Farm (Wells Township Cape Cod Houses Thematic Resources)* N. Village Rd.

Ogunquit, *Perkins, Charles, House (Wells Township Cape Cod Houses Thematic Resources)* Scotch Hill.

Ogunquit vicinity, *Mill House (Wells Township Cape Cod Houses Thematic Resources)* Post Rd.

MONTANA

Flothead County

Columbia Falls, *St. Richard's Church*, 505 4th Ave. West.

Gallatin County

Gallatin Gateway, *Gallatin Gateway Inn*, U.S. 191.

Three Forks, *Sacajawea Inn*, 5 Main St.

Missoula County

Missoula, *Wilma Theatre*, 104 S. Higgins Ave.

Missoula vicinity, *Flynn Farm*, W of Missoula on Mullan Rd. West.

Rosebud County

Forsyth, *Rosebud County Deaconess Hospital*, N. 17th Ave.

NEBRASKA

Dawson County

Gothenburg, *Colling, Ernest A., House*, 1514 Lake Ave.

NEW HAMPSHIRE

Cheshire County

Ashuelot, *Ashuelot Covered Bridge*, NH 119 and Bolton Rd.

Fitzwilliam vicinity, *Old Patch Place*, W of Fitzwilliam on Rhododendron Rd.

Merrimack County

Concord, *Merrimack County Courthouse*, 163 N. Main St.

Sullivan County

Claremont, *English Church (Union Episcopal Church)* Old Church Rd.

NEW MEXICO

Lincoln County

Nogal vicinity, *El Paso and Southwestern Railway Water Supply System*, S of Nogal.

NEW YORK

Jefferson County

Watertown, *Paddock Mansion*, 228 Washington St.

New York County

New York, *Flatiron Building*, 5th Ave. and Broadway St.

St. Lawrence County

West Stockholm, *West Stockholm Historic District*, W. Stockholm and Livingston Rds.

Schoharie County

Schoharie vicinity, *Becker Stone House*, E of Schoharie on Murphy Rd.

Schoharie vicinity, *Becker-Westfall House*, E of Schoharie on NY 443.

Westchester County

Dobbs Ferry, *Estherwood and Carriage House*, Clinton Ave.

NORTH DAKOTA

McLean County

Underwood vicinity, *Pulver Mound Group*.

Mountrail County

New Town vicinity, *Evans Site*.

Oliver County

Price vicinity, *Ring Hill Site*.

Ransom County

Enderlin vicinity, *Nelson Site*.

Enderlin vicinity, *Peterson Site*.

Lisbon vicinity, *Biesterfeldt Site*.

OHIO

Wayne County

Wooster, *College of Wooster*, OH 3.

OKLAHOMA

Seminole County

Wewoka, *Brown, Jackson, House*, 1200 S. Muskogee Pl.

OREGON

Clackamas County

Zigzag vicinity, *St. John the Evangelist. Roman Catholic Church*, SW of Zigzag on Truman Rd.

Deschutes County

Bend, *Reid School*, 460 NW. Wall St.

TEXAS

Cameron County

Brownsville, *Stillman, Charles, House*, 1305 E. Washington St.

Chambers County

Anahuac, *Chamberseas*, Washington and Cummings Sts.

Anahuac, *Fort Anahuac*, TX 564.

Frio County

Pearsall, *Old Frio County Jail*, E. Medina and S. Pecan Sts.

Hudspeth County

Sierra Blanca vicinity, *Cunsight Site*, Diablo Canyon.

Sierra Blanca vicinity, *Kate Pease Site*, Off I-10.

UTAH

Carbon County

Spring Glen, *Millarich, Martin, Hall*, Main St.

Sanpete County

Spring City, *Spring City Historic District*, UT 117.

WISCONSIN

Dane County

Madison, *Miller House*, 647 E. Dayton St.

[FR Doc. 79-30094 Filed 10-1-79; 8:45 am]

BILLING CODE 4310-03-M

National Park Service

(INT DES 79-55)

Proposed General Management Plan, Redwood National Park, Calif.; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for the proposed General Management Plan, Redwood National Park, California.

The statement considers the alternatives and the recommended actions for the general management plan which includes visitor use and development proposals, cultural resources management actions, and watershed rehabilitation. The relocation of U.S. 101 around Prairie Creek Redwood State Park by the California Department of Transportation is considered as an associated proposal.

Written comments on the environmental statement are invited and will be accepted for a period of sixty (60) days following publication of this notice (December 3, 1979). Comments should be addressed to the Superintendent, Redwood National Park.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, California 94102.

Los Angeles Field Office, National Park Service, 300 North Los Angeles Street, Room 1013, Los Angeles, California 90012.

Redwood National Park, 1111 Second Street, Drawer N. Crescent City, Calif. 95531.

Dated: September 25, 1979.

Heather L. Ross,

Deputy Assistant Secretary of the Interior.

[FR Doc. 79-30466 Filed 10-1-79; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

(INT FES 79-49)

Proposed Grazing Management Program for the East Roswell Environmental Statement Area, Roswell, N. Mex.; Availability of Final Environmental Statement

In accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM) has prepared a Final Environmental Statement on a proposed grazing management program that is designed to improve rangeland vegetation conditions, to provide a continuing supply of forage for livestock and wildlife consistent with multiple use management, and to construct range developments.

The statement addresses an improved livestock grazing management program on approximately 1,595,000 acres of public land. The proposed action includes grazing treatments designed to enhance the vegetative resources, improve range conditions, reduced erosion, improve water quality, provide quality habitat for wildlife, protect archeological and historical sites, and provide a continuous supply of livestock and wildlife forage. Mechanical and herbicide treatments are proposed to reduce the density of mesquite and creosote brush that has invaded these grasslands. Adjustments in livestock grazing use, construction of water developments and fencing are also proposed.

Copies of the final environmental statement are available for inspection at the BLM District Office, 1717 West Second Street, Roswell, New Mexico, and the BLM State Office, Federal Building, Santa Fe, New Mexico.

In addition to the above locations, reading copies are available at public and/or university libraries in Roswell, Carlsbad, Hobbs, Las Cruces, and Albuquerque, New Mexico.

A limited number of copies can be obtained at the Roswell District Office, 1717 West Second Street, Featherstone Farms Building, Roswell, New Mexico 88201, Telephone (505) 622-7670.

Dated: September 26, 1979.

James W. Curlin,

Deputy Assistant Secretary.

[FR Doc. 79-30426 Filed 10-1-79; 8:45 am]

BILLING CODE 4310-84-M

(INT FEES 79-48)

Proposed Grazing Management Program for the Randolph Environmental Statement Area, Rich County, Utah; Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 and a 1975 Federal court order, the Bureau of Land Management (BLM) has prepared a final environmental statement for the proposed Randolph Grazing Management Program in Rich County, Utah.

The draft environmental statement [INT 79-31] was filed with Environmental Protection Agency June 6, 1979 and notice of availability published in the Federal Register on June 11, 1979.

The proposed action in two phases would provide for sustained, long-term productive use of natural resources on 140,298 acres. The first phase would include allocation of 22,350 AUMs of livestock forage on 19 allotments; allotmentwide continuous grazing authorized on 15 allotments; and unchanged grazing management on four allotments. The second phase would include an increase of livestock forage on a sustained yield basis to 35,241 AUMs and long-term management consisting of livestock grazing, vegetation treatments, fences, water developments, and cattleguards.

This statement analyzes the effects of the proposed action and five alternatives that vary in the degree of livestock and wildlife use, proposed, type of management, and extent of range developments proposed.

Copies of the final statement are available at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240, Telephone (202) 343-5717.

Salt Lake City District Office, Bureau of Land Management, 2370 South, 2300 West, Salt Lake City, Utah 84119, Telephone (801) 524-5348.

Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, Telephone (801) 524-4257.

Dated: September 26, 1979.

James W. Curlin,

Deputy Assistant Secretary.

[FR Doc. 79-30425 Filed 10-1-79; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 79-17]

Joyce E. Millette, M.D.; Certificate of Registration

Notice is hereby given on July 23, 1979, the Drug Enforcement Administration, Department of Justice, issued to Joyce E. Millette, M. D. West Hartford, Connecticut, an Order to Show Cause as to why the Drug Enforcement Administration should not revoke Respondent's DEA Certificate of Registration, AM5669493, and deny Respondent's pending application for registration.

Thirty days having elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Tuesday, October 30, 1979, in Courtroom No. 8, 2nd Floor, Hall of Justice, 50 State Street, Springfield, Massachusetts.

Dated: September 26, 1979.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 79-30447 Filed 10-1-79; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organization is listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if

this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services of facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20013.

Signed at Washington, D.C., this 26th day of September 1979.

Earl T. Klein,

Director, Office of Program Services.

Applications Received During the Week Ending September 28, 1979

Name of applicant and location of enterprise	Principal product or activity
C. H. Stuart, Inc., Malta, New York...	Manufacture of craft kits.
Sterling Faucet Company, Morgantown, West Virginia.....	Plumbing fitting and trim.
Pan-L-Cast of Iowa, Inc., Brooklyn, Iowa.....	Manufacture of precast concrete slabs.

[FR Doc. 79-30399 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-79-138-C]

Hunt Branch Coal Company, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Hunt Branch Coal Company, Inc., General Delivery, Meta, Kentucky 41501, has filed a petition to modify the application of 30 CFR 75.1710 (canopies) to its No. 002 Mine located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petition concerns the use of cabs or canopies on the petitioners' scoops, tractors, roof drills, coal drill, cutter and loader.

2. The petitioner is mining coal seams ranging from 40 to 44 inches in height.

3. Due to undulations in the coal seams, canopies on the petitioner's equipment have to be installed in a low configuration in order that they do not strike the roof and damage roof support.

4. This low configuration results in a 25 inch vertical operating compartment, limiting and impairing the equipment operator's visibility.

5. For this reason, the petitioner believes that application of the standard to its mine will result in a diminution of safety and therefore requests relief from the application of the standard to its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before November 1, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: September 26, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-30481 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-141-C]

Westmoreland Coal Co., Petition for Modification of Application of Mandatory Safety Standard

Westmoreland Coal Company, P.O. Drawer A & B, Big Stone Gap, Virginia 24219 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations) to its Prescott No. 2 Mine located in Wise County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. Due to adverse roof conditions, the petitioner is unable to travel the return airway of its mine in its entirety as required.

2. The return air from the affected area is channeled directly to the outside and is not used for any additional ventilation requirements.

3. As an alternative to weekly inspections of the return airway for hazardous conditions, the petitioner proposes to establish air monitoring checkpoints at locations designated on a map supplied with the petition.

4. At these checkpoints the petitioner will determine the quality of air returning from the affected area.

5. The petitioner believes that its alternative will achieve no less protection for its miners than that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before November 1, 1979. Comments must be

filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: September 26, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-30508 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

Alba Dress Co., et al.; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of

a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of September 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: (Union/workers or former workers of—)	Location	Date received	Date of petition	Petition No.	Articles produced
Alba Dress Company (ILGWU)	New Haven, Conn	9/19/79	9/7/79	TA-W-6,089	Contractor of women's dresses.
Blue Ridge Shirt Manufacturing Co. (company)	Fayetteville, Tenn	9/19/79	9/14/79	TA-W-6,090	Men's woven sport shirts.
Dress Manufacturing Company (company)	Columbia, Tenn	9/19/79	9/14/79	TA-W-6,091	Ladies' sportswear and jeans.
Golia Dress Co. (ILGWU)	New Haven, Conn	9/19/79	9/7/79	TA-W-6,092	Contractor of women's skirts and blouses.
Heavy Duty Manufacturing Company (company)	Gainesboro, Tenn	9/19/79	9/14/79	TA-W-6,093	Men's sport shirts (knit).
Kentucky Pants Company, Plant #1 (company)	Glasgow, Ky	9/19/79	9/14/79	TA-W-6,094	Men's jeans.
Linden Apparel Corporation, Plant #1 (company)	Linden, Tenn	9/19/79	9/14/79	TA-W-6,095	Men's overalls and jeans.
Linden Apparel Corp., Plant #2 (company)	Linden, Tenn	9/19/79	9/14/79	TA-W-6,096	Ladies' jeans.
Lebanon Garment Company (company)	Lebanon, Tenn	9/19/79	9/14/79	TA-W-6,097	Men's jeans.
Mode Dress Co. (ILGWU)	New Haven, Conn	9/19/79	9/7/79	TA-W-6,098	Contractor of women's dresses.
Norman Dress Co., Inc. (ILGWU)	Bridgeport, Conn	9/19/79	9/7/79	TA-W-6,099	Contractor of women's dresses.
The Turner Manufacturing Company (company)	Goodlettsville, Tenn	9/19/79	9/14/79	TA-W-6,100	Ladies' sportswear.
Washington Overall Manufacturing Co. (company)	Scottsville, Ky	9/19/79	9/14/79	TA-W-6,101	Men's jeans.

[FR Doc. 79-30504 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5839]

American Air Filter Company, Inc., Investigation Regarding Certification of Eligibility to Apply For Worker Adjustment Assistance: Correction

In FR Doc. 79-25543 appearing on page 48385-86 in the Federal Register of August 17, 1979, the date of petition in the Appendix under petitioner American Air Filter Company, Inc., Shelbyville, Kentucky should be corrected to read "August 1, 1979."

Signed at Washington, D.C., this 26th day of September 1979.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-30496 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5808]

American Enka Co.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 3, 1979 in response to a worker petition received on July 30, 1979 which was filed by the United Textile Workers of America on behalf of workers and former workers producing carpet and textile yarn at the Enka, North Carolina plant of the American Enka Corporation. The investigation revealed that the correct name of the company is American Enka Company. In the

following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A survey was conducted by the Department of Labor of customers of American Enka Company. The survey revealed that customers which decreased purchases of yarn from American Enka Company in the January-July 1979 period as compared to the same period of 1978 did not increase purchases of imported yarn.

Conclusion

After careful review, I determine that all workers of the Enka, North Carolina plant of American Enka Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of September 1979.

Harry J. Gilman,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30494 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

Arkwright Mills I, et al., Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B or 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 25th day of September 1979.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Arkwright Mills I (workers)	Spananburg, S.C.	9/24/79	9/18/79	TA-W-6,102	Cloth for wearing apparel
Button Cutters, Inc. (company)	New York, N.Y.	9/21/79	9/17/79	TA-W-6,103	Final finishing of buttons
Chassie System Rail (United Transportation Union)	Grand Rapids, Mich.	9/21/79	9/10/79	TA-W-6,104	Rail transporting of commodities
Converse Rubber Company (company)	Contoocook, N.H.	9/20/79	9/12/79	TA-W-6,105	Rubber, canvas, and leather athletic and leisure footwear
Helen's Dress Company (ILGWU)	New Haven, Conn.	9/17/79	9/7/79	TA-W-6,106	Contractor of women's dresses
Lady Canton Coat Co., Inc. (ILGWU)	Stamford, Conn.	9/17/79	9/7/79	TA-W-6,107	Women's raincoats and coats
Northampton Textile Co. (workers)	Mt. Holly, N.J.	9/24/79	9/17/79	TA-W-6,108	Weavers of furniture fabrics

[FR Doc. 79-30505 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5873, TA-W-5874]

Belhaven Manufacturing Co., Belhaven, N.C., and Jay Apparel Co., New Bern, N.C., Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on August 20, 1979 in response to a worker petition received on August 13, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' apparel at Belhaven Manufacturing, Belhaven, North Carolina (TA-W-5873) and Jay Apparel, New Bern, North Carolina (TA-W-5874). The investigation revealed that the correct names of the firms are Belhaven Manufacturing Company and Jay Apparel Company. It is concluded that all of the requirements have been met.

Imports of women's, misses' and children's dresses, skirts, coats, jackets, suits and blouses increased respectively, in 1978 compared to 1977.

Belhaven Manufacturing Company and Jay Apparel Company produce a variety of women's apparel, specifically dresses, skirts, blazers, and blouses. Both plants ceased production at the end of July, 1979. All employees were terminated.

Belhaven Manufacturing Company and Jay Apparel Company were clothing contractors. Production at both plants went to one customer. The customer did not purchase ladies' apparel from any other domestic sources. This customer began to decrease orders with both firms in 1978 and increase orders from foreign sources. In the first seven months of 1979, this customer's purchases of imports increased compared to the first seven months of 1978. During that same period, this customer decreased order with Belhaven Manufacturing Company and Jay Apparel Company.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' blouses, skirts, vests, blazers, and dresses produced at Belhaven Manufacturing Company, Belhaven, North Carolina (TA-W-5873) and Jay Apparel Company, New Bern, North Carolina (TA-W-5874) contributed importantly to the decline in sales or production and to the total or partial separation of workers of those firms. In accordance with the provisions of the Act, I make the following certification:

All workers of Belhaven Manufacturing Company, Belhaven, North Carolina (TA-W-5873) and Jay Apparel Company, New Bern, North Carolina (TA-W-5874) who became totally or partially separated from employment on or after August 2, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of September 1979.

Harry J. Gilman,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30493 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5830]

Burlington Dress Co., Inc., Burlington, N.J.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 8, 1979, in response to a worker petition received on August 6, 1979, which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's dresses at Burlington Dress Company, Incorporated, Burlington, New Jersey. In the following determination, without regard to whether any of the other

criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A survey of the manufacturers which contract orders with Burlington Dress Company, Incorporated, revealed that none of the manufacturers purchased imported finished dresses or contracted orders with foreign contractors in 1978 and in the first half of 1979.

Conclusion

After careful review, I determine that all workers of Burlington Dress Company, Incorporated, Burlington, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of September 1979.

Harry J. Gilman,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30492 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5734]

Cowden Manufacturing Co., Stanford, Ky.; Certification of Eligibility To Apply for Workers Adjustment Assistance: Correction

In FR Doc. 79-28904 appearing on page 54136 in Federal Register of September 18, 1979, the impact date which appears in the Conclusion should be corrected to read "June 13, 1978 and before April 1, 1979."

Signed at Washington, D.C. this 26th day of September 1979.

C. Michael Aho,
Director, Office of Foreign Economic Research.

[FR Doc. 79-30491 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5841]

D B Systems, Rindge, N.H.; Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the

Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for workers adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on August 9, 1979 in response to a worker petition received on August 6, 1979 which was filed on behalf of workers and former workers producing electronic high fidelity equipment at D B Systems, Rindge, New Hampshire. It is concluded that all of the requirements have been met.

Value of U.S imports of amplifiers, preamplifiers, and power supplies increased both absolutely and relative to domestic shipments in 1978 from 1977 and increased absolutely in January-June 1979 compared to the same period in 1978.

A customer survey conducted by the U.S. Department of Commerce revealed customers reduced purchases from the subject firm while increasing purchases of imported electronic high fidelity equipment. D B Systems was certified eligible to apply for firm adjustment assistance by the U.S. Department of Commerce on August 14, 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with electronic high fidelity equipment produced at D B Systems, Rindge, New Hampshire contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of DB Systems, Rindge, New Hampshire who became totally or partially separated from employment on or after October 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30490 Filed 10-01-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5786]

Derrom Warehouse and Shipping Co.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on July 30, 1979 in response to a worker petition received on July 26, 1979 which was filed by three workers on behalf of workers and former workers preparing knitted textiles at Derrom Warehouse, Paterson, New Jersey. The investigation revealed that the correct name of the company is the Derrom Warehouse and Shipping Company, and that Derrom prepares and dyes both knitted and woven textiles. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The fabric preparation and dyeing operations of the Derrom Warehouse and Shipping Company are totally integrated into the production of printed finished textile at Derrom's two company affiliates.

Workers engaged in employment relating to the production of printed finished fabric at the two affiliates were denied eligibility to apply for adjustment assistance on September 18, 1979 (TA-W-5776 and 5777).

Conclusion

After careful review, I determine that all workers of the Derrom Warehouse and Shipping Company, Paterson, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30502 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5831]

Elmer Manufacturing Co., Inc., Elmer, N.J.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on August 8, 1979 in response to a worker petition received on August 6, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's sportswear at Elmer Manufacturing Company, Incorporated, Elmer, New Jersey. The investigation revealed that the plant produces women's and misses' dresses. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that the majority of production at Elmer Manufacturing Company was devoted to the manufacture of women's half-size dresses.

A Departmental survey was conducted with manufacturers for whom Elmer Manufacturing Company, Incorporated produced women's half-size dresses. The survey revealed that the manufacturers did not contract with foreign sources or import women's half-size dresses during the 1977, 1978 or the January-June period of 1979.

Conclusion

After careful review, I determine that all workers of Elmer Manufacturing Company, Incorporated, Elmer, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 24th day of September 1979.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 79-30489 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6006]

Fred Engelman Co., New York, N.Y.; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on September 11, 1979 in response to a worker petition received on September 4, 1979 which was filed on behalf of workers and former workers producing ladies' sportswear at Fred Engelman Company in New York, New York.

On August 6, 1979, a petition was filed on behalf of the same group of workers (TA-W-5822).

Since the identical group of workers is the subject of the ongoing investigation TA-W-5822, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 21st day of September 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-30510 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5788]

Gorham Packing Corp., Gorham, N.Y., Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on July 30, 1979 in response to a worker petition received on July 26, 1979 which was filed on behalf of workers and former workers producing boneless beef at Gorham Packing Corporation, Gorham, New York. It is concluded that all of the requirements have been met.

U.S. imports of meat for manufacturing increased in 1978 compared to 1977 and during the first

half of 1979 compared to the first half of 1978.

Some surveyed customers of Gorham Packing Corporation decreased purchases from Gorham Packing and increased purchases of imports in 1978 compared to 1977 and during the first half of 1979 compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with boneless beef produced at Gorham Packing Corporation, Gorham, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Gorham Packing Corporation, Gorham, New York who became totally or partially separated, from employment on or after October 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30488 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5764]

Helena Sportswear, West Helena, Ark.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on July 20, 1979 in response to a worker petition received on July 15, 1979 which was filed by the Internal Ladies Garment Workers Union on behalf of workers and former workers producing women's sportswear and men's coats and vests at Helena Sportswear, West Helena, Arkansas. In the following determination, without regard to whether any of the other criteria have

been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed in the course of the investigation revealed that Helena Sportswear does contract work primarily for women's apparel manufacturers. Total contract work by Helena increased during the period June-December 1978 compared to the same period in 1977 and continued to increase during the period January-August 1979 compared to the same period in 1978. Records prior to June 1977 were not available.

The average number of production workers at Helena also increased during the period June-December 1978 compared to the same period in 1977 and continued to increase during the period January-August 1979 compared to the same period in 1978.

Officials at Helena Sportswear do not anticipate any layoffs in the near future.

Conclusion

After careful review, I determine that all workers of Helena Sportswear, West Helena, Arkansas are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30487 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5295]

Joseph J. Piertrafesa Co., Inc., Syracuse, N.Y.; Notice of Negative Determination on Reconsideration

On August 24, 1979, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of Joseph J. Piertrafesa Company, Inc., Syracuse, New York. This determination was published in the Federal Register on September 7, 1979, (44 FR 52378).

The petitioning union claimed that Joseph J. Piertrafesa Company's major manufacturer switched to a less expensive domestic contractor in order to meet import competition. The petitioning union further claims that retail customers of Joseph J. Piertrafesa's major manufacturer

decreased their purchases of men's suits and sportcoats because of import price competition.

In its reconsideration, the Department noted that Piertrafesa's major manufacturer did not utilize foreign sources but experienced a decline in its sales of men's suits and sportcoats. The Department conducted a second large random survey of the major manufacturer's retail customers, and found no direct evidence of import competition with the manufacturer's customers. This second survey revealed that imports of men's suits and sportcoats played a de minimis role in the purchasing patterns of the customer of Piertrafesa's manufacturer. Both surveys revealed that virtually all of the retail customers surveyed did not purchase imported men's suits and sportcoats in 1978 and 1979.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers of Joseph J. Piertrafesa Company, Inc., Syracuse, New York.

Signed at Washington, D.C., this 26th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30506 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5844]

K & M Sportswear, Inc., Bridgeton, N.J.; Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on August 9, 1979 in response to a worker petition received on August 6, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' skirts and slacks of K & M Sportswear, Incorporated, Bridgeton, New Jersey. It is concluded that all of the requirements have been met.

Imports of women's, misses', and children's slacks and shorts increased

both absolutely and relative to domestic production in 1977 compared with 1976 and in 1978 compared with 1977. Imports of women's, misses', and children's skirts increased absolutely and relative to domestic production in 1978 compared with 1977.

A Department survey revealed that the single sportswear manufacturer for which K & M Sportswear sews ladies' skirts and slacks reduced contract work with K & M in the first half of 1979 compared with the like period in 1978. This sportswear manufacturer's total orders with domestic contractors also declined during January-June 1979 compared with January-June 1978. Moreover, the sportswear manufacturer reported decreased combined sales of ladies' skirts and slacks in 1978 compared with 1977 and in the first half of 1979 compared with the like period in 1978. Customers decreased purchases from the sportswear manufacturer and increased imports of women's slacks and skirts in the first half of 1979 compared with the first half of 1978. Workers at the sportswear manufacturer were certified eligible to apply for adjustment assistance in 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' skirts and slacks produced at K & M Sportswear, Incorporated, Bridgeton, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of K & M Sportswear, Incorporated, Bridgeton, New Jersey who became totally or partially separated from employment on or after January 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of September 1979.

C. Michael AHO,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30486 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5863]

Leemar Corp., Mantua, N.J.; Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the

results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 14, 1979 in response to a worker petition received on August 8, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' blouses at the Mantua, New Jersey plant of Leemar Corporation. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely in 1977 compared to 1976 and increased relative to domestic production in 1978 compared to 1977.

A Departmental survey was conducted with the manufacturer for whom the Mantua plant of Leemar Corporation performs contract work. The Mantua plant's contract work with this manufacturer for the production of ladies' blouses declined in 1978 compared to 1977 and in the first quarter of 1979 compared to the first quarter of 1978. The survey revealed that the manufacturer significantly increased its use of overseas contractors for its blouse production in 1978 compared to 1977 and in the January-July 1979 period compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' blouses produced at the Mantua, New Jersey plant of Leemar Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Mantua, New Jersey plant of Leemar Corporation who became totally or partially separated from employment on or after November 1, 1978 and before August 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers of the Mantua, New Jersey plant of Leemar Corporation who became totally or partially separated from employment on or after August 1, 1979 are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 25th day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30485 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5862]

Leemar Corp., Camden, N.J.; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 14, 1979 in response to a worker petition received on August 8, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' sportswear and dresses at the Camden, New Jersey plant of Leemar Corporation.

The petitioner requested withdrawal of the petition in a letter. On the basis of the investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 21st day of September 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-30507 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5906]

Madison Contractors, Inc., Weehawken, N.J.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on August 27, 1979 in response to a worker petition received on August 21, 1979 which was filed by the Industrial Union of Marine and Shipbuilding Workers of America on behalf of workers and former workers of Madison Contractors, Incorporated, Weehawken, New Jersey, engaged in electrical repair work on marine vessels.

Madison Contractors, Incorporated is engaged in providing the service of

repairing, maintaining, and installing electrical equipment and wiring of ships.

Thus, workers of Madison Contractors, Incorporated do not produce an article within the meaning of section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Madison Contractors, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Madison Contractors, Incorporated and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in repairing, maintaining, and installing electrical equipment and wiring of ships at Madison Contractors, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by Madison Contractors, Incorporated. All employee benefits are provided and maintained by Madison Contractors, Incorporated. Workers are not, at any time, under employment or supervision by customers of Madison Contractors, Incorporated. Thus, Madison Contractors, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Madison Contractors, Incorporated, Weehawken, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of September 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-30484 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5789]

Midsouth Coating Corp., Louisville, Ky.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on July 30, 1979 in response to a worker petition received on July 26, 1979 which was filed on behalf of workers and former workers of Midsouth Coating Corporation, Louisville, Kentucky, engaged in the coating of oil pipe lines.

Midsouth Coating Corporation is engaged in providing the service of coating and wrapping pipe used for underground oil and gas transmission.

Thus, workers of Midsouth Coating Corporation do not produce an article within the meaning of section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Midsouth Coating Corporation by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently met the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Midsouth Coating Corporation and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in coating and wrapping pipe at Midsouth Coating Corporation are employed by that firm. All personnel actions and payroll transactions are controlled by Midsouth Coating Corporation. Workers are not, at any time, under employment or supervision by customers of Midsouth Coating Corporation. Thus, Midsouth Coating Corporation, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Midsouth Coating Corporation, Louisville, Kentucky are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30483 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5772]

Naru Mill, Inc., Philadelphia, Pa.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 25, 1979 in response to a worker petition received on July 9, 1979 which was filed on behalf of workers formerly producing knitted yard goods at Naru Mill, Incorporated, Philadelphia, Pennsylvania. In the following determination, without regard to whether any of the criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Naru Mill, Incorporated produced knitted yard goods on a contract basis for a textile manufacturer. The manufacturer sold the knitted yard goods produced by Naru Mill to women's sportswear manufacturers. Neither the textile manufacturer nor the sportswear manufacturers purchased imported knitted yard goods in 1977 or 1978. Naru Mill closed in December 1978.

Conclusion

After careful review, I determine that all workers of Naru Mill, Incorporated, Philadelphia, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 24th day of September 1979.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 79-30482 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5767]

Patricia Handbag, Inc.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on July 20, 1979 in response to a worker petition received on July 11, 1979 which was filed on behalf of workers and former workers producing women's handbags at Patricia Handbag, Incorporated, New York City, New York. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed in the course of the investigation revealed that the declines in employment at Patricia Handbag in the second quarter of 1978 and in the first and second quarters of 1979 can be attributed to seasonal fluctuations.

Employment of production workers at Patricia Handbag increased in the first, third and fourth quarters of 1978 compared with the previous quarter. Employment increased in the fourth quarter of 1978 and in the first and second quarters of 1979 compared to the same quarter of the previous year. Declines in employment in the second quarter of 1978 and in the first and second quarters of 1979 compared to the previous quarter can be attributed to the seasonality of the ladies' handbag industry.

Conclusion

After careful review of the facts obtained in the investigation, I determine that all workers of Patricia Handbag, Incorporated, New York City, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of September 1979.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 79-30477 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5774]

Reliable Coal Corp.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on July 25, 1979 in response to a worker petition received on July 9, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers mining coal at Reliable Coal Corporation, Kingwood, West Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation revealed that virtually all of the coal produced by Reliable Coal Corporation has been steam coal. U.S. imports of steam coal are negligible. The ratio of imports of steam coal to domestic production has not been higher than seven-tenths of one percent since 1974.

Conclusion

After careful review, I determine that all workers of Reliable Coal Corporation, Kingwood, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of September 1979.

C. Michael Abo,

Director, Office of Foreign Economic Research.

[FR Doc. 79-30498 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5782]

SKF Industries, Inc.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on July 26, 1979 in response to a worker petition received on July 24, 1979 which was filed by the United Steelworkers of America on behalf of workers and former workers producing ball bearings at SKF Industries, Incorporated, Altoona, Pennsylvania. The Department previously issued a certification of eligibility to apply for adjustment assistance for workers of SKF Industries, Incorporated, Altoona, Pennsylvania, on November 20, 1978 with a termination date of September 9, 1978 (TA-W-4108), and on March 24, 1978 with a termination date of May 1, 1977 (TA-W-2755). In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed in the course of the investigation revealed that sales and production of ball bearings at the Altoona plant increased.

Total plant sales in both quantity and value and plant production in value increased from 1977 to 1978 and continued to increase during the first half of 1979 compared to the first half of 1978. Unit declines in plant production were the result of an increased emphasis on the production of ball bearings which are more labor intensive. Furthermore, no significant layoffs have occurred.

Conclusion

After careful review, I determine that all workers of SKF Industries, Incorporated, Altoona, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-30499 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5714]

Stride Rite Manufacturing Corp., Hiatt Shoe Division; Revised Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with sections 221 and 223(a) of the Trade Act of 1974 (19 U.S.C. 2271, 2273) on September 7, 1979 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to all workers of Stride Rite Manufacturing Corporation's Hiatt Shoe Division, Lawrence, Massachusetts, who became totally or partially separated from employment on or after November 10, 1978.

As the result of an earlier investigation, TA-W-1810, workers employed at Stride Rite Manufacturing Corporation's Hiatt Shoe Division, Lawrence, Massachusetts, who were separated on or after February 26, 1976 through July 1, 1979 were certified as eligible to apply for adjustment assistance. Since all workers of the Hiatt Shoe Division who became separated from employment on or before July 1, 1979 were eligible for benefits under TA-W-1810, only workers separated on or after July 1, 1979 should be eligible for benefits under TA-W-5714.

Conclusion

Based on the additional evidence, a review of the entire record and in accordance with the provisions of the Act, I make the following revised certification:

All workers at Stride Rite Manufacturing Corporation's, Hiatt Shoe Division, Lawrence, Massachusetts, who became totally or partially separated from employment on or after July 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of September 1979.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 79-30500 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5797]

Teledyne Ryan Aeronautical Co., Kearny Mesa Facility; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on July 30, 1979 in response to a worker petition received on July 25, 1979 which was filed by the United Automobile, Aerospace and Agricultural Workers of America on behalf of workers and former workers producing Doppler velocity sensor radar navigation systems at Teledyne Ryan Aeronautical Company, Division of Teledyne Industries, Incorporated, San Diego, California.

The investigation revealed that the petitioning workers, classified as electronic assemblers, molders, and inspectors—electronic at the Kearny Mesa facility of Teledyne Ryan Aeronautical Company, a Division of Teledyne, Incorporated, primarily assemble components on printed circuit boards manufactured for the Common Strategic Doppler navigator systems. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales/production of all printed circuit boards assembled at Teledyne Ryan increased in 1978 compared with 1977 and increased during the first seven months of 1979 compared with the same period in 1978. Sales/production of all printed circuit boards increased in each quarter of the possible period of certification when compared to the previous quarter.

Company imports of assembled printed circuit boards for the Common Strategic Doppler are scheduled for receipt in October 1979. Domestic production is scheduled to increase through December 1979, then to be phased out in early 1980. If production at the Kearny Mesa facility declines in early 1980, as anticipated, the workers

may submit a new petition for trade adjustment assistance.

Conclusion

After careful review, I determine that all workers of the Kearny Mesa facility of Teledyne Ryan Aeronautical Company, Division of Teledyne, Incorporated, San Diego, California classified as electronic assemblers, molders, and inspectors—electronic, assembling printed circuit boards for Common Strategic Doppler navigation systems are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 30501 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

(TA-W-5838, TA-W-5925, and TA-W-5929)

YCN Sportswear Co., Inc. et al.; Certifications Regarding Eligibility to Apply for Worker Adjustment Assistance

In the matter of: YCN Sportswear Company, Inc., Middletown, Connecticut (TA-W-5838), Longtable Enterprises, Inc., Greensburg, Pennsylvania (TA-W-5925), and SPN Sportswear Company, Inc., Mount Pleasant, Pennsylvania (TA-W-5929).

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

An investigation was initiated on August 8, 1979 in response to a worker petition received on August 6, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's sportswear at YCN Sportswear Company, Incorporated, Middletown, Connecticut (TA-W-5838). The investigation revealed that women's dresses were also produced. Investigations were initiated on August 29, 1979 in response to worker petitions received on August 27, 1979 which was filed on behalf of workers and former workers producing women's dresses and

sportswear at Longtable Enterprises, Inc., Greensburg, Pennsylvania (TA-W-5925), and at SPN Sportswear Company, Inc., Mount Pleasant, Pennsylvania (TA-W-5929). It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's suits, slacks and shorts, jackets and coats, skirts, blouses and women's and misses' dresses increased absolutely and relative to domestic production from 1977 to 1978.

YCN Sportswear, SPN Sportswear and Longtable Enterprises performed contract work principally for one manufacturer. The manufacturer purchased imports of women's dresses and sportswear. Subsequent to ceasing operations in July 1979, the owner of the manufacturing company founded another women's apparel company which is supplied solely from foreign sources.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's dresses, suits, skirts, slacks, blazers and blouses produced at SPN Sportswear Company, Incorporated, Middletown, Connecticut; SPN Sportswear Company, Incorporated, Mount Pleasant, Pennsylvania and Longtable Enterprises, Incorporated, Greensburg, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of those firms. In accordance with the provisions of the Act, I make the following certification:

All workers of YCN Sportswear Company, Incorporated, Middletown, Connecticut who became totally or partially separated from employment on or after August 1, 1978 and all workers of Longtable Enterprises, Incorporated, Greensburg, Pennsylvania and SPN Sportswear Company, Incorporated, Mount Pleasant, Pennsylvania who became totally or partially separated from employment on or after August 23, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of September 1979.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 79-30503 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-28-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Emergency Core Cooling Systems (ECCS); Meeting

The ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on October 17-18, 1979 in Room 1167 (October 17) and Room 1046 (October 18) at 1717 H St., NW., Washington, DC 20555 to review material submitted by Westinghouse, Combustion Engineering, and Babcock and Wilcox related to a spectrum of small break ECCS calculations, and the Three Mile Island, Unit 2 Accident implications regarding the small break models. Proper operator action to be followed after a small break will be reviewed. Notice of this meeting was published September 20, 1979 (44 FR 54559).

In accordance with the procedures outlined in the Federal Register on October 1, 1979, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Wednesday and Thursday, October 17 and 18, 1979, 8:30 a.m. until the conclusion of business each day.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, Westinghouse, Combustion Engineering, and Babcock and Wilcox, and their consultants, pertinent to this review.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to

close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Andrew L. Bates, (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555 and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Street, Harrisburg, PA 17128.

Dated September 25, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-30354 Filed 10-1-79; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission; Revised Notice of Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on October 4-6, 1979, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published on September 19, 1979 (44 FR 54368). The schedule for conduct of this meeting is revised as noted below to accommodate the deferral of several matters originally scheduled for consideration.

The revised agenda for the subject meeting will be as follows:

Thursday, October 4, 1979

8:30 a.m.-12:30 p.m.: Executive Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

The Committee will discuss proposed ACRS comments and recommendations regarding the NRC regulatory process.

1:30 p.m.-7:00 p.m.: Executive Session (Open)—The Committee will discuss its proposed annual report to the U.S. Congress for Calendar Year 1979 on the NRC Safety Research Program.

The Committee will discuss proposed ACRS comments regarding the development of a composite nuclear

power plant design as a basis for licensing.

The Committee will hear and discuss the report of its Subcommittee on Three Mile Island Nuclear Station Unit 2 (TMI-2) Implications and application of this experience to Operating Licenses for several BWR and PWR nuclear plants. Members of the NRC Staff will participate as appropriate.

The Committee will hear and discuss the report of its Subcommittee regarding implementation of NRC Bulletins and Orders resulting from the accident which occurred at TMI-2. Members of the NRC Staff will participate as appropriate.

Friday, October 5, 1979

8:30 a.m.-12:30 p.m.: Executive Session (Open)—The Committee will discuss proposed ACRS comments and recommendations regarding the NRC regulatory process.

1:30 p.m.-6:30 p.m.: Executive Session (Open)—The Committee will discuss its proposed annual report to the U.S. Congress for Calendar Year 1979 on the NRC Safety Research Program.

The Committee will discuss proposed ACRS comments on the use of degraded conditions as a licensing basis.

The Committee will discuss proposed ACRS comments on the status of action being taken to evaluate systems interactions at the Zion Nuclear Station and the Indian Point Nuclear Generating Plant, Unit 3.

The Committee will discuss proposed ACRS comments regarding the NRC Systematic Evaluation Program for nuclear plants.

Saturday, October 6, 1979

1:30 p.m.-2:30 p.m.: Executive Session (Open)—The Committee will discuss its schedule for future activities including consideration of methods to control xenon emissions following a nuclear accident.

Dated: September 26, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-30488 Filed 10-1-79; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the

Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications or permits and licenses.

The draft guide, temporarily identified by its task number, FP 811-4, is entitled "Safety-Related Permanent Dewatering Systems for Nuclear Power Plants" and is intended for Division 1, "Power Reactors." It identifies geotechnical and hydrologic engineering design bases and criteria for permanent dewatering systems that are depended upon to serve safety-related purposes.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review, have not been reviewed by the NRC Regulatory Requirements Review Committee, and do not represent an official NRC staff position.

Public comments are being solicited, on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by November 30, 1979.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Md. this 24th day of September 1979.

For the Nuclear Regulatory Commission.
 Guy A. Arlotto,
 Director, Division of Engineering Standards,
 Office of Standards Development.
 [FR Doc. 79-30470 Filed 10-1-79; 8:45 am]
 BILLING CODE 7590-01-M

THE PRESIDENT'S ADVISORY COMMITTEE FOR WOMEN

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the President's Advisory Committee for Women.

DATE, TIME AND PLACE: October 22, 1979.

OPEN BUSINESS SESSION: 9:45 a.m. to 12:00 noon, Room N-5437, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

CLOSED BUSINESS SESSION: 12:00 noon to 4:00 p.m., Room N-5437, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

PURPOSE: A regular scheduled meeting.

The agenda for the meeting will include the following:

A discussion and evaluation of the September public hearings held in Raleigh, N.C., and plans for the next public hearings.

A portion of the above meetings will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. During its closed session, the Committee will discuss personnel and Committee management.

Dated: September 25, 1979.

Sarita Gattis Schotta,
 Executive Director.

[FR Doc. 79-30509 Filed 10-1-79; 8:45 am]

BILLING CODE 4510-23-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 10879; 812-4533]

John Hancock Cash Management Trust and John Hancock Distributors, Inc.; Filing of Application

September 25, 1979.

Notice is hereby given that John Hancock Cash Management Trust ("Fund"), John Hancock Place, P.O. Box 111, Boston, Massachusetts 02117, registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, and John Hancock Distributors, Inc. ("Distributors"), John Hancock Place, P.O. Box 111, Boston, Massachusetts 02117, the proposed principal underwriter for the Fund

(referred to collectively with Fund as "Applicants"), filed an application on September 7, 1979, and amendments thereto on September 14, 1979, and September 21, 1979, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit the Fund to compute its net asset value per share, for purposes of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar. Applicants represent that in all other respects, portfolio securities held by the Fund will be valued in accordance with the views of the Commission set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("Release No. 9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund is a business trust organized under the laws of the Commonwealth of Massachusetts. The Fund filed with the Commission a Registration Statement on Form N-1 pursuant to Section 8(b) of the Act and the Securities Act of 1933, as amended, on August 24, 1979. The 1933 Act Registration Statement on Form N-1 has not yet been declared effective. Thus, the Fund has not yet commenced distribution of its shares.

The Applicants state that the Fund is a "money market" fund, designed as an investment vehicle for individuals, institutions and fiduciaries with temporary cash balances or cash reserves. The Fund's investment objective is to provide maximum current income consistent with capital preservation and liquidity. According to the application, the Fund proposes to invest exclusively in high-quality money market instruments consisting of (i) obligations issued or guaranteed as to principal or interest by the United States Government, or an agency or authority controlled or supervised by and acting as an instrumentality of the United States Government pursuant to authority granted by Congress; (ii) obligations (including certificates of deposit and bankers acceptances) of United States banks and savings and loan associations which at the date of the investment have capital, surplus and undivided profits (as of the date of their most recent published financial statements) in excess of \$100,000,000, including obligations of foreign branches of United States banks and United States branches or agencies of foreign banks if such banks meet the stated

qualifications; (iii) commercial paper which at the date of the investment is rated (or guaranteed by a company whose commercial paper is rated) A-1 by Standard and Poor's Corporation, P-1 by Moody's Investors Service, Inc., or F-1 by Fitch's Investors Service or, if not rated, is issued by a company which at the date of the investment has an outstanding debt issue rated AAA or AA by Standard & Poor's or Aaa or Aa by Moody's; (iv) corporate obligations maturing in one year or less which at the date of the investment are rated A or higher by Standard & Poor's or A or higher by Moody's; and (v) repurchase agreements with respect to any of the foregoing obligations. In this regard, Applicants represent that investments in repurchase agreements will be limited to transactions with financial institutions believed by the Fund's investment adviser to present minimal credit risks. Applicants further state that John Hancock Advisers, Inc. will serve as the investment adviser to the Fund.

According to the application, the Fund proposes to utilize (i) the mark-to-market method of valuing its portfolio instruments having remaining maturities in excess of 60 days; and (ii) the amortized cost valuation technique for valuing its portfolio instruments having remaining maturities of 60 days or less (the Fund will value securities originally purchased with maturities in excess of 60 days using the amortized cost technique beginning on the 60th day prior to maturity based on market quotations on the 61st day prior to maturity). The Applicants propose to effect redemptions and repurchases of the Fund's shares at prices calculated to the nearest one cent on a share value of \$1.00. The Fund will determine its net asset value per share for purposes of effecting sales, redemptions and repurchases of its shares as of the close of trading on each day the New York Stock Exchange is open for trading or at such other times, not inconsistent with the requirements of the Act and the Commission's rules and regulations thereunder, as its Trustees shall prescribe.

Rule 22c-1 under the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Subsection (b) of Rule 22c-1 defines the

term "current net asset value" of a redeemable security as that value computed on each day during which the New York Stock Exchange is open for trading, not less than once daily as of the time of the closing on such exchange. Rule 2a-4 under the Act provides, as here relevant, that "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for purposes of distribution, redemption and repurchase shall be determined with reference to (1) current market value for portfolio securities with respect to which market quotations are readily available and (2) for other securities and assets, fair value as determined in good faith by the board of directors of the registered company. In Release No. 9786 the Commission issued an interpretation of Rule 2a-4 expressing its view that (1) it is inconsistent with the provisions of Rule 2a-4 for money market funds to value their assets on an amortized cost basis except with respect to portfolio securities with remaining maturities of 60 days or less and provided that such valuation method is determined to be appropriate by each respective fund's board of directors, and (2) it is consistent with the provisions of Rule 2a-4 for money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of \$1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" such funds' proper portfolio valuation as required by Rule 2a-4. On the basis of the foregoing, Applicants request an exemption from the provisions of Rules 2a-4 and 22c-1 under the Act, to permit the Fund to determine its net asset value in the manner set forth above.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, the Applicants represent that they understand that potential investors in the Fund's shares are not concerned with the theoretical differences which

might occur between the yield achieved through "market" pricing and the yield computed by using the "penny rounding" valuation method described in the application. Applicants further believe that such potential investors are vitally concerned that the net asset value of their shares remain stable and that the daily net income declared on their investment not exhibit the volatility which can often occur when changes in market prices cause changes in yield on a daily or weekly basis, and that they would forgo investing in a fund which did not meet these requirements. In addition, the Applicants submit that granting the relief requested would provide the Fund's shareholders the convenience of being able to determine the value of their holdings simply by knowing the number of the Fund's shares they own, and would make the task of maintaining an investment record easier.

The Applicants further state that they believe that computing the Fund's net asset value per share to the nearest one cent on a share value of \$1.00 as described above will allow the Fund to maintain a constant net asset value per share under usual or ordinary circumstances and thereby permit the Fund to serve the interests and requirements of its shareholders, notwithstanding its use of the mark-to-market method, as opposed to the amortized cost method, in valuing its portfolio instruments having remaining maturities in excess of 60 days. The application further represents that the Fund's Trustees have determined in good faith that this method of calculating its net asset value per share under such circumstances is appropriate and in the best interest of the Fund's shareholders.

The Applicants further state that their request for exemption is based upon the Fund's existing management policies and have agreed that the following conditions may be imposed in any order granting the exemption. Applicants state that the Fund's Trustees intend to carry out undertaking No. (1) set for the below by (a) requiring the Fund's investment adviser to adopt policies calculated to prevent such price, as so rounded, from deviating from \$1.00 except under unusual or extraordinary circumstances and (b) periodically reviewing the investment adviser's management of the Fund pursuant to such policies at regularly scheduled meetings of its Trustees.

1. That the Fund's Trustees, in supervising the Fund's operations and delegating special responsibilities involving portfolio management to the

Fund's investment adviser, undertake—as a particular responsibility within their overall duty of care owed to the Fund's shareholders—to assure to the extend reasonably practicable, taking into account current market conditions affecting the Fund's investment objective, that the price per share of the Fund's shares as computed for purposes of sales, redemptions and repurchases, rounded to the nearest one cent, will not deviate from \$1.00.

2. That the Fund will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share, and that the Fund will neither (a) purchase an instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.

3. That the Fund's purchases of portfolio instruments, including repurchase agreements, will be limited to those United States dollar denominated instruments which the Trustees determine to present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not so rated, or comparable quality as determined by the Trustees.

Notice is further given that any interested person may, not later than October 18, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if

ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 79-30457 Filed 10-1-79; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 21227; 70-6352]

Wheeling Electric Co.; Proposed Issuance and Sale of Long-Term Note

September 25, 1979.

Notice is hereby given that Wheeling Electric Company ("Wheeling"), P.O. Box 751, Wheeling, West Virginia 26003, and electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed with this Commission a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

Wheeling proposes to enter into a term loan agreement ("Agreement") with Bankers Trust Company (the "Bank") concerning a \$19,000,000 loan to be evidenced by an unsecured promissory note (the "Note") to be issued on November 1, 1979. The Note will mature November 1, 1987, will be prepayable in whole or in part without penalty upon three days' notice to the Bank, and will bear interest payable quarterly at a fluctuating rate per annum equal to (a) 100% of the Bank's prime rate through October 31, 1981; (b) 102% of the Bank's prime rate from November 1, 1981, through October 31, 1983; (c) 104% of the Bank's prime rate from November 1, 1983, through October 31, 1985; (d) 106% of the Bank's prime rate from November 1, 1985, until maturity; and (e) if paid after maturity the greater of (i) the Bank's prime rate plus 2% or (ii) 106% of the Bank's prime rate. No compensating balances will be required in connection with borrowings under the Agreement.

The proceeds will be used to pay at maturity on November 1, 1979, \$19,000,000 principal amount of notes issued by Wheeling in connection with bank borrowings authorized by order dated November 30, 1972 (HCAR No. 17788), in File No. 70-5255.

Wheeling claims exemption from the competitive bidding requirements of

Rule 50 for its issuance and sale of the Note pursuant to Rule 50(a)(2).

The fees and expenses to be incurred in connection with proposed transaction are estimated at \$4,250. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may not later than October 23, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 79-30458 Filed 10-1-79; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Optional Peg Rate

The Small Business Administration publishes on a quarterly basis an interest rate called the optional "peg" rate (13 CFR 120.3(b)(2)(iii)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for fluctuating interest rate SBA loans.

For the October-December quarter of 1979, this rate will be nine (9%) percent.

Dated: September 17, 1979.

A. Vernon Weaver,
Administrator.

[FR Doc. 79-30223 Filed 10-1-79; 8:45 am]
BILLING CODE 8025-01-M

Region I Advisory Council Public Meeting

The Small Business Administration Region I Advisory Council, located in the geographical area of Hartford, Connecticut, will hold a public meeting at 9:30 a.m., Tuesday, October 24, 1979, in the Conference Room, U.S. Small Business Administration, One Financial Plaza, Fourth Floor, Hartford, Connecticut, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call the Office of the District Director, U.S. Small Business Administration, One Financial Plaza, Fourth Floor, Hartford, Connecticut 06103—(203) 244-2511.

Dated: September 27, 1979.

K. Drew,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-30512 Filed 10-1-79; 8:45 am]
BILLING CODE 8025-01-M

Region III Advisory Council; Public Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Pittsburgh, Pennsylvania, will hold a public meeting at 9:00 a.m., Friday, October 19, 1979, at the Hospitality Inn, Rodi Road, Monroeville, Pennsylvania, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Jack C. Forbes, District Director, U.S. Small Business Administration, 1401 Federal Building, Pittsburgh, Pennsylvania 15222—(412) 644-2780.

Dated: September 27, 1979.

K. Drew,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-30513 Filed 10-1-79; 8:45 am]
BILLING CODE 8025-01-M

Region III Advisory Council; Public Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Clarksburg, West Virginia, will hold a public meeting at 10:00 a.m., Thursday, October 18, 1979, at the Sheraton Inn, 153 West Main Street, Clarksburg, West Virginia,

to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Arthur J. Glick, District Director, U.S. Small Business Administration, 109 North Third Street, Clarksburg, West Virginia 26301—(304) 622-6601.

Dated: September 27, 1979.

K. Drew,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-30514 Filed 10-1-79; 8:45 am]
BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of Albuquerque, New Mexico, will hold a public meeting on Friday, October 26, 1979, at Albuquerque National Bank, Main Office Auditorium, Second Floor, 303 Roma NW, Albuquerque, New Mexico, from 10:30 a.m. to 2:30 p.m., to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call A. Panagakos, District Director, U.S. Small Business Administration, 5000 Marble NE, Room 320, Albuquerque, New Mexico 87110—(505) 766-3574.

Dated: September 27, 1979.

K. Drew,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-30515 Filed 10-1-79; 8:45 am]
BILLING CODE 8025-01-M

Region IX Advisory Council; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of San Francisco, California, will hold a public meeting at 9:30 a.m., Friday, October 26, 1979, at the Officer's Club at the Presidio of San Francisco, California, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Donald J. Marvin, District Director, U.S. Small Business Administration, 211 Main Street—4th Floor, San Francisco, California 94105—(415) 556-7490.

Dated: September 27, 1979.

K. Drew,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-30516 Filed 10-1-79; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice of 79-14; Reference: ATF O 1100.6A—Change 2]

Authorities of the Director in 27 CFR Part 201, Distilled Spirits Plants; Delegation Order [Change]

1. *Purpose and Need for Action.* This order is being changed to allow further redelegation of the authority in paragraph 4e of ATF O 1100.6A, specifically relating to alcohol fuel plants. This change makes it possible for regional regulatory administrators to redelegate the authority to waive (with respect to alcohol fuel plants) any provision of law and regulation to effectuate the purposes of 26 U.S.C. 5312(b), and to authorize and approve, pursuant to written application, the establishment and operation of experimental distilled spirits plants. This change is needed to enable the Bureau of Alcohol, Tobacco and Firearms to process promptly the substantially increased volume of applications to operate alcohol fuel plants. This increase has come about in response to greater public interest in alternative fuel sources, particularly the so-called "gasohol" compound composed of gasoline and ethyl alcohol.

2. *Change.* As previously provided for in paragraph 5e of ATF O 1100.6A, the assistant director of regulatory enforcement can redelegate certain authorities relating to alcohol fuel plants to the regional regulatory administrator. Only the authority in paragraph 4b(1) (with respect to alcohol fuel plants) relating to alternate methods, procedures and operations is currently authorized to be further redelegated to the chief, technical services. This change will allow the authority in paragraph 4e (as stated above) also to be further redelegated to the chief, technical services. Delegation of the authority contained in paragraph 4j, relating to waiving provisions of laws and regulations (with respect to alcohol fuel plants) to effectuate the purposes of 26 U.S.C. 5312(a), is unchanged. (This order was previously published in the Federal

Register of May 15, 1979, (44 FR 28447) without this change authorizing the further redelegation of the authority in paragraph 4e.)

As amended paragraph 5e now reads as follows:

e. With respect to alcohol fuel plants, the authorities in paragraphs 4b(1), 4e and 4j may be redelegated to the regional regulatory administrator, who may redelegate only the authorities in 4b(1) and 4e to regional regulatory personnel not lower than the position of chief, technical services.

3. *For Further Information Contact:* Jeff Bucher, Procedures Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20226. (202) 566-7602.

4. *Effective Date:* This order becomes effective on November 2, 1979.

5. *Approval:* September 18, 1979.

Stephen E. Higgins,
Acting Director.

[FR Doc. 79-30472 Filed 10-1-79; 8:45 am]
BILLING CODE 4810-31-M

Internal Revenue Service

[Delegation Order No. 181]

Delegation of Authority

AGENCY: Internal Revenue Service.
ACTION: Delegation of authority.

SUMMARY: Pursuant to the provisions of Internal Revenue Code Section 51(d)(6), the Service is responsible for designating qualifying general assistance programs. This authority, in the Commissioner by Treasury Department Order 150-37 is redelegated to District Directors and may be further redelegated.

EFFECTIVE DATE: September 21, 1979.

FOR FURTHER INFORMATION CONTACT: Mrs. Alexander, 1111 Constitution Avenue, Room 1315, Washington, D.C. 20224. 202-566-9175.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978.

Stanley Goldberg,

Director, Taxpayer Service Division.

Date of issue: September 21, 1979.

Effective Date: September 21, 1979.

Authority To Designate Qualified General Assistance Programs Described in Section 51(d)(6) of the Internal Revenue Code

Pursuant to the authority vested in the Commissioner of Internal Revenue by

Treasury Department Order No. 150-37 authority is hereby delegated as follows:

(1) District Directors are authorized to make determinations regarding eligibility as a "qualified" general assistance program as defined in Section 51(d)(6) of the Internal Revenue Code and sign Form 6177, General Assistance Program Determination, for organizations having their principal office within the District Director's area of jurisdiction.

(2) This authority may be redelegated to Taxpayer Service Specialists, Taxpayer Service Representatives, Tax Technicians, Revenue Agents, and Revenue Officers.

To the extent that any action heretofore taken may require ratification, such action is hereby affirmed and ratified.

Jerome Kurtz,
Commissioner.

[FR Doc. 79-30424 Filed 10-1-79; 8:45 am]
BILLING CODE 4830-01-M

INTERSTATE COMMERCE COMMISSION

Permanent Authority Decisions Applications; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the *Federal Register*. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected*. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which

petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier application qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service

proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (November 1, 1979) (or, the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 131

Decided: August 3, 1979.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman. Member Boyle not participating in part, and Member Eaton not participating in part.

MC 531 (Sub-400F), filed April 16, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *liquid plastics*, in bulk, in tank vehicles, from the facility of Koppers Company,

Inc., at Oxnard, CA, to points in TN, OH, and PA. (Hearing site: Washington, DC.)

MC 6031 (Sub-54F), filed March 29, 1979. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, WI 53204. Representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal articles*, (1) from Milwaukee, WI, to Chicago, IL and (2) from Chicago, IL, to points in WI, under continuing contract(s) with Central Steel and Wire Company, of Chicago, IL. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 28060 (Sub-53F), filed April 12, 1979. Applicant: WILLERS, INC., d.b.a. WILLERS-TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, SD 57101. Representative: Bruce E. Mitchell, 3390 Peachtree Road, NE, Atlanta, GA 30326. Transporting *foodstuffs* (except commodities in bulk), from the facilities of Commercial Distribution Center, Inc., at or near Independence, MO, to points in KS, CO, NE, SD, ND, IA, MN, IL, WI, IN, and MI. (Hearing site: Chicago, IL.)

MC 29821 (Sub-8F), filed March 15, 1979, previously noticed in the *Federal Register* issue of July 18, 1979 as MC 129821 (Sub-2F). Applicant: NEWBERG AUTO FREIGHT, INC., 408 West First Street, Newberg, OR 97132. Representative: Lawrence V. Smart, Jr., 419 Northwest 23rd Avenue, Portland, OR 97210. Transporting (1) *paper and paper articles* and (2) *materials, supplies, and equipment* used in the manufacture of paper, between the facilities of Publishers Paper, at Newberg and Oregon City, OR, on the one hand, and, on the other, points in CA, ID, NV, UT, and WA.

Note.—The purpose of this republication is to state that the above is MC 29821 (Sub-8F).

MC 35320 (Sub-306F), filed April 10, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Rockwell International, at or near Winchester, KY, as an off-route point in connection with the carrier's otherwise authorized

regular-route operations. (Hearing site: Louisville, KY, or Washington, DC.)

MC 35320 (Sub-308F), filed April 11, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of G. F. Business Equipment Co., at or near (a) Youngstown, OH, and (b) Gallatin, TN, as off-route points in connection with the carrier's otherwise authorized regular-route operations. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 35320 (Sub-309F), filed April 11, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Skyland International Corporation, at or near Ider, AL, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

MC 82841 (Sub-251F), filed April 10, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Donald L. Stern, 610 Xerox Building, 7171 Mercy Road, Omaha, NE 68106. Transporting *composition board*, from the facilities of Abitibi Corporation, at Blountstown, FL, to points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WI, WV, and DC. (Hearing site: Detroit, MI.)

Note.—Dual operations may be involved.

MC 82841 (Sub-253F), filed April 17, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Donald L. Stern, 610 Xerox Building, 7171 Mercy Road, Omaha, NE 68106. Transporting *iron and steel articles*, from the facilities of Armco Inc., at (a) Ashland KY, and (b) Middletown, OH, to points in AR, MO,

KS, IA, MN, NE, OK, TX, CO, MS, and LA, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Cincinnati, OH, or St. Louis, MO.)

Note.—Dual operations may be involved.

MC 94201 (Sub-172F), filed April 12, 1979. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Henderson County Riverport Authority in Henderson County, KY, on the one hand, and, on the other, those points in the United States in and east of ND, SD, KS, OK, and TX. (Hearing site: Louisville, KY, or Evansville, IN.)

MC 94430 (Sub-46F), filed April 16, 1979. Applicant: WEISS TRUCKING CO., INC., P.O. Box 7, Mongo, IN 46771. Representative: James R. Stivers, 1396 West Fifth Avenue, Columbus, OH 43212. Transporting (1) *composition board and plywood*; and (2) *accessories and materials* used in the installation and sale of the commodities named in (1) above, from the facilities of Abitibi Corporation, at Lucas County, OH, to points in KY, IL, IN, MI, PA, WI, and WV. (Hearing site: Columbus, OH, or Washington, DC.)

MC 95540 (Sub-1102F), filed April 17, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting (1) *foodstuffs*; and (2) *materials and supplies* used in the manufacture, distribution, and sale of foodstuffs, between Lowell and Lawrence, MA, on the one hand, and, on the other, points in FL, IL, IN, and MN. (Hearing site: Boston, MA, or Washington, DC.)

MC 110420 (Sub-813F), filed April 16, 1979. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street, N.W., Washington, DC 20004. Transporting *fish oil and solubles*, in bulk, and tank vehicles, from San Diego, CA, to Clinton and Davenport, IA, Shreveport, LA, Oklahoma City, OK, and Fort Worth and Lubbock, TX. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 111231 (Sub-264F), filed April 9, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue,

Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, AR 72902. Transporting *foodstuffs*, (1) from Westfield, NY, and North East, PA, to points in AR, KS, LA, MO, MS, NM, OK, TN, and TX; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in AR, KS, LA, MO, MS, NM, OK, TN, and TX, to Westfield, NY, North East, PA, and Lawton, MI. (Hearing site: Washington, DC.)

MC 111231 (Sub-274F), filed March 30, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, AR 72902. Transporting *roofing materials* (except commodities in bulk), from points in Pulaski County, AR, to points in AL, AR, AZ, FL, GA, IL, IN, IA, KS, KY, LA, MO, MS, NC, NM, OH, OK, SC, TN, and TX. (Hearing site: Little Rock, AR, or Washington, DC.)

MC 111401 (Sub-555F), filed April 10, 1979. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Boulevard, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *liquid chemicals*, in bulk, in tank vehicles, from the facilities of Monsanto Company, at (a) Anniston, AL, (b) St. Louis, MO, and (c) Sauget, IL, to Laredo and Brownsville, TX. (Hearing site: Houston or Dallas, TX.)

MC 113651 (Sub-302F), filed April 18, 1979. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: Glen L. Gissing (same address as applicant). Transporting *foodstuffs* (except frozen and in bulk), from Plymouth, IN, to points in IA, KS, LA, MO, and TX. (Hearing site: Columbus, OH, or Washington, DC.)

MC 115331 (Sub-500F), filed April 11, 1979. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Transporting (1) *such commodities* as are dealt in or used by drug, grocery, and food business houses, (except frozen commodities and commodities in bulk), and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except frozen commodities and commodities in bulk), between the facilities of Colgate-Palmolive Co., at or near Jeffersonville, IN, on the one hand, and, on the other,

points in FL, GA, IA, IL, MI, MN, MO, NJ, OH, PA, WI, and WV, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Louisville, KY, or St. Louis, MO.)

MC 115841 (Sub-705F), filed April 19, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). Transporting (1) *charcoal and charcoal briquets*; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), from points in FL and MS, to points in OK, TX, LA, TN, AL, GA, FL, NC, SC, MS, and KY, restricted to the transportation of traffic originating at or destined to the facilities of Husky Industries. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 119700 (Sub-52F), filed April 18, 1979. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Transporting *refractories, and flue and chimney levers*, from Denver, CO, to points in AR, IA, IL, LA, OK, and TX. (Hearing site: Denver, CO, or Kansas City, MO.)

MC 119700 (Sub-53F), filed April 12, 1979. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Transporting *iron and steel articles*, from the facilities of Armco, Inc., at (a) Ashland, KY, and (b) Middletown, OH, to points in AR, KS, IA, MN, MO, NE, OK, TX, CO, MS, and LA. (Hearing site: Cincinnati, OH, or St. Louis, MO.)

MC 119741 (Sub-167F), filed April 16, 1979. Applicant: GREEN FIELD TRANSPORT CO., INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at (1) Albert Lea, MN, to points in IL, IA, KS, MO, and NE, and (2) Cherokee, IA, to points in CO, restricted in (1) and (2) to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations.

(Hearing site: Dallas, TX, or Kansas City, MO.)

MC 119741 (Sub-169F), filed April 17, 1979. Applicant: GREEN FIELD TRANSPORT CO., INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *such commodities* as are dealt in by grocery and food business houses, from the facilities of United Facilities, Inc., at Galesburg, IL, to points in AR, KS, NE, OK, and TX, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 119741 (Sub-174F), filed April 18, 1979. Applicant: GREEN FIELD TRANSPORT CO., INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *foodstuffs* (except commodities in bulk, in tank vehicles), from the facilities of Lloyd J. Harris Pie Co., at Saugatuck and Holland, MI, to points in CO, IA, KS, KY, MN, MO, NE, ND, OK, and SD, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Detroit, MI.)

MC 119741 (Sub-175F), filed April 18, 1979. Applicant: GREEN FIELD TRANSPORT CO., INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *foodstuffs* (except in bulk, in tank vehicles), from the facilities of Libby, McNeill & Libby, Inc., at (a) Geneva, NY, (b) Kokomo, IN, and (c) Leipsic, OH, to points in IL, IA, KS, MO, and NE, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 121060 (Sub-98F), filed April 10, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Transporting *construction materials, and materials and supplies* used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of the Celotex Corporation, at or near (a) Chester, WV, and (b) Pittston, PA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Birmingham, AL, or Tampa, FL.)

MC 124251 (Sub-62F), filed April 13, 1979. Applicant: JACK JORDAN, INC., P.O. Box 689, Dalton, GA 30720.

Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *liquid chemicals*, in bulk, in tank vehicles, from the facilities of Mead Chemicals, at or near Atlanta, GA, to points in CA; (2) *ethyl acetate and alcohol*, from Longview, TX, to the facilities of Mead Chemicals, at or near Atlanta, GA; and (3) *isopropanol and methyl ethyl ketone*, from Baton Rouge, LA, to the facilities of Mead Chemicals, at or near Atlanta, GA. (Hearing site: Atlanta, GA.)

MC 124711 (Sub-88F), filed April 19, 1979. Applicant: BECKER CORP., P.O. Box 1050, El Dorado, KS 67042. Representative: Norman A. Cooper (same address as applicant). Transporting *petroleum products*, in bulk, in tank vehicles, from the facilities of the Shell Oil Company, at or near Roxanna, IL, to Kansas City, MO, and points in KS, IA, and NE. (Hearing site: Kansas City or St. Louis, MO.)

MC 125470 (Sub-49F), filed April 9, 1979. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, NE 68701. Representative: Lavern R. Holdeman, 521 South 14th Street, Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting (1) *irrigation systems*, (2) *parts for irrigation systems*, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between the facilities of Lindsay Manufacturing Co., at or near Amarillo, TX, on the one hand, and, on the other, points in the United States (except AK, HI, and TX). (Hearing site: Norfolk or Omaha, NE.)

MC 125951 (Sub-48F), filed April 9, 1979. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, NE 68106. Representative: Robert M. Cimino (same address as applicant). Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Armour Food Company, at or near Madison, NE, to points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destination. (Hearing site: Omaha, NE.)

Note.—Dual operations may be involved. MC 128270 (Sub-35F), filed March 5, 1979. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street,

Lake Station, IN 46405. Representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, IL 60601. Transporting *iron and steel articles, and materials, equipment, and supplies* used in the manufacture of iron and steel articles, from Granite City, IL, to points in AR, CO, IA, ID, IN, KS, LA, MT, MN, MO, NE, ND, OK, SD, TX, UT, WI, and WY. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 133061 (Sub-4F), filed April 12, 1979. Applicant: PUBLIC TRANSPORT CORP., INC., P.O. Box 327, Troutman, NC 28116. Representative: R. Mayne Albright, Suite 200, Anderson Plaza, 100 East Six Forks Road, Raleigh, NC 27609. Transporting *liquid nitrogen fertilizer solutions*, in tank vehicles, from the facilities of Elmwood Storage Terminal, at Statesville, NC, to those points in VA on and west of U.S. Hwy 220. (Hearing site: Charlotte or Raleigh, NC.)

MC 133591 (Sub-67F), filed April 9, 1979. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Charles A. Daniel (same address as applicant). Transporting (1) *electrical appliances and equipment*, (2) *parts* for the commodities in (1) above, and (3) *heating and cooling systems*, from Booneville and St. Louis, MO, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: St. Louis or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 134501 (Sub-49F), filed April 11, 1979. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting *commercial refrigeration equipment, (except commodities which because of size or weight require the use of special equipment)*, from Waxahachie, TX, to points in the United States (except AK and HI). (Hearing site: Dallas or Houston, TX.)

MC 134501 (Sub-54F), filed March 30, 1979. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting (1) *new furniture*, from Beverly, NJ, to points in ME, MH, VT, MA, CT, RI, NY, PA, DE, MD, WV, NC, SC, GA, AL, MI, IN, IL, WI, MN, IA, MO, NE, SD, ND, WY, UT, ID, WA, and DC; and (2) *new fixtures*, from Beverly, NJ, to points in the United States (except AK and HI). (Hearing Site: Washington, D.C.)

MC 135070 (Sub-40F), filed April 9, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O.

Box 82816, Lincoln, NE 68501. Transporting (1) *animal feed*, (2) *animal feed ingredients, additives, and supplements*, and (3) *materials and supplies* used in the manufacture and sale of animal feed, from the facilities of Kal Kan Foods, Inc., at or near Los Angeles, CA, to points in AZ, CO, FL, GA, IL, IN, KS, NM, MO, NJ, MN, OH, OR, TX, UT, and WA. (Hearing Site: Los Angeles, CA, or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-41F), filed April 9, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *petroleum products*, in container, from points in Jefferson County, TX, to points in AR, CA, CO, IL, IN, IA, KS, KY, MI, MO, NE, NJ, NY, OH, OK, PA, and WI. (Hearing site: Houston or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-43F), filed April 9, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Illini Beef Packers, Inc., at or near (a) Joslin, IL, and (b) Davenport, IA, to points in AZ and CA. (Hearing site: Davenport, IA, or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-45F), filed April 9, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *foodstuffs* (except commodities in bulk), from the facilities of Pinata Foods, Division of Standard Brands, Inc., at or near Dallas, TX, to Miami and Tampa, FL, Chicago, IL, Boston, MA, Secaucus, NJ, and Washington, DC. (Hearing site: Dallas or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 135410 (Sub-58F), filed April 12, 1979. Applicant: COURTNEY J. MUNSON, d.b.a., MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting (1) *fireplaces, and fireplace parts and accessories*; and (2) *equipment, materials, and supplies* used in the manufacture and distribution of

fireplaces, from the facilities of Heatilator Fireplaces, Division of Vega Industries, Inc., at or near Centerville and Mt. Pleasant, IA, to points in CA, IL, IN, KY, MI, MN, MO, NY, OH, PA, WV, and WI, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 135861 (Sub-48F), filed April 16, 1979. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Ft. Worth, TX 76103. To operate as a *contract carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by retail department stores, from Secaucus, NJ, to Beaumont, TX, under continuing contract(s) with The Fair, Inc., of Beaumont, TX. (Hearing site: Dallas, TX.)

MC 136511 (Sub-45F), filed April 16, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: E. Stephen Heasley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting *foodstuffs*, from Delta, CO, to points in TX, KS, OK, AZ, NM, MO, NE, IA, CA, and UT. (Hearing site: Denver, CO, or Washington, DC.)

MC 138000 (Sub-47F), filed April 18, 1979. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Transporting *apple products*, from Winchester, VA, and Martinsburg, WV, to points in MI, NC, SC, GA, FL, AL, TN, KY, and VA. (Hearing site: Winchester, VA.)

Note.—Dual operations may be involved. MC 138471 (Sub-8F), filed April 18, 1979. Applicant: LEONARD TRUCKING, INC., 707 Colorado, Kelso, WA 98626. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. Transporting *paper and paper products*, from Longview, WA, to points in CA. (Hearing site: Longview, WA.)

MC 140241 (Sub-49F), filed April 9, 1979. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: William B. Barker, 641 Harrison St., Topeka, KS 66603. Transporting *petroleum and petroleum products*, in containers, from El Dorado, KS, to points in CO, IA, IL, MN, ND, NE, SD, and WI. (Hearing site: Wichita, KS, or Kansas City, MO.)

MC 140241 (Sub-53F), filed April 19, 1979. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107.

Representative: Jim D. Dalke (same address as applicant). Transporting *iron and steel articles*, from the facilities of Unarco-Leavitt, at Blue Island, Evanston, and Chicago, IL, to points in MN, MO, and TN. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 141921 (Sub-51F), filed July 10, 1979. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, NH 03108. Representative: John A. Sykas (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Union Packing Company, at or near Omaha, NE, to points in CT, MA, RI, VT, ME, NH, OH, PA, NY, NJ, and DC. (Hearing site: Concord, NH, or Boston, MA.)

Note.—Dual operations may be involved. MC 142680 (Sub-8F), filed April 11, 1979. Applicant: SUMTER TIMBER CO., INC., P.O. Box 104, Cuba, AL 36907. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *lumber and crossies*, (1) from the facilities of Kelley Sawmill Co., Inc., at or near Lisman, AL, to points in Mobile and Baldwin Counties, AL, restricted to the transportation of traffic having an immediately subsequent movement by water, and (2) from the facilities of Kelley Sawmill Co., Inc., at or near Lisman, AL, to points in MS. Conditions: Said carrier shall conduct separately its common carrier operation and its other business activities. Carrier shall maintain separate accounting systems therefor. Carrier shall not transport accounting systems therefor. Carrier shall not transport property as both a private and for-hire carrier at the same time and in the same vehicle. (Hearing site: Birmingham, AL, or Atlanta, GA.)

MC 142901 (Sub-7F), filed April 6, 1979. Applicant: TMI TRANSPORT CORP., 050 Third Avenue West, Dickinson, ND 58601. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting *waterbed frames, and accessories* used in the installation and operation of waterbeds, from the facilities of Mountain States Waterbed Distributors, Inc., at or near Denver, CO, to points in AZ, CA, IL, IA, KS, MN, MO, NE, ND, SD, WI, and WY. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved. MC 144041 (Sub-32F), filed April 12, 1979. Applicant: DOWNS TRANSPORTATION CO., INC., 2705

Canna Ridge Circle, NE., Atlanta, GA 30345. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. Transporting (1) *ornamental iron, plastic articles, vents, ventilators, ceiling grids, shutters, and louvers*, (2) *parts and accessories* for the commodities in (1) above, and (3) *materials and supplies* used in the manufacture, sale, and installation of the commodities in (1) and (2) above, (except commodities in bulk, and those which because of size or weight require the use of special equipment), between the facilities of Leslie-Lock, Division of Questor Corporation, at or near (a) Franklin Park and Mt. Carroll, IL, (b) Madera, CA, (c) Fort Worth, TX, (d) Tifton and Tucker, GA and (e) Lodi, OH, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved. MC 144041 (Sub-35F), filed April 4, 1979. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle, NE., Atlanta, GA 30345. Representative: K. Edward Wolcott, 1200 Gas Light Tower, 235 Peachtree Street, NE., Atlanta, GA 30303. Transporting *carbon products and graphite products* (except commodities in bulk), from Niagara Falls, NY, and St. Marys, PA, to Morganton, NC. (Hearing site: New York, NY, or Atlanta, GA.)

Note.—Dual operations may be involved. MC 144330 (Sub-57F), filed April 16, 1979. Applicant: UTAH CARRIERS, INCORPORATED, P.O. Box 1218, Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff (same address as applicant). Transporting *lumber and lumber mill products*, (except commodities in bulk), from points in MS to points in UT, restricted to the transportation of traffic originating at the indicated origins and destined to the indicated destinations. (Hearing site: Salt Lake City, UT.)

MC 144740 (Sub-10F), filed April 12, 1979. Applicant: L. G. DEWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K Street, NW., Suite 300, Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities used by Pet Incorporated, Frozen Foods Division, at or near Allentown and Chambersburg, PA, to points in AZ, CO, NM, and TX, under continuing contract(s) with Pet Incorporated, Frozen Foods Division, of St. Louis, MO. Condition: The person or

persons who appear to be engaged in common control of applicant and another regulated carrier must file an appropriate application under 49 U.S.C. 11343 [formerly section 5(2) of the Interstate Commerce Act] or submit an affidavit explaining why such approval is unnecessary. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144740 (Sub-11F), filed April 12, 1979. Applicant: L. G. DEWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K Street N.W., Suite 300, Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, Division of Mars, Inc., at or near (a) Hackettstown and Elizabeth, NJ, and (b) Elizabethtown, PA, to points in AL, AR, AZ, CA, CO, FL, GA, IL, IN, KY, LA, MI, MO, MS, NC, NV, OH, OK, OR, SC, TN, TX, UT, and WA, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations, under continuing contract(s) with M&M/Mars, Division of Mars, Inc., of Hackettstown, NJ. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file an application for approval of such control under 49 U.S.C. 11343, [formerly section 5(2) of the Interstate Commerce Act] or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 145220 (Sub-7F), filed April 16, 1979. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 3, Box 368, Mooresville, NC 28115. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting *cranberry juice*, in bulk, in tank vehicles, from Bordentown, NJ, to Lake Wales, FL. (Hearing site: Charlotte, NC, or Washington, DC.)

Note.—Dual operations may be involved.

MC 145220 (Sub-8F), filed April 16, 1979. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 3, Box 368, Mooresville, NC 28115. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting (1) *edible molasses and edible syrup*, in bulk, in tank vehicles, from points in LA, to Byhalia, MS, and (2) *soy sauce*, in bulk, in tank vehicles, from Decatur, IL, Harbor Beach, MI, and Middletown, NY, to Cambridge, MD. (Hearing site: Winston-Salem, NC.)

Note.—Dual operations may be involved.

MC 145721 (Sub-1F), filed April 11, 1979. Applicant: STEWART TRANSPORTATION SERVICES, INC., P.O. Box 926, Melbourne, FL 32901. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Melbourne Regional Airport, at or near Melbourne, FL, and Orlando International Airport, at or near Orlando, FL, on the one hand, and, on the other, points in Brevard, Osceola, Orange, Seminole, and Indian River Counties, FL, restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (Hearing site: Melbourne or Orlando, FL.)

MC 145870 (Sub-12F), filed April 16, 1979. Applicant: L-J-R HAULING, INCORPORATED, P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting (1) *mining equipment*; and (2) *parts* for mining equipment, between the facilities of J & W, Inc., at or near Princeton, WV, on the one hand, and, on the other, points in AL, IN, IL, KY, OH, PA, TN, VA, and WV. (Hearing site: Washington, DC, or Roanoke, VA.)

MC 146160 (Sub-2F), filed April 19, 1979. Applicant: STONIER BAKERIES, INC., 8282 Western Way Circle, Jacksonville, FL 32216. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. To operate as a *contract carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *magazines*, (1) from Bloomfield, CT, to points in FL, GA, NC, OH, PA, and WV, and (2) from Detroit, MI, to points in IL, IN, IA, KS, KY, LA, MN, MO, NE, OH, OK, PA, TN, TX, and WI, under continuing contract(s) with LOOK Magazine, Inc., of New York, NY. (Hearing site: New York, NY.)

MC 146181 (Sub-1F), filed April 16, 1979. Applicant: NORTHEAST TRANSPORT COMPANY, Division of MS Industries, Inc., P.O. Box 1252, Secaucus, NJ 07094. Representative: Rick A. Rude, 1730 Rhode Island Ave. N.W., Suite 801, Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of (a) printed matter, (b) paper and (c) paper products, between Franklin, KY, on the one hand, and, on the other, points in CT, DE, MA, MD,

ME, NH, NJ, NY, PA, RI, VA, VT, WV, and DC, under continuing contract(s) with Brown Printing Company, Inc., of Waseca, MN. (Hearing site: Minneapolis, MN, or Newark, NJ.)

MC 146250 (Sub-1F), filed April 12, 1979. Applicant: PILKINGTON TRUCKING, INC., P.O. Box 782, Lapel, IN 46051. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *sand*, in dump vehicles, from Utica, IL, to the facilities of Brockway Glass Company, Inc., at Lapel, IN. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 146681 (Sub-1F), filed April 16, 1979. Applicant: DUTCH MILL TRUCKING, INC., Rural Route 1, Sparta, WI 54656. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Transporting *metal articles*, from the facilities of Central Steel & Wire Co., at Chicago, IL, to points in MN and WI. (Hearing site: Madison, WI, or Chicago, IL.)

MC 146710 (Sub-1F), filed March 28, 1979. Applicant: CHARLES WOODS, d.b.a. WOODS WRECKER SERVICE, P.O. Box 342, Dandridge, TN 37725. Representative: A. Benjamin Strand, Jr., P.O. Drawer H, Dandridge, TN 37725. Transporting *wrecked and disabled motor vehicles; replacement vehicles* for such commodities, and *stolen, abandoned, and repossessed motor vehicles*, by use of wrecker equipment only, between points in TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dandridge or Knoxville, TN.)

MC 146951 (Sub-1F), filed April 6, 1979. Applicant: FETTIG TRANSPORT, INC., 1900 South D Street, Elwood, IN 46036. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned goods, and materials and supplies* used in the manufacture and distribution of canned goods, between the facilities of (a) Fettig Canning Corporation, at or near Elwood, Point Isabel, and Upland, IN, (b) Ray Brothers & Noble Canning, at Hobbs, IN, and (c) Red Gold, Inc., at or near Orestes and Plumtree, IN, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) in (a) above with Fettig Canning Corporation, of Elwood, IN, in (b) above with Ray Brothers & Noble Canning, of Hobbs, IN, and in (c) above with Red Gold, Inc., of Elwood, IN. (Hearing site: Indianapolis, IN.)

MC 147141F, filed April 9, 1979. Applicant: LUJO TRUCKING CO., INC., 121 Braley Road, East Freetown, PA 02717. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wearing apparel*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of wearing apparel, (except commodities in bulk), between Braintree and Randolph, MA, on the one hand, and, on the other, points in AL, AR, CT, FL, GA, KY, IN, MD, ME, MS, NH, NJ, NY, NC, PA, RI, SC, TN, TX, and VA, under continuing contract(s) with (a) College-Town, a Division of Interco, Inc., of Braintree, MA, and (b) Lease Management, Inc., a subsidiary of Interco, Inc., of Miami Lakes, FL. (Hearing site: Boston, MA.)

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Decided: August 9, 1979.

By the Commission, Review Board Number 3. Members Parker, Fortier, and Hill. (Member Fortier not participating).

MC 200 (Sub-338F), filed March 22, 1979. Applicant: RISS INTERNATIONAL CORP., a Delaware corporation, 903 Grand Avenue, Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting (1) *catalogues, magazines, and printed paper*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), serving Mattoon, IL, Warsaw, IN, and Willard, OH, as off-route points in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Kansas City, MO.)

MC 6031 (Sub-48F), filed April 17, 1979. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, WI 53204. Representative: William C. Dineen, Suite 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by retail department stores, between the facilities of H. C. Prange Co., at points in WI, on the one hand, and, on the other, the facilities of H. C. Prange Co., at or near Rockford, IL, and Marquette and Traverse City, MI, under a continuing contract(s) with H. C. Prange Co., of Green Bay, WI. Dual operations may be involved. Condition: Upon issuance of this certificate, No.

MC 123765 (Sub-Nos. 3, 6, and 9) will be cancelled. (Hearing site: Milwaukee, WI.)

Note.—The purpose of this application is to convert existing motor common carrier authority to motor contract carrier authority.

MC 6031 (Sub-49F), filed April 17, 1979. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, WI 53204. Representative: William C. Dineen, Suite 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *outboard engines, inboard engines, power lawn and turf-care equipment, power chain saws, and light industrial vehicles* (except commodities in bulk); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), between Milwaukee, Manawa, and Beloit, WI, and Waukegan and Galesburg, IL, restricted to the transportation of traffic originating at or destined to the facilities of Outboard Marine Corporation, Outboard Marine Corporation Stern Drive Division, Outboard Marine Corporation Parts and Accessories Division, Johnson Outboards Division, Evinrude Motors Division Gale Products Division, and Trade Winds Company Inc., at the above named points, under a continuing contract(s) with Outboard Marine Corporation, of Waukegan, IL. Dual operations may be involved. Condition: Upon issuance of this certificate, No. MC 123765 (Sub-No. 8) will be cancelled. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—The purpose of this application is to convert existing motor common carrier authority to motor contract carrier authority.

MC 19201 (Sub-132F), filed April 6, 1979. Applicant: PENNSYLVANIA TRUCK LINES, INC., 49th Street and Parkside Avenue, Philadelphia, PA 19131. Representative: S. Berne Smith, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and commodities which because of size or weight require special equipment), between Harrisburg, PA, and Allentown, PA: From Harrisburg, PA over Interstate Hwy 81 to junction Interstate Hwy 78, then over Interstate Hwy 78 and U.S. Hwy 22 to the Seventh Street exit near

Allentown, PA, then over Seventh Street to Allentown, PA, and return over the same route, serving no intermediate points, restricted to the transportation of traffic which is auxiliary to, or supplemental of, the rail service of Consolidated Rail Corporation. (Hearing site: Philadelphia or Harrisburg, PA.)

Note.—Dual operations may be involved.

MC 22311 (Sub-11F), filed April 16, 1979. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative: Marvin Mickow (same address as applicant). Transporting (1) *iron and steel and iron and steel articles*; and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above, between the facilities of Republic Steel Corporation, at Chicago, IL, on the one hand, and, on the other, points in KY, MI, OH, PA, WV, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Republic Steel Corporation, at Chicago, IL. (Hearing site: Chicago, IL.)

MC 35320 (Sub-302F), filed April 10, 1979. Applicant: T.I.M.E.—DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Cambridge Wire Cloth Company, at or near Cambridge, MD, and points in TX, WA, CA, OR, AZ, and CO. (Hearing site: Baltimore, MD, or Washington, DC.)

MC 35320 (Sub-303F), filed April 10, 1979. Applicant: T.I.M.E.—DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Nissan Industrial Equipment Company, at or near Memphis, TN, and points in the United States (except AK and HI). (Hearing site: Memphis, TN, or Washington, DC.)

MC 35320 (Sub-307F), filed April 10, 1979. Applicant: T.I.M.E.—DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes

A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of the Niedermeyer-Martin Company, at or near Ridgefield, WA, and points in the United States (except AK and HI). (Hearing site: Portland, OR, or Seattle, WA.)

MC 44300 (Sub-18F), filed April 9, 1979. Applicant: HESS CARTAGE CO, a corporation, 17065 Hess Avenue, Melvindale, MI 48122. Representative: Walter N. Bieneman, 100 West Long Lake Road, suite 102, Bloomfield Hills, MI 48013. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting (1) *iron and steel articles*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between ports of entry on the international boundary line between the United States and Canada, at or near Sault Ste. Marie, MI, on the one hand, and, on the other, points in IL, IN, KY, MI, OH, PA, WI, and WV. (Hearing site: Lansing or Detroit, MI.)

MC 108341 (Sub-142F), filed April 17, 1979. Applicant: MOSS TRUCKING CO., INC., 3027 North Tryon Street, P.O. Box 26125. Representative: Morton E. Kiel, suite 6193, 5 World Trade Center, New York, NY 10048. Transporting (1) *machinery, baler presses, and shears*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in Crisp County, GA, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Albany, GA, or Washington, DC.)

MC 111310 (Sub-42F), filed April 9, 1979. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting (1) *malt beverages, related advertising materials and supplies and malt beverage dispensing equipment* when shipped therewith, from Cold Spring, MN, to points in the United States (except AK, HI, ND, SD, NE, IA, MO, WI, IL, IN, and MI); (2) *mineral water*, from Cold Spring, MN, to points in the United States (except AK and HI); and (3) *materials, equipment, and supplies* used in the manufacture and distribution of malt beverages and mineral water, from points in the United States (except AK and HI), to Cold Spring, MN. (Hearing site: Madison, WI, or Minneapolis, MN.)

MC 114211 (Sub-405F), filed April 13, 1979. Applicant: WARREN, TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *such commodities* as are dealt in, or used by, agricultural equipment and industrial equipment dealers and manufacturers, between points in the United States (including AK, excluding HI), restricted to the transportation of traffic from, to, or between the facilities of The De Laval Separator Company and its dealers. (Hearing site: Chicago, IL.)

MC 117940 (Sub-328F), filed April 10, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *such commodities* as are dealt in by retail department and variety stores (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, foodstuffs, and articles requiring special equipment), from Seattle, WA, to the facilities of Ben Franklin, Division of City Products Corp., at Los Angeles, CA, Des Plaines, IL, Seymour, IN, Hunt Valley, MD, Hew Hope, MN, North Kansas City, MO, Memphis, TN, and Dallas, TX, restricted to the transportation of traffic originating at the named origin or having an immediately prior movement by water and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 119641 (Sub-168F), filed April 17, 1979. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *lumber, lumber products, lumber mill products, forest products, and wood products*, from points in AL, AR, DE, FL, GA, KY, LA, MD, MS, MO, NJ, NC, OK, SC, TN, TX, VA, WV, and DC, to points in IL, IN, IA, KY, MI, MN, MO, NE, NY, ND, OH, PA, SD, and WI. Hearing site: Indianapolis, IN, or Washington, DC.)

MC 119700 (Sub-54F), filed April 16, 1979. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Transporting (1) *iron and steel articles*; and (2) *equipment, materials, and supplies* used in the manufacture and distribution of iron and steel articles, from the facilities of North Star Steel Corporation, at or near Newport, MN, to points in AR, CO, IL, IN, IA, KY, LA, MI, MO, OH, OK, TX, and WI. (Hearing site: St. Paul, MN, or Chicago, IL.)

MC 119700 (Sub-55F), filed April 16, 1979. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Transporting (1) *iron and steel articles*; and *aluminum articles*, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, between points in AR, on the one hand, and, on the other, points in AL, CO, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NE, OH, OK, TN, TX, and WI, and (3) *iron and steel articles*, from Dallas and Houston, TX, to points in AR, KS, LA, MO, MS, OK, TN, and TX. (Hearing site: Kansas City, MO.)

MC 121060 (Sub-99F), filed April 12, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Transporting (1) *steel pipe, pipe fittings, beams, piling, rails, railway track accessories, pile drivers, and pile extractors*; (2) *parts* for the commodities in (1) above, and (3) *materials, equipment, and supplies* used in the manufacture, installation, dismantling, and distribution of the commodities in (1) and (2) above, (except commodities in dump or tank vehicles), between the facilities of L. B. Foster Company, at Parkersburg and Washington, WV, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, and VA. (Hearing site: Columbus, OH.)

MC 121060 (Sub-100F), filed April 12, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *general commodities* (except those articles of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the Henderson County Riverport Authority Facility, in Henderson County, KY, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Louisville, KY, or Evansville, IN.)

MC 121060 (Sub-101F), filed April 18, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Transporting (1) *building board, composition board, wall board, and insulating board*; and (2) *materials, equipment, and supplies* used in the installation of the commodities named in (1) above (except commodities in

bulk), from the facilities of Armstrong Cork Company, at or near Macon, GA, to those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 124170 (Sub-120F), filed April 19, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, suite 222, Oak Brook, IL 60521. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles requiring the use of special equipment), from Chicago, IL, to points in KY, restricted to the transportation of traffic originating at the facilities of Dry Storage Corporation, at Chicago, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 124170 (Sub-122F), filed April 19, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, suite 222, Oak Brook, IL 60521. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles requiring special equipment), from Chicago, IL, to points in OH, restricted to the transportation of traffic originating at the facilities of Dry Storage Corporation, at Chicago, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 124821 (Sub-42F), filed April 10, 1979. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting *cleaning, washing, buffing, or polishing compounds, textile softeners, lubricants, hypochlorite solution, deodorants or disinfectants, paints, stains, or varnishes* (except commodities in bulk), (1) from the facilities of Economics Laboratory, Inc., at Joliet, IL, to points in NY, NJ, PA, ME, NH, VT, CT, MA, and RI, and (2) from the facilities of Economics Laboratory, Inc., at Avenel, NJ, to points in OH, IN, IL, MI, PA, and NY, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Harrisburg, PA.)

MC 125951 (Sub-43F), filed April 16, 1979. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000

West Center Road, suite 325, Omaha, NE 68106. Representative: Robert M. Cimino (same address as applicant). Transporting (1) *television sets, radios, phonographs, stereo systems, recorders and players, speaker systems, and audio equipment*, and (2) *accessories, components, and parts* for the commodities in (1) above, from the facilities of RCA Corporation, at or near Bloomington and Indianapolis, IN, to Minneapolis, MN, Eldridge and Des Moines, IA, St. Louis and Springfield, MO, Sioux Falls, SD, Fargo, ND, Little Rock and Fort Smith, AR, and Kansas City, KS, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Bloomington, IN.)

Note.—Dual operations may be involved.

MC 133841 (Sub-10F), filed April 19, 1979. Applicant: DAN BARCLAY, INC., P.O. Box 426, Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *heavy machinery*; and (2) *materials, equipment, and supplies* used in the manufacture of heavy machinery, between the facilities of Transamerica Delaval, Inc., Turbine and Compressor Division, at or near Trenton, NJ, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, KS, OK, and TX. (Hearing site: New York, NY, or Washington, DC.)

MC 134280 (Sub-8F), filed April 13, 1979. Applicant: YOUNG'S EXPRESS, INC., 1501 North Warwick Avenue, Baltimore, MD 21216. Representative: Brian S. Stern 2425 Wilson Boulevard, Suite 327, Arlington, VA 22201. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cold rolled and galvanized steel*, in coils, from Sparrows Point, MD, to the facilities of Corell Steel Company, at Bristol, PA, (2) *rolled and galvanized steel*, in sheets, from Sparrows Point, MD to the facilities of Corell Steel Company, at Westville, NJ, (3) *rolled and galvanized steel*, in coils, from Sparrows Point, MD, to the facilities of Corell Steel Company, at (a) Philadelphia, PA, and (b) Camden, NJ, and (4) *rolled steel*, from the facilities of Corell Steel Company, at (a) Philadelphia, PA, and (b) Camden, NJ, to Baltimore, MD, under continuing contract(s) with Corell Steel Company, of Philadelphia, Pa. (Hearing site: Philadelphia, PA, or Baltimore, MD.)

MC 134300 (Sub-39F), filed April 16, 1979. Applicant: TRIPLE R EXPRESS, INC., 498 First Street Northwest, New Brighton, MN 55112. Representative:

Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Transporting *such commodities* as are dealt in by retail stores (except commodities in bulk), from those points in the United States in and east of ND, SD, NE, KS, AR, and LA, to points in ND, SD, NE, MN, IA, and WI, restricted to the transportation of traffic destined to the facilities of Target Stores, Division of Dayton Hudson. (Hearing site: Minneapolis or St. Paul MN.)

MC 135070 (Sub-42F), filed April 9, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *animal feed, feed ingredients, additives, supplements, and materials and supplies* used in the manufacture and promotion of animal feed, from the facilities of Kal Kan Foods, Inc., at or near Mattoon, IL, Columbus, OH, Terre Haute, IN, and Hutchinson, KS, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA, or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 138420 (Sub-36F), filed April 12, 1979. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., Route 1, P.O. Box 147, Cleveland, WI 53063. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting (1) *carbonated beverages, advertising materials, and carbonated beverage dispensing equipment*, from Granite City, IL to points in MN and WI (except points in Trempealeau, Jackson, LaCrosse, Monroe, Juneau, Vernon, Richland, Sauk, Crawford, Grant, Iowa, and Lafayette Counties). (Hearing site: Madison, WI, or St. Louis, MO.)

MC 145441 (Sub-36F), filed April 17, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey (same address as applicant). Transporting *medicines and citric acid* (except commodities in bulk), from Elkhart, IN, and Dayton, OH, to points in FL, GA, and TX. (Hearing site: Chicago, IL, or Little Rock, AR.)

Note.—Dual operations may be involved.

MC 145870 (Sub-10F), filed April 16, 1979. Applicant: L-J-R HAULING, INC., P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting (1) *mining machinery and equipment*; and (2) *parts* for mining machinery and equipment, between the facilities of Wilson & Company, at or near Princeton, Varney, and Beckley, WV, Morristown, TN, and Tazewell, VA, on the one hand, and, on the other, points in AL, IL, IN, KY, OH, PA, TN,

VA, and WV. (Hearing site: Washington, DC, or Roanoke, VA.)

MC 146191 (Sub-2F), filed April 16, 1979. Applicant: JOHN I. RICKETTS, d.b.a., RICKETTS TRUCKING, 1001 West Magnolia, Phoenix, AZ 85007. Representative: A. Michael Bernstein, 1441 E. Thomas Road, Phoenix, AZ 85014. Transporting *furniture*, in cartons, from Riverside and Willits, CA, Calhoun, GA, Alexandria, IN, Leominster, MA, Pottstown, PA, and Tyler, TX, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Little Lake Industries. (Hearing site: Phoenix, AZ.)

MC 146280 (Sub-2F), filed April 17, 1979. Applicant: LEROY STOCKTON AND THELMA I. STOCKTON TRUST, d.b.a., APOLLO TRANSIT CO., 7919 Hummel Drive, Boise, ID 83705. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *passengers and baggage*, (1) between points in Ada County, ID, on the one hand, and, on the other, points in ID in and south of Idaho County and in and west of Lemhi, Custer, Blaine, and Cassia Counties, ID, restricted to the transportation of traffic having an immediately prior or subsequent movement by air; (2) from points in Ada County, ID, to points in Wallawa County, OR; and (3) between points in Ada County, ID, and the Municipal Airport, at or near Ontario, OR. (Hearing site: Boise, ID, or San Francisco, CA.)

MC 146360 (Sub-5F), filed April 19, 1979. Applicant: FLOYD SMITH, JR. TRUCKING, INC., 5303 Valle Grande, Meridian, ID 83642. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting (1) *water softening apparatus*; and (2) *materials and supplies* used in the distribution of water softeners, from points in Franklin and Butler Counties, OH, to points in CA, ID, OR, and WA. (Hearing site: Boise, ID.)

MC 146551 (Sub-2F), filed April 10, 1979. Applicant: TAYLOR TRANSPORT, INC., 1416 Ralston Ave., Defiance, OH 43512. Representative: Arthur R. Cline, 420 Security Bldg., Toledo, OH 43604. Transporting (1) *cookies*, (except commodities in bulk), between Fairlawn, NJ, McComb, OH, and Philadelphia, PA, on the one hand, and, on the other, points in the United States (except AK and HI), (2) *non-carbonated fruit beverages, applesauce, and vinegar*, (except commodities in bulk), between Littleton, MA, and Ohio City, OH, on the one hand, and, on the other, points in the United States (except AK and HI), (3) *such commodities* as are dealt in by

grocery, and food business houses, institutions, catalogue show room stores, and home center stores, (except commodities in bulk), between Maumee and Toledo, OH, on the one hand, and, on the other, points in the United States (except AK and HI), and (4) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), (2), and (3) above, (except commodities in bulk), between Littleton, MA, Fairlawn, NJ, McComb, Maumee, Ohio City, and Toledo, OH, and Philadelphia, PA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Columbus, OH, or Washington, DC.)

MC 146840 (Sub-1F), filed April 9, 1979. Applicant: BOYCHUKS' TRANSPORT LTD., P.O. Box 6298, Station "C", Edmonton, Alberta, Canada T5B 4K6. Representative: Richard S. Mandelson, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. To operate as a *contract carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Cascade and Toole Counties, MT, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada, in MT. CONDITION: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343 (a) [formerly section 5(2)] of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. Applications or affidavits are due 20 days from date of this publication. (Hearing site: Great Falls, MT.)

MC 146950F, filed April 13, 1979. Applicant: JOSEPH G. HALL, INC., 148 Kent St., Albany, NY 12203. Representative: Bertrand F. Gould, 112 State St., Suite 217, Albany, NY 12207. Transporting *paper, paper products, and paper-making material*, (except commodities in bulk), between the facilities of Scott Paper Company, at points in NY, ME, and MA, on the one hand, and, on the other, points in CT, MA, ME, NH, NY, RI, and VT. (Hearing site: Albany or New York, NY.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) (formerly Section 5(2)) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

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Decided: August 29, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 200 (Sub-351F), filed May 7, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). Transporting *iron and steel articles*, from Midland, PA, to points in MO, IL, IN, WI, MI, KS, and IA. (Hearing site: Kansas City, MO.)

MC 381 (Sub-20F), filed April 19, 1979. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *batteries*; and (2) *equipment, materials, and supplies* used in the manufacture and sale of batteries (except commodities in bulk), between the facilities of Exide Power Systems, Division ESB Incorporated, at or near Sumter, SC, on the one hand, and, on the other, points in NJ, MD, PA, DE, NY, MA, NH, VT, ME, CT, and RI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: New York, NY, or Washington, DC.)

MC 550 (Sub-11F), filed May 1, 1979. Applicant: RUDIE WILHELM WAREHOUSE CO., a corporation, d.b.a. WILHELM TRUCKING CO., 3250 N.W. St. Helens Rd., P.O. Box 10363, Portland, OR 97210. Representative: Robert J. Wilhelm, Jr. (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers, between points in CA, OR, and WA, on the one hand, and, on the other, points in CA, OR, and WA, restricted to the transportation of traffic having an immediately or prior or subsequent movement by water. (Hearing site: Portland, OR.)

MC 730 (Sub-439F), filed May 8, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 25 North Via Monte, P.O. Box 8004, Walnut Creek, CA 94596. Representative: A. G. Krebs (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, household good as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Little Mountain, UT as an off-

route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing site: Salt Lake City, UT, or San Francisco, CA.)

Note.—Insofar as this authority allows the transportation of dangerous commodities it is limited to expire in 5 years.

MC 2900 (Sub-370F), filed May 3, 1979. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment). (1) Between Gary, IN, and Louisville, KY, over Interstate Hwy 65, (2) Between St. Joseph, MI, and Nashville, TN: From St. Joseph, MI over U.S. Hwy 31 to Indianapolis, IN, then over IN Hwy 37 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction U.S. Hwy 231, then over U.S. Hwy 231 to junction U.S. Hwy 431, then over U.S. Hwy 431 to Nashville, TN, and return over the same route. (3) Between the IN-MI State line, and Cincinnati, OH, over U.S. Hwy 27, (4) Between Ft. Wayne, IN, and Indianapolis, IN, over Interstate Hwy 69, (5) Between Terre Haute, IN, and Nashville, TN, U.S. Hwy 41, (6) Between Chicago, IL, and the IN-OH State line, over Interstate Hwy 90, (7) Between Danville, IL, and Cincinnati, OH, over Interstate Hwy 74, (8) Between St. Louis, MO, and Richmond, IN, over Interstate Hwy 70, and (9) Between St. Louis, MO, and Louisville, KY, over Interstate Hwy 64, restricted to the transportation of traffic in (1) through (9) above to and from all intermediate points and points in IN as off-route points in connection with the carrier's otherwise authorized regular-route operations. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 2960 (Sub-32F), filed May 1, 1979. Applicant: ENGLAND TRANSPORTATION COMPANY OF TEXAS, 2301 McKinney Street, Houston, TX 77023. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. Transporting *chemicals*, in ocean going containers, from the facilities of Dow Chemical USA, at or near Freeport, TX, to Houston, TX, restricted to the transportation of traffic having a subsequent movement by water. (Hearing site: Dallas, TX.)

MC 8771 (Sub-51F), filed May 7, 1979. Applicant: SAW MILL SUPPLY, INC., 3599 Old Gettysburg Road, Camp Hill, PA 17011. Representative: John R. Sims,

Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting (1) *construction equipment, earth-moving equipment, and material-handling equipment*; and (2) *attachments, accessories, and parts* for the commodities named in (1) above, from White Marsh, MD, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 43421 (Sub-59F), filed April 16, 1979. Applicant: DOHRN TRANSFER COMPANY, a Corporation, 4016 9th Street, Rock Island, IL 61202. Representative: Edward G. Bazelson, 39 South LaSalle Street, Chicago, IL 60603. Transporting *wheels or wheel blanks including bogies or idlers for Army tanks, unfinished; and pallets, platforms, and racks for shipping wheels or wheel blanks*, between the facilities of Electric Wheel Company, at Quincy, IL, and the facilities of Firestone Industrial Products Company, at Noblesville, IN. (Hearing site: Chicago, IL.)

MC 22311 (Sub-10F), filed April 16, 1979. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46320. Representative: Marvin J. Mickow (same address as applicant). Transporting *roofing and sheathing, steel, asbestos and asphalt combined, and iron or steel building construction sections*, from Ambridge, PA, to points in IL, IN, MI, and WI, restricted to the transportation of traffic originating at the facilities of the H. H. Robertson Company at the named origin point. (Hearing site: Chicago, IL, or Pittsburgh, PA.)

MC 35320 (Sub-315F), filed April 20, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of the Climax Molybdenum Company, a Division of AMAX, Inc., at or near Climax and Henderson Mill Site, CO (approximately 26 miles S.E. of Parshall), and Pascagoula, MS, Langeloth, Towanda, and Wampum, PA, New Orleans, LA, and Ft. Madison, IA. (Hearing site: Greenwich, CT, or Washington, DC.)

MC 59150 (Sub-150F), filed April 19, 1979. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Transporting (1) *iron, steel, and aluminum articles*, from points in Berkeley and Charleston Counties, SC,

to points in AL, FL, GA, NC, SC, TN, and VA; and (2) *equipment, materials, and supplies* used in the manufacture or distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Charleston, SC.)

MC 59640 (Sub-71F), filed May 4, 1979. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07106. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *health care products; and materials* used in the manufacture of health care products. (1) between Covington and Conyers, GA, on the one hand, and, on the other, points in AL, CA (except Upland), FL, IL (except Itasca), KY, MS (except Columbus), NJ (except Murray Hill), NY, NC, OH, RI, SC, TN, TX (except Dallas), VA, and WI, and (2) between Murray Hill, NJ, on the one hand, and, on the other, points in CA (except Upland), IL (except Itasca), NY, OH, PA, RI (except Providence), and WI, under continuing contract(s) with C. R. Bard, Inc., of Murray Hill, NJ. (Hearing site: Newark, NJ, or New York, NY.)

MC 60580 (Sub-38F), filed May 7, 1979. Applicant: MAISLIN TRANSPORT OF DELAWARE, INC., 7401 Newman Boulevard, LaSalle, Quebec, Canada - H8N 1X4. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Josephstown (Potter Township, Beaver County), PA, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing site: New York, NY, or Washington, DC.)

MC 61470 (Sub-8F), filed April 23, 1979. Applicant: BRYAN TRUCK LINE, INC., 610 East Wilson Street, Bryan, OH 43506. Representative: James Duvall, Post Office Box 97, 220 West Bridge Street, Dublin, OH 43017. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Fulton, Henry, and Williams Counties, OH, on the one hand, and, on the other, points

in the United States (except AK and HI). (Hearing site: Toledo, OH.)

Note.—Persons in control of applicant's parent corporation must file an application under 49 U.S.C. 11343 or file an affidavit explaining why no authority is needed to control two carriers in a common interest.

MC 65781 (Sub-6F), filed May 3, 1979. Applicant: BARRETT MOVING & STORAGE, INC., 7100 Washington Ave., South, Eden Prairie, MN 55344. Representative: Andrew R. Clark, 1000 First National Bank, Minneapolis, MN 55402. Transporting (1) *commercial and institutional fixtures*, (a) between the facilities of Carlson Stores Fixtures, at Minneapolis, MN, on the one hand, and, on the other, points in the United States (except AK and HI), and (b) between the facilities of Suburban Cabinet and Fixture, at Maple Plain, MN, on the one hand, and, on the other, points in the United States (except AK and HI), (2) *commercial and institutional fixtures, and such commodities* as are dealt in by record stores, between the facilities of Lieberman Enterprises, at Minneapolis and St. Paul, MN, on the one hand, and, on the other, points in the United States (except AK and HI), and (3) *restaurant equipment and fixtures*, between the facilities of Carousel Snack Bars, Inc., at Minneapolis, MN, on the one hand, and, on the other, points in the United States (except AK and HI), restricted in 1(a), (b), 2, and 3 above, to the transportation of traffic originating at the named facilities and destined to the points in the States described, or originating at points in the States described and destined to the indicated facilities. (Hearing site: Minneapolis, MN.)

MC 66140 (Sub-7F), filed April 20, 1979. Applicant: FLOCK MOTOR LINES, INC., 3040 Waterview Avenue, Baltimore, MD 21230. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Transporting (1) *sugar* (except in bulk), from Brooklyn, NY, and Philadelphia, PA, to points in IL, IN, MI, and OH; and (2) *sugar and sugar products* (except in bulk), and individual servings of *condiments, dressings, spices, sauces, food flavorings*, and individual servings of *packaged food items*; from Pitman, NJ, to points in IL, IN, MI, and OH. (Hearing site: New York, NY.)

MC 67450 (Sub-85F), filed April 24, 1979. Applicant: PETERLIN CARTAGE CO., a Corporation, 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South La Salle Street, Chicago, IL 60603. Transporting *dextrine, corn sugar, corn starch, and products of corn and blends* (except commodities in bulk), from Hammond, IN, to points in the United

States (except AK and HI). (Hearing site: Chicago, IL.)

MC 69901 (Sub-37F), filed May 4, 1979. Applicant: COURIER-NEWSOM EXPRESS, INC., P.O. Box 270, Columbus, IN 47201. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Transporting *electric motors and parts* for electric motors, from Mt. Sterling, KY, to Marion, OH, Syracuse, NY, Tecumseh, MI, and Collierville, TN. (Hearing site: Chicago, IL.)

MC 82101 (Sub-17F), filed May 8, 1979. Applicant: WESTWOOD CARTAGE, INC., 62 Everett Street, Westwood, MA 02090. Representative: John P. Tynan, P.O. Box 777, 201 Juno Street, Jupiter, FL 33455. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *kitchen cabinets, bathroom cabinets, cabinet doors, mouldings, boards, panels, and brass, bronze, or copper hardware*, from Nashua, NH, to points in CT, DE, ME, MD, MA, MI, NJ, NY, NC, OH, PA, RI, and VT; and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above, in the reverse direction, under continuing contract(s) with Triangle Pacific Corp., of Nashua, NH. (Hearing site: Boston, MA, or Washington, DC.)

MC 82841 (Sub-260F), filed May 8, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Donald L. Stern, 610 Xerox Bldg., 7171 Mercy Road, Omaha, NE 68106. Transporting (1) *agricultural machinery*; and (2) *parts and accessories* for agricultural machinery, from point in Rock Island County, IL, to points in CO, IN, IA, KS, MI, MO, MT, NE, OH, SD, WI, and WY, restricted to the transportation of traffic originating at the facilities of Massey-Ferguson, Inc. (Hearing site: Chicago, IL, or Omaha, NE.)

Note.—Dual operations are involved.

MC 82841 (Sub-259F), filed May 7, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 610 Xerox Bldg., 7171 Mercy Road, Omaha, NE 68106. Transporting (1) *composition board and plywood materials*, and (2) *accessories* used in the installation of the commodities in (1) above, from the facilities of Abitibi Corporation, at or near Lucas County, OH, to those points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County,

MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada. (Hearing site: Detroit, MI.)

Note.—Dual operations are involved.

MC 93840 (Sub-47F), filed May 8, 1979. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *materials and supplies* used in the manufacture of iron and steel articles, from Chicago, IL, to Wilton, IA. (Hearing site: Des Moines, IA.)

MC 94201 (Sub-169F), filed March 26, 1979. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave., N.W., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). (1) between Louisville, KY and Chicago, IL, (a) over Interstate Hwy 65, (b) from Louisville, KY, over U.S. Hwy 150 to Vincennes, IN, then over U.S. Hwy 41 to Chicago, IL, and return over the same route, (2) between Louisville, KY and East Dubuque, IL, (a) from Louisville, KY, over U.S. Hwy 150 to Moline, IL, then over IL Hwy 84 to junction U.S. Hwy 20, at or near Elizabeth, IL, then over U.S. Hwy 20 to East Dubuque, IL, and return over the same route, (b) from Louisville, KY, over Interstate Hwy 65 to Chicago, IL, then over U.S. Hwy 20 to East Dubuque, IL, and return over the same route, (3) between Louisville, KY and Moline, IL, (a) from Louisville over U.S. Hwy 150 to junction U.S. Hwy 50, at or near Vincennes, IN, then over U.S. Hwy 50 to St. Louis, MO, then over IL Hwy 3 to Alton, IL, then over IL Hwy 100 to junction IL Hwy 96, at or near Kampsville, IL, then over IL Hwy 96 to junction IL Hwy 94, then over IL Hwy 94 to Moline, IL, and return over the same route, (4) between Louisville, KY and St. Louis, MO, (a) from Louisville over IN Hwy 64 to junction IL Hwy 15, at or near Mt. Carmel, IL, then over IL Hwy 15 to St. Louis, MO, and return over the same route, (b) from Louisville, KY, over U.S. Hwy 460 and/or Interstate Hwy 64 to St. Louis, MO, and return over the same route, (5) between Louisville, KY and Cairo, IL, over U.S. Hwy 60, (6) between Cairo and South Beloit, IL, over U.S.

Hwy 51, (7) between Louisville, KY and Shepherd, IL, from Louisville, KY over U.S. Hwy 150 to junction U.S. Hwy 50, at or near Vincennes, IN, then over U.S. Hwy 50 to St. Louis, MO, then over IL Hwy 3 to Alton, IL, then over IL Hwy 100 to junction IL Hwy 96, at or near Kampsville, IL, then over IL Hwy 96 to junction U.S. Hwy 38, at or near Kinderhook, IL, then over U.S. Hwy 36 to Shepherd, IL, and return over the same route, (8) between Louisville, KY and Gulfport, IL, from Louisville, KY, over U.S. Hwy 150 to junction U.S. Hwy 34, at or near Galesburg, IL, then over U.S. Hwy 34 to Gulfport, and return over the same route, (9) between East St. Louis and Rock Island, IL, over U.S. Hwy 67, (10) between Evansville, IN and Chicago, IL, (a) over U.S. Hwy 41, (b) from Evansville, IN, over U.S. Hwy 41 to junction U.S. Hwy 150, at or near Terre Haute, IN, then over U.S. Hwy 150 to junction U.S. Hwy 45 and/or Interstate Hwy 57, at or near Champaign, IL, then over U.S. Hwy 45 and/or Interstate Hwy 57 to Chicago, IL, and return over the same route, (11) between Terre Haute, IN and St. Louis, MO, over U.S. Hwy 40 and/or Interstate Hwy 70, (12) between Bedford and Terre Haute, IN, from Bedford over IN Hwy 37 to junction IN Hwy 46, at or near Bloomington, IN, then over IN Hwy 46 to Terre Haute, and return over the same route, (13) between Cincinnati, OH and Louisville, KY, over U.S. Hwy 42 and/or Interstate Hwy 71, (14) between Cincinnati, OH and Evansville, IN, from Cincinnati, OH over U.S. Hwy 50 to junction U.S. Hwy 231, then over U.S. Hwy 231 to junction U.S. Hwy 460, then over U.S. Hwy 460 to Evansville, IN, and return over the same route, (15) between Cincinnati, OH and Terre Haute, IN, (a) from Cincinnati, OH over U.S. Hwy 52 to junction IN Hwy 46, then over IN Hwy 46 to Terre Haute, IN, and return over the same route, (b) from Cincinnati, OH, over Interstate Hwy 74 to Indianapolis, IN, then over Interstate Hwy 70 to Terre Haute, IN, and return over the same route, (c) from Cincinnati, OH over U.S. Hwy 52 and/or Interstate Hwy 74 to Indianapolis, IN, then over U.S. Hwy 40 and/or Interstate Hwy 70 to Terre Haute, IN, and return over the same route. Hearing site: Atlanta, GA, or Washington, DC.)

Note.—Service, in connection with the above routes, is authorized to and from St. Louis, MO; Cincinnati, OH; Henderson and Louisville, KY, and points in KY within 10 miles of Louisville; Vincennes, Evansville, Bedford, New Albany, Princeton, Shoals, Sullivan, Jasper and Terre Haute, IN; and all intermediate and off-route points in IL, restricted to the transportation of traffic moving between Vincennes, Evansville, Bedford, New Albany, Princeton, Shoals, Sullivan, Jasper and Terre Haute, IN,

Louisville, KY, and points in KY within 10 miles of Louisville, on the one hand, and, on the other, Henderson and Louisville, KY, St. Louis, MO, Cincinnati, OH, and all points in IL. The purpose of this application is to convert applicant's irregular route authority in certain certificates to regular route authority.

MC 95540 (Sub-1112F), filed May 7, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting *materials, equipment, and supplies* used in the manufacture and distribution of foodstuffs (except commodities in bulk), between points in the United States (except AK and HI), on the one hand, and, on the other, the facilities of Chef Pierre, Inc., at or near Traverse City, MI, and Forest, MS. (Hearing site: Chicago, IL or Washington, DC.)

MC 104421 (Sub-29F), filed May 6, 1979. Applicant: ECONOLINES, INC., P.O. Box 823, D.T.S., Omaha, NE 68101. Representative: Roger W. Norris, (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, foodstuffs, hides, agricultural equipment, contractor's equipment, and lumber), between points in Burt County, NE, on the one hand, and, on the other, points in KY (except Louisville), MT, NC, ND, and SC. (Hearing site: Lincoln, NE.)

MC 108341 (Sub-145F), filed May 3, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Mort E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting (1) *air cleaning, heating, cooling, humidifying, dehumidifying, and moving equipment*, (2) *parts* for the commodities in (1) above, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above (except commodities in bulk), between the facilities of Industrial Sheet Metal & Mechanical Corp., at or near Rockingham, NC, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 108341 (Sub-146F), filed May 4, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Mort E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting (1) *swimming pools, swimming pool enclosures, filtration equipment, and water treatment*

equipment and (2) *materials, equipment, and supplies* used in the manufacture, installation, and maintenance of the commodities named in (1) above (except commodities in bulk), between the facilities of Paddock Pool Equipment Company, at or near Rock Hill, SC, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 108341 (Sub-147F), filed May 4, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting (1) *generators and fabricated iron and steel articles*; and (2) *parts, attachments, and accessories* for the commodities named in (1) above (except commodities in bulk), from the facilities of the Biglow Company, at or near New Haven, CT, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: New Haven, CT, or Washington, DC.)

MC 108341 (Sub-148F), filed May 4, 1979. Applicant: MOSS TRUCKING, INC., 3027 North Tryon Street, P.O. Box 26125, Charlotte, NC 28213. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting (1) *vessels, waste treatment systems, and fabricated iron and steel articles*; and (2) *parts, attachments, and accessories* for the commodities named in (1) above, from the facilities of Norwalk Fabricators, Inc., at or near Branford and South Norwalk, CT, to those points in the United States in and east of MN, IA, MO, AR and LA. (Hearing site: Washington, DC.)

MC 108341 (Sub-149F), filed May 4, 1979. Applicant: MOSS TRUCKING, INC., 3027 North Tryon Street, P.O. Box 26125, Charlotte, NC 28213. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting *iron and steel articles*; from the facilities of Standard Pipe and Supply Co., Inc., at or near Pittsburgh and Philadelphia, PA, to those points in the United States in and east of MN, IA, MO, AR and LA. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 111231 (Sub-263F), filed April 24, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: John C. Everett, P.O. Box A, 140 East Buchanan, Prairie Grove, AR 72753. Transporting (1) *paper and paper products*; and (2) *material, equipment, and supplies* used in the production and

distribution of the commodities named in (1) above, between the facilities of Scott Paper Company, at those points in the United States in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Philadelphia or Pittsburgh, PA.)

MC 112520 (Sub-367F), filed April 20, 1979. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Thomas F. Panebianco (same address as applicant). Transporting *pulpmill liquids*, in bulk, in tank vehicles, from the facilities of International Paper Company, at or near Natchez, MS, to the facilities of International Paper Company, at or near Mobile, AL. (Hearing site: Mobile, AL, or Atlanta, GA.)

MC 115311 (Sub-353F), filed May 7, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. Transporting *canned and preserved foodstuffs*, from the facilities of Heinz USA, Division of H. J. Heinz Co., at or near Greenville, SC, to those points in FL on and west of FL Hwy 79, and points in AL, GA, LA, and MS, restricted to the transportation of traffic originating at the named facilities and destined to the indicated points. (Hearing site: Atlanta, GA.)

MC 115841 (Sub-710F), filed May 7, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). Transporting *nuts, bolts, washers, gaskets, filters, tubing, hose clamps, screws, hose, paints, auto lamp lenses, lamp fixtures or parts, electric cable terminals, and hardware cabinets*, from Itasca and Elk Grove Village, IL, to Dallas, TX, College Park, GA, Reno, NV, and Cranbury, NJ. (Hearing site: Chicago, IL, or Washington, DC.)

MC 116400 (Sub-7F), filed May 1, 1979. Applicant: LAWRENCE TRANSFER & STORAGE CORP., 2727 Hollins Road, N.E., Roanoke, VA 24012. Representative: Weldon T. Lawrence, Jr. (same address as applicant). Transporting *household goods* as defined by the Commission, between points in VA, AL, AR, CT, FL, GA, IL, IN, IA, KS, KY, LA, ME, MA, MI, MN, MS, MO, NE, NH, OK, RI, TX, VT, and WI. (Hearing site: Roanoke or Richmond, VA.)

MC 117370 (Sub-37F), filed May 4, 1979. Applicant: STAFFORD

TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting *bentonite clay*, in bulk, from Colony, WY, to points in IA, IL, IN, MN, MO, and WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 117940 (Sub-332F), filed April 20, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses, and such commodities* as are used by meat packers in the conduct of their business, as described in sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, the facilities of Lauridsen Foods, Inc., at or near Britt, IA, and the facilities of Armour & Company, at Mason City, IA, restricted to the transportation of traffic originating at or destined to the facilities utilized by Lauridsen Foods, Inc., at Britt, IA, and Armour & Company, at Mason City, IA. (Hearing site: Phoenix, AZ.)

MC 118130 (Sub-113F), filed April 19, 1979. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Fort Worth, TX 76115. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. Transporting (1) *bananas*, and (2) *agricultural commodities* otherwise exempt from regulation under Section 206(b)(3) of the Act when transported in mixed loads with bananas, from Port Hueneme, CA, to points in AZ, AR, CA, CO, ID, IA, KS, LA, MN, MO, MT, NE, NM, NV, ND, OK, OR, SD, TX, UT, WA, and WY. (Hearing site: Dallas, TX, or Miami, FL.)

MC 118610 (Sub-33F), filed March 28, 1979. Applicant: GEORGE PARR TRUCKING SERVICE, INC., 829 Alsop Lane, P.O. Box 1308, Owensboro, KY 42301. Representative: George M. Catlett, Suite 708, McClure Bldg., Frankfort, KY 40601. Transporting (1) *contractors' heavy construction, excavating, mining, and road-building machinery and equipment*, and (2) *materials, equipment, and supplies* used in the mining, excavating, processing, and distribution of minerals, (a) between points in KY, IL, OH, IN, AL, MO, OK, CO, UT, AZ, WY, MT, AR, and WV, and (b) between points in KY, IL, OH, IN, AL, MO, OK, CO, UT, AZ, WY, MT, AR, and WV, on the one hand, and,

on the other, points in the United States (except AK and HI), restricted in (1) and (2) above, to the transportation of traffic originating at or destined to the facilities of Peabody Coal Company. (Hearing site: St. Louis, MO, or Owensboro, KY.)

MC 119670 (Sub-45F), filed May 8, 1979. Applicant: THE VICTOR TRANSIT CORP., 5250 Este Avenue, Cincinnati, OH 45232. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. Transporting (1) *glass containers*; and (2) *materials, equipment, and supplies* used in the manufacture or distribution of glass containers, between the facilities of Foster Forbes Glass Company, Division of National Can Corporation, at Marion, IN, on the one hand, and, on the other, points in KY and OH. (Hearing site: Cincinnati, OH.)

MC 121060 (Sub-102F), filed April 25, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Transporting *composition board*, from the facilities of Champion International Corporation, at or near Catawba, SC, South Boston, VA, and Oxford, MS, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Washington, DC.)

MC 124170 (Sub-121F), filed April 20, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Transporting *general commodities* (except those of unusual value, classes A and B explosives household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), from Chicago, IL, to points in the lower peninsula of MI, restricted to the transportation of traffic originating at the facilities of Dry Storage Corporation, at Chicago, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 124170 (Sub-127F), filed May 4, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Transporting *canned and preserved foodstuffs*, from the facilities of Heinz, U.S.A., at or near Pittsburgh, PA, to points in IL, IN, MI, and OH, restricted to the transportation of traffic originating at the named facilities and destined to the indicated points. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 124211 (Sub-357F), filed May 7, 1979. Applicant: HILT TRUCK LINE.

INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant).

Transporting (1) *such commodities* as are dealt in or used by manufactures and distributors of motor vehicle parts and accessories; and (2) *commodities* used in the manufacture, distribution, and installation of the commodities named in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Rockwell International and its subsidiaries (except in foreign commerce). (Hearing site: Washington, DC.)

MC 124211 (Sub-359F), filed May 8, 1979. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt, (same address as applicant). Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of motor vehicles, parts, and accessories; and (2) *commodities* used in the shipment of the commodities named in (1) above (except commodities in bulk), between Kansas City, MO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Kansas City, MO.)

MC 126091 (Sub-5F), filed April 2, 1979. Applicant: FRALEY & SCHILLING, INC., General Delivery, Rushville, IN 46173. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *aluminum extrusions, and ingots*; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, between the facilities of Pimalco Corp., at Chandler, AZ, on the one hand, and, on the other, points in Trumbull, Ashtabula, Geauga, Portage, Mahoning, and Columbiana Counties, OH, under continuing contract(s) with Pimalco Corporation, of Chandler, AZ. (Hearing site: Phoenix, AZ.)

MC 127840 (Sub-102F), filed May 4, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle, Chicago, IL 60601. Transporting (1) *animal fats, animal oils, vegetable oils*, (2) *animal fat products, animal oil products, and vegetable oil products*, and (3) *blends* of the commodities in (1) above, (a) from Denver, CO, to points in OR, ID, WA, UT, CA, TX, WI, and MN, and (b) from points in CA and OR to Denver, CO. (Hearing site: Denver, CO.)

MC 128030 (Sub-122F), filed April 24, 1979. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 98, Urbana, IL 61801. Representative: James R. Madler, 120 West Madison Street, Chicago, IL 60602. Transporting *canned and preserved products*, from the facilities of Heinz USA, at or near Muscatine and Iowa City, IA, to points in MO and IL, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 133841 (Sub-11F), filed April 19, 1979. Applicant: DAN BARCLAY, INC., P.O. Box 428, Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *machinery, vibratory feeders, and hoppers*; and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities named in (1) above, between Totowa, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY, or Washington, DC.)

MC 134131 (Sub-10F), filed May 7, 1979. Applicant: R & S TRANSIT, INC., 1323 West Locust, Springfield, MO 65803. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting (1) *Charcoal, and charcoal briquettes*; and (2) *materials, equipment, and supplies* used in the manufacture or distribution of the commodities named in (1) above, between Branson, MO, and points in AZ, CA, IL, IA, and WI. (Hearing site: Kansas City, MO.)

MC 134601 (Sub-12F), filed May 7, 1979. Applicant: GOOSE CREEK TRANSPORT, INC., R.D. #1, Ashville, NY 14710. Representative: Ronald W. Malin, Bankers Trust Building, Jamestown, NY 14701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fresh hams*, from Logansport, IN and Des Moines, Denison, Iowa Falls, and Cedar Rapids, IA, to Fairport, NY, under continuing contract(s) with Plymouth Rock Provision Co., Division of Ward Foods, Inc., of New York, NY. Hearing site: Buffalo, NY.)

MC 134790 (Sub-6F), filed April 23, 1979. Applicant: DANIEL C. HAFFNER, d.b.a. HAFFNER TRUCKING SERVICE, R.R. #1, Farmington, IA 52626. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *iron and steel railway car and locomotive wheels*, from Keokuk, IA, to points in the United States (except AK, HI, OH, PA, and WV). (Hearing site: Des Moines, IA.)

MC 134870 (Sub-3F), filed March 28, 1979. Applicant: NASHVILLE-CLARKSVILLE EXPRESS, INC., P.O. Box 607, St. Bethlehem, TN 37155. Representative: Riggs L. Hayes (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except household goods, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), (1) Between Nashville, TN, and Clarksville, TN, over U.S. Hwy 41-A, serving all intermediate points, and serving the off-route point of Cumberland City, TN, (2) Between Clarksville, TN, and Shelby County, TN: From Clarksville, TN over TN Hwy 48 to junction TN Hwy 46, then over TN Hwy 46 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Shelby County, TN, and return over the same route, serving no intermediate points between Shelby County and Clarksville, service at Shelby County is restricted against the transportation of traffic originating at, destined to or interchanged at Nashville, TN, and its commercial zone, and (3) Between Clarksville, TN, and Ft. Campbell, KY, over U.S. Hwy 41-A, serving all intermediate points. (Hearing site: Clarksville, TN.)

Note.—The purpose of parts (1) and (2) above is to convert existing Certificates of Registration to Certificates of Public Convenience and Necessity.

MC 135070 (Sub-58F), filed May 7, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *alcoholic beverages and wine and such commodities* as are dealt in by distributors of alcoholic beverages (except commodities in bulk), (1) from points in IL, IN, MI, MO, OH, TN, KY, NY, PA, NJ, MD, and CA to points in LA, AR, TX, NM, OK, AZ, and CA, and (2) from Oklahoma City, OK, to points in OR, WA, and CA. (Hearing site: Dallas, TX, or Albuquerque, NM.)

Note.—Dual operations may be involved

MC 136511 (Sub-49F), filed April 23, 1979. Applicant: VIRGINA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting (1) *adhesives, cleaning, preserving and sealing compounds and products, solvents, stains, plastic carpeting, carpet strip and moldings*; and (2) *equipment and supplies* used in the installation of the commodities named in (1) above, (a) from Kalamazoo,

MI, and Dayton, OH, to those points in the United States in and east of MT, WY, CO, and NM, and (b) from City of Industry, CA, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 136711 (Sub-37F), filed April 24, 1979. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 96968, Oklahoma City, OK 73143. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 24, El Reno, OK 73036. Transporting *quicklime and ground limestone*, in bulk, from Sallisaw and Marble City, OK, to points in Adams, Issaquena, and Warren Counties, MS, Bowie and Cass Counties, TX, and points in AR, KS, and LA. (Hearing site: Oklahoma City, OK.)

MC 140011 (Sub-5F), filed May 3, 1979. Applicant: A. C. DENNLER, CO., a corporation, 13023 Arroyo Avenue, San Fernando, CA 91340. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18157. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hospital supplies*, from Keene, NH, to Los Angeles, Glendale, Burlingame, and San Francisco, CA, under continuing contract(s) with Concord Laboratories, Inc., of Keene, NH. (Hearing site: Boston, MA.)

MC 141781 (Sub-18F), filed May 3, 1979. Applicant: LARSON TRANSFER & STORAGE CO., INC., 10700 Lyndale Avenue South, Minneapolis, MN 55420. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Transporting *bakery goods* (except frozen), *dressing, stuffing, tarts, cereal, granola, beverage preparations, dessert preparations, salads, and teas*, from Omaha, NE, to points in IA, MN, ND, and SD. (Hearing site: Minneapolis or St. Paul, MN.)

Note.—Dual operations are involved.

MC 141921 (Sub-56F), filed May 3, 1979. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, NH 03108. Representative: Louis N. Kolivas (same address as applicant). Transporting *such commodities* as are dealt in by grocery and drug stores (except commodities in bulk), from the facilities of The Procter & Gamble Distributing Company, at or near Cincinnati, OH, on the one hand, and, on the other, points in PA, NY, MA, NJ, VA, and MD. (Hearing site: Concord, NH, or Boston, MA.)

Note.—Dual operations are involved.

MC 141961 (Sub-2F), filed May 21, 1979. Applicant: CARMAN CARRIER, INC., P.O. Box 2139, Clarksville, IN 47130. Representative: Donald W. Smith,

P.O. Box 40248, Indianapolis, IN 46240. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *construction and furniture paneling*, from the facilities of Universal Woods, Inc., at Louisville, KY, and J. L. Gilbert Co., Inc., at Sellersburg, IN, to points in the United States (except AK and HI); and (2) *equipment and materials* used in the manufacture of construction and furniture paneling, from points in the United States (except AK and HI), to the facilities of Universal Woods, Inc., at Louisville, KY, under continuing contract(s) with Universal Woods, Inc., of Louisville, KY, and J. L. Gilbert Co., Inc., of Sellersburg, IN. (Hearing site: Louisville, KY, or Indianapolis, IN.)

MC 142310 (Sub-17F), filed May 4, 1979. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting (1) *paper and paper products*, (2) *plastic articles*, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) and (2) above, (except commodities in bulk, and those which because of size or weight require the use of special equipment), between the facilities of Fort Howard Paper Company, at or near Green Bay, WI, on the one hand, and, on the other, points in AL, AR, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and DC, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Washington, DC.)

MC 142730 (Sub-6F), filed April 20, 1979. Applicant: THOMAS E. MCGINNIS, d.b.a., T. MCGINNIS TRUCKING CO., Route 3, Box 329, Catlettsburg, KY 41129. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building materials*, from points in OH to points in Boyd, Greenup, and Lawrence Counties, KY; and (2) *calcitic fluxing stone*, in dump vehicles, from points in Highland County, OH, to points in Scioto County, OH, and Boyd, Greenup, and Lawrence Counties, KY, under continuing contract(s) with Plum Run Stone Division of Davon, Inc., of Hillsboro, OH, and H & H Supply, Inc., of Catlettsburg, KY. (Hearing site: Charleston, WV.)

MC 142791 (Sub-1F), filed April 20, 1979. Applicant: GEORGE PRYSLAK,

d.b.a., PRYSLAK TRUCKING, Box 101, Great Meadows, NJ 07838. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *confectionery*; and (2) *materials and supplies* used in connection with confectionery (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (1) from the facilities of M&M/MARS, at Hackettstown and Elizabeth, NJ, to points in MD and VA, and (2) from the facilities of M&M/MARS, at Elizabethtown, PA, to points in NJ and MD, under continuing contract(s) with M&M/MARS, Division of Mars, Inc., of Hackettstown, NJ. (Hearing site: Newark, NJ.)

MC 142830 (Sub-1F), filed May 8, 1979. Applicant: TRANSHIELD TRUCKING, INC., 1470 North Farnsworth Avenue, P.O. Box 1617, Aurora, IL 60507. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW, Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic and burlap articles*, and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk), between the facilities of PPD Corporation, at or near Atlanta, GA, and Newark, NJ, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with PPD Corporation, of Newark, NJ. (Hearing site: Newark, NJ, or New York, NY.)

MC 143331 (Sub-9F), filed May 7, 1979. Applicant: FREIGHT TRAIN TRUCKING, INC., 4906 East Compton Boulevard, P.O. Box 817, Paramount, CA 90723. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insulating materials*, from Fruita, CO, to points in AZ and CA, under continuing contract(s) with Pabco Insulation Division of Louisiana Pacific Corp., of Fruita, CO. (Hearing site: Los Angeles, CA.)

MC 144140 (Sub-32 F), filed April 20, 1979. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant). Transporting (1) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds* (except commodities in bulk, in tank vehicles),

and filters, from points in Warren County, MS, to points in AL, FL, GA, IN, KY, MI, OH, and TN; and (2) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds, filters, materials, supplies, and equipment* as are used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), from points in AL, GA, IN, KY, and OH, to points in Warren County, MS, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corporation, at Warren County, MS. (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144591 (Sub-1F), filed May 4, 1979. Applicant: FUSARO TRANSPORTATION, INC., Ridge Hill Road, Assonet, MA 02702. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *piece goods, and materials, supplies and equipment* used in the manufacture of piece goods (except commodities in bulk), between points in FL, AL, GA, SC, VA, MD, DE, NC, PA, CT, RI, and DC, on the one hand, and, on the other, points in NY, NJ, and MA, under continuing contract(s) with Dana Mills, Inc., of Northbrook, IL. (Hearing site: Boston, MA.)

MC 145341 (Sub-4F), filed April 23, 1979. Applicant: NORTH CENTRAL DISTRIBUTING CO., a corporation, Fargo, ND 58105. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. Transporting *modified inedible corn flour (except commodities in bulk, in tank vehicles), from North Kansas City, MO, to ports of entry on the international boundary line between the United States and Canada at points in ND and MN.* (Hearing site: Fargo, ND.)

MC 145680 (Sub-3F), filed May 7, 1979. Applicant: C & R TRUCKING, LTD., 2955 Packers Avenue, Madison, WI 53704. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. Transporting *dunnage trays and plastic articles*, from the facilities of Portage Industries Corporation, at or near Portage, WI, to points in IL, MN, IA, IN, MI, OH, and WV. (Hearing site: Madison or Milwaukee, WI.)

MC 145950 (Sub-21F), filed April 24, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank

Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Transporting (1) *copper chemicals* (except in bulk), from Houston, TX, to points in the United States (except AK and HI); and (2) *materials and supplies* used in the manufacture of copper chemicals (except commodities in bulk), in the reverse direction. (Hearing site: Houston, TX.)

Note.—Dual operations are involved.

MC 146211 (Sub-2F), filed April 19, 1979. Applicant: DAVID M. LARSON AND BRENT R. LARSON, d.b.a., LARSON BROTHERS, P.O. Box 605, Ephraim, UT 84629. Representative: D. Michael Jorgensen, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *travel trailers*, (1) from Hemet, CA, to Spanish Fork, UT; and (2) from Ephraim, UT, to points in CA on and south of Interstate Hwy 80. (Hearing site: Salt Lake City, UT.)

MC 146310 (Sub-1F), Filed May 3, 1979. Applicant: RAINBOW TRANSPORT, INC., 941 Fairmount Avenue, Elizabeth, NJ 07201. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, D.C. 20001. Transporting (1) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers, between New York, NY, Port Elizabeth, and Port Newark, NJ, and Baltimore, MD, on the one hand, and, on the other, points in NY, NJ, CT, PA, and MA; and (2) *empty containers*, in the reverse direction, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Washington, DC or New York, NY.)

MC 146411 (Sub-2F), Filed March 5, 1979. Applicant: KMD, INC., P.O. Box 88832, Seattle, WA 98188. Representative: Michael B. Crutcher, 2000 IBM Building, Seattle, WA 98101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wearing apparel and supplies* used in the sale of wearing apparel, from the facilities of K-Mart Apparel Corp., at Carson, CA, to points in WA, OR, CA, ID, MT, NV, UT, AZ, NM, CO, WY, and TX, under continuing contract(s) with K-Mart Apparel Corp., of North Bergen, NJ. (Hearing site: Tacoma or Seattle, WA.)

MC 146431 (Sub-1F), filed May 7, 1979. Applicant: WILLIAM E. HILL, d.b.a. BILL HILL TRUCKING, Route 18, East, Hamler, OH, 43524. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Transporting *meat*

and bone meal and blood meal, between points in OH, IN, and the lower peninsula of MI. (Hearing site: Columbus, OH.)

MC 146520 (Sub-2F), filed May 3, 1979. Applicant: QUALITY TRANSPORT, INC., 4404 West Berteau, Chicago, IL 60641. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Transporting (1) *bananas* and (2) *agricultural commodities* otherwise exempt from economic regulation under Section 10526(a)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Albany, NY, New York City, NY, Baltimore, MD, and Philadelphia, PA, to points in IL, IA, IN, KY, MI, MN, MO, OH, and WI. (Hearing site: New York, NY, or Washington, DC.)

Note.—Dual operations may be involved.

MC 146520 (Sub-3F), filed May 4, 1979. Applicant: QUALITY TRANSPORT, INC., 4404 West Berteau, Chicago, IL 60641. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Transporting *bananas and agricultural commodities* exempt from economic regulation under 49 U.S.C. section 10526(a)(6) when moving in mixed loads with bananas, from Charleston, SC, to points in IL, IA, IN, KY, MI, MN, MO, OH, and WI. (Hearing site: New York, NY, or Washington, DC.)

Note.—Dual operations may be involved.

MC 146830 (Sub-2F), filed May 7, 1979. Applicant: JACK POOLE, INC., R.R. 2, Manhattan, KS 66502. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *insulation and insulation materials*, from the facilities of Owens Corning Fibreglas, at Kansas City and Pauline, KS, to points in TX. (Hearing site: Kansas City, MO.)

MC 146910F, filed May 3, 1979. Applicant: MOTOR CARGO TRANSPORT CORP., 21 D'Shibe Terrace, Vineland, NJ 08360. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, N.W., Washington, DC 20036. Transporting (1) *containers, container closures, glassware, packaging products, container components*, (2) *scrap materials*, and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in CT, DE, MA, MD, NJ, NY, PA, RI, VA, WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 147170 (Sub 1F), filed April 23, 1979. Applicant: KENNETH DUCKER, d.b.a. K & L TRUCK SERVICE, 19821 Valley Blvd., Walnut, CA 91789. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insecticides, fasteners, tape, ties, fertilizer carts, grass catchers, pruning shears, wooden plant stakes, sprayers and steel shelving*, from the facilities of Dexol Industries, at Torrance, CA, to the facilities of Dexol Industries at Dallas, TX, and points in AZ, CO, ID, IA, KS, MT, NE, NV, NM, OR, UT, WA, and WY, under continuing contract(s) with Dexol Industries, of Torrance, CA. (Hearing site: Los Angeles, CA.)

MC 147321F, filed May 4, 1979. Applicant: BILL STARR TRUCKING, INC., 1716 Berry Road, Independence, MO 64057. Representative: Alex M. Lewandowski, Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *toilet preparations*, from the facilities of Avon Products, Inc., at Kansas City, MO, to Shreveport, LA. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 147310F, filed May 7, 1979. Applicant: RUSTAD BUS SERVICE, INC., Derkhoven, MN 56252. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *passengers and their baggage*, in the same vehicle with passengers, and *baggage* of passengers in a separate vehicle, in charter operations, in roundtrip sight-seeing and pleasure tours, beginning and ending at points in Big Stone, Grant, Stevens, and Traverse Counties, MN, and extending to points in the United States (including AK but excluding HI). (Hearing Site: Minneapolis or St. Paul, MN.)

MC 147570F, filed June 7, 1979. Applicant: KABAT EXPRESS, INC., 1944 Scranton Road, Cleveland, OH 44113. Representative: Daniel Kabat (same address as applicant). Transporting (1) *such commodities* as are dealt in or used by department stores, hardware stores, building material supply centers, and home improvement stores, between points in Cuyahoga, Portage, and Summit Counties, OH, on the one hand, and, on the other, points in IL, IN, KY, the lower peninsula of MI, MO, OH, WV, those points in NY on and west of NY Hwy 14, those points in PA, on and west of U.S. Hwy 220, PA Hwy 147 and Interstate Hwy 83, and those points in WI on and east of WI Hwy 57 and U.S. Hwy 151. (2) *paper forms and computer*

paper, between Sycamore, ILS, Goshen, IN, Emigsville and West York, PA, on the one hand, and, on the other, Cincinnati and Dayton, OH, and points in Cuyahoga and Summit Counties, OH. (Hearing site: Columbus or Cleveland, OH.)

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Decided: September 5, 1979.

By the Commission, Review Board Number 3, Members, Parker, Fortier, and Hill.

MC 1977 (Sub-34F), filed March 30, 1979. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5231 Monroe Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which, because of size or weight, require special equipment), (1) from Denver, CO, north over I-25 to Junction I-90, then westerly over I-90 to Spokane, WA, and return over the same route, serving no intermediate points, (2) from Salt Lake City, UT, north over I-15 to Junction I-90, then westerly over I-90 to Spokane, WA, and return over the same route, serving no intermediate points, and (3) between Salt Lake City, UT north over I-15 to Junction I-80 N, then over I-80 N to Junction U.S. 895, thence north over U.S. 395 to Junction I-90 to Spokane, WA, and return over the same route, serving no intermediate points. (Hearing site: Denver, CO.)

MC 41406 (Sub-133F), filed March 21, 1979. Applicant: ARTIM TRANSPORTATION SYSTEMS, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon (same address as applicant). Transporting, *rough dies, iron and steel articles*, from Columbus, OH, to points in the United States (except AK and HI). (Hearing site: Columbus, OH or Chicago, IL.)

MC 41406 (Sub-136F), filed March 21, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon (Same address as applicant). Transporting (1) *fertilizer compounds, dry, (2) animal feed and ingredients, (3) corn cob products* (except in bulk), from Maumee and Toledo, OH, to points in CT, DE, IL, IN, IA, KS, MD, MN, MA, MO, NE, NJ, NY, PA, RI and WI. (Hearing site: Detroit, MI.)

MC 65916 (Sub-19F), filed March 29, 1979. Applicant: WARD TRUCKING CORP., Second Avenue & Seventh Street, Greenwood, Altoona, PA 16603. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Cumberland, MD over U.S. Hwy 40 to Hagerstown, MD, then over U.S. Hwy 11 to Harrisburg, PA, then over U.S. Hwy 230 to Lancaster, PA, then over U.S. Hwy 30 to Philadelphia, PA, and then over U.S. Hwy 1 to New York NY, and return over the same route, serving all intermediate points. (Hearing site: Washington, DC or Harrisburg, PA.)

MC 115496 (Sub-117F), filed April 2, 1979. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Transporting *sheathing, siding, particle board, composition board, lumber and urethane rigid boards and sheets*, from the facilities of Temple-Eastex, Inc., at or near Diboll and Pineland, TX, West Memphis, AR, and Monroeville, AL, to those points in that part of the United States in and east of ND, SD, NE, CO and NM. (Hearing site: Atlanta, GA or Birmingham, AL.)

MC 115826 (Sub-429F), filed March 8, 1979, published in the *Federal Register* issue of July 16, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *beads and pulverized glass*, from the facilities of Potters Industries, Inc., at or near (1) Cleveland, OH, Anaheim, CA, Potsdam, NY, Carlstadt and West Caldwell, NJ, and Apex, NC, to points in the United States (except AK and HI), and (2) Brownwood, TX, to points in the United States (Except AK, HI and NE). (Hearing site: Denver, CO.)

Note.—The purpose of this republication is to correct the territorial description in part (2) of this proceeding.

MC 116947 (Sub-70F), filed March 9, 1979. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street, S.W., Atlanta, GA 30310. Representative: William Addams, P.O. 720434, Atlanta, GA 30328. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *adhesives, caulks and specialty chemicals*, in containers, and

(b) *empty plastic containers*, in cartons, from the facilities of Franklin Chemical Industries at or near Columbus, OH, to points in TX, GA, MO, ND, OK, TN and FL; and (2) *materials and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities described in (1) above, from points in PA, SC, NJ, and MA, to the facilities of Franklin Chemical Industries at or near Columbus, OH. (Hearing site: Atlanta, GA.)

MC 134286 (Sub-100F), filed March 21, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as applicant). Transporting (1) *cotton bags* (except in bulk) (a) from the facilities of Ripple Twist Mills at or near Reading, PA, to the facilities of C & K Manufacturing & Sales Co. at or near Bay Village, OH, (b) from Bay Village, OH, to points in IN, IL, IA, MO, NE, KS, OK, TX and CO, and (2) *heavy thermal plastic covering material* for cutting boards, from Scranton, PA, to Bay Village, OH, and (3) *yarn and rubber* (except in bulk), from points in NC and GA, to Reading, PA. (Hearing site: Sioux City, IA or Omaha, NE.)

MC 138157 (Sub-136F), filed April 2, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting (1) *heating and air conditioning equipment*, from Elyria, OH, to points in the United States (except AK and HI), and (2) the *commodities* named in (1) above and *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction, restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment and further restricted to traffic originating at or destined to the facilities of SJC Corp. (Hearing site: Cleveland, OH.)

Note.—Dual operations may be involved.

MC 142257 (Sub-1F), filed March 14, 1979. Applicant: STYLER TRANSPORTATION, CO., A corporation, 2045 Iberia Avenue, Lakeville, MN 55402. Representative: Charles E. Nieman, 615 Minnesota Federal Building, Minneapolis, MN 55402. Transporting *kitchen wall and base cabinets, bathroom vanities, and accessories* (except in bulk), between Lakeville, MN, and points in ND, and SD. (Hearing site: Minneapolis, MN or St. Paul, MN.)

MC 144117 (Sub-34F), filed March 23, 1979. Applicant: TLC LINES, INC., P.O.

Box 1090, Fenton, MO 63026. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Transporting (A) *such commodities* as are dealt in and used by manufacturers of (1) batteries; (2) electric motors; (3) wire; (4) cable; (5) sport shoes; (6) parts and components for (1), (2), (3) and (4); and (B) *equipment, materials and supplies* used in the manufacture or distribution of the commodities named in (A) above (except commodities in bulk), (a) from Jewett City, CT; Vincennes, Attica and Ft. Wayne, IN; Perryville, MD; South Hadley and West Springfield, MA; Port Huron, MI; Herculanum, MO; Sidney, NE; Hughesville, NJ; Niagara Falls and Huguenot (Orange County), NY; Akron and Toledo, OH; and Reading, PA, to points in CA, AZ, and NV, and (b) between Jewett City, CT; Vincennes, Attica, and Fort Wayne, IN; Perryville, MD; South Hadley and West Springfield, MA; Port Huron, MI; Herculanum, MO; Sidney, NE; Hughesville, NJ; Niagara Falls and Huguenot (Orange County), NY; Akron and Toledo, OH and Reading, PA. (Hearing site: Toledo or Cleveland, OH.)

MC 144547 (Sub-4F), filed March 27, 1979. Applicant: DURA-VENT TRANSPORT CORPORATION, 2525 El Camino Real, Redwood City, CA 94064. Representative: Barry Roberts, 888 17th Street NW., Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *furnaces and air conditioning equipment*, and (2) *related equipment, materials, and supplies* used in the installation and production of the commodities in (1) above, from Cincinnati, OH, to points in AZ, CA, CO, ID, KS, MO, MT, NM, NV, OK, OR, TX, UT, WA and WY, under continuing contract(s) with The Williamson Company of Cincinnati, OH. (Hearing site: Cincinnati, OH or San Francisco, CA.)

MC 144827 (Sub-31F), filed March 26, 1979. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., 100 North Main Building #909, Memphis, TN 38103. Transporting *such commodities* as are dealt in by department stores, from New York, NY, to Chicago, IL, Indianapolis, IN, Columbus, OH, Charlotte, NC, and Atlanta, GA, restricted to the transportation of traffic originating at or destined to the facilities of Service Merchandise Company, Inc. (Hearing site: Nashville or Memphis, TN.)

MC 145197 (Sub-1F), filed March 30, 1979. Applicant: GATIEN TRANSPORT,

INC., St. Bernard de Lacolle B.P. 326, Lacolle, Quebec, Canada. Representative: S. Arnold Smith, Craftsbury, VT 05826. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over regular routes, transporting *general commodities* (except commodities in bulk, those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment), between the ports of entry on the International boundary line between the United States and Canada at or near Champlain, NY, and Champlain, NY, restricted against the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length or girth combined. (Hearing site: New York, NY.)

MC 145577 (Sub-3F), filed April 2, 1979. Applicant: GULLETT-GOULD, LTD., P.O. Box 406, Union City, IN 47390. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. Transporting *photographic equipment, materials, and supplies*, from the facilities of Eastman Kodak Company at or near Rochester, NY, to the facilities of Eastman Kodak Company in San Ramon, Hollywood and Whittier, CA and Dallas, TX. (Hearing site: Columbus, OH or Washington, DC.)

MC 146616F, filed March 21, 1979. Applicant: B & H MOTOR FREIGHT, INC., 3314 East 51st Street, Suite B, Tulsa, OK 74135. Representative: Fred Rahal, Jr., 525 South Main, Tulsa, OK 74103. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal articles*, between the facilities of Central Steel & Wire Company, at Chicago, IL, on the one hand, and, on the other, points in KS, MO, OK and TX, under continuing contract(s) with Central Steel & Wire Company of Chicago, IL; (2) *bolts and nuts*, from the facilities of Modulus Corporation at Gary, IN, to points in KS, MO, OK and TX, under continuing contract(s) with Modulus Corporation of Gary, IN; (3) *steel pipe and tubing*, from the facilities of Independence Tube Corp. at Chicago, IL, to points in KS, MO, OK and TX, under continuing contract(s) with Independence Corp. of Chicago, IL; (4) *metal articles*, from the facilities of Structural Metals, Inc. at Sequin, TX, to points in AK, KS, MO and OK, under continuing contract(s) with Structural Metals, Inc. of Sequin, TX; (5)(a) *containers, roll-off frames, waste equipment and handling units, parts and supplies*, and (b) *equipment, materials and supplies* used in the production and distribution of the commodities

immediately named above, from the facilities of Scott and Hill Steel Corporation at Bartlesville, OK, to points in IL, IN, MI, MO, OH and WI, under a continuing contract(s) with Scott and Hill Steel Corporation of Bartlesville, OK; and (6)(a) *structural steel and steel towers*, (b) *parts and accessories*, and (c) *materials and supplies* used in the production and distribution of the commodities named above, from the facilities of Riverside Industries, Inc. at Tulsa, OK, to points in IL, MI, OH and WI, under continuing contracts with Riverside Industries, Inc. of Tulsa, OK. (Hearing site: Chicago, IL or Tulsa, OK.)

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Decided: September 13, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill (Parker not participating).

MC 5227 (Sub-49F), filed April 9, 1979. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Transporting *plastic pipe*, from Garden City, KS, to points in the United States (except AK and HI). (Hearing site: York or Omaha, NE.)

MC 11207 (Sub-477F), filed April 12, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *iron and steel articles*, (except commodities the transportation of which because of size or weight requires the use of special equipment) from Greenville, SC, to points in FL, GA, and TN. (Hearing site: Birmingham, AL or Washington, DC.)

MC 11207 (Sub-478F), filed April 12, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *machinery and machinery parts*, from Collierville, TN, to points in AL, AR, FL, GA, KY, LA, MD, MO, MS, NC, OK, SC, TN, VA, and WV. (Hearing site: Memphis, TN, or Washington, DC.)

MC 51146 (Sub-684F), filed April 13, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. Dujardin (Same address as applicant). Transporting (1) *such commodities as are dealt in by drug stores*, from the Eagandale General Merchandise Center at or near St. Paul MN, to Shawano, Two Rivers, and Manitowoc, WI, and (2) *malt beverages*, from Detroit, MI, to the facilities of Kay

Distributing Company at or near Green Bay, WI. (Hearing site: Chicago IL.)

MC 59117 (Sub-70F), filed April 13, 1979. Applicant: ELLIOTT TRUCK LINE, INC., P.O. Box 1, Vinita, OK 73401. Representative: Wilburn L. Williamson, Suite 615 East, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *foundry materials*, in bulk, from points in IL, to points in OK and TX. (Hearing site: Tulsa, OK.)

MC 69397 (Sub-56F), filed April 9, 1979. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Transporting *iron and steel articles*, from the facilities of Wheeling-Pittsburgh Steel Corporation at Canfield, Martins Ferry, Mingo Junction, Steubenville and Yorkville, OH, Allenport and Monessen, PA, and Beech Bottom, Benwood, Fallandsbee, and Wheeling, WV, to points in MD, NJ, NY, NC, SC, and VA. (Hearing site: Washington, DC or Pittsburgh, PA.)

MC 78687 (Sub-62F), filed April 10, 1979. Applicant: LOTT MOTOR LINES, INC., West Cayuga Street, P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Transporting (1) *salt and salt products*, in packages, (a) from Silver Springs, NY, to points in CT, DE, IN, ME, MD, MA, the lower peninsula of MI, NH, NC, OH, RI, VT, VA, WV, and DC, and (b) from Perth Amboy, NJ, to points in NJ, NY, PA, CT, DE, IN, ME, MD, MA, the lower peninsula of MI, NH, NC, OH, RI, VT, VA, WV, and DC, and (2) *salt and salt products*, in bulk, from Perth Amboy, NJ, to points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, PA, RI, VT, VA, WV, and DC. (Hearing site: Chicago, IL or Washington, DC.)

Note.—Dual operations may be involved.

MC 98327 (Sub-35F), filed April 20, 1979. Applicant: SYSTEM 99, 8201 Edgewater Drive, Oakland, CA 94621. Representative: Ray V. Mitchell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Sparks, NV, and junction of Interstate Hwy 17 and U.S. Hwy at or near Phoenix, AZ; from Sparks over Interstate Hwy 80 to junction U.S. Hwy Alternate 95, then over U.S. Hwy Alternate 95 to junction U.S. Hwy 95 at

Fallon, NV, then over U.S. Hwy 95 to Las Vegas, NV, then over U.S. Hwy 93 to junction Interstate Hwy 17, and return over the same route, serving the intermediate point of Las Vegas, as an alternate route for operating convenience only. (Hearing site: San Francisco, CA, or Reno, NV.)

MC 100327 (Sub-11F), filed April 10, 1979. Applicant: LONQUEIL TRANSPORTATION, INC., 144 Shaker Road, P.O. Box 473, East Longmeadow, MA 01028. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Transporting *passengers*, in special operations, (1) between the facilities of Castle & Cooke Inc., Mushroom Division, at or near East Windsor, CT, on the one hand, and on the other, points in Hampden County MA, and (2) between the facilities of Springfield Goodwill Industries, Inc., at Springfield, MA, on the one hand, and on the other, points in Hartford County, CT. (Hearing site: Hartford, CT, or Boston, MA.)

MC 102567 (Sub-226F), filed April 9, 1979. Applicant: MCNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy, Bossier City, LA 71111. Transporting (1) *chemicals, petroleum and petroleum products*, in bulk, in tank vehicles, from points in TX, LA, and AR, to points in the United States (except AK and HI) and (2) *commodities* in bulk, in tank vehicles, from points in the United States (except AK and HI), to points in NM, TX, OK, AR, LA, TN, AL, and MS. (Hearing site: Houston, TX.)

MC 102616 (Sub-993F), filed April 10, 1979. Applicant: COASTAL TANK LINES, INC., P.O. Box 5555, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *chemicals*, in bulk, in tank vehicles, from Plaquemine, LA, to points in the United States (except AK and HI). (Hearing site: Houston, TX or Chicago, IL.)

MC 109397 (Sub-453F), filed April 8, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting (1) *air conditioners, air coolers, air conditioning equipment, heaters, furnaces, water heaters, hydropneumatic tanks, solar heating and cooling collectors and systems, heating equipment, and water heater tanks*; (2) *parts, accessories, materials, and supplies* for commodities in (1) above, from points in Sebastian County, AR, Baldwin County, GA, Montgomery and Greenville, AL, and Chicago, IL, to points in the United States (except AK

and HI), and (3) *materials, parts, equipment and supplies* used in the manufacture and distribution of commodities in (1) and (2) above, from points in the United States (except AK and HI), to points in Sebastian County, AR, Baldwin County, GA, Montgomery and Greenville, AL, and Chicago, IL. (Hearing site: Tulsa, OK.)

MC 109397 (Sub-455F), filed April 13, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *sewage treatment plants, sewage lift stations, and parts and accessories* for sewage treatment plants and sewage lift stations, from the facilities of Clow Corporation, at or near Richwood, KY, to points in the United States (except AK, KY and HI). (Hearing site: Chicago, IL or St. Louis, MO.)

MC 112617 (Sub-427F), filed April 12, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford, P.O. Box 21395, Louisville, KY 40221. Transporting *printing ink*, in bulk, in tank vehicles, from New Albany, IN, to points in PA. (Hearing site: Louisville, KY, or Washington, DC.)

MC 113106 (Sub-72F), filed April 13, 1979. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Avenue, Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, DC 20005. Transporting *paper and paper products*, from Philadelphia, PA, to points in DE, MD, DC, and those points in NJ on and south of Interstate Hwy 78. (Hearing site: Washington, DC.)

MC 115826 (Sub-441F), filed April 9, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *canned goods and non-alcoholic mixes* (1) between points in the United States (except AK and HI), and (2) from the facilities of Pacific Foods Co. at or near Rialto, CA, to points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 115826 (Sub-446F), filed April 11, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *toilet preparation, health and beauty aid products, buffing and polishing compounds, chemicals, foodstuff, cleaning compounds, and equipment and appliances used in health and beauty care*, (except commodities in bulk), between Sparks,

NV, Portland, OR, Seattle, WA, Chicago IL, Los Angeles and San Francisco, CA, Atlanta, GA, and Piscataway, NJ (2) *commodities used in the manufacture of the commodities named in (1) above* (except commodities in bulk), from points in the United States (except AK and HI) to Chicago, IL, restricted in (1) and (2) to the transportation of traffic originating at or destined to the facilities of Alberto-Culver Company. (Hearing site: Denver, CO.)

MC 115826 (Sub-447F), filed April 12, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Morgan Colorado Beef at or near Fort Morgan, CO, to the facilities of Iowa Beef Processors, Inc. at or near Dakota City, NE. (Hearing site: Denver, CO.)

MC 118776 (Sub-30F), filed April 13, 1979. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Transporting (1) *animal bedding materials*, from Warrensburg, NY, and Maumee, OH, to St. Louis, MO, and (2) *dry animal feed, in bags*, from Richmond, IN, to St. Louis, MO. (Hearing site: St. Louis, MO.)

MC 119226 (Sub-117F), filed April 12, 1979. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46227. Representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *liquid chemicals*, in bulk, in tank vehicles, between the facilities of International Minerals & Chemical Corp., at Terre Haute, IN, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, KS, LA, ME, MD, MA, MN, MS, NE, NH, NJ, NY, NC, ND, OK, PA, RI, SC, SD, TN, TX, VT, VA, and WV. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 120646 (Sub-28 or 29), filed April 13, 1979. Applicant: BRADLEY FREIGHT LINES, INC., 35 Garfield Street, Asheville, NC 28803. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. Transporting *packaging and commodities used in the manufacture of packaging*, between points in Richmond and Caldwell Counties, NC, on the one hand, and, on the other, those points in

the United States in and east of MT, WY, CO, and NM. (Hearing site: Asheville, NC.)

MC 123987 (Sub-22F), filed April 13, 1979. Applicant: JEWETT SCOTT TRUCK LINE, INC., Box 267, Mangom, OK 73554. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting (1) *flue liner* from Denver, CO, to points in AR, LA, OK, and TX; and (2) *precast concrete modular crypt units*, from Denver, CO, to points in AZ, CA, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY. (Hearing site: Denver, CO, or Oklahoma City, OK.)

MC 124306 (Sub-58F), filed April 10, 1979. Applicant: KENAN TRANSPORT CO., INC., P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th St., N.W., Washington, DC 20036. Transporting *dry polyester resin*, in bulk, in tank vehicles, from the facilities of Rohm and Hass Company at or near Fayetteville, NC, to points in OH, PA, DE, NH, TN, GA, FL, TX, and SC. (Hearing site: Raleigh, NC, or Washington, DC.)

MC 124306 (Sub-59F), filed April 12, 1979. Applicant: KENAN TRANSPORT CO., P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th St., N.W., Washington, D.C. 20036. Transporting *liquefied petroleum gas* in tank vehicles, from Yorktown, VA, to points in DE, MD, and NC. Condition: Any certificate issued here shall be limited in point of time to 5 years from its date of issuance. (Hearing site: Washington, DC.)

MC 126736 (Sub-118F), filed April 11, 1979. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, Jacksonville, FL 32208. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Transporting *phosphate, phosphate products, and phosphate by-products*, from the facilities of Occidental Chemical Company at or near White Springs, FL, to points in SC, NC, VA, TN, MS, MD, and LA. (Hearing site: Jacksonville, FL.)

MC 128246 (Sub-40F), filed April 9, 1979. Applicant: SOUTHWEST TRUCK SERVICE, a corporation, P.O. Box AD, Watsonville, CA 95076. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincoln Road, Alexandria, VA 22312. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat byproducts, and articles distributed by meat-packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),

from the facilities of Crockett Packing Co. at or near Phoenix, AZ, to points in CA under continuing contract(s) with Crockett Packing Co., of Phoenix, AZ. (Hearing site: Los Angeles, CA, or Phoenix, AZ.)

MC 129387 (Sub-93), filed April 10, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye, P.O. Box 1271, Huron, SD 57350. Transporting *meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sioux Falls, SD, Esterville and Sioux City, IA, and Worthington, MN, to points in AZ, CA, CO, IL, IA, KS, MO, NM, and WI, restricted to the transportation of traffic originating at the facilities of John Morrell & Co. (Hearing site: Chicago, IL or Washington, DC.)

MC 140947 (Sub-4F), filed April 9, 1979. Applicant: VAN GROLL, INC., Route 4, Kaukauna, WI 54130. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *blood, fish, meat and poultry meal, and tankage*, from Milwaukee, WI, to points in IA, under continuing contract(s) with Badger By-Products Company, Inc., of Milwaukee, WI. (Hearing site: Milwaukee, WI.)

MC 141426 (Sub-22F), filed April 10, 1979. Applicant: WHEATON CARTAGE CO., Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001.

To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products*, from points in the United States (except AK and HI), to Philadelphia, PA, under continuing contract(s) with David Weber Company of Philadelphia, PA. (Hearing site: Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 143267 (Sub-63F), filed April 9, 1979. Applicant: CARLTON ENTERPRISE, INC., 4588 State Route 82, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th Street, N.W., Washington, D.C. 20005. Transporting *iron and steel articles*, from the facilities of United States Steel Corporation at or near Lorain, Cleveland, and Youngstown, OH, and McKeesport, Clairton, Duquesne, McKees Rocks,

Johnstown, Vandergrift, Homestead, and Dravosburg, PA, to points in AR, IL, IN, IA, MO, and OH, and points in KY on and north of U.S. Highway 64. (Hearing site: Cleveland, OH, or Washington, D.C.)

MC144416 (Sub-20F), filed April 12, 1979. Applicant: C. F. McGRAW, P.O. Box 498, Garden City, KS 67846. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *plastic cord and twine*, from the facilities of Exxon Chemical Co. U.S.A. at or near Kingman, KS, to those points in the United States and west of ND, SD, NE, KS, OK and TX. (Hearing site: Wichita or Kansas City, KS.)

MC 145217 (Sub-2F), filed April 12, 1979. Applicant: RICHARD McNAY, INC., Rural Route 8, Quincy, IL 62301. Representative: Joel H. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *limestone, limestone products, mineral mixtures for animal and poultry feed, and trace mineral ingredients*, from the facilities of Calcium Carbonate Company at Quincy, IL, to those points in IN on and west of U.S. Hwy 31, those points in IA on and south of U.S. Hwy 20 and on and east of U.S. Hwy 69, and those points in WI on and south on U.S. Hwy 10 and points in MO. (Hearing site: Chicago, IL)

MC 145397 (Sub-4F), filed April 10, 1979. Applicant: P. A. JOHNSON & CO., a corporation, 7701 W. 59th Street, Summit, IL 60501. Representative: John F. Kelly, 1220 Monroe Ave, River Forest, IL 60305. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *starch and chemicals*, and (2) *commodities used in the manufacture of starch and chemicals*, (except commodities in bulk), from the facilities of National Starch Corporation at Chicago, IL, to points in IN, IA, MI, and WI, under continuing contract(s) with National Starch Corporation of Bridgewater, NJ. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 145406 (Sub-37F), filed April 12, 1979. Applicant: MIDWEST EXPRESS, INC., 380—East 4th Street, Dubuque, IA 52001. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting *insulation products for automotive bodies* from the facilities of Janesville Products at or near Janesville, WI, to Compton, Southgate, and Van Nuys, CA, Clinton, OK, Leeds, MO, and Fairfax, KS. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 145717 (Sub-2F), filed April 12, 1979. Applicant: DAKOTA TRANSPORT, INC., P.O. Box 115, Ft. Pierre, SD 57532. Representative: Mark Menard, Box 480, Rentschler Truck Plaza, Sioux Falls, SD 57101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *irrigation pivot systems, pipe products, pumps, motors, fittings, concrete pipe, and pipeline installation equipment*, from Stockton, CA, Pueblo, CO, Waukegan, IL, Minneapolis and St Paul, MN, Deshler, NE, McPherson, KS, Portland and McNary, OR, and Denison, TX, to points in SD, NE, WY, CO, MN, and ND, under continuing contract(s) with Morris Irrigation, Inc., of Pierre, SD. (Hearing site: Sioux Falls, SD, or Sioux City, IA.)

MC146667 (Sub-3F), filed April 11, 1979. Applicant: VERMILLION GRAIN CO. INC., P.O. Box 96, Vermillion, KS 66544. Representative: Clyde N. Christey, Kansas Credit Union Bldg, 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *ammonium nitrate*, from the facilities of N-ReN Corp., at or near Pryor, OK, to those points in KS north of Interstate I-70 and east of U.S. Hwy 81, and those points in NE south of U.S. Interstate No. 80 and east of U.S. Hwy 81.

Agatha L. Mergenovich, Secretary.

[FR Doc. 79-30449 Filed 10-1-79; 8:45 am]
BILLING CODE 7035-01-M

[Notice No. 136]

Assignment of Hearings

September 26, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 114569 (Sub-266F), Shaffer Trucking, Inc., MC-114569 (Sub-279F), Shaffer Trucking, Inc., now assigned for continued hearing on October 23, 1979, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 14252 (Sub-37F), Commerical Lovelace Motor Freight, Inc., now assigned for continued hearing on October 24, 1979 at

the Offices of the Interstate Commerce Commission, Washington, DC.
MC 134906, Cape Air Freight, Incorporated, MC 134906 (Sub-1, 2, 3, 4, 5, and 7), Cape Air Freight, Incorporated, now assigned for hearing on October 15, 1979, at Chicago, IL, will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 134906, Cape Air Freight, Incorporated, MC 134906 (Sub-1, 2, 3, 4, 5, and 7), Cape Air Freight, Incorporated, now assigned for hearing on October 17, 1979, at Chicago, IL, will be held in Room 3964, 230 South Dearborn Street.

MC 127840 (Sub-90F), Montgomery Tank Lines, Inc., now assigned for hearing on November 7, 1979, at Chicago, IL, will be held in Room No. 1319, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC-F13803F, Spector Industries, Inc., d.b.a. Spector Freight System—Control—Spector Freight System of Canada Limited, Transferred to Modified Procedure.

MC 117730 (Sub-43F) Koubenec Motor Service, Inc., now assigned for hearing on November 5, 1979, at Chicago, IL, will be held in Room No. 1319, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC-C10305, Pennsylvania Truck Lines, Inc., and James H. Russell, Inc.—Investigation and Revocation of Certificates, now assigned for hearing on October 15, 1979, at Philadelphia, PA, will be held at the New U.S. Court House, 601 Market Street.

MC 57591 (Sub-19F), Evans Delivery Company, Inc., now assigned for hearing on October 17, 1979, at Philadelphia, PA, will be held at the New U.S. Court House, 601 Market Street.

MC 4491 (Sub-13F), Great Coastal Express, Inc., now assigned for hearing on October 29, 1979 (2 weeks), at New York, NY, in a hearing room to be later designated.

MC 32967 (Sub-3F), Atlantic Coast Express, Inc., now assigned for hearing on November 26, 1979 (1 week), at New York, NY, in a hearing room to be later designated.

MC 107012 (Sub-341F), North American Van Lines, Inc., now assigned for hearing on November 26, 1979 (1 week), at New York, NY, in a hearing room to be later designated.

MC 115331 (Sub-469F), Truck Transport Incorporated, transferred to Modified Procedure.

MC 145633F, Walter B. Maki, d.b.a. Maki International & Company, now assigned for hearing on October 15, 1979 (1 week), at Miami, will be held in the Tax Court, Room 1524, Federal Building, 51 Southwest First Avenue.

MC 116004 (Sub-52F), Texas Oklahoma Express, Inc., now assigned for hearing on October 9, 1979 (9 days), at Houston, TX, will be held at the Holiday Inn Downtown, 801 Calhoun.

MC 59135 (Sub-38F), now assigned for hearing on October 10, 1979 (3 days), at Albany, NY, will be held in Room B-38-A & B, Leo W. O'Brien Federal Building, Clinton and North Pearl Street.

MC 172 (Sub-9F), Robert E. Wade, now assigned for hearing on October 29, 1979 (1 week), at Albany, NY, will be held in Room

B-38 A & B, Leo W. O'Brien Federal Building, Clinton and North Pearl Street.

MC 146960, Virginia Tours, Inc., now assigned for hearing on November 26, 1979 (1 week), at Richmond, VA, in a hearing room to be later designated.

MC 37958 (Sub-3F), Trenton Lambertville Bus Line, Inc., now assigned for hearing on December 10, 1979 (1 week), at Trenton, NJ, in a hearing room to be later designated.

MC 117574 (Sub-319F), Daily Express, Inc., now assigned for hearing on October 9, 1979, at Chicago, IL, will be held in Room 1319, Dirksen Bldg., 219 South Dearborn Street, Chicago, IL.

MC 41406 (Sub-118F), Artim Transportation System, Inc., now assigned for hearing on October 11, 1979, at Chicago, IL, will be held in Room 1319, Dirksen Bldg., 219 South Dearborn Street, Chicago, IL.

MC 2229 (Sub-204F), Red Ball Motor Freight, Inc., now assigned for hearing on October 30, 1979, at San Antonio, TX, is postponed indefinitely.

MC 145808 (Sub-2F), Red Arrow Delivery Service Co., Inc., now assigned for hearing on October 30, 1979, at Nashville, TN, will be held at the Federal Court House, Room No. A-961, 801 Broadway, Nashville, TN.

MC 112963 (Sub-82F), Roy Bros., Inc., now assigned for hearing on October 29, 1979, at Boston, MA, will be held at the U.S. Tax Court, 13th Floor, U.S. Customs House, No. 2 India Street, Boston, MA.

AB 43 (Sub-56F), Illinois Central Gulf Railroad Company Abandonment near Kevil and Barlow in Ballard and McCracken Counties, KY, will be held at the City Commissioner's Chamber, 2nd Floor, City Hall Building, Corner of 5th and Washington, Paducah, KY.

MC 139906 (Sub-33F), Interstate Contract Carrier Corp., now assigned for hearing on December 11, 1979 (1 day), at Los Angeles, CA, location of hearing room will be designated later.

MC 144957 (Sub-3F), Petercliff, Ltd., now assigned for hearing on December 12, 1979 (3 days), at Los Angeles, CA, location of hearing room will be designated later.

MC 730 (Sub-427F), Pacific Intermountain Express Co., now assigned for hearing on December 17, 1979 (2 days), at Los Angeles, CA, location of hearing room will be designated later.

MC 140389 (Sub-47F), Osborn Transportation, Inc., now assigned for hearing on December 19, 1979 (3 days), at Los Angeles, CA, location of hearing room will be designated later.

MC 14252 (Sub-46F), Commercial Lovelace Motor Freight, Inc., now assigned for hearing on November 25, 1979 (1 week), at Parkersburg, W. VA., location of hearing room will be designated later.

MC 142703 (Sub-14F), Intermodal Transportation Service, Inc., now assigned for hearing on December 17, 1979 (1 week), at Frankfort, KY, location of hearing room will be later assigned.

Agatha L. Mergenovich, Secretary.

[FR Doc. 79-30452 Filed 10-1-79; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: September 25, 1979.

In our decisions of September 11 and 18, 1979, a 9.5 percent surcharge was authorized on all owner-operator traffic, and on all truckload-rated traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level. In addition, a 1.7 percent surcharge was authorized on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators.

Although the weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload-rated traffic is 9.8 percent, we are requiring that the surcharge for this traffic be held at 9.5 percent. In addition, no change will be made in the existing authorization of a 1.7 percent surcharge on LTL traffic performed by carriers not utilizing owner-operators.

We have received numerous petitions for modification of the existing surcharge procedures. We are presently reviewing all of these petitions and replies, and expect to issue a decision in the near future.

Notice of this decision shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection, and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday at 12:01 a.m., September 28, 1979.

By the Commission. Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins and Alexis.

Agatha L. Mergenovich, Secretary.

Fuel Surcharge

Base Date and Price Per Gallon (Including Tax): January 1, 1979—63.5¢.

Date of Current Price Measurement and Price Per Gallon (Including Tax): September 24, 1979—100.2.

Average Percent: Fuel Expenses (Including Taxes) of Total Revenue:

(1) From Transportation Performed by Owner Operators (Apply to All Truckload Rated Traffic)—16.9%.

(2) Other (Including Less-Truckload Traffic)—2.9%.

Percent Surcharge Developed: 9.8% and 1.7%.

Percent Surcharge Allowed: 9.5% and 1.7%.

[FR Doc. 79-30453 Filed 10-1-79; 8:45 am]

BILLING CODE 7035-01-M

Petitions for Service Orders

Decided: September 24, 1979.

Upon consideration of the petitions filed by Arkansas Rice Growers Cooperative Association, doing business as Riceland Foods, on September 13, 1979, seeking a service order directing and requiring the St. Louis Southwestern Railway Company to serve Riceland Foods mill at Stuttgart, Arkansas, over Chicago, Rock Island, and Pacific Railroad Company tracks, or a service order authorizing this service.

The Chicago, Rock Island and Pacific Railroad Company (Rock Island) was subjected to a work stoppage on August 28, 1979. The Rock Island has maintained some train movements and some switching operations by the use of supervisory personnel to operate the trains and yard engines.

It is the opinion of the Commission that the issuance of either one of the proposed orders would cause the picketing of the St. Louis Southwestern Railway Company property and the cessation of operations by that Company. It would not be in the interest of public welfare to issue emergency orders which would result in additional picketing and cessation of operations by other railroads.

It is ordered, that the petitions are denied.

By the Commission. Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham,

Additional data for general commodity carriers indicate the following:
(a) Percent Fuel (including tax) of revenue (all traffic)—7.3%.
(b) Percent T.L. and LTL Revenue of total revenue:

	Revenue (000)	Percent
T.L.	\$3,451,661	32
LTL	7,427,232	68
Total	10,878,893	100

Utilizing the T.L. and LTL weighting factors and retaining the relationship of fuel to revenue for owner operators (also applied to T.L. rated traffic) and in total of 16.9 percent and 7.3 percent respectively, the comparable relationship for LTL is 2.9 percent. This figure should not be construed as an actual relationship but is developed as a method to adjust the LTL surcharge.

Clapp, Christian, Trantum, Gaskins, and Alexis.

Agatha L. Mergenovich, Secretary.

[FR Doc. 79-30450 Filed 10-1-79; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-9 (Sub-No. 12F)].

St. Louis-San Francisco Railway Co. Abandonment Near Cochrane and York, in Pickens and Sumpter Counties, AL; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a supplemental decision decided September 4, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of employees, as discussed in AB-36 (Sub-No. 2), Oregon Short Line R. Co.-Abandonment Goshen, 360 I.C.C. 91 (1979) and provided that said abandonment will not result in changes in present freight rates or charges, or routing privileges, or the construction of short line mileage for freight rate making purposes unless otherwise authorized or directed by the Commission, the present and future public convenience and necessity permit abandonment by the St. Louis-San Francisco Railway Company of its line of railroad extending from railroad milepost RA-686.46 near Cochrane, AL, to railroad milepost RA-728 near York, AL, a distance of approximately 41.6 miles, in Pickens and Sumpter Counties, AL. A certificate of abandonment will be issued to the St. Louis-San Francisco Railway Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the

carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the Federal Register on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich, Secretary.

[FR Doc. 79-30451 Filed 10-1-79; 8:45 am]

BILLING CODE 7035-01-M

Federal Energy Regulatory Commission

[Docket No. CP79-466]

ANR Storage Co. and Panhandle Eastern Pipe Line Co.; Application

September 24, 1979.

Take notice that on August 31, 1979, ANR Storage Company (ANR), One Woodward Avenue, Detroit, Michigan 48226, and Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001 filed in Docket No. CP79-466 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicants to perform all necessary acts to enable ANR to provide gas storage service to Panhandle for a limited term, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that, upon completion and commencement of operation of the storage facilities and commencement of the services authorized by the Commission in Docket No. CP78-432 by order issued July 23, 1979, ANR will be a natural gas company within the meaning of the Natural Gas Act and will be engaged in the business of storing and transporting natural gas in interstate commerce subject to the jurisdiction of the Commission. Until that time,

Panhandle asserts, it has an immediate need for short-term storage service to be provided by ANR in order to ensure existing customers adequate winter service for its high priority requirements during the three-year period commencing in the 1980-81 winter and continuing through the 1982-83 winter.

In order to render the limited-term storage service for Panhandle, it is indicated that ANR has entered into a Limited Term Storage Leasing Agreement dated as of June 1, 1979, for a fixed term ending March 31, 1983, under which it leased an undivided interest in the intrastate storage and related transportation system of Michigan Consolidated Gas Company (Consolidated), a Michigan intrastate gas distribution company, which is affiliated with ANR. It is reported that, under that lease, ANR has acquired those rights necessary to provide storage service to Panhandle under a Gas Storage agreement (Storage Agreement) dated as of June 1, 1979. The Storage Agreement provides that during the initial 1980 Summer Period (April 1 through October 31) and during each subsequent Summer Period, Panhandle may deliver or cause to be delivered to ANR, for transportation and storage an injection volume of natural gas (Summer Contract Quantity) of up to 10,000,000 Mcf and up to an additional 5,000,000 Mcf in each year as may be made available to Panhandle by ANR pursuant to the Storage Agreement. The Storage Agreement further provides that during the Winter Periods (November 1 through March 31) ANR would make available or cause to be made available to Panhandle an aggregate storage withdrawal volume (Winter Contract Quantity) equivalent to the volume of gas injected during the immediately preceding Summer Period, subject to the conditions that ANR would make available a daily withdrawal volume of gas of up to 1/100th of the Winter Contract Quantity and that the daily obligation to make gas available is on a best-efforts basis subject to provisions of the lease subordinating ANR's leased storage capacity to Consolidated's intrastate distribution system needs and Consolidated's pre-existing obligations to third parties.

Under the Storage Agreement Panhandle would supply compressor fuel to ANR equal to 1% of the volumes of gas delivered for storage. Panhandle would not be required to furnish any base gas.

It is stated that the Storage Agreement and the lease both terminate on March 31, 1983.

The application states that Panhandle has entered into a Transportation

Agreement with Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) in order to deliver the Summer Contract Quantity and receive the Winter Contract Quantity. It is indicated that the agreement provides that Panhandle would deliver gas for injection into storage to Michigan Wisconsin at the presently authorized interconnection between Panhandle's and Michigan Wisconsin's systems near Defiance, Ohio. Michigan Wisconsin would provide transportation for the gas so received and would redeliver equivalent quantities, reduced by 1% which Michigan Wisconsin would retain as compressor fuel, to ANR at the existing interconnection between Michigan Wisconsin and Consolidated at Michigan Wisconsin's Willow Run Meter Station near Ypsilanti, Michigan. Applicants state that redelivery of the Winter Contract Quantity would be accomplished by Michigan Wisconsin's reducing deliveries to Consolidated at the Willow Run interconnection and delivering equivalent quantities to Panhandle at the Defiance, Ohio, interconnection.

Applicants state that Panhandle would pay ANR a monthly charge equal to 1/12th of the then effective Summer Contract Quantity multiplied by 46.04 cents per Mcf.

Panhandle further requests Commission authorization to track the cost of this short-term storage service in its jurisdictional rates during the period the rates authorized in Panhandle's most recent rate proceeding in Docket No. RP78-62 are in effect.

Applicants state that no new or additional facilities would be constructed for the proposed storage arrangements.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30430 Filed 10-1-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP77-481]

El Paso Natural Gas Co.; Petition To Amend

September 24, 1979.

Take notice that on September 13, 1979, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP77-481 a petition to amend the Commission's order, issued August 14, 1978, in said docket pursuant to Section 7(b) of the Natural Gas Act by deleting therefrom permission and approval to abandon certain existing compressor units located in Midland and Yoakum Counties, Texas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of August 14, 1978, granted El Paso permission and approval to abandon certain compressor, pipeline, and gas processing facilities in the Permian Basin production area in Texas and New Mexico. Among those facilities to be abandoned were a 500 horsepower compressor unit, with appurtenances, at El Paso's Tex-Harvey field plant in Midland County and two 1,100 horsepower compressor units, with appurtenances, at El Paso's Wasson field plant in Yoakum County.

El Paso states that subsequent to the granting of the abandonment authorization in this docket, it was advised by Cities Service Gas Company (Cities) that Cities anticipated the cessation of operation of its Dora Roberts plant and that as a result approximately 20,000 Mcf of gas per day

would be made available for delivery to El Paso's system at the Tex-Harvey field for compression. Additionally, since the grant of the abandonment authorization in this docket, El Paso has been receiving approximately 40,000 Mcf of gas per day attributable to infill wells for compression at its Wasson field plant and expects to continue to receive approximately 35,000 Mcf per day through 1979, with decreasing quantities thereafter. El Paso states that because of the unanticipated availability of these gas supplies, it requests that the Commission delete the authorization to abandon the facilities herein described.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30431 Filed 10-1-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP78-548]

El Paso Natural Gas Co.; Petition To Amend

September 24, 1979.

Take notice that on September 5, 1979, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP78-548 a petition to amend the order issued February 21, 1979, in the instant docket pursuant to Section 7(c) of the Natural Gas Act by authorizing the construction and operation of facilities actually installed by El Paso at the Hemphill County Delivery Point A, Hemphill County, Texas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Pursuant to the order issued February 21, 1979, as amended, El Paso and Northern Natural Gas Company (Northern) were authorized, for a limited term, to deliver and exchange up to 25

billion Btu's equivalent of natural gas per day on a best efforts basis through April 30, 1980. The limited term delivery and exchange is made at points of interconnection of El Paso's and Northern's facilities located in Eddy County, New Mexico and Hemphill County, Texas, and at a balancing point in Pecos County, Texas. Said order also authorized construction and operation of facilities at the Hemphill County Delivery Point A.

The petition states that in preparing the final cost report it was determined that subsequent to Commission authorization, El Paso's personnel responsible for the implementation of the project further evaluated the facility requirements for the project. As a result of this evaluation it was determined that a 4½-inch O.D. tap and valve assembly and a dual 4½-inch O.D. meter run would adequately handle the anticipated volumes to be delivered to Northern at the Hemphill Delivery Point A rather than the 6½-inch O.D. tap and valve assembly and dual 6½-inch O.D. meter run which were authorized. Therefore, to lessen the expenses associated with the authorized facilities, El Paso's field personnel proceeded with the construction of the smaller sized facilities. The facilities constructed by El Paso in lieu of the facilities authorized consist of:

A 4½-inch O.D. tap and valve assembly, with appurtenances, including a dual 4½-inch O.D. orifice-type meter run and flow control device, located at a point on El Paso's 12¾-inch O.D. Trunk B pipeline and Northern's 12¾-inch O.D. pipeline in the South Zybach Gathering System, Hemphill County, Texas.

The smaller sized facilities resulted in a materials capital cost reduction of approximately \$5,200.00, it is asserted.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a

petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30432 Filed 10-1-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-526]

El Paso Electric Co.; Order Accepting for Filing and Suspending Proposed Rate Changes, Summarily Disposing of Certain Issues, Granting Intervention, and Establishing Procedures

September 24, 1979.

On July 27, 1979, El Paso Electric Company (El Paso) tendered for filing proposed increased rates for wholesale electric service to Rio Grande Electric Cooperative, Inc. (at Dell City and Van Horn, Texas delivery points) and to Community Public Service Company. The submittal, for which El Paso requests an October 1, 1979 effective date, would result in increased revenues of approximately \$392,937, for the twelve-month period ending December 31, 1978.

On August 24, 1979, Rio Grande Electric Cooperative (Rio Grande) filed a protest, petition to intervene, motion for summary disposition, and motion for maximum suspension. Rio Grande seeks summary disposition of two ratemaking issues. The first of these issues concerns El Paso's inclusion of accumulated deferred investment tax credits (ADITC) as a separate component of its proposed capital structure. Although El Paso has included ADITC in its capitalization at the requested overall rate of return, Rio Grande objects to the proposed capital structure, asserting that it contravenes Commission precedent.

In addition, Rio Grande requests summary disposition with respect to El Paso's allocation of regulatory commission expense. Initially, Rio Grande questions the level of this expense, noting that the \$195,607 of regulatory expense which El Paso seeks to recover from its wholesale customers in this proceeding represents 48% of the total increase requested. Rio Grande further disputes the fact that El Paso has allocated this amount equally among the three wholesale customers, despite the disparate revenue levels realized from those customers. According to Rio Grande, this allocation distorts the overall cost of service and warrants

¹ See Attachment A for rate schedule designations.

² Public notice of El Paso's submittal was issued on August 2, 1979, with comments required to be filed on or before August 24, 1979.

summary disposition in favor of a more equitable allocation procedure. Alternatively, Rio Grande requests an expedited hearing on this particular issue.

In support of its request for a five-month suspension of the proposed rates, Rio Grande alleges that El Paso has: (1) incorporated an excessive rate of return on common equity; (2) improperly included short-term debt in its capitalization; (3) relied on unsupported calculations of demand and energy losses; and (4) specifically assigned certain transmission facilities rather than using a "rolled-in" approach to transmission allocation.

Community Public Service Company (Community) filed a petition to intervene on August 24, 1979. In addition to setting forth its interests in this proceeding, Community states that "the proliferation of rate increase filings by El Paso," coupled with the pendency of a prior rate proceeding in Docket No. ER77-488, justifies a maximum suspension and hearing.

On August 30, 1979, Community submitted an answer to Rio Grande's protest in which Community opposes Rio Grande's requests for summary disposition. With respect to El Paso's inclusion of ADITC in its capitalization, Community asserts that the company's proposal would have no effect on the cost of capital determination, although it would reduce the weighted debt cost. Community acknowledges that in utilizing the Commission's typical method of interest synchronization, the lower debt cost would reduce the amount of debt interest used in developing an income tax allowance. However, Community expresses its belief that such a result is neither unreasonable nor foreclosed by Commission precedent.

Similarly, Community contends that Rio Grande's challenge to El Paso's method of allocating regulatory commission expense is not properly the subject of summary disposition. In this regard, Community characterizes Rio Grande's allegations as vague, ambiguous, and insufficient to demonstrate that El Paso's allocation is illegal or contrary to clearly established Commission policy.

Concerning the remaining issues raised by Rio Grande, Community notes its partial agreement but asserts that the matters should be developed more fully during an evidentiary hearing. Community also indicates that related issues are pending before the presiding judge in El Paso's immediately preceding

rate case, Docket No. ER77-488 (Phase II).³

The Commission finds that participation in this proceeding by Rio Grande and Community may be in the public interest.

With regard to the amount and allocation of regulatory commission expense proposed by El Paso, we decline to grant summary disposition. We are not persuaded by Rio Grande's arguments that El Paso's proposed methodology is improper *per se*. Moreover, Community indicates that the allocation procedure used in this proceeding is the same as the methodology which the company employed in Docket No. ER77-488 (Phase II), but that Rio Grande has not previously challenged this approach. It appears that a thorough assessment of this issue will require evidentiary presentations. We also believe that no productive purpose would be served by severing this issue and establishing an expedited schedule for its disposition.

We do agree that summary disposition of the ADITC issue is appropriate. For capitalization purposes, the Commission has expressly limited utilities to one of two options: (1) proportionate distribution of the ADITC balance throughout the capital structure; or (2) total elimination of ADITC from the capital structure.⁴ El Paso's inclusion of ADITC as a separate component of its capitalization, albeit at the overall rate of return, is not consistent with either of these alternatives. As noted by Community, El Paso's approach has the effect of reducing the company's weighted debt cost. If the interest deduction is synchronized to this lower weighted debt cost, the result is an artificial increase in the computation of tax liability. Therefore, we shall summarily dispose of this matter. Ordinarily we would not require El Paso to refile its capitalization to reflect this single change until the conclusion of these proceedings. Since El Paso has employed a per book interest figure rather than synchronizing its interest deduction, exclusion of the ADITC from El Paso's capital structure will have no

³ On September 13, 1979, Rio Grande tendered a response to Community's answer, essentially restating Rio Grande's original position. The response is neither contemplated by our Regulations nor necessary for our disposition of the matters at issue. See *Detroit Edison Company*, Docket No. ER79-70, order issued March 9, 1979. In addition, on September 13, 1979, El Paso filed an untimely answer to Rio Grande's original petition and protest. In large part, this late pleading reiterates arguments set forth in Community's August 30th answer. Nothing raised in El Paso's answer would suggest conclusions other than those expressed in this order.

⁴ See Opinion No. 19, *Carolina Power and Light Company*, issued August 2, 1978, mimeo at 10.

direct dollar effect on the company's proposed cost of service. However, as noted below, other considerations mandate that El Paso refile its cost of service and rates. As a result, we shall direct El Paso, in revising its filing, to incorporate our determination on the ADITC issue as well.

The Commission finds that summary disposition is also warranted with respect to two tax issues. We note that El Paso's Period I test year reflects income tax calculations based on the superseded 48% federal income tax rate. Accordingly, we shall require El Paso to compute its test period tax expense on the basis of the current 46% tax rate. In addition, El Paso has allocated a portion of its purported liability for a New Mexico tax on electricity generated within that state⁵ to Van Horn and Dell City, both of which are located in Texas. On April 18, 1979, the United States Supreme Court⁶ held this state statute to be invalid under the Supremacy Clause,⁷ since it conflicted with applicable provisions of a federal statute, the Tax Reform Act of 1976.⁸ Under these circumstances, we cannot allow El Paso to include any amounts related to this tax in its wholesale cost of service.

Both the statutory revision of the Federal income tax rate and the Supreme Court's determination concerning New Mexico's electrical energy tax occurred shortly after the close of El Paso's test period. Furthermore, El Paso must be deemed to have had ample notice of these two tax changes. With respect to the latter, it should be noted that El Paso was one of the parties challenging the New Mexico statute before the Supreme Court and that the Court's decision was rendered some three months before El Paso's submittal in this docket. Therefore, we shall direct El Paso to refile its cost of service and rates to reflect our summary disposition of these issues. Particularly in view of El Paso's prior knowledge that its cost support included sums associated with a judicially-eliminated state tax, we shall further require El Paso to include the cost of refiling in Account 426.5 (18 CFR Part 101) so that this expense will not be borne by El Paso's ratepayers.

The remaining issues raised by Rio Grande will be evaluated on the basis of an evidentiary hearing which we shall herein order to be convened.

⁵ Electrical Energy Tax Act, §§ 3.9; N.M. Stat. Ann. §§ 7-18-3, 7-9-80 (1978).

⁶ *Arizona Public Service Company v. Sneed*, U.S. 99 S. Ct. 1629, 60 L. Ed. 2d 106 (1979).

⁷ United States Constitution, Art. VI, cl. 2.

⁸ 15 U.S.C. § 391.

Our review indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall accept El Paso's submittal for filing and suspend the proposed rates, as modified by this order, for five months, to become effective March 1, 1980, subject to refund.

The Commission orders:

(A) The rates proposed by El Paso, as herein ordered to be modified, are hereby accepted for filing and suspended for five months, to become effective March 1, 1980, subject to refund.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the DOE Act and by the Federal Power Act, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed by El Paso.

(C) The petitioners, Rio Grande and Community, are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however*, that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) Rio Grande's motion for summary disposition with respect to El Paso's method of allocating regulatory commission expenses is hereby denied.

(E) Rio Grande's motion for summary disposition with respect to El Paso's inclusion of ADITC in its capital structure is hereby granted.

(F) Summary disposition is hereby ordered with respect to the federal income tax rate and the New Mexico electrical energy tax.

(G) Within thirty-five (35) days of the issuance date of this order, El Paso is hereby directed to refile its cost of service and rates to reflect our summary dispositions as stated in Ordering paragraphs (E) and (F), above. Specifically, El Paso shall revise its cost

of service and proposed rates so as to: (1) exclude ADITC as a separate component of its capitalization; (2) compute test period tax expenses utilizing a 46% Federal income tax rate; and (3) compute test period tax expenses excluding any allocated amounts associated with the New Mexico electrical energy tax. The cost of refiling shall be included in Account 426.5 (18 C.F.R. Part 101), as a below-the-line expense to be borne by El Paso rather than its ratepayers.

(H) The Staff shall serve top sheets in this proceeding on or before January 4, 1980.

(I) A presiding administrative law judge to be designated by the Chief Administrative Law Judge shall convene a prehearing discovery conference in this proceeding to be held within forty (40) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. This conference will be held for the purposes of expediting discovery

and resolving any initial controversies relating thereto. In addition, the presiding judge shall convene a formal settlement conference to be held within ten (10) days of the serving of top sheets. The designated law judge is authorized to establish procedural dates and to rule upon all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(J) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

Attachment A—El Paso Electric Company
[Docket No. ER79-528]

Filed: July 27, 1979.

Dated: Undated.

Effective: March 1, 1980, subject to refund.

Other Party: (1) Community Public Service Company; (2) & (3) Rio Grande Electric Cooperative.

Designation	Description	Supersedes
(1) Supplement No. 7 to Rate Schedule FPC No. 17.	Rates for resale—Deer City.	Supplement No. 6 to Rate Schedule FPC No. 17.
(2) Supplement No. 6 to Rate Schedule FPC No. 18.	Rates for resale—Deer City.	Supplement No. 5 to Rate Schedule FPC No. 18.
(3) Supplement No. 8 to Rate Schedule FPC No. 19.	Rates for resale—Van Horn.	Supplement No. 5 to Rate Schedule FPC No. 19.

[FR Doc. 79-30439 Filed 10-1-79; 8:35 am]

BILLING CODE 6450-01-M

[Docket No. IS79-2]

Gulf Central Pipeline Co.; Order Accepting Settlement

September 25, 1979

This matter comes before the Commission on a joint stipulation and agreement of settlement by all parties to the proceeding and by Staff, filed with the Secretary on July 9, 1979.

This matter, which arises under the provisions of the Interstate Commerce Act, 49 U.S.C. 1 *et seq.*, involves rates for the transportation of anhydrous ammonia by pipeline. Those provisions as they relate to this matter were not repealed by the codification of the Interstate Commerce Act, Pub. L. 95-473, 4(c), 92 Stat. 1470.

Pipeline matters have been handled by us under rules and regulations of the Interstate Commerce Commission, which have been adopted by us by order dated October 1, 1977, (issued October 6, 1977), in Docket No. RM78-1. Such rules do not specifically provide for

offers or agreements of settlement, but the parties, in presenting this agreement, have followed the procedures set forth in our Order No. 32, issued June 13, 1979, in Docket No. RM78-16, *Procedure for Submission of Settlement Agreements*, effective June 15, 1979. Section 1.18(1)(i) of the Commission's regulations applicable to settlement offers refers to "any proceeding before the Commission other than a rulemaking of general applicability or formal or preliminary investigation." Accordingly, it is the appropriate procedure to be used in oil pipeline matters which are settled.

On November 20, 1978, Gulf Central filed Tariff No. FERC 86, containing the increased rates which are under investigation here, with an effective date of December 19, 1978. Gulf Central filed a statement in justification of the rates simultaneously with the tariff. Protestants filed protests and petitions for suspension, and Gulf Central filed a reply. By order issued December 18, 1978, the Oil Pipeline Board accepted the tariff for filing and suspended the increased rates for one day, until December 20, 1978, at which time they became effective subject to refund. An

investigation was ordered into the lawfulness of the increased rates and the matter was referred to an Administrative Law Judge. On January 8, 1979, Gulf Central filed a petition for reconsideration and vacation of the order of investigation, and protestants filed their reply on February 13, 1979. On February 5, 1979, the parties including the Staff filed comments with the Presiding Administrative Law Judge. On April 9, 1979, Gulf Central filed its case-in-chief and on May 28, 1979, the Staff filed its top sheets. On June 5, 1979, a prehearing conference was held before the Presiding Judge and it was agreed that the parties would further pursue settlement negotiations. By order issued June 18, 1979, the Presiding Judge set a further prehearing conference for July 11, 1979, unless the parties filed an offer of settlement prior to July 9, 1979.

The Commission hereby accepts and approves the stipulation and agreement of settlement filed with the Secretary on July 9, 1979, and, pursuant to its terms orders termination of the proceeding in Docket No. IS79-2.

In June of 1976, respondent filed seven tariffs with the Interstate Commerce Commission, (ICC), to be effective July 1, 1976, which provided for rate increases of approximately 10 percent between all origins and destinations on respondent's pipeline systems. *CF Industries, Inc.*, (CF), one of the protestants herein, protested three of the aforementioned tariffs and requested their suspension pending investigation. The protested rate tariffs were suspended by the ICC until January 31, 1977, and investigated by the ICC in I&S Docket No. 9128. Gulf Central voluntarily postponed the proposed rate schedules to and including February 14, 1977, after which the schedules became effective, subject to an accounting requirement pending issuance of the initial decision. On March 4, 1977, ICC Review Board Number 4 issued its initial decision, in which it concluded that the increased rates were just and reasonable. CF took an administrative appeal to the initial decision. Division 2 of the ICC, acting in an appellate capacity, issued its decision on October 4, 1977, wherein it found the review Board's decision correct in all material respects, affirmed and adopted it as its own and discontinued the proceeding. CF then appealed both decisions to the 7th Circuit Court of Appeals in *CF Industries, Inc. v. United States of America*, No. 77-2150 (N.D. Ill., filed Nov. 28, 1977). On June 27, 1978, prior to the filing of briefs in *CF Industries, Inc.*, a decision was rendered in *Farmers Union Central Exchange v. FERC*, 584

F.2d 408 (D.C. Cir.), which, in CF's opinion, had the effect of obviating the need for CF to proceed further with its appeal. Thereupon, upon motion by FERC counsel and acquiescence therein by the other parties to the proceeding, the 7th Circuit Court of Appeals remanded the matter in I&S Docket No. 9128 to FERC on August 29, 1978, for such further proceedings as this Commission deems appropriate. In the proposed stipulation and agreement the parties have requested that we take no further action with regard to I&S Docket 9128 and that we terminate that proceeding. We hereby find termination of I&S Docket No. 9128 to be consistent with the public interest.

The proposed settlement has been certified to us by the Presiding Administrative Law Judge. It is unopposed.

We have considered the proposed settlement and find that it is fair and reasonable and should be accepted.

The Commission orders:

(1) The joint stipulation and agreement of settlement filed herein on July 9, 1979, is approved and accepted.

(2) The Commission's approval of this settlement shall not constitute approval of or precedent regarding any principle issue in this proceeding, and is without prejudice to the right of any party to the settlement to take or make any position, contention, or argument in any other proceeding or litigation presently pending, or hereafter instituted, before this Commission or before any other regulatory commission, agency, or court.

(3) Respondent shall be permitted to cancel the refund obligation in Supplement 1 to its Tariff No. FERC 86 on not less than one day's notice.

(4) The proceeding in I&S Docket No. 9128 is terminated.

(5) The order of the Oil Pipeline Board issued December 18, 1978, in Docket No. IS79-2 is vacated, in all respects except for the one-day suspension order therein.

(6) The proceeding in Docket No. IS79-2 is terminated.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30437 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP75-104, et al.]

High Island Offshore System; Petition To Amend

September 24, 1979.

Take notice that on August 21, 1979, High Island Offshore System (HIOS), P.O. Box 1160, Owensboro, Kentucky

42301, filed in Docket No. CP75-104, et al. a petition to amend further the order of June 4, 1978, ¹ as amended, issuing a certificate of public convenience and necessity in the instant proceedings pursuant to Section 7(c) of the Natural Gas Act by authorizing an increase in HIOS' firm and maximum delivery capability from 988,000 Mcf per day to 1,362,400 Mcf per day, and interruptible overrun service to the extent of available capacity, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

The order issued June 4, 1978, authorized HIOS to construct and operate a pipeline system to transport natural gas from the High Island area, offshore Texas, to a point of interconnection with the facilities of U-T Offshore System and Michigan Wisconsin Pipe Line Company and transport up to an aggregate of 988,000 Mcf per day of natural gas on a firm basis, for 5 affiliated shippers.

On June 12, 1978 HIOS was issued blanket authorization to transport, within the limits of its certificated capacity of 988,000 Mcf per day, natural gas for shippers not affiliated with HIOS.

Pursuant to an order issued December 22, 1978, HIOS was authorized to render interruptible Overrun Service on a best efforts basis.

HIOS states that the gas supply available to its affiliated and non-affiliated shippers now substantially exceeds HIOS' present maximum delivery capability. HIOS has been advised that the contractual minimum take-or-pay obligations of HIOS shippers also exceed HIOS' present maximum delivery capability.

Accordingly, HIOS requests authorization to uprate its existing Frame 5 compressor unit to achieve an increase in firm capacity to 1,362,400 Mcf per day, with an increase in HIOS' ability to render interruptible Overrun Service above such level. Uprating of the Frame 5 unit would cost approximately \$389,180 and would require four months to complete, it is indicated.

HIOS states that under the proposed expansion, it would allocate the 1,362,400 Mcf per day of firm capacity as provided by HIOS' "T" Rate Schedules. The petition indicates that if the proposed expansion is authorized, HIOS proposes to revise its rates to reflect the increase in firm service. In addition, HIOS proposes to change the method of

¹This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

computing depreciation from a straight-line method using an annual rate of 7.14 percent to a unit-of-production method. Further, HIOS asserts that the proposed expansion would require modification of the supplemental charge for depreciation established by the order of December 22, 1978, in that it would provide that the concurrent charge to depreciation to be recorded shall be in an amount attributable to all revenues less depreciation accrued on a unit-of-production basis applicable to annual volumes transported in excess of 497,276,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30433 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-57]

Lockhart Power Co.; Order Accepting Rates for Filing, Suspending Proposed Rate Increase, Allowing Interventions, Denying Motion and Establishing procedures

September 24, 1979.

On July 27, 1979, Lockhart Power Company (Lockhart) tendered for filing a proposed rate schedule providing for an increase in rates for service to Lockhart's only wholesale customer, the City of Union, South Carolina (Union). Lockhart proposes an effective date of October 1, 1979. The proposed rates would result in increased revenues of \$144,152 based upon the twelve month test period ended December 31, 1978.

Notice of Lockhart's filing was issued on August 2, 1979, with protests or petitions to intervene due by August 24, 1979. Union filed with the Commission on August 24, 1979 a protest, petition to

¹See Attachment A for rate schedule designations.

intervene, and request for five month suspension. Union questions Lockhart's proposed rate of return and its treatment of a number of other costs of service issues.

Union contends that Lockhart should not be allowed to recover any rate case expense, other than filing fees, as part of its cost of service and requests summary disposition of this issue. We find that Union has not shown any legal basis for its requested relief and reserve the issue for the hearing which we shall order.

Union contends that Lockhart has not made a proper showing that it used the appropriate 46 percent corporate income tax rate in computing its cost of service, so that the Commission should therefore summarily require Lockhart to refile its application in such a way that it is clear that the proper corporate income tax rate has been used. Our review indicates that Lockhart utilized the proper tax rate; however, Union may pursue any doubt it has at hearing.

Lockhart has included in its proposed rate schedule a provision for the recovery of unbilled purchased power costs that exist as of the time that the proposed rate schedule becomes effective. A similar provision is at issue in Docket No. ER78-355 which concerns Lockhart's currently effective wholesale rate to Union. Union states that it will not address the issue of the validity of Lockhart's proposed surcharge, since an identical provision is at issue in Docket No. ER78-355 and states its belief that a Commission decision in that docket will be dispositive of this proceeding as well. This may ultimately prove to be the case; however, any legal or factual dissimilarities between the two surcharges should be developed in the hearing.

Lockhart has included a fuel adjustment clause in its proposed rate schedule, and asserts that it conforms to the requirements of Section 35.14 of the Commission's Regulations. We note, however, that the proposed clause does not make provision for treatment of company-owned or controlled fossil and nuclear generation or interchange, as required by Section 35.14 of the Commission's Regulations. Since Lockhart does not currently own or control any fossil or nuclear generation, and since it makes no sales in interchange, we will not require Lockhart to refile its proposed tariff at this time. However, Lockhart is directed to amend its proposed fuel adjustment clause to conform to Commission Regulations in a compliance filing to be made at the conclusion of this proceeding.

Lockhart filed a timely answer to Union on September 7, 1979. Lockhart

states that it does not object to Union's participation in the docket, but that it does object to Union's request for suspension of the proposed rate and to the requests for summary judgment.

We find that the rates filed by Lockhart have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Therefore, we will accept for filing the proposed rate schedule in Docket No. ER79-537 and suspend the proposed rate schedule for five months from the proposed effective date after which the rates will go into effect as of March 1, 1980, subject to refund.

We find that participation in this proceeding by Union may be in the public interest.

The Commission orders:

(A) The rates proposed by Lockhart Power Company are hereby accepted for filing and suspended for five months from the proposed effective date October 1, 1979 to become effective March 1, 1980, subject to refund.

(B) The proposed surcharge provision to allow recovery of unbilled purchased power costs that exist as of the time that the proposed rates go into effect is accepted for filing and suspended for five months from the proposed effective date October 1, 1979 to become effective March 1, 1980, subject to refund.

(C) The petitioner, the City of Union, South Carolina, is hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however*, that participation by such intervenor shall be limited to matters set forth in its petition to intervene; and *Provided further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) Union's requests for summary disposition are hereby denied.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the DOE Act and by the Federal Power Act, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed by the Lockhart Power Company in this proceeding.

(F) The Staff shall serve top sheets in this proceeding on or before January 4, 1980.

(G) A presiding administrative law judge to be designated by the Chief Administrative Law Judge shall convene

a prehearing discovery conference in this proceeding to be held within thirty-five (35) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. This conference will be held for the purposes of expediting discovery and resolving any initial controversies relating thereto. In addition, the presiding judge shall convene a formal settlement conference to be held within ten (10) days of the serving of top sheets. The designated law judge is authorized to establish procedural dates and to rule upon all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promptly publish this order in the Federal Register.

By the Commission,
Kenneth F. Plumb,
Secretary.

Attachment A—Lockhart Power Company
[Docket No. ER79-537]

Filed: July 27, 1979.

Effective: October 2, 1979, subject to refund.

Designation	Description
(1) Supplement No. 5 to Rate Schedule North Station, FERC No. 2 (Supersedes Supplement Nos. 3 and 4).	
(2) Supplement No. 5 to Rate Schedule South Station, FERC No. 3 (Supersedes Supplement Nos. 3 and 4).	

[FR Doc. 79-30434 Filed 10-1-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. G-6507]

Michigan Consolidated Gas Co. Application for Declaration of Continuing Exemption

September 24, 1979.

Take notice that on August 31, 1979, Michigan Consolidated Gas Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. G-6507 an application pursuant to Section 1(c) of the Natural Gas Act for a continuation of an existing exemption from the provisions of the Natural Gas Act and the rules and regulations thereunder of the sales and transportation of natural gas for utility service within the State of Michigan, and of the facilities used therefor, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that its sales and transportation of natural gas for utility service within Michigan and its

associated facilities are exempt from the provisions of the Natural Gas Act under Section 1(c) thereof by virtue of an order issued on February 3, 1955, in Docket No. G-6507. Applicant further states that, through its Interstate Storage Division, it also renders gas storage services in interstate commerce. It asserts that these storage services furnished with facilities located in the State of Michigan are operating under certificates of public convenience and necessity issued by the Federal Energy Regulatory Commission and the Federal Power Commission, and that the accounting records for the division are maintained on a separate basis.

Applicant indicates that ANR Storage Company (ANR), an affiliate of Applicant, has filed an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing ANR to store up to 15,000,000 Mcf of natural gas for Panhandle Eastern Pipe Line Company (Panhandle) during the period, April 1, 1980, through March 31, 1983. Applicant asserts that the terms of a storage agreement between ANR and Panhandle provide that Panhandle would deliver or cause to be delivered to ANR up to 15,000,000 Mcf of natural gas for storage according to conditions set forth in Limited Term Storage Leasing Agreement, dated June 1, 1979, between ANR and Applicant. Said agreement reportedly provides that during the 1980-81 and subsequent Winter Periods (November 1 through March 31) ANR will redeliver, or cause to be redelivered, to Panhandle a volume of gas up to that received for storage during the immediately preceding Summer Period and any volumes previously delivered for storage and not yet redelivered. Applicant states further that Panhandle would be responsible for all transportation arrangements necessary to deliver gas to and receive gas from ANR.

According to Applicant, ANR has entered into a Limited Term Storage Leasing Agreement with Applicant in order to provide the storage service for Panhandle. It is indicated that said agreement, dated June 1, 1979, provides for ANR to lease an undivided interest in Applicant's intrastate storage and related transportation system for the period, April 1, 1980, through March 31, 1983. Reportedly, ANR would accept all storage gas deliveries from Panhandle at the existing interconnections between Applicant's intrastate facilities and those of its principal pipeline supplier, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin). Applicant asserts that, during each Winter Period, it would

make available to ANR, by means of a reduction in its deliveries from Michigan Wisconsin, those volumes of gas which ANR would be required to redeliver to Panhandle pursuant to the Storage Agreement. Applicant states that it expressly reserves the right to subordinate deliveries from ANR and redeliveries to ANR on a daily basis to the needs of Applicant's intrastate distribution system and to Applicant's pre-existing obligations to third parties. It is indicated that said leasing agreement with ANR is for a term ending March 31, 1983, and is intended only as a temporary arrangement to provide storage space to ANR for its storage service to Panhandle. Applicant asserts that by leasing storage capacity to ANR, Applicant would not be engaged in the sale or transportation of natural gas in interstate commerce. Therefore, Applicant requests that an order be issued declaring that Applicant's sales and transportation of natural gas for utility service within the State of Michigan, and its facilities used therefor, continue to be exempt from the provisions of the Natural Gas Act under Section 1(c) thereof, notwithstanding the proposed leasing arrangement with ANR set forth herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30434 Filed 10-1-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket Nos. G-11938, et al.]

Mobil Oil Exploration and Producing Southeast Inc. (Successor to Mobil Oil Corporation), et al.; Application for Certificate Amendment, and for Redesignation of Rate Schedules and Pending Proceedings

September 24, 1979.

On March 29, 1979, Mobil Oil Exploration & Producing Southeast Inc.

(MOEPSI), filed an application to amend certificates of public convenience and necessity, to amend applications, to redesignate rate schedules, and to redesignate pending proceedings, as successor to various properties and assets owned by Mobil Oil Corporation (Mobil), and requests that the certificates currently held by Mobil be amended by substituting MOEPSI as certificate holder, redesignate the related rate schedules in the name of MOEPSI and the MOEPSI be substituted for Mobil, as appropriate, in pending proceedings listed on the attached Appendix.

By assignment and conveyance dated December 28, 1978, but effective January 1, 1979, Mobil transferred and conveyed to MOEPSI all of Mobil's rights, titles, interests and obligations in those certain gas sales and purchase contracts which are identified by certificate docket and rate schedule on Exhibit "A" of the application.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

Appendix			
New: Mobil Oil Exploration & Producing Southeast, Inc., rate schedule No.	Certificate docket No.	Old: Mobil Oil Corp. rate schedule No.	Purchaser
1	G-11938	7	United Gas Pipe Line Company.
2	G-12004	*18	Transcontinental Gas Pipe Line Corporation.
3	G-11912	18	Michigan Wisconsin Pipe Line Company.
4	G-11918	*24	United Gas Pipe Line Company.
5	G-11953	*41	Trunkline Gas Company.
6	G-12005	66	United Gas Pipe Line Company.
7	G-12002	*88	United Gas Pipe Line Company.
8	G-11995	*89	United Gas Pipe Line Company.
9	G-12001	70	Arkansas Louisiana Gas Company.
10	G-12098	82	Texas Eastern Transmission Corporation.
11	G-12588	111	United Gas Pipe Line Company.
12	G-12589	112	United Gas Pipe Line Company.
13	G-12590	113	United Gas Pipe Line Company.
14	G-12591	114	United Gas Pipe Line Company.
15	G-12592	115	United Gas Pipe Line Company.
16	G-12654	120	United Gas Pipe Line Company.
17	G-12094	138	Southern Natural Gas Company.
18	G-14225	141	Columbia Gas Transmission Company.
19	12362	164	Southern Natural Gas Company.
20	16522	169	Arkansas Louisiana Gas Company.
21	13748	178	Transcontinental Gas Pipe Line Corporation.
22	17625	177	Tennessee Gas Pipeline Company.
23	G-17955	182	Texas Gas Transmission Corporation.
24	G-19289	192	Texas Gas Transmission Corporation.
25	C160-311	229	United Gas Pipe Line Company.
26	C160-310	230	Tennessee Gas Pipeline Company.
27	C160-657	*237	Texas Gas Transmission Corporation.
28	C160-588	*238	United Gas Pipe Line Company.
29	C161-1640	266	Transcontinental Gas Pipe Line Corporation.
30	C161-674	269	Texas Gas Transmission Corporation.
31	G-13642	*292	Transcontinental Gas Pipe Line Corporation.
32	C161-290	*300	Southern Natural Gas Company.
33	G-13827	309	Tennessee Gas Pipeline Company.
34	C181-254	318	Michigan Wisconsin Pipe Line Company.
35	C165-833	374	Transcontinental Gas Pipe Line Corporation.
36	C165-1227	375	Tennessee Gas Pipeline Company.
37	C166-269	381	Michigan Wisconsin Pipe Line Company.
38	C167-654	391	Trunkline Gas Company.
39	C168-155	407	Texas Eastern Transmission Corporation.
40	C168-677	410	Arkansas Louisiana Gas Company.
41	C168-686	412	Texas Eastern Transmission Corporation.
42	G-11373	418	Texas Eastern Transmission Corporation.
43	C163-1388	423	Columbia Gas Transmission Corporation.
44	C168-674	428	Texas Gas Transmission Corporation.
45	C168-675	429	United Gas Pipe Line Company.
46	C169-143	439	Tennessee Gas Pipeline Company.
47	C169-815	451	Southern Natural Gas Company.
48	C169-1177	456	Texas Eastern Transmission Corporation.
49	C169-1233	457	Transcontinental Gas Pipe Line Corporation.
50	C170-450	461	Southern Natural Gas Company.
51	C171-220	467	Texas Eastern Transmission Corporation.
52	C171-806	476	Texas Eastern Transmission Corporation.
53	C172-133	478	Southern Natural Gas Company.
54	C172-311	*479	Arkansas Louisiana Gas Company.
55	C173-126	488	Tennessee Gas Pipeline Company.
56	C173-201	489	Southern Natural Gas Company.
57	C173-512	491	Columbia Gas Transmission Corporation.
58	C175-57	05	Tennessee Gas Pipeline Company.
59	C175-527	508	United Gas Pipe Line Company.
60	C175-538	510	Trunkline Gas Company.
61	C176-112	511	Southern Natural Gas Company.
62	C175-663	512	Mid-Louisiana Gas Company.
63	C176-129	513	Southern Natural Gas Company.
64	C178-53	514	Natural Gas Pipeline Company of America.
65	C176-494	518	Trunkline Gas Company.
66	C176-729	520	Transcontinental Gas Company.
67	C176-734	521	Trunkline Gas Company.
68	C177-42	522	Sea Robin Pipeline Company.
69	C173-402	523	Ni-Gas Supply, Inc.
70	C176-697	524	Northern Natural Gas Company.
71	C176-464	525	Natural Gas Pipeline Company of America.
72	C177-28	526	Texas Eastern Transmission Corporation.
73	C177-39	527	Texas Eastern Transmission Corporation.
74	C177-40	528	Texas Eastern Transmission Corporation.
75	C176-730	534	Tennessee Gas Pipeline Company and Columbia Gas Transmission Corporation.
76	C177-469	539	Natural Gas Pipeline Company of America.
77	C177-578	543	Texas Eastern Transmission Corporation.
78	C177-782	545	Tennessee Gas Pipeline Company and Columbia Gas Transmission Corporation.
79	C177-777	546	Transcontinental Gas Pipe Line Corporation.
80	C177-789	557	Transcontinental Gas Pipe Line Corporation.
81	C177-41	557	Sea Robin Pipeline Company.
82	C179-85	558	Southern Natural Gas Company.
84	C178-1074	552	United Gas Pipe Line Company.
85	C178-1075	553	Southern Natural Gas Company.
86	C178-1188	556	Texas Eastern Transmission Corporation.
87	C178-148	559	Northern Natural Gas Company.
88	C178-1194	560	Southern Natural Gas Company.
89	C178-1254	561	United Gas Pipe Line Company.
890	C178-1195	568	Transcontinental Gas Pipe Line Corporation.

(Operator) et al.
[FR Doc. 79-30435 Filed 10-1-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-364]

**Texas Eastern Transmission Corp.;
Amendment To Application**

September 24, 1979.

Take notice that on August 31, 1979, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP79-364 an amendment to its application filed in the instant docket deleting from its original proposal filed herein the construction and operation of certain facilities, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In its application, Applicant requested authorization to transport natural gas for Northern Natural Gas Company (Northern) and to construct and operate certain tap and metering facilities at Starks, Louisiana, for the receipt of gas for Northern's account. Pending completion of such facilities, Applicant proposed to receive quantities for transportation at Ragley, Louisiana.

By letter agreement dated August 1, 1979, Applicant and Northern have agreed that Northern would construct and own the necessary facilities at Starks, excepting the tap.¹ Therefore, Applicant hereby deletes from its original request the construction of those facilities to be constructed by Northern.

The total estimated cost of the facilities proposed to be constructed by Applicant is \$33,000, which cost would be reimbursed by Northern.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before October 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the

¹ Northern has filed for authorization in Docket No. CP79-432 to construct and own the necessary facilities at Starks.

Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30436 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP77-19 and RP78-88]

**Transwestern Pipeline Co.; Order
Consolidating Hearings and
Terminating Proceedings**

September 25, 1979.

By joint motion filed August 17, 1979, Transwestern Pipeline Company, The People of the State of California, the California Public Utilities Commission, and the Commission Staff move this Commission to terminate the proceedings provided for in our July 9, 1979, order in Docket No. RP77-19. The joint movants state that only one issue, treatment of certain expenditures on a Wesco coal gasification project, remains unresolved in that docket. The same issue, it is stated, is set for hearing in Docket No. RP78-88. Accordingly, the movants request that the issue be consolidated with Docket No. RP78-88 and that joint proceedings in RP78-88 be designated as the proceeding in which the determination shall be made.

The Commission finds that good cause exists to grant the unopposed motion. Consolidation of the issue in RP78-88 and termination of the proceedings in RP77-19 will allow prompt resolution of this issue and is in all other respects consistent with the public interest.

The Commission Orders:

(A) The proceedings in Docket No. RP77-19 are hereby terminated.

(B) The resolution of the treatment of the Wesco costs in Docket No. RP77-19 shall be determined by the outcome in Docket No. RP78-88. The Wesco costs in Docket No. RP77-19 shall continue to be collected subject to refund, with interest at the rate prescribed in Section 154.67(c) of the Regulations, pending resolution of the issue in Docket No. RP78-88.

(C) Docket Nos. RP77-19 and RP78-88 are hereby consolidated for the purpose of hearing and decision on the issue of the treatment of Wesco costs.

(D) The Presiding Administrative Law Judge in Docket No. RP78-88, or such other Administrative Law Judge as may be designated by the Chief Administrative Law Judge shall, following hearing and briefing, decide the issue of the appropriate treatment of the Wesco costs and issue a decision thereon.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30438 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

[No. 87]

**Determinations by Jurisdictional
Agencies Under the Natural Gas Policy
Act of 1978**

September 24, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kansas Corporation Commission

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-19828/K-79-0274
2. 15-075-20220
3. 103
4. Laco Petroleum Corporation
5. HCU 2322 #1
6. Bradshaw
7. Hamilton KS
8. 54.8 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co
1. 79-19829/K-79-0218
2. 15-047-20297
3. 103
4. Barnett Oil Inc
5. Callhart B No 2
6. Carpenter
7. Edwards KS
8. 60.0 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co

1. 79-19830/K-79-0255
2. 15-119-20282
3. 103
4. Mesa Petroleum Co
5. 1-6 Adams
6. Cimmaron Bend
7. Meade KS
8. 460.0 million cubic feet
9. September 10, 1979
10. Kansas Power & Light Co
1. 79-19831/K-79-0217
2. 15-185-20796
3. 103
4. Barnett Oil Inc
5. Walrod B #1
6. Haynes East
7. Stafford KS
8. 82.0 million cubic feet
9. September 10, 1979
10. Central States Gas Company

1. 79-19832/K-79-0218

2. 15-145-20504
3. 103
4. Barnett Oil Inc
5. Suiter B #1
6. Shady
7. Pawnee KS
8. 90.0 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc
1. 79-19833/K-79-0101
2. 15-081-20068
3. 108
4. Benson Mineral Group Inc
5. Boughman Trust #1
6. Hugoton
7. Haskell KS
8. 20.0 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company

1. 79-19834/K-79-0105
2. 15-081-20056
3. 108
4. Benson Mineral Group Inc
5. Webber #1
6. Hugoton
7. Haskell KS
8. 13.1 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company
1. 79-19835/K-79-0106
2. 15-055-20195
3. 108
4. Benson Mineral Group Inc
5. Koster #1
6. Hugoton
7. Finney KS
8. 6.2 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company

1. 79-19836/K-79-0107
2. 15-081-20068
3. 108
4. Benson Mineral Group Inc
5. Spanier #1B
6. Hugoton
7. Haskell KS
8. 18.8 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company
1. 79-19837/K-79-0108
2. 15-055-20207
3. 108
4. Benson Mineral Group Inc
5. Atkinson #1B
6. Hugoton
7. Finney KS
8. 13.9 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company

1. 79-19838/K-79-0109
2. 15-081-20065
3. 108
4. Benson Mineral Group Inc
5. Spanier #1
6. Hugoton
7. Haskell KS
8. 12.0 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company
1. 79-19839/K-79-0219
2. 15-185-20819
3. 103
4. Barnett Oil Inc
5. Barstow E #1
6. Grunder

7. Stafford KS
8. 53.0 million cubic feet
9. September 10, 1979
10. Central States Gas Company
1. 79-19869/K-79-0220
2. 15-175-20325
3. 103
4. Hasada Industries
5. Albright #1 P10252000
6. Liberal Southeast Sec 1 Twp 35 RG33
7. Seward KS
8. 6.8 million cubic feet
9. September 10, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-19870/K-79-0256
2. 15-025-20240
3. 102
4. Mesa Petroleum Co
5. 1-20 Moore
6. Unnamed Wildcat
7. Clark KS
8. 14.0 million cubic feet
9. September 10, 1979
10. Kansas Power & Light Co

1. 79-19871/K-79-0259
2. 15-047-20441
3. 103
4. Imperial Oil Company
5. Mull No 1-20
6. Wildcat
7. Edwards KS
8. 73.0 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc
1. 79-19872/K-79-0260
2. 15-075-20041
3. 108
4. Antares Oil Corporation
5. Overton #1
6. Bradshaw
7. Hamilton KS
8. 8.0 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79-19873/K-79-0261
2. 15-075-20039
3. 108
4. Antares Oil Corporation
5. Gregory Tate #1
6. Bradshaw
7. Hamilton KS
8. 12.9 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc
1. 79-19874/K-79-0263
2. 15-145-20512
3. 108
4. Sterling Drilling Company
5. Cummins 1-34
6. Carpenter
7. Pawnee KS
8. 11.0 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79-19884/K-79-0267
2. 15-145-20225
3. 108
4. Alpine Drilling Co Inc
5. Gilkison No 1
6. Zook
7. Pawnee KS
8. 10.3 million cubic feet
9. September 10, 1979

10. Kansas-Nebraska Natural Gas Co Inc
1. 79-19885/K-78-0407
2. 15-077-20484
3. 103
4. Okmar Oil Company
5. Nancy #2
6. Muir West
7. Harper KS
8. 72.0 million cubic feet
9. September 10, 1979
10. Peoples Natural Gas Co
1. 79-19886/K-78-408
2. 15-175-20350
3. 103
4. Hasada Industries
5. Newlin #1 P10370000 P10283000
6. Liberal Southeast Sec 2 Twp 355 RG
7. Seward KS
8. 94.8 million cubic feet
9. September 10, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-19887/K-79-0004
2. 15-155-20276
3. 108
4. Hinkle Oil Company
5. Birket #1
6. Morton SE 100 SW/2 W/3 SW Sec 16-2
7. Reno KS
8. 11.5 million cubic feet
9. September 10, 1979
10. Cities Service Gas Company
1. 79-19888/K-79-0017
2. 15-119-20302
3. 103
4. R J Patrick Operating Company
5. Ross #1
6. Barragsee
7. Meade KS
8. 144.0 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Co

1. 79-19889/K-79-0018
2. 15-055-00000
3. 108
4. The Maurice L. Brown Company
5. Strackeljohn #1
6. Hugoton
7. Finney KS
8. 8.0 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company
1. 79-19890/K-79-0019
2. 15-095-20503
3. 108
4. The Maurice L. Brown Company
5. Whitelaw #1
6. Broadway—West
7. Klingman KS
8. 14.0 million cubic feet
9. September 10, 1979
10. Peoples Natural Gas

1. 79-19891/K-79-0110
2. 15-081-20074
3. 108
4. Benson Mineral Group Inc
5. Garetson #1
6. Hugoton
7. Haskell KS
8. 2.2 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company
1. 79-19892/K-79-0111
2. 15-055-20206
3. 108

4. Benson Mineral Group Inc
5. Brakey #1
6. Hugoton
7. Finney KS
8. 14.6 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company
1. 79-19893/K-79-0268
2. 15-145-20474
3. 103
4. Alpine Drilling Co Inc
5. Wurm-A No 1
6. Benson
7. Pawnee KS
8. 13.2 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc
1. 79-19894/K-79-0113
2. 15-055-20208
3. 108
4. Benson Mineral Group Inc
5. Ray 1 Trust #1
6. Hugoton
7. Finney KS
8. 2.6 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company
1. 79-19895/K-79-0269
2. 15-145-20471
3. 103
4. Alpine Drilling Co Inc
5. Wurm B-1
6. Carpenter
7. Pawnee KS
8. 29.3 million cubic feet
9. September 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc
1. 79-19896/K-79-0115
2. 15-081-20066
3. 108
4. Benson Mineral Group Inc
5. Schmidt-Connors #1
6. Hugoton
7. Haskell KS
8. 7.3 million cubic feet
9. September 10, 1979
10. Northern Natural Gas Company
1. 79-19897/K-79-0358
2. 15-171-20148
3. 102
4. The Maurice L Brown Company
5. R L Crist A #1
6. Undesignated
7. Scott KS
8. 87.0 million cubic feet
9. September 11, 1979
10. Kansas-Nebraska Natural Gas Pipeline
1. 79-19898/K-79-0357
2. 15-171-20147
3. 102
4. The Maurice L Brown Company
5. Gladys Martin #1
6. Undesignated
7. Scott KS
8. 24.0 million cubic feet
9. September 11, 1979
10. Kansas-Nebraska Natural Gas Pipeline
1. 79-19899/K-79-0359
2. 15-171-20149
3. 102
4. The Maurice L Brown Company
5. Lang A #2
6. Undesignated
7. Scott KS
8. 20.0 million cubic feet

9. September 11, 1979
10. Kansas-Nebraska Natural Gas Pipeline
1. 79-19923/K-79-0271
2. 15-145-00000
3. 108
4. Alpine Drilling Co Inc
5. Kasselman No 1
6. Zook
7. Pawnee KS
8. 13.4 million cubic feet
9. September 11, 1979
10. Kansas-Nebraska
1. 79-19924/K-79-0117
2. 15-081-20015
3. 108
4. Benson Mineral Group Inc
5. Wedel #1
6. Hugoton
7. Haskell, KS
8. 6.6 million cubic feet
9. September 11, 1979
10. Northern Natural Gas Company
1. 79-19925/K-79-0011
2. 15-081-20119
3. 103
4. Walter Kuhn Drilling Company
5. Walter No 1-A
6. Hugoton
7. Haskell, KS
8. 5000.0 million cubic feet
9. September 11, 1979
10. Northern Natural Gas Company
1. 79-19926/K-79-0118
2. 15-081-20084
3. 108
4. Benson Mineral Group Inc
5. Hull #1
6. Hugoton
7. Haskell, KS
8. 14.2 million cubic feet
9. September 11, 1979
10. Northern Natural Gas Company
1. 79-19927/K-79-0119
2. 15-081-20069
3. 108
4. Benson Mineral Group Inc
5. Patterson #1-B
6. Hugoton
7. Haskell, KS
8. 2.9 million cubic feet
9. September 11, 1979
10. Northern Natural Gas Company
1. 79-19928/K-79-0121
2. 15-081-20039
3. 108
4. Benson Mineral Group Inc
5. Giles #1
6. Hugoton
7. Haskell, KS
8. 15.7 million cubic feet
9. September 11, 1979
10. Northern Natural Gas Company
1. 79-19929/K-79-0122
2. 15-081-20089
3. 108
4. Benson Mineral Group Inc
5. McColm #1
6. Hugoton
7. Haskell, KS
8. 5.0 million cubic feet
9. September 11, 1979
10. Northern Natural Gas Company
1. 79-19930/K-79-0214
2. 15-129-00000

3. 108
4. Anadarko Production Company
5. Smith B No 4
6. Interstate Red Cave
7. Morton, KS
8. 12.0 million cubic feet
9. September 11, 1979
10. Panhandle Eastern Pipeline Company
1. 79-19931/K-79-0213
2. 15-093-20462
3. 103
4. CIG Exploration Inc
5. Tate #4
6. Panoma Council Grove
7. Kearny, KS
8. 33.0 million cubic feet
9. September 11, 1979
10. Colorado Interstate Gas Co

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-19940
2. 30-015-22652
3. 102
4. Yates Petroleum Corporation
5. Rio Penasco Jx Com #1
6. Wildcat Morrow
7. Eddy, NM
8. 1360.0 million cubic feet
9. September 12, 1979
10. Transwestern Pipeline Co
1. 79-19941
2. 30-005-00000
3. 102
4. Wainoco Oil & Gas Company
5. White Ranch No 4
6. White Ranch Mississippian
7. Chaves, NM
8. 73.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-19942
2. 30-015-22850
3. 102
4. Yates Petroleum Corporation
5. Armstrong Ks State Com #1
6. Und Kennedy Farms Morrow
7. Eddy, NM
8. .0 million cubic feet
9. September 12, 1979
10. Transwestern Pipeline Co
1. 79-19943
2. 30-015-21896
3. 102
4. Yates Petroleum Corporation
5. Jackson Cm Com #1
6. Eagle Creek Atoka-Morrow East
7. Eddy, NM
8. 174.0 million cubic feet
9. September 12, 1979
10. Transwestern Pipeline Co
1. 79-20043
2. 30-045-00000
3. 108
4. John C Pickett

5. Grace Pearce #1
6. Aztec Fruitland (Sec 22-29N-11W)
7. San Juan, NM
8. 20.1 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20044
2. 30-025-00000
3. 108
4. Texaco Inc
5. American National Insurance No 1
6. Eunice Monument
7. Lea, NM
8. 4.3 million cubic feet
9. September 12, 1979
10. Warren Petroleum Co
1. 79-20045
2. 30-045-00000
3. 108
4. Pioneer Production Corporation
5. Walker E #1
6. Basin (Dakota)
7. San Juan, NM
8. 10.2 million cubic feet
9. September 12, 1979
10. Pioneer Natural Gas Company
1. 79-20046
2. 30-025-00000
3. 108
4. Two States Oil Company
5. Cole B State Lease Well No 2
6. Penrose Skelly Grayburg
7. Lea, NM
8. 7.0 million cubic feet
9. September 12, 1979
10. Warren Petroleum Company
1. 79-20047
2. 30-015-22333
3. 108
4. Mesa Petroleum Co
5. Marquess Com #1
6. Carlsbad So Morrow
7. Eddy, NM
8. 20.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Co

North Dakota Geological Survey

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-19839/132-NGPA
2. 33-007-00252
3. 102
4. Gulf Oil Corporation
5. Speare 1-14-2A
6. Little Knife
7. Billings ND
8. 20.0 million cubic feet
9. September 10, 1979
10. Montana Dakota Utilities
1. 79-19840/133-NGPA
2. 33-007-00329
3. 102
4. Gulf Oil Corporation
5. State 4-16-1B
6. Little Knife
7. Billings ND

8. 182.0 million cubic feet
9. September 10, 1979
10. Montana Dakota Utilities
1. 79-19841/134-NGPA
2. 33-007-00295
3. 102
4. Gulf Oil Corporation
5. Steve Burian #1-22-1A
6. Little Knife
7. Billings ND
8. 11.0 million cubic feet
9. September 10, 1979
10. Montana Dakota Utilities
1. 79-19842/135-NGPA
2. 33-007-00299
3. 102
4. Gulf Oil Corporation
5. Tedrow 3-11-2A
6. Little Knife
7. Billings ND
8. 108.0 million cubic feet
9. September 10, 1979
10. Montana Dakota Utilities
1. 79-19843/136-NGPA
2. 33-025-00138
3. 102
4. Gulf Oil Corporation
5. Theo Sabrosky 1-33-4D
6. Little Knife
7. Dunn ND
8. 80.0 million cubic feet
9. September 10, 1979
10. Montana Dakota Utilities
1. 79-20034/137-NGPA
2. 33-053-00766
3. 103
4. Gas Producing enterprises Inc
5. GPE-ALAQ 9-146-103 BN#1
6. Poker Jim
7. McKenzie ND
8. 46.0 million cubic feet
9. September 12, 1979
10. Montana Dakota Utilities
1. 79-20035/138-NGPA
2. 33-053-00799
3. 103
4. Gas Producing Enterprises Inc.
5. GPE-ALAQ 15-146-103 BN#1
6. Poker Jim
7. McKenzie ND
8. 57.0 million cubic feet
9. September 12, 1979
10. Montana Dakota Utilities

West Virginia Department of Mines, Oil and Gas Division

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-19844
2. 47-067-00177
3. 108
4. Peake Operating Company
5. Sharp McMillian No 34 NIC-177
6. Grant District
7. Nicholas WV
8. 5.0 million cubic feet
9. September 10, 1979

10. Cities Service Company
1. 79-19845
2. 47-067-00167
3. 108
4. Peake Operating Company
5. Sharp McMillian No 29 NIC-167
6. Grant District
7. Nicholas WV
8. 5.0 million cubic feet
9. September 10, 1979
10. Cities Service Company
1. 79-19846
2. 47-045-00670
3. 108
4. Peake Operating Company
5. Newberry No 62 Log-670
6. Triadelphia District
7. Logan WV
8. 21.1 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation
1. 79-19847
2. 47-045-00611
3. 108
4. Peake Operating Company
5. Newberry No 54 Log-611
6. Triadelphia District
7. Logan WV
8. 9.0 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation
1. 79-19848
2. 47-045-00570
3. 108
4. Peake Operating Company
5. Newberry No 52 Log-570
6. Triadelphia District
7. Logan WV
8. 19.7 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation
1. 79-19849
2. 47-045-00506
3. 108
4. Peake Operating Company
5. Newberry No 35 Log-506
6. Triadelphia District
7. Logan WV
8. 19.7 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation
1. 79-19850
2. 47-087-00158
3. 108
4. Peake Operating Company
5. Sharp McMillian No 24 NIC-158
6. Grant District
7. Nicholas WV
8. 5.0 million cubic feet
9. September 10, 1979
10. Cities Service Company
1. 79-19851
2. 47-059-00857
3. 108
4. Peake Operating Company
5. Hare Lands No 167 Mingo-857
6. Stafford District
7. Mingo WV
8. 3.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp
1. 79-19852
2. 47-059-00736
3. 108

4. Peake Operating Company
5. Hare Lands No 122 Mingo-736
6. Stafford District
7. Mingo WV
8. 15.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp
1. 79-19853
2. 47-059-00692
3. 108
4. Peake Operating Company
5. Skillet Fork No 105 Mingo-692
6. Stafford District
7. Mingo WV
8. 12.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp
1. 79-19854
2. 47-059-00689
3. 108
4. Peake Operating Company
5. Skillet Fork No 104 Mingo-689
6. Stafford District
7. Mingo WV
8. 10.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp
1. 79-19855
2. 47-045-00285
3. 108
4. Peake Operating Company
5. Newberry No 3 Log-285
6. Triadelphia District
7. Logan WV
8. 12.4 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation
1. 79-19856
2. 47-059-00663
3. 108
4. Peake Operating Company
5. Skillet Fork No 92 Mingo-663
6. Stafford District
7. Mingo WV
8. 18.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp
1. 79-19857
2. 47-059-00533
3. 108
4. Peake Operating Company
5. Hare Lands No 58 Mingo-533
6. Stafford District
7. Mingo WV
8. 7.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp
1. 79-19858
2. 47-059-00350
3. 108
4. Peake Operating Company
5. Skillet Fork No 13 Mingo-350
6. Stafford District
7. Mingo WV
8. 5.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp
1. 79-19859
2. 47-045-00816
3. 108
4. Peake Operating Company
5. Newberry No 131 Log-816
6. Triadelphia District
7. Logan WV
8. 19.0 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation
1. 79-19860
2. 47-067-00200
3. 108
4. Peake Operating Company
5. Share McMillan No 50 NIC-200
6. Jefferson District
7. Nicholas WV
8. 8.0 million cubic feet
9. September 10, 1979
10. Cities Service Company
1. 79-19861
2. 47-067-00196
3. 108
4. Peake Operating Company
5. Sharp McMillan No 57 NIC-96
6. Jefferson District
7. Nicholas WV
8. 6.0 million cubic feet
9. September 10, 1979
10. Cities Service Company
1. 79-19862
2. 47-059-00706
3. 108
4. Peake Operating Company
5. Skillet Fork No 114 Mingo-706
6. Stafford District
7. Mingo WV
8. 11.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp
1. 79-19863
2. 47-005-00942
3. 108
4. Peake Operating Company
5. Eunice No 121 BOO-942
6. Crook District
7. Boone WV
8. 8.9 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation
1. 79-19864
2. 47-005-00976
3. 108
4. Peake Operating Company
5. Y & O No 147 BOO-976
6. Crook District
7. Boone WV
8. 8.0 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation
1. 79-19865
2. 47-005-00974
3. 108
4. Peake Operating Company
5. Y & O No 136 BOO-974
6. Crook District
7. Boone WV
8. 19.3 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation
1. 79-19866
2. 47-005-00972
3. 108
4. Peake Operating Company
5. Y & O No 135 BOO-972
6. Crook District
7. Boone WV
8. 19.3 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation
1. 79-19867
2. 47-045-00286
3. 108
4. Peake Operating Company
5. Newberry NC 4 Log-286
6. Triadelphia District
7. Logan WV
8. 10.2 million cubic feet
9. September 10, 1979
10. Consolidated Gas Supply Corporation
1. 79-19875
2. 47-059-00686
3. 108
4. Peake Operating Company
5. Skillet Fork No. 102 Mingo-686
6. Stafford District
7. Mingo WV
8. 7.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp
1. 79-19876
2. 47-059-00684
3. 108
4. Peake Operating Company
5. Skillet Fork No. 100 Mingo-684
6. Stafford District
7. Mingo WV
8. 20.1 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp
1. 79-19877
2. 47-059-00679
3. 108
4. Peake Operating Company
5. Skillet Fork No. 98 Mingo-679
6. Stafford District
7. Mingo WV
8. 9.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp
1. 79-19878
2. 47-059-00705
3. 108
4. Peake Operating Company
5. Skillet Fork No. 113 Mingo-705
6. Stafford District
7. Mingo WV
8. 11.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp
1. 79-19879
2. 47-059-00700
3. 108
4. Peake Operating Company
5. Skillet Fork No. 111 Mingo-700
6. Stafford District
7. Mingo WV
8. 8.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp
1. 79-19880
2. 47-059-00699
3. 108
4. Peake Operating Company
5. Skillet Fork No. 110 Mingo-699
6. Stafford District
7. Mingo WV
8. 2.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp
1. 79-19881
2. 47-059-00695
3. 108
4. Peake Operating Company
5. Skillet Fork No 109 Mingo-695
6. Stafford District
7. Mingo WV

8. 3.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp
1. 79-19882
2. 47-059-00694
3. 108
4. Peake Operating Company
5. Hare Lands No 108 Mingo-694
6. Stafford District
7. Mingo WV
8. 8.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp
1. 79-19883
2. 47-059-00693
3. 108
4. Peake Operating Company
5. Skillet Fork No 106 Mingo-693
6. Stafford District
7. Mingo WV
8. 7.0 million cubic feet
9. September 10, 1979
10. Columbia Gas Transmission Corp
1. 79-19900
2. 47-079-00929
3. 108
4. Peake Operating Company
5. Elizabeth McClintic No 41
6. Scott District
7. Putnam WV
8. 4.0 million cubic feet
9. September 11, 1979
10. Union Oil & Gas Inc
1. 79-19901
2. 47-079-00567
3. 108
4. Peake Operating Company
5. A B McCulloch No 45 Put-567
6. Scott District
7. Putnam WV
8. 4.0 million cubic feet
9. September 11, 1979
10. Teavee Oil & Gas Inc
1. 79-19902
2. 47-079-00578
3. 108
4. Peake Operating Company
5. Elizabeth McClintic No 47 Put-578
6. Scott District
7. Putnam WV
8. 7.0 million cubic feet
9. September 11, 1979
10. Union Oil & Gas Inc
1. 79-19903
2. 47-109-00668
3. 108
4. Peake Operating Company
5. W P C Welchlands 36-150
6. Slab Fork District
7. Wyoming WV
8. 14.9 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19904
2. 47-109-00665
3. 108
4. Peake Operating Company
5. Welchlands No 155 Wyo-663
6. Slab Fork District
7. Wyoming WV
8. 14.9 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19905
2. 47-079-00582
3. 108
4. Peake Operating Company
5. D E Hardman No 48 Put-582
6. Scott District
7. Putnam WV
8. 3.0 million cubic feet
9. September 11, 1979
10. Teavee Oil & Gas Inc
1. 79-19906
2. 47-081-00144
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 112 Ral-144
6. Marsh Fork District
7. Raleigh WV
8. 7.3 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19907
2. 47-081-00249
3. 108
4. Peake Operating Company
5. Welchlands No 117 Ral-249
6. Slab Fork District
7. Raleigh WV
8. 1.8 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19908
2. 47-109-00096
3. 108
4. Peake Operating Company
5. Welchlands No 132 Wyo-96
6. Slab Fork District
7. Wyoming WV
8. 6.9 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19909
2. 47-081-00242
3. 108
4. Peake Operating Company
5. Oglebay Norton No 99 Ral-242
6. Marsh Fork District
7. Raleigh WV
8. 2 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19910
2. 47-081-00246
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 107 Ral-246
6. Marsh Fork District
7. Raleigh WV
8. 1.4 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19911
2. 47-081-00248
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 116 Ral-248
6. Marsh Fork District
7. Raleigh WV
8. 4.7 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19912
2. 47-081-00253
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 119 Ral-253
6. Marsh Fork District
7. Raleigh WV
8. 20.4 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19913
2. 47-081-00256
3. 108
4. Peake Operating Company
5. Crab Orchard No 120 Ral-256
6. Trap Hill District
7. Raleigh WV
8. 4.0 million cubic feet
9. September 11, 1979
10. Cabot Corporation
1. 79-19914
2. 47-081-00276
3. 108
4. Peake Operating Company
5. Welchlands No 144 Ral-276
6. Slab Fork District
7. Raleigh WV
8. 4.4 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19915
2. 47-109-00468
3. 108
4. Peake Operating Company
5. Welchlands No 39 Wyo-468
6. Slab Fork District
7. Wyoming WV
8. 8.4 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19916
2. 47-109-00744
3. 108
4. Peake Operating Company
5. Welchlands No 165 Wyo-744
6. Slab Fork District
7. Wyoming WV
8. 14.6 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19917
2. 47-109-00747
3. 108
4. Peake Operating Company
5. Welchlands No 166 Wyo-747
6. Slab Fork District
7. Wyoming WV
8. 18.2 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19918
2. 47-109-00491
3. 108
4. Peake Operating Company
5. Welchlands No 55 Wyo-491
6. Slab Fork District
7. Wyoming WV
8. 8.4 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19919
2. 47-081-00232
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 78 Ral-232
6. Marsh Fork District
7. Raleigh WV
8. 7.6 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19920

2. 47-081-00233
3. 108
4. Peake Operating Company
5. Welchlands No 80 Ral-233
6. Slab Fork District
7. Raleigh, WV
8. 1.1 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19921
2. 47-081-00235
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 88 Ral-235
6. Marsh Fork District
7. Raleigh, WV
8. 19.3 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19922
2. 47-081-00237
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 84 Ral-237
6. Marsh Fork District
7. Raleigh, WV
8. 9.8 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19932
2. 47-081-00229
3. 108
4. Peake Operating Company
5. Welchlands No 72 Ral-229
6. Slab Fork District
7. Raleigh, WV
8. 8.0 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19933
2. 47-081-00228
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 70 Ral-228
6. Marsh Fork District
7. Raleigh, WV
8. 9.1 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19934
2. 47-081-00225
3. 108
4. Peake Operating Company
5. Welchlands No 66 Ral-225
6. Slab Fork District
7. Raleigh, WV
8. 7.3 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19935
2. 47-081-00223
3. 108
4. Peake Operating Company
5. Dorothy Sarita No 63 Ral-223
6. Marsh Fork District
7. Raleigh, WV
8. 8.4 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19936
2. 47-067-00206
3. 108
4. Peake Operating Company
5. Sharp McMillan No 64 Nic-206
6. Jefferson District
7. Nicholas, WV
8. .5 million cubic feet
9. September 11, 1979
10. Cities Service Company
1. 79-19937
2. 47-109-00681
3. 108
4. Peake Operating Company
5. Welchlands No 162 Wyo-681
6. Slab Fork District
7. Wyoming, WV
8. 10.9 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19938
2. 47-079-00555
3. 108
4. Peake Operating Company
5. Elizabeth McClintic No 42 Put-555
6. Scott District
7. Putman, WV
8. .3 million cubic feet
9. September 11, 1979
10. Union Oil & Gas Inc
1. 79-19939
2. 47-081-00230
3. 108
4. Peake Operating Company
5. Welchlands No 75 Ral-230
6. Slab Fork District
7. Raleigh, WV
8. 20.3 million cubic feet
9. September 11, 1979
10. Consolidated Gas Supply Corporation
1. 79-19972
2. 47-043-01477
3. 108
4. Pennzoil Company
5. E G Pauley #3
6. Duval
7. Lincoln, WV
8. .3 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation
1. 79-19973
2. 47-021-03274
3. 108
4. Pennzoil Company
5. Blackshere Leola #1
6. Center
7. Gilmer, WV
8. .3 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation
1. 79-19974
2. 47-021-03273
3. 108
4. Pennzoil Company
5. Blackshere-Bennett #1
6. Center
7. Gilmer, WV
8. 8.9 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation
1. 79-19975
2. 47-021-03330
3. 108
4. Pennzoil Company
5. Stump M A Tract 2 Well #1
6. Center
7. Gilmer, WV
8. .3 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation
1. 79-19976
2. 47-041-02508
3. 108
4. Pennzoil Company
5. G B Parr #2
6. Court House
7. Lewis, WV
8. .4 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation
1. 79-19977
2. 47-033-01826
3. 108
4. Pennzoil Company
5. L D Shaw #1
6. Eagle
7. Harrison, WV
8. 1.4 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19978
2. 47-043-01483
3. 108
4. Pennzoil Company
5. E T Spurlock #6
6. Duval
7. Lincoln, WV
8. .9 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19979
2. 47-043-01481
3. 108
4. Pennzoil Company
5. A A Woodrum #3
6. Duval
7. Lincoln, WV
8. 1.0 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19980
2. 47-013-02752
3. 108
4. Pennzoil Company
5. H M Ayers #5
6. Sherman District
7. Calhoun, WV
8. .6 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19981
2. 47-013-02810
3. 108 denied
4. Pennzoil Company
5. R G Linn #5
6. Sherman District
7. Calhoun, WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19982
2. 47-013-02814
3. 108 denied
4. Pennzoil Company
5. R G Linn #9
6. Sherman District
7. Calhoun, WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19983
2. 47-013-02806
3. 108 denied
4. Pennzoil Company
5. R G Linn #1
6. Sherman District

7. Calhoun, WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19984
2. 47-013-02813
3. 108 denied
4. Pennzoil Company
5. R G Linn #8
6. Sherman District
7. Calhoun, WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19985
2. 47-013-02808
3. 108 denied
4. Pennzoil Company
5. R G Linn #3
6. Sherman District
7. Calhoun, WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19986
2. 47-013-02812
3. 108 denied
4. Pennzoil Company
5. R G Linn #7
6. Sherman District
7. Calhoun, WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19987
2. 47-013-02766
3. 108 denied
4. Pennzoil Company
5. P A Bourne #2
6. Sherman District
7. Calhoun, WV
8. .0 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19988
2. 47-013-02168
3. 108 denied
4. Pennzoil Company
5. P A Bourne #1
6. Sherman District
7. Calhoun, WV
8. .0 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19989
2. 47-021-03331
3. 108
4. Pennzoil Company
5. Ryan Emma #1
6. Center
7. Gilmer, WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19990
2. 47-021-01251
3. 108
4. Pennzoil Company
5. W F Weaver #4
6. Dekalb District
7. Gilmer, WV
8. 10.7 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19991
2. 47-013-02784
3. 108
4. Pennzoil Company
5. Armanda Elliott #7
6. Sherman District
7. Calhoun, WV
8. .5 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19992
2. 47-039-03232
3. 108
4. Pennzoil Company
5. Morley M E #1
6. Big Sandy
7. Kanawha, WV
8. 8.0 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19993
2. 47-013-02785
3. 108
4. Pennzoil Company
5. Armanda Elliott #8
6. Sherman District
7. Calhoun, WV
8. .5 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19994
2. 47-013-02782
3. 108
4. Pennzoil Company
5. Armanda Elliott #4
6. Sherman District
7. Calhoun, WV
8. .5 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19995
2. 47-041-02509
3. 108
4. Pennzoil Company
5. C B Parr #5
6. Court House
7. Lewis, WV
8. .4 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19996
2. 47-043-01472
3. 108
4. Pennzoil Company
5. A A Woodrum #2
6. Duval
7. Lincoln, WV
8. 1.0 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19997
2. 47-021-01817
3. 108
4. Pennzoil Company
5. Joab Crites #2
6. Dekalb District
7. Gilmer, WV
8. 7.1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19998
2. 47-021-01818
3. 108
4. Pennzoil Company
5. Weaver Heirs #8
6. Dekalb District
7. Gilmer, WV
8. 7.4 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-19999
2. 47-021-01873
3. 108
4. Pennzoil Company
5. W H Canfield #1
6. Glenville
7. Gilmer, WV
8. 5.5 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20000
2. 47-039-03276
3. 108
4. Pennzoil Company
5. Fred J Thabet #2
6. Elk
7. Kanawha, WV
8. 12.7 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20001
2. 47-039-03277
3. 108
4. Pennzoil Company
5. Fred J Thabet #3
6. Elk
7. Kanawha, WV
8. 12.7 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20002
2. 47-021-01145
3. 108
4. Pennzoil Company
5. F C Wilson #4
6. Dekalb District
7. Gilmer, WV
8. 4.4 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20003
2. 47-021-01163
3. 108
4. Pennzoil Company
5. I N Hardman #10
6. Dekalb District
7. Gilmer, WV
8. 3.2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20004
2. 47-021-01084
3. 108
4. Pennzoil Company
5. French Hardman #12
6. Dekalb District
7. Gilmer, WV
8. 10.4 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20005
2. 47-021-03332
3. 108
4. Pennzoil Company
5. Stump M A #1
6. Center
7. Gilmer, WV
8. 9.3 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20006

2. 47-013-00769
3. 108
4. Pennzoil Company
5. L J McDonald #4
6. Sherman District
7. Calhoun, WV
8. .1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20007
2. 47-013-01752
3. 108
4. Pennzoil Company
5. E F Deweese #2
6. Sherman District
7. Calhoun, WV
8. 6.1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20008
2. 47-013-01774
3. 108
4. Pennzoil Company
5. Okey Parsons #1
6. Sherman District
7. Calhoun, WV
8. 3.7 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20009
2. 47-013-02779
3. 108
4. Pennzoil Company
5. Armanda Elliott #1
6. Sherman District
7. Calhoun, WV
8. .5 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20010
2. 47-013-02780
3. 108
4. Pennzoil Company
5. Armanda Elliott #2
6. Sherman District
7. Calhoun, WV
8. .5 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20011
2. 47-013-02781
3. 108
4. Pennzoil Company
5. Armanda Elliott #3
6. Sherman District
7. Calhoun, WV
8. .5 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20012
2. 47-033-01849
3. 108
4. Pennzoil Company
5. E W Thompson #2
6. Clay
7. Harrison, WV
8. .0 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20013
2. 47-013-02731
3. 108
4. Pennzoil Company
5. H M Ayers #1
6. Sherman District

7. Calhoun, WV
8. .6 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20014
2. 47-013-02742
3. 108
4. Pennzoil Company
5. L J McDonald #2
6. Sherman District
7. Calhoun, WV
8. .1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20015
2. 47-013-02741
3. 108
4. Pennzoil Company
5. L J McDonald #1
6. Sherman District
7. Calhoun, WV
8. .1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20016
2. 47-013-02750
3. 108
4. Pennzoil Company
5. H M Ayers #3
6. Sherman District
7. Calhoun, WV
8. .6 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20017
2. 47-013-02749
3. 108
4. Pennzoil Company
5. H M Ayers #2
6. Sherman District
7. Calhoun, WV
8. .6 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20018
2. 47-013-02743
3. 108
4. Pennzoil Company
5. L J McDonald #3
6. Sherman District
7. Calhoun, WV
8. .1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20019
2. 47-013-02754
3. 108
4. Pennzoil Company
5. H M Ayers #7
6. Sherman District
7. Calhoun, WV
8. .6 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20020
2. 47-013-02753
3. 108
4. Pennzoil Company
5. H M Ayers #6
6. Sherman District
7. Calhoun, WV
8. .6 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20021

2. 47-079-00622
3. 108
4. Peake Operating Company
5. Elizabeth McClintic No 53 PUT-622
6. Scott District
7. Putnam WV
8. 5.0 million cubic feet
9. September 12, 1979
10. Union Oil & Gas Inc
1. 79-20022
2. 47-079-00588
3. 108 Denied
4. Peake Operating Company
5. L C Ball No 49 PUT-588
6. Scott District
7. Putnam WV
8. .5 million cubic feet
9. September 12, 1979
10. Teavee Oil & Gas Inc
1. 79-20023
2. 47-081-00196
3. 108
4. Peake Operating Company
5. Eunice No 5 RAL-196
6. Marsh Fork District
7. Raleigh WV
8. 5.4 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation
1. 79-20024
2. 47-079-00608
3. 108
4. Peake Operating Company
5. Elizabeth McClintic No 50 PUT-608
6. Scott District
7. Putnam WV
8. 4.0 million cubic feet
9. September 12, 1979
10. Union Oil & Gas Inc
1. 79-20025
2. 47-081-00204
3. 108 Denied
4. Peake Operating Company
5. Eunice No 21 RAL-204
6. Marsh Fork District
7. Raleigh WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation
1. 79-20026
2. 47-079-00673
3. 108 Denied
4. Peake Operating Company
5. P Clark No 95 PUT-673
6. Scott District
7. Putnam WV
8. .5 million cubic feet
9. September 12, 1979
10. Teavee Oil & Gas Inc
1. 79-20027
2. 47-081-00218
3. 108
4. Peake Operating Company
5. Welchlands No 59 RAL-216
6. Slab Fork District
7. Raleigh WV
8. 17.1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation
1. 79-20028
2. 47-081-00201
3. 108
4. Peake Operating Company
5. Eunice No 12 RAL-201
6. Marsh Fork District

7. Raleigh WV
8. 5.1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation
1. 79-20029
2. 47-081-00197
3. 108
4. Peake Operating Company
5. Eunice No 6 RAL-197
6. Marsh Fork District
7. Raleigh WV
8. 2.5 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corporation
1. 79-20030
2. 47-079-00670
3. 108 Denied
4. Peake Operating Company
5. P Clark No 90 PUT-670
6. Scott District
7. Putnam WV
8. .5 million cubic feet
9. September 12, 1979
10. Teavee Oil & Gas Inc
1. 79-20031
2. 47-079-00664
3. 108
4. Peake Operating Company
5. Simms-McGinnis No 79 PUT-664
6. Scott District
7. Putnam WV
8. 3.0 million cubic feet
9. September 12, 1979
10. Teavee Oil & Gas Inc
1. 79-20032
2. 47-079-00668
3. 108 Denied
4. Peake Operating Company
5. P Clark No 85 PUT-668
6. Scott District
7. Putnam WV
8. .5 million cubic feet
9. September 12, 1979
10. Teavee Oil & Gas Inc
1. 79-20033
2. 47-079-00659
3. 108
4. Peake Operating Company
5. Simms-McGinnis No 74 PUT-659
6. Scott District
7. Putnam WV
8. 6.0 million cubic feet
9. September 12, 1979
10. Teavee Oil & Gas Inc
1. 79-20036
2. 47-013-02809
3. 108 Denied
4. Pennzoil Company
5. R G Linn #4
6. Sherman District
7. Calhoun WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20037
2. 47-013-02807
3. 108 Denied
4. Pennzoil Company
5. R G Linn #2
6. Sherman District
7. Calhoun WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20038

2. 47-005-01066
3. 108 Denied
4. Pennzoil Company
5. Yawkey-Freeman #110
6. Washington
7. Boone WV
8. 18.9 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20039
2. 47-005-01092
3. 108 denied
4. Pennzoil Company
5. Yawkey-Freeman #114
6. Yawkey-Freeman
7. Hoone WV
8. 14.3 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20040
2. 47-039-03283
3. 108 denied
4. Pennzoil Company
5. L C Alexander #3
6. Elk
7. Kanawha WV
8. .0 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20041
2. 47-013-02811
3. 108 denied
4. Pennzoil Company
5. R G Linn #6
6. Sherman District
7. Calhoun WV
8. .2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20042
2. 47-021-00288
3. 108 denied
4. Pennzoil Company
5. French Hardman #4
6. Dekalb District
7. Gilmer WV
8. 20.1 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20048
2. 47-013-02783
3. 108
4. Pennzoil Company
5. Armanda Elliott #6
6. Sherman District
7. Calhoun WV
8. .5 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20049
2. 47-021-01182
3. 108
4. Pennzoil Company
5. F A Weaver #2
6. Dekalb District
7. Gilmer WV
8. 2.4 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20050
2. 47-021-03269
3. 108
4. Pennzoil Company
5. W H Ayers #3
6. Dekalb District

7. Gilmer WV
8. 4.2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20051
2. 47-021-03266
3. 108
4. Pennzoil Company
5. L N Ayers #1
6. Dekalb District
7. Gilmer WV
8. 8.2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20052
2. 47-021-02168
3. 108
4. Pennzoil Company
5. I N Hardman #12
6. Dekalb District
7. Gilmer WV
8. 3.2 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20053
2. 47-043-01484
3. 108
4. Pennzoil Company
5. E T Spurlock #7
6. Duval
7. Lincoln WV
8. .9 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20054
2. 47-017-02394
3. 108
4. Pennzoil Company
5. John Wanstreet No 6
6. Cove
7. Doddridge WV
8. 6.3 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp
1. 79-20055
2. 47-021-02167
3. 108
4. Pennzoil Company
5. C W Goff #3
6. Dekalb District
7. Gilmer WV
8. 2.3 million cubic feet
9. September 12, 1979
10. Consolidated Gas Supply Corp

United States Geological Survey, Metairie, Louisiana

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-19944/G9-414
2. 17-715-40187-00S1-0
3. 102
4. Gulf Oil Corporation
5. OCS G-2624 No B-4
6. South Timbalier Blk 37
7. 36
8. 1423.0 million cubic feet

9. September 12, 1979
10. Texas Eastern Transmission Corp
Tennessee Gas Pipeline Company Southern
Natural Gas Company
1. 79-19945/G9-402
2. 17-715-40156-0100-0
3. 102
4. Gulf Oil Corporation
5. OCS G-2625 No C-1
6. South Timbalier 37
7. 37
8. 176.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp
Tennessee Gas Pipeline Co Southern
Natural Gas Co
1. 79-19946/G9-538
2. 17-700-40192-00D2-0
3. 102
4. Gulf Oil Corporation
5. W CAM Blk 266 Well A-9D
6. West Cameron Blk 266
7. 265
8. 1095.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp
Columbia Gas Transmission Corp
Michigan-Wisconsin Pipeline Co
1. 79-19947/G9-351
2. 17-708-40203-00D1-0
3. 102
4. Forest Oil Corporation
5. S Marsh Is Blk 142 A-8
6. South Marsh Island
7. 142
8. 288.0 million cubic feet
9. September 12, 1979
10. Columbia Gas transmission Corp
Consolidated Gas Supply Corp Columbia
Gas Transmission Corp
1. 79-19948/G9-352
2. 17-708-40203-00D2-0
3. 102
4. Forest Oil Corporation
5. S Marsh Is Blk 142 A-6D
6. South Marsh Island
7. 142
8. 6.0 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corporation
Consolidated Gas Supply Corp Columbia
Gas Transmission Corp
1. 79-19949/G9-395
2. 17-715-40148-5100-0
3. 102
4. Gulf Oil Corporation
5. OSC G-3336 No E-1
6. South Timbalier Blk 37
7. 35
8. 456.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp
1. 79-19950/G9-394
2. 17-715-40229-S100-0
3. 102
4. Gulf Oil Corporation
5. OCS G-3336 S Timb Blk 35 #D-4
6. South Timbalier
7. 35
8. 1460.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp
1. 79-19951/G9-393
2. 17-715-40188-00D1-0
3. 102
4. Gulf Oil Corporation
5. OCS-G-3336 S Timb Blk 35 #D-2
6. South Timbalier
7. 35
8. 474.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp
1. 79-19952/G9-357
2. 17-706-40310-00S1-0
3. 102
4. Forest Oil Corporation
5. Vermilion Block 268 #C-9
6. Vermilion
7. 268
8. 900.0 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
Consolidated Gas Transmission Corp
Texas Gas Transmission Corp
1. 79-19953/G9-404
2. 17-715-40212-00S1-0
3. 102
4. Gulf Oil Corporation
5. OCS G-2624 No B-5
6. South Timbalier Blk 37
7. 36
8. 836.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp
Tennessee Gas Pipeline Company Southern
Natural Gas Company
1. 79-19954/G9-361
2. 17-708-40210-00D2-0
3. 102
4. Forest Oil Corporation
5. S Marsh Is Blk 142 A-7D
6. South Marsh Island
7. 142
8. 147.0 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
Consolidated Gas Supply Corporation
Columbia Gas Transmission Corp
1. 79-19955/G9-399
2. 17-715-40152-00D2-0
3. 102 Denied
4. Gulf Oil Corporation
5. OCS G-2625 No C-1-D
6. South Timbalier Blk 37
7. 37
8. 1113.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp
Southern Natural Gas Company Tennessee
Gas Pipeline Co
1. 79-19956/G8-103
2. 17-706-40248-0000-0
3. 102
4. Texas Gas Exploration Corp
5. Texas Gas Expl #F-8-D
6. Vermilion SA
7. 267
8. 460.0 million cubic feet
9. September 12, 1979
10. Texas Gas Transmission Corp
Consolidated Gas Supply Corp Columbia
Gas Transmission Corp
1. 79-19957/G8-166
2. 17-711-40379-0001-0
3. 102
4. Southern Natural Gas Co
5. OCS G-1525 No D-3
6. Ship Shoal
7. 222
8. 357.0 million cubic feet

9. September 12, 1979
10. Sea Robin Pipeline Co
1. 79-19958/G9-534
2. 17-816-40048-00D2-0
3. 102
4. Gulf Oil Corporation
5. OCS-G-2445 A-24-D S/P Blk 62
6. Viosca Knoll
7. 900
8. 122.0 million cubic feet
9. September 12, 1979
10. Southern Natural Gas Company
1. 79-19959/G9-400
2. 17-715-40237-00S1-0
3. 102
4. Gulf Oil Corporation
5. OCS C-2624 No B-6
6. South Timbalier Blk 37
7. 36
8. 1825.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp.
Tennessee Gas Pipeline Co, Southern
Natural Gas Co
1. 79-19960/G9-539
2. 17-715-00973-01D1-0
3. 102
4. Gulf Oil Corporation
5. OCS-C-1260 #B-16
6. South Timbalier Blk 176
7. 177
8. 44.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp.
Columbia Gas Transmission Corp,
Michigan Wisconsin P/L Co, Sea Robin
Pipeline
1. 79-19961/G9-533
2. 17-816-40024-01S1-0
3. 102
4. Gulf Oil Corporation
5. OCS G-2445 A-20 S P Blk 62
6. Viosca Knoll
7. 900
8. 100.0 million cubic feet
9. September 12, 1979
10. Southern Natural Gas Company
1. 79-19962/G9-425
2. 17-715-40188-00D2-0
3. 102
4. Gulf Oil Corporation
5. OCS G-3336 No D-2-D
6. South Timbalier Block 37
7. 35
8. 493.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission, Tennessee
Gas P/L Co, Southern Natural Gas Co
1. 79-19963/G9-354
2. 17-708-40165-00S1-0
3. 102
4. Forest Oil Corporation
5. Marsh Is Blk 142 #A-3
6. South Marsh Island
7. 142
8. 79.0 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp,
Consolidated Gas Supply Corp
1. 79-19964/G8-98
2. 17-706-40237-0000-0
3. 102
4. Texas Gas Exploration Corp
5. Texas Gas Exploration Corp #F-3 Well
6. Vermilion, SA

7. 267
8. 580.0 million cubic feet
9. September 12, 1979
10. Texas Gas Transmission Corp,
Consolidated Gas Supply Corp, Columbia
Gas Transmission Corp
1. 79-19965/G9-398
2. 17-715-40146-00D1-0
3. 102
4. Gulf Oil Corporation
5. OCS C-2625 No A-6
6. South Timbalier
7. 37
8. 456.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission, Tennessee
Gas Pipeline Co, Southern Natural Gas Co
1. 79-19966/G9-360
2. 17-708-40210-00D1-0
3. 102
4. Forest Oil Corporation
5. S Marsh Is Blk 142 #A-7
6. South Marsh Island
7. 142
8. 1469.0 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corporation,
Natural Gas P/L Co of America, Northern
Natural Gas Co, Consolidated Gas Supply
Corp
1. 79-19967/G9-362
2. 17-708-40263-00S1-0
3. 102
4. Forest Oil Corporation
5. S Marsh Is Blk 142 #A-9
6. South Marsh Island
7. 142
8. 62.0 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corporation,
Consolidated Gas Supply Corp
1. 79-19968/G8-105
2. 17-706-40279-0000-0
3. 102
4. Texas Gas Exploration Corp
5. Texas Gas Exploration Corp #F-10 Well
6. Vermilion, SA
7. 267
8. 592.0 million cubic feet
9. September 12, 1979
10. Texas Gas Transmission Corp,
Consolidated Gas Supply Corp, Columbia
Gas Transmission
1. 79-19969/G9-358
2. 17-706-40313-01S1-0
3. 102
4. Forest Oil Corporation
5. Vermilion Block 268 C-11
6. Vermilion
7. 268
8. 734.0 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corporation,
Consolidated Gas Supply Corp, Texas Gas
Transmission Corp
1. 79-19970/G8-97
2. 17-706-40212-0000-0
3. 102
4. Texas Gas Exploration Corp
5. Texas Gas Expl Corp #F-2
6. Vermilion, SA
7. 267
8. 20.0 million cubic feet
9. September 12, 1979

10. Texas Gas Transmission Corp,
Consolidated Gas Supply Corp, Columbia
Gas Transmission Corp
1. 79-19971/G9-401
2. 17-715-40142-00D2
3. 102
4. Gulf Oil Corp
5. OCS G-2624 No. B-3-D
6. South Timbalier Blk 37
7. 36
8. 1861.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp,
Tennessee Gas Pipeline Co, Southern
Natural Gas Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the commission within fifteen (15) days of the date of publication of this notice in the **Federal Register**.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30440 Filed 10-1-79; 8:45 am]

BILLING CODE 6450-01-M

[No. 88]

Determinations By Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

September 24, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kentucky Department of Mines and Minerals

Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-20056/ERC-23
2. 16-025-00000

3. 108
4. T & M Producers
5. T & M #4
6. Frozen
7. Breathitt, KY
8. 6.5 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company
1. 79-20057/ERC-24
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. A-8 Adkins Well
6. Harless Creek
7. Pike KY
8. 8.5 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20058/ERC-25
2. 16-159-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Blacklog Well #1
6. Blacklog Fork of Rock Castle Creek
7. Martin KY
8. 5.9 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20059/ERC-26
2. 16-159-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Blacklog Well #2
6. Blacklog Fork of Rock Castle Creek
7. Martin KY
8. 5.9 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20060/ERC-27
2. 16-159-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Blacklog Well #2
6. Blacklog Fork of Rock Castle Creek
7. Martin KY
8. 5.9 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20061/ERC-28
2. 16-159-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Blacklog Well #4
6. Blacklog Fork of Rock Castle Creek
7. Martin KY
8. 5.9 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20062/ERC-29
2. 16-159-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Blacklog Well #5
6. Blacklog Fork of Rock Castle Creek
7. Martin KY
8. 5.9 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20063/ERC-30
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Potter #1
6. Robinson Creek Area
7. Pike KY

8. 3.4 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20064/ERC-31
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Potter #2
6. Robinson Creek Area
7. Pike KY
8. 3.4 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20065/ERC-32
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Potter-Damron
6. Robinson Creek Area
7. Pike KY
8. 3.4 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20066/ERC-33
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. A-1 Mims Well
6. Hurricane Creek
7. Pike KY
8. 18.3 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20067/ERC-34
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Bow #1
6. Robinson Creek Area
7. Pike KY
8. 3.4 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20068/ERC-35
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Bow #2
6. Robinson Creek Area
7. Pike KY
8. 3.4 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20069/ERC-36
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Pickleseimer
6. Robinson Creek Area
7. Pike KY
8. 3.4 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20070/ERC-37
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Damron Fork Develop #1
6. Esco Area
7. Pike KY
8. 3.6 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20071/ERC-38
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Damron Fork Develop #3
6. Esco Area
7. Pike KY
8. 3.6 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20072/ERC-39
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Damron Fork Develop #4
6. Esco Area
7. Pike KY
8. 3.6 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20073/ERC-40
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Damron Fork Develop #5
6. Esco Area
7. Pike KY
8. 6.8 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20074/ERC-41
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Damron Fork Develop #6
6. Greasy Creek Area
7. Pike KY
8. 3.6 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20075/ERC-42
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Damron Fork #7
6. Esco Area
7. Pike KY
8. 3.4 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20076/ERC-43
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Damron Fork #8
6. Esco Area
7. Pike KY
8. 3.4 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20077/ERC-44
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. A-2 King Damron Well
6. Hurricane Creek
7. Pike KY
8. 18.3 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20078/ERC-45
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Elswick Develop #1
6. Virgie Area
7. Pike KY
8. 4.2 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20079/ERC-46
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Elswick Develop #2
6. Virgie Area
7. Pike KY
8. 4.2 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20080/ERC-47
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Elswick Develop #3
6. Virgie Area
7. Pike KY
8. 4.2 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20081/ERC-48
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. W H C Johnson #1
6. Virgie Area
7. Pike KY
8. 2.0 million cubic feet
9. September 12, 1979
10. Kentucky-West Virginia Gas Co
1. 79-20082/ERC-49
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. W H C Johnson #2
6. Virgie Area
7. Pike KY
8. 2.0 million cubic feet
9. September 12, 1979
10. Kentucky-West Virginia Gas Co
1. 79-20083/ERC-50
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. W H C Johnson #3
6. Virgie Area
7. Pike KY
8. 2.0 million cubic feet
9. September 12, 1979
10. Kentucky-West Virginia Gas Co
1. 79-20084/ERC-51
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Worden & Hagans well
6. Pikeville Area
7. Pike KY
8. 6.8 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20085/ERC-52
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. R P Call Well
6. Pikeville Area
7. Pike KY
8. 6.8 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20086/ERC-53

2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Langley Well
6. Pikeville Area
7. Pike KY
8. 6.8 million cubic feet
9. September 12, 1979
10. Columbia Gas Transmission Corp
1. 79-20087/ERC-54
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Shelby Creek Develop #1
6. Virgie Area
7. Pike KY
8. 6.0 million cubic feet
9. September 12, 1979
10. Kentucky-West Virginia Gas Co
1. 79-20088/ERC-55
2. 16-195-00000
3. 108
4. Alert Oil & Gas Company Inc
5. Shelby Creek Develop #2
6. Virgie Area
7. Pike KY
8. 6.0 million cubic feet
9. September 12, 1979
10. Kentucky-West Virginia Gas Co
1. 79-20089/ERC-56
2. 16-025-00000
3. 108
4. Panbowl Production Company
5. Henson #1
6. Quicksand
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company
1. 79-20090/ERC-57
2. 16-025-00000
3. 108
4. Panbowl Production Company
5. Claude Ballard #1
6. Frozen
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company
1. 79-20091/ERC-58
2. 16-025-00000
3. 108
4. Panbowl Production Company
5. Boyd Craft #1
6. Quicksand
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company
1. 79-20092/ERC-59
2. 16-025-00000
3. 108
4. Panbowl Production Company
5. Boyd Craft #2
6. Quicksand
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company
1. 79-20093/ERC-60
2. 16-025-00000
3. 108
4. Panbowl Production Company
5. Lester Carpenter #1
6. Quicksand
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company
1. 79-20094/ERC-61
2. 16-025-00000
3. 108
4. Panbowl Production Company
5. Linville Carpenter #2
6. Quicksand
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company
1. 79-20095/ERC-62
2. 16-025-00000
3. 108
4. Panbowl Production Company
5. Linville Carpenter #1
6. Quicksand
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company
1. 79-20096/ERC-63
2. 16-025-00000
3. 108
4. Panbowl Production Company
5. Marcus Carpenter #1
6. Quicksand
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company
1. 79-20097/ERC-64
2. 16-025-00000
3. 108
4. Panbowl Production Company
5. J J J Lovely #1
6. Quicksand
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company
1. 79-20098/ERC-65
2. 16-025-00000
3. 108
4. Panbowl Production Company
5. Melvin King #1
6. Frozen
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company
1. 79-20099/ERC-66
2. 16-025-00000
3. 108
4. Panbowl Production Company
5. Little Heirs #1
6. Frozen
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company
1. 79-20100/ERC-67
2. 16-025-00000
3. 108
4. Panbowl Production Company
5. Little Heirs #1
6. Frozen
7. Breathitt County KY
8. 7.0 million cubic feet
9. September 12, 1979
10. Panbowl Gas Company
1. 79-20101/ERC-68
2. 16-233-13714
3. 108
4. Able Energy Company
5. James W Morgan No 1
6. Stanhope
7. Webster KY
8. 20.0 million cubic feet
9. September 12, 1979
10. City of Providence
1. 79-20102/ERC-69
2. 16-177-29890
3. 108
4. Able Energy Company
5. Clyde Brown Jr et al #1C
6. Bevier
7. Muhlenberg KY
8. 15.0 million cubic feet
9. September 12, 1979
10. Western Kentucky Gas Company
1. 79-20103/ERC-70
2. 16-127-00000
3. 108
4. Weaver Oil and Gas Corporation
5. Hayes-Daigirda Well #1
6.
7. Lawrence KY
8. 13.0 million cubic feet
9. September 12, 1979
10. Kentucky West Virginia Gas Company
- New Mexico Department of Energy and Minerals**
Oil Conservation Division
1. Control number (FERC/State)
2. API well number
3. Section of NCPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-20144
2. 30-045-00000
3. 108
4. Tenneco Oil Company
5. Sullivan No. 1
6. Blanco Pictured Cliffs South
7. San Juan, NM
8. 4.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20145
2. 30-045-00000
3. 108
4. Tenneco Oil Company
5. State Com No. C-4
6. Blanco Mesaverde
7. San Juan, NM
8. 9.0 million cubic feet
9. September 13, 1979
10. Southern Union Gathering Co
1. 79-20146
2. 30-045-00000
3. 108
4. Tenneco Oil Company
5. State Com D-5
6. Basin Dakota
7. San Juan, NM
8. 7.0 million cubic feet
9. September 13, 1979
10. Northwest Pipeline Corp
1. 79-20147

2. 30-045-00000
3. 108
4. Tenneco Oil Company
5. Aztec Com No. 3-1
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 15.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20146
2. 30-045-00000
3. 108
4. Tenneco Oil Company
5. State Com No. C-5
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 16.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20149
2. 30-045-00000
3. 108
4. Tenneco Oil Company
5. Hubbard Com 1
6. Basin Dakota
7. San Juan, NM
8. 18.0 million cubic feet
9. September 13, 1979
10. Northwest Pipeline Corp
1. 79-20150
2. 30-045-00000
3. 108
4. Tenneco Oil Company
5. Aztec Com No. 2-1
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 2.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20151
2. 30-045-00000
3. 108
4. Tenneco Oil Company
5. Johnson No. 1
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 8.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20152
2. 30-045-00000
3. 108
4. Tenneco Oil Company
5. Drclet 1
6. Basin Dakota
7. San Juan, NM
8. 13.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20153
2. 30-025-00000
3. 108
4. Texaco Inc
5. Eunice-Monument Unit No. 31
6. Eunice-Monument
7. Lea, NM
8. 5.5 million cubic feet
9. September 13, 1979
10. Phillips Petroleum Co
1. 79-20154
2. 30-025-00000
3. 108
4. Texaco Inc
5. Mittie Weatherly No. 4
6. Penrose (Skelly Grayburg)
7. Lea, NM
8. 15.0 million cubic feet
9. September 13, 1979
10. Getty Oil Corp
1. 79-20155
2. 30-025-00000
3. 108
4. Texaco Inc
5. L R Kershaw No. 9
6. Skagg Drinard
7. Lea, NM
8. 9.5 million cubic feet
9. September 13, 1979
10. Warren Petroleum Co
1. 79-20156
2. 30-025-00000
3. 108
4. Texaco Inc
5. CH Weir B No. 4
6. Weir
7. Lea, NM
8. 9.0 million cubic feet
9. September 13, 1979
10. Warren Petroleum Co
1. 79-20157
2. 30-025-00000
3. 108
4. Texaco Inc
5. H T Mattern No. 4
6. Eunice-Monument Grayburg-San Andres
7. Lea, NM
8. 20.5 million cubic feet
9. September 13, 1979
10. Warren Petroleum Co
1. 79-20158
2. 30-025-00000
3. 108
4. Texaco Inc
5. W L Nix No. 7
6. Drinkard
7. Lea, NM
8. 3.2 million cubic feet
9. September 13, 1979
10. Getty Oil Company
1. 79-20159
2. 30-039-00000
3. 108
4. Western Oil and Minerals Ltd
5. Sinclair No. 1
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 20.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20160
2. 30-025-26018
3. 103
4. Continental Oil Company
5. State D No. 14
6. Arrowhead E-M-E
7. Lea, NM
8. 64.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas (C-4125)
1. 79-20161
2. 30-025-25557
3. 103
4. Continental Oil Company
5. Lamar Lunt No. 2
6. Jalmat Tansill Yates Seven Rivers
7. Lea, NM
8. 13.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas
1. 79-20162
2. 30-045-23266
3. 103 Denied
4. El Pam Co Inc
5. Sullivan 6B
6. Aztec/Fruitland
7. San Juan, NM
8. 90.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20163
2. 30-045-23266
3. 103
4. El Pam Co Inc
5. Sullivan 8
6. Bloomfield/Farmington
7. San Juan
8. 15.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co.
1. 79-20164
2. 30-039-00000
3. 108
4. Western Oil and Minerals Ltd
5. Alexander #1
6. Calvin Pictures Cliffs
7. Rio Arriba NM
8. 3.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20165
2. 30-025-00000
3. 108
4. Mobil Oil Corporation
5. E O Carson 2 Water Supply well
6. Hare San Andres (gas)
7. LEA NM
8. 9.0 million cubic feet
9. September 13, 1979
10. Warren Petroleum Corporation
1. 79-20166
2. 30-025-00000
3. 108
4. Mobil Oil Corporation
5. Liberty #3
6. Jalmat Tansill Yates Seven Rivers
7. Lea NM
8. 14.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20167
2. 30-025-03382
3. 108
4. Amerada Hess Corporation
5. State WE F 1
6. Eumont
7. Lea NM
8. 2.9 million cubic feet
9. September 13, 1979
10. Phillips Petroleum Co
1. 79-20168
2. 30-025-10010
3. 108
4. Amerada Hess Corporation
5. H Corrigan #5
6. Eunice
7. Lea NM
8. 17.8 million cubic feet
9. September 13, 1979
10. Northern Natural Gas Company
1. 79-20169
2. 30-025-10392-
3. 108
4. Amerada Hess Corporation
5. Eugene Wood #7
6. Eunice

7. Lea NM
8. 11.9 million cubic feet
9. September 13, 1979
10. Northern Natural Gas Company
1. 79-20170
2. 30-025-11398
3. 108
4. Amerada Hess Corporation
5. State NJ A #1-4
6. Justia
7. Lea NM
8. 2.10 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20171
2. 30-025-10015-
3. 108
4. Amerada Hess Corporation
5. H Corrigan #10
6. Eunice
7. Lea NM
8. 16.7 million cubic feet
9. September 13, 1979
10. Northern Natural Gas Company
1. 79-20172
2. 30-025-09251
3. 108
4. Gulf Oil Corporation
5. J F Janda (NCT-J) #1
6. Jalmat Gas
7. Lea NM
8. 10.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20173
2. 30-045-01127-3
3. 108
4. Consolidated Oil & Gas Inc
5. Ripley #2
6. Blanco Mesaverde
7. San Juan
8. 12.8 million cubic feet
9. September 13, 1979
10. Southern Union Gas Company
1. 79-20174
2. 30-045-09626
3. 108
4. Northwest Production Corporation
5. Blanco 30-12 Fee Com 6
6. Flora Vista-Fruitland Gas
7. San Juan NM
8. 5.0 million cubic feet
9. September 13, 1979
10. Northwest Pipeline Corporation
1. 79-20175
2. 30-045-08367
3. 108
4. Amoco Production Company
5. State Gas Com BF #1
6. Basin-Dakota
7. San Juan NM
8. 20.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20176
2. 30-045-09071
3. 108
4. Amoco Production Company
5. Duff Gas Com BF #1
6. Basin-Dakota
7. San Juan NM
8. 16.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20258
2. 30-025-26152
3. 103
4. Sun Oil Company (Delaware)
5. Maveety State Gas Com #8
6. Eumont
7. Lea NM
8. 109.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20259
2. 30-045-22444
3. 103
4. Amoco Production Company
5. State Gas Com A #1A
6. Blanco Mesaverde
7. San Juan NM
8. 100.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20260
2. 30-045-22806
3. 103
4. Amoco Production Company
5. Marcotte Gas Com #1A
6. Blanco Mesaverde
7. San Juan NM
8. 145.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20261
2. 30-045-00000
3. 103
4. C & E Operators Inc
5. Mary Shepard #1
6. Aztec Pictured Cliffs
7. San Juan NM
8. .0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20269
2. 30-025-00000
3. 103
4. Natomas North America Inc
5. New Mexico State #1
6. Wildcat
7. Lea NM
8. 250.0 million cubic feet
9. September 13, 1979
10. Warren Petroleum Corporation
1. 79-20270
2. 30-015-22276
3. 103
4. Marbob Energy Corporation
5. Johnny Fee #1
6. Undesignated Grayburg
7. Eddy NM
8. 12.0 million cubic feet
9. September 13, 1979
10. Phillips Petroleum Co
1. 79-20271
2. 30-025-03062-
3. 108
4. Phillips Petroleum Company
5. Vacuum Abo Unit No 06-63
6. Vacuum Abo Reef
7. Lea NM
8. 15.1 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20272
2. 30-015-00000
3. 108
4. J B Adamson
5. Delhi B State 2M B-4575
6. Red Lake Grayburg
7. Eddy NM
8. 2.1 million cubic feet
9. September 13, 1979
10. Phillips Petroleum Co
7. Eddy NM
8. 360.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20266
2. 30-025-00000
3. 108
4. Two States Oil Company
5. Cole B State Lease Well No 3
6. Penrose Skelly Grayburg
7. Lea NM
8. 6.0 million cubic feet
9. September 13, 1979
10. Warren Petroleum Company
1. 79-20267
2. 30-025-00000
3. 108
4. Two States Oil Company
5. Cole B State Lease Well No 4
6. Penrose Skelly Grayburg
7. Lea NM
8. 8.0 million cubic feet
9. September 13, 1979
10. Warren Petroleum Company
1. 79-20268
2. 30-045-00000
3. 108
4. Petroleum Corporation of Texas
5. Hanley No 1 Gas Unit
6. Aztec (Pictured Cliffs) Gas Pool
7. San Juan NM
8. 67.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20269
2. 30-025-00000
3. 103
4. Natomas North America Inc
5. New Mexico State #1
6. Wildcat
7. Lea NM
8. 250.0 million cubic feet
9. September 13, 1979
10. Warren Petroleum Corporation
1. 79-20270
2. 30-015-22276
3. 103
4. Marbob Energy Corporation
5. Johnny Fee #1
6. Undesignated Grayburg
7. Eddy NM
8. 12.0 million cubic feet
9. September 13, 1979
10. Phillips Petroleum Co
1. 79-20271
2. 30-025-03062-
3. 108
4. Phillips Petroleum Company
5. Vacuum Abo Unit No 06-63
6. Vacuum Abo Reef
7. Lea NM
8. 15.1 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20272
2. 30-015-00000
3. 108
4. J B Adamson
5. Delhi B State 2M B-4575
6. Red Lake Grayburg
7. Eddy NM
8. 2.1 million cubic feet
9. September 13, 1979
10. Phillips Petroleum Co

West Virginia Department of Mines

Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NCPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block no.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-20250
2. 47-017-02196
3. 108
4. Pennzoil Company
5. J H Bode No 8
6. Cove
7. Doddridge WV
8. .5 million cubic feet
9. September 13, 1979
10. Consolidated Gas Supply Corp
1. 79-20251
2. 47-021-03270
3. 108
4. Pennzoil Company
5. W H Ayers #15
6. Dekalb District
7. Gilmer WV
8. 1.8 million cubic feet
9. September 13, 1979
10. Consolidated Gas Supply Corp
1. 79-20252
2. 47-043-01479
3. 108
4. Pennzoil Company
5. Jennie Jones #10
6. Duval
7. Lincoln WV
8. 1.8 million cubic feet
9. September 13, 1979
10. Consolidated Gas Supply Corp
1. 79-20253
2. 47-039-01016
3. 108
4. Pennzoil Company
5. Board Bessie #1
6. Big Sandy
7. Kanawha WV
8. 1.7 million cubic feet
9. September 13, 1979
10. Consolidated Gas Supply Corp
1. 79-20254
2. 47-021-01278
3. 108
4. Pennzoil Company
5. I N Hardman #11
6. Dekalb district
7. Gilmer WV
8. 3.2 million cubic feet
9. September 13, 1979
10. Consolidated Gas Supply Corp
1. 79-20255
2. 47-021-01139
3. 108
4. Pennzoil Company
5. ASA Hardman #3
6. Dekalb District
7. Gilmer WV
8. 3.9 million cubic feet
9. September 13, 1979
10. Consolidated Gas Supply Corp
1. 79-20256
2. 47-013-02751

3. 108

4. Pennzoil Company
5. H M Ayers #4
6. Sherman District
7. Calhoun WV
8. .6 million cubic feet
9. September 13, 1979
10. Consolidated Gas Supply Corp
1. 79-20257
2. 47-039-03275
3. 108
4. Pennzoil Company
5. Fred J. Thabet #1
6. Elk
7. Kanawha WV
8. 12.7 million cubic feet
9. September 13, 1979
10. Consolidated Gas Supply Corp

United States Geological Survey,
Albuquerque, New Mexico

1. Control number (FERC/State)
2. API well number
3. Section of NCPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-20104/NM-2347-79
2. 30-045-21101-0000-0
3. 108
4. El Paso Natural Gas Company
5. Mudge No. 33
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 17.9 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20105/NM-2348-79
2. 30-045-09239-0000-0
3. 108
4. El Paso Natural Gas Company
5. Stewart 3
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 20.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20106/NM-2351-79
2. 30-039-05736-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla B No. 2
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20107/NM-2352-79
2. 30-039-06459-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla F No. 9
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 11.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp
1. 79-20108/NM-2353-79
2. 30-039-06384-0000-0
3. 108

4. El Paso Natural Gas Company
5. Jicarilla J No. 3
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 17.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp
1. 79-20109/NM-2354-79
2. 30-039-06405-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G No. 6
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 10.2 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp
1. 79-20110/NM-2355-79
2. 30-039-07858-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 30-6 Unit No. 39
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 9.5 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20111/NM-2356-79
2. 30-039-05754-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No. 70
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 2.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20112/NM-2358-79
2. 30-039-20937-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 27-4 Unit No. 74
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20113/NM-2357-79
2. 30-045-06020-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit No. 62
6. Kutz West-Pictured Cliffs Gas
7. San Juan, NM
8. 3.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20114/NM-2338-79
2. 30-045-21401-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit NP No. 254
6. Angels-Peak Callup Gas
7. San Juan, NM
8. 8.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20115/NM-2339-79
2. 30-039-60054-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No. 18
6. Ballard-Pictured Cliffs Gas

7. Rio Arriba, NM
8. 8.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20116/NM-2340-79
2. 30-039-07395-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28-4 Unit No. 17
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20117/NM-2341-79
2. 30-045-13239-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit No. 48
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 6.9 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20118/NM-2342-79
2. 30-039-82367-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28-6 Unit No. 89
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20119/NM-2343-79
2. 30-039-05963-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No. 94
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20120/NM-2344-79
2. 30-039-07121-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit No. 118
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.8 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20121/NM-2345-79
2. 30-045-06314-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #54
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 1.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20122/NM-2346-79
2. 30-039-60111-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 32-5 Unit 15-A
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 19.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20123/NM2289-79

2. 30-039-06976-0000-0
3. 108
4. El Paso Natural Gas Company.
5. Rincon Unit #117
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 13.1 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20124/NM2290-79
2. 30-039-05415-0000-0
3. 108
4. El Paso Natural Gas Company.
5. Canyon Largo Unit #5
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 5.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20125/NM-2300-79
2. 30-039-07125-0000-0
3. 108
4. El Paso Natural Gas Company.
5. SJ 28-6 Unit #24
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 21.9 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20126/NM-2321-79
2. 30-045-06097-0000-0
3. 108
4. El Paso Natural Gas Company.
5. Huerfanito Unit #30
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 6.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20127/NM-2322-79
2. 30-045-06154-0000-0
3. 108
4. El Paso Natural Gas Company.
5. Huerfanito Unit #36
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 15.3 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20128/NM-2323-79
2. 30-039-05759-0000-0
3. 108
4. El Paso Natural Gas Company.
5. Canyon Largo Unit #48
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 10.6 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20129/NM-2324-79
2. 30-039-05954-0000-0
3. 108
4. El Paso Natural Gas Company.
5. Canyon Largo Unit #39
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 3.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20130/NM-2325-79
2. 30-039-05884-0000-0
3. 108
4. El Paso Natural Gas Company.
5. Canyon Largo Unit #38
6. Ballard-Pictured Cliffs Gas

7. Rio Arriba NM
8. 15.7 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20131/NM-2328-79
2. 30-039-05430-0000-0
3. 108
4. El Paso Natural Gas Company.
5. Lindrith Unit #45
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 12.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20132/NM-2329-79
2. 30-039-06877-0000-0
3. 108
4. El Paso Natural Gas Company.
5. Rincon Unit #154
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 15.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20133/NM2330-79
2. 30-039-82371-0000-0
3. 108
4. El Paso Natural Gas Company.
5. Rincon Unit #141
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 10.2 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20134/NM-2336-79
2. 30-045-20835-0000-0
3. 108
4. El Paso Natural Gas Company.
5. Huerfano Unit NP 216
6. Basin-Dakota Gas
7. San Juan NM
8. 16.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20135/NM-2337-79
2. 30-039-07728-0000-0
3. 108
4. El Paso Natural Gas Company.
5. SJ 30-4 Unit #28
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 18.3 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20136/NM-18-79
2. 30-045-10572-0000-0
3. 108
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit Well No. 61-19
6. Blanco Mesaverde NE19-31N-8W
7. San Juan NM
8. 18.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20137/NM-279-78
2. 30-045-22888-0000-0
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit Well No 104-A
6. Blanco Mesaverde NW1-30N-8W
7. San Juan NM
8. 200.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20138/NM-2136-79

2. 30-039-21006-0000-0
3. 108
4. El Paso Natural Gas Company.
5. San Juan 27-4 Unit #114
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba NM
8. 20.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20139/NM2284-79
2. 30-039-07043-0000-0
3. 108
4. El Paso Natural Gas Company.
5. SJ 28-6 Unit #95
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 10.6 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20140/NM2285-79
2. 30-039-06932-0000-0
3. 108
4. El Paso Natural Gas Company.
5. SJ 28-7 Unit #115
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 13.1 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20141/NM-2286-79
2. 30-039-07430-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-5 Unit #26
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 18.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20142/NM-2287-79
2. 30-039-05582-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #92
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 14.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20143/NM-2288-79
2. 30-039-07512-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 29-4 Unit #16
6. Choza Mesa-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. September 12, 1979
10. El Paso Natural Gas Company
1. 79-20177/NM-2394-79
2. 30-039-06884-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #37
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 2.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20178/NM-2393-79
2. 30-039-06874-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #38
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 14.2 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20179/NM-2392-79
2. 30-045-05965-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #62
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 18.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20180/NM-2391-79
2. 30-039-06672-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #47
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.9 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20181/NM-2390-79
2. 30-045-05898-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #63
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 4.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20182/NM-2389-79
2. 30-045-05906-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #65
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 4.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20183/NM-2388-79
2. 30-045-06008-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #68
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 3.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20184/NM-2387-79
2. 30-039-05834-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla, D #1
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20185/NM-2386-79
2. 30-039-06738-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #46
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.9 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20186/NM-2385-79

2. 30-045-06000-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #13
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 14.2 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20187/NM-2384-79
2. 30-045-06069-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #12
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 15.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20188/NM-2382-79
2. 30-045-06068-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #19
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 6.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20189/NM-2381-79
2. 30-045-06270-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #47
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 4.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20190/NM-2380-79
2. 30-039-07128-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit #66
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 7.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20191/NM-2379-79
2. 30-039-07163-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit #67
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 15.7 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20192/NM-2378-79
2. 30-039-06889-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #71
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 15.3 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20193/NM-2377-79
2. 30-039-06925-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #70
6. Blanco South-Pictured Cliffs Gas

7. Rio Arriba, NM
8. 19.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-21094/NM-2359-79
2. 30-039-20277-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #153
6. Otero-Chacra Gas
7. Rio Arriba NM
8. 16.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company, Northwest
Pipeline Corporation
1. 79-20195/NM-2335-79
2. 30-043-20107-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla 163 5
6. Balard-Pictured Cliffs Gas
7. Sandoval NM
8. 20.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20196/NM-2334-79
2. 30-045-06280-0000-0
3. 108
4. El Paso Natural Gas Company
5. Lodewick 10
6. Basin-Dakota Gas
7. San Juan NM
8. 17.2 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20197/NM-2333-79
2. 30-039-05242-0000-0
3. 108
4. El Paso Natural Gas Company
5. Lindrith Unit #43
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 12.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20198/NM-2332-79
2. 30-039-07359-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-4 Unit #27
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 15.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20199/NM-2420-79
2. 30-039-06444-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G #10
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 6.9 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company, Northwest
Pipeline Corporation
1. 79-20200/NM-2419-79
2. 30-039-05538-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla H #16
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 2.0 million cubic feet

9. September 13, 1979
10. El Paso Natural Gas Company, Northwest
Pipeline Corp
1. 79-20201/NM-2418-79
2. 30-045-11218-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 32-9 Unit #53
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 10.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20202/NM-2416-79
2. 30-039-06409-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla F 8
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 21.9 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20203/NM-2414-79
2. 30-039-07886-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 30-6 Unit #36
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 18.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20204/NM-2413-79
2. 30-045-11491-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 32-9 Unit #66
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 4.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20205/NM-2412-79
2. 30-039-07053-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-6 Unit #84
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 5.5 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20206/NM-2410-79
2. 30-039-06893-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #69
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 17.2 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20207/NM-2409-79
2. 30-039-07127-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-6 Unit #22
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 13.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20208/NM-2407-79

2. 30-039-06954-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #160
6. Blanco-South Pictured Cliffs Gas
7. Rio Arriba NM
8. 8.8 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20209/NM-24-6-79
2. 30-039-07003-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit #90
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 16.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20210/NM-2405-79
2. 30-039-05676-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #9
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 9.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20211/NM-2404-79
2. 30-039-60049-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #14
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 9.1 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20212/NM-2403-79
2. 30-039-05921-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla E #8
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 8.8 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20213/NM-2402-79
2. 30-039-05179-0000-0
3. 108
4. El Paso Natural Gas Company
5. Bolack E #2
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 1.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20214/NM-2401-79
2. 30-045-05844-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #66
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 6.9 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20215/NM-2400-79
2. 30-045-11338-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 32-9 Unit #59
6. Blanco-Mesaverde Gas

7. San Juan NM
8. 9.9 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20216/NM-2399-79
2. 30-045-05905-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #67
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 9.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20217/NM-2298-79
2. 30-039-60072-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-6 Unit #7
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 16.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20218/NM-2397-79
2. 30-039-06919-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #28
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 4.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20219/NM-2396-79
2. 30-039-06909-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #39
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 17.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20220/NM-2395-79
2. 30-039-06891-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #34
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 12.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20221/NM-2369-79
2. 30-039-07351-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit #26
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 15.7 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20222/NM-2370-79
2. 30-039-07365-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit #25
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 17.5 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20223/NM-2371-79

2. 30-039-07367-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit #32
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 11.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20224/NM-2372-79
2. 30-039-06173-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #28
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 7.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20225/NM-2373-79
2. 30-045-05966-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #70
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 13.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20226/NM-2374-79
2. 30-045-10811-0000-0
3. 108
4. El Paso Natural Gas Company
5. Day A 10
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 18.6 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20227/NM-2376-79
2. 30-039-06923-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit #61
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 11.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20228/NM-2432-79
2. 30-045-06109-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #84
6. Kutz West-Pictured Cliffs Gas
7. San Juan NM
8. 7.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20229/NM-2431-79
2. 30-039-05679-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #83
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 4.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20230/NM-2430-79
2. 30-039-05581-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #77
6. Ballard-Pictured Cliffs Gas

7. Rio Arriba NM
8. 16.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20231/NM-2428-79
2. 30-039-07178-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit #35
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 16.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20232/NM-2427-79
2. 30-045-06052-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #22
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 4.7 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20233/NM-2426-79
2. 30-045-06072-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #23
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 2.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20234/NM-2425-79
2. 30-045-06002-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfanito Unit #21
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 7.7 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20235/NM-2424-79
2. 30-039-07013-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-7 Unit #41
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 7.7 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20236/NM-2423-79
2. 30-039-06394-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G #5
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 7.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company Northwest
Pipeline Corporation
1. 79-20237/NM-2422-79
2. 30-039-06360-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G #3
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 8.8 million cubic feet
9. September 13, 1979

10. El Paso Natural Gas Company, Northwest
Pipeline Corporation
1. 79-20238/NM-2421-79
2. 30-039-05586-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla H #13
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 3.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20239/NM-2368-79
2. 30-039-05248-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla P #8
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 5.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20240/NM-2367-79
2. 30-039-05853-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla D #8
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 3.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20241/NM-2366-79
2. 30-043-05177-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla 183 #1
6. Ballard-Pictured Cliffs Gas
7. Sandoval NM
8. 7.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20242/NM-2365-79
2. 30-039-05263-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla P #11
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 7.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20243/NM-2364-79
2. 30-039-06514-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla G #13
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 4.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company, Northwest
Pipeline Corporation
1. 79-20244/NM-2363-79
2. 30-039-05833-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla B #1
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 15.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20245/NM-2362-79

2. 30-039-05810-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla D #10
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 1.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20246/NM-2361-79
2. 30-039-20303-0000-0
3. 108
4. El Paso Natural Gas Company
5. Vaughn #11
6. Otero-Chacra Gas
7. Rio Arriba NM
8. 13.1 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20247/NM-2360-79
2. 30-045-20670-0000-0
3. 108
4. El Paso Natural Gas Company
5. Feville A #4
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 18.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20248/NM-2331-79
2. 30-039-05484-0000-0
3. 108
4. El Paso Natural Gas Company
5. Lindrith Unit #46
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 11.3 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20249/NM-2083-79
2. 30-039-05949-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla E #9
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 20.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the **Federal Register**.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30441 Filed 10-1-79; 8:45 am]
BILLING CODE 6450-01-M

[No. 89]

Determinations By Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

September 24, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

New Mexico Department of Energy and Minerals

Oil Conservation Division

1. Control number (FERC/State)
2. API well number
3. Section of NCPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-20330
2. 30-045-00000
3. 108
4. C & E Operators Inc
5. Utton #1
6. Aztec Pictured Cliffs
7. San Juan County NM
8. 3.6 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20331
2. 30-025-00000
3. 108
4. Texaco Inc
5. W L Nix #5
6. Drinkard (Drinkard)
7. Lea NM
8. 4.0 million cubic feet
9. September 13, 1979
10. Getty Oil Corp.
1. 79-20332
2. 30-025-00000
3. 108
4. Texaco Inc
5. EH B Phillips B No 2
6. Skaggs
7. Lea NM
8. 10.1 million cubic feet
9. September 13, 1979
10. Phillips Petroleum Co
1. 79-20333
2. 30-005-00000
3. 103
4. Shell Oil Company
5. McGrail No 3
6. CATO San Andres

7. Chaves NM
8. 5.0 million cubic feet
9. September 13, 1979
10. Cities Service Oil Co.
1. 79-20334
2. 30-025-00000
3. 103
4. Shell Oil Company
5. State D 11-2
6. Maljamar Grayburg—San Andres
7. Lea NM
8. 5.0 million cubic feet
9. September 13, 1979
10. Phillips Petroleum Co
1. 79-20335/3991
2. 30-015-21030
3. 108
4. Phillips Petroleum Company
5. Malaga—A No 1
6. Malaga Morrow
7. Eddy NM
8. 22.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20336
2. 30-025-00000
3. 103
4. Shell Oil Company
5. State D 11-1
6. Maljamar Grayburg—San Andres
7. Lea NM
8. 5.0 million cubic feet
9. September 13, 1979
10. Phillips Petroleum Co
1. 79-20337
2. 30-005-00000
3. 103
4. Shell Oil Company
5. Crosby 2
6. Cato San Andres
7. Chaves NM
8. 5.0 million cubic feet
9. September 13, 1979
10. Cities Service Oil Co
1. 79-20338
2. 30-025-26006
3. 103
4. Continental Oil Company
5. State KN-12 #3
6. Eumont-Monument
7. Lea NM
8. 225.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas
1. 79-20339
2. 30-025-26005
3. 103
4. Continental Oil Company
5. State F-1 #8
6. Arrowhead E-M-E
7. Lea NM
8. 52.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas
1. 79-20340
2. 30-025-26004
3. 103
4. Continental Oil Company
5. State F-1 #7
6. Arrowhead E-M-E
7. Lea NM
8. 115.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas
1. 79-20341
2. 30-025-26030
3. 103
4. Continental Oil Company
5. State KN-12 #4
6. Eumont-Monument
7. Lea NM
8. 120.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas
1. 79-20342
2. 30-025-00000
3. 108
4. Texaco Inc
5. Metlie Weatherly No 5
6. Penrose Skelly
7. Lea NM
8. 9.3 million cubic feet
9. September 13, 1979
10. Getty Oil Corp
1. 79-20343
2. 30-025-10336
3. 108
4. ZIA Energy Inc
5. State C No 1
6. Eumont
7. Lea NM
8. 3.2 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20344
2. 30-025-00000
3. 108
4. Texaco Inc
5. W L Nix #2
6. Drinkard
7. Lea NM
8. 3.9 million cubic feet
9. September 13, 1979
10. Getty Oil Company
1. 79-20345
2. 30-045-20294
3. 108
4. Amoco Production Company
5. State Gas Com BM #1
6. Blanco-Pictured Cliffs
7. San Juan, NM
8. 19.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20346
2. 30-045-07886
3. 108
4. Amoco Production Company
5. Gerk Gas Unit B #1
6. Basin-Dakota
7. San Juan, NM
8. 13.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20347
2. 30-045-0795
3. 108
4. Amoco Production Company
5. Prespentt Gas Com #1
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 20.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20348
2. 30-045-07743
3. 108
4. Amoco Production Company
5. Keys Gas Com B #1
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 20.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20356
7. San Juan, NM
8. 11.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20349
2. 30-045-11854
3. 108
4. Amoco Production Company
5. Gallegos Canyon Unit #256
6. Pinon-Fruitland
7. San Juan, NM
8. 21.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20350
2. 30-045-10091
3. 108
4. Amoco Production Company
5. State Gas Com BD #1
6. Basin-Dakota
7. San Juan, NM
8. 14.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20351
2. 30-045-10203
3. 108
4. Amoco Production Company
5. State Gas Com BC #1
6. Basin-Dakota
7. San Juan, NM
8. 18.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20352
2. 30-025-00000
3. 108
4. Texaco Inc
5. W L Nix No 3
6. Drinkard
7. Lea, NM
8. 3.6 million cubic feet
9. September 13, 1979
10. Getty Oil Corp
1. 79-20353
2. 30-045-21079
3. 108
4. Amoco Production Company
5. NYF Gas Com C #1
6. Blanco-Pictured Cliffs
7. San Juan, NM
8. 16.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20354
2. 30-045-12171
3. 108
4. Amoco Production Company
5. Snyder Gas Com B #1
6. Basin-Dakota
7. San Juan, NM
8. 18.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20355
2. 30-045-07991
3. 108
4. Amoco Production Company
5. Martinez Gas Com B #1
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 20.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20356

2. 30-045-13083
3. 108
4. Amoco Production Company
5. Lobato Gas Com D #1
6. Blanco-Pictured Cliffs
7. San Juan, NM
8. 15.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20357
2. 30-045-07688
3. 108
4. Amoco Production Company
5. State of New Mexico AX #1
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 16.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20358
2. 30-045-07949
3. 108
4. Amoco Production Company
5. Likens Gas Com B #1
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 18.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20359
2. 30-045-08644
3. 108
4. Amoco Production Company
5. State Gas Com Y #1
6. Blanco-Pictured Cliffs
7. San Juan, NM
8. 17.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20360
2. 30-045-21016
3. 108
4. Amoco Production Company
5. Keys Gas Com E #1
6. Mt Nebo-Fruitland
7. San Juan, NM
8. 5.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20361
2. 30-045-21020
3. 108
4. Amoco Production Company
5. Sammons Gas Com F #1
6. Blanco-Pictured Cliffs
7. San Juan, NM
8. 8.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20362
2. 30-045-08697
3. 108
4. Amoco Production Company
5. Archulets Gas Com A #2
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 12.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20363
2. 30-045-07817
3. 108
4. Amoco Production Company
5. Morris Gas Com #1
6. Aztec-Pictured Cliffs
7. San Juan, NM
8. 11.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20364
2. 30-045-09134
3. 108
4. Amoco Production Company
5. Duff Gas Com C #1
6. Basin-Dakota
7. San Juan, NM
8. 18.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20365
2. 30-045-21082
3. 108
4. Amoco Production Company
5. Jaquez Gas Com E #1
6. Blanco-Pictured Cliffs
7. San Juan NM
8. 19.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20366
2. 30-045-07954
3. 108
4. Amoco Production Company
5. Haney Gas Com #1
6. Aztec-Pictured Cliffs
7. San Juan NM
8. 20.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20367
2. 30-045-09680
3. 108
4. Amoco Production Company
5. Chrisman Gas Com #1
6. Basin-Dakota
7. San Juan NM
8. 11.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20368
2. 30-045-00000
3. 108
4. Tenneco Oil Company
5. Aztec Com #4 #1
6. Aztec Pictured Cliffs
7. San Juan NM
8. 10.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20374
2. 30-045-22530
3. 103
4. Amoco Production Company
5. Schneider Gas Com #1A
6. Blanco Mesaverde
7. San Juan NM
8. 350.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20375
2. 30-045-22632
3. 103
4. Amoco Production Company
5. Martinez Gas Com A #1A
6. Blanco Mesaverde
7. San Juan NM
8. 220.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20376
2. 30-025-20058
3. 108
4. Phillips Petroleum Company
5. Vacuum ABO Unit No 08-12
6. Vacuum ABO Reef
7. LEA NM
8. 4.2 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-28377
2. 30-025-02994
3. 108
4. Phillips Petroleum Company
5. Vacuum ABO Unit No 11-08
6. Vacuum ABO Reef
7. Lea NM
8. 8.3 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Co
1. 79-20378
2. 30-045-22791
3. 103
4. Amoco Production Company
5. State Gas Com I #1A
6. Blanco Mesaverde
7. San Juan NM
8. 120.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20379
2. 30-025-00000
3. 108
4. Texaco Inc
5. J C Estlack #1
6. Tubb (Tubb Gas)
7. Lea NM
8. 8.7 million cubic feet
9. September 13, 1979
10. Getty Oil Corp
Ohio Department of Natural Resources
Division of Oil and Gas
1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-20380/01449
2. 34-083-22419-0014
3. 108
4. Jerry C Olds
5. Wolfe #2
6.
7. Knox OH
8. 2.0 million cubic feet
9. September 14, 1979
10. Columbia Gas Transmission Corp
1. 79-20381/01450
2. 34-083-22469-0014
3. 108
4. Jerry C Olds
5. Wolfe #3
6.
7. Knox OH
8. 2.0 million cubic feet
9. September 14, 1979
10. Columbia Gas Transmission Corp
1. 79-20382/01547
2. 34-133-20835-0014
3. 108

4. Nucorp Energy Company
5. R Carlisle Well #3
6.
7. Portage County OH
8. 9.0 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20383/01548
2. 34-133-20715-0014
3. 108
4. Nucorp Energy Company
5. Dornbirer Well #1
6.
7. Portage County OH
8. 4.7 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20384/01549
2. 34-133-20722-0014
3. 108
4. Nucorp Energy Company
5. Dornbirer Well #2
6.
7. Portage County OH
8. 4.7 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20385/01550
2. 34-133-20803-0014
3. 108
4. Nucorp Energy Company
5. Udall Cook Well #1
6.
7. Portage County OH
8. 6.7 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20386/01551
2. 34-133-20925-0014
3. 108
4. Nucorp Energy Company
5. Stavenger Well #2
6.
7. Portage County OH
8. 3.4 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20387/01552
2. 34-133-20808-0014
3. 108
4. Nucorp Energy Company
5. Sobwick Well #2
6.
7. Portage County OH
8. 5.3 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20388/01553
2. 34-133-20802-0014
3. 108
4. Nucorp Energy Company
5. Sobwick Well #1
6.
7. Portage County OH
8. 5.3 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20389/01554
2. 34-133-20922-0014
3. 108
4. Nucorp Energy Company
5. Ryder Well #5
6.
7. Portage County OH
8. 5.9 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20390/01555
2. 34-133-20826-0014
3. 108
4. Nucorp Energy Company
5. Ryder Well #3
6.
7. Portage County OH
8. 6.1 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20391/01556
2. 34-133-20909-0014
3. 108
4. Nucorp Energy Company
5. Pollock Well #4
6.
7. Portage County OH
8. 6.1 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20392/01557
2. 34-133-20728-0014
3. 108
4. Nucorp Energy Company
5. Dornbirer Well #3
6.
7. Portage County OH
8. 5.0 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20393/01558
2. 34-133-20765-0014
3. 108
4. Nucorp Energy Company
5. Hamburgh Well #1
6.
7. Portage County OH
8. 2.2 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20394/01559
2. 34-133-20766-0014
3. 108
4. Nucorp Energy Company
5. Hamburgh Well #2
6.
7. Portage County OH
8. 2.2 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20395/01560
2. 34-133-20554-0014
3. 108
4. Nucorp Energy Company
5. Kilbourn-Pochedly Well #4
6.
7. Portage County OH
8. 5.9 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20396/01561
2. 34-133-20555-0014
3. 108
4. Nucorp Energy Company
5. Kilbourn-Pochedly Well #2
6.
7. Portage County OH
8. 5.2 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20397/01562
2. 34-133-20769-0014

3. 108
4. Nucorp Energy Company
5. Mantsch Well #1
6.
7. Portage County OH
8. 3.6 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20398/01563
2. 34-133-20544-0014
3. 108
4. Nucorp Energy Company
5. Pochedly Well #1
6.
7. Portage County OH
8. 2.2 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20399/01564
2. 34-133-20545-0014
3. 108
4. Nucorp Energy Company
5. Pochedly Well #2
6.
7. Portage County OH
8. 3.7 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20400/01565
2. 34-133-20546-0014
3. 108
4. Nucorp Energy Company
5. Pochedly Well #3
6.
7. Portage County OH
8. .8 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20401/01566
2. 34-133-20574-0014
3. 108
4. Nucorp Energy Company
5. Pochedly Well #4
6.
7. Portage County OH
8. 5.4 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20402/01567
2. 34-133-21043-0014
3. 108
4. Nucorp Energy Company
5. Pochedly Well #6
6.
7. Portage County OH
8. 6.3 million cubic feet
9. September 14, 1979
10. Anchor Hocking Corporation
1. 79-20403/01748
2. 34-151-22330-0014
3. 108
4. Nucorp Energy Company
5. Campbell Well #1-A
6.
7. Stark County OH
8. 13.3 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20404/01749
2. 34-151-22359-0014
3. 108
4. Nucorp Energy Company
5. Campbell Well #1-B
6.
7. Stark County OH

8. 9.9 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20405/01750
2. 34-151-22361-0014
3. 108
4. Nucorp Energy Company
5. Campbell Well #1-C
6.
7. Stark County OH
8. 16.1 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20406/01751
2. 34-169-21765-0014
3. 108
4. Nucorp Energy Company
5. J Cramer Well #1
6.
7. Wayne County OH
8. 15.1 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20407/01752
2. 34-029-20641-0014
3. 108
4. Nucorp Energy Company
5. Eckert Well #1-A
6.
7. Columbiana County OH
8. 2.7 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20408/01753
2. 34-151-22279-0014
3. 108
4. Nucorp Energy Company
5. E & J Miller Well #1
6.
7. Stark County OH
8. 14.6 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20409/01754
2. 34-029-20650-0014
3. 108
4. Nucorp Energy Company
5. Grim well #1-A
6.
7. Columbiana County OH
8. 8.7 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20410/01755
2. 34-151-22376-0014
3. 108
4. Nucorp Energy Company
5. Harrold well #1
6.
7. Stark County OH
8. 3.4 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20411/01756
2. 34-151-22324-0014
3. 108
4. Nucorp Energy Company
5. Helline well #1
6.
7. Stark County OH
8. 5.7 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20412/01757

2. 34-151-22194-0014
3. 108
4. Nucorp Energy Company
5. Indorf well #1
6.
7. Stark County OH
8. 3.4 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20413/01758
2. 34-169-21813-0014
3. 108
4. Nucorp Energy Company
5. Indorf well #2
6.
7. Wayne County OH
8. 3.3 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20414/01759
2. 34-169-21811-0014
3. 108
4. Nucorp Energy Company
5. Indorf well #3
6.
7. Wayne County OH
8. 3.3 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20415/01760
2. 34-151-22277-0014
3. 108
4. Nucorp Energy Company
5. Mose Miller well #1
6.
7. Stark County OH
8. 8.7 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20416/01761
2. 34-029-20649-0014
3. 108
4. Nucorp Energy Company
5. Quay well #1
6.
7. Columbiana County OH
8. 8.4 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20417/01771
2. 34-151-22364-0014
3. 108
4. Nucorp Energy Company
5. Weaver well #2
6.
7. Stark County OH
8. 11.4 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20418/01772
2. 34-151-22320-0014
3. 108
4. Nucorp Energy Company
5. Welsch well #1
6.
7. Stark County OH
8. 7.2 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20419/01773
2. 34-151-22670-014
3. 108
4. Nucorp Energy Company
5. Reed well #1
6.

7. Stark County OH
8. 3.7 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20420/01774
2. 34-151-22322-0014
3. 108
4. Nucorp Energy Company
5. Campbell well #1
6.
7. Stark County OH
8. 16.5 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20421/01775
2. 34-029-20667-0014
3. 108
4. Nucorp Energy Company
5. Burkhardt well #1
6.
7. Columbiana County OH
8. 14.7 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20422/01776
2. 34-029-20663-0014
3. 108
4. Nucorp Energy Company
5. Boyce well #1
6.
7. Columbiana County OH
8. 4.4 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20423/01777
2. 34-029-20655-0014
3. 108
4. Nucorp Energy Company
5. P Andrews well #1
6.
7. Columbiana County OH
8. 11.0 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20424/01778
2. 34-151-22349-0014
3. 108
4. Nucorp Energy Company
5. John Andres well #1
6.
7. Stark County OH
8. 6.0 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20425/01779
2. 34-029-20638-0014
3. 108
4. Nucorp Energy Company
5. Alliance Clay well #1
6.
7. Columbiana County OH
8. .1 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20426/01780
2. 34-151-22350-0014
3. 108
4. Nucorp Energy Company
5. Andrew Miller well #1
6.
7. Stark County OH
8. .5 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20427/02091

2. 34-133-20644-0014
3. 108
4. Nucorp Energy Company
5. Fidler #2
6.
7. Portage OH
8. 12.2 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20428/02092
2. 34-133-20645-0014
3. 108
4. Nucorp Energy Company
5. Fidler #1
6.
7. Portage OH
8. 6.1 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20429/02093
2. 34-133-20779-0014
3. 108
4. Nucorp Energy Company
5. Ellenberger #2
6.
7. Portage OH
8. 2.2 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20430/02094
2. 34-133-20823-0014
3. 108
4. Nucorp Energy Company
5. Fejedelem #1
6.
7. Portage OH
8. 13.7 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20431/02095
2. 34-133-20615-0014
3. 108
4. Nucorp Energy Company
5. Fenrich #1
6.
7. Portage OH
8. 6.3 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20432/02096
2. 34-133-20757-0014
3. 108
4. Nucorp Energy Company
5. Fenrich #2
6.
7. Portage OH
8. 6.4 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20433/02097
2. 34-133-20764-0014
3. 108
4. Nucorp Energy Company
5. Ellenberger #1
6.
7. Portage OH
8. 6.6 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20434/02098
2. 34-133-20809-0014
3. 108
4. Nucorp Energy Company
5. Dickerson #1
6.

7. Portage OH
8. 7.2 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20435/02099
2. 34-133-20542-0014
3. 108
4. Nucorp Energy Company
5. Derthick #2
6.
7. Portage OH
8. 3.8 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20436/02100
2. 34-133-20519-0014
3. 108
4. Nucorp Energy Company
5. Derthick #1
6.
7. Portage OH
8. 5.9 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20437/02101
2. 34-133-20592-0014
3. 108
4. Nucorp Energy Company
5. Corbett #1
6.
7. Portage OH
8. 2.5 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20438/02102
2. 34-133-20586-0014
3. 108
4. Nucorp Energy Company
5. Colescott-Schsuter #1
6.
7. Portage OH
8. 7.4 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20439/02103
2. 34-133-20599-0014
3. 108
4. Nucorp Energy Company
5. Bogden-Corea #1
6.
7. Portage OH
8. 4.2 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20440/02104
2. 34-133-20538-0014
3. 108
4. Nucorp Energy Company
5. Blazek 1-A
6.
7. Portage OH
8. 6.3 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20441/02105
2. 34-133-20646-0014
3. 108
4. Nucorp Energy Company
5. Bevington #1
6.
7. Portage OH
8. 5.4 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20442/02106

2. 34-133-20577-0014
3. 108
4. Nucorp Energy Company
5. Auth #3
6.
7. Portage OH
8. 8.0 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20443/02107
2. 34-133-20666-0014
3. 108
4. Nucorp Energy Company
5. Auth #2
6.
7. Portage OH
8. 2.8 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20444/01763
2. 34-029-20657-0014
3. 108
4. Nucorp Energy Company
5. Robert Freshly Well #1
6.
7. Columbiana County OH
8. 6.2 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20445/01764
2. 34-151-22380-0014
3. 108
4. Nucorp Energy Company
5. Simon Well #1
6.
7. Stark County OH
8. 11.2 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20446/01765
2. 34-151-22382-0014
3. 108
4. Nucorp Energy Company
5. Simon Well #2
6.
7. Stark County OH
8. 11.2 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20447/01766
2. 34-151-22351-0014
3. 108
4. Nucorp Energy Company
5. Stark Wilderness #1
6.
7. Stark County OH
8. 13.5 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20448/01767
2. 34-151-22317-0014
3. 108
4. Nucorp Energy Company
5. Swartzentruber Well #1
6.
7. Stark County OH
8. 13.5 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20449/01769
2. 34-157-21812-0014
3. 108
4. Nucorp Energy Company
5. Vickers Well #1
6.

7. Tuscarawas County OH
8. 2.5 million cubic feet
9. September 14, 1979
10. Columbia Gas Company
1. 79-20450/02129
2. 34-133-20561-0014
3. 108
4. Nucorp Energy Company
5. Pierce-Anderla #1
6.
7. Portage OH
8. 5.7 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20451/02130
2. 34-133-20526-0014
3. 108
4. Nucorp Energy Company
5. Pierce #2
6.
7. Portage OH
8. 6.6 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20452/02131
2. 34-133-20523-0014
3. 108
4. Nucorp Energy Company
5. Pierce #1
6.
7. Portage OH
8. 6.6 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20453/02132
2. 34-133-20564-0014
3. 108
4. Nucorp Energy Company
5. Gould #3
6.
7. Portage OH
8. 8.5 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20454/02133
2. 34-151-21144-0014
3. 108
4. Nucorp Energy Company
5. Garaux Well #1
6.
7. Stark County OH
8. 8 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20455/02134
2. 34-133-20568-0014
3. 108
4. Nucorp Energy Company
5. Gould #2
6.
7. Portage OH
8. 8.5 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20456/02135
2. 34-133-20622-0014
3. 108
4. Nucorp Energy Company
5. Fritinger #3
6.
7. Portage OH
8. 3.7 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20457/02136

2. 34-133-20524-0014
3. 108
4. Nucorp Energy Company
5. Gould #1
6.
7. Portage OH
8. 4.4 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20458/02137
2. 34-133-20563-0014
3. 108
4. Nucorp Energy Company
5. Zemba #1
6.
7. Portage OH
8. 8.8 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20459/02138
2. 34-133-20832-0014
3. 108
4. Nucorp Energy Company
5. Weber #2
6.
7. Portage OH
8. 41.4 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20460/02139
2. 34-133-20832-0014
3. 108
4. Nucorp Energy Company
5. Weber #1
6.
7. Portage OH
8. 8.3 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20461/02140
2. 34-133-20541-0014
3. 108
4. Nucorp Energy Company
5. Vieland #1
6.
7. Portage OH
8. 0.8 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20462/02141
2. 34-133-20550-0014
3. 108
4. Nucorp Energy Company
5. Taylor #1
6.
7. Portage OH
8. 8.4 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20463/02142
2. 34-029-20686-0014
3. 108
4. Nucorp Energy Company
5. Mudrak Well #1
6.
7. Columbiana County OH
8. 14 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20464/02143
2. 34-029-20641-0014
3. 108
4. Nucorp Energy Company
5. M Kitzmiller Well #1
6.

7. Columbiana County OH
8. 14.4 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20465/02144
2. 34-151-21209-0014
3. 108
4. Nucorp Energy Company
5. Lincoln Realty Unit Well #1
6.
7. Stark County OH
8. 1 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20466/02145
2. 34-151-22442-0014
3. 108
4. Nucorp Energy Company
5. Kovach Well #1
6.
7. Stark County OH
8. 6.7 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20467/02146
2. 34-029-20587-0014
3. 108
4. Nucorp Energy Company
5. Klopfenstein-Cameron Well #1
6.
7. Columbiana County OH
8. 8.3 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20468/02147
2. 34-151-21290-0014
3. 108
4. Nucorp Energy Company
5. Kinsinger Well #1
6.
7. Stark County OH
8. 9 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20469/02148
2. 34-029-20670-0014
3. 108
4. Nucorp Energy Company
5. Johnson Well #1
6.
7. Columbiana Count OH
8. 8.5 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company
1. 79-20470/02149
2. 34-029-20682-0014
3. 108
4. Nucorp Energy Company
5. Hutter-Kimble Well #1
6.
7. Columbiana County OH
8. 3.5 million cubic feet
9. September 14, 1979
10. East Ohio Gas Company

Texas Railroad Commission Oil and Gas Division

- Control Number (FERC/State)
- API well number
- Section of NGPA
- Operator
- Well name
- Field or OCS area name
- County, State or block No.
- Estimated annual volume

9. Date received at FERC
10. Purchaser(s)
1. 79-20273/06151
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 278
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 1, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20274/06155
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 282
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20275/06156
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 270
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20276/06157
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 280
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20277/06159
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 223
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20278/06187
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 2
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20279/06190
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 238
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20280/06184
2. 42-065-00000

3. 108
4. Getty Oil Company
5. Schafer Ranch No 232
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20281/06185
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 261
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20282/06183
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 276
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20283/06180
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 271
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20284/06189
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 257
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20285/02562
2. 42-179-26113
3. 108
4. El Paso Natural Gas Company
5. Hudgins C 1
6. Panhandle East
7. Gray TX
8. 11.5 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20286/02607
2. 42-435-19198
3. 108
4. El Paso Natural Gas Company
5. Davis C 1
6. Sonora (Canyon Upper)
7. Sutton TX
8. 10.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20287/02608
2. 42-179-37363
3. 108
4. El Paso Natural Gas Company
5. Hudgins C #4
6. Panhandle East
7. Gray TX

8. 11.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20288/03906
2. 42-435-19209
3. 108
4. El Paso Natural Gas Company
5. Deberry A 17
6. Sonora (Canyon Upper)
7. Sutton TX
8. 19.0 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20289/03326
2. 42-129-23734
3. 108
4. El Paso Natural Gas Company
5. Lewis 6
6. Panhandle West
7. Donley TX
8. 16.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20290/03322
2. 42-179-23726
3. 108
4. El Paso Natural Gas Company
5. Johnson B 1
6. Panhandle West
7. Gray TX
8. 8.1 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20291/03318
2. 42-179-23732
3. 108
4. El Paso Natural Gas Company
5. Lewis 1
6. Panhandle West
7. Gray TX
8. 7.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20292/03312
2. 42-179-23686
3. 108
4. El Paso Natural Gas Company
5. Andrews No. 1
6. Panhandle West
7. Gray, TX
8. 17.1 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20293/06144
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 256
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20294/06130
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 237
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20295/02520

2. 42-087-26279
3. 108
4. El Paso Natural Gas Company
5. Tinsley No. 2
6. Panhandle East
7. Collingsworth, TX
8. 14.8 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20296/02564
2. 42-087-26274
3. 108
4. El Paso Natural Gas Company
5. Smith B No. 4
6. Panhandle East
7. Collingsworth, TX
8. 3.6 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20297/02605
2. 42-483-26169
3. 108
4. El Paso Natural Gas Company
5. McAllister No. 1
6. Panhandle East
7. Wheeler, TX
8. 7.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20298/04457
2. 42-383-31189
3. 103
4. Houston Oil & Minerals Corp
5. Merchant Estate 14 No. 5
6. Spraberry (Trend Area)
7. Reagan, TX
8. 37.0 million cubic feet
9. September 13, 1979
10. Union Texas Petroleum
1. 79-20299/03940
2. 42-087-10555
3. 108
4. El Paso Natural Gas Company
5. Bell No. 2-A
6. Panhandle East
7. Collingsworth, TX
8. 14.4 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20300/03331
2. 42-211-30157
3. 108
4. El Paso Natural Gas Company
5. Hobart Ranch No. 2
6. Hemphill (Granite Wash)
7. Hemphill, TX
8. 5.1 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20301/03327
2. 42-179-23737
3. 108
4. El Paso Natural Gas Company
5. Massey No. 1
6. Panhandle West
7. Gray, TX
8. 13.6 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20302/03325
2. 42-179-23705
3. 108
4. El Paso Natural Gas Company
5. Fowler C1
6. Panhandle West

7. Gray, TX
8. 3.8 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-203303/03319
2. 42-179-23687
3. 108
4. El Paso Natural Gas Company
5. Barker A1
6. Panhandle West
7. Gray, TX
8. 8.3 million cubic feet
9. September 13, 1979
10. El Paso Natural Gas Company
1. 79-20304/06147
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 220
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20305/06132
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 4
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20306/06129
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 219
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20307/06149
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 6
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20308/06150
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 236
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20309/06153
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 260
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20310/06152

2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 277
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20311/06148
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No. 4
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20312/06166
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 268
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20313/06160
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 229
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20314/06164
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 263
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20315/06163
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 267
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20316/06165
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 269
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20317/06176
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 233
6. Panhandle

7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20318/06175
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 274
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20319/06179
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 217
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20320/06191
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 235
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20321/06192
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 281
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20322/06193
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 221
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20323/06360
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 275
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20324/06210
2. 42-105-00000
3. 103 Denied
4. Leede Oil & Gas Inc.
5. University #50-2
6. Farmer (San Andres)
7. Crockett, TX
8. 24.1 million cubic feet
9. September 13, 1979
10. Big Lake Gas Corporation
1. 79-20325/06378
2. 42-065-00000
3. 103
4. Getty Oil Company
5. Schafer Ranch No 272
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20326/06213
2. 42-105-00000
3. 103
4. Leede Oil & Gas Inc.
5. University #50-3
6. Farm (San Andres)
7. Crockett, TX
8. 24.1 million cubic feet
9. September 13, 1979
10. Big Lake Gas Corporation
1. 79-20327/06196
2. 42-065-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 266
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant
1. 79-20328/06425
2. 42-105-00000
3. 103
4. Leede Oil & Gas Inc.
5. University #50A
6. Farmer (San Andres)
7. Crockett, TX
8. 25.0 million cubic feet
9. September 13, 1979
10. Big Lake Gas Corporation
1. 79-20329/06186
2. 42-106-00000
3. 108
4. Getty Oil Company
5. Schafer Ranch No 279
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. September 13, 1979
10. Getty Oil Company Natural Gas Plant

U.S. Geological Survey, Metairie, La.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-20371/G9-572
2. 17-708-40193-0000-0
3. 102 Denied
4. Amoco Production Company
5. OCS-G2882 No A-10
6. South Marsh Island
7. 125
8. 15.0 million cubic feet
9. September 14, 1979
10. Sea Robin Pipeline Co. Florida Gas Transmission Co Florida Power & Light Co
1. 79-20372/G9-397
2. 17-715-40232-00S1-0
3. 102

4. Gulf Oil Corporation
5. OCS G-3336 No E-4
6. South Timbalier Blk 37
7. 35
8. 2135.0 million cubic feet
9. September 13, 1979
10. Texas Eastern Transmission Corp.
1. 79-20373/G9-396
2. 17-715-40200-01S1-0
3. 102
4. Gulf Oil Corporation
5. OCS G 3336 No D-6
6. South Timbalier Blk 37
7. 35
8. 2200.0 million cubic feet
9. September 13, 1979
10. Texas Eastern Transmission Corp.

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control number (FERC/State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 79-20369/NM-155-78
 2. 30-045-22343-0000-0
 3. 108
 4. J G Merrion & R L Bayless
 5. Chaco #3
 6. Waw Fruitland Pictured Cliffs
 7. San Juan NM
 8. 10.4 million cubic feet
 9. September 12, 1979
 10. El Paso Natural Gas Comp
 1. 79-20370/NM1820-79
 2. 30-025-23650-0000-0
 3. 108
 4. Tahoe Oil & Cattle Co
 5. Arco #1
 6. West Sawyer, San Andres
 7. Lea, NM
 8. 2.0 million cubic feet
 9. September 12, 1979
 10. Cities Service Company Transwestern Pipeline Co
- The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426
- Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the Federal Register.
- Please reference the FERC control number in all correspondence related to these determinations.
- Kenneth F. Plumb,**
Secretary.
- [FR Doc 79-30443 Filed 10-01-79; 8:45 am]
BILLING CODE 6450-01-M

PANAMA CANAL COMPANY**Increase in Tolls for Use of Panama Canal****AGENCY:** Panama Canal Company.

SUMMARY: On March 30, 1979, the Panama Canal Company announced a proposed increase in tolls for use of the Panama Canal, to be effective on October 1, 1979. (44 FR 18994). Statutory provisions concerning notice, public hearing and Presidential approval, and the Company's rulemaking procedures would apply and were explained in the notice.

On September 27, 1979, the President signed into law the Panama Canal Act of 1979 (Pub. L. 96-70). Section 1605 of that statute, which became effective on enactment, provides that the Company may change the rates of tolls for use of the Panama Canal during the fiscal year beginning on October 1, 1979, without regard to the procedures required for future increases. Rates of tolls for use of the canal are to be prescribed under the provisions of section 1602(b) of the Act, and any increase under section 1605 requires Presidential approval and becomes effective on the date prescribed by him.

ACTION: Notice of increase in tolls for use of the Panama Canal. Notice is hereby given that in accordance with sections 1602(b) and 1605 of the Panama Canal Act of 1979, the rates of tolls prescribed by the Panama Canal Company and approved by the President which have been in effect since November 18, 1976, are changed as follows:

(a) On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers or cargo, \$1.67 per net vessel ton of 100 cubic feet each of actual earning capacity determined in accordance with the rules for the measurement of vessels for the Panama Canal.

(b) On vessels in ballast without passengers or cargo, \$1.33 per net vessel ton.

(c) On other floating craft including warships, other than transports, colliers, hospital ships, and supply ships, \$0.93 per ton of displacement.

Notice is also given that, due to the foregoing action by the Company and the President, the proposal to increase tolls initiated on March 30, 1979, is cancelled.

EFFECTIVE DATE: The foregoing changes in the toll rates have been approved by the President and, as prescribed by him, will become effective on October 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Thomas M. Constant, Secretary, Panama Canal Company, 425-13th Street, N.W., Washington, D.C. 20004, Phone: (202) 724-0104.

Dated: September 29, 1979.

Hazel M. Murdock,

Assistant to the Secretary.

[FR Doc. 79-30653 Filed 10-1-79; 11:02 am]

BILLING CODE 3640-01-M

Sunshine Act Meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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[M-249, Amdt. 2; Sept. 26, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition and deletion of item to the September 27, 1979, meeting.

TIME AND DATE: 9:30 A.M., SEPTEMBER 27, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1a. Docket 32581, Agreements Adopted by the International Air Transport Association Relating to the Traffic Conferences (Memo 9171, OGC).

29. Dockets 35893, 36005, 36020, 36024, 36031, 36033, 36035, 36036, 36049, 36052, 36054, and 36057; Boston/Philadelphia/Washington-Orlando Show-Cause Proceeding (BDA, BIA, OGC) (Boston Portion).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: The short notice request if necessary to assure, if the Board adopts the draft order, timely receipt and consideration of the Department of State's classified testimony by the Board prior to the October 1979 legislative hearings in this proceeding. Item 29 is being deleted because the programmatic Environmental Impact Statement will be ready for Board consideration at next week's meeting and the staff believes that it would be helpful to consider the Massport question at the same time. Accordingly, the following Members have voted that agency business requires the addition of Item 1a and the deletion of Item 29 from the September 27, 1979 agenda and that no earlier announcement of these changes was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer.

[S-1917-79 Filed 9-28-79; 2:47 pm]
BILLING CODE 6320-01-M

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[M-250; Sept. 27, 1979]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., October 4, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Docket 32485, *Baltimore/Washington-St. Louis Route Proceeding*—Memorandum of Issues and Questions for Instructions (For Information Memo dated September 21, 1979, OGC).

3. Dockets 32393, 32394, 32395 and 33361, *Former Large Irregular Air Service Investigation* (Conner Air Air Lines, Inc. and F.A. Conner)—Order on Discretionary Review (OGC).

4. Docket 35661—Minimum charter size reduction for Overseas Military Personnel Charters (Memo 8830-A, OGC, BDA).

5. Docket 35471 Petition by the Aviation Consumer Action Project to establish separate subaccounts in Part 241 in which carriers would list each expense incurred as a result of their discriminatory employment practices (OGC).

6. Draft Program Environmental and Energy Impact Statement on Multiple Permissive Entry Policy (BDA, OEA, OGC).

7. Dockets 35893, 36005, 36020, 36024, 36031, 36033, 36035, 36036, 36049, 36052, 36054, and 36057; Boston/Philadelphia/Washington-Orlando Show-Cause Proceeding (Boston Portion) (BDA, BIA OGC).

8. Docket 35254, et al.—Boston-Detroit Show-Cause Proceeding (Memo 8628-A, BDA).

9. Docket 35492, Boston-Dallas/Fort Worth-Houston Show Cause Proceeding: New or amended Applications for Boston-DFW/Houston authority of Braniff (Docket 33516), Ozark (Doc 34001), TXI (Doc 35663), Western (Doc 35672), Delta (Doc 35668), USAir (Doc 33645), Northwest (Doc 33623) and Republic (Doc 35671) application of American (Doc 3562 for Boston-Houston authority; application of Eastern (Doc 35655) for Boston-DFW authority (Memo 8686-B, BDA).

9a. Docket 34681, Request for instructions on Carrier Selection, Upstate New York case (BDA, OGC, OEA).

10. Dockets 36069 and 36225, Applications of USAir and Piedmont for Louisville-Columbus, Ohio Authority, Carriers Request

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Show-Cause Procedures Pursuant to Subpart Q, (BDA, OGC, BLJ).

11. Docket 35382, *New Orleans-Baltimore/Washington Show-Cause Proceeding*, applications by Texas International, Braniff, Northwest, USAir, Ozark, Continental, Western, Republic, and American for certificate authority (BDA).

12. Docket 38175, *Salt Lake City-Reno/Las Vegas Show-Cause Proceeding*; (Memo 8985-A, BDA).

13. Docket 36369, Application of Air Wisconsin for Columbus-Indianapolis-Lafayette authority (BDA).

14. Dockets 36203, 36311 and 36309—Applications of Eastern and USAir for Atlanta-Rochester, N.Y., authority, and Eastern's request for an exemption, pendent lite; (Memo 9168, BDA).

15. Docket 36107, Application of Northwest for Anchorage-Honolulu authority (BDA).

16. Docket 32747 Air North, Inc., application for a certificate of public convenience and necessity under section 401 of the Act (Memo 9169, BDA, OGC, BLJ).

17. Dockets 34775, 35022, 35179, and 35584—Applications of Continental, Braniff, National and Airwest for Spokane-Denver authority (Memo 8550-C, BDA).

18. Docket 34793, Notice of Intent of United Air Lines to suspend service at Visalia, California (BDA).

19. Docket 36193—United's notice of intent to suspend service at Atlanta, Georgia (BDA).

Closed

20. Docket 28672—IATA Agreements Concerning Agency Matters Uniform Commission Rates, Reconsideration of Order 78-8-87; Request for instructions (OGC).

21. Docket 30332, Agreements CAB 27769-R5 and R-6; Docket 30777 Agreements CAB 27770-R10 and -R11; Agreements among members of IATA setting interline service charges (Memo 9048, BDA, OGC, BLJ, BIA).

STATUS: 1-19 Open 20-21 Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, 202 673-5068.

SUPPLEMENTARY INFORMATION: premature public disclosure of opinions, evaluations, and strategies could seriously compromise the ability of the United States to achieve objectives which would be in the best interests of the United States. Accordingly, the following Members have voted that public observation of this meeting would involve matters the disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting will be closed:

Chairman, Marvin S. Cohen

Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen, Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member Gloria Schaffer.

Assistants to Board Members.—Mr. David Kirstein, Mr. James L. Deegan, Mr. Daniel M. Kasper, and Mr. Stephen Lachter. Managing Director.—Mr. Cressworth Lander. Executive Assistant to the Managing Director.—Mr. John R. Hancock.

Office of the General Director.—Mr. Michael E. Levine and Mr. Steven A. Rothenberg. Office of the General Counsel.—Ms. Mary Schuman, Mr. Gary J. Edles, Mr. Dan D. Campbell, and Ms. Mary E. Allendorfer.

Office of Economic Analysis.—Mr. Robert H. Frank and Mr. Larry Manheim. Bureau of Consumer Protection.—Mr. John T. Golden and Ms. Patricia Kennedy.

Bureau of Domestic Aviation.—Ms. Barbara A. Clark, Mr. Mark S. Kahan, Mr. Paul H. Karlsson, Mr. Paul L. Gretch, Mr. James Saltsman, Mr. Kevin Kennedy, and Mr. Curtis B. Maloy.

Bureau of International Aviation.—Mr. Sanford Rederer, Mr. Ivars V. Mellups, Mr. Parlen L. McKenna, Mr. Richard M. Loughlin, Mr. Regis P. Milan, Mr. Herbert P. Aswall, and Mr. John H. Kiser.

Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee, and Ms. Louise Patrick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting may be closed to public observation.

Philip Bakes,
General Counsel.

[S-1918-79 Filed 9-28-79; 2:47 pm]
BILLING CODE 6320-01-M

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FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF

PREVIOUS ANNOUNCEMENT: September 28, 1979, 44 FR 56096.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: October 3, 1979, 10 a.m. CHANGE IN THE MEETING: The description of item 5 on the open portion is corrected to read:

5. Matson Navigation Company—60 Percent Increase in Wharfage Charges at U.S. West Coast Ports Only in Tariffs FMC-F Nos. 165, 166 and 167.

[S-1919-79 Filed 9-28-79; 2:47 pm]
BILLING CODE 6730-01-M

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FEDERAL MARITIME COMMISSION.

TIME AND DATE: October 2, 1979, 11 a.m.

PLACE: Room 12128, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED: Korean Cargo Preference Law—State Department Briefing. PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523-5725.

[S-1920-79 Filed 9-28-79; 2:47 pm]
BILLING CODE 6730-01-M

5

FEDERAL RESERVE SYSTEM: Board of Governors.

TIME AND DATE: 11 a.m., Friday, October 5, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed revisions to the Board's policy regarding consultants.

2. Issues related to employee compensation. (This matter was originally announced for a meeting on September 28, 1979).

3. Personnel actions (appointments, promotions, assignments, and salary actions) involving individual Federal Reserve System employees.

4. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452-3204.

Dated: September 27, 1979.

Griffith Garwood,
Deputy Secretary of the Board.

[S-1911-79 Filed 9-28-79; 9:40 am]
BILLING CODE 6210-01-M

6

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, October 4, 1979.

PLACE: 2025 M Street NW, Washington, D.C., 4th Floor Conference Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Final Rule, Corporate Central Federal Credit Union.

2. Delegations to Executive Resources Board.

3. The current economic situation as it may affect the Federal credit union loan interest ceiling.

4. Applications for charters, amendments to charters, bylaw amendment, mergers and insurance as may be pending at that time.

5. Review of Central Liquidity Facility lending rates.

RECESS: 10:30 a.m.

TIME AND DATE: 11 a.m., October 4, 1979.

PLACE: 2025 M Street NW, Washington, D.C., 4th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act in order to prevent their closing. Closed pursuant to exemptions (8) and (9)(A)(ii).

2. Administrative Actions. Closed pursuant to exemptions (8), (9)(A)(ii), and (10).

3. Any agenda items carried forward from a previously announced closed meeting.

CONTACT PERSON FOR MORE

INFORMATION: Rosemary Brady, Secretary of the Board, Telephone (202) 254-9800.

[S-1913-79 Filed 9-28-79; 11:52 am]

BILLING CODE 7535-01-M

7

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Wednesday, September 26, 1979.

PLACE: 2025 M Street NW., Washington, D.C., 4th Floor Conference Room.

STATUS: Open.

CHANGES IN THE MEETING: Additional items considered and carried forward.

1. Central Liquidity Facility lending rate.
2. Approval of depositories for the Central Liquidity Facility.

Upon recommendation from staff that agency business required prompt consideration of these two items, and that seven days prior notice was not possible, the Board unanimously voted at the meeting to consider these two items then at its open session.

Proposed modification of Interagency Truth-in-Lending Reimbursement Program postponed until October 10, 1979 meeting.

TIME AND DATE: 11 a.m., Wednesday, September 26, 1979.

PLACE: 2025 M Street NW., Washington, D.C., 4th Floor Conference Room.

STATUS: Closed.

CHANGES IN THE MEETING: Vote to recess and continue meeting at another time.

At this previously announced closed session to consider, among other things, requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act in order to permit their closing the Board determined that it needed additional information in the case of one credit union before it could make a decision. Therefore, the Board unanimously voted to recess and reconvene on Monday, October 1st, when it would have and be able to consider the information.

CONTACT PERSON FOR MORE

INFORMATION: Rosemary Brady, Secretary of the Board, telephone (202) 254-9800.

[S-1912-79 Filed 9-28-79; 11:52 am]
BILLING CODE 7535-01-M

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federal register

Tuesday,
October 2, 1979

Part II

Environmental Protection Agency

Proposed Rule and Interim Guidance for
Notification of Export for Polychlorinated
Biphenyls and Fully Halogenated
Chlorofluoralkanes

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 707

[OTS-120001; FRL 980-8]

Notification of Export for Polychlorinated Biphenyls and Fully Halogenated Chlorofluoralkanes.

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule and Interim Guidance for Polychlorinated Biphenyls and Fully Halogenated Chlorofluoralkanes.

SUMMARY: The Environmental Protection Agency (EPA) solicits public comment on the following proposed rule regarding the procedures for submitting export notifications under section 12(b) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2611(b). These notices are statutorily required whenever certain regulatory actions are taken with respect to a chemical substance or mixture under section 4, 5, 6, or 7 of the TSCA. In addition, the procedures proposed herein will supersede, effective immediately, earlier interim guidance published in the June 7, 1978, *Federal Register* (43 FR 24818) regarding notifications of export for fully halogenated chlorofluoralkanes (chlorofluorocarbons) and polychlorinated biphenyls (PCBs). **DATES:** Written comments must be submitted prior to December 31, 1979.

ADDRESS: Written views and comments should bear the document control number OTS-120001 and should be submitted to the U.S. Environmental Protection Agency, Office of Toxic Substances, Chemical Information Division (TS-793), 401 M Street, SW, Washington, DC 20460, Attention: Document Control Officer. All written comments filed pursuant to this notice will be available for public inspection in the Office of Toxic Substances, Room 447 East Tower from 9:00 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Industry Assistance Office, Office of Toxic Substances (TS-799), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; or call 800-424-9065, or, in Washington, call 554-1404.

SUPPLEMENTARY INFORMATION: Section 12(b) of the TSCA requires that any person who exports or intends to export a chemical substance or mixture for which the submission of data is required under section 4 or 5(b), for which an order has been issued under section 5,

for which a rule has been proposed or promulgated under section 5 or 6, or with respect to which an action is pending, or relief has been granted under section 5 or 7, must so notify the Administrator. Upon receipt of such notification, section 12(b) requires EPA to furnish the government of the importing country with:

1. Notice of such rule, order, action, or relief under section 5, 6, or 7; or
2. Notice of the availability of data received pursuant to action under section 4 or 5(b).

EPA published interim guidance in the June 7, 1978, *Federal Register* outlining procedures for submitting notification of export for chlorofluorocarbons and polychlorinated biphenyls (the two chemicals presently regulated under section 6). EPA now proposes final procedural and interpretive rules applicable to the export of any chemical substance or mixture subject to section 12(b).

This rule requires exporters to submit, for each regulated chemical, a single notice each year for each country to which the chemical is exported. Notice must be submitted to EPA by letter and include the following: the name and address of the exporter, the name of the chemical, the country of import, and the EPA action which precipitated notification. The Agency, in turn, will advise the country of import of the U.S. regulatory action. No notification is required for the export of articles, except in the case of PCBs described herein.

Contents and Frequency of Notice

Neither TSCA nor its legislative history provides definitive guidance as to the implementation of section 12(b). The conference report states that EPA should provide information to foreign governments so that they may protect their own citizens, but does not specify in detail the contents of the notice, how often EPA and the foreign governments are to be notified, or whether the exporter and EPA must provide advance notice of export. In order to resolve these questions, EPA analyzed the various possible purposes that could be attributed to the section 12(b) notice.

One possible interpretation of section 12(b) is that the notice is to contain sufficient information to enable foreign governments to assess the hazards posed by—and, if indicated, stop—individual, specific shipments of chemicals being imported from the United States. The alternative construction is that section 12(b) is primarily intended to alert and inform foreign countries in a more general way of possible health and environmental

hazards that may be associated with the chemical. The absence of any reporting mandate—beyond the bare requirement to inform a foreign country of EPA's domestic regulatory actions, and of the availability of certain health effects data—suggests that the intended focus of the notice is on the chemical and what EPA has done, rather than on specific export shipments from the United States. We have concluded, moreover, that the narrower construction is preferable for several policy reasons.

To implement the broader option, EPA would have to require substantially more information from the exporter than the statute would appear to require. To react effectively, the foreign government would need such information as the date of shipment, the anticipated date of arrival, the port of entry, the exporter's and importer's names and addresses, the generic and trade names of the chemical (for identification purposes), and, possibly, the quantity being shipped. As noted above, the language of section 12(b) simply indicates that EPA is to notify the foreign country of domestic actions taken under TSCA, and is silent on whether to do so in conjunction with each shipment. We are reluctant to infer a broader purpose to section 12(b), given (1) EPA's policy of minimizing excessive and burdensome reporting requirements, (2) the lack of assurance that foreign governments actually want such information (cf., item 2 of official rulemaking record), and (3) the uncertainty that such information would be useful or sufficient. There is also some concern that confidentiality problems would arise in releasing commercial information to foreign governments.

Accordingly, the Agency has determined that the section 12(b) notice should be designed to inform the foreign government of EPA's domestic actions under TSCA and of the availability of health effects data submitted pursuant to section 4 or 5(b), but not to provide information on specific U.S. shipments. Therefore, no purpose would be served by requiring exporters to notify EPA of each shipment; instead they will simply be required to submit, for each regulated chemical, a single notice each calendar year for each country to which the chemical is exported.

A related issue is the timing of exporter notice to EPA. The statute refers to "export or intent to export". EPA could require two notices—one for intent to export, and one at the time of actual export. However, such a two-step notice system would be burdensome and of no apparent utility since EPA

does not propose to provide foreign governments with notice of each shipment. Therefore, this rule requires only a single notice of either export or intent to export. However, a notice of intent to export must be based on a definite contractual obligation to export the regulated chemical. If no such contractual obligation exists, export must be considered hypothetical and not reportable. All notices of export must be submitted no later than seven days after shipment. Seven days was selected in order to give exporters sufficient time to notify EPA, while assuring that EPA will receive information in a timely fashion so as to notify the foreign government. Notices of intent to export must be submitted in the same calendar year as the date of export shipment.

The issue of whether some estimate of the quantity being exported should be included in the notice to EPA has also been considered. Such a provision, for example, might require an annual estimate of the quantity of the chemical to be exported to the given country. The purpose would be to provide the importing country with data that might help it assess the potential risk associated with the specific amounts of the chemical being imported from the United States. The Agency does not intend to require such estimates of quantity because, as noted above, EPA believes the section 12(b) rule should be designed to alert the importing nations as to the domestic regulatory action taken under TSCA, and to the inherent properties of the chemical that prompted that action, rather than to the particular hazard that might be associated with specific amounts imported from the United States. Moreover, reporting such estimates would substantially increase the reporting burden on both exporters and the EPA, and would probably raise confidentiality problems. Finally, there is the question of whether this information would actually be useful to the importing country if it did not have comparable data regarding the amounts imported from other nations. Therefore, quantity information is not required by the proposed rule.

EPA has explored the possibility of using export data already generated under Department of Commerce, Bureau of the Census requirements, in lieu of the notice proposed here, as a source of the information EPA needs in order to inform foreign governments.

Under the existing Department of Commerce regulations, exporters must file for each export a completed *Shipper's Export Declaration* form. The Bureau of the Census compiles, from the data on these forms, a publicly available

monthly listing (EM 522) of all exports for the preceding month. This listing includes the name and identifying "Schedule B" number of the exported commodity, the country of import, and the quantity and value of the shipment.

Theoretically, EPA could, in some cases, simply:

- (1) Ascertain the Schedule B number assigned by Census to each substance for which notification is required under section 12(b);
- (2) Determine, from Census publication EM 522 each month, which of these substances have been exported, and to which countries; and
- (3) Notify the governments of those countries in accordance with the procedures recommended in this proposal.

Initial discussions with Census indicated that this approach was workable. However, a number of problems surfaced in later discussions which make direct notification to EPA more practical.

First, Census data could not be used in all cases. Constraints imposed on the Census system by the Foreign Trade Statistics Act prevent assignment in many cases of substance-specific Schedule B numbers for TSCA regulated chemicals. Without these numbers, Census data would be unusable for section 12(b) purposes. In such cases, exporters would be required to report directly to EPA. In addition, even if Schedule B numbers were assigned to TSCA chemicals, these numbers would be subject to change as the Census system changes. The result would be confusion for both EPA and the exporter.

Secondly, there are several exemptions to the requirement to file a *Shipper's Export Declaration* form, but the section 12(b) requirements have no corresponding exemptions. This situation would again require direct notification to EPA.

Thirdly, Census data for a specific substance would not be available for six to eight weeks following export. By the time EPA receives the data and reviews it for TSCA regulated substances, many weeks would have elapsed before the importing country could be notified. This is not consistent with our intent to provide notice in a timely fashion.

In view of the fact that only minimal information is being required, and that using Census data would be complicated and confusing for both EPA and exporters, this rule proposes that exporters notify EPA directly in all cases.

Another issue is whether notice must be given to EPA if the chemical is being exported for a use, or in a manner, that

is not regulated domestically under the relevant section 4, 5, 6 or 7 rule or order. The statutory export notification requirement pertains to the chemical substance or mixture itself, and is not qualified by, nor limited to, the nature of the domestic TSCA regulation. Thus, for example, exporters of chlorofluorocarbons are required to submit notices whether they are exporting for regulated (aerosol propellant) or unregulated (e.g., refrigerant) uses.

It is doubtful that EPA has the discretion to waive this requirement, nor is EPA convinced such a waiver would be wise. First, the task of determining whether the intended uses of specific shipments fell within the scope of the domestic regulation would probably be more difficult than simply routinely notifying the Administrator; in many cases the exporter will not know the intended uses. Secondly, if some exporters did receive a waiver, EPA would have no way of knowing whether an exporter's failure to report was because he was exempt or because he was violating section 12. Finally, the fact that EPA regulated the chemical, if not the use of process for which exported, is still pertinent to the foreign government. Different circumstances in the foreign country may point to a different regulatory emphasis than that taken by EPA (including a decision to regulate the chemical in a manner different than EPA chose).

Explanation of the Notice

This rule would require exporters to submit to EPA, by letter, the following information: the name and address of the exporter, the section of TSCA under which EPA has taken its most recent action, the country of import, the date of export or intended export, and the name of the regulated chemical substance or mixture as it appears in the EPA action under section 4, 5, 6, or 7 (unless the action refers to a category of chemicals, in which case the preferred name of the chemical within the category as it appears in Volume I of the EPA Chemical Substance Inventory should be given). It should be noted that notice of export is required for chemicals subject to *proposed* and final rules under section 5 or 6. Of course, when a rule becomes final, notice will no longer be required under the proposed rule.

Notice is required under section 12(b) for PCBs and PCB items, except PCB equipment, exported for any purpose other than disposal. PCBs and PCB items have the definitions published in 40 CFR 761.2(s) and 761.2(x) respectively. Notice of export for PCBs and PCB items for

disposal is required under section 8 of TSCA, see 40 CFR 761.30(c)(3).

The definition of exporter has been adapted from that set forth in the Export Administration Regulations 15 CFR Section 370.2(a)(28). This definition was incorporated because it is already commonly understood by the export community.

EPA Notification to Foreign Governments

EPA considered the issue of whether it must notify foreign governments the first time it receives a notice from each exporter. The statute is unclear on the point. Since notifying previously alerted foreign governments when additional reports are filed by new exporters would be meaningless in the absence of further information, EPA does not propose to send out such additional notices. (However, TSCA section 12(b) still requires each exporter to notify EPA; this is necessary because exporters have no way of knowing whether any other exporters have previously submitted notices applicable to a specific chemical and country.)

EPA will notify the country of import within seven working days after receipt of the first annual notification of export for the particular chemical subject to the EPA action. The notice will be sent to the country's embassy in Washington, DC, and will include a request that an official be designated to receive any subsequent notices. In the absence of an embassy, the assistance of the State Department will be sought in determining the appropriate counterpart recipient. A copy of all notices will be sent to the State Department.

The notice will (a) summarize the pertinent regulatory actions that have been taken, or indicate the availability of data that have been or will be received pursuant to any relevant section 4 or 5(b) action; (b) have attached a copy of the pertinent Federal Register notice; and (c) provide the name of an individual to contact should the foreign government seek further information.

Interim Guidance for Reporting Exports of PCBs and Chlorofluorocarbons

In addition to serving as a proposed rule, these procedures immediately supersede earlier interim guidance published in the June 7, 1978, Federal Register (43 FR 24818) regarding notifications of export for PCB's and chlorofluorocarbons. Such notices should now be submitted in accordance with the procedures at sections 707.1, 707.3, and 707.4 of this proposed Part. This step is being taken because the June 1978 guidance has proved to be too

general to be truly useful. The Agency will of course revise these procedures as appropriate after comments are received and reviewed.

Sunset Provision

Internal EPA regulations state that any new reporting requirement must contain a provision for repealing that requirement on a specific date within five years after its promulgation. The general requirements to provide notice of export are exempt from the imposition of such a "sunset" provision because these notices are required by statute. However, the statute does not specifically address the duration of the notice requirement for a given chemical. Therefore, the Agency is considering whether to adopt a sunset provision governing the reporting for a particular chemical. It is likely that export notifications to foreign governments for the same chemical will become less useful over time, since no new information will be imparted by repetitive notices to the same country. On the other hand, if a sunset provision is adopted, a country to which a chemical is exported for the first time after the sunset provision takes effect may not become aware of EPA action on the chemical. The likelihood of this is unknown. The Agency invites comment on whether this rule should include a sunset provision governing the duration of the reporting requirement.

Official Rulemaking Record

EPA has established the official record for this rule (docket number OTS 120001) which is available for public inspection in the Office of Toxic Substances, Room 447 East Tower from 9 a.m. to 5 p.m. on working days. This record includes (1) the rule being reviewed, (2) written comments, and (3) any other information the Administrator identifies on or before the rule's promulgation date. Accordingly, drafts of the rule included in this record will be limited to those released outside the Agency. The record includes the following categories of information:

1. This proposed rule.
2. Minutes of informal meetings held on September 13, 14, and 19, 1978, and October 27, 1978, with industry and foreign government representatives.
3. A letter from Natural Resources Defense Council concerning interim procedures under section 12(b).
4. A draft of this proposed rule sent to the Manufacturing Chemists Association (now Chemical Manufacturers Association).
5. Letters of transmittal sent with that draft (item 4), and written comments received on it.

6. Correspondence with the Bureau of the Census, dated April 11, April 18, April 30, June 14, and June 26, 1979, concerning possible use of Federal Trade Statistics Act data.

EPA will designate the complete rulemaking record on or before the date the rule is promulgated. The final rule will permit persons to point out any errors or omissions in the record.

Note.—EPA has determined that this document does not contain a major proposal requiring preparation of a Regulatory Analysis under Executive Order No. 12044.

This rule is proposed under the authority of section 12(b) of the Toxic Substances Control Act, Pub. L. 94-469, 90 Stat. 2033 [15 U.S.C. 2611(b)].

Dated: September 25, 1979.

Douglas M. Costle,
Administrator.

Title 40 of the Code of Federal Regulations is amended by adding a new Part 707 as set forth below:

PART 707—NOTIFICATION OF EXPORT UNDER SECTION 12(b)

Sec.

- 707.1 Applicability and compliance.
- 707.2 Definitions.
- 707.3 Submission to agency.
- 707.4 Contents of notice.
- 707.5 EPA notice to foreign governments.

Authority: Section 12(b), Pub. L. 94-469, 90 Stat. 2033 [15 U.S.C. 2611(b)].

§ 707.1 Applicability and compliance.

(a) Any person who exports or intends to export a chemical substance, mixture, or in the case of PCBs, items, shall notify the Environmental Protection Agency of such exportation to a particular country if any of the following actions have been taken under the Toxic Substances Control Act with respect to that chemical substance or mixture:

- (1) Data are required under section 4 or 5(b).
- (2) An order has been issued under section 5.
- (3) A rule has been proposed or promulgated under section 5 or 6, or
- (4) An action is pending, or relief has been granted under section 5 or 7.

(b) Any person who exports or intends to export polychlorinated biphenyls (PCBs) or PCB items, except PCB equipment, for any purpose other than disposal shall notify EPA of such intent or exportation under section 12(b). PCBs and PCB items have the definitions published in 40 CFR 761.2(s) and 761.2(x) respectively. However, notice of export of PCBs and PCB items for disposal is required under section 6. [See 40 CFR 761.30(c)(3) for these requirements.]

(c) Failure to comply with these rules and section 12(b) is a violation of section 15(3) of the Toxic Substances Control Act, and subjects the exporter to the penalty, enforcement, and seizure provisions of sections 16 and 17 of the Toxic Substances Control Act.

§ 707.2 Definitions.

The definitions set forth in the Toxic Substances Control Act section 3 apply for this Part. In addition, the following abbreviations and definitions are provided for purposes of this rule:

(a) "EPA" means the Environmental Protection Agency.

(b) "Exporter" means the person who, as the principal party in interest in the export transaction, has the power and responsibility for determining and controlling the sending of the chemical substance, mixture or, in the case of PCBs, items out of the United States.

(c) "TSCA" means the Toxic Substances Control Act.

(d) "Regulated chemical" means any chemical substance, mixture, or, in the case of PCBs, items for which export notice is required under section 707.1.

§ 707.3 Submission to agency.

(a) Notice to EPA shall be given in writing on a calendar year basis for each chemical, and for each country, to which exported or to which export is intended.

(1) In the first calendar year in which the exporter is required to notify EPA, notice shall be given of the first exportation or intent to export to each country that occurs after Federal Register publication of an action as described in section 707.1.

(2) In subsequent years, notice shall be given of the first export or intent to export, to each country, in that year.

(3) A notice of export shall be mailed to EPA no later than seven days after the regulated chemical leaves the United States.

(4) Notices of intent to export must be based on a definite contractual obligation to export the regulated chemical. Notices of intent to export shall be submitted in the same calendar year as the date of export.

(b) Notices shall be sent to the Document Control Officer, Chemical Information Division, Office of Toxic Substances (TS-793), Environmental Protection Agency, Washington, D.C. 20460.

§ 707.4 Contents of notice.

The notice to EPA shall include:

(a) The name of the regulated chemical as it appears in the section 4, 5, 6, or 7 action. If a category is regulated, the name of the individual regulated

chemical within that category, as well as the category, must be given. The name shall be that which appears in Volume I of the EPA Chemical Substance Inventory.

(b) The name and address of the exporter.

(c) The country (countries) of import.

(d) The date of export or intended export.

(e) The section [4, 5, 5(b), 6, or 7] of TSCA under which EPA has taken action.

§ 707.5 EPA notice to foreign governments.

(a) Notice by EPA to the importing country shall be sent no later than seven days after receipt of the first annual notification for each regulated chemical.

(b) Notices shall:

- (1) Summarize the regulatory action taken, or indicate the availability of data under section 4 or 5(b) of TSCA.
- (2) Identify an individual to contact for further information.
- (3) Include a copy of the pertinent Federal Register notice.

(c) Notices shall be sent to the country's ambassador in Washington, D.C., or other designated official, and to the U.S. State Department.

[FR Doc. 79-30526 Filed 10-1-79; 8:45 am]

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federal register

Tuesday
October 2, 1979

Part III

Department of the Interior

Fish and Wildlife Service

Determination That *Harperocallis flava* Is
an Endangered Species

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Determination That *Harperocallis flava* Is an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Harperocallis flava* (Harper's beauty) to be an Endangered species. *Harperocallis flava* is known to occur in three locations in the Apalachicola National Forest in Florida. The Forest Service is actively managing two of these locations for perpetuation of this monotypic genus of lily. There is estimated to be less than 100 individuals of this species, which places it in a very vulnerable position. Changes in current land management, accidental loss, vandalism, and/or overcollecting could easily lead to the extinction of this species.

A determination of *Harperocallis flava* to be an Endangered species would implement the protection provided by the Endangered Species Act of 1973 as amended.

DATE: This rulemaking becomes effective on November 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Harold J. O'Connor, Acting Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202/343-4646.

SUPPLEMENTARY INFORMATION:**Background**

The Secretary of the Smithsonian Institution, in response to Section 12 of the Endangered Species Act, presented his report on plant species to Congress on January 9, 1975. This report designated as House Document No. 94-51, contained lists of over 3,100 U.S. vascular plant taxa considered to be endangered, threatened, or extinct. On July 1, 1975, the Director published a notice in the *Federal Register* (40 FR 27823-27924) of his acceptance of the report of the Smithsonian Institution as a petition to list these species under Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within as well as any habitat which might be determined to be critical.

On June 16, 1976, the Service published a proposed rulemaking in the *Federal Register* (41 FR 24523-24572) to determine approximately 1,700 vascular

plant species to be Endangered species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the above mentioned *Federal Register* publication.

Harperocallis flava was included in both the July 1, 1975, notice of review and the June 16, 1976, proposal. A public hearing on the June 16, 1976, proposal was held on August 4, 1976, in Washington, D.C. In the June 24, 1977, *Federal Register*, the Service published a final rulemaking (42 FR 32373-32381, to be codified at 50 CFR Part 17) detailing the regulations to protect Endangered and Threatened plant species. The rules established prohibitions and a permit procedure to grant exemptions to the prohibitions under certain circumstances. The Department has determined that this is not a significant rule and does not require the preparation of a regulatory analysis under Executive Order 12044 and CFR 14.

Summary of Comments and Recommendations

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the *Federal Register* prior to adding any species to the List of Endangered and Threatened Wildlife and Plants.

Hundreds of comments on the general proposal of June 16, 1976, were received from individuals, conservation organizations, botanical groups, and business and professional organizations. Few of these comments were specific in nature in that they did not address individual plant species. Most comments addressed the program or the concept of Endangered and Threatened plants and their protection and regulation. These comments are summarized in the April 26, 1978, *Federal Register* publication which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909-17916). The Governor of Florida was notified of the proposed action but submitted no comments on the action.

Four comments were received concerning *Harperocallis flava*. An industrial forest corporation commented that they concurred with Endangered status for this species. One comment from a professional botanist noted the species' limited distribution and conjectured on the possibility of its extinction. One comment from an Army Corps of Engineers resource manager noted the species' type locality, its rarity, and possible management techniques. A request from the Forest

Service for a consultation concerning management of the species in the Apalachicola National Forest was also received.

Conclusion

After a thorough review and consideration of all the information available, the Director has determined that *Harperocallis flava* McDaniel (Harper's beauty) is in danger of becoming extinct throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act.

These factors and their application to *Harperocallis flava* are as follows:

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range.* Since it was described in 1968, three populations of this monotypic genus have been found. All three occur within a 32 kilometer stretch along SR-65 in Franklin and Liberty Counties, Florida. Two of these locations are within 0.5 kilometer of each other in Franklin County, while the third was reported about 32 kilometers north in Liberty County. Recent attempts to relocate this Liberty County population have not been successful. The total number of individuals is not known but has been estimated to be less than 100 plants.

The two Franklin County populations are located so close together they could easily be considered as one population but for the purposes of this rulemaking will be treated as two. Both are located on the Apalachicola National Forest within the area which is managed as the *Harperocallis* Botanical Area. The U.S. Forest Service currently manages this area for the perpetuation of *Harperocallis flava*. Any other uses of this area in the future, especially drainage to allow timber production or mechanical site preparation would threaten the continued existence of this species. The Liberty County location also occurs with the Apalachicola National Forest. If future searches verify an extant population at this site, it should then also be included in the botanical area.

Any drainage in the surrounding area which would effect the water level where these plants are found would threaten the continued existence of this species. The Forest Service includes this precaution in their management suggestions for the Botanical Area.

Both populations occur immediately adjacent to the road and thus are more vulnerable to accidental loss.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.* Many individuals and societies collect and and cultivate lilies.

Harperocallis flava is a monotypic genus of lily with a very restricted distribution and would be of considerable interest of lily enthusiasts. Since *Harperocallis flava* only occurs in three small populations all within Apalachicola National Forest and since there is estimated to be fewer than 100 individuals of the species known, any collecting or vandalism could greatly impact this species.

(3) *Disease or predation* (including grazing). Not applicable to this species.

(4) *The inadequacy of existing regulatory mechanisms.* Although the species has been included by the Florida Committee on Rare and Endangered Plants and Animals as an endangered species it is not currently protected by any Florida State legislation. Forest Service regulations prohibit removing, destroying, or damaging any plant that is classified as a threatened, endangered, rare or unique species (42 FR 2956-2962).

(5) *Other natural or manmade factors affecting its continued existence.* Since this species occurs in very open wet areas, natural succession of the community in which it occurs could eliminate the proper conditions for its survival. Periodic controlled burning to maintain a relatively open aspect in the shrub and herb layers of the community would probably be beneficial to *Harperocallis flava*. The Forest Service is carrying out prescribed burns at the site.

The extremely limited range and small population sizes both increase the possibility of loss of all or a significant portion of the individuals as a result of any accidental occurrence or natural catastrophe.

Effect of the Rulemaking

Section 7(a) of the Act as amended in 1978 provides:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to Section 4 of this Act. Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of

Section 7 of the Endangered Species Act Amendments of 1978.

Provisions for Interagency Cooperation are published in 50 CFR Part 402. These regulations are intended to assist Federal agencies in complying with Section 7(a) of the Act. This rulemaking requires Federal agencies to satisfy these statutory and regulatory obligations with respect to this species.

Endangered Species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered Species. The regulations referred to above, which pertain to plant species, are found at § 17.61 and are summarized below.

All provisions of section 9(a)(2) of the Act, as implemented by § 17.61 (42 FR 32373-32381), would apply. These prohibitions, in part, make it illegal for any person subject to the jurisdictions of the United States to import or export, or to deliver, receive, carry, transport or ship in interstate or foreign commerce in the course of a commercial activity, or to sell or offer for sale in interstate or foreign commerce this plant. Certain exceptions would apply to agents of the Service and State conservation agencies.

Regulations published in *Federal Register* of June 24, 1977 (42 FR 32373-32381), to be codified in 50 CFR Part 17, provide for the issuance of permits under certain circumstances to carry out otherwise prohibited activities involving endangered plants.

Effect Internationally

In addition to the protection provided by the Act, the Service will review the status of this species to determine whether it should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate Appendices to that Convention and whether it should be considered under other appropriate international agreements.

National Environmental Policy Act

An environmental assessment has been prepared and is on file in the

§ 17.12 Endangered and threatened plants.

Species		Range		Status	When listed	Special rules
Scientific name	Common name	Known distribution	Portion endangered			
Liliaceae—Lily family <i>Harperocallis flava</i>	Harper's beauty	USA (FL)	Entire	E		NA

Dated: September 17, 1979.

Robert S. Cook,

Deputy Director, Fish and Wildlife Service.
[FR Doc. 79-30413 Filed 10-1-79; 8:45 am]

BILLING CODE 4310-55-M

Service's Washington Office of Endangered Species. The assessment is the basis for a decision that this determination is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Endangered Species Act Amendments of 1978

The Endangered Species Act Amendments of 1978 added the following provision to subsection 4(a)(1) of the Endangered Species Act of 1973:

At the time any such regulation [to determine a species to be an Endangered or Threatened species] is proposed, the Secretary shall by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat.

Harperocallis flava could be further threatened by taking or vandalism, activities not prohibited by the Endangered Species Act of 1973. Publication of critical habitat maps would make this species more vulnerable and therefore it would not be prudent to determine critical habitat.

Harperocallis flava was proposed on June 16, 1976, and since critical habitat is not being determined for this species, none of the other amended subsections are applicable. Accordingly, the Service is proceeding at this time with a final rulemaking to determine this species to be Endangered pursuant to the Endangered Species Act of 1973, as amended. This rule is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884).

The primary author of this rule is Ms. E. La Verne Smith, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (703/235-1975).

Regulation Promulgation

Accordingly, § 17.12 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. Section 17.12 is amended by adding, in alphabetical order by family, genus, species, the following plant:

V
4
4

O
C

2

7
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U M I

federal register

Tuesday
October 2, 1979

Part IV

Department of Labor

Employment and Training Administration

Comprehensive Employment and Training
Act Regulations for Programs

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 675 and 680

Comprehensive Employment and Training Act; Regulations for Programs Under Parts A and C of Title IV of the Act

AGENCY: Department of Labor.

ACTION: Final rules.

SUMMARY: This document contains final rules for youth programs under Title IV, Parts A and C of the Comprehensive Employment and Training Act as reauthorized by the CETA Amendments of 1978. The purpose of this document is to implement these programs. The Youth Employment and Demonstration Projects Act (YEDPA) of 1977, Pub. L. 95-93 became effective on August 5, 1977. It amended the Comprehensive Employment and Training Act by adding several new programs for youth. The purpose of these new programs is to employ and increase the future employability of young persons, to help coordinate and improve existing career development, employment and training programs, and to test different approaches in solving the employment problems of youth.

Title IV, Part A of CETA as reauthorized maintains the authority for the new youth programs authorized by YEDPA; they are: The Youth Incentive Entitlement Pilot Project (YIEPP), designed to test the effect of a guaranteed year round structured work experience to encourage school completion; the Youth Community Conservation and Improvement Projects (YCCIP), designed to provide jobs and employment experience for youth in community betterment projects; and the Youth Employment and Training Programs (YETP), designed to make available to youth a broad range of employment and training services designed locally and adapted to local needs. Part C of Title IV, under the reauthorization, authorizes the Summer Youth Employment Program (SYEP), designed to provide eligible youth with useful work opportunities and supportive services during the summer months and to assist youth in developing their maximum occupational potential. The following Part 680, Subparts A, B and D sets forth the Federal regulations governing three of the Youth Programs, YETP, YCCIP, and YIEPP. Part 680, Subpart C sets forth the Federal regulations governing SYEP. The

regulations in this document do not apply to Native American and Migrant YETP and YCCIP and SYEP programs; regulations for these programs will be published separately. These regulations also do not apply to the Secretary's YETP, YCCIP, and SYEP discretionary funds.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Taggart, Administrator, Office of Youth Programs, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213, Telephone (202) 376-2646.

SUPPLEMENTARY INFORMATION: On March 9, 1979, the Department of Labor published in the Federal Register at 44 FR 13188 proposed regulations concerning youth programs under Title IV, Part A of the Comprehensive Employment and Training Act as reauthorized by the CETA Amendments of 1978 (Pub. L. 95-524). The Department also published in the Federal Register at 44 FR 12344 final rules to implement the Summer Youth Employment Program (SYEP) of 1979, Title IV, Part C of CETA to allow prime sponsors to begin planning the 1979 summer program.

Although the SYEP regulations were published as final rules, the Department, in keeping with the spirit of 29 CFR 2.7 requested comments on these final rules. A review and comment period was provided for public reaction to both the SYEP rules and the proposed regulations for the other youth programs. Numerous responses were received during the comment period, most of which were directed to the Youth Employment and Training Programs (YETP) and the Youth Community Conservation and Improvement Projects (YCCIP). Few comments were received for the SYEP and YIEPP rules.

Each comment was carefully reviewed with respect to the merits of the suggestions on their own and in relation to other comments received on the same or similar subjects. Several comments were rejected because they were inconsistent with either the provisions or the intent of the Act. The changes made in these regulations reflect continued efforts to improve the quality of the CETA youth programs. A short explanatory statement is provided below to address the most significant issues raised by commenters:

Income Determination

Several comments were received requesting clarification of the formula to be used in annualizing the income of applicants to determine eligibility for YETP programs. The proposed YETP

regulations were silent on this issue and neither made reference to a 3-month or 6-month income basis as provided under other CETA programs. In response to these comments, §§ 675.5-8(a)(1)(iii) and 680.8(a)(3), which concern eligibility for participation in YETP, have been revised to require that for YETP, family income shall be annualized on a 6-month basis in determining eligibility.

Eligibility Determination

A number of comments were received regarding the inconsistency between the requirement in the proposed rulemaking that eligibility be determined at the time of enrollment and the requirement in the final CETA regulations for Titles I, II, VI, and VII at § 675.5-1(d) that eligibility be determined at the time of application. This inconsistency was resolved by revising the appropriate sections of the regulations for YETP and YCCIP and the income eligibility regulations for SYEP to require that eligibility be determined at the time of application. The age requirements for summer program eligibility, however, will still be determined at the time of enrollment to ensure that only youth between the ages of 14-21, inclusive, are served. Several commenters requested that the YETP eligibility criteria be revised to include youth who are economically disadvantaged, particularly youth facing significant barriers to employment, such as handicapped youth. This revision has been made to insure greater consistency between the eligibility criteria for the CETA Title II B programs and the YETP program and to provide for the more equitable treatment of these youth.

Income Disregard

The proposed YETP and YCCIP regulations at sections 680.11 and 680.115 provide for an absolute disregard of wages and allowances received by any youth under those programs in determining the eligibility of the youth's family for benefits under any Federal or federally assisted program.

A number of comments were received asking for clarification of this language and how this provision applies when a youth is a family of one. In response to these comments, the regulations have been revised to clarify that wages and allowances shall be disregarded in determining the eligibility of either the youth or the youth's family for benefits received under any Federal or federally assisted program.

Many commenters further requested that the SYEP regulations contain an income disregard provision similar to that provided under YETP and YCCIP. Additionally, other commenters requested that the regulations allow

youth, who participate in training activities under SYEP, to receive basic allowances, rather than the more restricted incentive allowance of \$30 per week, when their families receive public assistance.

The Department recognizes the inconsistencies that exist among the provisions governing the youth programs authorized by Title IV and the difficulties prime sponsors have when administering both the income disregard and the method of payment provisions differently for each program. However, it should be recognized that the income disregard requirement is a statutory provision under section 446 of CETA applicable only to YIEPP, YETP, and YCCIP. The regulations merely implement the statutory provisions.

LEA 22 Percent Carry-In Funds

The Act and the regulations require that 22 percent of a prime sponsor's YETP funds be used for in-school programs under Local Educational Agencies agreements. Comments were received inquiring whether the 22 percent should be applied to funds carried into a new fiscal year. The Department agrees with the commenters that the regulation was unclear. The final regulations have been clarified to state that prime sponsors shall apply the 22 percent requirement only to their annual allocation under YETP, and not to the carry-in funds.

Youth Council

The proposed regulations at § 680.4 state that the youth council shall monitor and evaluate YETP and other CETA programs in the prime sponsor's area for the purpose of improving the utilization and coordination of the delivery of services. Comments were received asking that this provision be reevaluated since the general CETA regulations now require prime sponsors to establish an independent monitoring unit which will have the responsibility to conduct indepth monitoring of all programs. The Department has amended the regulations to provide that monitoring units shall make their findings available to the youth councils. Youth councils may then evaluate these findings for the purpose of improving the utilization and coordination of the delivery of services and make recommendations to the planning council consistent with their determinations. The regulations have been revised accordingly.

These regulations meet the criteria for significant regulations in Executive Order 12044 and the Department of Labor's guidelines thereunder (44 FR 5570, January 26, 1979) and have had a

comment period of 30 days in order to allow the final regulations to be published as close as possible to the April 1 statutory deadline. For the same reason, the regulations are being made effective Oct. 1, 1979. Accordingly, Title 20 of the Code of Federal Regulations, Chapter V is amended by:

PART 675—INTRODUCTION OF THE REGULATIONS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

1. Adding to the Table of Contents, at § 675.3, a new Table of Contents for Part 680, Subparts A, B, C, and D.

§ 675.3 Table of Contents for Regulations under CETA.

* * *

PART 680—YOUTH PROGRAMS OPERATED BY PRIME SPONSORS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart A—Youth Employment and Training Programs

Sec.

- 680.1 Purpose.
- 680.2 Eligibility for funds under YETP.
- 680.3 Allocation of funds.
- 680.4 Program planning, planning and youth councils.
- 680.5 Description of the YETP annual plan subpart.
- 680.6 Activities and services.
- 680.7 Local educational agency agreements.
- 680.8 Eligibility for participation.
- 680.9 Eligibility for participation (extraordinary).
- 680.10 Participant compensation, benefits and working conditions.
- 680.11 Earnings disregard.
- 680.12 Maintenance of effort.
- 680.13 Substitution for Title II programs.
- 680.14 Academic credit.
- 680.15 Reallocation procedures.
- 680.16 Modifications.
- 680.17 Reporting requirements.
- 680.18 Governor's Statewide Youth Services Program.

Subpart B—Youth Community Conservation and Improvement Projects

- 680.100 Purpose.
- 680.101 Eligibility for funds under YCCIP.
- 680.102 Allocation of funds.
- 680.103 Program planning, planning and youth councils.
- 680.104 Description of the YCCIP annual plan subpart.
- 680.105 Project planning process.
- 680.106 Project application content.
- 680.107 Project application submission.
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- 680.110 Project activities.
- 680.111 Agreements with project applicants.
- 680.112 Program agent responsibility.
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- 680.114 Supervisory personnel.
- 680.115 Eligibility for participation.
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- 680.117 Earnings disregard.
- 680.118 Maintenance of effort.
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Subpart C—Summer Youth Employment Programs

- 680.200 Purpose.
- 680.201 Eligibility for SYEP funds.
- 680.202 Allocation of funds.
- 680.203 Unexpended previous year funds.
- 680.204 Startup of program.
- 680.205 Program planning, planning and youth councils.
- 680.206 Basic program design provisions.
- 680.207 Description of the SYEP annual plan subpart.
- 680.208 Activities and services.
- 680.209 Program management provisions.
- 680.210 Worksite standards.
- 680.211 Eligibility for participation.
- 680.212 Participants compensation, benefits and working conditions.
- 680.213 Reallocation procedures.
- 680.214 Modifications.
- 680.215 Reporting requirements.
- 680.216 Termination date for the summer program.

Subpart D—Youth Incentive Entitlement Pilot Projects

- 680.300 Scope and purpose of subpart.
- 680.301 Regulations governing entitlement, definitions.
- 680.302 Funding of entitlement projects.
- 680.303 Eligibility for funds.
- 680.304 [Reserved]
- 680.305 [Reserved]
- 680.306 [Reserved]
- 680.307 [Reserved]
- 680.308 [Reserved]
- 680.309 [Reserved]
- 680.310 [Reserved]
- 680.311 [Reserved]
- 680.312 [Reserved]
- 680.313 [Reserved]
- 680.314 Assurances and certifications.
- 680.315 Project responsibilities and requirements.
- 680.316 Eligibility of participants.
- 680.317 Worksites.
- 680.318 Allowable activities.
- 680.319 Participant benefits.
- 680.320 Academic credit.
- 680.321 Disregarding earnings.
- 680.322 Maintenance of effort.
- 680.323 Limitations on use of funds.

§ 675.5-8 (Amended)

2. Revising § 675.5-8 (a)(1)(iii) to read as follows:

* * *

(iii) (A) Be a member of family with a total family income, annualized on a 6-month basis, at or below 85 percent of the lower living standard income level; or

(B) Be economically disadvantaged.

3. Amending 675.5-8(b)(2) by inserting after the word "criteria" the words "nor

need they be economically disadvantaged".

4. Amending 675.5-8(b)(3) by inserting after the word "income" the words "or economically disadvantaged".

5. Revising Subpart C and adding Subparts A, B and D of Part 680 to read as follows:

PART 680—YOUTH PROGRAMS OPERATED BY PRIME SPONSORS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart A—Youth Employment and Training Programs

Sec.

- 680.1 Purpose.
- 680.2 Eligibility for funds under YETP.
- 680.3 Allocation of funds.
- 680.4 Program planning, planning and youth councils.
- 680.5 Description of the YETP annual plan subpart.
- 680.6 Activities and services.
- 680.7 Local educational agency agreements.
- 680.8 Eligibility for participation.
- 680.9 Eligibility for participation (extraordinary).
- 680.10 Participant compensation, benefits and working conditions.
- 680.11 Earnings disregard.
- 680.12 Maintenance of effort.
- 680.13 Substitution for Title II programs.
- 680.14 Academic credit.
- 680.15 Reallocation procedures.
- 680.16 Modifications.
- 680.17 Reporting requirements.
- 680.18 Governor's Statewide Youth Services Program.

Subpart B—Youth Community Conservation and Improvement Projects

- 680.100 Purpose.
- 680.101 Eligibility for funds under YCCIP.
- 680.102 Allocation of funds.
- 680.103 Program planning, planning and youth councils.
- 680.104 Description of the YCCIP annual plan subpart.
- 680.105 Project planning process.
- 680.106 Project application content.
- 680.107 Project application submission.
- 680.108 Project review.
- 680.109 Project prioritization.
- 680.110 Project activities.
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- 680.117 Earnings disregard.
- 680.118 Maintenance of effort.
- 680.119 Substitution for Title II programs.
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- 680.122 Modifications.
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Subpart C—Summer Youth Employment Programs

- 680.200 Purpose.

- 680.201 Eligibility for SYEP funds.
- 680.202 Allocation of funds.
- 680.203 Unexpended previous year funds.
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- 680.211 Eligibility for participation.
- 680.212 Participants compensation, benefits and working conditions.
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- 680.305 [Reserved]
- 680.306 [Reserved]
- 680.307 [Reserved]
- 680.308 [Reserved]
- 680.309 [Reserved]
- 680.310 [Reserved]
- 680.311 [Reserved]
- 680.312 [Reserved]
- 680.313 [Reserved]
- 680.314 Assurances and certifications.
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- 680.319 Participant benefits.
- 680.320 Academic credit.
- 680.321 Disregarding earnings.
- 680.322 Maintenance of effort.
- 680.323 Limitations on use of funds.

Authority: Sec. 126 of the Comprehensive Employment and Training Act (29 U.S.C. 801 et seq.), unless otherwise noted.

Subpart A—Youth Employment and Training Programs

§ 680.1 Purpose.

(a) This subpart contains the regulations for the Youth Employment and Training Programs (YETP) under Title IV, Part A, Subparts 3 and 4 of the Act. The introductory and general provisions at *Parts 675 and 676* of Title 20 also apply to YETP programs except that to the extent the regulations set forth in this subpart conflict with other regulations promulgated under the Act, the requirements contained in this subpart shall prevail (sec. 447).

(b) It is the purpose of this program to enhance the job prospects and career opportunities of young persons, especially economically disadvantaged youth, to enable them to secure

unsubsidized employment in the public and private sectors of the economy. In addition, this program explores methods of dealing with the structural unemployment problems of youth and the immediate difficulties of youth in need of and unable to find jobs (sec. 431).

§ 680.2 Eligibility for funds under YETP.

Prime sponsors designated under § 676.5 are eligible to receive funds under YETP (sec. 434).

§ 680.3 Allocation of funds.

Allocation of funds under YETP shall be in accordance with section 433 of the Act.

§ 680.4 Program planning, planning and youth councils.

(a) *Planning:* Each prime sponsor shall utilize the planning process and planning council as described in §§ 676.6 and 676.7 of this title, and the youth council described in paragraph (b) of this section (sec. 436(b)). In developing the annual plan subpart of YETP, the prime sponsor shall:

(1) Coordinate the YETP subpart with programs and activities described in the annual plan subpart for Title II, but opportunities for youth under Title II shall not be reduced because of the availability of YETP funds (sec. 436(a));

(2) Coordinate the programs and activities funded under the other titles of CETA, including Job Corps; employment and educational services provided by local educational agencies and post-secondary institutions; activities conducted under the Career Education Incentive Act; services offered by public employment service agencies, public assistance agencies, and courts with jurisdiction over youthful offenders; youth programs funded through other sources such as community-based organizations; and employment and educational activities of business, labor, apprenticeship programs, and nonprofit institutions in the community (sec. 436(a)).

(3) Afford an opportunity to community based organizations of demonstrated effectiveness in providing employment and training activities for youth to participate in the development of the YETP subpart as required by paragraph (c) of this section; and

(4) Afford an opportunity for appropriate labor organizations to comment on the YETP subpart consistent with the provisions of § 676.12 of this title.

(b) *Youth Council.* Each prime sponsor shall establish a youth council (sec. 436(b)).

(1) In consultation with the planning council, the prime sponsor shall make appointments to a youth council which include individuals who are representative of the local educational agency, local vocational advisory council, post-secondary education institutions, business, unions, apprenticeship community, public employment service agencies, local government and nongovernment agencies which are involved in serving youth, the local community, and the prime sponsor. In addition, youth council members shall include not less than two youth who are participants in, or eligible for YETP (sec. 436(b)).

(2) The youth council may be either an entirely separate council or a subcommittee or subcouncil to the planning council, or the prime sponsor may use existing youth councils created with respect to other programs under this Act if these councils meet the requirements set forth in this section. In all cases, the youth council shall report to the planning council (sec. 436(b)).

(3) The youth council shall make recommendations to the planning council for setting basic goals, policies and procedures for the YETP program. The youth council shall review the findings of the prime sponsors monitoring efforts for YETP and other CETA youth programs and make recommendations to the planning council for the purpose of improving the utilization and coordination of the delivery of services under such programs (sec. 436(b)).

(4) The youth council shall review and make recommendations to the planning council with respect to the proposed agreements with local educational agencies under YETP (sec. 436(c)).

(c) *Community-based organizations (CBO's).* Each prime sponsor shall involve CBO's in the planning process as follows:

(1) Forty-five (45) days prior to submission of the proposed YETP subpart to the RA either the complete subpart or a summary of the proposed subpart shall be submitted to such CBO's. Such organizations shall have 30 days for review and comment on the proposed YETP subpart. If a summary is submitted, it shall include at a minimum:

(i) Description of activities to be funded;

(ii) Proposed service deliverers and the services to be provided by each; and

(iii) A copy of the Youth Program Planning Summary and Youth Budget Information Summary.

(2) Any substantive comments received must be considered prior to the submission of the YETP subpart to the RA and written responses will be made

to comments from such CBO's regarding selection of service deliverers and these comments and responses will be included when the YETP subpart is transmitted to the RA.

(d) *Selection of service deliverers.* (1) In addition to the provisions of § 676.23 of this title, the following provisions apply to the selection of service deliverers for YETP. The provisions, however, do not apply when the prime sponsor chooses to deliver YETP activities, itself, and to the programs funded with 22 percent of the YETP funds covered by local educational agency (LEA) agreements required in § 680.7.

(i) Published criteria that will be used to evaluate applications; and

(ii) Written notification to each applicant of acceptance or non-acceptance with an explanation of the reasons for disapproval of funding.

(2) A prime sponsor may directly perform classroom training, on-the-job training or work experience as described in § 676.25 of this title, only if, after consultation with CBO's, the prime sponsor determines that direct operation of the program will promote the purposes of this subpart (sec. 432(b)). The prime sponsor shall maintain documentation on the administrative and programmatic benefits of such direct operation.

§ 680.5 Description of the YETP annual plan subpart.

(a) Each prime sponsor shall submit a YETP subpart by a date established by the RA which when approved, shall become part of the annual plan.

(b) The RA shall review and approve or disapprove the YETP subpart using the plan review procedures in § 676.14 of this title.

(c) *Narrative description.* The YETP subpart narrative shall contain:

(1) *Objectives and needs for assistance.*—(i) *Program purpose.* State the purpose, goals, and objectives of the YETP program in the overall strategy for serving unemployed youth in the prime sponsor's area.

(ii) *Analysis of need.* Identify the target groups within the eligible population that will receive services under the program and indicate the planned level of services to be provided to each group.

(iii) *Group waivers.* Describe, in accordance with § 676.30(g), the evidence upon which any request for a waiver of the limitation on participation in work experience is based for any group(s) of youth being served under YETP.

(2) *Results and benefits.* Describe the benefits that will accrue to YETP participants and include:

(i) The quantifiable performance and placement goals for each program activity.

(ii) The quantifiable performance and placement goals for each target group identified in the analysis of need.

(iii) Any non-quantifiable benefits expected from participation in the YETP program.

(iv) Any academic credit received by YETP participants, the level of credit and the activities for which credit will be received, and the agency awarding such credit.

(3) *Approach.* (i) *Program activities and services.* If not elsewhere in the Comprehensive Employment and Training Plan, describe the criteria to be used to select youth that are most in need, participant recruitment and intake process, and eligibility verification of YETP participants.

(ii) *Program linkages.* If not elsewhere described in the Comprehensive Employment and Training Plan, describe the program linkages established under YETP.

(4) *Management and administration.*

(i) Describe any significant differences in the administration, operation, and management (including organizational structure) of the YETP program from the information provided elsewhere in the Comprehensive Employment and Training Plan.

(ii) Attach a copy of the Program Planning Summary (PPS) and Budget Information Summary (BIS) on the YETP program.

(iii) Attach a summary of subgrantees and contractors covering financial arrangements under YETP.

(5) *Assurances and certifications.* The YETP assurances and certifications and detailed instructions for completing the requirements of the YETP subpart narrative are contained in the *Forms Preparation Handbook*.

§ 680.6 Activities and services.

(a) Programs may include any type of employment and training activity specified in § 676.25 of this title, except public service employment.

(1) Work experience activities may include a wide range of community betterment activities such as rehabilitation of public properties; assistance of weatherization of homes occupied by low-income families; demonstrations of energy-conserving measures, including solar energy techniques (especially those utilizing materials and supplies available without cost), park establishment and upgrading, neighborhood revitalization,

conservation and improvements, removal of architectural barriers to access, by handicapped individuals, to public facilities, and related activities (sec. 432(a)).

(2) Productive employment and work experience opportunities may be funded in such fields as education, health care, neighborhood transportation services, crime prevention and control, environmental quality control (including integrated pest management activities), preservation of historic sites, and maintenance of visitor facilities (sec. 432(a)).

(3) A written job description shall be developed and maintained for all work experience and on-the-job training positions funded under this subpart to provide a basis for determining their comparability to existing jobs of other individuals similarly employed.

(b) *In-School programs.* The in-school programs shall be designed to provide for either or both of the following two classifications of services (Sec. 423(a)):

(1) *Transition services.* (i) These transition services shall be designed to prepare and assist youth to move from school to unsubsidized jobs in the labor market.

(ii) These services may include:

(A) Outreach, assessment, and orientation;

(B) Counseling, including occupational information, apprenticeship information, and career counseling;

(C) Activities promoting education to work transition;

(D) Provision of labor market information;

(E) Services to youth to help them obtain and retain employment;

(F) Literacy training and bilingual training;

(G) Attainment of certificates of high school equivalency;

(H) Job sampling, including vocational exploration in the public and private sector;

(I) Institutional skills training;

(J) Transportation assistance;

(K) Child care and other necessary

supportive services;

(L) Job restructuring to make jobs more responsive to the objectives of this subpart, including assistance to employers in developing job ladders or new job opportunities for youth, in order to improve work relationships between employers and youth;

(M) Provision of information regarding employment and training related opportunities;

(N) Job development, direct placement, and placement assistance to secure unsubsidized employment opportunities for youth to the maximum

extent feasible and referral to employability development programs;

(O) Assistance in overcoming sex-stereotyping in job development, and placement; and

(P) Outreach and other services to increase the labor force participation rate among minorities and women.

(2) *Career employment experience.* This activity is a combination of both well supervised employment (work experience or on-the-job training) and certain transition services including, at a minimum, career information, counseling, including career counseling, and occupational information. Where work experience or on-the-job training is supported with funds serving in-school youth under agreements with local educational agencies, the ancillary transition services must also include placement services. Each prime sponsor shall assure that in-school youths participating in career employment experience need such participation in order to continue their education (sec. 436).

(c) *Special component.* A prime sponsor may design a special component using up to 10 percent of its YETP funds for programs to serve a mixture of youth from families above and below the income level specified in § 680.8(a)(3), and who are economically disadvantaged and not economically disadvantaged. The program shall test whether or to what extent income eligible youth benefit from participating in programs designed to serve youth from all economic backgrounds (sec. 435). This special component shall:

(1) Have the follow a structured experimental design;

(2) Establish and use comparison groups;

(3) Provide for followup on participants; and

(4) Provide in an Annual Narrative Report a followup on the experimental outcomes.

§ 680.7 Local Educational Agency agreements.

(a) Prime sponsors shall use at least 22 percent of their annual allocation of funds under this subpart (not including any amounts carried-in from the previous fiscal year) to serve in-school youth in programs designed to enhance their career opportunities and job prospects (sec. 433(d)(1)) pursuant to written agreements between the prime sponsors and local educational agencies (LEA's).

(b) Agreements may be between the prime sponsor and one or more local educational agencies or a combination of LEA's represented by one LEA.

(c) Each agreement may be either a financial or nonfinancial agreement whichever is determined most appropriate by the prime sponsor and the LEA(s), and shall:

(1) Provide a description of the activities and services to be provided to eligible participants;

(2) Detail the responsibility of each party to the agreement for providing the activities and services which have been selected;

(3) Contain provisions to assure that services provided and/or funds received pursuant to the agreement will not supplant existing services and/or State and local funds expended for the same purpose; and

(4) Provide an assurance that the agreement has been reviewed by the youth council.

(d) *Additional provisions.* Additional provisions are required in those agreements which specifically provide for career employment experience opportunities. These include:

(1) Assurances that participating youth will be provided constructive work experience, which will improve their ability to make career decisions and which will provide them with basic work skills needed for regular employment or self-employment;

(2) Assurances that career counseling, including occupational information and placement services will be made available to participating youth and that funds provided under the agreement will be available to, and will be utilized by, the local educational agency or agencies to the extent necessary to pay the cost of school-based counselors to carry out the provisions of this in-school program;

(3) Assurances that jobs provided under this program will be certified by the participating educational agency or institution as relevant to the educational and career goals of the participating youth.

(4) Assurances that the prime sponsor will advise participating youth of the availability of other employment and training resources in the local community to assist such youth in obtaining employment or self-employment; and

(5) An assurance that career employment experience opportunities provided will be certified by a school-based counselor as being relevant to the career and educational program for the youth being provided those opportunities.

(e) In order to carry out the purposes of the LEA agreement, LEA's and prime sponsors, where appropriate, are encouraged to enter into subagreements, grants or contracts with post-secondary schools, State accredited profit and

nonprofit educational institutions, public employment service agencies, and CBO's which have demonstrated effectiveness, in serving youth, particularly those who are economically disadvantaged.

(f) An LEA agreement may be a new agreement or a certification that the existing agreement remains the same or that it is revised as described in attachments to the certification. The certification and/or revisions shall be included as part of the YETP annual plan subpart. If an agreement is not reached within 60 days after the initial submission of the YETP subpart to the RA, the RA shall initiate the reallocation process as described in § 680.15.

§ 680.8 Eligibility for participation.

(a) Each person shall be at the time of application, except as provided in § 680.9 (b) and (c) (sec. 435):

(1) Unemployed or underemployed, or an in-school youth (excluding persons aged 14 and 15);

(2) 16 through 21 years of age inclusive; and

(3) (i) A member of a family with a total family income, annualized on a 6-month basis, at or below 85 percent of the lower living standard income level; or

(ii) Economically disadvantaged.

(b) Programs funded under YETP shall give preference to economically disadvantaged youth within the eligible population. Appropriate efforts shall be made to give service to those youth who have severe handicaps in obtaining employment, including but not limited to those who lack credentials (such as a high school diploma), those who require substantial basic and remedial skill development, those who are women and minorities, those who are veterans of military services, those who are offenders, those who are physically or mentally handicapped, those with dependents, or those who have otherwise demonstrated special needs as determined by the Secretary (sec. 444(a)).

(c) A youth may not be enrolled in full-time employment opportunities if:

(1) The individual has not attained the age with respect to which the requirement of compulsory education ceases to apply under the laws of the State in which such individual resides, except: (i) During periods when school is not in session, and (ii) where employment is undertaken in cooperation with school-related programs awarding academic credit for work experience; or (2) The individual has not attained a high school diploma or its equivalent and it is determined by the prime sponsor that the youth

dropped out of high school in order to participate in YETP (sec. 443(f)).

§ 680.9 Eligibility for participation (extraordinary).

(a) Individuals otherwise eligible under § 680.8 who are in-school youth and who are 14 or 15 years old may participate in programs under YETP when the subpart specifies a youth development strategy which includes career counseling for these youths (sec. 435).

(b) Youth need not meet the income criteria nor need they be economically disadvantaged if they participate in a special component, as described in § 680.6(c) (sec. 435).

(c) Youth, who do not meet the income or economically disadvantaged criteria, and who are not in a special component, may be offered services which are limited to:

(1) Counseling, including occupational information;

(2) Occupational, education, and training information including information on apprenticeship training;

(3) Placement services;

(4) Job referral information through coordinated intake systems; and/or

(5) Assistance in overcoming employment related sex-stereotyping in job development, placement, counseling, and guidance.

§ 680.10 Participant compensation, benefits and working conditions.

Prime sponsors shall provide participant benefits, wages and allowances as provided in § 676.26, and § 676.27 of this title, except:

(a) *Wages.* Participants receiving wages shall be paid no less than the highest of (sec. 442):

(1) The wage rate set forth in section 6(a)(1) of the Fair Labor Standard Act. Fourteen and fifteen-year olds, however, may be paid the rate set forth in section 14(b) of the Fair Labor Standard Act; or

(2) The applicable State or local minimum wage, including exceptions for the wage rates of 14 and 15-year olds; or

(3) The prevailing wage for a job which is substantially the same as existing jobs of the same employer, except that, the employer may pay less than its prevailing wage, but not less than the minimum wage, if:

(i) The employer, the prime sponsor, and the appropriate collective bargaining agent, when a collective bargaining agreement is affected, agrees in writing to a lesser wage;

(ii) There is job restructuring. In order to accomplish job restructuring, the prime sponsor, employer, and the appropriate collective bargaining agent shall enter into an agreement concerning

the restructuring. If, after agreeing to the restructured job, the agent, employer, or prime sponsor disagrees over the wages to be paid for the restructured job, the parties shall resolve such dispute at the local level within 30 days. If, after 30 days, an agreement has not been reached, they shall either agree to negotiate in good faith with the RA to resolve the disagreement or select other jobs. If negotiations with the RA do not result in resolution within the 30 days, the RA shall set the wage rate; or

(iii) The employer creates new jobs. If disputes arise regarding whether the jobs are new to the employer, the prime sponsor, appropriate collective bargaining agent, and employer should attempt to resolve the issue within 30 days after the agent has been informed of those jobs. If no agreement can be reached within that time frame, they shall either agree to negotiate in good faith with the RA to resolve the disagreement, or select other jobs. If negotiations with the RA do not result in a resolution within 30 days, the RA shall make a determination as to whether or not the jobs are new to the employer; or

(4) The prevailing wage determined by the Secretary under the Davis-Bacon Act (See 29 CFR Parts 1, 3, 5, and 7) in the case of jobs in projects to which the provisions of the Davis-Bacon Act, or any Federal law containing labor standards in accordance with the Davis-Bacon Act, apply. However, in the case of such projects financed under YETP under \$5,000, the employer, prime sponsor, and appropriate collective bargaining agent may agree to pay youth participants not less than the applicable minimum wage and not more than the wage rate of the entering apprentice in the most nearly comparable apprenticeable trade, and to prescribe an appropriate ratio of journeymen to such participating youth to work on the project. If they cannot agree in 30 days, they may request a decision from the RA, or develop other jobs (sec. 442).

(b) Because most jobs will be short-term and/or part-time work assignments, and are designed to enhance the employability of individuals who are new entrants who have never worked, or individuals who are new entrants who have not been working in the competitive labor market, most jobs will be at entry level. Prime sponsors, therefore, are expected to pay wherever feasible the minimum rate required by this section, rather than a higher rate.

§ 680.11 Earnings disregard.

Wages and allowances received by any youth under YETP shall be disregarded in determining the eligibility of the youth or the youth's family for,

and the amount of, any benefits received based on need, under any Federal or federally assisted programs (sec. 446).

§ 680.12 Maintenance of effort.

(a) The maintenance of effort provisions of § 676.73(a) of this title apply to all activities funded under YETP (sec. 443).

(b) The maintenance of effort provisions for public service employment programs described in § 676.73 (b) and (c) of this title, shall apply to work experience activities under YETP.

§ 680.13 Substitution for Title II programs.

Programs funded under YETP shall be supplementary to but not replace programs and activities for youth available under Title II of the Act (sec. 431).

§ 680.14 Academic credit.

Prime sponsors shall make appropriate efforts to encourage educational agencies and post-secondary institutions to award academic credit for the competencies participants gain from the program (sec. 445).

§ 680.15 Reallocation procedures.

(a) Reallocation procedures under § 676.47 of this title shall apply except as in paragraph (b) of this section (sec. 444(b)).

(b) If all proposed LEA agreements or certifications to existing agreements are not signed by the prime sponsor and the LEA(s) within 60 days after the initial submission of the YETP subpart to the RA for review and approval, the RA shall initiate reallocation procedures for those funds which were required to be covered under LEA agreements *except*; the RA may extend the 60 day period for a reasonable period of time when the RA determines that an agreement could not be reached because of circumstances beyond the control of the prime sponsor and LEA, for example, work stoppages. If the RA has initiated reallocation procedures, the RA shall mediate the dispute during the 30 day comment period.

§ 680.16 Modifications.

(a) The procedures specified in § 676.16 of this title shall apply to modifying the YETP subpart.

(b)(1) When a collective bargaining agreement would be affected, the appropriate bargaining agent and the RA shall be notified in writing of all wage rate and job classification changes under the YETP program at least 15 calendar days prior to implementing such changes.

(2) If the bargaining agent disagrees with the proposed changes in wage rates or job classifications, the dispute shall be resolved and the resolution recorded in writing prior to implementing such changes.

§ 680.17 Reporting requirements.

The reporting requirements under § 676.44 of this title shall apply to YETP. In addition, each prime sponsor shall, at the end of each fiscal year and on a date established by the Secretary, submit an Annual Narrative Report. The report will include an assessment of the sponsor's performance and the accomplishments of the program.

§ 680.18 Governor's Statewide Youth Services Program.

(a) *Activities and services.* The Governor shall use the funds allocated under section 433 of the Act to provide statewide youth services such as the following:

(1) Expanded and experimental programs in apprenticeship arrangements, in conjunction with businesses, labor unions, State or Federal apprenticeship agencies;

(2) Special model employment and training programs and related services with particular emphasis on experimental job training in the private sector;

(3) Providing labor market and occupational information for prime sponsors and local educational agencies without reimbursement;

(4) Fostering cooperative efforts between State and local institutions, including (i) occupational and career guidance and counseling, as well as placement services for in-school and out-of-school youth; and (ii) coordination of statewide activities carried out under the Career Education Incentive Act to improve the quality of education and enhance career opportunities for students by relating education to their employment aspirations (sec. 433(c)).

(5) Funding employment and training programs as defined in § 680.6 for eligible youth who are under the supervision of the State.

(b) *Eligibility for participation.*

Individuals participating in the Governor's statewide youth services program shall meet the eligibility criteria provided in § 680.8 or 680.9 (sec. 435).

(c) *Limitation of funds.* (1) The overall 20 percent limitation of funds used for administration as set out in § 676.40-2 of this title shall not apply to the Governor's youth services plan. (2) The requirement in § 676.42 for pooling of administrative costs shall not apply to the Governor's youth services plan. Such

costs however, may be pooled in accordance with the procedures set forth in § 676.42.

(d) *Governor's statewide youth services plan.* The Governor's youth services plan shall include the following information:

(1) *The Master Plan.* The Governor may utilize the Master Plan developed for the Balance of State program or the Master Plan developed for the Governor's Special Grant as described in § 677.33 of this title, in lieu of developing a separate Master Plan for the Governor's statewide youth services program;

(2) A Request for Approval Letter;

(3) Application for Federal Assistance (standard form 424);

(4) The narrative description which shall include the following:

(i) *Objectives and need for assistance.*

(A) A description of the purpose, goals, and objectives of the statewide youth services plan, including how the Governor's youth services plan, will enhance or expand the quality of youth employment and training services presently provided throughout the State.

(B) A description of the target groups that will be served by the Governor's youth services plan, including an explanation of why the specific groups were selected, and the groups of youth that will be served who are under the supervision of the State.

(ii) *Results and benefits.* As described in the YETP narrative requirements, provide a description of expected results and benefits that will accrue to the participants.

(iii) *Approach.*—(A) *Program activities and services.* Describe the activities and services to be provided under this plan and include:

(1) The service deliverers and the activities they will provide;

(2) The number of participants to be served by each activity;

(3) The duration of each activity; and

(4) If training is one of the activities, the skill(s) to be learned.

(B) *Program linkages.* Describe the program linkages, if not elsewhere described in the Comprehensive Employment and Training Plan for Special Grants to Governors.

(iv) *Management and administration.* (A) Provide the organizational chart and staffing pattern for the plan, if not included in the master plan.

(B) Describe the monitoring and evaluation process if different than that found elsewhere in the Comprehensive Employment and Training Plan for Special Grants to Governors.

(C) Attach a Program Planning Summary (PPS) and a Budget Information Summary (BIS).

(v) The assurances and certifications for the Governor's youth services plan and detailed instructions for completing the requirements of the plan are contained in the *Forms Preparation Handbook*.

(e) *Procedures for comment, modification and approval of Governor's youth services plan.* (1) In developing the Governor's youth services plan, the Governor shall establish a youth council as described in § 680.4(b) which shall report to the State Employment and Training Council. The responsibilities of this council shall be those described in § 680.4, except the references to local agencies shall mean representatives of State agencies who represent statewide concerns.

(2) In submitting the Governor's youth service plan, the procedures specified in § 676.12(a), (b) and (d) and § 677.33(a)(3) of this title shall be followed.

(3) The approval procedures to be followed for the Governor's youth services plan are those specified in § 676.14 of this title.

(4) The modification procedures specified in § 676.16 of this title shall be used to modify the Governor's youth services plan under YETP.

Subpart B—Youth Community Conservation and Improvement Projects

§ 680.100 Purpose.

(a) This subpart contains the regulations for the Youth Community Conservation and Improvement Projects (YCCIP) under Title IV, Part A, Subparts 2 and 4 of the Act. The introductory and general provisions at *Parts 675 and 676* of Title 20 and the YETP regulations at Subpart A of this Part also apply to YCCIP programs, except that to the extent the regulations set forth in this subpart conflict with other regulations promulgated under the Act, the requirements contained in this subpart shall prevail (sec. 447).

(b) This program seeks to provide youth, experiencing severe difficulties in obtaining employment with well supervised work in projects that produce tangible benefits to the community.

§ 680.101 Eligibility for funds under YCCIP.

Prime sponsors designated under § 676.5 are eligible to apply for YCCIP funds for projects in their area.

§ 680.102 Allocation of funds.

(a) *Allocations.* Allocation of funds under YCCIP shall be in accordance with section 423 of the Act.

(b) *Program funding estimates.* The Secretary will provide prime sponsors

with program funding estimates based on their relative share of the State's unemployed population.

§ 680.103 Program planning, planning and youth councils.

(a) *Planning.* The prime sponsor shall utilize the planning process and planning council as described in §§ 676.6 and 676.7 of this title and the youth council established for YETP in developing its annual plan subpart for YCCIP (sec. 426(c)).

(b) *Additional information.* The RA may require that the additional information specified below be submitted at the same time as the Preapplication for Federal Assistance. Where such information is required, a decision concerning the adequacy of that information must be provided to the prime sponsor by five (5) working days after the submission date of the preapplication. The prime sponsor will not be required to submit such information in its annual plan subpart. Such information includes a description of methods to:

(1) Solicit applications, particularly, from neighborhood and community-based organizations, and solicit comments on the project applications from the planning and youth councils;

(2) Objectively select and rank project applications; and

(3) Involve appropriate labor organizations in the planning process.

§ 680.104 Description of the YCCIP annual plan subpart.

(a) Each prime sponsor shall submit a YCCIP subpart, by date established by the RA which, when approved, shall become part of the annual plan.

(b) The RA shall review and approve or disapprove the YCCIP subpart using the procedures in § 676.14 of this title.

(c) *Narrative description.* The narrative shall contain:

(1) *Objectives and needs for assistance.* Using the requirements for the YETP narrative, provide a description of the purpose, goals and objectives of the YCCIP program and the target groups that will be served.

(2) *Results and benefits.* As described in the YETP narrative requirements, provide a description of the benefits that will accrue to the participants and to the community through the YCCIP program (sec. 426(b)).

(3) *Approach.* (i) *Participant recruitment and eligibility.* As described, in the YETP narrative requirements, provide the methods that will be used to recruit, select and verify eligibility of YCCIP youth.

(ii) *Worksite supervision.* (A) Describe the training for worksite

supervisors and other worksite personnel involved with project participants (sec. 425(b)(3)); and (B) If the supervisor/worker ratio is less than 1:12, provide justification (sec. 425(b)(3)).

(iii) *Program activities and services.* (A) Describe the job training and skill development activities that will be available to participants. Indicate the service delivered and the activities they will provide, the duration of each activity and the skills to be learned, and the number of participants to be served by each activity (sec. 426(b)(2)).

(B) Describe plans to coordinate the training and skill development activities with school-related programs (sec. 426(b)(2)).

(iv) *Program linkages.* If not elsewhere described in the Comprehensive Employment and Training Plan, describe the program linkages established under YCCIP.

(v) *Project solicitation and selection.* (A) If not included elsewhere in the Comprehensive Employment and Training Plan, describe the method used to solicit YCCIP project applications. Describe the efforts made to solicit applications from neighborhood and community-based organizations; and the method used by program agents to solicit applications, if different from the prime sponsor's (sec. 426(a)(1)).

(B) List or attach the criteria used to determine which project proposals are eligible for funding (sec. 426(a)(1)).

(C) Attach all project applications approved by the prime sponsor and the program agent and include a ranked listing of the approved project applications which total 100 percent of the prime sponsors funding estimate (sec. 426(a)(1)). Also include a ranked listing of any additional approved project applications above the funding estimate.

(D) Attach all project applications approved by program agents but not approved by the prime sponsors and describe why these project proposals were not approved by the prime sponsor (sec. 426(a)(1)).

(4) *Management and administration.* (i) Describe any significant differences in the administration, operation, and management (including organizational structure) of the YCCIP program from the information provided elsewhere in the Comprehensive Employment and Training Plan.

(ii) Attach a copy of the Program Planning Summary (PPS) and Budget Information Summary (BIS) on the YCCIP program.

(5) *Assurances and certifications.* The Assurances and certifications and detailed instructions for completing the

requirements of the YCCIP annual plan subpart are contained in the *Forms Preparation Handbook*.

§ 680.105 Project planning process.

(a) *Program specifications.* In developing the program specifications, prime sponsors may, after obtaining the approval of the planning and youth councils, limit the types of project activities by:

- (1) Establishing limitations on the size and duration of all projects;
- (2) Restricting projects to specified community needs; and
- (3) Identifying specific neighborhoods or geographic areas in which projects may be conducted.

(b) *Procedures.* Each prime sponsor shall establish procedures for its own use and the use of any program agent(s) which will assure that potential project applicants, particularly neighborhood and community-based organizations, are notified of the project application process and the cut-off date for acceptance of project applications. The method of notification may be public hearings, public notice in the newspapers, bulletins, or other appropriate media.

§ 680.106 Project application content.

All project applications must contain the following information:

(a) *Agency.* Name of agency or organization applying for project funds, type of agency (community-based organization, local educational agency) and, if applicable, the program agent to which it was submitted;

(b) *Description of project.* (1) The need for the project in the area in which it will be conducted and how the project will meet the need;

(2) The types of jobs youth are to perform;

(3) The full-time supervisor to youth ratio, or its equivalent and the reason for selecting the ratio;

(4) The qualifications of the supervisors in terms of necessary skills and experiences, or where these are not yet specifically identified, assurances that supervisors will be adequately trained in the skills needed to carry out the projects and in instructing participating youth and a description of the method for selecting supervisors; and

(5) The beginning and ending dates of the project;

(c) *Participants.* (1) Identify the number of participants to be enrolled and their expected duration of employment, not exceeding 12 months;

(2) List the target groups to be served; and

(3) Describe the expected benefits to accrue to participants, e.g., skills to be obtained, academic credits to be earned;

(d) *Job titles, description and wages.*

(1) The principal job titles, job descriptions, and hourly wages to be paid. If job restructuring is to occur, a description of the methods of the analysis to be used, the expected results, the methods for obtaining concurrence of appropriate collective bargaining agents, when a collective bargaining agreement is affected, and the relevant expertise of personnel who performed the restructuring; and

(2) The participation of appropriate collective bargaining agents, if a collective bargaining agreement will be affected, with regard to job classifications and wage rates;

(e) *Administration.* A description of the project applicant's organization (including type of organization, purpose of organization), experience in operating employment and training programs and/or providing public services, and a description of the accounting and financial management procedures and/or arrangements; and

(f) *Budget.* The budget shall include totals for the following line items:

- (1) Direct program costs;
- (2) Costs of participant wages and fringe benefits;
- (3) Costs of wages and fringe benefits of worksite supervisors;
- (4) Costs of job-related training;
- (5) Costs of materials, supplies and equipment used by participants on the job; and
- (6) Costs of supportive services for participants.

§ 680.107 Project application submission.

The project applicant shall submit applications to the program agent or to the prime sponsor, if there is no program agent, for its area.

§ 680.108 Project review.

(a) *Criteria.* The prime sponsor shall establish criteria to be used consistently by itself and any program agent for evaluating and approving project applications. These criteria are subject to review and comment by the youth and planning councils.

(b) *Information.* Each project, in order to be approved must:

(1) Provide tangible output and measurable benefits which will accrue to the community;

(2) Provide benefits to participants in terms of work habits, skills, apprenticeable skills, and attainment of academic credit, where applicable;

(3) Be labor intensive;

(4) Assure an adequate level of supervision, taking into account the complexity of the jobs to be created;

(5) Describe or assure adequate qualifications for supervisors in terms of necessary skills and experience;

(6) Assure that projects shall permit in-school youths employed in the projects to coordinate their jobs with classroom instruction and, to the extent feasible, permit such youths to receive academic credit for their participation in the program (sec. 427(b)); and

(7) Assure that any person hired to supervise youth shall not impede the promotional rights of existing employees.

(c) *Process.* Project applications from neighborhood and community-based organizations of demonstrated effectiveness in providing employment and training services to youth shall be considered before applications from other project applicants are considered. Where it can be documented that a neighborhood or community-based organization does not have the administrative capability to run a project, or its project application does not meet the project review criteria established by the prime sponsor, then project applications from other than neighborhood and community-based organizations may be considered.

Provided, the same criteria are used. (d) *Review.* Program agents shall review the project applications submitted to them, approve or disapprove them, and submit all project applications to the prime sponsor, indicating their approval or disapproval.

(e) The prime sponsor shall review those project applications received, including those submitted by any program agent(s). When reviewing those submitted by a program agent, the prime sponsor shall give due consideration to project applications approved by the program agent.

(f) After review, the prime sponsor shall submit all project applications to the youth and planning councils for comment and recommendations (sec. 426(c)).

(g) After review of any comments and/or recommendations of the planning and youth councils, the prime sponsor shall approve or disapprove the project applications. The prime sponsor, however, shall not disapprove a project application recommended for approval by the councils unless it has first considered any comments and recommendations made by the planning and youth councils and unless it has provided the councils with a written statement of its reasons for disapproval (sec. 426(c)(2)).

(h) In case of disapproval, the prime sponsor shall inform the project applicant in writing of its disapproval. It shall also indicate the reasons for the disapproval.

§ 680.109 Project prioritization.

Each prime sponsor shall rank, in terms of their relative priority, approved project applications. Each prime sponsor shall submit:

(a) A primary listing or prioritized proposed projects not to exceed 100 percent of the program funding estimate; and

(b) If additional projects have been approved, a second listing to be considered for future funding, in instances where:

- (1) Projects submitted within the 100 percent are not acceptable to the RA;
- (2) A project is subsequently found to be nonproductive or is withdrawn; or
- (3) Additional funds become available.

§ 680.110 Project activities.

(a) Each project shall provide participants with constructive work in terms of individual and community benefits in such areas as, the rehabilitation or improvement of public facilities (including removing of architectural barriers which limit the access to these facilities by handicapped individuals), neighborhood improvements, weatherization and basic repairs to low-income housing, energy conservation including solar energy projects, especially those utilizing materials and supplies available without cost, and conservation, maintenance, or restoration of natural resources on non-Federal publicly held lands (sec. 422).

(b) Training provided in YCCIP shall be directly related to the development of specific skills needed for the job.

§ 680.111 Agreements with project applicants.

(a) Prime sponsors or program agents shall enter into financial agreements with project applicants except as provided in paragraph (b) of this section.

(b) The prime sponsor or program agent may enter into a nonfinancial agreement with a project applicant if there is a written agreement that clearly identifies the administrative and programmatic benefits of such a nonfinancial agreement.

§ 680.112 Program agent responsibility.

A program agent under title II may elect to be a program agent under this subpart. Program agents shall approve or disapprove projects, administer the program in their areas, and be subject to the limitation of funds provided in § 680.113. The administrative

responsibilities described in § 677.54(b) of this title shall apply to YCCIP program agents.

§ 680.113 Limitation on use of funds.

(a) *Administrative costs.* No more than 5 percent of the total funds may be used by the prime sponsor and program agent(s) for administrative costs. The remaining funds shall be made available for projects.

(b) *Project funds.* Of the project funds:

(1) At least 65 percent of the funds available shall be used for participant wages and fringe benefits, unless adequate justification is provided in the prime sponsor's YCCIP annual plan subpart.

(2) No more than 10 percent may be used by project applicants for administrative costs.

(3) Any remaining funds may be used for project related training of participants, project supervisors, service to participants, and for the acquisition, lease, or rental of materials, equipment, and supplies.

§ 680.114 Supervisory personnel.

Each project shall have an adequate number of skilled supervisors. There shall be at least the ratio of 1 full-time supervisor to every 12 youths, unless satisfactory justification for another ratio is provided in the prime sponsor's YCCIP annual plan subpart. Supervisors shall have the skills needed to carry out the project and shall be able to instruct participants in those skills (sec. 425(b)).

§ 680.115 Eligibility for participation.

(a) Each person shall, at the time of application:

- (1) Be 16 through 19 years of age, inclusive; and
- (2) Be unemployed (sec. 422).

(b) *Selection.* In selecting eligible youth, prime sponsors shall give preference to the economically disadvantaged youth within the eligible population.

(1) Appropriate efforts shall be made to serve those eligible youths who have severe handicaps in obtaining employment (sec. 444(a)).

(2) A youth may not be enrolled in full-time employment opportunities if:

- (i) The individual has not attained the age with respect to which the requirement of compulsory education ceases to apply under the laws of the State in which such individual resides, except: (A) During periods when school is not in session, and (B) where employment is undertaken in cooperation with school-related programs awarding academic credit for work experience; or

(ii) The individual has not attained a high school diploma or its equivalent and it is determined by the prime sponsor that the youth dropped out of high school in order to participate in YCCIP (sec. 443(f)).

(c) *Limitation.* Each participant shall be limited to a maximum enrollment of 12 months with no more than two reenrollments, provided age eligibility is met at the time of each reenrollment and the 12 month limitation is not exceeded. Consistent with the termination procedures specified in § 676.30(b), every effort shall be made to transition participants into unsubsidized jobs or other CETA opportunities upon completion of the 12 months enrollment (sec. 428).

§ 680.116 Participant compensation, benefits and working conditions.

(a) Participants shall receive wages as described in § 680.10(a).

(b) Each participant shall be provided the benefits and working conditions as provided in § 676.27 of this title.

§ 680.117 Earnings disregard.

Wages received by any youth under YCCIP shall be disregarded in determining the eligibility of the youth or the youth's family for, and the amount of, any benefits received based on need, under any Federal or federally assisted programs (sec. 446).

§ 680.118 Maintenance of effort.

The provisions of § 680.12 regarding the maintenance of effort shall apply to YCCIP programs.

§ 680.119 Substitution for Title II programs.

Programs funded under YCCIP shall be supplementary to but not replace programs and activities for youth available under title II of the Act (sec. 421).

§ 680.120 Academic credit.

Prime sponsors shall make appropriate efforts to encourage educational agencies and post-secondary institutions to award academic credit for competencies participants gain from their participation in the program (sec. 445(a)). If academic credit is not given for work experience in YCCIP projects, high school dropouts and potential dropouts shall be encouraged to return to or remain in school.

§ 680.121 Reallocation procedures.

The reallocation procedures under § 680.15(a) shall apply to YCCIP programs.

§ 680.122 Modifications.

The modification procedures under § 680.16 shall apply to YCCIP programs.

§ 680.123 Reporting requirements.

The reporting requirements under § 680.17 shall apply to YCCIP programs.

§ 680.124 Review by the RA, redistribution.

(a) The RA may approve projects up to 100 percent of the prime sponsors program funding estimate.

(b) The RA shall disapprove any project application which does not meet the requirements of the Act, and the regulations. RA's shall review individual applications for unresolved disagreements between appropriate labor organizations, employers, and prime sponsors with respect to jobs that have been restructured. RA's shall provide in writing to the prime sponsor an explanation for any prioritized project applications that are rejected.

(c) *Redistribution.* If there are insufficient approved prioritized project applications to equal the prime sponsor's program funding estimate, the RA shall allow the prime sponsor 30 days in which to modify the prioritized project list. If the prime sponsor fails to submit revised project applications or submits revised project applications which are not approvable, the RA shall award the unused funds to other prime sponsors within the State for project applications approved by the RA. In States with only one prime sponsor or in States where no other prime sponsor will be able to spend these funds within a reasonable period of time, the RA shall initiate the reallocation procedures set forth in § 676.47 of this title.

Subpart C—Summer Youth Employment Programs**§ 680.200 Purpose.**

(a) This subpart contains the regulations for that part of the Summer Youth Employment Program (SYEP) under Title IV, Part C of the Act which is operated by prime sponsors designated under § 676.5 of this title. The introductory and general provisions at Parts 675 and 676 and the YETP regulations at Subpart A of this Part also apply to the SYEP program. To the extent, however, that the regulations in this subpart conflict with other regulations promulgated under the Act, the requirements contained in this subpart shall prevail (sec. 484).

(b) The Summer Youth Employment Program shall provide eligible youth with useful work and sufficient basic education and institutional or on-the-job training to assist these youths to

develop their maximum occupational potential and to obtain employment not subsidized under this Act. The programs shall be designed to meet the diverse individual needs of each participant. Among these are:

- (1) Structured and well supervised work;
- (2) Opportunities to explore vocational interest;
- (3) Job rotations to expose youth to different work settings;
- (4) Vocational counseling and occupational information;
- (5) Providing income to participants who without assistance would be unable to attend school;
- (6) Meeting special employability needs;
- (7) Services to induce and aid dropouts to return to school; and
- (8) Placement into short-term subsidized employment leading to full-time unsubsidized employment for youth where return-to-school is not expected.

§ 680.201 Eligibility for SYEP funds.

Prime sponsors designated under § 676.5 are eligible to receive funds under SYEP (sec. 482).

§ 680.202 Allocation of funds.

Allocation of funds under SYEP shall be in accordance with section 483 of the Act.

§ 680.203 Unexpended previous year funds.

Unexpended summer program funds as of September 30 of each year shall be used in planning and designing the next year's summer program as described in § 680.204.

§ 680.204 Startup of program.

(a) During the planning and design phase of the program and prior to the close of the school year, only those activities outlined in paragraph (b) below are permissible. Youth may not be compensated for participation in the program prior to the close of school.

(b) Upon approval by the RA, the following planning and design activities shall be allowable beginning October 1 of each year:

- (1) Development of the SYEP annual plan subpart;
- (2) Hiring of staff (planners, worksite developers, intake specialists, etc.);
- (3) Publication and clearance;
- (4) Worksite development;
- (5) Recruitment, intake and selection of participants;
- (6) Arrangements for supportive services;
- (7) Dissemination of program information, including orientation;
- (8) Development of coordination between schools and other services;

(9) Staff training; and

(10) Other activities, with the approval of the RA, that may be characterized as planning and design but not program operation.

§ 680.205 Program planning; planning and youth councils.

(a) Each prime sponsor shall utilize the planning process and planning council, as described in § 676.6 and 676.7 of this title, and the youth council established under subpart A of this Part.

(b) In developing the SYEP annual plan subpart, the prime sponsor shall coordinate SYEP activities with programs for youth under Part 677 and subparts A and B of this Part (sec. 483(a)).

§ 680.206 Basic program design provisions.

Each prime sponsor shall:

(a) Provide services to those individuals most in need among its economically disadvantaged youth population, within the prime sponsor's jurisdiction, taking into account any priorities identified by the Secretary. Such services shall be provided on an equitable basis considering the geographic distribution of economically disadvantaged youth within the prime sponsor's jurisdiction.

(b) Design programs which are, to the maximum extent feasible, consistent with every participant's fullest capabilities.

(c) Develop outreach and recruitment techniques aimed at all segments of the economically disadvantaged youth population; especially school dropouts, youth not likely to return-to-school without assistance from the summer program, and youth who remain in school but are likely to be confronted with significant employment barriers relating to work attitude, aptitude, social adjustment, and other such factors.

(d) Provide labor market orientation to all participants either on a group or individual basis.

(e) Make maximum efforts to develop cooperative relationships with other community resources so that SYEP activities, including worksite supervision, are provided in the summer program at no cost, or at minimum cost, to the summer program.

(f) Make appropriate efforts to encourage local educational agencies and post-secondary institutions to award academic credit for the competencies participants gain from their participation in the summer program.

§ 680.207 Description of the SYEP annual plan subpart.

(a) Each prime sponsor shall submit a SYEP subpart by a date established by the RA which, when approved, shall become part of the annual plan. The RA may request an advance copy of the plan for preliminary review or authorize the prime sponsor to simultaneously submit the subpart to the regional office during the comment and publication process. The RA may conditionally approve the plan subject to final resolution of any comments received during the comment and publication period or any comments made by the regional office.

(b) The RA shall review, and approve or disapprove the SYEP subpart using the procedures in § 676.14 of this title.

(c) The SYEP subpart shall consist of the following items:

- (1) Approval Request Letter;
- (2) Application for Federal Assistance (Standard Form 424); and
- (3) Narrative description.

(d) *Narrative description.* The narrative description shall contain:

- (i) *Objectives and needs for assistance.* (i) Using the requirements for the YETP narrative, provide a description of the purpose, goals, and objectives of the SYEP program and the target groups that will be served by the program.
- (ii) *Special group waivers.* Describe the conditions for which a waiver to the limitation on participation in work experience is being requested for any special group(s) of youth being served under SYEP.

(2) *Results and benefits.* Using the requirements for the YETP narrative, describe the participant benefits that will result from the program.

(3) *Approach (i) Program activities and services.* (A) Provide a description of the program activities and services and indicate the service deliverers and the activities they will provide, the duration for each activity and the skills to be learned, and the number of participants to be served by each activity.

(B) Describe the labor market orientation component.

(ii) *Program linkages.* If not elsewhere described in the Comprehensive Employment and Training Plan, described the program linkages established under SYEP.

(iii) *Worksites.* (A) Attach a copy of a worksite agreement which is representative of the worksite agreements used for SYEP.

(B) Describe the training for worksite supervisors, and other worksite personnel with respect to their responsibilities under the SYEP.

(iv) *Participant recruitment and selection.* Using the requirements for the YETP narrative, describe the methods that will be used to recruit, select, and verify eligibility of YETP youth.

(v) *Special components.* (A) If a vocational exploration program (VEP) is to be funded under the SYEP, describe the program and indicate the number of participants and planned expenditures for the program, the organizations with which agreements have been written, the arrangements covered by these agreements, the occupations to which participants will be exposed, provide evidence of the approval by the affected collective bargaining agent(s), and if a nationally funded VEP is operating in the prime sponsor's area, identify the functions or activities the prime sponsor will perform for the nationally funded program.

(B) If an Entitlement project under subpart D of this Part is being funded and operated with SYEP funds, describe the project, including the primary program activities.

(4) *Management and administration.* (i) Describe any significant differences in the administration, operations, and management (including organizational structure) of the SYEP program from the information provided elsewhere in the Comprehensive Employment and Training Plan.

(ii) Describe the results of or attach copies of any evaluation/assessment reports conducted on the last year's SYEP program which were used to set priorities and/or determine the programmatic goals for purpose of SYEP.

(iii) Attach copies, if any, of comments and recommendations received on the SYEP plan from the appropriate labor organizations, the youth council, the planning council, CBO's and LEA's.

(iv) If not elsewhere included in the Comprehensive Employment and Training Plan, describe the monitoring and evaluation process that will be used for the program.

(v) Attach a copy of the Youth

Program Planning Summary and Youth

Budget Information Summary on the

SYEP program.

(5) *Assurances and certifications.* The SYEP assurances and certifications and detailed instructions for completing the requirements of the SYEP annual plan subpart are contained in the *Forms Preparation Handbook*.

§ 680.208 Activities and services.

(a) Programs may include any employment and training activity or service specified in § 676.25 of this title, except public service employment.

(b) Prime sponsors operating Youth Incentive Entitlement Pilot Projects (YIEPP) may use SYEP funds for their YIEPP program. The provisions of Subpart D of this Part shall apply to SYEP funds used for this purpose.

§ 680.209 Program management provisions.

Each prime sponsor shall:

(a) Provide adequate skilled supervisors to participants at each worksite.

(b) Closely monitor the performance of service deliverers in compliance with the provisions of the regulations governing the summer program, particularly the provisions of paragraph (h) of this section. Specifically, prime sponsors shall have sufficient technical and managerial personnel to monitor performance and to measure program outcomes against prime sponsor's established goals.

(c) Ensure that enrollee applications are widely available and that jobs are awarded among the most severely disadvantaged in an equitable fashion. Each prime sponsor shall inform each participant of the purposes of the program, the conditions and standards (including such items as hours of work, pay provisions and complaint procedures) for work activities in the program and require a signature of the applicant or (in the case of minors) the parent, responsible adult, or guardian attesting to the accuracy of the information, especially income data, provided on the application.

(d) When using contractors or subrecipients, enter into contracts or subgrants in accordance with § 676.37. Prime sponsors may enter into contracts or subgrants for those allowable activities or operations of the summer program only with organizations that have demonstrated sufficient program capability and shall have reasonable assurances that such organizations:

(1) Have sufficient capability to operate the program;

(2) Have financial management capability as required by § 676.34;

(3) Assure in their applications that all proposed worksites meet the requirements of this subpart, and that such worksites will meet the standards of § 680.210;

(4) Assure in their applications that they will have available for review and monitoring the names and qualifications of their officers, directors, and managing personnel, including the names and qualifications of officers, directors and managing personnel of any affiliate, subsidiary, etc., who have operational or fiscal responsibilities for the summer program;

(5) Assure in their applications that they will have available a list of all Department of Labor; Department of Health, Education, and Welfare; and Department of Agriculture programs under which they have received financial assistance during the last three years and provide in their applications a statement that to the best of their knowledge, they have substantially complied with the requirements, procedures and objectives of such programs;

(6) Assure in their applications that there is no information available to them showing substantial non-compliance with the Act and regulations in operation during the terms of the previous year's summer program, or if there is, they shall include in their applications a copy of an acceptable plan to correct such deficiencies; and

(7) Assure in their applications that all of their personnel will have basic training in the program and regulations before the summer program begins.

(e) Consider in selecting contractors or subrecipients the capability of such organizations to:

(1) Provide worthwhile work to participants (i.e., work that is appropriate in terms of participants' needs and local market demands);

(2) Provide the specific services contracted for;

(3) Restrict expenditures to allowable cost items, only;

(4) Submit timely and accurate reports;

(5) Authorize payment only for time worked by a participant or an employee of the project sponsor; and

(6) Provide such public information regarding the program worksites and its administrators as may be requested.

(f) Require their contractors or subrecipients to:

(1) Have supervisory and operational personnel for monitoring each site to which participants are assigned;

(2) Assure that all sites, where participants will be assigned, have the capability and facilities to provide services to summer youth in a sanitary and safe environment; and

(3) Train their own personnel and worksite personnel with regard to the duties and responsibilities, including monitoring.

(g) Compile and continually update a list of worksites divided by contractor and subrecipient to aid in its monitoring efforts and to be made available to the public on request.

(h) Visit worksites of each contractor or subrecipient on a sample basis during the first half of the summer program to determine whether:

(1) The activities on the site are those described in the worksite agreement;

(2) There is sufficient meaningful work to occupy all the youth assigned during the hours they are at the site;

(3) Attendance records are being maintained and accurately record time worked by each enrollee; and

(4) The requirements of the Act and this subpart are being met.

(i) Promptly review the reports written by its own and Federal monitors.

(j) Revisit worksites where monitors report problems.

(k) Close worksites where it finds serious or continual violations of the Act, the regulations or conditions of the contract or subgrant, and which are not likely to be remedied by quick remedial action.

§ 680.210 Worksite standards.

(a) No participants under 18 years of age shall be employed in any occupation which the Secretary has found, pursuant to his authority under the Fair Labor Standards Act, to be particularly hazardous for persons between 16 and 18 years of age (see Subpart E of Part 570 of Title 29).

(b) Participants who are 14 and 15 years of age shall participate only in accordance with the limitations imposed by the Fair Labor Standards Act. (See subpart C of Part 570 §§ 570.31 and 570.35 of Title 29.)

(c) (1) Each prime sponsor shall develop a written financial or non-financial agreement with each worksite employer which assures:

(i) Adequate supervision of each participant,

(ii) Adequate accountability for participant time and attendance, and

(iii) Adherence to the rules and regulations governing SYEP.

(2) Such written agreements may be memoranda of understanding, simple work statements or other documents which indicate an estimate of the number of participants at the worksite and any operational conditions to which the worksite is expected to adhere.

(d) Each prime sponsor shall establish procedures for the monitoring and evaluation of each worksite to insure compliance with the worksite agreements and the terms and conditions of subgrants and contracts.

(e) No participant shall be required to work, nor be compensated for work, with CETA funds, for more than 40 hours per week. While the Department uses a 9-week, 26-hour week job as the basis for estimating the number of youth to be served, it is not intended to take away the flexibility of the prime sponsor to establish job slots in keeping with the

needs of the area and the youth to be served.

§ 680.211 Eligibility for participation.

Each person shall be:

(a) At the time of application, economically disadvantaged; and

(b) At the time of enrollment, 14 through 21 years of age inclusive (sec. 402(a)).

§ 680.212 Participant compensation, benefits and working conditions.

(a) Prime sponsors shall provide participant benefits, wages, and allowances as provided in §§ 676.26 and 676.27.

(b) Participants enrolled in vocational exploration activities shall be compensated as described in § 676.26 *except*: Participants receiving public assistance, or whose needs or income are taken into account in determining such public assistance payments to others, may receive a stipend in addition to their incentive allowance for participation in vocational exploration program activities; *Provided*, That the participant's total allowances (the incentive allowance plus any stipend) do not exceed the basic allowances paid to other participants.

This stipend is available to provide for the exceptional expenses incurred by these participants which might otherwise prevent the individuals from participating in a VEP activity. The first \$30 of such total allowance payment shall be disregarded in determining the amount of public assistance payments under Federal or federally assisted public assistance programs. In prescribing the total allowance payment for each participant, the prime sponsor shall insure that no individual shall receive an amount in allowances which would result in a net loss to the youth or the youth's family in public assistance benefits.

§ 680.213 Reallocation procedures.

The reallocation procedures under § 676.47 shall apply to SYEP programs.

§ 680.214 Modifications.

(a) The procedures specified in § 676.16 shall apply to the modifying of the SYEP subpart, except that the provisions concerning A-95 clearance shall not apply.

(b) The RA shall notify the prime sponsor of approval or disapproval within 10 days of receipt of the proposed modification.

§ 680.215 Reporting requirements.

Each prime sponsor shall submit the following reports to the RA:

(a) A Youth Program Status Summary, as of June 30 and September 30

(separate reporting of the vocational exploration program component will be included in this report);

(b) A Youth Financial Status Report, as of June 30 and September 30 (separate reporting of the Vocational exploration program component will be included in this report);

(c) Separate Quarterly Summary of Participant Characteristics reports as of September 30, based on the participant records for this program and any Part 677 summer youth programs;

(d) Selected information required on the above reports shall be submitted for informational purposes for participants and expenditures in summer components funded with monies in the Part 677 annual plan subparts as applicable;

(e) Selected information required on the above reports shall also be submitted for reporting purposes, for participants and expenditures in entitlement projects funded with monies provided under this subpart, as well as in the required entitlement reports; and

(f) The reports in this section shall be submitted to the RA no later than 30 days after the end of the report period.

§ 680.216 Termination date for the summer program.

(a) Participants shall not be enrolled in program activities beyond September 30. However, in no event may a participant work full time after the beginning of his or her school year.

(b) In addition to the activities described in § 680.204, allowable activities after September 30 include: report and record preparation and submittal, completion of evaluations and assessments of the summer program, and audits.

Subpart D—Youth Incentive Entitlement Pilot Projects

§ 680.300 Scope and purpose of subpart.

(a) This subpart contains the regulations governing the Youth Incentive Entitlement Pilot Projects (Entitlement Projects) under Title IV, Part A, Subpart 1 of the Act. The Youth Incentive Entitlement Pilot Projects were established by Title II of the Youth Employment and Demonstration Projects Act (YEDPA) of 1977.

(b) The basic purpose of the Entitlement Projects is to test the experimental idea of guaranteeing jobs, or in some cases a combination of jobs and training, to economically disadvantaged youth. The program is operating only in certain prime sponsor areas, or portions of prime sponsor areas, chosen by the Department of Labor. Within those areas during the

school year, otherwise unavailable part-time employment, or a combination of part-time employment and training, will be guaranteed to those economically disadvantaged youth between the ages of 16 to 19 inclusive, who are in secondary school or who are in a program leading to a certificate of high school equivalency. In addition, in those same areas during the summer, otherwise unavailable full-time employment, or a combination of part-time employment and training, will be guaranteed to economically disadvantaged youth, between the ages of 16 to 19 inclusive, who are in a secondary school or who are in a program leading to a certificate of high school equivalency (sec. 416(a)).

(c) Congress mandated that the entitlement approach be rigorously tested under varying geographic, economic, and other circumstances. Because of the high cost of guaranteeing year-round jobs to all in-school disadvantaged youths, only a limited number of demonstrations could be undertaken with available funds. In order to test whether jurisdictions can feasibly implement substantial programs, only a limited number of Tier I projects were implemented. These are covering entire jurisdictions or neighborhoods. In order to test a number of innovative approaches authorized by the Act and to get a wider geographic spread, a somewhat larger number of Tier II projects were funded, demonstrating specific innovative entitlement approaches. These projects might cover only the area served by a particular school or small school district.

(d) To make sure that Entitlement Projects would be selected and operated as a national experiment, with the necessary flexibility to develop and test new and improved ideas, Congress did not authorize the Secretary to allocate funds to CETA prime sponsors by formula. Instead, the Secretary of Labor was required to determine how many Entitlement Projects are to be established and where they should be located.

§ 680.301 Regulations governing entitlement projects; definitions.

(a) All the provisions of Part 676 of this title shall apply to the Entitlement program except to the extent they conflict with the regulations in this subpart.

(b) To the extent that the research, demonstration, and informational requirements of this subpart conflict with the regulations contained in Part 676, the regulations in this subpart shall prevail. In order to determine whether a conflict exists, grantees shall consider

both the regulations in this subpart and the terms of the Entitlement grants which implement the regulations in this subpart. For example, the regulations throughout this subpart contain requirements that the grantee submit detailed information not required by the regulations in Part 676. Because of the research and demonstration nature of the Entitlement program such information is essential. As a result, the Entitlement grants, which implement the regulations contained in this subpart, contain reporting and other requirements which are both different from, and more detailed than, those in Part 676. In such cases, the grantees shall follow the Entitlement grant requirements. Other specific examples of such conflicts are as follows:

(1) Since under the regulations in this subpart, the Entitlement program is administered by the national office the terms regional office and Regional Administrator in Part 676 mean for purposes of this subpart national office and Grant Officer respectively; and

(2) To the extent that Entitlement grants require the use of categories for allocating costs for reporting purposes which are different from or more detailed than the allocable cost categories in § 676.41, the grantee shall allocate costs pursuant to the categories in the Entitlement grant.

(c) Questions regarding the applicability of specific provisions of Part 676 which may appear to conflict with the regulations or grant shall be addressed to the Grant Officer.

(d) Definitions for terms used in this subpart may be found at § 675.4 of this title, except as stated within this subpart.

§ 680.302 Funding of entitlement projects.

(a) Of the funds available under this subpart, the Secretary shall reserve a portion of the funds for research, technical assistance, consultants, and other appropriate purposes.

(b) The Secretary shall use the remaining funds under this subpart to fund selected Entitlement Projects.

§ 680.303 Eligibility for funds.

All prime sponsors under Title II of the Act were eligible to apply for Entitlement Project funds.

§ 680.304 [Reserved]

§ 680.305 [Reserved]

§ 680.306 [Reserved]

§ 680.307 [Reserved]

§ 680.308 [Reserved]

§ 680.309 [Reserved]

§ 680.310 [Reserved]

§ 680.311 [Reserved]

§ 680.312 [Reserved]

§ 680.313 [Reserved]

§ 680.314 Assurances and certifications.

The prime sponsor shall assure that, in operating its Entitlement Project, the prime sponsor will comply with the Master Plan including Assurances and Certifications in the Master Plan and with the following additional assurances:

(a) Compliance with Title IV, Part A, Subpart 1 of the Act, with other applicable provisions of the Act, and with the regulations in this subpart; and

(b) Compliance with the Hazardous Occupations Orders issued pursuant to the Fair Labor Standards Act and set forth at 29 CFR 570.50 *et seq.* with respect to the employment of youths under 18 years of age.

§ 680.315 Project responsibilities and requirements.

(a) *Project organization and administration.* (1) Because of the size and complexity of the Entitlement Projects, a single governmental, private nonprofit, or educational agency should be designated to assume overall management responsibility for program operations, including coordinating participant recruitment, work site development, operational relationships among schools, training activities and support services, program monitoring, report preparation, and maintenance of management information. The prime sponsor may delegate this responsibility.

(2) For the Entitlement Project, the entire youth participant payroll shall be centrally administered by the prime sponsor or its delegated management agency. Finally, since this is a demonstration project, extensive research, monitoring, and evaluation must be carried out by the prime sponsor under the supervision of the Department of Labor.

(b) *Commitment of local institutions and organizations.* (1) Prime sponsors shall consult with the appropriate labor organizations in developing restructured and/or newly classified jobs.

(2) Section 418(a)(4)(D) of the Act also requires that prime sponsors consult and work with a number of other local institutions and organizations in planning and implementing Entitlement Projects, including law enforcement and judicial agencies, youth groups, State and local public assistance agencies, community-based organizations, the private sector, and the State Employment Service. Arrangements should be made with all appropriate groups to obtain their assistance in operating the program.

(c) *Agreements.* Prime sponsors shall comply with the following agreements in carrying out their Entitlement Projects:

(1) All wage agreements entered into pursuant to § 680.319(a);

(2) An agreement with the State Employment Service agency;

(3) Agreements obtained from each participating school and high school equivalency (GED) program in the Entitlement Project area which is attended by eligible youths, and, to the extent feasible and appropriate, with every such school outside the Entitlement Project area which eligible youths from the Entitlement Project attend, indicating their willingness to provide a monthly status report for each participant certifying the participant's compliance or noncompliance with the school's or GED program's minimum academic and attendance requirements, including, from each participating secondary school and GED program a description of the standards and policies for determining its minimum academic and attendance requirements;

(4) All on-the-job training, employment guarantee and other agreements entered into with private nonprofit and for-profit employers;

(5) Any agreements with unions with respect to apprenticeship training; and

(6) Any other agreements entered into in order to run the Entitlement program.

(d) *Program operation-related documentation.* Prime sponsors shall document the following:

(1) The procedures for verification and reverification of eligibility criteria as required in § 680.313(f), and the method by which these will be implemented, and how the eligibility criteria and verification procedures will be explained to participants at the time of enrollment;

(2) Policies for defining good cause for the participant's rejection of a job or other nonparticipation; proposed procedures and timetable for making another job offer in such cases; and proposed procedures for the resolution of grievances.

(3) In detail, standards for determining satisfactory performance including

policies on attendance and lateness on the job or at training, suspension and termination policies and procedures, and the procedures and staff responsibilities for monitoring program performance.

(4) (i) Descriptions of which of the following groups of youth, if any will be considered by the prime sponsor to "reside" in the Entitlement Area and therefore be eligible (if otherwise eligible) for program participation:

(A) Youths confined in prisons or other correctional institutions in the area;

(B) Youths in area hospitals, drug rehabilitation centers, half-way houses, etc.; and

(ii) How the enrollment eligibility criteria and procedures will be applied to any of these or other groups of youth in institutional "residences" selected to be included in the program.

§ 680.316 Eligibility of participants.

(a) Every youth who resides in the geographic area of the Entitlement Project shall be entitled to participate in the program provided that, at the time of application and selection, the youth provides documented evidence which shows that:

(1) The youth is aged 16-19 inclusive, unless the Department has authorized the prime sponsor to administer an entitlement Project for youths between 19 and 25 years of age;

(2) The youth has not received a high school diploma or certificate of high school equivalency;

(3) The youth has resided in the Entitlement Project area for 30 days. Newly discharged veterans however, are exempt from the 30 day residency requirement;

(4) The youth is economically disadvantaged. For purposes of this subpart, economically disadvantaged shall mean that the youth:

(i) Either constitutes a family of one, or is a member of a family,

(ii) And receives cash welfare payments under a Federal, State or local program, or whose income is at or below the poverty level as determined by the Office of Management and Budget (OMB). For the purposes of this paragraph, a "family" is as defined in § 675.4 of this title, and the term "family income" is as defined in § 675.4 of this title. Family income shall be computed pursuant to § 675.4 of this title except that earnings received by a youth under Title IV OJT shall be disregarded in computing family income. In the case of newly discharged veterans, income received while in military service shall be disregarded in computing family income; and

(5) The youth is:

(i) Enrolled in and attending a State-certified secondary school program leading to a high school diploma, or enrolled in such a program scheduled to begin within 30 days of the Youth's Entitlement program enrollment; or

(ii) Enrolled in and attending a certified or approved program leading to a certificate of high school equivalency (GED), or enrolled in such a program scheduled to begin within 30 days of the Youth's Entitlement program enrollment.

(b) If the youth is under the juvenile or criminal justice system, the appropriate authorities must approve the youth's participation or continued participation in writing.

(c) The citizenship provisions of § 675.5(b) of this title shall apply to the Entitlement program.

(d)(1) No otherwise eligible youth shall be excluded from participation because of any mental or physical handicap.

(2) The prime sponsor must take every step necessary to insure that such youths can participate. The prime sponsor may not segregate such youths from regular program activities, but must redesign these activities to ensure participation.

(e) No youth may take a job under this subpart if a member of his or her immediate family as defined in § 676.66(c)(1) of this title, has responsibility for hiring persons into that job. Therefore, prime sponsors shall assure that eligible youths are not placed in jobs by members of their immediate families. The provisions of § 676.66 (a) and (b) shall not apply to this subpart. (Section 418(a)(4)(I).)

(f) A participant must continue to be economically disadvantaged as defined in § 680.316(a)(4) and to reside within the Entitlement Area or be terminated from the program. The prime sponsor shall re-verify participant economically disadvantaged status and residency between the seventh and twelfth month following enrollment and annually thereafter. In re-verifying economically disadvantaged status, however, wages and allowances received under the Entitlement program shall not be included when computing family income.

(g) A participant must meet minimum academic and attendance requirements of the secondary school or high school equivalency program in which the participant is enrolled or be terminated from the Entitlement program. The secondary school or GED program must provide monthly assurances that the participant is meeting minimum academic and attendance requirements.

(h) A participant who has been found by the prime sponsor, after notice and an opportunity for a hearing, to have refused a job or to be otherwise refusing to participate in the program without good cause, shall be terminated from the program. The participant shall be given a termination notice which states that the participant may appeal the termination to the appropriate ETA regional office. Upon receipt of such an appeal the regional office shall process it as a complaint pursuant to Subpart (f) of Part 676.

(i) Except as provided below, any participant who has been terminated from the Entitlement program may re-enroll at any time provided the participant meets the eligibility criteria in this section. Participants who have been terminated for failure to participate without good cause must wait 60 days before they apply for re-enrollment. Re-enrollment of such participant after the 60 day period shall be subject to a determination by the prime sponsor as to whether such individual would properly participate in the program.

(j) For youths who remain eligible as stated in (f) through (i) of this section, the minimum guaranteed period of employment for Entitlement-eligible youth is either 8 weeks of full-time summer employment or 6 months of part-time school-year employment (sec. 417). Therefore:

(1) A participant reaching 20 years of age while in the program may remain in the program until the participant completes either 8 weeks of full-time summer employment or 6 months of part-time school-year employment. If upon reaching the 20th birthday the participant has already completed either 8 weeks of full-time summer or 6 months of part-time school-year employment, the participant shall be immediately terminated from the program. For projects that are serving youth 19-25, this requirement applies to youth reaching 25 years of age.

(2) A participant who receives a high school diploma or a certificate of high school equivalency while in the program may remain in the program until the completion of either 8 weeks of full-time summer employment or 6 months of part-time school-year employment.

(k) Since jobs during the school year must last at least 6 months, and jobs in the summer must last at least 8 weeks, no youth may be enrolled in the program if the grant will end before the youth can complete the required period of employment unless there are sufficient funds to maintain that youth for the minimum guaranteed period of employment.

§ 680.317 Work sites.

(a) Work sites shall:

(1) Not detract from or interfere with the educational curriculum of the participants and, whenever possible, shall complement that curriculum;

(2) Be primarily in the Entitlement Area or easily accessible, and in reasonable proximity to the residences of eligible youth;

(3) Maintain a cooperative relationship with local business, union and community group interests;

(4) Provide attendance and productivity standards, which are adequate for monitoring purposes and capable on-site supervision; and

(5) Be developed and committed in such numbers and in such a way as to minimize the time between enrollment and assignment to a work site of any participant.

(b) Emphasis in work site development shall be placed on jobs having careful supervision and which provide youth with structured, productive work settings. Jobs shall be designed to introduce youth to the habits of successful work life and entry level or preparatory skills.

(c) Prime sponsors should make every effort to create new and different job classifications, occupations, and restructured jobs (sec 418(a)(3)).

(d) Participants shall spend a majority of paid program time on the work site engaged in direct job performance. Training may be provided during the remaining time, provided the training is directly related to the specific work assignment.

§ 680.318 Allowable activities.

(a) The Entitlement project may include any type of employment and training activity specified in § 676.25 of this title, except public service employment.

§ 680.319 Participant benefits.

(a) The wage provisions of § 680.10 shall apply to the Entitlement program. In addition:

(1) In Entitlement projects in which employment with private-for-profit employers is authorized, up to 100 percent of the wages may be paid. (i) However, in such cases, prime sponsors must submit acceptable plans for reducing the level of wage subsidy over the period of participation of the participant.

(ii) No additional payments shall be provided by the Entitlement program to any such for-profit organization.

(2) In the case of participants working at jobs and/or engaged in training provided by private-for-profit organizations wages (and/or

allowances) shall be paid, as in all cases, by the centrally administered payroll facility required by § 680.315 (1)(b).

(3) Each participant shall spend the majority of his/her paid time in the Entitlement program in either work or training which is directly related to the assignment. Consequently, participants should be paid wages for both work time and training time, except when more than 50 percent of scheduled program time is spent in training. In such cases, allowances shall be paid in accordance with § 676.26 for the period spent in training.

(b) Each participant, while in on-the-job training, or work experience, shall be assured of the general benefits and working conditions for program participants required by § 676.27 of this title.

(c) No funds under the Entitlement program may be used for retirement benefits or costs.

§ 680.320 Academic credit.

Prime sponsors shall make appropriate efforts to encourage educational agencies to award academic credit for the competencies participants gain in the Entitlement program.

§ 680.321 Disregarding earnings.

The provisions of § 680.11 of this Part shall apply to the Entitlement program (sec. 446).

§ 680.322 Maintenance of effort.

The provisions of § 680.12 and 680.13 shall apply to the Entitlement program.

§ 680.323 Limitations on use of funds.

(a) No funds under the Entitlement program may be used to pay for time spent in the Entitlement program in excess of 20 hours a week during the school year or 40 hours per week during the summer. The minimum paid program time guaranteed for each employed youth shall be 10 hours per week during the school year and 30 hours per week during the summer. Prime sponsors may also allow youths to work 40 hours a week during school year vacations of 5 consecutive school days or more, but there shall be no minimum paid program guarantee applicable to these school year vacations.

(b) *Training and support services.* (1) The basic intent of the Entitlement Projects is to provide employment.

Training and support services may be provided, however, it should be assumed that a participant will spend most of paid program time engaged in direct job performance at the worksite.

(2) Any training that is conducted during paid program time should be

directly related to the participant's specific work assignment.

(3) Participants are to be paid for time spent in training in accordance with § 676.26 and § 680.319(a)(3)).

(4) Participants shall not be paid for time spent in supporting services (as defined in § 676.25(e)(3)).

(5) Prime sponsors are discouraged from paying for staff and overhead costs for training and support services out of Entitlement funds. Prime sponsors should use funds from other sources to cover these costs.

(c) *Innovative Approaches.* Prime sponsors may test a variety of innovative employment and training approaches within the larger context of the Entitlement program. These approaches should not cover an entire Tier I project, of which the basic purpose is to test the Entitlement notion itself, but may be used as a component of Tier I projects. Tier II projects should include one or more of the following innovative approaches:

(1) The use of subsidies to private for-profit employers to encourage such employers to provide employment and training opportunities;

(2) Arrangements with unions to enable eligible youth to enter into apprenticeship training as part of the employment entitlement;

(3) Inclusion of economically disadvantaged youth between the age of 19 and 25 who have not received their high school diploma or equivalent;

(4) Inclusion of occupational and career counseling, outreach, career exploration, and on-the-job training as part of the employment entitlement;

(5) Inclusion of youth under the jurisdiction of the juvenile or criminal justice system with the approval of the appropriate authorities.

(b) Prime sponsors may use program funds under both Title II and Title IV. Part C of the Act for the Entitlement Project. Funds under Title IV, Part A, Subparts 2 and 3 of the Act may also be used provided modifications are obtained for those grants. Funds received under Title IV, Part C shall be integrated with funds received under this subpart. Therefore, the regulations under this subpart shall apply to such funds. Title II funds and other Title IV funds, however, may not be integrated, but must be separately accounted for. The regulations appropriate to each program shall apply to such funds when conflicts occur between those regulations and the Entitlement regulations. Thus, for example, Entitlement Project wages and allowances paid for with Title II funds, shall be paid at the wage rates and

allowance rates set forth in the Title II regulations.

Signed at Washington, D.C., the 27th day of September 1979.

Ray Marshall,

Secretary of Labor.

[FR Doc. 79-30479 Filed 10-1-79; 8:45 am]

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federal register

Tuesday
October 2, 1979

Part V

**Department of
Energy**

Economic Regulatory Administration

Mandatory Petroleum Allocation
Regulations; Amendment to Special Rule
9 Providing for the Special Allocation of
Middle Distillates

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA-R-79-25]

Mandatory Petroleum Allocation Regulations; Amendment to Special Rule No. 9 Providing for the Special Allocation of Middle Distillates

AGENCY: Economic Regulatory Administration, Department of Energy.
ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is amending Special Rule No. 9 to Subpart A, Part 211 to extend its effectiveness through January 31, 1980. Today's action is intended to promote activities involving surface passenger mass transportation by ensuring the continued availability of diesel fuel for such activities.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Office of Public Hearing Management), Economic Regulatory Administration, Room 2222-A, 2000 M Street, NW., Washington, D.C. 20461. (202) 254-5201.

William L. Webb (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, NW., Washington, D.C. 20461. (202) 634-2170.

William E. Caldwell (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 2304, 2000 M Street, NW., Washington, D.C. 20461. (202) 254-8034.

Alan T. Lockard (Office of Fuels Regulation), Economic Regulatory Administration, Room 6222, 2000 M Street, NW., Washington, D.C. 20461. (202) 254-7422.

Ben McRae (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, SW., Washington, D.C. 20585. (202) 252-6739.

SUPPLEMENTAL INFORMATION:

- I. Background.
- II. Amendment Adopted.
- III. Procedural Requirement.

I. Background

In response to requests by the Department of Agriculture and other interested groups, we adopted a Special Rule No. 9 which provided for those engaged in agricultural activities to receive their current requirements of middle distillates in order to prevent the interruption of planting activities (44 FR 28606, May 15, 1979). We requested comments on Special Rule No. 9 through June 15, 1979 and held a public hearing in Washington, D.C. on May 18, 1979. We specifically requested comments as

to whether any other activity, such as surface passenger mass transportation, should be included within the coverage of Special Rule 9 and as to whether the Rule should be extended beyond July 31, 1979. Based on early comments and market data, we amended Special Rule No. 9 to include surface passenger mass transportation, agricultural trucking and crude oil and natural gas production activities (44 FR 31626, June 1, 1979).

Our review of all comments received by June 15, 1979 indicated that Special Rule No. 9 had served its original purpose, which was to provide enough fuel for planting the Nation's crops. However, the comments and our own analysis also indicated that the shortage of petroleum products resulted in difficulties for consumers of middle distillates engaged in many non-priority activities, and that this shortage situation had been exacerbated by the adoption of Special Rule No. 9. Accordingly, on June 21, 1979 we revised Special Rule No. 9 so that it provided an allocation only for surface passenger mass transportation (44 FR 37188, June 25, 1979). We continued the rulemaking proceeding, however, to consider the need for any additional action.

The revised Special Rule No. 9 provided for the allocation of middle distillates through September 30, 1979. We have received a significant number of comments, however, that urge us to extend the effectiveness of the revised Rule indefinitely. These comments restate the views expressed at the May hearing and in the earlier written comments that the activities included within surface passenger mass transportation were essential for many individuals and, together with vanpooling, had helped to conserve energy by giving individuals the choice of using more energy-efficient forms of transportation. They also indicated that the continuation of many of these energy-efficient activities at current levels require an assurance that sufficient fuel will be available in the coming months.

After considering these comments, we believe it appropriate to extend the effectiveness of Special Rule No. 9. Accordingly, we are amending Special Rule No. 9 to extend its effectiveness through January 31, 1980. In addition, we plan to issue shortly a Notice of Proposed Rulemaking to make Special Rule No. 9 permanent.

II. Amendment Adopted

Special Rule No. 9 is revised to be effective through January 31, 1980. The Operation of Special Rule No. 9 is thoroughly discussed in the May 15 and June 1 Notices, and that discussion is

incorporated herein by reference. It should be noted, however, that the provisions in Special Rule 9 which related to the redirection of product and the review of inventory practices expired on July 31, 1979, and have been deleted.

III. Procedural Requirement

A. Section 404 of the DOE Act

Section 404(a) of the DOE Act requires that the Federal Energy Regulatory Commission (FERC) be notified whenever the Secretary of Energy proposes to prescribe rules, regulations, and statements of policy of general applicability in the exercise of functions transferred to him under section 301 or section 306 of the DOE Act. If the FERC determines, within such period as the Secretary may prescribe, that the proposed action may significantly affect any of its functions under section 402 (a)(1) or (b) of the DOE Act, the Secretary shall immediately refer the matter to the FERC.

Following an opportunity to review Special Rule No. 9, the FERC has declined to determine that it may significantly affect one of its functions under the sections noted above.

B. Section 7 of the FEA Act

Under section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. 787 *et seq.*, Pub. L. 93-275, as amended), the requirements of which remain in effect under section 501(a) of the DOE Act, the delegate of the Secretary of Energy shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days during which the Administrator of the Environmental Protection Agency (EPA) may provide written comments concerning the impact of such rules, regulations, or policies on the quality of the environment. Such comments shall be published together with publication of notice of the proposed action. A copy of this Rule was provided to the EPA Administrator who has responded that EPA does not foresee this Rule having an unfavorable impact on the quality of the environment as related to the duties and responsibilities of EPA.

C. National Environmental Policy Act

It has been determined that these amendments do not constitute a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, and therefore an environmental assessment or an

environmental impact statement is not required by NEPA and the applicable DOE regulations for compliance with NEPA. This determination is based on our analysis which indicates that today's action will have no effect on the production or the available supply of middle distillates.

D. Section 501 of the DOE Act

Subsection 501(b) of the DOE Act requires that comments on a proposed rule be permitted for thirty days. Subsection 501(c) of the DOE Act requires that an opportunity be provided for the oral presentation of comments. As noted previously, we have complied with these prior notice and hearing requirements and have considered the comments received in deciding whether to adopt this Rule.

E. Executive Order 12044

Executive Order 12044 (43 FR 12661, March 23, 1978) requires the agencies subject to it to publish all proposed "significant" regulations for public comment for a minimum of 60 days and to prepare a regulatory analysis for those significant regulations which are determined likely to have a major impact. Section 2(e) of the Executive Order directs the agencies to establish criteria to identify which regulations are significant. DOE's implementing procedures are contained in DOE Order 2030 (44 FR 1032, January 3, 1979).

Today's action will provide for a limited extension of an existing regulation. We do not expect such extension to affect important policy concerns or impose any significant additional burdens on the public. Moreover, we have determined that today's action will not be the object of much public interest, as indicated by the fact that no general objections regarding the allocation of middle distillates for mass transportation were raised in the comments received in response to the adoption and initial extension of Special Rule No. 9. Finally, we will soon be issuing a Notice of proposed rulemaking to make Special Rule No. 9 permanent and, thus, will be providing ample opportunity for public participation in determining the extent to which the continued special allocation of middle distillates for mass transportation is necessary and appropriate. In view of these considerations, we have determined that today's action to extend Special Rule No. 9 does not constitute a significant regulation as contemplated by that term in Executive Order 12044 and, therefore, that a 60-day comment period and the preparation of a regulatory analysis are not required.

F. Section 553 of the Administrative Procedure Act

Section 553(d) of the Administrative Procedure Act requires that a substantive rule not become effective less than thirty days after its publication unless the agency finds for good cause this requirement impracticable, unnecessary or contrary to the public interest and publishes this finding together with the rule. We have determined that good cause is found to waive the section 553(d) requirement since it would be contrary to the public interest to permit a situation to arise in which the availability of energy-efficient surface passenger mass transportation might be disrupted due to a lack of sufficient supplies of diesel fuel. Moreover, this requirement is not necessary since the Rule continues a program that is already in effect and on which there has been ample opportunity for comments concerning its specific provisions.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-365, and Pub. L. 95-70; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46287)

In consideration of the foregoing, Part 211 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective October 1, 1979.

Issued in Washington, D.C., September 26, 1979.

David J. Bardin,
 Administrator, Economic Regulatory
 Administration.

The Appendix to Subpart A of Part 211 is amended by modifying Special Rule No. 9 to read as follows:

Appendix—Special Rule No. 9

Special Allocation of Middle Distillates for Surface Passenger Mass Transportation

1. *Scope.* Notwithstanding the provisions of paragraphs (b) and (c) of § 210.35 of Part 210 of this chapter and of paragraphs (b)(5) and (b)(6) of § 211.1 of this part, this Special Rule establishes a special allocation program for middle distillates for the months of May 1979 through January 1980.

2. *Definitions.* For purposes of this Special Rule, the relevant definitions of § 211.51 of Part 211 of this chapter shall apply, except that the following definitions shall apply: "Base period" means the first calendar month prior to May 1979 in which a

wholesale purchaser purchased or obtained middle distillate volumes.

"Current requirements" means, (a) with respect to a wholesale purchaser-consumer or end-user, the volume of middle distillates needed by the wholesale purchaser-consumer or end-user to meet its present supply requirements for middle distillates for use in surface passenger mass transportation, but does not include any amounts which the wholesale purchaser-consumer or end-user purchases or obtains for resale or accumulates as an inventory in excess of that purchaser's customary inventory maintained in the conduct of its normal business practices; or, (b) with respect to a wholesale purchaser-reseller, the volume of middle distillates needed by the wholesale purchaser-reseller to meet its present requirements to supply middle distillates to wholesale purchaser-consumers, end-users or other wholesale purchaser-resellers for ultimate use in surface passenger mass transportation.

"Middle distillates" means any of the following, as defined in § 212.31 of Part 212 of this chapter: No. 1 heating oil, No. 1-D diesel fuel, No. 2 heating oil, No. 2-D diesel fuel and kerosene.

"Surface passenger mass transportation" means any activity in which passengers are transported by means of a commuter bus or rail system (including a metropolitan mass transit system), a school bus, a charter bus, a commuter ferry, or an intercity passenger bus or train.

3. *General Rule.* Each supplier of middle distillates shall supply all wholesale purchaser-consumers, all end-users, and all wholesale purchaser-resellers with their current requirements for middle distillates which have been certified to that supplier in accordance with the provisions of this Special Rule.

4. Certification Requirements.

(a) *End-users.* An end-user may certify to any supplier its current requirements for middle distillates for surface passenger mass transportation.

(b) *Wholesale purchaser-consumers.* A wholesale purchaser-consumer may certify to its base period supplier its current requirements for middle distillates for ultimate use in surface passenger mass transportation.

(c) *Wholesale purchaser-resellers.* A wholesale purchaser-reseller may certify to its base period supplier its current requirements for: (i) Any end user; (ii) any wholesale purchaser-consumer it supplied during the base period (in accordance with paragraph (d) of this section; (iii) any wholesale purchaser-consumer it agrees to supply under section (7); (iv) any assigned purchasers, and (v) any certification for volumes to be supplied pursuant to this Special Rule.

(d) *Purchasers with more than one base period supplier.* A purchaser or supplier which purchased or obtained middle distillates during the base period from more than one supplier may certify to each such supplier a percentage of its current requirements for surface passenger mass transportation which does not exceed the percentage of the total volumes of middle

distillates purchased or obtained by the purchaser from that supplier in the base period.

5. *Validation of Certifications.* In the event that a purchaser and its supplier cannot agree on the volume of middle distillates which the supplier is required to supply to the purchaser under this Special Rule, the purchaser may request validation of the required volume from the appropriate ERA Regional Office. From the time the supplier receives certification, the supplier shall supply the purchaser any volumes which are not in dispute. If ERA determines that the purchaser is entitled to volumes in excess of those supplied by the supplier during the period in which certification was in dispute, ERA may order the supplier to supply such increased requirements and to supply the purchaser with additional volumes of middle distillates equal to the amount the purchaser would have received if the increased requirements had been supplied during such period.

6. *Assignment of suppliers.* Any purchaser which is unable to purchase or obtain its total current requirements for ultimate use in surface passenger mass transportation may apply to the appropriate ERA Regional Office as provided in Subpart C of Part 205 of this chapter to be assigned a supplier. *Provided,* That, an end-user in a State in which there is a State Office must apply to that State Office as provided in Subpart Q of Part 205 of this chapter for the assignment of a supplier. The purchaser may be assigned one or more suppliers and the amount of its current requirements to be supplied by each supplier may be specified.

7. *Mutual agreements.* As an alternative to the procedures set forth in sections (5) and (6) of this Special Rule, a supplier of middle distillates may agree to supply that portion of the current requirements of a wholesale purchaser-consumer which has been unable to obtain the full amount of its current requirements from its base period suppliers.

8. *Normal business practices; non-discriminatory pricing.* The requirements of paragraphs (a) and (b) of § 210.62 of this chapter shall apply to suppliers to prohibit any practice or any form of discrimination (including price discrimination) which has the effect of circumventing, frustrating or impairing the objectives, purposes and intent of this Special Rule.

[FR Doc. 79-30519 Filed 10-1-79; 8:45 am]

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federal register

Tuesday
October 2, 1979

Part VI

Office of Management and Budget

Budget Deferrals

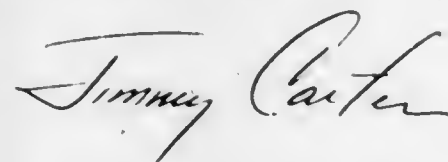
OFFICE OF MANAGEMENT AND
BUDGET

Budget Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report four new deferrals of budget authority totalling \$61.9 million and a revision to one previously transmitted deferral increasing the amount deferred by \$3.8 million. These items involve the Departments of Agriculture and Commerce and the Railroad Retirement Board.

The details of each deferral are contained in the attached reports.



The White House,
September 27, 1979.
BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral No.	Item	Budget Authority
	Department of Agriculture:	
	Forest Service	
D79-37A	Timber salvage sales.....	9,298
	Department of Commerce:	
	National Oceanic and Atmospheric Administration	
D79-66	Construction.....	60,000
D79-67	Fishing vessel and gear damage compensation fund.....	600
D79-68	Fishermen's contingency fund.....	300
	Other Independent Agencies:	
	Railroad Retirement Board	
D79-69	Regional rail transportation protective account.....	1,000
	Total, deferrals.....	71,198

SUMMARY OF SPECIAL MESSAGES
FOR FY 1979
(in thousands of dollars)

	Rescissions	Deferrals
Thirteenth special message:		
New items.....	---	61,900
Change to amount previously submitted.....	---	3,798
Effect of thirteenth special message.....	---	65,698
Previous special messages.....	908,692	4,614,638
Total amount proposed in special messages.....	908,692	4,680,336

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D79-37 transmitted to the Congress on December 7, 1978, and printed as House Document No. 96-3.

This revision to a deferral for the Department of Agriculture's timber salvage sales in the Forest Service increases the previously reported deferral from \$5,500,000 to \$9,297,732. This increase of \$3,797,732 reflects a correction to apportionment documents previously prepared. The adjustment was necessary because the actual amount of unobligated balances brought forward was \$3,797,732 higher than originally estimated.

Deferral No: D79-37A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 95-465)	\$ 3,000,000
Bureau Forest Service	Other budgetary resources	20,025,932 *
Appropriation title & symbol Timber Salvage Sales 1/ 12X5204 12X1126	Total budgetary resources	23,025,932 *
OMB identification code: 12-5204-0-2-302	Amount to be deferred: Part of year	\$ ---
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Entire year	297,732 *
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other

Justification: The timber salvage sales fund was authorized by the National Forest Management Act of 1976 to increase the capability of the Forest Service to offer insect-infested, dead, damaged, or fallen timber for sale. Receipts from the sale of such timber are deposited in a special fund and are available until expended to cover the costs of design, engineering, and supervision of the construction of needed roads, as well as the cost to the Forest Service of sale preparation and supervision of actual harvesting.

Public Law 95-465, making appropriations for the Department of the Interior and related agencies, 1979, provided \$3 million for design and construction of roads and preparation, harvest administration and sale of salvageable timber on national forests which have not yet built up a salvage fund from receipts. In addition to these funds, estimated receipts for salvage sales are available to finance the program.

Present program plans for timber salvage sales require a resource level of \$13,728,200. The remaining \$9,297,732 is being deferred in accordance with the Antideficiency Act (31 USC 665) which authorizes the establishment of reserves for contingencies. This action is being taken because of the time lag between the deposit of receipts from salvage sales and the expenditure of funds to cover costs associated with making additional sales. Efficient program planning and accomplishment is facilitated by administering a stable program well within the funds available in any one year for this purpose.

Estimated Effects: There are no programmatic or budgetary effects that result from this deferral action. The reserve reflects the time lag between deposit of receipts from salvage sales and the expenditure of these funds to cover the costs of additional sales.

Outlay Effect: There is no outlay effect of this deferral because the funds could not be used if made available.

1/ This account was the subject of a similar deferral in FY 1978.

* Revised from previous report.

Deferral No: D79-66

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 96-38)	\$ 60,000,000
Bureau National Oceanic and Atmospheric Administration	Other budgetary resources	13,101,887
Appropriation title & symbol Construction 13x1452	Total budgetary resources	73,101,887
OMB identification code: 13-1452-0-1-306	Amount to be deferred: Part of year	\$ ---
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Entire year	60,000,000
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other

Justification: Public Law 96-38, enacted July 25, 1979, included a supplemental appropriation of \$60,000,000 to fund the completion of the National Oceanic and Atmospheric Administration's (NOAA) Western Regional Center in Seattle, Washington. Funds available from prior years that were withheld due to a court injunction (see deferral D79-5) and subsequently released will be sufficient to cover preliminary construction costs for the remainder of FY 1979. The supplemental appropriation will fund 1980 and 1981 construction requirements and is deferred for the remainder of FY 1979.

This deferral action is in accord with congressional intent to fully fund this project, and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: This deferral will have no budgetary or programmatic impact.

Outlay Effect: There is no outlay effect resulting from this deferral.

Deferral No: D79-67

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 96-38) \$ 1,000,000
Bureau National Oceanic and Atmospheric Administration	Other budgetary resources ---
Appropriation title & symbol Fishing Vessel and Gear Damage Compensation Fund 13x5119	Total budgetary resources 1,000,000
OMB identification code: 13-5119-0-2-376	Amount to be deferred: Part of year \$ --- Entire year 600,000
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input checked="" type="checkbox"/> Other

Justification: Public Law 96-38, enacted July 25, 1979, included a supplemental appropriation of \$1,000,000 to establish the Fishing Vessel and Gear Damage Compensation Fund. This fund provides compensation to fishing vessel owners who sustain losses or damage to their gear or vessels while engaged in any fishing subject to the exclusive fishery management authority of the United States under the Fishery Conservation and Management Act of 1976, provided that the loss is attributable to any foreign vessel, its crew, fishing gear, or a natural disaster. Claims approximating the amount of the supplemental are in process at this time; however, it is now estimated that--due to the timing of enactment of supplemental funding--fewer claims can be approved for payment prior to the end of FY 1979 than was originally anticipated. The deferred funds will be used to pay the remaining claims in 1980.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: This deferral will have no budgetary or programmatic impact.

Outlay Effect: There is no outlay effect resulting from this deferral.

Deferral No: D79-68

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 96-38) \$ 450,000
Bureau National Oceanic and Atmospheric Administration	Other budgetary resources ---
Appropriation title & symbol Fishermen's Contingency Fund 13x5120	Total budgetary resources 450,000
OMB identification code: 13-5120-0-2-376	Amount to be deferred: Part of year \$ --- Entire year 300,000
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other

Justification: Public Law 96-38, enacted July 25, 1979, included a supplemental appropriation of \$450,000 to establish the Fishermen's Contingency Fund. This fund provides reasonable compensation to commercial fishermen for damages to or loss of fishing gear, including loss of profits related to oil and gas exploration, development, and production on the Outer Continental Shelf. Claims approximating the amount of the supplemental are in process at this time; however, it is estimated that fewer claims can be approved for payment in FY 1979 than planned earlier due to the passage of the supplemental later in the fiscal year than was originally anticipated. The deferred funds will be used to pay the remaining claims in 1980.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: This deferral will have no budgetary or programmatic impact.

Outlay Effect: There is no outlay effect resulting from this deferral.

Deferral No: 079-69

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Railroad Retirement Board	New budget authority (P.L. 95-480; P.L. 96-38) \$ 43,870,000
Bureau	Other budgetary resources 56,118,240
Appropriation title & symbol Regional rail transportation protective account 60X0110	Total budgetary resources 99,988,240
OMB identification code: 60-0110-0-1-604	Amount to be deferred: Part of year \$ ---
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Entire year 1,000,000
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other
	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other

Justification: The Regional Rail Reorganization Act of 1973 established a program to reimburse various organizations that provide benefits to employees adversely affected by the creation of the Midwest and Northeast rail system up to the aggregate sum of \$250 million. This program--having reached its authorized limit--will terminate on September 30, 1979, at which time a closing audit will be undertaken. To allow for any retroactive adjustments the audit may require while limiting total expenditure to the \$250 million authorized, \$1,000,000 is being deferred for the remainder of FY 1979. Any funds remaining after required audit adjustments will be expended in accordance with statutory provisions.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: Use of any portion of the amount deferred, including whatever sum is not required to make audit adjustments, will be delayed from one to three months.

Outlay Effect: As a result of this deferral, \$1,000,000 in outlays will be shifted from FY 1979 to FY 1980.

[FR Doc. 79-30593 Filed 10-1-79; 8:45 am]
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Tuesday
October 2, 1979

Part VII

**Council on Wage
and Price Stability**

Anti-Inflationary Pay and Price Standards;
Procedural Rules; Wage and Price
Advisory Committees Charter
Amendments

federal register

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COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Part 705

Anti-Inflationary Pay and Price Standards

AGENCY: Council on Wage and Price Stability.

ACTION: Interim Final Standards for the Second Program Year, with comments requested.

SUMMARY: On August 10, 1979, the Council published an *Issue Paper* (44 FR 47232) soliciting public comment on issues that arose with the pay and price standards during the first program year. In view of these comments, which are discussed in detail below, the Council is revising Subparts A, C and D of Part 705 for the second program year. Because the second program year begins on or before October 1 for all companies, the Council is publishing these revisions in interim final form, effective October 1, and public comment is solicited on an expedited basis. Any changes suggested by the comments that are ultimately incorporated in the final standards will be effective as of October 1, but no one who relies on the standards set forth herein will be found out of compliance with the final standards for the interim period.

Subpart B of Part 705, which is the pay standard, is unchanged pending the receipt of recommendations from the reconstituted Pay Advisory Committee. The Council, however, will continue its policy of administering the pay standard to remedy certain inequities that arose during the first program year.

DATES: The effective date of the revised Part 705 is October 1, 1979. Comments must be received on or before October 17, 1979.

ADDRESS: Written comments should be addressed to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Industries, Contact Person, and Telephone No.

Metals, Machinery & Equipment, Eugene Roberts; 456-7784.

Food, Agriculture & Trade, Steve Hiemstra; 456-7740.

Energy, Chemicals, Utilities & Transportation, John Keith; 456-7747.

Construction & Building Materials, Joseph Lackey; 456-7158.

Health Insurance & Other Services, Arthur Corazzini; 456-7730.

ANALYSIS OF COMMENTS AND CHANGES: Second-Year Pay and Price Standards Introduction

The voluntary pay and price standards announced on October 24, 1978, were one element of the President's anti-inflation program. As the first year of the program drew to a close, the Council undertook to evaluate the performance of the standards and to consider various modifications for the second year. The Council's preliminary analysis led to the release, on August 7, 1979, of an *Issue Paper: Pay and Price Standards* (44 FR 47232, August 10, 1979). Public comments on the questions raised in that paper were due September 5.

The public response to the *Issue Paper* was encouraging, particularly in view of the relatively short time for filing comments. Over 600 were filed, on behalf of labor groups, business entities, State and local governments, public interest groups, and concerned individuals. While the perspectives differed and the suggestions covered a wide range, there were certain recurrent themes.

Most important, there was widespread recognition among both proponents and opponents of the standards that they have been at least moderately successful in restraining inflation, even in the face of sharp accelerations in food and energy prices. The annual rate of increase in those sectors of the economy to which the basic price deceleration standard is applicable has been a little above 7 percent, or about one percentage point above the rate anticipated if all firms in these sectors had been able to adhere to that particular standard. The overall rate of increase in pay rates (hourly wages plus private fringe benefits) has also run about one percentage point above the target rate; the actual annual rate during the first program year has been about 8½ percent.

The comments also stressed the importance of continuity and consistency to the continued effectiveness of the standards; many entities have devoted a large amount of time and expense to developing compliance programs, and major changes in the standards could nullify these efforts. At the same time, the comments emphasized certain problems with the first-year standards, most of which were identified in the *Issue Paper*. Those most prominently mentioned were that: (1) As a result of certain companies' having had abnormally depressed base periods and/or unusual program-year cost increases, the profit-margin exception has been more frequently used than was

initially contemplated; and (2) there has been a growing disparity between pay increases of employee units covered by cost-of-living adjustment (COLA) clauses and those not covered. In addition, it was noted that, unlike previous instances in which the government has been involved in developing pay policies, this program has not included a clearly defined role for representatives of labor, management, and the public.

In response to these comments, the President has announced that the Pay Advisory Committee has been reconstituted to provide greater participation by the public in the anti-inflation program. The Committee, which will be composed of fifteen members—five representatives of labor, five business representatives, and five representatives of the general public—will advise the Council on developing policies that encourage anti-inflationary pay behavior by employers and labor, that decelerate the rate of inflation, and that provide for a fair and equitable distribution of the burden of restraint. The amended charter provides that the Committee will recommend new or revised interpretations of the pay standard and changes, if any, in pay exception and noncompliance decisions of the Council. Most importantly, the Committee is charged to submit, by October 31, 1979, its recommendations for modifications, if any, to the pay standard itself, including specifically the basic pay standard, the inflation assumption for evaluating cost-of-living adjustment clauses, the threshold for the low-wage exemption, the treatment of increments and tandem relationships, and the appropriate adjustment for employee units not covered by cost-of-living adjustment clauses. Rather than unduly restrict the options available at the outset to the Committee, we are not now publishing any modifications to the current pay standard. Until the Committee submits its recommendations, the first-year standards (presently found in 705B) remain in effect, and the Council will continue its current policy of using the gross-inequity exception to remedy certain inequities that have arisen during the first program year.

The President has also directed that the Price Advisory Committee be reconstituted with five members representative of the general public. While it will have the same objectives and many of the same responsibilities as the Pay Advisory Committee, it will be asked to work with a revised price standard that has been developed by the Council. As will be discussed in more

detail below, the revised standard will be cast as a company-specific cumulative standard that limits the increase during the first two program years to the cumulative base-period price change. Semiannual limitations will also be imposed. An exception for uncontrollable cost increases will again be available, but the resulting profit limitation will be appreciably more restrictive than it was in the first year.

There follows a discussion of the design of the second-year price standard. The issues considered by the Council are numbered as they appeared in the *Issue Paper*. After each issue, we summarize the public comments relating to that issue, and explain the Council's conclusions. The proposed standards are then reproduced as Subpart 705A ("The Price Standard"), Subpart 705C ("Modified Price Standards for Selected Industries"), and Subpart 705D ("Definitions") (with revised definitions for the price standard and the first-year definitions for the pay standard).

1. *The Aggregate Price Standard.* The people who commented on this subject generally supported the approach taken by the Council in the first program year, which linked the aggregate price standard to the pay standard. The Council will retain the linkage between the pay and price standards, although the tentativeness of the second-year pay standard makes that nexus less precise.

No changes will be made in the assumptions underlying the linkage. However, the Council's present policy of allowing catchup adjustments for workers without cost-of-living adjustments who complied with the first-year standard constitutes an effective relaxation in the pay standard. While qualifying workers can expect up to one percentage point automatically, not all workers will qualify. On the other hand, allowances of more than one percentage point may be approved in extraordinary cases. On balance, the Council believes that this relaxation in the pay standard amounts to an average of about one percentage point. Maintenance of the same nexus between the price and pay standards requires that the aggregate price standard in the second year be one percentage point higher than the 5½ percent first-year standard. Any further quantifiable changes of the pay standard during the second program year may be the basis for further changes of the price standard.

For the present, compounding the first-year aggregate price standard of 5½ percent with the second-year's 6½ percent, we obtain a two-year aggregate standard of 13 percent. The two-year cumulative increase over the 1976-77

base period (see issue A.3) in those sectors covered by the price standard was also 13 percent. The two-year company-specific price standard (see issue A.4), therefore, limits the cumulative price increase for each company over the two program years to its cumulative 1976-77 increase.

2. *Range of Allowable Price Increases.* The first program year's price limitations for individual companies were limited to the range between 1½ percent and 9½ percent, regardless of the company's actual rate of price change during the base-period. Many commentators recognized the inequities created by so wide a range, and there was substantial support for raising the bottom limit on the ground that for many companies the base-period rate of price increase was abnormally low. Only a few comments discussed the upper limit.

For the second year, the Council has decided to narrow the range of stipulated price increases, and to raise the bottom by more than it lowers the top. The lower bound will be raised from 1½ percent to 3½ percent, which should reduce inequities for firms whose markets were depressed (or who showed especial restraint) during the 1976-77 base period, without adversely affecting next year's inflation rate (since most firms with low base-period rates of price change will be constrained now, as they were in the past, much more by market forces than by the price standard). The upper bound will be lowered from 9½ percent to 8½ percent. Such a tightening of the standard is equitable in view of the continued availability of an exception (the profit-limitation) to accommodate firms subjected to genuinely uncontrollable cost pressures necessitating average price increases greater than 8½ percent. A 3½ to 8½ percent price band for the second year on top of 1½ to 9½ percent for the first, translates into a compound 5-to-19-percent band for the cumulative two-year period.

3. *The Choice of the Base Period.* The price standard is based on an assumption that there is some continuity over time in the differences among companies and industries in their respective productivity and cost trends, and that their relative price changes in the recent past adequately reflect these differences. For the first program year, 1976-77 was selected as the reference period for measuring these underlying relative cost trends. A more recent base period would have penalized firms that cooperated with the Administration's informal program to restrain price increases (announced January 1978); and an earlier base period would have been

less representative because of the 1974-75 recession and the 1973-74 surge in energy prices.

A few companies suggested changing the base period because of circumstances peculiar to their own companies or industries. Most comments, however, argued against a change on the grounds that: (1) the present base is at least as good as any other; (2) a good deal of effort has gone into developing figures for that period; and (3) changing it would impose additional costs and create unnecessary confusion.

The Council has decided to retain the 1976-77 base period for the second program year. Although large increases in the costs of energy and raw materials since 1977 have sharply altered cost trends for some industries, expanding the base would not do much to make the cost experience more representative, since crude-material prices did not take off dramatically until early 1979, and including the first program year—in hope of bringing the base more nearly up to date—would reward companies that raised their prices sharply and penalize those that had practiced restraint. Moreover, as reflected in the comments, since firms have already computed their base-period price changes, retaining the 1976-77 base period minimizes calculation costs. Compliance costs were substantial for some firms in the first year, and increasing those costs would provide a disincentive for compliance with a voluntary program.

4. *One-Year vs. Two-Year Standard.* The *Issue Paper* suggested two alternatives for measuring compliance for the second program year—a one-year or a two-year standard. Most of the commentators supported a two-year cumulative price standard on the ground that this would permit the carrying forward of unused allowable price increases from the first program year. Many of those recommending a one-year standard also argued for a carry-forward provision, thereby essentially endorsing the crucial aspect of a two-year standard.

Since there is overwhelming support for a two-year standard, the Council will cast the price standard as a cumulative two-year price limitation measured from the base quarter in 1978 to the corresponding quarter in 1980. This approach has the virtue of greater comparability to the 1976-77 base period, since the large increases in crude-material costs experienced in the first program year are likely to subside during the second. Moreover, a two-year standard will reward companies that showed restraint in the first year, or, to

put it another way, will eliminate any incentive for firms to use all of their allowable increases in each program year.

One difficulty with the two-year price limitation is that some companies were granted or properly self-administered profit-margin exceptions during the first year and then legitimately increased their prices by more than what would have been allowable under the basic price standard. To enable these companies to return to the price standard, the Council has decided to permit them to exceed the amount that would otherwise be permitted under that standard in the first six months of the second program year, so long as they do not use more than one half of the difference between their actual first-year price increase and their full two-year limitation.

5. Excluded Products. During the first program year, most crude and raw materials were excluded from the program. Most of those who commented on this issue urged no change in these provisions, although isolated commentators suggested also excluding natural gas liquids, forest and lumber products, lead, and zinc. A related issue raised by some is whether new products should continue to be excluded and, if so, how to do the calculations.

Although much of the inflation during the past year has been in the excluded areas, no major changes are proposed for the second program year. As noted in the *Issue Paper* and reflected in the comments, it is imprudent to apply price standards to sectors where price increases are the result of supply shortages, and it is difficult to apply rigid standards where sellers lack discretion in setting prices for their goods. Moreover, the current economic slowdown is expected to continue into the second program year, and thus the present price pressures in the excluded sectors are expected to decrease in any event.

To reflect the Council's actual policy during the first program year, two exclusions are being made explicit in the standards—for non-Federal hospitals (which are monitored by the Department of Health, Education, and Welfare) and health maintenance organizations. Another change to reflect existing policy is more precise definitions for custom products, new products, organized exchange markets, and health maintenance organizations. Finally, in response to the public comments, the standards will provide that new or discontinued and custom products that were excluded during the first program year can also be excluded during the second.

6. Special-Sector Standards. During the first program year, special standards were adopted for several sectors: retailing, wholesaling, food processing, petroleum refining, electric and gas utilities, insurance, some professions, financial institutions, government enterprises, and government-subsidized private companies. In general, the comments recommended that these standards be retained in their present form, with some minor modifications and clarifications.

The Council has decided to keep the basic structure of the wholesale/retail standard unchanged. In the second year, as in the first, wholesale/retail units can increase their percentage gross margins in accordance with their base-period margin trend. As with the price standard, the base year remains the same and the standard is cast as a two-year cumulative limitation. Some commentators suggested that companies with a negative margin trend should be allowed to increase their percentage margins in the second year by some stipulated amount. This suggestion has not been adopted since the standard already allows such companies to maintain a constant percentage margin, and therefore allows dollar gross margins to expand at the same rate as the cost of goods purchased for resale, plus growth in physical volume.

The wholesale/retail standard is being altered to bar the inclusion of significant vertically integrated manufacturing operations under the percentage-gross-margin standard. This change is required because the rationale underlying the creation of this special standard for wholesale/retail trade (i.e., that the prices of goods are determined primarily by the cost of the goods purchased for resale) does not apply to manufacturing operations.

Three different dollar-gross-margin standards are available for food processors, petroleum-refinery operations, and utilities, respectively. In the first program year, these standards limited the growth in gross margins from the base quarter to the last quarter of the program year. Many commentators suggested that reliance on data for individual quarters is inappropriate because of the volatility of quarterly gross-margin data. In response to these comments, all three standards have been changed—they will now all compare annual gross margins in the second program year with gross margins in the base year. As with the price standard, the base year remains the same and the standard is cumulative over the two-year period.

All of the dollar gross-margin standards limit growth in dollar margins

to no more than 13½ percent (6½ percent compounded), with adjustment for physical volume growth. Some commentators suggested that gross margins be redefined to add items to the cost of goods sold (in particular, food processors suggested excluding energy and packaging cost from their gross margin). This suggestion was rejected because the uncontrollable-cost exception is available for companies experiencing rapid increases in costs of inputs other than those purchased for processing, and, in order to encourage cost-saving input substitution when relative prices change, it is desirable to limit the number of inputs that are eligible for cost passthrough.

During the first year, the food-processors standard imposed explicit 6-month and 9-month limitations on gross-margin growth. The remaining three margin standards contained no explicit intermediate limitations. Experience during the first year indicates that such limitations are desirable (other than for utilities, whose rates are regulated and typically adjusted infrequently) to permit evaluations of compliance on a timely basis. Accordingly, the second-year standards will contain semi-annual margin limitations. The numerical values of these limitations are derived by assuming a linear movement of the margin from the base-year average to the second-program-year annual limit, with the average values being reached at mid-year.

Again as under the price standard, companies in these sectors that were granted or properly self-administered profit-margin exceptions during the first year are permitted to adjust their gross margins to the second-year limitation in a gradual fashion. However, the Council has decided that companies that wish to remain subject to the profit-margin limitation (as well as those that wish to move to that limitation during the second program year) must demonstrate first that they cannot comply with the gross-margin standard. Some of those commenting on this issue urged that companies be permitted to go directly to the profit margin, but, as noted in the *Issue Paper* and not disputed in any of the comments, many of them have sought to qualify for the profit-margin limitation for the precise reasons for which the gross-margin standard was designed.

The first-year standards for petroleum-refinery operations allowed dollar margins to increase by 6.5 percent, plus any positive percentage growth in physical volume, and required only input mix adjustments. In order to make the volume adjustment

symmetrical, and because there is a good measure of physical volume for this industry, the second-year standard is cast in terms of the gross margin per barrel of output. Also for symmetry, and to avoid distortions in the gross-margin changes as a result of mix changes, the second-year standard requires both input and output mix adjustments.

In the first-year standard for gas and electric utilities, the last three paragraphs dealt with its administration by public utility commissions. Although the Council remains committed to the approach spelled out in that paragraph, such matters are not appropriately included in the standards themselves and have therefore been deleted. Also, the coverage of this standard has been expanded to include water and sewer utilities.

The professional-fee standard is being extended to the second year in much the same way as the gross margin tests: It is cast as a cumulative limitation by compounding 6½ percent over two years.

The standard for government enterprises and private companies receiving government subsidies also remains substantially unchanged, but one change in the coverage criterion is being made in response to public comment. Specifically, the criterion based upon eligibility to disaggregate has been replaced by a criterion based upon availability of required data. In addition, the section has been expanded to cover nonprofit organizations.

The special-sector standards for the insurance and banking industries run on a calendar-year basis. The Council is still gaining valuable experience with these standards. As a result, the second-year revisions will not be proposed until later this year.

7. The Insufficient-Product-Coverage Rule. In the first program year, a company that derived 75 percent or more of its revenue from excluded products was not covered by the program. This provision was intended to avoid imposing unnecessary compliance burdens on companies for which only a small fraction of total operations would be covered. But the 75-percent rule, combined with the flexibility afforded companies in organizing for compliance purposes, resulted in considerable slippage in the price standard. This occurred because companies were able to disaggregate their operations in such a way that products normally covered by the program, and for which large price increases were taken, were placed in compliance units that qualified for exclusion under the 75-percent rule.

Moreover, although the revenue excluded from the program as a result of

the rule might be a small percentage of a company's total revenue, it could amount to several hundred million dollars for large firms, a dollar value large enough to warrant monitoring by the Council. For these reasons, the Council has eliminated the 75-percent rule from the second-year program, notwithstanding the fact that most commentators favored its retention.

The Council has also made more explicit its interpretation of the portion of the insufficient-product-coverage rule that applies when revenue from new, discontinued, and custom products, and products exchanged in non-arms-length transactions, account for one-third or more of the company's revenue after deducting the other excluded products. In these cases, the company as a whole should comply with the two-part profit limitation, and, in addition, it should comply with the two-year and intermediate price limitations for nonexcluded products unless the revenue from those products is less than \$50 million. This two-part requirement, for compliance does not reflect any change in the Council's policies; the dollar threshold has been inserted, however, in response to public concern that otherwise there would be computational burdens imposed in situations where compliance with the price standard would have only negligible anti-inflationary benefits.

The insufficient-product-coverage rule has been incorporated in a new section, called "Special Situations." This section also sets forth the treatment of acquisitions and divestitures, which is essentially unchanged (but simplified) from what was previously incorporated in the "Definitions" section.

8. Adjusting the Profit-Margin Limitation. In the first-year standards, the profit-margin limitation was intended to constrain price changes to equal (approximately) cost changes in those cases where uncontrollable cost increases precluded compliance with the basic price standard. This limitation consisted of a two-part test:

(a) The profit margin (dollar profit as a percent of sales) in the first year was not to exceed the average profit margin of the best two of the three preceding years.

(b) Dollar-profit growth during the first year was restricted to 6½ percent (plus an adjustment for any positive growth in physical volume) over base-year profit. Base-year profit was allowed to be either actual profit earned during the base year or base-year sales multiplied by the best-two-out-of-three average profit margin. This choice was provided in recognition of the fact that profit is highly volatile from year to year.

In many cases, the choice of the alternative base-year profit measure

allowed firms not only a passthrough of cost surges but also a catch-up from their actual base-year profit margin to their best-two-out-of-three margin. Because of the resulting serious potential for slippage, the Council imposed a condition on some profit-margin exceptions granted or self-administered during the first year. The condition had the effect of tightening up the dollar-profit-growth allowance by constraining dollar profits to an amount consistent with a passthrough of cost changes per unit of output from the base quarter to the fourth quarter of the program year. At the same time, it based allowable dollar-profit growth on a single quarter that might not have accurately reflected the firm's "normal" profit position.

The comments did not provide any consensus on how the limitation should be modified, if at all. Based on the Council's experience, the second-year standard will continue to provide a profit limitation in situations where companies cannot calculate their program-year price change or cannot satisfy the price limitations due to uncontrollable increases in the prices of goods and services they buy. If, however, a company cannot calculate its base-period price change because of a lack of historical records, it will be assigned a two-year price limitation of 10 percent. (If the company is eligible for a gross-margin standard, the Council may provide a constructive gross-margin limitation.)

In applying the profit limitation, the Council will retain the average best-two-out-of-three base for the profit-margin limitation and will impose a 13.5-percent (6.5 percent compounded) limit on dollar profit growth over the two program years. The fourth-quarter condition used during the first program year will not be continued. Instead, to reduce the potential for slippage, the amount of catch-up of dollar profits will be limited to 50 percent. This will be achieved by defining base-year profit as (1) actual base-year profit or (2) the average of actual base-year profit and the multiple of base-year revenue and the best-two-out-of-three margin (rather than the three-out-of-three margin mentioned in the *Issue Paper*).

In response to numerous public comments, the Council will consider in individual cases adjusting price limitations for particularly large increases in costs of raw materials and other particular inputs that the Council may specify, so as to reduce the pressures on companies with such cost increases to move to the profit limitation.

9. *Company Organization.* At the beginning of the first program year, companies were given the option of disaggregating their operations for compliance purposes (i.e., of reporting as one or more distinct compliance units) if certain accounting criteria were satisfied. The disaggregated reporting "company" as defined in the first year will be called a "compliance unit" in the standards for the second year.

Most comments supported the proposition that companies should be permitted to reorganize for compliance purposes for the second program year. In spite of the fact that, in the first year, some companies organized themselves to take advantage of the various available exceptions and exemptions, the Council has decided to allow companies to reorganize for compliance purposes at the outset of the second program year but not thereafter. Changes within companies, changes in the economic circumstances of industries within which various parts of a large company may operate, simple mistakes in past choices of compliance structure, and modifications in the standards justify affording companies full latitude for reorganization. The Council does not believe that this will result in significant slippage because companies are not allowed to reorganize during the program year. This policy will be reflected in the Council's procedural rules.

10. *A Product-Specific vs. A Company-Specific Price Standard.* Because the price standard establishes a limitation based on a company-wide average price increase and does not set limits on price increases for individual items, the standard is not easily monitored by consumers. Throughout the first program year, various groups voiced opposition to the company-wide standard for this reason and requested product-specific price standards. All but one of the public comments, however, strongly supported retention of the company-wide standard. For the reasons set forth in the *Issue Paper*, the Council has decided to continue with the current approach. The Council is, however, pursuing the possibility of requesting companies to post base-period price levels of selected products.

11. *Quarterly Limitations.* The first-year standards included 6-month and 9-month limitations on average price increases in order to deter companies from taking all of their allowable price increase early in the program year. The Council contemplated adopting quarterly limitations in the second year for the same reason. The comments have, however, expressed vigorous

opposition to quarterly limits in general and to a first-quarter test in particular. The principal argument is that such limits increase compliance burdens for those businesses whose pricing and production schedules extend beyond a quarter's length. The difficulty with a first-quarter test in particular is that, for many businesses, first-quarter pricing decisions have already been made on the assumption that, as in the first year, there would not be any difference between the first- and second-quarter limits in the second-year standards.

In response to these sentiments, the Council is not imposing different first- and second-quarter price limitations. In other words, compliance does not require that companies implement their price increases gradually, satisfying a first-quarter limitation that is more restrictive than the second-quarter limitation. On the other hand, the Council could not countenance the absence of any restrictions on first-quarter price increases. For this reason, the standard is cast as a semi-annual limitation to be met on a quarterly basis. However, if price developments during the first quarter suggest the need for more restrictive quarterly limitations, the third quarter limitation may be adjusted downward.

Finally, the Council is eliminating the first-year requirement that companies that justify exceeding quarterly limits on the grounds of seasonality must comply not only with the price standard for the year but also with the profit limitation. The comments suggest, and we agree, that the profit restriction in this context is an unnecessary restraint in view of its limited anti-inflationary benefit.

Each of these changes has been incorporated in the standard, and editorial changes have been made to clarify the Council's interpretations. In addition the proposed language of the standard reflects the decision announced August 27 to begin a twelve-month second program year on October 1, 1979. As we explained earlier, a majority of the comments received on this issue preferred the present October 1 program year, in large part because companies have established compliance plans based on the present system. It was felt that a change at this time would cause unnecessary confusion and additional expense.

Accordingly, Subparts A, C, and D of Part 705, Title 6 CFR are adopted on an interim basis to read as follows:

PART 705—ANTI-INFLATIONARY PAY AND PRICE STANDARD

Subpart A—The Price Standard

Sec.	
705.1	Compliance with the price standard.
705.2	The two-year price limitation.
705.3	Intermediate price limitations.
705.4	Exclusions.
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705.5	Exceptions.

Subpart C—Modified Price Standards for Selected Industries

705.40	General applicability of modified price standards.
705.41	Exceptions.
705.42	Percentage-gross-margin standard for wholesale and retail trade.
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705.45	Gross-margin standard for electric, gas, and water utilities.
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705.47	Federal, state, and local government enterprises, private nonprofit enterprises, and government-subsidized private companies.
705.48	Price standard for medical and dental insurance providers.
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Subpart D—Definitions

705.60	Base—Period price change.
705.61	Base quarter.
705.62	Base year.
705.63	Company.
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705.70	New products.
705.71	Organized exchange market.
705.72	Pay.
705.73	Pay rate.
705.74	Two-year price change.
705.75	Product.
705.76	Product price.
705.77	Profit margin.
705.78	Second program year.

Authority.—Council on Wage and Price Stability Act, Pub. L. 93-387 (August 24, 1974), as amended by Pub. L. 94-078 (August 9, 1975) and Pub. L. 95-121 (October 5, 1977), 12 U.S.C. 1904 note; as last amended by Pub. L. 96-10 (May 10, 1979); E.O. 12092 (November 3, 1978); E.O. 12161 (September 28, 1979).

Subpart A—The Price Standard

§ 705.1 Compliance with the price standard.

A compliance unit complies with the price standard if and only if it satisfies the two-year and the intermediate price limitations in §§ 705.2 and 705.3, subject

to the applicable provisions of 705.4, 705.5, and 705.6.

§ 705.2 The two-year price limitation.

A compliance unit complies with the two-year price limitation if its two-year price change is no greater than the base-period price change or 19 percent, whichever is less. However, a compliance unit will be in compliance with the two-year price limitation regardless of its base-period price change if its two-year price change is 5 percent or less.

(a) The base-period price change is the sales-weighted average of the percentage changes of a compliance unit's product prices from the last calendar or complete fiscal quarter of 1975 to the corresponding quarter of 1977.

(b) If a compliance unit cannot compute its base-period price change because of a lack of historical records, it is assigned a two-year price limitation of 10 percent.

(c) The two-year price change is the sales-weighted average of the percentage changes of a compliance unit's product prices from the last calendar or fiscal quarter completed before October 2, 1978, to the corresponding quarter of 1980.

§ 705.3 Intermediate price limitations.

(a) A compliance unit complies with the 18-month price limitation if the 18-month price change does not exceed three quarters of the two-year price limitation. The 18-month price change is the sales-weighted average of the percentage changes of a compliance unit's product prices from the base quarter to the second quarter of the second program year.

(b) If a compliance unit was granted or properly self-administered a profit-margin exception during the first program year, it complies with the 18-month price limitation if the 18-month price change does not exceed the two-year price limitation less one half of the difference between the two-year price limitation and the price change realized during the first program year.

(c) The sales-weighted average price change from the base quarter to the first quarter of the second program year should not exceed the 18-month price limitation in paragraph (a) or, if applicable, in paragraph (b) of this section. The sales-weighted average price change from the base quarter to the third quarter of the second program year should not exceed the two-year price limitation.

(d) A compliance unit may exceed the intermediate price limitations if it can demonstrate that its price increases:

- (1) Are justified on grounds of seasonal variations in business operations, historical business practices, or unusual business conditions; and
- (2) Will not prevent compliance with the two-year price limitation by the end of the second program year.

§ 705.4 Exclusions.

(a) Producers of goods and services in the following categories should exclude the revenue from the sale of those goods or services from the calculation of the base-period price change and the two-year and intermediate price changes:

(1) Agricultural, fishing, forestry, and mineral products included in the 1972 Standard Industrial Classification Major Groups 01, 02, 08 (except 085), 09, 10 (except 108), 11 (except 1112), 12 (except 1213), 13 (except 1321 and 138), and 14 (except 148).

(2) Recyclable scrap materials, including, but not limited to, ferrous and nonferrous metal scrap, wastepaper, textile waste, scrap rubber, scrap plastics, and glass cullet.

(3) Commodities whose historical and current price changes are closely tied to price movements in an organized exchange market for that commodity, either domestic or foreign, including, but not necessarily limited to, gold, silver, oilseeds, and oil and protein meals.

(4) Interest received.

(5) Exports.

(6) Hospital services subject to price monitoring by the Department of Health, Education, and Welfare.

(7) Services of health maintenance organizations.

(8) Products exchanged in other than arms-length transactions.

(9) New or discontinued products, except that products that were sold by the compliance unit throughout the base period or throughout the first two program years should be included in the respective calculations of the price changes for those periods.

(10) Custom products, except that custom products produced and delivered throughout the base period or throughout the first two program years should be included in the respective calculations of the price changes for those periods.

(b) Deliveries during the two program years at prices determined by contracts in effect before October 2, 1978, should be excluded from the calculation of the two-year and intermediate price changes. This exclusion applies only if the contract clearly specifies the final transaction prices or contains a nondiscretionary formula for determining the final transaction prices (i.e., only if there is no seller discretion to adjust those prices).

§ 705.5 Special situations.

(a) *Insufficient Product Coverage.* If products excluded under § 705.4(a) (8) through (10) account for one-third or more of a compliance unit's total revenue for the first two program years minus revenue from the sale of products excluded under § 705.4(a) (1) through (7) and § 705.4(b), the compliance unit should:

(1) comply with the two-year and intermediate price limitations in §§ 705.2 and 705.3 for those products not excluded under § 705.4, unless those products account for less than \$50 million in sales during each of the first two program years; and

(2) comply with the profit limitation in § 705.6(a) for the compliance unit as a whole.

(b) *Acquisitions.* A company acquired after September 30, 1975, may be combined with the acquiring company or may be treated as a separate compliance unit.

(c) *Divestitures.* A company should exclude the data for any divested entity from all calculations.

§ 705.6 Exceptions.

(a) *Inability to Compute and Uncontrollable Costs.* If a compliance unit cannot calculate its two-year and intermediate price changes or cannot comply with the two-year or intermediate price limitations because of uncontrollable increases in the prices of the goods and services that it buys, it should satisfy the following two-part profit limitation:

(1) The profit margin in the second program year should not exceed the sales-weighted average profit margin for the best two of the compliance unit's last three fiscal years completed before October 2, 1978. In addition, the profit margin during each quarter of the second program year should not exceed the same sales-weighted average unless it can be demonstrated that any excess is consistent with an explicit plan, based on reasonable projections of economic conditions, to achieve compliance for the second program year as a whole.

(2) Second-program-year profit should not exceed base-year profit by more than 13.5 percent plus any positive percentage growth in physical volume from the base year to the second program year. Base-year profit can be either (i) actual base-year profit or (ii) base-year revenue times the average of the base-year profit margin and the average profit margin determined in subparagraph (1) above.

(b) *Undue Hardship and Gross Inequity.* The Council may except a compliance unit from, or make appropriate adjustments to, the price

limitations or the profit limitation if their application would cause undue hardship or gross inequity.

(1) An undue hardship exists if application of the price standards would seriously threaten the company's financial viability.

(2) A gross inequity is any situation that, in the Council's judgment, is manifestly unfair.

Subpart C—Modified Price Standards for Selected Industries

§ 705.40 General applicability of modified price standards.

This Subpart provides modified price standards for industries for which the price standard in Subpart 705 A may be inappropriate.

§ 705.41 Exceptions.

(a) Except as noted in the following sections, a compliance unit eligible to apply a modified price standard may alternatively comply with the two-part profit limitation in § 705.6(a) if and only if it can demonstrate that: (1) It cannot make the calculations required for the modified standard; or (2) as a result of uncontrollable cost increases, compliance with the modified standard would cause a significant deterioration of the compliance unit's profit position.

(b) The Council may except a compliance unit from, or make appropriate adjustments to, the relevant modified standard if application of the relevant modified price standard would cause undue hardship or gross inequity within the meaning of § 705.6(b).

§ 705.42 Percentage-gross-margin standard for wholesale and retail trade.

(a) *Eligibility.* (1) A compliance unit in the wholesale and retail trade industries (1972 Standard Industrial Classification Major Groups 50 through 59, including food service operations but excluding manufacturing sales branches and offices) is eligible for a percentage-gross-margin standard as an alternative to the price standard in Subpart 705 A.

(2) Notwithstanding the definition of "compliance unit" in Subpart 705 D, manufacturing and processing operations of a compliance unit applying the percentage-gross-margin limitation must be treated as separate compliance units under Subpart 705 A or the appropriate modified standard in Subpart 705 C if the base-year sales of these operations exceeded either \$50 million or 10 percent of the 1978 sales of the wholesale and/or retail operations. The transfer-price policy of vertically integrated companies must be consistent over time.

(b) *Definition.* (1) The *gross margin* is net sales (gross sales adjusted for

discounts, returns coupons, and other allowances) less the cost of goods sold. For manufacturing or processing operations that are allowed to be aggregated with wholesale and retail operations, the gross margin is net sales less the cost of material inputs used in the manufacturing or processing operations.

(2) The *percentage gross margin* is the gross margin divided by net sales.

(3) The *margin trend* is the percentage change of the percentage gross margin between the base year and the corresponding year prior to October 2, 1978. If this percentage change is negative, then the *margin trend* is zero.

(4) In computing its percentage gross margin, a compliance unit may adjust for changes in the composition of sales at any reasonable level of aggregation, such as division, department, product category, or individual product level, but such adjustments must be made consistently.

(c) *Annual Percentage-Gross-Margin Limitation.* A compliance unit complies with the annual percentage-gross-margin limitation if its percentage gross margin in the second program year does not exceed its percentage gross margin during the base year plus its margin trend.

(d) *Intermediate Percentage-Gross-Margin Limitations.* A compliance unit complies with the intermediate percentage-gross-margin limitation if

(1) Its percentage gross margin in each of the first and second quarters of the second program year does not exceed its base-year percentage gross margin by more than 87.5 percent of its margin trend, and

(2) Its percentage gross margin in each of the third and fourth quarters of the second program year does not exceed its base-year percentage gross margin by more than 112.5 percent of its margin trend.

(e) If a compliance unit was granted or properly self-administered a profit-margin exception during the first program year, it need not comply with the intermediate limitations in paragraph (d) of this section. However, during the second program year, any percentage-gross-margin increases allowable under paragraph (c) of this section should be implemented in equal quarterly increments.

(f) A compliance unit may exceed the intermediate limitations in (d) if it can demonstrate that its percentage-gross-margin increases

(1) Are justified on grounds of seasonal variations in business operations, historical business practices, or unusual business conditions, and

(2) Will not prevent compliance with the annual limitation in paragraph (c) of this section.

(g) *Inability to Compute.* If a compliance unit is unable to compute its percentage-gross-margin limitation because of a lack of historical data, the Council may assign it a gross-margin limitation.

§ 705.43 Gross-margin standard for food manufacturing and processing.

(a) *Eligibility.* A compliance unit in the food manufacturing and processing industries (1972 Standard Industrial Classification Major Group 20, excluding 2082, 2083, 2084, and 2085; i.e., including nonalcoholic but excluding alcoholic beverage industries) is eligible for a gross-margin standard as an alternative to the price standard in Subpart 705 A.

(b) *Definitions.* (1) The *gross margin* is equal to net sales (gross sales adjusted for discounts, returns, coupons, and other allowances) less the cost of food products used in food manufacturing and processing.

(2) In computing its gross margin, a compliance unit may adjust for changes in the composition of sales at any reasonable level of aggregation, such as division, department, product category, or individual product level, but such adjustments must be made consistently.

(c) *Annual Gross-Margin Limitation.* A compliance unit complies with the annual gross-margin limitation if its gross margin in the second program year does not exceed its base-year gross margin by more than 13.5 percent plus any positive percentage growth in physical volume over base-year volume.

(d) *Intermediate Gross-Margin Limitations.* A compliance unit complies with the intermediate gross-margin limitations if

(1) Its gross margin in each of the first and second quarters of the second program year does not exceed one-fourth of its base-year gross margin by more than 12 percent plus any positive percentage growth in physical volume over the base-year quarterly average volume, and

(2) Its gross margin in each of the third and fourth quarters of the second program year does not exceed one-fourth of its base-year gross margin by more than 15 percent plus any positive percentage growth in physical volume over the base-year quarterly average volume.

(e) If a compliance unit was granted or properly self-administered a profit-margin exception during the first program year, it need not comply with the intermediate gross-margin limitations in paragraph (d) of this section. However, during the second

program year, any gross-margin increases allowable under paragraph (c) of this section should be implemented in equal quarterly increments.

(f) A compliance unit may exceed the intermediate gross-margin limitations in paragraph (d) of this section if it can demonstrate that increases in excess of these limitations

(1) Are justified on the grounds of seasonal variations in business operations, historical business practices, or unusual business conditions, and

(2) Will not prevent compliance with the annual gross-margin limitation in paragraph (c) of this section.

(g) *Physical Volume Increases.* Physical volume increases to be used in justifying increases in gross margins may be computed by deflating revenues using a measure of price increases as the deflator, or by computing changes in units or tonnage sold when such units are revenue weighted by major product categories.

(h) *Inability to Compute.* If a compliance unit is unable to compute its gross-margin limitation because of a lack of historical data, the Council may assign a gross-margin limitation.

§ 705.44 Gross-margin standard for petroleum-refinery operations.

(a) *Eligibility.* Petroleum refiners are eligible for a gross-margin standard as an alternative to the price standard in Subpart 705A for their refinery operations.

(b) *Definitions.* (1) Petroleum refiners are "refiners" as defined in § 212.31 of Department of Energy regulations, 10 CFR 212.31 (in brief, a firm that refines, blends, or substantially changes crude oil and certain petroleum products, and sells its output to resellers, retailers, or ultimate consumers).

(2) Notwithstanding the definition of "compliance unit" in Subpart 705D, a petroleum refiner may disaggregate its operations into the following three groups and treat each as a separate compliance unit:

(i) Petroleum-refinery operations (including distribution and marketing of petroleum products);

(ii) Crude-oil and natural-gas production to the point of first sale or transfer; and

(iii) All other operations.

(3) For petroleum-refinery operations, the *gross margin* is net sales (gross sales adjusted for discounts, rebates, and other allowances) less the cost of petroleum inputs associated with those sales, including crude oil, feedstock, blendstock, finished petroleum products purchased for resale, natural gas, natural gas liquids, and natural gas-liquid products. The gross margin must

be adjusted to remove the effects of changes in the mix of inputs and outputs. For example, a shift to greater utilization of crude and away from blends or a shift away from gasoline to middle distillates).

(c) *Annual Gross-Margin Limitation.* A petroleum-refinery operation complies with the annual gross-margin limitation if its gross margin per barrel in the second program year does not exceed its gross margin per barrel in the base year by more than 13.5 percent.

(d) *Intermediate Gross-Margin Limitations.* A petroleum-refinery operation complies with the intermediate gross-margin limitations if:

(1) Its gross margin per barrel in each of the first and second quarters of the second program year does not exceed its gross margin per barrel in the base year by more than 12 percent, and

(2) Its gross margin per barrel in each of the third and fourth quarters of the second program year does not exceed its gross margin per barrel in the base year by more than 15 percent.

(e) If a compliance unit was granted or properly self-administered a profit-margin exception during the first program year, it need not comply with the intermediate gross-margin limitations in paragraph (d) of this section. However, during the second program year, any gross-margin increases allowable under (c) should be implemented in equal quarterly increments.

(f) A compliance unit may exceed the intermediate gross-margin limitations in paragraph (d) of this section, if it can demonstrate that increases in excess of these limitations

(1) Are justified on the grounds of seasonal variations in business operations, historical business practices, or unusual business conditions, and

(2) Will not prevent compliance with the annual gross-margin limitation in paragraph (c) of this section.

(g) *Applications of the Profit Limitation.* If any of the compliance units of a petroleum refiner properly evaluated its compliance under the two-part profit limitation in § 705.6(a), it should follow generally accepted accounting principles and procedures in allocating costs and expenses to the respective compliance units if they have historically made these allocations. Costs that have not historically been allocated (for example, unallocated corporate overhead expenses) may be allocated to the compliance unit, other than the crude-oil and natural-gas production units that has the largest dollar sales volume, or in any other reasonable manner, as long as it is done

consistently in the base quarter and the second program year.

§ 705.45 Gross-margin standard for electric, gas, and water utilities.

(a) *Eligibility.* Utilities that sell electric power at retail or wholesale, that sell natural gas at retail or wholesale but not at the wellhead, and that provide drinking water at retail or wholesale are eligible for a gross-margin standard as an alternative to the price standard in Subpart 705A.

(b) *Definitions.* (1) For electric and gas utilities, the *gross margin* is sales less the cost of purchased fuels, gas, and power.

(2) For water utilities, the *gross margin* is sales less the cost of purchased water and power.

(c) *Gross-Margin Standard.* A compliance unit complies with the gross-margin standard if its gross margin in the second program year does not exceed its gross margin in the base year by more than 13.5 percent plus any positive percentage growth in physical volume over the same period.

§ 705.46 Professional—Fee standard.

(a) *Coverage.* (1) This standard applies to fees and charges for the services of physicians, dentists, lawyers, accountants, engineers, architects, outside directors, and other professionals; these include all activities included in 1972 Standard Industrial Classification Major Groups 80 (except 805, 806, 808, and 809), 81, 891, and 893. (2) All compliance units that provide professional services on a fee-for-service basis, regardless of the proportion of the compliance unit's total revenue that is derived from professional services, are expected to comply with the professional-fee standard for that portion of the compliance unit's revenue. For other lines of business, the compliance unit should comply with the applicable price standard in Subparts 705 A or 705 C.

(b) *Professional-Fee Standard.* A compliance unit complies with the professional-fee standard if:

(1) The sales-weighted average percentage change in fees from the base year to the second program year does not exceed 13.5 percent, and

(2) The percentage increase in the fee for any single service from the base year to the second program year does not exceed 19 percent.

The period used to determine sales-volume weights should be a period of time that is representative of normal business operations.

§ 705.47 Federal, State, and local government enterprises, private nonprofit enterprises, and government-subsidized private companies.

(a) Subject to paragraph (c) of this section, government enterprises as defined in paragraph (b) of this section and private nonprofit enterprises should comply with the price standard in Subpart 705 A or the appropriate alternative standard in Subpart 705 C.

(b) A government enterprise is any unit of a Federal, State, or local government for which data are available to determine compliance and that satisfies either of the following conditions:

(1) It is the U.S. Postal Service, a college or university, a toll facility, an alcoholic-beverage store, a commissary (retail outlet), a parking system, a port authority, an airport, an electric, gas, sewer, water, or other utility, a transportation service, a housing authority, or a health facility other than a hospital; or

(2) Its base-year operating revenue (i.e., revenue from sales of goods and services) equals at least 50 percent of base-year operating expenses.

(c) Government enterprises and private compliance units that receive government operating subsidies should use a subsidy-adjusted price change for both the base period and the two-year program period. In either period, the subsidy-adjusted price change is the weighted sum of the percentage price change and the percentage change in the operating subsidy per unit of output during that period. The price change is weighted by revenues from sales of goods and services divided by the sum of these revenues and total operating subsidies. The change in the subsidy per unit of output is weighted by total operating subsidies divided by the sum of revenues from sales of goods and services and total operating subsidies.

$$BPPC = \left[\left(\sum_i S_i \times \frac{P_i(77)}{P_i(75)} \right) - 1.0 \right] \times 100$$

where

BPPC = the base-period price change;

$P_i(77)$ = price of the i th product in the last complete fiscal or calendar quarter of 1977;

$P_i(75)$ = price of the i th product in the last complete fiscal or calendar quarter of 1975;

S_i = i th-product sales share (i.e., the i th-product sales divided by total sales) in the last complete fiscal or calendar quarter in 1975; and

\sum_i = the summation sign, where the subscript i runs over all products not excluded in 705A-4.

During the base period, weights are determined by using the revenues and operating subsidies in the last calendar or complete fiscal quarter of 1975.

During the program year, weights are determined using the revenues and operating subsidies in the last calendar or fiscal quarter completed before October 2, 1978.

(d) If a government enterprise or a private nonprofit enterprise cannot comply with the price standard in 705 A or the appropriate alternative standard because it cannot calculate its price change or because of uncontrollable increases in the prices of goods and services that it buys, it should comply with the profit limitation in § 705.6(a) substituting the terms "operating margin" for "profit margin" and "operating surplus" for "profits." If the compliance unit utilizes fund accounting, operating surplus is the budget line item "net increases in current fund balance" and operating margin is operating surplus divided by operating funds or revenues. Compliance units reporting deficits in their current fund balance may be excepted from this standard if they qualify for an exception based on undue hardship or gross inequity.

§ 705.48 Price standard for medical and dental insurance providers. [Reserved]

§ 705.49 Price standard for providers of insurance other than medical and dental insurance. [Reserved]

§ 705.50 Standard for financial institutions. [Reserved]

Subpart D—Definitions

§ 705.50 Base-period price change.

The base-period price change is the sales-weighted average of the percentage changes in product prices from the last calendar or complete fiscal quarter of 1975 to the corresponding quarter of 1977. It may be computed using the following formula:

The choice of fiscal or calendar quarters must be consistent throughout the compliance unit's calculations.

§ 705.61 Base quarter.

The base quarter is either (a) the compliance unit's last complete fiscal quarter before October 2, 1978, or (b) the calendar quarter July 1, 1978, through September 30, 1978, except as otherwise specified in a modified price standard.

§ 705.62 Base year.

The base year is the four calendar or fiscal quarters ending before October 2, 1978, except as otherwise specified in a modified price standard.

§ 705.63 Company.

A company is any independent contractor, sole proprietorship, partnership, corporation, association, estate, trust, or any other entity, however organized, that is engaged in domestic business operations and that is neither controlled nor owned by another entity. The term "company" includes Federal, State, and local government entities.

§ 705.64 Compliance unit.

(a) A compliance unit is a company or part of a company separately identified for purposes of compliance with the pay or price standards. An unconsolidated, controlled entity must be treated as a separate compliance unit. Entities that are consolidated should be consolidated in accordance with 17 CFR 210.4-01 to 210.4-09 prescribed by the Securities and Exchange Commission.

(b) One or more parts of a consolidated company may be treated as a separate unit for purposes of complying with the price standard if

(1) Each part maintains accounting records that permit the Council to ascertain whether the prices and profits of each part accurately reflect the economic realities of its operations.

(2) Allocation of overhead among the parts is made in a consistent and reasonable manner, as if the parts were not commonly owned.

(3) Transfers between parts are valued as if they were arms length transactions, and

(4) Internal accounting procedures adhere to generally accepted accounting principles and procedures, consistently and historically applied.

§ 705.65 Custom product.

A custom product is one that is produced specifically to the unique

specifications of a particular buyer. Such products must have characteristics that are substantially different from those of any other product sold by the company. A product is not substantially different merely because of differences in specifications, style, packaging, or quality. If such differences are significant, appropriate adjustments should be made when measuring prices.

§ 705.66 Employee.

An employee is any individual residing in the United States who is either an employee within the meaning of Section 3121(d) of the Internal Revenue Code, 26 U.S.C., or the National Labor Relations Act, as amended, 29 U.S.C. Sec. 151 *et seq.*

§ 705.67 First program year.

A compliance unit's first program year is the one-year period immediately following its base quarter.

§ 705.68 Future-value incentive plans.

Future-value incentive plans include any long-term plans under which units (shares, stock options, awards, shares subject to option, or investment amounts) are granted or issued, the compensation value of which will not be known until some future time. Examples of these include qualified and nonqualified stock options, performance share plans, performance unit plans, stock appreciation rights, restricted stock or property plans, phantom-stock plans, and book-value plans.

§ 705.69 Health maintenance organization.

A health maintenance organization is one that provides health services to its members on a prepaid basis either directly or under contract.

§ 705.70 New products.

A new product is one that is introduced during either the base period or the first two program years. A product does not become new merely because of changes in specifications, style, packaging, or quality. If such changes are significant, appropriate adjustments should be made in measuring prices (for example, quality decreases should be reflected as price increases and quality increases as price decreases).

§ 705.71 Organized exchange market.

A market qualifies as an organized exchange market only if the following three conditions are satisfied:

(a) The market is established for a specific purpose and is governed by a defined set of rules regarding (1) eligibility for participation in the market, (2) the roles of participants (including

buyers, sellers, and middlemen or specialists), (3) offers, acceptances, and rejections of bids and (4) the procedure for an exchange.

(b) The exchange prices are determined exclusively within the act of exchange and are unaffected by the requirements or resources of individual buyers or sellers.

(c) The price determined on the exchange is equal to the price paid by the individual taking physical delivery of the commodity.

§ 705.72 Pay.

Pay includes the following:

(a) The straight-time wage and salary paid during the compliance unit's customary pay period, including, where applicable, payments for shift differentials, skill differentials, and cost-of-living adjustments;

(b) Incentive pay and other forms of income such as:

(1) Sales commissions and production-incentive pay;

(2) Bonuses and other annual incentive compensation charged when earned (that is, when the services are performed that generate the compensation);

(3) Compensation from long-term incentive plans (other than those covered under 705B-5) new future-value incentive plans; and other similar compensation arrangements charged when accrued; and

(4) Job perquisites and other forms of compensation not covered elsewhere in this definition but reported as income under the Internal Revenue Code and its interpretive regulations and rulings.

(c) Employer contributions or costs for the following fringe benefit items:

(1) Pay for time not worked (e.g., paid vacations and holidays, sick leave and other paid leave);

(2) Saving and thrift plans such as qualified stock bonus plans, qualified

profit-sharing plans, employee stock-ownership plans, and other qualified defined-contribution plans;

(3) Qualified defined-benefit retirement plans;

(4) Health benefit plans; and

(5) Life insurance, accident insurance, legal assistance, educational assistance, and other plans resulting in benefits to employees but not reported as income.

(d) Pay does not include overtime wages as long as the conditions of that pay are unchanged. Also, pay does not include employer contributions for legally-mandated benefit programs.

§ 705.73 Pay rate.

An employee unit's pay rate in any quarter should be determined in a manner consistent with the employer's accounting practices. Pay rates should be constructed as pay per straight-time hour worked. Pay rates should be the average rates for the employee unit over the quarter or as of the last customary pay period within the quarter. When employer costs for certain pay elements are incurred irregularly (for example, bonus payments and vacation pay) these items should be included according to the pay programs in effect at the end of the quarter and should be included in pay-rate computations as though they were incurred evenly over time. For employees not compensated on an hourly basis, an estimate of straight-time hours worked should be made and applied consistently. The method used to compute pay rates must be applied consistently in all measurement periods.

§ 705.74 Two-year price change.

The two-year price change is the sales-weighted average of the percentage changes in product prices from the base quarter to the corresponding quarter of 1980. It may be computed using the following formula:

$$TYPC = \left[\left(\sum_i S_i \times \frac{P_i(80)}{P_i(78)} \right) - 1.0 \right] \times 100$$

where

TYPC = the price change over the first two program years;

$P_i(80)$ = the price of the i th product in the 1980 quarter corresponding to the base quarter;

$P_i(78)$ = the price of the i th product in the base quarter;

S_i = i th-product sales share (i.e., the i th-product sales divided by total sales) in the base quarter; and

\sum_i = the summation sign, where the subscript i runs over all products not excluded in 705A-4.

The choice of fiscal or calendar quarters must be consistent throughout the compliance unit's calculations.

§ 705.75 Product.

A product is a category of goods and/or services that is established by the compliance unit for purposes of complying with the price standard. These groupings should be established in such a manner that the measured price changes for each product reasonably reflect the changes in the prices of the individual goods and services contained within the category. The method of establishing product groups must be applied consistently in all measurement periods.

§ 705.76 Product price.

The price of a product during a quarter is computed by dividing the revenues from sale or lease of the product by the number of units sold or leased. Prices may be measured at the end of a calendar or fiscal quarter only if prices have remained substantially unchanged during the quarter. A product price may be determined from a sample of the individual goods and services in the product category, in which case the sampling methods must follow sound statistical procedures. List prices may be used only if percentage changes in these prices are representative of percentage changes in actual transaction prices.

§ 705.77 Profit margin.

A compliance unit's profit margin is the ratio of profit to net sales and/or revenues.

(a) Profit is defined as the sum of item 14 and items 11 through 13 minus items 7 through 10 in 17 CFR 210.5-03. Briefly, profit is "income or loss before income tax expense" minus dividend income, interest or profit on securities, and miscellaneous other income, plus interest and amortization of debt discount and expense, losses on securities, and miscellaneous income deductions.

(b) Net sales and/or revenues consist of net sales of tangible products (gross sales less discounts, returns, and allowances), operating revenues of public utilities, and other revenues such as royalties, rents, and the sale of services and intangible products (e.g., engineering, research and development, and other professional services). This definition is consistent with 17 CFR 210.5-03, items 1A, 1B, and 1C.

§ 705.78 Second program year.

The second program year is the one-year period immediately following the

compliance unit's first program year.

Dated: September 28, 1979.

R. Robert Russell,

Director, Council on Wage and Price Stability.

[FR Doc. 79-30648 Filed 10-1-79; 9:03 am]

BILLING CODE 3175-01-M

6 CFR Part 706

Procedural Rules

AGENCY: Council on Wage and Price Stability.

ACTION: Interim Final Procedural Rules for the Second Program Year, with comments requested.

SUMMARY: The Council's rules in 6 CFR Part 706 are being revised to simplify and streamline the procedures for submitting materials to the Council, for requesting approval of exceptions to the pay and price standards, and for determining whether there is noncompliance with those standards.

On August 17, 1979, the Council published in the *Federal Register* (44 FR 48632) proposed revised procedures and solicited public comment, not only on those procedures, but also on all aspects of the administration of the standards. After considering the comments received, the procedures have been further modified and are being published in interim final form pending publication of final substantive standards. The changes from the procedures previously published in the *Federal Register* are explained in the narrative below.

DATES: The effective date of the revised Part 706 is October 1, 1979. Comments on these interim procedures must be received on or before October 17, 1979.

ADDRESS: Comments should be addressed to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Jane Campana (202) 456-8210.

ANALYSIS OF COMMENTS AND CHANGES:

Second-Year Procedural Rules

Introduction

In a separate document released today, the Council has set forth its conclusions about the substantive aspects of the second-year voluntary pay and price standards. The procedural aspects of the program have also been re-evaluated. The Council published in

the *Federal Register* on August 17, 1979, proposed revisions of its rules, on the basis of its own experiences during the first year as well as suggestions offered during the year by those affected by the program. At the same time, we solicited public comments by September 17 on all aspects of the administration of the standards.

Over 40 comments were filed, most of which provided detailed and thoughtful analyses of our procedures. Although they included some criticism of the Council's early administration of the standards, their general tenor was that the Council's practices and decision-making processes had improved over the course of the year.

Some of the comments offered specific recommendations for further changes, many of which we have adopted. These will be discussed below. Two general comments, however, deserve special emphasis: (1) That the Council should explain more fully the basis for its decisions; and (2) that the Council should more frequently (or systematically) issue general interpretations of the standards. These suggestions are good ones, and, in the second program year, the Council will continue to try to improve its performance in these respects. It should be recognized, however, that the factual basis for particular decisions (or even for interpretations) are usually confidential, and therefore it is often difficult to explain adequately the predicate for a particular result. Nonetheless, we expect to provide more guidance during the second program year through more effective use of questions and answers, which will demonstrate how general principles apply to particular (perhaps hypothetical) facts. To help in this effort, we encourage interested persons to submit written questions to the Council, along with proposed answers. We will publish the ones that appear to have general application.

There follows a detailed discussion of the revisions to the proposed procedural rules, and the rules themselves. These rules do not reflect the future roles of the Advisory Committees announced today. When these Committees develop formal operating procedures, they will be published in proposed form and public comment will be solicited. Any resulting rules will ultimately be incorporated in this Part 706. In addition, a new Part 707, specifying data and other information to be included in reports and exception requests, will be

published for public comment in mid-October.

Subpart A—General Provisions

One comment noted that the signature requirement for submissions to the Council differs from the one on the periodic reporting forms, PM-1 and PAY-1. In response, we have modified the language of § 706.5 to be consistent with Form PAY-1; Form PM-1 will be similarly modified.

Several comments indicated uncertainty as to whether persons should file multiple copies of documents. In order to minimize administrative burdens, we have decided that only a single copy of any document need be filed, unless it contains confidential information. In that event, § 706.6 explicitly states that a duplicate copy from which the confidential information is expurgated should be submitted. This enables the Council to satisfy its public disclosure requirements without breaching the assurance of confidentiality for certain data.

Several persons asked whether, under § 706.8, the Council intends to count only business days in computing time. The plain meaning of this section is that only business days are counted, unless another section specifically states that the time is to be counted in calendar days. Accordingly, unless otherwise specified, the three additional days added to any time period when notice of the Council's action is sent by mail are business days only.

Other comments suggested that the time period begin running on receipt of notice of the Council's action, rather than from the date it was taken. The date of the Council's action is the date of decision or notice, or the date of the cover letter, whichever is later. The Council's decisions and notices are generally sent the day they are dated. While a rule pegged to the receipt date might be preferable when there are unusual delays in the mail, it would be difficult to administer and unusual delays of this kind may serve as a ground for a request for extension of time.

With respect to extensions of time, § 706.9 will be modified in response to the public comments to state explicitly that extensions should be addressed to, and will be granted by, the Office of the General Counsel. In addition, the General Counsel's Office will continue its practice of granting extensions over the telephone, with confirmation in writing by the person making the request.

Subpart B—Reports and Notifications

The Council has attempted to respond to the public comments on company-organization submissions by including a new paragraph (a) that makes explicit that a company may reorganize its compliance units and employee units at the outset of the second year, but not thereafter. As noted in the discussion of the design of the price standard (issue A.9), and initial opportunity to reorganize is necessary to remedy changed circumstances or past errors; but subsequent reorganizations might well be used to evade the standards and are thus not permitted.

The most critical comments concerned the provision of § 706.21(b), which requested a statement of assurance that a company intends to comply with the pay standard. Most commentators thought the request was unnecessary; some believed it to be inconsistent with the spirit of a voluntary program; others said it was an affront to employees. On reflection, the Council agrees that the request is unnecessary, and has deleted it. In that same section, the proposed request that a company state its method of computation for pay compliance has also been deleted, because it duplicates information requested on Form PAY-1.

With respect to periodic submissions—specifically Forms PM-1 and PAY-1—the Council has made certain changes in response to the public comments, but it has rejected others. Specifically, we cannot accept the suggestion that there be no quarterly Form PM-1 reports since such data are necessary for the effective monitoring of price compliance. On the other hand, we have extended the time for filing these forms to 45 calendar days after the end of each quarter and 60 calendar days after the last quarter of the year. On the pay side, many comments objected to the increase in the number of units required to report: as drafted, the rules would have required a small compliance unit that is part of a large company to file Form PAY-1. In response to these comments, and to reduce reporting burdens, § 706.22 has been redrafted to apply only to compliance units of 5,000 or more employees. Several comments also opposed the semi-annual submission of Form PAY-1. Again, in response to the expressed concerns, this section has been modified to call for prospective data by March 31, 1980, and actual program-year data within 60 calendar days after the end of the program year. Although we thus still contemplate two filings, the first simply calls for prospective data, which should not pose any additional burden on complying companies, who must make

such projections in any event. So too, we are not extending the time for filing year-end data to 90 days (even though it would permit more precise calculation of some executive bonus plans) since, as a general rule, a 60-calendar-day period should be adequate; those in any unusual situations can request an extension of time.

Finally most of the comments on § 706.23, relating to submissions by State and local governments, suggested that there be a dollar threshold for reporting by government enterprises such as universities, water districts, etc. It was noted that requiring every government enterprise to report could create a monumental burden, not only on these enterprises, but also on the Council. These comments are well taken and, accordingly, we have decided to treat these entities as commercial entities are treated. In this connection, it should be noted that government enterprises are included in the definition of "company" in Subpart 705D, and therefore those with \$250 million or more in net sales or revenues would be subject to the same periodic price-reporting requirements as commercial entities; similarly, those with 5,000 or more employees would be subject to the same pay-reporting requirements as commercial entities.

Subpart C—Requests for Approval of Exceptions

Most of the comments on § 706.31 requested some guidance on whether first-year exceptions continue automatically into the second program year or whether a new request for an exception must be filed. A new paragraph (d) has been added to clarify the procedure: A compliance unit should submit a new request, but it need not resubmit data already on file with the Council. On the other hand, we have rejected the suggestions that all exceptions be self-administered or that the threshold for requesting them be raised. We believe that the opportunity for us to review exception requests is an important element of the program; this review not only provides a check on companies' compliance but also contributes to our understanding of the program's effect on differently situated companies. Moreover, § 706.32 has been modified to make clear that entities self-administering exceptions are expected to retain supporting documentation. The Council will continue to check their compliance and will not permit companies to use self-administration of an exception as a defense, unless it is supported by contemporaneous documentation.

With respect to the provisions for discretionary approvals of exceptions in paragraph (b), some of the comments asked what constitutes "good cause." Earlier Council statements have indicated that good cause would exist, for example, when a company has reached a labor settlement contingent on a determination of compliance or when uncertainty as to the application of the standards would have serious adverse effects on a company. Any attempt to provide a more specific definition would, we believe, be counterproductive, in that it might have the effect of foreclosing other equally meritorious, but unforeseen, situations.

In response to the comments, we have increased the page limitation in § 706.33 to 15, exclusive of supporting documentation. We have not, however, adopted the suggestion that a conference should be scheduled before an exception is denied. On the other hand, a new paragraph (d) has been added to § 706.31 to make clear that a request for a conference may be made at any time.

A significant number of comments recommended that companies be allowed to self-administer an exception if the Council has not acted within a certain period of time, citing the urgency of most requests and the pecuniary loss that could result from delay. In response to these comments, a new paragraph (c) has been added to § 706.33, which provides a procedure for requesting an expedited decision. We recognize that our delay in processing exception requests was a problem in the first program year. We are committed to proceeding more expeditiously during the second year. Nonetheless, because there may be a very large number of requests filed at the beginning of the program year, it would not be prudent to set a strict deadline for Council action. This is particularly so since, during the first year, a significant contributor to the delay was the fact that many of the submissions did not contain all of the data necessary for processing the request.

Section 706.34, relating to notice to interested persons, has been revised to eliminate the requirement that companies serve unions (or employee units) and that unions (or employee units) serve companies with copies of pending requests. This request, while serving a useful function, adds unduly to the administrative burden of the program.

Comments of § 706.35 urged the Council to notify a company of the purpose of any investigation; the suggestion is a good one and we have adopted it. Another comment suggested

that any deadline for submission of information be reasonable; we have added language to this effect.

The statement in § 706.36 that the Council may condition its approval of an exception in any manner that it considers appropriate was the focus of several strongly worded objections. Those commenting were concerned specifically about the Council's practice in the first program year of imposing a fourth-quarter condition in grants of profit-margin exceptions. The merits of that particular condition need not be debated for the second program year, since the standards themselves have been redrafted to achieve essentially the same objective. As a general proposition, however, we believe that the Council may impose any condition that furthers the objectives of the program, and we have modified the language of § 706.37(b) accordingly.

A question has been raised as to whether companies that are denied an exception may submit additional exception requests based on the same facts or arguments. A new paragraph (c) of § 706.37 states that, for the second program year, the issues raised at the time of the initial decision may not be resubmitted, but that new requests may be filed based upon new facts.

Subpart D—Special Investigations

This Subpart received the fewest comments, and the only substantive change has been the addition of language to the effect that any request for information will be accompanied by a statement of the purpose of the request and the nature of the Council's need for the information.

Subpart E—Determination of Noncompliance

The principal issue discussed in the comments on this Subpart was the Council's policy with respect to the release of the names of recipients of Notices of Probable Noncompliance. It was argued that this practice can seriously, irretrievably and unfairly damage a company's good name. Some recommended that the Council not publicize names at all; others recommended that there be no publicity unless there is concrete evidence of noncompliance. Because of these concerns, the Council will continue its policy, adopted in the latter part of the first year, of not publicizing those who have received Notices unless there are compelling reasons to do so.

With respect to § 706.52, "Notice and Reply," several comments pointed out the difficulty of serving notice on employee units. Here, as in the Subpart

dealing with exceptions (and for the same reasons), the requirement has been eliminated.

Several comments stated that a conference should be provided routinely before a Notice of Probable Noncompliance is issued. Section 706.52 provides that any recipient of a Notice may request a conference and that, if requested, the Council will arrange for one at a suitable time and location. No additional language is required. So too, we are not extending the time in which to respond to a Notice of Probable Noncompliance; again, extensions are provided in those instances where good cause is shown.

Subpart F—The List of Noncompliers

Only a few comments discussed this Subpart, urging that the Council afford longer time periods or provide a hearing and/or reconsideration as a matter of right. We have adopted neither of these suggestions—the former for the reasons set forth above; the latter because it would unduly encumber the process without providing any appreciable advantage in terms of developing a full and fair record for decision-making.

Subpart G—Reconsideration

We have reordered §§ 706.71 and 706.72 to clarify the process of requesting reconsideration. Once again, despite recommendations to the contrary, we have not extended the time period set forth in this Subpart. As in the case of exception requests and Notices of Probable Noncompliance, we have deleted the requirement that specified persons be served with copies of the request. We have also added a clause explicitly stating that facts and arguments not presented at the time of the initial decision may be presented on reconsideration, but that repeated requests based on essentially the same facts and arguments are not permitted.

Some comments suggested that both a hearing and a conference be provided upon request. Our procedures do precisely that, and we have changed the wording slightly to make this clear. Others suggested that hearings and/or conferences automatically be held in the case of every request for reconsideration. We see no point in doing so, since our rules provide for hearings and conferences on request, and in many instances companies prefer to dispense with the formalities of a time-consuming hearing and opt, instead, for a more informal conference with Council officials.

Several other comments suggested various changes in the conduct of the hearings. Some suggested that issues of

law and/or policy be made legitimate matters of contention in the hearings and that any restraints by the Hearing Officer on the facts or arguments presented be eliminated. This suggestion was rejected because it would unduly burden the process to permit the introduction of matters that are irrelevant or inappropriate for a Hearing Officer to decide.

Others called for specific procedures for each and every step in the process, including specification of the qualifications of the Hearing Officer. We believe the objectives of the program are better served by stressing the general principles of due process, leaving the details to be worked out on a case-by-case basis.

One suggestion that we believe is worthwhile is that the report of the Hearing Officer be made available to the party who requested the hearing, and § 706.74 has been so amended.

Accordingly, 6 CFR Part 706 is revised on an interim basis to read as follows:

PART 706—PROCEDURAL RULES

Subpart A—General Provisions

- Sec. 706.1 Purpose and scope.
- 706.2 Definitions.
- 706.3 Appearances before the Council.
- 706.4 Actions by the Council.
- 706.5 Submission of documents.
- 706.6 Confidential material.
- 706.7 Service of documents.
- 706.8 Computation of time.
- 706.9 Extension of time.
- 706.10 Consolidations

Subpart B—Reports and Notifications

- 706.20 Purpose and scope.
- 706.21 Submissions on company organization for purposes of compliance.
- 706.22 Periodic data submissions.
- 706.23 Submissions by State and local governments.

Subpart C—Requests for Approval of Exceptions

- 706.30 Purpose and scope.
- 706.31 Who should request approval.
- 706.32 Grounds for exceptions.
- 706.33 Contents of the request.
- 706.34 Notice to interested persons.
- 706.35 Additional information.
- 706.36 Conferences.
- 706.37 Decision.

Subpart D—Special Investigations

- 706.40 Purpose and scope.
- 706.41 Investigational policy.
- 706.42 Requests for information.

Subpart E—Determination of Noncompliance

- 706.50 Purpose and scope.
- 706.51 Notice and reply.
- 706.52 Decision.

Subpart F—The List of Noncompliers

- 706.60 Purpose and scope.

- 706.61 Listing of noncompliers.
- 706.62 Removal from list of noncompliers.

Subpart G—Reconsideration

- 706.70 Purpose and scope.
- 706.71 General.
- 706.72 Contents of the request.
- 706.73 Conference on reconsideration.
- 706.74 Hearing on reconsideration.
- 706.75 Decision.
- 706.76 Stays pending reconsideration.

Authority: Council on Wage and Price Stability Act, Pub. L. 93-387 (August 24, 1974), as amended by Pub. L. 94-78 (August 9, 1975) and Pub. L. 95-121 (October 5, 1977), 12 U.S.C. 1904 note; as last amended by Pub. L. 96-10 (May 10, 1979); E.O. 12092 (November 3, 1978); E.O. 12161 (September 28, 1979).

Subpart A—General Provisions

§ 706.1 Purpose and Scope.

This Part establishes procedures to be used in proceedings before the Council relating to the pay and price standards set forth in Part 705 of this chapter.

(a) Subpart A concerns definitions and general procedural rules.

(b) Subpart B concerns the submission of reports and notifications.

(c) Subpart C concerns requests for approval of exceptions to the standards.

(d) Subpart D concerns special investigations regarding the standards.

(e) Subpart E concerns determinations of noncompliance with the standards.

(f) Subpart F concerns the placement on and removal from the list of noncompliers.

(g) Subpart G concerns requests for reconsideration of Council actions under Subparts C and E.

§ 706.2 Definitions.

(a) "Company," "compliance unit," "net sales or revenues," "first program year," and "second program year" have the same meanings as in Subpart 705D of this chapter.

(b) "Collective-bargaining unit" means an employee unit that is a party to a collective-bargaining agreement.

(c) "Council" means the Council on Wage and Price Stability.

(d) "Employee unit" has the same meaning as in § 705B-2 of this Chapter.

(e) "Hearing Officer" means a person designated by the Council to conduct a hearing.

(f) "Notice of Probable Noncompliance" means a written statement by the Council that a compliance unit or employee unit may be out of compliance with the standards.

(g) "Person" means any compliance unit, employee unit, collective-bargaining unit, company, individual, group, or organization.

(h) "Standards" means the voluntary pay and price standard set forth in Part 705 of this chapter.

(i) "Undue hardship" and "gross inequity" have the same meanings as in § 705a-6 of this chapter.

§ 706.3 Appearances Before the Council.

A person may take any action permitted by this part on his or her own behalf, or may be represented by any person who he or she designates.

§ 706.4 Actions by the Council.

The Chairman of the Council, or his designee, is authorized to take actions for the Council under this part.

§ 706.5 Submission of documents.

(a) Submissions should be sent to the Council on Wage and Price Stability, The Winder Building, 600 17th Street, N.W., Washington, D.C., 20506.

(b) Submissions should be signed by the chief executive officer or authorized designee of a company, compliance unit, employee unit, collective-bargaining unit, or other organization.

(c) Each submission should be plainly marked at the top of the document indicating whether it is a "Report," "Request for Extension of Time," "Request for Exception—(Pay) or (Price)," "Response to Notice of Probable Noncompliance," "Request for Reconsideration," or "Request for Removal from List of Noncompliers."

§ 706.6 Confidential material.

Material for which confidentiality is sought should be submitted in accordance with Part 702 of this chapter and will be treated as there provided. When submissions (other than forms confidential in their entirety, such as PM-1 and Pay-1) contain confidential information, two copies should be submitted. One copy, containing the confidential information, is for the Council's use and should be clearly marked "Contains Confidential Information." The other copy, from which any confidential information should be deleted, is to meet public disclosure requirements.

§ 706.7 Service of documents.

All documents served under this part are to be served personally or by U.S. mail on the person specified in these regulations or his or her designated representative.

§ 706.8 Computation of time.

Except as otherwise provided, any period of time specified in this Part is counted in business days (all days other than Saturdays, Sundays, and Federal holidays), beginning with the first business day after the Council takes any action. If the document setting forth the Council's action is sent by mail, three additional days may be added.

§ 706.9 Extension of time.

If an action is required under this part to be taken within a prescribed period of time, an extension of time will be granted only upon a showing of good cause. Requests for extensions should be made in writing to the Office of General Counsel.

§ 706.10 Consolidations.

The Council may consolidate separate matters if consolidation will expedite the proceedings or otherwise assist the Council in carrying out its functions.

Subpart B—Reports and Notifications**§ 706.20 Purpose and scope.**

(a) This subpart concerns the submission of reports and notifications requested by the Council.

(b) A person that has furnished the Council with data requested and retained by the Council need not resubmit such data, but should identify for the Council the document (including page references) containing such data and the date on which it was submitted.

§ 706.21 Submissions on company organization for purposes of compliance.

(a) *Reorganization for Second Year.* A company may reorganize its compliance units and employee units for purposes of compliance with the price and pay standards, respectively, at the beginning of its second program year but not during the year.

(b) *Company Organization for Price Compliance.* A compliance unit that had, or that is part of a company that had, net sales or revenues of \$250 million or more in its last complete fiscal year before October 2, 1979, and any other company designated by the Council, should furnish the Council by December 1, 1979, with the information to be specified in Part 707.

(c) *Company Organization for Pay Compliance.* A company that had 5,000 or more employees during any calendar quarter of its last complete fiscal year before October 2, 1979, and any other company designated by the Council, should furnish the Council by December 1, 1979, with the information to be specified in Part 707.

§ 706.22 Periodic data submissions.

(a) *Form PM-1.* A compliance unit that had, or is part of a company that had, net sales or revenues of \$250 million or more in its last complete fiscal year before October 2, 1979, and any other compliance unit designated by the Council, should furnish the Council with the data specified on Form PM-1. These submissions should be made not more than 45 calendar days after the end of each of the first three quarters and 60

calendar days after the end of the second program year.

(b) *Form PAY-1.* A compliance unit that had 5,000 or more employees during any calendar quarter of its last complete fiscal year before October 2, 1979, and any other compliance unit designated by the Council, should furnish the Council the data specified on Form PAY-1. Data on prospective compliance with the second-year pay standard should be filed no later than March 31, 1980. Data on actual pay-rate increases for the second program year should be filed within 60 calendar days after the end of the second program year.

§ 706.23 Submissions by State and local governments.

State and local governments with 5,000 or more employees should submit:

(a) By December 1, 1979, a statement of assurance by the head of the government entity that the entity intends to comply with the pay standard; and

(b) The data to be specified in Part 707 for formal pay plans in operation as of October 1, 1979, within 60 calendar days after the end of the pay plan year.

Subpart C—Requests for Approval of Exceptions**§ 706.30 Purpose and scope.**

This subpart concerns requests by a compliance unit or employee unit for the Council's determination that an exception to the pay or price standard is warranted under Part 705.

§ 706.31 Who should request approval.

(a) Any compliance unit or employee unit that intends to apply one or more of the exceptions specified in § 706.32 should request a determination from the Council that the exception is warranted, if:

(1) The request relates to the price standard and the compliance unit had, or is part of a company that had, net sales or revenues of \$250 million or more in its last complete fiscal year prior to October 2, 1979; or

(2) The request relates to the pay standard, and (i) the affected employee unit consists of 100 or more employees in a compliance unit with (or that is part of a company with) 1,000 or more employees, or (ii) the affected collective-bargaining agreement covers 1,000 or more employees, regardless of the number of employees in an individual company's employee units.

(b) Any compliance unit or employee unit not covered by paragraph (a) of this section may request a determination that an exception to the pay or price standard is warranted if such unit shows that there is good cause for the Council to entertain such a request.

(c) A compliance unit or employee unit not covered by paragraphs (a) or (b) of this section is expected to self-administer the exceptions in a manner consistent with the standards. A compliance unit or employee unit should retain all data and documents that constitute the basis for the exception in a form suitable for review by the Council.

(d) If a compliance unit or employee unit was granted an exception to the pay or price standards for the first program year and wants to continue that exception for the second program year, it should submit a new request for approval of the exception. The new request need not include data previously supplied, but it should demonstrate that the previously granted exception continues to be appropriate.

§ 706.32 Grounds for exceptions.

The grounds for an exception to the price standard are contained in §§ 705.6 and 705.41. The grounds for an exception to the pay standard are contained in §§ 705B-9 through 705B-12.

§ 706.33 Contents of the request.

(a) A Request for approval of an exception should be in writing and include data sufficient to demonstrate that the grounds for an exception are met.

(b) The request for approval of an exception should not exceed 15 typewritten pages, exclusive of supporting documents.

(c) If a decision by the Council is required by a certain date, that date should be clearly and conspicuously noted in the request. If the specified date for a decision is within 30 calendar days of the submission of a completed request for an exception, the request should explain the basis for requesting an expedited decision.

§ 706.34 Notice to interested persons.

(a) The Council may notify any person who could be significantly affected by approval of an exception that his written comments should be submitted within ten days. Submission of comments to the Council does not make the person a party to the proceeding.

(b) Any person submitting written comments to the Council about a request submitted under this Subpart should serve a copy of the comments (or a copy from which confidential information has been deleted, provided that it is adequately summarized) upon the compliance unit or employee unit making the request, and should certify to the Council that this requirement has been met. The Council may notify other

interested persons of such comments and provide an opportunity to respond.

§ 706.35 Additional information.

(a) The Council may at any time request such additional information as it deems necessary to reach a determination, and may set a reasonable deadline for the submission of such information.

(b) A request for approval of an exception may be denied if the information called for under §§ 706.33 or 706.35(a) is not provided.

§ 706.36 Conferences.

Any person requesting approval of an exception may request a conference. If the Council determines that a conference is appropriate, it will contact the applicant to arrange a suitable time and location. At its discretion, the Council may invite other interested persons to attend portions of conferences at which confidential material will not be discussed.

§ 706.37 Decision.

(a) The Council will issue a written determination granting or denying a request for approval of an exception as promptly as possible, giving consideration to any showing of urgency under § 706.33(c).

(b) When the Council grants a request for approval of an exception, it may condition its approval in any manner that promotes the objectives of the standards.

(c) The Council's decision will be based on the facts and arguments before it on the date of the decision. If a person relies on certain facts and arguments to support a request for approval of an exception, he may not later rely on substantially the same set of facts and arguments in a new exception request.

Subpart D—Special Investigations**§ 706.40 Purpose and scope.**

This subpart concerns special investigations by the Council relating to particular companies, compliance units, or employee units. Additional investigatory procedures are set forth in part 704.

§ 706.41 Investigational policy.

The Council may at its discretion conduct special investigations to examine significant pay and price increases and compliance with the standards. A special investigation may be initiated when the Council's examination of publicly available pay or price indices or the receipt of other information indicates the possibility of pay or price increases in excess of the

respective standard for a compliance unit or in a sector of the economy.

§ 706.42 Requests for information.

The Council may request information relating to a compliance unit's specific price actions, its average price increases, its pay programs, or any other information relating to the standards. Any such request will be accompanied by a statement of the purpose of the request and the Council's need for the information.

Subpart E—Determination of Noncompliance**§ 706.50 Purpose and scope.**

This subpart concerns the determination of whether compliance units or employee units are in compliance with the standards.

§ 706.51 Notice and reply.

(a) *Notice of Probable Noncompliance.* When the Council has reason to believe that a compliance unit, or employee unit may not be in compliance with the standards, it will send a Notice of Probable Noncompliance to the compliance unit and, if the alleged noncompliance relates to a collective-bargaining situation, to any affected collective-bargaining unit.

(b) *Reply.* (1) Within ten days after a Notice of Probable Noncompliance has been issued, the compliance unit and any collective-bargaining unit to which the notice is issued may file a written reply disputing information in that notice, presenting additional information relevant to the allegations in the notice, and raising any available defense.

(2) Available defenses are that any of the exceptions in §§ 705.4, 705B-9 through B-12, and 705.41 are applicable or have been properly self-administered, or that the standards do not properly apply.

(3) The reply may request a conference and, if so, indicate whether any confidential data may be discussed.

(c) If a compliance unit and any collective-bargaining unit to which the notice is issued does not timely reply, the Council may issue a determination of noncompliance.

(d) The Council may request comments from any person concerning the notice, but submitting such comments does not make that person a party to the proceeding.

(e) If a conference is requested, the Council will arrange a suitable time and location.

§ 706.52 Decision.

(a) After considering the record, which shall consist of relevant data developed by the Council and material submitted to the Council, the Council will inform the compliance unit and collective-bargaining unit, if applicable of the Council's conclusions and the reasons therefor.

(b) Whenever the Council has concluded there is noncompliance, it may consider any corrective action offered by the compliance unit or employee unit. If the Council is satisfied that appropriate corrective action will be initiated promptly, the Council will not find the compliance unit or employee unit out of compliance.

(c) After the Council has considered all relevant information, it will set forth in writing the reasons for its decision.

Subpart F—The List of Noncompliers**§ 706.60 Purpose and scope.**

This Subpart concerns placement on and removal from the list of noncompliers.

§ 706.61 Listing of noncompliers.

(a) If the Council issues a decision finding a compliance unit out of compliance in accordance with § 706.53(c), it will place the compliance unit's name on a list of noncompliers no sooner than eight days after its decision.

(b) If the listing of a compliance unit has been stayed pending reconsideration in accordance with § 706.76, and the compliance unit is found on reconsideration to be out of compliance, it will be listed no sooner than three days after the reconsideration decision.

§ 706.62 Removal from list of noncompliers.

(a) Any compliance unit that has been placed on the list of noncompliers may request, in writing, that the Council remove it from the list on grounds that the compliance unit has come into compliance with the standard. Any such request should be submitted to the Director. It should state the corrective action that the compliance unit has taken, explain how that action brings the compliance unit into compliance, and indicate whether a conference or hearing is requested.

(b) The Council will provide a conference and, if a disputed substantial and material question of fact is presented, a hearing in accordance with § 706.75 (b) through (d).

(c) The Council will advise the compliance unit as promptly as possible after receipt of any request under paragraph (a) of this section (or after the

completion of any conference or hearing) as to whether the request has been granted or denied. If granted, removal from the list will be effective immediately, and a notice to that effect will be published promptly in the same manner as the publication of the list of noncompliers. If denied, the compliance unit will have exhausted its administrative remedies, and no further reconsideration of the facts or compliance plan presented will be available under Subpart G.

Subpart G—Reconsideration

§ 706.70 Purpose and scope.

This subpart concerns reconsideration of Council actions taken under Subparts C or E.

§ 706.71 General.

(a) Any person who has or could have participated in a matter under Subparts C or E of this part may request reconsideration of the Council's decision within seven days of the Council's action.

(b) Additional facts that were not before the Council at the time of the initial decision may be presented at the time of reconsideration. If a person relies on certain facts and arguments to support a request for reconsideration, he may not later rely on substantially the same set of facts and arguments in a new request for reconsideration.

(c) A person who has participated or could have participated in a matter under Subparts C or E of this part will not have exhausted his administrative remedies until he has submitted a request for reconsideration under this subpart and final action on that request has been taken by the Council.

§ 706.72 Contents of the request.

A request for reconsideration should:

- Contain a concise statement of the requested relief and any factual, legal, or policy basis for such relief; and

- Specify whether a conference and/or hearing as provided by §§ 706.74 and 706.75 is requested, and, if so, whether confidential data will be discussed; and

- If a hearing is requested, identify the substantial and material questions of fact presented.

§ 706.73 Conference on reconsideration.

(a) The Council will, if requested, provide a conference on reconsideration of an action under Subparts C and E.

(b) The Council will notify the requesting party and, in the Council's discretion, other interested persons of the time and place for the conference.

(c) Any subject relevant to the exception or noncompliance decision may be discussed at the conference.

§ 706.74 Hearing on reconsideration.

(a) If a disputed substantial and material question of fact is presented, the Council will, if requested, provide a hearing on reconsideration of an action under Subpart E.

(b) If the Council determines that a hearing is appropriate, it will notify the person requesting the hearing and, in the Council's discretion, other interested persons. Thereafter, the hearing will be promptly scheduled before a Hearing Officer at such time and place as the Council may direct.

(c) A hearing conducted in accordance with this Section may include the submission of such additional evidence and arguments as the Hearing Officer permits.

(d) Within 20 days after the close of the hearing, the Hearing Officer will submit to the Council findings of fact on each substantial and material question of fact. The Council will promptly send a copy of the report to the person who requested the hearing.

§ 706.75 Decision.

(a) Within 20 days of receipt of a request for reconsideration, or within 20 days after the conclusion of any conference under § 706.74, or within 20 days after receipt of a Hearing Officer's findings under § 706.75, the Council will issue a decision affirming, modifying, or reversing its earlier action.

(b) The Council's decision will be in writing and will set forth the reasons on which it is based. Copies of the decision will be served on the person requesting reconsideration.

§ 706.76 Stays pending reconsideration.

A request for reconsideration submitted within seven days of the Council's decision of noncompliance under § 706.53 will stay the placing of a compliance unit's name on a list of noncompliers pending the disposition of the request.

Dated: September 28, 1979.

R. Robert Russell,
Director, Council on Wage and Price Stability.

[FR Doc. 79-30649 Filed 10-1-79; 8:45 am]

BILLING CODE 3175-01-M

PANAMA CANAL COMPANY

35 CFR Part 133

Panama Canal Tolls

Cross-Reference

For a document giving notice of increase in tolls for Use of the Panama Canal see FR Doc. 79-30653 published in the "Notices" section of this issue. Refer

to the Table of Contents under Panama Canal Company for the correct page number.

BILLING CODE 3640-01-M

COUNCIL ON WAGE AND PRICE STABILITY

Amendment of Charter of Wage Advisory Committee

In accordance with Executive Order 12161, the Council on Wage and Price Stability is amending the charter of its Wage advisory Committee (see 44 FR 36447 (June 22, 1979)) to redesignate the Committee as a Pay Advisory Committee, to enlarge its scope, and to provide greater participation by the public in the development and administration of the pay standard for the second year of the anti-inflation program. The Pay Advisory Committee will advise the Council on developing policies that encourage anti-inflationary pay behavior by private industry, employers and labor, that decelerate the rate of inflation, and that provide for fair and equitable distribution of the burden of restraint. Specifically, the Pay Advisory Committee will recommend modifications to the pay standard, recommend changes, if any, to pay exception and noncompliance decisions of the Council, and recommend new or revised interpretations of the pay standard.

To provide representation of a broad range of viewpoints, the Committee will be composed of fifteen members—five representatives of labor, five business representatives and five representatives of the general public. These members and the Committee's Chairman will be selected by the President. The Chairman and each member from labor and business will be permitted to designate and alternate of his or her choice.

The Council shall provide support for the Committee and, consistent with applicable statutes and regulations, shall furnish all information as may be required by the Committee to carry out its duties and responsibilities.

For further information contact Sally Katzen, General Counsel, Council on Wage and Price Stability (456-6286).

Dated: September 28, 1979.

R. Robert Russell,
Director, Council on Wage and Price Stability.

Revised Charter for the Pay Advisory Committee

(1) *The Official Designation.* This Committee will be designated as the Pay Advisory Committee.

(2) *The Objectives and Scope of Activities.* The function of the Committee is to provide public participation and advice to the Council on Wage and Price Stability (Council) on encouraging anti-inflationary pay

behavior by private industry, employers, and labor, decelerating the rate of inflation, and providing for a fair and equitable distribution of the burden of restraint.

(3) *Description of Duties of the Committee.* The duties and responsibilities of the Committee are:

(a) To submit, by October 31, 1979, its recommendations for modifications, if any, to the pay standard, including specifically the basic pay standard, the inflation assumption for evaluating cost-of-living adjustment clauses, the threshold for the low-wage exemption, the treatment of increments and tandem relationships, and the appropriate adjustment for employee units not covered by cost-of-living adjustment clauses;

(b) To recommend changes, if any, to pay exception and noncompliance decisions of the Council;

(c) To recommend new or revised interpretations of the pay standard;

(d) To make such other recommendations with respect to the voluntary compliance program that assure fairness and equity in individual cases and that are consistent with the overall objective of the anti-inflation program.

(4) *Membership.* The Committee shall consist of fifteen members, five each from labor, business, and the public, to be selected by the President. The President will also designate one of the public members as Chairman. The Chairman and each member from labor and business may designate an alternate to serve in his or her stead with respect to recommendations under Paragraph 3(b), (c), and (d).

(5) *Estimated Number and Frequency of Meetings.* The Committee will meet regularly once a month and at such other times as the Chairman may determine.

(6) *Procedures of the Committee.* (a) *Quorum.*—Nine members of the Committee, three each from labor, business, and the public, shall constitute a quorum. Recommendations of the Committee shall require the affirmative vote of eight or more members.

(b) *Conflict of Interest.* No member shall participate in the consideration of any matter if such participation would create a conflict of interest under applicable statutes and regulations.

(7) *Designated Agency Official.* The designated agency official who will attend each meeting of the Committee and perform such other functions as are required by law is the Chairman of the Council (or his designee).

(8) *Agency Responsibility for Providing Support.* The Council shall provide support for the Committee and,

consistent with applicable statutes and regulations, shall furnish all information as may be required by the Committee to carry out its duties and responsibilities. The Office of Pay Monitoring of the Council will furnish staff support for the Committee.

(9) *Duration of the Committee.* The Committee will continue until September 30, 1980, unless the Council terminates the Committee earlier, or extends it, in accordance with need and the public interest.

(10) *Estimated Annual Operating Costs.* The Committee may require an expenditure of approximately \$5,000 (one-fifth of a man-year) in Fiscal Year 1980.

(11) Approval of Revised Charter.

Date filed: September 28, 1979.

Sally Katzen.

Advisory Committee Management Officer.

Amendment of Charter of Price Advisory Committee

In accordance with Executive Order 12161, the Council on Wage and Price Stability is amending the charter of its Price Advisory Committee to enlarge the scope of the previously described Committee (see 44 FR 36447 (June 22, 1979)) and to provide greater participation by the public in development and administration of the price standard for the second year of the anti-inflation program. The Price Advisory Committee will advise the Council on developing policies that encourage anti-inflationary price behavior by private industry, that decelerate the rate of inflation, and that provide for fair and equitable distribution of the burden of restraint. Specifically, the Price Advisory Committee will recommend possible modifications to the price standard, and new or revised interpretations of the price standard.

The membership of the Committee will be composed of five representatives of the general public. These members and the Committee's Chairman will be selected by the President.

The Council shall provide support for the Committee and, consistent with applicable statutes and regulations, shall furnish all information as may be required by the Committee to carry out its duties and responsibilities.

For further information contact Sally Katzen, General Counsel, Council on Wage and Price Stability (456-6286).

Date: September 28, 1979.

R. Robert Russell,
Director, Council on Wage and Price
Stability.

*Revised Charter for the Price Advisory
Committee*

(1) *The Official Designation.* This
Committee will be designated as the
Price Advisory Committee.

(2) *The Objectives and Scope of
Activities.* The function of the
Committee is to provide public
participation and advice to the Council
on Wage and Price Stability (Council)
on encouraging anti-inflationary price
behavior by private industry,
decelerating the rate of inflation, and
providing for a fair and equitable
distribution of the burden of restraint.

(3) *Description of Duties of the
Committee.* The duties and
responsibilities of the Committee are:

(a) To recommend from time to time
modifications, if any, to the price
standard;

(b) To recommend new or revised
interpretations of the price standard;
and

(c) To make such other
recommendations with respect to the
voluntary compliance program that
assure fairness and equity, consistent
with the overall objective of the anti-
inflation program.

(4) *Membership.* The Committee shall
consist of five members of the general
public to be selected by the President.
The President will also designate one of
the members as Chairman.

(5) *Estimated Number and Frequency
of Meetings.* The Committee will meet
regularly once a month and at such
other times as the Chairman may
determine.

(6) *Procedures of the Committee.* (a)
Quorum.—The quorum for conducting
business shall be three members of the
Committee. Recommendations of the
Committee shall require the affirmative
vote of three or more members.

(b) *Conflict of Interest.* No member
shall participate in the consideration of
any matter if such participation would
create a conflict of interest under
applicable statutes and regulations.

(7) *Designated Agency Official.* The
designated agency official, who will
attend each meeting of the Committee
and perform such other functions as are
required by law, is the Chairman of the
Council (or his designee).

(8) *Agency Responsibility for
Providing Support.* The Council shall
provide support for the Committee and,
consistent with applicable statutes and
regulations, shall furnish all information
as may be required by the Committee to
carry out its duties and responsibilities.

The Office of Price Monitoring of the
Council will furnish staff support for the
Committee.

(9) *Duration of the Committee.* The
Committee will continue until
September 30, 1980, unless the Council
terminates the Committee earlier, or
extends it, in accordance with need and
the public interest.

(10) *Estimated Annual Operating
Costs.* The Committee may require an
expenditure of approximately \$2,500
(one-tenth of a man-year) in Fiscal Year
1980.

(11) *Approval of Revised Charter.*

Date filed: September 28, 1979.

Sally Katzen,

Advisory Committee Management Officer.

[FR Doc. 79-30650 Filed 10-1-79; 8:45 am]

BILLING CODE 3175-01-M

PANAMA CANAL COMPANY

**Increase in Tolls for Use of Panama
Canal**

AGENCY: Panama Canal Company.

SUMMARY: On March 30, 1979, the
Panama Canal Company announced a
proposed increase in tolls for use of the
Panama Canal, to be effective on
October 1, 1979. (44 FR 18994). Statutory
provisions concerning notice, public
hearing and Presidential approval, and
the Company's rulemaking procedures
would apply and were explained in the
notice.

On September 27, 1979, the President
signed into law the Panama Canal Act
of 1979 (Pub. L. 96-70). Section 1605 of
that statute, which became effective on
enactment, provides that the Company
may change the rates of tolls for use of
the Panama Canal during the fiscal year
beginning on October 1, 1979, without
regard to the procedures required for
future increases. Rates of tolls for use of
the canal are to be prescribed under the
provisions of section 1602(b) of the Act,
and any increase under section 1605
requires Presidential approval and
becomes effective on the date
prescribed by him.

ACTION: Notice of increase in tolls for
use of the Panama Canal. Notice is
hereby given that in accordance with
sections 1602(b) and 1605 of the Panama
Canal Act of 1979, the rates of tolls
prescribed by the Panama Canal
Company and approved by the President
which have been in effect since
November 18, 1976, are changed as
follows:

(a) On merchant vessels, yachts, army
and navy transports, colliers, hospital
ships, and supply ships, when carrying
passengers or cargo, \$1.67 per net vessel

ton of 100 cubic feet each of actual
earning capacity determined in
accordance with the rules for the
measurement of vessels for the Panama
Canal.

(b) On vessels in ballast without
passengers or cargo, \$1.33 per net vessel
ton.

(c) On other floating craft including
warships, other than transports, colliers,
hospital ships, and supply ships, \$0.93
per ton of displacement.

Notice is also given that, due to the
foregoing action by the Company and
the President, the proposal to increase
tolls initiated on March 30, 1979, is
cancelled.

EFFECTIVE DATE: The foregoing changes
in the toll rates have been approved by
the President and, as prescribed by him,
will become effective on October 1,
1979.

FOR FURTHER INFORMATION CONTACT:
Thomas M. Constant, Secretary, Panama
Canal Company, 425—13th Street, N.W.,
Washington, D.C. 20004, Phone: (202)
724-0104.

Dated: September 29, 1979.

Hazel M. Murdock,

Assistant to the Secretary.

[FR Doc. 79-30653 Filed 10-1-79; 11:02 am]

BILLING CODE 3640-01-M

Reader Aids

Federal Register

Vol. 44, No. 192

Tuesday, October 2, 1979

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed
to the following numbers. General inquiries may be made by
dialing 202-523-5240.

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202-783-3238 Subscription orders (GPO)

202-275-3054 Subscription problems (GPO)

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documents appearing in next day's issue):
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lists parts and sections affected by documents published since
the revision date of each title.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

*NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of Rules Going Into Effect Today.

List of Public Laws

Last Listing September 28, 1979

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

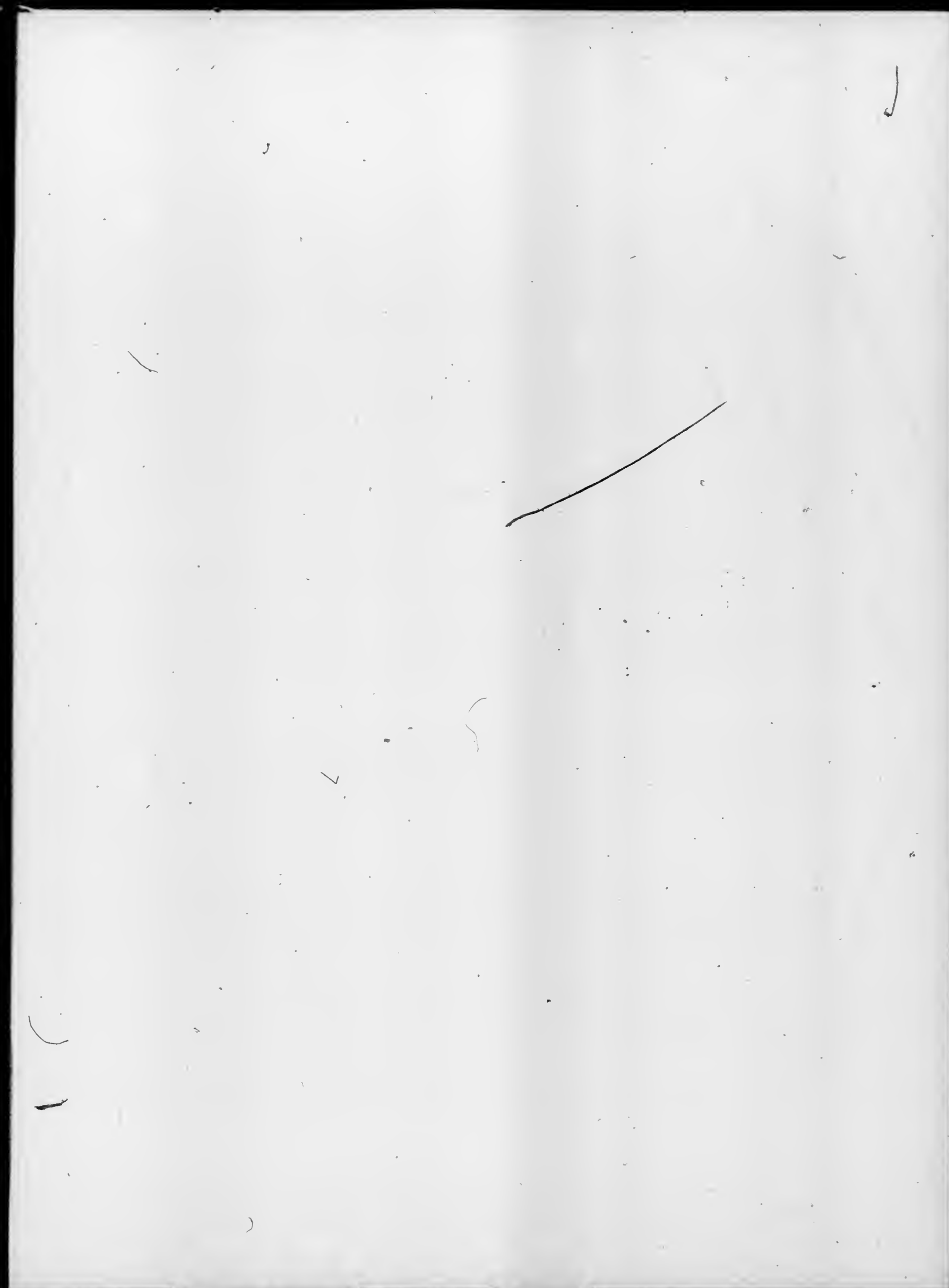
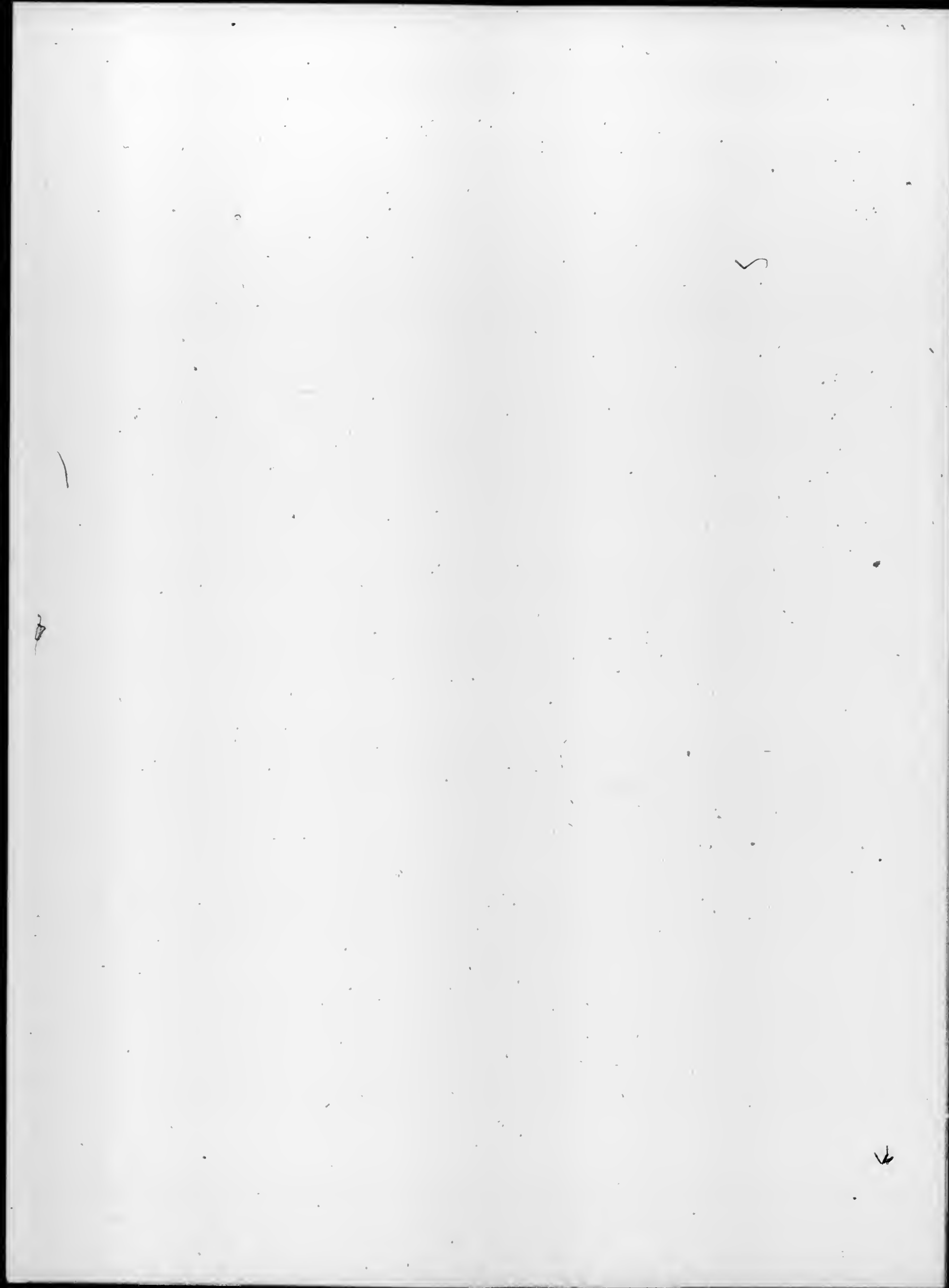
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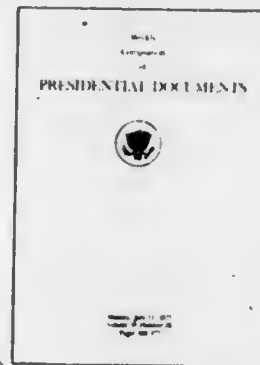
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